

Mr. Pym's Speech.

My Lords,

I Am commanded by the Knights, Citizens, and Burgeses, now assembled for the Commons in Parliament, to deliver to your Lordships these Articles, in maintenance of their Charge against the Archbishop of Canterbury. Their Desire is, That first your Lordships would be pleased to hear the Articles read; and then I shall endeavour to present to you the Sense of the Commons concerning the Nature of the Charge, and the Order of their Proceedings.

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

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

My Lords,

There is an Expression in the Scripture which I will not presume either to understand, or to interpret; yet to a vulgar Eye it seems to have an Aspect something suitable to the Person and Cause before you. It is a Description of the evil Spirits, wherein they are said to be Spiritual Wickednesses in high Places: Crimes acted by the spiritual Faculties of the Soul, the Will and Understanding, exercised about spiritual Matters, concerning God's Worship and the Salvation of Man, seconded with Power, Authority, Learning, and many other Advantages, do make the Party who commits them very suitable to that Description, Spiritual Wickednesses in high Places. These Crimes, my Lords, are various in their Nature, beinous in their Quality, and universal in their Extent. If you examine them Theologically, as they stand in opposition to the Truth of God, they will be found to be against the Rule of Faith, against the Power of Godliness, against the Means of Salvation.

If you examine them Morally, as they stand in opposition to the Light of Nature, to right Reason, and the Principles of human Society, you will then perceive Pride without any Moderation; such a Pride as that is which exalts itself above all that is called God: Malice without any Provocation; Malice against Virtue, against Innocence, against Piety: Injustice, without any Means of Restitution; even such Injustice as doth rob the present Times of their Possessions, the future of their Possibilities.

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

This Charge, my Lords, is distributed and conveyed into fourteen several Articles, as you have heard; and those Articles are only general, it being the Intention of the House of Commons (which they have commanded me to declare) to make them more certain and particular by preparatory Examinations, to be taken with the Help of your Lordships House, as in the Case of my Lord of Strafford. I shall now run thro' them with a light Touch, only marking in every of them some special Point of Venom, Virulency and Malignity.

1. The first Article, my Lord, doth contain his Endeavour to introduce into this Kingdom an arbitrary Power of Government, without any Limitations or Rules of Law. This (my Lords) is against the Safe-

ty of the King's Person, the Honour of his Crown, and most destructive to his People. Those Causes which are most perfect, have not only a Power to produce Effects, but to conserve and cherish them. The seminary Virtue, and the nutritive Virtue in Vegetables, do proceed from the same Principles. It was the Defect of Justice, and for the Restraining of Oppression and Violence, that first brought Government into the World, and set up Kings, the most excellent way of Government; and by the Maintenance of Justice all kinds of Government receive a sure Foundation and Establishment. It is this that hath in it an Ability to preserve and secure the Royal Powers of Kings, yea, to adorn and increase it.

2. In the second Article, your Lordships may observe absolute and unlimited Power defended by preaching, by Sermons, and other Discourses printed and published upon that Subject. And truly (my Lords) it seems to be a prodigious Crime, that the Truth of God and his holy Law should be perverted to defend the Lawlessness of Men; that the holy and sacred Function of the Ministry, which was ordained for Instruction of Mens Souls in the Ways of God, should be so abused, that the Ministers are become the Trumpets of Sedition, the Promoters and Defenders of Violence and Oppression.

3. In the third Article, my Lords, you have the Judges, who under his Majesty are the Dispensers and Distributers of Justice, frequently corrupted by Fear and Solicitation: you have the Course of Justice, in the Execution of it, shamefully obstructed. And, if a wilful Act of Injustice in a Judge be so high a Crime, in the Estimate of the Law, as to deserve Death; under what Burden of Guilt doth this Man lie, who hath been the Cause of Great Numbers of such voluntary and wilful Acts of Injustice?

4. In the fourth Article he will be found in his own Person to have sold Justice in Causes depending before him; and by his wicked Counsel endeavouring to make his Majesty a Merchant of the same Commodity: only with this Difference, that the King by taking Money for Places of Judicature should sell it in gross, whereas the Archbishop sold it by retail.

5. In the fifth Article there appears a Power usurped of making Canons, of laying Obligations on the Subjects in the nature of Law: And this Power abused to the making of such Canons as are in the Matter of them very pernicious, being directly contrary to the Prerogative of the King, and the Liberty of the People. In the manner of pressing them, may be found Fraud and Shuffling; in the Conclusion, Violence and Constraint, Men being forced by Terror and Threatning to subscribe to all. Which Power thus wickedly gotten, they labour to establish by Perjury, enjoining such an Oath for the Maintenance of it, as can neither be taken nor kept with a good Conscience.

6. In the sixth Article you have the King robbed of his Supremacy; you have a Papal Power exercised over his Majesty's Subjects in their Consciences, and in their Persons; you have Ecclesiastical Jurisdiction claimed by an incident Right, which the Law declares to proceed from the Crown.

And herein your Lordships may observe, That those who labour in Civil Matters to set up the King above the Laws of the Kingdom, do yet in Ecclesiastical Matters endeavour to set up themselves above the King. This was first procured by the Archbishop to be extrajudicially declared by the Judges, and then to be published in a Proclamation: In doing whereof, he hath made the King's Throne but a Footstool for his own and their Pride.

7. You have, my Lords, in the seventh Article, Religion undermined and subverted; you have Popery be-

risht and defended; you have this seconded with Power and Violence, by severe Punishment upon those which have opposed this mischievous Intention: And by the subtle and eager Prosecution of these Men, both the Power of Ecclesiastical Commissioners, of the Star-Chamber and Council-Table, been often made subservient to his wicked Designs.

8. My Lords, you may observe in the eighth Article, great Care taken to get into his own Hand the Power of nominating to Ecclesiastical Livings and Promotions: You have as much mischievous, as much wicked Care taken in the disposing of these Preferments, to the Hindrance and Corruption of Religion. And by this Means, my Lords, the King's sacred Majesty, instead of Sermons fit for Spiritual Instructors, hath often had Invectives against his People, Encouragement to Injustice, or to the Overthrow of the Laws. Such Chaplains have been brought into his Service as have, as much as may be, laboured to corrupt his own Household, and been eminent Examples of Corruption to others; which hath so far prevailed, as that it hath exceedingly tainted the Universities, and been generally dispersed to all the chief Cities, the greatest Towns and Auditories of the Kingdom. The grievous Effects whereof are most manifest to the Commons House, there being divers hundred Complaints there depending in the House against scandalous Ministers; and yet I believe the hundredth Part of them is not yet brought in.

9. The Ninth Article sets out the like Care to have Chaplains of his own, that might be Promoters of this wicked and traitorous Design, Men of corrupt Judgments, of corrupt Practices, extremely addicted to Superstition. And to such Mens Care hath been committed the licensing of Books to the Press: By means whereof, many have been published that are full of Falshood, of Scandals, such as have been more worthy to be burnt by the Hand of the Hangman in Smithfield, (as I think one of them was) than to be admitted to come into the Hands of the King's People.

10. In the tenth Article it will appear, how he having made these Approaches to Popery, comes now to close and join more nearly with it: He confederates with Priests and Jesuits; he, by his Instruments, negotiates with the Pope at Rome, and hath Correspondence with them that he authorized from Rome here; he hath permitted a Roman Hierarchy to be set up in this Kingdom. And tho' he hath been so careful, that a poor Man could not go to the Neighbour-Parish to hear a Sermon, when he had none at home, could not have a Sermon repeated, nor Prayer used in his own Family, but he was a fit Subject for the High-Commission Court; yet the other hath been done in all parts of the Realm, and no notice taken of it by any Ecclesiastical Judges or Courts.

11. My Lords, you may perceive Preaching suppress'd in the eleventh; divers godly and orthodox Ministers oppressed in their Persons and Estates. You have the King's loyal Subjects banished out of the Kingdom; not as Elimelech, to seek for Bread in foreign Countries, by reason of the great Scarcity which was in Israel; but travelling abroad for the Bread of Life, because they could not have it at home, by reason of the spiritual Famine of God's Word, caused by this Man and his Partakers. And by this Means you have had the Trade, the Manufactory, the Industry of many Thousands of his Majesty's Subjects carried out of the Land.

It is a miserable Abuse of the Spiritual Keys, to shut up the Doors of Heaven, and to open the Gates of Hell; to let in Profaneness, Ignorance, Superstition, and Error. I shall need say no more: These Things are evident, and abundantly known to all.

12. In the twelfth Article, my Lords, you have a Division endeavour'd between this and the foreign Reformed Churches. The Church of Christ is one Body; and the Members of Christ have a mutual Relation, as Members of the same Body. Unity with God's true Church every where, is not only the Beauty, but the Strength of Religion; of which Beauty and Strength he hath sought to deprive this Church, by his manifold Attempts to break this Union. To which Purpose he hath suppressed the Privileges granted to the Dutch and French Churches: he hath denied them to be of the same Faith and Religion with us: and many other wryes hath he declared his Malice to those Churches.

13. In the thirteenth Article, as he hath sought to make an Ecclesiastical Division of Religious Difference between us and foreign Nations, so he hath sought to make a Civil Difference between us and his Majesty's Subjects of the Kingdom of Scotland: And these he hath promoted by many Innovations there, pressed by himself and his own Authority. When they were incapable of such Alterations, he advised his Majesty to use Violence. He hath made private and publick Collections towards the Maintenance of the War, which he might justly call his own War; and with an impudent Boldness hath struck Tallies in the Exchequer for divers Sums of Money procured by himself, pro Defensione Regni; when, by his Counsels, the King was drawn to undertake, not a Defensive but an Offensive War.

14. He hath, lastly, thought to secure himself and his Party, by seeking to undermine Parliaments, and thereby hath laboured to bereave this Kingdom of the Legislative Power, which can only be used in Parliaments; and that we should be left a Kingdom, without that which indeed makes and constitutes a Kingdom, and is the only Means to preserve and restore it from Distempers and Decays. He hath hereby endeavoured to bereave us of the highest Judicatory; such a Judicatory, as is necessary and essential to our Government, some for Cases of Treason, and others concerning the Prerogative of the Crown, and Liberty of the People. It is the Supreme Judicatory, to which all difficult Cases resort from other Courts. He hath sought to deprive the King of the Love and Counsel of his People, and of that Assistance which he might have from them; and likewise to deprive the People of that Relief of Grievances, which they most humbly expect from his Majesty.

My Lords, The Parliament is the Cabinet wherein the chiefest Jewels both of the Crown and Kingdom are deposited. The great Prerogative of the King, and Liberty of the People, are most effectually exercised and maintained by Parliaments. Here, my Lords, you cannot pass by this Occasion of great Thanks to God and his Majesty for passing the Bill, whereby the frequent Course of Parliaments is established; which I assure myself he will by Experience find to be a strong Foundation both of his Honour and of his Crown.

This is all, my Lords, I have to say to the Particulars of the Charge. The Commons desire your Lordships, that they may have the same way of Examination that they had in the Case of the Earl of Strafford; that is, to examine Members of all kinds, of your Lordships House and their own, and others, as they shall see Cause: and those Examinations to be kept secret and private, that they may with more advantage be made use of when the Matter comes to Trial. They have declared, That they reserve to themselves the Power of making Additional Articles; by which they intend to reduce his Charge to be more particular and certain, in respect of the several Times, Occasion, and other Circumstances of the Offences therein charged. And that your Lordships would be pleased to put this Cause in such

a quick way of Proceeding, that these great and dangerous Crimes, together with the Offenders, may be brought to a just Judgment.

When the Clerk of the Parliament had done reading, I humbly craved leave of the Lords to speak a few Words; which were to this effect:

‘My Lords, this is a great and a heavy Charge, and I must be unworthy to live, if it can be made good against me: For it makes me against God, in point of Religion; against the King, in point of Allegiance; and against the Publick, in point of Safety, under the Justice and Protection of Law. And tho’ the King be little, if at all mentioned; yet I am bold to name him, because I have ever been of Opinion, that the King and his People are so joined together in one Civil and Politick Body, as that it is not possible for any Man to be true to the King, as King, that shall be found treacherous to the State established by Law, and work to the Subversion of the People: Tho’ perhaps every one, that is so, is not able to see through all the Consequences, by which one depends upon the other. So my Charge, my Lords, is exceeding heavy in itself; tho’ I, as yet, do not altogether feel the Weight of it. For ’tis yet, (as your Lordships see) but in Generals; and Generals make a great Noise, but no Proof; Whereas ’tis Proof upon Particulars that makes the Weight of a Charge sit close upon any Man. Now, my Lords, ’tis an old and a true Rule, *Errare contingit descendendo*, Error doth most often happen, and best appear, when Men descend to Particulars: And with them when I shall be charged, I hope my Innocence will furnish me with a sufficient Answer to any Error of mine, that shall be thought criminal, or any way worthy the Cognizance of this High and Honourable Court. As for human Frailties, as I cannot acquit myself of them, so, I presume, your Lordships will be favourable Judges of them: Since in the Transaction of so many Businesses as passed my Hands, Men, far abler than ever I can be, have been subject to them; and, perhaps, to as many and as great. But for Corruption in the least degree (I humbly praise God for it) I fear no Accuser that will speak Truth. But, my Lords, that which goes nearest unto me among these Articles, is, That I should be thought foul and false in the Profession of my Religion: As if I should profess with the Church of *England*, and have my Heart at *Rome*, and labour by all cunning Ways to bring *Romish* Superstition in upon the Kingdom. This (my Lords) I confess, troubles me exceedingly: And if I should forget myself, and fall into Passion upon it, I should but be in that Case which *St. Jerome* confessed he was in, when he knew not how to be patient, when Falshood in Religion was charged upon him. And yet that was nothing so high a Charge as this which is laid against me: Which is not only to be basely false myself, but withal, to labour to spread the same Falshood over the whole Kingdom.’

And here I humbly besought their Lordships, that I might a little enlarge myself, and I did so. But because I purpose here to set down the general Articles that were brought up against me, and that one of them comes home to this Point of Re-

ligion; I shall put it off till I come to that Article, and there set it down at large, what I now said. ^{a 'Tis Article 10.} And this I do to avoid an useles and tedious Repetition. Here then follow the Articles themselves, as they were that Day charged upon me.

Articles of the Commons assembled in Parliament, in Maintenance of their Accusation against William Laud, Archbishop of Canterbury, whereby he stands charged with High-Treason, and other High Crimes and Misdemeanours.

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

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

III. He hath by Letters, Messages, Threats, Promises, and divers other Ways, to Judges and other Ministers of Justice, interrupted and perverted; and at other times, by the Means aforesaid, hath endeavoured to interrupt and pervert the Course of Justice in his Majesty’s Courts at *Westminster*, and other Courts, to the Subversion of the Laws of this Kingdom: whereby sundry of his Majesty’s Subjects have been stopped in their just Suits, and deprived of their lawful Rights, and subjected to his tyrannical Will, to their utter Ruin and Destruction.

IV. That the said Archbishop hath traitorously and corruptly sold Justice to those that have had Causes depending before him, by colour of his Ecclesiastical Jurisdiction, as Archbishop, High-Commissioner, Referee, or otherwise; and hath taken unlawful Gifts and Bribes of his Majesty’s Subjects: And hath, as much as in him lieth, endeavoured to corrupt other Courts of Justice, by advising [and procuring] his Majesty to sell Places of Judicature, and other Offices, [and procuring the Sale of them] contrary to the Laws and Statutes in that behalf. ^{Russh. & Pryn.} ^{Defant in Russh. & Pryn.}

V. He hath traitorously caused a Book of Canons to be composed and published, [and those Canons to be put in execution] without any lawful Warrant and Authority in that behalf. In

Defant in
Rush. &
Prynn.

which pretended Canons many Matters are contained contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Propriety and Liberty of the Subjects; and Matters tending to Sedition, and of dangerous Consequence; and to the Establishment of a vast, unlawful, and presumptuous Power in himself and his Successors: Many of the which Canons, by the Practice of the said Archbishop, were surreptitiously passed in the last Convocation, without due Consideration and Debate; others by Fear and Compulsion were subscribed to by the Prelates and Clerks there assembled, which had never been voted and passed in the Convocation, as they ought to have been. And the said Archbishop hath contrived, and endeavoured to assure and confirm the unlawful and exorbitant Power which he hath usurped and exercised over his Majesty's Subjects, by a wicked and ungodly Oath, in one of the said pretended Canons, enjoined to be taken by all the Clergy, and many of the Laity of this Kingdom.

VI. He hath traitorously assumed to himself a papal and tyrannical Power, both in Ecclesiastical and Temporal Matters, over his Majesty's Subjects in this Realm of *England*, and other Places, to the Disinheritance of the Crown, Dishonour of his Majesty, and Derogation of his supreme Authority in Ecclesiastical Matters. And the said Archbishop claims the King's Ecclesiastical Jurisdiction, as incident to his Episcopal and Archiepiscopal Office in this Kingdom; and doth deny the same to be derived from the Crown of *England*: which he hath accordingly exercised, to the high Contempt of his Royal Majesty, and to

Rush &
Prynn.

the Destruction of [^a divers of] the King's liege People in their Persons and Estates.

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

Rushw. &
Prynn.

VIII. That for the better advancing of his Traitorous Purpose and Designs, 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

^c Other, Rush.
& Prynn.

^c divers 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 ^d Nomination of Chaplains to the King; by which means he hath preferred to his Majesty's Service, and to other great Promotions in the Church, such as have been popishly affected, or otherwise unsound and corrupt both in Doctrine and Manners.

^d Commendation, Rush. & Prynn.

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

^e Prynn & Rushworth.

X. 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 endangered, and like to fall under the Tyranny of the *Roman* See.

XI. He in his own Person, and his Suffragans, Visitors, Surrogates, Chancellors, or other Officers, by his Command, have caused divers learned, pious, and orthodox ^f 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 hindred 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 ^g Designs of altering and corrupting the true Religion here established.

^f Ministers, Rush. & Prynn.

^g Design, Rush. & Prynn.

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 these Churches, that so, by such ^h Disunion, the Papists might have more Advantage for the Overthrow and Extirpation of both.

^h Disunion, Rushw. Disunion, Prynn.

XIII. He hath maliciously and traitorously plotted and endeavoured to stir up War and Enmity betwixt his Majesty's two Kingdoms of *England* and *Scotland*; and to that purpose hath laboured to introduce into the Kingdom of *Scotland* divers Innovations both in Religion and Government; all or the most part, tending to Popery and Superstition: to the great Grievance and Discontent of his Majesty's Subjects of that Nation. And for their refusing to submit to such Innovations, he did traitorously advise his Majesty to subdue them by Force of Arms: And by his own Authority and Power, contrary to Law, did procure sundry of his Majesty's Subjects, and enforced the Clergy of this Kingdom, to contribute toward the Maintenance of that War. And when his Majesty, with much Wisdom and Justice, had made a Pacification betwixt the two Kingdoms, the said Archbishop did presumptuously censure that Pacification, as dishonourable to his Majesty; and [by his Counsel and Endeavours] so incensed his Majesty against his said Subjects of *Scotland*, that he did thereupon, by Advice of the said Archbishop, enter into an offensive War against them, to the great Hazard of his Majesty's Person, and his Subjects of both Kingdoms.

These Words are added from Prynne & Rush.

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

The said Commons do farther aver, that the said *William* Archbishop of *Canterbury*, during the time in which the ^a Treasons and Offences afore named were committed, hath been a Bishop or Archbishop in this Realm of *England*, one of the King's Commissioners for Ecclesiastical Matters, and ^b of his Majesty's most Honourable Privy Council: And that he hath taken an Oath for his faithful

Discharge of the said Office of Counsellor, and hath likewise taken the Oath of Supremacy and Allegiance. And the said Commons, by Protestation, saving to themselves the Liberty of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Archbishop, and also of replying to the Answers that the said Archbishop shall make unto the said Articles, or to any of them; and of offering farther Proof also of the Premises, or any of them, [^c or of any other Impeachment or Accusation that shall be exhibited by them] as the Case shall, according to the Course of Parliaments, require: do pray that the said Archbishop may be put to answer to all and every the Premises;

These words are added from Prynne & Rushworth.

and that such Proceedings, Examinations, Trial and Judgment, may be upon every of them had and used, as is agreeable to Law and Justice.

When these Articles had been read unto me in the Upper House, and I had spoken to the Lords, in a general Answer to them, what I thought fit, as is before expressed; I humbly desired of the Lords (this being upon *Friday, Febr. 26. 1640.*) that my going to the *Tower* might be put off till the *Monday* after, that so I might have time to be the better fitted for my Lodging. This, I humbly thank their Lordships, was granted.

[*February 20. 1640. Ordered by the Lords in Parliament, that the Lord Archbishop of Canterbury his Grace, shall stand committed to the Tower of London. But the Pleasure of this House is, that he continue still in the safe Custody of the Gentleman Usher of this House, till Monday the first of March 1640, and then that the Lieutenant receive his Grace in his safe Custody, until the Pleasure of this House be further known, and in the mean time Mr. Maxwell is to be responsible for him, and not to permit him to go Abroad, and that the Archbishop of Canterbury and the Earl of Strafford shall not come together.*]

I returned to Mr. *Maxwell's* Custody, and that Afternoon sent my Steward to Sir *William Balfore*, then Lieutenant, that a Lodging might be had for me with as much Convenience as might be. On *Monday, March 1. 1640.* Mr. *Maxwell* carried me in his Coach to the *Tower*. *St. George's* Feast, having been formerly put off, was to begin that Evening. By this means Mr. *Maxwell* (whose Office tied him to Attendance upon that Solemnity) could not possibly go with me to the *Tower* at Evening, as I desired. Therefore Noon, when the Citizens were at dinner, was chosen as the next fittest time for Privateneſs. All was well till I passed thro' *Newgate* Shambles, and entred into *Cheapside*. There some one Prentice first hollow'd out; and more follow'd the Coach, (the number still increasing as they went) till by that time I came to the *Exchange*, the shouting was exceeding great. And so they follow'd me with Clamour and Revilings, even beyond Barbarity itself; not giving over, till the Coach was entred in at the *Tower-Gate*.

[*Afterwards the Lords made the following Orders.*]

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

Die Martis, 16 Maii 1643.

WHEREAS *William* Laud, Archbishop of *Canterbury*, standeth impeached in this present Parliament for High-Treason, and for divers other great Offences and Misdemeanours; and by reason of many great and weighty Businesses he cannot yet be brought to Trial for the said Offences and Misdemeanours; and he, in respect of his said Archbishoprick of *Canterbury*, hath power to give and collate fit Clerks to divers Parsonages, Vicaridges, Prebends, and other Ecclesiastical Promotions and Preferments; and if any of them should become void, and be left to prefer whom he please to the same, the

same

same may prove very inconvenient, he bestowing them upon unfit and unworthy Persons.

Be it therefore ordered and ordained, by the Lords and Commons in this present Parliament, That in case any of the aforesaid Parsonages, Vicaridges, Prebends, or other Ecclesiastical Promotions or Preferments, now be, or shall hereafter, and before the Trial of the said Lord Archbishop, become void; That the said Lord Archbishop of Canterbury shall forbear to present or collate any Person or Persons thereunto, without the Leave and Order of both Houses of Parliament. And it is further ordered and ordained, That the said Lord Archbishop shall, from time to time, until his said Trial, present and collate such fit Person or Persons, to every such Parsonage, Vicaridge, Prebend, and other Ecclesiastical Preferment, as aforesaid, which now are, or hereafter before his said Trial shall become void, as by both Houses of Parliament shall be nominated and appointed. And it is further ordered by the said Lords and Commons in Parliament, that all Archdeacons, Registers, and other Officers, Ministers, and Persons whatsoever, shall forbear to give or make any Admission, Institution, Collation, or Induction of any Person or Persons whatsoever, which by the said Archbishop shall be presented in or to any such Parsonage, Vicaridge, Prebend, or other Ecclesiastical Preferment, other than such Person and Persons as shall be nominated and appointed by both Houses of Parliament, as aforesaid. And it is lastly ordered, That the Lord Archbishop, and the Churchwardens of every Parish, and other Officers of the Church, where any Parsonage, Vicaridge, Prebend, or other Ecclesiastical Promotions or Preferments, in the Donation or Gift of the said Archbishop, are; shall, within two Months after the respective Avoidance thereof, give notice of such Avoidance to the Lord Speaker of the House of Peers, for the time being.

Die Sabbati 10 Junii, 1643.

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

WHEREAS by an Ordinance of Parliament, of the 16th of May 1643. the Archbishop of Canterbury is required from time to time, until his Trial, to collate such fit Persons unto any Ecclesiastical Preferment in his Patronage, as shall by both Houses be nominated unto him; and, in pursuance of the said Ordinance, another Ordinance of the Lords and Commons past the 20th of the same Month, requiring the said Archbishop to collate upon Edward Corbet, Fellow of Merton-College in Oxford, the Rectory of Chartham in the County of Kent, void by the Death of Dr. Barge, the last Incumbent, and whereas the said Archbishop of Canterbury refuseth Obedience to the said Ordinance, it is therefore ordered, and be it so ordained by the Lords and Commons in Parliament, That all the Temporalities of the Archbishop of Canterbury be hereby sequester'd by and unto the Parliament, and William Lord Archbishop of Canterbury be suspended ab Officio & Beneficio, & omni & omnimoda Jurisdictione Archiepiscopali, until he be either convicted or acquitted of

High-Treason, for which he stands now accused. And whatsoever Livings, Dignities, or Ecclesiastical Promotions, in the said Archbishop's Gift or Collation, are, or hereafter shall be void, shall henceforth be instituted or induc'd into by the Archbishop's Vicar-General, or any other having Authority in his behalf, upon the Nomination and Recommendation of both Houses of Parliament, during the time of the Suspension and Sequestration aforesaid. And upon this Ordinance it is ordered, and be it so ordained by the Lords and Commons in Parliament, that the said Edward Corbet be, and is hereby nominated and recommended forthwith, upon sight hereof, to be admitted, instituted, and induc'd by the Vicar-General aforesaid, or any other having Authority in his behalf, into the said Rectory of Chartham, racione suspensionis Domini Gulielmi Archiepiscopi Cantuariensis, & Sequestrationis Temporalium Archiepiscopatus in manibus supremæ Curie Parliamenti jam existentium, the same belonging unto their Gift. And it is hereby further ordained by the Lords and Commons in Parliament, that during the Suspension and Sequestration aforesaid, the Jurisdiction of the said Archbishop shall be executed and exercised by his Vicar-General, and other his inferiour Judges and Officers, as formerly the same hath been.]

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

[Further Articles of Impeachment by the Commons assembled in Parliament, against William Laud, Archbishop of Canterbury, of High-Treason, and divers High Crimes and Misdemeanours; as followeth.

I. THAT the said Archbishop of Canterbury, to introduce an Arbitrary Government within this Realm, and to destroy Parliaments, in the third and fourth Year of his Majesty's Reign that now is, a Parliament being then called and sitting at Westminster, traitorously and maliciously caused the said Parliament to be dissolved, to the great Grievance of his Majesty's Subjects, and Prejudice of this Commonwealth. And soon after the Dissolution thereof, gave divers Propositions under his Hand to George then Duke of Buckingham; casting therein many false Aspersions upon the said Parliament, calling it a factious Parliament, and falsely affirming that it had cast many Scandals upon his Majesty, and had used him like a Child in his Minority; stiling them Puritans, and commending the Papists for harmless and peaceable Subjects.

II. That within the space of ten Years last past, the said Archbishop hath treacherously endeavoured to subvert the Fundamental Laws of this Realm; and to that end hath in like manner endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the King's Prerogative, above the Laws and Statutes of the Realm. And for Manifestation thereof, about six Years last past, being then a Privy-Counsellor to his Majesty, and sitting at the Council-Table,

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

III. *That the said Archbishop, to advance the Canons of the Church, and Power Ecclesiastical, above the Law of the Land, and to pervert and binder the Course of Justice, hath at divers times within the said time, by his Letters, and other undue Means and Solicitations used to Judges, opposed and stopped the granting of his Majesty's Writs of Prohibition, where the same ought to have been granted for stay of Proceedings in the Ecclesiastical Court: whereby Justice hath been delayed and hindered, and the Judges diverted from doing their Duties.*

IV. *That for the end and purpose aforesaid, about seven Years last past, a Judgment being given in his Majesty's Court of King's-Bench against one Burley a Parson, being a Man of bad Life and Conversation, in an Information upon the Statute of 21 Hen. 8. for wilful Non-Residency; the said Archbishop, by Solicitations and other undue Means used to the Judges of that Court, caused Execution upon the said Judgment to be stayed: and being moved therein, and made acquainted with the bad Life and Conversation of the said Parson, he said, That he had spoken to the Judges for him, and that he would never suffer a Judgment to pass against any Clergyman by Nihil dicit.*

V. *That the said Archbishop about eight Years last past, being then also a Privy-Councillor to his Majesty, for the end and purpose aforesaid, caused Sir John Corbet of Stoke in the County of Salop Baronet, then a Justice of Peace of the said County, to be committed to the Prison of the Fleet, where he continued Prisoner for the space of half a year or more, for no other cause, but for calling for the Production of Right, and causing it to be read at the Session of the Peace for that County, upon a just and necessary Occasion. And during the time of his said Imprisonment, the said Archbishop without any Colour of Right, by all writing under the Seal of his Archbishoprick, granted away a parcel of the Glebe-Land of the Church of Adderly in the said County, whereof the said Sir John Corbet was then Patron, unto Robert Viscount Kilmurrey, without the Consent of the said Sir John, or the then Incumbent of the said Church: which said Viscount Kilmurrey built a Chapel upon the said parcel of Glebe-Land, to the great Prejudice of the said Sir John Corbet, which hath caused great Suits and Contentions between them. And whereas the said Sir John Corbet had a Judgment against Sir James Stonehouse Knight, in execution of Waste, in his Majesty's Court of Common-Pleas at Westminster, which was afterwards carried on a Writ of Error in the King's-Bench, and Execution thereupon awarded; yet the said Sir John by means of the said Archbishop could not have the effect thereof, but was committed to Prison by the said Archbishop and others at the Council-Table, until he had submitted himself unto the Order of the said Table, whereby he lost the benefit of the said Judgment and Execution.*

VI. *That whereas divers Gifts and Donations of divers Sums of Money were heretofore made by divers charitable and well-disposed Persons, for the buying in of divers Improvements for the Maintenance of preaching the Word of God in several Churches; the said Archbishop about eight Years last past wilfully and ma-*

liciously caused the said Gifts, Feoffments, and Conveyances made to the Uses aforesaid, to be overthrown in his Majesty's Court of Exchequer, contrary to Law, as things dangerous to the Church and State, under the specious pretence of buying in Appropriations; whereby that pious Work was suppressed and trodden down, to the great Dishonour of God, and Scandal of Religion.

