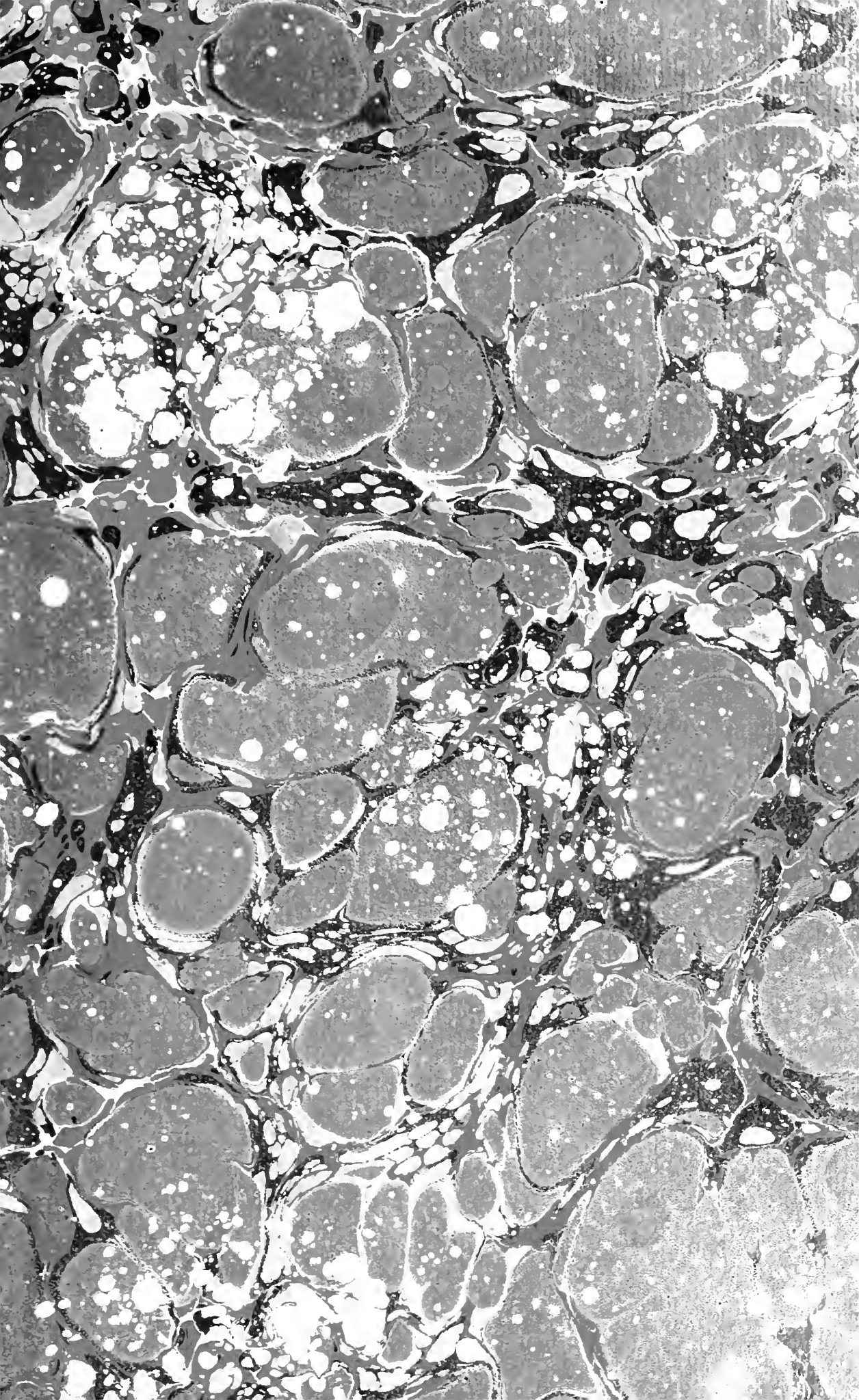




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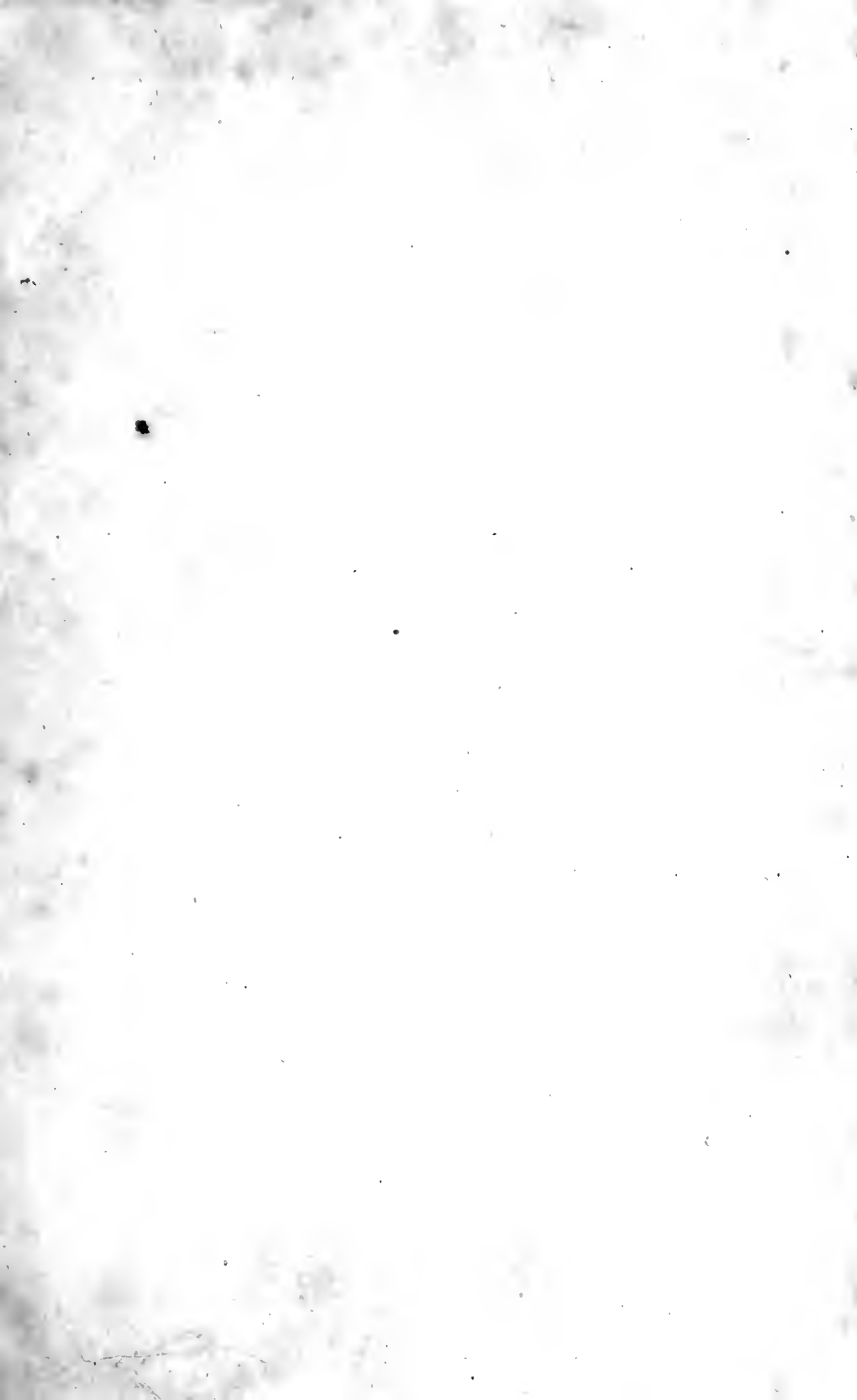
Ms. A. 7.
— Francis's Letter
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by Seiden and David
28 pp

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Earl of Derby's
James Spalding's copy

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Tumulus

PRÆNOB: FRANCISCI BARONIS VERVLAM Vicecomitisq; S. ALBAN
In Cancellis Ecclesiæ S. Mich: apud S. ALBANVM.



FRANCISCVS BACON BARO DE VERVLAM S. ALBANI VIC.
SEV NOTIORIBVS TITVLIS
SCIENTIARVM LVMEN. FACVNDIÆ LEX
SIC SEDEBAT

QVI POSTQVAM OMNIA NATVRALIS SAPIENTIÆ
ET CIVILIS ARCANA EVOLVISSET
NATVRÆ DECRETVM EXPLEVIT
COMPOSITA SOLVANTVR
AN. DNI. M. D. C. XXVI.
ÆTAT. LXVI

TANTI VIRI
MEM.
THOMAS MEAVTVS
SVPERSTITIS CVLTOR
DEFVNCTI ADMIRATOR.

H. P.

RESVSCITATIO

Or, bringing into

PUBLICK LIGHT

SEVERAL

PIECES

OF THE

WORKS

Civil, Historical, Philosophical, and Theological,

Hitherto SLEEPING

Of the Right Honourable

FRANCIS BACON

Baron of *Verulam*, Viscount *Saint Alban*.

In Two Parts.

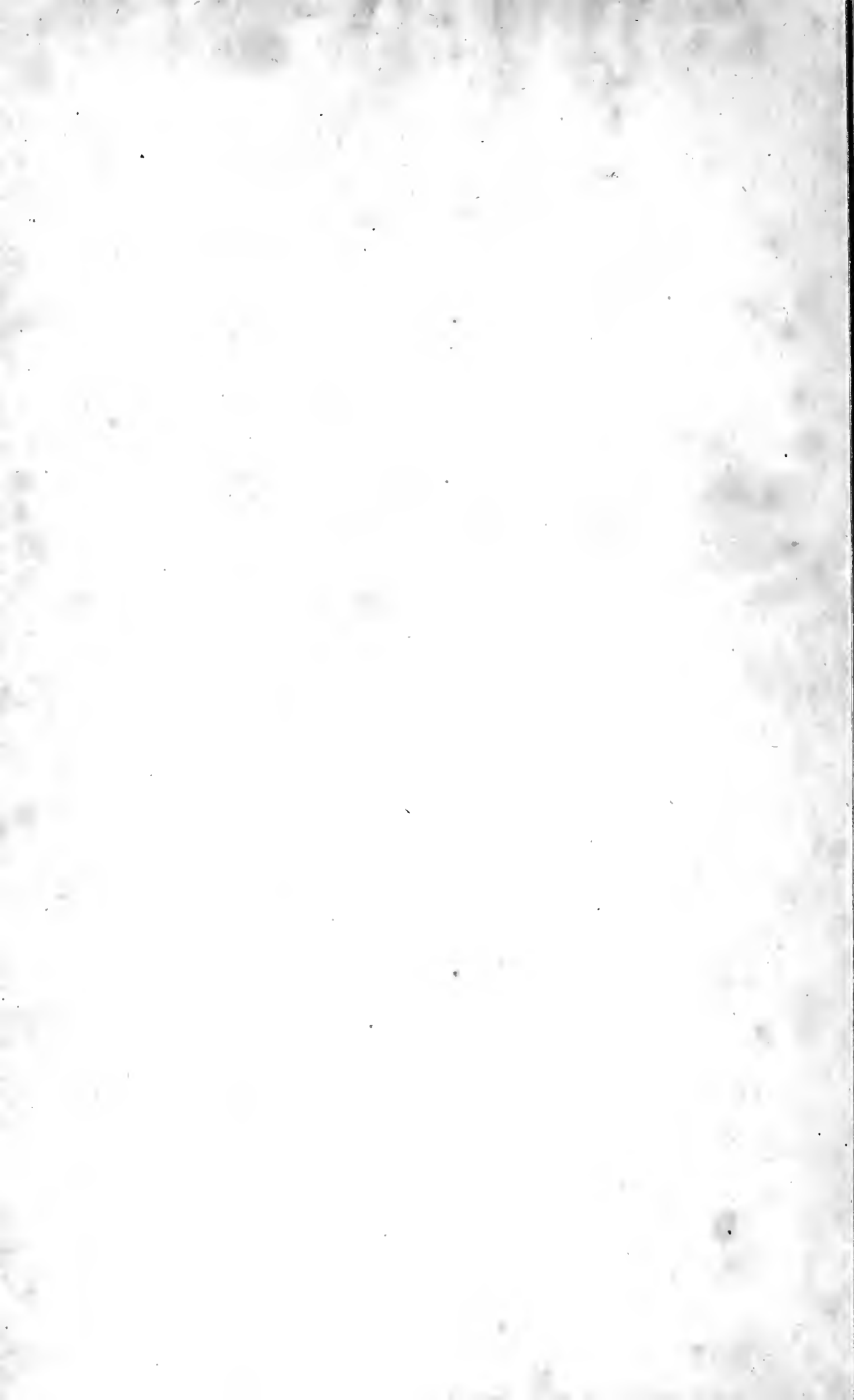
The Third Edition, According to the best Corrected COPIES,
Together With his Lordships LIFE.

By WILLIAM RAWLEY, Doctor in Divinity, His
Lordships First and Last CHAPLAIN.

And lately his Majesties CHAPLAIN in Ordinary.

LONDON

Printed by S. G. and B. G. for *William Lee*, and are to be sold at his
Shop, at the sign of the Turks head in *Fleetstreet* over against
Fetter Lane. Anno Domini 1671.



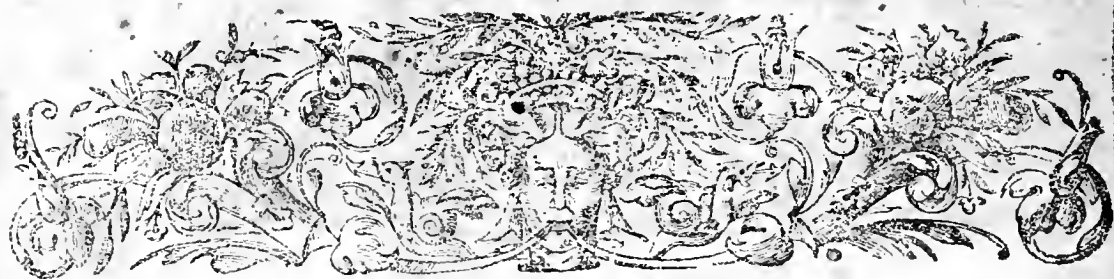


THE Stationer to the Reader.

Least you should mistake my Designe in Re-
printing this first part of Reculsitatio, and be
jealous that I may pretend additions to Depriciate
the former Impressions (as is some times practised)
I thought good to give you this short Advertisement,
that there is nothing added to this First Part, save only
a Table and Sculpture of his Lordships Monumeut,
procured me by that VVorthy Antiquary (and
honourer of his Lordship) *William Dugdale* Esquire,
which I note for no other cause but to let you know,
that if any person desireth to have them bound to their
old Books, they may buy them single, and have
them put in without hurting the cover; But the oc-
casion of Reprinting it was purely to supply Gentle-
men who have long desired it, and could not be fur-
nished, I having made diligent inquiry amongst all
the Booksellers in the town, and could not get one;
you need not expect any Addition to this Part, it be-
ing perfect, but the Second Part I have now Reprint-
ed with divers additions of his Lordships VVorkes,
which hitherto most of them hath been in obscuritie.

*many of the apo-
strophes were
added.*

W.L.



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TO HIS

Sacred Majestie,

CHARLES THE II.

By the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c.

May it please your most excellent Majesty,



H E N this Book was first published near four years past, there wanted a Royal Majestie in the Land to dedicate it unto; And a lower Dedication did not beseem the works of this Honourable Author. But now that it hath pleased God, that a Sun is risen in our Hemisphere again; This unpatroniz'd Book before, saluting the world with a Second Edition; Doth in all Humility press forward, and draw near to your Sacred Majestie, to be cherished by the Light and Warmth of your Royal Countenance and Protection. It is true, your Majestie hath now a living Counsel of the Ancient Splendour and Dignity; But yet it will not seem grievous to you at some times of Leisure, to confer with this Dead Counsellor; who served several years in a principal Office of
the

1657/2

The Epistle Dedicatory.

the Kingdome under your Royal Grandfather (the most learned of Kings.) and was Graciously accepted by him during his Employment : Being also a writer well known and highly prized amongst Forreign Nations. It is recorded as the saying of a wise and pious Bishop, concerning St. Augustine That it was Impossible that a Son of so many Tears should miscarry : I may crave leave to say the like of your Royal Majestie in a converted sense ; That it is impossible a King of so many Prayers and VVishes, and Acclamations, Gratulations, and Joyes, as your Majestie is (Gods Aid implored) should not be prosperous. And therefore as your Coming to your Rightful Throne with all the Circumstances therein observable amounted to no less then a Miracle : So we have Budding and Lively hopes, that your Prudent Administration of the same will be even a Mirrour to succeeding Princes. Which with your Majesties long Continuance in Life and Happiness is and shall be the Ferrent and Daily prayer of

Your Majesties most Humble,
and Devoted Subject,
and Servant,

W. Rawley.



TO THE
R E A D E R.

Having been employed, as an *Amanuensis* or daily Instrument, to this *Honourable Author*; And acquainted with his *Lordships* Conceits, in the composing, of his *Works*, for many years together; Especially in his *Writing Time*; I conceived, that no Man, could pretend a better Interest, or Claim, to the ordering of them, after his *Death*, than my self. For which cause, I have compiled in one, whatsoever bears the true stamp, of his *Lordships* excellent *Genius*; And hath hitherto slept, and been suppressed; In this present *Volume*; Not leaving any Thing, to a future Hand, which I found, to be of moment, and communicable to the Publick; save onely some few *Latine Works*; Which, by *Gods* favour and sufferance, shall soon after follow.

It is true, that for some of the *Pieces*, herein contained, his *Lordship* did not aim, at the *Publication* of them, but at *Preservation* onely; and *Prohibiting* them from *Perishing*; So as, to have been reposed, in some private *Shrine*, or *Library*: But now, for that, through the loose keeping of his *Lordships Papers*, whilst he lived, divers *Surreptitious*

The Epistle to the Reader.

Copies have been taken; which have since, employed the *Presse*, with sundry Corrupt, and Mangled *Editions*; whereby Nothing hath been more difficult, than to find the *Lord Saint Alban*, in the *Lord Saint Alban*; And which have presented, (some of them,) rather a Fardle of *Non sense*, than any true Expressions, of his *Lordships Happy Vein*; I thought my self, in a sort, tied, to vindicate these Injuries, and wrongs, done to the *Monuments*, of his *Lordships Pen*; And at once, by setting forth, the true, and Genuine, writings themselves, to prevent the like Invasions, for the time to come. And the rather, in regard, of the Distance, of the time, since his *Lordships Dayes*; whereby, I shall not tread too near, upon the *Heels of Truth*; Or of the passages, and persons then concerned, I was induced hereunto. Which, considering the *Lubricity of Life*; And for that, I account my self to be, Not now in *Vergentibus*, but in *Precipitantibus Annis*, I was desirous to hasten.

Wherein, I shall crave leave, to open, my Counsels, and Purposes, as concerning this *present Edition*, in these five *Particulars*. First, I have ranked the several *Treatates*; Either, according to the *Dignity*, of the *Work*; as *Demosthenes*, or *Cicero's Orations*, do precede *Demosthenes*, or *Cicero's Epistles*; Or else, according to the *series of the Times*, wherein they were written; or to which, they refer. By which Means, they may give the better Light; the one Part, to the other.

Secondly, I thought it fitting, to intimate; That the *Discourse*, within contained; Entituled, A *Collection, of the Felicities, of Queen Elizabeth*; was written by his *Lordship*, in *Latine* onely: whereof, though his *Lordship* had his particular Ends, then; yet, in regard, that I held it a *Duty*, That her own *Nation*, over which she so happily reigned, for many years; should be acquainted, and possessed, with the *Virtues*, of that excellent *Queen*, as well as *Forrein Nations*; I was induced, many years ago, to put the same into the *English Tongue*; Not *Ad Verbum*; For that had been but Flat, and *Injudicious*; But, (as far, as my slender Ability could reach,) according to the *Expressions*, which, I conceived his *Lordship* would have rendered it in, if he had written

The Epistle to the Reader.

written the same in *English* : Yet ever acknowledging, that *Zeuxis*, or *Apelles*, *Pencil*, could not be attained, but by *Zeuxis*, or *Apelles*, Himself. This *Work*, in the *Latine*, his *Lordship* so much affected ; That He had ordained, by his *last Will*, and *Testament*, to have had it published, many years since : But that *singular Person*, entrusted therewith, soon after deceased. And therefore, it must now, expect a *Time*, to come forth, amongst his *Lordships*, other *Latine Works*.

Thirdly, in the *Collection* of *Letters* ; which is, as the *Fourth Part*, of this *Volume* ; there are inserted some few, which were written, by other *Penis*, and not by his *Lordships* own : Like as we find, in the *Epistolar Authors* ; *Cicero*, *Plinius secundus*, and the rest : which because I found them immixed, amongst his *Lordships Papers* ; And that they are written, with some similitude of *Stile* ; I was loath, they should be left, to a *Grave*, at that time, when his *Lordships* own *Conceptions*, were brought to life.

Fourthly, for that *Treatise*, of his *Lordships*, Inscribed, *A Confession of the Faith* ; I have ranked that in the *Close*, of this whole *Volume* : Thereby, to demonstrate to the *World* ; That he was a *Master*, in *Divinity*, as well as in *Philosophy*, or *Politicks* ; And that he was Versed, no less, in the *saving Knowledge* ; Than, in the *Universal*, and *Adorning*, *Knowledges*. For though, he composed the same, many years, before his *Death*, yet I thought that, to be the fittest place ; As the most acceptable *Incense* unto *God*, of the *Faith*, wherein he resigned his *Breath* ; The *Crowning*, of all his other *Perfections*, and *Abilities* ; And the best *Perfume*, of his *Name*, to the *World*, after his *Death*.

Lastly, if it be objected, that some few of the *Pieces*, whereof this whole consisteth, had visited the publick *Light* before ; It is true, that they had been obtruded to the *World*, by unknown *Hands* ; But with such *Skars*, and *Blemishes*, upon their *Faces* ; That they could pass but for a *Spurious*, and *Adulterine Brood*, and not for his *Lordships Legitimate Issue* : And the *Publishers*, and *Printers*, of them, deserve to have an *Action*, of *Defamation*, brought against them, by the *State of Learning*, for *Disgracing* and *Personating*, his *Lordships Works*.

As

The Epistle to the Reader.

As for this present *Collection*, I doubt not, but that it will
venifie it self, in the several *Parcells* thereof; and manifest,
to all understanding, and impartial *Readers*, who is the *Au-*
thor of it; By that *Spirit*, of *Perspicuity*, and *Aptness*, and
Conciseness, which runs through the whole *Work*; and is ever
an Annex of his *Lordships Pen*.

There is required now; and I have been moved by many;
Both from *Forrein Nations*, and at *Home*; who have held in
Price, and been Admirers, of this *Honourable Authors Con-*
ceits, and *Apprehensions*; That some *Memorials*, might be
added, concerning his *Lordships Life*; Wherein I have been
more *Willing*, than *sufficient*, to satisfie their *Requests*: and
to that end, have endeavoured, to contribute, not my *Talent*,
but my *Mite*, in the next following *Discourse*; Though, to
give the true Value, to his *Lordships Worth*; There were
more need, of another *Homer*, to be the *Trumpet*, of *Achilles*
Virtues.

WILLAM RAWLEY.

THE



RESUSCITATIO

PART I.

A Speech In Parliament, Elizabeth 39. upon the Motion of Subsidy.

AND please you, (Mr. Speaker,) I must consider the
A *Time*, which is spent; yet so, as I must consider also the
Matter, which is great. This great *Cause* was, at the
 first, so materially, and weightily, propounded; And
 after, in such sort perswaded, and enforced; And by
 Him, that last spake, so much time taken, and yet to
 good purpose; As I shall speak at a great disadvantage:
 But because it hath been alwayes used, and the Mix-
 ture of this *House* doth so require it; That in *Causes* of this Nature; there
 be some Speech and Opinion, as well from persons of Generallity, as by
 persons of Authority; I will say somewhat, and not much: wherein it shall
 not be fit for me, to enter into, or to insist upon secrets, either of her *Ma-
 jesties* Coffers, or of her Councell, but my Speech must be, of a more
 vulgar Nature.

I will not enter (Mr. Speaker) into a laudative *Speech*, of the high and
 singular Benefits, which, by her *Majesties*, most politick, and happy
 Government, we receive thereby to incite you to a Retribution; partly,
 because no breath of Man, can set them forth worthily; and partly, because
 I know her *Majesty*, in her Magnanimity, doth bestow her benefits, like
 her freest Patents, *absque aliquo inde reddendo*; Not looking for any thing
 again, (if it were in respect only of her particular,) but Love and Loyalty:
 Neither, will I now, at this time, but the case of this *Realm* of *England*;
 too precisely; How it standeth with the Subject, in point of payments to
 the *Crown*; Though I could make it appear by Demonstration, (what opini-
 on soever be conceived.) that never Subjects were partakers of greater
 Freedom, and Ease; And that whether you look abroad, into other Coun-
 tries, at this present time; or look back to former Times in this our own

A Speech in
Parliament,
Eliz. 39.
C. 3

Country; we shall find an exceeding Difference, in matter of Taxes; which now I reserve to mention; not so much in doubt to acquaint your Ears with Forrain Strains, or to digge up the Sepulchers of Buried and Forgotten Impositions, which in this case, (as by way of Comparison,) it is necessary you understand; But because *Speech* in the *House*, is fit to perswade the generall point: And particularly is more proper and seasonable for the *Committee*, Neither will I make any Observations, upon her *Majesties* manner of expending and issuing Treasure; being not upon excessive and exorbitant Donatives; nor upon sumptuous and unnecessary Triumphs, Buildings, or like Magnificence: but upon the Preservation, Protection, and Honour of the *Realm*. For I dare not scan upon her *Majesties* Actions: which it becometh me, rather to admire in silence, then to glosse, or discourse upon them, though with never so good a meaning. Sure I am that the Treasure that cometh from you to her *Majesty*, is but as a Vapour, which riseth from the Earth, and gathereth into a Cloud, and stayeth not there long; but upon the same Earth it falleth again: and what if some drops of this, do fall upon *France*, or *Flanders*? It is like a sweet Odour of Honour, and Reputation to our *Nation* throughout the World. But I will onely insist upon the Natural and Inviolable, Law of Preservation.

It is a Truth, (Mr. *Speaker*,) and a familiar Truth, that safety, and preservation, is to be preferred, before Benefit, or Encrease: In as much as those Counsels which tend to preservation, seem to be attended with necessity; whereas those Deliberations, which tend to Benefit, seem onely accompanied with persuasion. And it is ever gain, and no loss, when at the foot of the account, there remains the purchase of safety. The Prints of this are, every where to be found: The *Patient*, will ever part, with some of his *Bloud*, to save and clear the rest. The *Sea-faring Man* will, in a Storm, cast over some of his *Goods*, to save and assure the rest. The *Husband-man* will afford some Foot of *Ground*, for his Hedge and Ditch, to fortifie and defend the rest. Why (Mr. *Speaker*) the *Disputer* will, if he be wise, and cunning, grant somewhat, that seemeth to make against him, because he will keep himself within the strength of his opinion, and the better maintain the rest. But this Place advertiseth me, not to handle the Matter in a Common Place. I will now deliver unto you that, which upon a *probatum est*, hath wrought upon my self, knowing your Affections to be like mine own. There hath fallen out, since the last *Parliament*, four Accidents or Occurrents of State; Things published and known to you all, by every one whereof it seemeth to me in my vulgar understanding, that the danger of this *Realm* is encreased: Which I speak not, by way of apprehending fear; For I know, I speak to English Courages; But by way of pressing Provision; for I do find, (Mr. *Speaker*,) that when *Kingdomes* and *States*, are entred into Treaties and Resolutions of Hostility, one against the other, yet they are, many times restrained from their Attempts, by four Impediments.

The first is by this same *Aliud agere*; when they have their Hands full of other Matters, which they have embraced, and serveth for a diversion of their Hostile purposes.

The next is, when they want the Commodity, or opportunity, of some places of near Approach.

The third, when they have conceived an apprehension of the Difficulty and

and churlishness of the enterprize, and that it is not prepared to their Hand.

And the fourth is, when a *State*, through the Age of the *Monarch*, groweth heavy, and indisposed, to actions of great Peril, and Motion, and this dull Humour, is not sharpened, nor inflamed, by any provocations or scorns. Now if it please you to examine, whither by removing the Impediments in these four kinds, the Danger be not grown, so many degrees nearer us, by accidents (as I said) fresh, and all dated since the last *Parliament*.

Soon after the last *Parliament*, you may be pleased to remember, how the *French King* revolted from his *Religion*; whereby every Man of common understanding, may infer, that the Quarrell, between *France*, and *Spain*, is more reconcileable; And a greater inclination of affairs to a peace than before: which supposed, it followeth, *Spain* shall be more free, to intend his Malice against this Realm.

Since the last *Parliament*, it is also notorious, in every mans knowledge and remembrance; That the *Spaniards* have possessed themselves, of that Avenue, and place of approach, for *England*, which was never in the Hands of any *King* of *Spain* before; And that is *Callais*; which, in true Reason, and Consideration of estate, of what value or service it is, I know not; but in common understanding, it is a knocking at our Doors.

Since the last *Parliament* also, that Ulcer of *Ireland*, which indeed brake forth before, hath run on, and raged more: which cannot but be a great Attractive, to the Ambition, of the *Council* of *Spain*, who by former experience know, of how rough a Complexion, this *Realm* of *England* is, to be assailed: And therefore (as Rheumes, and Fluxes of Humours,) is like to resort to that part, which is weak, and distempered.

And lastly, it is famous now, and so will be many Ages hence, how by these two Sea-Journey's, we have braved him, and objected him to scorn: so that no Bloud, can be so frozen, or mortified, But must needs take Flames of Revenge, upon so mighty Disgrace.

So as this Concurrence of Occurrents, all since our last Assembly; some to deliver and free, our enemies; some to advance; and bring him on his way; some to tempt, and allure him; some to spur on and provoke him; cannot but threaten, an encrease of our Peril, in great Proportion.

Lastly, (Mr. *Speaker*,) I will but reduce to the Memory of this *House*, one other Argument, for ample and large providing, and supplying Treasure; And this it is.

I see, Men do with great Alacrity, and Spirit, proceed, when they have obtained a course, they long wished for, and were restrained from. My self can remember, both in this *Honourable Assembly*, and in all other places of this *Realm*, how forward, and affectionate, men were, to have an Invasive War. Then we would say; A Defensive War, was like eating, and consuming Interest; And needs we would be Adventurers, and Assailants. *Habes quod tota mente petijii*. Shall we not now make it good? especially, when we have tasted, so prosperous Fruit of our Desires?

The first of these Expeditions Invasive, was atchieved with great Felicity; ravished a strong and famous Port, in the Lap, and Bosome, of their high Countries: Brought them to such Despair, as they fired themselves. and their Indian Fleet; in Sacrifice, as a good Odour unto God, for the

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great and Barbarous Cruelties, which they have committed upon the poor Indians, whither that Fleet was sayling; Disordered their Reckonings so as the next News we heard of, was nothing but protesting of Bills and breaking credit.

The second Journey was with notable Resolution, born up against Weather, and all Difficulties; And besides the success, in amusing him, and putting him to infinite charge, sure I am, it was like a *Tartars*, or *Parthians Bow*, which shooteth backward; And, had a most strong, and violent effect, and Operation, both in *France* and *Flauanders*, so that our Neighbours, and Confederates, have reaped the Harvest of it; And while the Life Blood of *Spain*, went inward to the Heart, the outward Limbs, and Members trembled, and could not resist. And lastly, we have a perfect account, of all the Noble and good Blood, that was carried forth, and of all our Sea-Walls and good Shipping without Mortality of Persons, wreck of Vessels, or any manner of Diminution. And these have been the happy Effects, of our so long, and so much desired, Invasive War.

To conclude (Mr. *Speakers*) therefore I doubt not, but every Man will consent, that our Gift must bear these two marks, and Badges: The one, of the Danger of the Realm, by so great a Proportion, since the last *Parliament*, increased: The other, of the satisfaction we receive, in having obtained our so earnest and ardent Desire of an *Invasive War*.

A Speech made by Sir FRANCIS BACON Knight, chosen by the Commons, to present a Petition, touching Purveyors, delivered to his Majesty, in the withdrawing Chamber, at White-Hall, in the Parliament, held 1^o. & 2^o. Jacobi, the first Session,

IT is well known, to your Majesty, (excellent King) that the Emperours of Rome, for their better Glory, and Ornament, did use in their Titles, the Additions of the Countries and Nations, where they had obtained victories: As *Germanicus*, *Britannicus*, and the like: But after all those Names, as in the higher place, followed the Name of *Pater Patrie*, as the greatest Name of all humane Honour immediately preceding that Name of *Augustus*; whereby they tooke themselves, to expresse some affinity that they had (in respect of their office,) with Divine Honour. Your Majesty might, with good reason, assume to your self; many of those other Names; As *Germanicus*, *Saxonicus*, *Britannicus*, *Francicus*, *Danicus*, *Gothicus*, and others, as appertaining to you, Not by Blood-shed, (as they bare them,) but by Blood: your Majesty's Royal Person, being a noble confluence, of streams, and veynes, wherein the Royal Blood of many Kingdoms of Europe, are met, and united. But no Name is more worthy of you, nor may more truly be ascribed unto you, then that Name of *Father of your people*, which you bear and express, not in the Formality of your stile, but in the reall Course of your Government. We ought not to say unto you, as was said to *Julius Caesar*

Cesar; *Quæ mirimur habemus, quæ laudemus, expectamus*: That we have already wherefore to admire you, And that now we expect somewhat, for which to commend you, For we may, (without suspition of Flattery) acknowledge, that we have found in your *Majesty* great Cause, both of Admiration, and Commendation. For great is the Admiration, wherewith you have possessed us, since this *Parliament* began, in those two Causes wherein we have had access unto you, and heard your Voice: That of the return of *St. Francis Goodwine*; And that of the *Union*; whereby it seemeth unto us, the one of these, being so subtile a Question of Law: And the other so high a Cause of Estate; That as the Scripture saith of the wisest King: *That his heart was as the Sands of the Sea*, which, though it be one of the largest, and vastest Bodies, yet it consisteth, of the smallest Moates, and Portions. So (I say) it appeareth unto us, in these two examples, that *God* hath given your *Majesty* a rare sufficiency, both to compass, and fathome the greatest matters, and to discern the least. And for matter of praise and Commendation, which chiefly belongeth to Goodness, we cannot but with great thankfulness profess, That your *Majesty*, within the Circle of one Year of your Raing, (*infra Orbem Anni Vertentis*) hath endeavoured to unite your *Church*, which was divided; To supply your *Nobility*, which was diminished: And to ease your *People*, in Cases where they were burthened and oppressed.

In the last of these, your high Merits: That is the Ease and Comfort of your *People*: Doth fall out to be comprehended, the *Message*, which I now bring unto your *Majesty* concerning the great Grievance, arising by the manifold Abuses of *Purveyors*, Differing in some Degree from most of the things wherein we deal, and consult: For it is true that the *Knights*, *Citizens*, and *Burgesses* in *Parliament* assembled are a Representative Body, of your *Commons*, and *Third Estate*: and in many matters, although we apply our selves to perform the trust of those that choose us, yet it may be, we do speak much out of our own Senses and Discourses. But in this grievance, being of that Nature whereunto the poor *People* is most exposed, and Men of Quality less: we shall most humbly desire your *Majesty*, to conceive, that your *Majesty*, doth not hear, our Opinions, or Senses, but the very Groans, and Complaints themselves, of your *Commons*, more truly, and vively, then by Representation. For there is no Grievance in your Kingdom, so generall, so continual, so sensible, and so bitter unto the common *Subject*, as this whereof we now speak, Wherein it may please your *Majesty* to vouchsafe me leave: First to set forth unto you the dutifull, and respective Carriage, of our proceeding; Next the substance of our Petition, and Thirdly, some Reasons and Motives, which in all humbleness we do offer to your *Majesties* Royal consideration, or Commiseration; we assuring our selves that never King raigned, that had better Notions of Head, and Motions of Heart, for the good and comfort of his loving *Subj^{ts}*.

For the first: In the course of *Remedy* which we desire, we pretend not, nor intend not, in any sort to derogate from your *Majesties* Prerogatives; nor to touch, diminish or question any your *Majesties* Regalities, or Rights. For we seek nothing but the Reformation of abuses, and the Execution of former Laws wheteunto we are born. And although it be no strange Thing in *Parliament*, for new *Abuses*, to crave new *Remedies*; yet nevertheless in these abuses (which if not in Nature, yet in extremity and Heighth of them, are most of them new, we content our selves with the old Laws: Onely we desire a Confirmation and Quickening of them, in their Execution;

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So far are we, from any Humour of Innovation, or Inroad. As to the Court, of the Green-Cloth, ordained, for the Provision, of your Majesties most Honourable Household, we hold it Ancient, we hold it Reverent. Other Courts respect your Politick Person, but that respects your Naturall Person. But yet notwithstanding, (most Excellent King,) to use that Freedom which to Subjects that pour out their griefs before so gracious a King, is allowable, we may very well alledge unto your Majesty, a Comparison or Similitude, used by one of the Fathers in another matter, and not unfily representing our Case in this point: and it is of the Leaves, and Roots of Nettles. The Leaves, are venomous, and stinging where they touch: The Root is not so, but is without Venome, or Malignity: and yet it is that Root, that bears and supports, all the Leaves.

To come now, to the substance, of our Petition. It is no other, then by the Benefit of your Majesties Laws, to be relieved of the abuses of Purveyors; Which abuses do naturally divide themselves into three sorts. The first they take in kind, that they ought not to take. The second, they take in Quantity, a far greater proportion, then cometh to your Majesties Use. The Third, they take in an unlawfull manner: In a manner, (I say) directly, and expressly prohibited by divers Laws.

For the first of these, I am a little to alter their Name. For instead of Takers, they become Taxers: Instead of taking provision for your Majesties service, they tax your people, *ad redimendam vexationem*: Imposing upon them, and extorting from them, divers sums of money, sometimes in gross, sometimes in the nature of Stipends annually paid, *Ne nocent*, to be freed, and eased of their oppression. Again, they take Trees, which by Law they cannot do; Timber-Trees; which are the Beauty, Countenance, and Shelter of Mens Houses, That Men have long spared from their own purse and profit; That Men esteem (for their use and delight,) above ten times the value: That are a loss, which Men cannot repair, or recover. These do they take to the defacing, and spoiling of your Subjects Mansions, and Dwellings, Except they may be compounded with, to their own Appetites. And if a Gentleman be too hard for them while he is at home, They will watch their time, when there is but a Bayliffe, or a Servant remaining, and put the Axe to the Root of the Tree, ere ever the Master can stop it. Again they use a strange and most unjust Exaction, in causing the Subjects to pay Poundage, of their own Debts, due from your Majesty unto them: so as a poor Man when he hath had his Hay, or his Wood, or his Poultry, (which, perchance, he was full loath to part with, and had, for the Provision, of his own Family, and not, to put to Sale,) taken from him, And that not at a just Price, but under the value, and cometh to receive his Mony, he shall have after the rate of 12. pence in the pound abated for Poundage, of his due payment, upon so hard Conditions. Nay further they are grown to that extremity, (as is affirmed, though it be scarce credible, save that in such Persons, all things are Credible) that they will take double Poundage, Once when the *Debenture* is made, and again the second time, when the money is paid.

For the second Point, (most Gracious Sovereigne) touching the Quantity which they take, far above that which is answered to your Majesties use, they are the only Multipliers in the world, they have the Art of Multiplication: For it is affirmed unto me, by divers gentlemen of good

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report, and experience, in these Causes, as a Matter, which I may safely avouch, before your *Majesty*, (To whom we owe all Truth, as well of Information, as Subjection;) That there is no Pound profit, which redoundeth to your *Majesty* in this Course; But induceth, and begetteth, three Pound damage upon your Subjects; besides the Discontentment. And to the end they make their Spoil more securely, what do they? whereas divers Statutes do strictly provide, that whatsoever they take, shall be registred, and attested; To the end, that by making a Collation, Of that which is taken from the Countrey, and that which is answered above their Deceits might appear; They to the end, to obscure their Deceits, utterly omit the Observation of this, which the Law preferibeth.

And therefore to descend, if it may please your *Majesty*, to the third sort of *Abuse*, which is of of the unlawfull *Manner* of their Taking, whereof this Question is a Branch, It is so manifold, as it rather asketh an Enumeration of some of the Particulars, than a prosecution of all. For their *Price*: By Law they ought to take as they can agree with the Subject, by abuse they take, at an imposed and enforced *Price*: By Law, they ought to make but one *Aprizement*, by Neighbours in the Countrey, by abuse, they make a second *Aprizement* at the Court Gate, and when the Subjects Cartell come up, many Miles, lean, and out of Plight by reason of their Travell, then they prize them anew, at an abated price: by Law, they ought to take between Sun and Sun, by abuse they take by Twilight, and in the Night time, a Time well chosen for Malefactours, by Law they ought not to take in the High-ways, (a place, by your *Majesties* high prerogative protected, and by Statute by special words, excepted) by abuse they take in the wayes in Contempt of your *Majesties* prerogative, and Laws: by Law they ought to shew their Commission and the Form of Commission is by Law set down, The Commissions they bring down are against the Law: and because they know so much they will not shew them. A number of other particulars there are, (whereof at I have given your *Majesty* a Taste) so the chief of them upon deliberate advise are set down in writing by the Labour of certain *Committees*, and approbation of the whole *House* more particularly and lively than I can express them: My self having them at the second hand by reason of my abode above. But this writing is a Collection of theirs who dwell amongst the abuses of these offenders and complaints of the People and therefore must needs have a more perfect understanding of all the Circumstances of them.

It remaineth only that I use a few words the rather to move your *Majesty*, in this cause. A few words, (I say,) a very few, for neither need so great Enormities any aggravating, neither needeth so great Grace, as useth of it self, to flow from your *Majesties* Princely Goodness, any artificiall perswading. There be two things only, which I think good, to set before your Majesty. The one, the example, of your most Noble *Progenitors*, Kings of this *Realm*, who from the First King, that endowed this *Kingdom*, with the *Great Charters* of their Liberties, untill the last, have ordained, most of them, in their severall *Raigns*. some Laws, or Law against this kind of Offenders: and specially the Example of one of them, that King, who for his Greatness, Wisdom. Glory, and Union of severall Kingdoms, resembleth your Majesty most, both in Vertue, and Fortune, King *Edward* the Third, who, in his time onely, made ten several

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all Laws, against this Mischief. The second, is the Example of *God* himself; who hath said and pronounced, *That he will not hold him guiltless, that take his Name in vain.* For all these great Misdemeanours, are committed, in, and under your *Majesties* Name. And therefore we hope your *Majesty*, will hold them twice guilty, that commit these offences: Once for the oppressing of the People: And once more, for doing it, under the Colour, and abuse, of your *Majesties* most dreaded, and beloved Name. So then, I will conclude, with the saying of *Pindarus*; *Optima Res Aqua*: Not for the Excellency, but for the Common use of it, And so contrary-wise, the Matter of abuse of Purveyance, (if it be not the most hainous abuse,) yet certainly, it is the most common, and generall abuse of all others, in this Kingdom.

It resteth, that according to the command laid upon me, I do in all Humbleness, present this writing, to your *Majesties* Royall Hands; with most humble Petition, on the behalf, of the Commons; That, as your *Majesty*, hath been pleased to vouchsafe your Gracious Audience to hear me speak: So you would be pleased, to enlarge your Patience, to hear this writing read, which is more Materiall.

A Speech used by Sir FRANCIS BACON in the Lower House of Parliament, 5^o. Jacobi, concerning the Article, of generall Naturalization, of the Scottish Nation.

IT may please you, (Mr. Speaker,) Preface will I use none, but put my Self, upon your good Opinions, to which I have been accustomed beyond my Deservings. Neither will I hold you in suspence, what way I will choose; But now, at the first, declare my self, that I mean to counsell the *House*, to naturalize this *Nation*. Wherein, nevertheless, I have a request to make unto you; which is of more Efficacy, to the purpose, I have in Hand, then all that I shall say afterwards. And it is the same, which *Demosthenes* did, more than once, in great Causes of Estate, make to the People of Athens; *Ut cum Calculis Suffragiorum, sumant Maganimitatem Reip.* That when they took into their hands the Balls, whereby to give their Voices, (according as the manner of them was;) They would raise their Thoughts, and lay aside those Considerations, which their private Vocations, and Degrees, might minister, and represent unto them: And would take, upon them, Cogitations and Minds, agreeable to the Dignity, and Honour, of the *Estate*.

For, Mr. Speaker, as it was aptly, and sharply said, by *Alexander*, to *Parmenio*; when upon the Recitall, of the great offers, which *Darius* made, *Parmenio* said unto him; *I would accept these offers, were I as Alexander*: He Turned it upon him again; *So would I, (saith he) were I as Parmenio*. So, in this Cause, if an honest *English Merchant*, (I do not single out that State, in disgrace; For this *Island* ever held it Honourable; But only for an Instance, of a private profession:) If an *English Merchant* should say, *Surely I would proceed no further in the union, were I as the*

the King; It might be reasonably answered; No more would the King, were he as an English Merchant. And the like may be said of a Gentleman of the Countrey, be he never so worthy and sufficient, or of a Lawyer, be he never so wise and learned, or of any other particular Condition, in this Kingdom. For certainly, Mr. Speaker, if a Man shall be only, or chiefly, sensible, of those Respects, which his particular Vocation, and Degree, shall suggest, and infuse, into him: And not enter into true, and worthy Considerations, of Estate, he shall never be able aright to give Counsell, or take Counsell in this Matter. So that if this Request be granted, I account the Cause obtained.

But to proceed to the Matter it self. All Consultations, do rest upon Questions Comparative. For when a Question is, *De vero*, it is simple. For there is but one Truth: But when a Question is, *De Bono*, it is for the most part Comparative: For there be differing Degrees, of Good, and Evil, and the best of the good is to be preferred, and chosen: And the worst of the evil is to be declined and avoyded. And therefore, in a Question of this Nature, you may not look for Answers proper to every Inconvenience, alledged: For somewhat that cannot be specialy answered, may nevertheless, be incountred and over-weighed, by matter of greater moment. And therefore the Matter, which I shall set forth unto you, will naturally receive this Distribution of three parts.

First, an Answer, unto those Inconveniences, which have been alledged, to ensue, if we should give way to this *Naturalization*: which, I suppose, you will find, not to be so great, as they have been made: But that much Dross, is put into the Ballance, to help to make weight.

Secondly, an Encounter against the Remain, of those Inconveniences, which cannot properly be answered, by much greater Inconveniencies, which we shall incur, if we do not proceed, to this *Naturalization*.

Thirdly, an Encounter likewise, but of another Nature, That is by the gain, and benefit, which we shall draw, and purchase to our selves, by proceeding to this *Naturalization*. And yet to avoid Confusion, which evermore followeth of too much Generality, it is necessary for me, before I proceed to perswasion, to use some Distribution of the Points, or Parts of *Naturalization*: Which certainly can be no betrer, nor none other, than the ancient Distribution, of *Jus Civitatis*, *Jus Suffragii*, vel *Tribus*, and *Petitionis*, sive *Honorum*. For all Ability, and Capacity, is either of private interest, of *Meum & Tuum*, or of publick Service. And the publick consisteth chiefly, either in Voice, or in Office. Now it is the first of these, Mr. Speaker, that I will only handle at this Time, and in this place, and reserve the other two for a Committee: Because they receive more Distinction, and Restriction,

To come therefore, to the Inconveniences alledged on the other part. The first of them is, that there may ensue of this *naturalization*, a surcharge of people upon this *Realm of England*; which is supposed already, to have the full charge, and content: and therefore, there cannot be an admission of the adoptive, without a Diminution, of the Fortunes, and Conditions of those that are Native Subjects of this *Realm*. A grave Objection, Mr. Speaker, and very undutifull, for it proceedeth not, of any unkindness, to the *Scottish Nation*, but of a Naturall Fastness to our selves. For that Answer of the *Virgins*, *Ne forte non sufficiat Vobis & Nobis*, proceeded, not out of any Envy, or malign humour, but out of providence, and that originall charity, which begins with our selves. And



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I must contesse, Mr. *Speaker*, that, as the Gentleman said, when *Abraham*, and *Lot*, in regard of the Greatness of their Families, grew pent, and straitened; it is true, that (Brethren though they were) they grew to difference, and to those words; *Vade tu ad Dextram: & ego ad Sinistram*, &c. But certainly, I should never have brought that example on that side, For we see what followed of it; How that this Separation, *ad Dextram*, and *ad Sinistram*, caused the miserable Captivity of the one Brother, and the Dangerous, though prosperous War, of the other, for his Rescous and Recovery.

But to this Objection, Mr. *Speaker*, being so weighty, and so principall, I mean to give three severall Answers; every one of them, being, to mine understanding, by it self sufficient.

The first is, that this Opinion of the Numbers of the *Scottish Nation*, that should be likely, to plant themselves here amongst us, will be found to be a Thing, rather in Conceit, then in Event. For (Mr. *Speaker*) you shall finde this plausible Similitudes, of a Tree, that will thrive the better, if it be removed into a more fruitfull Soyl, And of Sheep, or Cattle: that if they find a Gap, or passage open, will leave the more barren Pasture, and get into the more Rich, and plentifull; To be but Arguments meerly superficiall, and to have no sound Resemblance, with the Transplanting; or Transferring of Families. For the Tree, we know, by nature, as soon as it is set in the better Ground, can fasten upon it, and take Nutrimment from it: And a sheep as soon as he gets into the better Pasture, what should let him to graze, and feed? But there belongeth more, (I take it) to a Family, or particular Person, that shall remove from one Nation, to another. For if (Mr. *Speaker*) they have not Stock, means, Acquaintance and Custome, Habitation, Trades, Countenance, and the like; I hope, you doubt not, but they will starve, in the midst of the rich Pasture; And are far enough off, from grazing, at their pleasure. And therefore in this point, which is conjecturall, Experience is the best Guide: For the Time past, is a Pattern, of the Time to come. I think, no Man doubteth, Mr. *Speaker*) but his *Majesties* first comming in, was as the greatest Spring-ride, for the Confluence, and Entrance, of that *Nation*. Now I would fain understand, in these four years space, and in the fullness and Strength, of the Current and Tide, how many Families, of the *Scottish Men*, are planted, in the *Cities*, *Boroughs*, and *Towns*, of this *Kingdom*? For I do assure my self, that more then some Persons of Quality, about his *Majesties* Person, here at the *Court*, and in *London*, And some other inferiour Persons, that have a Dependancy upon them; The Return and Certificate, if such a Survey, should be made, would be of a Number extremely small. I report me, to all your private knowledges, of the places where you inhabit.

Now Mr. *Speaker*,) as I said, *Si in Ligno viridi id sit, quid fiet in arido?* I am sure there will be no more such Spring-Tides. But you will tell me, of a multitude of Families of the *Scottish Nation* in *Polonia*: And if they multiply in a Countrey, so far off, how much more here at hand? For that (Mr. *Speaker*) you must impute it, of necessity, to some speciall Accident of Time, and place, that draweth them thither. For you see plainly before your eyes, that in *Germany*, which is much nearer; And in *France*, where they are invited with priviledges, And with this very priviledge, of *Naturalization*, yet no such Number can be found. So as it cannot be, either nearness of place; or priviledge of Person, that is the

the Cause. But shall I tell you (*Mr. Speaker,*) what I think: of all the places in the World, near or far of, they will never take, that courie of life, in this Kingdom, which they content themselves with, in *Poland*. For we see it, to be the Nature of all men, that they will rather discover Poverty abroad, than at home. There is never a Gentleman, that hath over-reached himself in Expence, and thereby must abate his Countenance, but he will rather travell, and do it abroad, than at home. And we know well, they have good high Stomacks, and have ever stood, in some terms, and Emulation, with us; And therefore they will never live here, except they can live in good fashion. So as I assure you (*Mr. Speaker,*) I am of Opinion, that the strife, which we now have to admit them, will have like Sequel, as that Contention had, betweene the *Nobility*, and *People of Rome*, for the admitting of a *Plebeian Consul*; which while it was in passing, was very vehement, and mightily stood upon: And when the People had obtained it, they never made any *Plebeian Consul*; No, not in 60. years after. And so will this be for many years, as I am perswaded, rather a Matter in Opinion, than in use, or effect: And this is the first Answer, that I give to this main Inconvenience, pretended, of Surcharge of *People*.

The Second answer, which I give to this Objection, is this: I must have leave to doubt, (*Mr. Speaker,*) that this *Realm of England*, is not yet peopled to the full. For certain it is, that the Territories of *France*, *Italy*, *Flanders*; and some parts of *Germany*, do in equall space of Ground bear and contain a far greater Quantity of People, if they were mustred by the *Poll*. Neither can I see, that this Kingdom, is so much inferiour unto those forrain parts in fruitfulness, as it is in population; which makes me conceive, we have not our full charge. Besides, I do see manifestly among us, the Badges, and Tokens, rather of Scarcenesse, than of Prefs of People; as drowned Grounds, Commons, Wastes, and the like: Which is a plain Demonstration, that howsoever there may be an overswelling throng, and prefs of *People*, here about *London*, which is most in our Eye; yet the Body of the *Kingdom*, is but thin sown with *People*. And whosoever shall compare, the Ruines and Decays of ancient Towns, in this Realm, with the Erections, and Augmentations of new, cannot but judge, that this *Realm*, hath been far better peopled in former times; It may be in the *Heptarchy* or otherwise; For generally the Rule holdeth, *The smaller state the greater population, pro rata*. And whether, this be true or no, we need not seek further than to call to our remembrance, how many of us, serve here in this place, for desolate and decayed Burroughs. Again (*Mr. Speaker,*) whosoever looketh into the principles of Estate, must hold it, that it is the *Mediterrane Countries*, and not the *Maritime*, which need to fear surcharge of *People*. For all *Sea Provinces*, and specially *Islands*, have another Element, besides the Earth, and Soil, for their Sustentation. For what an infinite number of *People* are, and may be sustained by *Fishing*, Carriage by Sea, and Merchandizing? wherein, I do again discover, that we are not at all pinched, by multitude of *People*. For if we were, it were not possible that we should relinquish, and resign, such an infinite benefit of fishing to the *Flemmings*, as it is well known, we do. And therefore I see, that we have wastes by Sea, as well as by Land: which still is an infallible argument, that our Industry, is not awaked, to seek maintenance by any over great Prefs or charge of people.

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and lastly (Mr. Speaker) there was never any Kingdom, in the Ages of the world, had, I think, so fair, and happy means to issue and discharge the multitude of their people, (if it were too great) as this Kingdom hath; in regard, of that desolate, and wasted Kingdom of Ireland; which (being a Countrey, blessed with almost all the Dowries of Nature; As Rivers, Havens, Woods, Quarries, good Soyl, and temperate Climate; And now at last, under his Majesty, blessed also with obedience) Doth, as it were, continually call unto us, for our Colonies, & Plantations. And so I conclude my second answer to this pretended Inconvenience of surcharge of People.

The third Answer, (Mr. Speaker) which I give, is this. I demand what is the worst Effect, which can follow of surcharge of People? Look into all stories, and you shall find it none other, than some Honourable War, for the enlargement of their Borders, which find themselves pent upon Forrain parts. Which Inconvenience, in a Valourous and Warlike Nation, I know not whether I should term, an Inconvenience, or no? For the saying is most true, though in another sense; *Omne solum Forti Patria*. It was spoken indeed, of the patience of an exil'd Man: But it is no less true, of the valour, of a Warlike Nation. And certainly, (Mr. Speaker,) I hope I may speak it without offence: That if we did hold our selves worthy, whensoever just Cause should be given, either to recover our ancient Rights; Or to revenge our late wrongs; Or to attain the Honour of our Ancestors; Or to enlarge the Pattimony of our Posterity; We would never in this manner forget Considerations of amplitude and greatness, and fall at variance, about profit, and reckonings; fitter a great deal, for private persons, than for Parliaments, and Kingdoms. And thus (Mr. Speaker,) I leave this first objection to such Satisfaction, as you have heard.

The second Objection is, that the Fundamental Laws of both these Kingdoms of England, and Scotland, are yet divers, and severall: Nay more, that it is declared, by the Instrument, that they shall so continue; and that there is no intent, in his Majesty, to make Innovation in them: and therefore, that it should not be seasonable to proceed to this Naturalization, whereby to endow them, with our Rights, and Priviledges, except they should likewise receive, and submit themselves, to our Laws. And this Objection likewise, (Mr. Speaker) I allow to be a weighry Objection, and worthy to be well answered, and discussed.

The answer, which I shall offer, is this. It is true, for mine own part, (Mr. Speaker,) that I wish, the Scottish Nation, governed by our Laws, For I hold our Laws, with some reducement, worthy to govern, if it were the World. But this is that which I say, and I desire therein your attention; That, according to true reason of Estate, Naturalization is, in Order, First: and precedent, to union of Laws; In degree, a less matter, than union of Laws; And, in Nature separable, not inseparable, from union of Laws. For Naturalization, doth but take out the Marks of a Forrainger; But union of Laws, makes them entirely as our selves: Naturalization taketh away separation; But union of Laws doth take away Distinction. Do we not see, (Mr. Speaker,) that in the administration of the world, under the great Monarch, God himself, that his Lawes are divers, one Law in Spirits, another in Bodies, one Law in Regions celestial, another in Elementary? And yet the Creatures, are all one Mass, and Lump, without any vacuum, or separation? Do we not see, likewise, in the State of the Church, that amongst People, of all Languages and

and Linages, there is one *Communio* of Saints? and that, we are all Fellow Citizens, and naturalized, of the Heavenly Hierusalem? and yet nevertheless, divers, and severall Ecclesiasticall Laws, Polices, and Hierarchies, according to the Speech, of that worthy Father; *In veste varietus fit, scissura non fit.* And therefore certainly, (Mr. Speaker,) the Bond of Law, is the more speciall, and private Bond, and the Bond of *Naturalization*, the more common, and general. For the Laws are rather *Figura Reip*, than *Forma*; and rather *Bonds of perfection*, than *Bonds of Entireness*. And therefore we see in the Experience of our own Government, that in the Kingdom of *Ireland*, all our Statute-Laws, since *Poyning's Law*, are not in force; and yet we deny them not, the Benefit of *Naturalization*. In *Gersey*, *Garrsey*, and the *Isle of Man*, our Common-Laws are not in force; and yet they have the Benefit of *Naturalization*. Neither need any Man doubt, but that our Laws, and Customes, must, in small time gather, and win upon theirs. For here's the Seat of the Kingdom, whence come the supreme Directions of Estate, Here is the Kings Person, and Example of which the Verse saith

Regis ad Exemplum totus componitur Orbis.

And therefore, it is not possible, although not by solemn, and formall act of Estates; yet by the secret Operation, of no long time, but they will come under the yolk of our Laws; and so *Dulcis tractus pari jugo*. And this is the answer, I give, to this second objection.

The third Objection, is some Inequality, in the Fortunes, of these two Nations, *England* and *Scotland*; By the Commixture whereof, there may ensue advantage to them, and Loss to us. Wherein, (Mr. Speaker) it is well, that this Difference, or Disparity, consisteth but in externall Goods of Fortune. For indeed it must needs be confessed, that for the Goods of the Mind, and the Body, they are *Alteri Nos, Other our selves*. For to do them right, we know in their Capacity, and understanding they are a people Ingenious, in Labour Industrious, in Courage Valliant, in Body Hard, Active, and Comely. More might be said, but in commending them, we do but in effect commend our selves: For they are of one Piece, and Continent with us: and truth is, we are participant, both of their Vertues, and Vices. For if they have been noted, to be a people not so tractable in Government, we cannot, without flattering our selves, free our selves altogether from that fault, being indeed, a thing incident, to all Martiall People. As we see it evident, by the example of the *Romans*, and others. Even like unto fierce Horses, that though they be, of better service then others, yet are they harder, to guide and to mannage.

But for this Objection, (Mr. Speaker) I purpose to answer it; Not by authority of *Scripture*, which saith. *Beatius est dare quam accipere*: But by an authority framed and derived from the judgement of our selves and our Ancestors, in the same case, as to this point. For (Mr. Speaker) in all the Line of our Kings, none useth to carry greater Commendation, then his Majesties Noble Progenitour, King *Edward* the first of that Name: and amongst his other commendations, both of War, and pollicy; none is more celebrated, then his purpose, and enterprise, for the Conquest of *Scotland*: as not bending his Designes to glorious acquests abroad, but to solid strength at home; which nevertheless if it had succeeded well, could not, but have brought in, all those inconveniences, of the Commixture of a more Opulent Kingdom, with a less that are now alledged,

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alleged. For it is not the Yoke either of our Arms, or of our Laws, that can alter the nature of the *Climate*, or the Nature of the *Soyl*: Neither is it the *Manner* of the *Commixture*, that can alter the *Matter* of *Commixture*. And therefore (Mr. *Speaker*) if it were good for us then, it is good for us now; and not to be prized the less, because we paid so dear for it. But a more full answer to this Objection, I refer over to that which will come after to be spoken, touching Surety, and Greatness.

The fourth Objection (Mr. *Speaker*) is not properly an Objection, but rather a preoccupation of an Objection, of the other side: for it may be said, and very materially, whereabout do we contend? The benefit of *Naturalization* is by the Law, in as many as have been, or shall be born, since his *Majesties* Comming to the *Crown*, already settled, and invested. There is no more then, but to bring the *Ante-Nati*, into the Degree of the *Post-Nati*; that men grown, that have well deserved, may be in no worse case than children, which have not deserved: and Elder Brothers, in no worse case, than younger Brothers. So as we stand, upon *Quiddam*, not *Quantum*; being but a little difference of Time, of one Generation from another.

To this (Mr. *Speaker*) it is said by some; that the Law is not so, but the *Post Nati*, are Aliens, as well as the rest. Apoint that I mean not much to argue, both because it hath been well spoken to, by the Gentleman, that spake last before me; and because I do desire, in this Case, and in this place to speak rather of Convenience, than of Law. Onely this will I say, that that Opinion, seems to me contrary to reason of Law; Contrary to form of pleading in Law; and contrary to Authority and experience of Law. For reason of Law, when I meditate of it, Methinks the wisdom, of the Common Laws of *England*, well observed, is admirable in the distribution of the benefit, and protection, of the Laws; according to the severall conditions of Persons, in an excellent Proportion. The Degrees are four, but bipartite. Two of *Aliens*, and Two of *Subjects*. The first Degree, is of an *Alien*, born under a *King*, or *State*, that is an Enemy. If such an one come into this Kingdom without safe Conduct, it is at his perill: The Law giveth him no protection, neither for Body, Lands, nor Goods: So as if he be slain, there is no Remedy, by any appeal, at the parties sute, although his Wife were an *English* Woman: Marry at the *Kings* sute the Case may be otherwise; in regard of the offence to the *Peace*. The second Degree is of an *Alien* that is born under the faith, and allegiance of a *King* or *State*, that is a friend. Unto such a Person, the Law doth impart a greater benefit and protection; that is, concerning things personall, Transitory, and moveable; as Goods, and Chattels, Contracts, and the like: But not concerning freehold, and inheritance. And the reason is, because he may be an Enemy, though he be not. For the *State* under the Obeisance of which he is, may enter into Quarrell, and Hostility; and therefore, as the Law hath but a Transitory assurance of him, so it rewards him, but with Transitory Benefits. The third Degree, is, of a Subject, who having been an *Alien* is by *Charter* made *Denizen*. To such an one, the Law doth impart, yet a more ample Benefit: For it gives him power, to purchase Freehold and Inheritance to his own use: and likewise enables the Children born after his Denization to inherit. But yet neverthelesse he cannot make Title, or convey Pedegree, from any Ancestour Paramount

mount. For the Law, thinks not good, to make him, in the same Degree, with a Subject born: Because he was an Alien, and so might once have been an Enemy. And *Nemo subito fitur*: Mens affections cannot be so settled, by any Benefit, as when from their Nativity, they are inbred and inherent. And the fourth Degree, which is the perfect Degree, is of such a Person, that neither is Enemy, nor can be Enemy in time to come; Nor could have been Enemy at any time past; And therefore the Law gives unto him the full Benefit of *Naturalization*. Now, (Mr. Speaker) if these be the true steps, and paces of the Law, no Man can deny, but whosoever is born under the Kings Obedience, never could, in *Aliquo puncto temporis*, be an Enemy; (A *Rebell* he might be, but no Enemy) and therefore, in Reason of Law, is naturalized. Nay contrari-wise he is bound, *jure Nativitatis*, to defend this Kingdom of England, against all Invaders or Rebels: and therefore as he is obliged, to the protection of Arms; And that perpetually, and universally; so is to have the perpetuall, and universall benefit and protection of Law, which is *Naturalization*.

For Form of *Pleading*, it is true, that hath been said; That if a Man, would plead another to be an *Alien*; he must not only set forth negatively, and privately, that he was born out of the Obedience of our Sovereign Lord the King; But affirmatively, under the Obedience, of a forrain King, or State, in paticular; which never can be don in this case.

As for *Authority*, I will not press it; you know all what hath been published, by the Kings Proclamation.

And for *Experience of Law*, we see it in the Subjects of Ireland; In the Subjects of *Gersey*, and *Gerissey*, parcels of the *Dutchy of Normandy*; In the Subjects of *Calles*, (when it was *Englissh*) which was parcell of the *Crown of Fraunce*. But, as I said, I am not willing to enter into an *Argument of Law*, but to hold my self, point of *Convenience*.

So as, for my part, I hold all *Post-Nati*, Naturalised, *ipso Jure*. But yet, I am far from Opinion, that it should be a thing superfluous to have it done by *Parliament*; Chiefly, in respect, of that true principle, *Principum Adione præcipue ad Famam sunt componende*. It will keep up a Sign, to all the World, of our Love towards them, and good agreement with them. And these are (Mr. Speaker) the Materiall Objections which have been made of the other Side, whercunto you have heard mine answers: Weigh them in your Wisdomes, and so I conclude that General Part.

Now, (Mr. Speaker) according as I promised, I must fill the other Ballance, in expressing unto you the Inconveniences, which we shall Incur, if we shall not proceed to this *Naturalization*. Wherein that Inconvenience, which of all others, and alone by it self, if there were none other, do'h exceedingly move me, and may move you, as a Position of Estate, collected out of the Records of Time, which is this: That wheresoever severall Kingdomes or Estates, have been united in Sovereignty; If that Union hath not been fortified, and bound in, with a further Union; and namely that, which is now in Question of *Naturalization*, this hath followed; That at one time or other, they have broken again; being upon all occasions apt to revolt, and relapse, to the former separation.

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Of this Assertion, the first Example, which I will set before you, is of that memorable *Union*, which was between the *Romans* and the *Latines* which continued, from the *Battle*, at the *Lake of Regilla*, for many yeares, until the *Consulships* of *T. Manlius* and *P. Decius*. At what time there began, about this very point of *Naturalization*, that War, which was called *Bellum Sociale*, being the most *Bloudy*, and *pernicious* War, that ever the *Roman State* endured. Wherein after numbers of *Battles*, and infinite *Seiges*, and *Surprises* of *Towns*, the *Romans* in the end prevailed and mastered the *Latines*. But as soon as ever they had the Honour of the War, looking back into what *Perdition*, and *confusion* they were near to have been brought, they presently naturalized them all. You speak of a *Naturalization* in *Blud*, There was a *Naturalization* indeed in *Bloud*.

Let me set, before you again, the Example of *Sparta*, and the rest of *Peloponnesus*, their *Associates*. The *State* of *Sparta*, was a nice, and *jealous* State, in this point, of imparting *Naturalization*, to their *Confederates*, but what was the issue of it? After they had held them, in a kind of *Society*, and *Amity*, for divers years: upon the first occasion given, (which was no more, than the) *Surprize*, of the *Castle* of *Thebes*, by certain desperate *Conspiratours*, in the habit of *Masquers*; There ensued immediately, a generall *Revolt*, and *Defection*, of their *Associates*; which was the *Ruine* of their *State*, never afterwards to be recovered.

Of later time, let me lead your Consideration to behold, the like Events, in the *Kingdom* of *Arragon*; which *Kingdome* was united with *Castile*, and the rest of *Spain*, in the persons of *Ferdinando* and *Isabella*; and so continued many years, But yet so as it stood a *Kingdom*, severed and divided from the rest of the *Body* of *Spain*, in *priviledges*: and directly, in this point of *Naturalization*, or capacity of *Inheritance*. What came of this? Thus much; that now of fresh *Memory*, not past twelve years since, onely upon the voice of a condemned *Man*, out of the *Grate* of a *Prison*, towards the *Street*, that cried *Fuevos*, (which is as much as *Liberties* or *Priviledges*) there was raised a dangerous *Rebellion*, which was suppressed with *Difficulty*, with an *Army* Royall, and their *priviledges* disannulled, and they incorporated, with the rest of *Spain*. Upon so small a *Spark*, notwithstanding so long continuance; were they ready to break and sever again.

The like may be said, of the *States* of *Florence* and *Pisa*: Which *City* of *Pisa*, being united unto *Florence*, but not endued with the Benefit of *Naturalization*, upon the first light of *forrain* assistance, by the Expedition of *Charles* the eighth of *France* into *Italy*, did revolt, though it be since again reunited, and incorporated.

The same effect, we see, in the most *Barbarous* Government, which shewes, it the rather, to be an effect of *Nature*. For it was thought, a fit *Policy*; by the *Councill* of *Constantinople*, to retain the three *Provinces* of *Transylvania*, *Valachia*, and *Moldavia*, (which were, as the very *Nurses* of *Constantinople*, in respect of their *Provisions*) to the end, they might be the less wasted, only under *Vayvods*, as *Vassals* and *Homagers*; and not under *Bassa's*, and *Provinces* of the *Turkish Empire*; Which *Policy*, we see by late experience, proved *unfortunate*, as appeared by the *Revolt* of the same three *Provinces*, under the *Arms* and *Conduct* of *Sigismund*, *Prince* of *Transylvania*, a *Leader*, very famous, for a time; which

which Revolt is, not yet fully recovered. Whereas we seldom, or never hear, of Revolts of Princes, incorporate, to the *Turkish Empire*.

On the other part, (Mr. Speaker) because it is true, which the *Logicians* say; *Opposita, juncta se possit, magis elucescunt*, let us take a view and we shall find; That wheresoever Kingdoms, and States, have been united; And that union Corroborate, by the Bond of mutuall *Naturalization*, you shall never observe them, afterwards, upon any occasion of trouble, or otherwise, to break and sever again: as we see, most evidently, before our eyes, in divers Provinces of *France*. That is to say, *Guen, Province, Normandy, Brittain*, which, withstanding, the infinite infesting Troubles, of that Kingdom, never offered to break again.

We see the like Effect, in all the Kingdoms, of *Spain*, which are mutually naturalized, as *Leon, Castile, Valencia, Andalusia, Granada*, and the rest: Except *Aragon*, which held the contrary Course, and therefore had the contrary success, as we said, and *Portugall*, of which there is not yet sufficient Triall.

And lastly, we see the like effect, in our own Nation, which never rent asunder, after it was once united, so as we now scarce know whether the *Heptarchy* were a *Story*, or *Fable*. And therefore (Mr. Speaker) when I revolve with my self, these Examples, and others, so lively expressing the necessity of a *Naturalization*, to avoid a relapse into a separation, and do heare so many Arguments, and Scruples, made on the other side; It makes me think on the old *Bishop*, which upon a publick Disputation of certain *Divines, Christians*, with some learned men of the *Heathen*, did extremely presse to be heard, and they were loath to suffer him, because they knew he was unlearned, though otherwise an Holy and well-meaning Man; But at last, with much ado, he got to be heard. And when he came to speak, instead of using Arguments, he did only say over his Belief: But did it with such assurance, and Constancy, as it did strike the minds, of those that heard him, more then any Argument had done. And so (Mr. Speaker,) against all these witty and subtile arguments, I say that I do believe, and I would be sorry to be found a Prophet in it; That except we proceed, with this *Naturalization* (Though not perhaps in his *Majesties* time, who hath such Interest in both Nations) yet in the time of his Descendants, these *Realms* will be in continuall Danger, to divide, and break again. Now if any Man, be of that carelesse mind.

—*Maneat nostræ cura Nepotes,*

Or of that hard mind, to leave things to be tried, by the sharpest Sword sure I am, he is not of Saint Pauls Opinion, who affirmeth, that whosoever, useth not *Fore-sight*, and Provision for his *Family*, is worse than an *unbeliever*: Much more, if we shall not use fore-sight for these two Kingdoms, that comprehend so many *Families*: But leave things open, to the perill of future Divisions. And thus have I expressed unto you in the *Inconvenience*, which of all other, sinketh deepest with me, as the most weighty.

Neither do there want, other Inconveniences (Mr. Speaker) the Effect, and Influence wherof, I fear, will not be adjourned to so long a Day, as this, that I have spoken of. For I leave it to your wisdom, to consider whether you do not think in case by the deniall of this *Naturalization*,

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any Pike of Alienation, or unkindness (I do not say) should be thought to be, or noised to be, betweene these two Nations; whether it will not quicken, and excite all the Envious and Malicious Humours, where-soever (which are now covered) against us, either forraign, or at home; and so open the way to practises, and other Engines, and Machinations, to the Disturbance, of this State. As for that other Inconvenience of his *Majesties* Engagement, into this action, it is too binding, and pressing, to be spoken of, and may do better a great deal, in your Minds, then in my Mouth; Or in the mouth of any man else, because, as I say it doth press, our Liberty too far. And therefore (Mr. Speaker) I come now to the third generall part of my Division, concerning the *Benefits*, which we shall purchase, by this knitting of the knot, surer, and streighter, between these two *Kingdomes*, by the Communicating of *naturalization*.

The *Benefits* may appear to be two; The one *Surety*, the other *Greatness*. Touching *Surety* (Mr. Speaker) it was well said by *Titus Quintius*, the *Roman*, touching the state of *Peloponnesus*; *That the Tortois is safe within her shell: Testudo intra Tegumen tuta est.* But if there be any Parts, that lye open, they endanger all the rest. We know well, that although the State, at this time, be in a happy peace, Yet for the time past, the more *Ancient Enemy*, to this *Kingdome*, hath been the *French*; and the more late, the *Spaniard*: And both these, had, as it were, their severall postern Gates; whereby, they might have approach, and entrance, to annoy us. *France* had *Scotland*, and *Spain*, had *Ireland*: For these were the two accessses which did comfort, and encourage both these Enemies to assail, and trouble us. We see, that of *Sotland*, is cut off, by the *Union*, of both these *Kingdoms*, if that it shall be now made constant, and permanent. That of *Ireland*, is likewise cut off by the convenient situation, of the *North* of *Scoland*, toward the *North* of *Ireland* where the Sore was, Which we see being suddainly closed, hath continued closed, by means of this Salve; so as now, there are no parts of this State, exposed to Danger, to be a Temptation to the ambition of *Forrainers*, but their approaches and avenues are taken away. For I do little doubt, but those *Forrainers*, which had so little successe when they had these advantages, will have much less comfort now, that they be taken from them. And so much for *Surety*.

For *Greatness* (Mr. Speaker) I think a man may speak it soberly, and without Bravery; That this *Kingdom* of *England*, having *Scotland* united, *Ireland* reduced, the Sea Provinces of the *Low-Countreys* contracted, and *Shipping* maintained; Is one of the greatest Monarchies, in Forces truly esteemed, that hath been in the *World*. For certainly, the *Kingdoms* here on *Earth* have a Resemblance with the *Kingdome* of *Heaven*, which our *Saviour* compareth not to any great *Kernell*, or *Nut*, but to a very *small Grain*, yet such an one is as apt, to grow, and spread. And such do I take to be the Constitution of this *Kingdom*; If indeed we shall refer our Counsels, to *Greatness*, and *Power* and not quench them too much with Consideration of *Utility*, and *Wealth*. For (Mr. Speaker) was it not think you a true answer, that *Solon* of *Greece* made to the Rich *King Crasus* of *Lydia*, when he shewed unto him, a great Quantity of Gold that he had gathered together, in Ostentation of his *Greatness* and *Might*? But *Solon* said to him, contrary to his Expectation; *Why Sir, if another come that hath better Iron than you, he will be Lord of all your Gold.*

Gold. Neither is the authority of *Machiavell* to be despised who scorneth the *Proverb* of estate taken first from a Speech of *Mucianus*; That *Moxes* are the *Sinews* of War: and saith, *There are no true Sinews of War, but the very Sinews of the Arms of valiant Men.* Nay more, (Mr. Speaker) whosoever shall look; into the *Seminaries* and *Beginings* of the *Monarchies* of the *World*, he shall find them founded in *Poverty*. *Persia* a *Country* barren and poor in respect of the *Medes*, whom they subdued. *Macedone* a *Kingdome* ignoble and *Mercenary*, untill the *Time* of *Philip*, the *Son* of *Amyntas*. *Rome* had poor and pastoral beginnings. The *Turks*, a *Band* of *Sarmatian Scythes* that in a *vagabond* manner, made *Impression* upon that part of *Asia*, which is yet called *Turcomania*. Out of which after much variety of *Fortune*, sprung the *Ottoman Family* now the *Terrour* of the *World*. So we know the *Goths*, *Huns*, *Vandals*, *Alan-s*; *Lombards*, *Normans*, and the rest of the *Northerne People* in one age of the *World* made their *Descent* or *Expedition* upon the *Roman Empire*; and came not as *Rovers*, to carry away prey, and be gon again; But planted themselves in a number of fruitfull and rich *Provinces*; Where not only their *Generations* but their *Names* remain, till this *Day*: witness *Lombardy*, *Catalonia* a name compounded of *Goth* and *Alane*, *Andaluzia* a name corrupted from *Vandelicia*, *Hungary*, *Normandy*, and others. Nay, the *Fortune* of the *Swizzes*, of late years (which are bred in a barren, and *Mountainous* *Country*) is not to be forgotten; Who first ruined the *Duke* of *Burgandy*; The same who had almost ruined the *Kingdom* of *France*: what time after the *Battail* of *Granson*, the *Rich Jewell* of *Burgandy* prized at many *Thousands*, was sold for a few pence, by a common *Swizze*, that knew no more what a *Jewell* ment than did *Esops Cock*. And again the same *Nation* in revenge of a scorn, was the *Ruine* of the *French Kings* affaires in *Italy*, *Lewis* the 12. For that *King* when he was pressed somewhat rudely by an *Agent* of the *Swizzes*, to raise their pensions brake into *Words* of *Choller*; What (said he) *will these Villaines of the Mountains put a Tax upon me?* which words, lost him his *Dutchy* of *Millain* and chased him out of *Italy*. All which examples (Mr. Speaker) do well prove *Solons* opinion of the authority and *Mastry* that *Iron* hath over *Gold*. And therefore if I shall speak unto you mine own *Heart*; Me thinks we should a little disdain that the *Nation* of *Spain* (which, howsoever of late it hath grown to *Rule*, yet of ancient time served many *Ages*; First under *Carthage*, then under *Rome*, after under *Sarazens*, *Goths*, and others) should of late yeares take unto themselves that *Spirit*, as to dream of a *Monarchy* in the *West*, according to that *Devise*; *Videa Solum Orientem in Occidente*: Onely, because they have ravished from some wilde and unarmed *People*, *Mines*, and *Store* of *Gold*, and on the other side, that this *Island* of *Britanny*, seated, and manned as it is, and that hath (I make no question) the best *Iron* in the *world*, (That is, the best *Souldiers* of the *world*,) should think of nothing but *Reckonings*, and *Audits*, and *Meum* and *Tuum* and I cannot tell what.

Mr. Speaker) I have (I take it) gone through the parts which I propounded to my Self; Wherein, if any Man, shall think that I have sung *Placebo*; For mine own particular, I would have him know that I am not so unseen in the world, but that I discern, it were much alike, for my private fortune, to rest a *Tacebo*, as to sing a *Placebo*, in this *Business*. But I have spoken out of the *Fountain* of my *Heart*: *Credidi, propter quod locutus sum* I believed, therefore I spake. So as my *Duty* is performed; the *Judgment* is yours, *God* direct it for the best.

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A Speech made by Sir FRANCIS BACON in the
Lower House of Parliament, by occasion of a Motion, con:
cerning the Union of Laws:

AND it please you, (Mr. Speaker) were it now a time to wish,
As it is to advise, no Man should be, more forward, or more
earnest, than my self, in this wish; That his Majesties Subjects of Eng:
land and Scotland, were governed by one Law; and that for many
Reasons.

First, because it will be an infallible assurance, that there will never be
any Relapse, in succeeding ages; to a separation.

Secondly, *Dulcis tractus parit jugo*: If the Draught lye most upon us
and the Yoke lightest upon them, is not equall.

Thirdly, the *Qualities*, and (as I may term it) the *Elements* of their
Laws, and ours, are such as do promise, an excellent Temperature in the
compounded Body: For if the *Prerogative* here be too indefinite, it may
be the *Liberty* there is too unbounded: If our *Laws* and proceedings be
too Prolixe and Formall; it may be theirs are too informall, and Sum-
mary.

Fourthly, I do discern, to my understanding, there will be no great
Difficulty in this work. For their *Laws*, by that I can learn, compared
with ours, are like their *Language*, compared with ours. For as their
Language hath the same Roots that ours hath, but hath a little more mixture
of *Latine* and *French*; So their *Laws* and *Customes* have the like Grounds
that ours have, with a little more mixture of the *Civill Law*, and *French*
Customes.

Lastly, the *Mean* to this work, seemeth to me no lesse excellent, than
the *Work* it selfe: For if both *Laws* shall be united, it is of necessity, for
preparation and Inducement thereunto, that our own *Laws* be reviewed,
and recompiled, then which, I think, there cannot be a work that
his Majesty can undertake in these his times of Peace, more Politique,
more Honourable, nor more Beneficiall to his Subjects, for all Ages.

Pace data Terris, Animum ad Civilia Vertit

Jura suum, Legesque tulit justissimus Auctor.

For this continuall Heaping up of *Laws*, without digesting them,
maketh but a *Chaos* and *Confusion*: And turneth the *Laws*, many
times, to become but *Snares* for the people, as is said in the Scripture,
Pluēt super eos Laqueos. Now, *Non sunt peiores Laquei, quam Laquei Le-
gum*. And therefore, this work I esteem to be indeed a work, (rightly
to term it) *Heroicall*. So that for this good wish, of *Union of Laws*,
I do consent to the full, and I think you may perceive by that which I
have said, that I come not in this, to the opinion of others, but that
I was long ago settled in it my self. Nevertheless, as this is moved out
of *Zeal*, so, I take it, to be moved out of *Time*; as commonly zealous
Motions are: while men are so fast carried on to the end, as they give
no attention to the mean. For if it be *Time*, to talk of this now, It is
either

either because the business, now in hand cannot proceed without it, or because in time, and Order, this Matter should be precedent, or because, we shall see some advantage towards this effect, so much desired, if we should go on in the course, we are about. But none of these three, in my judgement, are true, and therefore the Motion as I said, unreasonable.

For first, that there may not be a *Naturalization* without an *Union* in *Laws*, cannot be maintained. Look into the Example of the *Church*; And the *Union* thereof, You shall see severall *Churches* that joyn in one *Faith*, one *Baptism*, (which are the points of *Spiritual Naturalization*,) do, many times, in *Policy*, *Constitutions*, and *Customes*, differ. And therefore, one of the *Fathers* made an excellent observation upon the two *Mysteries*: The one, that in the *Gospel*, where the *Garment* of *Christ*, is said to have been without *Seam*, the other, that in the *Psalms*, where the *Garment*, of the *Queen* is said, to have been of *divers Colours*, And concludeth, *In veste Varietas fit, Scissura non fit*. So, in this Case, (Mr. *Speaker*) we are now in hand, to make this *Monarchy* of one *Piece*, and not of one *Colour*. Look again, into the Examples, of *Forrain Countries* and take, that next us, of *France*, And there you shall find, that they have this *Distribution*; *Pais du droit Escrip*, and *Pais du droit Consumier*. For *Gascogne*, *Languedock*, *Province*, *Daulphenie*, are *Countries*, governed by the *Letter*, or *Text* of the *Civill Law*: But the *Ile* of *France* *Tourain*, *Ferry*, *Anjou*, and the rest, and most of all *Brittain* and *Normandy*, Are governed by *Customes*, which amount unto a *Municipal Law*, and use the *Civill Law*, but onely for *Grounds*, and to decide new and rare *Cases*, and yet nevertheless *Naturalization* passeth through all.

Secondly, that this *Union* of *Laws*, should precede the *Naturalization* or that it should go on *pari passu*, hand in hand, I suppose, likewise, can hardly be maintained: But the contrary, that *Naturalization* ought to precede. Of which my opinion, as I could yield many reasons, so because all this, is but a *Digression*, and therefore ought to be short, I will hold my self now onely to one, which is briefly and plainly this: That the *Union* of *Laws*, will ask a great *Time* to be perfected, both for the *Compiling* and for the *Passing*: Dureing all which time, if this *Mark* of *Strangers*, should be denied to be taken away, I fear it may induce, such a *Habit* of *Strangeness* as will rather be an *impediment*, than a *preparation* to further proceeding. For he was a wise Man that said; *Opportuni Magnis Conatibus Transitus Rerum*. And in those cases, *Non progredi est Regredi*. An like, as in a pair of *Tables* you must put out the former writing, before you can put in new; and again, that which you write in, you write *Letter* by *Letter*, But that which you put out, you put out at once: So we have now to deal with the *Tables* of *Mens hearts* wherein it is in vain to think you can enter, the willing acceptance of our *Laws* and *Customs*, except you first put forth all *Notes* either of *Hostility* or *Forrain Condition*. And these are to be put out, *simul et semel*, at once, without *Gradations*, whereas the other points are to be *imprinted* and *engraven* distinctly, and by *degrees*.

Thirdly, whereas it is conceived by some, that the *Communication*, of our *Benefits*, and *priviledges*, is a good hold, that we have over them to draw them to submit themselves to our *Laws*: It is an *Argument* of some *probability*, but yet to be answered many wayes. For first, the *Intent* is mistaken, which is not, as I conceive it, to draw them whol-

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ly, to a Subjection to our Laws; but to draw both Nations, to one uniformity of Law. Again to think, that there should be a kind of Articulate, and indented Contract, that they should receive our Laws; to obtain our priviledges: it is a matter in reason of estate not to be expected; Being that which scarcely a private Man will acknowledge, if it come to that, whereof *Seneca* speaketh; *Beneficium accipere, est Libertatem vendere*: No but courses of estate do describe and delineate another way; Which is to win them, either by benefit, or Custome. For we see in all Creatures, that men do Feed them first, and Reclaim them after. And so in the first institution of Kingdomes, Kings did first win People, by many Benefits, and Protections, before they prest any Yoke. And for Custome which the Poets call, *Imponere Morem*: Who doubts, but that the Seat of the Kingdome and the Example of the King, resting here with us, our Manners will quickly be there, to make all things ready for our Laws.

And lastly, the Naturalization, which is now propounded, is qualified, with such Restrictions, as there will be enough kept back to be used at all times for an Adamant, of drawing them further on to our Desires. And therefore, to conclude, I hold this Motion, of Union of Laws, very worthy, and arising from very good Minds, but not proper for this Time.

To come therefore to that, which is now in Question: It is no more but whither there should be a Difference made, in this priviledge of Naturalization, between the *Anti-Nati*, and the *Post-Nati*; Not in point of Law, (for that will otherwise be decided,) but only in point of Convenience; [As if a Law, were now to be made, *de novo*.] In which Question I will at this time onely answer two *Objections*; And use two *Arguments*, and so leave it to your Judgment.

The first *Objection* hath been; That if a Difference, should be, it ought to be in favour of the *Ante-Nati*; Because, they are Persons of Merit, Service, and Proof; whereas the *Post-Nati* are Infants, that (as the Scripture saith,) *know not the Right hand from the left*.

This were good Reason (Mr. Speaker) if the Question were of Naturalizing some particular persons, by a private Bill: But it hath no proportion, with the generall Case. For now, we are not to look to respects, that are proper to some, but to those, which are common to all. Now then, how can it be imagined, but that those that took their first Breath, since this happy Union inherent in his Majesties Person, must be more assured, and affectionate to this Kingdome, than those generally can be presumed to be, which were sometimes Strangers? For, *Nemo subito fingitur*: The Conversions of Minds are not so swift, as the Conversions of Times. Nay, in Effects of Grace, which exceed far the Effects of Nature, we see Saint Paul, makes a difference between those he calls *Neophites*; That is newly grafted into Christianity; And those that are brought up in the Faith. And so we see by the Lawes of the Church, that the Children of Christians shall be Baptized, in regard, of the Faith of their Parents; But the Child of an *Ethnick*, may not receive Baptism, till he be able, to make an understanding Profession of his Faith.

Another *Objection* hath been made; That we ought to be more provident, and reserved to restrain the *Post-Nati*, than the *Ante-Nati*: Because, during his Majesties time, being a Prince of so approved Wisdom, and Judgement, we need no better Caution, than the Confidence we may repose

repose in him: But in the Future Reigns, of succeeding Ages our Caution must be in *Re*, and not in *Persona*.

But, (Mr. Speaker) to this I answer; That as we cannot expect a *Prince* hereafter, less like to erre, in respect of his Judgement, so again, we cannot expect a *Prince*, so like to exceed (if I may so term it) in this point of Beneficence to that Nation, in respect of the occasion. For whereas all *Princes*, and all Men are won, either by Merit, or Conversation, there is no Appearance, that any of his *Majesties Descendants*, can have either of these Causes of Bounty, towards that Nation, in so ample Degree, as his *Majesty* hath. And these be, the two *Objections*, which seemed to me most materiall, why the *Post-Nati*, should be left free, and not be concluded, in the same Restrictions, with the *Ante-Nati*, whereunto you have heard the Answers.

The two Reasons which I will use, on the other side, are briefly these. The one, being a Reason of Common Sense; The other a Reason of Estate. We see (Mr. Speaker) the Time of the Nativity, is in most Cases, principally regarded. In Nature, the time of planting, and setting, is chiefly observed. And we see the *Astrologers*, pretend to judge of the Fortune of the Party, by the Time of the Nativity. In Lawes, we may not unfitly apply the Case of *Legitimation*, to the Case of *Naturalization*. For it is true, that the *Common Canon Law*, doth put the *Ante-Natus*, and the *Post-Natus* in one Degree; But when it was moved, to the Parliament of England; *Barones una voce responderunt, Nolumus Leges Anglia mutare*. And though, it must be confessed that the *Ante-Nati*, and *Post-Nati*, are in the same Degree, in *Dignities*, yet were they never so, in *Abilities*: For no Man doubts, but the Son of an *Earl*, or *Baron*, before his *Creation* or *Call*, shall inherite the *Dignity*, as well as the Son born after.

But the Son of an *Attainted Person*, born before the *Attainder*, shall not inherit, as the After born shall: notwithstanding *Charter of Pardon*.

The Reason of Estate is; That any Restriction of the *Ante-Nati*, is Temporary; And expireth with this Generation: But if you make it in the *Post-Nati* also, you do, but in substance, pen, a perpetuity of Separation.

(Mr. Speaker) in this point, I have been short, because I little expected this Doubt as to point of Convenience: And therefore will not much labour, where I suppose there is no greater Opposition.

A Report made by Sir FRANCIS BACON Knight, in the House of Commons, of a Speech delivered by the Earl of Salisbury, And another Speech delivered by the Earl of Northampton, at a Conference concerning the Petition of the Merchants, upon the Spanish grievances, Parliament 5. Jacobi.

And it please you, (Mr. Speaker,) I do not find my self, any wayes bound to report that which passed, at the last conference, touching the Spanish Grievances, having been neither employed to speak, nor appointed to Report in that Cause. But because it is put upon me, by a
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silent Expectation, grounded upon nothing, (that I know,) more than that I was observed, diligently to take notes; I am content, (if that Provision, which I made for mine own Remembrance, may serve this *House* for a Report,) not to deny you that *Sheafe*, that I have, in hast bound up. It is true, that one of his *Majesties Princivall Counsellours* in *Counses of Estate*, did use a *Speech*, that contained a World of Matter: But now, I shall be able to make a Globe of that World, therein I fear mine own strength.

His *Lordship* took the occasion of this, which I shall now report, upon the Answer which was by us made, to the Amendments, propounded, upon the *Bill of Hostile Laws*; Quitting that *Business*, with these few words; That he would discharge our Expectation of Reply, because their *Lordships* had no Warrant to Dispute. Then, continuing his *Speech*, he fell into this other Cause, and said; That being now to make Answer to a proposition of ours, as we had done to one of theirs, he wished it could be passed over with like Brevity. But he did foresee his way, that it would prove not only long, but likewise hard to find, and hard to keep: This Cause being so to be carried, as above all, no wrong be done to the *Kings* Sovereignty and Authority: And in the second place, no Misunderstanding do ensue between the two *Houses*. And therefore, that he hoped, his words should receive a benign Interpretation; Knowing well that pursuit and Drift of Speech, and multitude of Matter, might breed words to pass from him beyond the Compass of his Intention: And therefore he placed more Assurance and Caution, in the Innocency of his own meaning, and in the Experience of his Favours, then in any his Wariness or Watchfulness over his own Speech.

This respective preface used, his *Lordship* descended to the Matter it self; which he divided into three Considerations: For, he said, he would consider of the *Petition*.

First, as it proceeded from the *Merchants*.

Secondly, as from them, it was offered to the *Lower House*.

And thirdly, as from the *Lower House*, it was recommended to the *Higher House*.

In the First of these Considerations there fell out naturally a Subdivision, into the *Persons* of the Petitioners; and the Matter and *Parts* of the *Petition*. In the *Persons* of the *Merchants*, his *Lordship* made (as I have collected them) in number, eight Observations; whereof the three first respected the General Condition of *Merchants*; And the five following were applied to the particular Circumstances of the *Merchants* now complaining.

His *Lordships* first general Observation, was; That *Merchants* were of two sorts: The one sought their Fortunes (as the verse saith) *per Saxa, per Ignes*: And, as it is said in the same place, *Extremos currit Mercator ad Indus*; Subjecting themselves to Weather and Tempest; To Absence, and, as it were, Exile, out of their Native Countries; To Arrests, in Entrances of War; To Forrain Injustice, and Rigour, in times of Peace; And many other Sufferances and Adventures. But that there were others, that took a more safe, but a less generous Course in raising their Fortunes. He taxed none, but did attribute much more respect to the former.

The second General Observation which his *Lordship* made was, That the Complaints of *Merchants*, were usually subject to much Errour; In regard, that they spake (for the most part) but upon Information; And that carried through many Hands; And of Matters done in Remote parts: So as, a false, or factious Factor, might oftentimes make great Tragedies, upon no great Ground. Whereof, towards the End of his Speech, he brought an Instance,

of one trading the *Levant*; That complained of an Arrest of his Ship, And possessed the *Counsell-Table*, with the same complaint, in a vehement, and bitter fashion; Desiring and pressing some present and Expollulatory Letters, touching the same. Whereupon, some *Counsellours*, well acquainted with the like Heats, and forwardness, in Complaints, happened to say to him, Out of Conjecture, and not out of any Intelligence *What will you say if your Ship, which you complain to be under Arrest, be now und-r Sail, in way homewards?* Which fell out accordingly: The same Person confessing, six dayes after, to the Lords, that she was indeed in her way homewards.

The third generall *Observation*, which his *Lordship* made, was this, in Effect: That although he granted, that the Wealth, and Welfare of the *Merchant*, was not without a Sympathy, with the generall Stock, and State of a Nation, especially an *Island*, yet nevertheless, it was a thing, too familiar, with the *Merchant*, to make the Case of his particular profit, the publick Case of the *Kingdom*.

There follow, the particular *Observations*, which have a reference, and application, to the *Merchants*, that trade to *Spain*, and the *Levant*. Wherein his *Lordship*, did first, honourably, and tenderly, acknowledge, that their *Grievances* were great. That they did multiply; And that they do deserve, compassion, and help; But yet nevertheless, that he must use that loving plainness to them, as to tell them that in many things, they were Authors of their own miseries. For since the dissolving of the *Company*, which was termed the *Monopoly*; And was set free, by the special Instance of this *House*, there hath followed, such a Confusion, and Relaxation, in Order, and Government amongst them; As they do not only incur many Inconveniencies, and commit many Errours; But in the pursues of their own Remedies, and suites, they do it so impolitiquely, and after such a Fashion, as except, *Legier Embassadors* (which are the eyes of Kings in forrain parts,) should leave their *Centinell*, and become *Merchants Factors*, and *Sollicitours*, their Causes can hardly prosper. And which is more, such is now the Confusion in the Trade, as Shop-keepers and Handy-Craft-Men, become *Merchants* there; Who being bound, to no Orders, seek base means by Gifts and Bribery, to procure favours at the hands of Officers there. So as the honest *Merchant* that trades like a substantiall *Merchant*, and loves not to take servile Courses, to buy the Right due to him, by the Amity of the Princes, can have no Justice without treading in their steps.

Secondly, his *Lordship* did observe some Improbability, that the wrongs should be so great, considering Trading, into those parts was never greater; *whereas* if the wrongs, and griefs, were so intollerable, and continuall, as they propound them; It would work, rather a generall Discouragement, and Coldness of Trade, in *Fact*, than an earnest, and hot Complaint, in *Words*.

Thirdly, his *Lordship* did observe, that it is a course, (howsoever, it may be with a good intent) yet of no small presumption, for *Merchants* upon their particular *Grievances*, to urge things tending to a direct *War*, considering that nothing is more usual in *Treaties*, then that such particular Damgages, and Molestations of Subjects, are left to a Form of Justice, to be righted: And that the more high Articles, do retain, nevertheless their vigour inviolably; And that the great Bargain of the *Kingdome*, for *War*, and *Peace*, may, in no wise, depend, upon such petty Forfeitures: No more, than in common Assurance, between Man and Man, it were fit that

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upon every breach of Covenants, there should be limited a Re-entry. Fourthly, his Lordship did observe, in the manner of preferring their Petition, they had inverted due order, addressing themselves to the Foot, and not to the Head. For considering that they prayed no new Law, for their Relief, and that it concerned, Matter of Inducement, to War, or Peace, They ought to have begun with his Majesty, unto whose Royal Judgment, Power, and Office, did properly belong the discerning of that, which was desired, the putting in Act of that which might be granted; And the Thanks for that which might be obtained.

Fifthly, his Lordship did observe; That, as they had not preferred their Petition as it should be; So they had not pursued their own Direction, as it was. For, having directed their Petition to the King, the Lords spiritual and Temporal, and the Commons in Parliament assembled; It imported, as if they had offered the like Petition to the Lords; which they never did, Contrary, not only to their own Direction, but likewise to our Concept, who presupposed, (as it should seem, by some speech, that passed from us, at a former Conference;) That they had offered, several Petitions, of like tenour, to both Houses. So have you now, those eight Observations, part General part Special; which his Lordship made touching the Persons of those, which exhibited the Petition, and the Circumstances of the same.

For the Matter of the Petition itself, his Lordship made this Division; That it consisteth of three parts.

First, of the Complaints of wrongs in Fact.

Secondly, of the Complaints of wrongs in Law, as they may be truly termed, that is, of the Inequality of Lawes, which do regulate the Trade.

And thirdly, the remedy desired by letters of Mart.

The wrongs, in Fact, receive a local Distribution of three. In the Trade to Spain; In the Trade to the West Indies; And in the Trade to the Levant.

Concerning the Trade to Spain: Although his Lordship did use, much signification, of compassion, of the Injuries, which the Merchants received; and attributed so much, to their Profession, and Estate, as from such a mouth in such a Presence, they ought to receive, for a great deal, of Honour, and Comfort (which Kind of Demonstration, he did enterlace, throughout his whole Speech, as proceeding, *Ex Abundantia Cordis*) yet nevertheless, he did remember four Excusations, or rather Extenuations of those wrongs,

The first was, that the Injustices, complained of, were not in the Highest Degree, because they were Delays, and hard proceedings, and not Inique Sentences, or definitive Condemnations. Wherein I called to mind, what I heard a great Bishop say, that Courts of Justice, though they did not turn Justice into Wormwood, by Corruption; yet they turned it into Vinegar, by delays, which sowered it. Such a Difference did his Lordship make which, no question, is a Difference, *secundum Magis & Minus*.

Secondly his Lordship ascribed these Delays, not so much to Mallice, or Alienation of mind towards us, as to the Nature of the People, and Nation, which is Proud, and therefore Dilatory: For all proud Men are full of Delays, and must be waited on, and specially, to the Multitudes, and Diversities of Tribunals, and places of Justice, and the Number of the Kings Councils, full of Referrings, which ever prove of necessity, to be deferrings; Besides, the great distance of Territories. All which have made the Delays of Spain to come into a Byword, through the World. Wherein I think his Lordship might allude to the Proverb of Italy, *Me vengala Morte di Spagna. Let my Death come from Spain*: For then, it is sure, to be long a coming.

Thirdly

Thirdly, his *Lordship* did use an Extenuation of these wrongs, drawn from the Nature of Man (*Nemo subito fingitur*) For that we must make an account; That though the Fire of Enmity be out between *Spain*, and us, yet it vapoureth: The utter extingishing whereof, must be the work of Time.

But lastly, his *Lordship* did fall upon that Extenuation, which of all the rest, was forcible; which was, that many of these wrongs were not sustained without some Aspersions of the *Merchants* own Fault, in missing the Occasion, which grew chiefly in this manner.

There is contained, an *Article*, in the *Treaty* between *Spain* and us; That we shall not transport any Native Commodities, of the *Low-Countries*, into *Spain*: Nay more, that we shall not transport any *Opificia*; *Manufactures* of the same *Countries*. So that if an English Cloath take but a Dye in the *Low-Countries*, it may not be transported by the *English*: And the reason is, because even those *Manufactures*, although the Material come from other places, do yield unto them a Profit and Sustentation in regard their People are set on work by them, they have a gain likewise in the Price; And they have a Custom in the Transporting. All which the Policy of *Spain* is to debar them of; Being no less desirous, to Suffocate the *Trade* of the *Low-Countries*, then to reduce their *Obedience*. This *Article*, the *English Merchant*, either doth not, or will not understand: But being drawn with his threefold Cord of Love, Hate, and Gain, They do adventure to transport the *Low-Country* Commodities, of these natures; And so draw upon themselves these Arrests, and Troubles.

For the *Trade* to the *Indies*; His *Lordship* did discover unto us, the state of it to be thus. The Policy of *Spain* doth keep that Treasury of theirs, under such Lock and Key, as both Confederates, yea, and Subjects are excluded of Trade into those *Countries*: Inasmuch as the *French King*, who hath reason to stand upon equall termes with *Spain*, yet nevertheless, is by express *Capitulation* debarred. The *Subjects* of *Portugall*, whom the *State* of *Spain*, hath studied by all means to content, are likewise debarred: Such a vigilant *Dragon* is there, that keepeth this *Golden Fleece*: yet nevertheless, such was his *Majesties* Magnanimity in the Debate, and Conclusion of the last *Treaty*; As he would never condescend to any *Article*, importing the Exclusion, of his *Subjects*, from that *Trade*: As a *Prince* that would not acknowledge that any such Right could grow to the *Crown* of *Spain*, by the *Donative* of the *Pope*; whose Authority he Disclaimeth: Or by the Title of a dispersed and punctuall Occupation of certain Territories, in the name of the rest: But stood firm to reserve that point in full Question to further times, and occasions. So as it is left by the *Treaty* in suspence, neither debarred, nor permitted. The tenderness, and point of Honour whereof was such, as they; that went thither, must run at their own Perill. Nay further, his *Lordship* affirmed; That if yet, at this time his *Majesty* would descend to a course of entreaty, for the release of the Arrests in those parts, and so confess an Exclusion; And quite the point of Honour, his *Majesty* might have them forthwith released: And yet his *Lordship* added, that the Offences, and Scandalls of some, had made this point worse than it was, in regard, that this very last *Voyage* to *Virginia*; intended for *Trade* and *Plantation*; Where the *Spaniard* hath no People nor Possession, is already become inflamed for *Piracy*. Witness *Bingley*, who first insinuating his purpose to be an *Actour*, in that worthy *Action* of Enlarging *Trade* and *Plantation*, is become a *Pirate*; And hath been so pursued as his *Ship* is taken in *Ireland*, though his person is not yet in hold.

For the *Trade* to the *Levant* his *Lordship* opened unto us that the Complaint

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consisted, in effect, but of two Particulars: The one touching the Arrest of a Ship, called the *Trial*, in *Sicely*; The other, of a Ship called the *Vineyard*, in *Sardinia*. The First of which Arrests, was upon pretence of *Pyracy*: The Second, upon pretence of carrying *Ordinance* and *Powder* to the *Turk*: That *Process*, concerning the *Trial*, had been at the *Merchants* instance drawn to a Review in *Spain*, which is a Favour of exceeding rare President; being directly against the Liberties and Priviledges of *Sicely*. That of the *Vineyard*, notwithstanding it be of that nature, as (if it should be true) tender to the great Dishonour of our Nation; (whereof Hold hath been already taken by the *French Ambassadour*, residing at *Constantinople*; Who entred into a Scandalous Expostulation with his *Majesties Ambassadour* there, upon that and the like Transportations of Munition to the *Turk*, yet nevertheless, there is an Answer given, by Letters from the *Kings Ambassadour Legier* in *Spain*; That there shall be some Course taken, to give reasonable Contentment in that Cause, as far as may be: In both which Ships (to speak truly) the greatest Mass of loss may be included: For the rest are mean, in respect of the value of those two Vessels. And thus much his Lordship Speech comprehended concerning the wrongs in Fact.

Concerning the *Wrongs in Law*; That is to say, the *Rigour* of the *Spanish Laws*, extended upon his *Majesties Subjects* that traffique thither, his Lordship gave this Answer. That they were no new *Statutes*, or *Edicts*, devised for our *People*, or our *Times*; But were the ancient Lawes of that *Kingdome*: *Suus cuique mos*. And therefore, as Travellours must endure the Extremities of the Climate, and Temper of the Air, where they travell: So *Merchants*, must bear with the Extremities of the *Laws*, and Temper of the *Estate*, where they trade. Whereunto his Lordship added; that our own *Laws*, here in *England*, were not exempted from the like Complaints in *Forrain Parts*; Especially in point of *Marine Causes*, and *Depredations*; And that same swift Alteration of Property, which is claimed by the *Admiralty*, in case of Goods taken in *Pirates* hands. But that, we were to understand thus much of the *King of Spains* Care, and Regard, of our *Nation*; That he had written his Letters, to all *Corrigidors*, *Officers* of *Ports*, and other his *Ministers*; Declaring his will and pleasure, to have his *Majesties Subjects*, used with all *Freedome*, and *Favour*: And with this Addition, that they should have more Favour when it might be shewed, than any other. Which words, howsoever the Effects prove, are not suddainly to be required with peremptory Resolutions, till Time declare, the direct Issue.

For the third part of the *Matter*, of the *Petition*, which was the *Remedy*, sought by *Letters of Mart*; His Lordship seemed desirous to make us capable, of the Inconvenience, of that which was desired, by setting, before us two notable *Exceptions* thereunto: The one, that the *Remedy*, was utterly incompetent, and vain: The other that it was dangerous, and pernicious, to our *Merchants*; And, in consequence, to the whole *State*.

For the *weakness* of the *Remedy*; His Lordship wished us to enter into Consideration, what the *Remedy* was, which the *Statute* of *Henry the fifth*, (which, was now sought, to be put in Execution) gave in this Case, which was thus: That the *Party* grieved, should first complain to the *Keeper* of the private *Seals*; And from him, should take Letters unto the *Party*, that had committed the *Spoyl* for *Restitution*. And in default of *Restitution*, to be made upon such *Letters* served; Then to obtain of the

Chancellor, *Letters of Mart*, or *Reprisall*: which Circuit of *Remedy*, promised nothing but endlesse, and fruitles *Delay*; In regard that the first *Degree* prescribed, was never likely to be effected: It being so wilde a *Chace*, as to serve *Processe* upon the wrong-Doer, in *Forrain Parts*. Wherefore his *Lordship* said, that it must be, the *Remedy of Statute*, that must do good, in this case: which useth to proceed by *Certificats*, *Attestations*, and other means of *Information*; Not depending upon a *privy Seal* to be served upon the *Party*, whom happily they must seek out, in the *West-Indies*.

For the *Danger* of the *Remedy*; His *Lordship* directed our *Considerations*, to take notice of the proportions, of the *Merchants Goods*, in either *Kingdome*: As that the *Stock of Goods*, of the *Spaniard*, which is within his *Majesties Power* and *Distresse*, is a *Trifle*: Whereas the *Stock of English Goods* in *Spain*, is a *Masse*, of mighty value. So as if this *Courte of Letters of Mart*, should be taken to satisfy a few hot *Pursuitours* here; All the *Goods of the English Subjects* in *Spain*, shall be exposed to *Seisure*, and *Arrest*; And we have little, or nothing in our *Hands*, on this side to mend our selves upon. And thus much (*Mr. Speaker*) is that, which I have collected, out of that excellent *Speech*: concerning the *First main part* which was; The *Consideration of the Petition*, as it proceeded from the *Merchant*.

There followeth now the *Second Part*; Considering the *Petition*, as it was offered in this *House*. Wherein his *Lordship*, after an affectionate *Commemoration*, of the *Gravity*, *Capacity*, and *Duty*, which he generally found in the proceedings of this *House*; desired us nevertnelesse, to consider with him, how it was possible, that the entertaining of *Petitions*, concerning private *Injuries*, and of this *Nature* could avoid these three *Inconveniences*. The *First*, of *Injustice*; The *Second*, of *Derogation*, from his *Majesties* supreme, and absolute *Power*, of concluding *Warr*, or *Peace*, And the *Third*, of some *prejudice*, in reason of *Estate*.

For *Injustice*, it is plain, and cannot be denied, that we hear but the one *Part*: Whereas that *Rule*, *Audi alterum Partem*, is not of the *Formality*, but of the *Essence*, of *Justice*: Which is therefore figured, with both *Eyes shut*, and both *Eares open*. Because, she should hear both sides, respect *Neither*: So that if we should hap to give a right *Judgement*, it might be *Justum*, but not *Justè*, without hearing both *Parties*.

For the *Point of Derogation*; his *Lordship* said; He knew well, we were no lesse ready, to acknowledge, then Himself; That the *Crown of England* was ever invested (amongst other *Prerogatives*, not disputable) of an absolute *Determination*, and *Power*, of concluding, and making *Warr*, and *Peace*. Which, that it was no new *Dotation*, but of an ancient *Foundation* in the *Crown*, he would recite unto us a number of *Presidents* in the *Raignes* of severall *Kings*; And chiefly of those *Kings*, which come nearest his *Majesties* own worthiness: Wherein he said, that he would not put his *Credit*, upon *Ciphars*, and *Dates*; Because it was easie to mistake the year of a *Raign*, or number of a *Rowle*, but he would avouch them in substance, to be perfect and true, as they are taken out of the *Records*. By which *Presidents* it will appear; that *Petitions* made in *Parliament* to *Kings* of this *Realm*, his *Majesties Progenitours*; *Intermeddling* with matter of *Warr* or *Peace*, or *inducement* thereunto; Received small *Allowance*, or *Successe*; But were allwaies put off, with *Dilatory Answers*: Sometimes, referring the matter, to their *Conncell*; Sometimes to their

A Repo t, in
the House of
Commons, of
the Earle of
Salisburies,
and the
Earle of
Northampton
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A Report, in
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Commons, of
the Earle of
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and the
Earl of
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their Letters, sometimes to their further *Pleasure* and *Advice*, and such o-
ther *Formes*; Expressing plainly, that the Kings meant to reserve matter of
that Nature, entirely to their own Power, and pleasure.

In the 18th. year of King *Edward the First*; Complaint was made, by
the Commons, against the *Subjects*, of the *Earl of Flanders*, with *Peti-
tion*, of Redress: The Kings Answer was; *Rex nihil aliud potest, quam eod-
em modo petere*: That is, *The King could do no more, but make Request to
the Earl of Flanders*, as Request had been made to him: And yet no Bo-
dy will imagine, but King *Edward the First* was potent enough, to have
had his Reason of a *Count of Flaunders*, by a *Warr*: And yet, his An-
swer was; *Nihil aliud potest*; As giving them to understand, that the En-
tring into a *Warr*, was a matter *Transcendant*; that must not depend, up-
on such *Controversies*.

In the 4th. year of King *Edward the Third*; The *Commons* petitioned,
that the King would enter into certain *Covenants*, and *Capitulations*,
with the *Duke of Brabant*: In which *Petition*, there was also inserted,
somewhat touching a *Money matter*. The Kings answer was, that for that,
that concerned the *Moneys*, they might handle it, and examine it, but touch-
ing the *Peace* he would do, as to himself seemed good.

In the 18th. year, of King *Edward the Third*, the *Commons* petitioned,
that they might have, the *Triall*, and proceeding, with certain *Merchants
Strangers*, as *Enemies* to the *State*. The Kings answer was, *It should re-
main as it did, till the King had taken further order*.

In the 45th. yeare of King *Edward the Third* The *Commons* complained
that their *Trade* with the *Easterlings*, was not upon equall *Terms* (which
is one of the points insisted upon in the present *Petition*) and prayed an al-
teration, and reduction. The Kings answer was, *It shall be so as occasion
shall require*.

In the 50th. year, of the same King, The *Commons* petitioned to the
King for *Remedy* against the *Subjects* of *Spain*, as they now do. The
Kings answer was, *that he would write his Letter for Remedy*. Here is *Let-
ters of Request*, no *Letters of Mart*: *Nihil potest nisi eodem modo petere*.

In the same year, the *Merchants of Yorke*, *Petitioned* in *Parliament*, a-
gainst the *Hollanders*, and desired their *Ships* might be stayed, both in *En-
gland*, and at *Calaw*. The Kings answer was: *Let it be declared to the
Kings Councill, and they shall have such Remedy, as is according to Rea-
son*.

In the 1d. year of King *Richard the second*, the *Merchants* of the *Sea-
coast*, did complain of divers spoiles upon their *Shipp*s, and *Goods*, by
the *Spaniard*. The Kings answer was that with the advise of his *Councill* he
would procure remedy.

His *Lordship* cited two other *Presidents*, the one in the second year, of
King *Henry* the fourth, of a *Petition* against the *Merchants* of *Genova*:
the other, in the 11th. year of King *Henry* the 6th. of a *Petition*, against
the *Merchants* of the *Stilliard*, which I omit because they contain no va-
riety of answer.

His *Lordship* further cited two *Presidents*, concerning other points of
Prerogative, which are likewise *Flowers* of the *Crowne*, the one touching
the Kings *supremacy Ecclesiastical*, the other touching the *Order of Waights*
and *Measures*. The former of them, was in the time of King *Richard* the
1d. At what time, the *Commons* complained against certain *Encroachments*
and *Usurpations* of the *Pope*, and the Kings answer was, *The King hath
given*

given Order to his Councell to treat with the Bishops, thereof. The other was in the 18th. year of King Edward the First, at which time Complaint was made against uneven Weights, and the Kings answer was, *Vocentur partes ad placita Regis, & fit Justitia*: Whereby it appeared, that the Kings of this Realm, still used to refer Causes petitioned in Parliament, to the proper places of Cognizance and Decision. But for the matter of War, and Peace, as appears in all the former Presidents, the Kings ever kept it, in *Scrinio pectoris*, in the Shrines of their own Breast, assisted and advised by their Councell of Estate.

His Lordship did conclude, his Enumeration of Presidents, with a notable President in the 17th. year of King Richard the Second. A Prince of no such glory, nor strength: And yet when he made offer, to the Commons in Parliament, that they should take into their considerations, matter of War and Peace, then in hand, The Commons in Modesty excused themselves, and answered: *The Commons will not presume to treat of so high a charge*. Out of all which Presidents, his Lordship made this Inference, that as *Dies Diem Docet*, so by these Examples, Wise Men will be admonished to forbear those Petitions to Princes, which are not likely to have either Welcome hearing or an effectuall Answer.

And for Prejudice, that might come, of handling, and debating, Matter of War and Peace in Parliament; He doubted not, but that the Wisdom of this House, did conceive, upon what secret Consideration, and Motives that point did depend. For that, there is no King, which will providently, and Maturely, enter into a War; But will first ballance his own Forces; Seek to anticipate, Confederacies and Alliances, Revoke his Merchants; Find an opportunity of the first Breach; And many other points: which if they once do but take wind, will prove vain, and frustrate. And therefore that this Matter, which is *Arcanum Imperij*, one of the highest Mysteries of Estate, must be suffered to be kept within the Vaile. His Lordship adding, that he knew not well whether in that, which he had already said, out of an extreme Desire to give us satisfaction, he had not communicated more particulars then perhaps was requisite. Nevertheless, he confessed that sometimes, Parliaments have been made acquainted with Matter of War and Peace in a generality; But it was upon one of these two Motives: When the King and Councell conceived; That either it was Material, to have some Declaration of the zeal and Affection of the People: Or else when the King needed to demand Moneys and Aides, for the Charge of the Wars: Wherein, if Things did sort to War, we were sure enough, to hear of it. His Lordship hoping, that his Majesty, would find in us no lesse readiness to support it, than to perswade it.

Now, (Mr. Speaker,) for the last part; Wherein his Lordship, considered the Petition, as it was recommended from us; to the upper House, His Lordship delivered thus much from their Lordships; That they would make a good Construction of our Desires, as those, which they conceived, did rather spring, out of a Feeling, of the Kings Strength, And out of a feeling of the Subjects wrongs; Nay more, out of a Wisdom, and Depth, to declare our forwardness if need were to assist his Majesties future Resolutions, (which Declaration, might be of good use for his Majesties Service, when it should be blown abroad) Rather I say then that we did in any sort determine by this their Overture, to do that wrong to his Highness Supreme power, which happily, might be inferred by those, that were rather apt to make evill, then good Illations of our proceeding. And yet

A Report, in the House of Commons, of the Earl of Salisburys, and the Earl of Northamp-tons Speeches.



A Report, in
the House of
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Earl of
Northam-
tons Spee-
ches.



yet; that their *Lordships* for the reasons before said, most plainly tell us; That they neither could nor would concur with us, nor approve the course. And therefore concluded; That it would not be amiss for us, for our better Contentment, to behold the Conditions, of the last *Peace* with *Spain*, which were of a strange nature to him that duely observes them; No *Forces* recalled out of the *Low Countries*, No new *Forces* (as *Voluntaries*) restrained to go thither: So as the *King* may be in peace, and never a *Subject* in *England*, but may be in *War*: And then, to think thus with our selves; That that *King*, which would give no ground, in making his *Peace* will not loose any Ground, upon just provocation to enter into an *Honourable War*. And that in the mean time, we should know thus much, that there could be more forcible Negotiation, on the *Kings* part, but *Blowes*, to procure Remedy of those *wrongs*, nor more fair promise, on the *King* of *Spain*'s part, to give contentment, concerning the same: And therefore, that the Event, must be expected.

And thus (Mr. *Speaker*) have I passed over the *Speech*, of this worthy *Lord*, whose *Speeches* (as I have often said) in regard of his place, and Judgement, are extraordinary Lights, to this *House*; And have both the properties of *Light*, that is *Conducting*, and *Comforting*. And although (Mr. *Speaker*) a Man would have thought nothing had been left, to be said; Yet I shall now, give you account, of another *Speech*, full of excellent Matter, and Ornaments; And without Iteration. Which, nevertheless, I shall report more compendiously; Because I will not offer the *Speech* that wrong, as to report it at large, when your minds please, and Attentions, are already wearied.

The other *Earl*, who usually, doth bear a principal part, upon all important occasions, used a *Speech*, first of *Preface*, then of *Argument*. In his *Preface*, he did deliver, that he was perswaded, that both *Houses* did differ rather in *Credulity*, and Belief, than in Intention, and Desire. For it might be their *Lordships* did not believe the Information so far, but yet desired, the Reformation as much.

His *Lordship* said further, that the *Merchant* was a State, and Degree of persons; Not only to be respected, but to be prayed for, and graced them with the best Additions: That they were the *Convoyes*, of our supplies; The *Vents* of our Abundance; *Neptunes* Almshouses, and *Fortunes* Adventurers. His *Lordship* proceeded, and said; This *Question*, was new to us, but antient to them: Assuring us that the *King*, did not beare in vain, the Devise of the *Thistle*, with the word; *Nemo me lascescit impunè*; And that, as the Multiplying of his *Kingdomes*, maketh him feel his own Power; So the Multiplying of our Loves, and affections, made him to feel our Grievs.

For the *Arguments* or *Reasons*; they were Five in number, which his *Lordship* used, for satisfying us, why their *Lordships* might not concur with us in this *Petition*. The first was, the Composition of our *House*; which he tooke in the first foundation thereof, to be merely *Democraticall*; Consisting, of *Knights* of *Shires*, and *Burgesses* of *Townes*, and intended to be of those, that have their Residence, Vocation, and Employment, in the places for which they serve: And therefore to have a private and local wisdom, according to that *Compass*, and so not fit to examine, or determine, *Secrets of Estate*, which depend, upon such Variety of Circumstances, and therefore, added to the President, formerly vouched, of the 17th. of *King Richard* the 2d. When the *Commons* disclaimed to intermeddle

intermediate, in matter of War and Peace; That their answer was, that they would not presume to treat of so high, and variable a Matter. And although, his Lordship acknowledge that there be divers Gentlemen in the Mixture of our House; That are of good Capacity and Insight, in Matters of Estate; yet that was the Accident of the Person, and not the Intention of the Place; and things were to be taken in the *Instituta*, not in the *Practice*.

His Lordships second Reason was; That both by *Philosophy, and Civil Law, Ordinatio Belli & Pacis est absoluti imperij*; A principal Flower of the Crown. Which Flowers ought to be so dear unto us, as we ought, if need were, to water them with our Blood. For if those Flowers should by neglect or upon facility, and good affection, whither and fall, the Garland would not be worth the wearing.

His Lordships third Reason was, that Kings did so love to imitate *Primum Mobile*, as that they do not like to move in borrowed Motions: So that, in those things, that they do most willingly intend, yet they indure not to be prevented by Request. Whereof he did alledge a notable Example, in King Edward the 3d. who would not hearken to the *Petition* of his *Commons*, that besought him, to make the *Black Prince* Prince of Wales. But yet after that Repulse of their *Petition*, out of his own meer Motion, he created him.

His Lordships fourth Reason was; That it might be some scandal to step between the King, and his own *Vertue*: And that it was the Duty of *Subjects* rather to take honours from Kings Servants, and give them to Kings; then to take honours from Kings and give them to their Servants: Which he did very elegantly set forth in the Example of *Joab*, who lying at the *Siege of Rabbah*, and finding it could not hold out, writ to *David* to come and take the Honour, of taking the Town.

His Lordships last Reason was, that it cast some aspersion upon his Majesty; implying, as if the King slept out the *Sobs* of his *Subjects* until he was awaked with the *thunderbolt* of a *Parliament*.

But his Lordships Conclusion was very Noble, which was with a Protestation; That what Civil Threats, Contestation, Art, and Argument, can do, hath been used, already, to procure, *Remedy* in this Cause: And a Promise, That if Reason of State, did permit; as their Lordships were ready to spend their Breath, in the pleading of that we desire, so they would be ready to spend their Bloods in the Execution thereof.

This was the *Resolution* of that which passed.

A Speech used to the King, by his Majesties Solliciter being chosen, by the Commons, as their Mouth and Messenger, for the presenting to his Majesty, the Instrument, or writing of their Grievances; In the Parliament 7°. Jacobi.

MOST gracious Sovereign; The Knights, Citizens, and Burgeses, assembled in Parliament, in the House of your Commons, in all humbleness do exhibit and present, unto your Sacred Majesty, in their own words, though by my hand their *Petitions* and *Grievances*. They are here conceived, and set down in writing; According to Ancient Custome of *Parliament*. They are also prefaced, according to the Manner and Taste, of these later Times.

A Speech to
the King
concerning
the Grievances of
the House.

A Speech about Wards, and Liveries.

Therefore, for me to make any Additional *Preface*, were neither warranted, nor convenient: especially speaking before a *King*; The exactness of whose Judgement, ought to scatter, and chase away all unnecessary Speech, as the *Sun* doth a *Vapour*. This only I must say: Since this *Session* of *Parliament*, we have seen your Glory in the Solemnity of the *Creation*, of this most Noble *Prince*: We have heard your Wisdom, in sundry excellent *Speeches*, which you have delivered amongst us. Now we hope to find and feel, the Effects of your Goodness, in your Gracious Answer, to these our *Petitions*. For this we are perswaded, that the *Attribute*, which was given by one of the wisest Writers, to two of the best *Emperours*; *Divus Nerva* & *Divus Trajanus*; (So saith *Tacitus*) *Res olim infociabiles miscuerunt, Imperium, & Libertatem*; May be truly applyed, to your *Majesty*. For never was there such a Conservatour of *Regality*, in a *Crown*; Nor never, such a *Protector* of lawfull freedome, in a *Subjct*.

Onely this, (*Excellent Sovereign*;) Let not the sound of *Grievances* (though it be sad,) seem harsh to your Princely ears; It is but *Gemitus Columbae*; the *Plourning of a Dove*; with that patience and humility of heart, which appertineth to loving and Loyal *Subjct*s. And far be it from us; But that, in the midt of the Sense of our Grievances, we should remember, and acknowledge the infinite Benefits, which by your *Majesty*, next under God we do enjoy; which bind us to wish unto your life Fulness of Dayes; And unto your *Line Royal*, a Succession, and Continuance, even unto the worlds end.

It resteth, that unto these *Petitions* here included, I do add one more, that goeth to them all: Which is; That if in the words, and frame of them, there be any thing offensive; Or that we have expressed our selves otherwise than we should or would; That your *Majesty* would cover it, and cast the Vaile of your Grace upon it; And accept of our good intentions; And help them, by your benign Interpretation.

Lastly I am most humbly to crave a particular pardon, for my self, that have used these few words; And scarcely, should have been able to have used any at all, in respect of the Reverence which I bear to your Person and Judgement; had I not been somewhat relieved, and comforted by the experience, which in my Service, and Access I have had of your continual *Grace* and *Favour*.

A Speech of the Kings Solicitor, used unto the Lords, at a Conference, by Commission, from the Commons Moving and perswading the Lords to joyn with the Commons in Petition to the King; To obtain Liberty to treat of a Composition with his Majesty, for Wards, and Tenures in the Parliament, 7^o. Jacobi.

THe *Knights*, *Citizens*, and *Burgesses*, of the *House of Commons*, have commanded me, to deliver to your *Lordships*, the *Causes* of the *Conference*, by them prayed, and by your *Lordships* assented, for the second *Business*, of this *Day*. They have had Report, made unto them, faithfully, of his *Majesties* Answer declared by My *L. Treasurer*, touching their humble desire to obtain Liberty, from his *Majesty*, to treat of compounding for *Tenures*. And first, they think

think themselves much bound unto his Majesty, that in *Renova*, in which case Princes use to be apprehensive, he hath made a gracious construction, of their proposition. And so much they know of that, that belongs to the Greatness of his Majesty, and the Greatness of the Cause; As themselves acknowledge, they ought not to have expected a present Resolution, though the *Wise-Man* saith; *Hope deferred is the Fainting of the Soul*. But they know their Duty to be, to attend his Majesties Times, at his good pleasure. And they do it with the more comfort, because that in his Majesties answer (Matching the Times, and weighing the passages thereof,) they conceive in their Opinion, rather Hope than discouragement.

But the principal Causes of the Conference now prayed; (Besides these significations of Duty, not to be omitted) are two Propositions. The one Matter of *Excuse*, of themselves: The other Matter of *Petition*. The former of which grows thus. Your Lordship (my *L. Treasurer*) in your last Declaration of his Majesties Answer, (which according to the Attribute then given unto it, had *Imaginem Cesaris*, fair and lively graven,) made this true and effectual Distribution, that there depended upon Tenures, Considerations of Honour, of Conscience, and of Utility: Of these three, *Utility*, as his Majesty set it by for the present, out of the Greatness of his Mind, so we set it by, out of the Justness of our Desires: For we never meant but a goodly and worthy Augmentation of the Profit now received, and not a Diminution, (But to speak truly) that Consideration falleth naturally to be examined, when Liberty of Treaty is granted: But the former two indeed, may exclude Treaty, and cut it off, before it be admitted,

Nevertheless, in this that we shall say concerning those Two, we desire to be conceived rightly: We mean not to dispute with his Majesty, what belongeth to *Sovereignty Honour*, or his Princely Conscience; Because we know, we are not capable to discern them otherwise than as Men use sometimes to see the Image, of the *Sun* in a Pail of Water. But this we say for our selves, God forbid, that that we knowingly, should have propounded any thing that might in our sense, and persuasion touch either of both: and therefore herein we desire to be heard, not to inform, or persuade his Majesty, but to free and excuse our selves.

And first, in general, we acknowledge that this Tree of Tenures, was planted into the Prerogatives by the ancient common Law of this Land: That it hath been Fenced in, and preserved, by many Statutes; And that it yieldeth, at this day to the King the Fruit of a great Revenue. But yet notwithstanding, if upon the Stem of this Tree, may be raised a Pillar of support to the Crown Permanent, and durable as the Marble, by investing the Crown with a more ample, more certain, and more loving Dowry than this of Tenures, we hope we propound no Matter of Disservice.

But to speak, distinctly, of both, and first of Honour. Wherein, I pray your Lordships, give me leave in a Subject that may seem, *supra Nos* to handle it rather as we are capable, then as the Matter perhaps may require. Your Lordships well know, the various Mixture, and Composition of our House. We have in our House learned Civilians, that profess a Law, that we reverence and sometimes consult with: They can tell us, that all the *Lans de Feodis*, are but Additionals to the Ancient Civil Law, and that the Roman Emperours, in the full height of their Monarchy never knew them, So that they are not Imperial, We have grave professors of the Common Law, who will define unto us that those are parts of Sovereignty, and of the Royal Prerogative which cannot be communicated with Subjects: But for Tenures in substance, there is none of your Lordships, but have them, and few of us but have them. The

A Speech about Wards, and Liveries.



A Speech about Wards, and Liveries.



King indeed, hath a priority, or first Service, of his *Tenures*, which shewes, that they are not *Regall*, nor any point of *Soveraignty*. We have Gentlemen, of honourable Service, in the *Wars*, both by Sea, and Land; Who can inform us, that when it is in question, who shall set his foot foremost towards the Enemy, it is never asked, whether he hold in *Knights Service*, or in *Socage*. So have we many *Deputy Lieutenants*, to your *Lordships*, and many *Commissioners* that have been for *Musters*, and *Levies* that can tell us, that the Service and Defence of the *Realm*, hath in these dayes little dependance upon *Tenures*. So then we perceive, that it is no Bond or Ligament, of *Government*; No Spur of Honour, no Bridle of Obedience: Time was, when it had other uses, and the Name of *Knights Service* imports it: But *Vocubula manent, Res fugiunt*. But all this which we have spoken, we confesse to be but in a vulgar Capacity, which nevertheless, may serve for our excuse, though we submit the Thing it self, wholly to his *Majesties* Judgement.

For Matter of *Conscience*, Far be it from us, to cast in any Thing, willingly, that may trouble that clear Fountain of his *Majesties* conscience. We do confesse, it is a noble Protection, that these young *Birds* of the *Nobility*, and good *Families*, should be gathered and clocked under the wings of the *Crown*. But yet, *Natura vis maxima: And suus cuique discretus sanguis*. Your *Lordships* will favour me: to observe my former Method. The *Common Law* it self, which is the best bounds of our wisdom doth even, in *hoc Individuo*, prefer the *prerogative* of the *Father*, before the *prerogative* of the *King*: For if *Lands* descend held in chief, from an Ancestour, on the part of a Mother, to a Mans eldest Son, the *Father* being alive, The *Father*, shall have the Custody of the Body and not the *King*. It is true, that this is only for the *Father*, and not any other *Parent*, or *Ancestour*: But then if you look, to the high *Law* of *Tutelage*, and Protection, and of *Obedience* and *Duty*, which is the *Relative* thereunto; It is not said, *Honour thy Father alone*, But, *Honour thy Father, and thy Mother*, &c. Again, the *Civilians* can tell us, that there was a special Use of the *Pretorian Power*, for *Pupils*, and yet no *Tenures*. The *Citizens* of *London*, can tell us; There be *Courts* of *Orphants*, and yet no *Tenures*. But all this while, we may pray your *Lordships*, to conceive; That we think our selves, not competent, to discern of the *Honour*, of his *Majesties Crown*, or the *Shrine* of his *Conscience*; But leave it wholly unto him and alledge these things, but in our own *Excuse*.

For matter of *Petition*, we do continue our most humble suit by your *Lordships* loving Conjunction, that his *Majesty* will be pleased, to open unto us, this entrance of his *Bounty*, and *Grace*; as to give us liberty, to treat. And lastly, we know his *Majesties* Times, are not subordinate at all, but to the *Globe* above: About this time, the *Sun* hath got even with the *Night*, and will rise apace, And we know, *Solmons Temple* (whereof your *Lordship*, my *Lord Treasurer*, spake) was not built in a day: And if we shall be so happy, as to take the *Axe* to hew, and the *Hammer* to frame, in this Cause we know, it cannot be, without Time; And therefore, as far, as we may, with *Duty*, and without *Importunity*, we most humbly desire, an *Acceleration* of his *Majesties Answer*, according to his good time, and *Royal Pleasure*.

A Speech a-
bout recei-
ving the
Kings Mes-
sages.

A Speech of the Kings Solicitor, perswading the House of Commons to desist from further Question, of receiving the Kings Messages, by their Speaker; and from the Body of the Council, as well as from the Kings Person; In the Parliament 7°. Jac.

IT is my desire, that if any the Kings business, either of honour or profit, shall pass the House, it may be, not only with external prevailing, but with satisfaction of the Inward Man. For in consent, where *torque-strings*, not *heart-strings*, make the *Musick*; that *Harmony* may end in *discord*. To this I shall always bend my endeavours.

The Kings Sovereignty, and the Liberty of Parliament, are as the two Elements, and Principles of this Estate; which, though the one be more active, the other more passive, yet they do not cross, or destroy, the one the other; but they strengthen, and maintain, the one the other. Take away Liberty of Parliament, the griefs of the Subject will bleed inwards. Sharp and eager Humours will not evaporate; and then they must exulcerate, and so may endanger the Sovereignty it self. On the other side, if the Kings Sovereignty receive diminution, or any degree of contempt with us that are born under an Hereditary Monarchy; (so as the motions of our Estate cannot work in any other Frame, or Engine;) it must follow, that we shall be a *Meteore*, or *Corpus imperfecte mixtum*; which kind of Bodies come speedily to confusion and dissolution. And herein it is our happiness, that we may make the same judgment of the King, which Tacitus made of Nerva; *Dixus Nerva, res olim Dissociabiles miscuit, Imperium, & Libertatem*. Nerva did temper things, that before were thought incompatible, Sovereignty, and Liberty. And it is not amiss, in a great Council, and a great Cause, to put the other part of the difference, which was significantly expressed, by the judgment which Apollonius made of Nero; which was thus. When Vespasian came out of Judea, towards Italy, to receive the Empire; as he passed by Alexandria, he spake with Apollonius, a man much admired; and asked him a Question of State. What was Nero's fall, or overthrow? Apollonius said, Nero could tune the Harp well, but in Government he always either wound up the Pins too high, and strained the strings too far; or let them down too low, and slackened the strings too much. Here we see the difference between regular and able Princes, and irregular and incapable; Nerva, and Nero. The one tempers and mingles the Sovereignty with the Liberty of the Subject, wisely; and the other doth interchange it, and vary it unequally, and absurdly. Since therefore we have a Prince of so excellent Wisdom and Moderation, of whose Authority we ought to be tender, as he is likewise of our Liberty; let us enter into a true and indifferent consideration, how far forth the Case in Question may touch his Authority, and how far forth our Liberty. And to speak clearly, in my Opinion it concerns his Authority much, and our Liberty nothing at all.

The Questions are two. The one, Whether our Speaker be exempted from delivery of a Message from the King, without our Licence. The other, Whether it is not all one, whether he received it from the Body of the Council, as if he received it immediately from the King. And I will speak of the last first, because it is the circumstance of the present Case.

First,

A Speech about
recording the
Kings Messages.



First, I say, let us see how it concerns the *King*, and then how it concerns *Us*? For the *King*, certainly, if it be observed, it cannot be denied, but if you may not receive his pleasure by his *Representative Body*, which is his *Counsel* of his *Estate*; you both streighten his *Majesty*, in point of conveniency, and weaken the Reputation of his *Counsel*. All *Kings*, though they be *Gods* on Earth, yet (as he said) they are *Gods* of Earth: They may be of extreme Age; they may be indisposed in health; they may be absent. In these cases, if their *Councils* may not supply their persons, to what infinite accidents do you expose them? Nay more, sometimes in policy *Kings* will not be seen, but cover themselves with their *Council*; and if this be taken from them, a great part of their safety is taken away. For the other point, of *weakening* the *Councils*; you know they are nothing without the *King*. They are no *Body Politique*: They have no *Commission* under *Seal*. So as, if you begin to distinguish, and disjoyn them from the *King*, they are *Corpus Opacum*; For they have *Lumen de Lumine*; And so, by distinguishing, you extinguish the principle Engine of the *Estate*. For it is truly affirmed, that *Consilium non habet potestatem delegatam, sed inherentem*: And it is but *Rex in Cathedra*; the *King* in his *Chair*, or *Consistory*, where his Will and Decrees, which are in privacy more changeable, are settled and fixed.

Now for that which concerns our *selves*. First for *Dignity*, no man must think this a disparagement for us. For the greatest *Kings* in *Europe*, by their *Embassadors*, receive *Answers* and *Directions* from the *Council* in the *Kings* absences: And if that *Negotiation* be fit, for the *Fraternity* and *Party* of *Kings*; it may much less be excepted to by *Subjects*.

For use or benefit, no man can be so raw, and unacquainted in the *affairs* of the *World*, as to conceive there should be any disadvantage in it; as if such *Answers* were less firm and *certain*. For it cannot be supposed, that men of so great *Caution*, as *Councillours* of *Estate* commonly are; (whether you take *Caution* for *Wisdom*, or *Providence*; or for *Pledges* of *Estate*, or *Fortune*;) will ever erre, or adventure so far, as to exceed their *Warrant*. And therefore I conclude, that in this point there can be unto us, neither disgrace, nor disadvantage.

For the point of the *Speaker*. First, on the *Kings* part, it may have a shrewd Illation: For it hath a shew, as if there could be a stronger *Duty*, then the *Duty* of a *Subject* to a *King*. We see the degrees and differences of duties in Families, between *Father*, and *Son*; *Master*, and *Servant*; in Corporate *Bodiés*, between *Communalities*, and their *Officers*; *Recorders*, *Stewards*, and the like; yet all these give place to the *Kings* *Commandments*. The *Bonds* are more special, but not so forcible. On our part, it concerns us nothing. For first it is but *de Canali*, of the *Pipe*; How the *Kings* *Message* shall be conveyed to us, and not of the matter. Neither hath the *Speaker* any such *Dominion*, as that coming out of his mouth, it presseth us more then out of a *Privy Councillours*. Nay, it seems to be a great *Trust* of the *Kings* towards the *House*; when the *King* doubteth not to put his *Message* into their *Mouth*; as if he should speak to the *City* by the *Recorder*: Therefore, methinks, we should not entertain this unnecessary doubt. It is one use of wit, to make clear things doubtful; but it is a much better use of wit, to make doubtful things clear; And to that, I would, men would bend themselves.

A Speech about receiving the Kings Messages.

A brief Speech, in the End of the Session of Parliament, 7^o. Jac. Perswading some Supply, to be given to his Majesty; which seemed then to stand upon doubtful terms; And passed upon this Speech.

THe proportion of the *Kings Supply*, is not new in question: For when that shall be, it may be I shall be of Opinion, that we should give so now, as we may the better give again. But as things stand for the present, I think the point of Honour and Reputation, is that, which his Majesty standeth most upon; That our Gift, may at least be like those showers that may serve, to lay the *Winds*; Though they do not sufficiently, *Water the Earth*.

To labour, to perswade you, I will not; For I know not into what Form, to cast my *Speech*. If I should enter into a Laudative (though never so due and just) of the *Kings* great Merits, it may be taken for Flattery: If I should speak, of the strait Obligations, which intercede, betwene the *King* and the *Subject*, in case of the *Kings* want, it were a kind of concluding the *House*, If I should speak, of the dangerous Consequence, which Want may reverberate upon *Subjects*, it might have a shew, of a secret Menace.

These *Arguments* are (I hope) needles; And do better in your Minds, then in my Mouth. But this, give me leave to say; That whereas the Example, of *Cyrus* was used, who sought his *Supply*, from those upon whom he had bellowed his *Benefits*, we must always remember; That there are, as well *Benefits* of the *Scepter*, as *Benefits* of the *Hand*; As well of *Government*, as of *Liberality*. These I am sure we will acknowledge to have come, *plena manu*, amongst us all; And all those whom we represent, and therefore, it is every Mans *Head*, in this Case; that must be his Counsellour, and every Mans *Heart* his Orator, and those inward powers are more forcible, then any Mans *Speech*, I leave it, and wish it may go to the *Question*.

A Speech delivered by the Kings Attorney, Sir Francis Bacon, in the Lower House; When the House was in great heat, and much troubled about the undertakers; which were thought to be, some able and for ward Gentlemen; Who to ingratiate themselves with the King, were said to have undertaken, that the Kings *Business*, should pass in that House, as his Majesty could wish. In the Parliament, 12^o. Jac.

(Mr. Speaker,)

I Have been hitherto silent, in this Matter of *undertaking*; wherein, as I perceive, the *House*, is much enwrapp'd.

First, because, (to be plain with,) I did not well understand, what it meant

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A speech
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meant, or what it was; And I do not love to offer at that, that I do not thoroughly conceive. That private Men, should undertake, for the *Commons* of *England*, Why? A Man might as well undertake for the four *Elements*? It is a thing, so giddy, and so vast, as cannot enter into the Brain of a sober Man. And specially, in a new *Parliament*; When it was impossible to know, who should be of the *Parliament*; And when all Men that know never so little, the Constitution of this *House*, do know it to be so open to Reason; As Men do not know, when they enter into these Doors, what mind themselves will be of, until they hear Things argued and debated. Much less, can any Man make a policy of Assurance; what Ship shall come safe home into the Harbour in these Seas. I had heard of *undertakings* in several kinds: There were *undertakers* for the Plantations of *Derry* and *Colerane* in *Ireland*, the better to command and bridle those Parts: There were not long ago some *undertakers* for the *North-West Passage*, And now there are some *undertakers* for the Project of *Died and Dressed Cloaths*; And in short, every *Movelty* useth to be strengthened, and made good, by a kind of *undertaking*. But for the Ancient *Parliament* of *England*, which moves in a certain Manner and Sphear; To be *undertaken*, it passes my reach to conceive, what it should be. Must we be all *Died and Dressed*, and no pure *Whites* amongst us? Or must there be a new passage found, for the *Kings Business*, by a point of the *Compass*, that was never sailed by before? Or must there be some *Forts* built in this *House*, that may command and contain the rest? (Mr. *Speaker*) I know, but two *Forts* in this *House*, which the *King* ever hath; The *Fort* of *Affection*, and the *Fort* of *Reason*; The one, Commands the *Hearts*, and the other Commands the *Heads*, and others, I know none. I think *A sop* was a wise Man that described the nature of the *Fly*, that sat upon the spoke of the *Chariot Wheel*, and said to her self; *What a Dust do I raise?* So for my part, I think, that all this *Dust* is raised, by light *Rumours* and *Buzzes*, and not upon any solid Ground.

The second *Reason*, that made me silent, was because this Suspicion, and Rumor, of *undertaking*, settles upon no Person certain. It is like the *Birds* of *Paradise*, that they have in the *Indies*, that have no Feet, and therefore, they never light upon any place, but the wind carries them away: And such a thing do I take this *Rumour* to be.

And lastly, when that the *King* had, in his two several *speeches*, freed us from the main of our Fears, in affirming, directly, that there was no *undertaking* to him; And that, he would have taken it to be no less derogation to his own *Majesty*, than to our Merits; To have the Acts of his people transferred to particular persons; that did quiet me thus far, That these *Vapours* were not gone up to the *Head*, howsoever they might glow and estuate in the *Body*.

Nevertheless, since I perceive that this Cloud, still hangs over the *House*; And that it may do no hurt, as well in Fame abroad, as in the *Kings* Ear, I resolved with my self to do the part of an honest voice in this *House*, to counsel you, what I think to be for the best.

Wherein first, I will speak plainly of the pernicious Effects of the Accident of this Brute and Opinion, of *undertaking*, towards particulars, towards the *House*, towards the *King*, and towards the *People*.

Secondly, I will tell you, in mine Opinion, what *undertaking* is tolerable, And how far it may be justified, with a good mind, and on the other side, this same Ripping up of the *Question* of *undertakers*, How far it may proceed from a good Mind, and in what kind it may be thought malicious and dangerous.

Third.

Thirdly, I will shew you my poore advice, what Means there are to put an end to this Question of *Undertaking*; Not falling for the present upon a precise Opinion; But breaking it, how many wayes there be by which you may get out of it; And leaving the choice of them to a *Debate* at the *Committee*.

And Lastly, I will advise you how things are to be handled at the *Committee*, to avoid distraction and loss of Time.

For the First of these, I can say to you but as the Scripture saith, *Si invicem mordetis, ab invicem consumunt*. If ye Fret and Gall one anothers Reputation; The end will be, that every Man shall go hence, like *Coyne* cried down; Of less price than he came hither. If some shall be thought to lawn upon the *Kings* Business openly; And others to cross it secretly; Some shall be thought *Practicers*, that would pluck the Cards; And others shall be thought *Papists*, that would shuffle the Cardes, what a Misery it this, that we should come together to fool one another, instead of procuring the publick good?

And this ends not in particulars, but will make the whole *House* contemptible: For now I hear Men say, that this Question of *undertaking*, is the predominant Matter of this *House*. So that we are now according to the *Parable* of *Jotham*, in the Case of the *Trees* of the *Forrest*; That when Question was, whether the *Vine* should *raign* over them? That might not be: And whether the *Olive* should *raign* over them? that might not be; But we have excepted the *Bramble* to *raign* over us. For it seemes that the good *Vine* of the *Kings* Graces, that is not so much in esteem: And the good *Oyle*, whereby we should salve and relieve the wants of the Estate and Crown, that is laid aside too: And this *Bramble* of *Contention* and *Emulation*; This *Abimelech*, which (as was truly said, by an understanding Gentleman) is a *Bastard* (For every Fame that wants a Head is *Filius populi*) This must *raign* and *rule* amongst us.

Then for the *King* nothing can be more opposite, *Ex diametro*, to his Ends and Hopes than this. For you have heard him profess like a *King*, and like a *gracious King*; that he doth not so much respect his present supply as this demonstration, that the *Peoples* Hearts are more knit to him to him than before. Now then, if the Issue shall be this, that whatsoever shall be done for him, shall be thought to be done but by a number of Persons, that shall be laboured and packt; This will rather be a sign of *Diffidence* and *Alienation*, than a natural *Benevolence* and *Affection*, in his People at home; And rather Matter of *Disreputation*, than of *Honour* abroad. So that to speak plainly to you; The *King* were better call for a new Pair of Cards, then play upon these if they be packt.

And then for the *People*, it is my manner ever, to look as well beyond a *Parliament*, as upon a *Parliament*; And if they abroad shall think themselves betrayed by those that are their *Deputies*, and *Attornies* here, it is true, we may bind them, and conclude them, But it will be with such murmur and *Insatisfaction*, as I would be loath to see.

These things might be dissembled; And so things left to bleed inwards: But that is not the way, to cure them. And therefore I have searched the *Sore*, in hope that you will endeavour the *Medicine*.

But this to do more throughly, I must proceed to my second Part, to tell you cleerely, and distinctly, what is to be set on the Right hand, and what on the left, in this business.

A speech
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troubled a-
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A Speech
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House was
troubled a-
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takers.



First, if any Man hath don good Offices, to advise the *King* to call a *Parliament*, and to increase the good affection and Confidence of his *Majesty*, towards his *People*, I say that such a person doth rather *Merit* well, than commit any Errour, nay further, if any man hath out of his own good mind, given an opinion, touching the minds of the *Parliament* in general; How it is probab'e, they are like to be sound, and that they will have a due feeling of the *Kings* wants, and will not deale drily or illiberally with him, this man that doth but think of other mens minds, as he finds his own, is not to be blamed. Nay further, if any Man hath coupled this with good wishes and Propositions; That the *King* do comfort the Hearts of his *People*, and testifie his own love to them, by filing off the harshness of his *Prerogative*; Retaining the substance and strength; And to that purpose, like the good *householder* in the *Sripture*, That brought forth old store and new, hath revolved the Petitions and Propositions of the last *Parliament*, and added new; I say this Man hath sown good seed; And he that shall draw him into Envy for it, sows *Tares*. Thus much of the *Right hand*. But on the other side, if any shall mediately, or immediately infuse into his *Majesty*, or to others, that the *Parliament* is as *Cato* said of the *Romans*, like *Sheep*; That a Man were better drive a Flock of them than one of them; And however, they may be wise Men severally, yet in this Assembly, they are guided by some few, which if they be made and assured, the rest will easily follow: This is a plain Robbery of the *King* of Honour, and his *Subjects* of Thanks, and it is to make the *Parliament* vile and servile in the eyes of their *Soveraign*, and I count it no better than a supplanting of the *King* and *Kingdome*. Again, if a Man shall make this Impression, that it shall be enough for the *King* to send us some things of shew, that may serve for colours, and let some *Eloquent Tales* be told of them, and that will serve *Ad faciendum populum*, any such person will find, that this *House* can well skill of False Lights, and that it is no wooing Tokens but the true Love, already planted, in the Breast of the *Subjects* that will make them do for the *King*. And this my Opinion, touching those that may have perswaded a *Parliament*. Take it on the other side (for I mean in all things to deal plainly) if any Man hath been diffident touching the Call of a *Parliament*, thinking that the best meanes were first for the *King* to make his utmost tryal to subsist of himself, and his own means, I say an Honest and faithful Heart might consent to that opinion, and the event it seems doth not greatly discredit it hitherto. Again if any Man shall have been of opinion, that it is not a particular Party that can bind the *House*; Nor, that it is not Shewes or Colours can please the *House*, I say, that Man though his speech tend to discouragement, yet it is coupled with providence. But by your leave if any Man since the *Parliament* was called, or when it was in speech, shall have laid Plots to crosse the good will of the *Parliament* to the *King*; By possessing them, that a few shall have the thanks; And that they are (as it were) bought and sold, and betrayed; And that, that which the *King* offers them, are but Baites, prepared by particular persons; Or have raised rumcurs, that it is a packt *Parliament*; To the end, nothing may be done, but that the *Parliament* may be dissolved (as *Gamesters* use to call for new Cards, when they mistrust a Pack:) I say, These are Engines, and Devises, Naught, maligne and Seditious.

Now for the *Remedy*; I shall rather break the matter, (as I said in the Beginning, then advise positively. I know but three wayes. Some *Message* of Declaration to the *King*. Some *Entry*, or *protestation*, amongst our selves

Or

Of some, *strict and punctual Examination*. As for the last of these, I assure you I am not against it, if I could tell where to begin or where to end. For certainly; I have often seen it, that things when they are smother, trouble more than when they break out. Smoak blinds the Eyes, but when it blazeth forth into Flame, it gives light to the Eyes. But then if you fall to *Examination*; some *Person* must be charged; some *Matter* must be charged: And the *Manner* of that *Matter* must be likewise charged; For it may be in a Good Fashion; and it may be in a Bad; In as much difference as betweene Black and White: And then, how far Men will *ingeniously confesse*, how far they will *politickly deny*; And what we can *Make*, and *gather* upon their *Confession*; And how we shall prove against their *Denial*, It is an endless peece of Work; And I doubt that we shall grow weary of it.

For a *Message* to the King; It is the Course, I like best; so it be carefully, and considerately, handled: For if we shall represent to the King, the Nature of this *Body* as it is; Without the vayles or shadows, that have been cast upon it; I think we shall do him Honour, and our selves Right.

For any thing that is to be done *amongst our selves*, I do not see much gained by it; Because it goes no further than *our selves*: Yet if any thing can be wisely conceived to that end, I shall not be against it; But I think, the purpose of it is fittest to be; Rather that the House conceives that all this is but a Misunderstanding; Than to take knowledge that there is indeed a Just ground, and then to seek by a *Protestation* to give it a *Remedy*. For *Protestations*, and *Professions*, and *Apologies*, I never found them very Fortunate; But they rather encrease suspicion than clear it.

Why then the Last part is, that these things be handled at the *Committee* seriously and temperately: Wherein I wish that these four Degrees of *Questions* were handled in order.

First, whether we shall do any thing at all in it; Or passe by it and let it sleep.

Secondly, whether we shall enter into a particular *Examination* of it?

Thirdly, whether we shall content our selves with some *Entry* or *Protestation* amongst our selves?

And Fourthly, whether we shall proceed to a *Message* to the King; And what?

Thus I have told you mine Opinion. I know it had been more safe and politicke to have been silent, but it is perhaps, more honest and loving to speak. The old verse is: *Nam nulli tacuisse nocet, nocet esse locutum*. But by your leave, *David* saith; *Silui a bonis, & dolor meus renovatus est*. When a man speaketh, he may be wounded by Others, but if he hold his peace from Good things, he wounds himself. So I have done my part, and leave it to you to do that which you shall judge to be the best.

A Speech
when the
House was
troubled a-
bout under-
takers.

CRD

A Charge
in the Star-
Chamber
against
William
Talbot.



The Charge of Sir Francis Bacon Knight, his Majesties Attorney Generall, against William Talbot, a Counsellor at Law, of Ireland, upon an Information in the Star-Chamber Oretenus; For a writing under his Hand, whereby the said William Talbot being demanded, whether the Doctrine of Suarez, touching Deposing and Killing of Kings Excommunicated were true or no? He answered, that he referred himself unto that which the Catholick Roman Church, should determine thereof. Ultimo die Terminij Hilarij, undecimo Jacobi Regis:

My Lords,

I Brought before you the first sitting of this Term the Cause of Duels: But now this last sitting, I shall bring before you a Cause concerning the greatest Duell, which is in the Christian World, the Duels, and Conflicts, between the lawful authority, of Sovereign Kings, which is Gods Ordinance for the comfort of Humane Society, and the swelling pride, and usurpation, of the See of Rome in Temporalibus, tending altogether to Anarchy and confusion. Wherein if this pretence by the Pope of Rome by Cartels, to make Sovereign Princes as the Banditi, and to proscribe their Lives, and to expose their Kingdomes to prey, if these pretences (I say) and all persons, that submit themselves to that part of the Popes power, be not by all possible severity, repressed and punished; The State of Christian Kings, will be no other than the ancient Torment described by the Poets, in the Hell of the Heathens, a man sitting richly robed solemnly attended, delicious fare, &c. With a Sword hanging over his Head, hanging by a small thread, ready every moment to be cut down, by an accursing, and accursed hand. Surely, I had thought they had been the prerogatives of God alone, and of his secret Judgements; Solvam Cingula Regum, I will loosen the Girdles of Kings; Or again, He powreth contempt upon Princes, or I will give a King in my wrath, and take him away again, in my displeasure. And the like, But if these be the Claims of a Mortal Man, certainly, they are but the Mysteries of that Person which exalts himself above all that is called God, Supra omne quod dicitur Deus (Note it well) Not above God. (though that in a sense be true in respect of the Authority they claim over the Scriptures) But Above all that is called God, that is, Lawfull Kings and Magistrates..

But my Lord, in this Duell I find this Talbot that is now before you, but a Coward, For he hath given ground, he hath gone backward and forward, but in such a fashion, and with such interchange of Repenting, and relapsing, as I cannot tell whether it doth extenuate or aggravate his Offence. If he shall more publicly in the face of the Court fall, and settle, upon a right mind, I shall be glad of it, and he that would be against the Kings mercy, I would he might need the Kings mercy, but neverthelesse, the Court will proceed by Rules of Justice.

The offence wherewith I charge this Talbot, Prisoner at the Bar, is this, in brief and in effect, that he hath maintained, and maintaineth under his hand a power in the Pope for the Deposing and murdering of Kings. In what sort he doth this, when I come to the proper and particular charge, I will deliver it in his own words, without pressing or straining.

But

But before I come to the particular charge of this man, I cannot proceed so coldly, but I must express unto your Lordships the extreme and imminent danger wherein our dear and dread Sovereign is, and in him we all; Nay, and wherein, all Princes of both Religions (for it is a common cause) do stand at this day, by the spreading and enforcing of this furious and pernicious Opinion of the Popes Temporal Power; which though the modest sort would blanch with the distinction of, *In ordine ad Spiritualia*, yet that is but an Elusion; for he that maketh the *Distinction*, will also make the *Case*. This peril, though it be in it self notorious, yet because there is a kind of dulness, and almost a Lethargy in this Age, give me leave to set before you two Glasses, such as certainly the like never met in one Age; the Glasses of France, and the Glass of England. In that of France, the Tragedies acted and executed in two immediate Kings; in the Glass of England, the same, or more horrible, attempted likewise in a Queen and King immediate, but ending in a happy deliverance. In France, H. 3. in the face of his Army, before the walls of Paris, stabbed by a wretched Jacobine Fryer, H. 4. (a Prince that the French do surname the Great) one that had been a Saviour and Redeemer of his Country from infinite calamities, and a Restorer of that Monarchy to the ancient state and splendour, and a Prince almost Heroical (except it be in the point of Revolt from Religion;) At a time, when he was as it were to mount on Horse-back, for the Commanding of the greatest Forces that of long time had been levied in France; this King likewise stilletted by a Rascal votary, which had been enchanted and conjured for that purpose.

In England, Queen Elizabeth, of blessed memory; a Queen comparable, and to be rankt with the greatest Kings, oftentimes attempted by like Votaries, Sommers, Parr, Savage, and others, but still protected by the Watch-man that slumbreth not. Again, our excellent Sovereign King James, the sweetness and clemency of whose Nature, were enough to quench and mortifie all Malignity; and a King shielded and supported by Posterity: Yet this King in the Chair of Majesty, (his Vine and Olive branches about him;) attended by his Nobles, and Third Estate in Parliament, ready, in the twinkling of an eye, (as if it had been a particular Dooms-day) to have been brought to ashes, dispersed to the four Winds. I noted, the last day my Lord Chief Justice, when he spake of this Powder Treason, he laboured for words; though they came from him with great efficacy, yet he truly confessed, and so must all men, That that Treason is above the Charge and Report of any words whatsoever.

Now, my Lords, I cannot let pass, but in these Glasses which I spake of, besides the Facts themselves, and danger, to shew you two things. The one the ways of God Almighty, which turneth the Sword of Rome upon the Kings that are the Vassals of Rome, and over them gives it power; but protecteth those Kings which have not accepted the Yoak of his Tyranny from the effects of his malice. The other, that (as I said at first) this is a common cause of Princes; it involveth Kings of both Religions; and therefore his Majesty did most worthily and prudently ring out the Alarum Bell, to awaken all other Princes to think of it seriously, and in time. But this is a miserable case the while, that these Roman Souldiers do either thrust the Spear into the side of Gods Anointed, or at least they Crown them with Thorns; that is, piercing and pricking cares and fears, that they can never be quiet, or secure of their Lives or States. And as this peril is common to Princes of both Religions; so Princes of both Religions have been likewise equally sensible of every injury that touch't their Temporal.

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Thuanus reports in his Story, that when the *Realm* of *France* was interdicted by the violent proceedings of *Pope Julius* the 2^d. the King, *Lewis* the 12th. otherwise noted for a moderate Prince; caused *Coyns* of *Gold* to be stamped with his own Image; and this Superscription; *Perdam nomen Babylonis e terra*. And *Thuanus* saith, himself hath seen divers pieces thereof. So as this *Catholick King* was so much incensed at that time; in respect of the *Popes Usurpation*, as he did fore-run *Luther*, in applying *Babylon* to *Rome*. *Charles* the 5th. *Emperour*, who was accounted one of the *Popes* best Sons; yet proceeded, in matter temporal, towards *Pope Clement*, with strange rigour; never regarding the *Pontificality*, but kept him prisoner eighteen moneths in a pestilent Prison; and was hardly dissuaded by his Council from having sent him *Captive* into *Spain*; and made sport with the threats of *Frosberg*, the *German*, who wore a silk Rope under his *Cassock*, which he would shew in all companies; telling them, that he carried it to strangle the *Pope* with his own hands. As for *Philip* the *Fair*, it is the ordinary example, how he brought *Pope Boniface* the 8th. to an ignominious end, dying mad and enraged; and how he stiled his Rescript to the *Popes Bull*, whereby he challenged his *Temporal*; *Sciat Fatuitas Vestra*; not your *Beatitude*, but your *Stultitude*; a *Stile* worthy to be continued in like cases; for certainly that claim is meerly folly and fury. As for *Native Examples* here, it is too long a Field to enter into them. Never *Kings* of any *Nation* kept the Partition Wall between *Temporal* and *Spiritual*: better in times of greatest *Superstition*: I report me to King *Edward I.* that set up so many *Crosses*, and yet crossed that part of the *Popes Jurisdiction*, no man more strongly. But these things have passed better *Pens* and *Speeches*: Here I end them.

But now to come to the particular Charge of this man, I must inform your *Lordships* the occasion and nature of this offence: There hath been published lately to the *World* a work of *Suarez*, a *Portugese*, a *Professor* in the *University* of *Coimbra*, a confident and daring *Writer*, such an one as *Tully* describes in detision; *Nil tam verens, quam ne dubitare, aliqua de re, videatur*: One that fears nothing but this, least he should seem to doubt of any thing. A Fellow that thinks with his *Magistrality*, and *Goof-quill*, to give *Laws* and *Mannages* to *Crowns* and *Scepters*. In this mans writing this *Doctrin* of *deposing* and *murdering Kings*, seems to come to a higher elevation then heretofore; and it is more arted, and positived, then in others. For in the passages which your *Lordships* shall hear read anone, I find three *Affertions* which run not in the vulgar *Tract*, but are such as wherewith *mensears* (as I suppose) are not much acquainted; whereof the first is, *That the Pope hath a superiority over Kings, as Subjects, to depose them; not only for Spiritual Crimes, as Heresie and Schisme, but for faults of a Temporal Nature; forasmuch as a Tyrannical Government tendeth ever to the destruction of Souls*. So by this Position, *Kings* of either *Religion* are alike comprehended, and none exempted. The second, that after a *Sentence* given by the *Pope*, this *Writer* hath defined of a *Series*, or *succession* or *substitution* of *Hangmen*, or *Burrees* to be sure, least an *Executioner* should fail. His *Affertion* is, *That when a King is sentenc'd by the Pope to deprivation or death, the Executioner, who is first in place, is he to whom the Pope shall commit the Authority, which may be a foreign Prince, it may be a particular Subject, it may be, in general, to the first undertaker. But if there be no direction or assignation in the Sentence special nor general, then, de Jure, it appertains to the next Successor: (A natural and pious Opinion; for commonly they are Sons, or Brothers, or near of Kin, all is one:)* So as the *Successor* be apparent, and also that he be a *Catholick*: But if he be doubtful.

doubtful, or that he be no Catholick, then it devolves to the Commonalty of the Kingdome; so as he will be sure to have it done by one Minister or other. In the third, he distinguisheth of two kinds of Tyrants, a Tyrant in Title, and a Tyrant in Regiment; The Tyrant in Regiment cannot be resisted or killed without a Sentence precedent by the Pope; but a Tyrant in Title may be killed by any private man whatsoever. By which Doctrine he hath put the judgment of Kings Titles (which I will undertake are never so clean, but that some vain Quarrel or Exception may be made unto them;) upon the fancy of every private man; and also couples the Judgment and Execution together, that he may judge him by a Blow, without any other Sentence.

Your Lordships see what monstrous Opinions these are, and how both these Beasts, the Beast with seven Heads, and the Beast with many Heads, Pope and people; are at once let in, and set upon the sacred persons of Kings.

Now to go on with the Narrative: There was an Extract made of certain sentences and portions of this Book (being of this nature that I have set forth) by a great Prelate and Councillor upon a just occasion; and there being some hollownes and hesitation in these matters (wherein it is a thing impious to doubt) discovered and perceived in Talbot, he was asked his Opinion, concerning these Assertions, in the presence of his Majesty: And afterward they were delivered to him, that upon advice, and *Sedato animo*, he might declare himself, whereupon, under his hand, he subscribes thus.

May it please your Honourable good Lordships; Concerning this Doctrine of Suarez, I do perceiv, by what I have read in his Book, that the same doth concern matter of Faith, the Controversie growing upon Exposition of Scriptures and Councils, wherein (being ignorant, and not studied) I cannot take upon me to judge; but I do submit mine Opinion therein to the judgment of the Catholick Roman Church, as in all other points concerning Faith I do: And for matter, concerning my Loyalty, I do acknowledge my Sovereign Liege Lord King James, to be lawful and undoubted King of all the Kingdomes of England, Scotland, and Ireland; and I will bear true Faith and Allegiance to his Highness, during my life.

Now (my Lords) upon these words I charge William Talbot to have committed a great offence, and such an one as if he had entred into a voluntary and malicious publication of the like writing, it would have been too great an offence for the capacity of this Court. But because it grew from a Question askt by a Council of Estate, and so rather seemeth, in a favourable construction, to proceed from a kind of submission to answer, then from any malicious or insolent will, it was fit, according to the clemency of these times, to proceed in this manner before your Lordships: And yet let the hearers take these things right; for certainly, if a man be required by the Lords of the Council to deliver his Opinion whether King James be King or no? and he deliver his Opinion that he is not, this is High Treason: But I do not say that

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that these words amount to that; And therefore let me open them truly to your *Lordsships*, and therein open also, (it may be) the Eyes of the *Offender* himself, how far they reach.

My *Lords*, a Mansallegiance, must be Independent, not provisional, and conditional. *Elizabeth Barton*, that was called the *Holy Maid of Kent*, affirmed; *That if K. H. 8. Did not take Katherine of Spain, again to his Wife, within a twelve moneth, he should be no King;* And this was judged *Treason*. For though this Act, be Contingent and Future; yet *Treason of compassing* and imagining the *Kings* Destruction is present.

And in like manner, if a man should voluntarily publish or maintain; that whensoever a *Bull*, or *Deprivation* shall come forth against the *King*, that from thenceforth, he is no longer *King*: This is of like Nature, But with this I do not charge you neither: But this is the true *Latitude* of your *Words*; That if the *Doctrine* touching the killing of *Kings*, be *Matter of Faith*, that you submit your self to the Judgement of the *Catholick Roman Church*: So as now (to do you right) your *Allegiance* doth not depend simply upon a *Sentence* of the *Popes* *Deprivation*, against the *King*; But upon another point also; If these *Doctrines* be already, or shall be declared to be matter of *Faith*. But my *Lords* there is little won in this: There may be some Difference, to the guiltiness of the Party; But there is little to the danger of the *King*. For the same *Pope of Rome*, may with the same breath declare both. So as still upon the matter, the *King* is nupte but *Tenant at will*, of his *Life* and *Kingdoms*; And the *Allegiance* of his *subjects*, is pinn'd upon the *Popes* *Act*. And certainly it is Time to stop the *Current* of this Opinion of acknowledgement of the *Popes* power, in *Temporalibus*; Or else it will supplant the Seat of *Kings*. And let it not be mistaken, that Mr. *Talbots* Offence should be no more, than the Refusing of the *Oath of Allegiance*. For it is one thing to be silent, and another thing to affirm. As for the Point of *Matter of Faith*, or not of *Faith*, To tell your *Lordsships* plain, it would astonish a Man, to see the Gulf of this implied *Belief*. Is nothing excepted from it? If a Man should ask Mr. *Talbot*, whether he do condemn *Murder*, or *Adultery*, or *Rape*, or the *Doctrine* of *Mahomet*, or of *Arius*, in stead of *Suzres*; Must the answer be with this exception, that if the Question concern matter of Faith, (as no question, it doth for the Moral Law is matter of *Faith*) That therein, he will submit himself, to what the *Church* shall determine? And no doubt, the *Murder* of *Princes*, is more then *simple Murder*. But to conclude (Mr. *Talbot*) I will do you this Right and I will not be reserved in this, but to declare that, that is true; That you came afterwards to a better mind; Wherein, if you had been constant, the *King* out of his great goodness, was resolved not to have proceeded with you, in Course of Justice. But then again you *Started asid* like a broken Bow. So that by your Variety, and *Facillation* you lost the acceptable time, of the first Grace, which was not to have convented you.

Nay, I will go farther with you. Your last *submission*, I conceive to be *Satisfactory* and *Compleat*; But then it was too late, the *Kings* Honour was upon it; It was published and the *Day* appointed for hearing: Yet what preparation that may be to the second pardon, that I know not: but I know, my *Lords*, out of their accustomed favour will admit you not only to your Defence, concerning that, that hath been Charged; But to extenuate your Fault, by any *Submission*, that now, *God* shall put, into your mind, to make.

The

The Charge given by Sr. Francis Bacon, his Majesties Attorney General, against Mr. I. S. for Scandalizing, and Traducing in the publick Sessions, Letters sent from the Lords of the Council, touching the Benevolence.

A Charge against I. S. for scandalizing the Benevolence

MY Lords, I shall inform you *ore tenus*, against this Gentleman, Mr. I. S. A Gentleman (as it seems) of an ancient *House*, and *Name*, But for the present, I can think of him by no other Name, than the Name of a great *Offender*. The *Nature* and *Quality* of his *Offence*, in sum is this. This *Gentleman*, hath upon advice, not suddenly by his *Pen*; Nor by the *Slip* of his *Tongue*; Not privately, or in a *Corner*, but publickly; as it were to the face of the *Kings Ministers* and *Justices*; Slandered and Traduced the *King* our *Sovereign*; The *Law* of the *Land*, the *Parliament*, and infinite *Particulars* of his *Majesties* worthy and loving *Subjects*. Nay, the *Slander* is of that *Nature*, that it may seem to interest the *People*, in *Grief* and *Discontent* against the *State*; whence might have ensued, *Matter* of *Murmer* and *Sedition*. So that it is not a *Simple Slander*, but a *Seditious Slander*, like to that, the *Poet* speaketh of —*Calamisque, armare Veneno*.

A *Venemous Dart*, that hath both *Iron*, and *Poyson*—

To open to your *Lordsships* the true *State* of this *Offence*, I will set before you first the *Occasion*, whereupon Mr. I. S. wrought: Then the *Offence* it self in his own words: And lastly the *Points* of his *Charge*.

My *Lords*, you may remember that there was the last *Parliament*, an *Expectation* to have had the *King* supplied with *Treasure*, although the *Event* failed. Herein, it is not fit for me to give *opinion*, of an *House* of *Parliament*, but I will give *testimony* of *Truth* in all places. I served, in the *Lower House*, and I observed somewhat. This I do affirm, that I never could perceive, but that there was in that *House*, a general *Disposition* to give, and to give largely. The *Clocks* in the *House*, perchance might differ; Some went too fast, some went too slow: But the *Disposition* to give, was general; So that I think, I may truly say; *Solo tempore lapsus Amor*.

This *Accident*, happening thus, besides *expectation*: It stirred up, and awaked in divers of his *Majesties* worthy servants, and *Subjects* of the *Clergy*, the *Nobility*, the *Court* and others here near at hand, an affection loving and checreful; to present the *King*, some with *Plate*, some with *Money*, as *Free will offerings*; (a Thing that *God Almighty* loves a *Cheerfull Giver*, what an *Evil Eye* doth, I know not (And my *Lords*) let me speak it plainly unto you; *God* forbid any *Body* should be so wretched, as to think, that the *Obligation* of *Love* and *Duty*, from the *Subjects*, to the *King*, should be *Joynt* and not *several*, No my *Lords*, it is both. The *Subject* petitioneth to the *King* in *Parliament*. He *Petitioneth* likewise, out of *Parliament*. The *King* on the other side, gives *graces* to the *Subjects* in *Parliament*: He gives them likewise and poureth them upon his *People* out of *Parliament*, and so no doubt the *Subject* may give to the *King* in *Parliament*, and out of *Parliament*. It is true the *Parliament*, is *Intercursus magnus*;

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The great *Intercourse* and *Main Current* of *Graces*, and *Donatives* from the *King* to the *People*; from the *People* to the *King*: But *Parliaments* are held but at certain times: Whereas the passages are alwayes open for *Particulars*: Even as you see great *Rivers*, have their *Tides*; But particular *Springs* and *Fountains*, run continually.

To proceed therefore; as the *Occasion* (which was the failing of *Supply* by *Parliament*) did awake the *Love* and *Benevolence* of those, that were at hand to give: So it was apprehended and thought fit by my *Lords* of the *Council*, to make a proof whether the occasion and Example both, would not awake those in the *Country* of the better sort to follow. Whereupon, their *Lordsships* devised and directed *Letters* unto the *Sheriffs* and *Justices*, which declared what was done here above, and wished that the *Country* might be moved, especially *Men* of value.

Now my *Lords*, I beseech you give me favour and attention, to set forth, and observe unto you five *Points*: I will number them because other *Men* may note them; and I will but touch them, because they shall not be drowned, or lost, in discourse) which I hold worthy the observation, for the *Honour* of the *State*, and *Confusion* of *Slanders*: Whereby it will appear most evidently, what care was taken that that which was then done, might not have the effect, no nor the shew, no nor so much as the shadow of a *Tax*, and that it was so far from breeding or bringing in any ill president or Example, as contrarywise, it is a *Corrective*, that doth *Correct* and *allay* the *Harshness* and danger of former *Examples*.

The first is; That what was done, was done immediately after such a *Parliament*, as made general profession to give and was interrupted by accident; So as you may truly and justly esteem it; *Tanquam Posthuma Proles Parliamenti*, as an *After Child* of the *Parliament*; and pursuit (in some small measure) of the firm Intent of a *Parliament* past. You may take it also if you will, as an *Advance* or *Provisional Help*, untill a *Future Parliament*: Or as a *Gratification* simply without any Relation to a *Parliament*; you can no wayes take it amiss.

The Second is, that it wrought upon Example; as a thing not devised, Or projected, or required; No nor so much as recommended untill many that were never moved nor dealt with *Ex mero motu*, had freely and frankly sent in their presents. So that the *Letters* were rather like *Letters* of *News*, what was done at *London* then otherwise: and we know *Exempla ducunt non trahunt*; *Examples they do but lead, they do not draw nor drive*.

The Third is, That it was not done by *Commission* under the *Great Seal*; a thing warranted by a *Multitude* of *Presidents*, both ancient, and of late time, as you shall hear anon; and no doubt warranted by *Law*; So that, the *Commissions*, be of that *Stile* and Tenour, that as they be to move, and not to levy: But this was done by *Letters* of the *Council* and no higher *Hand*, or *Form*.

The Fourth is, That these *Letters* had no more shew of any *Binding Act* of *State*. For they contain not any special *Frame* of *Direction*, how the *Business* should be *Managed*; But were written, as upon trust; leaving the matter wholly to the *Industry* and *Confidence* of those in the *Country*; So that it was an *absque Comp.to*; Such a form of *Letter* as no *Man* could fitly be called to accept upon.

The Fifth, and last *Point* is, that the whole *Carrivage* of the *Business*, had no *Circumstance compulsorv*. There was no *Proportion*, or *Rate*, set down not so much as by way of a *Wish* there was no *Menace* of any that should deny

No

No Reproof of any that did deny, no certifying of the Names of any, that had denied. Indeed, if Men could not content the selves to deny, but that they must censure, and inveigh; Nor to excuse themselves but they must accuse the State, that is another Case. But, I say, for Denying, no Man was apprehended, no nor noted. So that I verily think, that there is none so subtil a Disputer in the *Controversie of Liberum Arbitrium*, that can with all his Distinctions fasten or carp upon the *de*, but that there was *Free will* in it.

I conclude therefore (My Lords) that this was a *True* and pure *Benevolence*. Not an *Imp fit on* called a *Benevolence*, which the *Statute* speaks of; As you shall hear, by one of my *Fellows*. There is a great Difference I tell you (though *Pilate* would not see it,) between *Rex Judæorum*, and *se dicens Regem Judæorum*; And there is a great difference, between a *Benevolence* and an *Exaction*, called a *Benevolence*; which the *Duke of Buckingham* speaks of, in his *Oration* to the *City*: And defineth it, to be not what the Subject of his good will, would give, but what the *King* of his good will, would take. But this I say, was a *Benevolence* wherein every man had a *Princes Prerogative*, a *Negative Place*: And this word (*Excuse moi*) was a *Plea peremptory*. And therefore, I do wonder, how Mr. *I. S.* could foul or trouble, so clear a Fountain; Certainly, it was but his own Bitterness, and unsound Humours.

Now to the particular *Charge* amongst other *Countreys*, these Letters of the *Lords* came to the *Justices of D—shire*, who signified the Contents thereof; and gave Directions, and appointments, for meetings concerning the business, to several *Towns* and *Places*, within that *County*: and amongst the rest, notice was given, unto the *Town of A*: the *Major of A*; conceiving, that this Mr. *I. S.* (being a Principall Person, and a *Dweller* in that *Town*) was a Man likely to give both money and good Example: Dealt with him, to know his mind. He intending (as it seemes) to play prizes, would give no answer, to the *Major* in private, but would take Time. The next day then being an appointment of the *Justices* to meet, he takes occasion or pretends occasion to be absent, because he would bring his *Papers* upon the *Stage*: and thereupon, takes Pen in hand, and instead of excusing himself sets down and contriveth a seditious and libellious accusation against the *King* and *State*; which your *Lordships* shall now hear, and sends it to the *Major*: and withal, because the Feather of his Quill might fly abroad, he gives authority to the *Major* to impart it to the *Justices* if he so thought good. And now my *Lords*, because I will, not mistake or mishear, you shall hear the *Seditious Libell*, in the proper terms and words thereof.

Here the Papers were read.

MY Lords, I know this *Paper* offends your Ears much, and the Ears of any good *Subject*: and sorry I am that the *Times* should produce Offences of this nature: But since they do I would be more sorry they should be passed without severe punishment: *Non tradite factum* (as the *Verse* sayes altered a little) *Aut si traditis, Facti quæ traditis penam*. If any man have a mind to discourse of the *Fact*; let him likewise discourse of the punishment of the *Fact*.

In this *Writing* (my *Lords*) there appears a *Monster* with four *Heads*, of the progeny of him that is the *Father* of *Lies* and takes his *Name* from *Slender*.

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A Charge against I. S. for Scandalizing the Benevolence

The first is a wicked and seditious Slander, Or, (if I shall use the *Scripture* phrase) a Blaspheming, of the *King* himself; setting him forth, for a *Prince*, perjured in the great and solemn *Oath* of his *Coronation*, which is as it were the *Knot* of the *Diadem*, A *Prince* that should be a *Violator*, and *Infringer* of the *Liberties, Lawes, and Customes* of the *Kingdome*, a mark for an *H.* the 4th. A *Match* for a *R.* the 2d.

The Second is a *Slander* and *Falsification*, and *wresting* of the *Law* of the *Land*, gross, and palpable, it is truly said by a *Civilian*, *Tortura Legum pessima*, the *Torture* of *Lawes*, is worse then the *Torture* of *Men*.

The third is a slander, and false charge of the *Parliament*, that they had denied to give to the *King* a point of notorious untruth.

And the last is a *Slander* and *Taunting* of an infinite Number of the *Kings* loving *Subjects*, that have given towards this *Benevolence* and *free Contribution*: Charging them as *Accessary* and *Coadjutours*, to the *Kings* *Perjury*. Nay you leave us not there, But you take upon you a *Pontifical Habit*, and couple your *Slander* with a *Curse*, but thanks be to *God*, we have learned sufficiently out of the *Scripture*, that as the *Bird* flies away, so the *causeless Curse* shall not come,

For the first of these, which concerns the *King*, I have taken to my self the opening and Aggravation thereof, the other three I have distributed to my *Fellowes*.

My *Lords*, I cannot but enter into this part with some *Wonder* and *astonishment*, How it should come into the *Heart* of a *Subject* of *England* to vapour forth such a wicked and venomous *slander* against the *King*, whose goodness, and *Grace* is comparable (if not incomparable) unto any the *Kings* *Progenitors*. This therefore gives me a *Just* and necessary occasion to do two *Things*. The one to make some *Representation* of his *Majesty*; Such as truly he is found to be in his *Government*, which *Mr. I. S.* chargeth with *Violation* of *Lawes*, and *Liberties*. The other to search and open the *Depth* of *Mr. I. S.* his *Offence*. Both which, I will do briefly; Because the one I cannot express sufficiently, And the other, I will not press too far.

My *Lords*, I mean to make no *Panegyrick* or *Laudative*: The *King* delights not in it, neither am I fit for it: But if it were but a *Councillor* or *Nobleman*, whose *Name* had suffered, and were to receive some kind of *Reparation*, in this *High-Court*, I would do him that *Duty* as not to pass his *Merits* and just *Attributes*, (especially such as are limited with the present *Case*) in *silence*: For it is fit to burn *Incence* where *evil Odours* have been cast and raised. Is it so that *King James* shall be said to be a *Violator* of the *Liberties, Lawes, and Customes* of his *Kingdomes*? Or is he not rather a noble, and *Constant Protector* and *Conseruator*, of them all? I conceive this consisteth in maintaining *Religion*, and the *true Church*; in maintaining the *Lawes* of the *Kingdome*, which is the *Subjects Birth-right*; In *temperate use* of the *Prerogative*: In due, and free *Administration* of *Justice*, and *Contervation* of the *Peace* of the *Land*:

For *Religion*, we must ever acknowledge in the first place, that we have a *King*, that is the *Principal Conseruator* of true *Religion* through the *Christian World*. He hath maintained it not only with *Scepter* and *Sword*, but likewise by his *Pen*, wherein also he is *Potent*.

He hath Awaked, and Reauthorized, the whole *Party* of the *Reformed Religion* throughout *Europe*: which through the *Insolency* and divers *Artifices*, and *Inchantments*, of the *advers part*, was grown a little *Dull*, and *Dejected*. He hath summoned the *Fraternity* of *Kings* to *infranchise* themselves,

selves from the *Ulurpation* of the *See of Rome*. He hath made himself a *Mark of Contradiction* for it.

Neither can I omit, when I speak of *Religion*, to remember that excellent *Act* of his *Majesty*; which though it were done in a *Forraign Countrey*, yet the *Church of God* is one, and the *Contagion* of these things will soon pass *Seas and Lands*: I mean, in his constant and holy proceeding against the *Heretick Vorstius*, whom (being ready to enter into the *Chair*, and there to have authorized one of the most *pestilent* and *Heathenish Heresies* that ever was begun) His *Majesty* by his constant opposition dismounted, and pulled down. And I am perswaded, there sits in this *Court* one whom *God* doth the rather blesse for being his *Majesties Instrument* in that *Service*.

I cannot remember *Religion* and the *Church*, but I must think of the *seed-plots* of the same, which are the *Universities*. His *Majesty* as for *Learning* amongst *Kings* he is incomparable in his *Person*; So likewise hath he been in his *Government*, a benign or benevolent *Planet* towards *Learning*. By whose influence those *Nurseries*, and *Gardens of Learning*, (the *Universities*) were never more in *Flower*, nor *Fruit*.

For the *Maintaining* of the *Laws*, which is the *Hedge and Fence* about the *Liberty* of the *Subject*, I may truly affirm it was never in better repair. He doth concur with the *Votes* of the *Nobles*; *Nolumus Leges Anglie mutare*. He is an *Enemy* of *Innovation*. Neither doth the *Universality* of his own *Knowledge* carry him to neglect or pass over the very *Formes* of the *Laws* of the *Land*. Neither was there ever *King* (I am perswaded) that did consult so oft with his *Judges*; As my *Lords* that sit here know well. The *Judges* are a kind of *Councell* of the *Kings* by *Oath* and ancient *Institution*; But he useth them so indeed, He confers regularly with them upon their *Returns* from their *Visitations* and *Circuits*. He gives them *Liberty*, both to enform him, and to debate matters with him; And in the *Fall* and *Conclusion*, commonly relyeth on their *Opinions*.

As for the use of the *Prerogative*, it runs within the ancient *Channels*, and *Barks*; some Things that were conceived, to be in some *Proclamations*, *Commissions*, and *Pattents*, as *Overflows*, have been by his *Wisdom* and *Care* reduced; whereby, no doubt, the *Main Channel*, of his *Peerogative* is so much the stronger. For evermore *Overflows* do hurt the *Channel*.

As for *Administration* of *Justice*, betweene *Party* and *Party*, I pray observe these points. There is no *Newes*, of *Great Seal*, or *Signet*, that flies abroad for *Countenance* or *Delay* of *Causes*: *Protections* rarely granted, and only upon great *Ground*, or by *Consent*: My *Lords* here of the *Council*, and the *King* himself, medled not (as hath been used in former times) with Matters of *Meum* and *Tuum*, except they have apparent mixture with Matters of *Estate*, but leave them to the *Kings Courts* of *Law*, or *Equity*. And for *Mercy* and *Grace* (without which there is no standing, before *Justice*;) we see the *King* now hath reigned 12. years in his *White Robe*, without almost any *Asperision* of the *Crimson Die* of *Blood*. There sits my *Lord Hobert*, that served *Attorney* seven years I served with him. We were so happy, as there passed not through our hands, any one *Arraignement* for *Treason*; And but one, for any *Capital Offence*, which was that of the *Lord Sanquier*; The *Nobiest piece* of *Justice* (one of them) that ever came forth in any *Kings Time*.

As for *Penal Lawes*, which lie as *Snates* upon the *Subjects*: And which

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against
L. S. for
scandalizing
the Benevo-
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were as a *Nemo scit*, to King Henry 7. It yeelds a Revenue that will scarce pay for the Parchment of the Kings Records at Westminster.

And lastly for *Peace*, we see manifestly, his Majesty bears some Resemblance of that great Name; *A Prince of Peace*: He hath preserved his Subjects during his *Raign in Peace*, both within and without. For the *Peace* with States abroad, we have it *usque ad Satietatem*: and for *Peace* in the *Laniers phrase*, which count *Trespases*, and *Forces*, & *Riots* to be *Contra pacem*; Let me give your Lordships this Token or Taste; That this Court, where they should appear, had never lesse to do. And certainly there is no better Sign of *Omnia veni*: than when this Court is in a Still.

But (my Lords) this is a Sea of Matter; And therefore I must give it over, and conclude; That there was never King raigned in this Nation, that did better keep Covenant, in preserving the Liberties, and procuring the Good of his People. So that I must needs say, for the subjects of England *O Fortunatos nimium sua si bona norint*: as no doubt they do both know and acknowledge it: Whatsoever, a few turbulent Discourses may through the Lenity of the time take Boldness to speak.

And as for this particular, touching the *Benevolence*, wherein Mr. I. S. doth assign this breach of Covenant; I leave it to others to tell you; what the King may do; Or what other Kings, have done: But I have told what our King and my Lords have done: Which I say, and say again, is so far from introducing a new President; as it doth rather correct and mollifie, and qualifie former Presidents.

Now (Mr. I. S.) let me tell you your fault in few words; For that I am perswaded, you see it already; Though I woo no Mins Repentance; But I shall as much as in me is, cherish it where I finde it. Your *Offence* hath three parts knit together,

Your Slander;
Your Menace; and
Your Comparison.

For your *Slander*, it is no lesse, than that the King is perjured in his *Coronation Oath*. No greater *Offence* than *Perjury*: No greater *Oath* than that of a *Coronation*. I leave it; It is too great to aggravate.

Your *Menace*, that if there were a *Bulling-broke*, or I cannot tell what there were Matter for him, is a very seditious passage. You know well, that howsoever Henry the fourths Act by a secret Providence of God prevailed, yet it was but an *Usurpation*: And if it were possible for such a one to be this day, (wherewith, it seemes your *Dreams* are troubled,) I do not doubt, his End would be upon the *Block*; And that he would sooner have the *Ravens* sit upon his *Head* at *London Bridge*, than the *Crown* at *Westminster*. And it is not your interlacing of your (God forbid) that will salve these seditious Speeches; Neither could it be a *Fore-warning*, because the Matter was past, and not revocable; But a very *Stirring up*, and *Incensing* of the People. If I should say to you (for Example) if these times were like some former times, of King H. 8. Or some other times, which God forbid, Mr. I. S. it would cost you your life. I am sure you would not think this to be a gentle warning, but rather that I incensed the Court against you.

And for your *Comparison* with R. the 2. I see you follow the Example of them that brought him upon the Stage, and into Print in *Queen Elizabeths*

berth time a most prudent and admirable *Queen*; But let me entreat you that when you will speak of *Queen Elizabeth* or *King James*; you would compare them to *K. H. the 7th.* or *K. Ed. 1.* Or some other *Paralels* to which they are like. And this I would wish both, you and all, to take heed of; How you speak seditious Matter in *Parables* or by *Tropes*, or *Examples*. There is a thing in an *Indiement*, called an *Innuendo*; You must beware how you becken or make Signs upon the *King*, in a Dangerous sense: But I will contain my self and press this no further; I may hold you for Turbulent, or presumptuous, but I hope you are not Dilloyal: You are graciously and mercifully dealt with. And therefore having now opened to my *Lords*, and (as I think) to your own Heart and Conscience, the principal part of your *Offence* (which concerns the *King*) I leave the rest which concerns the *Law*, *Parliament*, and the *Subjects*; that have given to Mr. *Serjeants* and Mr. *Sollicitour*.

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Bench a-
gainst
Owen.
C. C. C.

The Charge of Owen, indicted of High Treason in the Kings Bench, by Sir Francis Bacon Knight, his Majesties Attorney General.

THE *Treason* wherewith this *Man* standeth Charged, is for the Kind and Nature of it *Ancient*; as *Ancient* as there is any *Law* of *England*: But in the particular, Late and *Upstart*: and again, in the Manner, and boldness of the present Case, New and almost unheard of till this *Man*. Of what mind he is now I know not, but I take him as he was, and as he standeth charged. For *High Treason* is not written in Ice; That when the *Body* relenteth, the *Impression* should go away.

In this Cause the *Evidence* it self will spend little Time: Time therefore, will be best spent in opening fully the Nature of this *Treason*, with the Circumstances thereof; Because the *Example* is more than the *Man*. I think good therefore by way of Inducement and Declaration in this Cause to open unto the *Court jury* and *Hearers* five Things.

The first is the *Clemency* of the *King*; Because it is *Newes*, and a kind of *Rarity* to have a proceeding in this place upon *Treason*: and perhaps it may be marvelled by some, why after so long an *Intermission* it should light upon this *tellow*: Being a person but contemptible, a kind of venemous fly; and a Hang by of the *Seminaries*.

The Second is, the Nature of this *Treason*, as concerning the *Fact*, which of all kinds of compassing the *Kings* Death I hold to be the most perillous; and as much differing from other *Conspiracies*, as the lifting up of a 1000 Hands against the *King* (like the *Giant Bryarius*) differs from lifting up one or a few Hands.

The Third point that I will speak unto is the *Doctrine* or *Opinion*, Which is the ground of this *Treason*; Wherein I will not argue or speak, like a *Divine* or *Scholler*; But as a *Man* bred in a *Civil* Life: and to speak plainly; I hold the *Opinion* to be such that deserveth rather *Detestation* than *Contestation*.

The Fourth point is the Degree of this *Mans* *Offence*; which is more pre-

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presumptuous, than I have known any other to have fallen into this kind: and hath a greater overflow of *Malice* and *Treason*.

And Fifthly, I will remove somewhat that may seem to qualifie and extenuate this *Mans Offence*; in that he hath not affirmed simply that it is lawfull to kill the King, but conditionally; that if the King be *Excommunicate*, it is lawfull to kill him, which maketh little Difference, either in Law or Peril.

For the *Kings Clemency*, I have said it, of late upon a good Occasions: And I still speak it with comfort: I have now served his *Majesty Soliciter* and *Attorney* eight yeares and better: yet this is the first time that ever I gave in Evidence against a *Traitor* at this *Barr* or any other. There hath not wanted Matter in that party of the *Subjects* whence this kind of *Offence* floweth to irritate the King: He hath been irritated by the *Powder Treason*, which might have turned Judgement into Fury. He hath been irritated by wicked and monstrous *L.els*; Irritated by a general Insolency and presumption in the *Papists* throughout the Land; and yet I see his *Majesty* keepeth *Cæsars Rule*: *Nil malo, quam eos esse similes sui, & me mei.* He leaveth them to be like themselves; and he remaineth like himself; and striveth to overcome Evil with goodness. A strange thing Bloudy Opinions, Bloudy Doctrines, Bloudy Examples, and yet the *Government* still unstained with *Bloud*. As for this *Owen* that is brought in question, though his Person be in his Condition contemptible; yet we see by miserable *Examples*; That these *Wretches* which are but the Scum of the Earth, have been able to stit *Earth-quakes* by *Murthing* of *Princes*: And if it were in case of *Contagion*; (as this is a *Contagion* of the Heart and Soul;) a Rascal may bring in a *Plague* into the *City*, as well as a great *Man*: So it is not the *Person*, but the *Matter* that is to be considered.

For the *Treason* it self, which is the second Point, my Desire is to open it in the Depth thereof if it were possible, But it is bottomlesse: and so the *Civil Law* saith, *Conjuraciones omnium prodicionum odiosissima.* Against *Hostile Invasions*, and the adherence of *Subjects*, to *Enemies*, *Kings* can arm: *Rebellions*, must go over the Bodies of many good *Subjects* before they can hurt the *King*: but *Conspiracies* against the *Persons* of *Kings*, are like *Thunder-bolts* that strike upon the suddain, hardly to be avoided. *Major metus à singulis* (saith he) *quam ab universis.* There is no *Preparation* against them. And that *Preparation*, which may be of *Guard* or *Custody*, is a perpetual *Misery*. And therefore, they that have written of the *Priviledges* of *Ambassadours*, and of the *Amplitude* of *Safe-Conduits*, have defined; That if an *Ambassadour* or a *Man* that cometh in upon the highest *safe Conduits*, do practise Matter of *Sedition* in a *State*, yet by the *Law* of *Nations*, he ought to be remanded: But if he conspire against the *Life* of a *Prince*, by violence or *Poyson*, he is to be justified: *Quia odium est omni Privilegio Majus.* Nay even amongst *Enemies*, and in the most deadly *Wars*, yet nevertheless *Conspiracy* and *Assassinate* of *Princes*, hath been accounted villanous and execrable.

The *Manners* of *Conspiring* and *Compassing* the *Kings Death*, are many: But it is most apparent, that amongst all the rest, this surmounteth. First because it is grounded upon pretended *Religion*; which is a *Trumpet*, that enflameth the *Heart* and *Powers* of a *Man* with *Daring* and *Resolution*, more than any thing else. Secondly it is the hardest to be avoided; For when a particular *Conspiracy* is plotted or attempted against a *King* by some one or some few *Conspiratours*, it meets with a number of impediments.

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Commonly, he that hath the *Head* to devise it, hath not the *Heart* to undertake it: And the *Person* that is used, sometime faileth in *Courage*, sometime faileth in *Opportunity*, sometimes is touched with *Remorse*. But to publish and maintain that it may be lawfull for any Man living to attempt the *Life* of a *King*, this Doctrine is a *Venomous Sop*; Or as a *Legion of Malign Spirits*; Or an universal temptation doth enter at once into the *Hearts* of all that are any way prepared or of any *Predisposition* to be *Traitors*: So that whatsoever faileth in any one, is supplied in many: If one *Man* faint, another will dare. If one man hath not the opportunity, another hath: If one man Relent another will be *Desperate*. And Thirdly particular *Conspiracies*, have their *Periods of Time*, within which, if they be not taken, they vanish, But this is endless and importeth *Perpetuity* of springing *Conspiracies*: And so much concerning the *Nature* of the *Fact*.

For the *Third Point*, which is the *Doctrine*; that upon an *Excommunication* of the *Pope*, with *sentence of Deposing*; a *King* by any *Son of Adam* may be *slaughtered*; and that it is *Justice*, and no *Murder*; and that their *Subjects* are absolved of their *allegiance*; And the *Kings* themselves exposed to *spoil* and *Prey*. I said before that I would not argue the subtilty of the *Question*: It is rather to be spoken to, by way of *Accusation* of the *Opinion* as *Impious*; then by way of dispute of it as *Doubtfull*. Nay I say, it deserveth rather, some *Holy-war*, or *League*, amongst all *Christian Princes*; of either *Religion*, for the extirpating and *Razing* of the *Opinion*, and the *Authors* thereof, from the face of the *Earth*; then the *Stile* of *Pen*, or *Speech*. Therefore in this kind I will speak to it, a few words and not otherwise. Nay, I protest if I were a *Papist* I should say as much: Nay, I should speak it perhaps with more *Indignation* and *Feeling*. For this *Horrible* *Opinion*, is our *Advantage*, and it is their *Reproach*, and will be their *Ruine*.

This *Monster of Opinion*, is to be accused of three most evident and most miserable *Slanders*.

First, of the *Slander* it bringeth to the *Christian Faith*, being a plain plantation of *Irreligion* and *Atheism*.

Secondly, the *Subversion* which it introduceth into all *Pollicy* and *Government*.

Thirdly, the great *Calamity* it bringeth upon *Papists* themselves, of which the more moderate sort, as men misled, are to be pittied.

For the *First*, if a man doth visit the foul, and polluted *Opinions*, *Customes*, or practises of *Heathenism*, *Mahometism*, and *Heresie*, he shall find they do not attain to this *Height*. Take the *Examples* of damnable *Memory*, amongst the *Heathen*. The *Proscriptions* in *Rome* of *Sylla*; and afterwards of the *Triumvirs*, what were they? They were but of a finite *Number* of *Persons*, and those not many that were exposed unto any *Mans* *Sword*. But what is that to the *proscribing* of a *King*, and all that shall take his part? And what was the reward of a *Souldier* that amongst them, killed one of the proscribed? a small piece of *money*: but what is now the reward of one that shall kill a *King*? The *Kingdom of Heaven*. The custome among the *Heathen*, that was most scandalized was, that sometimes the *Priest* sacrificed *Men*; but yet you shall not read of any *Priesthood* that sacrificed *Kings*.

* The *Mahometans*, make it a part of their *Religion* to propogate their *Self* by the *Sword*, but still by honourable *Wars*, never by *Villanics* and secret *Murthers*. Nay, I find that the *Saracen Prince* of whom the name of the *Assassins*, is derived; which had divers *Votaries* at *Commandement*, which he sent and employed to the killing of divers *Princes* in the *East*; (by one of

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whom *Amurath* the first was slain; And *Edward* the first of *England* was wounded) was put down and rooted out by a common Consent of the *Mahometan Princes*.

The *Anabaptists* (it is true) come nearest. For they professe the pulling down of *Magistrates*; and they can chaunt the Psalm, *To bind their Kings in Chains, and their Nobles in fetters of Iron*. This is the Glory of the *Saints*, much like the *Temporal Authority*, that the *Pope* Challengeth over *Princes*. But this is the difference, that that is a Furious and Fanatical Fury, and this is a sad and solemn Mischief *He imagineth mischief as a Law; A Law-like Mischief*.

As for the *Defence* which they do make, it doth aggravate the sin; And turneth it from a *Cruelty* towards *Man* to a *Blasphemy* towards *God*. For to say that all this is *in ordine ad spirituale*; And to a *good End*, and for the *salvation of Souls*; It is directly to make *God Author of Evil*, and to draw him into the likeness of the *Prince of Darkness*, and to say with those that *Saint Paul* speaketh of, *Let us do Evil, that good may come thereof*. Of whom the *Apostle* saith definitively; *that their damnation is just*.

For the *Destroying* of *Government* universally it is most evident, that it is not the *Case of Protestant Princes* only, but of *Catholick Princes* likewise: As the *King* hath excellently set forth. Nay it is not the *Case of Princes* only, but of all *Subjects* and private Persons. For touching *Princes*, let *History* be perused, what hath been the *Causes of Excommunication*, and namely, this Tumour of it, (the *Deposing of Kings*;) It hath not been for *Heresie* and *Schism* alone, but for *Collation* and *Investitures* of *Bishopricks* and *Benefices*, *Intruding upon Ecclesiastical Possessions*, *violating of any Ecclesiastical Person, or Liberty*. Nay generally, they maintain it that it may be for any sin: So that the *Difference* wherein their *Doctors* vary; That some hold that the *Pope* hath his *Temporal power immediately*, and others but *in ordine ad spirituale*, is but a *Delusion* and an *Abuse*. For all commeth to one. What is there that may not be made *spiritual* by *Consequence*; specially, when He that giveth the *Sentence*, may make the *Case*; and accordingly hath the miserable *Experience* followed. For this *Murthering of Kings*, hath been put in practise, as well against *Papist Kings*, as *Protestants*. Save that it hath pleased *God*, so to guide it by his admittable providence; as the *Attempts upon Papist Princes* have been executed, and the *Attempts upon Protestant Princes* have failed, except that of the *Prince of Aurange*. And not that neither, untill such time as he had joyned too fast, with the *Duke of Anjou*, and the *Papists*.

The rest is wanting.

The Charge of Sr. Francis Bacon, the Kings Atturney General, against M. L. S. W. and H. I. for Scandal, and Traducing of the Kings Justice in the proceedings against Welton: In the Star-Chamber, 10. Novemb. 1615.

The Offence, wherewith I shall charge the three Offenders at the Bar, is a *Misdemeanour* of a high nature; tending to the defacing, and scandal of Justice, in a great Cause Capital. The particular Charge is this.

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The King amongst many his Princely vertues, is known to excel in that proper vertue of the *Imperial Throne*, which is *Justice*. It is a *Royal Vertue* which doth employ the other three *Cardinal Vertues* in her Service. *Wisdom* to discover, and discern Noent or Innocent: *Fortitude* to prosecute and execute: *Temperance*, so to carry *Justice*, as it be not passionate in the pursuit, nor confused in involving persons upon light suspition; Nor precipitate in time. For this his *Majesties Vertue of Justice*, God hath of late raised an occasion, and erected as it were a Stage or Theater much to his Honour, for him to shew it, and act it in the pursuit of the untimely Death of *Sir Thomas Overbury*; and therein cleansing the *Land from Blood*. For (*my Lords*) if *Blood* spilt, Pure, doth cry to *Heaven* in *Gods Eares*, much more *Blood* defiled with *Poyson*.

This great work of his *Majesties Justice*, the more excellent it is, your *Lordships* will soon conclude the greater is the *Offence* of any that have sought to *Affront* it, or *Traduce* it. And therefore, before I descend unto the *Charge* of these *Offenders*, I well set before your *Lordships*, the weight of that which they have sought to impeach: Speaking somewhat of the general *Crime of Impossonment*; and then of the particular *Circumstances* of this *Fact*, upon *Overbury*: And thirdly, and chiefly, of the *Kings* great and worthy *Care* and *Carriage* in this *Busines*.

This *Offence of Impossonment*, is most truly figured in that *Devise* or *Description*, which was made of the *Nature* of one of the *Roman Tyrants* that he was *Lutum Sanguine maceratum*; *Mire mingled or cemented with Blood*: For as it is one of the highest *Offences in Guiltiness*; So it is the *Basest* of all others in the *Mind* of the *Offenders*. *Treasons, Magnum aliquid spectant*: They aym at great things; But this is vile and base. I tell your *Lordships*, what I have noted, that in all *Gods Book*, (both of the *Old and New Testament*) I find *Exampbes* of all other *Offences* and *Offenders* in the *world*, but not any one of an *Impossonment*, or *Impossoner*. I find mention of *Fear casual Impossonment*, when the *Wild Vine* was shred into the *Pot*, they came complaining in a *fearfull manner*; *Maister mors in olla*- And I find mention of *Poysons* of *Beasts*, and *Serpents*; *The Poyson of Aspes is under their lips*. But I find no *Example* in the *Book of God* of *Impossonment*. I have somewhat thought of the *Words* in the *Psalme*; *Let their Table be made a Snare*: Which certainly is most true of *Impossonment*: For the *Table*, the *daily Bread*, for which we pray, is turned to a *deadly Snare*: But I think rather that that was meant of the *Treachery of Friends*, that were participant of the same *Table*.

But let us go on. It is an *Offence* (*my Lords*) that hath the two *Spurs* of *Offending*: *Spes Perficiendi*, and *Spes Celandi*. It is easily committed, and easily concealed.

It is an *Offence*, that is *Tanquam Sagitta nocte volans*; It is the *Arrow* that *flies by night*. It discerns not whom it hits: For many times the *Poyson* is laid for one, and the other takes it: As in *Sanders Case*, where the *Poysoned Apple* was laid for the *Mother* and was taken up by the *Child*, and killed the *Childs*. And so in that notorious case, whereupon the *Statute of 22. H. 8. Cap. 9.* was made; where the *Intent* being to *poyson*, but one or two; *Poyson* was put into a little *Vessel* of *Barm*, that stood in the *Kitchin* of the *Bishop of Rochesters House*; Of which *Barm Pottage*, or *Gruel*, was made where-with 17. of the *Bishops Family* were *Poysoned*: Nay *Divers* of the *Poor*, that came to the *Bishops Gate*, and had the broken *Pottage* in *Alms*, were likewise *Poysoned*: and therefore if any *Man*, will comfort himself or think with himself, here is

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great Talk of *Impoysonment*, I hope I am safe, For I have no Enemies; Nor I have nothing that any Body should long for; why? that is all one For he may sit at *Table* by one for whom *Poyson* is prepared and have a *Drench* of his *Cup*, or of his *Pottage*. And so as the *Poet* saith; *Concidit infelix alieno vulnere*; He may die another Mans Death. And therefore it was most gravely, and judiciously, and properly provided by that *Statute*, That *Impoysonment* should be *High Treason*; Because whatsoever *Offence* tendeth to the utter *Subversion* and *Dissolution* of *Humane Society* is in the nature of *High Treason*.

Lastly, it is an *Offence* that I may truly say of it; *Non est nostri Generis, nec Sanguinis*. It is (Thanks be to *God*) rare in the *Ile* of *Britany*: It is neither of our *Country*, nor of our *Church*; you may find it in *Rome* or *Italy*. There is a *Region* or perhaps a *Religion* for it: And if it should come amongst us, certainly, it were better living in a *Wilderness* than in a *Court*.

For the particular *Faët* upon *Overbury*. First for the *Person* of *Sir Thomas Overbury*: I knew the *Gentleman*. It is true, his mind was great, but it moved not in any good *Order*; yet certainly it did commonly fly at good Things. And the greatest *Fault* that I ever heard by him was that he made his *Friend* his *Idol*. But I leave him as *Sir Thomas Overbury*.

But then take him as he was the *Kings Prisoner* in the *Tower*; And then see how the *Case* stands. In that place, the *State* is as it were *Respondent* to make good the *Body* of a *Prisoner*. And if any thing happen to him there, it may (though not in this *Case*, yet in some others) make an *Asperision* and *Reflexion* upon the *State* it Self. For the *Person* is utterly out of his own *Defence*; His own *Care* and *Providence*, can serve him nothing. He is in *Custody* and *preservation* of *Law*. And we have a *Maxime* in our *Law*, (as my *Lords* the *Judges* know) that when a *State* is in *preservation* of *Law*, nothing can *destroy* it, or *hurt* it. And *God* forbid but the like should be, for the *Persons* of those that are in *Custody* of *Law*, and therefore this was a *Circumstance* of great *Aggravation*.

Lastly, to have a *Man* chafed to *Death* in such manner (as it appears now by *Matter of Record*; For other *Privacy* of the *Cause* I know not) By *Poyson* after *Poyson*, first *Roseaker*, then *Arsenick*, then *Mercury Sublimate*, then *Sublimate* again; It is a *Thing* would astonish *Mans* nature to hear it. The *Poets* saign, that the *Furies* had whips that they were corded with *Poysonous Snakes*; and a *Man* would think that this were the very *Case*, to have a *Man* tied to a *Post*, and to scourge him to *Death* with *Snakes*: For so may truly be termed *Diversity* of *Poysons*.

Now I will come unto that which is the *Principal*; That is, his *Majesties Princely*, yea, and as I may truly term it, *Sacred* proceeding in this *Cause*. Wherein I will first speak of the *Temper* of his *Justice*, and then of the *Strength* thereof.

