Mr. Pym’s Speech.

My Lords, I am commanded by the Knights, Citizens, and Burgesses, now assembled for the Commonwells in Parliament, to deliver to your Lordships these Articles, in maintenance of their Charge against the Archbishop of Canterbury. These Articles are, That first your Lordships would be pleased to bear the Articles read; and then I shall endeavour to present to you the Sense of the Commons concerning the Nature of the Charge, and the Order of their Proceedings.

(The Articles being mentioned hereafter, are here omitted.)

The Articles being read, Mr. Pym proceeded as follows:

My Lords, There is an Expressio in the Scripture which I will not profane either to underhand, or to interpret; yet to a vulgar Eye it seems to have an Affect something fitable to the Person and Cause before you. It is a Description of the evil Spirits, wherein they are said to be Spiritual Wickednesses in High Places: Crimes ascribed to the spiritual Faculty of the Soul, the Will and Understanding, exercised about spiritual Matters, concerning God’s Worship and the Salvation of Man, transgressed with Power, Authority, Learning, and many other Advantages, do make the Party who commits them very fitable to that Description, Spiritual Wickedness in High Places. Tho’ Crimes, my Lords, are various in their Nature, butious in their Quality, and uncivil in their Extent. If you examine them Theologically, as they stand in opposition to the Truth of God, they will be found to be against the Rule of Faith, against the Power of Godliness, against the Means of Salvation.

If you examine them Morally, as they stand in opposition to the Light of Nature, the light Reason, and the Principles of human Society, you will then perceive Pride without any Moderation, such a Pride as that which exists itself above all that is called God: Malice without any Provocation; Malice against Virtue; against Love; against Holy Truth; against the Means of Reconciliation; against such Justice as doth the present Times of their Politicians, the future of their Possibilities.

If they be examined, my Lords, by legal Rules in a Civil Way, as they stand in opposition to the publick Good, and to the Laws of the Land, he will be found to be a Traitor against his Majesty’s Crown, an Incendiary against the Peace of the State; he will be found to be the biggest, the boldest, and most impudent Oppressor that ever was, an Oppressor both of King and People.

This Charge, my Lords, is distributed and conveyed unto fourteen several Articles, as you have heard; and those Articles are only general, it being the intention of the House of Commons (which they have commanded us to declare) to make them more certain and particular by preparatory Examinations, to be taken with the Help of your Lordships House, as in the Case of my Lord of Stratford. I shall now read you those Articles of Eighteen, seven touching, only marking in every one of them several Particulars of Power, Vice, Malady, and Malignity.

1. The first Article, my Lord, doth contain his Endeavour to introduce into this Kingdom an arbitrary Power of Government, without any Limitations or Rules of Laws. This (my Lords) is against the Safety of the King’s Person, the Honour of his Crown, and most destructive to his People. Those Charges which are most perfect, have not only a Power to produce Effects, but to conserve and cherish them. The Seminaries Virtue, and the Nutritive Virtue in Vegetables, do proceed from the same Principles. It was the Defeat of Justice, and for the Juggling of Oppressions and Violents, that first brought Government into the World, and set up Kings, the most excellent crown of Governments; and by the Maintenance of Justice all kinds of Government receive a sure Foundation and Establishment. It is this that hath in it an Ability to preserve and secure the Royal Powers of Kings, yea, to adorn and increase it.

2. In the second Article, your Lordships may observe absolute and unlimited Power defended by preaching, by Seemers, and other Levities printed and published upon that Subject. And truly (my Lord) it seems to be a prodigious Crime, that the Truth of God and his holy Laws should be profaned to defend the Lawsuits of Men; that the Person and Power of the Archbishop of Canterbury, which was ordained for the Instruction of Mens Souls in the Ways of God, should be so abused, that the Ministers be become the Trumpets of Sedition, the Promoters and Defenders of Violence and Oppression.

3. In the third Article, my Lords, you have the Judges, who under his Majesty are the Dispeners and Distributors of Justice, frequently corrupted by Fear and Solicitation: you have the Court of Justice, the Execution of it, shamefully obstructed. And, if the Articles of Justice in a Judge be so high a Crime, in the Estimation of the Laws, as to deserve Death, under what Borough or Gallow shall this Man sit, who hath broken the Laws of God, and given the Court of Great Names, of such Culinary and servile Arts of Justice?

4. In the fourth Article do be found in his own Preface to have falsified Justice in Causes depending before him, and by his wicked Counsel endeavouring to make his Majesty a Vexation of the same Credibility: yea, with that Difference, that the King by taking many more of Judiciaries shall fill it in gross, whereas the Archbishop fill it by retainer.

5. In the fifth Article there appears a Power arising from making Causes, of laying Obligations on the Subjects in the nature of Laws: And this Power useful to the making of just Causes as are in the Matter of them are directly against the Right of the Sovereignty of the King, and the Liberty of the People. In the manner of judging them, may be found Fraud and Shuffling, in the Consecration, Violence and Confession, Men being forced by Terror and Threatening to subscribe to all. Which Power thus wickedly exercised, they labour to establish by Persuasion, enjoining such as Oaths for the Maintenance of it, as can neither be taken nor kept with a good Conference.

6. In the sixth Article you have the King robbed of his Supremacy, you have a Papal Power exercised over his Majesty’s Subjects in their Conferences, and in their Persons; you have Ecclesiastical Jurisdiction claimed by an insulted Right, which the Laws declare to proceed from the Crown.

And herein your Lordships may observe, that those who labour in Civil Matters to set up the King above the Laws of the Kingdom, do yet in Ecclesiastical Matters endeavour to set up themselves above the King. This was justly prevented by the Archbishop; it is not extrajudicially declared by the Judges, and then to be published in a Proclamation: I say aherof, he hath made the King’s Throne but a Foxe’s Pew for his own and their Pride.

7. You hear, my Lords, in the seventh Article, Religion undermined and subverted, you have Papery declared...

...
in the twelfth Article, my Lords, you have a
Division endow'd between this and the foreign Re-
formed Churches. The Church of Christ is one Body,
and the Members of Christ form a natural Relation, as
Members of the same Body. Unity with God's true
Church everywhere, is not only the Beauty, but the
Strength of the Religion of Christ, and our Inteny
be both fought to preserve this Church, by my manifesto
Attempts to break this Union. To which Purpose he
both supp'd the Privileges granted to the Dutch and
French Churches: he both denied them to be of the
same Faith and Religion with us: and many other
ways hath he declared his Antipathy to these Churches.
13. In the thirteenth Article, as he both fought to
make an Ecclesiastical Division of Religious Differ-
ence between us and foreign Nations, so he both
fought to make a Civil Difference between us and his
Majesty's Subjects of the Kingdom of Scotland: And
those he both promoted by many Innovations there,
professed by himself and his own Authority. When
they were unadaptable of such Alterations, he advos'd
his Majesty to use Violence. He both made private
and public Measures to bring in the Divisions of the
War, which he might joyfully call his own War, and
with an impudent Baldness both invite all Enemies in
the Exchequer for divers Sums of Money procured by him-
self, pro Defensione Regni; and, by his Capitulations,
the King was drawn to undertake, not a Defensive but an
Offensive War.
14. He both, lastly, thought to secure himself and
his Party, by seeking to undermine Parliaments, and
thereby both laboured to bereave this Kingdom of the
Legislative Power, which can only be used in Parlia-
ments; and that we should be left a Kingdom, without
that without which the Crown distils and constitutes a
Kingdom, and is the only Means to preserve and restore it
from Dif-
temper and Deceit. He both hereby endeavoured to be-
come as the highest Judge, Jury, and Advocate, in any
Judicature, such a Judicature, as is necessary and essential to our Government, not
least for cafes of Troyes, and other concerns concerning the Pre-
rogative of the Crown, and Liberty of the People. It is
the supreme Judicature, to which all difficult Cases re-
port from other Courts. He both fought to deprive the
King of the Love and Counsell of his People, and of that
Affiance which he might have from them; and likewise
to deprive the People of that Relief of Grievances,
which they much humbly expect from his Majesty.

My Lords, the Parliament is the Cabinet wherein
the chief Jews both of the Crown and Kingdom are
disposed. The great Prerogative of the King, and
Liberty of the People, are not sufficiently exercised and
maintained by Parliament. Here, my Lords, you can
not only by this Occasion of great Thanks to God and
his Majesty for putting the Bill, whereby the frequent
Claims of Parliaments is established; which I assure
my self be call by Experience found to be a strong Foun-
dation both of his Honour and of his Crown. This
is all, my Lords, I have to say to the Parti-
culars of the Charge. The Commons dehore your Lord-
ships, that they may have the same way of Examination
that they had in the Cafe of the Earl of Strafford;
that is, to examine Members of all kinds, of your Lord-
ships House and their own, and others, as they shall fee
Cafe: and those Examinations to be kept secret and
private, that they may with more advantage be made
up of with the Matter comes to Office. They were de-
cided, that they referre to the Judges of Inquiring the
Persons of making Additional Articles, by which they intend
to reduce his Charges to be more particular and certain, in
respect of the several Times, Occasion, and other Cir-
cumstances of the Offences therein charged. And that
your Lordships would be pleased to put this Cafe in such

Vol. I.
When the Clerk of the Parliament had done reading, I humbly craved leave of the Lords to speak a few Words; which were to this effect:  
"My Lords, this is a great and a heavy Charge, and I must be unworthy to live, if it can be made good against me: For it makes me against God, in point of Religion; against the King, in point of Allegiance; and against the Publick, in point of Safety, under the Justice and Protection of Law. And thou the King be little, yet if at all mentioned, yet I am bold to name him, because I have ever been of Opinion, that the King and his People are so joined together in one Civil and Politick Body, as that it is not possible for any Man to be true to the King, as King, that shall be found trespassous to the State established by Law, and work to the Subversion of the People: Tho' perhaps every one, that is, is not able to see through all the Consequences, by which one depends upon the other. So my Charge, my Lords, is exceeding heavy in itself: tho'I, as yet, do not altogether feel the Weight of it. For 'tis not (as your Lordships see) but in Generals; and Generals make a great Noise, but no Proof; Whereas 'tis Proof upon Particulars that makes the Weight of a Charge fit cloze upon any Man. Now, my Lords, 'tis an old and a true Rule, Errare conquirit defendendo, Error doth most oftten happen, and belt appear, when Men defend to Particulars: And with them when I shall be charged, I hope my Innocence will furnish me with a sufficient Answer to any Error of mine, that shall be thought criminal, or any way worthy the Cognizance of this High and Honorable Court. As for human Frailties, as I cannot acquit myself of them, so, I premise, your Lordships will be favourable Judges of them: Since in the Transactio of so many Bahnines as passed my Hands, Men, far abler than ever I can, have been subject to them; and, perhaps, to as many and as great. But for Corruption in the least degree (I humbly praise God for it) I fear no Accuser that will speak Truth. But, my Lords, that which goes nearest unto me among these Articles, is, That I should be thought foul and false in the Profession of my Religion: As if I should profess with the Church of England, and the Church of Scotland, and the Church of Ireland, and Reuse, and labour by all cunning Ways to bring ReuioSuperition in upon the Kingdom. This (my Lords) I confes, troubles me exceedingly: And if I should forget myself, and fall into Puffion upon it, I shoul but be in that Case which St. Jerome confessed he was in, when he knew not how to be patient, when Falshood in Religion was charged upon him. And yet that was nothing so high a Charge as this which is laid against me: Which is not only to be barely false myself, but withal, to labour to spread the same Falshood over the whole Kingdom.  
And here I humbly besought their Lordships, that I might a little enlargie myself, and I did so. But because I purpose here to fet down the gener Alex Aricles that were brought up against me, and that one of them comes home to this Point of Re-
V. He hathtraitorously caused a Book of Canons to be composed and published, and to be put in execution without any lawful Warrant and Authority in that behalf. In which pretended Canons many Matters are contained contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Propriety and Liberty of the Subjects, and Matters tending to Subversion, and of dangerous Consequence; and to the Establishment of a valetudinarian, unlawful, and preposterous Power in himself and his Successors. Many of the Canons, by the Practice of the said Archbishop, were furious and passed in the Convocation, without due Consideration and Debate; others by Fear and Compulsion were subscribed to by the Prelates and Clerks there assembled, which had never been voted and passed in the Convocation, as they ought to have been. And the said Archbishop hath contrived, and endeavored to enforce and confirm the unlawful and pernicious Power which he hath usurped and exercised over his Majesty's Subjects, by a wicked and ungodly Oath, in one of the said pretended Canons, enjoined to be taken by all the Clergy, and many of the Laity of this Kingdom.

VI. He hath traitorously assumed to himself a papal and tyrannical Power, both in Ecclesiastical and Temporal Matters, over his Majesty's Subjects in this Realm of England, and other Places, to the Disaffirmation of the Crown, Disavowment of his Majesty, and Derogation of his Supreme Authority in Ecclesiastical Matters. And the said Archbishop claims the King's Ecclesiastical Jurisdiction, as incident to his Episcopal and Archiepiscopal Office in this Kingdom, and doth deny the same to be derived from the Crown of England, which he hath accordingly exercised, to the high Contempt of his Royal Majesty, and to the Distraction of [divers of the] King's liege People in their Persons and Estates.

VII. That he hath traitorously endeavored to alter and subvert God's true Religion by Law established in this Realm; and instead thereof, to set up Popish Superstition and Idolatry: and to that end hath declared and maintained in Speeches and printed Books divers Popish Doctrines and Opinions, contrary to the Articles of Religion establishe[d] [by Law.]

He hath urged and enjoined divers popish and superstitious Ceremonies, without any warrant of Law; and hath cruelly persecuted those who have opposed the same, by corporal Punishment and Imprisonment; and most unjustly vexed others who refused to conform thereto, by Ecclesiastical Censures of Excommunication, Suspension, Deprivation and Degradation, contrary to the Law of the Kingdom.

VIII. That for the better advancing of his Traitorous Purposes and Designs, he did abuse the great Power and Truth his Majesty repose[d] in him; and did intrude upon the Persons of divers great Officers, and upon the Right of divers of his Majesty's Subjects; whereby he did procure to himself the Nomination of sundry Persons to

Ecclesiastical Dignities, Promotions and Benefits, belonging to his Majesty, and divers of the Nobility, Clergy, and others; and hath taken upon him the Nomination of Chaplains to the King; by which means he hath preferred to his Majesty's Service, and to other great Promotions in the Church, such as have been piously affected, or otherwise unworthy and corrupt both in Doctrine and Manners.

IX. He hath for the same traitorous and wicked Intent, chosen and employed such Men to be his [own Doneletical] Chaplains, whom he knew to be notoriously disaffected to the Reformed Religion, greatly addicted to Popish Superstition, and erroneous and unfounded both in Judgment and Practice. And to them, or some of them, he hath committed Licensing of Books to be printed; by which means divers falls and supertitious Books have been published, to the great Scandal of Religion, and to the seducing of many of his Majesty's Subjects.

X. He hath traitorously and wickedly endeavored to reconcile the Church of England with the Church of Rome: And for the effecting thereof, hath comforted and conferred with divers Popish Priests and Jesuits; and hath kept secret Intelligence with the Pope of Rome: And by himself, his Agents and Infruments, treated with such as have from thence received Authority and Instruction. He hath permitted and countenanced a Popish Hierarchy or Ecclesiastical Government to be established in this Kingdom. By which all traitorous and malicious Practices this Church and Kingdom have been exceedingly indangered, and like to fall under the Tyranny of the Roman See.

XI. He is in his own Person, and his Subjects, Visitors, Surrogates, Chancellors, or other Officers, by his Command, have caused divers learned, pious, and orthodox Preachers of God's Word to be forestalled, suspended, deprived, degraded, excommunicated, or otherwise grieved and vexed, without any just and lawful Cause; whereby, by divers other Means, he hath hindered the Preaching of God's Word, caused divers of his Majesty's loyal Subjects to forsake the Kingdom, and increased and cherished Ignorance and Profaneness among the People; so that he might the better facilitate the Way to the effecting of his own wicked and traitorous Designs of altering and corrupting the true Religion here establishe[d].

XII. He hath traitorously endeavored to cause Division and Discord between the Church of England and other Reformed Churches; and to that end hath preposterously and abrogated the Privileges and Immunities which have been by his Majesty and his Royal Ancestors granted to the Church and Church of this Kingdom; and divers other Ways hath exercised his Malice and Disaffection to these Churches, that so by such Designs, the Papists might have more Advantage for the Overthrow and Extirpation of both.
XIII. He hath maliciously and traitorously plotted and endeavoured to stir up War and Enmity betwixt his Majesty's two Kingdoms of England and Scotland; and to that purpose hath laboured to introduce into the Kingdom of Scotland divers Innovations both in Religion and Government; all or most part, tending to Popery and Superstition: to the great Grievance and Distinction of his Majesty's Subjects of that Nation. And for their refusing to submit to such Innovations, he did traitorously advise his Majesty to subdue them by Force of Arms: And by his own Authority and Power, contrary to Law, did procure fixation of his Majesty's Subjects, and enforced the Clergy of this Kingdom, to contribute towards the Maintenance of that War. And when his Majesty, with much Wisdom and Justice, had made a Pacification betwixt the two Kingdoms, the said Archbishop did precipitously enjoin that Pacification, as dishonourable to his Majesty; and [by his Counsel and Endeavours] to incense his Majesty against his said Subjects of Scotland, that he did thereupon, by Advice of the said Archbishop, enter into an offensive War against them, to the great Hazard of his Majesty's Person, and his Subjects of both Kingdoms.

XIV. That to preserve himself from being questioned for the same, and other his treasonable Courses, he hath laboured to subvert the Rights of Parliament, and the ancient Course of Parliamentary Proceedings; and by false and malicious Slanders to incense his Majesty against Parliaments. By which Words, Counsel, and Actions, he hath traitorously, and contrary to his Allegiance, laboured to alienate the Hearts of the King's liege People from his Majesty, to set a Division between them, and to ruin and destroy his Majesty's Kingdoms. For which they do impiach him of High-Treason against our Sovereign Lord the King, his Crown and Dignity,

The said Commons do farther aver, that the said William Archbishop of Canterbury, during the time in which the Treason and Offences aforesaid were committed, hath been a Bishop or Archbishop in this Realm of England, one of the King's Commissioners for Ecclesiastical Matters, and a of his Majesty's most Honourable Privy Council: And that he hath taken an Oath for his faithful Discharge of the said Office of Councillor, and hath likewise taken the Oath of Supremacy and Allegiance. And the said Commons, by Petition, laying to themselves the Liberty of exhibiting at any time hereafter, any other Accusation or Impediment against the said Archbishop, and also of replying to the Answers that the said Archbishop shall make unto the said Articles, or to any of them; and of offering further Proof also of the Premises, or any of them, [or of any other Impediment or Accusation that shall be exhibited by them] as the Case shall, according to the Course of Parliament, require: do pray that the said Archbishop may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Trial and Judgment, may be upon every of them had and used, as is agreeable to Law and Justice.

When these Articles had been read unto me in the Upper House, and I had spoken to the Lords, in a general Answr to them, what I thought fit, as is before express'd, I humbly defied of the Lords this bringing upon Fridays, Feb. 16th 1640, that my going to the Tower might be put off till the Monday after, that so I might have time to be the better fitted for my Lodging. This, I humbly thank their Lordships, was granted.

[February 20. 1640. Ordered by the Lords in Parliament, that the Lord Archbishop of Canterbury his Grace, shall immediately be committed to the Tower of London. But the Pleasure of this House is, that he continue till the safe Custody of the Gentleman Usher of this House, till Monday the first of March 1640, and then let the Lieutenant receive his Grace in his safe Custody, until the Pleasure of this House be further known, and in the mean time Mr. Maxwell is to be responsible for him, and not to permit him to go abroad, and that the Archbishop of Canterbury and the Earl of Strafford shall not come together.] I returned to Mr. Maxwell, Cardinal, and that Afternoon sent my Steward to Sir William Balfour, then Lieutenant, that a Lodging might be had for me with as much Convenience as might be. On Monday, March 1640, Mr. Maxwell carried me in his Coach to the Tower. St. George's Feast, having been formerly put off, was to begin that Evening. By this means Mr. Maxwell (whose Office tied him to Attendance upon that Solemnity) could not possibly go with me to the Tower at Evening, as I desired. Therefore Noon, when the Citizens were not at dinner, was chosen as the next suitable time for Privatanes. All was well till I paied thro' Newgate Stambies, and entered into Christhipe. There some one Premiere first follow'd out; and more follow'd the Coach, (the number till increasing as they went) till by that time I came to the Exchange, the Island was exceeding great. And so they follow'd me with Clamour and Revilings, even beyond Barbarity itself; not giving over, till the Coach was ented in at the Tower-Gate.

[Afterwards the Lords made the following Or- orders.

An Ordinance of the Lords and Commons, assembled in Parliament, concerning the Archbishop of Canterbury.

Die Maris, 16 Mai 1643.

W H E R E A S William Laud, Archbishop of Canterbury, standeth impeached in this present Parliament for High-Treason, and for divers other great Offences and Misdemeanours; and by reason of many great and weighty Buiufinesse he can not yet be brought to Trial for the said Offences and Misdemeanours; and be, in respect of his said Archbishoppick of Canterbury, hath power to give and collate fit Clerks to divers Parsonages, Prebendes, and other Ecclesiastical Promotions and Preferments; and if any of them should become void, and he be left to prefer whom he please to the same, the few
same may prove very inconvenient, he beheading them upon unjust and unworthy Perjures.

Be it therefore ordered and ordained, by the Lords and Commons in this present Parliament, That in case any of the aforesaid Perjurers, Vicious, Prebend, or other Ecclesiastical Promotions or Pre-

ments, now be, or hereafter shall be, before the Trial of the said Lord Archbishop of Canterbury, become void;

That the said Lord Archbishop of Canterbury shall forbeare to present or collate any Perjon or Perjons theretome, without the Leave and Order of both Houses of Parliament. And it is further ordered and ordained, That the said Lord Archbishop of Canterbury, from time to time, until his said Trial, present and collate such fit Perjon or Perjons, to every fit

Perjon, Vicious, Prebend, and other Ecclesi-

astical Promotion, as aforesaid, which now are, or hereafter before his said Trial shall be void, as by both Houses of Parliament shall be nominated and appointed. And it is further ordered by the said Lords and Commons, that all Arch-

deans, Rectors, and other Officers, Minorits, and

Perjons whatsoever, shall forbeare to give or make any Admission, Injunction, Collation, or In-

duction of any Perjon or Perjons whatsoever, which by the said Archbishop shall be presented in or to any fit Perjon, Vicious, Prebend, or other Ecclesi-

astical Promotion, other than such Perjon and

Perjons as shall be nominated and appointed by both Houses of Parliament, as aforesaid. And it is

left ordered, That the Lord Archbishop, and the

Churchwardens of every Parish, and other Officers of the Church, where any Perjon, Vicious, Prebend, or other Ecclesiastical Promotion or Pre-

ments, in the Donation or Gift of the said Arch-

bishop, are, shall, within two Months after the

respective Admission thereof, give notice of such A-

dmission to the Lord Speaker of the House of Peers,

for the time being.

Die Sabbat 10 Junii, 1643.

An Ordinance of the Lords and Commons assembled in Parliament, That all the Temporal Livings, Dignities, and Ecclesiastical Promotions, belonging unto William Lord Archbishop of Canterbury, be forthwith je-

quefruted by and unto the Parliament.

WHEREAS by an Ordinance of Parlia-

ment, of the 16th of May 1643, the Arch-

bishop of Canterbury is required from time to time, until his Trial, to collate such fit Perjons unto any

Ecclesiastical Prebend in his Patronage, as shall by both Houses be nominated unto him; and, in par-

ticular of the said Ordinance, another Ordinance of the Lords and Commons pass the 28th of the

same Month, requiring the said Archbishop to collate unto Edward Corbet, Fellow of Merton-Col-

lege in Oxford, the Deanery of Charleston in the

county of Kent, void by the Death of Dr. Bar-

grave, the last Incumbrance, and further the said

Archbishop of Canterbury refused Obedience to the

said Ordinance, it is therefore ordered, and be committed to the Lords and Commons in Parliament, That all the Temporalities of the Archbishop of Canterbury be hereby jequefruted by and unto the Parliament, and William Lord Archbishop of Can-

terbury be disfranchised on Official & Beneficio, & omni & omninoda Jurisdictione Archiepisco-
poli, until he be either convicted or acquitted of

Hightreas, for which he shall now accused.

And whatsoever Livings, Dignities, or Ecclesiastical Promotions, in the said Archbishop's Gift or

Collation, are, or hereafter shall be, void, shall henceforth be inquired into and indited by the Arch-

bishop's Vicar-General, or any other having Au-

thority in his behalf, upon the Nominations the Laws and Statutes of the Realm. And for Manifestation thereof, about six Years last past, being then a Privy-

Councillor in his Majesty, and sitting at the Council,

Further Articles of Impeachement by the Com-

mons assembled in Parliament, against William

Land, Archbishop of Canterbury, of High-Treas, and divers High Crimen and Mifdemeanours; as followeth.

I. THAT the said Archbishop of Canterbury, to introduce an Arbitrary Government within this Realm, and to deprive Parliament, in the third and fourth Year of his Majesty's Reign that now is, a Parliament being then called and sitting at Westminster, treacherously and maliciously caused the said Parliament to be dissolved, to the great Grie-

ce of his Majesty's Subjects, and Prejudice of this Commonwealth. And seen after the Dissolution there-

of, gone divers Propositions under his Hand to George

then Duke of Buckingham, coining therein many false Aspersions upon the said Parliament, calling it a faythles Parliament, and falsely affirming that he had given many Scandals upon his Majesty, and had used him as a Child in his Minority, fitting them Puritans, and commanding the Papists for barmles and peaceable Subjects.

II. That within the space of Ten Years last past, the said Archbishop hath treacherously endeavoured to sub-

vert the Fundamental Laws of this Realm, and to that end hath in like manner endeavoured to advance the Power of the Council-Tables, the Commissions of the Church, and the King's Privy-Council, above the Laws and Statutes of the Realm. And for Manifestation thereof, about six Years last past, being then a Privy-

Councillor in his Majesty, and sitting at the Council,

On Tuesday, October 24, an Order was brought from the Lords, dated October 23, with a Copy of ten Additional Articles, brought up by the Commons against me. This Order required me to a man in writing by the 30th of the same Month. These Articles charged me not with Treason only, as the former did, but with Trea son, and other high Crimes and Misdemeanours.

'
Table, be said, That as long as he fat there, they should know, that an Order of that Board should be of equal force with a Law or Act of Parliament. And at another time used those Words, That he hoped ere long, that the Canons of the Church and the King's Prerogative should be of as great power as an Act of Parliament. And at another time said, That theore would not yield to the King's Power, he would shrift them to pieces.

III. That the said Archbishop, to advance the Canons of the Church, and Power Ecclesiastically, above the Law of the Land, and to prevent and hinder the Canons of Justice, both at the times used in the said time, by his Letters, and other unde Manus and Solicitations used in Judges, espied and stopped the granting of his Majesty's Rights of Prebendary, where the same ought to have been granted for the sake of Proceedings in the Ecclesiastical Court: whereby Justice hath been delayed and hindered, and the Judges diverted from doing their Duties.

IV. That for the end and purpose aforesaid, about seven Years ago past, a Judgment being given in his Majesty's Court of King's Bench against one Burley a Puritan, being a Man of bad Life and Conversation, in an Information upon the Statute of 21 Hen. 8, for wilful Non-Recital; the said Archbishop, by Solicitations and other unde Manus was sent to the Judges of that Court, and did prepare an Action when the said Judges of that Court, and did prepare to be played; and being mete and secrete, and was acquainted with the bad Life and Conversation of the said Puritan, be said, That he had spoken to the Judges of that Court, and that he would never suffer a Judgment to pass against any Clergyman by Nihil dict.

V. That the said Archbishop about eight Years ago past, being then also a Privy-Councillor to his Majesty, for the end and purpose aforesaid, causode Sir John Corbet of Stoke in the County of Salop Barony, then a Justice of Peace in the said County, to be committed to the Prison of the Fleet, where restricted Prisoner for the space of half a year or more, for some other cause, but for calling for the Election of Right, and being set to be divided in the Sealed Books of the Peace for the County, upon a justification of Governor and the aid of his Majesty, that the time of his imprisonment was the said Archbishop a Collector of Rights, by all rating under the Seals of his Archbishopric, granted away a parcel of the Green- Land of the Church of Alderley in the said County, whereas the said Sir John Corbet was then Patron, unto Robert Figgason Kilmyrrow, without the Consent of the said Sir John, or the then incumbency of the said Church; which said Figgason Kilmyrrow has a Chapel upon the said parcel of Green-Land, in the great Prerogative of the said Sir John Corbet, which had caused great Sale and Conversions between them. And whereas the said Sir John Corbet by a Judgment against Sir James Stonehouse Knight, in the Action of Right, in his Majesty's Court of Common Pleas at Westminster, which was afterwards found in an action of Error in the Case of Benbow, and Execution thereon accorded; yet the said Sir John Corbet by means of the said Archbishop could not have the effect thereof, but was committed to Prison by the said Archbishop and others at the Council Table, unto he had submitted himself unto the Order of the said Table, whereby he lost the benefit of the said Judgment and Execution.

VI. That whereas divers Gifts and Disbursements of divers Sums of Money were hereforesaid made by divers charitable and well-disposed Persons, for the doing of divers Improvements for the Maintenance of preaching the Word of God in several Churches; the said Archbishop above eight or nine Years past extremly and maliciously causeth the said Gifts, Frivolities, and Conveniences made to the Uses aforesaid, to be overthrow in his Majesty's Court of Exchequer, contrary to Law, as things dangerous to the Church and State, and to the free exercise of buying in Appropriations, whereby that which Work was suppressed and troubled doth, in great Dishonour of God, and Scandal of Religion.

VII. That the said Archbishop at several times, within these ten Years past, at Westminster, and elsewhere within this Realm, contrary to the known Laws of England and the Hermeneutic of Advance Papacy and Supremacy within the Realm; and for such end and purpose hath wasting and willingly receiv'd, and received divers Papist Priests and Jesuits; namely, one called Sancia Clara, alias Dumptor, a dangerous Puritan and Franciscan Priest, having written a Papist and Seditionous Book, entitled, Deus, Natura, Gratia, wherein the Thirty-nine Articles of the Church of England, falsified by Act of Parliament, were much traduced and slandered; the said Archbishop had divers Conferences with him, while he was writing the said Book; and also did provide Maintenance and Entertainment for one Master S. Giles, a Papist Priest, at Oxford, knowing him to be a Papist Priest.

VIII. That the said Archbishop about four Years last, at Westminster and elsewhere, did. That there must be a Boy given to the Church, such as had not been yet given, before it could be brought to Conformity, desiring the Bishop to be, to take and order the true Protestant Religion established in the Church of England.

IX. That in about the Month of May 1640, precisely after the Indictment of the 27th Parliament, the said Archbishop, the Prince and Earl of Essex, first came to a Secret or Convention of the Clergy to be held for the several Presbytery of Counties and York; which were met and established by his own and personal act. And among other things, the said Archbishop caused a Dearth and Distress to be kept, so that the ordinary supply of Grain could be in great measure and constraint, the lesser supply of Wheat and Barley—That I A.B. do swear that I do approve the D. Stowe and Discipline of Government established in the Church of England, as consisting all things necessary to Salvation, and that I will not endeavour by way of law or any other, directly or indirectly, to bring in any Papist Doctrine, contrary to that which is to be established: Nor will ever give my Consent to alter the Government of this Church by Archbishops, Bishops, Deans, and Archdeaconys, &c., as it stands now established, but by Right it ought to stand; nor yet ever for Power to the Ultras and Superstitiions of the State of Rome. And all these things I do plently and freely acknowledge and confess, according to the plain and common Sense and Understanding of the time Words, without any Equivocation, or mental Equivocation, or secret Refreration whatsoever. And thus I do heartily, willingly, and truly upon the Faith of a Christian, to help me God in days Christ. Which Ober the said Archbishop and all his allies, and called divers other Ministers of the Church to take the same, upon Pain of disfranchising and Disprivilege of all Liberties, and other secular Penalties; and let all save God, be a Bishop of Silicon, is to commended to Prayers, and is committed to Prayers.
To the Honourable the Lords assembled in the High Court of Parliament, the Humble Petition of William Laud, Archbishop of Canterbury.

Humly sheweth,

That he hath received your Lordship's Order of October 23, 1643, with a Copy of the Articles charged against him, and requiring him to make answer.

