they put in, they should dominarii plumpnara Reges, more than Kings, both by setting themselves above all Kings in their temporal Estates, and preying by Centuries to deprive them of their Dominions; which (setting aside the due Homage by such Kings as owe Suite and Service to Superiors) none could expect, much less demand of other; nor did ever yet their foot to hard in the necks of their Peers, as Pope Alexander did in the neck of Frederick. For, is it likely, that when Christ not only commanded Peter to put up his Sword, drawn with greater zeal in Paffion, than judgment upon Deliberation, but added allo to that Chrage a Commission in generality, that whatsoever drew the Sword, should perish by the Sword; his Purposc was to bind the Hands of his Apostles? but yet to have the Pfaffos of thone that should succeed them, at full liberty. Christ paid tribute unto Cesar, as appeareth, as well for Peter as for himself; whereby moulshing the Measures and Proportions of the Churches Conformity. For strange it were, that horses succedens in directi locum, the Heir succeeding in the place of the Deceased, should by any Law be strengthen'd and enabled to do more than the Tellefator himself might have done; or the Party to whom Delegation is transmitted, than the Principal that did delegate. One Rule can never fail, That difference is not superfluous, because he can never fail that gave out that Rule: and if a Man observe a well between the Function of Christ which was Magnificum, and the Scope now fagon at which is Imperium, the difference is infinite. Our Saviour acknowledged to Pilate, that the Power which he both had and exercised over him, was not terrestrial, nor temporary, but it was from Above: to which Doctrine nothing can be more repugnant, than the Schoolmen's Dream, that our Princes having at this Day the like Jurisdiction with Pety, to that which Cesar held with Pity, should be subject touching their Estates and Dignities, to the Centuries of their Disciples, who in Perfon (whilst his Constitution was here on Earth) renounced that Prerogative of every Nation, and every State, and every Office. For as our Saviour doth prove à suaueri in another place, that his Disciples ought in reason to wash one another's Feet, because he that was their Master had vouchsafed out of humility to wash theirs; by the same Consequence I prove, that whatsoever professeth to be Imitator Peri, (as Peter was Imitator Christi) ought to despise from forcible intrusion upon thefe undue Claims of more than Imperial Prerogatives, which were neither challeng'd by any Levitical Predecessor, nor refused by the Tellefator, nor conveyed by the Telle- nament. For the Grant which was conveyed by God to the Father to his Son, animi jucdicii, of universal Judgment, both in Heaven and Earth, is absolute; whereas as the Charter which the Church of Christ received from her Spouse, is limited and tied to the validity of the Evidence, and the strength of Witness, with the Preemption of Antiquity. When Christ knew that some would even in Paffion make him a King perfcor, and mauge his Affection and Re- solution, fuggi in uatum Jeâns; whereas they themselves, as Successores Christi, & hæretici Apollinaris, defenaued from the Dangers of Contemplation into the Valleyes of secular Agitation, to maintain that Party for their Advancement ad reginam Christi, made a difference between his Diclike (following a Master that had not so much as the Fox, a HOLE wherein to put his Head) and those that dwell in Regnum dominus; whereas now the difference (if there be any) is on the other side. This orderly and modell manner of proceeding, recommended by the Ly- cursus of the Gospel, which is Christ, was conuinced by the reverend Apostles during their time; and likewise by the godly Bishops that succeeded them, for the Space of a thousand Years: for further than the Century of effecting those things, the Pa- pers, and the Graces of the Church have sufficiently to guide us to the Doctrine of the Church, I find not that the Church prefigured, the Pofit challenged, nor Princes acknowledged.

St. Peter (from whom Prerogative many seek to derive this Privilege of depoting Kings upon Conviction, or rather Supposition, as it happened for the most part of Contumacy) commands the Faithful to obey even that Prince that was a Butcher of the Flock, and a bloody Tyrant in his Time, (because he was Superexcellent) and all Magistrates that were subordinnt in Charges and Employment under him. He forbiddeth all good Pfaffos allo, which ought to be forma gregis, the Pattern of the Flcck, procurnere esclii, to provide by compulation, or in Cleris domini, to domine amongst the Clergy, (that be within the compass of their own iqure) much less meant he to let them over Emperors and Kings, that are fixed in the highest Element, nay, which is more, he denieth flatly (if we may give any Credit to that Author which bears the Title of Saint Clement) that any of his Successors were ordained by God, to cognitores agrestium, Examiners or Judges of Affairs that are secular, which is now become the chiefest Scope and Object of your Prinny.

Wherefore, if Peter were commanded to put up his Sword, when Christ was at his Elbow to heal (as he did) the greatest Wound that it could make; how much more ought his Successors to keep the Sword within the Scabbard, since it is toberly and orderly put up, and that they may do more hurt in their Paffion, than they can help by their Privilege? St. Paul, his Fellow Martyr and Apostle, would have never suffered amongst his Fellow-Human, whether they were Bishops or Monks, Regular or Secular (as Cles faw notes) to superior Authority, in case he had been privy to an exemption of some Souls by express Warrant. The Quality of evil Princes ought not in reason to extenuate the force of the Inhibition, tending to the Peace and Order both of Church and State: for then St. Peter would not have commanded Servants to be subject to their Lords, non folium bona et melius, fed etiam scholastici, not only to those that are good and modest, but also to those that are perverse: Non proper mutum, fed proper conditions, not for Fear but for Conscien of paines, every Soul, whether they were Bishops or Monks, Regular or Secular (as Cles foaw notes) to superior Authority, in case he had been privy to an exemption of some Souls by express Warrant. This is the readie and beft Resolution, manendi in eoccupations, of continuing in our Vocation without Impatience or Strife, to wind our Obedience out of that Obligation wherein the Gospel found us, and God hath established us. The Servants of God had recourse in all times to lawful Remedies, under the Offer of unlawful Wrongs: and tho' there could not be a worse Prince, or rather a more ugly Monster upon Earth, than those that held the place of Cesar in the times of Paul, yet Paulus appellavit Cestern, and being taken at his word, was sent thither to be tried orderly. It was lawful for the Prophet Nathan to reproves David for his Sin, tho' he did not pluck him out of his Chair
Chair of State. Our Saviour describing Heralds Quality, in crafty Circumvention of God's Saints, did properly and aptly term him, Valpeum, a Fox, tio he did not undertake to hurt him out of his Earth. And tho' to warn, admonish, and affre the Tetarch, non licere, that it was not lawful for him to keep his Brother's Wife, were an Office fit for a Job Baptist, and a worthy Father of a holy Church; yet he knew, which our Lord had in his sermon at Jericho to his Disciples of their Duty, that he was a Viper, and that he was the Devil, and that he was the Mammon of the World. 

The Christians of the first Age were neither Abblasions nor Niggerisms, layeth Tertullian; that is, flained with no Faction either to those aspiring Parties, or Affections of the Time, but devoted to the Service of the Sovereign, quondam iuris & ipsi expositione, as far as it was lawful for the Person, and expedient for the Prince himself. How far is that? Even to far as they honour him. ut beniamine a Deo sanctum, et fide Dei securum, as the next Person to God, and inferior to him alone. without making him (as some did) a Competitor with the Omnipotent. Honoured Men will part and shrink at these lord Alarms, when they read with how great Obediency and Humbility that braved Father Abrahamus (upon whom the Shoulders of our aged Mother the Church of God leaned, in the time of sharp Persecution, to take her freely cleared herself of the false Suf- ficiences and wrongful Affections, that were cast on him by the device and toying evil of Constatius the great Arian Emperor; his dutiful Respect was grounded upon that Warning of the Holy Ghost, not to curze the King in the secret of our Con- science, nor in the most private and inward Corner of our Cabinet to with evil to him. St. Hilary would not so much as moderate or flint himself, but leaves it wholly to the discretion of a wicked Emperor, quatenus & quondam con legiti iacent, how and how far he would bid him spake. St. Ambrose acknowledged no Weapons of Defence to be so proper to the Priest, as Tears and Prayers; for I can pray, faith he, I can fight and weep, but cannot fight and weep at the same time. And the great St. Jerome to Heliodorus, faith he, A King ruleth Men whether they will or no; a Bishop those that are willing. Ille terrae subjectis, hic servitutum dominatur. To that Question moved by Donatus out of Faction and Scorn, Quid Superatorum esse Ecclesia? What hath the Emperor to deal or intermeddle with the Church? Opus a learned Father, an- swers tumuly to the Note and Ditty of Tertullian that is mentioned before, that (since God only is above the Sovereign) Donatus in extolling himself above the Emperor (as a wise Cid out of Pride shall above all that is called God) justly exclaims, ecclesiae metas, hath now transcended the bounds of humanity. The Patience and Pity of thirty Popes, laying down their Heads upon the Block successively, (at the first planting of the Church) to feel the Bond of Conscience with the Blood of Inno- cency, may teach those that come after, as well to follow their Example, as to claim their Primacy. For the Liberator, a Poet of that Rank, was un- jutly banished and exiled from his Church; yet he never fought to right himself by the bloody Sword, but rather by that golden rule of Obedi- ence, and submission, which our Saviour taught to his Disciples ful gullis, and they to the Church in
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Fluck, not ad aras only, but ultra aras, if his Patience had been pliant to their Desires) to have wearied that ungodly Princes Eudoxia, that would never give him rest nor breath in the crooked ways of her own Wickedness, But if the Doctrine of some Schoolmen in this Age be found to differ so much from the former Demonstrations of Obedience and Truth, why should I not complain, That mine disputo estremo lacrymus, ade quae fiantur, ade eos quos non est mea anima. It is true that long after this, the Officers of the French King, Philip the Fair, complained, and upon jut Cauch, unsuscuss facerutos iterus, jura Regina minfast, that the King's Rights or Liberties were appraised by raising the Rights and Privileges of the Priests. It may be likewise true that is written by a Countryman of ours, that Gregory the Seventh confined on his Deathbed, (not with what Remore or much of Science God knows) in amittitium latumus se faceto do, a murmur that a particular expression in these verses is of one effect; but yet all Bishops were not of that mind, but keeping faith in Memory that Observation of the Prophet David, That to drink of Waters drawn from the Springs of Bethel, with peril and hazard of Men's Lives, was jaungitimum bibere, to drink Blood, were as cautious in quenching of Diffusion and Strife by Charity, as others were to kindle them out of Ambition and Van-glory. For in cafes of this nature, Nunc ejus fœcissantur anima sed meditantis fundus; for Charity is patient and courteous, Nec infatir nec absidtis. Peter hath both two Keys, one of Knowledge, another of Power: these are prepared and fitted also to two Locks, that is, Induration and Ignorance: and hardly shall we find, that without both, and a sure Ufe of both, any strongly Locks of Opposition or Obscurit, have been opened. Wherefore no Man need to doubt, but that among so many godly, grave, and learned Bishops, (as will ever rank themselves, iacunt manufactured all) with the utmost Hope of Stanhope's School) these Passions will sink: and some that have been left to yield our Humour, yet will be forced to faint out of Cowardice.

The godly Learned never once vouchsafed to lend their Ears to the deceitful Tunics of itchening Charms: rather grounding their Opinions upon the fourth Council of Toledo, by which all sorts of Perplex are condemned without Distinction or Exception. Qui sedem regibus vitus Sacramentum pro- suffitio ofverare concentrement, that condemned or scorned to keep the Faith which they promised by Oath to their Sovereign: taking by this first part, all perfidious Traitors in general.

But that which follows, pinchethe Novare and his Disciples at the very Heart: Us we fumulare jurisdiction professionem, cum mensa reteneret perfidie implantation, and with their Mowh dissemble a Pro- feSSION by Oath, when in their Minds (or mentally, to use the very word of our School-men at this time,) they retained till the wicked purpose of Tresfion. Indeed Pythagorist impressed nothing in the Minds of his Schools more deeply, than that of the serene Peric, jura, pericur, secretum prolecrie noli. The Epicure on the other side was satisfied moda nutent injuriam gereret, etiam linguæ juraret. And you, M. Garnet, (to make up such a Triangle as can never be reduced to a Cube, that is, a perfect Square) divulge and publish to your Auditory (which those blind Philosophers durft not profess beyond the compass of their Schools) that it is lawful to draw Words to the Sense of Thoughts, to call a mist of Error before an eye of single Trufl, and to deceive your Brother for your own Security. I am very faire the learned Fathers neither knew the Way, nor had the Will to escape by such a kind of deception, after they were directly tempted to define the same. For then Abnaeus was o- vertaken by a Purufuant, and assayd Quiuam in de abjatst Abnaeus? how far Abnaeus was from thence? th' it flood upon his Life in a time (as you make of this) of Perfection, and he a Per- son far more choice and daring for the defence of God's own Quarrel, (as appear'd by his quick and sharp Encounters with the professed Enemies of Truth in that holy Niece Council) than you are in this Kingdom for the justification of tho' bad Attempts and impious Actions, which you take in hand, nor he answer'd as freely without Fraud as Fear, you lougi abjatst Abnaeus: which was very true, because he was the Man for whom the Party fought, and car'd little, as appears, how soon they met him. A Man of weak Concrct may apprehend how far our Saviour himself was from the chymical Constructions, and Evasions sophistical, by that universal Propoition, Quicquae non negaveris, who- ever denied him before Men, should be denied by him before his Father, &c. For they have our cautious Equivocators from all hope of Suc- cess in this Streight by their distinction of verbal and mental Negatives, I urge the precedent Warn- ing in that very Text before, Non timere eos qui accidunt corpus, & minime non possint eccedere; not to fear those which have power only to kill the Body, and not the Soul. For if our Saviour had left his Disciples such a strength of Suctery for re- treat upon Purifius, as verbal Flourishes, (what- ever were conceived or resolved in the Minit) he needed not so carefully to arm them with enou- gh, and hope against Affidtus of Cruelty.

The Paffages which both you and other of your Complices writ from the Mouth of Christ himself for a fair countenance of Cozenage in this Laby- rinth, would rather commovere nansium quin biliun; tho', I must tell you, that singular Exam- ples drawn from our Saviour, that was both God and Man, (and not only knew by his eternal Wisdom, but was also by his matchless Power to rectify whatsoever seemed to our dull Conceits obscure) are neither Rules of our Encouragement, nor Warrants for our Imitation. I make no doubt for my part, but these Eggs of Equivo- cation and mental Retention (never engender- ed nor covered by fairer Birds in better Times) were hatch'd (as the Poets feign) of Opiards with a Thunderclap. For among the Martyrs and Pallors primitive, their Priests were re- founded with the loudest and sweetest Cries, that were most relentl (without Evations or Tricks) to lay down a truftrious Life in a Moment, to the Pains of a better Friday, to which they did not turn from forcing Wit, or straining Craft to fe- cure Cowardice. But to pass over this just Mo- tive of Digrefion, I will conclude the chief Point, which is the Care best Men have ever had, to prefer Obedience before Security, Loyalty be- fore Life, with a discreet Anwer of a Pope to a King of ours, which may serve you for a better Precedent in the Court of Patience, that either of Gregory VII. Boniface VIII. or Alex- ander VI. in their Praciccs of Extremity,
if it so stand with your pleasure. Richard the holy Warrior, having committed a Norman Bishop Prisoner, whom he took in field against him with his forces, into which he put him a while after an urgent request (if not a powerful instance) from the Pope, at the earnest desire of other Bishops, for the Prisoner's enlargement; whom it pleased his Fatherhood in the Letter, by a word of Indulgence (but yet without that ground of equity which moved the Apostle offerare pro filio suo, quem genuit in vinculis, to pres Philanem for his son Onusianus, whom he begat to Christ and his Church in dureb) to call his Son. The King wittingly alluding by his answer to that place in Genesis, where Joseph's parti-coloured and pied Coat was offered to the aged Father stained and sprinkled with Blood, fear not the Prisoner who remained fait, but the Coat-armour (which was loo) to the Pope, inquiring à beatissima Patre (by this mild Question) an bee effect filii sui tuatia? whether this were the Coat of his Son? The Pope surprized with a Demonstration, and observing heedfully the Marks which could not lie, returned a grave answer to the King, Nec hanc effe filii sui tuatiam. That neither this was the Attire of his Son, nor he purposed to acknowledge the Party that was taken in that Coat, and therefore left him wholly to civil Justice, and the King's gracious Placere. For it is true, that Ambition, which is most bold upon advantage, is mostcowardly upon fortune: hencesoever Humours may sometimes urge Minds that are not evenly balanced with Difference and Confidence, to undertake Attempts ever above Duty, and oftentimes above their Strength; yet second Wins obverse the Slips and Errors of the first, and thereupon concluding at more leisure out of judgment, that vis expfiz ex filia mea, visis fiat, they begin likewise to fear that vast Desires as well as Buildings, where Foundations are not firm, sink by their own Magnitude. It is not possible that Humours should be durable, (considering that materi prirum, the first Matter, out of which they spring, like Paterus, is capable of as many Shifts and Forms as the World hath names to describe them, from confounding like a Garment, with insensitite vis: but the moral Virtues which have their Root in the Deity itself, and derive their Influence from Grace, must of necessity be co-eternal with their Author, who doth not only plan, but water, and produce out of his own Goodness, correspondent Fruits that suit their original. By these Demonstrations we learn what Laws were current, what Bounders kept, and what course and manner of proceeding was observed towards Princes by modest Bishops, which either lived very near, or imitated those that lived next to the Presidents of apodictick Humility. Now therefore it shall be impertinent (the Subject moving in due place and with due circumference) to defrey (not by idle Imaginations, but by evident Impressions) how covertly, and as it were by stealth, Intracochs crept upon the Carpet, before they durst by any forcible attempt invade the Seat of Power: et cælum dericir tuonin estin, voidi bonificis, and when the Men were in sleep, the Devil came, & superfemininavizizetta. It is confected indifferently by all Persons of all sorts, that are either judicious or sensitive, that those Axiom, which pierce to the Center, and touch the very life of Confidence, ought rather to be fixed upon the Wolves of Confederacy, than carried upon the Wheels of Change; and that not Jnest alone, but all moral and indifferent Affections ought to answer Ansus to the Curse which God pronounced against all Men of whatsoever quality, that dare defraud or make move or put aside Land-marks, or Bounders of Jurisdiction, which preferre Peace: and yet by tract of time and long experience, we see that ab ilio natus tepiditatis, ever since that tepidation or quivering (as it is termed by Aëredigers), which prevailed in the minds of fearful Princes, under powerful favours, there have been many variations of Degrees and Dintances in the conclusions of Church-government, especially within these last six hundred Years; which moves wise Men to refor to the judgment of a grave Philosopher, (discourting of diversity of Times and Perfections that did flrey those Times, either by Perfunzione or Art) quo minus ab erra inerent, the least distant they were from the first Original, the more perfectly they delivered Truth; and of the same mind is Tertullian, perficita prirae, the nearer the Spring-head, the purer Streams: which is the Scope of our Industry. To rip up matters therefore from the very Root, without obfuscation or passion, we may observe, that so long as the Plough of Perfection did not only make deep Furrows on the backs of godly Bishops by Torture, (which the Prophet by the Text in the Psalm, Super derfian means fabricare furiones, tokens of torture, formerly to charge but by degradation and Anguish also in their very Souls, those humble Spirits feel that are most sensitive of the least scratch given to Loyalty; it rent up by the roots all those Weeds of Ambition and Emulation which in calm seas are apt to spring out of the rank grounds of original Infirmary: For till the blest Reign of Consetutine, wherein the rage of Perfection began to cease, I find almost universally no other kind of strife among the godly Fathers, than whose counsell or endeavour, by a religious and modest kind of emulation, might be of itself the propagation of the Church's limits, and of God's Glory. The Church itself (when the Church was a Father, or a Son) might by its own Analogy be properly refemibled to the Stomach of a Body natural, which though it receive much, yet makes equal distribution, by dividing and dispersing that which it receives, to the use and subsistence of all the other parts, which would otherwise decay, and by degrees waffe and perish. If all this while a Tribune had found it up to complain against the Church of Rome, as Mena- Xius Agrippa did against the Senate, comparing it to the Belly, (which devoured all, and did no good) the poorest and the weakest Member would have utterly disclaimed and disallowed the least sense of such a wrong: But if the Belly afterward by carying only how to feed itself and dispine the other Parts, (as the Populare did then fugge) and by transforming the orderly and well compacted Body of the State politico into a Monster, by so great disproportion of nourishment, did violate the Laws of Nature, and disfigure the Bonds of Union, we must confess, that both Menueus with them, and (if the case be like) all faithful Patriots and Members among us, have reason to require remedy. It is certain, that the end of these first Bishops was then to feed the Flock, not to fill the Pail; to spread the Faith, not to extend the Line; to draw Kings to perfection, not to depose them.
from their States; to settle Peace, not to raise Disaffection; to prepare the Subjects hearts to Obedience, not to inflame it with Prejudice; to be at peace with all the World, holding peace of Confidence to be all in all, so they might gain to Christ, and in no case to flew themselves peregrinantes, or violentes, which the Canons of the Church (before the Prohibition of Paul himself) will not suffer.

Some of the latter (but best learned) Writers, finding by the curious Examination of fandom Pfings, and infinite Interpreters, how hard, or rather how impossible it is to prove their Title to this high Prerogative of depositing Kings, by direct Evidence out of the Word of God, and such Witness of Record as are above exception; re prove to chart, Grant, and Privelege from Princess Petties. As for example, from Confrontante the first, and Colbus the first and word, Tim King of the West Saxons that was religious, and the Times that was insipid, as well fond, self as his Title was fans terre. In which Crew, some intending serious Devotion, others pretending pretended Satisfaction to other Ends; and all, as the Times then taught, that no Seeds spring up more secretly than those which are found in area Domitiae, for redemption of Souls, left them better afloat of their Hopes by Gift, than our Saviour did in his Testament by Legacy. Against the pretended Charter or Donation, some of the Canons most religiously seek to derive from Confrontante to Sylvestres, the I need by little, because the best grounded Judgments and most modest Spirits of that fort, have torn away the painted Vizard from that warped Face; yet because in matters of this moment too much cannot be said, I mean, more succinctly than the nature of that Subject (being once undertaken) doth permit, to press some short Arguments. First, how unlike it is that Sylvestres (the next Bishop but one to that worthy and West Saxons, King of Frays that left their Lives for the Profit of Christ) should upon the first paule of Reparation to take breath (after so many manful Combats against God's Enemies) abuse the favour of so gracious a time, by hunting after the vain Tenures of Principality. The Bishops that have kept themselves above Water all this while, by the strength and favour of that powerful Hand, which supported Peter on the Sea when he was at the point to sink, by learning how to swim fully with the Baddles of the World's Ambition, might have cast themselves into greater danger of drowning in the Rivers of Douctia, than in the Red-Sea that the Saints paddled over.

Plutina reports out of the Pope's own Records, that Sylvestres refuted at the band of Confrontante densus densus division, a Crown or Diadem set with precious Stones, as an Ornament not convenient nor agreeable to a Pastor in his place. The godly After calls it only gigan superstition, a sign or badge of Pride; and after should have been found guilty or not of a Sign, but of Pride it self, and that in the highest kind, by the grand Jury of all his Predecessors Saints in Heaven, in case he had accepted what these Men certify to have been offered. Among the Fathers and Histories of the Church (how copious and large loyer in expressing the great Favour which the Spouse of Christ received by the Piety and Bounty of this Emperor in other kinds) appears no scrip of Evidence to make good this Grant; which were an Argument of great ingratitude, if they had either heard of any Dispolition in the Prince to give it, or in the Pope to accept it. Neither is it like that so religious a Prince would have left that to his Son, that he gave to the Church, nor from thence his godly Successors, as Thudford, would have detained it. Besides, all Writers prove how powerful the Lieutenant of the Church Empire, whom they called Emperors, were long after the date of this Present, which could not stand with the strength wherein hereby they thrive to plant the Papacy. I find by direct acknowledgement, velle praevenire, &c. that Revenues came from certain places for the maintenance of the Church of St. Paul, erected at the humble suit of Sylvestre by Confrontante; and from Sardisia, by the Report of some, to that Church which his holy Mother built. Again, that the Tributes were conferred on the Churches, which none Cities paid into the Exchequer in former times; and then I take to be the Shadows and Colours of this idle Dream.

For of the Charter it fell, (which exceeded ten times in value that is recorded touching Churches in particular, and in respect of a greater Eminency and Prerogative, should have carried a far greater Reputation, and made a fair flew) there is not so much as a mark whereby they may take their Aim that are most ambitious. How little credit, through or honour any Church can gain by deriving Charters from Places, a Licious and Tythick Tyranny, wickedly embossed with the slaughter of Mauritius his Mather, Wife, and Heirs, and usurping that Esate unjustly, (by the Consequence whereof he was bold to give more than either of Right he ought or could) I leave to their Opinions that have to measure Chians and Titles rather by the line of Equity, than by the limit of Ambition. But yet to make more of a Tyrant by vocyshans a short answer to his Shadow, than in Confidence is requisite; I first infer, that the Dictators, and Tyrants of the World, chiefly upon ground of cunning, and with a purpose to maintain the Two Princes by Party, which was undertaken and begun by Brand, might either have been afterward revoked by himself, or annulled and repeated by his Successors; And further say, by judgment of the best Civilians, that no Prince's Act is warrantable, without the publick Affent, according to that Maxim, Quod nones tangit, ab omnibus approbatur defect, that tendeth to the State's prudence.

Lift of all, I prove that our Country in particular could take no Copper by this Transposition, admitting it to have been found and absolute, because we were excluded from the Care, Protection and Providence of the Roman Empire, very near two hundred Years before that Places with his bloody Hand began to flee that Monarchy. After that Aetius, Lieutenant for the Roman Emperor in the parts of France, did only lend Instructions and Orders to the warded Britains how to range their Battles, and discharge their Fights, with a careful, and right, and suitable Answer, not to look for Supplies or Aids for our Warlike People, which then fell into Faction, and was no longer able to support it; the Britains holding themselves abandoned, (in which case all Laws free them both of Duty, and Dependency) after many bloody Battles under their own Kings against the Scots and Picts, fell into the Sasan's hands, who like a Pharoe that never knew Joseph or his Father's House, erected a brave Monarchy (tho sometimes quartered, and divided into many Parts among themselfes) and
and maintained it in absolute Authority, without acknowledgment of any foreign or superior Command, till by a second or third Relapse, it became a Prey to the Norman Conquest. Wherefore Places leaving neither Poisission nor Right in this State (left by Negligence, or abandoned by Necessity for many Years before,) could convey nothing to the Church, than he either gave, or fought for, which was accidens sine fepulte, individuum vagum, et nihil indeclinabile. The Contribution of Peter-Pence to Rome by Ina, being called in the Saxons Histories the King's Alliance, in the Laws of Canons, Largis Regis benignitat, and in that Abtract which is left of the Con- fessor's and Conqueror's Decrees, Regis eleemosyna, proceeded (as the words import) not of Duty but of Charity; and in respect of any temporal Prerogative (which is the Key of their aspiring Claims) both rather prove the Pope then fighting to have been King Ina's Beadman, than King Ina then reigning, to have been the Pope's Ho- mage.

It could allege also an allowance of a special Mention for English Pilgrims that were drawn to Rome about Affrairs, bearing that Title to this day, in respect of the great Piety and Bounty of the Saxons Kings; which falling within the compass of that natural Contract Do ut des, copiously handled by the Civil Laws, and compared with the Contribution, may rather prove an Exchange than an Im- position.

To the colour of King John's Donation, who was as likely to have parted with his Soul as with his Crown, and upon the same Conditions, if Ne- ceffity had perfic’d him; I could give Satisfaction but that found note of a Monk of Saint Albans, ac- cording tunably with that former concerning Places out of the Civil Laws, that Regis non est dare regnum, quod est republucia, fines authenticae Baroniae qui tenent regum defendere: and therefore he cannot give away the Ports and Cities, which are Branches and Members of the Main. But I will take it up a freigher Link, and avow by Matthew Paris, that so far was the Parliament, which he termeth Regni universitatem, from afferenti deroganda ob- ligationem to this detestable and fatal Band (as it is falsely called by the Men of Westminster) that the Metropolitan himself, pra universitate contradictum, confirmed and withheld it in the behalf of the whole Parliament.

The Judgment of Philip the French King upon the Publication of this Charter is much commend- ed by a Writer of that Age, for the defence of this Paradox, which he thought would prove per- niciosum Regibus & Regnui exemplum, a dangerous Example, and fearful Precedent both to Kings and Kingdoms. He would have Men refer to Peter's Sermons about matters that concern the Soul, and not de regnis, guerri, et nullitiae, which do not belong to him. Last of all, the Saying which was luckily infected in this Charter or Do- nation, namely, Salus natus & increpatus inegris jutibus, patientia, & regnetis nefiris, makes it absolutely void and of no effect: the main Prerogative being safely preferred, by God's Providence, which the King would otherwise have let slip, by a circumvented and over-warded Facility. It is reported by the Monk of Wulfunger, a Witness (according to the State of these Times) of best Regard, that the Pope refunding and abiding at Lions, this detestable Grant was burnt. The Author of Eulogium addeth farther, that it was re- leased cum omni fidelitate & hono, by the Pope's Direction to the English Parliament. And Sir Thomas More, that left his Life in defence of the Pope's Primacy, delivers but of any to be cred- ited in his Concur, avowing, First a Weakness in the King seeking to subject his Crown to superior Command; and next, in the Grant a Nutrity, Bifdico. That Pope the more affirms, that the Pope's Imposition, with the King's Concession, was never paid; but it is further fortified by Ad- diction out of the Rolls of Parliament, in the fifteenth Year of Edward the Third, that when the King was threatened with a Citation from Rome for de- taining Due upon this Grant, with large Arrearage, the whole Body Spiritual and Temporal of the Kingdom there assembled, after grave Delibera- tion and long Advisement, resolutum & contradistinctum, over tenes per pulvinares; and upon these Grounds, that the Charter was against the King's Oath at his Coronation, and without the Voice of his Parliament.

Since therefore Places, Ina, John, nor Confin- tino, add any further Weight to the Presence of a depositing Interest, than was in charge before; Diff- cretion and Observation will judge whether the State of the Roman Bishops were not had in great- er Reverence while they fought to win by Piety, than to flain in Passion, to bow than to break, and to temper than to exasperate. Religion and Humility then were the Corner-stones of that lately Front which the World so much at the first admired in the Church of Rome, tho' afterward by the change of Bishops in that See, and of Hu- menus in those Bishops, so great alteration was found, that if he aspired coming afterward to Albert, could hardly take notice of her own Ship, nor Confinitino at Rome of his own Nurb; r or (as St. Hierome notes of painted Women, that cast up their Eyes to Heaven) if we consider how many false Colours have been set upon the Pillars of Church Government, hardly Chrift of his own Creature in the time of Pope Alexander the Vithy, if he had been put in mind to call on him. In the beginning it agreed with Daniel's Image in the Head of Gold for godly Government, in the Breast of Silver for unprofitable Confidence, and in the Legs of Brass for ineffectual Industry. But afterward in succeeding Ages, the Heads of many Popes were few and hollow, their Breast aversive, and their Legs idle.