VII. *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 Sancta Clara, alias Dampart, 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 he was writing the said Book: and did also provide Maintenance and Entertainment for one Monsieur S. Giles, a Popish Priest, at Oxford, knowing him to be a Popish Priest.*

VIII. *That the said Archbishop about four Years last past, at Westminster aforesaid, said, That there must be a Blow given to the Church, such as had not been yet given, before it could be brought to Conformity; declaring thereby his Intention to be, to shake and clear the true Protestant Religion established in the Church of England.*

IX. *That in or about the Month of May 1640. presently after the Dissolution of the last Parliament, the said Archbishop, for the Ends and Purposes aforesaid, caused a Synod or Convocation of the Clergy to be held for the several Provinces of Canterbury and York, wherein were made and established by his means and procurement divers Canons and Constitutions Ecclesiastical, contrary to the Laws of this Realm, the Rights and Privileges of Parliament, the Liberty and Propriety of the Subject, tending also to Sedition, and of dangerous Consequence. And among other things, the said Archbishop caused a most dangerous and illegal Oath to be therein made and contrived, the Tenour whereof was in these words:—That I A. B. do swear that I do approve the Doctrine and Discipline or Government established in the Church of England, as containing all things necessary to Salvation; and that I will not endeavour by myself or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so established: Nor will I ever give my Consent to alter the Government of this Church by Archbishops, Bishops, Deans, and Archdeacons, &c. as it stands now established, and as by Right it ought to stand: nor yet ever subject it to the Usurpations and Superstitions of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common Sense and Understanding of the same Words, without any Equivocation, or mental Evasion, or secret Reservation whatsoever. And this I do heartily, willingly, and truly upon the Faith of a Christian; so help me God in Jesus Christ. Which Oath the said Archbishop himself did take, and caused divers other Ministers of the Church to take the same, upon Pain of Suspension and Deprivation of their Livings, and other severe Penalties; and did also cause Godfrey, then Bishop of Gloucester, to be committed to Prison for*

refusing to subscribe to the said Canons, and to take the said Oath: and afterward the said Bishop submitting himself to take the said Oath, he was set at liberty.

X. That a little before the calling of the last Parliament, Anno 1640. a Vote being then passed, and a Resolution taken at the Council-Table, by the Advice of the said Archbishop, for assisting of the King in Extraordinary Ways, if the said Parliament should prove peevish, and refuse to supply his Majesty: the said Archbishop wickedly and maliciously advised his Majesty to dissolve the said Parliament, and accordingly the same was dissolved: And presently after the said Archbishop told his Majesty, That now he was absolved from all Rules of Government, and left free to use extraordinary Ways for his Supply.

For all which Matters and Things, the said Commons assembled in Parliament, in the Name of themselves and of all the Commons of England, do impeach the said Archbishop of Canterbury of High-Treason, and other High Crimes and Misdemeanours, tending to the Subversion of our Religion, Laws, and Liberties, and to the utter Ruin of this Church and Commonwealth. And the said Commons by Protestation saving to themselves the liberty of exhibiting at any time hereafter any further or other Accusation or Impeachment against the said William Laud, Archbishop of Canterbury, and also of replying to the Answer that he shall make unto the said Articles, or any of them; or offering Proof of the Premises, or any other Impeachments or Accusations that shall be exhibited by them, as the Cause shall (according to the Course of Parliament) require: do pray that he the said William Laud, Archbishop of Canterbury, may be called to answer the said several Crimes and Misdemeanours, and receive such condign Punishment as the same shall deserve; and that such further Proceedings may be upon every of them had and used against him, as is agreeable to Law and Justice.

Die Lunæ, 23 Octob. 1643.

ORDERED, &c. That the Lord Archbishop of Canterbury shall put in his Answer in writing into this House by the 30th Day of this Instant October, unto the particular Articles in maintenance of their former Impeachment of High-Treason, and divers High Crimes and Misdemeanours, brought up from the House of Commons against him, and remaining now before the Lords in Parliament.]

I sent instantly by the same Messenger a Petition for longer time; for Means out of my Estate to fee my Counsel, and bear the necessary Charge of my Trial; for Counsel, and for a Solicitor and some Servants to attend my Business. The Lords, I humbly thank them, gave me longer time, and assigned me Mr. Hearn, Mr. Chute, Mr. Hales; and at my Petition added Mr. Gerrard. For Money, they referred me to the Committee of Sequestrations; but delayed their Answers concerning my Servants, and the Papers of my Defence, which Mr. Prynne took from me. For tho' he promised me a faithful Restitution of them within three or four Days, yet to this Day (being almost five Months after) I had received but three Bundles of the twenty and one which he had from me.

VOL. I.

[To the Honourable the Lords assembled in the High Court of Parliament, the Humble Petition of William Laud, Archbishop of Canterbury.

Humbly sheweth,

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

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

William Cant.

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

Die Martis, 24 Octob. 1643.

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

Friday, October 27. I petitioned again, that the Papers of my Defence being (as I was informed) in the hands of the Close Committee, might be delivered unto me; and sent my Petition, with the Order of the Lords annexed, to the Committee for Sequestrations. There many were very favourable, till Mr. Glyn was pleased to say, They were not to allow me Means, and there was a known Course in Law, which was,

that I might go on *in forma Pauperis*; and so was left without any Allowance out of my Estate, to fee my Counsel, or supply other Wants. This succeeding so ill with me, I petitioned the Lords again on *Saturday, October 28. 1643.* and then Mr. Dell my Secretary was assigned me for my Solicitor; and I was allowed two Servants more to go about my Business.

[Die Sabbati, 28 Octob. 1643.]

Ordred, &c. That Master Hales is hereby appointed to be of Counsel with the Lord Archbishop of Canterbury, with his other Counsel already appointed for the drawing of his Answer to the Charge of the House of Commons against him. And that Master W. Dell, Richard Cobb, and Master George Smith, his Lordship's Servants, shall have liberty to attend the said Archbishop's several Affairs, and be permitted to come in and out unto him, as there shall be occasion.]

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

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

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

Most humbly sheweth,

THAT your Petitioner having presented against him, by the Honourable House of Commons, to your Lordships, an Impeachment, intituled, Further Articles of Impeachment by the Commons assembled in Parliament, of High-Treason, and divers High Crimes and Misdemeanours; to which, by your Honourable Order of the 24th of October annexed, he is directed to put in his Answer in Writing by Monday the 6th of November; and hath thereby Counsel assigned him to draw up the same.

That your Petitioner's Counsel, upon reading of the Articles, finding that as well in the Frame, as the Conclusion thereof, the Matters of Crime and Misdemeanours are so interwoven with References to the Matters thereby charged as Treason, as they cannot take upon them to distinguish them: and conceiving it not to have been your Lordship's Intention, by their Assignments, that they should advise an Answer to any part of the Impeachment charged against your Petitioner as Treason, do forbear to advise your Petitioner's Answer to the said Articles, without some Declaration first had, which of the said Articles are intended to be a Charge of High-Treason, and which

of them of Crimes and Misdemeanours; without which, your Petitioner is like to be deprived of the Assistance of Counsel, granted by your Lordships Order.

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

William Cant.

Upon which Petition, this Order was formed.

Die Martis, 31 Octob.

Ordred, &c. That the Lord Archbishop of Canterbury shall have time to put in his Answer to the Impeachment of the House of Commons, until Monday the 13th of November next. And that this House doth forbear to declare any Opinion concerning the several Articles of the said Impeachment, but leaves it to his Counsel to do and advise as his Counsel shall think most fitting.]

My Counsel told me plainly, I might as well have no Counsel, if the Articles were not distinguished; for they were so woven one within another, and so knit up together in the Conclusion, that they might refer all to 'I reason, and so they be suffered to give me no Counsel at all in Matter of Fact. Hereupon they drew me another Petition to the same Effect, which I caused to be delivered *Novemb. 6.* but it received the same Answer. Then *Novemb. 7.* being *Wednesday,* I petition'd the House of Commons to the same purpose: And *Novemb. 8.* this my Petition was read in the House of Commons; and after a short Debate, the Resolution was, That they being my Accusers, would not meddle with any thing, but left all to the Order of the Lords, before whom the Business was, and my Counsel's own Judgment thereupon. This seemed very hard, not only to myself and my Counsel, but to all indifferent Men that heard it. In the mean time, I could resort no whither but to Patience and God's Mercy.

[Die Veneris, 10 Novemb. 1643.]

Ordred, That the Lieutenant of the Tower, or his Deputies, shall bring in Safety the Lord Archbishop of Canterbury before their Lordships on Monday the 13th of this Instant November, by Ten of the Clock in the Morning, to put in his Answer into the House to the Impeachment of the House of Commons, remaining now before the Lords in Parliament; and this to be a sufficient Warrant in that behalf.

To the Gentleman-Usher, &c.]

November 13. I appeared in the Parliament-House according to the Order, and was at the Bar. That which I spake to the Lords, was this: 'That I had no Skill to judge of the Streights 'into which I might fall by my Plea which I had 'resolved on, being left without all Assistance of 'my Counsel, in regard of the Nature and Form 'of the Impeachment that was against me. That

' yet

‘ yet my Innocency prompted me to a ready Obedience of their Lordships Order, casting myself wholly upon God’s Mercy, their Lordships Justice, and my own Innocency.’ Then I humbly desired that their Lordships Order first, and the Impeachment after, might be read. This done, I put in my Answer in Writing, as I was ordered to do, and humbly prayed it might be entered. My Answer was; *All Advantages of Law against this Impeachment saved and reserved to this Defendant, he pleads Not Guilty to all and every part of the Impeachment, in manner and form as ’tis charged in the Articles: And to this Answer I put my Hand.*

[*The Humble Answer of William Archbishop of Canterbury, to the further Articles of Impeachment of High-Treason and divers High Crimes and Misdemeanours exhibited against him by the Honourable House of Commons, according to Direction of an Order of this Honourable House of the 13th of Octob. last.*

All Advantages of Exception to the said Articles of Impeachment, to this Defendant saved and reserved, this Defendant humbly saith, That he is not guilty of all or any the Matters by the said Impeachment charged, in such manner and form as the same are by the said Articles of Impeachment charged.]

My Answer being thus put in, I humbly besought their honourable Lordships, ‘ To take into their Consideration my great Years, being ‘ Threescore and Ten compleat, and my Memory, and other Faculties, by Age and Affliction much decayed: my long Imprisonment, ‘ wanting very little of three whole Years, and ‘ this last Year little better than close Imprisonment: my want of Skill and Knowledge in the ‘ Laws to defend myself: the Generality and Incertainty of almost all the Articles, so that I ‘ cannot see any Particulars against which I may ‘ provide myself. In the next place, I did thankfully acknowledge their Lordships honourable ‘ Favour, in assigning me such Counsel as I desired: But I told their Lordships withal, that ‘ as my Counsel were most ready to obey their ‘ Lordships in all the Commands laid upon them, ‘ so there were certain Doubts arisen in them, ‘ how far they might advise me without offence; ‘ considering the Charges against me were so interwoven, and left without all Distinguishment, what is intended as a Charge of ‘ Treason, and what of Crime and Misdemeanour: ‘ That to remove these Doubts, I had humbly ‘ besought their Lordships twice for Distinguishment, by several Petitions: That their Lordships not thinking it fit to distinguish, I have ‘ without Advice of Counsel put in my Plea, as ‘ their Lordships see. But do most humbly pray, ‘ that their Lordships will take me so far into ‘ Consideration, as that I may not lose the benefit of my Counsel for Law in all, or any; and ‘ for Law and Fact, in whatsoever is not charged as ‘ Treason, when it shall be distinguished: As ‘ still my Prayers were, that by their Lordships ‘ Wisdom and honourable Direction, some way ‘ might be found to distinguish them; and that ‘ having (not without much difficulty) prevailed ‘ with my Counsel to attend, their Lordships ‘ would be pleased to hear them speak in this per-

plexed Business.’ While I was speaking this, the Lords were very attentive, and two of them took Pen and Paper at the Table, and took Notes: And it was unanimously granted, that my Counsel should be heard; and so they were. And the Order then made upon their Hearing was, that they should advise me, and be heard themselves in all things concerning Matter of Law, and in all things, whether of Law or Fact, that were not charged as Treason; and that they would think upon the Distinguishment in time convenient.

[Die Lunæ, 13 Novemb. 1643.

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

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

11 December 1643.

ORDERED, That the Committee for the Trial of the Archbishop of Canterbury do meet this Afternoon at Two of the clock in the Star-Chamber, to prepare the Evidence against the Archbishop of Canterbury; and to summon such Witnesses as are needful and prepare the Business fit for Trial, and to acquaint the House when they are ready; and this they are to do with all convenient speed they can and to have power to send for Parties, Witnesses, Papers, Records, &c. And the Care thereof is particularly committed unto Serjeant Wilde.]

Wednesday at Night, Jan. 3. 1643. I received an Order for my Appearance, and to answer to the Impeachment against me, on the Monday following, Jan. 8.

[Die Mercurii, 3 Jan. 1643.

IT is this Day ordered by the Lords in Parliament, That this House will proceed against William Laud Archbishop of Canterbury, upon the Impeachment brought up from the House of Commons for High Crimes and Misdemeanours, on Monday Morning next at Ten of the clock, being the eighth of this Instant January 1643. At which time the said Archbishop is to prepare himself for his Defence.

To the Gentleman-Usher attending this House, or his Deputy, to be delivered to the Lieutenant of the Tower, or his Deputy, for the Archbishop.

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

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

This Summons seemed sudden, after so great an Intermision; yet I could not petition for more

Time, till *Saturday, Jan. 6.* because (as the Messenger told me) the House sat not again till then. Then I petitioned for more Time, in regard my Counsel were not in Town: and I had Time given till *Tuesday, Jan. 16.* and that Day set pre-emptorily.

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

Humbly sheweth,

THAT your Petitioner having received your Lordships Command, by your Honourable Order of the 3^d of this Instant January, annexed, to attend and answer the Impeachments against your Petitioner, from the Honourable House of Commons, on Monday the 8th of this Instant January, which is but five Days distance, and at a Time when two of his three Counsel assigned are out of Town, and your Petitioner's Witnesses residing in several remote Places, cannot be summoned in so short a time, nor willing happily to come upon their Summons, without Warrant from your Lordships:

Your Petitioner's most humble Suit to your Lordships is, That you will honourably vouchsafe him some more convenient time to send for his Counsel and Witnesses, to testify in the Matters of Fact charged against him; and withal, to grant the Petitioner your Honourable Order, to command the Witnesses summoned to attend at the time by your Lordships to be appointed. Which his humble Request, your Petitioner had sooner presented to your Lordships, but that no Sitting hath been (as your Petitioner is informed) until this Day, since your Honourable Order in this behalf made known to him. And your Petitioner shall pray, &c.

William Cant.

Sabbati, 6 Jan. 1643.

WHereas the House formerly appointed Monday, being the 8th of this Instant January, 1643. to proceed against William Laud, Archbishop of Canterbury, upon the Impeachment brought up against him from the House of Commons for High-Treason, and High Crimes and Misdemeanours; upon reading the Petition of the said Archbishop, it is this Day ordered by the Lords in Parliament, to the end that the Counsel and Witnesses of the said Archbishop may have competent Time to attend the Hearing of the Cause, That this House will respite the Proceedings against the said Archbishop, upon the said Impeachment, until Tuesday the 16th of this Instant January, 1643. at Ten of the Clock in the Morning. At which Time the said Archbishop is pre-emptorily appointed to provide his Witnesses, and prepare his Defence unto the said Impeachments.

To the Gentleman-Usher, &c.]

Notwithstanding the shortness of this Time, my Counsel being out of Town, as not expecting it, I was on *Sunday, Jan. 7.* order'd again to appear in Mr. Smart's Suit the next Day. The Warrant bare date a Fortnight before; yet partly to sanctify the Sabbath, and partly to shew his great Civility to me in giving me warning, I was not served with it till *Sunday Night* at Seven of the Clock. The next Morning I went to *Westminster*, as I was commanded: but I was sent back, and

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

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

[Die Lunæ, 15 Jan. 1643.

IT is this Day ordered by the Lords in Parliament, that the Lieutenant of the Tower of London, or his Deputy, shall bring in Safety the Archbishop of Canterbury before their Lordships, on Tuesday the 16th this Instant January, by One of the Clock in the Afternoon; at which time this House will proceed against the said Archbishop upon the Impeachment brought up from the House of Commons against him for High-Treason, and high Crimes and Misdemeanours, and this to be a sufficient Warrant in that behalf.] Then I appear'd.

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

16 Jan. 1643.

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

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

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

[Hereupon Mr. Maynard spake to the Lords to this effect.

Mr. Maynard's Speech on this occasion.

My Lords,

IT now appears to your Lordships, how unwilling the Archbishop is (out of Conscience of his own Guilt) to come to his Trial, that in all this Space, from his first Impeachment, he hath not so much as put in any Answer to the original Articles, tho' he had long since Counsel assigned him for that purpose. My Lords, this is none of the Commons Fault, but his own: For your Lordships well know, that the Commons can take no notice what is done in the House of Peers in a Parliamentary way, but by a Message from your Lordships, who, after our Articles exhibited, were to call upon the Archbishop for an Answer to them. And your Lordships sending us several Messages heretofore, that the Archbishop had put in his Answer to the Articles, and that you were ready to bear our Charge against him, and appointing this Day for his Trial, the Commons thereupon conceived that he had formerly put in his Plea and Answer, in due Form, to all their Articles: But the contrary now appearing both to your Lordships and us,

it is impossible for us to proceed at this time on his Trial, there being no Issue joined upon the Original Articles, for want of an Answer to them; and to proceed upon the Additional before any Answer given to the Originals, will be very preposterous. Wherefore we humbly pray your Lordships, to order that the Archbishop may forthwith put in his Answer both to the Original and Additional Articles, by the Advice of his Counsel, or otherwise, in such a sort as he will stand to it: And then we shall without any Delay join Issue with him, proceed on in his Trial and Evidence against him, when your Lordships shall appoint.]

But by this Means there could not then be any Proceeding. So I was there peremptorily ordered to put in my Answer on Monday, Jan. 22. both to the original and additional Articles, and in Writing.

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

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

Die Martis, 16 Jan. 1643.

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

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

On the 19th of January the Archbishop sent this Petition to the Lords.

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

Sheweth,

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

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

your Petitioner in any wise enabled to prepare for his Defence of the same, as they now stand:

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

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

William Cant.]

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

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

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

And as to all the rest of the said first and farther Articles, this Defendant, saving to himself all Advantages of Exception to the said Articles, humbly saith, He is not guilty of all, or any of the Matters by the said Articles charged, in such

Manner

Manner and Form as the same are by the said Articles charged against him.

[The same Day the Lords, by Sir Robert Rich and Mr. Page, sent down this Answer of the Archbishop's to the House of Commons; which was read, and ordered to be referred to the Committee, appointed to manage the Evidence against the said Archbishop, and accordingly delivered to Serjeant Wilde.

And it was further, the same Day, ordered by the Commons, That the said Committee, appointed to manage the Evidence at the Trial of the Archbishop of Canterbury, do peremptorily meet this Afternoon, at three of the clock, in the Court of Wards, upon the Distribution of the Parts of the Evidence.]

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

[Die Lunæ, 4 Martii, 1643.

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

For which purpose the Lords made the following Order.

Die Lunæ, 4 Martii, 1643.

ORDERED, That the Archbishop of Canterbury shall appear before their Lordships on Tuesday the 12th of this Instant March, at Nine of the clock in the Morning. At which Time this House will proceed against the Archbishop upon the first and further Articles of Impeachment, brought up from the House of Commons against him for High-Treason, and High Crimes and Misdemeanours: whereof the said Archbishop is hereby to take notice, and provide himself accordingly.]

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

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

9 Martii, 1644.

THE humble Petition of William Archbishop of Canterbury, desiring that Sir Henry Mildmay may be examined as a Witness in his Business, he being to come to his Trial on Tuesday next, was this Day read; and it is ordered according to his Petition, That he shall be examined as a Witness at the Trial of the said Bishop accordingly. It was like-

wise then ordered, That divers Members of the House of Commons shall be examined as Witnesses against him; and that the Lords be moved by Serjeant Wilde, that some Members and Attendants of the Lords House be examined at the Archbishop's Trial. And that it be referred to the Committee of Sequestrations, to consider of some convenient Recompence for such Clerks, Solicitors, and others, as have been or shall be employed in the transcribing of Breviats, and other Services done by them to the Committee for the Bishop of Canterbury's Trial.]

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

1. The Committee appointed by the House of Commons, to manage and press the Evidence against me, were Serjeant Wilde, Mr. Brown, Mr. Maynard, Mr. Nichols, Mr. Hill. But none spake at the Bar but the first four. Mr. Hill was Consul Bibulus; Mr. Pryn was trusted with the providing of all the Evidence.

2. Mr. Pryn took to him two young Men to help to turn his Papers, and assist him; Mr. Grice and Mr. Beck. Mr. Grice was Son to Mr. Thomas Grice, Fellow of St. John Bapt. College in my Time, and after beneficed near Stanes.

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

4. When my Hearing came on, usually my Charge was in giving till almost Two of the clock. Then I was commanded to withdraw: And upon my humble Petition for Time to answer, I had no more given me than till Four the same Afternoon; scarce Time enough advisedly to peruse the Evidence: My Counsel not suffer'd to come to me till I had made my Answer, nor any Friend else, but my Solicitor Mr. Dell, to help to turn my Papers; and my Warder of the Tower to sit by to look to this. And this was not the least Cause why I was at first accused of no less than
Treason, ² Ne quis necessariorum ju- ² Tacit. L. 3.
varet periclitantem, Majestatis Crimina ² Annal.
subdebantur; as it fell out in Silanus's
Case, who had more Guilt about him (yet not of
Treason) than (God be thanked) I have, but was
prosecuted with like Malice, as appears in that
Story.

Story. At Four a-clock, or after, the House sat again, and I made my Answer: And if I produced any Witness, he was not suffered to be sworn; so it was but like a Testimony at large, which the Lords might the more freely believe, or not believe, as they pleased. After my Answer, one or more of the Committee replied upon me. By that time all was done, it was usually half an Hour past Seven. Then in the Heat of the Year (when it overtook me) I was presently to go by Water to the Tower, full of Weariness, and with a Shirt as wet to my Back with Sweat, as the Water could have made it, had I fallen in. Yet I humbly thank God for it, he so preserved my Health, as that tho' I were weary and faint the Day after, yet I never had so much as half an hour's Head-ach, or other Infirmity, all the time of this comfortless and tedious Trial.

5. Now for the Method, which I shall hold in this History of my Trial, it shall be this: I will set down the Evidence given on each Day by itself, and my Answer to it. But whereas all the Evidence was given together, and so my whole Answer after, to avoid all looking back and trouble of turning Leaves to compare the Answer with the Evidence, I will set down each particular Evidence and my Answer to it, and so all along, that the indifferent Reader may, without farther Trouble, see the Force of the one, and the Satisfaction given in the other, and how far every Particular is from Treason. And if I add any thing to my Answers in any place, either it is because in the Shortness of time then given me to make my Answer, it came not to my present Thoughts; or if it did, yet I forbear to speak it with that Sharpness, holding it neither fit nor safe, in my Condition, to provoke either my Accusers, or my Judges. And whatsoever is so added by me in either of these respects, the Reader shall find it thus^a marked in the Margin, as here it stands in this. *

6. Nor did I wrong Mr. Prynne, where I say, *That for all the haste to put in my Answer Jan. 22. he could not make this broken Business so soon ready against me:* For 'tis well known he kept a kind of School of Instruction for such of the Witnesses as he durst trust, that they might be sure to speak home to the purpose he would have them. And this an *Utter Barrister*, a Man of good Credit, knows; who, in the hearing of Men beyond Exception, said, *the Archbishop is a Stranger to me; but Mr. Prynne's tampering about the Witnesses is so palpable and foul, that I cannot but pity him, and cry shame of it.* When I heard this, I sent to this Gentleman, to know if he tendered my Case so far as to witness it before the Lords. The Answer I received was, That the Thing was true, and that very Indignation of it made him speak; but heartily prayed me I would not produce him as a Witness; for if I did, the Times were such, he should be utterly undone: And 'tis not hard to guess by whom. Upon this I consulted some Friends; and upon regard of his Safety on the one side, and my own Doubt, lest it forced to his undoing, he might thro' Fear blanch and mince the Truth to my own prejudice who produced him,

I forbear the Business, and left Mr. Prynne to the Bar of Christ, whose Mercy give him Repentance, and amend him. But upon my Christianity this Story is Truth.

The First Day of my Hearing.

AND now I come to Tuesday, *March 12. 1643:* the Day appointed for my Trial to begin: And begin it did.

[The Archbishop about Three of the clock in the Afternoon was brought by the Lieutenant of the Tower and Usher of the Black Rod to the Bar in the Lords House; where after he had kneeled a little Space, the Lord Gray of Werk, Speaker pro tempore, commanded him to rise up. And the Committee of the House of Commons, appointed to manage the Evidence at his Trial, demanded that the several Articles of their Impeachment against him might be read. Whereupon one of the Clerks of the Lords House read both the Original and Additional Articles before mentioned, and after that his Answer, Plea, and Demurrer thereunto.

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

I. *That if the Archbishop's Memory was so bad, it would be far worse for him to charge it with answering many Particulars, and the whole Evidence against him together, than to answer every particular Charge each Day, as it should be given in against him, whilst it was fresh in Memory.*

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

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

IV. *Because else all the Witnesses, which were very many, must of necessity attend, and be kept in Town from the first to the last Day of his Trial; which would be a very great Charge and Inconvenience.*

V. *In the Earl of Strafford's Case, this very Parliament, he was put to answer every Day to the Particular Evidence given against him on the same Day.*

Upon which Reasons the House of Peers ordered, that the Archbishop should make his particular Answer to every particular Charge on the same Day it was given in against him.

Then the Archbishop desired, that the House of Commons would sever the Articles which were Treason from those other Articles which were matter of Crime and Misdemeanor only; that so he might know which

* Note, *That where entire set Speeches were made by the Archbishop, altho' spoken by him at the Bar, the same Marks are put to them. But wheresoever those Marks are found in the History, from the second to the last Day of the Trial inclusive, the Words to which they are affixed were not spoken at the Bar at that time, but either added afterwards by the Archbishop at the Recapitulation, of his Answer, or inserted in writing the History. H. W.*

which of them were Treason, and which not. Here-
to Mr. Maynard answered, That this they might not
do, because they were now only to try the Matter of
Fact, not Law; and because all the Articles taken
together, not each or any particular Article by it-
self, made up the Treason wherewith he was char-
ged; to wit, His Endeavours to subvert and destroy
Religion, the fundamental Laws of the Land, and
Government of the Realm, and to bring in Popery
and an arbitrary Tyrannical Government against
Law.]

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

He began, and told the Lords, That the Chil-
dren which I had travailed with, were now come
to the Birth; and that my Actions were so foul,
and my Treason so great, as that the like could
not be read in any History; nay, so great, as
that *nullus Poeta fingere*, no Poet could ever feign
the like. And that if all Treason were lost, and
not to be found in any Author what it is, it might
be recovered and found out in me and my Ac-
tions: with divers Pieces of *Latin* Sentences to this
effect. [And tho' these high and loud Expressions
troubled me much at the present, yet I could not
but think, that in this *Canto* of his he was much
like one of them which cry up and down the City,
Have you any old Ends of Gold and Silver?]

