

yet, by the divine Providence, the most of them met in me; of which, had I made happy use, I might still have flourisht, who now am forc'd immaturally to fall.

I now could wish (but that *utinam* is too late,) that God with his outward goodnes towards me, had so commixed his inward grace, that I had chused the medium path, neither inclining to the right hand, nor deviating to the left; but, like Icarus, with my waxen wings, fearing by too low a flight to moysten them with the waves, I soared too high, and too near the sun, by which they being melted, I ayming at the highest, am precipitated to the lowest, and am made a wretched prey to the waters: But I who before built my house upon the sand, have now setled my hopes upon the rock, my Saviour; by whose only merits my sole trust is, that whatsoever becomes of my body, yet in his bosome my soule may be sanctuaried.

Nimrod would have built a tower to reach up to heaven, and called it Babel; but God turned it to the confusion of languages, and dissipation of the people. Pharaoh kept the children of Israel in bondage, and after having freed them, in his great pride would have made them his prey; but God gave them a dry and miraculous passage, and Pharaoh and his host a watry sepulcher. Belshazzer feasted his princes and prostitutes, who drunke healths in the vessels taken from the temple; but the hand of God writ upon the wall, *Mene. tekel. Phoras*, and that night, before morning, was both his kingdome and life taken from him. Thus God lets men goe on a great while in their owne devices, but in the end it proves their own ruine and destruction, never suffering them to effect their desired purposes; therefore let none presume upon his power, glory in his greatnesse, or be too confident in his riches; these things were written for our instruction, of which the living may make use, the dying cannot; but wit and unfruitfull wisdom are the next neighbours to folly.

There can be no greater vanity in the world, than to esteeme the world, which regardeth no man, and to make slight account of God, who greatly respecteth all men; and there can be no greater folly in man, than by much travell to increase his goods, and pamper his body, and in the interim, with vaine delights and pleasures, to lose his soule. It is a great folly in any man to attempt a bad beginning, in hope of good ending; and to make that proper to one, which was before common to all, is meere indiscretion, and the beginning of discord, which I positively wish may end in this my punishment.

O how small a proportion of earth will containe my body, when my high minde could not be confined within the spacious compasse of two kingdoms! But my houre draweth on, and I conclude with the psalmist, not ayming at any one man in particular, but speaking for all in general: "How long will you judges be corrupted? how long will yee cease to give true judgement? &c. Blessed is the man that doth not walke in the councell of the wicked, nor stand in the way of sinners, nor sit in the seat of the scornfull; therefore they shall not stand in the judgment, nor sinners in the assembly of the righteous," &c.

About the houre of 12 a clocke, the aforesaid Lord of Strafford was conveyed to the scaffold on Tower-hill, where was a court of guard made by the severall companies of souldiers of the city of London, and the hamlets of the Tower, on each side as he passed to the scaffold: before marched the marshalls men, to make way; then the sheriffes of Londons officers, with their halberds; after them the kings guard, or warders of the Tower; next came one of his gentlemen, bare headed, in mourning habit, the Lord Strafford following him clad in blake cloath, with divers others in the same habit, which were his attendance; then the lord bishop of Armagh, and other good divines, with the sheriffes of London, and divers honourable personages.

When he came to the scaffold, he there shewed himselfe on each side in full view to all people, and made a short speech, with as much alacrity of spirit as a mortal man could expresse.

On ending which speech, turning himselfe about, he saluted all the noblemen, and took a solemne leave of all considerable persons on the scaffold, giving them his hand.

And after that, he said, gentlemen, I would say my prayers, and I entreat you all to pray with me, and for me: then his chaplaine laid the booke of Common Praier upon the chaire before him, as he kneeled down, on which he praied almost a quarter of an houre; then he prayed as long, or longer, without a booke, and ended the Lords prayer; then standing up, he spies his brother, Sir George Wentworth, and calls him to him, and saith; "Brother, we must part; remember me to my sister, and to my wife, and carry my blessing to my eldest son, and charge him from me, that he feare God, and continue an obedient son of the church of England; that he should approve himselfe a faithful subject to the king; and tell him, that he should not have any private grudge or revenge towards any concerning me; and bid him beware that he meddle not with church-livings; for that will prove a moth and canker to him in his estate; and wish him to content himselfe to be a servant to his country, as a justice of peace in his county, and not aiming at higher preferments: carry my blessing also to my daughters, Anne and Arabella; charge them to feare and serve God, and he will blesse them; not forgetting my little infant, that yet knowes neither good nor evill, and cannot speak for it selfe; God speake for it, and blesse it." Then said he, "Now I have nigh done; one stroke will make my wife husbandlesse, my deare children fatherlesse, and my poor servants masterlesse, and separate me from my deare brother and all my friends; but let God be to you and them all in all."

After that, going to take off his doublet, and to make himself ready, he said, "I thanke God I am no more afraid of death, nor daunted with any discouragement rising from any feares, but doe as cheerfully put off my doublet at this time, as ever I did when I went to bed." Then he put off his doublet, and wound up his haire with his hands, and put on a white cap.

Then he called, "Where is the man that should do this last office, (meaning the executioner;) call him to me." When he came, and askt him forgiveness, he told him he forgave him and all the world. Then kneeling downe by the block, he went to prayer again himselfe, the bishop of Armagh kneeling on the one side, and the minister on the other; to the which minister, after prayer, he turned himselfe, and spoke some few words softly, having his hands lifted up: this minister closed his hands with his: then bowing himselfe to the earth, to lay his head on the block, he told the executioner that he would first lay down his head to try the fitnessse of the blocke, and take it up againe, before he would lay it downe for good and all; and so he did: and before he laid it downe again, he told the executioner that he would give him warning when to strike, by stretching forth his hands; and then laid downe his necke on the blocke, stretching out his hands: the executioner struck off his head at one blow, then took the head up in his hands, and shewed it to all the people, and said, "God save the king." Amen.

¹ "And to shew how mad this whole people were, especially about this bloody and brutish city (London,) on the evening of the day whereon he was executed, the greatest demonstrations of joy that possibly could be exprest, raun thro' the whole town and countries hereabout; and many, that came up to town on purpose to see the execution, rode in triumph back, waving their hatts, and, with all expressions of joy, thro' every town they went, crying, 'His head is off, his head is off!' and in many places committing insolencies upon, and breaking the windows of those persons who would not solemnize this festival with a bonfire. So ignorant and brutish is a multitude."—WARWICK'S *Memoires*, p. 163.

*A Letter sent unto a great Lady, and lately discovered by a strange Accident.
May the 4, 1641.*

Madam,

ALTHOUGH there be some discovery made knowne, yet what is intended is made secure; wherefore you most procure two thousand pound speedily; for no danger lets difficultie to compasse it, if you keep secret: remember your oath, for we shall slay the beast with many heads, and destroy the devils brood before they dreame or mistrust. Burne the letter you have received; your reward shall be in heaven.

The 5. Psalm he chose to read upon the Scaffold, at his death.

1. Ponder my words, O Lord; consider my meditation.
2. O hearken thou unto the voyce of my calling, my King, and my God: for unto thee will I make my prayer.
3. My voyce shalt thou heare betimes, O Lord: early in the morning will I direct my prayer unto thee, and will look up.
4. For thou art the God that hast no pleasure in wickednesse; neither shall any evill dwell with thee.
5. Such as be foolish shall not stand in thy sight; for thou hatest all them that work vanitie.

And so he read forwards to the end of the psalme.

An Ellegy written by Himselfe, a little before his death.

Farewell vain world, farewell my fleeting joyes,
Whose best of musick's but an echo's noyse,
And all the lustre of your painted light,
But as dull dreams and fantoms of the night;
Empty your pleasures too, nor can they last
Longer then ayre-puft bubbles, or a blast.
Farewell ye fading honours, which do blinde,
By your false mists the sharpest-sighted minde,
And having rais'd him to his hight of cares,
Tumble him headlong downe the slippery staires.
How shall I praise or prise your glorious ills,
Which are but poison put in golden pills.
Farewell my blustering titles, ne're come backe,
You've sweld my sailes untill my mastings cracke,
And made my vessell reele against the rocks
Of gaping ruine, whose destructive knocks
Hath helpelesse left me, sinking, here to lye:
The cause? I rais'd my main-top sailes too high.
Farewell ambition, (since we needs must part,)
Thou great inchantresse of mans greater heart;
Thy guilded titles, that do seeme so faire,
Are but like meteors hanging in the aire;

In whose false splendor, falling thence, is found
 No worth, but water-like shed on the ground.
 Farewell the glory, from which all the rest
 Derive the sweets for which men stile them blest,
 That from one root in severall branches spring;
 I meane, the favour of my gracious king:
 This too hath led my wandering soule astray,
 Like *ignis fatuus*, from its righter way.
 Farewell my friends, I need not bid you goe;
 When fortune flyes, you freely will do so.
 Worship the rising, not the setting sun:
 The house is falling; vermin quickly run.
 Bees do from off the wither'd flowers make haste;
 The reason is, because th'ave lost their taste.
 Farewell the treasures of my tempting store,
 Which, of all idolls, least I did adore;
 Haste to some ideots coffer, and hee'l bee
 Thy slave, as I have master been to thee.
 Heaven knowes, of all the suitors that I had,
 I least priz'd thee, as counting none so bad.
 Last; to my foes farewell; for such I have,
 Who do in multitudes wait for my grave;
 'Mongst which I can't believe but some there bee
 That hate my vices only, and not me;
 Let them passe o're my fame without a blot,
 And let the vulgar scratch they know not what;
 Let them besmeare me by the chattering notes
 (Poor silly hearts) which echo through their throates;
 I'll passe it o're, and pray (with patience too)
 Father forgive; they know not what they doe.
 Yet O! I could have woo'd my treacherous fate
 T' have died without the publique hate.

FINIS.

A Protestation against a foolish, ridiculous, and scandalous Speech, pretended to be spoken by Thomas Wentworth, late Earle of Strafford, to certain Lords, before his comming out of the Tower; as also against the simple and absurd Letter to his Lady in Ireland, together with the only true Copy of his Speech, and the charge delivered to his Son.

De mortuis nil nisi verum.

Printed anno 1641.

There appear to have been many disputes on this, as on similar occasions, concerning the genuine last words of this nobleman. The present protestation impugns the authenticity of the last tract; but it may be observed, that Strafford's letter to his lady bears every mark of being genuine, and the preceding speech probably rested on the same authority.

The Speech suggested to bee the late Earl of Straffords, pretended to be spoken in the Tower, being falsly and scandalously imputed to him, is protested against, and the Testimony of the Honourable Persons then present appealed unto therein.

Lord Primate of Ireland.
Earle of Cleeveland.
Earle of Newport.
Lord Rich.
Sir William Balfoure.

Sir William Wentworth.
Sir George Wentworth.
Doctor Carre.
Doctor Price.

The paper containing the heads of the Earle of Straffords last speech, written with his owne hand, as it was left upon the scaffold.

1. Come to pay the last debt we owe to sin.
2. Rise to righteousness.
3. Die willingly.
4. Forgive all.
5. Submit to justice, but in my intentions innocent from subverting, &c.
6. Wishing nothing but prosperity to king and people.
7. Acquit the king constrained.
8. Beseech to repent.
9. Strange way to write the beginning of reformation and settlement of a kingdome in blood.
10. Beseech that demand may rest there.
11. Call not blood upon themselves.
12. Die in the faith of the church.
13. Pray for it, and desire their prayers with me.

The true Speech, as it was delivered.

My Lord Primate of Ireland,

It is my very great comfort that I have your lordship by me this day, and I do thank God and your lordship for it, in regard I have bin knowne to you this many years. I should be very glad to obtain so much silence as to bee heard a few words, but I doubt I shall not, the noyse is so great.

My lords, I come hither by the good will and pleasure of Almighty God, to pay that last debt I owe to sin, which is death; and by the blessing of that God to rise again, through the merits of Jesus Christ, to righteousness and life eternall. Here hee was interrupted.

My lords, I am come hither to submit to that judgment which hath passed against me; I do it with a very quiet and contented minde: I do freely forgive all the world; a forgiveness that is not spoken from the teeth outwards, (as they say,) but from the very heart. I can very well say, in the presence of Almighty God, before whom I stand, that there is not a displeased thought arising in mee towards any creature. I thanke God I can say, and truly too, and my conscience beares mee witnesse, that in all the employments since I had the honour to serve his majesty, I never had any thing in the purpose of my heart, but what tended to the joynt and individuall prosperity of king and people. If it hath been my fortune to be misunderstood, surely I am not the first that hath been so; it is the common portion of us all, while we are in this life, to erre, but righteous judgment we must wait for in another place; for here we are very subject to be misjudged one of another. There is one thing I desire to free my selfe of, and I am very confident (speaking it now with so much cheerfulness) that it cannot be but that I shall obtaine your Christian charity in the belief of it; I did always think the parliaments of England were the happiest constitutions that any kingdome or nation lived under, and, next under God, the best means to make the king and his people happy; so far have I been from being against parliaments.

For my death, I heer acquit all the world, and beseech the God of Heaven heartily to forgive them, though, in the intentions and purposes of my heart, I am innocent of what I die for.

And, my lord primate, it is a very great comfort unto me, that his majesty conceives me not meriting so severe and heavy a punishment as is the uttermost execution of this sentence. I doe infinitely rejoyce in this mercy of his, and I beseech God to returne it upon him, that hee may find mercy when hee stands most in need of it.

I wish this kingdome all the prosperity and happinesse in the world; I did it living, and now dying it is my wish; I do most humbly recommend it to every man that heares mee, and desire that they will lay their hands upon their hearts, and consider seriously whether the beginning of the happinesse of the reformation of a kingdome should be written in letters of bloud. Consider this when you are in your owne homes; and let mee bee never so unhappy, as that the least drop of my blood should rise up in judgement against any one of you; I acquit you all, but I feare you are in a wrong way.

My lords, I here professe, and with that I shall end, that I doe die a true and obedient sonne to the church of England, wherein I was born, and in which I was bread; peace and prosperity be ever to it. And whereás it is objected, (if it bee an objection worth the answering,) that I have beene inclined to popery, I may truly say, that from the time of 21. to this present going on now of 49. yeeres, I never had in my heart to doubt of this religion of the church of England, nor ever any man the

boldnesse to suggest any such thing, to the best of my remembrance, to mee; so being reconciled by the mercies of Christ Jesus my Saviour, into whose bosome I hope I shall shortly bee gathered to those eternall happinesses that shall never have end.

I desire hartely the forgivenessse of every man for any rash and unadvised words, or for any thing done amisse; and so, my lords and gentlemen, farewell; farewell all the things of this world.

I desire that you would be silent, and joyne with me in prayer; and I trust in God we shall all meete, and live eternally in heaven, there to receive the accomplishment of all happines; where every teare shall bee wiped away from our eyes, and every sad thought from our hearts; and so God blesse this kingdom; and Jesus have mercy upon my soule.

To this added a prayer, not taken by any, to strengthen his faith, confirme him in patience and charity, to preserve his majesty and his realmes in prosperity, and the church in unitie, and to have mercy on his soule.

Rising, delivered these commands for his Children.

To his sonne, William Wentworth, commends himselfe; gives him charge to serve his God; to submit to his king with all faith and alliegance in things temporall; to the church in things spirituall; gives in charge, as he will answer it to him in heaven, never to meddle with the patrimony of the church, for it will be the cancer that will eat up the rest of his estate: againe, charges it, as he will answer him in heaven.

FINIS.

The Earl of Straffords Speech on the Scaffold, before he was beheaded on Tower-Hill, the 12th of May, 1641.

My lord primate of Ireland, (and my lords, and the rest of these gentlemen,) it is a very great comfort to me to have your lordship by me this day, in regard I have been known to you a long time. I should be very glad to obtain so much silence, as to be heard a few words, but I doubt I shall not, my lord. I come hither by the good will and pleasure of Almighty God, to pay that last debt I owe to sin, which is death, and, by the blessing of that God, to rise again, through the merits of Christ Jesus, to eternal glory. I wish I had been private, that I might have been heard, my lord: if I might be so much beholding to you, that I might use a few words, I should take it for a very great courtesy. My lord, I come hither to submit to that judgement which hath past against me; I do it with a very quiet and contented mind: I do freely forgive all the world; a forgiveness that is not spoken from the teeth outward, (as they say,) but from the heart: I speak it in the presence of Almighty God, before whom I stand, that there is not so much as a displeasing thought in me, arising to any creature: I thank God, I may say truly, and my conscience bears me witness, that, in all my services, since I have had the honour to serve his majesty in any employment, I never had any thing in my heart but the joint and individual prosperity of king and people; if it have been my hap to be misconstrued, it is the common portion of us all, while we are in this life; the righteous judgement is hereafter; here we are subject to error, and apt to be misjudged one of another. There is one thing I desire to clear myself

of, and I am very confident, I speak it with so much clearness, that I hope I shall have your Christian charity in the belief of it ; I did always ever think the parliaments of England were the happiest constitutions that any kingdom, or any nation, lived under, and, under God, the means of making king and people happy ; so far have I been from being against parliaments. For my death I here acquit all the world, and pray God heartily to forgive them ; and, in particular, my lord primate, I am very glad that his majesty is pleased to conceive me not meriting so severe and heavy a punishment as the utmost execution of this sentence ; I am very glad and infinitely rejoice in this mercy of his, and beseech God to turn it to him, that he may find mercy when he hath most need of it. I wish this kingdom all the prosperity and happiness in the world : I did it living, and now dying it is my wish. I do now profess it from my heart, and do most humbly recommend it unto every man here, and wish every man to lay his hand upon his heart, and consider seriously, whether the beginning of the happiness of a people should be written in letters of blood. I fear you are in a wrong way ; and I desire Almighty God that no one drop of my blood may rise up in judgment against you.

(My lord) I profess myself a true and obedient son to the church of England, to that church wherein I was born, and wherein I was bred ; prosperity and happiness be ever to it : And whereas it hath been said that I have inclined to popery, if it be an objection worth answering, let me say truly, that from the time since I was one-and-twenty years of age, till this hour, now going upon nine-and-forty, I never had thought in my heart to doubt of the truth of my religion in England, and never any had the boldness to suggest to me the contrary, to the best of my remembrance. And so being reconciled to the mercies of Christ Jesus my saviour, into whose bosom I hope shortly to be gathered, to enjoy those eternal happinesses that shall never have end, I desire heartily the forgiveness of every man, both for any rash or unadvised word or deed ; and desire your prayers : and so, my lords, farewell ; farewell all the things of this world : Lord strengthen my faith, give me confidence and assurance in the merits of Christ Jesus. I desire that you would be silent, and join in prayers with me ; and I trust in God that we shall all meet and live eternally in heaven, there to receive the accomplishment of all happiness ; where every tear shall be wiped from our eyes, and every sad thought from our hearts : and so God bless this kingdom ; and Jesus have mercy upon my soul.

The Speech of Thomas Earl of Strafford, intended to be spoken on the Scaffold [the day he was beheaded, (May 12, 1641); but being interrupted, he delivered it to his brother Sir George Wentworth, from whose Original Copy, under the Earls own hand, this is word for word transcribed.

People of my native country, (I wish my own, or your charity, had made me fit to call you friends,)

It should appear, by your concourse and gazing aspects, that I am now the only prodigious meteor towards which you direct your wondering eyes. Meteors are the infallible antecedents of tragical events, and do commonly level their malevolent operation upon some remarkable person. At this present time, I am become my own prodigy, and the crossed influence will appear in my (too sudden) execution; and this fear is only left me, the consequence will produce a greater effusion than mine. I would to God, my blood would cure your sad hearts of all their grievances, (though every drop thereof were a soul, on which a life depended;) I should render it with as much alacrity as some (nay, the most) of you are come to triumph in my fatal extirpation.

In regard I have been by you, (my native country, whose wisdom and justice, in respect of the generality of it, is no way questionable,) voted to this untimely end, I have not one syllable to say in justification of myself, or those actions for which I suffer; only, in excuse of both, give me leave to say, my too much zeal to do my master service, made me abuse his regal authority; and howsoever I have been one most unfortunate, yet, at all times, a favourite in the prosecution of my places and offices; and yet (as I shall answer before the dreadful tribunal whereunto your just anger hath before nature doomed me) my intents were fairer than my actions: but, God knows, the over greatness of my spirits severity, my government, the witchcraft of authority, and flattery of multitudes to sharpen it, are but ill interpreters of my intentions; which, that you may believe, I have no argument but imprecation, which hath but this circumstance to confirm it, that it proceeds from a dying man.

If I should take upon me to make a relation of all the particulars of my arraignment and attainder, it would but too much prorogue your longing expectation of my shameful death: besides, it would be needless, in respect I should but say over again what I said before the parliament, (and perhaps be as little believed,) though the terms on which I then answered be far different from my attestation now, (that being before my condemnation, and this after it.) Besides, there were multitudes to catch it, as fast as I uttered it, (and doubtless you shall have it upon every stall-book-post); for I have been, and, whilst I breath, am the pestilence which rages through your minds, your estates, and trades; and you will be ready to read the bills of your own losses, though the disease that brought the destruction be removed.

Having nothing in this world but a little breath, which within a few minutes is to be expired, I should not use it to this purpose, but that custom upon these directions prescribes my warrant for it; and further, that I might be an example to great persons, that they may know the favour of a great king is not equivalent to the breath of nations; and that it is a thousand times better and more noble for a lion to play with

a glove, than tear it; nor is it proper for a dove to soar with eagle's wings; and the rather, because the necessity of the times requires that I should die, only for example.