That holy Nicene Council (whereof I never speak without Reverence and due Respect) in that great Division which was made of the Patriarchal Jurisdictions according to the State of the Church in those days, for establishment of Discipline and prevarication of Unity, speaks not one word of any Temporal Command, much less of any Right in supplanting or deposing Kings, or abolishing Subjects from their Oaths of Obedience and Loy- alty, to be left in the Nature of an Heirome to the Roman Bishops by primitive Acknowledgement. But Sallen, very gravely and like a faithful Patriot, complains touching the State Politick of Rome in his own time, that poxytum divitie horati effe copere, & acs gloria, imperium, potentia sequentur; Faction and Pride began to creep up to the Seats of Senators, and the publick Justice of the State to shake: So likewise in the Church we find, that upon like Corruption like Disorders grew, and many Weaknesees began daily more and more to dilute themselves in those bright Sun-fline days which the Saints enjoyed by the

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Bounty
Bounty of a better Prince (as Cockle starts up when Corn grows ripe) which before was either shadowed with Diffraction, or suppressed by Discipline. I speak not this, because some few kinds of Heats and quick Distempers have not sometimes happened, and may not by occasions fall out again between God's own Elect, as Peter and Paul, Paul and Barnabas, and the godly Bishops in this very Council, which I prefix (tho' with that Measure which becomes the Ministers of God and his Apostles Successors) because it pleacth him. For Error without Error is not defeat, nor does Honour, and to make Virtue perfect and compleat by Infamy: but to make it plain, that Plenty is the Daughter of Prosperity, Ambition of Plenty, and Corruption of Ambition. For after that Bishops were admitted to appeal from civil Courts by the Emperor himself, and their Sentences by Imperial Authority were made equal to his own; they began to rule their Creft, and within a while, as it is testified by one of the most ancient approved Writers of the Church, Epistola Romana, san et amabile in eum extra ecclesiae fines egregias, ad secularum principatum jam nee delapas eft: The See of Rome, in the manner as that of Alexandria, as it were exceeding the Limits and Bounds of Priesthood, had flid into secular Prin- cipality; tho' the Bishops of neither of those Seats, as we may affure our selves, were ignorant of Paul's Prohibition to all degrees of Fudors, that they should not intermeddle with Secular Affairs, so far as concerns an over-dropping of the regal Plants, because a Bishop should not go live out of the Element of the Church, nor a Monk out of a Defart, than a Fifth out of Water. For Christ flid into the Mountains when the People would have made him King; and Bishops ought with Joseph rather to leave their Clachts behind them, than to confent to the Charms and vain Entic- ements of the World, which like the wanton Wife of Bethlehem stretcheth forth her Arms, and (with the Syrens) straineth her Voice to draw them with the compality of Temptation, and then taketh hold to drown them in sensuality.

Now whereas it is laid by Sacrates, fum ante delapas eft, that the See of Rome did flip before that time (whereof he feakes) into secular Principality, I am induced by the Report of Annius Marcellus, a grave Writer, tho' no Christian, to take my Level somewhat higher for the finding of my Mark: for he living in that time about the Court (and observing as it were from the main top of the temporal Eftate, what course was kept among all forms and qualities of Persons in divers Elements) makes mention of a bloody Slaughter in a Church of Rome, where the Christian were wont to meet for the Celebration of their Mysteries, about the violent Competition and Contention between Donatus and Orfinicus for the Papacy; and taketh notice of one hundred and thirty-Even Carcasses drawn out of that Church where they met about Election: and further written, that Proculus then Lieutenant to the Emperor was glad to make Retreat into the Suburbs, till the Rage were tempered, or the Strife ended. After this, as a Man partial to neither Part, and therefore in all likelihood the more in- different and jufth in deifying rightly of the true State of the Caufe, he gathers the chief motive of Contention and Emulation about the means of compassing this Height, to proceed from the great Eafe, Wealth and Honour that prevailed and were fully tasted and embellished in that Dignity. His Reasons are, for that Matronum elec- tionis dishabitum, they were enriched with the offerings of Matrons or Great Ladies; they rode in Coaches publickly; they were choice sittted in their Apparel; their Diet dainty, and sometime above the rate and use of Princes in the times of their Banqueting. That Donatus a Competitor was one of these, Anniinums doth not affirm, much les do I believe, finding with what Respect and Reverence St. Hieron has that had been himself a Prince of Rome doth speak of him: yet the Gallican method of his election and appointment the Seat was scandalous, not only unto such as were religiously devout, but even to Anniinum Mar- cellum which was but morally precise; as doth appear by that grave Judgment which he gives of the blessed State, which as he thinks the Bishops of Rome might enjoy, in cafe they lived in that sober manner, with that bare Diet, mean Apparel, and humble Looks cast to the ground, which other Bishops in the Country did, neither tafting nor e- voking those choice Pleasures and Delights which the delicacy and great abundance of that Place afforded them.

This paffion of a Writer whom we account profane, in respect he was unregenerate to Christ, nor nurtured by the breath of his Spirit the Church, puts me in mind of a zealous Paffion in Hatter Boinin, a great Roman Catholic, upon this very Subject in the Scotch History, Hysamundi antiquites quam vast litteram diffillere, quam diversa ingredientia in eum quem litteram occupat, &c. He wonders at the Difference between these Bishops, and others at this day, which proceeding in their Places, take another Course: they glittered not in Gold, they were not refinat in Princes Courts, they were not attended by Guards, nor skilful in the Art of diffembling, more gainful by many degrees than that of Poetry, which the Universities use to crown with Laurel. This moved Bairose (I mean the Martyr, not the Challenger) to pre- fer the Devotion of the golden Bishops, that in the Church's Poetry administered with greater fervency in words, Chalices, before the vanity of many blockish Bishops that in a richer State, with more Solemnity and less Zeal, administer in Chalices of Gold; because, as Hieron notes, external Riches add not to the worth of him, qui corpus Domini in carnifex vinimine, fangvinem in vino porat; that carries the Body of our Lord in a wicker Basket, and his Blood in a Glass. I would not be conceived by this Speech, to favour their ridiculous Conceits, that labour to draw the substance or the value of those Vessels in which sacraments are administered, to the first Simplicity: for the navigation of David's judging is indecent for him to lodge in douce, drina elus aorla Dott obst hab pellene, draws me to a greater estimation of Vessels appertaining to so high a Mystery. For sure I am, that the Value of the Content, doth infinitely surmount the Continent; and in adiaphor, that is, things indifferent, we are left to the rule of Decency. My only purpose is but to observe and tax the declaration of Piety, together almost at one instant with multiplication of Metals and Minerals, the labour which is made for Charges more Employment for Commodity alone without Con- science; and to limit those excessive Grants in na- milium, which our Anteceders did in massa mor- tua, and the ranging of internal Piety to external Pomp, tho' of both it were better, that we wanted means
means that are superfluous, than the moderation that is necessary. For Corydon means two great Aburdities in cramming Churches till Siasi confrian them to regorge: the one, that Laymen are deprived of occasion to do Charity; the other, that the Parlers themselves often neglect their Duties, to become Collectors. This is no ground for grieving from the Church, which at this day doth rather need Largore biliari quin interpretate melodie: but to prove that Arguments against Excess and Height, are the surest Tenures, and the strongest Pillars of Stability; for in se secundo vacet, summisque negatim de more just. In defence of Amissarios Manytre, I beseech the Lord, to keep them either of partiality or ignorance in that he speaketh of the Matrons, I touch a manifest Decree let forth, (not by the Leeches and Blood-suckers of the Church, but by Valentinian and Gotrian, religious and worthy Princes) against any gain to be made by the Priests of the Church by Ladies Offerings; and this Decree was published by Dananors himself, according to direction of State: which proves that Amissarios in the judgment which he gave touching the motives of Different Laws, and Contests in the Church, (which ripping the Fruits which in a further distance from the Sun, are either ripped by the Frost, or blasted by some bitter Wind) So as according to that of Nabon, Ripefam longe Buckvs devos. I tax those only that presume by forged Evidence to content and strive with mighty Princes for their Seats, or attempt to let them besides their Thrones, which the blest Virgin makes a Portion of God's own Prerogative. Otherwise I say with Paul of all the faithful, Sit in tilla mundos judiciocin, indigni sunt qui de minimis judici: If the World shall be judged by them, then they have no right to decide matters of least Accomplis. And again, Angelis judicem, quarto magis faculor. And therefore Ephesalus the Bishop of Cyross is highly commended in the Stories of the Church, for the dexter Temper and decent Order he held in Managing Affairs both Ecclesiastical and Temporal. The Council of Carthage underfoot very perfectly the way to moderate between both Extremes, and in fanning away the flame of Pride, to preserve the gloifs of unspoiled Modesty. But the Patriarch of Corinth, finding that for the observance of Times and Accidents, what strange Effects the Church of Rome had wrought in raising Patriarchal Jurisdiction as high as the jealousy of Government and incompatibility of Imperial Prerogative would endure, adventured upon the wings of Pride, to mount so far above the pitch of his other Partners, as if St. Gregory himself had not abated this presumption more by the strengle of Arguments than the edge of Power, it is not unlike but he would have made himself in the end by faction of Adherents from Princes. Thus easy it is for many grains of Sand by Nep- tune's Blesting to make a Shiel; for many Peter Pence by Joe's Bounty to make a Bank; and by gathering a great heap of Sticks together by Mi- nerva's Providence, to make a Nett high and wide enough for long winged Haws to breed in the proportion of their own earnestly affected, and long labour'd Sublimity. Such were the Drifts and Devices for the space of many Years of certain Roman Bishops, often steering, but never reaching to their End, which was, to make a Kite so high, as might carry the thoughts of the Roman Emperors, to more than three hundred Years.
after the Seceution of Constanaine and his Succes-
sors into the Eait ; their Lieutenants wanting now
that Gargon's Head of universal Regiment and uni-
ted Strength, whereof they had dispossessed formerly;
till that unlucky division of one Eagle's Neck into
two, which made the fairest Bird a Moniker, as
according to that one noted Maxim of our Savii-
our, Oune regnum in se deo sumatur est, gave way
to a religion, and a radical force after, more than im-
provement of the Jurisdiction of Peter's Keys,
which hath not since that time been let's feared,
at the first it was favoured. The first mo-
tive of the tranlating of the Wellern Empire into
the Eait, as Sacretes reports, was chiefly to
this end, ut unitera quae avet a tyrannis infiigis,
illos jam jubetis tolerant, for the Cure of those
Wounds which were given by Tyrants, now that
they were rid out of the way. Men liked of this,
and commended the Discourse that urg'd it, till
Experience, together with their own Disisters,
made them find, that, of both Extremes, it is
better to admit an outward Dithemper, than an
inward Combution. The Ebbhath not been grea-
ter by the waining of the Empire, than the Flood
hath been ex conquefigo by the waxing of the
Church : which finding that the Beams are bright-
'est, and her Glory greatest while the Sun is
under our Horizon, from whence she borrows and
derives her Light, hath fought ever since with
her best Diligence to quit her fell to thole Rays
Imperial which by Virtue may weaken, or by
Conjunction may drinck her. It is true that Con-
stanain upon the Change did at the first exempt
Bishops only, but not Priests from Convension in
Civil Courts ; the first step to that Grestnes
(which was in objeçt) to the Papacy. Gration
in the Year three Hundred and eighty, and
Hannius in the Year four Hundred and six, confirmed it,
Theodeis and Valentiun were pleased for increare
of Favour, that Priests also in lieu of Civil Judges,
might take their Trial before Bishops, if the Par-
ties intertelled in the Caufe could be satisfied.
'Josfinian more refervedly than his Antecessors,
exponds the meaning of the grant of matters only
appertaining to the Church, not otherwise, and
for his Labour receiveth a Wipe at the hands of
Belleranra. Heretius confirmed it at a later time, and
Priests absoledly from all Courts, excepting only
that of Delegates from the Emperor. But Guic-
ciardin, no Lutherus or Zuinglian, as many term
Perons of a diverse Judgment in our days, but
a Roman Catholic ; no German or Helvetic, but
an Italian ; no Simplici, but a Man as deeply
Learned, as dircettly Judicious, observant. That
tho' some dark Cloud had overshad a Portion of
the Beams Imperial in the highest Sphere, yet
till this time of the Tranflation of the Seat to
Constanainple, as a Field in a Space after, by that Antic
both of humble Reverence, and respective Regard
to the Civil State, were evident. For the Popes
without admittance either of the Emperors them-
selves, or of their Lieutenants called Exarchus,
accord not to the Throne. The Popes in all their
Grants and publick Dispatches, fet down the Date
by these words, Regnante domino ngrbra, such or
cuch an Emperor. Tho' by variation of Times
(whic breeds a Change in all Bodies, States or
Governments beneath the Moon) this good man-
ner began to be first abated, and in time deter-
mined. After the Sack of Rome, and that the
Greek Head from the Latin Body, first, it fell
into a kind of Giddiness ; after, into Imbecili-
ity, the cause of dangerous Convulsions in those
Estates ; and like top Branches that are not duly
fed and nourished with the lively Sap of their
own native Root, they fell afterward to warp and
wither both in Beauty and Glory. The Princes
grew daily more and more into Contempt, either
out of want of Defire, or Ability, or both, to
defend caput Imperii from incursions of Inlibraries, op-
portunists, discoveries of usurpers, and attempts of Conspi-
rators. Then fell the Grands of Italy to renounce all
Duty, Contributions, or Reliefs to the far distant
Parallel; from which as from a Gulf they found
no relax. They drew back Obedience from Lieutenants-Governors, who grasping (almost at the
very last point) for Breath, could light upon no true
Cordial to comfort them; Pofts could not
ply to fall between Rome and Constantinople,
as occasion of State did urge ; and beise, which is
the most deleterious effect of a declining Fortune,
Mcflengers were employed otherwise with Inter-
cession, but returned ever without Remedy; Dis-
putations were lame, Expectations idle, Affec-
tions mutuons. And tho' I find by the best Wri-
ters, that during this time of staggering, so long
as any spark of hope could live, either of secure
Defence, or timely and sufficient Supplies, the
Bishops endeavoured their best to preferve the
Life of Loyalty in the Breast of Fear; yet at the
lait the Civil State declining, the Church fainting,
and all Hope languishing, when both Peers and
Bishops waited like Images of Wax à petit feu,
felt the Fury as well of the domesticall as the
foreign Sword, and wasted weary of the frailties
of the Plants that were sent out of the Controlls ; they
resolved jointly to call in their next Neighbours
the French for Protection, who were able to defend
them with a stronger Arm, a quicker Dispatch,
and a better Purse than this funk Esteate surrounded
with an Ocean of incuraous Extremities. That
there w reminded in the Popes both then and ever since,
Affection, Invention, or Expedition, to raise Rome
once again, tho' in another Element, ex alta vini-
æ, to draw their Generation of Garlicnes out of
the Corruption of Power, and to make their
best advantage of their Errors that were wont to
give them a commanding Power, they may believe
of Extremities, which are not in our柬埔ee
and Truth to conceive otherwise. For being put
into possession, by this long desir'd and lately
planted Emperor, of a satisfactio, both for Profit
and for Power, proportionable to the pains which
they had taken, Cam fideve undulæ & tremeare
coardia, about the new Establishme, they found
other means to multiply their Strength and Credit
every day, by taking hire hold of opportunity,
which being left with illenses, returns no more to
Expectation. They began then to establis the
Empire, to make friends to their own Teachers,
Frons of predominant Commands, which many of
their Predecessors had eagerly apprehended,
Taqunum spoed multiveri amplexus, & sablum
(as the Prophet speaks significantly in another point)
but yet failed of the final Scope and Reward of
their Industry. The strongest Adamant that drew Reverence
and Love to the Church of Rome, in the first spring
of Religion, was the Confinacy of so many godly
Bishops, with as the fires of their Blind water-
ed the Plants of their Profession, defring rather
their Seat of Rome, than to deny with Immanu.
Besides, it is certain, that during the short time
of their sitting in that Seat, their chief End was to
bind
hind Subjects to Supiors with so great Obiedad, and Supiors to Subjects with so great Consciense, as thofe Men were esteemed both most godly and moist happy, that were either infeifer'd with their Pity, or grounded upon their Principis. St. Peter's Gallery might very well hold on a conflant and happy course for a while after the main stroke of Our did eafe, that was fet out at the first with the Force and Indulgy of fo many worthy Mariners, as made for no other Port than Heaven: which Observation cannot be thought ftrange, by Men that understand how hard, or almost impossible it is for one Prince that is humorous, fucceeding many that were gufly and indulgent, to work upon the furnfen any dangerous Effect, by Counterfeiter or Oppofition to the Spheres of the former Government.

For to the rifting of this height upon the Foundation of Religion and Inconvenience, fome brought Stone, fome Timber, fome Lime, fome Sand, and fome gave their own Labour and Direction gratis; every one affording supplies and helps according to the meafure of their Strength, or the proportion of his Ability. But after that the Bishops began to find the strength of their own hinderparts broken up, and the fudden infall of little cafe, they got Elbow-room; it was a means to make them fteer their Arms, and extend their Forces into Elements, which like Terra Incognita, were before unknown to them.

Some of the most artificially and reftinely ambitious, finding by the Roman Histories (as it is probable) that Ceyzar was never able to Power, Piusfus praefidium pontificum cum Ceferare potentia conjunxit, hold it as found a couer for them, seeking the like in another Climate, Cesarorum cum pontificis conjunxit: making no doubt but as in Anfophro they had been regarded with Reverence; fo in Cauus, they might be feared with Observation. The necessity while the infurfed all Latins after the departure of Charlemains, to rely upon the Pope's Aid for common Defense: the Bond of Conciience, which moved the greater part of the World in thofe days to refort to Rome, either for Satisfacion to Souls, or for prefervation of Unity: the confidence of Emperors and Kings in committing Cauces of Unkindnes or Difficulties to such a Bishop, as profefling like a Father equal Affection and Tendernefs, was not fuperfeted of halting on either side: the Strife and Emulation of mighty Poefitats to affume thofe Eves of the Love and Friendship of that Party, whom the greater number regarded as a Judge, and few or none for many Years fuperfeted as an oppofite: the Fear and Peril into which fome Emperors were drawn of hazarding their own Fortunes, by difputing his Prerogative: the Contribution of all States, Qualities and Degrees of Chriffians (according to the Cuflom and Manner of thofe Times) to the Maintenance of St. Peter's Succor: the secret Intrefl which the Pope had in many Kingdoms, by the Merit of his Preludezors, that did ftill fend learned Patrons and Doctors to preach unto them Redemption by Chrift Crucified: the exerccle of St. Peter's Keys, by binding and loofing Sins in a kind of Excellency, and Superemineney above other Bishops in all parts of Church: the Conceit which was holden of a Bishop's Concienc, whom the Canons will not fuffer to be Sollicitus de is qui fanti mundi, in composition of any Secular Authority, whose only Object is the feal of Longitude and Latitude: the danger of offending one, whom the greateft part endeavoured with frivolous Affections to please: the fable Union of St. Peter's Keys with St. Paul's Sword to this end, that while the one did open Locks, the others (like that of Nebuchadnezzar) might cut off Impediments: the great Revenue and Demain, which was annexed to St. Peter's Chair, first by the Charter of Charlemaine, and then by the great Countes Maud's Legacy: the Pope's art in contriving the manner of the Choice of Emperors by the Councils of Germany, rather than by Occation of making their Returns to Rome, their Teeth might be oft on edge with a fresh Appetite, to taste of the forbidden Fruit which grows in Hierusalem, whereby compassing the Trees of the Knowledge of Good and Evil, covered with the Leaves of Limitation for fo many Years, to make their Effates once again Absolute: the Pope's Caution in referring to Himself as it were in depofite, a special Intereft (only for pretence) of Crowning and Confirming Emperors at Rome, even after they had been Elect and Crowned in Germany, tho' when they bought it, they didnom complicate it: the Pope's Eye to the retaining of thofe Rights and Royalties in the Prince Electors hands, which they obtained, by the power of Emperors, left the broufed Feathers of the Eagle, in danger of being with the hard Quills, might again be able to carry her up to the Spire of the Capitol: the long lasting, and strongly working Faction in Italy of the Gatabes and Gibelines, Imperial and Pontifical: the falt League between the Pope and the French Kings, ever labouring to maintain the strength of the holy Arms, against all violent and furious Storms, as a Plant of his own Policy: the Rule which hath been ever providently observed and kept by the Popes, in efchewing Quarrel or Contention with any powerful Prince in Europe, before he make himself sure of a Party opposite in the fame degree, and likely fo far as the Wit, or Aim of any mortal Creature is able to extend to make the match too hard for him: the fure hold which the Pope hath of the Heares and Services of all the Clerges, in as many Kingdoms as are Romany Catholique, by exercifing the Intereft either of Invefling or Confirming Metropolitans, that have the highest Charge in the Church, and draw the Conciences and Devotions of Lay Souls after them, by direft Dependency: the Pope's Cuflom of confenting Cardinals and Officers for the Church out of fuch powerful and worthy Families, as may make both them and all their Allies and Friends to be in their Devotion and Gratidude more fett to them: the refervation of certain Cafes, wherein the Pope only will give himfelf Commifion of Oyer and Terminer, thereby preffing the greateft Bell-weather of the Flock, without an express Re- laxation, ab ipso are apoftasis, to appear personally: the device of fending Princes to the Holy-Land, fo foon as ever they began either to pick Quarrels with the Church of Rome, or might be made by their Absence of better use to it: the Local Inter- diction of Priests by Warrant from the Pope, to celebrate for the Satisfaction of Souls, which (so far as I have read) was fift fet on broach among our English Bishops by Alexander the third, about the Year 1170, but not very luckily to thofe that by obferving them with a stricter kind of Obiedience and Awe, than the Laws of the Realm would admit, were in great peril of their own Poffeffions, with Iola of Liberties.
Laft of all, the Garifons and Forts which have been erected and maintained in Defence of St. Peter's Patrimony, were high Steps to carry and convey the Pope to that height of cruelling Princes in their own Element, which many quarrel, some tolerate; but in very truth (if the Cale once come to be their own) none favour. So long (faith a grave and learned Writer, and a Roman Catholic) as the Popes attended those Charges only that concerned the Soul, their chiefest Care, Divine, and Sould was to be protected under the Wings of the Secular Eftate: but the State of the Emperors declining fatter than they rofe, the Popes began to neglect both their Arms and Amity; then fell they to defend by Writing and Discourse, that it belonged rather to the Church to give Laws to the Empire, than to receive from the Emperor; prefling forward flill without looking back, for fear perhaps of being transformed with the Wife of Lot, in Jacob's fables, and abhorring nothing more than the very foundation of a Remitter to the creeping State of their first Agility, the wretched Centures of the Church, either to the Paftries of Honour, or proportion of State: they fludled more indifferently the ways of making Wars and heaping Treasure, than of Reigning Pe- ter's Ship, or inftucting Souls; they fought more fily than fincerely to make their Conftitutions strong by the support of Tyrants and Ulcers, which having call off Cofir's Yoke with Contempt of difarm'd Offendation, found no means to proper the Conneéne of the Church of Rome, for their Eftablishment both in dignity and Security. For proof whereof, I might be tried by In- quiry, whether Robert Guifard having flched Pugia from the fcarred Empire, is that a fair Fea- ther from a feeble Bird, fought not after to that to hold it of the Pope in Feet; and whether Roger King of Sicily in the Year 1150, poffeffed not him- felf of that Kingdom by fuch a trick of Leger- demain, (for all was Jilt that came to Peter's Nest about that time) and many his Successors in that Corruption both of Confeéene and Conversation, became now rather Papafvum quam regnum quam regnum quam regnum quam regnum, quam Confeéene of St. Paul extended alia adieritium carnis, but not paliamentis cel diadomatis.

After this fome of them mounted to that Point of Challenge, as they were not all toms to take upon them the Prerogative of depofing Emperors. For Boniface the 8th after he had poffeffed himfelf (as the German Catholic's report to the Eye of the World in his Habit merely Secular, that is with a Crown on his Head, a Sword grip by his fide, and with Prefeeion that he was as well a Pope as a Prince, at the next Leap gave a greater fhock in the Christian World, which King, Tom in Spirituatione quam in temporali, tho' none of the most learned among the School- men oppofe absolutely to this Paradox; and might as fantily wondred at this armed Pope, as the Priate of Darfur did of his Earled Bifhop, O quam manife- fata tunc exarabat ufer: Episcopus transformatus es egregius facti Catholicus! Urban withdrew not only the Perfon, but fome the Goods of the Clergy from the Trials of Civil Courts. In cafe of Tra- tion the Popes would oftimes have exemped Bifhops from the Bar, the Princes Affairs and their Church would never yield to this Demand as a right by Acknow- ledgment: however at the Pope's Requfet fome of them have been poffeed to remit Wrongs out of Indulgency. Let Plutia give Evidence con- cerning strange Deviles vented, and Plots undertaken, to bring all the Princes of the World to hold their Crowns ad placitum, and in effect at the will of Peter's Successor: Some being called in question for perfonall Transgreffions, fome for idle Words, fome for taking part with Princes whom Popes hated, fome for refusing to partici- pate in Actions which the Pope favoured; fome that the Pope might prefer to his own Friends to their Scources, fome for standing fhyly against Pope- our of Sufpicion, fome to make the Pope himfelf more strong, fome to make his Enemies more weak. And fare I am by Confefion of thole that in Religion were ever conflant to the Roman Canons, that after once the Rule of Gregory was riveted into the Confeéene of Chriftians (in which thole two days were more fearful to offend, than Rudulous to learn) Sententiam judiciis quamvis tyrannv rodam etnendum of, that the Sentence of a Judge is to be feared, tho' unjuif: howsoever all the Laws of Europe in this Cale by the grounds of Nature grant Appeals, what Quaver sooner it pleased the Pope out of Diligence, juft or unjuif, to pretend, himfelf being ever (for the moft part) both Judge and Party, that must be fatisfied to the full, tho' it coft an Emperor his Crown.

And because Homo spiritusis judicabit a ummine, some of the Canonists proceeded fo far in flattery after thefe Encouragements, as to exempt the Pope's cenfure from examination, tho' they carry with them heaps of Souls to Hell: which tho' the wifer and the better fort reje: as a Doctrine fitter for the School of Mohamet than a Scholar of the Church, nor will it ever be reckoned a chofen and probably as well error prædatio, as errorfca- toins, fo long as it fhall pas the print without reproof; and to use the phare of St. Hieron upon like occasions, principum Aftoriiis jugulare. Euanuel the Greek Emperor craving earnestly of Alexander III. that both Emperors of the East and West might be re-united for a greater strength and a more affured Support against the Enemies of the Faith, his answer was, Se collo inque quod ma- jores fui de industria defponsatis: that he would not make his Province of Greece to answer any purpose fover'ld; tho' in very truth it may be known to be a work part in that pole that laid their Heads, and fit their Hands together, being as they were, but Men ad illud separandum quod Deus conjuxit, to make a separation in that which God had joined and fattened. The Alexander the Pope had modestly forborn to answer the Requofet of Euanuel in fo plain language as might move the World to lay to him as the Mid did to St. Peter in the Palace of the High-Priest, Fera en exellis er, num Q uippe inai na munificia factis: yet by the course which this Pope's Prefectors took in planting Sedem Imperii, the Seat of the Empire rather among the Germanus, where by larger di- stance he might lefs offend, than in Roman Metropoli, than in Rome itself, where he might eclipse the Glory of the Pope, we might easily have apprehended both what was the Object, and where would be the end of that Policy. Hereunto I add an Inculture made by another of that rank, with Charlo Duke of Aujung before his eftablifhment in the Kingdom of Sicily. That neither he during his own Prince nor his Subfequents after him, shoud accept of any offer which the German Princes might be drawn to make to him of the Empire: much les that he or they should hunt after it: his fear was (after an ex-
riment) by the long bullfighting between the Pope and Frederick, (who was by right both Emperor and King of Sicily) that the Vicinity and Neighbourhood of so great a State as that Kingdom to Rome, in case it fell into the hand of an evil Neighbour, (with the leaf colour or advantage of a Tite) might spring up easily in the disposition of a Prince that were courageous, an earnst desire of a discontinued Efface: because howsoever Questions be over-ruled among private Perfons upon the ground of the Description of point of Law, yet where the Sword must flourish for the Mahler’s Prize, Præferiptus nulla, quantavosni diuturni tenoris, occurrit Ceifar. I need not at this pretext to name that provident and discreet Cardinal, who in one of the late Conclaves, put in a timely manner to the rest of his Fellows at the choice of a Pope, to beware of too fervent a regard of the Parcellities and Pageons of potent Princes, that Sedna volante recommended their chiefest Favourites to St. Peter’s Chair, to no other end than that they might again, by Quittance of Craft, receive the Western Majesty of the Church of Rome to that bare Jus patronatus, wherein it floored during the Reigns of dominating Emperors; and while they were able to free themselves of that fervile Yoke, which by the loss of many Lives, by the waffle of great Treaure, and the highest Improvement of their Predecessors Art, (that fit their own Lives light in respect of the Churches liberty) was cast off. There are the steps by which so far as I can gather, either by observing the Current of Time, the Reports of Histories, or the deep Impression of Experience, the Popes of Rome considered sometime warily, sometime confidently, but almost ever (after the translation of the Empire into the East) powerfully to this height of Prerogative, which have made them sufficiently strong, as it is fated of David in the Scripture, Cum levabit tesangnam cum agnis ludere, and to tread upon the Apf and the Bluffich. What Soto, Sylvophor, Sinamachus, Novancy, or Bellarmon, either think or publish in their eignly Diffections of directes and indirects, provide and employ the most dextrous and swift, obstinate and tautumnando in ordine ad sefactitiam, it matters not more: because in this point they do merely tranfugsunt data Dei propri traditum foam, leaping like Sheep that are frighted with their own shadow, over Hedges one in the neck of another, without fore-thinking of the Ditch on the other side, vouching no one Tittle rightly to this purpoze out of the Word of God, regarding nothing that is ancient, nor adding any reason of Importance that is now; filling the Schools with Clamours, the Church with Errors, and all christian Eibates with Tragedies. Yet in diplof of their Difquisitions, which are only circles and sharp angles of scholafical Concess; betide the grounds of fofer Judgment formerly fet down, I will produce a learned Jury of those Bishops whom that School-men repate firmly and completely Catho-lick, (whom they emblofan by delcet of Pede- gree the only true and lawful Heirs of Corys, and whom they reverence as his Apofles Successors) that did abolitely relieve in the most fervile fattles to subscribe the Pope’s primate and preeminoent Cenures against their own Sovereigns. They did observe their Oaths of Loyalty out of the Bond of Confcience, without regard of canonical Ab- solution; and never firked upon Threats or Ter- rors that thundred at Rome, from the positive Laws and Duties of their own Countries. They were not ignorant that the High-Priest in the Law was circumdata inimicat, and bound by the Law to offer Sacrifice as well for his own private Sins as for the Sins of the Multitude. They had read that St. Peter the first Founder of the Church of Rome was called Saturn, for giving counsel (that was not found) to our Saviour, after the be- fowling of those Tities of Prerogative which many urge. They find him pinched not behind his back, but reproved to his face by St. Paul, for that he did not hold an strict course for the Prom- ptuation of the Faith. They learned of an Apolline, so far only to follow others, as they were found to follow Christ. They heard that many Popes had revoked their first Cenures upon better information: that Alexander III. gave free liberty to the Archbishop of Ravenna of abstinence from satisfaction to his own Directions, so as withal he gave the teanum which moved him to abdinate; and that Adrian himself encozenth not Obedience inanun tate dube, so long as the Point was in question, or traversed. They were greatly moved with the Precedents of those religious and faithful Auditors at Theofulonice, that examined the Passages of holy Writ alleged by St. Paul, for the better trial of the Doctor in the fea habere, whether they were vouched in a right and proper Sense or no. Laft of all, because they found the Privilege of not Ering in the Pope to be limited by the Schoolmen themselves to matter of Faith, not of Policy, and to be rather Cathedral than Personal; it was a course familiar and usual among many grave Bishops of that Age, to examine papal Cenures as well by the Standard of God’s Word, as by the Weight of the Controffy; and so far only to give way to insiprant Jurisdicization, as it might not at the issue of their Lives unhappily fall out to them in fugulatorum cordis, that they had run counter. If they have either Caufe or Colour to challenge any one or more of this Jury that is impannelled, ex bonis nobis legitimus, for Trial of this Point in question, as prejudicial either to the Caufe, or to the Church, I will undertake to fet him rednus upwitch, in iis quo Caritas non est, that is, the Faith and the Records, that be greater pain than I need against any of the Schoolmen, that mould daily new Difquisitions out of the Quinteessential of their own conceived and self-pleasing Wits, without the rigbt Stamp of Antiquity. I have touched by discourse precedent, how far Philip the French King, famne for his Performance Le Roi, was fcecill by the whole Clergy of his Realm, so far as concerned the Bond of their Alle- giance and Loyalty, nam obtineo the rack Proceed- ing and pertinency Cenures of Pope Boffe. To this I add the Anfwer which was made by Hincaur, Archbishop of Blofes, to Pope Adrian, (forbidding him under pain of Cenure to yield either Reverence or Service to the King, as to his lawful Sovereign) that Pefons of all Qualities, as well Ecclefiasical as Secular within the Realm of France (assemblfed upon the Publication of the Pope’s Cenure) had fet down this Conclusion with a kind of Aflonishment, quosdam qui preceflorum foam, but no such Injunction was ever laid on any of their Predecessors before that time. A Strong Evidence in my Conceit, as well of Novelty as of Injury. By another grave Report touching the Kingdom of Sicily, I find in an Epifcle of the Arch- bishop’s of Panormum, how flange the Bishops of that State held an Oath of Obedience to the See of Rome,
Rome, tended by the Pope's Nuncio to one of them at the receiving of the Pall, and with this strong Exception, Non inseris te de bonis suis promisso statutis in Condilis, that in the Councils no Canon could be found, whereby to prefix the taking of such an Oath, by an Archbishop. Yet can I not deny that Sixtus did more depend upon the Directions of the Pope, by the Condition of some former Contract between that Kingdom and the Church of Rome, than many other Provinces.