After this, he proceeded to give Reasons why
I was not sooner proceeded against, having now
lain by it above three Years. The first Reason he
gave was the Distractions of the Time. [And
they indeed were now grown great; but the Di-
stractions which were now, can be no Argument
why I was not proceeded against at the Beginning
of the Parliament, when Things were in some bet-
ter Quiet.] His second Reason was

^a The Death
and Dispersion
of our Witnes-
ses, the Loss of
some of our
Members, who
have been em-
ployed and ta-
ken pains in
this Business.
So Wilde's
Speech apud
Prynne, p. 51.

the ^a Death of some Persons. [But
this could be no Reason at all: For
if the Persons he speaks of were Wit-
nesses against me, more might die,
but the dead could not be made alive
again by this Delay; unless Mr. Ser-
jeant had some hope the Resurrection
might have been by this time, that
so he might have produced them.
And if the Persons were Members of
the House of Commons, as all Men

know Mr. Prynne was in the Chair for Preparation
of my Tryal; then this is known too, That Mr. Prynne
came up to the Committee of Lords full of great
hopes to prove God knows what against me.
The Persons to be examined were *William* Lord
Bishop of *London*, and *Matthew* Lord Bishop of
Ely, my very worthy Friends, and Men like to
know as much of me as any Men. A Lord then
present told me, there were some eighteen or nine-
teen Interrogatories, upon which these Bishops
were to be examined against me, concerning my
Intercourse with *Rome*; but all were built upon
the first, which was their Knowledge of the Man,
who (it seems) was thought to be my chief Agent

in that Secret. But both the Bishops denying up-
on their Oaths that they, or either of them, ever
knew any such Man, all the rest of the Interro-
gatories, what relations he had to me, and the like,
must needs fall to nothing, as they did. And the
Lord told me farther, he never saw Mr. Prynne,
and the rest, so abashed at any thing in his Life.
After this Mr. Prynne (as 'tis well known) gave
over that Chair, despairing to do that against me
which was desired.] His third Reason was a good
large one, and that was ^b other Im-
pediments. [And that's true, some
Impediments there were, no doubt,
or else I had come sooner to hear-
ing. And, as I conceive, a chief
Impediment was, that there was not
a Man whose Malice would make
him diligent enough to search into
such a forsaken Business, till Mr. Prynne offered
himself to that Service. For I think I may be
confident, that that honourable and great House
would not seek any Man out of their own Body
for any such Employment, had not Suit some way
or other been made for it.]

^b The Multi-
tude of Diver-
sions which
we have had,
and have dai-
ly. So Wilde's
Speech, Ibid.

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

^c Treason in
the highest
Pitch and Al-
titude. So
Wilde's
Speech, p. 52.

This Treason in the Altitude, he said, was in
my Endeavour to alter the Religion established by
Law, and to subvert the Laws themselves: And
that to effect these, I left no way unattempted.
For Religion, he told the Lords, That I laboured
a Reconciliation with *Rome*; That I maintained
Popish and *Arminian* Opinions; That
I suffered ^d Transubstantiation, Justi-
fication by Merits, Purgatory, and
what not, to be openly preached all
over the Kingdom; That I induced
superstitious Ceremonies, as ^e Con-
secrations of Churches, and Chalice,
and Pictures of Christ in Glass-Win-
dows; That I gave liberty to the
Prophanation of the Lord's-Day;
That I held Intelligence with Cardi-
nals and Priests, and endeavoured to
ascend to Papal Dignity; Offers be-
ing made me to be a Cardinal. [And
for the Laws, he was altogether as wild in his
Assertions, as he was before for Religion: And if
he have no more true Sense of Religion, than
he hath Knowledge in the Law (tho' it be his
Profession) I think he may offer both long
enough to Sale, before he find a Chapman for
either.] And here he told the Lords, That I held
the same Method for this, which I did for Reli-
gion. [And surely that was to uphold both, had
the Kingdom been so happy as to believe me.]

^d Transubstan-
tiation is not
mentioned in
Wilde's Speech
apud Prynne.
p. 52.

^e The particu-
lar Ceremo-
nies, charged
with Popery
and Supersti-
tion, are not
named in
Wilde's
Speech. Ibid.

a None of the Particulars, which follow to the end (save the conclusive Sentence) are to be found in Wilde's Speech apud Pryn; but only, some general Invectives and declamations to this purpose.
H. W.

But he affirmed (with great Confidence) * That I caused Sermons to be preached in Court to set the King's Prerogative above the Law, and Books to be printed to the same Effect; That my Actions were according to these. Then he fell upon the Canons, and discharged them upon me. Then, that I might be guilty enough, [if his bare Word could make me so] he charged upon me the Benevolence, the Loan, the Ship-Money, the illegal pulling down of Buildings, Inclosures; saying, That as

Antichrist sets himself above all that is called God; so I laboured to set the King above all that is called Law. And after a tedious Stir, he concluded his Speech with this, That I was like Naaman the Syrian, a great Person (he confessed) but a Leper. [So ended this Noble Celeustes.]

[Here follows Serjeant Wilde's Speech entire.

My Lords,

THIS great Cause of the Archbishop of Canterbury, after a long and painful Travail, is now come to the Birth; of which it may be truly said, as it was in a like Case, Repertum est hodierno die facinus, quod nec Poeta fingere, nec Histrio sonare, nec Minus imitari potuerit.

For if all the Oppressions, all the pernicious Practices and Machinations, which have been in each Time to ruinate our Religion, Laws, and Liberties, were lost, I think here they might have been found and drawn out again to the Life. So that your Lordships, who have been the great Assertors of our Liberties, and stood so fast to the Rules and Principles of your noble Progenitors, (which others have ignobly deserted) may, after a long Conflict with so many great and matchless Difficulties, say now as a great Commander once did upon an extraordinary Danger, Tandem par animo meo periculum video. Here is a Cause proportionable to your selves, apt and proper for the Justice and Power of this Honourable Court.

Had they been Faults of common Frailty, Error, or Incogitancy, which this Man hath committed, we should gladly have stepped back, and cast a Cloke over them; but being so wilful, so universal, so destructive to the Laws of God and Man, so comprehensive of all the Evils and Miseries which now we suffer, the Sin would lie upon our own Heads, if we should not call for Justice. Which that it hath been so long uncalled for, (not deferred or delayed) I suppose no Man will think strange, who considers the present Distractions, the Death and Dispersion of our Witnesses, the Loss of some of our Members who have been employed and taken Pains in this Business, the Multitude of Diversions we have had, and have daily, occasioned by the Acts and Influences of this Meteor.

But the Truth survives, and Matter enough survives; so copious and so full of Variety, that if all the Particulars should be examined, for his three Years Imprisonment, which he complains of, there would be three Years Time of Trial and Hearing of the heavy Charge that lies against him. A Charge of High-Treason: Treason in all and every Part: Treason in the highest Pitch and Altitude. For what greater

Treason can there be, than to betray the whole Realm; and to subvert the very Foundations, leaving nothing for Posterity but a Curse upon him that shall go about to build again?

That which of itself is so heinous, is much more enhanced and aggravated by the Quality of the Person, a Churchman, a great Prelate, a Man in great Trust, Place, and Authority in Church and Commonwealth.

A Man indued with so great Gifts of Nature, and so many of Grace and Favour from his Majesty; and for all these to be perverted to a contrary End, even to the Destruction of the Publick, and the Ruin of the Womb that bare him, how deep a Dye do these impose upon this foul Crime?

How Churchmen in all Ages (as hath been often observed) should come to be the archest Seedsmen of Mischief, and principal Actors in all the great Distractions and Alterations that have happened, is a Destiny that may seem strange. But the Reason is; (Ex bono Theologo malus Medicus) their intermeddling with temporal Things and Matters heterogeneous to their Calling, wherein God is pleased to smite them with Blindness, and to infatuate their Counsel. Whereof a perfect Pattern we have in this great Prelate; who, by abusing his Profession, and making the Business of State the customary Subject of all his Endeavours, became the Author of all the illegal and tyrannical Proceedings in the Star-Chamber, High-Commission Court, and other Courts; of all the Innovations in Doctrine and Discipline; of the suppressing of godly Ministers and Preaching; of the advancing of others, who were the Promoters of Popery and Arbitrary Power; and indeed, of all the Concussions and Distractions in Church and State, whereby Religion hath been jostled out, Laws and Parliaments trodden down with Contempt.

For Matter of Religion, surely those Times were happy, when by the Magnanimity of Princes, and the Wisdom and Piety of our Predecessors, the Antichristian Yoke of Popery was shaken off.

And now after so many bloody Massacres in France, such fiery Persecutions here in Queen Mary's Days, so many treacherous Conspiracies in time of Queen Elizabeth, that execrable and horrid Powder-Plot in the Time of the late King James, such Streams and Rivers of Blood in Germany and Ireland, and other Parts of the Christian World ever since, by those restless and cruel Firebrands of all Mischief: for any Man now to go about to rebuild these Walls of Jericho, and to reduce us to those rotten Principles of Error and Darkness, how can it be expected better than that the People should be even ready to stone him, as they did him that did but act the Part of Bellerophon in Rome?

But to avoid this Danger, he conveys this Poison in a gilded Pill, with Baits and Pretences of Reconciliation; a pleasing Snare, Laqueus Diaboli ad miserorum animas ad infernum detrudendas.

A Bead-Roll of Particulars might be recited, wherein this Reconcilement was to be wrought in Points of Free-Will, Merits, Justification, Universal Grace, Purgatory; and, in effect, all the rest.

To draw on these, there must be an introducing of Popish Ceremonies in all the Particulars contained in the Mass-Books, and Pontificals themselves: And to make way for these, the Book of Sports must be published, and pressed beyond the King's Intention or Declaration, which was but a civil Command: But he subjoins Ecclesiastical Penalties, even the sharpest, Suspension, Deprivation, and the like; these executed

on divers good and godly Men with a high Hand. Thus a Liberty proclaimed not to Captives, but to profane Caitiffs; this Day set apart by God ab æterno, exposed and prostituted to all Looseness and Irreligion, and that by a Law; This Lamb taken out of his Bosom.

Jehosaphat sends Priests and Levites into all the Cities and Tribes to instruct them: This Prelate sends Declarations and Injunctions to corrupt them, and to extinguish the Lamp and Light of Religion. In the former Acts, he destroys the Protestants; in this, Religion itself. In the one, he leaves Superstition; in the other, nothing but Atheism and Profaneness: In the one, he destroys Presbyters, as did Dioclesian; in the other, Presbyterium, as did the Apostate Julian. Yet to shew his Love to Religion, (the Pope's only) he holds Correspondency with those of Rome, Cardinal Barberino, Panzani, Con, Rosetti, the Pope's Nuncios, Sir Toby Matthews, Saint Clara, Saint Giles, the most dangerous and desperate Jesuits, and many others ejusdem Farinæ. And by all these Steps and Rounds he makes a Ladder for himself to climb up to Papal Dignity; in example of Anselme, whom (tho' famous for his Contumacy and Rebellion) yet he calls him his worthy Predecessor, (as was Becket also) and is contented to take upon him the Plenitude of Power, the Title of Holiness, of Archangel of this Church, the Lineal Successor of Gregory the First, rather of Gregory the Seventh; and for all this was well worthy to have these great Offers made him, recorded in his own Memorials, by those that had Ability to perform it, (viz.) a Cardinal's Cap. But such was his Modesty to forbear it; because, tho' Rome be a true visible Church in his Opinion, yet something dwelt with him that hindered it for a time, to wit, I suppose his dwelling here.

For his Attempts against the Laws, the Subject's Birth-right, and the Rights of Parliaments, their chief Support and Refuge, how little Regard he had to them, how much he did despise and abhor them, making it his Ambition to prefer the Contemners and Abusers of them, and to set up his Canons and Constitutions above them, imposing of unjust and unlawful Oaths, Exactions, Monopolies, all sorts of Oppressions, stopping of Prohibitions and Course of Justice, rescinding of Acts of Parliament, advancing of Proclamations, and all kind of Arbitrary Power above the Laws of God or Man; is fully expressed in the Articles, and will more fully appear in the Evidence. To conclude, Naaman was a great Man; but he was a Leper. This Man's Leprosy hath so infected all, as there remains no other Cure but the Sword of Justice; which we doubt not but your Lordships will so apply, that the Commonwealth shall yet live again and flourish.]

I was much troubled to see myself, in such an Honourable Assembly, made so vile: Yet seeing all Mens Eyes upon me, I recollected myself, and humbly desired of the Lords two Things: ' One, ' That they would expect Proof, before they give ' up their Belief to these loud, but loose Affertions: Especially since it an easy thing for Men ' so resolved, to conviciate, instead of accusing; ' whenas the Rule given by Optatus ' holds firm, *Quum intenditur Crimen,* ' when a Crime is objected, (espe- ' cially so high a Crime, as this charg- ' ed on me) 'tis necessary that the Proof be mani- ' fest, which yet against me is none at all. The ' other, That their Lordships would give me ' leave, not to answer this Gentleman's Particulars,

Optat. l. 6. cont. Parmenianum.

(for that I shall defer till I hear his Proofs) but ' to speak some few things concerning myself, ' and this grievous Impeachment brought up a- ' gainst me.'

Which being yielded unto, I then spake as follows.

' My Lords, my being in this Place, and in ' this Condition, recalls to my Me- ' mory, that which I long since read Sen. l. 6. de Benef. c. 28. ' in Seneca; *Tormentum est, etiamsi absolutus quis fuerit, Causam dixisse:* ' 'Tis not a Grief only, no, 'tis no less than a ' Torment, for an ingenuous Man ' to plead ' Criminally, much more a Capitally or Criminally, Rushworth & Pryn. ' Capitally, at such a Bar as this; ' yea, tho' it should so fall out, that ' he be absolved. The great Truth ' of this, I find at present in myself: And so ' much the more, because I am a Christian; and ' not that only, but in Holy Orders; and not so ' only, but by God's Grace and Goodness pre- ' ferred to the greatest Place this Church affords: ' and yet now brought, *Causam dicere*, to plead, ' and for no less than Life, at this great Bar. ' And whatsoever the World thinks of me, (and ' they have been taught to think b Much more, Rushw. & Pryn. ' more ill, than, I humbly thank ' Christ for it, I was ever acquainted ' with;) yet, my Lords, this I find ' *Tormentum est*; 'tis no less than Torment to me ' to appear in this Place to such an Accusation. ' Nay, my Lords, give me leave, I beseech you, ' to speak plain Truth: No Sentence that can ' justly pass upon me, (and other I will never fear ' from your Lordships) can go so near me as ' *Causam dixisse*, to have pleaded for myself, upon ' this Occasion, and in this Place. For, as for the ' Sentence (I thank God for it) I am at St. Paul's ' Ward; *If I have committed any thing worthy of death, I refuse not to die*, Acts xxv. 11. For, I ' bless God, I have so spent my Time, as that I ' am neither ashamed to live, nor afraid to die. ' Nor can the World be more weary of me, than ' I of it: For seeing the Malignity which hath ' been raised against me by some Men, I have ' carried my Life in my Hands these divers Years ' past. But yet, my Lords, if none of these ' Things, whereof these Men accuse me, merit ' Death by Law; tho' I may not in this Case, and ' from this Bar appeal unto *Cæsar*, yet to your ' Lordships Justice and Integrity I both may and ' do appeal; not doubting but that God of his ' Goodness will preserve my Innocency. And as ' *Job*, in the midst of his Affliction, said to his ' mistaken Friends, so shall I to my Accusers; ' *God forbid I should justify you; till I die I will not remove my Integrity from me; I will hold it fast, and not let it go: my Heart shall not reproach me as long as I live*, Job xxvii. 5.

' My Lords, I see by the Articles, and have ' now heard from this Gentleman, that the Charge ' against me is divided into two c An Endeavour to subvert, Rush. & Pryn. ' main Heads; ' the Laws of the ' Land, and the Religion by those ' Laws established.

' For the Laws first; I think I may safely say, ' I have been, to my Understanding, as strict an ' Observer of them all the Days of my Life, so ' far as they concern me, as any Man hath; and ' since I came into Place, I have followed them, ' and been as much guided by them, as any Man ' that sat where I had the Honour to sit. And ' for

^a *Testimony,*
^{Rush. &}
^{Prynne.}
 ' for this I am sorry I have lost the
 ' = Witness of the Lord Keeper Co-
 ' ventry, and of some other Persons
 ' of Honour, since dead. And the
 ' Learned Counsel at Law, which attended fre-
 ' quently at the Council-Table, can
^b *Live present,*
^{Heylin &}
^{Rush. &}
^{Prynne.}
 ' witness (some of them ^b) that in
 ' References to that Board, and in
 ' Debates arising at the Board, I
 ' was usually for that Part of the Cause where
 ' I found Law to be: And if the Counsel de-
 ' sired to have their Clients Cause referred to
 ' the Law, (well I might move in some Cases for
 ' Charity or Conscience to have Admittance, but)
 ' to the Law I left them, if thither they would
 ' go. And how such a Carriage as this thro'
 ' the whole Course of my Life, in private and
 ' publick, can stand with an Intention, nay, a
 ' Practice to overthrow the Law, and to intro-
 ' duce an Arbitrary Government, which my Soul
 ' hath always hated, I cannot yet see. And 'tis
^c *Arist. 2. Polit.*
^{c. 7, 8.}
 ' my great Master (*in humanis*) *Aris-*
 ' *totle, Periculosum esse; that it is a ve-*
 ' *ry dangerous thing to trust to the Will*
 ' *of the Judge, rather than the written Law.* And
 ' all Kingdoms and Commonwealths have followed
^d *Tho. 2. 2. c. 9.*
^{Co. Ar. 5.}
 ' his Judgment ever since; and the
 ' School-Disputes have not dissented
 ' from it. Nay more, I have ever
 ' been of Opinion, that human Laws
 ' bind the Conscience; and have accordingly made
 ' Conscience of observing them. And this Doctrine
 ' I have constantly preached, as Occasion hath
 ' been offered me. And how is it possible I should
 ' seek to overthrow those Laws, which I held
 ' myself bound in Conscience to keep and ob-
 ' serve? Especially, since an Endeavour to over-
 ' throw Law, is a far greater Crime than to break
 ' or disobey any particular Law whatsoever; all
 ' Particulars being swept away in that General.
 ' And, my Lords, that this is my Judgment, both
 ' of Parliaments and Laws; I beseech your Lord-
 ' ships that I may read a short Passage in my
 ' Book against *Fisher* the Jesuit, which was printed
 ' and published to the World, before these Troubles
 ' fell on me, and before I could so much as suspect
 ' this Charge could come against me; and there-
^e *Confer. with*
^{Fisher, §. 26.}
^{Num. 14.}
^{p. 211.}
 ' fore could not be purposely writ-
 ' ten to serve any Turn.' *I had leave,*
 ' *and did read it; but, for Brevity-*
 ' *sake, refer the Reader to the Book itself.*
 ' As for Religion, I was born and
 ' bred up in and under the Church of *England,*
 ' as it yet stands established by Law. I have,
 ' by God's Blessing, and the Favour of my Prince,
 ' grown up in it to the Years which are now
^f *note,* ^{Rush.}
^{& Prynne.}
 ' upon me, and to the Place of Pre-
 ' ferment which I 'yet bear: And
 ' in this Church, by the Grace and
 ' Goodness of God, I resolve to die.
 ' I have ever since I understood ought in Divinity,
 ' kept one constant Tenor in this my Profession,
 ' without variation or shifting from one Opinion
 ' to another, for any worldly Ends: And if my
 ' Conscience would have suffered me to shift
 ' Tenets in Religion with Time and Occasion,
^g *held a Pal-*
^{si, &c. most}
^{dangerous,}
^{Rush.}
 ' I could easily have slid thro' all
 ' the Difficulties which have pressed
 ' upon me in this kind. But, of all
 ' Diseases, I have ever ^h hated a Palsy
 ' in Religion; well knowing that

' too often a Dead-Palsy ends that Disease in
 ' the fearful Forgetfulness of God and his Judg-
 ' ments. Ever since I came in place, I laboured no-
 ' thing more, than that the external
 ' publick Worship of God (^h too ^h *so,* ^{Rush. &}
^{Prynne.}
 ' much slighted in most Parts of this
 ' Kingdom) might be preserved, and
 ' that with as much Decency and Uniformity as
 ' might; being still of Opinion, that Unity
 ' cannot long continue in the Church, where Uni-
 ' formity is shut out at the Church-Door. And I
 ' evidently saw, that the publick Neglect of God's
 ' Service in the outward Face of it, and the nasty
 ' lying of many Places dedicated to that Service,
 ' had almost cast a Damp upon the true and inward
 ' Worship of God; which while we live in the
 ' Body needs external Helps, and all little enough
 ' to keep it in any Vigour. And this I did to the
 ' uttermost of my Knowledge, according both to
 ' Law and Canon, and with the Consent and
 ' Liking of the People: Nor did any Command
 ' issue out from me against the one, or without
 ' the other, that I know of.
 ' Farther, my Lords, give me
 ' leave, I beseech you, to tell ⁱ you
ⁱ *acquaint you*
^{with,} ^{Rush.}
^{& Prynne.}
 ' this also: That I have as little Ac-
 ' quaintance with Recusants of any
^k *my Place*
^{hath or ever}
^{had since the}
^{Reformation,}
^{Rush. &}
^{Prynne.}
 ' fort, as I believe any Man of ^k Place
 ' in *England* hath: And for my Kin-
 ' dred, no one of them was ever a
 ' Recusant, but Sir *William Webb,*
 ' Grandchild to my Uncle Sir *Wil-*
 ' *liam Webb,* sometime Lord-Mayor
^l *since which*
^{Rush. &}
^{Prynne.}
 ' of *London;* and ^l him, with some
 ' of his Children, I reduced back a-
 ' gain to the Church of *England,* as is well known,
 ' and I as able to prove.
 ' One thing more I humbly desire may be
 ' thought on; 'tis this: I am fallen into a great
 ' deal of Obloquy in Matter of Religion, and
 ' that so far as that 'tis charged in the Articles,
 ' That I have endeavoured to advance and bring
 ' in Popery. Perhaps, my Lords, I am not igno-
 ' rant what Party of Men have raised this Scandal
 ' upon me, nor for what End, nor perhaps by
 ' whom set on: But howsoever, I would fain have
 ' a good Reason given me (if my
^m *stood,* ^{Rush.}
^{& Prynne.}
 ' Conscience ^m led me that way,
 ' and that with my Conscience I
 ' could subscribe to the Church of
 ' *Rome*) what should have kept me here (before
ⁿ *Libelling,*
^{Rush. &}
^{Prynne.}
 ' my Imprisonment) to endure the
 ' ⁿ Libels and the Slanders, and the
 ' base Usage in all kinds, which
 ' have been put upon me, and these
 ' to end in this Question for my Life: I say, I
 ' would fain know a good Reason of this.
 ' For, First, my Lords, Is it because of any
 ' Pledges I have in the World to sway me against
 ' my Conscience? No sure. For I have nor Wife
 ' nor Children, to cry out upon me to stay with
 ' them; and if I had, I hope the Call of my
 ' Conscience should be heard above them.
 ' Or Secondly, Is it because I was loth to leave
 ' the Honour and the Profit of the Place I was
 ' risen unto? Surely no: for I desire your Lord-
 ' ships, and all the World else should know, I do
 ' much scorn Honour and Profit, both the one
 ' and the other, in comparison of my Conscience.
 ' Besides, it cannot be imagined by any reasonable
 ' Man, but that if I could have complied with
 ' *Rome,* I should not have wanted either Honour

or Profit. And suppose I could not have so much
 of either, as here I had; yet sure, would my
 Conscience have served me that way, less of either
 with my Conscience would have prevailed with
 me, more than greater against my Conscience.

Or Thirdly, Is it because I lived here at ease,
 and was loth to venture the Loss of that? Not
 so neither: for whatsoever the World may be
 pleased to think of me, I have led a very painful
 Life, and such as I could have been very well
 content to change, had I well
 known how. And had my Con-
 science led me that way, I am
 sure I might have lived at far more
 Ease; and either have avoided the barbarous Li-
 bellings, and other bitter and grievous Scorns,
 which I have here endured, or at the least been
 out of the hearing of them, Nay, my Lords,
 I am as innocent in this Business of Religion, as
 free from all Practice, or so much as Thought of
 Practice for any Alteration to Popery, or any
 way blemishing the true Protestant Religion,
 established in the Church of *England*, as I was
 when my Mother first bare me into the World.
 And let nothing be spoken against me but Truth,
 and I do here challenge whatsoever is between
 Heaven and Hell, to say the worst against me
 in Point of my Religion: in which, by God's
 Grace, I have ever hated Dissimulation; and had
 I not hated it, perhaps it might have been better
 with me for worldly Safety, than now it is. But
 it can no way become a Christian Bishop to halt
 with God.

Lastly, If I had any Purpose to blast the true
 Religion established in the Church of *England*,
 and to introduce Popery, sure I took a very wrong

Way to it. For, my Lords, I have
 staid as many that were going to
 Rome, and reduced as many that
 were already gone, as (I believe)

any Bishop or other Minister in this
 Kingdom hath done; and some of them Men
 of great Abilities, and some of
 them Persons of great Place.

And is this the way, my Lords, to
 introduce Popery? I beseech your
 Lordships consider it well. For
 surely, if I had blemished the true
 Protestant Religion, I could not
 have settled such Men in it; and if
 I had purposed to introduce Po-
 pery, I would never have reduced
 such Men from it. And tho' it
 please the Author of the *Popish Royal*
Favourite to say, *That scarce one of*
the swaying Lord Prelates is able to say,
that ever he converted one Papist to our
Religion; yet how void of Charity
 this Speech of his is, and how full

of Falshood, shall appear by the Number of those
 Persons, whom by God's Blessing upon my Labours
 I have settled in the true Protestant Religion esta-
 blished in *England*: And with your Lordships
 Leave, I shall name them, that you may see both
 their Number and their Condition; tho' I cannot

set them down in that order of Time, in which
 I either converted or settled them.

1. And first; *Henry Birkhead* of *Trinity-College*
 in *Oxford* was seduced by a Jesuit, and brought
 up to *London* to be conveyed beyond the Seas.
 His Friends complained to me: I had the Hap-
 piness to find him out, and the Blessing from
 God to settle his Conscience. So he returned to
Oxford, and there continued*.

2, 3. Two Daughters of Sir *Rich. Lechford* in
Surrey were sent to Sea, to be carried to a Nun-
 nery. I heard of it, and caused them to be
 brought back, before they were got out of the
Thames. I settled their Consciences, and both
 of them sent me great Thanks since I was a Pri-
 soner in the *Tower*.

4, 5. Two Scholars of *St. John's-College* in *Cam-*
bridge, *Topping* and *Ashton*, had slipped away from
 the College, and here at *London* had got the *French*
 Ambassador's Pass (I have the Pass to shew:) I
 found Means to get them to me, and I thank God
 settled both their Minds, sent them back to their
 College. Afterwards hearing of *Topping's* Wants,
 I allowed him Means till I procured
 him a Fellowship: And he is at
 this Time a very hopeful young
 Man, as most of his Time in that
 University, a Minister, and Chaplain in Hou-
 at this present, to the Right Honourable the
 Earl of *Westmorland*.

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

10, 11. The next, in my Remembrance, was
 the Lord *Maio* of *Ireland*, who, with another
 Gentleman (whose Name I cannot
 recal) was brought to me to *Ful-*
ham, by Mr. *Jefford*, a Servant of
 his Majesty's, and well known to
 divers of your Lordships.

12. The Right Honourable the Lord Duke of
Buckingham was almost lost from the Church of
England, between the continual cunning Labours
 of *Fisher* the Jesuit, and the Per-
 suasions of the Lady his Mother.
 After some Miscarriages, K. *James*,
 of ever-blessed Memory, command-
 ed me to that Service. I had God's Blessing upon
 me so far as to settle my Lord Duke to his
 Death. 13. And I brought the
 Lady his Mother to the Church
 again; but she was not so happy,
 as to continue with us.

14. The Lady Marchioness *Ha-*
milton was much solicited by some
 Priest, and much troubled in Mind about it.
 My Lord spake with me of it; and tho' at that
 present I was overlaid with Business, that I
 could not (as I much desired) wait upon that Ho-
 nourable

* See Rushworth, Vol. 5. p. 778. who relateth, that when some of the Lords hearing of the Name of Birkenhead, and imagi-
 ning him to be the Author of the Oxford Aulicus, smiled at it; the Archbishop taking notice of it, stopped, and assured the Lords
 that he meant not him, but another Person of like Name. Yet after all Prynne, in publishing this Speech, hath the Impudence to af-
 firm in the Margin of his Book, That this Convert of the Archbishop's, was the Author of all the libellous Popish Oxford Aulicus's;
 altho' he knew full well, that his Name was John Birkenhead: and adds, that at the naming of this Convert, most of the Lords
 and Auditors smiled; but saith not one Word of the Archbishop's Correction of their Mistake. H. Wharton.