Most nobly prospereth, That according to an Order of that Honourable House, he may have Counsel appointed him, and that Master Hearne and Master Chute may be his Counsel, and may have free Liberty to come unto him; and that he may have some Money out of his Estate to eate his Counsel, and defray his other Charges, he having been for this long while Poor and burdened to his Friends. And further, That he may have all his Papers and Books, most of which belong to his Defence, which Master Pryme took from him by Order of the Lords, delivered unto him, that he may be able to answer for himself. And also he may have Time and Means to send for his Witness, which can hardly be done in the time limited: and that he may have his Servants about him, to send for his necessary Occasions. And lastly, That he may have longer time, the Articles being large and many. And he shall ever pray, &c.

William Cant.

Whose Petition being read in the Lords House October 24, 1643, this Order was made.

Die Martis, 24 Octob. 1643.

UPON the reading of the Petition of the Lord Archbishop of Canterbury this Day in the House, it is ordered, &c. That this time is given him until Monday the fifth of November for the putting in his Answer in writing into this House, in maintenance of their former Impeachment of High-Treason, and divers High Crimes and Misdemeanours against him. That Master Hearne and Master Chute are hereby appointed of Counsel for the drawing up of his Answer, who are to be permitted to have free Access in and out to him. That this House doth hereby recommend to the Committee of Sequestrations, that the said Lord Archbishop shall have such Means afforded him out of his Estate, as will enable him to pay his Counsel, and defray his other Charges. That when his Lordship shall set down particularly what Papers and Writings are necessary for his Defence that should be referred unto him, their Lords will take it into their Consideration. That upon his Lordship's nominating what shall be his Solicitor, the Lords will return their Answer. And for the Writs, when a Day shall be appointed for his Lordship's Trial, this House will give such Directions therein as shall be just.

Friday, October 27. I petitioned again, that the Papers of my Defence being (as I was informed) in the hands of the Clice Committee, might be delivered unto me; and sent my Petition, with the Order of the Lords annexed, to the Committee for Sequestrations. Their Lords were very favourable, till Mr. Glyn was pleased to say, They were not to allow me Means, and there was a known Course in Law, which was, that
that I might go on in forma pauperis; and so was left without any Allowance out of my Eftate, to fee my Counsel, or supply other Wants. This succeeding to ill with me, I petitioned the Lords again on Saturday, October 26, 1643. and then Mr. Delly my Secretary was affigned me for my Solicitor; and I was allowed two Servants more to go about my Business.

[Die Sabati, 28 Octob. 1643.

O rdered, &c. That Master Hales is hereby ap-
pointed to be of Counsel with the Lord Arch-
bishop of Canterbury, with his other Counsel al-
ready appointed for the drawing of his Answer to the Charge of the House of Commons against him. And that Master W. Dill, Richard Colb, and Master George Smith, his Lordship's Servants, shall have Liberty to attend the said Archbishops's several Affairs, and be permitted to come in and out unto me, as there shall be occasion.

And the House of Commons, by their Order, agreed to the Lords, that I should have Copies of any of the Papers taken from me, but it should be at my own Charge. Wonderful Favour this, and as much Justice! My Eftate all taken from me, and my Goods sold, before ever I came to Hearing; and then I may take Copies of my Pa-
ers at my own charge.

On Tuesday, October 31. I humbly petitioned the Lords for Direction of my Counsel, how to carry themselves towards me and my Defence; and that they would honourably be pleased, in re-
gard the Articles charged me with Treason and Misdemeanour, and were intermixed one with an-
other, to distinguish which were for Treason, and which for Misdemeanour; as also for longer Time to put in my Answer. The Lords upon this gave an Order, that I should have time till November 13, but would declare no Opinion touching the Dif-
ingeniture of the Articles, but left to me my Counsel to advise as they pleased.

[To the Right Honourable the Lords assembled in Parliament, the humble Petition of William Archbishop of Canterbury.

Most humbly filæth,

THAT your Petitioner having professed against him, by the Honourable House of Commons, to your Lordships, an Impeachment, intitled, Further Articles of Impeachment by the Commons as-
sembled in Parliament, of High-Treason, and di-
ers High Crimes and Misdemeanours; to which, by your Honourable Order of the 24th of October an-
nexed, he is directed to put in his Answer in Writing by Monday the 6th of November; and hath ther-
by Counsel affixed him to draw up the same.

That your Petitioner's Counsel, upon reading of the Articles, finding that as well in the Frame, as the Composition thereof, the Matters of Crime and Misdemeanour are so interwoven with References to the Matters of Treason charged as Treason, as they cannot take them to distinguish them: and conceiv-
ing it was to have been your Lordship's Intention, by their Affirmations, that they should advise an Answer to any part of the Impeachment charged against your Petitioner as Treason, do therefore advise your Peti-
tioner's Answer to the said Articles, without some Declaration first had, which of the said Articles are intended to be a Charge of High-Treason, and which of them of Crimes and Misdemeanours; without which, your Petitioner is like to be deprived of the Affinate of Counsel, granted by your Lordships Order.

Your Petitioner humbly beseecheth your Lordship, in this to be sparing a Charge on him, from so Great a Honourable a Body, in such a Strait of Time, that it may be declared which of the said Articles are in-
tended to be Charges of Crimes and Misdemeanours, only, in which your Petitioner may have the Aff-
tance of his Counsel affixed him, to advise him in his Answer thereunto: And that your Lordships will be further honourably pleased to enlarge your Petitioner in the Time allotted for his Answer. And your Pe-
titioner shall pray, &c.

William Cant.

Upon which Petition, this Order was formed.

[Die Martis, 31 Octob. 1643.

O rdered, &c. That the Lord archbishop of Can-
terbury shall have time to put in his Answer to the Impeachment of the House of Commons, until Monday the 13th of November next, and that this House doth forbear to declare any Opinion con-
cerning the several Articles of the said Impeachment, but reserves it to his Counsel to do and advice as his Counsel shall think meet.

My Counsel told me plainly, I might as well have no Counsel, if the Articles were not distin-
guished; for they were so woven one within an-
other, and so knit together in the Conjunction, that they might refer all to I treason, and so they be suffered to give me no Counsel at all in Matter of Fact. Hereupon they drew me another Pe-
tition to the same Effect, which I caused to be de-
livered November 6. but it received the same An-
swer. Then November 7. being Wednesday, I peti-
tioned the House of Commons to the same pur-
pose: And November 8. this my Petition was read in the House of Commons; and after a short De-
bate, the Resolution was, That they being my Accusers, would not meddle with any thing, but left all to the Order of the Lords, before whom the Business was, and my Counsel's own Judg-
ment thereupon. This seemed very hard, not only to myself and my Counsel, but to all differ-
ent Men that heard it. In the mean time, I could refor no whither but to Patience and God's Mercy.

[Die Venere, 10 Novembar. 1643.

O rdered, That the Lieutenant of the Tower, or his Deputies, shall bring in Safety the Lord archbishop of Canterbury before their Lordships, on Monday the 13th of this Instant November, by Ten of the Clock in the Morning, to put in his be-
fá in the House to the Impeachment of the House of Commons, remaining now before the Lords in Par-
tlement, and this to be a sufficient Warrant in that behalf.

To the Gentleman-Usher, &c.

November 13. I appeared in the Parliament-
House according to the Order, and was at the Bar. That which I spoke to the Lords, was this:

That I had no Skill to judge of the Strights into which I might fail by my Plea which I had

resolved on, being left without all Affiance of

my Counsel, in regard of the Nature and Form

of the Impeachment that was against me. That

yet.
yet my Innocency prompted me to a ready Obse-
dience of their Lordships Order, calling myself
wholly upon God's Mercy, their Lordships Ju-
tices, and my own Innocency. Then I hum-
bly declared that their Lordships Order first, and
the Impeachment after, might be read. This
I did, I put in my Answer in Writing, as I was or-
dered to do, and humbly prayed it might be en-
trusted to the Judge.
My Answer was, all Accounts of Laws
against this Impeachment forced and referred to
this Defendant, he pleads Not Guiltily to all and every
part of the Impeachment, in manner and form as
this charged in the Articles: And to this Answer I
put my Hand.

The Humble Answer of William Archbishop
of Canterbury, to the further Articles of
Impeachment of High-Treason and divers
High Crimes and Misdemeanours exhi-
bited against him by the Honorable House of
Commons, according to Direction of an
Order of this Honourable House of the
15th of Oct. last.

ALT. Advantages of Exception to the said Arti-
cles of Impeachment, this Defendant found
and charged, this Defendant humbly faith, that he is
not guilty of either any of the Matters by the said
Impeachment charged, in such manner and form as
are by the said Articles of Impeachment charged.

My Answer being thus put in, I humbly be-
ought their honourable Lordships, To take into
their Consideration my great Years, being
three score and ten complete, and my Me-
mony, and other Faculties, by Age and Af-
fliction much decayed: my long Imprisonment,
wanting very little of three whole Years, and
this last Year little better than close Imprison-
ment: my want of Skill and Knowledge in the
Laws to defend myself: the Generality and In-
certainty of almost all the Articles, so that I
cannot see any Particular against which I may
provide myself. In the next place, I did thank-
fully acknowledge their Lordships honourable
Favour, in affording me such Counsel as I de-
clared: But I told their Lordships withal, that
as my Counsel were most ready to obey their
Lordships in all the Commands laid upon them,
so there were several Doubts arisen in them,
how far they might advise me without offence;
considering the Charges against me were so in-
terwoven, and left without all Distinguishing,
what is intended as a Charge of Treat-
fon, and what of Crime and Misdemeanour:
That to remove these Doubts, I had humbly
begged of their Lordships to be twice more Distinguish-
ment, by several Petitions: That their Lord-
ships not considering it fit to distinguish, I have
without Advice of Counsel put in my Pleas, as
their Lordships fee. But do most humbly pray,
that their Lordships will take me so far into
Consideration, as that I may not lose the bene-
fit of my Counsel for Law in all, or any; and
for Law and Fact, in whatsoever is not charged as
Treaton, when it shall be distinguished: As
still my Prayers were, that by their Lordships
Wisdom and honourable Direction, some way
might be found to distinguish them; and that
having (not without much difficulty) prevailed
with my Counsel to attend, their Lordships
would be pleased to hear them speak in this per-
plexed Business. While I was speaking this,
the Lords were very attentive, and two of them
took Pen and Paper at the Table, and took Notes:
And it was unanimously granted, that my Counsel
should be heard, and so they were. And the
Order then made upon their hearing was, that
they should advice me, and be heard themselves
in all things concerning Matter of Law, and in all
things, whether of Law or Fact, that were not
charged as Treason; and that they would think
upon the Distinguishment in time convenient.

O R D E R D by the Lords in Parliament, That,
the Lord Archbishop of Canterbury's Counsel
shall provide themselves to address him in point of
Law, in all the Articles of the whole Charge; and
for the Matter of Fact, when the Cause comes to be
prosecuted by the House of Commons, as there shall
to be need, their Lordships will give further Directions
in due time.

On the 11th of December 1643, the House of
Commons made this ensuing Ord. r.

I 1 December 1643.

O R D E R D, That the Committee for the Trial of the Archbishop of Canterbury do meet this Afternoon at Ten of the Clock in the State
Chamber, to prepare the Evidence against the Arch-
bishop of Canterbury; and to furnish such Witnesses as are needful and prepare the Defences fit for Trial,
and to acquaint the House when they are ready; and
this is to do with all convenient speed they can
and to have power to send for Parties, Witnesses, Pe-
ners, Records, &c. And the Care thereof is particu-
larly committed unto Sir Jesuit Wilde.

Wednesday at Night, Jan. 3. 1643. I received
an Order for my Appearance, and to answer to the
Impeachment against me, on the Monthly fol-
lowing, Jan. 9.

[Die Mercurii, 3 Jan. 1643.]

I T is this Day ordered by the Lords in Parliament,
That this House will proceed against William
Laud Archbishop of Canterbury, upon
the Impeachment brought up from the House of Commons
for High Crimes and Misdemeanours, on Monday,
Morning next at Ten of the Clock, being the eighth of
this Instant January 1643. At which time the said
Archbishop is to prepare himself for his Defence.
To the Gentleman-Usher attending this House,
or his Deputy, to be delivered to the Lieu-
tenant of the Tower, or his Deputy, for the
Archbishop.

Jan. 3. 1643. A Message sent from the Lords by
Sir Robert Rich and Mr. Page, The Lords com-
manded us to put you in mind, that the Arch-
bishop of Canterbury hath put in his Plea to the
Impeachment of this House sent up to the Lords
some time since, which they desire you to take into
Consideration what is fit to be done in it.

Jan. 5. The House of Commons desired the Lords
to appoint a Committee to examine some Witnesses upon
Oaths, against the Archbishop, in the presence of the
Committee of the Commons, which was granted.

This Summons seemed sudden, after so great an
Intermission; yet I could not petition for more
41. The Trial of Dr. William Laud, 19 Car. I.

Time, till Saturday, Jan. 6, because (as the Melfinger told me) the House sat not again till then. Then I petitioned for more time, in regard my Council were not in Town; and I had time given till Sunday, Jan. 16, and that Day for peremptorily.

[to the Right Honourable the Lords assembled in the High Court of Parliament, the humble Petition of William Laud, Archbishop of Canterbury, Prisoner in the Tower.

Humbly sheweth,

THAT your Petitioner having received your Lordships Command, by your Honourable Order of the 3d of this Infant January, assuaged, to attend and answer the Impeachment against your Petitioner, from the Honourable House of Commons, on Monday the 8th of this Infant January, which is but few Days distance, and at a Time when two of his three Council aforesaid are out of Town, and your Petitioner’s Witn Issers fying in several remote Places, cannot be summoned in so short a Time, nor willing happily to come upon their Summons, without Warrant from your Lordships: Your Petitioner’s high humble Suit to your Lordships is, That you will honourably cause him be summoned, without time to send for his Council and Witniss, to justify in the Matters of Felch charged against him, and wishing, to grant the Petitioner your Honourable Order, to command the Witniss summoned to attend at the Time by your Lordships to be appointed. Which his humble Request, your Petitioner had sooner presented to your Lordships, but that no Sitting hath been (as your Petitioner is informed) until this Day, and hence your Honourable Order in this behalf made known to him. And your Petitioner shall pray, &c.

William Cant.

Sabbati, 6 Jan. 1643.

WHereas the House formerly appointed Monday, being the 8th of this Infant January, 1643, to proceed against William Laud, Archbishop of Canterbury, upon the Impeachment brought up against him from the House of Commons for High-Treason, and High Crimes and Misdemeanours: upon reading the Petition of the said Archbishop, it is this Day ordered by the Lords in Parliament, to the end that the Council and Witnisse of the said Archbishop may have competent Time to attend the Hearing of the Cause. That this House will require the Proceedings against the said Archbishop, upon the said Impeachment, to be put in this Infant January, 1643, Ten of the Clock next Morning. At which Time the said Archbishop is peremptorily appointed to provide his Witnisses, and prepare his Defence into the said Impeachment.

To the Gentlemen-Uffer, &c.

Notwithstanding the flatterers of this Time, my Counsel being out of Town, as not expecting it, I was on Sunday, Jan. 7, ordered again to appear in Mr. Smart’s Suit the next Day. The Warrant was due a Fortnight before, yet partly to fancy the Sabbath, and partly to shew his great Civility to me in giving me warning. I was not served with it till Sunday Night at Seven of the Clock. The next Morning I went to Wapping, as I was commanded: but I was sent back, and

not so much as called upon. So, before the Charge I was at, that Day was lost and taken from me and my Banimus, as short time as I had given me.

Then Tuesday came on Jan. 16. And where as I was ordered to appear at the Lords House at Nine in the Morning, I was by another Order put off till One of the Clock in the Afternoon.

[Die Lune, 15 Jan. 1643.]

I T is this Day ordered by the Lords in Parliament, that the Lieutenant of the Tower of London, or his Deputy, shall bring in Safety the Archbishop of Canterbury before their Lordships, on Tuesday the 16th this Infant January, by One of the Clock in the Afternoon; at which Time this House will proceed against the said Archbishop upon the Impeachment brought up from the House of Commons against him for High-Treason, and High Crimes and Misdemeanours, and this to be a sufficient Warrant in that behalf; Then I appear’d.

[About three a Clock that Afternoon the Lords sat down this Message to the House of Commons.

16 Jan. 1643.

A Message from the Lords, by Sir Robert Rich and Mr. Page, to acquaint the House that they are ready to hear the Charge upon the Impeachment against the Bishop of Canterbury.

Upon this Message, the Committee of the House of Commons, appointed to manage the Evidence against him, went up to the Lords House. And then the Archbishop being brought to the Bar, after he had there kneled a little space, was commanded to stand up. Which Ceremony ended,

The Committee, that were to prefix the Evidence against me, began to proceed upon the former general Articles, as well as upon the latter. But to the first Articles I had never been called to answer, nor ever joined till. Upon this, there was much looking one upon another, as if they meant to ask where the Failure was.

[Hereupon Mr. Maynard spoke to the Lords in this effect:

Mr. Maynard’s Speech on this occasion.

My Lords,

IT now appears to your Lordships, how unwilling the Archbishop is (out of Concerning of his own Guilt) to come to his Trial, that in all this Space, from his first Impeachment, he hath not so much as put in any Answer to the original Articles, but he had hung since Comedy into his Hat for that Purpose. My Lords, this is none of the Commons Fault, but his own: For your Lordships well know, that the Commons can take no notice what is done in the House of Peers in a Parliament Way, but by a Message from your Lordships, who, after our Articles exhibited, were to call upon the Archbishop for an Answer to them. And your Lordships seeing us several Messages hereunto, that the Archbishop had put in his Answer to the Articles, and that you were ready to hear our Charge against him, and appointing this Day for his Trial, the Commons therefore sent the said Message to be forthwith put in his P俵 at the Bar, in due Form, to all their Articles: But the contrary was appearing both to your Lordships and me,
it is impossible for us to proceed at this time on his Trial, there being no Issue joined upon the Original Articles, for want of an Answer to them; and to proceed upon the Additional before any Answer given to the Originals, will be very preposterous. Therefore we humbly pray your Lordships, to order that the Archbishops may forthwith put in his Answer both to the Original and Additional Articles, by the Advice of his Counsel, or otherwise, in such a form as he will stand to it: And then we shall without any Delay join Issue with him, proceed on in his Trial and Evidence against him, when your Lordships shall appoint.

But by this Means could not then be any Proceeding. So I was there peremptorily ordered to put in my Answer on Monday, Jan. 32, both to the original and additional Articles, and in Writing.

[The Archbishops defined the Lords that he might advise with his Counsel, whether the Articles were certain and particular enough to be answered unto; and that if their Lordships should over-rule him to put in his Answer to them, he might bring convenient Time to do it.

Upon this, all being commanded to withdraw, the Lords, after some short Debate among themselves, and upon reading the Archbishops's Petition to have Mr. Gerard of Grays-Inn affixed for his Counsel, to join with those formerly affixed him, made this ensuing Order:

Die Martis, 16 Jan. 1643.

Upon the reading the Petition of William Archbishop of Canterbury, it is this Day ordered by the Lords in Parliament, That Mr. Richard Gerard of Grays-Inn be added to the former Counsel affixed to the said Archbishops, to be likewise of his Counsel.

It is also ordered by the Lords in Parliament, That William Archbishops of Canterbury shall put in his Answer in Writing into this House, to the first and further Articles of Impeachment brought up from the House of Commons against him by Monday Morning next peremptorily; and that the same Counsel formerly affixed him shall be of Counsel with him.

On the 16th of January the Archbishops sent this Petition to the Lords.

To the Right Honourable the Lords assembled in Parliament, the humble Petition of William Archbishop of Canterbury, Prisoner in the Tower;

Skeveth,

That whereas your Petitioner having formerly answered the particular Articles exhibitted against him by the honourable House of Commons; and now by your Lordships Order, of the 16th of this Instant, is commanded to put in his Answer to the first and further Articles of Impeachment brought up against him by Monday Morning next; for the doing whereof his former Counsel is affixed him.

That your Petitioner having advised with his Counsel concerning the first Articles, which were exhibitted were almost three Years Absence, finding upon Perusal and Debate of the same, that the said former Articles are facts, that no Answer can be made thereunto, nor

your Petitioner in any way enabled to prepare for his Defence of the same, as they now stand: That forasmuch as the said Articles of Impeachment import no less than a Charge of High-Treason, and forasmuch as your Petitioner is by his Counsel informed that (especially in Cases of Life) the Defendant is allowed to offer to the Court, where the same depends, his Exceptions by his Counsel before any Plea pleaded:

Your Petitioner most humbly beseeches your Lordships to appoint a Day for the hearing of your Petitioner's Counsel concerning the same. And your Petitioner shall pray, &c.

William Cant.]

At this Day and Time I appeared, as I was ordered to do; but could not obtain of the Lords either to take my former Answer off from the File, if I must put in another; nor to dittoing the Articles, which were Treafon, and which Misdemeanor; nor leave for my Counsel to speak to the Generality and Uncertainty of the original Articles, which they professed were such, as no Man living could prepare Answer for. But I must put in my Answer presently, or be taken for Confeffor. So I now subjoin I put in my Answer to both Articles;

The humble Answer of William Archbishops of Canterbury, to the first and further Articles of Impeachment brought up by the honourable House of Commons against him, and by Order of the Right Honourable the Lords in Parliament of the 16th of this Instant directed to be put in.

As to the 13th Article of the said first Articles, and the Matters therein charged, and all Matters or Things in the same, or any of the rest of the said Articles contained, which concern any Act of Hostility, whether between the King and his Subjects, or between Subject and Subject, or which may be conceived to arise upon the coming of any English Army against Scotland, or the coming of the Scotch Army into England; or upon any Action, Attempt, Assistance, Counsel, or Devices, having relation thereto, and falling out by the occasion of the late Troubles, preceding the late Conclusion of the Treaty, and Return of the Scotch Army into Scotland; this Defendant faith, That it is enacted by an Act, made during the Sitting of this present Parliament, that the same, and whatsoever hath ensued thereupon, whether tending upon the Laws and Liberties of the Church and Kingdom, or upon his Majesty's Honour and Authority, in no time hereafter may be called in question, or retented as a Wrong, national or personal; and that no mention be made thereof in time coming, neither in Judgment, nor out of Judgment: but that it be held and reputed as the never such Things had been thought or wrought; as by the said Act may more at large appear: Wherein, That this Defendant doth aver that he is none of the Persons excepted by the said Act, or the said Offences charged upon this Defendant any of the Offices excepted by the said Act.

And as to all the rest of the said first and further Articles, this Defendant, saving to himself all Advantages of Exception to the said Articles, humbly faith, He is not guilty of any, or any of the Matters by the said Articles charged, in such Manner
Manner and Form as the same are by the said Articles charged against him.

[The same Day the Lords, by Sir Robert Rich and Mr. Page, lent down this Answer of the Archbishop to the House of Commons; which was read, and ordered to be referred to the Committee, appointed to manage the Evidence against the said Archbishop, and accordingly delivered to Serjeant Wilde. And it was further, the same Day, ordered by the Commons, that the said Committee, appointed to manage the Evidence at the Trial of the Archbishop of Canterbury, do peremptorily meet this afternoon, at three of the clock, in the Court of Wards, upon the Disposition of the Parts of the Evidence.

All February passed over, and Mr. Prynn not yet ready; he had not yet sufficiently prepared his Witnesses. But on Monday, March 4, in an Order passed to call me to the House, to answer my Charge of High-Treason, on Tuesday, March 12, following.

[Die Lune, 4 Martii, 1643.

A Message to be sent to the Lords to desire them to appoint a Day for the Trial of the Archbishop of Canterbury. Mr. Serjeant Wilde went up to the Lords, to appoint a Day for the Trial of the Archbishop of Canterbury. Serjeant Wilde brings an Answer, that the Lords have appointed to-morrow seven-nights for the Trial of the Archbishop of Canterbury.

For which purpose the Lords made the following Order.

Die Lune, 4 Martii, 1643.

ORDERED, That the Archbishop of Canterbury shall appear before their Lordsships on Tuesday the 12th of this Instant March, at Nine o'clock in the morning. At which Time this House will proceed against the Archbishop upon the first and further Articles of Impeachment, brought up from the House of Commons against him for High-Treason and High-Crimes and Misdemeanours: whereas the said Archbishop is hereby to be made visible, and provide himself accordingly.

And on Saturday March 9, I received a Note from the Committee which were to press the Evidence against me, what Articles they meant to begin with; which had a Show of some fair Respect. But the Generality and Uncertainty of the Articles was such, as render'd it a bare Show only: no Particular being charged, concerning which I might provide for any Witnesses or Counter-proof.

[After this, the Archbishop petitioning the Commons House, that Sir Henry Mildmay, a Member thereof might be excused at a Witness for him at his Trial; this Order was thereupon concurred.

9 Martii, 1644.

The humble Petition of William Archbishop of Canterbury, declaring that Sir Henry Mildmay may be excused at a Witness in his Business, by being to come to his Trial on Tuesday next, was this Day read, and it is ordered according to his Petition, that he shall be examined as a Witness at the Trial of the said Bishop accordingly. It was likewise then ordered, That divers Members of the House of Commons shall be examined as Witnesses against him; and that the Lords be desired by Mr. Serjeant Wilde, that some Members and Attendants of the Lords House be examined at the Archbishop's Trial, and that it be referred to the Committee of Sequestrations, to consider of some convenient Reconciliation for such Clerks, Solicitors, &c., as have been or shall be employed in the transferring of Beccan, and other Services done by them in the Bill for the Bishop of Canterbury's Trial.

And now being ready to enter upon the hearing and the Trial itself, I hold it necessary for me to acquaint the Reader with some general Things before that begin; partly to the end he may fee the Course of this Trial, and the Carriage which hath been in it; and partly to avoid the often and tedious Repetition, which else must necessarily be of some of them; and especially, that they may not be mingled either with the Evidence, or my Answer to it, to interrupt the Current, or make any thing more oblique.

1. The Committee appointed by the House of Commons, to press the Evidence against me, were Serjeant Wilde, Mr. Broun, Mr. Maynard, Mr. Nickels, Mr. Hill. But none spake at the Bar but the first Mr. Hill. Mr. Hill was Confess Biblius; Mr. Prynn was trusted with the providing of all the Evidence.

2. Mr. Prynn took to him two young Men to help to turn his Papers, and affit him; Mr. Grieve and Mr. Beck. Mr. Grieve was Son to Mr. Thomas Grieve, Fellow of St. John's College, in my Time, and after benefited near Stones.

3. And tho' my Hopes, under God, were upon the Lords; yet when my Trial did come on, it did somewhat trouble me to fee so few Lords in that great House; For at the greatest Pretext that was any Day of my Hearing, there were not above fourteen, and usually not above eleven or twelve. Of these one third part, at least, each Day rook or had occasion to be gone before the Charge of the Day was half given. I never had any one Day the same Lords all present at my Defence in the Afternoon, that were at my Charge in the Morning; some leading Lords scarce present at my Charge four Days of all my long Trial, nor three at my Defence; and which is most, no Lord present at my whole Trial but the Right Honourable the Lord Gray of Wark, the Speaker, without whose Presence it could not be a House. In this case I stood in regard of my Honourable Judges.

4. When my Hearing came on, usefully my Charge was in giving till almost Two of the clock. Then I was commanded to withdraw; And upon my humble Petition for Time to answer, I had no more given me than till Four the same Afternoon; scarce Time enough advisedly to peruse the Evidence: My Counsel not suffer'd to come to me till I had made my Answer, nor any Friend else, but my Solicitor Mr. Deli, to help to turn my Papers; and my Warder of the Tower to sit by to look to this. And this was not the least Caule why I was at first accueld of no less than Treacon; Nisi quis necaviturium juravit per certamen, Mutislatia, &c., fide falsa: for as it fell out in Sir Simon's Cafe, who had more Guilt about him (yet not of Treacon) than (God be thanked) I have, but was prosecuted with like Malice, as appears in that Story.
Story. At Four a-clock, or after, the Houfe sat again, and I made my Answer. And if I produced any Witness, he was not suffered to be sworn; fo it was but like a Tefimony at large, which the Lords might the more freely believe, or not believe, as they pleaded. After my An- swer, one or more of the Committee replied upon me. By that time all was done, it was usually half an Hour past Seven. Then in the Heat of the Year (when it overtook me) I was presently to go by Water to the Tower, full of Wretches, and with a Shirt as wet to my Back with Sweat, as the Water could have made it, had I fallen in. Yet humbly thank God for it, he so preferred my Health, as that tho' I was weary and faint the Day after, yet I never had so much as half an hour's Head-ache, or other Infirmitie, all the time of this comfortable and tedious Trial.

Now for the Method, which I shall hold in this History of my Trial, it shall be this: I will set down the Evidence given on each Day by it self, and my Answer to it. But whereas all the Evidence was given together, and so my whole Answer after, to avoid all looking back and trou- bles of turning Leaves to compare the Answer with the Evidence, I will set down each particular Evidence and my Answer to it, and so all along, that the indifferent Reader may, without further Trouble, see the Force of the one, and the Sat- isfaction given in the other, and how far every Particular is from Treason. And if I add any thing to my Answers in any place, either it is because in the Shortness of time then given to me to make my Answer, it came not to my present Thoughts; or if it did, yet I forbear to speak it with that Sharpness, holding it either fit nor unfit, in my Condition, to provoke either my Accu- sor's, or my Judges. And what- soever is so added by me in either of these respects, the Reader shall find it thus marked in the Margin, as here it stands in this.

6. Nor did I wrong Mr. Prym, where I say, That for all the hope to be put in my Answer Jan. 22. he could not make this broken Blinckin so ready against me: For this well known he kept a kind of School of Instruction for such of the Witnesses as he durst trust, that they might be able to speak loose to the purpose he would have them. And this an Utter Barabbis, a Man of good Credit, knows, who, in the hearing of Men beyond Ex- ception, said, the Archibishop is a Stranger to me; but Mr. Prym's temporizing about the Witnesses is so palpable and false, that I cannot but try him, and try the Force of it. When I heard this, I went to this Gentleman, to know if he tendered my Cafe so far as to witness it before the Lords. The An- swer I received was, That the Thing was true, and that very Indignation of it made him speak; but heartily prayed me he would not produce him as a Witness; for if I did, the Times were fuch, he should be utterly undone: And 'tis not hard to guess by whom. Upon this I confessed some Friends; and upon regard of his Safety on the one side, and my own Douit, left forced to his un- doing, he might thro' Fear blanch and mince the Truth to my own prejudice which produced him, I forbear the Blinckins, and left Mr. Prym to the Bar of Christ, whose Mercy give him Repenance, and amend him. But upon my Christianitie this Story is Truth.

The First Day of my Hearing.

A N D now I come to Tuesday, March 12. 1643; the Day appointed for my Trial to begin: And begin it did.

[The Archibishop about Three of the clock in the Afternoon was brought by the Lieutenant of the Tower and Officer of the Black Rod to the Bar in the Lords Houfe, where after he had kneed a little Space, the Lord Gray of Werke, Speaker pro tempore, commended him in rife up? And the Com- mittee of the Houfe of Commons, appointed to manage the Evidence of his Trial, demanded that the several Articles of their Impeachment against him might be read. Wherupon one of the Clerks of the Lords Houfe read both the Original and Additional Articles before mentioned, and after that his Answer, Plea, and Denouncer thereunto.

The Archibishop then demurred the Lords, that the Houfe of Commons might give in all their Charge and Evidence to all the Articles against him together, before he should be put to give his Answer to any particular Charge, because he was ancient, his Memory very short, and the Articles general, and that he might answer all his Charge together, and not each Day's Evidence by piece-meal. To which an on the behalf of the Commons, it was answered by Mr. Maynard;

I. That if the Archibishop's Memory was so bad, it would be far worse for him, to charge it with answering many Particulars, to answer every particular Charge each Day, as it should be given in against him, while it was fresh in Memory.

II. That it might and would be a great inconvenience to have Witnesses cross-examined upon other Days than those upon which they gave in their Testimonies against the Prisoner.

III. That the Lords themselves would find it difficult to pass their Judgment upon all the Charges together, without hearing his partial Answer to every particular Charge as it should be given in Evidence, while it was fresh in their Memories.

IV. Because the whole Witnesses, who were very many, were of necessity attend, and he kept in Town from the first to the last Day of his Trial, which would be a very great Charge and Inconvenience.

V. In the Earl of Stratford's Cafe, this very Par- liament, he was put to answer every Day to the Particular Evidence given against him on the same Day.