When Gregory IV. had a purpse in his head premonitory to proceed against Lewis le Doulonar, the French Bishops in flat Terms answered, St. Paul, &c. that they would not submit their Judgments to that Office; but the Grund thereof being both weak and unjust, he should well know what uncommunicativeness of decisions: If he at one time with Purpse to excommunicate, he should depart excommunicate. Add unto this out of a French Record, an Indict of one John Fancorrel, condemned by the Divines of Paris, for labouring to demur that the Pope in some Cases might depose the King. So strange was the Doctrine of deposing Princes, and transposing Crowns, effectually evinced in those very Times which are thought to carry the strongest Tincture of Affect, which many call Spiritual. But if it be true, that such Indict, and the Indict of Innocent the Fourth, Curses, as they are the ordinary Monuments of those brave attempts and undertaking Curses against crown'd Popes, there might be some better Colour of Excuse, the no better Ground of justification (because neither we have any such Custom, nor the Church of God.) But we know that Prerogative is the Magna Charta which they wish to purflle this Point; and let the Prince (against whom the Pope intends or pretends a Quarrel) be as Catholick in all Points of Prerogative as the Pope himself, yet he cannot have his Stake in seeking to save his Soul; for the Challenge being once on foot, until the Supposition be acknowledged, the Curren qualifie, or the Pope satisfy'd, there shall be no other ground nor object of the Proceed than Heryf. This moved many Bishops (notwithstanding their Obedience to the High-Priest) yet to examine the Condition, and whether the Direction were ab initio fraudem legem Dei, or Mefia hilmec. The best learned among the Schoolmen make not Obedience either an Abstrac in the Clouds, or an Necessity (as some to the Prerogative of Princes) a newe fait, but they conceive it as a Duty rangers by Prescription ad legem Evangelicae.

Upon this ground of Realon, Equity and Conscience. Gerhardus Archbishop of Rouen, was drawn to an absolute Renunciation of any Grant that can be made to any mortal Man in particular, of so large Capacity, as quocid quiht Recat, lest that Perfon being foresett, corrupt, or seduced by Fear, Gain, or Ignorance, might put all Crowns out of frame; with that further Advice, that in Liimation of Power, the Holy Ghost, the Prophets and Apostles, and the Canons of the Church indited by God's Spirit, and observed in all Ages by those Fathers whom the Holy Ghost appointed to direct and govern the Church of God, might be Lex communis Ecclesiae Catholicae. This Rule gives a round superfluities to Mr. Garnet, and his Schoolmasters: and further we find, in the learned Bishop of Chelmsford, to far a Friend (how hardly ever the Priest, King dealt with in him in respect of that Convenence from that Convention, where in the Popes Proceedings against the King were sharply censured by all the States) as to deny the Submission or Subordination of a King to any Superior in his temporal Eftate. And the King should refuse of his Submission to give cause to the Council of the godly Bishops, (which was the Caf as he conceived at that time, being infinitely addicted to the Pope) Divina tamen judicio relinquitur effer, yet he must be left only to the divine Chastishment. And as Brevton faith, Sofficit ei ad paenam quod Deus excipiat atorem. How commodly and how often the Synods, Parliamentes, and Schools of France have run upon the Princes of papal Councils, in defence of the King's Eftate pravum, sometim in their Decrees provincial, sometimes in their Sanctions, and sometimes in their time by Prohibitions, which cut the Sines of all Supravol Commandes with so sharpe an Edgne, as after that they were never able either to march or move, I need not amplify, but only point with my Finger to the Coronation of the King now Regnant at his first Entrance, by Bishops, Roman Catholicks, (without either awe of Superior, or fear of Censure, or cogniz of Irregularity) while he stood within the danger of the Curie; and conclude this Point with one Example very pregnant, as I imagine of S. Lewis, intreated by the Pope himself for the Lust of all Conferences and Councils in the Roman Calendar, notwithstanding his severe Decree, that no kind of Levies or Taxations should be made in France by the Pope's Intruments, without the knowledge of his Privy-Council or himself, nor then alter, but in Caufa of evident Necesity.

But now left Mr. Garnet or his Complains should except against the State of France, as over-tickled in the Seat of Satisfaction, when the Scope of the Church is Gain; the we must add some greater weight of Credit to their Courses, in respect the Bishops were both Orthodoxal and Canonical, and did attend to their Publication with the other Pope: I will prove further, that in Tenders of Care to preserve the Prerogative of Monarchy within the Bounds and Limits of it self, the Kings of England have neither been inferior, nor leal fentive. May it therefore please Mr. Garnet, and so many other of that Suit as hold the Subject bound to follow whatsoever is decreed at Rome upon Supplication of Heryf, or suggested Shows of Inimicaty against their Sovereign, to take notice of the Titles, Names, and Judgments of their Authority, which shew their present to their Confederation; not from the Papal Zestures, which may daflate their Reft, but out of the Lift of English Authors, binned among Catholicks with golden Characters.

I will begin with the firit of our Kings past Conquissions, and proceeded to others as they fall into the Circle of exception in their Courses, and proceeding orderly. Quis Papae consecrati liberales? What hath the Pope to do with the Liberty of an Empire or Kingdom (faith William the Conquer) to whom it rather belongeth to take care of Souls, and of the Church's Security? Afterwards, in that quick Conception that fell out between William II. and Anjoule the Archbishop about the Pope, (tho' I will never avant this King to have been an holy Confessor, nor all his Expeditions to have been regular Demands) yet they must give me leave to note with what Affect and Resolution, notwithstanding the Pope's intercoming to make himself a Party in the Quarrel, the Bishops did adhere to their own Sovereign. Now is it not a sufficient answer, Your Holiness, faith Henry I. must understand, that by God's holie
Dignities and Liberties of this Kingdom shall receive no wage of Abatement during my Reign; for tho' I had an Honour of emblazoning my felo de socco and a Channel of fames Grandes, and others, as to the right of the Realm, did not optate notas, inuit tutos Anglie gappiti id mitte ad honorem paternius; yet my Peers, nav, all the Commons of my Realm would never suffer it. And after this, the Bishop of Exeter sent to Rome, received a very gracious and mild Answer of the Pope, touching the Kingdom's Liberties. Henry II. would admit no Legate from thence, nor Repair of any his Subjects to that Sea, before they gave Security, quod mulus non vel regem non veas quae est.

The Suffragan of Castrubury in very modest and humble manner added Thomas, his Archbishop, rather to appease the King. William by a summative Letter, which had ever been the course of Proceedings among the Papists primitive, than by heaping Coals to inflame his Papilions, in so violent and desperate a kind, as might perhaps cause a Revolt from the Roman Hierarchy.

Nahuizgenas, another Countryman of ours, compared the Archbishop's Opposition at that time to the King, to St. Peter's Seal, in the Question between him and St. Paul. For tho' no Man dents, faith he, that the Archbishop in this Particular was solo fervidus; yet an placit et judicium infirmum, wasNR, whether sufficiently, and according to the Right, in the Form and Substance in the Preachers, That prudens in temperate tempus, quia tempus vanitatem, a Woman will hold his peace in time, because the Time is evil, as he thought that to be. The Speech is modest, and yet declarrath, that even in those Times Men that were void of Passion, tho' of one and the same Profession, coming to the Point of Confidence, judged differently, without either intermin to the Subject, or wrong to the Sovereign: which makes me the more to grapple the Wisdom of that Canon of the Church, which (with great reason) daubles over rough preaching of Sours deeply heated, or over-quickly proceeding in a time when Centuries are set light; for Experience hath taught, that this were but to cast Pearls before Swine, and to give that which is sandia, simulacrum.

The whole Reign of King John, being in effect nothing but a Tragedy acted in the Eye, and to the Scorn of England over all the World, between the Pope and him, our Bishops skirmishing sometimes (out of Confidence) on the King's side against the Pope in this Fractio of the politick Eftate, and sometimess (out of Passion) on the Pope's side against the King; yet the greatest part of them at Windsor, as one of our Authors writes, Non egressa sanctitati quo Rex erat innotuit, did communicate and religiously receive with him.

Henry III. suspecting some hard measure (as it seems upon the fainnt and horror of Examples past) expedited a formal Oath of his Bishops that required to the Council of Liouns before their sitting forth, that they should attend to nothing there debated, or be decreed to his or his Crown's prejudice. At the same Council the King complained (not by the Virtue of his Letters, but by the Voice of his Bishops) of a territorial Claim pretended by the Pope of an Impalement, under the math and colour of Episcopal Adlent; which in the behalf of all the rest, was roundly contradicted by the Metropolitian. Upon notice taken of this Complaint, the Pope alluding to the Spleen of Frederick the Emperor against his Predecessor, said that the King of England began to Frederick: but it skill not much, said he; for, habet Rex Anglicie fumum constituere, et ego munia; as he might very well, and yet be no Gainer.

Godber, but at Sir John Lexington to all the Bishops as they were assembled in the House of Convocation, with an express Consent, that they should in no ways yield to the Pope's earnest Infraction for satisfaction in a Demand: To which Prohibition, as my Author writes, et ipsi potenter, they obeyed accordingly.

Edward II. stood resolutely upon the Maintenance of his Gift of the Treasurership of York against the Pope's Breezes, striving forcibly by the Colour of a former Grant, to prefer a Nephew of his own; and upon what Ground? Because (tho' the King) the Peers of this Kingdom are bound by their Oath of Homage, to maintain the Rights and Liberties of this State, whereas Collision of Dignities hath ever been reputed a special Branch, and therefore cannot fail considerably, admit or induce the least Blemish of an invested Honour. For if it were not lawful for the Bishops of those Ages, as appeareth by Record, Pudens Laetius Rerum Ecclesiæ obligeas, to tie a Lay-fee upon the Church of Rome; how much less is it reasonable, lawful or convenient at this day, to engage either the Prince's Right, or the Subjects' Loyalty?

To thee I add a very earnest Letter written to the Pope from the Bishops of such a Style, and with Ink tempered with so sharp Ingredients, as ex uogulis loeens: for he doth there protest, and that with some Fervency, Se jus regni fui contra papam, et omnes defunctorum: that he would defend the Right and Title of his Crown against all Persons whatsoever, without Diffusion or Diversity. I note by this Occasion the Temperance of the Pope at that time, who neither replies with Papilion, nor thunders in Hear. For tho' it be true that England by Pollution and Sighth hath a great Advantage of many other States and Kingdoms of Europe, that are neither so well fenced, nor so compassed and Bese with Sea, proposing to stand resolutely in defence of itself, tho' the Caufe were good, and the Prince martial; yet it appeareth, that the Pope for his part allo was more patient than some of his Successors (impeached by more Difficulties and stronger Impediments) have been since that time; or else considering the Claim which he pretended to Collations and Inveilures in many other Estates, where he found Princes more afraid, he might at the least have made an Offer (tho' to small effect) of his virtulent Exceptions, which being used without Difcretion, are indeed but the Vellies of an undisceret Pastor, to take the Words of Zachary.

Neither Law nor Nature do allow to any Agent, pascham operandi, for the Maintenance of it self, fine preaparations mediocritum, without the preparation of Means proportionatural to that Faculty which it affords: and therefore in this Cafe we must infer, that either the Pope wanted Papilion or Power, or Infrumments to further his Ends (according to the scope of his Defire) powerfully. The Abbots of Toynight was fined at five hundred Marks, for receiving a Bull from Rome, wherein there were but algeta una regina, & carnem sine prejusideia. The whole Court of Parliament, wherein the Party of the Bishops and Abbots a among the Lay-Peers, for the number was not weak, gave their Promise to King Richard II. with Proclamation to defend his regal Rights and Immunities against all Opposition, tho' it were made by the P P Pope
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Pope himself. And herewithal I note the Reston in the Record, suitable to the Refutation (which was spoken of before) left the Crown of England, which had been ever free from the Refrain of any superior Command, might on a sudden flip unsawes into the Snare of Servitude; and therefore the main Article in Parliament inforced for the preservation of the Liberties of England. That he had false Bulls from Rome, imbrather the Crown of England, which was free from the Pope and all other foreign Power.

The Pope's ignorance in the State of English Affairs, was the Motive by which the Willom of the State was drawn during the Reign of the same Prince and all that succeedcd, to condemn, disdaine, and reject all Bulls or Briefs of Direction from Rome, that stood upon no Warrant of Certificate from some Bishop in the Land to guide his Aim; and that Bishops (as we by the Reports of History and Record) were ever the wotie elearn'd, and the legs regarded by their own Prince and Country, that past over to seek foreign Aid, when they might have found greater Eafe, by referring to their home-bred Oracles, and non ad transtunmancia judicis; which they ought to do by the Council of Carthe.

They that desire to be more particularly informed of the prosperous Success of some Bishops, that were forward in execution of the Pope's Orders without Licence from the King, may find a Seizure made upon all the Temporalties of those Bishops of Ely and Norwicch, for the Publication of a Bull against Hugh Earl of Chester: and further observe also, that the Bishop of Ely was condemned of Felony by a Jury at the King's Bench, notwithstanding his bold Challenge to be vatus Domini & frater Popes, the Pope's Brother; but a younger it seems, by bearing his Dignity with so great a Difference. The Bishop of Carlisle in like manner (notwithstanding the Privilege of Unction) was condemned of High-Treason at the Bar, (tho' not in the Pope's Cause) in the Time of Henry viii, whilst the Pope's Legate to Bevone spared the Life of Athelard out of a special Favour, and a kind of Reverence to Religion, Quia portatus arceau Duniou, because he had once caried the Ark of God; yet by that he calls him vivum martis, I may lawfully conclude, what in Justice he might have done considering Life: but of his Depivation the Text itself gives clear Evidence.

I add to this Example the learned Judgment of Bapstis Batinus, a profound Citizen, That a Bishop offending in case of Treason, cannot be exempted by his Function from Treason by the Judge merely Secular; and for Proof hereof no Man can witness better than Philip de Comines, what Flight answer was given by the French King his Master, to the Pope's incessant Suit by the Nuncio, for the Release of a Cardinal, whose Place and Dignity was more eminent.

In Spain itself, which feems in this Age to be most prefect and tender of that Point which is termed the Church's Liberty, (tho' neither circumferited within any certain Limits of Admittance, nor defined till this day by any Doctor of either Law) in this manner: That the Bishop of Cadiz was confritained by the State to recall a Sentence against the King, which the Pope himself hath both encouraged and justified. Don Pedro King of Arragon, in scorn of the Pope's Charge, under pain of Censure not to take upon himself any longer the Title of that Crown; which, out of his own particular Affection he had settled before upon another Prince's Head, intituled himself Imperator maris, & regnorum dominus; meaning rather to advance than diminish the Style by the Pope's Ladder.

Many of the precedents, as I could expect at better Leisure, have witnessed pernicious Centuries of the Church of Rome, almost ad deliquium usque: sometime upon Supposition of Inconstancy; sometime upon the flay of the main stroke: of that Oar in their Effate; sometime about Confessions, Transpositions, Invidetudes, without any inward Gall or Vexation of Conscience, for expiating a Pope's Humour in defence of their own Prerogative. Let the Walls and Battlements of the Saint Angeles in Rome, bear record of the Piety, Patience and Humility of Charles the Fifth, Grandfather to the King of Spain now reigning, when the Pope in Fadion overbrainded both the Duty of a Child, and the Patience of so great a Pontificate. I think Mr. Grevet will admit, that those thousand Years there was not a more obedient Daughter to the Church of Rome than Queen Mary, that could never rest in quiet, till she had reduced the straying Sheep of her Dominions, as she conceived, to St. Peter's Fold: and yet without regard or awe of the Pope's starr Censure against the King her Husband, she never gave over aiding him with Money, and afflicting him with Force, till he was perfectly reconciled to the Church, and the Strife determined. For one by the Law of God she found herself perfectly bound in cleaving to her Husband, with whom by Union she became una coma, to forsake all the World: so in the same Law she finds in point of fact no stricter Bond, nor stronger Warrant of Obedience to the Sentence of the Priest, than the oberves the Priest to ground himself upon the Law of God; that is, quae ipsa secundum Lex eccesiis: which Reft is indeed that Legis Lysias to which we ought all to resort for the Reform of all Errors committed in the Churches: for the Image or Stamp fewer they seem to bear, in case we find them oftentimes embroidered by an Alky, and apt to mine into the Foundations of Equity and Piety. For till I see it clear either by Doctrine or Experience, that God created all Men Stoicks, or rather as void of Sense as Stoicks, and infinuated Popes not only dispositiones myteriwm, Distributors of his Mysteries, but tamquam angelus inae, as Angels of Light, or more than Angels of Light, because in this, as in other reforms, inward providences; I must borrow leave in differing matters of this Quality, to make use of the little Reformation, and the true Rexpect I have; leaving those that are of another Mind, to borrow such Difcretion by Observation, which in this World all Perions at all times neither ever had, nor can ever have.

By these Precedents and many more, which time serves not to dilate or to enlarge, I hold it very clear, that both Princes and their Bishops have obeyed those Papal Censure in matters touching their Prerogative and State, neither longer nor other than Debility or Necessity enforced them to observe. Many of their Kings, in a form of Dilection, The Decreases privative have been often squared by Lawes positive; and that althoug1 many Kings have made a show to be mild Spectators of their Neighbours Harms, yet if the cafe came once to touch either their own Affection or their Right, they were con-
tent to read without the ordinary Conformants of the Roman Alphabet. If then the Weapons with which our Antecedors fought against Ambition and Wrong, have been eaten into by the Cankers of Superfluous Fears, or overawed by retchless Sloth; let us consider what with the Power of Ignobility; (since these her Alarms begin to found) before we be forrizped in ever-great Secu-

ritv; and by retorifying of the Holy God; we shall the better understand, according to the Qual-

ity of Superior Commands, either to lay down our Lives, or submit our Conformity. It was in my conceit a Pain well taken of late Years to reduce the Peas of our Saviour’s Nativity as near to the right Term or Period, as Art and Industry could devise, by taking up the lose Minutes which by trial of the Time and multiplication of Degrees had drawn out a wider Dilliance by certain Days, than was consonant to the first Calendar: and therefore the like Labour in another kind might worthily reduce the Challenge which Popes have pretended in some cases above Kings, to the same proportion which it held under Gregory the First, Leo, and all other Bishops of that See before that Date, by cutting off Encroachments, which by fractions of Time have brought the Church into Scandal, and the greatest part of Princes into Jeau-

sonship. Now all this was not without reason. Wit contrives, Affiliation furthers, Confidence prepares, Scrupulosity contentts, Strength prevails, and Majesty followeth.

Now must I begin either by Mr. Garnet’s Leave or against his Leave, to rip up the false Stitches of the Canon, Nos sanctificata praedecessora, confid-
ently vouched at his first approach to the Coun-
cell-heard, after justlified before the Lords in Com-
mision, and at this instant flood upon (as our own Ears can witness) in defence of that suppo-

sed Insinuat of disputing or dispatching lawful Kings, which is the binding Knot of the late Gore-

dian Confronomy. For the husband Men that either follow learned Confidence, or any certainty of Direction or Rule, will tax Mr. Garnet’sulate in preproving Censures, which the Pope did never yet pronounce, in dealing worse with his own So-

verainty, than any other Prince in his Condition, running without an Errand, and rebellning without a Colour; yet I will take this Canon for the time de bene jde e, as it is, ac suficiento fundamento eis inceptum.

This only Principle (if I err not) hath more affected, defaced, and diffusid the Pope’s Means and Infriments, in working his own Ends, than all the Batteries that have been bent against the Vatican for the space of five hundred Years. For what Prince under Heaven can repute his State secure, so long as every small diftale to the Pope’s defire may ground a Challenge, the Challenge may procure a Citation, the Citation may produce a Sentence, the Sentence either neglected or not satisfied, infers Contumacy, and Contumacy deprives the supplied Deliquent of that Honour which Nature gives, Confidence avours, and Con-

fident fortifies; so as in this Cafe either Gregory the Seventh in respect of his ill hap, or no other Per- 

son upon Earth, hath reason to acknowledge that Rule of the Holy Ghost, that in quo peccamin, in cedem plebitionem. The words of the Canon strongly bent against the Crown Imperial of Henry IV. are not many, but yet heavy, and in English thus: We observing the Statutes of our holy Predecessors, do agoe those that are bound by Fidelitv and Oath to

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Perfons eXcommunicated, from their Oaths, and do forbid them to observe or keep their Fidelity toward them, qualupque ipsi ad satisfacionem veniant, till they come to yield Satisfaction.

Thus far the Text of the Canon expressis ver-

habitos. In his case call (or rather deuoratus) that Pill not of Gold but Guilt, which is preserved in the Cabinet of the Church at Rome to purge Princes of their Choler in morbis acutis, in hot Fovers; that is, whenever they begin to 

"squaire with the Pope about any point of Ecclesi-

astical Prerogative: and since Mr. Garnet for his own part likes the Composition so well, as that he shrinks not in defence thereof to hazard the Life and State of his matchless Sovereign, and his Royal Fulle, supposing them to be more sick (God be thanked) than they had themselves; it behov-

eth me out of Affection and Duty to my dear Sovereign (the otherwise unworthy so much as to gather herbas agrestes with that Child of the Pro-

phet, in die critica, upon this day critical) to exa-

mine the first recipe as I find it formally subscribed by the Pope’s own Hand, that by more heedful looking into the quality of particular Ingradients, I may the better understand, by Understanding judge, and out of Judgment relive how well it agrees with the Precepts melioris aedi, both in Pro-

portion and Property.

In order to this first Ingredient (of observing Statutes) I confess to have a great effect in working the Cure of any Grievance to the Church or Common-

wealth: but yet I find it not of use among the Canonists, that exempt the Pope from the regular Observation of any Law or Statute, that out of his own Election he likes not to follow. But to the matter, I would learn whole Statutes they are, or by whom enacted, or in what Parliament, that Gregory VII. intending to depose an Emperor, (reestablished by the Providence of God, and taking God’s own Office into his hand, by making himself in this point Simeum Atfiasius) will observe them tenderly. Surely the Prophet David was ne-

ver in the number of those Predecessors that pro-

muligated any such Decree, condemning Perfons with all kinds of Prefumption or Discontent, that shall induce a Subject to lift up his Hand contra Uniam Domini. Our Saviour was none of them, com-

manding his Disciples to give unto Caesar what is Cesar’s, and rather to endure, than offer violence to any Man, much less to Magistrates. St. Peter, that ought to be the first in respect of the Deceit which the Popes derive, gave never any Voice to any such Decree: for his express Command to Tyrants, whose Authority was absolute, Saint Paul was none: for he commanded Prayers to be made by the Faithful, pro regibus, et annibus qui in subiiciatione constitui sunt, for Kings, and all those that are placed in Sublimity, as at that instant Nero the Tyrant was; and to what end? that under them the Christians might peaceably live.

Out of the rank of those Predecessors, he must 

exclude Pope Urban, who touching the Rule of Confidence, relented rather to obey God than Man: but touching the point of Obedience, made no kind of resistance to opposition to Tyranny. And Origen’s Opinion was, That sum inrinin grace quin vindiciari vult Deus, non per Anficitias, & Privatae Ecclesiam, sed per mundi iudices qui vindiciari. He must exclude Marcellinus, that offended no Magistrate any further, than to make the Church of God know that Caesar’s Decrees were to lawful Warrants, as home taught, for Idolatry.
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He must exclude Cæsarius, who being charged with a Cæcure of entertaining Intelligence by Letter with St. Cyprian the Bishop of Carthage (at that time) protected at his Death, that the contents of those Letters had no other end or drift, than preservation of Souls. So far were they from derogation of Obedience to Authority, as St. Gregory never had read this Statute: for unless they will avow that Servus may be ipso Dominus, which Christ denies, they must confess that Gregory acknowledging himself a Servus dei ordinis, he could neither overtop him, nor reign over him.

Neither is it probable that Pope Anacletus to an Emperor of that Name would have written, that the breadth of his Clemency was the shrine of public Happines, and that his height carried the place of that Lienency, which God commanded to rule and govern upon Earth, if he had held him a Tenant of his Crown to the See Apostolick; and therefore with our venerable Countryman I must conclude, that the Muster-rule of our Life, is Ecclesia praeest et curatur, and stigmatize the Examples of the Church Primitive.

But if (notwithstanding this Obedience) they will enforce a Man to reign, who with his own Mouth doth profess the contrary, which is to serve; let them call to mind that Observation of the wise King that ever was, That one of the chief Instrinments, Per se que scetur terrar, by which the Earth is shaken, is Servus cum regnatur. I know not what Pope can pretend a better Title to the Prerogative of making Laws and Statutes, than all be some of those which had their Course, and held that Chair; and yet we find not that all this while the Case was put (much less ruled) by such Laws or Statutes, as might either countenance the Pope's Challenge, or excuse his Intrusion. But why should we thus puzzle or afflic our Spirits in turning over both the Teflaments, in ranflaking the Volumes of the Councils, or in founding the Judgment of the learned Fathers about the Names of those holy Prelates which are only recorded in their Library? In singling some of the Principals from the body of the Lend, and hearing them expound their own Conclits in their own Words, it may perhaps be found that their Reputations in this point have been further reduced, than they can be blemished: bare Words are not to be recorded without demonstrations of Right, or impreisions of Acknowledgment. But in the course of my own reading (which were sufficient to find out a black Swan if any were, tho' not so well able to resolve a Doubt as many are) I may profess that I could never light upon a Precedent of any Pope before Gregory VII. that took Notice for any purpose, much more enacted or approved any for the maintenance of this depos'd Challenge; altho' in care there had been such, I would hardly have preferred the Practice of any Sinner that may ferve, before the Precepts of a Saviour that does Doffence from Deity.

The Civil Laws decree, That si principes confirm inter partes audietis et faustamentis disceris, igitur lex in omnibus fruihus: If a Prince have a heard a Cause among the Parties and pronounced Sentence, in all like Cases it shall stand for Law; much more in Cases of Obedience and Sufferance, which Rex Regem is. If the Kingpronounce both heard and determined. For if the Schoolmen have resolved truly and advantly, that the Pope cannot remit Sins without Sacramental Ministration, nor alter

Forms effential, nor ad placitum release Vows; because this absolute Prerogative only appertain to the Key of him which opens and no Man shuts: much less can any Pope out of the strength of Pasion (ior warped and involved within many fields of fair Appearances) deprive Magistrates.

Whether the Chair of Gregory VII. brake or not (as one Writer notes) at the pronouncing of the Sentence (because the Pope or the Sentence, or both Pope and Sentence were too heavy for a Chair that had not been so far preluded or far charged for the space of a thousand Years) it is not my purpose at this present to dispute; but I am very sure, that the Policy, the Discipline, and Order of the Church received a great Crack, when the force of the Spirit was perverted and abused to the satisfaction of inordinate Desires, which Mortification should rather suppres, than Ambition execute. For St. Bernard wrote with great Judgment to Pope Eugenius, that Episcopi & ministri Ecclesiae aviceulent politica, when Bishops and Prefets of the Church intermeddled with Civil Policy, (I mean so far as may put Princes to their plunde) they invade the Limits, they disturb the Functions, and thrust their Sickle into the Harvest of other Men. If none of the Predecessors of Gregory VII. (in which many were Religious, regarding more internal Piety, than external Pomp) were privy to the Reaon or Promulgation of such a Law, but Gregory himself first undertook the Exercice damori gladovum, of two Swords upon a week Text in St. Luke, (which is not taken in that Sense by any of those Fathers whom Thomas Aquinas researcheth in evanue auctoribus:) Is it not then more than probable, that this Law was both created and proclaimed in one day, without any former Precedent or Record, either in alio Praestum, or in subreco Martyrum?

Triflicium is grave and learned Writer, living in the Year 1053, who was about the time wherein the Pope was put into this Hear, affirms, That this Question was then argued, but not determined: and where? not inter Episcopos, but inter Scolagogias, among the Schoolmen. Whether it belonged to the spiritual Jurisdiction of the Pope, to deposite an Officer from Sovereign Majesty.

The Church of Liege in like manner in the same Quarrel, and soon after the same time, avow by Letter to Pope Poc Trial, that none of those holy Predecessors of which Gregory VII. speakes, ever drew the Sword against any Emperor, before himself, commanding that great Lady the Countess Mund (that in her Life depended wholly upon his Direction, and on her Death-bed left a rich Legacy to the Church) and that in renuntio pecuniarum, to perfecut this Prince: whereas Christ himself, whom Gregory should imitate upon the same occasion renuntio renuimiam, that is, as we forgive the Trefondes, enjoineth his Disciples to forgive their Enemies, and that not seven times only (which agrees well with the number of septimus Gregorius) but seventy times seven, using the number of finite for infinite, which agrees better with the Duty of Gregorius Episcopus.