He that gave conscience to you all, (that are willing to accept it,) my royal master, did in his own conscience once declare me guiltless of these facts for which this death is come upon me: but heaven, that hath made your general clamours the organ of my destiny, thought me not worthy to enjoy this life I have abused; and from your voices, as from the lips of oracles, I have received my woful doom, wherein my charity (at this hour) cannot, nor will accuse you of the least injustice: but still I trench upon your patience, and linger in the thing you came to look for,—my death.

A little, little more, and I have done. For a testimony of my faith and religion, be pleased to understand, that I have professed and do (now) die in the true protestant religion, not in any points deviating in my belief from the fundamental grounds of the true protestant religion, professed, maintained, practised, and authorised by the church of England. I would say more of this, but that I desire my private ejaculations may be my last meditations, only because I know there is not any one of you at odds with my soul or person, (though with my facts and vices) I cannot doubt but your humanity and charitable inclinations will afford me your devout prayers, for my Saviour's sweet mercy. Good people pray for me, even for my eternal Saviour's sake, into whose bosom I render my woful and afflicted soul. Sweet Jesu, my redeemer, (the redeemer even of me, a woful and dejected sinner,) receive into thy arms my spirit.

A reasonable Motion in the behalfe of such of the Clergie as are now questioned in Parliament for their Places.

Printed in the unfortunate Yeare to Priests, 1641.

The various treatises which follow are of a popular nature, and tend to shew how long the rage of party persecuted Strafford, even in his ashes. They are printed from rare copies in the editor's possession, and adorned with wooden engravings worthy of the stile and composition. Laud had been imprisoned about the same time with Strafford, but was not executed until four years afterwards.

The only interview which really took place between those two illustrious prisoners was as Strafford passed to execution. He stopped below the window of the archbishop's apartment, and besought his blessing, which Laud conferred with a flood of tears. This poem, if such doggrel deserves the name, appears to have been popular.

Vouchsafe (great lords) with patience for to hear
Our just request, which we present you here.
'Tis said abroad that you the church would free
Of sundry faults, which in the same there be;
But that it's feard, and you perhaps conceive,
A change of things we priests will not receive;
But will stand out for things we former had,
And doe them still, though you shall thinke them bad

But we doe hope, by this to make it cleare,
 That no such thing of us you need to feare;
 For we (like Scots) will not such things put by
 As are impos'd by soveraigne majesty;
 Nor are we like the puritanish sects,
 Who'll doe no more than what the word directs.
 We never yet have shew'd our selves so ill,
 But what the state enjoyn'd we did it still;
 And that your honours may be sure of this,
 We can produce the ages past for us.
 You know King Edward did the masse put downe,
 And set the service-booke up in the roome:
 We then the clergy of the land throughout,
 Forsooke the old and took the newer up.
 When he was dead, and Mary had the crowne,
 Then up goes masse, and service it comes downe;
 Yet we sir priests, as men of quiet spirits,
 Obey'd the prince, and turn'd unto our vomits.
 Some few yeares after, Mary being dead,
 The crowne is set upon her sisters head;
 Now shee againe puts downe the idoll masse,
 And hath the service, as before it was:
 To this our father priests did then submit,
 Though most perhaps did minde it was not fit:
 Yet what the state did thinke for to be best,
 They question not, but do't, and therein rest.
 What they have done, we meane the like to doe;
 Conforme our selves to things confirm'd by you.
 If you put downe our bishops from their chaire,
 Their liturgie, and courts, and other geere,
 What next by you shall be enacted then,
 Shall be observ'd by us the clergie men;
 But if you please to have them yet stand still,
 We are content, and yeeld to them we will.
 For government and worship, what care we,
 Or rites and orders what in church there be;
 Our care is onely for to keep from wants;
 For conscience here we leave to puritants:
 And this we judge to be no wise mans case,
 To deeme his conscience better than his place.
 The canons late which were on us impos'd,
 By you are thought not fit for to be us'd;
 Yet we (sir priests) did stand so much in aw,
 And that we meant to yeeld unto their law:
 And ere that we will leave our gainfull trade,
 We'll stoop to all what ere by man is made.
 Therefore, brave lords, as you in court now sit,
 So let religion be as you thinke fit.
 We take no thought this way about Gods will,
 But how to keepe our benefices still;

And hope we doe, although the better part,
 To cast us out can finde it in their heart.
 Yet there are some will speake for poore sir Johns ;
 For lazy dogs, old priests, and idle drones ;
 For puralists, non res'dents, and such men ;
 The clergy now consisting most of them :
 And cause there is the matter should be so ;
 For if turn'd out, (alas) what shall we doe.
 It's now so long since we forsooke the trade
 Of cobling, weaving, thatching, and the spade,
 That for to worke our bodies are unfit ;
 Nor can we bring our hearts at all to it.
 If we therefore must let our priest-hood fall,
 This then we beg most humbly of you all :
 That still we may enjoy our belly cheare,
 And idly live, without all worke or care :
 And if your honours will but grant us this,
 We are content, if you will us dismissee ;
 For we came to the place for conscience sake,
 As to be fed, and labour none to take :
 But yet we thinke, much better it will be,
 That in the priest-hood left alone be wee ;
 For if the puritaines, the onely men,
 Who wish us out, so that they may come in,
 Does get but once into our place and roome,
 They will not doe as we (poore fooles) have done :
 They are (forsooth) so scrupulous in their wayes,
 That if it be against Gods holy lawes,
 They will not doe it, no, although it be
 A thing required of his majestie :
 But as for us, our carriage is not so ;
 If state command, we never say it no.
 And this we dare affirme, there is no where
 A more time-serving clergy than is here.
 When our sweet bishops had by act obtain'd,
 To have Gods holy day with sports profan'd ;
 Although the purer sort against it taught,
 Yet we confirm'd, although we knew 'twas naught.
 What ever Laud devis'd, and on us cast,
 We did the same to hold our livings fast :
 And we fore-saw what further was his hope,
 To bring us all in service to the Pope ;
 Which thing if he had once but brought to passe
 To yeeld thereto our full intentment was.
 And thus we have your honours made to see,
 Why in the priest-hood we should suffered be ;
 Namely for this, and nothing else at all,
 There's nought so bad, but yeeld thereto we shall.

—*Quid rides ? mutato nomine de te
 Fabula narratur.*

The discontented Conference betwixt the two great Associates, William Archbishop of Canterbury, and Thomas late Earle of Strafford.

Printed in the Yeere 1641.

Straff. God save your grace: How doe you doe?

Cant. My lord, I thanke you, well as you.

Straff. I have not seene your grace of late
So full of mirth, may't auspicate
Some good event, and such as we
May by it finde our liberty:
The proverb him unwise doth hold,
Who loves his fetters, though of gold.

Cant. Last night (my lord) some nobler dreame,
Then did to sanguine, choler, phlegme,
Or unto melancholy owe
Its birth, did on my fancy grow:
Me thoughts I was in Oxford, where
Lord chancellours name and power I beare:
What shouts saint Johns there to me gave,
My gladdened eares yet ringing have;
I heard their labouring joys, and throng
Of praises, both in prose and song:
And as me thought from thence I came
To Lambeth, I still heard the same
So loud, that eccho from White-hall,
Return'd them to my Lambeths wall.

Straff. In such a dreame, O who would keep
A noyse to break your graces sleep!
And though dreames erre, yet may this be
To you a happy prophesie,
And such a one as may prove true,
And faire unto my selfe as you;
For so by one compact of wit,
Our counsell were together knit
So close, so even, they did goe
To worke the common-weale its woe,
We cannot well our selves define
What plot was yours, or which was mine;
They were each others in-mates, twins
That vy'd which most should number sins;
Both slept, both wak'd at once, and whether
They lost or won, both play'd together.

Cant. My lord, you rage.

Straff. You cannot call
Truth a disease, or rage at all:
Truth neither can, nor will deceive you.

Cant. Farewell my lord, for I must leave you.

Straff. Yet stay a while, and give to me
Once more your benedicitee :
I must confesse I did begin
To chide, but now forget my spleene.

Cant. It doth increase my joy, and sure
The joy may well your praise procure :
How thinke you would this kingdome flout,
To heare we two were falling out ?
Come, be yourselfe, relate at length
What arm'd recusants, what new strength
May come from Ireland to relieve
Our dying faction.

Straff. Never grieve
My settled soule : I doe not know
That root on which one hope might grow :
But in conclusion there must be
A rope for you, an axe for me.

Cant. Was this your so well-grounded guesse
Of our increasing happinesse ?
Ends thus your boasting, that you could
Get money, men, or what you would,
To curb the insolence of those
That were, or would become our foes ?
False Straffords earle.

Straff. Stop there, your grace
His tongue doth trot too round a pace.
Looke, looke abroad, can you now see
No patent, no monopolee ;
All your projects, all your fine
Devices, sick as medium wine ?
Can now no more Lauds laudlesse might,
The parson from the pulpit fright,
The subject from the kingdome ? What
Could ruine doe, which you did not ?

Cant. There's something yet undone, 'tis true,
But shortly to bee done to you :
Each guard you have (for 'tis the will
Of fate to have you guarded still,)
Shall serve the minister of your doome,
Your executioner, not your groome :
Your head, that mastered so much art,
Ere long shall from your shoulders part ;
Your bloud your scarlet must new dye ;
Your spurres fall off, your ermines flye ;
And of so great, so fear'd a name,
Scarce left a man that loves your fame.

Straff. So, so (my lord) ; my heart is glad,
I owne, that grieve your grace can mad.
Your head no doubt, is growne the lighter,
Since dis-invested of the miter :
It was too proud a weight, and knowne
To nurse bad thoughts ; 'tis better gone.

The shepheards on their sheep-hooks laugh,
And doe upbraid your crosiers staffe :
No more your now deafe chaplaines harke
What houre shall speake your patriarke.

Cant. Farewell, farewell ; your time calls on ;
Speake thoughts more sanctifi'd, or none :
'Tis you must lead the way, and I
Shall follow after by and by.

Straff. My lifes short knarled thred doth stand
Expecting fates impartial hand :
Heav'n hath my thoughts (my lord) ; yet stay ;
Shall we nere meet againe ?

Cant. We may :
There's roome enough in heaven for two
Have more transgrest than I or you :
But I what time and place forbear
To name ; 'tis God knowes when and where.

FINIS.

The Downfall of Greatnesse for the losse of Goodnesse.

In this (as in a mirrour) you may see
Wentworth want worth, his life and tragedy ;
He was a peere, once pillar of this land,
Who a whole kingdome had at his command ;
Indeed, what had he not ? the confluence
Of all things make man happy, eminence
'Bove others, learning, knowledge, eloquence,
The favour of his prince, familiaritie
With his peers, he had volubilitie
Of his tongue, with the strength of memory,
Honours, offices, wealth, and potency.
He was a man of admirable parts,
Expert and skilfull both in armes and arts ;
Souldier and scholler able to compare
With *Ajax* or *Ulysses* for his rare
Perfections ; a grand counsellour of state ;
Counsell might make him see, not shun his fate.
This great mans execution long expected,
Did come at last, and quickly was effected :
So mortall was his life, that daring death
Depriv'd him at one stroake of vitall breath.
Why then, hayle death ! Lord of the land of clay !
Emperour of churchyards, king of Golgotha !
Seeing neither armes, nor arts, nor Cæsars smile,
(Whose glorious beames doe bliss this British isle,)

Could guard him from deaths fatall blow : fix this,
Oh truth ! in every statists soule, all blisse
Borrow'd from breath is transient : even as boyes
With cards build castles, so titles are but toyes,
Erected, and strait ruin'd with a breath ;
But vertue survives marble, time, and death.
Honours are bubbles, phantasmes that delude
Dull soules ; by them stout Strafford was subdude :
His haughty mind aspiring got a fall
So ponderous, that it caus'd his funerall.
Unfortunate he was from's mothers wombe,
And so continued hath unto his tombe.
Some are slaine by ambition, some by lust ;
He like a stone was cut in his owne dust.
His rule in Ireland, 'tis well knowne to all,
Was potent, tyrannous, and tragicall.
His life was a sad play ; his mothers wombe,
From which he was enter'd, was the tyring-roome,
Wherein with natures gifts he was so drest,
That had he acted well, he had been blest
To all eternitie ; happy had he bin,
Had he consider'd but the stipend of sin,
And call'd himselfe t'account unto his master ;
H' had not then met with any such disaster.
But wretched man himselfe of's selfe bereaves,
And like a silke-worme his owne sorrow weaves ;
So inconsiderate and stupid, that he
Seldome prevents his future misery.
Carelesse and dreadlesse, 'twas his malignant fate,
Instead of love, t'incur the peoples hate ;
That hasten'd his death. May his example prove,
There is no happinesse on earth like love :
May it warne great men, who are high in blood,
To be as i'the state great, so in minde good ;
And may it be a caveat unto all
That stand, to take heed least like him they fall.
Oh, what is glory ? or the life of man ?
Much like a vapour, far lesse than a span.
What's th' earth's pompe ? a ship of vanitie,
In which man sayles through a sea of misery,
And never is in happinesse, or rest,
Till he land at Heavens haven, that port blest.
He that does well, and's constant, he shall find
Peace in his conscience, comfort in his mind.
He that does ill, let him remember this,
There is a thing call'd direful Nemesis :
Judgement (though slow) is sure ; and honours flood
Ebbes into ayre when man is great, not good.
View it in him, whose splendour was we see
A well-writ prologue to his tragedy.

A Postscript to the Precedent Poem.

The fayrest prospect unto honour lyes from the hill of vertue, and the best way to happinesse is in the high rode of holinesse. He that lives well, cannot dye ill; and 'tis not what a man has, but what he is, that makes him shine an eminent starre in the sphere of the state.

Stemmata nil faciunt, as the poet acutely; *et nobilitas sola est atq. unica virtus*; 'tis onely vertue which is the truest nobilitie, and that which makes man really noble. Hence it is, that *nobilitas parta* is farre better than *nobilitas partu*: to be borne great, and to live sordid, is ignominious and wretched; but merit, and the noble actions of the mind, farre transcend the generositie of high-borne progenitors. *Hinc illæ lachrymæ*; that from a pure fountaine should spring a foule streame, from a good roote a bad branch, 'tis much to be deplored. So true is that of the princely prophet; "Man being in honour, hath no understanding, but is like the beasts that perish." 'Tis verified in the subject of this discourse. *Honos* to him was *onus*; his preferment, his perdition, his pompe was his paine, and his rising his ruine. The higher he was, the heavier was his fall: with Phaeton he soar'd too high, and with him ayming at the sunnes sphere, to be mounted in Charles wayne, from the altitude and utmost pitch of majestie, he fell to the profunditie, extremitie, and abyse of misery. Had he been holy as he was honourable, righteous as rich, pious as politique, and as prudent for the state as he was pestilent to the state, he had been the grace of his countrey, the glory of his age, and a mirrour of succeeding generations, to his eternall fame; had he been what he was not, he had never arriv'd to such a sad disaster as he did.

He was a man of admirable abilities; eloquence, learning, courage, and valour, were his servants to command; all which he might have imployed to the glory of God, the honour of his majestie, the good and benefit of the church and common-wealth; but he perverted those good endowments which nature and the God of nature was pleased liberally to conferre upon him, and imploy'd them to his owne ends, for the effecting and accomplishing of his hainous doings, and facinorous designs.

His capitall crimes were ambition, pride, injustice, crueltie, and treachery, *cum multis aliis*, which, for brevitie sake, I omit. He endeavour'd to subvert the lawes, the ancient and fundamentall lawes and government of the kings realmes of England and Ireland. And whereas he alledged at his tryall in Westminster-hall, that he never introduced an arbitrary and tyrannicall government, although he hath not effected it, (God be thanked, being prevented,) yet he intended it. He exercised tyrannous and exorbitant power above and against the lawes, over the liberties, states, and lives of his majesties subjects. He was the firebrand and incendiary of the warres between the two kingdomes of England and Scotland.

The better to preserve him and his confederates, he labored (as much as in him lay) to dissolve parliaments, and to subvert the rights, liberties, and priviledges of parliaments, and the ancient course of parliamentary proceedings. He who was under the law did assume to himselfe a power above law, yea, without and against law. He was a terror to the citie, and an eye sore to the country: his looke was grimme, his anger intolerable, and his rage implacable. He was tyranny in the abstract, without any bowels of compassion. How many honest men did he cause to be committed? compelling the great councell of the kingdome of Ireland to condescend to his commands, trampling on the peeres, oppressing his majesties subjects, and insulting over people of all ranks, qualitie, and condition whatsoever. When he was first sent into Ireland, with commission and authoritie, it was not long after but he pursued his intents, and produced them into act. Such horrid offences and nefarious crimes did he perpetrate and

commit, of so exorbitant and transcendent a nature, that they indanger'd a generall insurrection against majestie it selfe. To contract what I might protract, he attempted, at one blow, the ruine of the three kingdomes, and their posteritie, to bring them into perpetuall captivitie, which is treason, and in the highest degree. These were his plots and projects, these were his crimes and offences, for which, by the high and honourable court of parliament, he was convicted, and condemned to suffer death, in the place and on the day before mentioned.

Jam illum premit nox, the sunne of his summers day is now set, and the sad night of dreadfull death is come upon him. Let not the headlesse multitude (or rather that many-headed monster, *bellua multorum capitum*,) censure and condemne this great man, as one utterly lost. We ought to judge charitably of him, who dyed in the feare of his Maker, and faith of his Redeemer. He had sweet Christian expressions of his repentance, of faith, his obedience and humble subjection to the will of God. Without doubt, God did open his eyes, both before and at the houre of his death; and though his latter dayes were his bad dayes, yet (in the judgement of charitie) his last day was his best day.

FINIS.

A Description of the Passage of Thomas Earle of Strafford over the River of Styx, with the Conference betwixt him, Charon, and William Noy

Printed in the yeare 1641.

The celebrated Sir William Noy, attorney-general, whose name was thus anagramed: "*I moil in law*." He was a profound lawyer; but there his praise began and ended. To his ill-omened labours Charles was indebted for the device of ship-money, and other illegal expedients for raising supplies without the aid of parliament. Sir William Noy died 9th August, 1634. He left his younger son 100 marks yearly, and 500l. to breed him up in the law, and concluded his will with this extraordinary clause: *Reliqua meorum omnia primogenito meo Edoardo dissipanda lego, nec melius unquam speravi ego*.

A Dialogue, &c.

Char. In the name of Rhodomont, what ayles me? I have tugged and tugged above these two houres, yet can hardly steere one foot forward: either my dried nerves deceive my arme, or my vex'd barke carries an unwonted burden. From whence com'st thou, passenger?

Straff. From England.

Char. From England? ha, I was counsaill'd to prepare my selfe, and to trim up my boat. I should have work enough, they sayd, ere be long from England: but trust me,

² Radamanth, it may be presumed.

thy burden alone out-weighes many transported armies: were all the expected numbers of thy weight, poor Charon well might sweat.

Straff. I beare them all in one.

Char. How! beare them all in one? and thou shalt pay for them all in one. By the just soule of Rhodomont, this was a fine plot indeed: sure this was some notable fellow being alive, that hath a trick to cousen the divell being dead. What is thy name? (*Strafford sighes.*)

Char. Sigh not so deepe: take some of this Lethæan water into thy thinne hand, and soope it up; it will make thee forget thy sorrowes.

Straff. My name is Wentworth, Straffords late earle.

Char. Wentworth! O, ho! thou art hee who hath beene so long expected by William Noy; he hath beene any time these two moneths on the other side of the banke, expecting thy comming daily.

Straff. Knows Charon Noy so well?

Char. Know him? I, I warrant you he is knowne here very well: he can no sooner get out of the lawyers company (as we have abundance of your lawyers here) but you shall have him sometimes with boyes at nine pinnes, sometimes he will be fudling with a tinker, sometime he hath a crotchet to venture a fall with a wrastler, though hee be sure to get the fall himselfe: he is for all companies: hee serv'd me such a tricke the other day.

Straff. What was it, Charon?

Char. Tell thee, and thou wilt go neare to shew me such another tricke thy selfe before I part with thee; thou lookst just of his complexion. Marry, he had begot a whimsey, what do you call it, a project, I, a project, that out of the small incomes that I receive, which is but a halfe-penny a ghost, I should pay a penny out of every passenger I do transport, as a gratification, or rentage, to great Pluto: but had hee come under the reach of this my Ebon oare, I would have so spread his shade. Looke yonder where hee is.

Straff. Charon, take there thy waftage hire.

Char. What! but one halfe-penny; I thought he would have payd me for a thousand at least: this is just poore ferrimens fortune; when they have once landed their passengers, they may look for their fare where they can get it. Well, goe thy waies for a heavy ghost: neither Pompey the great, nor Alexander before him, did make my boat draw so deep: I doe not think but that hee hath devour'd three kingdomes, and beares all the excrement and garbidge of them along with him. [*Exit. CHAR.*]

Straff. Either my discontinued eye or my remembrance much deceiveth me or your name is Noy.

Noy. My lord, when last I saw you, you were but Sir Thomas Wentworth; since, I have understood, the royall favours of his majesty, meeting with your merits, hath made you Earle of Strafford. It was a dignity which your abilities and your vertu well may challenge.

Straff. An undeserved grace, sir, which his majesty was pleased to conferre upon me: the eye of my prince is like the eye of heaven, shines where he lists, and looked with as much influence and glory on me, his lowest shrub, as on the proudest cedars.