Upon which Reafons the Houfe of Peers ordered, that the Archibishop should make his particular An- swer to every particular Charge on the same Day it was given against him. Then the archbishop defired, that the Houfe of Com- mmons would furnish the Articles, which were freighted from those other Articles, which were matter of Crime and Misdemeanor only; that so he might know which

* Note. That where entire sermons are quoted by the Archibishop, either spoken by him at the Bar, the same Marks are put to them. But whereafter these blacks are found in the History, from the second to the last Day of the Trial it follows, the Words to which they are annexed were spoken by him at the Bar at that time, but either added afterwards by the Archibishop at the Recapitulation, of his Answer, or inserted in the History. H.W.
which of them were Treason, and which not. Here to Mr. Maynard my Jour, that this they might not do, because they were now only to try the Matter of Law, not Law; and because all the Articles taken together, were each or any particular Article by itself made up the Treason whereby he was charged; to wit, His Endeavors to subvert and destroy Religion, the fundamental Laws of the Land, and Government of the Realm, and to bring in Popery and an arbitrary Tyrannical Government against Law.

When I was come, and settled at the Bar, Serjeant Wilde made a solemn Speech for Introduction. I had a Character given me before of this Gentleman, which I will forbear to express; but in this Speech of his, and his future Proceedings with me, I found it exactly true. His Speech my decayed Memory cannot give you at large; but a Skeleton of it I here present, according to such Lims as my brief Notes then taken can now call to my Memory.

He began, and told the Lords, That the Children which I had travelled with, were now come to the Birth; and that my Actions were so foul, and my Treason so great, as that the like could not be read in any History; nay, so great, as that unto Pota fingers, no Poet could even feign the like. And that if all Treason were lost, and not to be fouled in any Author what it is, it might be recovered, and found out in me and my Actions: with divers Pieces of Latin Sentences to this Effect. [And that's the high and loud Expressions that troubled me much at the present, yet I could not but think, that in this Case of his he was much like one of them which cry up and down the City, Here you any old Ends of Gold and Silver?]

After this, he proceeded to give Reasons why I was not sooner proceeded against, having now lain by it above three Years. The first Reason he gave was the Divisions of the Time. [And they indeed were now grown great; but the Divisions which were now, can be no Argument why I was not proceeded against at the beginning of the Parliament, when Things were in some better Order.] His second Reason was that he had some Persons. [But I think this was no Reason at all: For if the Persons he speaks of were Witneces against me, more might die, but the dead could not be made alive again by this Delay; unless Mr. Serjeant had some hope the Refraction might have been by this time, that he might have produced them. And if the Persons were Members of the House of Commons, as all Men know Mr. Pym was in the Chair for Preparation of my Tryal; then this is known too, That Mr. Pym came up to the Committee of Lords full of great hopes to prove God knew what against me. The Persons to be examined were William Lord Bishop of London, and Matthew Lord Bishop of Ely, my very worthy Friends, and Men like to know as much of me as any Men. A Lord then present told me, then there were some eighteen or nineteen Interrogatories, upon which these Bishops were to be examined against me, concerning my Intercourse with Rome; but all were built upon the first, which was their Knowledge of the Man, who (it seems) was thought to be my chief Agent in that Secret. But both the Bishops denying upon their Oaths that they, or either of them, ever knew any such Man, all the rest of the Interrogatories, what relations he had to me, and the like, must needs fall to nothing, as they did. And the Lord told me farther, he never saw Mr. Pym, and the rest, so abashed at any thing in his Life. After this Mr. Pym (as 'twas well known) gave over that Chair, despairing to do that against me which was desired.] His third Reason was a good large one, and that was other Impediments. [And that's true, some Impediments there were, no doubt, or else I had come sooner to hearing. And, as I conceive, a chief Impediment was, that there was not a Man whose Malice would make him diligent enough to search into such a forlorn Business, till Mr. Pym offered himself to that Service. For I think I may be confident, that that honourable and great House would not seek any Man out of their own Body for any such Employment, had not Suit some way or other been made for it.]

After these Reasons given for the Delay of my Trial, he fell upon me again as foul as at first, as that I was the Author of all the Extravagances in the Government, and of all the Conciliations in the State; That the Quality of my Person aggravated my Crime. That my Abilities and Gifts were great, but that I perverted them all; and that I was guilty of Treason in the highest Altitude. [These were the Livers which he liberally gave me; but I had no mind to wear them: And yet I might not define him to wear this Cloth himself, considering where I then stood, and in what Condition.]

This Treason in the Altitude, he said, was my Endeavour to alter the Religion established by Law, and to subvert the Laws themselves: And that to effect these, I left no way unattempted. For Religion, he told the Lords, That I laboured to establish a Reconciliation with Rome; That I maintained Papist and Arminian Opinions; That I suffered Transubstantiation; Justification by Merits, Purgatory, and what not, to be openly preached all over the Kingdom; That I induced Superstitious Ceremonies, as Confraternities of Churches, and Charges, and Pictures of Christ in Glass-Windows; That I gave liberty to the Propagation of the Lord's Day; That I held Intelligence with Cardinals and Princes, and endeavoured to ascend to Papal Dignity; Offers being made me to be a Cardinal. [And for the Laws, he was altogether as wild in his Assertions, as he was before for Religion: And if he have no more true Sense of Religion, than he hath Knowledge in the Law (though 'tis his Proficiency) I think he may offer both long enough to Sale, before he find a Chapman for either.] And here he told the Lords, That I held the same Method for this, which I did for Religion. [And surely that was to uphold both, for the Kingdom been so happy as to believe me.]
But he affirmed (with great Confidence) That I cautioned Sermons to be preached in Court to fit the King’s Prerogative above the Law, and Books to be printed to the fame Effect. That my Actions were according to my Design. Then he fell upon the Canons, and discharg’d them upon me. Then, that I might be guilty enough, [if his bare Word could make me so] he charged upon me the Behaviour, the Loan, the Ship-Money, the illegal pulling down of Buildings, Inclinations; saying, That as Anti-christ sets himself above all that is called God, so I laboured to fit the King above all that is called Law. And after a rational Storm, he concluded his Speech with this, That he was like Naassau the Syrian, a great Persecutor (he confess’d) but a Leper. [So ended this Noble Cogitation.]

[Here follows Sergeant Wilde’s Speech entire.]

My Lord,

This great Cause of the Archbishops of Canterbury, after a long and painful Traitory, is now come to the Bar, of which it may be truly said, as it was in a late Case, Returnum effidebimus, unamina die facinus, quae nec ad Angles, nec ad Angliones, nec ad Hilfiorum, nec Mirus imputavit potest. But if all the Opposers, all the pernicious Practices and Machinations, which have been in each Time to vitiate our Religion, Laws, and Liberties, were left, I think here they might have been found and drawn out again to the Life. So that your Lordships, who have been the great Affurters of our Liberties, and Feed so fast to the Rules and Principles of your noble Predecessors, (which others have equally defaced) are now in a long Confict with so many great and ruthless Difficulties, as now as a great Commander once did upon an exterior and greater Danger, Tandem par animo mem periculo videtur. Here is a Cause proportionable to your selves, apt and just for the Justice and Power of this Honourable Court.

Had they been Points of common Fidelity, Error, or Intolerance, which this Man hath committed, we should gladly have stepped back, and cast a Cloak over them; but being so civil, so unceremonious, so deft, to the Laws of God and Man, so compleatly of all the Emits and Ativities which now we suffer, the Sea would lie upon our own Heads, if we should not call for Justice. Which that it hath been so long unseasoned for, (and defied, or delayed) I suppose the Man will think himselfe, says confutes the greatest Difficulties, the Death and Difficulties of our Masters, the loss of fame of our Members who have been employed and taken Pain in this Business, the Attitude of Dissenters we have bad, and have daily, occasioned by the Allies and Influences of this Matter. But the Truth furnishes, and Matter enough survives; so copious and so full of Variety, that if all the Particulars should be examined, for his three Years Imprisonment, which he complains of, there would be three Years Time of Trial and Hearing of the inventory Charge that lies against him. As the Bishop of Trinagl, that in all and every Part: Trinagl in the highest Pith and Altitude. For what greater Trefason can there be, than to betray the whole Realm, and to subvert the very Foundations, leaving nothing for Pityness but a Curse upon him that goad go adown to build again? That subtil of itself is so bozous, is much more enhanced and aggravated by the Sydality of the Percuss, a Churchman, a great Prelate, a Man in great Truth, Place, and Authority in Church and Commonwealth.

A Man indeed with so great Gifts of Nature, and so many of Grace and favour from his Majesty; and for all those to be prevented to a contrary End, even to the Destitution of the Publick, and the Ruin of the Word that bare him, how deep a Dye do those impot upon this sad Crime? How Churchmen in all Ages (as hath been often observes before) cannot come to the arched Seacoast of Mystique, and principal Affairs in all the great Distractions and Alterations that have happened, is a Dying that may soon strange. But the Reafon is, (Ex bono Theologo males Medicum) their inter-mediating with temporal Things and Matters extraneous to their Calling, wherein God is pleased to jumble with Blindness, and to infixuate their Canons. Whereof a perfect Pattern we have in this great Prelate; who, by obeying his Prentiful, and making the Bishops of State the exemplary Subject of all his Endurances, became the Author of all the illegal and tyrannical Proceedings in the Star-Chamber, High-Counsel, Common-Court, and other Courts of all the Innovations in Doctrine and Discipline; of the suppressing of godly Ministers and Preaching; of the advancing of others, who were the Prouers of Persecution and Arbitrary Power; and indeed, of all the Canons and Distractions in Church and State, whereby Religion hath been jolsted out, Laws and Parliament sinned down with Content.

For Matter of Religion, surely these Times were happy, when by the Magnanimity of Princes, and the Wisdom and Piety of our Prefeders, the Antichrist’s Foe of Persecution was shaken off. And now after so many bloody Matters in France, such fiery Persecutions here in Queen Mary’s Days, so many treachery Conspiracies in time of Queen Elizabeth, that exterable and horrid Pandur-Prout in the Time of the late King James, such Straus and Rivers of Blood in Germany and Ireland, and other Parts of the Christian World ever since, by these reflete and cruel Firebrands of all Mischief; for any Man now to go about to rebuild these Walls of Jericho, and to reduce us to those rotten Principles of Error and Darkness, how can it be expedient better than that the People should be even rally in some bias, as they did him that did but all the Part of Bellerophon in this Business. But to avoid this Danger, he caueth this Poison in a gilded Pill, with Boils and Potences of Reconcilation, a pleasing Snare, Laques Diabi ad miuncorum animas ad infernum detruendas.

A Book-Refel of Particulars might be receiv’d, where in this Reconciliation was to be wrung in Points of Free-Will, Merits, Justification, Universal Grace, Purgatory; and, in effect, all the rest.

To draw on these, there might be an introducing of Pulpit Ceremonies in all the Parishes contain’d in the Madis-Books, and Punitively thereof: And to make way for this, the Book of Sports would be published and confirmed beyond the King’s Intention or Declaration, which was but a civil Command: But he fulfills Ecclesiastical Punishments, even the scourge, Sufferings, Deposition, and the like; these escaped

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on divers good and godly Men with a high Hand. Thus a Liberty proclaimed not to Captives, but to freemen Callistis; this Day set apart by God abettern, expost and profan’d to all Lowlifes and Irrreligion, and that by a Law; this Lamb taken out of his Bosom.

Ichneuthus finds Priests and Levites in all the Cities and Tribes to infringe them: This Pretend finds Declarations and Injunctions to corrupt them, and to extingui the Lamp and Light of Religion. In the former Acts, he deports the Pretextats; in this, Religion itself. In the one, he leers Superstition; in the other, nothing but Arefence and Profaneness: In the one, he deports Prebysters, as did Dioscylus; in the other, Prebysterium, as did the Apostle Julius. To sub his Love to Religion, (the Pope’s only) be bold Correspondence with those of Rome, Cardinal Barberino, Panzani, Con, Roffeti, the Pope’s Nuncios, Sir Tobey Matthews, Saint Clara, Saint Giles, the most dangerous and deformed Infidels, and many others epithet Equine. And by all these Steps and Rounds, he makes a Ladder for himself to climb up to Papal Dignity, in example of Anaximne, whom (the famous for his Contumacy and Rebellion) yet be calls him his worthy Predecessor, (as was Becket also) and is contented to take upon him the Plenitude of Power, the Title of Hohlen, of Archangel of this Church, the Livest Successor of Gregory the Spie, rather of Gregory the Seventh; and for all this was well worthy to have these great Officers made him, recorded in his own Memorials, by those that had ability to perform it, (viz.) a Cardinal’s Cap. But such was his Modesty to forbear, he conceals, the Rome be a true Yeole Church in his Opinion, yet something dealt with him that hindered it a time, to wit, I suppose his dwelling here.

For his Attempts against the Laws, the Subject’s Birth-right, and the Rights of Parliament, their chief Support and Refuge, how little Regard be had to them, how much be did deface and abhor them, making it his Ambition to prefer the Continenters and Allies of them, and to set up his Coms and Constitutions above them, imposing of mony and uncetificed bonds, putting Moneys, as Acts of Oppression, flapping of Prohibitions against the Church, refusing of Acts of Parliament, advancing of Proclamation, and all kind of Arbitrary Powers also the Laws of God or Man, is fully expressed in the Articles, and will more fully appear in the Evidence. To conclude, Naaman was a great man; but he was a Loper. This Man’s Leap employs both infected all, as there remains no other Cure but the Sword of Justice, which we doubt not but your Lords will so apply, that the Commonwealth shall yet live again and flourish.

It was much troubled to see myself, in such an Honourable Assembly, made to give: Yet seeing all Men Eyes upon me, I recollected myself, and humbly deified of the Lords two Things: One, That they would expect Proof, before they give up their Belief to such load, but Joose Alterations: Especially since it came p to that reason for Men to reform, to conviction, instead of accucing; thence the Rule given by Optatus holds firm, Quam intendere Crimen, when a Crime is object, (especially to high a Crime, as thischargeed on me) is necessary that the Proof be manifest, felt, which act against me is none at all. The other, That their Lordships would give me leave, not to answer this Gentleman’s Particulars, (for that I shall defer till I hear his Proofs) but to speak some few things concerning myself, and this grievous Impeachment brought up against me.

Which being yielded unto, I then spake as follows: My Lords, my being in this Place, and in this Condition, recalls to my Memory, that which I long since read in Seneca; Tercentum est, aetatis

Sen. 5. de

Brev. c. 88.

De Carth. de

Pyrna.

aetatis suis fuerit, Carthage dies: "This is not a Grief only, no, this is no less than a Torment, for an ingenious Man to plead! Criminaliy, much more Capitally, at such a Bar as this, yes, tho’ it should to fall out, that he be abdolved. The great Truth of this, I find at present in myself: And so much the more, because I am a Christian; and not that only, but in Holy Orders; and not for only, but by God’s Grace and Goodness preferred to the greatest Place this Church affords; and yet now brought, Carthage dives, to plead, and for no less than Life, at this great Bar. And whatsoever the World thinks of me, (and they have been taught to think) more ill than, I humbly thank Christ for it, I was ever acquainted with y) yet, my Lords, this I find Tercentum est: "This is no less than Torment to me to appear in this Place to such an Accusation. Nor may I ever give me leave, I confess you, to speak plain Truth; No Sentence that justly falls upon me, (and other) I will never fear from your Lordships) can go so near me as Carthage dies, to have pleadcd for myself, upon this Occasion, and in this Place. For, as for the Sentence (I thank God for it) I am at St. Paul’s Ward: If I have committed any thing worthy of death, I refuse not to die, Acts xxv. 11. For, if I blest God, I have so spent my Time, as that I am neither afraid to live, nor afraid to die. Nor can the World be more weary of me, than I of it: For seeing the Malignity which hath been called against me by some Men, I have no more left than Hands these divers Years past. But yet, my Lords, if not of these Things, whereof these Men accuse me, merit Death by Law; tho’ I may not in this Cafe, and from this Bar appeal unto Cesar, yet to your Lordships Justice and Integrity I both may and do appeal not doubting that God of his Goodness will prefigure my Innocency. And as Job, in the midst of his Affliction, said to his mitaken Friends, so shall I to your Accusers; God forbid I should justify you; still I die I will not remove my Integrity from me; I will hold it as fast, and let it go: My Heart shall not reproach me. Job xlix. 5.

My Lords, I fear not these Articles, and have now heard from this Gentleman, that the Charge against me is divided into two main Heads; the Laws of the Land, and the Religion by those Laws established.

For the Laws first; I think I may safely say, I have been, to my Understanding, as strict an Observer of them all the Days of my Life, so far as they concern me, as any Man hath; and since I came into Place, I have followed them, and been as much guided by them, as any Man that wit where I had the Honour to fit. And
for this I am sorry. I have left the
Wornil of the Lord Keeper Co-
trary, and of some other Persons
of Honour, since dead. And the

3. Learned Council at Law, which attended fre-
6. I grudge, Rex. & Pryn. quently at the Council-Table, can
witness (some of them) that in
References to that Board, and in

Debates arising at the Board, I
was usually for that Part of the Cause where
I found Law to be: And if the Council de-
fined to have their Clients referred to me, I might move in some Caffs for
That Council or Confidence to have Admittance, but

so to the Law I left them, if thither they would
go. And how such a Carriage as this thro'
the whole Course of my Life, in private and
publick, can stand with an Intention, nay, a
Practice to overthrow the Law, and to intro-
duce an Arbitrary Government, which my Soul
hath always hated, I cannot yet see. And 'tis
now many Years since I learned of
my great Masters (in common) Aris-
totles, Picturibulis, &c. that it is not

the business of the Judge, rather than the written Law. And
all Kingsmen and Commonwealths have followed
his Judgment ever since; and the
School-Disciples have not disdained
from it. Nay more, I have ever
been of Opinion, that human Laws
bind the Conscience; and have accordingly made
Confidence of oberring them. And this Doctrine
I have constantly preached, as Occasion hath
been offered me. And how is it possible I should
seek to overthrow these Laws, which I hold
myself bound by conscience to do my utmost
serve? Especially, since an Endeavour to over-
throw Law, is a far greater Crime than to break
or disobey any particular Law whatsoever: all
Particulars being swept away in that General.

And, my Lords, that this is my Judgment, both
of Parliaments and Laws; I believe your Lord-
ships that I may read a short Paffage in my
Book against Eijler the Eijler, which was printed
and published to the World, before these Troubles
fell on me, and before I could so much as suspect
that Charge could come against me; and there-
fore could not be properly writ
to serve any Turn. I think it

harmless, and did read it; but, for Brevity's
sake, refer the Reader to the Book itself.

As for Religion, I was born and
bred up and in and under the Church of Eng-
land, as it yet stands established by Law. I have,
by God's Blessing, and the Favour of my Prince,
grown up in it to the Years which are now
upon me, and to the Place of Pre-
ferment which I yet bear: And

in this Church, by the Grace and
Goodness of God, I resolve to die.

I have ever since I understood ought in Divinity,
kept one Confidant in this my Profession,
without variation or shifting from one Opinion
to another, for any worldly Ends: And if my
would have suffered me to shift
Religion with Time and Occasion,
I could easilie have slid thro' all
the Difficulties which have preffed
upon me in this kind. But, of all
Difficulties, I have ever hated a Party
in Religion; well knowing that

too often a Dead-Party ends that Ditffact in
the fearful Forfentnent of God and his Judg-
ments. Ever since I came in place, I laboured no-
thing more, than that the external
publick Worship of God (too

Rex. & Pryn. much flught in most Parts of this
Kingdom) might be preferred, and
that with as much Decency and Uniformity as
might; being still of Opinion, that Unity
cannot long continue in the Church, where Uniformity is that out at the Church-Door. And I
believe in every Man, that the publick Neglect of God's
Service in the outward Parts of it, and the nasty
ly ing of many Places dedication to that Service,
had almost call a Damp upon the true and inviolable
Worship of God; which while we live in the
Body needs external Helps, and all little enough
to keep it in any Viguur. And this I did to the
uttermost of my Knowledge, according both to
Law and Canon, and with the Content and
Liking of the People; Nor did any Command
issue out from me against the one, or without
the other, that I know of.

Farther, my Lords, give me
leave to tell you, to tell you
this also: That I have as little Ac-
quaintance with Recusants of any
fort, as I believe any Man of Place
in England hath: And for my Kind-
dread, no one of them was ever a
Recusant, but Sir William Webb,
Grandechild to my Uncle Sir Wil-
liam Webb, sometime Lord-Mayor
of London; and him, with some
of his Children, I reduced back a-
gain to the Church of England, as is well known,
and I am able to prove it.

One thing more I humbly define may be
thought upon: 'tis this: I am fallen into a great
deal of Obloquy in Matter of Religion, and
that so far as that 'tis charged in the Articles,
That I have endeavoured to advance and bring
in Popyry. Perhaps, my Lords, I am not igno-
rant what Party of Men have raised this Scandal
upon me, nor for what End, nor perhaps by
whom set on: But howsoever, I fain have
a good Reason given me (if my
Confidence led me that way,
and it with my Confidence)
could Subscribe to the Church of

Rome what should have kept me here (before
my Imprisonment) to endure the
Libellings, Rex. & Pryn.
and the Slanderers, and the
base Ufage in all kinds, which
have been put upon me, and these
to end in this Question for my Life: I say, I
would fain know a good Reason of this.

For, First, my Lords, Is it because of any
Pledges I have in the World to fwy me against
my Confidence? No sure. For I have nor Wife
nor Children, to cry out upon me to play with
them; and if I had, I hope the Call of my
Confidence should be heard above them.

Or Secondly, Is it because I was both to lose the
Honour and the Profit of the Place I was
riven unto? Surely no: for I desire your Lord-
ships, and all the World might know I do
much from Honour and Profit, both the one
and the other, in comparison of my Confidence.

Besides, it cannot be imagined by any reasonable
Man, but that if I could have complied with
Rome, I should not have wanted either Honour

P. 2

or

VOL. I.
or Profit. And supposeth I could not have so much
of either, as here I had; yet, sure, would my
Confidence have served me that way, less of either
with my Confidence would have prevailed with
me, more than greater against my Confidence.
Or Thirdly, Is it becaus I lived here at eafe,
and was both to venture the Lofts of that? Not
so; neither for whatsoever the World may be
pleasful to think of me, I have led a very painful
Life, and such as I could have been very well
content to change, had I well
known how. And had my Con-
fidence led me that way, I am
sure I might have lived at far more
Eafe; and either have avoided the barbarous Li-
bellings, and other bitter and grievous Sorens,
which I have here endured, or at the least been
out of the hearing of them, Nay, my Lords,
I am as innocent in this Bucinfs of Religion, as
free from all Practice, or so much as Thought of
Practice for any Alteration to Popery, or any
way bleffing the true Protestant Religion,
establifhing in the Church of England, as I was
when my Mother bare me into the World.
And let nothing be spoken againfe me but Truth,
and I do here challenge whatever is between
Heaven and Hell, to lay the weight againfe me
in Point of Religion: in which I, by God's
Grace, I have ever fpread Diffufation; and had
I not hatred it, perhaps it might have been better
with me for worldly Safety, than now it is. But
it can no way become a Christian Bifhop to halt
with God.

1stly, If I had any Purpofe to bufinefle the true
Religion eftablifhed in the Church of England,
and to introduce Popery, sure I took a very wrong
Way to it. For, my Lords, I have
flid 3 as many that were going to
Rome, and reduced 4 as many that
were already gone, as (I believe)
your Bishop or other Minifters in this
Realm, 5 have done; and none of them Men
have prosp'red in the inclinations for
them. 6 Perfons of great Place.
And is this the way, my Lords, to
introduce Popery? I befeech your
Lordfhips consider it well. For
surely, if I had bleffed the true
Protestant Religion, I could not
have fetled fuch Men in it; and if
I had purpofed to introduce Popery,
I would never have reduced
fuch Men from it. And thus I
pilc the Author of the Popifh Royal
Favourer, to fay, That if we are of
Protestant Religion, we are fhy, that we are not
conceived by Popifh Religion; yet how void of Charity
this Speech of his, and how full
do Falthood, shall appear by the Number of thofe
Perfons, whom God's Bleffing upon my Labours
I have fettled in the true Protestant Religion efta-
blifhed in England: And with your Lordfhips
Leave, I fhall name them, that you may fee both
their Number and their Condition: tho' I cannot


d'y them down in that order of Time, in which
I either converted or fettled them.
1. And fuff, Henry Birkhead of Trinity-Colle.
in Oxford was feduied by a Jefuit, and brought
up to London to be conveyed beyond the Seas.
His Friends complained to me: I had the Hap-
pines to find him out, and the Bleffing from
God to fettle his Confcience. So he returned to
Oxford, and there continued. 2

2. 2. Two Daughters of Sir Rich. Leabard in
Surrey were fend to Rome, to be carried to a Uni-
versity. I heard of it, and counfled them to be
brought back, before they were got out of the
Quoites. I fettled their Confciences, and bef
of them fend me great Thanks since I was a Phi-
Ion in the Tower.

4. 5. Two Scholars of Sir John's Collelge in Cam-
bridge, Tappin and Abfion, had flown away from
the College, and here at London had got the Front
Ambaffador's Pafs (I have the Pafs to fhew) I
found Means to get them to me, and I thank God
fettled both their Minds, fent them back to their
College. Afterwards hearing of Tappin's Wars,
I allowed him Means till I procured
him a Fellowship! 7 And he is at
this Time a very hopeful young
Man, as most of his Time in that
University, a Minifter, and Chaplain in Hoft:
and at this prefent, to the Right Honourable the
Earl of Wiftumfild.

6. 7, 8. Sir William Webb, my Kimin, and
two of his Daughters; and the better to ferce
them in Religion, I was at the Charge, (their
Father being utterly decay'd) to marry them to
two Religious Protantifts; and they both con-
tinued very confant. 9 And his eldest Son I
took from him, placed him with a careful Divine, 
maintained him divers Years, and then fent him
with a Gentleman of good Worth.

10. 11. The next in my Remembrance, was
the Lord Mayo of Ireland, who, with another
Gentlemen (who I was not able to
realize) was brought to me to ful-
ly, by Mr. Jifford, a Servant of his
Majesty's, and well known to
divers of your Lordfhips.

12. The Right Honourable the Lord Duke of
Buckingham was almost loft from the Church of
England, between the continual continuance Labour
of Pifer the Jefuit, and the Per-
fuadions of the Lady his Mother. 10
After some Misfortunes, K. Janett's
of ever-bledfs Memory, command-
ed me to that Service. I had God's Bleffing upon
me fo far as to fettle my Lord Duke to his
Right Honourable the Counteff of
Lady his Mother to the Church
again; but she was not fo happy,
as to continue with us.

14. The Lady Marchionefs Ho-
vilton was much sollicited by fome
Priets, and much troubled in Mind about it.
My Lord fpoke with me of it; and tho' at
that prefent I was overhald with Bufflefs, that
I could not (as I much defired) wait upon that Ho-
...
nourish, Perdon myself, yet I to my Lord I would send one to his Lordship, that should diligently attend that Service, and that I would give him the best direction. And this I did and God be thanked the died very quietly and were religiously, and a good Protestant: And my Lord Marquiss told me, he had acknowledged this service of mine to an Honourable Lord, whom I now see precedent.

15. Mr. Chillingworth’s Learning and Abilities are sufficiently known to all your Lordships. He was gone and setled at Dewey. My Letters brought him back; and he lived and died a Defender of the Church of England. And that this is so, your Lordships cannot but know: For Mr. Prym took away my Letters, and all the Papers which concerned him, and they were examined at the Committee.

16. 17. Mr. Digby was a Priest; and Mr. James Gentleman, a School Master in a Recusant’s House. This latter was brought to me by a Minister (as far as I remember) in Buckinghamshire. I converted both of them, and they remain settled.

18. Dr. Hart a Civilian, Son to a Neighbour of mine at Fulham. He was so far gone, that he had written part of his Motives which wrought (as he said) that Change in him. I got sight of them, shew’d him wherein he was deceived, had God’s Blessing to settle his Conscience, and then caused an able Divine to answer his Motives, and give him the Copy.

19. There were, besides these, Mr. Christopher Sabourin, a Gentleman of an ancient Family in Herefordshire; and no. Sir William Spencer of Tatton, in Oxfordshire. 21. The Sons and Heirs of Mr. Wintoch, and Mr. Williford, whom I first with their Friends good-looking to Wadeston College in Oxford; and I received a Certificate, Anno 1618, of their continuing in conformity to the Church of England: nor did ever any of these relapse a gain to Rome, but only the old Countess of Buckingham, and Sir William Spencer that ever I heard of. And if any of your Lordships doubt of the Truth of any of these Particulars, I am able and ready to bring full Proof of them all. And by this time I hope it appears, that out of the sound Prelates of the time is able to say, he hath converted one Papist to the Protestant Religion. And let any Clergyman of England come forth, and give a better Account of his Zeal to this present Church. And now, my Lords, with my most humble Thanks for your Lordships Favour and Patience in hearing me, I shall cease to be further troublesome for the present, not doubting but I shall be able to answer whatever shall be particularly objected a gainst me.

After I had ended this Speech, I was commanded to withdraw. As I went from the Bar, there was Alderman Hoys of York, and some other which I knew not, very angry, and saying, it was a very strange Conversion that I was like to make of them; with other Terms of Scorn. I went patiently into the little Committee-Chamber, at the entering into the House. Thither Mr. Peters followed me in great haste, and began to give me ill Language, and told me that he and other Ministers were able to name Thous-ands that he had conversed. I knew him not, as having never seen him (to my remembrance) in my Life, tho’ I had heard enough of him. And as I was going to answer him, one of my Council, Mr. Hearns, seeing how violently he began, leapt between us, and told him of his un-civil Carriage towards me in my Affi- liation: and indeed he came as if he would have struck me. By this time, some Occasion brought the Earl of Essex into that Room, and Mr. Hearns complained to him of Mr. Peter’s Ugly of me; who very honourably checked him for it, and sent him forth. Not long after, Mr. Hearns was set upon by Alderman Hays, and used as coarsly as Peters had used me, and (as far as I remember) only for being of Council with such a one as I; the he was assigned to that Office by the Lords.

What put them into this Choler, I know not; unless they were angry to hear me say so much in my own defence: especially for the Conversion of so many, which I think they little expected. For the next Day a great Lord met a Friend of mine, and grew very angry with him about me; not for bearing to ask me what I meant, to name the Particulars which I had mentioned in the end of my Speech, saying many godly Ministers had done more. And not long after this (the Day I now remember not) Mr. Peters came and preached at Lambeth, and there told them in the Pulpit that a great Prelate, their Neighbour (or in Words to that Effect) had bragged in the Parliament-House, that he had converted two and twenty young men; that he had Willi름 enough, not to tell how many thousands he had perverted with much more Abuse. God of his Mercy relieve me from Reproach, and lay not these Men-cauld’s Malice to their Charge.

After a little day, I received my Dismission for that time, and a Command to appear again the next Day at Nine in the Morning; which was my usual Hour to attend, tho’ I was seldom called into the House in two Hours after.

The Second Day of my Hearing.

I came as commanded, March 13. 1643. But here before the Charge begins, I shall set down the Articles, upon which, according to the Order of March 9. they were intrusted with the Evidence meant this Day to proceed. They were the first and second original Articles, and the second additional Article: which follow in these Words.

I. That he hath traitorously endeavoured to subvert the Fundamental Laws and Government of the Kingdom; and instead thereof, to introduce an Arbitrary and Tyrannical Government against Law: And to that end hath wickedly and traitorously advised his Majesty, that he might, at his own Will and Pleasure, levy and take Money of his Subjects without their Consent in Parliament. And this he affirmed, was warrantable by the Law of God.

II. He hath, for the better Accomplishment of that traitorous Design, advised and procured
delves Sermons, and other Dilcounces, to be preach’d, printed and published, in which the Authority of Parliaments, and the Force of the Laws of the Kingdom are denied; and an absolute and unlimited Power over the Persons and Estates of his Majesty’s Subjects is maintained and defended, not only in the King, but also in himself, and other Bishops, above and against the Law. And he hath been a great Protector, Favourer and Promoter of the Publifiers of such false and pernicious Opinions.

Second additional Article.

