

state. Therefore, before you resolve upon it, I pray you call to your considerations these two things: First, Whether King Richard be sufficiently deposed or no? Secondly, Whether King Henry be, with good judgment or justice, chosen in his place? For the first point, we are first to examine whether a king, being lawfully and fully instituted by any just title, may, upon imputation, either of negligence or of tyranny, be deposed by his subjects: Secondly, what King Richard hath omitted in the one, or committed in the other, for which he should deserve so heavy judgment. I will not speak what may be done in a popular state, or in a consular; in which, although one beareth the name and honour of a prince, yet he hath not supreme power of majesty; but in the one, the people have the highest empire; in the other, the nobility and chief men of estate; in neither, the prince. Of the first sort, was the common-wealth of the Lacedæmonians, who, after the form of government which Lycurgus framed, oftentimes fined, oftentimes fettered their kings, and sometimes condemned them to death: such were also, in Cæsar's time, the petty kings of France, who were many times arraigned upon life and death; and, (as Ambiorix, prince of the Leodienses, confessed) had no greater power over the people than the people had over them. Of the second condition were the Roman emperors at first; of whom some, namely, Nero and Maximinus, were openly condemned, others were suddenly surprized by judgment and authority of the senate; and such are now the emperors of Germany, whom the other princes, by their aristocratical power, do not only restrain, but sometimes also remove from their imperial state: such are also the kings of Denmark and Sweedeland, who are many times, by the nobility, dejected either into prison or into exile: such likewise are the dukes of Venice, and of some other free states in Italy; and the chiefest cause for which Lewes, Earl of Flanders, was lately expelled from his place, was, for drawing to himself cognizance in matters of life and death, which high power never pertained to his dignity.

In these and such like governments, the prince hath no regal rights, but is himself subject to that power which is greater than his, whether it be in the nobility or in the common people. But if the sovereign majesty be in the prince, as it was in the three first empires, and in the kingdom of Judea and Israel, and is now in the kingdoms of England, France, Spain, Scotland, Muscovy, Turkey, Tartary, Persia, Ethiopia, and almost almost all the kingdoms of Asia and Africa: Although, for his vices, he be unprofitable to the subjects, yea, hurtful, yea, intolerable, yet can they, lawfully, neither harm his person, nor hazard his power, whether by judgment or else by force; for neither one nor all magistrates have any authority over the prince, from whom all authority is derived, and whose only presence doth silence and suspend all inferior jurisdiction and power. As for force, what subject can attempt, or assist, or counsel, or conceal violence against his prince, and not incur the high and heinous crime of treason?

It is a common saying, Thought is free; free, indeed, from punishment of secular laws, except by word or deed, it break forth into action; yet the secret thoughts against the sacred majesty of a prince, without attempt, without endeavour, have been adjudged worthy of death; and some, who in auricular confession have discovered their treacherous devices against the person of their prince, have afterwards been executed for the same. All laws do exempt a madman from punishment; because their actions are not governed by their will and purpose; and the will of man being set aside, all his doings are indifferent; neither can the body offend without a corrupt or erroneous mind; yet, if a madman draw his sword upon his king, it hath been adjudged to deserve death. And lest any man should surmise that princes, for the maintenance of their own safety and sovereignty, are the only authors of these judgements, let us a little consider the patterns and precepts of holy scripture. Nebuchadnezzar,

* *Tanaquil in Caligula. Tacitus in Proamio.*

king of Assyria, wasted all Palestine with fire and sword, oppugned Hierusalem a long time, and at the last expunged it; slew the king; burnt the temple; took away the holy vessels and treasure; the rest he permitted to the cruelty and spoil of his unmerciful soldiers; who defiled all places with rape and slaughter, and ruined, to the ground, that flourishing city. After the glut of this bloody butchery, the people which remained he led captive into Chaldea; and there erected his golden image, and commanded, that they which refused to worship it should be cast into the fiery furnace.

What cruelty, what injustice, what impiety is comparable to this? and yet God calleth Nebuchadnezzar his servant, and promiseth him wages for his service: And the prophets Jeremiah and Baruch did write unto the Jews to pray for the life of him, and of Baltazar his son, that their days might be upon earth as the days of heaven: And Ezekiel, with bitter terms, abhorreth the disloyalty of Zedekiah, because he revolted from Nebuchadnezzar, whose homager and tributary he was. What shall we say of Saul? Did he not put all the priests to execution, because one of them did revile holy and harmless David? Did he not violently persecute that his most faithful servant and dutiful son-in-law? During which pursuit, he fell twice into the power of David; who did not only spare, but also protect the king, and reprov'd the pretorian soldiers for their negligent watch, and was touched in heart for cutting away the lap of his garment; and afterwards caused the messenger to be slain, who, upon request and for pity, had lent his hand (as he said) to help forward the voluntary death of that sacred king. As for the contrary examples; as that of Jehu, who slew Jehoram and Ahaziah, kings of Israel and Judah; they were done by express oracle and revelation from God, and are no more set down for our imitation, than the robbing of the Egyptians, or any other particular and privileged commandment; but in the general precept, which all men must ordinarily follow, not only our actions, but our speeches also, and our very thoughts, are strictly charged with duty and obedience unto princes, whether they be good or evil, the law of God ordaineth, "That he which doth presumptuously against the ruler of the people shall die." And the prophet David "forbiddeth to touch the Lord's anointed." "Thou shalt not (saith the Lord) rail upon the judges, neither speak evil against the ruler of the people." And the apostles do demand, further, that even our thoughts and souls be obedient to higher powers: and lest any should imagine that they meant of good princes only, they spake generally of all; and further, to take away all doubt, they make express mention of the evil. For the power and authority of wicked princes is the ordinance of God; and, therefore, Christ told Pilate, that the power which he had was given him from above; and the prophet Isaiah calleth Cyrus, being a profane and heathen prince, the Lord's anointed. For God stirred up the spirit, even of wicked princes, to do his will; and (as Jehoshaphat said to his rulers) they execute not the judgment of man, but of the Lord: In regard whereof, David calleth them gods, because they have their rule and authority immediately from God; which, if they abuse, they are not to be adjudged by their subjects, for no power within their dominion is superior to theirs; but God reserveth them to the sorest trial. "Horribly and suddenly (saith the wise man) will the Lord appear unto them, and a hard judgment shall they have."

The law of God commandeth, that the child should be put to death for any contumely done unto the parents; but what if the father be a robber? if a murderer? if, for all excess of villanies, odious and execrable both to God and man? surely he de-

* So did Domitian put to death Epaphroditus, Nero's libertine, because he helped Nero (although in love) to kill himself. So did Severus kill all the killers of Pertinax, his predecessor; and likewise, Vitellius did put to death all the murderers of Galba. Theophilus, Emperor of Grecia, caused all those to be slain, who had made his father emperor, by killing Leo Armanius. And Alexander the Great put to cruel execution those that had slain Darius, his mighty and mortal enemy.—Orig. Note.

Deut. 17. 12.
Psalm. 105. 15.
Exod. 22. 28.
Acts 23. 5.
Rom. 13. 1, 13.
Tit. 3. 1.
1 Pet. 2. 13, 14, 17.
1 Tim. 2. 2.
Rom. 13. 2.
Joh. 19. 11.
Chap. 45. 1.

2 Chron. 36. 2.
2 Chron. 19. 6.
Psalm. 28.

Wisd. 6. 5.

serveth the highest degree of punishment; and yet must not the son lift up his hand against him; for no offence is so great as to be punished by parricide. But our country is dearer unto us than our parents; and the prince is *Pater patriæ*, ' the father of our country; and therefore more sacred and dear unto us, than our parents by nature, and must not be violated, how imperious, how impious so ever he be; doth he command or demand our persons or our purses, we must not shun for the one, nor shrink for the other: "For (as Nehemiah saith, chap. 9. 37.) kings have dominion over the bodies and over the cattle of their subjects at their pleasure." Doth he enjoin those actions which are contrary to the laws of God? We must neither wholly obey, nor violently resist, but, with a constant courage, submit ourselves to all manner of punishment, and shew our subjection by enduring, and not performing: Yea, the church hath declared it to be an heresy, to hold that a prince may be slain or deposed by his subjects, for any disorder or default, either in life, or else in government, there will be faults so long as there are * men; and as we endure with patience a barren year, if it happen, and unseasonable weather, and such other defects of nature, so must we tolerate the imperfections of rulers, and quietly expect, either reformation, or else a change.

But, alas! good King Richard, what such cruelty, what such impiety hath he ever committed? Examine rightly those imputations which are laid against him, without any false circumstance of aggravation, and you shall find nothing objected, either of any truth, or of great moment. It may be that many errors and oversights have escaped him, yet none so grievous to be termed tyranny; as proceeding rather from unexperienced ignorance, or corrupt counsel, than from any natural and wilful malice. Oh, how shall the world be pestered with tyrants, if subjects may rebel upon every pretence of tyranny? How many good princes shall daily be suppressed by those by whom they ought to be supported? If they levy a subsidy, or any other taxation, it shall be claimed oppression: if they put any to death for traitorous attempts against their persons, it shall be exclaimed cruelty: if they do any thing against the lust and liking of the people, it shall be proclaimed tyranny.

But let it be, that without authority in us, or desert in him, King Richard must be deposed: yet what right had the Duke of Lancaster to the crown? or what reason have we without his right to give it to him? If he make title as heir unto King Richard, then must he yet stay until King Richard's death: for no man can succeed to one that liveth. But it is well known to all men, who are not either wilful or grossly ignorant, that there are some now alive, lineally descended from King Edward of Clarence, whose offspring was by judgment of the high court of parliament in the eighth year of the reign of King Richard, declared next successor to the crown in case King Richard should die without issue. Concerning the title from Edmund Mortimer, back, I will pass it over, seeing the authors thereof are become ashamed of a so great abuse, both of their own knowledge, and our credulity, and therefore all the claim is now made by right of conquest; by the session and grant of King Richard, and by the general consent of all the people. It is a bad wool that can take no colour: but what conquest can a subject pretend against his sovereign, where the war is insurrection, and the victory high and heinous treason? As for the resignation which King Richard made, being a pent prisoner for the same cause, it is an act exacted by force, and therefore of no force and validity to bind him: and seeing that by the laws of this land the king alone cannot alienate the ancient jewels and ornaments pertaining to the crown, surely he cannot give away the crown itself, and therewithal the kingdom.

Neither have we any custom, that the people at pleasure should elect their king;

* Quintil. in declam. Cic. Offic. lib. 1. * Alphons. a cast. in. lib. de hazes. in verb. Tiran. Dom. Bot. lib. 1. de just. et jur. q. 1. artic. 2.

but they are always bound unto him, who by right of blood is right successor; much less can they confirm and make good that title which is before by violence usurped: for nothing can then be freely done, when liberty is once restrained by fear. So did Scylla, by terror of his legions, obtain the law of Vellia to be made, whereby he was created dictator for fourscore years: and by like impression of fear, Cæsar caused the law Servia to be promulged, by which he was made perpetual dictator: but both these laws were afterwards adjudged void. As for the deposing of King Edward II. it is no more to be urged than the poisoning of King John, or the murdering of any other good and lawful prince. We must live according to laws, and not to examples: and yet the kingdom was not then taken from the lawful successor. But if we look back to times lately past, we shall find that these titles were more strong in King Stephen, than they are in the Duke of Lancaster. For King Henry I. being at large liberty, neither restrained in body, nor constrained in mind, had appointed him to succeed: (as it was upon good credit certainly affirmed) the people assented to this designation; and thereupon, without fear and without force, he was anointed king, and obtained full possession of the realm. Yet Henry (son of the Earl of Anjou) having a nearer right by his mother to the crown, (notwithstanding his father was a stranger, and himself born beyond the seas) raised such rough wars upon King Stephen, that there was no end of spoiling the goods and spilling the blood of the unhappy people, besides the ruins and deformities of many cities and holds, until his lawful inheritance was to him assured. It terrifieth me to remember how many flourishing empires and kingdoms have been, by means of such contentions, either torn in pieces with detestive division, or subdued to foreign princes, under pretence of assistance and aid: and I need not repeat how sore this realm hath heretofore been shaken with these several mischiefs: and yet neither the examples of other countries, nor the miseries of our own, are sufficient to make us to beware.

O English-men, worse bewitched than the foolish Galatians: our unstayed minds and restless resolutions do nothing else but hunt after our own harms: no people have more hatred abroad, and none less quiet at home: in other countries the sword of invasion hath been shaken against us: in our own land, the fire of insurrection hath been kindled among us: and what are these innovations, but whetstones to sharpen the one, and bellows to blow up the other.

Certainly, I fear that the same will happen unto us which Æsop fableth to have been fallen unto the frogs; who, being desirous to have a king, a beam was given unto them: the first fall whereof did put them in some fear, but when they saw it lie still in the stream, they insulted thereon with great contempt, and desired a king of quicker courage: then was sent unto them a stork, which, stalking among them with stately steps, continually devoured them. The mildness of King Richard hath bred in us this scorn, interpreting it to be cowardice and dulness of nature: the next heir is likewise rejected: I will not say that with greater courage we shall find greater cruelty; but if either of these shall hereafter be able to set up their side, and bring the matter to trial by arms, I do assuredly say, that which part soever shall carry the fortune of the field, the people both ways must go to wrack. And thus have I declared my mind concerning this question, in more words than your wisdom, yet fewer than the weight of the cause doth require. And do boldly conclude, that we have neither power nor policy, either to depose King Richard, or to elect Duke Henry in his place; that King Richard remaining still our sovereign prince, and therefore it is not lawful for us to give judgment upon him; that the duke, whom you call king, hath more offended against the king and the realm, than the king hath done, either against him or us; for, being banished the realm for ten years by the king and his council (amongst whom his own father was chief) and sworn not to return again without special licence, he hath not only violated his oath, but with impious arms disturbed the quiet of the land, and dispossessed the king

from his royal estate, and now demandeth judgment against his person, without offence proved, or defence heard. If this injury and this perjury doth nothing move us, yet let both our private and common dangers somewhat withdraw us from these violent proceedings.

The Characteristic Description of this stout and renowned Champion of Fidelity and Loyalty: The Reader may be pleased to take it transcribed from the learned Francis Godwin, Bishop of Hereford, in his Succession of the Bishops of England; iisdem verbis, as he there relates it.

Thomas Merks, a monk of Westminster, was likewise thrust into this bishoprick by the pope at the king's request, and consecrated, 1397. Amongst many unworthily preferred in those days, he undoubtedly was a man well deserving that honour; for he was a man learned and wise, but principally to be commended, first for his constant and unmoveable fidelity unto his patron, and preferred King Richard II. then for his excellent courage in professing the same, when he might safely, yea and honestly also, have concealed his affection. Some others there were (of the nobility) that, remembering their duty and allegiance, when all the world beside forsook that unfortunate prince, followed him with their best assistance, even till the time of his captivity. This man nothing regarding the danger might ensue, not only refused to forsake him, when he had forsaken himself, but defended him and his cause the best he could, when he might well perceive his endeavour might hurt himself much without any possibility of helping the other. When the furious and unstable multitude, not contented that King Richard had resigned his crown to save the head that wore it, and their darling Henry IV. seated himself in his royal throne, importuned the parliament assembled to proceed yet further against him, desiring, no doubt, that, to make all sure, his life might be taken from him. This worthy and memorable prelate stepping forth, doubted not to tell them, that there was none amongst them meet to give judgment upon so noble a prince as King Richard was, whom they had taken for their sovereign and liege lord for the space of twenty-two years and more. And proceeding further, I assure you, quoth he (I report his words as I find them in our chronicles) there is not so rank a traitor, nor so errand a thief, nor yet so cruel a murderer, apprehended, or detained in prison, for his offence, but he shall be brought before the justice to hear judgment; and will you proceed to the judgment of an anointed king, hearing neither his answer nor excuse? I say, and will avouch, that the Duke of Lancaster (whom you call king) hath more trespassed to King Richard and his realm, than King Richard hath done either to him or us. For it is manifest and well known, that the duke was banished the realm by King Richard and his council, and by the judgment of his own father, for the space of ten years, for what cause you remember well enough: this notwithstanding, without licence of King Richard, he is returned again into the realm, and that is worse, hath taken upon him the name, title, and preheminance of king. And therefore I say that you have done manifest wrong to proceed against King Richard in any sort, without calling him openly to his answer and defence. This speech scarcely ended, he was attached by the earl marshal, and for a time committed to ward in the abbey of St Albans,—continuing yet his loyal affection to his distressed master. Soon after his enlargement, he joined with the Hollands and others in a conspiracy against King Henry; which, being bewrayed to the destruction of all the rest, he only was pardoned. Peradventure in regard of his calling: for it had never been seen hitherto that any bishop was put to death by order of the law. Peradventure in some kind of favour and admiration of his faithful constancy (for virtue will be honoured, even of her enemies) peradventure else to this end, that, by forcing him to live miserably, they might lay a punishment upon

him more grievous than death, which they well saw he despised. The pope (who seldom denied the king any request that he might afford good cheap) was easily intreated to translate forsooth this good bishop from the see of Carlisle, that yielded him honourable maintenance, unto Samos in Greece, whence he knew he should never receive one penny profit. He was so happy as neither to take benefit of the gift of his enemy, nor to be hurt by the masked malice of his counterfeit friends, disdaining as it were to take his life by his gift, who took away from his master both life and kingdom, he died shortly after his deliverance, so deluding also the mockery of his translation, whereby (things so falling out) he was nothing damnified.

Quicquid in historia describitur, vel ad imitandum indigitat, vel ad evitandum instruit.

*Articles of High Treason, and other high Crimes and Misdemeanors against the
Duchess of Portsmouth.*

Louisa de Querouaille, the celebrated Duchess of Portsmouth, and favourite mistress of Charles II., fell into great discredit with the good people of England, during the time of the popish plot. She may indeed be supposed to have been faithful to the French and catholic interest, but it is difficult to conceive that she should have been engaged in a plot against the life of her lover, upon whom her whole importance depended. A ludicrous story is often told of Nell Gwynne's being beset by the mob, who mistook her coach for that of the Duchess, until, putting her head through the window, she assured them she was the *Protestant Whore*, and was suffered to depart with acclamation. But, notwithstanding the popular clamour and the remonstrances of his best friends, the attachment of Charles to this seductive Dalilah remained unshaken. Her apartments were generally the place in which he spent his lighter and gayer moments, and her wit and talents no less than her beauty retained her royal captive in her chains to his death. More constant than her rival the Duchess of Cleveland, or at least more regular in her outward conduct, she was politically considered as a more dangerous connection for the King of England. Her weight, and it was considerable, was always thrown into the scale of France, and it was no wonder that she excited the jealous resentment of the commons of England.

I. **IMPRIMIS**, That the said duchess hath and still doth cohabit and keep company with the king, having had foul, nauseous, and contagious distempers; which once possessing her blood, can never admit of a perfect cure; to the manifest danger and hazard of the king's person, in whose preservation is bound up the weal and happiness of the protestant religion, our lives, liberties, and properties, and those of our posterity for ever.

II. She hath, laboured to alter and subvert the government in church and state, now established by law; and in the room thereof, to introduce popery and tyranny in the three kingdoms, by her counsels from time to time.

III. She hath, by her persuasion, countenance, and other artifices and insinuations, reconciled several of her servants and others, natural born subjects, to the communion of the see of Rome, in defiance of the statute which makes it capital, Jac. 3, 4.

IV. She advised, and still does nourish, foment, and maintain that fatal and destructive correspondency and alliance between England and France, being sent over and pensioned by the French king to the same end and purpose, and consequently hath rendered ineffectual those frequent addresses in parliament for a war with the French king; and, in order to the propagating these her malicious, detestable, and destructive designs, against our religion and government, the several French ministers, who have resided here since the breach of the tripple league, (from whence we of these three kingdoms have and still groan under) have and do still resort to her apartment in his majesty's royal palace, where, having several conferences with his majesty, they have pryed into his secret counsels; and, by the assistance of her, her agents and French ministers, have fixed and continued the aforesaid accursed amity between England and France, against the grave and repeated advice of the whole nation in parliament.

V. That she hath endeavoured to her power to stifle and villify the king's evidence, to create a disbelief of the king of the plot against his royal person, subversion of the protestant religion and government, interceded for by traitors impeached by parliament, and other arch-traitors (particularly father Ireland the jesuit) arraigned, heard fairly, and legally condemned, and most justly executed.

VI. She has from time to time intermeddled and advised in matters of the highest moment and importance in government, as peace and war; several dissolutions and prorogation of parliament, matter depending wherein the very life and soul of the government in church and state was concerned.

VII. That she advised a disgeneral peace, so destructive to Christendom, and particularly to these three kingdoms, it being in our power to have turned the scale.

VIII. That she placed and displaced great ministers in church and state, as she judged might be most serviceable in promoting the French popish interest.

IX. That she not only took upon her to make chief ministers as aforesaid, but either received sums of money in hand, and pension yearly out of their profits, salaries, and perquisites, which hath in great measure contributed to that general corruption in all places; and nothing being more unnatural, than when trust and places are bought, justice must be sold.

X. That she hath been an unspeakable charge and burthen, having had given her, for many years past, prodigious sums of money in other people's name, (the better to disguise the matter) as well out of the publick treasury as the privy purse; and such is her ascendant over the king, that, in her own apartment, she prevailed with the king, there to sign and seal warrants for grants of vast sums of money, and particularly procured the king's warrant to the Earl of Danby (now impeached and in the Tower) for 100,000*l.* and this at one time, which ought to have been applied for the safety, honour, and reputation of this kingdom.

XI. That hardly any grant, office, or place was given, but through her or her emissaries intercession, and money given to them.

XII. Those vast prodigious sums she hath for the most part was to be transported to a nation, by religion, interest, and practice, an enemy to our religion and government, to the weakening and impoverishing of our nation, and the strengthening and enriching of our adversaries.

XIII. That she hath procured farms and undertakings of the several branches of the revenue at lower rates than really worth, having been bribed for so doing.

XIV. That she hath protected several from justice, and particularly the Earl of Ranelagh, who had cheated, defrauded, and abused the king in his revenues of Ireland; supporting him against many representations from the government of Ireland, and many orders of the king and council here; full-well knowing several articles were in a secret committee against the said earl, not only for cheating his majesty in Ireland, but for combining with the Earl of Danby in England, to defraud the king, and particu-

larly in the excise farm, undertaken by the Dashwoods; and, notwithstanding such is her power, she still protects the said earl, not only from his accounts, but in his place of treasurer, which does reflect upon his majesty, to keep such a person in place in spite of all the orders in council, his own convictions, and does wholly discourage a parliament to give a supply when such are employed; and has procured several letters in favour of the said Earl of Ranelagh, as well to the present as former governors, to the dishonour of the king and interruption of justice.

XV. That she got grant in Ireland, (in other persons names) as well to crown rents, as others, to the great disorder, distraction, and vexations of the subjects, who are liable to have their estates and title questioned and disturbed by commissions of enquiry, and otherways, as officers for the king

XVI. That she procured to herself a grant of the revenues, arising by the wine licences, towards the defraying of her extravagant debts; most contrary to the express letter of the act of parliament, which provides most positively, that the revenues arising therefrom shall not be employed or granted to any private use whatsoever: Yet, such was her power with his majesty and the Earl of Danby, late lord treasurer, that she procured three able honest servants to his majesty to be turned out of their commissions in the wine-licence office, because they would not lend her money upon the security of the said revenue, contrary to the act of parliament above mentioned; and such is her power with several of the commissioners of his majesty's treasury, that she hath procured Doctor Taylor, her servant, to be made a commissioner in the new commission of wine-licence office, in prejudice of those persons turned out by the Earl of Danby, as aforesaid, on purpose that he the said Doctor Taylor should govern that branch of the revenue (in spite and contempt of an act of parliament, appointing it to publick end and government) for the duchess use and behalf; neither can it be for any other end and purpose; for that the said Doctor Taylor, by reason of the many affairs he has to manage of the duchess, cannot attend the king's service.

XVII. That she hath and doth relieve and countenance in her family and lodgings in Whitehall, several servants, whom she knows to be papists, and ill affected to the protestant religion and government, giving them frequent and private access to his majesty, to the hazard and danger of his majesty's person, and in a contempt of a late act of parliament, whereby all papists whatsoever (except father Huddleston, seven women servants and some foreign servants to her majesty) were prohibited to come within the limits of his majesty's palace or court; notwithstanding which act of parliament, she hath, and still doth, not only relieve in her lodgings, as aforesaid, several servants of the popish persuasion, but she hath lately taken into her service a French papist, whom she formerly preferred to his majesty as a confectioner, and who was entered of his majesty's service upon the aforesaid act; which said confectioner doth daily prepare sweetmeats and other banquettings (in triumph over the late fresh act of that parliament) for his majesty at her lodgings, so as his majesty may be in an imminent danger from the aforesaid French papist, who has such opportunity to poison his sacred majesty (by mixing poison in the sweetmeats) whom God long preserve.

XVIII. That the day before his majesty fell sick at Windsor, she persuaded his majesty (being then in her lodgings) to eat a mess of broth, prepared by some of her papist servants, whereupon his majesty fell immediately sick; it being the opinion of some able physicians, that his majesty's disease were much augmented, if not wholly created, by the aforesaid broth.

XIX. That during his majesty's sickness, she introduced several unknown persons by a back-door to his majesty's bed-chamber, who, in all likelihood, were Romish priests, French physicians, agents or ministers of the French king's, all which persons could have no honest or lawful business with his majesty, at that time especially, being privately introduced, and his majesty's proper servants, belonging to his bed-chamber, be-

ing all sent out, except such as were popishly affected, her creatures consequently, and her footmen ordered to wait in the anti-chamber, as is judged, to prevent any body's hearing or seeing them, as if they had been of his majesty's bed-chamber.