Noy. It is most true; nothing can parallell his royall vertues but themselves; but (my lord) pardon my curiosity, whose rudenesse would enquire what late newes doth our climate vent?

Straff. The last newes is of my selfe.

Noy. It must needs be then a history that is full of honour.

Straff. It might have beene so, Mr Noy;

But as a desperate merchant, when he may
Saile with successe to his desired port,

Doth rather choose a day of winde and darknesse,
A day of tempest, when the angry sea
Tilts her bold billowes 'gainst the baffled clouds,
Deafes the fierce thunder with their lowder roare,
And puts the fire out from the lightning skies,
Too late repenting of his rash advise,
Findes himselfe fast lock'd within the armes of death ;
So I, when honours circled me, and peace
Did wooe my safety with a curteous smile,
I rather choose to seeke out wayes to danger,
T'untie three realmes, and with a fatall trip
Ungrounde the foote of justice and the lawes,
To waken warre, and from her brasen den,
To rouse my thunders from the canons mouth,
And thus adventur'd whilst my barke touch'd heaven,
Seas upon waves, and waves surmounting seas,
They danc'd me downe into a vast abysme,
Where I lay dockt in quicke sands to imbrace

A certaine ruine. Doe you remember the petition of right, Master Noy ?

Noy. Yes, very well, my lord.

Straff. Oh, had I there continued, I might outlive all danger, and secure my right, nor in the honours of my thriving name, had I need doubt my fate, or lose my fame ; Strafford had lived, though your preventing fate, that did my doome and death anticipate, call'd for a curteous dropsie.

Noy. My lord, I thanke God I descended into the sleep of death, though not a sound, yet a whole carcassee.*

Straff. But I dismembred lost my spited head.

Noy. My lord, me thinkes so vast a spirit as yours could do good service without a head.*

Straff. What odde conceit rides on your fancy now ?

Noy. My lord, I will tell you, and, since example is the most legible character, give you an instance : how many hundred yeares hath Atlas borne heaven upon his shoulders, yet I could never read of any head of his that was ever seene ? I know, my lord, you have undertaken taskes would have made proude Atlas stoope.

Straff. And some of yours are imputed unto me : had I any hand in such and such patents and monopolies, Master Noy ? had I any plot at all in the ship-money, and in many more projects that I could name, which took their originall all from you ?

Noy. Your lordship may use what liberty of speech you please ; but doe you thinke that my lord's grace of Canterbury is so pleasant above ?

Straff. No, no, all the mirth is with you Netherlanders :

He, like the Roman Anthony, when hee
Try'd his last fortunes in sad Actiums fight,
And left the grappling eagles and his honour,
To flye in's beauteous Cleopatra's boat,
And quite asham'd that any one but shee
Should owne that fame to conquer Anthonie ;

* " Though he had good matter in his brain," says Howell, speaking of Noy's death, " he had, it seems, ill materials in his body ; for his heart was shrivelled like a leather penny-purse when he was dissected, nor were his lungs sound."

* Richelieu observed more justly, on the same occasion, that the English nation were so foolish, they would not let the wisest head among them stand on its own shoulders.

His heart quite broken, and his head bow'd low,
 Whiles eightscore minutes were in numbring out
 Their measur'd sands in the just glasse of time,
 Durst not looke up towards heaven, nor tempt her eyes,
 Her eyes to him a thousand thousand heavens,
 More deare then thousand conquests;
 Just so his grace, his sadden'd head being layd
 On both his hands, his elbowes on his knees,
 Will silent leane two or three houres together;
 And in that posture (sad), he now must leave her,
 Stoopes to his idoll, greatnesse.

Noy. Are there no more, my lord, of your party?

Straff. Yes, I believe, many; but this present parliament hath more eyes then Argus, more cleare then Lynceus, and as powerfull as the sunne, and should their numbers grow up like so many hydra's, they can at once both observe them, and dispell them.

Noy. My lord, how thrives the Romish faction?

Straff. Troth, I think, but little; and I beleeeve it is likely every day to grow lesse and lesse; the grave deportment of the fryers, the sanctimonious pretences of their priests, prevaile but little, and worke in the people rather a suspition then an imitation. It is thought, besides, that even from the gownes and cowles did arise the first grudgings and beginnings of the warre.

Noy. I understood, indeed, that some priests were severely looked after; that newes I heard from Mercury.

Straff. Now you talke of Mercury, there is a pretious generation of Mercury's above.

Noy. Of Mercury's? they are a people never before heard of, a sect which no age ever understood. I beseech your honour to instruct me who and what they are.

Straff. Why, there are men Mercury's, and women Mercury's, and boy Mercury's, Mercury's of all sexes, sorts, and sizes; and these are they that carry up and downe their pasquils, and vent them unto shops.

Noy. How is that taken?

Straff. I know not; but their takings, I beleeeve, are good enough: but had they carried abroad such ware a yeare agoe, these Mercury's had need in earnest to put wings unto their feet to make more haste away.

Noy. They may doe well to read Lucian; he will teach their pamphlets wit and innocence.

Straff. The divell he will; excuse me, Mr Noy; not too much innocence, I beseech you; but let them write even what they will; the dead bite not, and if they bite not, the dead I care not.

Noy. Will your honour vouchsafe to draw unto our quarters; it will make good sport for your lordship to observe what devout cringes on their first comming the attorney's and the scriveners make to their little god Sir E. C.; how, with both hands lifted up, as he passeth by them, they will mumble their pater nosters to him.

Straff. Pish! I neither need such company, nor desire it.

Noy. In what place then will your honour chuse to make your residence?

Straff. In any place, so that I might have that which I come for,---rest.

Great Satisfaction concerning the Death of the Earle of Strafford, in a Discourse betweene a Scottishman and a Jesuite; with a serious Consideration of certaine Conclusions observed from his last Speech upon the Scaffold.

I FOLLOW the last speech published, appealed to the lord primate of Ireland, Earle of Cleveland, Earle of Newport, Lord Rich, &c. observing the heads according to the paper by himselfe left upon the scaffold.

Scot. Jesuit.

Scot. I pray you, sir, what is the matter? from whence come all these people so fast?

Jes. Doest thou not know? every child can tell, through the whole city, that they came from the execution of the Earle of Strafford.

Scot. Why, is the Earle of Strafford dead?

Jes. He is beheaded upon the scaffold at Tower-Hill. He is dead, sure enough; God comfort him.

Scot. A, my saule! I am glad on't with all my heart: the Earle of Strafford is dead? the best news that ever I heard in my life: Ile away into Scotland, ham as fast as I can, and tell my grannum this newes. Ile tosse my cap for joy.

Jes. Why doe you Scottishmen so envy the Lord Strafford?

Scot. We doe not, nor never did envy his person; but he was one of the troublers of the 3 kingdoms, which could never be settled for him, and such as he. But I pray you, sir, tell me one thing: Did he dye well, and make a good end?

Jes. He made an excellent speech, and left us a worthy patterne against we dye.

Scot. I pray you, what said he?

Jes. He first made a short preface to the lord primate of Ireland; but the people made a noyse, and interrupted him.

Scot. But what said he? Did he repent, and confesse his just-deserved death to be inflicted upon him for offending God?

Jes. The first head of his speech was, concerning his comming to pay the last debt we owe to sin, according to St Paul's saying, "we are all subject to death." 1 Cor. 15. 22. Now he did confesse, that he came thither by the good will and pleasure of Almighty God to dye, as it is, Heb. 9. 27.

Scot. But, pray you, tell me, did he yeeld up his spirit in the faith of Christ, under the hope of salvation by him, with repentance for all his sins? Revel. 14. 13. Did he fall a sleepe in Christ? 1 Thes. 4. 13. What was the rest of his speech?

Jes. 2. He spoke concerning his rising to righteousness: "There is a glorified righteousness, through Christ, in the world to come, both perfite and inherent." Psal. 73. 24. And the Earle of Strafford did declare himselfe, that he was confident, by the blessing of God, to rise againe, through the merits of Jesus Christ, to righteousness and life eternall.

Scot. But did he before his death profit in true righteousness and holinesse, by meanes of those chastisements that God laid upon him, or, if you will, that his sinnes brought upon him in this life? Did he behold the majesty of the Lord in the sentence of his death? Isay. 26. 9, 10, &c. It is not a flourishing vapour that brings a man to heaven: but, I pray you, proceed in his speech.

Jes. In the 3. head, he did expresse that he did dye willingly. Now there is such

a power in the resurrection of Christ, which hath loosed the sorrowes and discontents of death, and makes a man to dye willingly, Acts 2. 24. And thus did he declare himselfe to be loosed from the sorrowes of death, insomuch that he submitted himselfe to it with a very quiet and contented mind.

Scot. Now, here is the matter. Was he first wounded for the offence, then reconciled to God by the death of Christ, before he died; and, rejoycing before the Lord, did he receive the attonement through Christ? Rom. 5. 10, 11.

Jes. In the 4. place, he forgave all; which is the property of God's children; they forgive all, and of an humble mind, forbearing and long-suffering. Col. 3. 12, 13. Thus did the Earle of Strafford freely forgive all the world, and that, he expressed, he did not from the teeth outward, but from the very heart, protesting, before Almighty God, that there was not a displeasing thought in him towards any creature.

Scot. That was very good; but, did he find true testimony from God's spirit in the forgiveness of his owne offences against God, and against his people; confessing his sins humbly and without guile, and powering out his soule before the Lord, till God sealed him a pardon? Psal. 32. I pray you proceed in his speech.

Jes. He wished, in the 5. place, nothing but prosperity to king and people; upon which particular he was something large: the 1. part whereof concerned his place as he was deputy. Now, as the scripture saith, "Fidelity to the king, and true judgement to the people, are weighty matters of the law," which concerned his place, and ought by him to be done. Mat. 23. 23. And herein he glorified and thanked God that he could say from his conscience, that he (in his place) never had any thing in the purpose of his heart, but what tended to the joynt and individuall prosperity of king and people.

Scot. Well, well, all is not gold that glisters, nor are all saints that have fine tongues: rhetoricke and policie will not justifie a man before God. Had he sought the publick tranquillity of the king and people in peace and truth, and the quiet state of the church of God, he would not have laboured to bring in, but to have freed it both from foraine and civill warres. 2 Kings 20. 19. It is a strange and unwarrantable way for any that professe themselves Christians, to seeke the joyning of king and people together, and the prosperity of both, by confirming errors in the church, and by persecuting, tyrannie, slaughters, and bloody warres, to force the people to obey by constraint. Psal. 23. 1.

Jes. The 2. place, he declared himselfe to be misunderstood; and Moses's law shewes, that judges ought to keepe themselves from false matters, and from putting to death the innocent and righteous. Exod. 23. 7. Now the Earle of Strafford conceived himselfe to be mis-judged, imputing it to the error of misunderstanding him.

Scot. I am very sorry to heare that he was no more penitent, having so many hainous crimes proved against him; as, to overthrow the right of law by exorbitant power; to take away mens estates by force; to proceed against the lord Mount-norris without all course of law or justice; with divers other articles, proved at large against him: alas, alas! that he should be so blinded to speake such a peremptory word: will he make his own unjust proceedings, contrary to law, to be justifiable, and condemne the sentence so justly denounced against him, so justly and true? Surely hee thought all was but in jest, or, that his golden mouthed language would save his life, or some end he had best knowne to himselfe; for he could not be ignorant of his just deserved censure, according both to common-law, statute-law, and parliament; but, indeed, every one almost held him an enemy to all these.

Jes. He shewed himselfe, in the 3. place, to approve of parliaments. There is one thing saith he, I desire to free myselfe of, and I am very confident that I shallbee beleaved: I did alwaies thinke the parliaments of England were the happiest institutions that any

kingdome or nation lived under, and, next under God, the best meanes to make the king and his people happy ; so farre have I been from being against parliaments.

Scot. So farre ! that is as much as nothing ; he thought so, and he said so, and he knew so. David thought Uriah happy in having so faire a wife ; he knew and was sensible of the delight that was to be found in her ; but what did that make for Uriah ? he lost his wife by David's taking notice of it, and his life too. So what is that ? The Earle of Strafford knew how happy the parliaments of England were for the king and people, and upon such his knowledge to hinder and stop them, and to labour to deprive the land of them ; using meanes to have the strife ended by warre and blood, rather than by parliament and peace. But, I pray you, sir, will you be pleased to proceed to the rest of his speech ?

Jes. 6. He submitted to justice, being in his intentions innocent. We reade, that when Stephen was stoned, he kneeled downe, and cryed, " Lord lay not this sin to their charge." Acts 7. 60. Thus the Lord of Strafford imitated holy Stephen, saying, that he acquitted all the world, and heartily forgave them, pleading his intentions to be innocent.

Scot. Was he not in a trance when he pleaded innocency, or was his wit too high to stoope to justice ? What ! condemned of treason by so faire a tryall ? Search, and see if all histories can parallell with it : He whose judgement and wit is admired, to pleade innocency in so cleare a censure.

To practise with another governour of another country to invade this realme is high treason, although such practises be not put in our Dyer, 248. Is it not then treason too, to tell the king that he had an army in Ireland should reduce this kingdome to obedience ? To encounter, and fight, and kill such as are the king's souldiers, or assisting the king in his warres, is high treason, 45 Edw. 3. 25. Br. treason, 7. 21. E. 23. Stam. 1. 1. Is it not then treason to be the willing cause of the losse of New-castle, of purpose to engage the two kingdomes in a warre ?

To maintain the extollers or maintainers of the see of Rome : the first offence doth incurre the danger of a præmunire ; the second offence is high treason ; 5. El. 1. D. Conce. 1. What then was the Lord Strafford's fact, that, to oblige them the more, compounded with recusants at so low a rate ?

Such as shall doe or procure any thing, *ad seditionem domini regis, vel exercitus sui*, is treason, saith Mr Andrew Horne's booke, *Speculum justitiariorum* ; so saith he, is falsifying the king's seales, &c. In a word, because many like cases of treason might happen, &c. it was (by the statute 25 Edw. 3. ch. 2.) accorded, that if any other case supposed treason, which is not as that statute specified, doth happen, that it should be declared before the king and his parliament, &c. These things I passe over breefly, giving but a touch of them, by which we may perceive how great those offences were whereby the Earle of Strafford expelled people out of their families by men in armes ; his treachery against the state, and division betwixt the king and people, by him wrought, as may appear in his articles. But I will not interrupt you too long : I pray you, sir, will you be pleased to goe on with the rest of his speech ?

Jes. He acquitted the king, constrained to, &c. It was a great praise to the kings of Israel, that they were mercifull kings ; 1 Kings 20. 31. And this was a great comfort to the Earle of Strafford, that the king was so full of pittie and mercy to him ; and he infinitely rejoiced therein.

Scot. It is our comfort that we have a gracious king ; but let not us therefore abuse his mercy. Did the Lord Strafford make the God of heaven his salvation, and pray unto him, and praise his name, forsaking his humane policy and lying vanities ? If he did not, I can assure you he forsooke his owne mercy, and refused the true felicity. Jonah 2. 8.

Jes. He besought to repent. The Lord himselfe admonisheth all men every where to repent, Acts 17. 30. So did this earle; he having wished to this kingdome all the prosperity and happinesse in the world, desired that they would repent, that they would lay their hands upon their hearts.

Scot. I thought rather that he had been extreamely humbled with the sight of his sins, and said, "Oh! how many glorious starres shine in the parliament, and my glory is eclipsed; I will therefore turn unto the Lord, and confesse my sins, that so I be not clouded in darknesse (in the world to come,) but, through my Saviour Christ, may be a bright-shining starre in heaven: against thee, Lord, have I sinned, and doe now most justly suffer." Luke 15. 17. But, I pray you, goe on.

Jes. He shewed, in the 9. place, That it was a strange way to write the beginning of reformation and settlement of a kingdome in blood. The Lord denounceth a woe against them that build a towne with blood. Haba. 2. 12. And the Earle of Strafford desired the people to consider whether the reformation of the happinesse of a kingdome should be written in letters of blood.

Scot. By blood, there is meant blood-shed by iniquity, and not by the sword of justice. The blood of Zimri and Cosby was shed by Phineas, which wrought a reformation of happinesse to the people; the wrath of God was thereby appeased, and the plague, then amongst them, was stayed, Numbers 25.; and thus, I hope, will it now so be with us.

Jes. He did beseech that demands might rest there, which was the 10. head of his speech. St Paul would have every man to prove his own worke, to see whether he can rejoyce in it. Gal. 6. 4. And thus would the Earle of Strafford have his death to be considered of in our houses.

Scot. In my conceit, it concerned him to have beene more diligent to search into his owne heart. Oh, of what concernment was it of to himselfe, a then dying man, to have bent his heart, diligently to have purged his owne heart and conscience from those sins in which he had lived, and for which he was then to suffer death. Hag. 1, 5. 7. I pray you how did he proceed after?

Jes. He prayed that they might not call blood upon themselves. Lord, lay not this sin to their charge, saith innocent Stephen, when they stoned him. Acts, 7. 60. And thus the Lord Strafford prayed that his blood might not rise up against any one in this land.

Scot. I am sorry to heare that he was so obstinate that he would not acknowledge that he was justly executed for his deserving sins. Rom. 6. 23. I pittie him; it is now too late to pray for him; for his condition is settled upon him, as he must abide either to eternall joy or perpetual woe.

Jes. He dyed in the faith of the church. St John saith, writing to Gaius, I have no greater joy then these (saith he); that is, to heare that my sonnes walke in verietie. 3 John 4. I professe, saith the Earle of Strafford, that I doe dye a true and faithfull sonne to the church of England.

Scot. But here lies the question: Did he dye a converted man? Did he die a true Christian? that, as one who, having the sense and feeling of his owne basenesse and prophanesne, being a vessell to Satan, and servant to sin, did he repent and receive of the spirituall anoynting from the Lord? Was he endowed through grace with faith and the Holy Ghost? Did he become a person dedicated to Christ? Rom. 5. 6. 1 Pet. 2. 9. Ephes. 2. 3.

Jes. We leave that to God. He loved the church of England, and prayed for it, which was the 13 head of his speech. Pray for the peace of Jerusalem, saith holy David; they shall prosper that love her; peace bee within thy walls, and prosperity within thy palaces. Psal. 22. 6, 7. Thus the good earle prayed that peace and prosperity might be to the church of England.

Scot. I wonder what church he meant: did he mean the papisticall church, the jesuits and their crew, which hath too much encreased amongst us, or the prelaticall church of England, as it stands, governed by bishops, arch-bishops, &c. ? Is it the hierarchy and temporall glories and dignities that he desires to prosper; or, doth he mean the distressed church which hath bin by them long subdued and kept in bondage? Doth he pray for those distressed soules, the faithfull members of Jesus Christ, whose soules have bin filled full of the mocking of the wealthy, and the despitefulnesse of the proud prelates. Psal. 13. 24.

Jes. He answered, (such as shal object that he was inclining to popery,) that since he was 21 yeares of age, he never doubted of the religion of the church of England.

Scot. Belike then, he tooke all upon trust; what the church did, that it seemes he beleevd: is not this popery to beleeve so and so, because the church beleeves it, and so take all upon trust?

Jes. How would you have men to beleeve?

Scot. To beleeve in God, and to search and try the scriptures: but, I pray you, what was the rest of the speech?

Jes. So he concluded his speech.

Scot. I pray you, what was his conclusion? was that better then the rest of his speech?

Jes. In his conclusion, 1. he reconcileth himselfe to God, through Christ Jesus. Levit. 23. 27.—2. His hope is in heaven, Rom. 5. 2.—3. He desireth the forgiveness of every man, Psal. 32. 1.—4. He confessed his rash and unadvised words, and evill deeds, John, 1. 20.—5. He bids all earthly things farewell, Psal. 7.—6. He falls to prayer, Acts, 10. 9.—7. His faith is in God, on whom alone he trusteth, Rom. 3. 28.—8. He counselleth his friends, Zach. 6. 13.—9. He dyes patiently, Acts, 21. 13. And, I trust, he is ascended into heaven joyfully, Ephes. 4.

Scot. I can assure you, if this was all done heartily, he made a good conclusion indeed; and I can tell you, this indeed may give us some satisfaction to hope well of him.

Jes. Even now you condemned him for making such a speech, and doe you yet like his conclusion? doe you yet thinke it possible that a change could be wrought in him on such a sudden?

Scot. Though it is not common to find such presidents, yet we find, that whilst Christ and the two thieves did suffer, even at the place of execution, not one, but both the thieves which were crucified with him, reviled him at the first, Matth. 27. 44. But by and by, even at the same houre, we finde one of those thieves rebuking the other. 1. Reconciling himselfe to God, fearest thou not God (saith hee). 2. His hope was in peace; seeing nothing to belong to him on earth but present condemnation, he desires forgiveness, confessing his sinne, we are indeed righteously here, and bids all earthly things farewell. 6. He falls to prayer: Lord remember me when thou comest into thy kingdome. 7. By which expression, he shewed that his faith was in God, in whom alone he trusted. 8. He counselleth the thiefe. 9. He dieth patiently: then Jesus said unto him, Verily I say unto thee, to-day shalt thou be with me in paradise, Luke, 23. 39, 40, 41, 42, 43. And who knowes that if not before, yet even at this instant, might the time be of his conversion: God's mercy might fall upon him even at the last gaspe.

Let us leave him to God's tribunall, and judge charitably of him; for God is mercifull; if he were not, woe would be for us all.