First it pleased my *Lord Chief Justice* to let me know; (That which I heard with great *Comfort*) which was the *Charge* that his *Majesty* gave to himself first, and afterwards to the *Commissioners* in this *Case*, worthy certainly to be written in *Letters of Gold*, wherein his *Majesty* did forerank and make it his prime *Direction* that it should be carried without touch to any that was innocent. Nay more, not onely without *Impeachment*, but without *Asperision*: which was a most *Noble*, and *Princely* *Caution*, from his *Majesty*, For *Mens* *Reputations* are tender Things; And ought to be like *Christs Coat*, without *Seam*. And it was the more to be respected in

this

this Case because it met with two great Persons; a Noble Man that his Majesty had favoured and advanced; and his Lady being of a Great and Honourable House: Though I think it be true, that the Writers say, that there is no *Pomegranate*, so fair or so sound but may have a perished Kernel. Nay I see plainly that in those excellent Papers of his Majesties own Hand writing being as so many Beams of Justice issuing from that Vertue which doth shine in him; I say, I see it was so evenly carried without prejudice, (whether it were a true Accusation of the one part, or a Praefise of a false accusation on the other) as shewed plainly that his Majesties Judgement was *tanquam Tabula Rasa*, as a clean pair of Tables, and his Ear *tanquam Janua aperta*, as a Gate not side open but wide open to Truth, as it should be by little and little discovered. Nay I see plainly, that at the first (till further Light did break forth) his Majesty, was little moved with the first Tale, which he vouchsafeth not so much, as the Name of a Tale; But calleth it a Rumour, which is an Headless Tale.

As for the Strength or Resolution, of his Majesties Justice I must tell your Lordships plainly. I do not marvel to see Kings thunder out Justice in Cases of Treason, when they are touched themselves; And that they are *Vindices Doloris proprii*: But that a King should *pro Amore Justitie* only, Contrary to the Tide of his own Affection, for the preservation of his people take such Care of a Cause of Justice, that is rare and worthy to be celebrated far and near. For, I think, I may truly affirm that there was never in this Kingdom, nor in any other Kingdom the Bloud of a private Gentleman vindicated, *Cum tanto motu Regni*, or to say better *Cum tanto Plausu Regni*. If it had concerned, the King or Prince there could not have been greater nor Better Commissioners to examine it. The Term hath been almost turned into a *Justitium* or *Vacancy*: The People themselves: being more willing to be Lookers on in this Business, then to follow their own. There hath been no care of *Discovery* omitted, no moment of Time lost. And therefore I will conclude this Part, with the saying of Solomon, *Gloria Dei celare rem, & gloria Regis Scrutari rem*. And his Majesties Honour, is much the greater for that he hath shewed to the World in this Business as it hath Relation to my Lord of Sommerset, (whose Case in no sort I do prejudge, being ignorant of the Secrets of the Cause but taking him as the Law takes him hitherto for a Suspect) I say the King hath to his great Honour, shewed that were any Man in such a Case of Bloud, as the Signet upon his Right Hand (as the Scripture sayes) yet would He put him off.

Now will I come to the particular Charge of these Gentlemen, whose Qualities and Persons I respect and love: For they are all my particular Friends: But now I can only do this duty of a Friend to them to make them know their fault to the Full.

And therefore first I will by way of Narrative, declare to your Lordships the Fact, with the occasion of it: Then you shall have their Confessions read, upon which you are to proceed: Together with some Collateral Testimonies by way of Aggravation: And Lastly I will note and observe to your Lordships the Material points, which I do insist upon for their Charge and so leave them to their Answer. And this I will do very briefly for the Case is not perplexed.

That wretched Man Weston who was the Actor or Mechanical Party, in this Impoisornment, at the first day being indicted by a very substantial Jury

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of Selected Citizens, to the number of 19. who found *Billa vera*, yet nevertheless at the first stood mute. But after some dayes intermission, it pleased God to cast out the Dumb Devil; and that he did put himself upon his Tryal; And was by a Jury also of great value upon his Confession, and other Testimonies, found guilty. So as 31. sufficient Furours have passed upon him; whereupon Judgment and Execution, was awarded against him. After this, being in preparation for another World, he sent for Sr. Thomas Overburies Father, and falling down upon his knees, with great Remorce, and Compunction, asked him forgiveness. Afterwards again, of his own Motion, desired to have his like prayer of forgiveness, recommended to his Mother who was absent. And at both times, out of the abundance of his Heart, Confessed that he was to die justly, and that he was worthy of Death. And after again at his Execution (which is a kind of sealing time of Confessions) even at the point of Death (although there were Tempters about him, as you shall hear by and by) yet he did again, confirm publickly, that his Examinations were true; and that he had been justly, and honourably dealt with. Here is the Narrative, which enduceth the Charge. The Charge itself is this.

M. L. Whose Offence stands alone single (the Offence of the other two being in consort; and yet all three meeting in their End and Center, which was to interrupt or deface this Excellent piece of Justice) M. L. (I say) mean while, between Westons standing mute, and his Tryal, takes upon him to make a most false, Odious, and Libellious Relation, containing as many Untruths, as Lines, and sets it down in writing with his own Hand; And delivers it to Mr. Henry Gibb, of the Bed-chamber, to be put into the Kings Hand. In which writing, he doth falsifie and pervert, all that was done the first day, at the Arraignment of Weston; Turning the Pike, and Point of his Imputations, principally, upon my Lord Chief Justice of England. Whose Name (thus occurring) I cannot pass by, and yet I cannot skill to flatter. But this I will say of him, and I would say as much to Ages, If I should write a story: That never mans person and his place, were better met in a Business, then my Lord Cook and my Lord Chief Justice in the Cause of Overbury.

Now my Lords, in this Offence of M. L. For the particulars of these slanderous Articles, I wil observe them unto you when the Writings and Examinations are read, For I do not love to see the Gloss before the Text. But in general I note to your Lordships, First the person of M. L. I know he is a Scottish Gentleman, and thereby more ignorant of our Lawes and Formes. But I cannot tell, whether this doth extenuate his Fault in respect of Ignorance; Or aggravate it much in respect of Presumption; That he would meddle in that that he understood not: But I doubt, it came not out of his Quiver; Some other Mans Cunning wrought upon this Mans Boldnesse. Secondly I may note unto you the Greatness of the Cause, Wherein he being a private mean Gentleman did presume to deal. M. L. could not but know to what great, and grave Commissioners the King had committed this Cause: And that his Majesty in his Wisedome, would expect return of all things, from them to whose trust he had committed this Business. For it is the part of Commissioners, as well to report the Business as to mannage the Business; and then his Majesty, might have been sure to have had all things well weighed and truly informed: And therefore it should have been far from M. L. to have presumed, to have put forth his Hand, to so high, and tender a Business; which was not to be touched, but by Employed Hands. Thirdly, I note to your Lordships, that this

this *Infusion* of a *Slanaer* into a *Kings* Ear, is, of all *Formes* of *Libels*, and *Slanders* the worst. It is true, that *Kings* may keep secret their *Informations* and then no *Man* ought to enquire after them, whie they are shrined in their *Breast*. But where a *King* is pleased, that a *Man* shall answer, for his false *Information* there I say, the false *Information* to a *King*, exceeds in *Offence*, the false *Information* of any other kind; Being a kind (since we are in matter of *Poyson*,) of *Impossument* of a *Kings* Ear. And thus much for the *Offence* of *M. L.*

For the *Offence* of *S. W.* and *H. I.* which I said was in consort, it was shortly this. At the *Time* and *Place* of the *Execution* of *Weston*; To supplant his *Christian* Resolution, and to *Scandalize* the *Justice* already past, and perhaps to cut off the thread of that which is to come; These *Gentlemen* with others came mounted on *Horseback*; And in a *Ruffling* and *Facing* manner, put themselves forward to re-examine *Weston* upon *Questions*; and what *Questions*? Ditectly cross to that, that had been tryed, and judged: for what was the point tried? That *Weston* had *poysoned* *Ozerbury*: What was *S. W.* *Question*; whether *Weston* did *poysone* *Ozerbury* or no? a *Contradictory* directly: *Weston* answered only, that he did him wrong: And turning to the *Sheriff* said; You promised me, I should not be troubled at this time. Nevertheless he pressed him to answer saying, He desired to know it, that he might pray with him. I know not that *S. W.* is an *Ecclesiastick*, that he should cut any man from the *Communion* of *Prayer*: And yet for all this vexing of the *Spirit* of a poor *Man*, now in the *Gates* of *Death*; *Weston* nevertheless, stood constant, and said; I die not unworthily: My *Lord* *Chief Justice*, hath my mind under my hand, and he is an honourable and just judge. This is *S. W.* his offence.

For *H. I.* he was not so much a *Questionist*; but wrought upon the others *Questions*, and like a kind of *Confessor*, willed him to discharge his *Conscience*, and to satisfy the *World*. What *World* I marvel? It was sure the *World* at *Tyburn*: For the *World* at *Guild-Hall*, and the *World* at *London* was satisfied before; *Teste* the *Belis* that rang: But men have got a fashion now a dayes, that two or three busie *Bodies*, will take upon them the Name of the *World*; And broach their own *Conceits*, as if it were a general *Opinion*: Well, what more? When they could not work upon *Weston* then *H. I.* in an indignation, turned about his *Horse* (when the other was turning over the *Ladder*) and said, he was sorry of such a *Conclusion*: that was to have the *State* honoured or justified; But others took and reported his words in another degree: but that I leave, seeing it is not *Confessed*.

H. I. his *Offence* had another appendix, before this in time; which was that at the day of the *Verdict* given up by the *Jury*, he also would needs give his *Verdict*, saying openly that if he were of the *Jury*, he would doubt what to do. Marry (he saith) he cannot tell well, whether he spake this before the *Jury* had given up the *Verdict* or after; Wherein there is little gained. For whether *H. I.* were a *Pre-Jurour* or a *Post, Jurour*; The one was as to prejudice the *Jury*, the other as to taint them.

Of the *Offence* of these two *Gentlemen* in general your *Lordships* must me leave to say, that it is an *Offence* greater and more dangerous than is conceived. I know well that as we have no *Spanish Inquisitions*, nor *Justice* in a *Corner*; So we have no *Gagging* of *Mens* *Mouths*, at their *Death*; But that they may speak freely at the last hour, but then it must come from the free motion of the *Party*, not by *Temptation* of *Quisitions*. The *Que* *stions* that are to be asked ought to tend to further revealing of their own or others guiltiness, but to use a *Question* in the Nature of a false *Interro-*

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gatory, to falsifie that which is *Res judicata* is intollerable. For that were to erect a Court, or Commission of Review at *Tyburn*, against the *Kings Bench* at *Westminster*. And besides, it is a thing vain and idle: For if they answer according to the Judgement past, it adds no credit; Nor if it be contrary, it derogateth nothing. But yet, it subjecteth the *Majesty* of Justice, to popular and vulgar Talk and opinion.

My Lords, these are great and dangerous Offences; For if we do not maintain Justice, Justice will not maintain us.

But now your *Lordships* shall hear the *Examinations* themselves, upon which, I shall have occasion to note some particular Things, &c.

The Effect of that which was spoken by the Lord Keeper of the Great Seal of England, at the taking of his place in Chancery; In performance of the Charge, his Majesty had given him when he received the Seal, 1617,

BEFORE I enter into the *Business* of the Court, I shall take advantage of so many *Honourable witnesses*, to publish, and make known summarily, what charge the *Kings* most excellent *Majesty* gave me, when I received the *Seal*, and what Orders and Resolutions my Self have taken in Conformity to that charge, that the *King* may have the Honour of Direction; And I the part of Obedience: Whereby, *Your Lordships* and the rest of the *Presence* shall see the whole Time of my sitting in the *Chancery*, (which may be longer or shorter, as please *God* and the *King*) contracted into one Hour. And this I do, for three Causes,

First to give account to the *King* of his *Commandement*.

Secondly, that I may be a guard and *Custody* to my self, and my own Doings; That I do not swerve or recede from any Thing that I have professed, in so *Noble Company*.

And thirdly, that all men, that have to do with the *Chancery*, or the *Seal*, may know, what they shall expect; And both set their Hearts, and my Ears at rest; Not moving me to any Thing against these *Rules*: Knowing that my Answer is now turned from a *Nolumus*, into a *Non possumus*. It is no more, *I will not*, but *I cannot* after this Declaration.

And this I do also under three *Cautions*.

The first is, that there be some things of a more Secret, and Counsel like, Nature, which are rather to be *Acted*, then *published*. But these things which I shall speak of to day, are of a more *publick* Nature.

The second is, that I will not trouble this *Presence* with every particular; which would be too long; But select those things which are of greatest efficacy, and conduce most, *ad summas Rerum*: Leaving many other particulars, to be set down, in a *publick Table*, according to the good example of my last *Predecessour*, in his *Beginning*.

And lastly, that these *Imperatives*, which I have made but to my self, and my Times be without prejudice, to the *Authority* of the Court; or *Wiser men* that may succeed me: And chiefly, that they are wholly submitted unto the great Wisdom of my *Sovereign* (the absolute *Prince* in *Judicature*, that hath been in the *Christian World*) For if any of these Things,

Things which I intend to be *Subordinate* to his Directions, shall be thought by his *Majesty* to be *Inordinate*, I shall be most ready, to reform them. These things are but *tanquam Album Prætoris*; For so did the *Roman Prætors* (which have the greatest Affinity, with the *Jurisdiction* of the *Chancellor* here) who used to set down at their Entrance, how they would use their *Jurisdiction*. And this I shall do (*my Lords*) in *verbis Masculis*; No flourishing or Painted Words, but such as are fit to go before *Deeds*.

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The Kings Charge, which is my Lanthorn, rested upon four Heads.

THe first was that I should contain the *Jurisdiction* of the Court within his true and due *Limits*, without *Swelling* or *Excess*.

The second, that I should think the putting of the Great Seal to *Letters Patents*, was not a matter of *Course* after precedent *Warrants*; But that I should take it to be the *Maturity* and *Fulness* of the Kings Intentions: And therefore that it was one of the greatest parts of my Trust, if I saw any *Scruple* or *Cause of Stay*, that I should acquaint him concluding with a *Quod dubites ne feceris*.

The third was that I should retrench all unnecessary *delays*, that the *Subject* might find that he did enjoy the same *Remedy* against the *Fainting* of the *Seal*, and against the *Consumption* of the *Means*, and *estate*; which was *speedy Justice*. *Eis dat, qui cito dat*.

The fourth was that *Justice* might pass with as easie charge as might be, and that those same *Brambles* that grow about *Justice* of needless Charge and expence and all manner of *Exactions* might be rooted out so far as might be.

These *Commandements* (*my Lords*) are *Righteous*; And (as I may term them) *Sacred*, and therefore to use a sacred *Form*: I pray *God* bless the *King* for his great care over the *Justice* of the *Land*; and give me his poor *Servant* Grace, and Power to observe his *Precepts*.

Now for a beginning towards it, I have set down and applyed particular *Orders* to every one of these four general *Heads*.

For the *Excess* or *Tumour* of this *Court of Chancery* I shall divide it into five *Natures*.

The first is when the Court doth embrace or retain *Causes* both in matter and *Circumstance* meerely *Determinable*, and *Fit* for the *Common Law*. For (*my Lords*) the *Chancery* is ordained to *supply* the *Law*, and not to *subvert* the *Law*. Now to describe unto you or delineate what those *Causes* are (and upon what differences) that are fit for the *Court*, were too long a *Lecture*. But I will tell you what remedy I have prepared. I will keep the *Keys* of the *Court* my self, and I will never refer any *Demurrer* or *Plea* (tending to discharge or dismiss the *Court* of the *Cause*) to any *Mr.* of the *Chancery*; But judge of it my self, or at least the *Mr* of the *Rozles*, may further I will appoint regularly, that on *Tuesday* in every week (which is the day of *Orders*) first to hear all *Motions* of that Nature before any other, that the *Subject* may have his *Vale* at first without further attending, and that the *Court* do not keep and accumulate a *Miscellany* and confusion of *Causes* of all *natures*.

The second Point, concerneth the time of the *Complaint* and the late commers into the *Chancery*: which stay till a *Judgement* be passed against them

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at the *Common Law*, and then complain: Wherein your *Lordships*, may have heard a great *Rattle*, and a *Noise* of a *Premunire*, and I cannot tell what. But that *Question* the *King* hath settled according to the ancient pre-*sidents*, in all times continued. And this I will say, that the *Opinion* not to relieve any *Case* after *Judgement* would be a guilty *Opinion*: Guilty of the *Ruine* and *Naufrage*, and *perishing* of infinite *Subjects*: and as the *King* found it well out's way should a *Man* fly into the *Chance*y before he be *Hurt*? *The whole need not the Physician, but the sick.* But (My *Lords*) the *Power* would be preserved, but then the *Practise* would be moderate. My *Rule* shall be therefore, that in *Case* of *Complaints*, after *Judgement*; (except the *Judgements* be upon *Nihil dicit*, which are but *Disguises* of *Judgement* obtained in *Contempt* of a preceeding *Order* of this *Court*) yet, and after *Verdicts* also, I will have the *Party complainant* enter into good *Bond*, to prove his *Suggestion*: So that if he will be relieved against a *Judgement* at *Common Law*, upon *matter of Equity*, He shall do it, *Tanquam in Vinculis*, at his *Peril*.

The *Third Point* of *Excess* may be the over *Frequent* and *Facile Granting* of *Injunctions* for the staying of the *Common Lawes*, or the *Altering Possessions*; wherein these shall be my *Rules*.

I will grant no *Injunction*, merely upon *Priority* of *suit*: That is to say. Because this *Court* was first possessed: A *Thing* that was well reformed in the late *Lord Chancellors* time, but used in *Chancellor Broomleys* time; In-*so*much as I remember that *Mr. Dalton* the *Councilor* at *Law*, put a *Pasquil* upon the *Court*, in nature of a *Bill*; for seeing it was no more, but *My Lord*, the *Bill* came in on *Munday*, and the *Arrest* at *Common Law* was on *Tuesday*, I pray the *Injunction* upon *Priority* of *Suite*, He caused his *Client* that had a *Loose Debter*, to put a *Bill* into the *Chancery* before the *Bond* due to him was *forfeited*; to desire an *Order*, that he might have his *money* at the *Day*, because he would be sure to be before the other. I do not mean to make it a *Matter* of an *Horse-Race* or *Posting* who shall be first, in *Chancery*, or in *Courts* of *Law*.

Neither will I grant an *Injunction* upon *matter*, contained in the *Bill* only be it never so smooth and *Specious*: But upon *matter* confessed in the *Defendants Answer*, or *matter pregnant in Writing*, or of *Record*; Or upon *Contempt* of the *Defendant* in not *appearing* or not *Answering* or *Trifling* with the *Court* by *insufficient Answering*. For then it may be thought the *Defendant* stands out upon purpose to get the start at the *Common Law*, And so to take Advantage of his own *Contempt* which may not be suffered.

As for *Injunctions* for *Possession* I shall maintain *possessions* as they were at the time of the *Bill* exhibited; And for the space of a year before *Except* the *possession* were gotten by *Force* or by any *Trick*.

Neither will I alter *Possession* upon *Interlocutory Orders*, until a *Decree*: Except upon *Matter* plainly confessed in the *Defendants Answer* joyned with a plain *Disability* and and *Insolvency* of the *Defendants* to answer the *Profits*.

As for taking the *Possession* away in respect of *Contempts* I will have all the proceedings of the *Court* spent first and a *Sequestration* of the *Profits* before I come to an *Injunction*.

The *Fourth part* of *Excess* is concerning the *Communicating* of the *Authority* of the *Chancellor* too far; And making upon the *matter*, to many *Chancellors* by relying too much upon *Reports* of the *Masters* of the *Chancery*, as conc'udent. I know my *Lords*, the *Masters* of the *Chancery* are *Revered Men*;

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And the great Mats of Businels of the Court cannot be sped, without them; and it is a thing the Chancellor may soon fall into for his own Este. to rely too much upon them. But the Course that I will take generally shall be this: That I will make no Binding Order upon any report of the Masters, without giving a seven nights day at the least, to shew cause, against the Reports (which nevertheless I will have done modestly, and with due reverence towards them) and again I must utterly discontinue, the making of an Hypothetical or Conditional Order; that if a Master of the Chancery, do certifie thus, that then it is Ordered without further Motion; For that is a Surprise, and gives no time for Contradiction.

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The last point of Excess is: If a Chancellor shall be so much of himself as he should neglect assistance of Reverend Judges, in Cases of Difficulty, (especially if they touch upon Law) or Calling them shall do it, but *Pro forma tantum*, and give no due respect to their opinions: Wherein (My Lords) preserving the Dignity and Majesty of the Court, (which I count rather increased than diminished by grave and due Assistance) I shall never be found so Sovereign or abundant in mine own sense but I shall both desire, and make true use of Assistants. Nay I assure your Lordships if I should find any main Diversity of Opinion of my Assistants, from mine own; Though I know well the Judicature wholly resides in my self; yet I think I should have Recourse to the Oracle of the Kings own Judgement, before I should pronounce; and so much for the temperate use of the Authority of this Court wherein the health of the Court doth much consist, as that of the Body consists in Temperance.

For the Second Commandement of his Majesty touching staying of Grants, at the Great Seal: There may be just Cause of Stay, Either in the matter of the Grant: Or in the manner of passing the same. Out of both which I extract these 6. principal cases which I will now make known. All which nevertheless I understand to be wholly submitted to his Majesties Will and Pleasure after by me he shall have been informed? For if *Iteratum Mandatum* do come, Obedience is better than sacrifice.

The First Case is where any Matter of Revenue or Treasure or Profit passeth from his Majesty; My first duty shall be to examine whether the Grant hath passed in the due and natural Course by the Great Officers of the Revenue (The Lord-Treasurer and Chancellor of the Exchequer) and with their privacy: which if I find not to be, I must presume it to have passed in the dark, and by a kind of surreption; And will make stay of it till his Majesties pleasure, be further known.

Secondly, if it be a Grant, that is not meerly vulgar, And hath not of Course passed at the Signet by a *Fac simile*, But needeth Science, my Duty shall be to examine whether it hath passed by the Learned Counsel and had their Dockets: which is that which his Majesty reads, and that leads him. And if I find it otherwise (although the Matter were not in it self inconvenient) yet I hold it Just Cause of stay (for Presidents sake) to keep Men in the right way.

Thirdly, if it be a Grant which I conceive (out of my little knowledge) to be against the Law; Of which nature Theodosius was wont to say, when he was pressed; I said it, but I granted it not, if it be unlawfull: I will call the learned Counsel to it; (as well him that drew the Book as the Rest) or some of them; And if we find cause I will enform his Majesty of our Opinion, either by my self, or some of them. For as for the Judges they are Judges of Grants past but not of Grants to come, except the King call them.

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Chancery.

Fourthly, if the *Grants* be against the *Kings Booke of Bountys*; I am expressly Comanded to stay them until the *King* either Revise his *Book* in General, or give Direction in the particular.

Fifthly, if as a *Counsellor of Estate*, I do foresee inconvenience to ensue by the *Grant* in reason of *Estate*, in respect of the *Kings Honour* or Discontent, or Murmur of the People; I will not trust mine own Judgement but I will either acquaint his *Majesty* with it, or the *Counsel Table*, or some such of my *Lords* as I shall think fit.

Lastly, for *Matter of Pardons*; If it be of *Treason*, *Misprision of Treason*, *Murder*, either expressed or involute, by a *non obstante*; Or of a *Pyracy*, or *Premunire*, or of *Fines*, or *Exemplary punishment* in *Star-Chamber*; Or of some other natures; I shall by the grace of *God* stay them until his *Majesty* (who is the *Fountain of Grace*) may resolve between *God* and him (understanding the Case,) how far *Grace* shall abound, or superabound.

And if it be of persons attainted and *Convicted*, of *Robbery*, *Burglary*, &c. Then will I examin whether the *Pardons* passed the hand of any *Justice of Assise*; Or other *Commissioners* before whom the *Trial* was made; and if not I think it my duty also to stay them.

Thus your *Lordships* see in this *Matter of the Seal*, agreeable to the *Commandment* I have received, I mean to walk in the *Light*; So that Men may know where to finde me; And this publishing thereof plainly, I hope will save the *King* from a great deal of *Abuse*; And me from a great deal of *Envy*; When men shall see that no particular *Turn*, or end, leads me but a general *Rule*.

For the third *General Head* of his *Majesties precepts*, concerning *Speedy Justice*, I am resolved that my *Decree* shall come speedily (not instantly) after the *Hearing* and my signed *Decree* pronounced. For it hath been a manner much used of late in my *Lords* last time (of whom I learn much to *Imitate* and with due reverence to his memory let me speak it, Much to avoid; That upon the *Solemn and Full hearing* of a *Cause* nothing is pronounced in *Court*; But *Breviates* are required to be made: Which I do not dislike in it self in *Causes* perplexed. For I confesse I have somewhat of the *Cunctative*; And I am of *Opinion*, that whosoever is not wiser upon *Advice* than upon the suddain; The same Man is no wiser at 50. years old than he was at 30. And it was my *Fathers* ordinary *Word*; *You must give me time*. But yet I find that when such *Breviates* were taken, the *Cause* was sometimes forgotten a *Term* or two; And then set down for a *new hearing* or a *Rehearing* three or four *Termes* after. Of which kind of *Intermission* I see no use; and therefore I will promise regularly to pronounce my *Decree* within few *Dayes* after my hearing; and to sign my *Decree* at least in the *Vacation*, after the pronouncing. For *Fresh Justice* is the sweetest. And besides *Justice* ought not to be delayed; And it will also avoid all means making or *Labouring*; For there ought to be no *Labouring* in *Causes*, but the *Labouring* of the *Counsel* at the *Bar*.

Again because *Justice* is a *Sacred Thing*; and the end for which I am called to this place, and therefore is my way to *Heavens* (And if it be shorter it is never a whit the worse) I shall by the grace of *God* (as far as *God* will give me strength) add the *Afternoon* to the *Forenoon*, and some *Fourthnight* of the *Vacation*, to the *Term*; For the the expediting and clearing of the *Causes* of *Court*: Only the *Depth* of the *Three long Vacations*, I would reserve in some measure free, for *Business* of *Estate*; and for *Studies* of *Artes* and *Sciences*, to which in my *Nature* I am most inclined.

There

There is another *Point of true Expedition*, which resteth much in *my self*, and that is the manner of givin orders. For I have seen an affectation of *Dispatch* turn utterly to *Delay*, and *Length*, for the manner of it, is to take the Tale out of the *Counsellor* at Bar his Mouth, and to give a *Curfory Order*; nothing tending or conducing to the end of the *Business*. It makes me remember what I heard one a say of a Judge, that late in the *Chancery*, that he would make 80 Orders in a Morning out of the way, and it was out of the way indeed; For it was nothing to the *End* of the *Business*, and this is that which makes 60, 80, 100. *Orders* in a *Cause*, to and fro begetting one another; and like *Penelopes Web*, doing and undoing. But I mean not to purchase the *Praise* of *Expeditive* in that kind: But as one that have a feeling of my *Duty*, and of the *Cafe* of others, my *Endeavour* shall be to hear patiently, and to cast my *Order* into such a mould as may soonest bring the *Subiect* to the *End* of his *Journey*.

As for such *delayeres* as may concern Others, the great *Abuse* is, that if the *Plaintiff* have got an *Injunction* to stay sutes at *Common Law*, then he will Spin on his *Cause* at length. But by the grace of *God*, I will make *Injunctions* an *hard Pillow* to sleep on: For if I find that he prosecutes not with effect he may hap when he is awake find not only his *Injunction* dissolved, but his *Cause* dismissed.

There be other particular *Orders* I mean to take for *Non Prosecution*, or *faint prosecution* wherewith I will not trouble you now, because *Summa sequar Fastigia Rerum*. And so much for matter of *Expectation*.

Now for the fourth and last point of the *Kings Commandement*. For the cutting off of *unnecessary charge* of the *Subiect*, a great part of it is fulfilled in the precedent *Article*, touching *Expedition*: For it is the *Length* of *Suits*, that doth multiply *Charge* chiefly, but yet there are some other *Remedies* that conduce thereunto.

First therefore I shall maintain strictly, and with severity the *Former Orders* which I find made by my *Lord Chancellor* for the immoderate and needless prolixity, and length of *Bills*, and *Answers* and so forth; As well in *punishing* the party, as *fining* the *Counsel*, whose hand I shall find at such *Bills* *Answers*, &c.

Secondly, for all the *Examinations* taken in the *Court*, I do give charge unto the *Examiners* (upon peril of their places) that they do not use idle *Repetitions*, or needless *Circumstances*, in setting down the *Depositions* taken by them; and I would I could help it likewise, in *Commissions* in the *Courtrey*, But that is almost impossible.

Thirdly, I shall take a diligent Survey of the *Coppies* in *Chancery*; That they have their just number of *Lines*, and without open or wastfull *writing*.

Fourthly I shall be carefull that there be no *Exasion* of any new *Fees* but according as they have been heretofore set and *Tabled*.

As for *Lawyers Fees*, I must leave to the *Conscience* and *Merit* of the *Lawyer*; and the *Estimation* and *Gratitude* of the *Client*, but this I can do. I know there have used to attend this *Barre* a number of *Lawyers*, that have not been heard sometimes, scate once or twice in a *Term*; and that makes the *Client* seek to great *Counsel* and *Favourites* (as they call them: A term fitter for *Kings* then *Judges*) and that for every *Order* that a mean *Lawyer* might dispatch and as well. Therefore to help the *Generallity* of *Lawyers*, and therein to ease the *Client*, I will constantly observe that every *Tuesday*

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and other dayes of *Orders* after nine a Clock strucken, I will hear the *Bar* until 11. or halfe an Hour after 10. at the least. And since we are upon the point, whom I will hear, your *Lordsships* will give me leave to tell you a Fancy. It falls out, that there be three of us the *Kings servants* in great place, that are *Lawyers* by *Descent* Mr. *Attorney* Son of a *judge*, Mr. *Solicitor* likewise Son of a *judge*, and my self a *Chanceller* Son.

Now because the *Law*, roots so well in my time, I will water it at the Root thus far, as besides these great Ones, I will hear any *judges Son* before a *Sergeant*, and any *Sergeants Son* before a *Reader*.

Last y, for the better *Ease* of the *Subjects*; And the *Brideling* of *contentious Sutes*, I shall give better (that is greater) *Costs* where the *Suggestions* are not proved than hath been hitherto used.

There be divers other *Orders of Writs* and for *Granting* of *Benefices* and other things which I shall set down in a *Table*. But I will deal with no other too day, but such as have a proper Relation to his *Majesties Commandement*: It being my Comfort that I serve such a *Master* that I shall need to be but a *Conduit* for the *conveying* onely of his *Goodness* to his *People*. And it is true, that I do affect and aspire to make good that saying; that *Optimus Magistratus præhat optima Legi*; which is true in his *Majesty*. But for my self I doubt I shall not attain it. But yet I have a *Domestical Example* to follow. My *Lords*, I have no more to say but now I will go on to the *Business* of the *Court*.

The Speech which was used by the Lord-Keeper of the Great Seale in the Star-Chamber before the Summer Circuits, the King being then in Scotland 1617.

THE King by his perfect *Declaration* published in this place concerning *Judges* and *Justices* hath made the *Speech* of his *Chancellor*, accustomed before the *Circuits* rather of *Ceremony* than of *use*. For as in his *Book to his Sen*, he hath set forth a true *Charaèter* and *Platform* of a *King*; So in this *Speech*, he hath done the like of a *Judge* and *Justice*: Which sheweth that as his *Majesty* is excellently able to *Govern* in *chief*; So he is likewise well seen and skilful in the *inferiour Offices* and *Stages* of *Justice*, and *Government*: which is a thing very rare in *Kings*.

Yet nevertheless, somewhat must be said to fulfil an *old Observance*; But yet upon the *Kings Grounds* and very briefly: For as *Solomon* saith in another *Case*; *In these things who is he that can come after the King*

First you that are the *Judges* of *Circuits*, are as it were the *Planets* of the *Kingdoms* (I do you no dishonour in giving you that name;) And no doubt you have a great *stroak* in the *Frame* of this *Government*; As the other have in the *Frame* of the *World*. Do therefore as they do, move alwayes and be carried with the *Motion* of your first *Mover*, which is your *Sovereign*. A *popular Judge* is a *Deformed* thing: And *Plaudite's*, are fitter for *Players* than for *Magistrates*. Do good to the *people*; Love them and give them *Justice*. But let it be as the *Psalm* saith, *Nihil inde Expectantes*; Looking for nothing, neither *Praise* nor *Profit*.

Yet my *Meaning* is not when I wish you to take heed of *Popularity*,
that

that you should be imperious and strange to the Gentlemen of the *Courtrey*. You are above them in Power, but your Rank is not much unequal: and learn this; That Power, is ever of greatest strength when it is civilly carried.

Secondly, you must remember that besides your ordinary *Administration of Justice*, you do carry the two *Glasses* or *Mirrors* of the *State*: For it is your Duty in these your *Visitations*; *To Represent to the People the Graces and Care of the King*. And again upon your Return; *To present to the King the Dislikes and Grievs of the People*.

Mark what the *King* sayes in his *Book*: *Procure Reverence to the King and the Law: Inform my People truly of me*; (which we know is hard to do according to the *Excellency* of his *Merit*, but yet Endeavour it) *How zealous I am for Religion*; *How I desire Law may be maintained and flourish*; *That every Court should have his Jurisdiction*; *That every Subject should submit himself to the Law*. And of this you have had of late no small Occasion of Notice, and Remembrance by the great and straight Charge, that the *King* hath given me as *Keeper of his Seal*, for the *Governing* of the *Chancery* without *Tumour* or *Excess*.

Again *èrenata*, you at this present ought to make the *People* know, and consider the *Kings* Blessed Care and Providence in governing this *Realm*, in his Absence. So that sitting at the *Helm* of another *Kingdom*; Not without great *Affaires* and *business*; yet he governs all things here by his *Letters* and *Directions*, as punctually and perfectly as if he were present.

I assure you my *Lords* of the *Counsel*, and I do much admire the *Ex-tention* and *Latituæ* of his Care in all things.

In the *High Commission* he did conceive a *Sinnew* of *Government* was a little shrunk; He recommended the care of it.

He hath called for the *Accounts* of the last *Circuit* from the *Judges* to be transmitted unto him into *Scotland*.

Touching the *Infection* of *Pyrates*, he hath been careful and is, and hath put things in a way.

All things that concern the *Reformation* or the *Plantation* of *Ireland*; He hath given in them punctual and resolute *Directions*. All this in Absence.

I give but a few *Instances* of a *publique* Nature; The *Secrets* of *Counsel* I may not enter into; Though his *Dispatches* into *France*, *Spain* and the *Low-countries*, now in his absence are also *Notorious* as to the outward sending. So that I must conclude that his Majesty wants but more *King-dome*; For I see he could suffice to all.

As for the other *Glasse* I told you of; Of representing to the *King* the *Grievs* of his *People*; without doubt it is properly your Part: For the *King* ought to be informed of any thing amiss in the state of his *Countries* from the *Observations* and *Relations* of the *Judges* (That indeed they know Pulse of the *Country*) Rather than from *Discourc*. But for this *Glasse* (thanks be to *God*) I do hear from you all; That there was never greater *Peace*, *Obedience* and *Contentment* in the *Country*: Though the best *Governments* be alwayes like the fairest *Crystals* wherein every little *Isicle* or *Grain* is seen which in a *Fouler Stone* is never perceived.

Now to some *Particulars*, and not *Many*. Of all other things I must begin as the *King* begins; That is with the *Cause* of *Religion*; and especially the *Hollow Church-Papist*. *Saint Aug.* hath a good *Comparison* of

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fore the
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A Speech to
Sir W.

Jones called
to be a chief
Just. of Ire-
land:

such Men affirming, that they are like the *Roots* of *Nettles* which themselves sting not; but yet they bear all the stinging Leaves. Let me know of such *Roots* and I will root them out of the Country.

Next, for the Matter of *Religion*: in the principal place I recommend both to you and to the *Justices*, the *Countenancing* of *Godly* and *Zealous Preachers*. I mean not *Señaries* or *Novellists*; But those which are found, and conform; But yet pious and Reverend. For there will be a perpetual *Defection*, except you keep Men in, by *Preaching* as well as Law doth by *punishing*: and commonly *Spiritual Diseases* are not cured but by *Spiritual Remedies*.

Next, let me commend unto you the *Repressing* (as much as may be) of *Faction* in the *Countrys*, of which ensue infinite *Inconveniences*, and perturbations of all good *Order*; and crossing of all good *Service* in *Court* or *Country*, or whersoever. *Cicero* when he was *Consul* had devised a fine *Remedy* (a *Mild* one, but an effectual and apt one) For he saith *Eos qui otium perturbant reddam otiosos. Those that trouble others Quiet, I will give them Quiet*; They shall have nothing to do; Nor no *Authority* shall be put into their *Hands*. If I may know from you, of any who are in the *Country* that are *Heads*, or *Hands* of *Faction*; Or men of turbulent *Spirits* I shall give them *Cicero's Reward* as much as in me is.

To conclude study the *Kings Book*, and study your selves how you profit by it, and all shall be well. And you the *Justices of Peace* in particular, Let me say this to you; Never *King* of this *Realm*, did you so much *Honour* as the *King* hath done you in his *Speech*; By being your immediate *Directors*, and by sorting you and your service, with the *Service* of *Ambassadors* and of his nearest *Attendants*. Nay more it seems his *Majesty*, is willing to do the state of *Justice of Peace* *Honour* actively also; By bringing in with time, the like *Form of Commission*, into the *Governement* of *Scotland*, as that *Glorious King Edward the third* did plant this *Commission* here in this *Kingdom*. And therefore you are not fit to be *Coppies* except you be *Fair Written*, without *Blots* or *Blurs*, or any thing, unworthy your *Authority*. And so I will trouble you no longer for this time.

The Speech used by Sr. Francis Bacon, Lord-Keeper of the Great Seale of England, to Sir Will Jones upon his calling to be Lord Chief Justice of Ireland 1617.

Sir WILLIAM JONES,

THE *Kings* most Excellent *Majesty*, being duly informed of your sufficiency every way; Hath called you by his *Writ* now returned, to the *State* and *Degree* of a *Serjeant at Law*, But not to stay there, but being so qualified to serve him as his *Chief Justice* of his *Kings Bench*, in his *Realm of Ireland*. And therefore that which I shall say to you must be applied not to your *Serjeants* place (which you take but in passage) But to that great place where you are to settle, and because I will not spend Time to the Delay of the *Business* of *Causes* of the *Court* I will lead you

you the *short journey* by *Examples* and not the *Long* by *Precepts*.

The *Place* that you shall now serve in, hath been fortunate to be well served, in four successions before you. Do but take unto you the constancy and integrity of *Sir Robert Gardiner*: The Gravity, Temper and direction of *Sir James Lee*: The quickness, industry and dispatch of *Sir Humphry Winch*: The Care and Affection to the *Common Wealth*, and the prudent and Politick Administration of *Sir John Denham*, And you shall need no other Lessons. They were all *Lincolns Inn Men* as you are, you have known them as well in their *Beginnings*, as in their *Advancement*.

But because you are to be there, not only *Chief Justice*, but a *Counsellor of Estate*, I will put you in mind of the great Work, now in hand that you may raise your thoughts, according unto it. *Ireland* is the last, *Ex Filiis Europæ*, which hath been reclaimed from Desolation, and a Desert (in many parts) to Population, and Plantation; And from Savage and Barbarous Customs, to Humanity, and Civility. This is the *Kings Work* in chief. It is his *Garland of Heroical Virtue* and *Felicity*; Denied to his Progenitors, and Reserved to his Times. The Work is not yet conducted to perfection, but is in fair Advance. And this I will say confidently, that if *God* bless this *Kingdom* with Peace and Justice; No *Usurer* is so sure in seven years space to double his *Principal* with *Interest*, and *Interest* upon *Interest*; As that *Kingdom* is within the same time to double the stock both of *Wealth* and *People*. So as that *Kingdom* which once within these Twenty years, *Wise men* were wont to doubt whether they should wish it to be in a *People*; Is like now to become almost a *Garden*, And *younger Sister* to *Great Britain*. And therefore you must set down with your self to be not only a just *Governor* and a good *Chief Justice* (as if it were in *England*) But under the *King* and the *Deputy* you are to be a *Master Builder*, and a *Master Planter*, and *Reducer* of *Ireland*. To which end, I will trouble you at this time but with Three Directions.

The First is, that you have special care of the Three *Plantations*. That of the *North*, which is in part acted: That of *W. I. I. I.*, which is now in Distribution: And that of *Longford*, and *Letrim*, which is now in survey. And take this from me; That the Bane of a *Plantation* is when the *Undertakers* or *Planters* make such hast to a little *Mechanical present profit* as disturbeth the whole *Fram*, and nobleness of the work, for Times to come. Therefore hold them to their *Covenants*, and the strict *Ordinances* of *Plantation*.

The second is, that you be carefull, of the *Kings Revenues*; And by little and little constitute him a good *Demeas*, if it may be, Which hitherto is little or none. For the *Kings Case* is hard, when every Mans Land shall be improved in value with increase manifold; and the *King* shall be tied to his *Dry Rent*.

My last direction (though first in weight) is that you do all good Endeavours to proceed resolutely, and constantly (and yet with due Temperance, and Equality) in *Matters of Religion*; least *Ireland Civil*, become more dangerous to us, than *Ireland Savage*. So *Gsd* give you Comfort of your *Place*.

After *Sir William Jones Speech*.

I had forgotten one thing, which was this. You may take exceeding great Comfort, that you shall serve with such a *Deputy*: One that (I think) is a *Man* ordain'd of *God* to do great *Good* to that *Kingdome*. And this I think good to say to you; That the true Temper of a *Chief Justice* towards a *Deputy* is Neither servilly to second him, nor factiously to oppose him.

A Speech to
Sir W.

Jones, called to be a
Chief Just.
of Ireland.



A Speech to
Sir John
Denham,
called to be
a Baron of
the Exch.

The Lord Keepers Speech in the Exchequer to Sir John Denham; when he was called to be one of the Barons of the Exchequer.

SIR John Denham, the King of his grace and favour hath made choice of you to be one of the Barons of the Exchequer; To succeed to one of the gravest and most Reverend Judges of this Kingdom; For so I hold Baron Altham was. The King takes you not upon Credit, but Proof, and great Proof of your former Service; and that in both those kinds wherein you are now to serve: For as you have shewed your self a good Judge betweene party and party; so you have shewed your self a good Administer of the Revenue; Both when you were Chief Baron and since as Counsellor of Estate there in Ireland, where the Counsel as (you know) doth in great part manage and messuage the Revenue.

And to both these Parts I will apply some Admonitions; But not vulgar or discursive; But apt for the Times and in few wordes: For they are best remembred.

First therefore above all you ought to maintain the Kings Prerogative, And to set do wn with your self that the Kings Prerogative, and the Law, are not two Things; But the Kings Prerogative is Law; And the principal Part of the Law: The First-born or Pars Prima of the Law: And therefore in conserving or maintaining that you conserve and maintain the Law. There is not in the Body of Man, one Law of the Head, and another of the Body, but all is one Entire Law.

The next Point that I would now advise you is, that you acquaint your self diligently with the Revenue; and also with the Ancient Records and Presidents of this Court. When the famous Case of the Copper Mines, was argued in this Court, And judged for the King; It was not upon the fine Reasons of Witt; as that the Kings Prerogative drew to it the chief in quaque specie: The Lion is the chief of Beasts, the Eagle the chief of Birds, the Whale the chief of Fishes; And so Copper the chief of Minerals; For these are but Dalliances of Law, and Ornaments; But it was the grave Records and Presidents, that grounded the Judgement of that Cause: And therefore I would have you both guide and arm your self with them against these Vapours and Fumes of Law, which are extracted out of Mens Inventions and Conceits.

The third Advice I will give you hath a large Extent: It is that you do your endeavour in your place so to mannage the Kings Justice and Revenue, as the King may have most most Profit, and the Subject least vexation: For when there is much vexation to the Subject and little Benefit to the King, then the Exchequer is Sick: And when there is much Benefit to the King, with less Trouble and vexation to the Subject then the Exchequer is sound: as for Example; If there shall be much Racking for the Kings old Debts; and the more Fresh and late debts shall be either more negligently called upon or over easily discharged, or over Indulgently stalled: Or if the number of Informations be many; and the Kings Part or Fines for Compositions, a Trifle: Or if there be much ado, to get the King new Land, upon Concealments, and that which he hath already be not known and surveyed; Nor the woods preserved (I could put you many other

Cases this falls within that which I term the *sick Estate* of the *Exchequer*. And this is that which makes every Man ready, with their undertakings, and their Projects to disturb the ancient *Frame* of the *Exchequer*; (Then the which I am perswaded there is not a better) This being the *Burthen* of the *Song*; That much goeth out of the *Subjects Purse*; And little cometh to the *Kings Purse*. Therefore, give them not that advantage so to say. Sure I am, that besides your own Associates the *Barons* you serve with two superiour *Great Officers*, that have Honourable and true *Euds*; and desire to serve the *King* and right the *Subject*.

A Speech to
Just. Hutton
to be one of
the Judges
of the C.
Pleas.

There resteth, that I deliver you your *Patent*:-

His Lordships Speech in the Common Pleas, to Justice Hutton when he was called to be one of the Judges of the Common Pleas.

Mr. Sergeant Hutton,

The *Kings* most excellent Majesty being duly enformed of your Learning, Integrity, Discretion, Experience, Means, and Reputation in your Country hath thought fit not to leave you these *Talents* to be employed upon your self only, but to call you to serve *Himself* and his *People* in the place of one of his *Justices* of the *Court of Common Pleas*.

This *Court* where you are to serve is the *Local Center*, and *Heart* of the *Laws* of this *Realm*: Here the *Subject* hath his assurance by *Fines* and *Recoveries*: Here he hath his Fixed and Invariable *Remedies* by *Precipes* and *Writs of Right*: Here *Justice* opens not by a *By-gate* of *Priviledge*, but by the great *Gate* of the *Kings Original Writs* out of the *Chancery*. Here issues *Process* of *Utlawry*, if men will not answer *Law* in this *Center of Law*, they shall be cast out. And therefore it is proper for you, by all means with your *Wisdom* and fortitude to maintain the *Laws* of the *Realm*: Wherein nevertheless I would not have you *Head-strong* but *Heart-strong*; And to weigh and remember with your self that the 12. *Judges* of the *Realm* are as the 12 *Lions* under *Solomons Throne*; They must shew their *Stoutness* in *Elevating* and bearing up the *Throne*. To represent unto you the *Lines* and *Portraitsures* of a good *Judge*.

The 1. is, that you should draw your *Learning* out of your *Books*, not out of your *Brain*.

2. That you should mix well the *Freedom* of your own *Opinion* with the *Reverence* of the *Opinion* of your *Fellows*.

3. That you should continue the *Studying* of your *Books* and not to spend upon the old *Stock*.

4. That you should fear no *Mans Face*; and yet not turn *Stoutness* into *Bravery*.

5. That you should be truly *Impartial* and not so as Men may see *Affection* through fine *Carriage*.

6. That you should be a *Light* to *Jurours* to open their *Eyes*, but not a *Guid* to *Lead* them by the *Noses*.

7. That you affect not the *Opinion* of *Pregnancy*, and *Expedition*, by an impatient and catching *Hearing* of the *Counsellors* at the *Bar*

A Speech
in the Par-
liament, to
the Spea-
kers Excuse.

8. That your Speech be *with Gravity*, as one of the *Sages* of the *Law* and not *Talkative*, nor with impertinent *Flying out* to shew *Learning*.

9. That your *Hands* and the *Hands* of your *Hands* (I mean those about you) Be *Clean*, and *Uncorrupt* from *Gifts* from *Medling* in *Titles*, and from *Serving of Turns*; Be they of *Great* ones or *small* ones.

10. That you contain the *Jurisdiction* of the *Court* within the ancient *Meere-Stones*, without *Removing* the *Mark*.

11. Lastly, that you carry such a *Hand* over your *Ministers* and *Clarks*, as that they may rather be in aw of you, than presume upon you.

These and the like *Points* of the *Duty* of a *Judge*, I forbear to enlarge; For the longer I have lived with you, the shorter shall my *Speech* be to you, *Knowing* that you come so *Furnished* and prepared with these *Good Vertues*, as whatsoever I shall say cannot be *New* unto you. And therefore I will say no more unto you, at this time, but deliver you your *Patent*.

His Lordships Speech in the Parliament, being Lord Chancellor To the Speakers Excuse.

Mr. Serjeant Richardson,

THE *King* hath heard and observed your grave and decent *Speech*; tending to the *Excuse* and *Disablement* of your self for the place of *Speaker*. In answer whereof, his *Majesty* hath commanded me to say to you that he doth in no sort admit of the same.

First because, if the *Parties* own *Judgment* should be admitted in case of *Elections*; touching himself, it would follow that the most confident, and over-weening persons would be received; and the most considerate Men, and those that understand themselves best should be rejected.

Secondly, his *Majesty* doth so much rely upon the *Wisdomes* and *Discretions* of those of the *House of Commons*, that have chosen you with an unanimous consent, that his *Majesty* thinks not good to swerve from their *Opinion*, in that wherein themselves are principally interresse'd.

Thirdly, you have disabled your Self in so good and decent a *Fashion*, as the *Manner* of your *Speech* hath destroyed the *Matter* of it.

And therefore the *King* doth allow of the *Election* and admit you for *Speaker*.

To the Speakers Oration.

Mr. Speaker;

THE *King* hath heard and observed your eloquent discourse containing much good *Matter*, and much good *Will*: Wherein you must expect from me such an *Answer* only as is *pertinent* to the *Occasion* and compassed by due respect of *Time*.

I may divide that which you have said into four parts.

The first was a *Commendation*, or *Laudative* of *Monarchy*.

The second was indeed a large *Field*, Containing a thankfull *Acknowledgement* of his *Majesties* *Benefits*, *Attributes*, and *Acts* of *Government*.

The

The third was some *Passages* touching the *Institution*, and *Use* of *Parliaments*.

The fourth and last was certain *Petitions* to his *Majesty* on the behalf of the *House* and yourself.

For your *Commendation* of *Monarchy*, and preferring it before other *Estates*, it needs no an *Answer*. The *Schools* may dispute it; But *Time* hath tryed it; And we find it to be the *Best*. Other *States*, have curious *Frames* soon put of order; And they that are made fit to last are not commonly fit to grow or spread: And contrariwise those that are made fit to spread and enlarge are not fit to continue and endure. But *Monarchy* is like a *Work of Nature*, well composed both to grow, and to continue. From this I pass.

For the second part of your *Speech* wherein you did with no less *Truth* than affection, acknowledge the great *Felicity* which we enjoy by his *Majesties* *Reign* and *Government*; His *Majestie*, hath commanded me to say unto you: That *Praises* and *Thanksgivings*, he knoweth to be the true *Oblations* of *Heart* and loving *Affections*: But that which you offer him he will joyn with you, in offering it up to *God*, who is the *Author* of all *Good*; who knoweth also the *uprightness* of his *Heart*; who he hopeth, will continue and encrease his *Blessings* both upon *Himself* and his *Posterity* and likewise upon his *Kingdomes* and the *Generations* of them.

But I for my part must say unto you as the *Grecian Orator* said long since in the like case: *Solus dignus harum rerum Laudator Tempus*. *Time* is the onely *Commender* and *Encomiastique*, worthy of his *Majesty* and his *Government*.

Why *Time*? For that in the *Revolution* of so many years and *Ages* as have passed over this *Kingdom*; Notwithstanding many *Noble* and excellent *Effects* were never produced untill his *Majesties* dayes; But have been reserved as proper and peculiar unto them.

And because this is no part of a *Panegyrick*, but meerly story and that they be so many *Articles* of *Honour* fit to be recorded, I will onely mention them; extracting part of them out of that you *Mr. Speaker* have said. They be, in *Number Eight*.

1. His *Majesty* is the first (as you noted it well) that hath laid *Lapis Angularis* the *Corner Stone* of these two mighty *Kingdomes* of *England* and *Scotland*, and taken away the *Wall* of *Separation*: Whereby his *Majesty* is become the *Monarch* of the most puissant and *Military Nations* of the *World* and if one of the *Ancient wise Men*, was not deceived *Iron commands Gold*.

Secondly the *Plantation* and *Reduction* to *Civility* of *Ireland* (the second *Island* of the *Ocean Atlantique*) did by *Gods* *Providence* wait for his *Majesties* *Times*: Being a work resembling indeed the *Workes* of the ancient *Heroes*: No new piece of that kind in *Modern Times*.

Thirdly this *Kingdom* now first in his *Majesties* *Times* hath gotten a *Lot* or *Portion* in the *New World* by the *Plantation* of *Virginia* and the *Summer Islands*. And certainly it is with the *Kingdomes* on *Earth*, as it is in the *Kingdom* of *Heaven*. Sometimes a *Grain* of *Mustardseed* proves a great *Tree*. Who can tell?

Fourthly, his *Majesty* hath made that *Truth* which was before *Titulary*, in that he hath verified the *Stile* of *Defender* of the *Faith*; Wherein his *Majesties* *Pen* hath been so happy as though the *Deaf Adder* wil not hear, yet he is charmed that he doth not *Hiss*. I mean in the graver sort of those that have answered his *Majesties* *Writings*.

Fifthly

A *Speech* in
the *Parliament*, to the
Speakers
Excuse.

1. Part.

2. Part.

A Speech in
the Parlia-
ment to the
Speakers
Excuse.

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6.

Fifthly, it is most certain that since the *Conquest*, ye cannot assign twenty years (which is the Time that his *Majesties* *Raign*, now drawes fast upon) of Inward and outward Peace. Inomuch as the time of *Queen Elis.* of happy memory, and allwayes magnified for a peaceably *Raign*, was nevertheless interrupted the first Twenty years, with a *Rebellion* in *England*. And both first and last twenty years with *Rebellions* in *Ireland*. And yet I know, that his *Majesty* will make good both his Words, as well that of *Nemo me lascescit impune*, as the other of *Beati pacifici*.

7.

Sixthly, that true and primitive Office of Kings which is to sit in the Gate and to judge the people was never performed in like perfection by any of the *Kings Progenitors*: Whereby his *Majesty* hath shewed himself to be *Lex loquens*, and to sit upon the Throne not as a *dumb statua*, but as a *Speaking Oracle*.

Seventhly, for his *Majesties* *mercy* (as you noted it well) shew me a time wherein a *King* of this Realm hath *Reigned* almost 20. years (as I said) in his *White Robes* without the Blood of any Peere of this *Kingdome*: The *Axe* turned once or twice towards a Peere but never strook.

8.

Lastly the *Flourishing* of Arts and Sciences recreated by his *Majesties* Countenance and bounty, was never in that Heighth especially that *Art* of *Arts Divinity*; For that we may truly to Gods great glory confess that since the *Primitive times*, there were never so many *Stars* (for so the *Scripture* calleth them) in that *Firmament*.

These things Mr. *Speaker*, I have partly chosen out of your Heap, and are so far from being vulgar, as they are in effect singular and proper to his *Majesty* and his Times. So that I have made good as I take it my first *Affertion*; That the onely worthy *Commender* of his *Majesty* is *Time*: Which hath so set off his *Majesties* *merits* by the shadowes of *Comparisons* as it passeth the *Lustre* or *Commendation* of Words.

How then shall I conclude? Shall I say, *O Fortunatus nimium sua si bona norint*: No For I see ye are happy in injoying them, and happy again in knowing them. But I will conclude this part with that saying, turned to the right hand; *Si gratum dixeris omnia dixeris*. Your gratitude contains in a word all that I can say to you touching this *Parliament*.

3. Part.

Touching the third Point of your Speech concerning *Parliaments* I shall need to say little: For there was never that Honour done to the *Institution* of *Parliament*, that his *Majesty* did it in his last Speech making it in effect the perfection of *Monarchy*: For that although *Monarchy* was the more ancient, and be independant, yet by the advice and assistance of *Parliament* it is the stronger and the surer built.

And therefore I shall say no more of this point, but as you Mr. *Speaker* did well note, that when the *King* sits in *Parliament* and his *Prelates* *Peeres*, and *Commons* attend him, he is in the *Exaltation* of his *Orb*: So I wish things may be so carried, that he may be then in greatest *Serenity* and *Bemignity* of *Aspects* shining upon his *People* both in *Glory* and *Grace*. Now you know well that the shining of the sun fair upon the Ground; whereby all things exhilarate, and do fructifie, is either hindered by *Clouds* above, or *Mists* below; perhaps by *Brambles* and *Briars*, that grow upon the *Ground* it self. All which I hope at this time will be dispelled and removed.

4. Part.

I come now to the last part of your Speech, concerning the *Petitions*: But before I deliver his *Majesties* Answer respectively in particular; I am to speak unto you, some few words in generall: Wherein in effect

I shall but glean: His Majesty having so excellently and fully expressed himself.

For that that can be spoken pertinently must be either touching the *Subject*, or *matter of Parliament Business*; Or of the *manner and Carriage* of the same Or lastly of the *Time* and the *Husbanding and Marshalling of Time*.

For the *matters* to be handled in *Parliament* they are either of *Church, State, Lawes* or *Grievances*.

For the First two, concerning *Church* or *State*, ye have heard the King himself speak, and as the *Scripture* saith, *Who is he that in such things shall come after the King?* For the other two I shall say somewhat, but very shortly.

For *Lawes*, they are Things proper for your own Element: And therefore therein, ye are rather to lead than to be led. Only it is not amiss to put you in mind of two things: The one that you do not *multiply* or *accumulate Lawes*, more than ye need. There is a Wise and Learned *Civilian* that applies the *Curse* of the *Prophet*, *Pluet super eos Laqueos; To multiplicity of Lawes*; For they do but ensnare and entangle the *People*. I wish rather, that ye should either revive good *Lawes* that are fallen and discontinued, or Provide against the slack execution of *Lawes*, which are already in Force; or meet with the subtile *Evasions* from *Lawes* which *Time* and *Craft* hath determined, than to make *Novas Creaturas Legum Lawes* upon a new mould.

The other *Point* touching *Lawes* is, That ye busie not your selves too much in private *Bills*, except it be in *Cases* wherein the help and Arm of ordinary *justice* is too short.

For *Grievances*, his Majesty hath with great *Grace* and *Benignity* opened himself. Nevertheless the *Limitations*, which may make up your *Grievances* not to beat the Air only, but to sort to a desired effect, are principally two. The one (to use his Majesty's term) that ye do not *Hunt* after *Grievances*, Such as may seem rather to be stirred here when ye are met, then to have sprung from the desires of the *Country*: Ye are to *represent* the *People*; ye are not to *personate* them.

The other, that ye do not heap up *Grievances* as if *Numbers* should make a *show* where the *Weight* is small; Or as if all things amiss (like *Platoes Commonwealth*) should be remedied at once. It is certain that the best *Governments* yea, and the best of men are like the best precious *Stones*, wherein every flaw or *Isicle* or *Grain* are seen and noted more than in those that are generally foul and corrupted.

Therefore contain your selves within that *Moderation* as may appear to bend rather to the *Effectual Ease* of the *People*, then to a *Discursive Envy*, or scandal upon the *State*.

As for the *manner* of *Carriage* of *Parliament Business* ye must know that ye deal with a *King* that hath been longer *King* than any of you have been *Parliament Men*; And a *King* that is no less sensible of *Formes* than of *matter*; And is as far from induring *Diminution* of *Majesty* as from regarding *Flattery* or *Vain-glory*; And a *King* that understandeth as well the *Pulse* of the *Hearts* of *People* as his own *Orb*. And therefore, both let your *grievances* have a decent and *Reverent Form* and *Stile*; And (to use the words of former *Parliaments*) let them be *Tanquam Gemitus Columbe*, without *Pique* or *Harthness*; And on the other side, in that ye do for the *King*, Let it have a *Mark*, of *Unity* *Alacrity* and *Affection*; which will be of this Force; That whatsoever ye do in substance, will be doubled in *Reputation* abroad, as in a *Crystal Glass*.

For

A Speech in
the Parlia-
ment to the
Speakers
Excuse.



A Speech
in the Par-
liament, to
the Spea-
kers Excuse.

For the time if ever *Parliament* was to be measured by the Hour-glass it is this; in regard of the instant occasion flying away irrecoverably. Therefore let your Speeches in the *House* be the Speeches of *Counsellors*, and not of *Oratours*: Let your *Committees* tend to dispatch, not to dispute and so marshall the *Times* as the publique Business, especially the proper Business of the *Parliament* be put first, and private *Bills* be put last, as time shall give leave, or within the spaces of the *publique*.

For the four *Petitions* his Majesty is pleased to grant them all as liberally as the ancient and true Custom of *Parliament* doth warrant: And with the cautions that have ever gone with them; that is to say, that the priviledge be not used for defrauding of Creditors and Defeating of ordinary Justice: That *Liberty of Speech* turn not into License but be joynd with that Gravity and Discretion, as may tast of Duty and Love to your *Soveraign*, Reverence to your own *Assembly*, and Respect to the *matters* ye handle. That your *Accesses* be at such fit times, as may stand best with his *Majesties* pleasure and Occasions. That *mistakings*, and *misunderstandings* be rather avoided and prevented, (as much as may be) then salved or cleared.

CERTAIN

Observations upon a Libel, published, in Anno. 1592.



CERTAIN
OBSERVATIONS,
UPON A
LIBELL,

Published this present year, 1592.

INTITULEDA
DECLARATION
Of the *TRUE CAUSES*,
OF THE
GREAT TROUBLES,
Presupposed to be intended against the
REALM of ENGLAND.

¶ I were Just and Honourable for *Princes* being in Warrs together, that howsoever they prosecute their *Quarrels* and *Debates* by *Arms* and *Acts of Hostility*, yea though the Warrs be such as they pretend the utter Ruine and Overthrow of the *Forces* and *States* one of another; yet they so limit their *Passions* as they preserve two things Sacred and Inviolable; That is the *Life* and good Name each of other. For the Warrs are no *Massacres* and *Confusions*; But they are the highest *Trials of Right*; when *Princes* and *States* that acknowledge no Superiour upon Earth, shall put themselves upon the *Justice of God* for the Deciding of their Controversies, by such Success, as it shall please him to give on either side. And as in the Proceſs of particular Pleas, between private men, all things ought to be ordered by the Rules of *Civil Lawes*: So in the Proceedings of the Warr, nothing ought to be done against the *Law of Nations*, or the *Law of Honour*; Which *Lawes* have ever pronounced those two Sorts of Men; The one *Conspirators* against the *Persons of Princes*; The other *Libellers* against their good *Fame*, to be such Enemies of common Society,

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ciety, as are not to be cherished, no not by *Enemies*. For in the Exam-
ples of Times, which were less corrupted, we find that when in the great-
est Heats, and Extremities of *Wars*, there have been made Offers of *Mur-*
derous and *Traiterous Attempts* against the *Person* of a *Prince* to the *Enemy*,
they have been not only *Rejected*, but also *Revealed*. And in like man-
ner, when *Dishonourable mention* hath been made of a *Prince*, before an
Enemy Prince by some that have thought therein to please his Humour,
he hath shewed himself contrarywise, utterly distasted therewith, and
been ready to contest, for the *Honour* of an *Enemy*.

According to which Noble and Maguanimous kind of Proceeding, it
will be found, that in the whole course of her *Majesties* Proceeding
with the *King of Spain*, since the Amity interrupted; There was never a-
ny project by her *Majesty* or any of her *Ministers* either moved or assent-
ed unto for the taking away of the *Life* of the said *King*: Neither hath
there been any *Declaration* or *Writing of Estate*; No nor *Book allowed*, wherein
his *Honour* hath been touched or taxed, otherwise than for his *Am-*
bition; A point which is necessarily interlaced with her *Majesties* own
Justification. So that no Man needeth to doubt, but that those *Wars* are
grounded upon her *Majesties* part upon Just and Honourable Causes which
have so Just and Honourable a prosecution; Considering it is a much harder
Matter, when a *Prince* is entred into *Wars* to hold respect then and not to be
transported with *Passion*, than to make *moderate* and *just Resolutions* in the *Be-*
ginnings.

But now if a Man look on the other part it will appear that rather,
as it is to be thought by the Solicitation of *Traiterous Subjects* (which is the
onely Poyson and Corruption of all Honourable *War* between *Forrainers*;) or
by the Presumption of his *Agents* and *Ministers* than by the proper Inclina-
tion of that *King*, there hath been, if not plotted and practised, yet at
least comforted, *Conspiracies* against her *Majesties Sacred Person* which ne-
vertheless *Gods Goodness* hath used and turned to shew by such miraculous
Discoveries into how near and precious Care and Custody it hath pleased
him to receive her *Majesties Life* and *Preservation*. But in the other Point
it is strange what a number of *Libellous* and *Defamatory Books* and *Writings*,
and in what Variety with what Art and cunning handled have been al-
lowed to pass through the *World*, in all *Langages* against her *Majesty* and
her *Government*; Sometimes pretending the *Gravity* and *Authority* of *Church*
Stories, to move *Belief*; sometimes formed into *Remonstrances* and *Adver-*
tisements of Estate to move *Regard*, sometimes presented as it were in *Trage-*
dies of the *Persecutions* of *Catholicks* to move *Pity*; Sometimes contrived
into pleasant *Pasquils* and *Satyr*s to move *Sport*: So as there is no shape,
whereinto these Fellowes have not transformed themselves; Nor no humor
nor affection in the mind of *Man* to which they have not applied them-
selves; Thereby to insinuate their *Untruths* and *abuses* to the *World*. And
indeed let a *Man* look into them and he shall find them the only *Triumphant*
Lies that ever were confuted by *Circumstances* of *Time* and *Place*: Confuted by
contrariety in themselves confuted by the witness of infinite persons that live
yet and have had particular knowledge of the *Matters*: But yet avouched with
such *Asservation*, as if either they were fallen into that strange *Disease* of the
Mind, which a wise *Writer* describeth in these words; *Fingunt simul cre-*
duntque; Or as if they had received it as a principal *Precept* and *Ordi-*
nance of their *Seminaries*; *Audacter calumniare semper aliquid haeret*: Or as
if they were of the *Race* which in old time were wont to help themselves
with

with Miraculous Lies, but when the Cause of this is entred into, Namely, that there passeth over out of this *hæm*, a number of Eager and Unquiet *Schollers* whom their, own Turbulent, and Humourous Nature, preileth out to seek their Adventures abroad; And that on the other side, they are nourished, rather in Listening after News and Intelligences, and in Whisperings, then in any Commendable Learning; And after a time, when either their Necessitous Estate, or their Ambitious Appetites importune them, they fall on devising how to do some acceptable service, to that side which maintaineth them. So as ever when their Credit waxeth Gold, with Forreign Princes; Or that their Pensions, are ill paid Or some Preferment is in sight, at which they level Straitwaies, out commeth a *Libel*, pretending thereby to keep in life the party, which within the Realme is contrary to the State, (Wherein, they are as wise as he, that thinketh to kindle a Fire, by blowing the dead Althes;) When I say, a man looketh into the Cause, and Ground of this plentiful yield of *Libels* he will cease to marvel, considering the Concurrence which is in the Nature of the seed, as in the travel of Tilling, and dressing; yea, and fitness, of the Season; for the Bringing up of those infecti-
ous weeds.

But, to verifie the Saying of our *Saviour*; *Non est Discipulus super Magistrum*; As they have sought to deprave her *Majesties Government*; in her self; So, have they not forgotten, to do the same, in her principal *Servants*, and *Counsellours*; Thinking belike, that as the *Immediate Invectives*, against her *Majesty*, do best satisfie the Malice, of the *Forreiner*; So the slander, and Calumniation of her *principal Counsellours*, agreed best with the Humours of some *Malecontents* within the *Realme*; Imagining, also, that it was like, they would be more scattered here, and freelier, dispersed; And also should be less odious, to those *Forreigners*, which were not meeterly partial, and passionate; who have, for the most part, in detestation, the *Traiterous Libellings* of *Subjeits*, directly against their *Natural Prince*.

Amongst the Rest in this kind, there hath been published this present year, of 1592. a *Libel*, that giveth place to none of the Rest in *Malice* and *untruths*; Though inferiour to most of them, in penning, and Stile; The *Author* having chosen the vain of a *Lucianist*; And yet being a Counterfeit, even in that kind. This *Libel* is intituled; *A Declaration of the true causes of the great troubles, presupposed to be intended against the Realme of England*. And hath a Semblance, as if it were bent, against the Doings of her *Majesties* Ancient, and *Worthy Councillor*, the *Lord Burley*; Whose Carefulness and Paines, her *Majesty* hath used, in her *Counsels* and *Actions*, of this *Realme* for these 34 years space, in all dangerous Times; And amidst many, and mighty practises; And with such success, as our Eemies are put still, to their *Paper-sbor*, of such *Libels*, as these: The memory, of whom, will remain, in this *Land*, when all these *Libels*, shall be extinct, and forgotten; According to the *Scripture*; *m-maria just cum laudibus, at Impiorum Nomen putrescet*. But it is more then evident, by the parts of the same *Book*, that the *Authors Malice*, was to her *Majesty*, and her *Government*; As may especially appear in this, That he charged not his *Lordship* with any particular *Actions* of his private Life; (Such power had Truth;) whereas, the *Libels* made against other *Counsellors* have, principally, insisted upon that part: But hath only wrested, and detorted such *Actions* of *State*, as in Times of his Service, have been Managed; And depraving them, hath ascribed, and imputed to him, the Effects that have followed; Indeed, to the *Good* of the *Realm*, and the *Honour* of her *Majesty*; Though, sometimes, to the *Provoking* of the *Malice*, but *Abridg-*

Observations upon a Libel, published, In Anno. 1592.

Observations upon a Libell, published In Anno. 1592.

ing of the Power, and Means, of Desperate, and Incorrigible Subjects. All which Slanders, as his Lordship might justly despise; Both for their Manifest Untruths, and for the Baseness, and Obscurity, of the Author; So nevertheless, according to the Moderation, which his Lordship useth, in all Things; Never claiming the Priviledge, of his Authority, when it is Question, of satisfying the World; He hath been content, and that they be not passed over, altogether, in Silence: Whereupon, I have, in particular Duty to his Lordship, amongst others that do Honour, and Love, his Lordship; And that have diligently, observed his Actions; And in Zeal of Truth, collected, upon the Reading, of the said Libell, certain Observations; Not in Form, of a just Answer, lest, I should fall into the Error, whereof Salomon, speaketh thus; Answer not a Fool, in his own kind, lest thou also be like him; But only, to discover the Malice, and to reprove, and convict the Untruths, thereof.

The Points, that I have observed, upon the Reading, of this Libell, are these following.

1. Of the Scope, or Drift, of the Libeller.
2. Of the present Estate, of this Realm, of England; whether it may be truly avouched, to be Prosperous, or Afflicted.
3. Of the Proceedings, against the pretended Catholiques, whether they have been Violent; or moderate, and necessary.
4. Of the Disturbance, of the Quiet, of Christendom; And to what Causes, it may be justly imputed.
5. Of the Cunning, of the Libeller, in Palliation, of his Malicious Inuasive, against her Majesty, and the State; with pretence, of taxing only, the Actions, of the Lord Burleigh.
6. Certain true General Notes, upon the Actions, of the Lord Burleigh.
7. Of diverse particular Untruths, and Abuses, dispersed through the Libell.
8. Of the Height of Impudency, that these Men, are grown unto, in Publishing, and Avouching, Untruths; with a particular Recital, of some of them, for an Assay.

I. Of the Scope, or Drift of the Libeller.

It is good Advice, in dealing, with Cautelous, and Malicious, persons; Whose Speech, is ever at distance, with their Meanings; *Non quid dixerit, sed quò spectarint, videndum*: A Man, is not to regard, what they affirm, or what they hold; But, what they would convey, under the pretended Discovery, and what turn they would serve. It soundeth strangely in the Eares, of an English Man; That the Miseries of the present State of England, exceed them of former times, whatsoever. One would straight-way think with himself; Doth this Man believe what he saith? Or not believing it, doth he think it possible, to make us believe it? Surely, in my conceit, neither of both; But his End, no doubt, was, to round the Pope, and the King of Spain, in the Eare, by seeming, to tell a tale, to the People of England. For such Book, are ever wont, to be translated, into divers Languages: And, no doubt, the Man, was not so simple, as to think, he could persuade, the People of England, the Contrary, of what they tast, and feel. But he thought he might better abuse, the States, abroad, if he directed his Speech to them, who could best convict him, and disprove

disprove him if he said un true: So that, as *Livy* saith, in the like case; *Ætolos, magis, coram quibus verba facerent, quam ad quos, pensi habere: That the Axtolians, in their Tales, did more respect those, which did over-hear them, then those, to whom they directed their Speech*; So, in this matter, this Fellow, cared not, to be counted a *Lier*, by all *English*, upon *Price*, of *Deceiving* of *Spain* and *Italy*, For it must be understood, that it hath been, the generall Practise, of this kind of Men, many years of the one side, to abuse, the forrain Estate, by making them believe, that all is out of Joynt, and Ruinous, here in *England*. And that, there is great part ready to joyn with the *Invaider*: And, on the other side, to make *Evil Subjects*, of *England*, believe, of great *Preparations* abroad, and in great readines, to be put in Act; And so to deceive, on both sides: And this, I take to be, his *Principal Drift*. So again, it is an extravagant, and incredible Conceit, to Imagine, that all the *Conclusions*, and *Actions*, of *Estate*, which have passed, during her *Majesties Raig*n, should be ascribed, to one *Counsellor* alone; And to such an one, as was never noted, for an *Imperious*, or *Overruling*, Man: And to say, that though, He carried them, not by *Violence*, yet he compassed, them by *Devise*; There is no Man of *Judgement*, that looketh into the Nature of these Times, but will easily descry, that the *Wits*, of these *Dayes*, are too much refined, for any Man, to walk Invisible: Or to make all the *World* his Instruments; and therefore, no not in this point, assuredly the *Libeller* spake as he thought; But this he foresaw, that the *Imputation* of *Cunning* doth breed *Suspicion*; And the *Imputation* of *Greatness* and *Snay* doth breed *Envy*, And therefore, finding where he was most wrong, and by whose policy and Experience, their plots were most crossed, the mark he set out at was to see whether he could heave at his *Lordships Authority*, by making him suspected to the *Queen*, or generally odious to the *Realme*: Knowing well enough, for the one point, that there are not only *Jealousies*, but certain *Revolutions* in *Princes minds*: So that it is a rare vertue in the *Rarest Princes*, to continue constant to the End, in their Favours and Employments. And knowing for the other point, that *Envy* ever accompanieth *Greatness*, though never so well deserved: And that his *Lordship* hath alwaies marched a Round and a Real Course in service: And as he hath not moved *Envy* by *Pomp* and *Ostentation*; so hath he never extinguished it by any *Popular*, or *Insinuative Carriage* of himself: And this no doubt was his *Second Drift*,

A *Third Drift*, was to assay if he could supplant and weaken, (by this violent kind of *Libelling*, and turning the whole *Imputation*, upon his *Lordship*,) his *Resolution* and *Courage*; And to make him proceed more cautiously, and not so thoroughly and strongly against them; Knowing his *Lordship* to be a *Politick Man*, and one, that hath, a *great Stake* to leese.

Lastly, least while I discover *Cunning*, and *Art*, of this Fellow, I should make him wiser then he was, I think a great part of this *Book* was *Passion*; *Difficile est tacere, cum doleat*. The *Humours* of these *Men* being of themselves eager and Fierce, have by the Abort, and Blasting of their Hopes, been blinded and errized. And surely this *Book*, is of all that Sort, that have been written of the meanest work-man-ship; Being fraughted with sundry *base Scoffs*, and *cold Ampifications*, and other *Characters* of *Despise*; But void of all *Judgment* or *Ornament*.

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2. Of the present Estate of this Realm of England whether it may be truly avouched to be prosperous, or Afflicted.

THE Benefits of Almighty God upon this Land, since the time that in his singular providence he led as it were by the hand and placed in the Kingdom, his *Servant* our *Queen Elizabeth*, are such as not in Boasting, or in Confidence of our selves, but in praise of his *Holy Name* are worthy to be both considered and confessed; yea and registred in perpetual Memory; Notwithstanding, I mean not after the manner of a *Panegyrick* to Extol the present Time. It shall suffice onely, that those Men, that through the Gall and Bitterness of their own Heart have lost their *Tast*, and *Judgement*; And would deprive God of his *Glory* and us of our senses in affirming our *Condition* to be *Miserable*; and full of Tokens of the *Wrath* and *Indignation* of God, be reproved.

If then it be true, that *Nemo est Miser, aut Felix nisi comparatus*; Whether we shall (keeping our selves within the compass of our own *Island*) look into the *Memories* of *Times past*; Or at this present time, take a view of other *States* abroad in *Europe*: We shall find that we need not give place to the *Happiness* either of *Ancestours* or *Neighbours*. For if a Man weigh well all the *Parts of State and Religion, Lawes, Administration of Justice, Pollicy of Government, Manners, Civility, Learning and Liberal Sciences, Industry and Manual Arts, Arms and Provisions of Wars for Sea and Land, Treasure, Traffique, improvement of the Soyl, P population, Honour and Reputation*, It will appear that taking one part with another, the *State* of this *Nation*, was never more Flourishing.

It is easie to call to *Remembrance* out of *H stories* the *Kings of England* which have in more ancient times enjoyed greatest *Happiness*; Besides her *Majesties* *Father* and *Grandsfather*, that raigned in rare *Felicity* as is fresh in *Memory*. They have been *K. Henry 1. K. Hen. 2. K. Hen. 3. K. Edm. the 1. K. Edm. the 3. K. Henry the 5.* All which have been *Princes* of *Royal vertue*, *Great Felicity* and *Famous Memory*. But it may be truly affirmed without derogation to any of these worthy *Princes*; that whatsoever we find in *Libels* there is not to be found in the *English Chronicles*, a *King* that hath in all respect laid together, raigned with such *felicity* as her *Majesty* hath done. For as for the first *3. Henries*; The first came in too soon after a *Conquest*: The *Secord* too soon after an *Usurpation*; And the *Third* too soon after a *League*, or *Barons War*; To raign with *Security* and *Contentation*. *King H. 1.* also had unnatural Wars with his *Brother Robert*, wherein much *Nobility* was consumed: He had therewithal tedious Wars in *Wals*; And was not without some other *Seditions* and *Troubles*; As namely the great *Contestation*, of his *Prelates*. *King Henry 2.* his *Happiness* was much deformed by the *Revolt* of his son *Henry* after he had associated him, and of his other *Sonns*. *King Hen. 3.* besides his continual Wars in *Wales* was after 44. years raign unquieted, with *Intricate Commotions* of his *Barons*; As may appear by the *Mad Parliament*, held at *Oxford*, and the *Acts* thereupon ensuing. His *Son*, *King Edward 1.* had a more flourishing Time then any of the other; came

to his Kingdom at ripe years, and with great Reputation, after his voyage into the *Holy Land*, and was much loved and obeyed, contrived his Wars with great Judgement: First having reclaimed *Wales* to a settled Allegiance; And being upon the point of uniting *Scotland*. But yet I suppose it w^{as} more honour for her Majesty to have so important a piece of *Scotland* in her hand; And the same with such Justice to render up, than it w^{as} for that worthy King to have advanced in such Forwardness the Conquest of that Nation. And for King *Edward 3.* his Reign was visited with much Sickness and Mortality, so as they reckoned in his dayes three several Mortalities: One in the 22. year, another in the 35. year, and the last in the 43. year of his Reign: and being otherwise victorious and in Prosperity, was by that only Cross more afflicted, than he was by the other prosperities comforted. Besides, he entred hardly, and again, according to the Verse; *Cecabant ultima primis*: His Latter times were not so prosperous. And for King *Henry 5.* as his success was wonderfull, so he wanted continuance; Being extinguished after 10. years Reign in the printe of his Fortunes.

Now for her Majesty we will first speak of the Blessing of Continuance as that which wanted in the happiest of these Kings: And is not only a great favour of God unto the Prince, but also a singular Benefit unto the People; For that Sentence of the Scripture: *Misera Natio cum multi sunt principes eius*: is interpreted not only to extend to Divisions and Distractions in Government but also to frequent Changes in Succession: Considering that the Change of a Prince bringeth in many Changes, which are *Hass* and *Unpleasant* to a great part of the Subjects. It appeareth then that of the Line of Five hundred and fourescore years, and more containing the Number of 22. Kings, God hath already prolonged her Majesties Raigu to exceed sixteen of the said two and twenty: And by the end of this present year, (which God prosper) she shall attain to be equal with two more: During which time there have deceased four Emperors, as many French Kings; Twice so many Bishops of Rome. Yea every State in *Christendome* except *Spain*, have received sundry successions: And for the King of *Spain* he is waxed so infirm, and thereby so retired, as the Report of his Death serveth for every years News: whereas her Majesty (thanks be given to God) being nothing decayed in Vigour of Health, and strength, was never more able to supply and sustain the weight of her Affairs; And is as far as standeth with the dignity of her Majesties Royal State continually to be seen to the great comfort and hearty Ease of her people.

Secondly we will mention the Blessing of Health: I mean generally of the people, which was wanting in the Reign of another of these Kings: which else deserved to have the second place in happiness which is one of the great Favours of God towards any Nation. For as there be three Scourges of God War, Famine, and Pestilence; so are there three Benedictions Peace, Plenty, and Health. Whereas therefore this Realm hath been visited in times past with sundry kinds of Mortalities (as Pestilences Suezis, and other Contagious Diseases) it is so, that in her Majesties Times being of the continuance aforesaid, there was only towards the beginning of her Reign some Sickness, between June and February, in this City; but not dispersed into any other part of the Realm, as was noted; which we call yet the great Plague; Because that though it was nothing so grievous and so sweeping as it hath been, sundry times heretofore; yet it was great in respect of the Health, which hath followed since: Which

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1 Continuance

2. Health.

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3. Peace.

hath been such (especially of late years) as we began to dispute and move Questions of the Causes, whereunto it should be ascribed; untill such time as it pleased God to teach us that we ought to ascribe it only to his Mercy; By touching us a little this present year; but with a very gentle hand; And such as it hath pleased him since to remove. But certain it is for so many years together, notwithstanding the great Pestering of People in Houses; The great Multitude of Strangers, and the sundry voyages by Seas; (All which have been noted, to be Causes of Pestilence) The Health Universal of the People was never so good.

The third Blessing is that which all the Politick and Fortunate Kings; before recited have wanted; That is Peace: For there was never Forreiner since her Majesties Reign by Invasion or Incurfion of Moment, that took any footing within the Realm of England. One Rebellion there hath been only, but such an one as was repressed within the space of seven weeks, and did not wast the Realm so much as by the Destruction or Depopulation of one poor Town. And for Wars abroad taking in those of Leeth those of New-haven, the second Expedition into Scotland, the Wars of Spain, which I reckon from the year 86, or 87. (before which time neither had the King of Spain withdrawn his Embassadours here residing; neither had her Majesty received into protection the united Provinces of the Low Countries) And the Aid of France; They have not occupied in time, a third part of her Majesties Reign; Nor consumed past two of any Noble House; whereof France took one, and Flanders another: And very few besides of Quality or appearance. They have scarce mowed down the overcharge of the People within the Realm. It is therefore true that the Kings aforesaid and others her Majesties Progenitors, have been Victorious in their Wars; And have made many Famous and Memorable Voyages, and Expeditions into sundry parts; And that her Majesty contrariwise, from the beginning put on a firm Resolution to content her self within those limits of her Dominions, which she received; And to entertain Peace with her Neighbour Princes which Resolution she hath ever since (notwithstanding, she hath had Rare Opportunities, just Claims and pretences and great and mighty Means) sought to continue. But if this be objected to be the less Honourable Fortune; I answer, that ever amongst the Heathen who held not the Expence of Blood so precious as Christians ought to do; The peaceable Government of Augustus Caesar was ever as highly esteemed, as the Victories of Julius his Uncle; and that the Name of Pater Patrie was ever as Honourable as that of propagator Imperij. And this I add further, that during this inward Peace of so many years in the Actions of War, before mentioned, which her Majesty either in her own Defence or in just and Honourable Aides, hath undertaken; The Service hath been such as hath carried no Note of a People, whose Militia were degenerated through Long Peace; But hath every way answered the ancient Reputation of the English Arms.

4. Plenty and Wealth.

The fourth Blessing is Plenty and Abundance: And first for Grain, and all Victuals, there cannot be more evident Proof of the Plenty then this. That whereas England was wont to be fed by other Countries from the East, it sufficeth now to feed other Countries. So as we do many times transport and serve sundry Forrain Countries; And yet there was never the like Multitude of People to eat within the Realm. Another evident Proof thereof may be, that the good yields of Corn which have been together with
some

(some *Toleration* of *Went* hath of late time invited and enticed Men, to break up more *Ground*, and to convert it to *Village*, then all the *Penal Laws* for that purpose made and enacted, could ever by compulsion effect. A third proof may be that the *Prices* of *Grain* and *Wine*, were never of late years, more *Reasonable*. Now for *Arguments* of the great *wealth* in all other *Respects*, let the *Points* following be considered.

There was never the like Number of fair and Stately *Houses* as have been built and set up from the *Ground* since her *Majesties* *Reign*; Infomuch that there have been reckoned in one *Shire*, that is not great, to the Number of 33. Which have been all new built within that time: And whereof the Meanest, was never built for two *thousand pounds*.

There were never the like pleasures of goodly *Gardens*, and *Orchards*, *Walks*, *Pools*, and *Parks*, as do adorn almost every *Mansion House*.

There was never the like Number of Beautiful and Costly *Tombs* and *Monuments*, which are erected in sundry *Churches*, in *Honourable* *Memorie* of the *Dead*.

There was never the like Quantity of *Plate*, *Jewels*, *Sumptuous* *Movables*, and *Stuff*, as is now within the *Realm*.

There was never the like Quantity of *Wast* and *unprofitable* *Ground*, *Inned*, *Reclumed* and *Improved*.

There was never the like *Husbanding* of all sorts of *Grounds* by *Fencing*, *Manuring*, and all kinds of good *Husbandry*.

The *Towns* were never better built nor peopled; Nor the principal *Fairs* and *Markets*, never better customed nor frequented.

The *Commodities* and *Ease* of *Rivers* cut by hand, and brought into a new *Channel*; Of *Peers*, that have been built; Of *Waters* that have been forced, and brought against the *Ground*, were never so many.

There was never so many excellent *Artificers*, nor so many new *Handy-Crafts*, used and exercised; Nor new *Commodities* made within the *Realm*, *Sugar*, *Paper*, *Glass*, *Copper*, divers *Silks* and the like.

There was never such Compleat and Honourable Provision of *Horses* *Armour*, *weapons*, *Ornament* of the *War*.

The Fifth *Blessing* hath been the great *Population* and *Multiude* of *Families*, encreased within her *Majesties* *dayes*: For which Point, I refer my Self to the *Proclamations* of *Restraint* of *Building* in *London*; The *Inhibition*, of *Inmates*, of sundry *Cities*, The *Restraint* of *Cottages* by *Act* of *Parliament*; And sundry other *Tokens* of *Records*, of the *Surcharge* of *people*.

Besides these parts of a *Government*, blessed from *God*, wherein the *Condition* of the *People* hath been more happy in her *Majesties* *Times*, then in the *Times* of *Progenitors*; There are certain *Singularities*, and *Particulars*, of her *Majesties* *Reign*, wherein I do not say, that we have enjoyed them in a more ample *Degree* and *Proportion*, then in former *ages*; (As it hath fallen out in the *Points* before mentioned;) But such as were in *Effect* unknown, and untasted heretofore. As first, the *Purity* of *Religion*, which is a *Benefit* *Inestimable*; And was in the time of all former *Princes*, untill the *dayes* of her *Majesties* *Father* of *Famous* *Memory*, unheard of. Out of which *Purity* of *Religion*, have since ensued beside the principal *Effect*, of the true *Knowledge*, and *Worship* of *God*, three *points* of great *Consequence* unto the *Civil* *Estare*.

One, the stay of a mighty *Treasure* within the *Realme* which in *fortimes*

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5. Increase of People.

6. Reformati. on in Religion

1. The special Benefits established among us by the purity of Religion.

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2.
3.

Fineness of Money.

The Might of the Navy.

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was drawn forth, to *Rome*. Another, the *Dispersing* and *Distribution* of those *Revenues*; Amounting to a *Thirdpart* of the *Land* of the *Realme*; And that of the goodliest and richest sort, which heretofore was unprofitably spent in *Monestaries*; Into such *Hands* as by whom, the *Realm* receiveth, at this day, *Service* and *Strength*; And many *Great Houses* have been set up and augmented. The *Third*, the *Mannaging*, and *Enfranchising* of the *Regal Dignity*, from the *Recognition* of a *Forreign Superior*: All which *Points*, though begun by her *Father*, and continued by her *Brother*, were yet nevertheless, after an *Eclipse*, or *Intermission*, Restored, and Reestablished, by her *Majesties Self*.

Secondly, the *Fineness* of *Money*: For as the *Purging* away of the *Dross* of *Religion*, the *Heavenly Treasure*, was common to her *Majesty*, with her *Father*, and her *Brother*: So the *Purging* of the *Base Money*, the *Earthly Treasure*, hath been altogether proper to her *Majesties* own *Times*; Whereby our *Monies*, bearing the *Natural Estimation*, of the *Stamp*, or *Mark*, both every *Man* resteth assured of his own value, and free from the losses and Deceits which fall out in other places upon the *Rising* and *Falling* of *Monies*.

Thirdly, the *Might* of the *Navy*, and *Augmentation*, of the *Shipping* of the *Realme*: which by *politicke Constitutions* for *Maintenance* of *Fishing*; And the *Encouragement* and *Assistance* given to the *Undertakers*, of *New Discoveries*, and *Trade*, by *Sea*, is so advanced, as this *Island* is become, (as the *Naturall Scite* thereof deserveth,) the *Lady of the Sea*.

Now to pass from the *Comparison* of *Time*, to the *Comparison* of *place*; We may find in the *States* abroad; Cause of *Pity* and *Compassion* in some; But of *Envy*, or *Emulation* in none; Our *Condition* being, by the good *Favour* of *God*, not *Inferiour* to any.

The *Kingdom* of *France*, which by reason of the *Seat* of the *Empire* of the *West*, was wont, to have the precedence, of the *Kingdoms* of *Europe*, is now fallen into those *Calamities*; that as the *Prophet* saith; *From the Crown of the Head to the Soal of the Foot, there is no whole place*. The *Divisions* are so many, and so intricate, of *Protestants*, and *Catholicks*; *Royalists*, and *Leaguers*; *Burbonists*, and *Lorainists*; *Patriots*, and *Spanish*; As it seemeth, *God* hath some great *Work* to bring to pass upon that *Nation*: yea, the *Nobility* divided from the *Third Estate*; And the *Towns* from the *Fields*: All which *Miseries*, truly to speak, have been wrought by *Spain*, and the *Spanish Faction*.

The *Low-Countries*, which were within the *Age* of a *young Man*, the *Richest*, the *best Peopled*, and the *best Built Plots* of *Europe*; are in such *Estate*, as a *Countrey* is like to be in that hath been the *Seat* of thirty years *War*; And although the *Sea-Provinces* be rather increased in *Wealth* and *Shipping* then otherwise: yet they cannot but mourn for their *Distractions* from the rest of their *Body*.

The *Kingdom* of *Portugal*, which, of late times, through their *Merchandizing*, and places of the *East Indies*, was grown to be an *Opulent Kingdom*, is now at the last, after the *unfortunate journey* of *Africk*, in that *State* as a *Countrey* is like to be, that is reduced under a *Forreigner* by *Conquest*; And such a *Forreigner* as hath his *Competiter* in *Title*, being a *Natural Portugal*, and no *Stranger*; And having been once in possession, yet in *Life*: whereby his *Jealousie*, must necessarily be increased, and through his *Jealousie*, their oppression: which is apparent, by the *Carrying* of many *Noble Families*, out of their *Natural Countreys*, to live in *Exile*: And by putting to *Death*, a great *Number* of *Noble Men*, naturally born to have been *principal Governors* of their *Countreys*.

tries. These are three afflicted parts of Christendome; The Rest of the States, enjoy, either Prosperity, or tolerable Condition.

The Kingdom of Scotland, though at this present, by the good Regiment and wise proceeding of the King, they enjoy good quiet; yet since our Peace, it hath passed through no small Troubles; And remaineth, full of Royling and swelling Humours; But like, by the Maturity of the said King every day encreasing, to be repressed.

The Kingdom of Poland, is newly recovered out of great Wars, about an Ambiguous Election. And besides, is a State of that Composition that their King being Elective, they do commonly chuse rather a Stranger, then one of their own Countrey. A great Exception, to the Flourishing Estate of any Kingdom.

The Kingdom of Swedeland, beside their Forraign Wars, upon their Cousins, the Muscovites, and the Danes; Hath been also subject to divers Intestine Tumults and Mutations, as their Stories do record.

The Kingdom of Denmark, hath had good Times, especially by the good Government of the late King, who maintained the profession of the Gospel; But yet greatly given place to the Kingdom of England, in Climate, Wealth, Fertility, and many other Points, both of Honour, and Strength.

The Estates of Italy, which are not under the Dominion of Spain, have had peace equal in continuance with ours; Except in regard of that which hath passed between them and the Turk; Which hath served to their Honour, and Commendation: But yet they are so bridled, and over-awed by the Spaniards, that possess th the two principal Members thereof; And that in the two extreame parts, as they be like Quillers of Frechold, being intermixed, in the midst of a great Honour or Lordship. So as their Quiet, is intermingled, not with Jealousie alone, but with Restraint.

The States of Germany have had for the most part, peaceable Times; But yet they yeld to the State of England; Not only in the great Honour of a great Kingdom, (they being of a mean stile and Dignity, (but also in many other Respects, both of Wealth and Policy.

The State of Savoy, having been in the Old Dukes Time, governed, in good Prosperity, hath since, notwithstanding, their new great Alliance with Spain, whereupon they waxed Insolent, to desire to snatch up some piece of France, After the dishonourable Repulse, from the Siege of Geneva, been often distressed, by a particular Gentleman, of Dauphens; And at this present day, the Duke feelth, even in Piedmont, beyond the Mountains the weight of the same Enemy: Who hath lately shut up the Gates, and common Entries, between Savoy and Piedmont.

So as hitherto I do not see but that we are as much bound to the Mercies of God, as any other Nation; Considering that the Fires of Dissention, and Oppression in some Parts of Christendom, may serve us for Lights, to shew us our Happynesse: And the good Estates of other places, which we do congratulate with them for; is such, nevertheless, as doth not stain and exceed ours: But rather doth still leave somewhat, wherein we may acknowledge an ordinary Benediction of God.

Lastly, we do not much emulate, the Greatness and Glory of the Spaniards: Who having not only Excluded the Purity of Religion, but also Fortified against it, by their Devise of the Inquisition: which is a Bulwark, against the Entrance, of the Truth of God: Having in

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Prosperous as Scotland, Poland.

Sweden.

Denmark.

Italy.

Germany.

Savoy.

Spain.

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recompence of their new purchase of Portugal lost a great part of their ancient *Patrimonies* of the Low-Countries, (Being of far greater *Commodity* and *Value*) or at the least holding part thereof in such sort as most of their other Revenues are spent there upon their own: Having lately with much Difficulty, rather smoothed and skinned over then Healed, and extinguished the *Comotions* of Arragon; Having rather sowed Troubles in France then reaped Assured *Fruit* thereof unto themselves: having from the Attempt of England, received *Scorn*, and *Disreputation*; Being at this time with the States of Italy rather suspected then either loved or feared: Having in Germany and elsewhere, rather much *practise*, than any sound *intelligence* or *Amity*: Having no such clear *succession* as they need object, and reproach the *Incertainty* thereof unto another Nation: Have, in the end won a Reputation, rather of *Ambition*, then *Justice*; And in the pursuit of their *Ambition* rather of *much enterprising* then of *Fortunate Achieving*, and in their *Enterprising* rather of doing Things, by *Treasure*, and *Expence*, than by *Forces* and *Valour*.

Now, that I have given the Reader a Taste of England respectively, and in Comparison of the *Times past*, and of the *States abroad*; I will descend to examine the *Libellers* own *Divisions*; Whereupon let the *World* judge how easily and clean this *Like*, which he hath cast in our faces, is washed off.

The First *Branch* of the pretended *Calamities* of England, is the great and wonderfull *Confusion*, which he saith is in the State of the *Church*; which is subdivided again into two parts: The one the *Prosecutions* against the *Catholicks*; The other the *Discords* and *controversies* amongst ourselves: The former of which 2. parts, I have made an *Article* by it self; Wherein, I have set down a clear and simple *Narration* of the proceedings of *State*, against that sort of *Subjects*; Adding this by the way: That there are two *Extremities* in *State*, concerning the *Causes* of *Faith* and *Religion*: That is to say, the *Permission* of the Exercises of more *Religions* than one, which is a dangerous *Inaulgence* and *Toleration*, the other is the entering and *Sifting* into Mens *Consciences* when no *Overt Scandal* is given; which is *Rigorous* and *Straineable Inquisition*: And I avouch the proceedings towards the intended *Catholicks*, to have been a mean between these two *Extremities*; Referring the *Demonstration* thereof unto the afore said *Narration* in the *Articles* following.

Touching the *Divisions* in our *Church*, the *Libeller* affirmeth that the *Protestantical Calvinism* (for so it pleaseth him with very good grace to term the *Religion* with us established) is grown *Contemptible* and *Detested* of *Idolatri* and *Heresie*, and many other *superstitious Abuses*, by a *Purified* sort of *Professors* of the same *Gospel*. And this *Contention* is yet grown to be more intricate, by reason of a *Third* kind of *Gospellers* called *Brownists*. Who being directed by the great *Fervour* of the *Unholy Ghost*, do expressly affirm, that the *Protestantical Church* of England is not gathered in the name of *Christ*, but of *Antichrist*: And that if the *Prince* or *Magistrate* under her do refuse or defer to reform the *Church*, the people may without her consent take the *Reformation* into their own Hands: And hereto he addeth the *Fanatical Pageant* of *Hacket*: And this is the *Effect* of this *Accusation* in this point.

For *Answer* whereunto; First, it must be remembered that the *Church of God*, hath been in all Ages subject to *Contentions* and *Schismes*. The *Tares* were not sown, but where the *Wheat* was sown before. Our Sa-

Concerning the Controversie of our Church.

view: *Christ* delivereth it for an *Ill Note*, to have outward Peace, saying *When a strong man is in possession of the House (meaning the Devill) all things are in peace.* It is the Condition of the *Church*, to be ever under *Trials*: And there are but two *Trials*: The one of *Persecution*; The other of *Scandal* and *Contention*: And when the one ceaseth, the other succeedeth: Nay there is scarce any one *Epistle* of *St. Pauls* unto the *Churches*, but containeth some *Reprehension* of *unnecessary* and *Schismatical Controversies*. So likewise in the *Reign* of *Constantine the great*, after the time that the *Church* had obtained *Peace* from *persecution* strait entred sundry *Questions* and *Controversies*, about no less *Matters* then the *Essential Parts*, of the *Faith*, and the high *Mysteries* of the *Trinity*. But *Reason* teacheth us that in *Ignorance*, and *Implied belief*, it is easie to agree as *Co'ours* agree in the *Dark*: Or if any *Countrey* decline into *Atheism* then *Controversies* wax dainty because *Men* do think *Religion* scarce worth the falling out for: So as it is weak *Divinity* to account *Controversies* an *ill Sign* in the *Church*.

It is true that certain men moved with an inconsiderate *Detestation* of all *Ceremonies* or *Orders*, which were in use in time of the *Roman Religion* (As if they were without difference *superstitious* or *polluted*) And led with an affectionate *Imitation* of the *Government* of some *Protestant Churches* in *Forrain States*; Have sought by *Bookes* and *Preaching* indifferently, and sometimes undutifully to bring in an *Alteration* in the *Extern Rites* and *Pollicy* of the *Church*; But neither have the grounds of the *Controversies* extended unto a point of *Faith*; Neither hath the *pressing* and *Prosecution* exceeded in the generalliry the *Nature* of some *inferiour Contempts* So as they have been farr from *Heresie* and *Sedition*; and therefore rather *Offensive* than *Dangerous* to the *Church* or *State*.

And as for *Those* which we call *Brownists* being when they were at the most a very small *Number* of very *silly* and *base* people, here and there in *Corners* dispersed, they are now (thanks be to *God*) by the good *Remedies* that have been used *suppressed* and *worn out*; so as there is scarce any *Newcs* of them. Neither had they been much known at all, had not *Brown* their *Leader* *Written* a *Pamphlet*, wherein as it came into his head he inveighed more against *Logick* and *Rhetorick* than against the *State* of the *Church* (which *Writing* was much read) and had not also one *Barrow* (being a *Gentleman* of a good *House*, but one that lived in *London* at *Ordinaries*, and there learned to argue in *Table-Talk*, and so was very much known in the *City* and *abroad*) made a *Leap* from a *vain* and *Libertine* youth, to a *preciseness* in the highest *Degree*; The *strangeness* of which *Alteration* made him very much spoken off; The *Matter* might long before have breathed out. And here I note an *Honesty* and *Discretion* in the *Libeller*, which I note no where else; In that he did forbear to lay to our charge the *Sect* of the *Family* of *Love*: For about *12*. years since there was creeping in some *secrer* places of the *Realm* indeed a very great *Heresie* derived from the *Dutch*, and named as before was said: which since by the good blessing of *God*, and by the good strength of our *Church* is banished and extinct. But so much we see that the *Diseases* wherewith our *Church* hath been visited, whatsoever these men say have either not been *Maligne* and *Dangerous*; Or else they have been as *Blisters* in some small *Ignoble* part of the *Body*, which have soon after fallen and gone away. For such also was the *Phrenetical* and *Fanatical* (For I mean not to determine it) *Attempt* of *Hacket*; Who must needs have been thought a very

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W. G. B.

Dangerous Heretick, that could never get but two Disciples; And those is it should seem perished in their Brain; And a Dangerous Commissioneer, that in so great and populous a City as London is could draw but those five two Fellows, whom the People rather laughed at as a May-game, than took any heed of what they did or said: So as it was very true that an honest poor Woman said when she saw Hackett out of a Window pass to his Execution: Said she to her self: It was foretold that in the latter days there should come those that have deceived many; but in faith thou hast deceived but a few.

But it is manifest Truth which the Libeller fettereth down, that there hath been no Punishment done upon those which in any of the foreaid kinds have broken the Lawes and disturbed the Church and State: And that the Edge of the Law hath been onely turned upon the pretended Catholics: For the Examples are very many, where according to the Nature and Degree of the Offence, the Correction of such Offenders hath not been neglected.

These be the great Confusions, whereof he hath accused our Church; which I refer to the Judgement of an indifferent and understanding person, how true they be: My meaning is not to blanch or excuse any Fault of our Church; Nor on the other side, to enter into Commemoration, how flourishing it is in Great and Learned Divines, or painfull and excellent Preachers: Let man have the Reproof of that which is amiss, and God the Glory of that which is good. And so much for the First Branch.

Concerning the Forraign Enemies of this State.

In the Second Branch, he maketh great Abuse and Shewes of the strength and multitude of the Enemies of this State; Declaring in what evil Termes, and Correspondence we stand with Forraign States, and how desolate and desolite we are of Friends and Confederates, doubting belike, how he should be able to prove and justifie his Assertion touching the present miseries, and therefore endeavouring at the least to maintain that the good Estate which we enjoy is yet, made somewhat bitter by reason of many Terrours and Fears. Whereupon entering into Consideration of the security wherein not by our own policy, but by the good Providence and protection of God, we stand at this Time, I do find it to be a Security of this Nature and Kind, which Iphicrates the Athenian did commend; who being a Commissioner to treat with the State of Sparta upon Conditions of Peace; And hearing the other side make many propositions touching Security; Interrupted them and told them; There was but one manner of Security, whereupon the Athenians could rest; which was if the Deputies of the Lacedaemonians, could make it plain unto them, that after these & these things parted withal, the Lacedaemonians should not be able to hurt them though they would. So it is with us, as we have not, justly provoked the Hatred or Enmity of any other State, so nowsoever that be, I know not at this time, the Enemy, that hath power to offend us though he had the Will.

And whether we have given just Cause of Quarrel or Offence; it shall be afterwards touched in the fourth Article, touching the true Causes of the Disturbance of the Queer of Christendome; As far as it is fit to justifie the Actions of so high a Prince upon the Occasion of such a Libel as this. But now concerning the Power and Forces of an Enemy; I do find that England hath sometimes apprehended with Jealousie, the Confederation between France and Scotland: The one being upon the same Continent that we are, and breeding a Souldier of Puffance and Courage, not much differing from the English; The other a Kingdom very Opulent, and thereby able to sustain Wars, though at very Great Charge: And having a brave Nobili-

ly; And being a neare Neighbour. And yet of this *Conjunction*, there never came any *Offence of Moment*. But *Scotland* was ever rather used by *France* as a *Diversion* of an *English Invasion* upon *France*, than as a *Commodity* of a *French Invasion* upon *England*. I confesse also that since the *Union* of the *Kingdom of Spain*: and during the time the *Kingdom of France* was in his *Entire*, a *Conjunction* of those two potent *Kingdoms* against us might have been of some *Terrour* to us. But now it is evident that the *State of France* is such as both those *Conjunctions* are become *Impossible*: It resteth that either *Spain* with *Scotland* should offend us, or *Spain* alone; For *Scotland* (thanks be to God) the *Amity* and *Intelligence* is so sound and secret between the two *Crowns*; Being strengthened by *Consent* in *Religion*, *Nearness of Blood*, and *Continual good Offices*, reciprocally on either side as the *Spaniard* himself in his own *Plot*, thinketh it easier to alter, and overthrow the present *State of Scotland*, than to remove and divide it from the *Amity of England*. So as it must be *Spain* alone that we should fear: which should seem by reason of his *Spacious Dominions* to be a great overmatch. The conceit whereof maketh me call to mind the *Resemblance* of an *Ancient Writer in Physick*; who labouring to persuade that a *Physician* should not do it sometimes to purge his *Patient* though he see him very weak; Entreth into a distinction of weakness, and saith there is a weakness of *Spirit*, and a weakness of *Body*: The latter whereof he compareth unto a man, that were otherwise very strong but had a great pack on his neck: So great as made him double again; So as one might thrust him down with his *Finger*: Which similitude and distinction both may be fitly applyed to matter of *State*: For some *States* are *Weak*; through want of *Means*, and some *Weak* through excess of *Burthen*: In which rank I do place the *State of Spain*, which having outcompasied it self in embracing too much; And being it self but a *barren Seed-plot* of *Souldiers*, and much decayed and *Exhausted* of *Men* by the *Indies* and by *continual Wars*: and as to the *State* of their *Treasure*, being *endebrted* and *engaged* before such times as they waged so great *Forces* in *France* (and therefore much more since,) Is not in brief an *Enemy* to be feared by a *Nation Seated, Manned, Furnished* and *Policed* as is *England*.

Neither is this spoken by *guess*; For the *Experience* was *Substantial* enough, and of *fresh memory*, in the late *Enterprise* of *Spain* upon *England*; What time all that goodly *Shipping* which in that *Voyage* was consumed, was compleat; what Time his *Forces* in the *Low-Countries* was also full and entire, which now are wasted to a fourth part, what time also he was not entangled with the *Matters of France*; But was rather like to receive *assistance* than *Impediment* from his *Friends* there; In respect of the great *Vigour*, wherein the *League* then was (while the *Duke of Guise* then lived: and yet nevertheless this great preparation passed away like a *Dream*. The *Invincible Navy*, neither took any one *Barque* of ours; Neither yet once offered to land; But after they had been well beaten and *Chafed*, made a *Perambulation* about the *Northern Seas*; Ennobling many *Coasts*, with *Wracks* of mighty ships; and so returned home with greater *Derision* then they set forth with *expectation*.

So as we shall not need much *Confederacies* and *Succours* (which he saith we want for the breaking of the *Spanish Invasion*) No, though the *Spaniard* should nestle in *Britain*, and supplant the *French*, and get some *Port-Townes* into their hands there (which is far off) yet shall he never be so commodiously seated, to annoy us, as if he had kept the *Low-Countries*; And we shall

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will rather rear him as a *wrangling Neighbour*, than as an *Intruder*. And as for our Confederacies, God hath given us both *Mans* and *Minds* to tender and relieve the States of others. And therefore our Confederacies are rather of Honour, than such as we depend upon. And yet nevertheless the *Appostata's* and *Huguenots* of France on the one part; (For so he termeth the whole *Nobility* in a manner of France; Among the which a great part is of his own Religion; which maintain the clear and unblemished Title of their *Lawsfull* and *Natural King*, against the seditious popular) And the *Beere Brewers* and *Basket-Makers* of *Holland* and *Zealand* (As he also terms them) on the other, have almost banded away between them, all the *Duke of Parma's Forces*: And I suppose the very *Mines* of the *Indies* will go low, or ever the one be Ruined, or the other recovered. Neither again, desire we better *Confederacies* and *Leagues* than *Spain* it self hath provided for us: *Non enim verbis federa confirmantur sed jisdem utilitatibus*. We know to how many States the *King of Spain*, is odious and suspected; And for our selves we have incensed none by our *Injuries*; Nor made any Jealous of our *Ambition*: These are in *Rules of Policy*, the Firmest *Contract*.

Let thus much be said in answer of the second Branch, concerning the Number of the *External Enemies*: Wherein my Meaning is nothing less, than to attribute our *Felicity* to our *Policy*; Or to nourish our selves in the humour of Security: But I hope we shall depend upon God and be vigilant; And then it will be seen, to what end these *False Alarums* will come.

In the third Branch of the *Miseries of England*, he taken upon him, to play the prophet as he hath in all the rest play'd the Poet: And will needs Divine or *Prognosticate*, the great Troubles, whereunto this *Realm* shall fall after her *Majesties* Times: As if he that hath so singular a gift in *Lying* of the *present Time*, and *Times past*, had nevertheless an extraordinary Grace in telling Truth of the *Time to come*; Or as if the Effect of the *Popes Curses of England* were upon better Advice, adjourned to those dayes. It is true it will be *Misery* enough for this *Realm* (whensoever it shall be) to loose such a *Sovereign*: But for the rest, we must repose our selves, upon the good pleasure of God: So it is an unjust *Charge* in the *Libeller* to impute an *Accident* of State to the fault of the *Government*.

It pleaseth God sometimes to the end to make Men depend upon him the more to hide from them the clear sight of future *Events*; And to make them think that full of *Uncertainties*, which proveth *Certain* and *Clear*: And sometimes on the other side to crosse Mens' expectations, and to make them full of Difficulty, and perplexity in that which they thought to be *Easie* and *Assured*. Neither is it any new Thing for the *Titles of Succession in Monarchies*, to be at Times less or more declared. *King Sebastian* of *Portugal* before his Journey into *Affrick* declared no *Successor*. The *Cardinal* though he were of extream Age, and were much importuned by the *King of Spain*, and knew directly of 6. or 7. *Competitors* to that *Crown*; yet he rather established I know not what *Interims*, then decided the *Titles*, or designed any certain *Successor*. The *Duke of Ferrara* is at this Day after the Death of the *Prince* that now liveth, uncertain in the point of *Succession*: The *Kingdom of Scotland*, hath declared no *Successor*. Nay it is very rare in *Hereditary Monarchies* by an Act of State, or any *Recognition* or *Oath* of the *People* in the *Collateral line* to establish a *Successor*. The *Duke of Orleans* succeeded *Charles* the 8th

of France, but was never declared *Successor* in his time. *Monsieur d'Angoulesme* also succeeded him, but without any *Designation*. *Sonns of Kings* themselves ostentimes through desire to reign and to prevent their Time, wax dangerous to their *Parents*: How much more *cousens* in a more *Remote Degree*? It is lawfull no doubt and Honourable if the Case require for *Princes* to make an establishment. But as it was said it is rarely practised in the *Collateral Line*. *Trajan*, the best *Emperor of Rome*, of an *Heathen* that ever was; At what time the *Emperors* did use to design *Successors*, not so much to avoid the *Uncertainty of succession*, as to the end, to have *Participes Curarum* for the present Time, because their *Empire* was so vast; At what Time also *Adaptions* were in use and himself had been *Adapted*, yet never designed a *Successor*, but by his *Last will and Testament* which also was thought to be suborned by his *Wife Plotina* in the Favour of her *Lover Adrian*.

You may be sure that nothing hath been done to prejudice the *Right*. And there can be but one *Right*. But one thing I am perswaded of, that no *King of Spain*, nor *Bishop of Rome*, shall umpire nor promote any *Beneficiary*, or *Feculatory King*, as they designed to do; Even when the *Scottish Queen* lived whom they pretended to cherish. I will not retort the matter of *Succession* upon *Spain* but use that *modestly and reverence*, that belongeth to the *Majesty* of so great a *King*, though an *Enemy*. And so much for this *Third Branch*.

The fourth Branch he maketh to be touching the *Overtthrow* of the *Nobility*, and the *Oppression* of the *People*: wherein though he may percase, abuse the *Simplicity* of any *Forreiner*, yet to an *English man* or any that heareth of the present *Condition of England*, he will appear to be a *Man of singular Audacity*, and worthy to be employed in the defence of any *Paradox*. But surely if he would needs have defaced the *general State of England*, at this time he should in wisdom rather have made some *Friarly declamation* against the *Excess of Superfluity and Delicacy* of our Times; then to have insisted upon the *miserly and poverty and Depopulation* of the *Land*, as may sufficiently appear by that which hath been said.

But nevertheless to follow this *Man* in his own steps: First concerning the *Nobility*: It is true that there have been in Ages past, *Noblemen* (as I take it) both of greater *Possessions* and of greater *Command and sway* than any are at this day. One *Reason* why the *Possessions* are less, I conceive to be because certain *sumptuous Veins and Humours of Expence* (as *Apparel, Gaming, maintaining of a kind of followers* and the like) Do reign more than they did in times past. Another *Reason* is because *Noblemen* now a dayes do deal better with their younger *Sons* than they were accustomed to do heretofore, whereby the *principal House* receiveth many *Abatements*. Touching the *Command* which is not indeed so great as it hath been, I take it rather to be a *Commendation* of the *Time*, then otherwise: For men were wont factiously to depend upon *Noblemen* whereof ensued many *Partialities* and *Divisions*, besides much *Interruption of Justice*, while the great ones did seek to bear out those that did depend upon them. So as the *Kings of this Realm*, finding long since that kind of *Commandment in Noblemen unsafe* unto their *Crown*, and *Inconvenient* unto their *People*, thought meet to restrain the same by provision of *Laws* whereupon grew the *Statute of Retainers*: So as men now depend upon the *Prince and the Lawes*, and upon no other: A matter which hath also a *Congruity* with the *Nature of the Time*, as may be seen in other *Countries*;

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Nancy, in Spain, where their *Grandees*, are nothing so Potent, and so Absolute, as they have been in Times past. But otherwise, it may be truly affirmed, that the *Rights*, and *prehemincies* of the *Nobility* were never more duly and exactly preserved unto them, then they have been in her *Majesties Times*; The *Precedence* of *Knights*, given to the *younger Sons* of *Barons*; No *Suppena's*, awarded against the *Nobility* out of the *Chancery*, but *Letters*; No *Answer* upon *Oath*, but upon *Honour*; Besides a Number of other *Priviledges*, in *Parliament*, *Court*, and *Countrey*. So likewise for the *Countenance* of her *Majestie* and the *State*, in *Lieutenancies*, *Commissions*, *Offices* and the like, there was never a more Honourable and Graceful *Regard*, had of *Nobility*; Neither was there ever a more Faithful *Remembrancer* and exacter, of all these *particular prehemincies* unto them; Nor a more Diligent *Searcher*, and *Regiller* of their *Peaigrees*, *Alliances* and all *Memorials* of *Honour* then that *MAN*, whom he chargeth, to have overthrowne the *Nobily*; Because a few of them by immoderate *Expence* are decayed, according to the *Humour* of the time, which he hath not been able to resist, no not in his own *House*. And as for *Attainders*, there have been in 35. years, but Five of any of the *Nobility*, whereof but two came to *Execution*, and one of them, was accompanied, with *Rest tution* of *Blood* in the *Children*: Yea all of them except *Westmerland*, were such, as whether it were by *Favour* of *Law* or *Government*, their *Heires* have, or are like to have, a great Part of their *Possession*. And so much for the *Nobility*.

Touching the *Oppression* of the *People*, he mentioneth four points.

1. The *Consumption* of *People* in the *Wars*.
2. The *Interruption* of *Traffick*.
3. The *Corruption* of *Justice*.

4. The *Multitude* of *Taxations*: Unto all which points, there needeth no long *Speech*. For the first, (thanks be God;) the *Benediction* of *Crescite* and *Multiplicamini*, is not so weak upon this *Realm* of *England*, but the *Population* thereof may afford such *Loss* of *Men* as were sufficient for the *Making* our late *Wars*; and were in a perpetuity, without being seen, either in *City* or *Countrey*. We read that when the *Romans*, did take *Cense*, of their *People*, whereby the *Citizens* were numbred by the *Poll*, in the beginning of a great *War*, and afterwards again at the ending, there sometimes wanted a *third part* of the *Number*: But let our *Mustier Books* be perused, (those I say that certifie, the *Number* of all *Fighting Men* in every *Shier*;) of *vice simo* of the *Queen*; At what time, except a handiul of *Souldiers*, in the *Low Countreies*, we expended no *Men* in the *Wars*, And now again, at this present time and there will appear a small *Diminution*. There be many *Tokens* in this *Realm* rather of *Press*, and *Surcharge* of *People*, then of *Want*, and *Depoulation*, which were before recited. Besides it is a better *Condition* of *Inward peate* to be accompanied, with some *Exercise* of no *Dangerous VVar* in *Forreign parts*, then to be utterly without *Apprentisage* of *VVar*, whereby *People* grow *Iffeminate* and *unpractised* when *Occasion* shall be. And it is no small strength unto the *Realm*, that in these *VVars* of *Exercise* and not of *Peril*, so many of our *People* are *trained*, And so many of our *Nobility* and *Gentlemen*, have been made *Excellent Leaders* both by *Sea* and *Land*. As for that he objecteth, we have no *Provision* for *Souldiers* at their *Return*, Though that point hath not been altogether neglected, yet I with all my *Heart*, that it were more *Ample* then it is: Though I have read and heard, that in all *Estates* upon *Caskeering*, and *Disbanding* of *Souldiers*, many have endured *Necessity*.

For the *Stopping* of *Traffique*, as I referred my Self to the *Mustier-Books* for the

Concerning the State of the Common subject.

First, so I refer my self to the *Custom-Books*, upon this which will not lye, And do make *Demonstration* of no *Abatement* at all in these last years, but rather of *Rising* and *Encrease*. We know of many in *London* and other places, that are within a small time greatly come up and made Rich by *Merchandizing*: And a Man may speake within his *Compass* and affirm, That our *Prizes* by *Sea*, have countervailed, any *Prizes* upon us.

And as to the *Justice* of this *Realm*, it is true, that *Cunning* and *Wealth* have bred many *Suits* and *Debates* in *Law*: But let those *Points* be considered: The *Integrity* and *Sufficiency* of those which supply the *Judicial* places in the *Queens Courts*; The good *Laxes* that have been made in her *Majesties* times against *Informers*, and *Promoters*; And for the bettering of *Trials* The Example of *Severity* which is used in the *Star-Chamber*, in oppressing *Forces* and *Frauds*; The *Diligence*, and *Stoutness* that is used by *Judices* of *Assises*, in Encountering all *Countenancing* and *Bearing* of *Causes* in the *Country*, by their *Au horities* and *Wisdom*; The great *Favours*, that have been used towards *Coppy-holders*, and *Customary Tenants*, which were in ancient times merely, at the *Discretion* and *Mercy* of the *Lord*; And are now continually relieved from hard *Dealing*, in *Chancery* and other *Courts* of *Equity*: I say, let these and many other *Points* be considered; and Men will worthily conceive, an *Honourable* Opinion of the *Justice* of *England*.

Now to the *Points* of *Lewies* and *Distributions* of *Money*, which he calleth *Exactions*. First, very coldly, he is not abashed to bring in the *Gathering* for *Pauls Steeple*, and the *Lottery Trifles*: Whereof the former being but a *Voluntary Collection* of that Men were freely disposed to give, never grew to so great a *Sum* as was sufficient to finish the *Work*, for which it was appointed: And so I imagine, it was converted into some other use; like to that *Gathering* which was for the *Fortification* of *Paris*, save that the *Gathering* for *Paris* came to a much greater, though (as I have heard,) no competent *Sum*. And for the *Lottery*, it was but a *Novelty* devised and followed by some *particular persons*, and only allowed by the *State*, being as a *Gain* of *Hazard*: Wherein if any *Gain* was, it was because many Men, thought *Scorn* after they had fallen from their greater hopes to fetch their *old Money*. Then he mentioneth *Loanes* and *Privie Seates*; Wherein he sheweth great *Ignorance* and *Indiscretion* considering the *payments* back again have been very *Good* and *Certain*; And much for her *Majesties Honour*. Indeed in other *Princes Times* it was not wont to be so: And therefore though the *Name* be not so *pleasant*, yer the *Use* of them in our *Times* have been with small *Grievance*. He reckoneth also *new Customes* upon *Cloaths* and *new Imposit* upon *Wines*. In that of *Cloaths* he is deceived; For the ancient *Rate* of *Custom* upon *Cloathes* was not raised by her *Majesty*, but by *Queen Mary*, a *Catholique Queen*: And hath been commonly continued by her *Majesty*; Except he mean the *Computation* of the odd yards, which in strict *Duty*, was ever answerable; Though the *Error* were but lately looked into, or rather the *Tolleration* taken away. And to that of *Wines* being a *Forreign Merchandize*, and but a *Delicacy*, and of those which might be forborn, there hath been some *Encrease* of *Imposit* on, which can rather make the *Price* of *Wine* *Higher* then the *Merchant* poorer. Lastly, touching the *Number* of *Subsidies*, it is true, that her *Majesty* in respect of great *Charges* of her *Wars*, both by *Sea* and *Land* against such a *Lord* of *Treasure* as is the *King* of *Spain*: Having for her part no *Indies* nor *Mines*; And the *Revenues* of the *Crown* of *England* being such as they less grate upon the *people*, then *Revenues* of any *Crown* or *State* in *Europe*; Hath by the *Assent* of *Parliament*, according to the ancient *Customes* of this *Realm* received

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divers *Subsidies* of her *People* which as they have been employed upon the Defence and preservation of the *Subjeã*; Not upon *Excessive Buildings*, nor upon *Immoderate Donatives*, nor upon *Triumphs* and *Pleasures*; Or any the like veins of *Dissipation* of *Treasure*, which have been Familiar to many *Kings*: So have they been yielded with great good will and cheerfulness: As may appear by other kinds of *Benevolence*, presented to her likewise in *Parliament*; which her *Majesty* nevertheless hath not put in Use. They have been Taxed also and assessed with a very Light and Gentle Hand. And they have been spared as much as may be, as may appear, in that her *Majesty* now twice to spare the *Subjeã*, hath sold off her own *Landis*. But he that shall look into other *Countries* and consider the *Taxes* and *Tallages* and *Impositions* and *Assises*, and the like that are every where in use; Will find that the *English Man*, is the most *Master*, of his own Valuation, and the least bitten in his *Purse* of any *Nation* of *Europe*. Nay even at this instant in the *Kingdom* of *Spain* notwithstanding the *Pioners* do still work in the *Indian Mines*, the *Jesuites* most play the *Pioners* and Mine into the *Spaniards Purse*, and under the Colour of a *Ghostly Exhortation*, contrive the greatest *Exaction* that ever was in any *Realm*.

Thus much in answer of these *Calumniationis* I have thought good to note touching the present state of *England*: which state is such that whosoever hath been an *Architeã* in the Frame thereof under the *Blessing* of *God*, and the *Vertues* of our *Soveraign*, needed not to be ashamed of his *Work*.

3. Of the Proceedings against the pretended Catholiques; Whether they have been Violent, or Moderate, and Necessary.

I Find her *Majesties Proceedings* generally to have been grounded upon two *Principles*; The one,

That *Consciences* are not to be forced but to be Won and reduced by the Force of *Truth*, by the aid of *Time*, and the Use of all good means of *Instruction* or *Perswasion*.

The other,

That *Causis* of *Conscience*, when they exceed their *Bounds* and prove to be *Matter* of *Faction*, leese their *Nature*; And that *Soveraign Princes* ought distinctly to punish the *Practise* or *Contempt*, though coloured with the *Pretences* of *Conscience*, and *Religion*.

According to these two *Principles* her *Majesty* at her *Comming* to the *Crown* utterly disliking of the *Tyranny*, of the *Church* of *Rome*, which had used by *Terror* and *Rigour* to seek *Commandement* over *Mens Faiths*, and *Consciences*; Although as a *Prince* of great *Wisdom*, and *Magnanimity*, she suffered but the *Exercise* of one *Religion*, yet her *Proceedings* towards the *Papists*, was with great *Lenity*; Expecting the good *Effects* which *Time* might work in them.

And therefore her *Majesty* revived not the *Laws* made in 28th. and 35th. of her *Fathers Reign*, Whereby the *Oath* of *Supremacy*, might have been

entered at the Kings Pleasure to any Subject, though he kept his Conscience never to modestly to himself, and the Refusal to take the same Oath, without further Circumstance, was made Treason: Yet contrariwise, her Majesty not liking to make Windows into Mens Hearts, and forer Thoughts Except the Assurance of them did overflow into Oaths and Express Acts and Affirmations; Tempered her Law so as it reitaineth only manifest Disobedience in impugning, and impeaching audaciously, and ambitiously, her Majesties supreme power, and maintaining an *Inveterata Erroris Jurisdictio*. And as for the Oath it was altered by her Majesty into a more grateful Form; the Harshness of the Name, and Appearance of supreme Head was removed; And the Penalty of the Refusal thereof turned into a Disablement to take any Promotion or to exercise any charge; and yet that with a Liberty of being received therein, if any Man shul accept thereof during his Life.

But after many years Tolerati^on of a multitude of *Fædus Pupils* when *Pas Quinus* had Excommunicated her Majesty, and the Bill of Excommunication was published in London whereby her Majesty was in a sort proscribed, and all her Subjects drawn upon pain of Damnation from her Obedience; and that thereupon as upon a Principal Motive or *Preparative*, followed the *Rebellion* in the North, yet notwithstanding because many of those Evil Humours were by that Rebellion partly purged, and that it feared at that time no *Forrain Invasion*, and much less the Attempts of any within the Realm, not backed by some *Forrain Succours* from without, she contented her self to make a Law against that special Case of bringing in, or publishing of Bulls or the like *Instruments*: Wherunto was added a Prohibition not upon pain of Treason, but an Inferiour Degree of Punishment, against bringing in of *Azyous Devs*, *Hallowed Beads*, and such other *Aterchanise* of Rome, as are well known not to be any Essential part of the Roman Religion, but only to be used in practise as *Love-Tokens* to enlight and bewitch the peoples Affections from their Allegiance to their Natural Sovereign. In all other Points her Majesty continued her former Lenity.

But when about the 20th. year of her Reign she had discovered in the King of Spain an Intention to Inva^sie her Dominions, and that at a principal Point of the Plot, was to prepare a party within the Realm, might adhere to the *Forrainger*; And that the *Seminaries* began to *Ulyone* and to send forth daily *Priests*, and *professed men*, who should by vow taken at shrift, reconcile her Subjects from her Obedience; yea and bind many of them to attempt against her *Majesties Sacred Person*, and that by the poison they spred, the Humours of most *Papists* were altered, and that they were no more *Papists* in *Custom*, but *Papists* in *Treasonable Factions*: Then were there new *Laws* made for the punishment of such as should submit themselves to *Reconcilements* or *Renunciations* of Obedience. For it is to be understood that this Manner of Reconcilement in Confession, is of the true Nature and Operation that the Bull it self was of; with this onely difference; That whereas the Bull afoyled the Subjects from their Obedience at once, the other one by one. And therefore it is both more Secret, and more *Invasive* into the Conscience being joyned with no lesse matter than *Absolution* from *Mortal Sin*. And because it was a *Treason* carried the clouds, and in *wonderfull secreesse*, and came seldome to Light; And that there was no Presumption thereof so great as the *Recusers* to come to *Divine Service*, because it was set down by their *Decrees* that to

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come to Church before Reconciliation was so lowe in Schisme; but to come to Church after Reconciliation was absolutely Heretical and Damnable. Therefore there were added new Lawes, containing a Punishment pecuniary, against the Recusants; Not to enforce Consciences, but to Enfeeble those of whom it rested Indifferent and Ambiguous, whether they were reconciled or no? For there is no doubt but if the Law of Recusancy; (which is challenged to be so Extream and Rigorous) were thus qualified; That any Recusant, that shall voluntarily come in and take his Oath that He or She were never reconciled, should immediately be discharged of the Penalty and Forfeiture of the Law, they would be so far from liking well of that Mitigation, as they would cry out it was made to entrap them. And when notwithstanding all this provision, this Poyson was dispersed so secretly, as that there was no means to stay it, but to restrain the Merchants that brought it in; Then was there lastly added a Law, whereby such Seditious Priests of the new erection were exiled; And those that were at that time within the Land shipped over; And so commanded to keep hence upon Pain of Treason.

This hath been the Proceeding with that sort, though intermingled not only with sundry Examples of her Majesties Grace, towards such as in her wisdom she knew to be Papists in Conscience, and not in Faith; But also with an extraordinary Mitigation towards the Offenders in the Highest Degree convicted by Law, if they would protest: That in Case this Realm should be invaded with a Forraign Army, by the Popes Authority for the Catholick Cause (as they term it) they would take part with her Majesty, and not adhere to her enemies.

And whereas he saith no Priest dealt in matter of state (Ballard onely excepted) it appeareth by the Records of the Confession of the said Ballard and sundry other Priests; That all Priests at that time generally were made acquainted with the Invasion then intended; and afterwards put in Act and had received Instructions not only to move an Expectation in the people of a Change; But also to take their Vows and Promises in Shrift to adhere to the Forrainger. Infomuch that one of their Principal Heads vaunted himself in a Letter, of the Devise saying: That it was a Point the Counsel of England would never dream of; Who would imagine that they should practise with some Noble-man to make him Head of their Faction, whereas they took a Course only to deal with the People, and them so severally, as one apprehended, should be able to appeal no more than himself, except the Priests who he knew would reveal nothing that was uttered in Confession. So Innocent was this Princely Priestly Function which this Man taketh to be but a matter of Conscience and thinketh it Reason it should have free Exercise throughout the Land.

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4. *Of the Disturbance of the Quiet of Christendom; And to what Causes it may be justly assigned.*

IT is indeed a Question (which those that look into *Matters of State* do well know to fall out very often; though this *Libeller* seemeth to be more ignorant thereof) whether the *Ambition* of the more *mighty State* or the *Jealousie* of the *Less mighty State* to be charged with *Breach of Amity*. Hereof as there may be many *Examples*, so there is one so proper unto the present *matters* as though it were many years since yet it seemeth to be a *Parable* of these *Times*, and name'y of the proceedings of *Spain* and *England*.

The *States* Then which answered to these two, Now were *Macedon* and *Athens*. Consider therefore the Resemblance between the two *Philip*s of *Macedon* and *Spain*. He of *Macedon* aspired to the *Monarchy* of *Greece* as he of *Spain* doth of *Europe*: But more apparently than the first; Because that Design was discovered in his *Father Charles the 5th.* and so left him by *Descent*: whereas *Philip* of *Macedon* was the first of the *Kings* of that *Nation* which fixed so great *Conceits* in his *Breast*. The *Course*, which this *King* of *Macedon* held was not so much by great *Armies* and *Invasions* (Though these wanted not when the *Case* required) But by practise by, *sowing* of *Factions* in *States*, and by *Obliging* sundry *particular persons* of *Greatness*. The *State* of *Opposition* against his *Ambitious* proceedings was onely the *State* of *Athens*, as now is the *State* of *England* against *Spain*. For *Lacedaemon* and *Thebes* were both low as *France* is now; And the rest of the *States* of *Greece* were in power and *Territories* far inferiour. The *people* of *Athens* were exceedingly affected to *Peace*; And weary of *Expence*. But the *Point* which I chiefly make the comparison, was that of the *Orators*, which were as *Counsellors* to a *Popular State*; Such as were sharpest sighted, and looked deepest into the *Projects* and *spreading* of the *Macedonians* (doubting still that the *Fire* after it licked up the *Neighbour States*, and made it self *Opportunity* to pass would at last take hold of the *Dominions* of *Athens* with so great *Advantages* as they should not be able to remedy it) were ever charged both by the *Declarations* of the *King* of *Macedon* and by the *Imputation* of such *Athenians* as were corrupted to be of his *Faction* as the *Kindlers* of *Troubles* and *Disturbers* of the *Peace* and *Leagues*: But as that *Party* was in *Athens* too mighty, so as it discountenanced the true *Counsels* of the *Orators* and so bred the *Ruine* of that *State*, and accomplished the ends of that *Philip*: So it is to be hoped that in a *Monarchy* where there are commonly better *Intelligences* and *Resolutions*, than in a *popular State*, those *Plots* as they are detected already, so they will be resisted and made *Frustrate*.

But to follow the *Libeller* in his own *Course*, the *Sum* of that which he delivereth concerning the *Imputation*; As well of the *Interruption* of the *Amity* between the *Crowns* of *England* and of *Spain*; As the *Disturbance* of the general *Peace* of *Christendome*, Unto the *English* proceedings, and not to the *Ambitious Appetites* of *Spain*; may be reduced into *Three Points*.

1. Touching the Proceeding of *Spain* and *England* towards their *Neighbour States*.

2. Touch-

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2. Touching the Proceeding of Spain and England between themselves.
3. Touching the Articles and Conditions which it pleaseth him as it were in the behalf of England to pen and propose for the treating and concluding of an Universal Peace.

In the First he discovereth, how the King of Spain never offered Molestation; Neither unto the States of Italy upon which he confineth by Naples and Millain; Neither unto the States, of Germany unto whom he confineth by a part of Burgundy and the Low-Countries; Nor unto Portugal till it was devolved to him in Title, upon which he confineth by Spain: But contrariwise as one that had in precious regard the Peace of Christendom, he designed from the beginning to turn his whole Forces upon the Turk. Only he confesseth that agreeable to his Devotion which apprehended as well the purging of Christendom from Heresies, as the enlarging thereof upon the Infidels; He was ever ready to give Succours unto the French Kings against the Huguonotts, especially being their own Subjects; Whereas on the other side England (as he affirmeth) hath not only sowed Troubles and dissensions in France and Scotland; (The one their Neighbour upon the Continent; The other divided only by the Narrow Seas) But also hath actually invaded both Kingdomes. For as for the matters of the Low-Countries, they belong to the Dealings which have passed by Spain:

In Answer whereof it is worthy the Consideration how it pleased God in that King to cross one passion by another, and namely that passion which might have proved dangerous unto all Europe (which was Ambition) by another which was only hurtful to himself and to his own; Which was Wrath and Indignation towards his Subjects the Netherlands. For after that he was settled in his Kingdom, and freed from some Fear of the Turk; Revolving his Fathers design in aspiring to a Monarchy of Europe, casting his Eye principally upon the two potent Kingdomes of France and England; And remembering how his Father had once promised unto himself the Conquest of the one; And how himself by Marriage had lately had some Possession of the other, and seeing that Diversity of Religion was entred into both these Realms; And that France was fallen unto Princes weak, and in Minority, and England unto the Government of a Lady, In whom he did not expect that Policy, of Government, Magnanimity and Felicity, which since he hath proved; Concluded (as the Spaniards are great Waiters upon Time, and ground their Plots deep) upon two Points: The one to profess an extraordinary Patronage and Defence of the Roman Religion making account thereby to have Factions in both Kingdomes (In England a Faction directly against the State; In France a Faction that did consent indeed in Religion with the King, and therefore at first shew should seem unproper to make a party for a Forreiner. But he foresaw well enough that the King of France should be forced (to the end to retain Peace and Obedience) to yield in some things, to those of the Religion, which would undoubtedly alienate the Fiercy and more violent sort of Papists: Which preparation in the people added to the Ambition of the Family of Guise (which he nourished for an Instrument,) would in the end make a party for him against the State, as since it proved, and might well have done long before as may well appear by the mention of League and associations which is above 25. years old in France.

The other Point he concluded upon was; That his Low-Countries, was the aptest place both for Ports and Shipping; in respect of England; And for Scituation in respect of France, having goodly Frontier Townes,

upon

upon that *Realm*, and joyning also upon *Germany* whereby they might receive in at pleasure any Forces of *Almaines*, to annoy and offend either *Kingdom*. The *Impediment* was the *Inclination* of the *People*, which receiving a wonderfull *Commodity* of Trades out of both *Realmes*, especially of *England*; And having been in ancient *League* and *Confederacy* with our *Nation*; And having been also *Homagers* unto *France*; He knew would be in no wise disposed to either *War*. Whereupon he resolved to reduce them to a *Martial Government*; Like unto that which he had established in *Naples*, and *Milain*; upon which suppression of their *Liberties* ensued the *Defection* of those *Provinces*. And about the same time, the *Reformed Religion* found entrance in the same *Countries*; So as the *King* enflamed with the *Resistance* he found in the first part of his *Plots*, and also because he might not dispense with his other *Principle* in yielding to any *Toleracion* of *Religion*; And withal expecting a shorter work of it then he found; became passionately bent to *Reconquer* those *Countries*, wherein he hath consumed infinite *Treasure*, and *Forces*. And this is the true *Cause*, if a man will look into it, that hath made the *King of Spain* so good a *Neighbour*; Namely that he was so entangled with the *Wars* of the *Low-Countries* as he could not intend any other *Enterprise*. Besides in *Enterprising* upon *Italy*, he doubted first the *Displeasure* of the *See of Rome* with whom he meant to run a *Course* of strait *Conjunction*: Also he doubted it might invite the *Turk* to return. And for *Germany* he had a fresh *Example* of his *Father* who when he had annexed unto the *Dominions* which he now possesseth the *Empire of Almain* nevertheless sunk in that *Enterprise*: whereby he perceived that the *Nation* was of too strong a *Composition*, for him to deal withall: Though not long since by practise he could have been contented to snatch up in the *East* the *Country of Emden*. For *Portugal*, first the *Kings* thereof were good *Sons* to the *See of Rome*; Next he had no *Colour of Quarrel* or *pretence*; Thirdly they were *Officious* unto him: yet if you will believe the *Genuise* (who otherwise writeth much to the *Honour* and *Advantage* of the *Kings of Spain*) it seemeth he had a good mind to make himself a way into that *Kingdom* seeing that for that purpose (as he reporteth) he did artificially nourish the young *King Sebastian* in the *Voyage of Affrick*, expecting that overthrow which followed.

As for his *Intention* to war upon the *Infidels* and *Turks*, it maketh me think what *Francis Guicciaraine* a wise writer of *History* speaketh of his great *Grandfather*; making a *Judgement* of him as *Historiographers* use: That he did alwayes *mask* and *vail* his *Appetites* with a *Demonstration* of a *Devout* and *Holy Intention* to the *Advancement* of the *Church* and the *publick good*, His *Father* also when he received *Advertisment* of the taking of the *French King*, prohibited all *Ringings* and *Bonfires* and other *Tokens* of *Joy*, and said, *Those were to be reserved for Victories upon Infidels*; On whom he meant never to *War*. Many a *Cruzada* hath the *Bishop of Rome* granted to him and his *Predecessors* upon that *Colour* which all have been spent upon the *Effusion* of *Christian Blood*: And now this year the *Lewies* of *Germany*, which should have been made under hand, for *France* were coloured with the *pretence* of *War*, upon the *Turk*; Which the *Princes* of *Germany* despyring not onely brake the *Lewies*, but threatned the *Commissioners* to hang the next that should offer the like *Abuse*: So that this *Form* of *Dissembling* is *Familiar* and as it were *Hereditary* to the *King of Spain*.

And as for his *Succours* given to the *French King*, against the *Prote-*

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stant, he could not chuse but accompany the *Pernicious Counsels* which still he gave to the *French Kings* of breaking their *Edicts* and admitting of no *Pacification*, but pursuing their *Subjests* with *Mortal War* with some Offer of *Aides*; which having promised he could not but in some small Degree perform, whereby also the *Subject of France* (namely the *violent Papist*) was enured to depend upon *Spain*. And so much for the *King of Spains* proceedings towards other *States*.

Now for ours, And first touching the *Point* wherein he chargeth us to be the *Authours* of *Troubles* in *Scotland* and *France*: It will appear to any that have been well informed of the *Memories* of these *Affaires*; That the *Troubles* of those *Kingdomes* were indeed chiefly kindled by one and the same *Family* of the *Guise*: A *Family* (as was partly touched before) as particularly devoted now for many years together to *Spain* as the *Order* of the *Jesuites* is. This *House* of *Guise* having of late years extraordinarily flourished in the eminent *Virtue* of a few persons whose *Ambition* nevertheless was nothing inferiour to their *vertue*; But being of a *House* notwithstanding which the *Princes* of the *Bloud* of *France* reckoned but as *strangers* aspired to a *Greatness* more then *Civil* and proportionable to their *Cause* wheresoever they had *Authority*: And accordingly under *Colour* of *Consanguinity* and *Religion* they brought into *Scotland* in the year 1559. and in the *Absence* of the *King* and *Queen* *French Forces* in great numbers: whereupon the *Ancient Nobility* of that *Realm* seeing the imminent danger of *Reducing* that *Kingdome* under the *Tyranny* of *Strangers* did pray (according to the good *Intelligence* between the two *Crowns*) her *Majesties* *Neighbourly forces*. And so it is true that the *Action* being very *Just* and *Honourable* her *Majesty* undertook it, expelled the *Strangers* and restored the *Nobility* to their *Degrees* and the *State* to *Peace*.

After when certain *Noble Men* of *Scotland* of the same *Faction* of *Guise* had during the *Minority* of the *King*, possessed themselves of his *Person* to the end to abuse his *Authority* many wayes; And namely to make a *Breach* between *Scotland* and *England*, her *Majesties Forces* were again in the year 1582. by the *Kings* best and truest *Servants* sought and required; And with the *Forces* of her *Majesty* prevailed so far as to be possessed of the *Castle* of *Edenburgh* the principal part of that *Kingdom*; which nevertheless her *Majesty* incontinently with all *Honour* and *Sincerity* restored; After she had put the *King* into good and faithfull *Hands*; And so ever since in all the *Occasions* of *Intesine Troubles*, wherunto that *Nation* hath been ever *subject* she hath performed unto the *King* all possible good *Offices* and such as he doth with all good affection acknowledge.

The same *House* of *Guise* under *Colour* of *Alliance* during the *Reign* of *Francis* the second and by the *Support* and *praisse* of the *Queen Mother*; who desiring to retain the *Regency* under her own *Hands* during the *Minority* of *Charles* the ninth used those of *Guise* as a *Counterpoise* to the *Princes* of the *Bloud* obtained also great *Authority* in the *Kingdom* of *France*; wherupon having raised and moved *Civil Wars* under pretence of *Religion*; But indeed to enfeeble and deprive the *Ancient Nobility* of that *Realm*; The contrary part being compounded of the *Bloud Royal* and the *Greatest Officers* of the *Crown*; opposed only themselves against their *Insolency*; And to their *Aides* called in her *Majesties Forces* giving them for security the *Town* of *New-Haven*: which nevertheless, when as afterwards having by the *Reputation* of her *Majesties Confederation* made their *Peace* in *Effect* as they would themselves; They would without observing any *Conditions* that had passed have had it back again; Then indeed

indeed it was held by force, and so had been long but for the great Mortality, which it pleased God to send amongst our Men. After which time so far was her Majesty from seeking to sow or kindle new Troubles; As continually by the Solicitation of her *Embassadors* she still perswaded with the King, both *Charles the 9th.* and *Hen. the 3d.* to keep and observe their *Treaties of Pacification*, and to preserve their Authority by the Union of their Subjects: which Counsel if it had been as happily followed as it was prudently and sincerely given, France had been at this day a most *Flourishing Kingdom* which is now a *Theater of Misery*. And now in the end after that the *Ambitious practices* of the same house of *Guise*, had grown to that Ripeness, that gathering further strength upon the weakness and Misgovernment of the said King *Hen. 3d.* He was fain to execute the *Duke of Guise* without Ceremony at *Blois*: And yet nevertheless so many Men were imbarqued and engaged in that *Conspiracy* as the Flame thereof was nothing allwaged, but contrariwise that King *Hen.* grew distressed so as he was enforced to implore the Succors of *England* from her Majesty; Though no way interested in that Quarrel, nor any way obliged for any good offices she had received of that King, yet she accorded the same. Before the arrival of which Forces the King being by a *sacrilegious Jacobize* murdered in his Camp near *Paris*, yet they went on and came in good time for the Assistance of the King which now Reigneth; The Justice of whose Quarrel together with the long continued Amity and good Intelligence, which her Majesty had with him, hath moved her Majesty from time to time to supply with great Aides; And yet she never by any demand urged upon him the putting into her Hands of any Town or Place. So as upon this that hath been said, let the Reader judge whether hath been the more Just and Honourable proceeding; And the more free from Ambition and Passion, towards other States; That of *Spain*, or that of *England*? Now, let us examine the proceedings, reciproque, betweene themselves.

Her Majesty at her Comming to the Crown, found her Realm entangled with the Wars of *France* and *Scotland* her nearest Neighbours: which Wars were grounded only upon the *Spaniards Quarrel*; But in the pursuit of them had lost *England* the Town of *Callice*. Which from the 21. year of King *Edward 3d.* had been possessed by the Kings of *England*. There was a meeting near *Burdeaux* towards the end of *Queen Maries* Reign between the Commissioners of *France Spain and England*; and some overture of Peace was made; But broke off upon the Article of the *Restitution of Callice*. After *Queen Maries* Death the King of *Spain* thinking himself discharged of that Difficulty (though in honour he was no lesse bound to it then before) renewed the like Treaty, wherein her Majesty concurred: so as the Commissioners for the said Princes met at *Chasteau Cambraissi* near *Cambray*. In the proceedings of which Treaty, it is true that at the first the Commissioners of *Spain* for form and in Demonstration onely pretended to stand firm upon the Demand of *Callice*; but it was discerned indeed that the Kings meaning was after some Ceremonies and perfunctory Insisting thereupon to grow apart to a Peace with the *French*, excluding her Majesty; And so to leave her to make her own Peace, after her People had made his Wars. Which Covert Dealing being politickly looked into, her Majesty had reason being newly invested in her Kingdom, And of her own Inclination being affected to Peace; To conclude the same with such Conditions as she might: And yet the King of *Spain* in his Dissimulation had so much Advantage as she was fain to do it in a Treaty apart with the *French*, whereby to

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one that is not informed, of the *Counsels* and *Treaties* of *State*, as they passed, it should seem to be a *voluntary Agreement*, of her Majesty, whereto the *King* of *Spain*, would not be party, whereas indeed he left her no other choice, & this was the first *Assay* or *Earnest penny* of that *Kings* good affection to her Majesty.

About the same time when the *King* was sollicitd to renew such *Treaties*, and *Leagues* as had passed between the two *Crowns* of *Spain* and *England*; by the *Lord Cobham*, sent unto him, to acquaint him, with the *Death* of *Queen Mary*; And afterwards, by *Sir Thomas Chalinor* and *Sir Thomas Chamberlain*, successively, *Embassadours Resident* in his *Low Countries*: Who had orders divers times during their Charge, to make *Overtures* thereof, both unto the *King*, and certain *principal persons* about him, And lastly, those former *Motions* taking no effect; By *Viscount Mountacute* and *Sir Thomas Chamberlain*, sent unto *Spain* in the year 1560; no other *Answer* could be had or obtained of the *King*, but that the *Treaties* did stand in as good Force to all Intents as new *Ratification* cou'd make them. An *Answer* strange at that time, but very conformable to his *Proceedings* since; which belike even then were closely smothered in his own Breast. For had he not at that time, some hidden *Alienation* of *Mind*, and *Designe* of an *Enemy* towards her Majesty; So wise a *King* could not be ignorant, That the *Renewing* and *Ratifying* of *Treaties* between *Princes* and *States*, do add a great *Life* and *Force*, both of *Assurance* to the *parties* themselves, and *Countenance*, and *Reputation* to the *World* besides; And have for that cause been commonly and necessarily used and practised.

In the *Message* of *Viscount Mountacute*, it was also contained, that he should crave the *Kings* *Counsel* and *Assistance*, according to *Amity* and good *Intelligence*, upon a *Discovery* of certain *pernicious Plots* of the *House of Guise*, to annoy this *Realme* by the way of *Scotland*: wherunto the *Kings* *Answer* was so *Dark* and so *cold* that nothing could be made of it; Till he had made an *Exposition* of it himself, by effects in the *expres* *R-straint*, of *Munition* to be carried out of the *Low-Countries*, unto the *Sieg* of *Leith*: Because our *Nation* was to have supply thereof from thence. So as in all the *Negotiations* that passed with that *King*, still her Majesty received no satisfaction, but more and more suspicious, and *Bad Tokens* of evil affection.

Soon after, when upon that *Project*, which was disclosed before the *King* had resolved to disanul the *Liberties* and *Priviledges* unto his *Subjees* the *Netherlands* anciently belonging; And to estab'lish amongst them a *Marshal Governement* which the *People* being very wealthy and inhabiting *Towns* very strong and *Defensible* by fortifications both of *Nature* and the hand could, nor endure there followed the *Defection* and *revolt* of those *Countries*. In which *Action* being the greatest of all those which have passed between *Spain* and *England*, the *proceeding* of her Majesty hath been so *Just* and mingled with so many *Honourable Regards* as nothing doth so much clear and acquit her Majesty not only from *passion* but also from all dishonourable *pollicy*. For first at the beginning of the *Troubles* she did impart unto him faithfull and sincere advise of the *Course*, that was to be taken for the quiering and appeasing them, And expressly forewarned both himself and such as were in *principal Charge* in those *Countries* during the *Wars* of the danger like to ensue if he held so heavy a hand over that people; lest they should cast themselves into the *Arms* of a *Stranger*. But finding the *Kings* mind so exulgerate as he rejected all *Counsel* that tended to *Mild* and *Gracious* proceeding, her Majesty nevertheless gave not over her *Honourable Resolution* (which was if it were possible to reduce and reconcile those *Countries* unto the obedience of their *Natural Sovereign* the *King* of *Spain*: And if that might not be, yet to preserve them from alienating themselves to a

Ferrain Lord as namely unto the *French* with whom they much treated; And amongst whom the *Enterprize of Flanders*, was ever propounded as a Meane to unite their own Civil Dissentions) But patiently temporising expected the good effect which Time might breed, And whensoever the *States* grew into Extremities of Despair and thereby ready to embrace the Offer of any *Furrainer*; Then would her *Majesty* yield them some Relief of Money or permit some Supply of Forces to go over unto them; To the end to interrupt such violent Resolution: And still continued to mediat unto the *King* some Just and Honourable Capitulations of Grace and Accord, such as whereby alwayes should have been preserved unto him such Interest and Authority as he in Justice could claim; Or a Prince moderately minded would seek to have. And this Course she held interchangeably seeking, to mitigate the Wrath of the *King* and the Despair of the *Countries*, Till such Time as after the Death of the *Duke of Anjou*; (into whose Hands according to her *Majesties* Prediction, but against her good liking they had put themselves) The *Enemy* pressing them, the united *Provinces* were received into her *Majesties* Protection: which was after such Time, as the *King of Spain* had discovered himself, not only an Implacable Lord to them, but also a professed *Enemy* unto her *Majesty*; having actually invaded *Ireland* and designed the *Invasion of England*. For it is to be noted, that the like Offers which were then made unto her *Majesty*; had been made to her long before, but as long as her *Majesty* conceived any Hope either of making their Peace; Or entertaining her own with *Spain* she would never hearken thereunto. And yet now even at last her *Majesty* retained a singular and evident Proof to the *World* of her Justice and Moderation; In that she refused the *Inheritance and Sovereignty* of those Goodly *Provinces*, which by the *States* with much Instance was pressed upon her, and being accepted would have wrought greater Contentment and Satisfaction both to her People and theirs, being *Countries* for the Site, Wealth, Commodity of Traffick, Affection to our Nation; Obedience of the Subjects (well used) most convenient to have been annexed to the *Crown of England*, and with al one Charge, Danger and Offence of *Spain*, onely took upon her the Defence and Protection of their Liberties: which Liberties and Priviledges are of that Nature as they may justly esteem themselves but Conditional Subjects to the *King of Spain*; More justly then *Aragon*: And may make her Majesty as justly esteem the ancient Confederacies and Treaties with *Burgundy* to be of Force rather with the *People and Nation* than with the *Line* of the *Duke*, because it was never an *Absolute Monarchy*. So as to sum up her *Majesties* proceedings in this great Action, they have but this that they have sought first to restore them to *Spain*, then to keep them from Strangers, and never to purchase them to her Self.

But during all that time the *King of Spain* kept one tenour in his proceedings towards her *Majesty*, breaking forth more & more into Injuries & contempts: Her Subjects trading into *Spain* have been many of them burned, some cast into the Gallies, others have died in Prison without any other crimes committed, but upon quarrels pickt upon them for their Religion here at home. Her Merchants at the Sack of *Antwerp* were divers of them spoyled and put to their Ransoms though they could not be charged with any part-taking, neither upon the complaint of *Doctor Wilson* and *Sir Edward Horsey* could any redress be had. A general Arrest was made by the *Duke of Alva* of *Englishmens* both goods and persons, upon which pretence that certain Ships staid in this *Realm*, laden with

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goods & Money of certain Merchants of Genoa, belonged to that King: which Money and Goods was afterwards to the uttermost value restored and payed back: Whereas our men were far from receiving the like Justice on their side. Doctour Man her Majesties Embassador, received during his Legation, sundry Indignities, himself being Removed out of Madrid, and Lodged in a Village, As they are accustomed to use the Embassadors of Moores: His Sonn and Steward forced to assist at a Mass with papers in their Hands; Besides sundry other Contumelies and Reproaches. But the spoyling or damnifying of a Merchant, vexation of a Common Subject; Dishonour of an Embassador; Were rather but Demonstrations of ill Disposition then Effects; If they be compared with Actions of State: Wherein he and his Ministers have sought the overthrow of this Government: As in the year 1569. when the Rebellion in the North part of England brake forth Who but the Duke of Alva (then the Kings Lieutenants in the Low-Countries) and Don Guerres of Espes, then his Embassador Lieger here were discovered to be chief Instruments and practisers, having conspired with the Duke of Norfolk at the same time, as was proved at the same Dukes Condemnation, that an Army of 20000. Men should have landed at Harwich in aid of that part, which the said Duke had made within the Realm and the said Duke having spent and employed 150000. Crownes in that preparation.

Not contented thus to have consorted and assisted her Majesties Rebels in England; He procured a Rebellion in Ireland: Arming and sending thither in the year 1579. an Arch Rebel of that Countrey James Fitz Maurice, which before was fled: And truly to speak the whole course of molestation, which her Majesty hath received in that Realm by the Rising and keeping on of the Irish, hath been nourished and fomented from Spain, but afterwards most apparently in the year 1580. he invaded the same Ireland; with Spanish Forces under an Italian Colonel by Name San Jospho, being but the Fore-runners of a greater Power; Which by Treaty betwene Him and the Pope should have followed: But that by the speedy Defeat of those former, they were discouraged to pursue the Action: Which Invasion was proved to be done by the Kings own Order; both by the Letters of Secretary Escovedo, and of Guerres to the King: and also by divers other Letters, wherein the particular Conferences were set down concerning this Enterprize between Cardinal Riario the Papes Legate and the Kings Deputy in Spain, touching the General the Number of Men the Contribution of Money, and the Manner of the Prosecuting of the Action, and by the Confession of some of the Chiefest of those that were taken Prisoners at the Fort, which Act being an Act of Apparent Hostility added unto all the Injuries aforesaid: And accompanied with a continual Receipt, Comfort and Countenance by Audiencies, Pensions, and Employments, which he gave to Traytors and Fugitives, both English and Irish; As Westmerland, Paget, Englesfield, Balinglass, and Numbers of others did sufficiently justify and warrant that pursuit of Revenge, which (either in the Spoy of Carthage and San Domingo in the Indies, by Mr. Drake, or in the the undertaking the protection of the Low-Countries when the Earl of Leicester was sent over) afterwards followed. For before that time her Majesty though she stood upon her Guard in respect of the just Cause of Jealousie, which the sundry Injuries of that King gave her, yet had entred into no Offensive Action against him. For both the Voluntary Forces which Don Antonio had collected in this Realm, were by expresse commandment restrained, and offer was made of Restitution to the Spanish Embassador of such Treasure as had been brought into this Realm; upon

upon proof that it had been taken by wrong; And the *Duke of Anjou* was (as much as could stand with the near *Treaty* of a *Marriage* which then was very forward between her *Majesty* and the said *Duke*) Diverted from the *Enterprize of Flaunders*.

But to conclude this *Point*, when that some years after the *Invasion* and *Conquest* of this *Land*; Intended long before, but through many *Crosses*, and impediments, which the *King of Spain* found in his *Plots* deserved, was in the year 1588, attempted; Her *Majesty* not forgetting her own *Nature*, was content at the same Instant to *Treat* of a *Peace*, not ignorantly, as a *Prince* that knew not in what forwardness his preparations were (For she had discovered them long before) Nor fearfully as may appear by the *Articles* whereupon her *Majesty* in that *Treaty* stood which were not the *Demands* of a *Prince* afraid; But onely to spare the shedding of *Christian Blood*, and to shew her constant *Desire* to make her *Reign* *Renowned*, rather by *Peace* than *Victories*: which *Peace* was on her part treated sincerely, but on his part (as it should seem) was but an *Abuse*; Thinking thereby to have taken us more unprovided: So that the *Duke of Parma* not liking to be used as an *Instrument* in such a *Case* in regard of his particular *Honour* would sometimes in *Treating* interlace That the *King* his *Master*, ment to make his *Peace* with his *Sword* in his *Hand*. Let it then be tryed upon an indifferent view of the proceedings of *England* and *Spain*: Who it is that *Fisbeth* in *Troubled Waters*; And hath disturbed the *Peace* of *Christiansome*, and hath written and described all his *Plots* in *Blood*.

There follow the *Articles* of an *universal Peace*, which the *Libeller* as a *Commissioner* for the *Estate* of *England*, hath propounded and are these.

First that the *King of Spain* should recal such *Forces* as of great compassion to the *Natural People* of *France* he hath sent thither to defend them against a relapsed *Hugonot*.

Secondly that he suffer his *Rebels* of *Holland* and *Zeland* quietly to possess the places they hold, and to take unto them all the rest of the *Low-Countries* also, conditionally that the *English* may still keep the possession of such *Port Towns* as they have, and have some half a dozen more annexed unto them.

Thirdly, that the *English Rovers* might peaceably go to his *Indies* And there take away his *Treasure* and his *Indies* also.

And these *Articles* being accorded (he saith) might follow that *Peace* which passeth all understanding, as he calleth it in a scurrile and prophane *Mockry* of the *Peace* which *Christians* enjoy with *God*, by the *Attonement* which is made by the *Blood* of *Christ*, whereof the *Apostle* saith that it passeth all understanding: But these his *Articles* are sure mistaken, and indeed corrected are briefly these:

1. That the *King of France* be not impeached in *Reducing* his *Rebels* to obedience.
2. That the *Netherlands* be suffered to enjoy their *Ancient Liberties* and *Priviledges*, and so *Forces* of *Strangers* to be withdrawn both *English* and *Spanish*.
3. That all *Nations* may trade into the *East* and *West Indies*, yea discover and occupy such parts as the *Svaniard* doth not actually possess, and are not under *Civil Government*, notwithstanding any *Donation* of the *Pope*

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5. *Of the Cunning of the Libeller in Palliation of his malicious Invectives against her Majesty, and the State, with pretence of Taxing onely the Actions of the Lord Burghley.*

I Cannot rightly call this Point *Cunning in the Libeller*, but rather good will to be *Cunning* without skill indeed or Judgement: For finding that it had been the usual and ready practise of *seditions Subjects* to plant and bend their Invectives, and Clamours, Not against the *Soveraigns* themselves, but against some such as had *Grace* with them, and *Authorities* under them; He put in ure his Learning in a wrong and improper *Case*. For this hath some appearance to cover undurifull *Invectives*, when it is used against *Favouries* or *New Upsarts* and suddain risen *Counsellors*: But when it shall be practised against One that hath been *Counsellor*, before her *Majesties* Time; And hath continued longer *Counsellor* than any *Counsellor in Europe*; One that must needs have been Great if it were but by Surviving alone, though he had no other *Excellency*; One that hath passed the *Degrees of Honour*, with great *Travel*, and long time, which quencheth alwayes *Envy*, except it be joyned with extreme *Malice*; Then it appeareth manifestly to be but a *Brick-wall at Tennis* to make the *Defamation* and *Hatred* rebound from the *Counsellor* upon the *Prince*. And assuredly they be very simple to think to abuse the *World* with those *Shifts*; Since every *Child* can tell the *Fable* That the *Wolfes malice was not to the Shepherd, but to his Dog*. It is true that these Men have altered their *Tune* Twice or thrice: when the *Match* was in *Treating* with the *Duke of Anjou* they speak *Honey* as to her *Majesty*, All the *Gall* was uttered against the *Earl of Leicester*. But when they had gotten *Heart* upon the *Expectation* of the *Invasion*, they changed stile and disc'osed all the *Venoms* in the *World* immediately against her *Majesty*: what new *Hope* hath made them return to their *Sinons Note*, in teaching *Troy* how to save it self I cannot tell. But in the mean time they do his *Lordship* much *Honour*: For the more despitefully they inveigh against his *Lordship*, the more Reason hath her *Majesty* to trust him, and the *Realm* to honour him. It was wont to be a *Token* of scarce a good *Leidgeman* when the *Enemy* spoiled the *Country* and left any particular mens *Houses* or *Fields* unwaisted.

6. *Certain true general Notes upon the Actions of the Lord Burleigh.*

BUT above all the rest, it is a strange *Fancy* in the *Libeller* that he meth his *Lordship* to be *Primum Mobile* in every *Action* without *Distinction* that to him her *Majesty* is *Accomptant* of her *Resolutions*. That to him the *Earl of Leicester* and *Mr. Secretary Walsingham*, both Men of great *Power*, and of great *wit* and *understanding*, were but as *Instruments* whereas it is well known, that as to her *Majesty* there was never a *Counsellor* of his

his *Lordships* long Continuance that was so applyable to her *Majesties* Princely Resolutions; Endeavouring alwayes after Faithful Propositions and Remonstrances; and these in the best words, and the most Gratefull manner, to rest upon such Conclusions, as her Majesty in her own wisdom determined, and them to execute to the best: So far hath he been from Contestation or drawing her Majesty into any his own Courses. And as for the forenamed Counsellors and others, with whom his Lordship hath conformed in her Majesty's service It is rather true that his Lordship out of the greatness Experience, and Wisdom; And out of the Calmness of his Nature, hath qualified generally all hard and Extreme Courses, as far as the Service of her Majesty, and the safety of the State, and the making himself compatible with those with whom he served would permit. So far hath his Lordship been from inciting others, or running a full Course with them in that kind. But yet it is more strange that this Man should be so absurdly Malicious, as he should charge his Lordship, not onely with all Actions of State but also with all the Faults and Vices of the Times; As if curiosity and Emulation have bred some Controversies in the Church, Though, (thanks be to God) they extend but to outward Things; As if Wealth, and the Cunning of Wits have brought forth Multitudes of Suits in Law; As if Excess in Pleasures and in Magnificence joynd with the unfaithfulness of Servants, and the Greediness of *monici men* have decayed the Patrimony of many Noblemen, and others; That all these and such like Conditions of the Time should be put on his Lordships account; who hath been as far as to his Place appertainerth, a most Religious and Wise moderator in Church matters, to have unity kept who with great Justice hath dispatched infinite Causes in Law, that have orderly been brought before him; And for his own Example may say that, which few men can say, but was sometime said by *Cephalus* the Athenian so much Renowned in *Plato's Works*; who having lived near to the age of an 100. years; And in continual affairs and Business, was wont to say of himself; *That he never sued any, neither had been sued by any*: Who by reason of his Office hath preserved many Great Houses from Overthrow, by relieving sundry Extremities towards such as in their minority have been circumvented; And towards all such as his Lordship might, advise, did ever perswade sober and limited expence. Nay, to make Proof further of his Contented manner of life, free from Suits and covetousness, as he never sued any man, so did he never raise any Rent, or put out any Tenant of his own; Nor ever gave consent to have the like done to any of the Queens Tenants; Matters singularly to be noted in this Age.

But however, by this Fellow, as in a False Artificial Glass which is able to make the best Face Deformed, his Lordships doings be set forth, yet let his Proceedings (which be indeed his own) be indifferently weighed and considered; and let men call to mind that his Lordship was never a violent and Transported man in matters of State, but ever Respective and moderate; that he was never man in his particular a Breaker of Necks, no heavy Enemy, but ever Placable and mild; That he was never a Brewer of Holy water in Court, no Dallyer, no Abuser, but ever Real and Certain; That he was never a Bearing man, nor Carrier of Causes, but ever gave way to Justice and Course of Law; That he was never a Glorious wilful proud man, but ever Civil and Familiar, and good to deal withal; That in the Course of his Service, he hath rather sustained the Burthen, then sought the Fruition of Honour or profit; Scarcely sparing any time from his Cares and Travels, to the Sustentation of his Health; That he never had, nor sought

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to have for himself and his Children any Penny-worth of Lands or Goods that appertained to any attainted of any *Treason, Felony*, or otherwise, that he never had or sought any kind of *Benefit* by any *Forfeiture* to her Majesty; That he was never a *Faction* Commender of Men as he that intended any waies to besiege Her, by bringing in men at his Devotion; But was ever a true Reporter unto her Majesty of every mans *Deserts* and *Abilities*, that he never took the Course to unquiet or offend, no nor exasperate her Majesty, but to content her mind, and mitigate her Displeasure; That he ever bare himself reverently and without *Scandal* in matters of *Religion* and without blemish in his *Private course of Life*, Let men I say without passionate malice call to mind these things; and they would think it reason that though he be not *canonized* for a *Saint in Rome*, yet he is worthily celebrated as *Pater Patrie in England*, and though he be Libelled against by *Fugitives*; yet he is prayed for by a multitude of good Subjects and lastly though he be envyed whilest he liveth, yet he shall be deeply wanted when he is gone. And assuredly many Princes have had many Servants of *Trust, Name, and sufficiency*; But where there have been great parts, there hath often wanted *Temper of Affection*; Where there have been both *Ability and moderation*, there have wanted *Diligence and love of Travel*, where all three have been, there have sometimes wanted *Faith and Sincerity*, where some few have had all these four, yet they have wanted *Time and Experience*: But where there is a *Concurrence* of all these there is no no marvail though a *Prince of Judgement* be constant in the *Employment and Trust* of such a *Servant*.

7. Of divers particular Vntruths and Abuses dispersed through the Libel.

THE Order which this man keepeth in his Libel is such as it may appear that he meant but to empy some *Note Book of matters of England*, To bring in (whatsoever came to it) a Number of Idle Jestes which he thought might fly abtoad and intended nothing less than to clear the matters he handled by the *Light of Order and distinct writing*. Having therefore in the *principal points* namely the second, third, and fourth Articles, ranged his scattering and wandring Discourse into some *Order* such as may help the Judgement of the Reader, I am now content to gather up some of his By-matters and stragling Untruths and very briefly to censure them.

Pag. 9. he saith, That his Lordship could neither by the Greatness of his *Deades, creeping to the Cross, nor exterior shew of devotion before the high Altar, find his entrance into high Dignity in Queen Maries Time*. All which is a meer *Fiction* at pleasure: For *Queen Marie* bare that respect unto him in regard of his constant standing for her Title, that she desired to continue his *Service*; The *Refusal* thereof growing from his own part: He enjoyed nevertheless all other *Liberties and Favours* of the time save only that it was put in the *Queens head* that it was dangerous to permit him to go beyond the Sea, because he had a great *Wit of Action*, and had served in so principal a place which nevertheless after with *Card. Pool* he was suffered to do.

Pag. *Eadem* he saith, *Sir Nich. Bacon*, that was *Lord Keeper* was a Man of

exceeding

exceeding crafty; which sheweth that this Fellow in his Slauers is no good Marks-man, but throweth out his Words of Defaming without all Level. For all the World noted Sir Nich. Bacon to be a Man Plain, direct and Constant, without all Fineness and Doubleness; And one that was of the mind that a Man in his private Proceedings and Estate, and in the proceedings of State should rest upon the Soundness and Strength of his own Conscience, and not upon Practise to Circumvent others, according to the Sentence of Solomon; *Vir Prudens advertit ad Gressus suos, stultus autem divertit ad Dolos*: Inſomuch that the Bishop of Ross a Subtile and Observing Man said of him; That he could ſayen no words upon him, and that it was Impoſſible to come within him, becauſe he offered no play. And Queen Mother of France, a very politick Princeſſ laid of him; that he ſhould have been of the Council of Spain, becauſe he deſpiſed the Occurrents and reſted upon the Firſt Plot; Lo that if he were crafty, it is hard to ſay who is wiſe.

Pag. 10. he ſaith, That the Lord Burleigh in the Eſtabliſhment of Religion in the beginning of the Queens Time, preſcribed a Compoſition of his own Invention; Whereas the ſame Form not fully ſix years before, had been received in this Realm in King Edwards Time: So as his Lordſhip being a Chriſtian politick Counſelor, thought it better to follow a Preſident, than to innovate; And choſe the Preſident rather at Home than Abroad.

Pag. 4. he ſaith, That Catholicks never attempted to murder any principal perſon of her Majesties Court, as did Burchew, (whom he calleth a Puritan) In wounding of a Gentleman inſtead of Sir Chriſtopher Hatten; But by their great Vertue, modeſty, and Patience, do manifeſt in themſelves, a far different Spirit from the other Sort. For Burchew it is certain he was Mad; as appeareth not onely by his Mad Miſtaking, but by the violence that he offered after to his Keeper; And moſt evidently by his behaviour at his Execution: But of Catholicks (I mean the Traiterous ſort of them, a Man may ſay as Cato ſaid ſometimes of Caſar; *Eum ad evertendam Remp. ſobrium acceſſiſſe*: They came ſober and well adviſed to their Treasons and Conſpiracies; And Commonly they look not ſo low as the Counſellors, but have bent their murderous Attempts, immediately againſt her Majesties ſacred perſon (Which God have in his precious Cuſtody) as may appear by the conſpiracy of Sommerwile, Parry, Sawadge, the Six, and others Nay they have defended it in Theſis, to be a Lawfull Act.

Pag. 43. he ſaith, that his Lordſhip whom he calleth the Arch-Politick, hath fraudulently provided, that when any Prieſt is arraigned, the Indictment is enforced with many odious Matters: Wherein he ſheweth great Ignorance if it be not Malice: For the Law permitteth not the Ancient Forms of Indictments to be altered; Like as in an action of Treſpaſs, although a Man take away anothers Goods in the peaceableſt manner in the World, yet the Writ hath *Quare vi & Armis*; And if a Man enter upon anothers Ground and do no more, the Plaintife mentioneth *Quod Herbam ſuam ibidem creſcentem, cum Equis, Bovis, porcis, & Eidentibus, depaſtus ſit, conculcavit & conſumpſit*. Neither is this any Abſurdity; For in the practice of all Law, the Formularies have been Few and Certain; And not varied according to every Particular Caſe. And in Indictments alſo of Treason, it is not ſo far fetched, as in that of Treſpaſs; For the Law ever preſumeth in Treason, an Intention of ſubverting the State, and Imperching the Majesty Royal.

Pag. 45. and in other places, ſpeaking of the perſecuting of the Cath. Icks, he

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still mentioneth *Bowellings* and *Consuming Meis Entrailles* by Fire; As if this were a *Torture* newly devised; Wherein he doth *Cautelously* and *Maliciously* suppress that the *Law and Custom* of this *Land* from all *Antiquity* hath ordained that punishment in *Case of Treason* and permitterh no other. And a *Punishment* surely it is though of great *Terrour*, yet by reason of the quick *Dispatching* of less *Torment* far then either the *Wheele* or *Forcipation*, yea than *Simple Burning*.

pag. 48. he saith *England* is confederate with the *Great Turk*, wherein if he mean it because the *Merchants* have an *Agent* in *Constantinople*; How will he answer for all the *Kings* of *France* since *Francis* the First, which were good *Catholicks*? For the *Emperor*? for the *King* of *Spain* himself? for the *Senate* of *Venice*, and other *States*, that have had long time *Embassadors* *Liedgers* in that *Court*? If he mean it because the *Turk* hath done some special *Honour* to our *Embassadour* (if he be so to be termed) we are beholding to the *King* of *Spain* for that; For that the *Honour* we have won upon him by *Opposition*, hath given us *Reputation* through the *World*: if he mean it because the *Turk* seemeth to affect us for the *Abolishing* of *Images*; Let him consider then what a *Scandal* the *Matter* of *Images* hath been in the *Church*: as having been one of the principal *Branches* whereby *Mahumetisme* entred.

Page 65. he saith, *Cardinal Allen* was of late very near to have been elected *Pope*. Whereby he would put the *Catholicks* here in some hope, that once within *Five* or *Six* years (For a *Pope* commonly sitteth no longer) he may obtain that which he missed narrowly. This is a direct *Abuse*; For it is certain in all the *Conclaves* since *Sixtus Quintus* who gave him his *Hat*, he was never in possibility: Nay the *King* of *Spain* that hath patronized the *Church* of *Rome* so long as he is become a right *Patrone* of it; In that he seeketh to present to that *See* whom he liketh; yet never durst strain his *Credit* to so desperate a *Point* as once to make a *Canvass* for him: No, he never nominated him in his *Inclusive Narration*. And those that know anything, of the *Respects* of *Conclaves* know that he is not *Payable*; First because he is an *Ultramontane*, of which sort, there hath been none these *Fifty* years: Next, because he is a *Cardinal* of *Almes* of *Spain*, and wholly at the *Devotion* of that *King*, thirdly because he is like to employ the *Treasure* and *Favours* of the *Popedome* upon the *Enterprises* of *England*, and the *Relief* and *Advancement* of *English* *Fugitives*, his *Necessitous* *Country men*; So, as he presumed much upon the *Simplicity* of the *Reader* in this point as in many more.

Page 55. and again Page 70. he saith; His *Lordship* (meaning the *Lord Burleigh*) Intendeth to match his *Grandchild* *Mr. William Cecil* with the *Lady Arbella*. Which being a meer *Imagination* without any *Circumstance* at all to enduce it; More then that they are both *unmarried*; And that their years agree well needeth no answer. It is true that his *Lordship* being no *Stoical* *Unnatural* *Man*, but loving towards his *Children*; For *Charitas Reip. incipit à Familia*) Hath been glad to match them into *Honourable* and *good* *Bloud*; And yet not so, but that a private *Gentleman* of *Northamptonshire* that lived altogether in the *Country*, was able to bestow his *Daughters* higher than his *Lord* hath done. But yet it is not seen by any thing past, that his *Lordship* ever thought or affected to match his *Children* in the *Bloud* *Royal*: His *Lordships* *Wisdom* which hath been so long of gathering, teacheth him to leave to his *Posterity* rather *Surety* then *Danger*. And I marvel where be the *Combinations* which have been with *Great Men*: And the *Popular* and *Plausible* *Courses*, which

which ever accompany such designes, as the *Libeller* speaketh of: And therefore this *Match* is but like unto that which the same *Fellow* concluded between the same *Lady Arbella* and the *Earl of Lecesters Son* when he was but a twelve Month old.

Pag. 70. he saith, he laboureth incessantly with the *Queen* to make his *Eldesst son Deputy of Ireland*. As if that were such a Carch, Considering all the *Deputies* since her *Majesties* time (except the *Earl of Suffex* and the *Lord Grey*) have been persons of meaner Degree then *Sir Thomas Cecil* is And the most that is gotten by that place, is but the Saving and putting up of a mans own Revenue's, during those years that he serveth there; And this perhaps to be saved with some *Displeasure* at his *Return*.

Pag. eadem he saith; He hath brought in his *Second Son* *Sir Roberts Cecil* to be of the *Counsell* who hath neither *Wit nor Experience*, Which Speech is as notorious an untruth as is in all the *Libell*: For it is confessed by all Men that know the *Gentleman* that he hath one of the Rarest and most *Excellent Wits* of *England*, with a singular Delivery and Application of the same; whether it be to use a Continued Speech, Or to Negotiate or to touch in Writing, or to make Report or discreetly to consider of the Circumstances and aptly to draw things to a point, and all this joyned, with a very good Nature and great respect to all Men, as is daily more and more revealed. And for his experience it is easie to think that his *Trayning* and helps hath made it already such as many as served long *mentishood* for it, have not attained the like: So as if that be true; *Qui beneficium Digno dat omnes obligat*; Not his *Father* only, but the *State* is bound unto her *Majesty*, for the choice and employment of so *sufficient and worthy a Gentleman*.

There be many other Follies and absurdities in the Book: which if an *Eloquent Schollar* had it in Hand, he would take advantage thereof and justly make the *Author* not onely *Odious* but *Ridiculous* and *Contemprible* to the *World*. But I pass them over, and even this which hath been said hath been vouchsafed to the *vallue*, and *Worth of the Matter*, and not the *worth of the Writer*; who hath handled a *Theam* above his *Compass*.

8. Of the Heigh of Impudency that these Men are grown unto in publishing and avouching untruths, with a particular Recital of some of them for an Assay:

THESE Men are grown to a singular Spirit and Faculty in Lying and Abusing the world, such as it seemeth although they are to purchase a particular *Dispensation* for all other *Sins*; yet they have a *Dispensation Dormant* to lie for the *Catholique Cause*, which moveth me to give the *Reader* a Taste of their *Untruth*, such as are written and are not meereely gross and palpable, desiring him out of their own writings, when any shall fall into his *Hands*, to encrease the *Roale* at least in his own *Memory*.

We retain in our *Calendars* no other *Holy-days* but such as have their *Memorials* in the *Scriptures*: And therefore in the *Honour of the Blessed Virgin*, we onely receive the *Feasts* of the *Annunciation* and the *Purification*.

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tion; Omitting the other of the *Conception* and the *Nativity*; which *Nativity* was used to be celebrated upon the 8th. of *September*, the *Vigil* whereof hapned to be the *Nativity* of our *Queen*: which though we keep not *Holy*, yet we use therein certain *Civil Customs* of joy and *Gratulation*; As *Ringing of Bells*, *Bonfires* and such like; And likewise make a *Memorial* of of the same *Day* in our *Calender*: whereupon they have published; That we have expunged the *Nativity* of the *Blessed Virgin*, and put in stead thereof the *Nativity* of our *Queen*. And further that they certain *Hymns* unto her, used to be sung unto our *Lady*.

It happened, that upon some *Bloudshed* in the *Church* of *Pauls*, according to the *Canon Law*, yet with us in force, the said *Church* was interdicted, and to the *Gates* shut up for some few *Dyses*, whereupon they published that because the same *Church* is a place where *People* use to meet to walk and confer, the *Queens Majesty* after the manner of the *Ancient Tyrants*, had forbidden all *Assemblies* and meetings of *People* together; And for that Reason upon extreme *Jealousie* did cause *Pauls Gates* to be shut up.

The *Gate* of *London* called *Lud-Gate* being in decay was pulled down; And built anew: And on the one side was set up the *Image* of *King Lud* and his two *Sons*; who according to the Name was thought to be the first *Founder* of that *Gate*: And on the other side the *Image* of her *Majesty*, in whose time it was reedified: whereupon they published that her *Majesty* after all the *Images* of the *Saints* were long beaten down, had now at last set up her own *Image* upon the principal *Gate* of *London*, to be adored, and all men were forced to do reverence to it as they passed by, and a watch there placed for that purpose.

Mr. Jewel the *Bishop* of *Salisbury*, who according to his *Life* died most godly and patiently; At the *Point* of *Death* used the *Verse* of the *Hymne* *Te Deum*, *Oh Lord* in thee have I trusted, let me never be confounded; Whereupon suppressing the rest, they published, that the principal *Champion* of the *Hereticks* in his very last words cryed he was confounded.

In the *Act* of *Recognition* of *primo*, whereby the *Right* of the *Crown* is acknowledged by *Parliament* to be in her *Majesty* (The like whereof was used in *Queen Maries* time) The words of *Limitation* are, In the *Queens Majesty*, and the *Natural Heirs* of her *Body*, and her *lawfull Successors*. Upon which word (*Natural*) they do maliciously and indeed villainously gloss That it was the *Intention* of the *Parliament* in a *Cloud* to convey the *Crown*, to any *Issue* of her *Majesties* that were *Illegitimate*; Whereas the word (*Heire*) doth with us so necessarily and pregnantly import *Lawfullness*, as it had been, *Indecorum* and *uncivil speaking* of the *Issues* of a *Prince* to have expressed it.

They set forth in the year a *Book* with *Tables* and *Pictures* of the *Persecutions* against *Catholiques*; Wherein they have not onely stories of 50. years old to supply their *Pages*, But also taken all the *persecutions* of the *Primitive Church*, under the *Heathen*, and translated them to the practise of *England*. As that of *Worshipping Priests* under the *Skins* of *Bears*; by *Doggs*, and the like.

I conclude then that I know not what to make of this *Excess* in *Avouching untruths*, save this: That they may truly *Chaunt* in their *Quires*; *Linguam rostram magnificabimus, Labia rostra nobis sunt*: And that they have long ago; forsaken the *truth* of *God* which is the *Touchstone* much now hold by the *Whetstone*; And that their *Ancient Pillar* of *Lying wonders* being decayed they must now hold by *lying slanders* and make their *Libels* *Successors* to their *Legend*.



A TRUE
R E P O R T,
Of the detestable
T R E A S O N,

INTENDED
By Doctor *RODERIGO LOPEZ*,
A Physician attending upon the Person
Of the *QUEENS MAJESTY*

Whom He for a Sum of Money, promised to be paid
him by the *King of Spains*, did undertake to have destroyed
by *Poyson*; with certain *Circumstances*, both of the
Plotting and Detecting the same *TREASON*.
Penned during the *Queens* Life.

He *King of Spain* having found by the *Enterprize* of 88. the
Difficulty of an *Invasion of England*; And having also since
that time embraced the Matters of *France* (being a De-
sign of a more easie nature, and better prepared to his hand)
hath of necessity for a time layed aside the Prosecution of
his Attempts against this *Realm* by open Forces, as
knowing his Means unable to wield both Actions at once,
as well that of *England* as that of *France*. And therefore,
casting at the Fairest, (hath in a manner) bent his whole strength upon
France making in the mean time onely a *Defensive War* upon the *Low-
Countries*. But finding again, that the Supports and Aids which her *Ma-
jesty* hath continued to the *French King* are a principal Impediment
and Retardation to his prevailing there according to his Ends, he hath
now of late by all means projected to trouble the *Waters* here and to cut
us out some work at home; That by practise without *Diverting* and *Em-
ploying* any great Forces, he might neverthel's divert our *Succours* from
France.

According to which purpose he first proved to move some *Innovation* in
Scotland.

A true Re-
port of Dr.
Lopez
his Treason

Scotland, not so much in hope to alienate the King from the Amity of her Majesty, as practizing to make a party there against the King himself; Whereby he should be compelled to use her Majesties Forces for his Assistance. Then he solicited a Subject within this Realm (being a Person of great Nobility) to rise in Arms and levy War against her Majesty, which practise was by the same Nobleman loyally and prudently revealed, and lastly, (rather (as it is to be thought) by the Instigation of our Traiterous Fugitives in Forrain parts, and the corrupter sort of his Counsellours, and Ministers, then of his own nature, and Inclination) either of himself or his said Counsellours and Ministers using his name, have descended to a course against all Honour all Society and humanity, Odious to God and man, detested by the Heathen themselves which is to take away the Life of her Majesty (which God have in his precious Custody) by violence or poyson. A matter which might be proved to be not onely against all Ch. Aianty and Religion, but against Nature, the Law of Nations, the Honour of Armes, the Civil Law, The Rules of Morality and Policy: Finally to be the most condemned, Barbarous, and Ferine Act that can be imagined: yea, (supposing the Quarrels and Hostility, betweene the Princes to be never so Declared and so Mortal) yet were it not that it would be a very Reproach unto the Age, that the matter should be once disputed or called in question, it could never be defended. And therefore I leave it to the Censure which Titus Livius giveth in the like case upon Perseus the last King of the Macedons, afterwards overthrown, taken with his Children, and led in Triumph by the Romans. *Quem non iustum Bellum gere Regio Annos a per omnia clandestina grassari scelera, Latrociniorum at: ranciosiorum. cernebant.*

But to proceed, certain it is, that even about this present time, there have been suborned and sent into this Realm, divers persons, some English some Irish; corrupted by money, and Promises, and resolved and Conjured by Priests in Confession to have executed that most wretched and horrible Fact: Of which Number certain have been taken and some have suffered, and some are spared because they have with great sorrow confessed these Attempts, and detested their Suborners. And if I should conjecture what the reason is why this cursed enterprise was at this time so hotly, and with such diligence pursued, I take it to be chiefly because the Matters of France was ripe, and the King of Spain made himself ready to unmask himself, and to reap that in France, which he had been long in sowing, in regard that there being like to be a Divulsion in the League by the Reconciliation of some of the Heads to the King, the more passionate sort being destituted by their Associates, were like to cast themselves wholly into the King of Spains Arms, and to dismember some important piece of that Crown, though now upon this fresh accident Receiving of the King into Paris it is to be thought that both the worst affected of the League will submit themselves upon any tolerable Conditions to their Natural King thus advanced in strength and Reputation, and the King of Spain will take a second Advise ere he embarque himself too far in any new Attempt against France. But taking the Affaires as they then stood before this Accident unexpected; Especially of the Council of Spain, during this his supposed Harvest in France; His Counsel had reason to wish that there were no Disturbance from hence, where they make account that if her Majesty were removed (upon whose person God continue his extraordinary Watch and Providence) here would be nothing but Confusion, which they do not doubt but with some no great Treasure, and Forces from without, may be nourished till they can more fully intend the Ruine of this State according to their ancient malice.

But

But nowsoever that be, amongst the number of these execrable Undertakers, there was none so much built and relied upon by the Great Ones of the other side, as was this *Physitian Lopez*; nor (indeed) none so dangerous: whether you consider the aptness of the Instrument, or the subtilty and secretie of those that practised with him, or the shift and evasion which he had provided for a colour of his doings, if they shou'd happen to come into question. For first, whereas others were to find and encounter infinite difficulties in the very obtaining of an opportunity to execute this horrible act; and besides, cannot but see present and most assured death before their eyes; and therefore must be (as it were) *damnable Voluntaries* if they undertake it: This man, in regard of his Faculty, and of his private access to her *Majesty*, had both means to perpetrate, and means to conceal, whereby he might reap the fruit of his wicked *Treason*, without evident *peril*. And for his *Complices* that practised with him, being *Portugeses*, and of the Retinue of *King Antonio*, the *King of Spains* Mortal Enemy, they were men thereby freed and discharged from suspicion, and might send Letters, and receive Letters, out of *Spain*, without jealousy; as those which were thought to entertain Intelligences there for the good of their *Master*: And for the Evasion and *mask* that *Lopez* had prepared for this *Treason*, if it had not been searched and sifted to the bottom, it was, that he did intend but to cozen the *King of Spain*, without ill meaning; somewhat in the nature of that Stratagem which *Parr*, a most cunning and artificial *Traitor*, had provided for himself.

Nevertheless, this matter, by the great goodness of God, falling into good hands, of those Honourable and sufficient persons which dealt therein, was by their great and worthy industry so handled and followed, as this *Proteus* of a disguised and transformed *Treason* did at last appear in his own likeness and Colours, which were as foul and monstrous as have been known in the world. For some of her *Majesties Council* long since entred into consideration, that the Retinue of *King Antonio* (I mean some of them) were not unlike to hatch these kinds of *Treasons*, in regard they were needy strangers entred into despair of their *Masters* Fortune, and like enough to aspite to make their Peace at home, by some such wicked services as these; and therefore grew to have an extraordinary vigilant eye upon them: Which prudent and discreet presumption, or conjecture, joynd with some advertisements of *Espials* abroad, and some other industry, was the first cause (next under the great benediction of God, which giveth unto *Princes* zealous Councillors, and giveth to Councillors policy, and discerning thoughts) of the revealing and discovering of these *Treasons* which were contrived in order and form, as hereafter is set down.

This *Lopez*, of *Nation a Portugeze*, and suspected to be in Sect secretly a *Jew*, (though here he conformed himself to the Rites of *Christian Religion*) for a long time professed *Physick* in this *Land*, by occasion whereof (being withall a man very observant and officious, and of a pleasing and appliable behaviour; in that regard, rather then for any great Learning in his Faculty) he grew known and favoured in *Court*; and was some years since sworn *Physitian* of her *Majesties Household*; and by her *Majesties* bounty, of whom he had received divers *gifts* of good commodity, was grown to good Estate of Wealth.

This man had insinuated himself greatly (in regard he was of the same *Nation*) with the *King Antonio*, whose Causes he pretended to solli-

True Re-
port of Dr.
Lopez his
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A true Re-
port of Dr.
Lopez his
Tre. sov.

cit at the Court; Especially while he supposed there was any Appearance of his Fortune: of whom also he had obtained (as one that reserved all his doings to Gain) an Assignment of 50000. Crowns to be Levied in Portugal. But being a person wholly of a corrupt and Mercenary Nature, and finding his hopes cold from that part; He cast his eyes upon a more able paymaster, And secretly made offer long since of his Service to the King of Spain: And accordingly gave sundry Intelligences of that which passed here and imported most for the King of Spain to know, having no small Means in regard of his continual attendance at Court, Nearness, and access to learn many particulars of great weight. Which Intelligences he maintained, with *Bernardine Mendez*, *Antonio Vega*, *Roderigo Marquez* and divers others.

In the Conveyance of which his intelligences, and in the making known of his disposition to do the King of Spain service, he had (amongst others) one *Manuel Andrada* a Portuguese, revolted from *Don Antonio* to the King of Spain: One that was discovered to have practised the Death of the said *Don Antonio*, and to have betrayed him to *Bernardine Mendoza*. This Man coming hither, was, for the same, his practise appearing by Letters intercepted, apprehended and committed to Prison. Before which crime also, there had been by good diligence intercepted other Letters, whereby the said *Andrada* advertised *Mendoza*, that he had won Dr. Lopez to the Kings service: But Lopez having understanding thereof, and finding means to have secret conference with *Andrada* before his examination, perswaded with him to take the matter upon himself, as if he had invented that Advertisement touching Lopez, onely to procure himself credit with *Mendoza*; And to make him conceive well of his Industry and Service. And to move him herunto, Lopez set before *Andrada*, that if he did excuse him, he should have credit to work his delivery; whereas, if he did impeach him, he was not like to find any other Means of Favour. By which subtil perswasion *Andrada* when he came to be examined, answered according to the Direction and Lessoning which Lopez had given him. And having thus acquitted himself of this suspicion, became a Suitor for *Andrada's* delivery craftily, suggesting that he was to do some notable Service to *Don Antonio*: In which this suit he accordingly prevailed. When Lopez had thus got *Andrada* out of prison he was suffered to go out of the Realm into Spain: In pretence (as was said) to do some service to *Don Antonio*; But in truth, to continue Lopez Negotiation and Intelligences with the King of Spain: which he handled so well, as at his Return hither, for the comforting of the said Lopez, he brought to him from the King, besides thanks and words of encouragement, and an *Abrazo* (which is the Complement of Favour,) a very good Jewel garnished with sundry stones of good value. This Jewel when Lopez had accepted, he cunningly cast with himself, that if he should offer it to her Majesty first, he was assured she would not take it; Next, that thereby he should lay her asleep, and make her secure of him for greater Matters; according to the saying; *Fraus sibi fidem in partibus praesurit ut in magnis opprimat*; which accordingly he did, with protestations of his fidelity: And her Majesty as a Princess of Magnanimity, not apt to fear or suspicion, returned it to him with Gracious words.

After Lopez had thus abused her Majesty, and had these Trials of the Fidelity of *Andrada*; they fell in conscience (the matter being first moved by

by *Andrada* as he that came trethly out of *Spain*) touching the *empoisoning* of the *Queen*. Which *Lopez* (who saw that matter of Intelligence without some such particular service would draw no great Reward from the *King of Spain*: such as a Man that was not Needy but wealthy as he was could find any Takt in) assented unto. And to that purpose procured again this *Andrada* to be sent over, as well to advertise and assure this Matter to the *King of Spain* and his Ministers (namely to the *Count de Fuentes*, Assistant to the *General of the King of Spains Forces in the Low-Countries*, as also to capitulate and contract with him about the Certainty of his Reward. *Andrada* (having received those Instructions and being furnished with money by *Lopez* procurement from *Don Antonio* about whose service his employment was believed to be, went over to *Calais*, where he remained to be near unto *England and Flaunders*, having a Boy that ordinarily passed to and fro between him and *Lopez*; By whom he did also (the better to colour his Employment) writ to *Lopez* Intelligence, as it was agreed he should between him and *Lopez*; Who bad him send such news as he should take up in the Streets. From *Calais* he writeth to *Count de Fuentes* of *Lopez's* promise and Demands. Upon the receipt of which Letters after some time taken, to advertise this Proposition into *Spain*, and to receive direction thereupon; The *Count de Fuentes* associated with *Stephano Ibarra* Secretary of the *Council of the Wars in the Low-Countries*, calleth to him *or Manuel Louys Tinoco* a *Portuzese*, who had also followed *King Antonio*; and of whose good Devotion he had Experience in that he had conveyed unto him two several Pacquets, wherewith he was trusted by the *King Antonio* for *France*. Of this *Louys* they first received a *Corporal Oath*; with solemn Ceremony, taking his Hands between their Hands that he should keep secret that which should be imparted to him, and never reveal the same though he should be apprehended and questioned here. This done, they acquaint him with the Letters of *Andrada* with whom they charge him to conferre at *Callais* in his way and to pass to *Lopez* into *England*, addressing him further to *Stephano Ferrera de Gama*, and signifying unto the said *Lopez*; withal (as from the *King*) that he gave no great credence to *Andrada*, as a person too slight, to be used in a Cause of so great weight: And therefore marvelled much that he heard nothing from *Ferrera* of this Matter, from whom he had in former time been advertised in generality of *Lopez's* good affection to do him service. This *Ferrera* had been sometimes a Man of great Livelyhood and wealth in *Portugal*, which he did forego in adhering to *Don Antonio*, and appeareth to be a Man of Capricity, and practise, but hath some years since been secretly won to the service of the *King of Spain*, not travelling nevertheless too and fro but residing as his *Liger* in *England*.

Manuel Louys dispatched with these Instructions and with all affectionate commendations from the *Count* to *Lopez*, and with Letters to *Ferrera* took his Journey first to *Calais* where he conferred with *Andrada*; of whom receiving more ample Information together with a short Ticket of Credence to *Lopez*, that he was a Person whom he might trust without scruple came over into *England*, and first repaired to *Ferrera* and acquainted him with the State of the *Busiess*, who had before that time given some Light unto *Lopez*, that he was not a stranger unto the *Practise* betweene him and *Andrada*, wherewith (indeed) *Andrada* had (in a sort) acquainted him. And now upon this new Dispitch and knowledge given to *Lopez*,

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of the choice of Ferrera to continue that which *Andrada* had begun; He to conform himself the better to the satisfaction of the King of Spain, and his Ministers abroad, was content more fully to communicate with Ferrera, with whom from that time forward he meant singly and appertly to deal; And therefore cunningly forbear to speak with *Manuel Louys* himself; but concluded, that Ferrera should be his only Trunk, and all his Dealings should pass through his Hands, thinking thereby to have gone Invisibile.

Whereupon he cast with himself, that it was not safe to use the mediation of *Manuel Louys*, who had been made privy to the matter as some base carrier of Letters; which Letters also should be written in a Cypher, not of Alphabet, but of Words; Such as might if they were opened, import no vehement suspicion. And therefore *Manuel Louys* was sent back with a short Answer, and Lopez purveied himself of a base Fellow, a Portugez called *Gomez d'Avila*, dwelling hard by Lopez House to convey his Letters. After this Messenger provided, it was agreed between Lopez and Ferrera, that Letters should be sent to the Count de Fuentes and Secretary Juarra, written and signed by Ferrera (for Lopez cautelously, did forbear to write himself) but directed and (indeed) dictated word by word by Lopez himself. The Contents thereof were; That Lopez was ready to execute that Service to the King, which before had been treated, but required for his Recompence the sum of 50000. Crowns, and assurance for the same.

These Letters were written obscurely (as was vouched) in Terms of Merchandise, to which Obscurity when Ferrera excepted, Lopez answered; They knew his meaning by that which had passed before. Ferrera wrote also to *Manuel Louys*, but charged this Gomez to deliver the same Letters unto him in the presence of Juarra; As also the Letter to Juarra in the presence of *Manuel Louys*. And these Letters were delivered to Gomez de Avila to be carried to Brussels; And a Passport procured, and his charges defrayed by Lopez. And Ferrera the more to approve his Industry, writ Letters two several times, the one conveyed by *Emanuel Palacios*; with the privy of Lopez, to *Christophero Moro* a principal Councillor of the King of Spain, in Spain; Signifying that Lopez was won to the King of Spain, and that he was ready to receive his Commandement, and received a Letter from the same *Christophero Moro*, in answer to one of these, which he shewed unto Lopez. In the mean time, Lopez, though a Man (in semblance) of a heavy wit, yet indeed subtil of himself, as one trained in practise; And besides as wily as Fear and Covetousness could make him, thought to provide for himself (as was partly touched before) as many starting Holes and Evasions as he could devise; If any of these Matters should come to light. And first he took his time to cast forth some general words a far off to her Majesty, as asking her the Question; Whether a deceiver might not be deceived? Whereof her Majesty (not imagining these words tended to such end as to warrant him colourably in this wretched Conspiracy, but otherwise of her own natural Disposition bent to integrity and sincerity) uttered dislike and disallowance. Next, he thought he had wrought a great Mystery in demanding the precise sum of 50000. Crowns agreeing just with the sum of Assignation or Donation from *Don Antonio*; Idely, & in that grossely imagining, that if afterwards he should accept the same sum, he might excuse it, as made good by the King of Spain; in regard he desired to follow and favour *Don Antonio*: Whereupon the King of Spain was in honour tied not to see him

him a Looter. Thirdly, in his conferences with *Ferrera*, when he was opposed upon the particular manner, how he would poison her Majesty, he purposely named unto him a *Syrup*, knowing that her Majesty never useth *Syrup*; and therefore thinking that would prove an high point for his Justification, if things shou'd come in any Question.

But all this while desirous after his prey which he had in hope devoured, he did instantly importune *Ferrera* for the answering of his last *dispatch*, finding the delay strange, and reiterating the Protestations of his readyness to do the service, if he were assured of his *Money*.

Now before the return of *Gomez d' Avila* into *England*, this *Steven Ferrera* was discovered to have intelligence with the Enemy; but so, as the particular of his Traffick and Overtures appeared not, only it seemed there was great account made of that he managed; and thereupon he was committed to Prison. Soon after arrived *Gomez d' Avila*, and brought Letters only from *Manuel Louys*, by the Name of *Francisco de Thores*; because (as it seemeth) the great persons, on the other side, had a contrary disposition to *Lopez*, and liked not to write by so base a Messenger, but continued their course to trust and imploy *Manuel Louys* himself, who in likelihood was retained till they might receive a full conclusion from *Spain*, which was not till about two moneths after. This *Gomez* was apprehended at his Landing; and about him were found the Letters aforesaid, written in *Jargon*, or *Verbal Cypher*, but yet somewhat suspicious, in these words; *This Bearer will tell you the price in which your Pearls are esteemed, and in what resolution we rest about a little Musk and Amber, which I am determined to buy.* Which words the said *Manuel Louys* afterwards voluntarily confessed to be deciphered, in this sort; That by the allowance of the *Pearls*, he meant, that the *Count de Fuentes*, and the *Secretary*, did gladly accept the offer of *Lopez* to poison the *Queen*, signified by *Ferrera's* Letter; and for the provision of *Amber* and *Musk*, it was meant, that the *Count* looked shortly for a resolution from the *King of Spain*, concerning a matter of importance, which was for burning of the *Queens Ships*; and another point, tending to the satisfaction of their vindicative humour.

But while the sense of this former Letter rested ambiguous, and that no direct particular was confessed by *Ferrera*, nor sufficient light given to ground any rigorous examination of him, cometh over *Manuel Louys* with the resolution from *Spain*; who first understanding of *Ferrera's* restraint, and therefore doubting how far things were discovered, to shadow the matter, like a cunning Companion, gave advertisement of an intent he had to do service, and hereupon obtained a *Pass-port*: But after his coming in, he made no haste to reveal any thing, but thought to dally and abuse in some other sort. And while the light was thus in the Clouds, there was also intercepted a little Ticket which *Ferrera* in Prison had found means to write, in care to conceal *Lopez*, and to keep him out of danger, to give a *Caveat* of staying all further answers and advertisements in these causes. Whereupon *Lopez* was first called in Question.

But in conclusion, this matter being with all assiduity and policy more and more pierced and mined into: First, there was won from *Manuel Louys* his Letters from the *Count de Fuentes*, and *Secretary Juara*, to *Ferrera*; in both which, mention is made of the *Queens death*: In that of the *Counts*, under the term of a *Commission*; and in that of the *Secretaries*, under the term of the *Great Service*, whereof should arise an universal benefit to the whole World. Also the Letters of Credit, written by *Gonzalo Gomez*; one to *Pedro*

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de Carrera, and the other to *Juan Pallaci*, to take up a sum of money by *Emanuel Louys*, by the foresaid false name of *Fr. de Thores*; Letters so large, and in a manner without limitation, as any sum by, virtue thereof might be taken up: Which Letters were delivered to *Louys* by the *Count de Fuentes*'s own hands, with directions to shew them to *Lopez* for his assurance; a matter of Gods secret working in staying the same; for thereupon rested only the execution of the Fact of *Lopez*. Upon so narrow a point consisted the safety of her *Majesties* Life, already sold by Avarice, to MILC.; and Ambition, but extraordinarily preserved by that *Watchman which never slumbreth*. This same *Emanuel Louys*, and *Steven Ferrera* also, whereof the one managed the matter abroad, and the other resided here to give correspondence, never meeting, after *Emanuel* had returned, severally examined without torture or threatening, did in the end voluntarily and clearly confess the matters above-mentioned, and in their Confessions fully consent and concur, not only in substance, but in all points, particularities, and circumstances; which Confessions appear expressed in their own Natural Language, testified and subscribed with their own hands, and in open Assembly, at the arraignment of *Lopez*, were by them confirmed and avouched to *Lopez* his face; and therewithall are extant, undefaced, the Original Letters from *Count de Fuente*, *Secretary Zuara*, and the rest.

And *Lopez* himself at his first apprehension and examination did indeed deny; and deny with deep and terrible oaths and execrations, the very Conferences and Treaties with *Ferrera*, or *Andrada*, about the *Empoysonment*. And being demanded, if they were proved against him, what he would say? He answered, *That he would yield himself guilty of the Fact intended*. Nevertheless, being afterwards confronted by *Ferrera*, who constantly maintained to him all that he said, reducing him to the times and places of the said Conferences, he confessed the matter, as by his Confession in writing, signed with his own hand, appeareth. But then he fell to that slender Evasion, as his last Refuge, that he meant only to cozen the *King of Spain* of the Money; and in that he continued at his Arraignment; when notwithstanding, at the first, he did retract his own Confession: And yet being asked, whether he was drawn either by mean of torture, or promise of life, to make the same Confession, he did openly testify, that no such means was used towards him.

But the fallhood of this Excuse being an Allegation that any *Traitor* may use and provide for himself, is convicted by three notab'e Proofs. The first, That he never opened this matter, neither unto her *Majesty*, unto whom he had ordinary access, nor to any *Councillor of State*, to have permission to tell on, and inveigle these parties with whom he did trest, if it had been thought so convenient; wherein, perchance, he had opportunity to have done some good service, for the further discovery of their secret machinations against her *Majesties* Life. The second, That he came too late to this shift; having first bewrayed his guilty Conscience, in denying those Treaties and Conferences, till they were evidently and manifestly proved to his face. The third, That in conferring with *Ferrera* about the manner of his assurance, he thought it better to have the money in the hands of such *Merchants* as he should name in *Antwerp*, then to have brought it into *England*; declaring his purpose to be, after the Fact done, speedily to fly to *Antwerp*, and there to tarry some time, and so to convey himself to *Constantinople*; where it is affirmed, that *Don Salomon*, a Jew in good credit, is *Lopez* his near *Kinsman* and that he is great'y favoured by the said *Don Salomon*: whereby

it is evident that *Lopez* hath cast his reckonings upon the supposition of the fact done.

Thus may appear, both how justly this *Lopez* is condemned for the highest *Treason* can be imagined; And how, by *Gods* marvellous Goodnes her *Majesty* hath been preserved. And surely if a Man do truly consider, it is hard to say; Whither *God* hath done greater things by her *Majesty* or for Her: If you observe on the other side, how *God* hath ordained her Government, to break and cross the unjust Ambition of the Two *Mighty Potentates*, the *King of Spain* and the *Bishop of Rome*, never so straitly between themselves combined; And on the other side how mightily *God* hath protected her, both against forrain *Invasion* and *Inward Troubles* and singularly against the many secret *Conspiracies*, that have beene made against her Life. The rebey declaring to the world that he will indeed *preserve that instrument*, which he hath magnified. But the Corruptions of these Times are wonderfull when that *Wars*, which are the highest Trials of Right betweene *Princes* (that acknowledge no superiour Jurisdiction) and ought to be prosecuted with all Honour, shall be stained and infamed with such Foul and Inhumane practises. Wherein if so great a *King* hath been named, the *Rule of the Civil Law* (which is a *Rule of Common Reason*) Must be remembered; *Frustra Legis auxilium implorat qui in Legem Committit*. He that hath sought to violate the *Majesty Royal*, the Highest Degree cannot claim the preheminance thereof to be exempted from just Imputation.

A true Report of Dr. Lopez his *Treason*.



An Advertisement
touching
the Controversies of
the Church
of England.



AN
ADVERTISEMENT
TOUCHING THE
CONTROVERSIES
OF THE
CHURCH
OF
ENGLAND.

¶ It is but ignorance, if any man find it strange, that the
 State of Religion (especially in the daies of peace) should
 be exercised, and troubled with *Controversies*: For as it
 is the condition of the *Church Militant* to be ever under
 Trials; so it cometh to pass, that when the *Fiery Tryal*
 of *Persecution* ceaseth, there succeedeth another *Tryal*,
 which (as it were) by contrary blasts of *Doctrine*,
 doth sift and winnow mens *Faith*, and proveth whe-
 ther they know *God* aright; even as that other of afflictions discovereth
 whether they love him better than the *World*. Accordingly was it foretold
 by *Christ*, saying, *That in the latter times it should be said, Loe here, loe
 there is Christ*: Which is to be understood, not as if the very *Person* of
Christ should be assumed and counterfeited, but his *Authority* and *Prehemi-
 nence* (which is to be the *Truth* it self) should be challenged and pretend-
 ed. Thus have we read and seen to be fulfilled that which followeth, *Ecce
 in Deserto, Ecce in Penetralibus*: While some have sought the *Truth* in
 the *Contentions* and *Conciliables* of *Hereticks* and *Sectaries*; others in the
 extern face and representation of the *Church*, and both sorts have been sedu-
 ced; were it then that the *Controversies* of the *Church of England* were such,
 as they did divide the *Unity* of the *Spirit*, and not only such as do unswath-
 her of hier *Bands*, (the *Bands of Peace*) yet could it be no occasion for
 any pretended *Catholick* to judge us, or for any *irreligious person* to
 despise us; or if it be, it shall but happen to us all as it hath used to
 do to them to be *hardned*, and to us to endure the good pleasure of *God*.
 But now that our *contentions* are such, as we need not so much that general
Canon and *Sentence* of *Christ* propounded against *Hereticks*, *Erratis, nesci-
 entes Scripturas, & potestatem Dei*. You do err, not knowing the *Scripture*, and the
 Power

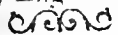
Power of God; as we need the admonition of *S. James*, *Let every man be swift to hear, slow to speak, slow to wrath*; and that the wound is no way dangerous, except we poyson it with our remedies: As the former sort of men have less reason to make themselves *Musick* in our discord; so I have good hope, that nothing shall displease our selves, which shall be sincerely and modestly propounded for the appeasing of these *dissentions*. For if any shall be offended at this voice, *Vos estis fratres*; ye are Brethren, why strive ye? He shall give a great presumption against himself, that he is the Party that doth his Brethren wrong.