Ogdo Frisingensis, another Author of those times, concouring formally with the two preceding Writs, affirms, that legenda & regenda, in reading and reading over again the Lives and Actions of the Roman Emperors, that the Emperor that Rank, that before Henry IV. was expelled or depoited by the Papacy. Wherefore the Proof 

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flaming very clear and pregnant, as I take it on this side, as well Quia probatur manifustum, as Quia von probatur contrarium; that this Act of Gregory found no Right antecedent whereupon to ground a reasonable Consequent; I would gladly learn for my own Instruction of any Writer, modern or ancient, whether it were a just part in a Judge to condemn an Emperor, confit undispect, or a wife part in an Emperor's cause. I would have the Pope's hands without further hold; or a religious part in a Pope, to vouch such Records as are not any where set down, but they be not in Tables of Ice, blego fistitus avis, the Winds blowing Suturer. But it may be I have mistaken by Error, or overheard with Haste, or omitted by Prefecture such Predecessor to Gregory, as was Author of some such Act, without any kind of Exception made in the behalf of the Prince, either of Invalidity of the Sentence, or of Peril in the Precedent. For this Pope voucheth Zacarthy, a Predecessor of his own, that deplored Chilbierick the King of France, tho' as Ciflofus reported to Augustus, the heart of Ben- tenywell nor on his, so much for any Crime committed by himself, as because he was reputed sanctus, unprofitable, or of no use to so great a Monarchy.

I would be lest that any Man should hold me fo presumptuous or undiscreet, as to carry over a Question of this Importance, with a peremptory Strain, as if no Author had reported this Supposition of Chilbierick to have been in very deed the powerful Act and Execution of Zacarthy. For I acknowledge that some fuch there are (tho' earnestly transported with a desire to raise and improve the Reputation of Rome, by an effect of his) that all the Authors before me have never been only to be heard in a word or two, and so far to be credited, as the weight of Reasons may demonstrate, that only the Peers of France deprived Chilbierick by uniform Consent, howsoever they were providently careful afterward, that their Proceeding upon tickle Terms, might pass more currently the Voice and Censure of the World, by Approbation of so grave an Oracle. But here in first I note, that Gregory gives Evidence with his own Mouth in confa propriia, in a Cause that concerns himself, which fislacio did not, appearing ad Legum et regimenuum; nor our Saviour, excluding any Man's Report, Qui de ficto perhibet regimenium; nor St. Peter upon Advancement Ser.

The Civilians allow not this Pro-, regative to Caesar, nor the Bishops of Africa to Zanius, nor Johannes de Parisis to any Pope, nisi scriptura autem autoritatem, unless he be supported by the Warrant of Holy Writ; nor the Canons themselves to any mortal Man that may be subjected to Affections. But I will let this Advantage pass, tho' it may seem strange, that whereas the Figure of St. Peter's Person was sufficient whilst he converted upon Earth, to cure private Men of their Infirmities, it happens after his Translation into the Mount, that the Shadow of his Function should prevail so far as to the upprejudice of Monarchies.

Fifth therefore, in disproof of Abdolbran from Oath, and Deprivation of regal Jurisdiction at this Pope, I take hold of the Glafs it self, expounding this word depositi, for deponentibus ius confessit: For hereby it appears, that this ho- nest Man being far from their Ambition and Pre- sumption, that hold it a great Honour for a Pope to depose a King, sought carefully and modestly to acquit that Chair of an imputed Crime, (or Error at the leaf) applying the Text of his own Record to the Tellonius of the bett Histories. For in a Story found in the Library of the Abbey of Bel- du in amongst the Germans it is plain, and by the Report of a French Writer very antient, that King Pelin of France was forced to depose Chilbierick by the whole Nation of the Franques, reslouetia tannumumo soflui ad fedem Angliasculam, report being only made to the See Apostolick. It is likewise evident by the same Author, that before any Ambassador was sent to Rome from France, this silly Cypher of a King, van vs fed uno-

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ntumumo regnavat, was a King in Titled, not in Truth, and did only fill the place of Roy- alty upon the Stage of Scorn; and therefore when the Realts were all converted into Nominals, let no Man wonder at the Voice of Rutification, but rather note the Reproof of Imbecility. The whole story and stroke of Affairs in the State refted at that time in the hand of one Person only, that was Maure du Palais, his sole Act was authentic, his Word was Law; to him they referred for Resolution; to him they gave Thanks for Satis- faction: and therefore if it be true that privatio

pro subscripto habitum, it must likewise be true that Chilbierick could not be deprived of a State whereof he was not possifled at that infant, without new Grounds of Philosophy. Another Author writes, ujiflie Barones ad Zacarianiam Papam, that the Barons of France sent to Pope Zacarthy as it was to consult, whether ingenius peers a Drone that devours, or a Bee that labours, were more worthy of France to commit into the place of that Zacarthy, not unlike in this to describe the Great, bestowed his Voice of Approbation on him that should be dignified dignissimus. Gavius makes a Question to be moved to Pope Zacarthy from the whole Etate of France, by this kind of Compa- rition, Whether of these two Persons, datis elec- tionis, free Choice being given, were more capa- ble of Government, he that spends his time at Home nihil egens idlely, or he that bending his whole endeavour to Affairs ingem erit virtutem publico negatur underatores. But the Pope's answer being (by the Report of this Author) as was testified before, hoc additis responsum Proceres fili Regum dextrorum, the Peers induced by the latter, chose a Peper King, that in point of Fact, submits no Claim of Right, to the Pope's Answer out of Discretion, implies no Bond or Obligation of Necessity. With this Opinion concurs another Writer of that State, proving by an expre Deduction of the whole Cause, that the Choice of Pepin proceeded originally from the free Confront of the French Peers; for pre- vention of all Doubts and Scruples, left Male- contents might affcrve the Proceeds rather to reper- tive Fideicommision than to fingle Faith, there was great use of the Pope's Authority deponentibus in alias Pro- cerum, resolving the Doubt which caufed the Peers to fuge. That Doubt had been the end, whether Chilbierick were caufed to depose a Peper: but abundant cantela van nones, and the Perons that either are not at all, or very little intertled by their own particular in the Point in qu.ion, are premised by the Law to regard the Matters with Eyes of great Equity. This manner of proceeding is not strange; for foch fearing at the height of his Fortune the flot of Envy, prefigt David with a powerful Argument, to come in, Perfon,
Perdon, and receive the Honour of giving up of the Fort of Rochaith, that by his Industry was brought to the left pincht, left his own Industry in the World might feel no much by the fortunate Addition of to proffer an Accident. We count that Doctor happy, that refers to the sick Patient in declinations morti: and it hath ever been accounted an effect of Skill, to wind in the Conscience of an upright Judge for the Countenance of a Cautious humorously undertaken by the first Author, that works under the Reputation of unsuspected Truth. Wherefore tho' this Meur aux Polits, or Superintendent-General over all the French Affairs, held in his best Court to mark Religion with the Glories of the Age, such Zachary went not unwilling in the End to take hold of this offer for the grounding of a Prcedent of Challenge, and Advantage in like Causes at another time; tho' the Peers were willing to leave Specicus to Zachary, reserving Vim the Strength and Execution only to themselves, let this be neither Rule nor Infram of curbing Princes of better Understanding, or emboldening Popes of stronger Minds. For as well might the poor Fly sitting on the Carr-wheel while it was in moving, wonder at the great Cloud of Dust which it raised in the beam of light, as Gregory or Zachary draw Counsel to Power, or make that Act their own, which was hammered in the Forge of Ambition, counte- nanced with a Colour of Necessity, and executed by a Minifier, that being weary of Subordination, resolved by this Trick, when the Means were fitted and prepared to the Plot, to make himself absolute. The Cate of Kings were pitiful, if ex facitis fugiaturius us out of special Fads and Pracitices, as the Chapter of Liège writeth gravely to Pope Papefes, it were lawful to draw leasen Rules in their disfame. For some Men undertake too much out of Presumption; some yield too much out of Cowardice; the greater part strain farther than they ought of Right; and those weak Rules lighting by miMPa into the Hand of Power, not tempered with Conscience, are sometime forced by Affection, sometime bent with Corruption, and for the greatest part applied with Subtility. It feerrneth not (by the report of Pausus Adimitus) that this manner of proceeding against Princes by the chief Eifiers of the Church (tho' without Pal- Pition,) and at the Request of publick States was usual or ordinary in those Days; much less hu- morous, violent, or voluntary Decrees. For Zachary himself was at the first so moderate and mannerly, ut non altera tamen magni undevit legis- tationem judiciar, so much as apprehend a Con- ceit or Thought of so great a Babins. And therefore tho' we should dispense with Gregory VII. in vouching this Predecessor in the point; yet the Predecessor himself by Daincites, doth in a fort disclaim the Charter which he should preserve, without either enforcing or urging (in to plain a Sphere) any external Traverle of Ob- ligency. By this Author it is manifest, with what Ten- derness, Advice, and Caution the Pope opened a Vein that is apt to bleed above the Measure which the Doctor's Art prescribes: For finding by Equity, that Childeric was the left Branch (tho' fear and witted) of Clous the first Chris- tian Prince among the French, that he was fine liberis, fine ingens, without either Illute or Discre- tion, (the stronget Sinews both of Succedence and Government) that he was fo benumbled with Sloth and Sensuality, that he could not feel the taking off his Crown from his Head, that his Suppression was not only fought by France, but applauded by the World: the Pope proceedeth, having perhaps in his Eye the Bond whereby he might engage the Kindness of King Pepin to the Church of Rome, against the Greeks Emperors, (transported with Jealousy) This makes Kransfi in his History of Saxx to wonder at the faintness between the French Kings and the Popes (like hands that waff and help one another by mutual Support) in attaining those high Objects which been named in the pre- vious paragraph, with opposing the Demand Comparative between a Prince of Judgment, and a fa/it-eoi, an Image, and a Man; between a King indeed, and one qui fal nonine regio regere, that was only walked with the Name and Title of a King; and that, the States assembled upon the first return of the Pope's Answer, sup- prested Childeric, and raised his Competitor. Zachary was so far from levelling at the Persan or the Crown of Childeric in hyptalaph, (if we give credit to our own Countryman Polybromios) as he only居意 in it the purity of its form, in the difference which a wise State ought to make between two Princes qualified, not only in a kind of Disproportion, but of a direct Opposition of Gifts and Properties. Gatafricus Viterbracns, striking rather at the Root, than at the Branches of this Enterprise, affirms not Frans Zacharie par- rurj decretis, fel aquaevee confiia: tho' the Dif- ference be as great as an absolute Injun- c tion and a politic Advice. Subellins, without so much as dreaming of a Donative, avows a Coun- sel by these words, confia priva potestat. Nunt- ecer yet more roundly if it be possible, that after the Peers had first elected, the Pope ratified; And with him agrees Bloudius in one Tune, with- out either rest of Violence, or induction of Affection.

Out of Acente I draw two Reasons of Con- clusion against the Jurisdiction of Pope Zachary. The first, That being moved by the French Peers as before, he takes his ground of Anfwer from the revolt of the ten Tribes, (tho' as apply as a Man might avow the riving of Jack Cade a- gainst his anointed Sovereign,) for the Sins of that unjust with others in expelling, that after the Peers had first elected, the Pope ratified: And with him agrees Bloudius in one Tune, with- out either rest of Violence, or induction of Affection.

I know that M. Garnet and the rest will as un- willingly admit the Judgment of the Centuries in this Circumstance concerning Childeric, (as other would Barons of another date) further than the Warrant of their Proof makes way, which moves me with a better Will to let them pass, and leave the Judgment of this Point upon the Credit of such Authors as had no reason to speak more than
than Truth for Advantage of either part, because in those days not the Manner, but the Matter; not the Circumstance, but the Substance; not quo jure, but ad quem finem, came to be decided between the Pope and the Parliament.

But touching the Pope's Proves against Henry, the Chapter of the Church of Ligue both unfeignedly protest, that in their exact Perusal of both Talmaments, they could find no Precedent injusitarily precept Apohelies, of any such Injunction or Writ Apotheleck. A good caution to make us tender in the perusing of their Reports and Testimonies, which living in the time of this Distemper void of Paffion, and qualify'd with Modesty, being learned both in the Scriptures and the Civil Laws, and regarding more the Peace and Quiet of the Church, than the Partialities or Humours of either side, affirms soundly out of Knowledge, and confidantly upon their Credit, that this Gregorius VII. was the first Pope that depos'd any Prince by the Warrant of St. Peter's Keys; or, to use their Phrase, that ever lifted up the piously Launce against Caesar's Sword, not dreaming of any formal Proces left out by Pope Zachary against King Chad-clerk.

The Third Circle of a Crown Imperial (so far as any State or Fortune beneath the Moon can reach) implies a Perpetuity of Motion: for according to that Principle of the Mathematicks, as it begins from all parts alike, so in eipsa definis, and ends absolutely in itself, without any other Point or Scope objeetable to move unto. That the Pope hath sometimes set the Crown Imperial upon Caesar's Head, since the crowning of King Pepin, (whom I take to be the first) ought to be no reason of his tolering Crowns from head to head like Tennis-balls; for this were the way by Signs to destroy Substances, and to oppose Formality to Necessity, and Occasion to Intuition. The Metropolis of every Kingdom, may do as much in form, no controversia jur. fact impendit judicium, not confering Right, but doing what is just and right, as it is equity fail'd by one of their own Partners. For tho' the Pope reserve unto himself this final Interest of crowning an elected Emperor at Rome, and some Flatterers would derive a kind of Necessity for Conformation and Establishment from thence; yet many Emperors of an elder Date, and Charles V. in our Time, have been ready with their Swords in their Hands to prove (notwithstanding filial regard and reverence to the Mother-Church) that the stroke of Power is absolute without relative Forreignly. I conclude this Question concerning Chad-clerk, that an Argument inevitable either by Invention or Sophistry, not disabling the Winnows. For Sota, both a Frier and a learned Schoolman, holds, That extra causae filius tibi Pentaces munus suauis est Regis depone: The Pope themselves durst never depose any King without the compas of such Matters as concern Faith. But Chad-clerk was depose by Pope Zachary. What Hau-cry and Cry hath been made in former Times against univell Claims, varnished with religious Precedences, nothing proves more plainly than the strong Opinion of St. Alphonsus, who is at the head of those who Pelogius the Pope's Logege, for seeking to draw in all parts to the State of the Church, at the taking the rich City Domina, not unlike to the

Partition which was made by the Lion to other Beasts that hunted in his Company: For it is true that at the first they wonder'd, and after complained, that the Minister of him, whole Office was to strengthen by Advice, should discourage by too much Greediness.

To that Example which is given by Gregorius VII. of Alexander I. another suppos'd Predecessor, abolishing Christianis from Oaths, it was to declare in shape any formal Answere; since it hath neither the likelihood in common Cause, nor Ground of Antiquity; For, in a thousand Years after Alexander I. this kind of relaxing Oaths was not hatched, much less practis'd. It is not probable that a discreet Pope, void of Humours, (as in that first Spring of Piety all were) would have sought to range a faithlefs Prince to formal Discipline, since Paul himself refuseth to judge thoese that were not Sheep of the Flock, but foris, that is, without. And as unprobable it is, that when the Bishops of Rome intempest moit the winning of Souls by Obdience, that should give so great cause of Distresse to their Princes, that by the strength of their own Laws were most absolete in Authority. It may be that still the most credit and fastness against the Conscience of some Christianis, that were over-ferculaceous and precipitine in overruling wicked and unwieldly Oaths, which are in jure mula, (tho' the Pope should not disjube) and therefore broken with a better Conscience towards God, than kept. But how proves that the Breach of lawful Oaths to Princes that are rightly seated in their State, (tho' perhaps not ever good) which the Church condemns, and no Law justifyes? I hold it most absurd, that the Church of Rome for Greatness, or the Church universal for Instruction, would not have kept Record of such a Fact, if any such had been: but it is not hard to prove quidlibet ex quilibet, where Men may devote to join their own Politicks, without care either to answer for Prelection, or to account for Ignorance, and then to grace them with Proclamations of Piety.

The Caution which St. Peter is fail'd to give to the Ordination of St. Clement, that no Man should be favour'd or kindly entertain'd by the true Professors of Religion, against whom his Sucessors should conceive Offences, may be admitted without prejudice to this Point; if we speake of such just Offences as God's Law punisheth. There are Cafes wherein a Man, that cloth but in a word solace and give a God-speed to a grievous Sinner, is said communicare operis stylos malum: but this is not ever; when St. Clement's Sucessors confine more out of Paffion, than out of Reason. Christian Princes were not so much as thought upon that this Counsil was set, and therefore far out of Pope Alexander's Aim, that is, made to wound a King standing so far off, with a headless Arrow. Reason satisfys thus far, that the Pators of the Church (excluding us out of the Fold) can beacuse us only of those things which they give us at our coming in, that is, the Kingdom of Heaven, more in value than ten Million of Worlds, but no Kingdom upon Earth; Co-inheritance with Saints, or with Sinners; eternal Blessings, not temporal Benefits. It appears the Wardrobe is very beggarly (as one of Mr. Garnet's Fellows wrote over in such another Cafe) that affords nothing but Bags instead of Bread. David's Stock goes low, that would pay Counters for Particulars.

There are all the Predecessors which Gregorius VII. presents as it were in a Mummy, to cuff Dice for
I am not ignorant of that which Writers on both sides (Imperial and Pontifical,ゴルフer and Gibel-

lices) have set down touching Pope and Emperor, according to that Humour which Infection and Dis-

traction of Parts environ'd their Pens. I know that a Man may err erringly, bending too much out of

Partiality or Prejudice to the Byas of either side: and I want that just measure of Discretion and Dif-

fection which should level Grounds, that are made unequal and uneven by diempest Con-

ceits. But whether the Pope were vexed and dis-

quieted with Henry's Challenge of Injuriousness of Bishops per baculum & ananuum, and Collation of

Church-Preferments, as some think, (th'o' many

Kings, and ours especially, have had, and ever

called the like Prerogative in their own Ef-

fairs) or with the Insigation of Stigisted the Arch-

bishop of Manze, to withdraw Subjects over-hea-

from their ordinary Refer to Rome, as others

write, (th'o' this hath been the Cafe of some other

Princes in like fort that escaled Thunder-claps) or

whether Henry's mean Account of the Pope's Ad-

monitions, or his Preparat to withdraw Force

with Force, put the Pope into Choler, as other

Emperors have done often times, both before and

since, with more eas Penance for supplicated Pertin-

ence: Whether all these or any one of these Occa-

sions gave fire to the Train, th'o' I presume not to

resolve, yet I may be bold to conceive in my

own Opinion, that the Medicine was on, that

sharp and violent for the Malady. True it is, that

the Grudge of Gregory to this Emperor began first to

fester in his Heart a good space before, in respect of

the Countenance and Aid which Henry gave to

Gibert, Bishop of Parma, chosen Pope by the Car-

dinals on that side of the Alps, with Opposition un-

to Alexander, whom Gregory that was then but an

Arch-deacon, highly favoured.

But supposing all were true that either colourably

or justly hath been given out in this Cause for

Truth, I desire to learn of some grave Doctor,

whether those your Motives were proportionable to

the Pope's glowing Inagination, which fusing his

Gate against the Emperor, (I will not say un-

civilly, but uncharitably, that came barefoot in a

bitter Frost to winntee true Contrition of heart,

for satisfaction to Wrath) set up a Competitor a-

gainst him in Germany, while he was labouring by this

painful Pilgrimage to Rome, to work a perfect

Reconciliation with the Pope; and to write to the

Party opposite (left they might think upon those

Shews of Friendship, likely to entice between the

Emperor and him) that he would send him back,

as he would use the Matter, adnothermore more

to his advantage, as behooved more subject to their

violent Advantages.

Nay, which is worth of all, after Peace and

Friendship, and absolute forgiveness of Offences

sworn, and the Sacrament received by the Empe-

ror, (for the better assurance of the League intended

at the Pope's own Hand) to arm his Son against

him in the Field, under the pretence and design of

Zeal, at usum Auguslia ab hunc vindicaret, that he

might redeem the Title of Augustus from the bote

of Hereford; fort to this Center all the Lions of the

drawn to Rome, and to this Flock this Gulf they vanisht; as if no Man could embrace a found Belief, unless he had a fervile Heart; as if all that oppose against Intruders were Here-

tickes; as if we were not hallowed for the Emperor to

set up a Traverce in the Church, so long as he re-

solved to exclude the Pope from Computation to

the
The chair of State: or as if the Supposition of Heresy at large without Conviction of any Point heretical, against the Canons of the Church by Proof, were a common Jail, wherein the Pope's Catum is to lodge all Christian Princes, that by contradiction to partial demands upon just grounds, are condemned as his Cate-outs.

Laft of all, I would know where the Pope learned to forgive enmities, but not penances, to a Prince; that in the end was more willing to folllicate Union, than to ransom Hate; or where he learned to distinguish between Replication to Grace and Majesty, by expounding that part of his Favour that might put him into possession of his own lawful Interest. I find by Sigebert the Abbob of Gewualch, that in his time it was held hares his hounum in mundum eureris, that the Chaplains of that powerful God, that oftentimes makes Hypocrisies to reign propet peccata populi, should call the Rod into the Fire, before that Finites were chuffed according to Defendants, or by their absolute Commands, displacing those Instruments, that, as powerful Executors of heavenly Judgment, are to discharge the Duty which is laid upon them.

But however Gregory might in those Dog-days scorchant an Emperor by the Combustion of Beams that ex diometro were opposed, by the strength of a Party raifed by Advantage of the Time; yet by succeeding Tokens I observe, that God was jut, tho' Popes were humorous. For one of those Arch-traitors whom the Pope erected out of Passion, and supported out of Pride, was slain afterwards at the winning of a Town; another in the Field, tho' (as one write) notCinherent for his Treachery. The Pope himself, worn as it seems with Vexation and Strife, lived not many Years; and having left his Point in this Prince, was never able to any great purpose to fling afterwards. The mutinous and rebellious Bishops (that had oppressed and refisted by the Pope's Direction) never held up their Heads after the fatal Blow which they received at the Synods of Mentz and Worms, but were either slain by their own Sheep, or perished in the Mountains by a muster hard to be reckoned.

Waldran Bishop of Meurghyre writing to a German Count, gives a very just Cape of this Concurrency in Malignity of sharp Accidents: For since by refisting Power (thick the Bishop) they refisted God, it was not possible for the Succes to be better. Platina reports, that in the very interim, while the Pope was as yet advising and confuting about the belt Courte to be taken with this discontented Prince, some wiser than the rest were of the mind, Regeon non est efo innumatios, that a Pope should not be accorded to such persons. But Oppositions were idle, the Pope's Heart being wholly set upon Revenge, and supporting this whole Procefs with the Communion which Christ gave to St. Peter to feed his Sheep, that is, to teach and instruct the Flock: for I make as great difference between Instruction and Destruction, as between feeding and strangling, tho' by the very form of the Sentence, (as it is set down against this Emperor) it be nutnient that Gregory commandeth St. Peter and St. Paul, as if they were his Bulliff-guardian, to execute the Writs of his pontifical and private Authoritie.

Touching the Charge of abolybing Subjects from their Oaths, which is the chiefest Instrument by which the Canon Nos sanctorum works, in seeking to subvert the Seats of Kings, upon such grounds of Quarrel and Exception may be made, I will chiefly note, That Gregory dath in this Cate affume more to his Dignity by Deputation, than God himself dath to his Deity by Prerogative. For admitting Oaths to be lawful, voluntary and without derogation from Right, (as those are which we make to Princes as becomes) he concludes all their Ministers, that dare profane to violate Faith engaged upon those due Respects, within the compass of Perjury. The Promise which God maketh to Man in swearing by himself, he will not (tho' it tend to the quieter and less jujter punishment of Sin) relieve unto himself; and yet shall we think that the Promise which was made by a Sinner to him, can be relieved without him? Fretor non videntem, reddimt bonus? non dabit De placationem justa et praetium redemptionem animae sua, as we may conclude in this case with the Prophet. This God were so jutly moved with displeasure against Man, as he seemed to repent his own Free-Grace in planting an ingrateful Stock in a barren Soil: & praecordia in fistulan, & tabulae corde incrustatae, which might very far provoke the Wrath of God against his Creature: yet in respect of his Word engaged, from the beginning of the World, That the blessed Seed of a Woman (whom all Generations call blest) should bruise the Serpents Head; which Mystery was to be wrought with effect plenitudine temporis, he would not dispence with his own Promise, but suffered the purpose of Free-grace to be caried upon the Wheels of eternal Providence, to the prefixed Period of his own Benignity. The grieved Sins of the Prophet David and of his Offspring, provoked God's Wrath jutly to wipe both the Blotoms and the Root, out of all Grace and Mercy: and yet in respect of an Oath taken long before, that an Heir of his Line should never want, to keep his Throne, it pleased him for the making good of his own Promise, to remit his Displeasures.

The greatest hope of Encouragement that God's People could draw from the Prophet Samuel, when they implored his Affinity in Diftress, was this, That God having by a solemn Oath elected and in a formal manner sanctified that nation as a choice People to himself, would neither exclude them out of Protection, nor leave them to Fury.

The Rule of God's own Direction is very strict, That if any Man hath made a Vow to God, & jurocinus cohereris, and bound himself by Oath to keep the same, it shall no longer be in his own Election to make it void, but he shall perform precisely what was deliberately promised. It is not known to any Man of Understanding, what the Law lets down concerning the Redemption of Vows upon just Cause in the presence of the Priest, and at such a rate as the Vowers, according to the measure and proportion of his Means, is able (without undoing) to afford. Again, all Men understand that unlawful Vows and Oaths (as that of Jephtha, Herod, and many other rash Protectors of like force) force not the Point of Conscience in the least degree: But when we take an Oath advisedly and freely, according to the Measures and Conditions limited and expected in the Law of God, that is, according to Judgments, Righteousness, and Truth: yes, tho' he be by a wise and godly advice, Exacted to take it upon the Yard of the Holy Spirit, that God himself will nail upon the Head of the Perjuror, the Oath which he hath fet light, and the Covenant which he hath perfidiously broken.

By the reason which Pope Gregory makes his warrant of releasing the Subject's Oaths to Henry the Fourth, the Prophet Hemanus one of the High Priests for the time, might as well have dispensed with the Oaths of God's People to Nevechahnonfar an Infield, and an idolater. But God himself commandeth all Priests, and Prophets that by false hopes went about to ease the People's Burden before the time predicted for their Punishment by his Imposition: and the Days of Hemanus the false Prophet were cut off for his flattery. Wherefore as the Boldheus and Preuition is very great in any mortal Man to dive to deeply into the secret Mysteries of Providence, as to judge at what Time, in what Perfon, upon what Condition, or by what Warrant one Sinner may release another of his Oath; to likewise the Charter which the Schoolmen in the Pope's behalf pretend upon this Clemint, must undoubtedly be very weak, whenever they shall undertake without Affirmation of God's certainly revealed Will, to discharge the Conscience of Man engaged by Election, and obliged with Solemnity. The Schoolmen shall never be able to make clear Proof by any ground out of either Túftament, by any Canon of the Councils Primitive, nor any of the Fathers living in a purer Air than ours, (howsoever they devise Distinction upon Distinction, rather to entangle than to settle Faith) that this Doctrine of accruing Princes upon light occasions, of releasing Oaths, of deposing Magistrates, is consonant to those Principles of Obedience and Punishment which our Saviour left to his Apostles, and they like Heirlooms to their Successors.

If it be clear by St. Matthew, that our Peace shall return unto our selves, when they to whom we with the Peace, declare themselves unworthy of our will; undoubtedly as true it is, that our Curles shall recoil upon our own Heads, (and that worthily) when they that are within the Body of the Church, (which is the House of God) declare themselves unworthy of the Curles which without Defer we call upon them. For as it is a Question well moved in this Cale of Batuas, quan-modo maledecit et, cui non maledecit Dominus? fo is it as diversely noted by St. Gregory, that Legatus & functionarius, cum Deus sibi videtur, si non autem in Force, inimum aut in palam, aut in velut una consistantia: in fecking to correct the Faiths of other Men in Pallion, our selves commit Faiths that are greater, for want of Charity.

Therefore I conclude, and that magistratality, as the Schoolmen speak, out of the very Canons themselves, monere Petri privilegium, ubicumque forsum es ipsius esse juricium: that Peter's Privilege doth continue so long as the Sentence is pronounced out of Peter's Equity, and not otherwise. To that Caution put in by St. Gregory out of scruple of Conscience, vel in qua judicis sententia tempore, that the Sentence of a lawful Judge ought to be feared, (yes, tho' it be unfair) we may give a reasonable Anwer, by refraiment that he as much as shows that God himself that this form of Frauity is hid from us, then offended left by searching Sin with too deep, than too short a Infrument; and by supposing out of the Sense of an humble Spirit, that all Men are more apt to flatter themselves in the ways of their own Errors, than a learned, disiret and religious Judge to consider without a just Occasion. A wife Man that desires to preserve his Health, receiving Pills from the Hand of his Physician, who understandeth the State of his Body out of Knowledge and Experience, much better than himself, prefers them at the first impression, that some Humour may offend either in quantity or quality which deserves Correction, tho' he knows it not; but after calling to mind upon advised Observation, that his Apocrate is ordinary, his Temp per perfect, his Digestion strong, and all those other Circumstances, which the learned in that Faculty regard, fituable, to a perfect Constitution and State of Health, he begins to apprehend (by opposing the Sense of his own Parts to his Doctor's Aim) that Man, tho' grave and learned otherwise, may err either by mistaking Principles, or giving too light ear to false Informations, which are rightly termed the Speculac of Error. For God doth only teach the Hearts and Reins, and therefore only handles what Instruction or Skill the Plater is applied to the part either fathered in deed, or for want of a sound Judgment (in those that take upon them as his Viceregents to disinherit) to deem of. God hath pronounced in his Word, that spiro bonum in simulo. Spiritus, the Spirit of Man only knows those things which are in Man, and the Spirit of God alone those things which belong to God: and therefore d e ocellis vel de male intelletitis, that Spirit which only breathes in the Nostrils of mortal Men, can neither discern nor judge infallibly. But if any Man object, that Popes proceeding against Princes, arm themselves with sufficiency of proofs before they come to reject Princes, and so defend us; and that Presumptions too far carried in the Scope of Pallion, have cauod many Popes to err against Emperors in the Act of Proofs. And let we strive too far in seeking an Example, even this Gregory the VII. condemned Henry, Caue inaudire, before the Caufe was heard, as four Writers of that Age testify. That Rule of Equity which warrant orderly Appeals from Judges ill informed, to Judges grounding Sentence upon Proof above Exception, in matters of left weight than this, hath been current in all Policies and Times: for, Lex judici non est. And howsoever for the maintenance of Order, outward Forms are kept, the Knowledge and Resolutions, yet to the Soul of Man, the Conscience standeth for a thousand Witnesses, and is in very deed the truest touch. And therefore for my own part I shall never tax that Patient, that privity, and without disgrace to the Doctor, throws the Pills out of the Window which are set, if from certain and undoubted Knowledge of his own inward State, he be sure, that for the Reparation of Health, or for the Cure of a suppos't Sicke, his Body hath no need of them.

