

Word, tho' so many Years since. Well, what say they? It seems *Dr. Duck*, then my Chancellor, had cited these Church-wardens into my Court? therefore either there was, or at least to his Judgment there seemed to be somewhat done in that Business against the Jurisdiction of the Church. They say then, that the Court ended, *Dr. Duck* brought them to me. And what then? Here is a Cause, by their own confession, depending in the Ecclesiastical Court; *Dr. Duck* in the King's Quarters, where I cannot fetch him to testify; no Means left me to know what the Proceedings were; and I have good cause to think, that were all the Merits of the Cause open before your Lordships, you would say, *Sir Tho. Dacres* did not all according to Law. But what is the Heart of this Charge? It is, say they, That I commanded *Dr. Duck* to prosecute them. And what fault was in this? For if it were just, why should not *Dr. Duck* go on with his Prosecution? If *Dr. Duck* and I were both mistaken in the Particular, 'twas easy getting a Prohibition. Yea, but they say I said, *If this must be so, Sir Thomas Dacres shall be Bishop of London, and I'll be Sir Tho. Dacres.* For ought I see in the Weight of it, this whole Charge was but to bring in this Speech. And truly, my Lords, my old decay'd Memory is not such, as that I can recal a Speech thirteen or fourteen Years since. But if I did say it, I presume 'tis not High-Treason for a Bishop of *London* to say so much of *Sir Tho. Dacres*. 'Mr. Browne, in the summing up the Charge against me, laid the Weight of the Charge in this, That these Church-wardens were prosecuted for executing the Warrant of a Justice of Peace upon an Ale-house Keeper, for tipping on the Sabbath-Day, contrary to the Statutes *Jac. 7. & Car. 3.* To which I answered, That those Statutes did concern the Ale-house Keepers only; nor were the Church-wardens called in question for that; but because being Church-officers, and a Church-man tipping there, they did not complain of that to the Chancellor of the Diocess. *Mr. Browne* replied, There was no Clergyman there. I am glad I was so mistaken. But that excuseth not the Church-wardens, who being Church-officers, should have been as ready to inform the Bishop, as to obey the Justice of Peace.'

IV. The fourth Instance was about Marriages in the *Tower*, which I opposed against Law. The Witness *Sir William Balfore*, then Lieutenant of the *Tower*. He says, that I did oppose those Marriages: And so say I. But I did it for the Subject of *England's* sake: for many of their Sons and Daughters were there undone. Nor Banes, nor Licence, nor any Means of Fore-knowledge to prevent it. Was this ill? He says, That when he spake with me about it, I desired him to speak with his Majesty about it, because it was the King's House. What could I do with more moderation? He confesses he did so, and that he moved the King that the Cause might be heard at the Council-Table, not at the High-Commission. To this his Majesty inclined, and I opposed nothing, so the general Abuse might be rectified. Then he says, *Mr. Attorney Noye* said at the Council-Table, it was the King's free Chapel, and that no Pope in those Times offer'd to inhibit there. First, if *Mr. Attorney* did so say, he must have leave to speak freely in the King's Cause. Secondly, (as I humbly conceive) the Chapel for ordinary Use of Prisoners and Inhabitants of the *Tower*, where

these disorderly Marriages are made, is not that which is called the King's free Chapel; but another, in the side of the White Tower by the King's Lodgings. Thirdly, if it be, yet I have herein not offended; for I did all that was done by the King's Leave, not by any Assumption of Papal Power. Then he tells the Lords, That in a Discourse of mine with him at *Greenwich*, about this Business, I let fall an Oath. I am sorry for it, if I did, but that's no Treason. 'And I know whom the Deponent thinks to please by this Interposition: for to the Matter it belongs not.' In conclusion, he says truly, That the King committed the Business to some Lords and Judges, that so an end might be put to it; and in the mean time ordered, that till it were ended, there should be no more Marriages in the *Tower*. How this Business ended, I know not. It began, I am sure, by Authority of his Majesty's Grant of the High-Commission, to question and punish all such Abuses, *tam in locis exemptis, quam non exemptis.* And his Majesty having graciously taken this Care for the Indemnity of the Subject, I troubled myself no more with it; my Aim being not to cut off any Privileges of that Place, but only to prevent the Abuses of that lawless Custom. 'And if *ex bono* be a considerable Circumstance, as it uses to be in all such Businesses, then it may be thought on too, that this Gentleman the Lieutenant had a considerable Share for his part out of the Fee of every Marriage. Which I believe was as dear to him as the Privilege.'

V. The next Instance is broke out of the *Tower*, and got as far as *Oxford*. The Witness, Alderman *Nixon*. He says, The Mayor, and the Watch set by him, were disturbed by the Proctors of the University, and a Constable imprisoned. The Night-Walk, and the keeping of the Watch, is the antient, known, and constant Privilege of the University for some Hundred of Years; and so the Watch set by the Town (purposely to pick a Quarrel) was not according to Law. He adds, That when the Right Honourable the Earl of *Berkshire* would have referred the Business to the King's Counsel learned, I refused, and said, I would maintain it by my own Power, as Chancellor. If I did say this (which I neither remember nor believe) I might better refuse Lawyers, (not the Law, but Lawyers) than they a sworn Judge of their own Nomination, which they did.

The Case was briefly this. There were some five or six Particulars which had, for divers Years, bred much Trouble and Disagreement between the University and the City; of which (to my best remembrance) this about the Night-Watch, and another about Felons Goods, were two of the chief. The University complained to me. I was so far from going any By-way, that I was resolved upon a Trial at *Westminster-Hall*, thinking (as I after found) that nothing but a legal Trial would set those two Bodies at quiet. The Townsmen liked not this; came some of the chief of them to *London*; prevailed with their Honourable Steward my Lord the Earl of *Berkshire*, to come to me to *Lambeth*, and, by his Lordship, offer'd to have all ended without so great a Charge at Law, by reference to any of the Judges. I said I had no mind to wrong the Town, or put them to charge, but thought they would fly off from all Awards; and therefore stuck to have a legal Trial. After this, some of the chief Aldermen came to me with my Lord, and offer'd me, That if the University

University would do the like, they would go down and bring it up under the Mayor and Aldermens Hands, that they would stand to such end as Judge *Jones*, who rode that Circuit, should, upon Hearing, make. They did so, and brought the Paper so subscribed; (and therefore I think Alderman *Nixon's* Hand is to it as well as the rest:) Upon this I gave way; the University accepted; the Judge heard and settled. And now when they saw my Troubles threatning me, they brake all, whistled up their Recorder to come and complain at the Council-Table, his Majesty present. And I remember well, I told his Lordship, (then making the aforesaid Motion to refer to the King's learned Counsel) that his Lordship well knew what had passed; and that being so used as I had been by the Townsmen, I would trouble myself with no more References to Lawyers, or to that effect. And I appeal to the Honour of my Lord, whether this be not a true Relation.

VI. The sixth Instance concerns the putting of one Mr. *Grant* out of his Right. He says, (but he is single, and in his own Cause) That Mr. *Bridges* was presented to an Impropriation; and that suing for Tythe, he (the said *Grant*) got a Prohibition, and Mr. *Bridges* a Reference to the then Lord Keeper *Coventry* and myself; That we referred them to the Law, and that there *Grant* was non-suited, and so outed of his Right. First, In all this there's nothing said to be done by me alone. Secondly, The Lord Keeper, who well understood the Law, thought it fittest to refer them to the Law; and so we did. If he were there non-suited first, and outed after, it was the Law that put him out, not we. ' Yet your Lordships see here was ' a Prohibition granted a Case, which the Law it- ' self after rejected.

VII. Then follows the Instance, That I had a purpose to abolish all Impropriations. The first Proof alledged was a Passage out of Bishop *Mountague's* Book, p. 210. That Tythes were due by Divine Right, and then no Impropriations might stand. And Mr. *Prynn* witnessed very carefully, That this Book was found in my own Study, and given me by Bishop *Mountague*. And what of this? Doth any Bishop print a Book, and not give the Archbishop one of them? Or must I answer for every Proposition that is in every Book that is in my Study, or that any Author gives me? And if Bishop *Mountague* be of Opinion that Tythes are due by Divine Right, what is that to me? Your Lordships know many Men are of different Opinions in that Difficulty; and I am confident you will not determine the Controversy by an Act of Parliament. They were nibbling at

Diary, in fine,
iii. 21.

my Diary in this, to shew that it was one of my Projects to fetch in Impropriations; but it was not fit for their purpose: For 'tis expressed, That if I lived to see the Repair of *St. Paul's* near an end, I would move his Majesty for the like Grant for the buying in of Impropriations. And to buy them from the Owners, is neither against Law, nor against any thing else that is good; nor is it any Usurpation of Papal Power.

2. The second Proof was my procuring from the King such Impropriations in *Ireland*, as were in the King's Power, to the Church of *Ireland*. ' Which Mr. *Nicolas* (in his gentle Language) ' calls Robbing of the Crown.' My Lords, the Case was this. The Lord Primate of *Armagh* writ unto me, how ill conditioned the State of that

Church was for want of Means; and besought me that I would move his Majesty to give the Impropriations there, which yet remained in the Crown, for the Maintenance and Incouragement of able Ministers to live among the People, and instruct them; assuring me, they were daily one by one begged away by private Men, to the great Prejudice both of Crown and Church. And the Truth of this, the Lord Primate is now in this Kingdom, and will witness. I acquainted the King's great Officers, the Lord Treasurer, and the Chancellor of the *Exchequer* with it. And after long Deliberation, the King was pleased, at my humble Suit, to grant them in the Way which I proposed: which was, That when they came into the Clergy's Hands, they should pay all the Rents respectively to the King, and some Consideration for the several Renewings. And the Truth of this appears in the Deeds: So here was no Robbery of the Crown. For the King had all his set Rents reserved to a Penny, and Consideration for his Casualties beside. And, my Lords, the Increase of Popery is complained of in *Ireland*: Is there a better way to hinder this Growth, than to place an able Clergy among the Inhabitants? Can an able Clergy be had without Means? Is any Means fitter than Impropriations restored? My Lords, I did this, as holding it the best Means to keep down Popery, and to advance the Protestant Religion. And I wish with all my Heart I had been able to do it sooner, before so many Impropriations were gotten from the Crown into private Hands.

VIII. Next I was charged with another Project in my Diary, which was to settle some fixed *Commendams* upon all the smaller Bishopricks. For this, I said, *Diary, sine,*
iii. 8. their own Means were too small to live and keep any Hospitality, little exceeding Four or five hundred Pounds a Year. I considered that the *Commendams* taken at large and far distant, caused a great Dislike and Murmur among many Men; that they were in some Cases *Materia odiosa*, and justly complained of. And hereupon I thought it a good Church-Work to settle some Temporal Lease, or some Benefice, *sine Cura*, upon the lesser Bishopricks, but nothing but such as was in their own Right and Patronage; that so no other Man's Patronage might receive Prejudice by the Bishop's *Commendam*: Which was not the least Rock of Offence, against which *Commendams* endanger'd themselves. And that this was my Intent and Endeavour, is expressed in my Diary; and I cannot be sorry for it.

IX. Then I was accused for setting old Popish Canons above the Laws. Mr. *Burton* is the sole Witness. He says, it was in a Case about a Pew, in which those Canons did weigh down an Act of Parliament. ' I did never think till now Mr. *Bur-* ' *ton* would have made any Canons Pew-Fellows ' with an Act of Parliament.' But seriously, should not Mr. *Burton's* Testimony for this have been produced at the second Instance of this Day? For in the end of that is just such another Charge; and the Answer there given will satisfy this, and that by Act of Par- *25 Hen. VIII.*
c. 19. § ult. liament too.

X. After this came a Charge with a great Outcry; That since my coming to be Archbishop, I had renewed the High-Commission, and put in many illegal and exorbitant Clauses, which were not in the former. Both the Commissions were produced. Upon this, I humbly desired that
the

the Docket might be read, by which their Lordships might see all those Particulars which were added in the new Commission, and so be able to judge how fit or unfit they were to be added. The Docket was read; and there was no Particular found, but such as highly deserved Punishment, and were of Ecclesiastical Cognizance: as Blasphemy, Schism, and two or three more of like nature.

1. In this Charge, the first exorbitant Clause they insisted on, as added to the new Commission, was the Power given *in Locis Exemptis, & non Exemptis*; as if it were thereby intended to destroy all Privileges. No, not to destroy any Privilege, but not to suffer enormous Sins to have any Privilege. Besides, this Clause hath ever been in all Commissions that ever were granted. And I then shewed it to the Lords in the old Commission there present, p. 28, 32, 35, 42. 'Nay more, this Proceeding *tam in Locis Exemptis quam non Exemptis*, is allowed to the Governors of the Church, 'in the Exercise of their Ecclesiastical Jurisdiction, by Act of Parliament in 1 Eliz. c. 2. 'Queen Elizabeth's Time: which 'would never have been allowed, 'had it then been thought such a dangerous Business, as 'tis now made against me.'

2. The second Clause was Power to censure, by Fine and Imprisonment. This also I shewed in the old Commission, *Fol.* 37. and is (I conceive) in plain pursuance of the Act of Parliament upon which the High-Commission is grounded. For the King says there, *Fol.* 13. (and so 'tis in the new) That he grants this Power by virtue of his Supreme Authority, and Prerogative Royal, and of the said Act. Nay farther, 'tis added in this latter Commission, *And by our Authority Ecclesiastical*, which is not expressed in the former. And sure I would never have caused Authority Ecclesiastical to be added, had I any Plot (as 'tis urged) either to exalt the Clergy above the Laity, or to usurp Papal Power; which all Men know is far enough from ascribing Ecclesiastical Authority to the King. And as for Fine and Imprisonment, if that Power be not according to Law, why was it first admitted, and after continued in all former Commissions?

3. The third Clause was the *Non Obstante*, which he said was against all Law, and of such a boundless extent, as was never found in Commission or other Grant in *England*. And he here desired the Lords that he might read it, which he did, with great Assurance of a Triumph. But after all this Noise which Mr. *Nicolas* had made, I shewed the same *Non Obstante* in the Old Commission, *Fol.* 62. word for word, which I humbly desired might be read and compared: It was so. The Lords looked strangely upon it; Mr. *Nicolas* was so startled, that he had not patience to stay till his Reply, (which he saw impossible to be made) but interrupted me, and had the face to say in that Honourable Assembly, That I need not stand upon that: for he did but name that, without much regarding it. And yet at the giving of the Charge, he insisted principally upon that Clause, and in higher and louder Terms than are before expressed. Had such an Advantage been found against me, I should have been accounted extremely negligent, if I compared not the Commissions together; or extremely impudent, if I did.

4. The fourth Exception was, That by this Commission I took greater Power than ever any Court had, because both Temporal and Ecclesiastical. First, Whatsoever Power the High-Commission had, was not taken by them, till given by his Majesty, and that according to Use and Statute, (for ought hath been yet declared.) Secondly, They have not Power of Life or Limb, therefore not so great Power as other Courts have. Thirdly, They may have more various Power in some respects, but that cannot make it greater. 'As for the Expression in which 'tis said, *I took this Power*; that is put most unworthily and unjustly too, to derive the Envy as much as he could 'upon my Person only.' For he could not hold from comparing me to Pope *Boniface VIII.* and saying, That I took on me the Power of both Swords. But this was only *ad faciendum Populum*. For he knows well enough, that to take both the Swords, as the Pope takes them, is to challenge them originally as due to him and his Place: Not to take both, as under the Prince, and given by his Authority; and so not alone, but all the Commissioners take theirs.

5. Fifthly, to prove that this vast Commission (as it was called) was put in execution, Mr. *Burton* is produced. He says, That when he was called into the High-Commission, he appealed to the King, and pleaded his Appeal; and that thereupon I and the Bishop of *London* writ to the King to have him submit to the Court. He confesses he was dismissed upon his Appeal, till his Majesty's Pleasure was farther known. And it was our Duty, considering what a Breach this would make upon the Jurisdiction of the Court, to inform his Majesty of it; and we did so. The King declared that he should submit to the Court, as is confessed by himself. Then he says, Because he would not submit to the Court, he was censured notwithstanding his Appeal. And he well deserved it, that would not be ruled by his Majesty, to whom he had appealed. And the Commission had Power to do what they did. Besides, himself confesses, all this was done by the High-Commission, not by me. Nor doth he urge any Threat, Promise, or Sollicitation of mine, any way to particularize the Act upon me: And farther, he is single, and in his own Cause.

XI. Then followed the last Charge of this Day, which was the Patent granted for the Fines in the High-Commission, for finishing the West End of *St. Paul's* cried out upon as illegal, and extorted from the King, and such as took all Power from him for the space of the Ten Years, for which time it was granted. This is the fourth time that *St. Paul's* is struck at. My Lords, let it come as often as it will, my Project and Endeavour in that Work was honest and honourable to both Church and Kingdom of *England*. No Man in all this Search and Pursuit hath been able to charge me with the turning of any one Penny or Pennyworth to other use than was limited to me. I took a great deal of care and pains about the Work, and cannot repent of any thing I did in that Service, but of human Frailty. And whereas 'tis said, this Patent was extorted from his Majesty; as there is no Proof offered for it, so is there no Truth in it. For his Majesty's Piety was so forward, that nothing needed to be extorted from him. Thus went I on, *bona fide*, and took the prime Direction of the Kingdom for drawing the Patent, the Lord Keeper *Coventry*, Mr. *Noy*, and Sir *Henry Martin*. And therefore if any thing be found against Law in it, it cannot

cannot be imputed to me, who took all the care I could to have it beyond Exception. And I marvel what Security any Man shall have, that adventures upon any great and publick Work in this Kingdom, if such Counsel cannot be trusted for drawing up of his Warrant. And whereas it was said, This Patent for the ten Years space took away both Justice and Mercy from the King; that's nothing so: For whatever the Words be, to enable me the better for that Work, yet these being inseparable from him, may be used by him, notwithstanding this or any other Patent. And if these be inseparable, (as 'tis granted they are) no inseparable thing can be taken away; or if it be taken, 'tis void in Law, and the King is where he was in the Exercise of his Right, both for Justice and Mercy. And so I answered Mr. Browne's summary Charge against me. And as for that which he farther urged concerning St. Gregory's Church, Mr. Inigo Jones and others were trusted with that whole Business, and were censured for it in this present Parliament. In all which Examination no part of the Charge fell on me. And because here are so many things urged about Free-Chapels, Lay-Fee, Patents, Appeals, and the like, I humbly desire a *Salvo* may be enter'd for me; and that my Counsel may be heard for Matter of Law, if any Doubt stick with your Lordships.

This Day ended, I did, according to my Resolution formerly taken, move the Lords for Means, considering my Charge in coming, and how oft I had attended, and was not heard. Their Lordships considered of my Motion, and sent me out word I should petition them. I did humbly petition their Lordships May 6. My Petition was presently sent down to the House of Commons, that so by both Houses it might be recommended to the Committee for Sequestrations. But upon a Speech in the House of Commons, that it was fit to see what would become of me, before they troubled themselves with thinking of Means for me, my Petition was cast aside.

At my parting from the House, I was ordered to appear again on *Thursday, May 9.* but then fairly put off by an Order (sent to the Lieutenant of the Tower) to *Monday, May 13.* So the Scorn and Charge of that Day was scaped. But then I appeared according to this Order, and had Scorn plenty, for what I escaped the Day before: And, after long Attendance, was dismissed again unheard; and had *Thursday, May 16.* assigned unto me. That Day held, and proceeded thus.

The Ninth Day of my Hearing.

I. **MAY 16. 1644.** The first Charge of this Day was about a Reversion of the Town-Clerk's Office of *Sbrevsbury* to one Mr. Lee, which he desired might be inserted into the new Charter. First, Mr. Lee is single here, and in his own Case. Secondly, it appears by his own Confession, out of the Mouth of Mr. Barnard, that there was a Reference of this Business to those Lords to whom *Sbrevsbury* Charter was referred; For he says, That Mr. Barnard told him his Business was stayed, and he thought by me; but did not know whether the Lord Keeper's Hand were not in it. So it seems by himself, this was done by the Lords Referees, and not by me. Thirdly, I did not then think, nor do now, that the Reversion of a Place, to be sold for

three hundred Pound, (as he confesses that was) was fit to be put into a Town-Charter. But yet neither I, nor the Lord-Keeper, did any thing in that Stop, but what we acquainted his Majesty with, and had his Approbation of. And whereas he says, That he acquainted the Right Honourable the Earl of *Dorset* with the stay that was made, and that thereupon his Lordship should say, *Have we two Kings?* I cannot believe that Honourable Lord would so say, unless he were much abused by Mr. Lee's Information, both in regard of his Love to me, and in regard it could not proceed from a Man of so great a Judgment as that Lord is. For I beseech your Lordships consider, may not Lords, to whom a Business is referred, give his Majesty good Reason to alter his Mind in some Particulars which they have debated, and not he? And may not this be done without any one of them taking on him to be a second King?

II. The second Charge was laid on me by Sir *Arthur Haselrig*, (which should have come in the Day before, as Mr. *Nicolas* said, but that Sir *Arthur* was absent in the necessary Service of the State.) Sir *Arthur*, being single and in his own Case, says, That Sir *John Lambe* presented a blind Parson to a living of his. If Sir *John* did that, or any unworthy thing else, *etatem habet*, let him answer for himself. He says farther, That this Living is an Impropriation, and so a Lay-Fee by Law; and that when he told me so much, I made him this Answer, *That if I lived, no Man should name or stand upon his Lay-Fee.* I conceive, my Lords, here's a great Mistake in the main: For I have been credibly informed, and do believe, that Benefice is presentative, and so no Lay-Fee. And then there's no Fault to present unto it, so the Clerk be fit. Secondly, There's a main Mistake in my Words, which I remember well, and where it was that I spake them. My Words, under this Gentleman's Favour, and your Lordships, were these, and no other; *That I had good Information that the Benefice was presentative; and that if I lived, I hoped to order it so, that no Man should make a presentative Benefice a Lay-Fee; there were too many of them already.* Thirdly, If I did speak the Words as they are charged, if they come within that Statute of Six Months, so often mentioned, to that I refer myself: *whatsoever the Bird at this time of the Year sings*, as Mr. *Nicolas* was pleased to put it upon me. And truly, My Lords, I could easily return all his Bitterness upon himself, could it besit my Person, my present Condition, or my Calling.

III. The third Charge was about the refusing of a Pardon, which Mrs. *Bastwick* said she produced in the High-Commission Court some nine or ten Years since: And she adds, That I should then say, it should not serve his turn. But this was no rejecting of the Pardon; for she confesses I said I would move his Majesty about it. So that if it did not serve his turn, it was from the King himself, upon Motion made, and Reason given, not from any Power assumed by the High-Commission or myself. And the Act, whatever it were, was the Act of the whole Court not mine. As for the Words, (if mine) I give the same Answer as before, notwithstanding Mr. *Nicolas* his Bird.

IV. The fourth Charge was, That whereas there was a Proclamation to be printed about the Pacification with the *Scots*, it was suddenly stopp'd: and an Order after for burning of the Pacification. First, Mr. *Humscot* is single in this Charge. Secondly,

Secondly, Whatsoever was done in this, was by Order of Council: And himself names an Order, which could not come from me. Thirdly, He charges me with nothing but that I sent word the Proclamation was to be stayed; which, if I did, I did it by Command. Howsoever, this concerns the *Sectish* Business, and therefore to the Act of Oblivion I refer myself. ' With this, that I see ' by this Testimony, Mr. *Hunscourt* (for I took ' his Name uncertainly) hath not yet forgotten, ' *Thou shalt commit Adultery*; so desirous he is to ' catch me at the Prefs.

V. The first Charge was about a Benefice in *Northamptonshire*, in the Case of Mr. *Fautrye* and Mr. *Johnson*, and Dr. *Beal's* succeeding them. In which broken Business, (for such it was) First, That Business was all along acted by the High-Commission, not by me. Secondly, That though in the Case of Simony the Benefice be lost, *ipso facto*, yet that must be proved before the Incumbent can be thrust up, and another instituted, else Churchmen were in a miserable Condition for their Livelihood. Excommunication is in many Cases void in Law, *ipso facto*; and yet, *ante latam Sententiam*, till Sentence be orderly pronounced against it, no Man shall be subjected to those fearful Consequences which follow upon it. ' And upon this ' ground of natural Equity, that in the Statute ' concerning the Uniformity of Common-Prayer

' proceeds: Where 'tis said, ' *That*

^a *Eliz. c. 2.* *a Party once convicted for depraving the*

Common Prayer-Book, and relapsing into

the same Crime, shall be deprived of all his Spiritual

Promotions, ipso facto. But how? without any legal Proceedings? No, God forbid: For the Words

preceding immediately in the Statute, are, *That he*

must be first legally convicted of that criminal Relapse; and then follows *ipso facto*, and not before. And

therefore the Super-institution, before the Simony

tried and judged, was illegal; beside the great

danger to the Parishioners, while two Parsons,

and their several Friends are scrambling for the

Tythes. Secondly, *Fautrye* was not censured for

the original Cause of Simony, but for an Intruder,

and Colluder too with *James*, to abuse the King's

Grant of the Benefice. Thirdly, It seems *Fautrye*

had no better Opinion of his own Cause: For he

went to his Benefice in *Jersey*, and set not his Title

on foot again till after seven Years; and that, I

think, was when he heard that Mr. *Johnson* was a

Pretender to it. And his Bond upon the Sentence

was to make a final Peace. For the Prohibition;

which he says was refused, I have answered that

before, in the Charge about Prohibitions. Besides,

it appears by ^b Law, that as Prohi-

^b *13 Edw. I.* bitions may be granted in some Cases,

so in some Cases they may be refused.

For Dr. *Beal*, there is not the least shew of Proof

offered, that I brought him in, if to do so be a

Crime.

Thus far Mr. *Fautrye* went. As for Mr. *Johnson's*

Title, he says, That the Lords order'd it for him;

and declared that we in the High-Commission

could put no Man out of his Freehold. Where

first, if your Lordships have order'd this Business,

I must crave to know how far I shall have leave to

speak to it: For if there be any Errors charged

upon the Sentence given in the High-Commission;

if they may not be spoken to, they cannot be sa-

tisfied. This I am sure of, the Commission hath

Power to deprive: For the ' Statute

gives it Power to use all Ecclesiastical

and Spiritual Censures; of which De-

privation is known to be one: And that Power is expressly given to deprive some Offenders of all their Spiritual Promotions, by the following^d Statute. Therefore I think ^d *1 Eliz. c. 2.* it follows necessarily, either that we have Power over Freehold in that Case, or else that a Benefice is not a Freehold. But I have no reason, howsoever, to speak any thing (were I left never so free) against your Lordships Order, which very honourably left Dr. *Beal* to the Law; as 'tis confessed by *Johnson*.

Besides these two in their own Cause, one Mr. *Jenkins* is produced; but to what end I know not, unless it be to bespatter Dr. *Beal*. He says, That seven Years since Dr. *Beal* was Vice-Chancellor of *Cambridge*; that in his Sermon then he inveighed bitterly against the Power of Parliaments, and named some unfavoury Speeches of his, both concerning their Persons and Proceedings. Surely, if Dr. *Beal* did as is testified, he was much to blame. But what is this to me? If it be said I did not punish him: How could I punish that I knew not? And I profess I heard not of it till now at Bar. If it be said I did prefer him; that I do absolutely deny. And neither Mr. *Jenkins*, nor any other, offers the least Proof that I knew the one, or did the other.

VI. The sixth Charge was concerning the Statutes of the University of *Oxford*; in which, and the Cathedrals of the new Erection, Mr. *Nicolas* says I took on me to be an universal Law-giver. Many such Offices he bestows upon me, which God knows, and I believe he too, that I never affected. No, my Lords, the great Necessities of that University called upon me for it: Their Statutes lay in a miserable confused Heap. When any Difficulty arose, they knew not where to look for Remedy or Direction. Then into the Convocation-House, and make a new Statute; and that many times proved contrary to an old one concerning the same Business: Men in the mean time sworn to both, which could not possibly be kept together. By this means Perjury was in a manner unavoidable: And themselves confess in their ' Register, (which is now in ^e Court (that till this was done, they ^e Jurati ante ut Perjuri evaderent, fol. 69. did in a sort swear, that they might be forsworn.

Besides, my Lords, I did not abolish any the old Books, in which the Statutes lay so confused, some in one Book, and some in another; but left them all intirely in the University, in case in after-times any use might be made of them. Nor did I with them, as some ancient Philosophers are said to have done with the Works of some that went before them; that is, make them away, to advance their own Honour the more, as if without any help of former Pains, they had done all themselves: Holding it Honour more than enough for me, that God had so highly blessed me in this Work, as to finish and settle those Statutes, which the greatest Men in their Times, Cardinal *Wolsey* first, and after him Cardinal *Peol*, assayed, but left as imperfect as they found them. Neither did I any thing in this Work but by the Consent of the University, and according to an Act (and a Delegacy thereby appointed) of their own Convocation.

Mr. *Nicolas* says, There is a Rasure in one of the Acts, and supplied in other Ink. I told your Lordships then presently, (being loth to lie never so little under such an Imputation) that if there be any such, it must be charged upon the University, not upon me, for those Records were never

in my hands? nor is it so much as said they were. And since I withdrew to make my Answer, I have viewed the Record, and an Alteration or Addition there is; and 'tis a known Hand. 'Tis Dr. *Duppa's* Hand, now Lord Bishop of *Salisbury*, and then Vice-Chancellor; who I doubt not but is able to give a good account of what he did therein, and why. And for ought appears, 'tis nothing but the Amendment of some slip, which their ignorant Register *French* had failed in, and the Vice-Chancellor thought it safest to mend with his own Hand. And for my own part, if ever I did any thing worth Thanks from the Publick in all my Life, I did it in this Work for that University. And I wish with all my Heart the Times were so open, as that I might have the University's Testimony both of me and it. 'Since I cannot, a great Lord, present in the House when this Charge was laid against me, supplied in part their Absence; for he was overheard to say to another Lord, *I think my Lord Archbishop hath done no good Work in all his Life, but these Men will object it as a Crime against him before they have done.*'

With this Charge about the Statutes it was let fall, (and I well know why, 'It was to heat a Noble Person then present,') That I procured myself to be chosen Chancellor of that University. If I had so done, it might have been a great Ambition in me, but surely no Treason. But, my Lords, I have Proof great store, might I be enabled to fetch it from *Oxford*, that I was so far from endeavouring to procure this Honour to myself, as that I laboured by my Letters for another. And 'tis well known, that when they had chosen me, I went instantly to his Majesty, so soon as ever I heard it, and humbly besought him that I might refuse it, as well foreseeing the Envy that would follow me for it; and it did plentifully every way. But this for some Reasons his Majesty would not suffer me to do.

Then were objected against me divers Particulars contained in those Statutes: As, First, The making of new Oaths. The Charters of the University are not new, and they gave Power to make Statutes for themselves, and they have ever been upon Oath. Secondly, The next Illegality is, That Men are tied to obey the Proctors in singing the Litany. This is antient, and in use long before ever I came to the University; and it is according to the Liturgy of the Church of *England*, established by Law. Thirdly, The Statute of Bannition from the University. But there is nothing more antient in the University-Statutes than this. Fourthly, That nothing should be proposed in Convocation, but what was consented unto among the Heads of Colleges first; which was said to be against the Liberty of the Students. The young Masters of Arts, void of Experience, were grown so tumultuous, that no Peace could be kept in the University, till my worthy Predecessor, the Right Honourable *William Earl of Pembroke*, settled this Order among them: As he did also, upon the same grounds, settle the present way of the Choice of their Proctors. In both which I did but follow and confirm (for so much as lay in me) the good and peaceable Grounds which he had laid in those two Businesses. 'And Mr. *Browne*, who, in the summing up of my Charge, urged this against me, mainly mistook in two Things. The one was, That he said this Inhibition of Proposals was in Congregations; whereas it was only in Convocations, where more weighty Businesses are handled. The other

' was, That this stay of Proposals was made till I might be first acquainted with them. No; it was but till the Heads of Colleges had met, and considered of them, for avoiding tumultuary Proceedings. And when my Honourable Predecessor made that Order, it was highly commended every where: And is it now degenerated into a Crime, because it is made up into a Statute?' Fifthly, That some Things are referred to arbitrary Penalties. And that some Things are so referred, is usual in that University, and many Colleges have a particular Statute for it: Nor is this any more Power than ordinary School-Masters have, which have not a Statute-Law for every Punishment they use in Schools. And in divers things the old known Statute is, That the Vice-Chancellor shall proceed *grosso modo*, that is, without the regular Forms of Law, for the more speedy ending of Differences among the Scholars. Sixthly, That the Statute made by me against Conventicles is very strict: ^{a Tit. 15. § 12.}

But for these that Statute is express *de illicitis Conventiculis*; and I hope such as are unlawful may be both forbid and punished. Besides, it is according to the Charter of *Richard the Second* to that University. Seventhly, The seventh was the Power of discommoning. But this also hath ever been in power and in usage in that University, as is commonly known to all *Oxford Men*: And no longer since than King *James* his Time, Bishop *King*, then Vice-Chancellor, discommoned three or four Townsmen together. Eighthly, That Students were bound to go to Prison upon the Vice-Chancellor's, or Proctor's Command. This also was antient, and long before my coming to the University. And your Lordships may be sure the Delegacy, appointed by themselves, would not have admitted it, had it not been antient and usual. Ninthly, and lastly, ^{b Tit. 9. § 2.} About the stay of granting Graces, unless there were Testimony from the Bishop of the Diocess. This was for no Graces, but of such as live not resident in the University, and so they could not judge of their Manners and Conversation. And for their Conformity to the Church of *England*, none (as I conceive) can be a fitter Witness than the Bishop of the Diocess in which they resided. And, my Lords, for all these thus drawn up by some of their own Body, I obtained of his Majesty his Broad-Seal for Confirmation? and therefore no one thing in them is by any Assumption of Papal Power, as 'tis urged; but by the King's Power only. 'As for the Statutes themselves, there was scarce one urged against me, but it was either a Statute or a Prescription of that University long before I was born into the World, and could not therefore be of my new making. And this was my Answer to Mr. *Browne* in the House of Commons. And such Bannition, Discommoning, and the like, are well known to be.'

VII. Then followed the seventh Charge, About the Statutes of some Cathedral Churches. First, my Lords, for this, I did it by Letters-Patents from the King, bearing date *Mar. 31. decimo Caroli*, and is extant upon Record. And all that was done, was *per juris remedia*, and so nothing intended against Law, nor done, that I know. They had extreme need of Statutes; for all lay loose for want of Confirmation, and Men did what they listed: And I could not but observe it; for I was Dean of *Gloucester*, where I found it so. In seeking to re-

medy this, I had nothing but my Labour for my Pains ; and now this Accusation to boot. The Particulars urged are, 1. That I had ordered that nothing should be done in these Statutes, *me inconsulto*. And I had great reason for it. For since I was principally trusted in that Work by his Majesty, the King, if any Complaint were made, would expect the Account from me. And how could I give it, if other Men might do all, and I not be so much as consulted before they passed ?

2. That I made a Statute against letting Leases into three Livres. But first, my Lords, the Statute

which makes it lawful to let Leases
13 Eliz. c. 10. for one and twenty Years, or three
§ penult. Lives, hath this Limitation in it,

That they shall not let for many more Years than are limited by the said Colleges or Churches. Now in *Winchester-Church*, and some other, the old local Statute is most plain, that they shall let no Lease into Lives. Let the Dean and Prebendaries answer their own Acts, and their Consciencies, as they can. And in those Statutes which I did not find pregnant to that purpose, I did not make the Statute absolute, but left them free to renew all such Leases as were antiently in Lives before. And this give me Leave to say to your Lordships without offence ; If but a few more Leases be granted into Lives, no Bishop nor Cathedral Church shall be able to subsist. And this is considerable also, That, as the Statute of the Church yet stands, the Laity have the benefit, by the Leases which they hold, of more than five parts of all the Bishops, Deans and Chapters, and College Revenues in *England*. ‘ And shall it be yet
‘ an Eye-fore to serve themselves with the rest
‘ of their own? This Evidence Mr. *Browne*,
‘ whose part it was to sum up the Evidence against
‘ me at the end of the Charge wholly omitted :
‘ for what cause, he best knows.’

VIII. The next Charge was about my Injunctions in my Visitation of *Winton* and *Sarum*, for the taking down of some Houses. But they were such as were upon consecrated Ground, and ought not to have been built there ; and yet with Caution sufficient to preserve the Lessees from over-much Damage. For it appears *apud Acta*, that they were not to be pulled down till their several Leases were expired. And that they were Houses not built long since, but by them ; and that all this was to be done, to the end that the Church might suffer no damage by them : and that this Demolition was to be made *juxta Decreta Regni*, according to the Statutes of the Kingdom. Therefore nothing enjoined contrary to Law : or if any thing were, the Injunction took not place, by the very Tenour of that which was charged. ‘ Mr. *Browne*
‘ omitted this Charge also, though he hung heavily upon the like at *St. Paul’s*, though there
‘ was Satisfaction given, and not here.’