II. That within the space of ten Years last past, the said Archbishop hath treacherously endeavoured to subvert the Fundamental Laws of this Realm; and that he hath been engaged in and endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the King’s Prerogative, above the Laws and Statutes of the Realm. And for manifestation thereof, about six Years last past, being then a Privy-Counsellor to his Majesty, and sitting at the Council-Table, he said, That as long as be set there, they shoul’d know that an Order of that Board should be of equal force with a Law or Act of Parliament. And at another time used such Words, That I kept thee long, that the Canons of the Church and the King’s Prerogative should be of as great Power as an Act of Parliament. And at another time said, That those cabals would not yield to the King’s Power, he would cry them to pieces.

These three Articles they began with; and the first Man appointed to begin was Mr. Mayerne; and after some general things against me, as if I were the most violent Man for all illegal Ways; I. The first Particular charged against me, was out of my Diary: The Words there, The King declared his Reslution for a Parliament in cafe of the Scotish Rebellion. The false Movers of it were my Lord Deputy of Ireland, the Lord Marquis Hamilton, and we’r’, and a Reslution voted at the Board, to efiff the King in Extraordinary Ways if Parliament shoold prove peccable, and resolu. Sc. the Times was December 5. 1639. That which was inferr’d from those Words, was, First, that I becloud the Epitaph Peccable upon the Parliament; and the second, that this voting to affiff the King in Extraordinary Ways, in case the Parliament reful’d, proceeded from my Counsell.

To this I replied: And first I humbly defined once for all, that all things concerning Law may be fall’d intire unto me, and my Counsell to be heard in every such Particular. 2. Secondly, that the Epitaph Peccable was a very peccable Word, if written by me, I say, If for I know into whose Hands my Book is fallen; but what hath been done with it, I know not. This is to be feeded that the Words are half burnt out, whether purposely or by chance, God knows; and some other Paper taken by the same hand from me, are now wanting. Is it not possible therefore some Art may be used in this? Besides, if I did use the Word Peccable, it was in my private Pocket-Book, which I well hoped shol’d never be made publicke; and then no Dilgrace thereby affix’d to the Parliament. And I hope, thoul a Man forget himself in such an Expulsion of some Paffage in some one Parli-ament (and this was no more) it is far short of any thing that can be said. And yet further, most manifest it is in the very Words themselves, that I do not belchow the Title upon that Parliament, in that Cafe; but say only, If it should prove peccable: which is possible, doubtfull; that in some Particulars a Parliament may; tho’ for the Happiness of this Kingdom, I would to God it were impossible. But suppose the Word peccable had been absolutely spoken by me, is it lawful upon Record to say the Parliament.

An. 42. Hen. III. was Infamous Per-


deucl., a mad Parliament; and

that in the 6 Hc. IV. Indebted, an

unlearned Parliament; and that in the 4 Hen. VI. 1a

Parliament of Clubs? And shall it be High-

Treason in me, to say a Parliament in some one

Particular was peccable? or but to suppose if it

were peccable, that it was not shew’d as an unlearned,
or a mad Parliament, or one of Clubs, did not

do something peecably? Might my

Predecessor, * Tho. Arundel, tell the

Commons openly in Parliament that

their Petitions were peeciless?

And may not I so much as suppose some one

Act of a Parliament to be peccable, but it shail

be Treason? May an ordinary Hilcius say of

that unlearned Parliament, That

the Commons were to fit to enter

in. Common with their Castle, for any

Virtue they had more than Brute-Beasts? And

may not I in my private Notes write the Word

Peccable of them without Treason?*

3. Thirdly, Whereas it’s said, That the voting

at the Council-Table to affiff the King in extraordinary Ways, if, Sc. was by my Counsell; there is no such thing in my Diary. There is, that I, with others, advised a Parliament; but there is not one Word, that the voting mentioned at the Council-Table proceeded from any Advice of mine. So there is no Proof from my Diary, and other Proof be

fide that, was not so much as urged; which was not in favour, but because they had it not; For had they had any other Proof, I see already it should not have been lost for want of urging. Where I defined their Lordships allo to observe in what a Difficulty I have lived with some Men who will needs make me a great Enemy to Parliaments, and yet are angry with me, that I was one, with others, who moved for that Parliament. So it seems no

ting that I do can content some Men: For a Parlia-

mentary Bill against it: nothing must be well, if the Counsell be not.

Fourthly. For the voting of Alliances in ex-

traordinary Ways, I was included in the general

Vote of the Table; and therefore that cannot be
called or accounted my Counsell.

Fifthly. It is expressed in my Diary, where all this Proof is taken, that it was in and for the Scotish Bishops; and so is within the Act of Obli-

vion. And these Answers I gave to Mr. Beeze, when in the summ up of the Charge against

me in the Houseable House of Commons, he

made this to be my Counsell to the King, and he

began with it in his charging of the Points a

gainst Law.

II. If the second Particular this Day charged a

gainst me, was, That after the ending of the lat:

Parliament I did use the Words to the King

That we will be worth his own Power, or to Words
to that effect. This was attested by Sir Henry Vist

the elder, then a Counsellor, and present.

1. To this my Answer was, That I spoke not

their Words, either in Terms or in Sense, to the uttermost of my Knowledge.

2. Secondly,
II. The next was a Head containing my illegal Preffures for Money, under which the next Particular was, That in the Cafe of Ship-Money I was very angrily against one Samuel Sheridan of Doolim in 
Eftect: That I should pay Doolim was a Maritime Town; and that when the Sum demanded of him was named, I should pay a proper Sum; where- 
where as the Dittores came to eleven Subsidies.

To this I anwered, First, Here was no Proof but Sheridan; and in his own Cafe. Secondly, He himself says no more, than that he believes I was the Infrumment of his Oppreffion, (as he called it;) whereas his Confidre was laid upon him by the Council-Table, not by me: Nor was I in 
In Trial within Six Months, for such Crimes as are within that Statute. So it comes all to one for my Cause, 
of either the Statutes be in Force. And to this 
Charge in general, I gave the same Anwers 
which are here.

3. Thirdly Sir Henry Vane is in this a single Witness; whereas by 4. Law, he that is 
accused of Treaflion must be con- 
victed by two Witnesses, or his own 
Confession without Violence; neither of 
which is in this Cafe. And it aran 
gely to me, that at such a full Table no Perfon of 
Honour should remember such a Speech but Sir 
Henry Vane.

4. Fourthly, Both this and the former Charge refer to the Scottifh Bufinesfs, and fo are within the 
Act of Oblifion, which I have pleaded.

Before, here is nothing expreffed in the Words 
charged which favours of Practice, Conffpiracy, 
Combination, or Force, and cannot therefore 
possibly, be adjudged Treaflion; especially since 
there is no Expreffion made in the Words wite 
ned, what Power is meant: For what should 
hinder the King to ufe his own Power? But I 
legal ftil; for nothing is fo properly a King's own 
Power, as that which is made or declared 
by his own By. As for the Inferr, That 
this was called his own in opposition to Leo: First, 
Sir Henry Vane is a Witness, he never fays only, 
he has no Anfwer to the Words have but one Witness, and 
the Inferrence none. And perhaps it was as well for themselves, as 
for Perfons questioned in great 
Courts, if they are implored 
about the Evidence would be more 
feared of their Inferrences, many 
Men laying hold of them without

real or Proof.

Lately, For the Honour of Sir Henry Vane, let 
me not forget this: He is a Man of fame Years; 
and Memory is one of the first Powers of Man 
on which Age works; and yet his Memory fo 
good, fo fresh, that he alone can remember

Words spoken at a full Council-Table, which no 
Perfon of Honour remembers but himfelf: Had 
any Man elfe remembered such Words, he could 
not have ftood fingle in this Testimony. But I 
would not have him brag of it: For

Aug. 17. de 
Civ. Dei, c. 3. 
quidam pellitn, fone, even the worft 
of Men have great Memories, and 
are tanta poferis, fo much the worfe for having 
them. God blefs Sir Henry.' 

I have flaid the longer upon these two, becaufe they were apprehended to be of more weight than 
molt which follow.
reason to think, he defended so many Chambers to his Use; that if the King had many such Subjects, he might want a Chamber for himself; or to that effect. And the violence of his carriage in that honourable Assembly gave just Occasion to other Men to think so. But as for the Bufnifs of Tonnage and Poundage, and of Coal and Conduit Money, I conceived both were lawful on the King's part. And I was led into this Opinion by the express Judgment of some Lords present, and the Silence of others in that behalf; none of the great Lawyers at the Table contradicting either. And no Witnes to this, but Aldermen Chambers himself.

VI. The fifth Particular was, That I urged the Bufnifs of Ship-Money upon Alderman Atkins.

To this my Anfwer was, That I never prefufed the Ship-Money, but as other Lords did at the Council-Table, nor upon other Grounds: Nor doth Alderman Atkins lay any more, than that he was prefured in this Payment. I desire to know, what they, and the like, should be a common Act of the Lords at the Council-Table, but should be High-Treafon in no body but in me. And as you know, it bef the Treafon, it is against three Aldermen, Atkins, Chambers, and Atkins.

VII. The fourth Particular was, That I was so violent about the flighting of the King's Proclamation, as that I fell, A Proclamation was of as great force, or equal to a Statute-Law; and that I compared the King to the Stone spoken of in the Gospel; that whatsoever falls upon it, shall be broken; but upon whomever it falls, it will grind him to powder. Sir, I hold this for true; and for this they brought three Witnesfs, Mr. Tiffin, Mr. Tho. West, and Rich. Hogfe.

1. This was in the Cafe of the Soap-Bufnifs, and two of the Witnesfs were Soap-Boilers. They and their Company flight to all the Proclaimations which the King set out; and all the Lords in the Star-Chamber were much offended, (as I conceived they had great reason to be) at the great and open Daring of that whole Company. And wherewith verse Sentence paffed upon them in that whole Bufnifs, was given by the Court of Star-Chamber, not by me. For the Words: First, these Men have good Memorie, that can punctually, being plain ordinary Men, swear Words spoken full twelve Years since; and yet, as good as their Memory is, they swear doubtfully touching the time, as that the Words were spoken in May 1622, or 32.

2. Secondly, My Lords, 'tis impossible thef Words should be spoken by me. For I think no Man in this Honourable Prefence thinks me fo ignorant, as that I should not know the vast difference that is between an Act of Parliament and a Proclamation. Neither can thefe Gentlemen, which pref the Evidence, think me so wilfully faithful to 'tale, confidering they accuse me here of running swampy: God forgive thefe Men the Faithfull and the Malice of this Oath.'

3. For the Words spoken of the Stone in Scripture, 'tis fo long fince, I cannot reft all that I faid it or no: Nor have I any great Reafon to obferv thofe: any Witnesfs in their own Caufe. But if, by way of Alibion I did apply that Place to the King and them, 'tis far enough from Treffon. 'And let them, and their like take heed let it prove true upon themfelves: For feldom do Subjects fall upon their King, but in the end they are broken; and if it happen that they fall upon them, they are ground to Powder.' And Sabine taught me this Anfwer, where he fays, The Anger of a King is Death: Prov. xvi. 14. And yet I would not make that your Argument, I do not conceive this is spoken of a King and his natural Anger, (the'lt be good) feldom to ftrife as little Paffions in Kings as may be,) but of his legal Anger: According to which, if the Stone roll ftrife, few Men can fo live, but for something or other they may be in danger of gridding.

4. And for thefe Soap-Boilers, they have little caufe to be fo vehement againft me. For if the Sentence paffed against them in the Star-Chamber were in any thing illegal, 'tis it were done by that Court, and not by me; yet I alone, fo soon as I heard but muttering of it, was the only means of refenting them and their Trade, which none of all the Lords efie took Care of. And the Sum of all these Anfwers I gave to Mr. Brown, when he gave up the Sum of his Charges against me.'

VIII. The next Particular was about Depositions. A Commiffion of Grace, to compound with some Delinquents in that kind, was iffued under the Broad-Seal, to fome Lords, and other Perfons of Honour of the Council of which I was one. One Mr. Talboys was called witness: And the Charge about this was, That when he pleaded, that by Statute 39 Eliz. he might convert fome, to Paffe; I fhoiuld fay, Do you plead Law here? Either think the Order, or into your Tryal at the Star-Chamber: And that he was fined 30l.

In this Particular Mr. Talboys is fingle, and in his Paper against me; but I was fingle at no Sitting of that Commiffion: Nor did I ever fay, unlefs the Lord Privy-Seal and Mr. Secretary Cole were preft, that we might have Direcution from their Knowledge and Experience.

And for the Words (if spoken) they were not to derogate from the Law; but to fly, that we far not there as any Judges of the Law, but to offer his Majesty's Grace to fuch as would accept it.

As for the Fine mentioned, we impofed none upon him or any other, but by the Confequents of the Parties themselves. If any Man thought he was not guilty, and would not accept of the Favour showed him, we left him to the Law, but the plain truth, is, this Gentleman being Tenant to the Dean and Chapter of Clerf Church in Oxford, offered them (as they conceived) great Wrong in the Land he held of them; intouch as they feared, other their Tenants might follow his Example, and therefore complained of him. And because I laid open his Usage of his Landlords before the Commiffioners, he comes here to vent his spleen againft me. And 'tis obfervable, that in all the Bufinefs of Depofitions, in which fo many appeared, no one complained either againft me or any other Lord, but only this Talboys. Mr. Brown, when he pref- fied the Sum of this Charge againft me, added, That at the Council-Table I was for all illegal Pro- jects, as well as for thofe Inclusions. But, First, I was never in any wifh, or any other, either longer or otherwife than I unemployment them to be law- ful. And, Secondly, I oppofed there the Buf- inefs of Salt and the basic Money; and I alone took off that of the Malt and the Brewing: And three Gen- tlemen of Hertfordshire (which County was princi- pally concerned in the Cafe of the Malt) came over to Lambeth to give me thanks for it.'
IX. Then was charged upon me the Printing of Books, which affected the King’s Prerogative aforesaid. &c. The Injustice was in Dr. Cawel’s Book, Word King. That this Book was decry’d by Proclamation: That Complaint was made to me, that this Book was printing in a close House without Licence, and by Hodgkison, who was my Printer; that I referred them to Sir John Lamb, that they came to me again, and a third time, and I still continued my Reference, which Sir John Lamb, by the Book, the came forth that Writene to this, were Wust and Whistle, if I mitnot our Names.

1. For this Book of Dr. Cawel’s I never knew of it, till it was printed; or so far gone on in printing, that I could not stay it. And the Writene was, it was in a close House, and without Licence; so that neither I nor my Chaplains could take Notice of it.

2. They say, they informed me of it, but name no time but only the Year 1638. But they confes I was then at Croydon: So being out of Town (as were almost all the High Commissioners); I required Sir John Lamb, who, being a High Commissioner, had in that Business as much Power as myself, to let it be carried, that the Book proceeded not; or if it were already printed, that it came not forth. If Sir John flight his own Duty and my Command (as themselves say) he is living, and may answe for himself; and I hope your Lordships will not put his Neglect upon my Account.

3. As for Hodgkison, he was never my Printer; but Bodger was the Man whom I employed, as is well known to all the Stationers. Nor was Hodgkison ever employed by me in that kind or any other: Upon just Complaint I turned him out of a Place, but never put him into any. And therefore those Terms which were put upon me, of my Hodgkison, and my Sir John Lamb, might have been staled. Sir John was indeed Dean of the Archdeacon, and I employed him, as other Archbishops did the Deans which were in their Times: other wise no name. And Hodgkison had his whole dependence on Sir Henry Martin, and was a mere Stranger to me. * And this Answer I gave to Mr. Browne when he sum’d up the Charge. Nor could any Danger be in the printing of that Book to mislead any Man; because it was generally made known by Proclamation, that it was a Book condemned, and in such Particulars; but for other things, the Book very useful. *

X. The next Charge was, That when Dr. Gill, School-Master of Pans’ School in London, was permitted out by the Mercers (to the Care of which Company that School some way belongs) upon Dr. Gill’s Petition to the King, there was a Reference to some other Lords and myself to hear the Business. The Charge is, that at the Hearing I should pay the Mercers not put out Dr. Gill without his Ordinary’s Knowledge: And that upon mention made of an Act of Parliament, I should reply, I sowed nothing will go down with you but Acts of Parliament; so regard it at all the Canvas of the Church: And that I should farther add, that I would rescind all Acts which were against the Canons, and that I hoped shortly to see the Canons and the King’s Prerogative of equal force with an Act of Parliament.

To this I answeared, that if all this Charge were true, yet this but it is the single Testimony of Samuel Bland, an Officer belonging to the Company of Merchers, and no small Sticker against Dr. Gill, whose aged Reverend Father had done that Company great Service in that School for many Years together.

The Reference, he grants, to me and others; for I neither thrust myself into the Business, nor was alone in it.

And as there was a Canon of this Church (Can. 77.) That no Man may be allowed to teach School, but by the Bishop of the Diocese; so a partitio rotundae, it founds good, they may appoint him out, without the said Bishop’s Knowledge and Approbation. And it is expressed in another Canon (Can. 79.) That if any School-Master offend in any of the Praeulis (there spoken of) he shall be admonish’d by his Ordinary; and if he do not amend upon that his Abominatin, he shall then be suspen’d from teaching: Which, I think, makes the Case plain, that the Mercers might not turn out Dr. Gill, without so much as the Knowledge of his Bishop.

And for the Words, That I never should do with them, but on Acts of Parliament, and that no regard was had to the Canons: I humbly conceive there was no Obloquy in the Words. For tho’ the Superiority by far in this Kingdom belongeth to the Acts of Parliament; yet none Regard, doubles, is or ought to be had to the Canons of the Church. * And if nothing will down with Men Acts of Parliament, the Government cannot be held up in many Particulars.

For the other Words, God forgive this Writ: for I am well affir’d I neither did nor could speak them. For it is so much as probable, that I should say, I could recite all Acts that are against the Canons? What Power have I, or any particular Man, to recite Acts of Parliament? Nor do I think any Man that knows me, will believe I could be such a Fool, as to say, That I hoped shortly to see the Canons and the King’s Prerogative equal to Acts of Parliament; since I have lived to see (and that often) many Canons rejected, as contrary to the Cution of the Place; as in Choice of Parish Clerks, and about the Reparation of some Churches, and the King’s Prerogative disfigur’d and weighed by Law: Neither of which hath, or can be done, by any Judges, to an Act of Parliament. * That there is Malice in this Man against me, appears plainly; but upon what ‘tis grounded, I cannot tell; unless it be that in this Business of Dr. Gill’s, and in some other about placing Lecturers (which in some Cases this Company of the Mercers took on them to do) I oppofing it so far as Law and Canon would give me leave, crofted some way either his Opinion in Religion, or his Purfe: I was (I confess) too much moved at the Unworthines of this Man’s Testimony, that I thought to bind this Sin upon his Soul, not to be forgiven him till he did publicly ask me Forgiveness for this notorious publick Wrong done me. But by God’s Goodness I ma’st myself: and I heartily desire God to give him a Sense of this Sin against his poor Servant, and forgive him.” And if these Words could possibly slime me, and be within the Danger of that Statute; then to that Statute which requires my Trial within sixMonths, I refer myself.

XI. The eleventh Charge of this Day, was the Imprisonment of Mr. George Walker, about a Sermon of his preached to prove (as he said) That
41. The Trial of Dr. William Laud, 19 Car. I.

'tis Sin to obey the greatest Monarchs in things which are against the Command of God; that I had Notes of his Sermons for four or five Years together, of purpose to intrap him; that I told his Majesty he was factious; that Sir Dicky Cart-
tow writ to keep him close; that in this Affliction I proffected to do him kindness, and yet did con-
dary.

My Answer was, That for the Scope of his Sermon, to obey God rather than Man, no Man doubts but it ought to be so, when the Commands are opposite. But his Sermon was viewed, and relided upon by King's Privy and High Nature, found in it. And yet I did not tell the King he was fac-
tious, but that he was so complain'd of to me, and this was openly at the Council-Table. And whereas he spake of Notes of his Sermons for divers Years, with a purpose to intrap him: all that he says, is, That he was told so, but produces not by whom. And truly I never had any such Notes, nor ever used any such Art against any Man in my Life. For his Commitment, it was done by the Council-Table; and after, upon some Mis-carriages of his there by the Court of Star-Chamber, not by me; nor can that be im-
plicated to me, which is done there by the major Part and I having no Negative. And if Sir Dicky Cart
tow writ to keep him close at his Brother's House, contrary to the Lords Order, let him answer it: And if he supposes that was done by me, why is not Sir Dicky examined to try that Truth? As for the Propetation, which, he says, I made to his Wife and his Brother, that I complain-
ed not against him; it was no Denial of my Com-
plaint made against him at the first, that I heard he was factious; but that after the time, in which I had seen the Full Testimony of grave Minifters in London, that he was not factious, I made no Com-
plaint after that, but did my best to free him. And the Trefon in these two Charges, is against the Company of the Mercers and Mr. Waker.

XII. The next Charge was, That Dr. Masuworl

But when nothing appeared, I was acquitted in open Parliament, to somebody's no small Grief. God forgive them, and their Malice against me; for to my knowledge my ruin was then shifted. And as I unrolled Mr. Brown's summary Charge, when he prefixed this against me, could I have been proved, I had been undone long time since, the Work had not been now to be done. That he was after complain'd by me, is true like-wise and I hope, tis not expected I should ruin myself, and fall in Privy Council, by the King's Royal Affair; 25 Hen. 8. a. 12, and this for fear lest it might be so. I thought I procure his Preferment. But the truth is, his Majesty commanded me to put him in mind of him when Preferments fell, and I did so: But withal, I told his Majesty of his Cenure, and that I feared ill Conftuction would be made of it.

To this it was replied, That I might have refer-
sed to concurate, the Caufe why being sufficiently, and justifiable in Parliament, and excepted in that Law. But how sufficient forer that Caufe may be in Parliament, if I had been in a Premniture there-while, and left my Liberty, and all that I had had before, for disobeying the Royal Affent; I hold it should not be said. Comfort was given, that the next Parliament had been summoned; no Exception against the Man being known to me, either for Life or Learning, but only this Cen-

archbishop is by that Law allowed to make, if my Book be truly printed.

XIII. Then followed the Charge of Dr. Heylin's Book against Mr. Burton; out of which it was urged, That an unlimited Power was prejudiced very far; and out of p. 40. That a way was found to make the Subject free, and the

Heylin was certified. This Book was, and the King a Subject: that this Man was pre-

archbishop was by me; that Dr. Heylin con-

fermented to a Committee, that I commanded him to answer Mr. Burton's Book; and that my Chaplain Dr. Baye lincened it.

I answered as follows: I did not prefer Dr. Hey-

writ to the King's Service: it was the Earl of Dan-

dyb, who had taken honourable Care of him before in the University. His Preferences I did not pro-
cure: For it appears by what hath been urged a

against me, that the Lord Vincour Dorkhefer pro-
cured him his Perfonage, and Mr. Secretary Coke his Prebend in Whitley.

For his Answer to the Committee, that I com-

manded him to write against Burton, was an in-

venguous and a true Anwer, and became him and his Calling well; for I did so. And neither in com-

manding, nor in obeying, did other than what he

asked for him, in the Primi-

tive Church of Christ. For when some Monks

tous had troubled the Church at Cireghehe, but not

with half that danger which Mr. Burton's Book

 threatened to this; Annergus, this Sibon, com-

manded St. Angugiuso wrote against

it; and he did so. His Words are, Aug. 2. Re-

21. 21.

"Annergus scribere jussis, & feci? But thas do, as by my Place I might command him to write an Answer; yet I did neither command nor advise him to alter anything unread or unalterable. If any such thing be found in it, he must answer for himself, and the Licence for himself. For, as for licensing of Books, I hold the same course which all my Predecessors had done; and when any Chaplain came new into my

Houf.
Hence, I gave him a strict Charge in that particular: And in all my Predecessors times, the Chaplains suffered't for Paulus committed, and not for their Lords; tho' now all is heaped on me.

As for the particular Words urged out of Dr. Hoyle's Book, p. 40, there is neither Expression by them, nor Intention in them, against either the Law, or any lawful Proceedings; but they are directed to Mr. Burton and his Doctrine only.

The words are, 'You have found out a way (not the Law, but your Book) to make the Subject free, and the King a Subject.' Whereas it would well have befitted Mr. Burton, to have restrained his Pen even at the least, and left the King his Freedom, as well as the Subject his.

XIV. From this they proceeded to another Charge; which was, That I preferred Chaplains to be about the King and the Prince, which were disaffected to the publick Welfare of the Kingdom. The Influence was in Dr. Dods; and a Paffage read out of his Book against Mr. Burton: and it was added, that the declaring of such Disaffection was the last Inducement of Bribes to procure them Pecuniary.

To this I said, and 'tis true, I did never knowingly send for any Chaplain to the King or Prince, that was ill-affected to the Publick. And Dr. Dods, if he uttered by Tongue or by Pen any wanton Speech concerning any Members of the Honourable House of Commons, as is urged, thereby to shew his Disaffection to the Publick; he is living, and I humbly desire he may answer it. But whereas it was said, That this was the best Inducement of Bribes to get Pecuniary; this might have been spared, had it so pleased the Gentleman which spake it; but I know my Condition, and where I am, and will not lose my Patience for Language.

And whereas 'tis urged, That after this he was named by me to be a Chaplain to the Prince his Highness; the thing was thus: His Majesty had full made to him, that the Prince might have Sermons in his own Chapel for his Family. Hereupon his Majesty approving the Motion, commanded me to think upon the Names of some fit Men for that Service. I did so; but before any thing was done, I acquainted the Right Honourable the Lord Chamberlain that then was, with it; my Lord knew most of the Men, and approved thence; Not, and delivered it to his Secretary Mr. Oldcorn to swear it. This was the Fact; and at this time, when I put Dr. Deen's Name into the List, I did not know of any such Paffage in his Book, nor indeed ever heard of it till now. And I had not read his Book, but here and there by chance.

XV. I am now come (and 'tis time) to the last Particular of this Day. And this Charge was, the giving of Subsidies to the King in the Convention, without Consent in Parliament: That the Penalties for not paying were strict, and without Appeal as appears in the Act; where it is further said, that we do this according to the Duty which by Scripture we are bound unto; which reflects upon the Liberties of Parliaments in that behalf. But it was added, they would not meddle now with the late Canons for any thing else, till they came to their due place.

My Answer to this was, That this was not any single Act, but the Act of the whole Convention, and could not be applicable to me only.

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2. That this Grant was no other, nor in any other way, unless mendicis, than was granted to Queen Elizabeth in Archbishop WhinEliz.'s time. This Grant was also put in execution, as appeared by the Originals which we followed. These Originals amongst many other Records were country away by the Honourable House of Commons, and where they now are I know not, but for want of them, my Defence cannot be so full.

3. For the Circumstances, as that the Penalties are without Appeal, and the like, 'tis in all such Grants. And that we did it according to our Duty and the Rules of Scripture, we conceived was a fitting Expression for ourselves, and Men of our Calling, without giving Law to others, or any Intention to violate the Law in the least. For thus, I humbly conceive, lies the mutual Relation between the King and his People, by Rules of Conscience: The Subjects are to supply a full and honourable Maintenance to the King: and the King, (where Necessities call upon him) is to ask of his People, in such a way as is, par polecty, by Law and Covenant agreed upon between them, which in this Kingdom by Parliament: yet the Clergy ever granting their own at all times. And that this was my Judgment long before this, appears by a Sermon of mine appointed to be preached at the opening of the Parliament, in the Year 1623. My Words are too tedious; if you would have indeed a senior viewing both State and Church, the King must truly and indeed his People, and the People must have, obey, and support their King, &c. This, I hope, is far enough from derogating from any Law: and if I should privately have spoken any thing to him contrary to this, which I had both preached and printed, how could his Majesty have trusted me in any thing?

This brought this tedious Day to an end. And I had an Order the same Day to appear again on Saturday, March 16, 1643, with a Note allo from the Committee which were to charge me, that they meant then to proceed upon part of the second Additional Article; and upon the third Original, and the third and fifth Additional Articles, The second Additional Article is written down before: And here follow the rest now mentioned to be next proceeded upon.

The Third Original is,

1. He hath by Letters, Missages, Threats, Promises, and divers other ways, to Judges and other Ministers of Justice, interrupted and perverted; and at other times, by the Means aforesaid, hath endeavour'd to interrupt and pervert the Course of Justice in his Majesty's Courts at Westminster, and other Courts, to the Subversion of the Laws of this Kingdom: whereby fundry of his Majesty's Subjects have been toppled in their just Suits, and deprived of their lawful Rights, and subjected to his tyrannical Will, to their utter Ruin and Destruction.

The Third and Fifth Additional follows:

1. That the said Archbishop, to advance the Canons of the Church and Power Ecclesiastical above the Law of the Land, and to pervert and hinder the Course of Justice, hath at divers times within the said fain days, by his Letters and other undue Means, and Solicitations used to Judges, op-

5 Q. 2

posed
poled and stopped the granting of his Majesty's 
Writs of Prohibition, where the same ought to 
have been granted for Stay of Proceedings in 
the Ecclesiastical Court; whereby Justice hath been 
delayed and hindered, and the Judges diverted 
from doing their Duties.

V. That the said Archbishop, about eight Years 
late past, being then also a Privy-Counselor to his 
Majesty, for the End and Purposes aforesaid, cau 
ed Sir John Cortes, of Stoke in the County of Salop, 
Bart. then a Justice of Peace of the said County, 
to be committed to the Prison of the Fleet, where 
he continued Prisoner for the space of half a Year 
or more; for no other Cause but for calling for the 
Petition of Right, and causing it to be read at the 
Sessions of the Peace for that County, upon a just 
and necessary Occasion. And during the time of 
his said Imprisonment, the said Archbishop, with 
out any colour of Right, by a Writing under the 
Seal of his Archbishoprick, granted away Parcel 
of the Glebe-Land of the Church of Adderley in the 
County of the said Sir John Cortes was then 
Patron, unto Robert Villcomt Kilmary, with 
out the Consent of the said Sir John, or the then 
Incumbent of the said Church; which said Villcomt 
Kilmary built a Chapel upon the said Parcel of 
Glebe-Land, to the great Prejudice of the said 
Sir John Cortes, which hath cau
ed great 
Suits and Disputes between them.

And whereas the said Sir John Cortes 
had a Judgment against Sir James 
Stockbourne Knight, in an Action of Waste in his 
Majesty's Court of Common-Plots at Westminster, 
which was afterwards affirmed in a Writ of Error 
in the King's-Bench, and Execution thereupon a 
warded; yet the said Sir John, by means of the 
said Archbishop, could not have the Effect 
thereof, but was committed to Prison by the said Arch 
bishop and others of the Council-Table, until he 
had submitted himself unto the Order of the said 
Table; whereby he lost the Benefit of the said 
Judgment and Execution.

The Third day of my Hearing.

SATURDAY, March 16, 1643. In the in 
terim, between the 13th and this 16th of 
March, upon some Bill Charge to look to the 
Favor, my Solicitor was not suffer'd to come in 
to me. Whereupon, so soon as I was setted at the 
Bar, before the Evidence began to be open'd, I 
spoke to the Lords as follows.

My Lords, I stand not here to complain of any 
Thing, or any Man; but only am inform'd to 
acquit your Lordships with my said Condition. 
Your Lordships have appointed my Secretary to 
be your Solicitor, and given him leave to affront me 
in the turning of my Papers, and to warn in such 
Winnefies, and to fetch me the Copies of such 
Records as I shall have occasion to use. And I humb 
ly desire your Lordships to consider, that my 
self being imprison'd, and so utterly 
disenfranchis'd to do these things my 
self; it will be absolutely impossible for me to make any Defence, if my 
Solicitor be denied to come to 
me, as now he is. This was granted, and the Hearing adjourned till 
Monday following; and I humbly thank'd their Lordships for it.
And if any thing should be amis in any of thefe, (which is more than I either know or believe) they were the Councils Orders, not mine, and shall be urg'd as Treafon against me, which is not only a crime but a much as a Mil- lennium. Besides, the Lords of the Council and I are in the antient Conftitution of this Kingdom one Body; and whatsoever the major part of them concludes, is reputed the Act of the whole, not any one Man's. And this I must often inculcate, because I fear such publick Acts like to be heaped upon my particular.

1. The first Witnec of this Business of St. Paul's is Mich. Barlow, and 'tis charged that his Houfe was pulled down in King James's time; that he was promis'd Relief, but had none; that hereupon he got a Reference from his Majefly that now is, and came with it to the Council, and was referred to the Committee; That Sir H. Martin told him, that the Archifhop was his Hindrance; that he referred to me, and that I bid him go to King James for his Reconcilement.