I stand the longer upon satisfaction to this Place of Gregory, because it is opposed in Defence of all erring
erring Judges, to the roaring (or at the least to the frightening) of those Souls that are oftentimes most timorous, because they are most innocent. But in the mean time, note, that this godly Father related no Subject of his Oath in point of Duty; he accursed no Prince in the Chair of Royalty; he confounded no State by extent of Primacy; but knew very well how easily a Judge may err by strong Imagination, with God in the Book of Judges, mutilating captus bonum pra non mulieris moni- tions, the Heade of Men for the Shadows of Hills; & be errors deepiy, and by this Error be deluded and dismayed.

The Chapter of Liige utterly rejecting this Relic of Oaths and Fealty, might be moved with many Grounds. First, because the Breach of a lawful Oath (as hath been justified before) falls in to the compass of a mortal Sin. Again, because many of their Predecessors were departed to God in peace of Confidence, that till the last point of Life observed their Oath; whole Example they had small reason to under-value. Furthermore, they alleged, and not without just cause, that supposing this End of the Liige Sentence the Law of God, yet it became them no more than Eze- dekbib (till the Fire of Correction had eaten out the Ruin of Sin) to withdraw their Necks preambly from the Yoke of Nebuchadnezzar. I conclude this Point with a fit Example of the Wisdom of our Kings in former times, drawn out of the Cabinet of most antient Records: For nothing could give them Satisfaction touching the Loyalty and Fidelity of their own Prelates, till they had infected into the Oath of Homage these words, In verba veritatis, (which binds Confidence) in place of former Words, Fidei veritas, with which Churchmen in effect to their own Liberty. For it is free, faith an old Reina Catholick, Jabobes de Paris, for any lawful Prince to repel the Violence of the spiritual Sword by the very means he can, finding that it tendeth to the Distur- bance of the civil State, enjus cura incumbat Regi, the Care whereof belongeth to the King; or else he should bear the Sword idly. But now to make the better use of the times of this Occasion offers upon the work Motive that ever was heard among Men before this Accident, and to make all men see that there either Eyes of Understanding in their Heads, or the Fear of God’s Judgments in their Hearts, how rashly our late Undertakers (who flece Peter’s Ship in our narrow Seas, Mr. Garnet being one of the chief Pilots) have run her upon the Rock of Rebellion, neither looking to the Card of Confidence, nor re- garding the Compas of Faith; I declare that cer- tain Observations may be kept in memory, as cer- tain Monuments of God’s powerful Works were in Israel, quamquam falsa praedictae; that is, for- warning Signs and Confirmations for Affirmations readily Makecomets in future times: which otherwise, upon the Motives of like Mischief, may be meta- morphosed into Figures of like Inhumanity; for an Angel said to Tobias, That to publish and reveal the Works of God, is laudable.

I know that strange things happen oftimes by Accident, (for I am as weak a son of Seneca is able to apprehend) tho’ Truth affirms us, that without the Providence of God no Sparrow lightes upon the Ground: And Pericle justly maketh Fortune to be nothing else but vary confusionest, my Ignorance of the proper and true Causes of all things. But yet when a wild Bear by rooting in the Ground doth not accidentally expose one A, but adds to that so many Letters in due Conic as presents this whole word Agrumusun to the Reader’s Eye; where a Man doth not cast three quaters upon three Dice, but three thousand quaters upon three thousand: and where Order, which proceeds from Reason and Elecution, is kept in coherent Forms, Chance hath no stroke of Precedence by the right grounds of Philosophy. Wherefore no Man can tell whether some of those Predeces- sors alive, (because I dare not say that there are none) looking back as it were from the Shore upon those Rocks and Quicks which they expected in this Storm, (calling to account the bad Successes, not of one or two, but of all their many Counsels, Labours and Events in this luckles Action, keeping in mind that Observation among the Galenists, that where all Simples work against their kind or Property, the Cure is desperate) finding our Verbe- faltum to be built as a City, Cynus participatio in idyllius: marking that our gracious, our just, and bell delivering King (supported by God’s Angels, which are Spirits administratores in minutiorum mysteriis prudentialibus) justly dwell in adiutoria Altissimi; and that it is in vain to work upon a Monarchy, enjus cor et nervus & avisina una, whole Heart and Soul in the point of Obedi- ence is one and the same: will return to the Refor- mation wherein they stand engaged by the Laws of God, and of their own native Soil; give ear to the Voice of their own Shepherd, and acknowled- gume humbly with Jacob, that Dominus erat in locoLB, & l sufficinantes: God with the mighty Pro- tection of his powerful Hand was in the Place, althro’ they knew it not.

But I am no better before, that when you, Master Garnet, and your practicing Disciples, laid a Pack together for a Project of Invasion against the late Queen, and in her later days, with hope to put out a Flux of Princes with a Prime of Jacks, which will never stand in this State, I truth, with our right Game of primus era: God took away this Lady in her ripe and mellow Years, when her Head was white with the Blossoms of the Almond-Tree, as he did Iacies, Ne videret malas quae suntur erant, left the should see the Mischief which was to come: and had for which unbeknownst Men were restrained from the certain Knowledge of the only rightful Successor) if the beaus genii of our dear Sovereign had not, thro’ the Prepara- tion of ordinary Means and Instruments, by Sup- erior Grace established this State in the full Fruition of their long lasting Safety.

The Bulls which by the Practice of you and your Cotillon, the lively Image of your Heart, would (by loud lowing) have called all his Calves to- gether with a Preparation to band against our So- vereign, at the first Breach of Brachy, and to have peed those sweet Olive-Buds that environ the regal Seat, did more good than hurt, as it happened, by calling in a third Bull, which was Bull the Hang- man, to make a specifie Riddance and Difpatch of this forlorn Fellowship.

In the time of Henry VI. Humphrey Duke of Gloucester, finding certain Bulls that came from Rome to be very prejudicial to the King’s Eftare, without asking leave of any Man, cast them round- ly into a Bonfire. The late Queen of happy Me- mory entertaining the Bull which Pilson let upon the Fiction of London’s Cure, with the time or greater Diffafe, because the Drift was to emasculate her Title, and transport her Crown, gave it as
quick Dispatch by like Definy: And Master Garnet thought his Bulls as worthy to be sacrificed in a quick Fire as any of the rest, for their Idleness and Weakness in effecting what was wished, and expected by the Friends that invited them. These Bulls Master Garnet were Converters: you were warned by the State to flout them up, in respect of the Millchief that they meant, you regarded not the Prohibitions of Law, but gave them Scope of grazing in certain Grounds, where the Marks of their Impreations are visible. If this be denied, Catech your own Scholar and choose friend Chief that shall charge your confederation, who drew from the Direction of these Bulls that threat, Argument, That if it were lawful to keep a right Heir from his Kingdom, in respect of Conscience, before Etablissement, it was as lawful to remove him after he was established. The Willom of the Holy Ghost ordaineth, That nos Impulibus obructur et accidetur duumtar: thou we leave all to the Law's Ordinance, and his Majesty's good Pleasure. But whatsoever happens in the Process, I must confess that Bulls have little room to stand in a Miltonic manner. For they that are neither their Access is acceptable, nor their Successes fortunate. The Point where I wonder most, (in revolving these strange Events) is, That the Bulls which were confirmed into Affairs at White Webb, should be brought forth this day to be baited at the Guildhall.

At the King's first entrance into this happy State, with as great Security and Ease, as if he had removed after an ordinary fashion from London to Greenwich, and from Greenwich to Hampton Court, the most expeditious Device. For though the disturbance of the general Suppressals which entered into an omission, (potentissim with a kind of Joy and Cheerefulness unspeakable) as was conceived by the Brotherhood, was to awake the purpose of Invasion, that left in foreign Parts, by a fit Meffenger employed. But the Yeoms had recommended this Petition by Letter of Request to Mars, it would not have been heard, God having then prepared and dispelled the Minds of Princes on both sides to such a Peace, as could admit neither secret Operation, nor open Execution of Hypocrisy. This was not by the Method of Divine Princes, eligeres infirma at confundas fortes: But this was raised by the Spirit of Absolom's Suggestion, ad foreras at confundenter suae. But Thanks be to God, the Lion is alive, out of whose Mouth ye must have drawn your dropping Honey-Comb, before your Riddle could have had either the Grace or the Success which you desire among our conspiring Philiplines: So that we only find your fixed Trust in Tumult and Vocation, (as the Prophet speaks) instead of that Hope and Silence which should have been your Sheer-Anchor.

Your End was by pacifying Princes with the Motive of your Malice to the Confoundation; because it happeneth often that Exhibitions drawn up to the highest Region by the Rams of the sun, are there inflamed and sent back again with a fiery Effect: But multi committunt endem diversa cremina fata. A great Philosopher observeth to the same Effect, that Proserpin feles Virtus Vacat: And tumblly to this Comfort another, that the fact and Intent were one in both, yet Ille crucem federe pristinum tallis, bie diadenum. But in this Cafe by the Goodness of God it fell out quite contrary; for the Princes being as weary of War, as you were of Peace, defining as much to spare Blood, as you to let it out; and regarding more the Grounds of their own Differention than the Storms of your Passion, lent away your second Mercury with a Flea in his Ear, and instead of procuring Treasure and Supplies, were content to learn, (by the Scope of this Employment) that some Protectors of the Catholic Religion, and other Visions whereby to exercise their Impositions and Meditations beside the Repetition of the Reparatory, which without so manifest a Proof, perhaps they would either not at all, or not so easily have credited.

The Conspirators could not deviçe a more likely Motive of Attraction whereby to draw Malefactors and Butteflies into the Millchief which their Malice did intend, than by whispering into the Ears of ignorant and ill-advised Catholics, that his Majesty had violated a former Promis made to some of them before, of Toleration in point of Conscience; For Ears that tickle after Light Reports, and Symbols that interpret common Fears in that Sense which tends to their private Harm and Precipitaten, (converting for the most part to rank Poison whatever is prepared by the best Affections to kindle Nutriture) take hold of the first Overturn. But for prevention of this Peril, God so wrought, by dispelling Times and Accidents to beat Effèctes, as before the Poison could pierce to the secret of Men's Thoughts, Wifsun the Priest had confided to my self (first from his Majesty to the Jail at Windyger, for the finding out of the fourth Author of this lead Report) not past one day since his Death, (at which time no Man is presumed by the Civil Laws to lye) that he never could receive any Snare of Comfort touching Eafe of Conscience to Catholics from his Majesty, how unjustly forever the World had made him Author of that Scandal; tho' withal he added how unwilling he had been to utter the King's Anfwern to the Catholics at his return in his own Words, and with those incurable Obstructions, (which appeared by the manner) for fear left over-great Difficultymight make them desperate, and drive them to seek other Helps, as some did, which this Action makes evident.

Befides, there is in France some Recusants at this Day, whose Peace both could and would allow the like Report of Percy after his Returns out of Scotland, both before and after the Queen's Death; advising no Man to depend upon the least Conceit or Apprehension of Hope from thence, but make the blood of their dead men be revengeful; for in the point of Conscience he found the King's Intent and final Purpuse to be perpetuemy. By this plain Dealing many were deprived of their best Advantage of improving this threat Circumstance, both as a Colour of Exception and a Mask of Conspiracy.

The Practice was begun with auricular Confession, as the facade Lock to which Men durst adventure to commit a Secret of this weight; for, who could hope to draw that from a Confessor or a Confrayer in respect of Safety, (befides Confurers of the Church) the Peril reaching and extending to the Loss of Life? But by the Streams of Jordan running backwards to the drowning of the worst dispoted part, it came to pass that by the words which passed between Greenwich and Bates (Catechist's Servant) in Confession upon the horror of his Conscience against so foul a Facet, those Circumstances happily fell out, which being brought
brought to light, made a fair Introduction into that full Discovery which the Lords laboured.

It may be thought that God himself abhorring the falsehood of a Frie, that under the Colour of the Keys, abusing both his Person and his Power, is not afoamed to contrive Conspiracies so much more perilous and pestilent, as they are counter
ncanced with a more holy newt mark a Mark of his own Wrath both upon the Matter and the Minifters. For the Patriots are sometimes beguiled in judging by Tattle the Quality of the Simples, and Ingredients which they receive, depep fapiens eun judicia, the Judgment of the Sentence being first deceived, & corruptus organis.

It is clear, that for the secreting and concealing of this Purpofe (till by Progression it might be ripened for the defined End) the Seal of the Sacramento of Union was fet to this Contract of Blood; as if God would be put in Truth with the keeping of these prophane Bands and Obligations of Con
fidence, against the Rule and Canon of his own written Laws; one, vortifer tantum, non bane fundat judicia. But we know that what deprecates Effects unworthy setting of the Sacramento, and the Preamption of bearing the Standard of our Saviour in open Field against himself, have wrought in Minds polluted with Impressions of Sins, that are voluntary and premeditate, will not greatly wonder at the bad Success of this Conjunction, calling to mind that the first Work of Judas after the receiving of the Soph, was to betray his Master, and the next to hang himself; and in such a manner, at eventus mortis et effunctione ignis infernalis, that he brake in the middle, and his Estrails came out of him.

The purpose of these Gallants in binding Faith and Promise one to another by solemn Oath, (the Deemus et qui fidem profet error) flipt upon the Difficult that one reproved in another’s Love and moveled Confinancy, holding themselves as sure after such Seal of the Contract, as Selucus did himself in the Speculation of a City to be built in the Air above the reach of the Capacity or Wit of Man; but yet Experience reveals, that the Hands of God are heavy against such Devices. Voices of Bobet have confounded their own Plots, and these forlorn Hopes like the Knights of Caduats (as appeareth by the Scope of their own Confessions) uninitis considerant vulneribus, have been wounded to death one by another.

The Course of Mining into the strong Wall of the Parliament, was in very deed more laborious and slow, but yet more sure and secret than the latter by the Vault, in cafe the Pioneers had proceeded resolutely according to the Plot of the fifth Service; the Desolation of which almost invisible Stroke, the Cellars were left open even in the very heat of their endeavor, as it were by the handy-work of God himself; and not only left open, but almost miraculously put into their hands by a faithful Servant of the King’s, whose ordinary Caution could not possibly have been so far over-fist, without an inward working and con-triving Favour from above, which took hold of the Fett of Sinners in that very Snare that they had prepared and fet for those that were most innocent. They flatter'd their own Conceits so dearly (when they fancied the fact of working upon this unexpected Overture) as if it had been the Will of God, of that, to them, as to Jacob hunting for his Prey, occurrerat quod volebat: But on the other side we may observe with Joy and Comfort, That

the' they watched eagerly with Eliaf for those Days of Mourning, wherein the Death of Jivbe might prepare a way for their most bloody and most violent Revenge, like Rats between the Hanging and the Wall fio piferiens judicia, they were first betrayed, and afterward perfified by their own Discovery.

Their Spleen was even severe in Saxa, bent a-against the Walls and House of Parliament, as an instrumen toal for producing many sharp Laws, for the space of more than four Years, against the Religion, which their own disfigured Affections did eagerly embrace, with a purpose to convert Hierofalem in accrum lapidum, into a heap of Stones. Thus Polyphemus bricken blind (out of Rage against Hebeba) fought to murder all the Women he could meet. Thus Fobo by thrut
ng Needles into the Tongue of Cicer (after he was dead) fought Revenge of his harsh Inveictves against Antony: And thus Antony himself warred against the Walls of the Senate-House at Rome after Cæsar; but yet the Place is as it was, the Benches fland as they did, and they that sat on them have the same Affections which before they had; insomuch perhaps by this late more than Ne-rovian attempt of endangering both their Souls and Bodies at one Bluff (for want of time to call for Grace) to strike a deeper Wound than any of their Ancestors had done before into the Cause which the Scope and Drift of these Undertakings pretended by their Inventions to rectify. The Ro-

man Southerners had reason to divin, that when the Birds are Bluff, and the Birds Bluff created for Obedience and Ue; grew mad upon a foci
dan, and without a certain Caire, Belles fercile immobieht: and of this Composition was the late pack of Rebels, that with the same barbarous inhumanity, which was well observed at the Ruin of Seguntum, nihil reliquit securum ut non ipsi elementis ficeris injuria: left nothing undone for their parts to wrong the very Elements. I grant that they might learn their Art of building muddy Walls of the Swallow, which are but Summer Birds; and their Skill in weaving Cobwebs of the Laws, for the afford their advantage: but if they listen to their own Words, their Works were more laborious than inable, and most commonly swept away before they came to finifhing. But this Trick of subdiverting and demolishing, they could not learn better than of the Moundafis, Qui non labourent (as Testamental re-
ports) ut securitas suas, quin ut defferrent aliee, to build their own as to destroy other Men’s; Hic genus inoicujus superus! The Train of Powder was laid only for true Men by wicked Trainers; to this end chiefly, that after Innocency had endur'd, Malice might in-
ult, that suas sedcitus perfacet, recepit ut facti; and conclude with the rankelf Alhebrs of our Time, A Prejudice of God’s Anger against faithful Subjects, out of the barbarous effects of their own Villany: For this Argument is used in de-

nence of the Slaughter of the left French King. But as we find just cause to rejoice thus far with Shadrac, Mifhebron and Asahel, Nigis perfactus in suera corpora beneficis igneum: That the rage of the Fire had no force or strength against our Bodies, God’s Angels coming down of purpose to destroy them, that is to say, thereof ventus raris flautem, a cool Wind of mild Air breathing, to fack wating Huet, Ut neque eas conturbatur ignis, nec quinquies molles inferius: as it could neither make them fail, nor offend them
them any way: So on the other side, God wrought so powerfully in this particular, (to give a Tale and a Father to the children of the chief Traitors of these confederate Flames, that in another World shall never cease, without Contrition and Confession in this) as in the chiefest Puzzles and Perplexity of their ill thriving Pratistics, they were blasted by the Rage of their own Gunpowder.

Thus Alexander VI. and his Darling Borgia, the only Monster of that Age, were poisoned by error of the Cupboard-keeper, out of the Bottles that were kept in store (and by Caesar's own appointment) against Supper, for the destruction of certain Cardinals. And thus it happens many times (God has of late made His Majesty's Captors) that vile Instruments which we select for execution of Malice, serve for the protection of Innocents, et sepe fugientes mala, in majusra incurrunt.

These Catilines in the raging disincler of their Puffian, (which meeteth their own wins & contumacia silente parli dehors) were so dextrous to draw Blood even ad animae deliquenia, of the noblist, the troubl and buffet Subjects of the State in all Degrees, that had not one drop of attained or selected Blood in any Vein; and to make sure Work, that there might be spare of none, like the Roman Tintinavi, they held it false to let out their own, without distillation of Kinmen, Allies or Friends; leaving no one Man of Mark out of the List, which was agreed upon by the Conspirators. But mark the Proof: for (as Liv writeth to Mutilius in victoriae varietis, in variarum inmodiciet perierent, none but the Enemies of Truth did perish in Truth's Victory.) For whoever loves to dive into the waters of Contradiction, whole Property is, as it were a Happy napes, rather expectant than peaceable; may be false to expect in vain that the Hand of Chrift which affilid Peter in his Faith, should support them in their Fraud: for between Truth and Faithfulness, as well the differences as the degrees are infinite.

It was held a safe course and of great use for advancement of this bloody Project, that a Faculty might be granted to some Persons (which in that rank were reputed choice for their excells in Cracy, and barbarous Inhumanity above all the rest) for the calling in of such other Affiliants and Conspirators, as were proper Mariners, but such as peace not gravius certavunt, quas facerom, and that when the Stock grew poor, might be left able to defray Expenses, to safe Burthens, and advance Doferes. But it fell not out that any good grew to the Cape by any Perfon let in at this Loop, howsoever their Affections were bent: for Francis I. Transou the left above, intended much, but effectually little by Relief; only this I note, that by his Puffions and Words in his first appearance to the Committee before the Lords, he left to deep Impressions both of his Fore-feet and his Hinder-feet, as to we could not even evidently defey the War, yet we safely discerned what course the took, and thereupon the better with a full Cry upon to hot a Scurt, purfued the Game that had taunted to get over.

No Man can deny but it was in Robin Castellis the trick of a crafty Pate, encomiendo violently the ruin of our Sovereign, and his Royal Progeny, to engage the fortunes of his dear Friends, Roundwood, Coreward, Sc. to his hungry Creditors, in deep Bonds, before he would impart to them the Secret of his Plot, supposing certainly, that in respect of their own danger by his fall, they would be more apt to undergo the hazard of all events, and rather chuse to die with him, (tho' the work should chance) than to beg after him; having in the main time in their Eye to bright an Object of enticing Hopes, That justus sceleris incipientur cum vincula, perspiciuntur cum promissa. But as the great and inwardest between wicked Men (according to the grounds of moral Wifdom) is accounted rather Conspiracy than Amity, (having but mutum et novum confenendum pro favore;) to likewise in this Cafe, the Success was suitable, for one led another by the Hands of Combination to the Destruction of Mr. Coreward, Mr. Coreward, Mr. Coreward. Hopes the Baits; and all the Fruit they could expect by Tricks, was of the same quality with the Grapes and Pomegranates that grew in Sadoow, after the Ruin of the Town, as we read in Origen, (that is) finulling of Sulphur, tho' delightful to the Eye. And even as those upon the first touch were apt to dissolve into Powder, so were these upon proof to run into Gunpowder.

The scope of some chief Actor in this Tragedy (more fenfitive in that point of Compunction, as it seems, than the rest) was, to advise a Noble Gentleman, who in respect of his approved Love and Loyalty to the King his Sovereign, he durst not trust by an obscure Letter (more resembling the Riddle of an Odeus than the Counsel of a Friend) that he should abstain from the Place presided on the Time determined. The dark figure of the Writing, the strange manner of delivering, the small likelihood of any Cloud at that time gathering, might have moved many Men rather to have neglected, than apprehended to blind a figure of Discovery. But this discreet and worthy Gentleman, conceiving that Men experienced in Mysteries of State were better able than he himself, both to discern of Spirits, and uncleave hard Knots; imparted this Occurrence to certain of the Privy Council, and they to the King, who by that Spirit of true Divination, which is infused into the Lips of the King by God, (as the Proverbs say) never gave over mingling into the purpose of this Admixture, with due regarding Circumstances and Premises, according to the nature of the Motion, till the Barrles were brought into Light, and order was taken to drive the Discourse of their Devices, the Divination out of their Opportunities, and the Pioneers from all possibility of effecting the Powder-works.

The purpose of thefe Gallians qui poefura seue, was to feal their Eyes with the light of our dead Careces; for since they were no Doves, but Ravens, the left wonder that they did fugi endere: But now by God's Providence it comes to pass, that their Limbs feed the Fowls of the Air; their, the curse of God, the putrefaction of Sin, and horror of the Night, move all the Creatures of God to loath and abhor to look upon them.

The fame fly Serpent that subsid ed Eoe (by the deceitful bait of understanding Good and Evil) to transfuge, induced some of these (I doubt not) to undertake more gallantly, upon hope to be repaid holy Angels in this Life (in cafe their Enterprise succeeded happily) or Martyrs in the next, if it fell out otherwise. But by evident Con- fession it appears, that the very Night wherein the Powder should have wrought the desperate Effect, either the Light of Reason, the Horror of Vexation, or the Power of Revulsion, pre-
Fentent to Robert Winter in a Dream, the faces of his chief Friends, and the highest Traitors that should have acted Execution upon the bloody Stage, in such a ghastly and ugly Figure, more like to that malus Genus which appeared unto Benjamin, the Night before his Death, in the Face of Helius, that appeared unto Andreasen, or the Countenance which they themselves held afterward upon the Pillories of the Parliament, than to that Figure of Beatitude, by which their own fantastical Conceits and alluding Apprehensions were too much flattened. For, it is not only true that God, as job says, terrer per somnia, afrights by Dreams, & per suisurus barravos concitit, and by Visions shaketh the Mind with Horror: but likewise, this ground out of the Book of Wisdom can never fail, as I said before, that enim invidis et restituis, des testimonia comitantur: Wickedness gives evidence of Condemnation, because it is timorous. Et juniper prunus: Veni per turbata confessio.

While the witch in this wicked Pack (upon the Difcovery made by that worthy Lord of whom I (speak before) began to lay their Heads together, and in a Snaugery with great uncertainty what Courfe to take, flood with the King of Babylon, as the Poet says, in birro quercus divinatis; some doubting, some fearing, some hoping, some despairing, and all setting the Cause in such a Courfe, as in case Percy their Explorer (that was let out like a Raven, and to be fed by the Beef Indecentments he could find, whether the State took hold of them or not) brought back ill News, a Ship might be prepared on the sudden for the transport of this Pack. God dazzled their Eyes with so dark a Mist of Error and Perplexity, as they could not find the right way to get out of the Wood; and their Prophet Percy by securing doubts at his return, inspired new Life into dead Hopes, that the Project for speedy rigging of a Ship was carelessly cast off, and Error left to make full Satisfaction by Sufficing. For, God, that caus'd the first Veil to be built by Neba for the faving of those eight faithful, pure and Elected Souls, that should with Time renew the World which Sin had drown'd in the Ocean, and reason'd not that any other of that Mould or Fabrick, should preserve those eight unfaithful, unequal and detested Souls, whole End was to destroy this pungeantus of our English Orb, which hath be'n so strongly, so often, and so powerfully protected under the Wings of his Tenderness.

As Job killed Aker when he gave him the Sab, Jezabel proclaimed a Falt when the cur Nabob's Throat, and Judas killed our Saviour when his End was only to betray him to the Porphries: So Percy, the right Limb of Lucifer, pretenc'd with a Colour of Devotion to kiff the Image of the Blefled Virgin, after he had pilgim'd Faith and Promis to his Complexes, by blowing up the Body of the State, to destroy the King, who is indeed the sacret Image of the eternal Son. But God, whose holy purpose was to publish to the World how far his Blefled Mother is from conioenting and protecting Traitors, that by opoiting to his Dury revolt from him, branded this Act of Hypocrify with so palpable a Mark for an Admonition everlasting to well-meaning Souls, that are oftentimes surpriz'd in their Weaknes, by false feeming flies of Fiety, when the Practices are foul, as on that very Falt of the Blefled Virgin, (whole Picture Percy did fo-embrace) which shall let forth to the World's End the Memory of Christ's Incarnation, whom the Traitors would have wounded thro' the Side of his Lieuten in the State of a Major-Act of the King's in Parliament, for the blowing up of these Monster and their Hopes, that by an Act which never had the Voice of any Member of the Parliament, would have blown up both Houses.

To your own drif and purpose, Master Garnet, in recommending that ancient Hymn, used on the Day of all Saints,

\[\text{Genus aequore perfectus} \]
\[\text{Credentias de juibus;}\]

For a speedy Dispatch of many Innocents, that God, which converteth both the Labours and the Prayers of the Wicked into Sin, and reflecteth Executions of Invidelity upon the Heads of those that execute and curst without just ground, gave Satisfaction, thro' in a contrary Element; purging the present State of Catifes, Percy, and their Complexes, which may truly be reckoned, and reputed above all Men that ever were, genus perfidius, transcending all Proportions either of precedent or future Inimicity. As for your Fervency in fwearing and forswearing manifest Untruths, and such as you were forced afterwards to confess with a blushing Countenance, it proceeded as I think from a reverent Regard to shadow great Faults, which went against God into Light, might call Scandal as you thought upon your whole Society. And this I gather evidently, as well out of your own Speeches, as out of your Request; that the Censure of your Weaknesses might determine personally, within the Comps of your fault. But we receive a farther Benefit thereby in diftinguishing between the Proteftations of plain Dealers, and of those that are taught to equivocate; to mark those that pronounce verbally, when they renounce mentally, and those that in point of Fact are not ranged into the Rules of Faith; and the Civil Laws have resolved, both judly and judiciously, that Conftitution ought ever to be made against the Party that consented to the Bar, and speaks ambiguously upon Advantage, when he should speak plainly for Satisfaction.

I dare undertake, it was certainly conceived by you Mr. Garnet, and by Mr. Hall your Fellow-Priyoner both in Profeffion and Bands, that if by any Accident you might confer but half an Hour after you had paff'd the File of their Examination, that had both you and your Caife in hand, the Lips of Scandal would have been sealed and shut up to close, as nothing might evaporate to emblems of Oaths, since the Lords of the Commiffion forbearing Torrure, dealt so tenderly; and therefore the loudest noise of Warnings between two Doors, but with no better Proof by this Adventure than by the reft. For your former Refervedness, being now encouraged and urged by the Spar of Opportunity, became so confident in running beyond it self thro' the chief Points whereof the State was most eager and desirous to take certain Notice at that time, as they that could not reap, might glean, and many Shifs and stabl Traverfes were over-wrought by this Occasion, which could not be extracted out of your Breat either by Interest or Industry.

By writing to the Pope in a Christian and humble manner for the tempering and cooling of hot

\[\text{Humours}\]
Humours of some giddy-headed Catholicks by his Apostolick Authority, left they might cause Di-stemper in the State, carried in appearance a great likelihood of that Obedience and Patience which the Word of God enjoins, and was accordingly divulged both by you Mr. Garnet, and many oth-ers of your Suit, for the Satisfaction of their Consciences that were fujicicous of your plain Faith: But being only the delusions of things which Watfon left before his Death, that this was but a Villid of Invention too dazzle Trust: And most grew fujiciuous of a Michieif iminent, tho' they knew not what it was: The World heard Rumours of a Feast to be wrought for the Catholicks in Parliament, tho' they could not under-stand the Mean, and Experience hath taught the Ground of this Submifive Letter to the Pope, after the befowimg of all the Barrels among the Piles of Wood, to have only proceeded out of Fear, that such another hot Alarm as arose in 
Winer about the giddy Mutinies of some light Catholicks might awake those Eyes of Anger that were brought into fo fweet a Smalmer by the Pipes of Mercury, and put all Vifes and Devices out of Frame, that were to work with Leifure, Silence, and Repofs in the great helhif Enterprize.

Thus God intended mercifully the proferous and happy Defeat of Achiophel's Device, was content that the first Contrivants shoul put it to the highest Proof, that upon Discovery the Prac-tice might be more clear, the State more forcible, and the Fault more inexcusable. For bona im-major the envious Man fows his Tares fo fitly and secrecy at the firth, as the Eye of Obervation cannot reach to the depth of Fraud; but like Ba-fard-flips, the higher they grow, the more evi-dently they discover the true Parent's Impiety.

Greenwell defining more the good Succes of this Invention, than the planting of the Roman Faith, enjoined Bates in the Secret of Confession to reveal the Purpofe to no Priet; fo jealous and fujicicous he was (in repect of the Main) both of Weaknefs and Error in his own Confort; and you Mr. Garnet, no lefs provident in those Things which concerned your own Safety or Reputation, or as it is faid by one fitteful alifie with you,

Subjicit dubius etiam dom callitii ivaun

forhad Greenwell to give the leaft inking to Catef-av by of your Privity to the Proceeding, tho' you were made acquainted with the matter in gener-al. And more, when you were afflicted of a likelihood of good Succefs by Caryjof's own Encouragement, (so much wifer are the Children of this World, that do rather jefper que fent cantis, than jentis que font spiritus, as Paul forewarns, than the Children of Light, but this is only in their own Generation) you were fo carefull out of fear to be surprized with a Lye, (as the wicked Judges were by Daniel upon the Quetion fub que orarbe, under what Tree) and that your Confessions might be confonant, that the Queenscience of Wit fublimed to the highest Point, could not work more precifely and more punctually for preven-tion of Discovery by orderly Dillegence of all Occations or Direccion, than you did by this Preparative. But againft the stroke of Providence all Counter-practices are vain: for dies dies eratulat verbum, & non nulli indicat jefianum, as may appear by that wises teftisn, that Cloud of Wifneffes, which turning to a Sciflhi Mift, hath not only wet both your self and your Fellows to the Skin, but beside, made all their thanefual Parts fo ma-nifef, (even to vulgar Eyes, that were to act upon the bloody Stage) as the Priets themfelves apprehending one another, and falling out to be forna multularum prudenter, were as much deceiv'd in the theoric of TrufT, as the Loi Dicptres were in the practice of Conspiracy.