IX. The ninth Charge was my intended Visitation of both the Universities, *Oxford* and *Cambridge*. For my Troubles began then to be foreseen by me, and I visited them not. 1. This was urged as a thing directly against Law. But this I conceive cannot be, so long as it was with the King’s Knowledge, and by his Warrant. 2. Se-

condly, Because all Power of the King’s Visitations was saved in the Warrant, and that with consent of all Parts. 3. Thirdly, Because nothing in this was surreptitiously gotten from the King, all being done at a most full Council-Table, and great Council at Law heard on both Sides. 4. Fourthly, Because it did there appear, that three of my Predecessors did actually visit the Universities, and that *Jure Ecclesie sue Metropolitanæ*. 5. Fifthly, No Immunity pleaded, why the Archbishop should not visit ; for the Instance against Cardinal *Pool* is nothing. For he attempted to visit, not only by the Right of his See, but by his Power Legatine from the Pope ; whereas the University-Chartes are expresse, that such Power of Visitation cannot be granted *per Bullas Papales*. And yet now ’tis charged against me, that I challenged this by Papal Power*. ‘ Mr. *Browne* wholly neglected
‘ this Charge also, which making such a Shew, I
‘ think he would not have done, had he found it
‘ well grounded.’

X. The tenth Charge was my Visitation of *Merton-Collage* in *Oxford*. The Witness Sir *Nathaniel Brent*, the Warden of the College, and principally concerned in that Business. He said, First, That no Visitation held so long. But if he consult his own Office, he may find one much longer, held and continued at *All-Souls-Collage* by my worthy Predecessor Archbishop *Whitgift*. Secondly, He urged that I should say, *I would be Warden for seven Years*. If I did so say, there was much need I should make it good. Thirdly, That one Mr. *Rich. Nevil*, Fellow of that College, lay abroad in an Ale-house ; that a Wench was got with Child in that House, and he accused of it ; and that this was complained of to me. and Sir *Nath. Brent* accused for conspiring with the Ale-Wife against *Nevil*. I am not here to accuse the one, or defend the other. But the Case is this : This Cause between them was publick, and came to Hearing in the Vice-Chancellor’s Court, Witnesses examined, Mr. *Nevil* acquitted, and the Ale-Wife punished. In all this I had no hand. Then in my Visitation it was again complained of to me. I liked not the Business ; but forbore to do any thing in it, because it had been legally censured upon the Place. ‘ This part of the Charge Mr. *Browne* urged against
‘ me in the House of Commons, and I gave it the
‘ same Answer.’ Lastly, When I sat to hear the main Business of that College, Sir *Nathaniel Brent* was beholden to me that he continued Warden. For in Archbishop *Warham*’s time, a Predecessor of his was expell’d for less than was proved against him. And I found that true which one of my Visitors had formerly told me, namely, That Sir *Nathaniel Brent* had so carried himself in that College, as that if he were guilty of the like, he would lay his Key under the Door, and be gone, rather than come to answer it. Yet I did not think it fit to proceed so rigidly. But while I was going to open some of the Particulars against him, Mr. *Nicolas* cut me off, and told the Lords, this was to scandalize their Witnesses. So I forbore.

XI. Then followed the last Charge of this Day, concerning a Book of Dr. *Bastwick*’s, for which he was censured in the High-Commission. The Witnesses

* *The Archbishop had collected many Papers, Decretes, and Precedents, to assert his Privilege of visiting the Universities, in Right of his See, about the Year 1635. Which being seized on by Prynne, among his other Papers at Lambeth, were by him, after the Archbishop’s Death, published in his own Name, with this Title, The Plea of the University of Oxford refused, &c. London 1647. eight Sheets in 4to. H. W.*

nesses in this Charge were three. Mr. *Burton*, a mortal Enemy of mine, and so he hath shewed himself: Mrs. *Bastwick* a Woman and a Wife, and well tutored: for she had a Paper and all written which she had to say; tho' I saw it not till 'twas too late. And Mr. *Hunscot*, a Man that comes in to serve all turns against me, since the Sentence passed against the Printers for *Thou shalt commit Adultery*.

In the Particulars of this Charge, 'tis first said, That this Book was written *contra Episcopos Latiales*. But how cunningly soever this was pretended, 'tis more than manifest, it was purposely written and divulged against the Bishops and Church of *England*. Secondly, That I said that Christian Bishops were before Christian Kings: So *Burton* and Mrs. *Bastwick*. And with due Reverence to all Kingly Authority be it spoken, who can doubt but that there were many Christian Bishops, before any King was Christian? Thirdly, Mr. *Burton*

says, That I applied those Words in the Psalm, *Whom thou may'st make Princes in all Lands*, to the Bishops.

For this, if I did err in it, many of the Fathers of the Church mistak me, who interpret that place so: And if I be mistaken, 'tis no Treason. But I shall ever follow their Comments before Mr. *Burton's*. Fourthly, Mrs. *Bastwick* says that I then said, *No Bishop, and no King*: If I did say so, I learned it of

a wise and experienced Author, King *James*, who spake it out and plainly in the Conference at *Hampton-Court*.

And I hope it cannot be Treason in me to repeat it. Fifthly, Mrs. *Bastwick* complained, That I committed her Husband close Prisoner. Not I, but the High-Commission; not close Prisoner to his Chamber, but to the Prison, not to go abroad with his Keeper; which is all the close Imprisonment which I ever knew that Court use. Lastly, The Pinch of this Charge, is, That I said

I received my Jurisdiction from God, and from Christ; contrary to an Act of Parliament, which says, Bishops derive their Jurisdiction from the King. This is witnessed by all three, and that Dr. *Bastwick* read the Statute. That Statute speaks plainly of Jurisdiction *in Foro contentioso*, and Places of Judicature, and no other. And all this forinsecal Jurisdiction, I and all Bishops in *England* derive from the Crown. But my Order, my Calling, my Jurisdiction *in Foro Conscientie*, that is from God, and from Christ, and by Divine and Apostolical Right. And of this Jurisdiction it was that I then spake (if I named Jurisdiction at all, and not my Calling in general.) For I then sat in the High-Commission, and did exercise the former Jurisdiction under the Broad Seal, and could not be so simple to deny the Power

by which I then sat. Beside, the Canons of the Church of *England*, to which I have subscribed, are plain for it. Nay farther, the Use and Exercise of my Jurisdiction *in Foro Conscientie*, may not be but by the Leave and Power of the King within his Dominions. And if Bishops and Presbyters be all one Order (as these Men contend for) then Bishops must be *Jure Divino*, for so they maintain that Presbyters are. 'This part of the Charge

Mr. *Browne* pressed in his Report to the House of Commons; and when I gave this same Answer, he in his Reply said nothing but the same over and over again, save that he said, I fled to he

'knew not what inward Calling and Jurisdiction: which Point, as I expressed it, if he understood not, he should not have undertaken to judge me.'

The 16th of *May* I had an Order from the Lords, for free Access of four of my Servants to me.

On *Friday, May 17*. I received a Note from the Committee, that they intended to proceed upon part of the sixth Original Article remaining, and upon the seventh; which seventh Article follows *in hæc Verba*.

VII. That he hath traitorously endeavoured 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 established. 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 this Kingdom.

The Tenth Day of my Hearing.

MONDAY, *May 20*. 1644. This Day Mr. Serjeant *Wil!* undertook the Business against me. And at his entrance he made a Speech, being now to charge me with Matter of Religion. In this Speech he spake of a Tide, which came not in all at once: And so he said it was in the intended Alteration of Religion. First, A Connivance, then a Toleration, then a Subversion. Nor this, nor that: but a Tide it seems he will have of Religion. And I pray God his Truth (the True Protestant Religion here established) sink not to so low an Ebb, that Men may with ease wade over to that side, which this Gentleman seems most to hate. He fears both Ceremonies and Doctrine: but in both he fears where no Fear is; which I hope shall appear. He was pleased to begin with Ceremonies.

I. In this he charged first my Chapel at *Lambeth*, and Innovation in Ceremonies there.

1. The first Witness for this was Dr. *Featly*: he says, (1.) There were Alterations since my Predecessor's time. And I say so too, or else my Chapel must lie more undecently than is fit to express. He says, I turned the Table North and South. The Injunction says it shall be so. 'And then the Innovation

Injun. 7. of 2. Eliz. sine.

'was theirs in going from, not mine
'in returning to that way of placing it. Here Mr. *Browne*, in his last Reply in the House of Commons, said, That I cut the Injunction short, because in the Words immediately following 'tis ordered, That *this Place of standing shall be altered, when the Communion is administered*. But first, the Charge against me is only about the Place of it; of which that Injunction is so careful, that it commands, That *when the Communion is done, it be placed where it stood before*. Secondly, it was never charged against me, that I did not remove it at the time of Communion, nor doth the

Reason expressed in the Injunction require it; which is, *When the Number of Communicants is great, and that the Minister may be the better heard of them.* Neither of which was necessary in my Chapel, where my Number was not great, and all might easily hear.

(2.) The second Thing which Dr. *Featly* said, was in downright Terms, That the Chapel lay nastily, all the time he served in that House. Was it one of my Faults too, to cleanse it?

(3.) Thirdly, He says, the Windows were not made up with coloured Glafs, till my Time. The Truth is, they were all shameful to look on, all diversly patched, like a poor Beggar's Coat. Had they had all white Glafs, I had not stirred them. And for the Crucifix, he confesses it was standing in my Predecessor's time, tho' a little broken: so I did but mend it, I did not set it up (as was

urged against me.) And it was
^a In his Reply. 'utterly mistaken by ^a Mr. *Browne*,
 'that I did repair the Story of those

Windows, by their like in the Mass-Book. No, but I and my Secretary made out the Story, as well as we could, by the Remains that were unbroken. Nor was any Proof at all offered, that I did it by the Pictures in the Mass-Book; but only Mr. *Prym* testified, that such Pictures were there; whereas this Argument is of no Consequence: There are such Pictures in the Missal, therefore I repaired my Windows by them. The Windows contain the whole Story from the Creation to the Day of Judgment: three Lights in a Window; the two Side-Lights contain the Types in the Old Testament, and the Middle-Light the Antitype and Verity of Christ in the New: And I believe the Types are not in the Pictures in the Missal. In the mean time, I know

no Crime or Superstition in this
Calv. 1 Instit. c. 11. § 12. History. And tho' *Calvin* do not
 approve Images in Churches, yet
 he doth approve very well of them

which contain a History; and says plainly, that these have their use, *in docendo & admonendo*, in teaching and admonishing the People: And if they have that use, why they may not instruct in the Church, as well as out, I know not.

Nor do the Homilies in this Particular differ much from *Calvin*.'
Hom. of Idol. par. 2. To, 2. p. 27. fine.

But here the ^b Statute of *Edw. VI.* was charged against me, which requires the Destruction of all Images, as well in Glafs-windows, as elsewhere.
^b 3 & 4 Ed. VI. c. 10.

And this was also earnestly pressed by Mr. *Browne*, when he repeated the Sum of the Charge against me in the House of Commons.' To which I answered at both times: First, That the Statute of *Edw. VI.* spake of other Images; and that Images in Glafs-Windows were neither mentioned, nor meant in that Law: the Words of the Statute are, *Any Images of Stone, Timber, Alabaster or Earth, graven, carved or painted, taken out of any Church, &c. shall be destroyed, &c.* and not reserved to any superstitious Use. So here's not a Word of Glafs-windows, nor the Images that are in them. Secondly, that the contemporary Practice (which is one of the best Expounders of the Meaning of any Law) did neither destroy all coloured Windows, tho' Images were in them, in the Queen's time, nor abstain from setting up of new, both in her and King *James's* time. And as the Body of this Statute is utterly mistaken, so is the Penalty too; which, for the first and second Offence, is but

a small Fine, and but Imprisonment at the King's Will for the third. 'A great way short of Punishment for Treason. And I could not but wonder, that Mr. *Browne* should be so earnest in this Point, considering he is of *Lincolns-Inn*, where Mr. *Prym's* Zeal hath not yet beaten down the Images of the Apostles in the fair Windows of that Chapel; which Windows also were set up new long since that Statute of *Edw. VI.* And 'tis well known, that I was once resolved to have returned this upon Mr. *Browne* in the House of Commons, but changed my Mind, lest thereby I might have set some furious Spirit on work to destroy those harmless goodly Windows, to the just Dislike of that worthy Society.'

But to the Statute Mr. *Browne* added, That the Destruction of all Images, as well in Windows, as elsewhere, was commanded by the Homilies of the Church of *Eng'land*, and those Homilies confirmed in the Articles Art. 35. of Religion, and the Articles by Act of Parliament. This was also urged before; and my Answer was, First, That tho' we subscribed generally to the Doctrine of the Homilies, as good; yet we did not express, or mean thereby to justify and maintain every particular Phrase or Sentence contained in them. And Secondly, That the very Words of the Article to which we subscribe, are, *That the Homilies do contain a godly and a wholesome Doctrine, and necessary for these Times.* Godly, and wholesome for all Times; but necessary for those, when People were newly weaned from the Worship of Images: afterwards, neither the Danger nor the Scandal alike. 'Mr. *Browne* in his Reply said, That since the Doctrine contained in the Homilies was wholesome and good, it must needs be necessary also for all Times. But this worthy Gentleman is herein much mistaken. Strong Meat, as well spiritual as bodily, is good and wholesome; but tho' it be so, yet if it had been necessary at all Times, and for all Men, the Apostle would never have fed the *Corinthians* with Milk, and not with Meat, *1 Cor. iii. 1, 2.* The Meat always good in itself, but not necessary for them which were not able to bear it.'

(4.) The fourth Thing which Dr. *Featly* testifies, is, That there were Bowings at the coming into the Chapel, and going up to the Communion-Table, 'This was usual in Queen *Elizabeth's* time, and of old, both among *Jews*, as appears in the Story of *Hezekiab*, *2 Chron. xxix. 28.* and among Christians, as is evident in *Rhenanus's* Notes upon *Tertullian*.' And one of them, which have written against the late Canons, confesses it was usual in the Queen's Time; but then adds, *That that was a Time of Ignorance.* What, a Time of such a Reformation, and yet still a Time of Ignorance! I pray God the opposite be not a Time of Profaneness, and all is well. 'Mr. *Browne*, in the Sum of his Charge given me in the House of Commons, instanced in this also. I answered as before, with this Addition, *Shall I bow to Men in each House of Parliament, and shall I not bow to God in his House, whether I do, or ought to come to worship him? Surely I must worship God, and bow to him, tho' neither altar nor Communion-Table be in the Church.*'

(5.) For Organs, Candlesticks, a Picture of a History at the back of the Altar, and Copes at
 Com-

B. Rhenani
 Annot. in
 Tert de Co-
 ron. Mil. p.
 49.

Bp. Morton de
 Missal. l. 6. c. 5.

Communion, by the Canons of the Church. So that these, all or any, are very poor Motives from whence to argue an Alteration of Religion.

2. The second Witness against my Chapel was Sir Nathaniel Brent: But he says not so much as Dr. Featly; and in what he doth say, he agrees with him, saving that he cannot say, whether the Picture at the back of the Communion-Table, were not there before my time.

3. The third Witness for this Charge was one Mr. Boreman, who came into my Chapel at Prayers-time, when I had some new Plate to consecrate for use of the Communion; and I think it was brought to me for that end by Dr. Featly. This Man says first, He then saw me bow, and wear a Cope. That's answered. Secondly, That he saw me consecrate some Plate; that in that Consecration I used some part of Solomon's Prayer at the Dedication of the Temple; and that in my Prayer I did desire God to accept those Vessels. No Fault in any of the three. For in all Ages of the Church, especially since Constantine's time, that Religion hath had publick allowance, there have been Consecrations of sacred Vessels, as well as of Churches themselves. And these inanimate Things are holy, in that they are deputed and dedicated to the Service of God. And we are said to minister about holy Things, 1 Cor. ix. 13. And the Altar is said to sanctify the Gift, St. Matth. xxiii. 19. which it could not do, if itself were not holy. So then, if there be no Dedication of these Things to God, no Separation of them from common use, there's neither Thing nor Place holy: And then no Sacrilege; no Difference between Churches and common Houses, between Holy Tables (so the Injunction calls them) and ordinary Tables. But I would have no Man deceive himself; Sacrilege is a grievous Sin, and was severely punished, even among the Heathen. And St. Paul's Question puts it home, would we consider of it; Thou which abhorrest Idols, committest thou Sacrilege? Rom. ii. 22. Thou which abhorrest Idols, to the very defacing of Church-windows, dost thou, thou of all other, commit Sacrilege, which the very Worshipers of Idols punished? And this being so, I hope my use of a part of Solomon's Prayer, or the Words of my own Prayer (That God would be pleased to accept them) shall not be reputed Faults.

But here stepped in Mr. Prynne, and said, This was according to the Form in *Missali parvo*. But 'tis well known I borrowed nothing thence. All that I used was according to the Copy of the late Reverend Bishop of Winchester, Bishop Andrews, which I have by me to be seen, and which himself used all his time.

II. Then from my Chapel he went to my Study; and there the second Charge was, 1. That I had a Bible with the five Wounds of Christ fair upon the Cover of it. This was curiously wrought in Needle-

work. The Bible was so sent me by a Lady, and she a Protestant; I was loth to deface the Work: but the Bible I kept in my Study from any Man's Hand or Eye, that might take offence at it. 'Mr. Browne touched upon this, and my Answer was the same, saving that I mentioned not the Lady. 2. That I had in my Study a Missal, and divers other Books belonging to the Roman Liturgy.' My Lords, 'tis true, I had many; but I had more of the Greek Liturgies than the Roman: And I had as many of both, as I could get. And I would know, how we shall answer their Errors, if we may not have their Books? I had Liturgies, all I could get, both antient and modern. I had also the *Alcoran* in divers Copies. If this be an Argument, why do they not accuse me to be a Turk? 3. To this Charge was added my private Prayer-book, which Mr. Prynne had taken from me in his Search. Where first I observed, That the Secrets between God and my Soul were brought to be divulged in open Court. 'Nihil gravius dicam: But see whether it can be parallel'd in Heathenism.' But what Popery was found in these Prayers? Why, first, they said, My Prayers were in Canonical Hours, *Hora sexta, & Hora nona, &c.* I enjoined myself several Hours of Prayer; that, I hope, is no Sin: And if some of them were Church-Hours, that's no Sin neither: *Seven times a Day will I praise thee*, (Psal. cxix.) was the Prophet David's, long before any Canonical Hours. And among Christians they were in use before Popery got any head. God grant this may be my greatest Sin. Secondly, The Prayer which I made at the Consecration of the Chapel at *Hammer-smith*. I desired that might be read, or any other. No Offence found. Thirdly, The Word *Prostratus* in my private Devotions, before I came to the Eucharist. If I did so to God, what's that to any Man? But I pray, in all this curious Search, (and Mr. Prynne here, and all along, spared no Pains) why were no Prayers to the B. Virgin and the Saints found, if I were so swallowed up in Popery?

III. From my Study he went on to my Gallery. The Serjeant would find out Popery ere he had done. Thence I was charged with three Pictures: The first of them was a fair Picture of the four Fathers of the Western Church, St. Ambrose, St. Jerome, St. Augustine and St. Gregory. It was as lawful to have this Picture as the Picture of any other Men. Yea, but there was a Dove pictured over them, and that stood for the Holy Ghost. That's more than any Witness did or durst depose. The Second, was the *Ecce Homo*, as Pilate brought Christ forth, and shewed him to the Jews. This Picture is common, and I yet know no hurt of it, so it be not worshipped; and that I detest as much as any Man, and have written as much against it as any Protestant hath: And it was then read in part. And for both these Pictures I answered out of Calvin; That it is lawful to make, and have the Picture of any Things, *quorum sint capaces Oculi*, which may be seen. Now the Dove was visible and seen, St. John i. 32, 33. That's for the first Picture. And for the second, the *Ecce Homo*, why did Pilate say *Ecce*, but that the Jews might and did see him? John xix. So both Pictures lawful by the Rule laid down by Calvin.

'Mr. Browne charged against both these Pictures very warmly. And when I had answered as before, in his Reply he fell upon my Answer; and

'said

Can. Eccles.
Angl. 24.

*Tho. p. 3.
q. 63. A. 6.
ad Secundum.

Injunct. of Q.
Eliz, in fine.

Cont. Fisher.
§ 33. p. 279.

L. 1. Inst. c.
11. § 12.

‘ said it was in the Homilies, (but either he quoted not the Place, or else slipped it) That every Picture of Christ was a Lye, because whole Christ cannot be pictured. But by this Argument it is unlawful to picture any Man, for the whole Man cannot be pictured. Who ever drew a Picture of the Soul? And yet who so simple as to say the Picture of a Man is a Lye? Besides, the *Ecce Homo*, is a Picture of the Humanity of Christ only, which may as lawfully be drawn as any other Man. And it may be I may give farther Answer, when I see the Place in the Homilies.’

The third Picture found in my Gallery, I marvel why it was produced; for it relates to that of our Saviour, *St. John x. 1. 2.* where he says, That the Shepherd enters into the Sheepfold by the Door, but they which climb up to enter another way, are Thieves and Robbers. And in that Picture the Pope and the Friars are climbing up to get in at the Windows: So ’tis as directly against Popery as can be. Besides, it was witnessed before the Lords by Mr. *Walter Dill*, an ancient Servant, both to Archbishop *Emmerson* and *Abbot*, That both the *Ecce Homo* and this Picture, were in the Gallery when he came first to *Lambeth-House*, which was about forty Years since: So it was not brought thither by me to countenance Popery. *And I hope your Lordships do not think me such a Fool; if I had an Intention to alter Religion, I should hang the Profession of it openly in my Gallery, thereby to bring present Danger upon myself, and destroy the Work which, themselves say, I intended cunningly. And if there be any Error in having and keeping such Pictures, yet this is no sufficient Proof that I had any Intention to alter the Religion established, which I desire may be taken notice of once for all.

IV. From my Gallery the Serjeant crossed the Water to *White-Hall*, (and sure in haste; for at that time he took no leave of Captain *Goff*, or his Wife, before *White-Lambert*.) At the Court he met Sir *Henry Anson*. This Knight being produced by him against me, says, That in my time Bowings were constantly used in the Chapel there. But, First, Dr. *Feauly* told your Lordship, there was nothing in my Chapel but as it was in use at *White-Hall*. So all the Popery I could bring, was there before. And, Secondly, if bowing to God in his own House be not amiss, (as how it should I yet know not) then there can be no Fault in the constant doing of it: *Quod seculi fecerit bonum est, non potest malum esse, si frequenter fiat*: So St. *Jerome* teaches. Thirdly, I am very sorry, that any Reverence to God in his House, and in the time of his Worship, should be thought too much. I am sure the Homilies, so often pressed against me, cry out against the Neglect of Reverence in the Church. This Passage was read; and by this it seems, the Devil’s Cunning was, so soon as he saw Superstition thrust out of this Church, to bring Irreverence and Profaneness in. ‘ Here Mr. *Browne* having pressed this Charge, replies upon me in his last, That I would admit no Mean, but either there must be Superstition or Profaneness; whereas my Words can infer no such thing. I

‘ said *this was the Devil’s Practice*: I would have brought in the Mean between them, and preferred it too, by God’s Blessing, had I been let alone.’

2. Sir *Henry* says next, That he knew of no Bowings in that Chapel before my time, but by the Right Honourable the Knights of the Garter at their Solemnity. No time else? Did he never see the King his Master offer before my time? Or did he ever see him offer, or the Lord Chamberlain attend him there, without Bowing and Kneeling too? And for the Knights of the Garter, if they might do it without Superstition, I hope I and other Men might do so too: Especially since they were ordered by *Stat. 5.* to do it with great Reverence, *ad modum Sacerdotum*: Which proves the Antiquity of this Ceremony in *England*.

3. He farther says, There was a fair Crucifix in a piece of Hangings hung up behind the Altar, which he thinks was not used before my time. But that he thinks for is no Proof. He says, This fair Piece was hung up in the *Chapel*, as they call it. As they call it? Which way? Will he shut out himself from the *Chapel*? All Christians have called it so for above a thousand Years together; and is that become an Innovation too, as they call it? Thirdly, He says, The hanging up of this Piece was a great Scandal to Men but indifferently affected to Religion. Here I humbly crave leave to shew some few Particulars. First, That here’s no Proof so much as offer’d, That the Piece was hung up by me, or my Command. Secondly, That this Gentleman came often to me to *Lambeth*, and protested much for it; yet was never the Man that took up his Conscience, or any Man’s, if it was troubled at it: which had he done, that should have been a Scandal to no Man. Thirdly, That if this were feared of us to any, it must be either in regard of the Workmanship; or of the Piece, as it was a Crucifix: not in regard of the Work certainly, for that was very exact. And then if it were because it were a Crucifix, why did not the old one offend Sir *Henry*’s Conscience as much as the new? For the Piece of Hangings, which hung constantly all the Year at the back of the Altar, thirty Years together, upon my own Knowledge, and somewhat above, long before, (as I offer’d proof by the Vestry-Men) and so all the time of Sir *Henry*’s being in Court, had a Crucifix wrought in it, and yet his Conscience never troubled at it. Fourthly, That he could not possibly think that I intended any Popery in it, considering how hateful he knew me to be at *Rome*, beyond any my Predecessors since the Reformation: For so he protested at his return from thence to myself. And I humbly desire a *Sacer*, that I may have him called to witness it: which was granted.

When they had charged me thus far, there came up a Message from the House of Commons. I was commanded to withdraw: But that Business requiring more haste, I was dismissed with a Command to attend again on *Wednesday, May 22.* But then I was put off again to *Monday, May 27.* And after

In Register
Windsore
6. p. 15
1. m. 1. 1.
1. m. 1. 1.
1. m. 1. 1.

Problems
by
1. m. 1. 1.
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1. m. 1. 1.
1. m. 1. 1.
1. m. 1. 1.

S. Hierom.
adversus Vi-
gilantium.

Quod seculi fecerit bonum est, non potest malum esse, si frequenter fiat: So St. *Jerome* teaches.

Tom. 2 Hom.
1. Princip

Thirly, I am very sorry, that any Reverence to God in his House, and in the time of his Worship, should be thought too much. I am sure the Homilies, so often pressed against me, cry out against the Neglect of Reverence in the Church. This Passage was read; and by this it seems, the Devil’s Cunning was, so soon as he saw Superstition thrust out of this Church, to bring Irreverence and Profaneness in. ‘ Here Mr. *Browne* having pressed this Charge, replies upon me in his last, That I would admit no Mean, but either there must be Superstition or Profaneness; whereas my Words can infer no such thing. I

* All these Pictures were placed in the Gallery by Cardinal Poole, when he built it, and continue there still, having not been defaced in the time of the Rebellion, as were the Windows of the Chapel, and the Chapel itself converted into a Dancing-Room. Archbishop Parker’s Tomb in the middle of it being first beat down, and his Bones cast upon the Dunghill.

after much pressing for some Maintenance, considering how oft I was made attend, and with no small Expence, on *May 25*. I had an Order from the Committee of Sequestrations, to have Two hundred Pounds allowed me out of my own now sequester'd Estate: It was a Month before I could receive this. And this was all that ever was yet allowed me since the Sequestration of my Estate, being then of above two Years continuance.

The Eleventh Day of my Hearing.

I. **M**ONDAY, *May 27. 1644.* This Day Mr. Serjeant *Wilde* followed the Charge upon me; and went back again to my Chapel-windows at *Lambeth*: Three Witnesses against them. The first was one *Pember* a Glasier. He says, there was in one of the Glass-windows on the North-side, the Picture of an old Man with a Glory, which he thinks was of God the Father, But his thinking so is no Proof; nor doth he express in which of the North-windows he saw it. And for the Glory, that is usual about the Head of every Saint. And Mr. *Brown*, who was the second Witness, and was trusted by me for all the Work of the Windows, both at *Lambeth* and *Croydon*, says expressly upon his Oath, that there was no Picture of God the Father in the Windows at *Lambeth*. But he says, he found a Picture of God the Father in a Window at *Croydon*, and Archbishop *Cranmer's* Arms under it; and that he pulled it down. So it appears this Picture was there before my time, and continued there in so zealous an Archbishop's time, as *Cranmer* was well known to be; and it was pulled down in my time. Neither did I know till now, that ever such a Picture was there; and the Witness deposes he never made me acquainted with it. The third Witness was Mr. *Prym*. He says, He had taken a Survey of the Windows at *Lambeth*. And I doubt not his Diligence. He repeated the Story in each Window. I have told this before, and shall not repeat it. He says, the Pictures of these Stories are in the Mass-Book. If it be so, yet they were not taken thence by me. Archbishop *Morton* did that Work, as appears by his Device in the Windows. He says, the Story of the Day of Judgment was in a Window *in atrio*, that must not come into the Chapel. Good Lord! whither will Malice carry a Man? The Story opposite is of the Creation; and what, must not that come into the Chapel neither? The Chapel is divided into an inner and outer Chapel: in this outward the two Windows mentioned are; and the Partition or Skreen of the Chapel, which makes it two, was just in the same Place where now it stands, from the very building of the Chapel, for ought can be proved to the contrary. So neither I, nor any Man else, did shut out the Day of Judgment. He says, I had read the Mass-book diligently. How else should I be able really to confute what is amiss in it? He says, I had also a Book of Pictures concerning the Life of Christ in my Study. And it was fit for me to have it; for some Things are to be seen in their Pictures for the People, which their Writings do not, perhaps dare not avow.

II. The second Charge of this Day, was about the Administration of the Sacrament in my Chapel. The Witnesses two.

The first was Dr. *Haywood*, who had been my Chaplain in the House. They had got from others the Ceremonies there used, and then brought him

upon Oath. He confessed he administered in a Cope; and the Canon warranted it. He confesses (as it was urged) that he fetched the Elements from the Credential (a little Side-Table as they called it) and set them reverently upon the Communion-Table. Where's the Offence? For first, the Communion-Table was little, and there was hardly room for the Elements to stand conveniently there, while the Service was in Administration: And, Secondly, I did not this without Example; for both Bishop *Andrews*, and some other Bishops, used it so all their time, and no Exceptions taken. The second Witness was *Rob. Cornwall*, one of my menial Servants: A very forward Witness he shewed himself, but said no more than is said and answered before; both of them confessing that I was sometimes present.

III. The third Charge was about the Ceremonies at the Coronation of his Majesty. And, first, out of my Diary, *Feb. 2. 1625.* 'tis urged, that I carried back the *Regalia*, offered them on the Altar, and then laid them up in their Place of Safety. I bare the Place at the Coronation of the Dean of *Westminster*, and I was to look to all those Things, and their safe return into Custody, by the Place I then executed; and the offering them could be no Offence: For the King himself offers upon solemn Days; and the Right Honourable the Knights of the Garter offer at their Solemnity: And the Offertory is established by Law in the Common-Prayer Book of this Church: And the Prebendaries assured me it was the Custom for the Dean so to do. Secondly, They charged a Marginal Note in the Book upon me, that the Unction was *in formâ Crucis*. That Note doth not say that it ought so to be done; but it only relates the Practice, what was done. And if any Fault were in anointing the King in that Form, it was my Predecessor's Fault, not mine; for he so anointed him. Thirdly, they say, there was a Crucifix among the *Regalia*, and that it stood upon the Altar at the Coronation, and that I did not except against it. My Predecessor executed at that time, and I believed would have excepted against the Crucifix had it stood there: But I remember not any there; yet if there were, if my Predecessor approved the standing of it, or were content to connive at it, it would have been made but a Scorn had I quarrel'd it. Fourthly, They say, One of the Prayers was taken out of the *Pontifical*. And I say, if it were, it was not taken thence by me: And the Prayers are the same that were used at King *James's* Coronation: And so the Prayer be good (and here's no Word in it, that is excepted against) 'tis no matter whence 'tis taken.

Then leaving the Ceremonies, he charged me with two Alterations in the Body of the King's Oath. One added, namely these Words (*agreeable to the King's Prerogative*;) the other omitted, namely these Words, (*quæ Populus elegerit*, which the People have chosen, or shall chuse.) For this latter, the Clause omitted, that suddenly vanished; for it was omitted in the Oath of King *James*, as is confessed by themselves in the printed Votes of this present Parliament. But the other highly insisted on, as taking off the total Assurance which the Subjects have by the Oath of their Prince for the Performance

Can. Eccles. Angl. 24.

Heylin affirmeth, that the old Crucifix being found among the Regalia, was then placed upon the Altar. Life of Laud, p. 144.

P. 706.

Performance of his Laws. First, I humbly conceive this Clause takes off none of the Peoples Assurance; none at all. For the King's just and legal Prerogative, and the Subjects Assurance for Liberty and Property, may stand well together, and have so stood for Hundreds of Years. Secondly, That Alteration, whatever it be, was not made by me; nor is there any Interlining or Alteration so much as of a Letter found in that Book. Thirdly, If any thing be amiss therein, my Predecessor gave that Oath to the King, and not I. I was merely ministerial both in the Preparation, and at the Coronation itself, supplying the place of the Dean of *Westminster*.

After this Day's Work was ended, it instantly spread all over the City, that I had altered the King's Oath at his Coronation, and from thence into all parts of the Kingdom; as if all must be true which was said at the Bar against me, what Answer soever I made. The People, and some of the Synod, now crying out, That this one thing was enough to take away my Life. And tho' this was all that was charged this Day concerning this Oath, yet seeing how this Fire took, I thought fit, the next Day that I came to the Bar, to desire that the Books of the Coronation of former Kings, especially those of Queen *Elizabeth* and King *James*, might be seen and compared, and the Copies brought into the Court, both from the *Exchequer*, and such as were in my Study at *Lambeth*, and a fuller Inquisition made into the Business; in regard I was as innocent from this Crime, as when my Mother bare me into the World. A *Salvo* was enter'd for me upon this. And every Day that I after came to the Bar, I called upon this Business: But somewhat or other was still pretended by them which managed the Evidence, that I could not get the Books to be brought forth, nor any thing to be done, till almost the last Day of my Hearing. Then no Books could be found in the *Exchequer*, nor in my Study, but only that of King *James*; whereas, when the Keys were taken from me, there were

divers Books there, as is confessed in ^a Pag. 706. the ^a printed Votes of this Parliament, and one of them with a Watchet-Sattin cover, now missing: And whether this of King *James* (had not my Secretary, who knew the Book, seen it drop out of Mr *Prym's* Bag) would not have been concealed too, I cannot tell. At last, the Book of King *James's* Coronation, and the other urged against me concerning King *Charles*, were seen and compared openly in the Lords House, and found to be the same Oath in both, and no Interlining or Alteration in the Book charged against me.

This Business was left by the Serjeant to Mr. *Maynard*, who made the most that could be out of my Diary against me: And so did Mr. *Browne*, when he came to give the Sum of the Charge against me, both before the Lords, and after in the House of Commons. And therefore for the avoiding of all tedious Repetition, and for that the Arguments which both used are the same, and because I hold it not fit to break a Charge of this moment into divers Pieces, or put them in different Places, I will here set down the whole Business together, and the Answer which I then gave.

Mr. *Browne*, in the Sum of the Charge against me in the Commons House, when he came to this Article, said, He was now come to the Business so much expected. And I humbly besought that

Honourable House, if it were a Matter of so great Expectation, it might be of as great Attention too, while I should follow that worthy Gentleman step after step, and answer as I went.

1. And, First, he went about to prove out of my Diary, that this Addition (*of the King's Prerogative*) to the Oath, was made by me. Thus he says, That *December* 31. 1625. I went to *Hampton-Court*. That's true. He says, That there, *Jan.* 1. I understood I was named with other Bishops to meet and consider of the Ceremonies about the Coronation; and that, *Jan.* 4. we did meet at *White-Hall* accordingly; and that, *Jan.* 6. we gave his Majesty an Answer. Not I, (as 'twas charged) but *We* gave his Majesty an Answer. So if the Oath had been changed by me, it must have been known to the Committee, and broken forth to my Ruin long since. Then he says, That *Jan.* 16. I was appointed to serve at the Coronation, in the room of the Dean of *Westminster*. That's no Crime: And 'tis added in the Diary, that this Charge was deliver'd unto me by my Predecessor. So he knew that this Service to attend at the Coronation was imposed upon me. He says next, That *Jan.* 18. the Duke of *Buckingham* had me to the King, to shew his Majesty the Notes we had agreed on, if nothing offended him. These were only Notes of the Ceremonies. And the other Bishops sent me, being puny, to give the Account. Then he says, *Jan.* 23. It is in my Diary, *Librum habui paratum*, I had a Book ready. And it was time, after such Meetings, and the Coronation being to follow *Feb.* 2. and I designed to assist and attend that Service, that I should have a Book ready: The Ceremonies were too long and various to carry them in Memory. And whereas 'tis urged, That I prepared and altered this Book, the Words in my Diary are *paratum habui*, I had the Book ready for my own use in that Service, Nor can *paratum habui* signify preparing or altering the Book. And, Thirdly, 'tis added there, That the Book which I had ready in my hands, did agree *per omnia cum libro Regali*. And if it did agree in all Things with the King's recorded Book then brought out of the *Exchequer*, where then is the Alteration so laboriously fought to be fasten'd on me? I humbly beseech you to mark this.

