

COLLECTION
OF
SCARCE AND VALUABLE
TRACTS,

ON THE MOST
INTERESTING AND ENTERTAINING SUBJECTS :

BUT CHIEFLY SUCH AS RELATE TO THE
HISTORY AND CONSTITUTION
OF
THESE KINGDOMS.

SELECTED FROM AN INFINITE NUMBER IN PRINT AND MANUSCRIPT, IN THE ROYAL,
COTTON, SION, AND OTHER PUBLIC, AS WELL AS PRIVATE, LIBRARIES :

PARTICULARLY
THAT OF THE LATE LORD SOMERS,

THE SECOND EDITION,
REVISED, AUGMENTED, AND ARRANGED,
BY
WALTER SCOTT, ESQ.



VOLUME TENTH.

The bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out,
as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNEDY'S REGISTER.

Judex qui a liquid statuit, una parte audita tantum et inaudita altera, licet æquum statuerit, haud æquus fuerit.
LD. COOK & JUST. INST.

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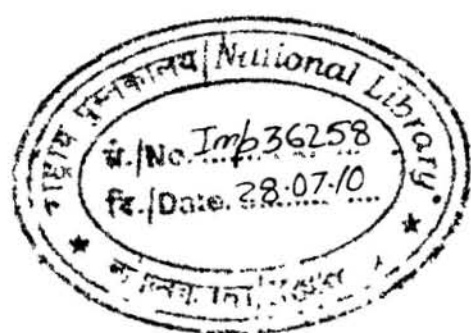


TABLE OF CONTENTS.

Tracts during the Reign of King William III.

HISTORICAL TRACTS.

	PAGE.
<i>Order of the House of Lords, Dec. 22, 1688,</i>	3
<i>Speech of Sir George Treby, Kt., to the Prince of Orange, Dec. 20, 1688,</i>	5
<i>List of the Members of the Convention,</i>	7
<i>Names of his Majesty's Privy Council,</i>	15
<i>The Prince of Orange's Speech to the Lords concerned with him,</i>	ib.
<i>Letter from the Emperor to King James, 9th Apr. 1689,</i>	18
<i>Manner of deposing a Popish King in Sweden,</i>	19
<i>Memorial from the English Protestants for the Prince and Princess of Orange,</i>	22
<i>Murder will out; or a full Discovery that the Earl of Essex did not murder himself,</i>	65
<i>Innocency and Truth vindicated. An Account of what hath been deposed to prove the Murder of the Earl of Essex,</i>	72
<i>Letter from a Lawyer in the Country to a Member of Parliament; or Indemnity the Effect of Vacancy,</i>	74
<i>Reflections on the late and present Effects of Proceedings in England,</i>	178
<i>Letter to a Member of the Convention, by Dr Sherlock,</i>	184
<i>Answer to the above,</i>	190
<i>Letter to a Friend, advising him in this extraordinary Juncture how to free the Nation for ever,</i>	195
<i>Now is the Time: a Scheme for a Commonwealth,</i>	197
<i>Good Advice before it be too late, being a Breviate for the Convention,</i>	198
<i>Reflections on the present State of the Nation,</i>	203
<i>Speech to the Prince of Orange, by a true Protestant,</i>	204
<i>On Whether the King, Lords, and Commons, be a legal Parliament or not,</i>	206
<i>Letter concerning the Coronation Medal, 1689,</i>	209
<i>Honesty is the best Policy,</i>	211
<i>Speech of the Rt. Hon. H. Powle to their Majesties, Apr. 12, 1689, with his Majesty's Reply,</i>	220
<i>Remonstrance of the Protestants against deposing King James II.,</i>	245
<i>Letter on the Dissolution of Parliament and calling a new one,</i>	254
<i>Vindication of the Proceedings of the late Parliament of England, 1689, by John Lord Somers,</i>	257
<i>Debate whether a King elected by the Parliament 1689, coming to the Lords and Commons doth not make a complete Parliament,</i>	268
<i>Relation of the End of some Persons at Paris, 8th Aug. 1689,</i>	272
<i>Considerations on settling the Government,</i>	273
<i>Argument for Self-Defence, written about 1687,</i>	277
<i>Reasons why the Rector of P. took the Oath of Allegiance to K. William and Q. Mary,</i>	283
<i>Obedience due to the present King, notwithstanding our Oaths to the former,</i>	296
<i>The present Case stated; or the Oaths of Allegiance and Supremacy no Badge of Slavery,</i>	301
<i>Minheer T. Van C.'s Answer to Minheer H. Van L.'s Letter of 15th March, 1689, representing the true Interests of Holland,</i>	314

	PAGE.
<i>Letter to a Member of the Committee of Grievances,</i>	318
<i>The Earl of Sunderland's Letter to a Friend in the Country on the Designs of the Romish Party,</i>	321
<i>An honest Commoner's Speech,</i>	324
<i>Speech of Sir Charles Sedley in the House of Commons,</i>	331
<i>The Follies of France, or Rejoicings for the pretended Death of his Majesty King William,</i>	332
<i>Observations on the late Revolution,</i>	335
<i>The Dear Bargain, or State of the English nation under the Dutch,</i>	349
<i>Second Letter on a French Invasion, by Dr Sherlock,</i>	378
<i>Pretences of the French Invasion examined,</i>	393
<i>Modest Apology for the loyal Protestant Subjects of King James, who desire his Restoration,</i>	401
<i>Great Britain's Complaint for her late Measures, present Sufferings, and future Miseries,</i>	429
<i>A French Conquest neither desirable nor practicable,</i>	471
<i>Remarks on the present Confederacy and late Revolution,</i>	491
<i>The Jacobite Principles vindicated, by C. Lawton,</i>	523
<i>The People of England's Grievances offered to be enquired into,</i>	543
<i>A French Prophecy, or an Admonition to the English concerning their near approaching Danger,</i>	547
<i>Account of two Letters from King James to the Pope, and from the Earl of Melfort to the Queen,</i>	552
<i>Letter from the King of England to the Earl of Portland,</i>	559
<i>Reasons for a new Bill of Rights, by Sir B. Shower,</i>	568
<i>His Majesty's Speech to the States General,</i>	579
<i>Conspiracy against King William III.,</i>	580
<i>Substance of King William's Speech to his Cabinet Council,</i>	586
<i>Substance of his second Speech to his Cabinet Council,</i>	588
<i>Speech of Sir John Knight in the Commons,</i>	591
<i>Account of the Number of Acres and Houses in England,</i>	596
<i>His Majesty's Speech to Parliament,</i>	598
<i>Supplement to his Majesty's Speech,</i>	606
<i>Account of some Transactions in the Commons relative to the East India Company, 1693,</i>	617
<i>Discourse concerning the East India Trade,</i>	634
<i>Rise and Progress of the East India Company,</i>	647

TRACTS
DURING
THE REIGN OF KING WILLIAM III.

CLASS SECOND.
HISTORICAL TRACTS.