So much to lefs from the true, that the power-ful God (which by his Word affur'd us that the Birds of Heaven shall bring those Projects and Inventions to Light, that are contrived in the secret Thought, or privy Cabinet of any wicked and false-hearted Subject against the Kings) hath fo fitted and prepared Infriments of Overtures, as the Mysteries which paffed in Confession between the Priets themfelves (revealed by themselves) come this Day and in this renowned Place to be Iauned and cenfur'd.

I will now that up this Audit of Demonstrations which we defend God's Auger (working almost miraculously in the Transformation of Substances and Change of Properties for accomplifhment of his own just Ends) with the highfli Object of your wicked Aim, which was the depofition of the molt jufi, learned, bountiful, temperate, and tender-hearted Kings, (I may speek it on my Con-ience without bale Flatter} y that ever was ran-ked either in the English or the Scifli Regifter; his Right, his Heart, his Tongue, hath wiefed Happinefs, and brought Security to this State; which if you and your Confederates dildain or wil-fully reject, his own good Wifes shall return to Nothing, and the Duft of the damned Fest, that never were solces ad effendandum scufus

awe or fast to flyed Blood, shall raife a Cloud between you and that eternal Judge in the dreadful Day, to plague your Ingratitude. For what is the Fault (in the Name of God) that can offend the molt precif and capitious Conceits (excepting Conscience, for which he must neither account to Bruno or Ignatius, but to God alone) wherein the King may be faid to have call Duft in their Eyes, that were most violent and diligent in preparing Fuel, and making Fire for the fireinc-ing of his Wifes, his Right, his Heart, his Tongue, of Abel, would have cried for Vengeance in the Ear of God, against the curfed Crew of all the Conspirators, if their Succes had been fortunate?

By the way, I cannot cease to wonder at the Providence and Piety of this thrice happy King, this Pacator Orbis, (the real Atribute of Confla-tunt) who seeketh to eftablfih the Throne of his Dominion and Power, neither with the three Feet of Apollo's Stool at Delph, which his own In-terpreters have underflood of Numinofes, Obser-vation and Sabuity; nor only with the Lions and Lions Wholes, that garnifh'd the fix Steps attend-ing to the Chair of Solomon, to fignify the Submis-sivity, both in young and old, but according to the Rules and antient Prefcripts of our English Go-vernment, with the three Piles of Conflance, Honour, and the People's Love; and that so fefil-fly, as the Sons of Betial have neither Hope nor Poffibility of compaffing their own Defires, with-out cutting off thefe Three, that is Bitbops, Peers, and Commons at one Blow, ut cefps muts & Regeum solum, & Rempab, rgerst. Therefore hold not the Peril ftrange wherein you stand at this preffent, of another kind of Trifplicity speci-fied by Solomon, for proportionable Punishment of your barbarous Affection in Working (by the Quinfidene
Quintessence of Inhumanity) the Ruin both of Prince and State, for Plinthusa triplex non facile pummatum. For to Men, it happens, that this and Alberti, it happens sometimes in Experience, That by the least swerving either of the Eye of Judgment, or of the Hand of Use, instead of the White of Ambition, they hit point-blank the Mark of Execution: Therefore no Man shall be able to avow either in the present or the future Time, t'att they which fit as Judges in this Cafe of excusable Treason, wath their Hands with Pilate in Hypocrisy, when you and your Confederates that fland forth to be tried, cannot wash your own Hands with the Prophec prophet, inter innocentes, among those that are innocent.

Princes use not to take: Offers without Affays: We cannot admit your Obliquity in refusing to pledge the Health of this whole Estate; and no Man knows better (Mr. Garnet) than your self, by what Writ true Men are warranted in quod nobis sursum, si nescire nobis debantur, to give you double Mesufe of the Draught which you had prepared for the State's Destruction; when your Purpose was (if Courtes had failed to your with) that it should begin from them. By this it appears, That virtutis cura (if that were in you which the World did imagine) was a colour against a vetustas, that your Life hath ever your Loyalty.

It is hard for a Man so many ways engaged to a Prince, and for so many Favours as my self, to cut evenly between Affection and Trust, or to provide so tenderly by Preoccupation, as no Spiter may fuck Poisson out of a Rofe: but justa efla, and therefore since it is neither my delight to bow low Pillows under Princes Elbows, nor the King's desire that his truffy Servants and true Counsellors should with the gliding Prophets in the Days of Mephibosst; let me shew you why, I would only crave that Liberty which is afforded in Cafe of private Persons to Affections that are most indifferent, which is to present his Picture to the Eye of Observation in true Colours and Proportions, without swerving too far on either hand, (because he must ever be inquisi dignitatis Jeses, qui aut invicta aut vinimia forest) and to wipe away the Wrong which has been done to him, (and heretofore may by false Afferations, from the Pencils of prejudice Congrat) awake my Spirits in discharget of Duty, before Obligations of Grace, the more 2nd, and the less 2nd, and to lend me strongest Arms and best Endeavours to the just Defence of a most just and worthy King, furiously and unjustly fet upon. What Spirit moved you and yours (Mr Garnet) to dif- sive the Quiet of a State, that never conceived you in her Womb, with a purpose that (like the brood of Vipers) you should make your Life into Life by eating out the Bowels of the Dam that gave you both Creation and Nourishment? for it could not be, but the Commonwealth in 1666 viedina libertatis, as yours termed it, off perturba, when Carnology and his desperate Rout meant not subvire si vivit in sucking, as the Athenian Orator faith of Philip, fed si vintus evertere; well knowing that those that escaped, to be Slaves neque valvurum effe, neque puerum. What ailed you to mine into the strongest Fort of your dear Countryman, who living by the Temper of the King's Affections under Libra, that is as much as under the Golden-Line of Justice, Moderation, and Grace, can hardly judge out of their own Affection, whether the Nights or the Days pass over their Heads more happily. For neither is it possible at this Day for Pride, that barren Sign, to endanger us by Orion or Age, nor for Taurus the Bull to gear our Sides with Anticipation, nor for Scorpio to sting us in the Heart, nor for Sagittarius to wound us in the Reins, nor Aries the Roman Engine to butt with his off-ensive Head at the Walls of our High-Court of Parliament: Tempus ebit, & eice voce fata just omin.

At his Majesty's first Entrance he found us embroiled and greatly weakened by the deeply set- ter long standing Ulcer of a lafting War; what was the Cure? A beam of Wisdom isomenously de- signed to the Prefent, who by the Providence of the wiseft King that ever was, to conclude a Peace sum omnibus Natturis in circuitu, that every faithful Subject might enjoy the fidade of his own Flag-tree, and the Fruit of his own Vine from Daus to Beersheba. I do easily believe, Mr Garnet, that this Course was nothing agreeable to your Affec- tions and Ends, that fought a greater Gain by fishing in Streams that were more troubled; and fishing on a bare Bough, like the Raven when the Lion and the Leopard came forth to fight, began bravely to found a Point of War, in hope that whatever of both those claws, one should serve for a Prey for him to feed upon. And with the wicked Crew in Lucan your Prayer was, Non pacem petimus Superti date genibus iras; but were of another Mind and Hope to make you pine a good while longer at the Calms of our Repose, before you put us into thee Diftempers, that have made your own bent Friends, and Air- eft Fortunes absolutely barren; to whom so far as in Medecy you could ask, I may say with Petronius, quod summanum adipsi felicit, quiete oblivit. Peace is the Mark whereat the Holy Ghost would have all religious Affections to aim: It is the Razor that cuts the Throat of crying Sins; it is the good Angel that drives Horror out of the Conscience of every Christian, when Dath threatens to arrest; it is the chiefest Badge by which our Saviour would have his true Disciples known from Hypocrites; and it is both the richest and the last Jewell which departing hence to his Father, he left to his Spouse the Church for a Legacy. And therefore our Prayer by opposition to your Exorcism must be thus, Nulla falsus belli, pacem te pacificum orares. But how long is it, I pray you, Mr. Garnet, since the Heart of every faithful Subject in this Kingdom was ready to break with a tearful Con- template of those Rocks, upon which the Vef- fels of all Fortunes both publick and particular were likely to have run, at what time forever Delavor was to walk the ways of all Pleth, and to be laid up to rest in the Grave of her Ancestors, for want of a certainly designed Successor, upon whom Israel might ony fix their Eyes, both for Satisfaction in Conscience, and infallible Direction to Loyalty? In those Days the State was charged by all your Pens and Pamphlets with an uncivil, or rather an unchristian Facility in flattering the present time, with Peril to the time to come, in preferring Humours personall before real Plagues, and in setting the whole weight of this State upon the...
the Staff of Age, with no less Confidence than if it had been a P Yale of Eternity. You could then in fine for the kindling of unfruitful Affections at home, how deeply both the Queen should be charged in another Day for setting the King who (instead of digging up a Turf according to the manner) made her Grave an Entry in her Son's behalf to the Title of the Crown; as if the should have filled with the Conqueror when he took a fall at his first Landing, Terraute capit: by laying down her Life, the took a formal Liberty and Sain for her Son, her Life I say, more precious than either my Mind is able to apprehend, or my Pen to deliver.

Give me leave therefore to enquire of you in the Phrase of Saul, and rather with true Zeal than detracting Spleen, O inquit iniustis Galata, quos vos sepscit sancta viridem curritis? O ye senilese Galatians, who hath (since that) stirred up your Passions against Obedience to Truth, and moved you in this manner to abhor the most cordial Receipts for Cure of Incurable Infirmities, as if they were the most powerful Decrees, which you had so much reason to be afraid of Time past you only fashioned, as your only Restoratives? For tho' every Man that had in his head either half a Drachm of Deceit, or the least Scruple of common Sense, knew very well what should become of those whic wh the Day of Demonstration durst proceed with Sabine the Son of Belial by Sound of Trumpet, molecular cells parties in Davit, nonque hereditas in filio Jesse; that since they had neither part in David, nor inheritance in the Son of Jesse, it were free to Jesse to return to their Divisions: Yet I must confess that the wise fort in vacuo curantis (to make the Physicians more easy) would have had much the publick Satisfaction in this Degree at an excessive Rate, which was suppressed by the Strength of Law, and overcall with a Cloud of Suspension. We are not ignorant in those Days, Mr. Garnet, how many did expect with Eshai, diven baalos for opportunity of Revenge. We knew both in what manner, and by what means some heavy Bodies, and more heavy Spirits were in hope to raise themselves like Buffards in fellow Fields et turbini, by the strength of a Whirlwind, to that height which Ambition (void of due Consideration) would so foolishly affright.

It is evident that Iamand would have been Eshai's Pity-fellow; and every day more Arguments were brought to light of a strong Defile in many Minds, That Et Cetera and Penalties might make partition of their Inheritance acta foro, with a sharp cutting Sword: But as Paterculus reports of the Security of the Roman Empire, otherwise than expected, was no danger to the lives of the Barons, the Death of Angevin, we felt not so much as a quivering of that Commonwealth, of whose Ruin we looked in fo great Fear, tantum soli multis viri Majestas, at nec bonus, nec quam dextra opus est exerce Fort: For to great was the Majesty of one Man, that not so much as those that were dutiful, needed Weapons against such that were traitors; for whatsoever he pro-

ected was safe, and whatsoever he rejected did only peril.

And thanks be given to God, we are now to safe and thoroughly secured from foreign Plots and piercing Pests by the sweet Olive-buds which he en- viored the Mercy-Seat, as Doluma may invoked delyor, that by no kind of Influence he can delyor, that is, boor or whimble into this glorious and graceful Stock, whereas he would inoculate the Grievances of his flinging Grievances.

Again, it cannot be denied, That the State of this strong Island, if it be considered by Integrity and Union of Parts, was in a manner paralytical (as long as Scotland was divided from this Realm of England as it were in half) by Privation as well of Motion, as of Sense. And by reason of Obstruc- tions in divided Heads (that stop the free Courts and Pallace of the Spirits thro' all and every Part and Member of the Main from Preparation of Health and Strength) it was like to fall by the left Defilament symtomatical into a dead Apo- plyxy. It was a Work of Mercy in our Saviour to cure nuncu aridum, I mean aridum in respect of the small ute to us, tho' active, strong and pow- erfuf for it left. It was an Act of Policy in Cefar to shut up the back Door that let in the Germanus to the disturbance and dishiquet of those Parts in Gaii. And great Willom it was once in Serossa, to part those from us with a Wall of Huilding, which once a more divine Hand hath happily furnished to us in eternal Frater, For the Holy Ghost accounteth it a Curse to stand-alone, because he cannot be sure of his next Neighbour to take him up: The Branch bears Fruit no longer than it continues in the natural and proper Vine, fed with the same Sap, strengthened from the same Root, cut and pruned by the same Vineter. Thus England and Scotland are the Twins of Hyperboreas, that must ever laugh and weep together: they are the Cogar and Politca that must ever ride and let together; they are the two Hands of one Body Natural and Politicks, that ought both to walk one another's Spots, and supply Winknor: To con- sider this, the Mind and Brain, so fastened and knit together in Harmony and Correspondencies, that without a perfect Union of both, it is not possible for the Life of Britain to move with Power, to feel with Tender- ness, or to breathe in Security.

Our Ancestors desired to have seen this happy Day, (I will not say as Abraham defined the Days of Chrift, left the Comparison might perhaps seem over-bold, but yet as they that live under the Pole defire to fee the Sun which is familiar,) as may appear by Treaties between Princes in the Times of Some of our wifest Kings, as the Third and Seventh Heavies: And again, by the Compo- nence of that earnest Influence of the Eighth, for a Match between the young Queen Mary and Prince Edward his eldest Son, upon easy Conditions. The Letts in former Times proceeded in part from the practice of foreign Potenates, enveying the Greatnesss of united Crowns; and in part from the Flaws of Dometick Factions within the Bi- dyes of both Kingdoms, neglecting the Benefit of Opportunity thus offered upon the light Impearions of private Fears. God himself blesseed this Uni- on between the Realms of Ieland and Judal (te- xand at the same time the Nature and Propor- tion that ours have been so long) as the strongest: Pledge of Favour, and the richell Blessing of eternal
nal Bounty that his loving Kindness could confer upon both States, ut effici Rex unus unamque imperans, ut non effici alia duae gentes, nec dividendum amplitud in duos regna: that there might be but one King to reign indifferent over all, that they might no longer be reputed two Nations; and with a further Condition, That from that time forward, they should be no more divided into two Monarchies. Many Motives of Encouragement have been propounded, many Satisfactions to Jealousy have been tendered, many Instruments of excellent Advantage have been set on work in former Times, but to small Effect, so long as Wisdom rather debated, than Right determined; and besides, for that reason, it was a false forgotten; but the argument is that plentitude temporal, that his Period of Time: wherein so many working Causes and Inducements draw to one Conclusion of Equality in Happinnes in both Estates, as unles we will embrue what our Ancestors with thes Advantage did improve, difable what they did admire, reject what they did recommend, and in a sort repel the Grace of God which knocketh at our Door, we must acknowledge, Non fœcisse Deum tutator omni nationi, That God hath not dealt thus with every Nation. For our Rex pacifius, our DeliciaesVia tann e gentis, our Leo Rubens, (which according to Merlin's Prediction, was to hold in one Paw the Barrier, and in the other Paw the Peace) this Sythian Caledonius, which can level in common Sense at no other Prince that wielded the scepter of this State before) hath by God's blest Providence as well united the Parts of England, Scotland and Ireland, in one Body of Dominion, as the Lines of Edgar, Pegasus the Conqueror, Mac Moragh, and Caddwawdler in one Center of Conjunction, and thereby compounded out of many Waters, that Margaretian pretiositas, for the compounding whereof rather than it should elapse our Hands, we ought to purchase it at as high a Rate, as the wise Merchant did that other in St. Luke, qui, invensis una pretiosa mercis, in merces unam habuit, ut milio esse: having found one precious Pearl among the rest, went and fold all that he possessed in the World before, to purchase it.

I re semble the rare Object of the King our Ma ster's aim, (in seeking to unite and knit together all his Subjects Affections, Scopes and Endeavours, Noto indulgalibus, to this End chiefly, that it may not rest hereafter in the power of Fie to fever what hath been conjoined by the Hand of Grace) rather Margaret than to any other Jewel of great Value, because her Name was Margaret, by whom her Majesty derives her lineal Descendant by just Title of Queen of Scots, whose Name was Margaret, that being eldest Daughter to King Henry VI. involved in the Blood of our dear Sovereign King James, the most absolutely and radically united Interest of the two renowned Families of York and Lancaster: wherein we are to note ex abundante, that at the Point prefixed of one hundred Years, in which this worthy Princes was conveyed, by a lucky Match for this renowned Island, to her Husband James IV. her Royal Offspring James VI. our matchless Sovereign, made his happy Entrance into the possession of all those Crowns with a cheerful Jubilee. I would be glad for my private Comfort, and in grateful Duty to the gracious Bounty of this blessed Line, (if it be lawful to intermingle corpus opusum with so many glorious Asperae) in a light touch to record and view the Revolutions and Fortunes of my own Family. For as the Duke of Norfolk was a forward Minifter in attending this great Princes (by the wife King's Direction) to the full accomplishing of the nuptial Solomonic, so his Heir in the third Degree, by Mifconftitution of horrid Thoughts, and witty Workmanship upon weak Supicion, was drawn into the Loath both of Life and State, for gazing too much upon the gleams of this riling Glory; and our Royal Sovereign (the true and lawful Heir of that peerless Margaret, on whom the Service did attend) referred by Deftiny to refore the Honour of that fading Houfe, which was once seen with a Cloud of Scorn, and as it were to lay new Earth to the Root of that Oak whose bare Leaves were fallen, and the fairest Branches wither of that. Of my fel, whom it hath pleased my most gracious Master and dear Sovereign, to call more Favour than either sub jec fes I could merite, or in re I can utter, this only shall be said in acknowledgement of Fa vor and Admission of Grace, Ultimus hic ego sum qui quos bene, quam malte, nolo Dicere, qui de me judicet, alter erit.

The Name of the late Countess of Lenox was also Margaret, by whom as Daughter to the Queen of Scotland, by an Earl of Angus in a second Marriage. Margaret of Lenox of this Name, was also more willingly incorporated in the Person of the King on his Father's side, for a stronger Union, if it were possible, both of Blood and Interests, and for a double Ornament of his Royal Progeny. She was no Margaret I confefs, but a worthy Mary, that in the last Descendant covered fermentum acceptum, the Leven which the had received by Descant into Three Kingdoms, as the different Woman in the Gospel did her own into three Lumps of Dough, till by her blest Iffue, Founder of our perpetual Quiet, they might be all thoroughly and compleatly leavened.

Now to draw to the Conclusion, which is the Knot of these united Ends, that is worth Sovereign, to whom De nisiris amnis fbi frigis anget quant annos.

That you and your Disciples, Mr. Garnet, in reward of so great Merit of this Island, were so happy to blow up by your Powder-Plots into a higher Region, that than wherein his Throne was by God established, together with those very Walls, which as I find by ancient Record, were built by the Holy Confessor St. Edward rated, of whole Chips, it Confessor defends, that one King might be buried, and the chief of his Race destroyed within the Compas of one Monument. But howsoever Mr. Garnet was willing to forget that this Place was once sanctified for a Refuge and Retreat to all forts of Perfons in Distrefs, by his own Canons; yet God that would not destroy Judas for his Servant David's sake, his Providence in like fort purposing to continue the Flame of that blest King in this fairest Branch of his Heir; the Justice of that Divine Majesty holding it an Act of Atheism to call rot Margaretias portas, to many Pearls to Swine, or Summer cans, which is Holy to Dogs, bounded the Malice of these gracesful Imps within so narrow Streights, as it refted not in their power by the Murder of our King to flain the Confessor's Walls with his
own Blood, or under the Vizard of St. Edward's Profession, to extirp the Roots of St. Edward's Pottersly. For in the Proverbs we are certainly assured, that دونای جفتان در پرستگی از این پنهانی می‌باشد. The Howe of the Holme must be burnt, and shalt continue to be filled out in a better Consequence, That the Skull of faithless Percy should flound on Continent where he was once Captain Pioncett; and Lambeth shall now be Calthorpe's Horizon, that was his Arsenal: And their giddy Pates are left languam malus scitatis, like the Maft of a Ship, to use the Prophet's Phrase, to warn Passengers by what Jult Difalter the roving Pirates came to their unhappy End; especially for seeking the Golden-Fleece, nor by Jaffan's Merit, but by Medan's Sorcery. To conclude, we may learn of the wise Man, That there can be neither Wilforst, nor Councel, against God. The Ribs of a crazed Veelie are too weak to bruice the Rock which they rush upon. We fear Nefs to no purpose, when God's Angel is ad oppidum. Jacob having thronk a Sinec, halted all the days of his Life, after he wearied so long and so little purpose with God Omnipotent. Men are sure to gain no more than their own Smart, that kick against the Thorn: In such Attempts it is neither in him that wills, nor in him that runs, but in God that shews Mercy to those that direct themselves according to Difcreet Testimony in Scripture Lores. You are call into the Lap, but it is God that dispofeth the Lottery. Thou thy purpose were all one with Ahasb and Jezebel, in seeking to cut the Throat of Naboth for his Ground: Thou' you gave out your Hymn before this holy A6, as they proclaimed a religious Fat: Thou' you made your selves sick (as Ahasb did) with Anguish and Vexation, because you could not have your Will; yet since you could neither occide nor pollide, your Luck was worse than theirs: For by God's powerful and preventing Grace, you were thriu'd as well from all the Morn and Advantages of killing whom you hated, as of puffing up what you coveted. It was good therefore that (upon so many plain Experiments) you would confed with certain Wanderers in the Book of Wiltom, Latifos off sos, that you were wearied and over-laboured in theeb crooked ways, and have been ever since you leaped out of Via regia, the King's High-way, which neither leads to Dishonour, nor ends in Misery. Nothing is more proper Materie, to Matter, than to flow (say the Philosophers) nisi a forma fijit, unless he be rued and fixed by the Form; nor any thing more proper to Humanity, (according to the Rule of Truth) than to err, if Grace direct it not. Mahomet confedeth in his Alcoran, That the throne of Christ was railed by patience, his by Revenge; that by Miracles, his by Tyranny, The Modesty and Piety of Christians affidified for the Point of Confidence in the Time of Terullion, appears by the Reason which he gives of their Abstinence à f lasio & fangoisse, that is, non quale fragmentorum, vel incho e e reis fapes, that they might admit no Pollution by Blood, tho' it were buried within their Bowels. Pardon me, Mr. Garnet, tho' I doubt whether in the Point of Confidence alone, you would voluntarily and resolutely abide the Saw of Efat, the Bolts of Jeremy, the Gibbet of Peter, the Sword of James, or the Roning of St. Stephen, much less make a Gathering among those of your Profession, toward the preparing of an humble Suci-
O
n the 3d of May, Garnet, according to his
Judgment, was executed on a Scaffold, for
up that Purpuse at the Well End of St.
Paul's Church. At his arrire up the Scaffold,
he stood much amazed, and Fear and Guiltiness appearing
in his Face. The Deans of Paul's and Win-
chester being present, very gravely and chillantly exhorted him to a true and lively Faith to God-
ward, a free and plain Acknowledgement to the
World of his Offence; and if any further Tre-
ason lay in his Knowledge, to unburden his Con-
science, and shew a Sorrow and Declaration of it: But Garnet, impatience of Periments, and ill-plea-
ded to be exhorted by them, desir'd them not to trou-
ble him, he came prepar'd, and was resolve'd. Then the Recorder of London (who was by his Majesty appointed to be there) asked Garnet if he had any thing to say unto the People before he died: It was no time to diffame, and now his Treasons were too manifest to be diffam'd; therefore, if he would, the World should witness what at last he confess'd of himself; and of his Fact; it should be free to him to speak what he list. But Gar-
net, unwilling to take the Offer, said, His Voice was low, his Strength gone, the People could not hear him, tho' he spake to them; but to those about him on the Scaffold, he said, The Intention was wicked, and the Fact would have been cruel, and from his Soul he should have sorrow'd, had it been effec'ted; But he said, He had only a general Knowledge of it by Mr. Catteley, which in that he did diffec't not, nor used Means to prevent it, here-
in he had offend'd; what he knew in Particulars was in Confession, as he said. But the Recorder wish'd him to be remembered, that the King's Majesty had under his Hand-writing these four Points amounting others.

1. That Greewany told him of this, not as a Fact, but as a thing which he had Intelligence of, and told it him by way of Confession.

2. That Cateley and Greewany came together to him, and told him of it.

3. That Mr. Tynand and he had Conference of the Particulars of the Powder-Treason in Essex long after.

4. Greewany had ac'd him who should be the Protecor; but Garnet said, That was to be refer'd till the Blow was past.

Thee prove thy Virtue besides Confession, and thee are extant under your Hand. Garnet an-
swer'd, Whatsoever was under his Hand was true. And for that he diffec't not to his Majesty the things he knew, he confess'd himself fully con-
demn'd; and for this did all Forgiveness of his Majesty. Hereupon the Recorder led him to the Scaffold to make his Confession publick.

Then Garnet said, Good Countrymen, I am come hither this blessed Day of The Invention of the holy Crof't, to end all my Crof'ts in this Life: The Caufe of my Suffering is not unknown to you; I confess I have offended the King, and am sorry for it, so far as I was guilty, which was in concealing it; and for that I ask Pardon of his Majesty. The Treason intended against the King and State was bloody, my self should have detected it, had it taken effect. And I am heartily forry that any Catholics ever did so cruel a Deify. Then turning himself from the People to them about him, he said to his Secretary for Mrs. Anne Faus, saying, There is that standeth the Honourable Gentle-
man who hath been much wronged in Report: For it is suspected and said, that I should be mar-
ried to her, or worse. But I protest the contrary: She is a virtuous Gentlewoman, and for me a perfeet pure Virgin. For the Pope's Breves, Sir Edmund Bayman's going over Seas, and the Mat-
ter of the Powder-Treason, he refer'd himself to his Arraignement, and his Confessions: For what-
ever is under my Hand in any of my Confes-
sions, fad he, is true.

Then addressing himself to Execution, he kneel-
ad at the Ladder-foot, and affed if he might have time to pray, and how long. It was an-
swer'd, He should limit himself, none should in-
terrupt him. It appear'd he could not constantly or devoutly pray; Fear of Death, or Hope of Pardon, even then so disfutracted him: For oft in those Prayers he would break off, turn and look about him, and answer to what he over-heard, while he seemed to be praying. When he stood up, the Recorder finding in his Behaviour as it were an Expectation of a Parson, wished him not to deceive himself, nor beguile his own Soul; he was come to die, and must die; requiring him not to equivocate with his last Breath; if he knew any thing that might be a Danger to the King or State, he should now utter it. Garnet said, It is no time now to equivocate; how it was lawful, and when, he had shew'd his Mind elsewhere: But, faith he, I do not now equivocate, and more than I have confess'd I do not know. At his ascending up the Ladder he deified to have Warn-
ing before he was turned off. But it was told him, he must look for no other Turn but Death. Being upon the Gibbet, he ut'd these Words: I commend me to all good Catholics, and I pray God preserve his Majesty, the Queen, and all their Pevity, and my Lord Privy Council, to whom I remember my humble Duty, and I do desire that the King or State or either of them: But I did not think they had bad fitch Proof against me, till it was too late and; but when that was prov'd, I held it more Favour for me at that time to confess, than before to have accus'd. And for my Brother Greenway, I would the Truth were known; for thefalse Reports that are, make him more famity than he is. I should not have charg'd him, but that I thought he had been fife. I pray God the Catholics may not suffer the wronge for my Sake; and I exort them all to take heed they enter not into any Treasons, Rebel-
lions, or Infruptions against the King. And with this ended speaking, and fell to praying; and crouching him-
self, saith, in nomine Patris et Fili, et Spiritus Sancti, and prayed, Maria mater gratiae, Maria mater misericordiae, ut me a malo proteger, et ho-
rà moris suffici. Then, In manus tuas, Domine, commend Spiritum meum: Then, Per Crucis hoc Signum (crouching himself) figiat proxim omne ma-
lignum, Infirge Crucem tuam in corde meo, Do-
mine; Let me always remember the Crof't: and so re-
turned again to Maria mater gratiae, and then was turned off, and hung till he was dead.

XXI. The
XXI: The Trial of George Sprot in Scotland, for High-Treason, in conspiring with John Earl of Gowrie to murder King James I. 12 Aug. 1608. 6 Jac. I.

George Sprot, a Notary*, inhabiting at Ayrshire, having given cause of Sulpition by some Words which fell from him, and afterwards by some Papers found upon him, that he was privy to, and acquainted with the Plotting of the late Earl of Gowrie and Robert Logan, for the cruel murdering of King James, was feigned and committed to Prifon; and after divers Examinations, being moved with remorse of Conscience for the long concealing his Fore-knowledge of this Conspiracie, confessed, declarest, and deponeth, That he knew perfectly, that Robert Logan, late of Ralairg, was privy, and upon the Fore-knowledge of Gowrie's treacherable Conspiracie. And for the greater Affurance of his Knowledge, deponeth, That he knew that there were divers Letters interchanged between them, anent the treasonable Purpose aforesaid, in the beginning of the Month of July 1600. Which Letters, James Baur, called Laird Baur, Servitor to Ralairg, (who was employ'd Mediator betwixt them, and privy to all that Errand) had in keeping, and shewed the same to Sprot in the Place of Foyl-Cofle. The Rift of Gowrie's Letters, containing in effect, as followeth:

To the which Letter Ralairg wrote an Answer, and sent the same to the Earl of Gowrie, by the said James Baur, of the Tenure following:

My Lord, my most humble Duty and Service heartily remembered. At the Receipt of your Lordship's Letter I am so comforted, that I can neither utter my Joy, nor find myself sufficiently able to requite your Lordship with due Thanks. And persuade your Lordship in that Matter, I shall be as forward for your Lordship's Honour, as if it were my own Cause. And I think there is no living Christian that would not be content to revenge that Macbethian Murthering of our dear Friends; yea howbeit it should be, to venture and hazard Life, Lands, and all other things else. My Heart can bind me to take part in that Matter, as your Lordship shall find better Proof thereof. But one thing would be done, namely, That your Lordship should be circumfert and earneft with your Brother, that he be not rash in any Speeches touching the Purpose of Patience. My Lord, you may safely understand, that such a Purpose as your Lordship intended, cannot be done rashly, but with Dliberation. And I think, for my self that it were not meet to have the Men your Lordship spake of, ready in a Boat or Bark, and address them as if they were taking Passe on the Sea, in such fair Summer-time. And if your Lordship could think good, either your self to come to my Houfe of Foyl-Cofle by Sea, or to send your Brother, I should have the Place very quiet and well provided after your Lordship's Visitement, where we should have no want of the best Venison can be had in England: And no others should have Access to haunt the Place, during your Lordship's being here, but all things very quiet. And if your Lordship doubt of safe landing, I shall provide all such Necessaries as may serve for your Lordship's Arrival, within a Flight-floot of the House. And persuade your Lordship you shall be as sure and quiet here, while we have listened our Plot, as if you were in your own Chamber: for I trust and am assured we shall hear Word within a few days from them your Lordship knoweth of a Provisor. I shall persuade it to come home by. Your Lordship knoweth I have kept the Lord Balvaree quietly in this House in his greatest Extremity, lay both King and Council what they liked. I hope (if all things come to pass, as I trust they shall) to have both your Lordship and his Lordship at one good Dinner more I die. Haec juxta, to animare your Lordship: I doubt not, my Lord, but all things shall be well. And I am resolved, whereas your Lordship shall not doubt, of any thing on my part, yea to peril Life, Lands, Honour and Goods; yea, the Hazard of Hell will not affray me from that, yes altho' the Stafford were already set up. The sooner the Matter were done, it were the better, for the King's Back hunting will be shortly; and I hope it shall prepare some dainty Cheer for us to dine against the next Year. I remember well, my Lord, and I will never forget, so long as I live, that merry Sport which your Lordship's Brother told me of a Nobleman at Patras; for I think that a Para- fete to this Purpose. My Lord, think nothing that I commit the Secrecy hereof, and Credit to this Bearer; for I dare not only venture my Life, Lands, and all other things I have else, on

* Spalding's History of the Church of Scotland, p. 509.