‘nourable Person myself, yet I told my Lord I would send one to his Lordship, that should diligently attend that Service, and that I would give him the best direction I could. And this I did and God be thanked she died very quietly and very religiously, and a good Protestant: And my Lord Marquis told me, he had acknowledged this Service of mine to an Honourable Lord, whom I now see present.

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

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

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

‘19. There were, beside these, Mr. *Christopher Seburne*, a Gentleman of an antient Family in *Herefordshire*; and 20. Sir *William Spencer* of *Yarnton* in *Oxfordshire*. 21. The Sons and Heirs of Mr. *Wintchome* and Mr. *Williscot*, whom I sent with their Friends good-liking to *Wadham College* in *Oxford*; and I received a Certificate, *Anno* 1638,

of their continuing in conformity to the Church of *England*: nor did ever any of these relapse again to *Rome*, but only the old Countess of *Buckingham*, and Sir *William Spencer* that ever I

heard of. And if any of your Lordships doubt of the Truth of any of these Particulars, I am able and ready to bring full Proof of them all. And by this time I hope it appears, that one of the swaying Prelates of the time is able to say, he hath converted one Papist to the Protestant Religion. And let any Clergyman of *England* come forth, and give a better Account of his Zeal to this present Church.

‘And now, my Lords, with my most humble Thanks for your Lordships Favour and Patience in hearing me, I shall cease to be farther troublesome for the present; not doubting but I shall be able to answer whatever shall be particularly objected against me.’

After I had ended this Speech, I was commanded to withdraw. As I went from the Bar, there was Alderman *Hoyle* of *York*, and some other which I knew not, very angry, and saying, it was a very strange Conversion that I was like to make of them; with other Terms of Scorn. I went patiently into the little Committee-Chamber, at the

entering into the House. Thither Mr. *Peters* followed me in great haste, and began to give me ill Language, and told me that he and other Ministers were able to name Thousands that they had converted. I knew him not, as having never seen him (to my remembrance) in my Life, tho' I had heard enough of him. And as I was going to answer him, one of my Counsel, Mr. *Hearn*, seeing how violently he began, stepped between us, and told him of his uncivil Carriage towards me in my Affliction: and indeed he came as if he would have struck me. By this time, some Occasion brought the Earl of *Effex* into that Room, and Mr. *Hearn* complained to him of Mr. *Peters's* Usage of me; who very honourably checked him for it, and sent him forth. Not long after, Mr. *Hearn* was set upon by Alderman *Hoyle*, and used as coarsly as *Peters* had used me, and (as far as I remember) only for being of Counsel with such a one as I; tho' he was assigned to that Office by the Lords.

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

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

The Second Day of my Hearing.

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

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

II. He hath, for the better Accomplishment of that his traitorous Design, advised and procured divers

‘Hundreds of real Converts to Christ, for every one of his pretended ones, and that himself had converted above 120 Papists. Prynne. p. 56.’

‘a Gentleman. Rush. & Prynne.’

‘*Wintchomb*, Rush. & Prynne. ‘*Williscot*, Rush. & Prynne.’

‘It being only in God's power not mine, to preserve them from Relapse; Rush. & Prynne. Note, That the vulgar Copies of this Speech, printed in Rush. &c. are very different from this, being taken from the Archbishop's Mouth as he spoke; this from the Original, as he wrote it. H.W.’

divers Sermons, and other Discourses, to be preached, printed and published, in which the Authority of Parliaments, and the Force of the Laws of the Kingdom are denied; and an absolute and unlimited Power over the Persons and Estates of his Majesty's Subjects is maintained and defended, not only in the King, but also in himself, and other Bishops, above and against the Law. And he hath been a great Protector, Favourer and Promoter of the Publishers of such false and pernicious Opinions.

Second additional Article.

II. That within the space of ten Years last past, the said Archbishop hath treacherously endeavoured to subvert the Fundamental Laws of this Realm; and to that end hath in like manner endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the King's Prerogative, above the Laws and Statutes of the Realm. And for manifestation thereof, about six Years last past, being then a Privy-Counsellor to his Majesty, and sitting at the Council-Table, he said, *That as long as he sat there, they should know that an Order of that Board should be of equal force with a Law or Act of Parliament.* And at another time used these Words, *That he hoped ere long, that the Canons of the Church and the King's Prerogative should be of as great Power as an Act of Parliament.* And at another time said, *That those which would not yield to the King's Power, he would crush them to pieces.*

These three Articles they begun with; and the first Man appointed to begin was Mr. Maynard: And after some general things against me, as if I were the most violent Man for all illegal Ways;

I. The First Particular charged against me, was out of my Diary: the Words these, *The King declared his Resolution for a Parliament in case of the Scottish Rebellion. The first Movers of it were my Lord Deputy of Ireland, the Lord Marquis Hamilton, and myself; and a Resolution voted at the Board, to assist the King in Extraordinary Ways if Parliament should prove peevish, and refuse, &c.* The Time was December 5. 1639. That which was enforced from these Words, was, First, that I bestowed the Epithet *Peevish* upon the Parliament; and the second, that this voting to assist the King in extraordinary Ways, in case the Parliament refused, proceeded from my Counsel.

1. To this I replied: And first I humbly desired once for all, that all things concerning Law may be saved intire unto me, and my Counsel to be heard in every such Particular.

2. Secondly, that the Epithet *Peevish* was a very peevish Word, 'if written by me. I say, *If*: For 'I know into whose Hands my Book is fallen; but 'what hath been done with it, I know not. This 'is to be seen, some Passages in that Book are half 'burnt out, whether purposely or by chance, God 'knows: and some other Papers taken by the 'same hand from me, are now wanting. Is it 'not possible therefore some Art may be used in 'this?' Besides, if I did use the Word *Peevish*, it was in my private Pocket-Book, which I well hoped should never be made publick; and then no Disgrace thereby affix'd to the Parliament. And I hope, should a Man forget himself in such an Expression of some Passage in some one Parliament (and this was no more) it is far short of any thing that can be called Treason. And yet farther, most manifest it is in the very Words themselves,

that I do not bestow the Title upon that Parliament, in that Case; but say only, 'If it should 'prove peevish: which is possible, doubtless, that 'in some Particulars a Parliament may; tho' for 'the Happiness of this Kingdom, I would to God 'it were impossible. But suppose the Word *peevish* 'had been absolutely spoken by me, is it lawful 'upon Record to say the Parliament

'An. 42. Hen. III. was *Insanum Parliamentum*, a mad Parliament; and 'that in the 6 Hen. IV. *Indoctrum*, an

'unlearned Parliament; and that in the 4 Hen. VI. a Parliament of Clubs? And shall it be High-Treason in me, to say a Parliament in some one Particular was peevish? or but to suppose if it were? Can any Man think, that an unlearned, or a mad Parliament, or one of Clubs, did not

do something peevishly? Might my Predecessor, 'Tho. Arundel, tell the Commons openly in Parliament that their Petitions were sacrilegious?

And may not I so much as suppose some one Action of a Parliament to be peevish, but it shall be Treason? May an ordinary Historian say of that unlearned Parliament, 'That

the Commons were fit to enter 'Ibid. Common with their Cattle, for any Virtue they had more than Brute-Beasts? And may not I in my private Notes write the Word *Peevish* of them without Treason?

3. Thirdly, Whereas 'tis said, That the voting at the Council-Table to assist the King in extraordinary Ways, if, &c. was by my Counsel; there is no such thing in my Diary. There is, that I, with others, advised a Parliament; but there is not one Word, that the voting mentioned at the Council-Table proceeded from any Advice of mine. 'So there 'is no Proof from my Diary, and other Proof beside that, was not so much as urged; which was 'not in favour, but because they had it not: For had 'they had any other Proof, I see already it should 'not have been lost for want of urging.' Where I desired their Lordships also to observe in what a Difficulty I have lived with some Men who will needs make me a great Enemy to Parliaments, and yet are angry with me, that I was one, with others, who moved for that Parliament. So it seems nothing that I do can content some Men: For a Parliament, or against it; nothing must be well, if the Counsel be mine.

4. Fourthly, For the voting of Assistance in extraordinary Ways, I was included in the general Vote of the Table; and therefore that cannot be called or accounted my Counsel.

5. Fifthly, It is expressed in my *Diary*, whence all this Proof is taken, that it was in and for the *Scottish* Business; and so is within the Act of Oblivion. 'And these Answers I gave to Mr. Browne, 'when in the summing up of the Charge against 'me in the Honourable House of Commons, he 'made this to be my Counsel to the King; and he 'began with it in his charging of the Points against Law.'

II. The second Particular this Day charged against me, was, That after the ending of the last Parliament I did use these Words to the King *That now he might use his own Power*, or Words to that effect. This was attested by Sir Henry Vane the elder, then a Counsellor, and present.

1. To this my Answer was, That I spake not these Words, either in Terms or in Sense, to the uttermost of my Knowledge.

2. Secondly, If I had spoken these Words, either they were ill advised Words, but no Treason, and then they come not home to the Charge; or they are treasonable, and then I ought by
2 Eliz. c. 6. § antepenult. Law to have been tried within six Months. ' Mr. *Browne* in his Reply
 ' to me in the House of Commons,
 ' said, That this Statute expired with the Queen,
 ' because it concerned none but her, and the Heirs
 ' of her Body. I had here urged
b Part 4. Inst. c. 74. ' Sir *Edward Coke*, as urging this
 ' Statute, and commending the Mo-
 ' deration of it: But I was therein
 ' mistaken, for he speaks of 1 *Eliz. Cap. 1.* And
 ' that Statute is in force, and is for
c 1 Eliz. c. 1. & 1 Ed. 6. c. 12. ' Trial within six Months, for such
 ' Crimes as are within that Statute.
 ' So it comes all to one for my Cause,
 ' so either of the Statutes be in force. And to this
 ' Charge in general, I gave the same Answers
 ' which are here.'

3. Thirdly Sir *Henry Vane* is in this a single Witness; whereas by Law, he that is accused of Treason must be convicted by two Witnesses, or his own Confession without Violence; neither of which is in this Case. And strange it is to me, that at such a full Table no Person of Honour should remember such a Speech but Sir *Henry Vane*.

4. Fourthly, Both this and the former Charge relate to the *Scotish* Business, and so are within the Act of Oblivion, which I have pleaded.

' Besides, here is nothing expressed in the Words charged which favours of Practice, Conspiracy, Combination, or Force, and cannot therefore possibly, be adjudged Treason; especially since there is no Expression made in the Words witnessed, what Power is meant: For what should hinder the King to use his own Power? But legal still; since nothing is so properly a King's own Power, as that which is made or declared his own by Law. As for the Inference, That
c the dreadful Licence of Inferences among our English Pleaders in Cases of Death. Speed in H. 7. §. 61. *this was called his own in opposition to Law*: First, Sir *Henry Vane* is a Witness to the Words only, and not to any Inference; so the Words have but one Witness, and the Inference none. And perhaps it were as well for themselves, as for Persons questioned in great Courts, if they who are employed about the Evidence would be more sparing of their Inferences, many Men laying hold of them without Reason or Proof.

' Lastly, For the Honour of Sir *Henry Vane*, let me not forget this: He is a Man of some Years; and Memory is one of the first Powers of Man on which Age works; and yet his Memory so good, so fresh, that he alone can remember Words spoken at a full Council-Table, which no Person of Honour remembers but himself: Had any Man else remember'd such Words, he could not have stood single in this Testimony. But I would not have him brag of it: For
Aug. 1. 7. de Civ. Dei, c. 3. ' I have read in *St. Augustine*, that *quidam pessimi*, some, even the worst of Men have great Memories, and are *tanto peiores*, so much the worse for having them. God bless Sir *Henry*.'

I have staid the longer upon these two, because they were apprehended to be of more weight than most which follow.

III. The next was a Head containing my illegal Pressures for Money, under which the next Particular was, That in the Case of Ship-Money I was very angry against one *Samuel Sherman* of *Dedham* in *Essex*: That I should say *Dedham* was a Maritime Town; and that when the Sum demanded of him was named, I should say a proper Sum; whereas the Distress came to eleven Subsidies.

To this I answered, First, Here was no Proof but *Sherman*; and in his own Cause. Secondly, He himself says no more, than that he believes I was the Instrument of his Oppression, (as he called it;) whereas his Censure was laid upon him by the Council-Table, not by me: Nor was I in any other Fault than that I was present, and gave my Vote with the rest. So here's no Proof at all but his Belief. ' Lastly, Here can be no Treason, but against *Dedham* or *Sherman*, that I can discover.'

IV. The next to *Sherman* comes in my great Friend, Alderman *Atkins*; and he testifies, That when he was brought to the Council-Table, about the Ship-Money, none was so violent against him as I was; and that this Pressure for Ship-Money was before the Judges had given Sentence for the King. And that at another Time I pressed him hard to lend Money, the King being present: At which time he conceived that I favoured Alderman *Harrison* for Country-sake; because himself was committed, and not the other.

To this, I must confess, I did use to be serious and zealous too in his Majesty's Service; but not with any the least Intention to violate Law. And if this, here instanced, were before the Judgment given for the King; yet it was long after the Judges had put the Legality of it under their Hands. And I for my part could not conceive the Judges would put that under their Hands to be Law, which should after be found unlawful. Therefore in this, as I erred with Honourable Company at the Council-Table, so both they and I had, as we thought, sufficient Guides to lead us.

As for the Partiality which he puts upon me in preserving my Countryman, Alderman *Harrison*, from Prison: First, He himself durst not affirm it upon his Oath, but says only, that he conceives I favoured him; but his Conceit is no Proof. Secondly, If I had favoured him, and done him that Office, 'tis far short of Treason. But the Truth is, Alderman *Harrison* gave a modest and a civil Answer; but this Man was rough, even to Unmannerliness: and, so far as I remember, was committed for that.

' And whereas he says, I pressed him hard to lend Money, and that none was so violent as I; he is much mistaken. For of all Men in that Fraternity, I durst never press him hard for any thing, least of all for Money. For I knew not what Stuffing might fly out of so full a Cushion, as afterwards 'tis said did, when being a Colonel he was pressed, but not hard, in a little Skirmishing in *Finsbury-Fields*.'

V. Then it was urged, That I aggravated a Crime against Alderman *Chambers*, and told him, That if the King had many such *Chambers*, he would have never a *Chamber* to rest in: That in the Case of Tunnage and Poundage, he laboured to take Bread from the King; and that I pressed upon him in the Business of Coat and Conduct-Money.

To this I gave this Answer, That by the Affection Mr. *Chambers* then shewed the King, I had some reason

reason to think, he desired so many *Chambers* to his Use; that if the King had many such Subjects, he might want a Chamber for himself; or to that effect. And the violence of his Carriage in that honourable Assembly gave just Occasion to other Men to think so. But as for the Business of Tunnage and Poundage, and of Coat and Conduct-Money, I conceived both were lawful on the King's part. And I was led into this Opinion by the express Judgment of some Lords present, and the Silence of others in that behalf; none of the great Lawyers at the Table contradicting either. And no Witnesses to this, but Alderman *Chambers* himself.

VI. The sixth Particular was, That I urged the Business of Ship-Money upon Alderman *Adams*.

To this my Answer was, That I never pressed the Ship-Money, but as other Lords did at the Council-Table, nor upon other Grounds: Nor doth Alderman *Adams* say any more, than that he was pressed to this Payment by me and others. And to me it seems strange, and will, I hope, to all Men else, that this, and the like, should be a common Act of the Lords at the Council-Table, but should be High-Treason in no body but in me. And howsoever, if it be Treason, it is against three Aldermen, *Atkins*, *Chambers*, and *Adams*.

VII. The seventh Particular was, That I was so violent about the slighting of the King's Proclamations, as that I said, A Proclamation was of as great force, or equal to a Statute-Law; and that I compared the King to the Stone spoken of in the Gospel; that *whosoever falls upon it, shall be broken; but upon whomsoever it falls, it will grind him to powder*, St. *Matth.* xxi. 34. And for this they brought three Witnesses, Mr. *Griffin*, *Tho. Wood*, and *Rich. Hayles*.

1. This was in the Case of the Soap-business, and two of the Witnesses were Soap-boilers. They and their Company slighted all the Proclamations which the King set out; and all the Lords in the Star-Chamber were much offended, (as I conceived they had great reason to be) at the great and open Daring of that whole Company. And whatsoever Sentence passed upon them in that whole Business, was given by the Court of Star-Chamber, not by me.

For the Words: First, these Men have good Memories, that can punctually, being plain ordinary Men, swear Words spoken full twelve Years since; and yet, as good as their Memory is, they swear doubtfully touching the time, as that the Words were spoken in *May* 1632, or 33.

2. Secondly, My Lords, 'tis impossible these Words should be spoken by me. For I think no Man in this Honourable Presence thinks me so ignorant, as that I should not know the vast difference that is between an Act of Parliament and a Proclamation. Neither can these Gentlemen, which press the Evidence, think me so wilfully foolish so to speak, considering they accuse me here for a cunning Delinquent. 'So God forgive these Men the Falshood and the Malice of this Oath.'

3. For the Words spoken of the Stone in Scripture, 'tis so long since, I cannot recal whether I said it or no: Nor have I any great Reason to observe these angry Witnesses in their own Cause. But if, by way of Aliusion I did apply that Place to the King and them, 'tis far enough from Treason. 'And let them, and their like take heed lest it

' prove true upon themselves: For seldom do Subjects fall upon their King, but in the end they are broken; and if it so happen that he falls upon them, they are ground to Powder.' And *Solomon* taught me this Answer, where he says, *The Anger of a King is Death*, Prov. xvi. 14. And yet I would not be mistaken: For I do not conceive this is spoken of a King and his natural Anger, (tho' it be good Wisdom to stir as little Passion in Kings as may be;) but of his legal Anger: According to which, if the Stone roll strictly, few Men can so live, but for something or other they may be in danger of grinding.

4. And for these Soap-boilers, they have little cause to be so vehement against me. For if the Sentence passed against them in the Star-Chamber were in any thing illegal, tho' it were done by that Court, and not by me; yet I alone, so soon as I heard but muttering of it, was the only means of resettling them and their Trade, which none of all the Lords else took Care of. 'And the Sum of these Answers I gave to Mr. *Browne*, when he gave up the Sum of his Charge against me.'

VIII. The next Particular was about Depopulations. A Commission of Grace, to compound with some Delinquents in that kind, was issued under the Broad-Seal, to some Lords, and other Persons of Honour of the Council of which I was one. One Mr. *Talboys* was called thither: And the Charge about this was, That when he pleaded, that by Statute 39 *Eliz.* he might convert some, to Pasture; I should say, *Do you plead Law here? Either abide the Order, or take your Trial at the Star-Chamber:* And that he was fined 50 *l.*

In this Particular Mr. *Talboys* is single, and in his own Cause; but I was single at no Sitting of that Commission: Nor did I ever sit, unless the Lord Privy-Seal and Mr. Secretary *Coke* were present, that we might have Direction from their Knowledge and Experience.

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

As for the Fine mentioned, we imposed none upon him or any other, but by the Consent of the Parties themselves. If any Man thought he was not faulty, and would not accept of the Favour shewed him, we left him to the Law, but the plain truth is, this Gentleman being Tenant to the Dean and Chapter of *Christ-Church* in *Oxford*, offered them (as they conceived) great Wrong in the Land he held of them; insomuch as they feared, other their Tenants might follow his Example, and therefore complained of him. And because I laid open his Usage of his Landlords before the Commissioners, he comes here to vent his Spleen against me. 'And 'tis observable, that in all the Business of Depopulations, in which so many appeared, no one complained either against me or any other Lord, but only this *Talboys*. Mr. *Browne*, when he pressed the Sum of this Charge against me, added, 'That at the Council-Table I was for all illegal Projects, as well as for those Inclosures. But, First, I was neither for this nor any other, either longer or otherwise than I understood them to be lawful. And, Secondly, I opposed there the Business of Salt and the base Money; and I alone took off that of the Malt and the Brewing: And three Gentlemen of *Hertfordshire* (which County was principally concerned in the Case of the Malt) came over to *Lambeth* to give me thanks for it.'

IX. Then was charged upon me the Printing of Books, which asserted the King's Prerogative above Law, &c. The Instance was in Dr. Cowel's Book, Word King. That this Book was decryed by Proclamation: That Complaint was made to me, that this Book was printing in a close House without License, and by *Hodgkinson*, who' was my Printer; that I referred them to Sir *John Lamb*; that they came to me again, and a third time, and I still continued my Reference; which Sir *John Lamb* slighting, the Book came forth. The Witnesses to this, were *Hunt* and *Wallye*, if I mistook not their Names.

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

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

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

X. The next Charge was, That when Dr. *Gill*, School-Master of *Paul's* School in *London*, was warred out by the *Mercers* (to the Care of which Company that School some way belongs) upon Dr. *Gill's* Petition to the King, there was a Reference to some other Lords and myself to hear the Business. The Charge is, That at this Hearing I should say the *Mercers* might not put out Dr. *Gill* without his Ordinary's Knowledge: And that upon mention made of an Act of Parliament, I should reply, *I see nothing will go down with you but Acts of Parliament; no regard at all of the Canons of the Church*: And that I should farther add, *That I would rescind all Acts which were against the Canons; and that I hoped shortly to see the Canons and the King's Prerogative of equal force with an Act of Parliament.*

To this I answered, That if all this Charge were true, yet this is but the single Testimony of *Samuel Bland*, an Officer belonging to the Com-

pany of *Mercers*, and no small Stickler against Dr. *Gill*, whose aged Reverend Father had done that Company great Service in that School for many Years together.

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

And as there is a Canon of this Church (*Can. 77.*) That no Man may be allowed to teach School, but by the Bishop of the Diocess; so à *paritate rationis*, it stands good, they may not turn him out, without the said Bishop's Knowledge and Approbation. And 'tis expressed in another Canon (*Can. 79.*) *That if any School-Master offend in any of the Premises (there spoken of) he shall be admonished by his Ordinary; and if he do not amend upon that his Admonition, he shall then be suspended from teaching*: Which, I think, makes the Case plain, that the *Mercers* might not turn out Dr. *Gill*, without so much as the Knowledge of his Bishop.

And for the Words, *That I saw nothing would down with them but an Act of Parliament, and that no regard was had to the Canons*; I humbly conceive there was no Offence in the Words. For tho' the Superiority by far in this Kingdom belongs to the Acts of Parliament; yet some Regard, doubtless, is or ought to be had to the Canons of the Church. 'And if nothing will down with Men 'but Acts of Parliament, the Government cannot 'be held up in many Particulars.'

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

XI. The eleventh Charge of this Day, was the Imprisonment of Mr. *George Waker*, about a Sermon of his ² *E. Walker.* preached to prove (as he said) That

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

My Answer was, That for the Scope of his Sermon, *to obey God rather than Man*, no Man doubts but it ought to be so, when the Commands are opposite. But his Sermon was viewed, and many factious Passages, and of high Nature, found in it. And yet I did not tell the King he was factious, but that he was so complained of to me; and this was openly at the Council-Table.

And whereas he spake of Notes of his Sermons for divers Years, with a purpose to intrap him: all that he says, is, That he was told so, but produces not by whom. And truly I never had any such Notes, nor ever used any such Art against any Man in my Life. For his Commitment, it was done by the Council-Table; and after, upon some Miscarriages of his there by the Court of Star-Chamber, not by me; nor can that be imputed to me, which is done there by the major Part and I having no Negative. And if Sir *Dudly Carlton* writ to keep him close at his Brother's House, contrary to the Lords Order, let him answer it: And if he supposes that was done by me, why is not Sir *Dudly* examined to try that Truth? As for the Protestation, which, he says, I made to his Wife and his Brother, that I complained not against him; it was no Denial of my Complaint made against him at the first, that I heard he was factious; but that after the time, in which I had seen the full Testimony of grave Ministers in *London*, that he was not factious, I made no Complaint after that, but did my best to free him. And the Treason in these two Charges, is against the Company of the Mercers and Mr. *Waker*.

XII. The next Charge was, That Dr. *Manwaring* having been censured by the Lords in Parliament for a Sermon of his against the Liberty and Propriety of the Subject, was yet after this preferred by me in contempt of the Parliament-Censure, both to the Deanery of *Worcester*, and the Bishoprick of *St. Davids*: And my own Diary witnesses that I was complained of in Parliament for it; and that yet after this I did consecrate him Bishop.

1. To this I answered, That he was not preferred by me to either of these; and therefore that could not be done in contempt of the Parliament-Censure, which was not done at all. For as for *St. Davids*, 'tis confessed, Secretary *Windebanck* signified the King's Pleasure, not I. And whereas it was added, that this was by my means; this is only said, but not proved. And for *Worcester*, there is no Proof but the Docket-Book: Now, my Lords, 'tis well known in Court, that the Docket doth but signify the King's Pleasure for such a Bill to be drawn; it never mentions who procured the Preferment. So that the Docket can be no Proof at all against me; and other there is none.

2. For the Sermon, 'tis true, I was complained of in Parliament, that I had been the Cause of Licensing it to the Press; and 'tis as true, that upon that Complaint I was narrowly sifted, and an Honourable Lord now present, and the Lord Bishop of *Lincoln*, were sent to Bishop *Mountague*, who licensed the Sermon, to examine and see whether any Warrant had come from me, or any Message:

But when nothing appeared, I was acquitted in open Parliament, to somebody's no small Grief. ' God forgive them, and their Malice against me; ' for to my knowledge my ruin was then thirsted ' for. And as I answered Mr. *Brown's* summary ' Charge, when he pressed this against me, could ' this have been proved, I had been undone long ' since; the Work had not been now to be done.'

That he was after consecrated by me, is true likewise; and I hope, 'tis not expected I should ruin myself, and fall into a *Præmunire*, by refusing the King's Royal Assent; 25 Hen. 8. c. 20. § ult. and this for fear lest it might be thought I procured his Preferment. But the truth is, his Majesty commanded me to put him in mind of him when Preferments fell; and I did so: But withal, I told his Majesty of his Censure, and that I feared ill Construction would be made of it.

To this it was replied, That I might have refused to consecrate, the Cause why being sufficient, and justifiable in Parliament, and excepted in that Law. ' But how sufficient soever that Cause may ' be in Parliament, if I had been in a *Præmunire* ' there-while, and lost my Liberty, and all that I ' had beside, for disobeying the Royal Assent; I ' believe I should have had but cold Comfort when ' the next Parliament had been summoned; no ' Exception against the Man being known to me, ' either for Life or Learning, but only this Cen- ' sure: nor is there any Exception which the ' Archbishop is by that Law allowed to make, if ' my Book be truly printed.'

XIII. Then followed the Charge of Dr. *Heylin's* Book against Mr. *Burton*; out of which it was urged, That an unlimited Power was pressed very far; and out of *p. 40. That a way was found to make the Subject free, and the King a Subject*: that this Man was preferred by me; that Dr. *Heylin* confessed to a Committee, that I commanded him to answer Mr. *Burton's* Book; and that my Chaplain Dr. *Braye* licensed it. 1 Heylin cont. Burton, p. 40.

I answered as follows: I did not prefer Dr. *Heylin* to the King's Service: it was the Earl of *Danby*, who had taken honourable Care of him before in the University. His Preferments I did not procure: For it appears by what hath been urged against me, that the Lord Viscount *Dorchester* procured him his Personage, and Mr. Secretary *Coke* his Prebend in *Westminster*.

For his Answer to the Committee, that I commanded him to write against *Burton*, is was an ingenuous and a true Answer, and became him and his Calling well; for I did so. ' And neither I in ' commanding, nor he in obeying, did other than ' what we had good Precedent for in the Primitive Church of Christ. For when some Monks ' had troubled the Church at *Carthage*, but not ' with half that danger which Mr. *Burton's* Book ' threatened to this; *Aurelius*, then Bishop, com- ' manded *St. Augustin* to write against ' it; and he did so. His Words are, Aug. 2. Retract. c. 21. ' *Aurelius scribere jussit, & fecit.*' But

tho' I did, as by my Place I might command him to write an Answer; yet I did neither command nor advise him to insert any thing unsound or unfit. If any such thing be found in it, he must answer for himself, and the Licenser for himself. For, as for licensing of Books, I held the same course which all my Predecessors, had done: and when any Chaplain came new into my House,

House, I gave him a strict Charge in that particular. And in all my Predecessors times, the Chaplains suffer'd for Faults committed, and not their Lords; tho' now all is heaped on me.

As for the particular Words urged out of Dr. Heylin's Book, p. 40. there is neither Expression by them, nor Intention in them, against either the Law, or any lawful Proceedings; but they are directed to Mr. Burton and his Doctrine only. The words are, *You have found out a way (not the Law, but you Mr. Burton) to make the Subject free, and the King a Subject.* Whereas it would well have becom'd Mr. Burton, to have carried his Pen even at the least, and left the King his Freedom, as well as the Subject his.

XIV. From this they proceeded to another Charge; which was, That I preferred Chaplains to be about the King and the Prince, which were disaffected to the publick Welfare of the Kingdom. The Instance was in Dr. Dove; and a Passage read out of his Book against Mr. Burton: and it was added, that the declaring of such Disaffection was the best Inducement or Bribe to procure them Preferment.