VOL. X.

THE
S O M E R S
COLLECTION OF TRACTS.

KING WILLIAM III.

CLASS SECOND.

HISTORICAL TRACTS.

*An Order of the Lords Spiritual and Temporal, assembled at Westminster, in the House
of Lords, December 22, 1688.*

PRESENT,

Lord Archbishop of York	Earl of Manchester	Earl of Rochester
Duke of Norfolk	Earl of Malgrave	Earl of Abington
Duke of Somerset	Earl of Rivers	Lord Viscount Fauconberg
Duke of Grafton	Earl of Stamford	Lord Viscount Mordaunt
Duke of Ormond	Earl of Winchelsea	Lord Viscount Newport
Duke of Beaufort	Earl of Thanet	Lord Viscount Weymouth
Marquess of Hallifax	Earl of Scarsdale	Lord Viscount Hatton
Earl of Oxford	Earl of Clarendon	Lord Bishop of London
Earl of Shrewsbury	Earl of Craven	Lord Bishop of Duresme
Earl of Kent	Earl of Burlington	Lord Bishop of Winchester
Earl of Bedford	Earl of Sussex	Lord Bishop of St Asaph
Earl of Pembroke	Earl of Macclesfield	Lord Bishop of Ely
Earl of Dorset	Earl of Radnor	Lord Bishop of Rochester
Earl of Northampton	Earl of Yarmouth	Lord Delawarr
Earl of Devonshire	Earl of Berkeley	Lord Grey of Ruthen
Earl of Bolingbrooke	Earl of Nottingham	Lord Eure

Lord Wharton	Lord Howard of Escrick	Lord Lumley
Lord Paget	Lord Jermyn	Lord Carteret
Lord North and Grey	Lord Vaughan Carbery	Lord Ossulstone
Lord Chandos	Lord Calpeper	Lord Godolphin
Lord Montague	Lord Lucas	Lord Churchill
Lord Grey of Warke	Lord Delamere	
Lord Maynard	Lord Crew	

THE lords spiritual and temporal assembled in this extraordinary conjuncture, considering the great mischiefs that have happened unto, and do still threaten this kingdom, by the evil designs and practices of the papists, in great numbers resorting unto and abiding in the city of London, and places adjacent to the said city, for the better preservation of the peace and common safety, have thought fit, and do order and require, that all papists and reputed papists do, and shall, within five days after the date hereof, depart from the said city unto their respective habitations, from which they are not to remove above five miles distance.

Except such as now are in the actual service of the queen dowager, and except all ambassadors, and foreign ministers, with their domestick servants, being foreigners; and all other foreigners, being merchants or factors, or who are come into, or do reside in this kingdom upon the account of trade only. Except also all such persons as have been householders, or have exercised any trade within the said city of London, or within ten miles of the same, by the space of three years last past, (other than such as do sell arms,) so as such householders shall, within eight days from the date hereof, leave an account in writing with the lord mayor, the recorder, or some alderman, being a justice of peace within the said city, or other justice of peace, of their respective names, and places of their habitations.

Except also all such popish officers as shall, within six days from the date hereof, give good and sufficient bail before the lord mayor, the recorder, or some alderman, being a justice of peace within the said city, for their appearance in the court of King's Bench, the first day of the next term, to answer such things as shall be there objected to them, and, in the mean time, for the keeping of the peace. And it is hereby ordered, that such popish officers as shall not within the said eight days give such bail as aforesaid, shall be committed into custody, and be detained and kept in some public inns, by the trained bands or militia of the said city or counties adjacent respectively, until further order.

Signed by their lordships order,
FRANCIS GWYN.

We, the lords spiritual and temporal assembled in this extraordinary conjuncture, do appoint Francis Gwyn, Esquire, for us, and in our names, to sign and subscribe such orders as shall be from time to time by us made. Dated at the House of Lords, in Westminster, the 22d day of December, 1688.

Tho. Ebor	Bedford	Clarendon	Newport
Norfolk	Pembroke	Burlington	Weymouth
Somerset	Dorset	Sussex	Hatton
Graiton	Devonshire	Macclesfield	W. Asaph
Ormond	Bolingbrooke	Radnor	Fran. Ely
Beaufort	Manchester	Berkeley	La-warr
Northumberland	Rivers	Nottingham	R. Eure
Hallifax	Stamford	Rochester	P. Wharton
Oxford	Thanet	Fauconberg	Paget
Kent	Scarsdale	Mordaunt	North and Grey

Chandos
Montague
Grey
Maynard

T. Jermyn
Vaughan Carbery
Tho. Culpeper

Lucas
Delamere
Crew

Lumley
Carteret
Ossulstone

The Speech of Sir George Treby, Kt., Recorder of the Honourable City of London, to his Highness the Prince of Orange, December the 20th, 1688.

Sir George Treby, a celebrated lawyer, and one of the council for the seven bishops, was, at this momentous period, recorder of London.

May it please your Highness,

THE lord mayor being disabled by sickness, your highness is attended by the aldermen and commons of the capital city of this kingdom, deputed to congratulate your highness upon this great and glorious occasion.

In which, labouring for words, we cannot but come short in expression.

Reviewing our late danger, we remember our church and state over-run by popery and arbitrary power, and brought to the point of destruction by the conduct of men (that were our true invaders) that brake the sacred forces of our laws, and (which was worst) the very constitution of our legislature.

So that there was no remedy left but the last.

The only person under heaven that could apply this remedy was your highness.

You are of a nation, whose alliance, in all times, has been agreeable and prosperous to us.

You are of a family most illustrious, benefactors to mankind. To have the title of sovereign prince, stadtholder, and to have worn the imperial crown, are among their lesser dignities. They have long enjoyed a dignity singular and transcendent, viz. to be champions of Almighty God, sent forth in several ages to vindicate his cause against the greatest oppressions.

To this divine commission our nobles, our gentry, and among them our brave English soldiers, rendered themselves and their arms upon your appearing.

Great Sir,

When we look back to this last month, and contemplate the swiftness and fulness of our present deliverance, astonished, we think it miraculous.

Your highness, led by the hand of Heaven, and called by the voice of the people, has preserved our dearest interests:

The protestant religion, which is primitive Christianity restored.

Our laws, which are our ancient title to our lives, liberties, and estates; and without which this world were a wilderness.

But what retribution can we make to your highness?

Our thoughts are full charged with gratitude.

Your highness has a lasting monument in the hearts, in the prayers, in the praises of all good men amongst us. And late posterity will celebrate your ever-glorious name till time shall be no more.

CHAPMAN, Mayor.

Cur' special' tent' die Jovis xx. die Decembr' 1688. Annoq. R. R. Jacobi Secundi Angl' &c. quarto.

This court doth desire Mr Recorder to print his speech this day made to the Prince of Orange, at the time of this court's attending his highness with the deputies of the several wards, and other members of the common council.

WAGSTAFFE.