In a word, let us be thankfull to God that he is removed from troubling our church and states. *Laus Deo.*

Strafforiados. The Lieutenant's Legend: As it was first compared, and now published according to the original Copie. Writ by his owne hand in the Tower.

Extincta est rabies parientis sanguine.——SIDON.

——*Fundatæ in sanguine gentes*
Non sine teste ruunt.——CLAUD.

Printed in the Year 1652.

This collection of pieces, attributed to Strafford, appears to have been published by some cavalier, who, not without reason, regarded the earl as the proto-martyr of the cause. Yet he has preserved the Lieutenant's *Lachrymæ*, a satire upon Strafford; but the notes are written in a spirit very different from that of the text.

TO the READER.

SOME rithms (for they merit not the style of verse, much lesse the authority of so able and active a pen,) have been lately published, and unjustly fathered upon Earle Strafford. And whence came these, but from those brothell broakers of false ware, who, for base gaine, will frontlesly ingage their penurious pen in any ementitious worke? Believe it from the mouth of him that dare avouch it, and who, in subjects of this kind, was, to the knowledge of his honour, while he lived, best interested,—that none of this sort have at any time under his name been heretofore divulged, which are not to be accounted fabulous, and worthily rejected; being so far different from his expressive character, as they beare not the least semblance of so exquisite a limner.

As for this *ultimum vale*, it has been no lesse simply then sordidly acknowledged, as well by him who ementitiously writ it, as by him who did surreptitiously print it, that his honour had no hand in it; for advantage of the time, with hope of profit, was the only bait that lur'd them to it. Lastly, for those late dispersed copies of his letters, you may gather what probability they beare of being his, by their distinct characters.

This here presented, as it was penned by him, and transcribed by one neare and deare unto him, was his last piece recommended to posterity, and for a legacy left by him; then whom none ever was more ably endowed, more generally hated, in dis-esteem of the state more unhappily suffered, nor in the period of his suffering by discreet eyes more compationately bemoaned.

The Lieutenant's Legend.

Dat penas laudata fides; gravis exitus altis
Imminet herois; tuta myrica manes.

Eye me, ye mounting cedars! once was I,
 As you are, great, rich in the estimate
 Of prince and people; no malignant eye

Reflected on me ; so secure my state,
It felt no rivals ; then I fear'd no grate,
Nor a plebeian storme ; then my renowne
Took breath from such as now would cry it down.

Honours came thick upon me, as if these
Meant with their weight to crush me ; ev'ry day
Rais'd me one story higher ; land and seas
Were then propitious ; fresh as fragrant May,
Sprung my enlivened strength ; where a decay
In health, wealth, freedom, popular esteeme,
Prove my late sceane of state a golden dreame.

I had (unhappy is the accent *had*)
A competence of state before I came
To this surprising grandeur ; being clad
In native properties, till th' wing of fame,
Imp'd with a countrey zeale, enlarg'd my aime
To high designs, producing such successe,
" My seeming blest estate eclyps'd my blesse."

That vocal forrest, or plebeian vote,
Adjustge me worthy of the worthlest death ;
Yet this mechanick rabble know me not
But by report, though their empoisoned breath
Steames ranke upon me, wishing but to sheath
Their weapons in my bowells ; thus am I
Become their foe, and yet they know not why.

Go I by water or a private coach,
I'm hooted at ; blind fury findes no end ;
The style of traitor welcoms my approach,
Whereto mine eares a forc'd attention lend :
Yet 'mongst these fiends I have one constant friend,
An un-amated loyall heart within me,
Which in these gusts shall peace of conscience win me.

The prince's declaration it was such,
As it secur'd me from the doome of death ;
But on th' incensed state it wrought not much.
Such were my acts I'm held unfit to breath,
Such was the spleen pursued me underneath :
Trades-men and women still for justice crye,
" Wee cannot live if Strafford do not dye."

The judges their authentick sentence passe,
And in two charges vote me of high treason ;
Which vote, as is conceived, moulded was,
From their approaching feares, which blinded reason,
And caus'd those elders to comply with season.
For th' safest way to shun those ship-wrackt shelves,
Was, as they held, t' ingratiate themselves.

Tracts during the Reign of King Charles I.

Thus do I live a dying life, immur'd
 With cares more numerous then my warders be :
 Endanger'd most when seeming most secur'd ;
 While Damocles' keene sword hangs over me,
 On publique stage to act my tragedie :
 Avant base servile fear ; let law proceed ;
 Though headlesse, yet I cannot lose my head.

I know that my Redeemer lives ; in him
 My life and love are seal'd ; admit it then,
 A minute spill what many years did spin,
 I shall resume these lineaments againe,
 Restor'd, refin'd, and purified from staine.
 Crazy's my cottage ; no content at all
 To sojourne in a lodging like to fall.

Now if those prudent houses hold't not fit
 That I unto my Wentworth wood-house goe,
 To exercise my dayes in holy writ,
 Or like a recluse in a cell of woe,
 To pray for those I owe devotion to ;
 Let th' sentence of sad death come when it pleases,
 The axe's edge gives cure to all diseases.

Erect your scaffolds like pyramides ;
 Let my corrivals my appellants be ;
 Let ship-wrackt judges, that have writs of ease,
 Become spectators of my miserie ;
 Teare-poudred sables cloathe my family :
 All this is nothing ! a more glorious place
 Arms me to look death-terrors in the face.

And yet excuse me that I thus conceave,
 If these long charges, by me answered,
 Bring my weake body to untimely grave,
 To after-ages 'twill be registred,
 Nay, by just priviledge authorized,
 That Strafford such a day and yeare did dye,
 For no high-treason, but to satisfie.

The Lieutenant's Lachrymæ ; or, his last Good-night.

No glasse may more to life present man's face,
 Then this, the frailty of a great man's place.

———Whence I gather,

More usefull to the body's no physitian,
 Then for a man to ponder his condition.

Draw near, give ear, and hear a peer, whose misery was such,
 As envie's state, a great man's fate, relentlessly did touch.

Once was I near the prince's eare, and dear unto the state ;
But now my blisse reduced is to this sad tragick fate.

There was a day when I bore sway in publick parlament ;
Then who but I ? which rais'd me high, to be York's president ;
Where prince's love did so improve th' instructions of that court,
As it became a chancery in confluence and resort.

But country aire was my least care ; I must transplanted be,
And take my place, t' inlarge my grace, of Ireland's deputie ;
Where, as 'tis sed, no venom bred, so 'twas my glorious strife
To censure such who throve too much with venom in their life.

None were so high but would comply with me and my commands,
For else were they forc'd to obey, and perish in my hands ;
None durst devour the widow, poor, nor seize on other's right,
But I brought in to scourge his sin, and crush him with my might.

But what's all this ? I did amisse ; for so the commons say ;
All this did tend to mine owne end, and profit ev'ry way.
My port advanc'd, my state inhanc'd, and my revenues too,
The common laws I did dispose, and wrest them God knowes how.

Law's life did rest within my brest ; my will was still my law ;
No state could be, if't neighbour'd me, secured from a flaw ;
I could dispence with acts of bench, and dis-annull their course :
None ever liv'd, lesse lik'd, lesse lov'd, in men's opinion worse.

First, * I did fleece our merchandize, and grievous imposts raise ;
For private gaine, I truckt with Spaine ; and with injurious layes
Impair'd men's state, t' increase their hate, no pity did I render :
Thus with all ill I'm twitted still ; my good deeds none remember.

I should report, in publick court, with an imperious aw
That th' finger of the king should bring command ore th' loines of law ;
Whereas a knight, to do me right, that testat did evince ;
For I did say, lawes loines might sway the finger of the prince.

The Scottish charge in trifles large has taxt me in like sort ;
If th' island here invaded were, the state might thank me for't ;
For I an army had prepar'd their kingdome to subdue,
And to bring in that man of sin, with his papistick crue.

When all men knew I was a foe to superstition still,
And in the north brought Romists forth, and wrought them to my will ;
When they did pay so much as they would gladly been content
The penal statutes to obey, to quit their annual rent.

Their city garaway did say, that of mine own accord,
When he came in, I mov'd the king to take away his sword ;

* "These pretensive crimes in the articles of his triall were with much vehemency pressed ; all which were, by his honour, to the great satisfaction of his audience, with a serious ingenuity cleared."

* The city
councell.

Which ever since did so incense that * awful bench, as these
Jointly deny, unlesse I dye, to pay their subsidies.

† Cleanthes.

In a † borrow'd name, to my defame, some say I wrote love-letters,
To winde youth in licentious sin made fast with golden fetters;
Which purchase got, I feared not strange lofty acts to make,
At th' sonne's desire, against his sire, for his Clorinda's sake.

There is no crime, at any time, wherewith I'm not impeach'd;
My hands in blood, no action good, my thoughts at treason reached.
What joy then here, when all men beare such malice to my name?
Should justice rest, with joynt protest, they would display my shame.

They say I stay and stoppe the way of issues that are made,
And that I've sought by poysons brought to leave my spirits decaid;
Or that I make meanes to escape in counterfeat disguise;
When never I, by th' death I dye, dream'd such an enterprise.

From th' Tower I'm sent to th' parliament with garrisons surrounded,
Yet I pursude by th' multitude might be surpriz'd and wounded;
Peece-meale these sweare they would me teare, should train-band me surrender;
Were I as cleare as ever were they'd vote me an offender.

Now at the barre as felons are, must I hold up my hand,
And those my strong accusers be who stood at my command.
"A breaker o' th' last parlament, an instrument of warre,
"Subverter of the common laws, a close adulterer."

A cruell tyrant, and what's worse, if worser can be found,
No snake may be compar'd to me, in such a 'snakelesse ground:
See, see our humane frailty! what fading honour's worth,
When th' ev'ning may ore-cloud that day the clearest morn brought forth.

The house of commons voted my high treason long agoe,
And they do grutch, their hate is such, the high-house does not so;
And some do guesse they doe not this for any love to me,
The reason why, if I should dye, secure they could not be.

But now both houses are agreed that I should lose my head;
Tower-hill must be a stage for me, where stories may be read,
That never man from greatnesse came to such calamity.
Nor in high place bore more disgrace then Ireland's deputy.

Farewell, farewell; now to my cell, from thence unto the stage,
Where th' hatchet must prove honour dust, and pay my service wage;
Relent hard heart, what ere thou art, when thou shalt see my fall,
What hapned me may fall to thee; do justice then to all.

Farewell, deare spouse, my antient house, my tender children too,
Though law on me inflicted be, it takes no hold on you;

* "Meaning Ireland, which (as is reported) by the pious teares and prayers of Saint Patrick, became freed
all venomous creatures." *Vid. Annal. Arden, Insul.*

My blood though spilt, yee'r free from guilt; the prince will do you right;
Whose crowne heav'ns blesse with all successe: And so vaine world good-night.

A Father's Farewell.

O yee my constant cares, but unconstant comforts; let me turn to you, before I turne to earth! O, to what end did I take care to waste mysele, for that which others without care intend to waste? Why should I become so foolishly frugall, as to make my heire sick of a father, riot in his funeral, and in his death to act to life the part of a prodigall? O how many children had far'd well in the world, had their parents set their hearts lesse on the world! Oh, but who provides not for his family, is worse than an infidell! much more for his posterity, being the dearest of his family, the nearest of his meny. O my indulgence! What a discomfort hast thou occasioned to me in the one, what a disorder in the other! I was lessoned by a good father, to make nothing a greater stranger to me in the way of my pilgrimage, then towards my familiars impiety; towards my servants severity; towards my neighbours extremity: which lesson, though I have not learned as well as I should, yet I have labour'd to observe it as well as I could. Meantime, while I look'd upon mine owne, I found my too tender nature of such a temper, as it needed no such direction. Before I was a father, I mused much how so wise a sage as Agesilaus could so strangely play the childe, as to ride on hobby-horse with his children: but remembring his answer, I could not chuse but approve an indiscreet act, proceeding from so affectionate a nature: Doe not condemne me of folly, till you have children of your owne.

A worldling's
common ob-
jection.

August. Med.
cap. 1.

O nature, how swift art thou in thy descending! how slow in thy ascending!

Henry the Second, then whom none more happy in his youth, more unfortunate in his age, having observed the mutability of his condition, how he could not be more numerous in yeares, then he was surprized with aged cares, being esteemed least by those who should reverence him most, devised this * embleme, to represent his parentall affliction: An eagle personating himselfe, with foure young ones, presenting his foure sonnes; two whereof were ever billing and pecking at his eyes, the other two scratching his face. These were unkind chickens; unnatural eaglets; yet many such branches may we find ayting near most of our nests. But heavy judgements are reserved for such unnaturalists. The ravens shall pick out their eyes, and the terrors of unprepared ends shall surprize them. Those who are sick of a father, shall find sickly comforts in the death of a father. The inheritance, which their Nimrod desires hunted after with such greedinesse, shall but serve for fuell to increase their unhappinesse. As their wishes murdered him living, so shall his ill-requited memory present to their profuse houres, and mis-spent estates, myriads of miseries at their dying.

* Henricus
etate confec-
tus; quo tem-
pore a liberis
gravissimis
affectus fuerit
odii; emble-
ma sibi con-
traxit ab Aquila,
quatuor
pullis adum-
brate; quo-
rum duo oculos
Aquilæ
eruentes; alii
duo unguibus
erant velli-
cantes.

But admit (which are rare to find) that these longing heires should be followers of their father's steps, in a thriving providence; yet must they expect from their children in offices of obedience a just acquittance.

Such parents seldome God blesseth with obedient children, who neglected the duty they ought to their parents when they were children. So as, whether these undutiful ones be frugal or prodigal, misery, through a loathed satiety, or poverty, through their profuse society, have ever accompanied their evening. Yea, I have known some of these, who either touch'd with remorse of conscience, or driven to want through their own licentiousness, could have wish'd to have digg'd up their contemned fathers with their nayles, so they might have enjoyed them; for all the dis-esteem which their neglectful youth, while they were living, exprest unto them, or poysonous disgraces their unmanaged course aspersed on them; yet was it no filiall zeale, but an experimental want that wrought upon them this course.

Illud expec-
tandum est à
nobis, quod
prestimus
nostris.
Paterculus.

O, the deceiving hopes of a disconsolate father! What restlesse cares, anxious hopes, and solicitous feares hourly awake him, sleeping, and daily incounter him, waking. He neglects no time to increase his store; on wayes unsought to improve his estate. He eats the bread of carefulnesse, and apportiones himselfe the very least of all his family, to raise an higher foundation to his posterity. O sandie ground-work! What an imprudent house-holder is he, who shares in his own with the least and lowest of his meniey? to beget affliction to himself, dis-affection in others! Where large inventories commonly make forgetful executors; loose successors! Poore indisposed providence! Be these the fruites of broken sleepes, and needy repasts? Is it wisdome to lay up his treasure in the hopes of those who mourn for nothing more then to be their owne treasurers; by disseising a too industrious father of his care and coyn together? O what a joyful sound does the passing bell afford to a thirsty prodigall! who, long before the crawling worm has either untwisted his shrowd, or those funeral flowers which stuck his corpse lost their colour, has buried the memory of his indulgent father in those healthlesse healths of lasting oblivion. Let the foolish father, whose penurious life has bene wholly bestow'd on sparing, to give more length of line to his successours spending, cast up his accounts, and examine what profit or parentall comfort his nightly cares and watchful indeavours have returned him. Methinks I see him turne over leafe after leafe, and accompt day after day; yet he finds nothing worthy his care, nor what may answer his toyle.

Yet take this notice, as an addition to his folly. Though he found nothing all his time, that might promise him least assurance in them of performing his bequest; yet such is his groundlesse confidence, as he recommends to their care, what he forgot to do in his life: Sundry pious works; which eyther his affection, so closely cemented to the world, would not suffer him to performe, or the foolish hope he had in his heire, made him transferre that worke to his trust. But the carelessse unthrift makes his late father's charge the least of his care: He findes in himself such liberty of conscience, as he can dispence with the execution of such bequests: He findes all that his father left him little enough for his owne share, as he hopes within short time the world will shew it. Memorials of dead fathers are to be buried with them. Thus discharge such as these their trust to purpose. Legacies and pious offices must become their own trustees. Their testator is committed to earth, whose memory accompanies his obsequies; both subject to one fate, and deposited in one urne; and those who survive him hold him rightly serv'd. What mad man is he that will trust him at his death, who never answered his trust in his life? If hopes make not a child obedient, possession of what he hoped for will hardly do it. O see, to what shadows this worldling's substance is reduced! Before he returne well to earth, all his early and late providence is resolved to ayre: He has bid the world a long farewell, which makes his jolly spend-thrift fare well and delicious in it. Those consorts which his father hated, must be his onely copesmates. In their careere, they sing a merry requiem for his soule, whose rest is the least of their care. His interment gives intertainment to those who will never leave his debauch'd heire till his estate has left him. He has made choice of them, and for a world he would not change them; whose onely office it is to contrive the way how he may gallantly spend; as it is his, to finde a purse how to defray the charge of their projects.

Thus must an aged providence be thawed and to nothing dissolved by a youthfull expence. Were the length of his days proportion'd to his expence, his exhausted state, before he saw halfe of his dayes, would be contracted to a scrip, or his prospect, through his numerous engagements, confined to a grate. But death is many times so kinde, as to impose a period to his miseries, and to end him before they wholly make an end of him. But be his dayes long or short, his memory cannot chuse but rot, being a branch shred and cut off from the root. It is a promise, and he is faithfull in his performance that makes it; length of dayes shall be unto him who honours his parents; which implies

In what account are we to hold those hours that are incourted with such confluence of griefs? Peruse Annals of Time. And in what did old Priam exceed young Troilus but in years, tears, calamitous children, and numerous cares?

Expectance begets obedience: Injoyment shuts up affection in an act of oblivion.

an abridgement to his who dishonours them. The wicked and deceitfull man shall not live to see halfe his dayes. And shew me a more deceitfull liver, than he who deceives the trust of a father ! If obedience be better then sacrifice, no doubt but disobedience is the sacrifice of fooles. It seemes he desires to have his dayes short, who, by his rebellious course, labours to shorten his father's dayes. The foundation of his hopes cannot stand. But future judgements are strangers to his thoughts. So he may enjoy the pleasures of sinne for a season, eternity is quite razed out of the calendar of his memory.

He holds the pellican a good naturall mother in feeding her young ones to her owne ruine ; but he holds that child a meere naturall, that would requite that parentall favour to his own danger. Whence it is, that he accounts no bird more foolish then the storke, in carrying his aged parents upon his wings, and providing for them, whose unweldy condition cannot purvey for themselves. I have often observ'd it, nor could I well credit what my eyes had seene ; how nature could possibly become such a changeling, as to wish no being to those from whom they had their being. Many children have found their parents to be their best stewards ; yet rather then be troubled with such dispensers, they could wish that care supplied by hyrelings.

There was an antient decree, that he who neglected his parents in their age, should reap no benefit by their death. Now, how many children should we finde disinherited, were this law to all intents and purposes executed ? That law, no doubt, was well intended, if it were but ordain'd only to preserve in their progeny pretenses of duty. It is hope of preferment that begets in most children this shady semblance of obedience. Take away this hope, and you shall find an icy zeale. Broad-spread sycamours, all for shadow, none for fruit. Were it not then just for parents to adopt strangers their heyres ; seeing those who should be their lineall heyres make themselves such strangers to their cares ! But the heart of a father is of a more waxen and indulgent temper ; so blind has affection made him, as he generally values those most whose actions deserve least. These he tenderly hugs who would follow his hearse with dry eyes, and who, in the height of his extreames, will rather pray on him, then pray for him. So apt is nature to deprave judgement and to play the impostor with her multiplying glasse, presenting more comforts in the worst, than can possibly appeare in the best. When affection has forfeited her discretion, and lost the eyes of her judgement by mistakes, vertues seeme vices, and vices virtues. It were wisdom then for nature to suspend her eyes, and to fixe them with an impartiall reflexe both on merit and immerit. This will beget that emulation in goodnesse which children before knew not, at least pursude not ; because they were by their parents undistinguished or unrewarded. But little need we to presse this argument : Experience tells you whom I should admonish ; that a father is more ready to give, then a child to requite. Be it your care to reteine, in this my last farewell, these final directions, which may prove as usefull to you as any portion I can bequeath you.

Your youth inform'd me that your dispositions were different, which caus'd me to bestow you several waies ; for philosophy had told me, and experience taught me, that nature could not be forc'd. Yet have I highly tax'd my indulgence for giving such way to the freedome of youth. Some of you pretended for armes, others for arts. You who were for armes, had got such a surfet of the schoole, as your plea was incapacity to your booke, by reason of your want of memory, or impregnancy, or some other innate defect : so as your desire was to inlist yourselves, after the garbe of these stirring times, amongst souldiers of fortune, to ingage your person for the campe ; but (as I conceited it) only to dis ingage yourselves of the whip : and I assented to it ; and some progression have you made in it, without much losse or increment of honour.

March along then with this advice. In the first place, be no lesse cautious then conscious of the grounds for which you fight. Be he never so valiant, if the cause be nought

Var. de Antiq.
Rom. Viget.
Macrob. Val-
ler. Max.
Rhodolph.
Agric. de Leg.
Nat.

Sub quocunque
regimine eris
constituti non
reluctantes, sed
integre subditi.
Albanus.
Arnobius.
Evander.
Luthymius.