XX. That she has by her creatures and friends given out and whispered abroad, that she was married to his majesty, and that her son, the Duke of Richmond, is his majesty's legitimate son, and consequently Prince of Wales, his health being frequently drunk by her and her creatures, in her night-debauches and merry-meetings, to the great dishonour and reflection of his majesty, and the manifest peril and danger of these kingdoms, who may hereafter by such false and scandalous stories and wicked practices be embroiled in distractions, if not blood and civil wars, to the utter ruin of his majesty's subjects, and subversion of the protestant religion, it being manifest, she being a papist herself, will breed her son in the same religion, however she may pretend to the contrary.

XXI. That she having that high and dishonourable absolute dominion and power over the king's heart, she has opportunity to draw from him the secrets of his government; opportunity, by herself, or other engines of hers, to poison, or otherwise to destroy the king: opportunity, at least, to promote a French popish interest, so that it is not only impossible the protestant religion should live, but it's not possible the king can have a due sense of the danger he was or may be in from the Romish conspiracy, which has, is, or may be against his royal person or government.

XXII. That she has had the highest honours and rewards conferred on her and hers, to the high dishonour of God, the encouragement of wickedness and vice (which by such examples is overspread the nation, and for which God's anger is kindled and inflamed against us) suppressing and discouraging of virtue, whose rewards those high titles and honours ought to be, and this to the eternal reproach of his majesty's reign and government.

The Speech of the Right Honourable Sir Patience Warde, Lord-Mayor Elect, at Guild-Hall, London, September 29, 1680, being the Day of his Election. Together with the Speech of the Right Honourable Sir Robert Clayton, Knight, the present Lord-Mayor of London.

The Speech of the Lord-Mayor Elect.

Gentlemen,

I cannot but be sensible of the honour you have been pleased to confer upon me, in calling me by your free choice to the place of chief magistrate of this populous and famous city, and therefore am obliged to return you, as I do, my humble acknowledg-ment.

Although when I reflect upon the meanness of my abilities, for the discharge of so great and difficult a service, especially under the present circumstances of affairs, when fears and cares press on us, I might heartily have wished to have been excused, yet, in confidence of (and imploring) the divine assistance, and hopes of your favourable acceptance of my sincere endeavours, I submit to the same.

I do not presume to think that I shall be able to come up to the pattern my worthy predecessor hath set before me, whose excellent conduct hath contributed much to our peaceable and safe meeting this day, and well deserves our praise and thanks; but I shall labour to imitate it the best I can.

I shall, according to the best of my understanding, make the laws of the land, and the constitutions, usages, and customs of this renowned city my rule; the glory of God, the honour of the king, the upholding of the protestant religion, and maintaining the peace, liberties, and prosperity of this city, my end in all my administrations: and if at any time I shall seem to any of you to deviate from these, I entreat you to make candid construction, and forbear sudden and severe censuring my actions, waiting for better information. For if, through human frailty, I may fail in a circumstance, I assure you, in the main and substance I shall never swerve from this my proposed end.

Our indefatigable enemies the church of Rome (who in former times did lay and carry on designs for subversion of the protestant religion, and government established in these kingdoms) have of late been more active than ever. And to pass over the burning the city, and frequent attempts of that kind, and the many other plots and conspiracies at our remoter parts, came to those horrid resolutions of assassinating his majesty's royal person, and to menace even justice itself in the inquiries after them, by that barbarous murder of (the never to be forgotten) Sir Edmund-Bury Godfrey, and attempts on others, in order to an introducing their false religion: all which carry their own evidences so full and great, that such who will not shut their eyes have demonstration; and calls aloud upon us to watch against such a people, whose religion (according to their casuists) allows, if not engageth them in such practices.

But besides these, wherein God hath wonderfully disappointed them (and I hope ever will) there is just cause to apprehend they are more secretly undermining us, and, amongst other ways, by being the occasion of or at least taking occasion from the great impiety, prophaneness, and atheism of late crept in amongst us; and the raising and fomenting divisions and animosities between ourselves; and therefore, as much as in me lies to obviate these their wicked purposes, I have propounded.

First, To endeavour the advancement of the glory of God; and, in order thereunto, I am resolved to be impartial in the punishment of wickedness and debauchery, and in countenancing piety and virtue; and entreat by your good admonitions and examples to make my work the more easy in this particular.

Secondly, To promote the honour of the king, our religion obligeth us to be good and loyal subjects, and to give Cæsar the things that are Cæsar's; and therefore as I shall study to evidence my own unfeigned loyalty to the king's majesty, so I shall be careful, according to law, to punish all disloyalty in any whomsoever.

Thirdly, To uphold the protestant religion, as to which nothing will more conduce than an union in affection of all those who profess the same faith, and agree in the essential doctrine of it, however they may differ touching some circumstantialia, that we may, as honest men and good Christians, maintain love and good-will, as those who mind the same thing, and intend the same common good of all, and this to be the only measure of our actions, all private and particular apprehensions being made subject thereto.

Fourthly, To the particular concerns of this city, I shall make it my business to preserve it in peace, and advance its prosperity in all things, and, in order thereto, shall from time to time desire the advice and assistance of my worthy brethren the aldermen, and as often of the common-council as occasion shall require.

And if we are careful to discharge our duty to God, in a sober and pious conversation; to the king, in a dutiful and loyal comportment; to the religion we profess, by union and charity among ourselves; to this city, in promoting its peace and welfare, we need not fear but God will dissipate and disappoint all the designs of his and our

enemies, and continue his blessings to us. And so let us pray that his majesty may be blessed with a long and happy reign, and this city and kingdom with peace and prosperity.

The Speech of the present Lord Mayor.

Gentlemen,

I rejoice to meet you here this day, where I can see the face of my successor, and almost an end of my own troublesome year, in which I can truly affirm I have used my hearty endeavours, for the carrying on and promoting the common business and advantage of the city, with the same integrity and industry I ever did in my own private concerns, as far as my health and strength of body would permit; and I wish I could say, they had had the desired effects. And as for what concerns the publick, though I own myself subject to many human frailties, and pretend not, in that hurry of affairs that attend my office, to be exempted from surprize, yet I can with safety say, that in what I have done therein, I have acted according to the dictates of my own conscience, and the rule of law: And if whilst I have followed those guides, in any thing I have been misled, my satisfaction is, I have them to appeal to for my vindication.

And now, gentlemen, being almost out of office, and not likely to have any other opportunity of speaking to you, before I take my leave of it, I must say, one thing more to you.

It is not to tell you how troublesome it hath been to me, nor what hourly cares, for the peace and safety of this city, I have laboured under, nor how I have impaired my health and estate in this service; for all these every sober man's own thoughts will easily suggest to him.

But it is to beg a favour of you, and that not for myself alone, but for you, for us all, and for this great city, (whose members we all are;) and it is, that all of us, who profess ourselves to be Christians, would so far bear testimony to the truth of that profession, as heartily in meekness and forbearance to love one another. And though there be differences in opinions, and the outward modes and forms of divine worship, yet let not these have that effect, as in the least to divide us, or divert us from that common defence, which all good protestants are engaged in to stand together. The due regard of which, in my poor opinion, next under God, is the only probable way left for our deliverance.

I beg your pardon for the freedom I have used, and am well assured, all my defects will be liberally supplied by my worthy successor. And I shall pray, that God of his goodness will disperse those clouds that seem so much to threaten this city and nation, and to defeat all counsels that tend thereto; to bless his majesty with a long and happy reign, and this city and kingdom with peace and tranquillity.

The humble Petition of the Right Honourable the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council assembled, on the Thirteenth of January, 1680, to the King's Most Excellent Majesty, for the Sitting of this present Parliament prorogued to the Twentieth Instant. Together with the Resolutions, Orders, and Debates of the said Court.

The rulers of the city of London during this active period were for several successive years entirely devoted to the whig interest. Sir Robert Clayton, a wealthy merchant, who was accused of having increased his stores by usurious practices, was the present lord-mayor; and his successor, Sir Patience Warde, was, like him, distinguished by his zealous whig principles. The latter, upon the success of the court party, and some legal proceedings against himself for alledged perjury in a political cause, fled to Holland, and did not return till the revolution.

Commune Concil' tent' in Camera Guildhall Civitatis London Die Jovis decimo tertio die Januarii Anno Domini 1680, Annoque Regni Domini nostri Carol' Secundi nunc Regis Angl' &c. Tricesimo secundo, coram Patient' Ward Mil', Major' Civitatis London, Thoma Aleyn Mil' et Barr', Johanne Frederick Mil', Johanne Lawrence Mil', Georgio Waterman Mil', Josepho Sheldon Mil', Jacobo Edwards Mil', et Roberto Clayton Mil', Aldermannis, Georgio Treby Ar' Recordatore dicte Civit', Johanne Moore Mil', Willielmo Pritchard Mil', Henrico Tulse Mil', Jacobo Smith Mil', Roberto Jeffery Mil', Johanne Shorter Mil', Thoma Gould Mil', Willielmo Rawsterne Mil', Thoma Beckford Mil', Johanne Chapman Mil', Simone Lewis Mil', Thoma Pilkington Ar' Ald'ris, et Henrico Cornish Ar' Ald'ro ac unum Vicecom' dicte Civitatis necnon Major' parte Communarior' dicte Civitatis in Communi Concil' tunc et ibidem Assemblat'.

THIS day the members that serve for this city in parliament, having communicated unto this court a vote or resolution of the honourable house of commons, whereby that house was pleased to give thanks unto this city for their manifest loyalty to the king, their care, charge, and vigilance, for the preservation of his majesty's person, and of the protestant religion, this court is greatly sensible of the honour thereby given to this city, and do declare, That it is the fixed and uniform resolution of this city to persevere in what they have done, and to contribute their utmost assistance for the defence of the protestant religion, his majesty's person, and the government established.

It was now unanimously agreed and ordered by this court, That the thanks of this court be given to the members that serve for this city in parliament for their good service done this city, and their faithfulness in discharging their duties in that honourable and great assembly.

Upon a petition now presented by divers citizens and inhabitants of this city, representing their fears from the designs of the papists and their adherents, and praying this court to acquaint his majesty therewith, and to desire, That the parliament may sit

from the day to which it stands prorogued, until they have sufficiently provided against popery and arbitrary power. This court, after some debate and consideration had thereupon, did return the petitioners thanks for their care and good intention herein; and did thereupon nominate and appoint Sir John Lawrence, Sir Robert Clayton, Knights and Aldermen, Mr Recorder, Sir Thomas Player, Kt. Mr John Du Bois, John Ellis, Esq. and Mr Michael Godfrey, commoners, to withdraw, and immediately to prepare a petition to his majesty upon the subject matter of the said petition; who accordingly withdrawing, after some time returned again to this court, and then presented the draught of such a petition to his majesty. The tenor whereof followeth, viz.

To the King's Most Excellent Majesty, &c.

After reading whereof, it is agreed and ordered by this court (*nemine contradicente*) That the said petition shall be presented to his majesty this evening, or as soon as conveniently may be. And the Right Honourable the Lord Mayor is desired to present the same, accompanied with Sir John Lawrence, Sir Joseph Sheldon, Sir James Edwards, Knights and Aldermen, Mr Recorder, Deputy Hawes, Deputy Daniel, John Nicholls, John Ellis, Esquires, Mr Godfrey, and Capt. Griffith, commoners, who are now nominated and appointed to attend upon his lordship at the presenting thereof

To the King's Most Excellent Majesty.

The humble Petition of the Lord Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled,

Most humbly sheweth,

That your majesty's great council in parliament, having in their late session, in pursuance of your majesty's direction, entered upon a strict and impartial enquiry into the horrid and execrable popish plot, which hath been for several years last past, and still is, carried on for destruction of your majesty's sacred person and government, and extirpation of the protestant religion, and the utter ruine of your majesty's protestant subjects; and having so far proceeded therein, as justly to attain upon full evidence one of the five lords impeached for the same, and were in further prosecution of the remaining four lords, and other conspirators therein.

And as well the lords spiritual and temporal, as the commons in your said parliament assembled, having declared, That they are fully satisfied that there now is, and for divers years last past hath been, a horrid and treasonable plot and conspiracy contrived and carried on by those of the popish religion in Ireland, for massacring the English, and subverting the protestant religion, and the ancient established government of that kingdom.

And your said commons having impeached the Earl of Tyrone, in order to the bringing him to justice for the same; and having under examination other conspirators in the said Irish plot.

And your said commons having likewise impeached Sir William Scroggs, chief justice of your majesty's court of King's Bench, for treason and other great crimes and misdemeanors in endeavouring to subvert the laws of this kingdom by his arbitrary and illegal proceedings: And having voted impeachments against several other judges for the like misdemeanors.

Your petitioners considering the continual hazards to which your sacred life, and the protestant religion, and the peace of this kingdom, are exposed, while the hopes of a popish successor gives countenance and encouragement to the conspirator in their

wicked designs. And considering also the disquiet and dreadful apprehensions of your good subjects, by reason of the miseries and mischiefs which threaten them on all parts, as well from foreign powers, as from the conspiracies within your several kingdoms, against which no sufficient remedy can be provided but by your majesty and your parliament, were extremely surprized at the late prorogation, whereby the prosecution of the publick justice of the kingdom, and the making the provisions necessary for the preservation of your majesty and your protestant subjects, hath received an interruption. And they are the more affected herewith, by reason of the experience they have had of the great progress, which the emboldened conspirators have formerly made in their designs, during the late frequent recesses of parliament: But that which supports them against despair, is the hopes they derive from your majesty's goodness, that your intention was, and does continue by this prorogation, to make way for your better concurrence with the counsels of your parliament.

And your petitioners humbly hope, That your majesty will not take offence, that your subjects are thus zealous, and even impatient of the least delay of the long hoped for security, whilst they see your precious life invaded, the true religion undermined, their families and innocent posterity likely to be subjected to blood, confusion, and ruin; and all these dangers encreased, by reason of the late endeavours of your majesty and your parliament, which have added provocation to the conspirators, but have had little or no effect towards securing against them: And they trust your majesty will graciously accept this discovery and desire of their loyal hearts to preserve your majesty, and whatever else is dear to them, and to strengthen your majesty against all popish and pernicious counsels, which any ill-affected persons may presume to offer.

They do therefore most humbly pray, That your majesty will be graciously pleased, (as the only means to quiet the minds, and extinguish the fears of your protestant people, and prevent the imminent dangers which threaten your majesty's kingdoms, and particularly this your great city, which hath already so deeply suffered for the same) to permit your said parliament to sit, from the day to which they are prorogued, until by their counsels and endeavours those good remedies shall be provided, and those just ends attained, upon which the safety of your majesty's person, the preservation of the protestant religion, the peace and settlement of your kingdoms, and the welfare of this your ancient city, do so absolutely depend. For the pursuing and obtaining of which good effects, your petitioners unanimously do offer their lives and estates.

And shall ever pray, &c.

The Countryman's Petition for a Parliament. 1682.

This tissue of pleonasm is designed to ridicule the petitions of the Whigs, so extremely obnoxious both in matter and manner to Charles and his courtiers.

The humble Petition of Mr Barnaby Clod, a well-descended Person, most humbly, and most obediently, and most submissively shewing, and expressing, and declaring unto your Great Majesty,

THAT whereas, and whereby, and by which, the major, and most greater, and most bigger, and most stronger party, of the most best, and the most ablest, and the most mightiest sort of the people of the baronage of Whigland, finding, and knowing, and certifying themselves, both heretofore, and for the time past, and now, and then, and at this present time, to be very much, and greatly oppressed, and suppressed, and distressed, and overcharged in all taxes, quitrents, and all other levies and fines, applotted, and levied, and gathered together in the said baronage of Whigland, and for further prevention of any, and all, and every such offence, henceforth, hereafter, and for the time to come, the aforesaid, most major, and most greater, and most bigger, and most stronger party, of the most best, and most ablest, and most mightiest sort of the people, of the baronage of Whigland aforesaid, have appointed, nominated, constituted, ordained, elected, approved, and made choice of me, Mr Barnaby Clod, to solicit, intercede, and motion, and make application unto your majesty; looking upon me now, and there, and then, to be the most meetest, and the most eloquent, and most accomplished spokesman, within the said baronage, their grand, and well-bestowed, and better-merited agent, to represent, and reprevent, and extortion, for all such, and all much, and the like grievances and disturbances. And whereas, and whereupon, your petitioner is hereby, finally, and handsomely, and ingenuously, and deservedly appointed, constituted, ordained, elected, approved, and chosen, to undergo, and undertake, and under-run, and manage, this huge, big, mighty, great, and weighty service: These are therefore, and shall be the special, and importunate, and incessant, and indefatigable request of me your petitioner, That your majesty will be pleased, satisfied, and resolved, to give, and grant, and deliver, and bestow unto me the before-recited and nominated petitioner, an order and warrant to my Lord of Crabtry, and Mr Captain Yedard Bumkin, justice of the peace, and governor aforesaid, Esq. and to Mr Raafe Yates, justice of the peace, and governor aforesaid, Esq. or to any four or five, or more or less, or either or neither, or none of them, all particulars and parties as they shall imagine and conceive, consider, and suppose, esteem, think fit, and meet and necessary, convenient and decent; and then, and there, and where, and whether, to examine, and call to account, for their past and repast extortion, and then, and

when, and where, and whether, to establish, elect, chuse, impower and appoint, and authorize all such, and all much bailiffs, and applotters, and gatherers together, as your petitioners do, or did, or have, or had, or shall, or will, or may, or can, might, or would, could, or should, or ought to chuse or pitch upon. And withall I desire, that I mine own self, Mr Barnaby Clod as aforesaid, that they, and I, and all, and every, and either or neither of the said parties, shall and will live and die in cords, and concords, concordant discord, sorrowing, rejoicing, dying, living, broken and healed tranquillity, henceforth and hereafter, and for the time past and present, and for now, and for everlasting, &c.

The Case of the Protestants in England under a Popish Prince, if any shall happen to wear the Imperial Crown.

The tracts which follow refer to the celebrated Bill of Exclusion, by which it was designed to deprive the Duke of York of succession to the crown of England, in consequence of his professing the popish religion. However much the propriety of such a bill appeared doubtful when first agitated, it is now certain it would have saved James his bitter downfall from the throne, which he mounted in vain. Yet we may be permitted to admire the blindness of that unhappy and bigotted prince, who, with all the knowledge he possessed of the just jealousy excited by his religion, acted nevertheless with such violence as to force on the catastrophe, which might so easily have been anticipated from the proceedings upon the Bill of Exclusion.

A prince putting himself and his dominions under the pope's authority, and admitting (as he must unavoidably) the laws and decrees of the Romish church,¹ all his protestant subjects, being by the judgment and sentence of that church hereticks, do forthwith lie under the penalties which those laws and constitutions will have inflicted upon hereticks. And these are the severest penalties, being proportioned to the crime which that church judgeth most heinous; for heresy is treason with them, and the highest degree of high treason, for it is (say they) *Crimen læsæ Majestatis Divinæ*, treason against the Divine Majesty, and so much worse than treason against any prince on earth; and upon this ground they commonly justify all severities decreed against hereticks. Not to mention particular doctors, Innocent the Third² thus argues in a special instance, This punishment is justly inflicted upon hereticks, because it is so in case of civil treason, which is a smaller fault than treason against the Divine Majesty. And there is an edict of³ Frederick confirmed and made a church-constitution by several popes, particularly by Innocent IV. wherein what is enacted against traitors is

¹ By the law of the church, *Sic omnes apostolicæ sedis sanctiones accipiendæ sunt tanquam ipsius divini Petri voce firmatæ sūt*, Distinct. 19. cap. 2. All the constitutions of the Roman See must be received, as if they were made firm by St Peter's own mouth. And it is enacted by a general decree (*Generalio Decreto constitutum*) that whatsoever, king, bishop, or nobleman, shall believe that the decrees of the Roman bishops may be, or shall suffer them to be violated in any thing, be accursed, (*execrandum anathema sit*) and shall for ever remain guilty before God, as a betrayer of the catholick faith. Caus. 25. q. 1. cap. 11.

² Caput Vergentis, de Hæreticis.

³ Septem Decretal. lib. 5. tit. 3. de Hæreticis.

declared to fall upon hereticks *multo fortius justiusque*, with much more force and justice. So that the papal authority being introduced among protestants, they are forthwith traitors by law, and stand in no better terms than the worst of traitors, and are exposed to the penalties which the highest treason is judged worthy of. Let me instance in two or three particulars briefly; for I must but point at the miseries of protestants in such a state, not give a full prospect of them,

Infamy is one of them (that I may begin with the least.) Hereticks are infamous by law,¹ "It is certain (saith^a Suarez) that hereticks both by common and civil law are infamous," for which he alleged several texts of the pope's law, and extends it to the favourers of hereticks, if they repent not within a year; and to their children for some generations, if their parents died pertinacious.

It is many penalties in one, including several things grievous and intolerable to all sorts;² for upon this account, those whom they count hereticks are deprived of all nobility, jurisdiction, and dignity; and debarred from all offices, benefices and publick councils; they are incapable of chusing, or of being chosen to them, (so that it reacheth all sorts) clergy, laity, noble and ignoble, (as the same author tells us.) And they fall under all this immediately, *ipso facto*, as soon as they are hereticks, before any sentence declaratory of their crime; so in a manner all the³ doctors conclude, *In quo authores ferè conveniunt*, proving it from the very words of the law aforementioned.

Let me mention some of the particulars comprized in this legal infamy: protestants are hereby excluded from all publick councils, and so from parliaments; being incapable of either chusing, or being chosen thereto. This is the decree of a general⁴ council, besides several constitutions for it in the canon law. So that all the lords and commons of England would be by law (while they are protestants) debarred from having any place in parliament, and all the freeholders from chusing any; and that by a law paramount to any civil law or national constitution: and this alone would be enough to ruin and enslave this, or any people whose liberty depends upon parliaments. They are excluded from all dignities, this is essential to the penalty; for it is a⁵ rule in their law, *infamibus portæ non pateant dignitati*; particularly noblemen are degraded from their nobility, and deprived of all honours,⁶ this by the same law: And it is extended to their children by many of their⁷ authors, who say expressly, that the issue of traytors, civil or spiritual, lose their nobility, both that which they had by privilege and that which comes by descent from their ancestors.

They are deprived not only of all ecclesiastical benefices but of all secular offices, which is expressed in the law forequoted; particularly, it is decreed,⁸ that hereticks be not admitted into any publick office or benefice; but if they be, it is null and void. Nor can they exercise any jurisdiction, either spiritual or civil, as their⁹ authors commonly determine: And, upon this account, they conclude all our judges, justices, and magistrates, that are protestants, to be incompetent, such as have no more jurisdiction than the bench they sit on, and think not themselves at all obliged to answer them; or if they condescend to give them an answer, yet not to speak the truth before them, although they be sworn to it.

¹ Caput Infames 6. q. 1 cap. alieni. 2. q. 7. Cap. Excommunicamus 1 §. credentes, de Hæreticis. Cap. Statum. de hæret. in 6.

² De Fide. Disp. 21. §. 5. n. 3.

³ Suarez ibid. Diana. sum. v. Hæret. n. 9. Pet. St Joseph in 1. Deca. p. 39. Tho. Sanchez. op. Moral. lib. 2. n. 12.

⁴ Suarez ibid. n. 4.

⁵ Con. Lateran. sub Innocent 3. in Crab. Tom. 2. Concil. p. 948.

⁶ Regul. Juris 37. in 6.

⁷ De Hæreticis cap. ut Commiss. in 6.

⁸ Faber Teraquillus, Cantera, Otalora in Sanchez. ibid. l. 2. c. 29. n. 1.

⁹ Cap. 2. §. Hæretic. de Hæreticis in 6.

¹⁰ Aquinas, Soto, Castor, Azor, Simanca, et Suarez, ibid. Disp. 21. §. 5. n. 12. By the constitution of Gregory IX. an heretick is deprived of all jurisdiction, whether natural, civil, or political. Simanca Institut. 46. §. 74. Juxta Constitutiones Gregorii IX. &c.

In short, all that owe any duty to hereticks are discharged from the obligation, and exempted from paying any. In their canon law it is decreed,¹ that all who are bound to hereticks by any obligation, whether of oath, or fealty, or service, or any other agreement, or promise, are freed therefrom. Subjects owe no allegiance to their prince, nay they may lawfully kill them, as their authors commonly conclude. Servants owe masters no faithfulness, no service; though they be slaves, and purchased with their money; yet they are discharged; and if they discover their master's heresy, and so seek to take away his life, though they be not Christians, it is reason (they hold) that they have absolute freedom; when none but Christian slaves may have it, save upon such a treacherous² account. Parents lose authority over their children, so their law³ will have it: And children owe no duty to such parents, only, they are bound under mortal sin to denounce them, that is, to discover their heresy; which is the way to deprive their parents of their lives. And they give this reason for it, because it is lawful for a child to kill his father if he be an enemy to the commonwealth; and, therefore, he may much more lawfully, in this case, deal thus with his father, that is, betray him to death. This is an act worthy of honour and praise, as is proved by the constitutions of several popes, and so many other⁴ writers, that it may pass for their common doctrine; nor can they be secured from suffering for their parents heresy, without detecting them as Innocent IV. decrees.⁵

We see a little to what condition the admission of the papal authority would reduce us; it would expel nature and humanity, and make the dearest relatives unnatural and barbarous to one another; it would leave no protestant either dignity or authority, either safety or liberty; by these laws (which must then be ours) our nobles are sentenced to be peasants, and peasants must be no better than slaves.