A true List of the Knights, Citizens, and Burgesses, summoned by the Letter of his Highness the Prince of Orange, to meet at Westminster the 22d of January, 1688-9, as they have been returned to the Office of the Clerk of the Crown in Chancery.

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THE Hon. Edward Russel, Esq.

William Duncombe, Esq.

Town of Bedford.

Thomas Christie, Esq.

Thomas Hillersdon, Esq. .

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Thomas Tipping, Esq. }

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In all, 513

The Names of the Lords of his Majesty's most Honourable Privy Council.

His majesty, the day after he was proclaimed King of England, France, and Ireland, was graciously pleased to summon divers honourable peers and gentlemen to Whitehall, who were selected and sworn of his privy council, viz.—

His Grace the Lord Archbishop of Canterbury	Lord Viscount Falconbridge
The Right Reverend Bishop of London	Lord Mordaunt
His Grace the Duke of Norfolk	Lord Newport
Marquis of Winchester	Lord Wharton
Marquis of Hallifax	Lord Delamere
Earl of Danby, president	Lord Montague
Earl of Lindsay	Lord Lumley
Earl of Oxford	Lord Churchill
Earl of Shrewsbury	The Heer Benting
Earl of Bedford	Honourable Henry Sidney
Earl of Devonshire	Honourable Edward Russel
Earl of Macclesfield	Honourable Henry Powle
Earl of Nottingham	Richard Hampden, senior
Earl of Bath	Sir Henry Capel
Earl of Dorset and Middlesex	Hugh Boscawen, Esq.
	Sir Robert Howard

The Prince of Orange's Speech to the Lords, &c. concerned with him.

Anno 1689.

This speech is supposed to have been spoken by the celebrated William of Nassau, Prince of Orange, to animate the Belgic confederation against the Spaniards. It was published in 1689, as forming a parallel case with that of his celebrated descendant William III.

It is not, assuredly, any ways to be doubted, (most noble lords) but that we now treat upon a *common cause*. The one and the other Germany are sufficiently united in situation, tongue, name, traffick, life, and in all things else. And who knows not, that in

former times they both made but one body? Their people do chiefly affect liberty. And though in Flanders the prince be hereditary, whereas in Germany he is elective, yet almost the same pre-eminence is due by them to their states as is here attributed to your diets. But how oft, and with how much labour and danger, hath it behoved the one and the other nation to oppose themselves to the avaritiousness of their princes? I will leave the pursuit of ancient affairs that I may come to the more modern; and those of Germany, that I may descend to the present affairs of Flanders. When the Emperor Charles V. was dead, every one knows the king's son's chiefest desire was to leave those parts and settle himself in Spain. Being there wholly transformed into the sense and customs of that people, he grew desirous to govern Flanders after the same manner and empire as Spain was governed. And what more imperious minister of state could he leave behind him with the Duchess of Parma than the Cardinal Granville? Did I say minister of state? nay, rather supreme governor; since, whilst he was there, the duchess bore only the name of regent: The whole power lay in him, base Burgundian! The first author of Flanders' mischief; and who deserves chiefly to be punished, since the fault was chiefly his. The government of the ecclesiastical and temporal affairs was suddenly altered in divers sorts by absolute authority; but chiefly by new edicts, still more grievous to the conscience, and by introducing the inquisition. The secretest oracles are come from the council of Spain, and are executed by secret consultations in Flanders. If the nobility have complained, their complaints have proved vain; to petition is counted treachery; to seem troubled, rebellion; and the casual heady-giddiness of the common people, a premeditated insurrection of the whole country. In fine, nothing but to have a pretence to use force against Flanders was expected in Spain. And what more light pretences could be taken, than to go about to suppress those tumults, which were seen to cease almost as soon as begun? When so suddenly hereupon the Flemish are insolently declared in Spain to be rebels to God and to the king; and a foreign army marches to cause Flanders to be treated hereafter, not as a successive nation, but as a conquered country. And who could be better chosen to execute such violences than the Duke of Alva? The most haughty-minded man of all Spain, Flanders' greatest enemy, and who knows better than any other how to extinguish all remainders of religion, and in lieu thereof to use all tyranny. And just so it fell out. He hath begun to raise citadels in the chiefest cities; he hath placed garrisons every where; the places of execution run down with blood in all towns; no more home laws are heard of, but foreign ones. The country is almost unpeopled by exilement, imprisonment, and running away; and nothing but ghastly looks, complaints, misery, desperation, and calamity, is seen every where. In this deplorable state is Flanders at the present. How much more happy then is Germany, which enjoys her former liberty, and which, abhorring all foreign force, knows no other empire than her own? I partake of this felicity, for from hence I derive my blood, and my first stem remains still here. Nay, I am more hated in Spain than any other of the Flemish, by reason of my German spirit. I am held to be the contriver of conspiracies, the head of sedition, the pestilence of those countries. Their greatest anger thunders against me, and the severest punishments are already fallen upon me. Thus they seek to turn my glory into infamy; and what greater glory can there be than to maintain the liberty of a man's country, and to die rather than be enslaved? I then, (most noble lords,) who am both a German and a Fleming, after having lain before you the miseries of the Lower Germany, whose tears and supplications I bring hither with me, do, in her name, implore the help and protection of the Upper Germany. But such recourse for refuge will not avail, unless you yourselves repute the cause which is now in hand to be common as well to Germany as to Flanders, as I at first took for granted. And who can doubt it? Who is not aware of the Spaniards vast designs? Doubtlessly a desire of domination doth naturally reign in all

men. One will draw on another; nor doth what is possessed give satisfaction. But how immense, how immoderate doth this thirst appear, particularly in the Spaniards? They think not their unknown worlds sufficient to quench it; and will therefore extend their empire still further in those which are known. They fix their eyes and machinations much more upon Europe in particular. When they shall have oppressed Flanders, and have gotten so opportune a seat for their arms, what province will they next fall upon? That certainly which they shall have most reason to fear. He who will lay the foundations of servitude well, first seeks to beat down the bulwarks of liberty. Wherefore, knowing that they shall be most withstood by the power and undaunted spirits of this nation, which in all things is so united to Flanders, they will forthwith bend all their forces hitherward. It may then be concluded, that the Spanish forces being in Flanders, will be always ready to enter Germany; and then what will your miseries be, when their colonies shall likewise be seen here, new faces, new customs, severe laws more severely executed, heavy yokes upon men's persons, and more heavy upon their consciences? This point being then granted, that the danger will be common among us, the other will be clear, that the cause should likewise be reputed common: The rest follows on in consequence. One neighbour runs to quench the fire that is kindled in another neighbour's house. When a river threatens to break in, who runs not from all sides to mend the banks? The same course ought now to be held; all you must haste to help the Flemish, since you are the first that are likely to feel the flames of their fire, and they who shall first partake of the inundation of so many miseries which they suffer. But do not believe that they will linger in expectation of your aids. They will move as soon as they shall see you move; and their worth and virtue, which, by so unexpected and cruel a violence, is rather stupified than oppressed, will return with greater vigour than before. What cannot armed desperation do? What dares it not? The entrance will be always easy from these parts into Friesland, and into the provinces of Flanders which are on this side the Rhine; that river will with like easiness be at all times past over; all the chief cities will throw open their gates. The nobility and all the whole country will join in the same opinion. But I came short when I said that only Germany and Flanders would join in this cause; France and England, and the other northern countries, will undoubtedly join with us, since they stand in like fear of the Spanish forces. He that commits violence doth not always boast thereof; and how oft do we see oppression prove the ruin of the oppressor? It may so fall out, as whilst the Spaniards do so greedily gape after other men's estates, they may chance to lose their own; the Flemish expect only your assistance to escape so hard a slavery; and I, in their names, do once again earnestly implore it. The cause cannot be more just, nor more easily helped, and it is yours no less than ours. All neighbours will take it for their own concernment, and the whole north will favour it. But as the defence will in the first place fall to your share, so the first place of victory will be given to your forces; and so, by the title of our being oppressed, you shall for ever be accounted our deliverers.—See C. Bentevog. Hist. Part I.