The *Controversies* themselves I will not enter into, as judging, that the *Disease* requireth rather *rest* than any other *cure*. Thus much we all know and confels, that they be not of the highest nature, for they are not touching the high *Mysteries* of *Faith*, such as detained the *Churches* for many years after their first Peace, what time the *Hereticks* moved curious questions, and made strange *Anatomies* of the *Natures* and *Person* of *Christ*; and the *Catholick Fathers* were compelled to follow them with all subtilty of *Decisions* and *determinations* to exclude them from their *Evassions*, and to take them in their *Labyrinths*; so as it is rightly said, *Illis temporibus, ingeniosa res fuit, esse Christianum*: In those daies it was an ingenious and subtil thing to be a *Christian*.

Neither are they concerning the great parts of the *Worship* of *God*, of which it is true, that *Non servatur unitas in Credo, nisi eadem sit in Colendo*: There will be kept no unity in believing, except it be entertained in worshipping; such as were the *Controversies* of the *East* and *West Churches* touching *Images*, and such as are many of those between the *Church of Rome*, and us; as about the *adoration* of the *Sacrament*, and the like: But we contend about *Ceremonies*, and *things indifferent*, about the *extern Policy* and *Government* of the *Church*: In which kind, if we would but remember that the ancient and true bounds of *Unity* are *one Faith*, *one Baptisme*, and not *one Ceremony*, *one Policy*; if we would observe the *League* amongst *Christians* that is penned by our *Saviour*, *He that is not against us, is with us*; if we could but comprehend that saying, *Differentia Rituum commendant unitatem Doctrinae*; *The diversities of Ceremonies do set forth the unity of Doctrine*; and that *Habet Religio quae sunt Aeternitatis, habet quae sunt temporis*; *Religion hath parts which belong to Eternity, and parts which pertain to time*: And if we did but know the virtue of *Silence*, and *slowness to speak*, commended by *Saint James*, our *Controversies* of themselves would close up, and grow together: But most especially, if we would leave the overweaning and turbulent humours of these times, and revive the blessed proceeding of the *Apostles* and *Fathers* of the *Primitive Church*, which was in the like and greater cases not to enter into *Assertions* and *Positions*, but to deliver *Counsels* and *Advices*, we should need no other remedy at all; *Si eadem Consulis, (frater) quae affirmas, consulenti debetur Reverentia, cum non debeatur Fides affirmanti*: Brother, if that which you set down as an *Assertion*, you would deliver by way of *advice*, there were *Reverence* due to your *counsel*, whereas *Faith* is not due to your *Affirmation*. *Saint Paul* was content to speak thus, *Ego, non Dominus, I, and not the Lord*: *Et, secundum Consilium meum*; *According to my Counsel*: But now men do too lightly say, *Non ego, sed Dominus*; not *I*, but *the Lord*: yea, and bind it with an heavy denunciation of his *Judgments* to terrifie the simple, which have not sufficiently understood out of *Solomon*, *That the causeless Curse shall not come*.

In Answer
to
the
Controversies
of the
Church of
England.

An Adver-
tisement
touching
the Contro-
versies of
the Church
of England.



Therefore seeing the accidents are they which breed the peril, and not the things themselves in their own nature, it is meet the remedies be applied unto them, by opening what it is on either part, that keepeth the wound green, and formalizeth both sides to a further opposition, and worketh an indisposition in mens minds to be reunited, wherein no Accusation is pretended. But I find in *Reason*, that *Peace* is best built upon a repetition of wrongs; and in example, that the Speeches which have been made by the wisest men, *De Concordia Ordinum*, have not abstained from reducing to memory the extremities used on both parts; so as it is true which is said, *Qui pacem tractat non is repetit conditionibus diffidit, is magis animos hominum dulcedine pacis salutat, quam equitate componit.*

And first of all, it is more then time that there were an end and surseance made of this immodest and deformed manner of writing lately entertained, whereby *Matter of Religion* is handled in the stile of the *Stage*. Indeed, bitter, and earnest Writing must not hastily be condemned; For Men cannot contend Coldly, and without affection about Things which they hold dear and precious. A Politick Man may write from his *Brain*, without Touch and Sense of his Heart; As in a Speculation that appertaineth not unto him: But a *Feeling Christian* will exptels in his words a *Character of Zeal or Love*. The latter of which, as I could wish rather embraced being more proper for these Times, yet is the Former warranted also by great *Examples*.

But to leave all Reverent and Religious Compassion towards Evils, or Indignation towards Faults, and to turn *Religion* into a Comedy or Satyre, To search and rip up wounds with a *Laughing Countenance*, to intermix *Scripture* and *Scurrillity*, sometime in one Sentence; Is a thing, far from the devout Reverence of a *Christian*, and scant befitting the honest Regard of a sober Man. *Non est major Confusio quam Serii, & Foci.* There is no greater Confusion, than the confounding of Jest and Earnest. The *Majesty* of Religion, and the Contempt and Deformity of things ridiculous, are things as distant as things may be. Two principal Causes have I ever known of *Atheism*, *Curious Controversies*, and *prophane Scuffling*: Now that these two are joyned in one, no doubt that Sect will make no small progression.

And here I do much esteem the Wisdome and Religion of that *Bishop* which replied to the first *Pamphlet* of this kind, who remembered, that a Fool was to be answered, but not by becoming like unto him; And considered the *Matter* which he handled, and not the *Person* with whom he dealt.

Job, speaking of the *Majesty* and *Gravity* of a *Judge* in himself saith, *if I did smile, they believed it not*: As if he should have said, if I diverted, or glanced upon Conceit of Mirth, yet Mens minds were so possessed with a Reverence of the Action in hand as they could not receive it. Much more ought not this to be amongst *Bishops* and *Divines* disputing about *Holy Things*. And therefore as much do I mislike the Invention of him who) as it seemeth) pleased himself in it as in no mean policy, that these Men are to be dealt withal at their own *Weapons*, and pledged in their own *Cup*. This seemed to him as profound a *Devise*, as when the *Cardinal Sanforino* counselled *Julius the second* to encounter the *Council of Pisa* with the *Council of Lateran*, or as lawful a challenge as *Mr. Jewel* made to confute the pretended *Catholiques* by the *Fathers*, but those things will not excuse the

the imitation of Evil in another. It should be contrariwise with us, as *Cæsar* said, *Nil malo, quàm eos similes esse sui, Et mei.* But now; *Dum de bonis contendimus, ac Malis consentimus: While we differ about good things, we resemble in evil.*

Surely, if I were asked of these men, who were the more to be blamed, I should percase remember the Proverb, *That the second Blow maketh the Fray;* and the saying of an obscure Fellow; *Qui replicat, multiplicat: He that replieth, multiplieth.* But I would determine the *Question* with this *Sentence;* *Alter principium Mali dedit, alter Modum abstulit: By the one means we have a beginning, and by the other we shall have none end.*

And truly, as I do marvel that some of those *Preachers* which call for *Reformation* (whom I am far from wronging so far, as to joyn them with these Scoffers) do not publish some *Declaration*, whereby they may satisfie the world, that they dislike their cause should be thus solicited; so I hope assuredly, that my *Lords of the Clergy* have none intelligence with this interlibelling, but do altogether disallow that their Credit should be thus defended. For though I observe in one of them many glosses, whereby the man would insinuate himself into their favours, yet I find it to be ordinary, that many pressing and fawning persons do misconjecture of the humors of men in *Authority*, and many times, *Veneri immolant suam*, they seek to gratifie them with that which they most dislike: For I have great reason to satisfie my self touching the judgment of my *Lords the Bishops* in this matter, by that which was written by one of them, which I mentioned before with honour. Nevertheless I note, there is not an indifferent hand carried towards these *Pamphlets* as they deserve; for the one sort *flies* in the dark, and the other is *uttered openly*: wherein I might advise that side out of a wise *Writer* who hath set it down, *That, punitis ingenii gliscit Autoritas.*

And indeed we see it ever falleth out, that the *Forbidden Writing* is always thought to be certain sparks of a Truth that fly up into the faces of those that seek to choak it, and tread it out; whereas a *Book Authorized* is thought to be but *Temporis Voces*, the *Language of the Time*. But in plain truth I do find (to mine understanding) these *Pamphlets* as meet to be suppressed as the other. First, because as the former sort doth deface the *Government of the Church* in the persons of the *Bishops* and *Prelates*, so the other doth lead into contempt the exercises of *Religion* in the persons of sundry *Preachers*; so as it disgraceth an higher matter, though in the meaner person.

Next, I find certain indiscreet and dangerous amplifications, as if the *Civil Government* it self of this *State*, had near lost the force of her *Sinews*, and were ready to enter into some *Convulsion*, all things being full of *Faction* and *Disorder*, which is as unjustly acknowledged, as untruly affirmed: I know his meaning is to enforce this unreverent and violent impugning of the *Government of Bishops*, to be a suspected *Forerunner* of a more general *Conempt*. And I grant there is a *sympathy* between the *Estates*, but no such matter in the *Civil Policy*, as deserveth so dishonourable a *Taxation*.

To conclude this point, as it were to be wished, that these *Writings* had been abortive, and never seen the Sun; So the next is, since they be common abroad, that they be censured (by all that have Understanding and Conscience) as the untemperate extravagancies of some light persons. Yea further, that men beware, except they mean to adventure to deprive themselves of all sense of *Religion*, and to pave their own hearts, and

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make them as the high way, how they may be conversant in them; and much more how they delight in that vein, but rather to turn their *Laughing* into *Blushing*, and to be ashamed as of a *short madness*, that they have in matters of *Religion* taken their disport and solace. But this perchance is of these faults which will be soonest acknowledged, though I perceive, nevertheless, that there want not some who seek to blunch, and excuse it.

But to descend to a sincere view and consideration of the accidents and circumstances of these *Controversies*; wherein either part deserveth blame or imputation, I find generally, in causes of *Church-matters*, that men do offend in some or all of these five Points.

The first is, the *giving occasion* unto the *Controversies*; and also the *unconsiderate and ungrounded taking of occasion*.

The next is, the *extending and multiplying* the *Controversies* to a more general *opposition* or *contradiction* than appeareth at the first propounding of them, when mens judgments are least partial.

The third is, the *passionate and untrotherly practises and proceedings* of both *Parts*, towards the *persons* each of others, for their *discredit* and *suppression*.

The fourth is, the *courses holden and entertained* on either *side*, for the *drawing* of their *Partizans* to a more strict *Union* within themselves, which ever importeth a further *distraction* of the entire *Body*.

The last is, the *undue and inconvenient propounding, publishing, and debating* of the *Controversies*. In which point the most palpable *Error* hath been already spoken of; as that, which through the strangeness and frowns of the abuse, first offereth it self to the conceits of all men.

Now concerning the occasion of the *Controversies*, it cannot be denied, but that the imperfections in the *Conversation* and *Government* of those which have chief place in the *Church*, have ever been principal *causes* and *motives* of *Schisms* and *Divisions*. For whiles the *Bishops* and *Coadjutors* of the *Church* continue full of knowledge and good works; whiles they feed the *Flock* indeed; whiles they deal with the *Secular States* in all liberty and resolution according to the *Majesty* of their *Calling*; and the precious care of *Souls* imposed upon them, so long the *Church* is situated as it were upon an *Hill*; No man maketh question of it, nor seeketh to depart from it, but when these *Virtues* in the *Fathers* and *Leads* of the *Church* have lost their *Light*; and that they wax worldly *Lovers* of themselves, and *Pleasers* of men, then men begin to groap for the *Church* as in the dark; they are in doubt whether they be the *successors* of the *Apostles*, or of the *Pharises*: Yea, howsoever they sit in *Moses* Chair, yet they can never speak, *Tanquam Auctoritatem habentes, as having Authority*; because they have lost their *Reputation* in the *Consciences* of men, by declining their steps from the way which they trace out to others; so as men had need continually have sounding in their *Ears* this same; *Nol te Exire, Go not out*; so ready are they to depart from the *Church* upon every choice. And therefore it is truly noted by one that writeth as a natural man, That the *Humility* of the *Egyptians* did for a great time maintain and bear out the irreligion of *Bishops* and *Prelates*.

For this is the double policy of the *Spiritual Enemy*, either by counterfeit *Holiness* of *life* to Establish and Authorize *Errours*; or by *Corruption* of *Manners*, to discredit and draw in question truth, and things

Things Lawfull. This concerneth my *Lords the Bishops*, unto whom I am witness to my self, that I stand affected as I ought: No contradiction hath supplanted in me the *Reverence* that I owe to their *Calling*: Neither hath any *Detraction*, or *Calumny* imbas'd mine *Opinion* of their *Persons*. I know some of them whose *Names* are most peirc'd with these *Accusations*, to be *Men* of great *vertues*; Although the *Indisposition* of the *times*, and the want of *Correspondence* many ways is enough to frustrate the best *Endeavours* in the *Edifying* of the *Church*. And for the rest generally I can condemn none. I am no *Judge* of them that belong to so *High a Master*; neither have I *two Witnesses*. And I know it is truly said of *Fame* that

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—*Pariter Factus atq; Infecta Carebat.*

Their *Taxations* arise not all from one *Coast*; They have many and different *Enemies*, Ready to invent *slunder*, more ready to amplify it, and most ready to believe it. And *Magnes Mendacii Credulitas*; *Credulity is the Adamant of Lies*. But if any be, against whom, the *supream Bishop* hath not a few *Things*, but many *Things*; If any have not his *first love*; If any be *neither hot nor cold*; if any have stumbled too fondly at the *Threshold*, in such sort, that he cannot sit well, that entered ill; It is time they return whence they are fallen, and confirm the *Things* that remain.

Great is the *Weight* of this *Fault*: *Et errorum causa abhorrebant à Sacrificio Domini*: And For their *Cause*, did *Men* abhor the *Adoration* of *God*. But howsoever it be, those which have sought to deface them and cast contempt upon them, are not to be excused.

It is the precept of *Solomon* that the *Rulers be not Reproached*; No, not in our *Thought*: But that we draw our very *Conceit* into a modest *Interpretation* of their *Doings*. The *Holy Angel* would give no *Sentence of Blasphemy* against the *Common Slanderer*, but said; *Increpet te Dominus: the Lord Rebuke thee*. The *Apostle Saint Paul* though against him that did pollute *Sacred Justice* with *Tyrannous Violence*, he did justly denounce the *Judgement of God*, saying; *Percutiet te Dominus: The Lord will strike thee* yet in saying *Peries dealbate*, he thought he had gon too far and retracted it: Whereupon a *Learned Father* said, *Ipsam quamvis inane nomen. & umbram. Sacerdotis expavit.*

The *ancient Councils* and *Synods* (as is noted by the *Ecclesiastical Story*) when they deprived any *Bishop*, never recorded the *Offence*: but buried it in perpetual *Silence*: Onely *Cham* purchased his *Curse* by revealing his *Fathers disgrace*, and yet a much greater *Fault* is it to ascend from their *Person* to their *Calling*, and draw that in question. Many good *Fathers* spake rigorously and severely of the unworthinēse of *Bishops*; As if presently it did force it, and cease their *Office*: One saith; *Sacerdotes nominamur, & non sumus: We are called Priests, but Priests we are not*. Another saith *Nisi bonum Opus amplectaris, Episcopus esse non potes: Except thou undertake the good work, thou canst not be a Bishop*: Yet they meant nothing less than to move *Doubt* of their *Calling* or *Ordination*.

The *Second Occasion of Controversies*, is the nature and humour of some men. The *Church* never wanteth a kind of *Persons* which love the *Salutation* of *Rabbi, Master*; Not in *Ceremony* or *Complement*, but in an *Inward Authority*, which they seek over *Mens Minds*, in drawing them to depend upon their *Opinions*, and to seek *Knowledge at their Lips*. These
Men

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Men are the true Successors of Diotrefhes, the Lover of Preheminences And not Lord Bishops. Such Spirits do light upon another sort of Natures, which do adhere to these Men; *Quorum gloria in obsequio*; Stiff Followers, and such as zeal marvelously for those whom they have chosen for their Masters. This latter sort for the most part are men of young years and superficial Understanding, carried away with partial respects of Persons; Or with the enticing appearance of Godly Names and Pretences: *Pauci res ipsas sequuntur, plures nomina Rerum, plurimi nomina Magistrorum.* Few follow the things themselves, more the names of the Things, and most the Names of their Masters.

About these general Affections are wreathed and interlaced accidental, and private Emulations and discontentments, all which together break forth into contentions; Such as either violate Truth, Sobriety or Peace. These generalities apply themselves. The *Unicve sities* are the Seat or the Continent of this Disease: Whence it hath been, and is derived into the Rest of the Realm. There Men will no longer be *in numero* of the number. There do others side themselves, before they know their Right hand from their left. So it is true which is said, *Transiunt ab Ignorantia ad præ iudicium.* They skip from Ignorance to a prejudicate Opinion, and never take a sound judgement in their way. But as it is well noted, *Inter Juvenile Iudicium & senile præiudicium, omnis veritas corumpitur*: Through want of years, when men are not indifferent, but partial, then their Judgement is weak and unripe.

And when it groweth to Strength, and Ripeness, by that time it is forestalled with such a number of prejudicate Opinions, as it is made unprofitable. So as betweene these two, all Truth is corrupted. In the mean while, the Honourable Names of Sincerity, Reformation and Discipline are put in the fore Ward; So as Contentions and Evil Zeals cannot be touched, except these Holy Things be thought first to be violated. But howsoever they shall infer the Sollicitation for the Peace of the Church to proceed from carnal Sense, yet I will conclude ever with the Apostle Paul; *Cum sit inter vos Zelus & Contentio, nonne carnales estis?* While there is amongst you Zeal and Contention, are ye not Carnal? And howsoever they esteem the Compounding of Controversies to favour of Mans Wisdom, and Human Policy; And think themselves led by the Wisdom which is from above, yet I say with Saint James; *Non est ista sapientia de su sum descendens, sed Terrena, Animalis, Diabolica. Ubi enim Zelus & contentio, ibi inconstantia & omne opus prævum.* Of this Inconstancy it is said by a Learned Father, *procedere volunt non ad perfectionem, sed ad permutationem*: They seek to go forward still, not to perfection but to change.

The third Occasion of Controversies I observe to be an extream and unlimited Detestation of some former Heresie or Corruption of the Church already acknowledged and convicted. This was the Cause that produced the Heresie of *Arrius*, grounded especially upon Detestation of *Gentilism*, least the Christians should seem by the Assertion of the equal Divinity of our Saviour Christ, to approach unto the acknowledgement of more Gods than One. The detestation of the Heresie of *Arrius* produced that of *Sabellius*; who holding for execrable the Dissimilitude which *Arrius* pretended in the Trinity, fled so far from him as he fell upon that other extremity, to deny the Distinction of Persons: And to say they were but only Names of several Offices and Dispensations. Yea, most of the Heresies and Schisms of the Church, have sprung up of this Root; While men have made

made it as it were their Scale, by which to measure the Bounds of the most perfect Religion; Taking it by the furthest distance from the Errour last condemned. These be *Posthumi Hæresium Filii*; Hæresies that arise out of the Ashes of other Hæresies that are extinct and amortized.

This Manner of Apprehension doth in some degree possess many in our Times. They think it the true Touchstone to try what is good and evil, by measuring what is more or less opposite to the *Institutions* of the Church of Rome, be it Ceremony, be it Policy or Government; yea, be it other *Institutions* of greater Weight, That is ever most perfect which is removed most degrees from that Church: And that is ever polluted and blemished, which participateth in any Appearance with it. This is a subtle and dangerous Conceit for Men to entertain; Apt to delude themselves, more apt to delude the People, and most apt of all to calumniate their Adversaries. This surely (but that a Notorious Condemnation of that Position was before our Eyes,) had long since brought us to the Re-baptization of Children, baptized according to the *Pretended Catholick Religion*. For I see that which is a Matter of much like reasons Which is the reordaining of Priests is a matter already resolutely maintained: It is very meet that Men beware how they be abused by this Opinion; And that they know that it is a Consideration of much greater Wisdome and Sobriety to be well advised, whether in general Demolition of the *Institutions* of the Church of Rome, there were not (as mens Actions are imperfect) some good purged with the Bad; Rather than to purge the Church as they pretend every day a new: Which is the way to make a wound in the Botvels, as is already begun.

The Fourth and last Occasion of these Controversies (a Matter which did also trouble the Church in former times) is the partial Affectation and Imitation of *Forraign Churches*. For many of our Men (during the time of persecution and since) having been Conversant in Churches abroad, and received a great Impression of the form of Government there ordained, have violently sought to intrude the same upon our Church. But I answer; *Consentiamus in eo quod convenit, non in eo quod receptum est*: Let us agree in this, that every Church do that which is convenient for the State of it self, and not in particular Customes: Although their Churches had received the better Form, yet many times it is to be sought; *Non quod optimum, sed e bonis quid proximum*: Not that which is best, but of good Things which is the best & Readiest to be had. Our Church is not now to plant; It is settled & established. It may be in Civil States a Republick is a better Policy than a Kingdom; Yet God forbid that lawfull Kingdomes should be tyed to innovate and make Alterations. *Qui mala introducitur voluntatem Dei oppugnat revelatam in verbo; Qui Nova introducitur voluntatem Dei oppugnat revelatam in Rebus*. He that bringeth in evil Customes resisteth the will of God revealed in his word; He that bringeth in new Things resisteth the Will of God revealed in the Things themselves. *Consule providentiam Dei cum verbo Dei*; Take Counsel of the Providence of God; as well as of his Word. Neither yet do I admit that their Form, although it were possible and convenient, is better than ours, if some Abuses were taken away. The Parity and Equality of Ministers is a Thing of wonderfull great Confusion, and so is an Ordinary Government by Synods which doth necessarily ensue upon the other.

It is hard in all Causes but especially in Religion when *Voyces* shall be *Numbered* and not *Weighed*: *Equidem* (saith a wise Father) *ut verè quod res est scribam, pro fus decrevisi fugere omnem Conventum Episcoporum; Nullum enim Con-*

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cili eorum exitum unquam vidis Concilia enim non minuunt Atala sed augent p-
t. 1. To say the truth I am utterly determined never to come to any Council
of Bishops. For I never yet saw good end of any Council; For Councils abate
not ill things but rather encrease them. Which is to be understood not so much
of General Councils as of Synods, gathered for the ordinary Government
of the Church. As for the Deprivation of Bishops, and such like causes,
this mischief hath taught the use of Arch-Bishops Patriarchs and Primates; as the
abuse of them since, hath taught men to dislike them.

But it will be said; look to the Fruits of the Churches abroad and ours.
To which I say, that I beseech the Lord to multiply his Blessings and Gra-
ces upon those Churches, an hundred fold. But yet it is not good, that we
fall on the numbring of them; It may be our peace hath made us more
wonton; It may be also (though I would be loath to derogate from the
Honour of those Churches, were it not to remove Scandals) that their
Fruits are as Torches in the Dark, which appear greatest afar off. I know
they may have some strict Orders for the repressing of sundry Excesses
But when I consider, of the Censures of some persons, as well up-
on particular Men, as upon Churches; I think on the saying of a Plato-
nist, who saith; *Certe vitia: Irascibilis partis anime sunt gradu praviora, quam
concupiscibilis, tametsi occultiora:* A matter that appeared much by the
Ancient Contentions of Bishops. God grant that we may content with
other Churches, as the Vine with the Olive, which of us shall bear the
best Fruit, and not as the Briar with the Thistle, which of us is most un-
profitable. And thus much touching the occasions of these Controversies.

Now, briefly to set down the growth and Progression of the Contro-
versies: whereby will be verified the saying of Solomon; *That the Course
of Contention is to be stoped at the first; Being else as the waters, which
if they gain a breach, it will hardly ever be recovered.*

It may be remembered that on that part, which call for Reformation,
was first propounded, some dislike of certain Ceremonies, supposed to be
Superstitious; some complaint of Dumb Ministers who possess Rich Benefi-
ces; And some *Invectives* against the Idle and Monastical Continuance with-
in the *Universities*, by those who had Livings to be resident upon, and
such like Abuses. Thence they went on to condemn the Government of
Bishops, as an *Hierarchy*, remaining to us, of the Corruptions of the
Roman Church; And so except to sundry Institutions in the Church, as
not sufficiently delivered from the pollutions of former Times.

And lastly, they are advanced to define of an onely and perpetual *Form*
of Policy in the Church; which without Consideration of possibility, and
fore-sight of Peril, and perturbation of the Church and State, must be e-
rected and planted by the Magistrate. Here they stay. Others not able
to keeping footing in so steep Ground, descend further; That the same
must be entred into and accepted of the people at their peril without the
Attending of the Establishment of Authority. And so in the mean time
they refuse to communicate with us, repuring us to have no Church. This
hath been the progression of that side. I mean of the Generality. For I
know, some persons (being of the Nature, not only to love Extremities
but also to fall to them without degrees) were at the highest strain at the first.

The other part, which maintaineth the present Government of the Church,
hath not kept one Tenour neither. First those Ceremonies which were pre-
tended to be corrupt, they maintained to be things indifferent, and op-
posed the examples of the good Times of the Church, to that challenge
which

which was made unto them, because they were used in the latter times, *times*. Then were they also content mildly to acknowledge many imperfections in the Church, as *Tares coming up amongst the Corn*, which yet (according to the wisdom taught by our *Saviour*) were not with strife to be pull'd up, lest it might spoil and supplant the good Corn, but to grow on together till the harvest. After they grew to a more absolute defence and maintenance of all the *Orders* of the Church, and stiffly to hold that nothing was to be innovated, partly because it needed not, partly because it would make a breach upon the rest. Hence (exasperated through *Contentions*) they are fallen to a direct condemnation of the contrary part, as of a *sect*. Yea, and some indiscreet persons have been told in open preaching, to use dishonourable and derogatory speech and censure of the Churches abroad; and that so far, as some of our men (as I have heard) ordained in foreign parts, have been pronounced to be *no lawful Ministers*. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from it self, as was at the first of one from the other. And surely, though my meaning and scope be not (as I said before) to enter into the *Contentions* themselves, yet I do admonish the *Maintainers* of the alone *Discipline*, to weigh and consider seriously and attentively, how near they are unto them, with whom I knew they will not joyn. It is very hard to affirm, that the *Discipline* which they say we want, is one of the *Essential* parts of the *Worship* of God; and not to affirm withall, that the *people* themselves, upon peril of *Salvation*, without staying for the *Magistrate*, are to gather themselves into it. I demand, if a *Civil State* should receive the *preaching* of the *Word*, and *Baptisme*, and interdict and exclude the *Sacrament* of the *Lords Supper*, were not men bound upon danger of their Souls to draw themselves to *Congregations*, wherein they might celebrate this *Mystery*; and not to content themselves with that part of *Gods* *Worship* which the *Magistrate* had authorized? This I speak, not to draw them into the millike of others, but into a more deep consideration of themselves: *Fortasse non redeant, quia suum progreffum, non intelligunt.*

Again, to my *Lords* the *Bishops* I say, That it is hard for them to avoid blame, (in the Opinion of an indifferent person) in standing so precisely upon altering nothing. *Leges, novis Legibus, non recreata accedunt. Laws not refreshed with new Laws, wax secure. Qui mala non permutat, in bonis non perseverat: Without change of ill, a man cannot continue the good.* To take away many abuses, supplanteth not good orders, but establisheth them. *Morosa Moris Retentio, res turbulenta est, aque ac Novitas: A contentious retaining of Custom is a turbulent thing as well as Innovation.* A good Husband is ever pruning in his *Vineyard*, or his *Field*; not unseasonably indeed, nor unskillfully, but lightly he findeth ever somewhat to do. We have heard of no *Offers* of the *Bishops* of *Bills* in *Parliament*, which no doubt proceeding from them to whom it properly belongeth, would have every where received acceptance. Their own *Constitutions* and *Orders* have reformed them little. Is nothing amiss? Can any man defend the use of *Excommunication* as a base *Process* to lackey up and down for *Duties* and *Fees*, it being a *Precursory* Judgment of the latter day?

Is there no mean to train and nurse up *Ministers*? (for the yield of the *Universities* will not serve, though they were never so well governed) to train them, I say, not to preach (for that every man confidently adventurcth to do) but to preach soundly, and to handle the *Scriptures* with wisdom and judgment? I know *Prophecyng* was subject to great abuse, and

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would be more abused now, because heat of Contentions is increased: But I say the only reason of the abuse was, because there was admitted to it a popular *Auditory*; and it was not contained within a private conference of *Ministers*. Other things might be spoken of: I pray *God* to inspire the *Bishops* with a fervent love and care of the people; and that they may not so much urge things in Controversie, as things out of Controversie, which all men consents to be gracious and good. And thus much for the second point.

Now as to the third point of *unbrotherly proceeding* on either part, it is directly contrary to my purpose to amplify wrongs; it is enough to note and number them; which I do also, to move compassion and remorse on the offending side, and not to animate Challengers and Complaints on the other. And this point (as reason is) doth chiefly touch that side which can do most: *Injuria potentiorum sunt: Injuriae committuntur a potentioribus*. *Injuries come from them that have the upper hand.*

The wrongs of them which are possessed of the Government of the Church towards the other, may hardly be dissembled or excused; they have charged them as though they denied Tribute to Caesar, and withdrew from the Civil Magistrate the obedience which they have ever performed and taught. They have sorted and coupled them with the Family of Love, whose Heresies they have laboured to destroy and confute. They have been swift of credit to receive Accusations against them, from those that have quarrelled with them, but for speaking against Sin and Vice. Their Accusations and Inquisitions have been strict, swearing men to *Blanks* and *Generalities*, not included within compass of matter certain, which the Party which is to take the Oath may comprehend to be a thing captious and strainable. Their urging of Subscription to their own *Articles*, is but *Laceffere*, & *irritare Morbos Ecclesie*, which otherwise would spend and exercise themselves. *Non concessum querit sed dissidium, qui, quod factis praestatur, in verbis exigit. He seeketh not Unity, but Division, which exacteth that in words, which men are content to yield in action.* And it is true, there are some which (as I am periwaded) will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know this note of *Inconstancy* and *Defection*, from that which they have long held, shall disable them to do that good which otherwise they might do: For such is the weakness of many, that their Ministry should be thereby discredited. As for their easie silencing of them in such great scarcity of Preachers, it is to punish the people, and not them. Ought they not (I mean the Bishop) to keep one eye open to look upon the good that the men do, but to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, *God* forbid they should be permitted to Preach: But shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a Minister shall be troubled for saying in Baptisme, *Do you believe, for Dost thou believe?* If another shall be called in question for praying for her Majesty, without the additions of her *style*; whereas the very form of Prayer in the *Book of Common-Prayer* hath thy *Servant Elizabeth*, and no more: If a third shall be accused upon these words uttered touching the controversies, *Tollatur Lex, & fiat certamen*: (whereby was meant, that the prejudice of the Law removed, either reasons should be equally compared) of calling the people to Sedition and Mutiny; As if he had said,

Away

Away with the Law, and try it out with Force: If these, and other like particulars be true, which I have but by Rumour, and cannot affirm; It is to be lamented that they should labour amongst us with so little comfort. I know *Refrained Governments* are better then *Remiss*, and I am of his mind that said; *Better is it to live where nothing is lawfull, than where all things are lawfull.* I dislike that *Laws* should not be continued or *Disturbers* be unpunished: But *Laws* are likened to the *Grape*, that being too much pressed yields an hard and unwholesome *Wine*. Of these Things I must say; *Ira Viri non operatur Justitiam Dei. The Wrath of man worketh not the righteousness of God.*

As for the *Injuries* of the other part, they be *Talus inermes*; As it were *Headless Arrows*: They be Fiery, and Eager *Inveitives*, and (in some fond Men) uncivil and unreverent Behaviour towards their Superiours. This last invention also which expresseth them to Derision and Obloquy by *Libels*, chargeth not (as I am perswaded) the whole side: Neither doth that other which is yet more odious, practised by the worst sort of them; which is to call in (as it were to their Aides,) certain *Mercenary Bands*, which impugn *Bishops*, and other *Ecclesiastical Dignities*, to have the spoyle of their *Endowments* and *Living*s, of those I cannot speak too hardly. It is an Intelligence between *Incendiaries* and *Robbers*, the one to *Fire* the *House*, the other to *Rifle* it.

The Fourth point wholly pertaineth to them which impugn the present *Ecclesiastical Government*; who although they have not cut themselves off from the *Body* and *Communion* of the *Church*; yet do they affect certain *Cognizances* and *Differences* wherein they seek to correspond amongst themselves, and to be separate from others. And it is truly said; *Tam sunt Mores quidam Schismatici, quam Dogmata Schismatica: There be as well Schismatical Fashions, as Opinions:* First they have impropriated unto themselves the *Names* of *Zealous*, *Sincere* and *Reformed*; as if all others were *Cold minglers* of *Holy things* and *Profane*, and *Friends* of *Abuses*: Yea, be a man indued with great *Vertues*, and fruitful in good workes; yet if he concur not with them, they term him (in *Derogation*,) a *Civil* and *Moral Man*: And compare him to *Socrates*, or some *Heathen Philosopher*: Whereas the *Wisdom* of the *Scriptures* teacheth us otherwise: Namely, to judge and denominate Men *Religious* according to their *Works* of the *Second Table*: Because they of the *First* are often *Counterfeit*, and practised in *Hypocrisie*. So *Saint John* saith, *that a Man doth vainly boast of Loving God whom he never saw, if he love not his Brother whom he hath seen.* And *Saint James* saith, *this is true Religion to visite the Fatherless and the Widow.* So as that which is with them but *Philosophical* and *Moral*, is in the *Apostles* phrase, *True Religion and Christianity*. As in *Affection* they challenge the said *Vertue* of *Zeal* and the rest; So in *Knowledge* they attribute unto themselves *Light* and *perfection*. They say, the *Church of England* in *King Edwards* time, and in the *Beginning* of her *Majesties* *Reign*, was but in the *Cradle*; And the *Bishops* in those times did somewhat for *Day-Break*, but that *Maturity* and *Fulness* of *Light* proceedeth from themselves. So *Sacinius* *Bishop of Heraclea a Maceadonian Heretick* said that the *Fathers* in the *Council of Nice* were but *Infants* and *Ignorant Men*: That the *Church* was not so perfect in their *Decrees* as to refuse that *Further Ripeness* of *Knowledge* which *Time* had revealed. And as they censure *vertuous Names* by the *Names* of *Civil* and *Moral*, so do they censure *Men* truly and godly wise (who see into the vanity of their *Affections*) by the name of *Politicks*: saying that their *Wisdom* is but *Carnal* and favouring of *Mans Brain*. So likewise if a *Preacher* preach with *Care* and *Meditation*; (I speak not of the vain.

An Answer-
tisement,
touching the
Controversies of the
Church of
England.



An Adver-
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of England.

Scholastical manner of preaching, but soundly indeed, ordering the matter he handleth distinctly for memory, deducting and drawing it down for disti-
ction, and authorizing it with strong proofs and warrants) they censure it as a form of speaking; not becoming the simplicity of the Gospel, and refer it to the reprehension of Saint Paul, speaking of the enticing speech of mans wisdom.

Now for their own manner of preaching, what is it? Surely they exhort well, and work compunction of mind, and bring men well to the Question, *Viri, fratres, quid faciemus?* But that is not enough except they resolve the Question: They handle matters of Controversie weakly, and obiter, and as before a people that will accept of any thing. In Doctrine of manners there is little but generality and repetition. The word (the Bread of Life) they toss up and down, they break it not: They draw not their directions down, ad Casus Conscientie; that a man may be warranted in his perpetual actions, whether they be lawful or not, neither indeed are many of them able to do it, what through want of grounded knowledge, what through want of study and time. It is a compendious and easie thing to call for the observation of the Sabbath day, or to speak against unlawful gain, but what actions and works may be done upon the Sabbath, and what not; and what courses of gain are lawful, and in what cases? To set this down, and to clear the whole matter with good distinctions and decisions, is a matter of great knowledge and labour, and asketh much meditation and converting in the Scriptures, and other helps which God hath provided and preserved for Instruction.

Again, they carry not an equal hand in teaching the people their lawful Liberty, as well as their Restraints and Prohibitions: But they think a man cannot go too far in that that hath a shew of a Commandement.

They forget that there are sins on the right hand, as well as on the left; and that the word is double-edged, and cutteth on both sides, as well the profane transgressions, as the superstitious observances. Who doubteth but that it is as unlawful to shut where God hath opened, as to open where God hath shut; to bind where God hath loosed, as to loose where God hath bound. Amongst men it is commonly as ill taken to turn back favours, as to disobey Commandements. In this kind of zeal (for example) they have pronounced generally, and without difference, all untruths unlawful; notwithstanding, that the Midwives are directly reported to have been blessed for their excuse: And Rahab is said by Faith to have concealed the Spies; and Solomons selected judgment proceeded upon a Simulation: And our Saviour, the more to touch the hearts of the two Disciples with an holy dalliance, made as if he would have passed Emmaus. Further, I have heard some Sermons of Mortification, which I think with very good meaning, they have preached out of their own experience and exercise, and things in private Counsels not unmeet; but surely no sound conceits, much like to Parsons Resolution, or not so good; apt to breed in men rather weak Opinions, and perplexed Despairs, then filial and true Repentance, which is sought.

Another point of great inconvenience and peril, is to entitle the people to hear Controversies, and all kinds of Doctrine. They say no part of the Counsel of God is to be suppressed, nor the people defrauded: So as the difference which the Apostle maketh between Milk and Strong meat is confounded; and his Precept, that the weak be not admitted unto Questions and Controversies, taketh no place.

But

But most of all is to be suspected, as a Seed of further inconvenience, their manner of handling the Scriptures: For whilest they seek express Scripture for every thing; and that they have, in a manner, deprived themselves and the Church of a special help and support, by embasing the Authority of the Fathers, they resort to naked Examples, conceited Inferences, and forced Allusions, such as do mine into all certainty of Religion.

Another Extremity, is the excessive magnifying of that, which though it be a principal and most holy Institution, yet hath it limits as all things else have. We see wheresoever, in a manner, they find in the Scriptures the word spoken of, they expound it of Preaching; they have made it, in a manner, of the Essence of the Sacrament of the Lords Supper, to have a Sermon precedent; they have, in a sort, annihilated the use of Liturgies, and Forms of Divine Service, although the House of God be denominated of the Principal, *Domus Oratoris, A House of Prayer, and not a House of Preaching.* As for the life of the good Monks and Hermits in the Primitive Church, I know they will condemn a man as half a Papist, if he should maintain them as other then profane, because they heard no Sermons. In the mean time, what Preaching is, and who may be said to Preach, they move no Question; but (as far as I see) every man that presumeth to speak in Church, is accounted a Preacher. But I am assured, that not a few that call hotly for a Preaching Ministry, deserve to be the first themselves that should be expelled. All which Errours and misproceedings they do fortifie and intrench by an addicted respect to their own Opinions, and an impatience to hear contradiction or argument; yea, I know some of them that would think it a tempting of God, to hear or read what may be said against them; as if there could be a *Quid bonum est, tenete*; without an *Omnia probate*, going before.

This may suffice to offer unto themselves a thought and consideration, whether in these things they do well or no; and to correct and assuage the partiality of their Followers. For as for any man that shall hereby enter into a contempt of their Ministry, it is but his own hardness of heart. I know the work of Exhortation doth chiefly rest upon these men, and they have zeal and hate of sin. But again, let them take heed that it be not true which one of their Adversaries said, *That they have but two small wants, Knowledge, and Love.* And so I conclude this Point.

The last Point, touching the due publishing and debating of these Controversies, needeth no long Speech. This strange abuse of Antiques and Pasquils hath been touched before: So likewise I repeat that which I said, That a character of Love is more proper for debates of this Nature, then that of Zeal: As for all direct or indirect glances or levels at mens persons, they were ever in these causes disallowed.

Lastly, whatsoever be pretended, the People is no meet Arbitrator, but rather the quiet, modest, and private Assemblies, and Conferences of the Learned. *Qui apud Incapacem loquitur, non disceptat, sed calumniatur.* The Press and Pulpit would be freed and discharged of these Contentions; neither promotion on the one side, nor glory and heat on the other side, ought to continue those Challenges and Cartels at the Cross, and other places: But rather all Preachers, especially such as be of good temper, and have wisdom with Conscience, ought to inculcate and beat upon a Peace silence and surseance. Neither let them fear Solons Law, which compelled in Factions every particular person to range himself on the one side; nor yet the fond Calumny of Neutrality; but let them know that is true which is said by

an advertisement touching the Controversies of the Church of England.



An Advertisement
touching
the Controversies of
the Church
of England.

a wise man, That Neuters in contentions are either better or worse then either side.

These things have I in all sincerity and simplicity set down, touching the Controversies which now trouble the Church of England; and that without all Art and Insinuation, and therefore not like to be grateful to either part: Notwithstanding, I trust what hath been said shall find a correspondence in their minds which are not imbarqued in partiality, and which love the whole better then a part; wherefore I am not out of hope that it may do good; at the least I shall not repent my self of the Meditation.

IN



IN
HAPPY MEMORIE
OF
ELIZABETH,
QUEEN of ENGLAND.
OR,
A COLLECTION,
OF THE
FELICITIES
OF
Queen Elizabeth.

Written by his Lordship in Latin;
AND
Englised by the Publisher.

Queen Elizabeth, both of her *Natural Endowments*, and her
Fortune, was admirable amongst *Women*, and Memorable a-
 amongst *Princes*. But this is no subject for the Pen of a meer
Scholler, or any such *Cloisirea Writer*. For these men are ea-
 ger in their Expressions, but shallow in their Judgements;
 and perform the *Schollars* part well, but transmit *Things*; but
 unfaithfully to Posterity. Certainly it is a Science belong-
 ing to *Statesmen*, and to such as sit at the *Helmes* of great
Kingdomes, and have been acquainted with the weight and secrets of *Civil*
Busines, to handle this matter dextrously. Rare in all Ages hath been the *Reign*
 of a *Woman*, more rare the *Felicity* of a *Woman* in her *Reign*, but most rare, a
Permanency and *Lasting* joynd with that *Felicity*. As for this *Lady* she reigned
 Four and Fourty years complear, and yet she did not survive her *Felicity*. Of
 this *Felicity*, I am purposed to say somewhat; yet without any Excursion in-
 to *Praises*; For *Praises* are the Tribute of Men, but *Felicity* the Gift of *God*.

First.

A Collecti-
ca of the
Felicities
of Queen
Elizabeth.

First, I reckon it as a part of her *Felicity*, that she was advanced to the *Regal Throne* from a private Fortune. For this is ingenerate in the Nature and Opinions of Men, to ascribe that to the greatest *Felicity*, which is not counted upon, and cometh unlooked for; but this is not that I intend. It is this, *Princes* that are trained up in their *Fathers Courts*, and to an immediate and apparent Hope of *Succession* do get this by the *Tenderness* and remissness of their *Education*, that they become (commonly) less capable, and less Temperate in their Affections. And therefore you shall find those to have been the ablest, and most accomplished *Kings*, that were Tutor'd by both Fortunes. Such was with us, *King Henry the Seventh*; And with the *French Lewis the Twelfth*: Both which in recent Memory, and about the same time obtained their *Crowns*, not onely from a private but also from an adverse, and afflicted Fortune; and did both excel in their severall wayes; The former in *Prudence*, and the other in *Justice*. Much like was the condition of this *Princess*, whose Blossomes and Hopes, were unqually aspected by Fortune; That afterwards when she came to *Crowne*, Fortune might prove towards her alwayes Mild and Constant. For *Queen Elizabeth* soon after she was born, was entituled to the *Succession* in the *Crown*, upon the next turn disinherited again, then layd aside and slighted: During the *Reign* of her *Brother*, her estate was most prosperous and Flourishing; During the *Reign* of her *Sister*, very Tempestuous and full of Hazard. Neither yet did she pass immediately from the *Prison*, to the *Crown*, (which suddain change might have been enough to make her cast off all moderation) But first she regained her *Liberty*; Then there budded forth some probable Hopes of *Succession*, and lastly, in a great Still and happiness she was advanced to the *Imperial Crown*, without either Noise, or *Competitour*. All which I alledge that it may appear that the *Divine Providence* intending to produce a most exquisite *Princess*, was pleased to prepare and mould her by these *Degrees of Discipline*. Neither ought the misfortune of her *Mother* justly to stain the pure *Stream* of her *Blood*; especially seeing it is very evident that *King Henry* the eighth did first burn with new Loves before he was enflamed with *Inligination* against *Queen Anne*: Neither is it unknown to the *Ages* since, that he was a *King* naturally prone to Loves and Jealousies; and not containing himself in those cases from the effusion of *Blood*. Besides, the very person for whom she was suspected, sheweth the accusation to be less probable, and built upon weak and frivolous Suppositions: Which was both secretly whispered in many Mens ears at that Time, and which *Queen Anne* her self testified by her undaunted courage, and that memorable Speech of hers at the *Time* of her *Death*. For having gotten (as she supposed) a faithfull and friendly Messenger, in the very Hour before her *Death*, she delivered him these words to relate unto the *King*; That she had ever found the *King* very constant and firm to his purpose of Advancing her; For first, from the estate of a *Gentlewoman* onely, and no way pretending to *Noble Titles*, he raised her to the Honour of a *Marchioness*; next, he vouchsafed to make her his *Consort*, both of his *Kingdome* and bed; and now that there remained no higher earthly Honour, he meant to *Crown* her *Innocency*, with the *Glory of Martyrdome*. But though the messenger durst not relate these words to the *King*, who was already enflamed with new Loves; yet certain *Tradition* the *Conserver of Truth*, hath conveyed them to posterity.

Another principal thing, which I cast into *Queen Elizabeths Felicity*, was the *Time and Period* of her *Reign*; Not onely for that it was Long, but also because it fell into that season of her Life, which was most Active & Fittest
for

for the swaying of a Scepter, for she was fully five and twenty years old (at which age the Civil Law freeth from a Curator) when she came to the Crown, and reigned to the seventieth year of her life; so that she never suffered either the detriments of *Pupillage*, and check of an *over-ruining Power*, or the inconveniencies of an impotent and unwieldy *old age*; and old age is not without a competent portion of miseries, even to private men; but to *Kings*, besides the common burden of years, it brings for the most part a declining in the Estates they govern, and a conclusion of their lives without honour. For there hath scarce been known a *King* that hath lived to an extreme and impotent old age, but he hath suffered some detriment in his *Territories*, and gone lss in his *Reputation*. Of which thing there is a most eminent example in *Philip the Second*, *King of Spain*, a most puissant *Prince*, and an excellent *Governour*, who in the last years of his life, and impotent old age, was sensible of this whereof we speak; and therefore with great circumspection submitted himself to *Natures Law*, voluntarily surrendered the *Territories* he had gotten in *France*; established a firm peace in that *Kingdom*, attempted the like in other places, that so he might transmit his *Kingdoms* peaceable and entire to his next *Heir*. Contrary-wise, *Queen Elizabeths* Fortune was so constant and deeply rooted, that no disaster in any of her *Dominions* accompanied her indeed declining, but still able years: Nay further, for an undeniable token of her *felicity*, she died not before the *Rebellion* in *Ireland* was fortunately decided, and quashed by a *Battel* there, least otherwise it might have defalked from the total sum of her *glory*. Now the *condition* also of the *people* over whom she reigned, I take to be a matter worthy our observation; for if her Lot had fallen amongst the desolate *Palmyrens*, or in *Asia*, a soft and effeminate Race of men, a *Woman-Prince* might have been sufficient for a *Womans* people: But for the *English*, a Nation stout and warlike, to be ruled by the check of a *Woman*, and to yield so humble obedience to her, is a thing deserving the highest admiration.

Neither was this disposition of her *people* (hungry of War, and unwillingly bowing to peace) any impediment to her, but that she enjoyed and maintained *peace* all her daies: And this *desire* in her of *peace*, together with her fortunate accomplishment thereof, I reckon to be one of her chiefest praises. For this was happy for her times, comely for her Sex, and comfortable to her Conscience. Indeed, about the tenth year of her *Reign*, there was an offer of a *Commotion* in the *Northern parts*, but it was soon laid asleep and extinguished; but all her *Reign* beside was free from the least breath or air of *Civil Broils*. Now I judge the *Peace* maintained by her to be the more eminent for two causes, which indeed make nothing for the *Merit* of that *Peace*, but much for the *Honour*: The one, that it was set off, and made more conspicuous by the broils and dissensions of *Neighbouring Nations*, as it were by so many *Lights* and torches: The other, that amidst the benefits of *peace* she lost not the *Honour of Arms*; insomuch, that the *Reputation* of the *English Arms* was not only preserved, but also advanced by her upon many glorious occasions. For the *Succours* sent into the *Netherlands*, *France*, and *Scotland*, the *Expeditions* by *Sea* into both the *Indies*, whereof some circled the whole *Globe* of the *Earth*; the *Fleets* sent into *Portugal*, and to annoy the *Coasts* of *Spain*: And lastly, the often suppressions and overthrowes of the *Rebels* in *Ireland*, did both shew the *Warlike Prowess* of our *Nation* to be no whit diminished; and did much encrease the *Renown* of the *Queen*.

A Collecti-
on of the
Felicities
of Queen
Elizabeth.

There was another thing that did greatly advance her Glory: That both by her timely *Succours*, her *Neighbour Kings* were settled in their *Rightful Thrones*, and the *Suppliant People* (who by the ill Advisedness of their *Kings* were abandoned and given over to the Cruelty of their *Ministers*, and to the Fury of the multitude, and to all manner of *Burthen* and *Desolation*, were relieved by her; By Reason whereof they subsist unto this Day. Neither was she a *Princess* less Benign and Fortunate in the Influence of her *Counsels*, than of her *Succours*; As being one that had oftentimes interceded to the *King of Spain*, to mitigate his wrath against his *Subjects* in the *Netherlands*, and to reduce them to his Obedience upon some tolerable Conditions; And further, as being one that did perpetually and upon all occasions, represent to the *French Kings* the Observation of their own *Edicts*, so often declaring and promising peace to their *Subjects*. I cannot deny but that these good *Counsels* of hers wanted the Effect: In the former I verily believe for the *Universal good* of *Europe*, least happily the Ambition of *Spain* being unloosed from his Fetters should have poured it self (as things then stood) upon the other *Kingdoms*, and *States* of *Christendome*: And for the latter the *Blood* of so many *Innocents* with their *Wives* and *Children* slain within their own *Harbours* and *Nests* by the Scum of the *People*, (who like so many *Mastives* were let loose and heartened and even set upon them by the State) would not suffer it; which did continually cry unto *God* for *Vengeance*, that so *Blood-sucking* a *Kingdome* might have her fill thereof, in the intestine *Slaughters* and *Consumption* of a *Civil War*. Howsoever she persisted to perform the part of a wise and loving *Confederate*.

There is another Cause also for which we may justly admire this Peace so constantly pursued and maintained by the *Queen*. And that is, that it did not proceed from any *Bent* or *Inclination* of those *Times*; But from the *Prudence* of her *Government* and discreet *Carriage* of things. For whereas she her self was not without manifest *Danger* from an ill affected *Party* at home, for the Cause of *Religion*, and that the *Strength* and *Forces* of this *Kingdom* were in the Place of a *Bulwark* to all *Europe* against the then dreadful and overflowing *Ambition* and *Power* of the *King of Spain*; She might have apprehended just Cause of a *War*: But as she was still ready with her *Council*, so she was not behind hand with her *Forces*. And this we are taught by an event the most *Memorable* of any in our time, if we look upon the *Felicity* thereof. For when as the *Spanish Navy* (set forth with such wonderful Preparations in all kinds, the *Terrour* and amazement of all *Europe* carried on with almost Assurance of victory) came braving upon our *Seas*; It took not so much as one poor *Cock-boat* of ours nor fired any one *Village*, nor landed one *Man* upon *English Ground*; But was utterly defeated and after a shamefull *Flight* and many *Shipwracks* quite dispersed, So as the *Peace* of this *Kingdom* was never more *Firm* and *Solid*. Neither was her *Felicity* less in escaping *Treacherous Attempts* at home, then in subduing and defeating forrain *Invasions*. For not a few *Treasons* plotted against her *Life*, were most fortunately discovered and disappointed. And this was no cause to make her lead a more fearful or diffident life then before. No new *Increase* of her *Guard* no *Immuring* her self within her own *Walls*, or forbearing to be seen abroad; But as one assured and confident, and that was more mindful of her *Escape* from *Danger*, then of the *Danger* it self, she was constant to her former *Customes* and *Fashions*.

Furthermore, it is worth our labour to consider the *Nature* of the *Times* in which she *Reigned*. For there are some *Times* so *Barbarous* and *Ignorant* that

that it is no greater matter to govern *People*, than to govern a *Flock of Sheep*. But this *Queen*, fell upon Times of singular Learning and Sufficientcy; In which it was not possible to be eminent, without admirable Endowments of wit, and a Rare Temper of Vertue. Again the *Reigns of Women* are for the most part obscured by their *Husbands*: Upon whom all their praises and worthy Acts do reflect: As for those that continue unmarried, it is they that impropriate the whole glory, and merit to themselves. And this was the peculiar Glory of this *Princess*; that she had no props or supports of her Government, but those that were of her own making. She had no *Brother*, the *Son of her Mother*; No *Uncle*, none other of the *Royal Blood and Linage* that might be *Partner* in her *Cares*, and an *upholder* of the *Regal Dignity*. And as for those, whom she raised to *Honour*, she carried such a discreet hand over them, and so enterchanged her Favours as they still strived in Emulation and Desire to please her best; and she herself remained in all things an *absolute Princess*. *Childless* she was, and left no *Issue* behind Her; which was the Case of many of the most fortunate *Princes*, *Alexander the Great*, *Julius Caesar*, *Trajan* and others. And this is a Case, that hath been often controverted and argued on both sides, whilst some hold the want of *Children* to be a *Diminution* of our *Happiness*, as if it should be an *Estare* more than *Humane* to be happy both in our own *Persons*, and in our *descendants*, but others do account the want of *Children* as an *Addition* to *Earthly Happiness*, in as much as that *happiness* may be said to be complete, over which *Fortune* hath no power, when we are gone: Which if we leave *Children* cannot be.

She had also many *Outward Gifts of Nature*. A tall *Stature*; A comely and strait *Making*, an extraordinary *Majesty of Aspect*, joyned with a *Sweetness*, a most happy and Constant *Healthfulness of Body*. Unto which I may add, that in the full *Possession* both of her *Limbs* and *Spirits* until her last *Sickness* (having received no *Blow* from *Fortune*, nor decay from *Old Age*;) she obtained that which *Augustus Caesar* so importunately prayed for; *An easie and un-
distempere passage out of this World*. Which also is reported of *Antoninus Pius*, that excellent *Emperour*; Whose *Death* had the Resemblance of some soft and pleasing *Slumber*. So in *Queen Elizabeths Disease*, there was no ghastly or fearful *Accident*; No *Talleness of Brain*; Nothing unaccustomed to *Man* in general: She was not transported either with desire of *Life*, or *Tediousness of Sickness*, or extremity of *Pain*; She had no grievous or uncomely *Symptoms*; but all things were of that kind, as did rather shew the *Frailty of Nature*, than a *Deordination* or *Reproach* of it. For some few dayes before her *Death*, being much pined with the extream *Drought* of her *Body* and those *Cares* that accompany a *Crown*, and not wonted to refresh her self with *Wine*, or any *Liberal Diet*; she was strook with a *Torpor* and *Frigidity* in her *Nerves*; Notwithstanding which is rare in such *Diseases*, she retained both her *Speech* and *Memory* and *Motion* though but slow and weak even to the end. And in this Case, she continued but a few dayes; So as it cannot be called the *last Act* of her *Life*, but the *first step* to her *Death*. For as it is a miserable condition to see the faculties of our *Body* buried before us; and to survive long after them; So it is a Fair and natural conclusion of our *Life*, when the *Senses* are by little and little laid asleep that the *Dissolution* of the whole should immediately follow.

I will add one thing more to make up the full Measure of her *Felicity*: which is that she was not only most Happy in her own *Person*, but in the *Abilities* and *vertues* of her *Servants*, and *Ministers*, for she was served by such *Persons* as I suppose this *Island* never brought forth the like before her times

A Collection
of the
Felicities
of Queen
Elizabeth.
C. 16

Now when God beareth a love to *Kings*, no doubt he raiseth up the *Spirits* of *Wise Servants* as a concurrent Blessing.

There are two fair *Issues* of her *Happiness*, born to her since her *Death*, I conceive not less *Glorious* and *Eminent* than those she enjoyed alive. The one of her *Successor*, The other of her *Memory*. For she hath gotten such a *Successor*, who although for his *Masculine Vertues*, and *Blessings* of *Paternity*, and *Addition of Territories*, he may be said to exceed her greatness and somewhat to obscure it; Notwithstanding, he is not zealous of her *Name* and *Glory*; And doth even give a *Perpetuity* to her *Acts*, considering both in the *Choice of the Persons*, and in the *Orders*, and *Institutions* of the *Kingdome*, he hath departed so little from her so as a *Son* could hardly succeed a *Father*, with less *Noise* or *Innovation*. As for her *Memory* it hath gotten such *Life* in the *Mouths* and *Hearts* of *Men*, as that *Envy* being put out by her *Death*, and her *Fame* lighted, I cannot say whether the *Felicity* of her *Life*, or the *Felicity* of her *Memory* be the greater. For if (perhaps) there fly abroad any *factious Fables* of her, raised either by discontented *Persons*, or such as are averse in *Religion*; (which notwithstanding dare now scarce shew their *Faces*, and are every where cryed down;) The same are neither true, neither can they be long liv'd. And for this cause especially, have I made this *Collection* (such as it is) touching her *Felicity*, and the *Marks of Gods Favour* towards Her; That no malicious *Person* should dare to interpose a *Curse*, where *God* hath given a *Blessing*. Now if any *Man* shall alledge that against me, was once said to *Cæsar*; *We see what we may admire, but we would fain see what we can commend*; Certainly, for my part, I hold true *Admiration* to be the highest Degree of *Commendation*. And besides such *Felicities* as we have recounted could not befall any *Princess*, but such an one as was extraordinarily supported, and cherished by *Gods Favour*; And had much in her own *Person*, and rare *Vertues* to create and worke out unto her self such a *Fortune*. Notwithstanding, I have thought good to insert something now concerning her *Moral Parts* Yet only in those things, which have ministred occasion, to some Mallicious to traduce her.

This *Queen*, as touching her *Religion*, was *Pious*, *Moderate*, *Constant*, and an *Enemy to Novelty*. First for her *Piety*, though the same were most conspicuous in her *Acts* and the *Form* of her *Government*; yet it was *Pourtrayed* also in the common course of her *Life*, and her daily *Compartment*. Seldom would she be absent from *Hearing Divine Service*, and other *Duties of Religion*, either in her *Chappel*, or in her *Privy Closet*. In the reading of the *Scriptures*, and the writings of the *Fathers*, especially of *Saint Augustine*, she was very frequent. She composed certain *Prayers* her self upon emergent occasions. Whensoever she nam'd *God*, though it were in common discourse, she would for the most part add the Title of *Maker*, saying, *G. d. my Maker*: And compose both her eyes and *Countenance* to a *Submissness* and *Reverence*. This I have often (my self) observed, being in her presence. Now whereas some have divulged her *unmindfulness* of *Mortality*, in that she would never endure any *Mention* either of her *Age*, or *Death*, it is most false: For she would often and that many years before her *Death*, with a great deal of *Meekness* profess that she found her self grown an old *Woman*, and she would sometimes open her self what she liked best, for an *Inscription* upon her *Tombe*, saying, that she loved no pompous or vain *glorious Titles* but would only have a line or two for her *Memory*, wherein her *Name* and her *Virginity*, and the years of her *Reign*, and her establishing of *Religion*; and her maintaining of *Peace*, should be in the fewest words com-

prehended. It is true, that whilst she was in her vigorous years, and able to bear Children, if at any time she were moved to declare her *Successor*, she would make answer, *That she would never endure to see her winding sheet before her eyes.* And yet notwithstanding some few years before her death, one day when she was in a deep meditation, and (as it may be guessed) in that of her *Mortality*, one that might be bold said unto her; *Madam, there are divers Offices, and great places in the State, which you keep too long void.* She arose up in some displeasure, and said, *I am sure my Office will not be long void.*

As for her *moderateness* in Religion, I shall seem to be at a stand, in regard of the severe *Laws* made against her *Subjects* of the *Romish Religion*: Notwithstanding, that which I shall say is no more then what I know for certain, and diligently observed. Most certain it is, that it was the firm resolution of this *Princess*, not to offer any violence to *Consciences*: But then, on the other side, not to suffer the State of her *Kingdom* to be ruined, under pretence of *Conscience* and *Religion*. Out of this Fountain she concluded; First, That to allow Freedom and Toleration of two *Religions* by publick *Authority*, in a *Nation* Fierce and Warlike, and that would easily fall from dissention of minds to siding and blows, would bring inevitable ruine to this *Kingdom*. Again, in the newness of her *Reign*, when there was a general distrust, she singled out some of the *Bishops* of the most turbulent and factious spirits, and committed them to free Custody; and this not without the warrant of former *Laws*. As for the rest, either of the *Clergy* or *Laity*, she did not ransack their *Consciences* by any severe *Inquisition*, but rather secured them by a gracious connivency: And this was the state of things at the first. Neither did she depart from this Clemency, when the *Excommunication* of *Pius Quintus* came thundring against her, which might both justly have provoked her, and have ministred occasion to new courses, but howsoever she followed her *Royal Nature* still: For as a wise Lady, and of a high courage, she was not a whit terrified at the roaring of a *Bull*, being well assured of her *peoples* love and fidelity towards her, as also of the disability of the *Popish Faction* within the *Kingdom* to do her hurt, if no *Forreign Enemy* joyned with them. But then, about the three and twentieth year of her *Reign* there followed a mighty Change. And this distinction of the Times is not any device of mine, but it is expressed in the publick *Acts* of that *Time*, and as it were cut in *brass*: for before that year was there never any *Capital* or severe punishment inflicted upon any of her *Subjects*, as they had Relation to the *Romish Religion* by the *Laws* formerly made. But just then began that proud and vast intention of *Spain* to conquer this *Kingdom*, by little and little to shew it self. Of this the principal part was to stir up by all means a *Party* within the *Kingdom* of such as were ill-affected to the *State*, and desirous of *Innovation*, that might adhere to the *Forreigner* at his landing. For this they had no other hopes then the difference in *Religion*; wherefore they set it down to pursue this course with all their power: And the *Seminaries* at that time budding, *Priests* were sent into *England* to plant and disperse a love to the *Romish Religion*; to teach and inculcate the power of the *Popes Excommunication* in freeing *Subjects* from their Allegiance, and to awaken and prepare the minds of men to an expectation of a Change. About the same time *Ireland* also was attempted by an *Invasion*, and the *Queens Name* and *Government* traduced by sundry and scandalous *Libels*. To be short, there was an unusual swelling in the *State*, the Forerunner of greater Troubles: Yet I will not affirm, that every *Priest* which was sent over was made of the *Council*, or privy to the Enterprise,

but

A Collection
of the Fel-
cities of
Queen Eli-
zabeth.



But that some of them became the wicked instruments only of other mens malice. Notwithstanding this is true, and witnessed by the Confessions of many, that almost all the Priests which were sent into this Kingdom from that aforesaid year, unto the thirtieth year of Queen Elizabeths Reign (at what time that Design of the Pope and Spain was put into execution by those memorable preparations of the Navy and Land forces) had in their instructions besides other parts of their Function, to distill and insinuate into the people these particulars; *It was impossible things should continue at this stay; They should see ere long a great change in this State; That the Pope, and Catholick Princes were careful for the English, if they would not be wanting to themselves.* Again, sundry of the Priests did manifestly interpose themselves into those Consultations and Plots which tended to the undermining and ruining of this Kingdom: And (which especially moved her) Letters were intercepted out of divers parts that discovered the true Face of the Plot; in which was written, that they doubted not to go beyond the vigilancy of the Queen and State in the matter of Catholics; for the Queen would only have an eye, least there should arise any *fit Head*, in the Person of some Lord, or other Eminent Gentleman of Quality, under whom the Catholics might unite: But they had thought upon another course, as namely, by *private men*, and those but of mean Rank, that should not confer, nor scarce know of each others employments, to prepare and mature the business by the *secrecie of Confession*. And these were their *Enemies* the which (as hath appeared since in a case not much unlike) are usual and familiar to that *Order of men*. In this great Deluge of danger, there was a necessity imposed upon Queen Elizabeth to restrain, by some sharper bands of *Laws*, that part of her Subjects which were alienated from her, and had drunk too deep a draught of this Poyson ever to recover; And further, which by their retired living; and exemption from Publick Offices, were grown very rich: And moreover, the mischief daily growing, when as the cause thereof was ascribed to none other then the *Seminary Priests*, who had been nourished in Forreign parts; and received Exhibition from the bounty and alms of *Forreign Princes*, professed Enemies to this State; and who had conversed in such places where the Name of Queen Elizabeth was never heard, but as of an *Heretick*, and *Excommunicate*, and *accursed person*; and who, though themselves (some times) had no hand in *Treason*, yet they were known to be the intimate friends of them that had. And lastly, who by their Arts and Poysons had infected, and seured the mass and lump of the Catholics, which before was more sweet and harmless, with a new kind of *Leven*, and desperate *maliciousness*: There could no other *remedy* be devised, but by forbidding such persons to enter into this Kingdom, upon pain of their *lives*; which at last, in the twenty seventh year of her Reign, was accordingly done. Nay, and when the event it self had confirmed this to be true (I mean immediately after that the dreadful Tempest arose from Spain, threatening no less then utter desolation) yet did it nothing mollifie or turn the edge of these mens malice and fury, but rather whetted it, as if they had cast off all Natural affection to their Country. As for the Times succeeding (I mean after the thirtieth year of her Reign) though indeed our fear of Spain, which had been the Spur to this Rigour, had fairly breathed out, or was well abated; yet considering the memory of Times past had made so deep impression in mens hearts and cogitations, and that it would have seemed either *Inconstancy* to repeal those former *Laws*, or *sloth* to neglect them, the very Constitution of things did suggest to the Queen, that it was not safe to reduce them unto that

State

State wherein they had continued until the three and twentieth year of her *Reign*. Hereunto may be added the industry of some *persons* in improving the *Revenues* of the *Exchequer*; and the zeal of some other *Ministers* of *Justice*, which did never think their *Country* safe, unless the *Laws* were rigorously executed; all which did importune and press the execution of the *Laws*. Notwithstanding, the *Queen* for a manifest token of her *Royal Nature*, did so dull the edge of the *Laws*, that but a very few *Priests*, in respect of their number did suffer death. Now all this which I have said is not by way of defence, for the matter needs it not; for neither could this *Kingdom* have been safe without it, neither were the *proceedings* any way comparable or of *Kind* to those bloody and unchristianly *Massacres* in the *Catholick Countries*, which proceeded meerly from *rancour* and *pride*, and not from any necessity of *State*: Howsoever, I hope I have made my first *Affertion* good, that she was *moderate* in the point of *Religion*, and that the *Change* which happened was not in her *Nature*, but upon the *necessity* of the *Times*.

Now for the *Constancy* of *Queen Elizabeth* in *Religion*, and the observance thereof, I know no better argument then this, That although she found the *Romish Religion* confirmed in her *Sisters* daies by *Act of Parliament*, and established by all strong and potent means that could be devised, and to have taken deep root in this *Kingdom*; and that all those which had any *Authority*, or bear any *Office* in the *State* had subscribed to it; yet for that she saw it was not agreeable to the *Word of God*, nor to the *Primitive Purity*; nor to her own *Conscience*, she did, with a great deal of courage, and with the assistance of a very few persons, quite expel and abolish it. Neither did she this by precipitate and heady courses, but timing it wisely and soberly. And this may well be conjectured, as from the thing it self, so also by an *Answer* of hers which she made upon occasion. For within a very few daies of her coming to the *Crown*, when many *Prisoners* were released out of *Prison*, (as the *Custom* is at the *Inauguration* of a *Prince*) there came to her one day as she was going to *Chappel*, a certain *Courtier* that had the liberty of a *Buffone*, and either out of his own motion, or by the instigation of a wiser man, presented her with a *Petition*; and before a great number of *Courtiers* said to her with a loud voice, *That there were yet four or five prisoners unjustly detained in Prison; he came to be a Suitor to have them set at liberty; those were the four Evangelists, and the Apostle Saint Paul, who had been long shut up in an unknown tongue, as it were in Prison, so as they could not converse with the common people.* The *Queen* answered very gravely, *That it was best first to enquire of them, whether they would be set at liberty or no.* Thus she silenced an unreasonable motion with a doubtful answer, as reserving the matter wholly in her own power. Neither did she bring in this alteration timorously, or by pieces, but in a grave and mature manner, after a *Conference* betwixt both *Sides*, and and the *Calling* and *Conclusion* of a *Parliament*. And thus within the compass of one year, she did so establish and settle all matters belonging to the *Church*, as she departed not one hairs breadth from them to the end of her life: Nay, and her usual custom was in the beginning of every *Parliament* to forewarn the *Houses* not to question or innovate any thing already established in the *Discipline* or *Rites* of the *Church*. And thus much of her *Religion*.

Now if there be any *severer nature* that shall tax her for that she suffered her self, and was very willing to be courted, wooed, and to have *Sonnets* made in her commendation; and that she continued this longer then was decent for her

A Collection
of the
Felicities
of Queen
Elizabeth



A Collection
of the Felicities of
Queen Elizabeth.

her years: Notwithstanding, if you will take this matter at the best, it is not without singular admiration, being much like unto that which we find in *fabulous Narrations*, of a certain *Queen* in the *Fortunate Islands*; and of her *Court and Fashions*, where *Fair purpose* and *Love-making* was allowed, but *Lasciviousness* banished. But if you will take it at the worst, even so it amounteth to a more high admiration, considering that these *Courtships* did not much eclipse her *Fame*, and not at all her *Majesty*; neither did they make her less apt for *Government*, or check with the affairs and busineses of the *Publick*; for such passages as these do often entertain the time, even with the greatest Princes. But to make an end of this discourse, certainly this Princess was good and moral, and such she would be acknowledged: She detested Vice, and desired to purchase Fame only by honourable courses. And indeed whilst I mention her *moral parts*, there comes a certain passage into my mind which I will insert. Once giving order to write to her *Embassador* about certain Instructions to be delivered apart to the *Queen-Mother* of the *House of Valis*, and that her *Secretary* had inserted a certain Clause that the *Embassador* should say, as it were to endear her to the *Queen-Mother*; That they two were the only pair of *Female Princes*, from whom for experience and Arts of *Government*, there was no less expected then from the greatest Kings: She utterly disliked the Comparison, and commanded it to be put out saying, That she practised other principles and Arts of *Government*, than the *Queen Mother* did. Besides, she was not a little pleased, if any one should fortune to tell her, that suppose she had lived in a *private Fortune*, yet she could not have escaped without some Note of *Excellency* and *Singularity* in her *Sex*. So little did she desire to borrow or be beholding to her *Fortune* for her *Praise*. But if I should wade further into this *Queens Praises*, *Moral* or *Politick*, either I must slide into certain *Common places*, and Heads of *Vertue*, which were not worthy of so great a Princess; Or if I should desire to give her *Vertues* the true Grace and Lustre, I must fall into a *History* of her *Life*; Which requireth both better Leisure and a better pen then mine is. Thus much in brief according to my ability: But to say the Truth; The only Commender of this Ladies *vertues*, is *Time*; which for as many Ages as it hath run, hath not yet shewed us one of the *Female Sex* equal to her in the *Administration* of a *Kingdome*.

AN



A BRIEF

DISCOURSE,

Of the Happy

UNION

OF THE

KINGDOMS

OF

ENGLAND and SCOTLAND;

Dedicated in Private

TO

HIS MAJESTY.

Do not find it strange, (excellent King) that when *Heraclitus* (he that was surnamed the *Obscure*) had set forth a certain *Book* (which is not now extant) many Men took it for a *Discourse of Nature*, and many others took it for a *Treatise of Policy*. For there is a great Affinity and Consent between the *Rules of Nature*, and the true *Rules of Policy*: The one being nothing else but an Order in the Government of the *World's* And the other an Order in the Government of an *Empire*. And therefore the Education, and Erudition of the *Kings of Persia*, was in a *Science* which was termed by a Name then of great Reverence; but now degenerate and taken in the ill-part. For the *Persian Magick*, which was the secret Literature of their *Kings* was an Application of the Contemplations and Observations of *Nature*, unto a sense *Politick*; Taking the *Fundamental Laws of Nature*, and the Branches and passages of them, as an Original or first Model, whence to take and describe a Copy and Imitation, for Government.

A Discourse
of the Onto-
logy of En-
gland.
and Scot-
land.



After this manner the aforesaid *Instructiours* set before their *Kings* the Examples of the *Cælestial Boates*, the *Sun*, the *Moon*, and the rest; which have great Glory, and veneration but no rest or Intermiſſion: Being in a perpetual Office of Motion, for the Chetishing (in turn and in Course) of *Inferiour Bodies*: Expressing likewise the true manner of the Motions of *Government*, which though they ought to be Swift and Rapide, in respect of Dispatch, and Occasions, yet are they to be Constant and Regular, without Wavering or Confusion.

So did they represent unto them how the *Heavens* do not enrich themselves by the *Earth* and the *Seas*, nor keep no dead Stock, nor untouched Treasures, of that they draw to them from below; But whatsoever Moisture they do levy and take from both *Elements* in *Vapours*, they do spend and turn back again in *Showers*, only holding and storing them up for a time, to the end to issue and distribute them in a Season.

But chiefly, they did express and expound unto them, that *Fundamental Law of Nature*, whereby all things do subsist and are preserved: which is that every Thing in *Nature*; although it hath his private and particular affection, and Appetite, and doth follow and pursue the same in small Moments; and when it is free and delivered from more general and common respects, yet nevertheless, when there is Question or Case, for sustaining of the more general, they forsake their own *particularities*, and attend and conspire to uphold the *publick*.

So we see the *Iron* in small Quantity will ascend and approach to the *Loadstone*, upon a particular Sympathy: but if it be any Quantity of moment, it leaveth his appetite of Amity to the *Loadstone*, and like a good *Patriot* falleth to the *Earth*, which is the *Place* and *Region* of *Majesty Bodies*.

So again the *Water* and other like *Boates*, do fall towards the *Center* of the *Earth*, which is (as was said) their *Region*, or *Countrey*: And yet we see nothing more usual in all *Water Works* and *Engines*, than that the *Water* (rather than to suffer any *Distraction* of *Disunion* in *Nature*) will ascend, Forsaking the *Love* to his own *Region* or *Countrey* and applying it self to the *Body* next adjoining.

But it were too long a digression to proceed to more Examples of this kind. Your *Majesty* your self did fall upon a passage of this *Mature* in your *gracious Speech* of *Thanks* unto your *Counsel*; when acknowledging Princely their *Vigilancies* and well deservings, it pleased you to note, that it was a success and Event, above the *Course* of *Nature*, to have so great *Change*, with so great a *Quiet*. Forasmuch as sudden *Mutations* as well in *State* as in *Nature*, are rarely without violence and perturbation. So still I conclude there is (as was said) a *Congruity* between the *Principles* of *Nature* and *Policy*. And lest that *Instance* may seem to oppose to this *Assertion*, I may even in that particular with your *Majesties* favour offer unto you a *Type* or *Pattern* in *Nature* much resembling this event in your *State*; Namely *Earthquakes* which many of them bring ever much *Terror* and wonder, but no actual hurt; The earth trembling for a moment & suddenly stablishing in perfect quiet as it was before.

This *Knowledge* then of making the *Government* of the *World*, a *Mirror* for the *Government* of a *State*, being a *Wisdom* almost lost (Whereof the reason I take to be because of the *Difficulty* for one man to embrace both *Philosophies*) I have thought good to make some proof (as far as my weakness and the Straights of *Time* will suffer) to revive in the handling of one particular wherewith now I most humbly present your *Majesty*: For surely, as hath been said it is a *Form* of *discourse* anciently used towards

Kings

Kings, and to what King should it be more proper than to a King that is studious to conjoyn contemplative vertue, and active vertue together?

Your Majesty is the first King that had the honour to be *Lapis Angularis* to unite these two mighty and warlike Nations of England and Scotland under one Sovereignty and Monarchy. It doth not appear by the Records and memories of any true History; Or scarcely by the Fiction and Pleasure of any *Fabulous Narration* or *Tradition* that ever of any Antiquity this *Island* of Great Britain was united under one King, before this day. And yet there be no Mountains nor Ranges of Hills, there be no Seas or great Rivers, there is no Diversity of tongue or Language that hath invited or provoked this ancient separation or Divorce. The Lot of Spain was to have the several Kingdoms of that Continent (*Portugal* onely except) to be united in an Age not long past, and now in our age that of *Portugal* also, which was the last that held out to be incorporate with the rest. The lot of France hath been much about the same time, likewise to have reannexed unto that Crown, the several *Dutchies* and *Provinces* which were in former times dismembred. The Lot of this *Island* is the last reserved for your Majesties happy times, by the special Providence and Favour of God, who hath brought your Majesty to this happy Conjunction with great Consent of hearts, and in the strength of your years, and in the maturity of your experience. It resteth but that (as I promised) I set before your Majesties princely consideration, the Grounds of Nature touching the Union and Commixture of Bodies, and the Correspondence which they have with the Grounds of Policy in the Conjunction of States and Kingdoms.

First, therefore, that *Position*; *Vis unita fortior*, being one of the common Notions of the mind, needeth not much to be induced or illustrated.

We see the Sun when he entrench, and while he continueth under the sign of *Leo*, causeth more vehement heats than when he is in *Cancer*, what time his Beams are nevertheless more perpendicular. The Reason whereof, in great part hath been truly ascribed to the Conjunction, and Cor-Radiation in that place of Heaven, of the Sun with the four Stars of the first Magnitude, *Syrius*, *Canicula*, *Cor Leonis*, and *Cauda Leonis*.

So the Moon likewise by ancient Tradition, while she is in the same Sign of *Leo*, is said to be at the Heart, which is not for any Affinity, which that place of Heaven can have, with that part of Mans Body but only because the Moon is then by reason of the Conjunction and Nearness with the Stars aforesaid, in greatest strength of Influence, and so worketh upon that part in Inferiour Bodies, which is most Vital and Principal.

So we see Waters and Liquors, in small Quantity do easily purrifie and corrupt; but in large Quantity subsist long, by reason of the Strength they receive by Union.

So in Earthquakes, the more general do little hurt, by reason of the united weight, which they offer to subvert; but narrow and particular Earthquakes have many times overturned whole Towns and Cities.

So then this Point touching the Force of Union is evident. And therefore it is more fit to speak of the Manner of Union: wherein again it will not be pertinent to handle one Kind of Union, which is Union by Victory, when one Body doth meerly subdue another, and converteth the same into his own Nature, Extinguishing and Expulsing what part soever of it; it cannot overcome. As when the Fire converteth the Wood into Fire purging away

A Defence
of the Uni-
on of En-
gland,
and Scot-
land.

A Discourse
of the Union
of England
and
Scotland.

away the *Smoak* and the *Albes*, as unapt matter to inflame: Or when the *Bodys* of a *Living Creature*, doth convert and assimilate, *Food* and *Nurishment*, purging, and expelling whatsoever it cannot convert For these Representations do answer in matter of *Pollicy* to *Union* of Countries by *Conquest*, where the *Conquering State* doth extinguish, extirpate, and expulſe any part of the *State Conquered* which it findeth so contrary as it cannot alter, and convert it. And therefore, leaving *violent Unions* we will consider only of *Natural Unions*.

The *Difference* is excellent which the best *Observers* in *Nature* do take, between *Compositio*, and *Mistio*, putting together and mingling: the one being but a *Conjunction* of *Bodies*, in place, the other in quality and consent: The one the *Mother* of *Sedition* and *Alteration*, the other of *Peace* and *Continuance*: The one rather a *Confusion* than an *Union*, the other properly an *Union*. Therefore we see those *Bodies* which they call *Imperfectè mista*, last not but are speedily dissolved. For take for Example, *Snow*, or *Frosth*, which are *Compositions* of *Air* and *Water*, and in them you may behold how easily they seve and dissolve the *Water*, closing together, and excluding the *Air*.

So those three *Bodies* which the *Alchymists* do so much celebrate as the three *Principles* of things; That is to say; *Earth*, *Water*, and *Oyl*; (which it pleaseth them to term *Salt*, *Mercury*, and *Sulphur*;) we see, if they be united only by *Compositio* or putting together how weakly and rudely they do incorporate: For *Water* and *Earth* maketh but an unperfect *Slime*: And if they be forced together by *Agitation*, yet upon a little settling, the *Earth* resideth in the *Bottom*. So *Water* and *Oyl*, though by *Agitation*, it be brought into an *Ointment*, yet after a little settling the *Oyl* will float on the *Top*: So as such imperfect *Mixtures* continue no longer than they are forced; And still in the end the worthiest getteth above.

But otherwise it is of perfect *Mixtures*. For we see these three *Bodies* of *Earth*, *Water* and *Oyl*, when they are joynd in a *Vegetable* or *Mineral* they are so united, as without great subtilty of *Art* and *Force* of *Extraction* they cannot be separated and reduced into the same *simple Bodies* again. So as the difference betweene *Compositi*, and *Mistio* clearly set down is this: That *Compositio* is the *Joyning* or putting together of *Bodies* without a new *Form*; and *Mistio* is the *Joyning* or putting together of *Bodies* under a new *Form*. For the new *Form* is *Commune vinculum*, and without that the old *Forms* will be at *Strife* and *Discord*.

Now to reflect this *Light* of *Nature* upon *Master* of *Estate*: There hath been put in practise in *Government* these two several kinds of *Pollicy*, in *Uniting*, and *Conjoyning* of *States* and *Kingdoms*: The one to retain the ancient *Form* still severed and only conjoynd in *Soveraignty*: The other to super induce a new *Form* agreeable and convenient to the entire *Estate*. The former of these hath been more usual and is more Easie; but the latter is more Happy. For if a man do attentively revolve *Histories* of all *Nations*, and judge truly thereupon, he will make this *Conclusion*: That there was never any *States*, that were good *Commixtures*, but the *Romans*. Which because it was the best *State* of the *World*, and is the best *Example* of this *Point* we will chiefly insist thereupon.

In the *Antiquities* of *Rome*, *Virgil* bringeth in *Jupiter* by way of *Oracle* or *Prediction*, speaking of the *Mixture* of the *Trojans* and the *Italians*.

*Sermonem Ausonii Patrium, moresque tenebant,
Utque est Nomen erit; Commixti corpore tantum;
Subsident Teucri, Mores, Ritumque Sacrorum
Adjiciam; faciamque omnes uno ore Latinos.
Hinc Genus Ausonio mixtum, quod sanguine surgit,
Supra Homines, supra ius Deos pietate videbis.*

A Discourse
of the Union of Eng-
land and
Scotland.

Wherein Jupiter maketh a kind of Partition or Distribution; That *Italy* should give the *Language* and the *Laws*; *Troy* should give a *Mixture* of *Men*, and some *Religious Rites*; And both *People* should meet in one *Name* of *Latines*.

Soon after the *Foundation* of the *City of Rome*, the *People of the Romans* and the *Sabines* mingled upon equal *Terms*. Wherein the *Interchange* went so even that (as *Livy* noteth) the one *Nation* gave the *Name* to the place, the other to the *People*. For *Rome* continued the *Name*, but the people were called *Quirites*, which was the *Sabine* word derived of *Curis* the *Country* of *Tatius*.

But that which is chiefly to be noted in the whole *Continuance* of the *Romane Government*; they were so liberal of their *Naturalizations*, as in effect they made perpetual *Mixtures*. For the manner was to grant the same, not only to *particular persons*, but to *Families*, and *Lineages*; And not only so, but to whole *Cities* and *Countries*. So as in the end it came to that, that *Rome* was *Communis Patria*, as some of the *Civilians* call it.

So we read of *Saint Paul* after he had been beaten with *Rods*, and thereupon charged the *Officer* with the violation of the *Priviledge* of a *Citizen* of *Rome*; The *Captain* said to him; *Art thou then a Roman? That Priviledge hath cost me dear*. To whom *Saint Paul* replied; *But I was so born*, and yet, in another place, *Saint Paul* professeth himself, that he was a *Jew* by *Tribes*: So as it is manifest that some of his *Ancestors* were *naturalized*; and so it was conveyed to him and their other *descendants*.

So we read, that it was one of the first *Despites* that was done to *Julius Caesar*, that whereas he had obtained *Naturalization* for a *City* in *Gaul*, one of the *City* was beaten with *Rods* of the *Consul Marcellus*.

So we read in *Tacitus*, that in the *Emperour Claudius's* time, the *Nation of Gaul* (that part which is called *Comata*, the wilder part) were *Suitors* to be made capable of the honour, of being *Senators* and *Officers* of *Rome*. His words are these: *Cum de supplendo Senatu ageretur, primoresque Gallie, que Comata appellatur, fœdera & civitatem Romanam pridem assecuti, Jus adipiscendorum in urbe Honorum, expeterent; multus, ea super re, variusque Rumor & studiiis diversis, apud Principem, certabatur*. And in the end after long debate it was ruled they should be admitted.

So likewise, the *Authority* of *Nicholas Machiavel* seemeth not to be contemned; who enquiring the *Causes* of the *Growth* of the *Roman Empire* doth give *Judgement*; There was not one greater then this, that the *State* did so easily compound and incorporate with *strangers*.

It is true, that most *Estates* and *Kingdoms* have taken the other *Course*. Of which this effect hath followed; That the *Addition* of further *Empire*, and *Territory* hath been rather matter of *Burthen*, than matter of *Strength* unto them: yea and further it hath kept alive the *Seeds* and *Roots* of *Revolts*, and *Rebellions* for many *Ages*: As we may see in a fresh and notable *Example* of the *Kingdom* of *Aragon*: Which, though it were united

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to *Castile* by Marriage, not by *Conquest*; And so descended in Hereditary Union by the space of more than an 100. years, yet because it was continued in a divided Government; and not well Incorporated and Cemented with the other *Crowns*; entred into a Rebellion upon point of their *Fueros*, or *Liberties* now, of very late years.

Now to speak briefly of the severall parts of that form, whereby *States* and *Kingdomes* are perfectly united; They are (besides the *Sovereignty* it self) four in Number: *Union in Name*, *Union in Language*, *Union in Lawes* *Union in Employments*.

For *Name* though it seem but a superficial and outward Matter, yet it carrieth much Impression, and Enchantment: The Genetall and common Name of *Grecia* made the *Greeks* alwayes apt to unite (though otherwise full of *Divisions* amongst themselves) against other *Nations* whom they called *Barbarous*. The *Helvetian* Name is no small Band to knit together their Leagues and Confederacies the faster. The common Name of *Spain* (no doubt) hath been a special means of the better union and Conglutination of the severall *Kingdomes* of *Castile*, *Aragon*, *Granada*, *Navarre*, *Valentia*, *Catalonia*, and the rest, comprehending also now lately *Portugal*.

For *Language*, it is not needfull to insit upon it; because both your *Majesties Kingdomes* are of one *Language* though of severall *Dialects*, and and the Difference is so small betweene them as promisseth rather an enriching of one *Language*, than a continuance of two.

For *Lawes* which are the Principal Sinews of *Government*; they may be of three Natures, *Jura*, which I will term *Freedome* or *Abilities*, *Leges*, and *Mores*.

For *Abilities* and *Freedomes* they were amongst the *Romans* of four kinds or rather degrees. *Jus Connubii*, *Jus Civitatis*, *Jus Suffragii* and *Jus Petitionis* or *Honorum*. *Jus Connubii*, is a thing in these times out of Use: For *Marriage* is open between all Diversities of *Nations*, *Jus Civitatis* answereth to that we call *Denization* or *Naturalization* *Jus Suffragii* answereth to the *Voice* in *Parliament*; *Jus Petitionis* answereth to place in *Counsel* or *Office*. And the *Romans* did many times sever these *Freedomes*, granting *Jus Connubii*, *sine Civitate*; and *Civitatem*, *sine Suffragio*, and *Suffragium*, *sine Jure Petitionis*, which was commonly with them the last.

For those we called *Leges*, it is a matter of the Curiosity, and Inconveniency to seek either to extirpate all particular *Customes*, or to draw all *Subjects* to one place or resort of *Judicature*, and *Session*. It sufficeth, there be a *Uniformity* in the principal and Fundamental *Lawes*, both *Ecclesiastical* and *Civil*, for in this point, the Rule holdeth which was pronounced by an Ancient Father touching the Diversity of *Rites* in the *Church*; For finding the *Vesture* of the *Queen* in the *Psalme* (which did prefigure the *Church*) was of divers Colours, and finding again that *Christ's Coat* was without a seam, he concludeth well, *In veste varietas sit, Scissura non sit.*

For *Manners*, a consent in them is to be sought industriously, but not to be enforced: For nothing amongst people breedeth so much pertinacy in holding their *Customes*, as suddain and violent offer to remove them.

And as for *Employments* it is no more but in indifferent hand and Execution of that *Verse*.

Tyros, Triusque mihi nullo discrimine agitur.

These remaineth only to remember out of the *Grounds of Nature* the two *Conditions* of perfect mixture; Whereof the former is *Time*. For the *Natural*

tural

tural Philosophers say well; that *Compositio* is *Opus Hominis*; and *Mistio opus Naturæ*. For it is the Duty of Man, to make a fit Application of Bodies together: But the perfect *Fermentation*, and Incorporation of them must be left to *Time* and *Nature*; and *unnatural hasting* thereof doth disturb the work and not dispatch it.

So we see, after the *Graft* is put into the *Stock*, and bound, it must be left to *Time* and *Nature*, to make that *Continuum*, which at the first was but *Continguum*. And it is not any continual pressing or Thrusting together that will prevent *Natures* season, but rather hinder it. And so in *Liquors* those *Commixtures* which are at the first troubled grow after clear and settled by the benefit of Rest and Time.

The second *Condition* is, That the greater draw the less. So we see when two *Lights* do meet, the greater doth darken and dim the less. And when a smaller *River* runneth into a greater, it loseth both his *Name* and *Stream*. And hereof to conclude we see an excellent Example in the *Kingdoms* of *Judaah*, and *Israel*. The *Kingdom* of *Judah* contained Two *Tribes*; The *Kingdom* of *Israel*, contained Ten: *King David*, raigned over *Judah*, for certain years; And after the Death of *Ishbosbeth*, the Son of *Saul* obtained likewise the *Kingdom* of *Israel*. This Union continued in him, and likewise in his son *Solomon*, by the space of 70. years, at least between them both: But yet, because the Seat of the *Kingdom* was kept still in *Judah*, and so the less sought to draw the greater upon the first occasion offered, the *Kingdoms* brake again, and so continued ever after.

Thus having in all humbleness made Oblation to your *Majesty* of these simple fruits, of my *Devotion* and *Studies*; I do wish, and do wish it not in the Nature of an impossibility, (to my apprehension) That this happy *Union* of your *Majesties* two *Kingdoms* of *England* and *Scotland*, may be in as good an hour and under the like *Divine Providence* as that was between the *Romans* and the *Sabines*.

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an approbation, and that my self was by the *Commons* graced with the first Vote of all the *Commons* Selected for that Cause; not in any Estimation of my Ability (for therein so wise an *Assembly* could not be so much deceived) but in an acknowledgement of my extream Labours and integrity, in that business I thought my self every ways bound both in duty to your *Majesty*, and in trust to that *House of Parliament*, and in consent to the matter it felt, and in Conformity to mine own Travails, and Beginnings, not to neglect any pines, that may tend to the furtherance of so excellent a work: Wherein I will endeavour that that which I shall set down be *Nil minus quam verba*: For length and ornament of Speech, are to be used for perswasion of *Multitudes* and not for information of *Kings*: especially such a *King* as is the only instance that ever I knew, to make a man of *Plato's* Opinion, *That all Knowledge is but Remembrance*, and that the *Mind* of *Man* knoweth all things, and demandeth only to have her own *Notions* excited and awaked. Which your *Majesties* rare and indeed singular gift and faculty of swift apprehension and infinite Expansion or multiplication of, another mans Knowledge by your own as I have often observed, so I did extreamly admire in *Goodwins* cause, being a matter full of Secrets and misteries of our *Lawes*, meerly new unto you and quite out of the Path of your Education, Reading and Conference: Wherein nevertheless upon a Spark of Light given, your *Majesty* took in so Dexterously and Profoundly as if you had been indeed *Anima Lquis*. Not only in execution but in understanding: The Remembrance whereof as it will never be out of my mind, so it will alwaies be a warning to me to seek rather to excite your Judgement briefly then to enform it tediously, & if in a matter of that nature, how much in this wherein your *Princely* *Cogitations* have wrought themselves, and been conversant, and wherein the principal Light proceeded from your self.

And therefore my purpose is only to break this matter of the *Union* into certain short *Articles* and *Questions* and to make a certain kind of *Anatomy* or *Analysis* of the parts and members thereof; Not that I am of Opinion that all the *Questions* which I now shall open, were fit to be in the Consultation of the *Commissioners* propounded. For I hold nothing so great an Enemy to good Resolution, as the making of too many *Questions*, Specially in *Assemblies*, which consist of many. For *Princes* for avoiding of Distraction must take many things by way of admittance; And if *Questions* must be made of them, rather to suffer them to arise from others then to grace them, and authorize them as propounded for themselves. Put unto your *Majesties* private Consideration to whom it may better sort with me rather to speak as a *Remembrancer*, than as *Counsellor*, I have thought good to lay before you all the *Branches* *Lineaments*, and *Degrees* of this *Union*, that upon the *View* and consideration of them and their Circumstances your *Majesty* may the more clearly discern and more readily call to mind which of them is to be embraced, and which to be rejected; And of these, which are to be accepted, which of them to be presently to be proceeded in, and which to be put over to further time, and again which of them shall require *Authority of Parliament*, and which are fitter to be effected by your *Majesties* *Royal Power* and *Prerogative*, or by other *Pollicies* or means; And lastly which of them is liket to pass with difficulty and Contradiction, and which with more Facility and Smoothness.

First therefore to begin with that *Question* that I suppose will be out of question.

Whether it be not meet, that the *Statutes*, which were made touching *Scotland*, or the *Scottish Nation*, while the *Kingdoms* stood severed be repealed?

It is true, there is a Diversity in these: For some of these *Lawes* consider

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Statutes concerning
Scotland, and
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land and
Scotland.

Laws, Customs
Commissions,
Officers, of the
Borders or
Marches.

consider *Scotland* as an Enemy Countrey; Others Lawes consider it as a
Fovrain Countrey only: As for Example, the Law of *Rich. 2. anno. 7th.*
which Prohibiteth all Armour, or Victual to be carried to *Scotland*: And
the Law of *7th. of K. H. the 7.* that Enacteth a lke the *Scottish* Men to depart
the Realm within a time prefixed; Both these Lawes, and some others, re-
spect *Scotland* as a Countrey of hostility: But the Law of *22. of Eawa d 4th.*
that endueth *Barrick* with the Liberty of a *Staple*, where all *Scottish* *Mer-*
chandizes should resort that should be uttered for *England*: And likewise
all *English* *Merchandizes* that should be uttered for *Scotland*; This Law be-
holleth *Scotland*, only as a *Fovrain Nation*; And not so much neither; For
there have been erected *Staples*, in Towns of *England*, for some Commodi-
ties, with an Exclusion and Restriction of other parts of *England*.

But this is a Matter of the least Difficulty; your *Majesty* shall have a
Calendar made of the *Laws*, and a *Brief* of the Effect: And so you may judge
of them: And the like, or Reciproque is to be done by *Scotland*, for
such *Laws* as they have concerning *England* and the *English Nation*.
The Second Question is, what *Laws*, *Customs*, *Commissions*, *Officers*,
Griffons and the like, are to be put down discontinued or taken away,
upon the Borders of both Realms.

This point because I am not acquainted with the *Orders* of the *Marches*,
I can say less.

Herein falleth that *Question*, whether that the *Tennants*, who hold their
Tennant Rights in a greater Freedome and Exemption, in Consideration of
their Service upon the *Borders*; And that the *Countries* themselves which
are in the same respect discharged of *Subsidies* and *Taxes*, should not
now be brought to be in one degree with other *Tennants* and *Countries*;
Nam. e' ante causa tollitur Effectus; Wherein in my Opinion, some time would
be given; *Quis ad' uerorum Messis in Herba est*: But some present *Ordinance*
would be made to take effect at a future time considering it is one of the
greatest *Points* and *Marks* of the Division of the *Kingdoms*. And because *Rea-*
son doth dictate, that where the Principal Solution of Continuity was, there
the Healing and Consolidating Plaster should be chiefly applied; There
would be some further Device, for the utter and perpetual Confounding of
those *Imaginary* *Bonds*, (as your *Majesty* termeth them;) And therefore
it would be considered, whether it were not convenient to *Plant* and *Erect*,
at *Carlisle*, or *Barrick* some *Counsel* or *Court* of *Justice*, the *Jurisdiction*
whereof, might extend part into *England*, and part into *Scotland*; With a
Commission; not to proceed precisely, or meetly, according to the *Laws*, and
Customs either of *England* or *Scotland*, but mixtly, according to *Instruction*,
by your *Majesty* to be set down, after the *Imitation*, and *President* of the
Counsel of the *Marches* here in *England*, Erected upon the *Union* of
Wales.

The third *Question* is that, which many will make a great *Question* of, though
perhaps your *Majesty* will make no *Question* of it; And that is, Whether your
Majesty should not make a stop or stand here, and not to proceed to any fur-
ther *Union*; Contenting your Self with the two former *Articles* or *Point*.

For it will be said, That we are now well, (thanks be to God;) And your
Majesty, and the *State* of neither *Kingdom* is to be repented of, And that it
is true which *Hippocrates* saith; That, *Sana Corpora difficile medicatio-*
nes serunt: It is better to make Alterations in sick Bodies, then in sound.
The Consideration of which point, will rest upon these two *Branches*: What
Inconveniencies will ensue with time, if the *Realms* stand as they are,
divided.

Further Union
besides the
Removing of
Inconvenient
and dissenting
Laws and
Usages

divided, which are yet not found nor sprung up. For it may be the sweetness of your *Majesties* first entrance, and the great Benefit that both *Nations* have felt thereby, hath covered many *Inconveniences*; which nevertheless be your *Majesties* Government, never so gracious and Politick, Continuance of time and the Accidents of time may breed and discover, if the *Kingdomes* stand divided.

The second *Branchis*, allow no manifest or important Peril or *Inconvenience* should ensue of the continuing of the *Kingdomes* divided, yet on the other Side, whether that upon the further *Uniting* of them, there be not like to follow that Addition and increase of Wealth and Reputation, as is worthy your *Majesties* vertues and Fortune, to be the Author and Founder of, for the advancement and Exaltation of your *Majesties* Royal posterity in time to come.

But admitting that your *Majesty* should proceed to this more perfect and entire *Union*, wherein your *Majesty* may say *Majus Opus moveo*, to enter into the *parts* and *degrees* thereof, I think fit first to set down as in a brief *Table* in what points the *Nations* stand now at this present time already united, and in what *Points* yet still severed and divided, that your *Mjesty* may the better see what is done, and what is to be done; And how that which is to be done is to be inferred upon that which is done.

The *Points*, wherein the *Nations* stand already united are;

In *Sovereignty*.

In the *Relative* thereof which is *Subjection*.

In *Religion*.

In *Continent*.

In *Language*.

And now lastly, by the Peace by your *Majesty* concluded with *Spain* in *Leagues* and *Confederacies*, for now both *Nations* have the same *Friends* and the same *Enemies*.

Yet notwithstanding there is none of the six points, wherein the *Union* is perfect, and *Consummate*; But every of them hath some scruple or rather *Grain* of separation enwrapped and included in them.

For the *Sovereignty*, the *Union* is absolute in your *Majesty* and your *Generation*, but if it should so be (which *God* of his infinite mercy defend) that your *Issue* should fail, then the descent of both *Realms* doth resort to the several *Lines* of the Several *Blouds* Royal.

For *Subjection*, I take the Law of *England* to be clear, (what the Law of *Scotland* is I know not) That all *Scottishmen* from the very Instant of your *Majesties* *Reign* begun, are become *Denizens*, and the *Post-Nati* are naturalized Subjects of *England* for the time forewards: For by our *Laws* none can be an *Alien*, but he that is of another Allegiance, than our *Sovereign* Lord the *Kings*; For there be but two sorts of *Aliens*, whereof we find mention in our *Law*, an *Alien Ami*, and an *Alien Enemy*, whereof the former is a *Subjeēt* of *State* in *Amity* with the *King*. and the latter a *Subjeēt* of a *State* in *Hostility*: but whether he be one ore other, it is an *Essential* Difference unto the Definition of an *Alien*, if he be not of the *Kings* Allegiance, as we see it evidently in the president of *Ireland*, who since they were *Subjeēs* to the *Crown* of *England*, have ever been *Inheritable* and capable as *Natural* *Subjeēs*, and yet not by any *Statute* or *Act* of *Parliament*, but meerly by the *Common* *Law*, and

Articles touching the Union of England and Scotland.

Points wherein the Nations stand already united.

Sovereignty
Line Royal.

Subjection
Obedience.

Alien
Naturalization.

Articles
touching
the Union
of Eng-
land and
Scotland.

Religion,
Church-Go-
vernment.

Continent
Borders.

Language.
Dialect.

Leagues Con-
federacies.
Treaties.

External
points of the
Separation
and Union.

The Ceremo-
nial or Mate-
rial Crowns.

the Reason thereof. So as there is no doubt, that every *subject* of *Scotland* was, and is in like *Plight* and *degree*, since your *Majesties* coming in, as if your *Majesty* had granted particularly your *Letters of Denization* or *Naturalization* to every of them, and the *Post Nati* wholly *Natural*. But then on the other side, for the time *Backwards*, and for those that were *Ante-Nati*, the *Bloud* is not by *Law* naturalized, so as they cannot take it by descent from their *Ancestors* without *Act* of *Parliament*. And therefore in this *Point* there is a *defect* in the *Union* of *Subjection*.

For matter of *Religion* the *Union* is perfect in points of *Doctrin*, but in matter of *Discipline* and *Government*, it is imperfect.

For the *Continent* it is true, there are not natural *Poundaries* of *Mountains* or *Seas*, or *Navigable Rivers*, but yet there are *Badges* and *memorials* of *Borders*, of which point I have spoken before.

For the *Language* it is true, the *Nations* are *unius Labii*, and have not the first *Curse* of *Disunion*, which was *Confusion* of *Tongues* whereby one understood not another. But yet the *Dialect* is differing and it remaineth a kind of *Mark* of *Distinction*. But for that *Tempori permitendum*, it is to be left to *Time*: For considering that both *Languages*, do concur in the principal *Office* and *Duty* of a *Language*, which is to make a *Man* self understood; For the rest, it is rather to be accounted (as was said) a *Diversity* of *Dialect*, than of *Language*: and as I said in my first *Writing*, it is like to bring forth the enriching of one *Language*, by compounding and taking in the proper and significant words of either *Tongue*, rather than a continuance of two *Languages*.

For *Leagues* and *Confederacies*; It is true, that neither *Nation* is now in *Hostility* with any *State*, wherewith the other *Nation* is in *Amity*: but yet so, as the *Leagues* and *Treaties* have been concluded with either *Nation* respectively, and not with both jointly; which may contain some *Diversity* of *Articles* of *straitness* of *Amity* with one more than with the other.

But many of these matters may perhaps be of that kind as may fall within that *Rule*, *In veste varietas sit, scissura non sit*.

Now to descend to the particular *Points* wherein the *Realms* stand severed and divided, over and besides the former six *Points* of *separation*, which I have noted and placed as *defects* or *Abatements* of the six *Points* of the *Union*, and therefore shall not need to be repeated. The *Points* I say yet remaining I will divide into *External* and into *Internal*.

The *External Points* therefore of the *separation* are four.

1. The several *Crowns*, I mean the *Ceremonial* and *Material Crowns*.
2. The second is the several *Names*, *Stiles*, or *Appellations*.
3. The third is the several *Prints* of the *Scales*.
4. The fourth is the several *Stamps* or *marks* of the *Coins* or *Monies*.

It is true that the *External* are in some respect and parts much mingled, and interlaced with *Considerations Internal*, and that they may be as effectual to the true *Union* which must be the work of *Time*, as the *Internal*, because they are operative upon the *Conceits* and *Opinions* of the *People*: the *Uniting* of whose hearts and affections is the life and true *End* of this *Work*.

For the *Ceremonial Crowns* the *Question* will be whether there shall be framed one new *Imperial Crown* of *Britain* to be used for the times to come. Also admitting that to be thought *Convenient* whether in the frame thereof there shall not be some *Reference* to the *Crowns* of *Ireland* and *France*.

Also

Alto whether your Majesty should repeat or iterate your own Coronation, and your Queens, or only ordain that such new Crown shall be used by your Posterity hereafter.

The Difficulties will be in the Conceit of some Inequality, whereby the Realm of Scotland may be thought to be made an Accession unto the Realm of England. But that resteth in some circumstances: for the Compounding of the two Crowns is equal; The Calling of the new Crown the Crown of Britain is equal. Onely the Place of Coronation if it shall be at Westminster, which is the ancient August and Sacred place for the Kings of England may seem to make a Inequality: And again, if the Crown of Scotland be discontinued, then that Ceremony which I hear is used in the Parliament of Scotland, in the absence of the Kings to have the Crowns carried in solemnity, must likewise cease.

For the Name, the main question is whether the Contradicted Name, of Britain shall be by your Majesty used or the Divided Names of England and Scotland.

Admitting there shall be an alteration, then the Case will require these Inferiour Questions.

First, whether the Name of Britain shall not only be used in your Majesties Stile, whether the entire Stile is recited, and in all other Formes the divided Names to remain, both of the Realms and of the People; Or otherwise that the very divided Names of Realms and People shall likewise be changed or turned into special or subdivided Names of the General Name, that is to say, for Example, whether your Majesty in your Stile shall denominate your self, King of Britain, France and Ireland, &c. And yet nevertheless in any Commission, Writ, or otherwise, where your Majesty mentioneth England or Scotland, you shall retain the ancient Names, as *Secundum Consuetudinem Regni nostri Angliæ*; or whether those divided Names shall be for ever lost and taken away, and turned into the subdivisions of South-Britain, and North-Britain, and the People to be South-Britains and North-Britains, and so in the Example aforesaid, the Tenour of the like clause to run *Secundum Consuetudinem Britannia Australis*.

Also if the former of these shall be thought convenient, whether it were not better for your Majesty to take that alteration of Stile upon you by Proclamation, as Edward the third did the Stile of France, than to have it enacted by Parliament.

Also in the Alteration of the Stile, whether it were not better to transpose the Kingdom of Ireland, and put it immediately after Britain, and so place the Islands together, and the Kingdom of France being upon the Continent last, in regard that these Islands of the Western Ocean seem by Nature and Providence an entire Empire in themselves, and also that there was never King of England, so entirely posselt of Ireland as your Majesty is: So as your Stile to run King of Britain, Ireland, and the Islands Adjacent, and of France, &c.

The difficulties in this, have been already throughly Beaten over, but they gather but to two Heads.

The one, point of Honour and Love to the former Names.

The other, Doubt, lest the Alteration of the Name may induce and involve an Alterations of the Lawes and Policies of the Kingdoms; Both which, if your Majesty shall assume the Stile by Proclamation and not by Parliament are in themselves satisfied: for then the usual Names.

must.

Articles
touching
the Union
of Eng-
land and
Scotland.

The Stiles and
Names.

Articles
touching
the Uni-
on of Eng-
land and
Scotland.

The Seales.

The Stan-
dards and
Stamps, Mo-
neys

mult needs remain, in *Writs* and *Records*, the formes whereof cannot be altered but by *Act of Parliament*, and so the point of Honour satisfied. And again, your *Proclamation* altereth no *Law*, and so the scruple of a tacite or implied *Alteration* of *Laws*, likewise satisfied. But then it may be considered whether it were not a *Form* of the greatest *Honour*. if the *Parliament* though they did not enact it, yet should become *Suiters* and *Petitioners* to your *Majesty* to assume it.

For the *Seales*; that there should be but one *Great Seal* of *Britain*, and one *Chancellor*, and that there should onely be a *Seal* in *Scotland* for *Procelles* and *ordinary Justice*; and that all *Patents* of *Graunts* of *Lands* or otherwise, as well in *Scotland*, as in *England*, should pass under the *Great Seal* here, kept about your *Person*; It is an *Alteration internal*, whereof I do not now speak.

But the *Question* in this Place is, whether the *Great Seales* of *England* and *Scotland* should not be changed into one and the same *Form* of *Image* and *Superscription* of *Britain*, which nevertheless is requisite should be, with some one plain of manifest *Alteration*, lest there be a *buz*, and suspect that *Grants* of *Things* in *England*, may be passed by the *Seal* of *Scotland*, or *è converso*.

Also, whether this *Alteration* of *Form*, may not be done without *Act*, of *Parliament*, as the *Great Seales* have used to be heretofore changed as to their *Impressions*.

For the *Moneys*, as to the *Real* and *Internal* Consideration thereof, the *Question* will be, whether your *Majesty* should not continue two *Mints*, which the *Dittance* of *Territory* considered) I suppose will be of *Necessity*.

Secondly, how the *Standards* (if it be not already done, as I hear some doubt made of it in popular *Rumour*) may be reduced into an exact proportion for the time to come; And likewise the *Computation*, *Tale* or *Valuation* to be made exact for the *Moneys* already beaten.

That done, the last *Question* is, (which is only proper to this place) whether the *Stamp* or the *Image* and *Superscription* of *Britain* for the time forwards should not be made the self same in both places, without any difference at all. A matter also which may be done as our *Law* is, by your *Majesties Prerogative* without *Act* of *Parliament*.

These *Points* are *Points* of *Demonstration Ad faciendum populuz*, but so much the more they go to the *Root* of your *Majesties Intention*, which is to imprint and inculcate into the *Hearts* and *Heads* of the *People*, that they are one *People* and one *Nation*.

In this kind also, I have heard it, passe, abroad in *Speech* of the *Erection* of some *new Order* of *Knighthood*, with a *Reference* to the *Union*, and an *Oath* appropriate thereunto, which is a *Point* likewise deserveth a *Consideration*. So much for the *External Points*.

Internal
Points of Uni-
on.

The *Internal Points* of *Separation*, are as followeth.

1. Several *Parliaments*.
2. Several *Councils* of *Estate*.
3. Several *Officers* of the *Crown*.
4. Several *Nobilities*.
5. Several *Laves*.
6. Several *Courts* of *Justice*, *Trials*, and *Procelles*.

7. Several Receipts and Finances.
8. Several Admiralties and Merchandisings.
9. Several Freedoms and Liberties.
10. Several Taxes and Imposts.

As touching the several States Ecclesiastical, and the several Mints and Standards, and the several Articles and Treaties and Intercourse with Foreign Nations, I touched them before.

In these Points of the straight and more inward Union there will intervene one principal Difficulty and Impediment growing from that Root, which Aristotle in his *Politicks* maketh to be the Root of all division and dissention in *Common-Wealths*, and that is *Equality* and *Inequality*. For the *Realm* of Scotland is now an Ancient and noble *Realm*, substantive of it self. But when this *Island* shall be made *Britain*, then *Scotland* is no more to be considered as *Scotland*, but as a part of *Britain*; No more than *England* is to be considered as *England* but as a part likewise of *Britain*, and consequently neither of these are to be considered as things entire of themselves but in the proportion that they bear to the whole. And therefore let us imagine (*Nam id mente vissumus, quod actu non possumus*) that *Britain* had never been divided, but had ever been one *Kingdome*, then that part of *Soyl*, or *Territory*, which is comprehended under the Name of *Scotland*, is in quantity (as I heard it esteemed, how truly I know not) not past a third part of *Britain*; and that part of *Soyl* or *Territory* which is comprehended under the Name of *England*, is two parts of *Britain*, leaving to speak of any difference of *Wealth* or *Population*, and speaking only of *Quantity*. So then if for Example *Scotland* should bring to *Parliament* as much *Nobility* as *England*, then a Third part should countervail two parts; *Nam si inequalibus aequalia addas omnia erunt, Inequalia*. And this I protest before God and your Majesty, I do speak not as a man born in *England*, but as a man born in *Britain*. And therefore to descend to the particulars.

For the *Parliaments* the Consideration of that Point will fall into four *Questions*.

1. The first, what proportion shall be kept between the *Votes* of *England* and the *Votes* of *Scotland*.

2. The Second touching the *manner* of *Proposition*, or *possessing* of the *Parliament* of *Causes* there to be handled; which in *England* is used to be done immediately by any *member* of the *Parliament*, or by the *Prolocutor*, and in *Scotland* is used to be done immediately by the *Lords* of *Articles*, whereof the one *Form* seemeth to have more *Liberty*, and the other more *Gravity*, and *Maturity*, and therefore the *Question* will be, whether of these shall yield to other, or whether there should not be a *Mixture* of both, by some *commissions* precedent to every *Parliament* in the nature of *Lords* of the *Articles*, and yet not excluding the liberty of propounding in full *Parliament* afterwards.

3. The Third, touching the *Orders* of *Parliament*, how they may be compounded and the best of either taken.

4. The Fourth, how those which by *Inheritance* or otherwise, have *Offices* of *Honour* and *Ceremony* in both the *Parliaments*, as the *Lord Steward* with us, &c. may be satisfied and *Duplicity* accommodated.

For

Articles
touching
the Uni-
on of Eng-
land and
Scotland.

1. Parliament.

Articles
touching
the Union
of England,
and Scot-
land.

2. Councils
of Estate.

3 Officers
of the Crown.

4. Nobilities.

5. Lawes.

For the *Councils of Estate*, while the *Kingdoms* stand divided, it should seem necessary to continue several *Councils*, but if your *Majesty* should proceed to a strict *Union*, then howsoever your *Majesty* may establish some *Provincial Councils* in *Scotland* as there is here of *York* and in the *Marches of Wales*, yet the question will be, whether it will not be more convenient for your *Majesty*, to have but one *Privy Council* about your *Person*, whereof the *Principal Officers* of the *Crown of Scotland* to be for *Dignity* sake, howsoever their abiding and remaining may be as your *Majesty* shall imploy their Service. But this Point belongeth meerly and wholly to your *Majesties Royal Will* and pleasure.

For the *Officers* of the *Crown* the consideration thereof will fall into these *Questions*.

First in regard of the *Latitude* of your *Kingdom* and the *Distance* of *Place* whether it will not be *Matter of necessity* to continue the several *Officers*, because of the *Impossibility* for the service to be performed by one.

The *Second* admitting the *duplicity* of *Officers* should be continued, yet whether there should not be a difference that one should be the *Principal Officer*, and the other to be but *Special* and *subaltern*: as for example one to be *Chancellor of Britain*, and the other to be *Chancellor* with some special addition, as here of the *Dutchy*, &c.

The *Third* if no such specialty or inferiority be thought fit, then whether both *Officers* should not have the *Title* and the *Name* of the whole *Island* and *Precincts*: As the *Lord Chancellor of England* to be *Lord Chancellor of Britain*; And the *Lord Chancellor of Scotland*, to be *Lord Chancellor of Britain*, but with several provisos that they shall not intronit themselves, but within their several precincts.

For the *Nobilities*, the consideration thereof will fall into these *questions*.

The *First* of their *Votes in Parliament* (which was touched before) what proportion they shall bear to the *Nobility of England*, wherein if the proportion which shall be thought fit be not full yet your *Majesty* may out of your *Prerogative* supply it, for although you cannot make fewer of *Scotland*, yet you may make more of *England*.

The *Second* is touching the *Place*, and *Precedence* wherein to marshal them according to the *Precedence* of *England* in your *Majesties Stile*, and according to the *Nobility* of *Ireland*, that is all *English Earls first*, and then *Scottish* will be thought unequal for *Scotland*. To marshal them according to *Antiquity*, will be thought unequal for *England*. Because I hear the *Nobility* is generally more ancient: And therefore the question will be whether the indifferentest way were not to take them enterchangeably, as for Example *First*, the ancient *Earl of England*; and then the ancient *Earl of Scotland*, and so *Alternis Vicibus*.

For the *Lawes*, to make an intire and perfect *Union*, it is a matter of great difficulty and length, both in the *Collecting* of them and in the *passing* of them. For first as to the *Collecting* of them, there must be made by the *Lawyers* of either *Nation*, a *Digest* under *Titles* of their several *Lawes* and *Customes*, as well *Common Lawes*, as *Statutes*, that they may be *Collated* and *Compared*, and that the *diversities* may appear, and be discerned of. And for the *Passing* of them we see by experience that *Patris mos* is dear to all men and that men are bred and nourished up in the *Love* of it, and therefore how harsh *Changes & Innovations* are. And we see likewise what *disputation & argument* the *Alteration* of some one *Law* doth cause & bring forth, how much more the alteration of the whole *Corps* of the *Law*? Therefore the first

Question

Question will be whether it be not good to proceed by parts, and to take that that is most necessary and leave the rest to Time? The parts therefore or Subject of *Laws*, are for this purpose first distributed, according to that ordinary Division of *Criminal* and *Civil*, and those of *Criminal Causes*, into *Capital* and *Penal*.

The second *Question* therefore is, allowing the General Union of *Laws* to be too great a Work to embrace, whether it were not convenient that *Cases Capital* were the same in both *Nations*, I say the *Cases*, I do not speak of the *Proceedings* or *Trials*; That is to say, whether the same *Offences* were not fit to be made *Treason* or *Felony* in both places?

The third *Question* is, whether *Cases Penal*, though not *Capital*, yet if they concern the *Publick State*, or otherwise the *Discipline of Manners* were not fit likewise to be brought into one *Degree*, as the *Case* of *Misprision of Treason*, The *Case* of *Premunire*, the *Case* of *Expurgues*, the *Case* of *Incest*, the *Case* of *Simony* and the rest.

But the *Question* that is more urgent then any of these is; whether these *Cases*, at the least be they of an higher or inferiour degree, where in the *Fact* committed, or *Act* done in *Scotland*, may prejudice the *State* and *Subjects* of *England*, or *converso*, are not to be reduced into one *Uniformity*, of *Law* and *punishment*, as for example a perjury committed in a *Court of Justice* in *Scotland*, cannot be prejudicial in *England*, because *Depositions* taken in *Scotland*, cannot be produced and used here in *England*. But a *Forgery* of a *Deed* in *Scotland*, I mean with a false *Date* of *England* may be used and given in *Evidence* in *England*. So likewise the depopulating of a *Town* in *Scotland*, doth not directly prejudice the *State* of *England*: But if an *English Merchant* shall carry *Silver* and *Gold* into *Scotland* (as he may) and thence transport it into forrain parts, this prejudiceth the *State* of *England*, and may be an *Evasion* to all the *Laws* of *England*, ordained in that *Case*: And therefore had need to be bridled with as severe a *Law* in *Scotland*, as is here in *England*.

Of this kind there are many *Laws*.

The *Law* of the 50th. of *Rich.* the 2. of going over without licence, if there be not the like *Law* in *Scotland* will be frustrated and evaded: For any *Subject* of *England* may go first into *Scotland*, and thence into forrain parts.

So the *Laws* prohibiting Transportation of sundry *Commodities*, as *Gold*, and *Silver*, *Ordnance*, *Artillery*, *Corn*, &c. if there be not a Correspondence of *Laws* in *Scotland*, will in like manner be deluded and frustrate: For any *English Merchant* or *Subject* may carry such *Commodities* first into *Scotland*, as well as he may carry them from *Port* to *Port* in *England*. And out of *Scotland* into *Forrain Parts*, without any peril of *Law*.

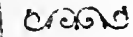
So *Libel*, may be devised and written in *Scotland*, and published and scattered in *England*.

Treasons may be plotted in *Scotland* and executed in *England*.

And so in many other *Cases*, if there be not the like Severity of *Law* in *Scotland*, to restrain *Offences*, that there is in *England*; (whereof we are here ignorant whether there be or no) It will be a Gap or stop even for *English Subjects* to escape and avoid the *Laws* of *England*.

But for *Treasons* the best is that by the *Statute* of 26. *K. Hen.* the 8. *Cap.* 13. any *Treason* committed in *Scotland*, may be proceeded with in *England* as well as *Treasons* committed in *France*, *Rome* or elsewhere.

Articles
touching
the Union
of England,
and Scot-
land.



6. Courts of
Justice, and
Administrati-
on of Lawes

For *Courts of Justice, Trials, Process, and other Administration of Lawes*, to make any *Alteration* in either *Nation* it will be a Thing so new and unwanted to either *People*; That it may be doubted it will make the *Administration of Justice*, (Which of all other Things ought to be known, and certain as the beaten way;) to become intricate and uncertain: And besides, I do not see that the *Severalty of Administration of Justice*, though it be by *Court Sovereign of last resort*; (mean without *Appeal, or Errour*,) is any Impediment at all to the *Union of a Kingdom*: As we see by Experience, in the several *Courts of Parliament*, in the *Kingdom of France*: And I have been alwayes of Opinion, that the *Subjects of England* do already fetch *Justice* somewhat far off, more then in any *Nation* that I know, the largeness of the *Kingdom* considered, though it be holpen in some part by the *Circuits of the Judges*; And the two *Councils at Yorke*, and the *Marches of Wales* established.

But it may be a *Question*, whether as *Commune Vinculum*, of the *Justice of both Nations*; your *Majesty* should not erect some *Court* about your person in the Nature of the *Grand Council of France*: To which *Court* you might by way of *Evocation* draw *Causes* from the ordinary *Judges* of both *Nations*; For so doth the *French King* from all the *Courts of Parliament in France*; Many of which are more remote from *Paris* then any part of *Scotland* is from *London*.

For *Receipts and Finances*, I see no *Question* will arise; In regard it will be Matter of Necessity to establish in *Scotland*, a *Receipt of Treasure*, for *Payments*, and *Erogations* to be made in those parts: And for the *Treasure of Spare*, in either *Receipts* the *Custoaries* thereof may well be several; considering by your *Majesties Commandment*, they may be at all times removed, or disposed according to your *Majesties Occasions*.

For the *Patrimonies* of both *Crowns*, I see no *Question* will arise; Except your *Majesty* would be pleased to make one compounded *Annexation*, for an *Inseparable Patrimony*. to the *Crown* out of the *Lands* of both *Nations*; And so the like for the *Principality of Britaine*, and for other *Appennages*, of the rest of your *Children*; Erecting likewise such *Duchies* and *Honours* compounded of the *Possessions* of both *Nations*, as shall be thought fit.

For *Admiralty or Navy*, I see no great question will arise: For I see no Inconvenience for your *Majesty* to continue *Shipping* in *Scotland*. And for the *Jurisdictions* of the *Admiralties*, and the *Profist*, and *Casualties* of them, they will be respective unto the *Coasts*, over against which the *Seas* lye and are situated; As it is here with the *Admiralties of England*.

And for *Merchandizing* it may be a *Question*, whether that the *Companies* of the *Merchant Adventurers*, of the *Turkie Merchants* and the *Muscovy Merchants*, (if they shall be continued,) should not be compounded of *Merchants* of both *Nations*, *English* and *Scottish*. For to leave *Trade* free in the one *Nation*, and to have it restrained in the other may percase breed some *Inconvenience*.

For *Freedomes and Liberties* the *Charters* of both *Nations* may be revived: And of such *Liberties* as are agreeable, and convenient for the *Subjects*, and *People* of both *Nations*, one *Great Charter* may be made and confirmed to the *Subjects of Britaine*; And those *Liberties* which are peculiar or proper to either *Nation* to stand in State as they do.

But

7. Receipts, Fi-
nances, and
Patrimonies
of the Crown.

8. Admiralty,
Navy, and
Merchandizing.

9. Freedom
and Libertie.

But for *Impots* and *Customs* it will be a great *Question*, how to accommodate them, and reconcile them: For if they be much easier in *Scotland* than they be here in *England* (which is a Thing I know not) then this Inconvenience will follow; That the *Merchants* of *England*, may unlade in the *Ports* of *Scotland*; and this *Kingdome* to be served from thence, and your *Majesties Customs* abated.

And for the question, whether the *Scottish Merchants* should pay *Strangers Custom* in *England*, that respecth upon the *Point* of *Naturalization*, which I touch'd before.

Thus have I made your *Majesty* a brief and naked *Memorial* of the *Articles* and *Points* of this great *Cause*, which may serve only to excite and stir up your *Majesties Royal Judgment*, and the *Judgment* of *Wiser Men* whom you will be pleas'd to call to it: Wherein I will not presume to perswade or dissuade any thing; Nor to interpose mine own *Opinion*; But do expect light from your *Majesties Royal directions*; Unto the which I shall ever submit my *Judgement*, and apply my *Travaille*;: And I most humbly pray your *Majesty* in this which is done to pardon my *Errours*, and to cover them with my good *Intention* and meaning, and desire I have to do your *Majesty Service*, and to acquit the *Trust* that was reposed in me, and chiefly in your *Majesties* benign and gracious acceptation.

the beginning of the History of Great Britain.

10. Taxes and Imposts.



THE
B E G I N N I N G
OF THE
H I S T O R I E,
OF
G R E A T B R I T A I N.

BY the *Decease* of *Elizabeth Queen of England*, the *Issues* of
B *King Henry* the 8th. failed, being spent in one *Generation*,
 and three *Successions*. For that *King* though he were one
 of the goodliest *Persons* of his time, yet he left onely by
 his six *Wives* three *Children*; who *Reigning* successively,
 and *dying* childless, made place to the *Line* of *Margaret*,
 his eldest sister Married to *James* the 4th. *King* of *Scotland*.
 There succeeded therefore to the *Kingdome* of *England*
James the 6th. then *King* of *Scotland* descended of the same *Margaret*, both by
Father and *Mother*: So that by a rare *Event* in the *Pedegrees* of *Kings* it seem-
 ed as if the *Divine Providence*, to extinguish and take away all *Note* of a
Stranger, had doubled upon his *Person* within the *Circle* of one *Age*, the *Royal*
Bloud of *England*, by both *Parents*. This *Succession* drew towards it the
Eyes of all men, being one of the most memorable accidents that had hapned
 a long time in the *Christian World*. For the *Kingdom* of *France*, having been
 reunited in the *Age* before in all the *Provinces* thereof formerly dismembred:
 And the *Kingdom* of *Spain* being of more fresh memory, and united and made
 entire by the annexing of *Portugal* in the person of *Philip* the second, there re-
 mained but this third and last *Union*, for the counterpoizing of the power of
 these three great *Monarchies*; and the disposing of the *Affaires* of *Europe*, there-
 by to a more assured and universal *Peace* and *Concord*. And this event did
 hold mens observations and *Discourses* the more, because the *Island* of *Great*
Britain divided from the Rest of the *World*, was never before united in it self
 under one *King*, notwithstanding the *People* be of one *Language*, and not sepa-
 rate by *Mountains* or great *Waters*: and notwithstanding also that the *uniting*
 of them, had been in former times industriously attempted both by *War* and
Treaty. Therefore it seemed a manifest work of *Providence* and *Care* of *Re-*
servation

servation for these times; Inſomuch as the vulgar conceived that now there was an End given, and a conſummation to ſuperſtitious Prophecies (The Relief of Fools, but the Talk ſometimes of wiſe Men,) and to an ancient tacite Expectation, which had by Tradition been inſuſed and inveterated into Mens Minds. But as the beſt divinations, and Predictions are the Politick and probable Foreſight, and conjectures of wiſe men, ſo in this matter the Providence of King Hen. the 7th. was in all mens mouths; Who being one of the deſper and moſt prudent Princes of the World, upon the deliberation concerning the Marriage of his Eldeſt Daughter into Scotland, had by ſome Speech uttered by him ſhewed himſelf ſenſible, and almoſt Precient of this event.

Neither did there want a concurrence of divers Rare external Circumſtances (beſides the vertues and conditions of the Perſon) which gave great Reputation to this Succeſſion. A King in the ſtrength of his years, ſupported with great Alliances abroad, eſtabliſhed with Royal Iſſue at home, at Peace with all the World, practiſed in the Regiment of ſuch a Kingdom, as might rather enable a King by variety of accidents, than corrupt him with Affluence or vain glory; and one that beſides his univerſal capacity and judgement was notably exerciſed and practiſed in matters of Religion, and the Church; which in theſe times by the conſuſed uſe of both Swords, are become ſo intermixed with conſiderations of Eſtate, as moſt of the Counſails of Sovereign Princes or Republicques depend upon them: But nothing did more fill Forraign Nations with admiration and Expectation of his Succeſſion, then the wonderfull and (by them) unexpected conſent of all Eſtates and Subjects of England for the receiving of the King without the leaſt ſcruple, Pauſe, or Queſtion. For it had been generally diſperſed by the Fugitives beyond the Seas (who partly to apply themſelves to the Ambition of Forreiners; and partly to give Eſtimation and value to their own Employments; uſed to repreſent the ſtate of England in a falſe light) That after Queen Elizabeths Deceafe there muſt follow in England nothing but Confuſions, Interreigns and perturbations of Eſtate, likely for to exceed the ancient Calamities of the Civil Wars between the Houſes of Lancaſter and York, by how much more the Diſſentions were like to be more Mortal and Bloudy, when Forraign Competition ſhould be added to Domeſtical; and diſviſions for Religion to matter of Title to the Crown. And in ſpecial, Parſons the Jeſuite under a diſguiſed Name had net long before publiſhed an expreſs Treatiſe, wherein whether his malice made him believe his own Fancies, Or whether he thought it the fitteſt way to move Seditiſon, Like evil Spirits, which ſeem to foretel the Tempeſt, they mean to move; He laboured to diſplay and give colour to all the vain Pretences and dreams of Succeſſion which he could imagine, and thereby had poſſeſſed many abroad that knew not the Affairs here with thoſe his Vanities. Neither wanted there here within this Realm, divers Perſons both Wiſe and well affected, who though they doubted not of the undoubted Right; yet ſetting before themſelves the waves of peoples Hearts (Guided no leſs by ſuddain and temporary Winds, then by the natural Courſe and motion of the Waters) were not without fear what might be the event? For Queen Elizabeth being a Prince of extream Caution; and yet one that loved Admiration above ſafety, And knowing the declaration of a Succeſſor might in a point of ſafety be diſputable; But in point of Admiration and reſpect, aſſuredly to her Diſadvantage; Had from the beginning ſet it down for a Maxime of Eſtate to impoſe a Silence touching Succeſſion. Neither was it onely Reſerved, as a Secret of Eſtate, but Reſtrained by ſeveral Laws; That no man ſhould preſume to give

The begin-
ning of the
Hiſtory of
Great Bri-
tain.



The Inauguration of the History of Great Britain.

Opinion, or maintain Argument touching the same; So, though the Evidence of Right, drew all the Subjects of the *Lana* to think one thing; yet the Fear of Danger of Law, made no man privy to others thought. And therefore it rejoiced all men to see so fair a morning for a *Kingdome*, and to be thoroughly secured of former apprehensions; as a man that awakes out of a *Fearful Dream*. But so it was that not only the consent, but the Applause and Joy was infinite and not to be expressed throughout the *Realm of England* upon this *Succession*: Whereof the consent (no doubt) may be truly ascribed to the Certainties of the Right; but the general joy, alacrity and Gratulation were the effects of differing Clauses. For *Queen Elizabeth* although she had the use of many both Vertues and Demonstrations that might draw and knit unto her the hearts of her people; yet nevertheless carrying a hand *Refrained in Gift and strained in Points of Prerogative*, could not not answer the Votes either of *Servants* or *Subjects* to a full contentment, especially in her latter dayes, when the continuance of her *Reign* (which extended to Five and Forty years) might discover in *People*, their *Natural desire* and *Inclination* towards *change*; so that a new *Court* and a new *Reign* were not to many unwelcome. Many were glad, and especially those of *Setled Estate* and *Fortune*, that the *Fears* and *Uncertainties* were *Overblown*, and that the *Dye* was *cast*: Others that had made their way with the *King*, or offered their *Service* in the *Time* of the *former Queen*, thought now the time was come for which they had prepared: and generally all such as had any dependance upon the late *Faith* of *Eliz.* (who had mingled the secrecy of his own ends, with the popular preference of advancing the *Kings Title*,) made account their *Cause* was mended. Again such as might misdoubt they had given the *King* any occasion of distaste, did continue by their Forwardness and confidence to shew it was but their *Faithfulness* to the *Former Government*, and that those *Affections* ended with the *Time*. The *Papists* nourished their hopes by collating the case of the *Papists in England*, and under *Queen Elizabeth*, and the Case of the *Papists in Scotland* under the *King*: Interpreting that the Condition of them in *Scotland* was the less grievous: and divining of the *Kings Government* here accordingly: Besides the Comfort they ministered themselves from the memory of the *Queen* his *Mother*. The *Ministers* and those which stood for the *Priestery*, thought their cause had more Sympathy with the *Discipline* of *Scotland*, then the *Hierarchy* of *England*, and so took themselves to be a degree nearer their desires. Thus had every Condition of persons some contemplation of Benefit, which they promised themselves; over-reaching perhaps according to the nature of hope, but yet not without some probable ground of Conjecture. At which time also there came forth in print the *Kings Book*, entitled *Βασιλικον Δάρον*: Containing matter of Instruction to the *Prince* his *Son*, touching the *Office* of a *King*, which *Book* falling into every Mans hands, filled the whole *Realm*, as with a good perfume or incense before the *Kings coming in*: For being excellently written and having nothing of Affectation, it did not only satisfy better, than particular reports touching the *Kings disposition*, but far exceeded any formal or curious *Edict* or *declaration*, which could have been devised of that Nature, wherewith *Princes* in the beginning of their *Reigns* do use to grace themselves, or at least express themselves gracious in the eyes of their *People*. And this was for the general *State* and *Constitution* of mens minds upon this change: The *Actions themselves* passed in this *Manner*, &c.

The rest is wanting.



A

LETTER AND DISCOURSE.

TO
Sir, HENRY SAVILL,
TOUCHING
HELPS
FOR THE
INTELLECTUAL POWERS.

S I R.

Coming back from your Invitation at *Eaton*, where I had refreshed my Self with Company which I loved ; I fell into a Consideration of that Part of *Policy*, whereof *Philosophy* speaketh too much, and *Laws* too little ; And that is of *Education of Youth*. Whereupon fixing my mind, a while I found strait ways, and noted even in the *Discourses of Philosophers* which are so large in this Argument, a strange Silence, concerning one principal Part of that Subject : For as touching the *Framing and Seasoning of Youth to Moral Vertue* ; (As *Tolerance of Labours, Continency from Pleasures, Obedience, Honour* and the like, They handle it ; But touching the *Improvement and Helping of the Intellectual Powers* ; As of *Conceit, Memory and Judgment*, they say nothing. Whether it were that they thought it to be a Matter wherein *Nature* only prevailed ; Or that they intended it as referred to the several and Proper *Arts* which teach the use of *Reason and Speech*. But for the former of these two Reasons, howsoever it pleaseth them to distinguish of *Habits and Powers*, The Experience is manifest enough, that the *Motions, and Faculties of Wit, and Memory*, may not be governed and guided but also confirmed and enlarged by *Custom and Exercise* duly applyed : As if a *Man* exercise *shooting*, he shall not only shoot nearer the *Mark*, but also draw a stronger *Bow*. And as for the Latter of *Comprehending these precepts within the Arts of Logick and Rhetorick* ; If it be rightly considered, their Office is distinct altogether from this Point : For it is no part of the *Doctrine of the Use, or Handling of an Instrument*.

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Instrument to teach how to VVnet or grinde the *Instrument* to give it a sharp edge; Or how to quench it or otherwise whereby to give it a stronger Temper. Wherefore finding this part of knowledge not broken, I have but *tanquam aliud agens* entred into it, and salute you with it, dedicating it after the ancient manner, first as to a dear Friend; And then as to an apt person; For as much as you have both place to practise it, and Judgement and Leisure to look deeper into it, than I have done. Herein you must call to mind *Αἴσιον ἰδίῳ ὄσῳ*. Though the argument be not of great Height and dignity, nevertheless it is of great and universal use: And yet I do not see why, to consider it rightly; That should not be a *Learning of Height*, which teacheth to raise the highest and Worthiest *Part of the Mind*. But howsoever that be, if the *World* take any Light and Use by this *Writing*, I will the Gratulation be to the good Friendship and acquaintance between us two. And so I commend you to *Gods divine protection*.

A DISCOURSE touching HELPS for the
INTELLECTUAL POWERS.

I Did ever hold it for an Insolent and unlucky Saying; *Faber quisque Fortune suae*; except it be uttered only as an *Hortative* or *Spur* to correct Sloth. For otherwise if it be believed as it soundeth; And that a Man entred into an high Imagination that he can compass and fathom all accidents; and ascribeth all successes to his drifts and Reaches; And the contrary to his Errors and Splenings: It is commonly seen that the *Evening Fortune* of that Man is not so prosperous as of him that without slackining of his Industry attributeth much to *Felicity* and *Providence* above him. But if the sentence were turned to this *Faber quisque Ingenii sui*, it were somewhat more true, and much more profitable: Because it would teach men to bend themselves to *Reform* those *Imperfections* in themselves, which now they seek but to Cover and to attain those *Vertues*, and good parts, which now they seek but to have onely in *shew* and *Demonstration*. Yet notwithstanding every Man attempteth to be of the first Trade of Carpenters; And Few bind themselves to the Second: whereas nevertheless the *Rising in Fortune* seldom amendeth the *Mind*; But on the other side the Removing of the Stands and Impediments of the mind, doth often clear the passage and Current to a Mans Fortune. But certain it is whether it be believed or no, that as the most excellent of *Metals Gold*, is of all other the most Pliant, and most enduring to be wrought; So, of all Living and Breathing Substances, the perfectest (Man) is the most susceptible of *Help*, *Improvement*, *Impression* and *Alteration*, and not only in his *Body*, but in his *mind* and *Spirit*, and there again not only in his *Appetite* and *Affection*, but in his *Powers* of *Wit* and *Reason*.

For as to the *Body of Man*, we find many and strange Experiences, how *Nature* is overwrought by *Custom*, even in *Actions*; that seem of most difficulty and least possible. As first in *Voluntary motion*, which though it be termed *Voluntary*, yet the highest Degrees of it are not *Voluntary*; For it is in my *Power* and *Will* to Run; But to Run faster then according to my *Lightness* or disposition of *Body*, is not in my *Power* nor *Will*. We see the Industry and practise of *Tumblers*, and *Funambulo's*, what *Effects* of
great

great Wonder to bringeth the Body of Man unto. So for suffering of Pain and
 Delour, which is thought so contrary to the Nature of Man, there is much
 Examp^e of Penances in strict Orders of Superstition, what they do endure, such
 as may well verify the Report of the Spartan Boyes, which were wont to be
 scourged upon the Altar so bitterly, as sometimes they dyed of it; And yet
 were never heard to complain. And to pass to those Faculties which are reck-
 oned more Involuntary; As long Fasting and Abstinence, and the contrary Ex-
 treams (Voracity) The Leaving and Forbearing the use of Drink for altogether,
 the Enduring Vehement Colic and the like; There have not wanted, neither do
 want divers Examp^es of strange Victories over the Body in every of these.
 Noy in Respiration, the proof hath been of some, who by continual use of
 Diving and Working under the Water, have brought themselves to be able
 to hold their Breath an incredible time; and others that have been able wi-
 out Suffocation, to endure the Stifling Breath of an Oven, or Furnace so
 heated as though it did not scald nor burn; Yet it was many Degrees too hot
 for any man not made to it, to Breath or take in. And some Impollors
 and Counterfets likewise, have been able to wreath, and cast their Bodies in-
 to strange Formes and motions: Yea, and others to bring themselves into
 Trances and Astonishments. All which Examp^es do demonstrate how vari-
 ously, and how to high Points and Degrees, the Body of Man may be (as it
 were) moulded and wrought. And if any Man conceive then it is some se-
 cret propriety of Nature that hath been in these Persons which have attained to
 those Points, and that it is not open for every Man to do the like, though he
 had been put to it; For which Cause such things come but very rarely to pass;
 It is true, no doubt but some Persons are apter then others; But so as the
 more aptness causeth perfection, but the less aptness doth not disable: So that
 for example, the more apt Child, that is taken to be made a Funambulo, will
 prove more excellent in his Feates; but the less apt will be Gregorius Funam-
 bulo also. And there is small Question, but that these Abilities would have
 been more common and others of like sort not attempted would likewise have
 been brought upon the stage, but for two Reasons: The one because of mens
 Diffidence in prejudging them as Impossibilities; For it holdeth
 in those things which the Poet saith; Possunt quia posse videntur:
 For no man shall know how much may be done, except he Believe
 much may be done. The other Reason is, because they be but practi-
 ses, base and inglorious, and of no great use, and therefore sequestred
 from Reward of Value; and on the other side, painfull; So as the Recom-
 pence ballinceth not with the Travel and suffering. And as to the
 will of man it is that which is most Maniable and Obedient;
 as that which admitteth most Medicines to cure and alter it. The most Sove-
 raign of all, is Religion, which is able to change and transform it in the dee-
 pest and most inward inclinations and Motions, and next to that is Opinion and
 Apprehension; Whether it be infused by Tradition, and Institution; or
 wrought in by Disputation and Perswasion: and the third is Example which
 transformeth the will of Man into the Similitude of that which is most obver-
 sant and familiar towards it. And the fourth is, when one Affection is healed
 and corrected by another, as when Cowardise is remedied by Shame and dis-
 honour; Or sluggishness and backwardness by indignation and Emulation, and
 so of the like. And lastly, when all these Means or any of them have new fram-
 ed or formed Humane Will; then doth Custome and Habits corroborate
 and confirm all the rest. Therefore it is no marvel, though
 this Faculty of the Mind, (of Will, and Eleat^{ions}) which

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inclined Affection and Appetite being but the *Inceptions* and *Endiments* of Will; May be so well governed and managed; Because, it admitteth access to so divers Remedies to be applyed to it and to work upon it. The Effects whereof are so many, and so known as require no Enumeration; But generally they do issue as Medicines do in two *Kinds* of Cures; whereof the one is a *Just*, or *True Cure*; And the other is called *Palliation*. For either the Labour and Intention is to reform the Affections really and truly Restraining them if they be too violent; And raising them if they be too Soft and Weak; Or else it is to cover them: Or if occasion be to pretend them, and represent them. Of the former sort whereof the Examples are plentiful in the *Schooles* of *Philosophers*, and in all other *Institutions* of *Moral Vertue*; And of the other sort the Examples are more plentiful in the *Courts* of *Princes*, and in all *Politick Traffique*: Where it is ordinary to find, not only profound *Dissimulations* and *Suffocating* the Affections, that no Note, or Mark appear of them outwardly; But also lively *Simulations* and *Affectations*, carrying the Tokens of Passions which are not; As *Risus*, and *Lachrimæ Coactæ* and the like.

Of Helps of the Intellectual Powers.

THE *Intellectual Powers* have fewer means to work upon them than the *Will*, or the *Body* of Man; But the one that prevaileth, that is *Exercise*, worketh more forcibly in them than in the Rest.

These that
follow are
but indigested
Notes.

The Ancient Habit of the *Philosophers*, *Si quis querat in utramque partem, de omni Scibili.*

The Exercise of *Schollars* making verses extempore, *Stans pede in uno.*

The Exercise of *Lawyers*, in *Memory Narrative.*

The Exercise of *Sophists*, and *Jo. ad Oppositum*, with manifest effect.

Artificial Memory greatly holpen by *Exercise.*

The Exercise of *Buffons*, to draw all things to *Conceits* Ridiculous.

The Means that help the *Understanding* and *Faculties* thereof are.

(Not *Example*, as in the *Will*, by *Conversation*; And here the *Conceit* of *Imitation* already digested, with the *Confutation*, *Obiter, si videbitur*, of *Tullies Opinion*, advising a *Man* to take some one to *Imitate*. *Similitude* of *Faces* analysed.)

Arts, *Logick*, *Rhetorick*: The *Ancients*, *Aristotle*, *Plato*, *Thatetus*, *Gorgias*, *Litigofus*, vel *Sophista*, *Protagoras*, *Aristotle*, *Schola sua*. *Topicks*, *Elinchs*, *Rhetoricks*, *Organon*, *Cicero*, *Hermogenes*. The *Neoteriks*, *Ramus*, *Agricola*. *Nil sacri*, *Lullius* his *Typocosmia*, studying *Coopers Dictionary*, *Matthews Collection* of proper words for *Metaphors*, *Agrippa de vanitat*, &c.

Que. If not here of *Imitation*.

Collections preparative. *Aristotles* *Similitude* of a *Shoomakers Shop*, full of *Shoes*, of all sorts: *Demosthenes Exordia Concionum*. *Tullies* precept, of *Theses* of all sorts, preparative.

The *Relying* upon *Exercise*, with the *Difference*, of *Using*, and *tempering* the *Instrument*: And the *Similitude* of prescribing against the *Laws*, *Nature* and of *Estate*.

5. Points.

That *Exercises* are to be framed, to the *Life*, that is to say, to work *Ability* in that kind whereof a *Man* in the *Course* of *Action* shall have most *Use*.

The *indirect* and *Oblique Exercises*, which do *per partes*, and *per consequentiam* inable these *Faculties*; which perhaps *direct Exercise* at first would but distort. And these have chiefly place where the *Faculty* is weak, not *per se* but *per Accidens*. As if *Want* of *Memory* grow through *Lightness* of *Wit*, and want of *stayed Attention*, then the *Mathematicques* or the *Law*, helpeth: Because they are things wherein if the *Mind* once room it cannot recover.

Of the *Advantages* of *Exercise*, as to dance with heavy *Shoes*, to march with heavy *Armour* and *Carriage*; And the contrary *Advantage* (in *Natures* very dull and unapt) of working *Alacrity* by framing an *Exercise* with some *Delight* or *Affection*.

—*Veluti pueris dant Crustula Blandi*
Doctores Elementa velint ut discere prima-

Of the *Cautions* of *Exercise*, as to beware lest by evil doing (as ill *Beginners* do weakly) a man grow not and be inveterate in an ill *Habit*, and so take not the *Advantage* of *Custom* in perfection, but in confirming ill. *Slubbering* on the *Lat.*

The *Marshalling* and *Sequels* of *Sciences*, and *Practises*, *Logick* and *Rhetorick* should be used to be read after *Poesy*, *History*, and *Philosophy*. First *Exercise* to do things well and clean, after promptly and readily.

The *Exercises* in the *Universities* and *Schools*, are of *Memory* and *Invention*, either to speak by *Heart*: that which is set down *verbatim*; Or to speak *Ex tempore*. Whereas there is little use in *Action* of either of both: But most things which we utter, are neither *verbally premeditate*, nor *meerly Extemporal*. Therefore *Exercise* would be framed to take a little *Breathing* to consider of *Heads*, and then to fit and form the *Speech Ex tempore*. This would be done in two manners; Both with writing and *Tables* and without. For in most *Actions* it is permitted and passable to use the *Note*; Whereunto if a *Man* be not accustomed, it will put him out.

There is no use of a *Narrative memory* in *Academies*, viz. with *Circumstances* of *Times*, *Persons* and *places*, and with *Names*; and it is one *Art* to discourse, and another to relate, and describe: And herein *Use* and *Action* is most conversant.

Also to *Sum up* and *Contract*, is a thing in *Action* of very general *Use*.

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Helps for
the Intel-
lectual
Powers.



1.

2.

3.

4.

5.



CERTAIN
CONSIDERATIONS
Touching the Better
PACIFICATION and EDIFICATION
OF THE
CHURCH
OF
ENGLAND.

Dedicated to his most excellent MAJESTY,

T
 he Unity of your Church, (excellent Sovereign) is a thing
 no less precious than the Union of your Kingdoms; Being
 both Works wherein your happiness may contend with your
 Worthiness; having therefore presumed not without your
 Majesties gracious acceptation; to say somewhat of the
 one; I am the more encouraged not to be silent in the
 other: The rather, because it is an argument that I have
 travelled in heretofore: but *Solomon* commendeth a Word
 spoken in Season, and as our *Saviour* (speaking of the discerning of Seasons)
 saith, *When you see a cloud rising in the West, you say it will be a shower*: So
 your Majesties Rising to this Monarchy in the West parts of the World, doth
 promise a sweet and fruitfull Shower of many Blessings upon this Church, and
 Common-Wealth; a Shower of that Influence as the very first Dews and
 Drops thereof, have already layed the Stormes and Winds throughout
 Christendome; Reducing the very Face of Europe to a more peaceable and Ami-
 able Countenance. But to the purpose.

It is very true, that these Ecclesiastical matters are things not properly ap-
 pertaining to my Profession; which I was not so inconsiderate, but to
 object to my Self: But finding that it is many times seen that a man that
 standeth off, and somewhat removed from a Plot of Ground, doth better
 survey it, and discover it, than those which are upon it; I thought it not im-
 possible, but that I as a looker on might cast mine Eyes upon some things
 which the actors themselves (especially some being interested, some led and
 adduced, some declared and engaged) did not or would not see. And that
 knowing

knowing in my Conscience, (wherein *God* beareth witness) that the things which I shall speak, spring out of no Vein of Popularity, Obedience, Desire of Novelty, Partiality to either side, Disposition to intermeddle, or any the like *Levity*. I may conceive hope that what I want in depth of Judgement, may be countervailed in Simplicity and Sincerity of affection. But of all Things, this did most animate me; That I found in these Opinions of mine, (which I have long held and embraced, as may appear by that which I have, many years since written of them according to the proportion, nevertheless of my weakness.) A Consent and Conformity, with that which your Majesty hath published of your own most *Christian*, most *Wise*, and *moderate* Sense, in these Causes: wherein you have well expressed to the *World*, that there is infused in your Sacred breast from *God* that *High* principle, and *Position* of *Government*: that you ever *Value the Whole*, more dear than any part.

For who seeth not that many are affected and give Opinion in these matters as if they had not so much a desire to purge the evil from the good, as to countenance and protect the Evil by the Good? Others speak as if their scope were only to set forth what is good, and not to seek what is *Possible*, which is to *Wish* and not to *Propound*. Others proceed as if they had rather a mind of *Removing* than of *Reforming*: But howsoever either side as men (though excellent men) shall run into Extremities; yet your Majesty as a most *Wise*; *Equal*, and *brilliant moderate*, is disposed to find out the *Golden Mediocrity* in the Establishment of that which is sound, and in the Reparation of that which is Corrupt and decayed. To your *Princely Judgement* then I do in all humbleness submit whatsoever I shall propound, offering the same but as a *mite*, into the *Treasury* of your *Wisdom*: For as the *Astronomers* do well observe, that when three of the *Superiour Lights* do meet in *Conjunction*: it bringeth forth some admirable *Effects*: So there being joyned in your Majesty the *Light* of *Nature* the *Light* of *Learning*, and above all the *Light* of *Gods Holy Spirit*: It cannot be but your *Government* must be as a happy *Constellation* over the states of your *Kingdomes*. Neither is there wanting to your Majesty that fourth *Light*, which though it be but a borrowed *Light* yet is of singular Efficacy and moment added to the rest which is the *Light* of a most wise and well *compounded Council*, to whose honourable and grave *Wisdomes* I do likewise submit whatsoever I shall speak, hoping that I shall not need to make protestation of my mind and opinion, that until your Majesty doth otherwise determine and order, all actual and full Obedience is to be given to *Ecclesiastical jurisdiction* as it now standeth, and when your Majesty hath determined and ordered that every good subject ought to rest satisfied, and apply his Obedience to your *Majesties Lawes*; *Ornaments* and *Royal Commandments*: Nor of the dislike I have of all Immodesty, bitterness, peremptory presumption, popular handling and other courtes tending rather to Rumour and Impression in the vulgar sort, then to likely-hood of Effect joyned with *Observation of duty*.

But before I enter into the *Points controverted*, I think good to remove (if it may be) two Opinions, which directly confront and oppone to *Reformation*: The one bringing it to a *Nullity*, and the other to an *Impossibility*. The First is; that it is against *god Policy* to innovate any thing in *Church matters*; The other; That all *Reformation* must be after *one Platform*.

For the first of these, it is excellently said by the Prophet; *State super vias antiquas, & videte, quenam sit via vestra & vera, & ambulata de ea*. So as he doth not say, *State super vias antiquas, & ambulata in eis*: For it is true, that with all *Wise* and *Moderate* persons, *Custom* and *Usage* becometh that *Reverence*, as it is sufficient matter to move them to make a *Stand*, and

Considerations touching the Pacification and Edification of the Church of England.



Considerations touch
ing the Edifi-
cation and Pacifi-
cation of
the Church
of England.

to discover and take a View; But it is no warrant to guide and conduct them: A just Ground, I say it is of *Deliberation*, but not of *Direction*. But on the other side, who knoweth not that *Time* is truly compared to a *Stream* that carrieth down *fresh and pure Waters*, into that *Salt Sea of Corruption*, which invitoneth a'l *Humane Actions*? And therefore if Man shall not by his Industry, Vertue, and Policy, as it were with the Oare row against the Stream and inclination of *Time*; All Institutions and Ordinances be they never so pure, will corrupt and degenerate. But not to handle this matter Common place like, I would only ask why the *Civil State* should be purged and restored by *Good and Wholesome Lawes*, made every Third or Fourth year in *Parliament assembled*; Devising *Remedies*, as fast as *Time* breedeth *Mischief*; and contrariwise the *Ecclesiastical State*, should still continue upon the *Dreggs of Time*, and receive no alteration now for this *Five and Forty* years and more? If any Man shall object, that if the like intermission had been used in *Civil Causes* also, the *Errour* had not been great; Surely the *Wisdom* of the *Kingdome* hath been otherwise in Experience, for three *Hundred* years (since at the least. But if it be said to me that there is a difference between *Civil Causes* and *Ecclesiastical*, they may as well tell me that *Churches* and *Chappels* need no *Reparations*, though *Castles* and *Houses* do; Whereas commonly to speak truth, *Dilapidations* of the inward and *Spiritual Edifications* of the *Church of God* are in all times as great as the outward and material. Sure I am that the very word and *Stile* of *Reformation* used by our *Saviour*, *Ab initio non fuit sic*; was applyed to *Church matters*, and those of the highest *Nature*, concerning the *Law moral*.

Nevertheless, he were both unthankful and unwise, that would deny but that the *Church of England* during the time of *Queen Elizabeth*, of *famous Memory*, did flourish. If I should compare it with *Forrain Churches*, I would rather the *Comparison* should be in the *Vertues*, then as some make it in the *Defects*, Rather I say as between the *Vine* and the *Olive*, which should be most fruitfull, and not as between the *Briar* and the *Thistle*, which should be most unprofitable. For that *Reverence* should be used to the *Church*, which the good *Sons of Noah* used to their *Fathers Nakedness*; That is, as it were to go backwards, and to help the defects thereof, and yet to dissemble them. And it is to be acknowledged that scarcely any *Church*, yielded in like number of *Years*, and *Latitude* of *Country*, a greater number of *Excellent Preachers*, *Famous Writers*, and *Grave Governours*: But for the *Discipline* and *Orders* of the *Church*, as many and the chiefest of them, are *Holy* and *Good*; So yet if *Saint John* were to indite an *Epistle*, to the *Church of England*, as he did to them of *Asia*, it would sure have the *Clause*; *Habeo adversus te pauca*. And no more for this *Point*, Saving, that as an *Appendix* thereunto it is not amiss to touch that *Objection*, which is made to the *Time*, and not to the *Matter*, pretending that if *Reformation* were necessary, yet it were not now seasonable at your *Majesties* First entrance: Yet *Hippocrates* saith, *Si quid morbo à principio move*: And the wisdom of a'l *Examples* do strew, that the wisest *Princes*, as they have ever been the most sparing in *Removing* or *Alteration* of *Servants*, and *Officers* upon their coming in; So for *Removing* of *Abuses* and *Enormities*; And for *Reforming* of *Lawes*, and the *Policy* of their *States*, they have chiefly sought to ennoble and commend their beginnings therewith; Knowing that the first *Impression* with *People* continueth long; And when mens minds are most in *Expectation* and *suspence* then are they best wrought and mananged: and therefore it seemeth to me

me, that as the *Spring of Nature*, (I mean the Spring of the year) is the best Time for purging, and Medicining, the *Natural Body*; So the Spring of *Kingdoms*, is the most proper Season, for the purging, and Rectifying of *Politick Bodies*.

There remaineth yet an *Objection*, rather of Suspicion then of Reason; And yet such as I think, maketh a great Impression in the minds of very wise, and well affected Persons, which is; *That if way be given, to Mutation, though it be in taking away Abuses, yet it may so acquaint Men with sweetness of change, as it will undermine the Stability even of that which is sound and good.* This surely hath been a good and true allegation in the Ancient Contentions, and Divisions, between the *People*, and the *Senat of Rome*: where things were carried, at the *Appetites of Multitudes*, which can never keep within the *Compass* of any Moderation: But these Things being with us to have an orderly passage under a King who hath a Royal power, and approved Judgement: And knoweth as well the *Measure* of Things, as the *Nature* of them; It is surely a needless Fear. For they need not doubt but your *Majesty* with the advise of your *Council* will discern what things are intermingled, like the *Tares amongst the Wheat*, which have their *Roots* so enwrapped and entangled as the one cannot be pulled up without endangering the other; And what are mingled, but as the *Chaff and the Corn* which need but a *Fan* to *sift*, and *sever* them. So much therefore, for the first *Point* of no *Reformation* to be admitted at all.

For the *Second Point*, that there should be but one forme of *Discipline* in all *Churches*; And that imposed by necessity of a commandment, and pre-script, out of the *Word of God*; It is a *Matter* *Volumes* have been compiled of, and therefore cannot receive a brief *Redargution*. I for my part do confess, that in Revolving the *Scriptures*, I could never find any such Thing, But that *God* had left the like *Liberty* to the *Church Government*; To be varied, according to *Times*, and *Place*, and *Accidents*, which nevertheless his high and Divine Providence doth order, and dispose. For all *Civill Governments*, are restrained from *God*, unto the general Grounds of *Justice*, and *Manners*, But the *Policies*, and *Forms* of them are left Free: So that *Monarchies*, and *Kingdoms*, *Senates* and *Seignories*, *Popular States*, and *Communalities* are lawful, And where they are planted ought to be maintained inviolate.

So likewise in *Church Matters*, the Substance of *Doctrine* is Imitable: And so are the the general *Rules of Government*, But for *Rites* and *Ceremonies*, And for the particular *Hierarchies*, *Policies*, and *Discipline* of Churches, they be left at large. And therefore it is good we return unto the ancient *Bounds of Unity* in the *Church of God*; which was, *One Faith*, *One Baptisme*; And not *one Hierarchie*, *one Discipline*: And that we observe the *League of Christians*, as it is penned by our *Saviour*, which is in substance of *Doctrine*, this; *He that is not with us, is against us*: But in Things indifferent, and but of circumstance, this; *He that is not against us is with us*. In these things, so as the general *Rules* be observed; *That Christs Flock be fed*; *That there be a Succession in Bishops and Ministers* which are the *Prophets of the New Testament*; *That there be a due and reverent use of the power of the Keyes*; *That those that preach the Gospel, live of the Gospel*, *That all things tend to edification*: *That all things be done in order and with decency*, And thelike, The rest is left to *Holy wisdom* and *Spiritual Discretion* of the *Master Builder*, and *inferiour Builders* in *Christs Church*; As it is excellently alluded, by that *Father* that noted; *That Christs Garment was without Seame*, and yet the *Churches Garment was of divers Colours*; And thereupon, setteth down for a *Rule*; *In veste varietas sit, scissura non sit.*

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In which Variety, nevertheless it is a safe and wise Course to follow good Examples and Presidents, but then by the Ruls of Imitation and Example to consider not only which are best, but which are the likeliest; as namely, the Government of the Church in the purest Times of the first Good Emperors that embraced the Faith For the Times of Persecution before Temporal Princes received our Faith, as they were excellent Times for Doctrine and Manners, so they be unproper and unlike Examples of outward Government and Policie. And so much for this Point: Now to the particular Points of Controversies, or rather of Reformation.

Circumstances in the Government of Bishops.

First therefore for the Government of Bishops, I for my part, not prejudging the Presidents of other Reformed Churches do hold it warranted by the Word of God, and by the practise of the Ancient Church in the better Times; And much more convenient for Kingdoms than Plurality of Ministers and Government of Synods. But then further, it is to be considered that the Church is not now to plant, or Build; But only to be pruned from Corruption; And to be repaired and restored in some decays.

For it is worth the Noting that the Scripture saith, *Translatio Sacerdotio, necesse est, ut Legis fiat Translatio.* It is not possible in respect of the great and near Sympathy between the State Civil, and the State Ecclesiastical, to make so main an alteration in the Church, but it would have a perilous operation upon the Kingdoms: And therefore it is fit that Controversie be in Peace and Silence.

But there be two Circumstances in the Administration of Bishops Wherein I confesse, I could never be satisfied; The one the sole Exercise of their Authority; The other the deputation of their Authority.

For the first, the Bishop giveth Orders alone; Excommunicateth alone; Judgeth alone. This seemeth to be a thing almost without example in good Government; and therefore not unlikely to have crept in, in the degenerate, and corrupt Times. We see the greatest Kings and Monarchs have their Councils: There is no Temporal Court in England of the higher sort, where the Authority doth rest in one person: The Kings Bench, Common Pleas, and the Exchequer are Benches of a certain Number of Judges. The Chancellor of England hath an Assistance of twelve Masters of the Chancery. The Master of the Wards hath a Council of the Court: So hath the Chancellor of the Dutchy In the Exchequer Chamber, the Lord Treasurer is joyned with the Chancellor and the Barons. The Masters of the Requests are ever more then One. The Justices of Assise are two. The Lord Presidents in the North, and in Wales have Councils of divers; The Star-Chamber is an assembly of the Kings Privy Council, aspersed with the Lords Spiritual and Temporal: So as in Courts the principal Person hath ever Colleagues or Assessors.

The like is to be found in other well governed Common-Wealths abroad, where the Jurisdiction is yet more dispersed; As in the Court of Parliament of France; And in other places. No man will deny but the Acts that pass the Bishops Jurisdiction are of as great Importance as those that pass the Civil Courts: For Mens Souls are more precious then their Bodies or Goods; And so are their Good Names. Bishops have their Infirmities, and have no Excepti-

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ne should deput? Considering, that all fruit, and Confidence, (as was said, is personal and Inherent; And cannot, nor ought not be transposed? Surely in this again; *Ab Intio non fuit sic*; But it is probable that *Bishops* when they gave themselves too much to the *Glory* of the *World*, and became *Grandees* in *Kingdoms*, and great *Councillors* to *Princes*, then did they *deleague*, their proper *jurisdictions*, as things of too inferiour a Nature for their Greatness: And then after the Similitude and Imitation of *Kings* and *Courts Palatine*, they would have their *Chancellors* and *Judges*.

But that *Example* of *Kings* and *Potentates* giveth no good Defence. For the Reasons why *Kings* administer by their *Judges*, although themselves are *Supream Judges* are two. The one, because the Offices of *Kings* are for the most part of Inheritance; And it is a *Rule* in all *Laws*, that Offices of Inheritance are rather Matters that Ground in Interest than in Confidence; For as much as they may fall upon *Women*, upon *Infants*, upon *Lunaticks* and *Ideots*, persons incapable to Execute *Judicature* in Person; And therefore such Offices by all *Laws*, might ever be excised and administered by *Delegation*. The Second Reason is, because of the Amplitude of their *Jurisdictions*; Which is as great as either their *Birth-right* from their *Ancestours*, or their *Sword-right* from *God* maketh it. And therefore, if *Moses* that was *Governor* over no great *People*, and those collected together, in a *Camp*; And not scattered in *Provinces* and *Cities*: Himself of an extraordinary *Spirit*; Was nevertheless not able to suffice and hold out in person to judge the *People*; But did by the advise of *Jethro* approved from *God*, substitute *Elders* and *Judges*, how much more other *Kings* and *Princes*.

There is a third Reason likewise, though not much to the present purpose; And that is, That *Kings* either in respect of the *Common-wealth*, or of the *Greatness* of their own *Patrimonies*, are usually *Parties in Suites*; And then their *Judges* stand indifferent between Them and the *Subject*. But in the Case of *Bishops*, none of these Reasons hold. For first their Office is *Elective* and for *Life* and not *Patrimonial* or *Hereditary*: An Office meerly of *Confidence*, *Science* and *Qualification*: And for the Second Reason, it is true, that their *Jurisdiction* is Ample and spacious; And that their Time is to be divided between the *Labours*; As well in the *Word* and *Doctrin*, as in *Government* and *Jurisdiction*. But yet I do not see, (supposing the *Bishop Courts* to be used incorruptly and without any indirect course held to multiply Causes for gain of Fees;) But that the *Bishop* might very well for *Causes* of *Moment*, supply his *Judicial Function* in his own *Person*. For we see before our Eyes that one *Chancellor* of *England* dispatcheth the *Suites* in *Equity*, of the whole *Kingdom*; which is not so much by reason of the Excellency of that *Rare Honourable Person*, which now holdeth the place: But it was ever so, though more or less burdenous to the *Suiter* as the *Chancellor* was more or less able to give dispatch. And if Hold be taken of that which was said before, that the *Bishops Labour* in the *Word* must take up a principal Part of his Time; so I may say again, that *Matters* of *State* have ever taken up, most of the *Chancellors* Time; Having been for the most part, Persons upon whom the *Kings* of this *Realm* have most relyed, for *Matters* of *Council*. And therefore there is no Doubt but the *Bishop* whose *Circuit* is less ample, and *Causes* in Nature not so multiplying; with the Help of *References* and *Certificates* to and from fit Persons, for the better Ripening of *Causes* in their mean proceedings; And such ordinary Helps incident to *Jurisdiction*; May very well suffice his Office. But yet there is another *Help*: For the *Causes* that come before him are these: *Tithes*, *Legacies*, *Administrations*, and other *Testamentary*

tary Causes, Causes Matrimonial, accusations against Ministers, tending to their Suspension, Deprivation or Degrading, Simony, Incontinency, Heresy, Blasphemy, Breach of the Sabbath, & other like Causes of Scandal. The first two of these in my Opinion, differ from the Rest; That is Tithes and Testaments. For those be matters of profit, and in their nature Temporal; Though by a Favour and Connivence of the Temporal Jurisdiction, they have been allowed and permitted to the Courts Ecclesiastical: The one to the end the Clergy might sue for that that was their Sustentation before their own Judges, and the other in a kind of Piety and Religion, which was thought incident to the performance of Dead mens Wills. And surely for these two the Bishop in mine opinion may with less danger discharge himself upon his Ordinary Judges. And I think likewise it will fall out, that those Suites are in the greatest number. But for the rest, which require a spiritual Science, and Discretion, in respect of their Nature or of the Scandal, it were reason in my Opinion, there were no Audience given, but by the Bishop himself; He being also assisted, as was touched before: But it were necessary also he were attended by his Chancellor, or some others his Officers being learned in the Civil Lawes, for his better Instruction in Points of Formality or the Courses of the Court; which if it were done, then were there less use of the Officials Court; Whereof there is now so much Complaint. And Causes of the Nature aforesaid, being only drawn to the Audience of the Bishop, it would repress frivolous and prowling Suites; and give a grave and incorrupt proceeding to such Causes as shall be fit for the Court.

There is a hard Point also not of Jurisdiction but of Form of Proceeding which may deserve Reformation, The rather because it is contrary to the Lawes, and Customes of this Land and State, which though they do not rule those Proceedings, yet may they be advised with for better Directions and that is the Oath ex Officio. Whereby Men are enforced to accuse themselves; and that that is more are sworn unto blanks, and not unto Accusations and Charges declared. By the Law of England no man is bound to accuse himself. In the highest Cases of Treason, Torture is used for discovery and not for Evidence. In Capital matters no delinquents answer upon Oath, is required; No, nor permitted. In Criminal matters not Capital handled in the Star-Chamber, and in Causes of Conscience handled in the Chancery, for the most part grounded upon Trust and Secrecy the Oath of the Party is required. But how? Where there is an accusation and an accuser, which we call Bills of Complaint (From which the Complainant cannot vary, and out of the compass of the which the Defendant may not be examined) Exhibited unto the Court, and by Process notified unto the Defendant. But to examine a Man upon Oath, out of the Insinuation of Fame, or out of accusations secret and undeclared; Though it have some Countenance from the Civil Law; yet it is so opposite Ex Diámetro to the sense and Course of the Common Law, as it may well receive some Limitation.

Concerning the Liturgy, the Ceremonies and Subscription.

FOR the Liturgy, great Respect and Heed would be taken, least by inveighing against the Dumb Ministers, due Reverence, be not withdrawn from the Liturgy. For though the Gift of Preaching, be far above that of

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Reading; Yet the *Action* of the *Liturgy* is as High and holy as that of the *Sermon*. It is said; *Domus mea Domus Orationis Vocatur: The House of Prayer*, Not the *House of Preaching*: And whereas the *Apostle* saith, *How shall men call upon him, on whom they have not believed? And how shall they believe unless they hear? And how shall they hear without a Preacher?* It appeareth that as *Preaching* is the more *Original*, so *Prayer* is the more *Final*: As the difference is between the *Seed* and the *Fruit*: For the keeping of *Gods Law*, is the *Fruit* of the *Teaching* of the *Law*, and *Prayer* or *Invocation* or *Divine Service*, or *Liturgy* (For these be but *Varieties* of *Terms*;) Is the *Immediate* *Hallowing* of the *Name* of *God*: And the principal work of the first *Table*, and of the great *Commandment* of the *Love* of *God*. It is true that the *Preaching* of the *Holy word* of *God* is the *Sowing* of the *Seeds*: It is the *Lifting up* of the *Brazen Serpent*; The *Ministry* of *Faith*; and the ordinary *Means* of *Salvation*: But yet it is good to take *Example* how that the best *Actions* of the *Worship* of *God* may be extol'd *excessively* and *superstitiously*. As the *Extolling* of the *Sacrament*, bred the *Superstition* of the *Mass*; The *Extolling* of the *Liturgy* and *Prayers*, bred the *Superstition* of the *Monastical Orders* and *Oraisons*; And so no doubt *Preaching* likewise may be magnified and extol'd *superstitiously*, as if all the whole *Body* of *Gods worship* should be turned into an *Ear*. So as none (as I suppose) of sound *Judgment* will derogate from the *Liturgy*, if the *Form* thereof be in all parts agreeable to the *Word* of *God*; The *Example* of the *Primitive Church*; and that holy *Decency* which *Saint Paul*, commendeth. And therefore first, that there be a *Set Form* of *Prayer*, and that it be not left either to an *Extemporal Form* or to an *Arbitrary Form*. Secondly that it consist as well of *Laude*, *Hymnes*, and *Thanksgivings*, as of *Petitions*, *Prayers* and *Supplications*. Thirdly, that the *Form* thereof be quickned with some *firmness* and *Diversities* of *Prayers* and *Hymnes*, and with some *Interchanges* of the *Voice* of the *People* as well [as] of the *Minister*. Fourthly that it admit some *Distinctions* of *Times*, and *Commemorations* of *Gods principal Benefits*, as well general as particular. Fifthly that *Prayers* likewise be appropriated to several *Necessities* and *Occasions* of the *Church*. Sixthly, that there be a *Form* likewise of *Words* and *Liturgy* in the *Administration* of the *Sacraments*, and in the *Denouncing* of the *Censures* of the *Church*, and other *Holy Actions* and *Solemnities*: These things I think will not be much controverted.

But for the *Particular Exceptions* to the *Liturgy* in form as it now standeth, I think divers of them allowing they were *just*, yet they seem not to be *Weighty*; Otherwise then that nothing ought to be accounted *Light* in matters of *Religion* and *Piety*; As the *Heathen* himself could say *Etiam vultu sepe leditur Pietas*. That the word (*Priest*) should not be continued especially with *Offence*, the word (*Minister*) being already made familiar. This may be said that it is a good *Rule* in *Translation*, never to confound that in one word in the *Translation*, which is precisely distinguished in two words in the *Original*, for doubt of *Equivocation* and *Traducing*. And therefore seeing the word *ἱερωσύνη* & *ἱερεύς*, be alwaies distinguished in the *Original*; And the one used for a *Sacrificer*, the other for a *Minister*; The word *Priest* being made common to both (whatsoever the *Derivation* be) yet in use it confoundeth the *Minister* with the *Sacrificer*. And for an *Example* of this kind I did ever allow the discretion, and tenderness of the *Rhomish Translation* in this Point; That finding in the *Original* the word *ἄγαπᾶν* and never *ἔρω*, do ever translate *Charity*, and never *Love*, because of the *Indifferency* and *Equivocation* of the word *Impure Love*.

Touching the *Absolution*, it is not unworthy Consideration whether it may not be thought improper and unnecessary? For there are but two sorts of *Absolution*; Both supposing an *Obligation* precedent: The one upon an *Excommunication*, which is *Religious* and *Primitive*; The other upon *Confession* and *Penance*, which is *Superstitious*, or at least *Positive*, and both particular, neither general. Therefore since the one is taken away, and the other hath his proper case, what doth a *general absolution* wherein there is neither *Penance* nor *Excommunication*, precedent? For the *Church never loseth*, but where the *Church hath bound*. And surely I may think this at the first was allowed in a kind of spiritual discretion; Because the *Church* thought the people could not be suddenly weaned from their Conceit of *Absolving*; To which they had been so long accustomed,

For *Confirmation* to my understanding the state of the Question is whether it be not a matter mistaken and altered by Time; and whether that be not now made a *subsequent* to *Baptism*, which was indeed an *Inducement* to the *Communion*. For whereas in the *Primitive Church* Children were examined of their *Faith* before they were admitted to the *Communion*, Time may seem to have turned it to refer as if it had been to receive a *Confirmation* of their *Baptism*.

For *Private Baptism* by *Women* or *Lay-Persons*, the best *Divines* do utterly condemn it; and I hear it not generally defended; and I have often marvelled that where the *Book* in the *Preface* to *Publick Baptism* doth acknowledge that *Baptism* in the practice of the *Primitive Church* was *Anniversary* and but at certain times; which sheweth that the *Primitive Church* did not attribute so much to the Ceremony as they would break an outward and general Order for it, the *Book* should afterwards allow of *Private Baptism* as if Ceremony were of that Necessity, as the very *Institution* which committed *Baptism* only to the *Ministers*, should be broken in regard of the supposed Necessity. And therefore this point of all others I think was but a *Concessum propter avaritiam Cordis*.

For the *Form of celebrating Matrimony*, the *Ring* seemeth to many even of vulgar sense and Understanding a Ceremony not Grave, Especially to be made as the words make it) the essential part of the Action besides some other of the words are noted in Speech to be not so decent and fit.

For *Musick in Churches*; That there should be *singing of Psalmes* and *Spiritual Songs* is not denied: So the Question is *de Modo*, wherein if a man will look attentively into the Order and Observation of it, it is easie to discern between the *Wisdom* of the *Institution* and the exercise of the late *Times*. For first there are no Songs or Verses sung by the *Quire* which are not supposed by continual use to be so familiar with the *People*, as they have them without *Book*, whereby the sound hurteth not the Understanding, and these which cannot read upon the *Book* are yet Perceivers of the Sense and may follow it with their mind. So again after the reading of the *Word*, it was thought fit there should be some pause for *Holy Meditations* before they proceeded to the Rest of the *Service*: Which Pause, was thought fit to be filled rather with some *grave sound* than with a *still silence*; Which was the Reason of the *Playing* upon the *Organs* after the *Scriptures* read. All which was decent and tending to *Edification*. But then the *Curiosity* of *Devotion* and *Reports*, and other *Figures* of *Musick*, have no Affinity with the *Reasonable Service* of *God* but were added in the more pompous Times.

For the *Capp* and *Surplice*, since they be Things in their Nature indifferent,
And

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And yet by some, held superstitious; and that the Question is between Science; and Conscience It seemeth to fall within the compass of the *Apostles Rule*, which is, *That the stronger do descend and yield to the weaker*. Only the difference is, that it will be materially said, that the *Rule* holdeth between *Private man*, and *Private man*, But not between the Conscience, if a *Private man* and the Order of a *Church*. But yet since the *Question* at this time is of a *Tolleration*; not by *Conscience*, which may encourage *Disobedience*; But by *Law* which may give a *Liberty*; It is good again to be advised whether it fall not within the *Equity* of the *Former Rule*: The rather because the *Silencing* of *Ministers* by this Occasion is, in this scarcity of good *Preachers*, a punishment that lighteth upon the *People*, well as upon the *Party*. And for the *Subscription* it seemeth to me, in the Nature of a *Confession*; and therefore more proper to bind in the *Unity of Faith*, and to be urged rather for *Articles of Doctrine*, then for *Rites* and *Ceremonies*, and *Points of outward Government*. For howsoever *Politick Considerations* and *Reasons of State*, may require *Uniformity*, yet *Christian* and *Divine Grounds*, look chiefly upon *Unity*.

Touching a Preaching Ministry.

TO speak of a *Learned Ministry*; It is true that the *Worthiness* of the *Pastor* and *Ministers* is of all other points of *Religion* the most *Summary*; I do not say the *Greatest* but the most *Effectual* towards the rest: But herein to my *Understanding*, while *Men* go on in *Zeal*, to hasten this work they are not aware of as great or greater *Inconvenience*, then that which they seek to remove. For while they inveigh against a *Dumb Ministry*, they make too easie and too promiscuous an allowance of such as they account *Preachers*; Having not *Respect* enough to their *Learnings* in other *Arts*, which are *Handmaids*, to *Divinity*; Not respect enough to *Years*, except it be in *Case* of *extraordinary Gifts*; Not respect enough to the *Gift* it self, which many times is none at all. For *God forbid*, that every *Man* that can take unto himself boldness to speak an hour together in a *Church* upon a *Text*, should be admitted for a *Preacher*, though he mean never so well. I know there is a *Latitude* in *Gifts*; and a great *Variety* in *Auditories* and *Congregations*; But yet so as there is *Aliquid Infimum*, below which you ought not to descend. For you must rather leave the *Ark* to shake as it shall please *God*, then put unworthy hands to hold it up: And when we are in *Gods Temple*, we are warned rather to put our hands upon our *Mouth* Then to offer the sacrifice of *Fools*. And surely it may be justly thought that amongst many *Causes* of *Atheism*, which are miserably met in our age; as *Schismes* and *Controversies* *Profane scoffings* in *Holy matters* and others, It is not the least that divers do adventure to handle the *Word* of *God* which are unfit and unworthy. And herein I would have no man mistake me, as if I did extoll curious, and affected *Preaching*; which is as much on the other side, to be disliked; and breedeth *Atheism*, and scandal as well as the other (For who would not be offended at one that cometh into the *Pulpit* as if he came upon the *Stage* to play parts or prizes) neither on the other side, as if I would discourage any who hath any tollerable *Gift*.

But upon this *Point* I ground three *Considerations*: First, whether it were not requisite to renew that good *Exercise* which was practised in this *Church* some years; And afterwards put down by order indeed from the *Church*

In regard of some Abuse thereof; Inconvenient for those Times: And yet against the Advice and Opinion of one of the Greatest and Gravest Prelats of this Land; And was commonly called *Prophecyng*. Which was this, That the *Ministers* within a *Precinct* did meet upon a week day in some principal Town; where there was some ancient *Grand Minister* that was *President*: And an *Auditory* admitted of *Gentlemen*, or other *Persons* of *Quality*. Then every *Minister* successively, beginning with the youngest, did handle one and the same part of *Scripture*, spending severally, some *Quarter* of an *Hour* or better, and in the whole some *two Hours*: And so the *Exercise* being begun and concluded with *Prayer*; And the *President* giving a *Text*, for the next meeting, the *Assembly* was dissolved. And this was as I take it, a fortnights *Exercise*: which in my Opinion, was the best way to stame and train up *Preachers* to handle the *Word* of *God* as it ought to be handled, that hath been practised. For we see *Oratours* have their *Declamations*, *Lawyers* have their *Moots*, *Logicians* their *Sophisms*; And every practise of *Science* hath an *Exercise* of *Erudition* and initiation before Men come to the *Life*, Onely *Preaching*, which is the worthiest; And wherein it is most danger to be amiss; Wanteth an introduction, and is ventred and rushed upon at the first: But unto this *Exercise* of the *Prophecy*, I would wish these two *Additions*: The one, that after this *Exercise*, which is in some sort *Publike*, there were immediately a *Private Meeting* of the same *Ministers*, Where they might brotherly admonish the one the other: And specially the elder sort the younger, of any Thing that had passed in the *Exercise* in *Matter* or *Manner* unsound and uncomely; And in a word might mutually use such *Advice*, *Instruction*, *Comfort* or *Encouragement*, as *Occasion* might minister, For *publike Reprehension* were to be debarred. The other *Addition* that I mean, is, That the same *Exercise*, were used in the *Universities*, for *young Divines*, before they presumed to *Preach*, as well as in the *Country* for *ministers*. For they have in some *Colleges* an *Exercise* called a *Common Place*, Which can in no *Degree* be so profitable, being but the *Speech* of one *Man* at one *time*. And if it be feared, that it may be *Occasion* to whet *Mens Speeches* for *Controversies*, it is easily remedied, by some strict *Prohibition*, that *Matters* of *Controversie* tending any way to the violating or *Disquieting* the *Peace* of the *Church*, be not handled or entered into; Which *Prohibition* in regard there is ever to be a *Grave Person* *President* or *Moderator* cannot be frustrate. The second *Consideration* is, whether it were not convenient, there should be a more exact *Prohibition* and *Examination* of *Ministers*; Namely, that the *Bishops* do not ordain alone but by *Advice*; And then that *Ancient Holy Orders* of the *Church* might be revived: By the which the *Bishop* did *Ordain Ministers* but at *four set times* of the *year*; which were called, *Quatuor Tempora*; which are now called *Ember weeks*; It being thought fit to accompany so High an *Action* with *general Fasting*, and *Prayer*, and *Sermons*, and all *Holy Exercises*; And the *Names* likewise of those that were to be *Ordained*, were published some *dayes* before their *Ordination*, To the end *Exceptions* might be taken if just *Cause* were. The third *Consideration* is, that if the *Cause* of the *Church* of *England* be, that a *Computation* is taken of all the *Parochian Churches*, (allowing the *Union* of of such as were too small, and adjacent;) And again a *Computation* to be taken of the *persons*, who are worthy to be *Pastors*; And upon the said *Account*, if it fall out that there are many more *Churches* then *Pastours*; Then of *Necessity* *Recourse* must be had to one of these *Remedies*; Either *Pluralities* must be allowed, (specially,

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It you can by *permutation*, make the *Benefices* more compatible :) Or that there be *Allowed Preachers*, to have a more general Charge, to supply and serve by *turne Parishes* unfurnished : For that some *Churches*, should be provided of *Pastours* able to teach ; and others wholly *Destitute*, seemeth to me to be aginst the *Communion of Saints* and *Chr. Sians* ; And aginst the *Practice* of the *Primitive Church*.

Touching the Abuse of Excommunication.

EXcommunication is the greatest *Judgement* upon *Earth*, Being that which is ratified in *Heaven* ; And being a *Precursory* or *Prelusory Judgement* of the great *Judgement* of *Christ* in the *End* of the *World*. And theretore for this to be used unreverently and to be made an *Ordinary Process*, to lackey up and down for *Fees*, how can it be without *Derogation* to *Gods Honour*, and making the *power of the Keyes* contemptible ? I know vey well the *Defence* thereof, which hath no great *Force* ; That it issueth forth, not for the *Thing* it self, but for the *Contumacy*. I do not deny, but this *Judgement* is, (as I said before,) of the *Nature* of *Gods Judgments*, of the which it is a *Model*. For as the *Judgment* of *God*, taketh hold upon the *Least sin*, of the *Impenitent* ; And taketh no hold, of the *greatest Sin* of the *Convert* or *Penitent* : So *Excommunication*, may in case issue upon the *smallest Offence* ; And in *Case* not issue upon the *greatest* : But is this *Contumacy*, such a *Contumacy*, as *Excommunication* is now used for ? For the *Contumacy* must be such as the *Party*, (as far as the *Eye* and *Wisdom*, of the *Church* can discern.) standeth in *State*, of *Reprobation*, and *Damnation* : - as one that for that time, seemeth given over to *Final Impenitency*. Upon this *Observation*, I ground two *Considerations*, The one, that this *Censure*, be restored to the true *Dignity* and *Use* thereof, which is, that it proceed not but in *Cases* of great weights and that it be decreed not by any *Deputy*, or *Substitute* of the *Bishop*, but by the *Bishop* in *Person* ; And not by him alone, but by the *Bishop Assisted*.

The other *Consideration* is, That in lieu thereof, there be given, to the *Ecclesiastical Court*, some ordinary *Process* with such *Force*, and *Coercion* as appeareth ; That so the *Dignity*, of so high a *Sentence*, being retained, and the *Necessity* of *Mean Process* supplied the *Church* way be indeed restored, to the *Ancient Vigour* and *Splendour*. To this purpose, joyn'd with some other *Holy* and *Good* purposes, was there a *Bill*, drawn in *Parliament*, in the *Three* and *Twentieth* Year of the *Raign* of the *Queen* deceased ; (which was the *Gravest Parliament* that I have known ; and the *Bill* recommended by the *gravest Councillor* of *Estate* in *Parliament* Though afterwards, it was stayed by the *Queens special Commandment*, the *Nature* of those *Things* considered.

Touching } NON-RESIDENTS,
And
} PLURALITIES.

FOR *Non-Residence*, except it be in case of necessary *Absence*, it seemeth an *Abuse* drawn out of *Covetousness*, and *Sloth*, For that *Men* should *Live* of the *Flock*, that they do not *Feed*, Or of the *Alter* at which they do not *Serve* ; Is a *Thing* that can hardly receive just *Defence*.

And

And to Exercise, the Office, of a *Pastour*, in Matter of the *Word*, and *Doctrines*, by Deputies; Is a Thing not warranted, as hath been touched before. The *Questions* upon this *Point*, do arise, upon the Cases of *Exception*, and *Excusation*; Which shall be thought *Reasonable* and *Sufficient*; And which not. For the Case of *Chaplains*, let me speak that with your Majesties pardon, and with Reverence, towards the other Peers, and Grave Persons, whose *Chaplains*, by *Statutes*, are privileged: I should think, that the Attendance which *Chaplains* give, to your *Majesties Court*, and in the Houses, and Families, of their *Lords*, were a juster Reason, why they should have no *Benefice*, then why, they should be qualified to have Two: For, as it standeth with Christian Policy, that such Attendance be in no wise neglected; Because that good, which ensueth thereof to the *Church of God*, may exceed, or countervail that which may follow of their Labours in any, though never so large a *Congregation*; So it were reasonable that their *Maintenance* should *Honourably*, and *Liberally*, proceed thence, whence, their *Labours* be employed. Neither, are there wanting, in the *Church*, *Dignities*, and *Preferments*, not joyned, with any exact *Cure of Souls*; By which; and by the Hope of which such *Attendants* in *Ordinary*, (who ought to be, as for the most part they are, of the best Gifts, and Sort,) may be further encouraged, and rewarded. And as for *Extraordinary Attendants*, they may, very well, retain the Grace, and Countenance, of their places, and Duties, at times incident thereunto, without *Discontinuance*, or *Non-Residence*, in their *Pastoral Charges*. Next, for the Case of intending *Studies* in the *Universities*, it will more easily receive an Answer; For *Studies* do but serve, and tend to the Practice of those *Studies*; and therefore, for that, which is most principal and final to be left undone, for the attending of that which is *Subservient*, and *Subministrant*, seemeth to be against proportion of *Reason*. Neither do I see, but that they proceed right well in all Knowledge, which do couple *Study* with their *Practice*; and do not first *Study altogether*, and then *Practice altogether*; and therefore they may very well Study at their *Benefices*. Thirdly, For the Case of *Extraordinary Service* of the *Church*; As if some *Pastour* be sent to a *General Council*; or here to a *Convocation*; and likewise for the Case of necessity, as in the particular, of *Infirmity of Body*, and the like; no man will contradict, but there may be some *Substitution* for such a Time. But the General Case of Necessity, is the Case of *Pluralities*; the *Want* of *Pastours*, and *Insufficiency* of *Living*s considered, *Posito*, that a Man doth faithfully and incessantly divide his Labours between two Cures; which kind of Necessity I come now to speak of in the handling of *Pluralities*.

For *Pluralities*, in Case the Number of *Able Ministers* were sufficient, and the *Value* of *Benefices* were sufficient, then *Pluralities* were in no sort tolletable. But we must take heed, we desire not Contraries. For to desire that every *Parish* should be furnished with a sufficient *Preacher*; and to desire that *Pluralities* be forthwith taken way, is to desire Things contrary; considering, *De Facto*, there are not *Sufficient Preachers* for every *Parish*: Whereto adde likewise, that there is not *Sufficient Living* and *Maintenance* in many *Parishes*, to maintain a *Preacher*; and it maketh the *Impossibility* yet much the greater. The *Remedies*, in *Rerum Naturâ*, are but Three; *Union*, *Permutation*, and *Supply*. Union,

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of such *Benefices* as have the *Living* too small, and the *Parishes* not too great, and are *Adjacent*. Permutation, to make *Benefices* more compatible, though men be overuled to some loss, in changing a *Better* for a *Nearer*. Supply, by *Stipendary Preachers*, to be rewarded with some *Liberal Stipends*, to supply, as they may, such places which are unfurnished of *sufficient Pastours*. As *Queen Elizabeth*, amongst other her *Gracious Acts*, did erect certain of them in *Lancaashire*; Towards which *Pensions*, I see no reason but *Reading Ministers*, if they have rich *Benefices* should be charged.

Touching the Provision, for sufficient Maintenance, in the Church.

Touching *Church Maintenance*, it is well to be weighed, what is, *Jure Divino*, and what, *Jure Positivo*. It is a *Constitution* of the *Divine Law*, from which humane Laws cannot derogate; That those which feed the *Flock*, should live of the *Flock*; That those that serve at the *Altar*, should live of the *Altar*; That those which dispense *spiritual things*, should reap *temporal things*; Of which it is also an *Appendix*, that the *Proportion* of this *Maintenance* be not small or necessitous, but *Plentiful*, and *Liberal*. So then, that all the *Places* and *Offices* of the *Church* be provided of such a *Dotation*, that they may be maintained, according to their several *Degrees*, is a *Constitution*, *permanent*, and *perpetual*: But for particularity of the *Endowment*, whether it should consist of *Tithes*, or *Lands*, or *Pensions*, or *Mixt*, might make a *Question* of *Convenience*, but no *Question* of *precise Necessity*. Again, that the *Case* of the *Church*, *de facto*, is such, that there is want in the *Church* of *Patrimony*, is confessed. For the *Principal Places*, namely, the *Bishops Livings*, are in some particulars not sufficient; and therefore enforced to be supplied by *Tolleration* of *Commendams*, Things, of themselves unfit, and ever held of no good Report. And as for the *Benefices* and *Pastors* Places, it is manifest that very many of them are very weak and penurious. On the other side, that there was a *Time* when the *Church* was rather burthened with *Superfluity*, then with *Lack*, that is likewise apparent; but it is long since; so as the *Fault* was in others, the *Want* redoundeth unto us. Again, that it were to be wished that *Impropriations*, were returned to the *Church* as the most *Proper* and *Natural Endowments* thereof, is a Thing likewise wherein *Mens Judgments* will not much vary. Nevertheless, that it is an *Impossibility* to proceed now, either to their *Resumption* or *Redemption*, is as plain on the other side. For *Men* are stated in them by the *Highest Assurance* of the *Kingdom*, which is, *Act of Parliament*; and the value of them amounteth much above ten *Subsidies*: And the *Restitution* must of necessity pass their *Hands*, in whose *Hands* they are now in possession or interest.

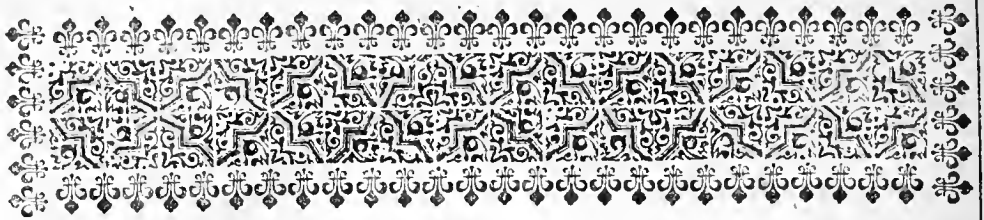
But of these things which are manifestly true, to infer, and ground some *Conclusions*. First, In mine own *Opinion* and *Sense*, I must confess (let me speak it with *Reverence*) that all the *Parliaments* since 27. and 31. of *H. 8.* (who gave away *Impropriations* from the *Church*) seem to me to stand in a sort obnoxious, and obliged to *God* in *Conscience*, to do somewhat for the *Church*; To reduce the *Patrimony* thereof to a

Competency. For since they have debarred *Christ's Wife* of a great part of her *Dowry*, it were Reason they made her a competent *Joynture*. Next to say, that *Impropriations* should be only charged; that carrieth neither *Possibility* nor *Reason*. Not *Possibility* for the Reasons touched before: Not *Reason*, because, if it be conceived, that if any other Person be charged, it should be a *Re-charge*, or *Double-Charge*, in as much as he payeth *Tithes* already, that is a Thing mistaken. For it must be remembered that as the *Realm* gave *Tithes* to the *Church*; So the *Realm*, since again, hath given *Tithes* away from the *Church* unto the *King*: As they may give their eighth *Sheaf* or ninth *Sheaf*. And therefore the first Gift being evacuated, it cannot go in defeazance, or discharge of that perpetual Bond, wherewith Men are bound to maintain Gods Ministers. And so we see, in Example, that divers Godly and well *Disposed People*, not *Impropriators*, are content to encrease their *Preachers Livings*; which, though in *Law* it be but a *Benevolence*, yet before *God* it is a *Conscience*. Further, that *Impropriations* should not be somewhat more deeply charged, then other *Revenues* of like value, methinks cannot well be denyed; both in regard of the *Ancient claim* of the *Church*; And the Intention of the *first Giver*; And again, because they have passed in *valuation* between Man and Man, somewhat at the less rate, in regard of the said *pretence* or *claim* of the *Church* in *Conscience* before *God*. But of this *Point* touching *Church-Maintenance*, I do not think fit to enter into further Particularity, but reserve the same to a fitter Time.

Thus have I in all Humbleness and Sincerity of Heart, to the best of my understanding, given your *Majesty* Tribute of my Cares and Cogitations in this *Holy business*; So highly tending to *Gods Glory*, your *Majesties Honour*, and the *Peace* and *Welfare* of your *States*. Insomuch, as I am perswaded, that the *Papists* themselves should not need so much the *Severity* of *Penal Laws*, if the *Sword* of the *spirit* were better edged by *strengthening* the *Authority*, and *suppressing* the *Abuses* in the *Church*.

To conclude, renewing my most Humble Submission of all that I have said to your *Majesties* most *High Wisdom*; And again, most humbly craving pardon for any *Errours* committed in this *Writing*; which, the same weakness of Judgment that suffered me to commit them, would not suffer me to discover them; I end with my *Devout* and *Fervent Prayer* to *God*; that as he hath made your *Majesty* the *Corner-stone*, in joyning your two *Kingdoms*; So you may be also as a *Corner-stone* to unite and knit together these *Differences* in the *Church* of *God*; to whose *Heavenly Grace*, and *never erring Direction*, I commend your *Majesties Sacred Person*, and all your *Doings*.

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CERTAIN
 CONSIDERATIONS
 TOUCHING THE
 PLANTATION
 IN
 IRELAND.

PRESENTED

TO

His Majesty.

1606.

IT seemeth *God* hath reserved to your *Majesties* Times, two *Works*; which amongst the *Works* of *Kings*, have the supream Preheminence; The *Union* and *Plantation* of *Kingdoms*. For although it be a great Fortune for a *King* to deliver or recover his *Kingdom*, from long continued Calamities; yet in the judgment of those that have distinguished of the Degrees of *soveraign Honour*; To be a *Founder* of *Estates* or *Kingdoms*, excelleth all the rest. For, as in *Arts* and *Sciences*, to be the first *Inventer*, is more, then to *Illustrate* or *Amplifie*: And as in the *Works* of *God*, the *Creation* is greater then the *Preservation*; And as in the *Works* of *Nature*, the *Birth* and *Nativity*, is more then the *Continuance*: So in *Kingdoms*, the first *Foundation* or *Plantation*, is of more *Noble Dignity* and *Merit*, then all that followeth. Of which *Foundations*, there being but two *Kinds*; The first that maketh *One* of *More*; And the Second, that maketh *One* of *None*; The Latter resembling the *Creation* of the *World*, which

was *De Nihilō aliquid*; And the Former, the Edification of the Church, which was *de Multiplici ad Simplex, vel ad unum*: It hath pleased the *Divine Providence*, in singular Favour to your *Majesty*, to put both these *Kinds of Foundations or Regenerations*, into your Hand; The one, in the *Union of the Island of Britain*; The other, in the *Plantation of Great and Noble Parts of the Island of Ireland*: Which Enterprizes, being once happily accomplished; Then that which was uttered by One of the best *Oratours*, in one of the Worst *verses*; *O fortunatam natam me Consule Romam*: May be far more truly and properly applied to your *Majesties* Act: *Natum te Regē Britanniam; Natam Hiberniam*. For he spake, in properly of Deliverance and Preservation; But in these Acts of yours, it may be verified more naturally. For indeed, *Unions and Plantations*, are the very *Nativities or Birth-days of Kingdoms*. Wherein likewise, your *Majesty* hath yet a Fortune extraordinary, and differing from former Examples, in the same Kind. For most Part of *Unions and Plantations of Kingdoms*, have been founded in the *Effusion of Blood*; But your *Majesty* shall build, in *solo puro, & in Arē pura*, that shall need no *sacrifices Expiatory*, for *Blood*; And therefore, (no doubt) under a Higher and more Assured *Blessing*. Wherefore, as I adventured, when I was less known and less particularly bound to your *Majesty*, then since, by your undeserved Favour I have been, to write somewhat touching the *Union*, which your *Majesty* was pleased to accept; And which since I have to my power seconded by my *Travels*; Not only in *Discourse*, but in *Action*: So I am thereby encouraged to do the like, touching this Matter of *Plantation*; Hoping that your *Majesty*, will, through the weakness of my Ability, discern the strength of my Affection; And the Honest and fervent Desire I have, to see your *Majesties* Person, Name, and Times, Blessed, and Exalted, above those, of your *Royal Progenitours*. And I was the rather, invited this to do, by the Remembrance, that when the *Lord chief Justice* deceased, *Popham* served in the place, wherein I now serve; And afterwards, in the *Attorney's Place*, he laboured greatly, in the last Project, touching the *Plantation of Munster*. Which nevertheless, as it seemeth, hath given more light, by the *Errours* thereof, what to *Avoyd*; Then, by the *Direction* of the same, what to *Follow*.

First therefore, I will speak somewhat of the *Excellency* of the Work; And then, of the *Means* to compass and effect it. For the *Excellency* of the *Work*, I will divide it into four Noble and Worthy Consequences that will follow thereupon. The First of the four, is *Honour*; whereof I have spoken enough already, were it not that the *Harp of Ireland* puts me in mind of that Glorious *Embleme* or *Allegory*, wherein the wisdom of Antiquity did figure and shadow out works of this Nature. For the *Poets* feigned, that *Orpheus* by the vertue and sweetness of his *Harp*, did call and assemble the *Beasts* and *Birds* of their Nature *wild*, and *swage*, to stand about him, as in a *Theatre*; Forgetting their Affections, of Fierceness, of Lust, and of Prey; and listening to the *Tunes* and *Harmonies* of the *Harp*: and soon after, called likewise the *stones*, and the *Woods* to remove, and stand in order about him: which Fable was anciently interpreted, of the *Reducing*, and *Plantation of Kingdoms*; when *People of Barbarous Manners*, are brought to give over and discontinue their *Customs*, of *Revenge* and *Blood*, and

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of dissolute Life, and of Theft, and of Rapine; And to give Ear to the wisdom of *Laws* and *Governments*, whereupon, immediately followeth, the *Calling of Stones*, for Building, and Habitation; and of Trees, for the seats of Houses, Orchards, and Enclosures, and the like.

This Work therefore, of all other, most Memorable and Honourable, your *Majesty* hath now in Hand; specially, if your *Majesty* joyn the *Harp of David*, in casting out the Evil Spirit of *Superstition*; with the *Harp of Orpheus*, in casting out *Desolation* and *Barbarism*.

The second *Consequence* of this *Enterprise*, is the *Avoiding* of an *Inconvenience*, which commonly attendeth upon Happy Times, and is an evil effect, of a good Cause. The Revolution of this present Age, seemeth to encline to Peace, almost generally in these Parts; And your *Majesties* most Christian and vertuous affections do promise the same more specially, to these your *Kingdoms*. An effect of *Peace* in Fruitful *Kingdoms*, (where the stock of *People* receiving no *Consumption*, nor *Diminution* by *warr*, doth continually multiply and encrease;) must in the end, be a *surcharge*, or *Overflow* of *People*, more then the *Territories* can well maintain; Which many times, insinuating a general Necessity and want of Means into all Estates, doth turn *External Peace*, into *Internal Troubles* and *seditions*. Now what an excellent *Diversion* of this *Inconvenience* is ministred, by *Gods Providence*, to your *Majesty* in this *Plantation* of *Ireland*? wherein so many *Families* may receive *Sustentations* and *Fortunes*; and the discharge of them also out of *England* and *Scotland*, may prevent many Seeds of *Future perturbations*? So that it is, as if a man were troubled for the *Avoidance* of water from the place where he hath built his *House*, and afterwards, should advise with himself, to cast those waters, and to turn them into fair Pools or Streams, for pleasure, provision, or use. So shall your *Majesty* in this *Work* have a double *Commodity*, in the *Avoidance* of *People* here, and in *Making use* of them there.

The third *Consequence*, is the great *safety* that is like to grow to your *Majesties Estate* in general by this Act; In discomfitting all *Hostile Attempts* of *Foreigners*, which the Weakness of that *Kingdom*, hath heretofore invited: Wherein I shall not need to fetch Reasons afar off, either for the general or particular. For the general, because nothing is more evident then that, which one of the *Romans* said of *Peloponnesus*, *Testudo intra tegumenta est. The Tortoise is safe within her shell*: But if she put forth any part of her Body, then it endangereth not only the part is so put forth, but all the rest. And so we see in *Armour*, if any part be left naked, it puts in hazard the whole Person. And in the *Natural Body* of *Man*, if there be any weak or affected part, it is enough to draw Rheums or Malign *Humours* unto it, to the Interruption of the *Health* of the whole *Body*.

And for the *Particular*, the Example is too fresh, that the indisposition of that *Kingdom*, hath been a continual Attractive of Troubles and Infestations upon this *Estate*; and though your *Majesties* Greatness doth in some sort discharge this Fear, yet with your encrease of *Power* it cannot be, but *Envy* is likewise encreased.

The fourth and last *Consequence* is the great *Profit* and *Strength* which is like to redound to your *Crown*, by the working upon this unpolished Part thereof: Whereof, your *Majesty*, (being in the strength

of your years) are like, by the good pleasure of *Almighty God* to receive more then the First Fruits; And your *Posterity* a growing and springing Vein of Riches and Power. For this *Ireland* being another *Britain*; As *Britain* was said to be another *World*; is endowed with so many *Dowries* of *Nature*, (considering the *Fruitfulness* of the Soil, the *Ports*, the *Rivers*, the *Fishings*, the *Quarries*, the *Woods*, and other *Materials*; And specially the *Race* and *Generation* of *Men*, valiant, hard, and active) As it is not easie, no not upon the *Continent*, to find such Confluence of Commodities, if the Hand of *Man* did joyn with the Hand of *Nature*. So then for the *Excellency* of the work, in the point of *Honour*, *Policy*, *Safety*, and *Utility*, here I cease. For the Means to effect this Work; I know your *Majesty* shall not want the Information of Persons expert and industrious, which have served you there, and know the *Region*: Nor the Advise of a Grave and Prudent *Counsel* here; which know the Pulses of the Hearts of People, and the ways and Passages of conducting great Actions: Besides that, which is above all; that *Fountain* of Wisdom and Universality which is in your self: yet notwithstanding in a thing of so publick a Nature, it is not amiss for your *Majesty* to hear variety of Opinion. For as *Demosthenes* saith well; *The good Fortune, of a Prince, or State, doth sometimes put a good Motion into a Fools Mouth.* I do think therefore the Means of accomplishing this Work consisteth of two principal Parts. The first, the *Invitation* and *Encouragement* of Undertakers: The second, the *Order* and *Policy* of the *Project* it self. For as in all *Engines* of the *Hand*, there is somewhat that giveth the Motion and Force, and the rest serveth to guide and govern the same: So is it in these *Enterprises*, or *Engines* of *Estare*. As for the former of these, there is no doubt, but next unto the *Providence* and *Finger* of *God*, which writeth these Vertuous and Excellent Desires in the Tables of your *Majesties* Heart, your *Authority* and your *Affection*, is *Primus Motor*, in this Cause: And therefore the more strongly, and fully your *Majesty* shall declare your self in it, the more shall you quicken and animate the whole proceeding. For this is an *Action*, which as the worthiness of it doth bear it, so the Nature of it requireth it, to be carried in some *Height* of *Reputation*; And fit in mine Opinion, for *Sulpits*, and *Parliaments*, and all places to ring and resound of it. For that, which may seem *Vanity* in some Things; (I mean, *Mutter* of *Fame*) is of great efficacy in this Case.

But now let me descend to the inferiour *Spears*, and speak what Cooperation in the Subjects, or Undertakers may be raised and kindled, and by what *Means*. Therefore to take plain Grounds which are the surest; All *Men* are drawn into *Actions* by three Things, *Pleasure*, *Honour*, *Profit*. But before I pursue the three *Motives*, it is fit in this place to entrelace a word or two of the *Quality* of the *Undertakers*; wherein my Opinion simply is, that if your *Majesty* shall make these *Portions* of *Land*, which are to be Planted, as Rewards, or as Suits, or as Fortunes for those that are in want; And are likeliest to seek after them; That they will not be able to go through with the Charge of good substantial *Plantations*; But will *Deficere in Opere medio*; And then this *Work* will succeed, as *Tacitus* saith; *Acribus initiis, Fine incurioso*. So that this must rather be an *Adventure* for such as are full, then a *setting up* of those that are low of Means; For those Men are fit indeed to perform these *Undertakings*; Which were fit to purchase dry *Rever-*

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sons after *Lives* or *Years*; Or such as were fit to put out *Mony* upon long *Returns*.

I do not say, but that I think the *Undertakers* themselves will be glad to have some *Captains*, or *Men* of *Service* intermixed among them for their safety; But I speak of the Generality of *Undertakers*, which I wish were *Men* of *Estate* and *Plenty*.

Now therefore, it followeth well to speak of the aforesaid three *Motives*; For it will appear the more, how necessary it is to allure by all means *Undertakers*; Since those *Men* will be least fit which are like to be most in Appetite of themselves; And those most fit, which are like least to desire it.

First therefore, for *Pleasure* in this *Region* or *Tract* of *Soyl*, there is no *Warm Winters*, nor *Orange Trees*, nor *strange Beasts*, or *Birds*, or other Points of *Curiosity* or *Pleasure*, as there are in the *Indies* and the like; So as there can be found no *Foundation*, made upon matter of *Pleasure*, otherwise, then that the very desire of *Novelty* and *Experiment* in some *stirring Natures*, may work somewhat; And therefore it is the other two Points of *Honour* and *Profit*, whereupon we are wholly to rest.