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

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

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

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

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

3. For the Circumstances, as *that the Penalties are without Appeal*, and the like, 'tis usual in all such Grants. And *that we did it according to our Duty and the Rules of Scripture*, we conceived was a fitting Expression for ourselves, and Men of our Calling, without giving Law to others, or any Intention to violate the Law in the least. For thus, I humbly conceive, lies the mutual Relation between the King and his People, by Rules of Conscience: The Subjects are to supply a full and honourable Maintenance to the King; and the King, (when Necessities call upon him) is to ask of his People, in such a way as is, *per pacta*, by Law and Covenant agreed upon between them, which in this Kingdom is by Parliament: yet the Clergy ever granting their own at all times. And that this was my Judgment long before this, appears by a Sermon of mine appointed to be preached at the opening of the Parliament, in the Year 1625. My Words are these; *If you would have indeed a flourishing both State and Church, the King must trust and indear his People, and the People must honour, obey, and support their King, &c.* This, I hope, is far enough from derogating from any Law: and if I should privately have spoken any thing to him contrary to this, which I had both preached and printed; how could his Majesty have trusted me in any thing?

*My Sermon on
Psal. 75. 2, 5.
p. 14.*

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

The Third Original is,

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

The Third and Fifth Additional follow:

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

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

V. That the said Archbishop, about eight Years last past, being then also a Privy-Counsellor to his Majesty, for the End and Purpose aforesaid, caused Sir *John Corbet*, of *Stoke* in the County of *Salop*, Bart. then a Justice of Peace of the said County, to be committed to the Prison of the *Fleet*, where he continued Prisoner for the space of half a Year or more; for no other Cause but for calling for the *Petition of Right*, and causing it to be read at the Sessions of the Peace for that County, upon a just and necessary Occasion. And during the time of his said Imprisonment, the said Archbishop, without any colour of Right, by a Writing under the Seal of his Archbishoprick, granted away Parcel of the Glebe-Land of the Church of *Adderley* in the said County, whereof the said Sir *John Corbet* was then Patron, unto *Robert Viscount Kilmurry*, without the Consent of the said Sir *John*, or the then Incumbent of the said Church: which said Viscount *Kilmurry* built a Chapel upon the said Parcel of Glebe-Land, to the great Prejudice of the said Sir *John Corbet*, which hath caused great

* *Contentions,*
Rushw.

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

The Third Day of my Hearing.

SATURDAY, *March 16, 1643.* In the interim, between the 13th and this 16th of *March*, upon some strict Charge to look to the *Tower*, my Solicitor was not suffer'd to come in to me. Whereupon, so soon as I was settled at the Bar, before the Evidence began to be open'd, I spake to the Lords as follows.

My Lords, I stand not here to complain of any Thing, or any Man; but only am inforced to acquaint your Lordships with my sad Condition. Your Lordships have appointed my Secretary to be my Solicitor, and given him leave to assist me in the turning of my Papers, and to warn in such Witnesses, and to fetch me the Copies of such Records as I shall have occasion to use. And I humbly desire your Lordships to consider, that my-

^b Here the Relation is imperfect. It seems he moved, that his Solicitor might come to him, and in the mean time the Hearing put off.

W. S. A. C.

self being imprisoned, and so utterly disenabled to do these things myself; it will be absolutely impossible for me to make any Defence, if my Solicitor be denied to come to me, as now he is. ^b This was granted, and the Hearing adjourned till Monday following; and I humbly thank'd their Lordships for it.

The Fourth Day of my Hearing.

THE fourth Day of my Hearing was *Monday, March 18.* and was only my Answer to the third Day's Charge, and the only time in which I was not put to answer the same Day.

I. The first Charge of this Day was about *St. Paul's*. And first out of my Diary, (where I confess it one of my Projects to repair that ancient Fabrick;) and three strict Orders of the Lords of the Council, for the demolishing of the Houses built about that Church. One was *November 21, 1634.* the demolishing of the Houses commanded by this before *Jan. 6.* for one, and for the rest by *Midsummer.* Another was *March 26, 1631.* a Committee appointed, with Power to compound with the Tenants, and with Order to pull down, if they would not compound. The third was *March 2, 1631.* which gives Power to the Sheriffs to pull down, if Obedience be not yielded.

To this I confess I did, when I came first to be Bishop of *London*, project the Repair of that ancient and famous Cathedral of *St. Paul*, ready to sink into its own Ruins. And to this I held myself bound in general, as Bishop of the Place; and in particular for the Body of the Church, the Repair of which is by the local Statutes laid upon the Bishop. And the Bishop was well able to do it, while he enjoyed those Lands which he had when that Burden was laid upon him. 'But what sacrilegious Hands despoiled that Bishoprick of them, 'tis to no purpose to tell.' And truly, my Lords, since I am in this present Condition, I humbly and heartily thank God, that *St. Paul's* comes into my Sufferings; and that God is pleased to think me worthy to suffer either for it, or with it any way: tho' I confess, I little thought to meet that here, or as a Charge any where else. And so God be pleased (as I hope in Christ he will) to pardon my other Sons, I hope I shall be able (Human Frailties always set aside) to give an easy Account for this. But whereas I said, *the Repair of St. Paul's was a strange piece of Treason*, and they presently replied, that they did not charge the Repair upon me, but *the Manner of doing it, by demolishing of Mens Houses*: To that I answered as follows; with this first, That the Work hath cost me above One Thousand and Two Hundred Pounds out of my own Purse, besides all my Care and Pains, and now this heavy Charge to boot: no one Man offering to prove, that I have mispent or diverted to other use, any one Penny given to that Work; or that I have done any thing about it, without the Knowledge, Approbation, and Order of his Majesty, or the Lords of the Council, or both.

To the Particulars then. For the three Orders taken out of the Council-Books, I shall not need to repeat them. But what is the Mystery, that these Orders are reckoned backward, the last first? Is it to aggravate, as if it rose by Steps? That cannot well be; because the first Order is the fourest, if I conceive it right. Besides, here was real Composition allotted for them, and that by a Committee named by the Lords, not by me. And I think it was very real; for it cost Eight or Nine Thousand Pounds (as appears upon the Accounts) merely to take down the Houses (which had no Right to stand there) before we could come at the Church to repair it.

And

And if any thing should be amiss in any of these, (which is more than I either know or believe) they were the Council's Orders, not mine. And shall that be urged as Treason against me; which is not imputed to them so much as a Misdemeanour? Besides, the Lords of the Council are in the antient Constitution of this Kingdom one Body; and whatsoever the major part of them concludes, is reputed the Act of the whole, not any one Man's. And this I must often inculcate, because I see such publick Acts like to be heaped upon my Particular.

1. The first Witness about this Business of *St. Paul's* is *Mich. Burton*, and 'tis charged that his House was pulled down in King *James's* time; that he was promised Relief, but had none; that hereupon he got a Reference from his Majesty that now is, and came with it to the Council, and was referred to the Committee: That Sir *Hen. Martin*, told him, that the Archbishop was his Hindrance; that he resorted to me, and that I bid him go to King *James* for his Recompence.

To this my Answer was, That this House, which he says was his, was (as is confessed by himself) taken down in King *James's* time, when an Attempt was made about the Repair of this Cathedral, but nothing done. If he desired Satisfaction, he was to seek it of them who took down his House, not of me. If his Majesty that now is gave him a Reference, he was by the Lords of the Council, or by me (if to me it were referred) to be sent to the Sub-Committee, because Satisfaction for each House was to be ordered by them. Nor had I any reason to take it on my Care, which was done so long before. He says, that Sir *Henry Martin* told him that I hindered him: but that's no Proof that Sir *Henry Martin* told him so; for 'tis but his Report of Sir *Henry Martin's* Speech; and I hope Sir *Henry* neither did, nor would do me such apparent Wrong. He was the third Man to whom I brake my Intentions touching the Repair, and the Difficulties which I foresaw I was to meet with; and he gave me all Encouragement. And it may be, when nothing would satisfy the eager old Man, I might bid him go to King *James* for Recompence: but 'tis more than I remember if I did so. And this Man is single, and in his own Case; and where lies the Treason that is in it? Besides, least Consideration was due to this House: for not many Years before the demolishing of it, it was built at the West End of *St. Paul's* for a Lottery, (it was said to be the House of one *Wheatly*;) and after the Lottery ended, finish'd up into a Dwelling-House, to the great annoyance of that Church: the Bishop, and Dean and Chapter being asleep while it was done.

2. The next Charge about *St. Paul's* was witnessed by *Mary Berry*, That her Husband was fain to set up his Trade elsewhere, and that every Man reported the Bishop was the cause of it.

Her Husband was forced by this Remove to set up his Trade elsewhere; so she says: and perhaps in a better Place, and with Satisfaction sufficient to make him a better Stock: Where's the Wrong? Beside, she is single, and in her own Cause, and no Proof, but that every Man reported the Bishop was the Means to remove him. And it is observable, that in King *James's* time, when the Commission issued out for the demolishing of these very Houses, the Work was highly applauded; and yet no Care taken for Satisfaction

of any private Man's Interest: 'That now great Care hath been taken; and great Sums of Money expended about it, yet I must be a Traitor, and no less for doing it. This makes me think some Party of Men were heartily angry at the Repair itself, tho' for very shame it be turned off upon the demolishing of the Houses.'

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

His House was pulled down; but himself confesses it was by the Committee. It was, he says, above eleven Years ago, and the Time limited in that Article is ^a six Years. He says, that word was brought him that I was the Cause, or gave the Direction. Word was brought him, but he names not by whom, nor from whom; so all this Proof is a single Hearsay of he knows not whom: whereas I had the Broad Seal of *England* for all that was done. It was replied here, That for demolishing of these Houses the King's Commission was no full and legal Warrant: I should have procured Authority from Parliament. I replied to this Interruption, That Houses more remote from the Church of *St. Paul's* were pulled down by the King's Commission only in King *Edward* the Third's time; and humbly desired a Salvo might be entered for me, till I might bring the ^b Record: which was granted.

4. The last Instance for this Charge of *St. Paul's*, was the House of *W. Wakern*; who witnessed, that he had a Hundred Pound Recompence for his House, but then was after fined in the High-Commission-Court 100*l.* for Profanation, of which he paid 30*l.*

To this I gave this Answer, That his Charge is true; and that after he had received 100*l.* Composition, the Cry of the Profanation brought him into the High-Commission. It was thus: The Skulls of dead Men (perhaps better than himself) were tumbled out of their Graves into his Draught, and part of the Foundation of the Church (as appeared in the taking down of his House) was broken, or pared away, to make room for the Uncleannels to pass into the Vault: And surely were I to sit again in the High-Commission, I should give my Vote to censure this Profanation. But himself confesses, he paid but Thirty Pound of it, which was too little for such an Offence. And besides, my Lords, this was the Act of the High-Commission, and cannot be charged singly upon me.

And I cannot forbear to add thus much more, That the Bishop, and Dean and Chapter, whoever they were, did ill to give way to these Buildings, and to increase their Rents by a Sacrilegious Revenue; no Law, that I know, giving way to build upon consecrated Ground, as that Church-yard is. But howsoever, the present Tenants being not *in dolo*, I ever thought fit they should have Recompence for their Estates; and they had it.

II. The next Charge was about the Shops of the Goldsmiths in *Cheapside* and *Lombard street*. An Order was made at the Council-Table, *Novemb. 12. 1634.* That within six Months the Goldsmiths should provide themselves Shops there, and no where else, till all those Shops were furnished; and this under a Penalty, and to give Bond.

These

^a Ten. Vide the second additional Article.

^b See this Record twice referred to afterwards. In the latter place the useful Words of it are recited.

These two were the antient Places for Goldsmiths only, time out of mind: and it was thought fit by the Lords, for the Beauty of the Place, and the Honour of the City, to have these Places furnished as they were wont, and not to have other Trades mixed among them. Beside, it concerned all Mens Safety; for if any Plate were stolen, the Inquiry after it might be made with more ease and speed: whereas if the Goldsmiths might dwell here and there, and keep their Shops in every By-place of the City, stolen Plate might easily be made off, and never heard of. But howsoever, if in this Order there were any thing amiss, it was the Order of the Council-Table, not mine: and far enough off from Treason, as I conceive.

1. Upon this Charge there were two Instances. The first is Mr. *Bartley*; who said, his House was taken from him, by Order to the Lord Mayor, 1637. That my Hand was to the Order; That he was imprisoned six Months, and recovered 600*l.* Damages of Sir *Ed. Bromfield*; That after this he was committed to *Flemsted*, a Messenger belonging to the High-Commission, about Dr. *Bastwick's* and Mr. *Burton's* Books; That after this he was sent for to the Council, and there heard my Voice only; That when he desired some help, Sir *Thomas Ailsbury's* Man told him, he were as good take a Bear by the Tooth; That all this was for his entertaining a Man that came out of *Scotland*: and lastly, That Dr. *Haywood*, my Chaplain, had licensed a Popish Book.

To which I gave this Answer; That if the Lord Mayor put him from his House, by Order from the Lords, (being a Stationer among the Goldsmiths) then it was not done by me: and tho' my Hand were to the Order, yet not mine alone; and I hope my Hand there subscribed no more Treason than other Lords Hands did. And if he did recover 600*l.* against Sir *Ed. Bromfield*, who (I think) was the Lord Mayor spoken of, surely he was a Gainer by the Business. And whereas he says, he was after seized again, and committed to *Flemsted* about the Books named: if he were (as was informed) a great Vender of those and such-like Books, less could not be done to him than to call him to answer. He says farther, that he was sent for to the Council-Table, and there he heard my Voice only against him. It may be so, and without all fault of mine: for that heavy Office was usually put upon me and the Lord Keeper, to deliver the Sense of the Board to such as were called thither, and examined there; and by this means, if any four or displeasing Sentence passed, (how just soever, it mattered not) it was taken as our own, and the Envy of it fell on us. And that this was so, many Lords here present know well. He adds what Sir *Thomas Ailsbury's* Man said, when he would have petitioned again: but since Mr. *Bartley* is single here, and in his own Cause, why doth he rest upon a Hearsay of Sir *Thomas Ailsbury's* Man? Why was not this Man examined, to make out the Proof? And if this Man did so far abuse me, as to speak such words of me, shall I be abused first, and then have that Abuse made a Charge? That he was troubled thus for a *Scotchman's* coming to him, is nothing so, nor is any Proof offered; tho' then the Troubles were begun in *Scotland*: and therefore if this had any relation to that Business, I pleaded again the Act of Oblivion. For that of Dr. *Haywood*, I shall give my Answer in a more proper place; for 'tis objected again.

2. The second Instance was in Mr. *Manning's* Case. He speaks also of the Order of the Council, *Novemb. 12. 1634.* That the Goldsmiths in their Books make an Order upon it, *June 15. 1635.* That they which obey not should be suspended, I think 'tis meant from Use of their Trade; That when some intreated them to Obedience, I should say, *This Board is not so weak, but that it can command*; or to that effect.

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

III. The Third Charge of this Day was, That I forced Men to lend Money to the Church of *St. Paul's*: and Mrs *Moore* was called upon. But this was deserted.

IV. The next Charge was concerning a long and tedious Suit between *Rich* and *Pool*, about the Parsonage of *North-Cerny*, in *Gloucestershire*: That *Rich* was turned out, after three Years Possession, by a Reference procured by *Pool* to my Lord Keeper *Coventry* and myself; and that I did in a manner act the whole Business at the Reference: That Letters were sent from the Council to Sir *William Masters*, one of the Patrons, to see *Pool* instituted, and to imprison *Rich* if he refused Obedience? That after, by the Lord Marshal's Procurement, there was another Reference obtained to thirteen Lords, who awarded for *Rich*.

I was never more weary of any Business in my Life than I was of this Reference. And I was so far from acting the whole Business, as that I did nothing but as the Lord Keeper directed, the Cause was so entangled with *Quare Impedit*, and many other Businesses of Law. Our Judgments upon full Hearing went with *Pool*, and we certified accordingly. And upon this (it may be) the Letters mentioned were sent down for *Pool*. And if the Lord Keeper that now is, then his Majesty's Solicitor, could not or durst not meddle, but gave back his Fee, (as was farther urged) his Lordship is living to tell the Cause himself; for here was none set down, tho' it were urged as if he did it because I was a *Referee*. And in the mean time, this is but a bare Report concerning him. If the thirteen Lords, to whom it was after referred, were of another Opinion, that was nothing to us, who, without any Touch of Corruption; did as our Knowledge and Conscience guided us. And, my Lords, it seems this Title was very doubtful; for after all this, it came into this Parliament, and was referred to a Committee, where Mr. *Rich* was very willing to compound the Business. 'And well he might; for I was since certified by a Gentleman, a Lawyer, that understood well, and was at the Hearing of that Cause, that it was one of the foulest Causes, on *Rich's* side, that ever he heard. And out of this I took the Sum of my Answer, which I gave to Mr. *Brown*, when he summed up my Charge.'

The Witnesses to this Charge were Mr. *Rich's* Brother, and my good Friend Mr. *Talboys*. But this latter witnesses nothing but that he heard me

say that *Poole's* Behaviour was unfit; so there I checked the one Party: And that upon some Words given me by *Rich*, I should say, *Do you throw Dirt in my Face?* And why might I not ask this Question, if his Words deserved it? So upon the Matter, here is *Rich* single in his Brother's Case, and nothing throughout that looks like Treason.

Here I had Snap given me, That I slighted the Evidence: Whereas they (as 'twas said) did not urge these Particulars as Treason, but as Things tending to the Violation of Law, and should be found to make Treason in the Result. 'The Truth is, I did then think within myself, that such Evidence might very well be slighted in an Accusation of Treason. But I thought better to forbear; and so in my continued Patience expected the next Charge,

V. Which was Mr. *Foxlie's* Imprisonment about Popish Books. That he was tender'd the Oath *ex Officio*, then brought before the Council, and imprisoned again by a Warrant under my Hand, and others, and my Hand first to the Warrant, his Wife not suffer'd to come to him till he was sick; that the chief Cause of all this was the Improprations, because he desired to name the Men for the Feoffment.

My Lords, this Man confesses he was called in question about Popish Books; but expressing no more, I cannot tell what to make of it; nor can I tell how to accuse him of Popish Books. 'For I cannot tell which is least, his Understanding of them, or his Love to them.' And for tendering him the Oath *ex Officio*, that was the usual Proceeding in that Court. When he was brought before the Lords of the Council, he says the Warrant for his Imprisonment was under my Hand, and others: This was according to Course; so the Commitment of him was by the Lords, not by me. But my Hand was first; so was it in all Things else, to which I was to set it. And the Restraint of his Wife from coming to him, was by the same Order of the Lords: And upon her Petition, when her Husband was sick, both of them confess she had Admittance. But whereas he says the chief Cause of his Commitment was the Feoffment, he is much mistaken: Himself says before, it was about Popish Books. This I am sure of, the Feoffment was not so much as mentioned against him; tho' he freely confesses that he got twelve Men to undertake that Feoffment: which was a great deal more Power than he could take to himself by Law. And his Wife speaks not one Word to the Cause of his Imprisonment. So he is single, and in his own Cause; and no Treason, unless it be against Mr. *Foxlie*.

VI. The next Charge of this Day was Mr. *Vassal's* Imprisonment: And to save Repetition, I shall weave all the Circumstances of Aggravation and my Answer together.

First, He is single in all, both Substance and Circumstance. Secondly, He says, *That he conceives I was the Cause of his Imprisonment.* But his Conceit is no Proof. He says again, That I said at the Council-Table, (whither he was called) *Why sit we here, if we be not able to judge?* It may be, my Lords, I said so; I remember not now: But if I did say so, it was of such Things only as were fit and proper for that honourable Board to judge of. Then he charged me, that I should there say, *That he did eat the Bread out of the King's Childrens Mouths; and that if he were in another Coun-*

try he would be hang'd for it. 'I doubt this Gentleman has borrowed some of Sir *Henry Vane's* Memory: But I remember no such Thing.' Yet if I did say it, it was no Treason: For if I did say he might be hang'd for the like in some other Countries, it was because the Laws and Customs of other Countries, and this of ours, differ in many Things. So that by this Speech he was to thank the Law of the Land for his Preservation, notwithstanding his Opposition against Majesty; which, where the Laws were not so favourable to the Subject, would not be endured.

He says, *He was fain to deposit 300 l. into the Hand of Sir Abra. Dawes, and that it was taken out the next Day:* But he says withal, it was done by a Decree at the Council-Board; and I hope I shall not be held Author of all Decrees which passed there. He says that I called him *Sirrah*: A high Crime, if I did so! High-Treason at least! But sure this Gentleman's Spleen swell'd up *Sir* into *Sirrah*: 'For that is no Language of mine to meaner Men than Mr. *Vassal* is. The main of this Charge is Words; and those (if utter'd) haughty, not treasonable. And as *M. Lepidus* spake in the Case of *C. Lutorius Priscus*, *Vana à scelestis, dicta à maleficiis differunt*; Vain Things differ from wicked, and Words from malicious Deeds. And let any Man else be sifted as I have been for all the time I have been a Bishop, which is now upon the Point of twenty and three Years, and I doubt not but as high Words as these will be heard from him upon less Occasion, and of greater Personages than Mr. *Vassal* is. Besides, Mr. *Vassal*, at the end of his Testimony, desired the Lords he might have Reputation; which altogether in Law infirms that which he testified.'

VII. After this followed a Charge about a Grant passed from his Majesty to one Mr. *Smith*. The Difference was between Mrs. *Burrill* and him. As far as I can recall, it was thus: The King had made a Grant to Mr. *Burrill*, in his Life-time, of a Wharf, or something else belonging to the *Thames*. Mr. *Smith* conceals this, and gets a Grant from his Majesty over the Head of the Widow and her Children: And, as himself confesses, his Majesty being informed that Mrs. *Burrill* was Sister to the reverend Prelate Bishop *Andrews*, being then dead, should say, That he would not have granted it to Mr. *Smith*, had he known so much. This was an honourable Memory of his faithful Servant, her worthy Brother. But whatsoever was done in this Business, was by Order of the Council-Board, and not by me; as was also the 250 l. which (he says) was paid in to Sir *William Becher*, (by way of Deposit, as I conceive.) In which, if he had any hard Measure, the Law was open for his Right. And in the whole Business he is single, and in his own Cause.

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

Sir *John* says he was sent for about reading the Petition of Right at a Sessions in the Country; and that the Earl of Bridgewater should say he was disaffected to the King. This concerns not me in any thing. He says, *That for this he was committed, lay long in the Fleet, and was denied Bail.* But he says it was denied by the whole Board. 'So, by his own

own Confession, this was the Act of the Council, not mine. And this Answer I gave to Mr. Brown, when he put this Part of the Charge in to his Sum.

In his Cause with Sir *John Stonehouse* about a Waste, I cannot recal the Particulars: But what ever was done therein, himself confesses was by Order of the Council-Table, and his Majesty present, *April 18, 1638.*

For the Isle built by the Lord Viscount *Kilmurry*, the Grant which I made, was no more than is ordinary in all such Cases; and 'tis expressed in the Body of the Grant, *Quantum in nobis est, & de jure possumus.* So there is nothing at all done to the Prejudice of Sir *John's* Inheritance: for if we cannot grant it by Law, then the Grant is voided by its own Words. And that the Grant was such, and no other, I shew'd the Deeds ready attested out of the Office. Besides, had I wrong'd him, there was an ordinary Remedy open by Appeal to the *Delegates.* And this was well known to him; for he did so appeal from a like Grant against him by the now Lord Bishop of *Durresme*, then of *Litchfield*, and Sir *John's* Diocesan. And whereas 'tis alledged, *That I made this Grant without the Consent of him the Patron, or the then Incumbent;* Sir *John* acknowledges, like a Gentleman, that I sent unto him for his Consent, if it might have been had. And this I foresaw also, that if I had denied the Lord Viscount that which was not unusual, then the Complaint would have fallen more heavy on the other Side, that I made Persons of Quality in a manner Recufants, by denying them that Conveniency which was in my Power to grant. So I must be faulty, whatever I do.

IX. Then the Business of the Tythes of *London* was raised up in Judgment against me. And it was read out of my Diary, that I projected to give the Ministers Assistance therein.

I had been much to blame, having been Bishop of *London*, should I have had other Thoughts: For their Case is very hard; all their Offerings being shrunk away into nothing but a poor *Easter-Book.* The Ministers of *London* had often petitioned about some Relief long before my Time; and I did then, and do still think it most just they should have it. For they are now under the Task-Masters of *Egypt;* (*Exod 5. 7.*) the Tale of Brick must be made, they must preach twice a Sunday, get Straw where they can. And yet I never thought of any thing contrary to Law, had all been done which I desired: For that was no more than that the Citizens would voluntarily yield to some reasonable Addition, where Right and Need appeared. And this, I am sure, nor did nor could cross with the Act of Parliament concerning the Tythes of *London.* And Mr. *Alefs*, who is their only Witness in this Particular, says no more against me, but that *I pressed this Business much and often.* Which is most true I did; and held it my Duty so to do; but still in the way before mentioned.

X. After this came the great Charge (as at present it is accounted) concerning the Censure of Mr. *Prynn*, and *Burton*, and *Bastwick*, in the *Star-Chamber*, and their Banishment (as 'tis called) upon it. The Witnesses produced in some Circumstances of that Cause, were Mr. *Cockshott*, *Tho. Edwards*, *William Wickens*, Mr. *Burton*, Mrs. *Bastwick*, and Mr. *Prynn* himself. The Censure is known and urged to be against Law: But so far as any Particular is put upon me, my Answer is present to it.

1. And, First, for Mr. *Cockshott*, he says, Mr. *Attorney Banks* sent him (being then his Servant) to give me an Account of that Business. Hence 'tis inferred that I took care of it. This might have had some shew of Proof, if I had sent to Mr. *Attorney* to give me an Account of it. But there's no Word of any such Proof. And yet, considering what relation their Cause had to the Church, if I had sent and desired some Account of the Proceedings, I humbly conceive (my Place in the Church considered) it could have been no great Crime.

2. Then were read certain Warrants, one *Feb. 1. 1632.* for Commitment, another of *Feb. 2. 1636.* to bar Access to them. These were Acts of the Lords sitting in *Star-Chamber*, not mine. Then was read a third Order, after Sentence given, of *May 13. 1634.* for the seizing of his Books. But this, as the former, was an Act of the Court, not mine: And 'tis expressed in the Order (as the Charge itself lays it down) for the Disposall of the Books according to Law. Then the Warrant of their Commitment to the Islands, *Aug. 27. 1637.* This Commitment was no Device of mine; nor did I ever hear of it till it was spoken by others in the *Star-Chamber.* Nor do any one of these Warrants prove any thing that can be called my Act. And I humbly conceive that I ought not by Law, nor can by Usage of Parliamentary Proceedings, be charged single for those Things which were done in publick Courts. The last Order was, *Nov. 12. 1637.* about the Aldermen of *Coventry*, and the *Quo Warranto* resolved upon against the Charter of that City, only for supposed Favours shewed to Mr. *Prynn* in his Passage that way. First, 'tis confessed in the Charge that this was an Act of the Lords. Secondly, That it was made at a full Board. Thirdly, 'Tis not urged that any one Man disliked it. Fourthly, the Complaint which caused it, was, that both Aldermen and their Wives, and other Citizens, were not content to shew Mr. *Prynn* Kindness; but they both did and spake that which was disgraceful to the *Star-Chamber* Sentence. But howsoever, there is no Particular in that Order that is or can be charged upon me.

3. This for the Warrants. The next Witness concerning this Charge was *Tho. Edwards.* He says, *That three Hampers of Mr. Prynn's Books were taken out of his House,* (whither it seems they were conveyed for Safety) and no Warrant shewed to take them. The weaker Man he, to let his Friend's Books go so. But this Witness hath not one Word of me.

4. The next Witness was *William Wickens.* He says, *He knew of no Warrant neither; but that License was given by the Sheriffs about six Years since.* Here's never a Word concerning me: Nor am I to answer for the Sheriffs Act. And whereas it is an Aggravation in the Charge, *That all Mr. Prynn's Books were sold;* *Tho. Edwards* says there were but three Hampers of them; and this Witness says he bought them for two and thirty Pounds. And these neither by Number nor Price could be half of Mr. *Prynn's* Books, if I have heard Truth of his Library.

5. After this Man's Testimony, comes Mr. *Prynn* himself in his own Cause. He made a long Relation of the Business, and full of Bitterness against me. This I doubt not was purposely done, to represent me as odious as he could to the Lords and the Hearers. But I shall assume nothing to myself, that was done by Order of the Court of *Star-Chamber:* Whatsoever was done there by common

mon Consent, was their Act, not mine; and if any Treason be in it, they are as guilty as I; for Treason admits no Accessaries. Nor will I meddle with the Language: God forgive him that, and whatever else he hath done against me. Only I shall answer to all such Particulars of his as seem to touch upon my self.

(1.) First then he says, *He brought a Prohibition, An. 1629. and that was the Ground of my Hatred against him.* For Prohibitions, I shall answer when they are charged: But as I remember not this, so I bare him no hatred; and bearing him none, it could not be for that Cause: Nor doth he so much as offer to prove it was.