A Letter written by the Emperor to the late King James, setting forth the true Occasion of his Fall, and the Treachery and Cruelty of the French.

"This Letter, written by the Emperor of Germany to King James the Second after his abdication, setting forth the causes of his majesty's desertion by his subjects, is a proper caveat to such princes, always to preserve their subjects in their just rights, both in church and state, as the best means to deserve their affection, and to secure the throne to themselves and their posterity."—*Orig. Note.*

The unfortunate James, after his flight from Britain, applied himself for aid to almost all the courts of Europe. From that of Austria, jealous of his predilection for France, he received the following reply, in which reproof and even insult are scarcely veiled by the usual language of courts.

Leopold, &c.

WE have received your majesty's letters, dated from St Germain's, the sixth of February last, by the Earl of Carlingford, your envoy in our court: By them we have understood the condition your majesty is reduced to; and that you, being deserted after the landing of the Prince of Orange, by your army, and even by your domestic servants, and by those you most confided in, and almost by all your subjects, you have been forced, by a sudden flight, to provide for your own safety, and to seek shelter and protection in France: Lastly, that you desire assistance from us for the recovering your kingdoms. We do assure your majesty, that as soon as we heard of this severe turn of affairs, we were moved at it, not only with the common sense of humanity, but with much deeper impressions, suitable to the sincere affection which we have always borne to you. And we were heartily sorry, that, at last, that was come to pass, which (though we hoped for better things) yet our own sad thoughts had suggested to us would ensue. If your majesty had rather given credit to the friendly remonstrances that were made you, by our late envoy, the Count de Kaunitz, in our name, than the deceitful insinuations of the French, whose chief aim was, by fomenting continual divisions between you and your people, to gain thereby an opportunity to insult the more securely over the rest of Christendom: And if your majesty had put a stop, by your force and authority, to their many infractions of the peace, of which, by the treaty of Nimegen, you are made the guarantee, and to that end entered into consultations with us, and such others, as have the like just sentiments in this matter, we are verily persuaded, that, by this means, you should have, in a great measure, quieted the minds of your people, which were so much already exasperated through their aversion to our religion,¹ and the public peace had been preserved, as well in your kingdoms, as here, in the Roman empire. But now we refer it even to your majesty, to judge what condition we can be in to afford you any assistance, we being not only engaged in a war with the Turks, but finding ourselves at the same time unjustly and barbarously at-

¹ Which made use of so many unjust and cruel means to gain its establishment.—*Orig. Note.*

tacked by the French, contrary to and against the faith of treaties, they then reckoning themselves secure of England.² And this ought not to be concealed, that the greatest injuries which have been done to our religion³ have flowed from no other than the French themselves; who not only esteem it lawful for them to make perfidious leagues with⁴ the sworn enemies of the holy cross,⁵ tending to the destruction both of us and the whole christian world, in order to the checking our endeavours, which were undertaken for the glory of God, and to stop those successes, which it hath pleased Almighty God to give us hitherto, but further, have heaped one treachery on another, even within the empire itself.⁶ The cities of the empire, which were surrendered upon articles, signed by the dauphin himself, have been exhausted by excessive impositions; and after their being exhausted, have been plundered, and after plundering, have been burnt and razed. The palaces of princes, which in all times, and even the most destructive wars, have been preserved, are now burnt down to the ground. The churches are robbed, and such as submitted themselves to them are, in a most barbarous manner, carried away as slaves. In short, it is become a diversion to them, to commit all manner of insolences and cruelties in many places, but chiefly in catholic countries, exceeding the cruelties of the Turks themselves: which, having imposed an absolute necessity upon us to secure ourselves, and the holy Roman empire, by the best means we can think on, and that no less against them than against the Turks, we promise ourselves, from your justice, ready assent to this, that it ought not to be imputed to us, if we endeavour to procure, by a just war, that security to ourselves which we could not hitherto obtain by so many treaties; and that, in order to the obtaining thereof, we take measures for our mutual defence and preservation, with all those who are equally concerned in the same design with us. It remains, that we beg of God, that he would direct all things to his glory, and that he would grant your majesty true and solid comforts under this your great calamity. We embrace you with the tender affections of a brother.

At Vienna, the 9th of April, 1689.

The Causes and Manner of the deposing of a Popish King in Sweden truly described.

Printed 1688.

This story, extracted from the annals of Sweden, was meant for the instruction of the English nation at the Revolution. The dethroned Sigismund of Sweden carried on a long but unsuccessful war for recovery of the Swedish crown, and died in his kingdom of Poland in 1632.

GUSTAVUS ERICSON, King of Sweden, having settled the reformed religion in Sweden, and reigned thirty-eight years, left his kingdom to his son Erick, who, for his cruelty

² Under a prince, that, to accomplish the slavery of his subjects, was making himself tributary and vassal of France.

³ Popery.

⁴ The Turks.

⁵ Viz. All Christians.

⁶ How justly does this represent the present and late actions of the French in Germany!—*Orig. Notes.*

and ill government, was deposed, and his whole line exhereditated, to make way for John Duke of Finland, his younger brother.

John had a son, called Sigismond, who, being secretly bred up in the Romish religion by his mother, who was of the Sagellonian royal family of Poland, was in his father's time elected King of Poland.

The said King John had also a younger brother, called Charles Duke of Sudermania, Nericia, &c. and a younger son of his own name, called Duke of Ostrogothia.

King John died in the year 1592, in the absence of King Sigismond, his eldest son; during which, Charles, Duke of Sudermania, his uncle, at the desire of the states, took upon him the government; but sent to invite his nephew Sigismond to come and take possession of his native kingdom as soon as might be; promising in the mean time to keep all quiet, and intimating, that he hoped his majesty, when in possession, would maintain all in the true religion and divine worship, and preserve the laws of Sweden.