For *Honour* or *Countenance*, if I shall mention to your *Majesty*, whether in wisdom you shall think convenient, the better to express your Affection to the *Enterprise*, and for a Pledge thereof, to add the *Earldom* of *Ulster* to the *Princes Titles*; I shall but learn it out of the practise of *King Edward* the First, who first used the like course, as a mean, the better to restrain the *Countrey* of *Wales*: And I take it, the *Prince* of *Spain* hath the Addition of a *Province* in the *Kingdom* of *Naples*; And other *Presidents* I think there are, and it is like to put more life and encouragement into the *Undertakers*.

Also considering the large *Territories* which are to be Planted, it is not unlike your *Majesty* will think of raising some *Nobility* there; which if it be done meerly upon new *Titles* of *Dignity*, having no manner of Reference to the Old; And if it be done also, without putting too many *Portions* into one *Hand*; And lastly, if it be done without any great *Franchises* or *Commands*; I do not see any Peril can ensue thereof: As on the other side, it may draw some *Persons* of great *Estate* and *Means* into the *Action*, to the great Furtherance and Supply of the charges thereof.

And lastly for *Knighthood*, to such *Persons* as have not attained it; Or otherwise, *Knighthood* with some new Difference and Precedence; It may no doubt work with many. And if any Man think that these things which I propound, are *Aliquid nimis*, for the *Proportion* of this *Action*; I confess plainly, that if your *Majesty* will have it really and effectually performed; My Opinion is, you cannot bestow too much *sunshine* upon it. For *Lunæ Radiis non maturescit Botrus*. Thus much for *Honour*.

For *Profit*, it will consist in Three parts.

First, the *Easie Rates* that your *Majesty* shall be pleased to give the *Undertakers* of the *Land*, they shall receive.

Secondly, the *Liberties* which you may be pleased to confer upon them. When I speak of *Liberties*, I mean not *Liberties* of *Jurisdiction*. As *Counties Palatine* or the like; (which it seemeth hath been the Error of the ancient *Donations* and *Plantations* in that *Country*;) But I mean only *Liberties* tending to *Commodity*: As *Liberty* to transport any

of the *Commodities* growing upon the *Country*, new *Planted*; *Liberty* to *Import* from hence all things appertaining to their necessary use, *Custom-free*; *Liberty* to take *Timber* or other *Materials* in your *Majesties Woods*; there, and the like.

The third is, *Ease of Charge*; That the whole *Mass* of *Charge* doth not rest upon the private *Purse* of the *Undertakers*.

For the two former of these, I will pass them over; because in that *Project*, which with good diligence and providence hath been presented to your *Majesty* by your *Ministers* of that *Kingdome*; they are in my *Opinion* well handled.

For the third I will never despair, but that the *Parliament* of *England*, if it may perceive, that this *Action* is not a *Flash*, but a *solid* and *settled pursuit*, will give *Aid* to a *Work* so *Religious*, so *Politick*, and so *Profitable*. And the distribution of *Charge*, (if it be observed,) falleth naturally into three *Kindes* of *Charge*, and every of those *Charges* respectively ought to have his proper *Fountain* and *Issue*. For as there proceedeth from your *Majesties Royal Bounty* and *Munificence*, the *Gift* of the *Land*, and the other *Materials*, together with the *Endowment* of *Liberties*; And as the *Charge* which is *Private*; As *Building* of *Houses*, *Stocking* of *Grounds*, *Vitual* and the like, is to rest upon the *particular Undertakers*; So whatsoever is *Publick*; As *Building* of *Churche*s, *Walling* of *Towns*, *Town-Houses*, *Bridges*, *Causeys*, or *High-ways*; and the like, ought not so properly to lye upon *particular Persons*, but to come from the *Publick Estate* of this *Kingdom*; To which this *Work* is like to return so great an *Addition* of *Glory*, *Strength*, and *Commodity*.

For the *Project* it self, I shall need to speak the less, in regard it is so considerably digested already, for the *County* of *Tyrone*; And therefore my *Labour* shall be but in those things wherein I shall either *Add* to, or *Dissent* from that which is set down; Which will include *Five Points* or *Articles*. First, they mention a *Commission* for this *Plantation*, which of all things is most necessary, both to *Direct*, and *Appease Controversies*, and the like.

To this I add two *Propositions*. The one, that which perhaps is meant though not expressed, That the *Commissioners* should for certain times reside, and abide in some *Habitable Town* of *Ireland*, near in distance to the *Country* where the *Plantation* shall be; To the end; Both that they may be more at *Hand*, for the *Execution* of the *Parts* of their *Commission*; And withal, it is like by drawing *Concourse* of *People* and *Trades-Men*, to such *Towns*, it will be some *Help*, and *Commodity* to the *Undertakers* for things they shall stand in need of. And likewise, it will be a more safe place of *Receit* and *Store*, wherein to *Unlade* and *Deposite* such *Provisions* as are after to be employed.

The *Second* is, that your *Majesty* would make a *Correspondency* between the *Commission* there, and a *Council* of *Plantation* here. Wherein I warrant my self, by the *President* of the like *Council* of *Plantation* for *Virginia*; An enterprize in my *Opinion* differing as much from this, as *Amadis de Gaule* differs from *Cæsars Commentaries*. But when I speak of a *Council* of *Plantation*, I mean some *Persons* chosen by way of *Reference*; Upon whom the *Labour* may rest; To prepare and report things to the *Counsel* of *Estate* here, that concern that *Business*. For although your *Majesty* have a grave and sufficient *Council* in *Ireland*; From whom, and upon whom, the *Commissioners* are to have *Assistance* and *Dependance*;

Considerations touching the Plantations in Ireland.

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yet that supplies not the purpose whereof I speak. For considering, that upon the *Advertisements* as well of the *Commissioners*, as of the *Council of Ireland* it self; There will be many Occasions to crave directions from your *Majesty*, and your *Privy Council* here, which are busied with a world of Affairs; It cannot but give greater *Expedition*, and some better *Perfection* unto some *Directions* and *Resolutions*, if the *Matters* may be considered of afore hand, by such, as may have a contiual Care, of the Cause. And it will be, likewise a *Comfort*, and *Satisfaction* to some *Principal Undertakers*, if they may be admitted of that *Council*.

Secondly, there is a *Clause* wherein the *Undertakers* are restrained, that they shall execute the *Plantation* in *Person*; from which I must dissent, if I well consent with the Grounds I have already taken. For it is not probable that Men of great *Means* and plentiful *Estates* will indure the *Travail*, *Diseasments*, and *Adventures* of going thither in *Person*; But rather I suppose, many will undertake *Portions* as an *Advancement* for their *younger Children* or *Kinsfolks*; Or for the sweetness of the *Expectation* of a great *Bargain* in the end, when it is overcome. And therefore, it is like they will employ *Sons*, *Kinsfolks*, *Servants*, or *Tenants*, and yet be glad to have the *Estate* in themselves. And it may be some again will joyn their *Purses* together, and make as it were a *Partner-ship* or *Joint-Adventure*; And yet man forth some one Person, by consent, for the Executing of the *Plantation*.

Thirdly, there is a *Main point*, wherein I fear the *Project* made, hath too much of the Line and Compass, and will not be so natural and easie to Execute, nor yet so Politick and Convenient: And that is, that the Buildings should be *sparsem*, upon every *Portion*; And the *Castle* or *Principal House*, should draw the *Tenements* and *Farmes* about it, as it were into *Villages*, *Hamlets*, or *Endships*; And that there should be only Four *Corporate Towns* for the *Artificers* and *Trades-men*.

My Opinion is, that the Building be altogether in *Towns*, to be compounded as well of *Husbandries* as of *Arts*. My *Reasons* are.

First, when *Men* come into a *Country*, *Vast*, and *Void* of all Things necessary for the use of *Mans Life*; If they set up together in a Place, one of them will the better supply the wants of the other. *Work-Folkes* of all sorts will be the more continually on work without los of time; When, if *Work* fail in one place, they may have it fast by: The *Wages* will be made more passible for carriages to those *seats* or *Towns*, then they can be to a number of dispersed Solitary places; And infinite other helps and easements scarcely to be comprehended in Cogitation, will ensue in *Vicinity* and *Society* of *People*; Whereas, if they build scattered, (as is projected,) every man must have a *Cornu-Copia* in himself for all things he must use; Which cannot but breed much *Difficulty*, and no less *Wast*.

Secondly, it will draw out of the *Inhabited Country* of *Ireland*, *Provisions*, and *Vicinals*, and many necessaries, because they shall be sure of Utterance; whereas in the dispersed *Habitations*, every Man must reckon only upon that that he brings with him; as they do in *Provisions* of *Ships*.

Thirdly, the Charge of *Barnes*, as they call them, to be made about every *Castle* or *House* may be spared, when the *Habitations* shall be congregated only into *Towns*.

And lastly, it will be a means to secure the *Country* against future *Perils*, in case of any *Revolt* and *Defection*, For by a slight *Fortification* of

no great charge, the danger of any Attempts of Kierns and Sword-men may be prevented, The Omission of which point, in the last Plantation of Munster, made the work of years to be but the spoil of days. And if any man think it will draw people to far off from the Grounds they are to labour; It is to be understood, that the number of the Towns be encreas'd accordingly, And likewise, the Situation of them be as in the Center in respect of the Portions assigned to them. For in the Champian Countries of England, where the Habitation useth to be in Towns, and not dispersed, it is no new thing to go two Miles off to plow part of their Grounds: And two Miles compass will take up a good deal of Country.

The fourth Point, is a Point wherein I shall differ from the Project, rather in Quantity and Proportion then in Matter. There is allowed to the undertaker, within the five years of Restraint, to alien a third part in Fee-Farm, and to demise another for forty years, which I fear will mangle the Portions, and will be but a shift to make mony of two parts: Whereas I am of Opinion, the more the first undertaker is forced to keep in his own hands, the more the work is like to prosper. For first, the Person liable to the state here to perform the Plantation, is the Immediate Undertaker. Secondly, the more his profit dependeth upon the Annual and Springing Commodity, the more sweetness he will find in putting forward Manurance and Husbanding of the Grounds; And therefore is like to take more care of it. Thirdly, since the Natives are excluded, I do not see that any persons are like to be drawn over, of that Condition, as are like to give Fines, and undertake the charge of Building: For I am perswaded that the people transported will consist of Gentlemen and their Servants; And of Labourers and Hindes, and not of Yeomen, of any wealth; And therefore the Charge of Building, as well of the Tenements and Farmes as of the Capital Houses, themselves, is like to rest upon the Principal Undertakers, which will be recompenced in the end to the full, and with much advantage, if they make no long Estates or Leases.

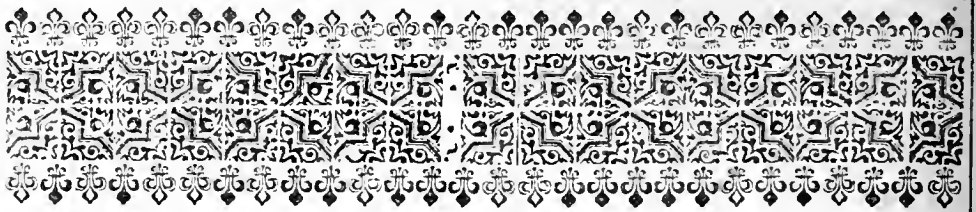
And therefore this Article to receive some Qualification.

Fifthly, I should think it requisite that Men of Experience in that Kingdome, should enter into some particular Consideration, of the Charges and Provisions of all kinds that will be incident to the Plantation; To the end, that thereupon some advise may be taken for the Furnishing and Accommodating them most conveniently, Aiding private Industry with publick Care and Order.

Thus I have expressed to your Majesty those simple and weak Cogitations, which I have had in my self touching this Cause; Wherein I most humbly desire your pardon, and gracious acceptance of my good Affection and Intention. For I hold it for a Rule, that there belongeth to great Monarchs, from Faithful Servants, not only the Tribute of Duty, but the Oblations of cheerfulness of Heart. And so I pray the Almighty to bleſs this great Action, with your Majesties Care; and your Care with Happy Success.

Considerations touching the Plantations in Ireland.





ADVICE
TO THE
KING,
TOUCHING
M^r. Suttons
ESTATE.

My it please your MAJESTY,

I Find it a Positive precept of the *Old Law*; That there should be no *Sacrifice without salt*. The *Moral* whereof (besides the *Ceremony*) may be; That *God* is not pleased with the *Body* of a good *Intention*; Except it be seasoned with that *Spiritual Wisdom* and *Judgment*, as it be not easily subject, to be corrupted and perverted. For *salt*, in the *Scripture*, is a *Figure* both of *Wisdom* and *Lasting*. This cometh into my *Mind*, upon this *Act* of *Mr. Sutton*; which seemeth to me as a *sacrifice without salt*; having the *Materials* of a good *Intention*, but not powdred with any such *Ordinances* and *Institutions*, as may preserve the same from turning *Corrupt*: Or, at least from becoming *Unfavoury*, and of little *Use*. For though the *Choice* of the *Feoffees* be of the best; yet neither can they always live; And the very *Nature* of the *Work* it self, in the vast and unfit *Proportions* thereof, being apt to provoke a *Mis-employment*; It is no *Diligence* of theirs, (except there be a *Digression* from that *Model*) that can excuse it from running the same way, that *Gifts* of like *Condition* have heretofore done. For to design the *Charter-house*, a *Building* fit for a *Princes Habitation*, for an *Hospital*; is all one, as if one should give in Alms, a *Rich Embroydered Cloak* to a *Beggar*. And certainly a *Man* may see, *Tantum quæ Oculis Cernuntur*, that if such an *Edifice*, with *six thousand pounds*

pounds Revenue, be erected into one *Hospital*; it will in small time degenerate, to be made a preferment of some great *Person* to be *Master*, and he to take all the sweet, and the *Poor* to be stinted, and take but the *Crumbs*: As it comes to pass in divers *Hospitals* of this *Realm*; which have but the Names of *Hospitals*, and are but wealthy *Benefices*, in respect of the *Mastership*; But the *Poor*, which is the *Propter quid*, little relieved. And the like hath been the Fortune of much of the *Alms* of the *Roman Religion* in the *Great Foundations*; which being begun in *Vain-Glory* and *Ostentation*, have had their Judgment upon them, to end in *Corruption* and *Abuse*. This *Meditation* hath made me presume to write these few Lines to your *Majesty*; Being no better then good *Wishes*, which your *Majesties* great *Wisdom* may make some thing, or nothing of.

Wherein I desire to be thus understood; that if this *Foundation* (such as it is) be perfect and good in *Law*; Then I am too well acquainted with your *Majesties* Disposition, to advise any course of power or profit that is not grounded upon a *Right*: Nay further, if the *Defects* be such, as a *Court of Equity* may Remedy and Cure; Then I wish that as *Saint Peters shadow* did cure *Disciples*; So the very shadow of a Good Intention may cure Defects of that Nature. But if there be a *Right*, and Birth-right planted in the *Heir*; and not Remediable by *Courts of Equity*; and that right be submitted to your *Majesty*; whereby it is both in your power and Grace what to do; Then do I wish that this rude *Mess* and *Chaos* of a *Good Deed*, were directed rather to a *solid Merit*, and *Durable Charity*, then to a *Blaze of Glory* that will but crackle a little in *Talk*, and quickly extinguish.

And this may be done observing the *Species* of *Mr. Suttons* intent, though varying in *Individuo*. For it appears that he had in Notion a *Triple Good*: An *Hospital*; And a *School*; And *Maintaining* of a *Preacher*; Which *Individuals* refer to these Three General Heads. *Relief of Poor*; *Advancement of Learning*; And *Propagation of Religion*. Now then, if I shall set before your *Majesty*, in every of these Three Kinds what it is that is most wanting in your *Kingdom*; and what is like to be the most Fruitful and Effectual use of such a *Beneficence*, and least like to be perverted: That I think shall be no ill Scope of my Labour, how meanly soever performed; For out of *Variety* represented, *Election* may be best grounded.

Concerning the Relief of the *Poor*; I hold some *Number* of *Hospitals*, with *Competent Endowments*, will do far more good then one *Hospital* of an *Exorbitant Greatness*. For though the one Course will be the more *seen*, yet the other will be the more *Felt*. For if your *Majesty* erect many, besides the observing the *Ordinary Maxim*; *Bonum, quo communius, eo melius*, choice may be made of those *Towns* and *Places*, where there is most *Need*; And so the *Remedy* may be *Distributed*, as the *Disease* is *Dispersed*. Again, *Greatness* of *Relief* accumulate in one place, doth rather invite a *Swarm* and *Surcharge* of *Poor*, then relieve those that are naturally bred in that place: Like to ill tempered *Medicines*, that draw more *Humour* to the *Part*, then they *Evacuate* from it. But chiefly I relye upon the Reason that I touched in the Beginning; That in these *great Hospitals*, the *Revenues* will draw the *Use*, and not the *Use*, the *Revenues*; And so through the *Mess* of the *Wealth*, they will swiftly tumble down to a *Mis-employment*. And if any *Man* say, that in the

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Two Hospitals in London, there is a *President of Greatness* concurring with good Employment; Let him consider that those Hospitals have *Annual Governours*; That they are under the Superiour Care and Policy of such a State, as the City of London; And chiefly, that their *Revenues* consist not upon *Certainties*, but upon *Casualties* and *Free gifts*; Which Gifts would be with-held, if they appeared once to be perverted: So as it keepeth them in a continual good Behaviour and Awe, to employ them aright: None of which Points do match with the present *Case*.

The next *consideration* may be, whether this intended Hospital, as it hath a more ample *Endowment* then other Hospitals have, should not likewise work upon a better Subject then other Poor: As that it should be converted to the Relief of *Maimed Souldiers*, *Decayed Merchants*, *Houssholders Aged*, and *Destitute Church-men*, and the like; Whose Condition being of a better sort then loose People and Beggars, deserveth both a more *Liberal stipend* and *Allowance*, and some proper place of Relief, not intermingled or coupled with the Basest sort of Poor: which Project, though Specious, yet in my Judgment, will not answer the Designment in the Event in these our Times. For certainly, few Men in any Vocation, which have been some Body, and bear a Mind somewhat according to the Conscience and Remembrance of that they have been, will ever descend to that Condition, as to profess to live upon *Alms*, and to become a Corporation of *declared Beggars*; But rather will chuse to live Obscurely, and as it were to hide themselves with some private Friends: So that the end of such an *Institution* will be, that it will make the place a *Receptacle* of the Worst, Idlest, and most dissolute Persons of every Profession; And to become a *Cell* of *Loyterers*, and *Cast Serving-men*, and *Drunkards*, with Scandal rather then Fruit to the *Commonwealth*. And of this kind I can find but one Example with us; Which is, the *Alms Knights of Windsor*; Which particular would give a Man small encouragement to follow that *President*.

Therefore the best effect of Hospitals is, to make the Kingdom, if it were possible, capable of that *Law*; That there be no Beggar in Israel. For it is that kind of People that is a burthen, an Eye-sore, a Scandal, and a Seed of Peril and Tumult in the State. But chiefly it were to be wished, that such a *Beneficence* towards the relief of the Poor were so bestowed; As not only the *Meer* and *Naked Poor* should be sustained; But also, that the *Honest person* which hath hard means to live, upon whom the Poor are now charged, should be in some sort eased. For that were a *Work* generally acceptable to the Kingdom, if the *Publick Hand* of *Alms* might spare the *Private Hand* of *Tax*. And therefore of all other Employments of that kind, I commend most *Houses of Relief* and *Correction*; which are *Mixt Hospitals* where the Impotent Person is relieved, and the Sturdy Beggar buckled to work; And the unable Person also not maintained to be Idle (which is ever joyned with *Drunkennes* and *Impurity*) But is sorted with such work as he can manage and perform; And where the uses are not distinguished, as in other Hospitals; Whereof some are for *Aged* and *Impotent*; and some for *Children*; And some for *Correction* of *Vagabonds*; But are general and promiscuous. So that they may take off Poor of every sort from the *Country*, as the *Country* breeds them. And thus the Poor themselves shall find the *Provision*, and other People the sweetness of the *Abatement* of the *Tax*. Now if it be objected, that Houses of Correction in all places have not done

done the good expected; (as it cannot be denied, but in most places they have done much good;) It must be remembered that there is a great Difference between that which is done by the Distracted Government of *Justices of Peace*; And that which may be done by a settled *Ordinance*, subject to a *Regular Visitation*, as this may be; And besides, the Want hath been commonly in *Houses of Correction*, of a competent and certain *Stock*, for the *Materials* of the *labour*, which in this case may be likewise supplied.

Concerning the *Advancement of Learning*, I do subscribe to the Opinion of one of the *Wiseft, and Greatest Men* of your *Kingdom*. That for *Grammar Schools*, there are already too many; and therefore no Providence to add where there is Excess. For the great *Number of Schools* which are in your *Highness Realm*, doth cause a *Want*, and cause likewise an *Overflow*; Both of them Inconvenient, and one of them Dangerous. For by means thereof they find *Want* in the *Countrey and Towns*, both of *Servants for Husbandry*, and *Apprentices for Trade*; And on the other side, there being more *Schollars* bred, then the *State* can prefer and employ; And the *Active* part of that life not bearing a proportion to the *Preparative*; It must needs fall out, that many Persons will be bred unfit for other *Vocations*; And unprofitable for that in which they are brought up; Which fills the *Realm* full of *Indigent, Idle, and Wanton People*, which are but *Materia Rerum novarum*.

Therefore, in this Point, I wish *Mr. Suttons Intention* were exalted a Degree; That that which he meant for Teachers of *Children*, your *Majesty* should make for Teachers of *Men*; wherein it hath been my ancient Opinion and Observation; That in the *Universities* of this *Realm*, (which I take to be of the best endowed *Universities* of *Europe*) there is nothing more wanting towards the flourishing *State of Learning*, then the Honourable and plentiful *Salaries* of *Readers* in *Arts* and *Professions* In which Point, as your *Majesties* Bounty already hath made a Beginning; So this occasion is offered of *God* to make a Proceeding. Surely, *Readers* in the *Chair*, are as the *Parents* in *Sciences*, and deserve to enjoy a Condition not inferiour to their *Children* that embrace the *Practical* Part. Else no Man will sit longer in the *Chair*, then till he can walk to a better preferment: And it will come to pass as *Virgil* saith,

Et Patrum invalidi referent Jejunia Nati.

For if the Principal *Readers*, through the Meanness of their Entertainment, be but Men of superficial *Learning*; And that they shall take their place but in passage; it will make the *Mass* of *Sciences* want the chief and solid Dimension, which is *Depth*; and to become but Pretty and compendious *Habits* of Practice. Therefore I could wish that in both the *Universities*, the *Lectures*, as well of the three *Professions*, *Divinity*, *Law*, *Physick*; As of the three *Heads* of *Science*, *Philosophy*, *Arts* of *Speech*, and the *Mathematicks*, were raised in their *Pensions* unto a 100*l.* per *Annium* a piece; Which though it be not near so great, as they are in some other Places, where the Greatness of the Reward doth whistle for the Ablest Men out of all *Foreign parts* to supply the *Chair*; yet it may be a Portion to content a *Worthy* and *Able* Man; if he be likewise *Contemplative* in Nature; as those *Spirits* are, that are Fittest for *Lectures*. Thus may *Learning*, in your *Kingdom*, be advanced to a further

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ther Height; Learning (I say) which under your Majesty, the most Learned of Kings, may claim some Degree of Elevation.

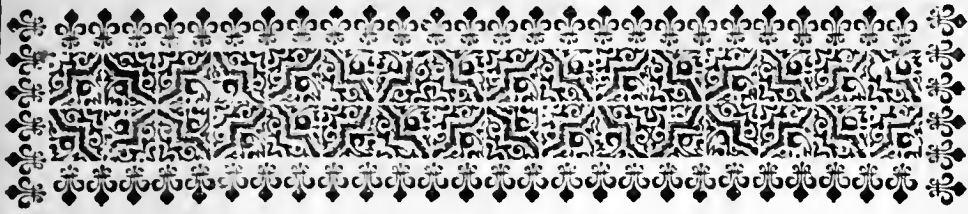
Concerning Propagation of Religion, I shall in few words set before your Majesty three Propositions; None of them Devices of mine own, otherwise then that I ever approved them: Two of which have been in Agitation of Speech, and the Third acted.

The first is, a Colledge for Controversies; Whereby we shall not still proceed Single, but shall, as it were double our Files; Which certainly will be found in the Encounter.

The second is, a Receipt, (I like not the word *Seminary*, in respect of the *Vain Vows*, and *implicite Obedience*, and other Things tending to the perturbation of States, involved in that Term;) for Converts to the Reformed Religion, either of Youth or otherwise; For I doubt not but here are in *Spain*, *Italy*, and other Countries of the *Papists*, many whose Hearts are touched with a sense of those Corruptions, and an acknowledgment of a better Way; which *Grace* is many times smothered and choaked, through a worldly Consideration of *Necessity* and want; Men not knowing where to have *succour* and *Refuge*. This, likewise, I hold a Work of great *Piety*, and a Work of great *Consequence*; That we also may be *Wise* in our *Generation*; And that the Watchful and Silent Night may be used, as well for sowing of good seed, as of *Tares*.

The third is, the Imitation of a Memorable and Religious Act of *Queen Elizabeth*; who finding a part of *Lancashire* to be extremely Backward in Religion; and the *Benefices* swallowed up in *Impropriations*, did by Decree in the *Dutchy*, erect four *stipends* of 100 l. per *Annum* a piece, for *Preachers*, well chosen to help the *Harvest*; which have done a great deal of Good in the Parts where they have laboured. Neither do there want other *Corners* in the *Realm*, that would require for a time the like *Extraordinary Help*.

Thus have I briefly delivered unto your Majesty mine Opinion, touching the Employment of this *Charity*: whereby that Mass of wealth, which was in the Owner, little better then a Stack or Heap of Muck, may be spread over your *Kingdom* to many fruitful purposes; your Majesty planting and watering, and God giving the *Encrease*.



A
PROPOSITION,
 TO
His Majesty.

BY
 Sir *FRANCIS BACON*, Knight.

HIS
MAJESTIES
ATTORNEY GENERAL;

AND

One of His *Privy Council*; Touching the *Compiling* and
Amendment of the *LAWS* of *ENGLAND*.

YOUR MAJESTY,

OF Your Favour having made me *Privy Counsellor*; And continuing me in the place of your *Attorney General*, (which is more then was these hundred years before,) I do not understand it to be, that by putting off the dealing in *Causés* between party and party, I should keep Holy-day the more : But that I should dedicate my time to your Service, with less distraction. Wherefore in this plentiful Accession of time which I have now gained, I take it to be my duty; Not only to speed your *Commandments* and the *Business* of my *place*, But to meditate, and to excogitate of my self, wherein I may best by my *Travels*, derive your *Vertues* to the good of your People, and return their Thanks and In-

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A Propofition touching the Compiling and Amendment of the Laws of England.

crease of Love to you again. And after I had thought of many things, I could find in my Judgment, none more proper for your *Majesty* as a Master, nor for me as a Workman, then the *Reducing* and *Recompiling* of the *Laws of England*.

Your *Majesty* is a *King* blessed with *Posterity*; And these *Kings* sort best with Acts of Perpetuity, when they do not leave them instead of Children, but transmit both *Line* and *Merit* to Future Generations. You are a great *Master* in *Justice* and *Judicature*, and it were pitty that the fruit of that Vertue should dye with you. Your *Majesty* also Raigeth in Learned Times; The more in regard of your own perfections and patronage of Learning; And it hath been the mishap of *Works* of this *Nature*, that the less Learned Time hath wrought upon the more Learned; which now will not be so. As for my self the Law is my profession, to which I am a debter. Some little helps I may have of other Learning, which may give Form to matter; And your *Majesty* hath set me in an eminent place, whereby in a *Work*, which must be the *Work* of many, I may the better have *Coadjutors*. Therefore not to hold your *Majesty* with any long preface in that, which I concieve to be nothing less then Words; I will proceed to the Matter, which matter it self, nevertheless requireth somewhat briefly to be said, both of the Dignity, and likewise of the Safety and Convenience of this *Work*; And then to go to the main; That is to say, to shew how the *Work* is to be done: Which incidently also will best demonstrate, that it is no vast nor speculative thing, but a real and feizable. *Calisthenes* that followed *Alexanders Court*, and was grown in some displeasure with him; Because he could not well brook the *Persian Adoration*; At a Supper, (which with the *Gracians*, was ever, a great part, *Talk*;) was desired, because he was an *Eloquent Man*, to speak of some *Theam*; which he did, and chose for his *Theam*, The praise of the *Macedonian Nation*; which though it were but a filling thing to praise men to their Faces, yet he did it with such advantage of truth, and avoydance of Flattery, and with such life; As the Hearers were so ravished with it, that they plucked the *Roses* off from their *Garlands*, and threw them upon him, as the manner of Applauses then was: *Alexander* was not pleased with it, and by way of Discountenance said, *It was easie to be a good Oratour in a pleasing Theam*. But (saith he to *Calisthenes*) *turn your stile, and tell us now of our Faults, that we may have the profit, and not you only the praise*. Which he presently did with such a force, and so piquantly, that *Alexander* said, *The goodness of his Theam had made him Eloquent before: But now it was the Malice of his heart that had inspired him*.

1. *Sir*, I shall not fall into either of these two *Extremes*, Concerning the *Laws of England*: They commend themselves, best to them that understand them; And your *Majesties Chief Justice* of your *Bench*, hath in his writings magnified them not without cause: Certainly they are Wise, they are Just, and Moderate *Laws*; They give to *God*, They give to *Cesar*, They give to the *Subjects*, that which appertaineth. It is true, They are as mixt as our *Language*, compounded of *Brittish*, *Roman*, *Saxon*, *Danish*, *Norman*, *Customes*. And as our *Language* is so much the richer, so the *Laws* are the more compleat; Neither doth this attribute less to them, then those that would have them, to have stood out the same, in all *Mutations*; For no *Tree* is so good first set, as by *Transplanting*.

2. As for the second *Extream*, I have nothing to do with it, by way of *Taxing the Laws*. I speak only by way of *Perfitting* them, which is easiest in the best things; For that which is far amiss, hardly receiveth amendment, but that which hath already; To that, more may be *Given*. Besides, what I shall propound, is not to the *Matter* of the *Laws*, but to the *Manner* of their *Regestry*, *Expression*, and *Tradition*: So that it giveth them rather *Light*, than any new *Nature*. This being so, for the *Dignity* of the *Work*, I know scarcely where to find the like; For surely that *Scale*, and those *Degrees* of *Sovereign Honour* are true, and rightly marshalled. First, the *Founders* of *Estates*, Then the *Law-givers*, Then the *Deliverers* and *Saviours*, after long *Calamities*; Then the *Fathers* of their *Countries*, which are *Just* and *Prudent Princes*; And lastly *Conquerors*, which *Honour*, is not to be received amongst the rest; except it be where there is an addition of more *Country* and *Territory* to a better *Government*, then that was of the *Conquered*. Of these in my *Judgment*, your *Majesty* may with more truth then flattery, be intituled to the first; because of your *Uniting* of *Britain*, and *Planting* *Ireland*, both which favour of the *Founder*. That which I now propound to you, may adopt you also into the second: *Law-givers* have been called *Principes Perpetui*, because as *Bishop Gardner* said in a bad *Sense*, that he would be *Bishop* an hundred years after his death, in respect of the long *Leaves* he made: So *Law-givers*, are still *Kings* and *Rulers* after their *Decease* in their *Laws*. But this *Work* shining so in it self, needs no *Taper*. For the safety and convenience thereof, it is good to consider, and to answer those *Objections* or *Scruples* which may arise, or be made against this *Work*.

Obj. 1. That it is a thing needless, And that the *Law* as it now is, is in good *Estate*, comparable to any *Foreign Law*; And that it is not possible for the wit of *Man*, in respect of the frailty thereof, to provide against the *Incertainties*, and *Evasions*, or *Omissions* of *Law*.

Resp. For the *Comparison* with *Foreign Laws*, it is in vain to speak of it, for men will never agree about it. Our *Lawyers* will maintain, for our *Municipal Laws*; *Civilians*, *Schollars*, *Travailleurs*, will be of the other *Opinion*.

But *Certain* it is, that our *Laws* as they now stand, are subject to great *Incertainties*, and variety of *Opinion*, *Delays*, and *Evasions*; Whereof ensueth.

1. That the *Multiplicity* and length of *Suites* is great.
2. That the *Contentious Person* is armed, and the *Honest Subject* *Wearied*, and *Oppressed*.
3. That the *Judge* is more *Absolute*, Who in doubtful *Cases* hath a greater *stroak* and *liberty*.
4. That the *Chancery Courts* are more filled, the remedy of *Law*, being often *obscure* and *doubtful*.
5. That the ignorant *Lawyer* shrowdeth his *Ignorance* of *Law*, in that doubts are so frequent and many.
6. That mens *Affurances* of their *Lands*, and *Estates*, by *Patents*, *Deeds*, *Wills*, are often subject to question, and hollow; And many the like *Inconveniencies*.

It is a good *Rule* and *Direction*, (For that all *Laws*, *secundum Majis & Minus*, do participate of *Incertainties*;) That followeth: *Mark*.

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whether the Doubts that arise, are only in Cases of Ordinary Experience, or, which happen not every day? If in the first, only impute it to frailty of Mans foresight, that cannot reach by *Law* to all Cases; But if in the Latter; be assured there is a fault in the *Law*. Of this I say no more but that (To give every Man his Due) had it not been for Sir *Edward Cooks Reports* (which though they may have Errors, and some peremptory and Extrajudicial Resolutions, more then are warranted: Yet they contain infinite good *Decisions* and *Rulings* over, of Cases.) The *Law* by this Time, had been almost like a Ship without ballast; For that the *Cases* of Modern Experience are fled from those that are adjudged and ruled in Former time. But the Necessity of this *Work* is yet greater in the *Statute Law*. For first, There are a number of *Enfranchising Penal Laws* which lay upon the *Subject*; And if in bad times they should be awaked and put in Execution, would grind them to powder.

There is a learned *Civilian*, that expoundeth the *Curse* of the *Prophet: Pluet super eos Laqueos*, of Multitude of *Penal Laws*: which are worse then showrs of Hail, or Tempett upon Cattel; for they fall upon *Men*.

There are some *Penal Laws* fit to be retained, but their *Penalty* too great and it is ever a Rule; that any over great *Penalty* (besides the *Acerbity* of it) deads the Execution of the *Law*.

There is a further Inconvenience of *Penal Laws*, *Obsolete*, and out of *Use*; For that it brings a *Gangreen*, *Neglect*, and *Habitus Disfodediencie* upon other wholsom *Laws*, that are fit to be continued in *Practise* and *Execution*: So that our *Laws* endure the Torment of *Mezentius*.

The living die in the Arms of the Dead.

Lastly, There is such an *Accumulation* of *Statutes* concerning one matter; And they so cross and intricate, as the *certainty* of *Law* is lost in the *Heap*; As your *Majesty* had Experience last day upon the *Point*: Whether the *Incendiary* of *New-Market* should have the benefit of his *Clergie*.

Obj. 1. That it is a great *Innovation*; And *Innovations* are dangerous beyond foresight.

Resp. All *Purgings* and *Medicines*, either in the *Civil* or *Natural Body*, are *Innovations*. So as that *Argument* is a Common place against all *Noble Reformatiions*. But the troth is, that this work ought not to be termed, or held for any *Innovation* in the suspected sense. For those are the *Innovations* which are quarrelled and spoken against, that concern the *Consciences*, *Estates*, and *Fortunes* of particular persons: But this of *General Ordinance* pricketh not particulars, but passeth *sine strepitu*. Besides, it is on the favourable part: For it easeth, it presseth not. And lastly, it is rather matter of *Order* and *Explanation*, then of *Alteration*. Neither is this without *President* in former *Governments*.

The *Romans* by their *Decemvirs*, did make their *Twelve Tables*; But that was indeed a new *Enacting* or *Constituting* of *Laws*, not a *Registering* or *Recompiling*: And they were made out of the *Laws* of the *Grecians*, not out of their own *Customs*.

In *Athens* they had *sexviri*, which were standing *Commissioners* to watch,

watch, and to discern what *Laws* waxed unproper for the *Time*; And what new *Law* did in any branch cross a former *Law*, and so, *Ex Officio*, propounded their Repeals.

King Lewis, the 11th of *France*, had it in his intention to have made one perfitte and uniform *Law*, out of the *Civil Law Roman*, and the *Provincial Customs* of *France*.

Justinian the *Emperour*, by *Commissions* directed to divers persons, Learned in the *Laws*, reduced the *Roman Laws* from vastness of Volume, and a *Labyrinth* of incertainties, unto that course of the *Civil Law* which is now in use; I find here at home of late years, that *King Henry* the Eighth, in the Twentysixth of his *Ruign*, was authorized by Parliament, to nominate Thirty two *Commissioners*, part Ecclesiastical, part Temporal, to purge the *Canon Law*, and to make it agreeable to the *Law of God*, and the *Law of the Realm*; and the same was revived in the Fourth year of *Edward* the Sixth, though neither took effect.

For the *Laws* of *Lycurgus*, *Solon*, *Minos*, and others of ancient time, they are not the worse, because *Grammar Schollars* speak of them. But things too ancient, wax Children with us again.

Edgar the *Saxon King*, collected the *Laws* of this *Kingdom*, and gave them the strength of a Faggot bound, which formerly were dispersed.

The *Statutes* of *King Edward* the First, were Fundamental; But I doubt I erre in producing so many Examples, For as *Cicero* saith to *Cesar*, so may I say to your *Majesty*:

Nil Vulgare te Dignum Videri possit.

Obj. 3. In this purging of the course of *Commons Laws* and *Statutes*, much good may be taken away.

Resp. In all Purging, some good *Humours* may pass away; But that is largely recompensed, by Lightning the Body of much bad.

Obj. 4. Labour were better bestowed in bringing the *Common Laws* of *England*, to a *Text Law*, as the *Statutes* are; and setting both of them down in Method, and by Titles.

Resp. It is too long a Business to debate, whether *Lex Scripta*, *aut non Scripta*, A *Text Law*, or *Customs* well registred, with received and approved *Grounds* and *Maxims*, and *Acts* and *Resolutions* Judicial, from Time to Time duely entred and reported; Be the better Form of Declaring and Authorizing *Laws*: It was the principal Reason, or Oracle of *Lycurgus*; That none of his *Laws* should be written. *Customs*, are *Laws* written in *Living Tables*: And some *Traditions* the *Church* doth not disauthorize. In all Sciences, they are the soundest that keep close to *Particulars*; And sure I am, there are more Doubts that rise upon our *Statutes*, which are a *Text Law*, then upon the *Common Law*, which is no *Text Law*. But howsoever that question be determined, I dare not advise to cast the *Law* into a new *Mould*. The work, which I propound, tendeth to Proyning and Grafting the *Law*; And not to Plow up and Planting it again; for such a Remove, I should hold indeed for a perillous *Innovation*.

Ob. 5. It will turn the *Judges*, *Counsellors of Law*, and *students of Law* to School again; And make them to seek what they shall hold and advise for *Law*; And it will impose a new charge upon all

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Lawyers to furnish themselves with new Books of *Law*.

Resp. For the Former of those, touching the new Labour; It is true it would follow, if the *Law* were new moulded into a *Text Law*; For then Men must be new to begin: And that is one of the Reasons for which I disallow that Course.

But in the way that I shall now propound, the *entire Body*, and Substance of *Law* shall remain; Only discharged of Idle and Unprofitable, or Hurtful-Matter: and Illustrated by Order and other Helps, towards the better Understanding of it, and Judgment thereupon.

For the *Latter*, touching the *new charge*, it is not worth the speaking of in a matter of so high importance; It might have been used of the *New Translation* of the *Bible*, and such like *Works*. *Books* must follow *Sciences*, and not *Sciences Books*.

The Work it Self; And the Way to Reduce, And Re-compile the Laws of England.

THIS Work is to be done (to use some few words, which is the *Language of Action and Effect*) in this manner.

It consisteth of two parts: The *Digest*, or *Recompiling* of the *Common Laws*: And that of the *Statutes*.

In the first of these, Three Things are to be done.

1. The *Compiling* of a *Book*, *De Antiquitatibus Jnris*.
2. The *Reducing*, or *Perfecting* of the *Course* or *Corps* of the *Common Laws*.
3. The *Composing* of certain *Introductive* and *Auxiliary Books*, touching the Study of the *Laws*.

For the first of these. All *Ancient Records* in your *Tower*, or else where, Containing *Acts of Parliament*, *Lords Patents*, *Commissions*, and *Judgments*, and the like, are to be Searched, Perused and Weighed. And out of these are to be selected, those that are of most Worth and Weight; And in order of *Time*; not of *Titles*, (for the more *Conformity* with the *Year-Books*) to be set down and Registred; Rarely, in *hæc Verba*; but summed with Judgment, not omitting any material part: These are to be used for *Reverend Presidents*, but not for *binding Authorities*.

For the Second, which is the Main; There is to be made a perfect course of the *Law*, in *Serie Temporis*, or *Year-Books* (as we call them) from *Edward the First* to this day; In the *Compiling* of this course of *Law*, or *Year-Books*, the points following are to be observed.

First, All *Cases* which are at this Day clearly no *Law*; but constantly ruled to the contrary, are to be left out; They do but fill the *Volumes*, and season the Wits of *Students* in a contrary sense of *Law*. And so likewise all *Cases*, wherein that is solemnly and long debated, whereof there is now no *Question* at all, are to be entred, as *Judgments only* and *Resolutions*; But without the *Arguments* which are now become but frivolous: Yet for the Observation of the deeper sort of *Lawyers*, that they may see how the *Law* hath altered, out of which they

they may pick sometimes good use; I do advise, That upon the first time of those *Obsolete Cases*, there were a *Memorandum* set; That at that time the Law was thus taken untill such a time, &c.

Secondly, *Homonymie* (as *Justinian* calleth them) That is *Cases* meerly of *Iteration* and *Repetition*, are to be purged away; And the *Cases* of *Identity*, which are best *Reported* and *Argued*, to be retained, instead of the Rest; The *Judgments*, nevertheless to be set down, every one in time as they are; But with a *Quotation*, or *Reference* to the *Case* where the *Point* is argued at large; but if the *Case* consist, part of *Repetition*, part of new *Matter*; the *Repetition* is only to be omitted.

Thirdly, As to the *Antinomie*, *Cases* Judged to the contrary; it were too great a trust to refer to the Judgment of the *Composers* of this *Work*, to decideth the Law either way; except there be a current stream of Judgments of later times: and then I reckon the contrary *Cases*, amongst *Cases Obsolete*; of which I have spoken before: Nevertheless this diligence would be used, that such *Cases* of *Contradiction* be specially noted and collected; to the end, those *Doubts* that have been so long *Militant*, may either by assembling all the *Judges* in the *Exchequer Chamber*, or by *Parliament* be put into certainty. For to do it by bringing them in question under fained parties, is to be disliked. *Nil habeat Forum ex scientia*.

Fourthly, All *Idle Queries*, which are but *Seminaries* of *Doubts* and *Incertainties*, are to be left out and omitted, and no *Queries* set down but of great *Doubts*, well debated, and left undecided for difficulty: But no *doubting* or *upstarting Queries*: Which though they be touched in Argument for Explanation; yet were better to die, then to be put into the *Books*.

Lastly, *Cases Reported* with two great prolixity, would be drawn into a more *Compendious Report*; not in the Nature of an *Abridgement*, but *Tautologies* and *Impertinences* to be cut off: As for *Misprinting* and *Insensible Reporting*, which many times confound the *Students* that will be, *Obiter*, amended; But more principally, if there be any thing in the *Report* which is not well warranted by the *Record*, that is also to be rectified; The course being thus compiled, then it resteth, but for your *Majesty* to appoint some grave and sound *Lawyers*, with some honourable stipend, to be *Reporters* for the time to come; and then this is settled for all times.

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This Constitution of Reporters I obtained of the King, after I was Chancelour, and there are two appointed with a 100l. a year a piece, stipend.

FOR the *Auxiliary Books* that Conduce to the Study and Science of the Law, they are three: *Institutions*, A Treatise, *de Regulis Juris*; And a better *Book*, *De verborum significationibus*, or *Terms* of the Law. For the *Institutions*, I know well there be *Books* of *Introductions*, (wherewith *Students* begin) of good worth; specially *Littleton*, and *Fitzherbert*; *Natura Brevium*, But they are no ways of the nature of *Institutions*; The Office whereof is to be a *Key*, and general preparation to the *Reading* of the *Course*. And principally it ought to have two Properties; The one a perspicuous and clear *Order*, or *Method*; And the other an *Universal Latitude* or *Comprehension*; That the *Students* may have a little *Præ-Notion* of every thing, like a *Model* towards

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wards a great *Building*. For the Treatise, *De Regulis Juris*, I hold it of all other things, the most important to the Health (as I may term it) and good *Institutions* of any Laws. It is indeed like the ballast of a Ship, to keep all upright and stable: But I have seen little in this kind, either in our Law, or other Laws that satisfieth me. The *naked Rule* or *Maxime* doth not the Effect. It must be made useful by good *Differences*, *Ampliations*, and *Limitations*, warranted by good Authorities; And this not by raising up of Quotations and References, but by Discourse and Deducement in a *Just Tractate*. In this I have travelled myself, at the first more cursorily; since with more Diligence; and will go on with it, if God and your Majesty will give me leave. And I do assure your Majesty, I am in good hope, that when Sir Edward Cooks Reports, and my Rules and Decisions shall come to *Posterity*, there will be (whatsoever is now thought) Question, who was the greater Lawyer? For the Books of the *Terms* of the Law, There is a poor one; But I wish a Diligent one, wherein should be comprised, not only the Exposition of the Terms of Law; but of the Words of all ancient *Records* and *Presidents*.

For the *Abridgements*, I could wish if it were possible, that none mought use them, but such as had read the *Course*; First, that they mought serve for *Repertories* to Learned Lawyers, and not to make a Lawyer in haste; But since that cannot be, I wish there were a good Abridgement composed, of the Two that are extant, and in better order. Somuch for the *Common Law*.

Statute Law.

FOR the *Reforming* and *Recompiling* of the *Statute Law*, it consisteth of Four parts.

1. The First, to discharge the *Books* of those *Statutes*, whereas the *Case* by Alteration of time is vanished; As *Lombards Jews*, *Gauls* half Pence, &c. Those may, nevertheless, remain in the *Libraries* for Antiquities, but no *Reprinting* of them. The like of *Statutes* long since expired, and clearly repealed; For if the *Repeal* be doubtful, it must be so propounded to the *Parliament*.

2. The next is to repeal all *Statutes*, which are *sleeping*, and not of use, but yet *snaring* and in force; In some of those, it will, perhaps be requisite to substitute some more reasonable Law, instead of them, agreeable to the time; In others a simple repeal may suffice.

3. The Third, that the Grievousness of the *Penalty* in many *Statutes* be mitigated, though the *Ordinance* stand.

4. The last is, the Reducing of *Concurrent Statutes* heaped one upon another, to one clear and uniform Law. Towards this there hath been already upon my motion, and your Majesties direction, a great deal of good pains taken: My Lord Hobert, My Self, *serjeant Finch*, Mr. *Hennage Finch*, Mr. *Noye*, Mr. *Hackwell*, and others: Whose Labours being of a great bulk, it is not fit now to trouble your Majesty with any further particularity therein: Only by this you may perceive the *Work* is already advanced: But because this part of the *Work* which concerneth

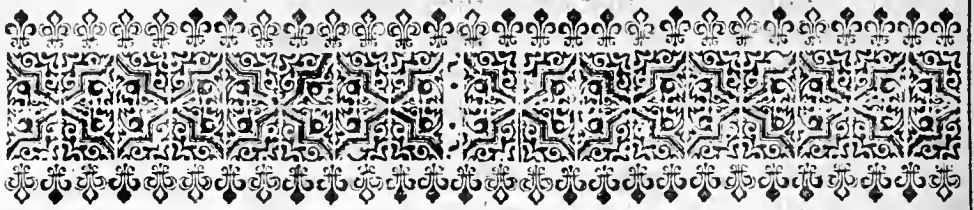
cerneth the Statute Laws, must of necessity come to *Parliament*; And the *Houses* will best like that which themselves guide; And the Persons that themselves employ; The way were to imitate the president of the *Commissioners*, for the *Canon Laws*, in 27. *Hen. 8.* and 4. *Edw. 6.* And the *Commissioners* for the *Union* of the two Realms, *Primo*, of your *Majesty*; And so to have the *Commissioners* named by both *Houses*; but not with a precedent power to Conclude; But only to prepare and propound to *Parliament*: This is the best way I conceive to accomplish this Excellent *Work* of Honour to your *Majesties Times*, and of Good to all Times: Which I submit to your *Majesties* better Judgment.

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A



A
FRAGMENT
OF AN
ESSAY
OF
FAME.

THE *Poets* make *Fame* a *Monster*. They describe her in Part, finely and elegantly; and in part gravely and sententiouly. They say, look how many *Feathers* she hath, so many *Eyes* she hath underneath: So many *Tongues*; so many *Voices*; she pricks up so many *Ears*.

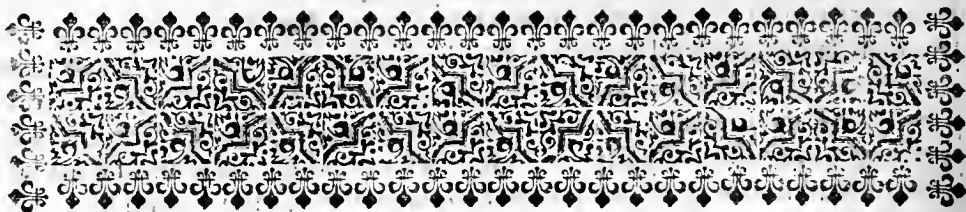
This is a *flourish*: There follow excellent *Parables*; as that she gathereth strength in going; That she goeth upon the ground, and yet hideth her head in the *Clouds*. That in the day time she sitteth in a *Watch Tower*, and flyeth most by night: That she mingleth things done, with things not done: And that she is a *Terrour* to great *Cities*: But that which passeth all the rest is: They do recount that the *Earth*, *Mother* of the *Gyants*, that made War against *Jupiter*, and were by him destroyed, thereupon, in anger, brought forth *Fame*: For certain it is, that *Rebels* figured by the *Gyants* and *Seditious Fames*, and *Libels*, are but *Brothers* and *sisters*; *Masculine* and *Feminine*. But now if a Man can tame this *Monster*, and bring her to feed at the hand, and govern her, and with her flye other ravening *Fowl*, and kill them, it is somewhat worth. But we are infected with the stile of the *Poets*. To speak now in a sad and serious manner: There is not in all the *Politiques*, a *Place* less handled, and more worthy to be handled, then this of *Fame*. We will therefore speak of these *points*. What are false *Fames*; and what are true *Fames*; and how they may be best discerned; how *fames* may be sown and raised; how they may be spread and multiplied; and how they may be checked and layed dead. And other things concerning the *Nature* of *Fame*.

Fame.

Fame is of that force, as there is scarcely any great Action wherein it hath not a great part; especially in the *War*. *Mucianus* undid *Vitellius* by a *Fame*, that he scattered; that *Vitellius* had in purpose to remove the Legions of *Syria* into *Germany*: and the Legions of *Germany*, into *Syria*: whereupon the Legions of *Syria* were infinitely inflamed. *Julius Caesar* took *Pompey* unprovided, and layed asleep his industry and preparations, by a *Fame* that he cunningly gave out; how *Caesars* own Souldiers loved him not; And being wearied with the Wars, and laden with the Spoils of *Gaul*, would forsake him as soon as he came into *Italy*. *Livia* settled all things for the Succession of her Son *Tiberius*, by continual giving out, that her husband *Augustus* was upon recovery and amendment. And it is an usual thing with the *Bashaws*, to conceal the Death of the great *Turk* from the *Janizaries*, and Men of War, to save the Sacking of *Constantinople*, and other *Towns*, as their manner is. *Themistocles*, made *Zerxes*, King of *Persia* post apace out of *Græcia*, by giving out that the *Græcians* had a purpose to break his *Bridge*, of Ships, which he had made athwart *Hellepont*. There be a thousand such like *Examples*; and the more they are, the less they need to be repeated; because a man meeteth with them every where: Therefore, let all Wise *Governors* have as great a watch and care over *Fames*, as they have of the *Actions* and *Designs* themselves.

A Civil
Character of
Julius Caesar.

The rest was not Finished.



A

CIVIL CHARACTER

Julius Cæsar.

Written in Latine by his Lordship, but Englished by the Publisher.

JULIUS CÆSAR was partaker at first of an exercised Fortune; which turned to his benefit: For it abated the Haughtiness of his spirit, and whetted his Industry. He had a Mind, *Turbulent* in his Desires and Affections; but in his judgment understanding very *serene* and *placide*: And this appears by his wise deliverances of himself, both in his Transactions and in his Speech. For no man ever resolved more swiftly, or spake more perspicuously and plainly. There was nothing forced or difficult in his Expressions. But in his will and appetite, he was of that Condition, that he never rested in those things he had gotten; but still thirsted and pursued after new; yet so, that he would not rush into new Affairs rashly, but settle and make an end of the former, before he attempted fresh Actions. So that he would put a seasonable period to all his Undertakings. And therefore, though he won many Battels in *Spain*, and weakened their *Forces* by degrees; yet he would not give over, nor despise the Reliques of the *Civil War* there, till he had seen all things composed: But then as soon as that was done, and the State settled, instantly he advanced in his Expedition against the *Parthians*.

He was, no doubt, of a very noble Mind; but yet such as aimed more at his *particular Advancement*, than at any *Merits* for the *Common Good*. For he referred all things to *Himself*; and was the true and perfect *Center* of all his Actions. By which means, being so fast tyed to his Ends, he was still prosperous, and prevailed in his Purposes; In so much, that neither *Country*, nor *Religion*, nor good *Turns* done him, nor *Kindred*, nor *Friendship* diverted his Appetite, nor bridled him from pursuing his own Ends. Neither was he much enclined to *works of Perpetuity*; For he established nothing for the future; he founded no sumptuous *Buildings*; He procured to be enacted no wholsom *Laws*, but still minded him-

himself: and so his Thoughts were confined within the Circle of his own Life. He sought indeed after *Fame* and *Reputation*, because he thought they might be profitable to his Designs: Otherwise, in his inward Thoughts he propounded to himself rather *Absoluteness* of Power, than *Honour*, and *Fame*. For as for *Honour* and *Fame*, he pursued not after them for themselves; but because they were the Instruments of *Power* and *Greatness*. And therefore he was carried on through a Natural Inclination, not by any Rules that he had learned to affect the sole *Regiment*; and rather to *enjoy* the same, than to *seem* worthy of it. And by this means he won much Reputation amongst the *People*, who are no valuers of true Worth: But amongst the *Nobility* and great Men, who were tender of their own Honours, it procured him no more than this, that he incurred the Brand of an *Ambitious* and *Daring* Man.

Neither did they much erre from the Truth who thought him so; for he was by Nature exceeding *bold*; and never did put on any shew of *Modesty*, except it were for some purposes. Yet notwithstanding, he so attempered his *Boldness*, that it neither impeached him of Rashness; nor was burthensom to men; nor rendred his Nature suspected, but was conceived to flow out of an Innate Sincerity and freeness of Behaviour; and the *Nobility* of his *Birth*: And in all other things he passed, not for a *Crafty* and *Deceitful* Person; but for an *open-hearted* and *plain-dealing* Man. And whereas he was indeed an *Arch-Politician*, that could counterfeit and dissemble sufficiently well; and was wholly compounded of *Frauds* and *Deceits*; so that there was nothing *sincere* in him, but all *Artificial*; yet he covered, and disguised himself so, that no such Vices appeared to the Eyes of the World; but he was generally reputed to proceed plainly and uprightly with all men. Howbeit, he did not stoop to any petty and mean *Artifices*, as they do, which are ignorant in State-Employments; and depend not so much upon the strength of their own Wits, as upon the Counsels and Brains of others, to support their Authority; For he was skilled in the Turnings of all Humane Affairs; and transacted all Matters, especially those of High Consequence by himself, and not by others.

He was singularly skilful to avoid *Envy*; and found it not impertinent to his Ends, to decline that, though it were with some diminution of his *Dignity*. For aiming at a *Real power*, he was content to pass by all vain Pomp and outward shews of Power throughout his whole Life; Till at the last, whether high-flown with the continual *Exercise* of Power, or corrupted with *Flatteries*, he affected the *Ensigns* of Power (The *stile* and *Diadem* of a *King*) which was the Bait that wrought his overthrow.

This is true, that he harboured the thoughts of a *Kingdom* from his very youth: And hereunto the *Example* of *Sylla*, and the *Kindred* of *Marinus*, and his *Emulation* of *Pompey*, and the *Corruption* and *Ambition* of the *Times*, did prick him forward: But then he paved his way to a *Kingdom*; after a wonderful and strange manner. As first, by a *Popular* and *seditions* power; afterwards by a *Military* power, and that of a *General in War*. For there was required to effect his Ends; First, That he should break the *Power* and *Authority* of the *Senate*; which, as long as it stood firm, was adverse, and an hinderance, that no man could climb to *Sovereignty* and *Imperial Command*. Then the *Power* of *Crassus*

A Civil
Character
of Julius
Cæsar.



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Cæsar.

and Pompey, was to be subdued and quelled, which could not be done otherwise, then by *Arms*. And therefore (as the most *Cunning Contriver* of his own *Fortune*) he laid his first Foundation by *Bribes*; By corrupting the *Courts of Justice*; by renewing the *Memory* of *Caius Marius*, and his party; For most of the *Senators* and *Nobility* were of *Sylla's faction*: By the *laws of distributing the Fields*, amongst the *Common People*: By the *sedition* of the *Tribunes*, where he was the *Author*: By the *madness and fury* of *Cataline*, and the *Conspirators*, unto which Action he secretly blew the coals! By the *Banishment* of *Cicero*, which was the greatest Blow, to the *authority* of the *Senate*, as might be; and several other the like *Arts*: But most of all by the *Conjunction* of *Crassus* and *Pompey*, both betwixt themselves, and with him; which was the thing that finished the work.

Having accomplished this part, he betook himself to the other; which was to *make use* of, and to *enjoy* his *power*. For being made *Proconsul* of *Greece* for five years; and afterwards continuing it for five years more; he furnished himself with *Arms* and *Legions*, and the power of a Warlike and Opulent *Province*; and was formidable to *Italy*.

Neither was he ignorant, that after he had strengthened himself with *Arms*, and a *Military power*, neither *Crassus* nor *Pompey* could ever be able to bear up against him; whereof the one trusted to his great *Riches*; the other to his *Fame* and *Reputation*; the one decayed through age; the other in power and authority: And neither of them were grounded upon true and lasting Foundations. And the rather, for that he had obliged all the *Senators* and *Magistrates*: And in a word all those that had any power in the *Common-wealth*, so firmly to himself, with private Benefits; that he was fearless of any Combination or Opposition against his Designs, till he had openly invaded the *Imperial power*.

Which thing, though he always bare in his Mind; and at the last acted it; yet he did not lay down his former person: But coloured things so; That what with the reasonableness of his Demands; What with his pretences of Peace; and what with the Moderate use of his Successes; he turned all the *Envy* of the *Adverse Party*; and seemed to take up *Arms* upon necessity for his own preservation and safety. But the falseness of this pretence manifestly appeared; inasmuch as soon after having obtained the *Regal Power*, all *Civil Wars* being appeased; and all his *Rivals* and *Opposites*, which might put him to any fear, being removed out of the way by the stroke of *Death*; notwithstanding he never thought of *resigning* the *Republick*; No, nor ever made any shew or offer of *resigning* the same. Which shewed plainly, that his ambition of being a *King* was settled in him, and remained with him unto his last breath. For he did not lay hold upon occasions, as they happened, but moulded and formed the occasions, as himself pleased.

His chief *Abilities* consisted in *Martial Knowledge*; In which he so excelled, that he could not only *lead* an Army, but *mould* an Army to his own liking. For he was not more skilful in managing Affairs, than in *winning* of Hearts. Neither did he affect this by any ordinary Discipline, as by inuring them to fulfil all his commands; or by striking a shame into them to disobey, or by carrying a severe Hand over them: But by such a way as did wonderfully stir up an alacrity and chearfulness in them: and did in a sort assure him of the Victory beforehand, and which did oblige the Souldier to him, more than was fit for a *Free Estate*.

Now

Now whereas he was versed in all kinds of *Martial Knowledge*, and joynd *Civil Arts*, with the *Arts of War*; nothing came so suddenly, or so unlooked for upon him, for which he had not a remedy at hand: And nothing was so adverse, but that he could pick something for his Turn and Benefit out of it.

He stood sufficiently upon his *State* and *Greatness*. For in great Battels, he would sit at home in the *Head Quarter*, and manage all Things by *Messages*, which wrought him a double benefit. First, that it secured his *Person* more, and exposed him the less to *Danger*. Secondly, that if at any time his *Army* was worsted, he could put new spirit into them with his own presence, and the *Addition of fresh Forces*, and turn the *Fortune of the Day*. In the conducting of his *Wars*, he would not only follow former *Precedents*, but he was able to devise and pursue new *Stratagems*, according as the accidents and occasions required.

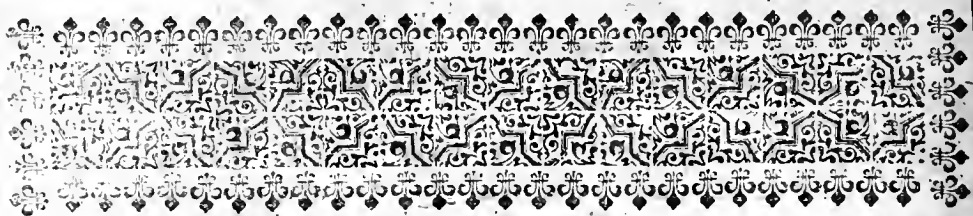
He was constant, and singularly kind, and indulgent in his *Friendships* contracted. Notwithstanding, he made choice of such Friends, as a man might easily see, that he chose them rather to be *Instruments* to his *Ends*, than for any *Good will* towards them. And whereas, by Nature, and out of a firm Resolution, he adhered to this Principle; not to be eminent amongst *Great* and *deserving* Men; but to be chief amongst *Inferiours* and *Vassals*; he chose only mean and active men, and such as to whom himself might be all in all. And hereupon grew that saying; *so let Cæsar live, though I dye*, and other speeches of that kind. As for the *Nobility*, and those that were his *Peers*, he contracted Friendship with such of them, as might be useful to him; and admitted none to his *Cabinet Counsel*, but those that had their Fortunes wholly depending upon him.

He was moderately furnished with good *Literature*, and the *Arts*; But in such sort as he applyed his skill therein to *Civil Policy*. For he was well read in *History*: and was expert in *Rhetorique*, and the *Art of speaking*. And because he attributed much to his good *stars*, he would pretend more then an ordinary Knowledge in *Astronomy*. As for *Eloquence*. and a prompt *Elocution*, that was *Natural* to him and *pure*.

He was dissolute, and propense to *Voluptuousness* and *Pleasures*; which served well at first for a Cover to his *Ambition*. For no man would imagine, that a man so loosely given could harbour any Ambitious and Vast Thoughts in his Heart. Notwithstanding, he so governed his *Pleasures*, that they were no hinderance, either to his profit, or to his business: And they did rather whet, then dull the vigour of his Mind. He was *Temperate* at his *Meals*; *Free* from *Niceness* and *Curiosity* in his *Lusts*; pleasant and *Magnificent* at *publick Interludes*.

Thus being accomplished, the same Thing was the Means of his *downfall* at last; which in his Beginnings was a step to his *Rise*; I mean, his *Affection of Popularity*. For nothing is more *popular*, than to *forgive our Enemies*. Through which, either *Vertue* or *Cunning*, he lost his life.

A Civil
Character of
Julius Cæsar



A
 CIVIL CHARACTER
 OF
 AUGUSTUS CÆSAR.

Written in Latine by his Lordship, but Englished
 by the Publisher.

AUGUSTUS CÆSAR (if ever any *Mortal Man*) was endued with a *greatness* of *Mind*, *undisturbed* with *passions*, *clear* and *well ordered*; Which is evidenced by the *High Achievements* which he performed in his early youth. For those persons which are of a *turbulent Nature* or *Appetite*, do commonly pass their youth in many *Errors*; And about their *Middle* and then and not before, they shew forth their *Perfections*; But those that are of a *Sedate* and *calm Nature*, may be ripe for *great and glorious Actions* in their youth. And whereas the *Faculties* of the *Mind*, no less than the *Parts* and *Members* of the *Body*, do consist and flourish in a good temper of *Health*, and *Beauty*, and *Strength*; So he was in the *strength* of the *Mind*, inferior to his *Uncle Julius*; But in the *Health* and *Beauty* of the *Mind*, superior. For *Julius* being of an *unquiet* and *uncomposed Spirit*; (As those, who are troubled with the *Falling Sickness*, for the most part are;) Notwithstanding He carried on his own *Ends* with much *Moderation* and *Discretion*; But He did not order his *Ends* well, propounding to Himself, *vast* and *high Designs*, above the *Reach* of a *Mortal Man*. But *Augustus*, as a *Man* *sober*, and *mindful* of his *Mortality*, seemed to propound no other *Ends* to Himself, then such as were *orderly* and *well weighed*, and governed by *Reason*. For first he was desirous indeed to have the *Rule*, and *Principality* in his *Hands*; Then He sought to appear worthy of that *Power* which he should acquire: Next, to *enjoy* an *High Place*, He accounted but a *Transitory Thing*: Lastly, He endeavoured to do such *Actions*, as might continue his *Memory*, and leave an *Impression* of his *good Government* to *After Ages*. And therefore, in the *beginning* of his *Age*, He affected *Power*; In the *middle* of his *Age*, *Honour* and *Dignity*; In the *decline* of his *years*, *Ease* and *Pleasure*; And in the *end* of his *Life*, He was wholly bent to *Memory* and *Posterity*.

A
COLLECTION
OF
APOPTHEGMS
New and Old.

BY THE
RIGHT HONOURABLE
FRANCIS BACON,
Baron of Verulam, Viscount S^t Alban.



LONDON,

Printed for *William Lee*, and are to be sold at his Shop at the Sign of
the *Turks Head*, near the *Mitre Tavern* in *Fleetstreet*, 1671.

COLLECTION

APOLYTHEGMS

New and Old.

BY RICHARD HODGSON

ESQ.

Baron of Newland, &c.

1850

Printed for the Author, by J. G. & J. S. ...

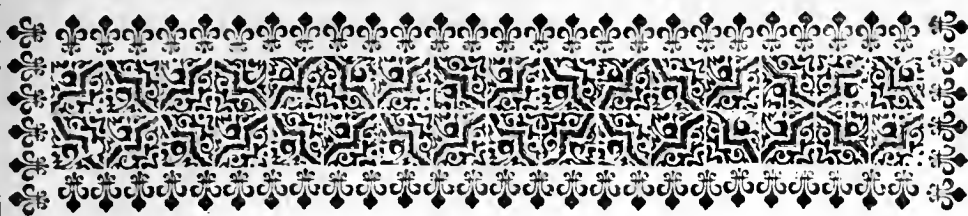
His Lordships Preface.

Julius Cæsar did write a Collection of Apophthegms, as appears in an Epistle of Cicero; so did Macrobius a Consular Man. I need say no more, for the worth of a Writing of that Nature. It is pity Cæsar's Book is lost: For I imagine they were collected with judgment and choice: whereas that of Plutarch and Stobæus; And much more the Modern ones, draw much of the Dregs. Certainly they are of excellent use. They are Mucrones verborum, Pointed Speeches. The words of the wise are as Goads, saith Solomon. Cicero prettily calleth them Salinas, Saltpits, that you may extract Salt out of, and sprinkle it where you will. They serve to be interlaced in Continued speech. They serve to be recited upon Occasion of themselves. They serve if you take out the Kernel of them, and make them your own. I have for my Recreation amongst more serious studies, collected some few of them: Therein fanning the old, Not omitting any, because they are vulgar, (For many vulgar ones are excellent good;) Nor for the Meannels of the Perlon; But because they are Dull and Flat; And adding many New, that otherwise would have died.

This collection his L^{ty} made out of his Memory, without turning any Book.

* Show that in Ed 1661 there is no number 4; and therefore
all those w^h follow are numbered wrong All w^h come to 36
is repeated; and therefore sets the numeration right again. In this
edition the interpolation of no 4 in this place rectifies the
error. In that the numbers here are right up to 36, when
the former edition gets right again, and this would have
got wrong - But the editor ^{thinks} makes it that occasion for a
new interpolation.

The alphabetical interpolation here is the first of them in
the "Worthy Gospel of the Hebrews" (1658) it is not in Pease. 1665.



A

COLLECTION

OF

APOPTHEGMS

New and Old.

QUEEN ELIZABETH, the morrow of her *Coronation*, (It being the custom to release *Prisoners*, at the *Inauguration* of a *Prince*,) went to the *Chappel*; And in the *great Chamber*, one of her *Courtiers*, who was well known to her, either out of his own *Motion*, or by the *Instigation* of a wiser Man, presented her with a *Petition*, And before a great number of *Courtiers*, besought her with a loud voice; *That now this good time, there might be four or five principal Prisoners more released; Those were the four Evangelists and the Apostle Saint Paul, who had been long shut up in an unknown Tongue, as it were in Prison; so as they could not converse with the Common People.* The Queen answered very gravely, *That it was best first to enquire of them, whether they would be released or no.*

2. *Queen ANN BULLEN*, at the time when she was led to be beheaded in the *Tower*, called one of the *Kings privy Chamber* to her, and said unto him, *Commend me to the King, and tell him, that he hath been ever constant in his course of advancing me; From a private Gentlewoman, he made me a Marchioness; And from a Marchioness a Queen; And now that he hath left no higher degree of Earthly Honour, He intends to Crown my Innocency with the Glory of Martyrdom.*

3. His Majesty *JAMES the First, King of Great Britain*, having made unto his *Parliament* an excellent and large Declaration, concluded thus; *I have now given you a clear Mirrour of my mind; Use it therefore like a Mirrour, and take heed how you let it fall, or how you soyle it with your Breath.*

4. A great Officer in *France* was in danger to have lost his place, but his Wife by her suit and means making, made his peace, whereupon a pleasant fellow said; *That he had been vrnsht, but that he saved himself upon his horns.*

5. His

5. His Majesty said to his Parliament at another time, finding there were some causeless Jealousies sown amongst them; *That the King and his People, (whereof the Parliament is the Representative Body,) were as Husband and Wife; And therefore, that of all other things, Jealousie was between them, most pernicious.*

6. His Majesty, when he thought his Counsel might note in him some variety in Businesses, though indeed he remained constant, would say; *That the Sun many times shineth watry; But it is not the Sun which causeth it, But some Cloud rising betwixt us and the Sun: And when that is scattered, the Sun is as it was, and comes to his former Brightness.*

7. His Majesty in his Answer to the Book of the Cardinal of Ebreux (who had in a grave Argument of Divinity, sprinkled many witty Ornaments of Poesy and Humanity,) saith; *That these Flowers, were like Blew, and Yellow, and Red Flowers in the Corn, which make a pleasant shew to those that look on, but they hurt the Corn.*

8. Sir Edward Cook being vehement against the two Provincial Counsels, of Wales, and the North, said to the King; *There was nothing there, but a kind of Confusion and hotch potch of Justice: One while they were a Starr-Chamber; Another while a Kings-Bench; Another, a Common place; Another, a Commission of Oyer and Terminer. His Majesty answered; Why Sir Edward Cook, they be like Houses in progress, where I have not, nor can have, such distinct Rooms of State, as I have here at White-Hall, or at Hampton Court.*

9. The Commissioners of the Treasure, moved the King for the Relief of his Estate, to disafforest some Forests of his, explaining themselves of such Forests as lay out of the way, not near any of the Kings Houses, nor in the course of his Progress; Whereof he should never have use nor pleasure. *Why, (saith the King,) do you think that Solomon had use and pleasure of all his 300 Concubines.*

10. His Majesty, when the Committees of both Houses of Parliament presented unto him the Instrument of union of England and Scotland, was merry with them; And amongst other pleasant speeches shewed unto them the Laird of Lawreston a Scotchman, who was the Tallest and Greatest Man that was to be seen, and said; *Well, now we are all one, yet none of you will say, but here is one Scotchman greater then any English Man,* which was an ambiguous Speech; but it was thought he meant it of Himself.

11. His Majesty would say to the Lords of his Counsel when they came upon any great Matter, and came from Counsel in to him, *Well you have set, but what have you hatcht?*

12. When the Arch-Duke did raise his Siege from the Grave, the then Secretary came to Queen Elizabeth; The Queen (having first Intelligence thereof,) said to the Secretary, *Wote you what? The Arch-Duke is risen from the Grave: He answered; What, without the Trumpet of the Arch-Angel? The Queen replied yes, without the sound of Trumpet.*

13. Queen Elizabeth was importuned much by my Lord of Essex, to supply divers great Offices, that had been long void: The Queen answered nothing to the Matter; But rose up on the sudden, and said; *I am sure my Office will not be long void.* And yet at that time, there

there was much speech of *Troubles*, and *Divisions* about the *Crown*, to be after her *Decease*: But they all vanished; and *King James* came in, in a profound peace.

14. The *Counsel* did make Remonstrance unto *Queen Elizabeth*, of the continual *Conspiracies* against her *Life*; and namely, that a *Man* was lately taken, who stood ready in a very dangerous and suspicious manner to do the *Deed*: and they shewed her the *weapon*, wherewith he thought to have acted it. And therefore they advised her, that she should go less abroad to take the *Air*, weakly attended, as she used. But the *QUEEN* answered; *That she had rather be dead, then put in Custody.*

15. The *Lady Paget*, that was very private with *Queen Elizabeth*, declared her self much against the *Match* with *Monsieur*. After *Monsieur's Death*, the *Queen* took extream Grief, (at least as she made shew) and kept in within her *Bed-Chamber*, and one *Ante-Chamber* for three weeks space, in token of mourning: At last she came forth into the *Privy-Chamber*, and admitted her *Ladies* to have access unto her; and amongst the rest, my *Lady Paget* presented her self, and came to her with a *smiling Countenance*. The *Queen* bent her *Brows*, and seemed to be highly displeased, and said to her; *Madam, you are not ignorant of my extream Grief, and do you come to me with a Countenance of Joy?* My *Lady Paget* answered; *Alas if it please your Majesty, it is impossible for me to be absent from you three weeks, but that when I see you, I must look cheerfully.* No, no, (said the *Queen*, not forgetting her former *Aversness* to the *Match*) *you have some other conceit in it, tell me plainly.* My *Lady* answered; *I must obey you; It is this. I was thinking how happy your Majesty was, you married not Monsieur; For seeing you take such thought for his Death, being but your freind; If he had been your Husband sure it would have cost you your life.*

16. *Henry the 4th of France* his *Queen* was young with Child; *Count Soisons*, that had his expectation upon the *Crown*, when it was twice or thrice thought that the *Queen* was with Child before, said to some of his *Friends*; *That it was but with a Pillow*; This had some ways come to to the *Kings Ear*; who kept it till such time as the *Queen* waxed great: Then he called the *Count of Soisons* to him, and said; laying his hand upon the *Queens Belly*; *Come Cousin, is this a Pillow?* The *Count of Soisons* answered; *Yes, Sir, it is a Pillow for all France to sleep upon.*

17. *King Henry the 4th of France*, was so punctual of his word, after it was once passed, that they called him the *King of the Faith*.

18. The said *King Henry the 4th* was moved by his *Parliament* to a *War* against the *Protestants*: He answered; *Yes, I mean it: I will make every one of you Captains; you shall have Companies assigned you.* The *Parliament* observing whereunto his *Speech* tended, gave over, and deserted his motion.

19. *Queen Elizabeth* was wont to say, upon the *Commission of sales*; That the *Commissioners* used her like *Strawberry-Wives*, that layed two or three great *strawberries* at the mouth of their pot, and all the rest were little ones; so they made her two or three good prises of the first particulars, but fell straight ways.

20. *Queen Elizabeth* used to say of her *Instructions*, to great *Officers*; *That they were like to Garments, streight at the first putting on, but did by and by wear loose enough.*

21. A great *Officer* at *Court*, when my Lord of *Essex* was first in trouble; and that he, and those that dealt for him, would talk much of my *Lords Friends*; and of his *Enemies*, answered to one of them; *I will tell you, I know but one Friend, and one Enemy my Lord hath; and that one friend is the Queen, and that one Enemy is himself.*

22. The book of *Deposing King Richard* the second, and the coming in of *Henry* the 4th, supposed to be written by *Doctor Hayward*, who was committed to the *Tower* for it, had much incensed *Queen Elizabeth*; and she asked *Mr. Bacon*, being then of her *Counsel learned*, whether there were any *Treason* contained in it? who intending to do him a pleasure, and to take off the *Queens* bitterness with a merry conceit, answered; *No madam, for Treason, I cannot deliver Opinion, that there is any, but very much Felony*: The *Queen* apprehending it gladly, asked, *How? And wherein?* *Mr. Bacon* answered; *Because he had stolen many of his sentences and conceits out of Cornelius Tacitus.*

23. *Queen Elizabeth* being to resolve upon a great *Officer*, and being by some, that canvassed for others; put in some doubt of that person, whom she meant to advance, called for *Mr. Bacon*; And told him, *she was like one, with a Lanthorn, seeking a man*; and seemed unsatisfied in the choice she had of a man for that place. *Mr. Bacon* answered her, that he had heard that in old time, there was usually painted in the *Church Walls*, the *Day of Doom*, and *God* sitting in *Judgment*, and *Saint Michael* by him, with a pair of *Ballances*; And the *soul*, and the *Good Deeds* in the one *Ballance*; and the *Faults*, and the *Evil Deeds* in the other; and the *souls Ballance* went up far too light: Then was our *Lady* painted with a great pair of *Beads*; who cast them into the light *Ballance*, and brought down the *skale*: so he said; *place and Authority which were in her Majesties hands to give, were like our Ladies Beads which though men, through any imperfections, were too light before, yet when they were cast in, made weight competent.*

24. *Queen Elizabeth* was dilatory enough in suits, of her own Nature; and the *Lord Treasurer Burleigh* being a Wise Man, and willing therein to feed her humour, would say to her; *Madam, you do well to let suiters stay; For I shall tell you, Bis dat, qui citò dat; if you grant them speedily, they will come again the sooner.*

25. *Sir Nicholas Bacon*, who was *Keeper* of the *Great Seal* of *England*, when *Queen Elizabeth*, in her *Progress*, came to his house at *Gorbambury*; and said to him; *My Lord, what a little house have you gotten?* Answered her; *Madam, my House is well, but it is you that have made me too great for my House.*

26. There was a conference in *Parliament*, between the *Lords House*, and the *House of Commons*, about a *Bill of Accountants*, which came down from the *Lords* to the *Commons*; which *Bill* prayed; *That the Lands of Accountants, whereof they were seized, when they entred upon their Office, might be liable to their Arrears to the Queen.* But the *Commons* desired, that the *Bill* might not look back to *Accountants* that were already, but extend only to *Accountants* hereafter. But the *Lord Treasurer* said; *Why, I pray you, if you had lost your Purse by the way; would you look forwards, or would you look back?* The *Queen* hath lost her *Purse*.

27. The *Lord Keeper*, *Sir Nicholas Bacon* was asked his *Opinion* by my *Lord*

Lord of Leicester, concerning two persons whom the Queen seemed to think well of: *By my Troth my Lord (said he) the one is a grave Counsellour; The other is a proper young Man; and so he will be as long as he lives.*

28. My Lord of Leicester, Favourite to Queen Elizabeth, was making a large Chace about Cornbury Park; meaning to enclose it with Posts and Rails, and one day was casting up his charge what it would come to. Mr. Goldingham, a free-spoken Man, stood by, and said to my Lord; *Methinks your Lordship goeth not the cheapest way to work.* Why, Goldingham, said my Lord? *Marry my Lord, said Goldingham; Count you but upon the posts, for the Countrey will find you railing.*

29. The Lord Keeper, Sir Nicholas Bacon, was asked his Opinion by Queen Elizabeth, of one of these Monopoly licenses? And he answered; *Madam, will you have me speak the Truth? Licentiâ omnes deteriores sumus: We are all the worse for Licenses.*

30. My Lord of Essex, at the Succour of Rhoane, made 24 Knights, which at that time was a great number. Divers of those Gentlemen, were of weak and small means; which when Queen Elizabeth heard, she said; *My Lord might have done well to have built his Alms-house, before he made his Knights.*

31. The Deputies of the Reformed Religion, after the massacre which was at Paris upon Saint Bartholomews Day, treated with the King and Queen Mother, and some other of the Counsel for a peace. Both sides were agreed upon the Articles. The question was, upon the security for the performance. After some particulars propounded and rejected, the Queen Mother said, *why, is not the word of a King sufficient security?* One of the Deputies answered; *No by Saint Bartholomew, Madam.*

32. There was a French Gentleman, speaking with an English of the Law Salique, That Women were excluded from inheriting the Crown of France. The English said; *yes, but that was meant of the Women themselves, not of such Males as claimed by Women.* The French Gentleman said, *where do you find that gloss?* The English answered, *I'll tell you, Sir; Look on the back-side of the Record, of the Law Salique, and there you shall find it endorsed: Implying there was no such thing as the Law Salique, but that it is a meer fiction.*

33. A Fryar of France, being in an earnest Dispute about the Law Salique, would need prove it by scripture; citing that verse of the Gospel; *Lilia Agri, non laborant, neque nent; The Lilies of the Field do neither labour nor spin:* Applying it thus; *That the Flower De Luces of France cannot descend, neither to the distaff, nor to the spade; That is, not to a woman, nor to a peasant.*

34. When Peace was renewed with the French in England, divers of the great Counsellors were presented from the French with Jewels: The Lord Henry Howard, being then Earl of Northampton, and a Counsellor was omitted. Whereupon the King said to him, *My Lord, how happens it, that you have not a Jewel as well as the rest?* My Lord answered, according to the Fable in Æsop; *Non sum Gallus, itaque non reperi Gemmam.*

35. The same Earl of Northampton, then Lord Privie Seal, was askt by King James, openly at the Table, Where Commonly he entertained the King with discourse; the King askt him upon the sudden; *my Lord*

have you not a desire to see Rome? My Lord Privy Seal answered; *yes*: indeed Sir: The King said, *and why?* My Lord answered; *Because if it please your Majesty, it was the seat of the greatest Monarchy, and the Seminary of the bravest men of the world, whilst it was Heathen: And then secondly, because afterwards it was the see of so many holy Bishops in the Primitive Church, most of them Martyrs.* The King would not give it over, but said; *And for nothing else?* My Lord answered; *yes, if it please your Majesty, for two things more: The one to see him, who they say hath so great a power to forgive other men their sins, to confess his own sins upon his knees before a Chaplain or Priest: And the other to hear Antichrist say his Creed.*

36. Sir Nicholas Bacon, being appointed a Judge for the Northern Circuit, and having brought his Trials that came before him to such a pass, as the passing of Sentence on Malefactors, he was by one of the Malefactors mightily importuned for to save his life, which when nothing that he had said did avail, he at length desired his mercy on the account of kindred: *Præhee* said my Lord Judge, how came that in? Why, if it please you my Lord, your name is *Bacon*, and mine is *Hog*, and in all Ages *Hog* and *Bacon* have been so near kindred, that they are not to be separated. *I* but replied Judge Bacon, *you and I cannot be kindred, except you be hanged; for Hog is not Bacon until it be well hanged.*

37. Two Scholars and a Countrey man travelling upon the Road, one night lodged all in one Inn, and suppt together, where the Scholars thought to have put a trick upon the Countrey man which was thus; the Scholars appointed for Supper two Pigeons, and a Fat Capon, which being ready, was brought up, and they having set down, the one Scholar took up one Pigeon, the other Scholar took the other Pigeon thinking thereby that the Countrey man should have fate still until that they were ready for the carving of the Capon, which he perceiving, took the Capon and laid it on his Trencher, and thus said, *Daintily contrived, every one a bird.*

38. *Jack Roberts* was desired by his Taylour, when the reckoning grew somewhat high, to have a Bill of his hand. *Roberts* said, I am content, but you must let no man know it; when the Taylour brought him the Bill, he tore it as in cholar, and said to him, *you use me not well, you promised me that no man should know it, and here you have put in: Be it known unto all men by these Presents:*

39. Sir *Walter Raleigh* was wont to say of the Ladies of Queen Elizabeths Privy Chamber, and Bed Chamber, *That they were like Witches, they could do hurt, but they could do no good.*

40. There was a Minister deprived for inconformity, who said, to some of his friends, that if they deprived him, it should cost an hundred mens lives, the party understood it, as if being a turbulent fellow, he would have moved sedition, and complained of him, whereupon being convented and opposed upon that speech, he said his meaning was, *That if he lost his Benefice, he would Practise Physick, and then he thought he should kill an hundred men in time.*

41. Secretary *Fourns* Son kept a Gentlemans Wife in *Shropshire*, who lived from her Husband with him, when he was weary of her, he caused her Husband to be dealt with to take her home, and offered him five hundred

W. A. 10. 11. 13. 14. 17. 22. which sets the numbers
has right it to come to 245; what it is to be 244 and the rest are wrong.

*
W. A. 10.

W. A. 11

W. A.
13.

W. A.
14.

hundred pounds for reparation: the Gentleman went to Sir *H. Sidney*, to take his advice upon this offer, telling him, that his Wife promised now a new life; and to tell him truth, five hundred pounds would come well with him; and besides that sometimes he wanted a Woman in his Bed. *By my Troth*, said Sir *Henry Sidney*, *take her home, and take the Money, then whereas other Cuckolds wear their Horns plain, you may wear yours guilt.*

42. When *Rablais*, the great Jester of *France*, lay on his death bed, and they gave him the extream unction, a familiar friend of his came to him afterwards, and asked him how he did, *Rablais* answered, *Even going my journey, they have greased my boots already.*

43. Mr. *Bromley* Solicitor, giving in evidence for a deed, which was impeached to be fraudulent, was urged by the Council on the other side with this presumption, that in two former suits when Title was made, that deed was passed over in silence, and some other conveyance stood upon: Mr. *Justice Catiline* taking in with that side, asked the Solicitor, I pray thee Mr. Solicitor, let me ask you a familiar question, I have two Geldings in my Stable; I have divers times business of importance, and still I send forth one of my Geldings and not the other, would you not think I set him aside for a Jade? *No my Lord*, said *Bromley*, *I would think you spared him for your own Saddle.*

44. *Thales* as he looked upon the stars, fell into the water, whereupon it was after said, *That if he had looked into the water, he might have seen the Stars, but looking up to the Stars he could not see the water.*

45. A Man and his Wife in bed together, she towards morning pretended her self to be ill at ease, desiring to lie on her Husbands side, so the good man to please her came over her, making some short stay in his passage over, where she had not long lain, but desired to lie in her old place again, quoth he, how can it be effected? she answered, come over me again, *I had rather*, said he, *go a mile and a half about.*

46. A Thief being Arraigned at the Bar for stealing a Mare, in his pleading urged many things in his own behalf, and at last nothing availing, he told the Bench the Mare rather stole him, than he the Mare, which in brief he thus related, that passing over several grounds about his lawful occasions, he was pursued close by a fierce Mastive Dog, and so was forced to save himself by leaping over a Hedge, which being of an agil body he effected, and in leaping, a Mare standing on the other side of the hedge, leaped upon her back, who running furiously away with him, he could not by any means stop her until he came to the next Town, in which Town the owner of the Mare lived, and there was he taken, and here Arraigned.

47. Master *Mason* of *Trinity Colledge*, sent his Pupil to another of the Fellowsto borrow a Book of him, who told him, *I am loath to lend my Books out of my Chamber, but if it please thy Tutor to come and read upon it in my Chamber, he shall as long as he will.* It was Winter, and some days after the same fellow sent to Mr. *Mason* to borrow his Bellows, but Master *Mason* said to his Pupil, *I am loath to lend my Bellows out of my Chamber, but if thy Tutor would come and blow the Fire in my Chamber, he shall as long as he will.*

48. A notorious Rogue being brought to the Bar, and knowing his case to be desperate, instead of pleading, he took to himself the liberty

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of jesting, and thus said, *I charge you in the Kings name, to seise and take away that man (meaning the Judge) in the Red Gown, for I go in danger of my life because of him.*

49. In Flanders by accident, a *Flemish* Tiler fell from the top of a house upon a *Spaniard*, and killed him, though he escaped himself, the next of the blood prosecuted his death with great violence, and when he was offered pecuniary recompence, nothing would serve him, but *Lex talionis*, whereupon the Judge said to him, *That if he did urge that sentence, it must be, that he should go up to the top of the house, and then fall down upon the Tiler.*

50. A rough hewn Seaman, being brought before a wise Just-ice, for some misdemeanor, was by him sent away to Prison, and being somewhat refractory, after he heard his doom, insomuch as he would not stir a foot from the place he stood, saying, *it were better to stand where he was, than go to a worse place.* The Justice thereupon to shew the strength of his learning, took him by the shoulder, and said, *Thou shalt go Nogus vogus, instead of Nolens volens.*

51. *Francis* the first of France, used for his pleasure sometimes to go disguised: so walking one day in the company of the Cardinal of *Burbon*, near *Paris*, he met with a Peasant with a new pair of shoes upon his arm; so he called him unto him, and said, By our Lady, these be good shoes, What did they cost thee? the Peasant said guets, the King said, I think some five sols, saith the Peasant you have lied but a *Carlois*; What villain said the Cardinal of *Burbon*, thou art dead, it is the King, the Peasant replied, *The Devil take him of you and me that knew so much.*

52. There was a young man in *Rome*, that was very like *Augustus Cæsar*, *Augustus* took knowledge of him, and sent for the man, and asked him, Was your Mother never at *Rome*? he answered, *No Sir, but my Father was.*

53. A Physician advised his Patient that had sore Eyes, that he should abstain from Wine, but the Patient said, *I think rather Sir, from wine and water, for I have often marked it in blew eyes, and I have seen water come forth, but never wine.*

54. A debauched Seaman being brought before a Justice of Peace upon the account of swearing, was by the Justice commanded to deposit his Fine in that behalf provided, which was two shillings, he thereupon, plucking out of his pocket a half-crown, asked the Justice what was the rate he was to pay for Cursing, the Justice told him six pence, quoth he then, *A Fox take you all for a company of knaves and fools, and there's half a crown for you, I will never stand changing of money.*

55. *Augustus Cæsar* was invited to Supper by one of his old Friends, that had conversed with him in his less fortunes, and had but ordinary entertainment. whereupon at his going away he said, *I did not know that you and I were so familiar.*

56. *Agathocles* after he had taken *Syracusa*, the men whereof during the siege, had in a bravery spoken of him all the villany that might be, sold the *Syracusans* for slaves, and said, *Now if you use such words of me, I will tell your Masters of you.*

57. *Dionysius* the elder, when he saw his Son in many things very inordinate, said to him, Did you ever know me do such things? his Son answered, *No, but you had not a Tyrant to your Father*; the Father replied,

No nor you if you take these courses, will have a Tyrant to your Son.

58. Calisthenes the Philosopher, that followed Alexanders Court, and hated the King, being asked by one, how one should become the famousst man in the world, answered, by taking away him that is.

59. Agefilans, when one told him there was one did excellently counterfeit a Nightingale, and would have had him heard him, said, Why, I have heard the Nightingale her self.

60. A great Nobleman upon the complaint of a servant of his, laid a Citizen by the heels, thinking to bend him to his servants desire, but the fellow being stubborn, the servant came to his Lord, and told him, your Lordship I know hath gone as far as well you may, but it works not; for yonder fellow is more perverse then before. Said my Lord, Lets forget him a while, and then he will remember himself.

61. One came to a Cardinal in Rome, and told him that he had brought his Lordship a dainty white Palfrie, but he fell lame by the way, saith the Cardinal to him: I'll tell thee what thou shalt do, go to such a Cardinal, and such a Cardinal, naming him half a dozen Cardinals, and tell them as much, and so whereas by thy horse if he had been sound, thou couldst have pleased but one, with thy lame Horse thou must please half a dozen.

62. A witty Rogue coming into a Lace-shop, said he had occasion for some Lace, choice whereof being shewed him, he at last pitched upon one pattern, and asked them how much they would have for so much as would reach from ear to ear, for so much he had occasion for, they told him for so much: so some few words passing between them, he at last agreed, and told down his money for it, and began to measure on his own head, thus saying, One ear is here, and the other is nailed to the Pillory in Bristol, and I fear you have not so much of this Lace by you at present as will perfect my bargain; therefore this piece of Lace shall suffice at present in part of payment, and provide the rest with all expedition.

* 63. Iphicrates the Athenian, in a Treaty that he had with the Lacedemonians for peace, in which question was about security for observing the same, said, The Athenians would not accept of any security, except the Lacedemonians did yield up unto them those things, whereby it might be manifest, that they could not hurt them if they would.

64. Euripides would say of persons that were beautiful, and yet in some years, In fairest bodies not only the spring is pleasant, but also the Autumn.

65. There was a Captain sent to an exploit by his General, with forces that were not likely to atchieve the enterprize, the Captain said to him, Sir, appoint but half so many, why, saith the General? the Captain answered, Because it is better fewer dye than more.

* 66. There was a Harbenger who had lodged a Gentleman in a very ill room, who expostulated with him somewhat rudely, but the Harbenger carelessly said, You will take pleasure in it when you are out of it.

67. There is a Spanish Adage, Love without end hath no end, meaning, that if it were begun not upon particular ends it would last.

68. A Woman being suspected by her Husband for dishonesty, and being by him at last prest very hard about it, made him quick answer with many protestations, That she knew no more of what he said, than the

Man

67

71

72

See after no 114

R. 53

73

74

75

See after no 281

76

78

80

See after no 284

84 See after no 145

85

Man in the Moon: Now the Captain of the Ship called the Moon was the very man she so much loved.

94
by 96. *Demosthenes* when he fled from the battel, and that it was reproached to him, said, *That he that flies might fight again.*

104
* 70. *Gonulvo* would say, *The honour of a souldier ought to be of a strong web*, meaning, that it should not be so fine and curious, that every little disgrace should catch and stick in it.

108
71. An Apprentice of *London* being brought before the Chamberlain by his Master, for the sin of incontinency, even with his own Mistress: the Chamberlain thereupon gave him many Christian Exhortations, and at last he mentioned and prest the chastity of *Joseph* when his Mistress tempted him with the like crime of incontinency. I Sir, said the Apprentice, *But if Josephs Mistress had been as handsome mine is, he could not have forborn.*

110
72. *Bias* gave in precept, love as if you should hereafter hate, and hate as if you should hereafter love.

118
73. *Cineas* was an excellent Oratour and States-man, and principal Friend and Counsellour to *Pyrrhus*, and falling in inward talk with him, and discerning the King endless ambitions, *Pyrrhus* opened himself unto him, that he intended first a War upon *Italy*, and hoped to achieve it, *Cineas* asked him, *Sir, what will you do then?* then saith he, we will attempt *Sicily*; *Cineas* said, well Sir, *What then?* said *Pyrrhus*, if the gods favour us, we may conquer *Africk* and *Carthage*, *What then Sir*, saith *Cineas?* nay then saith *Pyrrhus*, we may take our rest, and Sacrifice and Feast every day, and make merry with our friends, *Alas Sir*, said *Cineas*, *may we not do so now without all this ado?*

120
74. *Lamia* the Curtizan had all power with *Demetrius* King of *Macedon*, and by her instigations he did many unjust and cruel acts, whereupon *Lysimachus* said, *That it was the first time that ever he knew a Whore play in a Tragedy.*

127
76. One of the *Romans* said to his friend, *What think you of one who was taken in the act and manner of Adultery?* the other answered, *Marry I think he was slow at dispatch.*

128
75. *Epaminondas*, when his great friend and Colleague in War was suitor to him to pardon an offender, denied him; afterwards when a Concubine of his made the same suit, he granted it to her, which when *Pelopidas* seemed to take unkindly, he said, *Such suits are to be granted to Whores, but not to Personages of worth.*

133
77. *Thales* being asked when a man should marry, said, *Young men not yet, old men not at all.*

134
78. A Company of Scholars going together to catch Conies, carried one Scholar with them, which had not much more wit than he was born with, and to him they gave in charge, that if he saw any, he should be silent for fear of scaring of them, but he no sooner espied a company of Rabbits before the rest, but he cryed aloud, *Ecce Multi Cuniculi*, which in English signifies, *behold many Conies*, which he had no sooner said, but the Conies ran to their boroughs, and he being checked by them for it, answered, *Who the Devil would have thought that the Rabbits understood Latine?*

139
* 89. A *Welshman* being at a Sessions-house, and seeing the Prisoners hold up hands at the Bar, related to some of his acquaintance there, *That the*

the Judges were good Fortune-tellers, for if they did but look upon their hands, they could certainly tell whither they should live or dye.

80. Solon compared the people unto the Sea, and Orators and Counsellours to the winds; for that the Sea would be calm and quiet, if the winds did not trouble it.

*81. Socrates was pronounced by the Oracle of Delphos, to be the wisest man of Greece, which he would put from himself Ironically, saying, There would be nothing in him to verify the Oracle, except this, that he was not wise and knew it, and others were not wise, and knew it not.

*82. Socrates, when there was shewed him the book of Heraclitus the obscure, and was asked his opinion of it, answered. Those things which I understood were excellent, I imagine so were those I understood not, but they require a diver of Delos.

83. Bion asked an envious man, that was very sad, What harm had befallen unto him, or what good had befallen unto another man.

84. Stilpo the Philosopher, when the people flocked about him, and that one said to him, the people come wondring about you, as if it were to see some strange beast, No, saith he, it is to see a man which Diogenes sought with his Lanthorn at noon day.

85. A man being very jealous of his Wife, inso much that which way soever she went, he would be prying at her heels, and she being so grieved thereat, in plain terms told him, That if he did not for the future leave off his proceedings in that nature, she would graft such a pair of Horns upon his Head, that should hinder him from coming out of any door in the house.

86. A Citizen of London passing the streets very hastily, came at last where some stop was made by Carts, and some Gentlemen talking together, who knew him, where being in some passion that he could not suddenly pass, one of them in this wise spoke unto him, That others had past by, and there was room enough, only he could not tell whether their Horns were so wide as his.

87. A Tinker passing Cheapside with his usual tone, Have you any work for a Tinker? an Apprentice standing at a door opposite to a Pillory there set up, called the Tinker, with an intent to put a jest upon him, and told him that he should do very well if he would stop those two holes in the Pillory, to which the Tinker answered, That if he would but put in his head and ears a while in that Pillory, he would bestow both brass and nails upon him to hold him in, and give him his labour into the bargain.

88. A young Maid having married an old Man, was observed on the day of Marriage to be somewhat moody, as if she had eaten a dish of Chums, which one of her Bridemen observing, bid her be cheery, and told here moreover, that an old horse would hold out as long, and as well as a young one in travel: to which she answered, stroking down her belly with her hand, But not in this Road, Sir.

89. There was in Oxford a cowardly fellow that was a very good Archer, he was abused grossly by another, and moaned himself to Sir Walter Raleigh, then a Scholar, and asked his advice, what he should do to repair the wrong had been offered him; Raleigh answered; Why challenge him at a match of shooting.

142

Letter
no 257

143

Letter
no 256

146

147

148

149

153

160

166

172

* 90. *Whitehead* a grave Divine was much esteemed by *Queen Elizabeth*, but not preferred, because he was against the Government of Bishops, he was of a blunt Stoical nature; he came one day to the Queen, and the Queen happened to say to him, *I like thee the better Whitehead, because thou livest unmarried.* He answered, *In troth Madam, I like you the worse for the same cause.*

* 91. Doctor *Lawd* said; that some Hypocrites and seeming mortified men, that held down their heads like bulrushes, were like the little Images that they place in the very bowing of the vaults of Churches, that look as if they held up the Church, but are but Puppets.

92. A Nobleman of this Nation, famously known for his mad tricks, on a time having taken Physick, which he perceiving that it began well to work, called up his man to go for a Surgeon presently, and to bring his instruments with him: the Surgeon comes in all speed; to whom my Lord related, that he found himself much addicted to Women, and therefore it was his will, that the cause of it might be taken away, and therefore commanded him forthwith to prepare his instruments ready for to geld him; so the Surgeon forthwith prepares accordingly, and my Lord told him that he would not see it done, and therefore that he should do his work the back way, so both parties being contented, my Lord makes ready, and holds up his A--- and when he perceives the Surgeon very near him, he lets flye full in his face, which made the Surgeon step back, but coming presently on again; *Hold, hold,* saith my Lord, *I will better consider of it, for I see the retentive faculty is very weak at the approach of such keen instruments.*

* 93. The Lord *Henry Howard*, being Lord Privy Seal, was ask'd by the King openly at the Table, where commonly he entertained the King upon the sudden: My Lord, have you not a desire to see *Rome*? My Lord Privy Seal answered, yes indeed Sir. The King said, and why? My Lord answered, because, and please your Majesty, it was once the Seat of the greatest Monarchy, and the Seminary of the bravest men in the world amongst the Heathen; and then again, because it was the See of so many holy Bishops in the Primitive Church, most of them Martyrs. The King would not give it over, but said, and for nothing else? My Lord answered, *Yes, and it please your Majesty, for two things especially, the one to see him who they say hath such a power to forgive other mens sins, confess his own sins upon his knees before a Chaplain or Priest, and the other is to hear Antichrist say his Creed.*

94. There was a curst Page that his Master whipt naked, and when he had been whipt, would not put on his cloaths, and when his Master bad him, *Take them you, for they are the Hangmans Fees.*

95. There was a Lady of the West Country, that gave great entertainment at her house to most of the gallant Gentlemen thereabouts, and amongst others, Sir *Walter Raleigh* was one; this Lady, though otherwise a stately Dame, was a notable good house-wife, and in the morning betimes, she called to one of her Maids that lookt to the Swine, and asked, are the Pigs served? Sir *Walter Raleighs* chamber was fast by the Ladies, so as he heard her; a little before dinner, the Lady came down in great state into the great Chamber, which was full of Gentlemen, and as soon as Sir *Walter Raleigh* set eye upon her, *Madam,* saith he, *Are the Pigs served?* The Lady answered, *You know best, whether you have had your breakfast.*

* All these, from no 36, are taken from the *Witty Apophthegms*. in the order in which they come: excepting smoking that which occurs in *Revue*. 1661. at least this is the method. Several of them do occur in the *Revue*. 1661,

The rest
 follows as
 from the
 Res. 166.
 without
 any con-
 sideration

96. There were Fishermen drawing the River at Chelsey, Mr. Bacon came thither by chance in the After-noon, and offered to buy their Draugh: they were willing. He asked them *what they would take?* They asked *Thirty shillings.* Mr. Bacon offered them *Ten:* They refused it. *Why then saith Mr. Bacon, I will be only a looker on.* They drew and caught nothing. *Saith Mr. Bacon, are not you mad fellows now that might have had an Angel in your purse, to have made merry withal, and to have warmed you thorowly, and now you must go home with nothing.* *I but saith the Fishermen, we had hope then to make a better gain of it.* *Saith Mr. Bacon well my Master, then Ile tell you; hope is a good Breakfast, but it is a bad supper.*

97. A Lady walking with Mr. Bacon in Grays-Inne Walks, asked him *whose that piece of ground lying next under the walls was;* He answered, *Theirs.* Then she asked him, if those *Fields* beyond the *Walks* were theirs too? He answered, *Yes Madam, those are ours, as you are ours, to look on, and no more.*

98. His Lordship, when he was newly made Lord-Keeper, was in Grays-Inne Walks with Sir Walter Rawleigh; One came and told him that the Earl of Exeter was above. He continued upon occasion still walking a good while. At last when he came up, my Lord of Exeter met him, and said; *My Lord I have made a great venture to come up so high stairs, being a gouty man.* His Lordship answered, *pardon me my Lord; I have made the greatest Venture of all; For I have ventured upon your Patience.*

99. When Sir Francis Bacon was made the Kings Attorney, Sir Edward Cook was put up from being Lord chief Justice, of the Common Pleas, to be Lord chief Justice of the Kings Bench; which is a place of greater Honour but of less profit; And withal was made Privy Counsellor. After a few days, the Lord Cook meeting with the Kings Attorney, said unto him; *Mr. Attorney, this is all your doing; It is you that have made this stir.* Mr. Attorney answered; *Ah my Lord! your Lordship all this while hath grown in Breadth; You must needs now grow in Height, or else you would be a Monster.*

100. One day Queen Elizabeth told Mr. Bacon, that my Lord of Essex, after great Protestation of Penitence, and affection fell in the end, but upon the Suit of renewing his Farm, of Sweet Wines: He answered; *I read that in Nature, there be two kinds of Motions or Appetites in Sympathy; The one as of Iron, to the Adamant for perfection; The other as of the Vine, to the Stake for sustentation, That her Majesty was the one, and his Suit the other.*

101. Mr. Bacon after he had been vehement in Parliament, against Depopulation and Enclosures; And that soon after the Queen told him, that she had referred the hearing of Mr. Mills Cause, to certain Counsellors and Judges; and asked him how he liked of it? Answered; *Oh Madam! my Mind is known; I am against all enclosures, and especially against enclosed Justice.*

102. When Sir Nicholas Bacon the Lord Keeper lived, every Room in Gorhambury was served with a Pipe of Water from the Ponds, distant about a Mile off. In the life-time of Mr. Anthony Bacon, the Water ceased. After whose death, his Lordship coming to the Inheritance, could not recover the Water without infinite charge: When he

was Lord Chancellor, he built *Verulam House*, close by the Pond-yard, for a place of privacy when he was called upon, to dispatch any urgent business: And being asked, *Why he built that House there*, His Lordship answered; *that since he could not carry the Water to his House, He would carry his House to the Water.*

103. When my Lord President of the Council came first to be Lord Treasurer, he complained to my Lord Chancellor of the troublesome of the place, for that the Exchequer was so empty. The Lord Chancellor answered; *My Lord, be of good cheer, for now you shall see the bottom of your business at the first.*

104. When his Lordship was newly advanced to the Great Seal, Gondomar came to visit him: My Lord said; *That he was to thank God and the King for that Honour; But yet, so he might be rid of the burthen, he could very willingly forbear the Honour.* And that he formerly had a desire, and the same continued with him still, to lead a private life, Gondomar answered, That he would tell him a Tale, *Of an old Rat that would needs leave the World: And acquainted the young Rats, that he would retire into his Hole, and spend his days solitarily; and would enjoy no more comfort: and commanded them upon his high displeasure, not to offer to come in unto him. They forbore two or three days; At last, one that was more hardy then the rest, incited some of his Fellows to go in with him, and he would venture to see how his Father did: For he might be dead. They went in, and found the old Rat sitting in the midst of a rich Parmiz in Cheese.* So he applied the Fable after his witty manner.

105. Rablais tells a Tale of one that was very Fortunate in compounding differences. His Son undertook the said Course, but could never compound any. Whereupon he came to his Father, and asked him, *What art he had to reconcile Differences?* He answered; *He had no other but this; To watch when the two parties were much wearied, and their Hearts were too great to seek Reconcilement at one anothers Hands; Then to be a means betwixt them, and upon no other Terms.* After which the son went home, and prospered in the same undertakings.

106. Alonso Cartilio, was informed by his Steward of the greatness of his Expence, being such as he could not hold out therewith. The Bishop asked him, *wherein it chiefly arose?* His Steward told him, *In the multitude of his Servants:* The Bishop bad him to make him a Note of those that were necessary, and those that might be spared. Which he did. And the Bishop taking occasion to read it before most of his Servants, said to his Steward; *Well, let these remain, because I have need of them; And these other also, because they have need of me.*

107. Mr. Marbury the Preacher would say; *That God was fain to do with wicked Men, as Men do with Frisking Jades in a pasture, that cannot take them up, till they get them at a Gate, So wicked Men, will not be taken up till the Hour of Death.*

108. Pope Xystus the fifth, who was a very poor Mans Son, and his Fathers House ill thatched, so that the Sun came in in many places, would sport with his Ignobility, and say; *That he was, Nato di casa Illustre; Son of an Illustrious House.*

109. When the King of Spain conquered Portugal, he gave special charge to his Lieutenant, that the Souldiers should not spoil, lest he should alienate the Hearts of the People: The Army also suffered much scarcity
of

of Victual. Whereupon the *spanish Souldiers* would afterwards say; *That they had won the King, a Kingdom on Earth; As the Kingdom of Heaven useth to be won; By Fasting and abstaining from that which is another Mans.*

110. They feigned a Tale of *Sixtus Quintus*, whom they called *Size-Ace*; That after his *Death* he went to *Hell*, and the *Porter of Hell* said to him; *You have some reason to offer your self to this place, because you were a wicked Man; but yet, because you were a Pope, I have order not to receive you. You have a place of your own, Purgatory, you may go thither.* So he went away, and sought about a great while for *Purgatory*, and could find no such place. Upon that, he took heart and went to *Heaven*, and knocked; And *St. Peter* asked *who was there?* He said *Sixtus Pope.* Whereunto *St. Peter* said; *why do you knock? you have the Keyes.* *Sixtus* answered, *It is true, but it is so long since they were given, as I doubt the wards of the lock be altered.*

111. *Charles King of Swede*, a great *Enemy* of the *Jesuites*; when he took any of their *Celledges*; he would hang the old *Jesuites*, and put the young to his *Mynes*, saying; *That since they wrought so hard above ground, he would try how they could work under ground.*

112. In *Chancery* at one time, when the *Counsel* of the *Parties* set forth the *Boundaries*, of the *Land in Question*, by the *Plot*; And the *Counsel* of one part said; *We lye on this side my Lord:* And the *Counsel* of the other part said; *And we lye on this side;* The *Lord Chancellor Hatton* stood up and said; *If you lye on both sides, whom will you have me to believe.*

113. *Sir Edward Cook* was wont to say, when a great *Man* came to *Dinner* to him, and gave him no knowledge of his coming; *Sir since you sent me no word of your coming, you must dine with me; But if I had known of it in due time, I would have dined with you.*

*114. *William, Earl of Pembroke*, upon the complaint made of a *servant* of his, layd a *Citizen* by the heels, thinking to bend him to his *servants* desire: But the *Fellow* being *stubborn*, the *servant* came to his *Lord*, and told him; *Your Lordship I know has gone as farr as well you may, but it works not; For yonder fellow is more perverse then before.* Said my *Lord*, *let's forget him a while, and then he will remember himself.*

115. *Pope Julius* the 3d, when he was made *Pope*, gave his *Hat* unto a *Youth*, a *Favourite* of his, with great scandal. Whereupon, at one time a *Cardinal* that might be free with him; said modestly to him; *What did your Holiness see in that young man, to make him Cardinal?* *Julius* answered, *What did you see in me, to make me Pope?*

116. The same *Julius* upon like occasion of speech, why he should bear so great affection to the same *young Man*, would say; That he found by *Astrology*, that it was the *Youths* destiny, to be a great *Prelate*; which was impossible, except himself were *Pope*. And therefore that he did raise him, as the *Driver on* of his own *Fortune*.

117. *Sir Thomas Moor* had only *Daughters* at the first, And his *Wife* did ever pray for a *Boy*. At last she had a *Boy*, which being come to *Mans Estate*, proved but simple. *Sir Thomas* said to his *Wife*, *Thou prayedst so long for a Boy, that he will be a Boy as long as he lives.*

118. *Sir Fulk Grevil*, afterward *Lord Brook*, in *Parliam.* when the *House of Commons* in a great *Business*, stood much upon *Precedents*, said

unto them; *Why do you stand so much upon precedents? The Times hereafter will be good or bad. If good, precedents will do no harm; If bad, power will make away, where it finds none.*

119. Sir Tho. Moor, on the day that he was beheaded, had a Barber sent to him, because his Hair was long; which was thought, would make him more commiserated with the People. The Barber came to him, and asked him, *whether he would be pleased to be trim'd? In good faith honest Fellow, (said Sir Thomas,) the King and I, have a suit for my head; And till the Title be cleared, I will do no cost upon it.*

120. Stephen Gardner Bishop of Winchester, a great Champion of the Popish Religion, was wont to say of the Protestants, who ground upon the scripture; *That they were like Posts, that bring Truth in their Letters, and lyes in their Mouths.*

121. The former Sir Thomas Moor had sent him by a Suiter in Chancery, two silver Flagons. When they were presented by the Gentlemans servant, he said to one of his Men, *Have him to the Cellar; and let him have of my best wine: And turning to the Servant, said; Tell thy Master if he like it, let him not spare it.*

122. Michael Angelo the famous Painter, painting in the Popes Chappel the Pourtraicture of Hell and damned Souls; Made one of the damned Souls so like a Cardinal that was his Enemy, as every body at first sight knew it. Whereupon the Cardinal complained to Pope Clement, humbly praying *It might be defaced? The Pope said unto him; Why, you know very well, I have power to deliver a Soul out of Purgatory, but not out of Hell.*

123. There was an Agent here for the Dutch, called Carroon; And when he used to move the Queen for further Succours, and more Men? My Lord Henry Howard would say; *That he agreed well with the Name of Charon, Ferry-Man of Hell; For he came still for more men, to encrease Regnum umbrarum.*

124. They were wont to call, *Referring to the Masters in Chancery, Committing.* My Lord Keeper Egerton, when he was Master of the Rolls, was wont to ask *What the Cause had done, that it should be committed.*

125. They feigned a Tale, principally against Doctors Reports, in the Chancery; That Sir Nicholas Bacon, when he came to Heaven-Gate was opposed, touching an unjust Decree which had been made in the Chancery. Sir Nicholas desired to see the Order, whereupon the Decree was drawn up; and finding it to begin *Veneris, &c. Why, (saith he,) I was then sitting in the Star-Chamber; This concerns the Master of the Rolls, let him answer it.* Soon after came the Master of the Rolls, Cordal; who died indeed a small time after Sir Nicholas Bacon; and he was likewise staid upon it: And looking into the Order, he found, that upon the reading of a Certificate of Doctor Gibson, it was Ordered, *that his Report should be decreed.* And so he put it upon Doctor Gibson, and there it stuck.

126. Sir Nicholas Bacon, when a certain nimble-witted Counsellor, at the Barr, who was forward to speak, did interrupt him often, said unto him; *There's a great difference betwixt you and me: A pain to me to speak, And a pain to you to hold your peace.*

127. The same Sir Nicholas Bacon, upon Bills exhibited to discover where Lands lay; upon proof, that they had a certain Quantity of Land, but could not set it forth; was wont to say; *And if you cannot find your Land in the Countrey, how will you have me find it in the Chancery?*

128. Mr. Henland, in conference with a young student, arguing a Case, hapned to say, *I would ask you but this Question.* The Student presently interrupted him, to give him an *Answer.* Whereunto Mr Henland gravely said; *Nay, though I ask you a Question, yet I did not mean you should answer me, I mean to answer my self.*

129. Pope Adrian the sixth, was talking with the Duke of Sesa, that Pasquil gave great scandal, and that he would have him thrown into the River: But Sesa answered; *Do it not Holy Father, for then he will turn Frogg; And whereas now he chants but by day, he will then chant both by day and by night.*

130. There was a Gentleman in Italy, that writ to a great Friend of his, whom the Pope had newly advanced to be Cardinal; *That he was very glad of his Advancement, for the Cardinals own sake; But he was sorry that himself had lost a good Friend.*

131. There was a King of Hungary, took a Bishop in Battel, and kept him Prisoner: Whereupon the Pope writ a *Monitory* to him; For that he had broken the *priviledge* of Holy Church, and taken his son. The King sent an *Embassage* to him, and sent withal the *Armour* wherein the Bishop was taken, and this only in writing; *Vide num hæc sit Vestis Filii tui? Know now whether this be thy Sons Coat.*

132. Sir Amyas Pawlet, when he saw too much hast made in any matter, was wont to say; *Stay a while, that we may make an end the sooner.*

133. A Master of the Requests to Queen Elizabeth, had divers times moved for audience, and been put off. At last he came to the Queen in a Progress, and had on a new pair of Boots. The Queen who loved not the smell of new Leather, said to him; *Eye slossen, thy new Boots stink.* Madam said he, *it is not my new Boots that stink; Ent it is the stale Bills that I have kept so long.*

134. At an Act of the Commencement, the Answerer gave for his question, *That an Aristocracy was better then a Monarchy.* The Replyer, who was a dissolute man, did tax him that being a private bred man, he would give a *question of state.* The Answerer said that the Replyer did much wrong the *priviledge* of Scholars, who would be much streightened, if they should give *questions* of nothing, but such things wherein they are practised; and added *we have heard your self dispute of vertue, which no man will say you put much in practise.*

135. Queen Isabella of Spain, used to say; *whosoever hath a good presence, and a good fashion, carries continual Letters of Recommendation.*

136. Alonso of Aragon was wont to say in commendation of Age, that Age appeared to be best in 4 things: *Old wood best to burn, Old Wine to drink, Old Friends to trust, and old Authors to read.*

137. It was said of Augustus, and afterward the like was said of Septimius Severus: Both which did infinite mischief in their beginnings, and infinite good toward their ends; *That they should either have never been born, or never died.*

138. Constantine the Great, in a kind of Envy, himself being a great Builder, as Trajan likewise was; would call Trajan *Parietaria Wall-flower*, because his name was upon so many Walls.

139. Alonso of Aragon, was want to say of himself, *That he was a great Necromancer, for that he used to ask Counsel of the dead: meaning of Books.*

140. *Ethelwold*, Bishop of *Winchester*, in a *Famine*, sold all the rich Vessels and Ornaments of the *Church*, to relieve the *Poor* with *Bread*; and said, *There was no reason that the Dead Temples of God should be sumptuously furnished; and the living Temples suffer penury.*

141. Many *Men*, especially such as affect *gravity*, have a manner after other mens speech, to shake their heads. A great *Officer* of this *Land* would say, *It was as men shake a bottle, to see if there were any wit in their Heads or no?*

142. After a great *Fight*, there came to the *Camp of Consalvo* the great *Captain*, a Gentleman, proudly horsed and armed: *Diego de Mendoza*, asked the great *Captain*; *who's this?* who answered; *It is Saint Ermin, who never appears but after the storm.*

143. There was one that dyed greatly in *Debt*: when it was reported in some *Company*, where divers of his *Creditors* casually were, that he was dead; One began to say; *Well if he be gone, then he hath carried 500 Duckets of mine with him into the other world.* And another said; *and 200 of mine:* And a third spake of great *sums* of his. Whereupon one that was amongst them said; *I perceive now, that though a Man cannot carry any of his own with him, into the next world, yet he may carry away that which is another Mans.*

144. *Francis Carvajal*, that was the great *Captain* of the *Rebels* of *Peru*, had oftengiven the Chace to *Diego Centeno*, a *principal Commander* of the *Emperours party*: He was afterwards taken by the *Emperours Lieutenant, Gasca*; And committed to the custody of *Diego Centeno*; who used him with all possible courtesie; insomuch as *Carvajal* asked him; *I pray Sir who are you that use me with this courtesie?* *Centeno* said; *Do you not know Diego Centeno?* *Carvajal* answered; *Truely Sir; I have been so used to see your back, as I knew not your Face.*

145. *Gondomar* would say, *Love without ends, hath no end:* Meaning, that if it were begun, not upon particular ends, it would last.

146. There was a *Merchant* died, that was very far in *Debt*, his goods and *Householdstuff* were set forth to sale. A *stranger* would needs buy a *pillow* there, saying; *This pillow sure is good to sleep upon, since he could sleep that owed so many Debts.*

147. A *Lover* met his *Lady* in a *close Chair*, she thinking to have gone unknown, he came and spake to her: she asked him, *how did you know me?* he said, *Because my wounds bleed afresh;* Alluding to the common *Tradition*, that the wounds of a *Body slain*, will bleed a fresh upon the approach of the *murtherer*.

148. A Gentleman brought *Musick* to his *Ladies window*. She hated him, and had warned him often away: And when he would not desist, she threw *stones* at him: whereupon a *Gentleman* said unto him that was in his company: *what greater Honour can you have to your Musick, then that stones come about you, as they did to Orpheus?*

149. *Coranus* the *Spaniard*, at a *Table at Dinner*, fell into an extolling of his own *Father*; saying, *If he could have wished of God, he could not have chosen amongst men a better Father,* *Sir Henry Savil* said, *what not Abraham?* Now *Coranus* was doubted to descend of a *Race of Jews*.

* 150. *Consulvo* would say, that the *Honour* of a *Souldier* ought to be of a good *strong Webb*: meaning that it should not be so fine and curious, as for every small disgrace to catch and stick in it.

151. *Bresquet*; *Jesler* to *Francis* the first of *France*, did keep a *Kalendar* of *Fools*, wherewith he did use to make the *King* sport; telling him ever the *Reason*, why he put any one into his *Kalendar*. When *Charles* the fifth *Emperor*, upon confidence of the noble nature of *Francis* passed through *France*, for the appealing of the *Rebellion* of *Gaunt*, *Brisquet* put him into his *Kalendar*. The *King* asked him the cause? he answered; *Because you having suffered, at the hands of Charles, the greatest bitterness that ever Prince did from another, nevertheless he would trust his person into your hands.* Why *Bresquet*, said the *King*, what wilt thou say, if thou seest him pass back in as great safety, as if he marched through the middlest of *Spain*? saith *Bresquet*; why then I will put him out, and put in you.

152. *Archbishop Grindall* was wont to say; *That the Physicians here in England, were not good, at the Cure of particular Diseases; but had only the power of the Church to bind and loose.*

153. *Cosmus* Duke of *Florence* was wont to say of *perfidious Friends*, *That we read, that we ought to forgive our Enemies; but we do not read that we ought our friends.*

154. A *Papist* being opposed by a *Protestant*, that they had no *Scripture* for *Images* answered, *yes; For you read, that the people laid their sick in the streets, that the shadow of Saint Peter might come upon them: and that a shadow was an Image, and the obscurest of all Images.*

155. *Sir Edward Dyer*; a grave and wise *Gentleman*, did much believe in *Kelley* the *Alchymist*; That he did indeed the work, and did make *Gold*, insomuch, that he went into *Germany*, where *Kelley* then was, to inform himself fully thereof. After his return he dined with my *Lord of Canterbury*: where, at that time, was at the Table, *Dr. Brown* the *Physician*. They fell in talk of *Kelley*. *Sir Edward Dyer* turning to the *Archbishop* said; *I do assure your Grace, that that I shall tell you is Truth: I am an eye-witness thereof; And if I had not seen it, I should not have believed it; I saw Mr. Kelley, put of the Base Metall into the Chrysole; and after it was set a little upon the fire; and a very small quantity of the Medicine put in, and stirred with a stick of wood; It came forth in great proportion, perfect Gold; to the Touch, to the Hammer, and to the Test.* My *Lord Archbishop* said; you had need take heed what you say, *Sir Edward Dyer*; for here is an *Infidel* at the Board. *Sir Edward Dyer* said again pleasantly; *I should have looked for an Infidel sooner in any place, then at your Graces Table.* What say you *Dr. Brown*, said the *Archbishop*? *Dr. Brown* answered, after his blunt and hudling manner; *The Gentleman hath spoken enough for me.* Why, saith the *Archbishop*, what hath he said? *Marry*, saith *Dr. Brown*, he said, *He would not have believed it, except he had seen it; And no more will I.*

156. *Doctor Johnson* said; That in *sickness* there were three things that were material, the *Physician*, the *Disease*, and the *Patients*: And if any two of these joyned, then they get the victory; For, *Ne, Hercules quidem contra duos.* If the *Physician* and the *Patient* joyn, then down goes the *Disease*; For then the *Patient* recovers; if the *Physician* and the *Disease* joyn; that is a strong *Disease*; and *Physician* mistaking the cure, then down goes the *Patient*, if the *Patient* and the *Disease* joyn, then down goes the *Physician*, for he is discredited.

157. *Mr. Bettenham* said; *That vertuous men were like some herbs,*
and

and spices that give not out their sweet smell, tell they be broken or crushed.
 *158. The Lord Archbishop Laud said; That some Hypocrites and seeming mortified Men, which held down their heads, were like the little Images in the Vaults, or Roofs of Churches; which looke and bow down, as if they held up the Church, when as they bear no weight at all.

159. There was a Painter became a Physician; whereupon one said to him; You have done well; for before the faults of your work were seen; but now they are unseene.

160. There was a Gentleman, that came to the Tilt, all in Orange Tawney, and ran very ill. The next day he came again, all in Green, and ran worse. There was one of the Lookers on, asked another; What is the reason that this Gentleman changeth his Colours? The other answered, sure; because it may be reported; That the Gentleman in the Green, ran worse then the Gentleman in the Orange-tawney.

*161. Mr. Whitehead, a grave Divine, was much esteemed by Queen Elizabeth, but not preferred, because he was against the Government of of Bishops. He came, one day, to the Queen, and the Queen chanced to say to him; I like thee the better, Whitehead, because thou livest Unmarried. He answered again; In troth, Madam, I like you the worse for the same cause.

162. Zelim was the first of the Ottomans, that did shave his Beard, whereas his Predecessors wore it long. One of his Bashaws askt him; Why he altered the Custom of his Predecessors? he answered, Because you Bashaws, may not lead me by the Beard, as you did them.

163. Aeneas Sylvius, that was Pope Pius secundus, was wont to say; That the former Popes did wisely to set the Lawyers awork, to debate; Whether the Donation of Constantine the great, to Sylvester, of St. Peters Patrimony, were good or valid in Law or no? The better to skip over the Matter in Fact, whether there was ever any such thing at all, or no?

164. The Lord Bishop Andrews, was asked at his first coming over of the Archbishop of Spalato, whether he were a Protestant or no? he answered; Truly, I know not; But I think he is a Detestant; That was, of most of the Opinions of Rome.

165. It was said amongst some of the grave Prelates of the Council of Trent, in which the School-Divines bare the sway; That the School-men were like the Astronomers, who to save the Phenomena, framed to their conceit, Eccentricks, and Epicycles, and a wonderful Engine of Orbes; Though no such things were: so they to save the practise of the Church, had devised a great number of strange positions.

166. Aeneas Sylvius would say; that the Christian Faith, and Law, though it had not been confirmed by Miracles, yet was worthy to be received for the Honesty thereof.

167. Mr. Bacon would say; that it was in his Ensigns, as it is frequently in ways: That the next way, is commonly the foulest; And that if a man will go the fairest way, he must go somewhat about.

168. Mr. Bettenham, Reader of Graces-Inne, used to say, That Riches were like muck; when it lay upon an heap, it gave but a stench and ill Odour; but when it was spread upon the ground, then it was cause of much Fruit.

169. Cicero married his Daughter to Dolabella, that held Cæsars party: Pompey had married Julia, that was Cæsars Daughter. After, when Cæsar and

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and Pompey took Arms one against the other; And Pompey had pass'd the Seas, and Cæsar possessed Italy; Cicero staid somewhat long in Italy; but at last sayled over to joyn with Pompey. Who when he came to him, Pompey said, *you are welcome, but where left you your Son-in-Law?* Cicero answered, *with your Father-in-Law.*

170. Vespasian, and Titus his eldest son, were both absent from Rome, when the Empire was cast upon Vespasian; Domitian his younger Son was at Rome, who took upon him the Affairs; and being of a Turbulent spirit, made many changes; and displaced divers Officers and Governours of Provinces, sending them Successors. So when Vespasian returned to Rome, And Domitian came into his presence, Vespasian said to him; *Son I looked when you would have sent me a Successor.*

171. Nero loved a beautiful Youth, whom he used vitiously, and called him Wife. There was a senator of Rome, that said secretly to his Friend, *It was pity Nero's Father had not such a Wife.*

172. Galba succeeded Nero, and his Age being despised, there was much License and Confusion in Rome, during his Empire: whereupon a Senator said in full Senate; *It were better to live where nothing is Lawful, than where all things are Lawful.*

173. Augustus Cæsar did write to Livia, who was over-sensible of some ill words, that had been spoken of them both: *Let it not trouble thee, my Livia, if any Man speak ill of us; for we have enough that no man can do ill unto us.*

174. Chilon said, that Kings Friends, and Favourites, were like casting Counters; That sometimes stood for one, sometimes for ten, sometimes for an Hundred.

175. Theodosius, when he was pressed by a suitor, and denyed him, The suitor said; *Why, Sir, you promised it.* He answered; *I said it, but I did not promise it, if it be unjust.*

176. The Romans, when they spake to the People, were wont to stile them, ye Romans: When Commanders in War spake to their Army, they stiled them my Souldiers. There was a Mutiny in Cæsars Army, and somewhat the Souldiers would have had, but they would not declare themselves in it, But only demanded a Mission or Discharge; Though with no intention it should be granted: But knowing, that Cæsar had at that time great need of their service, thought by that means to wrench him to their other desires: whereupon, with one Cry, they asked Mission. Cæsar after silence made, said; *I for my part ye Romans, this Title did actually speak them to be dismissed: which voice they had no sooner heard, but they mutinied again; and would not suffer him to go on with his speech, until he had called them by the Name of his Souldiers, and so, with that one word he appeased the sedition.*

177. Cæsar would say of Sylla, for that he did resign his Dictatorship; *Sylla was ignorant of Letters he could not dictate.*

178. Seneca said of Cæsar; *That he did quickly shew the sword, but never leave it off.*

179. Diogenes begging, as divers Philosophers then used, did beg more of a Prodigal Man, than of the Rest which were present. Whereupon one said to him: *See your Baseness, that when you find a liberal Mind, you will take most of him:* No, said Diogenes, *but I mean to beg of the Rest again.*

180. *Themistocles*, when an *Embassadour* from a *mean estate*, did speak great matters; said to him, *friend thy words would require a City.*

*181. *Iphicrates* the *Athenian*, in a Treaty that he had with the *Lacedemonians* for peace; And that *Question* was made about *security*, for observing the same *peace*, said; *the Athenians would not accept of any security, except the Lacedemonians do yield up unto them, those things, whereby it might be manifest, that they could not hurt them, though they would.*

182. They would say of the *Duke of Guise, Henry*; *That he was the greatest Usurer in France, for that he had turned all his Estate into Obligations.* Meaning; That he had sold, and oppugnerated all his *Patrimony*, to give large donatives to other men.

183. *Cesar Borgia*, after long Division between him and the *Lords of Romagna*, fell to accord with them. In this Accord there was an *Article*, that he should not call them at any time, all together in person. The meaning was, that knowing his dangerous Nature, if he meant them *Treason*, he might have opportunity to oppress them altogether at once. Nevertheless, he used such fine Art, and fair Carriage, that he won their Confidence to meet altogether in Counsel at *Cinigalia*; where he murdered them all. This *Act*, when it was related unto *Pope Alexander*, his *Father*, by a *Cardinal*, as a Thing Happy, but very *Perfidious*; The *Pope* said; *It was they that broke their Covenant first, in coming all together.*

184. *Titus Quinctius*, was in the Counsel of the *Achaians*, what time they deliberated, whether in the *War*, then to follow, between the *Romans*, and *King Antiochus*, they should confederate themselves with the *Romans*, or with *King Antiochus*? In that Counsel the *Ætolians*, who incited the *Achaians* against the *Romans*, to disable their *Forces*, gave great words, as if the late victory the *Romans* had obtained against *Philip King of Macedon*, had been chiefly by the strength and *Forces* of the *Ætolians* themselves: And on the other side the *Embassadour* of *Antiochus*, did extol the *Forces* of his *Master*; sounding what an innumerable Company, he brought in his *Army*; And gave the *Nations* strange Names; As *Elymeans*, *Caducians*, and others. After both their *Harangues*, *Titus Quinctius*, when he rose up said; *It was an easy Matter to perceive what it was, that had joyned, Antiochus, and the Ætolians together; That it appeared to be by reciprocal lying of each, touching the others Forces.*

185. *Plato* was amorous of a young *Gentleman*, whose Name was *stella*, that studied *Astronomy*; and went oft in the clear Nights to look upon the *stars*. Whereupon *Plato* wished himself *Heaven*, *that he might look upon Stella with a thousand eyes.*

186. The *Lacedemonians* were besieged by the *Athenians*, in the *Port of Peile*, which was won, and some slain, and some taken. There was one said, to one of them, that was taken by way of scorn; *Were they not brave Men that lost their lives at the Port of Peile?* He answered; *Certainly, a Persian Arrow is much to be set by, if it can chuse out a brave Man.*

187. *Clodius* was acquit by a corrupt *Jury*, that had palpably taken shares of *Money*; before they gave up their *Verdict*; they prayed of the *Senate* a *Guard*; that they might do their *Consciences*, for that *Clodius* was a very *seditious young Nobleman*. Whereupon all the *World* gave him

him for *Condemned*. But acquitted he was: *Catulus*; the next day seeing some of them that had acquitted him, together, said to them; *What made you ask of us a Guard? Were you afraid your money should have been taken from you.*

188. At the same *Judgment*, *Cicero* gave in *Evidence* upon *Oath*: And when the *Jury* which consisted of 57. had passed against his *Evidence*, one day in the *Senate* *Cicero* and *Clodius* being in *Altercation*, *Clodius* upbraided him, and said; *The Jury gave you no credit: Cicero* answered, *Five and Twenty gave me credit; But there were two and thirty that gave you no credit; For they had their money beforehand.*

189. *Sir Henry Savil* was asked by my Lord of *Essex*; his opinion touching *Poets*? He answered my Lord; *That he thought them the best Writers, next to them that writ Prose.*

190. *Diogenes* having seen that the Kingdom of *Macedon*, which before was contemptible and low, began to come aloft when he dyed, was asked, *How he would be buried?* He answered; *With my Face downward: For within a while, the World will be turned upside down, and then I shall lye right.*

191. *Cato* the Elder was wont to say; *That the Romans were like sheep; A Man were better to drive a flock of them, than one of them.*

192. When *Lycurgus* was to reform and alter the *State of sparta*; In *Consultation* one advised that it should be reduced to an absolute *Popular Equality*: But *Lycurgus* said to him; *Sir begin it in your own House.*

193. *Bion* that was an *Atheist*, was shewed in a *Port-City*, in a *Temple* of *Neptune*, many *Tables of Pictures*, of such as had in *Tempests* made their *Vows to Neptune*, and were saved from *Shipwrack*: and was askt, *How say you now? Do you not acknowledge the power of the Gods?* But said he; *I but where are they painted, that have been drowned after their Vows.*

194. *Cicero* was at *Dinner*, where there was an *ancient Lady* that spake of her own years, and said; *She was but forty years old.* One that sat by *Cicero*, rounded him in the ear, and said; *She talks of forty year old; But she is far more out of question,* *Cicero* answered him again; *I must beleieve her, for I have heard her say so, any time these ten years.*

195. There was a *souldier* that vaunted before *Julius Caesar*, of the *Hurts* he had received in his *Face*. *Julius Caesar* knowing him to be but a *Coward*, told him; *you were best take heed, next time you run away, how you look back.*

196. There was a *Suitor to Vespasian*, who to lay his *Suit fairer*, said it was for his *Brother*; Whereas indeed it was for a piece of *Mony*: Some about *Vespasian* told the *Emperour*, to cross him; That the party his *Servant* spake for, was not his *Brother*; but that he did it upon a *Bargain*. *Vespasian* sent for the party interested, and asked him; *Whether his Mean employed by him was his Brother or no?* He durst not tell untruth to the *Emperour*, and confessed He was not his *Brother*. Whereupon the *Emperour* said, *This do, fetch me the Mony, and you shall have your Suit dispatched.* Which he did. The *Courtier* which was the *Mean*, solicited *Vespasian* soon after about his *Suit*: *Why, (saith Vespasian,) I gave it last day, to a Brother of mine.*

197. *Vespasian* asked of *Apollonius*; *What was the cause of Nero's Ruined?* Who answered, *Nero could tune the Harp well, but in Government he did always wind up the strings too high; or let them down too low.*

198. *Dionysius* the Tyrant, after he was deposed, and brought to *Corinth*, kept a school. Many used to visit him; And amongst others, one when he came in, opened his *Mantle* and shook his *Cloaths*; Thinking to give *Dionysius* a gentle scorn; because it was the manner to do so, for them that came in to see him while he was Tyrant. But *Dionysius* said to him; *I prethee do so, rather when thou goest out, that we may see thou stealest nothing away.*

199. *Diogenes* one terrible frosty Morning, came into the *Market-place*, and stood *Naked*, shaking, to shew his *Tolerance*. Many of the People came about him, pittying him: *Plato* passing by and knowing he did it to be seen, said to the People as he went by; *If you pity him indeed let him alone to himself.*

200. *Aristippus* was earnest Suitor to *Dionysius* for some Grant, who would give no eare to his Suite. *Aristippus* fell at his feet, and then *Dionysius* granted it. One that stood by, said afterwards to *Aristippus*; *You a Philosopher and be so base as to throw your self at the Tyrants Feet to get a Suite: Aristippus* answered; *The fault is not mine, but the fault is in Dionysius that carries his Ears in his Feet.*

201. *Solon* when he wept for his Sons death, and one said to him; *Weeping will not help*, answered; *Alas therefore I weep, because weeping will not help.*

202. The same *Solon* being asked; *Whether he had given the Athenians the best Laws?* answered; *The best of those that they would have received.*

203. One said to *Aristippus*, *'Tis a strange thing, why should men rather give to the Poor then to Philosophers:* He answered, *because they think themselves may sooner come to be poor, then to be Philosophers.*

204. *Trajan* would say of the vain Jealousie of Princes, that seek to make away those that aspire to their succession; *That there was never King, that did put to death his Successor.*

205. When it was represented to *Alexander*, to the advantage of *Antipater*, who was a stern and Imperious Man; *That he only of all his Lieutenants, wore no Purple, but kept the Macedonian habit of black;* *Alexander* said *yea, but Antipater is all Purple within.*

206. *Alexander* used to say of his two Friends, *Craterus* and *Ephestion*; *That Ephestion loved Alexander, and Craterus loved the King.*

207. It fell out so, that as *Livia* went abroad in *Rome*, there met her naked young men that were sporting in the streets; which *Augustus* went about severely to punish in them: But *Livia* spake for them, and said; *It was no more to chaste Women, then so many Statua's.*

208. *Philip* of *Macedon* was wished to banish one, for speaking ill of him: But *Philip* answered; *Better he speak where we are both known, then where we are both unknown.*

209. *Lucullus* entertained *Pompey* in one of his Magnificent Houses: *Pompey* said, *This is a marvellous Fair, and stately House for the Summer;* but methinks it should be very cold for *Winter:* *Lucullus* answered; *Do you not think me as wise as divers Fools are, to change my habitation in the winter season.*

210. *Plato* entertained some of his Friends at a Dinner, and had in the Chamber, a *Bed* or *Couch* neatly and costly furnished. *Diogenes* came in, and got up upon the *Bed*, and trampled it, saying, *I trample upon the pride of Plato;* *Plato* mildly answered; *but with greater pride Diogenes.*

211. Pompey being Commissioner for sending Grain to Rome, in time of *Dearth*, When he came to the Sea, found it very tempestuous and dangerous; Insomuch as those about him, advised him by no means to embark; but Pompey said; *It is of necessity that I go, not that I live.*

212. Demosthenes was upbraided by *Aeschines*, That his speeches did smell of the Lamp. But Demosthenes said; *Indeed there is a great deal of difference between that which you and I do by Lamp-light.*

213. Demades the Oratour, in his Age was talkative, and would eat hard: Antipater would say of him; *That he was like a Sacrifice, that nothing was left of it but the Tongue and the Paunch.*

214. Themistocles after he was banished, and had wrought himself into great favour, afterwards, so that he was honoured, and sumptuously served, seeing his present Glory said unto one of his Friends; *If I had not been undone, I had been undone.*

215. Philo Judæus saith, *That the sense is like the Sun; For the Sun seals up the Globe of Heaven, and opens the Globe of Earth: So the sense doth obscure Heavenly things, and reveals Earthly things.*

216. Alexander after the Battel of *Granicum*, had very great Offers made him by *Darius*: Consulting with his Captains concerning them, *Parmenio* said; *Sure I would except of these offers, if I were as Alexander: Alexander answered; so would I, if I were as Parmenio.*

217. Alexander was wont to say, *He knew himself to be mortal, chiefly by two things; Sleep. and Lust.*

218. Augustus Cæsar would say; *That he wondred that Alexander feared he should want work, having no more worlds to conquer: As if it were not as hard a matter to keep as to conquer.*

219. Antigonus when it was told him that the Enemy had such Volleys of Arrows that they did hide the sun, said; *That falls out well, for it is hot weather, and so we shall fight in the shade.*

220. Cato the Elder being aged, buried his Wife, and married a young woman. His Son came to him, and said; *Sir what have I offended, that you have brought a Step-mother into your house?* The old man answered; *Nay, quite contrary Son; Thou pleasest me so well, as I would be glad to have more such.*

221. Crassus the Oratour had a Fish which the Romans called *Murena*, that he made very tame and fond of him; The Fish died, and Crassus wept for it. One day falling in contention with *Domitius* in the Senate, *Domitius* said, *Foolish Crassus, you wept for your Murena. Crassus replied, That's more then you did for both your Wives.*

222. Philip, Alexanders Father, gave Sentence against a Prisoner, what time he was drowsy, and seemed to give small attention. The Prisoner, after sentence was pronounced, said, *I appeal.* The King somewhat stirred, said; *To whom do you appeal?* The Prisoner answered; *From Philip when he gave no ear, to Philip when he shall give ear.*

223. There was a Philosopher that disputed with *Adrian* the Emperour, and did it but weakly. One of his Friends that stood by, afterwards said unto him: *Methinks you were not like your self last day, in Argument with the Emperour; I could have answered better my self: Why said the Philosopher; Would you have me contend with him, that commands thirty Legions?*

224. When

224. When *Alexander* pass'd into *Asia*, he gave large *Donatives* to his *Captains*, and other principal Men of *Vertue*; insomuch as *Parmenio* asked him; *Sir, what do you keep for yourself?* he answered, *Hope.*

225. *Vespasian* set a *Tribute* upon *Urine*: *Titus* his son emboldened himself to speak to his *Father* of it: And represented it as a thing indigne and sordid. *Vespasian* said nothing, for the time; but a while after, when it was forgotten, sent for a piece of *silver* out of the *Tribute-money*; And called to his Son, *bidding him to smell to it*; and asked him, *whether he found any offence?* who said, *No*: *Why so*, saith *Vespasian* again; *Yet this comes out of Urine.*

226. *Nerva*, the Emperour, succeeded *Domitian*, who had been *Tyrannical*; and in his time many *Noble Houses* were overthrown by false *Accusations*; The Instruments whereof were chiefly, *Marcellus* and *Regulus*. The Emperour *Nerva* one night sup'd privately with some six or seven: Amongst which there was one that was a dangerous Man; and began to take the like courses, as *Marcellus* and *Regulus* had done. The Emperour fell into *Discourse* of the *Injustice* and *Tyranny* of the former *Time*; And by Name, of the two *Accusers*; And said; *What should we do with them, if we had them now?* One of them that was at *Supper*, and was a free-spoken *Senatour*, said; *Marry, they should sup with us.*

227. There was one that found a great *Mass* of *Money* digged under ground in his *Grand-fathers-House*; And being somewhat doubtful of the *Case*, signified it to the *Emperour*, that he had found such *Treasure*. The Emperour made a *Rescript* thus; *Use it.* He writ back again; That the *summe* was greater then his *Estate* or *Condition* could use. The Emperour writ a new *Rescript*, thus; *Abuse it.*

228. *Julius Caesar*, as he pass'd by, was by *Acclamation* of some that stood in the way, termed *King*; to try how the *People* would take it. The *People* shewed great *murmure* and *distaste* at it. *Caesar* finding where the wind stood; slighted it, and said; *I am not King, but Caesar*: As if they had mistaken his Name. For *Rex* was a *surname* amongst the *Romans*; as *King* is with us.

229. When *Craesus*, for his glory, shewed *Solon* his great *Treasures* of *Gold*; *Solon* said to him; *If another King come that hath better iron than you, he will be master of all this Gold.*

230. *Aristippus* being reprehended of *Luxury*, by one that was not rich; for that he gave *six Crowns* for a small *Fish*; answered, *Why, what would you have given?* The other said, some *Twelve pence*. *Aristippus* said again; *And six Crowns is no more with me.*

231. *Plato* reprehended severely a *young man*, for entring into a *dissolute house*. The *young man* said to him; *why do you reprehend so sharply for so small a matter?* *Plato* replyed, *But custom is no small matter.*

232. *Archidamus*, King of *Lacedemon*, having received from *Philip*, King of *Macedon* (After *Philip* had won the *victory* of *Cheronea*, upon the *Athenians*) proud *Letters*, writ back to him; *That if he measured his own shadow, he would find it no longer then it was before his victory.*

233. *Pyrrhus*, when his *Friends* congratulated to him his *victory* over the *Romans*, under the *Conduct* of *Fabritius*, but with great *slaughter* of his own side, said to them again; *yes, but if we have such another victory, we are undone.*

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234. *Plato.*

234. *Plato* was wont to say of his Master *Socrates*; That he was like the Apothecaries Galley-Pots; that had on the out-side Apes, and Owls, and Satyrs; but within precious Drugs.

235. *Alexander* sent to *Phocyon* a great Present of Money. *Phocyon* said to the Messenger; Why doth the King send to me, and to none else? The Messenger answered, Because he takes you to be the only good man in Athens. *Phocyon* replied; If he think so, pray let him suffer me to be so still.

236. At a Banquet, where those that were called the seven Wise men of Greece, were invited by the Embassadour of a Barbarous King; The Embassadour related; That there was a Neighbour mightier then his Master, pique quarrels with him, by making impossible Demands, otherwise threatening War, and now at that present had demanded of him, to drink up the Sea. Whereunto one of the wise men said, I would have him undertake it. Why, saith the Embassadour, how shall he come off? Thus, (saith the Wise man) let that King first stop the Rivers, which run into the Sea; which are no part of the bargain; and then your Master will perform it.

237. At the same Banquet, the Embassadour desired the seven, and some other wise men that were at the Banquet, to deliver every one of them some sentence or Parable. that he might report to his King the wisdom of Grecia, which they did: only one was silent: which the Embassadour perceiving, said to him; Sir, let it not displease you; why do not you say somewhat, that I may report? he answered, Report to your Lord, that there are of the Grecians that can hold their peace.

238. The Lacedemonians had in custom to speak very short, which being an Empire, they might do at pleasure: but after their Defeat at *Leuctra*, in an Assembly of the Grecians, they made a long Invektive against *Epaminondas*; Who stood up, and said no more but this; I am glad we have brought you to speak long.

239. *Fabius Maximus* being resolved to draw the War in length, still waited upon *Hannibals* progress to curb him: And for that purpose he encamped upon the High Ground: But *Terentius* his Colleague, fought with *Hannibal*, and was in great peril of overthrow; But then *Fabius* came down from the High Grounds, and got the day. Whereupon *Hannibal* said; That he did ever think that that same cloud that hanged upon the Hills, would at one time or other give a Tempest.

240. *Hanno* the Carthaginian, was sent Commissioner by the State, after the second Carthaginian War; to supplicate for Peace; And in the end obtain'd it: yet one of the sharper Senators said; you have often broken with us the Peaces, whereunto you have been sworn; I pray, by what God will you swear? *Hanno* answered; by the same gods that have punished the former perjury so severely.

241. *Cæsar* when he first possessed Rome, *Pompey* being fled, offered to enter the sacred Treasury to take the Moneys that were there stored: And *Metellus*, Tribune of the People, did forbid him; And when *Metellus* was violent in it, and would not desist; *Cæsar* turned to him, and said; Presume no further, or I will lay you dead. And when *Metellus* was with those words somewhat astonished, *Cæsar* added; Young man, it had been easier for me to do this, than to speak it.

242. *Caius Marius*, was General of the *Romans* against the *Cimbers*, who came with such a Sea of People upon *Italy*. In the fight there was a *Band* of the *Cadurcians* of a thousand, that did notable service; whereupon, after the Fight, *Marius* did *denison* them all for *Citizens* of *Rome*, though there was no Law to warrant it. One of his *Friends* did present it unto him; That he had transgressed the Law, because that privilege was not to be granted but by the people. Whereunto *Marius* answered; *That for the noise of Arms he could not hear the Laws*.

243. *Pompey* did consummate the *War* against *Sertorius*, when *Metellus* had brought the *Enemy* somewhat low. He did also consummate the *War* against the *Fugitives*, whom *Crassus* had before defeated in a great *Battel*. So when *Lucullus* had had great and glorious *Victories* against *Mithridates* and *Tigranes*; yet *Pompey* by means his friends made, was sent to put an end to that *War*. Whereupon *Lucullus* taking indignation, as a disgrace offered to himself, said; *That Pompey was a Carrion Crow, when others had stricken down the bodies, then Pompey came and preyd upon them*.

244. *Antisthenes* being asked of one what learning was most necessary for mans life? Answered, To unlearn that which is nought.

245. *Alexander* visited *Diogenes* in his *Tub*; And when he asked him, what he would desire of him? *Diogenes* answered; *That you would stand a little aside, that the Sun may come to me*.

246. The same *Diogenes*, when *Mice* came about him, as he was eating, said; *I see, that even Diogenes nourisheth Parasites*.

247. *Hiero* visited by *Pythagoras*, askt him; *Of what condition he was?* *Pythagoras* answered; *Sir, I know you have been at the Olympian Games: yes, saith Hiero. Thither (saith Pythagoras) come some to win the prizes. Some come to sell their Merchandize, because it is a kind of Mart of all Greece. Some come to meet their Friends and to make merry; Because of the great confluence of all sorts. Others come only to look on. I am one of them that come to look on; meaning it, of Philosophy, and the contemplative life*.

248. *Heraclitus* the obscure said; *The dry light is the best Soul: meaning when the faculties intellectual are in vigour; not drenched, or as it were, blounded by the affections*.

249. One of the *Philosophers* was asked; *what a wise man differed from a fool?* He answered, *send them both Naked to those that know them not, and you shall perceive*.

250. There was a *Law* made by the *Romans*, against the *Bribery* and *Extortion* of the *Governours* of *Provinces*. *Cicero* saith in a speech of his to the *People*; *That he thought the Provinces would Petition to the state of Rome to have that Law repealed. For (saith he) before the Governours did bribe and extort, as much as was sufficient for themselves: But now they bribe and extort as much, as may be enough, not only for themselves, but for the Judges, and Jurors, and Magistrates*.

251. *Aristippus* sayling in a *Tempest*, shewed signs of fear. One of the *Seamen* said to him, in an insulting manner; *We that are Piebeians, are not troubled; you that are a Philosopher, are afraid*. *Aristippus* answered; *That there is not the like wager upon it, for you to perish and for me*.

252. There was an *Orator*, that defended a cause of *Aristippus*, and prevailed. Afterwards, he asked *Aristippus*; *Now, in your distress, wha*

what did Socrates do you good? Aristippus answered, Thus, in making that which you said of me to be true.

253. There was an Epicurean vaunted, that divers of other sects of Philosophers did after turn Epicureans; But there was never any Epicurean that turned to any other sect. Whereupon a Philosopher that was of another sect, said; The reason was plain, for that Cocks may be made Capons; but Capons could never be made Cocks.

254. Chilon would say: That Gold was tryed with the touchstone; and men with Gold.

255. Simonides being askt of Hiero what he thought of God? asked a seven-nights time to consider of it: And at the seven-nights end, he asked a Fort-nights time: At the Fort-nights end, a Moneth. At which Hiero marvelling, Simonides answered; That the longer he thought upon the matter, the more difficult he found it.

* 256. Socrates, when there was shewed unto him the Book of Heraclitus the obscure; And was asked his opinion of it; answered, Those things that I understood, were excellent; Imagine, so were those that I understood not; But they require a Diver of Delos.

* 257. Socrates was pronounced by the Oracle of Delphos, to be the wisest man of Greece; which he would put from himself, In modesty, saying; There could be nothing in himself to verifie the Oracle except this; That he was not wise, and knew it; And others were not wise, and knew it not.

358. A Spaniard was censuring to a French Gentleman the want of Devotion, amongst the French; In that, whereas in Spain, when the Sacrament goes to the sick, any that meets with it, turns back and waits upon it to the house whether it goes; But in France, they only do Reverence, and pass by. But the French Gentleman answered him; There is reason for it; For here with us, Christ is secure amongst his Friends; But in Spain there be so many Jews, and Murano's, that it is not amiss for him to have a Convoy.

259. Mr. Popham, (afterwards Lord chief Justice Popham) when he was Speaker; And the House of Commons had sate long and done, in effect nothing; coming one day to Queen Elizabeth, she said to him; Now Mr. Speaker; what hath passed in the Commons House? He answered, If it please your Majesty seven weeks.

260. Agathocles, after he had taken Syracuse, the men whereof during the siege, had in a bravery spoken of him, all the Villany that might be; sold the Syracusans for slaves, and said; Now if you use such words of me, I will tell your Masters of you.

261. Themistocles, in his lower Fortune, was in love with a young gentleman who scorned him; but when he grew to his Greatness, which was soon after he sought him; Themistocles said; We are both grown wise, but too late.

262. Bion was sailing, and there fell out a great Tempest; and the Mariners that were wicked and dissolute fellows, called upon the Gods; but Bion said to them, peace, let them not know you are here.

263. The Turks made an expedition into Persia; and because of the strait Jaws of the Mountains of Armenia, the Bashaws consulted which way they should get in? One that heard the Debate said; here's much ado how you shall get in; but I hear nobody take care how you should get out.

See before
No. 52

See before
No. 51.

or. 124

264. Philip King of Macedon, maintained arguments with a *Musician*, in points of his Art, somewhat peremptorily; but the *Musician* said to him; *God forbid Sir, your Fortune were so hard, that you should know these things better then my self.*

265. *Antalcidas*, when an *Athenian* said to him, *Ye Spartans are unlearned*, said again; *True, for we have learned no evil nor vice of you.*

266. *Pace* the bitter Fool, was not suffered to come at *Queen Elizabeth*, because of his bitter Humour. Yet at one time, some perswaded the *Queen* that he should come to her; undertaking for him, that he should keep within compass, so he was brought to her, and the *Queen* said; *come on Pace, now we shall hear of our faults*, saith *Pace*; *I do not use to talk of that, that all the Town talks of.*

267. *Bishop Laitimer* said, in a Sermon at Court; *That he heard great speech that the King was poor; And many ways were propounded to make him Rich: For his part, he had thought of one way, which was; That they should help the King to some good Office; for all his Officers were rich.*

268. After the defeat of *Cyrus* the younger, *Falinus* was sent by the King to the Grecians, (who had for their part rather victory, than otherwise) to command them to yield their arms; which when it was denied, *Falinus* said to *Clearchus*; *Well then, the King lets you know, that if you remove from the place where you are now encamped, it is War: if you stay it is Truce: What shall I say you will do?* *Clearchus* answered, *It pleaseth us, as it pleaseth the King. How is that?* saith *Falinus*, saith *Clearchus*; *If we remove, War; If we stay, Truce;* and so would not disclose his purpose.

269. *Alcibiades* came to *Pericles*, and stayed a while ere he was admitted. When he came in, *Pericles* civilly excused it, and said; *I was studying how to give mine account.* But *Alcibiades* said to him, *If you will be ruled be me, study rather how to give no account.*

270. *Mendoza* that was Vice-Roy of Peru, was wont to say; *That the Government of Peru was the best place that the King of Spain gave, save that it was somewhat too near Madrid.*

271. When *Vespasian* passed from Jury, to take upon him the Empire, he went by *Alexandria*, where remained two famous Philosophers; *Apollonius* and *Euphrates*. The Emperour heard the discourse, touching matter of State, in the presence of many. And when he was weary of of them, he brake off, and in a secret derision, finding their Discourses but speculative, and not to be but in practise, said; *Oh that I might govern wise men, and wise men govern me.*

272. *Cardinal Ximenes*, upon a Muster, which was taken against the Moors, was spoken to by a Servant of his to stand a little out of the smoke of the Harquebuz, but he said again, *That that was his incense.*

273. *Nero* was wont to say of his Master *Seneca*, *That his stile was like mortar without lime.*

274. A certain Countrey man being at an Assizes, and seeing the Prisoners holding up their hands at the Bar, related to some of his acquaintance: *That the Judges were good Fortune-Tellers; For if they did but look upon a mans hand, they could tell whether he should live or dye.*

275. *Augustus Cæsar*, out of great indignation against his two Daughters; and *Posthumus Agrippa*, his Grand-child, whereof the two first were infamous; and the last otherwise unworthy, would say; *That they*

they were not his seed, but some imposthumes that had broken from him.

276. A Seaman coming before the Judges of the Admiralty for admittance into an Office of a Ship, bound for the Indies, was by one of the Judges much slighted, as an insufficient person for that Office he sought to obtain; the Judge telling him, *That he believed he could not say the points of his Compass.* The Seaman answered; *That he could say them, under favour, better then he could say his Pater-Noster.* The Judge replied; *That he would wager Twenty shillings with him upon that.* The Seaman taking him up, it came to Tryal: And the Seaman began, and said all the points of his Compass very exactly: The Judge likewise said his Pater-noster: and when he had finished it, he required the wager, according to agreement; *Because the Seaman was to say his Compass better, than he his Pater-noster; which he had not performed.* Nay, I pray Sir, hold, (quoth the Seaman) *The wager is not finished; For I have but half done:* And so he immediately said his Compass backward very exactly; which the Judge failing of in his Pater-Noster, the Seaman carried away the Prize.

277. There was a Conspiracy against the Emperour *Claudius*, by *Scribonians*, examined in the Senate; where *Claudius* sat in his Chair, and one of his Freed Servants stood at the back of his Chair. In the Examination, that Freed Servant, who had much power with *Claudius*, very sawcily, had almost all the words: And amongst other things, he asked in scorn, one of the Examinates, who was likewise Freed Servant of *Scribonianus*; *I pray Sir, if Scribonianus had been Emperour, what would you have done?* he answered, *I would have stood behind his Chair and held my peace.*

278. One was saying; *That his great Grand-father, and Grand-father, and Father Died at Sea:* Said another, that heard him; *And I were as you, I would never come at Sea.* Why (saith he) *where did your great Grand-father, and Grand-father, and Father dye?* He answered; *Where, but in their Beds?* He answered; *And I were as you, I would never come in Bed.*

279. There was a dispute, whether great Heads, or little Heads had the better Wit? And one said; *It must needs be the little; For that it is a Maxime; Omne majus continet in se minus.*

280. Sir *Thomas Moor*, when the Counsel of the party pressed him for a longer day to perform the Decree, said; *Take Saint Barnabies day, which is the longest day in the year.* Now *Saint Barnabies day*, was within few days following.

281. One of the Fathers saith; *That there is but this difference between the death of old Men, and young Men; That old Men go to Death; and Death comes to young Men.*

282. *Cassius*, after the Defeat of *Crassus* by the *Parthians*, whose weapons were chiefly Arrows; Fled to the City of *Carras*; where he durst not stay any time, doubting to be pursued, and besieged, he had with him an Astrologer, who said to him: *Sir, I would not have you go hence, while the Moon is in the sign of Scorpio.* *Cassius* answered, *I am more afraid of that of Sagittarius.*

283. *Jason the Thessalian*, was wont to say; *That some things must be done unjustly, that many things may be done justly.*

284. There

284. There was an Harbinger had lodged a Gentleman in a very ill Room, who expostulated with him somewhat rudely : but the Harbinger carelessly said ; *you will take pleasure in it, when you are out of it.*

285. *Demetrius* King of *Macedon*, would at times retire himself from business, and give himself wholly to pleasures. One of those his retirings, giving out that he was sick, his Father, *Antigonus*, came on the sudden to visit him; and met a fair dainty youth coming out of his chamber. When *Antigonus* came in, *Demetrius* said ; *Sir the Feaver left me right now.* *Antigonus* replied ; *I think it was he that I met at the door.*

286. *Cato Major* would say, *That wise men learned more by Fools, than Fools by wise men.*

287. When it was said to *Anaxagoras* ; *The Athenians have condemned you to dye* ; He said again ; *And nature them.*

288. *Alexander*, when his Father wished him to run for the prize of the Race, at the Olympian Games ; (for he was very swift) answered ; *He would if he might run with Kings.*

289. *Antigonus* used often to go disguised, and to listen at the Tents of his Souldiers ; And at a time heard some that spoke very ill of him. Whereupon he opened the Tent at little, and said to them ; *If you would speak ill of me, you should go a little further off.*

290. *Aristippus* said ; *That those that studied particular sciences, and neglected Philosophy ; were like Penelopes wooers, that made love to the waiting-woman.*

291. The Embassadours of *Asia Minor*, came to *Antonius*, after he had imposed upon them a double Tax ; and said plainly to him ; *That if he would have two Tributes in one year ; He must give them two seed times, and two Harvests.*

292. An Orator of *Athens*, said to *Demosthenes* ; *The Athenians will kill you, if they wax mad* : *Demosthenes* replied, *and they will kill you if they be in good sense.*

293. *Epictetus* used to say ; *That one of the vulgar, in any ill that happens to him, blames others ; A Novice in Philosophy blames himself : And a Philosopher blames neither the one nor the other.*

294. *Cæsar* in his Book, that he made against *Cato*, (which is lost) did write to shew the force of opinion and reverence, of a Man that had once obtained a popular Reputation ; *That there were some that found Cato drunk, and were ashamed instead of Cato.*

295. There was a Nobleman said of a great Counsellour ; *That he would have made the worst Farriar in the world ; for she never shod Horse, but he cloyed him : For he never commended any man to the King for service, or upon occasion of sute, or otherwise, but that he would come in, in the end with a But ; and drive in a Naylor to his disadvantage.*

296. *Diogenes* called an ill Physician, *Cock*, *Why ?* (saith he) *Diogenes* answered ; *Because when you Crow, men use to rise.*

297. There was a Gentleman fell very sick, and a Friend of his said to him ; *surely, you are in danger ; I pray send for a Physician* : But the sick man answered ; *It is no matter, for if I dye, I will dye at leisure.*

298. *Cato the Elder*, what time many of the *Romans* had statua's erected in their honour ; was asked by one in a kind of wonder, *why he had none ?* He answered, *he had much rather men should ask, and wonder, why he had no Statua, then why he had a Statua.*

299. A certain friend of Sir *Thomas Moors*, taking great pains about a Book, which he intended to publish (being well conceited of his own wit, which no man else thought worthy of commendation) brought it to Sir *Thomas Moor* to peruse it, and pass his judgment upon it; which he did: And finding nothing therein worthy the Press; he said to him with a grave Countenance; *That if it were in verse, it would be more worthy.* Upon which words, he went immediately and turned it into verse, and then brought it to Sir *Thomas* again, who looking thereon, said soberly; *yes marry, now it is somewhat; for now it is Rhime; whereas before it was neither Rhime nor Reason.*

300. Sir *Henry Wotton* used to say: *That Criticks were like Brushes of Noble Mens Cloaths.*

301. *Hannibal* said of *Fabius Maximus*, and of *Marcellus*; whereof the former waited upon him, that he could make no progress: and the latter had many sharp fights with him) *That he feared Fabius like a Tutor: And Marcellus like an Enemy.*

302. When King *Edward the second*, was amongst his Torturers, who hurried him too and fro, That no man should know where he was, they set him down upon a Bank: And one time the more to disguise his Face, shaved him, and washed him with cold water of a Ditch by: *The King* said: *Well, yet, I will have warm water for my Beard:* And so shed abundance of Tears.

303. One of the seven was wont to say; *That Larks were like Cop-webs: where the small Flies were caught, and the great brake through.*

304. *Lewis* the Eleventh of *France*, having much abated the greatness and power of the Peers, Nobility, and Court of Parliament, would say; *That he had brought the Crown out of Ward.*

305. There was a cowardly Spanish Souldier, that in a Defeat the *Moors* gave, ran away with the foremost. Afterwards when the Army generally fled, this Souldier was missing. Whereupon it was said by some, *that he was slain: No sure* (saith one) *He is alive; For the Moors eat no Hares Flesh.*

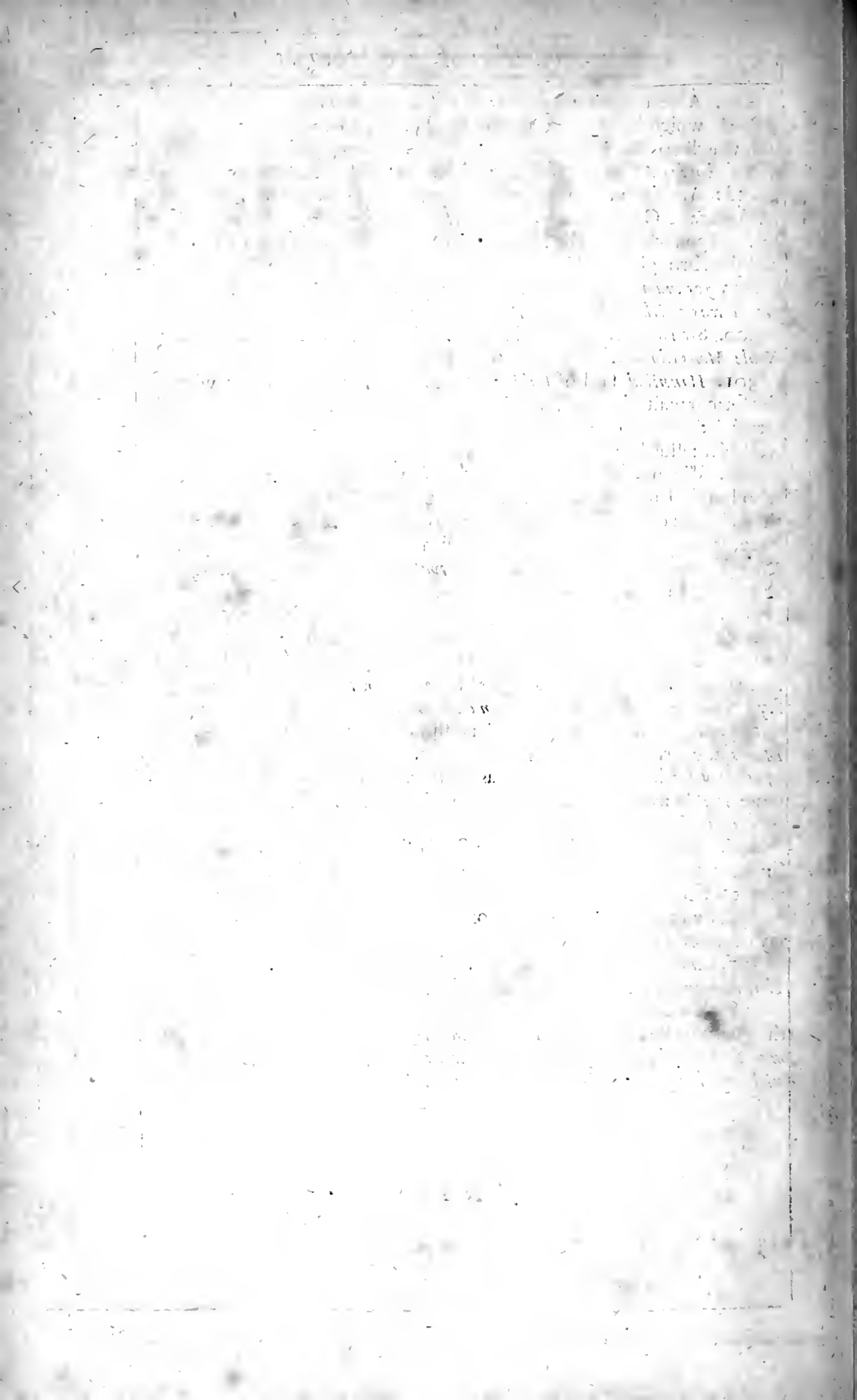
306. A Gentleman that was punctual of his word, and loved the same in others: when he heard that two persons had agreed upon a meeting, about serious affairs, at a certain time and place; And that the one party failed in the performance, or neglected his Hour; would usually say of him; *He is a young man then.*

307. *Anacharsis* would say, concerning the popular Estates of *Græcia*. *That he wondred how at Athens, Wise men did propose, and Fools dispose.*

308. His Lordship, when he had finished this Collection of Apophthegms, concluded thus; *Come now, all is well: They say, he is not a wise man that will loose his friend, for his wit: But he is less a wise man, that will loose his friend, for another mans wit.*

F I N I S.

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SEVERAL

LETTERS,

WRITTEN BY THIS

Honourable Author,

TO

QUEEN ELIZABETH,

KING JAMES,

DIVERS

L O R D S,

AND OTHERS;



LONDON,

Printed by T. R. for *William Lee*, at the sign of the
Turks-Head in *Fleetstreet*, 1671.

REVISED

LETTERS

WRITTEN BY THE

Honourable Author

TO

QUEEN ELIZABETH

KING JAMES

THE

LORDS

OF THE



LONDON

Printed by ...



A
L E T T E R

To the LORD TREASURER,

B U R G H L E Y,

In Excuse of his SPEECH, in

P A R L I A M E N T,

Against the

T R I P L E S U B S I D I E.

It may please your Lordship,

L Was sorry, to find, by your *Lordships Speech*, yesterday, that my last *Speech*, in *Parliament*, delivered, in discharge, of my Conscience, and Duty to *God*, her *Majesty*, and my *Countrey*, was offensive. If it were misreported, I would be glad, to attend your *Lordship*, to disavow any thing, I said not; if it were misconstrued, I would be glad, to expound my self, to exclude any sense, I meant not. If my Heart be misjudged, by Imputation of Popularity, or Opposition, by any envious, or officious Informer, I have great wrong; And the greater, because the Manner of my *Speech*, did most evidently shew, that I spake simply; And only, to satisfy my Conscience, and not with any Advantage, or Policy, to sway the Cause: And my Terms, carried all signification, of Duty, and Zeal, towards her *Majesty*, and her Service. It is true, that from the Beginning, whatsoever was above a *Double Subsidie*, I did wish, might, (for present sake) appear to be extraordinary; And, (for Discontents sake) might not have been levied, upon the Poorer sort: Though otherwise, I wished it as Rising, as I think this will prove, and more. This was my mind, I confess it. And therefore, I most humbly pray, your good Lordship, First, to continue me in your own good Opinion; And then, to perform the part, of an *Honourable Friend*, towards your poor *Servant*, and *Alliance*; In drawing her *Majesty*, to accept, of the Sincerity, and Simplicity, of my Heart; And to bear with the rest, and restore me, to her *Majesties* Favour.

A Letter to the Lord Treasurer Burghley, recommending his first Sute, touching the Sollicitors place.

After the remembrance of my most humble Duty,

THough I know, by late Experience, how mindful your *Lordship* vouchsafeth to be of me, and my poor Fortunes; since it pleased your *Lordship*, during your Indisposition, when her *Majesty* came to visit your *Lordship*, to make mention of me, for my Employment, and preferment; yet being now in the Countrey, I do presume, that your *Lordship*, who of your Self, had so Honourable care of the matter, will not think it a Trouble, to be sollicitated therein. My hope is, that whereas your *Lordship* told me, her *Majesty* was somewhat graveled upon the Offence, she took, at my *Speech* in *Parliament*, your *Lordships* favourable, and good word; (who hath assured me, that for your own part, you construed, that I spake, to the best,) will be as a good *Tide*, to remove her from that *Shelf*. And it is not unknown to your *Lordship*, that I was the first, of the Ordinary Sort, of the *Lower House of Parliament*, that spake for the *Subsidy*; And that, which I after spake in difference, was but in Circumstances of Time and Manner, which methinks should be no greater Matter, since there is Variety allowed in *Counsel*, as a Discord in *Musick*, to make it more perfect. But I may justly doubt; not so much her *Majesties* Impression upon this particular, as her Conceit otherwise, of my Insufficiency; which though I acknowledge to be great, yet it will be the less, because I purpose not to divide my self between her *Majesty*, and the *Causes* of other Men, (as others have done) but to attend her Business only; Hoping that a whole Man meanly able, may do as well as half a Man better able. And if her *Majesty* think that she shall make an Adventure in using one, that is rather a Man of Study, than of Practice and Experience; Surely, I may remember to have heard that my *Father*, (an Example I confess, rather Ready than Like; was made *Sollicitor*, of the *Augmentation*, (a Court of much Business) when he had never practised, and was but twenty seven years old: And Mr. *Brograve* was now, in my time, called to be *Attorney* of the *Dutchy*, when he had practised little or nothing: And yet discharged his place with great Sufficiency. But these things and the like, are, as her *Majesty* shall be made capable of them: wherein, knowing what Authority, your *Lordships* Commendation hath with her *Majesty*, I conclude with my Self, that the Substance of strength which I may receive, will be from your *Lordship*. It is true, my Life hath been so private, as I have had no means to do your *Lordship* service; but yet, as your *Lordship* knoweth, I have made offer of such as I could yield: For as *God* hath given me a mind to love the *Publick*; so incidently, I have ever had your *Lordship* in singular Admiracion; whose happy Ability her *Majesty* hath so long used, to her great Honour and yours. Besides, that Amendment of State or Countenance, which I have received, hath been from your *Lordship*. And therefore if your *Lordship* shall stand a good Friend to your poor *Allie*, you shall but *Tueri Opus proprium*, which you have begun. And your *Lordship* shall bestow your benefit upon one that hath more sense of Obligation than of Self-love. Thus humbly desiring pardon, of so long a *Letter*, I wish your *Lordship* all Happiness. This 7th of June, 1595.

A Letter to Queen Elizabeth, upon the sending of a New-years Gift.

It may please your Majesty,

According to the Ceremony, of the Time, I would not forget, in all humbleness, to present your *Majesty* with a small *New-years Gift*: Nothing to my Mind. And therefore to supply it, I can but pray to *God* to give your *Majesty* his *New-years Gift*; that is, a *New-year* that shall be as no year to your *Body*; And as a year with two *Harvests* to your *Coffers*; And every other way prosperous and gladfom. And so I remain.

A Letter to Queen Elizabeth, upon the sending of a New-years Gift.

Most excellent Sovereign Mistris,

The only *New years Gift* which I can give your *Majesty*, is that which *God* hath given to me: which is, a Mind, in all humbleness, to wait upon your Commandements and Business: Wherein I would to *God*, that I were hooded, that I saw less; Or that I could perform more: For now I am like a *Hawk*, that *bates*, when I see occasion of service, but cannot fly because I am tyed to anothers *Fist*. But mean while, I continue my presumption of making to your *Majesty*, my poor Oblation of a *Garment*, as unworthy the wearing as his service that sends it: But the Approach to your Excellent *Person* may give worth to both: which is all the Happiness I aspire unto.

A Letter of Advice to the Earl of Essex, to take upon him the Care of Irish Causes, when Mr. Secretary Cecill was in France.

My Singular good Lord,

I Do write, because I had no time fully to express my Conceit to your *Lordship*, touching *Irish* Affairs; considering them as they may concern your *Lordship*; Knowing that you will consider them, as they may concern the *State*. That it is one of the aptest particulars that hath come, or can come upon the *Stage* for your *Lordship* to purchase Honour upon, I am moved to think for three Reasons. Because, it is ingenerate, in your *House*, in respect of my *Lord*, your *Fathers* Noble Attempts: Because of all the *Actions* of *State* on foot at this time, the Labour resteth most in that particular; And because the *World* will make a kind of Comparison, between those that set it out of Frame, and those that bring it into Frame: which kind of *Honour* giveth the quickest kind of *Reflection*.

tion. The Transferring this Honour upon your self, consisteth in two *points* : The one, if the *Principal Persons* imploy'd, come in by you and depend upon : The other, if your *Lordship* declare your self and profess to undertake a Care of that *Kingdom*. For the *Persons* it falleth out well that your *Lordship* hath had no Interest in the *Persons* of *Imputation* : For neither, Sir *William Fitz-Williams*, nor Sir *John Norrice*, was yours. Sir *William Russel* was conceived yours but was curbed. Sir *Coniers Clifford* (as I conceive it) dependeth on you, who is said to do well And if my *Lord of Ormond*, in this Interim, doth accommodate things well, (as it is said he doth) I take it he hath alwayes had good Understanding with your *Lordship* : So as all things, hitherto, are not only whole and entire but of favourable Aspect towards your *Lordship*, if hereafter you choose well. Concerning the Care of *Busines*, the general and popular Con-
ceit hath been, that *Irish Causes* have been much neglect'd ; whereby the Reputation of better Care will put Life into them. But for a Beginning and Key to that which shall follow ; It were good your *Lordship* would have some large and serious Conference with Sir *William Russel*, Sir *Richard Bingham*, the *Earl of Tounond*, and Mr. *Wilbraham*, To know their *Relation* of the past ; Their *Opinion* of the present ; and Their *Advice* for the future.

For the *Points* of *Apposing* them, I am too much a stranger to the *Busi-*
ness to deduce them : But in a general *Topique* methinks, the pertinent *Interrogations* must be ; Either of the Possibility and Means of Accord ; or, of the Nature of the War ; or of the Reformation of Abuses ; or of the joyning of Practice with Force in the Disunion of the *Rebels*. If your *Lordship* doubt to put your *Sickle* into anothers *Harvest* ; First, *Time* brings it to you in Mr. *Secretaries* Absence : Next being mixt with matter of War, it is fittest for you : And lastly, I know your *Lordship* will carry it with that Modesty and Respect towards Aged *Dignity* ; And that good Correspondence towards my dear *Kinsman* and your good *Friend* now abroad, as no Inconvenience may grow that way.

Thus have I played the Ignorant *Statesman* ; Which I do to No Body but your *Lordship* ; except to the *Queen* sometimes when she train's me on. But your *Lordship* will accept my Duty and good meaning ; And secure me touching the privateness of that I write.

A Letter of Advice to the Earl of Essex, upon the first Treaty with Tyrone 1598, before the Earl was nominated for the Charge of Ireland.

My very good Lord.

Concerning the *Advertisements*, which your *Lordship* imparted to me, touching the *State of Ireland*, for willing Duties sake, I will set down to your *Lordship*, what *Opinion*, sprang in my Minde, upon that I read.

The *Letter* from the *Counsel*, there, leaning to mistrust, and dissuade the *Treaty*, I do not much rely on, for 3. *Causes*. First, because it is alwayes, the Grace, and the Safety, of such a *Counsel*, to erre in Caution : wherunto add that it may be, they, or some of them, are not without Envy, towards

towards the *Person*, who is used, in treating the Accord. Next, because the Time of this *Treaty*, hath no shew of Dissimulation; For that *Tyrone*, is now in no Straights; but he is more like a Gamster, that will give over, because he is a Winner, than because he hath no more Money in his Purse. Lastly, I do not see, but those *Articles*, whereupon they ground their Suspicion, may as well proceed out of *Fear*, as out of *Falschood*. For the Retaining, the *Dependance* of the *Vriaghts*; The protracting, the Admissi- on, of a Sheriff; the Refusing to give his *Son* for an *Hostage*; The Holding off from present Repair to *Dublin*; The Refusing to go presently to Accord, without including *Odonnell*, and other his *Associates*; May very well come, of an Apprehension, in case he should receive hard measure; And not out of *Treachery*, So as if the *great Person*, you write of, be faith- ful; And that you have not heard, some present Intelligence of present *Succours*, from *Spain*; (For the Expectation whereof, *Tyrone* would win time;) I see no deep Cause of Distrusting this Course of *Treaty*, if the main *Conditions* may be good. For her *Majesty* seemeth to me, to be a Winner thereby, three wayes; First, her *purse* shall have some Rest: Next, it will divert, the *Forein Designs*, upon the *Place*: Thirdly, though her *Majesty* be like for a time to govern but *precario*, in the North; And be not, (as to a true Command) in better state there than before; yet, be- sides the two respects of Ease of Charge, and Advantage of Opinion a- broad, before mentioned, she shall have time to use her Princely policy in two points to weaken them. The one, by Division and Dis-union of the Heads; The other, by Recovering and Winning the *People*, from them, by *Justice*; which of all other Courses is the best.

Now for the *Athenian Question*; you discourse well; *Quid igitur agen- dum est?* I will shoot my Fools Bolt, since you will have it so. The Earl of *Ormond*, to be encouraged and comforted. Above all Things, the *Gar- risons* to be instantly provided for. For *Opportunity maketh a Thief*: And if he should mean never so well now; yet such an Advantage as the Breaking of her *Majesties Garrisons*, might tempt a true Man.

And because, he may as well waver upon his own Inconstancy as upon Occasion; (And wanton Variableness is never restrained but by Fear;) I hold it necessary he be menaced with a *strong War*: Not by *Words*, but by *Musters* and *preparations* of *Forces* here, in case the Accord proceed not: But none to be sent over, lest it disturb the *Treaty*, and make him look to be over-run as soon as he hath laid away Arms. And but that your *Lord- ship* is too easie to pass in such Cases, from Dissimulation to Verity; I think, if your *Lordship* lent your Reputation in this Case; That is, To pretend, that if Peace go not on, and the *Queen* mean to make, not a *Defensive War* as in times past, but a *full Reconquest* of those parts of the Countrey, you would accept the Charge; I think it would help to settle *Tyrone* in his seeking Accord, and win you a great deal of *Honour, gratis*.

And that, which most properly concern's this Action, if it prove a Peace; I think her *Majesty* shall do well to cure the Root of the Disease; And to Profess, by a *Commission* of Peaceable Men, of Respect and Coun- tenance, *Reformation* of Abuses, Extortions and Injustices there; And to plant a stronger and surer Government than heretofore, for the Ease and Protection of the *Subject*. For the *Removing* of the *Sword* or Go- vernment in Arms from the Earl of *Ormond*; Or the sending of a *Deputy*, (which will eclipse it) if Peace follow, I think it unseasonable.

Lastly,

Lastly, I hold still my Opinion (both for your better Information, and the fuller Declaration of your Care; in meddling in this urgent and meriting Service) That your *Lordship* have set *Conference* with the *persons* I named in my former Letter.

A Letter of Advice to my Lord of Essex, immediately before his going into Ireland.

My singular good Lord,

YOur late Note of my Silence, in your Occasions, hath made me set down these few wandring Lines, as one that would say somewhat, and can say nothing, touching your *Lordships* intended *Charge* for *Ireland*; Which my Endeavour, I know, your *Lordship* will accept graciously; whether your *Lordship* take it by the Handle of Occasion ministred from your Self; or of the Affection from which it proceeds.

Your *Lordship* is designed to a *Service* of great *Merit* and great *Peril*: And as the Greatness of the *Peril* must needs include a like proportion of *Merit*: So the Greatness of the *Merit* may include no small Consequence of *Peril*, if it be not temperately governed. For all immoderate *Success* extinguisheth *Merit* and stireth up *Dislike* and *Envy*; The assured Fore-runners of whole Charges of *Peril*. But I am at the last point first; Some good Spirit my leading Pen, to presage to your *Lordship* success; Wherein, it is true, I am not without my *Oracles* and *Divinations*; None of them *Superstitious* and yet not all *Natural*. For first, looking into the Course of *Gods Providence*, in Things now depending; And calling to consideration, how great things *God* hath done by her *Majesty* and for her: I collect, he hath disposed of this great *Defection* in *Ireland* thereby, to give an urgent occasion to the *Reduction* of that whole *Kingdom*; As upon the *Rebellion* of *Desmond* there insued the *Reduction* of that whole *Province*.

Next, your *Lordship* goeth against three of the unluckiest *Vices* of all others; *Disloyalty*, *Ingratitude* and *Insolency*: Which three *Offences*; in all *Examples*, have seldome their *Doom* adjoined to the *world to come*.

Lastly, he that shall have had the Honour to know your *Lordship*, inwardly, as I have had shall find *Bona Exta*, wherby he may better ground a *Divination* of *Good*, than upon the *Dissention* of a *Sacrifice*. But that part I leave: For it is fit for others to be confident upon the *cause*; The Goodness and Justice, whereof is such as can hardly be matched in any Example, It being no *Ambitious War* against *Forreiners*, but a *Recovery* of *Subjects*; And that after *Lenity* of *Conditions* often tryed; And a *Recovery* of them, not only to *Obedience*, but to *Humanity*, and *Policy* from more than *Indian Barbarism*.

There is yet another Kinde of *Divination*, familiar to *Matters of State*; Being that which *Demosthenes* so often relyed upon, in his time; when he said; *That, which for the time past, is worst of all, is, for the time to come, the best*; which is, that things go ill, not by Accident, but by Errors; Wherein, if your *Lordship* have been, heretofore an Awaking Censor, you must look for no other now, but *Medice Cura teipsum*: And though you shall not be the Happy *Physician*, that cometh in the

Declination

Declination of the Disease; yet you embrace that Condition, which many *Noble Spirits* have accepted for Advantage; which is, that you go, upon the greater Peril of your *Fortune*, and the less of your *Reputation*: And so the *Honour* countervaileth the *Adventure*; Of which *Honour*, your *Lordship* is in no small possession; when that her *Majesty* (known to be one of the most judicious Princes in discerning of Spirits, that ever governed) hath made choice of you (meerly out of her *Royal Judgement*; her *Affection* inclining rather to continue your Attendance;) into whose hand, and trust, to put the Command and Conduct of so great Forces; The Gathering the Fruit of so great Charge; The Execution of so many Councils; The redeeming of the Defaults, of so many former Governors; The clearing of the Glory, of her so many happy years *Reign*, onely, in this part, eclipsed: Nay further, how far forth, the peril of that *State*, is interlaced with the peril of *England*; And therefore, how great the Honour is, to keep and defend the Approaches, or Ave-news of this Kingdom, I hear many discourse; And there is a great Difference whether the *Tortoise* gathereth her self within her shell, hurt, or unhurt.

And if any Man be of Opinion, that the *Nature* of the *Enemy*, doth extenuate the *Honour* of the *Service*, being but a *Rebel*, and a *Savage*; I differ from him: For I see the justest Triumphs, that the *Romans*, in their greatness did obtain; And that, wheteof the *Emperours* in their Stiles, took Addition, and Denomination, were of such an *Enemy*, as this: That is, *People Barbarous*, and not reduced to *Civility*, magnifying a kind of lawless Liberty, and prodigal of Life, hardned in Body, fortified in Woods and Boggs, and placing both Justice and Felicity in sharpness of their Swords: Such were the *Germans*, and ancient *Brittans*, and divers others. Upon which kind of *People*, whether the Victory were a *Conquest*, or a *Reconquest*, upon a *Rebellion* or a *Revolt*; It made no difference (that ever I could find) in Honour. And therefore, it is not the Enriching *Prelatory Warr*, that hath the preheminance in Honour; Else should it be more Honour to bring in a Carick of rich Burthen, than one of the 12. *Spanish Apostles*. But then, this *Nature* of *People*, doth yield a higher point of *Honour*, considered in Truth, and Substance, than any warr can yield, which should be atchieved against a *Civil Enemy*: If the End may be; *Paciq; imponere morem*, to replant, and refound the policy of that Nation: To which nothing is wanting, but a just and Civil *Government*: which Design, as it doth descend unto you, from your *Noble Father*, who lost his life in that *Action* (though he paid *Tribute* to *Nature*, and not to *Fortune*;) So, I hope your *Lordship*, shall be, as Fatal a Captain to this War, as *Africanus* was to the Warr of *Carthage*; after that both his *Uncle* and *Father*, had lost their Lives, in *Spain*, in the same Warr. Now, although it be true, that these Things which I write, (being but Representations, unto your *Lordship*, of the Honour and Appearance of Success, of the Enterprize;) be not much, to the purpose, of any Advice; yet it is that, which is left to me, being no Man of War, and ignorant in the particulars of Estate. For a Man may, by the Eye, set up the White in the midst of the But, though he be no Archer. Therefore I will onely add this Wish, according to the *English Phrase*, which termeth a well-willing Advice, a Wish: That your *Lordship* in this whole Action, looking forward, would set down this Position; *That Merit is worthier than Fame*: And looking back hither, would remember this Text, *That Obedience is better than Sacrifice*. For Designing to *Fame*, and *Glory*, may

make your *Lordship* in the adventure of your *Person*, to be valiant, as a private *Souldier*, rather than as a *General*: It may make your Commandements, rather to be Gracious than Disciplinary: It may make your press Action, (in respect of the great Expectation conceived,) rather hastily, than seasonably and safely: It may make you, seek rather to achieve the war by force, than by intermixture of practice: It may make you, (if God shall send prosperous beginnings,) rather seek the *Fruition* of that *Honour*, than the Perfection of the *work* in hand. And for the other point, that is the Proceeding, like a good *Protestant* upon express warrant, and not upon good intention, your *Lordship* in your wisdom knoweth; That as it is most fit for you to desire convenient Liberty of Instructions, so it is no less fit for you, to observe the due limits of them: Remembering that the exceeding of them, may not only procure, in case of adverse accident, a dangerous Disavow; but also (in case of prosperous Success;) be subject to interpretation, as if all were not referred to the right End.

Thus have I presumed, to write these few Lines to your *Lordship*, in *Methodo Ignorantiae*; which is, when a Man speaketh of a Subject, not according to the Matter, but according to the Model of his own Knowledge: And most humbly desire your *Lordship*, that the weakness thereof may be supplied in your *Lordship*, by a benign acceptation, as it is in me, by my best wishing.

A Letter to the Earl of Essex, in offer of his Service, when he was first enlarged to Essex-House.

My Lord;

NO man can expound my Doings better than your *Lordship*, which makes me need to say the less: Only, I humbly pray you to believe, that I aspire to the Conscience and Commendation, of *Bonus Civis*, and *Bonus Vir*; And that, though I love some *Things* better (I confess) than I love your *Lordship*, yet I love few *Persons* better; both for Gratitude's sake, and for your Vertues, which cannot hurt but by accident; of which my good Affection it may please your *Lordship* to assure your self; and of all the true Effects and Offices I can yield. For as I was ever sorry, your *Lordship* should flye with waxen Wings, doubting *Icarus* Fortune; so for the growing up of your own Feathers, be they *Elstridges* or other kinde, no man shall be more glad. And this is the *Axil-Tree* whereon I have turned, and shall turn. Which having already signified to you, by some near mean, having so fit a Messenger for mine own Letter, I thought good also, to redouble my Writing. And so I commend you to Gods Protection. From *Graies Inn*, this 19th of *July*, 1600.

*An Answer of my Lord of Essex, to the immediately preceding
Letter of Mr. Bacons.*

Mr. Bacon,

I Can neither expound, nor censure your late Actions; Being ignorant of all of them, save one; and having directed my sight inward only, to examine my Self. You do pray me to believe, that you only aspire to the Conscience and Commendation, of *Bonus Civis*, and *Bonus Vir*; And I do faithfully assure you, that while that is your Ambition (though your course be Active and minde Contemplative) yet we shall, both, *Convenire in eodem Tertio*; and *Convenire inter Nos ipsos*. Your Profession of Affection, and Offer of good Offices, are welcom to me: For Answer to them, I will say but this; That you have believed I have been kind to you; and you may believe that I cannot be other, either upon Humour, or mine own Election. I am a stranger to all *Poetical Conceits*, or else I should say somewhat, of your *Poetical Example*. But this I must say; That I never flew with other *Wings*, than Desire to Merit; and Confidence in my *Sovereigns* Favour; and when one of these *Wings* failed me, I would light no where but at my *Sovereigns* Feet, though she suffered me to be bruised, with my fall. And till her *Majesty*, that knows, I was never *Bird of Prey*, finds it to agree with her will, and her Service, that my *Wings* should be impeded again, I have committed my self to the *Mue*. No power, but my *Gods*, and my *Sovereigns*, can alter this Resolution, of

Your Retired Friend,
E S S E X.

Two Letters framed; the one, as from Mr. Anthony Bacon, to the Earl of Essex; The other, as the Earls Answer thereunto, delivered to Sir Francis Bacon, with the Advice of Mr. Anthony Bacon, his Brother, to be shewed to the Queen, upon some fit occasion; As a mean, to work her Majesty to receive the Earl again, to Favour and Attendance at Court: They were devised, whilst my Lord remained Prisoner, in his own House.

My singular good Lord;

His standing at a stay in your *Lordships* Fortunes, doth make me, in my love towards your *Lordship*, jealous lest you do somewhat, or omit somewhat, that amounteth to a new Errour. For I suppose, of all former Matters there is a full Expiation: wherein, for any thing that your *Lordship* doth, I for my part (who am remote) cannot cast, nor devise wherein any Errour should be; except in one point, which I dare not censure, nor dissuade: which is, that (as the *Prophet* saith) *In this Affliction* you look up, *ad Manum Percutientem*, and so make your peace with *God*. And yet I heard it noted, that my Lord of *Leicester*, (who could never get to be taken for a *Saint*, nevertheless in the *Queens*

disfavour) waxed seeming Religious: which may be thought by some, and used by others, as a Case resembling yours, if men do not see, or will not see the difference between your two dispositions. But to be plain with your *Lordship*, my fear rather is, because I hear how some of your good, and wise friends, not unpractised in the Court, and supposing themselves, not to be unseen in that deep and unscrutable Center of the Court, which is her *Majesties Minde*, do not only toll the Bell, but even ring out Peals, as if your Fortune were dead and buried; and as if there were no possibility of recovering her *Majesties* favour; and as if the best of your condition, were to lead a private and retired life, out of Want, out of peril, and out of manifest disgrace: And so in this perswasion of theirs, include a perswasion to your *Lordship*, to frame and accommodate your Actions and Mind to that End; I fear, I say, that this untimely despair, may in time bring forth a just despair, by causing your *Lordship*, to slacken and break off your Wise, Loyal, and seasonable Endeavours and Industries, for Re-integration to her *Majesties* favour: In comparison whereof, all other Circumstances are but as *Atomi*, or rather as *Vacuum*, without any substance at all. Against this Opinion, it may please your *Lordship*, to consider of these reasons which I have collected, and to make judgment of them: Neither out of the Melancholy of your present fortune, neither out of the infusion of that which cometh to you by others relation, (which is subject to much tincture;) But *ex rebus ipsis*, out of the Nature of the Persons and actions themselves, as the trustiest, and least deceiving grounds of Opinion. For though I am so unfortunate, as to be a stranger to her *Majesties* Eye, and to her Nature; yet by that which is apparent, I do manifestly discern, that she hath the Character of the Divine Nature and Goodness; *Quos amavit, amavit usque ad finem*: and where she hath a Creature, she doth not deface nor defeat it: Insomuch, as if I observe rightly in those persons, whom heretofore she hath honoured with her special Favour, she hath covered and remitted, not only defects and ingritudes in affection, but errors in State and Service. Secondly, if I can spel and Scholar-like put together, the parts of her *Majesties* proceedings now towards your *Lordship*, I cannot but make this construction; That her *Majesty* in her Royal intention, never purposed to call your *Lordships* doings into publick Question; but only, to have used a Cloud without a Shower, in censuring them by some temporary restraint only of Liberty, and debarring from her presence. For first, the handling the Cause in the *Star-Chamber*, you not called, was enforced, by the violence of Libelling and Rumours; (wherein the *Queen* thought to have satisfied the world, and yet spared your *Lordships* appearance;) and after, when that Means which was intended for the quenching of malicious brutes, turned to kindle them; (because it was said, your *Lordship* was condemned unheard; and your *Lordships* sister wrote that piquant Letter) then her *Majesty* saw plainly, that these winds of Rumours, could not be commanded down, without a handling of the Cause, by making you Party, and admitting you Defence. And to this purpose, I do assure your *Lordship*, that my Brother *Francis Bacon*, who is too wise (I think) to be abused, and too honest to abuse; Though he be more reserved in all particulars, than is needful; yet in generality, he hath ever constantly, and with asseveration affirmed to me, that both those dayes; That of the *Star-Chamber*, and that at my *Lord Keeper's*, were won from

the *Queen*, meerly upon necessity and point of Honour, against her own inclination. Thirdly, in the last proceeding, I note three points; which are directly significant, That her *Majesty* did expressly forbear any point, which was irreparable, or might make your Lordship, in any degree, uncapable of the return of her favour; Or might fix any Character Indeleble of disgrace upon you: For she spared the publick place of the *Star-Chamber*: She limited the Charge precisely, not to touch Disloyalty; and no Record remaineth to Memory, of the Charge, or Sentence. Fourthly, the very Distinction, which was made in the Sentence of Sequestration, from the places of Service in State, and leaving to your Lordship, the place of Master of the *Horse*, doth to my understanding, *indicative*, point at this; That her *Majesty* meant to use your Lordships Attendance in Court, while the Exercises of the other places stood, suspended. Fifthly, I have heard, and your Lordship knoweth better, that now, since you were in your own Custody, her *Majesty*, in *Verbo Regio*, and by his mouth, by whom she committeth her Royal Graunts and Decrees, hath assured your Lordship, she will forbid, and not suffer your Ruine. Sixthly, as I have heard her *Majesty* to be a *Prince* of that Magnanimity, that she will spare the Service of the ablest *Subject* or *Peer*, when she shall be thought to stand in need of it: So she is of that Policy, as she will not lose the Service of a meaner than your Lordship, where it shall depend meerly upon her Choice and Will. Seventhly, I hold it for a Principle; That those *Diseases* are hardest to cure, whereof the *Cause* is obscure; and those easiest, whereof the *Cause* is manifest: Whereupon I conclude, that since it hath been your Errour, in your Courses towards her *Majesty*, which hath prejudiced you; That you Reforming, and Conformity will restore you; so as you may be, *Faber Fortunæ propriæ*. Lastly, considering your Lordship is removed from dealing in causes of State, and left only to a place of Attendance; Methinks, the Ambition of any Man, who can endure no Partners in State-Matters, may be so quenched, as they should not laboriously oppose themselves to your Being in *Court*: So as upon the whole matter, I cannot find, neither in her *Majesties* Person, nor in your own Person, nor in any third Person; Neither in former Presidents, nor in your own Cause, any Cause, of dry and peremptory Despair. Neither do I speak this, but that if her *Majesty*, out of her resolution, would designe you to a private Life, you should be as willing, upon her appointment, to go into the *Wilderness*, as into the *Land of Promise*. Onely, I wish your Lordship, will not preoccupate Despair, but put trust, next to *God*, in her *Majesties* Grace; and not to be wanting to your Self. I know your Lordship may justly interpret, that this which I perswade, may have some reference to my particular, because I may truly say; *Te sante, Non Virebo*, (for I am withered in my self,) but *Manebo*, or *Tenebo*; I shall in some sort, be, or hold out. But though your Lordships years, and health, may expect return of Grace, and Fortune; yet your Eclipse for a time, is an *Utimum Vale* to my Fortune: And were it not, that I desire, and hope, to see my *Brother* established, by her *Majesties* favour; (as I think him well worthy, for that he hath done and suffered) it were time I did take that Course, from which I dissuade your Lordship. But now in the mean time, I cannot choose but perform those honest Duties unto you, to whom I have been so deeply bounden.

A Letter, framed as from the Earl ; In Answer of the former Letter.

Mr. Bacon,

I Thank you, for your kind, and careful Letter. It perswades me, that which I wish strongly, and hope for weakly ; That is, Possibility of Restitution to her Majesties favour : Your Arguments, that would cherish Hope, turn to Despair. You say the *Queen*, never meant to call me to Publick Censure, which sheweth her *Goodness* : But you see I passed it, which sheweth others *Power*. I believe most stedfastly, her *Majesty* never intended to bring my Cause to a Sentence ; and I believe as verily, that since that Sentence, she meant to restore me, to attend upon her Person. But they that could use occasions (which was not in me to let) and amplify occasions, and practise occasions to represent to her *Majesty*, a necessity to bring me to the one, can and will do the like, to stop me from the other. You say, my Errors were my Prejudice, and therefore I can mend my Self : It is true ; But they that know, that I can mend my Self, and that if ever I recover the *Queen*, that I will never lose her again ; will never suffer me to obtain interest in her favour. And you say, the *Queen* never forsook utterly, where she inwardly favoured : But I know not whether the Hour-glass of time, hath altered her ; But sure I am, the false Glass of others Informations, must alter her, when I want access to plead my own Cause. I know, I ought doubly to be her *Majesties* ; Both *Jure Creationis*, for I am her Creature ; And *Jure Redemptionis*, for I know she hath saved me from Overthrow. But for her first Love, and for her last Protection, and all her great Benefits, I can but pray for her *Majesty* ; and my Endeavours are now, to make my *Prayers* for her *Majesty* and my *Self*, better heard. For, thanks be to *God*, they that can make her *Majesty* believe, I counterfeit with her, cannot make *GOD* believe, that I counterfeit with him : And they which can let me, from coming near unto her, cannot let me from drawing near unto him, as I hope I do daily. For your *Brother*, I hold him an honest *Gentleman*, and wish him all good ; much rather for your sake. Your self, I know hath suffered more for me, than any friend I have : But I cannot but lament freely, as you see I do ; and advise you not to do that which I do, which is, to despair. You know *Letters*, what hurt they have done me ; and therefore make sure of this : And yet I could not (as having no other Pledge of my Love) but communicate freely with you, for the ease of my heart, and yours.

A Letter to Mr. Secretary Cecil, after the Defeating of the Spanish Forces in Ireland; Inciting him, to embrace the care of Reducing that Kingdom to Civility, with some reasons sent enclosed.

It may please your Honour,

AS one that wisheth you all encrease of Honour; And as one that cannot leave to love the *State*, (what interest soever I have, or may come to have in it) and as one that now this dead Vacation time, hath some leisure, *ad a'ind agendum*; I will presume to propound unto you, that which though you cannot but see, yet I know not whether you apprehend and esteem it, in so high a degree; That is, for the best action of importation to your self; of sound Honour and Merit to her Majesty, and this Crown; without Ventosity and Popularity, that the Riches of any Occasion, or the Tide of any Opportunity, can possibly minister or offer. And that is, the Causes of *Ireland*, if they be taken by the right handle. For if the wound be not ripped up again, and come to a Recrudency by new *Forein Succours*, I think that no Physitian will go on much with letting Bloud, *in declinatione Morbi*; but will intend to Purge and Corroborate. To which purpose, I send you mine opinion, without labour of words, in the enclosed: And sure I am, that if you shall enter into the matter, according to the Vivacity of your own spirit, nothing can make unto you a more gainful return. For you shall make the *Queens* Felicity compleat, which now (as it is) is incomparable: And for your self, you shall shew your self as good a Patriot, as you are thought a Politick, and make the world perceive, you have not less *Generous Ends*, than *Dextrous Delivery* of your self towards your *Ends*; and that you have as well true Arts and grounds of *Government*, as the Facility and Felicity of Practice and Negotiation; and that you are as well seen in the Periods and Tides of Estates, as in your own Circle and Way: Than the which, I suppose nothing can be a better addition, and accumulation of Honour unto you. This, I hope, I may in privateness write, either as a Kinsman, that may be bold, or a Scholar; that hath liberty of discourse, without the committing any absurdity. But if it seem any error in me, thus to intromit my self, I pray your *Honour* believe, I ever loved her *Majesty* and the *State*, and now love your *Self*; and there is never any vehement Love, without some Absurdity: As the *Spaniard* well sayes; *Desuario con la Calentura*. So desiring your *Honours* pardon, I ever continue.

Confide-

Considerations, touching the Queens Service in
IRELAND.

THE Reduction of that *Country*, as well to Civility and Justice, as to Obedience, and Peace (which things as affairs now stand, I hold to be inseparable) consisteth in 4. *Points*.

1. The *Extinguishing* of the *Relicks* of the *Warr*.
2. The *Recovery* of the *Hearts* of the *People*.
3. The *Removing* of the *Root* and *Occasions* of new *Troubles*.
4. *Plantations* and *Buildings*.

For the first: Concerning the Places, and Times, and Particularities of further Prosecution, in fact, I leave it to the opinion of men of War; only the Difficulty is, to distinguish and discern the *Propositions*, which shall be, according to the ends of the *State* here; (That is, final and summary towards the *Extirpation* of the *Troubles*;) from those, which though they pretend Publick ends, yet may refer indeed, to the more private and compendious ends of the Council there; or the particular Governours or Captains. But still (as I touched in my *Letter*) I do think, much *letting Bloud*, in *Declinatione morbi*, is against *Method* of *cure*; and that it will but enduce Necessity, and exasperate Despair; and percase, discover the hollowness of that which is done already, which now blazeth to the best show. For *Iaglia's* and *Proscriptions* of two or three of the principal Rebels, they are no doubt, *Jure Gentium*, lawful; in *Itali* usually practised upon the *Banditi*; best in season where a side goeth down: And may do good in two Kinds; The one if they take Effect; The other, in the Distrust which may follow amongst the Rebels themselves. But of all other points, to my Understanding the most effectual is, the well expressing or impressing the *Design* of this *State*, upon that miserable and desolate *Kingdom*; containing the same, between these two Lists or Boundaries: The one, that the *Queen* seeketh not an *Extirpation* of that *People*, but a *Reduction*; and that now she hath chastised them by her royal power, and Arms, according to the necessity of the occasion; Her *Majesty* taketh no pleasure in *effusion* of *Bloud*, or *displanting* of *ancient Generations*. The other, that her *Majesties* Princely care is, principally, and intentionally bent upon the *Action* of *Ireland*: And that she seeketh not so much the ease of Charge, as the Royal performance of the office of Protection, and Reclaim of those her Subjects: And in a word, that the Case is altered so far, as may stand with the Honour of the Time past. And again I do repeat, that if her *Majesties Design* be, *ex Professo*, to reduce Rebels to obedience, it makes weakness turn *Christianity*, and Conditions *Graces*: and so hath a fineness in turning Utility upon point of Honour; which is agreeable to the Humour of these Times. And besides, if her *Majesty* shall suddainly abate the Lists of their Forces, and shall do nothing to Countervail it in point of Reputation, of a Politick Proceeding, I doubt things may too soon fall back, into the state they were in. Next to this, Adding reputation to the Cause, by imprinting an Opinion of her *Majesties* care and intention upon this Action, is the taking away of Reputation from the contrary side, by cutting off the opinion, and reputation of Forein succours; To which purpose, this Enterprize of *Algiers* (if it hold according to the

Adver.

Advertisement, and if it be not wrapped up in the period of this Summer) seemeth to be an Opportunity, *cœlitus dimissa*. And to the same purpose nothing can be more fit than a *Treaty*, or a shadow of a *Treaty*, of a *Peace*, with *Spain*; which me thinks, should be in our power to fasten, at least *Rumore tenuis*, to the deluding of as wise people as the *Irish*. Lastly, for this point; That which the Ancients called, *Potestas facta, redeundi ad sanitatem*; And, which is but a Mockery, when the *Enemy* is strong, or proud, but effectual in his Declination; that is, a liberal Proclamation of Grace, and Pardon, to such as shall submit, and come in within a time prefixed; and of some other reward, to such as shall bring others in; that one's sword may be sharpened by anothers; is a matter of good Experience, and now, I think, will come in time. And percase, though I wish the Exclusions of such a pardon, exceeding few, yet it will not be safe to continue some of them in their strength; but to translate them and their Generations into *England*: And give them recompence and satisfaction here, for their Possessions there; As the King of *Spain* did, by divers *Families* of *Portugal*. To the effecting of all the *points* aforesaid; and likewise, those which fall within the Divisions following, nothing can be in priority, (either of Time or Matter) better than the sending of some *Commission* of Countenance, *Ad Res inspiciendas & componendas*: For it will be a very significant demonstration of her *Majesties* care of that *Kingdom*; A Credence, to any that shall come in and submit; A Bridle, to any that shall have their Fortunes there, and shall apply their Propositions to private Ends; And an Evidence, that her *Majesty* after Arms laid down, speedily pursueth a politick Course, without neglect, or respiration: And it hath been the Wisdom of the best Examples of Government.

Towards the *Recovery* of the *Hearts* of the *People*, there be but three things in *Naturâ Rerum*.

1. *Religion*.
2. *Justice*, and *Protection*.
3. *Obligation*, and *Reward*.