To this my Answer was, That this Houfe, which he says was his, was (as confaffed by himself) taken down in King James's time, when an Attempt was made about the Repair of this Cathedra, but nothing done. If he defired Satisfaction, he was to feck it of them who took down his Houfe, not of me. If his Majefly that now is gave him a Reference, he was by the Lords of the Council, or by me (if to me it were referred) to go to the Sub-Committee, because Satisfac- tion for each Houfe was to be ordered by them. Nor had I any reason to take it on my Care, which was done so long before. He says, that Sir H. Martin told him that I hindered him: but that's no Proof that Sir H. Martin told him so; for 'tis but his Report of Sir H. Martin's Speech; and I hope Sir H. Martin neither did, nor would do me such apparen Wrong. He was the third Man to whom I brake my Intentions teaching the Repair, and the Difficulties which I forewae I was to meet with; and he gave me all Encouragement. And it may be, when no thing would fatisfie the eager old Man, I might bid him come to the Sub-Committee, but 'tis more than I remember if I did so. And this Man is fingle, and in his own Cafe; and where lies the Treafon that is in it? Bifides, I have Confeffion was due to this Houfe: for not many Years before the demolifhing of it, it was built at the Weft End of St. Paul's for a Lottery, (it being said to be the Houfe of one Wheetley,) and after the Lottery ended, finil'd up into a Dwelling-Houfe, to the great annoyance of that Church: the Bishop, and Dean and Chapper being allee, while it was done.

2. The next Charge about St. Paul's was with- ned by Mr. Burrell. That her Husband was fain to feck up his Trade elsewhere, and that every Man reported the Bishop was the caufe of it.

Her Husband was forced by this Remove to feck up his Trade elsewhere; so he says: and perhaps in a better Place, and with Satisfaction fufficient to make him a better Stoc: Where's the Wrong? Bifide, she is fingle, and in her own Cafe, and no Proof, but that every Man report- ed the Bishop was the Means to remove him, and it is observable, that in King James's time, when the Commination flied out for the demolifhing of these very Houfes, the Work was highly applauded; and yet no Care taken for Satisfaction of any private Man's Interest: That now great Care hath been taken, and great Sum of Money expended about it, yet I muft be a Traitor, and have no leas for doing it. This makes me think fome Parly Men were hearty angry at the Repair, and left, that for every Thing must be turned upon for the demolifhing of the Houfes.

3. The next that came in, was The Wheeler: He says, that his Houfe was pulled down by the Committee, by my Direction, about eleven Years ago; and that word was brought him of it.

His Houfe was pulled down; but himfelf confes- fes it was by the Committee. It was, he fays, above eleven Years ago, and the Time limited in that Article is for Ten, Vide Years. He fays, that word was brought him that I was the Cafe, or gave the Direction. Word was brought him, but he names not by whom, nor from whom; so all this Proof is a fingle Hear- say of fays not whom; whereas I had the Great Seal of England for all that was done. It was replied here, That for demolifhing thefe Houfes the King's Commination was no full and legal Warrant: T had should procure Authority from Parliament. I replied to this Interruption, That Houfes more remote from the Church of St. Paul's were pulled down by the King's Com- mission only in King Edward the Third's time; and humbly defired a Salvo might be entered for me, till I might bring the Record; which was granted.

4. The 4th Charge for this Charge of St. Paul's, was the Houfe of W. Waterer; who witneffed, that he had a Hundred Pound Reconcilement for his Houfe, but then was after fined in the High-Commenion-Court 100l. for Proflation, of which he paid 30l.

To this I gave this Anfwer, That his Charge is true; and that after he had received 100l. Com- mission, the Cry of the Proflation brought him into the High-Commenion. It was this: The Souls of dead Men (perhaps better than himfelf) were brought out in an Account, and part of the Foundation of the Church (as ap- peared in the taking down of his Houfe) was broken, or pared away, to make room for the Uncleannes to pafs into the Vault: And surely were I to fit again in the High-Commenion, I should give my Vote to cenfure this Proftation. But himfelf confes, he paid Thirty Pound of it, which was too little for fuch an Offence. And biffles, my Lords, this was the Act of the High-Commenion, and cannot be charged fingly upon me, and I cannot forbear to add this much more, That the Bishop, and Dean and Chapter, who- ever they were, did ill to give way to these Building- in, and to increafe their Rents by a Sacrilegious Revenue; no Law, that I know, giving way to build upon consecrated Ground, as that Churchyard is. But however, the preffent Tenants being not in deal, I ever thought fit they should have Reconcilement for their Eftsates; and they had it. If the next Charge was about the Shops of the Goldsmiths in Cheapside and Lombard Great. An Order was made at the Council-Table, November 12. 1654. That within 6 Months the Goldsmiths should provide themselves Shops there, and no where elfe, till all thofe Shops were furnifh'd; and this under a Penalty, and to give Bond. Thefe
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These two were the ancient Places for Goldsmiths only, time out of mind: and it was thought fit by the Lords, for the Beauty of the Place, and the Honour of the City, to have these Places transferred as they were wont, and not to have other Trades mixed among them. Befit, it concerned all Mens Safety; for if any Plate were stolen, the Inquiry after it might be made with more ease and speed: whereas if the Goldsmiths might dwell here and there, and keep their Shops in every Byplace of the City, stolen Plate might be lost off, and never heard of. But howsoever, if in this Order there were anything amis, it was the Order of the Council-Table, not mine: and far enough off from Trefon, as I conceive.

1. Upon this Charge there were two Inquisitions. The first is Mr. Barlty; who said, his House was taken from him, by Order to the Lord Mayor, 1637. That my Hand was to the Order; That he was imprisoned six Months, and recovered 100l. Damages of Sir Ed. Boroughfield; That after this he was committed to Hoysted, a Melleifer belonging to the High-Commillation, about Dr. Bassil's and Mr. Barlty's勋爵; and that I was sent for to the Council, and there heard my Voice only; That when he defined some Help, Sir Thomas Allibury's Man told him, he were as good take a Bear by the Tooth; That all this was for his entertaining a Man that came out of Scotland; and falsely, 'tH atr. Hoyseced, my Chaplain, had incendied a Popham Book.

To which I gave this Answer: That if the Lord Mayor put him from his House, by Order from the Lords, (being a Stationer among the Goldsmiths) then it was not done by me; and tho' my Hand were to the Order, yet not mine alone; and I hope my Hand there subscribed no more Thanon other Lords Hands did. And if he did recover 100l. against Sir Ed. Boroughfield, who I think was the Lord Mayor spoken of, surely he was a Gainer by the Business. And whereas he says, he was aforesaid again, and committed to Hoysted about the Books named: if he were as was informed a great Vender of things and fashionable Books, 's could not be done to him than to call him to answer. He says farther, that he was sent for to the Council-Table, and there he heard my Voice only against him. It may be so, and without all fault of mine: for that heavy Office was usually put upon me and the Lord Keeper, to deliver the Senfe of the Board to such as were called thither, and examined there; and by this means, if any fear or displeasing Sentence passed, (how just ever, it mattered not) it was taken as our own, and the Envy of it fell on us. And that this was so, many Lords here present know well.

He adds what Sir Thomas Allibury's Man said, when he would have petitioned again: but since Mr. Barlty is single here, and in his own Case, why doth he rest upon a Hearst of Sir Thomas Allibury's Man? Why was not this Man examined, to make out the Proof? And if this Man did to far abuse me, as to speak such words of me, shall I be abused fifth, and then have that Abufe made a Charge? That he was troubled thus for a Scotswaun coming to him, is nothing to, nor is any Proof offered; tho' then the Troubles were begun in Scotland: and therefore if this had any relation to that Business, I pleased again the Act of Oblivion. For that of Dr. Hoyseced, I shall give my Answer in a more proper place; for 'tis objected again.

2. The Second Inference was in Mr. Abufe's Case. He speaks also of the Order of the Coun-
cel. November 11. 1634. That the Goldsmiths in their Books make an Order upon it, June 15. 1634. That they which oby such should be fulfilled, I think 'tis meant from Uic of their Trade. Then when some intrusted them to Obedience, I should say, This Board is not a shuck, but that it can command; or to that effect.

For the Council's Order, it was theirs, not mine. For the Order which the Company of Goldsmiths made upon it, it was their own Act, I had nothing to do with it. For the Words, I did speak them (which is more than I remember) he is squeue that swears them, and in his own Cause. But, my Lords, I must needs say, whether I speak it then or not, most true it is, that the Council-Table is very weak indeed, if it cannot command in things of Deency, and for Saety of the Subject, and where there is no Law to the contrary. And this was then my Answer.

III. The Third Charge of this Day was, That I forced Men to send Money to the Church of St. Paul's, and that Mr. Nye was called upon. But this was deferred.

IV. The next Charge was concerning a long and tedious Suit between Ricb and Poole, about the Parsonage of North-Carly, in Gloucestershire: That Ricb was turned out, after three Years Possession, by a Reference procured by Poole to my Lord Keeper Cowan and myself; and that I did in a manner act the whole Bifhins at the Reference: That Letters were sent from the Council to Sir William Mofters, one of the Partners, to see Poole instructed, and to imprison Ricb if he refused Obedience; That after, by the Lord Marth's Pro-curement, Ricb was dismissed, and obtained to thirteen Lords, who awarded for Ricb.

I was never more weary of any Bifhins in my Life than I was of this Reference. And I was far from acting the whole Bifhins, as that I did nothing but as the Lord Keeper directed, the Caufe was so entangled with Square Impediments, and many other Bifhins of Law. Our Judgments upon full Hearing went with Poole, and we certified accordingly. And upon this (it may be) the Letters mentioned were sent down for Poole. And if the Lord Keeper that now is, then his Majesty's Solicitor, could nor curb nor meddle, but gave back his Fees, (as was further urged) his Lordship is living to tell the Caufe himself; for here was none set down, tho' it were urged as if he did it because I was a Referree. And in the mean time, this is but a bare Report concerning him. If the thirteen, Lords, to whom it was after referred, were of another Opinion, that was nothing to us, who, without any Touch of Corruption, did as our Knowledge and Confidence guided us. And, my Lords, it leens this Title was very desirous; for after all this, it came into this Parliament, and was referred to a Committee, where Mr. Ricb was very willing to compound the Bishops. And well he might; for I was since corriert by a Gentleman, a Lawyer, that understood Law, and was at the Hearing of that Caufe, that it was one of the foullest Caufes, on Ricb's side, that ever he heard. And out of this I took the Sum of my Answer, which I gave to Mr. Brown, when he summed up my Charge.

The Witnesses to this Charge were Mr. Ricb's Brother, and my good Friend Mr. Leigh. But this latter witnesses nothing but that he heard me
try he would be hanged for it. 'I doubt this Gentleman has borrowed some of Sir Henry Vere's Memory: But I remember no such Thing.' Yet if I did say it, it was no Treacon: For if I did say he might be hang'd for the like in some other Countries, it was because the Laws and Customs of other Countries, and this of ours, differ in many Things. So that by this Speech he was to understand, the Laws of the Land for his Preference, notwithstanding his Opposition against Majesty, which, where the Laws were not so favourable to the Subject, would not be so esteemed.

He was, 'Fain to depose 300. into the Hand of Sir Abra. Dawes, and that it was taken out the next Day: But he says withal, it was done by a Decree at the Council-Board; and I hope I shall not be held Author of all Decrees which passed there. He says that I called him Sirraab: A High Crime, if I did so! High-Treacon at least! But dare this Gentleman's Spleen swell'd up Sir into Sirraab: For that is no Language of mine to mean Men than Mr. Vofell is. The main of this Charge is Words; and those (if uter'd hateful, not treasonable. And as M. Law did in the Case of C. Law in Lord Chief Justice Vane's Rol; 1645. 5. Aman. to a mouthful different, Vain Things differ from wicked, and Words from malicious Deeds. And let any Man else be sitt'd as I have been for all the time I have been a Bishop, which is now upon the Point of twenty and three Years, and I doubt not but as high Words as there will be heard from him upon pts Occasion, and of greater Perfections than Mr. Vofell is. Belides, Mr. Vofell, at the end of his Testimony, defined the Lords he might have Reparation; which altogether in Law infirms that which he testified.'

VII. After this followed a Charge about a Grant pass'd from his Majesty to one Mr. Smith. The Difference was between Mr. Borrill and him. As far as I can recall, it was thus: The King had made a Grant to Mr. Borrill, in his Life-time, of a Wharf, or something else belonging to the Thames. Mr. Smith conceals this, and gets a Grant from his Majesty over the Head of the Widow and her Children; and, as himself confesses, his Majesty being informed that Mr. Borrill was Sitter to the reverend Prelate Bishop Andrews, being then dead, should say, That he would not have granted it to Mr. Smith, had he known so much. This was an honourable Memory of his faithful Servant, his worthy Brother. But whatsoever was done in this Business, was by Order of the Council-Board, and not by me; as was also the 25. l. which the Fund was paid in to Sir William Becher, (by way of Deposit, as I conceive.) In which, if he had any hard Measure, the Law was open for his Right. And in the whole Business he is fingle, and in his own Caeue.

VIII. The next Charge was Sir Jo. Carvet's; which, because it is express'd at large in the Article before recited, I shall not here repeat, but apply the Answer to it, which I then gave.

Sir John says he was just for about reading the Petition of Right at a Sittings in the Country: And that the Earl of Bridgewater should say he was disappointed of his Kingdom. He says, 'That for this he was committed, lay long in the Fleet, and was denied Bail; But he says it was denied by the whole Board.' 'So, by his own
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own Confinement, this was the Act of the Coun-

cil, not mine. And this Answer I gave to Mr.

Broun, when he put this Part of the Charge in-

to his Sum.’

In his Cause with Sir John Stonbeary about a
Waite, I cannot recall the Particulars: But what
ever was done therein, himself confesses was by
Order of the Council-Table, and his Majesties
present, April 18, 1638.

For the Ills built by the Lord Viscount Kilmany,
the Grant which I made, was not more than ordi-

narily in all such Cases; and its expressed in the
Body of the Grant, was, ‘That you shall give me

pagnions. So there is nothing at all done to

the Prejudice of Sir John’s Inheritance: for if we
cannot grant it by Law, then the Grant is voided
by its own Words. And that the Grant was such,

and no other, I then the Deeds ready attested
out of the Office. Besides, had I wrong’d him,
there was a common Remedy open by Appeal to

the Delegates. And this was well known to him;

for he did do appeal from a like Grant against

him by the now Lord Bishop of Ely, then of

Lisliith, and Sir John’s Diocesan. And whereas
‘tis alleged, That I made this Grant without the
Council of the Kingdom, or the Consent of our

Lord Bishop, Sir John acknowledges, like a Gentleman, that

I sent onto him for his Consent, if it might have
been had. And this I forswear also, that if I had

denied the Lord Viscount that which was not un-

usual, then the Complaint would have fallen more

heavy on the other Side, that I made Persons of

Quality in a manner Recusants, by denying them

that Convenience which was in my Power to grant.

So I must be faulty, whatever I do.

IX. Then the Bishops of the Tythes of London

was railed up in Judgment against me. And it

was read out of my Diary, that I projected to

give the Ministrant’s Affiance therein.

I had been much to blame, having been Bishop

of London, should I have had other Thoughts: For

their Cafe is very hard; all their Offerings being

shrank away into nothing, but a poor Easor-Book.

The Ministrants of London had often petitioned about

some Relief long before my Time; and I did then,

and do still think it most just they should have it.

4 For they are now under the Taft-Malters of

Ely’s (Exod. xiv. 3) the Tale of Brick must be

made, they must preach twice a Sunday, get

Straw where they can. And yet I never thought

of any thing contrary to Law, had all been done

which I desired: For that was no more than that

the Citizens would voluntarily yield to some reasonable

Addition, where Right and Need appeared. And

this, I am sure, did not nor could cross with the

Act of Parliament concerning the Tythes of Lon-

don. And Mr. Ains’s, who is only the Witness in

this Particular, says no more against me, but that

I professed this infamous oath and office. Which

is most true I said; and held it my Duty to do so;

but still in the way before mentioned.

X. After this came the great Charge (as at pre-

sent it is accounted) concerning the Cerifare of

Mr. Pyne, and Burtin, and Boffin, in the Star-

Chamber, and their Bannishment (as it is called) upon

it. And this was produced in full Evidence: The Circum-

stances of this Cause, were Mr. Cockfield, Thos.

Edwards, William Wickers, Mr. Burtin, Mrs. Boff-

wick, and Mr. Pyne himself. The Cerifare is

known and urged to be against Law: But so far

as any Particular is put upon me, my Answer is

premised to it.

1. And, First, for Mr. Cockfield, he says, Mr.

Attorney-Banks sent him (being then his Servant) to

give me an Account of that Business. Hence an in-

ferred that I took care of it. This might have had

some few of Proof, if I had sent to Mr. Attorney-

to give me an Account of it. But there’s no Word

of any such Proof. And yet, considering what re-

lation their Cause had to the Church, if I had sent

and defined some Account of the Proceedings, I

humbly conceive (my Place in the Church conss-

ded) it could have been no great Crime.

2. Then, there were read certain Warrants, one

Feb. 1. 1642. for Commitment, another of Feb. 2. 1636.

for Bar Access to them. These were Acts of the

Lords sitting in Star-Chamber, not mine. Then

was read a third Award, after Sentence given, of

May 13. 1644. for the seizing of his Books. But

this, as the former, was an Act of the Court, not

mine: And ’tis expressed in the Order (as the

Charge itself lays it down) for the Disposal of

the Books according to Law. Then the Warrant

of their Commitment to the Islands, Aug. 27. 1637.

This Commitment was No Device of mine; nor

did I ever hear of it till it was spoken by others

in the Star-Chamber. Nor do any one of those Warr-

ants call the King’s Counsel in the Star-Chamber.

And I humbly conceive that I ought not by Law,

nor can by Unge of Parliamentary Proceedings, be

charged single for those Things which were done

in publick Courts. The last Order was, Nov. 12.

1637. about the Aldermen of Coventry, and the sso

Warrants resolved upon against the Charter of that

City, only for supposed Excesses fixed to Mr. Pyne

in his Possession that way. First, ’tis confided in

the Charge that this was an Act of the Lords.

Secondly, That it was made at a full Board.

Thirdly, ’Tis not urged that any one Man disliked it.

Fourthly, The Complaint which caused it, was,

that both Aldermen and their Wives, and other

Citizens, were not content to have Mr. Pyne Kind-

med; but they both did and spake that which was
disgraceful to the Star-Chamber Sentence. But

however, there is no Particular in that Order

that is or can be charged upon me.

3. This for the Warrants. The next Witnesses

concerning this Charge was Tho. Edwards. He

says, That three Harpers of Mr. Prym’s Books

were taken out of his House, (whether it seems they

were conveyed for Safety) and no Warrant issued to

take them. The weaker Man he, to let his Friend’s

Books go to. But this Witness hath not one Word

of it.

4. The next Witnesses was William Wickers. He

says, He saw no Warrant neither; but that Licence

was given by the Sheriffs about six Years since.

Here’s never a Word concerning me: Nor am I to

answer for the Sheriffs Act. And whereas it is an

Aggravation in the Charge, That all Mr. Prym’s

Books were sold, Tho. Edwards says there were but

three Harpens of them; and this Witness says he

bought them for two and thirty Pounds. And

these neither by Number nor Price could be half

of Mr. Prym’s Books, if I have heard Truth of

his Library.

5. After this Man’s Testimony, comes Mr. Pyne

himself in his own Cause. He made a long Rela-

tion of the Bif luents, and full of Bitterness against

me. This I doubt not was purposely done, to re-

present me as odious as he could to the Lords and

the Heers. But I shall assume nothing to my-

self, that was done by Order of the Court of

Star-Chamber: Whatever was done there by com-
men Confess; was their Ad, nor mine; and if any Treason be in it, they are as guilty as I; for Treason admits no Accusers. Nor will I meddle with the Language: God forgive him that, and whatever else he be done against me. Only I shall answer to such particular of his as seem to touch upon my self.

(1.) First he says, He brought a Prohibition, An. 1639, and that was the Ground of my Hatred against him. For Prohibitions, I shall answer when they are charged; but as I remember not this, so I bare him no hatred; and bearing him none, it could not be for that Cause: Nor doth he so much as offer to prove it as.

(2.) Next he says, I gave Direction to Mr. Attorney Noy, and that Dr. Heylin drew some Informations for him. Dr. Heylin was well acquainted with Attorney but how long, or upon what Grounds, I know not: Nor did I give Mr. Attorney any Direction. What Dr. Heylin did, if he did any thing, is nothing to me, unless I set him on; which is not proved, nor sworn.

(3.) He farther says, That Mr. Attorney read his Book twice over, and said, that he found nothing amiss in it. I know not what Mr. Attorney said to him, nor what he may say of Mr. Attorney now he is dead: This I am sure of, and 'tis well known to some of your Lordships, he said far otherwise in open Court.

(4.) He says, That his Book was licensed to the Preface, and after that sealed; and that the Meffenger told him it was done by me. This was done by Warrant of the High Commission, not by me. Nor doth he offer any Proof against me, but that the Meffenger told him so; which is a bare Hearsey, and no Proof.

(5.) Then he says, That there was another Order given about his Book, and that I did it. But he brings no Proof for this, but that Mr. Joguyn, the then Keeper of the Fleet, told him so. But this is a bare Hearsey as the former, and Mr. Joguyn not produced to make out the Proof.

(6.) Then he says, He writh me a Letter, and that I found it to Mr. Attorney, to have him yet farther proceeded against. 'Tis true, my Lords, he did write unto me; but whether it were a Letter, or a Libel, I leave other Men to judge. This Letter I did send to Mr. Attorney; but only to let him see how I was used, not to have any farther Proceeding against him. But Mr. Attorney was so provoked at the Sight of it, that when he saw me next, he told me he would call me Oren tenus for it. Therefore, it seems, somewhat was very amiss in it, in calling the Writing what you will.

(7.) He says, Mr. Attorney thought he had not kept the Letter, but he was deceived. He was not. How was Mr. Attorney deceived? I'll tell you your Lordships what himself told me. When Mr. Attorney saw that I would not agree to any farther Prosecution, he sent for Mr. Prym, showed him the Letter, and thought, after he had read it, to give him some good Counsel, to defet from that libelling Humour of his. But Mr. Prym, after he had got the Letter into his Hands, went to the Window, as if he meant to read it; and while Mr. Attorney was otherwise busied, he tore it into small pieces, and threw it out at the Window; and then said unto him, This shall never rise in Judgement against me. Now he confesses he hath the Letter still, and that Mr. Attorney was deceived: Bile he tore some other Paper for it, and put the Letter in his Pocket. 'But that you may fee the Hootiey of this Man, and what Confidence he makes of that which he speaks upon his Oath,' W. Prym, his Favourite of the Court, says, 'Mr. Attorney having need of a case Paper. And for this Breach of his, if God send me Life and Strength to end this frift, I shall discover to the World the base and malicious Slanders with which it is fraught.'

(8.) He went on, and said, There was an Order made against him when Torn was done, so that he could have none Remedy. This is directly against the Court and their Order, not against me.

(9.) Then he cites out of the Epistle before my Speech in the Star-Chamber, That I caused him for having his Hand in the Pamphlets of those times, and yet was doubtful of it. The Words are: For I doubt his Pen is in all the Pamphlets. But, First, 'tis acknowledged I gave no Vote at all in his Censure: and if I did not judiciously censure him, then sure I was not doubtful, and yet censured. Secondly, He was censured upon his own Pamphlet; And his Hand was certainly in his own, what Doubt ever I might make of its being in theirs. And, Thirdly, if the Words be extended to their Pamphlets alfo, that's nothing to prove I doubted of the Jultness of the Sentence. For the Words are not, I doubt his Pen is in all their Pamphlets, but in all the Pamphlets, whether their Libels, or any others: so I might be doubtful of the one, and yet certain enough of the other.

(10.) And whereas he adds, That he was jointly charged with Dr. Baftwick and Mr. Burton, yet could not be suffered to speak together for a joint Actor; and that his Croft-Bill was refused: All this was done by the Court of Star-Chamber, not by me. And your Lordships know well the Lord Keeper managed the Affairs of that Court, not I.

(11.) Then he says, That at left Mr. Holt came to him, but was threatened that very Afternoon for it. But he doth not tell your Lordships by whom; and for my Part, more than civil giving him the Time of the Day, I never spake with him in all my Life.

(12.) He tells your Lordships next, how be paffed thro' Coventry (to which I have spoken already) and thro' Chetfor, and how fome Chetfor Men were used concerning him and his Entertainement. But, my Lords, whatsoever was done in this, was by the High-Communion at York; and if any thing be therein amiss, they must answer that did it.

(13.) Lastly, he spake of sending Sir William Baffore to me, and some other like Particulars. Of all which there is no Proof, but a bare Relation what Mr. Hugerford, Mr. Joguyn, and Sir William Baffore said; which is all Hearsey; and marks no Evidence, as if words should be taken to witnesse of facts not said. And here give me leave to observe, that Mr. Prym hath this Charge woman together all that he could say concerning both Caufes, for which he was censured: For in the third Particular he speaks of his Book, for which he was first censured; and in the ninth and tenth of his Croft-Bill, and the like, which were in his second Cause.
6. The sixth Witnes was Mr. Burton, a Party too. For that which he said agreeable to Mr. Pryne, it received the same Answear. And he added nothing new, but that his Wife was kept from him by Warrant from the Lords. And if it was by the Lords Order, then it was not by me. And when it was well over I was sent to Ghent to see my Father, his Wife had access to him: Mr. Burton answered, Yea; but, my Lords, she was not suffered to be with me at Night. At which the Lords felt a laughing, and there ended his Charge.

7. The last Witnes was Mrs. Boztwick; and she said nothing different from Mr. Pryne, but that she was kept from her Husband, and that she petitioned the Lords about it; but of me in particular, not one Word. And tho' Mr. Bracken, in his last Reply upon me, said, The Time of these mens Centrue, was the noted Time of the Oppression of the Subjects Liberty; yet I shall crave leave to say of their Men, as St. Augunfne once said of two great Donatists: in his time, who (as seems) had received some Sentence, and afterwards a Return, not altogether unlike those Men: (they were Felixinums and Protestations) of those thus St. Augunfne: If these men were innocent, why were they so condemnd? And if they care guilty why were they with such Honour returned and receivd? This applies it self. And here I am willing to put the reader in mind too, That Mr. Bracken drawing up an exact Sum of my Charge, and saying it hard against me, to my Remembrance (and I think my Notes could not have dippd it) paffed by this Charge concerning Mr. Pryne; and I cannot but think he had some Reason for it.

XI. This tedious Charge being over, the World ran round, and I was brought back again to another Charge about demolishing the Houfes at St. Pain's; and here three Witneses more came against mee.

1. The first was Mr. Bestly: He said, There were above sixty Houfes pull'd down. I answered, I know not the Number; but if there be so many, the Recompense given was sufficient for more. He said farther, That there were twenty Yards between the Church and some of the Houfes. There were very few, if any such (let him look to his Oath) but some were close upon the Wall of the Church. And suppose all had been twenty Yards dillant; that was not room enough to bring in, and lodge Materials for the Repair, and to turn the Carriages. And here again I made mention of my Safes, before defin'd, for the Record of Ed. 3: touching the like Buildings, and their Destruction.

2. The second Witnes was Mr. Gooze. For the sixty Houfes, as before told, I gave the fame Answear; as alto, that the Act of the Council-Table cannot be said to be my Act. For St. Gre-sary's Church they were not left without a Place for Divine Service, (as he would have it thought: For they were affigued to a part of Cofly-Church, till another Church might be built for them. And for the pulling down of St. Gregory's 'tis well known to divers of that Parli, that I was not so much as one of the Referrers, to whose View and Consideration it was referred. But the truth is, this Man rented the Farlingone-Houfe, and had a good Pennyworth of it to gain by his Under-Tenant. The going down of that House troubles him, and nor the Church.

3. The third Witnes, Welter Biggs, says nothing different from the two former; but that I said I was oppossed for the pulling down of the Houfes. Yet Mr. Aylett, Aye; but I was oppossed. But my Lords, I know, I might say, I was oppossed without any Offence, or without taking the Order of the Council-Table to my self: For's I well known the Work of that Repair under God, was mine; and I took no indirect, no oppressing way to it: nor can I now be blamed of that, which, in future times, in elclipse of the present Malice, will be my Honour. So that the Care of the Work lying upon me, I might well say I was oppossed, tho' the Opposition went higher, against the Orders of the Lords.

XII. The last Charge of this Day, was about the putting down of two Brewers in Westminster, because the excessive and noifom Smoke from thence much annoyed the King's House, Garden and Park at St. Juven's. Thiese two were Mr. Bond and Mr. Arnold.

1. For Mr. Bond, he begins with somewhat that I should say at the Council-Table; as namely, that he must fel a Bond of two thousand Pounds to brew no more with Sea-Cobl. Now this argues, if I did so speak, that it was in delivering to him the Place of the Board; which Office (as I have before express'd, and is well known) was usually put upon me, if I were present. And your Lordships may here observe, that when I hath folloved me upon that which I could not take upon me.

He says farther, That upon this Mr. Attorney-Banks preached against him in the Exchequer: That there upon some Occasion the Lords Chief Baron should say, Ye are wife Witneses for the King; That his Council were forbid to plead, and a Verdict passed for the King. All this is nothing to me; I was neither Chief Baron nor Witneses, nor one of the Jury that gave the Verdict. He says, He was informed, that there was an Order of Council made, that no Man should put up a Petition for him: But himself doth not so much as mention, that this Order was procur'd by the Council, but is a Report that no Petition might be delivered to him, and none of them that told him so, produced for Proof. So he scandalizes the Lords by Harkly.