Yet out of these Premises put together, Mr. *Browne's* Inference was, That I made this Alteration of the Oath. But surely these Premises, neither single nor together, can produce any such Conclusion; but rather the contrary. Beside, Inference upon Evidence, is not Evidence, unless it be absolutely necessary; which all Men see that here it is not. But I pray observe: Why was such a sudden stay made at *Jan.* 23. whereas it appears in my Diary at *Jan.* 31. that the Bishops were not alone trusted with this Coronation-Business, *sed alii Proceres*, but other Great and Noble Men also? And they did meet that *Jan.* 31. and sat in Council about it. So the Bishops Meetings were but preparatory to ease the Lords, most of the Ceremonies being in the Church-way. And then can any Man think that these great Lords, when they came to review all that was done, would let the Oath be altered by me, or any other, so materially, and not check at it? 'Tis impossible.

‘ 2. Secondly, This Gentleman went on to charge this Addition upon me thus; There were found in my Study at *Lambeth* two Books of King *James’s* Coronation, one of them had this Clause or Addition in it, and the other had it not; and we cannot tell by which he was crowned. Therefore it must needs be some wilful Error in me, to make choice of that Book which had this Addition in it, or some great Mistake. First, If it were a Mistake only, then it is no Crime: And wilful Error it could not be; for being named one of them that were to consider of the Ceremonies, I went to my Predecessor, and desired a Book, to see by it what was formerly done. He delivered me this now in question: I knew not whether he had more, or no; nor did I know that any one of them differed from other: Therefore no wilful Error. For I had no Choice to make of this Book which had the Addition, before that which had it not, but thankfully took that which he gave me. But, Secondly, if one Book of King *James’s* Coronation, in which I could have no hand, had this Addition in it, (as is confessed) then was not this a new Addition of my making. And, Thirdly, it may easily be seen that King *James* was crowned by the Book which had this Addition in it; this being in a fair Carnation-Sattin Cover, the other in Paper, without a Cover, and unfit for a King’s Hand, especially in such a great and publick Solemnity.

‘ 3. In the Third Place he said, There were in this Book twenty Alterations more, and all, or most in my Hand. Be it so, (for I was never suffered to have the Book to consider of) they are confessed not to be material. The Truth is, when we met in the Committee, we were fain to mend many Slips of the Pen, to make Sense in some Places, and good *English* in other. And the Book being trusted with me. I had Reason to do it with my own Hand, but openly at the Committee all. Yet two Things, as Matters of some Moment, Mr. *Browne* checked at.

(1.) The one was, That *Confirm* is changed into *Perform*. ‘ If it be so, *Perform* is the greater and more advantageous to the Subjects, because it includes *Execution*, which the other Word doth not. Nor doth this Word hinder, but that the Laws and Liberties are the People’s already: For tho’ they be their own, yet the King, by his Place, may and ought to perform the keeping and maintaining of them. I say, (if it be so) for I was never suffered to have this Book in my Hands, tho’ roughly to peruse: Nor, under favour, do I believe this Alteration is so made, as ’tis urged. [In the Book which I have by me, and was transcribed from the other, it is *Confirm*.]

‘ (2.) The other is, That the King is said to answer *I will*, for *I do*. But when will he? Why all the Days of his Life; which is much more than *I do*, for the present. So if this Change be made, ’tis still for the People’s Advantage. [And there also ’tis *I do grant*.] And yet again, I say (if) for the Reason before given. Besides, in all the *Latin* Copies there is a Latitude left for them that are trusted, to add to those Interrogatories which are then put to the King any other that is just, in these Words, *Adjiciantur prædictis Interrogationibus quæ justa fuerint*. And such are these two mentioned, if they were made.

‘ 4. Mr. *Browne’s* fourth and last Objection was, That I made this Alteration of the Oath, because it agrees (as he said) with my Judgment: For that in a Paper of Bishop *Harpsnett’s* there is a

‘ Marginal Note in my Hand, that *Salvo Jure Coronæ* is understood in the Oaths of a King. But, First, there’s a great deal of Difference between *Jus Regis & Prærogativa*, between the Right and Inheritance of the King and his Prærogative, tho’ never so legal. And with Submission, and until I shall be convinced herein, I must believe that no King can swear himself out of his native Right. Secondly, If this were, and still be an Error in my Judgment, that’s no Argument at all to prove Malice in my Will: That because that is my Judgment for *Jus Regis*, therefore I must thrust *Prærogativam Regis*, which is not my Judgment, into a publick Oath which I had no Power to alter. These were all the Proofs which Mr. *Maynard* at first, and Mr. *Browne* at last, brought against me in this Particular. And they are all but conjectural, and the Conjectures weak. But that I did not alter this Oath by adding the *Prærogative*, the Proofs I shall bring are pregnant, and some of them necessary. They are these.

‘ 1. My Predecessor was one of the Grand Committee for these Ceremonies. That was proved by his Servants to the Lords. Now his known Love to the Publick was such, as that he would never have suffered me, or any other, to make such an Alteration. Nor would he have concealed such a Crime in me, loving me so well as he did.

‘ 2. ’Tis notoriously known that he crowned the King, and administer’d the Oath, (which was avowed also before the Lords by his antient Servants:) And it cannot be rationally conceived he would ever have administer’d such an alter’d Oath to his Majesty.

‘ 3. ’Tis expressed in my Diary, at *Jan. 31, 1625*. (and that must be good Evidence for me, having been so often produced against me) that divers great Lords were in this Committee for the Ceremonies, and did that Day sit in Council upon them. And can it be thought they would not so much as compare the Books? Or that comparing of them, they would endure an Oath with such an Alteration to be tender’d to the King? Especially since ’tis before confessed that one Copy of King *James’s* Coronation had this Alteration in it, and the other had it not.

‘ 4. ’Tis expressed in my Diary, and made use of against me, at *Jan. 23, 1625*. that this Book urged against me did agree *per omnia cum Libro Regali*, in all things with the King’s Book, brought out of the *Exchequer*. And if the Book that I then had, and is now insisted upon, did agree with that Book which came out of the *Exchequer*, and that in all things, how is it possible I should make this Alteration?

‘ 5. With much Labour I got the Books to be compared in the Lords House; that of King *James’s* Coronation, and this of King *Charles*; and they were found to agree in all things to a Syllable. Therefore ’tis impossible this should be added by me. And this, I conceive, cuts off all conjectural Proofs to the contrary.

‘ Lastly, In the printed Book of the Votes of this present Parliament, it is acknowledged, that the Oath given to King *James* and King *Charles* was the same. The same: therefore unaltered. And this Passage of that Book I then shewed the Lords in my Defence. To this Mr. *Maynard* then replied, That the Votes there mentioned were upon the Word *elegerit*, and the Doubt whe-

ther it should be *both chosen, or shall chuse*. I might not then answer to the Reply, but the Answer is plain. For, be the Occasion which led on the Votes what it will, as long as the Oath is acknowledged the same, 'tis manifest it could not be alter'd by me. And I doubt not, but these Reasons will give this Honourable House Satisfaction, that I added not this Particular of the Prerogative to the Oath.

Mr. Browne, in his last Reply, passed over the other Arguments I know not how. But against this, he took exception. He brought the Book with him, and read the Passage; and said, (as far as I remember) That the Votes had relation to the Word *chuse*, and not to this Alteration. Which is in effect the same which Mr. Maynard urged before. I might not reply by the Course of the Court, but I have again considered of that Passage, p. 706. and find it plain. Thus, first they say, They have consider'd of all the Alterations in the Form of this Oath, which they can find: therefore of this Alteration also, if any such were. Then they say, *Excepting that Oath which was taken by his Majesty and his Father King James*. There it is confessed, that the Oath taken by them was one and the same, called there *that Oath* which was taken by both. Where falls the Exception then? For 'tis said, *Excepting that Oath, &c.* Why it follows, *excepting that the Word chuse is wholly left out, as well hath chosen as will chuse*. Which is a most manifest and evident Confession, that the Oath of King James and King Charles was the same in all things, to the very leaving out of the Word *chuse*. Therefore it was the same Oath all along: no difference at all. For *Exceptio firmat Regulam in non Exceptis*; and here's no Exception at all of this Clause of the Prerogative. Therefore the Oath of both the Kings was the same in that, or else the Votes would have been sure to mention it. Where it may be observed too, that Serjeant Wilde, though he knew these Votes, and was present both at the Debate and the Voting, and so must know that the Word *chuse* was omitted in both the Oaths; yet at the first he charged it eagerly upon me, that I had left this Clause of *chusing* out of King Charles's Oath, and added the other. God forgive him. But the World may see by this, and some other Passages, with what Art my Life was fought for.

And yet before I quite leave this Oath, I may say 'tis not altogether improbable, that this Clause, *And agreeing to the Prerogative of the Kings thereof*, was added to the Oath in Edward VI's or Queen Elizabeth's time; and hath no relation at all to the *Laws of this Kingdom*, absolutely mentioned before in the beginning of this Oath; but only to the Words, *The Profession of the Gospel established in this Kingdom*: And then immediately follows, *And agreeing to the Prerogative of the Kings thereof*. By which the King swears to maintain his Prerogative, according to God's Law, and the Gospel established, against all foreign Claims and Jurisdictions whatsoever. And if this be the meaning, he that made the Alteration, whoever it were (for I did it not) deserves Thanks for it, and not the Reward of a Traitor.

IV. Now to return to the Day. The fourth Charge went on with the Ceremonies still. But Mr. Serjeant was very nimble; for he leaped from the Coronation at *Westminster*, to see what I did at *Oxford*.

1. There the first Witness is Sir *Nathaniel Brent*. And he says, The standing of the Communion-Table at *St. Mary's* was alter'd. I have answered to this Situation of the Communion-Table already. And if it be lawful in one place, 'tis in another. For the Chapel of *Magdalen-College*, and *Christ-Church* Quire, he confesses he knows of no Direction given by me to either: nor doth he know whether I approved the things there done or no. So all this is no Evidence. For the Picture of the Blessed Virgin at *St. Mary's* Door, as I knew nothing of it till it was done, so never did I hear any Abuse or Dislike of it after it was done. And here Sir *Nathaniel* confesses too, that he knows not of any Adoration of it, as Men passed the Streets or otherwise. When this Witness came not home, they urged the Statute of *Merton-College*, or the University, (§ 11.) where (if I took my Notes right) they say, I enjoined *debitam Reverentiam*. And as I know no fault in that Injunction or Statute, so neither do I know what due bodily Reverence can be given to God in his Church, without some Bowing or Genuflection.

2. The second Witness was Mr. *Corbett*. He says, That when decent Reverence was required by my Visitors in one of my Articles, he gave Reasons against it, but Sir *John Lambe* urged it still. First, My Lords, if Mr. *Corbett's* Reasons were sufficient, Sir *John Lambe* was to blame in that; but Sir *John Lambe* must answer it, and not I. Secondly, It may be observed, that this Man by his own Confession, gave Reasons (such as they were) against due Reverence to God in his own House. He says, That Dr. *Frewen* told him from me, *That I wished he should do as others did at St. Mary's, or let another execute his Place as Proctor*. This is but a Hearsay from Dr. *Frewen*, who being at *Oxford*, I cannot produce him. And if I had sent such a Message, I know no Crime in it. He says, That after this he desired he might enjoy in this particular the Liberty which the King and the Church of *England* gave him. He did so: and from that Day he heard no more of it, but enjoyed the Liberty which he asked. He says, Mr. *Channel* desired the same Liberty as well as he. And Mr. *Channel* had it granted as well as he. He confesses ingenuously, that the Bowing required, was only toward, not to the Altar. And to the Picture at *St. Mary's* Door, he says he never heard of any Reverence done to it; and doth believe, that all that was done at *Christ-Church* was since my time. But it must be his Knowledge, not his Belief, that must make an Evidence.

3. The third Witness was one Mr. *Bendye*. He says, There was a Crucifix in *Lincoln-College* Chapel since my time. If there be, 'tis more than I know. My Lord of *York* that now is, when he was Bishop of *Lincoln*, worthily bestowed much Cost upon that Chapel; and if he did set up a Crucifix, I think it was before I had ought to do there. He says, There was Bowing at the Name of Jesus. And God forbid but there should; and the Canon of the Church *Can. 18.* requires it. He says, There were *Latin* Prayers in *Lent*, but he knows not who intimated it. And then he might have held his peace. But there were *Latin* Sermons and Prayers on *Ash-Wednesday*, when few came to Church, but the *Lent* Proceeders, who understood them. And in divers Colleges they have their Morning-Prayers in *Latin*

^b And the third Witness agrees in this.

Latin, and had so, long before I knew the University. The last thing he said, was, That there were Copies used in some Colleges, and that a Traveller should say, upon the sight of them, *That he saw just such a thing upon the Pope's back.* This wise Man might have said as much of a Gown: He saw a Gown on the Pope's back; therefore a Protestant may not wear one. Or entering into *St. Paul's*, he may cry, *Down with it! for I saw the Pope in just such another Church in Rome.*

4. Then was urged the Conclusion of a Letter of mine sent to that University: the Words were to this effect; *I desire you to remember me a Sinner, quoties coram Altare Dei procidatis.* The Charge lay upon the Word *procidatis*; which is no more, than that when they there fall on their knees, or prostrate to Prayer they would remember me. In which Desire of mine. or Expression of it, I can yet see no Offence. No, nor in *coram Altare*, their solemnest time of Prayer being at the Communion. Here Mr. *Browne* aggravated the things done in that University; and fell upon the Titles given me in some Letters from thence: but because I have answered those Titles already, I refer the Reader thither, and shall not make here any tedious Repetition. Only this I shall add, That in the Civil Law 'tis frequent to be seen, that not Bishops only one to another, but the great Emperors of the World have commonly given that Title of *Sanctitas vestra*, to Bishops of meaner place than myself; to say no more. But here Mr. *Browne*, in his last Reply, was pleased to say, This Title was not given to any Bishop of *England*. First, If I had my Books about me, perhaps this might be refuted. Secondly, Why should so grave a Man as he so much disparage his own Nation? Is it impossible (be my Unworthiness what it will) for an *English* Bishop to deserve as good a Title as another? Thirdly, Be that as it may, if it were (as certainly it was) lawfully given to other Bishops, though they not *English*, then it is neither Blasphemy, nor Assumption of Papal Power, as was charged upon it.

V. From *Oxford* Mr. Serjeant went to *Cambridge*. And I must be guilty, if ought were amiss there too. For this fifth Charge were produced three Witnesses, Mr. *Wallis*, Mr. *Greece*, and Mr. *Seaman*. Their Testimonies agreed very near: so I will answer them together. First, they say, That at *Peter-House* there were Copes and Candlesticks, and Pictures in the Glass-Windows; and the like. But these things I have often answered already, and shall not repeat. They say, The chief Authors of these things were Dr. *Wren* and Dr. *Cofens*. They are both living, why are they not called to answer their own Acts? For here's yet no shew of Proof to bring any thing home to me. For no one of them says, that I gave direction for any of these. No, (says Mr. Serjeant) but why did I tolerate them? First, No Man complained to me. Secondly, I was not Chancellor, and endured no small Envy for any little thing that I had occasion to look upon in that place. And Thirdly, This was not the least Cause, why I followed my Right for Power to visit there. And though that Power was confirmed to me, yet the Times have been such, as that I did not then think fit to use it. It would have but heaped more Envy on me who bare too much already. As for Mr. *Greece*, who hath laboured much against me in

all this Business, God forgive him; and while he inherits his Father's ill Affections to me, God preserve him from his Father's End.'

VI. From *Cambridge* he went to the Cathedrals, and first to *Canterbury*. Here the Charge is bowing *versus Altare*; the two Witnesses, two Prebendaries of that Church, Dr. *Jackson* and Dr. *Blechenden*. And first, Dr. *Jackson* says, the bowing was *versus Altare*; so not *to*, but *toward* the Altar: and Dr. *Blechenden* says, it was the Adoration of the high Majesty of God, to whom, if no Altar were there, I should bow. Dr. *Jackson* says, This Bowing was to his grief. Strange! I avow to your Lordships and the World, no Man did so much approve all my Proceedings in that Church, as he; and for this Particular, he never found the least fault with it to me: and if he conceal his Grief, I cannot ease it. He says, This Bowing was not in use till within this six or seven Years. Sure the old Man's Memory fails him. For Dr. *Blechenden* says, The Communion-Table was railed about, and Bowings before it, when he came first to be a Member of that Church; and said upon his Oath, that's above ten Years ago; and that it was practised before their new Statutes were made; and that in those Statutes no Punishment inflicted for the Breach or not Performance of this Reverence. I could tell your Lordships how often Dr. *Jackson* hath shifted his Opinions in Religion, but that they tell me their Witnesses must not be scandalized. As for the Statutes, my Secretary Mr. *Dell*, who copied them out, testified here to the Lords, that I left out divers Superstitions which were in the old Book, and ordained many Sermons in their rooms.

The next Cathedral he instanced in, was *Winchester*. But there's nothing but the old Objections, Copes. And the wearing of them is warranted by the Canon; *Can. 21.* and Reverence at coming in and going out of the Church. And that, great Kings have not (in better Ages) thought much to do. And they did well to instance in the College of *Winchester*, as well as the Church; for 'tis confessed, the Injunction sent thither requires, that the Reverence used be such as is not dissonant from the Church of *England*. So this may be a Comment to the other Injunctions. But for the Copes in Cathedrals, Mr. *Browne* in his last Reply was not satisfied. For he said, the Canon mentioned but the wearing of one Cope. Be it so: but they must have that before they can wear it. And if the Canon enjoin the wearing of one, my Injunction might require the providing and using of one. Besides, if there be no Popery, no Introduction to Superstition in the having or using of one; then certainly there can be none in the having of more for the same use: the Superstition being lodged in the Misuse, not in the Number.'

VII. From the Cathedrals, Mr. Serjeant went to view some Parish-Churches. And first 'tis charged, That in a Parish-Church at *Winchester* two Seats were removed, to make way for railing in of the Communion-Table. But for ought I know, this might have been concealed. For it was liked so well, that they to whom the Seats belonged, removed them at their own Charges, that the other might be done.

The next Instance was in *St. Gregory's* Church, by *St. Paul's*. The Charge was, the placing of the Communion-Table Altar-wise. To the Charge itself,

itself, Answer is given before. The Particulars which are new, are these: the Witness Mr. *Wyan*. He says, the Order for such placing of the Table was from the Dean and Chapter of *St. Paul's*. And *St. Gregory's* is in their peculiar Jurisdiction. So the Holy Table was there placed by the Ordinary, not by me. He says next, that the Parishioners appealed to the Arches, but received an Order to command them and the Cause to the Council-board: That it was a full Board when the Cause was heard, and his Majesty present; and that there I maintained the Queen's Injunction about placing the Communion-Table. In all this, here's nothing charged upon me, but Maintenance of the Injunction: and I had been much to blame, if I should not have maintained it. He says, Sir *Henry Martin* came and saw it, and said it would make a good Court-Cupboard. If Sir *Henry* did say so, the Scorn ill became either his Age or Profession; tho' a Court-Cupboard be somewhat a better Phrase than a Dresser. God forgive them who have in Print called it so. He says, that hereupon I did say, *That he which spake that, had a Stigmatical Puritan in his Bosom*. This Man's Memory serves him long for Words: this is many Years since; and if I did speak any thing sounding this way, 'tis more like I should say *Schismatical*, than *Stigmatical Puritan*. But let him look to his Oath; and which Word soever I used, if Sir *Henry* used the one, he might well hear the other. For a profane Speech it was, and little becoming a Dean of the Arches. He says, That soon after this Sir *Henry* was put out of his Place. Not very soon after this; for I was at the time of this Business (as far as I remember) Bishop of *London*, and had nothing to do with the disposing of his Place. After, when I came to be Archbishop, I found his Patent was void, neither could Sir *Henry* himself deny it. And being void, and in my Gift, I gave it to another.

He says farther, That it was urged that this way of placing the Communion-Table was against the Word of God, in Bishop *Jewel's* and Mr. *Fox's* Judgment; and that I replied, *It were better they should not have these Books in Churches, than so to abuse them*. First, For ought I yet know, (and in these Straits of Time the Books I cannot come at) their Judgment, rightly understood, is not so. Secondly, Though these two were very worthy Men in their time, yet every thing which they say is not by and by the Doctrine of the Church of *England*. And I may upon good Reason depart from their Judgment in some Particulars, and yet not differ from the Church of *England*. As in this very Particular, the Injunction for placing the Table so, is the Act of the Queen and the Church of *England*. And I conceive the Queen, then upon the Act of Reformation, would not have enjoined it, nor the Church obeyed it, had it been against the Word of God. Thirdly, If I did say, *That if they could make no better use of Jewel and the Book of Martyrs, it were better they had them not in the Churches*; they gave too great occasion for the Speech: For they had pick'd divers Things out of those Books which they could not master, and with them distemper'd both themselves and their Neighbours. And yet, in hope other more modest Men might make better use of them, I never gave Counsel to have those Books removed, (nor is that so much as charged) but said only thus, That if no better use would be made of them, then that

last Remedy; but never till then. 'This last Passage Mr. *Browne* insisted upon; The taking of good Books from the People. But as I have answered, there was no such Thing done, or intended; only a Word spoken to make busy Men see how they abused themselves and the Church, by misunderstanding and misapplying that which was written for the good of both.' Lastly, It was urged, he said, that the Communion-Table must stand Altar-wise, that Strangers which come and look into these Churches, might not see such a Disproportion; the holy Table standing one way in the Mother-Church, and quite otherwise in the Parochial annexed. And truly, to see this, could be no Commendation of the Discipline of the Church of *England*. But howsoever, Mr. *Clarke* (the other Witness with *Wyan*, and agreeing with him in the most) says plainly, that it was the Lord of *Arundel* that spake this, not I; and that he was seconded in it by the Lord *Weston*, then Lord Treasurer, not by me.

VIII. The last Charge of this Day was a Passage out of one Mr. *Shelford's* Book, p. 20, 21. *That they must take the Reverend Prelates for their Examples, &c.* And Mr. *Prynn* witnessed the like was in the Missal, p. 256. Mr. *Shelford* is a mere Stranger to me, his Book I never read; if he have said any thing unjust or untrue, let him answer for himself. As for the like to that, which he says, being in the Missal, tho' that be but a weak Argument, yet let him salve it.

Here this Day ending, I was put off to *Saturday, June 1*. And then again put off to *Thursday, June 6*. which held.

My Twelfth Day of Hearing:

Thursday, June 6. 1644. This Day Serjeant *Wilde*, instead of beginning with a new Charge, made another long Reply to my Answers of the former Day. Whether he found that his former Reply, made at the time, was weak, and so reputed, I cannot tell. 'But another he made, as full of premeditated Weakness, as the former was of sudden. Mr. *Prynn*, I think, perceived it, and was often at his Ear; but Mr. Serjeant was little less than angry, and would on.' I knew I was to make no Answer to any Reply, and so took no Notes; indeed holding it all as it was, that is, either nothing, or nothing to the purpose. This tedious Reply ended;

I. Then came on the First Charge about the Window of coloured Glass set up in the new Chapel at *Westminster*. It was the History of the coming down of the Holy Ghost upon the Apostles. This was charged to be done by me, and at my Cost: the Witnesses, Mr. *Browne*, employ'd in setting up the Window, and Mr. *Sutton* the Glazier.

These Men say, That Dr. *Nezwell*, Sub-Dean of *Westminster*, gave order for the Window, and the setting of it up; but they know not at whose Cost, nor was any Order given from me. So here's nothing charged upon me. And if it were, I know nothing amiss in the Window. As for the King's Arms being taken down (as they say) let them answer that did it. Tho', I believe, that the King's Arms standing alone in a white Window, was not taken down out of any ill Meaning, but only out of Necessity to make way for the History.

II. The Second Charge was the Picture of the Blessed Virgin set upon a new-built Door at *St. Mary's* in *Oxford*: Here Alderman *Nixon* says, That some

some Passengers put off their Hats, and, as he supposes, to that Picture. But, my Lords, his Supposal is no Proof. He says, that the next Day he saw it. But what did he see? Nothing, but the putting off the Hat; for he could not see why, or to what, unless they which put off, told it. They might put off to some Acquaintance that passed by. He farther says, he saw a Man in that Porch upon his Knees, and, he thinks, praying; but he cannot say to that. 'But then (if the Malice he hath long borne me, would have suffer'd him) he might have staid till he knew to whom he was praying, for till then 'tis no Evidence.' He says, he thinks that I countenanced the setting of it up, because it was done by Bishop Owen. But Mr. Bromfeild, who did that Work, gave Testimony to the Lords, that I had nothing to do in it. He says, there was an Image set up at Carfax Church, but pulled down again by Mr. Widdows, Vicar there. But this hath no relation at all to me. 'This Picture of the Blessed Virgin was twice mentioned before: and Sir Nath. Brent could say nothing to it but Hearsay. And Mr. Corbett did not so much as hear of any Abuse. And now Alderman Nixon says, he saw Hats put off; but the wise Man knows not to what. Nor is there any Shew of Proof offer'd, that I had any Hand or Approbation in the setting of it up; or that ever any Complaint was made to me of any Abuse to it, or Dislike of it. And yet Mr. Browne, when he gave the Sum of the Charge against me, insisted upon this also, as some great Fault of mine, which I cannot yet see.'

III. In the next Charge, Mr. Serjeant is gone back again to *Whitehall*, as in the former to *Oxford*. The Witnesses are Mrs. *Charnock*, and her Daughter. They say, they went (being at Court) into the Chapel, and it seems a Woman with them, that was a Papist; and that while they were there, Dr. *Brown*, one of the King's Chaplains, came in, bowed toward the Communion-Table, and then at the Altar kneeled down to his Prayers. I do not know of any Fault Dr. *Brown* committed, either in doing Reverence to God, or praying there. And yet if he had committed any Fault, I hope I shall not answer for him. I was not then Dean of the Chapel, nor did any ever complain to me. They say, that two Strangers came into the Chapel at the same time, and saw what Dr. *Brown* did, and said thereupon, *That sure we did not differ much; and should be of one Religion shortly*: And that the Woman which was with these Witnesses, told them they were Priests. First, This can no way relate to me; for neither did these Women complain to me of it, nor any from them. Secondly, If these two Men were Priests, and did say as is testified, are we ever a whit the nearer them in Religion? Indeed, if all the Difference between *Rome* and us consisted in outward Reverence, and no Points of Doctrine, some Argument might hence be drawn; but the Points of Doctrine being so many and great, put stop enough to that. Thirdly, If Recufants, Priests especially, did so speak, might it not be said in Cunning, to discountenance all external Worship in the Service of God; that so they may have opportunity to make more Profelytes? And 'tis no small Advantage; to my knowledge, which they have this way made. 'And this was the Answer which I gave Mr. *Browne*, when he charged this upon me in the House of Commons.'

Here, before they went any farther, Mr. Serjeant *Wilde* told the Lords, That when Sir *Nathaniel Brent* was employed in my Visitation, he had

Instructions for particular Churches, of which some were tacit Intimations; and some express. I know not to what end this was spoken; for no coherent Charge followed upon it. But sure he thinks Sir *Nathaniel Brent* very skilful in me, that he can understand my tacit Intimations, and know to what particular Church to apply them. 'And as I said no more at the Bar, so neither did I think to say any more after; yet now I cannot but a little bemoan myself. For ever since Mr. *Maynard* left off, who pleaded, tho' strongly, yet fairly, against me; I have been in very ill Condition between the other two. For, from Mr. *Nicolas* I had some Sense, but extreme virulent and foul Language: And from Serjeant *Wilde* Language good enough sometimes, but little or no Sense. For let me answer what I would, when he came to reply, he repeated the Charge again, as if I had made no Answer at all: or as if all that I expressed never so plainly, had been but tacit Intimations; which I think he understood as much as Sir *Nathaniel Brent*.'

IV. In the Fourth Charge he told the Lords he would not trouble them with repeating the Evidence, but only put them in mind of some things in the Case of *Ferdinando Adams* of *Ipswich*; of the Men of *Lewes* suffering in the High-Commission; of the Parishioners of *Beckington*, and some others heard before, but would leave the Lords to their Memory and their Notes: Yet read over their Sentences given in the High-Commission, and made a Repetition of whatsoever might but make a Shew to render me odious to the People. 'And this hath been their Art all along, to run over the same thing twice and again, (as they did here in the second Charge about the Picture of the Blessed Virgin) to the end, that as the Auditors changed, the more of them might hear it; and that which wrought not upon some, might upon others. In all which I patiently referred myself to my former Answers, having no other way to help myself; in regard they pretended that they renew'd the same Instances, but not the same way; but in one Place, as against Law; and in another, as against Religion. But why then did they in both Places run over all Circumstances applicable to both?' And on they went too with the Men of *Lewes*; where,

1. One Mr. *Parulye* (they say) was censured cruelly in the High-Commission, for not removing the Communion-Table. The Business was but this: Sir *Nathaniel Brent*, and his own Ordinary Dr. *Ne-vill*, ordered the Remove of the Table; he would not. For this Contumacy he was censured, but enjoined only to make his Submission to Dr. *Ne-vill*. Which, I think, was a Sentence far from any barbarous Cruelty, as 'tis called.

2. Another Instance, and the next, was Mr. *Burket*. He says, he was censured also about removing the Communion-Table, and for that only. But first, this was not simply for removing the Holy Table; but it was for abetting the Churchwardens to remove it back again from the Place, where lawful Authority had set it. And secondly, whereas he says, he was censured for this only, the very Charge itself confutes him. For there 'tis said, that this, about removing the Communion-Table, appears in the sixth Article that was against him. Therefore there were five other Articles at least more against him: and therefore not this only.

3. The

3. The third Instance was Mr. *Chancye*: And he likewise is said to have suffered very much only about railing in of the Communion-Table. But this is not so neither: For he confesses that he spake reproachful Words against Authority, and in contempt of his Ordinary; that he said the Rails were fit to be set up in his Garden; that he came Fifty Miles from his own Church, on purpose to countenance this Business: And all this he acknowledges upon his Oath in his Submission. And yet nothing laid upon him but Suspension; and that no longer than till he submitted. And all this the Act of the High-Commission, not mine. 'And so I answered Mr. *Browne*, who urged this 'against me also.' And the Truth of all this appears *apud Acta*; tho' they were taken away, and kept ever since from my use, yet many Things done in that Court have been charged against me. And here stepped in a Testimony of Mr. *Genebrard's*, that I threaten'd openly in the High-Commission to suspend Dr. *Merrick*. And why might I not do it, if he will be over-bold with the Proceeding of the whole Court? I have known ere now a very good Lawyer committed from the *Chancery-Bar* to the *Fleet*, tho' I shall spare Names.

4. The fourth Instance was in Mr. *Workman's* Case; charged as if he were sentenced only for preaching a Sermon to the Judges against Images in Churches. (1.) The first Witness in the Cause was Mr. *Langly*. He says, Mr. *Workman* was censured for this Sermon, and other Things. Therefore not for this Sermon only: The High-Commissioners were no such Patrons of Images. He says, 'That when I was Dean of *Gloucester*, I told them in the Chapel, that King *James* had heard of many Things amiss in that Church, and required me to take care of them. 'Tis true, he did so. He says farther, that hereupon I placed the Communion-Table Altar-wise, and commanded due Reverence at the coming into the Church. This I did, and I have given my Reason often already for it out of the Injunctions of Queen *Elizabeth*. He says, that Bishop *Smith* took offence at this, and would come no more to the Cathedral. First, my Lords, this Gentleman was then School-master there, and had free Access unto me: He never discovered this. Secondly, the Bishop himself never said a Word to me about it. If he had, I would either have satisfied his Lordship in that, or any thing else that I did; or if he had satisfied me, I would have forborn it. He says, That Mr. *Workman*, after he was put from his Lecture, was not suffered to teach Children. First, If he had been suffered, this Man had been like to make the first Complaint for decay of his own School. But, Secondly, the Commission thought it no way fit to trust him with the Education of Children, who had been factious among Men; especially not in that Place, where he had so shewed himself. 'And this Answer I gave to Mr. *Browne*; who, in 'summing the Evidence, stood as much, and inveighed as earnestly against this cruel Proceeding 'with Mr. *Workman*, as upon any one Thing in the 'Charge. At which time he added also, that he 'would not be suffered to practise Physick, to get 'his Living. But, First, no Witness evidenceth 'this, that he was denied to practise Physick. 'And, Secondly, he might have taught a School, 'or practised Physick, any where else. But he had 'done so much Harm, and made such a Faction in 'Gloucester, as that the High-Commission thought 'it not fit to continue him there: And he was not

'willing to go from thence, where he had made 'his Party.' He says farther, That some few of the Citizens of *Gloucester* were called into the High-Commission, for an Annuity of Twenty Pound a Year allowed Mr. *Workman* out of the Town-Stock. For the Thing itself, it was a gross Abuse and Scorn put upon that Court; that when they had censured a Schismatical Lecturer, (for such he was there proved) the Townsmen should make him an Allowance of Twenty Pound a Year: A Thing (as I humbly conceive) not fit to be endured in any settled Government. And whereas Clamour is made, that some few of the Citizens were called to an Account for it, that's as strange on the other Side: For where there are many Offenders, the Noise would be too great to call all. And yet here's Noise enough made for calling a few. Here it was replied by Mr. *Maynard*, That this was done by that Corporation, and yet a few singled out to answer; and that therefore I might be singled out to answer for Things done in the High-Commission. 'But, under favour, this learned and worthy Gentleman is mistaken: For here the Mayor and 'Magistrates of *Gloucester* did that which was no 'way warrantable by their Charter, in which Case 'they may be accountable, all or some. But in 'the High-Commission we meddled with no Cause 'not cognoscible there; or if by Misinformation 'we did, we were sure of a Prohibition to stop 'us. And meddling with nothing but Things 'proper to them, I conceive still no one Man can 'be singled out to suffer for that which was done 'by all. And this may serve to answer Mr. *Browne* 'also, who in his last Reply upon me, when I 'might not answer, made use of it.'

(2.) The Second Witness was Mr. *Purye* of *Gloucester*. He says, That Mr. *Brewster*, and Mr. *Gaus* the Town-Clerk, were called to the Council-Table about this Annuity; and that I desired it might be farther examined at the High-Commission. If this were true, I know no Offence in it, to desire that such an Affront to Government might be more thoroughly examined, than the Lords had leisure to do. But the Witness doth not give this in Evidence: For he says no more, than that he heard so from Mr. *Brewster*. And his Hear-say is no Conviction. He says farther, That the High-Commission called upon this Business of the Annuity, as informed that the Twenty Pound given to Mr. *Workman*, was taken out of the Monies for the Poor. And this I must still think was a good and a sufficient Ground justly to call them in Question. He says also, that these Men were fined, because that which they did was against Authority. So by their own Witness it appears, that they were not fined simply for allowing Means to Mr. *Workman*, but for doing it in opposition to Authority. Lastly, he says, they were fined Ten Pound a-piece; and that presently taken off again. So here was no such great Persecution, as is made in the Cause. And for the cancelling of this Deed of Annuity, it was done by themselves, as Mr. *Langly* witnesseth.

After these two Witnesses heard, the Sentence of the High-Commission Court was read, which I could not have come at, had not they produced it. And by that it appeared evidently, that Mr. *Workman* was censured as well for other Things, as for his Sermon about Images in Churches. As first he said, So many Places in Dancing, were so many to Hell. This was hard, if he meant the Measures in the Inns of Court at *Christmas*; and he excepted none. Then he said, and was no way able to prove it,

it, That Drunkards, so they were conformable, were preferred. Which was a great and a notorious Slander upon the Governors of the Church, and upon orderly and conformable Men. Then he said, That Election of Ministers was in the People. And this is directly against the Laws of *England*, in the Right of all Patrons: Then constantly, in his Prayer before his Sermon, he prayed for the *States* and the King of *Sweden* before his Majesty, which was the Garb of that Time among that Party of Men. Then, that one of his common Themes of preaching to the People, was against the Government of the Church. And then, that Images in Churches were no better than Stews in the Commonwealth; which at the best is a very unfavoury Comparison. But here it was replied, That Images were Idols, and so called in the Homilies; and that therefore the Comparison might hold. Yea, but in the second Homily against the Peril of Idolatry, Images or Pictures in Glass or Hangings are expressly and truly said not to be Idols, till they be worshipped. And therefore Mr. *Workmen* should not have compared their setting up, to Stews, till he could have proved them worshipped. And in all this, were the Act good or bad in the censuring of him, it was the Act of the High-Commission, not mine.