For *Religion* (to speak first of *Piety*, and then of *Policy*) all *Divines* do agree; That if *Consciencés* be to be enforced at all (wherein yet they differ) two things must precede their *Inforcement*: The one, *Means* of *Instruction*; the other, *Time* of *Operation*: Neither of which they have yet had. Besides, till they be more like reasonable men than they are, their *Society* were rather scandalous to the true *Religion*, than otherwise; As *Pearls cast before Swine*: For till they be cleansed from their Blood, Incontinency and Theft (which are now, not the Lapses of particular Persons, but the very *Lawes* of the Nation) they are Incompatible with *Religion Reformed*. For *Policy*, there is no doubt, but to wrestle with them now, is directly opposite to their reclaiming, and cannot but continue their Alienation of *Minde* from this *Government*. Besides, one of the principal Pretences, whereby the *Heads* of the *Rebellion* have prevailed, both with the *People*, and with the *Forreiner*, hath been, the *Defence* of the *Catholick Religion*: And it is that likewise, hath made the *Forreiner*, reciprocally, more plausible with the *Rebel*. Therefore a *Toleration* of *Religion* (for a *Time*, not definite) except it be in some Principal Towns and Precincts; After the manner of some *French Edicts*, seemeth to me, to be a Matter warrantable by *Religion*, and in *Policy*, of absolute Necessity. And the Hesitation in this *point* (I think)

hath been, a great Casting-back, of the Affairs there. Neither if any *English Papist* or *Recusant*, shall for Liberty of his Conscience, transfer his Person, Family, and Fortunes thither, do I hold it a Matter of Danger, but expedient to draw on Undertaking, and to further Population. Neither if *Rome* will cozen it Self, by Conceiving, it may be some Degree to the like Toleration in *England*, do I hold it, a matter of any Moment; But rather a good Mean, to take off the Fierceness and Eagerness of the Humour of *Rome*; And to stay, further *Excommunications*, or *Interdictions*, for *Ireland*. But there would go hand in hand with this, some Course of Advancing *Religion* indeed, where the *People* is capable thereof: As the sending over some good *Preachers*, especially of that sort, which are vehement and zealous Perswaders, and not Scholastical; To be resident in principal *Towns*; Endowing them, with some Stipends out of Her Majesties Revenues; As Her Majesty hath most religiously, and graciously done in *Lancashire*: And the Recontinuing, and Replenishing the College begun at *Dublin*; The placing of good men to be *Bishops* there; And the Taking Care of the Versions, of *Bibles*, *Catechisms*, and other *Books* of *Instructions*, into the *Irish Language*; And the like *Religious Courses*, Both for the Honour of God, and for the Avoiding of Scandal, and Insatisfaction here, by the shew of a *Toleration* of *Religion*, in some parts there.

For *Justice*, the *Barbarism*, and *Desolation* of the *Country* considered, it is not possible, they should find any sweetness at all, of Justice; If it shall be (which hath been the Error of *Times* past) Formal, and fetched far off from the *State*; Because, it will require running up and down for *Process*; and give Occasion for Polling and Exactions by Fees, and many other Delayes, and Charges. And therefore, there must be an *Interim*, in which the *Justice* must be only Summary; the rather, because it is fit and safe, for a time, the *Country* do participate of *Martial Government*: And therefore, I could wish in every principal *Town* or place of *Habitation*, there were a *Captain*, or *Governor*; and a *Judge*; such as *Recorders* and *learned Stewards*, are here in *Corporations*; who may have a *Prerogative Commission*, to hear and determine, *Secundum sanam Discretionem*; and as near as may be, to the *Laws* and *Customs* of *England*; and that by *Bill*, or *Pleint*, without *Original Writ*; Reserving from their Sentence, matter of *Free-hold*, and *Inheritance*; to be determined by a superiour *Judge*, *Itinerant*: And both *Sentences*, as well of the *Bayliff-wick Judge*, as *Itinerant*, to be reversed (if Cause be) before the *Counsel* of the *Province*, to be established there, with fit *Instructions*.

For *Obligation*, and *Reward*; It is true (no doubt) which was anciently said; That a *State*, is contained in two words, *Premium*, and *Pœna*. And I am perswaded, if a penny in the pound which hath been spent in *Pœnâ* (For this kinde of *Warr* is but *pœna*, a chastisement of *Rebels*, without Fruit, or Emolument to this *State*) had been spent in *præmio*, that is, in *Rewarding*, Things had never grown to this Extremity. But to speak forwards. The keeping of the *Principal Irish persons* in Terms of Contentment, and without Cause of particular Complaint; And generally the Carrying of an even Course between the *English* and the *Irish*; Whether it be in Competition; or whether it be in Controversie; as if they were one *Nation*; (without that same partial Course which hath been held by the *Governors* and *Counsellors* there, that some have favoured the *Irish*, and some contrary;) Is one of the best *Medicines* of *State*. And

as for other Points of Contentment; As the Countenancing of their *Nobility* as well in this *Court* as there; The *Imparting* of *Knighthood*; The *Care* of *Education* of their *Children*; And the like *points* of *Comfort*; They are Things which fall into every Mans Consideration.

For the *Extirping* of the *Seeds* of *Troubles*, I suppose the main *Roots* are but three. The first, the *Ambition* and *Absoluteness* of the Chief of the *Families* and *Septs*; The second, the licentious *Idleness* of their *Kerns* and *Souldiers*, that lie upon the *Countray*, by *Sesses* and such like *Oppressions*. And the Third, the barbarous *Laws*, *Customs*, their *Breken Laws*, *Habits* of *Apparel*, their *Poets* or *Heralds* that enchant them in *Savage Manners*, and sundry other such *Dregs* of *Barbarism* and *Rebellion*; Which by a Number of *Politick Statutes* of *Ireland*, meet to be put in *Execution*, are already forbidden; Unto which such *Additions* may be made, as the present *Time* requireth. But the *Deducing* of this *Branch* requireth a more particular *Notice* of the *State* and *Manners* there, than fall's within my *Compass*.

For *Plantations* and *Buildings*, I do find it strange, that in the last *Plot* for the *Population* of *Munster*, there were *Limitations*, how much in *Demesn*, and how much in *Farm*, and how much in *Tenancy*: Again, how many *Buildings* should be erected; How many *Irish* in *Mixture* should be admitted; And other things foreseen almost to *Curiosity*; But no *Restraint*, that they might not build, *sparsim*, at their pleasure; Nor any *Condition* that they should make places *Fortified* and *Defensible*: Which *Omission* was a strange *Neglect* and *Secureness* to my understanding. So as, for this last *Point* of *Plantations* and *Buildings*, there be two *Considerations*, which I hold most material; The one for *Quickning*; And the other for *Affspring*. The first is, that choice be made of such *Persons* for the *Government* of *Towns* and *Places*; And such *Undertakers* be procured, as be Men gracious and well beloved, and are like to be well followed. Wherein for *Munster* it may (because it is not *Res integra*; but that the former *Undertakers* stand interested) there will be some *Difficulty*; But surely, in mine *Opinion*, either by *Agreeing* with them, or by *Over-ruling* them with a *Parliament* in *Ireland*; (which in this *Course* of a *Politick* *Proceeding*, infinite occasions will require speedily to be held;) It will be fit to supply fit qualified *Persons* of *Undertakers*. The other that it be not left (as heretofore) to the *Pleasure* of the *Undertakers* and *Adventurers*, where and how to *build* and *plant*; But that they do according to a *Prescript* or *Formulary*: For first, the places, both *Mari-time* and *Inland*, which are fittest for *Colonies* or *Garrisons*; As well for doubt of the *Forreiner*, as for the *Keeping* the *Countray* in *Bridle*, would be found surveyed and resolved upon: And that the *Patentees* be tyed to build in those places only, and to fortifie as shall be thought convenient. And lastly, it followeth of *Course*, in *Countries* of new *Populations*, to invite and provoke *Inhabitants*, by ample *Liberties* and *Charters*.

A Letter of Recommendation of *his* Service, to the Earl of Northumberland, a few dayes before Queen Elizabeths death.

It may please your good Lordship,

AS the Time, of Sowing a Seed is known, but the Time of Coming up and Disclosing, is casual or according to the Season; So, I am a Witness to my Self, that there hath been covered in my mind a long time, a Seed of Affection and zeal towards your *Lordship*, sown by the Estimation of your Virtues, and your particular Honours and Favours to my *Brother Deceased*, and my Self: Which Seed still springing, now bursteth forth into this Profession. And to be plain with your *Lordship*, it is very true; (And no Winds or Noises of Civil Matters, can blow this out of my Head or Heart;) That your great Capacity and Love towards Studies and Contemplations of an higher and worthier Nature, than Popular (A Nature rare in the World, and in a person of your *Lordships* Quality, almost singular;) is to me, a great and chief Motive, to draw my Affection and Admiration, towards you. And therefore, good my *Lord*, if I may be of any use to your *Lordship*, by my Head, Tongue, or Pen, Means, or Friends, I humbly pray you, to hold me your own; And herewithall, not to do so much Disadvantage to my good Mind, nor Partly to your own Worth, as to conceive that this Commendation of my humble Service, proceedeth out of any Streights of my Occasions, but meerly out of an Election, and indeed the Fulness of my Heart; And so wishing your *Lordship* all prosperity, I continue.

A Letter of Offer of *his* Service to his Majesty, upon his first Coming in.

It may please your most excellent Majesty,

IT is observed, upon a place in the *Canticles*, by some; *Ego sum Flos Campi, & Liliū Convallium*, that à *Dispari*, it is not said, *Ego sum Flos Horti, & Liliū Montium*, because the *Majesty* of that *Person* is not enclosed for a Few, nor appropriate to the Great. And yet, notwithstanding this Royal Vertue of Access which Nature and Judgement hath planted in your *Majesties* Mind, as the Portal of all the rest, could not, of it Self (my Imperfections considered) have animated me to have made Oblation of my Self immediately to your *Majesty*, had it not been joyned with an Habit of the like Liberty, which I enjoyed with my late dear *Sovereign Mistress*; A *Princessse* happy in all things else; but most happy in such a *Successor*. And yet further and more nearly, I was not a little encouraged, not only, upon a Supposal that unto your *Majesties* Sacred Ear (open to the Air of all Vertues) there might come some small Breath, of the good Memory of my *Father*, so long, a Principal *Counsellor* in your *Kingdom*; But also, by the particular Knowledge of the infinite Devotion and incessant Endeavours (beyond the strength of his Body, and the nature of the Times;) which appeared in my good *Brother* towards your *Majesties* Service; And were, on your *Majesties* part, through your singular
Benignity,

Benignity, by many most gracious and lively Significations and Favours, accepted and acknowledged, beyond the merit of any thing he could effect. Which Endeavours and Duties, for the most part, were common to my Self with him; though by design (as between *Brethren*) dissembled. And therefore, most high and mighty *King*, my most dear and dread *Sovereign Lord*; since now the *Corner Stone* is laid of the mightiest *Monarchy* in *Europe*; And that *God* above who hath ever a Hand, in bridling the Floods and Motions of the Seas, and of *Peoples* Hearts, hath by the miraculous and universal consent (the more strange, because it proceedeth from such Diversity of Causes in your coming in;) Given a Sign and Token of great Happiness in the Continuance of your *Reign*; I think there is no *Subject* of your *Majesties*, which loveth this *Island* and is not hollow or unworthy, whose Heart is not set on fire; not only to bring you Peace-Offerings to make you propitious; But to sacrifice himself a *Burnt-Offering* or *Holocaust* to your *Majesties* Service: Amongst which number no Mans Fire, shall be more pure and fervant than mine. But how far forth it shall blaze out, that resteth in your *Majesties* Imployment. So thirsting after the Happiness of Kissing your *Royal Hand*, I continue ever.

To Mr. Faules in Scotland, upon the Entrance of his Majesties Reign.

Sir,

THe Occasion awaketh in me the Remembrance of the constant and mutual good Offices, which passed between my good *Brother* and your Self: whereunto (as you know) I was not altogether a Stranger; Though the Time and Design (as between *Brethren*) made me more reserved. But well do I bear in mind the great opinion which my *Brother* (whose Judgement I much reverence) would often express to me of your Extraordinary Sufficiency, Dexterity, and Temper, which he had found in you, in the Business and Service of the *King* our *Sovereign Lord*: This latter bred in me an Election, as the former gave an Inducement for me to address my Self to you; And to make this Signification of my Desire, towards a mutual Entertainment of good Affection and Correspondence between us; Hoping that both some good Effect may result of it towards the *Kings* Service; And that, for our particulars, though Occasion give you the precedence of furthering my being known by good note unto the *King*; So no long time will intercede before I on my part shall have some means given to requite your Favours, and to verifie your Commendation. And so with my loving Commendations, good Mr. Faules, I leave you to *Gods* Goodness. From *Graves Inne* the 25th of *March*.

A Letter commending his Love and Occasions to Sir Thomas Chaloner then in Scotland, upon his Majesties Entrance.

Sir,

FOR our Money matters, I am assured you received no Infatisfaction : For you know my Mind ; And you know my Means ; which now the Openness of the time, caused by this blessed Consent, and Peace, will encrease ; and so our Agreement according to your time be observed. For the present, according to the *Roman Adage* ; (That one *Cluster of Grapes ripeneth best besides another* ;) I know you hold me not unworthy, whose mutual Friendship you should cherish : And I, for my part, conceive good hope that you are likely to become an acceptable Servant to the *King our Master* : Not so much for any way made heretofore, (which in my Judgement will make no great difference) as for the Stuff and Sufficiency, which I know to be in you ; and whereof I know his *Majesty* may reap great Service. And therefore my general Request is, that according to that industrious Vivacity, which you use towards your Friends, you will further his *Majesties* good Conceit and Inclination towards me ; to whom words cannot make me known ; Neither mine own nor others ; but Time will, to no Disadvantage of any that shall fore-run his *Majesties* Experience, by your Testimony and Commendation. And though Occasion give you the Precedence of Doing me this special good Office ; yet, I hope no long time will intercede, before I shall have some means, to requite your Favour and acquit your Report. More particularly, having thought good to make Oblation of my most humble Service to his *Majesty* by a few Lines, I do desire your loving care and help by your Self, or such Means as I refer to your Discretion, to deliver and present the same to his *Majesties* Hands. Of which *Letter* I send you a Copy, that you may know what you carry ; and may take of Mr. *Matthew* the *Letter* it Self ; if you be pleased to undertake the Delivery. Lastly, I do commend to your Self and such your Curtesies as Occasion may require, this Gentleman Mr. *Matthew* ; eldest Son to my Lord *Bishop of Duresm*, and my very good Friend ; Assuring you that any Curtesie, you shall use towards him, you shall use to a very worthy young *Gentleman*, and one, I know, whose Acquaintance you will much esteem. And so I ever continue.

A Letter to Mr. Davis then gone to the King, at his first Entrance.

Master Davis,

THOUGH you went on the sudden, yet you could not go before you had spoken with your Self, to the purpose, which I will now write : And therefore I know it shall be altogether needless, save that I meant to shew you that I was not asleep. Briefly, I commend my Self to your Love and the well using my Name ; as well in repressing and answering for me, if there be any Biting or Nibbling at it in that Place ; as by imprinting a good Conceit and Opinion of me, chiefly in the *King* ; (of whose favour I make my Self comfortable Assurance ;) as otherwise

in

in that Court : And not only so, but generally to perform to me all the good Offices, which the Vivacity of your Wit can suggest to your mind, to be performed to one, with whose affection you have so great Sympathy ; and in whose Fortune you have so great Interest. So desiring you to be good to *concealed Poets*, I continue.

A Letter to Mr. Faules 28 Martii, 1603.

Mr. Faules,

I Did write unto you yesterday, by Mr. Lake (who was dispatched hence from their *Lordships*;) a Letter of Revivour, of those Sparks of former acquaintance between us in my *Brothers* time : And now upon the same confidence finding so fit a Messenger, I would not fail to salute you ; hoping it will fall out so happily, as that you shall be one of the *Kings* Servants, which his *Majesty* will first employ here with us : where I hope to have some means not to be barren in friendship towards you. We all thirst after the *Kings* coming, accounting all this but as the *Dawning* of the *Day*, before the *Rising* of the *Sun*, till we have his Presence. And though now his *Majesty* must be *Janus Bifrons*, to have a Face to *Scotland* as well as to *England*, yet, *Quod nunc instat agendum* : The Expectation is here, that he will come in *State* and not in *Strength*. So for this time, I commend you to *Gods* goodness.

A Letter to Mr. Robert Kempe, upon the Death of Queen Elizabeth.

Mr. Kempe,

THIS Alteration is so great, as you might justly conceive some Coldness of my Affection towards you, if you should hear nothing from me, I living in this place. It is in vain to tell you, with what wonderful, Still, and Calm, this Wheel is turned round : Which, whether it be a *Remnant* of her *Felicity*, that is gone, or a *Fruit* of his *Reputation* that is coming, I will not determine. For I cannot but divide my Self between her *Memory*, and his *Name*: Yet we account it but a fair *Morn* before *Sun-rising*, before his *Majesties* Presence ; Though for my part, I see not whence any Weather should arise. The *Papists* are contained with Fear enough, and Hope too much. The *French* is thought to turn his Practice, upon procuring some Disturbance in *Scotland*, where Crowns may do wonders : But this Day is so welcome to the *Nation*, and the time so short, as I do not fear the Effect. My *Lord* of *Southampton* expecteth Release by the next Dispatch, and is already much visited, and much well wished. There is continual poasting by Men of good Quality towards the *King*. The rather, I think, because this Spring time it is but a kind of Sport. It is hoped that as the *State* here, hath performed the part of good *Attorneys*, to deliver the *King* quiet Possession of his *Kingdoms* : So the *King* will re-deliver them quiet Possession of their *Places*; Rather filling Places void, than removing Men placed. So, &c.

A Letter to my Lord of Northumberland, mentioning a Proclamation drawn for the King, at his Entrance.

It may please your Lordship,

I Do hold it a Thing formal and necessary for the *King* to fore-run his Coming (be it never so speedy) with some Gracious Declaration for the Cherishing, Entertaining and preparing of Mens Affections. For which purpose, I have conceived a Draught, it being a thing familiar in my *Mistris* her times, to have my Pen used in publick Writings of Satisfaction. The Use of this may be in two sorts: First, properly if your *Lordsbip* think it convenient to shew the *King* any such Draught, because the Veins and Pulses of this *State* cannot but be best known here ; which if your *Lordship* should do, then I would desire you to withdraw my Name, and only signifie that you gave some Heads of Direction of such a Matter, to one of whose Stile and Pen you had some Opinion. The other, Collateral ; That though your *Lordship* make no other use of it, yet it is a Kind of Portraiture of that which I think worthy to be advised, by your *Lordship* to the *King* ; and perhaps more compendious and significant, than if I had set them down in *Articles*. I would have attended your *Lordship* but for some little Physick I took. To morrow morning I will wait on you. So I ever, &c.

A Letter to the Earl of Southampton upon the Kings Coming in.

It may please your Lordship,

I Would have been very glad, to have presented my humble Service to your *Lordship* by my attendance, if I could have foreseen that it should not have been unpleasing unto you. And therefore, because I would commit no Error, I chose to write ; assuring your *Lordship* how credible soever it may seem to you at first, yet it is as true as a Thing that *God* knoweth ; That this great Change hath wrought in me no other Change towards your *Lordship* than this ; That I may safely be now that which I *was* truly before. And so craving no other pardon, than for troubling you with my *Letter*, I do not now begin to be, but continue to be,

Your *Lordships* humble and much devoted.

A Letter to the Earl of Northumberland, after he had been with the King.

It may please your good Lordship,

I Would not have lost this Journey, and yet I have not that I went for. For I have had no private Conference to purpose with the *King*. No
more.

more hath almost any other English : For the Speech, his *Majesty* admitteth with some *Noblemen*, is rather Matter of Grace than Matter of Business; with the *Attorney* he spake, urged by the *Treasurer* of *Scotland*, but no more than needs must. After I had received his *Majesties* first welcome, and was promised private Access, yet not knowing what matter of Service your *Lordships* Letter carried (for I saw it not;) And well knowing that primeness in Advertisement is much, I chose rather to deliver it to Sir *Tho. Heskins*, than to cool it in mine own Hands upon Expectation of Access. Your *Lordship* shall find a *Prince* the furthest from Vain-Glory that may be; And rather, like a *Prince* of the ancient Form than of the latter Time : His Speech is swift and Curfory, and in the full *Dialect* of his *Countray*, and in speech of Business short, in Speech of Discourse large : He affecteth Popularity, by gracing such, as he hath heard to be Popular, and not by any Fashions of his own. He is thought somewhat general in his Favours; and his virtue of access is rather, because he is much abroad and in Press, than that he giveth easie Audience. He hasteneth to a mixture of both *Kingdoms* and Occasions, faster perhaps than Policy will well bear. I told your *Lordship* once before that (methought) his *Majesty* rather asked Counsel of the time past, than of the time to come. But it is yet early to ground any settled opinion. For the particulars, I refer to conference, having in these generals gone further, in so tender an Argument, than I would have done, were not the Bearer hereof so assured. So I continue, &c.

A Letter to Mr. Pierce, Secretary to the Deputy of Ireland.

Master Pierce,

I Am glad to hear of you as I do; and for my part, you shall find me ready to take any occasion to further your credit and preferment : And I dare assure you (though I am no Undertaker,) to prepare your way with my *Lord of Salisbury*, for any good fortune which may befall you. You teach me to complain of Business; whereby I write the more briefly; and yet I am so unjust, as that which I alledge for mine own Excuse, I cannot admit for yours. For I must by expecting, exact your Letters with this fruit of your sufficiency, as to understand how things pass in that *Kingdom*. And therefore having begun, I pray you continue. This is not meerly Curiosity, for I have ever (I know not by what Instinct) wish'd well to that impollish'd part of this *Crown*. And so with my very loving commendations, I remain.

A Letter to the King, upon presenting the Discourse touching the Plantation of Ireland.

It may please your excellent Majesty,

I Know not better how to express my good wishes of a *New-Year* to your *Majesty*, than by this little *Book*, which in all humbleness I send you.

The Stile, is a Stile of Business rather than curious or Elaborate. And herein, I was encouraged by my experience of your *Majesties* former grace, in accepting of the like poor *Field-Fruits*, touching the *Union* : And certainly, I reckon this action as a *Second Brother* to the *Union*. For I assure my self, that *England, Scotland, and Ireland* well united, is such a *Trifoile*, as no *Prince*, except your Self (who are the worthiest) weareth in his *Crown, Si potentia reducatur in Actum*. I know well, that for me to beat my Brains about these things, they be *Majora quam pro Fortunâ* ; but yet they be, *Minora quam pro Studio, ac Voluntate*. For as I do yet bear an extreme Zeal to the Memory of my old *Mistris, Queen Elizabeth* ; to whom I was rather bound for her *Trust* than her *Favour* ; so I must acknowledge my self more bound to your *Majesty*, both for *Trust* and *Favour* ; whereof I will never deceive the one, as I can never deserve the other. And so in all humbleness, kissing your *Majesties* sacred hands, I remain.

A Letter to the Lord Chancellor touching the History of Britain.

It may please your good Lordship,

SOME late Act of his *Maj.* referred to some former Speech, which I have heard from your *Lordship*, bred in me a great desire ; and the strength of desire, a boldness to make an humble Proposition to your *Lordship* ; such as in me can be no better than a *Wish* : But if your *Lordship* should apprehend it, it may take some good and worthy effect. The act, I speak of, is the Order given by his *Majesty* for the erection of a *Tomb* or *Monument*, for our late *Sovereign Queen Elizabeth* ; Wherein I may note much, but only this at this time ; that as her *Majesty* did alwayes right to his *Majesties* hopes ; so his *Highness* doth in all things right to her Memory ; a very just and Princely retribution. But from this occasion by a very easie ascent I passed further, being put in mind by this representative of her Person, of the more true and more vive representation, which is of her *Life* and *Government* : For as *Statues* and *Pictures* are *dumb Histories*, so *Histories* are *speaking Pictures* : wherein if my affection be not too great, or my reading too small, I am of this opinion ; that if *Plutarch* were alive to write *Lives* by *Parallels*, it would trouble him for *Virtue* and *Fortune* both, to find for her a *Parallel* amongst *Women*. And though she was of the *Passive Sex*, yet her *Government* was so *Active*, as in my simple opinion, it made more impression upon the several *States* of *Europe*, than it received from thence. But I confesse unto your *Lordship*, I could not stay there, but went a little further into the Consideration of the times, which have passed since *King Henry* the 8th ; wherein I find the strangest Variety, that in so little number of *Successions*, of any *Hereditary Monarchy*, hath ever been known : The *Reign* of a *Child* : The offer of an *Usurpation*, though it were but as a *Diary Ague* ; The *Reign* of a *Lady*, married to a *Foreiner* ; And the *Reign* of a *Lady*, solitary and unmarried : So that, as it cometh to pass in massive bodies, that they have certain *Trepidations*, and *Waverings*, before they fix and settle ; so it seemeth, that by the *Providence* of *God*, this *Monarchy* (before it was to settle in his *Majesty* and his generations, in which I hope it is now established for ever) hath had these

Prelu.

Prelusive changes in these Barren *Princes*. Neither could I contain my Self here; (as it is easier to multiply than to stay a wish;) But calling to remembrance, the Unworthiness of the *History of England*, in the main continuance thereof; And the Partiality and Obliquity of that of *Scotland*, in the latest and largest Offer that I have seen; I conceived it would be Honour for his *Majesty*, and a work very memorable, if this *Island of Great Britain*, as it is now joyned in *Monarchy*, for the Ages to come; so it were joyned in *History*, for the Times past; and that one just and compleat *History*, were compiled of both *Nations*. And if any man think, it may refresh the Memory of former Discords, he may satisfy himself with the Verse; *Olim hæc meminisse juvabit*. For the Case being now altered, it is Matter of Comfort, and Gratulation, to remember former troubles. Thus much, if it may please your Lordship, is in the *Optative Mood*. It is time that I did look a little into the *Potential*: wherein the Hope which I conceived, was grounded upon three Observations. 1. The *Nature* of these *Times*, which flourish in Learning, both of Art and Language: which giveth Hope, not only, that it may be done; but that it may be well done. 2. I do see that, which all the world sees in his *Majesty*, both a wonderful judgement in Learning, and a singular affection towards Learning; and works, which are of the *Mind*, and not of the *Hand*. For there cannot be, the like Honour sought in building of *Galleries*, and Planting of *Elmes* along high-ways, and the outward *Ornaments* wherein *France* now is busie; (things rather of *Magnificence* than of *Magnanimity*;) as there is in the *Uniting of States*, *Pacifying of Controversies*, *Nourishing and Augmenting of Learning and Arts*, and the particular Actions appertaining unto these; Of which kind *Cicero* judged truly, when he said to *Cæsar*; *Quantum operibus tuis detrahit vetustas, tantum addit laudibus*. And lastly, I call to mind, that your *Lordship*, at some times, had been pleased to express unto me, a great desire, that something of this Nature should be performed; answerable indeed, to your other Noble & worthy Courses and Actions: Joyning and adding, unto the great Services towards his *Majesty* (which have in small compass of time been put upon your *Lordship*) other great Deservings, both of the *Church*, and *Commonwealth*, and *Particulars*: So as the Opinion of so great and wise a man, doth seem to me a good Warrant, both of the possibility and worth of this matter. But all this while, I assure my self, I cannot be mistaken by your *Lordship*, as if I sought an Office or Employment for my self: For no man knows better than your *Lordship*, that if there were in me any Faculty thereunto, yet neither my course of Life, nor Profession, would permit it: But because there be so many good *Painters*, both for *Hand* and *Colours*, it needeth but Encouragement and Instructions, to give Life unto it. So, in all Humbleness I conclude, my presenting unto your *Lordship* of this *Wish*; which if it perish, it is but a loss of that which is not: And so craving pardon, that I have taken so much time from your *Lordship*, I remain.

A Letter to the King, upon the sending unto him, a Beginning of an History of his Majesties Times.

It may please your Majesty,

HEaring that you are at leisure to peruse Stories, a desire took me, to make an Experiment, what I could do in in your *Majesties* times; which being but a Leaf or two, I pray your pardon, if I send it for your Recreation; Considering, that Love must creep, where it cannot go. But to this, I add, these Petitions. First, that if your *Majesty* do dislike any thing, you would conceive, I can amend it upon your least beck. Next, that if I have not spoken, of your *Majesty*, *Encomiastically*, your *Majesty* would be pleased, only to ascribe it to the *Law* of an *History*; which doth not clutter praises, upon the first mention of a Name, but rather dispereth, and weaveth them, through the whole *Narrative*. And as for the proper place of *Commemoration*, (which is in the *Period* of *Life*) I pray *God*, I may never live to write it. Thirdly, that the reason, why I presumed to think of this Oblation, was because, that whatsoever my Disability be, yet I shall have that advantage, which (almost) no *Writer* of *History* hath had; In that, I shall write of *Times*, not only since I could remember, but since I could observe. And lastly, that it is only for your *Majesties* Reading.

A Letter to the Earl of Salisbury, upon sending of him one of his Books, of Advancement of Learning.

It may please your good Lordship;

I Present your *Lordship*, with a *Work* of my vacant time; which if it had been more, the *Work* had been better. It appertaineth to your *Lordship* (besides my particular respects) in some Propriety; In regard, you are a great *Governer* in a *Province* of *Learning*. And (that which is more) you have added to your Place, Affection towards *Learning*; and to your Affection, Judgement. Of which, the last, I could be content, were (for the time) less, that you might the less exquisitely Censure, that which I offer unto you. But sure I am, the Argument is good, if it had lighted upon a good *Author*. But I shall content my self to awake better Spirits; Like a Bell-ringer, which is first up, to call others to *Church*. So with my humble Desire of your *Lordships* good Acceptation, I remain.

A Letter to the Lord Treasurer Buckhurst, upon the like Argument.

May it please your Lordship;

I Have finish'd a *Work*, touching the *Advancement*, or setting forward of *Learning*; which I have dedicated to his *Majesty*; the most learned, of a *Sovereign* or *Temporal Prince*, that Time hath known. And upon

upon reason not unlike, I humbly present one of the *Books* to your Lordship: Not only, as a *Chancellor* of an *University*, but as one that was excellently bred, in all Learning; which I have ever noted, to shine in all your Speeches and Behaviours. And therefore your Lordship, will yield a gracious Aspect to your first Love; and take pleasure in the Adorning of that wherewith your Self are so much adorned. And so humbly desiring your favourable Acceptation thereof, with Signification of humble Duty, I remain.

A Letter of the like Argument, to the Lord Chancellor.

May it please your good Lordship;

I Humbly present your Lordship with a *Work*; wherein, as you have much Commandement over the *Author*; so your Lordship, hath also great interest in the *Argument*: For to speak without Flattery, few have like use of Learning, or like judgement in Learning, as I have observed in your Lordship. And again, your Lordship hath been a great Planter of Learning; Not only in those places in the *Church*, which have been in your own Gift; but also in your Commendatory Vote, no man hath more constantly held; *Detur digniori*: And therefore, both your Lordship is beholding to Learning, and Learning beholding to you; Which maketh me presume, with good Assurance, that your Lordship will accept well of these my Labours; The rather, because your Lordship, in private Speech hath often begun to me, in expressing your admiration of his *Majesties learning*, to whom I have dedicated this *Work*; And whose Virtue, and Perfection in that kind, did chiefly move me to a *Work* of this Nature. And so, with signification of my most humble Duty, and Affection to your Lordship, I remain.

A Letter of like Argument, to the Earl of Northampton, with request, to Present the Book to his Majesty.

It may please your good Lordship;

HAVING finished a *Work*, touching the *Advancement* of *Learning*, and dedicated the same to his *Sacred Majesty*, whom I dare avouch (if the Records of Time err not) to be the learnedest King, that hath reigned; I was desirous, in a kinde of Congruity, to present it, by the learnedest *Counsellor* in this Kingdom; to the end, that so good an *Argument*, lighting upon so bad an *Author*, might receive some Reputation, by the Hands, into which, and by which, it should be delivered. And therefore, I make it my humble Sute to your Lordship, to present this mean, but well meant *Writing*, to his *Majesty*; and with it my humble and zealous Duty: And also, my like humble request of Pardon, if I have too often taken his name in Vain; not only in the *Dedication*, but in the *Voucher* of the Authority of his Speeches, and Writings. And so I remain.

A Letter of Request to Dr. Playfer, to Translate the Book of
Advancement of Learning, into Latine.

Mr. Dr. Playfer;

A Great Desire, will take a small Occasion, to hope and put in trial, that which is desired. It pleased you a good while since, to express unto me, the good liking which you conceived of my *Book*, of the *Advancement of Learning*; and that more significantly (as it seem'd to me) than out of courtesie, or civil Respect. My self, as I then took contentment in your approbation thereof; so I should esteem and acknowledge, not only my contentment encreased, but my Labours advanced, if I might obtain your help, in that nature which I desire. Wherein, before I set down, in plain terms, my request unto you, I will open my self, what it was which I chiefly sought, and propounded to my self, in that *Work*; that you may perceive, that which I now desire, to be pursuant thereupon. If I do not much err, (For any judgement that a man maketh of his own doings, had need be spoken, with a *Si nunquam fallit Imago*;) I have this opinion, that if I had sought mine own commendation, it had been a much fitter course for me, to have done as Gardeners used to do, by taking their Seed and Slipps, and rearing them first into Plants, and so uttering them in pots, when they are in Flower, and in their best state. But for as much as my End, was Merit of the *State of Learning* (to my power) and not *Glory*; And because my purpose was, to excite other mens Wits, than magnifie mine own; I was desirous, to prevent the uncertaintie of mine own Life and Times, by uttering rather Seeds, than Plants: Nay, and further (as the *Proverb* is) by sowing with the *Basket*, rather than with the *Hand*: Wherefore since I have only taken upon me to ring a Bell, to call other wits together) which is the meanest Office) it cannot but be consonant to my desire, to have that Bell heard as far as can be: And since they are but Sparks, which can work but upon matter prepared, I have the more reason to wish, that those Sparks may flye abroad; that they may the better find, and light upon those Minds and Spirits, which are apt to be kindled. And therefore the privateness of the *Language* considered; wherein it is written, excluding so many Readers; As on the other side, the Obscurity of the Argument, in many parts of it, excludeth many others; I must accompt it a *Second Birth* of that *Work*, if it may be translated into *Latine*, without manifest loss, of the sense and matter. For this purpose, I could not represent to my self any man, into whose hands I do desire, more earnestly that *Work* should fall, than your self: For by that I have heard and read, I know no man a greater Master, in commanding words to serve matter. Nevertheless, I am not ignorant of the worth of your Labours; whether such as your Place and Profession imposeth; or such as your own Vertue, may upon your Voluntary Election take in hand. But I can lay before you, no other persuasions, than either the work it self may affect you with; or the *Honour* of his *Majesty*, to whom it is dedicated; or your particular inclination to my self; who, as I never took so much comfort in any Labours of mine own, so I shall never acknowledge my self more obliged, in any thing, to the Labour of another, than in that which shall assist it. Which your Labour, if I can, by my Place, Profession,

Means,

Means, Friends, Travel, Work, Deed, requite unto you, I shall esteem my Self so streightly bound thereunto, as I shall be ever most ready, both to take, and seek occasion of Thankfulness. So leaving it nevertheless, *Salvâ amicitia* (as reason is) to your own good liking, I remain,

A Letter to Sir Thomas Bodley, upon sending of him his Book
of Advancement of Learning.

I Think, no man may more truly say with the Psalm, *Multùm Incola fuit Anima mea*, than my Self; For I do confess, since I was of any Understanding, my Minde, hath in effect been absent from that I have done; and in Absence, are many Errours, which I do willingly acknowledge; and amongst the rest, this great one that led the rest: That knowing my Self, by inward Calling, to be fitter to hold a Book, than to play a part, I have led my life in Civil Causes; For which I was not very fit by Nature, and more unfit by the preoccupation of my Minde. Therefore calling my Self home, I have now, for a time, enjoyed my Self; whereof likewise, I desire to make the *World* partaker. My Labours (if I may so term that, which was the comfort of my other Labours) I have Dedicated to the King; Desirous, if there be any good in them, it may be as the *Fat* of a *Sacrifice*, incensed to his Honour; And the second Copy, I have sent unto you: Not onely in good Affection, but in a kinde of Congruity, in regard of your great and rare desert of Learning. For *Books* are the Shrines where the *Saint* is, or is believed to be. And you, having built an *Ark* to save *Learning* from *Deluge*, deserve propriety in any new Instrument or Engine, whereby *Learning* should be improved or advanced.

A Letter to the Bishop of Ely, upon sending his Writing,
entituled, *Cogitata, & Visa*.

My very good Lord;

Now your Lordship hath been so long in the Church and the Palace, disputing between Kings and Popes; Methinks, you should take pleasure to look into the *Field*, and refresh your mind with some *Matter* of *Philosophy*; though that *Science* be now, through Age, waxed a *Childe* again, and left to boyes and young men. And because you were wont to make me believe, you took liking to my *Writings*, I send you some of this Vacations fruits, and thus much more of my minde and purpose. I hasten not to publish, perishing I would prevent. And I am forced to respect, as well my Times, as the *Matter*. For with me it is thus, and I think with all men in my case: If I binde my self to an Argument, it loadeth my minde; but if I rid my minde of the present *cogitation*, it is rather a Recreation. This hath put me into these *Miscellanies*, which I purpose to suppress, if God give me leave, to write a just and perfect Volume of Philosophy, which I go on with, though slowly. I send not your Lordship too much, lest it may glut you. Now let me tell you what my Desire is: if your Lordship be so good now, as when you were the good *Dean* of *Westminster*, my request to you

is; That not by Pricks but by Notes, you would mark unto me, whatsoever shall seem unto you, either not current in the Stile, or harsh to credit and Opinion, or inconvenient for the person of the Writer. For no man can be Judge and Party: and when our mindes Judge by Reflexion of our selves, they are more subject to Error. And though, for the matter it self, my judgment be in some things fixed, and not accessible by any mans judgement that goeth not my way; yet even in those things, the admonition of a Friend, may make me express my Self diversly. I would have come to your Lordship, but that I am hastening to my House in the *Country*. And so I commend your Lordship to Gods goodness.

A Letter to Sir Tho: Bodley, after he had imparted to him, a Writing, entituled, *Cogitata, & Visa.*

SIR,

I N respect of my going down to my *House* in the *Country*, I shall have miss of my *Papers*; which I pray you therefore to return unto me. You are, I bear you witness, slothful, and you help me nothing; so as I am half in conceit, that you affect not the Argument: For my Self, I know well you love, and affect. I can say no more to you, But, *Non canimus surdis, respondent omnia Sylva.* If you be not of the Lodgings, chaulked up (whereof I speak in my Preface) I am but to pass by your Door. But if I had you but a Fortnight at *Gorbambury*, I would make you tell me another Tale; or else, I would add a Cogitation against *Libraries*, and be revenged on you that way. I pray send me some good News of Sir *Th. Smith*, and commend me very kindly to him. So I rest.

A Letter to Mr. Matthew, upon sending to him a part of *Instauratio Magna.*

Mr. Matthew,

I Plainly perceive, by your affectionate writing, touching my Work, that one and the same thing affecteth us both; which is the good End to which it is dedicate. For as to any ability of mine, it cannot mérit that degree of Approbation. For your Caution for *Church Men*, and *Church Matters*, as for any impediment it might be to the Applause and Celebrity of my *Work*, it moveth me not; But as it may hinder the Fruit, and Good, which may come of a quiet and calm passage, to the good Port to which it is bound, I hold it a just respect; so as to fetch a fair Winde, I go not too farr about. But the Troth is, that I, at all have no occasion to meet them in my way; Except it be as they will needs confederate themselves with *Aristotle*, who, you know is intemperately magnified by the *School-Men*; And is also allied, as I take it, to the *Jesuits* by *Faber*, who was a Companion of *Loyola*, and a great *Aristotelian*. I send you at this time the onely part which hath any harshness; and yet I framed to my Self an Opinion, that whosoever allowed well of that Preface, which you so much commend, will not dislike, or at least ought not to dislike this other Speech of Preparation: For it is written out of the same Spirit, and out of the same Necessity: Nay, it doth more fully lay open, that the Question between me and the *Ancients*, is
not

not of the *Virtue* of the *Race* but of the *Rightness* of the *Way*. And to speak truth it is to the other, but as *Palma* to *Tugnus*, part of the same thing more large. You conceive aright, that in this and the other, you have Commission to impart and communicate them to others, according to your Discretion. Other matters I write not of. My self am like the Miller of *Grancester*, that was wont to pray for Peace amongst the Willows; For while the Winds blew, the Wind-mills wrought and the Water-mill was less custumed. So I see, that *Controversies of Religion*, must hinder the *Advancement of Sciences*. Let me conclude with my perpetual Wish towards your Self; that the approbation of your Self, by your own discreet and temperate carriage, may restore you to your *Country* and your *Friends* to your *Society*. And so I commend you to *Gods* Goodness. *Graves-Inn, 10 Octob. 1609.*

A Letter to Mr. Matthew, touching *Instauratio Magna*.

Master Matthew,

I Heartily thank you for your *Letter* of the 10th of *February*; and am glad to receive from you, matter both of encouragement and of advertisement touching my *Writings*. For my part, I do wish that since there is no *Lumen-secum* in the *World*; but all *Madidum* and *Maceratum* infused in affections, and bloods or humours, that these things of mine had those separations that might make them more acceptable: So that they claim not so much acquaintance of the present times, as they be thereby the less apt to last. And to shew you, that I have some purpose to new mould them; I send you a Leaf or two of the *Preface*, carrying some Figure of the whole *Work*. Wherein I purpose to take that, which I count real and effectual of both *Writings*; and chiefly to add a pledge (if not payment) to my promises, I send you also a *Memorial* of *Queen Elizabeth*; to requite your *Elogy* of the late *Duke of Florences* felicity. Of this, when you were here, I shewed you some model; at what time (methought) you were more willing to hear *Julius Caesar* than *Queen Elizabeth* commended. But this which I send is more full, and hath more of the *Narrative*. And further, hath one part, that I think will not be disagreeable either to you or that place; being the true *Tract* of her proceedings towards the *Catholiques* which are infinitely mistaken. And though I do not imagine they will pass allowance there, yet they will gain upon excuse. I find Mr. *Le Zure* to use you well (I mean his Tongue of you) which shews you either honest or wise. But this I speak merrily. For in good faith, I do conceive hope, that you will so govern your self, as we may take you as assuredly for a good *Subject* and *Patriot*, as you take your self for a good *Christian*; And so we may again enjoy your company and you your Conscience, if it may no other wayes be. For my part, assure your self (as we say in the *Law*) *mutatis mutandis*, my love and good wishes to you are not diminished. And so I remain.

A Letter to Mr. Matthew, imprisoned for Religion.

Mr. Matthew,

DO not think me forgetful or altered towards you. But if I should say, I could do you any good, I should make my Power more than it is. I do hear that which I am right sorry for; that you grow more impatient and busie than at first: which maketh me exceedingly fear the issue of that, which seemeth not to stand at a stay. I my self am out of doubt, that you have been miserably abused, when you were first seduced: But that, which I take in compassion others may take in severity. I pray God that understandeth us all (better than we understand one another) contain you (even as I hope he will) at the least within the bounds of loyalty to his Majesty, and natural piety towards your Country. And I entreat you much, sometimes to meditate upon the extreme effects of Superstition in this last Powder Treason; fit to be tabled and pictured in the Chambers of Meditation as another Hell above the ground; and well justifying the censure of the Heathen; that Superstition is far worse than Atheism: By how much it is less evil to have an opinion of God at all; than such, as is impious towards his Divine Majesty and Goodness. Good Mr. Matthew receive your self back, from these courses of Perdition: Willing to have written a great deal more, I continue.

A Letter to Mr. Matthew, upon sending his Book, De Sapientiâ Veterum.

Mr. Matthew,

I do very heartily thank you for your Letter of the 24. of August from Salamanca; and in recompence thereof, I send you a little Work of mine, that hath begun to pass the World. They tell me my Latin is turn'd into Silver and become current: Had you been here, you should have been my Inquisitor before it came forth. But I think the greatest Inquisitor in Spain will allow it. But one thing you must pardon me, if I make no haste to believe, that the World should be grown to such an Extasie, as to reject Truth in Philosophy, because the Author dissenteth in Religion: No more than they do by Aristotle or Averroës. My great Work goeth forward; and after my manner I alter ever when I add. So that nothing is finished, till all be finished. This I have written in the midst of a Term and Parliament; thinking no time so possessed, but that I should talk of these matters, with so good and dear a Friend. And so with my wonted Wishes, I leave you to Gods goodness. From Grajes-Inn, 27th. of Febr. 1610.

A Letter of Expostulation to the Attorney Generally, Sir Edward Cook.

Mr. Attorney,

I Thought best once for all, to let you know in plainness what I find of you, and what you shall find of me: You take to your self, a Liberty, to disgrace, and disable my *Law*, my *Experience*, my *Discretion*: What it pleaseth you, I pray, think of me; I am one that know's both mine own wants and other Mens: And it may be, perchance, that mine mend, others stand at a stay. And surely, I may not endure in publick place to be wronged, without repelling the same to my best advantage to right my Self. You are great, and therefore have the more Enviars; which would be glad to have you paid at anothers cost. Since the time I missed the *Solicitors* place (the rather I think by your means) I cannot expect, that you and I shall ever serve as *Attorney* and *Soliciter* together; But either, to serve with another, upon your Remove, or to step into some other Course: So as I am more free than ever I was, from any Occasion of unworthy Conforming my Self to you; More then general good manners, or your particular good Usage shall provoke. And if you had not been short-sighted in your own Fortune (as I think) you might have had more use of me. But that Tide is passed. I write not this, to shew my Friends what a brave *Letter* I have written to Mr. *Attorney*: I have none of those Humours: But that I have written is to a good End; That is, to the more decent Carriage of my *Masters Service*; And to our particular better Understanding one of another. This *Letter*, if it shall be answered by you, in deed and not in word, I suppose it will not be worse for us both: Else it is but a few lines lost; which, for a much smaller matter, I would have adventured. So this being to your self, I for my part rest.

A Letter to my Lord of Salisbury, touching the Solicitors Place.

It may please your good Lordship,

I Am not ignorant, how mean a thing, I stand for, in desiring to come into the *Solicitors* Place: For I know well, it is not the thing it hath been; time having wrought Alteration, both in the Profession, and in that special Place. Yet because, I think, it will encrease my practice, and that it may satisfy my friends; and because I have been voiced to it, I would be glad it were done. Wherein, I may say to your *Lordship*, in the Confidence, of your poor Kinsman, and of a Man by you advanced; *Tu idem fer opem, qui Spem dedisti*: For, I am sure, it was not possible for a Man Living, to have received from another, more significant and comfortable words of hope; your *Lordship* being pleased to tell me, during the Course of my last Service, that you would raise me; and that, when you had resolved to raise a man, you were more carefull of him than himself; and that, what you had done for me in my *Marriage*, was a benefit to me, but of no use to your *Lordship*; and therefore, I might assure my self, you would not leave

me there ; with many like speeches, which I knew my duty too well, to take any other hold of, than the hold of a thankful Remembrance. And I acknowledge, and all the world knoweth, that your *Lordship* is no dealer of *Holy-water*, but *Noble* and *Real* ; and on my part, I am of a sure ground, that I have committed nothing that may deserve alteration. And therefore, my hope is your *Lordship* will finish a good work, and consider that time groweth precious with me, and that I am now in *Vergentibus Annis*. And although I know, that your fortune is not to need an hundred such as I am, yet I shall be ever ready to give you my best and First fruits ; and to supply (as much as in me lieth) worthiness by thankfulness.

A Letter of like Argument, to the Lord Chancellor.

It may please your good Lordship,

AS I conceived it to be a resolution both with his *Majesty*, and your *Lordships* of his *Council*, that I should be placed *Soliciter*, and the *Soliciter* to be removed, to be the *Kings Serjeant* : So I most thankfully acknowledge your *Lordships* furtherance and forwardness therein ; your *Lordship* being the man that first devised the mean : Wherefore my humble request to your *Lordship* is, that you would set in with some strength to finish this your *Work* : Which I assure your *Lordship*, I desire the rather because being placed, I hope for many favours, at last to be able, to do you some better service. For as I am, your *Lordship* cannot use me ; nor scarcely indeed know me : not that I vainly think I shall be able to do any great matters, but certainly it will frame me to use a nearer observance and application, to such as I honour so much as I do your *Lordship* ; And not (I hope) without some good Offices, which may now and then, deserve your thanks. And herewithall (good my *Lord*) I humbly pray your *Lordship* to consider, that *Time* groweth precious with me, and that a *Married* man is seven years elder in his thoughts the first day. And therefore what a discomfortable thing it is for me to be unsettled still ? Certainly, were it not that I think my self born to do my *Sovereign* service ; and therefore in that Station I will live and die ; otherwise for mine own private comfort, it were better for me, that the *King* did blot me out of his *Book* ; or that I should turn my course to endeavour to serve, in some other kind, than for me to stand thus at a stop ; and to have that little reputation which by my industry I gather, to be scattered and taken away by continual disgraces, every new man coming above me. Sure I am, I shall never have fairer promises and words from all your *Lordships*. For I know not what my services are (saying that your *Lordships* told me, they were good ;) and I would believe you in a much greater matter. Were it nothing else, I hope the modesty of my suit deserveth somewhat ; for I know well the *Soliciters* Place, is not as your *Lordship* left it ; time working Alteration somewhat in the profession, much more in that special Place. But to conclude, as my *Honourable Lady*, your Wife, was some mean to make me to change the name of another ; so if it please you to help me to change mine own name, I can be but more and more bounden to you : And I am much deceived, if your *Lordship* find not the *King* well inclined, and my *Lord* of *Salisbury* forward and affectionate.

A Letter to the King, touching the Solliciters Place.

How honestly ready I have been (most gracious *Sovereign*) to do your *Majesty* humble service, to the best of my power, and in a manner beyond my power (as I now stand) I am not so unfortunate, but your *Majesty* knoweth. For both in the *Commission* of *Union* (the Labour whereof, for men of my Profession, rested most upon my hand;) and this last *Parliament*, in the *Bill* of the *Subsidy*; both *Body* and *Preamble*; in the *Bill* of *Attainders*, both *Tresham* and the rest; in the *Matter* of *Purveyance*; in the *Ecclesiastical Petitions*; in the *Grievances*; and the like; as I was ever careful (and not without good success) sometimes to put forward that which was good; sometimes to keep back that which was not so good; so your *Majesty* was pleased kindly to accept of my services, and to say to me; such Conflicts were the Wars of Peace; and such Victories the Victories of Peace; and therefore such Servants that obtained them, were by *Kings* that reign in peace, no less to be esteemed than services of Commanders in the Wars. In all which, nevertheless, I can challenge to my self no sufficiency, but that I was diligent and reasonably happily to execute those directions, which I received, either immediately from your *Royal Mouth*, or from my *Lord* of *Salisbury*. At what time it pleased your *Majesty* also, to promise and assure me, that upon the remove of the then *Attorney*, I should not be forgotten, but brought into *Ordinary Place*. And this was after confirmed to me, by many of my *Lords*, and towards the end of the last *Term*, the manner also in particular spoken of; that is, that *Mr. Solicitor* should be made your *Majesties Serjeant*, and I *Solicitor*: For so it was thought best to sort with both our *Gifts* and *Faculties*, for the good of your Service: And of this resolution both *Court* and *Country* took knowledge. Neither was this any invention or project of mine own; but moved from my *Lords*, I think, first from my *Lord Chancellor*: whereupon resting, your *Majesty* well knoweth, I never opened my mouth for the *Greater Place*; though I am sure, I had two circumstances, that *Mr. Attorney*, that now is, could not allege: The one nine years service of the Crown: The other, the being *Cousin German*, to the *Lord* of *Salisbury*, whom your *Majesty* esteemeth and trusteth so much. But for the less Place, I conceive it was meant me. But after that *Mr. Attorney Hobert* was placed, I heard no more of my preferment; but it seemed to me at a stop, to my great disgrace and discouragement. For (gracious *Sovereign*) if still when the *Waters are stirr'd*, another shall be put in before me, your *Majesty* had need work a *Miracle*, or else I shall be still a lame man to do your Service. And therefore my most humble suit to your *Majesty*, is; that this which seemed to me intended, may speedily be performed: And I hope my former service shall be, but as beginnings to better, when I am better strengthened: For sure I am, no mans heart is fuller (I say not, but many may have greater hearts, but I say not fuller) of love and duty towards your *Majesty* and your *Children*, as, I hope, time will manifest against envy and detraction if any be. To conclude, I most humbly crave pardon for my boldness, and rest.

A Letter to the Earl of Salisbury of *Curtessie* upon a New-years Tide.

It may please your good Lordship,

HAVING no *Gift* to present you with, in any degree proportionable to my mind; I desire nevertheless, to take the advantage of a *Ceremony*, to express my self, to your *Lordship*; it being the first time, I could make the like acknowledgement, when I stood out of the person of a suter: wherefore, I most humbly pray your *Lordship*, to think of me, that now it hath pleased you, by many Effectual and great benefits to add the assurance and comfort of your Love and Favour, to that precedent disposition which was in me, to admire your virtue and merit; I do esteem whatsoever I have or may have in this world, but as trash in comparison of having the honour and happiness, to be a near and well accepted Kinsman, to so rare and worthy a *Counsellor*, *Governor*, and *Patriot*. For having been a studious, if not a curious observer of *Antiquities* of *virtue*, as of late *Pieces*; I forbear to say to your *Lordship* what I find and conceive; but to any other, I would think, to make my self believed. But not to be tedious, in that, which may have the shew of a *Complement*, I can but wish your *Lordship* many happy years; many more then your *Father* had; even so many more, as we may need you more. So I remain,

A Letter of Thanks to the King, upon Mr. Attorney's Sickness.

It may please your most excellent Majesty,

I DO understand, by some of my good friends, to my great comfort, that your *Majesty* hath in mind, your *Majesties* Royal Promise (which to me is *Anchora Spei*) touching the *Attorney's* Place. I hope, Mr. *Attorney* shall do well. I thank God, I wish no mans death; nor much mine own life, more than to do your *Majesty* Service. For I account my life the accident, and my duty the substance. But this I will be bold to say. If it please God, that ever I serve your *Majesty* in the *Attorney's* place, I have known an *Attorney Cooke*, and an *Attorney Hobert*; both worthy men, and far above my self: But if I should not find, a middle way, between their two Dispositions and carriages, I should not satisfy my self. But these things, are far or near, as it shall please God. Mean while, I most humbly pray your *Majesty* to accept my *Sacrifice* of *Thanksgiving* for your *Gracious Favour*. God preserve your *Majesty*. I ever remain.

A Letter to the King, of Suit to succeed in the Attorney's Place.

It may please your Majesty,

YOUR great and princely Favours towards me, in Advancing me to *Place*; and that which is to me, of no less comfort, your *Majesties* benign

benign and gracious acceptation, from time to time of my poor Services much above the Merit and Valew of them; hath, almost, brought me to an opinion, that I may sooner (perchance) be wanting to my self in not asking; than find your *Majesties* goodnes wanting to me, in any my reasonable and modest desires. And therefore perceiving how at this time, Preferments of *Law* fly about mine Ears; to some above me and to some below me; I did conceive, your *Majesty* may think it, rather a kind of dulness or want of faith, than modesty, if I should not come with my *pitcher* to *Jacobs Well*, as others do. Wherein I shall propound to your *Majesty*, that which tendeth not so much to the raising of my fortune, as to the settling of my mind; being sometimes assailed with this cogitation, that by reason of my slowness to see and apprehend suddain occasions; keeping on one plain course of painfull service; I may (in *sine Dierum*) be in danger to be neglected and forgotten. And if that should be, then were it much better for me, now while I stand in your *Majesties* good opinion (though unworthy) and have some little reputation in the World, to give over the Course I am in, and to make proof to do you some honour by my *Pen*, either by writing some faithfull *Narrative* of your Happy (though not untraduced) times; or by recompiling your *Laws* (which I perceive your *Majesty* laboureth with; and hath in your head as *Jupiter* had *Pallas*;) or some other the like work: (For without some endeavour to do you honour I would not live;) than to spend my wits and time in this laborious place wherein I now serve; if it shall be deprived of those outward ornaments, which it was wont to have in respect of an assured succession to some place of more dignity and rest: which seemeth now to be an hope altogether casual, if not wholly intercepted. Wherefore (not to hold your *Majesty* long) my humble suit to you, is that, than the which I think I cannot well go lower; which is, that I may obtain your Royal promise to succeed (if I live) into the *Attorneys* place, whensoever it shall be void: it being but the natural and immediate step and rise, which the place I now hold, hath ever (in sort) made claim to and almost never failed of. In this suit I make no Friends to your *Majesty*, but rely upon no other *Motive* but your *Grace*; nor any other *Assurance* but your *Word*; whereof I had good experience, when I came to the *Solicitors* Place; that it was like to the two great *Lights*, which in their motions are never *Retrograde*. So with my best Prayers for your *Majesties* happienfs. I rest.

A Letter to Sir George Carey in France, upon sending him, his
Writing,

In Felicem Memoriam Elizebethæ.

My very good Lord,

BEING asked the Question, by this Bearer an old Servant of my Brother *Anthony Bacons*, whether I would command him any thing into *France*; and being at better leisure than I would in regard of sickness; I began to remember, that neither your business nor mine (though great and continual) can be upon an exact account, any just occasion, why so
much

* *Thuanus.*

much good will, as hath passed between us, should be so much discontinued as hath been. And therefore, because one must begin, I thought to provoke your remembrance of me by a Letter : And thinking to fit it with somewhat beside salutations, it came to my mind, that this last Summer Vacation, by occasion of a *Faction Book*, that endeavoured to verifie *Misera Femina*, (the addition of the *Popes Bull*) upon *Queen Elizabeth*, I did write a few Lines in her memorial; which I thought you would be pleased to read; both for the argument; and because you were wont to bear affection to my Pen. *Verum, ut aliud ex alio*, if it came handsomly to pass I would be glad the *President de *Thou* (who hath written an *History* as you know of that fame and diligence) saw it : chiefly, because I know not whether it may not serve him for some use in his *Story* : wherein, I would be glad he did right to the Truth, and to the Memory of that *Lady*, as I perceive by that he hath already written, he is well inclined to do. I would be glad also it were some occasion (such as absence may permit) of some acquaintance or mutual notice between us. For though he hath many wayes the precedence (chiefly in worth) yet this is common to us both, that we serve *our Sovereigns* in places of *Law eminent* : And not our selves only, but our *Fathers* did so before us : And lastly, that both of us love *Learning* and *Liberal Sciences*, which was ever a bond of friendship in the greatest distance of places. But of this, I make no further request than your occasions, and respects (to me unknown) may further, or limit; my principal purpose being to salute you, and to send you this Token. Whereunto I will add my very kind commendations to my *Lady*; and so commit you both to *Gods* holy protection.

A Letter to my Lord Major, upon a proceeding in a Private Cause.

My very good Lord,

I Did little expect when I left your *Lordship* last, that there would have been a proceeding against Mr. *Barnard* to his overthrow. Wherein I must confess my self to be in a sort accessory : Because he relying upon me for counsel, I advised that course which he followed. Wherein now I begin to question my self, whether in preserving my respects to your *Lordship* and the rest, I have not failed in the duty of my profession towards my Client. For certainly, if the words had been hainous, and spoken in a malicious fashion, and in some publick place and well proved; and not a prattle in a Tavern, caught hold of by one, who (as I hear) is a detected Sycophant (*Standish* I mean;) yet I know not what could have been done more than to impose upon him a grievous fine; and to require the levying of the same; and to take away his means of life by his *Disfranchisement*; and to commit him to a defamed Prison during *Christmase*; in honour whereof the Prisoners in other Courts do commonly of grace obtain some enlargement. This rigor of Proceeding (to tell your *Lordship* and the rest, as my good Friends, my opinion plainly) tendeth not to strengthen *Authority* which is best supported by love and fear intermixed; but rather to make people discontented and servile; especially, when such punishment is inflicted for words, not by rule of *Law*, but

but by a *Jurisdiction of Discretion*, which would evermore be moderately used. And I pray *God*, whereas *Mr. Recorder*, when I was with you, did well and wisely; put you in mind of the admonitions you often received from my *Lords*, that you should bridle unruly Tongues; that those kind of speeches and rumours whereunto those admonitions do refer, which are concerning the *State and Honour thereof*, do not pass too licentiouly in the *City* unpunished; while these words which concern your particular, are so straightly enquired into, and punished with such extremity. But these things, your own wisdom (first or last) will best represent unto you. My writing unto you at this time, is; to the end, that howsoever I do take it somewhat unkindly, that my mediation prevailed no more; yet I might preserve that further respect that I am willing to use unto such a state, in delivering my Opinion unto you freely, before I would be of Counsel, or move any thing that should cross your Proceedings; which notwithstanding (in case my Client can receive no relief at your hands) I must and will do. Continuing, nevertheless in other things, my wonted good affection to your selves, and your occasions.

A Letter to my Lord Treasurer Salisbury, upon a New-years Tide.

It may please your good Lordship,

I Would entreat the *New year* to answer for the *Old*, in my humble thanks to your *Lordships*; both for many your favours, and chiefly that upon the occasion of *Mr. Attorneys* infirmity, I found your *Lordship* even as I could wish. This doth encrease a desire in me, to express my thankful mind to your *Lordship*; hoping that though I find age, and decays grow upon me, yet I may have a flash or two of spirit left to do you service. And I do protest before *God*, without complement or any light vanity of mind, that if I knew in what course of life to do you best service, I would take it, and make my thoughts, which now fly to many pieces, to be reduced to that Center. But all this, is no more than I am; which is not much: But yet the entire of him, that is, &c.

A Letter to his Majesty, concerning Peachams Cause, January 21. 1614.

It may please your Excellent Majesty,

I T grieveth me exceedingly, that your *Majesty* should be so much troubled with this matter of *Peachams*; whole *Raging Devil* set meth to be turn'd into a *dumb Devil*. But although we are driven to make our way through *Questions* (which I wish were otherwise) yet I hope well the end will be good. But then every man must put too his helping hand; for else I must say to your *Majesty*, in this and the like Cases, as *St. Paul* said, to the *Centurion*, when some of the Mariners had an eye to the Cock-boat; *Except these stay in the Ship, ye cannot be safe*. I find in my *Lords*

great and worthy care of the business. And for my part I hold my opinion and am strengthened in it, by some *Records* that I have found. God preserve your *Majesty*.

Your *Majesties* most humble, and devoted
Subject and Servant.

A Letter to the King, touching *Peachams Cause*, January 27.
1614.

It may please your excellent Majesty,

THIS day in the afternoon, was read, your *Majesties* Letters of Direction touching *Peacham*; which because it concerneth properly the duty of my Place, I thought it fit for me to give your *Majesty*, both a speedy and private account thereof; that your *Majesty* knowing things clearly how they pass, may have the true fruit of your own Wisdom and clear-seeing Judgment in governing the *Business*.

First, for the *Regularity* which your *Majesty* (as a Master in business of *Estate*) doth prudently prescribe in examining, and taking examinations, I subscribe to it; only I will say for my self; that I was not at this time the principal Examiner.

For the course your *Majesty* directeth and commandeth, for the feeling of the *Judges* of the *Kings-Bench*, their several Opinions by distributing our selves and enjoying Secrecy; we did first find an encounter in the Opinion of my *Lord Cooke*; who seemed to affirm, that such particular and (as he call'd it) *Auricular* taking of Opinions, was not according to the Custome of this *Realm*; and seemed to divine that his *Brethren* would never do it. But when I replied, that it was our duty to pursue your *Majesties* Directions; and it were not amiss for his *Lordship* to leave his *Brethren* to their own Answers; it was so concluded; and his *Lordship* did desire, that I mought confer with himself; and Mr. *Serjeant Montague* was named to speak with *Justice Crooke*; Mr. *Serjeant Crew* with *Justice Houghton*; and Mr. *Soliciter* with *Justice Dodderidge*. This done, I took my *Fellows* aside, and advised that they should presently speak with the three *Judges*, before I could speak with my *Lord Cooke* for doubt of infusion; and that they should not in any case make any doubt to the *Judges*, as if they mistrusted, they would not deliver any Opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the Papers. This sorted not amiss; For Mr. *Soliciter* came to me this evening and related to me, that he had found *Judge Dodderidge* very ready to give Opinion in secret; and fell upon the same reason, which upon your *Majesties* first Letter I had used to my *Lord Cooke* at the *Council Table*; which was, that every *Judge* was bound expressly by his *Oath*, to give your *Majesty* Counsel when he was called; and whether he should do it joyntly or severally, that rested in your *Majesties* good pleasure as you would require it. And though the ordinary course was to assemble them, yet there mought intervene Cases, wherein the other course was more convenient. The like answer made *Justice Crook*, *Justice Houghton* who is a soft man, seemed desirous first to confer; alledging

alleging, that the other three *Judges* had all served the *Crown*, before they were *Judges*, but that he had not been much acquainted with business of this nature.

We purpose therefore, forthwith, they shall be made acquainted with the *Papers*; and if that could be done, as suddainly, as this was, I should make small doubt of there Opinions: And howsoever, I hope, force of Law and President, will bind them to the truth: Neither am I wholly out of hope, that my *Lord Cooke* himself, when I have in some dark manner put him in doubt, that he shall be left alone, will not continue singular.

For *Owen*; I know not the reason, why there should have been no mention made therof in the last Advertisement: for I must say for my self, that I have lost no moment of time in it, as my *Lord of Canterbury* can bear me witness. For having received from my *Lord*, an *Additional* of great importance; which was, that *Owen* of his own accord after examination, should compare the Case of your *Majesty* (if you were *Excommunicate*) to the Case of a Prisoner condemned at the Bar; which *Additional* was subscribed by one Witness; but yet I perceived it was spoken aloud, and in the hearing of others; I presently sent down a Copy thereof, which is now come up, attested with the hands of three more, lest there should have been any Scruple of *Singularis Testis*; so as for this Case, I may say *Omniaparata*; and we expect but a direction from your *Majesty*, for the acquainting the *Judges* severally; or the four *Judges* of the *Kings Bench* as your *Majesty* shall think good.

I forget not, nor forslow not your *Majesties* Commandement touching *Recusants*; of which, when it is ripe, I will give your *Majesty* a true account, and what is possible to be done, and where the impediment is. Mr. *Secretary* bringeth *Bonum Voluntatem*, but he is not versed much in these things; and sometimes urgeth the *Conclusion*, without the *premises* and by hast hindreth. It is my *Lord Treasurer* and the *Exchequer* must help it, if it be holpen. I have heard more wayes than one, of an offer of 20000 *l. per annum*, for Farming the Penalties of *Recusants*, not including any offence, *Capital* or of *Premunire*; wherein I will presume to say, that my poor endeavours, since I was by your great and sole grace your *Attorney*, have been no small Spurs to make them feel your *Laws*, and seek this *Redemption*; Wherein I must also say, my *Lord Cooke* hath done his part: And I do assure your *Majesty* I know it, somewhat inwardly and groundedly, that by the courses we have taken, they conform daily and in great numbers; and I would to *God*, it were as well a *Conversion* as a *Conformity*; but if it should die by dispensation, or dissimulation, then I fear, that whereas your *Majesty* hath now so many ill Subjects, poor and detected, you shall then have them rich and dissembled. And therefore I hold this offer very considerable, of so great an increase of *Revenew*; if it can pass the fiery Trial of *Religion* and *Honour*; which I wish all *Projects* may pass.

Thus in as much as I have made to your *Majesty*, somewhat a naked and particular account of Business, I hope your *Majesty* will use it accordingly. *God* preserve your *Majesty*.

Your *Majesties*, most humble, and devoted
Subject and Servant.

A Letter reporting the State of my Lord Chancellors Health. Jan. 29. 1614.

It may please your excellent Majesty,

BEcause I know your *Majesty* would be glad to hear how it is with my *Lord Chancellor*; and that it pleased him out of his antient and great Love to me; which many times in sickness appeareth most; to admit me to a great deal of Speech with him this afternoon; which during these three dayes he hath scarcely done to any; I thought it mought be pleasing to your *Majesty*, to certifie you how I found him. I found him in bed, but his Spirits fresh and good, speaking stoutly, and without being spent or weary; and both willing and beginning of himself to speak, but wholly of your *Majesties* Business. Wherein I cannot forget to relate this particular; that he wished that his Sentencing of *I. S.* at the day appointed, mought be his last work, to conclude his services, and expresse his affection towards your *Majesty*. I told him I knew your *Majesty* would be very desirous of his presence that day, so it mought be without prejudice; but otherwise your *Majesty* esteemed a *Servant* more than a *Service*; specially such a *Servant*. Not to trouble your *Majesty*; though good Spirits in Sickness be uncertain Kalenders, yet I have very good comfort of him, and I hope by that day, &c.

A Letter to the King, giving him an Account of Peachams Business, and some others, Jan. 31. 1614.

It may please your excellent Majesty,

I Received, this morning by Mr. *Murray* a message from your *Majesty* of some warrant, and confidence, that I should advertise your *Majesty* of your business, wherein I had part. Wherein, I am first, humbly, to thank your *Majesty* for your good acceptation of my endeavours and service; which I am not able to furnish with any other quality, save faith, and diligence.

For *Peachams* Case, I have, since my last Letter, been with my *Lord Cooke* twice; once before Mr. *Secretaries* going down to your *Majesty*; and once since, which was yesterday: At the former, of which times I delivered him *Peachams* papers; and at this latter, the *Presidents* which I had with care, gathered and selected: For these degrees and order the business required.

At the former I told him, that he knew my errand which stood upon two points: The one to inform him the particular Case of *Peachams Treasons*; (For I never give it other word to him;) the other to receive his Opinion to my self, and in secret, according to my Commission from your *Majesty*.

At the former time he fell upon the same Allegation which he had begun at the *Council Table*; that *Judges* were not to give Opinion by fractions, but entirely according to the Vote whereupon they should settle upon conference: And that, this *Auricular* taking of Opinions, single and apart,

was new and dangerous ; and other words, more vehement than I repeat.

I replied in civil and plain Terms ; that I wisht his *Lordship*, in my love to him to think better of it ; For that this, that his *Lordship* was pleased to put into great words, seemed to me and my Fellows, when we spake of it amongst our selves a reasonable and familiar matter, for a *King* to consult with his *Judges*, either assëmbled or selected ; or one by one. And then to give him a little outlet, to save his first Opinion (wherewith he is most commonly in love) I added that *Judges* sometimes, might make a sute to be spared for their Opinion, till they had spoken with their *Brethren* ; but if the *King* upon his own Princely Judgment, for Reason of *Estate*, should think it fit to have it otherwise, and should so demand it there was no declining : Nay, that it touched upon a violation of their *Oath*, which was to counsel the *King* without Distinction, whether it were joyntly or severally. Thereupon I put him the Case of the *privy Council* ; as if your *Majesty* should be pleased to command any of them, to deliver their Opinion apart and in private ; whether it were a good answer to deny it, otherwise, than if it were propounded at the Table. To this he said, that the Cases were not alike, because this concern'd Life. To which I replied, that Questions of *Estate*, mought concern thousand of Lives ; and many things more precious than the Life of a particular ; as *War* and *Peace*, and the like.

To conclude, his *Lordship*, *tanquam Exitum querens*, desired me for the time, to leave with him the *Papers*, without pressing him to consent, to deliver a private Opinion till he had perused them. I said I would ; and the more willingly, because I thought his *Lordship* upon due consideration of the *Papers* would find the Case, to be so clear a Case of *Treason*, as he would make no difficulty to deliver his Opinion in private ; and so I was perswaded of the rest of the *Judges* of the *Kings-Bench* ; who likewise (as I partly understood) made no scruple to deliver their Opinion in private. Whereupon he said (which I noted well) that his *Brethren* were wise men ; and that they might make a shew, as if they would give an Opinion as was required ; but the the end would be, that it would come to this ; they would say, they doubted of it, and so pray advice, with the rest. But to this I answered, that I was sorry to hear him say so much. lest if it came so to pass, some that loved him no, might make a construction, that that which he had foretold he had wrought. Thus your *Majesty* see's, that as *Solomon* saith ; *Gressus nolentis tanquam in Sepi spinarum* ; it catcheth upon every thing.

The latter meeting is yet of more importance ; for then, coming armed with divers presidents, I thought to set in with the best strength, I could, and said ; That before I descended to the Record, I would break the *Case* to him thus. That it was true, we were to proceed upon the antient *Statute* of *King Edward the third*, because other *Temporary Statutes* were gone ; and therefore it must be said in the *Indictment* ; *Imaginatus est, & Compasavit, Mortem & finalem destructionem Domini Regis* : Then must the particular *Treasons* follow in this manner ; viz. *Et quod, ad perimplendum nefandum propositum suum, composuit, & conscripsit, quendam detestabilem, & venenosum libellum, sive scriptum, in quo inter alia proditoria continetur, &c.* And then the principal passages of *Treason*, taken forth of the *Papers*, are to be entred, *in hæc Verba* ; and with a conclusion in the end ; *Ad intentionem, quod Ligens Populus, & veri Subditi, Domini Regis, cordialem suum amorem, a Domino Rege retraherent & ipsum Dominum Regem relinquerent,*

& *Guerram, & insurrectionem, contra euni, learent, & facerent, &c.* I have in this former, followed the antient stile of the *Indictments*, for brevity sake, though when we come to the Business it self, we shall enlarge it according to the use of the later times. This I represented to him (being a thing he is well acquainted with) that he might perceive the Platform of that was intended, without any mistaking or obscurity. But then I fell to the matter it self, to lock him in as much as I could, *viz.*

That there be four means or manners, whereby the death of the *King* is compassed and imagined.

The first, by some particular *Fact* or *Plot*.

The second, by *Disabling* his *Title*; as by affirming, that he is not *lawful King*; or that another ought to be *King*; or that he is an *Usurper*; or a *Bastard*; or the like.

The third, by *Subjecting* his *Title* to the *Pope*; and thereby making him of an *Absolute King*; a *Conditional King*.

The fourth, by *disabling* his *Regiment*, and making him appear to be incapable; or indigne to reign.

These things I relate to your *Majesty*, in sum, as is fit; which when I opened to my *Lord*; I did insist a little more upon, with more efficacy and edge, and authority of *Law* and *Record*, than I can now express.

Then I placed *Peachams Treason* within the last Division, agreeable to divers presidents, whereof I had the *Records* ready; and concluded, that your *Majesties* Safety, and Life, and Authority, was thus by *Law* inscanded and quartered; and that it was in vain to fortifie on three of the sides, and so leave you open on the fourth.

It is true, he heard me in a grave fashion, more than accustomed, and took a Pen and took notes of my Divisions; and when he read the *Presidents* and *Records*, would say, this you mean, falleth within your first or your second Division. In the end, I expressly demanded his *Opinion*, as that whereto both he and I was enjoined. But he desired me to leave the *Presidents* with him, that he might advise upon them. I told him, the rest of my *Fellows* would dispatch their part, and I should be behind with mine; which I perswaded my self, your *Majesty* would impute rather to his backwardness, than my negligence. He said, as soon as I should understand, that the rest were ready, he would not be long after with his *Opinion*.

For *I. S.* your *Majesty* knoweth the day draweth on; and my *Lord Chancellors* recovery, the season and his age promising not to be too hasty. I spake with him on *Sunday*, at what time I found him in Bed, but his *Spirits* strong, and not spent, or wearied; and spake wholly of your Business leading me from one matter to another. And wished, and seemed to hope, that he might attend the day for *I. S.* and it were (as he said) to be his last work, to conclude his services and express his affection towards your *Majesty*. I presumed to say to him, that I knew your *Majesty* would be exceeding desirous of his being present that day, so as that it might be without prejudice to his continuance; but that otherwise your *Majesty* esteemed a *Servant* more than a *Service*; especially such a *Servant*. Surely, in mine opinion your *Majesty* were better put off the day, than want his presence, considering the cause of the putting off is so notorious; and then the *Capital* and the *Criminal* may come together the next *Term*.

I have not been unprofitable, in helping to discover and examine within these few dayes a late *Patent*, by Surreption obtained from your *Majesty*,

sty, of the greatest *Forest* in *England*, worth 30000 *l.* under colour of a defective *Title*, for a matter of 400 *l.* The *Person* must be named, because the *Patent* must be questioned. It is a great *Person*, my *Lord* of *Shrewsbury*; or rather (as I think) a greater than he, which is my *Lady* of *Shrewsbury*. But I humbly pray your *Majesty*, to know this first, from my *Lord Treasurer*; who, methinks, groweth even studious in your *Business*. God preserve your *Majesty*.

Your *Majesties* most humble and devoted,
Subject and Servant,

The rather in regard of *M^r. Murray's*
Absence, I humbly pray your *Majesty*,
to have a little regard to this *Letter*.

A *Letter* to the *King* touching my *Lord Chancellors* amendment,
and the putting off, of *J. S.* his *Cause*, February 7. 1614.

It may please your excellent *Majesty*,

MY *Lord Chancellor* sent for me, to speak with me, this morning about eight of the clock. I perceive he hath now, that *Signum Sanitatis*, as to feell better his former weakness. For it is true, I did a little mistrust that it was but a *Boutade* of desire and good spirit, when he promised himself strength for *Friday*, though I was won and carried with it. But now I find him well inclined, to use (should I say) your *Liberty* or rather your *Interdict*, signified by *Mr. Secretary* from your *Majesty*. His *Lordship* shewed me also your own *Letter*, whereof he had told me before, but had not shewed it me. What shall I say? I do much admire your goodness, for writing such a *Letter* at such a time.

He had sent also to my *Lord Treasurer*, to desire him to come to him about that time. His *Lordship* came; and not to trouble your *Majesty* with circumstances, both their *Lordships* concluded, my self present, and concurring; that it could be no prejudice to your *Majesties* Service to put off the day for *I. S.* till the next *Term*. The rather because there are seven, of your *Privy Council*, which are at least numerous, and part of the *Court* which are by infirmity like to be absent; that is my *Lord Chancellor*, my *Lord Admiral*, my *Lord of Shrewsbury*, my *Lord of Exceter*, my *Lord Zouch*, my *Lord Stanhope*, and *Mr. Chancellor* of the *Dutchay*: wherefore they agreed, to hold a *Council* to morrow in the afternoon for that purpose.

It is true, that I was alwayes of opinion, that it was no time lost; and I do think so the rather, because I could be content that the matter of *Peacham* were first settled and put to a point. For there be, perchance, that would make the example upon *I. S.* to stand for all. For *Peacham*, I expect some account from my *Fellows* this day. If it should fall out otherwise, then I hope it may not be left so. Your *Majesty*, in your last *Letter*, very wisely, put in a *Disjunctive* that the *Judges* should deliver an *Opinion* privately, either to my *Lord Chancellor* or to our selves, distributed: His sickness, made the later way to be taken: But the other may be reserved, with some accommodating, when we see the success of the Former.

I am appointed, this day, to attend my Lord *Treasurer* for a Proposition of raising Profit, and Revenew, by *Infranchising Copy-holders*. I am right glad, to see the *Patrimonial* part of your Revenew well look'd into, as well as the *Fiscal*. And I hope it will so be, in other parts, as well as this. God preserve your *Majesty*.

Your *Majesties* most humble and devoted,
Subject and Servant.

A Letter to the King of account of Owens Cause, &c. 11. February. 1614.

It may please your excellent Majesty,

MY self, with the rest of your *Counsel Learned*, conferred with my Lord *Cooke* and the rest of the *Judges* of the *Kings Bench* only, being met at my *Lords Chamber*, concerning the business of *Owen*. For although it be true that your *Majesty* in your *Letter*, did mention, that the same course might be held in the taking of *Opinions* apart, in this which was prescribed and used in *Peachams Cause*; yet both my *Lords* of the *Council*, and we, amongst our selves, holding it, in a *Case* so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the *Judges* (if cause were) more strongly (which is somewhat) we thought best rather to use this form.

The *Judges* desired us to leave the *Examinations* and *Papers* with them, for some little time, to consider (which is a thing they use;) but I conceive, there will be no manner of *Question* made of it. My Lord *Chief Justice* to shew forwardness (as I interpret it) shewed us passages of *Suares* and others, thereby to prove, that though your *Majesty* stood not *Excommunicate* by particu'ar *Sentence*, yet by the *General Bulls*, of *Cæna Domini*, and others, you were upon the matter *Excommunicate*; and therefore that the *Treason* was, as *De presenti*. But I that foresee, that if that course should be held, when it cometh to a publick day, to disseminate to the *Vulgar*, an *Opinion* that your *Majesties* *Case* is all one, as if you were *de Facto*, particularly and expressly *Excommunicate*, it would but encrease the danger of your *Person*, with those that are desperate *Papists*; and that it is needless; commended my *Lords* diligence, but withall put it by; and fell upon the other course (which is the true way;) That is, that whosoever shall affirm, *in Diem*, or *sub Conditione*, that your *Majesty*, may be destroyed, is a *Traitor, de presenti*; for that he maketh you but *Tenant for Life*, at the will of another. And I put the *Duke of Buckingham*s *Case*, who said; That if the *King* caused him to be arrested of *Treason*, he would stab him; and the *Case* of the *Imposture*s *Elizabeth Barton*, that said, That if *King Henry the eighth* took not his wife again, *Katharine Dowager*. he should be no longer *King*; and the like.

It may be these particulars are not worth the relating. But because I find nothing in the *World*, so important to your service, as to have you thoroughly informed (the ability of your direction considered) it maketh me thus to do; most humbly praying your *Majesty* to admonish me, if I be over-troublesome.

For

For *Peacham*, the rest of my Fellowes are ready, to make their *Report* to your *Majesty*, at such time, and in such manner, as your *Majesty* shall require it. My self yesterday, took my Lord *Cook* aside, after the rest were gone, and told him all the rest were ready, and I was now to require his *Lordships* opinion, according to my Commission. He said, I should have it; And repeated that, twice or thrice, as thinking he had gone too far, in that kind of Negative (to deliver any opinion apart) before; And said he would tell it me within a short time, though he were not at that instant ready. I have tossed this Business, *in omnes partes*, whereof I will give your *Majesty* knowledge, when time serveth. God preserve your *Majesty*.

Your Majesties most humble, and devoted
Subject, and Servant.

A Letter to the King, about a Certificate of my Lord Cook.

Febr. 14. 1614.

It may please your Excellent Majesty,

I Send your *Majesty* enclosed, my Lord *Cooks* Answers. I will not call them *Rescripts*, much less Oracles. They are of his own hand, and offered to me as they are in writing, though I am glad of it for mine own discharge. I thought it my duty, as soon as I received them, instantly to send them to your *Majesty*; and forbear for the present, to speak further of them. I, for my part (though this *Muscovia* Weather be a little too hard for my *Constitution*) was ready to have waited upon your *Majesty* this day, all respects set aside; But my Lord *Treasurer*, in respect of the season, and much other business, was willing to save me. I will only conclude, touching these Papers with a Text, Divided, I cannot say; *Oportet isthac fieri*; But I may say, *Finis autem nondum*. God preserve your *Majesty*.

Your Majesties most humble, and devoted
Subject and Servant.

A Letter to the King, touching matter of his Revenue and Profit.

April 25. 1615.

It may please your Majesty,

I May remember what *Tacitus* saith, by occasion that *Tiberius* was often, and long absent from *Rome*; *In urbe, & parva, & magna, Negotia Imperatorem simul premunt*; But saith he; *In recessu, dimissis rebus, minoris momenti, summe rerum magnarum magis agitantur*. This maketh me think, it shall be no incivility, to trouble your Majesty with business, during your abode from *London*; Knowing, that your Majesties meditations, are the principal wheel of your Estate; and being warranted, from a former Commandement, which I received from you.

I do now only send your Majesty these Papers enclosed; because I do greatly desire so far forth to preserve my credit with you, as thus; That whereas lately (perhaps out of too much desire, which induceth too much belief) I was bold to say, that I thought it as easie for your Majesty,

to come out of Want, as to go forth of your Gallery; your Majesty, would not take me for a Dreamer or a Projector; I send your Majesty therefore some grounds of my hopes. And for that *Paper* which I have gathered of *Increasements sperate*, I beseech you, to give me leave to think, that if any particulars do fail, it will be rather for want of *workman-ship*, in those that shall deal in them, than want of *materials*, in the things themselves. The other *Paper* hath many discarding Cards; And I send it chiefly, that your Majesty, may be the less surprized by Projectors; who pretend sometimes great discoveries, and inventions, in things that have been propounded; and perhaps after a better fashion, long since. God Almighty preserve your Majesty.

*Your Majesties most humble, and devoted,
Subject, and Servant.*

A Letter to the King, reporting the Day of Hearing of J. S. his Cause, in the Star-Chamber. 29. April.

1615.

It may please your Excellent Majesty,

I. S. his day is past, and well past. I hold it to be *Janus Bifrons*; It hath a good Aspect, to that which is past; and to the Future; and doth both satisfy, and prepare. All did well: My Lord *Chief Justice*, delivered the Law, for the *Benevolence*, strongly; I would he had done it timely. Mr. *Chancellor* of the *Exchequer* spake finely, somewhat after the manner of the late Lord *Privy Seal*; Not all out so sharply, but as elegantly. Sir *Thomas Lake* (who is also new in that *Court*) did very well, familiarly, and Counsellor-like. My Lord of *Pembroke* (who is likewise a stranger there) did extraordinary well, and became himself well, and had an evident Applause. I meant well also; And because my *Information* was the Ground, having spoken out of a few Heads which I had gathered; (for I seldom do more) I set down, as soon as I came home, cursorily, a Frame of that I had said; Though I perswade myself, I spake it with more life. I have sent it to Mr. *Murray*, sealed; If your Majesty have so much idle time, to look upon it, it may give some light of the *Dayes* work: But I most humbly pray your Majesty; to pardon the *Errours*. God preserve you ever.

*Your Majesties most humble Subject,
and devoted Servant.*

A Letter to the King, concerning the New-Company. August 12.

1615.

It may please your most Excellent Majesty,

Your Majesty, shall shortly receive the *Bill*, for the *Incorporation* of the *New Company*; together with a *Bill*, for the *Privy Seal*, being a *Dependancy* thereof. For this morning I subscribed, and Docketted them both. I think it therefore now time, to represent to your Majesties high wisdom,

dom, that which I conceive, and have had long in mind, concerning your *Majesties* Service, and honourable profit in this Business.

This Project, which hath proceeded from a worthy Service of the Lord *Treasurer*, I have from the beginning constantly affected; as may well appear, by my sundry Labours from time to time, in the same. For I hold it a worthy Character, of your *Majesties* Reign, and Times; In-
somuch, as though your Majesty mought have, at this time (as is spoken) a great Annual Benefit for the quitting of it, yet I shall never be the man, that should wish your Majesty to deprive your self of that *Beatitude*; *Beatius est dare, quam accipere*; In this cause; But to sacrifice your Profit, (though as your *Majesties* State is, it be precious to you) to so great a Good of your *Kingdom*: Although this Project, is not without a Profit, immediate unto you, by the encreasing of *Customes*, upon the *materials* of *Dyes*.

But here is the Case. The *New Company*, by this *Patent* and *Privy Seal*, are to have two things, wholly diverse from the first intention; or rather, *Ex Diametro*, opposite unto the same; which nevertheless they must of necessity have, or else the *Work* is overthrown. So as I may call them, *Atala Necessaria* but yet withall *Temporary*. For as men make war to have Peace, so these *Merchants* must have license for *Whites*, to the end, to banish *Whites*; and they must have license to use *Teyntours*, to the end to banish *Teyntours*.

This is therefore that I say; your Majesty upon these two points, may justly, and with honour, and with preservation of your first Intention, inviolate, demand Profit in the interim, as long as these unnatural points continue, and then to cease: For your Majesty may be pleased to observe, that they are to have all the *Old Companies* Profit, by the *Trade* of *Whites*; They are again to have upon the proportion of *Cloathes*, which they shall vent, died, and dressed, the *Flemings* profit upon the *Teyntour*. Now then as I say; As it had been too good husbandry for a *King*, to have taken profit of them, if the Project could have been effected at once (as was voiced;) So on the other side, it might be, perchance too little Husbandry and Providence, to take nothing of them, for that which is meerly lucrative to them, in the mean time. Nay, I say further, this will greatly conduce, and be a kind of Security to the End desired. For I alwayes feared, and do yet fear, that when men, by condition *Merchants*, though never so honest, have gotten into their hands, the *Trades* of *Whites*, and the *Dispensation* of *Teyntour*; wherein they shall reap profit for that, which they never sowed; But have gotten themselves Certainties, in respect of of the States hopes; they are like enough, to sleep upon this, as upon a *Pillow*; And to make no haste, to go on with the rest. And though it may be said, that that is a thing, will easily appear to the State, yet (no doubt) means may be devised and found, to draw the Business in length. So that I conclude, that if your Maj. take a profit of them, in the *interim* (considering you refuse profit from the *Old Company*, it will be both Spur and Bridle to them, to make them pace aright to your *Majesties* End.

This in all humbleness, according to my vowed Care and Fidelity, being no mans man, but your *Majesties*, I present, leave, and submit, to your *Majesties* better judgement; And I could wish your Majesty would speak with Sir *Thomas Lake* in it; who, besides his good Habit, which he hath in business, beareth (methinks) an indifferent hand in this particular; And (if it please your Majesty) it may proceed, as from your Self, and not as a Motion, or Observation of mine.

Your *Majesty*, need not in this to be streightned in time; as if this must be demanded, or treated, before you sign their *Bill*. For, I foreseeing this, and fore-seeing, that many things mought fall out, which I could not fore-see, have handled it so, as with their good Contentment, there is a *Power of Revocation*, inserted into their *Patent*. And so commending your *Majesty*, to Gods bleſſed and precious Custody; I rest,

Your *Majesties* most humble, and devoted,
Subject and Servant.

A Letter to Sir George Villiers, touching Ropers place.

January 22. 1615.

SIR,

SENDING to the *King* upon occasion, I would not fail to salute you, by my Letter; which, that it may be more than two lines, I add this for Newes: That as I was sitting by my Lord *Chief Justice*, upon the *Commission*, for the Indicting of the *Great Person*; one of the *Judges* asked Him, whether *Roper* were dead? He saith, He for his part knew not; another of the *Judges* answered, it should concern you, my Lord, to know it. Whereupon he turned his Speech to me, and said; No, Mr. *Attorney*, I will not wrastle now, in my latter times. My Lord (said I) you speak like a wise man. Well (saith he) they have had no luck with it, that have had it. I said again, *Those dayes le past*. Here you have the *Dialogue*, to make you merry. But in sadnes, I was glad to perceive he meant not to contest. I can but honour, and love you, and rest,

Your assured Friend, and
Servant.

A Letter to the King, advising, how to break off with the New
Company. February 3. 1615.

It may please your Excellent Majesty,

I Spake yesternight, long with my Lord *Cook*; And for the *Rege Inconsulto*, I conceive by him, it will be, *An amplius deliberandum censeo*, (as I thought at first) so as for the present, your *Majesty* shall not need to renew your Commandement of stay. I spake with him also, about some Propositions, concerning your *Majesties* casual Revenue; wherein, I found him to consent with me, fully; assuming nevertheless, that he had thought of them before: But it is one thing, to have the Vapour of a Thought; another to digest Business aright. He, on his part, imparted to me, divers things of great weight, concerning the Reparation of your *Majesties* Means and Finances, which I heard gladly; Insomuch, as he perceiving the same, I think, was the readier to open himself to me, in one Circumstance, which he did much inculcate. I concur freely with him, that they are to be held secret: For I never saw, but that Business is like a Child, which is framed invisibly in the Womb; and if it come forth too soon, it will be abortive. I know, in most of them, the Prosecution must rest; much, upon my Self. But I, that had the Power to prevail

prevail, in the *Farmers Case*, of the *French Wines*, without the help of my Lord *Cook*, shall be better able to go through these, with his help, the ground being no less just. And this I shall ever add of mine own, that I shall ever respect your *Majesties* Honour, no less than your Profit; And shall also take care, according to my pensive manner, that that, which is good for the present, have not in it, hidden Seeds of future Inconveniences.

The Matter of the *New Company*, was referred to me, by the *Lords* of the *Privy Council*; wherein, after some private Speech with Sir *Lionel Cranfield*, I made that *Report*, which I held most agreeable to Truth, and your *Majesties* Service. If this *New Company* break, it must either be put upon the *Patent*, or upon the *Order* made by themselves. For the *Patent*, I satisfied the *Board*, that there was no Title in it, which was not either *Verbatim* in the *Patent* of the *Old Company*; or by special warrant from the *Table*, inserted. My Lord *Cook*, with much respect to me, acknowledged, but disliked the *Old Patent* it self, and disclaimed his being at the *Table*, when the *Additions* were allowed. But in my opinion, (howsoever my Lord *Cook*, to magnifie his Science in *Law*, draweth every thing (though sometimes unproperly, and unseasonably) to that kind of Question) it is not convenient to break the business, upon those Points. For considering, they were but *Clauses*, that were in the former *Patents*, and in many other *Patents* of *Companies*; And that the *Additions*, likewise passed the allowance of the *Table*, it will be but clamoured, and perhaps conceived, that to quarrel them now, is but an *Occasion* taken; and that the *Times* are changed, rather than the *Matter*. But that, which preserveth entire your *Majesties* Honour, and the *Constancy* of your *Proceedings*, is to put the *Breach*, upon their *Orders*.

For this Light, I gave in my *Report*, which the *Table* readily apprehended, and much approved; That if the *Table* reject their *Orders*, as unlawful and unjust, it doth free you from their *Contract*: For whosoever contracteth, or undertaketh any thing, is alwayes understood, to perform it by lawful means; so, as they have plainly abused the *State*; if that which they have undertaken, be either impossible or unjust.

I am bold to present this Consideration, to that excellent Faculty of your *Majesties* judgement; because, I think, it importeth that future Good, which may grow to your *Majesty* in the close of this *Business*; that the falling off be without all Exception. God have you in his precious Custody.

Your *Majesties* most humble, and bounden,
Subject and Servant.

A Letter to the King, touching the Lord Chancellers Sicknes.

Febr. 9. 1615.

It may please your most Excellent Majesty,

I Am glad to understand by Mr. *Murray*, that your *Majesty* accepteth well of my poor Endeavours; in opening unto you the passages of your Service; That *Business* may come the less crude, and the more prepared, to your *Royal* judgement; the perfection whereof, as I cannot expect, they should satisfie, in every particular; so I hope, through my Assiduity, there will result a good *Total*.

My

My Lord *Chancellers* sickness, falleth out, *duro Tempore*. I have alwayes known him a wise Man, and of just Elevation for *Monarchy*: But your *Majesties* service must not be Mortal. And if you leese him, as your *Majesty* hath now of late purchased many hearts, by depressing the *wicked*: So *God*, doth minister unto you a counterpart, to do the like, by raising the *Honest*. *God* evermore preserve your *Majesty*.

Your *Majesties* most humble Subject,
and bounden Servant.

A Letter to the King, of my Lord *Chancellers* amendment, and the Difference begun, between the *Chancery* and *Kings-Bench*.

Febr. 15. 1615.

It may please your Excellent *Majesty*,

I Do find (*God* be thanked) a sensible amendment in my Lord *Chancellor*. I was with him yesterday in private conference about half an hour: And this day again, at such time as he did seal, which he endured well, almost the space of an hour, though the Vapour of Wax be offensive to him. He is free from a *Fever*, perfect in his powers of *Memory* and *Speech*: And not hollow in his *Voice* nor *Look*; He hath no panting or labouring *Respiration*; Neither are his *Coughs* dry, or weak. But whosoever thinketh his *Disease* is but *Melancholy*; he maketh no true judgement of it: For, it is plainly a formed and deep *Cough*, with a *Pectoral surcharge*; So that at times, he doth almost, *Animam agere*. I forbear to advertise your *Majesty*, of the care I took to have *Commissions* in readiness, because Mr. *secretary Lake* hath let me understand, he signified as much to your *Majesty*: But I hope there shall be no use for them, at this time. And as I am glad to advertise your *Majesty*, of the amendment of your *Chancellers Person*; So I am sorry to accompany it, with an advertisement, of the sickness of your *Chancery Court*, though (by the Grace of *God*) that cure will be much easier than the other. It is true, I did lately write to your *Majesty*, that for the Matter of the *Habeas Corpora*, (which was the third Matter in *Law*, you had given me in charge;) I did think the *Communion in Service*, between my Lord *Chancellor*, and my Lord *Chief Justice*, in the great business of *Examination*, would so joyn them as they would not square, at this time; But pardon me (I humbly pray your *Majesty*) if I have too reasonable Thoughts.

And yet, that which happened the last day of the Term, concerning certain *Indictments*, in the nature of *Premunire*, preferred into the *Kings Bench*, but not found; Is not so much as is voiced abroad; (though I must say, it is *omni tempore Nimum, & hoc tempore alienum*;) And therefore I beseech your *Majesty*, not to give any believing Ear; to Reports, but to receive the Truth from me, that am your *Attorney General*, and ought to stand indifferent, for *Jurisdiction* of all *Courts*; which Account, I cannot give your *Majesty* now, because I was then absent; And some are now absent, which are properly and authentically to inform me, touching that which passed. Neither let this, any wayes dis-joint your other Business; For there is a time for all things; And this very Accident

dent, may be turned to Good. Not that I am of Opinion that that same cunning Maxim, of *Separa, & Impera*, which sometimes holdeth in *Personis*, can well take place in *Jurisdictions*; But because, some good Occasion, by this Excess, may be taken to settle that, which would have been more dangerous, if it had gone out by little and little. God ever preserve your Majesty.

Your Majesties most humble Subject, and
bounden Servant.

A Letter to Sir George Villiers, touching the Difference, between the Court of Chancery, and the Kings Bench.

Febr. 19. 1615.

SIR,

I Received this Morning from you, two Letters, by the same Bearer; The one written before, the other after his Majesty had received my last.

In this Difference, between the two Courts of Chancery, and Kings Bench; (For so I had rather take it, for this time, than between the Persons, of my Lord Chancellor, and my Lord Chief Justice) I marvel not, if Rumour get way of true Relation. For I know Fame, hath swift wings; specially that, which hath black feathers: But within these two dayes (for sooner I cannot be ready) I will write unto his Majesty, both the Narrative truly, and my Opinion sincerely; Taking much comfort, that I serve such a King, as hath Gods Property, in discerning truly, of mens hearts. I purpose, to speak with my Lord Chancellor, this day; And so to exhibite that Cordial, of his Majesties Grace; As I hope, that other Accident, will rather rouze and raise his spirit, than deject him, or encline him to relapse. Mean while, I commend the Wit of a mean man, that said this other day; *Well, the next Term, you shall have an old man, come with a Beesom of Wormwood in his hand, that will sweep away all this.* For it is my Lord Chancellers fashion, specially towards the Summer, to carry a Posie of Wormwood. I write this Letter in haste, to return your Messenger with it. God keep you, and long, and happily, may you serve his Majesty.

Your true and affectionate Servant.

Sir, I thank you for your inward Letter, I have burned it, as you commanded. But the Fire it hath kindled in me, will never be extinguished.

A Letter to Sir George Villiers, touching a Motion, to swear him Counseller. Febr. 21. 1615.

SIR,

MY Lord Chancellers Health growing with the days, and his resignation being an uncertainty, I would be glad you went on with my first Motion,

Motion, my sweating *Privy Counsellor*. This I desire, not so much to make my self more sure of the other, and to put it past competition; (for herein, I rest wholly upon the *King*, and your excellent self) But, because I find hourly, that I need this strength, in his Majesties service; both for my better warrant, and satisfaction of my Conscience, that I deal not in things above my Vocation; And for my better Countenance and Prevailing, where his Majesties service, is under any pretext opposed, I would it were dispatched. I remember a greater matter than this, was dispatched, by a Letter from *Royston*; which was, the Placing of the *Arch-Bishop* that now is: And I imagine, the King did on purpose, that the Act might appear to be his own.

My Lord *Chancellor* told me yesterday, in plain terms, that if the *King* would ask his opinion touching the Person, that he would commend to succeed him, upon Death or Disability, he would name me, for the fittest man. You may advise, whether use may not be made of this offer.

I sent a pretty while since, a *Paper* to Mr. *John Murrey*; which was indeed, a little remembrance of some things past; concerning my honest, and faithful Services to his Majesty; Not by way of boasting (from which I am far) but as tokens, of my studying his Service, uprightly and carefully. If you be pleased, to call for the Paper, which is with Mr. *John Murrey*; And to find a fit time, that his Majesty may cast an eye upon it, I think it will do no hurt: And I have written to Mr. *Murrey*, to deliver the *Paper*, if you call for it. God keep you in all Happiness.

Your truest Servant.

A Letter to the King, concerning the Premunire, in the Kings Bench, against the Chancery. Febr. 21. 1615.

It may please your most Excellent Majesty,

I Was yesterday in the Afternoon, with my Lord *Chancellor*, according to your Commandement, which I received by the *Master of the Horse*; And find the *Old man* well comforted, both towards God and towards the World, and that same middle Comfort, which is Divine, and Humane, proceeding from your Majesty, being *Gods Lieutenant* on Earth, I am perswaded hath been a great Cause, that such a Sickness hath been portable to such an Age. I did not fail in my Conjecture, that this *Business* of the *Chancery*, hath stirred him; he sheweth to despise it, but he is full of it; and almost, like a young *Duellist*, that findeth himself behind hand.

I will now, as your Majesty requireth, give you a true Relation of that which hath passed; Neither will I decline your *Royal* Commandement, for delivering my Opinion also, though it be a tender subject to write on; But I, that account my Being, but as an accident to my service, will neglect no duty upon Self-safety.

First, it is necessary I let your Majesty know, the Ground of the Difference between the two Courts; that your Majesty may the better understand the Narrative.

There

There was a *Statute* made, 27 *Edw.* 3. Cap. 1. which (no doubt) in the principal intention thereof was ordained, against those, that sued to *Rome*; wherein there are Words somewhat general again, any that *questioneth* or *impeacheth* any *Judgement*, given in the *King Courts*, or in any other *Court*. Upon these doubtful words (*other Courts*,) that controverſie groweth. For the ſounder interpretation taketh them to be meant of thoſe *Courts* which, though locally, they were not held at *Rome*, or where the *Popes* Chair was, but here within the *Realm*; yet in their *Juriſdiction* hath their dependance upon the *Court of Rome*; as were the *Courts* of the *Legate here*; and the *Courts* of the *Arch-Biſhops* and *Biſhops*, which were then but ſubordinate *Judgement Seats* to that high *Tribunal of Rome*. And for this conſtruction, the oppoſition of the words (if they be well obſerved). between the *Kings-Courts* and *other Courts*, maketh very much: For it importeth, as if thoſe other *Courts* were not the *Kings Courts*. Alſo, the main ſcope of the *Statute* fortiſieth the ſame: And laſtly, the *Practice* of many Ages. The other *Interpretation* (which cleaveth to the *Letter*) expoundeth the *Kings Courts* to be the *Courts of Law* only, and *other Courts* to be *Courts of Equity*, as the *Chancery*, *Exchequer-chamber*, *Dutchey* &c. Though this alſo flyeth indeed from the *Letter*, for that all theſe are the *Kings Courts*,

There is alſo another *Statute*, which is but a ſimple *Prohibition*, and not with a *Penalty* of a *Premunire* (as the other is;) That after *Judgments given in the Kings Courts*, the parties ſhall be in *Peace*, except the *Judgment be undone by Error or Attaint*, which is a legal form of *Reverſal*. And of this alſo, I hold, the ſounder interpretation to be, to ſettle *Poſſeſſions* againſt *diſturbances*, and not to take away *Remedy in Equity*, where thoſe *Judgments* are obtained, *ex Rigore Juris*, and againſt good *Conſcience*.

But upon theſe two *Statutes* there hath been a late conceit in ſome, that if a *Judgement* paſs at the *Common-Law* againſt any, that he may not after ſue for *Relief in Chancery*: And if he doth, both *He*, and his *Counſel*, and his *Sollicitors*. yea, and the *Judge in Equity* himſelf, are within the danger of thoſe *Statutes*.

Here your *Majeſty* hath the true ſtate of the *Queſtion*, which I was neceſſarily to open to you firſt, Becauſe your *Majeſty* calleth for this *Relation*; not as *New*, but as *Busineſs*. Now to the *Historical part*.

It is the courſe of the *Kings-Bench*, that they give in Charge to a *Grand Jury* offences of all Natures, to be preſented within *Middleſex* where the ſaid *Court* is; and the manner is, to enumerate them as it were in *Articles*. This was done by *Juſtice Crook* the *Wednesday* before the *Term* ended. And that *Article* (*If any Man after a Judgment given, had drawn the ſaid Judgment to a new Examination, in any other Court*) was by him ſpecially given in charge; which had not uſed to be given in charge before. It is true it was not ſolemnly dwelt upon, but as it were thrown in amongſt the reſt.

The laſt day of the *Term*; (and that which all men condemn the ſuppoſed laſt day of my *Lord Chancellors* life;) there were two *Indictments* preferred of *Premunire* for ſuing in *Chancery*, after *Judgment in Common-Law*; the one by *Rich. Glanvile*, the other by *William Allen*: The former againſt *Courtney* the party in *Chancery*. *Gibb* the *Counſellor*, and *Duerſt* the *Clark*; the latter, againſt *Alderman Bowles* and *Hunſry Smith*, parties in *Chancery*; *Serjeant More* the *Counſellor*, *Elias Wood* *Sollicitor* in the *Cauſe*, and *Sir John Tindall* *Mr. of the Chancery*, and an *Aſſeſſor* to my *Lord Chancellor*.

For the *Cases* themselves, it were too long to trouble your *Majesty* with them; but this I will say; if they were set on, that perferred them, they were the worst Marks-men that ever were, that set them on. For there could not have been chosen two such causes, to the honour and advantage of the *Chancery*, for the Justness of the *Decrees*, and the Foulness and Scandal, both of Fact and person, in those that impeach the *Decrees*,

The *Grand Jury* consisting (as it seemeth) of very substantial and intelligent persons, would not finde the *Bills*; notwithstanding, they were clamoured by the parties, and twice sent back by the *Court*; and in conclusion, resolutely; seventeen of nineteen found an *Ignoramus*: wherein for that time, I think *Ignoramus*, was wiser than those that know too much.

Your *Majesty* will pardon me, if I be sparing, in delivering to you some other circumstances of *Aggravation*, and of concurrences of some like matters the same day; as if it had been some *Fatal constellation*. They be not things so sufficiently tryed, as I dare put them into your Ear.

For my Opinion, I cannot but begin with this *Preface*; that I am infinitely sorry, that your *Majesty* is thus put to salve and cure, not only accidents of *Time*, but errors of *Servants*: For I account this, a kind of *Sickness* of my Lord *Cookes*, that comes almost in as ill a time as the *Sickness* of my Lord *Chancellor*. And as (I think) it was one of the wisest parts that ever he played, when he went down to your *Majesty* to *Roiston*, and desired to have my Lord *Chancellor* joyned with him, so this was one of the weakest parts, that ever he played, to make all the World perceive, that my Lord *Chancellor* is severed from him at this time.

But for that which may concern your Service, which is my end (leaving other men to their own wayes;) first, my Opinion is plainly, that my Lord *Cooke* at this time, is not to be disgraced; both because, he is so well habituate for that which remaineth of these *Capital Causes*; and also, for that which I find, is in his Breast, touching your finances and matters of repair of your *Estate*. And (if I mought speak it) as I think, it were good his hopes were at an end in some kind, so I could wish they were raised in some other.

On the other side, this great and publick affront, not only to the reverend and well deserving person of your *Chancellor*; (and, at a time when he was thought to lye on dying, which was barbarous;) but to your *High Court* of *Chancery*, which is the *Court* of your absolute power; may not (in my opinion) pass lightly, nor end only in some formal attonement; but Use is to be made thereof, for the setting of your *Authority*, and strengthening of your *Prerogative*, according to the true Rules of *Monarchy*.

Now to reconcile, and accommodate these two Advices, which seem almost opposite. First, your *Majesty* may not see it (though I confess it be suspicious) that my Lord *Cooke* was any way aforehand privy to that which was done; or that he did set it, or animate it; but only took the matter as it came before him; and that his error was only, that at such a time he did not divert it in some good manner.

Secondly, if it be true (as is reported) that any of the *Puisne Judges* did stir this Business; or that they openly revile and menace the *Jury* for doing their Conscience; (As they did honestly and truly) I think that *Judge* is worthy to lose his place. And to be plain with your *Majesty*, I do not think there is any Thing a greater *polychreston*, or *ad multa utile*, to your

your Affairs, than upon a just and fit occasion, to make some example against the Presumption of a *Judge* in Causes, that concern your *Majesty*: whereby the whole body of those *Magistrates* may be contained the better in awe; and it may be this will light upon no unfit Subject of a person that is rude, and that no man cares for.

Thirdly, If there be no one so much in fault (which I cannot yet affirm either way, and there must be a just *Ground*, *God* forbid else;) yet I should think, that the very presumption of going so far in so high a Cause, deserveth to have that done, which was done in this very case, upon the Indictment of *Sergeant Heale* in *Queen Elizabeths* time, that the *Judges* should answer it upon their knees, before your *Majesty* or your *Council*, and receive a sharp admonition: At which time also my Lord *Wray* being then *Chief Justice*, slipped the Collar and was forborn.

Fourthly, For the persons themselves *Glanville* and *Allen*, which are base Fellowes and turbulent, I think there will be discovered and proved against them (besides the preferring of the *Bills*) such Combinations and Contemptuous Speeches, and Behaviours; as there will be good ground to call them and perhaps some of their petty *Counsellors* at Law, into the *Star-Chamber*.

In all this which, I have said, your *Majesty* may be pleased to observe, that I do not engage you much in the main point of the *Jurisdiction*; for which I have a great deal of reason, which I now forbear. But two things I wish to be done. The one that your *Majesty* take this occasion, to redouble unto all your *Judges* your antient and true *Charge, & Rule*, That you will endure no innovating the Point of *Jurisdiction*; but will have every *Court* empaled within their own *Presidents*; and not assume to themselves new powers upon *Conceits* and inventions of *Law*: The other, that in these *high Causes*, that touch upon *State* and *Monarchy* your *Majesty* give them straight Charge, that upon any Occasions intervenient hereafter, they do not make the *Vulgar* party to their Contestations, by publick handling them, before they have consulted with your *Majesty*, to whom the Reiglement of those things only appertaineth.

To conclude, I am not without hope, that your *Majesty* managing this Business according to your great *Wisdom*; (unto which I acknowledge my Self not to be worthy to be *Card-holder*, or a *Candle-holder*;) will make profit of this *Accident*, as a thing of *Gods* sending.

Lastly, I may not forget, to represent to your *Majesty*, that there is no Thinking of *Arraignments*, until these Things be somewhat accommodate; and some outward and superficial reconciliation at least, made between my Lord *Chanellor* and my Lord *Chief Justice*. For this Accident is a Banquet to all the *Delinquents* Friends. But this is a Thing, that falleth out, naturally, of it self; in respect of the *Judges*, going *Circuit*, and my Lord *Chancellors* infirmity with hope of recovery. And although this protraction of time, may breed some doubt of mutability, yet I have lately learned out of an excellent *Letter* of a certain King; That the Sun beweeth sometimes watry to our Eyes, but when the Cloud is gone, the Sun is as before. *God* ever preserve your *Majesty*.

Your *Majesties* most humble Subject and bounden *Servant*.

A Letter to the King of Advice, upon the Breach of the New Company, Febr. 25. 1615.

It may please your most excellent Majesty,

YOUR Privy Council, have wisely and truly discerned of the *Orders* and *Demands* of the *New Company*, that they are unlawful and unjust and themselves have now acknowledged the Work impossible without them by their *Petition* in writing, now registred in the *Council-Book*: So as this conclusion (of their own making) is become peremptory and final to themselves; and the impossibility confessed the Practice and Abuse, reserved to the Judgement the *State* shall make of it.

This Breach then of this great Contract is wholly on their part; which could not have been, if your *Majesty* had broken upon the *Patent*: For the *Patent* was your *Majesties* Act; the *Orders* are their Act; and in the former Case, they had not been liable to further Question, now they are.

There rest two things to be considered: The one, if they (like *Proteus*, when he is hard held) shall yet again vary their shape; and shall quit their *Orders* convinced of injustice, and lay their Imposition only upon the *Trade* of *Whites*, whether your *Majesty* shall further expect? The other, if your *Majesty* dissolve them upon this Breach on their part, what is further to be done for the setting of the *Trade* again in joint, and for your own Honour and profit? In both which points, I will not presume to give Opinion, but only to break the *Business* for your *Majesties* better Judgement.

For the first, I am sorry the Occasion was given (by my Lord *Cookes* Speech at this time of the Commitment of some of them;) that they should seek, *Omnem movere lapidem*, to help themselves. Better it had been, if (as my Lord *Fenton* said to me that morning very judiciously, and with a great deal of foresight;) that for that time, they should have had a *Bridge* made for them to be gone. But my Lord *Cooke* floweth according to his own Tides, and not according to the Tides of *Business*. The thing which my Lord *Cook* said, was good and too little, but at this time it was too much. But that is past. Howsoever, if they should go back, and seek again to entertain your *Majesty* with new *Orders* or *Offers* (as is said to be intended) your *Majesty* hath ready two Answers of *Repulse*, if it please your *Majesty* to use them.

The one, that this is now the fourth time, that they have mainly broken with your *Majesty* and contradicted themselves. First, they undertook to die and dress all the *Cloaths* of the *Realm*; soon after they wound themselves into the *Trade* of *Whites*; and came down to the proportion contracted. Secondly, they ought to have performed that Contract according to their Subscription, *pro rata*, without any of these *Orders* and *Impositions*: Soon after they deserted their Subscription, and had recourse to these Devices of *Orders*. Thirdly, if by *Order* and not by *Subscription*, yet their *Orders* should have laid it upon the *Whites*, which is an unlawful and prohibited *Trade*. Nevertheless, they would have brought in lawful and settled *Trades*, full *Manufactures*, *Merchandize* of all Natures, *Poll-Money* or *Brotherhood-Money* and I cannot tell what. And now lastly, it seemeth they would go back to lay it upon the *Whites*: And there
fore

fore, whether your your *Majesty* will any more rest and build this great Wheel of your *Kingdom*, upon these broken and brittle Pins, and try Experiments further upon the Health and Body of you *Stzte*, I leave to your *Princely Judgement*.

The other *Answer* of *Repulse*, is a kind of apposing them, what they will do after the three years contracted for? Which is a point hitherto not much stirred, though Sir *Lionell Cranfield* hath ever beaten upon it, in his Speech with me: For after the three years they are not tyed, otherwayes than as Trade shall give Encouragement; of which Encouragement your *Majesty* hath a bitter Taste. And if they should hold on according to the third years Proportion, and not rise on by further gradation, your *Majesty* hath not your End. No, I fear, and having long feared, that this feeding of the Foreiner, may be dangerous: For as we may think to hold up our Cloathing by vent of *Whites*, till we can dye and dress; so they (I mean the *Dutch*) will think to hold up their Manufacture of Dying and Dressing upon our *Whites*, till they can cloath: So as your *Majesty* hath the greatest reason in the World, to make the *New Company* to come in and strengthen that part of their Contract; and they refusing (as it is confidently believed they will) to make their Default more visible to all Men.

For the second main part of your *Majesties* consultation; That is what shall be done supposing an absolute breach; I have had some Speech with Mr. *Secretary Lake*, and likewise with Sir *Lionel Cranfield*; and (as I conceive) there may be three wayes taken into consideration. The first is, that the old Company be restored, (who no doubt) are in Appetite, and (as I find by Sir *Lionel Cranfield*) not unprepared; and that the *Licences*; the one, that of 20000 *Cloaths*, which was the old *Licence*; The other, that of my Lord of *Cumberlands*, which is without stint (my Lord of *Cumberland* receiving satisfaction;) be compounded into one entire *Licence* without stint; and then, that they amongst themselves take order for that profit, which hath been offered to your *Majesty*. This is a plain and known way, wherein your *Majesty* is not an Actor; only it hath this, that the Work of Dying and Dressing *Cloaths*, which hath been so much glorified, seemeth to be wholly relinquished, if you leave there. The second is, that there be a free Trade of *Cloath* with this difference; that the died and dressed pay no *Custom* and the *Whites* double *Custom*, it a Merchandize prohibited and only licentiate. This continueth in life and fame, the *Work* desired, and will have popular Applause. But I do confess, I did ever think, that Trading in *Companies* is most agreeable to the *English* Nature, which wanteth that same general Vein of a *Republick*, which runneth in the *Dutch*; and serveth to them instead of a Company. And therefore, I dare not advise to adventure this great Trade of the *Kingdom* (which hath been so long under Government) in a free or loose Trade. The third is, a compounded Way of both which is; to go on with the Trade of *Whites* by the Old Company restored; and that your *Majesties* profit be raised by Order amongst Themselves; rather than by double *Custom* wherein you must be the Actor: And that, nevertheless there be added a Priviledge to the same Company to carry out *Cloathes* died and dressed *Custom-free*; which will still continue as a glorious Beam of your *Majesties* Royal Design. I hope and wish at least that this, which I have written, may be of some use to your *Majesty* to settle by the advice of the *Lords* about you this great Business. At the least it is the effect of my
care

care and poor ability, which if in me be any, it is given me to no other end, but faithfully to serve your *Majesty*. God ever preserve you.

Your *Majesties* most humble Subject,
and bounden *Servant*.

Another Letter, to Sir George Villiers, touching a motion, to swear him Counsellor. February 27. 1615.

Sir,

I Humbly pray you not to think me over-hasty or much in appetite, if I put you in remembrance of my motion of strengthening me with the Oath and Trust of a *Privy-Counsellor*; not for mine own strength (for as to that, I thank *God*, I am armed within) but for the strength of my Service. The times, I submit to you, who knoweth them best. But sure I am, there were never Times, which did more require a *Kings Attourney* to be well armed, and (as I said once to you) to wear a Gauntlet, and not a Glove. The *Arraignments* when they proceed; the *Contention* between the *Chancery* and *Kings-Bench*; the great cause of the *Rege inconsulto*, which is so precious to the *Kings Prerogative*; divers other Services that concern the *Kings Revenew*, and the *Repair* of his *Estate*. Besides, it pleaseth his *Majesty* to accept well of my Relations, touching his Business; which may seem a kind of *interloping* (as the *Merchants* call it) for one that is no *Counsellor*. But I leave all unto you, thinking my self infinitely bounden unto you for your great favours; the Beams whereof, I see plainly, reflect upon me even from others: So that now I have no greater Ambition than this; that as the *King* sheweth Himself to you the best *Master*, so I mought be found your best *Servant*. In which Wish and Vow, I shall ever rest.

Most devoted and affectionate, to
obey your Commands.

A Letter to the King, upon some inclination of his Majesty to him, for the Chancellors Place, April 1616.

It may please your most excellent Majesty,

The last day, when it pleased your *Majesty* to express your self towards me, far above that I can deserve or could expect, I was surprized by the *Princes* coming in: I most humbly pray your *Majesty* to accept these few Lines of acknowledgement. I never had great thought for my self, further than to maintain those great thoughts, which, I confess, I have for your Service. I know what honour is; and I know what the times are. But I thank *God*, with me, my Service is the principal; and it is far from me under honourable pretences to cover base desires; which I account then to be, when men refer too much to themselves, especially serving

ving such a *King*. I am afraid of nothing, but that the Master of the Horse, your excellent Servant, and I, shall fall out who shall hold your Stirrop best. But were you mounted and seated, without difficulties and distastes in your Business, as I desire and hope to see you; I should, *ex animo*, desire to spend the decline of my years, in my Studies. Wherein also, I should not forget to do him honour, who besides his active and polirique Virtues, is the best *Pen* of *Kings*; much more the best Subject of a *Pen*. God ever preserve your *Majesty*.

Your *Majesties* most humble Subject,
and more, and more, obliged
Servant,

A Letter to Sir George Villiers, touching his swearing Counsellor,
May 30. 1616.

Sir,

THe time is, as I should think, now or never, for his *Majesty* to finish his good meaning towards me; if it please him to consider what is past, and what is to come.

If I would tender my profit, and oblige men unto me by my Place and practice, I could have more profit than I could devise; and could oblige all the World and offend none; which is a brave condition for a mans private. But my heart is not on these things. Yet, on the other side, I would be sorry that worthless Persons should make a Note, that I get nothing but pains and enemies; and a little popular reputation, which followeth me whether I will or no. If any thing be to be done for your self, I should take infinite contentment, that my honour might wait upon yours: But I would be loath it should wait upon any mans else. If you would put your strength to this Business, it is done; and that done, many things more will begin. God keep you ever; I rest,

Your true and devoted *Servant*.

A Letter to Sir George Villiers, upon the choice, his Majesty gave him, whether he would be sworn Counsellor, or have assurance to succeed the Chancellor, June 3. 1616.

Sir,

THe *King* giveth me a noble choice; and you are the man, my heart ever told me you were. Ambition would draw me to the later part of the choice; but in respect of my hearty wishes, that my *Lord Chancellor* may live long; and the small hopes I have, that I shall live long myself;

self; and above all, because I see his *Majesties* Service daily and instantly bleedeth; towards which I perswade my self (vainly perhaps, but yet in mine own thoughts, firmly and constantly) that I shall give, when I am of the *Table*, some effectual furtherance (as a poor *Thred* of the *Labyrinth*, which hath no other Virtue but an united continuance without interruption or distraction;) I do accept of the former, to be *Counsellor*, for the present, and to give over *pleading* at *Bar*; let the other matter rest upon my *Proof* & his *Majesties* pleasure, and the *Accidents*, of *Time*. For to speak plainly, I would be loath that my *Lord Chancellor*, to whom I owe most, after the King and your *Self*, should be locked to his *Successor*, for any advancement or gracing of me. So I ever remain.

Your true, and most devoted,
and obliged, Servant

To his very Honourable good Friend, Sir George Villers, Master of the Horse to his Majesty, and of the most Noble Order of the Garter, June 12. 1616.

Sir,

I Send his *Majesty* a draught of the *Act of Counsel*, concerning the *Judges Letter*; penned as near as I could to his *Majesties* instructions received in your presence. I then told his *Majesty* my memory was not able to keep way with his; and therefore his *Majesty* will pardon me for any omissions or errors; and be pleased to supply and reform the same. I am preparing some other materials for his *Majesties* excellent Hand, concerning *Business* that is coming on. For since his *Majesty* hath renewed my Heart within me, methinks, I should double my endeavours. God ever preserve and prosper you; I rest.

Your most devoted and bounden
Servant.

A Letter to Sir George Villiers, for the restoring of Doctor Burgis to preach, June 12. 1616.

Sir,

I Do think you may do your self honour, and (that which is more) do a good Work, if you will assist and perfect a motion begun (and that upon a good ground, both of submission and conformity) for the restoring of Doctor *Burgis* to Preach; and I wish, likewise, that if *Graces-Inn* should think good (after he is free from the *State*) to chuse him for their *Preacher*, his *Majesty* should not be against it; for certainly we should watch him well if he should fly forth; so as he cannot be placed in a more safe *Auditory*. This may seem a trifle, but I do assure you, I do scarce know a particular, wherein you may open more honest mouths,

to

to speak Honour of you, than this. And I do extremely desire, there may be a full Cry from all sorts of people (especially the best) to speak, and to trumpet out your Commendations. I pray you take it to heart, and do somewhat in it. I rest.

Your devoted and Bounden
Servant.

A Letter to Sir George Villiers, of Advice, concerning Ireland ;
From Gorhambury to Windsor. July 5. 1616.

SIR,

BECAUSE I am uncertain. whether his Majesty will put to a point, some Resolutions touching Ireland, now at Windsor ; I thought it my duty, to attend his Majesty by my Letter, and thereby to supply my absence. For the renewing of some former Commissions for Ireland, and the Framing of a New Commission, for the Wards, and the Alienation, (which appertain properly to me, as his Majesties Attorney, and have been accordingly referred by the Lords ;) I will undertake, that they are prepared with a greater care, and better applications, to his Majesties service in that Kingdom, than heretofore they have been. And therefore of that I say no more. And for the Instructions of the new Deputy, they have been set down by the two Secretaries, and read to the Board ; And being things of an ordinary nature, I do not see but they may pass. But there have been three Propositions and Counsels which have been stirred, which seem to me, of great importance ; wherein I think my self bound, to deliver to his Majesty my Advice and Opinion, if they should now come in Question.

The first is, touching the Recusant Magistrates, of the Towns of Ireland, and the Commonalties themselves, their Electours, what shall be done ? Which Consultation ariseth, from the late Advertisements of the two Lords Justices, upon the instance of the two Towns, Limrick and Kilkenny ; In which Advertisements, they represent the Danger only, without giving Light for the Remedy ; Rather warily for themselves, than agreeable to their duties and places.

In this point, I humbly pray his Majestie to remember, that the refusal is not, of the Oath of Allegiance, (which is not enacted in Ireland) but of the Oath of Supremacy, which cutteth deep into matter of Conscience. Also, that his Majestie, will out of the depth of his excellent Wisdom and Providence, think, and as it were calculate with himself ; Whether Time, will make more for the Cause of Religion, in Ireland, and be still more and more propitious ; Or whether deferring remedies, will not make the Case more difficult. For if Time give his Majestie advantage, what needeth precipitation to extreme Remedies ? But if Time will make the case more desperate, then his Majestie cannot begin too soon. Now in my Opinion, Time will open and facilitate things, for Reformation of Religion there ; And not shut up, or lock out the same. For first, the Plantations going on, and being principally of Protestants, cannot but mate the other partie in time : Also his Majesties care, in placing good Bishops, and good Divines ; In amplifying the Colledge there ; And in looking

to the Education of *Wards*, and such like ; As they are the most Natural means, so are they like to be the most effectual and happie, for the weeding out of *Popery*, without using the *Temporal Sword* ; So that, I think, I may truly conclude, that the ripeness of Time is not yet come.

Therefore my Advice is, in all Humbleness, that this hazardous course of Proceeding, to tender the oath to the *Magistrates of Towns*, proceed not but die by degrees : And yet, to preserve the Authority and Reputation of the former *Council*, I would have somewhat done ; which is, that there be a proceeding, to *Seizure of Liberties* ; But not, by any Act of Power, but by *Quo Warranto*, or *Scire facias*, which is a *Legal Course* ; and will be the work of three or four *Termes* ; By which time the matter will somewhat cool.

But I would not (in any case) that the Proceedings should be with both *Towns* which stand now in contempt, but with one of them only : choosing that which shall be thought most fit. For if his Majesty proceed with both, then all the *Towns* that are in the like case, will think it a common Cause ; And that it is but their Case to day, and their own to morrow. But if his Majesty proceed but with one, the Apprehension and Terrour, will not be so strong ; For they will think, it may be their case to be spared, as well as prosecuted ; And this is the best advice, that I can give to his Majesty, in this streight ; And of this Opinion, seemed my Lord *Chancellor* to be.

The Second *Proposition* is this : It may be, his Majesty will be moved to reduce the number of his *Council of Ireland*, which is now almost Fifty, to Twenty, or the like number ; In respect, that the Greatness of the Number, doth both abase the *Authority* of the *Council*, and divulge the Business. Nevertheless, I hold this *Proposition* to be rather specious and solemn, than needful, at this time ; For certainly, it will fill the *State*, full of Discontentment ; which in a growing and unsetled Estate, ought not to be.

This I could wish, that his Majesty would appoint a select *Number* of *Counsellors* there, which might deal in the *Improvement* of his *Revenue* ; (being a thing not fit to pass through too many hands) and the said selected *Number*, should have dayes of sitting by themselves. At which, the rest of the *Council* should not be present. Which being once settled, then other principal business of *State*, may be handled at those *Sittings*, and so the rest begin to be disused, and yet retain their countenance, without murmur or disgrace.

The third *Proposition* as it is moved, seemeth to be pretty, if it can keep promise : For it is thus. That a Means may be found to re-enforce his *Majesties Army*, by five hundred, or a thousand men ; And that, without any Penny encrease of Charge. And the Means should be, that there should be a Commandement of a Local Removing and transferring some *Companies*, from one *Province* to another : whereupon it is supposed, that many that are planted in House and Lands, will rather leese their Entertainment, than remove ; And thereby, new Men may have their Pay, and yet the old be mingled in the *Country*, for the strength thereof.

In this *Proposition*, two things may be feared : The one, *Discontent* of those that shall be put off : The other, that the *Companies* shall be stuffed with *Novices*, and *Tyrones*, instead of *Veterani*. I wish therefore, that this *Proposition* be well debated, ere it be admitted. Thus having

having performed that, which duty binds me to; I commend you to
Gods best preservation.

Your most devoted, and bounden
 Servant.

A Letter from the Kings Attorney General, to the Master of the
 Horse, upon the sending of his Bill for Viscount.

August 5. 1616.

SIR,

I Send you the *Bill* for his *Majesties Signature*, reformed according to
 his *Majesties Amendments*, both in the two places (which I assure
 you were both altered, with great Judgement;) And in the third place,
 which his *Majesty* termed a *Question* only. But he is an idle Body, that
 thinks his *Majesty* asks an idle *Question*; And therefore his *Majesties Que-*
stions are to be answered, by taking away the Cause of the *Question*, and
 not by *Reptying*.

For the *Name*, his *Majesties Will* is a *Law*, in those things; And to
 speak Truth, it is a well-sounding and Noble Name, both here and a-
 broad: And being your proper *Name*, I will take it for a good Sign, that
 you shall give Honour to your *Dignity*, and not your *Dignity* to you.
 Therefore I have made it *Viscount Villiers*: And for your *Baronry*, I will
 keep it for an *Earldom*: For though the other had been more orderly, yet
 that is as usual, and both alike good in *Law*.

For *Ropers* place, I would have it by all means dispatched. And there-
 fore, I marvail it lingreth. It were no good manners, to take the Busi-
 ness out of my Lord *Treasurers* hands; and therefore, I purpose to write
 to his *Lordship*, if I hear not from him first, by Mr. *Deckom*. But if I
 hear of any delay, you will give me leave (especially since the King na-
 med me) to deal with Sir *John Roper* my self; For neither I, nor my
 Lord *Treasurer*, can deserve any great thanks of you in this Business, con-
 sidering the *King* hath spoken to Sir *John Roper*, and he hath promised;
 And besides, the thing it self it is so reasonable, as it ought to be as soon
 done as said. I am now gotten into the *Countrey*, to my House, where
 I have some Liberty, to think of that I would think of, and not of that,
 which other men hourly break my head withal, as it was at *London*. Up-
 on this you may conclude, that most of my thoughts are of his *Majesty*;
 And then, you cannot be far off. *God* ever keep you, and prosper you.
 I rest alwayes,

Your true and most devoted,
 Servant.

A Letter to Sir George Villiers, upon the sending his
Patent of Viscount Villiers, to be Signed.

Aug. 12. 1616.

SIR,

I Have sent you now, your Patent of Creation of Lord *Blechley* of *Blechley*, and of *Viscount Villier*. *Blechley* is your own, and I liked the sound of the Name, better than *Whaddon*: But the Name will be hid, for you will be called *Viscount Villiers*. I have put them both in a *Patent*, after the manner of the Patent of Arms, where Baronies are joyned. But the chief Reason was, because I would avoid double *Prefaces*; which had not been fit: Nevertheless, *Ceremony* of *Roaring*, and otherwise, must be double: And now, because I am in the *Country*, I will send you some of my *Country Fruits*, which with me are good *Meditations*; which when I am in the *City*, are choaked with *Business*.

After that the *King* shall have watred your new *Dignities*, with his bounty, of the Lands which he intends you; And that some other things concerning your means, which are now likewise in intention, shal be settled upon you; I do not see, but you may think your private fortunes established; and therefore it is now time, that you should refer your Actions, chiefly to the good of your *Sovereign*, and your *Country*. It is the life of an Oxe, or a Beast, alwayes to eat, and never to exercise; But Men are Born (especially *Christian Men*) not to cram in their *Fortunes*, but to exercise their *Vertues*; And yet the other, have been the unworthy, and sometimes, the unlucky humour of great Persons, in our Times; Neither will your *Fortune* be the further off. For assure your self, that *Fortune* is of a womans Nature, that will sooner follow you by slighting, than by too much Wooing: And in this Dedication of your self to the Publick, I recommend unto you principally, that which I think was never done, since I was born; And which not done, hath bred almost a Wilderness, and Solitude in the *Kings* Service: which is, that you countenance, and encourage, and advance, able and vertuous men, in all kinds, degrees, and Professions. For in the time of some late great Counsellours, when they bore the sway, able men were by design, and of purpose suppressed: And though now, since Choice goeth better both in *Church* and *Common-wealth*, yet Money, and Turn-Serving, and Cunning Canvises, and Importunity, prevail too much. And in places of Moment, rather make able and Honest men yours, than advance those that are otherwise, because they are yours: As for Cunning and Corrupt men, you must, I know, sometimes use them, but keep them at a distance; and let it appear, that you make use of them, rather than that they lead you. Above all, depend wholly next (to *God*) upon the *King*; and be ruled (as hitherto you have been) by his Instructions; for that's best for your self. For the *Kings* Care and Thoughts concerning you, are according to the thoughts of a *great King*; whereas your thoughts concerning your self, are, and ought to be, according to the thoughts of a *Modest man*. But let me not weary you. The sum is, that you think *Goodness*, the best part of *Greatness*; And that you remember whence your Rising comes, and make return accordingly. *God* ever keep you.

A Letter to the King, touching Sir George Villiers Patent,
for Baron of Blechley, and Viscount Villiers.

Aug. 12. 1616.

It may please your most Excellent Majesty,

I Have sent Sir George Villiers Patent, drawn again, containing also a Baronry: The Name Blechley, is his own; and to my thinking soundeth better than Whaddon. I have included both in one Patent, to avoid a double Preface, and as hath been used, in the Patents of Earls, of like nature. Nevertheless, the Ceremony of Roobing, and otherwise, is to be double, as is also used in like case of Earls.

It resteth, that I express unto your Majesty, my great joy in your Honouring and advancing this Gentleman: whom to describe, not with Colours, but with true Lines, I may say this; Your Majesty, certainly hath found out and chosen, a safe Nature, a capable Man, and honest Will. Generous and Noble affections, and a courage well lodged; and one, that I know, loveth your Majesty unfeignedly; and admireth you as much as is in a man, to admire his Sovereign upon earth. Only, your Majesties School (wherein he hath already so well profited, as in this Entrance upon the Stage, being the Time of greatest Danger, he hath not committed any manifest Error;) will add Perfection to your Majesties comfort, and the great contentment of your People. God ever preserve, and prosper your Majesty. I rest in all Humbleness,

*Your Majesties most bounden, and most
devoted, Subject and Servant.*

A Letter to Sir George Villiers, upon the sending of his
Patent for the Creation of Viscount, sealed

Aug. 20. 1616.

SIR,

I Took much contentment, in that I perceive by your Letter, that you took in so good part, the freedom of my Advice; and that your self in your own Nature, consented therewith. Certainly, no service is comparable to good Counsel; And the Reason is, because no man can do so much for another, as a man may do for himself: Now good Counsel helpeth a man to help himself. But you have so happy a Master as supplieth all. My Service, and good will, shall not be wanting.

It was graciously and kindly done also, of his Majesty towards me, to tell you, that you were beholding to me. But it must be then, for thinking of you as I do; For otherwise, for speaking as I think, it is but the part of an Honest man. I send you your Patent, whereof God give you joy: And I send you here inclosed, a little Note of Remembrance, for that part of the Ceremony, which concerneth the Patent: For, as for other Ceremonies, I leave to others.

My Lord Chancellor dispatch your Patent presently, upon the receipt;
And

And writ to me, how glad he was of it, and how well he wished you. If you writ to him a few words of Thanks, I think you shall do well. God keep you, and prosper you.

Your true and most devoted
Servant.

*A Letter to Sir George Villiers, acknowledging the Kings Favour,
in granting some Sute of his. Aug. 22. 1616.*

SIR,

I Am more and more bound unto his Majesty, who I think knowing me to have other ends than Ambition, is contented to make me Judge of mine own Desires. I am now beating my brains (amongst many cares of his Majesties busines) touching the redeeming of Time in this busines of *Cloth*. The great Question is; How to mis, or how to mate the *Flemmings*; How to pass by them, or how to pass over them.

In my next Letter, I shall alter your Stile; But I shall never, whilst I breath, alter mine own Stile, in being

Your true, and most devoted
Servant.

*The Lord Keepers Letter to the University, in answer,
of their Congratulation at his first comming
to that place.*

*To the Renowned University of Cambridge, his Dear and
Reverend Mother.*

My Lord,

I Am Debtor to you of your Letters, and of the Time likewise, that I have taken, to answer them; But as soon as I could chuse what to think on, I thought good to let you know, That although you may err much in your valuation of me, yet you shall not be deceived in your Assurance: And for the other part also, though the manner be to mend the *Picture* by the *Life*; yet I would be glad to mend the *Life* by the *Picture*, and to become, and be, as you express me to be. Your Gratulations, shall be no more welcom to me, than your busines, or occasions; which I will attend; and yet not so, but that I shall endeavour to prevent them, by my care of your good. And so I commend you to Gods goodnes.

Your most loving, and assured
Friend and Son,

Gorbambury, Apr. 12.
1617.

FR. BACON. C. S.

A Letter of King James, written to his Lordship when he was Lord Chancellor, with his Majesties own Hand, upon the sending to him, his Book of Instauration Magna, then newly published.

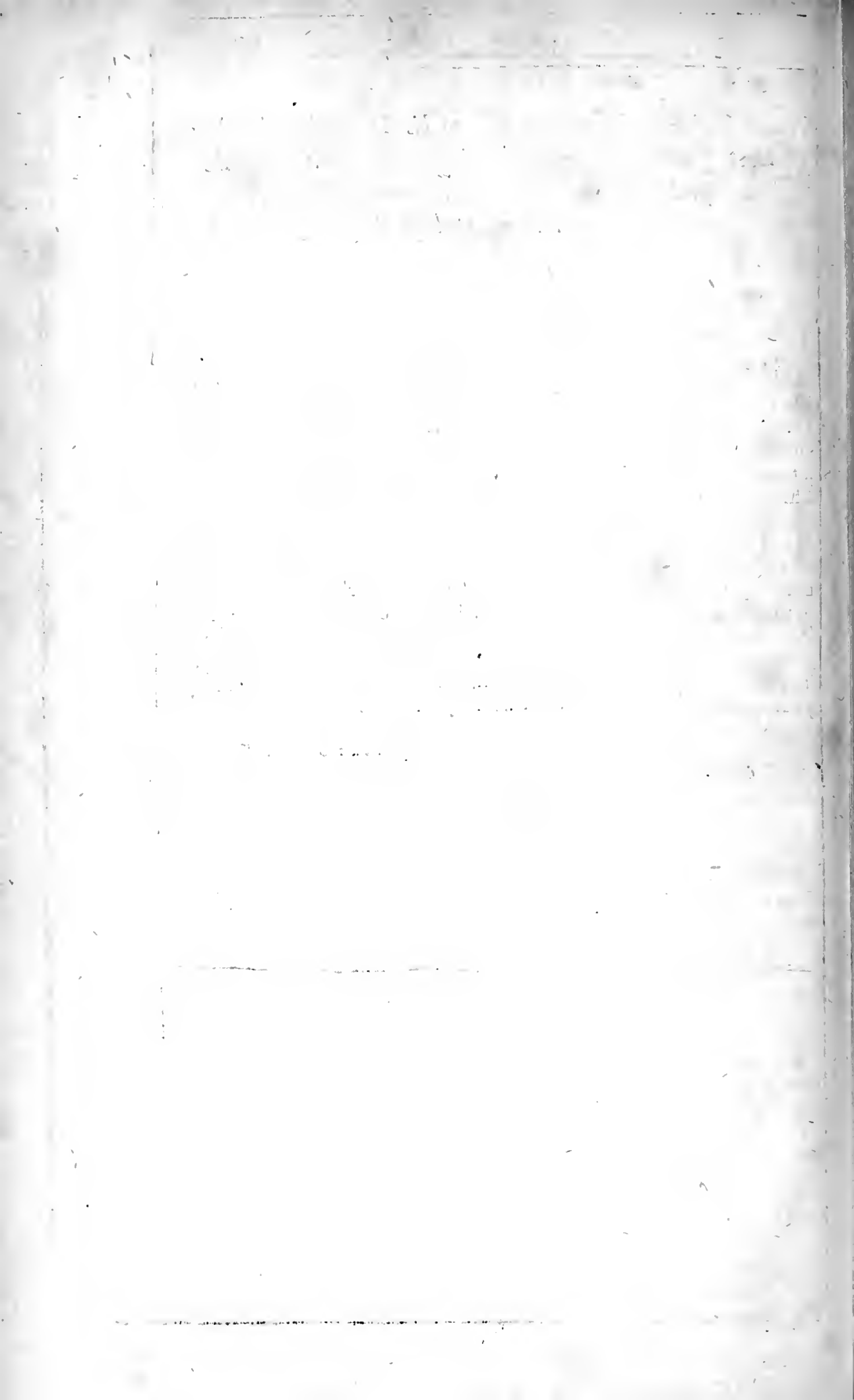
My Lord,

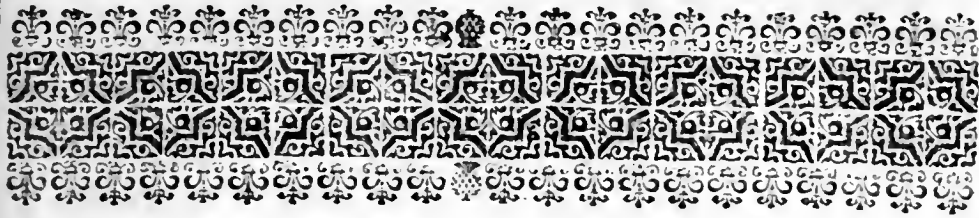
I Have received your *Letter*, and your *Book*; than the which, you could not have sent a more acceptable Present unto me. How thankful I am for it, cannot better be expressed by me, than by a firm Resolution I have taken; First, to read it thorough with care and attention; though I should steal some hours from my sleep; Having otherwise, as little spare time to read it, as you had to write it. And then, to use the liberty of a true Friend, in not sparing to ask you the question, in any point where I shall stand in doubt; (*Nam ejus est Explicare, cujus est Condere*; As, on the other part, I will willingly give a due commendation to such places, as in my opinion shall deserve it. In the mean time, I can with comfort assure you, that you could not have made choice of a Subject; more befitting your place, and your Universal Methodick knowledge; And in the general, I have already observed, that you jump with me, in taking the mid-way, between the two Extremes; As also in some particulars, I have found, that you agree fully with my opinion. And so praying God to give your *Work* as good success as your Heart can wish, and your Labours deserve, I bid you heartily farewell.

JAMES REX.

Octob. 16. 1620.

OTHER





OTHER
LETTERS,
WRITTEN BY THE SAME
Honourable Author.

To my Lord of Essex.

My singular good Lord,



May perceive, by my Lord Keeper, that your Lordship, as the time served, signified unto him an intention to confer with his Lordship at better opportunity; which in regard of your several and weighty occasions, I have thought good to put your Lordship in remembrance of; that now at his coming to the Court, it may be executed; desiring your good Lordship, nevertheless, not to conceive out of this my diligence in soliciting this matter, that I am, either much in Appetite or much in Hope. For as for Appetite; the Waters of Parnassus are not like the Waters of the Spaw that give a Stomach; but rather they quench Appetite and Desires. And for Hope; how can he hope much that can alledge no other reason, than the reason of an evil Debter; who will perswade his Creditor to lend him new Sums, and to enter further in with him, to make him satisfie the old? And to her Majesty no other reason, but the reason of a Waterman; I am her first Man, of those who serve in Counsel of Law. And so I commit your Lordship to Gods best preservation.

These Letters following, I find not in his Lordships Register-Book of Letters; but I am endued, by the Style and other Characters, to own them, so be his.

To my Lord of Essex.

My Lord,

Conceiving that your Lordship came now up in the person of a good Servant, to see your Sovereign Mistress; which kind of Complements,

are many times, *Inftar magnorum Meritorum*; and therefore that it would be hard for me to find you, I have committed to this poor Paper, the humble salutations of him, that is more yours than any Mans; and more yours than any Man. To these Salutations, I add a due and joyful Gratulation confessing that your *Lordship*, in your last conference with me, before your Journey, spake not in vain, *God* making it good; That you trusted, we should say, *Quis putasset?* Which, as it is found true in a happy sense, so I wish you do not find another *Quis putasset*, in the manner of taking this so great a *Service*. But, I hope it is, as he said; *Nubecula est, citò transibit*: And that your *Lordships* wisdom, and obsequious circumspection, and Patience, will turn all to the best. So referring all, to some time, that I may attend you, I commit you to *Gods* best preservation.

To my Lord of Essex.

My Lord,

I Am glad your *Lordship* hath plunged out of your own business. Wherein, I must commend your *Lordship*, as *Xenophon* commended the State of his Country; which was this; *That having chosen the worst Form of Government of all others, they governed the best in that kind.* *Hoc, Pace, & Veniã tuã*, according to my Charter. Now, as your *Lordship* is my Witness, that I would not trouble you whilst your own Cause was in hand; (though that I know, that the further from the Term, the better the time, was to deal for me;) so that being concluded, I presume, I shall be one of your next Cares. And having communicated with my Brother of some course, either to perfit the first, or to make me some other way; or rather, by seeming, to make me some other way, to perfit the first, wherewith he agreed to acquaint your *Lordship*; I am desirous, for mine own better satisfaction, to speak with your *Lordship* my self; Which I had rather were somewhere else than at Court; and as soon as your *Lordship* will assign me to wait on you. And so in, &c.

To Sir Robert Cecil.

Sir,

YOUR Honour knoweth, my manner is, though it be not the wisest way, yet taking it for the honestest, to do as *Alexander* did, by his Physician; *In drinking the Medicine, and delivering the Advertisement of Suspition*: So I trust on, and yet do not smother, what I hear. I do assure you, Sir, that by a wise Friend of mine, and not factious toward your Honour, I was told with asseveration, that your Honour was bought by Mr. *Coventry* for 2000. Angels; and that you wrought in a contrary spirit to my Lord your Father. And he said further, that from your Servants, from your Lady, from some Counsellors that have observed you in my business, he knew, you wrought under hand against me. The truth of which Tale I do not believe; you know the event will shew, and God will

will right. But as I reject this Report (though the strangeness of my Case might make me credulous;) so I admit a conceit, that the last Messenger, my Lord and your self used, dealt ill with your Honours; and that Word (*Speculation*) which was in the *Queens* mouth, rebounded from him as a commendation: For I am not ignorant of those little Arts. Therefore, I pray, trust not him again in my matter. This was much to write, but I think my Fortune will set me at liberty, who am weary of asserviling my Self, to every mans charity. Thus I, &c.

To Sir John Stanhope.

Sir,

YOUR good promises sleep, which it may seem, now, no time to awake. But that I do not find, that any general Kalender of Observation of time serveth for the Court: And besides, if that be done, which I hope by this time is done; and that other matter shall be done, which we wish may be done, I hope to my poor matter, the one of these great matters may clear the way, and the other give the occasion. And though my Lord Treasurer be absent; whose health nevertheless, will enable him to be sooner at Court than is expected; especially if this hard weather (too hard to continue) shall relent; yet we abroad say, his Lordships spirit may be there, though his person be away. Once I take for a good ground, that her Majesties Business ought to keep neither Vacation nor Holy-day; either in the execution or in the care and preparation of those, whom her Majesty calleth and useth: And therefore, I would think, no time barred from remembring that, with such discretion and respect as appertaineth. The conclusion shall be, to put you in mind to maintain that which you have kindly begun according to the Reliance, I have upon the sincerity of your affection, and the soundness of your Judgement. And so I commend you to Gods preservation.

To my Lord of Essex:

It may please your good Lordship,

I Am very sorry, her Majesty should take my motion to travail in offence. But surely, under her Majesties Royal correction, it is such an offence as it should be an offence to the Sun, when a man, to avoid the scorching heat thereof, flyeth into the shade. And your Lordship may easily think, that having now these twenty years (for so long it is and more, since I went with Sir Amyas Paulett into France, from her Majesties royal Hand) I made her Majesties Service the Scope of my life: I shall never find a greater grief than this, *Relinquere Amorem Primum*. But since, *principia Actionum, sunt tantum, in nostrâ potestate*; I hope her Majesty of her Clemency, yea & Justice will pardon me, and not force me to pine here with Melancholy. For though mine Heart be good, yet mine Eyes will be fore; so as I shall have no pleasure to look abroad: And if I should other-

wife be affected, her *Majesty* in her Wisdom, will think me an impudent man, that would face out a disgrace. Therefore, as I have ever found you my good *Lord* and true Friend, so I pray, open the matter so to her *Majesty*, as she may discern the necessity of it, without adding hard conceit to her rejection; of which, I am sure, the latter I never deserved. Thus, &c.

To the Lord Treasurer.

It may please your good Lordship,

I Am to give you humble thanks, for your favourable opinion, which by Mr. *Secretaries* report, I find you conceive of me, for the obtaining of a good place, which some of my honourable Friends have wished unto me, *Nec Opinanti*. I will use no reason to perswade your *Lordships* mediation, but this; that your *Lordship* and my other Friends, shall in this beg my life of the *Queen*; for I see well the Bar will be my Beer, as I must and will use it, rather than my poor Estate or Reputation shall decay. But I stand indifferent, whether *God* call me or her *Majesty*. Had I that in possession, which by your *Lordships* only means, against the greatest opposition her *Majesty* granted me, I would never trouble her *Majesty*, but serve her still voluntarily without pay. Neither, do I, in this, more than obey my Friends conceits, as one that would not be, wholly wanting to my Self. Your *Lordships* good opinion doth somewhat confirm me, as that I take comfort in above all others; assuring your *Lordship*, that I never thought so well of my self for any one thing, as that I have found a fitness to my thinking in my self, to observe and revere your Virtues. For the continuance whereof in the prolonging of your dayes, I will still be your Beadsmen; accordingly, at this time, commend your *Lordship* to the *Divine Protection*.

To Foulk Grevil:

Sir,

I Understand of your pains, to have visited me; for which I thank you. My *Matter* is an endless *Question*. I assure you, I had said; *Requiesce anima mea*: But now I am otherwise put to my *Psalter*; *Nolite considerare*. I dare go no farther. Her *Majesty*, had by set speech, more than once, assured me of her intention to call me to her service; which I could not understand but of the place, I had been named to. And now, whether *Invidus Homo hoc fecit*; or whether my *Matter* must be an *Appendix* to my *Lo. of Essex*'s suite; or whether her *Majesty*, pretending to prove my ability, meaneth but to take advantage of some Errors, which, like enough, at one time or other I may commit; or what it is; but her *Majesty* is not ready to dispatch it. And what though the *Mr. of the Rowls*, and my *Lo. of Essex*, and your self and others, think my case without doubt; yet in the mean time, I have a hard condition to stand so, that whatsoever service I do to her *Majesty*, it shall be thought to be but *servitium viscatum*, lime-twigs and Fetches to place my self; and so I shall have

have envy not thanks. This is a course to quench all good spirits, and to corrupt every mans nature; which will, I fear, much hurt her *Majesties* Service in the end. I have been like a piece of Stuff bespoken in the Shop: And if her *Majesty* will not take me, it may be the selling by parcels, will be more gainful. For to be, as I told you, like a Child following a Bird, which when he is nearest flyeth away, and liteth a little before, and then the Child after it again, and so in *Infinitum*; I am weary of it: As also, of wearying my good Friends; of whom nevertheless, I hope, in one course or other, gratefully to deserve. And so, not forgetting your business, I leave to trouble you with this idle *Letter*, being but *Justa & Moderata Querimonia*. For indeed, I do confess, *primus Amor*, will not easily be cast off. And thus again, I commend me to you.

To the Lord Treasurer Burghley.

Most Honourable, and my very good Lord,

I Know, I may commit an Error in writing this *Letter*, both in a time of great and weighty Business; as also, when my self am not induced thereto, by any new particular occasion: And thereof, your *Lordship* may impute to me, either Levity, or Ignorance, what appertaineth to good respects and forwardness of dealing; especially to an *Honourable Person*, in whom there is such concurrence of *Magnitudo Honoris, & Oneris* as it is hard to say, whether is the greater. But I answer my self first, that I have ever noted it, as a part of your *Lordships* excellent Wisdom, *Parvis componere Magna*, that you do not exclude inferiour matters of access, amongst the care of great. And for my self, I thought, it would better manifest what I desire to express, if I did write out of a deep and settled consideration of my own Duty, rather than upon the spur of a particular occasion. And therefore, (my singular good Lord) *Ex abundantia cordis*, I must acknowledge, how greatly, and diversly your *Lordship* hath vouchsafed to tye me unto you, by Many your Benefits. The Reversion of the *Office*, which your *Lordship* only procured unto me, and carried through great and vehement opposition, though it yet bear no fruit, yet it is one of the fairest Flowers of my poor Estate; your *Lordships* constant, and and serious Endeavours, to have me *Sollicitor*: your late honourable wilhes, for the place of the *Wards*: Together with your *Lordships* attempt to give me way by the remove of Mr. *Solliciter*; they be matters of singular obligation; besides many other favours, as well by your *Lordships* Grants from your Self, as by your Commendation to others, which I have had for my help; and may justly perswade my Self, out of the few Denials I have recived, that fewer mought have been; if mine own Industry and good hap, had been answerable to your *Lordships* Goodness. But on the other side, I most humbly pray your *Lordships* pardon, if I speak it. The time is yet to come, that your *Lordship* did ever use, or command, or employ me, in my profession, in any services, or occasions, of your *Lordships* own, or such as are near unto your *Lordship*: which hath made me fear sometimes, that your *Lordship* doth more honourably affect me, than throughly discern of my most humble, and dutiful affection to your *Lordship* again. Which if it were not in me, I knew not, whether I were unnatural, unthankful, or unwise. This causeth me, most humbly

humbly to pray your *Lordship*; (and I know mine own case too well, to speak it as weening, I can do your *Lordship* service, but as willing to do it; as) to believe, that your *Lordship* is upon just *Title*, a principal Owner, & proprietor, of that, I cannot call *Talent*, but *mite*, that *God* hath given me; which I ever do, and shall, devote to your service. And in like humble manner, I pray your *Lordship*, to pardon mine Errors, & not to impute unto me the Errors of any other; (which I know also, themselves have by this time left and forethought :) But to conceive of me to be a man, that dayly profiteth in duty. It is true, I do, in part comfort my self, supposing that it is my weakness and insufficiency, that moveth your *Lordship*, who hath so generall a command to use others more able. But let it be as it is; for duty only, and homage I will boldly undertake, that nature and true thankfulness shall never give place to a politick dependance. Lastly, I most humbly desire your *Lordship* to continue unto me, the good favour and countenance, and encouragement, in the course of my poor Travails; whereof I have had some taste and experience; for the which, I yield your *Lordship* my very humble good thanks. And so again, craving your *Honours* pardon for so long a *Letter* carrying so empty an offer of so unpuissant a service; but yet a true, and unfeigned, signification of an honest, and vowed duty; I cease, commending your *Lordship* to the preservation of the *Divine Majesty*.

To my Lord of Essex.

Most Honourable and my singular good Lord,

I cannot but importune your *Lordship*, with thanks, for your *Lordship's* remembring my name to my *Lord Keeper*; which being done in such an Article of time, could not but be exceedingly enriched, both in demonstration and effect: which I did well discern by the manner of expressing thereof by his *Lordship*, again to me. This accumulating of your *Lordship's* Favours upon me hitherto, worketh only this effect; that it raiseth my mind to aspire to be found worthy of them; and likewise to merit and serve you for them. But whether I shall be able to pay my vows or no, I must leave that to *God*, who hath them in *deposito*. Whom also, I most instantly beseech to give you fruit of your actions, beyond that your Heart can propound. *Nam Deus major est corde*. Even to the *Environing* of his *Benedictions*, I recommend your *Lordship*.

To Sir Thomas Lucy.

Sir,

There was no Newes better welcom to me this long time, than that of the good success of my Kinsman; wherein if he be happy, he cannot be happy alone it consisting of two parts. And I render you no less kind thanks for your aid and favour towards him, than if it had been for my self; assuring you that this Bond of Alliance shall on my part tye me to give

give all the Tribute to your good Fortune upon all occasions, that my poor strength can yield. I send you, so required, an *Abstract* of the *Lands of Inheritance*; and one *Leaf* of great value which my *Kinsman* bringeth; with a *Note* of the *Tenures, Values, Contents, and State*, truly and perfectly drawn; whereby you may perceive the *Land* is good *Land* and well countenanced by scope of *Acres, Woods and Royalties*; though the *Total* of the *Rents* be set down as it now goeth, without improvement: In which respect it may somewhat differ from your first *Note*. Out of this, what he well assure in *Jointure*, I leave it to his own kindness; for I love not to measure affection. To conclude, I doubt not your *Daughter* might have married to a better *Living* but never to a better *Life*; having chosen a *Gentleman* bred to all Honesty, Virtue, and Worth, with an *Estate* convenient. And if my Brother, or my Self, were either Thrivers, or Fortunate in the *Queens Service*, I would hope, there should be left as great an *House* of the *Cookes* in this Gentleman, as in your good Friend Mr. *Attorney General*. But sure I am, if *Scriptures* fail not, it will have as much of Gods Blessing and Sufficiency, as ever the best Feast, &c.

To Sir Robert Cecil, at his being in France.

It may please your Honourable Lordship,

I know you will pardon this my observance, in writing to you, empty of matter, but out of the fulness of my Love. I am sorry that as your time of absence is prolonged, above that was esteemed at your *Lordships* setting forth; so now, upon this last Advertisement received from you, there groweth an opinion amongst better than the vulgar, that the difficulties also of your Negotiation are increased. But because, I know the gravity of your Nature to be not to hope lightly, it maketh me to despair the less. For you are *Natus ad Ardua*: and the indisposition of the Subject may honour the Skill of the Workman. Sure I am, Judgment and Diligence shall not want in your *Lordships Self*: But this was not my purpose; being only to signify unto your *Lordship*, my continual and incessant love towards you, thirsting after your return, for many respects. So I commend you ever to the good preservation of the *Divine Majesty*.
Graves-Inn.

At your Honours Commandement, ever,
and particularly.

To Sir Robert Cecil.

My singular good Lord,

The argument of my *Letters* to your *Lordship*, rather increaseth than spendeth; it being only the desire I have to salute you: which by your absence is more augmented than abated. For me to write your *Lordship Occurrences* either of *Scottish Brags*, or *Irish Plants*, or *spanish Ruffing*, or *Low-Country States*, were (besides that it is *alienum quiddam*, from

from mine own humour) to forget to whom I write; save that you, that know true Advertisements, sometimes desire and delight to hear common Reports; as we that know but common Reports, desire to hear the Truth. But to leave such as write to your Fortunes, I write to your self, in regard of my love to you; you being as near to me in Hearts Blood, as in Blood of Descent. This day I had the contentment to see your *Father*, upon occasion: And methought his *Lordships* countenance was not decayed, nor his cough vehement; but his voice was as faint all the while as at first. Thus wishing your *Lordship* a happy, and speedy return, I commend you, to the *Divine Majesty*.

To the Queen.

It may please your sacred Majesty,

I Would not fail to give your *Majesty*, my most humble and due thanks, for your *Royal* choice of such Commissioners, in the great *Star-chamber* Cause; being persons besides their Honour of such Science and Integrity. By whose report I doubt not but your *Majesty* will find that, which you have been heretofore enformed (both by my *Lord Keeper*, and by some much meaner person) touching the nature of that Cause, to be true. This preparatory Hearing doth already assail me, with new and enlarged Offers of Composition; which if I had born a mind to have kearkened unto, this matter had been quenched long agoe, without any benefit to your *Majesty*. But your *Majesties* benefit is to me in greater regard, than mine own particular: Trusting to your *Majesties* gracious disposition and *Royal* word, that your *Majesty* will include me, in any extraordinary course of your *Sovereign* pleasure, which your *Majesty* shall like to take in this Cause. The other man, I spoke to your *Majesty* of, may within these two Terms, be in the same streights, between your *Majesties* Justice and Mercy, that this Man now is, if your *Majesty* be so pleased. So most humbly craving pardon, for my presuming to seek accessse, for these few Lines, I recommend your *Majesty* to the most precious Custody, and best preservation of the *Divine Majesty*.

Your *Majesties*, most humble, and entirely obedient *Servant* and *Subject*.

To the Queen.

It may please your Majesty,

IT were great simplicity in me to look for better, than that your *Majesty* should cast away my *Letter* as you have done me; were it not that it is possible, your *Majesty* will think to find somewhat in it, whereupon your displeasure may take hold; and so indignation may obtain that of you which Favour could not. Neither mought I in reason, presume to offer unto your *Majesty* dead lines, my self being excluded as I am; were it not upon this only argument or subiect; namely, to clear my self in point of *Duty*. *Duty*, though my State lye buried in the Sands; and my Favours be

Written by Mr.
Bacon for my
Lord of Essex

be cast upon the Waters; And my Honours be committed to the Wind; Yet standeth surely built upon the *Rock*, and hath been, and ever shall be, unforced, and unattempted. And therefore, since the world out of Error, and your *Majesty*, I fear out of *Art*, is pleased to put upon me; That I have so much as any Election or Will in this my absence, from Attendance; I cannot but leave this Protestation with your *Majesty*: That I am and have been meerly a Patient, and take my self only to obey, and execute your *Majesties* will. And indeed *Madam*, I had never thought it possible that your *Majesty* could have so dis-interested your self of me; Nor that you had been so perfect in the Art of forgetting; Nor that after a Quintessence of Wormwood, your *Majesty* would have taken so large a Draught of Poppy; as to have passed so many Summers, without all feeling of my sufferings. But the only Comfort I have is this, that I know your Majesty taketh Delight and Contentment, in executing this Disgrace upon me. And since your Majesty can find no other use of me, I am glad yet I can serve for that. Thus making my most humble petition to your Majesty, that in Justice (howsoever you may by strangeness untye, or by violence cut asunder all other Knots) your Majesty would not touch me, in that which is indissoluble; That is, point of *Duty*: And that your Majesty will pardon this my unwarranted presumption of writing, being to such an end: I cease in all Humbleness;

Your Majesties poor, and never
so unworthy Servant,
E S S E X.

To my Lord of Essex.

It may please your Lordship,

That your Lordship is in *Statu quo Prius*, no man taketh greater gladness than I do; The rather, because I assure my self, that of your *Eclipses*, as this hath been the longest, it shall be the least; As the *Comical Poet* saith, *Neque illam tu satis noveras, neque te illa, hoc ubi fit, ibi non vivitur*. For if I may be so bold as to say what I think, I believe your Lordship looked, to have found her *Majesty* in all points as you have done; Neither her *Majesty*, per case, looked to have found your Lordship as she hath done. And therefore I hope upon this experience, may grow more perfect Knowledge, and upon Knowledge more true consent; Which I for my part, do infinitely wish, as accounting these Accidents to be like the Fish *Remora*; which, though it be not great, yet hath it a hidden property to hinder the sailing of the Ship. And therefore, as bearing unto your Lordship, after her *Majesty*, of all publick persons, the second Duty, I could not but signifie unto you, my affectionate Gratulation. And so I commend your good Lordship, to the best preservation of the *Divine Majesty*.

From Grays-Inn.

To my Lord Treasurer Burghley.

My Lord,

With as much confidence, as mine own honest and faithful Devotion unto your Service, and your honourable Correspondence unto me, and my poor estate, can breed in a Man, do I commend my self unto your *Lordship*. I wax now somewhat ancient; One and thirty years is a great deal of sand, in the hour-glass. My health, I thank *God*, I find confirmed; and I do not fear that Action shall impair it; Because I account my ordinary course of Study and Meditation, to be more painful, than most parts of Action are. I ever bare a mind (in some middle place that I could discharge) to serve her Majestie; not as a man born under *Sol*, that loveth *Honour*; Nor under *Jupiter*, that loveth *Business*; (For the *Contemplative Planet* carrieth me away wholly) but as a man, born under an excellent *Sovereign*, that deserveth the Dedication of all mens abilities. Besides, I do not find in my self, so much self-love, but that the greater part of my Thoughts, are to deserve well (if I were able) of my Friends, and namely of your *Lordship*; who being the *Atlas* of this *Commonwealth*, the *Honour* of my *House*, and the second *Founder* of my poor *Estate*, I am tied by all duties, both of a good *Patriot*, and of an unworthy *Kinsman*, and of an obliged *Servant*, to employ whatsoever I am to do you Service. Again, the meanness of my estate doth somewhat move me: For though I cannot accuse my self, that I am either prodigal, or slothful, yet my health is not to spend, nor my Course to get. Lastly, I confess, that I have as vast *Contemplative Ends*, as I have *Moderate Civil Ends*: For I have taken all Knowledge to be my *Province*; and if I could purge it of two sort of Rovers, whereof the one with frivolous Disputations, Confutations and Verboisities; The other, with blind Experiments and Auricular Traditions, and Impostures, hath committed so many spoils; I hope, I should bring in industrious Observations, grounded Conclusions, and profitable inventions and Discoveries, the best State of that *Province*. This, whether it be Curiosity or Vain-glory, or Nature, or (if one take it favourably) *Philanthropia* is so fixed in my mind, as it cannot be removed. And I do easily see, that *Place* of any *Reasonable Countenance*, doth bring commandement of more *Wits* than of a mans own; which is the thing I greatly affect. And for your *Lordship*, perhaps you shall not find more Strength and less Encounter in any other. And if your *Lordship* shall find now or at any time, that I do seek or affect any place, whereunto any that is nearer unto your *Lordship* shall be concurrent, say then, that I am a most dishonest man. And if your *Lordship* will not carry me on, I will not do as *Anaxagoras* did, who reduced himself with Contemplation, unto voluntary povertie. But this I will do, I will sell the *Inheritance* that I have, and purchase some *Lease* of quick Revenue, or some Office of *Gain*, that shall be executed by *Deputy*, and so give over all care of Service, and so become some sorry *Book-maker*, or a true *Pioner* in that *Mine of Truth*, which (he said) *lay so deep*. This which I have writ unto your *Lordship*, is rather Thoughts, than Words, being set down without all Art, Disguising, or Reservation. Wherein I have done honour both to your *Lordships* Wisdom, in judging that that will be best believed of your *Lordship*, which is truest; and to your *Lordships* good Nature, in retaining nothing from you. And even so,

I with your Lordship all Happines, and to my self Means and Occasion, to be added, to my faithful desire to do you Service. From my Lodging at *Grays-Inn.*

To the Lord Treasurer Burghley.

My singular good Lord,

Y Our Lordships comfortable Relation of her Majesties gracious Opinion and Meaning towards me, though at that time, your leisure gave me not leave, to shew how I was affected therewith; yet upon every Representation thereof, it entrencheth and striketh more deeply into me, as both by nature and dutie, presseth me to return some speech of Thankfulness. It must be an exceeding comfort and encouragement to me; setting forth and putting my self in way towards her *Majesties* Service, to encounter with an example so private and domestical, of her *Majesties* gracious goodness and benignity; being made good and verified, in my *Father*, so far forth as it extendeth to his *Posterity*; accepting them, as commended by his service, during the Nonage (as I may term it) of their own deserts. I, for my part, am very well content, that I take least part, either of his Abilities of Mind, or of his worldly Advancement; both which he held and received, the one of the Gift of *God* immediately, the other of her *Majesties* gift: Yet, in the loyal and earnest affection, which he bare to her *Majesties* Service, I trust my portion shall not be with the least, nor in proportion with the youngest birth. For methinks, his President should be a silent charge upon his blessing, unto us all, in our degrees, to follow him afar off, and to dedicate unto her *Majesties* Service, both the use and spending of our lives: true it is, that I must needs acknowledge my self prepared, and furnished thereunto, with nothing but with a multitude of lacks and imperfections; But calling to mind how diversely, and in what particular providence, *God* hath declared himself to tender the state of her Majesties affairs, I conceive and gather hope, that those whom he hath in a manner prest for her *Majesties* service, by working and imprinting in them, a single and zealous mind, to bestow their duties therein; he will see them accordingly appointed of sufficiency convenient for the rank and standing where they shall be employed: So as under this her Majesties Blessing, I trust to receive a larger allowance of Gods graces. And as I may hope for this, so I can assure and promise for my endeavour, that it shall not be in fault: But what diligence can entitle me unto, that I doubt not to recover. And now seeing, it hath pleased her Majesty to take knowledge of this my mind, and to vouchsafe to appropriate me unto her service, preventing any desert of mine, with Princely liberality; First, I humbly do beseech your Lordship, to present to her Majesty, my more than humble Thanks for the same: And withal, having regard to mine own unworthiness to receive such favour, and to the small possibility in me, to satisfie and answer, what her Majesty conceiveth; I am moved to become a most humble *Sister* to her Majesty, that this Benefit also, may be affixed unto the other: which is; That if there appear in me no such Towardness of service, as it may be her Majestie, doth benignly value and assess me at; by reason of my sundry wants, and the disadvantage of my nature, being unapt to lay forth the simple store of those inferiour gifts, which *God* hath allotted

unto me, most to view ; yet, that it would please her Excellent *Majesty*, not to account my Thankfulness the less, for that my Disability is great to shew it ; But to sustain me, in her *Majesties* gracious opinion, whereupon I only rest, and not upon any expectation of Desert, to proceed from my self, towards the Contentment thereof. But if it shall please *God*, to send forth an occasion, whereby my faithful affection may be tried, I trust, it shall save me labour, for ever making more protestation of it hereafter. In the mean time, howsoever it be not made known to her *Majesty*, yet *God* knoweth it, through the daily solicitations, where-with I address my self unto him, in unfeigned prayer, for the multiplying of her *Majesties* prosperities. To your *Lordship* also, whose Recommendation I know right well, hath been material to advance her *Majesties* good opinion of me, I can be but a bounden Servant. So much may I safely promise, and purpose to be, seeing publick and private Bonds vary not, but that my Service to her *Majesty* and your *Lordship*, draw in a Line. I wish therefore to shew it, with as good proof, as I can say it, in good faith, &c.

Your *Lordships*, &c.

To Sir Robert Cecil.

It may please your good Honour ;

I Am apt enough, to condemn *Mendacia Fame*, yet it is with this Distinction ; as *Fame* walks among Inferiours, and not as it hath Entrance into some Ears. And yet, nevertheless, in that kind also, I intend to avoid a suspicious silence, but not to make any base *Apology*. It is blown about the Town, that I should give opinion, touching my Lord of *Essex* Cause ; First, that it was a *premunire* ; and now last, that it reached to *High Treason*. And this opinion should be given, in opposition to the opinion of the Lord *Chief Justice*, and of Mr. *Attorney General*. Sir, I thank *God*, whatsoever opinion, my head serveth me to deliver to her *Majesty*, being asked, my heart serveth me to maintain ; the same honest Duty, directing me, and assisting me. But the utter untruth of this *Report*, *God* and the *Queen* can witness ; and the improbability of it, every man that hath Wit, more or less, can conceive. The Root of this, I discern to be not so much a light, and humourous Envy, at my Accesses to her *Majesty* ; (which of her *Majesties* grace, being begun in my first years, I would be sorry she should estrange in my last years ; (For so I account them, reckoning by *Health*, not by *Age* ;) as a deep malice, to your Honourable self ; upon whom, by me, through nearness, they think to make some aspersion. But, as I know no Remedy against Libels and Lies : So I hope, it shall make no manner of disservice, of your honourable good Conceits, and affection towards me ; which is the thing I confess to fear. For as for any violence to be offered to me, wherewith my Friends tell me, to no small terrour, that I am threatned ; I thank *God*, I have the privie Coat of a good Conscience ; and have a good while since, put off any fearful care of Life, or the accidents of Life. So desiring to be preserved, in your good Opinion, I remain.

To the Queen.

It may please your Excellent Majesty ;

I Presume, according to the Ceremony and good manner of the Time, and my accustomed Duty, in all Humbleness to present your Majesty, with a simple Gift ; almost as far from answering my mind, as sorting with your Greatness ; And therewith wish, that we may continue to reckon on, and ever, your Majesties happy years of Reign : And they that reckon, upon any other hopes, I would they might reckon short, and to their Cost. And so craving pardon most humbly, I commend your Majesty, to the preservation of the *Divine Goodness*.

To the Queen.

It may please your most Excellent Majesty ;

I Most humbly entreat your Majesty, not to impute my absence, to any weakness of mind or unworthiness. But I assure your Majesty, I do find Envy beating so strongly upon me, standing as I do, (if this be to stand) as it were not strength of mind, but stupidity, if I should not decline the Occasions ; Except I could do your Majesty more service, than I can any wayes discern that I am able to do. My Course towards your Majesty, (*God is my witness*) hath been pure and unleavened : And never poor Gentleman (as I am perswaded) had a deeper and truer desire, and care of your glory, your safety, your repose of Mind, your service: Wherein, if I have exceeded my outward vocation, I most humbly crave your Majesties pardon for my presumption. On the other side, if I have come short of my inward vocation, I most humbly crave Gods pardon, for *quenching the Spirit*. But in this mind I find such solitude, and want of comfort ; which I judge to be, because I take duty too exactly, and not according to the dregs of this age ; wherein the old *Antheme*, mought never be more truly sung ; *Totus Mundus in maligno positus est*. My Life hath been threatned, and my Name Libellied, which I count an Honour. But these are the practices of those, whose despairs are dangerous ; But yet not so dangerous as their Hopes : Or else the devices of some, that would put out all your Majesties lights, and fall on reckoning, how many years you have reigned ; which I beseech our *bleſſed Saviour* may be doubled : And that I may never live to see any eclipse of your glory, interruption of safety, or indisposition of your person ; which I commend to the *Divine Majesty* ; who keep you and fortifie you.

To my Lord Hen. Howard.

My Lord,

There be very few besides your self, to whom I would perform this respect. For I contemn *Mendacia Fame*, as it walks among inferiours ; though I neglect it not, as it may have entrance into some
Ear

Ear. For your Lordships love, rooted upon good opinion, I esteem it highly, because I have tasted the fruits of it; and we both have tasted of the best waters, in my accompt, to knit minds together. There is shaped a Tale in *Londons* forge, that beateth apace at this time; That I should deliver opinion to the *Queen*, in my Lord of *Essex* Cause. First, that it was *premunire*; and now last, that it was *High Treason*; And this Opinion, to be in opposition and encounter of the Lord *Chief Justices* opinion, and the *Attorney Generals*. My Lord, (I thank God) my wit serveth me not to deliver any Opinion to the *Queen*, which my stomach serveth me not to maintain: One and the same conscience of Duty guiding me, and fortifying me. But the untruth of this *Fable*, God and my *Sovereign* can witness; and there I leave it: Knowing no more Remedy against *Lies*, than others do against *Libels*. The Root, no question of it is; partly, some light-headed envy at my accesses to her Majesty; which being begun, and continued since my childhood, as long as her Majesty shall think me worthy of them, I scorn those that shall think the contrary. And another reason is, the aspersion of this Tale, and the envy thereof, upon some greater man, in regard of my nearness. And therefore (my Lord) I pray you answer for me, to any person that you think worthy your own Reply, and my defence. For my Lord of *Essex*, I am not servile to him, having regard to my Superiours duty. I have been much bound unto him. And on the other side, I have spent more time and more thoughts about his well-doing, than ever I did about mine own. I pray God you his Friends amongst you be in the right. *Nulla Remedia, tam faciunt dolorem, quam quae sunt salutaria.* For my part, I have deserved better, than to have my Name objected to Envie; or my Life to a *Ruffians* violence. But I have the privy Coat of a good Conscience: I am sure, these Courses and Bruits, hurt my Lord more than all. So having written to your *Lordship*, I desire exceedingly, to be preferred in your good Opinion and Love. And so leave you to Gods goodness.

The Earl of Essex Letter to the Council, at his Embarquing for Spain. June 1596.

My very good Lords;

HAVING taken order for all things, that belong to our Land Forces; and staying only till the Ships be readie to take in our Souldiers, I am come aboard, as well to draw other men by my example to leave the shore; as to have time and leisure, to ask account of my self, what other duty I have to do, besides the governing of those Troops; and the using of them to good purpose. In which Meditation, as I first study to please my most gracious *Sovereign*, as well as to serve her; so my next care is, to leave your *Lordships* well satisfied of my past Carriage, since I was nominated to this Service; and apt to make favourable Construction of what I shall do hereafter.

In my past Carriage, I will neither plead Merit, nor excuse imperfections: For whatsoever I shall be able to do, I know is less than I owe; and besides my faults, my very Faith and Zeal (which are the best things in me) do make me commit Errors. But I would fain approve the mat-

ter it self of undertaking this service, to have been good, howsoever my former have been erroneous; Or at least, my intent and ends unblameable, though my judgement were faulty. Your Lordships know, it hath been the Wisdom of all Times, rather to attempt and do something in another Country, than to attend an Enemy, and be in danger much in our own. And if this Rule among the *Ancients* was generally held true, it might be better allowed of us in particular cases, where a State, little in Territory, not extraordinary rich, and defended onely with it self, shall have to do with another State, that hath many and ample Dominions, the Treasure of the *Indies*, and all the Mercenaries of *Christendome* to serve it. For we have, as the *Athenians* had with the ancient usurping *Philip*; *Praedium facile, Bellum difficile*. Therefore it is our disadvantage, to draw the War into length. And if any man in this *Kingdom*, should be allowed to perswade to prevention, he might be one, that saw the *Spaniard* at home, apprehend an Invasion with greater Terrour, than he makes it abroad: And that was a Witness, how an handful of men, neither armed, victualled, nor ordered as they should be; landed, marched, and had done what they listed, if either the Ships had come up, or they had had any provisions, to make a hole in a Wall, or to break open a Gate. But though the Counsel be good for some *States*, and for ours at some times, yet the opportunities ought to be watched, and it must appear, that this it is which is now taken. The opportunity for such service, I take to be, when either the Enemy may receive the most hurt; Or when he is likeliest to attempt against us, if he be not impeached. The hurt that our Estate should seek to do him, is; To intercept his Treasure, whereby we shall cut his Sinews, and make War upon him with his own Money; And to beat, or at least discontinue him from the Sea, whereby her Majestie shall be, both secured from his Invasions, and become *Mistress* of the Sea; which is the Greatness that the Queen of an Island, should most aspire unto. In matter of Profit, we may this Journey, most hurt him, and benefit our selves; since he hath (as is agreed on by all men) more *Caracks* to come home now, than ever any year before. Besides many good advantages which shall be offered, if we command the Coast. And to give him a blow, and discountenance him by Sea, now is the time; when he hath declared his Ambition, to command the Seas; and yet, so divided his Fleets: Some appointed to be set out, and yet scant in readines; others upon point of coming home, and not fit to defend themselves, if either they be met at Sea, or found in harbour; And all so dispersed in several places, as if at any time we might do good that way, it is now. And whether he will make War upon us, if we let him alone: Let his Sollicitations, Offers, and Gifts to the *Rebels* of *Ireland*; His besieging and winning of *Calais*, and those parts of *France* that front upon us; And his strengthening himself by Sea, by so many means; Let these things (I say) tell us. So, as if we will at any time, allow the Counsel of prevention to be reasonable, we must now confesse it to be opportune. But whatsoever the Counsel were, I am not to be charged with it. For as I was not the Contriver, nor offerer of the Project, so if I had refused to joyn with him, (that did invite me to it) I should have been thought both incompatible and backward in her Majesties service. I say not this, for that I think the action, such, as it were Disadvantage, to be thought the Projector of it; But I say, and say truly, that my Lord

Admiral

Admiral deviled it, presented it to her *Majesty*, and had as well the Approbation of her *Majesty*, and the assent of such of your *Lordships*, as were acquainted with it, as my promise to go with him. One thing (I confess) I above all men am to be charged withal: That is, that when her *Majesties*, the Cities of *London*, and the States of the *Low-Countries* charge was past, the men levied, and marching to the *Rendez-vous*; I could not see, how with her *Majesties* honour and safety, the Journey might be broken. Wherein, although I should be carried with passion, yet I pray your *Lordships* consider, who almost, that had been in my case named to such an Action, voiced throughout *Christendom*, and engaged in it as much as it was worth; And being the Instrument, of drawing more voluntary men of their own charge, than ever was seen these many years: Who (I say) would not have been so affected? But far be it from me, in any *Action* of this importance, to weigh my self, or my particular fortunes. I must beseech your *Lordships* to remember, that I was from time to time, warranted by all your opinions, delivered both amongst your selves, and to her *Majesty*: Which tieth you all to allow the Counsel. And that being granted, your *Lordships* will call that Zeal, which maketh a man constant in a good Counsel, that would be passion in an evil, or a doubtful. I confess, her *Majesty* offered us recompence for all our charges and losses. But (my Lords) I pray your *Lordships* consider, how many things I should have sold at once for money? I will leave mine own reputation as too small a matter to be mentioned. But I should have sold, the Honour of her *Majesty*; The safety of the *State*; The Contentment of her *Confederates*; The Fortune and Hope of many of my poor *Country-men*; And the possibility of giving a *Blow* to that *Enemy*, that ought ever to be hateful to all true *English hearts*. I should have sold all this, for private profit. Therefore, though I ask pardon of her *Majesty*, and pray your *Lordships* to mediate it for me, that I was carried by this Zeal so fast, that I forgot those Reverend Forms, which I should have used; yet I had rather have my *Heart* out of my *Body*, than his Zeal out of my *Heart*. And now, as I have laid before your *Lordships* my past carriage, and entring into this *Action*; So I beseech your *Lordships* give me leave, to prepare you to a favourable Construction of that, which I shall do hereafter. In which Sute I am resolved, neither to plead the hazarding of life, nor spending of my substance, in a publick Service; To the end, that I might find your *Lordships* (who are publick persons) more favourable *Judges*: But will confess, that I receive so much favour, and Honour by this trust, and employment, as when I have done all I can, I shall still be behind hand. This Sute only I make, that your *Lordships* will neither have too great an expectation of our Actions, nor too little; Lest all we do, seem either nothing, or to be done by chance. I know, we must be tied to do more, than shall be for her *Majesties* Service, nor no less. In which strait way, thought it be hard for so weak a man as my self to walk upright; yet the example of our raw souldiers, may comfort an insufficient *General*. For they, till they grow perfect in all their Orders and Motions, are so afraid to be out, & with such a continual heedfulness, observe both themselves and those that are near them, that they do keep, almost as good order at the first, as ever after. I am sure I am as distrustful of my self, as they. And because I have more sense of Duty, I shall be more industrious. For *Sea-Service*, the judgment of my *Honourable Companion* shall be my compass. And for Land, his Assent, and the Advice of those

those her *Majesty* hath named, as *Counsellors* at War, shall be my Warranties. It will be Honour to her *Majesty* and a great assurance to her State, if we either bring home wealth or give the *King* of *Spain* a blow by Sea. But to have made a continual Diversion, and to have left as it were, a Thorn, sticking in his foot, had been a Work worthy of such a *Queen*, and of such a *Preparation*. For then her *Majesty* should have heard no more of his intentions for *Ireland*, and attempts upon the *Coast* of *France*; or his drawing of *Ships* or *Galley's* into these *Narrow Seas*; but should at once have delivered all *Christendom* from his fearful *Usurpation*. Wherein, as she had been great in *Fame* for such a general preservation; so she had been as great in *Power* in making all the *Enemies* of *Spain* in *Christendom*, to depend upon Her. She should be *Head* of the Party; She only might be said to make the *Wars* with *Spain*, because she made them to purpose; and they all, but as her *Assistants* and *Dependants*. And lastly, as the *End* of the *Wars* is *Peace*; so she might have had *Peace*, when she would, and with what *Conditions* she would, and have included or left out whom she would. For she only, by this course should force him, to wish for *Peace*, and she had the means in her hands, to make the *Conditions*. And as easie it had been, to have done this as to have performed lesser *Services*. The *Objections* against this, will be *Hazard* and *Charge*. *Hazard*, to hold any Thing of his, that is so mighty a *King*: And *Charge*, to lend such *Supplies* from time to time, as will be needful. For *Hazard*, it is not the *Hazard* of the *State* or the *Whole*, as are the *Hazards* of a *Defensive War* whensoever we are enforced to fight: But it is only a *Hazard* of some few, and such *Commanders*, as shall be set out for such a *Service*. And those also, that shall be so *hazarded*, shall be in less danger, than if they were put into any *Frontire Places* of *France*, or of the *Low Countries*. For they should not be left in any part of the *Main* or *Continent* of *Spain* or *Portugal*, where the *Enemy* might bring an *Army* to attempt them; (Though I doubt not, but after he had once tried what it were to besiege two or three thousand *English* in a place well fortified, and where they had a *Port* open, he would grow quickly weary of those attempts;) but they should be so lodged as the *Seat*, and *Strength* of the place, should warrant their safety; so that to pull her *Majesties* Men out of it, should be a harder *Task* than to conquer any *Country* that stands on firm land by him: And to let *English* quietly possess it, should so much prejudice him as he were not able to endure it. And for *Charge*, there need not so much be expended, but that it might easily be born. And the *Place* being well chosen, and the *War* well conducted, in a short time there would not only arise enough to pay the *Charge*; but the great profit to her *Majesty*, and wealth to our *Country*, would grow from the *place* that should be held. For in a short time a great part of the *Golden Indian Stream* might be turned from *Spain* to *England*; and her *Majesty* be made to give *Law* to all the *World* by *Sea* without her *Charge*. Besides, this fearful *Enemy* which is now a *Terror* to all *Christendome*, should be so weakened in *Strength*, *Reputation*, and *Purse* as her *Majesty* should for ever after have an easie *Enemy* of him. It may be your *Lordships* will desire to know the *Place* that should be attempted; the *means*, first to take it, then to hold it; the *Commodity* or *Advantage* that might grow to this *Estate* by it. But that with your *Lordships* leave, shall be reserved till my next. This is only to beseech you for our dear *Sovereign* sake, for the *Glory* and *Wellfare* of Her, and her *Estate*, that you will think upon this ge-

neral Proposition. And if your *Lordships* find it reasonable, that you will move it to the *Queen* : By whom if I be commanded to set down the *Hypothesis*, or to descend unto particulars, I will offer my *Project* with this Condition, that if I advise any Thing, that the *Counsel of War* shall think dangerous, it may be rejected : Or if my self be Actor in any Thing belonging to this *Project*, wherein her *Majesty* receives dishonour, that I may answer it with my Life. And yet your *Lordships* know, I am matched with those in whom I have no particular interest : but I must attribute their assenting to me to my good hap, to take the better part. In my *Lord*, with whom I am joyned, I find so much honour and service, as I doubt not but our Unity in Affection, will make an Unity in Counsel, Action and Government. I have troubled your *Lordships* with a tedious *Letter*, begun in a Day of Leisure, and finished in the midst of our troublesome Business. I pray your *Lordships*, pardon the Errors in it ; and keep so honourable an Opinion of me, as I be not condemned by you upon any Complaints, Advertisements, or Reports, till I have given answer to them. For as the nature of my Place is subject to envy and detraction ; so a little body full of sharp Humors is hardliest kept in Temper. And all the discontented *Humors* of an Army do make their greatest Quarrel, to him that commands the *Army* ; not so much for his faults, as for because he bridles theirs. And so commending your good *Lordships* to Gods Divine protection, I rest ;

At your *Lordships* commandement,
Robert Essex.

To my Lord of Essex, from Mr. Bacon.

My singular good Lord,

I Will no longer dislever part of that, which I meant to have said to your *Lordship*, at *Barnhelmes*, from the *Exordium*, which I then made. Wherunto I will only add this ; that I humbly desire your *Lordship*, before you give access to my poor Advice, to look about, even jealously a little, if you will, and to consider : First, whether I have not reason to think, that your *Fortune* comprehendeth mine : Next, whether I shift my *Counsel* and do not *constare mihi* ; for I am perswaded, there are some would give you the same Counsel now, which I shall, but that they should derogate from that, which they have said heretofore : Thirdly, whether you have taken hurt, at any time, by my careful and devoted Counsel : For although, I remember well your *Lordship* once told me, that you having submitted upon my well-meant Motion at *Nonsuch* (the place where you renewed a *Treaty*, with her *Majesty* of obsequious kindness) she had taken advantage of it ; yet I suppose, you do since believe, that it did much attemper a cold malignant Humour, then growing upon her *Majesty* toward your *Lordship*, and hath done you good in consequence. And for being against it, now lately, that you should not *estrangle* your self, although I give place to none in true Gratulation ; yet neither do I repent me of safe Counsel ; neither do I judge of the whole *play*, by the first *Act*. But whether I counsel you the best, or for the best, duty bindeth me, to offer to you my wishes. I said to your *Lordship*, last time ; *Martha, Martha, attendis ad plurima, unum sufficit. Win the Queen* ; if this be not the Beginning

of any other course, I see no end. And I will not now speak of Favor of Affection, but of other correspondence and agreeablenes: which, whensoever it shall be conjoynd with the other of affection, I durst wager my life (let them make what *Prosopopœus* they will of her *Majesties* Nature;) that in you she will come to the *Question* of; *Quid fiet Homini, quem Rex vult honorare?* But how is it now? A man of a nature not to be ruled; that hath the advantage of my Affection, and knoweth it; of an Estate not grounded to his Greatness; of a popular Reputation; of a Military Dependence: I demand, whether there can be a more dangerous Image, than this, represented to any *Monarch* living; much more to a *Lady*, and of her *Majesties* apprehension? And is it not more evident than demonstration it self, that whilst this impression continueth in her *Majesties* Breast, you can find no other condition, than inventions to keep your Estate bare and low; crossing and disgracing your Actions; extenuating and blasting of your Merit; carping with contempt at your nature and fashions; breeding, nourishing, and fortifying, such instruments, as are most Factious against you; repulses, and scorns of your Friends, and Dependants, that are true and stedfast; winning and inveigling away from you, such as are flexible and wavering; thrusting you into odious employments, and Offices, to supplant your Reputation; abusing you, and feeding you, with dalliances, and demonstrations, to divert you from descending into the serious consideration of your own Case; yea, and percase ventring you in perillous and desperate Enterprises. Herein it may please your *Lordship*, to understand me; for I mean nothing less than that these Things should be plotted, and intended, as in her *Majesties* Royal mind towards you; I know the excellency of her *Nature* too well. But I say, wheresoever the formerly described impression is taken in any *Kings* Breast towards a *Subject*, these other recited inconveniences, must of necessity of politick consequence, follow; in respect of such *Instruments* as are never failing about *Princes*; which spy into their humors, and conceits, and second them; and not only second them, but in seconding encrease them; yea, and many times without their knowledge, pursue them further than themselves would. Your *Lordship* will ask the *Question*, where-with the *Athenians* were wont to interrupt their *Orators*, when they exaggerated their dangers; *Quid igitur agendum est?*

I will tell your *Lordship*, *Quæ mihi nunc in mentem veniunt*; supposing nevertheless, that your self out of your own Wisdom upon the case, with this plainness and liberty represented to you, will find out better expedients & remedies. I wish a cure applied, to every of the five former *Impressions*, which I will take not in order, but as I think they are of weight.

For the removing the *Impression* of your *Nature* to be *Opiniastre* and not *Rulable*; First, and above all things I wish, that all matters past, which cannot be revoked, your *Lordship* would turn altogether upon dissatisfaction, and not upon your *Nature*, or proper *Disposition*. This String you cannot, upon every apt occasion, harp upon too much. Next, whereas I have noted you to fly and avoid (in some respect justly) the resemblance or imitation of my Lord of *Leicester*, and my Lord *Chancellor Hatton*; yet I am perswaded (howsoever I wish your *Lordship*, as distant as you are from them, in Points of *Favour*; *Integrity*, *Magnanimity*, and *Aserit*;) that it will do you much good between the *Queen* and you, to alledge them (as oft as you finde occasion) for Authors, and Patterns. For I do not know, a readier mean to make her *Majesty* think, you are in

your right way. Thirdly, when at any time your *Lordship*, upon occasion happen in Speeches to do her *Majesty* right (for there is no such matter as flattery, amongst you all) I fear, you handle it, *Magis in speciem adornatis verbis, quam ut sentire videaris*. So that a man may read formality in your countenance; whereas your *Lordship* should do it familiarly, *Et oratione fida*. Fourthly, your *Lordship* should never be without some particulars afoot, which you should seem to pursue with earnestness and affection; and then let them fall, upon taking knowledge of her *Majesties* opposition and dislike. Of which, the weightiest Sort may be if your *Lordship* offer to labour in the behalf of some that you favour; for some of the Places now voyd; chusing such a subject, as you think her *Majesty* is like to oppose unto. And if you will say, that this is, *Conjunctum cum aliena Injuria*; I will not answer; *Hæc non aliter constabunt*; but I say; commendation from so good a mouth; doth not hurt a man; though you prevail not. A less weighty sort of particulars may be the pretence of some *Journeys*, which at her *Majesties* request your *Lordship* might relinquish; as if you would pretend a *Journey*, to see your *Living* and *Estate* towards *Wales* or the like. For as for great forein *Journeys* of Employment and Service, it standeth not with your gravity, to play, or Stratagem with them. And the lightest sort of particulars, which yet are not to be neglected, are in your *Habits*, *Apparel*, *Wearings*, *Gestures* and the like.

The *Impression* of greatest prejudice next, is that, of a *Militar Dependance*. Wherein, I cannot sufficiently wonder at your *Lordships* course; that you say, the *Wars* are your *Occupation*; and go in that course: whereas, if I might have advised your *Lordship*, you should have left that *Person* at *Plimouth*; more than when in *Counsel* or in commending fit persons, for service for *Wars* it had been in season. And here (my *Lord*) I pray mistake me not. I am not to play now the part of a *Gown-man*, that would frame you best to mine own turn. I know what I owe you. I am infinitely glad of this last *Journey* now it is past: The rather, because you may make so honourable a full point for a time. You have property good enough in that Greatness. There is none can, of many years, ascend near you in competition. Besides the disposing of the Places, and Affairs both concerning the *Wars* (you encreasing in other Greatness) will of themselves flow to you; which will preserve that *Dependance* in full measure. It is a Thing that of all things, I would have you retain the Times considered: And the necessity of the Service, for other reason I know none. But I say; keep it in substance, but abolish it in shews to the *Queen*. For her *Majesty* loveth *Peace*. Next she loveth not *Charge*. Thirdly, that kind of *Dependance* maketh a suspected *Greatness*. Therefore, *Quod instat agamus*. Let that be a sleeping honour a while; and cure the *Queens* mind in that point. Therefore again, whereas I heard your *Lordship* designing to your self the *Earl Marshals* Place, or Place of *Master*, of the *Ordnance*, I did not in my mind so well like of either; because of their *Affinity* with a *Martial Greatness*. But of the Places now void in my Judgement and discretion, I would name you to the place of *Lord Privy Seal*. For first, it is the Third Person of the great *Officers* of the *Crown*. Next, it hath a kind of super-intendance over the *Secretary*. It hath also an *Affinity* with the *Court of Wards*, in regard of the *Fees* from the *Liveries*. And it is a fine Honour, quiet place, and worth a thousand pounds by yeat. And my *Lord Admirals* Father had it, who was a *Martial*

tial Man. And it fits a Favorite to carry her *Majesties Image* in *Seal*; who beareth it best expressed in *Heart*. But my chief Reason is, that which I first alledged to divert her *Majesty* from this *Impression* of a *Martial Greatness*. In concurrence whereof, if your *Lordship* shall not remit any thing of your former diligence at the *Star-Chamber*; if you shall continue such intelligences as are worth the cherishing; if you shall pretend to be as *Bookish* and *Contemplative* as ever you were; all these courses have both their advantages and uses in themselves otherwise, and serve exceeding aptly to this purpose. Whereunto I add one expedient more stronger than all the rest; and for mine own confident opinion, void of any prejudice or danger of diminution of your *Greatness*; and that is, the bringing in of some *Martial* man to be of the *Council*; dealing directly with her *Majesty* in it, as for her Service and your better assistance; chusing nevertheless some person, that may be known, not to come in against you by any former division. I judge the fittest to be my *Lord Mount-joy*, or my *Lord Willoughby*. And if your *Lordship* see deeplier into it than I do, that you would not have it done in effect; yet in my opinion, you may serve your turn by the pretence of it, and stay it nevertheless.

The third *impression* is of a *Popular Reputation*; which, because it is a thing good in it self, being obtained as your *Lordship* obtaineth it, that is, *Bonis artibus*; and besides, well governed, is one of the Flowers of your *Greatness* both present and to come; it would be handled tenderly. The only way is, to quench it *Verbis* and not *Rebus*. And therefore to take all Occasions to the *Queen*, to speak against *Popularity* and *Popular Courses*, vehemently; and to tax it in all others: But, nevertheless, to go on in your honourable *Common-wealth Courses*, as you do. And therefore, I will not advise you to cure this, by dealing in *Monopolies* or any *Oppressions*. Only, if in *Parliament* your *Lordship* be forward for *Treasure*, in respect of the *Wars*. it becometh your *Person* well. And if her *Majesty* object *Popularity* to you at any time, I would say to her; a *Parliament* will liew that; and so feed her with Expectation.

The fourth *Impression*, of the inequality, between your *Estate* of *Means* and your *Greatness* of *Respects*, is not to be neglected. For believe it (my *Lord*) that till her *Majesty* find you careful of your *Estate*, she will not only think you more like to continue chargeable to her, but also have a conceit that you have higher imaginations. The *Remedies* are; First, to profess it in all speeches to her. Next, in such Sutes wherein both honour, gift and profit, may be taken to communicate freely with her *Majesty*, by way of enducing her to grant, that it will be this benefit to you. Lastly, to be plain with your *Lordship*; for the *Gentlemen* are such, as I am beholding to; nothing can make the *Queen* or the *World* think so much that you are come to a provident care of your *Estate*, as the altering of some of your *Officers*: who though they be as true to you, as one hand to the other; yet *Opinio Veritate major*. But if, in respect of the *Bonds*, they may be entred into for your *Lordship*, you cannot so well dismiss your self of them, this cannot be done, but with *Time*.

For the *Fifth* and last, which is of the advantage of a *Favorite*: As severed from the rest it cannot hurt; so joyned with them it maketh her *Majesty* more fearful and showdow, as not knowing her own strength. The only Remedy to this, is; to give way to some other *Favorite* as in particular you shall find her *Majesty* enclined; so as the Subject hath no ill, nor dangerous aspect towards your self. For otherwise, whosoever shall

shall tell me, that you may not have singular use of a *Favorite* at your devotion; I will say, he understandeth not the *Queens Affection*; nor your *Lordships Condition*. And so I rest.

October 4. 1596.

To Sir Robert Cecil.

Sir,

I Forbear not to put in Paper, as much as I thought to have spoken to your *Honour* to day, if I could have stayed; knowing, that if your honour should make other use of it, than is due to good meaning; and then I am perswaded you will; yet to persons of Judgment, and that know me otherwise, it will rather appear (as it is) a precise honesty, and this same; *Suum cuique tribuere*, than any hollowness to any. It is my luck still to be a kin to such things as I neither like in nature; nor would willingly meet with in my course; but yet cannot avoid; without shew of base timourousness, or else of unkind, or suspicious strangeness.

Some *Hiatus* in the Copy.

And I am of one Spirit still. I ever liked the *Galenists*, that deal with good compositions; and not the *Paracelsians*, that deal with these fine *Separations*: And in *Musick*, I ever loved easie Ayres that go full all the parts together; and not these strange points of Accord and Discord. This I write not, I assure your *Honour* officiously; except it be according to *Tullies Offices*; that is, *Honestly* and *Morally*. For though, I thank *God*, I account upon the proceeding in the *Queens Service*, or not proceeding both ways; and therefore neither mean to fawn nor retire; yet I naturally desire good opinion with any person, which for Fortune or Spirit is to be regarded; much more with a *Secretary* of the *Queens* and a *Cousin-German*; and one, with whom I have ever thought my Self to have some sympathy of nature, though accidents have not suffered it to appear. Thus not doubting of your *Honourable* interpretation, and usage of that I have written, I commend you to the Divine preservation. From *Graves-Inn*.

To my Lord of Essex:

It may please your good Lordship,

I Pray *God* her *Majesties* weiging be not-like the weight of a *Ballance*; *Gravia deorsum, Levius sursum*. But I am as far from being altered in devotion towards her; as I am from distrust, that she will be altered in opinion towards me, when she knoweth me better. For my self I have lost some *Opinion*, some *Time*, and some *Means*; this is my account: But then, for *Opinion* it is a blast that goeth and cometh; for *Time*, it is true, it goeth and cometh not; but yet I have learned, that it may be redeemed.

For *Means*, I value that most; and the rather, because I am purposed, not to follow the *Practice* of the *Law*: If her *Majesty* command me in any

any particular, I shall be ready to do her willing Service;) and my reason is only, because it drinketh too much time, which I have dedicated to better purposes. But even, for that point of *Estate* and *Means*, I partly lean to *Thales* opinion; *That a Philosopher may be rich, if he will.* Thus your *Lordship* seeth, how I comfort my self: To the encrease whereof, I would fain please my self to believe that to be true, which my *Lord Treasurer* writeth; which is, that it is more than a *Philosopher* morally can digest. But without any such high conceit, I esteem it, like the pulling out of an aking Tooth, which I remember, when I was a Child, and had little *Philosophy*, I was glad of, when it was done. For your *Lordship*, I do think my self more beholding to you than to any Man. And I say, I reckon my self as a *Common*; (not *Popular*, but *Common*;) and as much as is lawful to be enclosed of a *Common*; so much your *Lordship* shall be sure to have.

Your *Lordships*, to obey your honourable
Commands, more settled
than ever.

To my Lord. of Essex.

My singular good Lord,

Your *Lordships* so honourable minding my poor *Fortune* the last year, in the very entrance into that great Action, (which is a time of less leisure;) and in so liberal an allowance of your Care, as to write three Letters to stir me up Friends in your absence; doth, after a sort, warrant me not to object to my self your present quantity of affairs, whereby to silence my self from Petition of the like favour. I brake, with your *Lordship*, my self at the *Tower*; and I take it my *Brother*, hath since renewed the same motion; touching a fortune, I was in thought to attempt, *in Genere Oeconomico.* *In Genere Politico*, certain cross winds have blown contrary. My sute to your *Lordship* is for your several Letters to be left with me, dormant, to the *Gentlewoman*, and either of the *Parents*. Wherein I do not doubt, but as the beams of your favour have often dissolved, the coldness of my fortune; so in this argument, your *Lordship* will do the like with your Pen. My desire is also, that your *Lordship* would vouchsafe unto me, as out of your care a general Letter to my *Lord Keeper*, for his *Lordships* holding me, from you recommended; both in the course of my *Practice*, and in the course of my Employment, in her *Majesties* Service. Wherein, if your *Lordship* shall in any *Antithesis* or *Relation*, affirm that his *Lordship* shall have no less fruit of me than of any other, whom he may cherish, I hope, your *Lordship* shall engage your self for no Impossibility. Lastly and chiefly, I know not whether I shall attain to see your *Lordship* before your *Noble Journey*: For *Ceremonies*, are things infinitely inferiour to my love and to my zeal. This let me, with your allowance, say unto you by Pen. It is true, that in my well meaning advices, out of my love to your *Lordship*, and perhaps out of the state of mine own mind, I have sometimes perswaded a course differing: *Ac tibi pro tutis insignia Facta placebunt*: Be it so: yet remember, that the signing of your name, is nothing unless it be to some good *Patent* or *Charter*, whereby your *Country* may be endowed with Good and Benefit. Which I speak,
both

both to move you to preserve your *Person*, for further merit and service of her *Majesty* and your *Country*, and likewise, to refer this *Action* to the same end. And so, in most true, and fervent prayers, I commend your *Lordship* and your work in hand, to the preservation, and conduct of the *Divine Majesty*; so much the more watchful, as these actions do more manifestly in *shew*, though alike in *Truth*, depend upon his *Divine Providence*.

To my Lord of Canterbury.

It may please your Grace,

I Have considered the *Objections*, perused the *Statutes* and framed the *Alterations*; Which I send, still keeping my self within the Brevity of a *Letter* and Form of a *Narration*; not entering into a form of Argument or Disputation. : For, in my poor conceit, it is somewhat against the *Majesty* of *Princes* Actions, to make too curious and striving *Apologies*; but rather to set them forth plainly; and so as there may appear an Harmony and Constancy in them, so that one part upholdeth another. And so I wish your *Grace* all prosperity. From my poor Lodging, this, &c.

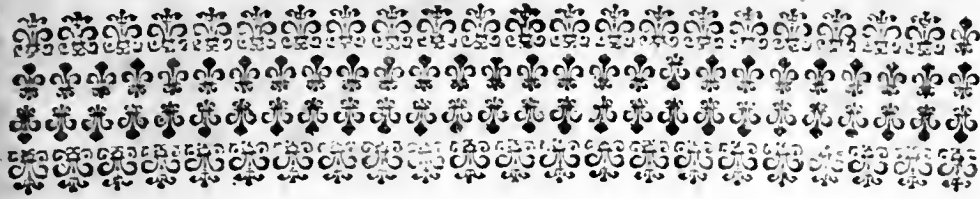
Your Graces, most dutiful,
Pupil and Servant.

To my Lord of Essex.

My singular good Lord,

THE Message it pleased your *Lordship* to send me, was to me delivered doubtfully. Whether your *Lordship* said, you would speak with me at the *Star-Chamber*, or with Mr. *Philip*. If with me, it is needless; for gratitude imposeth upon me satisfaction: If with Mr. *Philip* it will be too late; because somewhat must (perchance) be done that day. This doubt not solved, maketh me write again; the rather, because I did liberally, but yet privately affirm your *Lordship* would write; which if I make not good, it may be a discouragement. Your *Lordships* letter, though it have the Subject of Honour and Justice, yet it shall have the secrecy of a thing done upon Affection. I shall ever in a firm duty, submit my occasions, though great to your *Lordships* respects though small: And this is my resolution; that when your *Lordship* doth for me, you shall encrease my *Obligation*; when you refuse to do for me, you shall encrease my *Merit*. So leaving the matter wholly to your *Lordships* pleasure, I commend your *Lordship*, to the preservation of the *Divine Majesty*. From *Grayes-Inn*.

Your *Lordships* ever most humbly bounden.



A
 CONFESSIO
 N
 OF THE
 FAITH.

WRITTEN,

By the Right Honourable
 FRANCIS BACON,
Baron of Verulam, &c.



Believe, that Nothing is without beginning, but *God*: No *Nature*, no *Matter*, no *Spirit*, but one, only, and the same *God*. That *God*, as he is Eternally Almighty, Only Wise, Only Good, in his *Nature*; So he is Eternally *Father*, *Son*, and *Spirit*, in *Persons*.

I believe, that *God* is so *Holy*, *Pure*, and *Jealous*, as it is impossible for him, to be pleased in any *Creature*, though the *Work* of his own *Hands*: So that neither *Angel*, *Man*, nor *World*, could stand, or can stand, one moment in his Eyes, without beholding the same in the face of a *Mediatour*: And therefore, that before *Him*, with whom all Things are present, the *Lamb of God*, was slain before all *Worlds*: Without which eternal Counsel of his, it was impossible for *Him* to have descended to any *Work* of *Creation*; But He should have enjoyed the Blessed and Individual Society of *three Persons*, in *Godhead*, for ever.

But that, out of his Eternal and infinite *Goodness* and *Love*, purposing to become a *Creator*, and to communicate to his *Creatures*, He ordained,

in his Eternal Counsel, that one *Person* of the *Godhead*, should be united to one *Nature*, and to one particular of his *Creatures*; That so, in the *Person* of the *Mediatour*, the true Ladder might be fixed; whereby *God* might descend to his *Creatures*, and his *Creatures* might ascend to *God*: So that *God*, by the Reconcilement of the *Mediatour*, turning his Countenance towards his *Creatures* (though not in equal Light and Degree) made way unto the Dispensation of his most holy and secret Will; whereby some of his *Creatures* might stand, and keep their state; Others might (possibly) fall and be restored; And others might fall, and not be restored to their Estate, but yet remain in *Being*, though under Wrath and Corruption; All with respect to the *Mediatour*: Which is the great *Mystery*, and perfect Center, of all *Gods* wayes with his *Creatures*; And unto which, all his other *Works* and *Wonders* do but serve and refer.

That he chose (according to his good pleasure) *Man* to be that *Creature*, to whose *Nature*, the *Person* of the Eternal *Son* of *God*, should be united: And amongst the *Generations* of *Men*, elected a small *Flock*, in whom (by the participation of *Himself*) He purposed, to express the *Riches* of his *Glory*; All the Ministration of *Angels*, Damnation of *Devils* and *Reprobates*, and Universal Administration of all *Creatures*, and Dispensation of all *Times*, having no other end, but as the wayes and *Ambages* of *God*, to be further glorified in his *Saints*; who are one with their *Head* the *Mediatour*, who is one with *God*.

That by the Vertue of this his Eternal Counsel, he condescended of his own good pleasure, and according to the *Times* and *Seasons* to himself known, to become a *Creatour*; And by his Eternal *Word*, created all things, And by his Eternal *Spirit*, doth comfort and preserve them.