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his Credite, but I durst hazard my Soul in his keeping, if it were possible in earthly Men; for I am so perfused of his Truth and Fidelity. And I towr (as your Lordship may ask him if it be true) he would go to Hell-Gates for me; and he is not beguil’d of my Part to him. And therefore I doubt not but this will perfuse your Lordship to give him Truth in this Matter, as to my self. But I pray your Lordship direct him home with all possible haste, and give him strait Command, that he take not a Wick steep, while he fee me again, after he come from your Lordship. And as your Lordship defereth in your Letter to me, either five or six days, then after his return, pass to Fug-Escape, where he remained a certain short Space.

And farther deponeth, that he saw and heard Relaugh read the last Letter, which Bower brought back to him from Gasure, and their Conference there-ante. And heard Bower say Sir, if ye think to make any Commodity by this Dealing, lay your Hand to your Heart. And Relaugh answer’d, that he would do as he thought well. And farther said to Bower, Howbeit he should sell all his own Land that he had in the World, he would pass through with the Earl of Gasure, for that Matter would give him greater Contentmome, nor if he had the whole Kingdom: and rather or he should falsify his Promise, and recall his Vow that he had vowed to the Earl of Gasure, he should spend all that he had in the World, and hazard his Life with his Lordship. To whom Bower answer’d: You may do as you please, Sir, but it is not my Counsel, that you should be so full of honey in that other Matter. But for the Condition of Dirlen, I would like very well of it. To whom Relaugh answer’d, Content your self, I am at my Wife’s end. And farther, Sprot deponeth, that he enter’d himself thereafter in Conference with Bower, and demanded what was done between the Laird and the Earl of Gasure. And Bower answer’d, that he believe’d that the Laird should get Dirlen without either Gold or Silver, but feared that it should be as dear unto him. And Sprot inquiring how that could be; Bower said they had another Pie in hand, nor the telling of any Land: but prayed Sprot, for God’s sake, that he would let be, and not trouble him self with the Laird’s Butine; for he feared, within few days, the Laird would be either land-led or Life led.

And the said George Sprot being demanded if this his Deposition was true, as he would answer upon the Salvation and Condemnation of his Soul; and if he will go to death with it, seeing he knoweth the time and hour of his Death to approach very near; deponeth for Anfwer, That he hath not a Defire to live, and that he knows the Time to be short, having care of no earthly Thing, but only for clearing of his Conscience in the Truth of all these Things, to his own Shame before the World, and to the Honour of God, and Safety of his own Soul; that all the former Points and Circumstances contained in this his Deposition, with the Deposition made by him the 9th Day of July last, and the whole remnant Depositions made by him ten that Day are true, which he will take on his Conscience, and as he hopeth to be faved of God, and that he would seal the same with his Blood.

And farther, being demanded where this above-written Letter, written by Relaugh to the Earl of Gasure, which was rewar’d again by James Bower, is now; deponeth that he abstraffed it quietly from Bower, in looking over and reading Bower’s Letters, which he had in keeping of Relaugh’s; and that he left the above-written Letter in his Chest among his Writings, when he was taken and brought away, and that it is closed and folded within a piece of Paper.

This aforesaid Deposition was made by him the tenth of August 1608, written by James Primrose, Clerk of his Majesty’s Privy-Council, and subscribed with the said George Sprot’s own Hand, in the Presence of...

The Earl of Dumbart, Sir Will. Hart, his Majtie’s Justfice, the Bishop of Roife, Mr. Jefh Hall, the Lord Schone, Mr. Patrick Galloway, the Lord Hauletoubouef, Mr. Peter Hecny, Mini- nisters of the Kirk of Edinburgh.

Subscribed with all their Hands.

And also the 11th Day of the aforesaid Month and Year, the said George Sprot being re-examined, in the Presence of a Number of the Council and Minifteres aforesaid, and it being declared to him, that the time of his Death now very near approacheth, and that therefore they desire him to clear his Conscience with an upright declaration of the Truth; and that he would not abuse the holy Name of God, to make him, as it were, a Wittens to Un-truths; and especially being declared that he would not take upon him the innocent Blood of any Person dead or quick, by making and forging Lyes and Untruths against them.

Further, that he acknowledge his grievous Offences to God (who hath made him a reasonable Creature) in abusing his holy Name with many Un-truths, fen the beginning of this Processes: but now being resolv’d to die, and attending the hour and time when it shall please God to call him, he deponeth with many Affettations, and as withith to be participant of the Kingdom of Heaven, where he may be countable and answerable, upon the Salva- tion and Condemnation of his Soul, for all his Doings and Speeches in this Earth, that all that he hath deponed fen the fifth Day of July last, in all his several Depositions, were true in every Point and Circumstance of the same: and that there is no Untruth in any Point thereof.

And having declared Mr. Patrick Galloway to make a Prayer, whereby he might be comforted now in his Troubles: which was done:

The said Deponer, with many Tears after the Prayer, affirmed this his Deposition to be true; and for the Confirmation thereof, declared, that he would seal the same with his Blood.
And the next Day thereafter, being the 12th of the aforesaid Month of August, upon the aforesaid Confession, the said George was brought forth and prefented in Judgment upon Panel, within the Tolbooch of Edinburgh, before Sir William Hart of Provost, his Majesty's Justice, and there in a fenced Court holding by him that Day, affirmed by the bononnable Persons following, his Afflctions in that Errand: They are to say,

Alexander Earl of Dunfermling, Lord Chancellor,
George Earl of Dunbar, Treasurer,
John Archbishop of Glesgus,
David Bishop of Raffe,
Gewin Bishop of Galway,
Andrew Bishop of Brechin,
David Earl of Crawford,
Marq Earl of Lothian,
John Lord Abernethy of Saltoun,
James Lord of Balmerine, Secretary,
Walter Lord Blantyre,
John Lord Halyndeshope,
Michael Lord Burley,
Sir Richard Cokeburn of Clerkintoun, Knight,
Mr. John Pfeiffer of Fouton Barres, Collector-General,
Sir John Skyns of Carrutil, Knight, Clerk of Register.)

was delated, accused, and pursed by Sir Thomas Hamilton of Binning, Knight, Advocate to our Sovereign Lord for his Highness's Entries, of the Crimes contained in his Indictment, produced by the said Advocate; whereas the Tenure followeth:

George Sprot, Notary in Aythem, You are indicted and accused, forasmuch as John, sometime Earl of Goevis, having most cruelly, detestably, and treasomfully confined in the Month of July, the Year of God 1660 Years, to murder our dear and most gracious Sovereign the King's most excellent Majesty: And having impaired that devilish Purpose to Robert Logane of Refalgirg, who allowed of the fame, and most willingly and readily undertook to be Pieraker thereof: The fame coming to your Knowledge at the times and in the manner particularly after specified, you most unnaturely, maliciously, and treasomfully conceal'd the fame, and was art and part thereof in manner following. In the first, in the said Month of July sixteen hundred Years, after you had perceive'd and known, that divers Letters and M эффas had put between the said sometime Earl of Goevis, and the said Robert Logane of Refalgirg, you being in the House of Fofg-Calle, you saw and read a Letter written by the said Robert Logane of Refalgirg, with his own Hand, to the said John sometime Earl of Goevis, of the Tenure following:

My Lord, my most humble Duty and Service heartily remember'd. At the Receipt of your Lordship's Letter I am so comforted, that I can neither utter my Joy, nor find my self sufficiently able to repay your Lordship with due Thanks. And perforce your Lordship in that Matter, I shall be as forward for your Lordship's Honour, as it was mine own Caufe. And I think there is no living Christian that would not be content to revenge that Macchiavelli matrissyng of our dear Friends, yes, howbeit it shoule be, to venture and hazard Life, Lands and all other thing eile. My Heart can bind me to take part in that Matter, as your Lordship shall find better Proof thereof. But one thing would be done: namely, That your Lordship should be circumfpect and earneth with your Brother, that he be not rafh in any Speeches touching the Purpose of Fofg-Calle. And a certainte Time after the execution of the aforesaid Tresfon, the said Robert Logane of Refalgirg, having defired the Laird of Bear to deliver to him the aforesaid Letter, or else to burn it; and Bear having given to you all Tickets and Letters, which he then had either concerning Refalgirg, or others; to fee the fame, because he could not read himself, you abftracted the above-written Letter, and retaine the fame in your own hands, and divers times read it, containing further, in fulblance nor is formerly set down, according to the words following:

My Lord, you may easily understand, that such a Purpofe as your Lordship intendeth, cannot be done rafhly, but with Deliberation. And I think for my self, that it was moft meet to have the Men your Lordship spake of, ready in a Boat or Bark, and address them as if they were taking Palfime on the Sea, in fuch fair Summer time. And if your Lordship could think good, either your self to come to my Houfe of Fofg-Calle by Sea, or to fend your Brother, I should have the Place very quiet, and well provided after your Lordship's Advertisment, where we should have no fear of the bell Venifon can be had in England. And no others should have access to haunt the Place during your Lordship's being here, but all things very quiet. And if your Lordship doubt of safe landing, I shall provide all fuch Neceffaries as may serve for your Lordship's Arrival, within a Flight-floe of the Houfe. And perforce your Lordship you shal be as sure and quiet here, while we have ferved our Plot, as if you were in your own Chamber: for I truft, and am affur'd, we shall have word within few Days from them your Lordship know're of; for I have care to fee what Ships comes home by. Your Lordship know's well, I have kepe the Lord Battawell quietly in this Houfe in his greatest Extravity, say both King and Coun cil what they liked. I hope (if all things come to pafs, as I truft they shall) to have both your Lordship and his Lordship at one good Dinner afore I die. Haec jeos, to animate your Lordship: I doubt not my Lord but all things shall be well. And I am resolved, whereof your Lordship shall not doubt, of any thing on my part, yes, to peril Life, Land, Honour and Goods; yes, the Hazard of Hell shall not affay me from that, yea, altho' the Scaffold were already set up. The former the Matter were done, it were the better; for the King's Back-burning will be shortly; and I hope it shall prepare some dainty Chere for us to dine against the next Year. I remember well, my Lord, and I will never forget, so long as I live, that merry Sport which your Lordship's Brother told me of a Nobleman at Padva: for I think that a Purpofe to this Purpofe. My Lord, think nothing that I commit the Secrecy hereof and commit it to this Bearer; for I dare not venture my Life, Lands, and all other things I have eile, on his Credit, but I dart hazard my Soul in his keeping, if it were possible in earthly Men; for I am so perfuaded of his Truth and Fidelity. And I traw (as your Lordship may ask him if it be true) he would go to Hell-gates for
for High-Treason.

burgh, of the Dates, the 5th, 15th and 16th days of July last by-past, and 10th and 11th days of August
Infant, confeded every Head, Point, and Article of the Indictment above written, but also by divers other your Depositions subscribed likewise with your Hand, you have ratified the same, and sworn constantly to abide thereat, and to feal the same with your Blood, which you cannot deny.

The Indictment being read openly in judgment to the said Gorge Sprat, before he was put to the Knowledge of an Inquest, he confeded in the Presence of the said Lord Justice and whole Attor-
sors above-named, the time and every Point thereof to be true and of Verity. And therefore the Jus-
tice ordained the said Indictment to be put to the Knowledge of a conding Inquest of the hereafter, famous and discreet Perjuries under-written. They are to say:

William Trumbill of Ardrie.
Williaim Fisher, Merchant, Burgess of Edinburgh.
Robert Stewart, there.
Edward Johnstone, Merchant, Burgess there.
Robert Maxwell of Edinburgh, Merchant, and Attorney.
James Tumet of Edinburgh.
William Trumbill, Burgess of Edinburgh.
George Brown in Gorginwil.
John Hutcheson, Merchant, Burgess of Edinburgh.
John Legis, Merchant, Burgess there.
James Smercelli, Merchant, Burgess there.
William Simiotics, Burgess there.
John Cumnodes in Dorothin.
To: Smith, Merchant, Burgess of Edinburgh.
And John Cooke, Burgess there.

Which Perils of Inquest being chosen, sworn and admitted, after the Acception of the said George Sprat, before them of the said treasonable, heinous, and mischievous Contrafacture, and in defiance of all the forms of Law before foresaid, and residing of the said Indictment of new again in him and their Presence; the said George Sprat of new confeded in the Audiance of the said Inquest the aforesaid Indictment and every Point thereof to be true and of Verity. Whereupon the said Sir Thomas Hamilton of Binning Knight, his Majesty's Advocate, as before, afozed Act and Infrument: And in rejspect thereof proted, in cace the said In-
quest cleaned him of the said Crimes for wilful and mannifet Error. And therefore the whole formant's Perifons of Inquest removed all together forth of Court to the Inquest House, where they being incled, by Plurality of Votes elected and made choice of the said Harburt Maxwell of Cacon to be Chancellor, or Foreman, and having with great Deliberation gravely confed'd the Effet and whole Circum-
crances of the said Indictment, and confant judicial Confliffion made by the Party paneled, as well before the said Lord Justice and his Attorrons, as thereafter in Presence of the Inquest themselves, they all voted upon the whole Effet of the said Indictment. And being ripely and well advised therewith, re-enter'd again in Court, where they all in one Voice by the Mouth of the said Chancellor or Foreman, found, pronounced, and declair'd the said George Sprat (according to his own Confiffion made before the Indictment in presence and Audiance) to be guilty, culpable, filed and convict of art and part of the said most heinous, detectable and treasonable Conflffion contained in his Indictment above-written, and of the Knowledge and Conflffing thereof. For the which Caufe the said Justice, by the Mouth of the Dempifer of Court, by his Sen-
tence and Doom decenter and ordained the said George Sprat to be taken to the Market Cross of

Edinburgh,
Edinburgh, and there to be hanged upon a Gibbet till he be dead, and thereafter his Head to be stricken from his Body, and his Body to be quartered and demeaned as a Traitor, and his Head to be affixed and set up upon a Prik of Iron upon the highest part of the Tolbooth of Edinburgh, where the Traitor Govan; and others of the Conspirators Heads stand; and his whole Lands, Estates, Tacks, Szedings, Rooms, Possessions, Goods and Goods to be forfeited and eftcher to our Sovereign Lord his issue, for his treasonable and detestable Crimes above specified. Which was pronounced for Doom.

Extra statis dicta ab Annuet S. D. N. Re- gis par nos D. Jacobuna Cauborne de Osraunelion militis, Clericoj Sigilliarum ejusdem generalem. Sub suis signis de subscriptione annuatulis.

The Doom being pronounced, the said George was conveyed to a privy House, where he remain'd at his secret Meditation, and afterwards in Conference with the Ministers and others, unto the time all things was provided necessary for his Execution: and being brought to the Place where he was to die, he in publick Audience of the whole People, at the three sides of the Scaffold, ratify'd the former Depositions made by him concerning the treacherous Practices intended and devised betwixt Govane and Reftalrig, for the murdering of our most gracious Sovereign, and bereaving his Highness of his Life, and his own Knowledge, and concealing of their Guilti- nels. For the which he humbly craved God and his Majesty Forgivens, being most forel and grieved that he had offended God and the King's Majesty in concealing such a vile, detestable and unnatural Treason, and also to inform them against his gracious Sovereign, who had been ever so good and gracious to his Subjects; promising that if he had a thousand Lives to render, and were able to suffer ten thou- sand Deaths, it were not a sufficient Satisfaction and Recompence for his Offence. And that God had preferred him from many great Perils, when his Life was in extreme Danger, to bring him to this publick Declaration of that detestable and horrible Fact, in Presence of all the People, uttered by him in these words following: To my own Shame, and to the Shame of the Deceit, but to the Glory of God. And for Satisfaction of the Consciences of all those that have or can make any doubts of the Truth of this so clear a Matter, he acknowledged that his writing with Reftalrig, who was a Man without Religion, and subject to many other Vices, as also his continual being in Company with the Laird of Bour, who likewise was irreligious and without fear of God, and his being ingreyed by them into their Matters after his first light of Reftalrig's Letter written by him to Govane, brought him from one Sin to another, and consequently upon this grievous Crime; for which the most justly, worthily and willingly, he is now to render his Life. And thereupon he declared all the People there present to be wary of evil Company, and namely of the Society of those who are void of Religion; laying to them, That this was the most glorious Day that ever his Eyes did see. In the midst almost of these Speeches, he had prostrate himself, and fell upon his Knees in Presence of the whole People, making a very pithy Prayer, in the Form following.

O Father, how shall I call Thee Father, that art so unworthy to be called thy Son? I have wandered afar. by a Loff-Sheep, and thou of thy Mercy hast brought me home unto Thee, and hast preferred my Life from many Dangers until this Day, that I might reveal these hidden and secret Mysteries to mine own Shame, and thy Glory. Thou hast promised, that wher- ever a Sinner from his Heart will repent and call to Thee, that thou wilt hear him, and grant him Mercy.

And thus he continued a good Space in a most fervent Prayer, to the great Admiration of all the Standers-by. And having ended the same, one of the Ministers pray'd again, and the Prisoneer join'd with him, That God would forgive his Sins, and receive his Soul to Mercy. After which, Sprat standing up made divers Requests: First, that what he had deliver'd by his Confession on the Scaffold, might be put into his Proces, that the World might take notice of it. Secondly, that such as were present (as they might have Opportunity) would be Sitters unto the King, that his Majesty would forgive him this Offence; for which, he said, He exerted Pardon of God, of his Sovereign, and the World. And thirdly, he desired those of the Ministry which were present, that wherefore they came they would proclaim in the Pulpit his Confes- sion of his Crime, his Sorrow for the fame, and his full Hope that God would pardon him. And to the end that this might be perform'd, he took the Hands of such Ministers as stood near about him, to binding a Promise on them. And here, being told by the said Ministers and other Persons of Quality, that being so near his Departure out of the World, it concerned him to speak nothing but the Truth, and that upon the Pardon of his Soul he answer'd, That to the end they should know, that he had spoken nothing but the Verity, and that his Confession was true in every respect. he would (at the last Gasp) give them some apparent Token for the Confirmation of the fame. Then fitting himself to the Ladder, the Executioner came to him, and, as the manner is, asking Forgivens of him; With all my Heart, faith he, for you do but your Office, and it is the thing I desire, because suffering in my Body, I shall in my Soul be join'd to you in Sorrow.

Afterward going up the Ladder with his Hands loop'd up, undist, being on the upper Part thereof, he desired Liberty to fig the sixth Psalm, and requested the People to accompany him in the singing thereof. Which being granted, he took up the Psalm himself with a very loud and strong Voice, far by his accustomed Form, being before his coming to the Scaffold a weak spirited Man, of feeble Voice and Utterance; and was affilied with the Number of a Thousand Persons at the least, who accompany'd him in singing that Psalm. After the ending whereof he again openly repeated and ratified his said former Confession: and with that, recommending his Soul to God, he fasten'd a Cloth about his own Eyes, and was cast over the Ladder, to ending this mortal Life.

Before his last Breath, when he had hung a pret- ty Space, he lift up his Hands a good height, and clapped them together aloud, three several times, to the great Wonder and Admiration of all the Be- holders. And very soon thereafter he yield'd his Spirit.

XXII. Proceedings
XXII. Proceedings between the Lady Frances Howard, Countess of Essex, and Robert Earl of Essex her Husband, before the King's Delegates, in a Cause of Divorce, 1613. 11

Jac. I. *

Upon the Petition of Frances Countess of Essex, complaining that the Earl her Husband was incapable of conforming their Marriage, and praying a Commission to examine, if her Complaint was well founded; the King granted her Request, and appointed the following Persons Commissioners:

- George Archbishop of Canterbury,
- John Bishop of London,
- Lancelet Bishop of Ely,
- Richard Bishop of Litchfield and Coventry,
- John Bishop of Rochester,

Sir Julius Caesar, L.L.D.
Sir Thomas Parry, L.L.D.
Sir Daniel Dorne, L.L.D.
Sir John Bennet, L.L.D.
Dr. Francis James,

and

Dr. Thomas Edwards.

The Libel contained the following Allegations.

I. That the, at the time of the Marriage, was thirteen years old, and is at this time twenty two or twenty three.

II. That the and Robert Earl of Essex were married by publick Rites and Ceremonies of the Church in January 1603.

III. That the aforesaid Robert, at the time of the pretended Marriage, was about fourteen, and is about twenty two or twenty three at this time; and ever since, and at this present, is a Man (as far forth as a Man may judge) and hath been in good Health, and perfect Estate of Body, nor any way hindered by any Ague or Sickness, but that he might have carnal Copulation with a Woman.

IV. That since the pretended Marriage, at least by the space of whole and continue three years after the said Robert had fully attained the Age of eighteen Years, as Time and Place did serve, after the fashion of other married Folks, the said Frances Howard in hope of lawful Issue, and defruss to be made a Mother, liv'd together with the said Robert, and bed and board, and lay both naked and alone in the same Bed, as married Folks use: And defruss to be made a Mother, from time to time, again and again yielded her self to his power, and as much as lay in her, offer'd her self and her Body to be known; and carnally defruss Conjunction and Copulation.

V. And also the said Earl, in the same time very often, again and again, did try to have Copulation, as with his lawful Wife, which he refused not, but used the best means he could: notwithstanding all this, the said Earl could never carnally know her, nor have that Copulation in any fort which the married Bed allowed.

VI. Yet before the said pretended Marriage, and since, the said Earl had had, and hath Power and Ability of Body to deal with other Women, and to know them carnally, and sometimes have felt the Motion and Pricks of the Flesh carnally, and tending to carnal Copulation, as he hath and believeth; and peradventure, by a perpetual and natural Impediment, hath been hindered all the former time, and is at this present, that he can have no Copulation with the said Lady Frances.

VII. Furthermore, the said Lady Frances hath been, and is fit and able to have Copulation with a Man, and such a one as may be carnally known; neither hath he in this regard any Impediment.

VIII. Moreover, the said Lady Frances remained, and is at this present, a Virgin. Also at the time of the pretended Marriage, the said Lady Frances was unacquainted with the Earl's want of Ability and Impediment, formerly mentioned.

IX. And furthermore the said Earl, long before this Suit commenced, hath very often, and at full dry times confessed in good earnest, before Witneses of good Credit, and his Friends and Kindfolks, that altho' he did his best Endeavour, yet he never could, nor at this time can, have Copulation with the said Lady Frances, no not once.

X. And lastly, in regard of womanish Modesty, the Lady Frances hath concealed all the former Matters, and had a Purpose ever to conceal them, if she had not been forced, through Rumours of Disobedience to the said Earl, to reveal them.

She required, since this pretended Matrimony is but a Fact, and not in Right, it may be pronounced, declared, and adjudged as none, and of none effect; and she may be quiet and free from all Knots and Bonds of the same, by your Sentence and Authority.

The Earl of Essex put in his Answer the 5th of July, 1614.

The first and second heanswereth affirmatively.

To the third, he thinketh that at the Time of his Marriage, he was full fourteen Years, and is now twenty two and upwards; neither fineth have had, or hath any Sickness or Impediment to hinder him, but that he might have had Copulation with a Woman, faving in the time of his Sickness of the Small-Pox, for two or three Years after his Marriage, which continued for a Month or six Weeks, and at another time, when he had a few Fits of an Ague.

To the fourth, he affirmeth, that for one Year he divers times attempted; that the two other Years, when he was willing, the flowed herself sometimes willing, but other times refused, and he

lay in Bed most commonly with her, but felt no Motions or Provocations.

To the fifth, he answerr'd, that he never carefully knew her, but found not any defect in himself, yet was not able to penetrate into her Womb, nor cunningly to handle the same.

To the sixth, he believ'd, that before and after the Marriage, he hath found an Ability of Body to know any other Woman, and hath oftentimes felt Motions and Provocations of the Flesh, tending to carnal Copulation; but for perpetual and natural Impediments, he knoweth not what the Words mean; but that he hath lain by the Lady Frances two or three Years last past, and had no Motion to know her, and he believes never shall.

To the seventh, he believeth not that the said Lady Frances is a Woman able and fit for carnal Copulation, because he hath not found it.

To the eighth and ninth, he believeth them both to be true, and thinketh that once before some Witneses of Credit, he did speak to that purpose, that he oftentimes had discovered carnally to know her, but that he did not, nor could not.

Denies conceived out of the Foul and Procures in the Suit between the Lady Frances Howard, and the Earl of Effex.

1. Whether the Libel be defective, especially in the fourth Article, where it is said, that Dominus Comes Effex pluribus & iteratis viisius (which may be verified and satisfied in two or three times) dichau dominum Francescom ejus novem prestatuartu magno. Venustatem, &c.

2. Whether the Answer of my Lord of Effex to the said fourth Article in that behalf, being but thus, That he did divers times attempt, &c., be full, certain, and sufficient.

3. Whether in this case my Lord of Effex his Oath (cum magna propinquorum) be not by Law requisite, as well as my Lady's.

4. Whether my Lord of Effex would be inspected by Physicians, to certify (so far as they can by Art) the true Cause and Nature of the Impediment.

5. Whether by triennial Cohabitation, there having been no carnal Copulation between them (Impedimentum non facti being accidental) praefatum pro-peccati vel patris fidelissimum fuisset matrimonium contrarium & fidelissimum.

6. Whether they ought pot praecipitus judicis (notwithstanding their triennial Cohabitation before the Suit began) to cohabit together, falsum per aliquod tauriosis fatuum arborios judicis moderandum, for further Trial, &c.

DEPOSITIONS taken in the Case of the Earl of Effex, and the Lady Howard.

The Oath taken by the Lady Frances Howard.

THAT since the Earl of Effex was eighteen Years of Age, he and I have for the space of three Years diverse and fardry times lain together in naked Bed all Night. And at fardry of the said times the said Earl hath parrougly endeavoured and attempted to confummate Marriage with me, and to have carnal Copulation with me for Procreation of Children: And I have at such times, as the said Earl hath attempted so to do, yielded myself willing to the same Purpose. All which notwithstanding, I say and affirm upon my Oath, that the said Earl never had carnal Copulation with me.

Francis Howard.

Interrogatories administered to all Witneses (excepting the Earl and Countess) of Sufficiency produced, and examined on behalf of the Earl of Effex, who had been produced against him on the part of the Lady Frances Howard, in a Suit brought by the said Lady against the Earl of Effex, for the Nullity of a pretended Marriage.

1. Let each Witnes be interrogated, as to his Age, Birth, Condition and Place of Abode; and where he has chiefly resided for ten Years last past; and how long he has known the Parties consulting.

2. Whether he is a Relation or Kinman of the Party on whose Behalf he is produced; and if so, in what degree of Consanguinity.

3. Which of the Parties, Plaintiff or Defendant, he most favours; with which of them he is most convertant, and to which he would confer the Better-of-the-day, if in his Power.

4. Whether he has communicated to any body, or any body has conferred with him concerning the Nature and Substance of his Deposition in this Cause: And if he answer in the Affirmative, then let him declare with whom he so conferred and what the Difference that passed between them.

5. Whether he came of his own Accord, or by Compulsion, to give his Testimony in this Cause.

6. Let him depose what he knows of the Contents in the 4th Article of the Libel, in this Cause; or any Part thereof: And in what Month and Year the Earl of Effex attained to the full Age of eighteen Years; and in what Place and Places the Earl and the Plaintiff for the whole space of three Years after such time, had Society of Bed and Board, cohabitated and lay together; and for how long together in each different Place.

7. Let him likewise depose what he can say to the Contents in the sixth Article of the aforesaid Libel; and whether he knows what perpetual and incurable Impediment the Earl did and does labour under; and let him express the Nature and Quality thereof, and when he knew it; and let him give the Causes of such his Knowledge in every Circumstance.

8. Let him depose likewise what he can say to the Contents in the 10th Article of the said Libel: And of the Time and Place, and how often and before whom the Earl confessed and acknowledged as in the said Article is contained and specified.

Depositions, upon the Articles of the Libel put in by the Lady Frances Howard, taken June 2, 1613.

Katherine Fine, Daughter of Thomas Lord Clinton, aged about 18 Years, depoeth, that she hath known the Lady Frances for about a Year and a half, and the Lord Effex for above a Year.

To the 1st, 2d, and 3d Article, cannot depose.

To the 4th Art. says, That from Midsummer last to All-balls-week, the Earl of Effex and Lady Frances remained and kept Company together as Man and Wife; first in the Counties of Lichfield's Houfe at Drayton in Warwickshire; and after at the Earl's own Houfe at Bertrley in Staffordshire; And that for two of the Nights they lodged at Drayton, being on a Sunday at Night and on a Monday at Night, they to her Knowledge lay to-5

getter
and Robert Earl of Essex, for a Divorce. 317

The Deposition of Frances Britten, Widow, taken to the Libel.

That she is aged about 55 Years, and hath known both the Parties respectively from their Infancy.

To the 4th Art. That the Deponent having oftentimes occasion of Balfins with the Lady Frances, hath come to her twice since her Marriage to the Earl, and hath seen the Earl and the Dame and sip together as Man and Wife: That between Michalinaeus and All-bollaunus was three Years, this Deponent coming to Lady Frances's Lodging at Hampton-Court early in the Morning, the she was brought into the Bed-Chamber, where she did see them in naked Bed together; as likewise the did at Lady Frances's Lodging at Whitehall; That receiving them in Bed together, this Deponent slept back, but the Lady Katherine Howard her Sister being there, called the Deponent in, and then Lady Frances slept out of her Bed and left the Earl there: That this was on St. Valentine's-day, for that Lady Katherine told the Earl, that there was a Valentine for him. Cannot depose further, saving that when this Deponent was at Hampton-Court, as is before mentioned, after the Earl and Lady Frances were ridden, the Lady miffing a Pendant Ruby that usually hung at the Ring in her Ear, defrrd this Deponent to look for it in the Bed. That thereupon she and the Lady's Chamber-maid turned down the Bed-clothes, and there they saw the Places where the Earl and Lady had lain, but that there was such a Distance between the two Places, and such a Hill between them, that this Deponent is persuaded they did not touch one another that Night.

Her Examination to the Interrogatories on the other Side.

To the 1st Art. Hath already spoken.