Secondly, another penalty to which hereticks are condemned by their laws, is confiscation of all their estates or goods, and this they incur *ipso jure, et ipso facto*, that is, immediately, as soon as they show themselves hereticks, before the sentence of any judge. There is an express decree⁶ for this in the canon law, *bona hæreticorum ipso jure decernimus confiscata*. We decree that the goods of hereticks are confiscated by sentence of law. In this the gloss, and all the doctors who write of⁷ hereticks, do agree; and upon this reason among others, because human laws punish treason against men, and sometimes lesser crimes, with confiscation of goods; therefore, much more must treason against the Divine Majesty, which is committed by heresy, be thus punished. And this reason is assigned not only in the text of the canon law now mentioned, but also in other texts, particularly Innocent⁸ the Third thereby proves that hereticks goods are confiscated, because this is decreed against civil treason, which is much less than that against the Divine Majesty.

By virtue of this confiscation, hereticks, as soon as ever they discover it, are deprived of all propriety and title to their estates, before any sentence passed against them. Suarez⁹ saith, this is the common doctrine. Sanchez¹⁰ musters up multitudes of doctors for it: And "Corduba tells us, that all their doctors in a manner, both canonists and divines, maintain it.

But though they generally agree that protestants by law have lost all propriety, and

¹ Cap. Final. de Hæreticis.

² Azon. Instit. Moral. tom 1. l. 8. c. 12. q. 7. Penna, Molina, et Sanchez. ibid. c. 24. m. 10, 11.

³ Cap. 2. §. final. de Hæreticis in 6.

⁴ Bonacina de obligatione denunciandi. Disp. 4. p. 2. n. 3. Ita Farinacius, Azorius et alii ferè communiter. Id. ex aliis Sum. Pontificum Constitutionibus probat Penna. ibid.

⁵ Septem Decret. de Hæretic. c. 3.

⁶ Cap. cum secundum leges, de Hæret. in 6.

⁷ Suarez. ibid. Disp. 22. §. 1. n. 2.

⁸ Cap. Vergentes, vers. cum enip, de Hæreticis. Cum longè sit gravius, æternam quàm temporalem laedere Majestatem.

⁹ Ibid. §. 3. n. 1.

¹⁰ Ibid. cap. 22. n. 2.

¹¹ Quæst. Theol. lib. 1. q. 36. p. 290.

have no title to any estate, yet there is some difference among them about the possession of what is thus confiscated. For many of them hold, that hereticks, before any sentence, are bound in conscience to quit the possession of all they have, and sin damnably if they do not; especially if their heresy be publick and notorious, as it is in all professed protestants: And their reasons are good enough, if the principles upon which they proceed were so. For the sentence which some count pre-requisite is not pretended to be damnatory, to condemn to the punishment, for that is already done by law; but only, (as all agree) declarative of the crime, that the crime may be evident, and who are guilty of it; which is needless when it is evident and notorious before.

Others of them teach that hereticks may keep possession, and are not to be deprived of it, before the sentence declarative of the crime. But though this latter seem more favourable, yet it is of little or no advantage to protestants, since those that have a mind to their forfeited estates, may soon procure such a sentence; for an ordinary bishop, or other ecclesiastical person, may pass it, as the law itself declares. For example: Corker the Benedictine, lately arraigned, was ordered by the pope to be bishop of London. If their plot had so far succeeded, that the pope's orders had taken place, he might in his spiritual court have declared all the known protestants in London and his whole diocese to be hereticks; which done, all the nobles, citizens, and others in his diocese, might have been turned immediately out of possession, and stript of all they had; and this by law. The effects of this confiscation, wherein they all agree, make the severity of the law apparent; and the forbearance of seizure before sentence of little consideration, if they thought themselves obliged not to seize such estates before.

First, All the profits made of the estate, from the first day of their guilt, are to be refunded, if they be extant and found among their goods, formally, or but so much as equivalently; nay, some will have them responsible for the mean profits, though they be consumed or spent, if so be they knew themselves to be obnoxious when they spent them; or being spent, if the estate be any thing better on that account, they are still looked on as being extant, and the estate still liable: And it is counted better, if the party be richer, if he therewith bought any thing else, or made use thereof to pay his debts, or bought but necessaries to live on, and thereby spared his other revenues.

Secondly, All alienations by gift, sale, or otherwise, before sentence, are null and void; and all contracts for that purpose rescinded; in this, Suarez saith, all their writers agree unanimously; and the exchequer of the pope or popish prince will recover all that hath been so disposed of by the hereticks to others where they be, or in whose possession soever they be found, or through how many hands soever have passed; this is the doctrine universally embraced by all their doctors of law, and all their divines, so understanding the text of their law, as Sanchez tells us. Nay, it is a sin for him to sell any part of his goods or estate, without discovering to the purchaser his hazard, in buying what is by law confiscated. And, in this case, the purchase will be forced from him without restoring the price he paid for it, unless it be found among the hereticks goods, for which the same jesuit alledged above thirty doctors. Nor are those to whose use the estate is escheated any way obliged to pay any of the hereticks debts which were contracted since his heresy, and so his creditors (not excepting Roman catholicks) may be lawfully ruined, as well as himself.

¹ De Hæreticis. Cap. cum secundum legis, in 6.

² Suarez, de fide. Disp. 22. §. 4. n. 11. Sanchez ubi supra, c. 21. n. ult.

³ Simancha, Vasquez in Suarez, ibid. n. 11, 12. ⁴ Idem ibid. §. 4. n. 9.

⁵ Ibid. §. 1. n. 5. In hoc effectu concors est sententia annuum scribebunt.

⁶ Ibid. l. 22. n. 33.

⁷ Idem ibid. n. 61.

⁸ Ibid. n. 68.

⁹ Ibid. n. 76.

Thirdly, The children and heirs of hereticks are deprived of their portions. And though this seem hard in their own apprehensions, that they should be ruined and reduced to poverty for their parent's fault, yet what they suffer is not to be considered, because the child is not here punished by or in himself, but by an accident, and in another. And this is all the satisfaction the best of them give in this pitiful case.—Suarez *ibid.* Nor will their law admit that any commiseration of the innocent should be any impediment to the severity of the execution; but provides against it in these words, "Neither shall this severe censure, for the disinheriting of orthodox children, be any way hindered by the pretence of compassion; since, in many cases, by divine judgement, the children are temporally punished for their fathers; and, according to canonical sanctions, vengeance may be sometimes taken, not only upon the authors of wickedness, but their posterity." *Cap. vergentis, Tit. de hæreticis.*

But what if the children to whom the estate is left be Roman catholicks, are they to be thrust from an estate left them by their heretical parents? This seems impolitick, since hereby no hopes are left to any for securing their estates by turning papists; and not only so, but they confess it seems to be against piety, and in the fourth synod of Toledo there is a limitation for the security of such innocents; but by the canon law in aftertimes that limitation was exploded, and the catholick descendants of hereticks excluded from having any advantage^a by their confiscated estates. This is expressed in the text of their law, and more fully in an original epistle of pope Innocent III. Suarez *ibid.* p. 775.

But suppose the posterity of a protestant or his children, being still papists, have continued in the possession of the estates so left them for many years together (forty or an hundred years) will not this create them a title, since prescription may do it where there is no other right, and is allowed so to do both by civil and canon law, and an hundred years is confessed to be sufficient for prescription^a against the Roman church in other cases?

No, an hundred years will not suffice in this case, if the possessors or their fathers knew that he who left them the estate was an heretick, and if he was at any time suspected to be so while he lived; or if he was reputed a catholick all his days; yet if, any time within forty years after his decease, it appears he was an heretick, there is no place left for prescription: but then they will have the estate seised, in whose hands soever it be found, and the^b possessors thrust out, though they be Roman catholicks.

Hereby it appears that, as soon as the papacy is admitted, all title and property is lost and extinct among us by the law which will then be in force, unless in those few families who never had a protestant proprietor; nor are they secure as to any part of their estate, which ever belonged to hereticks: and therefore we must not think his holiness acted extravagantly, when he declared all his majesty's territories to be his own as forfeited to the holy see for the heresy of prince and people: for herein he proceeded regularly, and according to that which they esteem the best law in the world. Not only abbey lands are in danger, whoever possess them, but all estates are forfeited to his exchequer, and legally confiscated: all is his own which protestants in these three nations have or ever had, if he can but meet with a prince so wise as to help him to catch it.

Thus we see the process of their law against protestants must not end with their lives, but follow them many years beyond death and the grave; and ruin their children, and childrens children, when they are gone: and when they have left a heretick nothing of his own to subsist on, it is provided also that he shall have no relief from others: for this is part of his penalty,^c that none shall receive him into their houses, nor afford him any help, nor shew him any favour, nor give him any counsel.

^a Cap. Vergentis de Hæreticis.

^b Sanchez. l. 2. c. 22. n. 41.

^c Menochius & alii in Diana. Sum. V. Præscrip. n. 2.

^d Zanardus, Director. pars 2. p. 126.

We in England are zealous for property, and all the reason in the world we should be; but we must bid adieu to this when we once come under the pope's authority; for as soon as this is admitted, all the protestants in these nations are beggars by law, by the laws of that church (which will then be ours) divesting us of all propriety and title to whatever we count our own.

Thirdly, The last penalty I shall insist on, which their law will have inflicted on hereticks, is death.

This is the sentence of the canon law. Hereticks¹ are to be delivered to the secular power to undergo due punishment; and that is death, as appear by many papal bulls approving and receiving the civil laws, which have adjudged hereticks to death. For though those laws were originally intended against such only which were hereticks indeed, yet, since the Roman church will have all protestants to be hereticks, they must suffer death by virtue thereof, how far soever they be from heresy.

And the canon law further determines, that secular judges cannot remit the penalty, as appears by the text, *cap. ut officium*, and is more fully explained in the bull of Urban IV. Hereupon² Zanardus takes it for granted, that all laws will have every heretick put to death; and their angelical doctor³ is positive, that hereticks, though they do not pervert others, may be justly killed by the secular judges, and bereaved of all they have, rather than such as are guilty of high-treason.

If there were need to cite particular doctors, Suarez assures us, that it is the judgment of all their doctors, *Ita docent omnes doctores*. But there is a constitution of Paul IV.⁴ which may serve instead of all; where, to shew how impartial their decrees are in this case, having declared that, with the unanimous consent of the cardinals, all pœnal acts, canons, constitutions against hereticks, made by any popes, councils, or others, are by apostolical authority renewed and enforced, he specifies persons of greatest eminency in church and state, viz. earls, barons, marquesses, dukes, kings, emperors, &c. and will have all these punishments inflicted on them, if they are or shall hereafter be hereticks. Particularly it is decreed, that they are therefore deprived wholly and perpetually of their baronies, marquisates, dukedoms, kingdoms, empires, and rendered incapable hereof, so as they shall never be restored. And to make sure work, all of them, kings and emperors among the rest, shall be put to death.⁵ Only if they recant, the holy see may shew them this clemency, as to thrust them into some monastery, there to do penance all their days with bread and water.

This punishment they extend very far,⁶ for death is to be inflicted, not only on the teachers of what they call heresy, but on all who believe any doctrines opposite to what the Romanists receive as matters of faith, though they draw none else thereto; yea on all that believe any one point of such doctrine, though they renounce all the rest; for they agree, that one error makes a heretick, though all besides that one be abjured. And on those also who abjure them all, if they do not likewise discover their complices, and so betray all the protestants they know to death. For such, though they do profess themselves to be papists, and conform to them in all things; yet if they discover not others, and expose them to death, they are judged to be but⁷ counterfeit catholicks, and not worthy to live.

The death they will have us suffer is burning alive; no death more tolerable, or of

¹ *Cap. ad abolendum de Hæreticis. Vide Suarez ubi supra. Disp. 23. §. 2. n. 1. & 3.*

² *Direct. pars 2da. 2da. p. 754.*

³ *Secund. 2da. q. 10. Art. 8. Corp.*

⁴ *Septem Decretal. l. 5. tit. 3. c. 9.*

⁵ *Sæcularis relinquatur arbitrio potestatis, animadversione debita Puniendi. Which expression they thus explain, Debita nimirum secundum jura civilia quæ est pœna mortis. So Suarez ibid. Disp. 23. §. 2. n. 3.*

⁶ *Idem ibid. §. 2. n. 5, 6.*

⁷ *Quia est occulator Hæreticorum — et ideo merito judicatur fictè conversus, ib. §. 6.*

less exquisite torture will satisfy the mercy of that church. For though they find no rule for this in the body of the civil law; yet they alledge some latter constitutions for it, and particularly that of Frederick (which the popes have made their own law) in these words, *Decernimus ut vivi in conspectu hominum comburantur*, we decree that they shall be burned alive in the sight of the world. The holy canons, it is presumed, are for it: the first statute of Henry IV. in England, for the burning of hereticks, was enacted according to the holy canons. And if they had no other law for it, yet the use and custom of their church hath the force of a law; and makes it as lawful and necessary for them to burn protestants, as it is to burn faggots when they are cold; and that it is the custom of the church they have the testimony of all nations round about us. We need go no further than our native country, where in the days of the last popish successor it is proved by near three hundred witnesses, that their laws will have all sorts of us burnt alive, without regard of age, sex, or quality. And if we will not be satisfied that they may lawfully burn us, man, woman and child, unless we have scripture for it, they have it ready, John xv. 6. "If any one abide not in me, men gather them, and cast them into the fire, and they are burned." Alledged by diverse of their prime^a authors for this purpose; which proves as plainly and infallibly that protestants must be burned, as — Feed my sheep proves that the pope hath power to kill both king and people. The process against hereticks in the inquisition is remarkably merciful, for there a protestant shall not have the favour to be burnt at first^b and die once; but must suffer many deaths before, by enduring diverse tortures more grievous than death, before he be brought to the fire. One that hath the spirit of a Christian, and reads the account of the tortures there in use, would scarce think that any but the devils could be either the inventors or executioners of them. But Pope Paul IV. would better inform him, who ascribes the settling of the inquisition in Spain to the inspiration of the Holy Ghost; and there is no doubt but his successors would attribute it to the same inspiration, if they could get it settled in England. And they are highly concerned to endeavour it, if they believe the words of a dying pope. For^c Paul IV. in a speech before his death (and so before his infallibility expired) declared to the cardinals, that the authority of the Roman church depends only upon the office of the inquisition. And indeed it is very fit that such an authority should have such a foundation. Nor can any question that it is necessary and pious to exercise all the cruelties of the inquisition upon us, without shaking the whole foundation of the Roman church, and all the authority of it.

Hereupon how are we concerned to look about us? We ought to remember (for they are not like to forget it) that as soon as ever the papal authority is admitted among us, all the protestants in these nations are dead men in law; being under a law that has sentenced us to be burnt alive, and under a power that hath declared it necessary that no one of us escape with life.

But they are not yet quite ready for burning us, though they are impatient till they be so; and shew what design they have upon our persons, by turning our houses and goods into flames. For this course they think not fit to take, how just and pious soever they esteem it, merely because they cannot, or dare not, till they have the law in their hands, and power to murder us by a judicial process. Where protestants are numerous and potent, the way they then take for discharging the obligation that is upon them to destroy us, is by treacherous massacres, or open wars or assassinations. They hold it lawful to make war upon hereticks for their heresy. So^d Bonacina, Diana, Cas-

^a De Heretick. l. Decretal. Sect.

^b Jac. de Grass. decr. l. 2. c. 9. n. 2. Suarez ubi supra, n. 4.

^c Onufrius, Vita Pauli IV.

^d De Restitut. Disp. 2. q. ult. §. 2. n. 7. Sum. V. Bellum. n. 5. Theol. Pract. Tr. 2. c. 19. n. 3.

^e Zanardus, Director. 2dæ pars, p. 575.

tro, Molanus, and others: but cardinal Allen¹ our countryman may suffice, who asserts it to be not only lawful, but necessary to take arms against his prince and people, being hereticks. It is clear (saith he) that what people and persons soever be declared to be opposite to God's church, with what obligation soever either of kindred, friendship, loyalty, or subjection, I be bound unto them, I may, or rather must, take arms against them. And then must we take them for hereticks, when our lawful popes adjudge them so to be.

Not only soveraign princes and the pope, but a bishop, may raise war for the faith, against those that are excommunicate if they submit not; so Hostensius and others² after him. They count it a more necessary and holy war which is levied for the destroying of hereticks, than the war against the Turks. Hence cardinal³ Pool, in his address to Charles V. importunes him to turn his arms against the protestants, being more concerned to ruin them than the Turks.

They think the destroying of protestants by massacres sometimes more advisable, for avoiding the hazards of a war; and these, how bloody and treacherous soever, will be both lawful and meritorious, being for the rooting out of a pestilent heresy, and the promoting of the Roman interest. The barbarous Irish never thought their hands and weapons better employed than in butchering the protestants: and this not more for the savageness of their nature, than from the laws and doctrines wherein they have so much encouragement for such bloodiness. The least they could expect for it, was full pardon of all sin, such as it promised to those who make war against the Turks, and for the recovery of the Holy Land. For several popes had thus rewarded the Irish, for far less bloody feats than these; and thereby testified how meritorious it is to shed the blood of English protestants.⁴ Charles IX. with the French papists, never acted any thing with more satisfaction to his holiness, than that tragedy in Paris, and other cities, where so many thousand Hugonots were most treacherously and inhumanly slaughtered. The pope would not have so great delight as he took therein to be transient, but, that it might afford him a continued entertainment, would have it painted in his palace. And for this, triumphs were made by the papists almost every where, as a most glorious action. And that there might be a concurrence of the greatest impiety with the greatest inhumanity, publick thanks must be returned to God, in France and Italy, for the stabbing, drowning, pistolling, and cutting the throats of so many thousands; inticed thither by the solemnity of a marriage, with all the security that the promise and oath of a king could give them: but nothing is unlawful that will ruin the protestant religion.

Only in one thing these fell short; for though near three hundred thousand were thus murdered in both nations, yet they killed not all; whereas if they had not suffered one protestant in France or Ireland to escape with life, the catholick design had been there perfectly accomplished, and the bloody actors had more highly merited; for that merits most which most promotes the catholick interest, which is most promoted when heresy and hereticks are quite extirpated; and so to kill all hereticks is most meritorious.

This was it that our conspirators aimed at; they intended to leave no protestants alive; those that escaped the massacre, should have been cut off by their army.⁵ And Coleman saith, their design prospered so well, that he doubted not but in a little time their business would be managed to the utter ruin of the protestant party, in his letter⁶ to

¹ Admonition to Nobility and People, p. 41.

² Vid. Silvest. V. Bellum.

³ Lib. de unione Ecclesiastica ad finem. And this was he who made it his business in so many courts to form a league against England (having renounced the pope's supremacy;) persuading the popish princes, that it was more necessary and meritorious than a war against the Turks.

⁴ See the Brieves of Gregory XIII. Anno 1580. and Clement VIII. 1660.

⁵ Dugdale's deposition at the trial of the five Jesuits, p. 25.

⁶ In Coleman's Trial, p. 78.

the internuncio. The effecting of this, with the consequence of it, was a thing so desirable, so meritorious, that if he had a sea^a of blood, and a hundred lives, he would lose them all to carry on the design; and if, to effect this, it were necessary to destroy an hundred heretical kings, he would do it. We must not imagine that it was a sin with this man to destroy an hundred kings, and an hundred kingdoms too, in such a cause; a cause, no doubt, most glorious, and of transcendent merit in their account; when one man might, without profuseness, be at the expence of an hundred lives, and a sea of blood, to promote it. It is true, by his expressions, he seems to be in some transport, and no wonder when he had so fair a prospect of the utter ruin of protestants by their present bloody design; and speaks of their ruin as a thing certain, and not to be doubted of. Sure this was a sight so fair, so transporting, as must needs ravish a good Roman catholick out of his senses. But then how senseless must they be, who will not believe our utter ruin was designed, when such as best knew it make no doubt but it would in a little time be certainly effected? However we cannot think that they who make so little of killing an hundred kings, when they stand in the way of their catholick design, will stick at assassinating any particular subjects.

When we hear papists say (as diverse such sayings have been of late observed) that they would make no more to kill a protestant man, or child, than to kill a dog,^b we look upon them as wild expressions, which proceed rather from the wickedness of the persons than of their principles; whereas indeed they have ground enough from the writings of their chief authors. One of their greatest divines proving that they may justly kill us, being hereticks, makes use of this argument among others, Christ calls hereticks thieves and robbers; but sure thieves and robbers are worthy of death; also he calls them ravenous wolves, Matth. v. Luke xx. "But wolves are not only to be driven from the flock, but also to be killed, if it be possible." So Suarez^c argues; and his argument seems less tolerable than the other villainous expression, for it seems more meritorious to kill a wolf than a dog. Cardinal^d Baronius tells the pope (though his holiness might know so evident a truth before) that Peter had a double ministry, to feed, and to kill; according to that text, feed my sheep: and according to that too, kill and eat: for, saith he, when the pope hath to do with refractory opposers, then Peter is commanded to kill, and slay, and devour. Much according to this cardinal's doctrine is the saying of Singleton^e the priest, that he would make no more to stab forty parliament men than to eat a dinner. And who can discern but the priest's expression is as agreeable to the cardinal's comment, as that is to his text? Gerald and Kelly, the two priests that were chief in the murder of Sir Edmund-Bury Godfrey, that they might draw Mr Prance into that barbarous action, told him,^f that it was no murder, no sin, (and Gerald said, nothing was to be made of killing twenty hereticks in such a case) that it was an act of charity, and a meritorious work. We may easily conceive how they have it to be an act of justice; for they are taught, that the killing of hereticks *Iusta est quia Vindictiva*; and so withal, how it may be meritorious; every act of virtue being so by their doctrine: but how it can be an act of charity is not so easy to discern. We shall hardly be persuaded, that to kill us is an act of charity; but if they will have it so, so it must be. And then who can deny but that papists are the most charitable persons under the cope of heaven, since they will not stick to murder millions of protestants (all in these nations) out of meer catholick charity? What need they more to stop the mouths of any, that will dare hereafter to accuse their church as uncharitable? They may have two hundred thousand arguments from one topick, the massacre in Ireland, to prove that none ever out of hell were more eminent for this virtue, no not the assassins themselves.

^a Ibid. p. 43. 77.

^b Bradshaw in Prance's Narrative, p. 28. Giffard in Hist. Plot. p. 213.

^c De Fide, Disp. 23. §. 1. n. 3. Zaccard. ibid. c. 7. p. 119.

^d Epist. contra Venetos.

^e Prance's Narrative, p. 4.

^f Ibid. p. 10.

The gunpowder-traitors were as much for the meritoriousness of murdering hereticks. John Grant, one of the principal conspirators, the day he was executed, being advised by a grave and learned person, to repent of that wicked enterprize, he answered, that he was so far from counting it a sin, that, on the contrary, he was confident, that noble design had so much of merit in it, as would be abundantly enough to make satisfaction for all the sins of his whole life, as¹ Casaubon assures from good evidence.

O the dreadful power of the spirit of delusion, which can persuade a man, even when he is dying, that the most horrid and barbarous design that ever the devils helped any of their instruments to contrive, is so transcendently both meritorious and satisfactory! yet this is not a private spirit, but that by which the Roman church seems generally inspired. This was but a more compendious way of executing the laws of their church against protestants. And Roman catholicks are left to devise what expedient they can for the execution of them, when they are not in a capacity of proceeding the ordinary way, by burning us. And that invention will have most of merit which is most quick and extensive, and makes an end of most at once. The society is particularly under the conduct of that spirit; for the provincial Garnet, Tesmond, Gerard, and other Jesuits did teach the conspirators this catholick doctrine² that the king, nobility, clergy and whole commonalty of the realm of England (papists excepted) were hereticks, were accursed and excommunicated, and that no heretick could be a king; but that it was lawful and meritorious to kill the king, and all other hereticks within this realm of England, for advancing and enlargement of the authority and jurisdiction of the bishop of Rome, and for the restoring of the Romish religion. What! is it meritorious to kill all in the realm? Yes, the more the better; the greater the sacrifice, the greater will the value and merit of it be: they will prove it unanswerably by an argument from the less to the greater. If it be meritorious to kill one heretick, it will be as much more meritorious to kill all in a kingdom, as all in a whole kingdom are more than one single person. Thus the greater wickedness is, the more powerful motive their church hath for its encouragement; the more prodigiously bloody and inhuman it is, the more will the catholick merit of it advance. And the ground of this is observable; they will have it meritorious to murder this whole nation, king and people, because they were hereticks, and all hereticks are accursed and excommunicated. Now King James and the people of these kingdoms were not at this time excommunicate expressly, nor so denounced, nor any such sentence against them published, as the jesuits acknowledged; only they were included in the general excommunication, which is denounced by the pope against all hereticks every year the week before Easter. So that all who are in their account hereticks but one year, or but one day, before Maunday Thursday, are sufficiently accursed and excommunicated, to make them liable to be justly killed, and to render any papist capable of meriting, by doing execution upon them. All the protestants in these nations may be meritoriously slaughtered, as soon as ever the papists have opportunity to do it, without expecting a warrant from any other sentence, or excommunication, than what we are continually under. This was the doctrine of our English jesuits, of Garnet their superior particularly, whom the papists here honoured as a pope, and paid him the veneration due to his holiness, by kissing his feet, and revered his judgment as an oracle; and since his death he hath the honours of a martyr. And if he and his associates be counted martyrs, for but designing to destroy the protestants of these realms, though they miscarried, what would their successors be thought worthy of, if they could attempt it successfully, and do effectual execution? Garnet further declared it to be his judgment, that it was so necessary to have protestants destroyed, that it would be meritorious to attempt it, even in such a way as would ruin many catholicks with them. Catesby (with respect to the powder-plot, whereby many Roman catholicks,

¹ Epist. Fron. duc. p. 189.