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

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

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

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

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

(7.) He says, *Mr. Attorney thought he had not kept the Letter; but he was deceived, for he had it.* But how was Mr. Attorney deceived? I'll tell your Lordships what himself told me. When Mr. Attorney saw that I would not agree to any farther Prosecution, he sent for Mr. Prynne, shewed him the Letter, and thought, after he had read it, to give him some good Counsel, to desist from that libelling Humour of his. But Mr. Prynne, after he had got the Letter into his Hands, went to the Window, as if he meant to read it; and while Mr. Attorney was otherwise busied, he tare it into small Pieces, and threw it out at the Window; and then said unto him, *This shall never rise in Judgment against me.* Now he confesses he hath the Letter still, and that Mr. Attorney was deceived: Belike he tare some other Paper for it, and put the Letter in his Pocket. 'But that you may see

the Honesty of this Man, and what Conscience he makes of that which he speaks upon his Oath; here he says he had the Letter still, and that Mr. Attorney was deceived: And yet after this; when he sets out his Breviate of my Life, he confesses, in an unfavoury marginal Note, *That he tare it, Mr. Attorney having need of such a Paper.* And for this Breviate of his, if God lend me Life and Strength to end this first, I shall discover to the World the base and malicious Slanders with which it is fraught.

(8.) He went on, and said, *There was an Order made against him when Term was done, so that he could have no Remedy.* This is directly against the Court and their Order, not against me.

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

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

(11.) Then he says, *That at last Mr. Holt came to him, but was threatned that very Afternoon for it.*

But he doth not tell your Lordships by whom; and for my Part, more than civil giving him the Time of the Day, I never spake with him in all my Life.

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

(13.) Lastly, he spake of sending Sir William Balfore to me, and some other like Particulars. Of all which there is no Proof, but a bare Relation what Mr. Hungerford, Mr. Ingram, and Sir William Balfore said; which is all Hearsay, and makes no Evidence, unless they were present to witness what was said. 'And here give me leave to observe, that Mr. Prynne hath in this Charge woven together all that he could say concerning both Causes, for which he was censured: For in the third Particular he speaks of his Book, for which he was first censured; and in the ninth and tenth of his Cross-Bill, and the like, which were in his second Cause.

6. The sixth Witness was Mr. *Burton*, a Party too. For that which he said agreeable to Mr. *Prynn*, it received the same Answer. And he added nothing new, but *that his Wife was kept from him by Warrant from the Lords*. And if it was by the Lords Order, then was it not by me. And when it was replied, That till he was sentenced to *Guernsey*, his Wife had access to him: Mr. *Burton* answered, Yea; but, my Lords, *she was not suffered to be with me at Nights*. At which the Lords fell a laughing, and there ended his Charge.

7. The last Witness was Mrs. *Bastwick*; and she also said nothing different from Mr. *Prynn*, but that she was kept from their Husband, and that she petitioned the Lords about it; but of me in particular, not one Word. 'And tho' Mr. *Brown*, 'in his last Reply upon me, said, The Time 'of these Mens Censure, was the noted Time 'of the Oppression of the Subjects Liberty; 'yet I shall crave leave to say of these Men, 'as St. *Augustine* once said of two great *Donatists* 'in his time, who (it seems) had received some 'Sentence, and afterwards a Return, not altogether unlike these Men: (they were *Felicianus*

Si innocentes
erant, quare
sic damnati
sunt? sic scelerati,
quare sic
recepti? Aug.
Epist. 172.

'and *Pretextatus*) of those thus St. *Augustine*; *If these Men were innocent, why were they so condemned? And if they were guilty why were they with such Honour returned and received?* 'This applies itself. And here I 'am willing to put the reader in 'mind too, That Mr. *Browne* drawing up an exact Sum of my Charge, and pressing it hard against me, to my Remembrance (and I think my Notes could not have slipped it) passed by this Charge concerning Mr. *Prynn*; and I cannot but think he had some Reason for it.'

XI. This tedious Charge being over, the World ran round, and I was brought back again to another Charge about demolishing the Houses at *St. Paul's*; and here three Witnesses more came against me.

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

2. The second Witness was Mr. *Goare*. For the sixty Houses, as was before testified, I gave the same Answer; as also, that the Act of the Council-Table cannot be said to be my Act. For *St. Gregory's* Church they were not left without a Place for Divine Service, (as he would fain have it thought: For they were assigned to a part of *Christ-Church*, till another Church might be built for them. And for the pulling down of *St. Gregory's* 'tis well known to divers of that Parish, that I was not so much as one of the Referrees, to whose View and Consideration it was referred. But the truth is, this Man rented the Parsonage-House,

and had a good Pennyworth of it to gain by his Under-Tenant. The going down of that House troubles him, and not the Church.

3. The third Witness, *Walter Biggs*, says nothing different from the two former; but *that I said I was opposed for the pulling down of the Houses*. Whence it was inferred, that it was my Act; because I was opposed. But my Lords, I hope, I might say, [I was opposed] without any Offence, or without taking the Order of the Council-Table to myself: For 'tis well known the Work of that Repair under God, was mine; and I took no indirect, no oppressing way to it: nor can I now be ashamed of that, which, in future times, in despite of the present Malice, will be my Honour. So that the Care of the Work lying upon me, I might well say *I was opposed*, tho' the Opposition went higher, against the Orders of the Lords.

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

1. For Mr. *Bond*, he begins with somewhat that I should say at the Council-Table; as namely, that he multiseal a Bond of two thousand Pounds to brew no more with Sea-Coal. Now this argues, if I did so speak, that it was in delivering to him the Sense of the Board; which Office (as I have before expressed, and is well known) was usually put upon me, if I were present. And your Lordships may here again see what Envy hath followed me upon that which I could not decline. He says farther, *That upon this Mr. Attorney Banks proceeded against him in the Exchequer; That there upon some Occasion the Lords Chief Baron should say, They are wise Witnesses for the King; That his Counsel were forbid to plead, and so a Verdict passed for the King*. All this is nothing to me; I was neither Chief Baron nor Witness, nor one of the Jury that gave the Verdict. He says, *He was informed, that there was an Order of Council made, that no Man should put up a Petition for him*: But himself doth not so much as mention, that this Order was procured by me: And it is but a Report that no Petition might be delivered for him; and none of them that told him so, produced for Proof. So he scandalizes the Lords by Hearsay.

Next he says, *That the King graciously sent him with a Reference to the Council for Satisfaction*. First, I must believe if he were so sent, the Wrong being only the King's, and he willing he should have satisfaction however for his Loss; 'That the Lords would never refuse, in such a Case, whatsoever is here said to the contrary. Secondly, 'It may be observed how gracious the King was to the Subject; that tho' the Annoyance, was great to that House of his Recreation and Retiring near the City yet he would not have Mr. *Bond* suffer without Satisfaction: notwithstanding which Goodness of the King, he comes in to this great Court; and so he may have a blow at me, blasts (as much as in him lies) all the King's Proceedings, under the Name of Oppression, and that in a high degree.' He says also, *That a Friend of his persuaded him to come to me, and offer me somewhat to St. Paul's; and that he did come to me accordingly and that I said I must have of him a Thousand Pounds to St. Paul's: That he was not unwilling to give it, because his Brewing was worth*

twice as much to him. My Lords, I humbly desire your Lordships to consider this part of the Charge well. First, What Friend of his this was, that came so to him, he says not, nor do I know, and so have no possibility to examine. Secondly, He says not that I sent his Friend of his to him, thus to advise him: and then his coming no way concerns me. Thirdly, when he was come upon this Friend's persuasion, if he were willing to give a Thousand Pounds to *St. Paul's*, in regard of his double Gain from his Brew-House, as himself confesses; I do not see (under favour) what Crime or Oppression is in it. Lastly, I remember none of this, and let him well weigh his Oath with himself; for I cannot call to mind one Penny that he gave to *St. Paul's*: nor yet shall I ever think it a Sin, to take a Thousand Pounds to such a Work, from any rich and able Man that shall voluntarily offer it; especially upon hope of gaining twice as much.

To make this Charge the heavier, he says, I sent him to the Queen-Mother, who lay then at *St. James's*; and that there he was laboured by some about her to change his Religion, and then he should have all Favour. This is a bold Oath; let him look to it, for I sent him not. It may be I might tell him, that if the Queen-Mother were offended with the Annoyance from his House, it would not be in my Power to help him; which was true. And that about his Religion, was added to make your Lordships think that I sent him thither for that Purpose: but God be thanked, this Witness says not any one Word tending that way. And for the Queen-Mother, since she is thus mentioned, I shall crave leave to say two things: the one, That I did both in open Council, and privately, oppose her coming into *England*, with all the strength I had; tho' little to my own Ease, as I after found: the other, That after she was come, the Lords of the Council went in a Body to do their Duty to her; that time I could not but go; but never either before or after was I with her.

Then he concludes, That there was a *Capias* out for him, and that he was fain to make an escape by Night; which he did to Alderman *Pennington*, who very nobly succoured him privately in his House. All which concerns me nothing.

2. The other Witness is Mr. *Arnold*; who told as long a Tale as this, to as little purpose. He speaks of three Brew-Houses in *Westminster* all to be put down, or not brew with Sea-Coal; that Secretary *Windbank* gave the Order. Thus far it concerns not me. He added, that I told him they burnt Sea-Coal: I said indeed, I was informed they did; and that I hope was no Offence. He says, That upon Sir *John Banks's* new Information, four Lords were appointed to view the Brew-Houses, and what they burnt. But I was none of the four, nor did I make any Report, for or against. He says, Mr. Attorney *Banks* came one day over to him, and told him that his House annoyed *Lambeth*, and that I sent him over. The truth is this; Mr. Attorney came one Day over to dine with me at *Lambeth*, and walking in the Garden before Dinner, we were very sufficiently annoyed from a Brew-House; the Wind bringing over so much Smoke; as made us leave the Place. Upon this Mr. Attorney asked me, why I would not shew myself more against those Brew-Houses, being more annoyed by them than any other? I replied, I would never be a means to undo any Man, or put

him from his Trade, to free myself from Smoke. And this Witness doth after confess, that I said the same Words to himself. Mr. Attorney at our parting said, he would call in at the Brew-House: I left him to do as he pleased, but sent him not. And I humbly desire Mr. Attorney may be examined of the Truth of this.

He farther says, That he came over to me to *Lambeth*, and confesses the Words before mention'd; and that he offered me Ten Pounds yearly to *St. Paul's*, and that I said he might give Twenty. He says, That I sent him to Mr. Attorney; but withal told him, that if he found not such Favour as I wished him, it was a sign he had more powerful Adversaries than my Friendship could take off. In all this I cannot see what Fault I have committed. And I foretold him Truth: for tho' the Business were after referred to Mr. Attorney and myself, (as himself says) yet we were not able to end it. Then he says, I would not suffer Sir *Edw. Powel*, Master of the Requests, to deliver his Petition to the King. But first, this is but Sir *Edward Powel's* Report, and so no Proof, unless he were produced to justify it. Secondly, the World knows I had no Power in Sir *Edward*; he would then willingly have delivered Petition, or any thing else, that he thought might hurt me: and the Cause is known.

Lastly, he says, Mr. Attorney sent out a *Capias* for him; that the Sheriff came by force to take him, and what hard shift he made to escape: That after upon his Petition, the Lords gave him six Months time to provide himself elsewhere; and that he was fain to give five hundred Pound Bond not to brew there. To all this I then said, and say still, First, Here's no one thing charged upon me in particular. Secondly, here's not a Word of my Advice or Endeavour to set on Mr. Attorney, or to move the Lords to any thing against him. And whereas it hath been urged, that my Power was such, that I swayed the Lords to go my way; this cannot be said, without laying an Imputation upon the Lords, as if they could so easily be overwrought by any one Man and that against Law: which is a most unworthy Aspersion upon Men of Honour. And if all this were true, it is but Treason against a Brew-House. Nor yet may this be called slighting of any Evidence, which is but to answer home in my own just Defence. 'And out of this I gave my answer to 'Mr. *Browne's* summary Charge against me in the 'House of Commons, for that which concerned 'these two Brewers.'

And here, before I close this Day, give me leave, I beseech your Lordships to observe two things. First, That here have been thirteen Witnesses at least produced in their own Cause. Secondly, That whereas here have been so many things urged this Day about the Star-Chamber and the Council-Table; the Act made this Parliament, for the regulating of the one, and the taking away of the other, takes no Notice of any thing past: and yet Acts past (and those Joint-Acts of the Council, and not mine) are urged as treasonable, or conducing to Treason, against me. Nay, the Act is so far from looking back, or making such Offences Treason, as that if any offend in future, and that several times, yet the Act makes it but Misdemeanour, and prescribes Punishments accordingly.

The Fifth Day of my Hearing.

FRIDAY, March 22. 1643. The first Charge of this Day was concerning the Indictment of Mr. *Newcommin* a Minister at *Colchester*, for refusing to administer the Sacrament; but at the Rails; and the Prosecution which followed against *Burrowes* for this. The two Witnesses of the Particulars, are *Burrowes* and Mr. *Aske*.

1. The Testimony which *Burrowes* gave, was, That Mr. *Newcommin* would not administer the Communion, but at the Rail; that he indicted him for receiving it there; that the Foreman threw it out, &c. If Mr. *Newcommin* did this, Complaint might have been made of him; but howsoever here's no one Word of any Command from me. And it seems the factious Malice of *Burrowes* was seen, that the Foreman at first threw away the Indictment. He says, That upon this he was called into the High-Commission; a Warrant from me; his House beset; *Stockdall* left the Warrant with the Mayor; a *Habeas Corpus* not obeyed. The Warrant, by which he was detained, was from the High-Commission, not from me; and himself says, there were six or seven Hands to the Warrant. But then he says, my Hand alone was to another Warrant, which is impossible, for there must be three Hands at the least, or no Warrant can issue out. And all his Proof of this latter is, that he saw my Hand; which I hope he may do, tho' other Hands besides mine were to it. For the *Habeas Corpus*, if the Mayor said (for so *Burrowes* adds) he would obey my Warrant, rather than the King's Writ, because it came first; he was extremely ill advised: but if a Mayor of a Town give an undiscree, or a worse Answer, I hope that shall not be imputed to me. And if there be any thing in this Business, why is not *Stockdall* the Messenger produced, that knows those Proceedings? Lastly, he speaks of a Letter sent to Judge *Crawley*, and shew'd to Judge *Hutton*. But first, he says not that Letter was sent by me, or by my means. Secondly, he names not the Contents of the Letter; without which, no Man can tell whether it charge any thing upon me or not. And until the Letter be produced, or sufficiently witnessed, (neither of which is offered) 'tis but like a written Hearsay. And I humbly pray you to observe from himself, that the two Reverend Judges looking into the Business, said, it was a mere Cheat for Money, and returned him back to *Colchester*: which is a Proof too, that the *Habeas Corpus* was obeyed; for if he were not brought up before them, how could he be returned by them?

2. Then Mr. *Aske*, the second Witness, was produced. He said, there came Players to Town, and that some, which said they came from me, were taken in a Tavern upon *Easter-Eve* at unreasonable Hours. I know not of any that were sent from me: but if any were, and kept any Disorder in the Town, especially at such a Time, Mr. *Aske* did very well to question them. He says, That upon the Matter I referred him twice to Sir *John Lambe*, and that, at the second time, he found the Plot was to make him an Instrument about the Rails, which he absolutely refused. I did refer him (and it may be twice) to Sir *John Lambe*; but if Sir *John* spake to him about the Rails, he had no Commission from me so to do. I understood Mr. *Aske* too well, to offer to make

him an Instrument in such a Business. His Zeal would have set the Rails on fire, so soon as ever he had come near them.

Frigidius dictum. H. S. A. C.

Next he says, That Mr. *Newcommin* was indicted, as is aforesaid, and that Indictment found: That Letters Missive were sent for him and his Wife, by *Stockdall*. If Letters Missive by *Stockdall*, then they were sent by the High-Commission, whose joint Act cannot be charged upon me: And if any thing can be proved, why is not *Stockdall* produced: He says, that he went into *Holland* to avoid the Oath *ex Officio*. The Oath *ex Officio* was then the common, and, for ought I yet know, then the legal Course of that Court: so I could not help the Tender of that Oath unto them, had they staid and appeared. But the truth is, he was too guilty to appear; for his Wife was a Separatist, and himself confesses that she came not to the Prayers of the Church. And as for him, I ever found him the great Maintainer of all wilful Opposition against the Church. He farther says, he came to me to *Croydon*, and that there I told him he might have put the Indictment against Mr. *Newcommin* in his Pocket. Indeed, my Lords, if I did say so, I think I spake it truly. For if he had borne any Respect to the Reputation of the Clergy, I think he might have pocketed it for one Sessions, without any prejudice at all to the Law, or any thing else. God knows, this is often done. And if thereupon I added, (as Mr. *Aske* says I did) That if he were so strictly set against Churchmen in the Temporal Courts, he must look for as strict Proceedings in the High-Commission; I see no great Crime in it: for we are as strictly bound to prosecute in the one, as he was in the other. And if his Clerk (as he says) was attached, who read the Indictment; yet it is not said by himself, that he was attached for reading it. And if it were so, that some Jurors were attached, and not Mr. *Aske's* Clerk only, (as Mr. *Browne* pressed it in the Sum of his Charge) yet the Answer comes all to one. For no Witness says, these Jurors were called into the High-Commission for being Jurors, or discharging that legal Duty. And then I hope a Man's being of a Jury shall not excuse him for answering any Crime in any Court, that hath power to call him; provided he be not called off at the time of his Service, or while he is under the Privilege of that Court, in which he is a Juror. And according to this, I gave Mr. *Browne* my Answer. And howsoever, the Attachment goes of course out from the Commission, and not from me.

II. The second Charge of this Day was about the Censure which fell on the Inhabitants of *Beckington* in *Somersetshire*, about their refusing to remove the Communion-Table according to the Order of their Diocesan: About which were produced three Witnesses, to whose Evidence I shall answer in order.

1. The first was *William Longe*, who says he was Foreman of the Jury, when these Men were indicted for a Riot; and that, as he conceives, the Parson spake with the Judge about it, which caused a sudden Verdict. The Parson of the Place spake with the Judge, and he conceives that produced a sudden Verdict: First, he doth but conceive so, and that can make no Proof. If it did make Proof, 'tis only against the Parson, not against me. And if the Parson speaking of it, did say, (as Mr. *Longe* affirms

affirms he did) That this Riot was like a *Walden-
stan* or *Switzerland* Commotion; he must answer
for his own distempered Language, me it cannot
concern.

2. The second Witness was *George Longe*. He
says the Bishop of *Bath* commanded the Commu-
nion-Table to be removed, and set at the upper
end of the Chancel; that the Church-Wardens re-
fusing, were excommunicated: but he says withal,
that they appealed to the Arches, and had reme-
dy. Then he adds farther, That the Bishop pro-
ceeded again, but the Church-Wardens would not
remove it, saying it was an Innovation, and a-
gainst Law. But, my Lords, 'tis neither: and
therefore these Church-Wardens were in a great
Contempt against their Bishop, to the ill Example
of all that Country. And that it is no Innovation
against Law, appears by the Injunctions of Queen

Elizabeth, where it is commanded expressly to be
set there. The Words are; *The Ho-
ly Table in every Church* (not Cathed-
rals only) *shall be decently made, and
set in the Place where the Altar stood.*

Now all Men know, that with us in *England* the
Altar stood North and South, at the upper end of
the Chancel; and to set it East and West, had
been cross the Place where the Altar stood, and
not in it. And this being Law in the beginning of
the Reformation, cannot now be an Innovation.

When they came to me again, (as they say they
did) if I then told them they deserved to be laid
by the Heels for the Contempt of their Bishop;
under favour, my Lords, I spake Truth. And
give me leave, I beseech you, to tell you this:
It began to be a general Complaint, not of the
Bishop of *Bath* only, but of other Bishops also,
that they could do little or no service in their se-
veral Countries, by reason of the Inhibitions which
issued out of my Courts to stay their Proceedings.
And I wanted no good Friends in Court to tell
the King as much, when any thing was complain-
ed of. By this I was brought into great Streights:
deny Appeals, I might not; frequent granting in
my Courts, destroyed, in a manner, the Bishops
Jurisdictions. In this Difficulty, seeing the Wil-
fulness of these Men, and knowing they had re-
ceived full Benefit by their Appeal once already
in the same Case; I did refuse to hear any more of
it, (unless there were new Matter) but yet left
them free to appeal to the Delegates.

For Mr. *Hughes*, the Parson there, if he gave ill
Words, or laid violent Hands on any of his Neigh-
bours, it concerns not me; let him answer for
what he hath said or done. 'Tis farther said,
That Mr. *Hughes* was with me at *Windsor*, and had
Letters from me to the Lord Chief Justice *Finch*.
But this Witness delivers not this upon his own
knowledge; I sent no Letter by him, nor did he
see me send by any other: so this is merely a
Report, and he doth not so much as tell from
whom. Yea, but then he says, That Mr. *Morgan*
(a Man inward with the Judge) told him, that
the Judge told him, that the little Man had put a
Spoke in their Cart; and thereupon (as he con-
ceives) the Petty-Jury was changed. Here are,
if your Lordships mark them, two great Proofs.
The one is the Witness's Report of Mr. *Morgan's*
Report, that the Judge had said so of me: But why
is not Mr. *Morgan* produced to clear this? The
other is not the Knowledge, but the Conceit on-
ly of the Witness: *He conceives*, which I am con-
fident cannot sway with your Lordships for a

Proof. ' Besides, were Mr. *Morgan* never so in-
ward with that Judge, yet it follows not, that
' he must know all. And if that Judge did mean
' me, (for name me he did not) he did me the
' more wrong. For I never desired any thing of
' any Judge, him or other, but what was accord-
' ing to Law. Nay, I so expressed myself, as
' that if by mistake or mis-information I had de-
' sired any thing which was not according to Law,
' I humbly desired my Motion might be, as if it
' had never been made.'

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

He says farther, That upon Petition to Sir *Wil-
liam Portman* for some Assistance, the Bishop of
Bath laid all upon me; and that when himself
came to me at the *Tower*, since my Restraint, I told
him the Bishop of *Bath* did like an obedient Bi-
shop to his Metropolitan. For this, my Lords,
there is no Proof, that the Bishop laid this Busi-
ness upon me, but Sir *William Portman's* Report.
Sir *William* is a worthy Gentleman, why is not he
produced? Why is not the Bishop, that is said
to lay all upon me, brought into the Court, that
he may clear himself and me, if he had said it
not; or that I may make him ashamed, if he said
it? For 'tis confessed, that in the first Business,
the Church-Wardens had their Remedy by their
Appeal to me; but that then the Bishop began a-
gain, as the former Witness declared. Nor knew
I any thing of this Business till the Appeal came.
As for my Answer to himself, that, under favour,
is quite mistaken: For I did not say, That in
this Particular, but that in his general Proceed-
ings in his Diocese, the Bishop of *Bath* carried
himself like an obedient Bishop to his Metropoli-
tan. Nor can my Words be drawn to mean this
Particular: For how could I say that in this Par-
ticular he carried himself like an obedient Bishop
to me, when after Remedy given to these Men by
their first Appeal into my Court, he began with
them again upon the same Cause? Besides, my Lords,
this is not the first time Mr. *Ash* hath mistaken me.
' Mr. *Browne*, in summing up this Charge against
' me, falls twice very heavily upon this Business of
' *Beckington*. First, For the Point of Religion:
' And there he quoted a Passage out of my Speech
' in

‘ *Bishop!* And this Answer I gave Mr. *Browne*, when he summ’d his Charge against me.’

V. The fifth Charge of this Day was Mr. *John Ward’s* Case, in a Suit about Simony in the High-Commission.

He says, (for he also is in his own Cause) That upon a pretence of a Lapse by Simony, I procured a Presentation from the King to the Church of *Dinnington*. His Majesty trusted me with the Titles, which did accrue to him in that kind: And because *Simony* had been so rife, commanded me to be careful I might not betray his Trust. And therefore the Simony being offered to be proved, I procured his Majesty’s Presentation for trial of the Title. And this I conceive was no Offence; tho’ this be that which he calls the Heaviness of my Hand upon him. He farther says, That I sent to the Bishop of *Norwich* to admit the King’s Clerk, the Church being void, 7 *Junii* 1638. Nor do I yet see, my Lords, what Crime it is in me, trusted especially as before, to send to the Bishop to admit when the Church is void: Many Lay-Patrons do that, upon Allegation of Simony, before Proof. ‘ And Mr. *Bland*, produced as a Witness also, says, That the Lord *Goring* prevailed with the Lord Bishop of *Norwich* not to admit. And ‘ I hope an Archbishop, and trusted therein by his Majesty, may as lawfully write to the Ordinary for Admission of the King’s Clerk, as any Lay-Lord may write against it.’ But Mr. *Ward* says nothing to this of the Lord *Goring*; but adds, That Sir *John Rowse* prevented this Admission by a *Ne Admittas*, *Junii* 12. And that thereupon I said, *It was to no purpose for us to sit there, if after a long Trial, and Judgment given, all might be stopped.* If I did say so, I think it is a manifest Truth that I spake: for it were far better not to have Simony tried at all in Ecclesiastical Courts, than after a long Trial to have it called off into *Westminster-Hall*, ‘ to the double Charge and Trouble of the Subject. But if the Law will have it otherwise, we cannot help that. Nor is this Expression of mine any Violation of the Law.’

Then he says, a Letter was directed from the Court of the High-Commission to the Judges, to revoke the *Ne Admittas*; and that I was forward to have the Letter sent. How forward soever I was, yet it is confessed the Letter was sent by the Court, not by me: and let the Letter be produced, it shall therein appear, that it was not to revoke the *Ne Admittas*, but to desire the Judges to consider, whether it were not fit to be revoked, considering the Church was not void till *Jun. 14.* And it hath been usual in that Court, to write or send some of their Body to the Temporal Judges, where they conceive there hath been a Misinformation, or a Mistake in the Cause; the Judges being still free to judge according to Law, both for the one and the other. And here he confesses the Writ of *Ne Admittas* was revoked by three Judges, and therefore I think legally.

But here he hopes he hath found me in a Contradiction. For when I writ to the Bishop of *Norwich*, *Junii 7. 1638.* I there said the Church was void; whereas this Letter to the Judges says it was not void till *Junii 14.* But here is no Contradiction at all: For after the Trial past, and the Simony proved, the Church is void to so much as the Bishop’s giving of Institution; and so I writ *Junii 7.* But till the Sentence was pronounced in open Court, and read, the Church was not void, as touching those Legalities, which (as I humbly

conceive) do not till then take place in *Westminster-Hall*: And the reading of the Sentence was not till *Junii 14.* However, if I were mistaken in my own private Letter to the Bishop, yet that was better thought on in the Letter from the High-Commission to the Judges. He says, lastly, That upon a *Quare Impedit*, after taken forth, it was found that the King had no Right. Why, my Lords, if different Courts judge differently of Simony, I hope that shall not be imputed to me. In the Court where I sat, I judged according to my Conscience, and the Law, and the Proof, as it appeared to me. And for Dr. *Ryves’s* Letter, which he says was sent to the Cursitor to stop the *Ne Admittas*, let Dr. *Ryves* answer it. The Witness himself confesses that Dr. *Ryves* says the Command to the Cursitor was from the Lord Keeper, not from me. ‘ And here ends the Treason against Mr. *Ward*; and, till now, I did not think any could ‘ have been committed against a Minister.’

VI. Then followed the Case of *Ferdinando Adams*, his Excommunication, and the Suits which followed it: As it will appear by the Witnesses following, which were four.

1. The first was Mr. *Henry Dade*, the Commissary then, before whom the Cause began. And he confesses, He did excommunicate *Adams* for not blotting out a Sentence of Scripture, which the said *Adams* had caused to be written upon the Church Wall, as in many Churches Sentences of Scripture are written. But he tells your Lordships too, that this Sentence was, ‘ *My House shall be called a House of Prayer; Mat. xxi. 13. but ye have made it a Den of Thieves.* The Commissary’s Court was kept (as usually it is) at or toward the West End of the Church; and just over the Court *Adams* had written this Sentence upon the Wall, merely to put a Scorn and a Scandal (tho’ I hope an unjust one) upon that Court. ‘ He was commanded to blot it out: He ‘ would not, because it was Scripture; as if a Man ‘ might not revile and slander, nay, speak Treason too, (if he will be so wicked) and all in ‘ Scripture-Phrase: Witness that leud ‘ Speech lately utter’d, ‘ *To your Tents Reg. 12. 16. O Israel, &c.* Upon this he was excommunicated; and I cannot but think he well deserved it. For the Suit which followed against Mr. *Dade* in the Star-Chamber; the Motion that Mr. Attorney would leave him to the common Prosecutor, and not follow it in his own Name, himself confesses, was made in open Court by Mr. *Bierly*, and that from me he had no Instructions at all.