At the end of the year he arrived in Sweden, having in his company Francesco Malespina, the pope's legate, who hindered him long from consenting to any security, either for religion or property; but finding the coronation would be obstructed without that, he gave way, as having yet, as the historian says, one starting-hole remaining, which was, that faith was not to be kept towards hereticks. In the mean time, he himself would have crowned the king in the cathedral of Upsal, but was opposed by the Archbishop of Upsal, whose right it was, even if that kingdom had been popish.

The coronation being over, which had been delayed above a year, during which time, several secret attempts had been made upon Charles, Duke of Sudermania, to make him away, King Sigismond, contrary to his coronation oath, erected a popish church in the capital city, and made a great man of his religion governor of the castle of Stockholm, in which the records of the chancery and the arms and ammunition of the kingdom were kept, and in the port were the best part of the royal navy, under command of the castle.

A certain jesuit, called Adam Steinhall, obtained the Arcentian temple and the Queen's Island, with Vastheman monastery, which was presently filled with Romish priests.

Sigismond also, by his followers and attendants, continually affronted the established religion, and was sending into Poland for a body of forces able to subdue the kingdom; upon which discontentments grew so high, that he hastily withdrew thither himself.

He left Sweden in confusion, having only for form's sake writ to his uncle Charles, to assume the administration jointly with the senate; but, at the same time, leaving others with greater power, both in Sweden and Finland, as appeared when he was gone.

Charles, Duke of Sudermania, to avoid discord and confusion, called a convention at Sudertopia, which was opened with an oath of allegiance to King Sigismond, and did likewise assert the kingdom's right to have the coronation oath performed; which, having been violated in the tender point of religion, they redressed the grievance, and suppressed the exercise of the Romish religion, banishing all priests and preachers of the same, and the ancient incumbents of the Vastheman monastery were restored.

Then they desired the Duke Charles to accept of the administration for the good of the kingdom, which he did. Then began a treaty between Sigismond and the convention, with Duke Charles at the head of it, which was by Sigismond spun out and obstructed with much artifice; at length the convention made several decrees for security of religion and property, and entered into an association for the defence of them, which they desired the king to confirm, and gave six weeks time to all that dissented, to submit on pain of being declared enemies to the public peace.

They invited him home, to return in a peaceable manner, and settle the other affairs of his native kingdom; but, instead of that, he invaded them with an army of eight

thousand horse and foot, and a hundred sail, to which several Swedes joined themselves, whom he had gained with money.

An agreement was endeavoured, and, after much intercourse of negotiation, both armies being near one another, it was consented to on both sides, that twelve of the nobility of each side should meet and decide the whole controversy. But, by the persuasion of the jesuits, the royal army, in the night, conducted by Weyerus, set upon the ducal camp, in which onset several thousands were slain, but at last the king and all his army had been cut off, had they not called out for peace, which the duke yet hearkened to.

An agreement followed, in which the king demanded to be supplied with a navy to go to Stockholm, promising there to call an assembly of the states; but he no sooner had the shipping but he sailed away for Calmar, in which place he left a garrison of foreigners, and then continued his voyage to Dantzick.

The king being gone, an assembly of the states met at Stockholm, where they declared King Sigismond fallen from the crown and government, and were so inclined to continue the succession, that they offered to receive his son, Prince Vladislaus, provided he might be sent home, bred up a protestant, and committed to the guardianship of Duke Charles, but Sigismond refused it.

Afterwards another parliament met at Lincopia, and there they did expressly renounce King Sigismond, and his government, as also his laws.

Then they acknowledged Duke Charles of Sudermania for their lawful king, and after him settled the crown upon his son, Gustavus Adolphus, and his heirs male.

Duke John concurred with the parliament, and renounced his pretence to the crown, and was content to come in after the line of Duke Charles.

The daughter and sister of Sigismond were also rejected.

Then followed the coronation of King Charles, in the year 1607, by the name of Charles the Ninth.

These were the proceedings in Sweden, upon which I shall only make these few short reflections:—

I. That the Swedes were desirous, to the last degree, to preserve the succession, according to one part of the laws of the kingdom, provided that might be done without overturning all the rest; they were wise enough to preserve laws while laws preserved the nation, which is the true end of all laws, but no longer.

II. That King Sigismond, according to the spirit of his religion, wherever it is grown up to bigotry, broke through his oaths, and all rules of justice and morality, when they crossed the insatiable ambition of his priests.

III. That though the Swedes, when they found that they could not keep their king, his direct heirs, their religion and liberties all together, resolved to part with the former, they were forced to be very cautious, and endeavour to gain time by treaties, to unite themselves against Sigismond, who had Poland and several allies to back him; without which considerations, the prudence they shewed on this affair may assure us they would not have suffered the government in so loose a posture so long as they did.

IV. That the Swedes, knowing that it is impossible on any occasion that all men should be of the same mind, wisely ordained that the minor part should submit to the major, or be declared enemies to the public peace. And sure this example will be followed, wherever reasonable and disinterested men meet on the like occasions; for sure nobody can deny that it is better for any nation that some laws should be made, and others broken, against the opinion of the minor part, than that all laws, morality, and good-nature, should give place to passion, injustice and cruelty, through their obstinacy.

Now, may God Almighty open the eyes of all Englishmen to see, and their hearts to embrace this truth.

A Memorial from the English Protestants for their Highnesses the Prince and Princess of Orange.

This is a compendious list of the national grievances which brought on the Revolution; but it particularly insists upon that which was of all most groundless, the alleged attempt of James to impose a supposititious child upon the kingdom. The vulgar believed the unfortunate prince to be capable of any crime, as certainly he shewed himself guilty of every imprudence, which might support the catholic cause. And this accusation, which is of a nature peculiarly adapted to the taste and comprehension of the multitude, although it has now been long abandoned by every grave authority, had, during the stormy period in which it was current, no little effect on public opinion. The party violence of the period was so extravagant, as to receive and circulate a variety of reports inconsistent with each other, and agreeing only in the general conclusion, that the child was an imposition upon the nation. The reasoning of the Bishop of Salisbury is admirably summed up by Smollett.

"On the 10th of June, 1688, the queen was suddenly seized with labour pains, and delivered of a son, who was baptized by the name of James, and declared Prince of Wales. All the catholics and friends of James were transported with the most extravagant joy at the birth of this child, while great part of the nation consoled themselves with the notion that it was altogether supposititious. They carefully collected a variety of circumstances upon which this conjecture was founded; and though they were inconsistent, contradictory, and inconclusive, the inference was so agreeable to the views and passions of the people, that it made an impression, which, in all probability, will never be effaced. Dr Burnet, who seems to have been at uncommon pains to establish this fact, and to have consulted all the whig nurses in England upon the subject, first pretends to demonstrate that the queen was not with child; secondly, that she was with child, but miscarried; thirdly, that a child was brought into the queen's apartment in a warming-pan; fourthly, that there was no child at all in the room; fifthly, that the queen actually bore a child, but it died that same day; sixthly, that it had the fits, of which it died at Richmond; therefore the Chevalier de St George must be the fruit of four different impostures."