² Gunpowder Treason, p. 74.

and some of considerable quality, were like to be blown up together with the protestants) enquires of their oracle,* Whether it was lawful to ruin the guilty and the innocent together? Garnet first answers in a private house, that it is lawful, if so much advantage can be gained by it as will countervail the destruction of the innocent. Afterwards he tells them in the fields, that they may lawfully extinguish the good and bad together, and that it would be an act of great merit, if it would much promote the catholick interest. Upon this account we see how it might be meritorious to burn London, though the houses and goods of many papists were consumed in the flames; yea, and how the most desperate villains amongst them might merit heaven, and expiate all the crimes of a most flagitious life, if he could but fire the whole kingdom; provided so many protestants were thereby ruined as would countervail the loss of such catholicks, who could not escape the common flames.

Whereby we see their principles and actings; both of them are grounded upon their church-laws, sentencing hereticks to death and ruin. The executing of these laws is the exercise of a principal virtue, an act of justice, and is upon this and other accounts esteemed meritorious. Execution must be done one way or other in order to it; they must and will do what our present circumstances leave feasible. They cannot now in a bishop's court try and condemn us, and then deliver us to the secular power to be burnt at a stake; but they can stab, or pistol, or poison us, or blow us up; and these are acts of justice upon malefactors, which their laws condemn to death, no less virtuous and meritorious than the other; perhaps heroical in their account, as being of more than an ordinary strain. It is true, they want some formalities of law, yet are never the worse for the want of that which they cannot possibly have. But when once they have secured the throne, we may expect they will proceed against us with more observance of a judicial process, and burn us and our children with all punctilios of law, as they did under the last popish successor.

But it is not probable that under such a successor these laws may not be executed.

If there were any probability, that for a while they might not be thoroughly executed, yet our condition in the interim would scarce be tolerable to an Englishman; to be divested of all security by law for liberty, estate, and life, and to hold these *without*, nay *against* law, only at the will and known mercy of papists; even when they must count a cruelty to themselves to spare us, seeing both their salvation and (which seems generally more minded) their interest is concerned in the execution of these laws. It seems highly probable to me that all endeavours will be used to have them fully executed; for the design of these laws is to destroy protestants. And those Romanists that understand their concerns do make account, that their main interest lies in this; for neither can they recover their former flourish and greatness, nor can they indeed think themselves safe, till this be done.

Accordingly, we may observe, that in all countries round about us, who have been under popish princes, all attempts have been made, and their utmost endeavours used, utterly to root out protestants; and it is meer folly to expect that we should fare better in like circumstances. Even in France the only instance alledged to give any hopes that protestants may subsist under such a power, the design of these laws was vigorously pursued in all methods of pretended justice and plain violence, in the reigns of five kings successively; by confiscations and plunderings, by fire and sword, by assassinations, treacherous massacres, and open war. So that some hundred thousands of them were destroyed, and in all reason none of them had escaped, nor any more Hugonots had been left in France than there are in Spain and Italy, if they had not stood upon their defence, which yet proved a lamentable expedient; for, if we will believe father Parsons,† two millions on both sides were slain within the compass of ten years in the reign of one of those five kings.

* Casaubon, p. 184.

† Mitigation, p. 130.

Those who would have us reduced to such a condition, wherein we cannot otherwise be secured than the French protestants were, would either have us prostitute our religion and all that is dear to us to the will of the papists, or else expose the nation to desolation and ruin.

Our conspirators have declared that they had the very same design which those gracious laws engage them in; viz. the utter extirpation of protestants and their religion, and were resolved and prepared to pursue it with fire and sword. Of the former, they have given us a real demonstration by the flames we have already seen; and of the latter, by their army to be commanded by officers of the pope's appointment. They were to begin with assassinations, and our sovereign was to fall with the first. In this, all that have given any evidence, exactly agree, and all see but those that will be blind, and would have his majesty, for company, perish with his eyes shut. When they had dispatched the king a massacre was to follow, as is positively sworn, again and again, by unexceptionable witness, and this signified to be the method advised by the conspirators both in France, Flanders, and England; then to make clear work, those protestants that escaped the massacre were to be destroyed by their army. Coleman, at his trial, would have us believe that nothing was intended but the advance of popery, by the innocent way of toleration; that is no wonder, for he was then concerned, if ever, to disguise their design. But when he hath to do with those who were conscious to the plot, and with pleasure could see the bottom of it, then the mask is off; then it is, in plain terms, "the subduing of a pestilent heresy (for so is the true Christian religion in the Roman stile now-a-days) and the utter ruin of the protestant party." To accomplish such a glorious design, there must be no sticking (as was observed before) to kill an hundred heretical kings, (alas! one single king was nothing to the dagger of such a hero) or to shed a sea of blood, (their own he means.) How many seas of protestant blood do we think might have satisfied such harmless catholics? Not an hundred we may be sure, if all the protestants in the world could have bled more. But this they were bound in conscience to execute the pope's laws, they were at all points ready to do it, they wanted nothing but a catholic prince in the throne.

O, but the temper, or, at least, the interest of such a prince, would oblige him to forbid or restrain such violent executions in England.

I, but what if his temper be such as to comply with such violent proceedings; or his temper being better, what if it be overruled? What if he be persuaded, as other catholics are, that he must in conscience proceed thus? What if he cannot do otherwise, without apparent hazard of his crown or life?

The contrivement is such, that execution shall be done before he hath got the reins of government into his hand; and when he hath them, he is not to hold them alone; he will not be allowed to be much more than the pope's postillion, and must look to be dismounted if he drive not according to order.

Let these things be weighed, that we may see, before it be too late, into what circumstances we are running. If the prince be zealous and resolute, a bigot in their way; if his heat in embracing religion at first, or promoting it afterward, transport him beyond the sense of his interest; if it make him contemn such reason, or decline that consideration that should have withheld him from it, or might moderate him in it; if he make it his design, and count it his glory, to subdue this religion as a pestilent heresy; if he give up himself to the counsels and conduct of such, whose words and practices make it evident that they intend extremities; then there is a violent presumption that he will not study any abatement of the rigour of these ruining laws, after once he thinks himself firmly settled.

But if (as I had rather suppose) his inclination should lead him to some indulgence and forbearance, yet that must be controuled by conscience, and conscience must dictate what they suggest, who have the conduct of it; and it will be readily suggested, "that it is a deadly crime to favour hereticks to the prejudice of the catholick interest," which can never be more effectually advanced than by their ruin. Besides, the law¹ itself assures us, "that it is not in the power of any civil magistrate to remit the penalty, or abate the rigour thereof;" and this also is declared by the bulls² of several popes. Nay, if the prince should solemnly engage his faith, and give as much security as papists can give by oath, that he would not suffer sanguinary laws to be executed upon his dissenting subjects, this would signify nothing: For they would soon let him understand, that "contracts made against the canon law are invalid, though confirmed by oath," as P. a St³ Joseph. And "that he is not bound to stand to his promise, for the liberty of religion, though he hath sworn to it," as Bonacina;⁴ and that faith is no more to be kept with hereticks, than the general council of Constance would have it. So that protestants are to be burnt, as John Hus and Jerome of Prague were by that council; though a prince hath given his faith and oath for their safety. The best that is pleaded in defence of that general council, so openly canonizing perfidiousness, leaves protestants as much exposed after all the security the prince can give, as if none at all were given them. The emperor's engagement, say they, secured them against secular process, but not against the process of the church. So that the church may burn us, when the prince hath engaged all his faith for our safety. And to this purpose it is observable what Becanus,⁵ an eminent jesuit, delivers when he is endeavouring to vindicate their council. The council of Constance, saith he, decree these two things: First, "That the secular power can no way hinder the ecclesiastical power from its legal exercise, and therefore, if any secular prince do give safe conduct to any heretick, this ought not to hinder the ecclesiastical judge from exercising his office, that is, from trying an heretick, and proceeding against him according to evidence. The reason is, because when there are two princes, who have distinct judicatures and tribunals, one of which is greater and superior to the other, the inferior may not hinder the superior from executing his jurisdictions. And therefore the security which he promiseth to any extends not to the tribunal of the superior prince, because the superior is not bound by the laws and agreement of the inferior, (*caput, cum inferior extra.*) But now the secular and ecclesiastical prince have distinct tribunals (as is well known) and the ecclesiastical is superior, (*cap. solita:*) therefore the secular, when he gives safe conduct to any, he cannot extend it to the ecclesiastical tribunal; nor, by the security given, can hinder the jurisdiction of the ecclesiastical judge, &c." Molgnus⁶ also, who undertakes to excuse this council, saith, it is a general rule with the Romanists, that "faith is either never to be given, or never to be kept, with hereticks for the exercise of their religion." Simanca,⁷ by the authority of the council, maintains this worthy principle, "that faith engaged to hereticks, though confirmed by oath, is in no wise to be performed." He would prove it by reason: For, (saith he) if faith be not to be kept with tyrants, and pirates, and other robbers, who kill the body, much less is it to be kept with hereticks, who kill souls: He confirms it with the testimonies of Salomonius, and Menochius, Placa, &c. and of their "angelical doctor, the oracle of their schools, who saith, an unteachable heretick is to be betrayed to justice, notwithstanding faith and oath. Becanus,⁸ to vindicate the doctrine of Simanca, tells us, that they all say as much as he hath said. Simanca teaches the same that we teach, viz. that faith is to be kept with hereticks in what is

¹ Cap. ut Officium.

² Vid. supra.

³ De primo Præcepto, p. 94.

⁴ De primo Præcepto. Disp. 3. q. 2. punct. 8. prop. 3. n. 159.

⁵ Manual. l. 5. cap. n. 15, 16.

⁶ De Fide, l. 3. c. 27.

⁷ Cathol. Instit. Tit. 46. n. 52.

⁸ Sum. 2da 2da, Q. 70, Art. 1.

⁹ Manual. l. 5. c. 15. n. 25.

lawful and honest, but in no case otherwise; and so never in case of heresy. So that the faith of any prince, however engaged, is so far from giving an heretick any security, as heresy is far from being a thing lawful and honest. Upon these principles (by which it appears that Rome hath changed faith with Carthage, that being now worse than *fides punica*, and is, when she would be counted Christian, far more faithless than when Pagan,) their doctors, jesuits, and others, have instigated kings to endeavour seriously the rooting out of hereticks; asserting, that an oath in favour of hereticks is but *vinculum iniquitatis*. In fine, this is the sense of their best authors, and we must believe it to be so, unless we will be deluded. By their laws and principles they are always under an obligation utterly to exterminate protestants; yet sometimes they are concerned, in point of interest, to forbear and dissemble; pretending to engage their faith when they do it not in the sense of those who rely on it, as the council of Constance deluded Jerome of Prague, that they might (as they did) burn him: or engaging their faith when they intend not to keep it, as our Queen Mary, Charles IX. of France, and other popish princes, abused the protestants to make them secure, that they might have the better advantage to ruin them; and then, that they may seem real, they may promise or swear that they will not proceed against us; yet, notwithstanding, when they have an opportunity to destroy us, though they were by ten thousand oaths not to attempt it, yet they sin damnably if they endeavour it not to the utmost.

But if there were neither law nor conscience to hinder, yet in point of interest, he must not shew favour to hereticks, nor grant any indulgence for their religion; he cannot do it without apparent hazard both of crown and life. For, by shewing such favour, he in their account deposeth himself, and immediately loseth title to his kingdoms.

An emperor or a king, saith Parsons,^{*} if he shew favour to an heretick, for that he loseth his kingdom. The jesuits have sufficient grounds for this doctrine, how extravagant soever it seems. For the council of Lateran, which Bellarmine calls their greatest and most famous council, decreeth,[†] that if a prince, upon a year's warning, doth not exterminate hereticks, his subjects are discharged from allegiance, and his dominions are to be seized on by other catholicks: He thereby draws upon himself the curse and excommunication of the church, he is excommunicate by law, that council hath passed sentence already, and he is *de facto* anathematized yearly by the bull of the supper; the former is *excommunicatio juris* by the law, and this is *excommunicatio hominis* by the judge, as several of their[‡] doctors will have it. So that it takes effect presently, *ipso facto*, and is of no less force than if the person concerned were excommunicated particularly, and by name, though the terms be general.

The pope, every year, doth solemnly excommunicate and curse, not only all hereticks, but every favourer and defender of them; and from this sentence none can absolve any but the pope himself, for it is a reserved case; and they generally declare him to be a favourer of hereticks who hinders the execution of the laws made against them. Conformably hereto, their doctors teach, that kings and princes, when they are negligent in rooting out hereticks, they are to be excommunicated and deposed by the pope. So Becanus.[§] Another, as I find him^{||} cited, sets it out more elegantly in a metaphor, making princes to be the popes, their shepherds dogs, (as they are wont to do out of great reverence,) and expressed himself significantly to this purpose. If a prince be a dull cur, and fly not upon hereticks, he is to be beaten out, and a keener dog must be got in his stead. Others[¶] tell us, he incurs more grievous penalties than excommunication, as appears by the breves of several popes; though to be

^{*} Philopat. p. 109.

[†] Cap. Excommunicamus, de Hæreticis Sect. moneantur.

[‡] Graff. decis. l. 4. c. 11. n. 6. Bacanus de Fide. c. 15. q. 8. n. 6. Soto 4. Distinct. 25. Q. 1. Art. 1. Citing two texts of their law for it. cap. sicut de Hæreticis, et cap. si quis forte. 24. Q. 1.

[§] Controvers. Anglican. p. 131, 132.

^{||} In Foulis. pag. 60.

[¶] Zanard. Direct. Pars. 2 pag. 61.

deprived of Kingdom and life, to which this sentence makes a prince liable, one would think sufficiently grievous. But there is no need to cite particular doctors, seeing, by the decrees¹ of that church, the fautors of hereticks are liable to the penalties which are to be inflicted on hereticks themselves: and their church-law² determines again and again, that they are to be taken for fautors of hereticks, who omit what they ought to do, for the punishing of hereticks, that they may cease from their error: And in this they all agree, *ita docent omnes*, saith Suarez.³ Sure he must have more love for protestants than any true papist can have, who will run such hazards, to shew them favour.

He must expect also to be burdened with the hatred of zealous catholicks, and the effects thereof. They detest such a prince, and damn that political prudence, which forbears the severe execution of the laws against hereticks; as being the way not only to ruin the church, but subvert a kingdom.⁴ They count none worthy the crown, who will not go through stich with their design for extirpating hereticks, and promoting the Roman interest with fire and sword. Nay they count such, though they be papists, as bad as hereticks, worse than Turks, and unworthy to live; they will have a price set on their heads, and assassins hired to rid the world of them. So Dr Stapleton,⁵ counted one of their greatest and most sober divines. And these are not only points for speculation, they have been reduced to practice among those who have the repute of the most moderate papists in Europe. Henry III. and IV. two Kings of France, were assassinated on this account. A suspicion that they favoured protestants was the great inducement to zealous catholicks to get them stabbed. The two kings since indeed have escaped better: no wonder, for they never provoked the catholic assassinating spirit: they have given sufficient demonstration that they hate the protestants; for though they kill them not out-right, yet have they reduced them to such circumstances, that their mortal enemies may, to their satisfaction, see them die a lingering death.

And which more concerns us, the conspirators in all places having declared expressly, that if RO. H. do not answer their expectation, for rooting out of the protestant religion, and extirpating those that profess it, their design⁶ is to destroy him after they have killed his brother. So that whatsoever respect they have for him on the account of his religion, yet, after they have served their turn on him awhile, he must expect nothing but death, unless he will give assurance that he will ruin the protestants of these nations.

Hereby we may judge what favour we may in reason promise ourselves from the temper or interest of a popish successor.

But may not parliaments secure us by laws and provisions restraining the powers which endanger us?

There is nothing of this tendency can in reason be expected from parliaments, without securing the throne. For if the conspirators once gain that, it may be they will have no parliaments; a government more arbitrary and violent is more agreeable to their principles and designs. It is apparent, that popery, as it hath been by many occasions sublimated since the Reformation, hath in a manner quite stifled the English spirit in English papists. They are for another government, in which the pope must be supreme, and to which our kings must be subjected or killed. And in civils, they are for an universal monarchy, by which this and others must be swallowed up; and so they are still ready to devote themselves to that prince who bids fairest for it. So they did to the Spaniard in Queen Elizabeth's time, and now, upon that account, are

¹ Cap. Excommunicamus, de Hæreticis.

² Cap. Error 83. Distinct. et cap. Qui alius, de Hæreticis.

³ De Tied Disp. 24. Sect. 1. N. 6.

⁴ Ribadeneira de Principe, l. 1. cap. 15.

⁵ Orat. contra Politicos, p. 15. et 24. in Hospin. Histor. Jesuit. l. 4. c. 1. Sect. 2.

⁶ Dr Oates's Narrative, pag. 4. n. 5. p. 3. n. 4. p. 8. n. 13. p. 10. n. 16. p. 15. n. 13. p. 19. n. 29. p. 39. p. 64. n. 6.

wheeled off to the French: they have been forward upon all occasions to sacrifice the honour of the king and the liberty of the subject to the Roman Moloch; they are much more his subjects than the king's; and they are no more to be trusted as to the true English interest, than the Italians or Spaniards. They pass for natives indeed, being born among us; but are plainly foreigners as to government, principle, interest, affection, and design. We may well believe on these accounts they are no friends to parliaments, if they did not otherwise openly declare it.

But if the necessity of their affairs should require a parliament, there is no great question but they may get such a one as will serve their turn: for so hath every of our former princes in all the changes of religion that have been amongst us. So did Henry VIII. both when he was for popery, and when he was against it, and when he was partly both for it and against it. So did Edward VI. when he was wholly protestant. So did Queen Mary, when she was for burning them alive. So did Queen Elizabeth, when she run counter to her sister. There are English papists enough already to furnish both houses; and there will be more, if popery were once enthroned. The strongest arguments, which diverse have for their religion, are drawn from the throne. The indifference, which is visible in too many, signifies that they will be determined by their interest, and their estates are like to outweigh their religion.

The warping of diverse upon advancement, and acting counter to themselves when lower, shews there is something higher in their hearts, than that which should be supreme. The little concern they shew for religion, who, in regard of their station in the church, should have the greatest zeal for it, disappointing and astonishing those who esteemed them protestants, and great supports of that profession.

The little sense of any danger, (when our religion was never in such extreme hazard, since we and our fathers were born) the obstructing in one or both houses, of all that is offered to secure us, or hath the most probable tendency to it, by those from whom it was least expected. Those greater heats against true protestants (differing from us in some small things) than against papists, when represented by this horrid plot in their own colours, shews, that popery is no such formidable thing to many, now under another profession, as it is and will be to hearty protestants, and such as have effectually received the love of the truth. However, by the laws which will be in force, when the throne is papal, all protestants must be excluded from both houses. For all these must then pass under the notion of hereticks, and as such, not only by the constitutions of several popes, but by the decree^a of a general council, received as obliging in popish countries; they are made incapable of being admitted to any publick councils, or of chusing any to sit there. This is but a branch of one of the least penalties we must then lie under; and thus all hopes of any relief by parliaments, under such a successor, are quite blasted.

As for laws, such as are, or may be made before-hand for restraining popery, and securing our religion under a popish sovereignty, they will then be judged nullities, for they are no laws which are against the common good; but these will be counted mischievous acts, of a pernicious nature and tendency, being for the support of heresy, against their catholic interest. They will be null and void also, without any formal repeal, upon another account, viz. because enacted by an incompetent authority: for our parliaments are now, and have been long, constituted of such as they count hereticks, and these, by the decrees and principles of their church, have no^b jurisdiction at all, much less that which is sovereign and legislative. They have no right to proceed in judgment upon laws duly made, so far are they from all just power to make any. And

^a Cap. Excommunicamus Sect. credentes. Tit. de Hæreticis.

^b Juxta Constitutiones Greg. 9. Hæreticus privatur omni Dominio naturali, civili, politico. Simanca Institut. Cathol. Tit. 46. N. 74.

whereas no laws can be made in these realms without the concurrence of every of the three states in parliaments, they will not own any of them to be in a capacity to concur therein.

The king being an heretick, is with them no king; he is divested of all prerogatives and royalties; hath no power to call parliaments, or pass any bills there rendered: He is no better with them than a private person, nay in a worse capacity than a good subject; for by their principles he may lawfully be killed by a private hand.

The nobles being hereticks, their blood is tainted by the highest treason, the attainder good in law, (that law which will then be of most sovereign obligation;) they have lost all privilege of peers, they have no titles to baronies, no rights to be summoned by writ, if there were any that had right to summon them. They have forfeited what they had by descent, though from popish ancestors; and what they had by patent is null and void. Since our princes were protestants, they are no more lords, in the sense of the Romish laws, nor have more right to sit as peers in making laws than laws of Jack Straw's creating.

This is manifest by the first penalty forementioned, and awarded against hereticks by the laws of the Roman church; which takes effect from the first day of their supposed heresy, before sentence of any judge.

The commons being hereticks are no proprietors, and so have no power, no privilege due to the commons of England; they are born to no estates, if they be the issue of protestants, the estates of their fathers being confiscated before they were born, and so is all they have acquired since by purchase, or otherwise. So that they have no right to be chosen, nor have protestants any right to chuse them, being no freeholders, nor having title to any goods or lands, by any tenure whatsoever. In short, by the judgment and sentence of their church, all ranks among us are in a state of usurpation, we have no right to estate or life (as we are like to find when they have power,) much less any authority to make laws. What our parliaments have enacted, or may do, for the securing of our religion, or restraint of catholicks, is no more valid, no more obliging with them, than the acts or ordinances of meer usurpers, nor do they owe, nor will they pay them more observance (when time serves) than to the constitutions of so many thieves and robbers.

But suppose our laws were valid, and enacted by a competent authority, yet, being against the laws of the church, the sovereign authority of these will supersede the other: for so they determine, that when the canon and the civil laws clash, one requiring what the other allows not, the church-law must have observance, and that of the state be neglected. The law* provides for its pre-eminence in these words, Constitutions against the canons and decrees of the Roman bishops are of no moments. Their best authors* are positive in it, and our own country affords us instances of it. The statutes of provisos, and others of like nature, made in the reigns of Edward I. Edward III. Richard II. and Henry IV. for the relief of the nation against papal incroachments: they were defeated by the pope's authority, and in effect repealed, there being no effectual execution of them till Henry the Eighth's time. And if the pope (the throne being once at his devotion) should appear against any statutes or provisions made for our security, as Pope Martin V. did against the statutes of Edward II. and Edward III. that would be enough to null them as to the consciences of Roman catholicks; or to lay them asleep, and render them ineffectual to the purposes they are designed for.

We may see hereby what laws made now for our security will signify, when such a successor is in possession.

* Constitutiones contra canones et decreta presulum Romanorum vel bonos mores, nullius sunt momenti.

Regum. 10. c. 4.

* Victoria relect. p. Navar. c. 7. n. 1. Fumus. v. lex. n. 7. Bonocina. Tom. 2. Disp. 1. q. 1. punct. 4. n. 17.

Barbosa. Sum. v. inquisitor. n. 10. after Barbosa and others.

* Burnet's Hist. Reformation, p. 110.

Upon the whole, our danger as to all our concerns, civil and religious, is very apparent, and looks upon us with such a terrible aspect, as scarce any true protestant can fully view it without horror and trembling. Our estates, lives, and souls are in extreme hazard, and what have we more? That which will not secure us is discernable by the premises; what expedient may be effectual to rescue us and our posterity, who with us and all that is dear to both, are now in the very jaws of destruction, is humbly left to the wisdom of the nation in parliament.

Pereat Papa: or Reasons why a Presumptive Heir, or Popish Successor, should not inherit the Crown.

It is conceived, and that very candidly, without prejudice to other judgments, or troubling ourselves by reflecting on that so often baffled a cause called popery, that a papist, or one popishly affected, ought not to inherit or succeed in the management of the crown.

Reason I.—In strictness of law, because one so qualified hath wilfully disabled or rendered himself incapable of that benefit, which the common law (after the usual course of descent) doth positively require; for it is presumable, that he that succeeds in the office of the crown should be legally adopted to execute so great a trust; and therefore if *Minus, Idoneus*, be not sufficiently ballasted with the notion and intrigues of state, others are to govern in aid of him, as in case of idiocy, lunacy, or the like, and the parliament is bound (as intrusted to redress grievances and secure the nation) to place it where religion and property shall be adjudged most safe.

There are several precedents of this nature.

1. Edgar Atheling (as stories agree) was the undoubted heir, yet William the Norman, commonly called the Conqueror, was called in to oppose Harold, and invested with the crown; and Atheling for ever an exile, and disinherited.

2. After him succeeded his second son William Rufus, and not Robert the eldest.

3. King John not only laid aside, after Plantagenet his eldest brother's son, but likewise put him to death.

4. In Sicily there was lately a great contest between the two sons of Charles II. Mortelu and Robert, and I find the crown awarded to Robert the younger, as *Magis dignis ad Regnandum*.

5. Alexander was demanded to whom he should bequeath his scepter; he said, the worthiest, and to him whose sword had the sharpest point; meaning, whose virtues were most luculent, and of the brightest integrity: after the disposition of Jacob, passing by Manasses, and conferring the blessing upon Ephraim the younger, as more deserving, and acceptable to God.