3d Art. That she favours both Parties equally, converses oft with the Plaintiff, but would have Right take place in the Decision of the Cause, if in her Power, 4th Art. Speaks Negatively.

5th Art. Came at the Request of Lady Frances, but no ways compelled.

6th Art. Refers herself to her former Deposition.

7th and 8th Art. Do not concern her to answer.

The Deposition of Catherine Dandell, one of the Lady Frances's damflvich Servants; aged about 16 years.

Hath known the Lady Frances about four Years, and the Earl for about three.

To the 4th Art. That about this time three Years, Lady Frances went to the Lord Chamber-lain, her Father's, at Audley-end in Essex, and remained there all that Summer, whither the Earl came to her and fain doth sometimes a Week, sometimes a Fortnight, and they conversed together as Man and Wife, and lay together many Nights to this Deponent's knowledge, who hath seen them go over Night, and hath found them together in naked Bed in the Morning. As she likewise hath, at the Earl's House at Charsley; and at the Lady Walfington's at the Time; and the Countess of...
Provisiongs between the L. Frances Howard, 11 Jac. I.

of Leicesters at Drayton; and at Salisbury-boufe, and Durham-boufe.

Her Examination to the Interrogatories on the other Side.

To the 1st Art. Hath already spoke.
2d Art. Answers Negatively.
3d Art. Moffeath the Lady Frances, and is most in her Company, and with the victory to go where the Right is.
5th Art. That she comes at the Plaintiff's Request, no ways compelled.
6th Art. Refers himself to her former Deposition.
7th and 8th Art. Do not concern her to answer.

The Deposition of Anne Jaconim, one of the domestic Servants of Lady Frances, aged about 24 years.

Hath known the Parties in difference between three and four Years.

To the 4th Art. That for all such Time the hath attended on Lady Frances as her Chamber-Maid, and that all along until within these twelve Months last, the Earl hath cohabited at Bed and Board with the said Lady Frances, at White-hall, Cheverley, Tilt-yard, and other Places: Hath often seen them lie together naked in one and the same Bed, and at Salisbury-boufe in the Strand, since Christmas last.

In her Examination on the opposite Side, doth not the Winesses.

Hath known the Lady Frances by sight about five Years, and the Earl by sight about three Years.

To the 1st, 2d and 3d Art. Cannot depose.
4th Art. Deposition. That in 1611, about the latter end of the Summer, the Earl of Essex and the Lady Frances were at the Lady Corbet's House in Derbyshire, whom the Deposition then did and still cloth serve; that they continued there about a Week, and dined or fapped together in the said House, and lay together in one and the same naked Bed, as it was commonly thought amongst the Servants of the said House.

His Examination on the other Side.

To the first Art. Hath already spoken.
2d Art. Answers Negatively.
3d Art. That he favours both Sides equally, converses with neither, and witheth the Victory in this Suit may go according as the Equity of the Cause requireth.
5th Art. Came on Request of Lady Frances, no ways compelled.
6th Art. Refers himself to his former Deposition.
7th and 8th Art. Not concerned to answer.

Hath known the Parties in difference about three Years.

To the 1st, 2d and 3d Art. Cannot depose.
4th Art. Says, That he served the Earl and Lady Frances from May 1609, to this time, and still doth attend on Lady Frances. During all which time they did cohabitate and keep Company together as Man and Wife, sometimes at White-hall, Greenwich, and in their Progresses attending the Queen, at Kewingham, all the Summer 1611, at Cheverley, at Durham-boufe, Audley-end, and other Places. That their Cohabitation together continued till the end of the Year 1612, and that it was commonly reported amongst the Servants of the House, that they did lie together in one and the same naked Bed. That this Deposition hath from time to time seen their Servants put them to Bed together; and that he hath come to their Chamber to know their Commands, and it was told him they were in Bed together. That in June or July 1609, this Deposition being called in to their Lodging-Chamber at Greenwich, in a Morning, saw them in naked Bed together.

His Examination on the other Side.

To the 1st Art. Hath spoken already.
2d Art. Answers Negatively.
3d Art. Favours both Parties equally, is most convervant with Lady Frances, his Employment being to watch on her, and wishes that Right may take place.
5th Art. Comes on Request of Lady Frances to give his Testimony, and no ways compelled there-to.
6th Art. Refers to his former Deposition.
7th and 8th Art. Concern not this Deposition to answer.

The Deposition of William Powele, of London Merchant, aged near 60 Years.

Hath known Lady Frances about ten Years, and the Earl of Essex for about seven.

To the 1st Art. Says, The Earl and Lady Frances were in Christmas time, either seven Years since last Christmas, or seven come Christmas again, to his knowledge married together in the Chapel at White-hall, for that this Deposition was present at the Marriage.
2d and 3d Art. Cannot depose anything certainly.
4th Art. Says, That this time two Years they cohabited as Man and Wife, and kept House together at the Earl's House at Cheverley. That this Deposition was there about four Months, and hath divers times been in their Lodging-Chamber in a Morning; and hath seen them in naked Bed together.

His Examination on the other Side.

To the 1st Art. Hath already spoken.
2d Art. Answers Negatively.
3d Art. Favours both the Parties in this Suit alike, is most in the Plaintiff's Company: And witheth they were come to an Agreement.
5th Art. That he came on no Compulsion, but was requested by Sir William Buteon, on Behalf of the Lady Frances.
6th Art. Refers himself to his Depositions made to the 4th Art of the Libel.
7th and 8th Art. Not concerned to answer the same.
Hath known the Parties in difference for seven Years.
To the 1st, 2d and 3d Art. Cannot depose.
14th Art. Saith, That for these Two Years last past, the Deponent hath continually attended on Lady Frances at Kngoston, Charsley, the Lady Covett's, Countess of Leicester's, Lord Knolles's, and in all those Places the Earl and Lady Frances cohabited together at Man and Wife, and, as it was saith by their Attendants, did commonly lie together in the same Bed naked. Hath seen the Earl come out of the Lady's Lodging-Chamber in his Pantaloons, having nothing on him but his Shirt: And verily believes he at such times came out of Bed from the said Lady Frances.

His Examination on the other Side.
To the 1st Art. Hath spoken already.
2d Art. Answers Negatively.
3d Art. That touching this Suit he favoreth the Parties alike, is most in Company with the Plaintiff; and if it were in him he would bethe the Victory where the last Right is.
5th Art. Answers. He was directed by Sir William Batten, on the Plaintiff's Behalf, to come and testify in this Cause, and is not compelled.
6th Art. Refers to his former Deposition, 7th and 8th Art. Not concern'd to answer.

The Deposition of the Right Honourable Thomas Earl of Suffolke, Lord High Chamberlain of the Hougtoule, taken the 10th of June 1613; aged about 57 Years.

To 1st Art. Says, It is true, for he was present at the Solemnization of the pretended Marriage.
2d Art. That Lady Frances was above thirteen Years of Age at the Time of the said Marriage, and is now above 22 Years old.
3d Art. That at the time of the Marriage the Earl was above 14 Years of Age, as the Deponent had heard his Friends, who were likely to know his Age, report; and is now above 22 Years old, That to that Time and since the Earl was, in the Judgment of Men, of good Health and Strength of Body, except at two several Times, when he was sick of the Small-pox and an Ague; and was likely to be able to have the carnal Knowledge of a Woman, for any thing this Deponent could judge.
4th Art. Knows that after the Earl was come to the Age of 18 Years, he and Lady Frances kept Company, and lay together as Man and Wife, for three whole Years: Hath seen them in Bed together sometimnit.
5th and 6th Art. That notwithstanding the Premises, the Earl never had any carnal Knowledge of Lady Frances, nor never could, as the Earl hath confess'd to the Deponent.
7th, 8th and 9th Art. Believes these Articles to be true.
10th Art. That the Earl, in this Deponent's hearing, confess'd divers times, in several Companies, that he hath done his Endeavour to have carnal Knowledge of Lady Frances, and yet never could.
Judicium Pallippi Melanchthonis de divertiti ex imputantia. 

Polani professoris Theo. nuper in Academia Baflieni Judicium. 

Conjugium inire possunt, qui non sunt naturae vel arte Spatantes, aut quibus natura non est lege feitio ab eorum, sed neque quasque sunt fons conjugii. Ideo etiam suis celeberrimis, qui tantumne spatio explorata est sedem frigiditatis, aut tenebris tentata est naturae legem uindicat, Judicium pronunciavit poete pluris liberas eae. Polonia lib. 10. Syn. cap. 53.
To these Arguments of the Archbishops, the King vouchsafed to give an Answer himself, which was as follows.

The K I N G's Answer.

To the Fift Article, that the Scripture doth directly or by consequence contain sufficient matter to decide all Controversies, especially in this appertaining to the Church: This is in my Opinion preposterous, and one of the Puritans Arguments, without a better Definition or Explanation.

For the Orthodox Propoition is, That the Scripture doth directly, or by consequence, contain in it sufficient Matter to decide all Controversies in Points of Faith and Salvation, of which a Nullity of Marriage cannot be accounted for one; and therefore your Consequence upon the former Propoition must fail.

For further satisfaction of your following Question (I say) your secund Question doth answer it: if there be warrant in Scripture for pronouncing a Nullity proper frigiditatem, then all the means which may make him frigidus versus bane, must be comprehended therein; for why doth our Church justly condemn the Marriage of a Man with his Sitter's Daughters, or the Marriage of two Sitters, but ut paritate ratioiis, for none of them are in terminis prohibited by the Scripture? Only the Conclusion is gathered ut paritate ratioiis. For if it be not lawful to marry the Father's Wife, because thereby you discover your Father's Shame; nor his Sitter, because he is his Kinswoman; nor your own Sitter, because thereby you discover your Father's and your Mother's Shame: it can no more be lawful to marry your Sitter's Daughter, for thereby also you discover your own shame; as also the same reason serves for ascendings or descending in Points of Conjugal duty, quia par et ratio.

The like is in this case: for altho' Christ made only three sorts of Eunuchs, yet Ratio et quia non potest esse Cappellania inter Ecclesiam & Mulerem; and therefore St. Paul, 1 Cor. vii. 1, telleth us clearly, that it is not Conjugal duty.

I conclude, therefore, a paritate ratios, that Christ did understand under these three sorts all Inability which doth perpetually hinder Cappellationem versus bane, whether it be natural or accidental; for what difference is there between cutting off the Hand, and being made impotent thereof? Aputatio & Multation membris, is all one in the Civil Law; and that is a like defraudation of the Woman, when either it is to be her Husband is gelded, or when the use of that Member towards her is by any unlawful means taken from him. Neither is it any way needful to crave the particular Warrant of Scripture for a Nullity, no more than of Warrant in this place for any Nullity at all; for Christ doth not directly say, that a Marriage made shall be nullified, neither doth he teach us what form or process shall be used in that; neither makes he mention of the triennial Probation, no more than he forbideth Marriage within the fourth Degree, without leave obtained of the Bishop of the Diocese. It is therefore sufficient to all moderate Christians to be taught out of the Word of God, that Marriage is nulla nullis Cappellatione, and the words, quod Deus conjunxit, are never found in Scripture, where & etsi ei do not proceed, viz. they two shall be one Flesh.

But whether the Impediment be universal, or versus bane only; or whether the Fault thereof hath been born with him, or done to him by Violence, or fallen unto him by Diligence, or Disproportion, or Inaptitude between the Parties, or unnatural Practice, that is ever par ratio, he is aformosus versus bane & amans alias, seeing to him only was the married.

Then Paritate ratioiis, such Nullities are grounded upon the aforesaid warrant of Scripture, neither had Christ any occasion to speak of the Jesus Marriage concerning Maleficus versus bane: for tho' it be apparent that God made King Abimelech and his Servants unable to abufe Sarab, Abraham's Wife, and as he was made by God himself Eunuchus versus bane, and that it be not improbable that the Devil being God's Agent, as the Witches, making faith as God will permit him, unable versus bane; howbeit, it is very probable that it was long after that time the Devil put that trick upon the Earth.

As for the third and fourth Questions, what mention the Fathers and Councils do make of Maleficus versus bane, I answer, that it may be (if they were well searched) that either something to this purpose in them, or at the least quid ad analogiam, with a paritate ratioiis, or by consequence, may serve to decide the Question.

But leaving this to search, my main Answer is, That all things differing off-times; for in all the first Ages, as long as Persecution lay heavy upon the Church, and before the Empire became.

Christian, the Church did not meddle with any thing, which drew a Consequence after it of Possessions, or Inheritance, as Marriage doth; nor yet, even divers hundred Years after the Convergence of the Emperors, the Judgment and Decision of all such Questions did still remain in right Coius, till the Poppens began to wax great, and affine, or rather turp to her fall's supreme.

If the Fathers and Councils in all ecclesiastical Cases: and therefore the Fathers and Councils had no occasion to make mention of that which was not de prefari at that time.

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And besides, that is an evil Argument to say such a thing is not lawful, because the Fathers and Councils made no mention of it: for you know much better than I, divers and many Points becixst the Papists: and we are never mentioned by the Fathers, because they could never have dreamed that such Questions would arise; and therefore are the Fathers exact only in such Questions as were agitated upon the State at that time, as De Trinitate, de abusos in Chrisfo Naturis, and such like: and therefore 'tis sufficient that there can be nothing found which may justly be understood to contradict this Opinion.

And it is very probable (as I said before) that this trick of Maltesism had not then been put in practice in the World, and therefore not known or mentioned by them; for why may not the Devil as well find out new tricks of Witchcraft (when God will permit him) as he did daily new Sorts of Heresies? for his Malice can never end until the end of Times.

To the Fifth Argument, my former Answer doth also serve; for till the 400th Year after Christ, it may be that devilish trick came never to be discovered: You know the old Proverb, ex multis variis haurit teges: and it is not unlike that the time of Darkness gave the Devil occasion to devise such new Tricks (look my Demonology) and yet was that Law for which you cite Hierarens, by Charles the Great, who in many great Points (as you know) had fo great Light, as I do fear arise this Time a Time of Blindness; but howsoever the Darkness was in points of Superfition, I will still maintain (as I have ever done) that for matters of Order and Policy, you shall not find by the shining light to find out any so good and so old an Order of Argument to be put in the place of it: in sign whereof, of there is no well governed Commonwealth in the Christian World, wherein the Common-Law is not received to judge in Questions of that nature; and it is certain, that this Question now in hand, is only a Question of Order and Policy: for the ground of this Question, that the essential point of Matrimony cannot be accom-plished sine copula, is warranted by express Scripture, and confounded by your self.

To answer your (for rather Hope) I fear that Hope shall prove contrary to Faith; for as sure as God is, there be Devils, and false Devils must have some Power, and their Power is in this World, neither are the Elect exempted from this Power; Yea our Lord, was not, Paul was not: Christ said to all his Disciples, Cibreoveret vos Sathanas; and if the Devil hath any power, it is over the Fifth, rather over the Fifth and most sinful part thereof, whereunto original Sin is forsooth as God, before and under the Law, to be subjected; the Devil purging Man's original Sin, ordained the Pseudepigraph of the Forekines: and to exempt this of our Profession from the Power of Witchcraft, is a Paradox never yet maintained by any learned or wise Man.

That the Devil's Power is not so universal a-gainst us, that I freely confess; but that it is utterly restrained quod nos, how then was a Minister of Geneva, bewitched to death, and were the Witches daily punisht by our Law? If they can harm none but the Papists, we are not a little extant for wondering of them only.

Satan is permitted to punish Man, as well for his breach of the second as of the first Table, and thereof are we no less guilty than the Papists are; and if the Power of Witchcraft may reach to our Life, much more to a Member, not so governed by the Fancy, wherein the Devil hath his principal Operation; and he may so etranger the Husband's Affection towards the Wife, as he cannot be able to perform that Duty to her; for that is a common thing in many Men's Natures, that they cannot do that thing but where they love, nor fight but where they are angry.

God keep us therefore from putting the Trial of our Profession upon Miracles; let the Miracle- mongers live by their own Trade.

To the seventh Argument touching Remedies, what do you know, whether both Parties, or either of them hath used these means of Remedy or not? And that Special Remedy should be used publicly, for there I can see no necessity; for Non interfis Reipub, nec Eccles: and private Persons are commanded to do their Fallings and Alms, secretly and in private: no such Cure also is like to succeed well, except the Parties own Hearts and Desires be first thereto.

And as to your Proof upon your Incom-modian, whether upon his Perion or the Example, I can see none in either, so as to the Couple, between them Marriage was never accomplished truly; they will peradventure both of them by the Declaration of the Nullity be capable to accomplish Marriage with others, which they could never do between themselves; wherein they may have the Satisfaction of their Hearts, and enjoy the Blessing of Procreation of Children.

And as for the Example, the Law shall be fulfilled with the due Administration of Justice, which cannot prove to us now Exemptions and Exceptions; counterfeit Nullity hereafter, Authoritatis fatti, or rather non fatti, fed luce clarior in this case, besides the many Probations and Confessions of the Parties which have been taken in this Process; whereas by the contrary, they shall be forcibly kept together, but never their Perions or Affections, and they still be forced to live in perpetual Scandal, or Mility, or both; and what such a kind of forced Confinity may avail, the Monks Continey may teach us: and for a precedent in time to come, that reacheth no fur- ther than to the end of the Church, to any Person who shall chance to be disfitted in that sort.

And for legal Doubts, they concern none of your Calling; if your Conscience be resolved in points of Divinity, that is your part to give your consent to the Nullity, and let the Lawyers take the burden of making that firm; and as for the Triennial Probation, I hope no Man can be so blind as to make a doubt, whether that be taken before or after the Suit began; and in conclu- sion of Divine Solution of this Question prove clearly, that this Resolution of this Doubt, how- ever it was in Blindness as you think, that it is now proved in the greatest time of Light and Purity of the Profession of the Gospel.

And for your Extrait upon the late Divines Opinions upon this Question, I cannot guess what your Intent was in lending them to me, for they all agree in Terms with my Opinion; but there is such a thing as Maleficium, & Maleficacites venas hians; and your very interlaced Passages prove that clearly; and for that Advices concerning the Remedies, that is but Cantaminas Discretum, not imposing a Necessity; but is to be
be used by Diffretion, as occasion shall prove
and require it.

* To conclude then, if this may satisfy your
Doubts, I will end with our Saviour's Words
to St. Peter, *Cum convertas fueris, confirmam fra-
tres tuos; for on my Conscience, all the Doubts
*I have yet seen, are nothing but nodus in firspo
* querere.*

Notwithstanding the Confections in the Earl's
Answer, the Court thought it necessary to satisfy
themselves of the Truth by the Inspection of Mid-
wives and Matrons. Whereupon it was decreed
by the Court, that six Midwives of the best Note,
and ten other noble Matrons, out of which they
themselves would choose two Midwives, and four
Matrons, should inspect the Countefs, the Entry
whereof is as follows: *Tunc Domini, viz. Arch.
Cant. Lond. Elenf. Covent. & Lichf. Cefar,
Parry, Don, Bennet, Edwards, habita inter eas
private deliberatione, ex numero matronarum pra-
dict. elegunt.*

The Lady Mary Tirabith, Wife of Sir Philip
1. Denham Bart.
Lady Alice Carew, Wife of Sir Matthew Carew.
Lady Dolfen, Wife of Sir Roger Dolfen.
Lady Anna Waller, Widow.
&c. ex officio numerique, &c. Margaret Mercer
& Chriftiam Chaft. Et afliguentur Praecretato-
vom ditiis domino Francisci ad fidendum biniunodi
inspectice carum Reverendo Patre Epsfo. London
Cefar, Don, &c. inter eorum nominat. sfs die
inter horas quintam & sextam pm veridici, juratu-
mentum in loco parte subitatur, atque inspectione sub-
stituatur relatae carum judiciae fidei carum feclu-
ationis & expirantiae, &c. carum diti Dominis
Delegatis, facit præfedit, afferentis nunc citro fere
psafti aequo loco quarum & factum pm veridici
dicti Ievi proxime, aliquem ad comparad, hoc in
locum, eterum Conunfiliariori dicto die Ievi inter horas
quarum & factum pm veridici eadem dies, eterum
dicii judiciae in parte tam relatarum, & ad inter-
fudium locum et loco spectlici prædictis, ad veridum
inspectionis prædictis juramenta in loco parte subituri,
nee non qualesvis aliqua diebus hora & loco pre-
dictis Dominis Conuniliariorum nominat. ditiis inspecticii,
dictis refudium et carum judiciae officiat.

Accordingly between the Hours of that Day
aboveaid, were presented before the Delegates the
said Ladies, and sworn ad inquirendum. & inspection.
1. Whether the Lady Frances were a Woman
fit and apt for carnal Copulation without any De-
fect, which might disable her for that purpose.
2. Whether she was a Virgin carnally unknown
by any Man.

Whereupon they went from the Presence of the
Commissioners into the next Room where the
Countefs was, who was left alone with the said
Ladies*. After some convenient time they re-
turned, and delivered in their Report under their
Hands; all Persons being removed except the Re-
gifter, that fo the Ladies and Midwives might
more freely deliver their secret Reasons, &c.
which were not fit to be inserted into the Record;
and this is in sum their Report:
1. That they believe the Lady Frances fitted
with Abilities to have carnal Copulation, and apt
to have Children.
2. That she is a Virgin uncorrupted.

And to corroborate all this, the Councefs in open
Court produced seven Women of her Confianguini-
ity, That insomuch as the Truth was best known
to herself, she might by virtue of her Oath dis-
cover the same, and her Oath should be no farther
regarded than as it was confirmed by the Oath of
her Kinwomen. In order hereto the Countefs took
an Oath, That since the Earl was eighteen Years
old, for three Years he and she had lain in Bed, &c.
as in the Libel. And then the seven Noble Wo-
men, viz.

*Katherina Countess of Suffolk,
Frances Countess of Kildare,
Elizabeth Lady Walden,
Elizabeth Lady Keveret,
Lady Katharine Thynne,
*Mrs. Katherine Fienes,
*Mrs. Dorothy Nole, 

being sworn, deposed that they believed the same
was true; and in particular because,
That when after they were both grown to Years of
Puberty, they both endeavoured Copulation.

2. That notwithstanding, on her part, as ap-
pear'd by the Inspectors, she remain'd a Virgin
uncorrupted.

3. That the Earl had judicially sworn that he
never had, nor could, nor should ever know her carnal.

Whereupon the Delegates declared the Law to
be, That impotentia cadendi in vro whatsoever,
whether by natural Defect, or accidental Means,
whether absolute towards all, or respective to his
Wife only, if it precede Matrimony, and be per-
petual (as by Law is presumed, when after three
Years Trial, after the Man is of the Age of eight-
teen Years, there has been nil ad copulam, and the
Marriage not consummatis) is a just Cause of Di-
verse a vinculo matrimonii; and that the Proofs
produced in this Cafe were abundantly sufficient
to convince them of the Earl's Impotency; and ther-
fore pronounced Sentence that they should be di-
verted from each other, and be at Liberty to marry
again; which Sentence was as follows.

*That Robert Earl of Essex, and the Lady
Frances Howard, contracted by frow of Mar-
riage, did cohabit in one Houfe, and tie toge-
ther in one Bed; Nudus cum nuda, & folus cum
fola; and that the said Lady Frances did frow
her felf prompt and ready to be known of him,
and that the said Earl neither did nor could
have Knowledge of her, altho' he did think
himself able to have Knowledge of other Wo-
men; and that the said Lady Frances by In-
spection of her Body by Midwives, expert in
matter of Marriage, was proved to be apt for
carnal Copulation with Man, and yet a Virgin:
Therefore we the said Judges deputed in the
Cafe, first invoking the Name of Christ, and
fitting God before our Eyes, do Pronounce,
Decree, and Declare, That the Earl of Essex,
for some secret, incurable, binding Impediment,
did never carnally know, or was, or is able
carnally to know the Lady Frances Howard:
And therefore we do Pronounce, have Decreed,
and do Declare, the pretended Marriage to con-
Richard Welton

23. The Trial of Richard Weston * at the Guild-Hall of London, for the Murder of Sir Thomas Overbury †, 19th of October, 1615. 13 Jac.I.

The Commissioners were,

The Lord Mayor.
Justice Crook.
Justice Dodridge.

Sir Edward Coke.

He swore how that by an Act of Parliament 22 H. 3. cap. 9. it was made Treson, and that willful Poisoners should be buried to death; re-hearing the Example of one Richard Raby, that had poisoned a Man and Woman, and was therefore hanged to death.

Then he laid open to the Jury the Benefits and Cowardliness of Poisoners, who attempt that secretly, against which there is no Means of Preservation or Defence for a Man's Life; and how rare it was to hear of poisoning in England, so detestable it was to our Nation: But that since the Devil had taught divers to be cunning in it, so that they can poison in what Distance of Space they please, by confounding the Nativitas Calidum or Humidum Radix in one Month, two, or three, or more, as they lift; which they four manner of Ways do execute, 1. Caffin. 2. Hauffin. 3. Odor. 4. Contella.

He finished his Charge with serious Exhortations to the Jury to do Justice in preserving the Truth, notwithstanding the Greatness of any that upon their Evidence should appear to be guilty of the same Offence: compelling both Judges and Jury with the Scripture, Psal. 5. ver. 30. sive, For thou,

* He had been an Agitator's Man, but was now made Under-Keeper to the new Lieutenant of the Tower, Sir Jerold Elise.
† He was son to Sir Nicholas Overbury of Burton-upon-the-Hill in Gloucestershire, educated at Queen's College in Oxford, and at the Middle-Temple, of which his Father was a Brether. See a full relation of the Manner of his Death, Bacon's Works, vol. i. p. 77–79, and its Discovery, ibid. p. 80.
1615. G.H. for the Murder of Sir Tho. Overbury. 325

... Lord, will blast the Righteous; with favour will then compass them as with a Shield.

The Charge being ended, the Jury, consisting of fourteen Persons, did, for the Space of an Hour depart the Court into a private Room, where they received their Evidence from Mr. Penhallow, his Majesty's Censor, and his Highness's Council prepared and instructed for that purpose, with the Examinations and Confessions as well of the Prisoner himself, of Convicts before the Warrant before that time taken by the Lord Chief Justice of England, and others the Lords of his Majesty's Council.

In the mean time, Mr. William Gore, Sheriff of London, was commanded to fetch his Prisoner, remaining at his House, to be ready in Court for his Arraignment.

So a certain Space after, the Grand Jury returned to the Bar, and delivered in their Bill of Indictment, signed Bella Vera. Whereupon the Prisoner was brought up to the Bar, and the Indictment was read by Mr. Penhallow, which contained in effect as followeth.

The Indictment.

THAT Richard Wiffen, being about the Age of fifty Years, not having the Fear of God before his Eyes, but infligted and seduced by the Devil, devised and contrived not only to bring upon the Body of Sir Thomas Overbury, Kt., great Sickness and Disease, but also to deprive him of his Life: And to bring the same to pass, 9 Mai 1613, 11 Jacobi, &c., at the Tower of London, in the Parish of Allhallows Barking, did obtain and get into his hands certain Poison of green and yellow Colour, called Reofylak, (knowing the same to be deadly Poison) and the said did maliciously and feloniously mingle and compound in a kind of Broth poured out into a certain Dish; and the same Broth to infected and poisoned, did give and deliver to the said Sir Thomas Overbury, whom he knew to be the said Sir Thomas, wholefome and good Broth, to the Intent thereby to kill and poison the said Sir Thomas, which Broth he took and did eat.

Also the said Wiffen upon the first of July, 11 Jacobi, as aforesaid, did in like manner get another Poison or Poisons compounded, called White Arjenick, and (knowing the same to be deadly Poison) did give unto the said Sir Thomas Overbury, as good and wholesome to eat, which he took and did eat.

Also that Wiffen, upon the said 10th of July following, did get another Poison called Mercury Sublimatae, (knowing the same to be mortal Poison) and put and mingled the same in Tarts and Jellies, and gave the same unto Sir Thomas Overbury, as good and wholesome to eat, which he in like manner took and did eat.

Also the said Wiffen, and another Man being an Apothecary, afterwards, upon the 14th of September, feloniously did get a Poison, called Mercury Sublimatae, (knowing the same to be deadly Poison) and put and mingled the same in a Clyfer mingled with the said Poison, and the said Sir Thomas Overbury, after the Apothecary, for the Reward of 50L promised unto him, did put and minish (as good and wholesome) into the Guns of the said Sir Thomas; and that Wiffen was present and aiding to the said Apothecary in ministrating and inducing the said Clyfer; and that immediately after, as well the taking of the said poisoned Meats, and ministrating the said Clyfer, the said Sir Thomas did languish, and fell into Difices and Distempers; and from the aforesaid Times of taking and eating the said poisoned Meats, and ministrating the said Clyfer, he died: and so the Jury gave their Verdict, That Wiffen in this manner had killed, poisoned, and murdered the said Sir Thomas, against the King's Peace and Dignity.

Which Indictment being read, he was demanded if he were guilty of the Felony, Murdering, and Poisoning, as aforesaid, yes or no. To which he answered, doubting his Speech, Lord have Mercy upon me! Lord have Mercy upon me! But being again demanded, he answered, Not Guilty. And being then demanded how he would be tried, he answered, He referred himself to God, and would be tried by God; refusing to put himself and his Cause upon the Jury or Country, according to the Law or Customs.

Hereupon the Lord Chief Justice, and all other in their Order, spent the Space of an Hour in persuading him to put himself upon the Trial of the Law; declaring unto him the Danger and Mischief he ran into by refraining his ordinary Course of Trial, being the Means ordained by God for his Deliverance, if he were innocent; and how by this means he would make himself the Author of his own Death, even as if he should with a Knife or Dagger kill or stab himself; exhorting him very earnestly either with Repentance to confess his Fault, or else with Humility and Duty to submit himself to his ordinary Trial. Whereupon he stubbornly answered, Welcome by the Grace of God; and he referred himself to God. And so when no Persuasions could prevail, the Lord Chief Justice plainly delivered his Opinion, That he was persuaded that Wiffen had been desirous wilth by some Great-Ches, guilty of the same Fact, as accessory, to stand mute therein, lest he might escape their Punishment; and therefore he could understand (for Satisfaction of the World) that the Queen's Attorney there present should declare, and set forth the whole Evidence, without any Fear or Partiality: and yet notwithstanding, he once more used much Persuasion to the Prisoner to consider what Destruction he brought upon himself by his Contemn; and declaring unto him how his Offence of Contemn was, in refusing his Trial, and how the Laws of the Land had provided a sharper and more severe Punishment to such Offenders than unto those that were guilty of High Treason; and so he repeated the Form of Judgment given against such, the Extremity and Rigour whereof was expressed in these Words, Otere, Frigare, & Fama. For the first, he was to receive his Punishment by the Law, to be extended, and then to have Weights laid upon him, no more than he was able to bear, which were by little and little to be increafed. For the second, that he was to be exposed in an open Place, and bear to the Prison, in the open Air, being naked.

And lastly, That he was to be preferred with the coarsest Bread that could be got, and Water out of

* The Chief Justice had Intelligence under-hand, that Yelverton, an officer berore to the House of the Lords, had warned this Counsel for Wiffen, in order to prevent the Prosecution from reading any farther: Yelverton was at this time Solicitor-General, but did not appear to have had any Share in any of the Trials for the Murder of Sir Thomas Overbury, the Attorney and other Council of the King had their parts in them.