It cannot be unknown to your highness that the protestants of England that are faithful to the principles and doctrines of their religion, and to the just established legal government, are in divers kinds most intolerably vexed and oppressed by the popish contrivances and practices, covered with the pretences and name of authority.

That illegal things are daily imposed upon them, in their several stations and places,

^a The instances thereof are too many to be recited; but some thereof are these, viz.—

1. Most of the protestants are pressed to declare for a repeal of all the laws made for the reformation of our religion and its settlement.

2. All the subjects are forced to submit to serve and obey those that are no lawful judges, sheriffs, justices of the peace, mayors, lords-lieutenants, and other commanders; and all are threatened, vexed, and prosecuted, (as the Lord Lovelace now is) that dare but say that such have no lawful authority.

3. All the subjects are commanded to suffer all the actions and offences of their lives, and the secrets of their hearts, to be searched into, and their chief interests, and many of their freeholds, to be judged by the discretion of a few of the king's creatures, called his commissioners for ecclesiastical affairs, whose commission is to proceed without and against the rules of our laws, with a *non obstante* to all other laws, and every man is required to assist their arbitrary powers, on peril of their censures, which extend to imprisonment for life.

which they are convinced, in their consciences, can never be justified unto God or the kingdom, and yet they are pressed upon them (without regard to their consciences) by loss of their offices and employments, and many other threatened effects of the king's displeasure.

That many of their legal liberties, benefits, and means of subsistence in their churches and colleges are taken from them by mere will and pleasure, and processes and prosecutions by arbitrary commissioners are threatened and begun against great numbers of them without their guilt of the least offence or transgression against any of the laws of this realm.

That they are debarred and spoiled of the due free election of their magistrates and officers in their cities and towns, and pretended officers and magistrates are imposed upon them and turned out and put in at the king's absolute will, as they are found ready to comply with, and serve the popish design either ignorantly or corruptly.

That several of the bodies politick of their cities and towns are declared to be dissolved at the king's pleasure, (to terrify and subjugate the minds of all the rest,) and the citizens and burgesses are thereby disfranchised and divested of all their good

4. All our ministers are required, under grievous menaced penalties, to be the king's criers, to proclaim in the churches the king's power to suspend at once the force and use of all our penal laws made in 400 years past to secure the rights of the crown, the freedoms and properties of the realm, and the profession of the protestant religion.

5. All the protestants are forced, by fear of the king's wrath, to suffer the rights of the crown, and the freedom of the realm, against foreign powers and laws, to be publicly denied, and the force of foreign laws over them to be maintained; they are enjoined by the king to neglect their sworn duties to God, to the crown and kingdom, of prosecuting at law those treasons which they know and see to be daily committed, for which no excuse can be made by pretence of liberty of conscience in Christ's religion.

6. The constables, and other officers throughout the realm, are forced to quarter Irish and Scots, and other mercenary soldiers, in their neighbours houses, against their wills, in contempt of the ancient laws and the express words of the late statutes.

7. All the gentlemen and freeholders are pressed to renounce their native and legal freedoms in their choice of members for parliament.

8. The freemen of the cities and towns are urged to yield up to the king's will the tenure of their magistracies, and all their free customs and privileges.

9. All the people are forced, by fear of punishments, to suffer a child to be declared heir apparent of the crown, which ought not, by the known laws of the kingdom, to have been acknowledged, until lawful witnesses of his birth of the queen had been duly published to the kingdom, as was necessary in this case, wherein publick fame makes him a counterfeit. Yet to their shame and grief, the people are forced to seem in their publick prayers to present him to God as their prince, and dare not ask who are the witnesses of his birth.

10. Many of their juries are pressed to find their neighbours criminals, though in their consciences they think them innocent; as is notorious (amongst many other instances) in the case of those that made innocent expressions of their joy for the justice that was done to the seven bishops; and many are forced to submit to be tried in matters about the loss of their estates, by fines; and their lives also, by juries returned, by secret contrivances and nominations, contrary to the direction of our laws, being neither of the most sufficient nor most indifferent of the nearest neighbours to the facts in question, nor by sheriffs sworn as the laws require, whereby the course of the kingdom's justice is perverted, and the legal government subverted.

All these instances are too well known to be denied by our adversaries.

¹ Viz. The case of the Lord Bishop of London suspended. Of Doctor Peachel, Vice-chancellor of Cambridge, and Master of Pembroke-Hall, deprived. Of Doctor Hough, and 26 fellows of Magdalen-College, Oxford, besides the demys outed from their free-hold and livelihood, and decreed incapable of any other preferment, only for keeping to the law, the statute of their college and oaths. The suspension of near 200 ministers in the county of Durham, for refusing to read to their people the king's declaration for dispensing with our laws, &c.

² Viz. The summons of the commissioners for ecclesiastical affairs to the chancellors, commissaries, and archdeacons of the diocese, of most of the bishops to return the names of all the ministers that did not read the king's declaration, wherein they transgressed no law ecclesiastical or civil.

³ The city of London, and all the cities and towns corporate of the kingdom are sad instances of this, the king alone setting up whom he pleases to have the names and use the powers of their formerly chosen magistrates.

⁴ So the king hath done to the ancient cities of Oxford, Winchester, and the borough of Totness, now threatens to do the same to the great city of Norwich, or something tantamount, whereby he assumes to dispose of the subjects legal interests at his will, as if the subjects had no property.—Orig. Notes.

customs, freedoms, and privileges, if they cannot in conscience comply with illegal commands, and will not treacherously surrender their legal rights and privileges unto the king's will.

That the legal securities provided by the kings and kingdom in parliament against the dangers of their religion and liberties, are by the king's absolute command thrown aside, and made ' useless, by pretence of his power to dispense with those penal laws, notwithstanding the subjects right in them for the protection and safety of their religion, liberties, and lives, whereby the very foundation of all the subjects rights and properties is undermined and shaken, and a new claim is set up and maintained, that the subjects have no right, property, or security against the will and pleasure of their kings.

That by colour of such a dispensing power, the trust of the kingdom's defence and safety by military powers are put into such hands as are made² incapable of them by many express laws of the king's and kingdoms in parliament, which justly give the protestants sad apprehensions of imminent dangers, seeing themselves put into the power of those that publickly profess to be in union and communion with the church of Rome, that openly declare themselves to be the mortal enemies to all protestants; and that they are bound, upon peril of their salvation, to seek their destruction if they shall continue constant to the protestant profession.

That, contrary to the express laws of the³ realm lately declared in parliament, an army of papists and mercenaries is maintained and dispersed through the kingdom in full peace, to the great disquiet and terror of the protestants; and they are in divers ways constrained to receive these soldiers into their houses, to sojourn there against their wills, whereby they are deprived of their peace and security in their families, and of their converse with their neighbours and friends, and of the advantages they might make in their ways of living.