2. The second Witness is *Adams* in his own Cause. To the Place of Scripture I have spoken already. And the next that he says, is, That Sir *Nath. Brent*, in my Visitation, commanded the setting of the Communion-Table at the upper end of the Chancel; That upon his not blotting out the passage of Scripture, he had an Action; and that his Solicitor was committed by *J. Jones*, till he relinquished his Suit. In all this there is not one Word of any thing that I did. And for that which Sir *Nath. Brent* did about placing the Communion-Table, ‘tis ‘ answer’d before. He says also, That when he saw he must prosecute his Suit against Commissary *Dade* in his own Name, he left the Kingdom. And surely, my Lords, if he would leave the Kingdom rather than prosecute his Cause in his own

‘ In the second Charge of this Day.

own Name, 'tis more than a sign, that his Cause was not very good.

3. The third Witness was Mr. *Cockshot*, one of Mr. Attorney *Banks's* Servants. He says, That *Adams* moved him, and he Mr. Attorney; and that thereupon Mr. Attorney gave his Warrant against *Dade*. By which your Lordships may see how active Mr. *Cockshot* was against a Church-Officer, and in so foul a Scandal. He says also, That Mr. *Dade* came to Mr. Attorney, and told him, that I did not think it fit, a Prosecution in such a Cause should be followed in Mr. Attorney's Name. First, 'tis true, I did not think it fit; nor did Mr. Attorney himself, when, upon Mr. *Bierly's* Motion, he fully understood it. Secondly, The Cause being so scandalous to a Church-Officer, I conceive I might so say to Mr. *Dade*, or any other, without offence. But then, Thirdly, here's not one Word that I sent Mr. *Dade* to Mr. Attorney about it: He came and used my Name, so Mr. *Cockshot* says; but not one Word that I sent him. Lastly, He says, That Mr. Attorney told him, that I blamed him for the Business, and that thereupon he chid this Witness, and sent him to me; and that I rebuked him for it: but he particularly remembers not what I said. Nor truly, my Lords, do I remember any of this. But if I did blame Mr. Attorney for lending his Name in such a scandalous Cause as this, I did (as I conceive) what became me. And if he chid his Man, he did what became him. And if I rebuked Mr. *Cockshot* when he was sent to me, sure he deserved it; and it seems it was with no great Sharpness, that he cannot remember any thing of it. 'And so I answered Mr. *Brown* when he instanced in this.'

4. The last Witness was Mr. *Prynn*, who says, No Appeal was left him. But that, under favour, cannot be: For if my Courts refused him (which is more than I know) he might have appealed to the Delegates. He says, That he advised *Adams* to an Action of the Case; that he blamed *Lechford* for deserting the Suit, and that he advised him to go to Mr. Attorney. So here's no Assistance wanting to *Adams*, but the Church-Officer Mr. *Dade* must have none. Yet I blame not Mr. *Prynn*, because he says he did it as his Counsel. He says farther, That when *Adams* was put to prefer his Bill in his own Name, that then the Excommunication was pleaded in Bar: But he doth not say it was pleaded by me, or my Advice; nor do I hear him say, it was unjustly pleaded. And had not *Adams* been wilful, he might have taken off the Excommunication, and then proceeded as it had pleased him.

VII. Then the Charge went on against me, about the Stop of Mr. *Bagshawe* the Reader of the *Middle Temple*. The Witnesses are two Lawyers, who accompanied Mr. *Bagshawe* to *Lambeth*, Mr. *White* and Mr. *Pepys*. They say, That Mr. *Bagshawe* insisted upon these two Points; First, That a Parliament might be held without Bishops; and, Secondly, That Bishops might not meddle in Civil Affairs. My Lords, these things are now settled by an Act of this Parliament, but then they were not. And I conceive, under favour, that Mr. *Bagshawe* (the Craziness of these times considered) might have bestowed his time better upon some other Argument: And sure no Man can think, that either myself, or any Church-Governor, could approve his Judgment in that Particular. And whereas they say, That the Lord Keeper

Finch, and the Lord Privy-Seal told them, that I was the Man that complained of it to the King and the Lords: 'Tis most true, I did so; and I think I had been much to blame if I had not done it. And if when they came over to *Lambeth* about it, they heard me tell Mr. *Bagshawe* (as they also say they did) that he should answer it in the High-Commission Court next Term; I humbly conceive this no great Offence; but out of all question no Treason to threaten the High-Commission to a Reader of the Inns of Court.

VIII. The last Charge of this Day was concerning the Lord Chief Justice *Richardson*, and what he suffered for putting down Wakes and other disorderly Meetings in *Somersetshire*, at the Assizes there holden.

The single Witness to this is *Edward Richardson*, (a Kinsman of the Judge's, as I suppose.) He says, That Complaints were made to the Judge of Wakes and Feasts of Dedication; That his Majesty writ Letters about it to Sir *Robert Philips* and others. They certify a Command comes by the Lord Keeper to revoke the Order next Assizes. First, 'Tis not done. Then by Command from the Lords of the Council, the Judge, upon that second Command, revokes it; but, as 'tis certified, not fitly. In all this here's not one Word that concerns me. Then he says, That upon this last Certificate, the Business was referred to the Lord Marshal and myself, and the Judge put from that Circuit. I cannot now remember what Report we made: But whate'er it was, the Lord Marshal agreed to it as well as I. Then a Letter of mine was produced of *Octob. 4. 1633*. But the Letter being openly read, nothing was found amiss in it. And, under your Lordship's Favour, I am still of Opinion, that there is no Reason the Feasts should be taken away for some Abuses in them; and those such as every Justice of Peace is able by Law to Remedy, if he will do his Duty. 'Else by this kind of Proceeding, we may go back to the old Cure, and remedy Drunkenness by rooting out all the Vines; the Wine of whose Fruit causes it. As for the Pretences, which this Witness spake of; they were none of mine, as appears evidently by the Letter itself.'

As an Appendix to these, was added a Letter of my Secretary Mr. *Dell*, to Sir *John Bridgman*, Chief Justice of *Chester*, in a Cause of one *Ed. Morris*. It was (as I think it appears) upon an In-croachment made in the Marches Court upon the Church; in which Case, I conceive, by my Place, I may write to any Judge for Information: And there is nothing peremptory in the Letter. The Words are (*If things be rightly suggested*.) But howsoever, the Letter is *Dell's*; and if he have done amiss in it, he is here present to answer. And it will be a hard Business with Men of Honour, if when any Lord shall command his Secretary to write, and give him Directions for the Matter, he shall afterwards be answerable for every Slip of his Secretary's Pen; especially in so high a way, as 'tis charged on me. But the best is, here's nothing amiss that I know.

The Sixth Day of my Hearing.

THURSDAY *March 28. 1644.* The first Charge of this Day concerned the Censure, Deprivation and Imprisonment of Mr. *Huntly*. The Witnesses produced are four.

1. Mr. *Merifield* comes on first. He says, That himself was committed by the Lords of the Council; and that there I said, That he the said *Merifield* deserved to be laid by the Heels, and to be called into the Star-Chamber. This Man was (as I take it) Mr. *Huntly's* Attorney; and if I did speak those Words concerning him, surely his Words and Carriage deserved it; else I am confident the Lords would not have committed him for a naked, and an orderly following of his Client's Cause; especially in the Presence of two Judges, Justice *Jones* and Justice *Crook*, who, he says himself, were present. 'And this Answer I gave Mr. *Browne*; who, in the Sum of his Charge against me, omitted not this Case of Mr. *Merifield*; for so was this Attorney's Name.'

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

3. The third Witness is *John Dillingham*. He says, That Mr. *Huntly* moved before the Lord Chief Justice *Richardson*; and that the Judge replied, By his Faith he durst not do him Justice. To this, my Lords, I answer: Here's never a Word that he durst not do him Justice for fear of me; that's not said by the Witnesses, and ought not, by Conjectures, to be enforced against me. But howsoever, if he spake these Words, the more shame for him. He is dead, and I will not rake into his Grave; but if he so spake, it seems he was none of those Judges, which *Jethro* advised *Moses* to make for the ease of himself, and the good of the People, *Exod. xviii. 21.* 'Mr. *Browne*, in summing up of his Charge, pressed this Speech of the Judge hard upon me; which enforces me to add thus much more, That this Witness lays it hard upon the Judge, not upon me: For no Proof is offered, that I did solicit him in that Cause: And if he wanted Courage to do Justice, why sat he there?'

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

in it, but as any other Ordinary Commissioner then present had.

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

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

1. The first is Mr. *Prynn*. He says, That in *An. 4. to Caroli* he brought a Prohibition, and that thereupon I should say, *Dost the King give us Power, and then are we prohibited? Let us go and complain.* First, If this were *Anno 4. Caroli*, it was long before the Article; so that I could neither expect the Charge, nor provide the Answer. Secondly, I humbly conceive there's no Offence in the Words: For if a Prohibition be unjustly granted upon Misinformation, or otherwise; or if we do probably conceive it is ill-grounded, I hope 'tis no Sin to complain of it to the King, the Fountain of Justice in both Courts. Yea, but he says farther, that I said I would lay him by the Heels that brought the next: 2. And this Mr. *Burton* witnesses with him. First, If I did say so, they were but a few hasty Words; for upon second thoughts it was not done. Next, I desire your Lordships to consider what manner of Witness Mr. *Burton* is; who confesses here before your Lordships, that he brought the next with a purpose to tempt me: You know whose Office that is; and so Mr. *Burton* hath abundantly shewed himself, and proclaimed his Religion.

3. As for Mr. ^b *Comes*, he says just ^b *f. Combs.* the same with Mr. *Prynn*, and I give the same Answer.

Then about taking down of a Pew in a Church in *London*, (my Notes are uncertain for the Name) which Pew was set above the Communion-Table; That I required to have it pulled down; That they came to me to have an Order for it: and that thereupon I should say, *You desire an Order of Court, that you may have it to shew, and get a Prohibition; but I will break the back of Prohibitions, or they shall break mine.* 4, 5. And this is jointly witnessed by Mr. *Pocock* and Mr. *Langham*: and this they say was thirteen or fourteen Years ago. Excellent Memories, that can punctually swear Words so long after! But, my Lords, I confess to your Lordships, I could never like, that Seats should be set above the Communion-Table: if that be an Error in me, be it so. For the Words, I did not speak them of Prohibitions in general, but of such as I did conceive very illegal; as, for ought I yet know, this must have been. 'And this was the Answer which I gave Mr. *Browne*, when, in summing up the Charge, he instanced in this against me.' 6. To these *Roland Tompson* adds new Words; *That I wondered who durst grant a Prohibition,*

tion, the High-Commission Court being above all. But he confesses, he knows not the time when this was spoken. Let him look to his Oath, for I am as confident he knows not the thing. And I farther believe, that neither he, nor any the rest of my Accusers think me so ignorant, as to say the High-Commission Court was above all.

7. *Francis Nicolas* says, That about four Years since he delivered a Prohibition, and was committed for it. 8. To this, *Quaterman* comes in and says more than *Nicolas* himself: for he says, he delivered it in upon a Stick, and was committed for it. First, if he were committed, it was not for bringing the Prohibition, but for his unmannerly Delivery of it; and to reach it into the Court upon a Stick to call the People to see it, was no handsome way of Delivery. And one that brought a Prohibition (whether this Man or no, I cannot certainly say) threw it with that violent Scorn into the Court, that it bounded on the Table, and hit me on the Breast, as I sat in Court. Howsoever his Commitment was the Act of the Court, not mine: And for *Quaterman*, he is an exasperated Man against me and that Court, as hath appeared to the World many ways.

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

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

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

12. The last Witness about Prohibitions, was *Mr. Wheeler*. He says, that in a Sermon of mine long since, I used these words; *They which grant Prohibitions to the disturbance of the Church's Right, God will prohibit their Entrance into the Kingdom of Heaven*: And he says he writ down the Words,

that he might remember them. If this Gentleman will tell me what Text I then preached on, I will look upon my Sermon, (if that, with my other Papers, be not taken from me) and shew the Place. In the mean time, with that Limitation with which he confesses I spake them, I conceive there is no fault at all in the words. For it will be found no small fault in Judges to grant Prohibitions to the disturbance of the Rights of the Church, which no Law of God or Man warrants them to do. So the words I spake, must needs be understood of illegal Prohibitions. For they which are legal, do only stop the Church from doing wrong, but do no wrong to the Church by disturbing her Rights. ' *Mr. Browne* charged this 'Sermon-Note upon me also, and I gave him this 'Answer. Nevertheless, I cannot but be sorry 'to hear it from *Mr. Wheeler's* own Mouth, that 'he was so careful to write this Passage, and so 'ready to come to witness it against me, considering how many Years I have known him, and 'how freely he hath often come to my Table, and 'been welcome to me; yet never told me, this 'Passage in my Sermon troubled him. It seems 'some Malignity or other laid it up against this 'wet Day.'

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

Sir Timothy Baldwin hath these Papers. W. S. A. C.

^a *Ma. Parkeri Antiq. Britan. in vita Joh. Stafford.*

p. 326, 327.

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

III. The next Charge is about my undue taking of Gifts: A Charge which I confess I did not think to meet here. And I must and do humbly desire your Lordships to remember, that till this Day I have not been accused, in the least, for doing any thing corruptly: And if I would have had any thing to do in the base dirty Business of Bribery, I need not have been in such Want as now I am. But my Innocency is far more to my Comfort, than any Wealth so gotten could have been:

For I cannot forget that of *Job*, That
Job. xv. 34. *Fire should consume the Tabernacle of Bribery.* 'And in the Roman Story,

when *P. Rutilius*, a Man Summ'd
Calvis. Chro. p. 251. *Innocentiâ*, of greatest Integrity, was

accused, condemned, and banished, 'tis observed, by the Story, that he suffered all this not for Bribery, of which he was not guilty, but *ob Invidiam*, for Envy; against which, when it rages, no Innocency, no Worth of any Man is able to stand.'

1 But to come to the Particulars: The first is the Case of Sir *Edward Gresham's* Son, unhappily married against his Father's Will; a Suit in the High-Commission about it; and that there he had but fifty Pounds Damages given him. That was no fault of mine: My Vote gave him more; but it was carried against me. The bond of two hundred Pounds, which was taken according to Course in the Court, was demanded of me by Sir *Edward*, to help himself that way; and 'tis confessed I granted it. But then 'tis charged, That in my Reference to Sir *John Lambe*, to deliver him the Bond, I required him to demand one half of the Forfeiture of the Bond toward the Repair of *St. Paul's*. 'Tis true, I did so: But, 1st, I desire it may be consider'd, that it was wholly in my Power, whether I would have deliver'd him the Bond, or not. 2dly, That upon this gross Abuse, I might have sued the Bond in my own Name, and bestowed the Money upon what charitable Uses I had thought fit. 3dly, That I did nothing herein but what the Letters-Patent for Repair of *St. Paul's* gave me Power to do. 4thly, That this is the third time *St. Paul's* is urged against me: Which I am not sorry for; because I desire (since 'tis once moved) it may be sifted to the uttermost. And whereas, to make all Ecclesiastical Proceedings the more odious, it was urged, That the Rubrick in the *Common-Prayer Book* mentions no Licence, but Asking of Banes: That Rubrick is to be understood where no Licence is granted: For else no Licence at all for Marriage without Banes-asking can be good; which is against the Common both Law and Practice of the Kingdom. *Can. 62. Ec. Ang.*

2. The second Particular was charged by one *Mr. Stone*, of *London*; who said, He sent into *Lambeth* two Buts of Sack, in a Cause of some *Chester-Men*, whom it was then in my Power to relieve, and mitigate their Fine set upon them in the High-Commission at *York*, about *Mr. Prynne's* Entertainment, as he pass'd that way; and that this Sack was sent in before my Composition with him what should be mitigated, and so before my Return of the Fine mitigated into the Exchequer. The Business, my Lords, was thus: His Majesty having taken the Repair of the West-end of *St. Paul's* to himself, granted me to that end all the Fines in the

High-Commission Court, both here and at *York*, and left the Power of Mitigation in me. The *Chester-Men*, which this Witness speaks of, were deeply sentenced at *York* for some Misdemeanours about *Mr. Prynne*, then lately sentenced in the *Star-Chamber*. One or more of them were Debtors to this *Mr. Stone*, to the Value of near three thousand Pounds, (as he said.) These Men, for fear of the Sentence, kept themselves close, and gave *Mr. Stone* to know how it was with them; and that if he could not get me to moderate the Fine, they would away, and save themselves, (for they had now heard the Power was in me.) Upon this, *Mr. Stone*, to save his own Debt of three thousand Pounds, sends his Son-in-Law *Mr. Wheat* and *Dr. Bailie*, Men that were bred in the College of *St. John* under me, and had ever since good Interest in me, to desire my Favour. I at first thought this a Pretence, and was willing to preserve to *St. Paul's* as much as fairly I might. But at last, upon their earnest pleading that the Men were not rich, and that *Mr. Stone* was like (without any fault of his) to be so much damnified, I mitigated their Fines, which were in all above a thousand Pounds, to two hundred. I had great Thanks of all Hands; and was told from the *Chester-Men*, that they heartily wish'd I had the Hearing of their Cause from the beginning. While *Mr. Wheat* and his Brother *Dr. Bailie* were solliciting me for favour to *Mr. Stone*, he thinks upon sending Sack into my House, and comes to my Steward about it. My Steward acquaints me with it. I gave him absolute Command not to receive it, nor any thing from any Man that had Business before me: So he refuses to admit of any. *Mr. Stone* presses him again, and tells him he had no relation to the *Chester-Mens* Cause; but would give it for the great Favour I had always shewed to his Son-in-Law. But still I commanded my Steward to receive none. When *Mr. Stone* saw he could not fasten it, he watches a time when my Steward was out of Town, and myself at Court, and brings in his Sack, and tells the Yeoman of my Wine-Cellar he hath leave to lay it in. My Steward comes home, finds the Sack in the Cellar; tells me of it: I commanded it should be taken out, and carried back. Then *Mr. Stone* comes, intreats he may not be so disgraced; protests, as before, that he did it merely for my great Favour to his Son-in-Law; and that he had no relation to the *Chester-Mens* Business: And so after he protested to myself, meeting me in a Morning, as I was going over to the *Star-Chamber*. Yet afterwards this religious Professor (for so he carries himself) goes home, and puts the Price of the Sack upon the *Chester-Mens* Account. Hereupon they complain to the House of Commons; and *Stone* is their Witness.

This is the Truth of this Business, as I shall answer it to God. 'And whether this do not look like a thing plotted by the Faction, so much embittered against me, let understanding Men judge.' *Mr. Wheat*, his Son-in-Law, was present in Court, and there avowed that he transacted the Business with me, and that he went not out of Town till I had agreed to the Mitigation; that in all that time there was no Tender of Sack, or any thing else, unto me; and he and *Dr. Bailie* were the only Men with whom I transacted the whole Business. 'And so much could *Dr. Bailie* also witness, but that (as the Times are) I could not bring him from *Oxford*.' With *Mr. Stone* himself I never treated. For my Steward, he is dead three

Years since, who could have been my Witness clean thorough the Business. And when I pressed Mr. *Stone* at the Bar with the Protestation which he made to me, that he had no relation herein to the *Chester* Men, he that remembred every Circumstance else, said he remembred not that. Then I offered to take my voluntary Oath of the Truth of it; but that was not admitted. Then it was pressed, That this Bribe must needs be before the Agreement; for he says the Sack was sent in to my House ———, and the Mitigation of the Fine into the *Exchequer* not till ———. But that is nothing; for my Agreement was passed, and I meddled no more with it. Yea, but he says, that Mr. *Holford*, my Servant, had forty Pounds more than I agreed upon, before he would finish their Business. Mr. *Holford* was the King's Officer for those Returns into the *Exchequer*: And if after my Agreement made, he either unduly delay'd their Business, or corruptly took any Money from them, he is living, and must answer for his own Fault; me it cannot concern, who did not so much as know of it.

' Mr. *Wheat*, having thus testified in open Parliament, before the Lords, was within a Day or two called before the Committee; there re-examined in private, and very strictly, touching the time of my Agreement made: Then (not without some Harshness) commanded not to depart the Town, till he heard farther from them. This himself afterwards told me. Hereupon I resolved to call him again for farther Evidence, and, if I saw cause, to acquaint the Lords with this Usage. And I did call for it divers times after; but one Delay or other was found, and I could never obtain it. And such a kind of calling my Witnesses to a private After-reckoning, is that which was never offered any Man in Parliament. And here Mr. *Browne*, in summing up my Charge, did me a great deal of Right: For neither to the Lords, nor in the House of Commons, did he vouchsafe so much as to name this false, base, and unworthy Charge; of which my greatest Enemies are ready to acquit me.'

3. The third Particular was charged by one Mr. *Deibridge*; who says, He was oppressed at the Council-Table by the Lord Keeper *Finch*; that he was advised by Mr. *Watkins* to give my Secretary, Mr. *Dell*, Money, to get my Hand to a Petition to the Lord Keeper, who, he said, would not oppose me: That *Dell* took of him One hundred and fifty Pounds, and procured my Hand to his Petition. I remember nothing of this Business, and it lies wholly upon my Secretary; who being my Solicitor, is here present in Court, and desires he may answer the Scandal. There's no Touch at all upon me, but that (he says) my Secretary got my Hand to his Petition to the Lord Keeper. This Petition of his was either just or unjust: If just, I committed no Fault in setting my Hand to it; if unjust, he must confess himself a dishonest Man, to offer to get my Hand to boustler out his Injustice: And yet if the Injustice of it were varnished over with fair Pretences, and so kept from my Knowledge, the Crime is still his own, and nothing mine, but an Error at most. As for Mr. *Watkins*, he did me much Wrong, if he sent any Man to my House on such an Errand.

' Here my Secretary had leave to speak: denied the whole Business; and produced Mr. *Hollys*, with whom it was said the Hundred and fifty Pounds before-named should be deposited, who

' (to my Remembrance) said he knew of no such Thing.'

4. The fourth Instance was a Bond for the Payment of Money as a Fine: The Bond found in Sir *Jo. Lamb's* Chamber, with a Note upon the Back of it, for One hundred Pound received, and Sir *John*, by my Direction, was to call for the rest. And here it was said, That I used the Name of *St. Paul's* in an illegal way to get Money; which might well have been spared. For (as is aforesaid) I had a Broad-Seal, which gave me all Fines in the High-Commission Court to the repairing of the West End of *St. Paul's*, and with Power to mitigate. And the Fines are the King's, and he may give them by Law. The Broad-Seal is in the Hands of Mr. *Holford*, who is thereby appointed Receiver of all such Fines; but is upon Record to be seen: And if it be doubted, I humbly desire a *Salvo* till the Record can be taken out, and shewed. But I presume these Gentlemen have seen it. And Commutations for such Crimes, as Sir *James Price's* was, are according to Law, and the antient Custom and Practice in this Kingdom, especially where Men of Quality are the Offenders. And the Power of commuting is as legal in that Court as any other: And if that be doubted, I humbly desire my Counsel may argue it.

5. The fifth Instance was a Charge concerning a Lease in *Lancashire*, held in three Lives by Sir *Ralph Ashton*. 'Tis said by his Son Mr. *Ashton*, (the only Witness in the Cause) That I by Power at *Chester* and *York*, and the High-Commission here, being Landlord in Right of my Archbishoprick, did violently wrest this Lease of the Rectory of *Whally* in *Lancashire* out of his Hands against Law, and made him take a Lease for Years, and pay a great Fine besides, and other Fines besides towards the Repair of *St. Paul's*, and raised the Rent Sixty Pound. Truly, my Lords, I am not any whit solicitous to answer this Charge. I challenged this Lease as void, and had great reason so to do, both for the Invalidity of the Lease itself, and the Unworthiness of the Tenant, both to me and my See. If in the Preparations for Trial at Law, the Judge at *Chester* (altogether unknown to me, and unlaboured by me) did say, (as Mr. *Ashton* says he did) That for higher Powers above he durst not, he was the more unworthy. And for *York*, I needed no Power there; for I resolved to have him called into the High-Commission here: which was after done.

This Gentleman his Son came to me about the Lease: I told him plainly, it was void in Law, and that I meant to overthrow it; That if his Father would surrender, I would renew it for Years at a reasonable Rate; but if he put me to Expence in Law, I would secure myself as well as legally I might. He replied, That Mr. Solicitor *Littleton* (for so then he was) said, he durst not be against me. And there was good reason for it; he was my Counsel, and see'd in that Particular. And what a poor Evasion was this? Were there no other Lawyers for him, because Mr. Solicitor was for me? The Truth is, all that ever I did in this Business, was not only with the Knowledge, but by the Advice of my Counsel, which were Mr. Solicitor *Littleton*, and Mr. *Herbert*.

And at last this Gentleman submitted himself and the Cause; and if (as he says) Dr. *Eden* persuaded him to it, that nothing to me. As for the Fine, I referred the Moderation of it wholly to my Counsel: they pitched upon Sixteen hundred Pounds,

Pounds, and gave such Days of Payment, as that good part is yet unpaid: and this Sum was little above one Year's Rent; for the Parsonage is known to be well worth Thirteen hundred Pounds a Year, if not more. And after the Business was settled, my Lord *Wimbleton* came to me, and gave me great thanks for preserving this Gentleman, being (as he said) his Kinsman, whom he confessed, it was in my power to ruin.

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

6. The last Instance was about the Conversion of some Money to *St. Paul's*, out of Administrations: By name, Two thousand Pounds taken out of *Wimark's* Estate, and Five hundred out of Mr. *Gray's*. First, whatsoever was done in this kind, I have the Broad-Seal to warrant it. And for Mr. *Wimark's* Estate, all was done according to Law, and all care taken for his Kindred. And if I had not stirred in the Business, four Men, all Strangers to his Kindred, would have made themselves, by a broken Will, Executors, and swept all away from the Kindred. Secondly, for Mr. *Gray's* Estate, after as odious an Expression of it as could be made, and as void of Truth as need be, the Proceedings were confessed to be orderly and legal, and the Charge deserted.

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

This Day ended, I was order'd to appear again, April 4. 1644. and received a Note from the Committee, under Serjeant *Wild's* Hand, dated April 1. That they meant to proceed next upon the Fifth and Sixth Original Articles, and upon the Ninth Additional; which follow *in hæc verba*.

V. He hath traitorously caused a Book of Canons to be composed and published, and those Canons to be put in execution, without any law-

ful Warrant and Authority in that behalf. In which pretended Canons many Matters are contained contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Propriety and Liberty of the Subjects; and Matters tending to Sedition, and of dangerous Consequence; and to the Establishment of a vast, unlawful, and presumptuous Power in himself and his Successors: Many of which Canons, by the Practice of the said Archbishop, were surreptitiously passed in the late Convocation, without due Consideration and Debate; others by Fear and Compulsion were subscribed unto by the Prelates and Clerks there assembled, which had never been voted and passed in the Convocation, as they ought to have been. And the said Archbishop hath contrived and endeavoured to assure and confirm the unlawful and exorbitant Power which he hath usurped and exercised over his Majesty's Subjects, by a wicked and ungodly Oath, in one of the said pretended Canons, enjoined to be taken by all the Clergy, and many of the Laity of this Kingdom.

VI. He hath traitorously assumed to himself a Papal and Tyrannical Power, both in Ecclesiastical and Temporal Matters, over his Majesty's Subjects in this Realm of *England*, and in other Places, to the Disinheriton of the Crown, Dishonour of his Majesty, and Derogation of his supreme Authority in Ecclesiastical Matters. And the said Archbishop claims the King's Ecclesiastical Jurisdiction, as incident to his Episcopal and Archiepiscopal Office in this Kingdom; and doth deny the same to be derived from the Crown of *England*: which he hath accordingly exercised, to the high Contempt of his Royal Majesty, and to the Destruction of divers of the King's liege People in their Persons and Estates.

The Ninth Additional Article.

IX. That in and about the Month of May^a 1641. presently after the^a 1640. Rush: Dissolution of the last Parliament, the said Archbishop, for the ends and purposes aforesaid, caused a Synod or Convocation of the Clergy to be held for the several Provinces of *Canterbury* and *York*; wherein were made and established, by his Means and Procurement, divers Canons and Constitutions Ecclesiastical, contrary to the Laws of this Realm, the Rights and Privileges of Parliament, and Liberty and Property of the Subject; tending also to Sedition, and of dangerous Consequence. And, amongst other Things, the said Archbishop caused a most dangerous and illegal Oath to be therein made and contrived; the Tenor whereof followeth in these Words: *That I A. B. do swear, that I do approve the Doctrine and Discipline or Government established in the Church of England, as containing all things necessary to Salvation; and that I will not endeavour, by myself or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so established: Nor will I ever give my consent to alter the Government of this Church by Archbishops, Bishops, Deans, and Archdeacons, &c. as it stands now established, and as by right it ought to stand; nor yet ever to subject it to the Usurpations and Superstitions of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common Sense and Understanding of the same Words, without any Equivocation or mental Evasion, or secret Reservation whatsoever. And this I do heartily, willingly and truly, upon the Faith*

of a Christian. So help me God in Jesus Christ. Which Oath the said Archbishop himself did take, and caused divers other Ministers of the Church to take the same, upon pain of Suspension and Deprivation of their Livings, and other severe Penalties: And did also cause *Godfrey*, then Bishop of *Gloucester*, to be committed to Prison for refusing to subscribe to the said Canons, and to take the said Oath; and afterward the said Bishop submitting himself to take the said Oath, he was set at liberty.