If this last de-
signe of theirs,
bearing such a
face of loyal-
ty, redeeme
their fame, it
is an unex-
pected reco-
very.

for which he ingageth, it is rashnesse, and no valour; for win he or lose he, the issue redounds ever to his dishonour. Allegiance is a just ground, in what orbe soever the state be speared, though in these dayes unfortunately mannaged. But actions are not to derive their equity from event or successe, nor to receive their censure from the losse of a field. Fortune is not always virtue's shadow. England cannot be more in God's eye then Judæ; and yet infidels are become lords of that seat where our heavenly Lord and his apostles trode!

Let me advise you, be no Scotch pretenders, in making religion your colour, when plunder is your aime. Though their booties enrich them, and their newtrall factions seemingly secure them, they must come off with losse, before the maine battaile determine the quarrell.

Make not such use of your strength, as injuriously to intrench upon another's state. Doe no man wrong; when the sword is in your hand, let grace be in your heart. Let that daring insolence, so familiar with a soldier, be to you an uncivil stranger. Walke in the wayes of innocence, and end these dayes of your warfare in it. Preferre a glorious death before a vicious life. Better is it to dye with an Abel then to live like a Cain.

Be it your prime care every morne to make your peace with God; suffer not your inward enemy to have any advantage of you, whatsoever your outward have. Though the bullet make no distinction betwixt a prince and a common souldier, those Christian memorials recommended to you in your youth, should better prepare you then to fall like beasts, without remembring your future condition.

The mariner and souldier ought of all others to be ever provided of this spirituall armour. Three inches onely distanceth the one from death, and a paper-sconce the other. Of all others, every hour may be your last: Be it then your constant taske, in the service of your campe, to make Heaven your care. March after this manner, and the Lord of Hoasts will go along with you, and improve these actions of valour to your fame, his honour.

Now for you who are for arts. As it has beene my care to season you in all sciences, humane and divine; be it your care not to invert them, but rank them according to their degrees. Imploy your humane as hand-maids, your divine as their mistresses. Now religion must be the foundation, which, being strengthened and cherished by that sweetly-distilling influence of devotion, is not to consist onely in speculative knowledge, but proficiency of action.

For religion, being the mystery of our salvation, is a practicall syllogisme, whose premises goe for nothing, if there be not the active conclusion of well-doing. The promise is not made to him that knows this, but to him that does this. Doe this and thou shalt live.

In the expence of your houres, be carefull how you bestow yourselves in them: Account these so pretious, as the whole world cannot reduce nor recall one minute of them. Have not your eye on the glasse how it runnes, nor on the clock what it strikes. Contemplation should be more fixt then to be so easily distracted. He who in his study gives more care to the houre then those lines he reades, must give me leave to hold him such a proficient, as he is rather to be accounted a truant then a student. Make every evening an accomptant of the forespent day. Your age is not to be reckoned by yeares but houres: Many are young in houres who are old in yeares. Bestow your time in learning to your profit; but intertaine such humility in your improvement, as with modesty to acknowledge it. The zone where you live admits no solstice: your academick studies hold correspondence with no station. You must either be proficient or deficient. In one word, make God the beginning and ending of all your labours, and then with a cheerfull evening will he crown all your endeavours.

Now, to you, my daughters, whose choisest consorts should be modesty, humility,

and pious industry ; though your mother were taken from you before she could well inform you, or yourselves capable of what she might recommend unto you ; yet are you supplied in her want by one, who, though a step-mother, (a name implying an harsh nature,) yet be her steps so imitable, that if you walke in them, they may sufficiently enable you by her example. Doe not then steppe over her with an awlesse reverence ; but observe her directions as usefull lessons, for the knowledge of yourselves, and performance of those offices wherein you stand obliged to God and the world. I shall be sparing in speaking much to you, being so confident of her care with whom you are, and to whose education and tution, next under God, I commend you, as she will never desert you, unlesse you desert yourselves.

Now, the blessing of God, and a poore languishing, but truly loving father, be among you, and direct you in all your waies and works, to his honour who made you.

Prov. 4. 1. Heare, ye children, the instructions of a father, and attend to know understanding.

Death's Dreame.

Last night, me thought, I saw a great man dye,
And none was in the roome but he and I.
His vitall parts had made their long retreat,
Eyes dim, voice hoarse, his pulse no strength to beat ;
Yet like two antient friends long time acquainted,
His soule, me thought, would hardly be contented
To leave the body ; or the flesh her guest,
Her living soule, without a sharpe contest.
But fruitlesse was this conflict, they must yeeld
To him who still came conquerour from the field ;
And being ready to surprize his fort,
It mov'd me to advise him in this sort.
" Let no weake hopes of longer life deceave you ;
" You see how your physitians meane to leave you ;
" Whose choice receipts, apothecarry bills,
" At such excessive charge their patients kills,
" Are left to your executor to pay ;
" And for their wage, not for your health, they stay ;
" For that's past cure :---Prepare then for remove
" From this poore vale of teares to joyes above :
" Here is a fading, there a reall blesse,
" Fixe then your heart, Sir, where your treasure is."
Wherewith he sighed, and shed a trinckling teare,
As if the treasure of his heart lodg'd here ;
Till my perswasions did at last so win him,
I found, me thought, a lively faith within him ;
For pearled tears did his repentance show,
And eyes the place where he was mounting to,
Which I observing, " Sir, while you have sense,
(Thus I discours'd) " discharge your conscience,
" And set your house in order." " Friend, that care
(So he reply'd) " is left unto my heire.
" Portions, doles, legacies I shall not need
" To write : his love can my intentions reade.

" These cares are recommended to his trust,
 " And he'll discharge them, for I hold him just.
 " My soule has su'd divorce 'twixt th' world and me,
 " From which my thoughts shall henceforth strangers be.
 " One onely man there is whom I could wish
 " Might never share in any state of his;
 " For his hydroptick drought, like thirsty ground,
 " Gapes still for more, the more it does abound;
 " But that I may in charity depart,
 " I wish his true conversion with my heart."

Having my spirituall physick thus applide,
 With much composednesse, me thought, he dide.

Now he whom he deputed for his heire,
 Appear'd so well-dispos'd, so debonaire,
 As none (if dreams may represent a truth)
 Retein'd more seeds of vertue in his youth.
 But as choice plants oft perish in their prime,
 While grafts of slower growth live longer time;
 So he, when those pure beamelings should appeare,
 And spread their beauty in their proper spheare,
 Heart-slain with filial love, as chymists gather,
 Within few days death sent him to his father;
 Leaving a lovely lady here behind,
 Who liv'd to wear his picture in her mind.
 —Good God, what strong impressions dreames receive!
 Scarce were these two, me thought, cold in their grave,
 Or those seere funerall flowers their colour lost,
 Till he stept in, whom th' father feared most;
 Claiming a title in this vast estate,
 With other three concern'd in this debate;
 Which to compose, they were advis'd to show
 Their just pretences, which all yeelded to.

The place that they propos'd for this assay,
 Was near the porch where those two coarses lay;
 Those two indeared ones, for never were
 Syre to his son, nor son to syre more deare.
 Thrice did they meet, but nothing could be done;
 One would have all; and others might have none.
 " Earth-glude affections will admit no stay,
 " Untill their owner be reduc'd to clay."
 This made me muse how men indu'd with reason,
 Could in a place of death, and such a season,
 Converse with earth so freely, as to plead
 For their estates that were so lately dead!
 In this amaze, those corpse, me thought, appear'd
 To their halfe bodies from a statue rear'd,
 Where th' elder, pale with anger, seem'd to show
 Both Death and Passion in his furrowed brow;
 While th' younger, more compos'd, seem'd with a teare
 To whisper these words in his father's eare:
 " Sir, doe you heare how these corrivals fight,
 " T' invest themselves in our peculiar right;

" What projects they contrive their end to win,
 " While we're forgot, as if we had not bin."
 Th' incensed father having sadly eyde
 Those violent contests, at last replyde,
 With a deep-scalding sigh and gastly groane,
 Breath'd from a steming urne : " Was ever moane
 " Cloath'd with lesse solemne rites, or funeral beares
 " Rank'd with lesse mourning roabs and fewer teares ?
 " Forgot as soon as earth'd ! unhappy state,
 " To make these men our heirs whom we did hate !"
 After which hideous voice their grave-stones shak't,
 Whereat the umpires fled, and I awak't.
 'Twas nothing but a dreame ; and dreams, men say,
 Expound themselves the clean contrary way ;
 But dreams have moralls too, and such had these ;
 Expound them then, good reader, if you please.

Death's Doome.

" *Tot varias facies variis spectare diebus*
 " *Mirror, et effigies fingere credo dies.*"

GILT gull, who lin'st thy silken sinnes with plush,
 And car'st not for thine inward man a rush,
 Some two or three years hence, or such a thing,
 Pye-colour'd jaye, thou in a jayle maist sing.

MADAM, who made you with your breasts display'd,
 Apishly trim'd, fantastickly array'd ?
 Your purles, purples, powders must decline,
 Nought left you but a shade, a shroude, a shrine.

CHURCHMAN, who taught you such a formall dresse,
 And to forget your mainest businesse ?
 Sir, when you dye, you must 'fore him appear,
 Will ask you what you are, not what you weare.

LAWYER, who learnt you to abuse the state,
 And make lawes spider-webs by your deceit ?
 For all your quaint demurres, you find no plee
 'Gainst the injunction of mortalitie.

SOULDIER, who gave you discipline to fight,
 To right your selfe by taking other's right ?
 This is not right ; " He is not vertue's friend,
 " That wrongs another for his private end."

VINTNER, who school'd you to corrupt your wine,
 To make men's fronts sprout like a porcupine ?
 When this rich vintage's past, for all your plenty,
 Your bush shall be pull'd down, your hogshead empty.

Tracts during the Reign of King Charles I.

AUTHOR, who dipt your penne in Hypocrene,
To gull the world with a worldly theame?
Leave earth where you do live, and strive to love
That sphere where angels may your muse approve.

ACTOR, returne, what are you? whence you came?
To live, lust, loiter, pander, and prophane?
This is a strange vocation; ever have
Thoughts in thy tyring-house upon thy grave.

But if these motives will not serve your turne,
Heere's mirrors for you, scithe, houre-glasse, and urne;
Dish up your viands then, scrape up your crummes,
For loe you where the serjeant-major comes!

Gull, Dame, Church, Lawyer, Souldier, Author, Actor,
Are merchandize to Fate, where Death's the factor.

*Morphuus, Urna, Rogus, Fax Clepsydra, Virga, Coronis,
Singula sunt Fati nuntia certa tui.*

Hymen's Golden Censer; a Spirituall Spousall.

HYMEN unweyle thy sacred censers; let
This amorous payre in th' pale of fancy met,
When thou hast clos'd the ceremoniall rite,
With cordial joyes and wreaths be-day the night;
May nuptiall twists give mutual recompence,
And crown their loves with blushing innocence.

Lovely Leander, when he won the tower
Where Hero lodg'd, he could not rest secure;
Feares caus'd him forfeit freedome; while your love,
Sign'd here below, and registered above,
Admits no interposing cloud to shade
Those choice contents for which you both were made.

Pure tender tinder of affection's flame
Crowne their joynt votes with Fancy, Fortune, Fame,
And all that's good; that their streight-levell'd line
May be a mirror to this crooked time,
Where Vice enfranchis'd strutts without controule,
And Virtue droops as though she had no soule;
While these pure soules march in that regiment
Where their restraint is th' orbe of their content.

If't seeme a paradoxe, observe that tye
Which leaves Love in a linked liberty.
"Blest spousall tye! which, though it captives make,
"Those bonds seeme easy for the keeper's sake."

Leda's various Censure.

LEDA grows violent when she does heare
Any disgust that she has showne,
And welcomes her reprover with a teare;
For other refuge hath she none.
Streight will she dye, yet knows not why.
O, what a salve is this, said I,
When crimes begge cures from a revenging eye !

Yet some there be hold Leda's temper sweet,
Though native passions take their course ;
And when those christall founts with silence meet,
They are not to be valued worse ;
For these rins'd eyes clearly discryes
She fears those foes that virtue flyes,
So as her teares becomes sinne's sacrifice.

That very night she in my bosom lay,
Eyes shed a teare, heart bred a sigh ;
I ask't her what she ayl'd ? she would not say,
Onely she wish'd that death were ny :
Wiping her eye, (poore foole) said I,
What wants thou, while thy Cinna's by ?
She with a smile replide, I will not dye.

Thus Fancy by a soft remorse grew mild,
Enliven'd with a sacred heat,
And to her foe became so reconcil'd,
As Fancy took up Furie's seat.
May Hymen bring, like marriage ring,
To subjects spousall and their king.
Still may my Leda touch upon this string.

What is complexion but a deep-lay'd dy
Upon a clot of breathing clay ?
What is my lovely Leda, or what I,
But a quick shade, a flower in May ?
Yet if our mind be so combin'd,
As heaven's pure eye no soyle can find,
Leda's in me, and I in her inshrin'd.
——Blest ordinance, that votes us so confin'd.

Life's Harvest. Green Fruit.

LIGHT vading joyes, a fading life
Doe ever keep me company ;
Where though a turtle be my wife,
And hopes in her posterity,

They are in their minority.
 So as who justly these compares,
 May finde greene hopes but riper cares.

A Precious Medall.

LOOKE on him who was ta'ne and tide,
 Was toss'd and push'd to every side,
 First deifide and then defide,
 Arraign'd for thee, and crucifide.
 A thought of these will humble pride,
 And render thee so mortifide,
 As no earth's losse shall thee divide
 From Him who for thee liv'd and dide.

Epitaphs on the Earl of Strafford.

The following epitaphs, which have considerable merit, according to the quaint poetry which was in fashion at the period, seem worthy of preservation. The last, although published in Cleveland's Poems, is said, in reality, to have been written by the Rev. Thomas Forrester, episcopal clergyman at Melrose, who was deposed by the General Assembly at Glasgow, in 1638, for various irregularities, but principally for being author of a burlesque litany, severely reflecting upon the covenanting divines.—See MILNE'S *Description of the Parish of Melrose*.

I.

GREAT Strafford, worthy of that name, though all
 Of thee should be forgotten, but thy fall !
 How great's thy ruine, when no lesse a waight
 Could serve to crush thee, than three kingdomes hate :
 Yet single they accompted thee (althoe
 Each had an army) as an equall foe.
 Thy wisdom's such, at once it did appeare
 Three kingdomes wonder, and three kingdomes feare ;
 Joyn'd with an eloquence so great, to make
 Us heare with greater passion than hee spake.
 That wee forc'd him to pity us, while hee
 Seem'd more unmov'd and unconcern'd than wee,
 And made them wish, who had his death decreed,
 Him rather than their own discretion freed.
 Soe powerfully it wrought, att once they grieve,
 That hee should dye, yet feare to lett him live.
 Farwell great soule ! the glory of thy fall
 Outweighes the cause, whom wee at once may call
 The enemy and master of the state,
 Our nations glorie, and our nations hate.

II.

Here lyes wise and valiant dust,
Huddled up 'twixt fitt and just,
Strafford, who was hurried hence,
'Twixt treason and convenience;
Who lived and dyed in a mist,
A papist and a calvinist;
His princes neerest joy and greife,
Who had yet wanted all reliefe;
The prop to ruine of the state;
The people's violent love and hate;
One in extremes lov'd and abhorr'd:
Riddles lye heere; and, in a word,
Here lyes blood, and lett it lye,
Speachlesse still, and never crye !

The late Will and Testament of the Doctors Commons.

This satirical squib seems to have been thrown out upon the downfall of spiritual jurisdictions, for which parliament had made the following provision:—"That every shire should be a several diocess; a presbytery of twelve divines in each shire, and a president, as a bishop, over them; and he, with assistance of some of the presbytery, to ordain, suspend, deprive, degrade, and excommunicate: to have a diocesan synod once a year, and every third year a national synod, and they to make canons, but none to be binding till confirmed by parliament."—WHITLOCKE'S *Memorials*, p. 45.

I, Doctors Commons, in the parish of St Benedicts, Pauls-Wharf, London, being very aged, and finding, by generall computation, that my time draws to an end, and being likewise much shaken both in body and mind with a Westminster ague, yet of perfect mind and memory, to avoid all suits and controversies that hereafter may arise concerning my estate, or any part or parcel thereof, and to the intent and purpose that my contentious days may be consummated and ended in peace, do constitute, ordain, declare, and make this my last will and testament, in manner and form following, that is to say, *impri- mis*. for my soul, I bequeath it to gunpowder-makers, to be made into gun-powder, which shall be employed only for the new canons.* Item, I bequeath my body to the earth, from whence it came, decently to be buried, but not sumptuously, in the Convocation-house, in the cathedral church of St Pauls, London, aforesaid, according to the discretion of my executors hereafter named. Item, For my personal estate, (having never been pos-

* The canons, viz. made by the convocation in 1640, and confirmed under the great seal, 30th June in that year. They were obnoxious to the people, as being designed to support episcopacy. A pun is designed between the words *canons* and *canons*.

essed of any lands,) I willingly bequeath my reverend judges, vicar-generals, chancellors, commissaries, arch-deacons, deans, and chapters, and their surrogates, and also, all high commissioners, judges, delegates, advocates, and *legum doctores quoscunque*, (Og, the great commissary, alias Doctor Roan, only excepted,) to the high court of parliament, there to be cherished according to their merits and deservings. Item, I bequeath all my registers, deputy-registers, proctors, examiners, and public notaries, to the court of Common-pleas, at Westminster, to be admitted attornies, (if no prohibition be granted to the contrary). Item, I will and bequeath all my fifty pound clerks to their friends in the country, or to the justices of the peace and *quorum*. Item, I will and bequeath all my journeymen clerks, hackney, and sub-hackney clerks to Chancery-lane, and Britannick S. Hugh Prestar to the Star-chamber. Item, I will and bequeath all my pursuivants, apparators, promoters, &c. to under-sheriffs; but in case they have no need of them, then I bequeath them to their ghostly father, unto whom they have most relation. Item, I will and bequeath all my writings and records, as followeth: my bonds to large-measuring taylors; my bills, transmissions, and the like, to retailing tobacconists; my incontinent articles to Bloomsbury, Long-Acre, and other like places of good-fellowship; my libels of defamation to the penetential scolds, there to be ordered according to their discretions; all my commissions of appeal to the parties appellant, for they have the most right unto them, in regard they have paid for them. Item, I will and bequeath all my large books of acts to them of the Fortune-playhouse; for I hold it a deed of charity, in regard they want good actions; my decrees to the courts of chancery, in case they want any; my sentences to those orators that imitate Tullie's *quanquam te marce fili*, &c. for they are something; and lastly, I will and bequeath my cannons, charged with *et cæteras*, to the Tower, to defend him that made them; and all the rest of my writings, rescripts, manuscripts, and superfluous papers whatsoever, to cooks, bakers, grocers, and chandlers. Item, I make the Scotchmen my executors, (who, I doubt not,) but with all diligence will seek the execution of this my last will and testament, and desire they will see these my legacies paid and performed immediately after my decease. In witness whereof, I, the said Doctors Commons, have hereunto set my hand and seal this 26th of June, in the year of our Lord, 1641.

Signed, sealed, published, and declared, in
the presence of

W. C.
R. P.
B. K.

The Copy of an Order agreed upon in the House of Commons, upon Friday the Eighteenth of June, wherein every Man is rated according to his Estate, for the King's Use.

Printed 1641.

These rates apply to the poll-tax, introduced by act of parliament, for paying not only the royal army, but that of the Scots, which still remained embodied at Rippon. It was delayed for some time in its passage through the house of peers, the lords desiring to fix their own rates. Upon

a conference between the two houses, 2d July, 1641, Sir Simon D'Ewes laid before the peers so many authorities for the assessment taking place in the lower house, that they acquiesced in that mode of proceeding. Upon the following day, the bill was presented to his majesty by the speaker, with an address, in which he stated, that the parliament had again adventured upon the property of the people, "in an old and absolute way, new burnished by the hand of instant necessity;" and thus presented to him "a gift suitable to the necessity, of such vast extent, that time cannot parallel it by any example."—RUSHWORTH'S *Continuation*, p. iii. vol. 1. Although the money thus levied was said to be for payment of both armies, yet the Scots, then the favourites of the parliament, obtained far the greater share of it.

Dukes, one hundred pounds.

Marquesses, eighty pounds.

Earls, sixty pounds.

Viscounts, fifty pounds.

Lords, fifty pounds.

Baronets and knights of the bath, thirty pounds.

Knights, twenty pounds.

Esquires, ten pounds.

Gentlemen of one hundred pounds per annum, five pounds.

Recusants of all degrees to double protestants.

Lord mayor, forty pounds.

Aldermen knights, twenty pounds.

Citizens fined for sheriffs, twenty pounds.

Deputy aldermen, fifteen pounds.

Merchant strangers, knights, forty pounds.

Common-council men, five pounds.

Livery men of the first twelve companies, and those that fined for it, five pounds.

Livery-men of other companies, fifty shillings.

Masters and wardens of those other companies, five pounds.

Every one free of those companies, one pound.

Every freeman of other companies, ten shillings.

Every merchant that trades by sea, inhabiting in London, ten pounds.

Every merchant stranger that trades within land, five pounds.

Every English merchant residing in the city of London, and not free, five pounds.

Every English factor that dwells in London, and is not free of the city, forty shillings.

Every stranger protestant, handy-craft trade, and artificer, two shillings.

Every papist stranger and handy-craft, four shillings.