That the king hath barred and forbidden the execution of the ancient laws of the realm, against divers sorts of treasons and other most heinous crimes; and all the statutes now known to have been made from age to age for 500 years past, in relation to the popes and Romish priests⁴ powers and practices, are suspended; though the experience of the papists in all those ages shewed those precepts and practices to be mischievous and dangerous, that they often complained in parliament they feared the⁵ destruction of the kingdom by them.

His majesty also so controuls the courts of law in the courts wherein justice ought to be administered, that the judges (though they have highly served the popish designs) are turned out of their places, honours, and pensions, if they dare but suffer the laws justly to acquit those whom the king would have condemned, as appears (amongst divers instances) by his late displacing Judge Halloway and Judge Powell, upon the legal acquittal of the seven bishops.

¹ The late statutes of 25 and 30 of Car. II. were made expressly for the protestants security; so were those of 5 Eliz. 1. 13 Eliz. 2. 23 Eliz. 1. 27 Eliz. 2. 1 Jac. 5 Jac. 1. and the stat. 25 Hen. VIII. 19, 20, 21, and many ancient stat. of Ed. I. Ed. II. Ed. III. Rich II. and many other kings, were made to secure the people from the apprehensions of the church of Rome; and the king hath declared that none of them shall at any time hereafter be put in execution.

² 'Tis known all the professed papists are by the stat. Eliz. Jac. I. and Car. II. made incapable of holding any trust or powers in the kingdom, and that the king hath placed the most of them in their hands.

³ See the Pet. of Right, 3 cart. and the late statutes Car. II. that declare the dispersing of soldiers into the country, and the quartering them in the subjects houses, to be against the laws and customs of the realm; and 'tis demanded and enacted as the people's right, that they shall never be so burdened by soldiers.

⁴ See the king's declaration for liberty of conscience, that suspends the execution of all the penal laws whatsoever in matters ecclesiastical, those that make it treason to maintain the pope's powers and canons to be above our laws, or to take his dispensations of obedience to them.

⁵ See the statutes 35 Edw. I. 25 Edw. III. 27 Ed. III. 16 Rich. II. 5.—*Orig. Notes.*

We need not shew to your highness more particular instances of our oppression, since 'tis notorious that there is a publick attempt authorized by the king to subvert the very foundation of the whole civil legal government of the kingdom, that is, the people's free election (in the customary established course by counties, cities, and boroughs,) of their deputies to act and consent for them in parliament unto all laws to be made and repealed.

The truly noble monarchy was founded on equal freedom; and the civil government of England was always of right truly free, because no laws or authorities ever bound the persons and properties of the kingdom save only these, wherein the kings and all the subjects freely agreed, every subject's free consent being deemed by our laws to be given personally, as by his deputies to the enacting and repealing of every law.

Therefore the statutes of old, in affirmance of the common custom of England, declared that elections should be free from all interruptions and interpositions by the king or the pope, and the kings have bound themselves by the statutes no way to disturb any electors in making their free elections.

No commands, promises, or threats, no prayers nor solicitations, ought to be made unto the electors by the king or pope, or any others: The people's deputies (say the laws) are to be chosen freely and indifferently, without pre-engagement of the electors or fear of displeasing the king, and without promises of favour or rewards to them. They are to be indifferent at the time and place of election, and in such manner to proceed, notwithstanding any request or command to the contrary, otherwise the elections are void and null.

But we are not able to number the various kinds of attempts and practices to overturn this foundation of our government.

There have been infinite endeavours and artifices openly used to destroy the customs, privileges, charters, and governments of all the cities and boroughs, by whom four parts in five of the members of the commons in parliament are to be chosen by the custom of England; and to bring all these bodies politick, and all their magistrates and officers, to be dependent on the king's will, and to be obliged as his creatures (not the cities and towns trustees) to serve his popish and arbitrary designs, or to be turned out of their places at his pleasure, and such as are either papists or more ignorant and corrupt put into their places.

'Tis known to all, that for this purpose, to destroy our government under colour of law, there have been causeless writs of *quo warranto* brought by the king against most of the cities and boroughs of the kingdom; those were seconded by instruments appointed to terrify the magistrates of the cities and towns with the king's severe displeasure if they dared to insist upon their legal right and contest with the king at law, to fright them with the intolerable charge, that their legal defence would cost them more than they could bear, and boldly affirming that they could not hope to maintain their customs, privileges, and charters against the king, since he was resolved to have them at his command; then they tempted them with promises of new charters if they would comply and surrender their old liberties into the king's hands, and pretended that the names of all that refused it must be returned to the king's attorney-general.

'Tis no less known, that judges were prepared to damn the pleas of all such cities

^a See 24 Hen. VIII. 12. 25 Hen. 21. 'Tis declared that the realm is free and subject to no laws but by their own consent; and that the king and parliament, representing the whole state of the realm, have the power to dispense with the laws as they shall see occasion.

^b See the statutes 1 Jac. I. 1.

^c See stat. Westm. 1. 3 Ed. 7. The common law is there declared, and the king bindeth himself not to disturb any electors to make free elections. See Car. II. parl. See 7 Hen. IV. 15. 6 Hen. VI. 4. 9 Hen. IV. 8. —Orig. Notes.

and towns as would stand upon their right, and plead to the *quo warranto*, as the magistrates of London resolved to do; their common council refusing to surrender their liberties notwithstanding all commands, terrors, and intreaties that were used to them; they knew it was not in their power to betray their city, nor in the king's power to receive unto himself these customs, powers, and privileges, which the great charter and the common law had given them. But such judges as would not judge that ancient body politick (that had holden their customs above 1000 years) to be dissolved, were turned out, and all the freedoms and principles due to the citizens and their heirs, and to the city and their successors, were declared by the judges to be forfeited; his now majesty's instruments thereby preparing his way (under the shadow of the late king) to destroy the government of all other cities and towns, by frightening them into surrenders, or making a precedent for judgment against them; and it hath taken such effect, that the term of almost all those bodies politick is illegally changed, and the cities and towns brought to such a forlorn estate, that they have no magistrates or officers, but at the king's will and during his pleasure.

As there is an actual subversion of the freedom of the government of the cities and towns, the tenure of their magistrates, and their free customs being utterly destroyed, and those that now exercise the magistracies therein being incapable to chuse freely and indifferently, and to return legally, members for parliament, so there are continual attempts upon the personal freedom and indifferency of all the electors for parliaments throughout the kingdom.

His majesty has personally solicited, and attached so many of them by his smiles and frowns in secret, to accept of such for their deputies in parliament as will comply with his designs, that his closeting^a electors is become a bye-word amongst the people: He has made them consent to be barred of their freedom in electing for parliament, and in voting therein, if they be chosen, to be a test of their fitness to hold their offices and employments of profit and trust, and to have place in the magistracy.

The three questions to that purpose are known to all, which his majesty's ministers required to be answered by the justices of the peace and all other officers.