Next he says, That the King graciously fist hisew with Reference to the Council for Satisfaction. First, I must believe if he were so sent, the Wrong being only the King's, and he willing he should have satisfaction however for his Loss; 'That the Lords would never refuse, in such a Case, whatever is here said to the contrary. Secondly, It may be observed how gracious the King was to the Subject; that tho' the Annoyance, was great, to that Houfe of his Recreation and Repiring near the City, yet he would not have Mr. Bond suffer without Satisfaction notwithstanding which Goodness of the King, he comes in to this great Court; and fo he may have a blow at me, (as much as in him lies) all the King's Proceedings, under the Name of Opinion, and that in a high degree.' He says also, That a Friend of his perfusd him to come to me, and offer me some what to St. Paul's; and that he did come to me accordingly and that I said I must base of him a Thousand Pounds to St. Paul's: That he was not unwilling to give it, because his Breeding was worth more.
My Lords, I humbly desire your Lordships to consider this part of the Charge well. First, What Friend of this was, that came to him, he says not, nor do I know, and so have no opportunity to examine. Secondly, He says not that I sent his Friend of his to him, thus to advise him: and then his coming no way concerns me. Thirdly, when he was come upon this Friend's petition, if he were willing to give his Ten Thousand Pounds to St. Paul's, in regard of his double Gain from his Brew-House, as himself confesseth: I do not see (under favour) what Crime or Offension is in it. Lastly, I remember none of this; and let him well weigh his Oath with himself, for I cannot call to mind one Penny that he gave to St. Paul's: nor yet shall I ever think it a Sin, to take a Thousand Pounds to such a Work, from any rich and able Man that will voluntarily offer it; especially upon hope of gaining twice as much. To make this Charge the heavier, he says, I sent him to the Queen-Mother, who lay then at St. James's; and that there he was laboured by some about her to change his Religion, and then he should have all Favour. This is a bold Oath; let him look how his own life will answer it. May it be I may tell him, that if the Queen-Mother were offended with the Annoyance of from his House, it would not be in my Power to help him; which was true. And that about his Religion, was added to make your Lordships think that I sent him thither for that Purpose; but God be thanked, this Witness says not any one Word tending that way. And for the Queen-Mother, since she is thus mentioned, I shall crave leave to say two things the one, That I did both in open Council, and privately, oppose her coming into England, with all the strength I had; the' little to my own Ease, as I after found: the other, That after she was come, the Lords of the Council went in a Body to do their Duty to her; that time I could not but go; but never either before or after was I with her. Then he concludes, That there was a Coupis out for him, and that he was sent to make an escape by Night; which he did to Alderman Pennington, who very nobly succoured him privately in his House, All which concerns me nothing. 2. The other Witness is Mr. Arnold, who told as long a Tale as this, to as little purpose. He speaks of three Brew-Houses in Westminster all to be put down, or not brew with Sea-Ceil: that Secretary Winddonke gave the Order. Thus far it concerns not me. He added, That I told him they burnt Sea-Ceil: I said indeed, I was informed they did; and that I hope was no Offence. He says, That upon Sir John Baut's new Information, four Lords were appointed to view the Brew-Houses, and what they burnt. But I was none of the four, nor did I make any Report, for or against. He says, Mr. Attorney Banks came one day over to him, and told him that his House annoyed Lamketh, and that I sent him over. The truth is this; Mr. Attorney came one Day over to dine with me at Lamketh, and walking in the Garden before Dinner, we were very sufficiently annoyed from a Brew-House; the Wind bringing over so much Smoke; as made us leave the Place. Upon this Mr. Attorney asked me, why I would not fly myself more against those Brew-Houses, being more annoyed by them than any other? I replied, I would never be a means to undo any Man, or put him from his Trade, to free myself from Smoke. And this Witness doth after confess, that I said the same Words to himself. Mr. Attorney at our parting said, he would call in at the Brew-House: I left him to do as he pleased, but fent him not. And I humbly desire Mr. Attorney may be examined of the Truth of this. He farther says, That he came over to me to Kedew, and confessed the Words before mentioned; and that he offered me Ten Pounds yearly to St. Paul's, and that I sent him to say give Twenty. He says, That, that I sent him to Mr. Attorney; but withal told him, that if he found not such Favour as I wished him, it was a sign he had more powerful Advertisers than my Friendship could take off: in all this I cannot see what Fault I have committed. And I foretold him Truth: for tho' the Barnefes were after referred to Mr. Attorney and myself, (as himself says) yet we were not able to end it. Then he says, I would not suffer Sir Edw. Powel, Master of the Reckett, to deliver his Petition to the King. But first, this is but Sir Edw. Powel's Report, and so no Proof, unless he were produced to justify it. Secondly, the World knows I had no Power in Mr. Edw.; he would then willingly have delivered Petition, or any thing that his Office might think might hurt me: and the Cause is known. Lastly, he says, Mr. Attorney sent out a Copius for him, that the Sheriff came by force to take him, and what hard shift he made to escape: That after upon his Petition, the Lords gave him six Months time to provide himself elsewhere; and that he was fain to give five hundred Pound Bond not to brew there. To all this I then said, and say still, First, Here's no one thing charged upon me in particular. Secondly, here's not a Word of my Advice or Endeavour to fet on Mr. Attorney, or to move the Lords to any thing against him. And whereas it hath been urged, that my Power was such, that I restrained the Lords to go my way; this cannot be said, without laying an Impertinence upon the Lords, as if they could so easily be overthrown by any one Man and that against Law: which is a most unworthy Affection upon Men of Honour. And if all this were true, it is but Treason against a Brew-House. Nor yet may this be called flying of any Evidence, which is but to answer home in my own just Defence. ' And out of this I gave my answer to Mr. Brooke's summary Charge against me in the ' Houfe of Commons, for that which concerned ' these two Brewers.' And here, before I close this Day, give me leave, I beseech your Lordships to observe two things. First, That here have been thirteen Witnesses at least produced in their own Cause. Secondly, That whereas here have been so many things urged this Day about the Star-Chamber and the Council-Table; the Act made this Parliament, for the regulating of the one, and the taking away of the other, takes no Notice of any thing past; and yet Acts past (and those Joint-Acts of the Council, and not mine) are urged as treasonable, or conducting to Treason, against me. Nay, the Act is so far from looking back, or making such Offences Treason, as that if any offend in future, and that several times, yet the Act makes it but Misdemeanour, and prescribes Punishments accordingly.
The Fifth Day of my Hearing.

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RIDAY, March 22. 1643. The first Charge of this Day was concerning the Indictment of Mr. Newcomen a Minifter at Colcheftter, for refusing to administer the Sacrament, but at the Rails; and the Prosecution which followed against Burrowes for this. The two Witnesses of the Particulars, are Burrowes and Mr. Afke.

1. The Testimony which Burrowes gave, was, That Mr. Newcomen would not administer the Communion, but at the Rails; that he indicted him for receiving it there; that the Foreman threw it out. Cf. If Mr. Newcomen did this, Complaint might have been made of him; but howsoever here’s no one Word of any Command from me. And it seems the fictious Malice of Burrowes was seen, that the Foreman at first threw away the Indictment. He says, That upon this he was called into the High-Communion; a Warrant from me; his House being; Stockell left the Warrant with the Mayor; a Hobes Corpus not obeyed. The Warrant, by which he was detained, was from the High-Communion, not from me: and himself says, there were six or seven Hands to the Warrant. But then he says, my Hand alone was to another Warrant, which is impossible, for there must be three Hands at the leaft, or no Warrant can ifce out. And all his Proof of this latter is, that he saw my Hand, which I hope he need not do, the other Hands besides mine were to it. For the Hobes Corpus, if the Mayor paid (for to Burrowes adds) he would obey my Warrant, rather than the King’s Writ, because it came first; he was extremely ill advised: but if a Mayor of a Town give an indiffirent, or a worse Anfwer, I hope that shall not be imputed: but if there be any thing in this Burrowes, why is not Stockell the Meffenger produced, that knows those Proceedings? Laffly, he speaks of a Letter fent to Judge Gravelly, and they’d to Judge Hutton. But first, he fays not that Letter was fent by me, or by my means. Secondly, he names not the Companions of the Warrant, with whom no Man told whether it charge any thing upon me or not. And until the Letter be produced, or sufficiently witnessed, (neither of which is offered) ‘tis but like a written Hearfay. And I humbly pray you to obferve from himiftelf, that the two Reverend Judges looking into the Bur- nefes, faid, it was a mere Cheat for Money, and returned him back to Colcheftter: which is a Proof too, that the Hobes Corpus was obeyed; for if he were not brought up before them, how could he be returned by them?

2. Then Mr. Afke, the second Witnesfs, was produced. He fial, there came Players too Town, and that fome, which faid they came from me, were taken in a Tavern upon Eefter-Eve at unfentable Hours. I know not of any that were fent from me: but if any were, and kept any Di- order in the Town, effentially at fuch a Time, Mr. Afke did very well to queftion them. He says, That upon the Matter I referred him twice to Sir John Lambe, and that, at the second time, he found the Plot was to make him an Infrumment about the Rails, which he abfolutely refufed. I did refer him (and it may be twice) to Sir John Lambe; but if Sir John fpoke to him about the Rails, he had no Commiffion from me to do.

I understand Mr. Afke too well, to offer to make

* him an Infrumment in such a Nature. His Zeal would have fet the

* Rails on fire, so soon as ever he had

* come near them.

Next he fays, That Mr. Newcomen was in- dicted, as is afohid, and that Indictment found; That Letters Mifwife were fent for him and his Wife, by Stockell. If Letters Mifwife by Stockell, then they were fent by the High-Communion, whose joint Act cannot be charged upon me: And if any thing can be proved, why is not Stockell produced? He fays, he went into Holland to avoid the Oath ex Officio. The Oath ex Officio was then a common and, for ought I know, then the legal Course of that Court: fo I could not help the Tender of that Oath unto them, had they faid and appeared. But the truth is, he was too guilty to appear; for his Wife was a Sepa- raf, and himself confefles that he came not to the Prayers of the Church. And as for me, I ever found him the great Maintainer of all wilful Op- position against the Church. He farther fays, he came to me to Croydon, and that there I told him he might have put the Indictment against Mr. New- comen in his Pocket. Indeed, My Lords, if I did fay fo, I thinke I fpake it truly. For if he had borne any Kelped to the Reputation of the Cler- gy, I thinke he might have pocketed it for one Sefion, without any prejudice at all to the Law, or any thing else. God knows, this is often done. And if thereupon I add, (as Mr. Afke fays I did) That if he were ftriely fet againft Churchmen in the Temporal Courts, he muft look for ftriely Proceedings in the High-Communion; I fee no great Crime in it: for we are as ftriely bound to profecute in the one, as he was in the other. And if his Clerk (as he fays) was attached, who read the Indictment; yet it is not faid by himself, that he was attached for reading it. And if it were fo, that fome Jurors were attached, and not

* Mr. Afke’s Clerk only, (as Mr. Broome prefied it in the Sum of his Charge) yet the Anfwer comes in the Warrant, and the Judge fays their

* Jurors were called into the High-Communion.

* for being Jurors, or difcharging that legal Da- ty. And then I hope a Man’s being of a Jury shall not excufe him for anfwering any Crime in any Court, that see

* hath power to call him; provided

* he be not called off at the time of his Service.

* or while he is under the Privilege of that Court,

* in which he is a Juror. And according to this,

* I gave Mr. Broome my Anfwer. And howfo- ever, the Attachment goes of course out from

* the Commiffion, and not from me.

11. The second Charge of this Day was about the Cenfure which fell on the Inhabitants of Bickl- ingham in Surr. &c. about their refusing to re- move the Communion Table according to the Or- der of their Diocéfan: About which were pro- duced three Witnefles, to whom Evidence I shall anfwier in order.

1. The firft was William Lange, who fays he was Foreman of the Jury, when thofe Men were in- dicted for a Riot; and that, as he conceives, the Parfon fpoke with the Judge about it, which caufed a fudden Verdict. The Parfon of the Place fpoke with the Judge, and he conceives that produced a fudden Verdict; firft, he doth but conceive fo, and that can make no Proof. If it did make Proof, ’tis only againft the Parfon, not againft me. And if the Parfon of the speaking of it, did fay, (as Mr. Lange affi
affirms he did) That this Riot was like a Waldenf- 
fan or Switzerland Commotion; he must anwer 
for his own distempered Language, me it cannot 
concern.

2. The second Witness was George Long. He 
Says the Bishop of Bath commanded the Commu-
nication-Table to be removed, and set at the upper 
end of the Chancel; that the Church-Wardens re-
ruing, were excommunicated: but he says withal, 
that they are decedal to the Archbishop, and had re- 
}fused. Then he adds farther, That the Bishop per-
ceived again, but the Church-Wardens would not 
remove it, saying it was an Innovation, and a 
against Law. But, my Lords, 'tis neither: and 
therefore the Church-Wardens were in a great 
Contempt against their Bishop, to the ill Example of 
all that Country. And that it is no Innovation 
against Law, appears by the Injunctions of Queen 
Elizabeth, where it is commanded expressli to be 
set there. The Words are; The Ho-
ly Table in every Church (not Cathed-
ral only) shall be decently made, and 
set in the Place where the Altar stood.

Now all Men know, that with us in England the 
\[two sentences missing]

Then this being Law in the beginning of the 
Reformation, cannot now be an Innovation.

When they came to me again, (as they say they 
did) if I then told them they defied to be laid 
by the Heels for the Contempt of their Bishop; 
under favour, my Lords, I spake Truth. And 
give me leave, I beseech you, to tell you this: 
it began to be a general Complaint, not of 
the Bishop of Bath only, but of other Bishops also, 
that they could do little or no Service in their 
\[two sentences missing]

And I wanted no good Friends in Court to tell 
the King as much, when any thing was complain-
ed of. By this I was brought into great Struggles: 
deny Appeal, I might not; frequent granting in 
my Country destroyed, in a manner, the Bishops 
Jurisdictions. In this Difficulty, feeling the Wil-
fulness of these Men, and knowing they had re-
ceived full Benefit by their Appeal once already 
in the same Cafe; I did refuse to hear any more of 
it, (unlesst there were new Matter) but yet left 
them free to appeal to the Delegates.

For Mr. Hought, the Parfon there, if 
gave ill Words, or laid violent Hands on any of his Neigh-
ours, it concerns not me; let him anser for 
what he hath said or done. 'Tis farther said, 
That Mr. Hought was with me at Wind\[sارد 
and had Letters from me to the Lord Chief Justice Finch. 
But this Witness delivers not this upon his own 
knowledge; I sent no Letter by him, nor did he 
\[two sentences missing]

He then, and he says, That Mr. Morgan 
(1 Man inward with the Judge) told him, that 
the Judge told him, that the little Man had put a 
Spoke in their Cart; and thereupon (as he con-
ceives) the Petty-Jury was changed. Here are, 
if your Lordships mark them, two great Proofs. 

The one is the Witness's Report of Mr. Morgan's 
Report, that the Judge had said for me: But why 
is not Mr. Morgan produced to clear this? The 
other is not the Knowledge, but the Conceit on-
ly of the Witnesses: He conceives, which I am con-
fident cannot sway with your Lordships for a 
Proof. 'Befides, were Mr. Morgan never so in-
ward with that Judge, yet it follows not, that 
he must know all. And if that Judge did mean 
me, (for name me he did not) he did me the 
more wrong. For I never defied any thing of 
any Judge, him or other, but what was accord-
ing to Law. Nay, I do express myself, as 
that if by mistake or mis-information I had de-
fiend any thing which was not according to Law, 
I humbly defied my Motion might be, as if it 
\[two sentences missing]

3. The third Witness is Mr. Jo. Ab. That which 
this Gentleman says, is, That Sir John Lambell told 
that the Man which came about that Bishops, 
could have no Appeal admitted without me; and 
that if he would be so troublesome, he should be 
laid by the Heels. I have given your Lordships an 
Account, why he could not have an Appeal with-
out me: he had had the benefit of an Appeal be-
fore in the same Cause. And for this Witness, he 
delivers no Knowledge of his own; but only he 
says, the Man employ'd related it to him: 'tis a 
Relation, no Proof. He says, the Penance was 
enjoined them in three Churches. And truly, my 
Lords, their Disobedience to his Bishop was 
great; but if the Penance enjoined were too heavy, 
it was the Act of their own Bishop, not mine. 
Then he says, That the Bishop told him, anoth-
er powerful Hand was upon him; intimating 
me. 'First, this is no Knowledge of the Witness, 
but a Speech of the Lord Finch. Secondly, if the 
Lord Finch did say so of a powerful Hand, he 
wronged me much, but himself more, to confes 
she could be drawn away in Judgment. Thirdly, 
this Witness says not that he named me, but that 
he intimsted me: I pray your Lordships Judg-
ment, what a forward Witness this Man is, that can 
upon Oath deliver what is intimated, and of whom. 

'He says farther, That upon Petition to Sir Wil-
liam Portman for some Alliances, the Bishop of 
Bath laid all upon me; and that when himself 
came to me at the Tower, once my Refrain, I told 
Mr. Hought him the Bishop of Bath did like an obedient 
Bishop to his Commands, whereas my Lords, 
there was 'tis a Proof, that the Bishop laid 
Affidavits upon me, but Sir William Portman's Report. 
Sir William is a worthy Gentleman, why is not he 
produced? Why is not the Bishop, that is said 
to lay all upon me, brought into the Court, 
that he may clear himself and me, if he had said it 
not; or that I may make him alacrity, if he said it? 
For 'tis confes'd, that in the first Bishops, the 
Church-Wardens had their Remedy by their 
Appeal to me; but that then the Bishop began a-
gain, as the former Witnesses declared. Nor knew 
I any thing of this Bishops till the Appeal came. 
As for my Answer to himself, that, under favour, 
is quite mislaken: For I did not say, That in 
this Particular, but that in his general Proceed-
ings in his Diocese, the Bishop of Bath carried 
himself like an obdurate Bishop to his Metropoli-
tan. Nor can my Words be drawed to mean this 
Particular: For how could I say that in this Par-
ticular he carried himself like an obedient Bishop to 
to me, when after Remedy given to thee Men by 
their first Appeal into my Court, he began with 
them again upon the same Cafe? Befides, my Lords, 
this is not the first time Mr. Ab hath mislaken me.

Mr. Browne, in summing up this Charge against 
me, falls twice very heavily upon this Bishops of 
Beckington. First, For the Point of Religion: 
And there he quoted a PassaJge out of my Speech in
in the Star-Chamber, where do I referre the In-
difference of the flinding of the Comman-
Table either way; and yet (faith he) they were
thus heavily sentenced for that which I myself
hold indifferent. But rth, This Sentence was had
uppon them by their own Bishop, not by me.
zdly, The more indifferent the Thing was, the
greater was their Contumacy to disable their
Ordinary. And had it not been a Thing fo
intertwined, and where the Danger of the advancing
Popey, would Queen Elizabeth, who banished
Popey out of the Kingdom, have endured it in
her own Chapel all her time? zuly, The Heavi-
ness of the Sentence, so much complained of,
was but to confesse their Contumacy in three
Churches of the Dioces, to example other Mens
Obedience. Secondly, For the same Point, as it
contained Matter against Law, I answered Mr.
Browne, as I had before answered the Lords.

III. The third Charge was about certain Housers
given to St. Edmonds Lambard-Street, where old Mr.
Paget is Parish. The Witnessses are two:
Mr. Swans, who says, That after
Verdict, Mr. Paget the Incumbent, upon a preten-
zione that their Tenements were Church-Land,
got a Reference to the Lord Bishop of London,
then Lord Treafurer, and myself. My Lords,
we procured not the Reference; but when it was
brought to us under the King's Hand, we could
not refute it to fit upon it. Upon full hearing, we
were satisfied that the Cause was not rightly sta-
ated; and therefore we referred them to the Law
again for another Trial, and for Costs to the Bar-
ants of that Court. And this was the Answer
where Mr. Browne was not in the same Manner.
In this Cafe. He says the Housers were given to
superstitious Uses: But Possessions are not to be
carried away for paying fo. If Men may get Land
from others by paying it was given to superstitious
Uses, they may get an easy Purchase. And Mr.
Smyth is in his own Cafe. But whether the
Housers were given to superstitious Uses or not,
is the thing to be tried in Law, and not to be
pleaded to us. He complains that I would not
hear his Petition alone: But surely, my Lords,
I had no reaon, finde nothing in a Reference instan-
Gen with me. And I see, that I was not in the Reference
alone, nor would hear it alone, yet
must be alone in the Trefoun. And here I de-
ferred that Mr. Paget, the Incumbent, might be
heard.
2. The other Witness was Mr. Bernard: He
says he was present at the Hearing; and that
Mr. Smyth said he was undone, if he must go to
a new Tryal, But my Lords, so may Men say,
that by their Troublesomeness in Law-fits go
about to undo others. He says that Mr. Paget
named his own References: If that be so, 'tis no
fault of mine. He says the Reference was made
over us only to certify, not to make any Order in
it: If this be so, here's no Proof so much as of-
fered that we did not certify, as we were requir'd,
and then had power given to order it; which we
did. And he confessest the Counel on both Sides
had full hearing before oght was done.
IV. The fourth Charge of this Day was con-
cerning the Imprisonment of one Grafton, an
Upholston in London. The Witnessses three: Of
which,
1. The first is Grafton, in his own Cafe: And
'tis much if he cannot tell a plausible Tale for him-
self. He says first, That twelve Years ago he was
committed, and fined fifty Pounds by other Com-
missioners. By others, my Lords; therefore not
by me: And an Act of the High-Commission, by
his own Words, it appears to be. He says, He was
continued in Prison by my procurement, as he ver-
ibly believes. First, (as he verily believes) is no
Proot. And the ground of his Belief is as weak:
For he gives no reason of it but this, That Dr.
Ayres, the King's Advocate, splice with the Bi-
aptops, but he did not say about whom, or from
whom. He adds farther, That Mr. Ingrain Serje-
ant of the Fleet, would not give way to his Relace,
notwithstanding the Barons Orders, till he heard
from me. Here's no Man produced that heard Mr.
Ingrain say so; nor is Mr. Ingrain himself brought
to testify. Laffly, he says, That he then made
Means in Court, and so repaired to the Barons
again, but all in vain; and that Baron Treese
cried out, O the Bishop! O the Bishop! First, here's
a Confelection of Means in Court made to the
Judges: So belle he may have Means made to them, to
get him not by me. But the Particular, I did humbly desire the Baron, being then pre-
sent, might be asked. He was asked: He blushed,
and fumbled, The Lords laughed, and I could
not hear what he said.
2. The second Witness was Mr. Lottelou.
But he said nothing, but that there was an Order for
Grafton's Liberty, which is no denied.
3. The third was Mr. Ricetti. He says, That
Mr. Ingrain told that Grafton was a Brownist,
and must be brought into the Fleet again; because
he did much hurt among the King's Subjects. This
is a bare Report of a Speech of Mr. Ingrain; it
is not so. This is the Particular, that the Church
of England: But whether a Brownist, or no, I
cannot tell, there are so many Sects, (God help
us.) And much harm he hath done among weak
People: For most true it is, which St. Cyril
observes, προφητείαν 1 Δαυίδων το προφητείαν ταύτα τα
εναπλαστά γενομενα εν εναπλαστική ταυτατική το
εικονοσ. That the Devil pre-
pares his seductive Separations, that he may
the more easily the Enemy may be deceived. As
for this Man, he was in his way cunning enough; for
under pretense that he suffer'd by me, he get
Madame de Sevill, a wife of the French, to nego-
tiate with the Queen's Majesty in his behalf. And
this I found, that sometime, when her Majesty
knew not of it, they sent to the Barons for Fa-
four for him. And yet I never heard that Ba-
ron Treos ever cried out, O the French! O the
French! Nor can I tell what stopped his Mouth
in this Cry, and opened it so wide in the o-
other, when we moved to defend ourselves
and our Proceedings. Where, I humbly declare,
this Pillage of the Law may be confederated in;
in the Cafe of depraving the Common-Prayer-Book,
'to much formen, and without the
or coming to Church. The Words of the Law
are, For due Examinations love, the Queen's maj-
ity's excellent Majestie, the Lords Temporal, and all the
Commons in this present Parliament assembled, do in
God's Name carefally require and charge all the Arch-
bishops, Bishops, and other Ordinaries, that they
full endeavour, to the uttermost of their Skill,
that the due and true Execution hereof be had
throughout their Dioceses and Charges, as they
will answer for God, &c. 1 Eliz. c. 2. Now, if I
do not this, there's an apparent Breach of the
Law, if I do not give in commendation and
great Degrave of this Book, then the Judge,
who by this Law should affit me, cries, O the
Bishop!
Bishop! And this Answer I gave Mr. Browne,  
when he fum'd his Charge against me.

V. The fifth Charge of this Day was Mr. John  
Ward's, in a Suit about Simony in the High-  
Commissioion.

He says, (for he also is in his own Caufe) That  
upon a Confequence of a Lapfe by Simony, I procured  
the Prefentation from the King to the Church of  
Dinnauger. His Majefty trusted me with the Titles,  
which did accrue to him in that kind: And be-  
caufe Simony had been fo rife, commanded me to  
be careful I might not betray his Truft. And  
therefore the Simony being offered to be proved,  
I procured his Majefty's Prefentation for trial of  
the Title. And this I conceive was no Offence;  
'tho' this be that which he calls the Heaven's of  
my Hand upon him. He farther fays, That I  
went to the Bishop of Norwich to admit the King's  
Church being void, 7 Jan. 16:38. Nor  
do I yet fee, my Lords, what Crime it is in me,  
trusted erally as before, to fend to the Bishop  
to admit when the Church is void: Many Lay-Pa-  
trons do that, upon Allegation of Simony, before  
proof. And Mr. Black, produced as a Wifines  
also, fays, That the Lord Goring prevailed with  
the Lord Bishop of Norwich not to admit. And  
I hope an Archbifhop, and trusted therein by his  
Majefty, may as lawfully write to the Ordinary  
for Admission of the King's Church, as any Lay-  
Lord may write againit it. But Mr. Ward fays  
nothing to this of the Lord Goring; but adds,  
that Sir John Rolfe previfed this Admittition by  
a Ne Admissit, Jan. 12. And that thereupon he  
said, It was no paft for us to fit there, if after  
a long Trial, and Judgment given, all might be ftop-  
ped. If I did fay fo, I think it is a manifet Truth  
that I fpake: for it was far better not to have Si-  
mony tried at all in Ecclefiaftical Courts, than af-  
aft a long Trial to have it called off into High-  
lights-Hall; 4 to the double Charge and Trouble  
and Subject of the Subject. But if the Law will have it  
otherwise, we cannot help that. Nor is this Ex-  
preffion of mine any Violation of the Law.

Then he fays, A Letter was directed from the  
Court of the High-Commissioion to the Judges,  
to reverse the Ne Admissit; and that I was toward  
heave the Letter fent. How forward lover I  
was, yet it is confefled the Letter was fent by the  
Court, not by me: and let the Letter be produc-  
ed, it fhall therein appear, that it was not to re-  
verse the Ne Admissit, but to difte the Judges to  
confider, whether it were not fit to be revoked,  
confidering the Church was not void till Jan. 14.  
And it has been ufual in that Court, to write  
or fend fo me of their Body to the Temporal Judges,  
where they conceive there hath been a Mifinfor-  
mation, or a Misfale in the Caufe; the Judges  
being still free to judge according to Law, both  
for the one and the other. And here he confefles  
the Writ of Ne Admissit was revoked by three  
Judges, and therefore I think legally.

But here he hopes he hath found me in a Con-  
tradiction. For when I write to the Bishop of Nor-  
wich, Jan. 7. 16:38. Then I faid this Church was  
void; whereas this Letter to the Judges fays it  
was not void till Jan. 14. But here is no Con-  
tradiction at all: For after the Trial paft, and the  
Simony prov'd, the Church is void to fo much as  
the Bishop's giving of Initiation; and fo I write  
Jan. 7. But till the Sentence was pronounced in  
Open Court, and read, the Church was not void,  
at touching thofe Legalities, which (as I humbly  
concieve) do not till then take place in Hofminger-  
Hall: And the reading of the Sentence was not  
till Jan. 14. However, it I were miftaken in my  
own private Letter to the Bishop, yet that was  
better than the reading in the Letter from the High-  
Commissioion to the Judges. He adds, lastly, That  
upon a Quare Impedit, after taken forth, it was  
found that the King had no Right. Why, my  
Lords, if different Courts judge differently of Si-  
mony, I hope that shall not be impoed to me. In  
the Court where I sat, I judged according to my  
Confeience, and the Law, and the Proof, as it ap-  
ppeared to me. And for Dr. Ryce's Letter, which  
he fays was fent to the Curifor to flop the Ne  
Admissit, let Dr. Ryce anfwer it. The Wifines him-  
self confefles that Dr. Ryce fays the Command to  
the Curifor was not fent to it. Keeper, not from  
me. And here ends the Trains fay Mr.  
Ward; and, till now, I did not think any could  
have been committed againft a Miniftrier.

VI. Then followed the Caufe of Ferdinandus A-  
dams, his Excommunion, and the Suit which  
followed it: As it will appear by the Wifines  
following, which were four.

1. The firft was Mr. Harry Duke, the Commif-  
ary then, before whofn the Caufe began. And he  
confefles, He did excommunicate Adams for not  
blowing the Sentence of Sentence, which years, the  
he faid Adams had caufed to be put upon the  
Church Wall, as in many Churches Sentences of  
Scripture are written. But he tels your Lordships  
too, that this Sentence was, *My  
House shall be called a House of Prayer;* *Mat. xxvi.13,*  
but ye have made it a Den of Thieves.

The Commiffary's Court was kept (as ufually it is)  
at or toward the Welt End of the Church; and  
juft over the Court Adams had written this Sen-  
tence upon the Wall, merely to put a Scorn and a  
Scandal (tho' I hope an unjust one) upon that  
Court. He was commanded to blow it out: He  
would not, because it was Scripture; as if a Man  
might not revile and slander, nay, speak Trea-  
fon too, (if he will be so wicked) and all in  
Scripture-Phrahe: Wifines thatled  
Speech lately utter'd, *To your Texts* [Bib. 12.16.  
O freight, &c.* Upon this he was  
excommunicated; and I cannot but think he well  
deserved it. For the Suit which followed against  
Mr. Dade in the Star-Chamber; the Motion that  
Mr. Attorney would leave him to the common  
Profession of the Law, in his own Name, with the  
Name of his own, himself confefles, was made in open Court by  
Mr. Bieri, and that from me he had no Instruc-  
tions at all.

2. The second Wifines is Adams in his own  
Caufe. To the Place of Scripture I have spoken  
before. And the next that he fays, is, That Sir  
Nath. Brent, in my Vifitation, commanded the  
reading of the Communion-Table at the upper end  
of the Chancel; That upon his not blowing out  
the paflage of Scripture, he had an Action; and  
that his Solicitor was committed by 7. fent, till  
he relinquifhed his Suit. In all this there is not  
one Word of any thing that I did. And for that  
which Sir Nath. Brent did about placing the  
Communion-Table, *is an afterword  
before.* He fays alfo, That when  
he faw he must profecute his Suit  
againft Commiffary Duke in his  
own Name, he left the Kingdom. And sure-  
ly, my Lords, if he would leave the King-  
dom rather than profecute his Caufe in his  
own
own Name, 'tis more than a sign, that his Caufe
was not very good.
3. The third Witness was Mr. Cockfost, one of
Mr. Attorney Bank's Seruants. He fays, That
Adam had moved him, and he Mr. Attorney; and
that thereupon Mr. Attorney gave his Warrant againft
Dade. By which your Lordfhips may fee how ac-
tive Mr. Cockfost was againft a Church-Officer,
and how fond a Scandal. He fays alfo, That Mr. Dade
came to Mr. Attorney, and told him, that I did not think it fit, a Proceffion in fuch a
Caufe fhou'd be followed in Mr. Attorney's Name.
Firth, 'tis true, I did not think it fit; nor did Mr.
Mr. Attorney himself, when, upon Mr. Bierly's Mo-
tion, he fully understood it. Secondly, The Caufe
being fo fcalandous to a Church-Officer, I conceive
I might fo fay to Mr. Dade, or any other, with-
out offence. But then, Thirdly, here's not one
Word that I fent Mr. Dade to Mr. Attorney about it:
He came and ufed my Name, fo Mr. Cockfost
fays, but not one Word that I fent him. Lully, He
fays, That Mr. Attorney told him, that I blamed
him for the Bifnife, and that thereupon he chid this Witness, and fent him to me; and that
I rebuked him for it: but he particularly remembers not what I faid. Nor truly, my Lordes, do I
re-member: any of this. But if I did blame Mr. At-
torney for lending his Name in fuch a fcaandalous
Caufe as this, I did (as I conceive) what became
me. And if he chid his Man, he did what became
him. And if I rebuked Mr. Cockfost when he
was fent to me, fure he deferved it; and it femea it
was with no great Sharpneffe, that he cannot
remember any thing of it. * And to fay
* Mr. Brown when he inflamed in this.*
4. The laft Witness was Mr. Pryyn, who fays, No
Appeal was left him. But that, under favour, can-
not be: For if my Courts refufed him (which is
more than I know) he might have appealed to the
Delegates. He fays, That he advised Adams to
an Action of the Cafe; that he blamed Litchford
for deferting the Suit, and that he advised him to
go to Mr. Attorney. So here's no Affiance
wanting to Adams, but the Church-Officer Mr. Dade
muft have none. Yet I blame not Mr. Pryyn,
because he fays he did not defire this. He fays farther, That Mr. Adams was put to prefer his
Bill in his own Name, that then the Excommunica-
tion was pleded in Bar: But he doth not fay it was pleded by me, or my Advice; nor do I
hear him fay, it was unjuftly pleded. And had not
Adams been wilful, he might have taken off
the Excommunication, and then proceeded as it
had pleded him.
VII. Then the Charge went on againft me, a-
bout the Stop of Mr. Bagshaw the Reader of the
Middle Temple. The Witneffes are two Lawyer-
s, who accompanied Mr. Bagshaw to Litchford.
Mr. White and Mr. Peggs. They fay, That Mr. Bag-
shaw infulfed upon these two Points: First, That
a Parliament might be held without Bifhops; and
Secondly, That Bifhops might not meddle in Ci-
vil Affairs. My Lordes, thefe things are now fet-
ted by an Act of this Parliament, but then they
were not. And I conceive, under favour, that
Mr. Bagshaw (the Crazietts of these things con-
tidered) might have beefed his time better upon
fome other Argument: And fure no Man can
think, that either myself, or any Church-Gover-
nor, could approve his Judgment in that Parafelid.
And whereas they fay, That the Lord Repe-
Finch, and the Lord Privy-Seal told them, that I
was the Man that complained of it to the King
and the Lords: 'Tis moft true, I did fo; and I
think I had been much more to blame if I had not
done it. And if they came over to Litchford to
babout it, they heard me tell Mr. Bagshaw (as they
also fay they did) that he should anfwer it in the
High-Court of Parliament. I fay this, to obferv
conceive this no great Offence; but out of all
question no Treafon to threaten the High Com-
mifion to a Reader of the Inns of Court.
VIII. The laft Charge of this Day was con-
terning the Lord Chief Justice Richard, and what
he fuffered for putting down Wakes and other
disorderly Meetings in Somersetshire, at the Affizs
there holden.
The finge Witness to this is Edward Richard, a
Kinman of the Judge's, as fuppofe. He fays,
That Complaints were made to the Judge of
Wakes and Fefts of Dedication; That his Majefy
write Letters about it to Sir Robert Philips and
others. They certify a Command coming from the
Lord Keeper to reolve the Order next Affizs
Fift, 'Tis not done. Then by Command from the
Lords of the Council, the Judge, upon the
second Command, revokes it: but,'tis certified,
not fifty. In all this there's not one Word that con-
cerns me. Then he fays, That upon this laft Ce-
tificate, the Bifnife was referred to the Lord Mar-
shal and myfelf, and the Judge put from the
Curt. I cannot now remember what Repor
we made: But whatever it was, the Lord Marshal
agreed to it as I. Then a Letter of mine was
produced of Oliver, to the former Letter being openly read, nothing was found amis in it.
And, under your Lordship's Favour, I am fint
Opinion, that there is no Reafon the Fefts should
be taken away for some Abufes in them: and thofe
such as every Judges of Peace is able by Law to
Remedy, if he will do his Duty. * Elifie by this
kind of Proceeding, we may go back to
the old Cure, and remedy Drunkennefs by roo
t all the Vines; the Wine of whole Fruit
causes it. As for the Pretences, which this
Witness fpoke of; they were none of mine, a
appeal to no whit by the Letter itfelf.
As an Appendix, there was added a Letter of your
Secretary Mr. Dol, to Sir John Bridgeway,
Chief Juflicies of Chelfe, in a Cafe of one Ed. Mor-
r. It was (as I think it appears) upon an
Iralocation made in the Marches Court upon the
Church, in which Cafe, I conceive, by my Place,
I may write to any Judge for Information:
And there is nothing peremptory in the Letter.
The Words are (If things be rightly fuggett.) But ho-
fover, the Letter is Dol's; and if he have done
amis in it, he is here pretent to anfwer. And it
will be a hard Bifnife with Men of Honour, if
when any Lord shall command his Secretary to
write, and give him Directions for the Matter, he
shall afterwards be anfwerable for every Slip of
his Secretary's Pen; esparfally in fo high a way,
as 'tis charged on me. But the belt is, here's noth-
ing amis that I know.