6. The state of France rejected the King of Navarre, and appointed another to reign over them, because of his religion. And when afterwards the said King of Navarre came to be Henry IV. of France, it was by his forsaking God, and complying with the church of Rome, by means of which he thought to settle the crown upon his head, but was so much mistaken therein, that he thereby lost both crown and life together.

Reason II.—Can it be thought but that he that succeeds in the crown should not succeed *C concurrentibus his qui in jure requirunt*, as the civil law expresses it, that is, in all the concerns thereof, which are the laws, principally those that relate to religion, and not for one man led away with a blind perverseness, renouncing the religion he knows not why (and so wilfully attainting himself) to inthral the nation in superstition and tyranny; for regularly, in all parts where popish lords are in the church, there tyranny (on course) rages in the state.

Reason III.—It is a maxim amongst lawyers, that *Lex facit Regem*, and maxims must not be denied; if so, then, to speak out after the true intendment of law, he that comes not to the crown *satiatim*, as the law notifies and prescribes, it is no lawful succession, but downright usurpation. And without scruple, it is the endeavour of every good Christian to withstand an usurper, it being undoubtedly more pleasing to God to put one man by, who thus wilfully disables himself, and withal most shamefully usurps, than expose millions of souls to damnation, and the streets to flow with blood by suffering that religion to creep in, whose reformation (at the mildest rate) will certainly prove fire and faggot.

For this very cause Maacha was removed (from being queen) by her son King Asa, for making an idol in a grove, incited thereunto by the prophet Azariab.

Reason IV.—The succession of the crown, and a common descent much differ; for if an heir that is a subject prove loose and debauched, it little damnifies the publick; more deserving persons may happily perchance step into his possessions, and be more serviceable to the publick; the damage is still but private to his own family; but in case of the crown, there is none so senseless but must needs conceive the damage most fatal because universal.

The whole nation must inevitably suffer; religion subverted and property destroyed, and the whole people in danger of their lives. It is well known in a private case, the heir is usually thrown off and disinherited: if an entail, it may be destroyed: and if law justifies it, the like in the publick. And therefore the grand inquisitors of state, and conservators of the liberties of England, the parliament, may for weighty causes refuse the heir presumptive, and for the safety of the nation settle it where they in honour and prudence shall conceive most proper.

Reason V.—We read in scripture (which is the golden rule we must walk by) that Libnah revolted from Jehoram, because he had forsaken the God of his fathers; so we had better forsake man, adhere to God in keeping our religion, than trust to man, and lose God, to be unavoidably destroyed here, and hereafter irrecoverably damned in serving Baal, and parting with the divinity now established.

Reason VI.—When Rehoboam had prepared a great army to reduce the Israelites, he was forbidden by the prophet. "Thus said the Lord, ye shall not go up, nor fight against your brethren, for they are from me;" mark, he calls them brethren, not rebels.

Passive obedience therefore is simple, and fit for such that knows no better; now God has discovered the snare and the pit of ruin that the pope and the devil has prepared for us, if we do not timely countermine it by cautionary laws, to suppress those that digged it, we may in a short space be thrown into it headlong, and none pity us.

But the right line with some shallow-pated talkers, is a *Noli me tangere*, so sacred (forsooth) that we must rather venture body and soul in subjecting ourselves to all the curses imaginable that hell itself can inflict on us, than in the least alter or controul it; a very frivolous caveat, and not to be heeded by us; for human examples (as I shewed before) have been noted against it, and the scripture warrants it. Samuel foretold, in the case of Saul, that he would be rejected for his disobedience, though not his person degraded or deposed, yet that the kingdom should be removed, both from his line and tribe, which was done accordingly, and transferred on David: This proves very fully, that the heirs, or the next in succession, are not so immovably placed, but that they may lawfully (on just cause) be displaced, if not legally qualified, and other put up for God's glory in their rooms. God raised Jehu to purge idolatry against the house of Ahab; all the sons of Ahab were beheaded, and in a manner his whole line cut off. For his good service, he had a promise of a special blessing for his issue to continue the throne to the fourth generation. Several other instances I could give, but this may suffice.

In brief, there is no reformed church, from the first Waldenses of Lyons and Languedoc, to this very day, but have held it lawful.

Reason VII.—It is conceived by half-witted statesmen, that restrictive laws may prevent all mischiefs, and secure the protestants; a very vain opinion, and most fallacious; for laws will never bind, but more enrage; shackle him as ye will, and load him with never so many laws when king, he and his party will be restless, till they have set themselves at liberty, to have the protestants under; for when king, he is not impeachable, and the *Post Regni* will be at his disposal.

When the wolf is shepherd, the flock is very safe indeed, and like to be well looked after, all may devour that will; for if his party commit such outrages, that no age can parallel, what will they do then? Now, no man is safe in his bed, then none safe at all; they will adventure to murder people in their very houses; for they hold it no more sin than to kill a dog.

Reason VIII.—In fine, be sure he and his party (which will increase daily, and the protestants decline) will soon get an opportunity by either stratagem, or open force, to avoid all laws, though they are never so strong and wary, and therefore it will be impossible to be safe without a protestant successor.

England's Concern in the Case of his Royal Highness James Duke of York and Albany: An Extraordinary Pamphlet, and worthy to be read by all Subjects, whether of Royal or Republican Opinions.

Printed 1680.

HAVING seen and read all the pamphlets for and against the power of parliaments in the right of succession, I cannot but conclude both sides mistaken in the main, and to have, wilfully or ignorantly, past over, or wrong stated, the chief part of the question; which was, not what the parliament, meaning king, lords, and commons, could do, by virtue of their might or power, but what in justice, or prudence, they ought to do in the case of his royal highness?

In the first notion, no man in his wits can dispute, that the stronger joining against the weaker, have not power to do what they please: but this being a right of nature, to which both parties are equally entitled, and both, upon entering into society, have renounced or changed for an artificial right or power, that of the magistrate, or community, cannot fall within the limits of the question; because it can never be made use of, without running into a state of war, putting an end to all society, and, with Ishmael, having one hand against every man, and every man's hand against him. And therefore in the second notion this controversy is to be taken, viz. What in justice, by the laws in being, or, since the instance is extraordinary, what in prudence, in reason, the parliament may do? for this, being the supreme judicature, must not want a sufficient authority in any case that can possibly happen.

We must then enquire, whether some actions of the duke have been obnoxious and censurable? and if found so, what is their proper or condign punishment? in order to which, it is to be premised, that nothing in its own nature is or can be penal, or censurable in *foro humano*, but a transgression of some positive institution of the common-

wealth, or a deviation from the dictates of right reason. Now the crime objected, but never yet proved, nor confessed, is the duke's going over from the protestant to the Romish church. This is the Trojan horse that ruins our city; for in its belly is hid a mysterious consequence, viz. That his doing so gave encouragement, and was the occasion of the late discovered popish plot. The first part of this accusation is a breach of the laws of England; the latter, of those of reason and all nations; and therefore punishable after the most severe manner. But before sentence, or execution, it is to be observed, that not only our own, but the laws of all countries, require not only the criminal's conviction, but that his sufferings be commensurate to his offence. This last must be known by the stated measures, the rules of the society and country; the former is built upon the same foundation, and necessarily supposes a legal process, and sufficient evidence. Both are wanting in this of the duke, he having never been summoned to appear, nor witness produced to prove him guilty: for who can say he has changed his religion, or that, if he be now a papist, he has not been so ever since he came to the use of reason, since he was forced to fly, to avoid the effects of the late rebellion? If that be so, who are most in fault, those who occasioned this evil, or he that suffered himself, before his years enabled him to understand better, and to chuse, to be persuaded that was not the truest religion that authorized such impieties as Christianity forbids? If this be his case, he is not liable to the pains of treason, pronounced against the perverters and perverted to the Romish communion. But, to wave disputes, allowing it were otherwise, yet the statute of general pardon, enacted in the year 1673, has so acquitted him from all guilt, that on this foot he now stands *rectus in curia*, innocent before any earthly tribunal.

But as to the consequence, that his being reconciled to Rome has given occasion and encouragement to the plot, I can only say, that he cannot in reason be blamed on that account, if it be not proved he intended and designed that horrid contrivance. It is the end and intention that justifies or condemns any action; and neither father nor mother are to be censured, that a monster happens to be the issue of a marriage-bed. This being accidental (for so it must be granted, till the contrary be made out) can no more be imputed to his royal highness, without madness or folly, than it can to God, without blasphemy or irreligion, that by his making man he is the author and cause of sin, and all the evils under heaven.

I am unwilling to mention what I have seen in print, to wit, That the Duke of York's being a papist has given birth and life to the plot; because this is so inartificial and illogical an inference or conclusion, that I am persuaded the authors will be ashamed of the ignorance or malice it betrays: an assertion that has neither sense, nor wit, nor more force than the old wives story, The cat washed her face a Sunday, therefore it rained on Monday; or any other such impertinent or senseless saying. Indeed, if this could be made appear, I think it is a crime of so foul a nature, that nothing less than death, not disinheritance, could satisfy the justice of the nation. But from this the duke is acquitted by Mr Oates; and Mr Bedloe,* even in his last words, clears him from having any knowledge of the design against the king's life; in which, and in the bringing in religion by the sword, (of which his royal highness is not accused) the treason or conspiracy doth consist. And being freed by these two, by whom else has he been accused? by Mr Dangerfield.† As to this, tell me what you think, when you reflect,

* Bedloe, celebrated as a plot-witness, fell sick at Bristol, where he sent for Lord Chief Justice North, to whom he communicated a string of bold, disjointed, improbable, and inconsistent stuff, from which it appears to have been his design to involve the Queen and Duke of York in the pretended popish plot. But he acquitted the duke of being acquainted with that part of it which affected the king's life. To the queen he was not so courteous, and having made this legacy of falsehood and calumny, he gave up the ghost in his vocation.

† The wretched man, who was infamous for a thousand crimes, contrived to obtain credence as a witness in what was called the Sham or Meal-tub Plot, and afterwards became a supplementary witness to the main con-

that he gave in his depositions to the late lord mayor, and to the king in council, the first and seventh of November, 1679, and upon oath declared so often, he had nothing of further discovery or additions. What credit will you then give his late new accusation before the house of commons, of the duke, lord privy seal, Earl of Peterborough, and Lady Powis? Whatever the infamy of his person, and the former actions of his life, would signify, this alone, in my opinion, would invalidate his testimony in all matters with men of honour or of conscience. So that, upon the whole matter, from what does hitherto appear, the printed narratives and letters to and from popes and cardinals, I am not afraid to avow, that excluding the duke his right of succession is contrary to the laws of God, and of this kingdom (expressed in Magna Charta, and agreeable to those that gave every man his due, liberty of person, and descent of inheritance, and all the advantages of birthright; blessings every freeman has in common with the prince: and if the greater be thus outed, how shall the less be secured?) and to the rules of reason, which forbid the doing any action that in its consequence will be a greater evil, than that from which we intended to be freed. The two first parts of this assertion are very plain, because religion or Christianity alters not the political constitutions of any society, and because popery in England hinders no man from being heir to real or personal estates; the third therefore is to be made evident, to wit, that prudence and reason tells us, the duke ought not to be barred of succession. I say then, this act is not only unjustifiable at present, but in future and consequence, as what will bring upon the whole nation irreparable mischiefs. Where there are more hazards of an ill than a good event, the action is in prudence to be avoided. In great and momentous instances new experiments are not to be tried; nor indeed in any case, or distemper, where the remedy is like to prove more fatal than the disease. Now, to give or allow so boundless, arbitrary, and despotick a power, as that of putting by the next heir, or punishing *ex post facto*, either in the king alone, (who is obliged, under the obligation of oaths and interest, to govern by the stated measures of law) or in him, when advising with both houses, (whose power is so far from being co-ordinate or independent, that it is only communicated, or derivative from the prince, as streams from the fountain, and therefore can add or give nothing new) is to subject and enslave ourselves and our posterities. For, if every one be a papist, whom faction or malice, presumption or slight circumstances, and no positive proofs, have made so; and if the right heir on this account, or for being really a papist, may be despoiled of his right by parliament, since there can be greater crimes or evils than popery, which we all acknowledge consistent with salvation, what can secure all future princes, even the king at any time in being, from being laid aside and dethroned? To endeavour so absolute a subversion of our government, if it be not treason, is to design, if it be pursued, that which cannot but happen, anarchy and confusion, and all the calamities of an unnatural civil war.

Against this there is but one objection, that in the notion of a parliament a king is implied, and nothing can be supposed to consent to his own ruin. This, I confess, is true in nature, in *thesi*, but not in the fact, in *hypothesi*: For what has been once done may be again: Tumults and factions, cunning and address, may make a prince quit his crown to save his life; and yet none ever lost the first, but soon after did the second: nay, every flower or jewel he parts with is a step or advance to his grave; and the considerer of the weighty considerations leaves in this objection no force, by mentioning the Seconds of the Edwards and Richard's deposed by parliamentary authority; he might have added to his catalogue the late royal martyred Charles. While this book, in many passages treasonable, is publickly sold before the doors of parlia-

ment, in the guilt of which he endeavoured to involve the Duke of York. These witnesses understood the temper of the times and the nature of their own infamous profession so well, that they never minded how little the evidence of any individual corresponded with that which preceded it, studying rather to excel others, and distinguish themselves by some bolder accusation, or accumulated circumstances of horror.

ment,^{*} who can lay aside fatal apprehensions, especially when two houses of commons have successively prepared a bill disposing of the crown contrary to the king's express commands, and former precedents? And because I will not run too far back, and that Queen Elizabeth is renowned for one of the best of our princes, I will instance what in some great points happened in her reign, concerning the commons intermeddling in the ecclesiastical and the crown affairs, their right and her prerogative.

In the twenty-third year of her reign, when the House of Commons first ordered to have a time of prayer and humiliation appointed in the Temple, on Sunday fortnight after, the queen hindered it, and sent a message to the house by Mr Vice-Chamberlain, declaring, That her highness had great admiration of the rashness of this house, in committing such an apparent contempt of her express command, as to put in execution such an innovation, without her privy and pleasure first known. And thereupon Mr Vice-Chamberlain moved the house to make humble submission to her majesty, acknowledging the said offence and contempt, craving a remission of the same, with a full purpose to forbear the committing of the like hereafter. And by the consent of the whole house, Mr Vice-Chamberlain carried their submission to her majesty.

Likewise, in the twenty-eighth year of her reign, the queen said, She was sorry the commons meddled with chusing and returning knights of the shire for Norfolk, a thing impertinent for the house to deal withal, and only belonging to the office and charge of the lord chancellor, from whom the writs issue and are returned.

In the thirty-ninth year of her reign, the commons, by their speaker, complaining of monopolies, the queen made answer, by the lord-keeper, That she hoped her dutiful and loving subjects would not take away her prerogative, which is the chiefest flower in her garland, and the principal and head pearl in her crown and diadem, but that they will rather leave that to her disposition.

In the thirty-fifth year of her reign, Mr Peter Wentworth and Sir Henry Bromley delivered a petition to the lord-keeper, desiring the lords of the upper house to be suppliant with them of the lower house unto her majesty, for entailing the succession of the crown, whereof they had a bill ready drawn. Her majesty was highly displeased herewith, as contrary to her former strait command, and charged the council to draw the parties before them. Sir Thomas Henage sent for them, and commanded them to forbear the parliament, and not to go out of their several lodgings: after they were called before the lord treasurer, the Lord Buckhurst, and Sir Thomas Henage, Mr Wentworth was committed by them to the Tower; Sir Henry Bromley, and other members of the House of Commons, to whom he imparted the matter, were sent to the Fleet.

And in the same parliament, when Mr Morrice, attorney of the Court of Wards, moved against the hard courses of the bishops, ordinaries, and other ecclesiastical judges in their courts, and spake against subscriptions and oaths, offering a bill to be read against imprisonment for refusal of oaths, the same afternoon Sir Edward Coke, then speaker, was sent for to court, where the queen herself gave him a message to the house, declaring, It being wholly in her power to call, to determine, to assent or dissent to any thing done in parliament; that the calling of this was only that the Majesty of God might be more religiously observed, by compelling, by some sharp laws, such as neglect that service; and that the safety of her majesty's person and the realm might be provided for: it was not meant they should meddle with matters of state, or causes ecclesiastical; and she wondered that any could be of so high commandment, to attempt a thing so expressly contrary to that which she had command-

^{*} In Westminster-hall there were formerly little stalls, or benches, on which stationers and other small dealers sold their wares. There is a scene in the Plain-Dealer of Wycherly, which turns on this circumstance. The same sort of petty shops was, till within these ten years, maintained in the outer-hall of the courts of justice in Edinburgh.

ed; wherefore with this she was highly offended; and because the words spoken by my lord-keeper are not now perhaps well remembered, or some be now here that were not then present, her majesty's present charge and express command is, that no bill touching the said matter of state, or reformation in causes ecclesiastical, be exhibited: and upon my allegiance (saith the speaker) I am charged, if any such bill be exhibited, not to read it. I have been credibly informed, that the queen sent a messenger, or serjeant at arms, into the House of Commons, and took out Mr Morrice, and committed him to prison. Within few days after, I find Mr Worth moved in the house, that they might be humble suitors to her majesty, that she would be pleased to set at liberty those members of the house that were restrained; which was accordingly done: and answer was sent them by her privy-council, That her majesty had committed them for causes best known to herself; and to press her highness with this suit would but hinder them whose good they sought: that the house must not call the queen to an account for what she doth of her royal authority: that the causes for which they are restrained may be high and dangerous: that her majesty liketh no such questions, neither doth it become the house to search into matters of that nature.

In 39 Eliz. the commons were told, That their privilege was *yea* and *no*: And that her majesty's pleasure was, that if the speaker perceived any idle heads, which would not stick to hazard their own estates, but meddle with reforming the church, and transforming the commonweal, by exhibiting bills to that purpose, the speaker should not receive them, till they were viewed and considered by those who are fitter to consider of such things, and can better judge of them. And at the end of this parliament, the queen rejected forty-eight bills, which had passed both houses. All these passages are expressly to be found in the records and registries of the council-table, and are quoted by Sir Robert Filmer, in his *Free-holder's Grand Inquest*, p. 77, &c. and by Mr Howel, sometimes clerk of the council, in his *Philangus*, p. 57, &c. and several others.

By which it appears, that this grand privilege of parliament, *Liberty of speech*, which at present makes so great a noise in the world, was not in this good queen's reign half so considerable as people now would fain persuade us. It was of no great antiquity in her days, but a favour first begged in King Henry the Eighth's reign, by Sir Thomas Moore, then speaker of the House of Commons, who prayed the king, in behalf of the house, That if, in communication and reasoning, any man should speak more largely than of duty he ought to do, that all such offences should be pardoned, and this to be entered upon record: which was accordingly granted by the king. And the same favour was allowed by Queen Elizabeth, in the beginning of her reign, to Thomas Gargrave, then speaker: since whose time this privilege was always humbly desired by the speakers, for themselves, and the whole House of Commons, and favourably granted by their sovereign. Yet this privilege extended only to rash, unadvised, ignorant; or negligent escapes and slips in speech, which people are subject to let fall in the heat of their debates; not to wilful reflections, much less to treasonable speeches against the king and government; as sufficiently appears, not only by the aforesaid proceedings in Queen Elizabeth's time, but also by the transactions of her father's reign, where we find that Richard Strood and his complices were not thought sufficiently protected by this privilege for their free speech in the house, unless their pardons were expressly confirmed by the king in parliament; to which purpose, there is a printed statute enacted in King Henry the Eighth's time. And in Queen Mary's days, Plowden was fined in the King's Bench for words spoken by him in parliament against the queen's dignity. See *Filmer ubi supra*, and Mr Fowles' *Hist. of the Plots and Conspiracies of the pretended Saints, init.*

This was well known to our British Solomon, King James, who, finding the House of Commons encroaching too far upon the prerogative, sent the ensuing letter from Newmarket to Sir Thomas Richardson their speaker:—"Mr Speaker, we have heard, to our grief, that our distance from parliament, caused by our indisposition of health,

hath emboldened some fiery and popular spirits of the lower house to debate matters above their capacity, to our dishonour, and breach of prerogative royal: These are therefore to command you to make known to them, that none hereafter shall presume to meddle with any thing concerning our government, or matters of state; with our son's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends or confederates, nor with any man's particulars, which have their due motion in our ordinary courts of justice. And whereas they have sent a message to Sir Edward Sandis, to know the reasons of his late restraint, you shall resolve them, It was not for any misdemeanor of his in parliament; but to put them out of doubt of any question hereafter of that nature, we think ourself very free and able to punish any man's misdemeanors in parliament; as well sitting there, as after; which we mean not to spare hereafter, upon any occasion of any man's. And if they have touched any point, which we have here forbidden, in any petition of theirs, which is to be sent to us, tell them, (except they reform it,) we will not deign the hearing or answering. Newmarket, Decem. 3. 1621."—Sanderson's History of King James, p. 510.

And likewise, in the same parliament, when the House of Commons much insisted upon their privileges, calling them *their ancient and undoubted inheritance*, this wise prince, in a second letter to the speaker, plainly and truly told them, That most privileges of parliament grew from precedents, which shews rather a toleration than an inheritance; therefore he could not allow of the stile, calling it their ancient and undoubted right and inheritance; but could rather have wished that they had said, their privileges were derived from the grace and permission of his ancestors and him. And thereupon he concludes, He cannot with patience endure his subjects to use such anti-monarchical words concerning their liberties, except they had subjoined, that they were granted unto them by the grace and favour of his predecessors: yet he promised to be careful of whatsoever privileges they enjoyed by long custom and uncontrolled and lawful precedents.—Sanderson's Hist. p. 519 and 520.

Now, add to this, that if the king should be drawn to consent to the bill of exclusion, after his several declarations to the contrary, he cannot but be concluded under a constraint, which alone makes the act void in itself; it being absolutely necessary that the commons, lords, and the king's consent should be free from all restraint and terror: and we know, that acts of parliaments in 15 Edw. III. and 10 Rich. II. were repealed, merely because the king's consent was forced.——Moreover, if we seriously did consider the mighty advantages of an hereditary monarchy beyond an elective, we should find it reasonable, that though the laws had not, yet the king should endeavour to make ours such; much less ought he to alter that most happy constitution, by excluding his brother. For, let men say what they please, the same power that that can put by one, may all; and so change the best of government for the worst, or none at all.

Besides his majesty cannot but find it his own interest to stick to the duke, when he reflects, that there is in all things, especially in state affairs, a balance necessary, by an equal libration to keep things in a right order, and prevent confusion and ruin. Where men are, there will be ambition; this creates parties and factions; these must be kept divided and asunder by their jars and disagreement; and by so poisoning them, that the less, like the smaller fry of fishes, be not swallowed by the greater, the safety of the prince and state is preserved. If the prince be once prevailed upon to join with the one to the suppression of the other, he has resigned his power, and has exposed himself to the mercy of the conqueror. This he likewise does, if he gives way to several little factions to embody into one of greater strength than the rest, though assisted with that of his own particular; for here we must suppose three strong parties, one of the prince, and two of the people. To keep this balance in the best posture, and to secure the peace of the commonwealth, by the king's reigning void of fear or

jealousy on the score of factions, or his successor, it is necessary in polity to find, or make the next heir the object of the people's hatred, and keep the factions from combining; because, however they may chauce to be weary of the king, either through the inconstancy of their humours, studious of change and variety, though for the worse; or through the ill conduct of ministers, or the misfortunes of public affairs; when they find a person whom they hate like to succeed, they will be for continuance of the old; or else, being jealous of one another, will not attempt his removal. This then being so great an advantage, prudent kings cannot be supposed to neglect it, by suffering the immediate heir to be run down, and thereby giving way to the people to dethrone the present possessor, and set up the next in course after. To this wisdom in Henry the Third, gained by his own and father's misfortunes, we owe our present constitution of parliament. This king, perceiving the lords power (in whom, with himself, the supreme legislative right then consisted) grown formidable, the commons being their liverymen and dependants, erected these into a lower house, to counterpoise the weight of the other, that he, joining with either, as occasion of state required, might balance the other, and so keep things in an equal and steady libration. And if his successors had been as solicitous to maintain as he was to institute this good order and polity, the eternity of this commonwealth would not at this day have been a question. And as this was our home-interest, and that of holding the scales even between France and Spain our foreign, so it plainly appears, that not to exclude the duke is not only his majesty's particular interest, but also that of the three kingdoms. Not to insist, that the parliament is not compleatly the people's representative, but granting it is, they cannot be supposed to enjoy a greater power than those they represent; who, because such are the greater, and therefore must be concluded, explicitly or implicitly, to limit the commissions of these their trustees; and that confinement, reason will tell us, must be within the bounds of our ancient rights and privileges; consequently, these are not to be invaded without the consent of every individual person, or at least of the major part, truly polled and computed. The present electors, not making a sixth part of the nation, cannot in reason bind the rest contrary to their interest; much less can the majority of those chosen by them oblige the others to conform to whatever they enact, when they find the statutes more prejudicial than advantageous; the end of government being the good of the community, i. e. of the major part, not of any artificial or fictitious majority of a quorum, as in the House of Commons, of five hundred and twelve to reckon forty the greater number.