Every widow a third part, according to her husband's degree.

Every judge, a knight, twenty pounds.

Every king's serjeant, twenty-five pounds.

Every serjeant at law, twenty pounds.

Every one of the king's, queen's and prince's council, twenty pounds.

Every doctor of civil law, and doctor of physick, ten pounds.

Every bishop, sixty pounds.

Every dean, forty pounds.

Every canon, twenty pounds.

Every prebend, twenty pounds.

Every archdeacon, fifteen pounds.

Every chancellor and every commissary, fifteen pounds.

Every parson or vicar at one hundred pounds per annum, five pounds.

Every office worth above one hundred pounds per annum, to be referred to a committee, to be rated, every man that may spend fifty pounds per annum, thirty shillings.

Every man that may spend twenty pounds per annum, five shillings.

Every person that is above sixteen years of age, and doth not receive alms, and is not formerly rated, shall pay six-pence per pole.

Mr Edward Hydes Speech, at a Conference betweene both Houses, on Tuesday the 6th of July, 1641, at the Transmission of the severall Impeachments against the Lord Chiefe Baron Davenport, Mr Baron Trevor, and Mr Baron Weston.

These judges were impeached for their illegal and oppressive judgments in the cases of ship-money, and other arbitrary impositions. Hyde, afterwards Earl of Clarendon, was at this time one of the most active, as well as best-respected members of the house of commons. "He was very much in the business of the house; the greatest chairman in the committees of the greatest moment; and very diligent in attending the service, both in the house and at committees: for he had, from the beginning of the parliament, laid aside his gown and practice, and wholly given himself up to the public business, which, he said, so much concerned the peace and very being of the kingdom. He was in the chair in that committee which considered of the illegality of the court of York; and the other, that examined the miscarriage of the judges in the case of ship-money, and in other cases of judicatory, in their several courts; and prepared charges thereupon against them. He was in the chair against the marshal's court."—*Life of Edward Earl of Clarendon*, Oxford, 1759, fol. p. 39.

My lords,

THERE cannot bee a greater instance of a sicke and languishing common-wealth, then the businesse of this day. Good God! how have the guilty these late yeares beene punished, when the judges themselves have been such delinquents! 'Tis no marvell that an irregular, extravagant, arbitrary power, like a torrent, hath broke in upon us, when our bankes, and our bulworks, the lawes, were in the custody of such persons. Men who had lost their innocence could not preserve their courage; nor could we looke that they who had so visibly undone us, themselves should have the vertue or credit to rescue us from the oppression of other men. 'Twas once said by one, who alwayes spoke excellently, that the twelve judges were like the 12 lyons under the throne of Solomon; under the throne in obedience, but yet lyons. Your lordships shall this day heare of six, who (be they what they will be else) were no lyons; who, upon vulgar feares, delivered up the precious forts they were trusted with, almost without assault, and in a tame, easie trance of flattery and servitude, lost and forfeited (shamefully forfeited) that reputation, awe, and reverence, which the wisdome, courage, and gravity of their venerable predecessors had contracted and fastened to the places they now hold; and even rendered that study and profession, which in all ages hath been, and I hope now shall bee of an honourable estimation, so contemptable and vile, that had not this blessed day come, all men would have had that quarrell to the law it selfe, which Marius had to the Greeke tongue, who thought it a mockery to learn that language, the masters whereof lived in bondage under others: and I appeale to these unhappie gentlemen themselves, with what a strange negligence, skorne, and indignation, the faces of all men, even of the meanest, have been directed towards them, since, (to call it no worse,) that fatall declension of their understandings in those judgements of which

they stand here charged before your lordships. But (my lords) the worke of this day is the greatest instance of a growing and thriving common-wealth too, and is as the dawning of a faire and lasting day of happinesse to this kingdome. 'Tis in your lordships power, (and I am sure 'tis in your lordships will,) to restore the dejected, broken people of this island to their former joy and securitie, the successors of these men to their old priviledge and veneration, *et sepultas propè leges revocare*.

My lords, the iniquity of judges is infectious, and their craftiest combination to leave as few innocent as may be. Your lordships have heard of the justice of two of the greatest courts of Westminster; and that you may know how little advantage the other of his majesties revenue, the court of exchequer, hath of its fellows in the administration of right, I am commanded by the house of commons to present to your lordships three severall charges against three judges of that court,---my Lord Chiefe Baron Davenport, Mr Baron Trevor, and Mr Baron Weston. Your lordships will please to heare them read.

Your lordships observe, that the great resolution in ship-money was a crime of so prodigious a nature, that it could not be easily swallowed and digested by the consciences, even of these men: but as they who are to wrastle or run a race by degrees prepare themselves by dyet, and lesser assayes for the maine exercise, so these judges enter themselves, and harden their hearts by more particular trespasses upon the law; by impositions and taxes upon the merchant in trade; by burdens and pressures upon the gentry in knighthood, before they could arrive at that universall destruction of the kingdome by ship-money, which promised reward and security for all their former services, by doing the worke of a parliament to his majesty in supplies, and seemed to delude justice, in leaving none to judge them, by making the whole kingdome party to their oppression.

My lords, of this crime these three judges seeme to be at least equally guilty; for however one of them, my lord chiefe baron, is not charged with that judgement, in the exchequer-chamber, against Mr Hampden, and how hee failed in making his conclusion from his own premisses, he onely can informe you. Your lordships see how quickly he repented that that mischief was done without him there, by his overtaking his brethren in his circuit, and as he said of the vilest kind of flatterers, *crudelissimo servitutis genere, quod intra se abominabantur, palam laudabant*: hee made all possible haste to redeeme himselfe from that imputation of justice, and declared publicly, in the face of the country, that it was adjudged by all the judges of England, that ship-money was due to the king; though I believe he will be now glad to be thought none of those judges: and what others did he well knew, and thereupon imprison'd a poore man for doing that, which, if ship-money had beene due to his majesty by *Magna Charta*, had beene lawfull for him to have done. Of the resolutions and judgement it selfe I am not to speak: your lordships have passed your noble judgement.

My lords, the first charge in order is, that presumptuous decree against Mr Rolles and others, and, in truth, whatsoever glosse they put upon it, is no other than a plaine grant of the subsidy of tannage and poundage to his majesty upon all merchandize. After their goods seised for non-payment of that pretended duty, the proprietors brought replevins, (which is the natural and genuine remedy, appointed by law, in case of property, and grounded upon property); the court awards an injunction to stay these replevins; the goods were in the kings possession, and no replevin would lye against the king. Truly, (my lords,) the injustice here is not so scandalous, as the fraud. We all know a replevin, (as no other suite,) lyes against the king, if the goods be in his owne hands, in his bed-chamber; but to call a seizure by the farmours, (of whose interest this court will not deny the notice, and if his majesty had any right, they well knew he had transferred it to these men,) or the ware-houses of the customers, the kings possession, to defeat the subject of his proper remedy, was the boldest piece of sophistry we have met with in a court of law. Pardon me if I am transported. The civilians

say, *tutor domini loco habetur cum rem administrat, non cum pupillum spoliat*. The office of judges is to preserve and give remedy for right; here they found a right, a knowne and unquestionable right; yet, instead of assisting, tooke away the remedy to preserve that right. What shall we call these judges? My lords, in this argument I am not willing to say much; 'tis enough that your lordships know tunnage and poundage is not a duty to the crowne, but a subsidie, and so granted in *subsidium*, sometimes *pro una vice tantum*, sometimes for yeares, and then ceased, when the time did expire; that when it was first granted for life, it was with this clause: *ita quod non trahatur in exemplum futuris regibus*. But 'tis abundantly enough that his sacred majesty cannot bee tainted with the advices and judgements of these men, but looks on this duty singly as the meere affection and bountie of his subjects, the which, no doubt, he shall never want.

My lords, the next charge is concerning impositions. Mr Vassalls goods are seised for not paying impost, which hee conceived to bee against law; he is imprisoned, and judgement given against him, without suffering him to bee heard upon the point of right, because that had beene heretofore judged in Bate's case: and yet these very judges have not thought themselves so bound up by former judgements, but that since this time they have argued a case upon the same point, which was adjudged in Hillary term in the 15 Eliz. and confirmed after by all the judges of England, in a writ of error, in the 21. yeare of that queen's reigne: 'tis Walsinghams case. However, the same modesty seized them againe in the case of a noble lord, not now present. Whether the king, without assent of parliament, may set impositions upon the wares and goods of merchants, is no new question; it hath beene more then once debated in parliament, and indeed whilst it was a question, was fittest for a parliament. I will not trouble your lordships long. 'Tis now resolved, and nothing new can be said in this argument, though I may have leave to say, if the king can by his letters patents create such a right to himselfe, and by a legall course recover that right under such a title, such letters patents are in no degree inferior to an act of parliament. To reconcile such a power in the prince and the property of the subject, that the one must not be destructive to the other, will require a much greater, a subtler understanding than I pretend to: but, my lords, I doe not thinke the judgement in this point to be so great a crime in these judges, as that they presumed to judge at all: the matter had beene long debated in parliament undetermined, and therefore not within the conusance of an inferior court, had it not beene true that Fortescue says, in his 36. chapter of the lawes of England, *neque rex per se aut ministros suos, tallagia, subsidia, aut quævis onera alia imponit, &c. sine concessione vel assensu totius regni sui in parlamento suo expresso, &c.* If the statute *de tallagia non concedendo*, if the 30th chapter of *Magna Charta*, and all the other statutes to that purpose, bee not cleere in the point, they might easily have apprehended so much weight, so much difficulty in the question, (especially since, in all our law-bookes, not so much as the word imposition is found, untill the case in my Lord Dyer, of 1 Eliz. fol. 163.) that they might very well have suspected themselves to be no competent judges for that determination: and I hope, by the experience of this parliament, the judges will recover that ancient modesty to beleve, that some cases may fall out that may not be properly within their jurisdiction in the 9 yeare of Eliz.: ('tis in the parliament rolls.) It being found by an office after the death of Gilbert de Clare Earle of Gloster, that his sisters were his heyres, *nisi Comitissa Glocestria esset pregnans*, the question was, whether the king might grant the heyres their livery in *prejudicium impregnaturæ*: this was conceived *negotium novum, et difficile*; and the king having commanded the chancellour and judges to deliver their opinions in writing, they returned, *quod non audebant dictum negotium definire, nec domino regi consulere sine assensu magnatum, propter raritatem et difficultatem*: whereupon the day was given to the parties, *ad proximum parlamentum*. And your lordships well know the speciall care that is taken by the statute of 14 Ed. 3. cap. 5. that such matters as, for the diffi-

culty, are not fit for the judges, or, through eminent delaye, are not dispatched by the judges, shall be determined in parliament: not such matters as the parties concerned had rather venture upon your lordships judgements then upon the rules and proceedings of the law; (God knowes what mischief and confusion may fall out upon that admission). There must be such difficulty, such delay, before that statute meant your lordships justice should be concerned in the resolution, I wish these gentlemen had thought this busines a matter of that difficulty as had been fit for such a delay.

My lords, we come next to the charge concerning knighthood. Mr Maleverer appeares upon the processe of that court, pleads and submits to his fine, *ponit se in gratiam curiæ*: the barons refuse to impose any fine; they had no power to doe that; he must treat with certaine commissioners appointed for that purpose, and compound with them. Your lordships have not met in the same men such contradictions of crimes. Who would suspect the same men, in one charge, to have the mettle to usurp the power, and exercise the jurisdiction of the highest court, the court of parliament, and presently to want the spirit to doe that which was so restrained, and peculiar to their places to have done, as that none else could do it? They had no power to fyne; as if the sole busines of sworn judges in a court of law was to summon and call men thither, and then to send them on errands to other commissioners for justice. 'Tis true, the commissioners of 1 Edw. 1. to Tiptoffe and Berk, and since to others, were, and have been to compound with those who desired to compound, not otherwise; they had no power to compell any, to fine any; that trust, by the law, was and is onely in the judges: so that if this duty were a right to his majesty, and the persons liable refuse to compound, for ought these judges can doe, the king must loose this duty; they can impose no fine; onely they have found a trick, which they call the course of the court, to make his majesty a faver. Appeare while you will, plead what you will, submit to the mercy of the court; issues shall goe on still, as if you did neither, till you have done somewhat that court will not order you to doe, nor is bound to take notice of when you have done. Your lordships will help us out of this circle; and that you may see how incapable they are of any excuse in this point, the very mittimus out of the chancery gives them expresse command, amongst other things, *ut fines omnium illorum qui juxta proclamationem prædict. ordinem ante prædict. diem suscepisse debuerunt, capiatis, &c.* 'Tis onely worth your lordships observation, this misfortune commonly attends, (and may it ever,) those absolute, disused rights, that, be the thing in it selfe in a degree lawfull, the advisers and ministers of it so faile in the execution, that as it usually proves as grievous to the subject, so, by some circumstances, it proves as penall to the instruments, as if it were, in the very nature of the thing, against all the lawes of government.

I have wearied your lordships. You see in what a dresse of injustice, subtilty, and oppression, I am very unwillingly compelled to present these judges to you: if they appeare to your lordships under any other character of known and confessed learning, in the whole course of their lives, how farre that will aggravate their fault your lordships must onely judge: if under the excuse of ignorance, or not so much knowledge in the duty of their places, your lordships will easily conclude what infinite mischief, of which your lordships have no particular information, the subjects of this kingdom have suffered in their lives, in their fortunes, under such ignorance, and such presumption: if under the reputation of prudence and integrity in all cases, except these presented to your lordships, your lordships will be at least of the same opinion that he of Lacedemon was of the Athenians,—if they carried themselves well when time was, and now ill, they deserve a double punishment; because they are not good, as they were, and because they are evill, as they were not.

My lords, if the excellent, envied constitution of this kingdome hath beene of late distempered, your lordships see the causes: if the sweet harmony betweene the kings

protection and the subjects obedience hath unluckily suffered interruption; if the royall justice and honour of the best of kings hath beene mistaken by his people; if the duty and affection of the most faithfull and loyall nation hath been suspected by their gracious soveraigne; if, by these misrepresentations and these misunderstandings, the king and people have beene robbed of the delight and comfort of each other, and the blessed peace of this island beene shaken and frighted into tumults and commotion, into the poverty, though not into the rage of warre, as a people prepared for destruction and desolation: these are the men, actively or passively, by doing or not doing, have brought this upon us: *Misera servitus falsa pax vocatur: ubi judicia desinunt incipit bellum.*

My lords, I am commanded by the house of commons to desire your lordships that these three judges may be speedily required to make their answers to these impeachments; and that such farther proceedings may be had against them as the course and justice of parliament will admit.

A Speech delivered by the Honourable William Pierrepont, second Son to the Right Honorable the Earle of Kingstone, against Sir Robert Berkley, Knight, one of the Justices of the Kings Bench, at a Conference of both Houses in the Painted Chamber, July 6, 1641.

My Lords,

I AM commanded to present to your lordships these articles, with which the knights, citizens, and burgesses of the commons house of parliament, in their own name, and in the name of all the commons of England, impeach Sir Robert Berkley, knight, one of the justices of his majesties court of Kings Bench, in maintenance of their accusation of high treason, and other great misdemeanours. These articles they desire may be read.

The Articles were read by Mr Newport.

The high treason is, in the first article, in his endeavours to subvert the fundamental laws of this realm, and to introduce an arbitrary and tyrannicall government, which have been lately adjudged treason in the cause of the Earle of Strafford.

The other articles (of his opinions, certificates, judgments, denials of the benefits of our laws, which have been read to your lordships,) prove the first. Our goods, our lands, our bodies, the peace of a good conscience, are by him given up to arbitrary, tyrannicall government.

Our ancestors have with great care provided for judges to know the lawes, to make them just, or fear them from being evil. We have innes of court, for the peculiar study of our lawes; judges from thence only chosen; seldome any but such as have been twenty yeares there. Honours and revenues are given to judges, encouragements to do well: this judge had these. Judges are sworn according to law to serve the king and his people, according to law to counsell the king, and for not so doing, to be at his will for body, lands, and goods: this judge took that oath. The lawes the judges study impose the greatest punishments on unjust judges, shew that those punishments have been inflicted: more could not be done to persuade or fear a judge.

His offences shew in him great ambition; yet he was most timorous of displeasing the great men then in power. He did not only forbear doing what he was sworn to do

but with them was most active against our lawes, and in opposing and punishing any that did maintain them.

To have only received bribes, (though they blind the eyes, and though the desire to get money encreaseth with age,) that hainous crime in a judge had, compared with his offences, been a tolerable vice; for, from such a judge, justice is also to be had for money. Ambition is violent, and ruines, whilst covetousnesse is making a bargain.

The words of his opinion and judgement are for the kings power. It is pleasing to the nature of man that others should obey his will; and even well framed dispositions of princes may easily be persuaded to a desire of unlimited power, from this ground, that thereby they have more opportunities of doing good, the greatest happinesse that man is capable of. For the most oppressive designes (which we have suffered under,) the pretences to his majestie have ever been the good of his subjects: his is the sin, that is to judgē by the lawes, and knowes the lawes are to the contrary, yet puts and confirms such thoughts in his prince.

He that incites another to arbitrary government, when his selfe-ends are thereby compassed, hates him for taking that power he persuaded him unto.

The writs, those monsters of necessitie, to provide ships to prevent imminent danger, that could not stay forty daies for the calling of a parliament, were therefore to goe out in September to have ships ready in March: these have been adjudged by your lordships to bee destructive to the fundamentall laws of this realm, and to the subjects right of property and liberty, that I shall say concerning them but thus, that this judge published them to bee inseparable flowers of the crown: and that wee have lived to see for five yeares together imminent danger, and to be prevented by them.

This judge did advise to such a government as future kings here might exercise the highest tyrannies, and the subjects want the benefit of restraints known to the most slavish Easterne nations, where, if their prince doth unjustly, he hath hatred for it, and the dangers that follow that. This judge will have that hatred to goe to our good lawes. No such bondage as when lawes of freedom are misinterpreted by judges, to make men slaves.

For a judge of law to give his opinion and advice to his prince how the lawes, the mutuall covenants of kings and subjects, may be broken; it can bear no other construction, but that his intentions are to have his prince doe ill, and to make his evill servants to study wicked designes; because they see means to put them in execution, by making them to persuade their prince, because in imminent danger, his subjects goods are at his will, that there is such danger when there is not; and they only have some by-ends of their own.

A judge is not to determine what may be done by the king, or what may be done by the subject, in a cause of imminent danger, or in any other where the lawes set no rule; for what greater offence then for a judge to deliver his opinion, that if the king should intend to give up his people to be destroyed by foreign forces, for the safety of the people in that imminent danger, a subject by the law might take away the king.

This judge will have our law to be what to him seems reason; when as the reason limited to him to judge of, is what the common law and statutes do say. For him to judge this or that is law, else a mischief will follow, is at best for him; but this the law in such a thing is imperfect, therefore he will make a law to supply it; or because that the law written in such particulars is against his reason, therefore his reasons to be laws then must follow: as often as a judges reason changes, or judges change, our laws change also.

Our liberties are in our laws, where a subject may reade, or hear read, this is his, this he may do, and be safe, and that thus the judge ought to give judgment. The excessive groweth of courts of reason, conscience, came from great and cunning persons, and

though not the most sodain, yet they are the most dangerous, and sure wayes to eat out our lawes, our liberties.

Unlimited power must be in some to make and repeal laws, to fit the dispositions of times and persons: nature placeth this in common consent only, and where all cannot conveniently meet, instructeth them to give their consents to some they know or believe so well of as to be bound to what they agree on. His majestie, your lordships, and the commons, are thus met in parliament. (and so long as we are often reduced to this main foundation, our king and we shall prosper). The power of a judge is limited by the lawes made.

This judge will not allow us our knowledge or any reason; he will have our minds, our souls slaves. A grand jury man gave his fellows true information; they present an innovation in the church, are threatned and reviled for it; he that told this truth is charged (I shall use this judges own words) to sin in that, and that he made others forswear themselves: this judge sent him to the common goal, where he is laid in irons, and all this, because he and they durst meddle with church-matters. He is forced to tear the presentment in pieces in open court. Our laws provide for the peace of our consciences, many acts of parliament are for it, and the trust by those acts left to juries: this judge well knew all this. Your lordships have heard what he did to the jury at Hartford. He would have us to know no more divinity then to obey what the great of the clergy directed, no more law then what he said was so.

Judges in former times, (but onely such as were examples of punishment, as of injustice), in cases of great and publike concernment, forbore proceedings till the next parliament. This necessitated the calling of parliaments. This judge had as many such causes before him as ever any had, yet he never desired the resolution of parliament in any one; for the ways he went, the necessitie was never to have a parliament: he would pull up that root of our safeties and liberties, which whilst we enjoy, the malice or injustice of all other courts and persons can never ruine, and when neere to ruin, (as most neere of late), that onely sure remedy will help us. Nothing can ruine a parliament, but itself.

The evils which we have suffered under, they were committed by the judges, or by them ought to have been and might have been prevented.

This judge assisted in causing the miseries we suffered in the Star-chamber and at the councill table: he denied the known rights which he ought to have granted us to stop our grievances in the ecclesiasticall courts; his unjust judgments were the causes of our sufferings in other courts.

The best lovers of their laws and liberties, the most honest, suffer most by an unjust judge; they most oppose his vices: dishonest persons find such a judge to fit their purposes, the judge finds them for his, the bond of iniquity confederates them.