On *Thursday April 4. 1644.* I was again brought to the House, made a sufficient Scorn and Gazing-stock to the People; and after I had waited some Hours, was sent back, by reason of other Business, unheard; but order'd to appear again on *Monday April 8.* Then I appeared again, and was used by the basest of the People as before. I did not appear any Day but it cost me six or seven Pounds: I grew into want. This made my Counsel and other Friends to persuade me, the next time I had admittance to speak, to move the Lords again for some necessary Allowance, notwithstanding my former Petition had been rejected. This Advice I meant to have followed that Day: But after some Hours Attendance I was sent back again unheard, and ordered to come again on *Thursday April 11.* This Day I did not come to the House; a Warrant being sent to the Tower, which stayed me till *Tuesday April 16.*

The seventh Day of my Hearing.

I. **A**PRIL 16. I appeared, and (as I remember) here Mr. *Maynard* left off (save that now and then he interposed, both in the Reply, and otherwise) and Mr. *Nicolas*, a Man of another Temper, undertook the managing of the Evidence.

And the first Charge was concerning the late Canons, ^a which he said, were against Law to sit, the Parliament being dissolved. No, my Lords, nothing against Law that I know: For we were called to set in Convocation by a different Writ from that

which called us as Bishops to the Parliament. And we could not rise, till his Majesty sent us another Writ to discharge us: and this is well known to the Judges, and the other Lawyers here present. So we continued sitting, tho' the Parliament rose. Nor was this Sitting continued by any Advice or Desire of mine: For I humbly desired a Writ to dissolve us. But the best Counsel then present, both of Judges, and other Lawyers, assured the King we might legally sit. And here is a Copy attested under their Hands.

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

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

For the Bishop of *Gloucester's* refusing to subscribe the Canons, and take the Oath; which is here said by the Counsel, but no Proof offered; the Truth is this: He first pretended (to avoid his Subscription) that we could not sit, the Parliament risen. He was satisfied in this by the Judges Hands. Then he pretended the Oath. But that which stuck in his Stomach, was the Canon about suppressing of the Growth of Popery, (*Can. 3.*) For, coming over to me to *Lambeth* about that Business, he told me, he would be torn with wild Horses before he would subscribe that Canon. I gave him the best Advice I could; but his Carriage was such, when he came into the Convocation, that I was forced to charge him openly with it, and he as freely acknowledged it; as there is plentiful Proof of Bishops and other Divines then present. And for his Lordship's being after put to take the Oath, (which was also urged) it was thus. I took myself bound to acquaint his Majesty with this Proceeding of my Lord of *Gloucester's*, and did so. But all that was after done about his Commitment first and his Release after, when he had taken the Oath, was done openly at a full Council-Table, and his Majesty present, and can no way be charged upon me, as my Act: For it was my Duty to let his Majesty know it, to prevent farther Danger then also discovered. But I am here to defend myself, not to accuse any man else.

Next he urged, That I had interlined the original Copy of the Canons with my own Hand. But this is clearly a Mistake, if not a wilful one. For, perusing the Place, I find the Interlining is not in my Hand, but my Hand is to it, as (I humbly conceive) it was fit it should. And the Words are in the Ratification of the Canons, and therefore were necessarily to be in the Original, howsoever slipped in the Writing of them.

As for the Oath so bitterly spoken of at the Bar, and in the Articles; either it was made according to Law or else we were wholly misled by Precedent, as that such as was never excepted against. For in the Canons made in King *James's* Time, there was an Oath made against ^b Simony; and an Oath for ^c Church Wardens; ^d and an Oath ^e about ^d Licences and Marriages; ^e and an Oath for ^e Judges in Ecclesiastical Courts: And some of these Oaths as ^e dangerous as this is accounted to be. And all ^e these established by no other Authority than ^e these late were. And yet neither those Canons, nor those Oaths, were ever declared illegal by any ensuing Parliament, nor the Makers of them accused of any Crime, much less of Treason. So that we had in this Synod unblamed Precedent for what we did, as touching our Power of doing it.

But, after all this, he said he would pass these things by, (that is, when he had made them as odious as he could) and would charge nothing upon me but the Votes of both Houses; namely, That these Canons contain Matters contrary to the King's Prerogative, to the Fundamental Laws of the Realm, to the Rights of Parliaments, to the Propriety and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Consequence. So these Votes of the Honourable Houses made so long after (and therefore cannot well

^a 1. for the making of which, he said it was against Law for the Convocation.

Vide supra, post init.

^b *Can. 40.*

^c *Can. 118.*

^d *Can. 103.*

^e *Can. 127.*

be an Evidence against the making of that which was done so long before) is the Task lying now upon me to answer; which with your Lordships Honourable Favour, I shall in all Humbleness address myself unto.

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

And according to this I fram'd my Answer to Mr. *Browne's* Summary of my Charge, both hinting the Canons in general, and concerning the Instance before given about the Bishop of *Gloucester*.

But tho' I was not allowed there to make any farther Answer in defence of these Canons; nor can hold it fit to insert here so long an Answer as these Votes require; I humbly desire the courteous Reader, if he please, to look upon

the Answer which I have made to a Speech^a of Mr. *Nathaniel Fiennes*, in the House of Commons, against these Canons. In which Answer, I humbly conceive, I have satisfied whatsoever these Votes contain against them. Howsoever, I can-

^a Made December 14. 1640. and extant in *Ruthworth*, par. 3. vol. 1. p. 105.

not but observe this in present. The Words in the sixth Original Article are, as they are above cited; That the late Canons contain Matters contrary to the King's Prerogative, the Laws, &c. But in the ninth Additional all the rest of the Exceptions are in against them, but these Words about the King's Prerogative are quite left out. I would fain know, if I could, what is the reason of this Omission in these added Articles: Is it for shame, because there was

a purpose to charge me (as Serjeant *Wild* did in his Speech the first Day) That I laboured to advance the King's Prerogative above the Law? To advance it, and yet made contrary Canons against it; which is the way to

Et Art. 2. additionalis.

destroy it. What pretty Nonsense is this? Or is it because the Framers of these Additional (whom I conceive were some Committee, with the help of Mr. *Prym*) thought the time was come, or coming, in which the King should have no more Prerogative? Or if there be a third Reason, let them give it themselves.'

This was all concerning the Canons. Then followed the sixth Original Article about my assuming of Papal Power; where Mr. *Browne*, in summing up of his Charge, was pleas'd to say, 'That no Pope claimed so much as I had done. But he was here in much mistaken: For never any Pope claimed so little. For he that claimed least, claimed it in his own Right, which was none; whereas I claim'd nothing but in the King's Right, and by virtue of his Concession: between which there is a vast Latitude.' The first Proof upon this Article was read out of certain Letters sent unto me by the University of *Oxford*, I being then their Chancellor. Which great Titles were urged to prove my assuming of Papal Power, because I did not check them in my Answers to those Letters.

(1.) The first Title was *Sanctitas tua*, which Mr. *Nicolas* said, was the Pope's own Title; but he is deceived: for the Title was commonly given to other Bishops also clean thro' the Primitive Church, both *Greek* and *Latin*. He replied in great heat, (as his manner it seems is) That 'tis Blasphemy to give that Title (*Sanctitas*) in the Abstract, to any but God. And tho' by the Course of the Court I might not answer then to the Reply, yet now I may: And must tell Mr. *Nicolas*, that 'tis a great Presumption for him, a Lawyer, and no studied Divine, to charge Blasphemy upon all the Fathers of the

Primitive Church. 'Tis given to St. *Augustine* by *Hilarius* and *Euodius*, and in the abstract. And (which

^b Apud. Aug. Epist. 88, 98.

is the charge laid to me) St. *Augustine* never checks at, or finds fault with the Title, nor

with them for writing it. And St. *Augustine* himself gives that Title to *Euodius*, answering his

^c Aug. Epist. 102.

Letters, which I was not to do to theirs: And after that to *Quintianus*. Neither is any thing more

^d Aug. Epist. 103.

common than this Style among the Fathers, as all Learned Men know. And 'tis

commonly given by St. *Gregory the Great* to divers Bishops; who being Pope himself, would not certainly have given away his own Title (had it been peculiar to him) to any other Bishop. Nor would any of the Fathers have given this Epithet to their Brethren, had

^e Greg. Eulogio Episcopo Alexandrino. Apud H. Spelman. in Concil. p. 80. Et Episc. Arelatensi. *Ibid.* p. 95.

any Savour of Blasphemy been about it.' But there is a twofold Holiness, the one Original, Absolute and Essential, and that it is in God only, and incommunicable to any Creature: * the other Derivative and Relative; and that is found in the Creatures, both things and Persons; or else God should have no Saints, no Holy Ones. For no Man can be said to be *Sanctus*, Holy, but he who in some degree hath *Sanctitatem*, Holiness, residing in him. And this I answered at the present. But according to Mr. *Nicolas* his Divinity,

* The Managers against the Archbishop in another Place pretend, that this Title was never given to any English Bishop at least: But herein they are much mistaken; for it was often given to them. To produce but one instance: Pope Leo III. gave this Title to *Ethelard Archbishop of Canterbury*, and that in a Letter wrote to *Kenulphus King of Mercia*. Ang. Sacr. par. 1. p. 460. H. W.

' we shall learn in time to deny the Immortality of
' the Soul: For Immortality, in the Abstract, is
' applied to God only, 1 *Tim.* 6. 16. *Who only*
' *hath Immortality.* Therefore, if it may not in an
' under and a qualified Sense, by Participation, be
' applied to the Creature, the Soul of Man cannot
' be immortal.'

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

(3.) The third Style is *Summus Pontifex.* But this was in my Lord of *London's* Letters; and he must answer, if any thing be amiss. But *Pontifex*, and *Summus* too, is no unusual Style to and of the chief Prelate in any Nation.

(4.) The fourth Style is *Archangelus, & ne quid nimis.* Yes sure, the meanest of these Title is *multum nimis*, far too much, applied to my Person and Unworthiness: Yet a great sign it is that I deserved very well of that University in the Place I then bare, or else they would never have bestowed such Titles upon me. And if they did offend in giving such an unworthy Man such high Language, why are not they called in question for their own Fault?

(5.) The last which I remember, is, *Quo rectior non stat Regula, &c.* And this is no more than an absolute *Hyperbole*; a high one I confess; yet as high are found in all Rhetorical Authors: And what should make that Blasphemy in an University Orator, which is every where common, and not only allowed, but commendable, I know not: 'Especially since the Rule of the Interpretation of them
' is as well known as the Figure. Where the Words
' are not to be understood in their proper and
' literal Sense, but as St. *Augustine*
' speaks, when that which is spoken,
' *longè est amplius*, is far larger than
' that which is signified by it.' And
if I had assumed any of these Titles to myself, which I am, and ever was far from doing; yet 'tis one thing to assume Papal Title, and another to assume Papal Power, (which is the thing charged) tho' I thank God I did neither. 'If I have here
' omitted any Title, it is mere Forgetfulness; for
' one part or other of the Answers given will
' reach it, whate'er it be. And, as I told Mr.
' *Browne*, when he charged this on me, Dr. *Strowd*,
' the University Orator, who writ those Letters,
' and gave those Titles, was called up before a
' Committee of this Parliament, examined about
' them, acquitted, and dismissed.'

(6.) These Titles from the Letters being past, he quoted another, which he called a blasphemous Speech too, out of my Book against
^b *Cont. Fisher,* *Fisher*; where, he said, I approved of
^b *Cont. Fisher,* *Anselmus*, an Enemy to the Crown:
^b *Cont. Fisher,* *Anselmus*, an Enemy to the Crown:
and took on me to be Patriarch of this other World. Let any Man look into that place of my Book, and he shall find that I make use of that Passage only to prove that the Pope could not be appealed unto out of *England*, according to their own Doctrine: Which I hope is no Blaf-

phemy. And for St. *Anselmus*, howsoever he was swayed with the Corruptions of his Time, yet was he in other things worthy the Testimony which the Authors by me cited give him. 'And if any
' Man be angry that the Archbishop of *Canterbury*
' is called the Patriarch of this other World, he
' may be pleased to remember that St. *Jerom* gives
' St. *Augustine*, who was Bishop of
' *Hippo*, and no Archbishop, a great-
' er Title than that: For he writes,
' *Beatissimo Papæ Augustino* more
' than once and again, as appears in
' his Epistles to St. *Augustine*.'

^c S Hieron. 2.
pud Aug.
Epist. 11. 13,
14, 17, 18,
&c.

(7.) To these Sir *Nathaniel Brent's* Testimony is produced; who says, That he over-heard me say to another *That I would not so easily quit the Plenitude of my Power*, or to that effect. He confesses he was coming in, and finding me speaking with another, made stay, and stood afar off, and knows not of what I spake, (for so he said) but over-heard the Words. I beseech your Lordships observe this Witness: He confesses he knows not of what I spake, and yet comes here upon his Oath, to testify of Plenitude of Power in relation to my assuming Papal-Power. If he meant not this, his Testimony is nothing; for Plenitude of Power may extend to many other Things; and I might justly say, (if I said it) *That I would not easily part with the Plenitude of my Power*, in relation to other Bishops of my Province, who by Law have not so full Power as I have. But if he did mean this, then his Testimony is worse than nothing: Nothing, in regard he confesses he knows not of what I was speaking; and worse than nothing, that not knowing, he would give such a Testimony upon Oath.

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

1. The first Witness is Mr. *Pincen*. He says he heard me say at the High-Commission, *That the Clergy were now debased; that heretofore it was otherwise, and I hope to see it so again.* Truly, my Lords, if I did say thus (which is more than I can call to Memory) I spake Truth: They were debased; and I did hope to see it otherwise: For the debasing of the Clergy will make their Office and their Doctrine base, as well as their Persons. But here is not a word of freeing them from Laws or the Temporal Magistrate. It was replied, He did mention the Civil Magistrate. 'If he did, he
' mentions no time; by which I might be enabled
' to make Counter-proof. He is single. They are
' Words, and if within the Statute, then triable
' by it within six Months. And I desire this grave
' Gentleman to consider his Oath: For if I spake
' of any such Exemption, I must speak against
' my Conscience and Judgment; which, I humbly
' thank God, I used not to do. Nor is it altoge-
' ther impossible for the Civil Magistrate some-
' times to oppress poor Clergymen. But a little
' will be thought too much of this. And there-
' fore to Mr. *Browne's* summary Charge, I gave
' the former Answer, That I spake of Exemption
' from Oppression, not from Law.'

2. The second Witness was Alderman *Railton*, about the carrying up of the Sword in the Church when he was Lord Mayor. He says, I once sent him word about it, but knows not by whom; and after heard no more of it, but refers himself to Mr. *Marsh*. He says, There was an Order of the Council-Table, *May 3, 1633.* concerning the submitting of the Sword in time and place of Divine Service.

Service. If an Order of Council, then was it no Act of mine, as I have often pleaded, and must as often as it comes. He says farther, That I spake these Words, or to this effect; *That the Church had been low for these Hundred Years; but I hoped it would flourish again in another Hundred.* But here's no one Word of Exemption from Civil Magistracy. And I hope your Lordship's will take Witnesses as they speak, not as Men shall infer and descant upon them. And then, my Lords, under favour, 'I see no harm in the Words.' Only I shall recal my Hope: For if I had then any hope to see it flourish in another Hundred Years, 'tis that which I cannot hope for now. He says, There was a Reference to the Counsel on both Sides; and that under that Reference the Business died. And if it died then, what makes it here before the Resurrection? Yea, but says Mr. *Nicolas*, Here's Agitation about the submitting of the Sword, which is the Emblem of Temporal Power. But neither to foreign nor home Power, but only to God; and that in the Place, and at the Performance of his holy Worship: At which Time and Place Christian Kings submit themselves, and therefore cannot stand upon the Emblems of their Power. Nor would the Lords of the Council have made either Order or Reference, had there been any thing of Danger, or against Law, in this kind of submitting. Mr. *Torke* was produced as another Witness, but said just the same with *Marsh*; and so the same Answer served him.

III. Then followed a Charge about the Charter of *York* to be renewed; and that I did labour to have the Archbishop of *York*, his Chancellor, and some of the Residentiaries, named in it to be Justices of Peace within the City. To prove this, Alderman *Hoyle* is produced; who says, There was an Order of the Council about this; but cannot say that I procured it. So far then this Proof reaches not me. For the Bishop, his Chancellor, and some of the Residentiaries, to be Justices of Peace within the City; if I were of this Opinion, (as then advised) I am sure there's no Treason in it, and I believe no Crime. And, under your Lordship's Favour, I could not but think it would have made much Peace, and done much Good in all the Cities of *England* where Cathedrals are. Lastly, he says, There was a debauched Man committed about Breach of the Sabbath; and being casually smother'd, I should say, *They deserved to be hanged that killed him.* Concerning this Man; he lost his Life, that's confessed. His Debauchery; what it was, is not proved. And were he never so disorderly, I am sure he was not without legal Trial to be shut up into a House, and smother'd; that is against both Law and Conscience: And the Officers then in being had reason to smother the Business as much as they could; and, it may be, deserved somewhat, if not that which this Alderman says I said, to his best remembrance: For so, and with no more Certainty he expressed it. This I am sure I said, That if the Bishop, or any of the Church, had been then in their Charter, the poor Mans Life had not been lost.

IV. The fourth Charge was just of the same nature, concerning the Charge of *Shrewsbury*. For this there were produced two Witnesses, Mr. *Lee* and Mr. *Mackworth*. But they make up but one between them: For Mr. *Lee* could say nothing but what he acknowledges he heard from Mr. *Mackworth*. And Mr. *Mackworth* says first, That the School-Master's Business was referred to other

Lords and myself. That's no Crime: And, to my knowledge, that has been a troublesome Business for these Thirty Years. He says, I caused that there should go a *Quo Warranto* against the Town. This is but as Mr. *Owen* informed him; so no Proof. Beside, 'tis no Crime, being a Reference, if I gave legal Reason for it. Nor is it any Crime that the Bishop and his Chancellor should be Justices within the Town, as is aforesaid in the Case of *York*; considering especially, that then many Clergymen bare that Office in divers Counties of *England*. He adds, That an old Alderman gave Fifty Pound to *St. Pauls*. But out of what Consideration, I know not, nor doth he speak: And if every Alderman in the Town would have given me as much to that use, I would have taken it, and thanked them for it. Then he says, There was an Order from all the Lords Referees, for settling all Things about their Charter. So, by his own Confession, the whole Business was transacted publickly, and by Persons of great Honour, and nothing charged upon my particular. If Mr. *Owen* sent me in a Butt of Sack, and after put it upon the Town Account, (for so he also says) Mr. *Owen* did ill in both; but I knew of neither. And this the Counsel, in their Reply, said they urged not in that kind. Lastly, The Charter itself was read to both Points, of the Bishop and his Chancellor being Justices of Peace within the Town, and the not bearing up of the Sword: To both which I have answer'd already. And I hope your Lordships cannot think his Majesty would have pass'd such a Charter, or that his learned Counsel durst have put it to him, had this Thing been such a Crime as 'tis here made.

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

VI. Then they instanced in the Case of Mr. *Newcomin*. But that Cause being handled before; they did only refer the Lords to their Notes: And so did I to my former Answers.

VII. Then followed the Case of *Thorn* and *Middleton*, which were fined in the High-Commission, about some Clergy-mens Business, *Thorn* being Constable. The Witnesses in this Case are three.

1. The first is *Huntford*, (if I took his Name right:) And for the Censure of these Men, he confesses, it was in and by the High-Commission; and so no Act of mine, (as I have often pleaded.) But then he says, that I there spake these Words, *That no Man of their Rank should meddle with Men in Holy Orders.* First, he is in this part of the Charge single, and neither of the other Witnesses comes in to him. Secondly; I humbly desire the Proceedings of the High-Commission may be seen, (which are taken out of our Hands.) For so far as I can remember any thing of this Cause, the Minister, Mr. *Lewis*, had hard Measure. And perhaps thereupon I might say, That Men of their Rank should not in such sort meddle with Men in Holy

Orders. But to tax the Proceedings of a violent busy Constable, was not to exempt the Clergy from Civil-Magistracy.

Upon this, he falls just upon the same Words, and says, That I utter'd them about their offering to turn out a Corrector from the Printing-House. This Corrector was a Minister, and a well-deserving Man. The Trust of the Press was referred to the High-Commission Court. And I hope your Lordships will not think, that not to suffer the Printers to turn out a deserving Man at their pleasure, is to exempt the Clergy from the Civil Magistrate. The Business, my Lords, was this: This Corrector was principally entertained for the *Latin* and *Greek* Press especially, which I had then not without great Pains and some Cost erected. They were desirous to keep only one for the *English*, and him at the cheapest. Among them their Negligence was such, as that there were found above a thousand Faults in two Editions of the Bible and Common-Prayer-Book. And one which caused this Search was, that in *Exod. 20.* where they had shamefully printed, *Thou shalt commit Adultery.* For this the Masters of the Printing-House were called into the High-Commission, and censured, as they well deserved it. As for this Corrector, whom they would have heaved out, they never did so much as complain of him to any that had power over the Press, till this fell upon themselves for so gross an Abuse. Nor did they after this proceed against him, to make him appear faulty; and till that were done, we could not punish. And for this Business of the Press, he is single too. And I have told your Lordships that which is a known Truth. 'And *Hunsford* being bit in his Credit, 'and Purse, and Friends, by that Censure, for so 'gross an Abuse of the Church and Religion, 'labours to fasten his Fangs upon me in this 'way.'

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

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

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

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

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

IX. The last Instance of this Day was the bringing of Sir *Rich. Samuel* into the High-Commission, for doing his Office as Justice of the Peace upon some Clergymen. First, For this, this Gentleman is single, and in his own Case. Secondly, himself confesses, that his bringing into the High-Commission was long after the Fact. Therefore in all probability not for that; nor doth he say that I caused his bringing in. He says farther, That one Article for which he was called into the Commission, was, that he was an Enemy to the Clergy. But he doth not say, that I preferred these Articles against him: nor doth he tell, or can I remember, what the other Articles were, which with this may be bad enough to merit what was there laid against him. And whatsoever was done, appears by his own Narration to be the Act of the High-Commission, or the Council-Table, and so not chargeable upon me alone. And whereas he says, I blamed him much at the Council-Table; let him tell why, and then I'll give him a farther Answer: And sure if I did blame him, I had just cause so to do. Lastly, he says, I did use the word *base* to him, when he came to me. Sure I cannot believe I did; it was not my Language to meaner Men. If it did slip from me, it was in relation to his Rank; to the Clergy, not to his Person or Quality. 'And I 'conceive 'tis no genteel part, for a Man of Place 'and Power in his Country, to oppress poor Clergymen which neighbour about him. In which 'kind this Gentleman, *passim auarivat*, heard extremely ill.'

This Day thus ended, I was ordered to appear again on Monday, *April 22.* I came, and my former Answers having taken off the edge of many Men, (for so I was told by good Hands) the Scorns put upon me at my landing, and elsewhere, were somewhat abated, tho' when it was at best I suffered enough. After I had attended the Pleasure of the House some hours, I was remitted without hearing. and commanded to attend again upon *Thursday, April 25.* but sent back again there also, and ordered to appear on *Tuesday, April 30.* And when I came, I was sent away once more unheard: no Consideration had of myself, or the great Charge which this frequent coming put me to. I was then ordered to appear again on *Saturday, May 4.* Then I was heard again: and the Day proceeded as follows.

My Eighth Day of Hearing.

SATURDAY, May 4. 1644. To raise up Envy against me, Mr. *Nicholas* falls first to repeating the Titles which were given me in Letters from *Oxford*; to which I gave answer the day before. From thence he fell again upon the former Charge, my Endeavour to exempt the Clergy from the Civil Power. And very loud he was, and full of four Language upon me. To this General, I answered with another more true; That I never did attempt to bring the Temporal Power under the Clergy, nor to free the Clergy from being under it: But I do

do freely confess, I did labour all I could to preserve poor Clergymen from some Laymens Oppression, which lay heavy on them. And *de Vi Laica* hath been an old, and a great, and too just a Complaint. And this I took to be my Duty, doing it without wrong to any Man; as sincerely I did to the best of my knowledge: And assuring myself, that God did not raise me to that Place of Eminency, to sit still, see his Service neglected, and his Ministers discountenanced; nay, sometimes little better than trampled on. 'And my standing thus to the Clergy, and their just Grievances, is not the least cause of my present Condition. In which my Case (tho' not my Abilities) is somewhat like *Cicero's*. For having now for many Years defended the Publick State of the Church, and the private of many Church-men, as he had done many Citizens; when he by prevailing Factions came into danger himself, *ejus Salutem defendit nemo*, no Man took care to defend him that had defended so many: which yet I speak not to impute any thing to Men of my own Calling, who, I presume, would have lent me their just Defence, to their power, had not the same Storm which drove against my Life, driven them into Corners to preserve themselves.'

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'vailing Factions came into danger
'himself, *ejus Salutem defendit nemo*,
'no Man took care to defend him
'that had defended so many: which

I. The first Instance was in Mr. *Shervil's* Case; in which Mr. *John Steevens* tells what I said to the Counsel pleading in the *Star-Chamber*, which was, That they should take care not to cause the Laws of the Church and the Kingdom to clash one against another. I see, my Lords, nothing that I spake was let fall, nor can I remember every Speech that passed from me; he may be happy that can. But if I did speak these words, I know no Crime in them: it was a good Caveat to the Counsel, for ought I know. For surely the Laws of Church and State in *England* would agree well enough together, if some did not set them at odds. And if I did farther say to the then Lord Keeper, (as 'tis charged) *That some Clergymen had sat as high as he, and might again*: which I do not believe I said: yet if I did, 'tis a known Truth. For the Lord *Coventry*, then Lord Keeper, did immediately succeed the Lord Bishop of *Lincoln* in that Office. But tho' I dare say, I said not thus to the Lord Keeper, whose Moderation gave me no cause to be so round with him, yet to the Counsel at the Bar, I remember well, upon just occasion given, that I spake to this effect; That they would forbear too much depressing of the Clergy, either in their Reputation or Maintenance, in regard it was not impossible that their Profession, now as high as ours once was, may fall to be as low as ours now is; 'if the Professors set themselves against the Church, as some of late are known to have done: And that the sinking of the Church would be found the ready way to it.'

II. The second Instance was about calling some Justices of the Peace into the High-Commission, about a Sessions kept at *Tewksbury*.

1. The first Witness for this (for three were produced) was Mr. *Jo. Steevens*. He says, That the Isle where the Sessions were kept, was joined to the Church. If it were not now a part of the Church, yet doubtless being within the Church-yard, it was consecrated Ground. He says, That Sessions were kept there heretofore. And I say, the more often the worse. He says, That I pro-

cured the calling of them into the High-Commission. But he proves no one of these things, but by the Report of Sir *Rob. Cook* of *Gloucestershire*, a Party in this Cause. He says again, That they had the Bishop's License to keep the Sessions there. But the Proof of this also is no more than that Sir *Rob. Cook* told him so: so all this hitherto is Hearsay. Then he says, the 88th Canon of the Church of *England* was urged in the Commission-Court, which seems to give leave in the close of the Canon, that Temporal Courts or Leets may be kept in Church or Church-yard. First, that Clause in the end of the Canon, is referred to the ringing of Bells, not to the Profanations mentioned in the former part of that Canon. Nor is it probable, the Minister and Church-wardens should have power to give such leave, when no Canon gives such power to the Bishop himself. And were it so, here's no Proof offered, that the Minister and Church-wardens did give leave: And suppose some Temporal Courts might upon urgent occasion be kept in the Church with leave, yet that is no Warrant for Sessions, where there may be Trial for Blood. He says farther, That the Civilians quoted an old Canon of the Pope's, and that that prevailed against the Canon of our Church, and Sentence given against them. All those Canons which the Civilians urged, are Law in *England*, where nothing is contrary to the Law of God, or the Law of the Land, or the King's Prerogative Royal: and to keep off Profanation from Churches, is none of these. Besides, were all this true which is urged, the Act was the High-Commission's, not mine. Nor is there any thing in it that looks towards Treason.

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

3. The third Witness is Mr. *Talboyes*, (who, it seems, will not be out of any thing which may seem to hurt me.) He says, the Parish held it no part of the Church. Why are not some of them examined, but this Man's Report from them admitted? They thought no harm (he says) and got a License. But why did they get a License, if their own Conscience did not prompt them that something was irregular in that business? He says, he was informed the Sessions had been twice kept there before. And I say, under your Lordships favour, the oftner the worse. But why is not his Informer produced, that there might be Proof, and not Hearsay? Upon this, I said, (so he concludes) That I would make a Precedent against keeping it any more. If I did say so, the Cause deserved it; Men in this Age growing so bold with Churches, as if Profanation of them were no fault at all.

III. The third Instance concerning Sir *Tho. Dacres*, a Justice of Peace in *Middlesex*, and his Warrant for punishing some disorderly Drinking. The Witnesses the two Church-wardens, *Colliar* and *Wilson*; two plain Men, but of great Memories: for this Business was when I was Bishop of *London*, and yet they agree in every Circumstance, in every