Now, if such an act should be obtained, the consequence, if the duke survive the king, (whose life God long continue) must needs be a war and misery, folly and repentance. Our histories are full of tragical events upon such occasions: one of them wrought so great a depopulation, that in sixty miles riding, between York and Durham, for nine years together, there was neither ground tilled, nor house left standing. Harold, justling young Edgar Atheling out of the throne, produced a civil war and the Norman conquest. I wish excluding the duke may not enslave us to the French dominion, which may be of greater evil than the cutting of as many of our own people's throats as died in the Yorkist and Lancastrian quarrel, upwards of two hundred thousand of the commons, besides several kings and princes, and nobles without number. The duke cannot be supposed to want sticklers both at home and from abroad; few will believe the act lawful in its own nature, nor the king's consent free, or themselves not bound by oath to his assistance. Scotland and Ireland will rejoice at another civil war in England, in hopes to free themselves from the inconveniences of being provincial. Those who have least to lose are the usual gainers by rebellion. There are sown between these nations seeds of discontent, and there will not be wanting those who will improve them. I have heard from knowing persons, there are no less than fifty thousand Irish soldiers now living, that have been trained up in the French, and other foreign service; and I

believe there cannot be fewer of the Scottish people. These all, with many of our own countrymen, will quickly credit the lawyers, that tell us, "No act, no crime, no attainder of treason, can bar the next of blood from being king in the instant of time his predecessor does not so much die, as transmit his life, his breath, or his soul, by a state-metempsychosis, into the nostrils, the body of his successor." Edward the Fourth, Henry the Seventh, Queen Mary, Queen Elizabeth, and King James enjoyed the crown, though all excluded by acts of parliament, if they ought to have the name, that were the effects of force, strong hand, and an usurping tyrannick power. These statutes were by all judges of England accounted void in themselves, and therefore never had the honour of repeals, nor were they brought into plea by Sir Walter Rawleigh, one of the greatest wits of that age, though he urged a very trivial one, *the king's not being crowned*, a ceremony of pomp and state, not of use or necessity, as appears not only in that it could be of no use to him, but that several kings have exercised a full regal authority, enacted laws, &c. before their coronations. And since this inauguration is but a formality, let it be well weighed, that unless the monarchy be made purely elective, and that part of the common law, and the several statutes that have declared it hereditary, be repealed in express words, and the oaths of allegiance and supremacy changed, and the successor mentioned by name, the act against the duke falls to the ground of itself, in the moment in which he happens to out-live the king; for thereby becoming our lawful sovereign, none can fight against or oppose his right to the crown, without perjury and rebellion; we having sworn to defend, against all pretenders whatsoever, foreign or domestick, the king's majesty, his heirs and successors, and all rights, privileges, and preheminencies to them belonging, annexed to the imperial crown of this realm. Is not the descent of the crown upon the next of blood one of these rights, &c. acknowledged by the common law, and in the statutes 1 M. Eliz. and Jac.? The maxim in our laws, *The king never dies*, confirming as much. And was not the duke then, at the taking of these oaths, the next heir? And what power on earth can absolve from the obligation of promissory oaths, without the party's own consent to whom the promise is made? Let us not rail against the pope, for deposing princes, and absolving subjects from their allegiance, and yet allow the parliament the same authority.

The bill against the duke is not only of an extraordinary, but of two natures; one expresses a present punishment, exile, which, as a subject, did the crime deserve it, none will deny may be inflicted; the other refers to the future, and is at present no punishment, nor can be hereafter; for if he out-live his brother, his being king in that moment puts upon him a new person, a politick capacity, over which, not before in being, no former authority could have power, nor any after, because himself is become supreme, and, as such, by our own, and the laws of God, subject to no earthly tribunal. Bracton, and all our old honest lawyers, tell us with one consent, *The king can do no wrong, i. e. can be accountable to his subjects for none of his actions. Nemo quidem de factis ejus præsumat disputare, multo minus contra factum ejus ire — Loccus erit supplicationi, quod factum suum corrigat et emendet; quod quidem si non fecerit, sufficit ei ad penam, quod dominum Deum expectet ultorem.*

Now he that says, *The oaths of allegiance and supremacy reach no further than to the king in being*, says not amiss, if he takes the king in his public capacity, for, in that he never dies. But if he means no more than the person of the reigning now monarch, he cancels with his death the obligation of those oaths, and makes rebellion against the successor no crime against conscience, though it may be otherwise against prudence. This is to elude the oath, and rob it of the energy designed. For it is plain, by the words *heirs and successors*, that the takers obligation continues during their own lives, let the persons of never so many princes be altered; and as certain, that in an hereditary monarchy the duty is owing to the next of blood: and that a parliament, or any power,

may dispense or absolve from the obligations, especially of promissory oaths, between party and party, without mutual consent, is a doctrine inconsistent with the nature of promises (where the promiser gives the other a right, and makes himself his debtor) with the rules of Christianity, of human society, and all government. It is no less dangerous to assert, that promissory oaths, or oaths *de futuro*, are not obligatory. Such a principal cancels all the duties and bonds of obedience between prince and subject; of which therefore not only the divines, and my lords the bishops, but the state, is to be very tender and careful. Upon this foundation, it is evident, that if the duke outlives his brother, and the monarchy of England, as it is, be hereditary, and coronation but formality, we become, upon the death of the one, the subjects of the other: And though there may be some that will not think of this truth, or notwithstanding will not mind it, yet I am assured, all that are truly Christians, and all that are of the church of England, and wise, will lay it to heart; for Christianity teaches, be the prince of any or no religion, we must be obedient, and submit ourselves, not only for wrath, but also for conscience sake. In the late times of usurpation they were so sensible of this, that they made the people covenant against the king, and renounce their former by after-oaths; yet they durst not depend on that artifice, without the assistance of an army. Thus then we see the duke cannot want a party in England, whose strength must over-power any other, when to it is united that of Scotland and Ireland. And here let none be mistaken, as if Scotland were governed or influenced by presbyterian Dominions; the nobility there do wholly sway, and hate refined presbytery, and a plebeian commonwealth. Neither will the Scots be more forward to assist the duke than the Irish, in hopes they may thereby find an opportunity to extirpate the English, and regain their ancient possessions, free themselves from any dependence, or at least change their present from that of England to France, which on many scores seems to be the true interest of that kingdom, politickly considered, either as popish or protestant, without respect to religion. It is a ready infet to France, who will not be wanting to assist the duke in this quarrel; the only way he can hope, by gaining England on his side, to win the universal dominion. Now to resist the duke, an army must be maintained; the general of that army may turn papist, or tyrant, or both; and either way we may be enslaved by the duke if he gains the victory; or, if he loses it, by our own general. Thus we may, by shunning one rock, split upon another. The Romans designing to free themselves from the seeming tyranny of Julius Cæsar, (who studied by clemency and obligations upon every body to secure himself, as must needs be his royal highness's interest, as it is his temper and inclination) made way for the real and perpetual one, in the persons of Augustus, Tiberius, and their successors. And the Græcians repining against their lawful emperors, and deeming their just and wholesome commands tyrannical and oppressive, were so refractory, and so obstinate, that, through spite to their sovereign, they would contribute nothing toward the necessary defence of the empire, when invaded by the Turk, until at last, through the just judgment of the Almighty, (a fitting punishment for their folly,) they became a prey to that tyrant, and to this day continue the veriest slaves in nature.

And, I pray, why must we run all this hazard to secure religion? If that be the thing, it may certainly be done by binding up the hands of a popish successor by such laws as will make it felony or treason for a papist to appear at court, or bear any office, and put it out of the prince's power to pardon such offences or offenders. For my own part, I see no cause to apprehend a popish successor, especially the duke, would or could alter our laws or religion. To attempt it, would be, for a crown of flowers to forfeit one of gold and jewels. Has he ever offered to persuade any of his children, or his servants, to change their opinion? and why should we think a man who has never broken his word or promise, and never professed nothing more than a liberty of conscience, so restrained as might be consistent with publick peace, should, with his fortune, alter

his judgment, contrary to prudence, and contrary to his interest? Kings are not now-a-days priest-ridden; and the King of England cannot be supposed to destroy his subjects at their desires, more than the monarchs of France and Germany, and other princes of that religion, where non-papists, or protestants, live under the protection of laws, and enjoy their liberties and their fortunes. Besides, to offer by force to reduce all to the church of Rome, would be folly and madness. Neither the constitution of England, nor Christianity, will admit of propagating religion by the sword. The next king, not to mention that his subjects in three kingdoms will be above two hundred protestants for one papist, will not have the fourth part of the present king's revenue; which, being insufficient for the necessary expences of the crown, will necessitate him to have recourse to and compliance with his people in parliament.

But now consider the issue: If it please God, after this bill passed, in some short time to take the king to himself, the princess of Orange, perhaps in compliment to her father, and to prevent a war, may refuse; and her husband cannot come to the throne, if she decline it, others being before him. What then? the next after cannot come in; must the duke then? no, that is against law. Here will then be no king; consequently anarchy and confusion. But if the princess do assume the crown, and after that the duke have a son, and he bred up in the protestant religion, what will then follow? still a war. The princess will be unwilling to resign, and yet the other is most certainly king. But if this young prince should, during his father's life, or his sister's, be kept out, he, or his issue after, contending with that of the princess, will entail a war upon the nations. So that, upon the whole, if the duke outlive the king, I see nothing but misery and desolation like to ensue upon his disinherison. And therefore I say, it is fitter to wave the act wholly, or endeavour, by proving him guilty of the plot by sufficient testimonies, to take away his life. For, if we cannot be safe if he succeed, I am sure we cannot if he outlive our present sovereign: a bill of attainder will be of no force; the best lawyers will tell you, the descent of the crown washes that stain away. A project of divorce whispered between king and queen will not be sufficient security: for, if that should take, which is not probable, because Christianity forbids it, yet it is possible the king may have no issue by a new consort; or, if he have, that the most will look on them but as illegitimate: and so, as a questionable divorce once brought us from the church of Rome in Henry the Eighth's days, another may return us thither, during, or soon after, the reign of Charles II.

And here I would have it remembered, that the nature of parliament requires their intermeddling only with what the king shall propound or approve: he calls them to advise and deliberate as counsellors, not to impose upon him in any particular. Let therefore the spirit of moderation govern and direct their counsels, put an end to the plot, by trying the accused. It has lost England in its trade already six millions, as has been lately computed by knowing persons; increased our jealousies and fears at home, made us a scorn and reproach abroad, and exposed us to be a prey to the designs of foreigners. Let not the ambition, malice, or revenge of any of our fellow-subjects prevail to the enslaving ourselves and our posterities. If the power of the commons grow exorbitant, the lords are with the king to counterpoise it, to prevent the otherwise not avoidable ruin of the commonwealth. To the lords then this address is humbly submitted, praying they would betimes consider all the fatal consequences of the bill of exclusion. The love of truth and justice, courage, and the practice of those virtues in this great affair, are the only preservatives of England's present peace and future happiness. *Felix quem faciunt aliena pericula cautum.* Remember what is past, and then I shall not need to add more than this, — *Verbum sapienti.* As for others, guided or misled by ignorance, malice, or interest, I can only say, with the poet,

*Quid cum illis agas, qui neque jus, neque bonum atque æquum sciunt !
Melius, pejus, prosit, obsit ; nihil videant, nisi quod lubet.*

And therefore I leave them to time for a better temper, to the conduct of their own reason, and God's providence, for the cure of their folly, and for a better understanding.

Since I finished this discourse, the following letter came to my hands ; and, believing it as advantageous to the publick as it is ingenious, I have resolved to add it, that those who might repent the charge of the former may be recompensed by the latter.

SIR,

I am grieved at my very soul, and infinitely ashamed, to find by your last, that any make the supposition of the duke's being a papist, and consequently unfit to govern, the pretence of running so high against the monarchy ; and that so many are drawn into this violent course and faction, upon the surmise of his being, if once offended, irreconcilable.

I shall, in few words, return you my opinion on these two points ; I cannot indeed but look on both as meer artifices of ambitious men, who, missing a share in the present constitution, contrive another government, I wish I had not too much cause to say, it will at last end in a commonwealth : for, if nothing were in their heads but securing the established religion, they would not oppose popery alone, but presbytery, equally with the other destructive of that, for which they do not only open a gap, but for the opinions of all other sectaries. And we cannot here but observe with astonishment, and with resolutions, which have put us upon preparations, of sticking by our sovereign against all manner of insolent and rebellious practices whatsoever, that the commons have not brought any one man into trouble, besides papists, but men of known loyalty, and of the church of England ; addressing, by repeated instances, in favour of H—, who ought, in our opinion, to have been executed for treason, if guilty of no other crime than his saying he could be backed with sixty thousand men, to stand by him for printing that seditious libel, *The Appeal*.

How is popery more dangerous than presbytery, either in principles or practice ? Suppose the first is for the king-killing and deposing doctrine, of which all her professors are ashamed, and therefore disown it as a general tenet, allowing it only a probable opinion of some private divines ; and where have princes felt the effects of it, as they have in Germany, from the Anabaptists ; in France, from the Hugonots ; in the Netherlands, from the Geuses ; in Geneva, Scotland, and England, from the Presbyterians ? For shame let us give the devil his due, and not make him blacker than he is.

It was the presbyterians of Scotland that made war against and banished their lawful Queen Mary, and began the rebellion in thirty-seven against King Charles I. It was these in England, and not the papists, who fought in his defence, that cut off this prince's head.

But what if the papists say, An heretick king may be excommunicate and deposed, and that every one is so that is not of the church of Rome ? does not the presbyterian say the same in other words ? And is not the dogmatical classis, or synod, the sole arbitrator, and as imperious and infallible as St. Peter's chair, That dominion is founded in grace ? and that an idolatrous king may be cut off ? and that a king is but the people's officer or trustee ; and, if he fails in his duty, of which they alone are to be judges, they may resume their grant, and spurn him beside the throne ? Put one anent the other, the hare's head against the goose giblets, and dec'd a barrel better herring will you find

* From this and other idiomatical expressions, it would seem that the letter is written in the real or assumed character of a Scotchman.

among all. The case is so plain, I need not instance authors, especially in a private epistle: but let me see whether Knox or Buchanan's disciples, or any of your English presbyter followers, can purge themselves and their writings from these pernicious principles. Did not all the popish plotters, lately executed, not only aver their own innocence, but deny the king-killing doctrine? Was not the contrary plain here with us, in the several risings of the whigs? And did not the murderers of the Archbishop of St Andrews, as well as those just now by-past, maintain the lawfulness of their proceedings, and chuse to die, asserting the king was justly excommunicate, and that it was doing God service to kill him, rather than take their pardon, and disown those damnable tenets and doctrines of devils: What a stir all over the nation has the murder of a single justice of the peace, Sir Edmund-Bury Godfrey, made? And even that by the papists is not so very clear, but that some doubt whether they were really the authors: but granting they were, those that suffered for the crime denied it, with horrid execrations, and asseverations of their innocence; and yet allowing them guilty, that is much, very much, less than the barbarous assassination of a protestant, the metropolitan of Scotland; the wicked instruments of which, the presbyterians, were so far from disowning it, that they impudently gloried in that inhuman act, as a meritorious piece of zeal and devotion. And is it not a smaller guilt or evil with the papists, to design the killing of a king, than with the presbyterians, to have actually murdered one of the best that ever swayed a scepter; and, with those antichristian zealots of this Kingdom, of the same herd, to avow they would likewise gladly sacrifice our present sovereign? And yet what prints or pulpits have since inveighed against such hellish proceedings? Was not this, together with a formed rebellion of many thousands in the field, hushed and passed over in very few days, without noise, wonder, or abhorrence? The memory and reproach of the other being still in the mouths of all, and freshest in theirs who were partizans, or of the same principles with those of our villainy. Away, away, man, for shame; let it not be said, that the presbyterians are not even as black as the papists: suppress both or neither: it is best policy to set them anent of each other for a balance. If I did not hear, from all hands, the insolence of the presbyterians, and with trouble read many of the printed votes, and the ballads on the bishops, for voting against the duke's exclusion, I should believe that our present fears and disorders in England did proceed from apprehensions of popery; but by many arguments I am convinced, that the duke's private opinion is but made the stale to wreak their malice against the kingly government; and that passion, more than reason, does influence your countrymen.

For, I pray consider, is not faith the gift of God? Can any man believe what he pleases? And who knows whether the duke was ever of the church of England? Did not the late rebellion force him to fly into a popish country in his youth? And is it not next to impossible to remove prepossessions, especially considering the unity, antiquity, and universality of that church, wherein all the English orthodox divines allow salvation? Can any man change his complexion, alter the figure of his face, the stature of his body, the colour of his hair, or of his skin? Is not the jaundice a disease in the eye, that needs the help of physick? And is not error or weakness in the understanding a distemper also that requires the assistance of a physician? And what remedy can be proper, but gentle arguments, and the persuasive arts of discourse and sober reasoning? Persecution makes some men, those of great souls, obstinate; and others of little, hypocrites. But what law enacts, that an opinion, in the disputable parts of religion, ought to deprive a man of his right to inherit? Would any of your fanaticks (I am sure none of our whigs would) hold their tongues, if treated so severely: equality of justice is that alone which upholds a state, and makes a kingdom happy.

* See a subsequent tract, entitled *Ravilliac Redivivus*.

And why must there be all this stir about the duke, when it is more than probable he may not survive his brother, for whose long life, I am persuaded, he, as well as all honest subjects, does heartily pray: but if he should, pray why, if a papist, must he, more than the French king, or other popish princes, destroy his subjects? To do so would be against his interest, if a Turk, or an Atheist.

The case would not then be what it was in Queen Mary's days: those laws, by which men suffered, (and yet in her six years there were not three hundred, and few of them too purely for religion) are abrogated; the body of the people were then more papists than now protestants; and no new laws can be made without a parliament, out of which, as well as out of all offices, Roman catholicks are excluded, by oaths and penalties not in the prince's power to remit or forgive: So that, upon the whole, there is, indeed, on this account, no real danger of any innovation in religion; and therefore we may well look on this but as a pretence to undermine monarchy itself.

But lest this single string should fail, they have cunningly found out another for their bow, the inexorableness of the duke's temper, if once offended: a groundless and malicious scandal; an opinion that, being generally spread abroad, has already begot many great evils, and, if continued, will, in all probability, run us into infinite calamities and disorders, not to be equalled but by the malice of the contrivers: For his being thus misrepresented must needs add to the people's obstinacy in opposing and his violence in asserting his right to the crown: and therefore I wonder how you suffer yourselves to be imposed upon, and your understandings subjected to that slavery which is certainly designed against your persons by the ambitious, without prying into the grounds and considering the consequences of that calumny. I am sure, did his enemies allow but half the time for consideration, as they do for passion, they would find his royal highness is much less swayed with an inordinate desire of revenge, than they are with a false and misguided zeal; or, which is more, that he is as void of that spiteful humour, as they that charge him with it are of candour and integrity. The knowledge of this truth I owe to my observation of his temper, principles, and practice, in the many varieties of his fortune: But I am now more bold to affirm it since his coming into Scotland; because, three days after I had shewed him your letters, he publicly declared in council, that though the malice of his adversaries might possibly deprive him of a crown, together with the affections of the people, yet it would never of the royal virtue of clemency: which, whether he derives more from the blood of his father, or the example of his brother, is an undecided question; as it likewise is, whether the one merited more by laying down his life for his people's liberty, than the other by pardoning so many thousands, who had forfeited theirs to his justice: that he was not ignorant how Machiavel's advice of *Fortiter calumniare et aliquid adhibere* was daily put in practice by his adversaries; nothing being so usual with them as to traduce his most blameless actions, calling justice, cruelty; bounty, prodigality; resolution, obstinacy; valour, rashness; and, in fine, any thing that is great or glorious, base and degenerate: yet he hoped truth would at last prevail against his and its own enemies, and make it as impossible for them to spread their calumnies to his disadvantage, as for him to leave any to severity or punishment, that had first left their crimes: that he always looked upon revenge as the result of a cankered and impotent mind, inhumanly rejoicing in the calamities of the oppressed, and as insatiable in cruelty as the memory of received injuries is commonly indelible, than which nothing was more contrary to his nature, having, besides the commands of Christianity, been taught from his infancy, that so poor and mean a passion ought never to influ-

* The opinion of James's obstinacy was deeply rooted among the people, who compared his temper with that of his brother. "Do you not know," said he to one of the numerous state criminals of his time, from whom he wished to extort a confession, "do you not know that it is in my power to pardon you?" "It may be in your power," retorted the condemned person, "but it is not in your nature."

ence a prince, who is obliged by honour to end his wrath, as soon as his enemies do their malice: and having no rivals to contend with, is then to be accounted most victorious, when he triumphs over himself, by conquering his passions: that he challenged any that knew him, to give one instance wherein he had swerved from this maxim, or exercised any rigour against any offender, that had truly and sincerely repented: that he could not forget the French proverb, *Qui se fait un brebis, le loup le mange*, i. e. "The wolf devours him that makes himself a sheep;" and therefore would not, by an over-easiness of nature, yield tamely to his own ruin, and suffer himself to be made a prey to the ambition and insolence of others; but was resolved to temper the methods of gaining and enjoying his just rights with a mixture of severity and mildness, proportionable to the opposition he should meet with: and, lastly, that he could distinguish very well between those whom ignorance or imprudence carried insensibly beyond the bounds of duty, and those who knowingly and advisedly ran not only into extremes themselves, but likewise, by lyes and false suggestions, hindered many to return from, and drove others to, wicked and malicious practices; and, consequently, he hoped none would wonder if these should feel the smart of his justice, as the other might be sure, upon disclaiming their errors, to be received into mercy, being persuaded, that punishing such men could no more be termed revenge than executing the laws against traitors and disturbers of the public quiet could reasonably be accounted cruelty: but lest, upon this score, he should be thought to reserve a latitude to himself of wreaking his anger against any at pleasure, he was willing to give all the assurance they themselves could expect, and would move his brother to agree to an act of parliament for that purpose, that he would freely forgive, and bury in eternal oblivion, whatever is past, that so either all may be thoroughly reconciled, or such as are guilty of that implacability which they attribute to him, differenced from the rest, and left without excuse to the terror of their own evil consciences and his just resentments.

I cannot imagine what further can reasonably be expected from an injured prince, and am confident, whoever after continues dissatisfied is as great an enemy to reason as he is to his royal highness; and, instead of taking away, seeks to perpetuate your differences. Nor do I see why any before him should be credited in an affair of this importance, since all acknowledge him to be of a frank and generous nature, free from all dissimulation, and the little politick fetches and evasions which serve other men's turn to break their promises; whereas the ringleaders of his adversaries are versed in all the arts and wiles of forming parties and factions, and consequently cannot be thought to stick at forging any lye or aspersion beneficial to the end they propose. But, allowing an equal probability of truth in his denial and their charge, yet to err of his side is not less safe, and I am sure much more honest and honourable.

It is indeed the usual cheat of aspiring men, by specious pretences, first to engage the unwary in their conspiracies, and when either fear or honesty opens their eyes, then to make them believe they are so far advanced that they cannot with safety retire; and that the state or person they provoked will admit of no other atonement than that of their lives and fortunes. This device (to omit ancienter times) in Philip the Second's reign, filled the Belgick plains with the blood of his Spanish and Flemish subjects; brought France successively under several kings almost to total destruction; deprived our late sovereign of his life and crown, which I am confident was not by the major part first intended in 1640; and had like to have kept his present majesty in perpetual exile, had not Providence wrought miracles in his favour, and, in spite of all the artifices of his rebellious subjects, restored him to his throne without blood or violence; among which I cannot but remember that devilish pamphlet, intitled, *A Letter from Bruxelles, &c.* mentioned in Baker's Chronicle, published after his majesty's declaration from Brera, insinuating, that, notwithstanding his promises, if they suffered his return, he would with all imaginable cruelty revenge the death of his father, and not forget it to the third generation of those concerned in that horrid

murder. This put the people into a great consternation; yet his unparalleled clemency and his so often pressing his parliament to pass his act of oblivion, sufficiently proved the malice of that invention. But I hope this cheat is now so well known, that it will gain no credit with considering persons: I only wish some care were taken to undeceive the weak and unthinking, that peace and unity, which seem to have parted from you with his royal highness, might with him be once more restored, and the happy union of both kingdoms be made perpetual, by suffering no rent or gap in the royal line; which all of our nation, (and we hear those of Ireland will not be less forward) are not only obliged, but have vowed to maintain, with the hazard of their lives and fortunes: a necessity we hope you will never put upon us, as well for your own sakes, as for the peace and quiet of this kingdom, wherein he has not the least concern, who is, and always will be,

Your most humble and most obedient servant, &c.

Postscript.