V. After this followed the fifth Charge; which was Mr. *Sherfield's* Case, his Sentence in the *Star-Chamber* for defacing of a Church-Window in or near *Salisbury*. The Witnesses produced were two.

1. The first was Mr. *Carill*. He said that Mr. *Sherfield* defaced this Window because there was an Image in it, conceived to be the Picture of God the Father. But first, this comes not home: For many a Picture may be conceived to be of God the Father, which yet is not, nor was ever made for it. And then suppose it were so, yet Mr. *Sherfield* in a settled Government of a State, ought not to have done it but by command of Authority. He says, That in my Speech there in the Court, I justified the having of the Picture of God the Father, as he remembers, out of *Dan. vii. 22*. This (as he remembers) came well in: For I never justified the making or having that Picture. 'For

^{c. Calv. 1 Inst. c. 11. §. 12.} ' *Calvin's* Rule, that we picture that which may be seen, is grounded upon the Negative, that no Picture may be made of that which was never, never can be seen. And to ground this Negative, is the Command given by *Moses*, *Deut. iv. 15 & 16*. Take good heed to yourselves. For what? That you make not to yourselves this Picture. Why? For that you saw no manner of Similitude in the Day that the Lord spake unto you out of the midst of the Fire. Out of the midst of the Fire; and yet he still reserved himself in thick Darkness, *Exod. xx. 21*. So no Picture of him, because no Similitude ever seen. And this Rule having ever possessed me wholly, I could not justify the having of it.' I said, indeed, that some Men in later superstitious Times were so foolish as to picture God the Father, by occasion of that Place in *Daniel*: But for myself, I ever rejected it. Nor can that Place bear any Shew of it: For *Daniel* says there, That the Antient of Days came. But in what Shape or Similitude he came, no Man living can tell. And he is called the Antient of Days, from his Eternity, not as if he appeared like an old Man. The Text hath no Warrant at all for that.

2. Yet the second Witness, Mr. *Tomlyns*, says also, That I did justify this Picture. 'God forgive him the Malice or Ignorance of this Oath, be it which it will.' He might have been as wary as Mr. *Carill*, and added (*as he remembers*;) For so many Years since, as this Hearing was, he may easily mistake. But if I did say any such thing, why are not my own Papers here produced against me? I had that written which I then spake, and the Paper was in my Study with the rest, and came (for ought I know) into their Hands which follow the Charge against me. I ask again, why is not this Paper produced? Out of all doubt it would, had there appeared any such thing in it. He says also, That I said then, that if the Idol of *Jupiter* were set up, yet it were not lawful to pull it down in a popular Tumult, but by Order and Authority. I did say so, or to that effect, indeed; and must say it still. For I find in *St. Augustine*, almost the very Words. And *Bishop Davenant*, a Man very learned, cites this Place of *St. Augustine*, and approves it. And they both prove this Doctrine from *Deut. vii. 5. & xii. 2*. Where the Command given for destroying of the Idols, when they came into the Land of *Canaan*, was not left at large to the People, but settled in *Moses* the Chief Magistrate, and his Power. And according to this Rule, the Temple of *Æsculapius*, tho' then grown very scandalous, was not pulled down but by *Constantine's* Command. Which Place I then shewed the Lords. But this Witness added, That Mr. *Sherfield* had Authority to do this from the Vestry. If he had, that's as good as none; for by the Laws of *England* there is yet no Power given them for that, or any thing else. And all that Vestries do, is by Usurpation, or Consent of the Parish, but reaches not this. The *Bishop* of the Diocess had been fitter to be consulted herein than the Vestry.

Here, as if these Witnesses had not said enough, Mr. *Nicolas* offered himself to be a Witness; and told the Lords he was present at the Hearing of this Cause; and that four Witnesses came in clear, that the Picture broken down, was the Picture of God the Father; and that yet the Sentence of the Court passed against Mr. *Sherfield*. First, if this be so, it concludes against the Sentence given in the *Star-Chamber*, not against me: And he calls it here the Sentence of the Court. Secondly, be it that it were undoubtedly the Picture of God the Father; yet he ought to have taken Authority along with him, and not to go about it with Violence; which he did, and fell, and brake his Leg in the Business. Thirdly, By his own Description of the Picture, it seems to me to be some old fabulous Picture out of a Legend, and not one of God the Father: For he then told the Lords, it was the Picture of an old Man with a Budget by his Side, out of which he was plucking *Adam* and *Eve*. 'And I believe no Man ever saw God the Father so pictured any where. Lastly, Let me observe how Mr. *Nicolas* takes all parts upon him wherein he may hope to do me mischief.'

VI. The sixth Charge was concerning a Bible that was printed with Pictures, and sold. The Witness was Mr. *Walsal* a Stationer; who says, That this Bible was licensed by *Dr. Weeks*, my Lord of *London's* Chaplain, not mine: so thus far it concerns not me. 'Yes, says Mr. *Browne* in his last Reply; for it appears in a List of my Chaplains, under my own Hand, that *Dr. Weeks* was

‘ one. ’Tis true, when I was Bishop of *Bath* and
 ‘ *Wells*, he was mine; but my Lord of *London*
 ‘ had him from me, so soon as ever he was Bi-
 ‘ shop; and was his, not mine, when he licensed
 ‘ that Book. And Mr. *Browne* knew that I an-
 ‘ swered it thus to the Lords.’ He says, That
 I gave him Direction that they should not be sold
 openly upon the Stalls, but only to discreet Men
 that knew how to use them. The Case was this:
 As I was at Prayers in the King’s Chapel, I there
 saw one of them in Mrs. *Kirk*’s Hand. She was
 far enough from any Affection to *Rome*. And this
 being the first Knowledge I had of it, many were
 vended and sold before I could prevent it. Upon
 this I sent for one, (whether to this Witness or
 another, I cannot say) and acquainted the Lords
 of the Council with it, and craved their Direction
 what should be done. It was there ordered, that
 I should forbid the open Sale of them upon their
 Stalls, but not otherwise to learned and discreet
 Men. And when I would have had this Order
 stricter, no Man stuck to me but Mr. Secretary
Cook. So according to this Order I gave Direc-
 tion to Mr. *Walsal*, as he witnesses.

Here Mr. *Maynard* replied, That I ought to have
 withstood this Order, in regard it was every way
 faulty. For, said he, either these Pictures were
 good or bad. And if they were good, why should
 they not be sold openly upon the Stalls to all that
 would buy? And if they were bad, why should
 they be sold privately to any? ‘ To this Reply
 ‘ I was not suffered to answer. But when I heard
 ‘ Mr. *Browne* charge this Bible with Pictures a-
 ‘ gainst me, then I answered the thing as before,
 ‘ and took occasion thereby to answer this *Dilem-*
 ‘ *ma* thus: Namely, That this kind of Argument
 ‘ concludes not, but in things necessary, and where
 ‘ no *Medium* can be given. For where a *Medium*
 ‘ can be given, the Horns of this Argument are
 ‘ too weak to hurt; and so ’tis here. For Pictures
 ‘ in themselves are things indifferent; not simply
 ‘ good, nor simply bad, but as they are used.
 ‘ And therefore they were not to be sold to all
 ‘ Comers, because they may be abused, and be-
 ‘ come Evil; and yet might be sold to learned and
 ‘ discreet Men, who might turn them to good.
 ‘ And that Images are things indifferent of them-

‘ selves, is granted in the Homilies,
 ‘ which are against the very Peril
 ‘ of Idolatry.’ He said, There were
 some inconvenient Pictures among
 them, as the Assumption and the Dove. Be it
 so, the Book was not licensed by me nor mine:
 And yet, as I then shewed the Lords, they were
 not so strict at *Amsterdam* against these Pictures;
 for the Book which Mr. *Walsal* shewed me, was
 printed and sent thence, before it was printed
 here. Besides, our old *English* Bibles in the Be-
 ginning of the Queen were full of Pictures, and
 no fault found. As for that which was added at
 the Bar, That one of these Bibles was found in
 Secretary *Windebank*’s Trunk, and another in Sir
John Lambe’s; that’s nothing to me.

VII. The last Charge of this Day was, That
 something about Images was expunged out of Dr.
Featly’s Sermons by my Chaplain, Dr. *Bray*, before
 they could be suffered to be printed. But, First,
 he himself confesses, That I told him he might
 print them, so nothing were in them contrary to
 the Doctrine and Discipline of the Church of *Eng-*
land. Secondly, He confesses, That when Dr.
Bray made stay of them, he never complained to

me; and I cannot remedy that which I do not
 know. Thirdly, He confesses, That all the time he
 was in *Lambeth-House*, my Predecessor ever left that
 Care of the Press upon his Chaplains; and why I
 might not do it as well as my Predecessor, I do not
 yet know. But he said, That he complained to
 Sir *Edmund Scott*, and desired to be advised by
 him what he should do; and that he answered, He
 thought I would not meddle with that troublesome
 Business, more than my Predecessors had done.
 ‘ Be this so, yet Sir *Edmund Scott* never told me
 ‘ this; nor is there any the least Proof offer’d that
 ‘ he did. But because this and the like Passages a-
 ‘ bout expunging some things out of Books, makes
 ‘ such a great Noise, as if nothing concerning Po-
 ‘ pery might be printed; and because Mr. *Browne*,
 ‘ in summing up of the Charge in the House of
 ‘ Commons, warmly insisted upon this Particular;
 ‘ I thought it necessary to answer as follows: That
 ‘ what moved my Chaplain to expunge that large
 ‘ Passage against Images, I know not; nor could I
 ‘ now know, my Chaplain being dead. But that
 ‘ this I was sure of, that elsewhere
 ‘ in those very Sermons there was as
 ‘ plain a Passage, and full against ^a I-
 ‘ mages left in. And in another Place ^b
 ‘ a whole Leaf together spent to prove
 ‘ them ^b Idolaters; and that as gross ^b
 ‘ as the *Baalists*, and so he terms ^b
 ‘ them. Yea, and that the ^c Pope is ^c
 ‘ Antichrist too; and not only called
 ‘ so, but proved by divers Arguments: And not so
 ‘ only, but in plain Terms, that he
 ‘ is ^d the *Whore of Babylon*. And these ^d
 ‘ Passages I then read out of the
 ‘ Book itself in the House of Commons: and
 ‘ many other like to these there are. So my Chap-
 ‘ lain might see good Cause to leave out some Pas-
 ‘ sages, where so many upon as good Cause were
 ‘ left in.’

But to the Business of leaving the Care of these
 Books, and the Over-view of them
 to my Chaplain, it was then urged,
 ‘ That the Commissary of *John Lord*
 ‘ Archbishop of *York*, had excom-
 ‘ municated the Lord Bishop of *Dur-*
 ‘ *ham*, being then in the King’s Ser-
 ‘ vice; and that the Archbishop
 ‘ himself was deeply fined for this
 ‘ Act of his Commissary; and that
 ‘ therefore I ought much more to be
 ‘ answerable for my Chaplain’s Act,
 ‘ whom I might put away when I would, than he
 ‘ for his Commissary, who had a Patent, and could
 ‘ not be put out at Pleasure.’ Mr. *Browne* also fol-
 lowed this Precedent close upon me. But, first,
 there is a great deal of Difference in the thing it-
 self: My Chaplain’s Case being but the leaving out
 of a Passage in a Book to be printed; but his
 Commissary’s Case being the Excommunicating
 of a great Bishop, and he in the King’s Service of
 whose Honour the Laws of this Realm are very
 tender. And, Secondly, the Bishop and his Offi-
 cial, (call him Chancellor or Commissary, or what
 you will) make but one Person in Law; and there-
 fore the Act of the Commissary, to the full Ex-
 tent of his Patent, is the Act of the Bishop in le-
 gal Construction, and the Bishop may be answer-
 able for it. But the Bishop and his Chaplain are
 not one Person in any Construction of Law. ‘ And
 ‘ say he may put away his Chaplain when he will,
 ‘ yet that cannot help what is past, if ought have
 ‘ been

^a Dr Featly’s
 Sermons, p.
 447.

^b P. 791.

^c P. 808.

^d P. 810.

*This was done
 long before the
 Reformation;
 when the Pa-
 tents of Chan-
 cellors and
 Commissaries
 were revoca-
 ble at the plea-
 sure of the
 Bishop, H. W.*

*Hom. par. 1.
 p. 11.*

‘ been done amiss by him. And this was the Answer I insisted on to Mr. *Browne*.’

Upon my entrance on this Day’s Defence, I found myself aggrieved at the *Diurnal*, and another Pamphlet of the Week, wherein they print whatsoever is charged against me, as if it were fully proved; never so much as mentioning what or how I answer’d. And that it troubled me the more, because (as I conceived) the Passages, as there expressed, trenched deep upon the Justice and Proceedings of that Honourable House; and could have no aim but to incense the Multitude against me. With some difficulty I got these Pamphlets received, but there they died, and the weekly Abuse of me continued to keep my Patience in breath.

The Thirteenth Day of my Hearing.

I. *Whitson-Tuesday, June 11. 1644.* The first Charge of this Day, was the Opinion which was held of me beyond the Seas. The first Witness was Sir *Henry Mildmay*, who (as is before related) told me without asking, That I was the most hateful Man at *Rome*, that ever sat in my See since the Reformation. ‘ Now he denied not this, ‘ but being helped on by good Preparation, a flexible Conscience, and a fair leading Interrogatory ‘ by Mr. *Nicolas*,’ (Mr. Serjeant *Wilde* was sick, and came no more till the last Day, when I made my Recapitulation) he minced it. And now he says, That there were two Factions at *Rome*, and that one of them did indeed speak very ill of me, because they thought I aimed at too great a Power here in *England*; but the other Faction spake as well of me, because they thought I endeavoured to bring us in *England* nearer to the Church of *Rome*. But, First, my Lords, this Gentleman’s Words to me were round and general; That I was hated at *Rome*, not of a Party or Faction there; and my Servants heard him at the same time, and are here ready to witness it, That he then said the Pope was a goodly Gentleman, and did use to ride two or three great Horses in a Morning; and, but that he was something taller, he was as like Auditor *Philips* (who was then at Dinner with me) as could be. But I pray mark what wise Men he makes them at *Rome*. One Faction hates me, because I aim at too much Power; and the other loves me, because I would draw *England* nearer *Rome*. Why, if I went about to draw *England* nearer *Rome*, can any among them be such Fools as to think my Power too great? For if I used my Power for them, why should any there condemn me? And if I used it against them, why should any here accuse me? ‘ *Non sunt hæc bene divisa temporibus*; these things suit not with the Times, or ‘ the Dispositions of *Rome*: But the plain Truth is, ‘ I do not think that ever he was at *Rome*; I after ‘ heard a Whisper, that he only stepped into *France* ‘ for another Cure, not to *Rome* for Curiosity, ‘ which was the only Cause he gave the Lords of ‘ his going thither.’

2. The second Witness was Mr. *Challoner*. He says not much of his own Knowledge, but of Fame, that tattling Gossip; yet he told the Lords, I was a very obscure Man, till within these fifteen Years. Be it so, if he please; yet I have been a Bishop above Three and Twenty Years: and ’tis Eighteen Years since I was first Dean of his Majesty’s Chapel-Royal. He says, That after this

time there was a strong Opinion of Reconciliation to *Rome*. A strong Opinion, but a weak Proof For it was an Opinion of Enemies, and such as could easily believe, what they over-much desired. He farther said, That some of them were of Opinion, that I was good *Roman Catholick*, and that I wrought cunningly to introduce that Religion by Inches? and that they prayed for me. First, My Lords, the Opinion of Enemies is no Proof at all, that I am such as they think me. And secondly, this is a notable, and no unusual piece of Cunning, for an Enemy to destroy by commending; for this was the ready way, and I doubt not but it hath been practised, to raise a Jealousy against me at home, thereby either to work the Ruin of my Person, or utterly to weaken and disable me from doing harm to them, or good for the Church of *England*. Besides, if the Commendation of Enemies may in this kind go for Proof, it shall be in the power of two or three practising Jesuits, to destroy any Bishop or other Church-man of *England* when they please. At last he told a Story of one Father *John*, a Benedictine; that he asked him how Church-Livings were disposed in *England*, and whether I had not the disposing of those which were in the King’s Gift? And concluded, That he was not out of hope to see *England* reduced to *Rome*. Why, my Lords, this is not Father *John*’s Hope alone; for there is no * *Roman Catholick* but hath some Hope alive in him to see this Day. And were it not for that Hope, there would not have been so many, some desperate, all dangerous Practices upon this Kingdom to effect it, both in Queen *Elizabeth*’s time, and since. But if this I know not what Father *John* hope so, what is that to me?

3. The third Witness was Mr. *Anthony Mildmay*; a Man not thought on for a Witness, till I called for his Brother Sir *Henry*. But now he comes laden with his Brother’s Language. He says just as Sir *Henry* did before, That there were two Factions at *Rome*, the Jesuits, and they abhorred me; but the other, the secular Priests, they wished me well, as he was informed. First, This is so one and the same Testimony, that any Man that will, may see, that either he informed his Brother, or his Brother him. Secondly, Here’s nothing affirmed, for it is but as he was informed: And he doth not tell you by whom. It may be, my Lords, it was by his Brother. Then he says, This was to make myself great, and tells a Tale of Father *Fitton*, as much to the purpose as that which Mr. *Challoner* told of Father *John*. But whatsoever either of these Fathers said, it was but their own Opinion of me, or Hearsay; neither of which can prove me guilty of any thing. ‘ Thus much ‘ Mr. *Anthony* made a shift to say by Five of the ‘ Clock at Afternoon, when I came to make my ‘ Answer. And this (as I have sufficient Cause to ‘ think) only to help to shoar up his Brother’s ‘ Testimony. But in the Morning, when he ‘ should have come, as his Brother did, he was ‘ by nine in the Morning so drunk, that he ‘ was not able to come to the Bar, nor to speak ‘ common Sense, had he been brought thither: ‘ *Nobile Par Fratrum*.’

II. The second Charge was the Consecration of two Churches in *London*; St. *Catharine Cree-Church*, and St. *Giles in the Fields*. The Witnesses two.

1. The first Witness was one Mr. *Willingham*. And he says, That I came to these Churches in a

* The Archbishop calls the English Papists Roman Catholicks; not as allowing them to be such, but referring to that Name, which some of them were before said to have affixed to him. H. W.

pompous manner: But all the Pomp that he mentions, is, that Sir *Henry Martin*, *Dr. Duck*, and some other of the Arches, attended me, as they usually do their Diocesans in such Solemnities. He says, he did curiously observe what was done, thinking it would one Day be called to an account, as now it is. So this Man (himself being Judge) looked upon that Work with a malevolent Eye, and God preserve him from being a malicious Witness. He says, that at my Approach to the Church-door, was read, *Lift up your Heads, O ye Gates; and be ye lift up, ye everlasting Doors, and the King of Glory shall come in*, Psal. xxiv. 7. And this was urged over and over, as a Jeer upon my Person. But this Place of Scripture hath been antiently used in Consecrations: And it relates not to the Bishop, but to God Almighty, the true King of Glory, who, at the Dedication, enters by his Servant to take possession of the House, then to be made his. He says, that I kneeled down at my coming in, and after used many Bowings and Cringings. For my kneeling down at my entrance, to begin with Prayer, and after to proceed with Reverence, I did but my Duty in that; let him scoffingly call it *Cringing*, or *Ducking*, or what he please.

He says farther, That at the beginning I took up Dust, and threw it in the Air, and after used divers Curses. And here Mr. *Prynn* put Mr. *Nicolas* in mind to add, that *spargere Cinerem* is in the Form of Consecration used in the *Pontifical*. 'And Mr. *Browne*, in his summary Account of my Charge, laid the very Consecration of these Churches as a Crime upon me, and insisted on this Particular.' But here my Answer to all was the same; That this Witness had need look well to his Oath, for there was no throwing up of Dust, no Curses used throughout the whole Action: Nor did I follow the *Pontifical*, but a Copy of Learned and Reverend Bishop *Andrews*, by which he consecrated divers Churches in his Time; and that this is so, I have the Copy by me to witness, and offered them to shew it. Nor can this howsoever favour any way of Treason. No, said Mr. *Browne*, but the Treason is, to seek, by these Ceremonies, to overthrow the Religion established. Nor was that ever sought by me: And God of his Mercy preserve the true Protestant Religion amongst us, till the Consecration of Churches, and Reverence in the Church, can overthrow it; and then I doubt not, but, by God's Blessing, it shall continue safe to the World's end.

He says also, that I did pronounce the Place Holy. I did so: And that it was in the solemn Act itself of the Consecration, according to the usual Form in that behalf. And no Man will deny, but that there is a Derivative and a Relative Holiness in Places, as well as in Vessels, and other Things dedicated to the Honour and Service of God. Nor is any thing more common in the Old Testament; and 'tis express in the New, both for Place and Things: 1 *Cor.* ix. 13.

Then it was urged at the Bar, that a Prayer which I used, was like one that is in the *Pontifical*. So in the *Missal* are many Prayers like to the Collects used in our *English* Liturgy, so like, that some are the very same, translated only into *English*; and yet these confirmed by Law. And for that of

Psal. xcv. 6. *Venite, procedamus*, &c. then also excepted against, that hath been of very antient use in the Liturgies of the Church. From which *rejecimus Paleam, numquid & Grana?* We have separated the Chaff, shall we cast away the Corn too? If it come to that, let us take heed we fall not upon the Devil's winnowing, who labours to beat down the Corn; 'tis not the Chaff that troubles him, *St. Luke* xxii. 31. Then they urged my Predecessor Archbishop *Parker*, that he found fault with the Consecration of new Churches. I answered then upon Memory, that he did not find fault simply with Consecrations of Churches, but only with the superstitious Ceremonies used therein. 'And this since, upon perusal of the Place, I find to be true. For after he had in some sort commended the Popes for taking away some gross and superstitious Purgations, he adds, that yet, for want of Piety or Prudence, their later *Pontifical* and *Missal-books* did outgo the antient *in multitudine Ceremoniarum, & peragendi Difficultate, & Tadio, & Exorcisationis Amentia*. So these were the Things he found fault with, not the Consecration itself; which he could not well do, himself being then a consecrated Bishop.'

2. The second Witness was Mr. *Hope*. He says, That he agrees with the former Witness, and saw all, and the throwing up of the Dust, &c. Since he agrees with the former Witness, I give him the same Answer. Yet with this Observation upon him and his Oath: The former Witness says, that at the beginning of this Action, I took Dust and threw it up; this Man agrees with him, and saw all; and almost in the very next Words confesses, he was not there at the Beginning. Not there; yet he saw it. My Lords, if you mark it, this is a wholesome Oath. He says, that then the Churchyard was consecrated by itself. It was ever so; the one Act must follow the other, tho' both done the same Day: for the Places being different, the Act could not pass upon them at the same time. Then he said, there were Fees required, and a good Eye had to the Money. This is a poor Objection against me: if the Officers did exact any Money without Rule, or beyond Precedent, let them answer for it. But for that which was said to belong to me, I presently gave it to the Poor of the Parish: and this Mr. *Dell* my Secretary, then present, attested to the Lords. Lastly he said, they were not new Churches; let him look to his Oath again; for 'tis notoriously known, they were both new built from the Ground, and *St. Giles* not wholly upon the old Foundation.

III. The third Charge was laid on me only by Mr. *Nicolas*, and without any Witness. It was, That I out-went Popery itself; for the Papists consecrated Churches only, but I had been so ceremonious, that I had consecrated * Chapels too. My Lords, the use of Chapels and of Churches, in regard of God's Service, is the same. Therefore if Consecration be fit for the one, it must needs be for the other. And the Consecrations of Chapels was long before Popery came into the World. For even Oratories newly built were consecrated in or before *Eusebius's* Time: and he flourished about the Year of Christ 310. So antient they are in the Courie of Christianity; and for any Prohibition

* Here in England, both before and since the Reformation, Chapels newly erected were always solemnly consecrated, as well as Churches. I could produce innumerable Instances of the Time preceding, many of the Time succeeding the Reformation. H. W.

Prohibition of them, there is neither Law nor Canon in the State or Church of *England* that doth it.

The Chapels they instance in are three. First, they say I consecrated a Chapel of the Right Honourable the Lord Treasurer *Weston's*. I did so, and did no harm therein. As for the Touch given by the way upon that Honourable Person, he is gone to God, I have nothing to do with it. Secondly, they instanced in a Chapel of Sir *John Westenhani's* building. 'Tis true, I consecrated that too, but that was a Parish-Church, built in the Place where he was born, and it was in my Diocess, and so the Work proper for me. The third Instance was in my own Chapel, in my House at *Aberguilly*, when I was Bishop of *St. Davids*; the Room lay waste and out of repair, and I fitted it at my own cost, and consecrated it into a Chapel, that House having no Oratory before. Here they farther aggravated many Circumstances; as First, That I named it at the Dedication, *The Chapel of St. John the Baptist*. I did so name that Chapel, in memory of the College where I was bred, which bears the same Name; but I dedicated it to God and his Service. And to give the Names of Angels and Saints to Churches, for distinction-sake, and for the honour of their Memory, is very antient and usual in the

Theo. 2. 22. q.
85. A. 2. ad 3.

Church, as appears in *St. Augustine*, and divers others of the Fathers; but dedicated only to God: 'Which in the midst of Superstitious Times, the School itself confesses.' So yet no Offence. Secondly, That I did it upon the 29th of *August*. And why might I not do it that Day, as well as upon any other? But resolving to name the Chapel as I did, I the rather made choice of that Day, both because it was the Day of the Decollation of *St. John the Baptist*, and because as upon that Day God had wonderfully blessed me, in the Hearing of my Cause concerning the Presidentship of *St. John's College* in *Oxford*, by King *James* of ever-blessed Memory: So yet no Offence. Thirdly, There was a Paper read, and avowed to be mine; in which was a fair Description of Chapel-Furniture and rich Plate, and the Ceremonies in use in that Chapel, and Wafers for the Communion. At the reading of this Paper I was a little troubled. I knew I was not then so rich, as to have such Plate or Furniture; and therefore I humbly desired sight of the Paper. So soon as I saw it, I found there was nothing in it in my hand but the Indorsement, which told the Reader plainly, that it was the Model of the Reverend Bishop *Andrews's* Chapel, with the Furniture, Plate, Ceremonies therein used, and all things else. And this Copy was sent me by the Household Chaplain to that famous Bishop. 'This I laid open to the Lords, and it would have made any Man ashamed, but Mr. *Prynn*, who had delivered upon Oath, that it was a Paper of my Chapel-Furniture an *Aberguilly*, contrary to his Conscience, and his own Eyesight of the Paper.' And for Wafers, I never either gave or received the Communion, but in ordinary Bread. At *Westminster* I knew it was sometimes used, but as a thing indifferent. As for the Slur here given to that Reverend dead Bishop of *Winchester*, it might well have been spared; he deserved far better Usage for his Service to the Church of *England*, and the Protestant Cause.

IV. The Fourth Charge was the publishing the Book of Recreations: and it was ushered in with this Scorn upon me, That I laboured to put a Badge of Holiness, by my Breath, upon Places; and to take it away from Days. But I did neither; the King commanded the printing of it, as is therein attested, and the Warrant which the King gave me, they have. And tho' at Consecrations I read the Prayers, yet it was God's Blessing, not my Breath, that gave the Holiness. And for the Day, I ever laboured it might be kept holy, but yet free from a superstitious Holiness. And first it was said, That this was done of purpose to take away Preaching. But first, there is no Proof offered for this. And Secondly, 'tis impossible; for till the Afternoon-Service and Sermon were done, no Recreation is allowed by that Book, nor then to any but such as have been at both: therefore it could not be done to take it away. Thirdly, the Book names none but *Lawful Recreations*; therefore if any unlawful be in the Book gives them no warrant. And that some are lawful (after the publick Service of God is ended) appears by the Practice of *Geneva*, where after Evening-Prayer, the elder Men bowl, and the younger train. And *Calvin* says in expresse Terms, That one Cause of the Institution of the Sabbath, was, * *That Servants might have a Day of Rest and Remission from their Labour*. And what time of the Day fit, if not after Evening-Prayer? And what Rest is there for able young Men, if they may use no Recreation? Then it was urged, That there was a great Riot and Disorder at Wakes kept on the Lord's-Day. That is a very sufficient Cause to regulate and order those Feasts, but not quite to take them away. I make no doubt for my part, but that the Feasts of the *Dedication* was abused by some among the *Jews*: and yet Christ was so far from taking it away for that, as that he honoured it with his own Presence: *St. John* x. 22. As for the Paper which was read, containing three Causes why that Book was published, that was a Note taken for my own private Use and Memory.

Then came in Mr. *Prynn*, who said, That the Lord Chief Justice *Richardson* had made an Order in his Circuit against these Wakes; and was forced to revoke it. This was done by Authority, as is before answered; to which I refer myself. Here 'tis added, to help fill up the Noise. But Mr. *Prynn* says, That all the Gentlemen in the Country petitioned on the Judge's behalf. No; there was a great Faction in *Somersetshire* at that time; and Sir *Robert Phillips* and all his Party writ up against the Judge and the Order he made, as was apparent by the Certificates which he returned: And Sir *Robert* was well known in his time to be neither Popish nor Profane. He says farther, That *William* then Earl of *Pembroke* was out of Town, and the Book printed in the interim by my Procurement. But for this last, here's not one word of Proof offered, and so I leave it.

V. The Fifth Charge was, That some Ministers were punished for not reading this Book. Witnesses for this were produced:

1. The first was Sir *Nathaniel Brent*; who says, He had charge from me to call for an account of not reading this Book, both in my Province at my Visitation, and in my Diocess. His Majesty having commanded this, I could do little, if I had not so much as inquired what was done. And

* Tertio, Servis & iis qui sub aliorum degerent imperio, quietis Diem indulgendum censuit, quo aliquam haberent a labore remissionem. *Calv. L. 2 Inst. c. 8. § 28.*

he confesses, That for my Province he gave time to them which had not read it, and then never asked more after it. So here was no eager Prosecution. But then he says, that three in my Dioceses stood out, and asked time: and confesses that I granted it; but adds, that when he asked more time for them, I denied; and that they were then suspended *ab officio* only. I thought I had reason to deny, when I saw they did but dally by asking time. And it was then evident, that in the Dioceses of other Bishops far more than three were punished, and their Punishment greater. ‘How-
‘ever, this my Proceeding was far from Rigour.
‘And this was the Answer that I gave Mr. Browne,
‘who in the Sum of his Charge instanced in this
‘Particular against me.’

2. The second Witness was Mr. Culmer, one of the three Ministers that was suspended. He says, That he was suspended by Sir Nathaniel Brent, and that when he came to me about it, I said, *If you know not how to obey, I know not how to grant your Petition.* Truly, my Lords, finding him both wilful and ignorant, I cannot tell what I could say less. He says, that his Patron took away his Benefice. Why, my Lords, he had none: he was only a Curate, and, God knows, unfit for that. So being suspended from his Office, this must needs be done. He says, he was not absolved till the Scots came in, and that he was conformable in all things else. For the time of his Absolution, I leave that to the Record: but for his Conformity in other Things, ’tis more than ever I heard of any.
‘This I can say for him, he is good at purchasing
‘a Benefice; for he offered a Servant of mine One
‘hundred and fifty Pound, so he could procure
‘me but to name him to the Parliament for *Char-*
‘*tham* in *Kent*. Since, I have heard he is as good
‘at doing Reverence in the Church:
Antidotum Culmerianum. p. 11. ‘for he pissed in the Body of the
Ibid. p. 35. ‘Cathedral at *Canterbury* at Noon-
‘day, as will be justified by Oath.
‘And for this very Particular, the
‘Book of Recreations, he informed
‘at the Council-Table against a Gentleman of
‘Quality, for saying, *It was unfit such Books should*
‘*be sent, for Ministers to read in the Church.* And
‘was himself laid by the Heels, for the Falshood
‘of this Information. So he is very good at the
‘point of Conscience too, that can refuse to read
‘the Book, as being unfit, and complain to have
‘another punished for saying ’tis so.’

3. The third Witness is Mr. Wilson. He says, that I sent to Sir Nath. Brent to suspend him. That is true, but it was when he would neither obey, nor keep in his Tongue. He says, his Living was sequestred for almost four Years. But it was not for not reading this Book. For himself confesses it was done in the High-Commission; and that for Dilapidations, in not repairing his House.

4. The fourth Witness was one Mr. Snelling, a Minister in the Dioceses of *Rocheſter*. All that was done against this Man, was openly in the High-Commission Court: and there he was censured for other things, as well as for this. Himself confesses his open refusing to bow at the Name of Jesus, tho’ the Canon of the Church command it. I kept him off from being sentenced a long time, and when he was sentenced, he confesses I was not

present. He says, somewhat was expunged out of his Brief. If it were, it was with the consent of his Counsel; which in that Court was ordinary. Howsoever it cannot touch me: for those Things were done at Informations, where I was not present. He says, that when I heard of the Nature of his Defence, I said, *If any such Defence were put in, it should be burnt.* This was upon just Complaint of the Judge then present at Informations, affirming it was against all the Course of that Court. He says, there is no Penalty mentioned in that Declaration. And I say, his Obedience, and other Mens, should have been the more free and chearful. Well, I pray God keep us in the Mean, in this Business of the Sabbath, as well as in other Things; that we run not into a *Jewish* Superstition, while we seek to shun Profaneness. This Calvin hath in the mean time assured me, *That those Men who stand so strictly upon the Morality of the Sabbath, do, by a gross and carnal Sabbatization, three times out-go the Superstition of the Jews.*

Cras à carnali-
que non diffi-
mi Superstii-
one ter Judæos
superant.
Calv. 2. leg.
c. 8. § 34.

Here it was inferred, That there was a Combination for the doing of this in other Dioceses. But no Proof at all was offered. Then Bishop *Mountague’s* Articles, and Bishop *Wren’s*, were read, to shew that Inquiry was made about the reading of this Book; and the Bishop of *London’s* Articles named, but not read. But if I were in this Combination, why were not my Articles read? Because no such thing appears in them; and because my Articles gave so good Content, that while the Convocation was sitting, Dr. *Brown* and Dr. *Hobbsworth* came to me, and desired me to have my Book confirmed in Convocation, to be general for all Bishops in future, it was so moderate, and according to Law. But why then (say they) were other Articles thought on, and a Clause that none should pass without the Approbation of the Archbishop? Why; other were thought on, because I could not in modesty press the Confirmation of my own, tho’ solicited to it. And that Clause was added, till a standing Book for all Dioceses might be perfected, that no *Quære* in the *interim* might be put to any, but such as were according to Law.

VI. The sixth Charge was about reversing of a Decree in *Chancery* (as ’tis said) about Houses in Dr. *Walton’s* Parish, given (as was said) to superstitious Uses.

1 The first Witness was Serjeant *Turner*. He says, He had a Rule in the *King’s-Bench* for a Prohibition in this Cause. But by reason of some Defect (what, is not mentioned) he confesses he could not get his Prohibition. Here’s nothing that reflects upon me. And if a Prohibition were moved for, that could not be personally to me, but to my Judge in some Spiritual Court, where it seems this Cause depended, to which the Decree in *Chancery* was directed. And indeed this Act, which they call a Reversing, was the Act and Seal of Sir *Nath. Brent*, my Vicar-General: And if he violated the Lord Keeper’s Decree, he must answer it. But the Instrument being then produced, it appeared concurrent in all Things with the Decree. The Words are, *Juxta scopum Decreti hac in parte in Curia Cancellariæ factum, &c.*

2. The

² This Mr. Culmer not only pissed in the Church of *Canterbury*, but also demolished the noble Glass-windows of it with his own Hands. The like he did in the Parish-Church of *Minster* in *Thanet*; which Benefice he usurped during the Rebellion.

2. The second Witness was Mr. *Edwards*. And wherein he concurs with Serjeant *Turner*, I gave him the same Answer. For that which he adds, That Dr. *Walton* did let Leases of these Houses at an under Value, and called none of the Parishioners to it: If he did in this any thing contrary to Justice, or the Will of the Donor, or the Decree, he is living to answer for himself; me it concerns not. For his Exception taken to my Grant (of Confirmation, I think he means) and to the Words therein, *Omnia & Omnimoda, &c.* 'tis the antient Style of such Grants for I know not how many Hundred Years; no Syllable innovated or altered by me.