He that will do no wrong, will suffer none which he can help: the man that knows himself born free, will do his utmost to live so, and to leave freedome to his posterity: were he in slavery, when by outward gesture thought to be most delighted, were his mind then known, there would be found vexation, and his busie thoughts employed to redeem himself and his posterity from thralldome. But could this judge intend to make himself and his own posterity slaves? What he did was through error of judgement onely. No, my lords; what his aimes and endeavours were is apparent. To consider man in the generall, we shall find in every age he will be a slave to some few, that many may be slaves to him; he looks to himself onely; this he would doe, or forbear doing, to be great, to be rich, had he children or kindred, or had none. This highly unjust judge, by continuing sinnes, maintained his actions to preserve himself: he knew to be found guilty in one of his offences; the penaltie of the law for it therefore covered the offences committed with inventing and acting others.

For a judge to be unjust, more hurts the publike then any other; he is not suspected. What a judge doth is looked on as a thing that ought to be done. The most pernicious great man that by cunning hath got to himselfe the heart and tongue of his prince, his ill acts hath dyed with him, if not taken up by others, and then they walke in darkness. No man will justifie what he doth by saying such a favourite did it. But the unjust judgements of this judge were given in the noone day, were done in the face of the whole kingdome, in the hearing of such as might carry the newes to all parts of the realm, and were therefore done. His unjust judgements were our records. We have seen wicked great men most craftily politique; they hated our laws; yet not meeting with active judges moulded to their purposes, they and their acts have dyed. The realm flourished; but of late, others lesse politique meeting with most unjust judges, every way as ill as they could wish them to be, then did the kingdome faint under the load of its misery, did long struggle; now its rising, I assure myself your lordships will assist to take off the burden.

Had a great man desired the estates of others, the breach of a proclamation might readily have been charged against them in the Star-chamber; but they, it may be, could have answered and cleared themselves, and proved their answers by testimonies: had they been referred to this judge, he would have expunged the one, suppressed the other. Then followed fines, to the value of their estates, or more, then imprisonments, of course, till they paid such fines. Your lordships have heard what this judge did to the sope-boylers.

If the designes of some would not have such a man to be at liberty, a warrant from some lords of the councell would soon have laid him in prison, and given no cause: had he moved this judge to be discharged or bailed, he could have obtained neither: if their ways would not have endured that man to live, a judge reviling the prisoner and his councell, that moved for his discharge or baile, joyned with the hate of some great man, might soon have moved a goaler for unwholesome rooms and lodgings, and ill diet for his prisoner, and they may soon take life away.

Offenders in prisons are looked after to be safe; onely such as are brought in by power, against law, are abused.

The country-man followed the plough, and his thinking he was assured of his right of propertie and libertie, gave him ability to do it. He beleevd his neighbour, his landlord, his king, could not take his goods from him without his consent. He knew the usuall payments by law, and in extraordinary causes thought to have that care to choose such for his knights of the shire, or for his burgesses, as might be mindfull of the cause of payment, and of his estate.

This man hath heard the opinions and judgement of this judge, hath seen his goods taken from him without his, or his knights of the shire, or burgesses consent or advise. These have made him, his wife and children, to joine in teares, to wish they had never been born; these have made them think on many wayes to keepe safe that estate which was yet left them, have made them desire to sell all their goods, and hide the money; but then he remembers this judge, how that he shall be carried to prison, and remain there, if he pay not what please others to asseesse him. Then they thinke idle persons (the droanes and moths of the common-wealth) to be a wise people, who be unworthy to live, they formerly conceited. They expect and can think of nothing but to be beggars.

Where publike and enormous offences have been committed, eminent and notorious punishments must be: such will make your lordships proceedings highly esteemed; else there will be so many offenders, as none without danger can be punished.

This judge, subverting our lawes, tooke away the hearts of many; he subscribed for the king's power, but so as he put him on taking his subjects goods; and, of all other, such

wayes be most dangerous ; for we know his majestie is not the last that suffers ; and is not the king worth many thousands.

The place of this judge was to have given and preserved to the king the hearts of his subjects ; the due execution of the lawes had done this ; and when such notice is taken of a prince, none will conspire against him who cannot faine to themselves safety before or after any fact committed. Forraigne enemies will not invade his kingdomes.

Thus hath his majestie now got our hearts, and will for ever have them. This judge is to answer for what his majestie and for what we have suffered.

I am, by command of the house of commons, to desire your lordships that the proceedings against Sir Robert Berkley, knight, one of the justices of his majesties court of Kings Bench, may be put in as speedy a way of triall as the course of parliament will allow.

A Speech delivered in the House of Commons, July 7th, 1641, being resolved into a Committee [so neer as it could be collected together] in the Palatine Cause ; by Sir Simonds D'Ewes.

This speech was delivered on occasion of a royal manifesto concerning the Elector Palatine, Charles's nephew, who had besought his uncle that he would countenance his cause in the imperial diet about to be held at Ratisbon, and procure, if possible, the restitution and establishment of the electoral house. Charles accordingly agreed to send an ambassador to the diet, but anticipating no very favourable result from such intercession, he published a manifesto, declaring that he would not abandon the rights of a family so nearly connected with him, but would employ for their redress all the power with which God had endowed him. He recommended this manifesto to the consideration of both houses of parliament, who passed the following votes thereupon :—

“ *Die Mercurii, 7 Julii, 1641.*

“ Resolved upon the question, That this house doth approve of his majesty's pious intentions in the behalf of his royal sister and his nephew, the prince Elector Palatine, and the rest of the princes of that family, and of the publishing this manifest to that purpose ; and that this house will be ready to give his majesty such advice and assistance therein by parliament, as shall stand with the honour of his majesty, and the interest and affections of this kingdom, if the present treaty shall not succeed.

“ *Die Sabbathi, 10 Julii, 1641.*

“ Resolved in like manner upon the question, by the house of peers, That they do concur in this vote with the house of commons.

“ I am likewise commanded to present the humble desires of both the houses of parliament,—

“ That your majesty will be pleased to recommend this manifest to the parliament of Scotland, to have the concurrence of that kingdom.

“ Thus much was delivered by the speaker of the house of peers, both houses then attending his majesty in the Banqueting-house at Whitehall. To which his majesty was graciously pleased to make them this answer :

“ We take very thankfully the concurrent advices of both the houses of parliament, in so great and pious a work, declared in these votes and resolutions, which you have read unto us.

“ We will also take care to recommend this manifest unto the parliament in Scotland, to have the concurrence of that kingdom ; which we doubt not but they will perform.”—RUSHWORTH, iv, 311.

Sir,

WE have, during this parliament, fallen upon the debate of the greatest and most important affaires, concerning our owne good and welfaire at home, that ever were agitated and discussed at one meeting in the house of commons. And we are at this present, by the gracious invitation of his royall majestie, expressed in his most just manifest read unto us, resolved to take into consideration the most sublime and most difficult busines of the christian world abroad; which hath for the space of above twenty yeares last past, drawen all the kingdomes and states of Europe into an immediate or mediate ingagement: in which there have beene twenty pitch't battles fought; a million of men, women, and children destroyed by the sword, by the flames, by famine, and by pestilence; and that sometimes populous and fertile empire of Germany reduced to a most extreme and calamitous desolation. I have, in those few spare houres I could borrow yesterday from the publike service of the house, recollected some particulars which may conduce to the clearing of this great cause, being drawn out of the autographs themselves, or out of our records at home, or out of the writings of our very adversaries, and others abroad. I shall therefore beginne at the originall itselfe of the never enough to be lamented losse of the prince Palatine's dominions and electorall dignity; that so wee may take along with us, in our intended disputes, not onely our affections, but our consciences. It is therefore very manifest to all that are but meanly verst in the cabinet affaires of Christendom, that the jesuites have consulted for many yeares last past, as well before as since the furious warres of Germany, by what meanes to ruine the evangelicall princes and partie there. Their chiefe aime hath beene, so to divide the protestant princes amongst themselves, as they might be made use of each against other, for the ruine each of other. The first occasion that offered itselfe within our memories, was the pretences of severall competitors to the dukedomes of Cleve and Juliers; and they failed but a very little to have executed their intended designe upon that occasion: but their hopes failing in it, they apply themselves integrally to Ferdinand of Austria, duke of Gratz, a prince not long since so poore, and of so meane a consideration, to adde the waight of but one graine to the down-ballancing of the affaires of Christendome, as his name was scarce heard of.

They find him a fit subject for them to worke upon, having from his cradle been bredd up in an extreme hatred of the protestant party, who professed the truth. They resound nothing into the eares of the old emperour Matthias, but his cousin Ferdinand's high merits; so as hee, passing by his owne naturall brothers, and the head of his house, the Spanish king, adopts Ferdinand of Gratz for his sonne, so to prepare a way to make him the successor of his scepter, crown, and purple.

Then were the sacred dyets of the empire, the ancient meanes to reconcile differences and prevent jealousies, as often dissolved abortively, as called insincerely. Rumours were spread of practices and designes against the protestant princes and cities; and that those rumours might not vanish in smoake, the liberties of the great and ancient citie of Stratsburgh were opprest. The protestant princes seeing materials and engins on every side prepared for their ruine, were necessitated to meete at Heilburn, and there to conclude an union amongst themselves.

This gave the jesuites an assured hope of making Germany speedily miserable by a calamitous warre; for not onely the Pontifical princes tooke the opportunitie to settle a catholike league, as they call'd it, amongst themselves, but also, the elector of Saxony, like a true pseudo-Lutheran, neither protestant nor papist, shewes as good an affection to the catholike league as the evangelike union. The old emperour Matthias begins now to act his part, and the jesuites spurre on their ready scholler, Ferdinand of Gratz, to ascend the bloody theator they had so long designed him. Through the old emperours intercession, abusing the Bohemian protestants credulity, with sugred flatteries and

large promises, he is admitted to the crown of that rich kingdome, which soone after made way for him unto the crown of Hungary also. The jesuites and the Spaniard did now onely want a faire occasion to begin a warre in Germany. The emperor Matthias labours with the protestant princes to dissolve their union; which not taking effect, the bishop of Spiers is encouraged under-hand to pick a quarrell with the prince Elector Palatine, and to build a strong fortresse upon his neighbours territories, pretending hee had right to that plott of ground upon which the said fortresse was raised: but an higher providence did not suffer this sparke to set Germany on fire, though it had been kindled at the prince electors owne doore, (to affront and provoke him); for he, by an incredible celerity, did cause the said fortresse to be demolished before the enemy could fit and furnish it for his intended use, which made him sit still, and study for a new occasion; which, that it might not be long wanting, the liberties and priviledges of the protestants in Bohemia, contrarie to their new king Ferdinands oath, were temerated; and by that meanes, in the year 1619, the greater part of the estates of that kingdome were necessitated, after mature deliberation, to abdicate him, and to elect Frederick, prince Elector Palatine, for their king.

And thus are we arrived at that sadd period of time upon which so many fatalities have ensued; in which we may see evidentlie, that the prince Elector Palatine was not causallie guilty of any part of that ocean of blood that hath beene since spilt in Germany, as the Pontifican side pretend he was. The scene was long before prepared by the enemies of the truth; and the kingdome of Bohemia was filled with arms and hostilities diverse monthes before his accepting of that crowne, when himselfe laboured, by an earnest mediation, to have a peaceable issue to those bloudie beginnings. It was the honour and greatnesse of that matchlesse princessse that he gained heere, and the considerable succours they expected from hence, that especially drew the Bohemians to that choice. It therefore concernes us now at length to provide that the prince elector himselfe, and the other princelie branches of that great familie, (being the second, without question, if not the first, and most ancient in the empire,) extracted, by their last match, from the royall line of Great Britaine, should not, under colour of their fathers accepting that crown, to which they now pretend no title, be for ever despoiled of their ancient inheritance and electorall dignitie: to which calamitie they had never been reduced, had not the French king at that time forgotten the old maxime of his predecessors, which was, to keepe even the ballance of Germanie; to which also did most fattallie concurre, the duke of Bavarias ambition, betraying his owne blood, and the duke of Saxones taking of armes against the evangelicall partie. By this meanes, and the advancing of Spinola with the Spanish armie out of the Nether-Lands, was not onely the kingdom of Bohemia lost in a few monthes, but the Palatinate also, excepting some few places of strength infested by the enemy, and that poore people left to slaughter, calamitie, and desolation. The correspondence of some ill ministers of this state abroad, with those of forraine states here, assisted by some fattall instruments at home, furthered all this mischief at the instant, putting this state in hope of a match, when supplies should rather have beene sent from hence, to have preserved at least the electorall territories from an invading power. It is true, that the Spanish match had been generally treated off some five or six yeares before this fattall fire kindled in Germany, being first set on foote by the duke of Lerma, under Philip of Austria, the late king of Spaine: but now it was effectually advanced, and fortified with a conjoynd treatie of accommodating the Palatine cause without effusion of blood. This, and much more, appears in the originall journall-bookes of the two houses of parliament in *anno 21 Jacobi Regis*, which I have so far perused, as so short a time would give leave; and though that matters are there set downe at large, especially in the records of the house of peers, yet I have abstracted it into so narrow a compasse, as may well sort with the

little spare time of this house to heare it. The relation was first made at White-hall, during that parliament, in the presence of the greater part of both the said houses, on Tuesday Febr. 24., and it was afterwards reported, upon Friday the 27. day of the same moneth next ensuing, in the lords house, by the then lord-keeper, and in the house of commons by Sir Richard Weston, at that time chancellor of the exchequer. It is there at large set forth, that his majesties royall father having had severall faire promises from the emperour Ferdinand the 2d. and the king of Spaine, of a peaceable restitution of the Palatinate, caused not onely such considerable forces as were then remaining in Germanie under the prince electors ensignes to disband, but procured also some places of strength in the Palatinate it selfe to be surrendered and consigned over in trust to the late Infanta of Spaine. But in the yeare 1622, our late royall sovereigne king James, upon his ambassadors returne from Bruxels, having discovered the emperours intentions to be full of insinceritie and deceit, wrote his princelie letters, bearing date at Hampton-Court, October 3, 1622, to the (then and still) earle of Bristow, his majesties extraordinarie ambassador in Spaine; to let him know that he now perceived little sincerity in all the Spanish kings promises for the peaceable restitution of the Palatinate, by whose onely meanes he had suffered the same to be lost to the emperour; and that therefore he should presently presse that king either to give a full and direct answer, under his hand and seale, for the restitution thereof, or else to joyne his armes with his majesties, against the emperour, for the recoverie of the same. But this matter, as it further appears by the originall journall-booke of the lords house, being either not thoroughly pressed, or notably dissembled, so many delaies ensued, one upon the necke of another, as, in the issue, it drew his royall majestie, then Prince of Wales, to undertake that dangerous and remote journey unto that nation, which hath bin the long and hereditarie enemy of England. This journey was chiefly undertaken, by so great a prince, to add an end, one way or other, to that unfortunate treatie; and his staie in Spaine so long, did causually proceed from his earnest desire to have effected a peaceable restitution of the Palatinate; and therefore I doubt not but he shall now live to verifie that excellent and heroicke expression which he made to the Conde de Olivarez a little before his comming out of that kingdom:—

“Tooke for neither marriage nor friendship, without the restitution of the Palatinate.”

And I assuré my selfe, that the force and power of Great Brittain, which was lately, by subtile and wicked instruments, divided against it selfe, being now united in one againe, will bee able to effect such great and considerable actions, as shall render his majesties name and raigne glorious to all posterity. The two houses of parliament at that time received the before mentioned declaration with so much resentment, as, having first rendred glory to God, that had so seasonably discovered the Spanish frauds, and next their humble acknowledgements to their then gracious sovereigne, for requiring their counsels in a businesse of so great importance, they did unanimously advise him to breake off the said two treaties, touching the marriage and the restitution of the Palatinate; ingaging no lesse then their persons and purses for the recovery of the then prince electors ancient and hereditarie dominions. It appeares also in the originall journall booke of this house, De a°. 1°. Caroli, that this great busines was againe taken into consideration, but was finally intombed, with other matters of great moment, by the fatall and abortive dissolution of that parliament. If, therefore, this great counsell of the kingdome did, in those two former parliaments, account the restitution of this illustrious and princely family to bee of such great necessity for the preserving of true religion abroad, and securing our selves at home, as to ingage themselves for an assistance therein; certainly wee may, upon much bet-

ter grounds, undertake the same now ; when I assure myself we may goe as farre with a thousand pounds for the present, as we could have done with ten thousand at that time ; for let us but take a short view of the estate of Christendome, what it was then, and what it is now, and we shall easily perceive a great alteration in the ballance thereof.

In France, where Monsieur de Luynes did then rule all, being himselfe acted by the popes legate, that king, contrary to the examples of Francis the First, Henry the Second, and of Henry the Great, his own father, and contrary to the maxims and interest of that state, and his owne safety, advanced the formidable power and spreading greatnes of the house of Austria : but now the same French kings eyes have been so opened, that, shaking off the former unhappie slumber hee was in, hee hath, by his armes and power, to his immortal honour and glory, for divers yeares last past, endeavoured to restore againe that libertie to the German empire, in the ruine of which himselfe had so fatallie before concurred.

The Swedes were then involved in severall warres or jealousies with the Pole, and enforced to keepe at home to defend their owne, but now have a strong armie, and possesse divers places of important consequence, within the very bowells of the empire.

The episcopall electors, with the other Pontifical princes and prelates, the sworn enemies of the protestant religion, were then rich and potent ; but since, most of their countries and territories have tasted of the same calamities of warre which they had formerly brought upon their neighbours, so as now they are most of them scarce able to defend their owne, much lesse to offend any other.

The pseudo-Lutheran elector of Saxony, that is causallie guiltie, more then anie other single person living, of all those calamities and slaughters which have for so many yeares wasted Germanie, and was then so liberall of his treasure, and so forward with his armes, to ancillate to the emperors designs, to the almost utter subversion of the true religion in Germanie, is now, after the reiterated temerations of his faith and promises, the fatall survivor of the severall devastations of his owne cuntry and dominions : so as all those vast difficulties and great dangers which might well have retarded the forwardness of those two former parliaments, the first being held in the 22. yeare of his majesties roiall father, and the latter in his owne first yeare, being now removed, wee have greater encouragements then ever to concurre with our sacred soveraigne in the asserting of this his most just and princely manifest.

For mine owne part, I expect no good issue of the present treatie at the diet of Ratisbone. I know the duke of Bavarias ambition too well, ever to imagine that he will part with those large revenues, and much lesse with the septem-virall dignitie and suffrage hee hath obtained by the prince electors calamitie and misfortune, unles it be extorted from him by force of armes. My humble advice therefore is, that wee send up to the lords, to desire a speedy conference with them, in which we may acquaint their lordships how farre we have proceeded in our approbation of his majesties most royall manifest, and to move them to concurre unanimously with us therein.

Two Speeches spoken by Sir Simonds D'Ewes ; the first touching the Antiquity of Cambridge, lately published by John Thomas, with many ignorant and foolish mistakes, which are here rectified ; the other concerning the Priviledge of Parliament in causes Civill and Criminall.

THE bill of four subsidies, for the reliefe of the kings army and the northern counties, having been drawn by a committee, Cambridge was placed before Oxford in the same. After it had been read the second time in the house of commons, it was committed, to be disputed and debated in a grand committee of the whole house ; which said grand committee did accordingly debate the same bill, (as at other times,) on Saturday, January the second, 1640, in the afternoone ; and when it came to that clause where Cambridge was placed before Oxford, Sir Simonds D'Ewes spake in effect following, having only a few fragmentary notes by him, to have prevented the putting of a question for the alteration.

I stand up to perswade, if it may be, the declining of the present question, and the further dispute of this businesse. Yesterday wee had long debate about the putting out of a word, and now we are fallen upon the dispute of putting one word before another. I account it no honour to Cambridge, that it got the precedence by voyces at the former committee, nor will it be any glory to Oxford to gaine it by voyces here, where we all know the multitude of burrough townes of the westerne parts of England doe send so many worthy members hither, that if we measure things by number, and not by weight, Cambridge is sure to loose ;---I would therefore propound a more noble way and meanes for the decision of the present controversie then by question ; in which, if the universitie of Oxford (which for mine owne part I doe highly respect and honour,) shall obtaine the prize, it will be farre more glory to it then to carry it by multitude of voyces, which indeed can be none at all. Let us therefore dispute it by reason, and not make an idoll of either place ; and if I shall be so convinced, I shall readily change my vote, wishing we may finde the same ingenuity in the Oxford men.

There are two principall respects, besides others, in which these famous universities may claime precedence each of other.

First, in respect of their being, as they were places of note in the elder ages.

Secondly, as they were ancient nurseries and seed-plots of learning.

If I doe not therefore prove that Cambridge was a renowned citie at least 500 yeares before there was a house of Oxford standing, and whilest brute beasts fed, or corne was sowne on that place where the same citie is now seated ; and that Cambridge was a nursery of learning before Oxford was knowne to have a grammar schoole in it, I will yeeld up the bucklers. If I should loose time to reckon up the vaine allegations produced for the antiquity of Oxford by Twyne, and of Cambridge by Caius, I should but repeate *deliria senum* ; for I account the most of that they have published in print to be no better. But I find my authoritie without exception, that in the ancient catalogue of the cities of Brittain, Cambridge is the ninth in number, where London it selfe is but the eleventh ; and who would have thought that ever Oxford should have contended for precedence with Cambridge, which London gave it above 1200 yeares since ? This I finde in Gildas Albanus his Brittish story, who did about the yeare 520, being the ancientest domestike monument we have, pag. 60 ; and in a Saxon

anonymous storie, written in Latin, touching the Brittaines and Saxons, pag. 39., who saith of himselfe, that he lived in the dayes of Penda king of the Mercians, in the tenth yeare of his raigne, and that hee knew him well; which falls out to be neare upon the yeare 620. And lastly, I finde the catalogue of the said Brittish cities, with some little variation, to be set down in Nennius his Latine story of Brittain, p. 38.; and he wrote the same, as he saies of himselfe, in the yeare 880. They all call it Cair-grant; the word Cair, in the old Celtique tongue, signifying a citie.