The Sixth Day of my Hearing.

Thursday March 28. 1644. The full
Charge of this Day concerned the Centraf
Deprrvation and Imprifonment of Mr. Hmch
The Witneffes produced are four.
1. Mr.
1. Mr. Mervell comes on first. He says, That himself was committed by the Lords of the Council, and that there I said, That he said Mr. Mervell deferred to be laid by the Heels, and to be called into the Star-Chamber. This man was (as I take it) Mr. Husty's Attorney; and if I did speak those Words concerning him, surely his Words and Carriage deferred it; else I am confident the Lords would not have committed him for a naked, and an orderly following of his Client's Cause; especially in the Presence of two Judges, Justice Jones and Justice Crowe, who, he says himself, were present. So and this Anno, first, I gave Mr. Browne; who, in the Sum of his Charge against me, omitted not this Cause of Mr. Mervell; for so this Attorney's Name.

2. The next Witness is Mr. Husty himself. He says, that I laid unto him, That he being an Ecclesiastical Perton, and in an Ecclesiastical Cause, ought not to decline the Church-Council. Then followed his Imprisonment, and his Action for false Imprisonment, and the rest of his Proceedings. In all which the High-Communion proceeded against him, and he proceeded against the High-Communioners; nothing done by me, and against me, in particular. So and his Charge falls upon me, but the Words; and for them, they are very far from offering to extamp any Clergyman, him, or other, from the Temporal Laws, if Things cognizable by them. But I humbly conceive, his Oath of Canonical Obfuscation confederate, that he ought not to decline the Ecclesiastical Judicature, in Things merely Ecclesiastical. And if in this my Judgment I do err, yet it is Error without Crime; and, for my Lords, no Trefon.

3. The third Witness is John Dillingham. He says, That Mr. Husty moved before the Lord Chief Justice, Ribbason; and that the Judge replied, as his Earth did not do him Justice. To this, my Lords, I answer: Here's never a Word that he durst not do him Justice for fear of me; that's not said by the Wits, and ought not, by Consciences, to be inferred against me. But howsoever, if he spake those Words, the more flame for him. He is dead, and I will not take into his Grave; but if he spoke it, he seems to be none of those Judges, which Jeffre advised Majs to make for the sake of himself, and the good of the People, Exod. xviii. 21. Mr. Browne, in summing up of his Charge, prefixed this Speech of the Judge hard upon me; which informs me to add thus much more, That this Witness says it is from the Judge, not from the Judges, For no Proof is offered, I did solicit it in that Cause; And if he wanted Courage to do Justice, why fat he there?

4. The fourth Witness was Mr. Pit, a sworn Officer; he says, The Order concerning Mr. Husty was from the Council, and that there was then a full Board; so this was no finger Act of mine. He says farther, That he was not simply prohibited, but only till he had acquainted the Lord Keeper with it, or those Judges whose Courts it concerned. And this was so ordered (as I conceive) to remedy the tedious and troublesome Interprestations of Mr. Husty. Where it is not for me to inform your Lordships, that this Cause of Mr. Husty's was in my Predecessor Archbishop Abbot's Time; I had nothing to do in it, but as any other Ordinary Commissioner then present had.

And here, at the entrying upon my Answers this Day, I did in general put the Lords in mind, That nothing of late times was done, either in Star-Chamber, or at Council-Table, which was not done in King James and Queen Elizabeth's Times, before I was born; and that many Parliaments have been since, and no Man accused of Misdemeanour for Things done there, much less of Trefon. Nor is there any one Witness that hath changed me, That that which I did, was to overthrow the Laws, or to introduce arbitrary Government. That if only the Confracion made 'tis not at the Bar; which, as it is without all Proof for any such Intention, so I am confident they shall answer for it at another Bar, and for something else in those Proceedings.

I. Then followed the Charge about Prohibitions, in which are many Particulars, which I shall take in order, as the several Witnesses charged them upon me.

1. The first is Mr. Prym. He says, That in 1640 Corin he brought a Prohibition, and that thereupon I should say, 'Deo the king give us Peace, and thou art not prohibited.' Let us go and consult; it is the Fukushima. If the King did alone do Corin, it was long before the Article; it is all I expected, the Charge, nor provide the Answers. Secondly, I humbly conceive there's no Offence in the Words: For if a Prohibition be unjustly granted upon Misinformation, or otherwise; or if we do probably conceive it is ill-grounded, I hope 'tis no Sin to complain of it; the King, the Fount of Justice in both Courts. Yes, but he says farther, that I said I would lay him by the Heels that brought the next: 2. And this Mr. Browne witnesst with him. First, If I did say so, they were but a few hasty Words; for upon second thoughts it was not done. Next, I define your Lordships to consider what manner of Witness Mr. Browne is; who condenstes before your Lordships, that he brought the next with a purpose to trouble me: You know whose Office that is; and if Mr. Browne hath abundantly shewed himself, and proclaimed his Religion.

3. As for Mr. Conway, he says just as the fame with Mr. Prym, and I give the fame Answers.

Then after taking down of a Pew in a Church in London, (my Notes are uncertain for the Name) which Pew was set above the Commons, that I required that it have been pulled down; That they came to me to hear the Proclamation; and that I said, You must disguise your Order, that you may have it in your Pocket, and get a Prohibition; but I will break the back of Prohibitions, or they shall break mine. 4, 5. And this is jointly witnesst by Mr. Peacock and Mr. Longman: and this they say was thirteen or fourteen Years Ago. Excellent Memories, that can punctually swear Words to long after! But, my Lords, I confess to your Lordships, I could never like, that Seats should be set above the Commons, if that be an Error in me, be it so. For the Words, I did not speak them of Prohibitions in general, but of such as I did conceive very illegal; and as, for ought I yet.

And this the Answers which I gave Mr. Browne, when, in summing up the Charge, he intimated in this against me. 6. To theole Rowland Toppaz adds new Words; That I wondered who durst grant a Prohibition.
tion, the High-Commission Court being above all. But he confesses, he knows not the time when this was spoken. Let him look to his Oath, for I am as confident he knows not the thing. And I further believe, that neither he, nor any of the rest of my Accusers think me so ignorant, as to say the High-Commission Court was above all.

7. Francis Nicolas says, That about four Years since he delivered a Prohibition, and was committed for it. To this, Quatember comes in, and says more than Niallachimself: for he says, he delivered it in upon a Sack, and was committed for it. First, if he were committed, it was not for bringing in the Prohibition, but for his unwarrantably Delivering of it; and to reach it into the Court upon a Stick to call the People to see it, was no handsome way of Delivering. And one that brought a Prohibition (whether this Man or no, I cannot certainly say) threw it with that violent Scorn into the Court, that it bounded on the Table, and hit me on the Breast, as I sat in Court. Howsoever his Commitment was the Act of the Court, not mine: And for Quatember, he is an exasperated Man against me and that Court, as hath appeared to the World in many ways.

9. Mr. Edwards stood up next; and he says, It was a common thing to lay them by the heels with thoughts Prohibitions. And they were commonly brought by bold impudent Men, picked out of purpose to affront the Court. And then if the Court made their Imprisonment as common as they their Rudeness, where's the fault? And I pray mark, this is fill the Act of the Court, not mine.

10. Mr. Welden says, That there was a Command given to lay hold of a Man, which brought a Prohibition: But more he says not. Nor did he offer to make himself Judge of the Justice of the Court in that behalf. And considering what Affairs have been put upon the Court of High-Commission by the Bringers of Prohibitions, I hope it shall not be accounted a Crime to flay him that brings it, till the Prohibition be seen and considered.

11. The next Witness is Mr. Ward; and he is an angry Witness, for his Caufe before mentioned about Simony. That which he says, is, That in 1638, he that brought a Prohibition in a Caufe of Mr. Fentroughs, was laid by the heels; but he himself confesses, the Court then declared, that they were affronted by him; and then he was printed for that Midlemear in his Carriage, not for bringing the Prohibition. He says farther, That I directed some Commisurers to attend the Judges about it, and that the Party had no benefit by his Prohibition. For my directing Attendance upon the Judges, I think I did what well became me; for there came a Rule before the Prohibition, which required the Court to do it: And Mr. Prym objected, because this was not done; and now I am accuses, because I gave direction to do it. And if the Party had no benefit by his Prohibition, it must needs follow, that either the Judges were satisfied by our Information of the Caufe; or if not, that they did Mr. Fentroughs the wrong, and not we.

12. The last Witnesses about Prohibitions, was Mr. Wheeler. He says, that in a Term of nine long lives, I used these words; 'They which take Prohibitions to the disturbance of the Church's Right, God will prohibit their Entrance into the Kingdom of Heaven:' And he says he writ down the Words, that he might remember them. If this Gentleman will tell me what Text I then preached on, I will look upon my Sermon, (if that, with my other Papers, be not taken from me) and then fix the Place. In the mean time, with that Limitation with which he confesses I spoke them, I conceive there is no fault at all in the Words. For it will be found before him, that we were to grant Prohibitions to the disturbance of the Right of the Church, which no Law of God or Man warrants them to do. So the Words I spake, must needs be understood of illegal Prohibitions. For they which are legal, do only stop the Church from doing wrong, but do no wrong to the Church by disturbing her Rights. Mr. Browne charged this Sermon—Note upon me also, and I gave him this Answear. Nevertheless, I cannot but be sorry to hear it from Mr. Wheeler's own Mouth, that he was so careful to write this Passago, and so ready to come to witness it against me, confederating how many Years I have known him, and how freely he hath often come to my Table; and been welcome to me; yet never told me, this Passago in my Sermon troubled him. If he sees some Malady or other laid it up against this "wet Day."

Here, having thus answered all Particulars, I humbly crave leave of their Lordships, to inform them of some things concerning Prohibition. As First, that there was a great Controversy—about them, between my Predecessor, Archbishop Bancroft, and the then Judges, and this before King James and the Lords of the Council; and Mr. Attorney Habber pleaded for the Church against them. Sir Henry Marten gave me Copies of all those Papers on both sides. No final End made, that I could ever hear of. This calling them all in question, was far more than ever was done by me, or in my time; and yet no Accusation at all, much less any of Treason, put against Arch- bishop Bancroft for this. Secondly, I have here Papers attested of all the Prohibitions, which have been admitted in my Courts of Arches, and Audience; and I find, there are as many (if not more) admitted in my Court of Archbishops as in seven Years time, as in any seven Years of my Predecessor Archbishop W. S. C. Abbots. And these Papers I delivered into the Court. As for the High-Commission, the Records are all taken from us; else I make no doubt, but it would soon appear by them, that as many have been admitted there also. Thirdly, There is a great difference touching Prohibitions, and the sending of them, since the Times of Reformation, and before. For before, the Bishops Courts were kept under a foreign Power; and there were then weighty Reasons for Prohibitions, both in regard of the King's Power, and the Subjects Indemnity. But since the Reformation, all Power exercised in the Spiritual Courts is from the King, as well as the Temporal; so that now there neither is: no can be so much Caufe as formerly was. And yet all that I did humbly and earnestly desire, was, that some known Bounds might be set to each Court, that the Subject might not, to his great Trouble and Expense, be hurried, as now he was, from one Court to another. And here I declare, that I do not, I think, Mr. Archbishop Parker's Book, to throw his Judgment in this Point, in the beginning of the Reformation, if it shall be thought needful. Accord-
Archbishop of Canterbury, for High-Treason.

ing to whose Judgment (and he proves it at
large) there is open Wrong done to the Ecclesi-
astical Jurisdiction by Prohibitions.

III. The next Charge is about my undue taking of
Gifts: A Charge which I confess I did not
think to meet here. And I must and do humbly
defy your Lordships to remember, that till this
Day I have not been accused, in the least, for doing
anything corruptly: And if I would have had any
doing in the base dirty Bribes of Bribery, I
needed not to have been in this Place as now I
am. But my Innocency is far more to my Con-
fort, than any Wealth I ought to have gotten been:
For I cannot forget that of Job, That

'Job xxv. 34.

'tis Observed, by the Story, that he suffered all
this not for Bribery, of which he was not guilty,
but for Judea, for Env'y; against which, when
it rages, no Innocency, no Worth of any
Man is able to stand.

The first of these Particulars: The first
is that of Sir Edward Greyfellow's Son, unhappy
married against his Father's Will; A Suit in
the High-Comission about it; and that there he had
but fifty Pounds Damages given him. That
was no fault of mine: My Vote gave him more; but
it was carried against me. The bond of two hu-
dred Pounds, which was taken ac-
cording to 'Courie in the Court, was
demanded of me by Sir Edward, to
help himself that way; and 'tis con-
fessed I granted it. But then 'tis charged, That
in my Reference to Sir John Lubeck, to deliver him
the Bond, I required him to demand one half of the
Forfeiture of the Bond toward the Repair of
St. Paul's. 'Tis true, I did so: But, if, I declare it
may be confeder'd, that it was wholly in my Power,
whether I would have deliver'd him the Bond, or
not. 2dly, That upon this gross Albe, I might have
fused the Bond in my own Name, and bestowed
the Money upon what charitable Ules I had thought
for. 3dly, That I did nothing herein but what the
Letters-Patent for Repair of St. Paul's gave me
Power to do. 4thly, That this is the third time St.
Paul's is urg'd against me: Which I am not for
ly, because I declare (since 'tis once moved)
it may be fitted to the uttermost. And whereas,
to make all Ecclesiastical Proceedings the more oce-
uous, it was urg'd, That the Rubrick in the Can-
non-Prayer Book mentions no Licence, but Affixing
of Banes: That the Rubrick is to be understood where
no Licence is granted: For no Licence at all for
Marriage without Banes-affixing can be good;
which is against the Common both Law and Prac-

2. The second Particular was charged by one
Mr. Stone of London; who said, He sent into Lumb-
deb two Butts of Sack, in a Caffe of some Chefer-
Men, whom it was then in my Power to relieve,
and mitigate their Fine let upon them in the High-
Comission at York, about Mr. Pryme's Entertain-
ment, as he paffed that way; and that this Sack
was sent in before my Composition with him what
should be mitigated, and to relieve him from the
sum of the Fine mitigated into the Exchequer. The
Buines, my Lords, was thus: His Majesty having
taken the Repair of the West-end of St. Paul's to
himself, granted me to that end all the Fines in the
High-Comission Court, both here and at York,
and left the Power of Mitigation in me. The
Chefer-Men, which this Witness speaks of, were
deply sentent at York for some Misdemenours
about Mr. Pryme, then lately sentent in the Star-
Chamber. One or more of them were Debors to
this Mr. Stone, to the Value of near three thousand
Pounds, (as he said.) These Men, for fear of the
Sentence, kept themselves close, and gave Mr. Stone
how it was with them; and that if he could not get me to moderate the Fine, they would
away, and have themselves, (for they had now
heard the Power of it in me.) Upon this, Mr. Stone,
to save his own Debt, near three thousand Pounds,
ought his Son in-Law Mr. Wheat, and the
Bailies, Men that were bred in the College of St. John's
over me, and had ever since good Interest in me, to de-
fire my Favour. I at first thought this a Pretence,
and was willing to prefer to St. Paul's as much
as fairly I might. But at last, upon their earnest
pleading that the Men were not rich, and that
Mr. Stone was like (without any fault of his) to be
so much dammified, I mitigated their Fines, which
were in all above a thousand Pounds, to two hun-
dred. I had great Thanks of all Hands; and was
told from the Chefer-Men, that they heartily with-
ted the seeing the Hearing of their Cause from
the beginning. While Mr. Stone's Brother Dr.
Baile were soliciting me for favour to Mr. Wheat,
he thinks upon sending Sack into my House, and
comes to my Steward about it. My Steward ac-
quaints me with it. I gave him absolute Command
not to receive it, nor any thing from any Man that
had Buiines before me: So he refuses to admit of
any. Mr. Stone presses him again, and tells him he
had no relation to the Chefer-Men Cause; but
would give it for the great Favour I had always
shewed to his Son-In-Law. But still I commanded
my Steward to receive none. When Mr. Stone saw
he could not fall in, he watches a time when my
Steward was out of Town, and myself at Court,
and brings in his Sack, and tells the Yeoman of
my Wine-Cellar he hath leave to lay it in my House.
My Steward comes home, finds the Sack in the Cellar;
tells me of it: I commanded it should be taken out,
and carried back. Then Mr. Stone comes, intreats
he may not be so disgraced; protests, as before,
that he did it merely for my great Favour to his
Son-in-Law; and that he had no relation to the
Chefer-Men Baivenes. And so after he protested to
myself, meeting me in a Morning, as I was going
over to the Star-Chamber. Yet afterwards this re-
ligious Profiter (for so he carries himself) goes
home, and puts the Price of the Sack upon the
Chefer-Men Account. Hereupon they complain to
the House of Commons; and Stone is their
Witness. This is the Truth of this Baivenes, as I shall
answer it to God. And whether this do not
look like a thing plotted by the Faction, so much
imbittered against me, let underhanding Men
judge. Mr. Wheat, his Son-In-Law, was pre-
fent in Court, and there averred that he transacted
the Buines with me, and that he went not out of
Town till I had agreed to the Mitigation; that
in all that time there was no Tender of Sack, or any
thing else, unto me; and he and Dr. Baile were
as it were, delivered the whole Buivenes. And so much could Dr. Baile also witness,
but that (as the Times are) I could not bring
him from Oxford. With Mr. Stone himself I ne-
ver treated. For my Steward, he is dead thr5

5S 2

Years
Years since, who could have been my Witness clean thorough the Bufines; And when I prifed Mr. Stone at the Bar with the Protestation which he made to me, that he had no relation herein to the Cliefer Men, he that remembered every Circumstance else, said he remembered not that. Then I offered to take my voluntary Oath of the Truth of it; but that was not admitted. Then it was prifed, that this Bribe must needs be before the Agreement; for he says the Sack was sent in to his House — and the Mitigation of the Fine into the Exchequer; and that our Befides nothing; for my Agreement was perfed, and I meddled no more with it. Yes, but he says, that Mr. Holfard, my Servant, had forty Pounds more than I agreed upon, before he would finifh their Bufines. Mr. Holfard was the King's Of- ficer for those Returns into the Exchequer: And if after my Agreement made, he either unduly delay'd their Bufines, or corruptly took any Money from them, he is living, and muft anfwer for his own Fault; me it cannot concern, who did not fo much as know of it.

Mr. W. bore, having thus tellified in open Par- liament, before the Lords, was within a Day or two called to the Morris at Charing-Cross; and there he amined in private, and very ftrictly, touching the time of my Agreement made: Then (not with ome form Harfines) commanded not to depat the Town, till he heard farther from them. This himself afterwards told me. Hereupon I refolved to call him again for farther Evidence, and, if I law caufe, to acquaint the Lords with this Usage. And I did call for it divers times after; but one Delay or other was found, and I could never obtain it. And fuch a kind of calling my Witnesses to a private After-reckoning, is that which was never offered any Man in Parliament.

And here Mr. Browne, in fumming up my Charge, did me a great deal of Right: For nei- ther to the Lords, nor in the House of Commons, did he vouchsafe fo much as to name this fafe, bafe, and unworthy Charge; of which my greafer Enemies are ready to acquit me.

3. The third Particular was charged by one Mr. Dickridge; who says, He was oppreffed at the Council-Table by the Lord Keeper Fine; that he was advised by Mr. Whitaks to give my Secretary, Mr. Dell, Money, to get my Hand to a Petition to the Lord Keeper, who, he faid, would not oppofe me: That Dell took of him One hun- dred and fifty Pounds, and procured my Hand to his Petition. I remember nothing of this Bufinefs, and it lies wholly upon my Secretary; who being my Solicitor, is here prefent in Court, and desires he may anfwer the Scandal. There's no Touch at all upon me, but that (he fays) my Secretary got my Hand to his Petition to the Lord Keeper. This Petition of his was either just or unjuft: If juft, I committed no Fault in fetting my Hand to it; if unjuft, he muft confefs himfelf a difhonest Man, to offer to get my Hand to boultter out his Injuftice: And yet if the Injuftice of it were var- nifhed over with fair Pretexts, and fo kept from my Knowledge, the Crime is all his, and nothing mine, but an Error at moft. As for Mr. Watfs, he did me much Wrong, if he fent any Place to my Friend in Caufed, and desires he may anfwer the Scandal. The whole Bufinefs; and produced Mr. Holfds, with whom it was faid the Hundred and fifty Pounds before-named fhould be depofited, who (to my Remembrance) faid he knew of no fuch Thing.

4. The fourth Influence was a Bond for the Pay- ment of Money as a Fine: The Bond found in Sir Jv's. Lamb's Chamber, with a Note upon the Back of it, for One hundred Pound received, and Sir Jv's, by my Direction, was to call for the rei. And here it was faid, That I used the Name of St. Pown's in an illegal way to get Money; which might well have been figured. For (as is afore- faid) I had a Broad-Seat, which gave me all fines in the Court, and charity to the repairing of the Well End of St. Pown's, with Power to mitigate. And the Fines are the Kings, and he may give them by Law. The Bonded is in the Hands of Mr. Holfard, who is thereby ap- pointed Receiver of all fuch Fines; but is upon Record to be feen: And if it be doubled, I hum- bly defire a Surety till the Record can be taken out, and theed. But I presume thefe Gentlemen have seen it. And Commutations for fuch Crimes, as Sir James Price's was, are according to Law, and the ancient Custom and Practice in this Kingdom, especially where Men of Quality are the Offenders. And the Power of commuting is as legal in the Court of Exchequer, as anywhere. And if he doubted he, I humbly defire my Convictions charge it.

5. The fifth Influence was a Charge concerning a Leafe in Lancifhife, held in three Lives by Sir Ralph Afton. 'Tis faid by his Son Mr. Afton, (the only Witness in the Caufe) That I by Power at Clofher and York, and the High-Commiffion here, being Landlord in Right of my Archbi- throparch, did violently weft this Leafe of the Re- torcy of Whifely in Lancifhife out of his Hands a- gainft Law, and made him take a Leafe for Years, and pay a great Fine befides, and other Fines be- sides towards the Repair of St. Pown's, and raid the Rent Sixty Pound. Truly, my Lords, I am not any whit folicitous to anfwer this Charge. I challenged this Leafe as void, and had great rea- fon to do, both for the Invalidity of the Leafe itfelf, and the Unworthines of the Tenants, nigh to me and my See. If in the Preparations for Trial at Law, the Judge at Clofher (altogether un- known to me, and unabouried by me) did fay, (as Mr. Afton fays he did) That for higher Powers above he durft nor, he was the more unworthly. And for York, I needed no Power there; for I re- folved to have him called into the High-Commiffion here: which was after done.

This Gentleman his Son came to me about the Leafe: I told him plainly, it was void in Law, and that I meant to overthrow it; That if his Fa- ther would fend me, I would renew it for Years at a reasonable Rate; but if he put me to Expence in Law, I would furely make him as well as I might. He replied, That Mr. Solicitor Littlefion (for fo then he was faid) durft not be againft me. And there was good reafon for it; he was my Counsel, and fee'd in that Particular. And what a poor Ewation was this? Were there no o- ther Lawyers for him, because Mr. Solicitor was for me? The Truth is, all that ever I did in this Bufinefs, was not only with the Knowledge, but by the Advice of my Counsel, which were Mr. Solicitor Littlefion, and Mr. Herbert.

And at left this Gentleman submitted hisfelf and the Caufe; and if (as he fays) Dr. Eles per- fided him to it, that nothing to me. As for the Fine, I referred the Moderation of it wholly to my Counsel: they pitched upon Sixteen hundred Pounds,
Pounds, and gave such Days of Payment, as that
good part is yet unpaid: and this Sum was little
more one Man's Rent; for the Parsonage is
properly to be worth Thirteen hundred Pounds
Yearly, if not more. And after the Bishops was
bade, my Lord Whitleben came to me, and gave
me great thanks for preferring this Gentleman,
bring (as he said) his Kindness, whom he confided,
it was in my power to ruin.

For the raising of the Rent Sixty Pounds, it
was to add Means to the several Canutes to the
Chapels of Ease: And I had no reason to suffer
Sir Ralph Allen to go away with so much Profit,
and leave the Canutes both upon my Confidence
and my Pam. And for his Fine to St. Paul's, I
gave him all the case I could. But since his Son
will force it from me, he was accused of Adultery
with divers Women, and confessed all: And
whether that Fine went, and by what Authority,
I have already theved. And thus much more, my
Lords, at Mr. Bridgman's Intreaty, I turned this
Lease into Lives again without Fine: But since I
have this Reward for it, I will with all my heart
I had not done it. For I am confident in such a
Case of Right, your Lordships might, as I have, not have
the Law, as more I would not have ached. And
I think this (tho' interested into it) was my
great Error in the Bishops.

6. The last Instance was about the Conversion
of some Money to St. Paul's, out of Administrations:
By name, Two thousand Pounds taken out
of Winpark's Eate, and Five hundred out of
Mr. Grey's. First, whatsoever was done in
this kind, I have the Bread-Seed to warrant it. And
for Mr. Winpark's Eate, all was done according to
Law, and all care taken for his Kindred. And
if I had not flourined in the Bishops, four Men, all
Strangers to his Kindred, could have had them-
elves, by a broken Will, Executors, and swept
all away from the Kindred. Secondly, for Mr.
Grey's Eate, after as odious an Expression of it
as could be made, and as void of Truth as need be,
the Proceedings were confessed to be orderly
and legal, and the Charge defered.

Then there was a flying at Sir Charles Cafler's getting
of the Mastership of the Rolls for Money, and
that I was his Means for it: And so if it was
thence inferred, that I sold Places of Judicature,
or helped to fell them. For this they produced a
Paper under my Hand: But when they had
thrown all the Dirt they could upon me, they say,
they did only show what Probabilities they had
for it, and that Reason they had to lay it in the
end of the Fourth Original Article; and did
defect it. And well they might; for I never had
more hand in this Bishops, than that when he came
to me about it, I told him plainly, as Things then
flourished, that Place was not like to go without
Money, than I thought any wife Man would give
for it: Nor doth the Paper mentioned say any
more, but that I informed the Lord Treasurer
what had passed between us.

This Day ended, I was order'd to appear again,
April 4. 1644. and received a Note from the Com-
mitee, under Mr. Whitleben's Hand, dated April 1.
That they meant to proceed next upon the Fifth
and Sixth Original Articles, and upon the Ninth
Additional, which follow in loco. 

V. He hath traitorously caufed a Book of Can-
ons to be compos'd and publish'd, and those
Canons to be put in execution, without any law-
ful Warrant and Authority in that behalf. In
which pretended Canons many Matters are con-
tained contrary to the King's Prerogative, to the
Fundamental Laws and Statutes of this Realm,
the Right of Parliament, to the Propriety and
Liberty of the Subjects; and Matters tending to
Sedition, and of dangerous Consequence; and to
the Establishment of a vast, unlawful, and pre-
fumptuous Power in himself and his Successors:
Many of which Canons, by the Practice of the
said Archbishop, were peremptorily put in the
late Convocation, without due Conformation and
Rebate, and others by him and his Compliation were
written unto the Prelates and Clerks there as-
sembled, which had never been voted and pass'd
in the Convocation, as they ought to have been. And
the said Archbishop hath contrived and en-
deavoured to allure and confirm the unlawful and
exorbitant Power which he hath usurped and ex-
ercised over his Majesty's Subjects, by a wicked
and ungodly Oath, in one of the said pretended
Canons, enpaissed to be taken by all the Clergy,
and many of the Lajy of this Kingdom.

VI. He hath traitorously affirmed himself a
Papal and Temporal Prince, both in Ecclesiasti-

cal and Temporal Matters, over his Majesty's Sub-
jects in this Realm of England, and in other Places,
to the Disinheron of the Crown, Difhonour of his
Majesty, and Deregation of his supream Au-
thority in Ecclesiastical Matters. And the said
Archbishop claims the King's Ecclesiastical Juris-
diction, as incident to his Episcopal and Archi-
episcopal Office in this Kingdom; and doth deny
the same to be derived from the Crown of Eng-
land: which he hath accordingly exercised, to the
High Contemn of his Royal Majesty, and to the
Destitution of church for the King's Hoge People in
their Persons and Eates.

The Ninth Additional Article.
IX. That in and about the Month of May 1641. preiently after the
1649. Ralt.
Diffolucion of the late Parliament, the
said Archbishop, for the ends and purpates afo-
 RAF. said Synod or Convocation of the Clergy

be held for the several Provinces of Canterbury
and York; wherein were made and published, by
his Means and Direction, Canons and
Constitutions Ecclesiastical, contrary to the Laws
and Customs of this Realm, the Rights of Privileges of
Parliament, and Liberty and Security of the Subjects;
tending also to Sediton, and of dangerous Con-
sequence. And, amongst other Things, the said
Archbishop caufed a most dangerous and illegal
Oath to be therein made and contrived; the Tenor
whereof follows in these Words: That 'I A B.
do justify, that I do approve the Doctrines and Di-
pline of Government established in the Church of Eng-
land, as containing all things necessary to Salvation; and
that I will not endeavour, by myself or any other,
directly or indirectly, to bring in any Popish Doctrines,
contrary to that which is so established: Nor will I ever
give any countenance to the alteration of this Church
by Archbishop's, Bishops, Deans, and Archdeacons, etc.,
as it stands now established, and as by right it ought
to stand; nor yet ever to subject it to the usurpations
and Superstitions of the See of Rome. And all these
things I do plainly and justly acknowledge and justify,
according to the plain and common Sense and Under-
standing of the same Words, without any Amendments
or material Evolutions, or forms. Reservations whatsoe-
ver, and this I do freely, willingly and truly, upon the Faith
of a Christian. So help we God in Jesus Christ. Which Oath the said Archbishops himself did take, and caused divers other Ministers of the Church to take the same, upon pain of Sufferation and Depriva-
tion of their Living, and other severer Penalti-
ties: And did also cause Godfrey, then Bishop of Gloucester, to be committed to Prison for refusing to subscribe to the said Canons, and to take the said Oath; and afterward the said Bishop subscribing himself to the said Oath, he was set at liberty.

On Thursday April 14, 1644. I was again brought to the House, made a sufficient Scorn and Gazing-
tock to the People; and after I had waited some Hours, was sent back, by reason of other Business, unheard; but ordered to appear again on Monday April 8. Then I appeared again, and was used by the behalf of the People as before. I did not appear any Day but it cost me five or seven Pounds: I grew into want. This made my Counsell and other Friends to pierce me, the next time I had ad-
mittance to speak, to move the Lords again for some necessary Allowance, now withstanding my for-
motion. A long time had been had on this Advice: I meant to have followed that Day: But after four Hours Attendance I was sent back again unheard, and ordered to come again on Thursday April 11. This Day I did not come to the House; a War-
rant being sent to the Tower, which stayed me till Tuesday April 16.