VII. Then followed the Charge of Mr. *Burton* and Mr. *Prynn*, about their Answer, and their not being suffered to put it into the *Star-Chamber*. Which, tho' Mr. *Prynn* pressed at large before, yet here it must come again, to help to fill the World with Clamour. Yet to that which shall but seem new, I shall answer. Two Things are said: (1.) The one, that they were not suffered to put in their Defence *modo & forma*, as it was laid. There was an Order made openly in Court to the Judges to expunge scandalous Matter. And the two Chief Justices did order the expunging of all that which was expunged, be it more or less; as appears in the Acts of that Court. (2.) The other is, that I procured this Expunging. The Proofs that I procured it, were these: First, Because Mr. *Cockshott* gave me account of the Business from Mr. Attorney. I had reason to look after the Business, the whole Church of *England* being scandalized in that Bill, as well as myself. But this is no Proof that I either gave Direction, or used any Sollicitation to the Reverend Judges, to whom it was referred. Secondly, Because I gave the Lords Thanks for it. It was openly in Court: It was after the Expunging was agreed unto. And what could I do less in such a Cause of the Church, tho' I had not been personally concerned in it? Thirdly, Because I had a Copy of their Answer found in my Study. I conceive it was not only fit but necessary for me to have one, the Nature of the Cause considered. But who interlined any Passages in it with Black-lead, I know not: For I ever used Ink, and no Black-lead all my Life. These be strange Proofs that I procured any thing.

Then Mr. *Prynn* added, That the Justice and Favour which was afforded Dr. *Leighton* was denied unto him. As far as I remember, it was for the putting in of his Answer under his own Hand. This, if so, was done by Order of the Court; it was not my Act.

VIII. The last Charge followed: And that was taken out of the Preface to my Speech in the *Star-Chamber*. The Words are, ^a *That one Way of Government is not always either fit or safe, when the Humours of the People are in a continual Change, &c.* From whence they inferred, I laboured to reduce all to an arbitrary Government. But I do humbly conceive no Construction can force these Words against me for an arbitrary Government: For the Meaning is, and can be no other, for sometimes a stricter, and sometimes a remisser holding and ordering the Reins of Government; yet both according to the same Laws, by a different use and application of Mercy and Justice to Offenders. 'And so I answer'd to Mr. *Browne*, who charged 'this against me as one of my ill Counsels to his

' Majesty. But my Answer given is Truth: For
' it is not said, That there should not be one Law
' for Government, but not one Way in the order-
' ing and execution of that Law.
' And the ^b Observator upon my ^b *Divine and*
' Speech, (an *English* Author, and *Politick Ob-*
' well enough known, tho' he pre- *servations up-*
' tends 'tis a Translation out of *on my Speech,*
' *Dutch*) tho' he spares nothing that *p. 78.*
' may be but carped at; yet to this Passage he
' says, 'tis a good Maxim, and wishes the King
' would follow it. 'And truly, for my part, I
' learned it of a very wise and an able Governor,
' and he a King of *England* too, it was of *Hen-*
' *ry VII.* of whom the Story says,
' 'That in the Difficulties of his ^c *Speed in*
' Time and Cause he used both Ways *Hen. VII.*
' of Government, Severity and Cle- *§ 16.*
' mency; yet both these were still within the
' Compass of the Law. He far too wise, and I
' never yet such a Fool, as to embrace arbitrary
' Government.'

June 14. 1644. This Day I received a Note from the Committee, that they intended to proceed next upon the Remainder of the Seventh, and upon the Eighth and Ninth Original Articles: Which follow *in hæc verba*.

VIII. That for the better advancing of his Traitorous Purpose and Design, he did abuse the great Power and Trust his Majesty reposed in him: and did intrude upon the Places of divers great Officers, and upon the Right of other of his Majesty's Subjects: whereby he did procure to himself the Nomination of sundry Persons to Ecclesiastical Dignities, Promotions and Benefices, belonging to his Majesty, and divers of the Nobility, Clergy, and others; and hath taken upon him the Commendation 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 popishly affected, or otherwise unfound 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 Chaplains, whom he knew to be notoriously disaffected to the Reformed Religion, grossly addicted to Popish Superstition, and erroneous and unfound both in Judgment and Practice. And to them, or some of them, he hath committed the Licensing of Books to be printed; by which Means divers false and superstitious Books have been published, to the great Scandal of Religion, and to the seducing of many of his Majesty's Subjects.

The Fourteenth Day of my Hearing.

MONDAY, June 17. 1644. At the ending of the former Day's Charge, I was put off to this Day, which held.

I. The first Charge was concerning Mr. *Dampport's* leaving his Benefice in *London*, and going into *Holland*.

1. The first Witness for this was *Quaterman*, a bitter Enemy of mine; God forgive him. He speaks as if he had fled from his Ministry here for fear of me. But the second Witness, Mr. *Dukefwell*, says, that he went away upon a Warrant that came to summon him into the High-Commission. The Truth is, my Lords, and 'tis well known,

^a My Speech in the *Star-Chamber*, Prefat. versus finem.

known, and to some of his best Friends, that I preserved him once before, and my Lord Vere came and gave me thanks for it. If after this he fell into danger again, *majus Peccatum habet*; I cannot preserve Men that will continue in dangerous Courses. He says farther, (and in this the other Witness agrees with him) That when I heard he was gone into *New-England*, I should say my Arm should reach him there. The Words I remember not. But for the Thing, I cannot think it fit that any Plantation should secure any Offender against the Church of *England*. And therefore if I did say my Arm should reach him, or them so offending, I know no Crime in it; so long as my Arm reached no Man but by the Law.

2. The second Witness, Mr. *Dukefwell*, adds nothing to this, but that he says, Sir *Maurice Abbot* kept him in before. For which Testimony I thank him. For by this it appears, that Mr. *Dampart* was a dangerous factious Man, and so accounted in my Predecessor's time, and it seems prosecuted then too, that his Brother Sir *Maurice Abbot* was fain (being then a Parishioner of his) to labour hard to keep him in.

II. The second Charge was concerning *Nathaniel Wickens*, a Servant of Mr. *Prym*.

1. The first Witness in this Cause was *William Wickens*, Father to *Nathaniel*. He says, his Son was nine Weeks in divers Prisons, and for no cause but for that he was Mr. *Prym*'s Servant. But it appears *apud Acta*, that there were many Articles of great Misdemeanour against him. And afterwards himself adds, That he knew no cause, but his refusing to take the Oath *ex Officio*. Why, but if he knew that, then he knew another cause, beside his being Mr. *Prym*'s Servants: unless he will say all Mr. *Prym*'s Servants refuse that Oath, and all that refuse that Oath are Mr. *Prym*'s Servants. As for the Sentence which was laid upon him, and the Imprisonment, that was the Act of the High-Commission, not mine. Then he says, That my Hand was first in the Warrant for his Commitment. And so it was to be of course.

2. The second Witness was *Sarah Wayman*. She says, That he refused to take the Oath. Therefore he was not committed for being Mr. *Prym*'s Servant. She says, That for refusing the Oath, he was threatened he should be taken *pro Confesso*: And that when one of the Doctors reply'd, *That could not be done by the Order of the Court*, I should say, *I would have an Order by the next Court Day*. 'Tis manifest in the Course of that Court, that any Man may be taken *pro Confesso*, that will not take the Oath, and answer. Yet seeing how that Party of Men prevailed, and that one Doctor's doubting might breed more difference, to the great scandal and weakning of that Court; I publicly acquainted his Majesty and the Lords with it: who were all of opinion, that if such Refusers might not be taken *pro Confesso*, the whole Power of the Court was shaken. And hereupon his Majesty sent his Letter under his Signet, to command us to uphold the Power of the Court, and to proceed. She says farther, That he desired the sight of his Articles, which was denied him. It was the constant and known Course of that Court, that he might not see the Articles till he had taken the Oath which he refused to do.

3. The third Witness was one *Flower*. He agrees about the business of taking him *pro Confesso*: But that's answered. He adds, That there was nothing laid to his charge; and yet confesses; that

Wickens desired to see the Articles that were against him. This is a pretty Oath: There were Articles against him, which he desired to see, and yet there was nothing laid to his charge.

4. Then was produced his Majesty's Letter sent unto us. And herein the King requires us by his Supreme Power Ecclesiastical to proceed, &c. We had been in a fine case, had we disobeyed this Command. Besides, my Lords, I pray mark it, we are enjoined to proceed by the King's Supreme Power Ecclesiastical; and yet it is here urged against me, that this was done to bring in Popery. An excellent new way of bringing in Popery by the King's Supremacy. Yea, but they say, I should not have procured this Letter. Why? I hope I may by all lawful ways preserve the Honour and just Power of the Court in which I sat. And 'tis expressed in the Letter, that no more was done, than was agreeable to the Laws and Customs of the Realm. And 'tis known that both an Oath, and a taking *pro Confesso* in point of refusal, are used both in the *Star-Chamber* and in the *Chancery*.

5. The last Witness was Mr. *Prym*; who says, that his Man was not suffered to come to him, during his Soreness, when his Ears were cropt. This Favour should have been asked of the Court of *Star-Chamber*, not of me. And yet here is no Proof that I denied him this, but the bare Report of him, whom he says he employed. Nor do I remember any Man's coming to me about it.

III. The third Charge followed; it was concerning stopping of Books from the Press, both old and new, and expunging some things out of them.

1. The first Instance was about the *English Bibles* with the *Geneva Notes*. The Bibles with those Notes were tolerated indeed both in Queen *Elizabeth's* and King *James's* time; but allowed by Authority in neither. And King *James* said plainly, *That he thought the Geneva Translation was the worst, and many of the Notes very partial, untrue, seditious, and favouring too much of dangerous and traitorous Conceits*: and gave Instance. This Passage I then read to the Lords; and withal told them. They now of late these Notes were more commonly used to ill Purposes than formerly, and that that was the Cause why the High-Commission was more careful and strict against them than before.

Conference at Hampton-Court, p 47.

Here *Michael Sparks* the elder came in as Witness, and said, He was called into the High-Commission about these Books: but he confesses, it was not only for them. He says, *The Restraint of those Bibles was for the Notes*: but he adds, *as he supposes*. And his Supposal is no Proof. Besides, he might have added here also, that the Restraint was not for the Notes only: for by the numerous coming over of Bibles, both with and without Notes, from *Amsterdam*, there was a great and a just Fear conceived, that by little and little Printing would quite be carried out of the Kingdom. For the Books which came thence, were better Print, better bound, better Paper, and, for all the Charges of bringing, sold cheaper. And would any one buy a worse Bible dearer, when he might have a better cheaper? And to preserve Printing here at home, as well as the Notes, was the cause of stricter looking to those Bibles. And this appears by a Letter of Sir *William Boswell's*, his Majesty's Agent in the *Low-Countries*; the Letter written to me, and now produced against me: but makes for me, as I conceive. For therein he

sends

sends me word of two Impressions of the Bible in *English*, one with Notes, and the other without; and desires me to take care to regulate this Business at home. What should I do? Should I sleep upon such Advertisements as these, and from such a Hand? Especially since he sends word also, that Dr. *Amyes* was then printing of a Book wholly against the Church of *England*. So my Care was against all Underminings, both at home and abroad, of the established Doctrine and Discipline of the Church of *England*, for which I am now like to suffer. And I pray God that Point of *Arminianism, Libertas Prophetandi*, do not more Mischief in short time, than is expressible by me.

2. The second Instance was about the new Decree of the *Star-Chamber*, concerning Printing. Four Articles of this Decree were read, namely, the 1st, 2d, 18th, 24th. What these are, may be seen in the Decree: And, as I think, that whole Decree made *Anno 1637*, useful and necessary; so, under your Lordship's favour, I think those four Articles as necessary as any.

Mr. *Waly* and Mr. *Downes*, two Stationers, Witnesses in this Particular, say, That they desired some Mitigation of the Decree, and that Judge *Bramston* said, he could not do it without me. I saw my Lord Chief Justice *Bramston* here in the Court but the other Day; why was not he examined, but these Men only, who oppose all regulating of the Press, that opposes their Point? And sure that grave Judge meant, he could not do it alone without the Consent of the Court. Or

if he would have me consulted, it was out of his judicious Care for the Peace of this Church, almost pressed to death by the Liberty of Printing.

The chief Grievance they expressed against the new licensing of Books, was only for Matter of Charges; but that is provided for in the Eighteenth Article. And Mr. *Downes* takes a fine Oath, which was, That he makes no doubt, but that all was done by my Direction; and yet adds, that he cannot say it. So he swears that, which, himself confesses, he cannot say. And manifest it is in the Preface, that this Decree was printed by Order of the Court, and so, by their Command, sent to the *Stationers-Hall*: And the end of it was to suppress seditious, schismatical, and mutinous Books, as appears in the first Article.

3. The third Instance was, That I used my Power to suppress Books in *Holland*. This was drawn out of a Letter which *John le Mare*, one of the prime Preachers in *Amsterdam*, writ to me; expressing therein, That since the Proclamation made by the States, no Man durst meddle with printing any seditious Libels against either the State or Church of *England*. Where's the Fault? For this Gentleman did a very good Office to this Kingdom and Church, in procuring that Proclamation: For till this was done, every discontented Spirit could print what he pleased at *Amsterdam*, against either. And if he had any Direction from me about it (which is not proved) I neither am, nor can be sorry for it. And the Fear which kept Men in from printing, proceeded from the Proclamation of the States, not from any Power of mine.

4. The fourth Instance was in the *Book of Martyrs*. But that was but named to credit a base Business, an Almanack made by one Mr. ^a *Genebrand*; in which he had left out all the Saints, Apostles and all, and put in those which

^a His Name was Gelli-brand. W. S. A. C.

are named in Mr. *Fox*, and yet not all of them; neither; for he had left out the solemn Days, which are in *Fox*, as *Feb. 2. Feb. 25. Mar. 25.* And *Cranmer* translated to *Mar. 23.*

In this Particular Mr. *Genebrand*, Brother to this Almanack-Maker, witnesseth, that the Queen sent to me about this new Almanack. If her Majesty did send to me about it (as 'tis probable she would disdain the Book) is that any Crime in me? Could I prevent her Majesty's sending, who could not know so much as that she would send? He says, His Brother was acquitted in the High-Commission, but charged by me, that he made a Faction in the Court. If I did say so, surely; my Lords; I saw some practising by him in this new-found Way. He says, The Papists bought up a great Number of these Almanacks, and burnt them. It seems he could not hinder that, nor I neither; unless it shall not be lawful for a Papist to buy an Almanack: for when he hath bought him, he may burn him if he please.

But since the *Book of Martyrs* was named, I shall tell your Lordships how careful I was of it. It is well known how easily Abridgements, by their Brevity and their Cheapness, in short time work out the Authors themselves. Mr. *Young* the Printer laboured me earnestly and often for an *Abridgment of the Book of Martyrs*; but I still withstood it (as my Secretary here present can testify) upon these two Grounds: The one, lest it should bring the large Book itself into disuse; and the other, lest if any material Thing should be left out, that should have been charged as done of purpose by me, as now I see it is in other Books. And I humbly pray your Lordships cast your Eyes upon the Frontispiece of the *Book of Martyrs*, printed *Anno 1642*: since this Parliament began, and when I was safe enough from having any hand in the Business, and there you shall see as dangerous Pictures as have been charged upon me, or any my Chapel-Windows.

Upon occasion of Mr. *Genebrand's* Calendar, Mr. *Prynn* took occasion to tell the Lords, That I had made Notes upon the Calendar in the *Missal*. I desired they might be read: it was thought too tedious. They were nothing but some Additions of my own reading to the Occurrences on some Days. And because the Calendar in the *Missal* was open and large, I thought fit to write them there.

5. The fifth Instance is in Dr. *Pocklington's* Centure of ^b and of *Flaccius Illyricus*; and that this Book was licensed by my Chaplain Dr. *Bray*; and he was censured in this Honourable House for that and like Slips of his. Then it was inferred at the Bar, That it must be taken as my Act, if it were done by my Chaplain: But Inferences are no sworn Proof. And, I conceive, no Man can by Law be punished criminally for his Servant's Fact, unless there be Proof that he had a hand in it. Then it was urged, but without any Proof too, that Dr. *Pocklington* was preferred by me. To which I shall answer when Proof is made; and if I had, 'tis far enough from Treason.

^b I believe the Name here wanting is Mr. Fox the Martyrologist. W. S. A. C.

6. The next Instance was about the calling in of *Thomas Beacon's* Disputation of the Mass. The Witness Mr. *Prynn*. He says, The Book was licensed, and that a Papist thereupon said, Doth my Lord of *Canterbury* license such Books? That I was informed of these Words, and the Book called in the next Day. First Mr. *Prynn* is single in this

part of the Testimony for the Words. Secondly, if any Papist did say so, it was not in my Power to stop his Mouth; and they which license Books, must endure many and various Censures, as the Readers of them stand affected. Thirdly, If any Papist did so speak, I have Reason to think it was to do me a Mischief, as much as in him lay. Fourthly, This is a very bold Oath; for he swears, that I was informed of these Words. He was not present to hear it, and then he can have it but by Hearsay; and no Religion teaches him to swear that for Truth, which he doth but hear. Lastly, The Book was called in, because it was slipt out contrary to the late Decree for Printing. Yea, but Mr. *Prym* swears, and so doth *Michael Sparks* the other Witness, That the Book was sent to the Printer before the Decree. But First, *Sparks's* Oath is uncertain; for he says, Mr. *Prym* sent him the Book before the Decree; and then by and by after says, it was about that time. Now the Book is somewhat large, so that it might be sent him before the Decree, and yet not be printed till after, and that a good Space too. And, Secondly, Mr. *Prym* himself confesses, the Book was sent when the Decree was in Agitation.

7. The seventh Instance was about *Arminianism*, as maintained by me against the Declarations of both Houses of Parliament, and of King *James*, concerning *Vortius* and *Bertius*. First, I have nothing to do to defend *Arminianism*, no Man having yet charged me with the abetting any Point of it. Secondly, King *James's* Declaration is very learned: But under Favour, he puts a great deal of Difference between *Vorstius* and *Bertius*; and his Majesty's Opinion is clear with the Article of the Church of *England*, and so expressed by himself; and to which I ever consented. And the Passage in the Conference at *Hampton-Court* was then read to the Lords: and yet for the Peace of Christendom, and the strengthening of the Reformed Religion, I do heartily wish these Differences were not pursued with such Heat and Animosity, in regard that all the *Lutheran Protestants* are of the same Opinions, or with very little Difference from those which are now called *Arminianism*.

*Confer. at
Ham. Court,
p. 29, 30.*

And here comes in *Michael Sparks*, who says, He was called into the High-Commission about a Book of Bishop *Carleton's*. I cannot punctually remember all Particulars so long since; but he confesses the Business was in the High-Commission, and so not singly chargeable against me. Besides, he is single in this Business. He says, He was Eleven Years in the High-Commission, and never sentenced. 'This is more than I know: But if it be so, he had better luck than some honest Men; for a bitterer Enemy, to his Power, the Church-Government never had.' He was Mr. *Prym's* Printer. He says, I was a Dean then, and he thinks of *Hereford*. I was never Dean of *Hereford*: But howsoever, this is a dangerous Oath; let him think of it. He swears that I was a Dean then, and a High-Commissioner, or else what had I to do in the Business? Now it is well known I was never a High-Commissioner, till I had been a Bishop some Years. For the Book itself, *Sparks* says nothing what was the Argument of it; but (so far as I remember) it was expressly against the King's Declaration. 'And so I answered Mr. *Browne*, when he summed up the Evidence against me in the House of Commons. And tho' in his Reply he seemed to deny this, yet I remember no Proof he brought for it.'

8. The last Instance was pregnant, and brought forth many Particulars. 1. As First, Dr. *Featly's* Parallels against Bishop *Mountague*: but this was still-born; at least it says nothing of me. 2. Secondly, Mr. *Prym's* Perpetuity, and against Dr. *Cofens*, both burnt. But he doth not say absolutely burnt, but as he is informed; and he may be informed amiss. And howsoever he says, it was done by the High-Commission, not by me. 3. Thirdly, Some Sheets of Dr. *Succliff's* Book prohibited the Press at *Oxford*. I hope *Oxford* is able to give an Account for itself. And whereas it was here said at the Bar, They hoped I would shew some repressing of the contrary Part; I would satisfy their Hopes abundantly, could I bring Witnesses from *Oxford*, how even and steady a Hand I carried to both Parts. 4. Fourthly, Mr. *Burton* questioned about his Book called, *The Seven Vials*: But himself confesses, That upon Sir *Henry Martin's* Information, that, as that Cause was laid, the High-Commission had no Power in it, he was dismissed. 5. Fifthly, That about his Book, intitled, *Babel*, no *Bethel*, he was questioned at a Court out of Term. This was very usual, whensoever the Court was full of Business, to hold one Court-day out of Term. This is warranted by the Commission; and Warning of it was always publickly given the Court-day before, that all, whom it concerned, might take notice of it, and provide themselves. 6. Sixthly, He says he was there railed at by Bishop *Harsnet*. 'Tis more than I know that Bishop *Harsnet* railed at him; but if he did, I hope I am not brought hither to answer all Men's Faults. 7. Seventhly, He says, He claimed the Petition of Right, yet was committed. This is more than I know or believe; yet if it were so, it was done by the High-Commission Court, not by me. 8. He says next, That he could never be quiet. But I am sure, my Lords, the Church for divers Years could never be in quiet for him and his Associates. 9. Lastly, They say, Some Passages against *Arminianism*, were left out of two Letters; one of Bishop *Davenant's*, and the other of Bishop *Hall's*, sent to be printed. First, Here's no Proof at all offer'd, that I differ'd in any thing from the Doctrine expressed in those Letters. And Secondly, for the leaving out of those Passages, it was (it seems) done to avoid kindling of new Flames in the Church of *England*. And it appeared on the other Side of the Paper, which was produced against me, and so read to the Lords, that these Passages were left out by the express Order from those Bishops themselves, under Bishop *Hall's* own Hand, and with Thanks to Dr. *Turner*, then my Chaplain, for his Letter to them. And here this Day's Business ended; and I received Command to attend again the Twentieth of the same Month.

The Fifteenth Day of my Hearing.

Thursday, June 20, 1644. This Day I came again to the House. A Day or two before, as now also, the Landing-Place at *Westminster* was not so full of People; and they which were there, much more civil towards me than formerly. My Friends were willing to persuade me, that my Answer had much abated the Edge of the People, saving from the violent and factious Leaders of the Multitude, whom it seems nothing would satisfy but my Life, (for so I was after told in plain Terms by a Man deeply interested in them;) when I presently saw *Quaterman* coming towards

me; who, so soon as he came, fell to his wonted railing, and asked aloud, *What the Lords meant, to be troubled so long and so often, with such a base Fellow as I was? they should do well to hang me out of the way.* I heard the Words with Grief enough, and so left them and him in the Hands of God. My Servants were earnest to have me complain to the Lords. I remembered my late Complaint about the Pamphlets had no Redress, and so forbore it. They notwithstanding, out of their Zeal, complained to Mr. Lieutenant of the Tower, who presently went forth, and said he would school him; but I hearkened no more after it.

When I came to the Bar, Mr. *Nicolas* began with great Violence, and told the Lords, the Business grew higher and higher against me. What the Business did, will after appear; but I am sure he grew higher and higher: and from this time forward, besides the Violence of Expression, gave me such Language, as no Christian would give a Jew. But God, I humbly thank him, blessed me with Patience; and so I made my Ears obedient. That which made him say *the Business grew higher and higher*, was this: Upon my often calling to have the Oaths at the Coronation of King *James* and King *Charles* compared, some of them repaired again to my Study at *Lambeth*, to search for all such Copies of Coronation-Books as could there be found. In this diligent and curious Search ('for Mr. *Prynne's* Malice made it') they found some Papers concerning Parliaments, no other (I praise God for it) than such as with indifferent Construction might (I hope) well pass; especially, considering what Occasion led me, and what Command was upon me. And, as I have been told by able and experienced Men, they would have been nothing, had they been found in any, but this troublesome and distracted time about the Rights of Parliaments (as 'tis said.) Howsoever, I was most unfortunate they should be now found; and I had not left them a Being, but that I verily thought I had destroyed them long since: But they were unhappily found among the Heaps of my Papers. And so,

I. An Answer to the Remonstrance made June 17, 1628. (which is sixteen Years since) was made the first Charge against me.

II. And the second Charge was, a Paper concerning a Declaration, Jan. 28, 1628. To both which I then answered; but because these are urged more than once, to help fill the People with new Clamour, and because they are more closely pressed against me at the last Day of my Hearing, and because Mr. *Browne*, in his summary Charge, laid and charged all these Papers together; to avoid tedious Repetition, I will also make my whole and entire Answer together, when that time comes.

III. The third Charge of this Day was, a Letter of a Jesuit to his Superior, found in my Study, dated March 1628. Let the Letter be dated when it will, I hope the Archbishop may get and keep the Letters of any Jesuits or others. How shall I be able to know or prevent their Plots upon the Religion by Law established, if this may not be done? Yet this I desire all Men to take Notice of, that this Letter was not directed to me. I was then Bishop of *London*: The Letter was found in a Search. But when by all possible Care taken by the High-Commission, the Author could not be found, I had (as I humbly conceive) great Reason to keep it. And I then humbly desired the whole Letter might be read. There was in it, That *Ar-*

minianism (as 'twas urged) was their Drug, and their Plot against us, &c. The Jesuit seeing a Fire kindling about these Opinions, might write what he pleased to help on his Cause: Yet this Drug, which he says is theirs, is the received Opinion of all the *Lutherans*, and they too Learned Protestants to use their Drugs. And if it be their Drug, why do the *Dominicans* so condemn it? Nay, why doth the *Master of the Sentences*, and the School after him, for the most, determine rigidly against it? And whereas 'tis said, That these Men had Instruments at the Duke's Chamber-Door; that belongs not to me, I was not Porter there. As for that Power which I had (called by Mr. *Nicolas* the Command of his Ear) I used it as much as I could to shut such Instruments thence. Beside, 'tis barely said, no Proof at all offer'd, that such Instruments were about the Duke's Chamber-Door. Other Papers were found in my Study, above sixty at least, expressing my continued Labours for some Years together, to reconcile the divided Protestants in Germany, that so they might go with united Forces against the *Romanists*. 'Why are not these produced too? Would not Christianity and Justice have my Innocence cleared, as well as my Faults accused?'

IV. The fourth Charge was Bishop *Montague's* Preferment. The Parliament (they say) called him in question, and the King called in his Book; yet, in Affront to the Parliament, that he was preferred by me. No, it was then publicly known in Court (whether now remembered or no, I cannot tell) that he was preferred by my Lord Duke; but being a Church-Business, the King commanded me to signify his Pleasure to the Signet-Office: And the Docket (which is all the Proof here made) mentions him only by whom the King's Pleasure is signified, not him that procures the Preferment: So the Docket in this Case is no Proof at all.

V. The fifth Charge was a Paper, intitled, *Considerations for the Church*. Three Exceptions against them. *The Observation of the King's Declaration*, Art. 3. *The Lecturers*, Art. 5. *And the High-Commission and Prohibitions*, Art. 10, 11. The Paper I desired might be all read: nothing in them against either Law or Religion. And for Lecturers a better Care taken, and with more Ease to the People, and more Peace to the Church, by a Combination of conformable neighbouring Ministers, in their Turns, and not by some one humorous Man, who too often misleads the People. Secondly, My Copy of *Considerations* came from Archbishop *Harsnett*, in which was some four Expression concerning *Emanuel* and *Sidney* Colleges in *Cambridge*, which the King in his Wisdom thought fit to leave out. The King's Instructions upon these *Considerations*, are under Mr. *Baker's* Hand, who was Secretary to my Predecessor; and they were sent to me to make Exceptions to them, if I knew any, in regard of the Ministers of *London*, whereof I was then Bishop. And by this, that they were thus sent unto me by my Predecessor, 'tis manifest, that this Account from the several Diocesses to the Archbishop, and from him to his Majesty once a Year, was begun before my time. Howsoever, if it had not, I should have been glad of the Honour of it, had it begun in mine. For, I humbly conceive, there cannot be a better or a safer Way to preserve Truth and Peace in the Church, than that once a Year every Bishop should

I suppose these Considerations are those published in Prynne's Compl. Hist. p. 287. W. S. A. C.

give an Account of all greater Occurrences in the Church to his Metropolitan, and he to the King: Without which, the King, who is the Supreme, is like to be a great Stranger to all Church Proceedings.

VI. The sixth Charge was about Dr. *Sibthorp's* Sermon, That my Predecessor opposed the printing of it, and that I opposed him, to affront the Parliament. Nothing so, my Lords: Nothing done by me to oppose, or affront the one or the other. This Sermon came forth when the Loan was not yet settled in Parliament. The Lords, and the Judges, and the Bishops, were some for, some against it. And if my Judgment were erroneous in that Point, it was misled by Lords of great Honour and Experience, and by Judges of great Knowledge in the Law. But I did nothing to affront any. 'Tis said, that I inserted into the Sermon, *That the People may not refuse any Tax that is not unjustly laid.* I conceive nothing is justly laid in that kind but according to Law, God's and Man's: And I dare not say, the People may refuse any thing so laid. For *Jus Regis*, the Right of a King, (which is urged against me too) I never went farther than the Scriptures lead me; nor did I ever think that *Jus Regis*, mentioned 1 Sam. viii. is meant of the ordinary and just Right of Kings, but of that Power which such as *Saul* would be, would assume unto themselves, and make it Right by Power, 1 Sam. viii. 12.

Then they say I expunged some Things out of it; As, First, the *Sabbath*, and put instead of it the *Lord's-Day*. What's my Offence? *Sabbath* is the *Jews* Word, and the *Lord's-Day* the *Christians*. Secondly, About evil Counsellors, to be used as *Haman*. The Passage (as there expressed) was very scandalous, and without just Cause, upon the Lords of the Council. And they might justly have thought I had wanted Discretion, should I have left it in. Thirdly, That I expunged this, *That Popery is against the first and the second Commandment.* If I did it, it was because it is much doubted by Learned Men, whether any thing in Popery is against the first Commandment, or denies the Unity of the God-head. And Mr. *Perkins* (who charges very home against Popery) says not the Breach of the first Commandment upon them. 'And when I gave Mr. *Browne* this answer; in his last Reply he asked why I left out both? Why, I did it because its being against the second is common and obvious, and I did not think it worthy the standing in such a Sermon, when it could not be made good against the first.'

But they demanded, Why I should make any Animadversions at all upon the Sermon? It was thus: The Sermon being presented to his Majesty, and the Argument not common, he committed the Care of printing it to Bishop *Mountain*, the Bishop of *London*, and four other; of which I was one. And this was the Reason of the Animadversions now called mine; as also of the Answer to my Predecessor's Exceptions (now charged also) and called mine. But it was the Joint-Answer of the Committee. And so is that other Particular also, in which the whole Business is left to the Learned in the Laws: For tho' the Animadversions be in my Hand, yet they were done at and by the Committee, only I being puny Bishop, was put to write them in my Hand.

VII. The seventh Charge was Dr. *Manwaring's* Business and Preferment. It was handled before, only resumed here to make a noise, and so passed it over.

VIII. The eighth Charge was concerning some Alterations in the Prayers made for the Fifth of *November*, and in the Book for the Fast, which was published *Anno* 1636. and the Prayers on the *Coronation-Day*.

1. First, For the Fast-Book: The Prayer mentioned was altered, as is expressed; but it was by him that had the ordering of that Book to the Press, not by me. Yet I cannot but approve the Reason given for it, and that without any the least Approbation of Merit: For the Abuse of Fasting, by thinking it meritorious, is the Thing left out; whereas in this Age and Kingdom, when and where set Fastings of the Church are cried down, there can be little fear of that erroneous Opinion of placing any Merit in Fasting.

2. Secondly, For the Prayers published for the Fifth of *November* and *Coronation-Day*; the Alterations were made either by the King himself, or some about him when I was not in Court: And the Book sent me, with a Command for the printing, as there altered. I made stay till I might wait upon his Majesty. I found him resolved upon the Alterations; nor in my Judgment could I justly except against them. His Majesty then gave Warrant to the Books themselves, with the Alterations in them; and so by his Warrant I commanded the Printing. And I then shewed both the Books to the Lords, who viewed them, and acknowledged his Majesty's Hand, with which, not his Name only, but the whole Warrant was written.

And here I humbly desired three Things might be observed, and I still desire it. First, With what Conscience this Passage out of my Speech in the *Star-Chamber* was urged against me, (for so it was, and fiercely by Mr. *Nicolas*) to prove that I had alter'd the Oath at the King's Coronation, because the Prayers appointed for the Anniversary of the Coronation were altered. 'Which is absolute Non-sense.' Secondly, He charged me that the Word *Antichristian* was left out. But that is visibly untrue: for it is left in. Thirdly, That tho' it be in, yet that the Alteration takes it off from the Papist, as also their Rebellion. Neither: For the Change is this; *That Antichristian Sect*, alter'd into *The Antichristian Sect of them which, &c.* and, *whose Religion is Rebellion*, alter'd into *who turn Religion into Rebellion*. By which it is manifest, that the Alteration takes off neither Imputation from the Papist, but moderates both. And for ought I yet know, 'tis necessary it should: For if their Religion be Rebellion, see what it will produce. Is not this the Syllogism? The Religion of the Papist is Rebellion; but Christianity is the Religion of the Papist: Therefore Christianity is Rebellion. I may not enlarge; but you may see more, if you please, in my Speech in the *Star-Chamber*. 'And when Mr. *Browne* in the Sum of his Charge pressed these Alterations hard against me, he did not so much as mention that I had the King's both Warrant and Command to all that I did in that Particular. And besides urged this as a great Innovation; because the Prayers mentioned had continued unaltered for the space of above thirty Years; not remembering therewith, that the Liturgy of the Church, established by Act of Parliament, must be taken away, or alter'd, tho' it hath continued above fourscore. Nay and Episcopacy must be quite abolished, tho' it have con-

tinued

continued in the Church of Christ above sixteen hundred.'

IX. The ninth Charge was from Sir *Edward Hungerford*, who came to *Lambeth* to have a little Book licensed at the Press. The Author was Sir *Anthony Hungerford*, whether Sir *Edward's* Grandfather or his Uncle, I remember not the Relation. He says he came to my Chaplain *Dr. Bray* to license it; and that *Dr. Bray* told him there were some harsh Phrases in it, which were better left out, because we were upon a way of winning the Papists. First, I hope I shall not be made answerable for my Chaplain's Words too. And Secondly, I hope there is no harm in winning the Papists to the Church of *England*; especially, if so easy a Cure as avoiding harsh Language would do it. He says my Chaplain expressed a dislike of *Guicciardin's* Censure of Pope *Alexander* the Sixth. Sure, if the Censure be false, he had reason to except against it: If true, yet to publish such an unfavoury Business to the common People.—He says, he came and complained to me; and that I told him I was not at leisure, but left it to my Chaplain. So the Charge upon me was, that my Chaplain was in an Error concerning this Book, and I would not redress it. To this I answered, First, That my Chaplain was dead; and I not knowing the Reasons which moved him to refuse licensing this Book, can neither confess him to be in an Error, nor yet justify him. Secondly, for my own refusing to meddle with it. Sir *Edward* took me in a time of Business, when I could not attend it. Thirdly, If I had absolutely refused it, and left it to my Chaplain, I had done no more than all my Predecessors did before me. And *Dr. Featly* then witnessed to the Lords, that Archbishop *Abbot*, my immediate Predecessor, and to whom the Doctor was Household Chaplain; would never meddle with licensing Books, but ever referred them to his Chaplains. And *Dr. Mocket*, another of his Chaplains, (well known to *Dr. Featly*) suffered for a Book sharply; yet not one Word said to my Predecessor about it. Fourthly, As the Liberty of the Press is in *England*, and of the Books which are tendred to the Press, the Archbishop had better grind than take that Work to his own Hands, especially considering his many and necessary Avocations. Lastly, No Man ever complained to me in this kind, but this Gentleman only. So it is one only single Offence, if it be any. But how this, or the rest; should be Treason against Sir *Edward Hungerford*, I cannot yet see. And so I answered *Mr. Browne*, who in his summary Charge forgot not this. But *Mr. Nicolas* laid load upon me in his Reply, in such Language as I am willing to forget.'

X. The tenth Charge was out of a Paper of Considerations to *Dr. Potter*, about some few Passages in his Answer to a Book intitled *Charity mistaken*. The Business this: *Dr. Potter* writ to me for my Advice. I used not to be peremptory; but put some few Things back to his farther Consideration: Of which three were now charged upon me. The first was, he used this Phrase, *Believe in the Pope*. I desired him to consider of (*In.*) And in this I yet know not wherein I offend. The second was this Phrase, *The Idol of Rome*. I advised him to consider this Phrase too, that Men might not be to seek what that Idol was, 'And here *Mr. Nicolas* cried out with Vehemency, That every Boy in the Street could tell the Pope was the Idol. I had not *Dr. Potter's* Book now at Hand, and so

could not be certain in what Sense the Doctor used it; but else, as many at least think the Mass the Idol of *Rome*, as the Pope; unless *Mr. Nicolas's* Boys in the Streets think otherwise, and then I cannot blame him for following such mature Judgments.' The third was, that I bid him consider whether the Passage, *p. 27.* (as I remember) did not give as much Power to the Parliament in matter of Doctrine, as the Church. 'But my Answer to this I shall put off to the Charge against me concerning Parliaments, because there *Mr. Browne* began with this. The two former he charged also; and I answered them as before. But he omitted that I obtained of the Lords the reader of *Dr. Potter's* Letter to me; by which he drew from me those Things which I determined not, but only put to his second Thoughts and Consideration. In which way (I humbly conceive) I cannot be in Crime, tho' I were in Error. Here ended the Business of this Day; and I was ordered to attend again *June 27.*'

The Sixteenth Day of my Hearing.