Just now I hear of a new project set on foot, to give the king six hundred thousand pounds, which he may dispose of at pleasure, on condition he will consent to the bill of exclusion; and that, in return, he shall have power, by act of parliament, in case he have no issue by his queen, to settle by will the crown upon any of his natural children. To manage this design, a new set of ministers is contrived: a great lord, whose son most, if not wholly, influences the House of Commons, is to be made a duke; another earl to be treasurer; Sir W—— J—— is to be lord chief justice; Col. T—— to be a secretary of state, &c. I am very sorry to perceive the differences between the king and his subjects are fomented by persons of the same humour with those in 1640, who, meeting at Sir Robert Long's, undertook, if his then majesty would do so and so, he should govern the parliament to all intents and purposes: the king consenting to every, excepting one, their desired preferments, was refused, crying out, one and all, having before bound themselves accordingly. One of the then leading men has in this parliament a son, whose power and ambition falls very little short, if at all, of his father's; and if you have a mind to discover Hercules's proportion by that of his foot, compare the Remonstrance and the late Address, and without naming, you will find the near relation of the authors. For shame, let not such proceedings be nick-named, doing your country service. I remember to have heard, that in the short parliament, before that of (40) when some more zealous than wise members spake too extravagantly, a sober gentleman, and no courtier, stood up and said, he was for more moderate counsels, lest their present heat and exorbitance should put that king, and his successors, for ever out of conceit with parliaments, who depended upon his pleasure. I wish the whole kingdom, as well as their prince, may have no reason to grow weary of, and dislike the settled constitution of commons in parliament, chusing rather to have, as formerly, the whole power in the king, and his great council of lords and barons. Extremes are near one another; and many, by grasping at too much, have lost the little they enjoyed: this is as foolish as with the dog in the apologue, to lose the substance for the shadow: and, since prudence tells us a long provoked and incensed clemency turns into the greatest cruelty, you ought to bridle your passions and ambition, lest you too late repent your madness and your folly. This consideration has carried me beyond the usual length of a postscript, wherein I designed to have said little more, than that I understand the duke writes this night to the king his brother. That if he can be secure, his parliament will agree with him, upon getting

* Sir William Jones.

his interest, that he should not longer struggle for him, who would not only hazard his uncertain hopes of a crown, but would with joy expose his life, to do his majesty service; whose long reign and happiness, notwithstanding all the longeries of his enemies, he as heartily wishes as any other the most loyal subject in his dominions.

Consider the greatness of this generosity, and let not malice for ever prevail to the defamation of innocence, and the disturbance, if not the ruin, of these nations.

A Letter to his Royal Highness the Duke of York, touching his Revolt from, or return to the Protestant Religion. By an old Cavalier, and faithful Son of the Church of England, as established by Law.

Illustrious Sir,

When I look up to the greatness of your quality, and down on my own meanness, I cannot but tremble to make this address, so liable to be censured as presumptuous, and obnoxious to variety of misconstruction. But since my pen is guided by an heart filled with profound loyalty and veneration towards all the royal family, and a sincere respect and most passionate desire for the particular prosperity (temporal and eternal) of your royal highness, I cannot refrain discharging what I apprehended my duty; and therefore with good Esther, finding not only my country, but your highness also, in such apparent (I wish it may not prove inevitable) hazard of ruin, am resolved to adventure forth, and cast my poor weak sentiments at your feet; and if they perish, they perish.

It is generally reported, that you are long since turned papist; and so far believed, that every day many hundred thousand protestants are melted into tears and horror merely on that consideration, and lament the same, as one of the greatest calamities that has happened in our age. I must do myself so much justice as to declare, that I am none of those fanatical spirits, that either raise, or lightly credit, rumours to the prejudice of my superiors. But, besides what has been sworn by persons, whose evidence none have hitherto been able to invalidate by any substantial reasons, or incoherence in their depositions, your highness's conduct and deportment for many years past, your absenting from the public worship of our church, refusing legal oaths and tests, your countenancing, retaining, and intimate correspondence with Roman Catholics, and many other reasons not fit, at least unnecessary, here to be mentioned, do all loudly speak it; and for those who would go about to deny it (as some wretched pamphlet-scribblers and unthinking health-drinkers have done,) besides the folly of the attempt, they unwarily cast a greater load of ignominy and dishonour on your highness, whilst they pretend to vindicate you.

For as it is imaginable, that a prince of your generosity and prudence would so far suffer the affairs of your royal brother to be embroiled, his councils discomposed, all the protestants in the world swallowed up with astonishment, and almost despair, your own honour sullied, your interest impaired, and these three kingdoms put into a deplorable distraction, merely upon a false supposition, without rectifying in all this time their mistake by some real demonstrations to the contrary? If such a capricio should sway with your highness, what were it but to render you the worst subject, the most unkind brother, the most impolitick prince, and the maddest or most monstrous man in the world?

I shall therefore take it for granted, and consequently must, though with all humility, and a sorrow inexpressible, direct my discourse to your highness as an apostate from the protestant faith; and if I am mistaken, it is your highness has led not only me, but almost all the world, into that error.

I am not insensible of my own weakness, and how unfit I am to argue matters of religion with your highness, and those subtle sophisters (the pest of Europe and shame of Christianity) which are always croaking about persons of quality, whom they have perverted to their idolatries; being myself but a lay-gentleman, of little learning, and in the course of my life more conversant with the sword than the pen: and I must wonder with regret, if none of the right reverend fathers, my lords the bishops, or some of our other learned divines, have not vigorously made application to your highness, even in a publick manner to regain you to the protestant communion: if they have not charged you, as they are God's ambassadors, to shew some reasons why you have broke the league (your baptismal vows) with his church, and joined yourself to the tenets of his enemies: if they have not adjured you in the name of our Lord, to shew on what offence taken amongst us, and for what beauties observed in the church of Rome, you quitted the true spouse of Christ to follow the enchantments of a strumpet, whose shameless adulteries have long since caused an utter divorce between her and the blessed Jesus: if they have not solemnly called heaven and earth to record, that they are ready to satisfy all your scruples, to answer all your objections, and to shew, that it is not through any default in them, for want of endeavours, nor in our church for want of truth, but that your defection must be wilful, as well as unreasonable, whereby to render you either convicted or inexcusable.

Nor do I doubt, but several of those glorious lights of our church may accordingly have discharged, without fear or flattery, their functions herein in private discourses: but certainly a matter of that inestimable importance, as wherein not only the soul of one of the bravest princes of the earth, but also the whole protestant interest in the world, especially within these three nations, is so deeply and dangerously concerned, might require, since I am sure it deserves a publick and general application: nor ought any, though the meanest of men, to be blamed for contributing modestly his help to prevent a disaster of such universal influence: and therefore who knows but that Almighty Providence, who overthrew Jericho's proud walls of old, not with battering engines of war, but with the blast of contemptible rams-horns, and is often pleased to make use of the weakest instruments to effect mighty works, may give a blessing to these poor, unpolished, inartificial lines, which have nothing but the power of truth, and the honesty of a sincere intention, to recommend them to your princely consideration?

That you were educated in protestant principles is notorious. I beseech your highness therefore to satisfy the world what could induce you to a change. I shall not mention your royal grandfather, whose learned pen baffled all the conclave; nor shall I insist on that curse which he solemnly pronounced on any of his posterity that should turn papists; I shall only say, had you not the example, and the commands too of a most indulgent, pious prince, your royal father, for perseverance therein, who, though barbarously murdered by vile men, yet continued stedfast, and even with his last breath discharged and cleared the doctrine of the reformed religion from having any share in their crimes? What impiety is it, if you should dare to profess your father's blessed soul to be eternally damned! and yet, if you are a papist, you can do no less, for you cannot be such without believing that there is no salvation out of the pale of the church, and that there is no church but that of Rome; and I am confident none can have the impudence to suggest, that he died in the communion of that church: what follows then? or how will you answer this horrid scandal on his sacred memory, when you shall meet his glorified spirit at the last dreadful judgment-day? Nor can the keenest jesuit blunt the

edge of this argument by a retortion from the consideration of your highness's illustrious mother; for though papists are so audacious as to place the keys of heaven at the pope's girdle, and uncharitably doom us all to unquenchable flames, not affording us so much as a room in purgatory, yet protestants are not so unchristian, but (according to scripture) leave secret things to God, and allow grains for education, prepossessions, ignorance, &c. which is yet no more reason for any man to turn papist, than it is for him that stands safe on the shore to leap off into a vessel so rotten and leaky, as just ready to sink, upon a presumption that still some of those that are in her may escape the danger: or to chuse an impudent quack, who boasts he only can cure him, and refuse a learned physician, who modestly grants he may peradventure be healed by the other, though very improbably; but withal, that it is a million to one but the patient, under such hands, miscarries; and that in this case eternally.

But quitting this argument, which is only personal, I beseech your highness to tell us how you, or any man of sense, can so far forget, not only his education and interest, but his very reason, as to embrace popery, frightful, detestable, ridiculous popery, that chaos of superstition, idolatry, error, and imposture, that has no foundation but a cheat; no ends but to gratify pride and avarice; no solid argument to promote and maintain it, but impudence and cruelty.

Popery, that depends wholly upon nice and poor uncertainties and unprovable suppositions: As, 1st, That Peter was bishop of Rome. 2dly, That he left there one to be heir of his graces and spirit, in a perpetual, infallible succession. 3dly, That he so bequeathed his infallibility to his chair, as that whoever sits in it cannot but speak truth; so that all who sit where he sat must, by some secret instinct, say as he taught; that what Christ said to him absolutely, without any respect to Rome, must be referred, yea tyed, to that place alone, and fulfilled in it. 4thly, That Linus, Clemens, and Cletus, the scholars and supposed successors of Peter, must be preferred, (in the headship of the church) to John the beloved apostle, then still living. 5thly, That he whose life is oft-times monstrously debauched, his judgment childishly ignorant, cannot yet, when in his pontifical chair, possibly err. 6thly, That the golden line of this apostolical succession, in the confusion of so many long desperate schisms, shamefully corrupt usurpations and intrusions, and confessed heresies, yet neither was nor can be broken.

Popery, that teaches men to worship stocks and stones, and painted clouts, with the same honour as is due to our creator; and lest that practice should appear to her simple clients too palpably opposite to God's law, most sacrilegiously stifles one of the ten commandments in their vulgar catechisms and prayer-books.

Popery, that utterly confounds the true humanity of Christ, while they give unto it ten thousand places at once, and yet no place; flesh, and no flesh; several members without distinction; a substance without quantity, and other accidents; or substance and accidents that cannot be seen, felt, or perceived; so that they make a monster of their Saviour, or nothing.

Popery, that utterly overthrows the perfection of Christ's satisfaction; for if all be not paid, how hath he satisfied? If temporal punishments in purgatory be yet due, how is all paid? And if these must be paid by us, how are they satisfied by him?

Popery, that hath made more scriptures than ever the Holy Spirit dictated, or the ancient church received; and those which it doth make, imperiously obtrudes upon the world; and while it thunders out curses against all that will not add these books to God's, seems to defy the curse pronounced by God himself to those that add unto his word, Rev. xxii. 18.

Popery, that erects a throne in the conscience to a meer man, and many times rather a monster than a man, and gives him absolute power to make a sin of that which is none, and to dispense with that which is; to create new articles of faith, and to impose them upon necessity of salvation; to make wicked men saints, and saints gods;

for even by the confession of papists, lewd and undeserving men have leapt into their calendar; yet being once installed there, they have the honour of altars, temples, and invocations; some of them in a stile fit only for their Maker.

Popery, that robs the heart of all sound comfort, whilst it teacheth us that we neither can nor ought to be assured of the remission of our sins, and of present grace and future salvation; that we can never know whether we have received the true sacraments of God, because we cannot know the intention of the minister, without which they are no sacraments.

Popery, that racks the conscience with the needless torture of a necessary shrift, wherein the virtue of an absolution depends on the fulness of confession, and that upon examination; and the sufficiency of examination is so full of scruples (besides infinite cases of unresolved doubts in this feigned penance) that the poor soul never knows when it is clear.

Popery, that, under pretence of religion, plays the bawd to sin, whilst both, in practice, it tolerates open stews, and prefers fornication in some cases before honourable matrimony, and gently blanches over wilful violations of God's law with the favourable title of venial crimes.

Popery, that makes nature vainly proud, in joining her as copartner with God in our justification, salvation, and idly puffing her up with a conceit of her perfection and ability to keep more laws than God hath made, whence their doctrines of merit and supererogation, &c.

Popery, that requires no other faith to justification in Christians, than may be found in devils themselves; who, besides a confused apprehension, can assent to the truth of God's revealed will, and popery requires no more.

Popery, that, instead of the pure milk of the gospel, hath long fed her starved souls with such idle legends as the reporter can hardly deliver without laughter, nor their abettors be told of without shame and disclamation; so that the wiser sort of the world read these stories on winter-evenings for sport, which the poor credulous multitude hear in their churches with devout astonishment.

Popery, that requires nothing but mere formality in our devotion; the work wrought suffices alone in sacraments and in prayers; if the number be repeated by rote, no matter for the affection; as if God regarded not the heart, but the tongue and hands; and while he understands us, cared little whether we understand ourselves.

Popery, that hath been often dyed in the blood of princes, that in some cases teaches and allows rebellion against God's anointed; and both suborneth treasons, and excuses, pities, honours, and rewards the actors.

Popery, that overloads men's consciences with heavy burdens of infinite, unnecessary traditions, far more than ever Moses commented upon by all the Jewish rabbins; imposing them with no less authority, and exacting them with more rigour, than any of the royal laws of their Maker.

Popery, that cozens the vulgar with nothing but shadows of holiness in pilgrimages, processions, offerings, holy-water, Latin services, images, tapers, rich vestures, garnished altars, crosses, censers, and a thousand such like, fit for children and fools, robbing them in the mean time of the sound and plain helps of true piety and salvation.

Popery, that cares not by what wilful falsehoods, equivocations, perjuries and abominations it propagates itself, and maintains its credit; and therefore, being conscious of her own villanies, goes about to falsify and deprave authors that might give evidence against her, to outface all ancient truths, to foist in Gibionitish witnesses of their own forging, and leaves nothing unattempted against heaven and earth that might advance her faction, and disable her innocent and just accusers.

This, this is the true figure of popery, through whatever false opticks your highness may have viewed it; this is that for which you are resolved to hazard a crown of glo-

ry, and three temporal diadems to boot; and to which you sacrifice both your own fortune, and the tranquillity of many millions of souls.

What then can the world, that knows the clear light of your highness's elevated understanding, imagine can be the cause of your revolt? Will they not be apt to conceive, that you have not espoused this mock-religion purely for its own sake, but for some promised dowry of an absolute monarchy, or arbitrary power, which she might pretend to bring one day with her to your embraces? But as this is far below the justice and generosity of your highness, so it is unworthy the thoughts of any considerate politician. For suppose any prince, to whom the British sceptre may hereafter devolve, intoxicated with the tinsel-glories of the French monarch's blustering grandeur, should be so vain as to hope to subjugate the English liberties, and destroy the constitution of the best established government on earth, by assuming to himself the whole legislative power, raising money, and draining his subjects at pleasure, without their common consent in parliament, &c. and should be so extravagantly enamoured on this fatal project, (fatal I say, because for above five hundred years it has shipwrecked all that coasted that way) as to be content to shift his religion, and exchange his faith, and turn papist, on a presumption, that the same might facilitate and accomplish his enterprize: as King John, it is said, resolved once to embrace Mahometism, rather than not be revenged of his barons, claiming their just liberties: suppose, I say, all this should be, and that the present papists, to get their religion publicly established, should comply with his designs, yet still is it not most reasonable to believe, that, having once gained their point therein, they, or their posterity, will soon recal to mind their birth-rights and privileges due to them as Englishmen; and will they not then be perpetually tugging and struggling to regain them? whence continual disturbance will ensue, and a standing-army must be kept on foot to support this ill-acquired grandeur. For these subjects that contended with King John and King Henry the Third, &c. though they were papists, and of the same religion with those princes, could not brook it, to be slaves to their arbitrary pleasures in their civil rights. Besides, what a waking dream is it for any king, that is free from the Roman yolk, to think to make himself more absolute, by involving himself and his kingdoms in thralldom to the church of Rome; wherein not only the pope pretends a right to domineer over him, but every ecclesiastick esteems himself wholly exempt from his jurisdiction, and all his people will be but half his subjects, viz. in temporals; for in spirituals, and *in ordine ad spiritualia*, (a monstrous draw-net, that may include almost all the actions of human life) they are wholly to be conducted by his holiness and his subordinate ministers. How therefore can your highness, if a Roman catholic, complain of the late successive Houses of Commons for pressing a bill to exclude you? Is it any disloyalty to endeavour to preserve the imperial crown of England from a truckling and shameful servitude to a foreign usurper's power? or is it any such unheard-of thing to debar a prince from a throne, that hath obstinately disabled himself? Certainly, above all men, the Roman catholics ought not to murmur at this, for did not the pope issue forth a bull to exclude your grandfather King James, unless he would turn papist? and did not the Romanists, though they acknowledged the title of your other grandfather, Henry the Great, to the French diadem, yet refuse to pay him any obedience because a protestant, and on that only score fought against him as long as he continued so, and thought it no rebellion? Your highness perhaps will say——What though they did so? true protestants and the church of England do not own such principles. Well then, if the protestant principles be better than those of the church of Rome, what madness is it in your highness to abandon the first and chuse the latter?

I am a dutiful and hearty lover of monarchy, and, when established on such an equipoized basis of wisdom as ours is, shall ever assert it to be the best form of government in the world, and most agreeable to the genius of Englishmen: but that lineal descent

is so sacred a thing, that the heir presumptive can for no default or crime whatsoever be debarred from the crown by an act of parliament, or publick decree of state, I do not understand; for I am sure the practice in all ages, both at home and abroad, in almost every nation in the earth, hath run contrary: and as to right, those that pretend such succession in all places to be *Jure Divino*, would do well to shew in what texts of scripture the same is prescribed; till then, they do but talk, not argue; and if a candidate to the crown for any reasons whatsoever, may, without offence to the law of God or nature, be excluded by an act of king, lords and commons, then the *Jure-Divino*-ship vanishes, and nothing is left to be considered: but whether such next heir have done such acts, or is so qualified, that in prudence it be necessary for the tranquillity of the public to exclude him. Now I believe there are but few of the church of England, but if the bill had passed the lords, and his majesty had given his royal assent to it, would have acquiesced therein, and consequently they do not believe the exclusion to be simply unlawful by the law of God or nature; for against either of them no human ordinances ought to prevail.

But all true loyalists do not despair, but your highness may yet prevent all occasions of such disputes, by opening your eyes; or rather that God (in whose hands are the hearts of princes) may irradiate your royal understanding, and let you see the horrid blackness of those men who have endeavoured to seduce you, and of those principles to which they would have inveigled you, on purpose to have made your highness a property to their ambition and avarice, and that, under the shadow of your illustrious name, they might one day tyrannize at pleasure over these three kingdoms.

If heaven shall be pleased to work such an happy inclination in your highness, you shall presently see the whole British empire echoing with praises and acclamations; and instead of murmurs of seclusion, every good subject shall erect you a throne in his heart.

But the grand difficulty will be to satisfy the prejudiced world of your sincerity herein; for if your highness (which God forbid) should declare yourself a protestant only to serve a present turn, and use the sacred name of our religion but as an engine to advance the design of our bloody enemies, you would act at once the most dishonourably and (in the end) most prejudicially to your own interest, in the world, and most certainly expect the blasts of heaven and curses of earth on all your future proceedings; for hypocrisy is odious to God and man; nor is there any monster so abominable to serious men of both sides, as a church-papist.

Your royal highness, I hope, will excuse our fears; for we are not ignorant of the arts and craft of Rome, that she esteems no means unlawful to obtain her ends. How shall any oaths be sufficient tests, when private dispensation may at once allow the taking and warrant the breaking of them? or what signifies the participations of our sacraments to one that is taught, we have no true ministers of Christ; if so, no consecration, consequently nothing but an ordinary breakfast of common bread and wine: and who shall lose the hopes of three crowns rather than not taste such harmless viands? Not that I dare imagine your highness's understanding would suffer you to believe the lawfulness, or your princely generosity permit you to practise these lewd dissimulations; yet, since such doctrines are daily taught in the Roman church, how shall protestants be assured they have no influence on your conduct? I must therefore, with all humble freedom, assure your highness, that after so general an opinion of your highness's having been a Roman catholick, though you should go never so duly to church, receive the sacrament a thousand times, and take oaths all the way from Holy-Rood House to St James's, yet the people would scarce believe the reality of your conversion, unless withal they see it accompanied with some other demonstrations. For as faith without works is dead, so profession of a religion, without agreeable endeavours to advance it, will be vain. If his royal highness, will the people say, be a good

protestant, he will undoubtedly discourage all papists, the sworn inveterate enemies of our religion; he will not suffer a popish priest to approach his person or palace. If he have had any intimation of any ill designs, if any have been tampering to reconcile him to popery, (which is no less than treason) he will presently detect those mischievous instruments, that they may be brought to condign punishment, and applaud the justice that has been done on Coleman, the five jesuits, Godfrey's murderers, &c. thereby stopping the mouths of the brazen tribe, who would make the world believe they died innocently. He will declare against all arbitrary designs, detest those who, by sneaking flatteries, would unking the ancient and most wise constitution of our government. He will heartily recommend parliaments to his sacred brother, as the wisest and safest councils, and even thank the late houses of commons for their zeal against him, while they apprehended him as an enemy to his king, and the religion and safety of the kingdom. He will vigorously, by his counsels and interests, oppose the growing greatness of the French, which, at this day, threatens all Europe with chains; and immediately tends not only to the decay of Great Britain's trade and glory, but also to the diminution, oppression, and (if it lay in human power) utter subversion of the reformed religion throughout the world.

These and the like noble fruits will the people not unreasonably expect from your royal highness, whenever you please to declare yourself a protestant; which that you may speedily do, not politickly or superficially, but with that sincerity as so serious a matter (of infinite more value than the three crowns of which you are presumptive heir to) is the prayer of all good men, and particularly of your royal highness's

Most humble and faithful servant,

PHILANAX VERAX.

A Letter to a Person of Honour concerning the Black Box.

Under this mysterious title the reader will find one of the most bold and notable efforts that ever was made by any faction mentioned in history. The enemies of the Duke of York came to a resolution to disappoint him of the succession at all hazards; in order to which, they endeavoured to seduce both the king and the people into their measures: the latter, by establishing it as an irrefragable truth, that a papist could never be a fit defender of the protestant faith; and the former, by all the practices that could be tried on all the passions of man. Having discovered that his majesty was not over fond of his queen, they not only furnished him pretences to sue out a divorce, but offered him all the assistance in their power to obtain one; believing that he was jealous of his brother's superior reputation, as also that he stood in some awe of his dangerous temper, they contrived the Bill of Exclusion, to remove him out of his majesty's way as well as their own; and, lastly, knowing that the king was inexpressibly fond of the Duke of Monmouth, they applied themselves to open a way for him to gratify that fondness, by advancing that duke to the throne, (which is the point laboured in the ensuing tract, and which the public had been prepared to receive by hints and rumours of the same tendency long before.) His royal highness, as most concerned in the consequence of these endeavours, was in the meanwhile most attentive to the progress, and most solicitous to defeat them: accordingly the story in behalf of the Duke of Monmouth was no sooner whispered through the kingdom, than he induced his majesty to make two several declarations, writ all with his own hand, to his privy council, importing that he was never married, nor contracted to any woman, but to his wife Queen Ca-

therine. And the first of these was dated January 6, 1679; and the second, March the 3d following. The story of the Black Box did not become the talk of the town till the beginning of the year 1680; and what motions it occasioned may be gathered from the following account, which was published in the London Gazette, No. 1507, and which gave rise to the tract before us.

At the Court at Whitehall, April 26.

- " His majesty having commanded the council to meet this day extraordinarily, acquainted them that he lately had notice of a false and dangerous rumour spread abroad, of a Black Box pretended to be found, wherein was contained a writing importing a marriage, or contract of marriage, between his majesty and the Duke of Monmouth's mother, which his majesty did positively declare to be altogether false, and therefore said, he thought himself obliged in honour and conscience to have the matter thoroughly examined and searched into; and that, in order thereunto, he had sent for Sir Gilbert Gerard, who was reported to be the person that had seen some such writing, or to have had the same in custody.
- " Whereupon Sir Gilbert Gerard being called in before his majesty in council, (his royal highness and all the judges of the courts at Westminster being present, by his majesty's particular command,) this following question was, by his majesty's order, and by the advice of the privy-council, and by the opinion of all the judges, proposed to him, viz.: Whether he knew of, or had seen, any writing importing a marriage, or contract of marriage, between his majesty and the Duke of Monmouth's mother? To which Sir Gilbert Gerard, having taken his oath upon the Holy Evangelist, made answer, ' That he had never seen any such writing, nor was there ever any such committed to his custody, nor did he know of any such thing.' Whereunto he also subscribed his name.
- " After which, his majesty declaring he resolved to use all means possible to find out the authors of this report, required all the lords of the council, and the judges there present, to give an account whether they had heard any discourses relating to the said, or any like matter. To which they all answered, they had heard of nothing concerning it but a flying and imperfect rumour of late discoursed. One of the lords of the council only acquainted his majesty, that a gentleman had told him of some particular discourse he had lately heard of that matter.
- " His majesty, thereupon, commanded Mr Secretary Jenkins to examine the said gentleman, or any other who should be named by him, in order to trace the said false report up to the first authors and inventors of it."

No more remains to be said by way of introduction to this remarkable piece, but this: That, after the discovery of the Rye-House Plot, a paper was found in the custody of Mr Charlton, one of the persons deepest concerned in the cabals of those times, which appears to be a printer's bill, and in which there are two articles for the charges of two impressions of the Black Box, as it is there called; and that, by the mention therein also made of Ferguson's name, it is reasonable to think that the said piece was the composition of that famous incendiary.