The seventh Day of my Hearing.

I.

APRIL 16. I appeared, and (as I remem-

ber) here Mr. Maynard left off (save that now and then he interpolated, both in the Reply, and otherwise) and Mr. Nicholas, a Man of another Temper, undertook the managing of the Evidence.

And the first Charge was concerning the late Canons, 2 which he said, were against Law to fit, the Parliament being dhillowed. No, my Lords, nothing against Law that I know: For were we called to sit in Convoca-
tion by a different Writ from that which called us as Bishops to the Parliament. And we could not rife, till his Majesty sent us another Writ to discharge us: and this is well known to the Judges, and the other Lawyers here present. So we continued sitting, tho' the Parliament rife, Nor was this Sitting continued by his Advice or Defire of mine: For I humbly desired a Writ to dislolve us. But the Court then present, both of Judges, and other Lawyers, assured the King we might legally sit. And here is a Copy attested under their Hands.

Then he urged, out of my Diary, at May 29. 1640. That I acknowledged there were seventeen Canons made, which I did hope would be useful to the Church. 'Tis true, my Lords, I did hope so. And had I not hoped it, I would never have passed my Content unto them. And when I wrote this, there was nothing done or said against them. And if by any Inadversency, or human frailty, any thing erroneous or unfit have slipped into those Canons, I humbly beseech your Lordships to re-
member, it is an Article of the Church of England, That General Councils may cetera (Art. 21.) and there-
fore this National Synod may miscal, and that

fine (if any Error be) it is not willfully, it may be rectified, and in Charity passed by.

For the Bishop of Gloucester's refusing to subscribe the Canons, and to take the Oath; which is here fait by the Council, but no Proof offered; the Truth is this: He brist pretended (to avoid his Subscription) that we could not fit, the Parliament rife. He was satisfied in this by the Judges Hands, Then he pretended the Oath. But that which stuck in his Stomach, was the Canon about appref-
cions of the Grown and the Proprietary, (Can. 3,) For, coming over to me to Labouch about that Business, he told me, he would be torn with wild Horses before he would subscribe that Canon. I gave him the best Advice I could; but his Carriage was such, when he came into the Convocation, that I was forced to charge him openly with it, and he so freely acknowledged it; as there is plentiful Proof of Bish-
ops and other Divines then present. And for his Lordship's being after part to take the Oath, (which was also urged) it was thus. I took my fel bound to acquaint his Majesty with this Proceed-
ing of my Lord of Gloucester's, and did so. But all that was after done about his Commitment first, and his Release after, when he had taken the Oath, was done openly at a full Council-Table, and his Majesty presided over the Business. I never did stretch myself after that. For I was charg-
ed upon me, as my Act: For it was my Duty to let his Majesty know it, to prevent further Danger then also discovered. But I am here to defend my self, not to accuse any man else.

Next he urged, That I had interleaved the ori-

ginal Copy of the Canons with my own Hand. But this is clearly a Miltake, if not a wilful one. For, perusing the Place, I find the Interlining is not in my Hand, but my Hand is it is, (as I hum-
bly conceive) it was fit it should. And the Word are in the Ratification of the Canons, and there-
fore were necessarily to be in the Original, how-
soever in the Writing of them.

As for the Oath to bitterly spoken of at the Bar, and in the Articles, it was made according to Law or else we were wholly misled by Precedent, as that such as was never excepted a-

gainst. For in the Canons made in King James's Time, there was an Oath made a-

again the simony; and an Oath for the Church Wardens; and an Oath about Licences and Marriages; and an Oath for Judges in Eccle-
siatical Courts: And some of those Oaths as dangerous as this is accounted to be. And all these established by no other Authority than the late one. And yet neither those Canons, nor those Oaths, were ever declared illegal by any ensuing Parliament, or by the Malers of them ac-
cused of any Crime, much less of Treason. So that we in this Synod unblamed, and Prudent for what we did, as touching our Power of doing it.

But, after all this, he said he would pass these things by, (that is, when he had made them so odious as he could) and would charge nothing upon the Bishops, but the Votes of both Houses; namely, That those Canons contain Matters contrary to the King's Prerogative, to the Fundamental Laws of the Realm, to the Rights of Parliaments, to the Propriety and Liberty of the Subject, and Matter-

1 See 40. 113. 103. 122. 127. 2 See 40. about Licences and Marriages; and 122. 127. and an Oath for Judges in Ecclesiastical Courts: And some of those Oaths as dangerous as this is accounted to be. And all these established by no other Authority than the late one. And yet neither those Canons, nor those Oaths, were ever declared illegal by any ensuing Parliament, or by the Makers of them accused of any Crime, much less of Treason. So that we in this Synod unblamed, and Prudent for what we did, as touching our Power of doing it.

But, after all this, he said he would pass these things by, (that is, when he had made them so odious as he could) and would charge nothing upon the Bishops, but the Votes of both Houses; namely, That those Canons contain Matters contrary to the King's Prerogative, to the Fundamental Laws of the Realm, to the Rights of Parliaments, to the Propriety and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Conse-
dquence. So these Votes of the Honourable Houses made so long after (and therefore cannot well
be an Evidence against the making of that which was done so long before is the Tulk lying now upon me to prove it; which, with your Lordships Honourable Favour, I shall in all Humbilities address myself unto.

Before these Words were well out of my Mouth, Mr. Nicolas with much Earnestness entered into, That he hoped their Lordships would not endure that the solemn Votes of both Houses should be called into question by any Delinquent; and was for the House of Commons would not endure it. Upon this the Lords presently gave their Resolution, that I might not speak to any thing that was declared by Votes; but was to answer only to the Facts, whether I made the Canons or no. To this, with Leave humbly affented, I replied, That if I might not answer to the Votes, I must yield the Evidence, which I could not do; and if I might answer, I must dispute the Votes, which their Lordships resolved I should not do: That then was in a Perplexity, and must necessarily offend either way; and therefore humbly besought them to consider not my Cafe only, but their own too. For I did conceive it would concern them in Honour, as much as in Safety, That no Charge might be brought against me in that great Court, to which I should not be sufferd to make answer: or else that they in Honour would not judge me for that, to which my Answer is not sufferd to be given. With this, that all these Canons were made in open and full Convocation, and are Acts of that Body, and cannot be described to me, the President of that Synod, but are the joint Acts of the whole Body: So by me they were not made; which is my Answer.

And according to this I framed my Answer: to Mr. Bracze's Summary of my Charge, both hinting the Canons in general, and concerning the Instanco before given about the Bishop of Gloucester.

But tho' I was not allowed there to make any farther Answer in defence of these Canons; nor can hold it fit to infer herefo long an Answer as these Votes require; I humbly desire the courteous Reader, if he please, to look upon the Answer which I have made to a Speech of Mr. Nathaniel Frouce, in the House of Commons, against these Canons. In which Answer, I humbly conceive, I have satisfied whatsoever these Votes contain against them. Howsoever, I cannot but observe this in present. The Words in the fourth Original Article are, as they are above cited; That the Late Canons contain Matters contrary to the King's Prerogative, the Laws, &c. But in the ninth Additional all the rest of the Exceptions are in against them, but these Words about the King's Prerogative are quite left out. I would fain know, if I could, what is the reason of this Omnifion in these added Articles. Is it for shame, because there was a Part where I have charge me (as Serbian Wild did in his Speech the first Day) That I laboured to advance the King's Prerogative above the Law? To advance it, and yet made contrary Canons against it; which is the way to destroy it. What pretty Nonence is this? Or is it because the Framers of these Additional Articles (whereof conceivably were some Committee, with the help of Mr. Prynne) thought the time was come, or coming, in which the King should have no more Prerogative? Or if there be a third Reason, let them give it themselves.

This was all concerning the Canons. Then followed the fifth Original Article about my afflaming of Papal Power; where Mr. Browne, in summing up of his Charge, was pleased to say, That no Pope claimed so much as I had done. But he was here in much mistaken: For never any Pope claimed so little. For he that claimed least, claimed it in his own Right, which was none; whereas I claimed nothing but in the King's Right, and by virtue of his Concedion: between which there is a vast Latitude. The first Proof upon this Article was read out of certain Letters sent unto me by the University of Oxfrod, I being then their Chancellor. Which great Titles were urged to prove my afflaming of Papal Power, because I did not check them in my Answers to those Letters. (1.) The first Title was Sensibilita, in which Mr. Nicolas said, was the Pope's own Title; but he is deceived: for the Title was commonly given to other Bishops also clean thro' the Primitive Church, both Greek and Latin. He replied in great heat, (as his manner it seems) That 'tis Blasphemy to give that Title (Sacerdotal) in the Abbract, to any but God. And tho' by the Course of the Court I might not answer thereto the Reply, yet now I may: And must tell Mr. Nicolas, that 'tis a great Prefumption for him, a Lawyer, and no fluided Divine, to charge Blasphemy upon all the Fathers of the Primitive Church. 'Tis given to St. Augustine by Hilarius and Eudoxius, and in the abbract. And (which is the charge laid to me) St. Augustine never checks at, or finds fault with the Title, nor with them for writing it. And St. Augustine himself gives that Title to Eudoxus, answering his Letters, which I was not do to do them. And after that to St. Justin. Neither is any thing more common than this Style among the Fathers, as all Learned Men know. And 'tis commonly given by St. Gregory the Great to divers Bishops; who being Pope himself, would not certainly have given away his own Title; had it been peculiar to him to any other Bishop. Nor would any of the Fathers have given this Epistle to their Brethren, had any Savour of Blasphemy been about it. But there is a twofold Holinels, the one Original Absolute and Efallent, that it is in God only, and communicable to any Creature or the other Derivative and Relative; and that is found in the Creatures, both things and Persons; or else God should have no Saints, no Holy Ones. For no Man can be said to be Saintus, Holy, but he who in some degree hath Sanctititet, Holinels, residing in him. And this I answered at the present. But according to Mr. Nicholas his Divinity,
we shall learn in time to deny the immortality of the Soul: For Immortality, in the Abbott, is applied to God only, 1 Tim. 6. 16. Who only is immortal, and who has immortality made known under a qualified Senec, by Participation, be applied to the Creature, the Soul of Man cannot be immortal.

2. The second Title in Spiritus Sancto effusione plenus. My Lords, I had sent them many hundred Manuscripts, and in many Languages. Upon this, in Allusion to the Gifts of Tongues, (and it was about Pontusco too that I sent them) the luxuriant Pen of the University Orator ran upon these Phrases: which I could neither foresee before they were written, nor remedy after: And finding fault, could not remedy that which was past. Besides, all these Letters were in answer to mine; I was to answer none of theirs: that might have made me work enough, had I wanted any.

3. The third Style is Summam Pontifici. But this was in my Lord of London’s Letters; and he must answer, if any thing be amiss. But Pontifici, and Summam too, is no usual Style to and of the chief Prelate in any Nation.

4. The fourth Style is Archangeli, & ne quid nimis. Yes sure, the meanest of the Title is ludum nimis, far too much, applied to my Person and Unworthiness: Yet a great sign it is that I delivered very well of that University in the Place I then bare, or else they would never have bestowed such Titles upon me.

5. The last which I remember, is, qure rather non frat Reges, &c. And this is no more than an absolute Hypocrite, a high one I confess; yet as high are found in all Rhetorical Authors: And what should make that Blisthemy in an University Orator, which is every where common, and not only allowed, but commendable, I know not: Espe-

6. cially since the Rule of the Interpretation of them is as well known as the Figure. Where the Words are not to be understood in their proper and natural Sense, but as the Enemies, i.e. St. Aug. 16. &c. speaks, when that which is spoken is

7. longe amplius, is far larger than

8. that which is signified by it. And if I had assumed any of these Titles to myself, which I am, and ever was far from doing, yet ‘tis one thing to assume Papal Title, and another to as-

9. sume Papal Power, (which is the thing charged) tho’ I thank God I did neither. If I have here omitted any Title, it is mere Forgetfulness; for one part or other of the Answers given will reach it, where’er it be. And, as I told Mr. Browse, when he charged this on me, Dr. Srsow, the University Wrote to Mr. Trott, and gave those Titles, was called up before a Committee of this Parliament, examined about them, acquitted, and dismissed.

10. Thee Titles from the Letters being past, he quoted another, which he called a blasphemous Speech, too, out of my Book against Cont. Ether, Figs: where, he said, I approved of § 25. p. 171. Anathema, an Enemy to the Crown: and took on me to be Patriarch of this other World. Let any Man look into that place of my Book, and he shall find that I make use of that of Pugil only to prove that the Pope could not be appealed unto out of England, according to their own Doctrine: Which I hope is no Blas-

11. phemy. And for St. Anselme, however he was fawed with the Corruptions of his Time, yet he was in other things worthy the Title of St. which the Authors by me cited give him. * And if any

12. Man be angry that the Archbishop of Canterbury is called the Patriarch of this other World, he may be pleased to remember that St. Jerua gives St. Augstine, who was Bishop of Hippo, and no Archbishop, a great-

13. er Title than that: For he writes, "Beatissima Papa Augustino more than once and again, as appears in his Epistles to St. Augustin." 14. 17. 18. &c.

15. To thee Sir Nathaniel Brent’s Testament is produced; who says, That he over-heard me say to another That I could not so easily quit my Pleas of my Person, or to that effect. He confesses he was coming in, and finding me speaking with another, made way, and stood afar off, and knows not what I spake, (for so he said) but over-heard the Words, I beseech your Lordships observe this Witness: He confesses he knows not what I spake, and yet comes here upon his Oath, to refi-

16. tify of Plenitude of Power in relation to my at-

17. tending Papal Power. If he meant not this, his Te-

18. fitomy is nothing; for Plenitude of Power may extend to many other Things; and I might jolly say, (if I said it) That I would not reply port certi the Plenitude of my Power, in relation to other Bi-

19. guy: of my Province, who by Law have not so full Power as I have. But if he did mean this, then his Testimony is worth nothing: Nothing, in regard he confesses he knew not of what I was speaking; and worse than nothing, that not knowing, he would give such a Testimony upon O. u.

20. The next Charge of this Day was. That I went about to exempt the Clergy from the Civil Magistrate.

21. I. The first Witness is Mr. Pincen. He says he heard me say at the High-Commision, the Clergymen were straw-men, that berefore it was ever-

22. wise, and I hope to fix it as again. Truly, my Lords, if I did say thus (which is more than I can call to Memory) I spake Truth: They were deb-

23. sed; and I did hope to fix it otherwise: For the Clergy in the Civil Law, was made their Office, and their Doctrine base, as well as mine, by the Person of the Pope, and here is not a word of invoing them from Laws or the Temporal Magistrate: It was replied, he did mention the Civil Magistrate. If he did, he mentions no time; by which I might be enabled to make Counter-proof. He is fingle. They are Words, and if within the Statute, then triable by it within six Months. And I define this great

24. Gentleman to confider his Oath: For if I spake any such Exemption, I must speak against my Confidence and Judgments; which, I humbly thank God, I used not to do. Nor is it allege-

25. that the Civil Law makes them the Office, and their Doctrine base, as well as mine, by the Person of the Pope, and here is not a word of invoing them from Laws or the Temporal Magistrate: It was replied, he did mention the Civil Magistrate. If he did, he mentions no time; by which I might be enabled to make Counter-proof. He is fingle. They are Words, and if within the Statute, then triable by it within six Months. And I define this great

26. Gentlemen to confider his Oath: For if I spake any such Exemption, I must speak against my Confidence and Judgments; which, I humbly thank God, I used not to do. Nor is it alleges that the Civil Law makes them the Office, and their Doctrine base, as well as mine, by the Person of the Pope, and here is not a word of invoing them from Laws or the Temporal Magistrate: It was replied, he did mention the Civil Magistrate. If he did, he mentions no time; by which I might be enabled to make Counter-proof. He is fingle. They are Words, and if within the Statute, then triable by it within six Months. And I define this great
Service. If an Order of Council, then was it no Act of mine, as I have often pleaded, and must as often as it comes. He says farther, That I spake these Words, or to this effect, That the Church had been low for these Hundred Years; but I hoped it would restore again in another Hundred. But here's no one Word of Exemption from Civil Magistracy. And hope your Lordship's will take Witneys as they speak, not as Men shall infer and densify upon them. And then, my Lords, under favour, I see no harm in the Words. Only I shall re-ceive my Hope: For if I had then any hope to fee it flourish in another Hundred Years, 'tis that which I cannot but wish to all the World was a Reference of the Council on both Sides; and that under that Reference the Bishops died. And if it died then, what makes it here before the Reformation? Yes, but says Mr. Nicolas, Here's Agitation about the submitting of the Sword, which is the Emblem of Temporal Power. But neither to foreign nor home Power, but only to God; and that in the Place, and at the Performance of his holy Worship: At which Time and Place Christian Kings submit themselves, and therefore cannot stand upon the Emblems of their Power. Nor would the Lords of the Council have made either Order or Reference to make a Sword of Danger, or against Law, in this kind of submitting. Mr. Torke was produced as another Witn-ness, but said just the same with Marfo; and so the same Anwer forced him.

III. Then followed a Charge about the Charter of York to be renewed; and that I did labour to have the Archbishops of York, his Chancellor, and some of the Refidantaries, named in it to be Ju- tices of Peace within the City. To prove this, Al- derman Hoge is produced; who says, There was an Order of the Council about this; but cannot say that I procured it. So far then this Proof reaches not me. For the Bishop, his Chancellor, and some of the Refidantaries, to be Juices of Peace within the City; if I were of this Opinion, (as then adviz'd) I am sure there's no Trafon in it, and I believe no Crime. And, under your Lordship's Favour, I could not but think it would have made much Peace, and done much Good in all the Cities of England where Cathedrals are. Lastly, he says, There was a debauched Man committed about Breach of the Sabbath; and being casually inother'd, I should say, They deferv'd to be hanged that killed him. Concerning this Man; he loft his Life, that's confessed. His Debauchery; what it was, is not proved. And were he not said differ-ently, I am sure he and there was a Trial to be Had about a Hoose, and inother'd; that is again both Law and Conscience: And the Officer then in being had reason to inother the Bu- fines as much as they could; and, it may be, de- served somewhat, if not that which this Alderman says I said, to his own remembrance: For so, and with no more Certainty he expressed it. This I am sure I said, That if the Bishop, or any of the Church, had been then in their Charter, the poor Man's Life had not been lost.

IV. The fourth Charge was but of the same na- ture, for considering the Charge of Sherfry. For there were these two Witnies, Mr. Lee and Mr. Mackworth. He says, there was but one between them. For Mr. Lee could say nothing but what he acknowledges he heard from Mr. Mackworth, And Mr. Mackworth says first, That the School-Master's Buisines was referred to other Lords and myself. That's no Crime: And, to my knowledge, that has been a troublesome Bu- fines for these Thirty Years. He says, I charged that there should go a Sge Warrant against the Town. This is but as Mr. Owen informed him; fo no Proof. Besides, 'tis no Crime, being a Re- ferree, if I gave legal Reason for it. Nor is it any Crime that the Bishop and his Chancellor should be Juices within the Town, as is aforesaid in the Charter of York; considering especially, that then many Clergymen bare that Office in divers Counties of England. He adds, That an old Alderman gave Fifty Pound to St. Paul's. But out of your Lordship's consideration, I know not, nor doth he speake: And if every Alderman in London would have given me as much to that use, I would have eaten it, and thanked them for it. Then he says, There was an Order from all the Lords Referrees, for seeing all Things about their Charter. So, by his own Confiension, the whole Buisines was transacted publicly, and by Perfronts of great Honour, and nothing charged upon my particular. If Mr. Owen sent me in a Bure of Sack, and after it put upon the Town Account, (for fo he also says) Mr. Owen did ill in both; but I knew of neither. And this the Counsel, in their Reply, said they urged not to this. But in the Charter tryst was read to both Points, of the Bishof, and the Bishop being Juices of Peace within the Town, and the not bearing up of the Sword: To both which I have anwer'd already. And I hope your Lordships cannot think his Majesty would have paffed such a Charter, or that his learned Counsel durst have put it to him, had this Thing been such a Crime as 'tis here made.

V. The next Charge was out of my Diary; at March 5, 1635. The Words are; William Juxton, Lord Bishop of London, made Lord High Treasurer of England. No Churchman had it since Henry VII's Time. I pray God left him, to carry it so, that the Church may have Honour, and the King and the State Service and Contentment by it. And may the Church not hold up itselfs, under God, I can do no more. I can fee no Trafon in this, nor Crime neither. And th' that which I did to help on this Bu- fines was very little, yet Aim I had none in it, but the Service of the King, and the Good of the Church: And am confident it would have been both, had not such troublesome Times followed, as did.

VI. Then they inquired in the Charter of Mr. Newcomen. But that Cause being handled before, they did only refer the Lords to their Notes; And so did I to my former Answers.

VII. Then followed the Case of Thorn and Middi- leton, which were fined in the High-Commiss- ion, about some Clergy-men's Buisnes, then being Con- fiscate. The Witnies in this Case are three.

1. The first is Hunford, (if I took his Name right:) And for the Cenfuse of their Men, he confesses, it was in and by the High-Commiss- ion; and so no Act of mine, (as I have often pleaded.) But then he says, that I there spake these Words, That no Man of their Rank should meddle with Men in Holy Orders. First, he is in this point of the Charge fagles, and neither care nor interest any Warrants against him. Secondly, I humbly desire the Pro- ceedings of the High-Commiss- ion may be feen, (which are taken out of our Hands.) For so far as I can remember any thing of this Cause, the Mi- nister, Mr. Lewis, had hard Measure. And perhaps therefore upon I might say, That Men of their Rank should not in such fort meddle with Men in Holy Orders. 5 T
Orders. But to tax the Proceedings of a violent buff Contable, was not to exempt the Clergy from Civil Magistracy.

Upon this, he falls just upon the same Words, and says, That I uttered them about their offering to turn out a Corrector from the Printing-House. This Corrector was a Miniffer, and a well-deceiving Man. The Tract of the Pref is referred to the High-Commination Court. And I hope your Lordships will not think, that to suffer the Printers to turn out a deferving Man at their pleasure, is to exempt the Clergy from the Civil Magistracy. The Bishops, my Lords, were pleased to engage the Latin and Greek Prefs especially, which I had then not without great Pains and some Cost created. They were def irresist to keep only one for the English, and him at the cheapest. Among them their Negligence was such, as that there were found above a thousand Faults in two Editions of the Bible and Common-Prayer-Book. And one which caused this Search was, that in Exod. 20. where they had shamefully printed, Then souls commit Adultery. For this the Malters of the Printing-House were called into the High-Commination, and cenured, as they well deferved it. As for this Corrector, whom they should have heard out, they never did so much as complain of him to any that had power over the Pref, till this fell upon themselves for so gross an Abuse. Nor did they after this proceed against him, to make him appear faulty; and that till that were done, we could not punish. And for this Buse of the Pref, he is finge too. And I have told your Lordships that which is a known Truth. And House, being bit in his Credit, and Purge, and Friends, by that Censure, for so gross an Abuse of the Church and Religion, is labours to fatten his Fingers upon me in this way.

2. The second Witness is Mr. Blond. But all that he says is, That there was once a Definition of this Caffe out of the Court, and that tho' I disliked it, yet I gave way to it, because all Parties were agreed. And no word of Proof, that I was any cause of bringing it back into the Court again. What's my fault in this?

3. The third Witness was Thorns in his own Cape; and 'tis plain, by his own words, that this Caffe was depending in Court before my time. And I believe, were the Records of the Court here, Mr. Lewis would not be find so great an Offender as Mr. Thorns would make him. This is am sure of; both the High-Commination and myself have been quick enough against all Ministers which have been proved to be discharged in their Life and Conversation. And he says nothing against me, but that I filled his Adversaries; which is easy to say against any Judge that delivers his Sentence against any Man. But neither of these come home to himself.

VIII. The Next Charge is in the Cafe of one Mr. Tomkins, about the taxing of a Miniffer in a Cafe of Robbery, and Repayment by the Country.

To this Mr. Needigate is produced; who says, as he remembers, that I should speak these words, That Ministers were free from such Taxes, and I hoped to see the Times in which they might be free again. First, This Gentleman is finge. Secondly, He speaks not positively, but he's Wonders. Thirdly, This Tax, I do humbly conceive, is not by Law to be laid upon any Miniffer. For no Man is subject to this Tax, but which they which are to keep

Watch and Ward; which Ministers in that kind are not bound unto. And this I learned of the Lord Keeper Cavendish at the Council-Table. So, might well then hope to see Ministers free from all such Taxes, by the right understanding and the Execution of our Own Laws, without affuming any Papal Power.

IX. The last Instance of this Day was the bringing of Sir Rich. Samuel into the High-Commination, for doing his Office as Justice of the Peace upon some Clergymen. First, For this, this Gentleman is finge, and in his own Cafe. Secondly, he's Wonders, that his bringing into the High-Commination was long after the Fact. Therefore in all probability not for that; nor do I say that he faged his bringing in. He says father, That one Article for which he was called into the Commination, was, that he was an Enemy to the Clergy. But he doth not say, that I preferred those Articles against him: nor doth he tell, or can I remember, what the other Articles were, which with this may be had enough to merit what was there laid against him. And whatever was done, appears by his own Narration to be the Act of the High-Commination, or the Council-Table, and not chargeable upon me alone. And whereas he says, I blamed him more at the Council-Table, let him tell who they shall give him a further Answer: For sure, if I did blame him, I had just cause to do so. Lastly, he says, I did use the word sake to him, when he came to me. Sure I cannot believe it, I did not my Language to meaner Men. If he did slip from me, it was in relation to his Family to the Clergy, not to his Petition or Quality. And I conceive his so genteel put, for a Man of Place and Power in his Country, to oppose poor cil- gynmen which neighbour about him. In which kind this Gentleman, with an excellent heart, extremely ill.

This Day thus ended, I was ordered to appear again on Monday, April 12. I came, and my former Answers having taken off the edge of many Men, (for I was told by good Hands) the Scorn put upon me at my landing, and elsewhere, were somewhat abated, that when it was at last I suffered enough. After I had attended the Pleasure of the House some hours, I was remitted without hearing, and commanded to attend again upon Thursday, April 25, but for back again then also, and ordered to appear on Tuesday, April 30. And when I came, I was sent away once more unheard: no Confession had of mylch, or the great Charge which this frequent coming put me to. I was then ordered to appear again on Saturday, May 4. Then I was heard again: and the Day proceeded as follows.

My Eighth Day of Hearing.

SATURDAy, May 4, 1644. To rife up Envy against me, Mr. Nicholas falls first to repeating the Titles which were given me in Letters from Oxford; to which I gave answer the day before. From thence he fell again upon the former Charge, my Endeavour to exempt the Clergy from the Civil Power. And very loud he was, and full of Four Languages upon me. To this General, I answered with another more true; That I ever did attempt to bring the Temporal Power under the Clergy, nor to free the Clergy from being under it: But I do
do freely confess, I did labour all I could to preserve the poor Clergyman from some Laymen Opposed, which lay heavy on them. And de Vs Laica hath been an old, and a great, and too just a Complaint. And this I took to be my Duty, doing it without wrong to any Man; as finely I did to the best of my knowledge and ability: And affurrying myself, that God did not raise me to that Place of Eminency, to fit fill, fee his Service neglected, and his Ministers discontenuated; nay, sometimes little better than trampled on. And my standing thus to the Clergy, and their just Grievances, is not the least cause of my present Condition. In which my Cafe (tho' not my Abilities) is some what like Cicer's. For having now for many Years defended the Publick State of the Church, and the private and many Church-men, as he had done many Citizens; when he by pre vailing Factions came into danger.

Part. I. 2. himself, ejus Salutem defendit, non, 
      nil.
      no Man took care to defend him 
      that had defended so many: which 
      I yet speak not to impute any thing to Men of my own Calling, who, I presume, would have 
      left me their just Defence, to their power, had 
      not the same Storm which drove against my 
      Life, driven them into Corners to premise them 
      selves.

1. The first Infrance was in Mr. Sheriffs's Cafe, in which Mr. John Steevens tells what I said to the Council pleading in the Star-Chamber, which was, That they should take care not to cause the Laws of the Church and the Kingdom to clasp one against another. I fee, my Lords, nothing that I spake was fell, nor can I remember every Speech that pasted from me; but he may be happy that can. But if I did speake these words, I know no Crime in them: it was a good Cavat to the Council, for ought I know. For surely the Laws of Church and State in England would agree well enough together, if some did not set them at odds. And if I did farther say to the then Lord Keeper, (as this charged) That some Clergymen bad sit as high as he, and might again; which I do not believe I said; yet if I did, 'tis a known Truth. For the Lord Covsey, then Lord Keeper, did immediately suc ceed the Lord Bishop of Lincoln in that Office. But tho' I dare say, I did not thus to the Lord Keeper, whole Moderation gave me no cause to be so round with him, yet to the Council at the Bar, I remember well, upon just occasion given, that I spake to this effect? That they would forbear too much depreciation of the Clergy, either in their Reputation or Maintenance, in regard it was not impossible that their Profession, now as high as ours once was, may fall be as low as ours now is; and if the Prebends and Chapters against the Church, so fame of late are known to have done: And that theinking of the Church would be found the ready way to it.

II. The second Infrance was about calling some Justices of the Peace into the High-Commissi on, about a Sei fions kept at Torkbury. 1. The first Wi ntrice for this (for three were produced) was Mr. Jo. Steevens. He says, That the Ille where the Sei fions were kept, was joined to the Church. If it were not now a part of the Church, yet doubtles being within the Churchyard, it was consecrated Ground. He says, That Sei fions were kept there herefore. And I say, the more often the work. He says, That I pro

cured the calling of them into the High-Commissi on. But he proves no one of these things, but by the Report of Sir Rob. Colli er and Glangleyshere, a Party in this Case. He says again, That they had the Bishop's Licence to keep the Sei fions there. But the Proof of this also is no more than that Sir Rob. Cook told him so: fo all this hitlirs is Hear fay. Then he says, the 88th Canon of the Church of England was urg'd in the Commission Court, which seems to give leave in the close of the Canon, that Temporal Courts or Leets may be kept in Church or Church-yard. First, that Claude in the end of the Canon, is referred to the ringing of Bells, not to the Proclamations mentioned in the first part of that Canon. Nor is it probable, the Ministers and Church-wards should have power to give such leave, where the Canon gives such power to the Bishop himself. And were it so, here's no Proof offered, that the Minister and Church wards did give leave: And suppose some Temporal Courts might upon urgent occasion be kept in the Church with leave, yet that is no War rant for Sei fions, where there may be Trial for Blood. He says farther, That the Civilians quoted an old Canon of the Pope's, and that prevailed as a gainst the Canon of our Church, and Sentence given against them. All these Canons that the Civilians urged, are new in England, where nothing is contrary to the Law of God, or the Law of the Land, or the King's Prerogative Royal: and to keep off Proclamation from Churches, is none of these. Besides, were all this true which is urged, the Act was the High-Com mission's, not mine. Nor is there any thing in it that looks towards Trefon.

2. The second Wintice is Mr. Edward Steevens. He confesses that the Sentence was given by the High-Commissi on, and that I had but my single Vote in it. And for the Place itself, he says, the Place where the Sei fions were kept, was separated from the Ille of the Church by a Wall high; which is an evident Proof that it was formerly a part of the Church, and continued yet under the same Roof.

3. The third Wintice is Mr. Talboys, (who, it seems, will not be out of any thing which may seem to hurt me.) He says, the Parish held it no part of the Church. Why are not some of them examined, but this Man's Report from them admitted? They thought no harm (he says) and got a Licence. But why did they get a Licence, if their own Confidece did not prompt them that something was irregular in that bu i n f i s? He says, he was inform'd the Sei fions had been twice kept there before. And I say, under your Lordships favour, and with the other work. But why is not his Informer produced, that there might be Proof, and not Hear fay? Upon this, I said, (so he con cludes) That I would make a Precedent against keeping it any more. If I did say fo, the Caufe deferred it; Men in this Age growing so bold with Churches, as if Profanatation of them were no fault at all.

III. The third Infrance concerning Sir Rob. De cres, a Justice of Peace in Middlesex, and his Warrant for punishing some disorderly Drinking. The Wintlices the two Church-wards, Collier and Wijfes; two plain Men, but of great Memories: for this Bu i n f i s was when I was Bishop of Lich fe, and yet they agree in every Circumstance, in every

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