That he made all Things, in their first Estate *Good*; And removed from himself, the beginning of all Evil and Vanity, into the Liberty of the *Creature*; But reserved in himself, the beginning of all *Restitution*, to the Liberty of his *Grace*: Using nevertheless, and turning the Falling and Defection of the *Creature* (which to his *Priscience* was eternally known) to make way to his eternal Counsel, touching a *Mediatour*, and the Work he purposed to accomplish in *Him*.

That *God* created *Spirits*, whereof some kept their standing, and others fell. He created *Heaven* and *Earth*, and all their *Armies*, and *Generations*; And gave unto them, constant and everlasting *Laws*, which we call *Nature*; which is nothing but the *Laws* of the *Creation*; which *Laws* nevertheless, have had three *Changes* or *Times*; and are to have a Fourth, or *last*. The First; when the *Matter* of *Heaven* and *Earth*, was created without *Forms*: The Second, the *Interim* of *Perfection*, of every *Dayes work*; The Third, by the *Curse*; which notwithstanding, was no new *Creation*: And the Last, at the End of the *World*, the Manner whereof is not yet fully revealed: So as the *Laws* of *Nature*, which now remain and govern inviolably, till the end of the *World*, began to be in force, when *God* first rested from his *Work*, and ceased to create; But received a Revocation, in part, by the *Curse*; Since which Time, they change not.

That notwithstanding, *God* hath rested and ceased from *Creating*, since the first *Sabbath*, yet nevertheless, he doth accomplish and fulfil his Divine Will in all Things, great and small, singular and general, as fully and exactly by *Providence*, as he could by *Miracle*, and new *Creation*; though

though his working be not immediate and direct, but by compass; Not violating *Nature*, which is his own *Law*, upon the *Creature*.

That at the first, the *Soul* of *Man* was not produced by *Heaven* or *Earth*, but was breathed immediately from *God*: So that the wayes and proceedings of *God* with *Spirits*, are not included in *Nature*; That is, in the *Laws* of *Heaven* and *Earth*; But are reserved to the Law of his secret Will, and Grace; wherein *God* worketh still, and resteth not from the work of *Redemption*, as he resteth from the Work of *Creation*. But continueth working, till the end of the World: What time, that *Work* also shall be accomplished, and an eternal *Sabbath* shall ensue. Likewise, that whensoever *God* doth transcend the Law of *Nature* by *Miracles* (which may ever seem as new *Creations*) He never cometh to that point or pass, but in regard of the work of *Redemption*, which is the greater, and whereto all *Gods* *Signes* and *Miracles* do refer.

That *God* created *Man* in his own *Image*, in a *Reasonable Soul*, in *Innocency*, in *Free-will*, and in *Sovereignty*: That he gave him a *Law* and *Commandement*, which was in his power to keep, but he kept it not: That *Man* made a total defection from *God*, presuming to imagine, that the *Commandements* and *Prohibitions* of *God*, were not the *Rules* of Good and Evil; but that Good and Evil had their own principles and beginnings: And lusted after the knowledge of those imagined beginnings; to the end, to depend no more upon *Gods* will revealed, but upon himself and his own *Light*, as a *God*: than the which, there could not be a *Sin* more opposite, to the whole *Law* of *God*. That yet nevertheless, this great *Sin* was not originally moved by the *Malice* of *Man*, but was insinuated by the *Suggestion* and *Instigation* of the *Devil*; who was the *First Defected Creature*; and full of *Malice*, and not by *Temptation*.

That upon the *Fall* of *Man*, *Death* and *Vanity* enter'd by the *Justice* of *God*; and the *Image* of *God* in *Man*, was defac'd; and *Heaven* and *Earth*, which were made for *Mans* use, were subdued to *Corruption* by his *Fall*; But then that instantly, and without intermission of *Time*, after the *Word* of *Gods* *Law*, became through the *Fall* of *Man*, frustrate as to obedience, there succeeded the greater *Word* of the *Promise*; that the *Righteousness* of *God*, might be wrought by *Faith*.

That as well the *Law* of *God*, as the *Word* of his *Promise*, endure the same for ever: But that they have been revealed in several manners, according to the dispensation of *Times*. For the *Law* was first imprinted, in that Remnant of *Light* of *Nature*, which was left after the *Fall*, being sufficient to accuse: Then it was more manifestly expressed in the *Written Law*; And was yet more opened, by the *Prophets*: And lastly, expounded in the true perfection, by the *Son* of *God* the great *Prophet*, and perfect *Interpreter*, as also *Fulfiller* of the *Law*: That likewise, the *Word* of the *Promise* was manifested and revealed; First, by immediate *Revelation* and *Inspiration*; After by *Figures*, which were of two *Natures*: The one, the *Rites* and *Ceremonies* of the *Law*; The other the continual *History* of the *Old World*, and *Church* of the *Jewes*, which though it be *literally* true, yet is it pregnant of a perpetual *Allegory*, and *shadow* of the *Work* of the *Redemption*, to follow. The same *Promise* or *Evangile*, was more clearly revealed, and declared by the *Prophets*; and then by the *Son* himself; And lastly, by the *Holy Ghost*, which illuminateth the *Church*, to the end of the *World*.

That in the *Fulness of Time*, according to the *Promise* and *Oath* of a *chosen Lineage*, descended the blessed *seed* of the *Woman*, *Jesus Christ*, the only begotten *Son* of *God*, and *Saviour* of the *World*: who was conceived by the *Power*, and *Over-shadowing* of the *Holy Ghost*; And took *Flesh* of the *Virgin Mary*: That the *Word* did not only take *Flesh*, or was joyned to *Flesh*, but was made *Flesh*, though without *Confusion* of *Substance*, or *Nature*; So as the *Eternal Son* of *God*, and the ever-blessed *Son* of *Mary*, was one *Person*; So one, as the *Blessed Virgin*, may be truly and *Catholically* called, *Deipara*, the *Mother of God*: So one, as there is no *Unity* in *Universal Nature*, not that of the *Soul* and *Body* of *Man*, so perfect: For the three *Heavenly Unities* (whereof that is the second) exceed all *Natural Unities*: That is to say; The *Unity* of the three *Persons* in *God* head; The *Unity* of *God* and *Man*, in *Christ*; And the *Unity* of *Christ* and the *Church*; the *Holy Ghost* being the *Worker* of both these latter *Unities*; For by the *Holy Ghost* was *Christ Incarnate*, and quickned in *Flesh*; And by the *Holy Ghost*, is *Man* regenerate, and quickned in *Spirit*.

That *Jesus*, the *Lord*, became in the *flesh* a *Sacrificer*, and a *Sacrifice* for *Sin*; A *satisfaction* and *price* to the *Justice* of *God*; A *Meriter* of *Glory*, and the *Kingdom*; A *pattern* of all *Righteousness*; a *Preacher* of the *Word* which *Himself* was; a *Finisher* of the *Ceremony*; a *Corner-stone*, to remove the separation between *Jew* and *Gentile*; An *Intercessour* for the *Church*; a *Lord* of *Nature* in his *Miracles*; a *Conquerer* of *Death*, and the *power* of *Darkness*, in his *Resurrection*; and that he fulfilled the whole *Counsel* of *God*; performing all his *Sacred Offices*, and *Anointing* on *Earth*; accomplished the whole *Work* of the *Redemption*, and *Restitution* of *Man*, to a state, superiour to the *Angels*; (whereas the state of *Man*, by *Creation* was inferiour) and reconciled and established all things, according to the *Eternal Will* of the *Father*.

That in time, *Jesus* the *Lord* was born, in the dayes of *Herod*; and suffered under the *Government* of *Pontius Pilate*, being *Deputy* of the *Romans*; and under the *High Priesthood* of *Caiaphas*; And was betrayed by *Judas* one of the twelve *Apostles*, and was crucified at *Hierusalem*; and after a true and natural *Death*, and his *Body* layed in the *Sepulchre*, the third day He raised *Himself* from the *Bonds* of *Death*, and arose and shewed *Himself* to many *chosen Witnesses*, by the space of divers dayes; and at the end of those dayes, in the sight of many, ascended into *Heaven*; where he continueth his *Intercession*; And shall from thence at the day appointed, come in greatest glory, to judge the *World*.

That the *Sufferings* and *Merits* of *Christ*, as they are sufficient, to do away the *Sins* of the whole *World*; so they are only effectual to those which are *Regenerate* by the *Holy Ghost*: Who breatheth where he *will*, of *Free Grace*; which *Grace*, as a *Seed Incorruptible*, quickneth the *Spirit* of *Man*; and conceiveth him anew a *Son* of *God*, and *Member* of *Christ*: So that *Christ*, having *Mans Flesh*, and *Man* having *Christs Spirit*, there is an open *Passage*, and *Mutual Imputation*, whereby *Sin* and *Wrath*, was conveyed to *Christ*, from *Man*; and *Merit*, and *Life* is conveyed to *Man*, from *Christ*: Which *Seed of the Holy Ghost*, first figureth in us, the *Image* of *Christ* slain or crucified, through a lively *Faith*: And then reneweth in us the *Image* of *God*, in *Holiness*, and *Charity*; though both imperfectly, and in degrees far differing, even in *Gods Elect*; As well, in regard, of the *Fire* of the *Spirit*, as of the *illumination* thereof; which is more or less, in a large proportion: As namely, in the *Church* before *Christ*; which yet

yet nevertheless, was partaker of one, and the same Salvation with us. And of one and the same means of Salvation, with us.

That the *Work of the Spirit*, though it be not tied to any *Means* in *Heaven* or *Earth*, yet it is ordinarily dispensed by the *Preaching of the Word*, The *Administration of the Sacraments*, the *Covenants of the Fathers* upon the *Children*; *Prayer*; *Reading*; The *Censures of the Church*; The *Society of the Godly*; The *Cross*, and *Afflictions*; Gods *Benefits*; His *Judgements* upon others; *Miracles*; The *Contemplation of his Creatures*; All which (though some be more principal) God useth as the *Means of Vocation*, and *Conversion of his Elect*; Not derogating from his power, to call immediately by his *Grace*; and at all *Hours and Moments of the Day* (that is, of *Mans Life*) according to his good pleasure.

That the *Word of God*, whereby his *Will* is revealed, continued in *Revelation* and *Tradition* until *Moses*; And that the *Scriptures* were from *Moses* time, to the times of the *Apostles* and *Evangelists*; In whose *Age*, after the coming of the *Holy Ghost*, the *Teacher of all Truth*, the *Book of the Scriptures* was shut and closed, so as not to receive any new *Addition*; And that the *Church* hath no power over the *Scriptures*, to *teach*, or *command* any thing contrary to the *written Word*; But is as the *Ark*, wherein the *Tables of the first Testament*, were kept and preserved; That is to say, The *Church* hath only the *custody*, and *delivery* over of the *Scriptures*, committed unto the same; Together with the *Interpretation* of them, but such only as is conceived from themselves.

That there is an *Universal or Catholick Church of God*, dispersed over the face of the *Earth*, which is *Christs Spouse*, and *Christs Body*; Being gathered of the *Fathers of the old World*, of the *Church of the Jews*, of the *Spirits of the Faithful Dissolved*, and the *Spirits of the Faithful Militant*, and of the *Names yet to be born*, which are already written in the *Book of Life*. That there is also a *Visible Church*, distinguished by the outward *Works of Gods Covenant*, and the receiving of the *Holy Doctrine*, with the Use of the *Mysteries of God*, and the *Invocation and Sanctification of his Holy Name*. That there is also an *holy Succession*, in the *Prophets of the New Testament*, and *Fathers of the Church*, from the time of the *Apostles & Disciples*, which saw our *Saviour in the flesh*, unto the *consummation of the Work of the Ministry*; which persons are called from God by *gift*, or *inward Anointing*; and the *Vocation of God*, followed by an *outward Calling*, and *Ordination of the Church*.

I believe, that the *Souls* of such as dye in the *Lord*, are blessed, and rest from their *Labours*, and enjoy the *sight of God*; yet so, as they are in *Expectation of a further Revelation of their Glory*, in the last *Day*. At which time, all *Flesh of Man* shall arise and be changed, and shall appear, and receive from *Jesu Christ*, his *Eternal Judgement*; And the *Glory of the Saints* shall then be full; And the *Kingdom*, shall be given up to *God the Father*: From which *Time* all things shall continue for ever in that *Being*, and *State*, which then they shall receive: So as there are three *Times* (if *Times* they may be called) or parts of *Eternity*. The first, the *Time* before beginnings, when the *Godhead* was only, without the *Being*, of any *Creature*; The Second, the *Time of the Mystery*, which continueth from the *Creation*, to the *Dissolution of the World*: And the Third, the *Time of the Revelation of the Sons of God*; which *Time* is the last, and is *Everlasting* without change.

A Perfect List of his Lordships true Works, both
in English, and Latin.

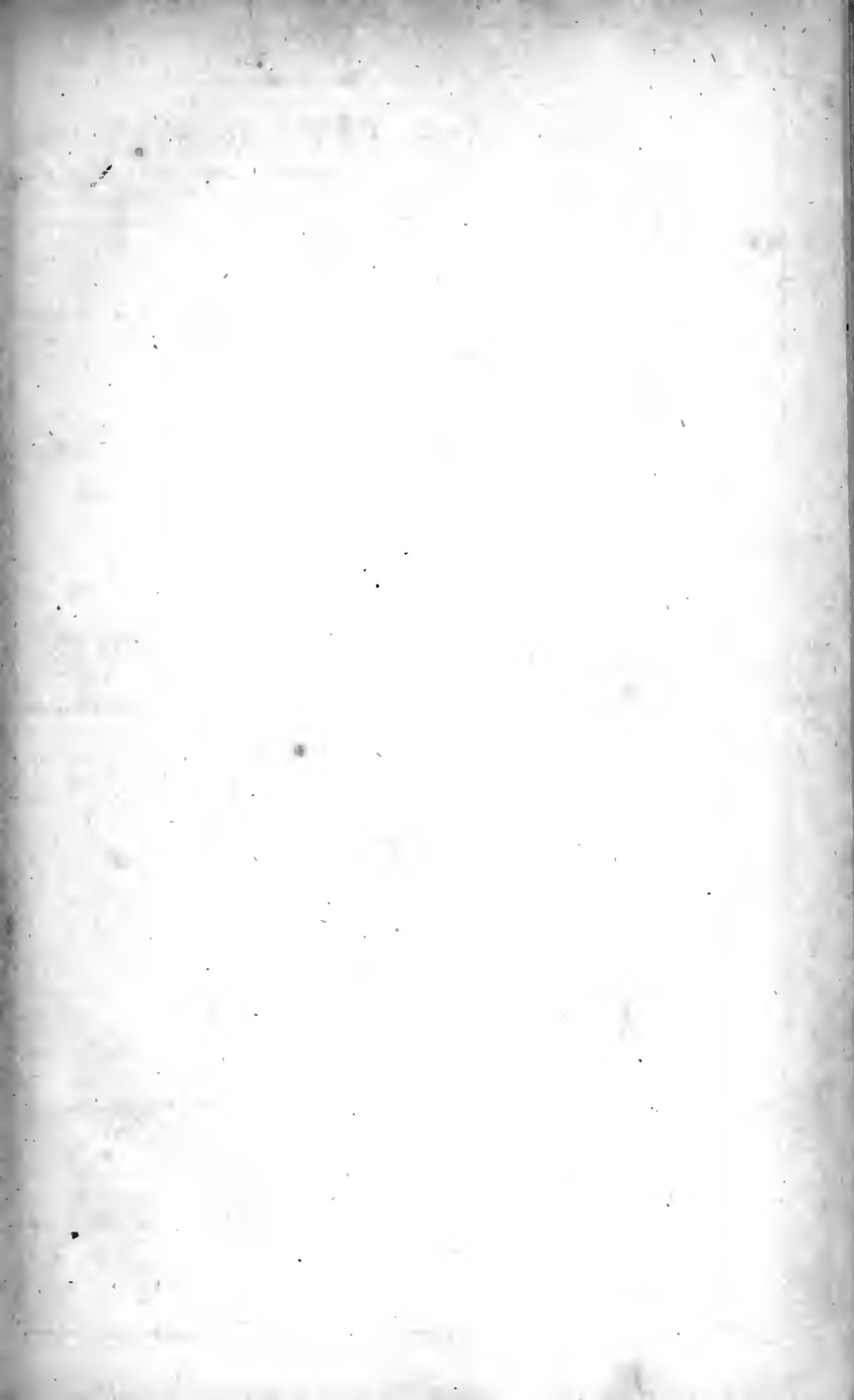
In English.

- A**N Apology touching the Earl of *Essex*.
The Elements of the Common Laws of England.
Advancement of Learning.
Essays: with the Colours of Good, and Evil.
Charge against Duels.
His Charge at the Sessions holden for the *Verge*, in the Reign of the
late King *James*, declaring the Latitude of the Jurisdiction thereof.
History of the Reign of King *Henry* the Seventh.
Counsels, Civil and Moral. Or the *Essays*, revised and enriched.
Translation of certain *Psalms* into Verse.
The Natural History; with the Fable of the *New Atlantis*.
(Miscellany Works, } A Discourse of a War with *Spain*.
containing, } A Dialogue, touching an *Holy War*.
} A Preface, to a Digest of *Laws*.
} The Beginning of the History of King *Henry* the
Eighth.
History of Life and Death, translated into English.
De *Augmentis Scientiarum*, translated into English, by Doctour *Gilbert*
Watts of *Oxford*.
This present Volume, with the Particulars contained in the same.

In Latin.

- D**E *Sapientia Veterum*.
Instauratio Magna.
Historia Ventorum.
Historia Vitæ & Mortis.
De *Augmentis Scientiarum*.
Historia Regni Henrici Septimi, Regis Angliæ.
Sermones Fideles, sive Interiora Rerum.
Dialogus de Bello Sacro.
Nova Atlantis.
Historia Naturalis, versa, & evulgata, operâ, & curâ, *Jacobi Gruteri*.
Opera Philosophica, & alia, nondum, sed propediem (Deo favente) Typis
mandanda.

As for other Pamphlets, whereof there are several put forth under his Lordships Name, they are not to be owned for His.



THE SECOND
PART
OF THE
Resuscitatio

OR A
COLLECTION

Of several pieces of the

WORKS

Of the Right Honourable FRANCIS BACON,
Baron of Verulam, and Viscount of St. Albans.

Some of them formerly Printed in smaller Volumes, and being
almost lost, are now Collected and put into Folio, with some of his other
Pieces, which never yet was published.

COLLECTED

By *William Rasky* Doctor of Divinity, his Lordships first and last Chap-
lain, and lately Chaplain in Ordinary to his Majesty.

LONDON;

Printed by *S. G. & B. G.* for *William Lee*, and are to be sold at the sign
of the Turks-Head in *Fleet-street*, over against *Fetter-Lane*, 1670.

THE RECORD

OF THE

REPUBLICAN

COURT

OF THE

STATE OF NEW YORK

OF THE PEOPLE OF THE STATE OF NEW YORK

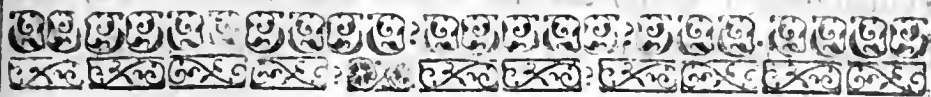
IN SENATE, JANUARY 18, 1874.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

AND

OF THE LANDS BELONGING TO THE STATE OF NEW YORK

AS OF THE FIRST DAY OF JANUARY, 1874.



T O T H E

K I N G S

Most Excellent Majesty.

Most Royal Sir,

A *S* much as the dignity of a King transcends the subject; is the obligation of the subject to the King; neither is the duty less we owe to the safety of our Sovereign, than the safe guard we challenge in his protection; as the center next under God, from which we derive our honours, and to which we owe our services; of this duty, the learned Author your Royal Grand-father, and Father's trusty Servant was not ignorant, neither was his knowledge better tutored than his industry, the same hand of Kingly munificence which dispensed him his honours, pointed him out the lines of his most excellent labours; the dispersed flowers of which are here humbly offered up to your Royal protection; with an humble confidence and assurance, that time which hath seen the rise and fall of so many famous Kingdomes, the invention and decay of so many learned labours, the erection and defacing of so many stately Trophies: time, which in her vast Gulph, hath not only swallowed up Antiquity, but for the most part envied her History, will yet under your

*Royal wings preserve the name and memories of the
learned Bacon to all posterity, the same being the
heartly desire of*

Your Majesties

most humble and most loyal

Subject and Servant

CHARLES MOLLOY.

TO



T O T H E

R E A D E R .

Common censure hath stamp't it for a currant
C Proverb, that it is better for a man to be *for-*
tunate than *wise*, for worldly wisdom, though she seem always to fawn on fortune, yet can never command, and seldom in-
treat her service : It hath been thought the
pride and priviledge of that power we call fortune to be-
stow her best favours, where she finds least worth to crown
folly, and cross wisdom, to make fools happy, and the wise
unfortunate, as a Queen she is supposed to shew her great-
est Majesty in mans weakness, to pity sloth and envy indu-
stry, as most jealous, lest mans wit or endeavours should
challenge any part in her *Prerogative* : But he that knows
wisely to Arbitrate betwixt the clouds of Pagan ignorance,
and the clear sun-shine of Christianity, betwixt *Poetick*
fancies and *Prophetical* visions, shall find vulgar opinion
only mistaken in the name, ascribing that transcendent
power of disposing of worldly actions to a Deity which
they call *Fortune*, which Christianity might have taught
them more properly to have termed *Providence*, and how-
soever they have bounded her large Empire beyond their
own reason, yet Christianity hath travailed much farther,
and yet can prescribe no limits, as that which transcends
into

To the Reader.

into an Infinite, and out-reaching the eye of all discovery, and though no place hath been found so base in the Theater of Nature or Civil Actions, wherein Providence cannot shew the abundant Trophees of her magnificence; yet there desires she to triumph most, where to men she seems to have least power; Her chiefest glory is to set up her Ensigns on the gates of mans wisdom, and tread on the neck of worldly policy. No marvel then that in our learned *Author*, in whom neither Philosophy could add, or reason dictate more, whom neither wisdom could encrease, or affliction diminish, only Providence could challenge a Jurisdiction, his Eminent Parts subjecting him to the detraction of his Enemies, whose malice soon Eclipse his Glories, and laid his honours and virtues bleeding in the dust. Those whom neither the Sword could Conquer, nor Treason Undermine, whom neither pleasure could allure, nor riches perswade, nor greatness tempt to the least dishonour, only envy and malice could bring into subjection, as the cursed Hand-maids that providence permits (but not allows) to humble our greatness and aspiring thoughts; And although dispaire is an Infirmity in mans nature, rather deserving mens pity than indignation; A Child it is whom the sence of misfortunes begets on great spirits, which no sooner beholds the light, but covets darkness, as if it made no more use of life, then to instruct him the next way to death; yet when the sad cloud of Royal-frown lay hovering over his Lordships head, entered not that accursed infirmity into his most excellent breast, nor in that bottomless pit wherein no passenger could cast Anchor finds he himself plung'd, nor as one arrested by deaths immediate Sergeant, prepares he for his next appearance, no thoughts of better dye once than fear always, and shut up all mischeifs in one death, than spin out life in many misfortunes. And though to live at another mans benevolence seems the smallest priviledge of a Subject, and to dye at his own command the greatest Prerogative of a King, yet a base Heads-man shall not share so great a glory, as the Chopping of a Head enriched with so much policy and wisdom, but rather Justice her self shall seem to entreate no other hands in his stately execution then his

To the Reader.

his Royal Master's mercy ; which he no sooner besought but obtained, and then with a head filled up to the brim, as well with sorrow as wisdom, and covered and adorned with gray hairs, made a holy and humble retreat to the cool shades of rest, where he remained triumphant above fate and fortune, till heaven was pleased to summon him to a more glorious and triumphant rest : Nor shall his most excellent pieces part of which though dispersed and published at several times in his life time, now after his death lie buried in oblivion, but rather survive time, and as Incense smell sweet in the nostrils of posterity ; this was the pious care of Doctor *Rawleigh* his Lordships first and last Chaplain, who having the custody of all his Manuscripts, did intend so to pay the last tribute of his faithful service to his dear Masters memory, and in order to which those most excellent pieces of his Lordships *Natural History* and *Resuscitation*, both first and second Impression, he both carefully and faithfully look'd over, before he committed them to the Press, were by the great diligence and industry of Master *Leigh*, they suffered almost no worse fate, being publish'd not with above two literal faults, and then being desirous that all other of his Lordships pieces that were extant in *Quarto*, *Octavo*, and *Twelves*, might be so Reprinted, as to be reduct (together with what other Manuscripts were yet conceall'd from the eye of the world) into one Folio Volume; but death preventing his eyes from beholding the accomplishment of so good a design; The structure remained unfinished, but those to whom the memory of the learned *Author* remains as a pretious Ointment, would never behold so great a general good lie neglected, and therefore what of those pieces that could be collected and got together, and that were beginning to espouse dust by the hand of Envious Time, you have here united into one body, and if any of his other *Pieces* or *Manuscripts* should by any accident arrive into those hands, that will make it their business to be in the enquest of them, such care will be taken to have them so Printed, as capable of being Bound up (if occasion serves) with all or any of his other *Works* extant in Folio : It being his desire, that such excellent pieces might be
pre-

preserved an Eternal Monument to future Ages, who is his
Lordships Admirer,

and your humble Servant,

CHARLES MOLLOY.

The Stationer to the Reader.

His *Second Part of Resuscitatio* was collected and designed by that learned Divine, Doctor William Rawley, his Lordships first and last Chaplain who out of his pious zeal in the preserving his good Lord, and Masters Works took great care and pains in searching all likely Places, and studies for such of his Works as had escaped his Hands, that he might link them together, as in one chain, to prevent envious time of robbing the World of one jot of that Treasure, which his Lordship bequeathed. In order thereunto my small assistance the Doctor desired (I having the honour of being intimately acquainted with him) in inquiring after them, amongst my Acquaintance and sending them to him to peruse, which he carefully did that his Lordships name might not be dishonoured by patronizing other Mens Works: Divers pieces he obtained, which he much importuned me (both by word of mouth and divers Letters) to print in Folio, but finding them to be too little in Bulke for a second Part, it was deferred until he had received other pieces, which he was then promised: But being arrived to a good Old Age, Death conducted him to joyn with his Master in praising the great Lord of all, which prevented the finishing of this his last temporal duty to his temporal Lord. Since which time they are fallen into my hands, who being willing to discharge the Trust reposed in me by the late Doctor, have here presented them to you in a compleat Volumn, which I will not presume to commend other wise than the true Works of Francis Lhrd St. Alban.

There is bound at the end of this Volumn a little Tract being a Brief Discourse touching the Office of Lord Chancellor of England, written by the Learned John Selden of the Inner-Temple Esq; and Dedicated by him to Sir Francis Bacon, Lord Keeper of the Great Seal of England, together with a Catalogue of Lord Chancellors and Lord Keepers of the Great Seal of England from the Norman Conquest until this present year, 1671 by William Dugdale, Esq; Norroy King of Arms: Which I do not own to be my Lords, but being pertinent to his Works, I have bound it with a blanke leaf to separate it from his lordships Works.

W. Lee.



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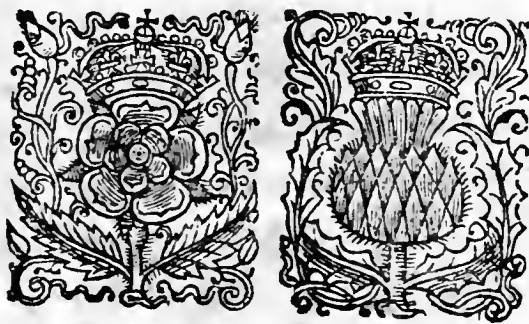
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A
PREPARATORY
TO THE
HISTORY
Natural & Experimental.

WRITTEN

Originally in Latine, by the Right Honourable
Francis Lord Verulam, Lord High Chancel-
lour of *England*, and now faith-
fully rendred into English.

By a Well-wisher to his Lordships Writings.



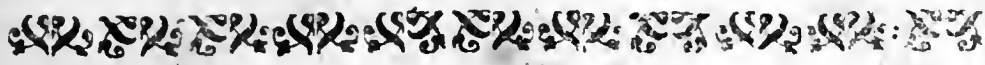
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THE NATIONAL ANTHROPOLOGICAL ARCHIVES



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THE
 T R A N S L A T O R
 TO THE
 R E A D E R.

Having taken notice of the scandal and reproach, which my Author, The Great Master of Nature, his most excellent and incomparable piece, called The Sylva Sylvarum, or Natural History, being (as hitherto it hath been) Printed without this Preparatory, lies daily liable unto, by reason of the Ignorance of the Vulgar, who, not understanding the most rare intention of its Noble Author, are apt to esteem it as a Light and Trivial Work; * because therein there are contained several experiments of no extraordinary use in themselves: I knew not how better to vindicate his Noble Lordships Honour and Credit in this point, than to Prefix before it, his Lordships own Preparatory thereunto, which of it self will sufficiently maintain its Authors Credit, and will demonstrate his true Intention in the Compiling thereof, and so vindicate it self from that Ignominy, to which it before stood obnoxious. It is true, that worthy Doctor Rawley, (to whom the world is in no small degree a debtor, as well for the bringing to light and publishing of this rare History, and many other of his Lordships excellent works, as for explaining and expounding several of them) has, in his Preface thereunto, made known much of his learned Lordships intentions touching the same (which this Preparatory will in no wise prejudice. But yet I think it cannot be denied, but that his Lordship hath expressed his own mind more fully, and positively in this his Preparatory; and besides, that men will be apt cursorily to run over a Preface to the Reader, minding more the Work it self; whereas they will be invited more to ponder and consider a Preparatory, as that which will fit them for the

* See Aphor. following.

The Translator to the Reader.

better understanding of the following Work. Receive then now Courteous Reader, that unparalleld Peice of his Lordships, and look upon it with an other eye than formerly, and consider the things therein contained not barely, but as they have respect to a more noble end, viz. To the founding of a sound and true Philosophy, for which end his learned Lordship intended them, (as he has himself more fully testified in this ensuing Preparatory.) Thus much I thought good to advertize you in mine Authors behalf, as well to take of that seeming reproach from this unbyassed peice of History, as to stir up, in some more ingenuous, and more Heroical Readers, the like intention and endeavour, with this of mine Authors: Which that it may succeed, is the hearty desire of him that, in this, and in all other things, is desirous of the Publick good and benefit.

W. W.

The

A Preparatory to, &c.

a business as is obtainable by almost all mens industries. But that which is the main of the business, we will now our selves perform, Which is, to propound diligently and exactly, the manner and description of such a sort of History, as may satisfie our intention, lest men, not being admonished, should, loyter out their times, and order themselves after the example of the *Natural Histories*, now in use, and so should stray far from our intention. Mean time, that, which we have often said, may most appositely be repeated, especially in this place: That if all the Wits of all Ages, which hitherto have been, or hereafter ever shall be, were clubb'd together; If all Man kind had given, or should hereafter give their minds wholly to Philosophy. And if the whole Earth were, or should be composed of nothing else but Academies, Colledges, and Schools of Learned Men; Yet, without such a *Natural and Experimental History*, as we shall now prescribe, we deny that there could be, or can be any progress in Philosophy, and other Sciences, worthy of Man-kind. But, on the contrary, such an History as this, being gain'd and well compil'd, joyning experiments of use and experiments of Light together, which will be met with, or be searched out in the course of the Interpretation it self, the Inquest of Nature, and all Sciences, would be the business of but a very few years. Either this therefore must be put in action, or the work must be deserted; for by this one way alone the foundations of a true and active Philosophy can be established; and then men shall see clearly, being, as it were, roused out of a deep sleep, what is the difference between the opinions and fictions of wit, and the true and active Philosophy; and what it is at last to consult with Nature her self concerning Nature.

First, then we shall give some general precepts concerning the compiling of such an History: And next we will set before Mens eyes a particular frame thereof; sometimes inserting no less to what the Inquest should be adapted and referred, than what ought to be enquired after. To wit, that the scope of the business being well understood and foreseen, it may bring other things into the minds of men, which happily shall be pass'd by of us. Now this kind of History we are wont to stile *The First, or Mother History*.

APHORISMS

Concerning the Composure of this first

HISTORY.

APHORISM.

I.

Nature is situate in a threefold state, and doth, as it were, undergo a triple Government: For either she is at liberty, and carries her self according to her ordinary course; or she is disturb'd and thrust from her state by the viciousness and insolency of the Matter, and by the violence of Impediments: Or she is constrained and framed by Art and Humane Operation. Now the first of these Conditions relates to the *Species* of things; the second to *Monsters*; the third to *Artificials*: For in things effected by Art, Nature receives the yoke from Humane *Dominion*; for those things would never have been made without Man: but through the labour and operation of Man, there seems to be quite a new frame of Bodies, and, as it were, another Universality of things, or another Theatre. Threefold therefore is the *Natural History*; for it treats of either the *Liberty*, or the *Errors*, or the *Bands of Nature*: So that we may not unfitly divide it into a History of *Generations*, *Preter generations*, and *Arts*, the last whereof we use to nominate also *Mechanical* and *Experimental*. Nor do we give in precept, that these three be treated of severally; for why may not Relations of Monsters, in their several kinds, be joynd to the History of the *Species* themselves? And *Artificials* are sometimes rightly joynd with the *Species*, but sometimes they do better apart: Wherefore it is best to deal with these things according as the matter will bear it; for Method doth equally cause repetitions and prolixity, as well where there is too much, as where there is none of it at all.

The division of the Natural History.

II.

This *Natural History*, as it is threefold in its subject (as before we have told you) so it is twofold in its use: for it is used either for the bare knowledge of those things which are therein contained; or as the Principal and first matter of Philosophy, and the substance or stuff (if I may so say) of the true *Induction*. And this last use of it is now intended;

The twofold use of the Natural History.

now,

now, I say, and never before by any man; for neither did *Aristotle*, nor *Theophrastus*, nor *Dioscorides*, nor *Cajus Plinius*, much less the Modern Writers, ever propound unto themselves this end of a *Natural History*; whereof we now speak. And it is of much concernment, that whoever hereafter shall undertake the Penning of a *Natural History*, should continually think upon, and consider this with themselves, That they ought not to serve the delight of their Reader, no, nor the very profit which he may gain at present by the Relations; but to seek and find out plenty, and variety of things which may suffice for the composition of true actions: For if they will think on this, they will prescribe to themselves the manner of such an History; for the end governs the means.

III.

Now, by how much this thing is a business of greater pains and industry, by so much it is the more probable, that it will be less burdened with superfluous matters. There are three things therefore, of which men are to be plainly warned, that they very seldom spend pains about them, being such things, which may increase the bulk of the work prodigiously, but can little or nothing promote its virtue.

Three things
to be avoided
in the Natural
History

Philosophy must
be avoided.

First then, Let Antiquities, Quotations, and Suffrages of Authors cease; let Strifes, Controversies, and Dissenting Opinions, and all things *Philological* be avoided: Let not an Author be cited, unless in a dubious matter; nor let a Controversie be interposed, except in a matter of great moment. But let those things, which tend to the ornament of Speech, and to similitudes, and the treasure of Eloquence, and all such toys as these, be totally rejected; and let all those things which are received, be themselves propounded briefly, and in short, that they be nothing less than words; for no man that collects, and lays up Materials for Edifices, either for Ships, or any the like Structures, doth (as is done in Shops) take care to pile them in order for a sight to please, but he looks only that they be sound and good, and that they take up but little room in the place where they are laid; And just so must it be done with this.

Descriptions,
and Pictures.

Secondly, That Luxury of Natural Histories makes not much to the matter, which consists in the numerous Descriptions and Pictures of the species, and in the curious variety of them; for these minute varieties of them are nothing but a certain sport, or pastime, and wantonness of Nature, and they happen almost to the Nature of Individuals: And they have a certain pleasant and delightful expatiation in the things themselves, but a very small and almost superfluous information towards the Sciences.

Superstitious
Relations.

Thirdly, All Superstitious Relations (we say not Prodigious ones, when the memory of them may be found credible and maintainable, but Superstitious ones) and the experiments of Ceremonial Magick are wholly to be omitted. For we would not, that the Infancy of Philosophy, whereunto a *Natural History* gives the first Suck, should be accustomed to old Womens Fables. There may happily be a time (after there is made somewhat a deeper entrance into the inquiry of Nature) to run lightly over such things as these, if there remain any whit of Natural Virtue in those dregs, it may be extracted and laid up for use; mean time let them be laid aside. Even the experiments of Natural Magick must be diligently and severe-

severely vanned before they be received, especially those which are wont to be derived from the vulgar sympathy and antipathy, with a great deal of slothfulness and facility, both in believing and feigning them.

Neither is it a small business that is done, In the imburdening of a Natural History of these three superfluities, which we have mentioned, which would otherwise stufie up whole Volumes. Nor is here an end yet; for, in a great work, it is as requisite, that the things received be Penned succinctly, as that superfluous matters be lopt of: Although there is no doubt, but that this kind of curtnefs and brevity, will afford far less delight both to the Reader and Writer. But it must always be remembered, that this thing, that is in hand, is nothing else, but the Garner and Storehouse of things, wherein men must not tarry or dwell with pleasure; but must descend thereto as need requires, when any thing is to be made use of, about the work of the *Interpreter* which follows it.

This Natural History must be penned succinctly.

IV.

In the History which we require, and purpose in our mind, above all things it must be looked after, that its extent be large, and that it be made after the measure of the Universe, for the World ought not to be tyed into the straightness of the understanding (which hitherto hath been done) but our Intellect should be stretched and widened, so as to be capable of the Image of the World, such as we find it; for that custome of *Respecting but a few things, and passing sentence according to that paucity and scantness* hath spoiled all. Therefore we re-assuming that division of our *Natural History*, which we made of it a little before (that it be either of *Generations, Pretergenerations, or Arts.*) We have constituted five Parts of the *History of Generations*. Let the first be concerning the *Firmament and Celestial things*, the second of *Meteors, and Regions* (as they call them) of the *Air*, to wit of the Tracts from the Moon to the Superficies of the Earth: To which part also we assign for orders sake (however the truth of the thing be) all kind of Comets, both sublimer as lower. The third, of the *Land and Sea*. The fourth, of the *Elements* (as they call them) of *Flame, or Fire, Aire, Water, and Earth*. But we would have the *Elements* understood, not for the *First Principles* of things, but for the greater Masses of *Natural Bodies*: for the Nature of things is so distributed, that the Quantity, or Mass of certain Bodies in the Universe is very great, because that there is required an easie and obvious Texture of the Matter to the framing of them, such as are those four bodies which we speak of. But for certain other bodies their Quantity is in the Universe small and sparingly afforded, by reason of the Texture of the Matter very unlike and subtill, and in most of them *Determinate and Organical*: Such as are the *Species of Natural things, Metals, Plants, Animals*. Wherefore we are wont to stile the former sort of bodies *Greater Collections*, the latter *Smaller Collections*. But of those *Greater Collections* the fourth part of this History treateth under the name of *Elements*, as we said before. Nor is the fourth part confounded with the second and third in this, that in all of them we make mention of *Air, Water, and Earth*; for in the second and third part is contained the History of them, as the Entire parts of the World, and as they respect the fabrick and framing of the Universe; but in the fourth

The extent of the Natural History.

Five parts of the History of Generations.

part there is contained the History of their Substance and Nature, which bears sway in the several similar parts of them, and is not related to the whole. In fine, the fifth part of the History treats of the *Lesser Collections* or *Species*, about which Natural Histories have hitherto been chiefly conversant.

Superstition to
be avoided.

But as to the History of *Pretergenerations*, we have already said, that it may very commodiously be joyned with the History of *Generations*, but that part only which is Prodigious and Natural; for we set aside the Superstitious History of Miracles (of what sort soever) for a Treatise by it self. Nor is it to be at all received at the beginning, but a little after, when there is a little deeper entrance made into the enquiry of Nature.

The History of
Arts, threefold.

ut the History of Arts, and of Nature, altered and changed by Man, or the Experimental History, we make threefold: For it is either drawn forth from *Mechanick Arts*, or from the Operative Part of *Liberal Sciences*; or from many Practices and Experiments, which have not grown into a proper Art, yea, which sometimes we meet in most vulgar experience, which do not at all require any Art. Wherefore if a History should be made out of all these which we have spoken of, out of *Generations*, *Pretergenerations*, *Arts*, and *Experiments*, nothing seems to be passed by, whereby the sense might be instructed to inform the Understanding, and then we should not any longer dance round within small Circles (as if we were enchanted by a Spell) but should equalize the Circumference of the World in our Circuits.

V.

The use of the
History of Arts.

Amongst those parts of History which we have spoken of, the History of *Arts* is of most use; because it demonstrates things in Motion, and leads more directly to Practice. Besides, it takes away the Vizard and Vail from Natural things, which for the most part are hidden and obscured under variety of figures and outward appearances. In fine, the vexations of Art are indeed like the Bands and Fetters of *Proteus*, which manifest the utmost endeavours and abilities of the Matter; for Bodies will not be destroyed or annihilated, but they will rather alter themselves into various forms. Therefore the greatest diligence must be used about this History, although Mechanick (as it may seem) and less Liberal (without any arrogancy and pride.)

What Art are
preferred.

Again, of Arts, those are preferred, which exhibite, alter, and prepare Natural Bodies, and the Materials of things; as Husbandry, Cookery, Chymistry, Dyeing, the Workings of Glasse, Esmalta, Sugar, Gunpowder, Artificial Fires, Paper, and the like. But those are of smaller use, which chiefly consist in a subtle motion of the Hands and Instruments: such as are Weaving, Forgery, Architecture, the Operations of Mills, Clocks, and the like; although these also are by no means to be neglected; as well, because we may meet with many things in them, which have respect to the alterations of Natural Bodies; as because they do accurately inform us concerning the motion of *Latron*, which is a business of very great moment for many things. But through the whole compiling of this History of Arts, this is always to be admonished, and to be thoroughly committed to Memory; that in experiments of Arts, not only those are

Admonition of
what Experi-
ments are to be
received.

to

to be received which lead to the end of the Art, but those also which intervene by any means. As for example, that Locusts and Crabs boiled, though before they were of the colour of the dirt, wax red, belongs not to the Table, yet this very instance is not amiss to inquire out the nature of Redness, seeing the same thing happens also to burned Bricks. Likewise that Flesh is sooner salted in Winter than in Summer, not only tends thither, that the Cook season his Meats well, and as much as is sufficient, but also it is a good instance to discover the Nature and Impression of Cold. Wherefore he is quite out of the way, that thinks to satisfy our Intention by Collecting Experiments of Arts, to this end only, that the several Arts may be better perfected, (although we do not altogether despise this also in many things.) But this is plainly our mind, that all the Rivulets of Mechanical Experiments, may flow from every part into the Sea of Philosophy. But the choice of Instances most eminent in every kind (which must be chiefly and diligently sought for, and, as it were, hunted after) is to be looked for in the Prerogatives of Instances.

To best end of Experiments.

VI.

We should resume in this place also that which we have elsewhere more largely handled; but here, by way of precept it will suffice briefly to command, that there be received into this History, first most Vulgar things, such as any one would think not worthy to commit to Writing, because they be so familiarly known: Next, things of no value, illiberal and fordid, (for all things are clean unto the clean, and if Lucre smell well though out of Sale, much more doth Light and Information out of any thing:) Also trivial and childish things (no wonder, for we must plainly grow children again:) Last of all, things that seem to be of too nice a subtilty, and in themselves are of no use. For (as is already said) those things that are propounded in this History are not gathered together for their own sake; wherefore it is not fit to measure the Dignity of them by themselves, but so far forth as they may be transferred to other things, and have an influence upon Philosophy.

See th' Lord Bacon's Novum Organum libro primo. Aphor. 69. 119. 120.

What things may be received into this Nat. History.

The way to judge of th' dignity of Experiments.

VII.

This also we give in precept, that all things as well in Natural Bodies, as Virtues, may (as much as is possible) be propounded according to number, weight, and measure, and determinate: for we meditate of Works, not Speculations. Now Physicks and Mathematicks well intermingled beget Practice. Wherefore the exact restitutions and distances of the Planets must be inquired after, and set down in the *History of Celestials*: The Circle of the Earth, and how much place it occupieth, in respect of the Waters, in the Superficies, in the *History of the Land and Sea*: How great a compression the Air will suffer without any notable change, in the *History of the Air*: How much in Metals one is heavier than the other, in the *History of Metals*; and innumerable such others; must be enquired and writ down. But when exact proportions cannot be had, then indeed we

The manner of propounding things in the Nat. History.

must fly to those that are according to estimation, or comparative indefinite ones. As (if we happily distrust to the Calculations of Astronomers concerning distances) that the Moon is within the shade of the Earth, that Mercury is above the Moon, and the like. Also when middle proportions cannot be had, let the extreams be propounded; As that a weaker Loadstone can Elevate a peice of Iron of such a weight, in respect of the weight of the Stone it self, and that one most full of virtue, to a sixtyfold proportion; which we have seen done our selves with a very small armed Loadstone. And we very well know, that those determinate Instances are not easily or often met withal, but they should be sought out as auxiliary in the very Course of the Interpretation it self. (when the matter most of all requires it) notwithstanding if one do chance to meet with them, they may be inserted into the *Natural History*, so they do not too much retard the progress of its compofure.

VIII.

But as to the *Faith* and *Credit* of those things which are to be received in this History, they must needs either be of a certain Beleif, of a doubtful Credit, or of a condemned Faith. Now the former sort of these must be propounded simply, the second with some Note, as, (*it is reported*) or (*they say*) or (*I heard it from a person of Credit*) or the like; for it would be too burdensome a business to set down the Arguments of Beleif on both sides, and doubtless would be too great a Remora in the Writers way; nor makes it much matter to the business in hand, for the true Axioms will a little after convince the falseness of the *Experiments*, (if it be not too brief) as elsewhere we have declared. But if the Instance be any thing Noble, either for its own use, or because many others may depend upon it, then indeed the Author must be named, and that not only barely, but with some mention, whether he affirmed those things either upon credit, as the relations or writings of other Men (such as are very frequent in *C. Plinie*) or else upon his own knowledge; and also whether the thing was done in his time, or before him; further, whether it be such a thing as needs must have had many witnesses, if it were true; in fine, whether that very Author himself were fabulous and not credible, or sober and severe, and the like, which make much to the weight of its credit. Lastly, things of a condemned faith, and yet used and celebrated, which partly by neglect, and partly for the use of Similitudes, have for many Ages together prevailed (as, that the Adamant binds the Loadstone, and Garlike enervates it; that Amber draws all things but the Herb Basil) must not be passed over in silence, but be warned against in express words, that they be no more troublesome to the Sciences.

Moreover it will not be amiss, if happily one meet with the Original Cause of any Vanity or Credulity, to note it: As that the Herb *Satyrum* (or *Ragwort*) is said to have a force and efficacy to excite Lust; because, forsooth, its Root is shaped after the figure of the Testicles, when the truth is, that happens, because every year there grows a new knotty Root, which adheres to that part of the Root which was of the last year, whence come those Testicles; for it is manifest, that the new Root is always found solid and juicy, the old one is always withered and spongy. Wherefore, no wonder,

How things
must be pro-
pounded ac-
cording to heir
Credit.

See Nov. Org.
libro primo
Aphor. 118.
lib. 1.

Falsly received
things should
expressly be
warned against

The Causes of
false opinions
sometimes to
be insedat.

wonder, that one of them Sinks in the water, and the other swims, which notwithstanding is counted a wonderful thing, and adds authority to the other vertues of that Herb.

IX.

There remain certain profitable additions to the *Natural History*, and which may more commodiously incline, and fit it for the *Work of the Interpreter* which follows it. And these are five.

First Questions (I say, not of Causes, but of Fact) are to be added, to provoke and solite a further Enquiry. As in the *History* of the *Land* and *Sea*. Whether the *Caspian-sea* doth Ebbe and Flow, and in what space of hours: Whether there be any Southern Continent, or rather Islands, and the like.

Secondly, In every new and more subtle *Experiment*, the manner it self of the *Experiment* propounded should be added: That the Judgment of Men may be free, whether the Information by that *Experiment* be to be trusted to, or be deceitful, and that the Industry of Men may be stirred up to seek out ways (if it may be) more accurate.

Thirdly, If there be any doubt or scruple lurking under any relation, that we would not have suppressed or kept silent at all, but be plainly and perspicuously set down, by way of Note or Advertisement; for we desire that the *First History* should be writ so circumspectly and scrupulously, as if the Writers thereof had taken an Oath for the truth of every thing therein contained; seeing it is the Volume of the *Works of God*, and (as much as is lawful to compare the Majesty of Divine things with the humilitie of things tertene) as it were *Another Scripture*.

Fourthly, It will not be amiss sometimes to interweave observations (that which *C. Plinie* did) as in the *History* of the *Land* and *Sea*. That the figure of the *Lands* (which are yet known) in respect of the *Seas*, is Southward narrow, and in a manner picket; towards the North broad and large; of the *Seas* quite contrary. And that great Oceans cut between the *Lands* with Channels stretched forth between the South and the North, not between the East and West; unless, happily in the farthest Polar Regions. Also *Canons* (which are nothing else but General and Universal Observations) may very well be joyned, as in the *History* of *Celestial*. That *Venus* never is farther distant from *Sol* than 26. degrees, *Mercur*, than 23. and that the Planets, which are placed above the Sun, move very slowly, being at the farthest distance from the *Earth*; but the Planets below the *Sun* move most swiftly. Moreover there is another sort of *Observations* to be used, which hitherto hath not been in use, though it be of no small moment, and that is this, that to those things that *are*, those things that *are not*, be annexed, as in the *History* of *Celestial*; that there is not found, any Star of a long Figure or Triangular; but that every Star is Globous and that either Globous simply as the Moon, or Angulate to the sight, but round in the middle, as the other Stars, or radius to the sight and circular in the middle, as the Sun, or that the Stars are scattered without any order at all; so that amongst them there cannot be found either a five set figure, or quadrangle, or any other perfect figure (however there be imposed upon them the Names of *Delta*, of a *Crown*, a *Cross*, a *Chariot* and *four horses*, and

Five Additions to the Natural History.

1. Questions.

2. The manner when to be expressed.

3. Doubts.

4. Observations.

Canons.

A new sort of Observations.

and the like) scarce even a straight line , unless, happily, in the *Zone* and *Dagger* of *Orion*.

Fifthly, That may perhaps somewhat help an Inquirer which altogether perverts and destroys a credulous person. And that is, That the Opinions now received with their Variety and Sects, be rehearsed in a brief comprehension of words, that they may excite the understanding and no more.

X.

s.
Opinions.

And let these suffice as for general Precepts ; which if they be heedfully observed, This Work of History will tend straight to its end, and will not grow above measure : But if also, as it is circumscribed and limited, it seem a vast work to any mean spirited person, let him turn his eyes upon Libraries, and amongst others upon the Bodies of the *Civil* and *Canonical Law*, on one side, and upon the Commentaries of Doctors and Lawyers on the other side, and he may see, what the difference will be, as to the Bulk and Volumnes. Now for us, (who like faithful Scribes cull out and write the *LAWS* themselves of *Nature*, and nothing else) brevity is proper and almost imposed upon us by the very things themselves ; but of *Opinions*, *Decrees*, and *Speculations* there is neither number nor end. But for that we have made mention, in the Distribution of our work of *Cardinal virtues*, in *Nature* ; And for that also the History of these should be finished, before we shall come to the *Work* of the *Interpretation*, we have not been unmindful of this business, but we have reserved this work for our self, because we dare not much promise our selves the Industry of others in this business, before men shall have begun to acquaint themselves a little nearer with *Nature*.

F I N I S.

THE
C H A R G E

O F

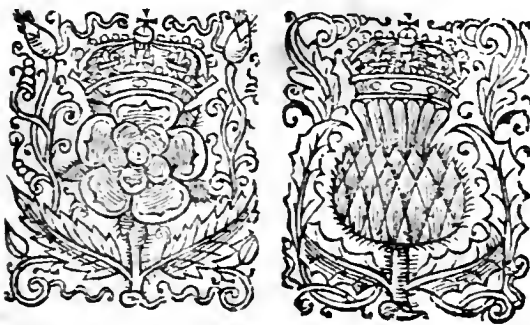
S. FRANCIS BACON, K^t.

His Majesties Attourney General, touching

D U E L L S.

Vpon an information in the *Star-chamber* against
Priest and *Wright*.

With the Decree of the *Star-chamber* in the same cause.



L O N D O N,

Printed by Sarah Griffing and Ben. Griffing, for William Lee
at the *Turks-head* in *Elect-street*, over against *Fetter-Lane*, 1670.

CHAMBER

OF COMMERCE

THE

DEPARTMENT

OF THE INTERIOR

WASHINGTON

1887

THE
C H A R G E

O F

S^r. FRANCIS BACON, K^t.

His Majesties Attourney General, touching

D U E L L S.

Vpon an information in the *Star-chamber* against
Priest and *Wright*.

MY LORDS,

I Thought it fit for my place, and for these times, to bring to hearing before your Lordships some cause touching private *Duells*, to see if this Court can do any good to tame and reclaim that evil which seems unbridled. And I could have wished that I had met with some greater persons, as a subject for your censure, both because it had been more worthy of this presence, and also the better to have shewed the resolution my self hath to proceed without respect of persons in this business: But finding this cause on foot in my predecessors time, and published and ready for hearing, I thought to loose no time, in a mischief that groweth every day; and besides, it passeth not amiss sometimes in government, that the Greater sort be admonished by an example made in the Meaner, and the Dog to be beaten before the Lyon. Nay, I should think (my Lords) that men of birth and quality will leave the practise, when it begins to be vilified, and come so low as to Barber-surgeons and Butchers, and such base mechanical persons.

And for the greatness of this presence, in which I take much comfort, both as I consider it in it self, and much more in respect it is by his Majesties direction; I will supply the meanness of the particular cause, by handling of the general point; to the end that by occasion of this present cause, both my purpose of prosecution against *Duells*, and the opinion of the Court (without which I am nothing) for the censure of them may appear, and thereby offenders in that kind may read their own case, and know what they are to expect, which may serve for a warning, until example may be made in some greater person, which I doubt the times will but too soon afford,

C

There-

Therefore before I come to the particular, whereof your Lordships are now to judge, I think it time best spent to speak somewhat.

First, Of the Nature and Greatness of this mischief.

Secondly, Of the Causes and Remedies.

Thirdly, Of the Justice of the Law of *England*, which some stick not to think defective in this matter.

Fourthly, Of the Capacity of this Court, where certainly the remedy of this mischief is best to be found.

And *Fifthly*, Touching mine own purpose and resolution, wherein I shall humbly crave your Lordships aid and assistance.

For the mischief it self, it may please your Lordships to take into your consideration that when revenge is once extorted out of the Magistrates hand, contrary to Gods ordinance, *Mibi vindicta, ego retribuam*, and every man shall bear the sword, not to defend but to assail; and private men begin once to presume to give Law to themselves, and to right their own wrongs, no man can foresee the dangers and inconveniences that may arise and multiply thereupon. It may cause suddain stormes in Court, to the disturbance of his Majesty, and unsafety of his person. It may grow from quarrels to banding, and from banding to trooping, and so to tumult and commotion; from particular persons, to dissention of families and alliances, yea, to national quarrels, according to the infinite variety of accidents, which fall not under foresight; so that the State by this means shall be like to a distempered and imperfect body, continually subject to inflammations and convulsions.

Besides, certainly, both in Divinity and in Policy, *Offences of presumption are the greatest*. Other offences yeild and consent to the Law that it is good, not daring to make defence; or to justify themselves; but this offence, expressly gives the Law an affront, as if there were two Laws, one a kind of *Gown-law*, and the other a Law of *reputation*, as they term it, so that *Pauls* and *Westminster*, the Pulpit and the Courts of Justice, must give place to the Law (as the King speaketh in his Proclamation) of *Ordinary Tables*, and such Reverend Assemblies; the Year-books and Statute-books, must give place to some *French* and *Italian* Pamphlers, which handle the doctrine of *Duells*, which, if they be in the right, *transseamus ad illa*, lets receive them, and not keep the people in conflict and distraction between two Laws.

Again (my Lords) it is a miserable effect, when young men, full of forwardness and hope, such as the Poets call *aurora filii*, sons of the Morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner; but much more it is to be deplored when so much noble and gentile blood shall be spilt upon such follies, as if it were adventured in the field in service of the King and Realm, were able to make the *fortune* of a day, and to change the fortune of a kingdom. So as your Lordships see what a desperate evil this is; it troubleth Peace, it disfurnisheth War, it bringeth Calamity upon Private Men, Peril upon the State, and Contempt upon the Law.

Touching the causes of it; The first motive no doubt is a false and erroneous imagination of Honour and Credit; and therefore the King, in his last Proclamation, doth most aptly and excellently call them, *bewitching Duells*. For, if one judge of it truly, it is no better than a Sorcery, that Enchanteth

eth the spirits of young Men, that bear great minds with a false show, *species falsa*; and a kind of Satanical Illusion and Apparition of Honour; against Religion, against Law, against Moral Virtue, and against the Precedents and Examples of the best Times, and valiantest Nations, as I shall tell you by and by, when I shall shew you that the Law of *England* is not alone in this point.

But then the seed of this mischief being such, it is nourished by vain discourses, and green and unripe conceits, which nevertheless have so prevailed, as though a man were staid and sober minded, and a right believer touching the vanity and unlawfulness of these *Duells*, yet the stream of vulgar opinion is such, as it imposeth a necessity upon men of value to conform themselves; or elsewhere is no living or looking upon mens faces: So that we have not to do, in this case, so much with particular persons, as with unsound and depraved opinions, like the dominations and spirits of the Air, which the Scripture speaketh of.

Hereunto may be added, that men have almost lost the true notion and understanding of *Fortitude* and *Valour*. For *Fortitude* distinguisheth of the grounds of quarrels, whether they be just; and not only so, but whether they be worthy; and setteth a better price upon mens lives, than to bestow them idly, Nay it is weakness and disesteem of a mans self, to put a mans life upon such ledgier performances; A mans life is not to be trifled away, it is to be offered up and sacrificed to honourable Services, publike Merits, good Causes, and noble Adventures. It is in expence of blood, as it is in expence of money; It is no liberality to make a profusion of monee upon every vain occasion, nor no more it is fortitude to make effusion of blood except the cause be of worth. And thus much for the causes of this evil.

For the remedies I hope some great and noble person will put his hand to this Plough, and I wish that my labours of this day may be but fore-runners to the work of a higher and better hand. But yet to deliver my opinion, as may be proper for this time and place; there be four things that I have thought on, as the most effectual for the repressing of this depraved custome of particular Combats:

The first is, that there do appear, and be declared, a constant and settled resolution in the State to abolish it. For this is a thing (my Lords) must go down at once, or not at all: For then every particular man will think himself acquitted in his reputation, when he sees that the State taketh it to heart, as an insult against the Kings power and authority, and thereupon hath absolutely resolved to master it, like unto that which was set down in express words, in the edict of *CHARLES* the ninth of *France* touching *Duells*, That the King himself took upon him the honour of all that took themselves grieved or interested for not having performed the Combat: So must the state do in this business, and in my Conscience there is none that is but of a reasonable sober disposition, be he never so valiant, (except it be some furious person that is like a Fire-work) but will be glad of it, when he shall see the law and rule of State disinterest him of a vain and unnecessary hazard.

Secondly, Care must be taken that this evil be no more cockered, nor the humor of it fed; wherein I humbly pray your Lordships that I may speak my mind freely, and yet be understood aright. The proceedings of the

great and noble Commissioners Marshall, I honour and reverence much; and of them I speak not in any sort; But I say the compounding of Quarrels, which is otherwise in use, by private Noble-men and Gentlemen, it is so punctual, and hath such reference and respect unto the received conceits, whats before hand, and whats behind hand, and I cannot tell what, as without all question it doth, in a fastion, countenance and authorise this practise of Duells, as if it had in it somewhat of right.

Thirdly, I must acknowledge that I learned out of the Kings last Proclamation the most prudent and best applied remedy for this offence (if it shall please his Majesty to use it) that the wit of man can devise. This offence (my Lords) is grounded upon a false conceit of honour and therefore it would be punished in the same kind, *In eo quis rectissimi peccatur in quo peccat*. The fountain of honour is the King, and his Aspect, and the Access to his Person continueth honour in Life, and to be banished from his Presence is one of the greatest Eclipses of Honour that can be; if his Majesty shall be pleased, that when this Court shall Censure any of these Offences in Persons of Eminent quality, to add this out of his own power and discipline, that these persons shall be banished and excluded from his Court for certain years, and the Courts of his Queen and Prince, I think there is no man that hath any good blood in him, will commit an act that shall cast him into that darkness, that he may not behold his Sovereigns face.

Lastly, And that which more properly concerneth this Court, we see (my Lords) the root of this Offence is stubborn: For it despiseth death, which is the utmost of punishments, and it were a just, but a miserable severity, to execute the Law without all remission or mercy, where the case proverh capital. And yet the late severity in *France* was more, where by a kind of Marshal-law, established by Ordinance of the King and Parliament, the party that had slain another was presently had to the Gibbet, in so much as Gentlemen of great quality were Hanged, their wounds bleeding, lest a natural death should prevent the example of justice. But (my Lords) the course which we shall take is of far greater lenity, and yet of no less efficacy; which is to punish, in this Court, all the middle acts and proceedings which tend to the Duell, (which I will enumerate to you anon) and so to hew and vex the root in the branches, which no doubt in the end will kill the root, and yet prevent the extremity of Law.

Now for the Law of *England*, I see it excepted to, though ignorantly in two points;

The one, that it should make no difference between an insidious and foul Murther, and the killing of a Man upon fair terms, as they now call it.

The other, that the Law hath not provided sufficient punishment, and reparations for contumely of words, as the Lye, and the like.

But these are no better than Childish Novelities against the Divine Law, and against all Laws in effect, and against the examples of all the bravest, and most virtuous Nations of the World.

For first, for the law of God, there is never to be found any difference made in Homicide, but between Homicide voluntary and involuntary, which we term Misadventure. And for the Case of Misadventure it self, there were Cities of refuge; so that the offender was put to his flight, and that flight was subject to accident, whether the revenger of blood should over-

take him before he had gotten Sanctuary or no; It is true that our Law hath made a more subtile distinction between the will enflamed, and the will advised, between Man-slaughter in heat, and Murther upon premeditated malice, of cold blood, as the Souldiers call it, an indulgence not unfit for a chollerick and warlike Nation, for it is true, *Ira furor brevis*; a man in fury is not himself. This priviledge of passion the ancient *Roman Law* restrained, but to a Case, that was, if the Husband took the Adulterer in the manner; to that rage and provocation only it gave way, that it was an homicide was justifiable. But for a difference to be made in case of killing and destroying Man, upon a fore-thought purpose, between fowl and fair, and as it were between single Murther and vyed Murther, it is but a monstrous Child of this latter Age, and there is no Shadow of it in any Law Divine or Humane. Only it is true, I find in the Scripture that *CAIN* inticed his Brother into the Field, and slew him treacherously, But *LAMECH* vaunted of his Man-hood, *That he would Kill a Young Man, and if it were in his hurt*: So as I see no difference between an insidious Murther, but the difference between *Cain* and *LAMECH*.

As for examples, in Civil States, all Memory doth Consent, that *Grecia* and *Rome* were the most valiant and generous Nations of the World, and that which is more to be noted: they were Free Estates, and not under a Monarchy, whereby a Man would think it a great deal the more reason that particular persons should have righted themselves; and yet they had not this practise of *Duells*, nor any thing that bare shew thereof; and sure they would have had it, if there had been any virtue in it. Nay, as he saith, (*as est & ab hoste doceri*) it is memorable, that is, reported, by a Councellour Ambassador of the Emperors, touching the censure of the Turks. of these *Duells*; There was a Combate of this kind, performed by two Persons of Quality of the Turks, wherein one of them was Slain, the other party was Convented before the Council of *Bassaes*; the manner of the reprehension was in these words; *How durst you undertake to Fight one with the other? are there not Christians enough to kill? did you not know that whether of you should be slain the loss would be the great Seigneours?* So as we may see that the most warlike Nations, whither Generous or Barbarous have ever despised this wherein now men glory.

It is true (my Lords) that I find Combates of two Natures Authorized, how justly I will not dispute, as to the latter of them.

The one, when upon the approaches of Armies in the Face one of the other, particular persons have made Challenges for Trial of Valors in the Field, upon the publick Quarrel.

This the *Romans* called *pugna per provocationem*. And this was never, but either between the Generals themselves, who were absolute, or between particulars, by licence of the Generals, never upon private Authority. So you see *DAVID* asked leave when he fought with *GOLIAH*, and *JOAB*, when the Armies were met, gave leave, and said, *Let the young men play before us*. And of this kind was that famous example in the Wars of *Naples*, between twelve *Spaniards*, and twelve *Italians*, where the *Italians* bare away the Victory; besides other infinite like examples worthy and laudable, sometimes by singles, sometimes by numbers.

The second Combate is a Judicial Trial of Right, where the right is obscure, introduced by the *Goths* and the *Northern Nations*, but more anciently

ently entertained in *Spain*; and this yet remains in some Cases, as a Divine Lot of Battail, though controverted by Divines, touching the lawfulness of it: So that a wise Writer saith. *Taliter pugnantes videntur tentare Deum, quia hoc volunt ut Deus ostendat & faciat miraculum, ut justam causam habens victor efficiatur, quod saepe contra accidit.* But howsoever it be, this kind of fight taketh his warrant from Law. Nay, the *French* themselves, whence this folly seemeth chiefly to have flown, never had it but only in practise and tolleration, but never as authorized by Law; And yet now of late they have been faine to purge their folly with extream rigour, insomuch as many Gentlemen left between death and life in the *Duells* (as I spake before) were haltned to hanging with their wounds bleeding. For the State found it had been neglected so long, as nothing could be thought cruelty which tended to the putting of it down.

As for the second defect, pretended in our Law, that it hath provided no remedy for *Lies* and *Phillips*, it may receive like answer; It would have been thought a madness amongst the ancient Law-givers, to have set a punishment upon the *Lye given*, which in effect is but a word of denial, a negative of anothers saying. Any Law-giver, if he had been asked the question, would have made *Solons* answer, *That he had not ordained any punishment for it, because he never imagined the world would have been so fantastical as to take it so highly.* The Civilians they dispute whether an action of *Injury lye* for it, and rather resolve the contrary. And *Francis* the first of *France*, who first set on and stamped this disgrace so deep, is taxed by the judgment of all wise Writers, for beginning the vanity of it; for it was he, that when he had himself given the lye and desie to the Emperor, to make it currant in the world, said in a solemn Assembly, *That he was no honest Man that would bear the Lye*, which was the fountain of this new learning.

As for words of *reproach* and *contumely* (whereof the *Lye* was esteemed none) it is not credible (but that the Orations themselves are extant) what extream and exquisite reproaches were tossed up and down in the Senate of *Rome*, and the places of Assembly, and the like in *Grecia*, and yet no man took himself fowled by them, but took them but for breath, & the stile of an Enemy, and either despised them or returned them, but no blood spilt about them.

So of every touch or light blow of the person they are not in themselves considerable, save that they have got upon them the stampe of a disgrace, which maketh these light things pass for great matter. The Law of *England*, and all Laws, hold these degrees of Injury to the person; *Slander, battery, maim, and death*: And if there be extraordinary circumstances of despight and contumely, as in case of *Libels* and *Bastanadoes*, and the like, this Court taketh them in hand and punisheth them exemplarily. But for this apprehension of a disgrace, that a *Phillippe* to the Person should be a mortal Wound to the Reputation, it were good that Men did hearken unto the saying of *Consalvo*, the great and famous Commander, that was wont to say; *A Gentlemans honour should be, De tela crassiore*, of a good strong Warp or Web, that every little thing should not catch in it, when as now it seems they are but of *Cobweb-lawn*, or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick Mans body, that is so tender, that it feels every thing. And so much in maintenance and demonstration of the wisdom and justice of the Law of the Land.

For the capacity of this Court, I take this to be a ground infallible. That wheresoever an offence is Capital, or matter of Felony, though it be not acted, there the combination or practise, tending to that offence is punishable in this Court, as a high Misdemeanor. So practise to Impoison, though it took no effect; way-laying to Murther, though it took no effect, and the like, have been adjudged haynous Misdemeanors punishable in this Court. Nay, inceptions and preparations in inferior crimes (that are not capital) as suborning and preparing of Witnesses, that were never deposed, or deposed nothing material, have likewise been censured in this Court, as appeareth by the Decree in *Garnons Case*.

Why? then the *Major* proposition being such, the *Minor* cannot be denied: for every appointment of the Field, is but combination and plotting of Murther, let them guild it how they list, they shall never have fairer terms of men in place of justice. Then the conclusion followeth, that it is a Case fit for the censure of this Court. And of this there be presidents in the very point of Challenge.

It was the Case of *Wharton*, Plaintiff against *Ellekar* and *Acklam* Defendants, where *Acklam* being a follower of *Ellekar*, was censured for carrying a Challenge from *Ellekar* to *Wharton*, though the Challenge was not put in Writing, but delivered only by word of Message; and there are words in the Decree, that such Challenges are to the subversion of Government.

These things are well known, and therefore I needed not so much to have insisted upon them, but that in this Case I would be thought not to innovate any thing of mine own head, but to follow the former presidents of the Court, though I mean to do it more thoroughly, because the time requires it more.

Therefore now to come to that which concerneth my part, I say, that by the favour of the King and the Court, I will prosecute in this Court in the Cases following.

If any man shall Appoint the Field, though the Fight be not acted or performed.

If any man shall send any Challenge in writing, or any message of Challenge.

If any man carry or deliver any writing or message of Challenge.

If any man shall accept or return a Challenge.

If any man shall accept to be a Second in a Challenge of either side.

If any man shall depart the Realm, with intention and agreement to perform the Fight beyond the Seas.

If any man shall revive a quarrel by any scandalous brutes or writings, contrary to a former Proclamation published by his Majesty in that behalf.

Nay, I hear there be some Counsel learned of Duels, that tell young men when they are before hand, and when they are otherwise, and thereby incense and incite them to the Duell, and make an art of it; I hope I shall meet with some of them too, and I am sure (my Lords) this course of preventing Duels in nipping them in the bud, is fullier of clemency and providence than the suffering them to go on, and hanging Men with their wounds bleeding, as they did in *France*.

To conclude. I have some petitions to make, first, to your Lordship, my Lord Chancellor, that in case I be advertised of a purpose in any to go beyond the Sea to Fight, I may have granted his Majesties Writ of *Ne exeat*

regnum to stop him, for this Giant bestrideth the sea, and I would take and snare him by the foot on this side, for the combination and plotting is on this side, though it should be acted beyond sea. And your Lordship said notably the last time I made a motion in this business, that a man may be as well, *fur de se*, as *selo de se*, if he steal out of the Realm for a bad purpose, and for the satisfying of the words of the Writ, no man will doubt but he doth *machinari contra coronam* (as the words of the Writ be) that seeketh to Murther a Subject; for that is ever, *contra coronam & dignitatem*. I have also a suit to your Lordships all in general, that for Justice sake, and for true honours sake, honour of Religion, Law, and the King our Master, against this fond and false disguise or puppetry of honour, I may in my prosecution (which it is like enough may sometimes stir coals (which I esteem not for my particular, but as it may hinder the good service) I may (I say) be countenanced and assisted from your Lordships: Lastly, I have a petition to the Nobles and Gentlemen of *England*, that they would learn to esteem themselves at a just price. *Non his quasitum murus in usus*, their blood is not to be spilt like water or a vile thing, therefore that they would rest perswaded there cannot be a form of honour, except it be upon a worthy matter. But for this, *Ipsi viderint*, I am resolved. And thus much for the general; now to the present case.

THE
D E C R E E.

OF THE
STAR-CHAMBER

In the same Cause.

*In Camerâ stellatâ coram concilio ibidem 26^o.
die Januarij anno undecimo Jacobi Regis.*

The Prefence.

Thomas Lord Ellesmere Lord Chancellor of England. *George Lord Arch-Bishop of Canterbury.*

Henry Earl of Northampton Lord Privy Seal. *John Lord Bishop of London.*

Charles Earl of Nottingham Lord high Admiral of England. *Sir Edward Cooke Knight, Lord Chief Justice of England.*

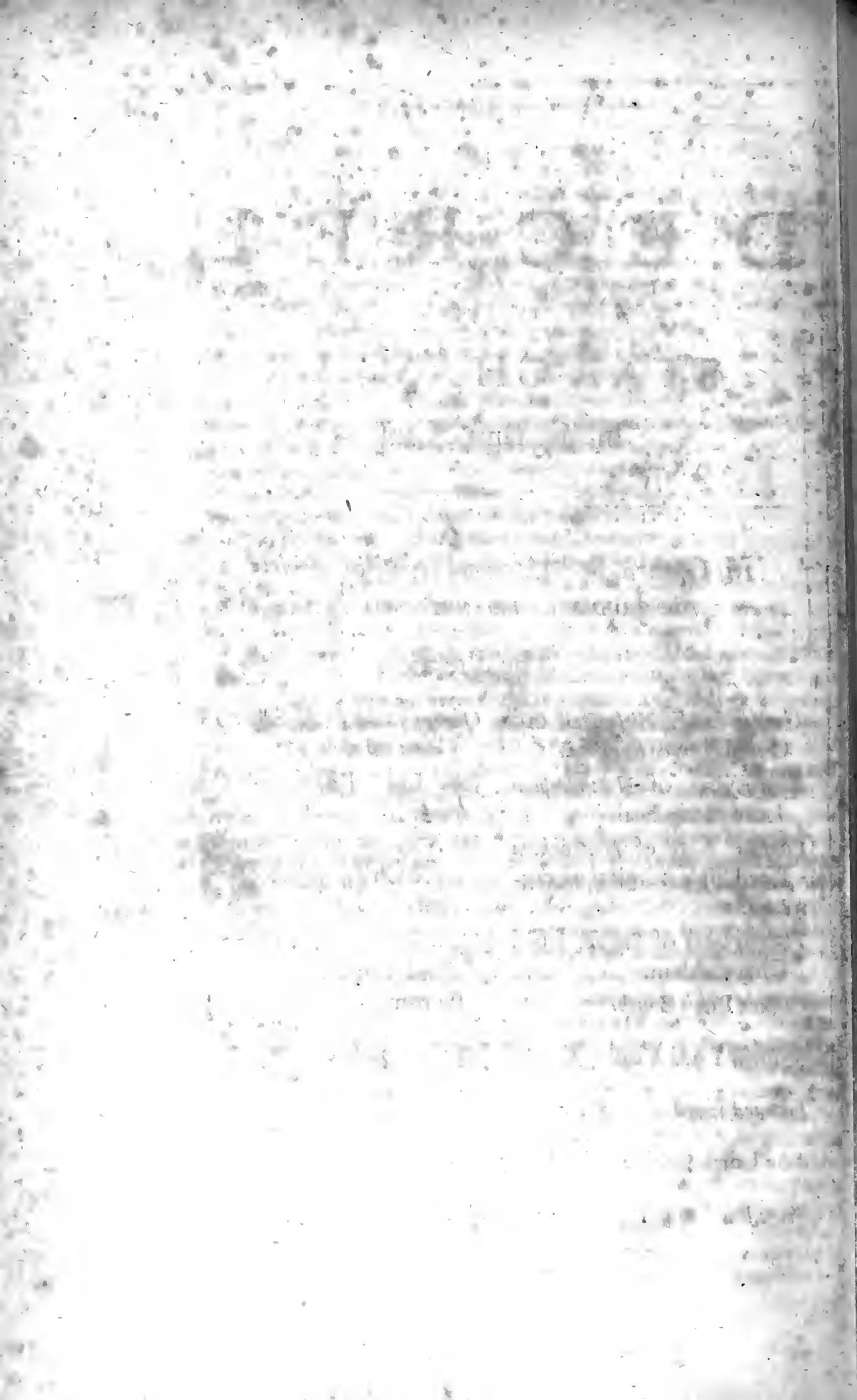
Thomas Earl of Suffolk Lord Chamberlain. *Sir Henry Hobart Knight, Lord Chief Justice of the Common-pleas.*
Edward Lord Zouch.

William Lord Knolles Treasurer of the Household.

Edward Lord Wotton Controwler.

John Lord Stanhop, Vice-Chamberlain.

Sir Julius Cesar Knight, Chancellor of the Exchequer :



The DECREE of the STAR-CHAMBER
against DUELS.

His day was heard and debated at large, the several matters of Informations here exhibited by Sir *Francis Bacon* Knight his Majesties Attorney General, the one against *William Priest* Gentleman, for writing and sending a Letter of Challenge, together with a stick, which should be the length of the Weapon, And th' other against *Richard Wright* Esquire for carrying and delivering the said Letter and stick unto the Party challenged, and for other contemptuous and insolent behaviour used before the Justices of the Peace in *Surrey* at their Sessions, before whom he was convented. Upon the opening of which Cause his Highness said Attorney General did first give his reason to the Court, why in a Case which he intended should be a leading Case, for the repressing of so great a mischief in the Common-wealth, and concerning an offence which raigneth chiefly amongst persons of honour and quality; he should begin with a Cause which had passed between so mean Persons as the Defendants seemed to be.; which he said was done, because he found this Cause ready Published: And in so growing an evil, he thought good to lose no time, whereunto he added, that it was not amiss sometimes to beat the Dog before the Lyon, saying further, that he thought it would be some motive for Persons of Birth and Countenance to leave it, when they saw it was taken up by base and mechanical fellows, but concluded; That he resolved to proceed without respect of Persons for the time to come, and for the present to supply the meanness of this particular Case by insisting the longer upon the general point.

Wherein he did first exprest unto the Court, at large, the greatness and dangerous consequence of this presumptuous offence, which extorted revenge out of the Magistrates hand, and gave boldness to private men to be Law-givers to themselves, the rather because it is an offence that doth justifie it self against the Law, and plainly gives the Law an affront; describing also the miserable effect which it draweth upon private families by cutting off Young-men, otherwise of good hope, and chiefly the loss of the King and Common-wealth, by the casting away of much good blood, which being spent in the field upon occasion of service where able to continue the renown, which this Kingdome hath obtained in all ages, of being esteemed victorious.

Secondly, his Majesties said Attorney general did discourse touching the causes and remedies of this mischief, that prevailed so in these times, shewing the ground thereof to be a false and erroneous imagination of ho-

nor and credit, according to the term, which was given to those *Duels*, by a former Proclamation of his Majesties, which called them *benitching Duels*, for that it is no better, than a kind of sorcery, which enchantereth the spirits of Young-men, which bear great minds with a few of honor in that which is no honor indeed, being against Religion, Law, Moral Vertue, and against the presidents and examples of the best times, and valiantest Nations of the World, which though they excelled for prowess and military vertue in a publique quarrel, yet knew not what these private *Duels* meant: saying further, that there was too much way and countenance given unto these *Duels* by the course that is held by Noble-men and Gentlemen in compounding of quarrells, who use to stand too punctually upon conceits of satisfactions, and distinctions, what is before-hand, and what behind hand, which do but feed the humour: Adding likewise that it was no fortitude to shew valour in a quarrel, except there were a just and worthy ground of the quarrel; but that it was weakness to set a mans life at so mean a rate, as to bestow it upon trifling occasions, which ought to be rather offered up and sacrificed to honourable services, publique merits, good causes and noble Adventures, And as concerning the Remedies, he concluded: That the only way was, that the State would declare a constant and settled resolution to master and put down this presumption in private men, of what-soever degree, of righting their own wrongs; and this to doe at once, For that then every particular man would think himself acquitted in his reputation, when that he shall see that the State takes his honor into their hands, and standeth between him and any Interest, or prejudice, which he might receive in his reputation for obeying; whereunto he added likewise, that the wisest and mildest way to suppress these *Duels*, was rather to punish in this Court all the Acts of preparation, which did in any wise tend to the *Duels*, (as this of Challenges and the like) and so to prevent the Capital punishment, and to vex the root in the branches, than to suffer them to run on to the execution, and then to punish them Capitally, after the maner of *France*, where of late times Gentlemen of great Quality, that had killed others in *Duel*, were carried to the Gibbet with their wounds bleeding, least a natural death should keep them from the example of Justice.

Thirdly his Majesties said Attorney general did, by many reasons, which he brought and alledged, free the Law of *England* from certain vain and childish exceptions; which are taken by these *Duellists*: The one, because the Law makes no difference in punishment between an insidious and foul Murther, and the killing of a man upon Challenge and fair terms, as they call it. Th'other for that the Law hath not provided sufficient punishment, and reparation for contumely of words, as the *Lye*, and the like, wherein his Majesties said Attorney general did shew, by many weighty arguments and examples: That the Law of *England* did consent with the Law of *God*, and the Law of *Nations* in both those points, and that this distinction in Murther between foul and fair, and this grounding of mortal quarrels upon uncivil and reproachful words, or the like disgraces, was never authorised by any law, or ancient examples, but it is a late vanity crept in from the practice of the *French*, who themselves since have been so weary of it, as they have been forced to put it down with all severity.

Fourthly,

Fourthly, his Majesties said Attorney General did prove unto the Court by rules of Law and Presidents; that this Court hath Capacity to punish sending and accepting of Challenges, though they were never acted nor executed; taking for a ground infallible, that wheresoever an offence is Capital or matter of felony, if it be acted and performed, there the conspiracy, combination, or practice tending to the same offence is punishable as a high misdemeanour, although they never were performed. And therefore that practise to impoison though it took no effect, and the like, have been punished in this Court: and cited the President in *Garnons* case, wherein a crime of a much inferiour nature, the suborning and preparing of Witnesses, though they never were deposed, or deposed nothing material, was censured in this Court, whercupon he concluded, that for as much as every appointment of the field is in Law but a combination of plotting of a Murther, howsoever Men might guild it: That therefore it was a Case fit for the censure of this Court, and therein he vouched a President in the very point, that in a Case between *Wharton* Plaintiff, and *Elerker* and *Acklam* Defendants. *Acklam* being a follower of *Elerker* had carried a challenge unto *Wharton*, and although it were by word of mouth, and not by writing, yet it was severely censured by the Court; the Decree having words, that such Challenges do tend to the subversion of government: And therefore his Majesties Attorney willed the standers by to take notice that it was no innovation that he brought in, but a proceeding, according to former Presidents of the Court, although he purposed to follow it more thoroughly than had been done ever heretofore, because the times did more and more require it. Lastly his Majesties said Attorney General did declare and publish to the Court in several Articles his purpose and resolution in what Cases he did intend to prosecute offences of that nature in this Court, That is to say, That if any man shall appoint the field, although the fight be not acted or performed. If any man shall send any Challenge in writing, or message of Challenge, If any man shall carry or deliver any writing or message of Challenge, If any man shall except or return a Challenge. If any man shall accept to be a second in a Challenge of either part: If any man shall depart the Realm with intention and agreement to perform the fight beyond the seas: If any man shall revive a quarrel, by any scandalous bruits or writings contrary to a former Proclamation, published by his Majesty in that behalf, that in all these Cases his Majesties Attorney General, in discharge of his duty, by the favour and assistance of his Majesty and the Court, would bring the Offenders of what state or degree whatsoever to the justice of this Court; leaving the Lords Commissioners Marshal to the more exact remedies; adding further, that he heard there was certain Councel learned of *Duels*, that tell Youngmen when they are beforehand, and when they are otherwise, and did incense and incite them to the *Duel*, and made an art of it, who likewise should not be forgotten, and so concluded with two petitions, the one in particular to the Lord Chancellor, that in case advertisement were given of a purpose in any to go beyond the Seas to fight, there might be granted his Majesties writ of *Ne exeat regnum* against him: And the other to the Lords in general, that he might be assisted and countenanced in this service.

After which opening and Declaration of the General Cause, His Majesties

Justices said Attorney did proceed to set forth the proofs of this particular Challenge and Offence now in hand and brought to the judgement and censure of this honourable Court; whereupon it appeared to this honourable Court by the Confession of the said Defendant Priest himself, that he having received some wrong and disgrace at the hands of one *Hutchest*, did thereupon in revenge thereof writ a Letter to the said *Hutchest* containing a Challenge to fight with him at single Rapier, which Letter the said Priest did deliver to the said Defendant *Wright*, together with a stick containing the length of the Rapier, wherewith the said Priest meant to perform the fight? whereupon the said *Wright* did deliver the said Letter to the said *Hutchest*, and did read the same unto him, and after the reading thereof did also deliver to the said *Hutchest* the said stick, saying that the same was the length of the weapon mentioned in the said Letter. But the said *Hutchest* (dutifully respecting the preservation of his Majesties peace) did refuse the said Challenge, whereby no further mischief did ensue thereupon. This honourable Court, and all the honourable presence this day sitting, upon grave and mature deliberation, pondering the quality of these offences, they generally approved the speech and observations of his Majesties said Attorney general, and highly commended his great care and good service in bringing a cause of this nature to publick punishment and example, and in professing a constant purpose to go on in the like course with others; Letting him know, that he might expect from the Court all concurrence and assistance in so good a work. And thereupon the Court did by their several opinions and sentences declare how much it imported the peace and prosperous estate of his Majesty and his Kingdom to nip this practice and offence of *Duels* in the head, which now did over-spread and grow universal, even among mean persons, and was not onely entertained in practice and custome, but was framed into a kind of Art and Precepts? so that according to the saying of the Scripture, *Mischief is imagined like a Law*. And the Court with one consent did declare their opinions. That by the ancient Law of the Land, all Inceptions, Preparations, and Combinations to execute unlawful acts, though they never be performed as they be not to be punished capitally except it be in case of Treason, and some other particular Cases of Statute Law: so yet they are punishable as misdemeanors and contempts: And that this Court was proper for offences of such nature, especially in this Case, where the bravery and insolency of the times are such as the ordinary Magistrates and Justices, that are trusted with the preservation of the Peace are not able to master and repress these offences, which were by the Court at large set forth, to be not onely against the Law of God, to whom and his Substitutes all revenge be' ongeth, as part of his Prerogative, but also against the oath and duty of every subject unto his Majesty, for that the Subject doth swear unto him by the ancient Law, allegiance of life and member, whereby it is plainly inferred that the subject hath no disposing power over himself of life and member to be spent or ventured according to his own passions and fancies, in so much as the very practice of Chivalry in Justs and Tournayes, which are but images of martial actions, appear by ancient Presidents not to be lawful without the Kings licence obtained. The Court also noted, that these private *Duels* or Combats were of another nature from the Combats which have been

been allowed by the Law as well of this Land as of other Nations, for the tryal of rights or appeals. For that those Combats receive direction and authority from the Law, whereas these contrariwise spring only from the untridled humours of private men. And as for the pretence of honor, the Court much mistaking the confusion of degrees which is grown of late (every man assuming unto himself the term and attribute of honor, did utterly reject and condemn the opinion that the private *Duel*, in any person whatsoever had any groundes of honor, as well because nothing can be honourable that is not lawful, and that it is no magnanimity or great acts of mind, but a swelling and tumor of the mind, where their faith a right and sound Judgement; as also for that it was rather justly to be esteemed a weakness and a conscience of smal value in a mans self to be dejected, so with a word or trifling disgrace as to think there is no recure of it, but by the hazard of life: whereas true honour in persons that know their own worth is not of any such brittle substance but of a more strong composition. And finally, the Court shewing a firm and settled resolution to proceed with all severity against these *Duels* gave warning to all young Noble men and Gentlemen, that they should not expect the like connivence or tolleration as formerly have been, but that Justice should have a full passage without protection or interruption. Adding, that after a strait Inhibition, whosoever should attempt a Challenge or Combat, in case where the other party was restrained to answer him, (as now all good subjects are) did by their own principles receive the dishonour and disgrace upon himself, and for the present Cause, The Court hath ordered, adjudged, and decreed, that the said *William Priest*, and *Richard Wright*, be committed to the Prison of the *Fleet*, and the said *Priest* to pay five hundred pounds and the said *Wright* five hundred marks for their severall Fines to his Majesties use. And to the end, that some more publike example may be made hereof amongst his Majesties people, The Court hath further Ordered and Decreed, That the said *Priest* and *Wright* shall at the next Assizes to be holden in the County of *Surrey* publiquely in face of the Court, the Judges sitting, acknowledge their high contempt and offence against God, his Majesty, and his Laws, and shew themselves penitent for the same. Moreover the wisdom of this high and honourable Court thought it meet and necessary that all sorts of his Majesties subjects should understand and take notice of that which hath been said and handled this day touching this matter, as well by his Highness Attorney General, as by the Lords, Judges, touching the Law in such Cases. And therefore the Court hath enjoyned Master Attorney to have special care to the penning of this Decree, for the setting forth in the same summarily the matters and reasons, which have been opened and delivered by the Court touching the same, and nevertheless also at some time convenient to publish the particulars of his speech and declaration, as very meet and worthy to be remembered, and made known to the world, as these times are: And this Decree, being in such sort carefully drawn and penned, the whole Court thought it meet, and so have ordered and decreed, that the same be not onely read and published at the next Assizes for *Surrey*, at such time as the said *Priest* and *Wright* are to acknowledge their offences as aforesaid; But that the same be likewise published and made known in all Shires of this Kingdom. And to that end
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the Justices of Assize are required by this honourable Court to cause this Decree to be solemnly read and published in all the p'acings and sittings of their severall Circuits, and in the greatest Assembly, to the end, that all his Majesties subjects may take knowledge and understand the opinion of this honourable Court in this case, and in what measure, his Majesty, and this honourable Court, purposeth to punish such as shall fall into the like contempt and offences hereafter. Lastly this honourable Court much approving that which the right honourable Sir *Edward Coke* Knight, Lord Chief Justice of *England* did now deliver touching the Law in this case of *Duels*, hath enjoyned his Lordship to report the same in print, as he hath formerly done divers other Cases, that such as understand not the Law in that behalf, and all others may better direct themselves and prevent the danger thereof hereafter.

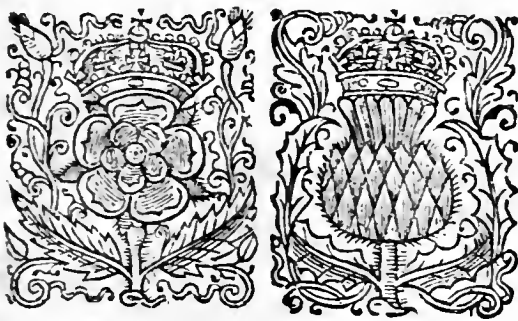
FINIS.

THE
A P O L O G Y
O F
S^r. FRANCIS BACON K^t.

In certain Imputations concerning the late Earl of *Essex*:

WRITTEN

To the Right Honourable his very good Lord, the
Earl of *Devonshire*, Lord Lieutenant of *Ireland*.



L O N D O N,

Printed by S. G. & B. G. for *William Lee*, and are to be sold at the sign
of the *Turks-Head* in *Fleet-street*, over against *Fetter-Lane*, 1670.

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To the Right Honourable his very good Lord, the Earl
of Devonshire, Lord Lieutenant of Ireland.

IT may please your good Lordship: I cannot be ignorant, and ought to be sensible of the wrong which I sustain in common speech, as if I had been false, or unthankful to that noble, but unfortunate Earl; the Earl of *Essex*: and for satisfying the vulgar sort, I do not so much regard it; though I love a good name, but yet as an handmaid, and attendant of honesty and vertue. For I am of his opinion that said pleasantly, *That it was a shame to him that was a Suiter to the Mistresses, to make love to the Waiting woman*; and therefore to woe or court common fame otherwise then it followeth on honest courses, I for my part, find not myself fit nor disposed. But on the other side, there is no worldly thing that concerneth my self, which I hold more dear, than the good opinion of certain persons; amongst which there is none I would more willingly give satisfaction unto, then to your Lordship. First, because you loved my Lord of *Essex*, and therefore will not be partial towards me; which is part of that I desire, next, because it hath ever pleased you to shew your self to me an honorable friend; and so no baseness in me to seek to satisfy you: and lastly because I know your Lordship is excellently grounded in the true rules and habits of duties and moralities; which must be they which shall decide this matter: wherein (my Lord) my defence needeth to be but simple and brief: namely, that whatsoever I did concerning that action and proceeding, was done in my duty and service to the Queen and the State; in which I would not shew my self false-hearted, nor faint-hearted, for any mans sake living. For every honest man that hath his heart well planted, will forsake his King, rather than forsake God; and forsake his friend, rather than forsake his King; and yet will forsake any earthly commodity, yea, and his own life in some cases, rather than forsake his friend. I hope the world hath not forgotten these degrees, else the heathen saying; *Amicus usque ad aras*, shall judge them.

And if any man shall say, I did officiously intrude my self into that business, because I had no ordinary place; the like may be said of all the business in effect that passed the hands of the learned Council, either of State or Revenues these many years, wherein I was continually used. For, as your Lordship may remember, the Queen knew her strength so well, as she looked her word should be a warrant; and after the manner of the choicest Princes before her, did not always eye her trust to place, but did sometime divide private favour from office. And I for my part, though I was not so unseen in the world, but I knew the condition was subject to envy and peril; yet because I knew again she was constant in her favours, and made an end were she began, and especially, because she upheld me with extraordinary access, and other demonstrations of confidence and grace, I resolved to indure it, in expectation of better. But my scope and desire is,

that your Lordship would be pleased to have the honourable patience, to know the truth, in some particularity, of all that passed in this cause, wherein I had any part, that you may perceive how honest a heart I ever bear to my Sovereign, and to my Country, and to that Noble man, who had so well deserved of me, and so well accepted of my deservings; whose fortune I cannot remember without much grief. But for any action of mine towards him, there is nothing that passed me in my life time, that cometh to my remembrance with more clearness, and less check of conscience: for it will appear to your Lordship, that I was not only not opposite to my Lord of *Essex*, but that I did occupy the utmost of my wits, and adventure my fortune with the Queen to have reintegrated his, and so continued faithfully and industriously, till his last fatal impatience (for so I will call it) after which day there was not time to work for him, though the same, my affection; when it could not work on the subject proper, went to the next, with no ill effect towards some others, who I think do rather not know it, than not acknowledge it. And this I will assure your Lordship, I will leave nothing untold, that is truth for any enemy that I have to add; and on the other side, I must reserve much which makes for me, in many respects of duty, which I esteem above my credit: and what I have here set down to your Lordship, I protest, as I hope to have any part in *God's* favour, is true.

It is well known, how I did many years since dedicate my travels and studies, to the use and (as I may term it) service of my Lord of *Essex*, which I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humor of a man; that ever, from the time I had any use of reason (whether it were reading upon good books, or upon the example of a good Eather, or by nature) I loved my Country more than was answerable to my fortune, and I held at that time my Lord to be the fitter instrument to do good to the State: and therefore I applied my self to him, in a manner which I think hapneth rarely among men: for I did not only labour carefully and industriously in that he set me about, whether it were matter of advice or otherwise, but neglecting the Queens service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminare with my self to the best of my understanding, propositions and memorials, of any thing that might concern his Lordships honour, fortune, or service. And when not long after I entred into this course, my Brother Mr. *Anthony Bacon* came from beyond the Seas, being a Gentleman whose ability the world taketh knowledge of for matters of State, specially forraign; I did likewise knit his service to be at my Lords disposing. And on the other side, I must and will ever acknowledge my Lords love, trust and favour towards me, last of all his liberality, having infeofed me of land which I sold for eighteen hundred pounds to Master *Reynold Nicholas*, and I think was more worth, and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter: which though it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your Lordship with the relating to you the manner of it. After the Queen had denied me the solicitors place, for the which his Lordship had been a long and earnest sutor on my behalf, it pleased him to come to me from *Richmond* to *Twicknam* Park, and brake
with

with me, and said: Mr. Bacon, the Queen hath denied me the place for you, and hath placed another; I know you are the least part of your own matter. but, you fare ill, because you have chosen me for your mean and dependance: you have spent your time and thoughts in my matters; I dye (these were his very words) if I do not somewhat towards your fortune, you shall not deny to accept a piece of Land, which I will bestow upon you. My answer I remember was, that for my fortune it was no great matter: but that his Lordships offer made me call to mind what was wont to be said when I was in France of the Duke of Guise, that he was the greatest Usurer in France, because he had turned all his Estate into obligations; meaning that he had left himself nothing, but only had bound numbers of persons to him. Now my Lord (said I) I would not have you imitate his course, nor turn your state thus by great gifts into obligations, for you will find many bad debtors. He bad me take no care for that, and pressed it: whereupon I said, my Lord, I see I must be your homager, and hold Land of your gift: but do you know the manner of doing homage in law? Always it is with a saying of his faith to the King and his other Lords, and therefore my Lord (said I) I can be no more yours than I was, and it may be with the ancient savings: and if I grow to be a rich man, you will give me leave to give it back to some of your unrewarded followers. But to return, sure I am (though I can arrogate nothing to my self but that I was a faithful remembrance to his Lordship) that while I had most credit with him, his fortune went on best. And yet in two main points we always directly and contradictorily differed, which I will mention to your Lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the Queen, was by obsequiousness and observance; and I remember I would usually engage confidently, that if he would take that course constantly, and with choise of good particulars to express it the Queen would be brought in time to *Assuerus* question, to ask, *What should be done to the man, that the King would honour*: meaning, that her goodness was without limit, where there was a true concurrence, which I knew in her nature to be true. My Lord, on the other side, had a settled opinion, that the Queen could be brought to nothing, but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will he would ask me. Now Sir: *whose principles be true?* And I would again say to him: *My Lord, these courses be like to hot waters, they will help at a pang: but if you use them, you shall spoil the stomach, and you shall be faine still to make them stronger and stronger, and yet in the end they will less their operation*: with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependance, or by a popular dependance, as that which would breed in the Queen jealousy, in himself presumption, and in the State perturbation: and I did usually compare them to *Icarus* two wings which were joyned on with wax, and would make him venture to soar too high, and then fall him at the height. And I would further say unto him: My Lord, stand upon two feet, and fly not upon two wings. The two feet, are the two kinds of Justice, Commutative and Distributive: use your greatness for advancing of merit and vertue and relieving wrongs and burdens, you shall need no other art or fineness: but he would

tell

tell me, that opinion came not from my mind, but from my robe. But it is very true, that I that never meant to intral my self to my Lord of *Essex*, nor any other man, more than stood with the publick good, did (though I could little prevail) divert him by all means possible from courses of the wars and popularity: for I saw plainly the Queen must either live or dye; if she lived, then the times would be as in the declination of an old Prince; if she died, the times would be as in the beginning of a new: and that if his Lordship did rise too fast in these courses, the times might be dangerous for him, and he for them: Nay, I remember, I was thus plain with him, upon his voyage to the Islands, when I saw every Spring put forth such actions of charge and provocation, that I said to him, my Lord, when I came first unto you, I took you for a Physitian that desired to cure the diseases of the State; but now I doubt you will be like those Physitians, which can be content to keep their Patients low, because they would always be in request: which plainness he nevertheless took very well, as he had an excellent ear, and was *patientissimus veri*, and assured me the case of the Realm required it: and I think this speech of mine, and the like renewed afterwards, pricked him to write that Apology which is in many mens hands.

But this difference in two points so main and material, bred in process of time a discontinuance of privateness (as it is the manner of men seldom to communicate where they think their courses not approved) between his Lordship and my self; so as I was not called nor advised with, for some year and a half before his Lordships going into *Ireland*, as in former time: yet nevertheless, touching his going into *Ireland*, it pleased him expressly, and in a set manner to desire mine opinion and counsel. At which time I did not only dissuade, but protest against his going, telling him with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the Queens mind, whereby it would not be possible for him to carry himself so, as to give her sufficient contentment: nor for her to carry her self so, as to give him sufficient countenance, which would be ill for her, ill for him, and ill for the State. And because I would omit no argument, I remember I stood also upon the difficulty of the action: setting before him out of Histories, that the *Irish* was such an enemy as the ancient *Gauls*, or *Britons*, or *Germans* were; & that we saw how the *Romans*, who had such discipline to govern their soldiers, & such donatives to encourage them, and the whole world in a manner to levy them; yet when they came to deal with enemies which placed their felicity only in liberty, and the sharpness of their sword, and had the natural elemental advantages of woods, and boggs, and hardness of bodies, they ever found they had their hands full of them, and therefore concluded that going over with such expectation as he did, and through the churlishness of the enterprise not like to answer it, would mightily diminish his reputation; and many other reasons I used, so as I am sure I never in any thing in my life time dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny to that journey, as it is possible for a man to ground a judgement upon future contingents. But my Lord, howsoever his ear was open, yet his heart and resolution was shut against that advise, whereby his ruin might have been prevented. After my Lords going, I saw then
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how true a Prophet I was, in regard of the evident alteration which naturally succeeded in the Queens mind; and thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire if it had been possible: and not long after, me thought I saw some overtute thereof, which I apprehended readily; a particularity I think be known to very few, and the which I do the rather relate unto your Lordship, because I hear it should be talked, that while my Lord was in *Ireland*, I revealed some matters against him, or I cannot tell what; which if it were not a mear slander as the rest is, but had any, though never so little colour, was surely upon this occasion. The Queen one day at *Nonesuch*, a little (as I remember) before *Cusses* coming over, I attending on her, shewed a passionare distast of my Lords proceedings in *Ireland*, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be, and was pleased, as she spake of it to many that she trusted least, so to fall into the like speech with me; whereupon I who was still awake, and true to my grounds which I thought surest for my Lords good, said to this effect: Madam, I know not the particulars of Estate, and I know this, that Princes actions must have no abrupt periods or conclusions, but otherwise I would think, that if you had my Lord of *Essex* here with a white staff in his hand, as my Lord of *Leicester* had, and continued him still about you for society to your self, and for an honor and ornament to your Attendance and Court in the eyes, of your people, and in the eyes of forraign Ambassadors: than were he in his right element: for, to discontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove comberfome and unruly. And therefore if you would *impone benevolentiam*, and send for him, and satisfie him with honour here near you, if your affairs which (as I have said) I am not acquainted with, will permit it, I think were the best way. Which course your Lordship knoweth, if it had been taken then all had been well, and no contempt in my Lords coming over, nor continuance of these jealousies, which that employment of *Ireland* bred, and my Lord here in his former greatness. Well, the next news that I heard, was that my Lord was come over, and that he was committed to his Chamber for leaving *Ireland* without the Queens licence: this was at *Nonesuch*, where (as my duty was) I came to his Lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course was taken with him; I told him: My Lord, *Nubecula est, cito transibit*: it is but a mist: but shall I tell your Lordship, it is as mists are, if it go upwards, it may perhaps cause a snowre, if downwards it will clear up. And therefore good my Lord carry it so, as you take away by all means all umbrages and distasts from the Queen, and especially if I were worthy to advise you, (as I have been by your self thought, and now your question imports the continuance of that opinion) observe three points: First, make not this cessation or peace, which is concluded with *Tyrone*, as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the Queen any necessity of estate, whereby as by a coercion or wretch, she should think her self inforced to send you back into *Ireland*; but leave it to her. Thirdly, seek access *impertune, opportune*, seriously, sportingly every way. I remember my Lord was

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willing to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but sure I am, he did just contrary in every one of these three points. After this, during the while since my Lord was committed to my Lord Keepers, I came divers times to the Queen, as I had used to do, about causes of her revenue and law business, as is well known: by reason of which accesses, according to the ordinary charities of Court, it was given out, that I was one of them that incensed the Queen against my Lord of *Essex*. These speeches I cannot tell, nor I will not think that they grew any way from her Majesties own speeches, whose memory I will ever honour: if they did, she is with God, and *miserum est ab illis laedi, de quibus non possis queri*. But I must give this testimony to my Lord *Cecil*, that one time in his house at the *Savoy* he dealt with me directly, and said to me; Cousin, I hear it, but I believe it not, that you should do some ill office to my Lord of *Essex*: for my part I am meerly passive and not active in this action, and I follow the Queen, and that heavily, and I lead her not; my Lord of *Essex* is one that in nature I could content with as well as with any one living; the Queen indeed is my Sovereign, and I am her creature, I may not lose her, and the same course I would wish you to take: whereupon I satisfied him how far I was from any such mind. And as sometimes it cometh to pass, that mens inclinations are opened more in a toy, than in a serious matter: A little before that time, being about the middle of *Michaelmas* Term, her Majesty had a purpose to dine at my lodge at *Twickenham* Park, at which time I had (though I profess not to be a Poet) prepared a Sonnet directly tending and alluding to draw on her Majesties reconciliation to my Lord, which I remember also, shewed to a great person, & one of my Lords nearest friends, who commended it: this, though it be (as I said) but a toy, yet it shewed plainly in what spirit I proceeded, and that I was ready not only to do my Lord good offices, but to publish and declare my self for him; and never was so ambitious of any thing in my life time, as I was to have carried some token or favour from her Majesty to my Lord, using all the art I had, both to procure her Majesty to send, and my self to be the messenger: for as to the former I feared not to alledge to her, that this proceeding toward my Lord, was a thing towards the people very implausible, and therefore wished her Majesty however she did, yet to discharge her self of it, and lay it upon others; and therefore that she should intermix her proceeding with some immediate graces from her self, that the world might take knowledge of her Princely nature and goodness, lest it should alienate the hearts of her people from her, which I did stand upon, knowing well that if she once relented to send or visit, those demonstrations would prove matter of substance for my Lords good. And to draw that employment upon my self, I advised her Majesty, that whensoever God should move her to turn the light of her favours towards my Lord, to make signification to him thereof: that her Majesty, if she did it not in person, would at the least use some such mean as might not intitle themselves to any part of the thanks, as persons that were thought mighty with her to work her, or to bring her about; but to use some such as could not be thought but a meer conduct of her own goodness: but I could never prevail with her, though I am perswaded she saw plainly whereat I levelled: but she plainly had me in jealousy, that I was not hers intirely, but

but still had inward and deep respects towards my Lord, more than stood at that time with her will and pleasure. About the same time I remember an answer of mine in a matter which had some affinity with my Lords cause, which though it grew from me, went after about in others names. For her Majesty being mightily incensed with that Book which was dedicated to my Lord of *Essex*, being a story of the first year of King *Henry* the fourth, thinking it a seditious prelude to put into the peoples head boldness and faction, said, she had an opinion, that there was treason in it, and asked me if I could not find any places in it, that might be drawn within case of treason: whereto I answered; for treason I surely found none, but for felony very many. And when her Majesty hastily asked me wherein; I told her, the Author had committed, very apparent theft, for he had taken most of the sentences of *Cornelius Tacitus*, and translated them into English, and put them into his Text. And another time when the Queen would not be perswaded, that it was his writing whose name was to it, but that it had some more mischievous Author, and said with great indignation, that she would have him racked to produce his Author; I replied, Nay, Madam, he is a Doctor, never rack his person, but rack his stile; let him have pen, ink, and paper, and help of books, and be enjoyned to continue the Story where it breaketh off, and I will undertake by collecting the stiles, to judge whether he were the Author or no. But for the main matter, sure I am, when the Queen at any time asked mine opinion of my Lords case, I ever in one tenor, said unto her: that they were faults which the Law might term Contempts, because they were the transgression of her particular directions and instructions: but then what defence might be made of them, in regard of the great interest the person had in her Majesties favour, in regard of the greatness of his place, and the ampleness of his Commission; in regard of the nature of the business being action of war, which in common cases cannot be tyed to strictness of instructions, in regard of the distance of the place, having also a sea between, that demands and commands, must be subject to wind and weather; in regard of a council of State in *Ireland*, which he had at his back to avow his actions upon; and lastly, in regard of a good intention that he would alledge for himself, which I told her in some religions was held to be a sufficient dispensation for Gods commandements, much more for Princes. In all these regards, I besought her Majesty to be advised again and again, how she brought the cause into any publick question: nay, I went further, for I told her, my Lord was and eloquent and well spoken man, and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore that when he should come to his answer for himself, I doubted his words would have so unequal passage above theirs that should charge him, as would not be for her Majesties honour; and therefore wished the conclusion might be, that they might wrap it up privately between themselves, and that she would restore my Lord to his former attendance, with some addition of honour to take away discontent. But this I will never deny, that I did shew no approbation generally of his being sent back again into *Ireland*, both because it would have carried a repugnancy with my former discourse, and because I was in mine own heart fully perswaded, that it was not good, neither for the

Queen, nor for the State, nor for himself : and yet I did not disallowe it neither, but left it ever as *locus lubricus*. For this particularity I do well remember that after your Lordship was named for the place in *Ireland*, and not long before your going, it pleased her Majesty at *White-hall* to speak to me of that nomination : at which time I said to her : Surely, Madam, if you mean not to imploy my Lord of *Essex* thither again, your Majesty cannot make a better choise, and was going on to show some reason and her Majesty interrupted me with great passion : *Essex !* (said she) whensoever I send *Essex* back again into *Ireland*, I will Marry you, claim it of me : whereunto I said ; Well, Madam, I will release that contract if his going be for the good of your State. Immediately after the Queen had thought of a course (which was also executed) to have somewhat published in the Star-chamber, for the satisfaction of the world touching my Lord of *Essex* his restraint, and my Lord of *Essex* not to be called to it, but occasion to be taken by reason of some Libels then dispersed ; which when her Majesty propounded unto me, I was utterly against it ; and told her plainly, that the people would say, that my Lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defence, with many other quick and significant tearms to that purpose : insomuch that I remember I said, that my Lord *in foro famæ* was too hard for her ; and therefore wised her as I had done before, to wrap it up privately. And certainly I offended her at that time, which was rare with me : for I call to mind that both the *Christmas*, *Lent*, and *Easter* Term following, though I came divers times to her upon Law busines, yet me thought her face and manner was not so clear and open to me, as it was at the first. And she did directly charge me, that I was absent that day at the Star-chamber, which was very true ; but I alledged some indisposition of body to excuse it : and during all the time aforesaid, there was *altum silentium* from her to me touching my Lord of *Essex* causes.

But towards the end of *Easter* Term, her Majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star chamber had done no good, but rather kindled factious bruits (as she termed them) than quenched them, and therefore that she was determined now for the satisfaction of the world, to proceed against my Lord in the Star-chamber by an information *ore tenus*, and to have my Lord brought to his answer : howbeit she said, she would assure me that whatsoever she did, should be towards my Lord *ad castigationem, & non ad destructionem*, as indeed she had often repeated the same phrase before: whereunto I said (to the end utterly to divert her :) Madam, if you will have me speak to you in this argument, I must speak to you as *Frier Bacons* head spake, that said first, *Time is*, and then, *Time was*, and *Time would never be* ; for certainly (said I) it is now far too late, the matter is cold, and hath taken too much wind ; whercat she seemed again offended, and rose from me, and that resolution for a while continued ; and after, in the beginning of *Midsummer* Term, I attending her, and finding her settled in that resolution (which I heard of also otherwise) she falling upon the like speech, it is true, that seeing no other remedy, I said to her slightly, Why, Madam, if you will needs have a proceeding, you were best have it in some such sort as *Ovid* spake of his Mistress, *Est aliquid luce patente minus*, to make

make a Counsel-table matter of it, and there an end; which speech again she seemed to take in ill part, but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star-chamber. Nevertheless, afterwards it pleas'd her to make a more solemn matter of the proceeding, and some few days after, when order was given that the matter should be heard at *York-house*, before an Assembly of Councillers, Peers, and Judges, and some audience of men of quality to be admitted: and then did some principal Councillers send for us of the learned Council, and notify her Majesties pleasure unto us, save that it was said to me openly by one of them, that her Majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that I hear is raised of me, how I was a Suiter to be used against my Lord of *Essex* at that time: for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distrust and distrust, in crossing her disposition, by standing steadfastly for my Lord of *Essex*, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of complement, signifying to her Majesty, that if she would be pleased to spare me in my Lord of *Essex* cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her Majesty to think that I knew the degrees of duties, and that no particular obligation whatsoever to any subject could supplant or weaken that entireness of duty that I did owe and bear to her and her service; and this was the goodly suite I made, being a respect no man that had his wits could have omitted: but nevertheless I had a further reach in it, for I judged that days work would be a full period of any bitterness or harshness between the Queen and my Lord, and therefore if I declared my self fully according to her mind at that time, which could not do my Lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my Lord service, Hereupon the next news that I heard, was, that we were all sent for again, and that her Majesties pleasure was, we all should have parts in the business; and the Lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriages of my Lord in giving occasion and countenance to a seditious Pamphlet, as it was termed, which was dedicated unto him, which was the Book before mentioned of King *Henry* the fourth. Whereupon I replied to that allotment, and said to their Lordships, that it was an old matter, and had no manner of coherence with the rest of the Charge, being matters of *Ireland*, &c therefore that I having been wronged by bruits before, this would expose me to them more; and it would be said, I gave in evidence mine own tales. It was answered again with good shew, that because it was considered how I stood tyed to my Lord of *Essex*, therefore that part was thought fittest for me, which did him least hurt: for that whereas all the rest was matter of Charge and Accusation, this only was but matter of Caveat and Admonition. Wherewith though I was in mine one mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others: yet the conclusion binding upon the Queens pleasure directly, *volens nolens*, I could not avoid that part that was laid upon me; which part if in the delivery I did handle not tenderly

derly (though no man before me did in so clear terms free my Lord from all disloyalty as I did) that your Lordship knoweth, must be ascribed to the superiour duty I did owe to the Queens fame and honour in a publick proceeding, and partly to the intention I had to uphold my self in credit and strength with the Queen, the better to be able to do my Lord good offices afterwards: for as soon as this day was past, I lost no time, but the very next day following (as I remember) I attended her Majesty, fully resolved to try and put in ure my utmost endeavour (so far as I in my weakness could give furtherance) to bring my Lord again speedily into Court and Favour, and knowing (as I supposed at least) how the Queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well, I said to her, you have now Madam obtained victory over two things, which the greatest Princes in the world cannot at their wil's subdue: the one is over Fame, the other is over a great Mind: for surely the world is now (I hope) reasonably well satisfied; and for my Lord, he did shew that humiliation towards your Majesty, as I am perswaded he was never in his life time more fit for your favour than he is now: therefore if your Majesty will not marr it by lingring, but give over at the best, and now you have made so good a full point, receive him again with tenderness, I shall then think that all that is past, is for the best. Whereat I remember she took exceeding great contentment, and did often iterate and put me in mind, that she had ever said, that her proceedings should be *ad reparationem*, and not *ad ruinam*, as who saith, that now was the time I should well perceive, that that saying of hers should prove true. And further she willed me to set down in writing all that passed that day. I obeyed her commandment, and within some few days brought her again the narration, which I did read unto her at two several afternoons: and when I came to that part that set forth my Lords own answer, (which was my principal care) I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my Lord, and told me afterwards (speaking how well I had expressed my Lords part) that she perceived old love would not easily be forgotten: whereto I answered suddenly, that I hoped she meant that by her self. But in conclusion I did advise her, that now she had taken a representation of the matter to her self that she would let it go no further: for, Madam, (said I) the fire blazeth well already, what should you tumble it? and besides it may please you keep to a convenience with your self in this case: for since your express direction was, there should be no Register nor Clarke to take this Sentence, nor no Record or Memorial made up of the Proceeding, why should you now do that popularly, which you would not admit to be done judicially? Whereupon she did agree, that that writing should be suppressed, and I think there were not five persons that ever saw it. But from this time forth during the whole latter end of that Summer, while the Court was at *Nonfuch* and *Otlands*, I made it my task and scope to take and give occasions for my Lords reintegration in his fortune: which my intention I did also signifie to my Lord, as soon as ever he was at his liberry; whereby I might without peril of the Queens indignation write to him, and having received from his Lordship a courteous and loving acception of my good will and indeavours, I did apply it in all my accesses to the Queen, which

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were very many at that time, and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my Lord from time to time faithful advertisement what I found, and what I wished. And I drew for him by his appointment some letters to her Majesty, which though I knew well his Lordships gift and stile was far better than mine own, yet because he required it, alledging that by his long restraint he was grown almost a stranger to the Queens present conceits, I was ready to perform it: and sure I am, that for the space of six weeks, or two months it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the Queen, nor more made of, than when I spake fullest and boldest for him: in which kind the particulars were exceeding many, whereof for an example I will remember to your Lordship one or two, as at one time I call to mind, her Majesty was speaking of a Fellow that undertook to Cure, or at least to Ease my Brother of his Gout, and asked me how it went forward; and I told her Majesty, that at the first he received good by it, but after in the course of his Cure he found himself at a stay or rather worse: the Queen said again, I will tell you *Bacon* the error of it; the manner of these Physicians, and especially these Empericks, is to continue one kind of Medicine, which at the first is proper, being to draw out the ill humor, but after they have not the discretion to change their Medicine, but apply still drawing Medicines, when they should rather intend to cure and corroborate the part. Good Lord, Madam, (said I) how wisely and aptly can you speak, and discern of Physick ministred to the body, and consider not that there is the like occasion of Physick ministred to the mind: as now in the case of my Lord of *Essex*; your Princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humor sufficiently, and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did apply and minister strength and comfort unto him: for these same gradations of yours are fitter to corrupt than correct any mind of greatness. And another time I remember she told me for news, that my Lord had written unto her some very dutiful Letters, and that she had been moved by them, and when she took it to be the abundance of the heart, she found it to be but a preparative to a suit for the renewing of his Farm of sweet Wines: whereunto I replied; O Madam, how doth your Majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards *Perfection*, the other towards *Preservation*. That to *Perfection*, as the Iron contendeth to the Loadstone: that to *Preservation*, as the Vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold it self. And therefore, Madam, you must distinguish my Lords desire to do you service, is as to his perfection, that which he thinks himself to be born for: whereas his desire to obtain this thing of you, is but for a sustentation. And not to trouble your Lordship with many other particulars like unto these, it was at the self same time that I did draw with my Lords privity, and by his appointment, two letters, the one written as from my Brother, the other as an answer returned from my Lord, both to be by me

in secret manner shewed to the Queen, which it pleased my Lord very strangely to mention at the Bar : the scope of which were but to represent and picture forth unto her Majesty my Lords mind to be such, as I knew her Majesty would fainest have had it, which letters whosoever shall see, (for they cannot now be retracted or altered, being by reason of my Brothers, or his Lordships servants delivery, long since come into divers hands) let him judge, especially if he knew the Queen, and do remember those times, whether they were not the labours of one that sought to bring the Queen about for my Lord of *Essex* his good. The truth is, that the issue of all his dealing grew to this, that the Queen by some slackness of my Lords, as I imagine, liked him worse and worse, and grew more incensed towards him. Then, she remembring belike the continual, and incessant, and confident speeches and courses that I had held on my Lords side, became utterly alienated from me, and for the space of (at least) three months, which was between *Michaelmas* and *New-years-tide* following, would not so much as look on me, but turned away from me with express and purpose-like discountenance wheresoever she saw me : and at such time as I desired to speak with her about Law-busines, ever sent me forth very slight refusals, insomuch as it is most true, that immediately after *New-years-tide* I desired to speak with her ; and being admitted to her, I dealt with her plainly, and said : *Madam*, I see you withdraw your favour from me, and now I have lost many friends for your sake, I shall lose you too : you have put me like one of those that the French-men call *Enfans perdus*, that serve on foot before horsemen, so have you put me into matters of envy without place, or without strength : and I know at Chesh a pawn before the King, is ever much plaid upon : a great many love me not, because they think I have been against my Lord of *Essex* ; and you love me not, because you know I have been for him : yet will I never repent me, that I have dealt in simplicity of heart towards you both, without respect of cautions to my self : and therefore *vivum vidensque pereo*. If I do break my neck, I shall do it in a manner as *Master Dorrington* did it, which walked on the Battlements of the Church many days, and took a view and survey where he should fall : and so, *Madam*, (said I) I am not so simple, but that I take a prospect of mine overthrow, only I thought I would tell you so much, that you may know that it was faith, and not folly that brought me into it, and so I will pray for you. Upon which speeches of mine uttered with some passion, it is true her Majesty was exceedingly moved ; and accumulated a number of kind and gracious words upon me, and willed me to rest upon this, *Gratia mea sufficit*, and a number of other sensible and tender words and demonstrations, such as more could not be ; but as touching my Lord of *Essex*, *re verbum quidem*. Whercupon I departed, resting then determined to meddle no more in the matter ; as that, that I saw would overthrow me, and not be able to do him any good. And thus I made mine own peace with mine own confidence at that time ; and this was the last time I saw her Majesty, before the eight of *February*, which was the day of my Lord of *Essex* his misfortune, after which time, for that I performed at the Bar in my publick service, your Lordship knoweth by the rules of duty, that I was to do it honestly, and without prevarication : but for any putting my self into it, I protest before God, I never moved either the Queen, or the person

son living concerning my being used in the service, either of evidence or examination: but it was merely laid upon me with the rest of my fellows. And for the time which passed, I mean between the arraignment and my Lords suffering, I well remember I was but once with the Queen, at what time though I durst not deal directly for my Lord as things then stood; yet generally I did both commend her Majesties mercy, terming it to her as an excellent balm that did continually distill from her Sovereign hands, and made an excellent odour in the senses of her people: and not only so, but I took hardnes to extenuate, not the fact, for that I durst not; but the danger, telling her that if some base or cruel minded persons had entered into such an action, it might have caused much blood and combustion: but it appeared well they were such as knew not how to play the Malefactors, and some other words which I now omit. And as for the rest of the carriage of my self in that service, I have many honorable witnesses that can tell, that the next day after my Lords arraignment, by my diligence and information touching the quality and nature of the offenders, six of nine were stayed, which otherwise had been attainted, I bringing their Lordships letter for their stay, after the Jury was sworn to pass upon them; so near it went: and how careful I was, and made it my part, that whosoever was in trouble about that matter, as soon as ever his case was sufficiently known and defined of, might not continue in restraint, but be set at liberty: and many other parts, which I am well assured of stood with the duty of an honest man. But indeed I will not deny for the case of Sir *Thomas Smith of London*, the Queen demanding my opinion of it, I told her, I thought it was as hard as many of the rest: but what was the reason? because at that time I had seen only his accusation, and had never been present at any examination of his: and the matter so standing, I had been very untrue to my service, if I had not delivered that opinion. But afterwards upon a re-examination of some that charged him, who weakned their own testimony; and especially hearing himself *viva voce*, I went instantly to the Queen out of the soundness of my conscience, and not regarding what opinion I had formerly delivered, told her Majesty, I was satisfied and resolved in my conscience, that for the reputation of the action, the plot was to countenance the action further by him in respect of his place, than they had indeed any interest or intelligence with him. It is very true also, about that time her Majesty taking a liking of my Pen, upon that which I had done before concerning the proceeding at *York-house*, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book, which was published for the better satisfaction of the world: which I did but so, as never Secretary had more particular, and expresse directions and instructions in every point how to guide my hand in it: and not only so, but after that I had made a first draught thereof and propounded it to certain principal Councillors, by her Majesties appointment, it was perused, weighed, censured, altered, and made almost anew, writing according to their Lordships better consideration: wherein their Lordships and my self both were as religious and curious of truth, as desirous of satisfaction: and my self indeed gave only words and form of stile in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the Queen her self, and some alterations made again by her

her appointment : nay, and after it was set to print, the Queen, who as your Lordship knoweth, as she was excellent in great matters, so she was exquisite in small : and noted that I cou'd not forget my ancient respect to my Lord of *Essex* in terming him ever my Lord of *Essex*, my Lord of *Essex* almost in every page of the Book, which she thought not fit, but would have it made, *Essex*, or the late Earl of *Essex* : whereupon of force it was printed *de novo*, and the first copies suppressed by her peremptory commandment. And this my good Lord, to my furthest remembrance, is all that passed wherein I had part, which I have set down as near as I could in the very words and speeches that were used, not because they are worthy the repetition, I mean those of mine own ; but to the end your Lordship may lively and plainly discern between the face of truth, and a smooth tale. And the rather also, because in things that passed a good while since, the very words and phrases did sometimes bring to my remembrance the matters, wherein I report me to your honorable judgement, whether you do not see the traces of an honest man : and had I been as well believed either by the Queen or by my Lord, as I was well heard by them both, both my Lord had been fortunate, and so had my self in his fortune.

To conclude therefore, I humbly pray your Lordship to pardon me for troubling you with this long Narration, and that you will vouchsafe to hold me in your good opinion, till you know I have deserved, or finde that I shall deserve the contrary ; and even so I continue

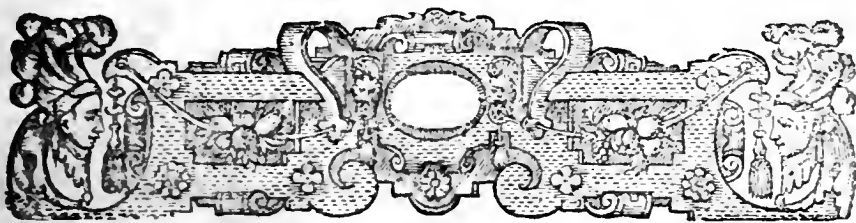
At your Lordships Honourable

commandments very humbly.

THE
TRANSLATION
OF CERTAIN
PSALMS,
INTO
ENGLISH VERSE.

BY

The Right Honorable,
FRANCIS
LORD VERULAM,
Viscount St. Alban.



LONDON:

Printed for *H. B.* and *R. W.*

1671.



T O H I S
Very Good Friend,
Mr. GEORGE HERBERT.

THe pains, that it pleased you to take, about some of my Writings, I cannot forget: which did put me in minde, to Dedicate to you, this poor Exercise of my Sickness. Besides, it being my manner for Dedications, to choose those that I hold most fit for the Argument, I thought, that in respect of Divinity, and Poesie, met, (whereof the one is the Matter, the other the Stile of this little Writing) I could not make better choice. So, with signification, of my Love and Acknowledgement, I ever rest

Your affectionate Friend,

ER. St. ALBAN.

A Speech delivered by Sir *Francis Bacon*, the King's Attourney General, at the Arraignment of the Lord *Sanquere* in the *Kings-bench* at *Westminster*:

The ARGUMENT.

The Lord *Sanquere* a Scotch Nobleman, having in private revenge suborned *Robert Carlile*, to Murther *John Turner* Master of *Fence*, thought by his Greatness to have born it out, but the King respecting nothing so much as Justice, would not suffer Nobility to be a Shelter for Villany, but according to the Law on the 29. of June 1612. the said Lord *Sanquere*, having been Arraigned and Condemned, by the name of *Robert Crieghton*, Esq. was before *Westminster-hall-gate* Executed, where he died very penitent. At whose Arraignment my Lord *Bacon* (then Attourney General to King *James*) made this Speech following.

IN this Cause of Life and Death, the Juries part is in effect discharged, for after a frank and formal Confession their labour is at an end, so that what hath been said by my self is rather convenient than necessary.

My Lord *Sanquere*, your fault is great, it cannot be extenuated, and it need not be aggravated, and (if needed) you have made so full an Anatomy of it out of your own feeling, as it cannot be matched by my self or any man else in my conceit.

This Christian and penitent course of yours draws me thus far, that I agree, that as even in extreame evils there are degrees, so this instance of your offence is not of the highest strain; for if you had thought to take away a mans life for his Vineyard as *Ahab* did, or for Envy as *Cain* did, surely the offence had been more odious. Your temptation was Revenge, which the more natural it is to man, the more have Laws both divine and humane sought to repress, (*Mihi vindicata*) but in one thing you and I shall never agree, that generous Spirits are hard to forgive, no, contrariwise generous and magnanimous Minds are readiest to forgive, and it is a weakness and impotency of mind to be unable to forgive.

But to the purpose, Howsoever Murther may arise from several motives less or more odious, yet the Law both of God and Man involves them in one degree, and therefore you may read that in *Joab's* case, which was a Murther upon Revenge, and matched with your case; he for a dear Brother, and you for a dear part of your own blood, yet there was a severe Charge given that should not pass unpunished.

And certainly the Circumstance of time is heavy upon you, it is now five years since this unfortunate man *Turner*, be it upon accident or despite, gave the provocation, which was the seed of your Malice. All passions are allwaged with time, love, hatred, grief, &c. all fire burns out with time, if now new fewel be put to it, for you to have the gaul of

bitterness so long, and to have been in a restless case of his blood is a strange example, And I must tell you plainly, that I conceive you have rather suckt those affections of dwelling in malice out of *Italy*, and *Ourlandish* Manners, where you have conversed, then out of any part of this *Island of England* or *Scotland*.

But now further, my Lord, I would have you look a little upon this offence in the glass of Gods judgement, that God may have the glory: You have friends and entertainment in *Forraign* Parts, it had been an easie thing for you to have set *Carlile*, or some other Blood-hound a work, when your person had been beyond the Seas, and so this news might have come to you in a *Pacquet*, and you might have looked on how the storms would pass; but God bereft you of this providence, and found you here under the hand of a King, though abundant in clemency, yet no less zealous of Justice.

Again, when you came in at *Lambeth*, you might have persisted in the denial of the procurement of the fact, *Carlile* (a resolute man) might have cleared you, for they that are resolute in Mischeif, are commonly obstinate in concealing their procurors, and so nothing should have been against you but presumption. But then God to take away obstruction of Justice, gave you the grace (which ought indeed to move true comfort unto you more than any evasion or devise whereby you might have escaped) to make a clear Confession.

Other impediments there were not a few, which might have been an interruption to this days Justice, had not God in his providence removed them.

But now that I have given God the honour, let me give it where it is next due, that is to the King.

This Murther was no sooner committed and brought to his Majesties ears, but his just indignation (wherewith at the first he was moved) cast it self presently into a great deal of care and providence to have Justice done.

First came forth his Proclamation, somewhat of a rare form, and devised, and in effect directed to his Majesty himself, signifying that he did prosecute the offenders (as it were) with breath and blatts of his mouth. Then did his Majesty stretch forth his long Armes (for Kings you know have long armes) one of them to the Sea, where he took hold of *Grey* shipped for *Sweden*, who gave the first light of testimony; the other arm to *Scotland*, and there took hold of *Carlile* ere he was warm in his house, and brought him the length of this Kingdome, under such safe watch and custody, as he could have no means to escape or mischief himself, nor learn no lesson to stand mute, in which cases perhaps this days Justice might have received a stop; so that I conclude his Majesty hath shewed himself Gods true Lieutenant, and that he is no Respector of Persons, but English, Scottish, Nobleman, Fencer, (which is but an ignoble trade) are to him alike in respect of Justice.

Nay, I must say further, That his Majesty hath had in this matter a kind of Prophetical Spirit, for from that time *Carlile* and *Grey*, and you (my Lord) were fled no man knew whether, to the four winds, The King ever spake in a confident and undertaking manner, That wheresoever the Offenders were in *Europe*, he would produce them forth to Justice.

Last.

Lastly, to return to you (my Lord) though your offence hath been great, your Confession hath been free, and your behaviour and speech full of discretion, and this sheweth that although you could not resist the temptacion, yet you bear a generous and a Christian mind, answerable to the Noble Family of which you are descended. This I commend unto you, and take it to be an assured testimony of Gods mercy and favour, in respect whereof all worldly things are but trash, and so it is fit for you, as your state now is, to account them.

The Reader, for his fuller information in this story of the Lord *Sanquere*, is desired to peruse the Case in the Ninth Book of my Lord *Cooks* Reports, at the end of which the whole Series of the Murder, and Tryal is exactly related.

A PRAYER OR PSALM made by my Lord *Bacon* Chancellour of England.

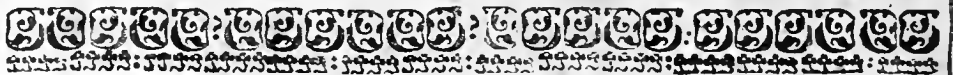
Most gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou, O Lord, soundest and searchest the depths and secrets of all hearts, thou acknowledgest the upright of heart, thou judgest the Hypocrite. Thou ponderest mens thoughts and doings as in a ballance, thou measurest their intentions as with a line, vanity and crooked ways cannot be hid from thee.

Remember, O Lord, how thy servant hath walked before thee, remember what I have first sought, and what hath been principal in my intentions. I have loved thy Assemblies, I have mourned for the divisions of thy Church, I have delighted in the brightness of thy Sanctuary. This Vine which thy right hand hath planted in this Nation, I have ever prayed unto thee, that it might have the first and the latter Rain, and that it might stretch her branches to the Seas, and to the Flouds. The state and bread of the Poor and Oppressed have been precious in mine eyes, I have hated all cruel and hardness of heart: I have (though in a despised weed) procured the good of all men. If any have been my enemies, I thought not of them, neither hath the Sun almost set upon my displeasure; but I have been as a Dove, free from superfluousness of maliciousness. Thy Creatures have been my Books, but thy Scriptures much more. I have sought thee in the Courts, Fields, and Gardens, but I have found thee in thy Temples.

Thousands have been my sins and ten thousands my transgressions, but thy sanctifications have remained with me, and my heart (through thy grace) hath been an unquenched Coal upon thine Altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have increased upon me, so have thy corrections: so as thou hast been always near me, O Lord, And ever as my worldly blessings were exalted, so secret darts from thee have pierced me; and when I have ascended before men, I have descended in humiliation before thee.

And now when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me, according to thy former loving kindness, keeping me still in thy Fatherly School, not as a Bastard, but as a Child. Just are thy judgements upon me for my sins, which are more in number than the sands of the Sea, but no have proportion to thy mercies; for what are the Sands of the Sea, Earth, Heavens, and all these are nothing to thy mercies. Besides my innumerable sins, I confess before thee, that I am debtour to thee for the gracious Talent of thy gifts and graces, which I have neither put into a Napkin, nor put it (as I ought) to Exchangers, where it might have made best profit, but misspent it in things, for which I was least fit: so I may truly say, my Soul hath been a stranger in the course of my Pilgrimage.

Be merciful unto me, O Lord, for my Saviours sake, and receive me unto thy bosome, or guide me in thy ways.



The Lord BACON his LETTER to the most Illustrious, and most Excellent Prince CHARLES, Prince of Wales, Duke of Cornwall, Earl of Chester, &c.

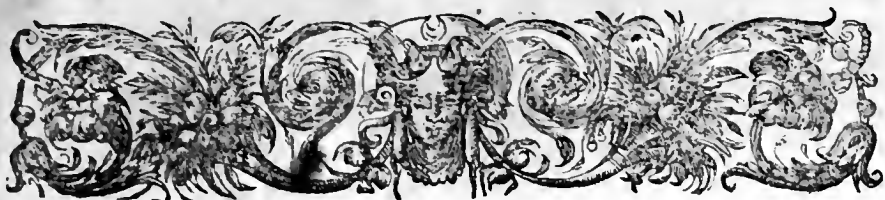
It may please your Highness,

IN part of my acknowledgment to your Highness, I have endeavoured to do honour to the memory of the last King of *England*, that was Ancestor to the King your Father and your self, and was that King to whom both unions may in a fort refer, that of the *Roses* being in him consummate, and that of the Kingdomes by him begun: besides his times deserve it, for he was a wise man, and an Excellent King; and yet the times very rough and full of mutations and rare accidents: and it is with times, as it is with ways, some are more up hill and down hill, and some are more flat and plain, and the one is better for the liver, and the other for the writer: I have not flattered him, but took him to life as well as I could, sitting so far off, and having no better light; it is true your Highness hath a living pattern, incomparable of the King your Father, but is not amiss for you also to see it in one of these Ancient Pieces: God preserve your Highness.

Your Highness most humble

and devoted Servant,

Francis St. Alban.



THE
TRANSLATION
OF

The First Psalm.



Ho never gave to wicked read,
A yielding and attentive ear:
Who never Sinners paths did tread;
Nor fate him down in Scorners chair:
But maketh it his whole delight,
On Law of God to meditate,
And therein spendeth Day and Night;
That man is in a happy State.

He shall be like the fruitful Tree,
Planted along a running Spring,
Which in due season, constantly,
A goodly yield of Fruit doth bring.
Whose Leaves continue always green,
And are no Prey to Winters power:
So shall that man not once be seen
Surprized with an evil Hour.

With wicked Men it is not so,
Their Lot is of another kinde:
All as the Chaff, which to and fro,
Is tost at Mercy of the Winde.
And when he shall in Judgement plead,
A casting Sentence bide he must:
So shall he not lift up his Head,
In the Assembly of the Just.

For why? the Lord hath special Eye,
To be the Godlies Stay at call:
And hath given over, righteously,
The wicked Man to take his fall.

The Translation of the 12. Psalm.

Help Lord, for godly Men have took their flight,
 And left the Earth to be the Wicked's Den:
 Not one that standeth fast to Truth and Right,
 But fears, or seeks to please, the Eyes of Men.
 When one with other fall's in talk apart,
 Their meaning goeth not with their words, in proof;
 But fair they flatter, with a cloven Heart,
 By pleasing words, to work their own behoof.

But God cut off the Lips, that are all set,
 To trap the harmless Soul, that peace hath vow'd;
 And pierce the Tongues, that seek to counterfeit
 The Confidence of Truth, by lying loud:
 Yet so they think to reign, and work their will,
 By subtil Speech, which enters every where:
 And say, Our Tongues are ours, to help us still,
 What need we any Higher Power to fear?

Now for the bitter sighing of the Poor,
 The Lord hath said, I will no more forbear,
 The Wicked's Kingdom to invade and scour,
 And set at large the Men restrain'd in fear.
 And sure, the Word of God is pure, and fine,
 And in the trial never looseth waight;
 Like Noble Gold, which since it left the Mine,
 Hath seven times passed through the fiery straight.

And now thou wilt not first thy Word forsake,
 Nor yet the Righteous man, that leans thereto;
 But wilt his safe Protection undertake,
 In spite of all, their force, and wiles can do.
 And time it is, oh Lord, thou didst draw nigh,
 The wicked daily do enlarge their Bands;
 And that, which makes them follow ill a vie,
 Rule is betaken to unworthy Hands.

The Translation of the 90 Psalm.

O Lord, thou art our Home, to whom we fly,
 And so hast always been from Age to Age.
 Before the Hills did intercept the Eye,
 Or that the Frame was up of Earthly Stage,
 One God thou wert, and art, and still shalt be;
 The Line of Time, it doth not measure thee.

Both Death and Life obey thy holy lore,
 And visit in their turns, as they are sent.

A Thou.

A Thousand years with thee, they are no more,
 Than yesterday, which, e're it is, is spent :
 Or as a Watch by night, that course doth keep,
 And goes, and comes, unwares to them that sleep.

Thou carriest Me away as with a Tide ;
 Then down swim all his Thoughts, that mounted high ;
 Much like a mocking Dream, that will not bide,
 But flies before the sight of waking Eye ;
 Or as the Grass, that cannot term obtain,
 To see the Summer come about again.

At morning, fair it musters, on the Ground,
 At Even, it is cut down, and laid along :
 And though it spared were and favour found,
 The weather would perform the Mowers wrong :
 Thus hast thou hang'd our Life on brittle Pins,
 To let us kuow, it will not bear our Sins.

Thou buriest not within oblivious Tomb
 Our Trespasses, but entrest them aright ;
 Even those that are conceiv'd in Darkness Womb,
 To thee appear, as done at broad day light.
 As a Tale told, which sometimes men attend,
 And sometimes not, our Life steals to an end.

The Life of Man is threescore years and ten,
 Or if that he be strong, perhaps fourscore,
 Yet all things are but labour to him then,
 New sorrows still come on, Pleasures no more ;
 Why should there be such turmoil and such strife
 To spin in length this feeble Line of Life ?

But who considers duely of thine Ire ?
 Or doth the thoughts thereof wisely embrace ?
 For thou, O God, art a consuming fire,
 Frail Man, how can he stand before thy face ?
 If thy displeasure thou dost not refrain,
 A Moment brings all back to Dust again.

Teach us, O Lord, to number well our Days,
 Thereby our hearts to Wisdom to apply ;
 For that, which guids man best in all his ways,
 Is Meditation of Mortality.
 This bubble light, this vapour of our breath,
 Teach us to consecrate to hour of Death.

Return unto us Lord, and ballance now
 With days of Joy, our days of Misery ;
 Help us right soon, our knees to thee we bow,
 Depending wholly on thy clemency ;

Then shall thy Servants both with heart and voice,
All the days of their Life, in thee rejoyce.

Begin thy work, O Lord, in this our Age,
Shew it unto thy Servants that now live ;
But to our Children raise it many a Stage
That all the World to thee may glory give.
Our handy work likewise, as fruitful Tree,
Let it, O Lord, blessed, not blasted be.

The Translation of the 104 Psalm.

Father and King of Powers, both high and low,
Whose founding Fame all creatures serve to blow ;
My Soul shall with the rest strike up thy praise,
And Carol of thy works, and wondrous ways.
But who can blaze thy beauties, Lord, aright ?
They turn the brittle Beams of mortal sight.
Upon thy head thou wear'st a glorious Crown,
All set with Vertues, pollisht with Renown :
Thence round about a Silver Vail doth fall
Of Christal Light, Mother of Colours all,
The Compass Heaven, smooth without grain, or fold,
All set with Spangs of glitt'ring Stars untold,
And strip't with Golden Beams of Power unpent,
Is raised up for a removing Tent.
Vaulted and arched are his Chamber Beams,
Upon the Seas, the Waters, and the Streams :
The Clouds as Chariots swift do scour the Sky ;
The stormy Winds upon their Wings do fly.
His Angels Spirits are; that wait his Will,
As Flames of Fire his Anger they fulfil.
In the beginning with a mighty Hand,
He made the Earth by Counterpoise to stand ;
Never to move, but to be fixed still ;
Yet hath no Pillars but his Sacred Will.
This Earth, as with a Vail, once covered was,
The Waters over-flowed all the Mass :
But upon his Rebuke away they fled,
And then the Hills began to shew their Head ;
The Vales their hollow Bosomes opened plain,
The Streams ran trembling down the Vales again :
And that the Earth no more might drowned be
He set the Sea his Bounds of Liberty ;
And though his Waves resound, and beat the Shoar,
Yet it is bridled by his holy lore.
Then did the Rivers seek their proper places,
And found their Heads, their Issues, and their Races ;
The Springs do feed the Rivers all the way,
And so the Tribute to the Sea repay :

Running along through many a pleasant field,
 Much fruitfulness unto the Earth they yield;
 That know the Beasts and Cattel feeding by,
 Which for to slake their Thirst do thither hie.
 Nay Desert Grounds the Streams do not forsake,
 But through the unknown ways their Journey take:
 The Asses wild that hide in Wilderness,
 Do thither come, their Thirst for to refresh.
 The shady Trees along their Banks do spring,
 In which the Birds do build, and sit, and sing;
 Stroking the gentle Air with pleasant notes,
 Plaining or chirping through their warbling throtes.
 The higher Grounds, where Waters cannot rise,
 By Rain and Dews are watred from the Skies;
 Causing the Earth put forth the Grass for Beasts,
 And Garden Herbs, serv'd at the greatest Feasts;
 And Bread that is all Viands Firmament,
 And gives a firm and solid Nourishment;
 And Wine Mans Spirits for to recreate;
 And Oyl his face for to exhilarate.
 The sappy Cedars tall like Stately Towers,
 High flying Birds do harbour in their Bowers;
 The holy Storks that are the Travellers,
 Choose for to dwell and build within the Firs;
 The climbing Goats hang on steep Mountains side;
 The digging Conies in the Rocks do bide.
 The Moon, so constant in Inconstancy,
 Doth rule the Monthly Seasons orderly;
 The Sun, Eye of the World, doth know his Race,
 And when to shew, and when to hide his Face.
 Thou makest Darknes, that it may be Night,
 When as the Savage Beasts, that fly the Light,
 (As conscious of Mans Hatred) leave their Den,
 And range abroad, secur'd from sight of men.
 Then do the Forrests ring of Lions roaring,
 That ask their Meat of God, their Strength restoring;
 But when the Day appears, they back do fly,
 And in their dens again do lurking lye.
 Then Man goes forth to labour in the Field,
 Whereby his Grounds more rich encrease may yield.
 O Lord, thy Providence sufficeth all,
 Thy Goodness not restrain'd but general
 Over thy Creatures, the whole Earth doth flow
 With thy great largeness pour'd forth here below.
 Nor is it Earth alone Exalts thy Name,
 But Seas and Streams likewise do spread the same.
 The rowling Seas unto the Lot doth fall,
 Of Beasts innumerable, great and small;
 There do the stately Ships plow up the Floods,
 The greater Navies look like walking Woods;

The Fishes there far voyages do make,
 To divers shores their Journey they do take;
 There hast thou set the great Leviathan,
 That makes the Seas to seeth like boyling Pan;
 All these do ask of thee their Meat to live,
 Which in due season thou to them dost give.
 Ope thou thy Hand, and then they have good fare;
 Shut thou thy Hand, and then they troubled are.
 All Life, and Spirit, from thy Breath proceed,
 Thy Word doth all things generate and feed;
 If thou withdraw't it, then they cease to be,
 And straight return to Dust and vanitie;
 But when thy Breath thou dost send forth again,
 Then all things do renew, and spring amain;
 So that the Earth but lately desolate
 Doth now return unto the former State.
 The glorious Majesty of God above,
 Shall ever raign, in Mercy, and in Love;
 God shall rejoyce, all his fair works to see,
 For, as they come from him, all perfect be.
 The Earth shall quake, if ought his Wrath provoke,
 Let him but touch the Mountains, they shall smoke.
 As long as Life doth last, I Hymns will sing,
 With chearful voice, to the Eternal King;
 As long as I have being, I will praise
 The Works of God, and all his wondrous ways.
 I know that he my words will not despise,
 Thanksgiving is to him a Sacrifice.
 But as for Sinners, they shall be destroy'd
 From off the Earth, their Places shall be void.
 Let all his Works praise him with one accord;
 Oh praise the Lord, my Soul; praise ye the Lord.

The Translation of the 126 Psalm.

When God return'd us graciously
 Unto our Native Land,
 We seem'd as in a Dream to be
 And in a Maze to stand.

The Heathen likewise they could say,
 The God, that these men serve,
 Hath done great Things for them this Day,
 Their Nation to preserve.

'Tis true, God hath pour'd out his Grace
 On us abundantly,
 For which we yield him Psalms, and Praise,
 And Thanks, with Jubilee.

O Lord, turn our Captivity,
As Winds that blow at South,
Down the Tides with violence
Back to the Rivers Mouth.

Who sows in Tears, shall reap in Joy,
The Lord doth so ordain ;
So that his Seed be pure and good,
His Harvest shall be Gain.

The Translation of the 137 Psalm.

When as we fate all sad and desolate,
By Babylon, upon the Rivers side,
Eas'd from the Tasks, which in our Captive state,
We were enforced daily to abide,
Our Harps we had brought with us to the field,
Some Solace to our heavy Souls to yield.

But soon we found, we fail'd of our account,
For when our Minds some freedom did obtain,
Straight-ways the memory of Sion Mount,
Did cause afresh our wounds to bleed again ;
So that with present Grievs, and future Fears,
Our Eyes burst forth into a stream of Tears.

As for our Harps, since Sorrow strook them dumb,
We hang'd them on the Willow Trees were near ;
Yet did our cruel Masters to us come,
Asking of us some Hebrew Songs to hear ;
Taunting us rather in our Misery,
Than much delighting in our Melody.

Alas (said we) who can once force or frame,
His griev'd and oppress'd Heart to sing,
The Praises of Jehova's glorious Name,
In banishment, under a forraign King ?
In Sion is his Seat, and dwelling Place,
Thence doth he shew the brightness of his Face.

Hierusalem, where God his Throne hath set,
Shall any Hour absent thee from my mind ?
Then let my right Hand quite her Skill forget,
Then let my voice, and words, no passage finde ;
Nay if I do not thee prefer in all,
That in the compass of my thoughts can fall.

Remember thou, oh Lord, the cruel cry
Of Edoms Children, which did ring and sound,
Inciting the Chaldeans Cruelty,
Down with it, down with it, even unto the Ground.

In that good day, repay it unto them,
When thou shalt visit thy Hierusalem.

And thou, oh Babylon, shalt have thy turn
By just Revenge, and happy shall he be,
That thy proud Walls and Towers shall waste and burn,
And as thou didst by us, so do by thee.

Yea happy he, that takes thy Childrens Bones,
And dasheth them against the Pavement Stones.

The Translation of the 149 Psalm.

O Sing a new Song, to our God above,
A void profane ones, 'tis for holy Quire:
Let Israel sing Songs of holy Love
To him that made them, with their Hearts on fire:
Let *Sions* Sons lift up their voice, and sing
Carols and Anthems to their Heavenly King.

Let not your voice alone his praise forth tell,
But move withal, and praise him in the Dance;
Cymbals and Harps let them be tuned well,
'Tis he that doth the Poors estate advance:
Do this not onely on the Solemn days,
But on your secret Beds your Spirits raise.

O let the Saints bear in their Mouth his Praise,
And a two edged Sword drawn in their Hand,
Therewith for to revenge the former Days,
Upon all Nations, that their Zeal withstand;
To bind their Kings in Chains of Iron strong,
And manacle their Nobles for their wrong.

Expect the time, for 'tis decreed in Heaven,
Such Honour shall unto his Saints be given.

FINIS.

A
CHARGE

GIVEN BY

The Most Eminent and Learned
S^r. FRANCIS BACON, K^t.

Late Lord *Chancellor* of

ENGLAND,

A T. A

SESSIONS

Holden for the

VERGE,

In the Reign of the Late
KING JAMES

DECLARING

The Latitude of the Jurisdiction thereof,
and the Offences therein inquirable, as well by the
COMMON-LAW, as by several STATUTES
herein particularly mentioned.

Lex Vitiorum emendatrix, Virtutum commendatrix est.

LONDON,

Printed for Robert Pawley, 1671.

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

BY

ROBERT M. HARRIS

IN THE DEPARTMENT OF CHEMISTRY

Submitted in partial fulfillment of the requirements for the Ph.D. degree
The University of Chicago
Chicago, Illinois
1961

THESIS

REPRODUCED FROM THE ORIGINAL



Sir FRANCIS BACON's

CHARGE

At the SESSIONS of
the VERGE.

YOU are to know and consider well, the Duty and Service to which you are called, and whereupon you are by your Oath charged. It is the happy estate and condition of the Subject of this Realm of *England*, that he is not to be impeached in his Life, Lands, or Goods, by flying rumors and wandring fames and reports, or secret and private Inquisitions; But by the Oath and Presentment of men of honest condition, in the face of Justice: But this happy estate of the Subject, will turn to hurt and inconvenience, if those that hold that part which you are now to perform, shall be negligent and remiss in doing their Duty; for as of two evils it were better mens doings were looked into over-strictly and severely, than that there should be a notorious impunity of Malefactors; as was well and wisely said of ancient time, *A man were better live where nothing is lawful, than where all things are lawful*: This therefore rests in your care and conscience, forasmuch as at you Justice begins, and the Law cannot pursue and chuse offenders to their deserved Fall, except you first put them up and discover them, whereby they may be brought to answer; for your Verdict is concluding to condemn. But it is necessary to charge, and without it the Court cannot proceed to condemn.

Considering therefore that you are the Eye of Justice, ye ought to be single without partial affection; watchful, not asleep, nor false asleep, winking at Offenders, and sharp sighted to proceed with understanding and discretion; for in a word, if you shall not present unto the Court all such offences, as shall appear unto you either by evidence given in, or otherwise (mark what I say) of your own knowledge, which have been committed within the Verge, which is as it were the Limits of your Survey, but shall smother and conceal any offence willingly, then the guiltiness of
G others

others will cleave to your Consciences, before God ; and besides, you are answerable in some degree to the King and his Law, for such your Default and Suppression ; and therefore take good regard unto it, you are to serve the King and his people , you are to keep and observe your Oath , you are to acquit your selves : But there is yet more cause why you should take more especial regard to your Presentments, than any other grand Juries, within the Counties of this Kingdom at large , for as it is a nearer degree and approach unto the King, which is the fountain of Justice and Government, to be the Kings Servant , than to be the Kings Subject : So this Commission ordained for the Kings Servants and Household, ought in the Execution of Justice to be exemplary unto other places ; *David* saith (who was a King) *The wicked man shall not abide in my house* ; as taking knowledge that it was impossible for Kings to banish Wickedness , by the extending of all their power and care, over all their Land or Empire ; yet at least they ought to undertake to God for their House.

We see further that the Law doth so esteem the Dignity of the Kings settled Mansion-house, as it hath laid unto it a Plot of 12 miles round, which we call *The Verge*, to be subject to a special exempted Jurisdiction, depending upon his Person and great Officers ; this is as a half pace , or Carpet spread about the Kings Chair of Estate , which therefore ought to be cleared and void more than other places of the Kingdom ; for if offences shall be shrouded under the Kings Wings, what hope is there of Discipline and Justice in more remote parts ? We see the Sun, when it is at the brightest , there may be perhaps a Bank of Clouds in the North or West, or remote Regions, but near his Body few or none ; for where the King cometh there should come Peace, and Order, and an Awe and Reverence in mens hearts.

And this Jurisdiction was in ancient time executed, and since by Statute ratified by the Lord *Steward*, with great Ceremony in the nature of a peculiar Kings Bench , for the Verge, for it was thought a kind of Ecclipsing to the Kings Honour, that where the King was, any Justice should be sought but immediately from his own Officers : But in respect that Office was oft void, this Commission hath succeeded, which change I do not dislike, for though it hath less State, yet it hath more strength Legally ; Therefore I say , you that are a Jury of the Verge , should leave and give a Pattern unto others in the care and conscience of your Presentments.

Concerning the particular Points and Articles whereof you shall enquire , I will help your memory and mine own with order ; neither will I lead you or trouble my self with every branch of several offences , but stand upon those that are principal and most in use ; The offences whereof , that you are to present are of four Natures.

The first, Such as concern God and his Church.

The second, Such as concern the King and his State.

Articuli super
Chartas C. 3.
13. R. 2. C. 3.
5. H. 8 C. 12.

17
78.

The

The Third, such as concern the Kings people, and are Capital.
 The Fourth, such as concern the Kings People, and are not Capital.

3.
4.

The Service of Almighty God, upon whose Blessing the Peace, Safety, and good Estate of King and Kingdom doth depend, may be violated, and God dishonoured in three manners, by Profanation, by Contempt, and by Division, or breach of Unity.

God and the Church.

First, if any man hath depraved or abused in Word or Deed the Blessed Sacrament, or disturbed the Preacher or Congregation in the time of Divine Service, or if any have maliciously stricken with weapon, or drawn weapon in any Church or Church-yard, or if any Fair or Market have been kept in any Church-yard, these are Prophanations within the purview of several Statutes, and those you are to present; for Holy things, Actions, Times, and Sacred places, are to be preferred in reverence and Divine respect.

Profanations.

1. E. 6. C. 1.
 & 1. Eliz. C.
 2. 1. M. C. 3.
 5. E. 6. C. 4.
 12. E. 1.
 Stat. of Win-
 ton.

For contempts of our Church and Service, they are comprehended in that known name, which too many (if it pleased God) bear Recusancy, which offence hath many Branches and Dependencies, the Wise-Recusant, she tempts; the Church-Papist, he feeds and relieves; the corrupt Schoolmaster he soweth tares, the Dissembler, he conformeth and doth not communicate.

Therefore if any person, Man, or Woman, Wife, or Sole, above the age of Sixteen years, not having some lawful excuse, have not repaired to Church according to the several Statutes, the one for the Weekly, the other for the Monthly repair, you are to present both the offence, and the time how long; again, such as maintain, relieve, keep in Service of Livery, Recusants, though themselves be none, you are likewise to present; for these are like the Roots of Nettles, which sting not themselves, but bear and maintain the stinging Leaves: So if any that keepeth a Schoolmaster that comes not to Church, or is not allowed by the Bishop, for that Infection may spread; for so such Recusants as have been convicted and conform'd, and have not received the Sacrament once a year, for that is the Touch-stone of their true conversion; and of these offences of Recusants, take you especial regard. Twelve Miles from Court is no region for such Subjects. In the Name of God, why should not twelve Miles about the Kings Chair be as free from Papist-Recusants, as twelve Miles from the City of Rome the Popes Chair, is from Protestants? There are Hypocrites and Atheists, and so I fear there be amongst us; But no open contempt of their Religion is endured. If there must be Recusants, it were better they lurked in the Countrey, than here in the Bosome of the Kingdom.

Profanations.

For matter of Division and Breach of Unity, it is not without a Mystery, that Christ's Coat had no Seam, nor no more should the Church, if it were possible. Therefore if any Minister refuse the Book of Common Prayer, or wilfully swearveth in Divine Service from that Book, or if any Person whatsoever do scandalize that Book, or if any person whatsoever, do and speak openly and maliciously

Breach of Unity.

liciously in derogation of it, such men do but make a rent in the Garment, and such are by you to be enquired of. But much more, such as are not only differing, but in a sort opposite unto it, by using a superstitious and corrupt form of Divine Service, I mean such as say, or hear Mass.

These Offences which I have recited to you, are against the Service and Worship of God, there remain two which likewise pertain to the Dishonour of God; the one, is the abuse of his Name, by Perjury; the other is, the adhering to Gods declared Enemies, evil and out-cast Spirits by Conjuraton and Witchcraft.

Perjury.

For Perjury, it is hard to say whether it be more odious to God, or pernicious to man; for an Oath, saith the Apostle, is the end of Controversies; if therefore that Boundary of Suits be taken away or mis-set, where shall be the end? Therefore you are to enquire of wilful and corrupt Perjury in any of the Kings Courts, yea of the Court Barons and the like, and that as well of the Actors, as of the Procurers and Suborners.

Conjuraton
and Witch-
craft.

1. Jac. cap 12.

For Witchcraft, by the former Law it was not Death, except it were actual and gross of invocation of evil Spirits, or making Covenant with them, or taking away Life by Witchcraft: But now by an Act *in his Majesty's times*, Charms and Sorceries in certain Cases of procuring of unlawful love or bodily hurt, and others, are made Felony; the second offence; the first being Imprisonment and Pillory.

Supremacy
placed with
offences of
State,

And here I do conclude my first part concerning Religion and Ecclesiastical Causes; wherein it may be thought that I do forget matters of Supremacy, or of Jesuits, and Seminaries, and the like, which are usually sorted with Causes of Religion: But I must have leave to direct my self according to mine own persuasion, which is, that whatsoever hath been said or written on the other side; All the late Statutes which inflict capital punishment upon Extollers of the Popes Supremacy; Deniers of the Kings Supremacy, Jesuits and Seminaries; and other offenders of that nature, have for their principal scope, not the punishment of the Error of Conscience, but the repressing of the peril of the Estate. This is the true spirit of the Laws, and therefore I will place them under my second Division, which is of Offences which concern the King and his Estate, to which now I come.

The King and
the State.The Kings
Person.

These Offences therefore respect either the Safety of the Kings Person, or the Safety of his Estate and Kingdom, which though they cannot be dissevered in deed, yet they may be distinguished in speech. First then, if any have conspired against the life of the King, which God have in his custody, or of the Queens Majesty, or of the most noble Prince their eldest Son; the very compassing and very imagination thereof is High Treason, if it can be proved by any fact that is overt; for in the case of so sudden, dark, and pernicious, and peremptory attempts, it were too late for the Law to take a Blow before it gives, and this High Treason of all other is most hainous of which you shall enquire, though I hope there be no cause.

There

There is another capital offence that hath an affinity with this, whereof you here within the Verge are most properly to enquire; the Kings Privy Council are as the principal Watch over the safety of the King, so as their safety is a portion of his; if therefore any of the Kings Servants within his Chequer Roll (for to them only the Law extends) have conspired the death of any the Kings Privy Council; this is Felony, and thereof you shall enquire.

Privy Coun-
sellor.

And since we are now in that Branch of the Kings Person, I will speak also of the Kings Person by representation, and the Treasons which touch the same.

Representati-
on of person.

The Kings Person and Authority is represented in three things, in his Seals, in his Moneys, and in his principal Magistrates; if therefore any have counterfeited, clip'd, or scaled his Moneys, or other moneys currant, this is high Treason; so to kill certain great Officers or Judges, executing their Office.

We will pass now to those Treasons, which concern the safety of the Kings State, which are of three kinds answering to three perils which may happen to an Estate; these Perils are forreign Invasions, open Rebellion, and Sedition, and privy practice, to alienate and estrange the hearts of the Subject, and to prepare them, either to adhere to enemies, or to burst out into tumults, and commotions of themselves.

The State.

Therefore if any person have solicited or procured any Invasion from Forreigners, or if any have combined to raise and stir the people to Rebellion within the Realm, these are high Treasons, tending to the overthrow of the State of this Commonwealth, and to be enquired of.

Invasion and
Rebellion.

The third part of practice hath divers Branches, but one principal Root in these our times, which is the vast and over-spreading ambition and usurpation of the See of Rome; for the Pope of Rome is, according to his last Challenge and Pretences, become a Competitor and Corival with the King, for the hearts and alienations of the people, and to make them as Fuel ready to take fire upon any of his Commands. This is that yoke which this Kingdom hath happily cast off, even at such time when the Popish Religion was nevertheless continued, and that divers States which are the Popes Vassals do begin to shake of.

Alienation of
hearts.

If therefore any person have maintained and extolled the usurped authority of the Bishop of Rome, within the Kings Dominions, by writing, preaching, or deed, advisedly, or directly, and maliciously. Or if any person have withdrawn and reconciled

Supremacy,
Treason, &c.
5 Eliz. cap. 1.
Jesuits.
2 Jac. Cap 4.
& 5.

H

any

23 El. Cap. 1.

13 El. Cap. 2.

13 El. Cap. 1.

*Agnus Dei.**Militar.*

Prophecies.

The people
capital.

Life.

any of the Kings Subjects from their obedience, or any withdrawn and reconciled themselves; or if any Subject hath refused the second time, to take the Oath of Supremacy lawfully tendred; or if any Jesuit or Seminary come and abide within this Realm; these are by several Statutes made in Cases of Treason, the Law accounting these things as preparatives, and the secret motions of Seditious and Revolts, these you are to enquire both of the Actors, &c. Receivers, Maintainers, and Concealers, &c. Traitors, as well as the Principal in some Cases; some other, in misprissions of Treason; and in some other, Felony; as namely, that of the relieving of Jesuits and Priests; the bringing in and dispersing of *Agnus Dei*; Crosses, Pictures, or such Trash, is likewise premunire, and so is the denial to take the Oath of Supremacy the first time.

And because in the disposition of a State to troubles and perturbations, Military men are most tickle and dangerous; therefore if any of the Kings Subjects go over to serve in forreign parts, and do not first endure the Touch, that is, take the Oath; or if he hath born office in any Army, and do not enter into bond with Sureties as is prescribed, this is made Felony, and of such you shall enquire.

Lastly, because the vulgar people are sometimes led with vain and fond Prophecies, if any such shall be published, to the end to move stirs or tumults, this is not Felony, but punished by a years Imprisonment, and los of goods; and of this also you shall enquire.

You shall likewise understand that the escape of any Prisoner committed for Treason, is Treason; whereof you are likewise to enquire.

Now come I to the third part of my Division, that is, those offences which concern the Kings people, and are capital, which nevertheless, the Law tearms offences against the Crown, in respect of the Protection that the King hath for His People, and the interest he hath in them and their welfare; for touch them, touch the King; these offences are of three natures: The first concerneth the preservation of their lives; the second, of honor and honesty of their persons and Families; and the third of their substance.

First for Life; I must say unto you in general, that Life is grown so cheap in these times, it is set at the price of words, and every petty scorn and disgrace, can have no other reparation, nay so many mens lives are taken away with impunity, that the very life of the Law is almost taken away with the Execution; and therefore though we cannot restore the life of those men that are slain, yet I pray let us restore the Law to her life, by proceeding with due severity against the Offenders; and most especially this

this plot of ground, which is the Kings Carpet, ought not to be stained with blood, crying in the Ears of God and the King; it is true nevertheless, that the Law does make divers just differences of Life taken away; but yet no such differences as the wanton humors and braveries of men, have under a reverend name of Honor and Reputation invented.

The highest degree is where such a one is killed, unto whom the Offender did bear Faith and Obedience; as the Servant to the Master, the Wife to the Husband, the Clerk to the Prelate; and I shall ever add, for so I conceive of the Law, the Child to the Father or Mother, and this the Law termeth petty Treason.

The second is, where a man is slain upon fore-thought Malice, which the Law terms Murther, and it is an Offence horrible and odious, and cannot be blanced, nor made fair but foul.

The third is, where a man is killed upon a sudden heat or affray, whereunto the Law gives some little favor, because a man in fury is not himself, *Ira furor brevis*, wrath is a short madness; and the Wisdom of Law in his Majesties time hath made a subdivision of the stab given, where the party stab'd is out of defence, and had not given the first Blow, from other Man-slaughters.

1 Jac. Cap. 8.

The fourth degree, is that of killing a man in the parties own defence, or by misadventure, which though they be not Felonies, yet nevertheless the Law doth not suffer them to go unpunished; because it doth kindle sparks of a bloody mind in the one, and defence in the other.

And the fifth is, where the Law doth admit Fortification, not by Plea, for a man may not (that sheddeth blood) justifie the Fact with pleading Non-guilty; the case is found by verdict, being disclosed upon the evidence, as where a man in the Kings highway and peace is assailed to be murdered or rob'd, or when a man defending his House, which is his Castle, against unlawful violence; or when a Sheriff or Minister of Justice, is resisted in the Execution of his office; or when the Patient dieth in the Chyrurgions hands, upon cutting or otherwise, for these Cases the Law doth privilege, because of the necessity, and because of the innocency of the intention.

Thus much for the death of man, of which Cases you are to enquire, together with the accessories before and after the Fact.

For the second kind which concerns the honesty and chasteness of persons and families; you are to enquire of the ravishment of Women, of the taking of Women out of the possession of their Parents or Guardians against their will, or marrying or abusing them, or double marrying, where there was not first seven

Honesty of Life.

1 Jac. cap. 11.

years absence, and no notice that the party so absent was alive, and other Felonies against the honesty of life.

For the third kind, which concerneth mens substance, you shall inquire of Burglaries, Robberies, Cutting of Purfes, and taking of any thing from the Person; and generally al other stealths, as well such as are plain as those that are disguised, whereof I will by and by speak: But first I must require you to use diligence in presenting specially those purloynings and imbezilments, which are of Plate, Vessels, or whatsoever within the Kings House. The Kings House is an open place, it ought to be kept safe by Law, and not by Lock, and therefore needeth the more severity.

28. E. 1. Ar-
ticulti super
Chartam C. 2.
31. El. C. 4.
33 H. 6. C. 1.
21 H. 8. C. 7.

Now for coloured or disguised Robberies, I will name two or three of them; the Purveyor that takes without Warrant, two or three of them is no better than a Thief, and it is Felony; the Servant that hath the keeping of His Majesties Goods, and goeth away with them, though he came to the possession of them lawfully, it is Felony. Of these you shall likewise enquire, principal and accessaries; the voluntary escape of a Felon is also Felony.

The People
not capital.

For the last part, which is of Offences concerning the people not capital, there are many; But I select only such as I think fittest to be remembred unto you, still dividing to give you the better light, they are of three Natures.

- 1. The first, is matter of Force and Outrage.
- 2. The second, matter of Fraud and Deceit.
- 3. The third, Breach and inobservance of certain wholsom, and politick Laws, for Government.

Force.

For the first, you shall enquire of Riots and unlawful Assemblies, of forcible Entries, and Detainers with force; and properly all Assaults of striking, drawing Weapon or other violence, within the Kings House, and the Precincts thereof; for the Kings House, from whence Examples of Peace should flow, in the farthest parts of the Kingdome, as the Oyntment of *Aarons* head to the skirts of his Garment, ought to be sacred and inviolate from Force and Brawls, as well in respect of Reverence to the place, as in respect of Danger and great Trouble, and of all Example to the whole Kingdom; and therefore in that place all should be full of Peace, Order, Regard, Forbearance, and Silence.

Besides open force, there is a kind of force that cometh with an open and armed hand, but disguised, that is, no less hateful and hurtful, and that is, Abuse and Oppression by Authority.

And therefore you shall enquire of all Extortions in Officers, and

and Ministers; as Sheriffs, Bailiffs of Hundred, Escheators, Coroners, Constables, Ordinaries, and other; who by colour of Office do pole the people.

For Frauds and Deceits, I do chiefly commend to your care, the Frauds and Deceits in that which is the chief means of all just contract and permutation, which is, Weights and Measures, wherein, although God hath pronounced, that a false weight is an Abomination, yet the abuse is so common and so general, I mean of Weights, and I speak upon knowledge and late examination, that if one were to build a Church, he should need but false Weights, and not seek them far off, the Bills or Piles of Brasse to make the Bells, and the Weight of Lead to make the Battlements: And herein you are to make special enquiry, whether the Clerk of the Market within the Verge, to whom properly it appertains, have done his Duty.

For Nufances and Grievances, I will for the present onely single out one, That you present the Decays of High-ways and Bridges; for where the Majesty of a Kings House draws recourse and access, it is both disgraceful to the King, and also diseaseful to the people, if the ways near about be not fair and good; wherein it is strange to see the chargeable Pavement and Cawseys in the entrances of Towns abroad beyond the Seas, whereas *London*, the second City, at the least, of *Europe*, in Glory, in Greatness, and in Wealth, cannot be discerned by the fairness of the ways, though a little perhaps by the broadness of them, from a Village.

Nufance.

For the last part, because I pass these things over briefly, I will make mention to you of three Laws.

Breach of Statutes.

The one concerning the Kings Pleasure.

1.

The second, concerning the Peoples Food.

2.

And the third, concerning Wares and Manufactures.

3.

You shall therefore enquire of the unlawful taking of Partridges, and Pheasants, or Fowl, the detraction of the Eggs of the said Wild-fowl, the killing of Hares or Deer, and the stealing of Venison, or Hares: for that which is for exercise, and sport, and courtesie, should not be turned to Gluttony and Sale Victual.

Kings pleasure.

You shall also enquire whether Bakers, and Brewers keep their Affize, and whether as well they, as Butchers, Inn-holders, and Victuallers, do sell that which is wholesome, and at reasonable prices; and whether they do link and combine to raise prices.

Food.

Lastly, you shall enquire whether the good Statute be observed, whereby a man may have that he thinketh he hath, and not

Manufactures.

5 *El. cap. 4.*

be abused or mis-served in that he buyes: I mean, the Statute that requireth that none use any Manual Occupation, but such as have been seven years Apprentice to it, which Law being generally transgressed, makes the people buy in effect Chaff for Corn, for that which is miswrought will miswear.

There be many more things inquirable by you, throughout all the former parts, which it were overlong in particular to recite; you may be supplied either out of your own Experience, or out of such Bills and Informations as shall be brought unto you, or upon any Question that you shall demand of the Court, which will be ready to give you any further Direction, as far as it is fit: But these which I have gone through are the principal Points of your Charge, which to present, you have taken the Name of GOD to witness; and in the Name of GOD perform it.

Dixi.

F I N I S.



The Argument of Sir *Francis Bacon* Knight, His
Majesties *Sollicitor General*, in the Case of the *POST-
NATI* of Scotland, in the *Exchequer Chamber*, before
the *Lord Chancellor*, and all the *Judges* of England.

May it please your Lordships,

His Case your Lordships do well perceive to be of exceeding great consequence. For whether you do measure that by place, that reacheth not only to the Realm of *England*, but to the whole Island of *Great Britain*; or whether you measure that by time, that extendeth not not only to the present time, but much more to future generations,

Es nati natorum, & qui nascentur ab illis.

And therefore as that is to receive at the barre a full and free debate: so I doubt not but that shall receive from your Lordships a sound and just resolution according to Law and according to Truth. For, my Lords, though he were thought to have said well that said that for his word, *Rex fortissimus*; yet he was thought to have said better, even in the opinion of a King himself, that said, *Veritas fortissima & praevalet*. And I do much rejoyce to observe such a Concurrence in the whole carriage of this cause, to this end that truth may prevail. The case no feigned, or framed case; but a true case between true parties.

The title handled formerly in some of the Kings Courts, and Free-hold upon it: used indeed by His Majesty, in his high wisdom to give an end to this great question, but not raised: *ocasio*, as the School-men say, *arreptra non porrecta*.

The Case argued in the Kings Bench by *M. walter* with great liberty, and yet with good approbation of the Court. The persons assigned to be of Counsell on that side, inferiour to none of their quality and degree in learning; and some of them most conversant and exercised in the question.

The Judges in the Kings Bench have adjourned it to this place, for conference with the rest of their Brethren. Your Lordship, my Lord Chancellor, though you be absolute Judge in the Court where you sit, and might have called to you such assistance of Judges as to you had seemed good: yet would not fore-run or lead in this Case by any Opinion there to be given; but have chosen rather to come your self to this Assembly, all tending (as I said) to this end, whereunto I for my part do heartily subscribe, *ut vincat veritas*, that truth may first appear, and then prevail. And I do firmly hold and doubt not but I shall well maintain, that this is the truth, That *Calvin* the Plaintiff is *ipso Jure* by the Law of *England* a natural born subject, to purchase Free-hold, and to bring real actions within *England*. In this case I must so consider the time, as I must much more consider the matter. And there-

fore though it may draw my speech into further length ; yet I dare not handle a case of this nature confusedly, but purpose to observe the ancient and exact form of pleadings, which is,

First, to explain or induce.

Then, to confute, or answer objections.

And lastly, to prove, or confirm.

And first for explanation. The outward question in this case is no more, but whether a child born in *Scotland* since his Majesties happy comming to the Crown of *England*; be naturallized in *England*, or no? But the inward question, or State of the question, evermore beginneth, where that which is confessed on both sides doth leave.

It is confessed, that if these two Realms of *England* and *Scotland* were united under one Law, and one Parliament, and thereby incorporated and made as one Kingdom, that the *Post-natus* of such an union should be naturalized.

It is confessed, that both Realms are united in the person of our Sovereign; or (because I will gain nothing by surreption, in the putting of the question) that one and the same natural person, is King of both Realms.

It is confessed, that the Lawes and Parliaments are severall. So then, whether this priviledge and benefit of Naturalization be an accessory or dependancy upon that which is one and joint, or upon that which is severall, hath been, and must be the depth of this question. And therefore your Lordships do see the State of this question doth evidently lead me by way of inducement to speak of three things. The King, the Law, and the priviledge of Naturalization. For if you well understand the nature of the two Principals, and again the nature of the Accessory ; Then shall you discern, to whether Principal the Accessory doth properly referr, as a shadow to a body, or Iron to an Adamant.

And there your Lordships will give me leave in a case of this quality, first to visit and open the foundations and fountains of Reason ; and not to begin with the positions, and eruditions of a *Municipal* Law ; for so was that done in the great Case of Mines; and so ought that to be done in all cases of like nature. And this doth not at all detract from the sufficiency of our Laws, as incompetent to decide their own cases ; but rather addeth a dignity unto them, when their Reason appearing as well as their authority, doth shew them to be as fine moneyes, which are currant not only by the stamp because they are so received, but by the natural metal, that is the reason and wisdom of them.

And Master *Littleton* himself in his whole book doth commend but two things to the Professors of the Law by the name of his Sons; the one, the inquiring and searching out the reasons of the Law ; and the other, the observing of the forms of pleadings. And never was there any case that came in Judgement, that required more that *Littletons* advice should be followed in those two points, then doth the present case in question. And first of the King.

It is evident that all other Common-wealths (Monarchies only excepted) do subsist by a Law precedent. For where authority is divided amongst many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain persons to have voice only to that election, and the like : These are busie and curious frames : which of necessity do presuppose a Law precedent, written or unwritten, to guide and direct

direct them. But in Monarchies, especially hereditary, that is, when several families, or lineages of people do submit themselves to one line, Imperial or Royal, the submission is more natural and simple, which afterwards by Laws subsequent is perfected, and made more formal: but that is grounded upon nature. That this is so, it appeareth notably in two things, the one, the platforms and patterns which are found in nature of Monarchies, the original submissions, and their motives and occasions. The platforms are three.

The first is that of a Father, or chief of a Family: who governing over his Wife by prerogative of Sex, over his Children by prerogative of age, and because he is author unto them of being; and over his servants by prerogative of vertue and providence; for, he that is able of body, and improvident of mind, is *Naturâ servus*, that is, a very modell of a King. So that is the opinion of *Aristotle, Lib. 3. Pol. Cap. 14.* where he saith, *Verum autem regnum est, cum penes unum est rerum summa potestas: quod regnum procuratorem familia imitatur.*

And therefore *Lycurgus*, when one counselled him to dissolve the Kingdom, and to establish another form of estate, he answered, Sir, begin to do that which you advise first at home in your own house, noting that the chief of a family is as a King; and that those that can least endure Kings abroad, can be content to be Kings at home, and this is the first platform, which we see is meerly natural.

The second is, that of a Shepherd and his flock, which *Xenophon* saith, *Cyrus* had ever in his mouth. For shepherds are not owners of the sheep, but their office is to feed, and govern: no more are Kings *proprietaries*, or owners of the people, for God is sole owner of people. *The Nations*, as the Scripture saith, *are his inheritance*: But the office of Kings is to govern, maintain, and protect people. And that is not without a mystery, that the first King that was instituted by God, *David*, (for *Saul* was but an untimely fruit) was translated from a shepherd, as you have it in the 78. *Psalme*, *Et elegit David servum suum, de gregibus ovium sustulit eum, pascere Jacob servum suum, Israel hereditatem suam.* This is the second platform, a work likewise of nature.

The third platform is the government of God himself over the world, whereof lawfull *Monarchies*, are a shadow. And therefore both amongst the Heathen, and amongst the Christians, the word (*sacred*) hath been attributed unto Kings, because of the conformity of a Monarchy, with the divine Majesty; never to a Senate or people. And so you find it twice in the *Lord Cookes Reports*; once in the second book, the *Bishop of Winchesters case*; and his first book, *Cawdries case*; and more anciently in the 10. of *H. 7. fo. 18. Rex est persona mixta cum Sacerdote*; an attribute which the *Senate of Venice*, or a *Canton of Swisses*, can never challenge. So we see there be presidents, or platforms of *Monarchies*, both in *Nature* and above *Nature*, even from the Monarch of Heaven and Earth, to the King (if you will) in a hive of Bees. And therefore other States are the creatures of Law, and this State only subsisted by *Nature*.

For the original submissions, they are four in number: I will briefly touch them: The first is *Paternity*, or *Patriarchy*, which was when a family growing so great as it could not contain it self within one habitation, some branches of the descendents were forced to plant themselves into new families; which second families could not by a natural instinct, and inclination, but bear a reverence and yield an obeyfance to the eldest line of the ancient family, from which they were derived.

The second is, the admiration of Vertue, or gratitude towards Merit, which is likewise naturally infused into all men. Of this *Aristotle* putteth the case well, when it was the fortune of some one man, either to invent some Arts of excellent use towards mans life; or to congregate people that dwelt scattered, into one place, where they might cohabit with more comfort; or to guide them from a more barren land to a more fruitful, or the like: Upon these deserts, and the admiration and recompence of them, people submitted themselves.

The third, which was the most usual of all, was Conduct in Warre, which even in nature induceth as great an obligation, as *Paternity*. For as men owe their life and being to their *Parents*, in regard of generation: So they owe that also to *Saviours* in the Warrs, in regard of preservation. And therefore we finde in the 18. *Chap.* of the book of *Judges*, *vers.* 22. *Dixerunt omnes viri ad Gedeon, Dominare nostri, tu & filii tu, quoniam servasti nos de manu Madian.* And so we read when it was brought to the ears of *Saul* that the people sung in the streets, *Saul* hath kill'd his thousand; and *David* his tenthousand of enemies; he said straightwayes, *Quid ei superest nisi ipsum regnum?* For whosoever hath the *military dependance*, wants little of being *King*.

The fourth is an enforced submission, which is Conquest, whereof it seemed *Nymrod* was the first president, of whom it is said, *Ipse cepit potens esse in terra, & erat robustus venator coram Domino.* And this likewise is upon the same root, which is the saving or gift as it were of life, and being, for the Conqueror hath power of life and death over his Captives, and therefore where he giveth them themselves, he may reserve upon such a gift, what service and subjection he will. All these four submissions are evident to be natural, and more ancient then Law.

To speak therefore of Law, which is the second part of that which is to be spoken of, by way of inducement. Law no doubt is the great Organ by which the Sovereign power doth move, and may be truly compared to the sinews in a natural body, as the *Sovereignty* may be compared to the spirits; for if the sinews be without the spirits, they are dead and without motion: If the spirits move in weak sinews, it causeth trembling: so the Lawes without the *Kings* power, are dead; the *Kings* power except the Lawes be corroborate, will never move constantly, but be full of staggering and trepidation. But towards the *King* himself, the Law doth a double office or operation: The first is to entitle the *King*, or design him; and in that sense *Brañon* saith well, *Lib.* 1. *fol.* 5. and *Lib.* 3. *fol.* 107. *Lex facit quod ipse fit Rex;* that is, it defines his ritle, as in our Law, That the kingdom shall go to the issue female; That it shall not be departable amongst daughters; That the half blood shall not be respected, and other points differing from the rules of common inheritance. The second is (that whereof we need not fear to speak in good and happy times, such as these are) to make the ordinary power of the *King* more definite or regular; for it was well said by a Father, *plenitudo potestatis, est plenitudo tempestatis.* And although the *King*, in his Person, be *Solutus Legibus*; yet his Acts and Grants are limited by Law, and we argue them every day.

But I demand, Do these offices or operations of Law evacuate or frustrate the original submission, which was natural? or shall it be said, that all allegiance is by Law? No more than it can be said, that *potestas patris*, the power of the Father over the Child, is by Law: and yet no doubt Lawes do diversly define of that also; the Law of some Nations having given Fathers power

power to put their Children to death; others, to sell them thrice; others, to disinherit them by Testament at pleasure, and the like. Yet no man will affirm, that the obedience of the Child is by Law, though Laws in some points do make it more positive. And even so it is of allegiance of subjects to hereditary *Monarchs*, which is corroborate and confirmed by Law, but is the work of the Law of Nature. And therefore you shall find the observation true, and almost general in all States, that their Law-givers were long after their first King, who governed for a time by natural equity, without Law: So was *Theseus* long before *Solon* in *Athens*: So was *Eurition* and *Sous* long before *Lycurgus* in *Sparta*: So was *Romulus* long before the *Decemviri*. And even amongst our selves, there were more ancient Kings of the *Saxons*, and yet the Laws ran under the name of *Edgars* Laws. And in the re-founding of the *Kingdom* in the person of *William* the Conqueror, when the Laws were in some confusion for a time, a man may truly say, that King *Edward* the first, was the first Law-giver, who enacting some Laws, and collecting others, brought the Law to some perfection. And therefore I will conclude this point with the Style which divers Acts of Parliaments do give unto the King: which term him very effectually and truly, *Our Natural Sovereign Liege Lord*. And as it was said by a principal Judge here present when he served in another place, and question was moved by some occasion of the title of *Balleins* Lands, That he would never allow, that *Queen Elizabeth* (I remember it for the efficacy of the phrase) should be a *Statute Queen*, but a *Common-Law Queen*: So surely I shall hardly consent, that the King shall be esteemed or called only, *Our Rightfull Sovereign*, or *Our Lawfull Sovereign*, but *Our Natural Liege Sovereign*, as Acts of Parliament speak: For as the *Common Law* is more worthy than the *Statute Law*; So the *Law of Nature* is more worthy than them both. Having spoken now of the King and the Law, it remaineth to speak of the privilege and benefit of *Naturalization* it self, and that according to the rules of the Law of *England*. *Naturalization* is best discerned in the degrees whereby the Law doth mount and ascend thereunto. For it seemeth admirable unto me, to consider with what a measured hand, and with how true proportions our Law doth impart and conferr the several degrees of this benefit: The degrees are four.

The first degree of persons (as to this purpose) that the Law takes knowledge of, is an *Alien Enemy*; that is, such a one as is born under the obedience of a Prince or State that is in hostility with the King of *England*. To this person the Law giveth no benefit or protection at all, but if hee come into the Realm after War proclaimed, or War in fact, he comes at his own perill, he may be used as an *Enemy*: For the Law accounts of him, but (as the Scripture saith) *as of a Spy, that comes to see the weaknesse of the Land*. And so it is 2. of *Rich.* the 3d. fo. 2.. Nevertheless, this admitteth a distinction; For if he come with safe-condu& , otherwise it is, For then he may not be violated, either in person or goods. But yet he must fetch his Justice at the Fountain head, for none of the Conduit pipes are open to him, he can have no remedy in any of the Kings Courts: but he must complain himself before the Kings Privy Councell: There he shall have a proceeding summary from hour to hour, the cause shall be determined by natural equity, and not by rules of Law, and the decree of the Councell shall be executed by ayde of the Chancery, as in 13 *Edw.* 4. And this is the first degree.

The second person, is an *Alien Friend*; that is, such a one as is born under

der the obeifance of fuch a *King* or *State*, as is confederate with the *King of England*, or at leaft not in War with him. To this perfon the Law allot- teth this benefit, that as the Law accounts that the hold it hath over him, is but a tranfitory hold (for he may be an *Enemy* :) So the Law doth indue him but with a tranfitory benefit, that is, of movable goods, and personal actions. But for free-hold, or leafe, or actions real, or mixt, he is not enabled, except it be in *anter droit*. And fo it is 9 E. 4. fo. 7. 19 E. 4. fo. 6. 5 Mar. and divers other books.

The third perfon is a *Denizon*, ufing the word properly ; (for fometime it is confounded with a natural born Subject.) This is one, that is but *Subditus inſtitutus*, or *adoptivus*, and is never by birth, but only by the *Kings* Charter, and by no other mean ; come he never fo young into the Realm, or ſtay he never fo long. Manſion or Habitation will not indenife him, no nor ſwearing obedience to the King in a Leet, which doth in-law the ſubject, but only (as I ſaid) the *Kings* grace and gift. To this perfon the Law gi- veth an ability and capacity abridged, not in matter, but in time. And as there was a time, when he was not ſubject : So the Law doth not acknow- ledge him before that time. For if he purchaſe free-hold after his *Deniza- tion*, he may take it ; but if he have purchaſed any before, he ſhall not hold it : So if he have children after, they ſhall inherit ; but if he have any before, they ſhall not inherit : So as he is but privileged *à parte poſt*, as the School- men ſay, and not *à parte ante*.

The fourth and laſt degree, is a *Natural* born ſubject, which is evermore by birth, or by Act of Parliament, and he is compleat and entire. For in the Law of *England*, there is *nil ultra*, there is no more ſubdiviſion or more ſubtile diviſion beyond theſe : And therein it ſeemeth to me that the wiſdom of the Law (as I ſaid) is to be admired both ways, both becauſe it diſtinguiſheth ſo far, and becauſe it doth not diſtinguiſh further. For I know that other Laws do admit more curious diſtinction of this privilege ; For the *Romans* had beſides *Jus Civitatis*, which answereth to *Naturalization*, *Jus Suffragii*. For although a man were naturalized to take lands and inheritance ; yet he was not imbled to have a voyce at paſſing of Laws, or at election of Offi- cers. And yet further, they have *Jus Petitionis*, or *Jus Honorum*. For though a man had voyce, yet he was not capable of honour, and office. But theſe be the deviſes commonly of popular or free eſtates, which are jealous whom they take into their number, and are unfit for *Monarchies* : But by the Law of *England* the ſubject that is natural born, hath a capacity or ability to all benefits whatſoever ; I ſay capacity or ability. But to reduce *Potentiam in actum*, is another caſe. For an *Earl of Ireland*, though he be naturalized in *England*, yet hath no voyce in the Parliament of *England*, except he have ei- ther a call by Writ, or creation by Patent, but he is capable of either. But upon this quadripartite diviſion of the ability of perſons, I do obſerve to your Lordſhip three things, being all effectually pertinent to the queſtion in hand.

The firſt is, that if any man conceive that the reaſons for the *Post-nati* might ſerve as well for the *Ante-nati* ; He may by the diſtribution which we have made, plainly perceive his error. For the Law looketh not back, and therefore cannot by any matter *ex poſt facto*, after birth, alter the ſtate of the birth ; wherein no doubt the Law hath a grave and profound rea- ſon, which is this in few words, *Nemo ſubitò fingitur ; aliud eſt naſci, aliud fieri* : We indeed more reſpect and affect thoſe worthy Gentlemen of *Scot- land* whoſe merits and converſations we know ; but the Law, that proceeds upon

upon general reason, and looks upon no mens faces, affecteth and priviledgeth those, which drew their first breath under the obeliance of the King of England.

The second point is, that by the former distribution, it appeareth that there be but two conditions by birth, either *Alien*, or *natural born*, (*Cum tertium penitus ignoramus.*) It is manifest then, that if the *Post-nati* of Scotland be not *natural born*, they are *alien born*, and in no better degree at all, than *Flemmings, French, Italians, Spanish, Germans,* and others; which are all at this time *Alien friends*; by reason his Majesty is in peace with all the World.

The third point seemeth to me very worthy the consideration, which is, that in all the distribution of persons, and the degrees of abilities or capacities, the *Kings Act* is all in all, without any manner of respect to Law or Parliament. For it is the *King*, that makes an *Alien enemy*, by proclaiming a war, wherewith the Law, or Parliament intermeddles not: So the *King* only grants *Sate-conducts*, wherewith Law and Parliament intermeddle not. It is the *King* likewise that maketh an *Alien friend*, by concluding a peace, wherewith Law and Parliament intermeddle not. It is the *King* that makes a *Denizon*, by his Charter, absolutely of his prerogative and power, wherewith Law and Parliament intermeddle not. And therefore it is strongly to be infered, that as all these degrees depend wholly upon the *Kings act*, and no wayes upon Law or Parliament: So the fourth, although it cannot by the *Kings Patent*, but by operation of Law: yet that the Law, in that operation, respecteth only the *Kings person*, without respect of subjection to Law or Parliament. And thus much by way of explanation and inducement; which being all matter in effect confessed, is the strongest ground-work to that which is contradicted or controverted.

There followeth the confutation of the Arguments on the contrary side.

That which hath been materially objected, may be reduced to four heads.

The first is, that the priviledge of *Naturalization*, followeth *Allegiance*, and that *Allegiance* followeth the *Kingdom*.

The second is drawn from that common ground, *Cum duo jura concurrunt in una persona, equum est, ac si essent in duobus*; a rule, the words whereof are taken from the Civil Law; but the matter of it is received in all Laws; being a very line or rule of reason to avoid confusion.

The third consisteth of certain inconveniencies conceived to ensue of this general naturalization *ipso jure*.

The fourth is not properly an objection, but a preoccupation of an objection or proof on our part, by a distinction devised between Countries devolute by *Descent*, and acquired by *Conquest*.

For the first, It is not amiss to observe, that those which maintain this new opinion, whereof there is *altum silentium* in our Books of Law, are not well agreed in what form to utter and express that: for some said that *Allegiance* hath respect to the Law, some to the Crown, some to the Kingdom, some to the body politique of the King; so there is confusion of tongues amongst them, as it commonly commeth to pass in opinions that have their foundations in subtilty, and imagination of mans wit, and not in the ground of nature. But to leave their words, and to come to their proofs, they endeavour to prove this conceipt by three manner of proofs. First, by reason; then, by certain inferences out of Statutes; and lastly, by certain Book-cases mentioning and reciting the forms of pleadings. The

The reason they bring is this; That Naturalization is an operation of the Law of *England*: and so indeed it is, that may be the true *genus* of it.

Then they adde, (that granted) that the Law of *England* is of force only within the Kingdom and Dominions of *England*, and cannot operate, but where it is of force. But the Law is not in force in *Scotland*; therefore that cannot endure this benefit of Naturalization by a birth in *Scotland*.

This reason is plausible and sensible, but extremely erroneous. For the Law of *England*, for matters of benefit, or forfeitures in *England*, operateth over the World. And because it is truly said, that *Respublica continetur pœna, & premio*, I will put a case or two of either.

It is plain, that if a Subject of *England* had conspired the death of the King in forreign parts, it was by the Common Law of *England*, Treason. How prove I that? By the Statute of 35 of *H. 8. cap. 2.* wherein you shall find no words at all of making any new case of Treason, which was not Treason before, but only of ordaining a form of trial; *Ergo*, it was Treason before. And if so, then the Law of *England* works in forreign parts. So of Contempts, if the King send his Privy Seal to any Subject beyond the Seas, commanding him to return, and he disobey; no man will doubt, but there is a contempt, and yet the fact enduring the contempt was committed in forreign parts.

Therefore the Law of *England*, doth extend to Acts or matters done in forreign parts. So of Reward, Priviledge or benefit, we need seek no other instance, then the instance in question; for I will put you a case that no man shall deny, where the Law of *England* doth work and conferr the benefit of Naturalization upon a birth neither within the Dominions of the Kingdom, nor King of *England*. By the Statute of 25 *E. 3.* which, if you will believe *Hussey*, is but a Declaration of the Common Law, all children born in any parts of the World, if they be of *English* Parents, continuing at that time, as liege Subjects to the King, and having done no act to forfeit the benefit of their Allegiance are *ipso facto* naturalized. Nay, if a man look narrowly into the Law in this point, he shall find a consequence, that may seem at the first strange, but yet cannot be well avoided; which is, that if divers Families of *English*-men and women plant themselves at *Middleborough*, or at *Roane*, or at *Lysbone*, and have issues, and their descendents do intermarry amongst themselves, without any intermixture of foreign blood, such descendents are naturalized to all generations; for every generation is still of liege Parents, and therefore naturalized: So as you may have whole tribes and lineages of *English* in forreign Countries.

And therefore it is utterly untrue, that the Law of *England* cannot operate, or conferr naturalization, but only within the bounds of the Dominions of *England*.

To come now to their inferences upon Statutes. The first is out of this Statute which I last recited. In which Statute it is said, that in four several places there are these words; born within the allegiance of *England*; or again born without the allegiance of *England*: which (say they) applies the allegiance to the Kingdom, and not to the person of the King: To this the answer is easie: for there is no trope of speech more familiar, then to use the place of addition for the person. So we say commonly the line of *York*, or the line of *Lancaster*, for the lines of the Duke of *York*, or the Duke of *Lancaster*.

So we say, the possessions of *Sommerset*, or *Warwick*, intending the possessions of the Dukes of *Sommerset*, or Earls of *Warwick*. So we see Earls sign,

sign, *Salisbury; Northampton*, for the Earls of *Salisbury*, or *Northampton*. And in the very same manner, the Statute speaks, allegiance of *England*, for allegiance of the King of *England*. Nay more, if there had been no variety in the penning of that Statute, this collection had had a little more force, for those words might have been thought to have been used of purpose, and in propriety; but you may find in three other several places of the same Statute, *Allegiance and obeysance* of the King of *England*, and specially in the material and concluding place, that is to say, children whose Parents were at the time of their birth, at the *faith and obeysance* of the King of *England*: so that it is manifest by this indifferent and promiscuous use of both phrases, the one proper, the other unproper, that no man can ground any inference upon these words without danger of cavillation.

The second Statute out of which they inferre, is a Statute made in 32 of *H. 8. ca.* touching the policy of Strangers Tradesmen within this Realm. For the Parliament finding, that they did eat the *English-men* out of Trade, and that they entertained no Apprentices, but of their own Nation, did prohibite that they should receive any Apprentice, but the Kings Subjects. In which Statute is said, that in 9. several places, there is to be found this context of words, *Aliens born out of the Kings obedience*; which is pregnant (say they) and doth imply, that there be *Aliens* born within the Kings obedience. Touching this inference, I have heard it said, *Qui hares in litera, hares in cortice*; but this is not worthy the name of *cortex*, it is but *muscus corticis*, the mosse of the bark. For it is evident that the Statute meant to speak clearly, and without equivocation, and to a common understanding. Now then there are *Aliens* in common reputation, and *Aliens* in precise construction of Law. The Statute then meaning not to comprehend *Irish-men*, or *Fersey-men*, or *Callice-men*, for explanation sake, lest the word *Alien* might be extended to them in a vulgar acceptance, added those further words, *born out of the Kings obedience*. Nay, what if we should say, that those words according to the received Laws of Speech, are no words of difference or limitation, but of declaration or description of an *Alien*, as if it had been said with a *videlicet*, *Aliens*; that is, such as are born out of the Kings obedience: they cannot put us from that construction. But sure I am, if the bark make for them, the pyth makes for us; for the Priviledge or liberty which the Statute means to deny to *Aliens* of entertaining Apprentices, is denied to none born within the Kings obedience, call them *Aliens*, or what you will. And therefore by their reason a *Post-natus* of *Scotland* shall by that Statute keep what Stranger Apprentices he will, and so is put in the degree of an *English*.

The third Statute out of which inference is made, is the Statute of 14 *E. 3. cap. solo*, which hath been said to be our very case; and I am of that opinion too, but directly the other way; therefore to open the scope and purpose of that Statute. After that the Title to the Crown of *France* was devolute to King *Edward* the 3d. and that he had changed his Stile, changed his Arms, changed his Seal, (as His Majesty hath done) the Subjects of *England* (saith the Statute) conceived a fear, that the Realm of *England* might become subject to the Realm of *France*, or to the King, as King of *France*. And I will give you the reasons of the double fear; that it should become subject to the Realm of *France*, they had this reason of fear, *Normandy* had Conquered *England*; *Normandy* was feudall of *France*: therefore, because the superiour Seignory of *France* was now united in right with the Te-

nancy of *Normandy*; and that *England* in regard of the conquest, might be taken as a perquisite to *Normandy*; they had probable reason to fear, that the Kingdom of *England* might be drawn to be subject to the Realm of *France*. The other fear that *England* might become subject to the King as King of *France*, grew no doubt of this fore-sight, that the Kings of *England* might be like to make their mansion and seat of their estate in *France*, in regard of the Climate, wealth, and glory of that Kingdom; and thereby the Kingdom of *England* might be governed by the Kings mandates and precepts issuing, as from the King of *France*. But they will say, whatsoever the occasion was, here you have the difference authorized of subjection to a King generally, and subjection to a King, as King of a certain Kingdom. But to this I give an answer three-fold.

First, It presseth not the question; for doth any man say, that a *Post-natus* of *Scotland* is naturalized in *England*, because he is a subject of the King, as King of *England*? No, but generally, because he is the Kings Subject.

Secondly, The scope of this Law is to make a distinction between Crown and Crown; but the scope of their argument is to make a difference between Crown and Person.

Lastly, This Statute (as I said) is our very case retorted against them; for this is a direct Statute of separation, which presupposeth, that the Common Law had made an union of the Crowns in some degree, by vertue of the union in the Kings person, if this Statute had not been made to stop and crosse the course of the Common Law in that point: as if *Scotland* now should be suitors to the King, that an Act might passe to like effect, and upon like fear. And therefore if you will make good your distinction, in this present case, shew us a Statute for that. But I hope you can shew no Statute of separation between *England* and *Scotland*. And if any man say, that this was a Statute declaratory of the Common Law, he doth not mark how that is penned; for after a kind of Historical declaration in the Preamble, that *England* was never subject to *France*, the body of the Act is penned thus, *The King doth grant and establish*; which are words meerly introductive *nova legis*, as if the King gave a Charter of *Franchise*, and did invest by a *Donative*, the Subjects of *England* with a new Priviledge or exemption, which by the Common Law they had not.

To come now to the Book-cases which they put, which I will couple together, because they receive one joynt answer.

The first is 42 E. 3. fo. where the Book saith, exception was taken that the Plaintiff was born in *Scotland* at *Rosse*, out of the allegiance of *England*.

The next is 22 H. 6. fo. 38. *Adrians Case*, where it is pleaded that a woman was born at *Burgis*, out of the allegiance of *England*.

The third is 19 Eliz. Dyer fo. 300. where the case begins thus; *Doctor Stery qui notorie dignoscitur esse subditus regni Angliae*. In all these three (say they) that is pleaded; that the party is subject of the Kingdom of *England*, and not of the King of *England*.

To these Books I give this answer, That they be not the Pleas at large, but the words of the Reporter, who speaks compendiously and narrative, and not according to the solemn words of the pleading. If you find a case put, that it is pleaded, a man was seised in Fee-simple, you will not infer upon that, that the words of the pleading were *in feodo simplici*, but *sibi & heredibus suis*. But shew me some president of a pleading at large of *Natus sublegeantia Regni Angliae*; for whereas Mr. *Walter* said, that pleadings are

are variable in this point, he would fain bring it to that; but there is no such matter: For the pleadings are constant, and uniform in this point; they may vary in the word *fides*, or *legeantia*, or *obedientia*, and some other circumstances, but in the form of *Regni* and *Regis*, they vary not; neither can there, as I am perswaded, be any one instance shewed forth to the contrary. See 9 *Eliz.* 4. *Baggots Assise*, f. 7. where the pleading at large is entred in the Book; There you have, *alienigena natus extra legeantiam domini Regis Anglie*. See the Presidents in the Book of Entries, Pl. 7. and two other places; for there be no more, and there you shall find still, *sub legeantia Domini Regis*, or *extra legeantia Domini Regis*. And therefore the forms of pleading, which are things so reverend, and are indeed towards the Reasons of the Law, as *Palma*, and *Pugnus*, containing the Reason of the Law, opened, or unfolded, or displayed, they make all for us. And for the very words of Reporters in Books, you must acknowledge and say, *Ilicet obruimur numero*. For you have 22 *Ass. Pl.* 25. 27 *ass.* the *Prior of Skelleyes case*, Pl. 48. 14 *H.* 4. f. 19. 3 *H.* 6. f. 35. 6 *H.* 8. in my Lord *Dyer*, fol. 2. In all these Books the very words of the Reporters have the *allegiance of the King*, and not the *allegiance of England*. And the Book in the 24 of *Edw.* 3. which is your best Book, although while it is tossed at the Barr, you have sometimes the word *allegiance of England*; yet when it comes to *Thorpe* Chief Justice to give the rule, he saith, We will be certified by the Roll, whether *Scotland* be within the allegiance of the King. Nay that further form of pleading beateth down your opinion, That it sufficeth not to say, that he is born out of the *allegiance of the King*, and stay there; but he must shew in the affirmative, under the *allegiance of what King*, or *State* he was born. The Reason whereof cannot be, because it may appear whether he be a Friend or an Enemy, for that in a real action is all one; nor it cannot be because issue shall be taken thereupon; for the issue must arise on the other side upon *indigena* pleaded and traversed. And therefore it can have no other reason, but to apprise the Court more certainly, that the Countrey of the birth is none of those, that are subject to the King. As for the tryal, that it should be impossible to be tryed, I hold it not worth the answering; for the *venire facias* shall go either where the natural birth is laid, although it be but by fiction; or if it be laid according to the truth, it shall be tryed where the action is brought, otherwise you fall upon a main Rock, that breaketh your *Argument* in pieces; for how should the birth of an *Irish*-man be tryed, or of a *Fersey*-man? Nay, how should the birth of a Subject be tryed that is born of *English Parents* in *Spain*, or *Florence*, or any part of the world? for to all these the like objection of tryal may be made, because they are within no Counties; and this receives no answer. And therefore I will now pass on to the second main Argument.

It is a rule of the Civil Law, say they, *cum duo jura*, &c. when two rights do meet in one person, there is no confusion of them, but they remain still in the eye of Law distinct, as if they were in several persons; and they bring examples of one man Bishop of two Sees, or one Parson that is Rector of two Churches. They say this unity in the Bishop, or the Rector, doth not create any privity between the Parishioners or Dioceseners, more then if there were several Bishops, or several Parsons. This Rule I allow (as was said) to be Rule not of the Civil Law only, but of common reason, but receiveth no forced or coyned, but a true and sound distinction, or limitation, which is, that it evermore faileth and deceiveth in cases, where there is any *vigor*, or *operation* of the natural person; for generally in *corpo-*

rations the natural body is but *suffulcimentum corporis corporati*, it is but as a stock to uphold and bear out the corporate body; but otherwise it is in the case of the Crown, as shall be manifestly proved in due place. But to shew that this rule receiveth this distinction, I will put but two cases. The Statute of 21 Hen. 8. ordaineth, that a Marquess may retain six *Chaplains* qualified; a Lord Treasurer of *England* four; a Privy Counsellor three. The Lord Treasurer *Paulet* was Marquess of *Winchester*, Lord Treasurer of *England*, and Privy Counsellor, all at once. The question was, whether he should qualifie 13. *Chaplains*? Now by the Rule *cum duo Jura*, he should; but adjudged, he should not. And the Reason was, because the attendance of *Chaplains* concerned and respected his natural person: he had but one soul, though he had three Offices. The other case which I will put, is the case of *Homage*; a man doth *Homage* to his Lord for a Tenancie held of the Mannor of *Dale*, there descendeth unto him afterwards a Tenancie held of the Mannor of *Sale*, which Mannor of *Sale* is likewise in the hands of the same Lord. Now by the Rule *cum duo Jura*, he should do *Homage* again, two Tenancies, and two Seignories, though but one Tenant, and one Lord, *equum est ac si esset in duobus*. But ruled that he should not do *Homage* again: nay in the Case of the King, he shall not pay a second respect of *Homage*, as upon grave and deliberate consideration it was resolved, 24 H. 8. and *Usus Scaccarii*, as is there said accordingly. And the Reason is no other, but because when a man is sworn to his Lord, he cannot be sworn over again, he hath but one Conscience, and the Obligation of this Oath trencheth between the natural person of the Tenant, and the natural person of the Lord. And certainly the Case of *Homage* and *Tenure*, and of *Homage Liege*, which is one case, are things of a near Nature, save that the one is much inferiour to the other; but it is good to behold these great matters of State in cases of lower Element, as the Eclipse of the Sun is used to be in a pail of Water.

The third main Argument containeth certain supposed inconveniences, which may ensue of a general Naturalization *ipso jure*, of which kind three have been specially remembred.

The first is the losse of profit to the King upon Letters of Denization, and purchases of *Aliens*.

The second is, the concourse of *Scottishmen* into this Kingdom, to the infeebling of that Realm of *Scotland* in people, and the impoverishing of this Realm of *England* in wealth.

The third is, that the reason of this case stayeth not within the compass of the present case; for although it were some reason that *Scottishmen* were naturalized, being people of the same *Island*, and *language*; yet the reason which we urge, which is, That they are subject to the same King, may be applyed to persons every way more estranged from us than they are: As if in future time in the Kings descendents there should be a match with *Spain*, and the Dominions of *Spain* should be united with the Crown of *England*; by one reason (say they) all the *West-Indies* should be naturalized; which are people not only *alterius Soli*, but *alterius Cæli*.

To these conceits of inconvenience, how easie it is to give answer, and how weak they are in themselves, I think no man that doth attentively ponder them can doubt; For how small revenue can arise of such *Denizations*? and how honourable were it for the King to take escheats of his Subjects, as if they were *forreigners*; (for seizure of *Aliens* lands are in regard the King hath no hold or command of their persons, and services) every one may

may perceive? And for the confluence of *Scottish-men*, I think we all conceive the *Spring-tide* is past at the Kings first coming in. And yet we see very few Families of them, throughout the Cities and Boroughs of *England*. And for the naturalizing of the *Indies*, we can readily help that, when the case comes; for we can make an Act of Parliament of separation, if we like not their consort. But these being Reasons Politick, and not Legal, (and we are not now in Parliament, but before a Judgement Seat) I will not meddle with them, specially since I have one answer which avoyds and confounds all their objections in Law, which is, that the very self-same objections do hold in Countries purchased by Conquest. For in Subjects obtained by Conquest, it were more profit to indenizate by the Poll, in Subjects obtained by Conquest, they may come in too fast. And if King *Hen. 7.* had accepted the offer of *Christopher Columbus*, whereby the Crown of *England* had obtained the *Indies* by conquest or occupation, all the *Indies* had been naturalized by the confession of the adverse part. And therefore since it is confessed, that Subjects obtained by Conquest are naturalized, and that all these objections are common and indifferent, as well to case of Conquest, as case of descent, these objections are in themselves destroyed.

And therefore to proceed now to overthrow that distinction of descent and Conquest. *Plato* saith well, the strongest of all authorities is, if a man can alledge the authority of his adversaries against himself; we do urge the Confession of the other side, that they confessed the *Irish* are naturalized, that they confess the Subjects of the *Isles of Fersy and Gernesey*, and *Berwick*, to be naturalized, and the subjects of *Calice and Tourney* when they were *English* were naturalized, as you may find in the *5 Eliz.* in *Dyer*, upon the question put to the Judges by Sir *Nicholas Bacon* Lord Keeper.

To avoid this, they flye to a difference, which is new coyned, and is (I speak not to the disadvantage of the persons that use it, for they are driven to it, *tanquam ad ultimum refugium*, but the difference itself) it is I say full of ignorance and error. And therefore to take a view of the supports of this difference, they alledge four Reasons.