Thus far the former editor; to which it may be added, that Ferguson, a desperate and flagitious incendiary, who seemed to love plots for the very pleasure his dark spirit found in agitating and stormy intrigues, was at this time the manager of a private printing press, which teemed with the productions best calculated to inflame the public mind. In more than one of these he endeavours to establish the Duke of Monmouth's claim to the crown, though less upon a legal than a popular basis. The Appeal from the City to the Country, speaking of the succession, has these remarkable expressions: " No man is fitter than his grace the Duke of Monmouth, as well for quality, courage, and conduct, as for that his life and fortune stand in the same bottom with yours. He will stand by you, and therefore you ought to stand by him. And remember the old rule, *He that has the worst title will ever make the best king*, as being constrained by gracious government to supply what he wants in title, that, instead of God and my Right, his motto may be, God and my People." And in the same piece he quotes historical example for the choice he recommends, by stating the election of the Macedonians after the death of Alexander, as devolving upon " King Philip's illegitimate son Aredæus; who, notwithstanding that he was a man but of reasonable parts himself, might, as they thought, perform the office well enough by the help of his wise protector Perdiccas." In a fugitive duodecimo tract, which appears to have come from the same press, entitled *The Perplexed Prince*, the marriage between Charles and Lucy Waters, Walters, or Barlow, is distinctly asserted under the thin disguise of assumed names and a romantic narrative. It must not be forgotten, that it was by the

* See the Appendix to Bishop Sprat's History of this translation.

mischievous recommendation and persuasions of Ferguson, that the unfortunate Duke of Monmouth assumed the title of *king* during his ill-fated insurrection. Had the Prince of Orange been equally precipitate, it may be well doubted if he would ever have held the title of William III.

My Lord,

You are pleased to command me to give you some account of the foundation of that report which hath arrived with you concerning a black box, and withal to let you know how Sir Gilbert Gerard acquitted himself at his appearance before the king and council, in reference to that affair. As to the first, I must crave leave to distinguish betwixt what is material in that business, and what is meerely circumstantial, and serveth only by way of parade. Your lordship, whose conversation hath given you great advantages of knowing the reports of the world in relation to the king's marriage with the Duke of Monmouth's mother, can easily recollect that there was never so much as a suggestion given out, till of late, of any such thing as a black box; nor of a writing importing a contract consigned by the late Lord of Durham, (Dr John Cosen,) to the custody of Sir Gilbert Gerard. And had there been any thing of that consequence committed to and entrusted with him, he is both a person of that honour and courage as to have dared to have owned and justified it, and a gentleman of that discretion and wisdom, that he would ere this have acquainted the parliament with it, to whom both the cognizance and decision of a matter of so grand importance do properly belong; but in truth, the whole referring to the black box is a mere romance, purposely invented to sham and ridicule the business of the marriage, which indeed hath no relation to it. For they who judged it conducive to their present interest to have the Duke of Monmouth's title to the crown not only discredited, but exposed, thought it necessary, instead of nakedly enquiring whether he be the king's legitimate or only natural son, to bring upon the stage a circumstance no way annexed with it, supposing that this being found a fable, the marriage itself, of the king with the duke's mother, would have undergone the same censure. But by what I do perceive they were mistaken in their measures, seeing most men know how to separate what they endeavoured so artificially to have interwoven: and all that I can apprehend they are like to get by it, is the raising a devil they will not easily lay.

For, my lord, it is in the first place apparent, that the starting of this business is to be wholly ascribed to the Duke of York, and those under whose conduct he regulates himself and his concerns. Had any others been the first movers in it, you may be sure they would never have ventured it before the council as it is now influenced and moulded, but they would have waited till the sitting of the parliament, where they might expect nothing but impartiality and justice.

In the second place, the very intimation that any, beside the Duke of York, doth so much as pretend a title to the crown, will operate with many to a belief that it is not without reason that he doth so. For the only way to undeceive men in a matter of vain and groundless credulity, is to neglect and despise them; whereas all endeavours to convince them do but contribute to the strengthening them in their faith. What will the people say? But that if the Duke of Monmouth was not the legitimate heir, would the papists, by whose inspirations the Duke of York governs himself, so effectually bestir themselves as to desire that an affair of so vast importance, and wherein the whole kingdom is concerned, should be judged of by twenty or thirty persons, who have neither legislative nor judicial power?

And in the third place, should they compass all that they can propose to themselves from the board, yet it would no way advantage the Duke of York, nor give the least prejudice to the Duke of Monmouth, providing his claim be just, and can be evidenced.

to be so, before the great representatives of the nation. For, beyond all peradventure, these things, howsoever resolved upon and determined at the council, will be called over again by the parliament: nor will the opinion of the table balance that great and wise body to judge otherwise, than as their consciences, upon a hearing of the whole matter, shall oblige them. And of what little significancy the resolves of the council, though stamped and enforced with the authority of a king, are to the imposing a supreme ruler upon the nation when a legal claim lies in opposition, we are sufficiently instructed by the instance of Jane Gray; though a lady of those endowments, which few of either sex ever paralleled, and recommended at that time to the nation by many inducements and motives.

In the fourth place, the method of managing this affair gives us more surprize than all the rest, and seems wholly calculated to intricate matters, rather than clear them. For your lordship, and all others who are masters of that sense which you possess, would be ready to conceive that the main, if not the only thing inquired into, should be, Whether the king was really married unto Madam Walters, and whether the Duke of Monmouth was born in lawful wedlock? But instead of this, all the mighty inquisition hath been, Whether this or that person has heard of a Black Box, or of a contract referring to the king's marriage with that lady, committed to the keeping of Sir Gilbert Gerard. Now what is all this to the reality of the marriage, seeing it might be transacted, as most other marriages are, in *verbis de presenti*, and of which no other proof can be expected besides the testimony of such as were personally present?

Fifthly, The persons whom they have in this whole matter summoned before them and examined, adds to the suspicion and increaseth the astonishment. For people who think congruously to the subject before them, had conceived that the main scrutiny would have been either in reference to the assurances given to the Countess of Weems, concerning the legitimacy of the Duke of Monmouth before she disposed her daughter in marriage to him, or else, that all the examinations relating to this business would have been principally confined to those who were beyond sea with the king, when this marriage is supposed to have happened. But all this seems to have been industriously waved, and in the room of these, a few persons have been brought before, and interrogated by the council, who could never be supposed to have heard otherwise of it, than by way of vulgar tattle. And as I dare boldly affirm that there is no one person, who is accustomed to the fellowship of the town, who has not heard of such a marriage, so it is uncontrollably known that there was, in Oliver's time, a letter intercepted from the king to the said lady, then in the Tower, superscribed, To his wife. Nor is it unknown with what homage the king's party in England, at that time, paid their devotion and testified their obedience to her. For as they addressed her upon the knee, so by that, and many other symbols, they declared they esteemed her for no less than the lawful wife of their king and master.

Sixthly, 'Tis of no great concernment who is the immediate apparent heir in the regal line, if we do but consider that the parliament of England hath often provided a successor to the government, when the interest of the public hath required it, without the least regard to such punctilios. They who preferred William Rufus and Henry the First to Robert, though eldest son of William the Conqueror, what can they not do when weighty reasons and causes influence them unto it? And they who advanced Stephen before Maud, and John before his eldest brother's son, can they not, when the safety of the kingdom requireth it, put the sceptre into whose hands they please? Nor

¹ Here our author not only falls into an inconsistency, but in a manner gives up his cause: for, had he been convinced that the Duke of Monmouth had a good title, he would scarce have contended for a parliamentary adoption; and, in affecting to consider a birth-right-claim as a mere punctilio, he forgets that he had before represented it as an affair of so vast importance, that the whole kingdom was concerned in the decision of it.

hath bastardy itself been an obstruction to the conferring of the crown upon a person, provided all things else have corresponded with the desires and humours of the people. For not only Athelstan, the great Saxon king, was such, but Queen Mary or Queen Elizabeth must be so blazoned; and yet all three were exalted to the regal throne: and two of them not only approved themselves worthy of the trust reposed in them, but have consigned down that stock of fame and credit, which, few attaining unto, hath left a reproach upon most princes who have succeeded them. Even Henry the Seventh, (from whom our king derives his title and right of succession,) sprung from a bastard, who had nothing to render him capable to convey a claim to his posterity, but that he was made legitimate by parliament.

Seventhly, The council had done a thing grateful to the nation, and consonant to their oaths and duty, if, instead of attempting to establish the Duke of York as heir-apparent, they had examined whether, notwithstanding his affinity to the king, he hath not, by manifold treasons against the person of his majesty, as well as against the government, forfeited his life to justice, and made himself obnoxious to a scaffold while he is pretending to a throne. He is yet a subject, and accountable for the breach of the laws; and why his crimes should find shelter in his greatness I know not. 'Tis in vain to pretend to the right of succession, when his treasons were a self-deposition, were he actually regnant. Whosoever conspires against any one part of the constitution, forfeits all he can claim by any other branch of it. To be accessory to a plot for the destruction of the people, is to abdicate himself from all legal pretences of reigning over them. Now the being seduced, and seducing so many of his majesty's subjects from the established religion to that of popery, is treason by two statutes, viz. Eliz. 22. 1. Jam. 3, 4. And for which, (say the words of the stat.) they shall forfeit as in cases of high treason, as the late proclamation by king and council hath also significantly declared. The countenancing the burning of London, the endeavouring to alter the limited monarchy into a despotic rule, and the combining with the papists in all the parts of the late plot, make him liable to the ax, while he is aspiring to a sceptre.

Eighthly, A more unaccountable thing yet than all the former is, to see the king so far concern himself in having the succession declared and determined. For it is not usual to find a prince appear in favour of a brother, when so many are in a belief that he hath a legitimate son of his own. Many kings have endeavoured the advancement of their bastard children to the exclusion of their nearest relations of the right blood: only Charles the Second will be the first on the file of history, that, when nothing but his bare word was needful to the settling his dominions on his son as legitimately born, he alone, and in the face of strong suspicions to the contrary, would insinuate him to be only his natural son, and for no other reason, but that he would gratify his greatest enemies. I am sure we read of few kings that ever gave any great countenance to their brethren, when they were their presumptive heirs, though in the mean time they would not deprive them of their legal rights, providing they came to out-live them. Yea, there are not many ages past, since the heir-apparent's [Prince Henry] being only attended by a greater train than the king, then reigning over these kingdoms, used to be accompanied with, is thought to have given that jealousy to the father, as cost the young gentleman his life. Surely, considering the present posture of affairs, and the obnoxiousness of the papists to the law, for their many and continued conspiracies against his majesty's person, the lives of the people, the protestant religion, and the peace and safety of the government, it were the king and kingdom's interest to have the duke of York's title (as to his succeeding to the crown) to be left undetermined and doubtful. Nor can any thing so effectually conduce both to the king's own security and that of his protestant subjects, as to leave the Duke of York under a belief, that should the king be taken away, there is one still behind that can dispute the crown with him. Nor can the Duke of York's pursuing the having the right of suc-

cession at this time settled, intimate less to considering persons, but that the papists entertain new designs against his majesty's life, and that they only want such a declaration for the hastening of the execution of them. Your lordship knows, that Queen Elizabeth would never positively name her successor, though often importuned by parliaments so to do; for she very well understood, that if this had been once done, she should afterwards reign only by his courtesy, and owe the remain of her life, and the peace of the government, to his grace and favour whom she had published for presumptive heir. And truly, the king's falling so immediately ill, after the Duke of York had so earnestly solicited for a formal declaration of his being next heir to the crown, occasioned some men's grounds of fear, that his dispatch is not only resolved, but the springs and causes of it disposed before, and that all things being ripe, this was merely contrived to facilitate the duke's entrance upon the government.

In brief, matters are arrived at that pass, that the papists cannot suffer the king to continue, and the duke and they long escape the demerit of their actions. For, as his majesty cannot subsist nor preserve the reputation of his crown and government many months longer without a parliament, no more can they, through the number, quality, and palpableness of their crimes, bear one, so that the necessity of their affairs, as well as their inclinations, seconded by their principles, oblige them, by one means or another, to remove him: wherein if they succeed, as I see no rational foundation of judging but that they will, there is nothing remains towards the preserving our religion, lives, and liberties, but to endeavour, according to the vote and resolve of the last parliament, to revenge his death upon the papists. It is true the king would not be prevailed upon by any importunities (though frequently made by the duke at the board on Wednesday last) to order a council-table declaration in favour of York's right to succeed, in case his majesty should die before him, yet the business would appear to be so far gone, and all things so disposed already in prospect of what they intend, that they cannot, without hazarding their whole concerns, recall themselves from the purpose of murdering him. Yea, the king's not gratifying the duke in his so often repeated suit, will now serve only to possess them with apprehensions of jealousy, and make them accelerate rather than delay the wickedness. It is possible they may foresee, that it will be accompanied with greater hazards than it would have been, could they have compassed that business. But they are gone past retreat, and must either perish by the sword of justice, or seek to protect themselves by destroying the king. And though this failure give them greater apprehensions that they must seek their safety by recourse to force, than there would have been cause for, had the duke obtained such a declaration, yet men, in their circumstances, and where there is no medium, will chuse rather to venture the being slain in the field, than hanged on a gibbet, or to have their heads cut off upon a block.

Ninthly, As I know not who dare proclaim the Duke of York, should the king depart this life before him, seeing the House of Commons, in a bill, twice read and past, have made it not only capital but treasonable to do it; so, if my information do not greatly deceive me, the Duke of Monmouth, before he was taken from his mother in Holland, and carried to Paris, went for, and was acknowledged as Prince of Wales: and consequently, to undermine this title, if in the issue he should prove so, is not less than treason by the statute. And your honour knows, that though the king's affirmative might be of some significancy towards the declaration of his legitimacy, and corroboration of his right to the imperial crown of these realms, yet his negative imports just nothing, when confronted with positive evidence to the contrary.

Lastly, Whereas the partisans and parasites of the Duke of York would have it judged too great a reproach upon the king, that ever he should be thought to have married a person of so low a quality as Madam Walters, they do but in that discover at once their small acquaintance with history, and either their want of memory or ingenuity in what concerns his royal highness. Your lordship doth very well know, that Ed-

ward IV. though actually in the throne, and withal a magnanimous and victorious prince, yet he married an ordinary gentlewoman, and she not only one of his own subjects, but the relict of a former husband, and the widow of an enemy to his crown and family. Whereas the king, when supposed to have married the Duke of Monmouth's mother, was actually in exile, the utmost of his possessions lying in some faint hopes which his right to the English throne administered unto him: and as it is not improbable, but that he found it necessary to marry rather than, by taking another course, to alienate the minds of those further from him, whose love it was his interest to recover, so the deplorableness of his condition at that time gave him small encouragement to demand in marriage any that was the daughter of a neighbouring king or monarch. Nor is it difficult to conceive how far the wit, beauty, and air of such a lady as Madam Walters was might prevail upon and entangle a young prince, both naturally amorous and always an admirer of such qualifications. Nay, my lord, though the Duke of York hath been twice married, and when in much better circumstances than the king then was, yet he hath no great cause of bearing himself upon the antiquity or greatness of the families into which he hath matched: For I am sure neither of his duchesses derived their descent from so eminent a pedigree, or of that figure of heraldry, as the Duke of Monmouth's mother proceeded from. They are great strangers in England, who do not know that her father was a gentleman of an old British lineage, and stood possessed of a much fairer estate than the late Lord Chancellor Hyde was ever born unto: And though I will cast no reflection upon his acquisitions, yet this may be affirmed with modesty, that he was more indebted to the favour of his prince for them, than any extraordinary merit in himself, or recommendation by the dignity and services of his ancestors. And one would think the returns he made unto his majesty, in more than a thousand instances, should not render the king very fond of transmitting the crown to his offspring.

My lord, having endeavoured to obey you in one of your commands, I shall, in the next place, apply myself to the consideration of your second. And, to ease your lordship of all unnecessary and superfluous trouble, I shall not entertain you with any long character of Sir Gilbert Gerard, as presuming, that that gentleman is fully known unto you. All I shall therefore say concerning him is, that he is still the same, and of the same principles he was when he suffered so much for the king in the late times; that is, he is a loyal subject, a good protestant, and a true Englishman; one who will obey his prince as far as conscience, law, and honour will allow him, but will sacrifice none of these, neither upon mercenary terms, nor to avoid impendent dangers. And as it were happy for the king were all his subjects of that figure, so it would greatly redound to the honour of the church of England, to have all her members of that complexion and temper. Nor ought his being put out of the commission of the peace be construed as any reflection upon him, seeing he hath so many worthy and deserving persons, in all the counties of England, sharers with him in the same fortune. What the occasion of that treatment was, your lordship fully understands, though you were no way interested in the affair; and it is to be hoped that the king may in time discover the perniciousness of those counsels, which both prevented his hearkening to the humble entreaties of many of his people, and have influenced him to disoblige a great number of his best subjects. I am sure, both his majesty and the kingdom do already sensibly suffer by it, while the gentlemen themselves are only discharged from a burthen. There may possibly be some mean souls, who covet being in the commission, to obtain a respect in their country, or to make a gain by their office and employment, but Sir Gilbert, with those other gentlemen who are in the same predicament with him, are persons, who, in their greatest privacies, can command a deference from all about them, and whom God hath blessed both with estates and minds which exalt them above the temptations of fees for warrants, or gratuities for connivance at the breach of his majesty's laws.

But, my lord, that I may give you the better history of this transaction, or rather farce, concerning Sir Gilbert Gerard's appearing before the council, you may be pleased to know, that he was sent for by a letter under the hand of my Lord Sunderland, requiring him to come immediately up. And because a missive by the post might have too much preserved the privilege of a member of parliament, and intimated too great a respect to a gentleman whose brother had lost his life, for owning his majesty's interest under Oliver Cromwell; and himself undergone costly and severe imprisonments, there was a creature stiled a gentleman-usher ordered to carry the letter, and to bring him to Whitehall.

Now though Sir Gilbert was hardly recovered from a fit of the stone, and remained confined by weakness to his chamber, when these blades arrived at his house; yet he immediately complied with the message, and addressed himself to his journey with all the expedition he could; thereby testifying at once his obedience to his majesty, and the security he enjoyed in his own mind, as to his innocency, though he knew not what he was sent for. Being come to the court, instead of meeting with my Lord Sunderland, there was an order left for the conducting him to Mr Coventry, who was then the other secretary of state, though he hath since resigned to Sir Lionel Jenkins. But whereas every rational man would have apprehended, that a parliament-man being seized and brought so far a prisoner, within the time of privilege, could have been questioned concerning nothing less than a plot to assassinate the king, or a conspiracy of levying war against the government, yet all he was interrogated about was, if the late Lord of Durham had at any time entrusted him with a black box, containing a contract of marriage between the king and the Duke of Monmouth's mother? or whether he had seen any such contract? You may easily apprehend, that he was not a little surprised, after all the fatigue and expence they had put him unto, to find himself examined in relation to so ridiculous and romantic a story. However, being obliged to make a civil answer, he told the secretary that he was neither entrusted with such a box, nor had so much as heard of such a contract. Which reply of Sir Gilbert's being recorded in writing, Mr Coventry was pleased to tell him, (by what warranty we may possibly know some other time,) that he was obliged both to subscribe it and to ratify it by an oath. Sir Gilbert, being more amazed than before, replied, that as he little imagined that he had been sent for upon a business of that nature, seeing he knew no reason why his name should be interested in it, so he would neither set his hand to the answer he had given, nor take his oath to confirm it. And indeed he had reason for what he said; for how could he know but that this might be a leading question to something else. For whosoever had invented that fabulous story, might, with as much truth, and with more sense, have charged him with some criminal matter. Accordingly, instead of contesting it farther with Mr Coventry, he only asked, whether he was sent for thither and taken into custody as a criminal? To which the secretary is reported to have returned, that he had no other directions than to ask him the foregoing question, which he endeavoured, by many arguments, to have obtained his reply unto, under oath. But Sir Gilbert wholly declining to swear, and representing that he had come a long and tedious journey, whereof he was weary, desired to know how he should be disposed of. Whereupon he was told, that he might go to his lodgings, provided he would promise to attend the king and council the Monday following. Where having at the time made his appearance, he was called in, after that the judges had been there a quarter of an hour before him; and then his majesty was pleased to tell him, that he was not sent for thither to be charged with any crime, but only to make oath, whether the late Bishop of Durham had not consigned to him a black box, wherein was contained a contract of marriage betwixt his majesty and the Duke of Monmouth's mother. To which having replied as before, and withal excused himself from taking any oath in such cases wherein the law had not prescribed, there

were many arguments used to persuade him, and long harangues representing the mischievous consequences which a doubtful title might occasion. But he insisting upon the rights of an Englishman, namely, that he ought not to be required to swear, but in such cases as the law did appoint, all the judges, and, in conjunction with them, my lord chancellor, gave their opinion, that he was obliged by the law to take his oath in a matter of this great moment, which threatened the nation with no less than what fell out between the houses of York and Lancaster. Upon which he accordingly did, to the purport already intimated, viz. That he knew of no such thing as a black box, nor any thing relating to such a contract of marriage as he was then interrogated about. Now, my lord, I know not how a gentleman could have carried it with more true courage and honour than Sir Gilbert did. For as the opinion of the judges were to overrule him as to what was law, so only a parliament is capable of judging whether they acted consonantly to their duty. And till that happy hour come, I commend your lordship to the divine protection, and am,

My lord,

Your most humble servant.

London, May 15,

1680.

A Letter to a Person of Honour concerning the King's disavowing the having been married to the Duke of Monmouth's Mother.

"This is apparently another arrow from the same quiver which furnished the last, therefore ought to accompany it; and all that is farther necessary by way of introduction, is to insert his majesty's Declarations, which were published in the Gazette, June 10, 1680, in the following words:

Whitehall, June 8.

"This day was published his majesty's Declaration, which follows:

"CHARLES REX.

"We cannot but take notice of the great industry and malice wherewith some men of a seditious and restless spirit do spread abroad a most false and scandalous report of a marriage, or contract of marriage, supposed to be had and made between us and one Mrs Walters, *alias* Barlow, now deceased, mother of the present Duke of Monmouth, aiming thereby to fill the minds of our loving subjects with doubts and fears; and, if possible, to divide them into parties and factions, and, as much as in them lies, to bring into question the clear undoubted right of our true and lawful heirs and successors to the crown: We have therefore thought ourself obliged to let our loving subjects see what steps we, (out of our care of them and their posterity,) have already made, in order to obviate the ill consequences that so dangerous and malicious a report may have, in future times, upon the peace of our kingdoms.

"In January last was twelvemonth, we made a declaration, written with our own hand, in these words following:

"There being a false and malicious report industriously spread abroad, by some who are neither friends to me or the Duke of Monmouth, as if I should have been either contracted or married to his mother; and though I am most confident that this idle story cannot have any effect in this age, yet I thought it my duty, in relation to the true succession of this crown, and that future ages may not have any pretence to give disturbance upon that score, or any other of this nature, to declare, as I do here declare in the presence of Almighty God, that I never was mar-

Tracts during the Reign of King Charles II.

ried, nor gave any contract to any woman whatsoever, but to my wife Queen Catherine, to whom I am now married. In witness whereof, I set my hand, at Whitehall the 6th of January, 1679.

CHARLES REX.

And this declaration I made in the presence of

W. Cant.

H. Coventry.

H. Finch, C.

J. Williamson.

" To strengthen which declaration, we did, in March following, (which was March last was twelvemonth), make a more public declaration in our privy council, written likewise with our own hand; and, having caused a true transcript thereof to be entered in our council-books, we signed it, and caused the lords of our privy council then attending us in council to subscribe the same likewise, and we ordered the original to be kept in the council chest, where it now remains. The entry whereof in the council book is in these words following:

At the Court of Whitehall, March 3d, 1679.

Present,

The King's most excellent Majesty,

Lord Chancellor,

Earl of Essex,

Lord Treasurer,

Earl of Bath,

Duke of Lauderdale,

Earl of Craven,

Marquis of Worcester,

Earl of Aylesbury,

Earl of Ossory,

Lord Bishop of London,

Lord Chamberlain,

Lord Bishop of Durham,

Earl of Sunderland,

Lord Maynard,

Earl of Clarendon,

Mr Vice Chamberlain.

" His majesty was this day pleased to command that the declaration hereafter following be entered in the council-book, it being all written and signed by his majesty's own hand, in a paper which his majesty this day delivered at the board, to be kept in the council-chest, viz :

" For the avoiding of any dispute which may happen in time to come concerning the succession of the crown, I do here declare, in the presence of Almighty God, that I never gave nor made any contract of marriage, nor was married to any woman whatsoever, but to my present wife Queen Catherine, now living. Whitehall, the third day of March, 1679.

CHARLES R.

" His majesty commanded us, who were present at the making and signing of this declaration, to attest the same,

Finch, C.

Essex,

Danby,

Bath,

Lauderdale,

Craven,

Worcester,

Aylesbury,

Ossory,

H. London,

Arlington,

N. Durham,

Sunderland,

W. Maynard,

Clarendon,

G. Carteret.

" In April last we found the same rumour not only revived again, but also improved with new additions, to wit, It was given out that there was a writing yet extant, and lately produced before several persons, whereby the said marriage, or a contract at least, (for the report was various,) would appear, and that there are several lords and others yet living who were pretended to have been present at the said marriage. We knew full well, that it was impossible that any thing of this should be true, (there being nothing more groundless and false than that there was any such marriage or contract between us and the said Mrs Walters, alias Barlow,) yet we proceeded to call before us, and caused to be interrogated in council, such lords and other persons as the common rumour did surmise to have been present at the pretended marriage, or to know something of it, or of the said writing. And though it appeared to all our council, upon the hearing of the said lords and other persons severally interrogated, and upon their denying to have been present at any such marriage, or to know any thing of it, or of any such writing, that the raising and spreading of such report, so incoherent in the several parts of it, was the effect of deep malice in some few, and of loose and idle discourse in others; yet we think it requisite at this time, to make our declarations above recited more public, and to order the same (as we do hereby with the advice of our privy-council) to be forthwith printed and published. And we do again, upon this occasion, call Almighty God to witness, and declare upon the faith of a christian, and the word of a king, that there was never any marriage, or contract of marriage, had