I. THURSDAY, *June 27, 1644.* I appeared this Day again: And the first Charge laid against me, was my Chaplain *Dr. Bray's* Expungings out of *Dr. Featly's* Sermons. The same Charge *ad verbum* which was before; and I give it the same Answer. These Repetitions of the same Things being only to increase Clamour, and to fill more Mens Ears with it.

II. The second Charge was certain Expunctions of some Things against the Papists in *Dr. Clark's* Sermons. The Witness which swore to the Passages left out was one *Mr. White*, a Minister, and it seems some near Acquaintance of *Dr. Clark's*. But, First, this Witness is single. Secondly, he brought only a Paper, in which he had written down what was expunged; but *Dr. Clark's* Sermons he brought not with it: So 'tis not impossible he might be mistaken. Howsoever, I not having the Book, could not possibly make an absolute and a perfect Answer. Thirdly, this Witness confesses that *Dr. Weeks*, then Chaplain to my Lord of *London*, had the View of *Dr. Clark's* Sermons, and took Exceptions against some Passages; as well as my Chaplain *Dr. Haywood* did. So it seems there was Cause for it. Fourthly, I answer; That for this, and for all other of like nature, my Chaplain must answer for his own Act, and not I. He is living, and an able Man: I humbly desire he may be called to his Account. For 'tis not possible for me to tell your Lordships upon what Grounds he did expunge these many and different Passages, which are instanced against me. Lastly, In all the Passages of *Dr. Clark's* Sermons it is not any where distinguished which were expunged by my Chaplain; and which by *Dr. Weeks*. So that the Charge in that behalf is left very uncertain.

For the Passages themselves, as they are many; so they are such as may easily be mistaken, the most of them. And whether *Dr. Clark* handled them in such manner as was not justifiable, either against *Arminius*, or the Papists, cannot possibly be known, till each Place in the Book be examined for the Thing, and my Chaplain; *Dr. Haywood*, for the Meaning. 'This made a great Noise in *Mr. Browne's* summary Charge against me: He alledging, that two and twenty Passages about

‘ Points of Popery were dashed out of Dr. *Clark’s*
 ‘ Sermons. To which I answered, That I con-
 ‘ ceived my Chaplain would be able to make it
 ‘ good, there were Two hundred left in for Two
 ‘ and twenty left out; and that they which were
 ‘ left out, were not some way or other justifiable
 ‘ against the Papists, as set down and expressed by
 ‘ him. And if so, they are better out than in:
 ‘ For we gain nothing by urging that against the
 ‘ Papists, which, when it comes to the Touch, can-
 ‘ not be made good against them.’

One Passage is here added out of Dr. *Featly’s*
 Sermons, *Pag.* 225. where he inveighs against too
 much imbellishing and beautifying the Church, and
 not the Souls of Men, &c. First, If there be not
 a care to beautify the Soul, let Men profess what
 Religion they will, ’tis a just Exception; and I
 believe no Fault found with that. But, Secondly,
 for the over-much beautifying of the Church, ’tis
 a Point that might be well left out. Little Neces-
 sity, God knows, to preach or print against too
 much adorning of Churches among us, where yet
 so many Churches lie very nastily in many Places
 of the Kingdom, and no one too much adorned
 to be found. Nay, the very Consecration of
 Churches cried down, (as is before expressed.)
 And this Opinion, that no Place is holy but dur-
 ing the Service in it, made Mr. *Culmer*, tho’ a Mi-
 nister, to piss in the Cathedral Church of *Canter-*
bury; and divers others to do so, and more a-
 gainst the Pillars of *St. Paul’s*, nearer hand, as
 may daily be both seen and smelt, to the shame
 of that which is called Religion. ‘ Here Mr. *Ni-*
colas would fain have shovel’d it to the Out-side
 ‘ of the Church, (which had been bad enough;)’
 ‘ but it was the Inside I spake of, and the thing is
 ‘ known.’

Then an Instance was made in a Book of
 Dr. *Jones*. The Witness that any thing was ex-
 punged out of this, was only Mr. *Chetwin*. And
 he confesses, that this Book was licensed by Dr. *Ba-*
ker, and he my Lord of *London’s* Chaplain, not
 mine. Here my Friends at the Bar infer, that
 Dr. *Baker* was preferred by me. First, That’s not
 so, he was preferred by his own Lord. Secondly,
 If he had been preferred by me, it could have made
 no Charge, unless Proof had been made that I
 preferred him for abusing Dr. *Jones’s* Book. And
 for the Docket, which is the only Proof offered
 that I preferred him I have already shewed, that
 that is no Proof. Yea but they say, Dr. *Baker*
 was employed by me as one of my Visitors. And
 what then? Must I be answerable for every Fault
 that is committed by every Man that I employ in
 my Visitation, tho’ it be a Fault committed at an-
 other Time and Place? tho’ I humbly desire Dr.
Baker may answer for himself, before I acknow-
 ledge any Fault committed by him. ‘ And tho’
 ‘ I conceive this Answer abundantly satisfactory
 ‘ for any Thing that may concern me, yet Mr.
 ‘ *Browne* omitted not this Instance against me.

III. The third Charge was personally against
 myself, and taken out of my ³ Speech
 ‘ *Pag.* 47. in the *Star-Chamber*. The Words
 these: *The Altar is the greatest Place of*
God’s Residence upon Earth, greater than the Pulpit;
for there ’tis Hoc est Corpus meum, This is my Body;
but in the other it is at most but Hoc est Verbum
meum, This is my Word: And a greater Reverence
is due to the Body, than the Word of the Lord. Out
 of this Place, Mr. *Nicolas* would needs inforce,

that I maintained Transubstantiation; because I
 say, there ’tis *Hoc est Corpus meum*. First, I perceive
 by him, he confounds (as too many else do) Tran-
 substantiation with the Real Presence, whereas
 these have a wide Difference. And *Calvin* grants a
 Real and True Presence, yea, and he grants *rea-*
liter too; and yet no Man a greater Enemy to
 Transubstantiation than he: as I
 have proved at large in my Book a-
 gainst *Fisher*, and had leave to read
 the Passage therein to the Lords.
 And Mr. *Perkins* avows as much.
 And secondly, the Word *there* makes
 nothing against this. For after the Words of
 Consecration are past, be the Minister never so
 unworthy, yet ’tis infallibly *Hoc est Corpus meum* to
 every worthy Receiver. So is it not *Hoc est Ver-*
bum meum, from the Pulpit to the best of Hearers,
 nor by the best of Preachers since the Apostles
 time. ‘ And as Preaching goes now, scarce is any
 ‘ thing heard from many in two long Hours, that
 ‘ favours of the Word of God.’ And *St. Paul*
 tells us, *1 Cor.* xi. 29. of a great Sin committed in
 his time of *not discerning the Lord’s Body*, when
 unworthy Communicants received it. Where was
 this? Why it was *there*, at the holy Table or
 Altar where they received, yet did not *discern*.
 I hope, for all this, *St. Paul* did not maintain
 Transubstantiation. ‘ Mr. *Browne* in his summary
 ‘ Charge pressed this also upon me. I answer’d as
 ‘ before, and added, That in all Ages of the
 ‘ Church the Touch-stone of Religion was not to
 ‘ hear the Word preached, but to communicate.
 ‘ And, at this Day, many will come and hear Ser-
 ‘ mons, who yet will not receive the Communion
 ‘ together. And as I call the Holy Table the
 ‘ greatest Place of God’s Residence

Cont. Fisher,
 p. 202.
 Perkins’s Ope-
 ra in fol. p.
 590.

‘ upon Earth, so doth a late learned
 ‘ Divine of this Church call the Cele-
 ‘ bration of the Eucharist, *the Crown*
 ‘ of Publick Service, and the most solemn and chief
 ‘ Work of Christian Assemblies: and he a Man
 ‘ known to be far from affecting Popery in the
 ‘ least. And all Divines agree in this, which our Sa-
 ‘ viour himself teaches, *St. Mat.* xxvi.
 ‘ 26. *That there is the same Effect of*
 ‘ *the Passion of Christ, and of this Bles-*
 ‘ *sed Sacrament worthily received.*’

Thorndike of
 Assemblies,
 c. 8. p. 260.

Idem est Ef-
 fectus Passionis
 Christi & Eu-
 charistiae.

Another Passage taken out of my
 ‘ Speech, was, *That due Reverence be*
 ‘ *given to God, and to his Altar.* Hence
 Mr. *Nicolas* infers again, this Reve-
 rence is one joint Act, therefore ’tis Divine to the
 Altar, as well as to God, and so Idolatry. First,
 The very next Words in my Speech are, that this
 Reverence to the Altar comes *far short of Divine*
Worship. What can prevent an Objection, if such
 plain Words cannot? Secondly, Having thus
 plainly expressed it, he may infer too if he will,
 that I do not then worship God. For this Reve-
 rence is one joint Act; but ’tis confessed, that ’tis
 not Divine Worship to the Altar, and therefore
 not to God. ‘ But Thirdly, This Gentleman, by
 ‘ his favour, understands not the Mysteries which
 ‘ lie hid in many Parts of Divinity. In this for
 ‘ one.’ For when this Reverence is performed, ’tis
 to God as to the Creator, and so Divine; but ’tis
 only *toward*, and not *to* the Altar, and so far short.
 And tho’ in outward Performance it be one joint
 Act, yet that which is not separated, is, and must
 be distinguished one from the other. ‘ To make

Thorn. p. 3.
 q. 79. d. 1. c.
 6 Pag. 49.

In bono opere
Deo accepta-
bili, Fides &
Charitas dis-
tinguuntur, non
separantur.
Qui loquitur,
simul facit vo-
cem & ver-
bum. *St. Aug.*
l. 1. de Gen.
ad Lit. c. 15.

‘ a good Work acceptable to God,
‘ there must be both Faith and
‘ Charity ; they cannot be separated
‘ one from the other : what shall
‘ they not therefore be distinguish-
‘ ed ? He that speaks (saith *St. Au-*
‘ *gustine*) by one joint Act sends
‘ out his Voice and his Word ; se-
‘ parated they cannot be, shall not
‘ they be distinguished therefore ?
‘ But I have lived long enough, and
‘ taken pains to small purpose, if
‘ Mr. *Nicolas*, or any Layman else, at his by
‘ and leisure Hours from a busy Profession, shall
‘ be able to teach me in that which I have la-
‘ boured all my Life. And God blefs the poor
‘ Bishops and Clergy of *England*, if falling into a
‘ Storm (as I now am) they must have such Judges
‘ as Mr. *Nicolas*.’

IV. The fourth Charge is the licensing of *Sales*, and other Books which had Popery in them, by my Chaplain Dr. *Haywood*.

1. To this Mr. *Prym* (who is the single Witness) says, That he tender'd a Bill to the then Lord Keeper against my Chaplain for licensing this Book, and that his Lordship refused it. If the Lord Keeper *Coventry* refused his Bill, I believe, were he living, he would assign just Cause why he did it. But whatever Cause he had, it concerns not me, that he rejected the Bill. Mr. *Prym* says farther, that this Book of *Sales* was printed heretofore, but purged first by Dr. *James* ; but licensed now by Dr. *Haywood*, not according to that Purgation, but with all the Points of Popery in. For this he produces Mr. *Oakes*, whose Son printed it. And says farther, that his Corrector at the Press found fault with some Passages, and thereupon he was sent to Dr. *Haywood*, who returned answer (as they say) *That if he licensed it, he would justify it* : and that his Son told him this. First, my Lords, this Under-testimony of Mr. *Oakes*, produced by Mr. *Prym*, is nothing but a Hearsay from his Son, who is now dead, and cannot be examined ; and while he was living, ran away, and would not be examined. Secondly, This was a most notable Piece of Villany practised against my Chaplain, and, thro' his Sides, against me. It was thus, my Lords : Whether the Bill were rejected or no, I cannot tell ; but the Complaint of printing this Book came publickly into the *Star-Chamber*. And then was the first time that ever I heard of it. I then humbly desired their Lordships, that Dr. *Haywood* might answer whatever he had done amiss, either there, or where they pleased. The Court presently commanded Mr. Attorney *Banks* to call all Parties before him, examine them thorowly, and then give his Account what he found ; that the Court might proceed farther according to Justice. Dr. *Haywood* appeared, and shewed Mr. Attorney how he had corrected *Sales* in all Popish Points before he licensed it. But young *Oakes*, and he which brought *Sales* to be licensed, (who was then thought to be some Jesuited Recusant, and, as I remember, lodged for that time of printing in *Oakes*'s House) ran both away, or hid their Heads, and would not be found. And this was a mere Plot of this Recusant, if not Priest, to have *Sales* printed with all his Points of Popery in him, to work Mischief to my Chaplain and myself : And young *Oakes* was in all likelihood well paid for his pains. This Account Mr. Attorney brought into that Court, and

this Relation Dr. *Haywood* (who I obtained might be after sent for) attested at this Bar.

One Circumstance my old decayed Memory mistook. For I thought, and so at first told the Lords, that for this Clamour raised upon him in this way, I did soon after dismiss him my House. But after, I found that he was gone out of my House before. Howsoever, I left him without any Mediation to the Justice of the Court. And here I may not forget that which I then observed to the Lords, that whereas 'tis urged, that many Points of Popery have passed the Press ; 'tis no wonder, if such Art be used as was here to get out *Sales*. And this farther is observable, that all these Quotations of Popish Opinions, mentioned here to fill up the Noise, are out of four or five Books at the most, of which more are out of this *Sales* than all the rest. ‘ And called in he was, as ‘ soon as known. Which Mr. *Browne* in the Sum ‘ of his Charge acknowledges.’

2. After *Sales*, the next Instance was in a Book intituled, *Christ's Epistle to the devout Reader*. Four particular Points were urged out of this : but neither I nor my Chaplains had ought to do with it. For it was licensed at *London-House* by Dr. *Weeks*. Nor was there ever any Complaint brought to me to have it called in : nor was any such Proof so much as offer'd.

4. The third Instance was of a Book called *The Female Glory*, where Mr. *Prym* (who is single again) said, that Dr. *Heylin* answered Mr. *Burton*, and justified all the Passages in this Book : And added, that this was by my Direction. But upon my Motion at the Bar concerning the Boldness of this Oath, Mr. *Prym* recalled himself, and said, that I appointed him to answer Mr. *Burton*. But it is one Thing to appoint him to answer Mr. *Burton*, and another to direct him to justify all Passages in *The Female Glory*.

4. The fourth Instance was in a Letter sent to me from one *Croxton*, a young Divine in *Ireland*. He was bred in *St. John's-College* in *Oxford*. At the Lord *Mountnorris*'s Intreaty, I sent *Croxton* into *Ireland* to be his Chaplain. If he miscarried there, I could not help it, nor hinder his writing of a Letter to me, nor prescribe what he should write in it. But to my remembrance, I never heard of any Miscarriage of his in Matter of Religion : And whether he be living or dead, I know not. That Letter indeed hath a Cross at the Top of it. But then was another Letter of his shewed without a Cross, in which he calls *Rome*, *Monstrum Abominandum*. Howsoever, I conceive all this is nothing to me.

5. The fifth Instance was a Book, which they said was licensed by Dr. *Weeks*. And if so, then not by my Chaplain. But upon perusal, I find no License printed to it, nor to any of the other, but only to *Sales*, which is answered.

6. The sixth Instance was in Bishop *Mountague*'s Books, the *Gagg* and the *Appeal*. Here they said, that Dr. *White* told Dr. *Fealy*, *That five or six Bishops did allow these Books*. But he did not name me to be one of them. Then Mr. *Prym* urged upon his Oath, that these Books were found in my Study. And I cannot but blefs myself at this Argument. For I have *Bellarmino* in my Study, therefore I am a *Papist* ; or I have the *Alcoran* in my Study, therefore I am a *Turk*, is as good an Argument as this : I have Bishop *Mountague*'s Books in my Study, therefore I am an *Arminian*. May Mr. *Prym* have Books in all kinds in his Study, and may

may not the Archbishop of *Canterbury* have them in his? Yea, but he says, There is a Letter of the Bishop's to me, submitting his Books to my Censure. This Letter hath no date, and so belike Mr. *Prynn* thought he might be bold both with it and his Oath, and apply it to what Books he pleased. But as God would have it, there are Circumstances in it as good as a Date. For 'tis therein expressed, that he was now ready to remove from *Chichester* to *Norwich*. Therefore he must needs speak of submitting those his Books to me, which were then ready to be set out, which were his *Origines Ecclesiasticæ*; not the *Gagg*, nor the *Appeal*, which are the Books charged, and which were printed divers Years before he was made a Bishop: and my Receipt indorsed upon it, is *Mar. 29. 1638*. And I hope Mr. *Nicolas* will not call this the Colour of an Answer, as he hath called many of the rest given by me.

7. The seventh Instance was in a Book licensed by Dr. *Martin*, then my Chaplain in *London-House*. This Book, Mr. *Prynn* says, was purposely set out to countenance *Arminianism*, as if it had been some Work of moment, whereas it was answered twice in the Queen's time. If Dr. *Martin* did this, 'tis more than I remember; nor can I so long after give any account of it. But Dr. *Martin* is living, and in Town, and I humbly desired he might be called to answer. He was called the next day, and gave this Account.

[*The Account is wanting; a Space left for it, but not filled up.*]

Mr. *Prynn* says farther, That after this he preached *Arminianism* at *St. Paul's Cross*. Why did not Mr. *Prynn* come then to me, and acquaint me with it? Which neither he nor any Man else did. And I was in Attendance at Court, whither I could not hear him. And the Charge which came against him upon the next Day's Hearing, was this and no more, That one then preached at the *Cross* Universal Redemption; but he that gave testimony, knew him not: only he says, one told him 'twas Dr. *Martin*.

1. The last Instance was of a Bible commonly sold, with a Popish Table at the end of it. This is more than I know, or ever heard till now; nor was any Complaint ever brought to me of it. And I cannot know all things that are done abroad for Gain; for that will teach them to conceal, as well as move them to act. Yet one of the Popish Heads mentioned in that Table, was *Confirmation*, which is commanded in our Church-Liturgy, and ratified by Law.

Here this Day ended, and I was ordered to appear again *July 4*. That Day I received a Note, under Mr. *Nicolas*'s hand, that they meant to proceed upon the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Fourteenth Original Articles, and the Sixth and Seventh Additional. The last Warrant for other Articles, came under Serjeant *Wilde*'s Hand, and Mr. *Nicolas* signing this, it seems, mistook: for the Eighth and Ninth Original Articles are in part proceeded on before. Now they go forward with these, and then on to the rest; which I will write down severally, as they come to them.

The same Day, being *Thursday*, all my Books at *Lambeth* were by Order of the House of Commons taken away by Mr. Secretary to

the Right Honourable the Earl of *Warwick*, and carried I know not whither, but are (as 'tis commonly said) for the use of Mr. *Peters*. Before this time, some good number of my Books were delivered to the use of the Synod; the Ministers which had them giving no Catalogue under their hands, which or how many they had. And all this was done contrary to an Order of the Lords, bearing date *Novemb. 9. 1642*. for the safe keeping of my Books there; and before I was convicted of any Crime. This Day also I received an Order, which put off my Hearing to the next Day.

The Seventeenth Day of my Hearing.

I. **F**RIDAY, *July 5. 1644*. This Day I appeared again: And the First Charge against me was, That I had preferred none to Bishopricks, Deaneries, Prebends, and Benefices, but Men popishly affected, or otherwise unworthy. And some they named:

1. As First, Dr. *Manwaring*, disabled by the Parliament.

2. Secondly, Mr. *Mountague*, excepted against by Parliament. But for these, no Proof was now brought: They referred themselves to what was said before, and so do I. And where they go to prove only by Dockets, I desire it may still be remembered that the Docket is a full Proof who gave Order for drawing the Bill at the Signet-Office, but no Proof at all who procured the Preferment.

3. Thirdly, Bishop *Corbett*. But the Earl of *Dorset* got my Lord Duke of *Buckingham* to prefer him, to make way for Dr. *Duppa*, his deserving Chaplain, into *Christ-Church*. Nor was any thing charged against Dr. *Corbett*, but that he was preferred by me.

4. Fourthly, Bishop *Pierce*: against whom there was no Proof offered neither. And he is liking to answer it, if any be.

5. Nor was there now any Proof offered against Bishop *Wren*, who was named also; at the least not till he was made a Bishop. So if I did prefer him, it seems I did it when nothing was laid against him. And if after he had his Preferment, he did any thing unworthily, that could not I foresee; and he is living to answer it.

6. The Sixth was Bishop *Lindsey*, a Man known to be of great and universal Learning, but preferred by the then Lord Treasurer *Portland*, not by me. Him they charged with *Arminianism*. The Witnesses two: The first, Mr. *Smart*; he is positive, he was his Fellow-Prebendary at *Durham*. There was Animosity between them. 'And *Smart*, not able to judge of *Arminianism*.' Secondly, Mr. *Walker*, who could say nothing, but that he heard so much from some Ministers, and Dr. *Bastwick*. 'So here is as learned a Man as *Christendom* had any of his time, debased in this great and honourable Court, by Ignorance, and a Hearsay; and that, when the Man is gone to that which should be his Quiet, the Grave.'

7. The Seventh was Archbishop *Neile*, a Man well known to be as true to, and as stout for, the Church of *England* established by Law, as any Man that came to Preferment in it. Nor could his great Enemy Mr. *Smart* say any thing now against him, but a Hearsay from one Dr. *Moor* of *Winchester*. And I cannot but profess, it grieves me much, to hear so many honest and worthy Men

so used, when the Grave hath shut up their Mouths from answering for themselves.

8. The next was Dr. *Cofens*, to be dean of *Peterborough*. I named four of his Majesty's Chaplains to him, as he had commanded me: and the King pitched upon Dr. *Cofens*, in regard all the Means he then had, lay in and about *Duresm*, and was then in the *Scots* hands; so that he had nothing but Forty Pound a Year by his Headship in *Peter-House*, to maintain himself, his Wife and Children.

9. The Ninth was Dr. *Potter*, a known *Arminian*, to the Deanery of *Worcester*. What Proof of this? Nothing but the Docket. And what of the Crime? Nothing but Dr. *Featly's* Testimony; who says no more but this, That Dr. *Potter* was at first against *Arminianism*; (that's absolute:) But afterwards he defended it, as he hath heard; (there's a Hearsay.)

10. The Tenth was Dr. *Baker*.

11. The Eleventh Dr. *Weeks*. Both very honest and able Men; but preferred by their own Lord, the Lord Bishop of *London*.

12. The Twelfth was Dr. *Bray*. He had been my Chaplain above ten Years in my House; I found him a very able and an honest Man, and had reason to prefer him to be able to live well; and I did so. Here is nothing objected against him, but his Expungings, and not Expungings of some Books; which if he were living, I well hope he would be able to give a good account for.

13. The Thirteenth Dr. *Heylin*. He is known to be a learned and an able Man; but for his Preferment, both to be his Majesty's Chaplain, and for that which he got in that Service, he owes it under God to the Memory of the Earl of *Danby*, who took care of him in the University.

14. After these, they named some, whom they said I preferred to be the King's Chaplains. The Witness here Mr. *Oldsworth*, the Lord Chamberlain's Secretary. He says, The Power and Practice of naming Chaplains was in the Lord Chamberlain for these 25 Years. And I say, 'tis so still, for ought I know. He says, That in all things concerning which the Lord Chamberlain's Warrant went in this Form, *These are to will and require you, &c.* that there his Lordship did it without consulting the King; and that the Warrants for Chaplains run all in this Form. First, This is more than I know, or ever heard of till now. Secondly, Be it so; yet 'tis hard to deny the King to hear Men preach, before they be sworn his Chaplains, 'if his Majesty desire it, since it argues a great Care in the King, especially in such a factious time, as began to overlay this Church.' Thirdly, He confesses, that he knows not who put the King upon this way, but believes that I did it. He is single, and his Belief only is no Evidence. 'And whosoever gave the King that Advice, deserved very well both of his Majesty and the Church of *England*; That none might be put about him in that Service, but such as himself should approve of. But that which troubled this Witness, was another thing. He had not Money for every one that was made Chaplain; nor Money to get them a Month to wait in; nor Money to change their Month, if it were inconvenient for their other Occasions; nor Money for sparing their Attendance when they pleased. In which, and other things, I would he had been as careful of his Lord's Honour, as I have been in all things. For 'tis well known in

' Court, I observed his Lordship as much as any Man.'

The Men which are instanced in, are Dr. *Heylin*. But he was preferred to that Service by my Lord the Earl of *Danby*. Then Dr. *Potter*. But the Lord-Keeper *Coventry* was his means. Dr. *Cofens* was preferred by Bishop *Neile*, whose Chaplain he had been many Years, and he moved the Lord Chamberlain for it. Dr. *Lawrence* was my Lord Chamberlain's own Chaplain, and preferred by himself; and in all likelihood, by Mr. *Oldsworth's* means: for he was Fellow of *Magdalen-College* in *Oxford*, as Mr. *Oldsworth* himself was, and he once (to my knowledge) had a great opinion of him. Dr. *Haywood* indeed was my Chaplain; but I preferred him not to his Majesty, till he had preached divers times in Court with great Approbation; nor then, but with my Lord Chamberlain's Love and Liking. As for Dr. *Pocklington*, I know not who recommended him; nor is there any Proof offered that I did it.

15. Then they proceeded to my own Chaplains. They name four of them: First, Dr. *Weeks*. But he was never in my House, never meddled with the licensing of any Books, till he was gone from me to the Bishop of *London*: So he is charged with no Fault, so long as he was mine. The Second, Dr. *Haywood*. But he is charged with nothing but *Sales*, which was a most desperate Plot against him, as is before shewed. The Third was Dr. *Martin*. Against him came Mr. *Prynn*, for his *Arminian* Sermon at *St. Paul's-Cross*. But that's answered before. And Mr. *Walker*, who said, He proposed *Arminian* Questions to divers Ministers. Belike, such as were to be examined by him. But he adds, *As these Ministers told him*. So 'tis but a Hearsay. And say he did propose such Questions, may it not be fit enough to try how able they were to answer them? The Fourth was Dr. *Bray*. Against him Dr. *Featly* was again produced, for that which he had expunged out of his Sermons. But when I saw this so often inculcated to make a noise, I humbly desired of the Lords, that I might ask Dr. *Featly* one Question. Upon leave granted, I asked him; whether Nothing were of late expunged out of a Book of his written against a Priest? and desired him to speak upon the Oath he had taken. He answered roundly, That divers Passages against the Anabaptists, and some in defence of the Liturgy of the Church of *England*, were expunged. I asked, by whom? He said, by Mr. *Rouse* and the Committee, or, by Mr. *Rouse* or the Committee. Be it which it will, I observed to the Lords, that Mr. *Rouse* and the Committee might expunge Passages against the Anabaptists, nay, for the Liturgy established by Law; but my Chaplains may not expunge any thing against the Papists tho' perhaps mistaken.

From thence they fell upon Men whom they said I had preferred to Benefices. They named but two. Dr. *Heylin* was one again, whom I preferred not. The other was Dr. *Jackson*, the late President of *Corpus Christi-College* in *Oxford*. Dr. *Featly*, being produced, said, Dr. *Jackson* was a known *Arminian*. If so to him, 'tis well; the Man is dead, and cannot answer for himself. Thus far I can for him, without meddling with any of his Opinions: He was very honest and very learned, and at those Years he was of, might deserve more than a poor Benefice.

16. Here Mr. *Prynn* came in again, and testified very boldly, That I gave many Benefices, which were

were in the Gift of the Master of the Wards: and all Preferments only to such Men as were for Ceremonies, Popery, and Arminianism. For the first of these two, the Business was thus: There arose a Difference between the then Lord Keeper *Coven-try*, and the Lord *Cottington*, then Master of the Wards, about the disposing of those Benefices. It grew somewhat high, and came to Hearing by the King himself: His Majesty, upon Hearing, gave the Right of Sealing to the Lord Keeper; but for the time, till more might appear, reserved the Giving to himself, that he might have some of those lesser Preferments to bestow on such Ministers as attended upon his Navy then at Sea. I never gave any one of these Benefices in my Life. And that this Story is of Truth, the Lord *Cottington* is yet living, and can witness it. ‘And this very Answer I gave to Mr. *Browne*, who in summing up the Charge laid this also upon me, and without mentioning what Answer I gave to it.’ For the second, That I preferred none but such Men; ’tis known I preferred Bishop *Hall* to *Exeter*, Dr. *Potter* to *Carlisle*, Dr. *Cook* to *Bristol* first, and then to *Hereford*; that I gave Dr. *Westfield* the Archdeaconry of *St. Albans*; that I was Dr. *Fell*’s means for *Christ-Church*, and Dr. *Higgs*’s for the Deanery of *Litchfield*; that I settled Dr. *Downing* at *Hackney*, and Mr. *Herrick*, at *Manchaster*, when the Broad-Seal formerly given him was questioned: That I gave two of my own Benefices to Mr. *Palmer* and Mr. *Taylor*, two of the now Synod; an Hospital to Dr. *Jackson* of *Canterbury*, and a Benefice to his Son-in-Law, at his Suit. I could not name all these upon the sudden, yet some I did; and no one of them guilty of this Charge in the least. ‘Mr. *Browne* in his Summary said, I could name but one or two. And when in my Answer made in the House of Commons, I specified more, among which Mr. *Palmer* was one; Mr. *Browne* said in his Reply, That Mr. *Palmer* had indeed his Benefice of my giving, so himself told him, but it was at the Intreaty of a great Nobleman. Say it were; Mr. *Palmer* was then a Stranger to me: somebody must speak, and assure me of his Wants and Worth, or I cannot give. But if upon this I gave it freely, is it worth no thanks from him, because a Nobleman spake to me? Let Mr. *Palmer* rank this Gratitude among his other Virtues.’

17. From hence they stepped over into *Ireland*, and objected my preferring of Dr. *Chappel* to be Master of the Collage at *Dublin*. Here the first Witness is Mr. *Walker*. He says, That all his Scholars were *Arminians*. This is a great Sign, but not full Proof. He says, That Dr. *Chappel* was at first fierce against them, but afterwards changed his Mind. Dr. *Featly* said the like of Dr. *Potter*. Some say *Arminius* himself was at first zealous against those Opinions, but studying hard to confute them, changed his own Mind. ‘Take heed, Mr. *Walker*, do not study these Points too hard.’ For my own Part, Dr. *Chappel* was a *Cambridge* Man, altogether unknown to me, save that I received from thence great Testimony of his Abilities and fitness for Government, which that College then extremely wanted; and no Man ever complained to me, that he favoured *Arminianism*.

The other Witness was Dr. *Hoyle*, a Fellow of the College in *Dublin*. He says, That the Doctor did maintain, in that College, *Justification by Works*; and in *Christ-Church*, *Arminianism*. In this he is

single: But if it be true, why did not the Lord Primate of *Armagh* punish him? for he says, he knew it. That he opposed some things in the Synod: And it may be there was just Cause for it. Lastly, he says, The late Lord Deputy liked not the *Irish* Articles, but gave them an honourable Burial, as (he says) the Lord Primate himself confessed. I am a Stranger to all this; nor doth Dr. *Hoyle* charge any thing against me; but says, That they which did this, were supposed to have some Friend in *England*. And surely their Carriage was very ill, if they had none.

18. Then were Letters read of my Lord Primate’s to me, in which is testified my Care of the Patrimony of that Church. And then a Paper of Instructions given by me to the Lord Deputy at his first going into that Kingdom. For the first, tho’ it be thrust in here, among Matters of Religion, yet I pray your Lordships to consider, ’tis about the Patrimony of that Church only; and I thank them heartily for producing it. For in this Letter is a full Confession of my Lord Primate’s, That the Motion of getting the Impropropriations from his Majesty, (formerly objected against me) proceeded from him, as I then pleaded: And the Letter was read. For the second; my Lord Deputy, a little before his first going into *Ireland*, asked me what Service I would command him for the Church there? I humbly thanked him, as I had Reason, and told him I would bethink myself, and give him my Thoughts in writing: These are they which are called *Instructions*. They are only for the good of that poor Church, as your Lordships have heard them. This was all; and herein my Lord shewed his Honour, and I did but my Duty. ‘Tho’ I very well understand why this Paper is produced against me.’

After this, they proceeded to the Eleventh Original Article, which follows *in hæc verba*.

XI. He in his own Person, and his Suffragans, Visitors, Surrogats, Chancellors, or other Officers, by his command, have caused divers Learned, Pious, and Orthodox Preachers of God’s Word to be silenced, suspended, deprived, degraded, excommunicated, or otherwise grieved and vexed, without any just and lawful Cause; whereby, and 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 amongst the People; that so he might the better facilitate the Way to the effecting of his own wicked and traitorous Design of altering and corrupting the true Religion here established.

1. The first Instance to make good this Article, was a Repetition of some Lecturers before-named. But when they thought they had made Noise enough, they referred the Lords to their Notes; and so did I to my former Answers.

2. The second Instance was out of some Articles of Bishop *Mountague* and Bishop *Wren*, and their Account given to me. Bishop *Wren*, *Art. 16.* speaks of the Afternoon-Sermons being turned into Catechising: And *Art. 5.* (of his Account, I take it) That no Lecture in his Diocess after, &c. It was made plain to the Lords, that this was spoken of some single and factious Lecturers; and that they had their Lectures read by a Company of Learned and Orthodox Ministers by turns; as appeared by the *Monday* Sermon at *Bury*, during that

Learned

Learned Bishop's time. Nor were any forbid to preach in the Afternoon, so the Catechising were not omitted, before it, or with it: And the Bishop is living to answer it, if ought were then done amiss by him. In all which he did nothing as any Deputy or Surrogat of mine, but as Dioceſan of the Place. As for the yearly Account to the King, according to his Royal Instructions in that Behalf, tho' it were preſſed here again to multiply Noiſe, yet nothing being new, I gave my Answer as before, and to that I refer myſelf.

3. The third Answer was concerning Mr. *Lee* of *Wolverhampton*. The Evidence was a Letter of my Secretary Mr. *Dell*, written by my Command, to my Viſitors there, to this Effect; That whether there were Cauſe or no, they ſhould either puniſh Mr. *Lee*, or bring him into the High-Commiſſion. Had the Words or the Senſe been thus, they might well ſay, It was hard for the Judge before whom the Party was to answer, to write thus. But I called to have the Letter read again, and the Words were theſe; If there were found againſt him that which might juſtly be cenſured, then they ſhould puniſh, &c. And the Reaſon why this ſtrict Care was taken, was, becauſe the Dean of *Windſor* his Ordinary complained unto me, That Mr. *Lee's* Carriage was ſo factious there, that he could contain him in no Order. If he were a Man after this approved at *Shrewsbury* (as Mr. *Walker* witneſſes) I hope the Proceedings at *Wolverhampton* did him good. But, my Lords, had it ſo fallen out, that my Secretary had forgotten my Inſtructions, and himſelf too, and expreſſed himſelf amiſs, ſhall that Slip of his (had it been ſuch) be imputed to me? I believe your Lordſhips would not willingly answer for every Phraſe of your Secretaries Letters, which yet you command them to write.

4. The laſt Inſtance was the Sentence in the High-Commiſſion againſt Mr. *Barnard*, for Words about *Pelagian* Errors and Popery. Firſt, if he were ſentenced in the High-Commiſſion, it was the Act of the Court, and not mine; as has been often ſaid. Secondly, No Proof is offer'd that he was ſentenced for thoſe Words only. Thirdly, The Recantation (howſoever reſuſed by him, as Mr. *Prynn* ſays it was) makes mention of four Points for which he was cenſured, of which theſe Words are one: But not the Words themſelves, but his unjuſt and ſcandalous Application of them to me, which deſerves them not. And laſtly, Dr. *Cumber*, Maſter of *Trinity-College* in *Cambridge*, was Proſecutor againſt him; which Office, ſo grave and worthy a Man would not (I ſuppoſe) have undertaken, had there not been great and juſt Cauſe for it.