These three stories are exoticke and rare monuments remaining, yet only in ancient manuscripts, amongst us not known to many; but the authority of them is irrefragable, and without exception. The best and most ancient copies that I have seene of Gildas Albanus and Nennius remaine in the university library of Cambridge, being those I have vouched, and the Saxon Anonymus in a library neare us. This Cair-grant is not only expounded, by Alfred of Beverley, to signifie Cambridge, but also by William de Ramsey, abbot of Croyland, in his manuscript story of the life of Guthlacus, ignorantly, in those elder dayes, reputed a saint. The said William goes further, and sayes, it was so called a *granta flumine*. This place remained still a citie of fame and repute a long time under the raigne of the English Saxons, and is called, in diverse of the old manuscript Saxon annals, *Granteceaster*. And notwithstanding the great devastations it suffered, with other places, by reason of some Danish incursions, yet in the first tome or volume of the booke of DOMESDEI, (for now I come to cite record,) it appears to have bin a place of considerable moment, having in it *decem custodias*, and a castle of great strength and extent; and so I have done with Cambridge as a renowned place.

And now I come to speak to it as it hath bin a nursery of learning; nor will I begin higher with it then the time of the learned Saxon monarch King Alfred, because I suppose that no man wil question or gainsay, but that there are sufficient testimonies of certain persons that did together, in Cambridge, study the arts and sciences much about the time. And it grew to bee a place so famous for learning about the time of William the First, the Normane, that he sent his younger son Henry thither, to be there instructed, who himselfe being afterwards king of England, by the name of Henry the First, was also sirnamed Beauclerk, in respect of his great and invulgar knowledge. If I should undertake to alledge and vouch the records and other monuments of good authority which assert and prove the encrease and flourishing estate of this universitie in the succeeding ages, I should spend more time than our great and weighty occasions at this time will permit: it shall therefore suffice to have added, that the most ancient and first endowed colledge of England was Valence colledge, in Cambridge, which, after the foundation thereof, as appears by one of our parliament rolls, remaining upon record in the Tower of London, received the new name or appellation of Pembroke-hall. It is in *Rotu. Parliam. de An. 38. H. 6. Num. 31*. It appearing therefore so evidently, by all that I have said, that Cambridge is in all respects the elder sister (which I speak not to derogate from Oxford,) my humble advice is, that we lay aside the present question, as well to avoid division amongst ourselves, as to entombe all further emulation betweene the two sisters, and that we suffer the present bill to passe as it is now penned, and the rather, because I thinke Oxford had the precedence in the last bill of this nature that passed this house.

A Speech spoken by Sir Simonids D'Ewes, (so neare as it could be collected together,) touching the Priviledge of Parliament in causes Criminall and Civill, at a Committee of the House of Commons, in the Guildhall, in London, on the sixt day of January, 1641.

This speech relates to the well-known attempt to seize the persons of the five members. It makes a part of the same pamphlet with the foregoing speech on the Palatinate affairs, and would otherwise have been more properly placed with other tracts relative to the rash attempt of Charles, which occur lower in this volume.

Sir,

I PERCEIVE that the maine doubt upon the late questioning of some of the members of the house of commons is, whether or no there be any priviledges of parliament in matter of ^a treason, or other capital offences, in which I cannot deny but that there is a common saying, (and yet more common than erroneous,) that priviledge of parliament doth not extend to felony and treason; for there is a double priviledge of parliament, the one finall, and the other temporarie. Our finall priviledge extends to all civill causes and suites in law, and that continues during the parliament; the other priviledge, that is temporary, extends to all capitall causes, as treason, or the like, in which the persons and goods of the members of both houses are freed from seizure till the said houses be first satisfied of their crimes, and so doe deliver their bodies up to be committed to safe custody; and the reason of it is evident; because their crime must either be committed within the same houses or without them: as, for example, if any member of the house of commons be accused for treasonable actions or words committed or spoken within the walls of the same house, then there is a necessitie that not only the matter of fact, but the matter of crime also, must bee adjudged by that house; for it can appeare to no other court what was there done, in respect that it were the highest treachery and breach of priviledge for any member of that house to witnes or reveale what was there done or spoken, without the leave and direction of the same house. And if it be for treason committed out of the house, yet still the house must bee first satisfied with the matter of fact, before they part with their members; for else all priviledge of parliament must of necessitie bee destroyed; and by the same reason that they accuse one of the said members, they may accuse fortie or fiftie upon imaginary and false treasons, and so commit them to custody, and deprive the house of their members; whereas, on the contrary side, the house of commons hath ever bene so just as to part with such members, when they have bene discovered: as, in the parliament *de anno* 27 of Queene Elizabeth, Doctor Parry, being a member of the house of commons, had no articles of treason preferred against him till the house had discomposed him from being one of their members, and that the chiefe heads and branches of the said treason had bene knowne unto the house, partly by his owne confession, and partly by other proofes:

^a Vide Rot. Par. de An. 31. and 32. H. 6. c. 27.

and yet if ever treason required a speedy tryall, that did; for it concerned no lesse then the murder and assassination of the queen herselfe. (See the originall Journall-booke of the house of commons, *de anno 27 Regin. Eliz. p. 85. and p. 103.*) And so likewise in Master Copleys case, in the parliament in the last yeare of Queene Mary, who spake very dangerous words against the said queene; yet it was tried in the house of commons, as appears in the originall Journall-booke of the same house; and the said queene, at their intreaty, did afterwards remit it. But for the case of these gentlemen that are now in question, it doth not yet appeare to us whether it bee for a crime done within the walles of the house of commons or without; so as, for ought wee know, the whole judicature thereof must first passe with us; for the lords did make an act declaratory in the parliament, *Roll de An. 4. E. 3. Num. 6.* that the judgements of peeres onely did properly belong to them; so as I hold it somewhat cleere, that these gentlemen cannot bee condemned but by such a judgement onely as wherein the lords may joyne with the commons; and that must bee by bill; and the same priviledge is to the members of the lords house; for wee must not thinke that if a private person should come there, and accuse any of them of treason, that they will at all part with that member, or commit him to safe custody till the matter of fact be first proved before them.

'Tis true, indeed, that upon the impeachment of the house of commons for treason, or other capitall crimes, they doe immediately commit their members to safe custody; because it is first admitted that we accuse not till wee are satisfied in the matter of fact; and secondly, it is also supposed in law, that such an aggregate body as the house of commons is, will doe nothing, *ex livore, vel ex odio*, seeing they are entrusted by the whole commons of England with their estates and fortunes. So as, upon the whole matter, I conclude that the proceedings against these five gentlemen have been hitherto illegall, and against the priviledge of parliament.

Certain Considerations upon the Duties both of Prince and People. By Sir John Spelman.

AMONG many intemperances that minister disturbance to the church and state, we have those whose supine affectation of flattery has grown to that impudence, as that they have not only for learnings sake disputed, but in the name of the word of God, and at the time and place when we should expect no other than the lively oracles of God delivered, that the persons and fortunes of all subjects are absolutely at the will and command of the prince, to dispose according to his will and pleasure. To such licentiousnes we need give no other answer then only to demaund that the maintainers of such doctrine would put us but a case, wherein (those opinions of theirs being admitted) a prince can commit any injustice, and that they would shew us wherein lies the justice which the scripture commaunds princes to execute, and which it affirmes to be the establishment of their thrones,* and the violation of it to be their adversity or subversion.

We have on the other side those, who, finding it written that governours are for the good of the people, pursue it with sophistry, that the people are the end of princes and governors beings; and that therefore, as their government is for or against the good of the people, so may they be continued or deposed by them. To that end also there are opinions set on foot, that all government first came from the people, and that all authority does in the last place reside in them: That in every kingdome, the whole body of the people must of necessity contain all power and authority whatsoever either is or

* Prov. 29. 4.

may be erected in it; so as that all the people, or the greater part of them, (which amounts to all,) may by their votes re-assume all power into their own hands; abrogate all ordinances; annul the formes of present government; and new-mould the state into such formes and institutions as best liketh them. These are falsities which yet lay hold upon reasons, and prevaile over the judgements of many that are understanding men, and which have no evill affection toward government; and these are of that consequence, as that they subvert the stability of all kind of government whatsoever.

But were we shie of jesuitisme, as well as of popery, we would not with so little examination receive opinions which we know had their first hatching in the schoole of the jesuite. The matter would require a very large field, should we set forth all things that fitly conduce to the support of the truth; but my purpose is to be very short. Therefore, declining to controvert what may be, and usually is alleadged in the matter, I shall humbly offer to consideration such apprehensions of the truth as I have conceived lesse vulgar, and submitting them to the approbation and correction of better judgements, expect they shall returne unto mee with confirmation or rectification of my own private thoughts; if from so meane a talent no mite of benefit be raised to the publique.

And first, we are to consider that the originall of kingdoms is of three sorts, to wit, naturall, (which we may also call civill,) violent, (or, if you will, martiall,) or mixt with these two. The first was of parents over their children, childrens children, and servants bought or borne unto them. In this, the person of the governour was before the being of the subject, and his authority before ever the subject consented, or had power to obey or disobey. Such a king was Shem, called Melchisedeck, or king of righteousness. And a prince of this kind was Abraham, after that by Gods command he had left his country and his father Shems house, and lived of himselfe: and kings of this nature were they that were imitated in the names of Abimelech, Abiam, Abiram, Abram, Abishalom, &c. And this sovereignty was not inherent to the person of the father only, but from him descended, by right of primogeniture, to the eldest sonne,¹ to whose rule we see that God subjected the younger.

The second sort of kingdoms was wholly founded by the sword, over people that were subjugated by usurpers and invaders, such as followed the way of Nimrod; who, being potent in his naturall dominion, used his power to the oppression of his neighbours, and changed the state of government into tyranny; I say not the state of liberty, (as if till then men had lived in solute liberty,) but changed the naturall government into that which is tyranicall.

The third sort had much what the same originall with the second; where people surcharged at home and forced abroad; men in division, in distresse, in feare, exiles, and fugitives, distrusting their present condition, served themselves on the wit, spirit, and courage of some notable man, to whose command they (with such limitation of his power as they could agree on) subjected themselves, and then falling into action, prospered even into a kingdom: from hence sprung our moderne kingdoms, more novell and various in their frame, and many of them so qualified, as not properly to be called kingdoms, but rather republicques under regall stiles, with princes elective, much circumscribed in authority, and obnoxious to deposing. Now, in the first and second sort, apparently the people had never any thing to doe with the institution and limitation of soveraign power; and though in the third sort they had more to doe therewith, yet not alike in all of that sort, nor had they the whole and sole power of instituting, scarce in any of that sort; so as we must rectify that misapprehension, that in all kingdoms the first derivation of authority was from the people.

In the next place, we are to consider that kingdomes are not associations of men in

¹ Gen. 4. 7.

their naturall capacityes, but communions of men *quatenus* members politique, united in one common bond of obedience into one politicall body, where none can move to give his due aid for the weale of the body, but in the capacity of a politique member, and according to the peculiar office which every severall member properly ought to execute; which office the members duly exercising, make a true and perfect civill communion. Now, though we consider a kingdome as a meere civill or temporall state only; yet even there, the observance of this communion is a duty strictly required of every member, even by the law of nature, or morall law, and by the law of God itselfe; for man having lost his originall righteousness or justice, and consequently the right of governing himselfe, and being thereby necessarily subjected to the government of some justice, without himselfe, it was necessary, for his owne good and safety, that he should not only be subject to that justice in the things that concerned the well governing himselfe towards others, but likewise in those things that concerned his safety and defence from the violence of others misgoverning themselves towards him; and that necessarily brings in empire: so that (unlesse we can imagine some kingdome to consist of people sprung of themselves, in perfection of righteousness, not depending nor obliged to God or nature, nor obnoxious to those conditions to which the fall of man has subjected all men,) we cannot devise how men should naturally be free from subjection to government; and lesse, how (being subject) private men, in any state, should, in their naturall capacity, meddle with any thing concerning government, or so much as goe about the making, changing, or annulling of ordinances, or to compell governours to doe them, without being criminally culpable, not onely against the positive lawes of the land, but even against conscience, pressed with the bonds of naturall, or morall, and also divine law. Therefore, to explicate the sense which all intend, but some (not well distinguishing) confound; it is certainly true, that all the people of a kingdome must needs comprehend all power whatsoever is, or may be exercised in it; but when we say so, we, by all the people, meane the whole entire body of the members politique, from head to foot, every one of them abiding and working according to his proper and ordained office politique. But if, beside their ordinary office and power, any shall do or attempt any alteration in the state, (howsoever intended for common good,) their acts must needs be so farre from being lawfull, as, being from the beginning repugnant, and resisting the ordained power, it can never become a lawfull act, though all the subjects of a kingdome should after consent unto it.

But, in the third place, we are farther to consider, that if the kingdome be also a church of God, then is the originall and authority of it of farre higher nature, and more remote from the reach and power of the people. It is true, God is king of all kings, and highest soveraigne in all kingdomes, as well heathen as christian; yet as he cautioned in the behalfe of his church, that no stranger should be king there, but, by any meanes, one that was of the brethren of the people; so in his church, he himselfe is a neerer, and (as it were) a more cognate soveraigne than in other kingdomes, and his vicegerents there are of more immediate and more important subordination to him. For which cause he there reserves for himselfe the choice of the man, and leaves the people no more then the bare investing of him. Not but that God in all kingdomes makes kings whom he pleaseth; but he will have it known, that in his church the choice is not only his, and to be sought at his hand, but that he more strictly requires the observance of his right in his church, then he does elsewhere. Therefore he expresly commands there: "Thou shalt in any case set him over thee, whom thy Lord thy God shall chuse."

And as in his church he to himselfe reserved the nomination, so when he had nominated, he did not leave it to the people there to declare the right and manner of the

kingdom; but, by the prophet by whom he signified his choice, by the same was the manner of the kingdom declared to the people, written in a book, and ¹ laid up before the Lord.

Kings of Gods church, having from God a more immediate and more sacred ordination, have also a more especial endowment of his spirit; for which cause they have beene instituted with anointing, and their persons therewith consecrated, for the exercise of their function. This we see in Saul, whose person (though he were a wicked prince) David in this respect declared so sacred, as that he pronounced a curse upon the mountains of Gilboa, because in them his person was cast downe and vilefied, without regard of the sacrednesse of his annointing. Their annointing, therefore, is not a meere outward solemnity, but is significant of the spirit of God in a more especial manner given unto them; and from thence proceeds that which the scripture witnesseth;²—"A divine sentence in the lipps of the king, yea, and a sacred integrity also: His mouth transgresseth not in judgement." And suitable to their prerogative of graces, beyond the ordinary of other princes, God vouchsafes them his care, with more favour and familiarity then to the other, as we may see by his ready hearing, gracious answers, vouchsafed messages sent, and will declared touching them; not only to the good, as David, Salomon, Asa, Jehosaphat, Hezekiah, Josiah, &c. but even to Coniah, Saul, Jeroboam, Ahab, Jehu, and other wicked princes. And we not only heare God himselfe saying,³ "By me kings raigne;" and,⁴ "I have said, yee are Gods;" but his word couples also the feare that is to be rendred unto kings with the feare that is due unto himselfe,—Feare God and the king. Keepe the kings commandment, in regard of the oath of the Lord. Nor is it ordinary obedience that is commanded, but the highest (under God);⁵ "Submitt unto the king, as unto the supream." And that not for the danger that may ensue, but, (as the apostle saith,) ⁶ Not for wrath only, but also for conscience sake. Now, if the king be supream, then is there in no kingdome any superintending power or authority that may lawfully call the king to account; for that power only is the supream, over which there is not any other to take account: so high and sacred is the authority of them whom God has made, ⁷ nursing fathers and nursing mothers to his church.

When kings then, both in their persons and functions, are of so sacred an ordination, and so hedged in by Gods especiall protection, where is there place for the people to interpose and meddle with the affaires that doe not belong to them? Besides, when without the kings consent there can be no concurrence of the people to joyne in any accord for the disposing of any affaires of the kingdome, but that the matter must first passe the project, sollicitation, and prosecution of diverse private men, no way thereunto authorized; how can any act of the people to such an end be justifiable, when an unlawfull beginning, (what number or quality soever the attempters be of,) can never make a lawfull act? Therefore, omitting those places of scripture,⁸ "It is not fit to say to a king, thou art wicked;" ⁹ "Who may say to a king, what doest thou?" ¹⁰ "Feare God and the king, and meddle not with those that love innovation;" and many others, (which yet block up the way against private mens meddling with matters of government); if it were to be granted that the people in any kingdome had power over all rights of the kingdome, yet unlesse that, by the ordinances of that kingdom, it be expresly declared and appointed, how, and by whom, that power shall be executed, (and, by the way, where such ordinances are, there is not a right kingdome, but a republique,) and againe, unlesse those ordinances be rightly pursued, there can be no combinement to doe any such act, but with the guilt of sedition, and treason in the sight of God: for it will lye against every particular man, betweene God and his conscience, to answer, who bath

¹ 1 Sam. 10. 25.

² Prov. 16. 10.

³ Prov. 8. 15.

⁴ Psal. 81.

⁵ 1 Pet. 2. 13.

⁶ Rom. 13. 5.

⁷ Es. 49. 22.

⁸ Job 34. 18.

⁹ Eccl. 8. 4.

¹⁰ Prov. 24. 21.

called thee to this? who hath separated thee? who hath made thee a judge or an executor of these matters? And though it be pretended (and perhaps intended too) that the worke so to be done shall make for the glory of God, and the good of his church; yet that will but little helpe the matter; for, for men to doe God a good office against his declared will, is to be Gods good maisters, not his good servants. He does expressly command, that ¹ "Every soule shall be subject to the higher powers;" and declares plainly, that the powers that are, are ordained of God, and that they that resist the power, resist the ordinance of God, and receive to themselves damnation; and our Saviour himselfe forbids us, that we doe not evill, that good may come thereon. The scripture tells us the reason; for God ² hath no need of a wicked man, and he is best glorified when his voyce is obeyed. We have also the examples of scripture to the same purpose. It did not only turne to sinne to Saul, that he, to satisfy the people in their devotion, spared the best of the Amalekites spoile to offer in sacrifice unto the Lord, when God had commanded that all should be destroyed, but it became a finall sinne, even unto his rejection. And Uzza was stricke with suddaine death, for nothing but putting ³ his hand to the arke of Gods covenant, (which no man but the sonnes of Aaron might doe;) yet Uzza did not doe it but with a good and pious mind, to save the arke of Gods covenant from falling. Therefore it is not enough for men to be assured that the worke which they doe, in their consciences tends to a good and a religious effect, but they must every man have a sufficient warrant for his conscience, and for his calling to the worke; that is, either the expresse word of God, or else such manifest inference and deduction from it, as, by the concurrent judgement of the church, universally in all ages, is agreed for truth; not such judgment as some particular ministers take upon them to make; for the ⁴ spirits of the prophets are subject to the prophets; that is, the spirits of the particular to the spirit of the universall: for God is not the author of confusion, which else would necessarily follow. Men therefore must looke to the ground and first beginning of their actions; for if the root be evill, so will the branches be, though it promises never so good fruit, and be countenanced by all the people of a kingdome.

If further we looke into scripture, the story of Moses is not without some doctrine to this point. Moses having an ardent zeale to the reliefe of his brethren, the people of God, and finding himselfe above others inabled to be the instrument of their deliverance, both by his extraordinary abilities, and also through the great power he had with ⁵ Pharaoh's daughter, perswades himselfe, and, (as appeares by St Stephens relation,) would have the people understand, that he was even then called to be their deliverer. Hereupon he makes his addresse to the people, and, by the slaughter of one of their oppressors, takes say of their affection toward an attempt of liberty, as if there needed no more in the case, but that the people should resolve, and joyne with him to breake from the subjection of the king they lived under, who was an enemy to Gods church. In this now, (though we make no question but that Moses had a zeale acceptable to God,) yet may we see, by that which followeth, that he had not yet a particular calling thereunto, neither was the way wherein he thought to have executed his zeale agreeable to the will of God; therefore the people themselves, (whom Moses only sought unto,) they reject him; his attempt is frustrate; and himselfe is driven to repent it with forty ⁶ years exile in the wilderness. After that long space of expiating the error of his selfe-led zeale, God calls him then indeed to the worke to which he cam of himselfe before: ⁷ "Come now, (saith God,) and I will send thee:" and God sends him then indeed; but sends him not to the people, (that we may know he sent him not before,) but (though he could have made the people able to make their owne way by the sword,

^{*} Rom. 13. 1, 2.¹ 1 Sam. 15. 22.² 2 Sam. 6. 6. 1 Chr. 13. 10.³ 1 Cor. 14. 32, 33.⁴ Acts, 7. 25. Exod. 2. 22.⁵ Acts, 7. 30.⁶ Exod. 3. 10.