The first is, that Countreys of Conquest, are made parcell of *England*; because they are acquired by the Arms and Treasure of *England*. To this I answer, That it were a very strange Argument, that if I wax rich upon the *Mannor of Dale*, and upon the Revenue thereof purchase a Close by it, that it should make that parcell of the *Mannor of Dale*. But I will set this new Learning on ground with a question or case put. For I oppose them that hold this opinion with this Question, if the King should conquer any Foreign Countrey by an Army compounded of *English-men* and *Scottish-men*, as it is like whensoever Warrs are, so it will be. I demand whether this Countrey conquered shall be naturalized both in *England* and *Scotland*; because it was purchased by the joynt Arms of both? And if yea, whether any man will think it reasonable, that such Subjects be naturalized in both Kingdoms, the one Kingdom not being naturalized towards the other? These are the intricate consequences of Conceits.

A second reason they alledge, is, that Countreys won by Conquest become subject to the Laws of *England*, which Countries Patrimonial are not, and that the Law doth draw the Allegiance, and Allegiance Naturalization.

But to the Major proposition of that Argument, touching the dependency of Allegiance upon Law, somewhat hath been already spoken, and full answer shall be given when we come to it. But in this place it shall suffice to say, that the Minor proposition is false, that is, that the Laws of *England* are

not superinduced upon any Country by Conquest; but that the old Laws remain untill the King by his *Proclamation* or *Letters Patents* declare other Laws, and then if he will, he may declare Laws which be utterly repugnant, and differing from the Laws of *England*. And hereof many antient Presidents and Records may be shewed, that the Reason why *Ireland* is subject to the Laws of *England*, is not *ipso jure* upon Conquest; but grew by a *Charter* of King *Fohn*, and that extended but to so much as was then in the Kings possession. For there are Records in the time of King *Ed. I.* and 2. of divers particular Grants to sundry Subjects of *Ireland*, and their Heirs, that they might use and observe the Lawes of *England*.

The third Reason is, that there is a politick necessity of intermixture of people in case of subjection by Conquest, to remove alienations of mind, and to secure the State, which holdeth not in case of Descent. Here I perceive Mr. Walter hath read somewhat in matter of State, and so have I likewise, though we may both quickly lose our selves in causes of this nature. I find by the best opinions, that there be two means to assure and retain in obedience Countreyes conquered, both very differing, almost in extreame the one towards the other.

The one is by *Colonies*, and intermixture of people, and transplantation of *Families*, which Mr. Walter spoke of, and it was indeed the *Roman manner*: but this is like an old relique, much revered, and almost never used. But the other, which is the modern manner, and almost wholly in practice and use, is by *Garrisons* and *Cittadells*, and *Lists* or *Companies* of men of *warr*, and other like matters of *terror* and *bridle*.

To the first of these (which is little used) it is true, that *naturalization* doth conduce; but to the latter, it is utterly opposite, as putting too great pride, and means to do hurt, in those that are meant to be kept short and low. And yet in the very first case of the *Roman* proceeding, *Naturalization* did never follow by Conquest, during all the growth of the *Roman* Empire, but was ever conferred by *Charters*, or *Donations*, sometimes to *Cities*, and *Towns*, sometimes to particular persons, and sometimes to *Nations*, untill the time of *Adrian* the Emperor, and the Law in *Orbe Romano*, and that Law or *Constitution* is not referred to title of *Conquest* and *Arms* only, but to all other titles; as by the *Donation* and *Testament* of *Kings*, by *submission*, and *dedition* of *States*, or the like. So as this difference was as strange to them, as to us. And certainly I suppose it will sound strangely in the hearing of *Forreign Nations*, that the Law of *England* should *ipso facto*, naturalize subjects of *Conquest*, and should not naturalize Subjects which grow unto the King by descent; that is, that it should confer the benefit and privilege of naturalization upon such, as cannot at the first but bear hatred and rancor to the State of *England*, and have had their hands in the blood of the Subjects of *England*, and should deny the like benefit to those that are conjoynd with them by a more amiable mean: And that the Law of *England* should conferre *naturalization* upon slaves and vassals, (for people conquered are no better in the beginning) and should deny it to Free-men, I say it will be marvelled at abroad, of what complexion the Laws of *England* be made, that breedeth such differences. But there is little danger of such scandals; for this is a difference that the Law of *England* never knew.

The fourth reason of this difference is, that in case of *Conquest*, the territory united can never be separated again. But in case of descent, there is a possibility, if his Majesties line should fail, the Kingdomes may sever again

again to their respective heirs, as in the case of 8 H. 6. where it is said, that if Land descend to a man, from the Ancestor, on the part of his Father; and a rent issuing out of it, from an Ancestor, on the part of the Mother; if the party dye without issue, the Rent is revived. As to this Reason, I know well the continuance of the Kings line, is no less dear to those that alleadge the reason, then to us that confute it. So as I do not blame the passing of the reason; but it is answered with no great difficulty: for first, the Law doth never respect remote and forein possibilities, as notably appeared in the great case between Sir *Hugh Cholmley*, and *Houfford*, in the Exchequer, where one in the remainder, to the end to bridle tenant in taylor from suffering a common recovery, granted his remainder to the King, and because he would be sure to have it out again, without charge or trouble, when his turn was served; he limited it to the King, during the life of tenant in taylor. Question grew whether this grant of remainder were good, yea, or no. And it was said to be frivolous and void, because it could never by any possibility execute; for tenant in taylor cannot surrender, and if he dyed, the remainder likewise ceased. To which it was answered, *that there was a possibility, that it might execute, which was thus*; Put case that tenant in tail should enter into Religion, having no issue: then the remainder should execute, and the King should hold the land during the natural life of tenant in tail, notwithstanding his civil death. But the Court *una voce* exploded this reason, and said, *that Monasteries were down, and entries into Religion gone*; and they must be up again ere this could be, and that the Law did not respect such remote and forein possibilities, and so we may hold this for the like; for I think we all hope, that neither of those dayes shall ever come, either for Monasteries to be restored, or for the Kings line to fail, but the true answer is, that the possibility subsequent, remote, or not remote, doth not alter the operation of Law for the present. For that should be, as if in case of the Rent which you put, you should say, that in regard that the rent may be severed, it should be said to be in *esse* in the mean time, and should be grantable, which is clearly otherwise. And so in the principal case, if that should be (which God of his goodness forbid) *cessante causa, cessat effectus*, the benefit of naturalization for the time to come is dissolved. But that altereth not the operation of the Law, *Rebus sic stantibus*. And therefore I conclude; that this difference is but a devise full of weakness and ignorance; and that there is one and the same reason of naturalizing subjects by descent, & subjects by conquest, and that is the union in the person of the King; *and therefore that the case of Scotland is as clear, as that of Ireland, and they that grant the one, cannot deny the other*. And so I conclude the second part, touching confutation.

To proceed therefore to the proofs of our part, your Lordships cannot but know many of them must be already spent, in the answer which we have made to the objections. For *corruptio unius, generatio alterius*, holds as well in Arguments, as in Nature, the destruction of an objection begets a proof. But nevertheless, I will avoid all iteration, lest I should seem either to distract your memories, or to abuse your patience; But will hold my self only to these proofs, which stand substantially of themselves, and are not intermixed with matter of confutation. I will therefore prove unto your Lordships, that the *post-natus* of Scotland is by the Law of England naturall, and ought so to be adjudged by three courses of proof.

1. *First upon point of favour of Law.*
2. *Secondly, upon reasons and authorities of Law.*
3. *And Lastly, upon former presidents and examples.*

Favour of Law, what mean I by that? the Law is equall, and favoureth not: It is true, not persons: but things or matters it doth favour. Is it not a common principle, that the Law favoureth three things, *Life, Liberty, and Dower*? And what is the reason of this favour? This, because our Law is grounded upon the Law of Nature. And these three things do flow from the Law of Nature, preservation of life Natural; Liberty, which every Beast or Bird seeketh and affecteth naturally; the society of man and wife, whereof Dower is the reward naturall. It is well, doth the Law favour Liberty so highly, as a man shall infranchise his bond-man, when he thinketh not of it, by granting to him Lands or Goods? And is the reason of it, *quia natura omnes homines erant liberi*? and that *servitude* or *villenage*, doth crosse and abridge the Law of Nature? And doth not the self-same reason hold in the present case? For, my Lords, by the Law of Nature, all men in the world are naturalized one towards another, they were all made of one lump of earth, of one breath of God, they had the same common Parents. Nay, at the first they were, as the Scripture sheweth, *unius Labii*, of one language, untill the curse, which curse (thanks be to God) our present case is exempted from. It was *Civil and National Laws*, that brought in these words, and differences of *Civis* and *Exterus*, *Alien* and *Native*; and therefore because they tend to abridge the Law of Nature, the Law favoureth not them, but takes them strictly, even as our Law hath an excellent rule, that customs of Towns and Burroughs shall be taken and construed strictly and precisely, because they do abridge and derogate from the Law of the Land. So by the same reason all *National Laws* whatsoever are to be taken strictly and hardly in any point wherein they abridge, and derogate from the Law of Nature. Whereupon I conclude that your Lordships cannot judge the Law for the other side, except the case be *Luce clarius*. And if it appear to you but doubtful, as I think no man in his right senses but will yield it to be at least doubtful, *Then ought your Lordships (under your correction be it spoken) to pronounce for us, because of the favour of the Law*. Furthermore, as the Law of England must favour *Naturalization*, as a branch of the *Law of Nature*: so it appears manifestly, that it doth favour it accordingly. For is it not much to make a Subject naturalized? By the Law of England it should suffice, either place, or Parents; if he be born in England, it is no matter though his Parents be *Spaniards*, or what you will. On the other side, if he be born of *English Parents*, it skilleth not though he be born in *Spain*, or in any other place of the World: In such sort doth the Law of England open her lap to receive in people to be naturalized, which indeed sheweth the wisdom and excellent composition of our Law. And that it is the Law of a Warlike and Magnanimous Nation, fit for Empire. For look, and you shall find that such kind of estates have been ever liberal in point of *Naturalization*: whereas Merchant-like and envious estates have been otherwise. For the reasons of Law, joyned with authorities, I do first observe to your Lordships, that our assertion or affirmation is simple and plain; that it sufficeth to naturalization, that there be one King, and that the party be, *natus ad fidem Regis*, agreeable to the definition of *Littleton*, which is, *Alien* is he which is born out of the allegiance of our Lord the King. They of the other side speak of respects, and *quoad*, and *quatenus*, and such subtilties and distinctions. To maintain therefore our assertion, I will use three kinds of proofs.

The first is, *That allegiance cannot be applyed to the Law or Kingdom, but to the person of the King, because the allegiance of the Subject is more large and spacious, and hath a greater latitude, and comprehension, then the Law or the Kingdom*

dom. And therefore it cannot be a dependency of that, without the which it may of it self subsist.

The second proof which I will use, is, that the Natural body of the King hath an operation and influence into his Body politique, as well as his Body politique hath upon his Body natural; And therefore, that although his Body politique of King of England, and his Body politique of King of Scotland be several, and distinct: Yet nevertheless, his Natural person, which is one, hath an operation upon both, and createth a privity between them.

And the third proof is, the binding text of five several statutes.

For the first of these, I shall make it manifest, that the allegiance is of a greater extent, and dimension, then Lawes or Kingdom, and cannot consist by the Laws meerly, because it began before Laws, it continueth after Laws, and it is in vigour where Laws are suspended, and have not their force. That it is more antient then Law, appeareth by that which was spoken in the beginning by way of inducement, where I did endeavour to demonstrate, that the original age of Kingdoms was governed by Natural equity; that Kings were more antient than Law-givers; that the first submissions were simple, and upon confidence to the person of Kings; and that the Allegiance of Subjects to hereditary Monarchy, can no more be said to consist by Laws, than the obedience of Children to Parents.

That Allegiance continueth after Laws, I will only put the case, which was remembered by two great Judges in a great Assembly, the one of them them now with God, which was; That if a King of England should be expelled his Kingdom, and some particular Subjects should follow him in flight, or exile in forreign parts, and any of them there should conspire his death; that upon his recovery of his Kingdom, such a Subject might by the Law of England be proceeded with, for Treason committed and perpetrated at what time he had no Kingdom; and in place where the Law did not bind.

That Allegiance is in vigour and force, where the power of Law hath a cessation, appeareth notably in time of Warrs; for, *silent leges inter arma*. And yet the Sovereignty, and Imperial power of the King, is so farr from being then extinguished, or suspended, as contrariwise it is raised, and made more absolute; for then he may proceed by his Supream Authority, and Martial Law, without observing formalities of the Laws of his Kingdom. And therefore whosoever speaketh of Laws, and the Kings power by Laws, and the Subjects obedience, or allegiance to Laws, speak but of one half of the Crown; for *Bracton* out of *Fustinian* doth truly define the Crown to consist of Laws and Arms, power Civil and Martial, with the latter whereof the Law doth not intermeddle; so as where it is much spoken, that the Subjects of England are under one Law, and the Subjects of Scotland are under another Law, it is true at *Edenborough* or *Sterling*, or again in *London*, or *York*; but if *English* men and *Scotish* men meet in an Army Royal before *Calice*, I hope then they are under one Law: So likewise not only in time of warr, but in time of peregrination, if a King of *England* travell, or pass through forrain territories, yet the allegiance of his Subjects followeth him, as appeareth in that notable case which is reported in *Fleta*, where one of the train of King *Edward* 1. as he past through *France* from the *Holy Land*, imbezelled some silver Plate at *Paris*, and Jurisdiction was demanded of this crime by the *French Kings* Counsel at Law, *Ratione soli*; and demanded likewise by the Officers of King *Edward*, *ratione personæ*; and after much solemnity, contestation, and interpleading, it was ruled and determined for King *Edward*, and the party tryed and judged before the Knight Marshal of

the Kings house, and hanged after the *English Law*, and execution in *St. Germans meadows*: and so much for my first proof.

For my second main proof, that is drawn from the true and legal distinction of the Kings several capacities; for they that maintain the contrary opinion, do in effect destroy the whole force of the Kings natural capacity, as if it were drowned and swallowed up by his politique. And therefore I will first prove to your Lordships, that his two capacities are in no sort confounded; and secondly, that as his capacity politique worketh so upon his natural person, as it makes it differ from all other the natural persons of his Subjects: so *è converso*, his natural body worketh so upon his politique, as the Corporation of the Crown utterly differeth from all other Corporations within the Realm.

For the first I will vouch you the very words which I find in that notable case of the Dutchie, where the question was, whether the grants of King *Edw. 6.* for Dutchy lands should be avoyded in points of nonage. The case, as your Lordships know well, is reported by *Mr. Plowden*, as the general resolution of all the Judges of *England*, and the Kings learned Counsell, *Ruswell* the Sollicitor only excepted, there I find the said words, *Comment. fol. 215.* *There is in the King not a body natural alone, nor a body politique alone, but a body natural and politique together; corpus corporatum in corpore naturali, & corpus naturale in corpore corporato.* The like I find in the great case of the Lord *Barkley* set down by the same Reporter, *Comment. fol. 234.* *Though there be in the King two bodies, and that those two bodies are conjoynd; yet are they by no means confounded the one by the other.*

Now then to see the mutual and reciprocal entercourse, as I may term it, or influence, or communication of qualities that these bodies have the one upon the other. The body politique of the Crown indueth the natural person of the King with these perfections; That the King in Law shall never be said to be within age; That his blood shall never be corrupted; And that, if he were attainted before, the very assumption of the Crown purgeth it; That the King shall not take but by matter of Record, although he take in his natural capacity, as upon a gift in tail; That his body in Law shall be said to be as it were immortal; for there is no death of the King in Law, but a demise as it is termed: with many other the like Priviledges and differences from other natural persons, too long to rehearse, the rather, because the question laboureth not in that part. But on the contrary part, let us see what operations the Kings natural person hath upon his Crown and body politique; Of which the chiefest and greatest is, that it causeth the Crown to go by descent, which is a thing strange, and contrary to the course of all Corporations, which evermore take in succession, and not by descent; for no man can shew me in all the Corporations of *England*, of what nature soever, whether they be consist of one person, or of many, or whether they be Temporal or Ecclesiastical, any one takes to him and his heirs, but all to him and his successors; and therefore here you may see what a weak course that is, to put cases of Bishops, and Parsons, and the like, and to apply them to the Crown. For the King takes to him and his heirs in the manner of a natural body, and the word successors is but superflous, and where that is used that is ever duly placed after the word heirs, *The King his heirs and successors.*

Again, no man can deny but *uxor & filius sunt nomina naturalia.* A Corporation can have no wife; nor a Corporation can have no son; how is it then, that it is treason to compass the death of the Queen, or of the Prince, there is no part of the body politique of the Crown in either of them, but

it is entirely in the King. So likewise we find in the case of the Lord *Barkley*, the question was, whether the Statute of 35 *H. 8.* for that part which concerned Queen *Katherine Pars* joynture were a publique act or no, of which the Judges ought to take notice, not being pleaded: And judged a publique Act. So the like question came before your Lordship, my Lord Chancellor, in Serjeant *Heales* case, whether the Statute of 11 of *Edw. 3.* concerning the intayling of the Dukedom of *Cornwall* to the Prince, were a publique Act or no? and ruled likewise a publique Act. Why? no man can affirm but these be operations of Law, proceeding from the dignity of the natural person of the King; for you shall never find that another Corporation whatsoever of a Bishop, or Master of a Colledge, or Major of *London*, worketh any thing in Law upon the wife, or son of the Bishop, or the Major. And to conclude this point, and withall to come near to the case in question, I will shew you where the natural person of the King hath not only an operation in the case of his wife and children, but likewise in the case of his Subjects, which is the very question in hand. As for example, I put this case, can a *Scottish* man who is a Subject to the natural person of the King, and not to the Crown of *England*, can a *Scottish* man, I say, be an enemy by the Law to the Subjects of *England*, or must he not of necessity, if he should invade *England*, be a Rebell, and no enemy not only as to the King, but as to the Subject? Or can any Letters of Mart or Reprisal be granted against a *Scottish* man that should spoyle an *English* mans goods at Sea? and certainly this case doth press exceeding near the principal case, for it proveth plainly, that the natural person of the King, hath such a communication of qualities with his body politique; as it makes the Subjects of either Kingdoms stand in another degree of privity one towards the other, then they did before. And so much for the second proof.

For the five Acts of Parliament which I spoke of which are concluding to this question:

The first of them is that concerning the banishment of *Hugh Spencer* in the time of King *Edw. 2.* In which act there is contained, the charge, and accusation whereupon his exile proceeded. One Article of which charge is set down in these words. *Homage and Oath of the Subject is more by reason of the Crown, than by reason of the person of the King: So that if the King doth not guide himself by reason in right of the Crown, his Lieges are bound by their oath to the Crown to remove the King.*

By which act doth plainly appear the perilous consequence of this distinction concerning the person of the King and the Crown. And yet I do acknowledge Justice, and ingenuously a great difference between that assertion and this, which is now maintained; for it is one thing to make things distinct, another thing to make them separable, *Aliud est distinctio, aliud separatio*, and therefore I assure my self, that those that now use and urge that distinction do as firmly hold, that the subjection to the Kings person, and to the Crown, are inseparable, though distinct, as I do. And it is true that the poyson of the opinion and assertion of *Spencer*, is like the poyson of a *Scorpion*, more in the tail then in the body: For it is the inference that they make, which is, *that the King may be deposed or removed*, that is the *treason and disloyalty* of that opinion; But by your leave the body is never a whit the more wholesom mear, for having such a tail belonging to it; therefore we see that is *Locus lubricus*, an opinion from which a man may easily slide into an absurdity. But upon this Act of Parliament I will only note one circumstance more; and so leave it, which may adde authority unto it in the

opinion of the wisest, and that is, that these *Spencers* were not ancient Nobles or great Patriots, that were charged and prosecuted by upstarts and favourites; for then it might be said that it was but the action of some flatterers, who use to extoll the power of Monarchs to be infinite; but it was contrary, a prosecution of those persons, being Favourites, by the Nobility; so as the Nobility themselves, which seldom do subscribe to the opinion of an *infinite power of Monarchs*; Yet even they could not endure, but their blood did rise to hear that opinion; that subjection is owing to the Crown, rather then to the person of the King.

The second Act of Parliament which determined this case, is the act of Recognition in the first year of his Majesty, wherein you shall find, that in two severall places, the one in the Preamble, the other in the body of the Act, the Parliament doth recognize, *That these two Realms of England and Scotland are under one Imperial Crown.* The Parliament doth not say, under one Monarchy, or King, which might refer to the person; but under one Imperial Crown, which cannot be applyed but to the Sovereign power of Regiment, comprehending both Kingdoms.

And the third Act of Parliament is the Act made in the fourth year of his Majesties reign for the abolition of hostile Lawes; wherein your Lordships shall find likewise in two places, that the Parliament doth acknowledge, that there is an union of these two Kingdoms already begun in his Majesties person. So as by the declaration of that Act, they have not only one King, but there is an union in inception in the Kingdoms themselves.

These two are Judgements in Parliament by way of declaration of Law, against which no man can speak. And certainly these are righteous and true Judgements to be relied upon; not only for the authority of them, but for the verity of them; for to any that shall well and deeply weigh the effects of Law upon this conjunction, it cannot but appear, that although *partes integrales* of the Kingdom (as the Philosophers speak) such as the Laws, the Officers, the Parliament are not yet commixed; yet nevertheless there is but one and the self-same fountain of Sovereign power depending upon the ancient submission, whereof I spake in the beginning; and in that sense the Crowns and the Kingdoms are truly said to be united.

And the force of this truth is such, that a grave and learned Gentleman that defended the contrary opinion, did confess thus farr, That in ancient times when Monarchies (as he said) were but heaps of people, without any exact form of policy, that then Naturalization and communication of Priviledges did follow the person of the Monarch; but otherwise since States were reduced to a more exact form: So as thus far we did consent; but still I differ from him in this, *that those more exact forms wrought by time, and custom, and Laws, are nevertheless still upon the first foundation, and do serve only to perfect and corroborate the force and bond of the first submission, and in no sort to disannull or destroy it.*

And therefore with these two Acts do I likewise couple the Act of 14 *Ed. 3.* which hath been alledged of the ocher side; for by collating of that Act with this former two, the truth of that we affirm will the more evidently appear, according unto the rule of reason, *Opposita juxta se posita magis elucescunt.* That Act of 14. is an Act of separation. These two Acts formerly recited are Acts tending to union. This Act is an act that maketh a new Law; it is by the words of *grant* and *establish*; these two Acts declare the Common Law, as it is, being by words of *Recognition* and *Confession*.

And therefore upon the difference of these Laws you may substantially ground

ground this position. That the Common Law of *England* upon the adjunction of any Kingdom unto the King of *England*, doth make some degree of union in the Crowns and Kingdoms themselves, except by a special Act of Parliament they be dissevered.

Lastly, the 5th. Act of Parliament which I promised, is the Act made in the 42 of *E. 3. cap. 10.* which is an expresse decision of the point in question. The words are, *Item,* (upon the Petition put into Parliament by the Commons,) *That Infants born beyond the Seas in the Seignories of Callice, and elsewhere within the lands and Seignories that pertain to our Sovereign Lord the King beyond the Seas, be as able and inheritable of their heritage in England, as other Infants born within the Realm of England; It is accorded, that the Common Law and the Statute formerly made be holden.*

Upon this Act I infer thus much, first, that such as the Petition mentioneth, were naturalized, the practice shews; Then, if so, it must be either by Common-law, or Statute, for so the words report not by Statute; for there is no other Statute, but 25 *E. 3.* and that extends to the case of birth out of the Kings obedience, where the Parents are *English*; Ergo, it was by the Common-law, for that only remains. And so by the Declaration of this Statute at the Common-law, *All Infants born within the Lands and Seignories* (for I give you the very words again) *that pertain to our Sovereign Lord the King;* (it is not said, as are the Dominions of England) *are as able and inheritable of their heritage in England, as other Infants born within the Realm of England:* What can be more plain? And so I leave Statutes, and go to Presidents; for though the one do bind more, yet the other sometimes doth satisfy more. For Presidents, in the producing and using of that kind of proof, of all others it behoveth them to be faithfully vouched; for the suppressing, or keeping back of a circumstance may change the case: and therefore I am determined to urge only such Presidents, as are without all colour or scruple of exception, or objection, even of those objections which I have (to my thinking) fully answered and confuted. This is now, by the Providence of God, the fourth time that the line and Kings of *England* have had Dominions and Seignories united unto them, as Patrimonies, and by descent of blood; four Unions I say there have been inclusive with this last. The first was of *Normandy*, in the person of *William* commonly called the *Conqueror*. The second was of *Gascoyne*, and *Guienne*, and *Anjou*, in the person of King *Henry* the 2d. in his person, I say, though by several titles. The third was of the Crown of *France*, in the person of King *Edward* the third. And the fourth of the Kingdom of *Scotland* in his Majesty. Of these I will set aside such, as by any cavillation can be excepted unto,

First, I will set aside *Normandy*, because it will be said, that the difference of Countries accruing by Conquest, from Countries annexed by descent in matter of communication of Priviledges, holdeth both wayes, as well of the part of the conquering Kingdom, as the conquered: and therefore, that although *Normandy* was not a Conquest of *England*, yet *England* was a Conquest of *Normandy*; and so a communication of Priviledges between them.

Again, set aside *France*, for that it will be said, that although the King had a title in blood, and by descent, yet that title was executed and recovered by Arms: so as it is a mixt title of Conquest and Descent; and therefore the President not so clear.

There remains then *Gascoyne*, and *Anjou*, and that President likewise I will reduce and abridge to a time, to avoid all question. For it will be said of

of them also, that after they were lost and recovered in *ore gladii*, that the ancient title of blood was extinct, and that the King was in upon his new title by Conquest; and Mr. *Walter* had found a book case in the 13th. of *Hen. 6.* abridged by Mr. *Fitz-Herbert*, in title of *Protection, placito 56.* where a Protection was cast, *quia profecturus in Gasconiam* with the Earl of *Huntingdon*, and challenged, because it was not a voyage Royal; and the Justices thereupon required the fight of the Commission, which was brought before them, and purported power to pardon Felonies, and Treason, power to coyn money, and power to conquer them that resist, whereby Mr. *Walter* finding the word *Conquest*, collected that the Kings title at that time was reputed to be by Conquest; wherein I may not omit to give *Obiter* that Answer which Law and Truth provideth, namely, that when any King obtaineth by warr a Countrey, whereunto he hath right by Birth, that he is ever in upon his Antient Right, not upon his purchase by Conquest; and the Reason is, that there is as well a Judgement and recovery by Warre and Arms, as by Law and Course of Justice; for Warr is a tribunali seat, wherein God giveth the Judgement, and the tryal is by battel, or Duel, as in the case of tryal of private right; and then it follows, that whosoever commeth in by eviction, comes in his remitter: so as there will be no difference in Countries, whereof the right commeth by descent, whether the possession be obtained peaceably, or by War; but yet nevertheless, because I will utterly take away all manner of evasion, and subterfuge, I will yet set apart that part of time, in and during the which the Subjects of *Gascoyne* and *Guienne* might be thought to be subdued by a re-conquest. And therefore I will not meddle with the *Prior of Shellies* case, though it be an excellent case; because it was in the time, 27 *E. 3.* neither will I meddle with any Cases, Records, or Presidents in the time of King *H. 5.* or King *H. 6.* for the same reason; but will hold my self to a portion of time, from the first uniting of these Provinces in the time of King *H. the 2.* untill the time of King *John*, at what time those Provinces were lost; and from that time again unto the 17. year of the reign of King *Edward the 2.* at what time the Statute of *Præogativa Regis* was made, which altered the Law in the point in hand.

That both in these times the Subjects of *Gascoyn*, and *Guyenne*, and *Anjou*, were naturalized for inheritance in *England* by the Laws of *England*, I shall manifestly prove, and the proof proceeds as to the former time (which is our case) in a very high degree, *à minore ad majus*, and as we say, *à multo fortiore*. For if this Privilege of naturalization remained unto them when the Countries were lost, and became subjects in possession to another King: much more did they enjoy it, as long as they continued under the Kings subjection.

Therefore to open the State of this point. After these Provinces were through the perturbations of the State in the infortunate time of King *John*, lost and severed, the principal persons which did adhere unto the *French* were attainted of Treason, and their escheats here in *England* taken and seised; but the people that could not resist the tempest, when their Heads and Leaders were revolted, continued inheritable to their possessions in *England*, and reciprocally the people of *England* inherited and succeeded to their possessions in *Gascoyne*, and were both accounted *ad fidem utriusque Regis*, untill the Statute of *Præogativa Regis*, wherein the wisdom and justice of the Law of *England* is highly to be commended. For
of

of this Law, there are two grounds of reason; The one of Equity; The other of Policy. That of Equity, was because the Common People were in no fault; but as the Scripture saith in a like case, *quid fecerunt oves istæ?* It was the cowardise and disloyalty of their Governours that deserved punishment, but what had these sheep done? and therefore to have punish'd them, and deprived them of their lands and fortunes, had been unjust. That of Policy was, because if the Law had forthwith upon the losse of the Countries by an accident of time pronounced the people for *Aliens*, it had been a kind of a Cession of their right, and a Disclaimer in them, and so a greater difficulty to recover them. And therefore we see the Statute which altered the Law in this point, was made in the time of a weak King, that, as it seem'd, despaired ever to recover his right; and therefore thought better to have a little present profit by escheats, then the continuance of his claim, and the countenance of his right by the admitting of them to enjoy their inheritance, as they did before.

The State therefore of this point being thus opened, it resteth to prove our assertion that they were naturalized; for the clearing whereof, I shall need but to read the authorities, they be so direct and pregnant. The first is the very text of the Statute of *Prærogativa Regis. Rex habebit eschatas de terris Normannorum cujuscuque feodi fuerint, salvo servitio, quod pertinet ad capitales dominos feodi illius, & hoc similiter intelligendum est, si aliqua hæreditas descendat alicui nato in partibus transmarinis, & cujus antecessores fuerunt ad fidem Regis Franciæ, ut tempore Regis Johannis, & non ad fidem Regis Angliæ, sicut contigit de Baronia Monumetzæ, &c.*

By which Statute it appears plainly, that before the time of King *John* there was no colour of any Escheat, because they were the Kings Subjects in possession, as *Scotland* now is, but only it determines the Law, from that time forward.

This Statute if it had in it any obscurity, it is taken away by two lights, the one placed before it, and th'other placed after it, both Authors of great credit, the one for ancient, th'other for late times. The former is *Bracton* in his *Cap. de exceptionibus, lib. 5. fol. 427.* and his words are these, *Est etiam & alia exceptio qua tenenti competit ex persona petentis propter defectum Nationis, quæ dilatoria est, & non perimit actionem, ut si quis alienigena qui fuerit ad fidem Regis Franciæ, & actionem instituat versus aliquem qui fuerit ad fidem Regis Angliæ, tali non respondeatur saltem donec terra fuerint communes.*

By these words it appeareth, that after the losse of the Provinces beyond the Seas, the Naturalization of the Subjects of those Provinces was in no sort extinguished, but only was in suspence during the time of warr and no longer; for he saith plainly, that the exception which we call plea to the person of *Alien*, was not peremptory, but only dilatory, that is to say, during the time of Warr, and untill there were peace concluded; which he terms by these words, *donec terra fuerint communes*, which, though the phrase seem somewhat obscure, is expounded by *Bracton* himself in his fourth book, *fol. 297.* to be of peace made and concluded, whereby the Inhabitants of *England* and those Provinces might enjoy the profits and fruits of their lands in either place *communiter*, that is respectively, or as well the one as the other: so as it is cleer, they were no *Aliens* in right, but only interrupted and debarred of Suits in the Kings Courts in time of Warre.

The authority after the Statute, is that of Master *Stamfords*, the best Expofitor of a Statute that hath been in our Law, a man of reverend judgement, and excellent order in his writings; his words are in his exposition upon

upon the branch of the Statute which we read before. *By this branch it should appear, that at this time men of Normandy, Gascoyne, Guienne, Anjou, and Britaine were inheritable within this Realm, as well as English men, because that they were sometimes Subjects to the Kings of England, and under their Dominion, untill King Johns time, as is aforesaid, and yet after his time, those men (saving such whose lands were taken away for Treason) were still inheritable within this Realm, till the making of this Statute, and in the time of peace between the two Kings of England and France, they were answerable within this Realm, if they had brought any action for their Lands and Tenements.*

So as by these three Authorities, every one so plainly pursuing the other, we conclude, that the subjects of *Gascoyne, Guienne, Anjou*, and the rest from their first union by descent, untill the making of the Statute of *Prærogativa Regis*, were inheritable in *England*, and to be answered in the Kings Courts in all actions, except it were in time of Warr. Nay more, (which is *de abundante*) that when the Provinces were lost, and disannexed, and that the King was but King *de jure* over them, and not *de facto*: Yet neverthelesse, the priviledge of naturalization continued.

There resteth yet one objection, rather plausible to a popular understanding, then any wayes forcible in Law, or Learning, which is a difference taken between the Kingdom of *Scotland*, and these Dutchies, for that the one is a Kingdom, and the other was not so; and therefore that those Provinces being of an inferiour nature, did acknowledge our Laws, and Seals, and Parliament, which the Kingdom of *Scotland* doth not.

This difference was well given over by Mr. *walter*, for it is plain, that a Kingdom and absolute Dukedom, or any other Sovereign estate do differ *honore*, and not *potestate*; For divers Dutchies, and Countries that are now, were sometimes Kingdoms; and divers Kingdoms that are now, were sometimes Dutchies, or of other inferiour Style, wherein we need not travell abroad, since we have in our own State so notorious an instance of the Country of *Ireland*, whereof King *H. 8.* of late time was the first that writ himself King, the former Style being Lord of *Ireland* and no more, and yet Kings had the same authority before, that they have had since, and the same Nation the same marks of a Sovereign State, as their *Parliaments*, their *Arms*, their *Coynes*, as they now have; so as this is too superficial an allegation to labour upon.

And if any do conceive, that *Gascoyne* and *Guyenne* were governed by the Laws of *England*: First, that cannot be in reason; for it is a true ground; That wheresoever any Princes Title unto any Countrey is by Law, he can never change the Laws, for that they create his Title: and therefore no doubt those Dutchies retained their own Laws, which if they did, then they could not be subject to the Laws of *England*.

And next again, the fact or practice was otherwise, as appeareth by all consent of *Story* and *Record*, For those Dutchies continued governed by the Civil Law, their tryalls by witnesses, and not by Jury, their Lands Testamentary, and the like.

Now for the colours, that some have endeavoured to give, that they should have been subordinate to the government of *England*, they were partly weak, and partly such as make strongly against them, for as to that, that writs of *Habeas corpus* under the great Seal of *England* have gone to *Gascoyne*, it is no manner of proof, for that the Kings writs which are mandatory and not writs of ordinary Justice may go to his Subjects into any forrain parts whatsoever, and under what Seal it pleaseth him to use; and as to that,

that

that some Acts of *Parliament* have been cited, wherein the *Parliaments* of *England* have taken upon them to order matters of *Gascoyne*, if those Statutes be well looked into, nothing doth more plainly convince the contrary, for they intermeddle with nothing but that that concerneth either the *English* Subjects personally, or the territories of *England* locally, and never the Subjects of *Gascoyne*: for look upon the Statute of 27 *Ed. 3. ca. 5.* there it is said. *That there should be no forestalling of Wines*, but by whom? only by *English* Merchants, not a word of the Subjects of *Gascoyne*: and yet no doubt they might be offenders in the same kind.

So in the sixth Chapter it is said, *That all Merchants, Gascoyns, may safely bring Wines into what part it should please them*; Here now are the persons of *Gascoyns*, but then the place whether? *into the Realm of England*. And in the seventh Chap. that creets the Ports of *Burdeaux*, and *Bayonne*, for the Staple Towns of Wine, the Statute ordains, *That if any (but who?) English Merchant or his Servants shall buy or bargain other where, his body shall be arrested by the Steward of Gascoyn, or the Constable of Burdeaux*: true, for the Officers of *England* could not catch him in *Gascoyn*; but what shall become of him, shall he be proceeded with within *Gascoyne*? No, but he shall be sent over into *England* into the Tower of *London*.

And this doth notably disclose the reason of that custom, which some have sought to wrest the other way; that custom, I say, whereof a form doth yet remain, that in every *Parliament* the King doth appoint certain Committees in the Upper House to receive the Petitions of *Normandy, Guienne*, and the rest, which as by the former Statute doth appear could not be for the ordering of the Governments there, but for the liberties, and good usage of the Subjects of those parts when they came hither; or, *vice versa*, for the restraining of the abuses and misdemeanors of our Subjects when they went thither.

Wherefore I am now at an end. For us to speak of the mischiefs, I hold it not fit for this place, lest we should seem to bend the Laws to policy, and not to take them in their true and natural sense. It is enough that every man knows, that it is true of these two Kingdoms, which a good Father said of the Churches of Christ, *Si inseparabiles insuperabiles*. Some things I may have forgot, and some things perhaps I may forget willingly; for I will not press any opinion or declaration of late time which may prejudice the liberty of this debate; but *ex dictis, & ex non dictis*, upon the whole matter I prove Judgement for the Plaintiff.



A Draught of an Act against an Usurious shift of Gain in delivering of Commodities instead of Money, made by the Lord Chancellor *Bacon*, and found since his death amongst his Lordships papers, by Dr. *Rawley*, his Lordships Chaplain, and recommended by him to me to be published.

Whereas it is an usual practice, to the undoing and overthrowing many young Gentlemen, and others, That when Men are in necessity, and desire to borrow money, they are answered, that Money cannot be had, but that they may have Commodities sold unto them upon credit, whereof they may make money as they can: In which course it ever cometh to pass, not only that such Commodities are bought at extreme high rates, and sold again far under foot to a double loss, but also that the party which is to borrow, is wrapped in Bonds and Counter-bonds, so that upon a little money which he receiveth, he is subject to Penalties and Suits of great value.

Be it therefore Enacted by the Authority of this present Parliament, That if any man after forty dayes from the end of this present Session of Parliament to be accounted, shall sell in gross sale any quantity of Wares or Commodities unto such an one as is no Retailer, Chapman or known Broker of the same Commodities, and knowing that it is bought to be sold again, to help and furnish any Person that tradeth not in the same Commodity with money, he shall be without all remedy by Law, Custom or Decree, or otherwise to recover or Demand any satisfaction for the said Wares or Commodities, what assurance soever he shall have by Bond, Surety, Pledge or Promise of the party, or any other in his behalf: And that all Bonds and Assurances whatsoever made for that purpose directly or indirectly, shall be utterly void.

And be it further Enacted by the Authority aforesaid, That every person, which shall after the time aforesaid be used or employed as a Broker, mean or procurer for the taking up of such Commodities, shall forfeit for every such offence the sum of 100 l. the same to be, &c. And shall be further punished by six Moneths imprisonment, without Bail or Mainprise, and by the Pillory.

CERTAIN
Miscellany Works
OF
The Right Honourable,
FRANCIS
LORD VERULAM,
Viscount St. Alban.

PUBLISHED
By *WILLIAM RAWLEY*,
Doctor of Divinity, one of His
Majesties Chaplains.



LONDON,
Printed by T. J. for H. R. and are to be sold by
Wil. Lee, at the *Turks-Head* in *Fleet-street*.
M. DC. LXX.

ERRATA

WILLIAM WALKER

THE HISTORY OF THE

AMERICAN REVOLUTION

BY WILLIAM WALKER

Author of "The History of the

Revolution of 1776"

NEW YORK

1850

Printed by J. B. Ford, and are to be sold by

Wm. Lee of the University in West Street.

WALKER



TO THE
READER.

Have thought good, as a Servant, to the Labours and Memory, of that Noble Lord, the Lord Viscount St. Alban, to Collect into one, these few, rather Parcells, than Just Works, of his excellent Pen. Which I have done for these Causes. First, to vindicate the Wrong his Lordship suffered, by a corrupt and surreptitious Edition, of that Discourse of his, Touching a War with Spain, lately set forth. Secondly, by way of Prevention, to exempt from the like Injury and Defacements, those other Discourses of his, herein contained. Lastly, to satisfy the Desires of some, who hold it unreasonable, that any the Delineations of that Pen, though in never so small a Model, should not be shewn to the World. I know, it carries the Excuse with it, after the Authors Death, to publish Fragments. Therefore I will make none. These Works, being all, for the Argument, Civil, I cannot represent better, than in

To the Reader.

Resemblance of Aristotles Parva Naturalia, to account them as his Lordships Parva Politica. Howsoever, I doubt not, but every judicious Reader, finding of his Lordships Spirit in them, will know them to be his; And will afford them, a Place of Reputation, amongst his Greater Works.

W. RAWLEY.

CON-



CONSIDERATIONS

Touching a War with

S P A I N.

To the Prince.



Our Highness hath an *Imperial Name*. It was a *CHARLES* that brought the Empire first into *France*; A *CHARLES* that brought it first into *Spain*: Why should not *Great Britain* have his turn? But to lay aside all that may seem to have a shew of Fumes and Fancies, and to speak Solids: A *War with Spain*. (if the King shall enter into it,) is a mighty Work; It requireth strong Materials, and

Active Motions. He that saith not so, is zealous, but not according to knowledge. But nevertheless, *Spain* is no such Giant: And he that thinketh *Spain* to be some great Over-match for this Estate; assisted as it is, and may be, is no good Mint-man; But takes greatness of Kingdoms according to their Bulk and Currency, and not after their intrinsique Value. Although therefore I had wholly sequestred my thoughts from Civil Affairs, yet because it is a new Case, and concerneth my Countrey infinitely, I obtained of my self, to set down, out of long continued Experience in Business of Estate, and much Conversation in Books of *Policy* and *History*, what I thought pertinent to this Business; And in all humbleness present it to Your Highness; Hoping, that, at least, you will discern the strength of my Affection, through the weakness of my Abilities: For the Spaniard hath a good Proverb; *Desuario siempre con la Calentura*; *There is no Heat of Affection, but is joyued with some Idleness of Brain.*

To a War are required; *A Just Quarrel; Sufficient Forces and Provisions*; And a prudent Choice of the *Designs*. So then, I will first *justifie* the *Quarrel*; Secondly, *ballance* the *Forces*; and lastly, propound variety of *Designs* for Choice, but not *advise* the Choice; For that were not fit for a Writing of this Nature; Neither is it a Subject within the Level of my Judgement, I being, in effect, a Stranger to the present Occurrences.

Wars (I speak not of ambitious *Predatory Wars*,) are *Suits of Appeal* to the *Tribunal of Gods Justice*, where there are no *Superiors*

on earth to determine the Cause. And they are (as Civil Pleas are) *Plaints, or Defences*. There are therefore three just Grounds of War with Spain: One *Plaint*, Two upon *Defence*. Solomon saith, *A Cord of three is not easily broken*: But especially when every of the lines will hold single by it self. They are these. *The Recovery of the Palatinate*; *A just Fear of the Subversion of our Civil Estate*: *A just Fear of the Subversion of our Church and Religion*. For in the handling of the two last Grounds of War, I shall make it plain; That *Wars Preventive upon Just Fears*, are true *Defensives*, as well as upon *Actual Invasions*: And again, That *Wars Defensive for Religion*, (I speak not of *Rebellion*,) are most just; Though *Offensive Wars*, for *Religion*, are seldom to be approved, or never, unless they have some *Mixture of Civil Titles*. But all that I shall say in this whole Argument, will be but like Bottoms of Thred, close wound up, which with a good Needle (perhaps) may be flourished into large Works.

For the Asserting of the *Justice of the Quarrel*, for the *Recovery of the Palatinate*, I shall not go so high, as to discuss the Right of the *War of Bohemia*; Which if it be freed from doubt on our part, then there is no Colour nor Shadow, why the *Palatinate* should be retained; The Ravishing whereof was a meer *Excursion* of the first Wrong, and a *Super-Injustice*. But I do not take my self to be so perfect in the Customs, Transactions, and Priviledges of that Kingdom of *Bohemia*, as to be fit to handle that part. And I will not offer at that I cannot master. Yet this I will say (in passage) positively, and resolutely: That it is impossible, an *Elective Monarchy*, should be so free and absolute, as an *Hereditary*: No more than it is possible for a Father, to have so full Power and Interest, in an *Adoptive Son*, as in a *Natural*; *Quia Naturalis Obligatio fortior Civili*. And again, that *Received Maxim* is almost *Unshaken and Infallible*; *Nil magis Naturæ consentaneum est, quam ut iisdem modis Res dissolvantur, quibus constituuntur*. So that, if the part of the *People or Estate* be somewhat in the *Election*, you cannot make them *Nulls or Cyphers* in the *Privation or Translation*. And if it be said, that this is a dangerous Opinion, for the *Pope, Emperour, and Elective Kings*: It is true, it is a dangerous Opinion, and ought to be a dangerous Opinion to such personal *Popes, Emperors, or Elective Kings*, as shall transcend their limits, and become *Tyrannical*. But it is a safe and sound Opinions for their *Sees, Empires, and Kingdoms*; And for themselves also, if they be wise: *Plenitudo Potestatis, est plenitudo Tempestatis*. But the chief Cause, why I do not search into this point, is, because I need it not. And in handling the Right of a *War*, I am not willing to intermix matter doubtful, with that which is out of doubt. For as in *Capital Causes*, wherein but one Mans life is in question, *in favorem vite*, the Evidence ought to be clear; So much more, in a *Judgement upon a War*, which is *Capital to Thousands*. I suppose therefore the worst; That the *Offensive War upon Bohemia* had been unjust; And then make the Case; Which is no sooner made, than resolved;

ved; If it be made, not enwrapped, but plainly and perspicuously. It is this in *Thesi*. An *Offensive War* is made, which is unjust in the Aggressor; The Prosecution and Race of the *War*, carrieth the *Defendant*, to assail and invade the Ancient and Indubitate Patrimony of the first *Aggressor*, who is now turned *Defendant*; Shall he sit down, and not put himself in *Defence*; Or if he be dispossessed, shall he not make a *War* for the Recovery? No man is so poor of Judgement, as will affirm it. The Castle of *Cadmus* was taken, and the City of *Thebes* it self invested by *Phabidas* the *Lacedemonian*, insidiously, and in violation of League: The Proccss of this Action drew on a Resurprise of the Castle by the *Thebans*, a Recovery of the *Town*, and a Current of the *War*, even unto the walls of *Sparta*. I demand, was the Defence of the City of *Sparta*, and the Expulsion of the *Thebans*, out of the ancient *Lacorian Territories*, unjust? The sharing of that part of the *Duchy* of *Mil-lain*, which lieth upon the River of *Adda*, by the *Venitians*, upon Contract with the *French*, was an Ambitious and unjust Purchase. This Wheel set on going, did pour a *War* upon the *Venetians* with such a Tempest, as *Padoua* and *Trevigi* was taken from them, and all their *Dominions* upon the *Continent* of *Italy* abandoned, and they confined within the Salt Waters. Will any man say, that the Memorable Recovery and Defence of *Padoua*, (when the Gentlemen of *Venice*, unused to the *Wars*, out of the love of their Countrey, became Brave and Martial the first day;) And so likewise the *Redeption* of *Trevigi*, and the rest of their *Dominions*, was matter of *Scruple*, whether just or no, because it had source from a Quarrel ill begun? The *War* of the *Duke* of *Urbin*, Nephew to *Pope Julius* the second, when he made himself Head of the *Spanish* *Mutineers*, was as unjust, as unjust might be; A Support of desperate Rebels, An Invasion of *St. Peters* Patrimony, and what you will. The Race of this *War* fell upon the loss of *Urbin* it self, which was the *Dukes* undoubted Right; Yet in this case, no Penitentiary, (though he had enjoyned him never so strait Penance to expiate his first Offence,) would have counselled him to have given over the pursuit of his Right for *Urbin*; Which after he prosperously re-obtained, and hath transmitted to his Family yet until this day. Nothing more unjust than the Invasion of the *Spanish Armada* in 88. upon our Seas; For our Land was holy Land to them, they might not touch it: Shall I say therefore, that the Defence of *Lisbon*, or *Cales*, afterward, was unjust? There be thousands of Examples; *Uxor in Re non dubia Exemplis non necessariis*: The Reason is plain; *Wars* are *Vindictæ*; Revenges, Reparations. But Revenges are not infinite, but according to the measure of the first Wrong, or Damage. And therefore, when a voluntary *Offensive War*, by the Design or Fortune of the *War*, is turned to a necessary *Defensive War*, the Scene of the Tragedy is changed, and it is a new Act to begin. For though they the particular actions of *War*, are complicate in Fact, yet they are separate and distinct in Right; Like to cross Suits in *Civil Pleas*, which are sometimes both just. But this is so clear, as needeth no further to be insisted upon. And yet,

yet, if in things so clear, it were fit to speak of more or less clear, in our present Cause, it is the more clear on our part, because the Possession of *Bohemia* is settled with the *Emperor*. For though it be true, that, *Non datur Compensatio Injuriarum*; yet were there somewhat more Colour to detain the *Palatinate*, as in the nature of a Recovery, in Value or Compensation, if *Bohemia* had been lost, or were still the Stage of *War*. Of this therefore I speak no more. As for the Title of *Proscription* or *Forfeiture*, wherein the *Emperor* (upon the matter) hath been Judge and Party, and hath justified himself, *God* forbid but that it should well endure an Appeal to a *War*. For certainly the *Court of Heaven*, is as well a *Chancery*, to save and debar *Forfeitures*, as a *Court of Common Law* to decide Rights; And there would be work enough in *Germany*, *Italy*, and other Parts, if Imperial *Forfeitures* should go for good Titles.

Thus much for the first Ground of *War* with *Spain*, being in the Nature of a *Plaint*, for the *Recovery of the Palatinate*; Omitting here that which might be the Seed of a larger Discourse, and is verified by a number of Examples; That whatsoever is gained by an Abusive Treaty, ought to be restored *in Integrum*. As we see the daily Experience of this in *Civil Pleas*; For the Images of great things are best seen contracted into small Glasses; We see (I say) that all *Pretorian Courts*, if any of the *Parties* be entertained or laid asleep, under pretence of Arbitrement or Accord, and that the other *Party* during that time, doth cautelously get the start and advantage at *Common Law*, though it be to Judgement and Execution; Yet the *Pretorian Court* will set back all things *in statu quo prius*, no respect had to such Eviction or Disposition. Lastly, let there be no mistaking; As if when I speak of a *War* for the *Recovery of the Palatinate*, I meant, that it must be in *linea recta*, upon that Place: For look into *Jus faciale*, and all Examples, and it will be found to be without scruple; That after a *Legation ad Res repetendas*, and a *Refusal*, and a *Denunciation* or *Indiction of a War*, the *War* is no more confined to the Place of the Quarrel, but is left at large, and to choice, (as to the particular conducting Designs,) as Opportunities and Advantages shall invite.

To proceed therefore to the second Ground of a *War* with *Spain*; We have set it down to be, *A just Fear of the Subversion of our Civil Estate*. So then, the *War* is not for the *Palatinate* onely, but for *England*, *Scotland*, *Ireland*, our *King*, our *Prince*, our *Nation*, all that we have. Wherein two things are to be proved. The one, that a *Just Fear*, (without an Actual Invasion or Offence) is a sufficient Ground of a *War*, and in the Nature of a true *Defensive*; The other, that we have towards *Spain* Cause of *Just Fear*; I say *Just Fear*; For as the *Civillians* do well define, that the Legal *Fear* is, *Justus Metus qui cadit in constantem Virum*, in private Causes; So there is, *Justus Metus qui cadit in constantem Senatum, in causa publica*; Not out of Umbrages, light Jealousies, Apprehensions a far off; But out of clear Foresight of imminent Danger.

Concerning the former *Proposition*, it is good to hear what time
faith.

saith. *Thucydides*, in his *Inducement* to his Story of the great War of *Peloponnesus*, sets down in plain Terms, that the true Cause of that War was; *The Overgrowing Greatness of the Athenians*, and *the fear that the Lacedemonians stood in thereby*; And doth not doubt to call it, *A Necessity imposed upon the Lacedemonians of a War*. Which are the Words of a meer *Defensive*: Adding, that the other Causes were but *specious and Popular*. *Verissimam quidem, sed minime sermone celebratam, arbitror exitisse Belli Causam, Athenienses magnos effectos, & Lacedemoniis formidolosos, nec sititatem illis imposuisse Bellandi: Quae autem propalam forebantur utrinque Cause, iste fuerunt, &c.* The truest Cause of this War, though least voiced, I conceive to have been this; That the *Athenians* being grown great, to the terrour of the *Lacedemonians*, did impose upon them a *Necessity of a War*: But the Causes that went abroad in speech were these, &c. *Sulpitius Galba*, Consul, when he perswaded the *Romans* to a *Preventive War*, with the latter *Philip* King of *Macedon*, in regard of the great Preparations which *Philip* had then on foot, and his Designs to ruine some of the *Confederates of the Romans*, confidently saith; That they who took that for an *Offensive War*; understood not the state of the Question. *Ignorare videmini mihi, (Quirites) non utrum bellum an pacem habeatis, vos consuli, (neque enim liberum id vobis permittet Philippus, qui terra marique ingens bellum molitur,) sed utrum in Macedoniam legiones transportetis, an hostem in Italiam recipiatis.* Ye seem to me (ye *Romans*,) not to understand, that the Consultation before you, is not, whether you shall have War or Peace, (for *Philip* will take order you shall be no Choosers, who prepareth a mighty War both by Land and Sea;) but whether you shall transport the War into *Macedon*, or receive it into *Italy*. *Antiochus*, when he incited *Prusias* King of *Bythinia*, (at that time in League with the *Romans*) to joyn with him in War against them, setteth before him, a Just Fear of the over-spreading Greatness of the *Romans*, comparing it to a Fire that continually took, and spread from Kingdom to Kingdom: *Venire Romanos ad omnia Regna tollenda, ut nullam usquam orbis terrarum nisi Romanum imperium esset; Philippum & Nabim expugnatos, se tertium peti; Ut quisque proximus ab oppresso sit, per omnes velut continens incendium persuasurum.* That the *Romans* came to pull down all Kingdoms, and to make the State of *Rome* an universal Monarchy; That *Philip* and *Nabis* were already ruined, and now was his turn to be assailed: So that as every State lay next to the other that was oppressed, so the Fire perpetually grazed. Wherein it is well to be noted, that towards ambitious States (which are noted to aspire to great *Monarchies*, and to seek upon all occasions to enlarge their Dominions,) *Crescunt Argumenta justii Metus*: All particular fears do grow and multiply out of the Contemplation of the general Courses and Practice of such States. Therefore in Deliberations of War against the *Turk*, it hath been often, with great judgement, maintained; That *Christian Princes* and States have always a sufficient Ground of *Invasive War* against the Enemy: Not

for Cause of Religion, but upon a Just Fear; For as much as it is a Fundamental Law in the *Turkish Empire*, that they may (without any other provocation,) make War upon *Christendom*, for the Propagation of their Law; So that there lieth upon the *Christians* a perpetual Fear of a War, (hanging over their heads,) from them: And therefore they may at all times, (as they think good) be upon the Prevention. *Demosthenes* exposeth to scorn Wars which are not Preventive, comparing those that make them, to Countrey Fellows in a Fencing-School, that never ward till the Blow be past: *Ut Barbari Pugiles dimicare solent, ita vos bellum geritis cum Philippo, Ex his enim is qui idus est, idui semper inkeret: Quod si cum alibi verberes, illo manus transfert; Idum autem depellere, aut prospicere, neque scit, neque vult.* As Country Fellows use to do when they play at *Walters*, such a kinde of War do you (*Athenians*) make with *Philip*; For with them he that gets a blow, streight falleth to ward when the blow is past, And if you strike him in another place, thither goes his hand likewise: But to put by, or foresee a blow, they neither have the skill, nor the will.

Clinias the *Candian*, (in *Plato*) speaks desperately and wildly; As if there were no such thing as *Peace* between *Nations*; But that every *Nation* expects but his Advantage to War upon another. But yet in that Excess of Speech, there is thus much that may have a Civil Construction; Namely, that every State ought to stand upon his Guard, and rather prevent, than be prevented. His words are; *Quam rem fere vocant Pacem, nudum & inane Nomen est; Revera autem omnibus, adversus omnes Civitates bellum sempiternum perdurat*: That which Men, for the most part, call *Peace*, is but a naked and empty Name; But the truth is, that there is ever between all Estates a secret War. I know well this Speech is the *Objection*, and not the *Decision*, and that it is after refuted; But yet (as I said before) it bears thus much of Truth, That if that general Malignity, and Pre-disposition to *War*, (which he untruly figureth to be in all Nations,) be produced and extended to a just Fear of being oppressed, then it is no more a true *Peace*, but a Name of a *Peace*.

As for the Opinion of *Iphicrates* the *Athenian*, it demands not so much towards a *War*, as a just Fear; but rather cometh near the opinion of *Clinias*; As if there were ever amongst Nations a Brooding of a *War*, and that there is no sure League but Impuissance to do hurt. For he, in the Treaty of peace with the *Lacedemonians*, speaketh plain language, Telling them, there could be no true and secure *Peace*, except the *Lacedemonians* yielded to those things, which being granted, it would be no longer in their power to hurt the *Athenians*, though they would. And to say truth, if one mark it well, this was in all Memory, the Main Piece of Wisdom, in strong and prudent Counsels; To be in perpetual watch, that the *States* about them, should neither by Approach, nor by Encrease of Dominion, nor by Ruining Confederates, nor by Blocking of Trade, nor by any the like means, have it in their power

to hurt or annoy the *States* they serve; And whensoever any such Cause did but appear, straightways to buy it out with a War, and never take up Peace at Credit, and upon Interest. It is so memorable, and it is yet as fresh, as if it were done yesterday, how that *Triumvirate* of Kings, (*Henry* the Eighth of *England*, *Francis* the First of *France*, and *Charles* the Fifth, Emperour, and King of *Spain*,) were in their times so provident, as scarce a Palme of Ground could be gotten by either of the Three, but that the other Two would be sure to do their best to set the Ballance of *Europe* upright again.

And the like diligence was used in the Age before, by that League, (wherewith *Guicciardine* beginneth his Story, and maketh it (as it were) the Kalendar of the good dayes of *Italy*,) which was contracted between *Ferdinando* King of *Naples*, *Lorenzo* of *Medici*, Potentate of *Florence*, and *Lodovico* *Zforza* Duke of *Milan*, designed chiefly against the growing Power of the *Venetians*; But yet so, as the Confederates had a perpetual eye one upon another, that none of them should overtop. To conclude therefore, howsoever some School-men, (otherwise Reverend Men, yet fitter to guide Pen knives than Swords,) seem precisely to stand upon it; That every *Offensive War* must be *Ulio*; A *Revenge*, that presuppoeth a precedent Assault or Injury; yet neither do they descend to this Point, (which we now handle) of a *Just Fear*; Neither are they of Authority to judge this Question against all the Presidents of time. For certainly, as long as Men are Men; (the Sons, as the Poets allude, of *Promethus*, and not of *Epimethus*,) and as long as Reason is Reason, A *Just Fear* will be a Just Cause of a *Preventive War*; But especially, if it be Part of the Case, that there be a *Nation* that is manifestly detected, to aspire to *Monarchy*, and new Acquests; Then other *States* (assuredly) cannot be justly accused for not staying for the first Blow; Or for not accepting *Poliphemus* Courtesse, to be the last that shall be eaten up.

Nay, I observe further, that in that passage of *Plato*, which I cited before, (and even in the *Tenet* of that Person, that beareth the Resolving Part, and not the Objecting Part,) a *Just Fear* is justified for a Cause of an *Invasive War*, though the same *Fear* proceed not from the fault of the Foreign State, to be assailed. For it is there insinuated, That if a State, out of the distemper of their own Body, do fear Sedition and Intestine Troubles to break out amongst themselves, they may discharge their own ill Humours, upon a Foreign War, for a Cure. And this kinde of Cure was tendred by *Jasper Coligni* Admiral of *France*, to *Charles* the Ninth, the *French King*, when by a vive and forcible Perswasion, he moved him to a War upon *Flanders*, for the better Extinguishment of the *Civil Wars* of *France*; But neither was that Counsel prosperous; Neither will I maintain that Position; For I will never set *Politicks* against *Ethicks*; Especially for that true *Ethicks* are but as a Hand-maid to *Divinity* and *Religion*. Surely, *Saint Thomas*, (who had the largest heart of the

School Divines, (bendeth chiefly his stile against the depraved Passions, which reign in making Wars, speaking out of St. *Augustine*; *Nocendi Cupiditas, ulciscendi Credulitas, implacatus & implacabilis Animus, Feritas Rebellandi, Libido Dominandi, & si quæ sunt semilia, hæc sunt quæ in bellis jure culpantur.* And the same St. *Thomas* in his own Text, defining of the just Causes of a War, doth leave it upon very general Terms; *Requiritur ad Bellum Causa justa, ut scilicet illi qui impugnantur, propter aliquam culpam, Impugnationem mereantur*; For *Impugnatio Culpa*, is a far more general word than *Ultio Injuræ*. And thus much for the first Proposition, of the Second Ground of a War with Spain: Namely, that *A just Fear is a just Cause of a War*; And that *A Preventive War is a true Defensive*.

The Second, or *Minor Proposition* was this, That this Kingdom hath Cause of *Just Fear* of Overthrow from Spain. Wherein it is true, that *Fears* are ever seen in dimmer lights, than *Facts*. And on the other side, *Fears* use (many times) to be represented in such an Imaginary fashion, as they rather dazle Mens eyes, than open them. And therefore I will speak in that manner which the Subject requires; That is, probably, and moderately, and briefly. Neither will I deduce these *Fears* to present Occurrences; but point onely at general Grounds, leaving the rest to more secret Counsels.

Is it nothing, that the *Crown of Spain* hath enlarged the Bounds thereof, within this last sixscore years, much more than the *Ottomans*? I speak not of Matches, or Unions, but of Arms, Occupations, Invasions. *Granada, Naples, Milan, Portugal, the East and West Indies*; All these are actual Additions to that *Crown*. They had a minde to *French Britain, the lower Part of Piccardi, and Piemont*; but they have let fall their Bit. They have to this day, such a hovering possession of the *Valtoline*, as an Hobby hath over a Lark; And the *Palatinate* is in their Tallons: So that nothing is more manifest, than that this *Nation of Spain* runs a race (still) of *Empire*, when all other *States of Christendom* stand in effect at a stay. Look then a little further into the Titles, whereby they have acquired, and do now hold these new Portions of their *Crown*, and you will finde them of so many varieties, and such natures, (to speak with due respect,) as may appear to be easily minted, and such as can hardly at any time be wanting. And therefore so many new Conquests and Purchases, so many Strokes of the Larum-Bell of *Fear*, and Awakening, to other *Nations*, and the Facility of the Titles, which hand over head have served their turn, doth ring the Peal so much the sharper, and the louder.

Shall we descend from their general Disposition, to enlarge their Dominions, to their particular Disposition, and Eye of Appetite, which they have had towards us; They have now twice sought to impatronize themselves of this Kingdom of *England*; once by Marriage with *Queen Mary*; And the second by *Conquest* in 88. when their Forces by Sea and Land, were not inferiour to those they have now. And at that time in 88. the Counsel and Design of *Spain*, was, by many Advertisements, revealed and laid open to
be;

be; That they found the *War* upon the *Low Countreys*, so churlish and longsome, as they grew then to a Resolution; That as long as *England* stood in state to succour those *Countreys*, they should but consume themselves in an endless *War*; And therefore there was no other way, but to assail and depress *England*, which was as a Back of Steel to the *Flemmings*. And who can warrant (I pray) that the same Counsel and Design will not return again? So as we are in a strange *Dilemma* of Danger: For if we suffer the *Flemmings* to be ruined, they are our Cut-work, and we shall remain Naked and Dismantled: If we succour them strongly, (as is fit) and set them upon their feet, and do not withal weaken *Spain*, we hazard to change the Scene of the *War*, and to turn it upon *Ireland* or *England*: Like unto *Rheums* and *Defluxions*; which, if you apply a strong Repercussive to the Place affected, and do not take away the Cause of the Disease, will shift, and fall straightways to another Joynt, or Place. They have also twice invaded *Ireland*: Once under the *Popes Banner*, when they were defeated by the Lord *Grey*; And after in their own name, when they were defeated by the Lord *Mountjoy*. So as let this suffice for a Taste of their Disposition towards us. But it will be said: This is an Almanack for the old Year; Since 88. all hath been well, *Spain* hath not assailed this Kingdom, howsoever by two several Invasions from us mightily provoked. It is true, but then consider, that immediately after 88. they were embroyled, for a great time, in the Protection of the League of *France*, whereby they had their hands full; After being brought extream low, by their vast and continual Embracements, they were enforced to be quiet, that they might take breath, and do Reparations upon their former Wastes. But now of late Things seem to come apace to their former Estate. Nay with far greater Disadvantage to us. For now that they have almost continued, and (as it were) arched their Dominions, from *Milan*, by the *Valtoline*, and *Palatinate*, to the *Low Countreys*; We see how they thirst and pant after the utter Ruine of those *States*; Having in contempt almost the *German Nation*, and doubting little opposition, except it come from *England*: Whereby either we must suffer the *Dutch* to be ruined, to our own manifest prejudice; Or put it upon the hazard, I spake of before, that *Spain* will cast at the fairest. Neither is the point of *Internal Danger*, which groweth upon us, to be forgotten; This; That the Party of the *Papists* in *England* are become more knotted, both in Dependance towards *Spain*, and amongst themselves, than they have been. Wherein again comes to be remembred the Case of 88. For then also it appeared by divers secret Letters, that the Design of *Spain* was, (for some years before the Invasion attempted) to prepare a Party in this Kingdom, to adhere to the *Foreigner* at his coming. And they bragged, that they doubted not, but to abuse and lay asleep the *Queen* and *Council* of *England*, as to have any fear of the Party of *Papists* here; For that they knew (they said) the *State* would but cast the eye, and look about, to see whether there were any Eminent Head of that Party, under whom it might unite it self; And finding none worth
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the thinking on, the *State* would rest secure, and take no apprehension; Whereas they meant, (they said) to take a course, to deal with the People, and particulars, by Reconcilements, and Confessions, and Secret Promises, and cared not for any Head of Party. And this was the true reason, why after that the *Seminaries* began to blossom, and to make Missions into *England*, (which was about the three and twentieth year of *Queen Elizabeth*, at what time also was the first suspicion of the *Spanish Invasion*) then, and not before, grew the sharp and severe Laws to be made against the Papists. And therefore the Papists may do well, to change their thanks; And whereas they thank *Spain* for their Favours, to thank them for their Perils and Miseries, if they should fall upon them: For that nothing ever made their Case so ill, as the Doubt of the Greatness of *Spain*; which adding Reason of *State*, to Matter of Conscience and Religion, did what the *Laws* against them. And this Case also seemeth (in some sort) to return again at this time; except the Clemency of his *Majesty*, and the *State*, do superabound: As, for my part, I do wish it should; And that the Proceedings towards them, may rather tend to Security, and Providence, and Point of *State*, than to Persecution for Religion. But to conclude; These Things briefly touched, may serve, as in a Subject Conjectural, and Future, for to represent, how just Cause of *Fear* this *Kingdom* may have towards *Spain*: Omitting (as I said before) all present, and more secret Occurrences.

The third Ground of a *War* with *Spain*, I have set down to be; *A Just Fear of the Subversion of our Church and Religion*. Which needeth little Speech: For if this *War* be a *Defensive*, (as I have proved it to be,) no Man will doubt; That a *Defensive War*, against a Foreigner for *Religion*, is lawful. Of an *Offensive War* there is more Dispute: And yet in that instance of the *War* for the *Holy Land*, and *Sepulchre*, I do wonder sometimes, that the *School-Men* want words to defend that, which *St. Bernard* wanted words to commend. But I, that in this little Extract of a Treatise, do omit things necessary, am not to handle things unnecessary. No man, I say, will doubt, but if the *Pope*, or *King of Spain*, would demand of us to forsake our *Religion*, upon pain of a *War*, it were as unjust a Demand, as the *Persians* made to the *Grecians* of *Land and Water*; Or the *Ammonites* to the *Israelites* of their *Right Eyes*. And we see all the *Heathen* did stile their *Defensive Wars*, *Pro Aris & Focis*; Placing their Altars before their Hearths. So that it is in vain of this to speak further. Onely this is true; That the *Fear* of the *Subversion* of our *Religion* from *Spain*, is the more just, for that all other *Catholick Princes and States*, content and contain themselves, to maintain their *Religion* within their own *Dominions*; and meddle not with the Subjects of other *States*; Whereas the Practice of *Spain* hath been, both in *Charles the Fifth's* time, and in the time of the *League in France*, by *War*; And now with us, by *Conditions of Treaty*, to intermeddle with *Foreign States*, and to declare themselves *Protectors General*, of
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the Party of *Catholicks*, through the World. As if the Crown of *Spain* had a little of this; That they would plant the *Popes Laws* by Arms, as the *Ottomans* do the Law of *Atahomet*. Thus much concerning the first main Point of *Justifying the Quarrel*; if the *King* shall enter into a *War*; For this that I have said, and all that followeth to be said, is but to shew what he may do.

The Second main Part, of that I have propounded to speak of, is the *Ballance of Forces between Spain and us*. And this also tendeth to no more, but what the *King* may do. For *what he may do*, is of two kindes: What he may do as *Just*; And what he may do as *Possible*. Of the one I have already spoken; Of the other I am now to speak. I said, *Spain* was no such *Giant*; And yet if he were a *Giant*, it will be, but as it was between *David* and *Goliath*; for *God is on our side*. But to leave all Arguments that are *Supernatural*, and to speak in an *Humane and Politick Sense*; I am led to think that *Spain* is no *Over-match* for *England*, by that which leaith all Men; That is, *Experience*, and *Reason*. And with *Experience* I will begin; For there all *Reason* beginneth.

Is it *Fortune*, (shall we think,) that in all Actions of *War* or Arms, great and small, which have happened these many years, ever since *Spain* and *England* have had any thing to debate one with the other, the *English*, upon all Encounters, have perpetually come off with honour, and the better? It is not fortune sure; She is not so constant. There is somewhat in the *Nation*, and *Natural Courage* of the People, or some such thing. I will make a brief List of the Particulars themselves, in an *Historical Truth*, no ways strowted, nor made greater by Language. This were a fit Speech, (you will say,) for a *General*, in the Head of an Army, when they were going to *Battel*; Yes; And it is no less fit Speech, to be spoken in the Head of a Council, upon a *Deliberation* of Entrance into a *War*. Neither speak I this to disparage the *Spanish Nation*, whom I take to be of the best Soldiers in *Europe*. But that sorteth to our honour, if we still have had the better hand.

In the year 1578. was that famous *Lammas Day*, which buried the Reputation of *Don Ihuán d' Austria*, himself not surviving long after. *Don Ihuán*, being superiour in Forces, assisted by the Prince of *Parma*; *Mondragon*, *Mansell*, and other the best Commanders of *Spain*, confident of *Victory*, charged the Army of the *States* near *Rimenant*, bravely and furiously at the first; but after a Fight maintained by the space of a whole day, was repulsd and forced to a *Retreat*, with great slaughter of his men, and the Course of his further Enterprizes was wholly arrested; And this chiefly by the Prowess and Vertue of the *English* and *Scottish* Troops, under the Conduct of Sir *John Norris*, and Sir *Robert Stuart*, Colonels. Which Troops came to the Army but the day before, harrassed with a long and wearisom march; and (as it is left for a *Memorable Circumstance* in all Stories,) the Souldiers, being more sensible of a little Heat of the Sun, than any cold
Fear

Fear of Death, cast away their Armour and Garments from them, and fought in their Shirts : And, as it was generally conceived, had it not been that the Count of *Bosnu* was slack in charging the *Spaniards*, upon their Retreat, this Fight had sorted to an absolute Defeat. But it was enough to chastise *Don Ihuán*, for his insidious Treaty of Peace, wherewith he had abused the *States* at his first coming. And the Fortune of the day, (besides the Testimony of all Stories,) may be the better ascribed to the Service of the *English* and *Scottish*, by comparison of this Charge near *Rimenant*, (where the *English* and *Scottish*, in great numbers came in action,) with the like Charge given by *Don Ihuán*, half a year before at *Glembours*, where the Success was contrary; There being at that time in the Army, but a Handful of *English* and *Scottish*, and they put in disarray by the Horsemen, of their own Fellows.

The first Dart of *War* which was thrown from *Spain*, or *Rome*, upon the Realm of *Ireland*, was in the year 1580. For the Design of *Stukeley* blew over into *Africk*; And the Attempt of *Sanders*, and *Fitz-Maurice*, had a spice of Madness. In that year, *Ireland* was invaded by *Spanish* and *Italian* Forces, under the *Popes* Banner, and the Conduct of *St. Josipho*, to the number of seven hundred, or better, which landed at *Smerwick* in *Kerrey*. A poor number it was, to conquer *Ireland* to the *Popes* use; For their Design was no less: But withal they brought Arms for five thousand men above their own Company, intending to arm so many of the *Rebels* of *Ireland*: And their purpose was, to fortifie in some strong Place of the wilde and desolate Countrey, and there to nestle till greater Succours came; They being hastened unto this Enterprise, upon a special Reason of State, not proper to the Enterprise it self; Which was, by the Invasion of *Ireland*, and the noise thereof, to trouble the *Council* of *England*, and to make a diversion of certain Aids that then were preparing from hence for the *Low-Countreys*. They chose a place, where they erected a Fort, which they called *The Fort del Or*; And from thence they bolted like Beasts of the Forest, sometimes into the Woods and Fastnesses, and sometimes back again to their Den. Soon after Siege was laid to the Fort, by the Lord *Gray*, then Deputy, with a smaller number than those were within the Fort; Venturously indeed; But haste was made to attache them before the *Rebels* came in to them. After the siege of four days onely, and two or three Sallies, with loss on their part, they that should have made good the Fort for some moneths, till new Succours came from *Spain*, or at least from the *Rebels* of *Ireland*, yielded up themselves without Conditions, at the end of those four days. And for that there were not in the *English* Army enough to keep every man a Prisoner; And for that also the *Deputy* expected instantly to be assailed by the *Rebels*; And again, there were no Barques to throw them into, and send them away by Sea, they were all put to the sword; With which *Queen Elizabeth* was afterwards much displeas'd.

In the year 1582. was that Memorable Retreat of *Gannt*; Than the which there hath not been an Exploit of *War* more celebrated.

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For in the true judgement of Men of War, Honourable Retreats are no ways inferior to brave Charges; As having less of Fortune, more of Discipline, and as much of Valour. There were to the number of three hundred Horse, and as many thousand Foot English, (Commanded by Sir John Norris,) charged by the Prince of Parma, coming upon them with seven thousand Horse; Besides that, the whole Army of Spaniards was ready to march on. Nevertheless Sir John Norris maintained a Retreat without Disarray, by the space of some miles, (part of the way Champagne) unto the City of Gaunt, with less loss of Men than the Enemy: The Duke of Anjou, and the Prince of Anrange, beholding this noble Action from the Walls of Gaunt, as in a Theatre, with great Admiration.

In the year 1585. followed the Prosperous Expedition of Drake, and Carlile, into the West-Indies. In the which, I set aside the Taking of St. Jago, and St. Domingo in Hispaniola, as Surprizes, rather than Encounters. But that of Cartagena, where the Spaniards had warning of our coming, and had put themselves in their full strength, was one of the hottest Services, and most dangerous Assaults, that hath been known. For the Access to the Town, was onely by a Neck of Land, between the Sea on the one part, and the Harbour Water, or Inner Sea, on the other; Fortified clean over with a strong Rampier and Barracado; So as upon the Ascent of our Men, they had both great Ordnance and small Shot, that thundred and showed upon them, from the Rampier in front, and from the Gallies that lay at Sea in flank. And yet they forced the Passage, and wan the Town, being likewise very well manned. As for the Expedition of Sir Francis Drake, in the year 1587. for the destroying of the Spanish Shipping, and Provision upon their own Coast; As I cannot say, that there intervned in that Enterprize, any sharp Fight or Encounter; So nevertheless, it did strangely discover, either that Spain is very weak at home, or very slow to move; When they suffered a small Fleet of English to make an hostile Invasion, or Incurision, upon their Havens and Roads, from Cadex to Capa Sacra, and thence to Cascais; And to fire, sink, and carry away, at the least, ten thousand Tun of their great Shipping, besides fifty or sixty of their smaller Vessels: And that in the sight, and under the favour of their Forts; And almost under the Eye of their great Admiral, (the best Commander of Spain by Sea,) the Marquis De Sancta Cruz, without ever being disputed with by any fight of importance. I remember Drake, in the vaunting stile of a Souldier, would call this Enterprize, *The Cingoing of the King of Spains Beard.*

The Enterprize of Eighty Eight deserveth to be stood upon a little more fully, being a Miracle of Time. There armed from Spain in the year 1588. the greatest Navy that ever swam upon the Sea. For though there have been far greater Fleets for number, yet for the Bulk and Building of the Ships, with the Furniture of great Ordnance and Provisions, never the like. The Design was to make, not an Invasion onely, but an utter Conquest of this Kingdom. The number of Vessels were one hundred and

thirty, whereof Galliaffes and Gallions seventy two, goodly Ships like floating Towers, or Castles, manned with Thirty thousand Souldiers and Mariners. This *Navy* was the Preparation of five whole years at the least. It bare it self also upon Divine Assistance; For it received special Blessing from Pope *Zistus*, and was assigned as an *Apostolical Mission*, for the Reducement of this *Kingdom* to the obedience of the *See of Rome*. And in further token of this holy Warfare, there were amongst the rest of these Ships, Twelve, called by the name of the *Twelve Apostles*. But it was truly conceived, that this *Kingdom of England* could never be over-whelmed, except the Land-Waters came in to the Sea-Tides. Therefore was there also in readines, in *Flanders*, a mighty strong Army of Land-Forces, to the number of Fifty thousand veterane Souldiers, under the Conduct of the Duke of *Parma*, the best Commander, next the French King *Henry* the Fourth, of his time. These were designed to joyn with the Forces at Sea; There being prepared a number of Flat-bottom'd Boats, to transport the Land-Forces, under the Wing and Protection of the Great *Navy*. For they made no account, but that the *Navy* should be absolute Master of the Seas. Against these Forces, there were prepared, on our part, to the number of near one hundred Ships; Not so great of Bulk indeed, but of a more nimble Motion, and more serviceable; Besides a less Fleet of 30 Ships, for the Custody of the Narrow Seas. There were also in readines at Land, two Armies, besides other Forces, to the number of Ten thousand, dispersed amongst the Coast Towns, in the Southern Parts. The two Armies were appointed; One of them consisting of Twenty five thousand Horse and Foot, for the Repulsing of the Enemy, at their landing; And the other of Twenty five thousand for safeguard and attendance about the Court, and the Queens Person. There were also other Dormant Masters of Souldiers, throughout all Parts of the Realm, that were put in readines, but not drawn together. The two Armies were assigned to the Leading of two Generals, Noble Persons, but both of them rather Courtiers, and Assured to the State, than Martial Men; yet lined and assisted with Subordinate Commanders, of great Experience & Valor. The Fortune of the *War* made this Enterprize, at first, a Play at Base. The *Spanish Navy* set forth out of the *Groyne* in *May*, was disperst and driven back by Weather. Our *Navy* set forth somewhat later out of *Plimouth*, and bare up towards the Coast of *Spain*, to have fought with the *Spanish Navy*; And partly by reason of contrary Winds, partly upon advertisement that the *Spaniards* were gone back, and upon some doubt also that they might pass towards the Coast of *England*, whilest we were seeking them afar off, returned likewise into *Plimouth*, about the middle of *July*. At that time, came more confident Advertisement, (though false,) not onely to the Lord *Admiral*, but to the *Court*, that the *Spaniards* could not possibly come forward that year; Whereupon our *Navy* was upon the point of Disbanding, and many of our Men gone ashore. At which very time, the *Invincible Armada*, (for so it was called

called in a *Spanish* Ostentation throughout *Europe*) was discovered upon the Western Coast. It was a kinde of Surprize; For that (as was said) many of our men were gone to Land, and our Ships ready to depart. Nevertheless the Admiral, with such Ships only as could suddenly be put in readines, made forth towards them: In so much as of one hundred Ships, there came scarce thirty to work. Howbeit with them, and such as came dayly in, we set upon them, and gave them the chase. But the *Spaniards*, for want of Courage, (which they called *Commission*) declined the Fight, casting themselves continually into Roundels, (their strongest Ships walling in the rest,) and in that manner they made a flying march towards *Callis*. Our Men, by the space of five or six days, followed them close, fought with them continually, made great slaughter of their Men, took two of their great Ships; and gave divers others of their Ships their Deaths wounds, whereof soon after they sank and perished; And (in a word) distressed them almost in the nature of a Defeat; We our selves, in the mean time, receiving little or no hurt. Near *Callis* the *Spaniards* anchored, expecting their Land-Forces, which came not. It was afterwards acknowledged, that the Duke of *Parma* did artificially delay his Coming. But this was but an Invention and Pretension given out by the *Spaniards*; Partly upon a *Spanish* Envy against that Duke, being an *Italian*, and his Son a Competitor to *Portugal*; But chiefly, to save the Monstrous Scorn and Disreputation, which they and their Nation received, by the Success of that Enterprize. Therefore their Colours and Excuses (forfooth) were, that their General by Sea had a limited Commission, not to fight until the Land-Forces were come in to them: And that the Duke of *Parma* had particular Reaches, and Ends of his own, underhand, to cross the Design. But it was both a strange Commission, and a strange Obedience to a Commission, for Men in the midst of their own blood, and being so furiously assailed, to hold their hands, contrary to the Laws of Nature and Necessity. And as for the Duke of *Parma*, he was reasonably well tempred to be true to that Enterprize, by no less Promise, than to be made a Feudatary, or Beneficiary King of *England*, under the Seignorie (in chief) of the *Pope*, and the Protection of the King of *Spain*. Besides it appeared, that the Duke of *Parma* held his place long after, in the Favour and Trust of the King of *Spain*, by the great Employments and Services that he performed in *France*: And again, it is manifest, that the Duke did his best to come down, and to put to Sea: The Truth was, that the *Spanish* Navy, upon those proofs of Fight which they had with the *English*, finding how much hurt they received, and how little hurt they did, by reason of the Activity and low building of our Ships, and skill of our Sea-men; And being also commanded by a General of small Courage and Experience; And having lost, at the first, two of their bravest Commanders at Sea, *Petro de Valdez*, and *Michael de Oquenda*; durst not put it to a Battel at Sea, but set up their rest wholly upon the Land-Enterprize. On the other side, the Transporting of the Land-forces failed in the very foundation. For

whereas the *Council of Spain* made full account, that their *Navy* should be Master of the Sea, and therefore able to guard and protect the Vessels of Transportation; When it fell out to the contrary, that the Great *Navy* was distressed, and had enough to do to save it self; And again, that the *Hollanders* impounded their Land-forces with a brave Fleet of thirty Sayl, excellently well appointed; Things (I say) being in this state, it came to pass, that the Duke of *Parma* must have flown, if he would have come into *England*, for he could get neither Barque nor Mariner to put to Sea: Yet certain it is, that the Duke looked still for the coming back of the *Armada*, even at that time, when they were wandring; and making their Perambulation upon the Northern Seas. But to return to the *Armada*, which we left anchored at *Callis*. From thence, (as Sir *Walter Rawleigh* was wont prettily to say) they were suddenly driven away with squibs; For it was no more but a Stratagem of Fire-boats, Manless, and sent upon them by the favour of the Wind, in the night time, that did put them in such terrour, as they cut their Cables, and left their Anchors at Sea. After they hovered some two or three days about *Graveling*, and there again were beaten in a great Fight, at what time our second Fleet, which kept the Narrow Seas, was come in and joyned to our main Fleet. Thereupon the *Spaniards* entring into further terrour, and finding also divers of their Ships every day to sink, lost all courage, and in stead of coming up into the *Thames Mouth* for *London*, (as their Design was) fled on towards the North, to seek their Fortunes; Being still chased by the *English Navy* at the heels, until we were fain to give them over for want of Powder. The Breath of *Scotland* the *Spaniards* could not endure; Neither durst they as Invaders land in *Ireland*; But onely ennobled some of the Coasts thereof with shipwracks. And so going Northwards aloof, as long as they had any doubt of being pursued, at last when they were out of reach, they turned; and crossed the Ocean to *Spain*, having lost fourscore of their Ships, and the greater part of their Men. And this was the End of that *Sea-Giant*, the *Invincible Armada*. Which having not so much as fired a Cottage of ours at Land, nor taken a Cock-boat of ours at Sea, wandred through the Wilderness of the Northern Seas; And according to the Curse in the Scripture; Came out against us one way, and fled before us seven ways. Serving onely to make good the judgement of an Astrologer, long before given; *Octavus Octavus Mirabilis Annus*; Or rather, to make good, (even to the astonishment of all Posterity) the wonderful Judgements of God poured down, commonly, upon vast and proud Aspirings.

In the year, that followed, of 1589. we gave the *Spaniards* no breath, but turned Challengers, and invaded the Main of *Spain*. In which Enterprize, although we failed in our End, which was to settle *Don Antonio* in the Kingdom of *Portugal*, yet a man shall hardly meet with an Action, that doth better reveal the great Secret of the Power of *Spain*: Which Power, well sought into, will be found rather to consist in a Veterane Army, (such as upon several Occa-
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sions and Pretensions, they have ever had on foot, in one part or other of *Christendom*, now the space of (almost) sixscore years,) than in the strength of their Dominions and Provinces. For what can be more strange, or more to the Dis-valuation of the Power of the *Spaniard* upon the Continent, than that with an Army of Eleven thousand *English*, Land-Souldiers, and a Fleet of Twenty six Ships of War, besides some weak Vessels for Transportation, we should within the Hour-glass of two Moneths, have won one Town of importance by *Escalada*, Battered and Assaulted another; Overthrown great Forces in the Field, and that upon the disadvantage of a Bridge strongly barracado'd, Landed the Army in three several places of his Kingdom; Marched seven days in the Heart of his Countreys; Lodged three nights in the Suburbs of his principal City; Beaten his Forces into the Gates thereof; Possessed two of his Frontire Forts; And come off, after all this, with small loss of Men, otherwise than by Sicknes. And it was verily thought, that had it not been for four great Disfavours of that Voyage; (That is to say; The failing in sundry Provisions that were promised, especially of Cannons for Battery; The vain Hopes of *Don Antonio* concerning the People of the Countrey, to come in to his aid; The Disappointment of the Fleet that was directed to come up the River of *Lisbon*; And lastly, the Diseases which spread in the Army, by reason of the Heat of the Season, and of the Souldiers Misrule in Diet;) the Enterprize had succeeded, and *Lisbon* had been carried. But howsoever, it makes proof to the World, that an Invasion of a few *English* upon *Spain*, may have just hope of Victory, at least of Passport to depart safely.

In the year 1591. was that Memorable Fight, of an *English Ship* called *The Revenge*, under the Command of Sir *Richard Grenvil*; Memorable (I say) even beyond credit, and to the Height of some Heroical Fable. And though it were a Defeat, yet it exceeded a Victory; being like the Act of *Sampson*, that killed more Men at his Death, than he had done in the time of all his Life. This *Ship* for the space of fifteen hours, fate like a Stag amongst Hounds, at the bay, and was seiged, and fought with, in turn, by fifteen great Ships of *Spain*; part of a Navy of Fifty five Ships in all; The rest like Abettors looking on afar off. And amongst the fifteen Ships that fought, the great *St. Philippo* was one, a Ship of fifteen hundred Tun; Prince of the twelve *Sea Apostles*, which was right glad, when she was shifted off from the *Revenge*. This brave Ship the *Revenge*, being Manned onely with two hundred (Souldiers and Mariners,) whereof eighty lay sick, yet nevertheless after a Fight maintained (as was said) of fifteen hours, and two Ships of the Enemy sunk by her side; Besides many more torn and battered, and great slaughter of men, never came to be entred, but was taken by Composition; The Enemies themselves having in admiration the Vertue of the Commander, and the whole Tragedy of that Ship.

In the year 1596. was the Second *Invasion*, that we made upon the Main Territories of *Spain*, prosperously atchiev'd by that Worthy and Famous, *Robert Earl of Essex*, in consort with the Noble
Earl

Earl of *Nottingham*, that now liveth, then *Admiral*. This Journey was like Lightning; For in the space of fourteen hours, the King of *Spains Navy* was destroyed, and the Town of *Cadez* taken. The *Navy* was no less than fifty tall Ships, besides twenty Gallies to attend them. The Ships were straightways beaten, and put to flight. with such terrour, as the *Spaniards*, in the end, were their own Executioners, and fired them all with their own hands. The Gallies, by the benefit of the Shores and Shallows, got away. The Town was a fair, strong, well built, and rich City; Famous in Antiquity, and now most spoken of for this Disaster. It was mann'd with 4000 Soldiers Foot, and some 400 Horse; It was sacked, and burned, though great Clemency was used towards the Inhabitants. But that which is no less strange than the sudden Victory, is the great patience of the *Spaniards*; Who, though we staid upon the place divers days, yet never offered us any play then, nor ever put us in suit, by any Action of Revenge, or Reparation, at any time after.

In the year 1600. was the Battel of *Newport* in the *Low Countries*, where the Armies of the *Arch-Duke*, and the *States*, tried it out by a just Battell. This was the only Battell, that was fought in those Countries, these many years. For Battels in the *French Wars* have been frequent; But in the *Wars of Flanders*, rare, as the Nature of a Defensive requireth. The Forces of both Armies were not much unequal: That of the *States* exceeded somewhat in number; but that again was recompensed in the quality of the Souldiers; For those of the *Spanish Part* were of the Flower of all the Forces. The *Arch Duke* was the Assailant, and the Preventer, and had the fruit of his Diligence and Celerity. For he had charged certain Companies of *Scottishmen*, to the number of eight hundred, sent to make good a Passage; and thereby severed from the Body of the Army, and cut them all in pieces: For they like a brave Infantry, when they could make no honorable Retreat; and would take no dishonorable Flight, made good the place with their Lives. This Entrance of the Battel did whet the Courage of the *Spaniards*, though it dulled their Swords; so as they came proudly on, confident to defeat the whole Army. The Encounter of the Main Battel, which followed, was a just Encounter, not hastening to a sudden Rout, nor the Fortune of the day resting upon a few former Ranks, but fought out to the proof by several Squadrons, and not without variety of success; *Stat pedi pes, densusque viro vir*. There fell out an Error in the *Dutch Army*, by the over-hasty Medly of some of their Men, with the Enemies, which hindred the playing of their great Ordnance. But the End was, that the *Spaniards* were utterly defeated, and near five thousand of their Men, in the Fight, and in the Execution, slain, and taken; Amongst whom were many of the principal Persons of their Army. The Honour of the Day was, both by the Enemy, and the *Dutch* themselves, ascribed unto the *English*; Of whom Sir *Francis Vere*, in a private *Commentary*, which he wrote of that Service, leaveth testified; That of fifteen hundred in number, (for they were no more) eight hundred were slain in the field; And (which is almost incredible in a day of Victory,) of the remain-

ing seven hundred, two onely Men came off unhurt. Amongst the rest Sir *Francis Vere* himself had the principal honour of the Service, unto whom the Prince of *Aurange* (as is said) did transmit the Direction of the Army for that day. And in the next place, Sir *Horace Vere* his Brother, that now liveth, who was the principal in the Active part. The Service also, of Sir *Edward Cecil*, Sir *John Ogle*, and divers other brave Gentlemen, was eminent.

In the year 1601. followed the Battel of *Kinsale* in *Ireland*. By this *Spanish Invasion* of *Ireland*, (which was in *September* that year) a Man may guess, how long time a *Spaniard* will live in *Irish* ground; which is a matter of a quarter of a year, or four moneths at most. For they had all the Advantages in the world; And no man would have thought, (considering the small Forces imployed against them) that they could have been driven out so soon. They obtained, without resistance, in the end of *September*, the Town of *Kinsale*; A small Garrison of 150 *English*, leaving the Town upon the *Spaniards* approach, and the Townsmen receiving the *Foreiners* as friends. The number of *Spaniards* that put themselves into *Kinsale*, was 2000 men, Soldiers of old Bands, under the command of *Don Ihuán d' Aquila*, a man of good valour. The Town was strong of it self; neither wanted there any Industry to fortifie it on all parts, and make it tenable, according to the Skill and Discipline of *Spanish* Fortification. At that time the *Rebels* were proud, being encouraged upon former Successes; For though the then Deputy, the Lord *Mountjoy*, and Sir *George Carew*, President of *Munster*, had performed divers good Services to their prejudice; Yet the Defeat they had given the *English* at *Blackwater*, not long before; And their Treaty (too much to their honor) with the Earl of *Effex*, was yet fresh in their memory. The Deputy lost no time, but made haste to have recovered the Town, before new Succors came, and fate down before it in *October*, and laid siege to it by the space of three Winter Months, or more: During which time, Sallies were made by the *Spaniard*, but they were beaten in with loss. In *January* came fresh Succors from *Spain*, to the number of 2000. more, under the Conduct of *Alonzo d' Ocampo*. Upon the Comforts of these Succors, *Tirone* and *Odonnel*, drew up their Forces together, to the number of 7000. besides the *Spanish* Regiments, and took the field, resolved to rescue the Town, and give the *English* Battel. So here was the Case: An Army of *English*, of some 6000, wasted and tired with a long Winters Siege, engaged in the midst between an Army of a greater number than themselves, fresh and in vigor, on the one side; and a Town strong in fortification, and strong in Men, on the other. But what was the Event? Thus in few words; That after the *Irish* and *Spanish* Forces had come on, and shewed themselves in some Bravery, they were content to give the *English* the honor, as to charge them first; And when it came to the Charge, there appeared no other difference between the Valour of the *Irish Rebels*, and the *Spaniards*, but that the one ran away before they were charged, and the other straight after. And again, the *spaniards* that were in the Town, had so good Memories of their Losses, in their former Sallies, as the Confidence of an Army, which came for their
de-

deliverance, could not draw them forth again. To conclude, there succeeded an absolute Victory for the *English*, with the slaughter of above 2000 of the Enemy; The taking of nine Ensigns, whereof six *Spanish*; the taking of the *Spanish* General, *D'Ocampo*, Prisoner; And this with the loss of so few of the *English*, as is scarce credible; Being (as hath been rather confidently, than credibly reported) but of one Man, the Cornet of Sir *Richard Greaz*, though not a few hurt. There followed immediately after the Defeat, a present yielding up of the Town by Compulsion; And not onely so, but an Avoiding (by express Articles of Treaty accorded) of all other *Spanish* Forces throughout all *Ireland*, from the Places and Nests where they had settled themselves, in greater strength (as in regard of the natural Situation of the Places) than that was of *Kinsale*: Which were, *Castle haven*, *Baltimore*, and *Beere-haven*. Indeed they went away with sound of Trumpet; For they did nothing but publish and trumpet all the Reproaches they could devise against the Irish Land and Nation; Inso-much as *D'Aquila* said in open Treaty; *That when the Devil, upon the Mount, did shew Christ, all the Kingdoms of the Earth, and the Glory of them, he did not doubt, but the deville left out Ireland, and kept it for himself.*

I cease here, omitting not a few other proofs of the *English* Valor and Fortune, in their later times: As at the Suburbs of *Paris*, at the *Raveline*, at *Druse* in *Normandy*, some Encounters in *Britanny*, and at *Ostend*, and divers others; Partly because some of them have not been proper Encounters between the *Spaniards* and the *English*, and partly because others of them have not been of that greatness, as to have sorted in company with the Particulars formerly recited. It is true, that amongst all the late Adventures, the Voyage of Sir *Francis Drake*, and Sir *John Hawkins*, into the *West-Indies*, was unfortunate; Yet in such sort, as it doth not break or interrupt our Prescription; To have had the better of the *Spaniards* upon all Fights of late. For the Disaster of that Journey was caused chiefly by sickness; As might well appear by the Deaths of both the Generals, (Sir *Francis Drake*, and Sir *John Hawkins*) of the same sickness amongst the rest. The Land-Enterprise of *Panama*, was an ill measured and immature Counsel; for it was grounded upon a false account, that the Passages towards *Panama* were no better fortified, than *Drake* had left them. But yet, it sorted not to any Fight of importance, but to a Retreat, after the *English* had proved the strength of their first Fort, and had notice of the two other Forts beyond, by which they were to have marched. It is true, that in the Return of the *English* Fleet, they were set upon by *Avellaneda*, Admiral of 20 great great ships *Spanish*, our Fleet being but 14, full of sick men, deprived of their two Generals at Sea, and having no pretence but to journey homewards: And yet the *Spaniards* did but salute them about the *Cape de los Corientes*, with some small offer of Fight, and came off with loss; Although it was such a new thing for the *Spaniards* to receive so little hurt upon dealing with the *English*, as *Avellaneda* made great brags of it, for no greater matter, than the waiting upon the *English* afar off, from *Cape de los Corientes* to *Cape Antonio*; Which nevertheless, in the Language of a Souldier, and of a *Spaniard*, he called a *Chace*.

But before I proceed further, it is good to meet with an Objection, which if it be not removed, the Conclusion of *Experience*, from the time past, to the time present, will not be sound and perfect. For it will be said, that in the former times (whereof we have spoken) *Spain* was not so mighty as now it is; And *England* on the other side, was more afore-hand in all matters of Power. Therefore let us compare with indifferency, these Disparities of times, and we shall plainly perceive, that they make for the advantage of *England* at this present time. And because we will less wander in Generalities, we will fix the Comparison to precise Times; Comparing the State of *Spain* and *England* in the year 88. with this present year that now runneth. In handling of this Point, I will not meddle with any Personal Comparisons, of the *Princes, Councillors, and Commanders* by Sea or Land, that were then, and that are now, in both Kingdoms, *Spain* and *England*; but onely rest upon Real Points, for the true Ballancing of the State, of the *Forces, and Affairs* of both Times. And yet these Personal Comparisons I omit not, but that I could evidently shew; that even in these Personal Respects, the Ballance sways on our part: But because I would say nothing that may favour of a spirit of Flattery, or Censure, of the present Government.

First therefore, it is certain, that *Spain* hath not now a foot of Ground in quiet possession, more than it had in 88. As for the *Valtoline*, and the *Palatinate*, it is a Maxim in State, that all Countreys of new Acquest, till they be setled, are rather matters of Burthen, than Strength. On the other side, *England* hath *Scotland* united, & *Ireland* reduc'd to obedience, and planted, which are mighty augmentations.

Secondly, in 88. the Kingdom of *France*, able alone to counterpoize *Spain* it self, (much more in conjunction) was torn with the Party of the League, which gave Law to their King, and depended wholly upon *Spain*. Now *France* is united under a valiant young King, generally obeyed, if he will himself; King of *Navarre* as well as of *France*; And that is no ways taken Prisoner, though he be tyed in a double chain of Alliance, with *Spain*.

Thirdly, in 88. there sate in the *See of Rome*, a fierce thundering Fryer, that would set all at six and seven; Or at six and five, if you allude to his Name. And though he would after have turned his teeth upon *Spain*, yet he was taken order with before it came to that. Now there is ascended to the Papacy, a Personage that came in by a chaste Election, no ways obliged to the Party of the *Spaniards*; A man bred in Embassages and Affairs of State; That hath much of the Prince, and nothing of the Fryer; And one, that though he love the Chair of the Papacy well, yet he loveth the Carpet above the Chair; That is, *Italy*, and the Liberties thereof, well likewise.

Fourthly, in 88. the King of *Denmark* was a stranger to *England*, and rather inclined to *Spain*; Now the King is incorporated to the Blood of *England*, & Engaged in the Quarrel of the *Palatinate*. Then also *Venice, Savoy*, and the *Princes and Cities* of *Germany*, had but a dull Fear of the Greatness of *Spain*, upon a general Apprehension onely of the spreading and ambitious Designs of that Nation: Now that fear is sharpned and pointed, by the *Spaniards* late Enterprises, upon the

Valtoline, and the *Palatinate*, which come nearer them.

Fifthly and lastly, the *Dutch* (which is the *Spaniards* perpetual Duellist) hath now, at this present, five Ships to one, and the like Proportion in Treasure and Wealth, to that they had in 88. Neither is it possible (whatsoever is given out) that the Coffers of *Spain* should now be fuller, than they were in 88. For at that time *Spain* had no other Wars save those of the *Low Countreys*; which were grown into an Ordinary: Now they have had coupled therewith, the Extraordinary of the *Valtoline*, and the *Palatinate*. And so I conclude my Answer to the Objection raised, touching the Difference of times; Not entering into more secret passages of State; But keeping that Character of Stile, whereof *Seneca* speaketh, *Plus significat quam loquitur*.

Here I would pass over from Matter of *Experience*, were it not that I held it necessary, to discover a wonderful Erroneous observation that walketh about, and is commonly received, contrary to all the Account of Time, and Experience. It is, that the *Spaniard*, where he once getteth in, will seldom (or never) be got out again. But nothing is less true than this. Not long since they got footing at *Brest*, and some other parts in *French Britain*, and after quitted them. They had *Calais*, *Ardes*, and *Amiens*, and rendred them, or were beaten out. They had since *Verfeilles*, & fairly left it. They had the other day the *Valtoline*, and now have put it in deposite. What they will do with *Ormuz*, which the *Persian* hath taken from them, we shall see. So that to speak truly of later Times, they have rather poched and offered at a Number of Enterprizes, than maintained any constantly, quite contrary to that idle Tradition. In more antient times (leaving their Purchases in *Africk*, which they after abandoned,) when their great Emperor *Charles* had clasped *Germany*, (almost) in his fist, he was forced in the end, to go from *Isburg*, (and as if it had been in a Masque, by Torch-light;) and to quit every foot in *Germany* round that he had gotten; which I doubt not, will be the Hereditary Issue of this late Purchase of the *Palatinate*. And so I conclude the Ground, that I have to think, that *Spain* will be no Over-match to *Great Britain*, if his Majesty shal enter into a War, out of *Experience*, & *Records* of time.

For Grounds of *Reason* they are many: I will extract the principal, and open them briefly, and (as it were) in the Bud. For *Situation*, I pass it over; though it be no small point: *England*, *Scotland*, *Ireland*, and our good Confederates the *United Provinces*, lie all in a plump together, not accessible but by Sea, or at least by passing of great Rivers, which are Natural Fortifications. As for the Doininions of *Spain*, they are so scattered, as it yieldeth great choice of the Scenes of the War, and promiseth slow Succours unto such Part as shall be attempted. There be three main parts of *Military Puissance*; *Men*, *Money*, and *Confederates*. For *Men*, there are to be considered, *Valour*, and *Number*. Of *Valour* I speak not: Take it from the Witnesses that have been produced before: Yet the old observation is not untrue; That the *Spaniards* *Valour* lieth in the Eye of the Looker on; But the *English* *Valor* lieth about the Souldiers Heart. A *Valor* of *Glory*, and a *Valor* of *Natural Courage*, are two things. But let that pass, and let us speak of *Number*. *Spain* is a Nation thin sown of People; Partly

by reason of the Sterility of the Soil; And partly because their Natives are exhausted by so many Employments, in such vast Territories as they possess. So that it hath bin accounted a kind of Miracle, to see ten or twelve thousand Native *Spaniards* in an Army. And it is certain, (as we have touched it a little before in passage) that the Secret of the Power of *Spain*, consisteth in a Veterane Army; compounded of Miscellany Forces of all Nations, which for many years they have had on foot upon one occasion or other: And if there should happen the Misfortune of a Battel; it would be a long work to draw on Supplies. They tell a Tale of a *Spanish Ambassador*, that was brought to see the Treasury of *St. Mark* at *Venice*, and still he lookt down to the ground; And being asked why he so lookt down, said; *He was looking to see whether their Treasure had any Root, (so that if it were spent, it would grow again) as his Masters had.* But howsoever it be of their Treasure, certainly the Forces have scarce any Root; Or at least such a Root, as buddeth forth poorly & slowly. It is true, they have the *Wallons*, who are tall Souldiers; but that is but a Spot of Ground. But on the other side, there is not in the world again, such a Spring and Seminary of brave Militar People, as is *England, Scotland, Ireland, and the United Provinces*. So as if *Wars* should mowe them down never so fast, yet they may be suddenly supplied, and come up again.

For *Money*, no doubt it is the principal Part of the Greatness of *Spain*; For by that they maintain a Veterane Army; And *Spain* is the onely State of *Europe*, that is a *Money grower*. But in this Part, of all others, is most to be considered, the ticklish and brittle State of the Greatness of *Spain*. Their Greatness consisteth in their *Treasure*; their *Treasure* in their *Indies*; And their *Indies* (if it be well weighed) are indeed but an Accession to such, as are Masters by Sea. So as this *Axletree* whereupon their Greatness turneth, is soon cut in two, by any that shall be stronger than they by Sea. Herein therefore I refer me to the Opinions of all Men (Enemies, or whomsoever) whether that the Maritime Forces of *Great Britain*, and the *United Provinces*, be not able to beat the *Spainard* at Sea. For if that be so, the Links of that Chain whereby they hold their Greatness, are dissolved. Now if it be said, that admit the Case of *Spain* be such, as we have made it, yet we ought to descend into our own Case, which we shall finde (perhaps) not to be in State, (for *Treasure*) to enter into a *War* with *Spain*. To which I answer; I know no such thing; The Mint beateth well; And the Pulses of the Peoples Hearts beat well. But there is another Point that taketh away quite this Objection: For whereas *Wars* are generally Causes of *Poverty*, or *Consumption*; on the contrary part, the special Nature of this *War* with *Spain*, (if it be made by Sea) is like to be a *Lucrative* and *Restorative War*. So that, if we go roundly on at the first, the *War* in continuance will find it self. And therefore you must make a great difference between *Hercules Labors* by Land, and *Jasons Voyage* by Sea for the *Golden Fleece*.

For *Confederates*, I will not take upon me the knowledge, how the Princes, States, and Councils of *Europe*, at this day, stand affected towards *Spain*; For that trencheth into the secret Occurents of the present

present Time, wherewith in all this Treatise I have forbore to meddle. But to speak of that which lieth open and in view: I see much Matter of Quarrel and Jealousie, but little of Amity and Trust towards Spain, almost in all other Estates. I see France is in competition with them, for three noble Portions of their Monarchy; Navarre, Naples, and Millain; And now freshly in difference with them about the Valtoline. I see once in 30 or 40 years cometh a Pope, that casteth his eye upon the Kingdom of Naples, to recover it to the Church: As it was in the minds of Julius 2. Paulus 4. and Zistus 5. As for that great Body of Germany, I see they have greater reason to confederate themselves with the Kings of France, and Great Britain, or Denmark, for the liberty of the German Nation, and for the Expulsion of Spanish and foreign Forces, than they had in the years 1552. and 1553. At which time they contracted a League with Henry II. the French King, upon the same Articles, against Charles V. who had impatronized himself of a great part of Germany, through the discord of the German Princes, which himself had sown and fomented, Which League at that time did the Deed, and drave out all the Spaniards out of that part of Germany; and re-integrated that Nation in their antient Liberty and Honor. For the West-Indies, though Spain hath had yet not much actual disturbance there, except it have been from England; yet nevertheless I see all Princes lay a kind of claim unto them; accounting the Title of Spain, but as a Monopoly of those large Countreys, wherein they have, in great part, but an Imaginary Possession. For Africk upon the West, the Moors of Valentia expulsed, and their Allies, do yet hang as a Cloud or Storm over Spain. Gabor on the East, is like an Anniversary Wind, that riseth every year upon the Party of Austria. And Persia hath entred into Hostility with Spain, and given them the first blow by taking of Ormus. It is within every mans observation also, that Venice doth think their State almost on fire, if the Spaniards hold the Valtoline. That Savoy hath learnt by fresh experience, That Alliance with Spain is no Security against the Ambition of Spain; And that of Bavaria hath likewise bin taught, that Merit and Service doth oblige the Spaniard but from day to day. Neither do I say, for all this, but that Spain may rectifie much of this ill blood, by their particular and cunning Negotiations: But yet there it is in the Body, and may break out, no man knows when, into ill Accidents: but at least it sheweth plainly that which serveth for our purpose; That Spain is much destitute of Assur'd and Confident Confederates. And therefore I will conclude this Part, with the Speech of a Councillor of State, in Spain, at this day, which was not without Salt. He said to his Master, the King of Spain, that now is, upon occasion: Sir, I will tell your Majesty thus much for your comfort; Your Majesty hath but two Enemies; whereof the one is, All the World; And the other is, Your own Ministers. And thus I end the Second Main Part, I propounded to speak of; which was, The Ballancing of the Forces, between the Kings Majesty, and the King of Spain, if a War must follow.

F I N I S.

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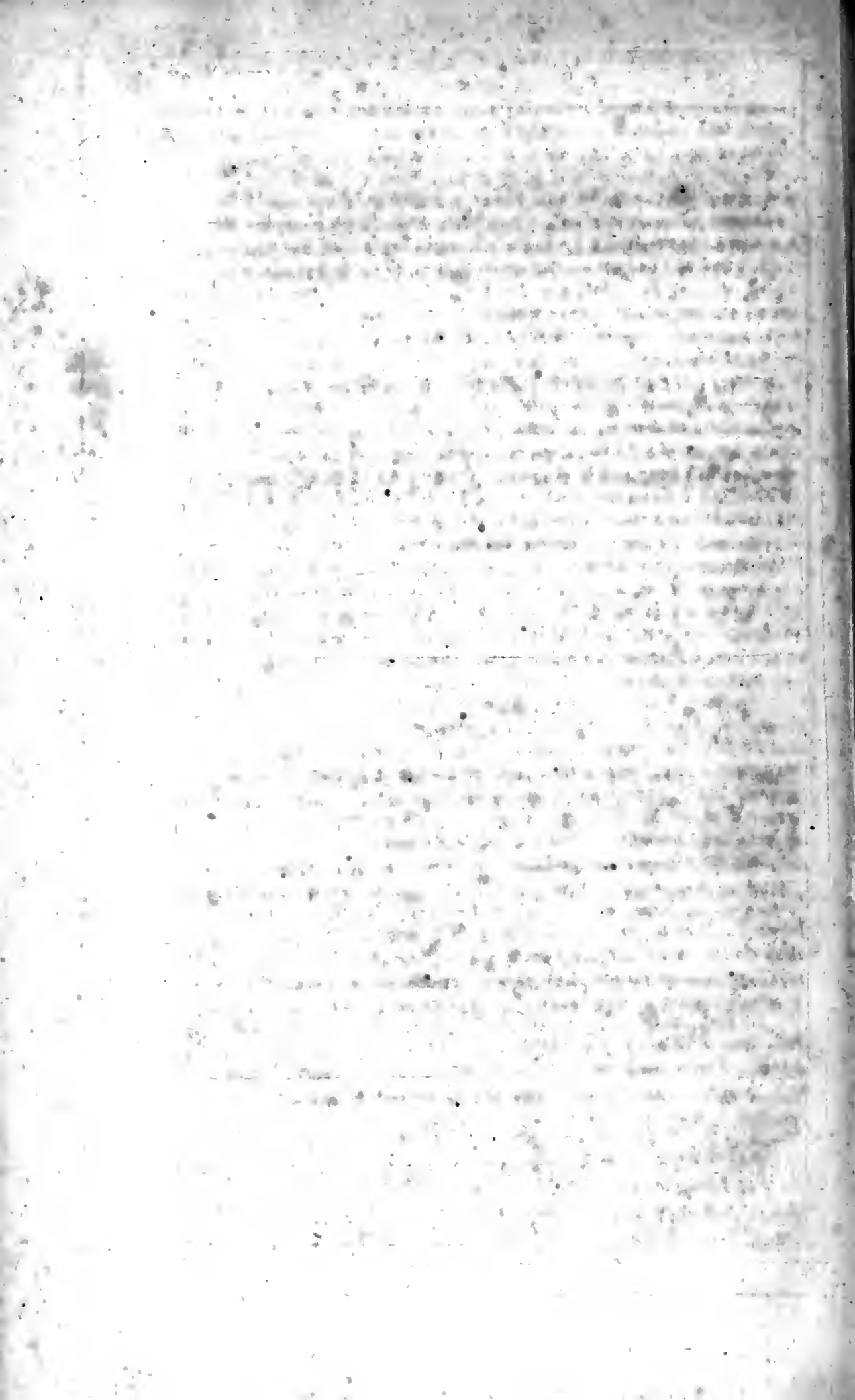
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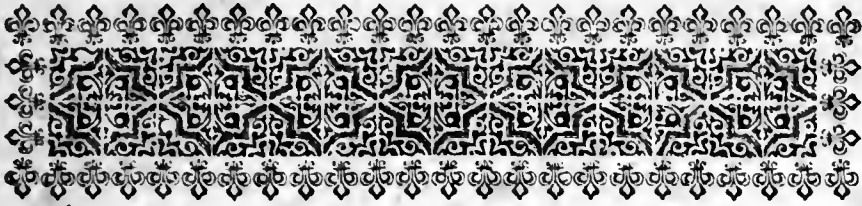
Whereunto the Author prefixed an Epistle to the Bishop
of *WINCHESTER* last deceased.



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TO THE
 RIGHT REVEREND Father in GOD
Lancelot Andrews,
 Lord Bishop of
WINCHESTER;
 And Counsellour of Estate to his *MAJESTY*.

My Lord,

Amongst Consolations, it is not the least, to represent to a Mans self, like Examples of Calamity in others. For Examples give a quicker Impression, than Arguments; And besides they certifie us that, which the Scripture also tendreth for satisfaction; That no new thing is happened unto us. This they do the better, by how much the Examples, are liker in circumstances, to our own Case; And more especially, if they fall upon Persons, that are greater, and worthier, than our selves. For as it savoureth of Vanity, to match our selves highly, in our own conceit; So on the other side, it is a good sound Conclusion, that if our Betters have sustained the like Events, we have the less cause to be grieved.

In this kind of Consolation, I have not been wanting to my Self, Though as a Christian, I have tasted (through Gods great goodness,) of higher Remedies. Having therefore, through the Variety of my Reading, set before me, many

Examples, both of *Ancient and Later Times*, my Thoughts (I confess) have chiefly stayed upon three Particulars, as the most Eminent, and the most Resembling. All three Persons, that had held chief place of Authority in their Countries; All three ruined, not by War, or by any other Disaster, but by Justice, and Sentence; as Delinquents, and Criminals; All three famous Writers, insomuch as the remembrance of their Calamity, is now as to Posterity, but as a little Picture of Night-work, remaining amongst the fair, and excellent Tables, of their Acts, and Works. And all three (if that were anything to the matter,) fit Examples to quench any Mans Ambition of Rising again; For that they were every one of them restored with great glory, but to their further Ruine and Destruction, ending in a violent Death. The Men were, Demosthenes, Cicero, and Seneca; Persons, that I durst not claim Affinity with, except the Similitude of our Fortunes had contracted it. When I had cast mine Eyes upon these Examples, I was carried on further to observe, how they did bear their Fortunes, and principally, how they did employ their Times, being banished, and disabled for Publick Business: To the end, that I might learn by them; And that they might be, as well my Counsellours, as my Comforters. Whereupon I happened to note, how diversly, their Fortunes wrought upon them, especially in that point, at which I did most aim, which was the employing of their Times, and Pens. In Cicero, I saw, that during his Banishment, (which was almost two years,) he was so softened, and dejected, as he wrote nothing, but a few Womanish Epistles. And yet, in mine opinion, he had least reason of the Three, to be discouraged: For that although it was judged, and judged by the highest kind of Judgment, in form of a Statute, or Law, that he should be banished; And his whole Estate confiscated, and seized; And his houses pulled down; And that it should be highly penal, for any Man, to propound his Repeal; Yet his Case, even then, had no great Blot of Ignominy, but it was thought, but a Tempest of Popularity, which overthrew him. Demosthenes contrariwise, though his Case was foul, being condemned for Bribery; And not simple Bribery, but Bribery in the Nature of Treason, and Disloyalty; yet nevertheless took

so little knowledge of his Fortune, as during his Banishment, he did much busie himself, and intermeddle with matters of State; And took upon him to Counsel the State, (as if he had been still at the Helm,) by letters; As appears by some Epistles of his, which are extant. Seneca indeed, who was condemned, for many Corruptions, and Crimes, and banished into a solitary Island, kept a Mean; And though his Pen did not freeze, yet he abstained from intruding into Matters of Business; But spent his time, in writing Books, of excellent Argument, and Use, for all Ages; Though he might have made better Choice, (sometimes) of his Dedications.

These Examples confirmed me much in a Resolution, (whereunto I was otherwise inclined,) to spend my Time wholly in Writing; And to put forth that poor Talent, or half Talent, or what it is, that God hath given me, not as heretofore to particular Exchanges, but to Banks, or Mounts of Perpetuity, which will not break. Therefore having not long since, set forth a part of my Instauration; Which is the Work, that in mine own judgment, (Si nunquam fallit Imago,) I do most esteem; I think to proceed in some new parts thereof. And although I have received from many Parts beyond the Seas, Testimonies touching that Work, such as beyond which I could not expect at the first, in so abstruse an Argument; yet nevertheless I have just cause to doubt, that it flies too high over Mens Heads: I have a purpose therefore, (though I break the order of Time,) to draw it down to the sense, by some Patterns of a Natural Story, and Inquisition. And again, for that my Book of Advancement of Learning, may be some Preparative, or Key, for the better opening of the Instauration; Because it exhibits a Mixture, of new Conceits, and old; whereas the Instauration, gives the new unmixed, otherwise than with some little Asperision of the old, for tastes sake; I have thought good to procure a Translation of that Book, into the General Language, not without great and ample Additions, and Enrichment thereof; Especially in the Second Book, which handleth the Partition of Sciences: In such sort, as I hold it may serve, in lieu of the First Part, of the Instauration, and acquit my promise in that

part. Again, because I cannot altogether desert, the Civil Person, that I have born; Which if I should forget, Enough would remember; I have also entred into a work touching Laws; Propounding a Character of Justice, in a middle term, between the Speculative, and Reverend discourses of Philosophers, and the Writings of Lawyers, which are tied, and obnoxious to their particular Laws. And although it be true, that I had a purpose, to make a particular Digest, or Recompilment, of the Laws, of mine own Nation; Yet because it is a Work of Assistance, and that, that I cannot master by mine own Forces, and Pen, I have laid it aside. Now having in the Work of my Instauration, had in contemplation, the general Good of Men, in their very Being, and the Dowries of Nature; And in my Work of Laws, the general good of Men likewise, in Society, and the Dowries of Government; I thought in duty I owed somewhat unto mine own Country, which I ever loved; Insomuch as although my Place, hath been far above my desert, yet my Thoughts, and Cares concerning the Good thereof, were beyond, and over, and above my place: So now being (as I am) no more able to do my Country Service, it remained unto me, to do it Honour: Which I have endeavoured to do, in my Work, of the Reign, of King HENRY the Seventh. As for my Essayes, and some other Particulars of that nature, I count them, but as the Recreations of my other Studies, and in that sort purpose to continue them; Though I am not ignorant, that those kind of Writings, would, with less pains, and embracement, (perhaps,) yield more Lustre, and Reputation to my Name, than those other, which I have in hand. But I account the Use, that a Man should seek, of the publishing of his own Writings before his Death, to be but an untimely Anticipation of that, which is proper to follow a Man, and not to go along with him.

But revolving with my self, my Writings, as well those which I have published, as those, which I had in hand, me thought they went all into the City, and none into the Temple; Where because I have found, so great Consolation, I desire likewise to make some poor Oblation. Therefore I have chosen an Argument, mixt of Religious and Civil Considerations;

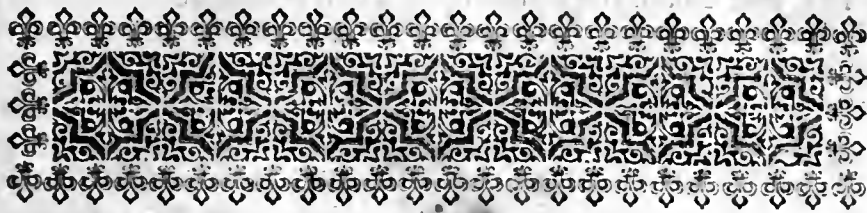
ons; And likewise mixt between Contemplative, and Active. For who can tell, whether there may not be an Exoriere aliquis? Great Matters (especially if they be Religious) have (many times) small beginnings; And the Platform, may draw on the Building. This Work, because I was ever an Enemy to flattering Dedications, I have dedicated to your Lordship; In respect of our ancient, and private Acquaintance; And because amongst the Men of our Times, I hold you in especial Reverence.

Your Lordships

Loving Friend,

Fr. St. Alban.

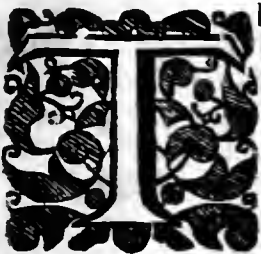
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 ADVERTISEMENT
 Touching an
 HOLY WAR.

The persons that speak.

EUSEBIUS. GAMALIEL. ZEBEDÆUS.
 MARTIUS. EUPOLIS. POLLIO.



Here met at *Paris*, (in the House of *Eupolis*;) *Eusebius*, *Zebedæus*, *Gamaliel*, *Martius*; All Persons of eminent Quality, but of several Dispositions. *Eupolis* himself was also present: And while they were set in conference, *Pollio* came in to them from Court; And as soon as he saw them, after his witty and pleasant manner, he said.

Pollio. Here be four of you, I think, were able to make a good *World*; for you are as differing as the *Four Elements*, and yet you are Friends. As for *Eupolis*, because he is Temperate, and without Passion, he may be the *Fifth Essence*. *Eupolis*. If we five (*Pollio*;) make the *Great World*, you alone may make the *Little*; Because you profess and practise both, to refer all things to your Self. *Pollio*. And what do they that practise it, and profess it not? *Eupolis*. They are the less Hardy, and the more Dangerous. But come, and sit down with us, for we were speaking of the *Affairs of Christendom*, at this day: Wherein we would be glad also, to have your Opinion. *Pollio*. My Lords, I have journeyed this Morning, and it is now the heat of the Day; Therefore your Lordships Discourses had need content my Ears very well, to make them entreat mine Eyes to

H

keep

Characters of the Persons.
Eusebius beareth the Character of a Moderate Divine. *Gamaliel* of a Protestant Zealant. *Zebedæus* of a Romish Catholic Zealant. *Martius* of a Military Man. *Eupolis* of a Politick. *Pollio* of a Courtier.

keep open. But yet if you will give me leave to awake you, when I think your Discourses do but sleep, I will keep watch the best I can, *Eupolis*. You cannot do us a greater Favour. Only I fear, you will think all our Discourses, to be but the better sort of Dreams: For good wishes, without power to effect, are not much more. But Sir, when you came in, *Martius* had both raised our Attentions, and affected us with some Speech he had begun; And it falleth out well, to shake off your Drowsiness, for it seemed to be the *Trumpet* of a *War*. And therefore, (*Martius*,) if it please you, to begin again; For the Speech was such, as deserveth to be heard twice; And I assure you, your Auditory is not a little amended, by the presence of *Pollio*. *Martius*. When you came in, (*Pollio*,) I was saying freely to these Lords, that I had observed, how by the space now, of half a *Century* of years, there had been (if I may speak it,) a kind of Meanness, in the Designs, and Enterprises of *Christendom*. Wars with *Subjects*; Like an angry Sute for a Mans own, that might be better ended by Accord. Some petty Acquests of a Town, or a Spot of Territory; Like a Farmers Purchase of a Close, or nook of ground, that lay fit for him. And although the Wars had been, for a *Naples*, or a *Millain*, or a *Portugal*, or a *Bokemia*, yet these Wars were but as the Wars of Heathen, (of *Athens*, or *Sparta*, or *Rome*,) for secular Interest, or Ambition, not worthy the Warfare of *Christians*. The Church (indeed) maketh her Missions, into the extrem parts of the *Nations*, and *Isles*; And it is well: But this is, *Ecce Unus Gladius hic*. - The *Christian Princes*, and *Potentates* are they, that are wanting, to the Propagation of the *Faith*, by their *Arms*. Yet our Lord, that said on Earth, to the *Disciples*, *Itē & prædicate*; Said from Heaven, to *Constantine*, *In hoc signo vince*. What *Christian souldier* is there, that will not be touched, with a Religious Emulation, to see an *Order* of *Jesus*, or of *Saint Francis*, or of *Saint Augustine*, do such service, for enlarging the *Christian Borders*; And an *Order* of *Saint Jago*, or *Saint Michael*, or *Saint George*, only to Robe, and Feast, and perform Rites, and Observances? Surely the *Merchants* themselves, shall rise in judgment against the *Princes*, and *Nobles* of *Europe*: For they have made a great Path, in the Seas, unto the ends of the World; And set forth Ships, and Forces, of *Spanish*, *English*, and *Dutch*, enough to make *China* tremble; And all this for *Pearl*, or *Stone*, or *Spices*: But for the *Pearl* of the *Kingdom* of *Heaven*, Or the *Stones* of the *Heavenly Hierusalem*, Or the *Spices* of the *Spouses Garden*, not a *Must* hath been set up. Nay they can make shift, to shed *Christian* Bloud, so far off amongst themselves, and not a Drop for the Cause of *Christ*. But let me recall my self; I must acknowledge, that within the space of fifty years (whereof I spake,) there have been three Noble, and Memorable *Actions*, upon the *Infidels*, wherein the *Christian* hath been the *Invader*. For where it is, upon the Defensive, I reckon it, a *War* of Nature, and not of Piety. The first was, that Famous and Fortunate *War* by *Sea*, that ended in the Victory of *Lepanto*; Which hath put a Hook into the *Nostrils* of the *Ottomans*, to this day: Which was the Work

(chiefly)

(chiefly) of that excellent *Pope, Pius Quintus*; whom I wonder his Successours have not declared a *Saint*. The second was, the Noble, though Unfortunate, Expedition, of *Sebastian King of Portugal*, upon *Africk*; which was atchieved by him alone; So alone, as left somewhat for others to Excuse. The last was, the brave Incursions, of *Sigismund the Transylvanian Prince*; The thred of whose Prosperity was cut off, by the *Christians* themselves; contrary to the Worthy and Paternal Monitories of *Pope Clement the Eighth*. More than these, I do not remember. *Pol.* No! what say you, to the Extirpation of the *Moors of Valentia*? At which sudden Question, *Martius* was a little at a stop, and *Gamaliel* prevented him, and said. *Gamaliel.* I think *Martius* did well in omitting that Action, for I, for my part, never approved it; And it seems, *God* was not well pleased with that Deed; For you see the *King*, in whose time it passed, (whom you *Catholicks* count a *Saint-like*, and *Immaculate Prince*,) was taken away, in the Flower of his Age: And the *Author*, and great *Connfellow* of that Rigour, (whose Fortunes seemed to be built upon the *Rock*,) is ruined: And it is thought by some, that the reckonings of that Business, are not yet clear'd with *Spain*: For that numbers of those supposed *Moors*, being tried now by their Exile, continue constant in the *Faith*, and true *Christians* in all points, save in the thirst of *Revenge*. *Zebed.* Make not hasty Judgment, (*Gamaliel*,) of that great action; Which was as *Christs Fan*, in those Countries; Except you could shew, some such Covenant, from the *Crown of Spain*, as *Josuah* made with the *Gibeonites*; That that *Cursed Seed* should continue in the Land. And you see, it was done by *Edict*, not tumultuously; The *Sword* was not put into the *Peoples* hand. *Eupol.* I think, *Martius* did omit it, not as making any Judgment of it, either way; But because it sorted not aptly, with Actions of *War*, being upon *Subjects*, and without resistance. But let us, if you think good, give *Martius* leave, to proceed in his Discourse; For methought he spake, like a *Divine* in *Armour*. *Martius.* It is true, (*Eupolis*,) that the Principal Object, which I have before mine Eyes, in that whereof I speak, is *Piety*, and *Religion*. But nevertheless, if I should speak only as a *Natural Man*, I should perswade the same thing. For there is no such Enterprize, at this day, for secular Greatness, and terrene Honour, as a *War* upon *Infidels*. Neither do I, in this, propound a *Novelty*, or *Imagination*, but that, which is proved by late Examples of the same kind, though perhaps of less difficulty. The *Castilians*, the Age before that wherein we live, opened the *New World*; And subdued, and planted *Mexico*, *Pern*, *Chile*, and other Parts of the *West Indies*. We see what Floods of *Treasure*, have flowed into *Enrope*, by that Action; So that the *Cense*, or *Rates of Christendom*, are raised since ten times, yea twenty times told. Of this *Treasure*, it is true, the *Gold* was Accumulate, and *Store Treasure*, for the most part; But the *Silver* is still growing. Besides, infinite is the Access of *Territory*, and *Empire*, by the same Enterprize. For there was never an *Hand* drawn, that did double the *Rest*, of the *Habitable World*, before this; For so a

Man may truly term it, if he shall put to account, as well that that is, as that which may be hereafter, by the further Occupation, and Colonizing of those Countries. And yet it cannot be affirmed, (if one speak ingenuously,) that it was the *Propagation* of the *Christian Faith*; that was the Adamant of that Discovery, Entry, and Plantation; But Gold, and Silver, and Temporal Profit, and Glory: So that, what was first in *Gods* Providence, was but second in Mans Appetite, and Intention. The like may be said, of the famous Navigations, and Conquests of *Emanuel, King of Portugal*, whose Armes began to circle *Africk* and *Asia*; and to acquire not only the Trade of Spices, and Stones, and Musk, and Drugs, but Footing, and places, in those extream parts of the *East*. For neither in this, was *Religion* the principal, but Amplification, and Enlargement, of Riches, and Dominion. And the Effect, of these two Enterprises, is now such, that both the *East*, and the *West Indies*, being met in the *Crown of Spain*, it is come to pass, that as one saith in a brave kind of Expression; *The Sun never sets in the Spanish Dominions, but ever shines, upon one part, or other of them*: Which, to say truly, is a beam of Glory, though I cannot say, it is so solid a Body of Glory, wherein the *Crown of Spain*, surpasseth all the former *Monarchies*. So as to conclude, we may see, that in these Actions upon *Gentiles*, or *Infidels*, only or chiefly, both the Spiritual, and Temporal, Honour and Good, have been in one pursuit and purchase conjoyned. *Pol.* Methinks, with your favour, you should remember, (*Martins*,) that Wild, and Savage People, are like Beasts, and Birds, which are *Feræ Naturæ*, the Property of which passeth with the Possession, and goeth to the Occupant; But of Civil People, it is not so. *Mar.* I know no such difference, amongst reasonable Souls; But that whatsoever is in order, to the greatest, and most general good of people, may justifie the Action, be the people more, or less Civil. But, (*Eupolis*) I shall not easily grant, that the people of *Peru*, or *Mexico*, were such brute Savages, as you intend; or that there should be any such difference between them, and many of the *Infidels*, which are now in other parts. In *Peru*, though they were unapparelled People, according to the Clime; And had some Customs very barbarous; Yet the *Government* of the *Incaes*, had many parts of Humanity, and Civility. They had reduced the *Nations*, from the *Adoration* of a multitude of *Idols* and *Fancies*, to the *Adoration* of the *Sun*. And, as I remember, the *Book* of *Wisdom* noteth degrees of *Idolatriy*; making that of *Worshipping* Petty and Vile *Idols*, more gross, than simply the *Worshipping* of the *Creature*. And some of the *Prophets*, as I take it, do the like, in the Metaphore, of more ugly, and bestial *Fornication*. The *Peruvians* also, (under the *Incaes*,) had magnificent Temples of their Superstition; They had strict and regular Justice; They bare great Faith, and Obedience to their *Kings*; They proceeded in a kind of Martial Justice with their Enemies, offering them their Law, as better for their own good, before they drew their Sword. And much like, was the State of *Mexico*, being an *Elective Monarchy*. As for those people of the *East*, (*Goa*, *Calecute*,

Calecut, Malacca,) they were a fine, and dainty people, Frugal, and yet Elegant, though not Militar. So that if things be rightly weighed, the *Empire of the Turks* may be truly affirmed, to be more barbarous, than any of these. A cruel Tyranny, bathed in the blood of their Emperours, upon every Succession: A heap of Vassals and Slaves: No Nobles, No Gentlemen: No Free-men, No Inheritance of Land, No Stirp or Ancient Families: A people that is without *Natural Affection*, and, as the *Scripture* saith, that *Regardeth not the desires of Women*: And without Piety, or care towards their Children: A *Nation* without Morality, without Letters, Arts, or Sciences; That can scarce measure an Acre of Land, or an hour of the Day: Base and fluttish in Buildings, Diets, and the like: And in a word, a very reproach of Human Society: And yet this *Nation* hath made the *Garden of the World*, a *Wilderness*; For that, as it is truly said, concerning the *Turks*; *Where Ottomans Horse sets his Foot, people will come up very thin.* *Pollio.* Yet in the midst of your *Invective*, (*Martius,*) do the *Turks* this right, as to remember, that they are no *Idolaters*: For if, as you say, there be a difference, between *Worshipping* a base *Idol*, and the *Sun*; There is a much greater difference, between worshipping a *Creature*, and the *Creator*. For the *Turks* do acknowledge *God the Father*, *Creator of Heaven, and Earth*, being the first Person in the *Trinity*, though they deny the rest. *At which Speech, when Martius made some pause, Zebedæus replied with a Countenance of great Reprehension, and Severity.* *Zebed.* We must take heed, (*Pollio,*) that we fall not at unawares, into the *Heretic of Manuel Comnenus, Emperour of Grecia*; Who affirmed, that *Mohomets God*, was the true *God*; Which Opinion was not only rejected, and condemned by the *Synod*, but imputed to the *Emperour*; as extream Madnes; Being reproached to him also, by the *Bishop of Thessalonica*, in those bitter, and strange Words, as are not to be named. *Martius.* I confess, that it is my Opinion, that a *War* upon the *Turk*, is more worthy, than upon any other *Gentiles, Infidels, or Savages*, that either have been, or now are, both in point of *Religion*, and in point of *Honour*; Though facility, and hope of Success, might (perhaps) invite some other Choice. But before I proceed, both my Self would be glad to take some Breath; And I shall frankly desire, that some of your Lordships would take your turn to speak, that can do it better. But chiefly, for that I see here some, that are excellent Interpreters of the *Divine Law*, though in several ways; And that I have reason to distrust mine own Judgment, both as weak in it self, and as that, which may be overborn by my Zeal, and Affection to this Cause. I think it were an Errour to speak further, till I may see some sound Foundation laid, of the *Lawfulness* of the *Action*, by them that are better versed in that Argument. *Eupolis.* I am glad, (*Martius,*) to see in a Person of your Profession, so great Moderation, in that you are not transported in an Action, that warms the blood, and is appearing Holy, to blanch, or take for admitted, the point of *Lawfulness*. And because methinks this Conference prospers, if your

Lordships will give me leave, I will make some motion, touching the distribution of it into Parts. *Unto which, when they all assented, Eupolis said. Eupolis.* I think, it would not fort amiss, if *Zebedæus* would be pleased, to handle the Question; Whether a *War*, for the *Propagation of the Christian Faith*, without other cause of Hostility, be lawful, or no, and in what Cases? I confess also, I would be glad to go a little further; And to hear it spoken to, concerning the *Lawfulness*, not only permissively, but whether it be not Obligatory, to *Christian Princes*, and *States*, to design it: Which part, if it please *Gamaliel* to undertake, the point of the *Lawfulness*, taken simply, will be Compleat. Yet there resteth the *Comparative*: That is, it being granted, that it is either *Lawful*, or *Binding*, yet whether other things be not to be prefer'd before it; As *Extirpation of Heresies*; *Reconcilements of Schisms*; *Pursuit of Lawful Temporal Rights*, and *Quarrels*; and the like: And how far this *Enterprise*, ought either to wait upon these other Matters; Or to be mingled with them; Or to pass by them, and give Law to them, as inferiour unto it self; And because this is a great part, and *Eusebius* hath yet said nothing, we will, by way of Mulct, or Pain, if your Lordships think good, lay it upon him. All this while, I doubt much, that *Pollio*, who hath a sharp Wit of Discovery, towards what is Solid and Real, and what is Specious and Aiery, will esteem all this but *Impossibilities*, and *Eagles in the Clouds*: And therefore we shall all intreat him, to crush this *Argument*, with his best Forces; That by the Light, we shall take from him, we may either cast it away, if it be found but a Bladder; Or discharge it, of so much as is vain, and not sperable. And because, I confess, I my self am not of that Opinion, although it be an hard Encounter to deal with *Pollio*, yet I shall do my best, to prove the *Enterprise Possible*; And to shew, how all *Impediments* may be either removed, or overcome. And then it will be fit for *Martius*, (if we do not desert it before,) to resume his further Discourse, as well for the *Perswasive*, as for the *Consult*, touching the *Means*, *Preparations*, and all that may conduce unto the *Enterprise*. But this is but my Wish, your Lordships will put it into better order. *They all not only allowed the Distribution, but accepted the Parts: But because the Day was spent, they agreed, to defer it, till the next Morning. Only Pollio said. Pollio.* You take me right, (*Eupolis*;) For I am of opinion, that except you could bray *Christendom* in a Mortar, and mould it into a New Past, there is no *Possibilitie* of an *Holy War*. And I was ever of opinion, that the *Philosophers Stone*, and an *Holy War*, were but the *Rendezvous* of Crackt Brains, that wore their Feather in their Head, instead of their Hat. Nevertheless, believe me of Courtesie, that if you *Five* shall be of another mind, especially after you have heard what I can say, I shall be ready to certifie with *Hippocrates*, that *Athenis* is mad, and *Democritus* is only sober. And lest you should take me for altogether Adverse, I will frankly contribute to the Business, now at first. Ye, no doubt, will amongst you devise and discourse many solemn Matters: But do as I shall tell you. This *Pope* is Decrepit, and the Bell goeth for him. Take order, that when

when he is Dead, there be chosen a *Pope* of fresh years, between fifty and threescore; And see that he take the Name of *Urban*, because a *Pope* of that Name did first institute the *Cruzada*; And, (as with an holy Trumpet,) did stir up the *Voyage*, for the *Holy Land*. *Eupolis*. You say well; but be, I pray you, a little more serious in this Conference.

The next day, the same Persons met, as they had appointed; And after they were set, and that there had passed some sporting speeches from *Pollio*, how the War was already begun; For that, (he said) he had dream't of nothing but *Janizaries*, and *Tartars*, and *Sultans* all the night long, *Martius* said. *Martius*. The Distribution of this Conference, which was made by *Eupolis* yesternight, and was by us approved; seemeth to me perfect, save in one Point; and that is, not in the *Number*, but in the *Placing* of the *Parts*. For it is so disposed, that *Pollio* and *Eupolis*, shall debate the *Possibility*, or *Impossibility* of the *Action*, before I shall deduce the *Particulars* of the *Means*, and *Manner*, by which it is to be atchieved. Now I have often observed in *Deliberations*, that the entring near hand, into the manner of Performance, and Execution of that, which is under Deliberation, hath quite overturn'd the Opinion formerly conceiv'd, of the *Possibility*, or *Impossibility*. So that things, that at the first shew, seem'd *Possible*, by Ripping up the Performance of them, have been convicted of *Impossibility*; and things, that, on the other side, have shew'd *Impossible*, by the Declaration of the Means to effect them, as by a back Light, have appeared *Possible*, the way thorow them being discerned. This I speak, not to alter the Order, but only to desire *Pollio*, and *Eupolis*, not to speak peremptorily, or conclusively, touching the Point of *Possibility*, till they have heard me deduce the *Means* of the Execution: And that done, to reserve themselves at liberty for a Reply, after they had before them, as it were, a Model of the *Enterprize*. This grave and solid Advertisement, and Caution of *Martius*, was much commended by them all; Whereupon *Eupolis* said. *Eupolis*. Since *Martius* hath begun to refine that, which was yesternight resolved; I may the better have leave, (especially in the mending of a Proposition, which was mine own,) to remember an Omission, which is more than a misplacing. For I doubt, we ought to have added, or inserted into the point of *Lawfulness*, the Question; How far an *Holy War* is to be pursued, whether to Displanting, and Extermination of *People*? And again, whether to enforce a new Belief, and to vindicate, or punish Infidelity; Or only to subject the Countries and *People*; And so, by the Temporal Sword, to open a Door, for the Spiritual Sword to enter, by Perswasion, Instruction, and such Means, as are proper for Souls and Consciences? But it may be, neither is this necessary, to be made a Part by it self; For that *Zebedæus*, in his wisdom will fall into it, as an incident to the Point of *Lawfulness*, which cannot be handled without Limitations, and Distinctions. *Zebedæus*. You encourage me, (*Eupolis*;) in that I perceive, how in your Judgment, (which I do so much esteem,) I ought to take that Course, which of my self I was purposed

posed to do. For as *Martius* noted well, that it is but a loose thing, to speak of *Possibilities*, without the particular *Designs*; So is it, to speak of *Lawfulness*, without the particular *Cases*. I will therefore, first of all, distinguish the *Cases*; Though you shall give me leave in the handling of them, not to sever them, with too much *Preciseness*: For both it would cause needless *Length*; And we are not now in *Arts*, or *Methods*, but in a *Conference*. It is therefore, first to be put to *Question* in general, (as *Eupolis* propounded it,) whether it be *lawful* for *Christian Princes*, or *States*, to make an *Invasive War*, only and simply, for the *Propagation* of the *Faith*, without other *Cause* of *Hostility*, or *Circumstance*, that may provoke and induce the *War*? Secondly, whether it being made part of the *Case*, that the *Countries* were once *Christian*, and *Members* of the *Church*, and where the *Golden Candlesticks* did stand, though now they be utterly alienated, and no *Christians* left; it be not *lawful* to make a *War*, to restore them to the *Church*, as an ancient *Patrimony* of *Christ*? Thirdly, if it be made a further part of the *Case*, that there are yet remaining in the *Countries*, multitudes of *Christians*, whether it be not *lawful* to make a *War*, to free them, and deliver them, from the servitude of the *Infidels*? Fourthly, whether it be not *Lawful* to make a *War*, for the *Purging*, and *Recovery* of *Consecrate Places*, being now polluted, and *Prophaned*; As the *Holy City*, and *Sepulchre*, and such other places of principal *Adoration*, and *Devotion*? Fifthly, whether it be not *Lawful*, to make a *War*, for the *Revenge*, or *Vindication* of *Blasphemies*, and *Reproaches*, against the *Deity*, and our *Blessed Saviour*; Or for the *Effusion* of *Christian Blood*, and *Cruelties* against *Christians*, though ancient, and long since past; Considering that *Gods Visits*, are without limitation of *Time*; And many times, do but expect the fullness of the *Sin*? Sixthly, it is to be considered, (as *Eupolis* now last well remembered,) whether a *Holy War*, (which, as in the *Worthiness* of the *Quarrel*, so in the *Justness* of the *Prosecution*, ought to exceed all *Temporal Wars*,) may be pursued, either to the *Expulsion* of *People*, or the *Enforcement* of *Consciences*, or the like *Extremities*; Or how to be moderated, and limited; Lest whilst we remember we are *Christians*, we forget that others are *Men*; But there is a *Point*, that precedeth all these *Points* recited; *Nay*, and in a manner dischargeth them, in the particular of a *War* against the *Turk*: which *Point*, I think, would not have come into my thought, but that *Martius* giving us yesterday, a *Representation* of the *Empire* of the *Turks*, with no small vigour of words, (which you (*Pollio*) called an *Invective*, but was indeed a true *Charge*,) did put me in mind of it: And the more I think upon it, the more I settle in *Opinion*; That a *War*, to suppress that *Empire*, though we set aside the *Cause* of *Religion*, were a just *War*. After *Zebedæus* had said this, he made a *Pause*, to see whether any of the rest would say any thing: But when he perceived nothing, but *Silence*, and *Signs* of *Attention*, to that he would further say, he proceeded thus.

Zebedæus. Your Lordships will not look for a *Treatise* from me, but

but a Speech of *Consultation*; And in that Brevity and Manner, will I speak. First, I shall agree, that as the *Cause* of a *War* ought to be Just; So the *Justice* of that *Cause* ought to be Evident; Not Obscure, not Scrupulous. For by the consent of all Laws, in Capital Causes, the Evidence must be full and clear: And if so, where one Mans life is in Question, what say we to a *War*, which is ever the Sentence of Death upon many? We must beware therefore, how we make a *Moloch*, or an *Heathen Idol*, of our *Blessed Saviour*, in sacrificing the Blood of Men to him, by an unjust *War*. The *Justice* of every *Action*, consisteth in the *Merits* of the *Cause*, the *Warrant* of the *Jurisdiction*, and the *Form* of the *Prosecution*. As for the *Inward Intention*, I leave it, to the *Court of Heaven*. Of these things severally, as they may have Relation to the present subject of a *War* against *Infidels*; And namely, against the most Potent, and most Dangerous Enemy of the *Faith*, the *Turk*. I hold, and I doubt not, but I shall make it plain, (as far as a Sum, or Breef can make a Cause plain,) that a *War* against the *Turk*, is *Lawful*, both by the *Laws of Nature*, and *Nations*; And by the *Law Divine*, which is the Perfection of the other two. As for the *Laws Positive*, and *Civil* of the *Romans*, or other whatsoever, they are too small Engins, to move the Weight of this Question. And therefore, in my judgment, many of the late *Schoolmen*, (though excellent Men,) take not the right way in disputing this Question; Except they had the gift of *Navius*, that they could *Cotem novacula scindere*; *Hew Stones with Pen-knives*. First, for the *Law of Nature*. The Philosopher *Aristotle* is no ill Interpreter thereof. He hath set many Men on work, with a witty speech of *Naturâ Dominus*, and *Naturâ Servus*; Affirming expressly, and positively; *That from the very Nativity, some things are born to Rule, and some things to Obey*. Which Oracle hath been taken in divers senses. Some have taken it, for a Speech of Ostentation, to entitle the *Grecians* to an *Empire* over the *Barbarians*; Which indeed was better maintained by his Scholar *Alexander*. Some have taken it, for a Speculative Platform, that Reason and Nature would, that the best should govern; But, not in any wise to create a Right. But for my part, I take it neither for a brag, nor for a wish; but for a Truth, as he limiteth it. For he saith, That if there can be found, such an Inequality between Man and Man, as there is between Man and Beast, or between Soul and Body, it investeth a Right of Government; Which seemeth rather an Impossible Case, than an untrue Sentence. But I hold both the *Judgment* true, and the *Case* possible; And such as hath had, and hath a Being, both in particular Men, and Nations. But ere we go further, let us confine Ambiguities, and Mistakings, that they trouble us not. First, to say, that the more Capable, or the better Deserver, hath such Right to Govern, as he may compulsorily bring under the less Worthy; is Idle. Men will never agree upon it, who is the more Worthy. For it is not only in order of Nature, for him to govern, that is the more Intelligent, as *Aristotle* would have it; But there is no less required for Government, Courage to protect; and,

above all, Honesty, and Probity of the Will, to abstain from Injury. So Fitness to govern, is a perplexed Business. Some Men, some Nations, excel in the one ability, some in the other. Therefore the Position, which I intend, is not in the *Comparative*, that the Wiser, or the Stouter, or the juster Nation should govern; But in the *Private*, that where there is an heap of People (though we term it a Kingdom, or State,) that is altogether unable, or indign to govern; There it is a just Cause of *War*, for another Nation, that is Civil, or Polliced, to subdue them: And this, though it were to be done, by a *Cyrus*, or a *Cesar*, that were no Christian. The second mistaking, to be banished, is; That I understand not this of a *Personal Tyranny*, as was the State of *Rome*, under a *Caligula*, or a *Nero*, or a *Commodus*; Shall the Nation suffer for that wherein they suffer? But when the Constitution of the State, and the fundamental Customs, and *Laws* of the same, (if *Laws* they may be called,) are against the *Laws* of Nature, and Nations, then I say, a *War* upon them is lawful. I shall divide the Question into three parts. First, whether there be, or may be, any *Nation*, or *Society* of *Men*, against whom it is lawful to make a *War*, without a *Precedent Injury*, or *Provocation*? Secondly, what are those *Breaches* of the *Law* of *Nature*, and *Nations*, which do forfeit, and devert, all Right, and Title, in a Nation to govern? And thirdly, whether those *Breaches* of the *Law* of *Nature*, and *Nations*, be found in any *Nation*, at this day; And namely in the *Empire* of the *Ottomans*? For the first, I hold it clear, that such Nations, or States, or Societies of People, there may be, and are. There cannot be a better ground laid, to declare this, than to look into the Original Donation of Government. Observe it well; Especially the *Inducement*, or *Preface*. Saith God: *Let us make man after our own Image, and let him have dominion, over the Fishes of the Sea, and the Fowls of the Air, and the Beasts of the Land, &c.* Here upon *De Victoria*, and with him some others, infer excellently, and extract, a most true, and divine Aphorism; *Non fundatur Dominium, nisi in Imagine Dei.* Here we have the *Charter* of Foundation: It is now the more easie to judg of the *Forfeiture*, or *Reseisure*. Deface the *Image*, and you devert the *Right*. But what is this *Image*, and how is it defaced? The *Poor Men* of *Lyons*, and some Fanatical Spirits will tell you, that the *Image* of *God*, is *Purity*; And the *Defacement Sin*. But this subverteth all Government: Neither did *Adams Sin*, or the *Curse* upon it, deprive him of his Rule, but left the Creatures, to a Rebellion, or Reluctation. And therefore, if you note it attentively, when this *Charter* was renewed unto *Noah*, and his *Sons*, it is not by the words, *You shall have Dominion*: But, *Your Fear shall be upon all the Beasts of the Land, and the Birds of the Air, and all that moveth*; Not re-granting the *Sovereignty*, which stood firm; But protecting it against the Reluctation. The sound Interpreters therefore, expound this *Image* of *God*, of *Natural Reason*; Which if it be totally, or mostly defaced, the *Right* of *Government* doth cease: And if you mark all the Interpreters well, still they doubt of the *Case*, and not of the

Law. But this is properly to be spoken to, in handling the second Point, when we shall define of the *Defacements*. Togo on. The Prophet *Hosea*, in the Person of *God*, saith of the *Jews*; *They have reigned, but not by me; They have set a Signory over themselves, but I knew nothing of it.* Which place proveth plainly, that there are *Governments*, which *God* doth not avow. For though they be ordained by his secret Providence, yet they are not knowledged by his revealed Will: Neither can this be meant of evil Governours, or Tyrants: For they are often avowed, and stablished, as lawful Potentates; But of some perverseness and defection, in the very Nation it self; Which appeareth most manifestly, in that the Prophet speaketh, of the *Signory in Abstracto*, and not of the *Person* of the *Lord*. And although some *Hereticks*, of those we speak of, have abused this *Text*, yet the *Sun* is not soiled in Passage. And again, if any Man infer, upon the words of the *Prophets* following, (which declare this *Rejection*, and to use the words of the *Text*, *Rescision* of their *Estate*, to have been for their *Idolatry*;) that by this Reason, the *Governments* of all *Idoltrous Nations*, should be also dissolved, (which is manifestly untrue,) in my judgment it followeth not. For the *Idolatry* of the *Jews* then, and the *Idolatry* of the *Heathen* then and now, are Sins of a far differing Nature, in regard of the special Covenant, and the clear manifestations, wherein *God* did contract, and exhibit himself to that *Nation*. This *Nullity* of *Policy*, and *Right of Estate*, in some *Nations*, is yet more significantly expressed, by *Moses* in his *Canticle*: In the Person of *God* to the *Jews*: *Ye have incensed me with Gods, that are no Gods, and I will incense you with a People, that are no People.* Such as were (no doubt) the *People* of *Canaan*, after *Seisin* was given, of the *Land of Promise*, to the *Israelites*. For from that time, their *Right* to the *Land* was dissolved, though they remained in many Places unconquered. By this we may see, that there are *Nations* in *Name*, that are no *Nations* in *Right*, but multitudes only, and swarms of *People*. For like as there are *Particular Persons*, utlawed, and proscribed by civil *Laws*, of several *Countries*; So are there *Nations*, that are utlawed, and proscribed, by the *Law of Nature*, and *Nations*; Or by the immediate *Commandment* of *God*. And as there are *Kings de Facto*, and not *de Jure*, in respect of the *Nullity* of their *Title*; So are there *Nations*, that are *Occupants de Facto*, and not *de Jure*, of their *Territories*, in respect of the *Nullity*, of their *Policy*, or *Government*. But let us take in some *Examples*, into the midst of our *Proofs*; For they will prove as much as put after; And illustrate more. It was never doubted, but a *War* upon *Pirates*, may be lawfully made, by any *Nation*, though not infested, or violated by them. Is it because, they have not *Certas Sedes*, or *Lares*? In the *Pyratical War*, which was achieved by *Pompey the Great*, and was his truest, and greatest glory; the *Pirates* had some *Cities*, sundry *Ports*, and a great part of the *Province* of *Cilicia*; And the *Pirates* now being have a *Receptacle*, and *Mansion* in *Algiers*. Beasts are not the less *Savage*; because they have *Dens*. Is it because the danger
hovers,

hovers, as a Cloud, that a Man cannot tell, where it will fall; And so it is every Mans Case. The Reason is good; But it is not all, nor that which is most alledged. For the true received Reason is, that *Pirates* are *Communes Humani Generis Hostes*; Whom all Nations are to prosecute, not so much in the Right of their own Fears, as upon the Band of Humane Society. For as there are formal and written Leagues, Respective to certain Enemies; So is there a Natural, and Tacite Confederation, amongst all Men, against the common Enemy of Humane Society. So as there needs no Intimation, or Denunciation of the *War*; There needs no Request from the *Nation* grieved; But all these Formalities, the Law of Nature supplies, in the Case of *Pirates*. The same is the Case of *Rovers* by *Land*; Such as yet are some *Cantons* in *Arabia*; And some petty *Kings* of the *Mountains*, adjacent to *Streights*, and *Ways*. Neither is it lawful, only for the *Neighbour Princes*, to destroy such *Pirates*, or *Rovers*; But if there were any *Nation*, never so far off, that would make it an *Enterprise* of Merit, and true Glory, (as the *Romans*, that made a *War* for the Liberty of *Grecia*, from a distant and remote part,) no doubt they might do it. I make the same Judgment, of that *Kingdom* of the *Affassins*, now destroyed, which was situate upon the Borders of *Saraca*; And was, for a time, a great Terrour to all the *Princes* of the *Levant*. There the Custom was, that upon the Commandment of their *King*, and a blind Obedience to be given thereunto, any of them was to undertake, in the nature of a Votary, the insidious Murder of any *Prince*, or *Person*, upon whom the Commandment went. This Custom, without all question, made their whole *Government* void, as an Engine built against *Humane Society*, worthy by all Men to be fired, and pulled down. I say the like, of the *Anabaptists* of *Munster*; And this, although they had not been *Rebels* to the *Empire*: And put Case likewise, that they had done no Mischief at all actually: yet if there shall be a Congregation, and consent of People, that shall hold all things to be lawful; Not according to any certain Laws, or Rules, but according to the secret, and variable Motions, and Instincts of the Spirit; This is indeed no *Nation*, no *People*, no *Signory*, that *God* doth know: Any *Nation*, that is Civil, and Polliced, may (if they will not be reduced,) cut them off, from the Face of the Earth. Now let me put a feigned Case, (And yet Antiquity makes it doubtful, whether it were Fiction, or History,) of a *Land* of *Amazons*, where the whole *Government*, publick and private, yea the *Militia* it Self, was in the hands of *Women*. I demand, is not such a Preposterous *Government*, (against the first Order of Nature, for *Women* to rule over *Men*,) in it self void, and to be suppressed? I speak not of the *Reign* of *Women*; (For that is supplied by Counsel, and subordinate Magistrates Masculine;) But where the *Regiment* of State, Justice, Families, is all managed by *Women*. And yet this last Case, differeth from the other before: Because in the rest there is Terrour of Danger, but in this there is only Error of Nature. Neither should I make any great difficulty, to affirm the same, of the *Sultanry* of the *Mamaluches*;

Mumaluches; where *Slaves*, and none but *Slaves*, bought for Money, and of unknown Descent, reigned over Families of *Free-men*. And much like were the Case, if you suppose a *Nation*, where the Custom were, that after full Age, the *Sons* should Expulse their *Fathers*, and *Mothers*, out of their Possessions, and put them to their Pensions: For these Cases, of *Women* to govern *Men*, *Sons* the *Fathers*, *Slaves* *Free-Men*, are much in the same degree; All being total Violations and Perversions, of the Laws of Nature, and Nations. For the *West-Indies*, I perceive (*Martius*) you have read *Carcilazzo de Viega*, who himself was descended of the race of the *Incaes*, a *Mestizo*, and is willing to make the best, of the Vertues and Manners of his *Country*. And yet, in troth, he doth it soberly, and credibly enough. Yet you shall hardly edifie me, that those *Nations* might not, by the *Law* of *Nature*, have been subdued by any *Nation*, that had only Policy, and Moral Vertue; Though the *Propagation* of the *Faith*, (whereof we shall speak in the proper place,) were set by, and not made part of the *Case*. Surely, their *Nakedness*, (being with them, in most parts of that *Country*, without all Vail or Covering,) was a great Defacement: For in the acknowledgment of *Nakedness*, was the first Sense of Sin: And the *Heretic* of the *Adamites*, was ever accounted an affront of Nature. But upon these I stand not: Nor yet upon their *Idiocy*, in thinking that *Horses* did eat their Bitts, and *Letters* speak, and the like. Nor yet upon their *Sorceries*, which are (almost) common to all *Idolatrous Nations*. But, I say, their *Sacrificing*, and, more especially, their *Eating* of *Men*, is such an Abomination, as (methinks) a Mans Face should be a little confused, to deny, that this Custom joyned with the rest, did not make it lawful, for the *Spaniards* to invade their Territory, forfeited by the Law of Nature; And either to reduce them, or displant them. But far be it from me, yet nevertheless to justify the *Cruelties*, which were at first used towards them; which had their reward soon after; There being not one of the Principal, of the first *Conquerors*, but died a violent Death himself; And was well followed by the Deaths of many more. Of *Examples* enough: Except we should add the *Labours* of *Hercules*: An *Example*, which though it be flourished with much Fabulous Matter, yet so much it hath, that it doth notably set forth, the consent of all Nations, and Ages, in the approbation of the extirpating, and debellating of *Gyants*, *Monsters*, and *Foren Tyrants*, not only as lawful, but as Meritorious, even of *Divine Honour*. And this, although the *Deliverer* came, from the one End of the *World*, unto the other. Let us now set down some *Arguments*, to prove the same; Regarding rather Weight, than Number, as in such a *Conference* as this is fit. The first *Argument* shall be this. It is a great Errour, and a narrowness, or straightness of Mind, if any Man think, that Nations have nothing to do one with another, except there be, either an Union in Sovereignty, or a Conjunction in Pacts or Leagues. There are other *Bands* of *Society*, and implicate *Confederations*. That of *Colonies*, or *Transmigrants*, towards their *Mother Nation*. *Gentes unius labii* is somewhat; For as the *Confusion*

tion of Tongues, was a mark of Separation, so the Being of one Language, is a mark of Union. To have the same *Fundamental Laws*, and *Customs*, in chief, is yet more; As it was between the *Grecians*, in respect of the *Barbarians*. To be of one *sect*, or *Worship*; If it be a *False Worship*, I speak not of it, for that is but *Fratres in Malo*. But above all these, there is the *Supream*, and *Indissoluble Consanguinity*, and *Society*, between *Men* in general: Of which the *Heathen Poet*, (whom the *Apostle* calls to witness,) saith; *We are all his Generation*. But much more, we *Christians*, unto whom it is revealed in particularity, that all *Men* came from one *Lump of Earth*; And that two singular *Persons*, were the *Parents*, from whom all the *Generations* of the *World* are descended. We (I say) ought to acknowledge, that no *Nations*, are wholly *Aliens*, and *Strangers*, the one to the other: And not to be less charitable, than the person introduced by the *Comick Poet*; *Homosum, Humani nihil à me alienum puto*. Now if there be such a *Tacite League*, or *Confederation*, sure it is not idle; It is against somewhat, or some *Body*: Who should they be? Is it against *Wild Beasts*? Or the *Elements*, of *Fire*, and *Water*? No, it is against such *Routs*, and *Sholes* of *People*, as have utterly degenerate, from the *Laws of Nature*; As have, in their very *Body*, and frame of *Estate*, a *Monstrosity*; And may be truly accounted, (according to the *Examples* we have formerly recited,) *Common Enemies*, and *Grievances* of *Mankind*; Or *Disgraces*, and *Reproaches* to *Humane Nature*. Such *People*, all *Nations* are interessed, and ought to be resenting, to suppress; Considering that the *Particular States* themselves, being the *Delinquents*, can give no redress. And this I say, is not to be measured so much, by the *Principles* of *Jurists*, as by *Lex Charitatis*; *Lex proximi*, which includes the *Samaritan*, as well as the *Levite*; *Lex Filiorum Adæ de Massa unâ*: Upon which *Original Laws*, this *Opinion* is grounded: Which to deny, (if a man may speak freely,) were almost to be a *Schismatick* in *Nature*.

The rest was not perfected.

AN
OFFER

To our Late Sovereign *KING*

JAMES,

OF A

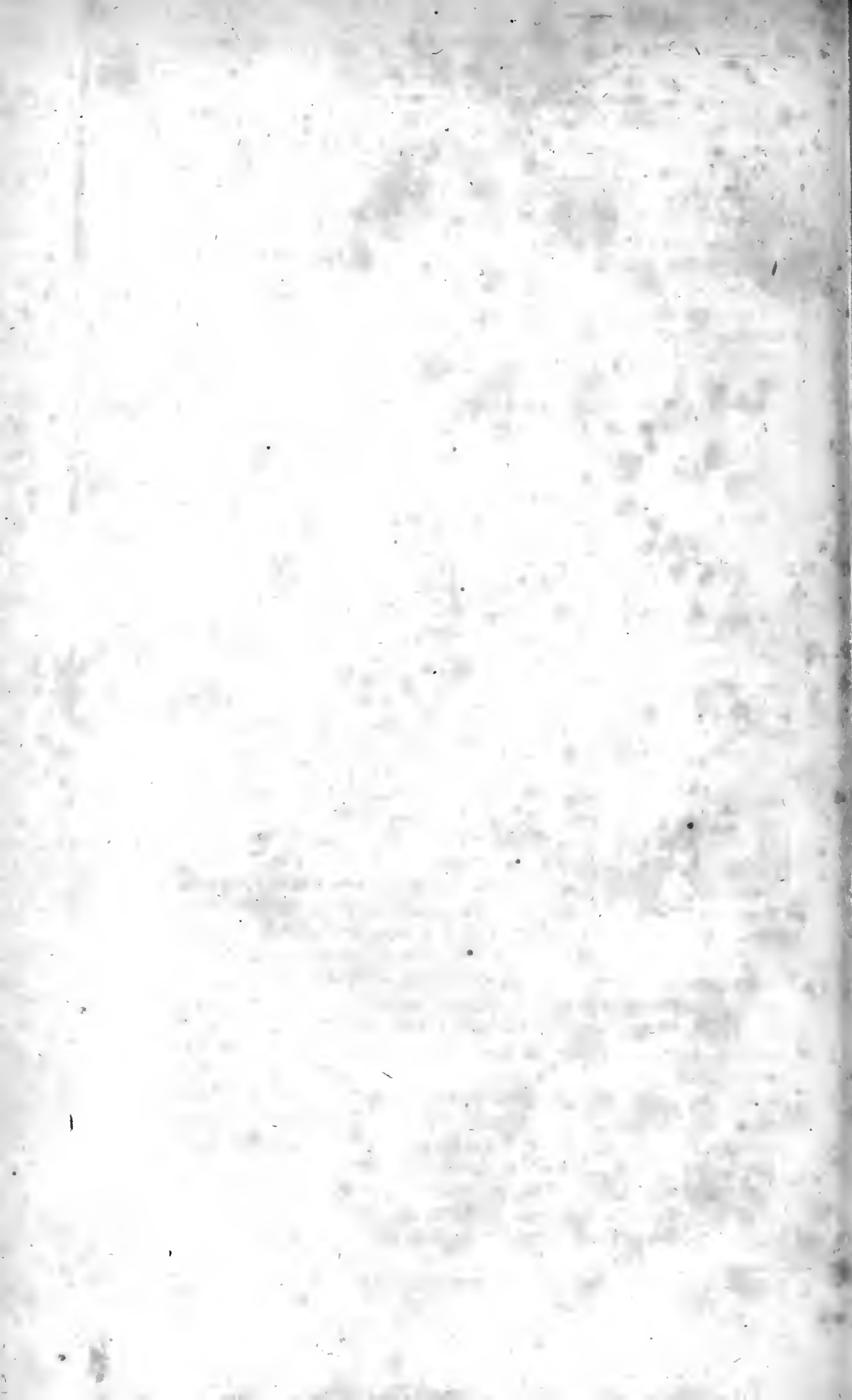
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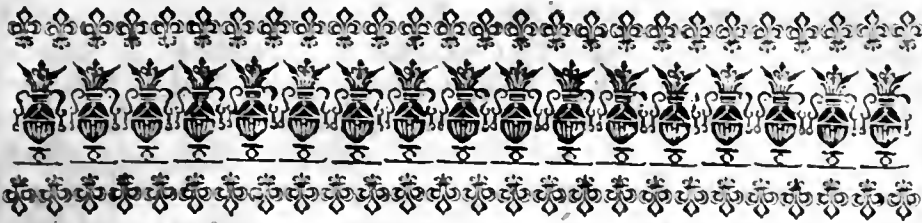
To be made of the *LAWS* of
ENGLAND.



LONDON,

Printed by *J. M.* for *Humphrey Robinson*, and Sold by
William Lee, 1670.

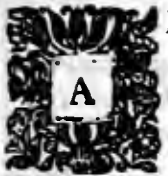




TO THE
KING;
 OF A
DIGEST

To be made of the *LAWS* of
 ENGLAND.

Most Excellent Sovereign,



Mongst the Degrees and Acts of Sovereign, or rather Heroical Honour, the First, or Second, is the Person, and Merit, of a *Law-giver*. *Princes* that govern well, are *Fathers* of the *People*. " But if a *Father* breed
 " his Son well, or allow him well, while he liveth, but
 " leave him nothing at his Death; whereby both he, and his Chil-
 " dren, and his Childrens Children may be the better; Surely the care
 " and Piety of a *Father*, is not in him compleat. So *Kings*, if they
 make a Portion of an Age happy by their good Government, yet if
 they do not make *Testaments*, (as *God Almighty* doth,) whereby a
 Perpetuity of Good may descend to their Country, they are but
 Mortal and Transitory Benefactors. *Domitian*, a few days before he
 died, dream't, that a *Golden Head* did rise upon the nape of his Neck,
 Which was truly performed in the *Golden Age*, that followed his
 times, for five Successions. But *Kings*, by giving their Subjects
 good *Laws*, may (if they will) in their own time, joyn and graft
 this *Golden Head*, upon their own Necks, after their Death. Nay
 they may make *Nabuchadonozors Image of Monarchy*, golden from
 Head to Foot. And if any of the Meaner sort of *Politiques*, that are
 sighted only to see the worst of things, think; That *Laws* are but

M

Cobwebs,

Cobwebs, and that good *Princes* will do well without them, and bad will not stand much upon them; The Discourse is neither good, nor wise. For certain it is, that good *Laws*, are some bridle to bad *Princes*; And as a very *Wall about Government*. And if Tyrants (sometime) make a breach into them, yet they mollifie even Tyranny it self; As *Solons Laws* did the *Tyranny of Pisistratus*: And then (commonly) they get up again, upon the first Advantage of better times. Other means to perpetuate the Memory, and Merits of *Sovereign Princes*, are inferiour to this. *Buildings of Temples, Tombs, Palaces, Theaters*, and the like, are honourable things, and look big upon Posterity. But *Constantine the Great* gave the Name well to those works, when he used to call *Trajan*, that was a great *Builder, Parietaria, Wall-Flower*; Because his Name was upon so many *Walls*. So if that be the Matter, that a *King* would turn *Wall-flower*, or *Felitory* of the *Wall*, with cost he may. *Adrian's* vein was better; For his mind was to wrestle a fall with *Time*; And being a great Progressour through all the *Roman Empire*, when ever he found any *Decaies* of Bridges, or High-ways, or Cuts of Rivers and Sewers, or Walls, or Banks, or the like, he gave substantial order, for their repair with the better. He gave also Multitudes of *Charters*, and *Liberties*, for the comfort of Corporations, and Companies in decay. So that his Bounty did strive with the *Ruines of Time*. But yet this, though it were an excellent Disposition, went but (in effect) to the Cases and Shells of a *Common-wealth*. It was nothing to Vertue or Vice. A bad Man might indifferently take the benefit and ease of his Waies and Bridges, as well as a good; And bad People might purchase good *Charters*. Surely, the better Works of Perpetuity in *Princes*, are those, that *wash the in-side of the Cup*. Such as are *Foundations of Colledges*, and *Lectures*, for Learning and Education of youth; Likewise *Foundations and Institutions of Orders and Fraternities*, for Nobleness, Enterprize, and Obedience, and the like. But yet these also, are but like Plantations, of Orchards, and Gardens, in Plots and Spots of Ground, here and there; They do not till over the whole *Kingdom*, and make it fruitful, as doth the Establishing of good *Laws and Ordinances*; Which makes a whole *Nation*, to be as a well ordered *Colledg*, or *Foundation*.

This kind of Work, in the memory of Times, is rare enough to shew it Excellent; And yet not so rare, as to make it suspected, for Impossible, Inconvenient, or Unsafe. *Moses*, that gave *Laws* to the *Hebrews*, because he was the Scribe of *God* himself, is fitter to be named for honours sake to other *Law-Givers*, than to be numbred or ranked amongst them. *Minos, Lycurgus*, and *Solon*, are Examples for Themes of Grammar Scholars. For ancient Personages, and Characters, now adays, use to wax Children again; Though that *Parable of Pindarus* be true; *The best thing is Water*. For Common and Trivial Things are (many times) the best; And rather despised upon Pride, because they are vulgar, than upon Cause, or Use. Certain it is, that the *Laws* of those three *Law-Givers*, had great *Prerogatives*. The first, of *Fame*; Because they were the
 Pattern

Pattern amongst the *Grecians*. The second, of *Lasting*; For they continued longest without alteration. The third, of a *Spirit of Reviver*; To be often oppressed, and often restored.

Amongst the seven *Kings of Rome*, four were *Law-Givers*. For it is most true, that a *Discourser of Italy* saith: *There was never State, so well swaddled in the Infancy, as the Roman was, by the vertue of their first Kings*: Which was a principal Cause of the wonderful growth of that *State*, in after times.

The *Decemvirs Laws*, were *Laws upon Laws*, not the Original; For they grafted *Laws of Grecia*, upon *Roman Stock*, of *Laws*, and *Customs*. But such was their success, as the *Twelve Tables*, which they compiled, were the main Body of the *Laws*, which framed and weilded the great Body of that *Estate*. These lasted a long time, with some *Supplementals*, and the *Pretorian Edicts in Albo*; Which were in respect of *Laws*, as *Writing Tables* in respect of *Brass*; The one to be put in and out, as the other is permanent. *Lucius Cornelius Sylla* reformed the *Laws of Rome*. For that Man had three Singularities, which never *Tyrant* had, but he. That he was a *Law-Giver*; That he took part with the Nobility; And, That he turned Private Man, not upon Fear, but upon Confidence.

Cæsar long after desired to imitate him only in the First; For otherwise he relied upon new Men: And for resigning his Power, *Seneca* describeth him right: *Cæsar gladium cito condidit, nunquam posuit*. *Cæsar* soon sheathed his *Sword*, but never put it off. And himself took it upon him, saying in scorn of *Sylla's* Resignation. *Sylla nescivit literas, dictare non potuit*. *Sylla* knew no letters, he could not dictate. But for the part of a *Law-Giver*, *Cicero* giveth him the Attribute. *Cæsar, si ab eo quereretur, quid egisset in Togâ; leges se respondisset, multas & præclaras tulisse*. If you had asked *Cæsar*, what he did in the *Gown*, he would have answered, that he made many excellent *Laws*. His Nephew *Augustus* did tread the same steps, but with deeper print, because of his long *Reign* in peace; Whereof one of the *Poets* of his time saith;

*Pace datâ terris, animum ad Civilia vertit:
Jura suum, legesq; tulit justissimus Author.*

From that time, there was such a Race of Wit and Authority, between the *Commentaries* and *Decisions* of the *Lawyers*, and the *Edicts* of the *Emperours*, as both *Laws* and *Lawyers* were out of breath. Whereupon *Justinian* in the end recompiled both; And made a Body of *Laws*, such as might be weilded; which himself calleth gloriously, and yet not above truth; *The Edifice or Structure of a sacred Temple of Justice*; Built indeed, out of the former *Ruines* of Books, as *Materials*, and some *Novel Constitutions* of his own.

In *Athens* they had *Sexviri*, (as *Æschines* observeth,) which were standing *Commissioners*; Who did watch to discern, what laws waxed unproper for the Times, and what new *Law* did in any
branch

branch'cross a former *Law*, and so *Ex officio* propounded their Repeal.

King Edgar collected the *Laws* of this *Kingdom*, and gave them the strength of a Faggot bound, which formerly were dispersed: Which was more glory to him, then his Sailing about this Island, with a potent Fleet. For that was, as the *Scripture* saith, *Via navis in mari; The way of a Ship in the Sea*; It vanished; but this lasteth. *Alphonso the Wise*, (the ninth of that Name,) *King of Castile*, compiled the *Digest* of the *Laws* of *Spain*, Intituled the *Siete Partidas*; An excellent Work, which he finished in seven years. And as *Tacitus* noteth well; That the *Capitol*, though built in the beginnings of *Rome*, yet was fit for the great *Monarchy* that came after; So that *Building* of *Laws* sufficeth the Greatness of the *Empire* of *Spain*, which since hath ensued.

Lewis the eleventh had it in his mind, (though he performed it not,) to have made one constant *Law* of *France*; Extracted out of the *Civil Roman Law*, and the *Customs* of *Provinces* which are various, and the *Kings Edicts* which with the *French* are *Statutes*. Surely he might have done well, if, like as he brought the *Crown*, (as he said himself,) from *Page*; So he had brought his *People* from *Lacquay*; Not to run up and down for their *Laws*, to the *Civil Law*, and the *Ordinances*, and the *Customs*, and the *Discretions* of *Courts*, and discourses of *Philosophers*, as they use to do.

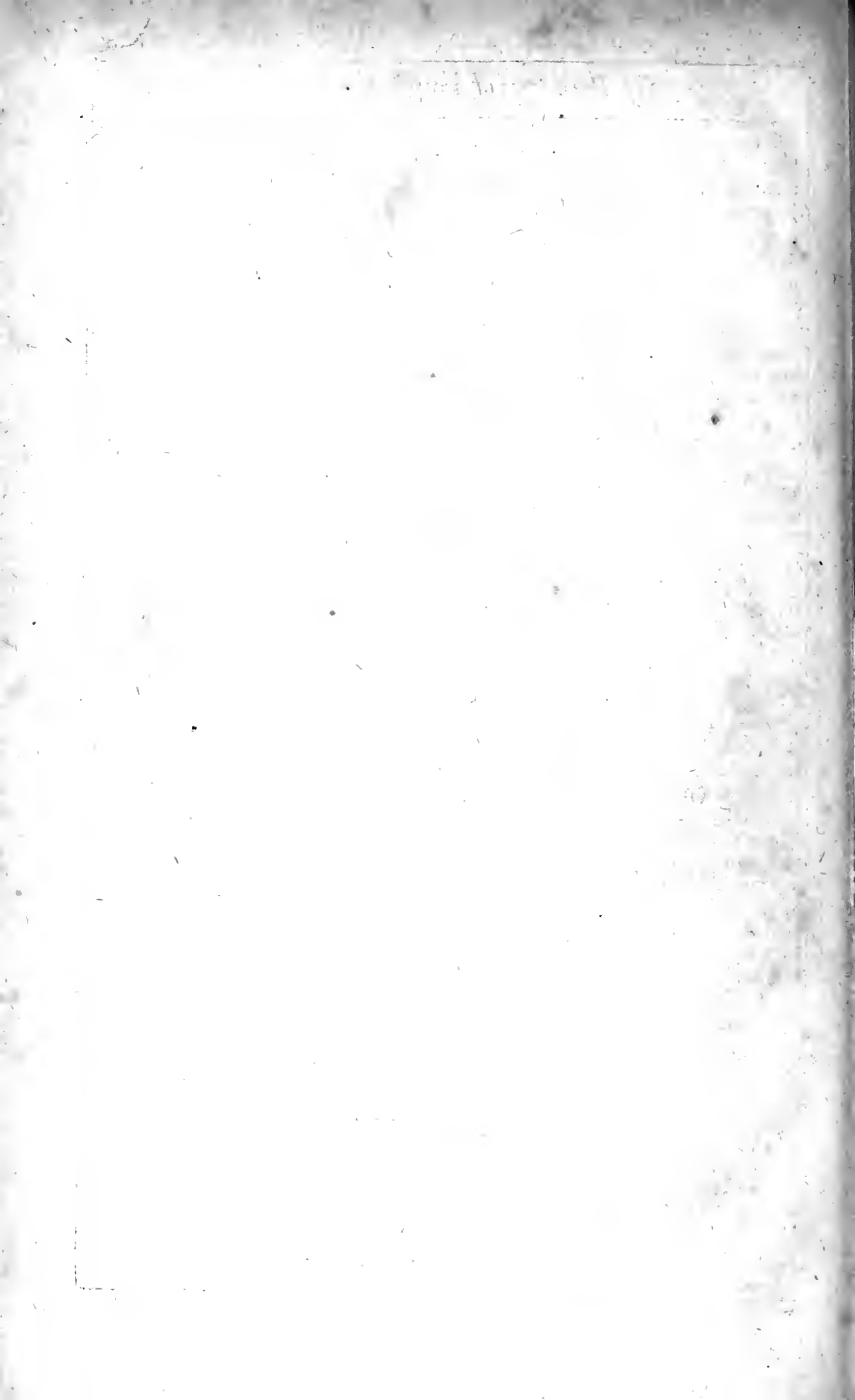
King Henry the Eighth, in the twenty seventh year of his Reign, was authorized by *Parliament*, to nominate 32 *Commissioners*, part *Ecclesiastical*, and part *Temporal*; To purge the *Canon Law*, and to make it agreeable to the *Law* of *God*, and the *Law* of the *Land*. But it took not effect. "For the *Acts* of that *King* were (commonly) "rather *Proffers*, and *Fames*, than either well grounded, or well "pursued. But I doubt, I erre in producing so many examples. For as *Cicero* said to *Cesar*, so may I say to your Majesty; *Nil vulgare te dignum videri possit*. Though indeed this well understood is far from *Vulgar*. For that the *Laws* of the most *Kingdoms* and *States*, have been like *Buildings* of many pieces, and patched up, from time to time, according to occasions, without *Frame*, or *Model*.

Now for the *Laws* of *England*, (if I shall speak my *Opinion* of them, without partiality, either to my *Profession*, or *Country*;) for the *Matter* and *Nature* of them, I hold them *Wise*, *Just*, and *Moderate Laws*: They give to *God*, they give to *Cesar*, they give to the *Subject*, what appertaineth. It is true, they are as mixt, as our *Language*, compounded of *British*, *Roman*, *Saxon*, *Danish*, *Norman Customs*. And surely, as our *Language* is thereby so much the richer; So our *Laws* are likewise by that *Mixture*, the more compleat.

Neither doth this attribute less to them, than those that would have them to have stood out the same in all *Mutations*. For no *Tree* is so good first set, as by transplanting, and *Grafting*. I remember what happened to *Callisthenes*, that followed *Alexanders Court*, and was grown into some displeasure with him, because he could not well brook the *Persian Adoration*. At a *Supper*, (which with the
Grecians

Grecians was a great part Talk,) he was desired, (the *King* being present,) because he was an Eloquent Man, to speak of some Theme; Which he did; And chose for his Theme the praise of the *Macedonian Nation*; Which though it were but a filling Thing, to praise Men to their Faces, yet he performed it with such advantage of Truth, and avoidance of Flattery, and with such Life, as was much applauded by the Hearers. The *King* was the less pleased with it, not loving the Man, and by way of discountenance, said; *It was easie to be a good Oratour in a pleasing Theme*; But saith he to him; *Turn your stile*; *And tell us now of our faults, that we may have the profit, and not you the praise only*: Which he presently did, with such Quickness, that *Alexander* said; *That Malice made him Eloquent then, as the Theme had done before*. I shall not fall into either of these extreams, in this subject, of the *Laws of England*. I have commended them before for the *Matter*, but surely they ask much amendment for the *Form*; Which to reduce and perfect, I hold to be one of the greatest Dowries, that can be confer'd upon this Kingdom. Which Work, for the Excellency, as it is worthy your *Majesties* Act, and Times; So it hath some circumstance of Propriety agreeable to your *Person*. *God* hath blessed your *Majesty* with Posterity; And I am not of opinion, that *Kings* that are barren, are fittest to supply Perpetuity of Generations, by perpetuity of Noble Acts; But contrariwise, that they that leave Posterity, are the more interess'd in the Care of Future Times; That as well their Progeny, as their People, may participate of their Merit.

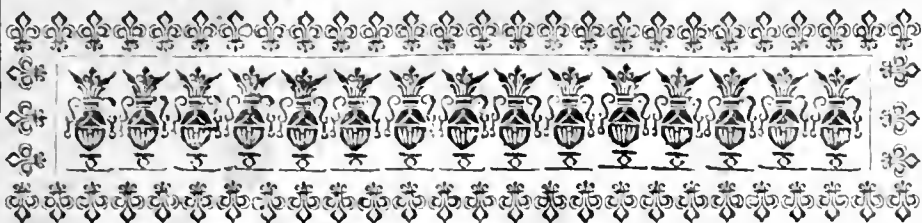
Your *Majesty* is a great Master in Justice, and Judicature; And it were pity, the fruit of that your Vertue, should not be transmitted to the Ages to come. Your *Majesty* also reigneth in learned times, the more, (no doubt,) in regard of your own perfection in Learning, and your Patronage thereof. And it hath been the Mishap of *Works* of this Nature, that the less Learned Time, hath (sometimes) wrought upon the more Learned; Which now will not be so. As for my self, the *Law* was my Profession, to which I am a Debter: Some little helps I have of other Arts, which may give Form to Matter; And I have now, (by *Gods* merciful Chastisement, and by his special Providence,) time and leisure, to put my Talent, or half-Talent, or what it is, to such Exchanges, as may perhaps exceed the Interest of an Active Life. Therefore, as in the beginning of my Troubles, I made offer to your *Majesty* to take pains in the *Story of England*, and in compiling a *Method* and *Digest* of your *Laws*; So have I performed the first, (which rested but upon my self,) in some part; And I do, in all humbleness, renew the offer of this latter, (which will require Help and Assistance,) to your *Majesty*, if it shall stand with your good pleasure, to employ my Service therein.




THE
HISTORY
OF THE
REIGN
OF
KING
Henry the Eighth.



LONDON,
Printed by J. M. for Humphrey Robinson, and Sold by
William Lee, 1670.



THE
 HISTORY
 OF THE
 REIGN
 OF
 KING
 Henry the Eighth.


 After the Decease of that Wise and Fortunate *King*,
Henry the VII. who died in the Height of his Prospe-
 rity, there followed (as useth to do, when the Sun
 setteth so exceeding clear,) one of the fairest Morn-
 ings of a *Kingdom*, that hath been known in this
Land, or any where else. A young *King*, about 18
 years of Age, for Stature, Strength, Making, and Beauty, one of
 the goodliest Persons of his time : And though he were given to
 Pleasure, yet he was likewise desirous of Glory; So that there
 was a passage open in his Mind, by Glory, for Vertue. Neither
 was he un-adorned with Learning, though therein he came short of
 his *Brother Arthur*. He had never any the least Pique, Difference, or
 Jealousie, with the *King* his *Father*, which might give any occasion,
 of altering *Court*, or *Counsel* upon the change, but all things passed
 O in

in a Still. He was the first Heir of the *White*, and the *Red Rose*; So that there was no discontented Party now left in the *Kingdom*, but all Mens Hearts turned towards him. And not only their Hearts, but their Eyes also. For he was the only Son of the *Kingdom*. He had no *Brother*, which though it be a comfortable thing, for *Kings* to have, yet it draweth the Subjects Eyes a little aside. And yet being a married Man in those young years, it promised hope of speedy Issue, to succeed in the *Crown*. Neither was there any *Queen Mother*, who might share any way in the Government, or clash with his *Counsellours* for Authority, while the *King* intended his pleasure. No such thing, as any Great and Mighty *Subject*, who might any way eclipse, or overshadow the *Imperial Power*. And for the people, and *State* in general, they were in such lowness of obedience, as Subjects were like to yield, who had lived almost four and twenty years, under so politique a *King*, as his *Father*; Being also one who came partly in by the Sword; And had so high a Courage in all points of Regalitie; And was ever victorious in Rebellions, and Seditions of the *People*. The *Crown* extreamly rich, and full of Treasure, and the *Kingdom* like to be so in short time. For there was no War, no Dearth, no Stop of Trade, or Commerce, it was only the *Crown*, which had sucked too hard, and now being full, and upon the head of a young *King*, was like to draw less. Lastly, he was Inheriter of his *Fathers* Reputation, which was great throughout the World. He had streight Alliance, with the two Neighbour States, an ancient Enemy in former times, and an ancient Friend, *Scotland*, and *Burgundy*. He had Peace and Amity with *France*, under the Assurance, not only of Treaty and League, but of Necessity and Inhability in the *French* to do him hurt, in respect that the *French Kings* Designs were wholly bent upon *Italy*. So that it may be truly said; there had scarcely been seen, or known, in many Ages, such a rare Concurrence of Signs, and Promises of a happy, and flourishing Reign to ensue, as were now met in this young *King*, called, after his *Fathers* name, *HENRY* the Eighth, &c.

FINIS.

THE
NATURAL
AND
EXPERIMENTAL
HISTORY
OF
WINDS, &c.

Written in Latine by the Right Honourable
FRANCIS Lord *Verulam*, Viscount *S' Alban*.

Translated into English by R. G. Gent.



LONDON,
Printed for *Anne Moseley*, and *Tho. Bassett* at the *George*
in *Fleet-street*, 1671.

EXHIBIT

HIS

AND

...

...

...



TO THE
Most Illustrious,
AND
EXCELLENT PRINCE,
CHARLES,
Son and Heir to the High and Mighty
KING JAMES.



*Humbly present unto your Highness
the first fruits of our Natural
History; A thing exceeding lit-
tle in quantity, like a grain of
Mustard-seed, but yet a pledg of
those things which God willing
shall ensue. For we have bound*

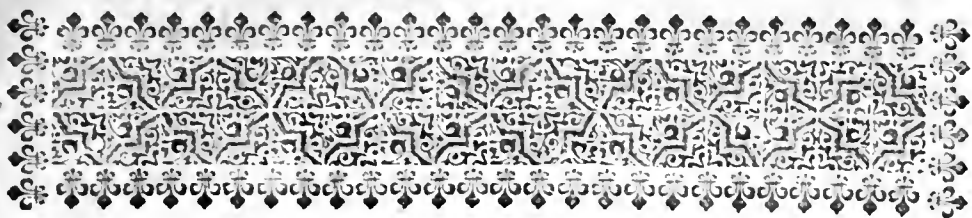
*our selves, as by a vow, every Month that God shall
of his goodness please (whose glory it sets forth as it
were in a new Canticle or Song) to prolong our life,
to set out one or more parts of it, according as their
length and difficulty shall prove more or less. Others
may peradventure (moved by our example) be moved
to the like industry; especially when they shall clearly
perceive what is in hand. For in a Natural History*

*which is good and well set out, are the Keys both of
Sciences and works. God preserve your Highness long
in safety,*

Your Highness humble and devoted
Servant

FRAN. ST ALBAN.

THE



T H E
NATURAL and EXPERIMENTAL HISTORY
for the making up of Philosophy : Or Experiments
of the Universe : Which is the third part of
the *INSTAURATIO MAGNA.*


MEN are to be intreated, advised and adjured even by their Fortunes, to submit their minds, and seek for Knowledge in the greater World; and likewise to cast away so much as the thought of Philosophy, or at least to hope but for slender and small fruits thereof, until a diligent and approved Natural and Experimental History be acquired and made up: For what would these shallow brains of men, and these potent trifles have? There were among the Ancient numerous Opinions of Philosophers, as of *Pythagoras, Philolaus, Xenophanes, Heraclitus, Empedocles, Parmenides, Anaxagoras, Leucippus, Democritus, Plato, Aristotle, Theophrastus, Zeno*, and others. All these made up Arguments of Worlds, as of Fables, according to their own Fancies, and recited and published those Fables; whereof some indeed were more handsome and probable, and some again most harsh. But in our Ages, by means of Colledges and Schools Disciplines, wits are somewhat more restrained; yet have they not quite ceased: *Patricius, Telesius, Brunus, Severine* the Dane, *Gilbertus* an Englishman, and *Campanella* did set foot upon the Stage, and acted new Fables, neither much applauded, nor of any Elegant Argument or Subject. But do we wonder at these things? as though such Sects and Opinions, might not in an infinite number arise in all ages? For neither is there, nor ever will be any end or limit for these things. One snatches at one thing, another is pleased with another; there is no dry nor clear sight of any thing, every one plays the Philosopher out of the small Treasures of his own Fancy, as it were out of *Platos* Cave; the more sublime wits more acutely, and with better success: the duller with less success but equal obstinacy: and not long since by the discipline of some learned (and as things go now excellent) men, Sciences are bounded within the limits of some certain Authors which they have set down, imposing them upon old men, and instilling them into young. So that now (as *Tullie* cavilled upon *Cæsars* Consulship) the star *Lyra* or *Harpe* riseth by an Edict, and Authority is taken for truth, not truth for Authority. Which kind of order, and discipline is very convenient for our present use; but banisheth those which are better. For we both suffer for, and emulate our first Parents sin. They desired to be like unto God, and their posterity much more: for we create new worlds, go before nature and command it. We must have

have all things to be so as may agree with our folly, not to Divine wisdom, nor as they are found to be in themselves: neither can I say which we rest most, our wits, or the things themselves: but certainly we set the stamps and seals of our own Images upon Gods Creatures, and works, and never carefully look upon and acknowledg the Creators stamps. Therefore we do not without cause again strive for the domination over the Creatures. For whereas even after the fall of man, he had some kind of domination left him over reluctant Creatures, that he might tame and subdue them by true and solid arts; we have for the most part lost that also through our own insolencie, because we will be like unto God, and follow the dictates of our own reason. Wherefore if there be any humility towards the Creator, any reverence, and magnifying of his works, any charity in men, or care to release them out of their necessities and miseries, if there be any love of truth in natural things, hatred of darkness, and a desire of purifying the understanding, men are to be again and again desired, that casting off, or at least laying aside for a while, these flying and preposterous Philosophies, which have set the *Theses* before the *Hypopheses*, or suppositions before solid grounds, have captivated experience, and triumphed over the works of God, they would humbly and with a certain reverence draw near and turn over the great Volume of the Creatures, stop and meditate upon it: and being cleansed and free from opinions, handle them choicely and entirely. This is the speech and language that went out into all the ends of the World, and suffered not in the confusion of *Babel*. Let men learn this, and becoming children again and Infants, not scorn to take A. B. C. thereof in hand, and in finding and searching out the interpretation of it, let them spare no labour, but let them persist and go on, and even die in the quest of it. Seeing therefore that in our Instauration we have placed the Natural History (such as it is in order to our ends) in the third part of the work: we have thought fit to prevent this thing, and fall upon it immediately. For although in our Organon, there are many things of especial consequence to be finished, yet we think it fitting rather to promote or set forward the general work of Instauration in many things, then to perfect it in a few, always desiring with extream fervency (such as we are confident God puts in the minds of men) to have that which was never yet attempted, not to be now attempted in vain. Likewise there came this thought into my mind, namely, that there are questionless in *Europe* many capable, free, sublimed, subtil, solid, constant wits; and what if any one endued with such a wit, do betake himself to the use and manner of our Organon, and approve of it? yet hath he nothing to donor knows not how to address himself to, or fit himself for Philosophy. If it were a thing which might be effected by reading of Philosophy books, disputation, or meditation; that man (whosoever it be) might sufficiently, and abundantly perform it: But if we remit him (as indeed we do) to Natural History, and experiments of arts, he is gravelled or sticks in the mire; it is not his intention, he hath no time, nor will not be at the charge: yet we must not desire to have men cast off old things, before they have gotten new. But after a copious, and faithful History of Nature and Arts is gathered and digested, and as it were set, and laid open before mens eyes, there is no small hope that such great wits as we have before spoken of (such as have been in ancient Philosophers, and are at this day frequent enough) having been heretofore of such efficacy, that they could out of corke or a little shell (namely by thin and frivolous experi-

ence)

ence) build certain little boats for Philosophy, gallant enough for Art and structure; how much more gallant and solid structures will they make, when they have found a whole wood, and stuff enough: and that, though they had rather go on in the old way, then make use of our Organons way which (in our opinion) is either the only, or the best way. So that the case stands thus: our *Organon* (though perfect) could not profit much without the Natural History; but our Natural History without the *Organon* might much advance Instauration, or renewing of Sciences. Wherefore we have thought it best and most advisedly to fall upon this before any thing else. God the Maker, Preserver, and Renewer of the Universe, guide and protect this Work, both in its ascent to his own glory, and in its descent to the good of man, through his good-will towards man, by his only begotten Son God with us.

The



The Rule of this present History.

THough we have set down towards the end of that part of our *Organon*, which is come forth, Precepts concerning the Natural and experimental History: yet we have thought good to set down more exactly and briefly, the form and rule of this History which we now take in hand. To the Titles comprehended in the Catalogue, which belong to the Concretes, we have added the Titles of the Abstract Natures; of which, as of a reserved History, we made mention in the same place. These are the various Figurations of the matter, or forms of the first Classis, simple Motions, sums of Motions, measures of Motions, and some other things: of these we have made a new Alphabet, and placed it at the end of this Volume. We have taken Titles (being no way able to take them all) not according to order, but by choice: those namely, the Inquisition of which either for use was most of weight, or for abundance of Experiments most convenient, or for the obscurity of the thing most difficult and noble, or by reason of the discrepancy of Titles among themselves, most open to examples. In each Title, after a kind of an entrance or Preface, we presently propound certain particular Topicks or Articles of Inquisition, as well to give light to the present Inquisition, as to encourage a future. For we are Masters of Questions, but not of things; yet we do not in the History precisely observe the order of Questions, least that which is for an aid and assistance should prove a hinderance.

The Histories and Experiments always hold the first place; and if they set forth any enumeration, and Series of particular things, they are made up in Tables, or if other wise, they are taken up severally.

Seeing that Histories and Experiments do oftentimes fail us, especially those which give light, and Instances of the Cross, by which the understanding may be informed of the true causes of things, we give Precepts of new Experiments, as far as we can see them fitting in our mind, for that as is to be enquired: and these Precepts are designed like Histories. For what other means is left to us, who are the first that come into this way? We unfold and make plain the manner of some Experiments that are more quaint and subtle, that there may be no error, and that we may stir up others to find out better and more exact ways. We enterweave Monitions and Cautions of the Fallacies of things, and of such Errors, and Scruples, as may be found in the Inquiry, that all Fancies, and as it were Apparitions may be frighted away, as by an Exorcisme or spell.

We joyn thereunto our Observations upon History and experiments, that the Interpretation of the Nature may be the readier.

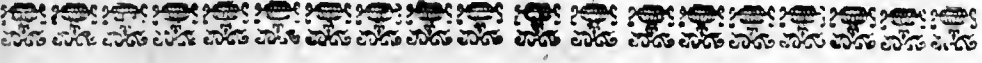
We Interpose some Comments, or as it were Rudiments of the Interpretations of Causes, sparingly, and rather supposing what may be, than positively defining what is.

We prescribe and set down Rules, but moveable ones, and as it were inchoated Axiomes which offer themselves unto us as we enquire, not as we decisorily pronounce, for they are profitable, though not altogether true.

Never forgetting the profit of man-kind (though the light be more worthy than those things which be shewen by it) we offer to mans attention and practise certain Essays of Practise, knowing that mens stupidity is such, and so unhappy, that sometimes they see not, and pass over things which lye just in their way.

We set down works and things impossible, or at least which are not yet found out, as they fall under each Title: and withal those which are already found out, and are in mens povver; and vve adde to those impossible, and not yet found out things, such as are next to them, and have most affinity vwith them, that vve may stir up, and vwithall encourage humane industry.

It appears by the forslaid things, that this present History doth not only supply the place of the third part of the Instauration, but also is a not despicable preparation to the fourth, by reason of the Titles out of the Alphabet and Topicks, and to the sixth, by reason of the larger Observations, Commentations, and Rules.



The Titles of the Historiés and Inquisitions
designed for the first six Months.

THe History of Winds.

The History of Density, and Rarity; as likewise of Coition
and Expansion of matter by spaces.

The History of Heavy and Light.

The History of the Sympathy, and Antipathy of things.

The History of Sulphur, Mercury, and Salt.

The History of Life and Death.

In this Book are contained;

THe Natural and Experimental History of Winds.

The Natural and Experimental History of the form of
Heat.

Of the several kinds of Motion, or of the Active vertue.

The way to find out the causes of the Ebbing and Flowing of
the Sea.



The Entry into the History of Winds.

The Winds gave Wings to men; for by their assistance men are carried up through the Air and flye; not through the Air indeed, but upon the Sea; and a wide door is laid open to commerce, and the World is made precious. They are the besomes which sweep and make clean the earth, which is the seat and habitation of mankind, and they cleanse both it and the air: But they make the Sea hurifull, which otherwise is harmless, neither are they some other ways also, free from doing hurt: They are without help of man able to stir up great and vehement motions, and like Hirelings serve both to sail and grind, and would be useful for many other things, if humane care were not wanting, Their Natures are reckoned amongst secret and bidden things. Neither is that to be wondred at, seeing the Nature and Power of the Air is unknown, whom the Winds do serve and flatter, as Eolus doth Juno in the Poets. They are not primary Creatures, nor any of the six days works, no more than the rest of the Meteors actually, but after born, by the order of the Creation.

PARTICULAR TOPICKS:

OR,

Articles of Inquisition Concerning the Winds.

The Names of Winds.

Escribe or set down the Winds according to the Sea-mans industry; and give them Names either new or old, so that you keep your self constant to them.

Winds are either general or precise, either peculiar, or free. I call them general which always blow; precise, those which blow at certain times: Attendants or Peculiar, those which blow most commonly: Free Winds, those which blow indifferently, or at any time.

General Winds.

2. Whether there be any General Winds, which are the very self motion of the Air; and if there be any such, in order to what motion, and in what places they blow?

Precise, or fixed Winds.

3. What Winds are Aniversary or yearly winds, returning by turns; and in what Countrys? Whether there be any Wind so precisely fixed, that it returns regularly at certain days and hours, like unto the flowing of the Sea?

Attending or Peculiar Winds.

4. What Winds are peculiar, and ordinary in Countrys, which observe a certain time in the same Countrys; which are Spring winds, and which are Summer winds; which Autumnal, which Brumal, which Equinoctial, which Solstitial; which are belonging to the Morning, which to Noon, which to the Evening, and which to the Night.

5. What winds are Sea winds, and what winds blow from the Continent? and mark and set down the differences of the Sea and Land winds carefully, as well of those which blow at Land and Sea, as of those which blow from Land and Sea.

Free Winds.

6. Whether winds do not blow from all parts of Heaven?

Winds do not vary much more in the parts of Heaven from which they

they blow, than in their own qualities. Some are vehement, some mild, some constant, some mutable; some hot, some cold; some moistning and dissolving; some drying and astringent; some gather clouds and are rainy, and peradventure Stormy: some disperse the clouds, and are clear.

Divers qualities of Winds.

7. Enquire and give account, which are the winds of all the fore-named sorts or kinds, and how they vary according to the regions and places.

There are three local beginnings of Winds, either they are thrown and cast down from above, or they spring out of the Earth, or they are made up of the very body of the Air.

Local beginnings of Winds.

8. According to these three beginnings enquire concerning winds: Namely, which are thrown down, out of that which they call the middle Region of the Air; which breath out of the concavities of the earth, whether they break out together; or whether they breath out of the Earth imperceivably, and scattering, and afterwards gather together, like rivolets into a River. Finally, which are scatteringly engendred from the swellings and dilatations of the neighbouring Air?

Neither are the generations of the winds, original only, for some there are also accidental, namely by the compressions or restraints of the Air, and by the percussions and repercussions of it.

Accidental Generations, and Production of Winds.

9. Enquire concerning these accidental Generations of winds: They are not properly generations of winds; for they rather increase and strengthen winds, than produce and excite them.

Hitherto of the community of winds. There are also certain rare and prodigious winds, such as are called tempests, whirl-winds, and storms: These are above ground. There are likewise some that are subterranean and under ground, whereof some vaporous and Mercurial, they are perceivable in Mines: Some are sulphurous, they are sent out, getting an issue by Earthquakes, or do flame out of fiery Mountains.

Extraordinary Winds, and sudden Blasts.

10. Enquire concerning such rare and prodigious winds, and of all miraculous and wonderful things done by winds.

From the several sorts of winds let the Inquisition pass to those things which contribute towards the winds, (for we will so express it, because the word Efficient signifies more, and the word concomitant less than we mean) and to those things which seem to raise, or to appease the winds.

Things contributing, or making for the Winds, and raising, and appeasing them.

11. Enquire sparingly concerning Astrological considerations of winds, neither care thou for the over-curious Schemes of the heaven, only do not neglect the more manifest Observations of winds rising, about the rising of some stars, or about the Eclipses of the Luminaries, or Conjunctions of Planets; nor much less on those which depend on the courses of the Sun and Moon.

12. What Meteors of several sorts do contribute or make for winds, what the earth-quakes, what rain, what the skirmishing of winds one with another? for these things are linked together, and one draws on the other.

13. What the diversity of Vapours and exhalations contributes towards the winds? and which of them do most engender winds; and how far the Nature of winds doth follow these its materials.

14. What those things which are here upon the earth, or are there done do contribute towards the winds; what the hills and the dissolutions of Snow upon them; what those masses of Ice which swim upon the Sea, and are carried to some place; what the differences of soil and land (so it be of some large extent;) what Ponds, Sands, Woods, and Champion ground; what those things which we men do here, as burning of Heath, and the like, doth contribute to the manuring of Land, the firing of Towns in time of War, the drying up of Ponds and Lakes; the continual shooting off of Guns, the ringing of many Bells together in great Cities, and the like? These things and Acts of ours are but, as small straws, yet something they may do.

15. Enquire concerning all manner of raisings, or allayings of winds, but besparing in fabulous and superstitious causes.

From those things which make for the winds, let the Inquisition proceed to enquire of the bounds of the winds, of their Height, Extention, and Continuance.

The bounds of Winds.

16. Enquire carefully of the Height, or elevation of winds, and whether there be any tops of mountains to which the winds do not reach; or whether Clouds may be seen sometimes to stand still, and not move, when the winds at the same time blow strongly upon the earth.

17. Enquire diligently of the spaces or rooms which the winds take up at once, and within what bounds they blew? As for example, if the south wind blew in such a place, whether it be known certainly, that at the same time the North wind blew ten miles off? And contrariwise into how narrow and straight bounds the winds may be reduced, so that winds may pass as it were through Channels; which seems to be done in some whirlwinds.

18. Enquire for how long time, very much, ordinary, or little time winds use to continue, and then slack, and as it were expire and die. Likewise how the rising and beginning of winds useth to be; what their languishing or cessation is, whether suddenly, or by degrees, or how?

From the bounds of the winds let your Inquisition pass over to the successions of winds, either amongst themselves, or in respect of rain and showrs; for when they lead their rings it were pretty to know the order of their dancing.

Successions of Winds.

19. Whether there be any more certain rule or observation concerning the successions of winds one to another, or whether it have any relation to the motion of the Sun, or otherwise: if it have any, what manner of one it is?

20. Enquire concerning the succession and the alteration, or taking turns of the winds, and rain, seeing it is ordinarily, and often seen, that rain lays the wind, and the wind doth disperse the rain.

21. Whether after a certain term and period of years, the succession of winds begin anew; and if it be so, what that period is, and how long?

From the succession of the winds, let the Inquisition pass to their motions: and the motions of winds are comprehended in seven Inquisitions; whereof three are contained in the former Articles, four remain as yet untouched. For we have enquired of the motion of winds divided into the several Regions of the Heaven; also of the Motion upon three lines, upward, downward, and laterally: Likewise of the accidental motion of compressions or Restraints. There remain the fourth of Progressions or going forward: the fifth of Undulation, or waving: the sixth of conflict or skirmish: the seventh in humane Instruments and Engines.

Divers Motions of the Winds.

22. Seeing Progression is always from some certain place or bound; enquire diligently; or as well as thou canst concerning the place of the first beginning, and as it were the spring of any wind. For winds seem to be like unto flame, for though they make a noise and run up and down, yet they hide their heads amongst the Clouds: so is their Progress; as for example, if the vehement Northern wind which blew at *York* such a day, do blow at *London* two days after.

23. Omit not the Inquisition of Undulation of winds. We call Undulation of winds that motion by which the wind in or for a little space of time rises and abates, as the waves of the water; which Turns may easily be apprehended by the hearing of them in houses: and you must so much the rather mark the differences of Undulation, or of Furrowing between the water and the air, because in the air and winds, there wants the Motion of gravity or weight, which is a great part of the cause of the waves rising in the water.

24. Enquire carefully concerning the Conflict, and meeting of winds, which blow at one and the same time: First, whether at the same time there blow several Original winds? (for we do not speak of reverberated winds) which if it comes to pass, what Windings they engender and bring forth in their motion, and also what Condensations, and Alterations they produce in the body of the Air?

25. Whether one wind blow above at the same time, as another blows here below with us? For it hath been observed by some, that sometimes

sometimes the Clouds are carried one way, when the Weather-cock upon a Steeple stands another. Also that the Clouds have been driven by a strong gale, when we here below have had a great calm.

26. Make an exact particular description of the motion of the winds, in driving on Ships with their Sails.

27. Let there be a Description made of the motion of the winds in the sails of Ships, and the sails of Wind-mills, in the flight of Hawks and Birds; also in things that are ordinary, and for sport, as of displayed Colours, flying Dragons, Duels with winds, &c.

From the motions of winds, let the Inquisition pass to the force and power of them.

Of the power of Winds.

28. What winds do, or can do concerning Currents or Tides of waters, in their keepings back, puttings forth, or inlets and overflowings.

29. What they do concerning Plants and Insects, bringing in of Locusts, Blasting, and Mill-dews.

30. What they effect concerning Purging or Clearing, and infecting of the air, in Plagues, Sickneses, and Diseases of Beasts.

31. What they effect concerning the conveying to us things (which we call) spiritual, as sounds, rayes, and the like.

From the powers of winds let the Inquisition pass to the Prognosticks of winds, not only for the use of Predictions, but because they lead us on to the causes: For Prognosticks do either shew us the preparations of things, before they be brought into action; or the beginnings before they appear to the sense.

Prognosticks of Winds.

32. Let all manner of good Prognosticks of winds be carefully gathered together (besides Astrological ones, of which we set down formerly, how far they are to be enquired after) and let them either be taken out of Meteors, or Waters, or instincts of Beasts, or any other way.

Lastly, close up the Inquisition, with enquiring after the imitations of winds, either in Natural or Artificial things.

Imitations of Winds.

33. Enquire of the Imitations of winds in Natural things; such as breaths inclosed within the bodies of living Creatures, and breaths within the receptacles of distilling Vessels.

Enquire concerning made Gales, and Artificial winds, as Bellows, Refrigeratories, or coolers in Parlours, or Dining rooms, &c.

Let the Heads or Articles be such: Neither is it unknown to me that it will be impossible to answer to some of these according to the small quantity of experience that we have: But as in civil causes, a good Lawyer knows what Interrogatories the Cause requires to have witnesses examined upon; but what the witnesses can answer he knows not. The same thing is incident to us in Natural History. Let those who come after us endeavour for the rest.

THE HISTORY.

The Names of Winds.

To the first Article.