Hence they proceeded to the Sixth Additional Article, which follows in theſe Words:

VI. That whereas divers Gifts and Diſpoſitions of divers Sums of Money were heretofore made by divers charitable and well-diſpoſed Perſons, for the buying in of divers *Impropriations* for the Maintenance of Preaching the Word of God in ſeveral Churches; the ſaid Archbiſhop about Eight Years laſt paſt, wilfully and maliciously cauſed the ſaid Gifts, Feoffments and Conveyances, made to the Uſes aforeſaid, to be overthrown in his Maſteſty's Court of *Exchequer*, contrary to Law, as things dangerous to the Church and State, under the ſpecious Pretence of buying in *Impropriations*; whereby that pious Work was ſuppreſſed and trodden down, to the great Diſhonour of God, and Scandal of Religion.

This Article is only about the *Feoffments*. That which I did, was this. I was (as then adviſed, upon ſuch Information as was given me) clearly of Opinion, that this was a cunning Way, under a glorious Pretence, to overthrow the Church-Government, by getting into their Power more Dependency of the Clergy, than the King, and all the Peers; and all the Biſhops in all the Kingdom had. And I did conceive the Plot the more dangerous for the Fairneſs of the Pretence, and that to the State as well as the Church. Hereupon, not maliciously (as 'tis charged in the Article) but conſcientiouſly I reſolved to ſuppreſs it, if by Law it might be done. Upon this, I acquainted his Maſteſty with the thing, and the Danger which I conceived would, in few Years, ſpring out of it. The King referred me to his Attorney and the Law. Mr. Attorney *Noy*, after ſome Pauſe upon it, proceeded in the *Exchequer*, and there it was by judicial Proceeding and Sentence overthrown. If this Sentence were according to Law and Juſtice, then there's no Fault at all committed: if it were againſt Law, the Fault, whate'er it be, was the Judges, not mine; for I ſolli-cited none of them. And here I humbly deſired, that the Lords would at their Leiſure read over the Sentence given in the *Exchequer*, which I then delivered in; but by Reaſon of the Length, it was not then read: whether after it were, I cannot tell.

Sir Leolin Jenkins hath a Copy of it, out of the Records of the Exchequer. W. S. A. C.

I deſired likewiſe that my Council might be heard in this, and all other Points in Law.

1. The firſt Witneſs was Mr. *Kendall*. He ſays, That ſpeaking with me about *Preſteen*, I thanked God that I had overthrown this *Feoffment*.

2. The ſecond Witneſs Mr. *Millar* ſays, he heard me ſay, They would have undone the Church, but I have overthrown their *Feoffment*. Theſe two Witneſſes prove no more than I confeſs: For in the Manner aforeſaid, I deny not but I did my beſt in a legal Way to overthrow it. And if I did thank God for it, it was my Duty to do ſo, the thing being in my Judgment ſo pernicious as it was.

3. The third Witneſs was Mr. *White*, one of the *Feoffees*. He ſays, That coming as Counſel in a Cauſe before me, when that Buſineſs was done, I fell bitterly on him as an Underminer of the Church. I remember well his coming to me as Counſel about a Benefice; and 'tis very likely I ſpoke my Conſcience to him, as freely as he did his to me, but the Particulars I remember not; nor do I remember his coming afterwards to me to *Fulham*, nor his Offer to change the Men or the Courſe, ſo the thing might ſtand. For to this I ſhould have been as willing as he was: and if I remember right, there was order taken for this in the Decree of the *Exchequer*; and his Maſteſty's Pleaſure declared, That no Penny ſo given ſhould be turned to other Uſe. And I have been, and ſhall ever be as ready to get in *Impropriations*, by any good and legal Way, as any Man, (as may appear by my Labours about the *Impropriations* in *Ireland*.) But this way did not ſtand either with my Judgment or Conſcience.

1. Firſt, Becauſe little or nothing was given by them to the preſent Incumbent, to whom the Tythes were due, if to any; that the Pariſhioners which paid them, might have the more cheerful Inſtruction, the better Hoſpitality, and more full Relief for their Poor.

2. Secondly, Because most of the Men they put in, were Persons disaffected to the Discipline; if not the Doctrine too, of the Church of England.

3. Thirdly, Because no small Part was given to School-Masters, to season Youth *ab Ovo*, for their Party; and to young Students in the Universities, to purchase them and their Judgments to their Side, against their coming abroad into the Church.

4. Fourthly, Because all this Power to breed and maintain a Faction, was in the Hands of Twelve Men, who were they never so honest, and free from Thoughts of abusing this Power, to fill the Church with Schism; yet who should be Successors, and what Use should be made of this Power, was out of human Reach to know.

Fifthly, Because this Power was assumed by; and to themselves, without any legal Authority; as Mr. Attorney assured me.

He farther said, That the *Impropriation* of *Presteen* in *Radnorshire*, was specially given to *St. Antolins* in *London*. I say, the more the Pity, considering the Poorness of that Country, and the little Preaching that was among that poor People, and the Plenty which is in *London*: Yet because it was so given, there was care taken after the Decree, that they of *St. Antolins* had Consideration, and I think to the full. He says, That indeed they did not give any thing to the present Incumbents, till good Men came to be in their Places. Scarce one Incumbent was better'd by them. And what then? In so many Places not one good Man found? 'Not one factious enough against the Church, for Mr. *White* to account him good?' Yet he thinks I disposed these things afterwards to unworthy Men. 'Truly, had they been at my disposal, I should not wittingly have given them to Mr. *White's* Worthies.' But his Majesty laid his Command upon his Attorney, and nothing was done or to be done in these things, but by his Direction. For Dr. *Heylin*, if he spake any thing amiss concerning this *Feoffment*, in any Sermon of his, he is living to answer it; me it concerns not. 'Mr. *Browne*, in the Sum of the Charge, omitted not this; and I answered as before: And in his Reply he turned again upon it, That it must be a Crime in me, because I projected to overthrow it. But, under favour, this follows not: for to project (tho' the Word *Projector* sound ill in *England*) is no more than to forecast and forelay any Business. Now, as 'tis lawful for me, by all good and fit Means, to project the Settlement of any thing that is good; so is it lawful, by good and legal Means, to project the Overthrow of any thing that is cunningly or apparently evil. And such did this *Feoffment* appear to my Understanding, and doth still.' As for reducing of *Impropriations* to their proper Use, they may see (if they please) in my Diary (whence they had this) another Project to buy them into the Church's Use; for given they will not be. But Mr. *Prynn* would shew nothing, nor Mr. *Nicolas* see any thing, but what they thought would make against me.

Here this Day ended, and I was commanded to attend again *July 15*. But was then put off to *July 17*, which Day held.

The Eighteenth Day of my Hearing.

WEDNESDAY, *June 17, 1644*. This Day they charged upon me the Twelfth Original Article; which follows in these Words:

XII. He hath traitorously endeavoured to cause Division and Discord between the Church of *England* and other Reformed Churches; and to that end hath suppressed and abrogated the Privileges and Immunities, which have been by his Majesty and his Royal Ancestors granted to the *French* and *Dutch* Churches in this Kingdom: And divers other ways hath expressed his Malice and Disaffection to those Churches, that so by such Disunion the Papists might have more Advantage for the Overthrow and Extirpation of both.

I. The first Charge is, That I deny them to be a Church: For they say that I say plainly in my Book against *Fisher*, that ^{a Cont. Fisher,} *No Bishop, no Church*. Now 'tis well ^{§. 25. p. 176.} known they have no Bishops, and therefore no Church. The Passage in my Book is an Inference of *St. Jerom's* Opinion, no Declaration of my own. And if they, or any other, be aggrieved at *St. Jerom* for writing so, they may answer him. Mr. *Nicolas* added, That this was seconded by Bishop *Mountague's* ^{Mount. Orig. Eccles. p. 464.} Book, which Mr. *Prynn* (carefully) witnessed was found in my Study, and licensed by Dr. *Bray*. Is this Argument come again, that Bishop *Mountague's* Book was in my Study? 'Leave it for shame.' But they have now left me never a Book in my Study; so I cannot make them any fuller Answer, without viewing the Place, than themselves help me to by their own Confession: which is, that he adds this Exception, That none but a Bishop can ordain, but *in casu necessitatis*, which is the Opinion of many learned and moderate Divines. 'Yet this is very considerable in the Business, whether an inevitable Necessity be cast upon them, or they pluck a kind of Necessity upon themselves.'

II. The second Charge is out of a Letter of mine to Bishop *Hall*, upon a Letter which he had formerly sent me. In which, it seems, is something about the Case of Necessity in point of Ordination, which (they say) I disliked. And it seems I disliked upon good Ground: For he had given me Power, under his Hand, to alter what I would in that which he sent unto me. I would not take that Power; but writ back to him what Passages I thought might be better expressed, if it could agree with his Judgment also. Hereupon he sent me another Letter of *Jan. 18, 1639*. in which he alter'd those Things which I put to his farther Consideration. Could any thing be more fairly carry'd? And this Letter was read to the Lords. Yea, but they say, I disliked the giving of this Title *Antichrist* to the Pope. No, I did not simply dislike it; but I advised Bishop *Hall*, if he thought it good, not to affirm it so positively. And the Reason I gave was this; That King *James* being pressed upon a great Occasion that he had maintained that the Pope was *Antichrist*, which might much trouble, if not quite cross some Proceedings much desired by that prudent King, his Majesty made answer, *I maintain it not as a Point of Faith,*

Faith, but as a probable Opinion: And for which I have more Grounds than the Pope hath for his Challenge of Temporal Power over Princes. Let him recall this Opinion, and I'll recall that. This I writ to the Bishop, but left him free to do what he pleased.

Here Mr. *Nicolas* fell extremely foul upon me, insomuch that I could not but wonder at their Patience which heard him. Among other Titles bestowed upon me, many and gross, he called me, over and over again, *Pander to the Whore of Babylon*. I was much moved; and humbly desired the Lords, that if my Crimes were such as that I might not be used like an Archbishop, yet I might be used like a Christian; and that were it not for the Duty which I owe to God and my own Innocency, I would desert my Defence before I would endure such Language in such an Honourable Presence. Hereupon some Lords shewed their Dislike, and wished him to leave, and pursue the Evidence.

Mr. *Browne* in summing up the Charge made this a great Matter, the Denial of the Pope to be Antichrist. But I did not deny it, nor declare any Opinion of my own: and many Protestants, and those very learned, are of Opinion that he is not. 'Tis true, I did not, I cannot approve foul Language in Controversies. Nor do I think that the calling of the Pope *Antichrist*, did ever yet convert an understanding Papist. And sure I am, *Gabriel Powel's* Peremptoriness (to say no worse) in this Point, did the Church of *England* no good, no honour in foreign Parts: For there he affirms*, *That he is as certain that the Pope is Antichrist, as that Jesus Christ is the Son of God, and Redeemer of the World*. As for the thing itself, I left it free to all Men to think as their Judgment guided them; as appears by the licensing of Dr. *Festly's* Sermons, where he proves

the Pope, in his Opinion, to be
 * *Antichrist*; where he calls him al-
 so the *Whore of Babylon*. Which
 surely I should never have suffer'd
 to be printed, had I been her Pan-
 der. And for Bishop *Hall*, I only
 told him what King *James* had said, and left
 him to make what use he pleased of it.

III. The third Charge was out of a Paper, which Bishop *Hall*, about the time when he wrote his Book in Defence of Episcopacy, sent unto me, containing divers Propositions concerning Episcopal Government. In which either he or I, or both, say, (for that Circumstance I remember not) *That Church-Government by Bishops is not alterable by human Law*. To this I answer'd, That Bishops might be regulated and limited by human Laws, in those Things which are but Incidents to their Calling: But their Calling, so far as it is *Jure Divino*, by Divine Right, cannot be taken away. They charge farther, That I say this is the Doctrine of the Church of *England*. And so I think it is: For Bishop *Bilson* set out a Book in the Queen's time, intitled, *The Perpetual Government*. And if the Government by Bishops be perpetual, as he there very learnedly proves thro' the whole Book, it will be hard for any Christian Nation to out it. Nor is this his Judgment alone, but of the whole Church of *England*. For in the *Preface* to the *Book of Ordination* are these Words; *From the Apostles*

time there have been three Orders of Ministers in the Church of Christ, Bishops, Priests, and Deacons. Where 'tis evident, that in the Judgment of the Church of *England*, Episcopacy is a different, not Degree only, but Order from Priesthood, and so hath been reputed from the Apostles times. And this was then read to the Lords. And the Law of *England* is as full for it, as the Church: For the Statute of 8 *Eliz. cap. 1.* absolutely confirms all and every Part of this *Book of Ordination*: Where also the Law calls it, *The high Estate of Prelacy*. And *Calvin*, (if my old Memory do not fail me) upon those Words of St. *John*, ver. 20, 21. *As my Father sent me, so send I you, &c.* says thus upon that Place, *Eandem illis imponit Personam ac idem Juris assignat*. And if our Saviour Christ put the same Person upon the Apostles, and assigned to them the same Right which his Father gave him, it will prove a foul Work to throw their Successors the Bishops out of the Church, after sixteen hundred Years continuance; and in the mean time cry 'out against Innovation.' For either Christ gave this Power to his Apostles only, and that will make the Gospel a Thing temporary, and confined to the Apostles times; or else he gave the same Power, tho' not with such eminent Gifts, to their Successors also, to propagate the same Gospel to the end of the World, as St. *Paul* tells us he did, *Ephes. iv. 11.* Now all the Primitive Church all along gives Bishops to be the Apostles Successors; and then it would be well thought on, what Right any Christian State hath (be their absolute Power what it will) to turn Bishops out of that Right in the Church which Christ hath given them.

IV. The fourth Charge was an Alteration made in a Brief for a third Collection for the distressed Ministers and others in the *Palatinate*. The Queen of *Bohemia* was pleased to do me the Honour to write to me about this: And because two Collections had been before, her Majesty desir'd that this third might be only in *London*, and some few Shires about it. I out of my Desire to relieve those distressed Protestants, and to express my Duty to the Queen, became an humble Suitor to his Majesty that this Collection also might go thro' *England*, as the rest had done. And 'tis acknowledg'd by all, that this I did. Now the Witnesses which accuse me for some Circumstances in this Business, are two.

1. The first is Mr. *Wakerly*. He says, That Mr. *Ruly* (who was employed by the Queen of *Bohemia* about this Collection) was roughly used by me upon Occasion of this Clause put into the Brief, and which, he says, I caused to be altered. This, First, is a bold Oath; for Mr. *Wakerly* was not present, but swears upon Hearsay. Secondly, What Kindness I shewed him and the Business, is mentioned before; and if for this Kindness he had been practising with Mr. *Wakerly* about the Brief, (as I had probable Reason to suspect) I cannot much be blamed, if I altered my Countenance towards him, and my Speech too; which yet these Witnesses (for the other agrees in this) have no Reason to call rough Carriage, only upon Mr. *Ruly's* unthankful Report.

He says, That these Words, *the Antichristian Yoke*, were left out. First, this is more than I remem-

* Tam certo scio Papam esse magnum illum Antichristum, quam Deum ipsum esse in Cœlis Creatorem, & Jesum Christum verum Messiam. *Gab. Pow. de Antichristo. Epist. ad Lectorem.*

ber; and the Briefs I had not to compare: Nor is there any Necessity that two Briefs, coming for the same Thing, with some Years distance between, should agree in every Phrase or Circumstance. Secondly, If I did except against this Passage, it was partly because of the fore-recited Judgment of King *James*, of which I thought his Son King *Charles* ought to be tender; and partly because it could move nothing but Scorn in the common Adversary, that we should offer to determine such a Controversy by a Broad-Seal. I remember well, since I had the Honour to sit in this House, the naming of Tythes to be due *Jure Divino* cast out the Bill; a prudent Lord asking the Peers, whether they meant to determine that Question by an Act of Parliament. The other part of the Clause, which they say was altered, was, *The Religion which we with them profess*. Whence they infer, because (*with them*) was left out, that I would not acknowledge them of the same Religion; which follows not: For we may be and are of the same Religion, and yet (*agree*) not with them in those Opinions, in which we differ from them. And Mr. *Wakerly* confesses that the Words as altered are, *That they are persecuted for their Religion*; and their Religion is the Protestant Religion, and so is ours. And therefore I could have no Intention to make the Religions different, but the Opinions under the same Religion.

For Mr. *Wakerly*, he is a *Dutchman* born; and how far the Testimony of an Alien may be of force by the Law, I know not: And a bitter Enemy to me he hath ever shewed himself, since I complained to the King and the Lords that a Stranger born and bred should be so near a Secretary of State, and all his Papers and Cyphers, as he was known to be to Mr. Secretary *Coke*. A Thing which few States would endure. And how far the Testimony of such a canker'd Enemy should be admitted, let the World judge. Admitted he was.

2. The second Witness was Mr. *Hartlip*. He acknowledges my Improvement of the Collection, and my great Readiness therein; which doubtless I should not have shewed, had I accounted them of another Religion. He says, There was no Alteration but in that Clause; and that implies a manifest Difference. But that is but in his Judgment; in which I have already shewn that *Wakerly* is mistaken, and so is he. Beside, he comes here as a Witness of the Fact, not as a Judge of my Intentions or Thoughts. He adds, that, if he remember well, the Alteration was drawn by me. But if he do not remember well, what then? Surely here's no Evidence to be grounded upon *Is*. Here, upon the Point of Antichrist, Mr. *Nicolas* stiled me as before, and was furious till he foamed again. But I saw a Necessity of Patience. Mr. *Browne* also in his summary Charge followed this Business close: But I gave it the same Answer.

5. The fifth Charge, and the last under this Article, was the calling in of a Book, *Anno* 1637. shewing the Doctrine and Discipline of the Church in the *Palatinate*; but called in only because against Arminianism. The single Witness *Michael Sparks*. He says this Book was called in; but he knows not by whom, nor mentions he for what. But he says the Pursuivants which searched for it were mine. He means such as belonged to the High-Commission; for other than such I had none. And there was cause enough for calling in the Book, without thinking of Arminianism.

But what is the reason why here's nothing urged against me about abrogating the Immunities and Privileges of the *French* and *Dutch* Churches, which fill the Body of this Article? Why, I conceive there may be two Reasons of it. One, because there was taken by Mr. *Prym*, among other Papers for my Defence, a Letter under Queen *Elizabeth's* own Hand to the Lord *Pawlet*, Marquis of *Winchester*, then Lord Treasurer; in which she expresses her Willingness that those Strangers, distressed in and for point of Conscience, should have Succour and free Entertainment; but should conform themselves to the *English* Liturgy, and have that translated into their own Language. And they knew I would call to have this Letter produced, proved, and read. And had this Letter been stood unto, they had never been able to do the Church of *England* half the Harm they have since. The other was, because they found by their own Search against me, that all which I did concerning those Churches was with this Moderation; that all those of their several Congregations in *London*, *Canterbury*, *Sandwich*, *Norwich*, or elsewhere, which were of the second Descent, and born in *England*, should repair to their several Parish-Churches, and conform themselves to the Doctrine, Discipline, and Liturgy of the Church of *England*; and not live continually in an open Separation, as if they were an *Israel* in *Aegypt*, to the great Distraction of the Natives of this Kingdom, and the assisting of that Schism which which is now broke forth. And as this was with great Moderation, so was it with the joint Approbation of his Majesty and the Lords of his Council, upon the Reasons openly given and debated. And all this before I proceeded to do any thing; as appears *apud Acta*.

Then they went to the Thirteenth Original Article; which here follows.

XIII. He hath traitorously and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome*: And for the effecting thereof, hath consorted and confederated with divers Popish Priests and Jesuits; and hath kept secret Intelligence with the Pope of *Rome*: And by himself, his Agents and Instruments, 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 all which traitorous and malicious Practices this Church and Kingdom have been exceedingly indangered, and like to fall under the Tyranny of the *Roman* See.

The Seventh Additional Article.

That the said Archbishop at several times within these ten Years last past, at *Westminster*, and elsewhere within this Realm, contrary to the known Laws of this Land, hath endeavoured to advance Popery and Superstition within the Realm: And for that end and purpose hath wittingly and willingly received, harboured, and relieved divers Popish Priests and Jesuits; namely, one called *Santa Clara*, alias *Damport*, a dangerous Person and *Franciscan* Friar: who having written a Popish and Seditious Book, entitled, *Deus, Natura, Gratia*, wherein the Thirty-nine Articles of the Church of *England*, established by Act of Parliament, were much traduced and scandalized; the said Archbishop had divers Conferences with him, while

while he was in writing the said Book : and did also provide Maintenance and Entertainment for one Monsieur *St. Giles*, a Popish Priest, at *Oxford*, knowing him to be a Popish Priest.

I. The first Charge (they say) was to be laid as a Foundation ; and it was, That I was generally reputed a Papist in Heart, both in *Oxford*, and since I came thence.

1. The first Witness for this was *Dr. Featly*. He says, There was such an Opinion of me Thirty Years since there. But he says, he never heard any Popish Opinion maintained by me. So here's nothing of Knowledge. And if I should say that above Thirty Years ago there was an Opinion that *Dr. Featly*, then in *Oxford*, was a Puritan, this could make no Proof against him : Nor can his saying that I was reputed a Papist, make any Proof against me. He says farther, That one *Mr. Ruffel*, who had been bred in *St. John's-College*, told him in *Paris*, that I maintained some Catholick Opinions. First, *Mr. Nicolas* would have it that this *Mr. Ruffel* was my Scholar : But the whole College can witness it is not so ; nor had he ever any relation to me in the least degree. After his Father's Death he left the College, and went beyond-Sea ; where the weak Man (for such he was) lost his Religion. Secondly, *Dr. Featly* says expressly, that *Mr. Ruffel* said I was no Papist ; which, for the Countenance of his own Charge, he would never have said, had he thought me one. Thirdly, If he did say that I maintained some Catholick Opinions ; yet he named none, by which there might be Trial and Judgment whether they were such or no, in the Sense he meant them. Lastly, *Mr. Perkins*, in his *Reformed Catholick*, sets down divers Opinions in which they of *Rome* and we agree : Shall he be a Papist for this ? Or shall not that which is lawful for him, be as lawful for me ?

2. The second Witness was one *Harris*. He says, That *Mr. Ireland* (who was some time Student of *Christ-Church* in *Oxford*, and after School-master at *Westminster*) told him that I would leave the Church of *England*. This is a bare Report from *Mr. Ireland*, with whom I never had any Acquaintance, nor was scarce in his Company twice in all my Life. Nor is it in my power to hinder what *Mr. Ireland* will say, or *Mr. Harris* from him. He says, That one that called himself *Leander*, came over on purpose to make this Reconciliation. If he did, (which is more than I know or believe) I think he would hardly make such a one, as *Harris* is reported to be, acquainted with it. But howsoever, if he did come with that purpose, was it in my power to hinder his coming ? And here is no proof offered that I did help on his Purpose, or so much as know of it. He says he often petitioned me for Relief, but had none. It may be ; I well knew he deserved none : And your Lordships know that by Law I might not afford him any. Had I given him any, I should now have heard it with both Ears. For I am informed he is a Priest, and condemned in a *Premunire*, and was let out of Prison on purpose to be a Witness against me. And having set that which is aforesaid, under his Hand, is now slipped away, and gone. Who got him out of Prison for this good purpose, I know not ; but sure somewhat there is in it, for your Lordships see his Testimony is now read, but he appears not.

3. The third Witness was *Sir Nathaniel Brent*, (now absent, but came in the next Day.) He

says, I was esteemed Popishly-affected in *Oxford* ; and he gave three Instances very carefully, to prove it. The first was, that in the Divinity-School there, I maintained the Necessity of Baptism. I did so ; and my Predecessor Archbishop *Abbot* was then Vice-Chancellor, and present, and approved my Opinion : and my Grace passed for my Degree to be Batchelor of Divinity, without any one Man's Opposition. He says, that *Mr. Dale* of *Merton-College* then shewed him all my Supposition taken out of *Bellarmino*. This is a bold and a dangerous Oath : He might swear that *Mr. Dale* shewed him in *Bellarmino*, that which he said was my Supposition ; but that he shewed him all my Supposition there, is a strange Oath for a Man of Learning and Law to make, in such a Presence. Besides, I have my Supposition, which I then made, yet by me ; and if my Tenet of that Question be the same with *Bellarmino's*, or that there be any Line taken out of him, but what I cite for my own Advantage against him, I will utterly forfeit my Reputation of any Learning to your Lordships. His second Instance was, that I was acquainted with one *Mr. Brown*, Fellow of *Corpus-Christi-College* in *Oxford*, who was suspected to be a Papist, and after his Death proved to be one, by a Book that was found in his Study, proving that a Man might be a Roman Catholick, and yet go to Church, and conform in *England*. I was acquainted with this Man ; he was a very good Scholar, and an honest Man, and a good Protestant, for ought I know. For the Tract found after his Death among his Papers, that's no Proof : for Scholars get all the Papers they can, especially such as belong to their own Profession. And the more strange the Opinions are, the more do they labour to get them. Nor is it any Proof that the Tract was of his making, because written in his own Hand, as 'tis urged. For the Argument being so foul and dangerous, it could not be safe for him, nor any way fit, to commit it to any other to write for him. Nor is there any Proof that I knew he had such a Tract by him ; neither indeed did I. The Opinion is very base and unworthy, and was first broached by the Jesuit *Azorius*, and it seems some of the Fellows had enlarged him, and made this Tract out of his Principles. His third Instance was, that I petitioned King *James* in this Business. I was complained of to King *James* by a great Person, that I had inward Acquaintance with this Man. Hereupon, my waiting Month being *June*, and not long after the Complaint made, I took occasion in my first Sermon to confute this Opinion, and then petitioned his Majesty that it might be examined, that such an Imputation might not lie upon me. His Majesty referred it to the Lord Archbishop of *Canterbury*, Bishops of *London*, *Winchester*, and *Duresm* ; where, after full Examination, I was acquitted.

Instit. Moral.
p. 1. l. 8. c. 27.

² Abbot, King,
Mountague,
Niele.

II. The second Charge was, that the same Opinion was held of me beyond the Seas, that I was a cunning Promoter of the *Roman Cause*. And here the Witnesses are the same which were produced before ; *Mr. Cballoner*, who told over his old Tale again of I know not what Plot he heard from a Jesuit : nothing but Hearsay at the best. And it favours like an Almanack *de post facto*, ' or ' rather of somewhat else, which I will spare to ' name, because he is upon his Oath.' The other Witness is *Mr. Anthony Mildmay*, who also tells

over

over his old Tale of his Father *Fitton*. But he was out of the way again, and appeared not till the next Day, with Sir *Nathaniel Brent*. So here's a Repetition again of the same Witnessses, and same things to multiply the noise. ' Only noble
' Sir *Henry Mildmay* appeared not the second time;
' but whether it were because he had enough at
' his first appearance, or whether his Face was
' scratched then (as since Men say it was) I cannot
' tell.'

III. The Third Charge was, That I had a damnable Plot, to reconcile the Church of *England* with the Church of *Rome*. If to reconcile them with the Maintenance of Idolatry, it were a damnable Plot indeed. But if Christian Truth and Peace might meet and unite together, all *Christiendom* over, were that a Sin too? Were I able to plot and effect such a Reconciliation, I would think myself most happy, whatever I suffered for it. But how is this damnable Plot proved? Pope *Gregory* writ a Letter to his Nuncio in *Spain*, and a Letter also to King *Charles*; which Letter is printed: Copies of these Letters were found in my Study. Could I hinder the Pope from writing to whom he pleased? Shall not I get Copies of any Letters I can, to see what practising is abroad for private Interest? Shall it be lawful for all my Predecessors to get and keep Copies of such Letters by them, and shall it be unlawful for me only? And here I produced Mr. *Dobson*, an antient Servant to my Predecessors, who witnessed that Archbishop *Bancroft* had store of them, and kept them all his time. Nor do I know, how this Charge can fall upon me: for there is no one word in any of the Letters produced, that reflects upon me, or any Plot of mine. Nor indeed had I ever any such to reflect upon.

IV. The Fourth Charge is, That I had a hand in the Plot for sending the King, when he was Prince, into *Spain*, to be perverted in his Religion. They follow their Proof of this out of my Diary: And they begin with my Friendship with the Lord Duke of *Buckingham*, who waited on the Prince in this Journey. And first they urged my Diary at *June 9. 1622.* where I mention, that there were then Particulars, which are not for Paper. But the Words, which lead these in, were his Entrance upon a near Respect to me, the particular Expressions whereof were not for Paper: Nor Word, nor Thought, of either Plot or Popery. Then they urged *June 15. 1622.* where 'tis said, that I became C. that is, Confessor to the Lord Duke. First, If my Lord Duke would honour me so much as to make me his Confessor, as I know no Sin in it, so it is abundantly proof, that the Passages before-mentioned were not for Paper. Should I venture them so, there's never a Person of Honour present, but would think me most unworthy of that Trust. Next, they pressed *June 13, 1623.* where I confess, that I received Letters from my Lord Duke out of *Spain*. I did so; and I then held it great honour to me, and do so still. But then, and long before, it was known to all Men whither he was gone, and with whom; nay, it was commonly known to all Men of Quality here-about within three or four Days: And till it was so commonly known, I knew it not. Yea, but then they inforced out of *Febr. 17. 1623.* That the Prince and the Marquis of *Buckingham* set forward very secretly for *Spain*. And *Febr. 21.* That I writ to his Lordship into *Spain*. 'Tis true, they went away that Day, and very secretly; but I neither

did, nor could set it down, till afterwards that I came to know it. And then so soon as I came to know it, which was about the 21st, I did write. To these was cunningly (how honestly let all the World judge) pieced a Passage out of a Letter of mine to Bishop *Hall*. But that Letter was read, at my humble Motion to the Lords, and the Date of it was in 1634. So many Years after this Business of *Spain*. And the Passage mentioned, was only about King *James's* manner of defending the Pope to be Antichrist, and how he salved it while the Prince was in *Spain*. But King *James* related it after. Nor could any Words of that Letter be drawn to the King's going thither, much less to any knowledge I had of it.

V. The Fifth Charge was concerning his Majesty's Match with *France*. And here again they urge my Diary at *Mar. 11. 1625.* That the Duke of *Buckingham* was then and there employed. And at *May 19, & 29,* That I then writ Letters to him. First, My Lords, I hold it my great honour, that my Lord Duke would write to me, and give me leave to write to him. Secondly, I have committed some Error in these Letters, or none. If none, why are they charged? If any, why are they not produced, that I may see what it is, and answer it?

VI. The Sixth Charge was, That I was an Instrument of the Queen's. This they endeavoured to prove by my Diary in three places. First, at *Aug. 30. 1634.* Upon occasion of some Service done, she was graciously pleased to give me leave to have immediate Access unto her, when I had occasion. This is true, and I most humbly thanked her Majesty for it: for I very well knew what belonged to Addresses at second-hand in Court. But what Crime is in this, that the Queen was pleased to give me Access unto her, when I had occasion? Here's no word of Religion. Secondly, at *May 18, 1635.* where 'tis said, That I gave her Majesty an account of something committed to me. If her Majesty sent or spake to me to do any thing, as it seems she did, shall I want so much Duty, as not give her an account of it? So belike I must be unmannerly with her Majesty, or lie open to no less than a Charge of High-Treason. Thirdly, at *April 3. 1639.* 'tis made a great matter, That I should then dispatch a great Business for the Queen, which I understood she would not move for herself: and that for this her Majesty gave me great Thanks. Mr. *Nicolas's* Inference upon this was, That they conceive wherefore. But his Conceit makes no Evidence: he must not only conceive, but prove wherefore, before it can work any thing against me. As for Religion, as there is no word of it in my Diary, so neither was it at this time thought on. Her Majesty would therein have moved for herself: But it seems it must be a Crime if I be but civil and dutiful towards the Queen, though it be but thrice mentioned in so many Years.

VII. The Seventh Charge was, That I forbad Ministers praying for the Queen's Conversion, and punished others. The first Witness, Mr. *Ratcliff*, says, That Sir *Nath. Brent* gave it in charge at *Bow-Church* in my Visitation. The more to blame he, if so he did. Yea, but he says, it was by my Command delivered unto him by Sir *John Lambe*. Was it so? How doth Mr. *Ratcliff* know that? he doth not express. He was not present, when I spake with Sir *John Lambe*. And if Sir *Nath. Brent* told him of it, 'tis but Hearsay. And Sir

Nath.

Nath. having been so ready a Witness against me, why is he not examined to this Particular? And as for the Paper which was shewed, it appears plainly there, that it was no Paper of Instructions sent to my Visitors by me, but of particular Informations to me: of which one was, That the Queen was prayed for in a very factious and scandalous way. And this appeared, when that Paper was read. And this I referred to my Visitors, as I not only might, but ought: not forbidding the Prayers, but the scandalous manner of them. The second Witness was Mr. *Prynn*; who says, That one Mr. *Jones* was punished for praying for the Queen. He was punished in the High-Commission for scandalous abusing the Queen, under a Form of praying for her, and for divers other Articles that were against him. 'And this Answer I gave to Mr. *Browne*, who forgot not this 'in summing up my Charge.'

VIII. The Eighth Charge was, That I punished Men for praying to preserve the Prince. No, God forbid. The High-Commission-Book was shewed, and that there in the Year 1634, one Mr. *Howe* was censured for it. I got this Act of the High-Commission to be read to the Lords: His Prayer went thus, *That God would preserve the Prince in the true Religion, of which there was Cause to fear.* Could this Prayer have any other Operation upon the People, than to make them think his Majesty was careless in the Education of the Prince, especially in point of Religion? And this was so grievous and graceless a Scandal cast upon a Religious King, as nothing could be greater. Upon the matter, it was the shew of a Prayer for the Prince, but was indeed to destroy the King in the Hearts of his People. And had I not there consented to his Punishment, I had deserved to be punished myself. 'Mr. *Browne*, when he repeated the Sum 'of the Evidence, laid this Charge upon me, 'but spake not one word (to my remembrance) of this Answer given to it.'

IX. The Ninth Charge, That I did extol Queen *Mary's* Days. The Proof for it was taken out of the Preface to the Statutes of the University of *Oxford*. I took a great deal of pains about those Statutes, and might justly have expected Thanks for it, not such an Accusation. But as for the Preface, it was made and printed at *Oxford*: I meddled not with it. I could trust the University with little, if not with the making of a Preface. If they have done any thing amiss in it, let them answer it. The Passage was about certain Offers made to amend those confused old Statutes, both in *Edward VI's* and *Queen Mary's* Days; but no effect came of the pains then taken, *Recruduit Labor*, says the Preface. So that this I can answer for them: There's not a word spoken of Religion, but of Manners only, and that as much in relation to the Times of Princes following, as hers. For the Words, to my remembrance, are *Interim optandâ Temporum Felicitate, &c.* And that *Interim* cannot be restrained to *Queen Mary's* Days only, but must include the whole *Interim*, or middle distance of time, to that present in which I settled the Body of their Statutes; that is, all *Queen Elizabeth's* and *King James's* days, which I think no Man can deny was *Optanda Temporum Felicitas*.

X. Here Mr. *Nicolas* confessed there was no downright Proof against me. That was his Phrase; But he added, that was not to be expected in such a Work of Darkness. Then he produced a Paper found in my Study, printed at *Rome*. So were divers of my Books printed there: what of this? They may print what they will at *Rome*, I cannot hinder it: and I may have and keep whatever they print, no Law forbidding it. Then he shewed a Letter sent unto me from Mr. *Graves*. The Gentleman is at this present Fellow of *Merton-College* in *Oxford*, a great Traveller, and a Man of great Worth. As far as I remember, his Letter came to me from *Alexandria*. It was fit to be sent, and kindly received; as by me it was. I desired it might be read. Then were mentioned Sir *William Boswell's* Letters, and the Papers sent by *Andreas ab Habernfeld*, about a great Plot to destroy the King and Religion, and that I concealed these Papers. 'I might have been amazed at the Impudence of this Charge above all the rest: *Diaboli Impudentia*, the Devil's Impudence, 'and no less, as St. *Augustine* speaks S. Aug. Epist. 'in another Case.' Did I conceal 167. these Papers? First, the same Day that I received them, I sent them by an Express to his Majesty. I had a speedy Answer from his Majesty, and that I returned with equal speed to his Majesty's Agent Sir *William Boswell*, as I was commanded. And this Mr. *Prynn* and Mr. *Nicolas* knew: For Mr. *Prynn* took all these Letters and Papers from me, when he searched me at the *Tower*; and out of them made his Book called * *Rome's Master-piece*: excepting the Slanders, which he hath juggled in of his own. So soon as his Majesty came home, I humbly besought him, that he would be pleased to appoint a time, and call some Lords to him, to hear and examine the Business; and this Examination continued till I was committed. What was after done, I cannot account for. Besides, my Lords, it appears by those Papers, that my Life was sought for, because I would not give way to the Change of Religion; and Mr. *Prynn* himself hath printed this: and yet now Mr. *Nicolas*, from his Testimony, presses these Papers against me. But the King, and the Lords, and both Secretaries of State then present, can witness, that I took all the care and pains above-mentioned, to have it sifted to the bottom. 'Notwithstanding 'all this, Mr. *Nicolas* falls upon this Plot again 'upon the next Day of my Hearing, as if nothing 'had been said unto it: and was so shameless, as 'to say, That I followed this Business so long as 'I thought the Plot was against the Puritans; but 'so soon as I found it was against the Papists, I 'kept it secret, till Mr. *Prynn* discovered it in his 'Search of my Papers. Where, First, there's no 'Word in all the Papers to make me or any Man 'think the Puritans were concerned in it. And 'Secondly, I did not sleep upon the Receipt of 'these Papers, till I had sent them to his Majesty. But I had reason to keep the Papers as safe 'as I could, considering how much they justify 'me against these foul Calumnies put upon me.'