WE give Names to Winds, rather as they are numbred in their order and degrees, than by their own Antiquity, this we do for memories and perspicuities sake. But we adde the old words also, because of the assenting voices or opinions of old Authors, of which having taken (though with somewhat a doubtful judgment) many things, they will hardly be known, but under such names as themselves have used. Let the general division be this: Let Cardinal winds be those which blow from Corners or Angles of the World: Semicardinal, those which blow in the half-wards of those; and Median Winds those which blow between these half-wards: Likewise of those which blow betwixt these half-wards, let those be called Major Medians, which blow in a Quadrant or fourth part of these divisions: the lesser Medians are all the rest. Now the particular division is that which follows.

Cardinal. *North.*

North and by East.

Med.Maj. *North, North-East, or Aquilo.*

North East and by North, or Meses.

Semi-Card. *North East.*

North East and by East.

Med.Maj. *East North East, or Caecias.*

East and by North.

Cardinal. *South.*

South & by West.

Med.Maj. *South South West, or Libonotus.*

South West and by South.

Semi Card. *South West, or Libs.*

South West and by West.

Med. Maj. *West South West, or Africus.*

West and by South.

Cardinal. *East, or Subsolanus.*
East by South.

Med.Maj. *East South East, or Vulturinus.*

South East & by East.

Semi-Card. *South East.*

South East and by South.

Med. Maj. *South South East, or Phenicias.*

South and by East.

Cardinal. *West, or Favonius.*

West and by North.

Med.Maj. *West North West, or Corus.*

North West and by West.

Semi Card. *North West.*

North West and by North, or Thrascias.

Med. Maj. *North North West, or Circius.*

North and by West.

There are also other Names of winds. *Apeliotes* the East wind, *Argestes*, the South West, *Olympias*, the North West, *Scyron*, the South East, *Hellepontius*, the East North East, for these we care not. Let it suffice, that we have given constant and fixed names of winds, according to the order and disposition of the regions of the Heavens: we do not let much by the Comments of Authors; since the Authors themselves have little in them.

Free Winds.

To the sixth Article.

1. **T**HERE is not a Region of the Heaven from whence the wind doth not blow. Yea, if you divide the Heaven into as many Regions as there be degrees in the Horizon, you shall find winds sometimes blowing from every one of them.

2. There are some whole Countries, where it never rains, or at least very seldom; but there is no Country where the wind doth not blow, and that frequently.

General Winds.

To the second Article.

1. **C**ONCERNING general winds Experiments are plain, and it is no marvel, seeing that (especially within the Tropicks) we may find places condemned among the Ancients.

It is certain, that to those who sail between the Tropicks, in a free and open sea, there blows a constant and settled wind (which the seamen call a Breeze) from East to West. This wind is not of so little force, but that partly by its own blowing, and partly by its guiding the current of the Sea, it hindreth Sea-men from coming back again the same way they went to *Peru*.

2. In our Seas in *Europe*, when it is fair dry weather, and no particular winds stirring, there blows a soft kind of gale from the East, which followeth the Sun.

3. Our common Observations do admit that the higher Clouds are for the most part carried from East to West; and that it's so likewise when here below upon the earth either there is a great calm, or a contrary wind; and if they do not so always, it is because sometimes particular winds blow aloft, which overwhelm this general wind.

A Caution. If there be any such general wind, in order to the motion of the Heaven, it is not so firm nor strong, but that it gives way to particular winds. But it appears most plainly amongst the Tropicks, by reason of the larger circles which it makes: And likewise it is so when it blows on high, for the same cause, and by reason of its free course. Wherefore if you will take it without the Tropicks, and near the earth, (where it blows most gently and slowly) make trial of it in an open and free air, in an extream calm, and in high places, and in a body which is very moveable, and in the after-noon; for at that time the particular Eastern wind blows more springly.

Injunction.

Injunction. Observe diligently the Vains and Weather-cocks upon the tops and Towers of Churches; whether in extream calms they stand continually towards the West or not.

An Indirect Experiment.

4. It is certain, that here with us in *Europe*, the Eastern wind is drying and sharp: the West wind contrariwise moist and nourishing. May not this be by reason that (it being granted, that the Air moves from East to West) it must of necessity be that the East wind, whose blast goeth the same way, must needs disperse and attenuate the Air, whereby the Air is made biting and dry; but the western wind which blows the contrary way, turns the Airs back upon it self, and thickens it, whereby it becomes more dull, and at length moist.

An Indirect Experiment.

5. Consider the Inquisition of the motion, and flowing of waters, whether they move from East to West; for if the two extreams Heaven and Waters delight in this Motion, the Air which is in the midst will go near to participate of the same.

Caution. We call the two last Experiments indirect, because they do directly shew the thing which we aim at, but by consequence, which we also gladly admire of when we want direct Experiments.

Injunction. That the Breeze blows plentifully between the Tropicks, is most certain; the cause is very ambiguous. The cause may be, because the Air moves according to the Heaven: But without the Tropicks almost unperceivably, by reason of the smaller Circles which it makes within the Tropicks manifestly, because it makes bigger Circles. Another cause may be, because all kind of heat dilates and extends the Air, and doth not suffer it to be contained in its former place; and by the dilation of the Air, there must needs be an impulsion of the contiguous Air; which produceth this Breeze, as the Sun goes forward: and that is more evident within the Tropicks, where the Sun is more scorching, without it is hardly perceived. And this seems to be an instance of the Cross, or a decisory instance. To clear this doubt you may enquire, whether the Breeze blow in the night or no; for the wheeling of the Air continues also in the night, but the heat of the Sun does not.

6. But it is most certain that the Breeze doth not blow in the night, but in the morning, and when the morning is pretty well spent; yet that instance doth not determine the Question: whether the nightly condensation of the Air, (especially in those Countrys where the days and nights are not more equal in their length than they are differing in their heat and cold) may dull and confound that Natural Motion of the Air, which is but weak.

If the air participates of the motion of the Heaven, it does not only follow, that the East wind concurs with the motion of the Air, and the West wind strives against it; but also that the North wind blows as it were from above, and the South wind as from below here in our Hemisphere, where the Antartick Pole is under ground, and the Artick Pole is elevated; which hath likewise been observed by the Ancients, though staggering and obscurely: But it agrees very well with our modern Experience; because the Breeze (which may be a motion of the air) is not a full East, but a North-East wind.

Stayed or certain Winds.

To the third Article.

Connexion.

AS in the Inquisition of General winds, men have suffered and been in darkness, so they have been troubled with a *Vertigo* or giddiness concerning staid and certain Winds. Of the former they say nothing, of the latter, they talk up and down and at random: This is the more pardonable, the thing being various: for these stayed winds do change and alter according to the places where they be: the same do not blow in *Egypt*, *Greece*, and *Italy*.

1. That there are stayed winds in some places, the very name that is given them doth declare it, as the other name of *Etesiaes* means Anniversary or yearly winds.

2. The Ancients attributed the cause of the over-flowing of *Nilus* to the blowing of the *Etesian* (that is to say Northern) winds at that time of the year which did hinder the River's running into the Sea, and turned the stream of it back.

3. There are Currents in the Sea, which can neither be attributed to the natural motion of the Ocean, nor to the running down from higher places, nor the straightness of the opposite shoars, or to Promontories running out into the Sea, but are merely guided and governed by these stayed winds.

4. Those who will not have *Columbus* to have conceived such a strong opinion concerning the West-Indies by the relation of a *Spanish* Pilot, and much less believe that he might gather it out of some obscure foot-steps of the Ancients have this refuge; that he might conjecture there was some Continent in the West by the certain and stayed winds which blew from them towards the shoars of *Lusitania*, or *Portugal*. A doubtful, and not very probable thing; seeing that the voyage of winds will hardly reach so large a distance. In the mean time there is great honour due to this Inquisition, if the finding of this new world be due to one of those Axioms or Observations, whereof it comprehends many.

5. Wheresoever are high and snowy Mountains, from thence blow stayed winds, until that time as the snow be melted away.

6. I believe also that from great Pools which are full of water in the Winter, there blows stayed winds in those seasons, when as they begin to dry up with the heat of the Sun. But of this I have no certainty.

7. Wheresoever Vapours are engendred in abundance, and that at certain times, be sure that stayed winds will blow there at the same times.

8. If stayed and certain winds blow any where, and the cause cannot be found near at hand, assure your self that those certain winds are strangers, and come from far.

9. It hath been observed, that stayed winds do not blow in the night time, but do rise about three hours after Sun-rising. Surely such winds are tired as it were with a long journey, that they can scarcely break through the thickness of the night Air, but being stirred up again by the rising of the Sun, they go forward by little and little.

10. All stayed winds (unless they blow from some neighbouring places) are weak, and yield unto sudden winds.

11. There are many stayed winds which are not perceivable, and which we do not observe, by reason of their weakness, whereby they are overthrown by the freewinds. Wherefore in the winter they are hardly taken notice of, when the free winds wander most: but are more observable in the Summer, when those wandring winds grow weak.

12. In *Europe* these are the chief stayed winds, Northwinds from the Solstice, and they are both fore-runners and followers of the Dog-star. West-winds from the Equinoctial in Autumn; Eastwinds from the Spring Equinoctial; as for the winter Solstice, there is little heed to be taken of it, by reason of the varieties.

13. The winds called *Ornithii* or Bird winds, had that name given them, because they bring Birds out of cold Regions beyond the Sea, into warm Climates; and they belong not to stayed winds, because they for the most part keep no punctual time: and the Birds they for the convenience of them, whether they come sooner or later: and many times when they have begun to blow a little, and turn, the birds being forsaken by it, are drowned in the sea, and sometimes fall into ships.

14. The returns of these certain or stayed winds are not so precise at a day or an hour, as the flowing of the Sea is. Some Authors do set down a day, but it is rather by conjecture than any constant observation.

Customary or Attending Winds.

Of the fourth and fifth Articles.

Connexion.

THe word of attending winds is ours, and we thought good to give it, that the Observation concerning them be not lost; nor confounded. The meaning is this, Divide the year if you please (in what Country soever you be) into three, four, or five parts, and if any one certain wind blow, then two, three, or four of those parts, and a contrary wind but one; we call that wind which blows most frequently, The customary, or Attending wind of that Country, and likewise of the times.

1. The South and Northwinds are attendants of the world, for they with those which are within their Sections or Divisions, blow oftner over all the world, than either the East or the West.

2. All free winds (not the customary) are more attendant in the winter than in the summer; but most of all in the Autumn and Spring.

3. All free winds are attendants rather in the Countries without the Tropicks, and about the Polar Circles, than within: for in frozen and in torrid Countrys, for the most part they blow more sparingly, in the middle Regions they are more frequent.

4. Also all free winds, especially the strongest and most forcible of them, do blow oftner and more strongly, morning and evening, than at noon and night.

5. Free winds blow frequently in hollow places, and where there be Caves, than in solid and firm ground.

Injunction.

Injunction. Humane diligence hath almost ceased and stood still in the observation of attending winds in particular places, which notwithstanding should not have been, that Observation being profitable for many things. I remember I asked a certain Merchant, (a wise and discreet man) who had made a Plantation in *Greenland*, and had wintred there, why that Country was so extream cold, seeing it stood in a reasonable temperate Climate. He said, it was not so great as it was reported; but that the cause was twofold: One was, that the masses and heaps of Ice, which came out of the *Scythian* sea were carried thither. The other, (which he also thought to be the better reason) was, because the West wind there blows many parts of the year, more than the East wind; as also, (said he) it doth with us; but there it blows from the Continent, and cold, but with us from the Sea and warmish. And (said he) if the East wind should blow here in *England* so often & constantly as the Westwind does there, we should have far colder weather, even equal to that as is there.

6. The West-winds are attendants of the *Pomeridian* or afternoon hours: for towards the declining of the Sun, the winds blow oftner from the East, then from the West.

7. The South-wind is attendant on the night; for it rises and blows more strongly in the night, and the North-wind in the day time.

8. But there are many and great differences between winds which are attendant on the sea, and those which are attendant upon the land. That is one of the chief which gave *Columbus* occasion to find out the new world; namely, that Sea-winds are not stayed, but land winds are: for the Sea abounding in Vapors, which are indifferently every where winds are also engendred indifferently every where, and with great inconstancy are carried here and there, having no certain beginnings nor sources. But the earth is much unlike for the the begetting of winds: some places are more efficacious to engender and increase winds, some less: wherefore they stand most from that part where they have their nourishment, and take their rise from thence.

9. *Acosta* is unconstant in his own Position. He saith that at *Peru*, and the Sea coasts of the South Sea, South winds do blow almost the whole year: and he saith in another place, that upon those Coasts sea winds do blow chieffiest. But the South wind to them is a land wind, as likewise the North and East wind also, and the West-wind is their only sea wind. We must take that which he sets down more certainly; namely, that the South-wind is an attending and familiar wind of those Countries: unless peradventure in the name of the South Sea he hath corrupted his meaning, or his speech, meaning the West by the South, which blows from the South-sea. But the Sea which they call the South-sea, is not properly the South-Sea; but as a second western Ocean, being stretched out in the like situation as the *Atlantick* sea is.

10. Sea winds are questionless more moist than land winds, but yet they are more pure, and will easilier, and with more equality be incorporated with the pure Air. For terrestrial winds are ill composed, and smoaky. Neither let any one object, that they ought to be grosser by reason of the saltness of the Sea. For the nature of terrestrial salt doth not rise in vapours.

Sea winds are luke-warm or cold, by reason of the two foresaid qualities, humidity and pureness. For by humidity they mitigate the colds (for driness increaseth both heat and cold) and with their pureness they

cool. Therefore without the Tropicks they are luke-warm, within the Tropicks they are cold.

12. I believe that sea winds are every where attendant upon particular Countries, especially such as stand upon the Sea coasts: That is to say, winds blow more frequently from that side where the sea is, by reason of the greater plenty of matter which winds have in the sea, than in the land; unless there be some firm wind blowing from the land, for some peculiar reason. But let no man confound firm or stayed winds, with attendant winds: the attendants being always more frequent; but the staid ones for the most part blowing more seldom: But that is common to them both, namely, to blow from that place from which they receive their nourishment.

13. Sea winds are commonly more vehement than land winds: yet when they cease, the sea is calmer from the shoars than near unto them; infomuch, that Mariners to avoid calms, will sometimes coast along the shoar, rather than lanch into the deep.

14. Winds which are called *Tropèi*, that is to say, Retorted, namely, such as when they have blown a little way, suddenly turn again, such winds I say blow from the Sea towards the shoar: but retorted winds, and whirlwinds are most commonly in gulfs of Seas.

15. Some small Gales blow for the most part about all great waters, and they are most felt in a morning; but more about Rivers than at Sea, because of the difference which is between a land-gale, and a water-gale.

16. In places which are near the sea trees bow and bend, as shunning the Sea Air: but that comes not through any averfeness in them: but sea winds by reason of their humidity and thicknes, are as it were more heavy and ponderous.

The Qualities and Powers of Winds.

To the 7, 28, 29, 30, 31 Articles.

Connexion:

Concerning the Qualities and Powers of winds men have made careful and various Observations: we will cull out the most certain, and the rest, as too light, we will leave to the winds themselves.

1. With us the south wind is rainy, and the northern wind clear and fair, the one gathers together and nourishes the Clouds; the other scatters and casts them off. Wherefore the Poets when they speak of the Deluge, feign the Northern wind at that time to be shut up in prison, and the south wind to be sent out with very large commision.

2. The West wind hath with us been held to be the wind which blew in the golden age, the companion of a perpetual Spring, and a cherisher of Flowers.

3. *Paracelsus* his Schollars, when they sought for a place for their three Principles in *Juno's* Temple also, which is the Air, placed three, but found no place for the East-wind.

*They Mercury ascribe to the South-winds,
To the rich Western blasts the Sulphure Mines,
And rugged Boreas blasts the sad salt fims:*

But

4. But with us in *England* the East wind is thought to be mischievous, so that it goes for a Proverb, That when the wind is in the East, 'tis neither good for man nor beast.

5. The south wind blows from the presence of the Sun, the North from the absence in our Hemisphere. The East wind in order to the motion of the air: the West wind from the Sea, the East wind from the Continent most commonly in *Europe* and the western parts of *Asia*. These are the most radical and essential differences of winds; from which truly and really depend most of the Qualities and Powers of the winds.

6. The south wind is not so Anniversary, or yearly, nor so stayed as the Northern wind is, but more wandring and free: and when it is stayed, it is so soft and mild that it can scarcely be perceived.

7. The south wind is lower, and more lateral and blowing of one side; the Northern wind is higher and blows from above: we do not mean the Polar elevation and depression of which we have spoken formerly; but because the North wind for the most part hath its beginnings higher, and the south wind for the most part nearer to us.

8. The south wind to us is rain (as we said before) but in *Africk* it causes clear weather, but bringing great heat along with it, and not cold, as some have affirmed. In *Africk* it is pretty healthful, but to us, if the south wind last long with fair weather, and without rain, it is very Pestsilent.

9. The south winds and west winds do not engender vapours, but they blow from those coasts where there is great store of them, by reason of the encrease of the Sun's heat, which draws forth the vapours, and therefore they are rainy. But if they blow from dry places, which have no Vapours in them, they are fair. But notwithstanding sometimes they are pure, and sometimes turbulent.

10. The south and west wind here with us, seem to be confederate, and are warm and moist, and on the other side the North and East winds, have some affinity between them, being cold and dry.

11. The North and South winds (whereof we have also spoken before) do blow oftner than the East and West winds, because there is a great inequality of vapours in those parts, by reason of the absence and presence of the Sun, but to the East and to the West the Sun is as it were indifferent.

12. The south wind is very healthful, when it comes from the Sea, but when it blows from the Continent it is more unhealthful; and so contrariwise the North wind is suspicious, blowing from the Sea, from the Continent it is healthful. Likewise the south sea wind is very agreeable with Plants and Fruits, killing their Cankers, or rusts and other hurtful annoyances.

13. A gentle south wind doth assemble and gather together Clouds much, especially if it continue but a short while: but if it blow too boisterously, or long, it clouds the skie, and brings in rain. But especially when it ceases or grows remis, more than in its beginning, and when it is in its chiefest vigor.

14. When the south wind either begins to blow, or ceases for the most there are changes of weather, from fair to cloudy, and from hot to cold, and contrariwise. The North wind many times rises and ceases, the former weather remaining and continuing.

15. After

15. After hoary frosts and long continued snow, there scarcely blows any other wind than a south wind, there being as it were a concoction, or digestion made of cold, which then at last dissolves: neither doth rain also follow; but this likewise happens in changes, or intervals of fair weather.

16. The south wind rises oftner, and blows stronger in the night than in the day, especially in winter nights. But the North wind if it rise in the night (which is contrary to its custom) it doth usually last above three days.

17. When the south wind blows, the waves swell higher than when the north wind blows, though it blow with an equal or lesser force.

18. The south wind blowing, the sea becomes blew, and more bright than when the North wind blows, which causes it to look darker and blacker.

19. When the air becomes warmer on a sudden, it sometimes betokens rain: and again at other times, when on a sudden it grows colder it likewise betokens rain. But this happens according to the Nature of the winds: for if the air grow warm, whilst the south or east wind blows, there is rain at hand, and likewise when it grows cold during the Northern or Western blasts.

20. The south wind blows for the most part entire, and alone. But the north wind blowing, especially the East North-East, or the North-West often times contrary and various, or divers winds blow together, whereby they are broken and disturbed.

21. Beware a Northern wind when you sow seed, neither would I wish any one to inoculate or graft in a southern wind.

22. Leaves fall from trees soonest on the south side, but Vine sprouts or stalks bud forth, and grow most that way.

23. In large Pasture shepherds must take care (as *Pliny* saith) to bring their Flocks to the North side, that they may feed against the South. For if they feed towards the North, they grow lame and bleereyed, and distempered in their bellies. The Northern wind also doth so weaken their coupling, that if they couple looking that way, they will for the most part bring forth Ewe-Lambs. But *Pliny* doth not stand very stiffly to this Opinion, having as it were but taken it up upon trust, and borrowed it.

24. Winds are hurtful to Wheat and all manner of grain at three times: namely, at the opening and at the falling of the flower, and when the grain it self is ripe, for then they blow the Corn out of the Ear, and at the other two times either they blast the flower, or blow it off.

25. While the south wind blows mens breath grow ranker, all creatures appetites decay, pestilent diseases reign, men wax more slow and dull. But when the wind is Northwardly, men are more lively, healthful, and greedy after food. Yet the Northern wind is hurtful for them that are troubled with the Phthisick, Cough, Gout, or any other sharp defluxions.

26. An East wind is dry, piercing, and mortifying. The West wind moist, meek and nourishing.

27. If the East wind blow when the Spring is any thing forward, it is hurtful to fruits, bringing in of Worms and Caterpillars, so that the leaves are hardly spared: neither is it very good to grain. Contrariwise, the West wind is very propitious and friendly to Herbs, Flowers, and all man-

ner of vegetables. And so is the East wind too about the Autumnal Equinoctial.

28. Western winds are more vehement than Eastern winds, and bow and bend Trees more.

29. Rainy weather which begins when the East wind blows, doth last longer than that which begins when a West wind blows, and may peradventure hold out for a whole day.

30. The East and North wind, when they once begin to blow, blow more constantly; the South and West wind are more mutable.

31. In an Eastern wind all visible things do appear bigger; But in a Western wind all audible things are heard further, as sounds of Bells, and the like.

32. The East, North-East wind draws Clouds to it. It is a Proverb amongst the Greeks to compare it to Usurers, who by laying out money do swallow it up: It is a vehement and large wind, which cannot remove Clouds so fast, as they will turn back and press upon it. Which is likewise seen in great fires, which grow stronger against the wind.

33. Cardinal or Semi-Cardinal winds are not so stormy as the Median.

34. Median winds from North to North-East are more fair, from North-East to East more stormy. Likewise from East to South-East more fair, from South-East to South more stormy. Likewise from South to South-West more fair, from South-West to West more stormy. Likewise from West to North-west more fair; from North-west to North more stormy. So that proceeding according to the order of the heavens, the Median winds of the first half-ward are always disposed to fair weather; those of the latter half-ward to storms and tempests.

35. Thunders and Lightnings, and storms, with falling of broken Clouds are, when cold winds as participate of the North do blow, as the North-west, North, North-west, North North-east, North-east, and East North-east. Wherefore those thunders likely are accompanied with Hail.

36. Likewise snowy winds come from the North, but it is from those Median winds which are not stormy, as the North-west, and North-east and by North.

37. Winds gain their Natures and Properties five ways onely: Either by the absence or presence of the Sun; or by agreeing or disagreeing with the natural Motion of the Air; or by the diversity of the matter which feedeth them, by which they are engendred; as Sea, Snow, Marishes, or the like: Or by the tincture of the Countreys through which they pass: Or by their original local beginnings: on high, under ground, in the middle; all which things the ensuing Articles will better declare and explain.

38. All winds have a power to dry, yea more than the Sun it self, because the Sun draws out the vapours; but if it be not very fervent, it doth not disperse them: but the wind both draws them out, and carries them away. But the south wind doth this least of any; and both timber and stones sweat more when the South wind blows a little, than when it is calm and lies still.

39. March winds are far more drying than summer winds: insomuch that such as make Musical Instruments will stay for March winds to dry their stuff they make their Instruments of, to make it more porous, and better sounding.

40. All

40. All manner of winds purge the air, and cleanse it from all putrefaction, so that such years as are most windy, are most healthful.

41. The Sun is like to Princes, who sometimes having appointed Deputies in some remote Countries, the subjects there are more obsequious to those Deputies, and yield them more respect than to the Prince himself. And so the winds which have their power and origine from the Sun, do govern the temperatures of the Countries, and the disposition of the air as much or more than the Sun it self. In somuch that *Peru* (which by reason of the nearness of the Ocean, the vastness of Rivers, and exceeding great and high hills, hath abundance of winds and blais blowing there) may contend with *Europe* for a temperate and sweet air.

42. It is no wonder if the force and power of winds be so great, as it is found to be; Vehement winds being as Inundations, Torrents, and Flowings of the spacious air, Neither (if we attentively heed it) is their power any great matter. They can throw down trees, which with their tops, like unto spread sails, give them advantage to do it, and are a burden to themselves: Likewise they can blow down weak buildings, strong and firm ones they cannot without Earthquakes join with them. Sometimes they will blow all the snow off the tops of hills, buryng the Valley that is below them with it; as it befel *Soliman* in the *Sultanian* fields. They will also sometimes drive in waters, and cause great Inundations.

43. Somerimes winds will dry up Rivers, and leave the Channels bare. For if after a great drought a strong wind blows with the Current for many days, so that it as it were sweeps away the water of the River into the sea, and keeps the Sea water from coming in, the River will dry up in many places where it doth uot use to be so.

Monition. Turn the Poles, and withal turn the Observations as concerning the North and South. For the presence and absence of the Sun being the cause, it must vary according to the Poles. But this may be a constant thing, that there is more sea towards the south, and more land towards the North, which doth not a little help the winds.

Monition. Winds are made, or engendred a thousand ways, as by the subsequent Inquisition it will appear; so to fix that Observations in a thing so various is not very easie. Yet those things which we have set down, are for the most part, most certain.

Local beginnings of Winds.

To the eighth Article.

Connexion.

TO know the local beginnings of winds, is a thing which requires a deep search and Inquisition, seeing that the *Whence* and *Whither* of winds, are things noted even in Scripture to be abstruse and hidden. Neither do we now speak of the Fountains or beginnings of particular winds, (of which more shall be said hereafter) but of the matrixes of winds in general. Some fetch them from above, some search for them in the deep: but in the middle (where they are for the most part engendred) nobody hardly looks for them: such is the custom of men to enquire after things which are obscure, and omit those things which lie, as it were,

in their way. This is certain that winds are either in-bred, or strangers. For winds are as it were Merchants of vapors, which being by them gathered into Clouds, they carry out, and bring in again into Countreys, from whence winds are again returned as it were by exchange. But let us now enquire concerning Native winds, for those which coming from another place are strangers, are in another place Natives. There are three local beginnings of them; They either breath or spring out of the ground, or are cast down from above, or are here made up in the body of the Air. Those which are cast down from above, are of a double generation: for they are either cast down before they be formed into Clouds, or afterwards composed of rarified and dispersed Clouds. Let us now see what is the History of these things.

1. The Poets feigned *Eolus* his Kingdom to be placed under ground in Dens and Caves, where the winds prison was, out of which they were at times let forth.

2. Some Philosophical Divines moved by those words of Scripture, *He brings forth the winds out of his Treasures*, think that the winds come out of some Treasuries; namely, places under ground amongst the Mines of Minerals. But this is nothing: for the Scripture speaketh likewise of the Treasures of Snow and Hail, which doubtless are engendred above.

3. Questionless in subterranean places there is great store of Air, which it is very likely sometimes breaths out by little and little, and sometimes again upon urgent causes, must needs come rushing forth together.

An Indirect Experiment.

In great droughts, and in the middle of Summer, when the ground is cleft and chopped, there breaks out water many times in dry and sandy places. Which if waters (being a gross body) do, though it be but seldom, it is probable that the air (which is a subtile and tenuous body) may often do it.

4. If the Air breaths out of the earth by little and little, and scatteringly, it is little perceived at the first; but when many of those small emanations or comings out are come together, there is a wind produced, as a River out of several Springs. And this seems to be so, because it hath been observed by the Ancients, that many winds in those places where they begin, do at first blow but softly, which afterward grow stronger and increase in their progress like unto Rivers.

5. There are some places in the Sea, and some Lakes also which swell extremly when there is no wind stirring; which apparently proceeds from some subterranean wind.

6. There is great quantity of subterranean spirit required to shake or cleave the earth; less will serve turn for the raising of water. Wherefore earthquakes come but seldom, risings and swellings of waters are more frequent.

7. Likewise it is every where taken notice of that waters do somewhat swell and rise before Tempests.

8. The weak subterranean spirit which is breathed out scatteringly, is not perceived upon the earth, until it be gathered into wind, by reason the earth is full of pores; but when it issues from under the water, it is presently

presently perceived (by reason of the waters continuity) by some manner swelling.

9. We resolved before that in Cavernous and Denny places there were attendant winds; insomuch that those winds seem to have their local beginnings out of the earth.

10. In great and rocky Hills winds are found to breath sooner, (namely before they be perceived in the Valleys) and more frequently, (namely when it is calm weather in the valleys,) But all mountains and rocks are cavernous and hollow.

11. In *Wales*, in the County of *Denbigh*, a mountainous and rocky Country, out of certain Caves (as *Gilbertus* relateth) are such vehement eruptions of wind, that cloaths or linnen laid out there upon any occasion, are blown up, and carried a great way up into the air.

12. In *Aber Barry* near *Severn* in *Wales* in a rocky cliff, are certain holes, to which if you lay your ear, you shall hear divers sounds and murmurs of winds under ground.

An Indirect Experiment.

Acosta hath observed that the Towns of *Plata* and *Potosa*, in *Peru* are not far distant one from the other, and both situated upon a high and hilly ground, so that they differ not in that. And yet *Potosa* hath a cold and winter-like air; and *Plata* hath a mild and spring-like temperature; which difference it seems may be attributed to the silver Mines which are near *Potosa*: Which sheweth that there are breathing places of the earth, as in relation to hot and cold.

13. If the earth be the first cold thing, according to *Parmenides*, (whose opinion is not contemptible, seeing cold and density are knit together by a strict knot) it is no less probable that there are hotter breaths sent out from the Central cold of the earth, than are cast down from the cold of the higher air.

14. There are certain Wells in *Dalmatia*, and the Country of *Cyrene* (as some of the Ancients record) into which if you cast a stone, there will presently arise tempests, as if the stone had broken some covering of a place, in which the force of the winds was inclosed.

An Indirect Experiment.

Aetna, and divers other Mountains cast out fire: therefore it is likely that air may likewise break forth, especially being dilatated and set into motion, by heat in subterranean places.

15. It hath been noted, that both before and after Earth-quakes, there hath blown certain noxious and forraign winds: as there are certain little smothers usually before and after great firings and burnings.

Monition. The Air shut up in the earth is forced to break out for several causes, sometimes a mass of earth, ill joined together, falls into a hollow place of the earth; sometimes waters do ingulf themselves; sometimes the Air is extended by subterranean heats, and seeks for more room: sometimes the earth which before was solid and vaulted, being by fires turned into ashes, no longer able to bear it self up, falls. And many such like causes.

And

And so these Inquisitions have been made concerning the first local beginning of winds. Now followeth the second origine, or beginning from above, namely from that which they call the middle Region of the air.

Monition. But let no man understand what hath been spoken, so far amiss; as if we should deny the rest of the winds also are brought forth of the earth by vapours. But this first kind was of winds which come forth of the earth, being already perfectly framed winds.

16. It hath been observed, that there is a murmuring of woods before we do plainly perceive the winds, whereby it is conjectured, that the wind descends from a higher place: which is likewise observed in Hills, (as we said before) but the cause is more ambiguous, by reason of the concavity and hollowness of the hills.

17. Wind follows darted, or (as we call them) shooting stars, and it come that way as the star hath shot; whereby it appears, that the air hath been moved above, before the motion comes to us.

18. The opening of the Firmament, and dispersion of Clouds, are Prognosticks of winds, before they blow here on earth, which also shews that the winds begin above.

19. Small stars are not seen before the rising of winds, though the night be clear and fair. Because (it should seem) the Air grows thick, and is less transparent, by reason of that matter which afterward is turned into wind.

20. There appears Circles about the body of the Moon, the Sun looks sometimes blood red at its setting, the Moon rises red at her fourth rising; and there are many more Prognosticks of winds on high (whereof we will speak in its proper place) which shews that the matter of the winds is there begun and prepared.

21. In these Experiments you must note, that difference we spake of; namely of the two-fold generation of winds on high: that is to say, before the gathering together of vapours into a Cloud, and after. For the Prognosticks of Circles about, and colours of the Sun and Moon, have something of the Cloud: but that darting, and occultation of the lesser stars, is in fair and clear weather.

22. When the wind comes out of a Cloud ready formed, either the Cloud is totally dispersed, and turned into wind; or it is torn and rent in sunder, and the wind breaks out, as in a storm.

23. There are many Indirect Experiments in the world, concerning the repercussion by cold. So that it being certain, that there are most extrem colds in the middle region of the Air: it is likewise plain, that vapours for the most part cannot break through that place without being joined and gathered together, or darted according to the opinion of the Ancients, which in this particular is true and found.

The third local beginning of winds, is of those which are ingendred here in the lower part of the air, which we also call swellings or overburthenings of the Air. A thing very familiar and frequent, yet passed over with silence.

A Commentation. The generation of those winds which are made up in this lower part of the Air, is a thing no more obscure than this: namely, that the Air newly composed and made up of water, and attenuated and resolved vapours, joined with the first Air, cannot be contained within the same bounds as it was before, but groweth out and is turned, and takes up further room. Yet there are in this two things to be granted.

First, that one drop of water turned into air (whatsoever they fabulously speak of the tenth proportion of the Elements) requires, at least a hundred times more room than it had before. Secondly, that a little new air, and moved, added to the old air, shaketh the whole, and sets it into motion: as we may perceive by a little wind that comes forth of a pair of Bellows, or in at a little crevise of a window or wall; that will set all the air which is in a room in motion, as appears by the blazing of the lights which are in the same room.

24. As Dews and Mists are ingendred here in the lower air, never coming to be Clouds, nor penetrating to the middle region of the Air: in the like manner are also many winds.

25. A continual gale blows about the sea, and other waters, which is nothing but a small wind newly made up.

26. The Rain-bow, which is as it were the lowest of Meteors, and nearest to us, when it doth not appear whole, but curtailed, and as it were only some pieces of the horns of it, is dissolved into winds, as often, or rather oftner than into rain.

27. It hath been observed, that there are some winds in Countrys which are divided and separated by hills; which ordinarily blow on the one side of the hills, and do not reach to the other. Whereby it manifestly appears that they are engendred below the height of the said hills.

28. There are an infinite sort of winds that blow in fair and clear days; and also in Countrys where it never rains; which are ingendred where they blow, and never were Clouds, nor did ever ascend into the middle region of the air.

Indirect Experiments.

Whosoever shall know how easily a Vapour is dissolved into air, and how great a quantity of vapours there are; and how much room a drop of water turned into air takes up more than it did before (as we said already) and how little the air will endure to be thrust up together, will questionless affirm, that of necessity winds must be every where ingendred, from the very superficies of the earth, even to the highest parts of the air. For it cannot be, that a great abundance of vapours, when they begin to be dilatated and expanded, can be lifted up to the middle region of the air, without an over-burthening of the air, and making a noise by the way.

Accidental generations of Winds.

To the Ninth Article.

Connexion.

WE call those Accidental generations of winds, which do not make or beget the impulsive motion of winds, but with compression do sharpen it, by repercussion turn it, by sinuation or winding do agitate and tumble it: which is done by extrinsecal causes, and the posture of the adjoining bodies.

1. In places where there are hills which are not very high, bordering upon Valleys, and beyond them again higher hills, there is a greater agitation of the air, and sense of winds, than there is in mountainous, or plain places.

2. In Cities, if there be any place somewhat broader than ordinary and narrow goings out, as Portals, or Porches, and Cross streets, winds and fresh Gales are there to be perceived.

3. In houses cool rooms are made by winds, or happen to be so, where the Air bloweth thorow, and comes in on the one side, and goeth out at the other: But much more if the Air comes in several ways and meets in the corners, and hath one common passage from thence: the vaulting likewise and roundness doth contribute much to coolness, because the air being moved, is beaten back in every line, Also the winding of Porches is better than if they were built straight out. For a direct blast, though it be not shut up, but hath a free egress, doth not make the air so unequal, and voluminous, and waving, as the meeting at Angles, and hollow places, and windings round, and the like.

4. After great tempests at Sea, an Accidental wind continues for a time, after the original is laid; which wind is made by the collision and percussion of the air, through the curling of the waves.

5. In gardens commonly there is a repercussion of wind, from the walls, and banks, so that one would imagine the wind to come the contrary way from that whence it really comes.

6. If Hills enclose a Country on the one side, and the wind blows for some space of time from the plain against the Hill, by the very repercussion of the Hill, either the wind is turned into rain, if it be a moist wind, or into a contrary wind, which will last but a little while.

7. In the turnings of Promontory, Mariners do often find changes and alterations of winds.

Extraordinary Winds, and sudden Blasts.

To the tenth Article.

Connexion.

SOME men discourse of extraordinary winds, and derive the causes of them; of Clouds breaking, or storms, *Vortice, Typhone, Prestere*; Or in English, Whirl-winds. But they do not relate the thing it self, which must be taken out of Chronicles and several Histories.

1. Sudden blasts never come in clear weather, but always when the sky is cloudy, and the weather rainy. That it may justly be thought that there is a certain eruption made; The blast driven out, and the waters shaken.

2. Storms which come with a Mist and a Fog, and are called *Belluæ*, and bear up themselves like a Column, are very vehement, and dreadful to those who are at sea.

3. The greater *Typhones*, who will take up at some large distance, and sup them, as it were upward, do happen but seldom, but small whirlwinds come often.

4. All storms and *Typhones*, and great Whirlwinds, have a manifest precipitous motion, or darting downwards, more than other winds; so

as they seem to fall like Torrents, and run as it were in Channels, and be afterward reverberated by the earth.

5. In Meadows, Haycocks, are sometimes carryed on high; and spread abroad there like Canopies: Likewise in Fields, Cocks of Pease, reaped Wheat, and cloaths laid out to drying, are carried up by Whirl-winds as high as tops of Trees and Houses, and these things are done without any extraordinary force, or great vehemency of wind.

6. Also sometimes there are very small whirl-winds, and within a narrow compass, which happen also in fair clear weather; so that one that rides may see the dust, or straws taken up, and turned close by him, yet he himself not feel the wind much; which things are done questionless near unto us, by contrary blasts driving one another back, and causing a circulation of the air by concussion.

7. It is certain, that some winds do leave manifest signs of burning and scorching in Plants. But *Presterem*, which is a kind of dark Lightning, and hot air without any flame, we will put off to the Inquisition of Lightning.

Helps to Winds; namely, to Original Winds: for of accidental ones we have enquired before.

To the 11, 12, 13, 14, 15 Articles.

Connexion:

Those things which have been spoken by the Ancients, concerning Winds and their causes, are meerly confused and uncertain, and for the most part untrue: and it is no marvel, if they see not clear that look not near. They speak as if wind were somewhat else, or a thing several from moved air; and as if exhalations did generate and make up the whole body of the winds; and as if the matter of winds were only a dry and hot exhalation; and as if the beginning of the motion of winds were but only a casting down and percussion by the cold of the middle Region, all fantastical and arbitrary opinions: yet out of such threds they weave long pieces, namely, Cobwebs. But all impulsion of the Air is wind; and Exhalations mixed with the air contribute more to the motion than to the matter: and moist vapours, by a proportionate heat, are easilier dissolved into wind than dry Exhalations, and many winds are engendred in the lowest Region of the Air, and breath out of the earth, besides those which are thrown down and beaten back.

1. The Natural wheeling of the air (as we said in the *Article of General Winds*) without any other external cause bringeth forth winds preceptible within the Tropicks, where the Conversion is ingreater Circles.

2. Next to the Natural Motion of the Air, before we enquire of the Sun (who is the chief begetter of winds) let us see whether any thing ought to be attributed to the Moon, and other Asters by clear experience.

3. There arise many great and strong winds some hours before the Eclipse of the Moon; so that if the Moon be Eclipsed in the middle of the night, the winds blow the precedent evening: if the Moon be Eclipsed towards the morning, then the winds blow in the middle of the precedent night.

4. In *Peru*, which is a very windy Country, *Acosta* observes that winds blow most when the Moon is at the full.

Injunction. It were certainly a thing worthy to be observed, what power the Ages and Motions of the Moon have upon the winds, seeing they have some power over the waters. As for example, whether the winds be not in a greater commotion in full and new Moons, than in her first and last Quarters, as we find it to be in the flowings of waters: For though some do conveniently feign the command of the Moon to be over the waters, as the Sun and Planets over the air, yet it is certain, that the water and the air are very Homogeneous bodies, and that the Moon next to the Sun hath most power over all things here below.

5. It hath been observed by men, that about the Conjunctions of Planets greater winds do blow.

6. At the rising of *Orion* there rise commonly divers winds and storms. But we must advise whether this be not because *Orion* rises in such a season of the year as is most effectual for the generation of winds; so that it is rather a concomitant than causing thing. Which may also very well be questioned concerning rain at the rising of the *Hyades* and the *Pleiades*, and concerning storms at the rising of *Arcturus*. And so much concerning the Moon and Stars.

7. The Sun is questionless the primary efficient of many winds, working by its heat on a twofold matter, namely, the body of the air, and likewise vapours and exhalations.

8. When the Sun is most powerful, dilatates and extends the air, though it be pure and without any commixion one third part, which is no small matter; so that by meer dilatation there must needs arise some small wind in the Suns ways; and that rather two or three hours after its rising, than at his first rise.

9. In *Europe* the nights are hotter, in *Peru* three hours in the morning, and all for one cause, namely, by reason of winds and gales ceasing and lying still at those hours.

10. In a *Vitro Calendari*, dilatated or extended air beats down the water as it were with a breath: but in a *Vitro Pileato*, which is filled only with air, the dilatated air swells the Bladder, as a manifest and apparent wind.

11. We have made trial of such a kind of wind in a round Tower, every way closed up. For we have placed a hearth or fire-place in the midst of it, laying a fire of Charcoal thoroughly kindled upon it, that there might be the less smoak, and on the side of the hearth, at a small distance, hath been a thread hung up with a cross of Feathers, to the end that it might easily be moved. So after a little stay the heat increasing, and the Air dilatating, the thread and the Feather cross which hung upon it waved up and down in a various motion: and having made a hole in the window of the Tower, there came out a hot breath, which was not continual, but with intermission and waving.

12. Also the reception of Air by cold, after dilatation begets such a wind, but weaker, by reason of the lesser force of cold. So that in *Peru* under every little shadow we find not only more coolness than here with us (by Antiperistasis) but a manifest kind of gale through the reception of air when it comes into the shade. And so much concerning wind occasioned by meer dilatation or reception of Air.

13. Winds proceeding from the meer motion of the air without any commixion of vapours, are but gentle and soft. Let us see what may be said concerning Vaporary winds, (we mean such as are engendred by vapours) which may be so much more vehement than the other, as a dilatation of a drop of water turned into air, exceeds any dilatation of Air already made: which it doth by many degrees, as we shewed before.

14. The efficient cause of vapourary winds, (which are they that commonly blow) is the Sun, and its proportionate heat: the matter is Vapors and Exhalations which are turned and resolved into Air. I say Air (and not any thing but Air) yet at the first not very pure.

15. A small heat of the Sun doth not raise Vapours, and consequently causes no wind.

16. A mean, or middle heat of the Sun raiseth and excites vapours, but doth not presently dissipate them. Therefore if there be any great store of them, they gather together into rain, either simply of it self, or joined with wind: if there be but small store of them, they turn only to wind.

17. The Suns heat in its increase, inclines more to the generation of winds, in its decrease of rains.

18. The great and continued heat of the Sun, attenuates and disperses vapours and sublimes them, and withal equally mixes and incorporates them with the Air, wherby the Air becomes calm and serene.

19. The more equal and continue heat of the Sun is less apt for the generation of winds: that which is more unequal and intermitted, is more apt. Wherefore in sailing into *Russia* they are less troubled with winds than in the Brittain Sea, because of the length of the days: but in *Pern* under the Equinoctial are frequent winds, by reason of the great inequality of heat, taking turns night and day.

20. In Vapours is to be considered both the quantity and quality. A small quantity engenders weak winds, a mean or middle store stronger; great store engenders rain, either calm, or accompanied with wind.

21. Vapours out of the Sea and Rivers, and over-flown Marishes, engender far greater quantity of winds than the exhalations of the earth. But those winds which are engendred on the land, and dry places are more obstinate and last longer, and are for the most part such as are cast down from above. So that the opinion of the Ancients in this is not altogether unprofitable: but only that it pleased them, as in a manner dividing the inheritance, to assign rain to Vapours, and to winds, exhalations only, which things sound handsomely, but are vain in effect and substance.

22. Winds brought forth out of the resolutions of Snow lying upon Hills, are of a mean condition between Water and Land winds; but they incline more to water; yet they are more sharp and moveable.

23. The dissolution of Snow on Snowy Hills, (as we observed before) always brings constant winds from that part.

24. Also yearly Northern winds about the rising of the Dog-star, are held to come from the frozen Ocean, and those parts about the Artick Circle, where the Dissolutions of Snow and Ice come late when the Summer is far spent.

25. Those masses or mountains of Ice which are carried towards *Canada* and *Greenland*, do rather breed cold Gales, than moveable winds.

26. Winds which arise from chalky and sandy grounds are few and dry, and in hotter Countrys they are foultry, smoaky, and scorching.

27. Winds made of Sea vapours, do easilier turn back into rain, the water re-demanding and claiming its right: and if this be not granted them, they presently mix with Air, and so are quiet. But terrestrial, smoaky and unctuous vapours, are both hardlier dissolved, and ascend higher, and are more provoked in their motion, and oftentimes penetrate the middle Region of the Air, and some of them are matter of fiery Meteors.

28. It is reported here in *England*, that in those days that *Gascoine* was under our jurisdiction, there was a Petition offered to the King by his subjects of *Burdeaux*, and the Confines thereof, desiring him to forbid the burning of heath in the Counties of *Suffex* and *Southampton*, which bred a wind towards the end of *April* which killed their Vines.

29. The meeting of winds, if they be strong, bring forth vehement and whirling winds: if they be soft and moist, they produce rain, and lay the wind.

30. Winds are allayed and restrained five ways. When the Air overburthened, and troubled, is freed by the vapours contracting themselves into rain: Or when vapours are dispersed, and subtilized, whereby they are mixed with the air, and agree fairly with it, and they live quietly: Or when vapours or Fogs are exalted and carried upon high, so that they cause no disturbance, until they be thrown down from the middle Region of the Air, or do penetrate it. Or when vapours gathered into Clouds, are carried away into other Countrys, by other winds blowing on high: so that for them there is peace in those Countrys which they flie beyond: Or lastly, when the winds blowing from their nurseries, languish through a long voyage, finding no new matter to feed on, and so their vehemency forsakes them, and they do as it were expire and dye.

31. Rain for the most part allayeth winds, especially those which are stormy: as winds contrariwise oftentimes keep off rain.

32. Winds do contract themselves into rain, (which is the first of the five, and the chiefest means of allaying them) either being burthened by the burthen it self, when the vapours are copious, or by the contrary motions of winds, so they be calm and mild; or by the opposition of mountains and Promontories which stop the violence of the winds, and by little and little turn them against themselves; or by extream colds, whereby they are condensed and thickned.

33. Smaller and lighter winds do commonly rise in the morning, and go down with the Sun, the condensation of the night Air being sufficient to receive them: for Air will endure some kind of compression without stirring or tumult.

34. It is thought that the sound of Bells will disperse Lightning and Thunder: in winds it hath not been observed.

Monition. Take advice from the place in Prognosticks of winds; for there is some connexion of causes and signs.

35. *Pliny* relates, that the vehemence of a Whirl-wind may be allayed by sprinkling of Vinegar in the encounter of it.

The Bounds of VVinds.

To the 16, 17, 18. Articles.

1. **I**T is reported of Mount *Athos*, & likewise of *Olimpus*, that the Priests would write in the ashes of the Sacrifices which lay upon the Altars, built on the tops of those hills, and when they returned the year following, (for the Offerings were Annual) they found the same letters undisturbed, and uncanceled; though those Altars stood not in any Temple, but in the open Air. Whereby it was manifest, that in such a height there had neither fallen rain, nor wind blown.

2. They say that on the top of the Peak of *Teneriff*, and on the *Andes*, betwixt *Peru*, and *Chile*, snow lyeth upon the borders, and sides of the hills; but that on the tops of them there is nothing but a quiet and still Air, hardly breathable by reason of its tenuity, which also with a kind of Acrimony pricks the eyes and orifice of the stomach, begetting in some a desire to vomit, and in others a flushing and redness.

3. Vaporary winds seem not in any great height, though it be probable that some of them ascend higher than most clouds. Hitherto of the height, now we must consider of the Latitude.

4. It is certain, that those spaces which winds take up, are very various, sometimes they are very large, sometimes little and narrow: winds have been known to have taken up an hundred miles space with a few hours difference.

5. Spacious winds (if they be of the free kind) are for the most part vehement and not soft, and more lasting; for they will last almost four and twenty hours. They are likewise not so much inclined to rain. Straight or narrow winds contrariwise, are either soft or stormy, and always short.

6. Fixed and stayed winds are itinerary or travelling, and take up very large spaces.

7. Stormy winds do not extend themselves into any large spaces, though they always go beyond the bounds of the storm it self.

8. Sea winds always blow within narrower spaces than earth winds, as may sometimes be seen at sea, namely, a pretty fresh gale in some part of the water (which may be easily perceived by the crisping of it) when there is a calm, as smooth as Glass, every where else.

9. Small whirlwinds (as we said before) will sometimes play before men as they are riding, almost like wind out of a pair of bellows. So much of the Latitude; now we must see concerning the lastingness.

10. The vehement winds will last longer at Sea, by reason of the sufficient quantity of vapours: at land they will hardly last above a day and an half.

11. Very soft winds will not blow constantly, neither at sea, nor upon the land above three days.

12. The south wind is not only more lasting than the west, (which we set down in another place) but likewise what wind soever it be that begins to blow in the morning, useth to be more durable and lasting than that which begins to blow at night.

13. It is certain that winds do rise, and increase by degrees, (unless they be meer storms) but they allay sooner, sometimes as it were in an instant.

Succesf.

Successions of Winds.

To the 19, 20, 21 Articles.

1. IF the Wind doth change according to the motion of the Sun, that is from East to South, from South to West, from West to North, from the North to the East, it doth not return often, or if it doth, it doth it but for a short time. But if it go contrary to the motion of the Sun, that is from the East to the North, from the North to the West, from the West to the South, and from the South to the East, for the most part it is restored to its first quarter, at least before it hath gone round its whole compass and circuit.

2. If rain begin first, and the wind begins to blow afterwards, that wind will outlast the rain: but if the wind blow first, and then is allayed by the rain, the wind for the most part will not rise again; and if it does, there ensues a new rain.

3. If winds do blow variously for a few hours, and as it were to make a trial, and afterward begin to blow constantly, that wind shall continue for many days.

4. If the South wind begin to blow two or three days, sometimes the North wind will blow presently after it. But if the North wind blows as many days, the south wind will not blow, until the wind have blown a little from the East.

5. When the year is declining, and Winter begins after Autumn is past, if the Southwind blows in the beginning of winter, and after it comes the North-wind, it will be a frosty winter: But if the North-wind blow in the beginning of winter, and the South-wind come after, it will be a mild and warm winter.

6. *Pliny* quotes *Endoxus*, to shew that the order of winds returns after every four years, which seems not to be true, for revolutions are not so quick. This indeed hath been by some mens diligence observed, that greatest and most notable seasons (for heat, snow, frost, warm winters, and cold summers) for the most part return after the revolution of five and thirty years.

The Motion of the Winds.

To the 22, 23, 24, 25, 26, 27 Articles.

Connexion.

ME n talk as if the wind were some body of it self, and by its own force did drive and agitate the air. Also when the wind changes its place, they talk as if it did transport it self into another place. This is the vulgar opinion; yet the Philosophers themselves apply no remedy thereunto, but they likewise stammer at it, and do not any way contradict and oppose these errors.

1. We must therefore enquire concerning the raising of the motion of the winds, and of the Direction of it, having already enquired of the local beginnings. And of those winds which have their beginning of motion in their first impulsion, as in those which are cast down from above, or blow out of the earth, the raising of their motion is manifest: others descend below their own beginnings; others ascend, and being resisted by

the Air, become voluminous, especially near the Angles of their violence. But of those which are engendred every where in this inferiour Air, (which are the frequentest of all the winds) the Inquisition seems to be somewhat obscure, although it be a vulgar thing, as we have set down in the Commentation under the eighth Article.

2. We found likewise an image or representation of this in that close Tower which we spake of before. For we varied that trial three ways. The first was that which we spake of before; namely, a fire of clear burning coals. The second was a Kettle of seething water, the fire being set away, and then the motion of the cross of Feathers was more slow and dull. The third was with both fire and Kettle; and then the agitation of the Cross of Feathers was very vehement, so that sometimes it would whirle up and down, as if it had been in a petty whirlwind, the water yielding store of vapours, and the fire which stood by it dissipating and dispersing them.

3. So that the chief cause of exciting motion in the winds is the overcharging of the air, by a new addition of air engendred by vapours. Now we must see concerning the direction of the motion, and of the whirling, which is a change of the direction.

4. The Nurseries and food of the winds doth govern their progressive motion: which nurseries and feedings are like unto the springs of rivers; namely, the places where there are great store of vapours, for there is the native Country of the winds. Then when they have found a Current, where the air makes no resistance, (as water when it finds a falling way) then whatsoever semblable matter they find by the way, they take into their fellowship, and mix it with their Currents even as Rivers do. So that the winds blow always from that side where their Nurseries are which feed them.

5. Where there are no notable Nurseries in any certain place, the winds stray very much, and do easily change their Current, as in the middle of the sea, and large spacious fields.

6. Where there are great nurseries of the winds in one place, but in the way of its progress it hath but small additions, there the winds blow strongly in their beginnings, and by little and little they allay. And contrariwise, where they find good store of matter to feed on by the way, they are weak in the beginning, but gather strength by the way.

7. There are moveable nurseries for the winds, namely, in the Clouds, which many times are carried far away from the Nurseries of vapours, of which those Clouds were made, by winds blowing high: then the Nursery of the wind begins to be in that place where the Clouds do begin to be dissolved into wind.

8. But the whirling of winds does not happen, because the wind which blows at first transports it self; but because either that is allayed and spent, or brought into order by another wind: And all this business depends on the various placings of the Nurseries of winds, and variety of times, when vapours issuing out of these Nurseries are dissolved.

9. If there be Nurseries of winds on contrary parts, as one Nursery on the South, another on the North-side, the strongest wind will prevail; neither will there be contrary winds, but the stronger wind will blow continually, though it be somewhat dulled and tamed by the weaker wind: as it is in Rivers, when the flowing of the sea comes in; for the Sea's motion prevails, and is the only one, but it is somewhat curbed by the

the motion of the river. And if it so happen, that one of those contrary winds, namely, that which was the strongest be allayed, then presently the contrary will blow, from that side where it blew before, but lay hidden under the force and power of the greater.

10. As for example, if the Nursery be at the North-East, the North-East wind will blow. But if there be two Nurseries of winds, namely, another in the North, those winds for some tract of way will blow severally; but after the angle of confluence where they come together, they will blow to the North-East, or with some inclination, according as the other Nursery shall prove stronger.

11. If there be a Nursery of wind on the North-side, which may be distant from some Country twenty miles, and is the stronger; another on the East-side, which is distant some ten miles, and is weaker: Yet the East-wind shall blow for some hours, and a while after (namely, when its journey is ended) the North wind.

12. If the Northern wind blow, and some Hill stands in the way of it on the West side, a little while after the North-East wind will blow, compounded by the original, and that which is beaten back again.

13. If there be a Nursery of winds in the earth on the Northern side, and the breath thereof be carried directly upward, and it find a cold Cloud on the West side which turns it off the contrary way, there will blow a North-East wind.

14. *Monition.* Nurseries of winds in Sea and Land are constant, so that the spring and beginning of them may be the better perceived: But the Nurseries of winds in the Clouds are moveable, so that in one place there is matter furnished for the winds, and they are formed in another: which makes the direction of motion in winds, to be more confused and uncertain.

Those things we have produced for examples sake, the like are after the like manner: And hitherto of the direction of the motion of winds: Now we must see concerning the Longitude, and as it were the Itinerary or journey of the winds, though it may seem we have already enquired of this under the notion of the Latitude of winds: For Latitude may by unlearned men also be taken for Longitude, if winds take up more space Laterally than they go forward in Longitude.

14. If it be true that *Columbus* could upon the Coasts of *Portugal*, judge of the Continent of *America* by the constant winds from the West, truly the winds can travel a long journey.

15. If it be true that the dissolution of Snows about the frozen seas and *Scandia*, do excite and raise Northerly winds in *Italy*, and *Greece*, &c. in the Dog days; surely these are long journeys.

16. It hath not yet been observed how much sooner a storm does arrive, according to the way it comes, (as for example, if it be an Eastern wind) how much sooner it comes from the East, and how much later from the West. And so much concerning the motion of winds in their progression or going forward: now we must see concerning the Undulation or swelling of winds.

17. The Undulation or swelling of winds is done in a few moments: So that a wind will (though it be strong) rise and fall by turns, at the least a hundred times in an hour. Whereby it appears that the violence of winds is unequal; for neither Rivers, though swift, nor Currents in the Sea, though strong, do rise in waves, unless the blowing of wind be join-

ed thereunto: Neither hath the swelling of winds any equality in it self. For like unto the pulse of ones hand, sometimes it beats, and sometimes it intermits.

The Undulation or swelling of the air, differs from the swelling of waters into waves in this, that in waters after the waves are risen on high, they of themselves, and their own accord, do again fall to the place of them; whence it comes that (whatsoever Poets say when they aggravate tempests, namely, that the waves are raised up to heaven, and again sink down to hell) the descent of the waves do not precipitate much below the plane and superficies of the water. But in the swelling of the air, where the motion of gravity or weight is wanting, the air is thrust down and raised almost in an equal manner. And thus much of Undulation; Now we must enquire of the motion of Conflict or Striving.

19. The Conflicts of winds, and compounded Conflicts we have partly enquired already. It is plain that winds are Ubiquitary, especially the mildest of them. Which is likewise manifest by this, that there are few days and hours wherein some gales do not blow in free places, and that inconstantly and variously enough. For winds which do not proceed from greater Nurseries are vagabond and voluble, as it were playing one with the other; sometimes driving forward, and sometimes flying back.

20. It hath been seen sometimes at Sea, that winds have come from contrary parts together, which was plainly to be perceived by the perturbation of the water on both sides, and the calmness in the middle between them: but after those contrary winds have met, either there hath followed a general calm of the water every where, namely, when the winds have broken and quelled one another equally; or the perturbation of the water hath continued, namely, when the stronger Wind hath prevailed.

21. It is certain, that in the mountains of *Pern* it hath often chanced that the winds at one time have blown on the tops of the Hills one way, and in the Valleys the clean contrary way.

22. It is likewise certain here with us, that the Clouds are carried one way, when the wind near us hath blown the contrary way.

23. That is likewise certain, that sometimes the higher Clouds will out-flie the lower Clouds, so that they will go diverse, yea, and contrary ways, as it were in contrary Currents.

24. It is likewise certain, that sometimes in the higher part of the air winds have been neither distracted, nor moved forward; when here below they have been driven forward with a mad kind of violence, for the space of half a mile.

25. And it is likewise certain, that contrariwise, that here below the air hath been very still, when above the Clouds have been carried with a fresh and merry gale: But that happens more seldom.

An Indirect Experiment.

Likewise in waves sometimes the upper water is swifter, sometimes the lower; and sometimes there are (but that is seldom) several Currents of water, of that which is uppermost, and that which lyeth beneath.

26. Nor are *Virgils* testimonies altogether to be rejected, he being not utterly unskilful in Natural Philosophy.

Together

*Together rush the East and South-East wind,
Nor doth wave calling South-West stay behind.*

And again,
I all the winds have seen their battels join.

We have considered of the Motions of winds, in the nature of things: we must now consider their Motions in humane Engines; and first of all in the Sails of Ships.

The Motion of Winds in the Sails of Ships.

1. **I**N our greatest *Brittain* Ships (for we have chosen those for our pattern) there are four Masts, and sometimes five, set up one behind the other, in a direct line drawn through the middle of the ship. Which Masts we will name thus;

2. The main Mast, which stands in the middle of the ship: the fore-Mast, the Mizon-Mast, (which is sometimes double) and the Sprit Mast.

3. Each Mast consists of several pieces, which may be lifted up, and fashioned with several knots and joints, or taken away; some have three of them, some only two.

4. The Sprit-sail Mast from the lower joint lies bending over the Sea, from that it stands upright; all the other Masts stand upright.

5. Upon these Masts hang ten Sails, and when there be two Mizon-Masts twelve: the Main-Mast and fore-Mast have three tires of sails, which we will call the Main-sail, the top sail, and the Main top sail: The rest have but two, wanting the main top sail.

6. The sails are stretched out a cross, near the top of every joint of the Mast, by certain beams which we call Yards, to which the upper parts of the sails are fastened, the lower parts are fastened with Ropes at each corner; the main sails to the sides of the ship, top and main top sails to the Yards which are next below them.

7. The Yard of every Mast hangs a cross, only the Yards of the Mizon-Masts hang sloping, one end up and the other down, in the rest they hang straight a-cross the Masts like unto the Letter T.

8. The Main sails of the main-Mast, fore-Mast, and boar-Sprit, are of a Quadrangular Parallelogram form; the top, and main top sails somewhat sharp, and growing narrow at the top; but the top Mizon sails are sharp, the lower or main sails triangular.

9. In a ship of eleven hundred Tun, and was one hundred and twelve foot long in the Keel, and forty in breadth in the Hold: the main sail of the main Mast was two and forty foot deep, and eighty seven foot broad.

10. The top sail of the same Mast was fifty foot deep, and eighty four foot broad at the bottom, and forty two at the top.

11. The main top sail was seven and twenty foot deep, and two and forty broad at the bottom, and one and twenty at the top.

12. The fore-Mast main sail was forty foot and a half deep, and seventy two foot broad.

13. The top sail was six and forty foot and a half deep, and sixty nine foot broad at the bottom, and six and thirty at the top.

14. The

14. The main top sail was four and twenty foot deep, six and thirty foot broad at the bottom, and eighteen foot at the top.

15. The Mizon main sail was on the upper part of the Yard one and fifty foot broad, in that part which was joined to the Yard seventy two foot, the rest ending in a sharp point.

16. The top sail was thirty foot deep, fifty seven foot broad at the bottom, and thirty foot at the top.

17. If there be two Mizon-Masts, the hindermost sails are less than the formost about the fifth part.

18. The main sail of the Boar Spirit was eight and twenty foot deep and a half, and sixty foot broad.

19. The top sail five and twenty foot and a half deep, and sixty foot broad at the bottom, and thirty at the top.

20. The proportions of Masts and sails do vary, not only according to the bigness of Ships, but also according to the several uses for which they are built: Some for fighting, some for Merchandize, some for swiftness, &c. But the proportion of the dimension of sails is no way proportioned to the number of Tuns whereof the Ships consist, seeing a Ship of five hundred Tuns or thereabout, may bear almost as large a sail as the other we spake of, which was almost as big again. Whence it proceeds that lesser ships are far swifter and speedier than great ones, not only by reason of their lightness, but also by reason of the largeness of their sails, in respect of the body of the ship: for to continue that proportion in bigger ships would be too vast, and impossible a thing.

21. Each sail being stretched out at the top, and only tyed by the corners at the bottom, the wind must needs cause it to swell, especially about the bottome where it is slacker.

22. The swelling is far greater in the lower sails than in the upper, because they are not only Parrallelograms, and the other more pointed at the top, but also because the extent of the Yard doth so far exceed the breadth of the ship sides to which they are fastned, that of necessity, because of the looseness, there must be a great receipt for the wind; so that in the great which we proposed for an example, the swelling of the sail in a direct wind may be nine or ten foot inward.

23. By the same reason it also happens, that all sails which are swelled by the wind, do gather themselves into a kind of Arch or bow, so that of necessity much wind must slip thorow: insomuch, that in such a ship as we made mention of, that Arch may be as high as a man.

24. But in the triangular sail of the Mizon Mast, there must of necessity be a lesser swelling than in the quadrangular; as well because that figure is less capable, as also because that in the quadrangular three sides are slack and loose, but in the triangular only two, so that the wind is more sparingly received.

25. The motion of the wind in sails, the nearer it comes to the Beak of the ship, the stronger it is, and sets the ship more forward; partly because it is in a place, where because of the sharpness of the Beak head the waves are easilier cut in sunder; but chiefly, because the motion at the Beak draws on the ship, the motion from the Stern and back part of the ship doth but drive it.

26. The motion of the winds in the Sails of the upper tire, advances more than that in the lower tire, because a violent motion is most violent when it is farthest removed from resistance, as in the Wings and Sails of

Windmills;

Windmills; but there is danger of drowning or over-turning the ship: wherefore those Sails are made narrower at the top, that they should not take in too much wind, and are chiefly made use of when there is not much wind.

27. Sails being placed in a direct line, one behind the other, of necessity those sails which stand behind must steal the wind from the foremost, when the wind blows fore-right; wherefore if they be all spread out at once, the force of the wind hath scarce any power but in the main Mast sails, with little help of the lower sails of the Boar Sprit.

28. The best and most convenient ordering of sails in a direct wind, is, to have the two lower sails of the fore-Mast hoisted up: for there (as we said before) the motion is most effectual, let also the top sail of the main Mast be hoisted up: for there will be so much room left under it, that there may be wind sufficient for the fore sails, without any notable stealing of the wind from them.

29. By reason of the hinder sails stealing of the wind away from the fore sails, we sail swifter with a side wind than with a fore wind. For with a side wind all the sails may be made use of, for they turn their sides to one another, and so hinder nor rob not one another.

30. Likewise when a side wind blows, the sails are stiffer stretched out against the wind, which somewhat restrains the wind, and sends it that way as it should blow, whereby it gains some strength. But that wind is most advantagious which blows cornerly between a fore wind, and a side wind.

31. The lower Boar sprit sail can hardly ever be unuseful, for it cannot be robbed from gathering the wind which way soever it doth blow, either about the ship sides, or under the rest of the sails.

32. There is considerable in the motion of winds in ships, both the impulsion and direction of them: For that direction which is made by the Helm doth not much belong to the present Inquisition but only as it hath a Connexion, with the motion of the winds in the sails.

Connexion. As the motion of Impulsion or driving forward is in force at the Beak, so is the motion of Direction in the Poop; therefore for that the lower Mizon-Mast sail is of greatest concernment, for it is as it were an assistant to the Helm.

33. Seeing the Compass is divided into two and thirty Points, so that the Semicircles of it are sixteen points, there may be a progressive sailing (without any casting aboard, which is used when the wind is clean contrary) though of the sixteen parts there be but six favourable, and the other ten contrary. But that kind of sailing depends much upon the lower sail, of the Mizon-Mast. For whilst the adverse parts of the wind being more powerful and not to be opposed by the Helm alone, would turn the other sails, and the ship it self against its intended course, that sail being stiffly stretched, favouring the Helm, and strengthening its motion, turns the Beak into the way of its course.

34. All manner of wind in the sails doth somewhat burden and depress the ship, and so much the more, when it blows most from above. So that in greatest storms, first they lower their yards, and take away the upper sails, and if need be all the rest, cut down the Masts, cast their goods into the Sea, and their Ordnance, &c. to lighten the ship and make it swim, and give way to the waves.

35. By this motion of the winds in the sails of ships, (if it be a merry and prosperous gale) a Merchants ship may sail sixscore *Italian* miles in four and twenty hours; for there are certain Packet Boats which are built a purpose for swiftness, (that are called *Caravels*) which will go further. But when the wind is clean contrary, they lie to this last refuge, and a very weak one, to go on their course; namely to proceed side-way, as the wind will suffer them, out of their course, then turn their way again towards their course, and so proceed in an Angular way. By which progression (which is less than creeping, for Serpents creep on by crooked turnings, but they make angles) they may in four and twenty hours go fifteen miles journey.

Greater Observations.

1. **T**His Motion of winds in sails of ships hath three chief Heads and Fountains of its Impulsion or driving forward, from whence it flows and derives; whence also Precepts may be taken to increase and strengthen it.

2. The first spring comes from the quantity of the wind which is received: For questionless more wind helps more than less: wherefore the quantity of wind must be carefully procured; which will be done, if like wise house-holders, we be good husbands, and take care nothing be stoln from us. Wherefore we must be very careful that no wind may be lost.

3. The wind blows either above the ships, or below them, to the very superficies and surface of the Sea: And as provident men use to look most after the least things, (for the greater no man can chuse but look after) so we will first look after these lower winds, which questionless cannot perform so much as the higher.

4. As concerning the winds which blow chiefly about the sides of the ships, and under their sails, it is the office of the main Boar sprit sail, which lies low and sloping, to gather them into it, that there may be no waste nor loss of wind: and this of it self does good, and hinders not the wind which fills the other sails: And about this I do not see what can be done more by the industry of man, unless they should perchance fix such low sails out of the middle of the ship, like wings, or feathers, two on each side when the wind blows right.

5. But concerning the bewareing of being robbed, which happens when the hinder sails (in a fore-right wind) steal the wind away from the fore-sails, (for in a side-wind all the sails are set a work) I know not what can be added to the care man hath already taken to prevent it, unless when there is a fore-wind, there may be made a kind of stairs or scale of sails, that the hindermost sails of the Mizon-Mast may be the lowest, the middle ones at the main-Mast a little higher, the fore-mast, at the fore-Mast, highest of all, that one sail may not hinder, but rather help the other, delivering and passing over the wind from one to another. And let so much be observed of the first Fountain of Impulsion.

6. The second Fountain of Impulsion consists in the manner of striking the sail with the wind, which if through the contraction of the wind it be acute and swift, will move more, if obtuse and languishing, less.

7. As concerning this, it is of great moment, and much to the purpose, to let the sails have a reasonable extension and swelling: for if they be stretched

stretched out stiff, they will like a wall beat back the wind; if they be too loose, there will be a weak Impulsion.

8. Touching this, humane Industry hath behaved it self well in some things, though it was more by chance than out of any good judgment. For in a side wind, they gather up that part of the sail as much as they can which is opposite against the wind: and by that means they set in the wind into that part where it should blow. And this they do and intend. But in the mean season this follows, (which peradventure they do not perceive) that the wind is more contracted, and strikes more sharply.

9. What may be added to humane industry in this, I cannot perceive, unless the figure of the sails be changed, and some sails be made which shall not swell round; but like a Spur or a Triangle, with a mast or piece of timber in that corner of the top, that they may contract the wind more sharply, and cut the outward air more powerfully. And that angle (as we suppose) must not be altogether sharp, but like a short obtuse triangle, that it may have some breadth. Neither do we know what good it would do, if there were as it were a sail made in a sail; if there were in the middle of a greater sail, there were a kind of a Purse, not altogether loose, of Canvas, but with ribs of wood, which should take up the wind in the middle of the sail, and bring it into a sharpness.

10. The third Fountain or Original of Impulsion, is in the place where the wind hits; and that is two-fold: for from the fore-side of the ship, the Impulsion is easier and stronger than on the hinder part; and from the upper part of the Mast, and sail, than from the lower part.

11. Neither seems the Industry of man to have been ignorant of this, when in a fore-wind their greatest hopes have been in their fore-Masts, and in calms, they have not been careless in hoysing up of their top sails. Neither for the present do we find what may be added to humane Industry in this point; unless concerning the first, we should set up two or three fore-Masts (the first upright, and the rest sloping) whose sails shall hang downward: and as for the second, that the fore-sails should be enlarged at the top, and made less sharp than they usually are: But in both we must take heed of the inconvenience of danger, in sinking the ship too much.

The Motion of Winds in other Engines of Mans Invention.

1. **T**HE Motion of wind-mills hath no subtilty at all in it: and yet usually it is not well explained nor demonstrated. The sails are set right and direct opposite against the wind which bloweth. One side of the sail lies to the wind, the other side by little and little bends it self, and gets it self away from the wind. But the turning and continuance of the Motion is always caused by the lower part, namely, that which is farthest from the wind. But the wind over-casting it self against the Engine, is contracted and restrained by the four sails, and is constrained to take its way in four spaces. The wind doth not well endure that compression; wherefore of necessity it must as it were with its elbow hit the sides of the sails, and so turn them, even as little Whirligigs that Children play withal are turned with the fingers.

2. If the sails were extended even and equally, it would be doubtful which way the inclination would be, as in the fall of a staff; but when the nearer side which meets with the wind, casts the violence of it upon the

lower side, and from thence into distances, so that when the lower side receives the wind, like the palm of the hand, or the sail of a ships Boat, presently there is a turning on that side. But this is to be observed, that the beginning of the motion proceeds not from the first Impulsion, which is direct, and a breast; but from the lateral Impulsion, which is after the compression or straightning of the wind.

3. We made some proofs and trials about this, for the increasing of this motion, as well to be assured we had found the cause, as also for use; feigning an imitation of this Motion, with Paper Sails, and the wind of a pair of Bellows. We therefore added to the side of the lower sail, a fold turned in from the wind, that the wind being become a side wind, might have somewhat more to beat upon; which did no good, that fold not so much assisting the percussion of the wind, as in consequence hindring the cutting of the air. We placed behind the sails at some distance, certain obstacles, as broad as the Diameter of all the sails, that the wind being more compressed, might hit the stronger: but this did rather hurt than good, the repercussion dulling the primary motion. Then we made the sails of a double breadth, that the wind might be the more restrained, and there might be a stronger lateral percussion; which at last proved very well: so that the Conversion was caused by a far milder gale, and did turn a great deal more swiftly.

Mandate. Peradventure this increase of motion might more conveniently be made by eight sails, than by four, doubling the breadth, unless too much weight did over-burthen the motion: Which must have trial made of it.

Mandate. Likewise the length of sails doth much conduce to the Motion. For in wheelings, a slight violence about the circumference, is equivalent to a far greater about the Center. But then this inconvenience follows, that the longer the sails are, the more distant they are at the top, and the wind is so much the less straightned. Peradventure the business would go well, if the sails were a little longer and broader towards the top, like the outermost end of an Oar. But this we are not sure of.

Monition. If these Experiments be made trial of in Wind-mills; care must be taken of the Wind-mill posts, and the foundations of it: for the more the wind is restrained, the more it shakes (though it swiftens the motion of the sails) the whole frame of the Mill.

4. It is reported, that in some Countreys there are Coaches and Waggon which move with the wind; but this must be more diligently looked after.

Mandate. Chariots moving by vertue of the wind, can be of no use, unless it be in open places and plains: Besides, what will be done if the wind allays. It had been better to have thought of easing the Motion of Waggon and Coaches by sails, which might be set up and taken down, to ease the Oxen or Horses which draw them, rather than to make a Motion by wind alone.

Prognosticks

Prognosticks of Winds.

To the two and thirtieth Article.

Connexion.

THe more Divination useth to be polluted by vanity and superstition, so much more is the purer part of it to be received and honoured. But Natural Divination is sometimes more certain, sometimes more slippery and deceitful, according to the subject with which it hath to do; for if it be of a constant and regular nature, it causeth a certain prediction. If it be of a variable and irregular nature, it may make a casual and deceitful one: Yet in a various subject the Prediction will hold true if it be diligently regulated, peradventure it may not hint upon the very moments, but in the thing it self it will not erre much. Likewise for the times of the event and complement, some Predictions will hit right enough, namely, those which are not gathered from the causes, but from the thing it self already inchoated, but sooner appearing, in an apt and fitly disposed matter than in another, as we said before in the Topicks concerning this two and thirtieth Article. We will now therefore set forth the Prognosticks of winds, of necessity intermixing some of rain, and fair weather, which could not conveniently be separated, remitting the full enquiry of them to their proper titles.

1. If the Sun appears hollow at its rising, it will the very same day yield wind or rain; if it appears as it were a little hollow, it signifies wind; if deeply hollow, rain.

2. If the Sun rises pale, or (as we call it) waterish, it betokens rain, if it set so, it betokens wind.

3. If the body of the Sun it self appears at its setting of the colour of blood, it foretokens great winds, for many days.

4. If at Sun rising its beams appear rather red than yellow, it signifies wind rather than rain, and the like if they appear so at its setting.

5. If at Sun rising or setting, its rays appear contracted or shortened, and do not shine out bright, though the weather be not cloudy, it signifies rain rather than wind.

6. If before Sun rising there appear some rays as fore-runners, it signifies both wind and rain.

7. If the Sun at its rising diffuses its rays through the Clouds, the middle of the Sun remaining still under Clouds, it shall signify rain, especially if those beams break out downwards, that the Sun appears as it were with a Beard. But if the raies break forth out of the middle, or dispersed, and its exterior body, or the out-parts of it be covered with clouds, it fore-shewes great tempests both of wind and rain.

8. If the Sun, when it rises, be encompassed with a Circle, let wind be expected from that side on which the Circle opens. But if the Circle fall off all at one time, it will be fair weather.

9. If at the setting of the Sun there appears a white Circle about it, it signifies some small storm the same night: if black or darkness, much wind the day following.

10. If the Clouds look red at Sun-rising, they are Prognosticks of wind: if at Sun-setting, of a fair ensuing day.

11. If about the rising of the Sun, Clouds do gather themselves about it, they foreshew rough storms that day; but if they be driven back from the rising towards the setting of the Sun, they signifie fair weather.

12. If at Sun-rising the Clouds be dispersed from the sides of the Sun, some South-ward, and some North-ward, though the sky be clear about the Sun, it fore-shews wind.

13. If the Sun goes down in a Cloud, it fore-shews rain the next day: but if it rains at Sun-setting, it is a token of wind rather. But if the Clouds seem to be as it were drawn towards the Sun, it signifies both wind and storms.

14. If Clouds at the rising of the Sun seem not to encompass it, but to lie over it, as if they were about to Eclipse it, they fore-shew the rising of winds, on that side as the Clouds incline. And if they do this about noon, they signifie both wind and rain.

15. If the Clouds have encompassed the Sun, the less light they leave it, and the lesser the Orb of the Sun appears, so much the more raging shall the tempest be; but if there appear a double or treble Orb, as though there were two or three Suns; the Tempest will be so much the more violent for many days.

16. New Moons presage the dispositions of the Air: but especially the fourth rising of it, as if it were a confirmed New Moon. The full Moons likewise do presage more than the days which come after.

17. By long observation, the fifth day of the Moon, is feared by Mariners for stormy.

18. If the New Moon do not appear before the fourth day, it fore-shews a troubled air for the whole Month.

19. If the New Moon at her first appearance, or within a few days after, have its lower horn obscure, or dusky, or any way blemished, it signifies stormy and tempestuous days before the Full Moon; if it be ill coloured in the middle, Tempests will come about the Full of the Moon: if it be so about the upper part of the horn, they will be about the decreasing of the Moon.

20. If at the fourth rising the Moon appear bright, with sharp horns, not lying flat, nor standing upright, but in a middle kind of posture between both, it promises fair weather for the most part, until the next New Moon.

21. If at the same rising it be red, it portends winds; if dusky or black, rains; but howsoever it signifies nothing beyond the Full Moon.

22. An upright Moon is almost always threatening, and hurtful, but it chiefly portends winds: But if it have blunt horns, and as it were cut off short, it rather signifies rain.

23. If one horn of the Moon be sharp, and the other blunt, it signifies wind; if both be blunt, rain.

24. If a Circle, or *Halo* appear about the Moon, it signifies rain rather than wind, unless the Moon stands directly within that Circle, for then it signifies both.

25. Circles about the Moon always foreshew winds on that side where they break; also a notable shining in some part of the Circle, signifies winds from that part where the shining is.

26. If the Circles about the Moon be double or treble, they fore-shew horrible and rough Tempests, and especially if those Circles be not whole, but spotted and divided.

27. Full Moons, as concerning the Colours and Circles, do in a manner foreshew the same things, as the fourth rising, but more present, and not so long delayed.

28. Full Moons use to be more clear than the other ages of the Moon, and in winter use to be far colder.

29. The Moon appearing larger at the going down of the Sun, if it be splendid and not dusky, betokens fair weather for many days.

30. Winds almost continually follow the Eclipses of the Moon; and fair weather the Eclipses of the Sun; rain comes after neither.

31. From the Conjunctions of any of the Planets, but only the Sun, you may expect winds both before and after, from their conjunctions with the Sun, fair weather.

32. At the rising of the *Pleiades*, and *Hyades*, come showres of rain, but calm ones; after the rising of *Arcturus* and *Orion*, tempests.

33. Returning and shooting stars (as we call them) signifie winds to come from that place whence they run, or are shot; but if they flye from severall, or contrary parts, it is a sign of great approaching storms of wind and rain.

34. When such little stars as those which are called *Afelli*, are not seen generally all over the sky, it foreshews great tempests and rain within some few days. But if they be seen in some places, and not in other some, it foreshews winds only, and that suddenly.

35. The sky when it is all over bright, in a New-Moon, or at the fourth rising of it, portends fair weather for many days; if it be all over dark, it foreshews rain, if partly dark, and partly fair, it portends wind of that side where the darkness is seen. But if it grow dark on a sudden, without either Cloud or Mist to dimm the brightness of the Stars, there are great and rough tempests a breeding.

36. If an entire Circle incloseth a Planet, or any of the greater stars, it foreshews wind; if it be a broken Circle, wind from those parts where the Circle is deficient.

37. When the Thunder is more than the Lightnings, there will be great winds; but if the Lightnings be thick amidst the thundering, it foreshews thick showres, with great drops.

38. Morning Thunders signifie wind, mid-day Thunders rain.

39. Bellowing Thunders which do as it were pass along, presage winds, and those which make a sharp and unequal noise, presage storms both of wind and rain.

40. When it lightens in a clear sky, winds are at hand, and rain from that part where it lightens: But if it lightens in diverse parts, there will follow cruel and horrid tempests.

41. If it lightens in the cold quarters of the Heavens, namely, the East and North, Hail will follow; if in the warmer; namely, South and West, we shall have rain and a warm sky.

42. Great heats after the Summer Solstice, and commonly with Thunder and Lightning, and if those come not, there will be wind and rain for many days.

43. The Globe of Flame, which the Ancient called *Castor*, which is seen by Mariners, and Seafaring men at Sea, if there be but one, presages a cruel tempest, (*Castor* is the dead brother) and much more if it stick not close to the Malt, but dances up and down. But if they be twins, (and *Pollux* the living brother be present) and that when the tempest is high, it is a good

good presage: But if there be three (namely, if *Helen*, the Plague of all things come in) it will be a more cruel tempest: so that one seems to shew the indigested matter of the storm, Two a digested and ripe matter; Three or more an abundance that will hardly be dispersed.

44. If we see the Clouds drive very fast when it is a clear sky, we must look for winds from that way from which the Clouds are driven: But if they wheel and tumble up together, when the Sun draws near to that part in which they are tumbled up together, they will begin to scatter and sever; and if they part most towards the North, it betokens wind, if towards the South, rain.

45. If at Sun-setting there arise black and dark Clouds, they presage rain: If against the Sun, namely, in the East, the same night, if near the Sun in the West the next day, with winds.

46. The clearing of a Cloudy sky, if it begins against the wind which then blows, signifies clear fair weather; with the wind it betokens nothing, but the thing remains uncertain.

47. There are sometimes seen several as it were Chambers or joined Stories of Clouds one above the other. (so as *Gilbertus* affirms, he hath seen five of them together) and always the blackest are lowermost, though sometimes it appears otherwise, because the whitest do more allure the sight. A double Conjunction of stories, if it be thick, shews approaching rain (especially if the lower Cloud seem as it were big with Child) more Conjunctions presage continuance of rain.

48. If Clouds spread abroad like Fleeces of wool here and there, they foreshew Tempests: but if they lie one a top of another, like skales or tiles, they presage drought and clear weather.

49. Feathered Clouds, like to the boughs of a Palm tree, or the flowers of a Rainbow, are Prognosticks of present rain, or immediately to follow.

50. When Hills and Hillocks looks as though they wore Caps by reason of the Clouds lying upon them, and encompassing them, it presages imminent Tempests.

51. Amber, or Gold Colour Clouds before Sun-setting, that have as it were gilded Helms or borders, after the Sun begins to be quite down, foreshew fair clear weather.

52. Grayish, and as it were Clay-coloured Clouds, shew that rain with wind are drawing on.

53. Some petty Cloud shewing it self suddenly, having not been seen before, and all the skie clear about it, especially if it be in the West, and about Noon, shews there is a storm a coming.

54. Clouds and Mists ascending, and going upward, presage rain, and that this be done suddenly, so that they be as it were sucked up, they presage rain: but if they fall and reside in the Valleys, they presage fair weather.

55. A big Cloud growing white, which the Ancients called a white Tempest, in Summer is a fore-runner of small hail, like Comfits, in Winter snow.

56. A fair and clear Autumn presages a windy winter; a windy winter, a rainy spring: a rainy spring a clear summer; a clear summer a windy Autumn. So that the year (as the Proverb goes) is seldom its own debtor, and the same order of seasons will scarce happen two years together.

Fires upon the Hearth when they look paler than they are accustomed, and make a murmuring noise within themselves, do presage tempests. And if the flame rises bending and turning, it signifies wind chiefly: and when the snuffs of Lamps and Candles grow like Mushromes with broad heads, it is a sign of rainy weather.

58. Coals shining bright, and sparkling over-much, signifie wind

59. When the superficies of the Sea is calm and smooth in the Harbour, and yet murmures within it self, though it doth not swell, signifies wind.

60. The shoars resounding in a calm, and the sound of the Sea it self, with a clear noise, and a certain Eccho, heard plainer and further than ordinary, presages winds.

61. If in a calm and smooth sea, we espie froth here and there, or white Circles or Bubbles of water, they are Prognosticks of winds; and if these Presages be very apparent, they foreshew rough tempests.

62. If in a rough sea there appear a shining froth (which they call sea-lungs) it foreshews a lasting tempest for many days.

63. If the sea swell silently, and rises higher than ordinary within the Harbour, or the Tide come in sooner than it uses to do, it foretels wind.

64. Sound from the Hills, and the murmure of woods growing lowder, and a noise in open Champion fields, portends wind. Also a prodigious murmuring of the Element, without Thunder; for the most part presages winds.

65. Leaves and straws playing on the ground, without any breath of wind that can be felt, and the Down of Plants flying about, Feathers swimming and playing upon the water, signifie that wind is near at hand.

66. Water Fowls flying at one another, and flying together in flocks, especially sea-Mews and Gulls, flying from the sea and lakes, and hastning to the banks and shoars, especially if they make a noise and play upon dry land, they are Prognosticks of winds, especially if they do so in the morning.

67. But contrariwise, sea fowls going to the water, and beating with their wings, chattering and bathing themselves, especially the Crow, are all presages of storms.

68. Duckers and Ducks cleanse their feathers with their Bills against wind: but Geese with their importunate crying call for rain.

69. A Hern flying high, so that it sometimes flies over a low Cloud, signifies wind: But Kites when they flye high, foreshew fairweather.

70. Crows as it were barking after a sobbing manner, if they continue in it; do presage winds, but if they catchingly swallow up their voice again, or croak a long time together, it signifies that we shall have some showers.

71. A chattering Owl was thought by the Ancients to fore-tel change of weather; - if it were fair, rain; if Cloudy, fair weather: But with us the Owl making a clear and free noise, for the most part signifies fair weather, especial in winter.

72. Birds pearching in trees, if they flie to their nests, and give over feeding betimes, it presages tempest: But the Hearn standing as it were sad and melancholy upon the sand; or a Crow walking up and down, do presage wind onely.

73. Dolphins playing in a calm sea, are thought to presage wind from that way they come : and if they play and throw up water when the Sea is rough, they presage fair weather. And most kinds of fishes swimming on the top of the water, and somerimes leaping, do prognosticate wind.

74. Upon the approach of wind, Swine will be so terrified and disturbed, and use such strange actions, that Country people say that Creature onely can see the wind; and perceive the horridness of it.

75. A little before the wind spiders work and spin carefully, as if they prudently forestall'd the time, knowing that in windy weather they cannot work.

76. Before rain, the sound of Bels is heard further off; but before wind it is heard more unequally, drawing near and going further off, as it doth when the wind blows really:

77. *Pliny* affirms for a certain, that three leaved grass creeps together, and raises its leaves against a storm.

78. He sayes likewise, that vessels which food is put into, will leave a kind of sweat in Cupboards, which presage cruel storms.

Monition. Seeing rain and wind, have almost a common matter, and seeing alwayes before rain, there is a certain condensation of the air, caused by the new air received into the old, as it appears by the sounding of the shoars, and the high flight of Hearn, and other things; and seeing the wind likewise thickens, (but afterward in rain the air is more drawn together, and in winds contrariwise it is enlarged) of necessity winds must have many Prognosticks common with the rain. Whereof advise with the Prognosticks of rain, under their own title.

Imitations of Winds.

To the three and thirtieth Article.

Connexion.

IF men could be perswaded not to fix their contemplations over-much upon a propounded subject, and reject others as it were by the bye; and that they would not subtilize about that subject in *infinitum*, and for the most part unprofitably, they would not be seized with such a stupor as they are; but transferring their thoughts, and discoursing, would find many things at a distance, which near at hand are hidden. So that as in the Civil Law, so we must likewise in the Law of Nature, we must carefully proceed to semblable things, and such as have a conformity between them.

1. Bellows with men are *Æolus* his Bags, out of which one may take as much as he needeth. And likewise spaces between, and openings of Hills, and crooks of buildings, are but as it were large bellows. Bellows are most useful either to kindle fire, or for Musical Organs: The manner of the working of Bellows is by sucking in of the air, to shun vacuity, (as they say) and to send it out by compression.

2. We also use Hand Fans to make a wind, and to cool, only by driving forward of the air softly.

3. The cooling of Summer rooms, we spake of in Answer to the ninth Article. There may other more curious means be found, especially if the air be drawn in somewhere after the manner of bellows, and let out

at another place; But those which are now in use have relation only to meer compression.

4. The breath in mans *Microcosmos*, and in other Animals, do very well agree with the winds in the greater world: For they are engendred by humours, and alter with moisture as wind and rain doth, and are dispersed and blow freer by a greater heat. And from them that observation is to be transferred to the winds, namely, that breaths are engendred of matter that yields a tenacious vapour, not easie to be dissolved; as Beans, Pulse, and Fruits; which is so likewise in greater winds.

5. In the distilling of Vitriol and other Minerals which are most windy, they must have great and large receptacles, otherwise they will break.

6. Wind composed of Niter and Gun-powder, breaking out and swelling, the flame doth not only imitate, but also exceed winds, which blow abroad in the world, unless they be such as are made by thunder.

7. But the forces of it are pressed in, as in humane Engines, as Guns, Mines, and Powder-houses set on fire. But it hath not yet been tried whether in open air, a great heap of Gun-powder set on fire would raise a wind for certain hours, by the commotion of the air.

8. There lies hidden a flatuous and expansive spirit in Quick-silver, so that it doth, (in some mens opinions) imitate Gun-powder, and a little of it mixed with Gun-powder, will make the Powder stronger. Likewise the Chymists speak the same of gold that being prepared some way, it will break out dangerously, like to Thunder; but these things I never tried.

A greater Observation.

THe Motion of winds is for most things, seen as it were in a Looking-glass, in the motion of waters.

Great winds are Inundations of the air, as we see Inundations of waters, both through the augmentation of the quantity. As waters either descend from above, or spring out of the earth, so some winds are cast down, and some rise up. As sometimes in Rivers there are contrary motions, one of the flowing of the Sea, the other of the Current of the River, yet both become one motion, by the prevailing of the flood; so when contrary winds blow, the greater subdues the lesser. As in the Currents of the sea, and of some rivers, it sometimes falls out, that the waves above go contrary to the waves below: So in the air, when contrary winds blow together, one flies over the other. As there are Cataracts of Rain within a narrow space, so there are Whirlwinds. As waters, however they go forward, yet if they be troubled, swell up into waves, sometimes ascending, grow up into heaps, sometimes descending, are as it were furrowed: so the winds do the same, but only want the Motion of Gravity. There are also other similitudes which may be observed and gathered out of those things which have already been enquired about.

Moveable Rules concerning Winds.

Connexion.

Rules are either particular or general, both with us are moveable; for as yet we have not affirmed any thing positively. Particular Rules may be taken and gathered almost out of every Article. We will cull our some general ones, and those but a few, and adde thereunto.

1. Wind is no other thing but moved air; but the air it self moved either by a simple impulsion, or by commixion of vapors.

2. Winds by a simple Impulsion are caused four ways, either by the natural Motion of the air, or by expansion of the air, in the Suns ways; or by reception of air thorow a sudden cold; or by the compression of the air by external bodies.

There may be also a fifth way, by the agitation and concussion of the air by stars. But let these things be a while silent, or be given ear unto with a sparing belief.

3. Of winds which are made by immixion of vapours, the chief cause is the over-burthening of the air, by air newly made out of vapours, whereby the mass of the air grows bigger, and seeks new room.

4. A small quantity of air added, causeth a great rumor of the air round about it: so that new air out of the resolution of vapours doth confer more to motion than to matter. But the great body of wind consists in the former air, neither doth the new air drive the old air before it, as if they were several bodies; but being both commixt, they desire larger room.

5. When any other beginning of Motion concurs, besides the over-burthening of the air, it is an accessory which strengthneth and encreaseth that Principal, which is the reason that great and violent winds do seldom rise, by the simple over-burthening of the air.

6. Four things are accessory to the over-burthening of the air: The breathing out of subterranean places; the casting down out of (as it is called) the middle region of the air, Dissipation made out of a Cloud, and the Mobility and Acrimony of the Exhalation it self.

7. The Motion of the wind is for the most part lateral: But that which is made by meer over-burthening, is so from the beginning, that which is made by the expiration of the earth, or repercussion from above, a little while after, unless the Eruption, or Precipitation, or Reverberation be exceeding violent.

8. Air will endure some compression, before it be over-burthened, and begins to thrust away the adjoining air, by reason whereof all winds are a little thicker than quiet and calm air.

9. Winds are allayed five ways, either by the conjunction of vapours, or by their sublimation, or by transporting them, or by their being spent.

10. Vapors are conjoynd, and so the Air it self becomes water, four ways, either by abundance aggravating, or by colds condensing, or by contrary winds compelling, or by obstacles reverberating.

11. Both Vapours and Exhalations, but wind very frequently from vapours. But there is this difference, that winds which are made of Vapours, do more easily incorporate them selves into pure air, are sooner allayed, and are not so obstinate as those winds which are engendred of Exhalations.

12. The

12. The manner and several conditions of heat have no less power in the generation of winds, than the abundance or conditions of the matter.

13. The heat of the Sun ought to be so proportioned in the generation of winds, that it may raise them, but not in such abundance as that they gather into rain, nor in so small a quantity, that they may be quite shaken off and dispersed.

14. Winds blow from their Nurseries, and the Nurseries being disposed several ways, divers winds for the most part blow together, but the strongest either quite overthrows, or turns into its current the weakest.

15. Winds are engendred every where, from the very Superficies of the earth, up into the middle Region of the air, the more frequent below, but the stronger above.

16. The Countries which have retaining or trade-winds, if they be warm, have them warmer that according to the measure of their Climate: if they be cold, they have them colder.

A Humane Map, or Optatives, with such things as are next to them concerning Winds.

Optatives.

1. **T**O frame and dispose sails of ships in such a manner, that with less wind they might go a greater journey; a thing very useful to shorten journeys by sea, and save charges.

Next. The next invention precisely in practice I have not as yet found; yet concerning that, look upon our greater observations upon the six and twentieth Article.

2. *Optative.* That we could make Wind-mills, and their sails in such manner that they may grind more with less wind. A thing very useful for gain.

Next. Look concerning this upon our Experiments in the answer to the seven and twentieth Article, where the thing seems to be as it were done.

Optative. To foreknow when winds will rise and allay: A thing useful for Navigation and for Husbandy, especially for the chusing of times for Sea-fights.

Next. To this belong many of those things which are observed in the Inquisition, and especially in the Answer to the two and thirtieth Article. But a more careful observation hereafter (if any shall apply their mind to it) will give far more exact Prognosticks, the cause of the winds being already laid open.

4. *Optative.* To give judgment, and make Prognosticks by winds, of other things, as first, whether they be Continents or Islands in the Sea in any place: or rather a free open sea; a thing very useful for new and unknown voyages.

Next. The next is the observation concerning constant and trade-winds: that which *Columbus* seemed to make use of.

5. *Optative.* Likewise of the plenty or scarcity of corn every year. A thing useful for gain, and buying before-hand, and fore-stalling, as it is reported of *Thales*, concerning a Monopoly of Olives.

Next.

Next. To this belong some things specified in the Inquisition of winds, either hurtful, or shaking winds, and the times when they do hurt; to the nine and twentieth Article.

6. *Optative.* Likewise concerning Diseases and Plagues every year. A thing useful for the credit of Physicians, if they can fore-tel them also for the causes and cures of Diseases, and some other civil considerations.

Next. To this likewise belong some things set down in the Inquisition to the thirtieth Article.

Monition. Of Predictions by wind concerning corn, fruits, and diseases, look upon Histories of Husbandry and Physick.

Optative. 7. How to raise winds and to allay them.

Next. Concerning these things there are some superstitious opinions, which do not seem worthy to be inserted into a serious and severe Natural History: Nor can I think of any thing that is near in this kind. The design may be this, to look throughly into, and enquire about the Nature of the air; whether any thing may be found, whereof a small quantity put into air, may raise and multiply the motion to dilatation, or contraction in the body of the air. For out of this (if it might be done) would follow the raisings and allayings of winds. Such as that Experiment of *Pliny* is concerning Vinegar thrown against the Whirlwinds, if it were true. Another design might be, by letting forth of winds out of subterranean places; if so be they should gather together any where in great abundance, as it is a common and approved opinion of the Well in *Dalmatia*: but to know such places of prisons, is very hard and difficult.

8. *Optative.* To work many fine, pleasant, and wonderful conceits by the motion of winds.

Next. We have not leisure to enter into consideration touching these things: Next to it is that common report of the Duels of winds. Questionless many such pleasant things might very well be found out, both for Motions and Sounds of Winds.



An Entrance to the Titles appointed for the next five Months.

The History of Density and Rarity.

The Entrance.

IT is no marvail if nature be indebted to Philosophy and the Sciences, seeing it was never yet called upon to give an account, for there never was any diligent and dispensatory Inquisition made of the quantity of the matter, and how that had been distributed into bodies (in some copiously, in others sparingly) according to the true, or at least truest accounts that hath been truly received and approved of, that nothing is taken away and lost, or added unto the universal summe. Likewise that place hath been treated upon by some, namely how it can be loosened or contracted without intermixture or vacuity, according to more or less: But the Natures of Density and Rarity, some have referred to the abundance or scarcity of the matter, another hath laughed at the same; the greatest part following their Author, do discuss and compose the whole matter by that cold and weak distinction of act, and power. Those also who attribute them to the reasons of matter (which is the true opinion) do neither quite deprive the *Materia prima*, or primary matter of its *Quantum*, or quantity, though for other forms they will have it equal, but here do terminate and end the matter, and seek no further, nor do not perceive what followeth thereby; and either do not touch at all, or at least do not urge home that which hath a regard to infinites, and is as it were the Basis and ground of Natural Philosophy.

First therefore that which is rightly set down must not be moved nor altered; namely, that there is no transaction made in any transmutation of bodies, either from nothing, or to nothing: but that they are works of the same omnipotence, to create out of nothing, and to reduce unto nothing, and that by course of Nature this can never be done. Therefore the summe of the total matter stands still whole, nothing is added, nothing is diminished: yet that this sum is divided by portions amongst the bodies, is unquestionable, for there can no man be so much beside himself through any subtile abstractions as to think that there is as much matter in one vessel of water as in ten vessels of water, nor likewise in one vessel of air, as much as in ten vessels of air. But in the same body there is no question but that the abundance of matter is multiplied according to the measure of the body, in divers bodies it is questionable. And if it be demonstrated that one vessel of water turned into air, will yield ten vessels of air, (for we take this computation for a received opinion,

opinion, though that of a hundred fold be the truer) it is well; for now they are no more divers bodies, water and air, but the same body of air in ten vessels: But one vessel of air (as it was but now granted) is but onely the tenth part of ten vessels. Therefore it cannot be contradicted, but that in one vessel of Water, there is ten times more matter than in one vessel of air: Therefore if one should affirm, that one whole vessel of water could be converted into one vessel of air, it were as much as if one should affirm that something could be reduced to nothing: for as much as one tenth part of water would suffice to do it, and the other nine parts must of necessity be reduced to nothing: And contrariwise, if one should affirm that one vessel of air could be turned into a vessel of water, it would be as much as if he should say, that something could be created out of nothing: for one vessel of air can attain and reach but unto the tenth part of a Vessel of water, and the other nine parts must needs proceed from nothing. In the mean time we will plainly acknowledge and confess, that to understand the true means of the reasons and calculations, of the how much part of the *Quantum*; or how much of the matter which is in divers bodies, and by what industry and sagacity one may be truly informed thereof, is a high matter to be enquired; but such as the great and largely extended profit which will accrue thereby will largely recompence. For to know the Densities and Rarities of the body, and much more how to procure, and effect the Condensations and Rarefactions, is of great importance and moment both to contemplative, and to the Practick. Seeing then it is a thing (if any there be at all) meerly fundamental and universal; we must go carefully, and prepared about it, seeing that all Philosophy without it is loose and disjointed.

The History of Heavy and Light.

The Entrance.

THE Motion of Gravity and Lightness, the Ancients did illustrate with the name of Natural Motion: For they saw no external efficient, nor no apparent resistance; yea the motion seemed swifter in its progress. This contemplation, or rather speech, they seasoned with that mathematical Phantasie of the staying or stopping of heavy things at the center of the earth (although the earth should be bored quite thorow) and that Scholastical Invention of the motion of bodies to their several places. Having laid or set down these things, supposing they had done their parts, they looked no further, but onely that which some of them more carefully enquired after, namely, of the Center of Gravity in divers figures, and of such things as are carried by water. Neither did any of the Modern Authors do any thing worth speaking of concerning this, onely by adding some few Mechanical things which they had also wrested with their Demonstrations: But laying many words aside, it is most certain, that a body cannot suffer but by a body: Neither can there be any Local Motion made, unless it be solicited or set forward, either by the parts of the body it self which is moved, or by the adjacent bodies, which either touch it, or are near unto it, or are at least within the Orb of its Activity. So that *Gilbertus* did not unknowingly introduce Magnetick powers, he also becomming a Loadstone, namely, drawing more things

things by those powers than he should have done, and building a Ship as it were of a round piece of wood.

The History of the Sympathy and Antipathy of things.

The Entrance.

Strife and amity in Nature are the eggers on of motions, and the Keys of works. Hence proceeds the union and dissolution of bodies; hence the mixture and separation of bodies; hence the high and intimate impressions of virtues, and that which they call joining of actives with passives: finally they are the great and wonderful works of nature. But this part of Philosophy, namely of the Sympathy and Antipathy of things is most impure, which also they call Natural Magick: and (which always likely comes to pass) where diligence and care hath wanted, there hath hope remained: But the operation thereof in men is meerly like unto certain Soporiferous Medicines which cast one asleep, and do moreover send and infuse into him merry and pleasant Dreams. For first it casts mans understanding into a sleep, representing unto him specificall Properties, and hidden Vertues, whereby men awake no more, nor look after the finding and searching out of true causes; but acquiesce and lie still in these idle ways. Then it insinuates an innumerable company of fictions like unto Dreams; And vain men hope to know the Nature by the outward shape and shew, and by extrinsecal similitudes to discover inward Properties. Their Practise also is very like unto their Enquiry: For the Precepts of Natural Magick are such, as if men should be confident that they could subdue the earth, and eat their bread without the sweat of their Brow, and to have power over things by idle and easie applications of bodies; and still they have in their mouths, and like undertakers or Sureties, they call upon the Loadstone, and the consent which is between Gold and Quicksilver; and some few things of this kind they alledge, for to prove other things, which are not bound by any such like contract. But God hath appointed the best of things to be enquired out and be wrought by labours and endeavours. We will be a little more carefull in searching out the law of Nature, and the mutual Contracts of things, neither favouring Miracles, nor making too lowly and straightned an Inquisition.

The History of Su'phur, Mercury, and Salt.

The Entrance.

This triple of Principles hath been introduced by the Chymists, and as concerning Speculatives is of them which they bring the best Invention. The most subtile and acute of these, and those who are most Philosophical, will have the Elements to be Earth, Water, Air, and the skie. And those they will not have to be the Matter of things, but the Matrixes in which the Specificall seeds of things do engender in the nature of a Matrix. But for the *Materia prima*, or primary matter, (which Scholars do lay down as it were naked, and indifferent) they

substitute those three, Sulphur Mercury and Salt; out of which all bodies are gathered together and mixed: We do accept of their words, but their opinions are not very sound. Yet that doth not ill agree with their opinion, namely, that we hold two of them, to wit, Sulphur and Mercury (taken according to our sense) to be very first and prime natures, and most inward figurations of matter, and almost chief amongst the forms of the first Classis. But we may vary the words of Sulphur and Mercury, and name them otherwise Oyl, Waterish, Fat, Crude, Inflammable, not Inflammable, or the like. For these seem to be two very great things of the three, and which possess and penetrate the Universe, for amongst subterranean things, they are Sulphur and Mercury, as they are called; in the Vegetable and Animal kind, they are Oyl and Water; in the inferior spiritual things, they are Air and Flame; in the heavenly, the body of a Star, and the pure skie; but of this last Duality we yet say nothing, though it seem to be a probable decyphering: For if they mean by Salt, the fixed part of the body, which is not resolved either into flame or smoak, this belongeth to the Inquisition of fluid, and determinate things. But if we take Salt according to the Letter without any Parabolical meaning, Salt is no third thing from Sulphur and Mercury, but mixed of both, connexed into one, by an acrimonious and sharp spirit. For all manner of Salt hath inflammable parts; and other parts also, which not only will not take fire, but do also abhor it and flie from it: Yet the Inquisition of Salt, being somewhat allyed to the Inquisition of the other two, and exceeding useful, as being a tye and band of both Natures, Sulphurous and Salt, and the very Rudiment of life it self, we have thought fitting to comprehend it also within this History and Inquisition. But in the mean time we give you notice, that those spiritual things, Air, Water, Stars, and Skie, we do (as they very well deserve it) reserve them for proper and peculiar Inquisitions, and here in this place to set down the History only, of tangible, that is to say, Mineral or Vegetable Sulphur and Mercury.

The History of Life and Death.

The Entrance.

THere is an old complaint of the shortness of life, and tediousness of Art. Therefore it seems very fitting to us, who strive to the uttermost of our powers to make Arts perfect, to take care also of prolonging the Life of man, the Author of Life and Truth assisting us therein. For although mens lives be nothing else, but an increase and accumulation of sins and miseries; and that life is but of small advantage to those who aspire to Eternity: Yet we who are Christians should not contemn or despise a continuation of works of Charity. And the beloved Disciple lived longer than any of the rest; and many of the Fathers, especially the holy Monks, and Hermites, were long lived. And there was less taken away from this blessing, (so often made mention of in the old Law) than from any other earthly blessing, after the coming of our Savior. But it is plain & manifest enough, that this is held for a great good: but how to attain thereunto, is a high and mysterious question; and

and so much the more, because it hath been abused both by false opinions and false Præconiums. For those things which are commonly spoken of by the Rabble of Physicians, concerning the Radical Humour, and Natural Heat, are deceitful. And the immoderate praises of Chymical Medicines, first swell men up with hopes, and then forsake them, and leave them in the mire. Neither is our Inquisition now of that death which proceeds from suffocation, putrifaction, and divers other Diseases; for that belongs to a Physical or Medicinal Historie; but of that Death only which comes by the Resolution and consumption of old age. Yet to enquire of the last passage or step to death, and the very extinction or putting out of life, which may be done by many, both internal and external ways (which notwithstanding have as it were one and the self same place of habitation, before we come unto the very pangs of death.) I believe hath some affinity with our present Inquisition, but we will set that in the last place. That which may be repaired by degrees and without destruction, the primary entire thing, that in *potentia* is eternal as the Vestal fire. Wherefore when the Philosphers and Physicians saw, that creatures were nourished, and that their bodies were repaired and made up again; yet that it could not last long, but that a while after they grew old, and dyed, they sought for death in some thing, which properly could not be repaired, thinking that some Radical and first engendred Humor is not totally repaired, but that there is even from the infancy some degenerate addition, and not a precise, solid and just reparation, which by degrees is depraved with age, and at last brings that which is depraved to nothing. These unskilful and erroneous opinions they hold. For all things in youth and young age are fully and wholly repaired, and for a time increase in quantity, and are bettered in quality: so that the matter of Reparation might in a manner be eternal, if the means of Reparation did not fall away. But indeed in a declining age, there is but a very unequal Reparation made. In some parts Reparation proceeds happily, and other parts grow worse and worse; and from that time men begin to endure that torment which *Mezentius* did use to inflict, namely to kill living men with the embraces of dead ones; and those things, which might easily be repaired do fail by being joyned to those things which can hardly be repaired. For even after that men do begin to decline through age, their Spirit, Bloud, flesh and Fat may easily be repaired; but those parts which are more Porous, all Membranes and Tunicles, Nerves, Arteries, Veins, Bones, Cartilages, most part of the Inwards, and finally almost all the Organical parts, are difficultly, and with great losse repaired. And those parts being to assist the reparation of those Reparable parts which are actually to be repaired, losing their activity and strength, can no longer performe their function. And from thence a while after proceeds the falling to ruin of all together; and those very same parts, which in their own Nature are very Reparable, the Organs of Reparations failing, cannot be well repaired, but decrease, and at last totally fail. And the cause of the Period, is because the spirit preying alwayes like a still and gentle Flame, the external air (which also sucks and dries up the bodies) conspiring with it, at the last ruins the frame of the body and its Organs, and makes them unable to performe the act of Reparation: And these are the true ways of Natural Death, which are carefully to be revolved in mans mind. For he that knows not the ways of Nature, how can he obviate and turn them? Therefore there ought

to be a double Inquisition: one of the Consumption, or Depredation of the body of man ; and the other of the Reparation or Refection of the same. And with this *proviso* or Caveat that the one may be inhibited and restrained, and the other promoted and comforted as much as may be : and the first of these belongs chiefly to the spirits and external air, by which the Depredation and waste is made ; the second to the whole process of alim-entation, which causeth the Restitution. And as for the first part of the Inquisition, which is of the Consumption, that is for a great part common to inanimate bodies : For those things which the inbred spirit (which is in all Tangible things be they living or dead) and the encompassing Air do operate upon inanimate things, the same they do also attempt upon those things which are animate : though the Vital which is added unto them, partly breaks and quells those operations, and partly doth most powerfully increase and augment them. For it is most manifest, that many inanimate things can last a long time without any Reparation ; whereas animate things do presently fall and are extinguished without Aliment or Reparation, as the fire also. Therefore there ought to be a double Inquisition : First, Contemplating mans body, as Inanimate, and without Aliment : Then as it is Animate and Alimanted. And having spoken thus much by way of Preface, let us now proceed to the Topics of the Inquisition ; concerning which you must read the History of Life and Death.

F I N I S.



THE
 NATURAL
 AND
 EXPERIMENTAL
 HISTORY
 OF
 THE FORM of HOT THINGS.

The Inquisition of Forms proceeds thus.

The first Aphorism.

UPon the proposed Nature, first there must be an apparence made before the understanding of all the known Instances which agree in the same Nature, though the matters be very unlike: And this Collection is to be made Historically, without any over-hasty Contemplation, or any transcendent subtilty: as for example in the Form of Hot Things.

Convenient Instances in the Nature of Hot Things.

1. The Beams of the Sun, especially in Summer, and at Noon time.
2. The Sun beams reflected, and kept up close and drawn together, as among Hills, or by Walls, and especially in Burning-glasses.
3. Fiery Meteors.
4. Burning Lightnings.
5. The breaking out of fire, out of the hollow parts of Hills, &c.
6. All manner of Flame.
7. Solid things set on fire:
8. Natural hot Baths.
9. Liquid things boyling or heated.
10. Hot smoaks and vapours, and the Air it self, which takes a strong and fierce heat if it be shut in, especially in Reverberatories.
11. Certain soultry hot times by the meer Constitution of the air, without any regard of the season, or time of the year.

12. A subterranean Air, enclosed in certain Caves, especially in winter time.
13. All woolly or hairy things, as Beasts Skins, or Hides, and Feathers, have a kind of warmth in them.
14. All manner of bodies, as well solid as liquid, as well thick as thin (such as the air it self is) being for a time brought near the fire.
15. Sparkles out of a Flint-stone, or out of Iron or Steel, caused by hand-striking.
16. Any kind of body strongly rubbed together, as stone, wood, cloth, &c. so that sometimes Axle-trees, and Naves of Wheels are set on fire: and the way of kindling of fire amongst the West Indians is by Attrition.
17. Green and moist herbs packt and thrust up together, as Roses, and Pease-cods, and Hay being laid up moist will many times take fire.
18. Unslackt quick Lime having water thrown upon it.
19. Fire when it is first dissolved by strong waters, or *Aqua Fortis* in a Glass, without setting any fire to it; and so likewise Pewter, &c. but not in such a high degree.
20. Living creatures, especially (and that continually) their Entrails; though in the Insects the heat be not so palpably perceived by the sense of feeling, by reason of the smallness of their bodies.
21. Horse-dung, and the like Excrements of beasts being newly made.
22. Strong oyl of Sulphur and Vitriol, shew the effects of heat in burning of linnen.
23. Oyl of *Origanum* and the like, shew their effects of heat also in burning of the teeth.
24. A strong spirit of Wine rightly made up, will shew the effects of its heat in such manner, that if you put the white of an egge into it, it will grow together and be white, almost like that of a boiled egge, and a piece of bread being thrown into it, will heat and be like unto a piece of toasted bread.
25. Spices and hot herbs, as Dragon, and old Cresses, &c. though they be not hot in the handling (neither whole nor yet the powder of them) yet being a little chewed, they are hot, and in a manner burning upon the tongue and the Palate of the mouth.
26. Strong Vinegar, and all sharp four things laid upon any part where there is no upper skin, as in the eye, or upon the tongue, or any other part when it is wounded or galled, do cause a kind of smart, like unto that which is produced by heat.
27. Also sharp and violent cold produceth a kind of tingling, like unto burning.
The Northern winds sharp penetrating cold burneth, &c.
28. Other things also which I omit for brevity.
This we use to call the Table of Essence and presence.

The second Aphorism.

SEcondly, there is manifestation to be made to the understanding of instances which are deprived of their nature which was first given them. For the Forme (as we said before) ought as well to be absent where the primary Nature is absent, as be present where it is present: But this would be infinite in all things. Wherefore Negatives are to be added

added to the Affirmatives, and Privations are onely to be looked upon in those subjects, which are nearly allyed to those others in which the Primary Nature is, and appears. And this we use to call the Table of Declination or Absence *in proximo*, or the next degree.

The nearest Instances which are deprived of the Nature of Heat.

A Negative, or Subjunctive Instance to the first Affirmative Instance.

The Moon and the stars and the Comets Beams are not found hot by the sense of feeling, yea one may observe extreame cold seasons at full Moons. But the greater fixed Stars when the Sun comes under them, or nigh unto them, are thought to increase and exasperate the heat of the Sun, as it is when the Sun is in *Leo*, and in the Dog-days.

Six Negatives to the second Instance.

1. The Sun-beams give not any heat in that which they call the middle Region of the air; for which is commonly given a tolerable reason. For that Region or part of the air is neither near unto the body of the Sun, from which issue the beams, nor yet unto the earth, by which the said beams are reflected. And this appears by the tops of those Hills which are of a great height, where the Snow lyeth continually. But on the contrary, it hath been noted by some, that on the top of the Peak of *Tenariff*, and also of some Hills of *Peru*, the tops of the hills have no snow upon them, the snow lying lower upon the ascent of the Hill: and besides, the air is not cold upon the tops of those Hills, but very piercing and sharp; so that upon those hills of *Peru*, it pricks and hurts the eyes with its too much acrimony, and pricks the Orifice of the Ventricle, and causeth vomiting. And it was noted by the Ancients, that on the top of *Olympus* there was such a tenuity of air, that they who ascended thither were fain to carry with them sponges steeped in Water and Vinegar, and hold them to their mouths and nostrils, lest the tenuity or subtilness of the Air should hinder their breathing. Upon the top of which mountain it was also said the air was so clear and free from Winds and Rain, that if the Priests had written upon the Ashes which remained upon *Jupiters* Altar after the Sacrifices had been there offered unto him, the Letters would remain there and not be blown away or blotted out, until the next year. And to this hour those which ascend to the top of *Tenariff*, which they do by night, and not by day, are called upon and hastned to descend presently after Sun-rising. For fear (as it should seem) lest the tenuity of the air should dissolve their spirits, and suffocate them.

2. The reflexion of the Sun-beams in those Countries which are nigh unto the Polar Circles, is very weak and ineffectual in its heat: so that the *Dutch* who wintred in *Nova Zembla*, when they expected their ship should be freed from the great heaps and mountains of Ice which were grown about it in the beginning of the Month of *July*, were frustrated of their hopes, and forced to come away in their ship boat: So that the Beams of the Sun seem to be of small strength when they are direct, even upon

upon plain ground: nor yet when they are reflected, unless they be multiplied and united, which happeneth when the Sun grows to be more perpendicular; for the incidence of the beams makes more acute Angles, so that the lines of the beams are more near; whereas contrariwise in great obliquities of the Sun, the Angles are very obtuse, and consequently, the lines of the beams more distant. But in the mean time we must note that there may be many operations of the Sun-beams, and in the nature of heat, which are not proportioned to our touch, or feeling; so that in respect of us they do not operate so far as calefaction or heating, but in respect of some other bodies, they may execute the Operations and Functions of heat.

3. Let us try such an experiment as this. Let there be a Glass made and framed of a contrary quality to a burning-Glass, and let this glass be held between the Sun and our hand, and let us observe whether that will diminish the heat of the Sun as a burning-Glass doth increase it. For it is manifest in the Optick beams, that as the Glass is of an unequal thickness in the middle and on the sides, so the things which are seen thorow them, are either more diffused, or more contracted. So the same should be in the matter of heat.

4. Let it be carefully tryed, whether the strongest and best made Burning-Glasses can gather up the beams of the Moon in such sort as the least degree of warmth or tepidity may proceed from them. And if that degree of tepidity should be too weak and subtile to be perceived by the sense of feeling, let recourse be had to those kinds of Weather-Glasses that shew the Constitution of the air, whether it be hot or cold, and let the Moon-beams fall thorow a burning-Glass into the Orifice of this Weather-Glass, and observe whether the tepidity do cause any fall or abatement of the water that is in the said Weather-Glass.

5. Let the Burning-Glass be used over some hot thing that is not radiant, or luminous; as a hot Iron or stone, which is not red or fire hot, or boiling water, or the like: and let it be observed whether there be any increase or augmentation of heat, as there is in the Sun-beams.

6. Let a Burning-Glass also be tried with a common flame.

One Negative to the third Affirmative Instance.

There is no manifest or constant effect found in Comets, (if so be they also may be reckoned amongst Meteors) for the increasing the heat of the Weather according to the season of the year; though drought have commonly been observed to follow. Also bright beams and columns, openings of the Element, and the like, are more commonly seen in Winter than in Summer, especially in extrem cold weather, so it be joynd with Drought. But Thunders and flashes of Lightning do seldome happen in Winter, but onely in time of great heat. But those (which we call) falling or shooting stars, are commonly thought to consist rather of some bright visions or slimie matter, set on fire, than of any stronger fiery Nature. But of this we will enquire further.

To the fourth one.

There are some Coruscations which yield light, but do not burn: And those are always without Thunder.

To the fifth one.

Eruclations, and breakings out of flames happen in cold Countries as well as in hot, in *Ifland* and *Greenland*: as also trees growing in cold Countries are sometimes more apt to take fire, and have more Pitch and Rozen in them than those which grow in hot Countries, as Fir and Pinetrees, and the like. But in what situation and nature of soil such breakings out use to be, that we might adde a Negative to the Affirmative, is not yet sufficiently enquired.

To the sixth one.

All manner of flame is perpetually hot, either more or less, neither can there any Negative be added. And yet it is reported, that which they call *Ignis Fatuus*, which also sometimes hits against a wall, hath not much heat in it; peradventure like the flame of spirit of Wine, or Aqua-vitæ, which is not fierce or scorching. Yet that seems to be yet a milder flame which we read of in some grave and credible Histories, that hath been seen to appear about the heads and hair of young boys, and maidens, which fire no way burned their hair, but softly seemed to flame and play about it. And it is certain, that in a night horses have been seen, when they swet with travail, to have a certain kind of lightning flashes upon them, without any manifest scorching heat. And not many years since was seen, and held for a kind of Miracle, a childs Apron, which being a little stirred and rubbed, flashed out with fire, and sparkles flew out of it which might happen peradventure, by reason of the Salt or Allom wherewith the Apron was Dyed, which might stick upon the Apron in Scales, which with violent rubbing might be broken. And it is most certain that all manner of Sugar, either Candid or otherwise (so it be hard) broken or scraped in the dark will shine and sparkle. Likewise sea-water violently stirred up with Oars, will give a light, and seem to burn, which kind of burning or light the Spaniards call the Sea-lungs: But what kind of heat that fire or flame yields which sea-men in ancient times were wont to call *Castor* and *Pollux*, and now in our days is called *St. Anthonies* fire, is not yet certainly found out.

To the seventh one.

Whatsoever is fiery, and turned into red heat, though it be without flame, yet it is perpetually hot; neither can there be any negative added to this affirmative. Yet there are some things which seem to be somewhat near thereunto: as rotten wood which shines in the night, and yet doth not feel hot: and the scales of rotten fish, which also glister in the dark, yet seem not hot, if you feel them; neither can there be any heat perceived in handling a Glow-worm which shineth so bright in the dark.

To the eighth one.

It is not yet throughly enquired concerning hot Baths, in what situation and kind of Soil they spring out; therefore there is no Negative added.

To the ninth one.

To liquid boiling or hot things is added a Negative of the liquid thing it self in its own Nature. For there is not any tangible liquid thing, which in its own nature is, and constantly endures and remains hot : but heat is only caused in it, as an additional, and acquired nature; and those things which in power and operation are very hot, as the spirits of Wine, Chymical Aromatick Oils, Oils of Vitriol and Sulphur, and the like; which after a little continuance will burn, yet at the first touching they are cold. The Water of hot Natural Baths taken up in Vessels and severed from its springs will grow cold as well as water heated at the fire. Oily bodies indeed are not altogether so cold to be touched as watry bodies are, and silk is not so cold as linnen. But these things belong to the Table of Degrees of cold.

To the Tenth one.

1. To a hot or fervent vapour, is added the Negative of the Nature of the Vapour it self, such as we find it. For Exhalations out of Oily things though they be easily inflamed, yet they are not found to be hot, unless they be newly exhale from a hot body.

2: Likewise to a hot fervent Air is added a Negative of the Nature of the Air it self. For we do not find any air to be hot, unless it be shut up, or chafed, or palpably heated by the Sun, or by fire, or some other hot body.

To the eleventh one.

There is a Negative added of weather, which is colder than it should be at that season of the year, which happeneth upon a South-East or North-East winds blowing; as also contrary weathers happen, when a South or West South-West wind bloweth. There is likewise an inclination to rain (especially in Winter) when it is mild weather, and to frost in sharp cold weather.

To the Twelfth one.

There is a Negative added concerning Air inclosed in Caves in the summer time; But there must be a more diligent Inquisition made of inclosed Air. For first it is a Question (and that not without cause) what the Nature of the Air is of it self, concerng in heat and cold: For the Air doth manifestly receive heat from Celestial Impressions, and cold, peradventure, by the expiration of the earth; and again, in that which is called the middle Region of the Air, from cold vapours and snow: so that no judgement can be given of the Nature of the Air, by that air which lies open and abroad; but a truer judgment may be given by that which is inclosed and shut up. And again, that air should be inclosed and shut up in such a vessel or substance, which may not of it self qualifie the air, either with heat or cold; nor easily admit the force of the air which is without it. Let trial therefore be made with an earthen Pitcher, covered all over with double Leather to safegard it from the outward air; keeping in the included air in such a vessel well closed for the space of three or four dayes; and

and the trial thereof after the opening of the vessel may be made, either by the feeling it with the hand, or by a Glass of Degrees, called a Weather glass, well and orderly applied.

To the thirteenth one.

It is likewise a Question, whether tepidity, or lukewarmness in wool, skins, feathers, and the like, be by reason of some small inherent heat: because they are taken off from living creatures; or by reason of a certain fitness, and oiliness, which is of a Nature agreeing with tepidity; or merely by reason of the conclusion and fraction of the Air, as was spoken in the precedent Article; for all Air which is cut off from the continuation of the outward air, seems to have some tepidity or lukewarmness in it. Let therefore trial of this be made in thready Stuffs which are made of Linnen, and not of Feathers, Wool or Silk, which are taken from living Creatures. It is also to be noted, that all manner of Dusts, or Pulverized things (in which Air is manifestly included) are less cold than the bodies of them: as we also hold all manner of scum or froth, (by reason that it contains air) to be less cold than the liquor it self.

To the fourteenth one.

To this there is no Negative added: For there is not any thing either Tangible or Spiritual, but will heat if it be set to the fire: Yet there is this difference, that some things will heat sooner, as Air, Oil, and Water; and some will be longer a heating, as Stone and Metals. But this belongs to the table of Degrees.

To the fifteenth one.

To this Instance there is no other Negative added, but that it is carefully to be observed, that no sparkles can be drawn out of a Flint, or out of Steel, or any other hard substance; but there are some parcels of the substance it self beaten off, either of the stone or Metall; and that the attrition of the aire it self can never produce or engender any sparkles, as it is commonly believed. And those very sparkles, by reason of the weight of the fired body, do tend downward rather than upward, and at their going out do turn to a kind of bodily foot.

To the sixteenth one.

We hold there can be no Negative added to this instance: For there is not any Tangible body to be found that will nor manifestly heat with attrition or violent rubbing. So that the Ancients did dream that there was no other heating power or vertue in heavenly things, but by reason of the attrition or chafing of the air through a violent wheeling about. But concerning this, or in this kind, we must enquire further, whether such bodies or substances as are shot out of Engines (as Bullets out of Guns) do not receive some degree of heat from the percussion or blow it self, so that we find them somewhat hot after they fall. But the air being mov'd rather cools than heats: as we find in winds, and in a pair of Bellows, and the breath of a mans mouth drawn up together. But this

this motion is not so violent as to excite heat: and it must be done without intermission and not by parcels, so that it is no marvail, if it does not cause any heat.

To the seventeenth one.

There must be a more diligent Inquiry made about this Instance; for green and moist Herbs and Vegetables seem to have some occult or hidden heat within them. But that heat is so small and weak, that it cannot be felt in each several one; but being laid and shut up together, so that their spirit cannot breath out into air, but feedeth and nourisheth each others; then there ariseth a manifest heat, and sometimes a flame, when the matter is fitting for it.

To the eighteenth one.

Also concerning this Instance there must be a more diligent Enquiry made. For quick or unslackt Lime seems to take heat by having water thrown upon it, either by the union of the heat which before was distracted, (as we said before of Herbs laid up close together) or by the irritation and exasperation of the fiery spirit by the Water, there being some conflict and antiperistasis between them. Now which of those two things may be the cause will more easily appear, if there be Oil thrown on instead of water: For the Oil will serve as well for the uniting of the inclosed spirit, though not for the irritation or provoking of it. Also there must be a larger experiment or trial made as well in ashes and lines of divers bodies, as by the putting in of divers sorts of liquors.

To the nineteenth one.

To this Instance is added the Negative of other Metals, which are more soft and fluid: For thin leaves of gold dissolved into liquor with the Royal water, yield no palpable heat in their dissolving; nor Lead in Aqua-fortis; nor yet Quick-silver, (as far as I can remember) but silver doth excite a little heat, and Copper, as I remember, but Pewter doth it more manifestly, and most Iron and Steel, which in their dissolution cause not only a strong heat, but also a violent kind of boyling: So that the heat seems to be caused by the conflict when the strong waters do pierce and rent in sunder the parts of the body. But where there is less resistance in the bodies, and that they easilier yield, there is hardly any heat excited.

To the twentieth one.

There is no Negative to be added to the heat of creatures, unless it be of Insects, by reason of the smalness of their bodies: For in Fishes compared with earthly Creatures, there is rather to be noted a degree of heat, than a privation. In Vegetables and Plants there is no degree of heat to be perceived in the feeling of them, nor in their gums, nor in their very Marrows being opened. But in Animal Creatures there is a great diversity of heat to be found, as well in their parts, (for one is the heat about the heart, another in the brain, another about the external parts) as in their accidents, as in their vehement exercitation, and Feavers.

To the one and twentieth one.

To this Instance there is scarce any Negative to be added: For the Excrements of Beasts, even after they are old and long ejected, manifestly have some potential heat in them, as may be perceived by their fattening of the ground.

To the two and twentieth one.

All manner of liquors which have a great and strong acrimony in them (be they either Waters or Oils) do execute the operations of heat in the rending in sunder or divulsion of bodies, and the adustion or burning of them after some continuance; yet at the first touching of them there can be no heat perceived. And they operate according to the analogie and pores of the body to which they are applied. *Aqua Regis* dissolves Gold, but not Silver: And contrariwise *Aqua fortis* dissolves Silver, but not Gold, and neither of both these waters will dissolve Glasse: and so of others.

To the four and twentieth one.

Let there be a trial of the spirit of Wine, made in wood, or Butter, Wax, or Pitch, and see if it will any way melt any of them with its heat. For the four and twentieth Instance sheweth an imitative power of heat in it in incrustations or hardnings. So let there trial be made also in Liquefactions or Meltings. Let there also be a trial made, or Experience tried by a Glasse of Degrees, or a Weather-glasse, and let it have an outward hollow place at the top, and put spirit of Wine well rectified into that outward hollow place, and let the hollow place be covered, that it may the better contain the heat; and let it be observed whether by its heat it will cause the water to descend.

To the five and twentieth one.

Drugs and Herbs which are sharp and biting upon the Palate, much more being taken inward, are perceived to be hot: Let us therefore see upon what other Materials they do execute the works and operations of heat. Sea-men do report, that when heaps and great masses of Drugs or Spices which have been long shut and heaped up together, are opened on a suddain; they who turn them or take them out first, are in great danger of Feavers and Inflammations of their spirits. Likewise there may be trial made, whether the Powders of such Drugs or Herbs will dry Lard, or other flesh hanged over them, as the smoak of fire will.

To the six and twentieth one.

Acrimony or Penetration is as well in cold things, as Vinegar, and Oil of Vitriol, as in hot things, as Oil of Origanum, or the like. And so likewise in Animate things they cause pain and smart, and in inanimate things they pull in sunder the parts and consume them: neither is there any Negative added to this Instance: And in animate or living things, there is never any pain, but is accompanied with some kind of heat.

To the seven and twentieth one.

Many are the actions and operations which are common both to heat and cold, though in a diverse way. For Snow seems a while after the handling of it, to burn childrens hands: and cold keeps flesh from putrefaction as well as fire; and heat contracts bodies and makes them less, and so doth cold. But it is better to leave these and the like things till we come to enquire of cold.

The third Aphorism.

THirdly, there is apparence to be made before understanding of Instances, in which Nature (of which Inquiry is made) is according to more or less, either making comparison of the increase and decrease in the same subject, or making comparison the one with the other in divers subjects. For the form of a thing, being the very thing it self, and the thing not differing from the form otherwise than Apparancy and Existency, or Outward, and Inward do differ, as well in order to man, as to the Universe; It therefore necessarily followeth, that no Nature must be taken for a true form, unless it continually decrease when Nature it self decreaseth: and likewise continually increaseth when Nature it self is increased. And this Table we commonly call the Table of Degrees or Table of Comparative.

The Table of Degrees or Comparatives in Heat.

WE will first speak of those things in which there is no Degree at all of Heat, but seem only to have a kind of a Potential heat, or a disposition or preparation to heat. Then we will descend to those things which are indeed actually and palpably hot to the touch, and of their strength and degrees.

1. In solid and tangible bodies there is not any thing that of its own Nature is originally hot: For there is no stone, no metal, no sulphur, nothing that may be digged up; no wood, no water, no carcase of a beast that is hot. And the hot waters of Baths seem to gain their heat by some chance or accident, either by some fire or flame within the earth, such as we see is cast out of Mount *Aetna*, and other hills; or by the conflict and strife of bodies, as we see a certain heat excited in the dissolving of Iron, and Pewter, so that there is no degree at all of heat in things inanimate which can be felt by man: yet they differ in degrees of coldness, for wood is not so cold as Metal. But this belongs to the Table of degrees in coldness.

2. Yet many inanimate things are very much disposed to Potential heats, and preparations to flame, as Sulphur, Marble, and Salt Peter.

3. Those things which before were hot, as Horse-dung or Lime, or peradventure Ashes, or Soot, do retain certain hidden Relicks of their first heat, so that certain distillations and separations may be caused in some things by burying them in Horse-dung; and heat is excited in Lime by casting water upon it, as we said before.

4. Amongst Vegetables there is not any Plant, or part thereof (as the Gum or Marrow) that seems hot being touched; But (as we said before) green Herbs laid up close together do heat. And so the inward feeling,

as that of the Palate, and Stomack; yea, and to the outward feeling also after they have been applyed for a while (as in Plaisters and ointments) some Vegetables are hot, and some cold.

5. There is no part of any Beast after it is dead, or severed from the rest of the body, wherein man can feel any heat: For horse-dung it self retains no heat in it, unless it be close laid up or buried. Yet all manner of dung seems to have a Potential kind of heat, as appears by its fattening and enriching of soil. And likewise the carcasses of living things have such a kind of hidden and Potential heat: So that in Church-yards, where people are buried dayly, the earth gathers a kind of occulted and hidden heat, which will sooner consume a body that is laid in it, than another pure earth. And amongst the Indians (as it is reported) they have a certain kind of thin and soft web made of Birds Feathers, which hath a kind of in-bred force, by which it will dissolve and melt Butter that is wrapped up in it.

6. All things that are of force to fatten and enrich soil, as Dung of all sorts, Chalk, Sea-sand, Salt, and the like, have a kind of disposition to heat.

7. Every Putrefaction hath in it self the beginnings or grounds of some small heat, though it cannot be perceived by the sense of feeling: For even those things which putrified turn to Maggots, as Flesh and Cheese, seem not hot when you touch them; neither doth that rotten wood which shineth and glistereth in the dark, feel hot. But there is a kind of heat in putrified things, which sometime betrays it self by the smell.

8. Therefore the first degree of heat, which by the sence of feeling is perceived to be hot, seems to be the heat of living things, which hath a great extent of degrees: for the lowest degree which is in Insects, is scarce to be felt, and the highest degree will hardly reach to that degree of heat which is in the Sun-beams, in hottest Countries and seasons: neither is it so sharp and vehement, but that you may endure your hand on it. And yet it is reported of *Constantius*, and some others, who were of an exceeding dry constitution of body, that being taken with a burning Feaver, they were so hot that you could not endure to hold your hand upon them.

9. Living Creatures have their heat increased in them, by Motion and exercise, by Wine and high food, venery, burning Feavers, and pain.

10. Living Creatures in Feavers which have intermission, in the beginning of their fits are taken with a chilliness and cold; and a while after they grow extream hot, which they likewise do in burning Agues and Pestilent Feavers.

11. Let further Enquiry be made of the Comparative heat in divers Creatures, as Fishes, four-footed Beasts, Serpents, Birds, and likewise according to their severall and special kinds, as in a Lion, a Kite, a Man. For according to the common opinion, the Inwards of Fishes are not very hot, but the Entrails of Birds are extream hot, as Pigeons, Hawks, and Estridges.

12. Let there also further enquiry be made of the Comparative heat in the same Creature, according to the diversity of its parts and members. For Milk, Bloud, Seed, Eggs, are found in a mean degree lukewarm, and less hot than the outward flesh of a Creature, when it moves or is driven. But what degree of Heat is in the brain, stomach, heart, and the rest, hath not likewise been enquired of.

13. All

13. All manner of Creatures, in winter, and cold weather are outwardly cold, but their inward parts are thought to be the hotter thereby.

14. The Heat of the Heaven of Element, in the hottest Countries and seasons is not so in high a degree as to burn dry wood, or straw, or light tinder which is made of Linnen, unlesse it be corroborated by the help of a burning-glass; and yet it may draw up vapours out of moist things.

15. According to the relation of Astronomers, there are some stars hotter than other some. And amongst the Planets, next to *Sol*, *Mars* is the hottest, then *Jupiter*, and then *Venus*. *Luna* is cold, and *Saturn* coldest of all. Amongst the fixed stars, the hottest is that called *Sirius*, then the Lions heart, or *Regulus*, then the Dog-star, &c.

16. The Sun casts most heat when it groweth nearest its perpendicular or Zenith; which is likewise so in other Planets, according to their portion of heat. As for example, *Jupiter* heats us more when he is in *Cancer*, or *Leo*, than when he is in *Capricornius* or *Aquarius*.

17. The Sun and the rest of the Planets do heat more when they are in their *Perigæons*, by reason of their nearness to the earth, than in their *Apogæons*. And if it happen at any time the Sun to be in his *Perigæon*, and withal near his Perpendicularity, it must needs heat more than when it is in its *Perigæon*, but more in obliquity. So that the Comparison of the Exaltation of the Planets ought to be noted whether it participate more of Obliquity or Perpendicularity; according to the variety of Regions.

18. *Sol*, and likewise the rest of the Planets, are thought to yield a greater heat when they are nearest to the greatest fixed stars: as when *Sol* is in *Leo*, it is nearer *Cor Leonis*, *Cauda Leonis*, and *Spica Virginis*, and *Sirius*, and *Canicula*, than when it is in *Cancer*, where notwithstanding it is nearest its Perpendicularity. And it is credible that the parts of the Heavens do infuse the greater heat, (though it be not perceptible to the feeling) the more they are adorned with stars, especially of the biggest kind.

19. The Heat of the Heavens is therefore increased three ways. By the Perpendicularity, the Propinquity or *Perigæon*, and by the Conjunction or Conforting of Stars.

20. Howsoever there is a great difference between the heat of living Creatures, of Celestial beams (as they come to us) and flame, though it be never so weak, and all things heated with fire, and liquid things, or the air it self being much heated by fire. For the flame of spirit of Wine, especially if it be rarified, and not thrust up together; yet is of force to burn straw, or linnen, or paper, which the heat of a Creature can never do, nor yet the heat of the Sun, without the help of a burning-Glass.

21. Besides, in flames, and fired things there are many degrees in the violence or weakness of heat. But of these there hath been no diligent Inquisition: so that we must of necessity lightly run them over. Of flames therefore that of the spirit of wine seems to be the softest; unless that which they call *Ignis fatuus*, and those flashes which are caused by the sweat of beasts be softer. Next is the flame of porous Vegetables; as straw, rushes, drie leaves, from which the flame of hair, or feathers doth not much differ. Next unto this is the flame of wood, especially such wood as hath not much rozen or pitch in it, and the flame of small wood (such as commonly is made up in Faggots) is softer than that of great logs.

logs, and timber, and roots of trees : a trial whereof may be made in Iron Furnaces, in which Faggots made of boughs of trees, are no way useful : Next to this (as we conceive) is the flame of Oil, Tallow and Wax, and such Oily and fat things, which have not much acrimony in them ; but the strongest heat is in Pitch and Rozen ; and more fervent in Sulphur and Camphire, and Marle, and Salt-Peter, and Salts, (after the crude or raw matter is broken out) and in the compounds of these, as Gun-powder and Greek-fire, (which is commonly called Wild-fire) and several kinds of it, which have such an obstinate heat, that water will hardly put it out.

22. We also hold the flame which proceeds out of some imperfect Metals to be very strong and sharp : But of all these things we must enquire further.

23. But the flame of fierce and strong Lightnings seems to exceed all these : For it hath sometimes melted perfect Iron into drops, which none of those other flames could do.

24. In fired things also there are divers degrees of heat, of which also there hath been no diligent Inquisition made. We hold a most weak heat to be in burned Linnen, such as we use to kindle fire with, and likewise that of spongy wood, or dryed March, such as is used to fire Guns withal. Next unto these comes a burning wood-coal, or Charcoal, and fiery hot bricks, and the like. But of all fired things we hold fiery Metals to be the most vehement hot, as Iron and Copper, &c. But of these there must be further Inquisition made.

25. There are some fired things far better than some flames. For fired or red hot Iron is far hotter and more burning than the flame of the spirit of wine.

26. There are also some things which are not fired, but only heated with fire and air shut up in Reverberatories. Some do much exceed in heat doth flames and fired things.

27. Motion increaseth heat, as we may find by experience in bellows and blowing : so that some of the hardest kind of Metals will not dissolve or melt with a dead fire, without it be blown up.

28. Let trial be made by burning-glasses, with which, as I remember, this may be done. As for example, if the Glass be set at the distance of a span from the combustible object, it will not light nor burn so well as if it be set (as for example) at the distance of half a span length, and so softly and by degrees be drawn to the distance of a whole span length : yet the Angles and union of the beams is the same, but the Motion it self increaseth the operation of the heat.

29. It is that those burnings which happen when it is a strong wind do proceed further when they are against the wind than with the wind, namely, because the flame beats back with a quicker motion when the wind sends it back, than when the wind drives it forward.

30. Flame doth not break out, or engender, unless there be some Concavity in which the flame may move and play, unless it be in flatuous and windy flames of Gun-powder and the like, where the compression and imprisoning of the flame increaseth the fury of it.

31. An Anvil is much heated by the hammer ; so that if the Anvil were of a thin plate, we believe it might be heated by strong and continual blows of the Hammer, so far as to be red hot, as if it had been put in the fire. But this may be made trial of.

32. But in such fired things which are porous, and give space and way for the exercising of the Motion of the fire, if that Motion be hindered by a strong compression; the fire is presently put out, as when tinder, or a burning snuff of a Candle or Lamp is pressed or trodden out, presently the operations of the fire do cease.

33. The approaching or setting near of a thing to a hot body, increaseth the heat, according to the degree of approaching; and the same effect is in light. For the nearer the object is set to the light, the more visible it is.

34. The union of divers heats increaseth the heat. For a great fire and a little fire in the same place, do somewhat one with the other increase the heat: But lukewarm water put into boyling water cools it.

35. The remaining or long staying in a place of a hot body increaseth the heat. For the heat continually proceeding and issuing out, is mixed with the heat which was there before; so that it multiplyeth the heat. For a fire will not heat a Chamber so much in half an hour as it will do in a whole hour. But it is not so in light; for a Lamp or a Candle set in a place, will give no more light after a long stay, than it did at the very first.

36. An irritation or exasperation by the coldness which is round about, increaseth the heat, as we find by fire in frosty weather: which we believe to be done, not only by the keeping in, and contracting of the heat, which is a kind of uniting it; but also by exasperation: as when Air, or a stick is violently drawn together, it doth not flie out again punctually into its proper place, but goes further the contrary way. So let there be a diligent trial made, by a stick, or some such thing thrust into the flame, whether it doth not burn sooner thrust on the one side of the flame, than if it be thrust into the middle of it.

37. The degrees of taking in, or receiving of heat are many. And first of all you must note how small and little a heat will alter, and in some measure heat even such things as are least fit to take heat. For a Bullet of Lead, or any other metal will be somewhat heated by holding it for some time in a mans hand; so easily is heat excited, and transmitted into any thing, the body being no way apparently changed.

38. Of all bodies air doth most easily take, and send back heat, which may be easiliest perceived in the Weatherglasses. They are made in this kind: Take a glafs with a hollow belly, and a long and small neck; let this glafs be turned topsie turvie, the mouth downward, and the belly upward, and so let it be put into another glasse where there is water: touching the bottome of the receiving-glasse, with the mouth of the glafs which is put in. And let the neck of the glafs which is put, lean a little upon the mouth of the receiving-glafs, which that it may the better do, let a little wax be laid about the mouth of the lower glafs; but the Mouth must not be quite stopped, for fear lest for want of succeeding Air, the Motion which we shall presently speak, be hindred, which is very delicate and easie. But the glafs which is put in must first have the top of it, which is the belly, warmed. Then after the glafs is placed, as we have said, the Air will retreat and draw it self up together, (which before was dilated, and spread abroad by heating) after a sufficient pause, to quench that acquired heat to such an extent and dimension as the air at that time shall be when the glafs is put in, and the water shall be drawn up to such a measure: And there must be a long and narrow paper hanged about

about it, and marked out with as many degrees as you shall think fitting. And you shall see as the time of the day grows hot or cold, that the Air will contract it self into the lesse compass by reason of cold, and extend and dilate it self by reason of heat, which shall be perceived by the water ascending when the Air closes up together, and descending when the air dilates or spreads it self abroad. And the sence of the air concerning heat and cold is so subtile and exquisite, that it goes far beyond the faculty of mans feeling: so that a Sun beam, or the heat of ones breath, and much more the heat of ones hand, it being laid a top of the glass will manifestly cause the water to descend. But we believe that the spirit of Beasts hath yet a more exquisite feeling of heat and cold, if it were not hindred and dulled by the mass of the body.

39. Next to the Air we believe those bodies to be most sensible of heat, which are most immediately changed and altered from cold, as snow and Ice; for they begin to melt and be dissolved with the least heat and luke-warmness. Next to them peradventure is Quick silver. Next unto it are your fat bodies, or substances; as Oil, Butter, and the like; then Wood, then Water, and last of all Stons and Metals, which do not easily grow hot, especially inwardly, But these being once hot, do retain their heat for a long time; so that a Brick or a stone, or a hot Iron being put into a tub of water for a quarter of an hours space, more or less, will hold and keep their heat, so that you shall hardly be able to touch them.

40. The lesser the mass of the body is, the sooner it heats, a hot body being laid near to it; which sheweth that all manner of heat with us, is in some manner adverse and contrary to any tangible body.

41. Heat, as concerning the humane sence of feeling, is a various and respective thing: so that if we put our hand when it is cold into luke-warm water, the water will seem hot; if our hand be hot, the same water will seem cold.

The fourth Aphorism.

How poor we are in History every one may easily perceive, by that in the precedent Tables: We have been forced not onely to insert Traditions and relations instead of History, making some question and doubt of the Truth and Authority of them; but we have also oftentimes been constrained to make use of these or the like words: Let trial be made; or, let it be further enquired.

The fifth Aphorism.

And we use to call the work and office of these three Tables, the appearance of the Instances to the understanding: and the appearance being made, the Induction it self is to be set a work. For upon the appearances of all and every Instance, such a Nature as may always be present or absent, may increase or decrease with the Nature which is proposed; and shall be, as we said before, a limitation of common Nature. This if the mind do at first and from the beginning attempt to do affirmatively (which being left to it self it always useth to do) we shall find ill determined notionals, phantasms, and imaginary things, and Axioms daily to be amended; unless we will (according to the custome of the Schools) fight for falsehoods. And yet they will questionless be either

better or worse according to the faculty and strength of the understanding which operates. To God (who is the giver and Maker of forms) or peradventure to Angels, and Understandings it may belong to know Forms immediately by way of affirmation, and in the beginning of Contemplation: But it is a thing indeed beyond mans capacity, who can at first proceed onely by Negatives, and at the last end with Affirmatives, after all manner of exclusion.

The sixth Aphorism.

THere must therefore a solution and separation of Nature be made; not by Fire, but by the Mind, as by a divine fire. Therefore the first work of a true Induction is (as concerning finding out of Forms) a Rejection or Exclusion of all, and singular such Natures which are not found in any Instance where the supposed Nature is present; or that are found in any Instance where the supposed Nature is absent; or that are found to increase in any Instance when the supposed Nature decreaseth, or to decrease when the supposed Nature increaseth. And then after the Rejection and Exclusion is rightly and duly made, in the second place (as in the bottom) will remain (all volatile opinions flying up into smoak) the solid, true, and well terminated Affirmative Form. And this is brief and easie to be spoken; but we must attain to it by many windings and circumstances: And peradventure we shall not omit any thing that shall make to this purpose.

The seventh Aphorism.

BUt we must continually take heed and beware, lest while we seem to attribute so many parts to Forms, the things we speak be wrested to those Forms to which mens thoughts and contemplations have hitherto been accustomed. For in the first place we do not now speak of copulated Forms, which are (as we said before) the marriages or conjunctions of simple Natures by the common course of the Universe, as of the Lion, Eagle, Rose, Gold, and the like. For it will be time to treat of them when we shall come to the hidden Progressions, and hidden Figurations, and the finding out of them, as they are to be found in substances (as they call them) or concrete Natures. And again, those things which we speak must not be understood, (also as concerning simple Natures) of abstracted Forms and Ideas, either not dermined or ill determined in the matter. For when we speak of Forms, we mean nothing else but those Laws and determinations of a pure act which do order and constitute some simple Nature, as heat, light, weight in any susceptible matter and subject: So that the Form of Heat, or the Form of Light, is the same thing as the Law of heat, or the Law of Light: neither do we ever withdraw our selves, or recede from the things themselves, and the operative part. Therefore when we say (as for example) in the Inquisition of the Form of heat; Reject tenuity, or tenuity is not of the Form of Heat, it is as much as if we said, a man may bring in heat upon a condensed or solid body; or contrariwise, a man may take, or put away heat from a thin and tenuous body. And if to any one it seems that our Forms also have something of the Abstract because they mix and joyn together Heterogeneous,

als; (for the heat of heavenly things and fire seem to be very Heterogeneous, the redness which is fixed in the rose or the like, and that redness which is the Rain-bow, or the luster of an Opall, or a Diamond; Death by drowning, Burning, by a prick of a Sword, by an Apoplexy, and by Consumption, and these do agree in the Nature of Heat, Redness, Death,) let him know that he hath an understanding captivated and kept in by custome, integrality of things, and by opinions. For it is most certain, that these things, though they be Heterogeneous and Alien, yet they agree in the Form, or Law, which ordains Heat, Redness, or Death. And that humane power cannot be emancipated and freed from the common course of Nature, and be enlarged and exalted to new Efficients, and new ways and means of operating, but onely by revealing and inventing of such Forms. And yet after this union of Nature, which is the most principal thing, we will afterward, in its proper place, speak of the divisions and veins of Nature, as well ordinary, as those which are internal, and most true.

The eighth Aphorism.

NOW we must propose an Example of the Exclusion or Rejection of Natures, which by the Tables of Appearance are found to be not of the Form of Heat; Giving you in the mean time to understand, that not onely each Table is sufficient for the Rejection of any Nature, but also each severall Instance contained in them. For it appears plainly by what hath been said, that every contradictory Instance doth destroy what may be thought of the Form: yet notwithstanding, for perspicuities sake, and to demonstrate the use of the Tables more plainly, we double or repeat the Exclusive.

An Example of the Exclusive, or Rejection of natures from the Form of Heat.

1. **B**Y the Beams of the Sun, Reject the Elementary Nature.
2. By common fire, especially fires under ground (which are most remote and secluded from the Celestial beams) Reject the Celestial Nature.
3. By all manner of Calefactions of bodys, (namely Minerals, Vegetables, exterior parts of Animals, or living Creatures, Water, Oil, Air, and the like) only by putting them near to the fire, or any other hot body, Reject all manner of Variety, or more subtile texture or compofure of bodies.
4. By Iron and other metals made red hot, which heat other bodys, and yet are no ways diminished in their weight or substance; Reject the infusion or mixture of the substance of another hot thing.
5. By hot Water, and Air, and also by Metals and other solid things heated, but not to that degree to be fiery, or red hot; Reject Light.
6. By the Rays of the Moon and other Stars, (the Sun only excepted,) Reject also Light.
7. By the Comparifon of Red hot Iron, and the flame of the Spirit of Wine (of which the Red hot Iron hath more heat, and less light, and the Spirit of Wine more light and less heat) Reject Light also.
8. By Gold and other Red hot Metals, which are generally of a most thick body; Reject Tenuity or Thinness.
9. By air, which for the most part is cold, and yet remains tenuous and thin. Reject also thinness or tenuity.

10: By

10. By Red hot Iron, which doth not swell in the mass, but remains still within the same visible dimension; Reject Local or Expansive Motion in general.

11. By the dilatation of air in Weather-glasses, and the like, which moveth manifestly, locally, and expansively, and yet receives no manifest increase of heat; Reject also Local and Expansive Motion in general.

12. By the easie Tepescation or making Luke-warm of all manner of bodys without any destruction, or notable alteration; Reject the destructive Nature, or violent infusion of any new Nature.

13. By the consent and conformity of like operations done by Heat and Cold: Reject both Expansive, and Contractive cold in general.

14. By the kindling of heat by Attrition or violent rubbing together of bodies; Reject the Principal Nature. We call that Principal Nature which is found positive in Nature, and is not caused by precedent Nature: There are also other Natures, for we do not make up perfect Tables, but only set down Examples. All and singular the former Natures are not of the Form of heat. And man is free of all the foresaid Natures, in his operation upon heat.

The Ninth Aphorism.

IN the Exclusive are laid the grounds and foundations of the true Induction, which notwithstanding is not perfected until it be settled in the Affirmative. Neither is the Exclusive any way perfect, nor cannot be so in the beginnings. For the Exclusive is (as it plainly appears) a Rejection of simple Natures: and if we yet have not good and true notions of simple natures, how can the Exclusive be rectified? But some of those which we have spoken of (as the notion of the Elementary nature, the notion of the Celestial nature, the notion of Tenuity) are wandering notions, that are not well terminated. We therefore who both know and remember what a great work we undertake (namely to make the understanding of Man equal to things, and to nature) will no way give over with that which we have already spoken; but will carry the matter on further, and are framing and distributing stronger helps for the use of the understanding, which we will now adde. And truly for the interpreting of nature, the mind is to be so prepared and framed, that it may hold it self up in the true degrees of Certitude; and yet think (especially in the beginnings) that those things which are present, do much depend upon them which after.

The tenth Aphorism.

YET because truth is sooner gotten out of error than out of confusion, we think it were fitting to suffer the the understanding after it hath studied and pondered upon the three Tables of the first Appearance (such as we have laid them down) to prepare it self and attempt the work of the Interpretation of nature in the Affirmative, as well out of the Instances of the Table, as of those things which shall otherwise present themselves unto him. Which kind of Trial we use to call a Permission of the understanding; or a begun Interpretation, or first.

The first Vindemiation of the Form of Heat.

WE must note, that the Form of the thing is (as it plainly appears by what we have spoken before) in all and each of those Instances, in which the thing it self is, otherwise it would not be a Form: So that there can be no contradictorie Instance given. Yet the Form is found far more conspicuous and evident in some Instances then in other: namely, in such where the nature of Form is lesse restrained, hindered and reduced into order by other Natures: And such Instances are called Enlightnings, or Ostensive Instances. We must therefore proceed to the first Vindemiation of the Form of Heat. In all and singular Instances Nature whose limitation is heat, seems to be a motion, which is most plainly shewn in Flame, which always moveth, and in boiling or seething Liquors, which do continually move. And it likewise appears, in the hastning and increase of heat made by Motion, as in Bellows and Winds, whereof see Instance 29. Table 3. And likewise in other kinds of Motion, whereof see Instance 28. and 31. Table 3. Again it is shewn in the extinction of fire and heat by a strong compression, which stays and causeth Motion to cease: whereof see Instance 30. and 32. Table 3. It is also made manifest in this, that any kind of body is destroyed, or at least notably altered by any kind of fire, and strong and vehement heat. Whereby it plainly appears, that Heat doth cause a tumult and perturbation, and a sharp Motion in the inward parts of the body, which by little and little inclines to a dissolution. Let that which we have said of Motion, (namely that it is in place of a Genus to heat) not that heat ingenders Motion, or that Motion ingenders heat (though these be true in some thing) but that the very self-heat, or the quiddity it self of heat is Motion and nothing else, but limited by differences, which we will presently adde, after we have set down some Cautions to avoid the Equivocation. A thing hot to the sense is a respective thing, and in order to man, and not to the universal, and it is rightly laid as an effect of heat onely in the Animal spirit. And in it self also it is a different thing, seeing the same bodie (according as the sense is predisposed) brings in the perceivance both of heat and cold, as appears by the Instance 41. Table 3. Neither must the communication of heat or its Transitive Nature, by which one body laid to another body that is hot, doth also grow hot, be confounded with the form of heat. For heat is one thing, and Calefactive or causing of heat is another. For by the Motion of Attrition heat is brought in, without any preceding heat: whereby the Calefactive or causer of heat is excluded from the Form of heat. And likewise when heat is made by the approximation or drawing near of heat, this is not done out of the Form of heat, but wholly depends upon a higher and more common Nature, namely the Nature of Assimilation or Multiplication of it self; whereof must be a several Inquisition made. But the notion of fire is vulgar, and nothing worth; for it is composed of the concurrence or meeting of heat and brightness in some one body, as in ordinary flame, and bodies heated to the height of being red hot.

Laying therefore all Equivocals aside, we must at last come to the true Differences, which limit the Motion, and bring it into the Form of Heat.

The

THe first Difference therefore is, that Heat is an Expansive Motion, by which the body strives to dilate and spread abroad it self, to grow into a greater sphere or dimension than it held at first. And this Difference shews it self most manifestly in the flame where the smoak or fat breath doth manifestly open and dilate it self into flame.

It appears also in all boyling liquor, which manifestly swells, rises, and bubbles, and forces a way of extending it self, till it turns into a body of greater extent, and more dilatated than the liquor it self: namely, into vapour, or smoak, or Air:

It shews it self also in all manner of wood, or combustible things; wherein sometimes there is a sweating, and always an evaporation.

It shews it self also in the melting of Metals, which (being of a most compacted body) do not easily swell nor dilatate themselves, and yet their spirit after it is dilatated within it self, and consequently desires a greater dilatation, it thrusts and plainly drives the thicker parts into the liquid. And if the Heat be encreased, and made more violent, it resolves and turns much of it into volatile.

It shews it self also in Iron or Stones, which though they do not melt and run, yet they grow soft: which appears also in wooden rods or sticks, which being heated in hot Embers, become flexible.

But this Motion is best discerned in the Air, which by a little heat presently and manifestly dilatates it self, as by Instance 38. Table 3:

It shews it self also in the contrary Nature, namely of cold. For cold doth contract and shrink up all bodies; so that in extreame cold weather nails will fall out of walls, Brass will crack, and Glass also being heated and presently laid in the cold will crack and break. The Air also with every slight cold will contract it self, as Instance 38. Table 3. But of these things we will speak more at large in the Inquisition of cold.

Neither is it to be wondred at, though heat and cold do work many common effects, (whereof see Instance 32. Table 2.) seeing there are two of the following Differences (which we will presently speak of) which belong unto both Natures: though in this Difference (whereof we now speak) the actions be diametrically opposite. For heat gives an Expansive and Dilatating Motion; And cold gives a Contracting and Shrinking Motion.

THe second Difference is a Modification of the first, namely this; That heat is an Expansive Motion, or a Motion towards the circumference, but with this limitation, that the body must withal be carried upwards. For questionless there are many mixt Motions: as for example, an Arrow or a Dart in going forward wheels about, and wheeling about it goes forward: So likewise the Motion of heat is both expansive and bearing upward.

This Difference plainly appears by putting of a fork or Iron Bar into the fire; for if it be put into the fire perpendicularly, and hold your hand upon it, it will quickly burn your hand, which it will not do so suddenly if it be put in side-way or lower.

It also appears by distillations in a Descending Still, such as are used for the tenderest kind of Flowers, the smell whereof easily vanisheth away: Wherein Industry hath invented this way to place the fire upon, and not under the Still, to the end that it may scorch less; for not onely flame, but all manner of heat naturally tends upward.

Let

Let a Trial or Experiment of this be made in the contrary nature of cold, namely, whether cold doth not contract the body descending downward, as heat doth dilatate it ascending upward. Take two Iron rods, or two glass Trunks, both of one bigness and proportion, and let them be made somewhat hot, and lay a sponge dipped in cold water, or some snow under one, and upon the other; And we believe that will sooner be cold all over which hath the snow above it, than that which hath the snow beneath it: Contrary to the effect which is wrought by heat.

THe third Difference is, that heat is a motion not uniformly Expansive in all parts, but in some lesser parts of the body; and withal restrained, repelled, and reverberated, so that it turneth to an alternative, trying, and striving motion, chased by the repercussion, whence the raging of heat and fire takes its beginning.

And this difference is most of all perceived in flame and boiling liquors; which always quake, and swell up in small parcels, and then sink again.

It is shewn also in those bodies which are so hardly compacted together, that being heated or fired, they do not swell nor increase their bulk or mass; as red hot Iron, in which is a most sharp heat.

This appears also in that, that fire scorseth most in cold weather.

Likewise it appears by this, that when Air is extended in a Weather-glass, without any let or repulsion, that is to say, uniformly and equally, the heat is not perceived. Likewise in winds which are inclosed and shut up, though they break out with a mighty force, yet there is no notable heat perceived; because the Motion is of the whole, and not alternative by parcels. And for this let trial be made, whether flame doth not burn more sharply toward the sides than in the middle.

It appears also in this, that all manner of burning is performed thorow small pores of the body which is burned; so that burning doth undermine, penetrate, dig, and prick, as if there were an infinite sort of needles. And thence it comes that all strong waters (if they be proportioned to the body upon which they operate) do work and operate like fire, thorow their corroding and piercing Nature.

And this Difference, wherof we now speak, is common to the Nature of cold, in which the contractive Motion is restrained by the retinency or opposition of expansion: As in heat the expansive motion is restrained by the retinency or hanging back of contraction.

So that whether the parts of the body do penetrate inwardly, or outwardly, the reason is alike; though the strength or force be very unequal and different; for we have not here with us upon the superficies of the earth any thing that is cold in an Extream degree. See Instance 27. Table 9.

THe fourth Difference is a modification of the first; Namely this, that the motion of pricking or penetration, must be somewhat swift, and not slow and dull; and that it must be done by parcels, though small ones: yet not extream small, but of a mean bigness.

This Difference appears in comparing of the operations done by fire with those which are performed by time or age. For age or time dries up, consumes, ruins, and turns to ashes as well as fire, or rather more subtilly. But because such a kind of motion is very slow, and is wrought upon very small parcels, the heat is not perceived.

It appears also in comparing the dissolvings of Iron and Gold; for Gold is dissolved without raising any heat, but Iron with a most vehement stirring up of heat, though for the time, it be almost in the same quantity. Because that in Gold the ingress or entrance of the water of separation is mild, and insinuates it self subtilly, and the parts of the Gold do yield easily: But in Iron the ingress is harsh, and with some conflict, and the parts of the Iron shew more obstinacy.

It appears also in some Gangrenes, and Mortifications of the flesh; which do not cause any great heat or pain, by reason of the subtilness of the Putrefaction.

And let this be the first Vindemiation or inchoated interpretation of the Form of heat, made by the permission of the understanding.

And by this first Vindemiation the Form or true Definition of heat, (namely of that heat which in respect of the Universal, not only relative to the sense) is in few words this. Heat is an Expansive Motion, cohibited, and striving by the lesser parts: and Expansion is modified, that expanding or spreading it self out in circuit, it must notwithstanding incline somewhat upward; and that striving by parts is likewise modified, that it ought not to be altogether slow, but somewhat swift, and with some violence.

And concerning what belongs to the Operative it is the same thing; for the Designation or Description is this: If in any natural body you can excite a Motion to dilatate and spread out it self, and can stay back that motion, and so turn it against it self, that dilatation may not proceed equally, but partly proceed, and partly be beaten back, you will questionless engender a heat: not any way regarding whether it be an Elementary body, (as they call it) or imbrued by the Celestial; whether luminous or dark; whether thin or thick; whether locally spread abroad, or contained within the inclosures of the first dimension; whether tending to dissolution, or remaining in the same state, whether Animal or Vegetable; whether Mineral or Water; whether Oil or Air, or any other substance whatsoever, so it be susceptible of the foresaid motion. A hot thing to the sense is the same, but with such an Analogy as is fitting for the sense.

The Division of Heat.

IT seems to be a customary and authentical division, that there are three kinds of heat; Namely, the heat of Celestial things, the heat of Animals, or living creatures, and the heat of fire; and that these heats, (especially one of them compared to the other two) are in their essence and kind, or their specific Nature, meerly different, and altogether heterogeneous. For the heat of heavenly and animal things ingenders and cherishes; whereas contrarariwise the heat of the fire corrupts and destroys.

There

There is therefore an Instance of contract, and that is a common trial when we take a branch of a Vine into a room where there is ordinarily a fire, by it Grapes will ripen sooner than they will abroad, by a month. So that the ripening of fruit even when it hangs upon the tree, may be effected by fire, which seems to be a proper work of the Sun. So that from this beginning the understanding easily raiseth it self, rejecting the essential Heterogeneity, to enquire what, or which are those differences which are really and truly found between the heat of the Sun, and that of the fire, from which it proceeds that their operations are so diverse and different, though they themselves participate in a common nature: which differences we shall find to be four. The first that the Heat of the Sun, in respect of the heat of the Fire, is in degree much softer and milder. Secondly, that it is (especially as it is conveyed to us thorow the Air) of a much more moist quality. Thirdly, (which is the very chiefest of the business) that it is extremely unequal, and drawing near and increased, and then receding or going back and diminished, which is of no small moment or improvement in the generation of bodies. For *Aristotle* did most truly affirm, that the principle cause of generations and corruptions which are here with us upon the superficies of the earth, is the oblique way of the Sun thorow the Zodiack: whereby the heat of the Sun, partly thorow the vicissitudes of day and night: partly by the successive seasons of winter and summer, proves wonderfully unequal: Neither doth this man end there, but presently spoils and makes bad that which he had rightly found out. For as an Arbitrator of Nature, (which is his common practice) he Magistrate-like assigns the cause of Generation to the approach of the Sun, and the cause of corruption to the receding and going away of it: When both (namely, the access, or recess of the Sun) not respectively, but in a manner indifferently, yield cause as well for Generation as Corruption: forasmuch as the inequality serves onely to the Generation and Corruption of things, and equality to the preservation of them. There is also a fourth Difference between the heat of the Sun, and the heat of the fire, which is of great moment: namely, that the Sun insinuates its Operations in long spaces of time: whereas the Operations of Fire (Mens impatencies forcing it thereunto) do bring things to an issue in a shorter time. For if any man shall carefully attempt, to temper the heat of the Fire, and reduce it to a more moderate and mild Degree (which may be done many ways) and sprinkle it, and mix it with some moistness, especially if he imitate the heat of the Sun in its inequality; and lastly, tolerate or suffer delay patiently (not such a delay as shall be proportionable to the operations of the Sun, but more than that which men use to have in the operations of the Fire) he will quickly lay aside that Heterogeneity of heat; and either he will, or equal, or in some things even exceed the operations of the Sun, by the heat of the Fire. The same Instance of Covenant is, the reviving of Butter-flies stupified and as it were dead thorow Cold, with a little luke-warmness of fire: Whereby you may easily discern, that the Fire may as well vivifie living things, as ripen Vegetables.

Also that famous Invention of *FRACASTORIUS*, of a Frying-panne strongly heated, which Physicians hold about the Heads of those who are fallen into a desperate Apoplexie, which manifestly

dilates and extends the Animal Spirits contracted and pressed together, and almost extinguished by Humours and Obstructions of the Brain, and excites them to Motion even as Fire doth Water or Air, and consequently vivifieth. Likewise Eggs are sometimes hatched by the Heat of Fire, and many such like things are done; whereby no man can question, or make a doubt, but that the Heat of fire in many subjects may be Modified to the Image of Celestial and animal Heat.

The



The Lord FRANCIS BACON of *Verulam*
of the several kinds of Motion.

O R

Of the active Vertuë.

Of Divers Kinds of Motion.

LET the first Motion be of the Antitype of matter which is in each parcel and portion thereof, whereby it will not be quite annihilated and brought to nothing: so that no burning, no weight or depression, no weight nor no violence, nor any age or length of time can reduce any the smallest portion of matter to nothing; but it must still be something, and take up some place, and free it self, (into what necessity soever it be brought) either by changing form or place, or (if it can do no otherwise) subsist as it is. Neither doth it ever come to that pass, either to be nothing, or no where. Which Motion the Schools (which almost always name and define things rather by effects and discommodities, than by Internal causes) either points at by that Axiome, That two bodies cannot be in one place; or calls it a Motion, that there may be no penetration of dimensions. Neither is it fitting to propose any examples of this Motion; for it is in every manner of body.

Let the second Motion be the Motion which we call of Connexion by which bodies will not suffer themselves in any part to be severed from the touching of another body, as rejoicing in that mutual connexion and touching. Which Motion the Schools call the Motion of their being no vacuity; as when water is drawn up by sucking, or by Pipes; the flesh by Ventoses or Cupping-glasses; or when water stands still and remains in Pitchers with holes in them, unless the Pitcher be opened, and the Air let in; and many things of this kind.

Let the third Motion be that Motion which we call of Liberty, by which bodies seek to free themselves from a preternatural pressure or stretching, and restore themselves into a dimension fitting for their bodies. Of which Motion there are likewise innumerable examples, (as concerning the freeing from Pressure) of water in swimming, of air in flying, of the Water in rowing, of the Air in the waving of winds: Neither doth the Motion of the Air thrust up together, shew it self very absurdly in Guns, which Children play with, and are commonly called Pot-guns, which are made of a piece of Elder made hollow, into which they thrust a piece of some juycie root or the like at both the ends: then with a Scowrer they thrust this root up at one end towards the other

root which is at the other end, which flyeth out with a sound before the lowermost root or the scourer toucheth it. As for the freeing from tensure or stretching, this Motion shews it self in an Egg-shel after the Egge is sucked up, in Strings, and Leather, and Cloth, which will shrink up again after they are stretched, unless they have quite altered their dimensions by standing too long a time stretched, &c. And this Motion the Schools call the Motion out of the Form of the Element; and that ignorantly enough, seeing that this Motion belongs not only to air, water, and flame, but to every diversity of consistencie; as of Wood, Iron, Lead, Cloth, Parchment, &c. In which each several bodies have a model or prefixed extent of their dimensions, and from thence are hardly drawn to any notable space. But this Motion of Liberty being most obvious and belonging to infinites, it will be advisedly done to distinguish it plainly and well; for many do most carelessly confound this Motion with the other two of Antitype and connexion. Namely, the Motion from Pressure, with the Motion of antitypie, and that of extension with the Motion of connexion. Therefore if the compressed bodies did yield or extend themselves that there might not follow a Penetration of dimensions, the bodies extended would grow back and contract themselves that Vacuity might not follow: But if compressed air would recover and turn it self into the thickness or density of Water, or Wood into the density of a stone, penetration of dimensions would be needless; and yet there might be a far greater Compression than they can any way admit of. And in the same manner, if Water could dilatate it self into the rarity of air, or a Stone into the rarity of Wood, there would be no need of vacuity; and yet there might be a far greater extension of them, than they can any way suffer. Therefore the thing is not reduced to Penetration of dimensions, and vacuity; but only in latter ends of Condensation and Rarefaction; when notwithstanding, these Motions stay and stop a long way on this side of them, and nothing else but desires of the bodies to preserve themselves in their own Consistencies, (or if they had rather, in their own Forms) and not to recede from them suddenly, unless they be altered by mild means, and by consent. But it is far more necessary (because it draws many things after it) to have it intimated unto men, that a Violent Motion (which we call Mechanical; and *Democritus*, who in expediting of his first Motions may be accounted less than the meanest of Philosophers, calls the Motion of the Coast) is nothing else but the Motion of Liberty, namely from compression to Relaxation. For in every simple Protrusion and thrusting forward, or flying in the air, there is no summotion or local carriage, before the parts of the body do preternaturally, or beyond nature suffer, and be compressed by the driver; and then the Parts successively thrusting one another, the whole is carried; not only going forward, but withall wheeling: that by this means the Parts may free themselves, or suffer more than is just. And so much for this Motion.

Let the fourth Motion be that which we have termed Motion of *Hyles*; which Motion is in a manner contrary to that Motion which we have spoken of, namely, the Motion of Liberty. For in the Motion of Liberty, the bodies do utterly abhor, reject and shun a new Dimension, or new Sphere, or new Dilatation or Contraction, (for this variety of words expresse all one thing) and strive with all their might to recover, and return to their old Consistency. But contrariwise in this motion of *Hyles*, the bodies do desire

desire a new Sphere or Dimension, and do willingly, and withall their might (as in Gun-powder) hasten towards it. But the most powerful, and most frequent, if not the onely instruments of this motion, are Heat and Cold. As for example, if air be dilatated by Tensure or stretching out, as by sucking of Glasse-Eggs, it hath a longing desire to be restored: But if you apply Heat to it, it will contrariwise desire to be dilatated, and to be in a new Sphere, and passes into it willingly as into a new Forme, as they call it. Neither after it is dilatated doth it care for returning, unless it be invited to it by application of some cold thing, which is not properly a return, but a repeated Transmutation. And in the like manner, water, if it be restrained within narrower bounds by compression, it spurns against it, and desires to be again what it was, namely, larger. But if there comes a strong and continued cold, it changeth willingly and of its own accord, and is condensed into Ice: and if the cold continue, and is not interrupted by warm weather, (as it is oftentimes in deep Caves and Grotts) it turns to Chrystal, or some such like matter, and is never restored to its primitive being.

Let the fifth motion be the motion of Continuation; we do not mean the simple and primary continuation with some other body or substance (for that is the motion of Connexion) but of Continuation of it self in a certain body. For it is most certain, that all bodies do abhor the dissolution of Continuity, some more, some less, but all in some measure. For as in hard bodies, (as steel or glass) the reluctancy against Discontinuation is very strong; so in Liquors, where this kind of motion seems to cease, or at the least languish, yet there is not an absolute privation of it, but it plainly remains in them, as in the lowest degree, and shews it self in, and by many experiences, as in Bubbles, and the roundness of drops, in the smallest threads of running Cutters, and in the holding together, and drawing out as it were in threads of glutinous bodies, and the like. But this desire is most plainly apparant, if we attempt a discontinuation by lesser fractions. For in Moisters after Contusion is made to a certain degree the Pestel operates no more: Water will not get in at the smallest chinks or crevices: and Air it self notwithstanding the subtileness of its body, cannot suddenly pass thorow the pores of solid Vessels, but by a long insinuation.

Let the sixth Motion be the motion which we call a Motion to Lucre or Gain: Or the motion of Indigency or Want. Which is that by which bodies when they converse amongst others, which are meerly Heterogeneous, and as it were enemies; if they can but get a conveniency or means to avoid those Heterogeneous, and apply themselves to such as have more affinity with them, (though even they do not thorowly agree with them) they presently embrace them, and make choice of them, and seem to make some gain thereby; from whence we have taken the word, as being in want and Indigency of such bodies. As for example, Gold or any other metal beaten out to leaf, delights not in having Air about it; therefore if it can come at some thick and tangible body, (as a finger, paper, or the like) it sticks presently, and can hardly be gotten off. Likewise Paper, and Cloth, and the like, do not well agree with the air which is inserted and commixed in their Pores; wherefore they willingly drink in water, and drive out the Air. Likewise Sugar or a Spung put into Water or Wine, though part of them stand up, and be far above the Water or Wine, yet by little and little, and by degrees they draw the Water or Wine upwards.

wards. From whence is taken an excellent rule for the opening and solution of bodies; for laying aside Corrosives, and strong waters, which open a way for themselves, if there might be found a proportionate and more agreeing and consenting solid body, than that wherewith it is (as it were through necessity) mixed, presently the body slacks, and opens it self, and receives the other within it, excluding and putting away the first. Neither doth this Motion to Lucre onely operate, or hath power upon the feeling: For the Operation of Amber, (of which *Gilbertus* and others since him have raised such Fables) is no other but the Appetite of the body raised and excited by some light frication or rubbing, which doth not very well tolerate the Air, but had rather have some other tangible thing, if so be there be any near unto it.

Let the seventh Motion be the Motion (which we call) of greater Congregation; by which bodies are carried to the masses of the Connaturals, as ponderous things to the Globe of the earth, light things towards the circumference of the heavens. This the Schools upon slight contemplation have specified by the name of Natural Motion: Because there was nothing of *ab extra*, or externally to be seen which should cause that Motion, (therefore they thought in-bred and placed firmly in it:) Or peradventure because it doth not cease: Which is no marvail, for the heaven and the earth are always ready and at hand; whereas contrariwise, the causes and beginnings of most of the other Motions are sometimes absent sometimes present. Therefore because this doth intermit, but always meets the other when they intermit, they made this perpetual and proper, and the rest as it were but acquired. But this Motion is indeed weak and dull enough, as succumbing and yielding (unless there be a greater mass of body) to other Motions as long as they are in operation. And though this Motion hath so filled mens thoughts, that it hath almost hidden all other Motions, yet it is but little that men know of it, but are plunged in many errors about it.

Let the eight Motion be the Motion of the lesser Congregation, by which the Homogeneal parts in any body separate themselves from the Heterogeneal, and come together amongst themselves: by which also whole bodies, through similitude of substance, embrace and nourish one another, and sometimes are congregated and drawn together from some distance; as when the cream, after some pause of time, swims upon the top of the Milk, the Lees and Tartar settle at the bottom of the Wine. For these things are not done by the motion of Gravity and Levity, that some parts swim at the top, and others go to the bottom, but through the desire of the Homogeneals of coming together, and uniting themselves. And this motion differs from the motion of Indigency in two things. The first, that in the Motion of Indigency there is a greater provocation of the Malignant and contrary nature: but in this motion (if there be no obstacles or tyes) the parts are united by friendship, though the Alien Nature be absent, which moveth strife. The second thing wherein they differ, is, that the union is more strict, and as it were with more delight: For in the other, so that the adverse body be shunned, those bodies which have no great affinity one with the other, notwithstanding concur: But in this substances come together, which are knit one to another as it were by a twin-like substance, and are in a manner made up into one. And this motion is in all compounded bodies, and would easily be seen in each one of them, if it were not tyed up and

and restrained by other appetites and necessities of bodies, which disturb this Coition and going together. And this motion is most commonly tyed and bound up three ways; By the numness of bodies; The curb of the predominant body; And the external motion. As for the numness of Bodies, it is most certain, that there is in all Tangible bodies a kind of sloth, either more or less, and a kind of aversion from local Motion, so that unless they be excited and stirred up thereunto, they had rather remain in that state wherein they are, than seek after a better. And this Numness, or Dulness, or Sloth, is to be shaken off by a threefold help: Either by heat, or by an eminent Vertue of some allyed body, or by a lively and powerful motion. And first as concerning the assistance of heat, from thence it proceeds that heat is defined to be that separates Heterogeneals, and brings Homogeneals together. Which definition of the *Peripateticks*, *Gilbertus* did most deservingly deride, saying that it is as if a man should define a man to be it which soweth Corn, and planteth Vineyards, which is but only a Definition by effects, and those also particular ones. And this Definition is yet further to be blamed: For those effects (whatsoever they be) proceed not from the propriety of heat, but only by meer accident (for cold will do the same, as we shall shew hereafter) namely, by the desire which Homogeneous parts have to come together: Heat onely helping to shake off the dulness, which before had bound up the desire. Secondly, as concerning the Assistance of the vertue of the allyed body that doth wonderfully appear in an armed Load-stone. For the Nature of an armed Load-stone is such, that at a certain distance it will not draw nor attract Iron stronger than a Load-stone which is not armed: but if the Iron be brought so near to it, that the armed Loadstone touch it, it will take up a greater quantity of Iron than a plain and unarmed Loadstone, by reason of the similitude of the substance of Iron to Iron. Thirdly, as concerning the assistance of Motion, it may be perceived in Arrows which are made all of wood, and are not headed with Iron, of which it is reported, that being shot out of a Peece of Ordnance will penetrate further into any wooden substance (as the sides of ships or the like) than those which are headed with Iron, by reason of the substances similitude wood to wood, though this vertue lay hidden in the wood, the numness of the wood being shaken off by the celerity of the Motion. But the binding of the Motion of the minor Congregation, which is by the curb of the Dominating or commanding body; it appears in the dissolving of bloud and urine by means of cold: For as long as those bodies are replenished with an active spirit, which as Master of the whole orders, and keeps in each singular part, so long the Heterogeneous cannot come together, by reason of the curb: But when that spirit is once evaporated or suffocated by cold, then the parts freed from the courb come together according to their own natural desire. And thence it proceeds that all substances which contain a sharp spirit, (as Salt and the like) last and do not dissolve by reason of the lasting and permanent curb of the commanding and imperious spirit. The binding of the motion of the Minor Congregation, which is done by an external motion is especially perceived in the Agitations of Bodies, by which Putrefaction is hindred. For all manner of Putrefaction is grounded upon the Congregation or gathering together of Homogeneals, whereby by little and little is caused the Corruption (as they call it) of the first form, and the generation of another new one. For the dissoluti-

on of the old form goes before Putrefaction, which prepares the way to the Generation of the new form, which is the Coition it self to Homogenia, and that if it be not hindred becomes a simple solution; but if there come divers things in the way to hinder it, then Putrefactions follow, which are rudiments or beginnings of a new Generation. And if (which is the thing we have now in hand) there be a frequent agitation by an external motion, then this motion of Coition (which is delicate and tender, and desires rest outwardly) is disturbed and ceaseth, as we see in an innumerable company of things: As when a daily agitation or running water expels Putrefaction, Winds drive a way the Pestilence of the Air, Corn in Garners of the Air, or Store-houses turned and tossed up and down continue pure, and finally all things that are agitated outwardly, do not easily putrifie inwardly. We must not at last omit that Coition or going together of Parts of the body, which chiefly causeth Induration, or Desiccation. For after the spirit, or some humidity turned into spirit is fled out of some porous body (as in Wood, a Bone, a Parchment, and the like) then the thickest parts are contracted and grow up together with greater vehemence, whereupon grows Exsiccation, or Induration, which we believe to be done, not so much by the motion of Connexion, that there may be no vacuity as by this motion of Amity and Union. As concerning the Coition at distance, that is very unfrequent and rare, and yet it is in more things than is observed. The representations of these are one bubble dissolving another. Medicaments draw humours out of the similitude of substance; one string moves another string in a severall instrument to an Unison and the like. I conceive this kind of motion likewise to be in the spirits of living or animal things, but this is as yet unknown. But certainly it is eminent in the Load-stone and Iron raised up. Now when we speak of the motions of the Load-stone, they must be plainly distinguished: for there are four vertues or operations in the Load-stone which ought not to be confounded but separated, though the admiration and stupidity of men hath mixed them, the one is the Coition or coming together of the Load-stone with the Load-stone, or of Iron with the Load stone, or of Iron with Iron touched therewith. The second is of its turning North and South, and also of its Declination: the third is of its penetrating through Gold, Glass, Stone, or any thing: The fourth is of the Communication of its vertue from the stone into Iron, and from Iron into Iron, without any communication of the substance: but in this place we speak only of its first vertue; namely, of its Coition or coming together. That is also a notable Coition of Quicksilver and Gold, so that Gold will attract Quicksilver, though it be made up in Unguents, and those who work amongst the vapours of Quick-silver, use to hold a piece of Gold in their mouths, to gather together the emissions of the Quick-silver, which would otherwise invade and penetrate their craniums and bones, and causeth the gold so held in their mouths to turn white. And thus much shall suffice to be spoken of the motion of the lesser Congregation.

Let the ninth Motion be the Magnetick Motion, which though it be of the same kind, as the Motion of the Lesser Congregation; yet if it operate at great distances, and upon great masses of things, it deserves a severall Inquisition: especially if it do not begin with touching, nor doth not bring the action to the touch, as all Congregating Motions do; but only elevates the bodies, or causes them to swell, and no more. For if the

the Moon raiseth the waters, or causeth moist things to swell up; or the starry sky draws their Planets towards their Apogea; or the Sun binds together the stars of *Venus* and *Mercury*, that they can go no further from his body then to such a certain distance. These Motions seem cannot be well placed neither under the Major nor Minor Congregation, but are as it were middle or imperfect Congregatives, and must have a proper species or kind to themselves.

Let the tenth Motion be the Motion of Flight or Shunning: Namely, a Motion contrary to that of the Minor Congregation: by which bodies through Antipathy flie from such bodies as are enemies to them, separate themselves from them, and refuse to mix with them. For though in some things this Motion seem to be only an accidental Motion, or by consequence, in respect of the motion of the lesser Congregation, because Homogeneals cannot come together, but the Heterogeneals must be excluded and removed. Yet this motion must be placed by it self, and be made one several kind or species, because in many things the desire of Flight is less principal than the appetite or desire of Coition or coming together. And this Motion is most eminent in the Excrements of living Creatures, and likewise in the hateful objects of some senses, especially those of smelling and tasting. For a stinking smell is so hateful to the sense of smelling, that it brings the motion of expulsion into the Orifice of the stomach by consent: a bitter and horrid savour is so rejected by the Palate or the throat, that it causeth a shaking and horror of the head by consent. But this Motion doth likewise take place in other things, for it may be perceived in some Antiperistases, as in the middle Region of the Air, whose coldness seems to be the rejection of Natural coldness from the heavenly confines; as likewise those great heats and Inflammations which are found in subterranean places, are rejections of the hot Nature from the Bowels of the Earth: for heat and cold, if they be in a Minor or lesser quantity, do destroy each other; but if they be in greater Masses, and as it were in equal Armies, they thrust one another out of place. It is reported also, that Cinamon, and other fragrant and odoriferous Plants being set by Privies and stinking places, will retain their own fragrancie the longer, as refusing to come forth and mix themselves with the stinking smells. And truly Quick-silver, which would otherwise reunite it self into an entire body, is hindred from it by mans spittle or Barrow-grease, or Turpentine, and the like, and cannot gather its parts together, by reason of their dissent with such bodies, from which being circumfused round about them, they withdraw themselves. So that their flight from these interjacent things is of more force than the desire of reuniting themselves with those parts which are of the same kind; and this is called mortifying or killing of Quick-silver. Also that Oyl will not mix with water, is not onely by reason of the difference of levity or lightness, but by reason of their evill agreement, for the spirit of Wine which is lighter than Oyl will mix with water. But this motion of Flight is most notable in Niter, and such like crude bodies which do abhor fire, as Gunne-powder, Quick-silver, Gold, and the like. But the Flight of Iron from the other Magnetick Pole is by *Gilbertus* very well observed to be not properly a Flight, but a Conformity and Coition to a more convenient situation.

Let the eleventh Motion be the Motion of Assembling, or Multiplying of its self, or of simple Generation. And, we call simple Generation not of whole or Integral bodies, as in Plants and living things, but of simular or like bodies; That is to say, that by this Motion bodies which are alike do turn other bodies which have some affinity with them, or at least are well disposed or prepared, into their own substance or Nature: As flame which multiplies it self upon breaths and oylie things, and ingenders a new Flame: Air, which upon water and watery things multiplies it self and ingenders a new Air: The Vegitable spirit which multiplies it self in its nourishments upon the most subtile and thin parts, as well of watery as oylie things, and ingenders a new spirit, the solid parts of Plants, and living Creatures, as Leaves, Flowers, Flesh, Bone, and the like, each of which out of the juyces of nourishments do assimilate and ingender a successive substance and excretion. For we would not have any man dote with *Paracelsus*, who (blinded with his Distillations) would have Nutrition made by separation only; and that in bread or food there lyeth hidden the Eye, Nose, Brain, Liver, &c. in the moisture of the earth, the Root, the Leaf, the Flower. For as a Carver or Sculpter out of a rude Mass of wood or stone will bring forth a Leaf, a Flower, an Eye, a Nose, a Hand, a Foot, or the like, by separating and putting away what is superfluous: so that chief internal workman (saith he) will by separation and rejection out of food bring forth several members and parts. But laying such trifles and toys aside, it is most certain, that each several parts, as well Similar as Organical, in Vegetables and Animals, do first with some delight attract, then assimilate and turn into their own Nature, the juyces of their several foods almost common, or at least not much unlike. Neither is this assimilation or simple Generation in animate bodies only, but the Inanimate also participate thereof, as we have said of Flame and Air. And also the dead spirit which is contained in every tangible animate thing, doth always work, to digest and turn the thicker parts into spirit, which may afterwards go forth: whence comes the diminution of weight, and the drying up, as we said elsewhere: Neither is that accretion, or growing together, which they commonly reject in alimentation be rejected in assimilation, as when Mud grows together amongst small stones, and is turned into a stony substance: Scales about the Teeth turn into a substance as hard as the Teeth themselves, &c. For we are of that opinion that there is in all bodies a desire of assimilation or making alike, as great as that of Homogeneals to come together; but this vertue is bound up as well as the other, but not by the same means: But we must with our greatest care inquire out those means, and the way of getting loose from them; because they belong to the comforting of old age. Lastly, it is worthy to be noted, that in nine of those motions whereof we have spoken, bodies do only desire their own preservation, but in this eleventh they desire to have it propagated.

Let the twelfth Motion be the motion of Excitation, which motion seems to be of the same kind as assimilation, and sometimes it is so by us promiscuously called: For it is a Diffusive, Communicative, Transitive, and multiplicative motion, as well as the other; and they agree for the most part in their effects, though they differ in the manner and subject of effecting. For the motion of assimilation proceeds as it were with command and power; for it commands and constrains the assimilated thing

thing to turn and ching it self into the assimilant. But the motion of Excitation proceeds as it were with Art and insinuation, and by stealth; for it doth only invite and dispose the thing excited to the nature of the exciting thing: also the motion of assimilation doth multiply and transform bodies and substances; as for example, there is more flame, more air, more spirit, more flesh made: But in the Motion of Excitation the vertues only are multiplied and transported, and there is made more heat, more Magnetick power, more rottenness. And this Motion is most eminent in heat and cold: For heat doth not diffuse it self in heating, by the communication of the first heat, but only by Excitation of the parts of the body to that Motion, which is the form of heat, of which we spake in the first Vindemiation of heat; so that heat is far more slowly and difficulty excited in a stone or Metal, than it is in Air, by reason of the Inability and unreadiness of those bodies to that Motion: so that it is likely that there may be such matters within the Bowels of the earth, as do utterly refuse to be heated, by reason that through their greater condensation they are destitute of that spirit, from which this Motion of Excitation first begins. So the Load-stone doth endure Iron with a new disposition of parts, yet it loseth nothing of its vertue: so the Leaven of Bread, the Flower or Yeast of Drink, and the runnet which coagulates milk; and likewise some poisons do excite and invite Motion in a quantity of Meal, or Beer, or Cheese, successively and continuately, not so much by the power of the excitor, as by the predisposition and easie yielding of the excited.

Let the thirteenth Motion be the Motion of Impression; which motion is likewise of the same kind as the motion of assimilation, and is the most subtile of all Diffusive motions. Yet we thought good to place it in a proper species, because of the notable difference which is between it and the former two: For the plain and simple Motion of assimilation doth transform the bodies themselves: so that if you take away the first mover, it nothing concerns those which follow; for the first kindling into Flame, or the first turning into air, doth nothing concern the flame or the air which succeeds in Generation. Likewise the Motion of Excitation remains for a very long time, the first mover being taken away; as in a heated body, the first heater being laid away: in Iron excited, the Load-stone being taken away; in the heap of Meal, the Leaven being laid aside. But the motion of Impression, though it be Diffusive and Transitive, yet it seems to depend upon the first mover: so that it ever being taken away or ceasing, it presently fails or perishes; so that it is ended in a moment, or in a very little time. Wherefore we use to call those motions of Assimilation and Excitation, the motion of *Jupiters* Generation, because the Generation remains; and this motion of Impression the motion of the Generation of *Saturn*, because that as soon as it is born it is devoured and swallowed up. And this motion manifests it self in three things; in the beams or glimpses of light, in the stroak of sounds, and magnetick forces, as concerning communication. For the light being taken away, the colours presently perish, together with the other Images of it. The first stroak and shaking of the body caused thereby being ended, presently after the sound perisheth. For sounds are tossed up and down by Winds, as it were by Waters; yet you must more diligently observe, that the sound doth not last so long as there is a resounding: For the Bell being Rung, the sound seems to continue for a long time; where-

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by a man may easily fall into an error if he think or imagine that sound doth stick, or as it were swim in the air all that while, which is most false. For that resounding is not the same sound in Number, but is only renewed: and this is made manifest by the stopping or cohibition of the stricken or smitten body; for if the Bell be strongly stayed or withheld and kept immoveable, presently the sound perisheth, and it sounds no more, as in strings, if after the first stroak the string be touched with the finger, as in the Harp, or with the quill, as in Virginals, presently the resounding ceaseth. The Load-stone being taken away, the Iron presently falls: But the Moon cannot be removed from the Sea, nor the earth from any thing that is ponderous when it falls; therefore there can be no trial made of them, but howsoever the reason is alike.

Let the fourteenth Motion be the motion of Configuration, or Situation, by which bodies seem to desire not any Coition, nor separation, but a Situation, Collocation, and Configuration with others. But this is a most abstruse and hidden motion, neither hath it been well enquired about; and in some things it seems as it were to be incausable, though indeed (as we believe) it be not so. For if one should ask why the heaven turneth and wheeleth from East to West, rather than from West to East; or why it turns about those Poles which are set about the *Ursas* or Bears, rather than about *Orion*, or any other part of the Heaven: This Question seems to be as it were some Extasis, seeing that such things should rather through experience be received as positive: and there are indeed in Nature some ultimate and incausable things, but this is none of them. For we hold this to be done by a certain harmony and consent of the world, which is not yet come into observation: but if the Motion of the earth be admitted to be from West to East, the same Questions do remain; for it also moves upon some Poles, and why at last should these Poles be placed where they are rather than any where else. Also the verticity and direction, and Declination of the Loadstone are referred to this motion. Likewise there are found as well in Natural as Artificial bodies, especially those which are consistent, and not fluid; a certain collocation and posture of parts, and as it were wooll and threads, which must be diligently searched out and enquired after, as being such that without the finding of them, those bodies cannot be easily touched nor guided; but those Circulations in liquid things, by which, they while they are pressed before they can free themselves, do relieve each other, that they may bear that compression equally, we do more truly assign to the motion of Liberty.

Let the fifteenth Motion be the motion of Pertransition, or the motion according to the issues or holes by which the vertues of bodies are more or less hindered or forwarded by their mediums or means, according to the Nature of the operating bodies or vertues, and also of the means: For one medium or means is convenient for the light, another for the sound, another for heat and cold, another for magnetick Vertues, and for other things respectively.

Let the sixteenth motion be the Regal or Politick motion, for so we call it. By which the predominant and commanding parts do bridle, tame, subdue and order the rest of the parts, and force them to be gathered together, and separated, to stop, move, and be placed, not according to their own desires, but as it is in order, and expedient for the well being

being of that commanding part: so that it is as it were a kind of Government, and Policy which the ruling part exerciseth over the subjected parts. And this Motion is most eminent in the spirits of living things, which Motion doth temper together all the Motions of the rest of the parts, as long as it self is in vigor and force. It is likewise to be found in other bodies in a certain inferiour degree, as hath been said of blood and urines, which are not dissolved, till the spirit which restrained and mixed their parts was let forth, or suffocated. Neither is this Motion altogether proper to Spirits, though Spirits are predominant in most bodies, by reason of their quick and penetrating Motion. But in bodies which are more condensed; and are not filled with a lively and vigorous spirit, such as is in Quick-silver and Vitriol, the thicker parts are predominant; so that unless this curb and yoke be some way shaken off, we must not hope for any new transformation of such bodies.

Let the seventeenth Motion be the Spontaneal or Willing Motion of Rotation or wheeling: by which bodies that delight in Motion, and are well placed, do enjoy themselves, and follow one another, and not any thing else, seeking (as it were) their own embraces. For bodies seem either to move without any term, or to stand quite still, or to be carried to that term, where through their own Nature they must either wheel or stand still: And those things that are well placed, if they enjoy Motion, do move circularly, namely with an Eternal an Infinite motion. Those things which are well placed, and are averse from motion, do stand quite still: Those which are not well placed do move in a direct line, (as by the shortest path) to the company of their connaturals. And this motion of Rotation or wheeling, admits of seven differences: The first of its Center about which the bodies move: The second of their Poles upon which they move: The third of its circumference or compass, according as they are distant from the Center: The fourth of their Incitation, according as they move either more slowly, or more swiftly: The fifth of the consecution of their Motion, as from East to West, or from West to East: The sixth of the Declination from the perfect Circle by threads or lines nearer to, or further from the Center: The seventh of its declination from the perfect circle by the Lines nearer to, or further from their Poles: The eighth of the further or nearer distance of their Lines one from the other: The ninth and last of the variations of the Poles themselves, if they be moveable; the which doth not belong to Rotation or wheeling, unless it be done circularly; And this Motion by the common and inveterate opinion is held to be the proper Motion of the Heavens: Yet there is a great Question amongst some as well ancient as modern concerning that Motion, who have attributed this Rotation or wheeling to the earth. But it would be a far more just question or controversie (if the thing be not without question) namely, whether this Motion (granted that the Earth doth stand still) be contained within the bounds of the heaven, or rather descends and communicates it self to the Air and to the Waters. But the motion of Rotation in darted things, as in Arrows, Darts, Bullets for Guns, and the like, we remit altogether to the motion of Liberty.

Let the eighteenth motion be the motion of Trepidation, to which (as it is understood by Astronomers) we give no great credit. But to us who seriously seek out every where the Appetites and Desires of Natural bodies, this motion comes in our way, and seems it ought to be placed in
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specie, as of a several kind. And this motion is as it were of a certain perpetual captivity or bondage: namely, in which bodies being not altogether well placed according to their Nature, nor yet finding themselves altogether ill, do trepidate or agitate continually, taking no rest, as not contented with the state they are in, nor yet daring to proceed any further. And such a motion is found in the heart and pulses of living Creatures, and must of necessity be in all bodies which are in an anxious and doubtful case between commodities and discommodities, that being distracted do trie to free themselves, and still receive a repulse, yet still go on trying.

Let the nineteenth and last motion be that to which the name of motion scarce belongeth, and yet is a meer motion. Which motion we may call the motion of lying down, or the motion of abhorring of motion. By this motion the earth stands in its own frame, the extreams of it moving themselves into the middle, not to the imaginative Center, but to Union. By this appetite also all things which are condensed or grown thick in a high degree do abhor motion, and all their appetite is, not to move: and though they be provoked infinitely to move, yet (as far as they can) they preserve their own Nature. And if they be forced to motion, yet they seem always to endeavour to recover their own estate and rest, to move no more. And indeed about this they are active enough, and do strive swiftly and speedily enough, as being impatient of any delay. But the Image of this appetite can but partly be discerned, because with us by the subagitation and concoction of the Celestials, every tangible thing is not only not condensed to the height, but is also mixed with some spirit. We have therefore now proposed the species, or simple Elements of Motions, Appetites, and Active Vertues which are most universal in Nature: neither is there a small part of Natural Knowledge shadowed under these. Yet we do not deny, but that other species may peradventure be added, and that these very Divisions may be transported according to the truer veins of things, and be reduced into a smaller number: Yet we do not mean this of any abstracted Divisions; As who should say, that bodies desire either the Preservation or Exaltation, or Propagation, or Fruition of their own Nature; or as if one should say, that the motions of things do tend to the Preservation and good either of the Universal, as Antitypie, or Connexion, or of great Universalities as the motion of the greater Congregation, or of Rotation and wheeling, or of the abhorring of motion, or of special Forms, as the rest of motions. For though these things be true, yet unless they be terminated in Matter and Fabrick, according to the true lines, they are speculative and less profitable. In the mean time they will be sufficient, and of good use to weigh the Predominances of Virtues, and enquire out the Instances of strife. For of these motions whereof we have spoken, some are altogether invincible, some are stronger, and bind, curb and dispose them. Some do shoot out and dart further: some do prevent others in time and swiftness: some do nourish, strengthen, enlarge, and hasten the other.

The Motion of Antitypie is altogether Adamantive and Invincible. But whether the Motion of Connexion be so or no, we yet doubt of. For we will not for a certainty affirm whether there be a Vacuity, or Coacervation and heaping up, or a Permixon. But this we are sure of, that the reason which *Lucippus* and *Democritus* give to bring in a vacuity (namely because without it the same bodies could not fill up and containe

tain greater and lesser spaces) is false. For certainly it is the fold of the matter doubling and redoubling it self by spaces within certain bounds, without interposition of Vacuity. Neither is there in air two thousand times more (for so much it must be) of Vacuity than there is in Gold, which is sufficiently known to us by the most powerful vertues of Pneumatick or windy bodies, (which otherwise would swim in Vacuity like small dust) and many other Demonstrations. And the rest of the Motions do govern, and are governed one by another according to the Vigor, Quantity, Incitation, Ejaculation, and according to the helps and hindrances which do happen. As for example, some Load-stone armed will draw up and hold Iron which shall weigh three score times as much as it self: so far the Motion of the lesser Congregation doth predominate above the Motion of the greater Congregation; And if there be any greater weight it yields. A Beam will bear some weight of timber: So far doth the Motion of Liberty predominate upon the motion of the greater Congregation: But if the weight be more it will yield. Leather stretched out to such an extent will not tear: So far the Motion of Continuation predominates upon the Motion of Extension; But if it be stretched any further, the Leather tears, and the Motion of Continuation doth yield. Water runs out at a crevise of such a bigness, so far the Motion of the greater Congregation predominates over the Motion of Continuation: and if the crevise be lesser it yields, and the Motion of Continuation overcomes. The powder of Sulphur alone put into a Gun with a Bullet and fired doth not drive out the Bullet; In that the Motion of the greater Congregation overcomes the motion of *Hyles*: but gunpowder, being put in, overcomes the motion of *Hyles* in the Brimstone, being helped by the Motions of *Hyles*, and of Flight in the Niter, and so of the rest. For the instances of strife (which shew the predominancy of vertues, and according to what means and degrees they predominate and yield) is to be sought out by a sharp and diligent Inquisition. Likewise the means and ways of the succumbency and yielding of Motions are carefully to be looked into: Namely, whether they cease altogether, or whether they only strive so to do, and are withheld. For in bodies here with us there is no true rest, neither in the whole, nor in the parts, but only in appearance and seemingness. And this seeming Quietness or rest, is caused either by the Counterpoise, or the predominancy of Motions: By counterpoise, as in Scales which stand even if the weights be equal; By predominancy, as in pitchers which have holes in them, where the water lyeth still, and is kept from falling by the predominancy of the motion of Connexion: Yet we must observe (as we said before) how far those yielding Motions do strive. For if any one through striving be kept down stretched out upon the earth, with his arms and legs bound, or otherwise held, and yet he with all his force strive to get up, his striving is nothing the less, though it doth not availe. But the condition of this thing, (namely, whether the yielding motion be as it were annihilated by the predominancy, or whether the strife continue, though it is not perceived) which lyeth hidden in Conflicts, will peradventure appear in concurrencies. Let the trial be made in Guns; whether a Gun will shoot a bullet furthest in a direct line, which we call point blank, or shooting upwards where the only force carries the Bullet, or downwards, where the Motion of Gravity concurs with the force of the blow. Also the Rules of Predominancies which come in the way are to

be gathered together: As the commoner the good is which is desired, the stronger it is; As the motion of Connexion, which looks upon the communion of the Universal, is stronger than the Motion of Gravity or weight, which looks only upon the communion of dense and solid things. Also that the desires of a private good, most commonly do not prevail against the desires which are for a more Publick good, but in some small quantities. Which would God we might obtain in Civil Affairs.

The way how to find out the Causes of the Ebbing and flowing of the Sea.

THis motion must of necessity be brought to passe, either by the Progress, and Regresse of waters, like unto water tossed up and down in a Tub, which when it washeth one side of the Tub, forsaketh the other side: or by the rising and falling of the waters from the bottome, like unto water that boiles up and falls again. Now which of these two causes must be the cause of Ebbing and Flowing is the question. If the first assertion be admitted of, then of necessity when the flowing of the sea is one way, the sea must at the same time in one place or other be Ebbing: and this is the thing which we enquired. *Acosta* with some others (after diligent enquirie) have observed, that on the shoars of *Florida* and the opposite shoars of *Spain* and *Africk*, the Ebbings and Flowings of the Sea are at the same time, and not contrariwise, when it flows at the shoars of *Florida*, it ebbs on the shoars of *Spain* and *Africa*. But if one give more attention, and take better heed, the rising motion is not confirmed, nor the motion by Progress denied. For it may be that the motion of waters in Progress may be, and yet it may flow upon the opposite banks of the same Channell, at the same time; namely, if the waters be forced and driven in from another place, as it is in Rivers which ebb and flow on both their banks on each side at the same time, this motion notwithstanding being a meer motion in Progress, namely, of waters coming in at the mouths of the Rivers out of the Sea: so in the same manner waters coming in great abundance out of the Indian Eastern Ocean, may be driven and thrust into the Channel of the *Atlantick* Sea, and therefore may over-flow both banks at one time. Therefore we must enquire whether there be ever another Channel by which the waters may ebb, and so diminish at the same time: And behold here is the south sea at hand, which is no lesser than the *Atlantick* sea, but large and extended sufficiently for this purpose. So now at last we are come to the Instance of the Cross concerning this subject: which word is taken from Crosses, which are set up in cross ways, and point out the separations of them. And these we use to call Decisory and Judicial Instances, and in some cases Instance of Oracle and mandate: The manner of them is this; When in the Inquisition of some Nature, the understanding is suspended and uncertain, to which of the two or more natures the Cause of the enquired Nature ought to be attributed and assigned, by reason of the frequent and ordinary concurrence of divers Natures; the instances of the Cross do shew the faithful and indissoluble agreement (concerning the Nature which is enquired of) of one of the Natures, and the variable and separable agreement of the other, whereby the

the question is determined, and the former Nature is received for the cause, the other being rejected and laid aside: And that is such a one, if we find of a certainty, that when it flows on the opposite shoars as well of *Florida* and *Spain* in the *Atlantick* sea, it flows also upon the shoars of *Peru*, and the back-side of *China* in the south sea: then by this Decisorie Instance this Assertion must be confirmed, that the ebbing and flowing of the sea which we enquire after, must be done by a Progressive Motion: For there is no other sea or other place left where there can be a Regress or ebb made at the same time: And this may most easily be known, if one could enquire of the Inhabitants of *Panama* and *Lima* (where the Atlantick and Southern Ocean are severed only by a small *Isthmus*) whether the ebbing and flowing be at the same time on both sides of the *Isthmus* or no. But this Decision seems to be certain, if it be granted that the Earth stand immoveable. For if the Earth turns round, it may be that by unequal turning of it (as touching the celerity & swiftness of it) and of the water of the sea, there may be a violent driving of waters up into a heap, which may be the flowing, and a Re-laxation of the same, (when they can be heaped up no more) which may be the ebbing. But of this there must be an Inquisition severally. But this being also supposed, that still remaineth stedfast, that there must be somewhere an ebbing of waters when there is a flowing in other places. Likewise let the latter motion of those two which we supposed, be the enquired Nature: namely, the motion of the Sea raising it self, and sinking down again; if it so happen that (after the matter is diligently examined) the other Progressive motion which we have spoken of, be rejected: Then there will be such a threefold way concerning this Nature; and of Necessity this motion by which waters in ebbings and flowings rise and fall again, without any addition of waters coming to them, must be one of these three ways: Either that this abundance of waters comes out of the Entrails of the earth, and returns again into them: Or that there be no greater mass of waters; but that the same waters, (without any increasing of Quantity) are extended, or rarified, so that they spread themselves into a larger dimension, and take up more room, and then restrain and contract themselves again: Or that there is neither more quantity, nor larger extension, but that the same waters (as they are both in Quantity or Rarity and Density) do raise themselves, and so fall again by and through some Magnetick power drawing them from above, and so by consent rise and fall again. So now (if you please) let the Inquisition be reduced (laying aside the two first Motions) to this last, and let us enquire whether there be any such sublation or raising made by consent, or Magnetick power. But in the first place it is manifest that all the whole waters as they are laid in the hollow or concave place of the Sea, cannot be raised altogether, for then there would want some thing to succeed and be in the bottome: so that if there were any such appetite or desire in the waters of raising themselves, yet that would be broken and inhibited by the connexion of things, or (as they commonly call it) by the Nonentity or not being of any vacuity. It remains therefore that the waters must rise on the one side, or part, and thereby diminish and fall on the other. For again, it will of necessity follow, that the Magnetick power, seeing it cannot operate upon the whole, must needs operate most strongly about the middle, so that raising the water in the middle, it must needs successively abandon and forsake the shoars. So thus at last this

subject

subject is come to the Instance of the Cross, which is this : That if it be found that in the ebbings of the sea, the superficies of the waters in the sea is more arched and round, namely, the waters rising in the middle of the sea, and falling about the sides, which are the shoars; and in the Flouds or Flowings the same superficies is more plain and even, by reason of the waters returning to their first posture: Then truly by this Decisory Instance the raising by Magnetick power may be admitted of, otherwise it must be absolutely rejected. But this may easily be tried in Arms of the sea, by sea lines, namely, whether in ebbs towards the middle of the sea, the sea be not deeper than in flouds. But we must note, that if this be so, waters do (contrary to what is commonly believed) rise in their ebbings, and fall only in flowings, whereby they fill and overflow the banks.

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