XI. Then followed the Charge of *Santa Clara's* Book, *alias* Monsieur *St. Giles*: so they expressed it; and I must follow the way they lead me.

1. First;

* This Book was published by *Prynn* in the Year 1643. in five Sheets in Quarto. A Copy whereof being by his Endeavours conveyed to the Archbishop, then a Prisoner in the Tower, the Archbishop wrote Notes in the Margin of it, so far, and so much, as to vindicate himself from the Aspersions laid upon him therein. This Copy, with the said Notes, is now in the Hands of that knowing and learned Antiquary Mr. *Anthony Wood*.

1. First, then they charge, That I had often Conference with him, while he was writing his Book, intituled, *Deus, Natura, Gratia*. No, he never came to me, till he was ready to print that Book: Then some Friends of his brought him to me. His Suit then was, That he might print that Book here. Upon Speech with him, I found the Scope of his Book to be such, as that the Church of *England* would have little Cause to thank him for it: and so absolutely denied it. Nor did he ever come more at me after this, but twice or thrice at most, when he made great Friends to me, that he might print another Book, to prove that Bishops are by Divine Right. My Answer then was, That I did not like the way which the Church of *Rome* went, in the Case of Episcopacy. And howsoever, that I would never give way, that any such Book should be printed here from the Pen of a Romanist; and that the Bishops of *England* were able to defend their own Cause and Calling, without calling in Aid from *Rome*, and would in due time. Maintenance he never had any from me; nor did I then know him to be a Priest. Nor was there any Proof so much as offered in contrary to any of this.

2. Secondly, They did specially except against a Passage in the Licenser, and another at the end of the Book. The Book was printed at *Lyons*, where I could not hinder the printing, either of the whole, or any part. This might have been something, had I licensed it here; but that I constantly denied.

3. Thirdly, They produced a Letter written to me from *Venice*, by one Mr. *Middleton*, Chaplain there to the Right Honourable the now Earl of *Denbigh*, his Majesty's Ambassador. Therein he writes, *That S. Clara was Homo nequissimus, and that one Monsieur S. Giles was the Author of that Book.* That *Clara* and *S. Giles* were the same Person, is but Mr. *Middleton's* Opinion. Such News as he there heard, some true, some false, he thought fit to write unto me: and he being absent, here's no Proof upon Oath, that they are one and the same Person. And I hope a young Man's Letter from *Venice*, or any other Place, signifying only such things as he hears, shall not stand for good Evidence in a Case of Life. And he was mainly deceived in this Particular, as appears, First, Because what *Clara* is, I know not; but Monsieur *S. Giles* is a great Scholar, and a sober Man; and one that gave the late Lord *Brooke* so good Content, that he allowed him One Hundred Pound a Year during his Life. Secondly, Because 'tis commonly known that *Clara* is an *Englishman*, and

S. Giles a *Frenchman* born and bred.

The 7th Ad-
ditional.

Thirdly, Because their own Artifice, upon which they bring this Charge, acknowledges them two distinct Persons. Fourthly, Because both Mr. *Prynne* and Mr. *Nicolas* had Monsieur *S. Giles* before them in Examination, and could not but know him to be a *Frenchman*: as appears by a Warrant given to him by Mr. *Prynne*, to secure him after his Examination; which Warrant follows in these Words:

THESE are to certify those whom it may concern,
That the Committee of the House of Commons,

appointed to prosecute the Archbishop of Canterbury, have examined and received Satisfaction from Monsieur *S. Giles*, a Domestick Servant to the Resident of *Venice*; and therefore he is no farther to be examined or molested concerning the same.

This License came to my Hands since my answering was past, so I could not then shew it. Monsieur *S. Giles* was never the Man that gave me notice of any of this, not so much as that he had been examined; but my Secretary Mr. *Dell* came to hear of it by chance, and went to him, and had this Copy (with some Labour) from him, and will make Oath it is a true Copy. This is not the thankfulest Part that ever *S. Giles* played, considering my Carriage towards him.

4. Then they charged upon Monsieur *S. Giles* directly, That I knew him to be a Priest, and yet maintained him at *Oxford*. The * Case was this: Mr. *S. Giles* was in good Place about the Queen's Majesty at her first coming: Here he did so good Services to this State, that he lost himself in *France*, and durst not go thither when the *French* were sent away. All this while the Man was unknown to me, till his Majesty one Day at *St. James's* told me this, and that he was a Priest, and that it lay upon him in Honour to allow him some Maintenance, and prescribed me a Way how to order it, that he might receive One Hundred Marks a Year as from him; and gave me charge, if the Pension were at any time behind, I should acquaint him with it. After this Mr. *S. Giles*, by his Friends, petition'd his Majesty, that being a Stranger, he might live in *Oxford*, to have the Use of the Library there, being resolved to meddle no more with the Controversies of the Time, but to apply himself to *Metaphysical* Learning. His Majesty was desirous to have him plac'd in some College, to save Charges: But this I most humbly deprecated, because it might be dangerous to the Youth there, and scandalous to his Majesty, the Church, and the University; and dangerous to myself, being Chancellor: to the rest I submitted. So he was left to place himself in some Town-House, as he could: And for this his Majesty gave me his Warrant, which Mr. *Prynne*, in his Search, took from me. But here follows the true Copy of it.

Charles Rex.

Canterbury, Mr. *S. Giles* by serving Us and this State, hath lost all his Hopes in *France*, and desires to spend his time here at his private Studies. I would have you think upon some way for his Maintenance, and to place him in *Oxford*, that he may have use of that Library, which he much desires. And you may so order it, that his Profession in Religion may do no harm.

And according to this Direction of his Majesty I did take order, but with Assurance from himself, and with Spies upon him there, besides the special Care of the Vice-Chancellor, that he should not converse with young Students, nor exercise his Priestly Office, nor do any thing against the Laws. Nor did I ever hear that he failed in any of these Assumptions.

5. Then

* The Archbishop related this Case more at large, and therewith defended himself in a written Paper; which being read by *Prynne* in the Tower, was now produced and read before the Lords. It may be found in *Prynne's Compl. Hist.* p. 428. li. iii.

5. Then they produced one Mr. *Broad*, who testified, That while *S. Giles* lived at *Oxford*, some Doctors came to him. Doctors were able to deal well enough with him; but all Resort of young Scholars was forbidden. He says farther, That Mr. *S. Giles* should say, That the Bishops of *England* were cordially of his Religion, but that he feared their Rigidness would spoil all. First, This is but a Report of his Speech. Secondly, Why was not *S. Giles* at his Examination asked, whether he said it or no? And if he did, what Ground he had for it? At the most, it was but his Opinion of the Bishops, who were never the more cordial to Popery for his thinking so. And Thirdly, I doubt it appears by this time, that all is overthrown, or near it, not by the Rigidness, but by Over-Remissness of some Bishops, who never would believe any Danger could come from the *Goaly*, as they were called.

6. Lastly, What's the Reason of this great Endeavour, upon nothing but News in a Letter, to make *Clara* and Mr. *S. Giles* to be one and the same Man? Doubtless, nothing but an Hydriopical Thirst after my Blood. For Resort of Priests to *Lambeth*, was usual in both my last Predecessors times, *Bancroft's* and *Abbot's*, and some lay in the House and had Relief. This was proved to the Lords by two antient Servants of that House: Neither of which have been done in my time. Archbishop *Abbot* made a Warrant (this Warrant was shew-

Confer. at Hamp. Court, 1. 51. ed) to secure Mr. *Preston* an *English* Priest, upon a Command of King *James*: Why may not I a *French* one, by the Warrant of King *Charles*?

King *James* justified Bishop *Bancroft* for doing this; when he was Bishop of *London*, and no Privy-Counsellor: And may not I do it, being Archbishop and Privy-Counsellor, with as much Privy of the King and the State, as he did? But to let these pass,

why should I say here was a Thirst for Blood? I'll tell you why? The Statute of 27 *Eliz.* makes it Felony without Benefit of Clergy, to main-

tain or relieve any *Romish* Priest born in *England*, or any other of her Majesty's Dominions, knowing him to be such. Now they had laid their Article, That I had given Maintenance to one Monsieur *S. Giles*, a

Popish Priest at *Oxford*, knowing him to be such. But when, upon Examination of *S. Giles*, they found him to be a *Frenchman*, and so not within the Sta-

tute; (as the Words of that Statute are most plain, and so is Sir *Edw. Coke's* Judgment upon them; both which I

then read to the Lords:) I say, when they saw this, then they cast about how to make * *S. Clara* and Mr. *S. Giles* to be one Man. And tho' they could find no Shadow of Proof of a thing that is not, but a Letter of News from *Venice*; yet against their own Knowledge and Conscience; they give that in Evidence to reach my Life any way.

Here Mr. *Nicolas*, so soon as he had discovered whither I tended, would have broken me off saying, They did not urge it for that now, they were not yet come to it. I replied, if they came to it after, I would be at the Pains to answer again: But since it concerned my Life, I would not slip

it now; nor leave it unanswered in any Circumstance. So I went on, but they never mentioned it after; and by this way meant certainly to have involved me within the Law, *Clara* being an *Englishman* born. God of his Mercy grant, that this Thirst after my Blood lie not too heavy another Day upon their Souls. Mr. *Browne*, in summing up the Charge, fell upon this also. I made a brief Answer out of that which is afore-said: Yet after in his Reply, he fell upon this Letter of Mr. *Middleton's*, and cites his News for Evidence, That *S. Clara* and Mr. *S. Giles* were the same Man: Which I much wonder so able and grave a Man as he is, should swallow from Mr. *Prynn*, who doubtless (being present) was angry to see himself so laid open in the House of Commons.

XII. At last came in the last Charge of this Day, That a Cardinal's Hat was offer'd unto me. My Diary quoted for this, at *Aug. 4, 1633*. I could hinder no Offer, unless I could prophesy what each Man came about, and so shun them.

But why is not my Answer, there set down, expressed too? My Answer was, *That somewhat dwelt in me, which would not suffer me to accept that till Rome were other than now it is.* Besides, I went presently

to his Majesty, and acquainted him with it; which is all that the Law requires at my Hands. And his Majesty very prudently and religiously

(yet in a calm Way, the Persons offering it having Relation to some Ambassador) freed me speedily of that, both Trouble and Danger. They urged farther out of the Papers of *Andreas ab Habernsfield* (which Mr. *Prynn* took from me in his Search) That Signior *Con* had Power to offer me a Cardinal's Hat. The Words which they cite, are

(for I could never get sight of those Papers since) *Mandatum habuit offerre, sed non obtulit.* What Power he had to make me such an Offer, I know not; but themselves confess he did not offer it.

Nor had I ever any Speech with him during all the time he staid here. I was solicited as much by honourable Friends to give him Admittance to me at *Lambeth*, with Assurance he should speak nothing about Religion, as ever I had about any thing in my Life. I still refused, and could not persuade myself to do other; and yet could not but inwardly (*in Verbo Sacerdotis*, this is true) condemn myself of gross Incivility for refusing; for which yet now I see I am much bound to God for that Unmannerliness. Had I held a Correspondence with him, tho' never so Innocent, where had I now been? Besides, I would not have it forgotten, that if to offer a Cardinal's Hat, or any like thing, shall be a sufficient Cause to make a Man guilty of Treason, it shall be in the Power of any *Romanist* to make any *English* Bishop a Traytor when he pleases: a Mischiefe not to be indured. And thus this long and tedious Day ended; and I had order to attend again on *July 24*, which I did accordingly.

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The Nineteenth Day of my Hearing:

I. MONDAY, *July 24, 1644.* This Day they went on with the same Article: And the first Charge was, my denying the Pope to be Antichrist. The Proofs, the Alteration of the Clause

* After all *Prynn* would insinuate, that *S. Giles* was the same Man with *Sancta Clara*, and wrote the Book, intituled, *Deus, Natura, & Gratia*, altho' he fully knew the contrary, *Compl. Hist.* p. 427, 429. Nay, he hath the Confidence at last (p. 430.) to add, that it is most apparent. *H. W.*

in the Letters Patents for the *Palatinate*, and the Letters between Bishop *Hall* and me. These Proofs are answer'd before, and repeated here only to make a Noise. Nor did I in any of these deny the Pope to be Antichrist: For, to forbear that Word, for some both Temporal and Ecclesiastical Respects, is one thing; and to deny the Thing itself, is another.

II. The second consists of a great many Particulars, and most of them urged before, repeated only to help to make the Ignorant clamorous and wild against me. God forgive them this Practice.

1. The first Particular was *Shelford's Book: The whole Book*. And Mr. *Pryn* very gravely said, That this Book, and the other two following, were found in my Study. Is he not yet ashamed of this Argument? May I have no Book in my Study, but I must be of the same Judgment with the Author in all Things? The Author is altogether unknown to me; the Book was licensed at *Cambridge*: so nothing faulty in me, but the having of the Book in my Study.

2. The second was Dr. *Heylin's* Book against Mr. *Burton*. This Book was printed by my Command (they say) and in it is a Passage for Absolute Obedience to Kings, *p. 229*. This was before also. And I did command the printing of the

Book, but gave no Warrant to put any thing unjustifiable into it. This Passage I caused to be read to the Lords; and the Doctor there says no more than what he learned of King *James* in the Conference at *Hampton-Court*. But if any thing be amiss, he is ready to answer it: But I find not one word in him, that this Absolute Obedience ought to be in any thing that is against Law. 'That's one of Mr. *Nicolas's* Stretches.'

3. The third Particular is Bishop *Montague's* Appeal, *p. 141*. But nothing hence charged upon me, but only, that the Book was found in my Study. I would Mr. *Pryn* could find any Books there now.

4. The fourth was, That divers Books of like nature were licensed by my Chaplains. But none was of all they then named, but Dr. *Heylin's* and *Sales*, of which your Lordships have heard the Plot how it came to be licensed. And for Dr. *Heylin*, he is ready to make all good, which he hath therein done.

5. The fifth Particular is, That the Homilies which are authorized in the Church of *England*, make the Pope Antichrist, *p. 216*. And the *Babylonish* Beast of *Rome*, *p. 316*. But, First, this is nothing against me, till it be proved, (which yet is not done) that I have positively denied the Pope to be Antichrist. And, Secondly, I do not conceive, that the Article of the Church of *England*, which confirms the Homilies, doth also confirm every Phrase that is in them. Nor, Thirdly, do I conceive, that the Homilies in those Places which are cited, do make the Pope the great Antichrist. For in the first place, the Words are, *to the beating down of Sin, Death, the Pope, the Devil and all the Kingdom of Antichrist*: Which Words cannot possibly imply, that the Pope is that Antichrist. In the second place, he is only called the *Babylonical* Beast of *Rome*; which Phrase doth not necessarily signify the great Antichrist. For the Beast so often

mentioned in the *Revelation* (Chap. xi. 7.) is now where called the *Babylonical* Beast of *Rome*. And if that Beast do stand for the great Antichrist, I say *If*, because those Scriptures are very dark) then the Beast is primarily the *Roman* Empire in the Judgment of the *Geneva* Noters. 'And

that there should be two great Antichrists, is more than any Man hath yet said. Here Mr. *Nicolas* was up again with *Pander to the Whore of Babylon*, and other foul Language; not remembering all this while, (which yet I was loth to mind him of) that one of his zealous Witnesses against the *Whore of Babylon*, and all her Superstitions, got all his Means (which are great) by being a *Pander* to other leud Women; and loved the Business itself so well, as that he was (not long since, Men say) taken in Bed with one of his Wife's Maids. Good Mr. *Nicolas*, do not dispense with all Whores, save the Whore of *Babylon*.'

6. The sixth Particular was the Articles of *Ireland*, which call the Pope the *Man of Sin*. But the Articles of *Ireland* bind neither this Church, nor me. And some learned Protestants do not understand that noted Place of the Apostle, *2 Thess. ii.* as meant of Antichrist or the Pope.

7. The seventh and last Particular is a Repetition of *Sancta Clara* and Mr. *S. Giles*, and the *Letter of News*, (which were News indeed) to make them one Man; tho' this were answered at large but the last Day, and Sir *Ed. Hungerford's* Testimony brought up again. It's a sign Mr. *Nicolas* hath indeed no downright Proof, (as he said before) that so tumbles up and down in repeating the same Things.

III. The third Charge is, That I say in my Book that the Religion of the Church of *Rome* and ours is all one. This is spoken only in opposition to other Religions, in regard of Christianity: The Words are, *Nor do the Church of Rome and the Protestants set up a different Religion; for the Christian Religion is the same to both, &c.* And the like Passage to this is in my Speech in the Star-Chamber, and these Passages were read to the Lords. So that either Papists must be denied to be Christians, or else this Charge can work nothing against me.

IV. The fourth Charge is out of *Cbouneus's* Book, *p. 45, & 46*. licensed by my Chaplain Dr. *Bray*; where (they say) 'tis said, *That Rome is a true Church, and differs not in Fundamentals*. And that at the High-Commission, when this Book was question'd by some, I did say, *That the Church of Rome and the Protestants did not differ in Fundamentals, but in Circumstances*. And this latter part was testified by Mr. *Burton* and one Mr. *Lane*, who said they were present. First, Suppose this be false, and that they do differ in Fundamentals, yet this then is but my Error in Divinity, no Practice to overthrow Religion. Secondly, I suppose, if I did so say, I did not err: For the Foundation of Christian Religion are the Articles of the Creed; and the Church of *Rome* denies no one of them. Therefore there is no Difference in the Fundamentals. If they of *Rome* differ in Exposition of some of these, that must needs be a Superstructure upon or beside the Article, not the Article or Foundation itself. Nor did I follow my own Judgment herein, but * *Calvin's*; who says expressly

* Quemadmodum saepe diruuntur aedificia, ut fundamenta & ruinae maneat; ita non passus est Ecclesiam suam ab Antichristo vel a fundamento subverti, vel solo aequari, &c. sed ab ipsa quaque vastatione semirutum aedificium superesse voluit. *Calv. L. 4. Inst. c. 2. § 11.*

Heylin cont.
Burton. p.
229.

^b My Book contra
Fisher, p.
376.

^c Pag. 36.

pressly, *That in despite of Antichrist, the Foundations of the Church remain'd in the Papacy itself, that the Church might not wholly perish.* And this Passage was then read to the Lords. Thirdly, these two learned Witnesses (as they would be reputed) are quite mistaken in their very Terms: For they report me, as if I said, *Not in Fundamentals, but in*

Circumstantials; whereas these are not *Membra opposita*,^a but Fundamentals and Superstructures, which may sway quite beside the Foundation.

And this, tho' not the only, yet is a main Failing in the *Roman* Fabrick; in which many Things are built upon unwarrantable Tradition, as is expressed in my^b Book at large, and their many Superstitions named: and that Passage read also to

the Lords. For tho' they differ not in the prime Foundations,^c yet they in many things grate close upon them, and in some things fall beside them, to no small hazard of their own Souls. As for

Circumstantials, it seems these Men have forgotten, or never knew, that many times

Circumstantials in Religion do quite destroy the Foundation. For Example: The Circumstances are these; *Quis? Quid? Ubi? Quibus Auxiliis? Quomodo? Quando?*

1. *Quid?* What Man believes; and that contains Fundamentals, and in the first place,

2. *Ubi?* Place, a mere Circumstance; yet to deny that Christ took our Flesh of the Blessed Virgin, and that in *Judea*, denies the Foundation, and is flat Judaism.

3. *Quibus Auxiliis?* By what Helps a Man believes, and in some measure obeys as he is commanded? For to believe that a Man doth this by the Strength of Nature only, and not by Aid and Assistance of Grace, is with the *Pelagian* to deny the Foundation, and to overthrow the Grace of Christ.

4. *Quando?* When? That's Time, a mere Circumstance: Yet to deny that Christ is already come in the Flesh, denies the Foundation utterly, and is flat Judaism, and an inseparable Badge of the great Antichrist, 1 *John* iv. 3. And in the case of the Resurrection, to say 'tis past already, (which is Time) *St. Paul* tells us, 2 *Tim.* ii. 18. is no less than *the Overtrow of Faith*. And the Rule is general, That some^d Circumstances,

dant Speciem, give the very Kind and Form to a moral Action. 'This for their Ignorance: But for the Malice of their Oath, I leave them to

God's Mercy. Here *Mr. Browne*, when he summed up the Evidence against me, fell upon this; and said,

'That when I gave divers Instances what dangerous Errors Circumstances did sometimes breed in Religion, I gave no Instance in any Point of Popery. But to this I answered, First, That it was not material what Instances I made, so I was able to make some. Secondly, That it was not possible for me, or perhaps a readier Man, to have all Instances so present with his Memory.

Thirdly, If an Instance in Popery, rank Popery, will serve the Turn, you may take it in Transubstantiation. That is either a Fundamental Point, or it is not: If it be not fundamental, why did the Papist put the Protestant to death for it? And why did the Protestant suffer death? If it be fundamental, (as it seems by both Sides

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^a Aliqua Circumstantia dat speciem Actui morali. *Tho.* 1. *secundæ*, q. 73. d. 7. ad primum.

^b Cont. Fisher, § 3. p. 11.

^c Cont. Fisher, § 37. m. 6. p. 326.

^d Cont. Fisher, § 37. m. 6. p. 326.

'it was accounted) it is upon the bare Circumstance of *Quomodo*, how Christ is present in the Sacrament.'

As for that which was said in the Beginning of this Charge, *That Rome is a True Church*: I ever did, and ever must grant it, that such it is, *Veritate Entis*, in the Truth of its Entity and Being. For; as I have said against *Fisher, Ens & Verum, Being and True* are convertible

§ 20. p. 128. one with another. And every Thing that hath a Being, is truly that Being which it is in Truth of Substance. But a Right or an Orthodox Church I never said it was, either in Doctrine or Manners. As a Thief is a true Man in Verity of his Essence, that is, he is a Creature indued with Reason: But it doth not therefore follow and that he is a true Man, *Veritate Moris*, in his Life and Conversation. 'And this I answered first to the

Lords, and after to *Mr. Browne's* summary Charge; who in his last Reply said two Things: First, That when I said *Rome* was a True Church, I spake it generally, without this Distinction. But this is quite beyond the Proof; for no Witness

says so. Besides, it is manifest by Distinction of Fundamentals from other Doctrines (acknowledged by both the Witnesses) that I did not speak it absolutely, but plain enough to any ordinary Understanding. Secondly, (which I was very sorry to hear from so grave a Man) he added, That there was no Truth of a Church, but in the Verity of Doctrine and Manners; and that

in Veritate Entis, a Company of *Turks* were a True Church. Now God be merciful to us, whether are we posting? 'Tis known that the *Greek*

Word *Ἐκκλησία*, which signifies *Church*, signifies also in Heathen Authors any kind of Company or Congregation of Men, *Turks* if you will. But in Ecclesiastical Writers, and among all Christians, the Word *Church* is used only (and *Ἐκκλησία* too) for a Company of Men which professes the Faith of Christ, and are baptized into his Name.

And will any Man say that a Company of *Turks* are such a Church *in Veritate Entis*, in the Verity of this Being, as all the World knows Papists are? Or if he will not speak *de Ente tali*, but change the *Suppositum*, he may say what he please. But I was very much troubled to hear this, and from him.' I had almost forgot that

Mr. Nicolas here pressed the Authority of the *Homilies* upon me again; where 'tis said, *That the Bishop of Rome and their Adherents are not the true Church.* But the Answer is easy: For I say as the *Homily* doth, and as it means too in that Place; namely, that the Church of *Rome* is not the True; that is, not the Catholick Church, nor the Head thereof. But there is a great deal of Difference between *the Church* and *a Church*: The one is the General, the other a Particular. *The Church* it cannot be: *A Church* it is; and a true one too, in the Sense before specified. Upon occasion of this, *Mr. Nicolas's* Mouth was open again, and said, That at the beginning I reckon'd up some that I had converted; but if this were my Opinion, and that if this might stand for good, I might convert the Devil and all. My Ears had been so beaten with his Language, that I was patient, and left him to insult. And to help on this Business, while he was in these loud Expressions, the Earl of *Pembroke* came to *Mr. Burton* to the Bar, and in my hearing desired him to repeat the Testimony he had given; which *Mr. Burton* did, and his Lordship seemed to

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be much pleased with it. Not long before, when the News was come hot to the House that *York* was taken, when I came at Five in the Afternoon to make my Answer, I was no sooner come to the Bar, but the same Lord came and sat just before me, and there with much Joy told Mr. Lieutenant the News. I presume he did it in favour to me, because he thought it would put me in very good Heart, being then instantly to begin to make my Answer. God forgive this Lord; for I have deserved in my time far better of him, if he understood himself, or any Man else.

V. The next Charge was out of Dr. *Pocklington's Altare Christianum*, p. 49, 50. where he speaks (they say, for I now have not his Book) of a Happiness that the Bishops of *England* can derive their Succession from *St. Peter*; which, in great Scorn, Mr. *Nicolas* called the *Archbishop's Pedigree*. First, If there be any Crime in this, Dr. *Pocklington* is to answer it, not I. Secondly, he may scorn what he will; but wise Men know 'tis a great Honour to the Church of *England*, and a great Stopple in the Mouths of the *Romanists*, that her Bishops can derive their Calling successively from *St. Peter*; especially considering how much they stand upon personal Succession. Thirdly, Dr. *Pocklington* in this says no more for me and the Bishops, than * *St. Augustin* urged for himself and his Brethren against the *Donatists* in the same Words, save that *St. Augustin* begins at *St. Peter*, and descends to his own Time; and the Doctor begins at his own Time, and ascends to *St. Peter*. 'But it seems, 'an upstart Clergy, without a Calling, will serve 'Mr. *Nicolas* well enough.'

VI. The sixth Charge was, That Books were written of purpose to maintain these Opinions; and such Men as writ them only preferred. He named Mr. *Shelford*, Mr. *Butterfield*, Dr. *Cosens*, and Dr. *Pocklington*. This hath been clamoured upon already: If any have set out unworthy Books, they may be called to account for it; I hope I shall not answer for all the Divines in the Kingdom. 'They whom I preferred were worthy and 'able Men, and it will not be in the power of 'Mr. *White's* Centuries to blast a Man of them among any that know them.' For these that are named, Mr. *Shelford* I know not, Mr. *Butterfield* I saw punished in the High-Commission; neither of them preferred, that I know. 'The two last, 'by whomsoever they were preferred, deserved all 'the Preferment they had, and more.'

VII. The seventh Charge is out of my Diary at *June 15, 1632*. where 'tis said, That I preferred Mr. *Secretary Windebank*, my old Friend. And here Mr. *Nicolas* laid all the Correspondency open, which (he said) that Gentleman had with the Pope's Agents, with Priests and Jesuits: And when he had made him this way as foul as he could, then I must be guilty of all, for preferring such a Man to the King. This Gentleman was indeed my antient Friend: In my many Years Acquaintance with him, I saw nothing in him but Honesty and Worth. If when he was preferred, he deceived my Opinion, he is living to answer for himself. Many in all Ages have been preferred to Princes, which do not answer the Hopes and Desires of them which prefer them; and yet they not made answerable for them neither. But whether he did fail in any publick Trust, or no, I am not his Judge. Yea, but some

Letters were found from his Son *Thomas*, what Entertainment he had in foreign Parts for his Father's sake. But these Letters were read to the Lords, and there is not one Word in them that relates to me: And 'tis both likely and fit the Son of a Secretary of State should be worthily used in his Travels. Yea, but his Son *Christopher* was at *Rome*, and sent thither to insinuate himself with the Pope: So *Andreas ab Habernfeld* writes in the Papers which Sir *William Boswell* sent over to me. If he did send his Son to that end, then I discovered his Plot; for I caused those Papers to be examined by the King and the Lords, as is before related. Besides, in my poor Judgment, the Pope must be a very simple Man, ('it may be Mr. *Nicolas* thinks 'him so, compar'd with himself') that a Youth of Seventeen at the most, should insinuate himself to fish any thing out of him for his Father's Service. Lastly, he pressed, that my Interest continued with Mr. Secretary in all these Courtes of his. 'Tis well known in Court the old Interest did not continue between us: But for old Friendship's sake I will not be drawn to say more. As for his releasing of any Priests, he must give an Account of that himself. But for myself, I was so careful in this Particular, that I never put my Hand, tho' publick at Council-Table or Star-Chamber, to any Release in all my Time. I might be named, as present when such Release was made, (which I could not avoid;) but act in any I did not. Nay, I was so careful, that I refused to set my Hand to any Licence to travel, lest, if any young Man should be perverted abroad in his Travels, any thing might be imputed to me. And this all the Clerks of the Council can witness. 'But I see no 'Wariness, no Care, can prevent the Envy and 'the Malice of the Many and the Mighty.'

VIII. The eighth Charge was my Correspondence with Popish Priests. And for Proof of this, they produced divers Witnesses.

1. The first Witness was one *Wadsworth*, one of the common Messengers used to attach such Persons. He says, That *Smith alius Fludd*, bragged to him that he had Acquaintance with me. Here's nothing but a bragging Report of *Smith*; who, what he is, I know not. So here's no Proof. He says, That four Pound was sent to himself, to free him out of Prison; and that *Davis* told him it came from me. This is but a Hearsay from *Davis*, as the former was from *Smith*. But say, my Lords, if I did send him four Pound to free him out of Prison, doth he not now very thankfully reward me for it? The truth is my Lords, I did send him four Pound: And the Motive that made me send it, was because I heard he was a Convert from Popery to be a Protestant, and that his Imprisonment was as much for that as for any thing else. And this was attested to the Lords by my Servant Mr. *Snath*, who was one of them that moved me for him.

2. The second Witness was *Francis Newton*, another Messenger. He says, that when he had taken *Henry Mors*, a Priest, he should have been carried to a private Committee; that he disliked it, and complained to Mr. *Secretary Cook*, who (he says) sent him to me; and that when he came to *Lambeth*, Mr. *Dell* told him I was in my Garden with Sir *Toby Matthew*. My Servant Mr. *Dell* being

* Petro successit Linus, Lino Clemens, &c. Et sic que ad Anastasium, qui nunc sedet. Et in hoc ordine successionis nullus Donatista Episcopus invenitur. *S. Aug. Epist.* 165.

Qui se insinuat cum Papa.

ing appointed my Solicitor, was now present in Court, and denied all this. And well he might; for Sir *Toby* was never in my Garden with me in all his Life. And if Mr. *Dell* told him that I would not meddle in the Business, (as he says he did) Mr. *Dell* must give the Account for it, not I. Yet if there were a Reference of this *Mors* to a private Committee, the hindring of that was more proper to Mr. Secretary than to me. Howsoever, here was no hurt done: For he confesses that *Mors* was sent back to *Newgate*. And if (as he farther says) he was discharged by Mr. Secretary *Windebank*, that is nothing to me. He says, he was informed by *Stukely*, that *Smith, alias Fludd*, was acquainted with me. But if he were but informed so himself, that's no Proof to inform your Lordships. He says, that *Brown* a Priest was dismissed out of the High-Commission. Thus it was: He was called in thither for very foul Uncleaness. In process of this Business, he there openly confessed himself a Priest. Hereupon that Court sent him to *Newgate*. 'What became of him after, I know not, save that I know he was strictly examined by Mr. *Pym* and others concerning me.' This *Newton*, upon what Grudge I know not, calls me Rogue, and all to naught in all Companies; and with so much I acquainted the Lords.

3. The third Witness was *Tho. Mayo*, a Messenger also. He says, that Sir *Toby Matthew* was accounted a Priest when he was in Parts beyond the Seas; and that he saw him in a Coach with me, and that he went over with me in my Barge. First, I gave in two Exceptions against this Witness: One, that he was a Man of no Conscience; for he had shifted his Religion from Protestant to Papist, and back again three or four times: Which was a Thing known. The other was, that he kept a Brothel-House at this present, and that his Fellow *Wadsworth* knew this, and called him pimping Knave, saying he kept a Brace of Wenches at this time in his House. And these Words he spake of him but the fifth of this present *July*, in the *Bull Tavern* in the *Palace-Yard*. So I thought him no fit Witness. But he was heard for all this. 'And afterward *Wadsworth* meeting my Servant Mr. *Snath*, he told him that he did say so to *Mayo*, and wonder'd how I should come to hear it.' Being admitted, and saying as he did, I told the Lords that he began with a very bold Oath, and like a Shifter of his Religion: For I had four Servants there, three of which usually attended me when I went and returned from Court, Mr. *Dell*, Mr. *Snath*, Mr. *Goodwin*, and Mr. *Dobson*, and they all attested the contrary; and I never went, but one of these, at least, was with me. Besides, he is single in this Testimony. He says, that he saw Sir *Toby* several times in my House. But he confesses withal, that he never saw him near me. For my own part, I cannot say that ever he was within my Doors. But if he, or others of his Quality, do come to pry out any thing in my House, how is it possible for me to hinder it? My Porter could not see it written in their Foreheads, who they were. He says, that one *Price* was often seen at my House. But he doth not say he was seen with me, or there with my Knowledge. He says, that one *Leander* was reported to have been my Chamber-Fellow in *Oxford*. First, This is but a Report, and so no Evidence. Secondly, If he were my Chamber-Fellow in *Oxford* when we were Boys together, I am sure he was then no Priest; and he was but a Boy when he left the

College. He confesses that I gave Order to observe who and how many resorted to Ambassadors Houses, and Signior *Con's*, and says he thought I could prove it. But I believe he would never have confessed it, but that he knew I could prove it. And thereupon I shewed the Lords many Papers certifying me what Numbers were found resorting to each Place respectively; and *Thomas Mayo's* Hand to many of those Papers. He says, he took one *Peter Wilford*, and brought him to me to *Whitehall*, while Sir *John Lambe* was with me. But he confesses withal, that *Wilford* then shewed Mr. Secretary *Windebank's* Warrant to discharge him: And then what could I do to him? Nay, I have some cause to think he would never have apprehended him, had he not known he had that Warrant. Lastly, he says, that once at the Star-Chamber I told him he was too quick and nimble for me. And I hope it is no Treason, if I did say so. Nor could I mean he was too quick in apprehending Priests, for I found both him and his Fellows, after *Crosse's* death, slow enough at that: But if I said so, it was because I could not tell how to trust his Shifting and his Wiliness.

4. The fourth Witness was *Elizabeth Graye*, Wife to another Messenger. And this is a very fine Witness. For first, she says, her Husband was committed, by my means. And then with a Breath she says, She doth not know by whom he was committed, but she thinks by Secretary *Windebank* and me. But since she doth not know, but think only, I hope her thinking can be no Evidence. She says, that she delivered me a Petition, and that I flung it away, saying, *I would not meddle with any Priest-catching Knave*. The Witness single, and I doubt doating, and the Words far from Treason.

5. The fifth Witness was *John Cooke*, a Messenger too, and one that for his Misdemeanor had stood in the Pillory. This I urged against him, as unfit to witness against me: 'My Witness that saw him in the Pillory, was so threatned, that he sent me word he durst not come. I may not say from whom this Threatning came.' But the thing was so true, that *Cooke* himself confessed it, but excused the Cause; and his Testimony received. He told how *Fisher* the Jesuit was taken by *Graye*; that when he was brought to the Council-Table, Secretary *Cook* and I went to the King to know his Pleasure about him; that we brought back word from his Majesty to the Lords, that he should be banished. All this while here's no hurt done. Then he says, that notwithstanding this Order of his Majesty, *Graye* and he met *Fisher* at liberty, by a Warrant from Secretary *Windebank*: That hereupon *Graye* repaired to Secretary *Cook*, and to me, and that *Dell* told him I would not meddle with it. My Secretary must answer this, I remember it not. But if Mr. *Dell* received any such Answer from me, that I would not meddle with it; there were two apparent Reasons for it: One, that I would not meddle with it alone, his Majesty's Order being to all the Lords: The other, that *Fisher* was the Man I had written against, and Men would have been apt to say, that when I could not answer, I sought means to destroy. So I no way fit (alone at least) to meddle with him of all Men. He says, that *Graye* was committed to the *Fleet*, for railing on me in my own House. Yet he confesses, that he was not committed by me. And I presume your Lordships will think there was Cause of his Commitment,