The lord lieutenants of all the counties, by the king's special command, have summoned the chief officers and gentlemen in his majesty's name, to flatter or terrify them out of the use of their freedom in electing for parliament; and marks of the king's displeasure have been put upon those that resolved to keep their freedom and indifferency, to elect worthy and fit deputies according to their judgments and consciences.

An unheard-of sort of commissioners, as to their qualities and instructions, are lately sent from his majesty throughout England, to delude or affright the electors into a choice of such members for a convention, (to be called a parliament) as will engage to serve his designs of abolishing all those ancient laws and tests that are the only human securities of the free profession of our religion, and the clearest authoritative declarations of the rights of the crown and the liberties of the people.

There need not be plainer proofs, that the axe is laid to the root of our civil government, as the most certain way to introduce the laws and religion of Rome. Yet, to convince the whole world in this matter, his majesty has published a second declaration, wherein he has positively declared his mind, that none ought to be employed under him in the kingdom, who will not contribute to these his designs, and chuse such members of parliament as may do their part to finish what he has begun. He has pronounced all that shall refuse it to be neither good Christians nor lovers of their country's wealth and power; and he declares, that he has begun his intended form of go-

^a Note, that the king's practice of closeting members of parliament was the same as it's now for electors.

^b See the King's Second Declaration for Liberty of Conscience, April 27, 1688.—*Orig. Notes.*

vernment suitable to those principles, having turned out, by his absolute will, many civil and military officers throughout the kingdom, in pursuance of this great work.

This puts it out of dispute, that his majesty thinks he ought not to suffer any free election for parliament, whilst there are such numbers of faithful protestants to contest for the elections, who cannot in conscience contribute to the work he has begun; that is, upon pretence of liberty of conscience to allow his majesty to surrender unto the pope the rights and freedom of the crown and the kingdom, or to acknowledge that the people of England ought, by the laws of God and Christ, to be subjected to the church of Rome's laws and jurisdictions in their person, and great part of their estates. That the pope and his priests and canonists should judge them by their canons, in the lawfulness of their marriages and contracts, and legitimate or bastard their heirs as they please; that the disposal of their goods and chattels by their last wills, their debts about tythes, and their good names and bodies on pretence of penances, should be in their power and will.

This is the work begun by his majesty, which dishonours and debases the English imperial crown, and subverts the native freedom and the civil properties and interests of Englishmen.

Those are the proper matters and occasions of most of our penal laws in matters ecclesiastical, to prevent the fraud and danger of holy pretences for such unrighteous attempts against our natural and civil properties.

Our penal laws are to punish offences against the civil government and human society, though they be about matters ecclesiastical: the subjects of England cannot pretend to be exempted from them, because of their consciences, any otherwise than they may wickedly claim to be free from the penal laws against felonies and murders, if they shall plead that they robbed or killed according to their consciences.

His majesty's avowed intent and endeavours are to free the emissaries of Rome's priests and papists from the punishments and dangers of those our penal laws, against such manifest attempts upon the freedom, rights, and properties of the realm; that his new-erected popish colleges, his convents of monks, his four provincial bishops, and his numerous priests, may be authorized by him, without force of laws, to maintain the church of Rome's canons to be of greater authority than the laws of the realm; to declare all the power of magistracy in protestants hands to be unlawful, and all right and title to their estates forfeited to the papists, by their being protestants; to own and justify dispensations from Rome, with their obedience to all such laws of the realm as the pope and his priests dislike; and professedly to hold communion with the church of Rome, the French king, and all foreign papists, that declare themselves mortal enemies to the religion and power of the protestants, to contrive with them the suppression or extirpation of them out of the realm.

This work his majesty hath so far begun, that he hath suspended and stopped the execution of the penal laws against all these high crimes, some whereof the ancient papists of this kingdom made capital; and he declares all such protestants as will not help to finish it, not to be qualified as Christians or Englishmen for any employment in the kingdom, and therefore least of all to be members of parliament. Hereby his majesty attempts to confine the electors in their choice to so small a party, that he allows them not the choice of one of forty whom our laws make capable of being elected for parliament; the number is so small (professed papists excepted,) out of which his will is to have members of parliament chosen, that our laws will judge it no choice if he can impose his will upon the kingdom, as he hath declared it.

Hereby your highnesses may be satisfied that our case is deplorable; it seems not sufficient for our popish enemies to seek the abolition of all our ancient penal laws, that are not agreeable to those new-invented doctrines and pernicious practices of the present church of Rome, which the penal statutes shew to have been abhorred by our an-

cient English 'papists, but their design is to destroy the constitution and form of the free government of the kingdom, from whence arose all those penal laws against their churches, proud domination, and their usurpation of the rights of the crown and the whole realm.

They know by our histories and records, that the free parliament always made the complaints from age to age against their pernicious claims of power over our kings, our laws, our courts of judicature, and their judgments; and against their exactions, impositions, frauds, and delusions of the people, with their superstitious folly, whereby they gained a ²third of the revenues of England, and drew so much money to Rome, that they impoverished, and almost ruined the kingdom.

They are sensible that they have been able to enslave to the pope and priests several of the greatest English kings, that they could prevail with the king for licences and pardons to them to transgress the laws that the parliament made, to preserve the subjects' rights and properties, and that the parliament only caused new laws to be made for declaring such ³licences, dispensations, and pardons of the king void and null.

They know that they have persuaded several of the kings, that the pope could absolve their conscience from all obligation by the laws, and from agreements, promises, and oaths to their kingdom,⁴ to maintain their great charters, and all their laws and liberties; and that they prevailed upon one of them to resign the ⁵kingdom entirely to the pope, and to hold it of him by rent; and they understand that the people, in free parliament only, made and declared all such dispensations and resignations void and null, and justly required those kings to renew their oaths to the kingdom, to preserve their liberties; and scorned (with indignation) the pope's demands⁶ of his pretended rent for the kingdom, declaring, that their kings had no such patrimonial right in the kingdom, to subject it to any powers on earth.

They cannot hope that a freely-chosen representative of this kingdom can suffer such a delusion to be put upon them, to be persuaded that due Christian liberty of conscience requires them either to allow the foreign Romish laws or canons, to contest for power and place with the laws of England, or to suffer any of the subjects of England openly to profess themselves, their persons, marriages, or estates, to be subject to any foreigner's jurisdiction; and to depend on their authority, offices, and sanctions, and the exercise of them, for their eternal salvation, (which is, in truth, to renounce their subjection to England,) or to own and avow to have the nearest union and communion with foreigners, that openly profess themselves mortal enemies to more than a hundred to one of the whole realm, and to be bound in conscience to seek their suppression or destruction.

They cannot think that a free English parliament should not always know, that no doctrines of Jesus Christ ever destroyed or changed the natural and civil right of any person or nation; or allowed, that any part of the people of a free country should correspond with, or depend upon the declared enemy of the far greatest part of it; they have therefore resolved to overturn the very foundation of our civil government, the people's free choice of their deputies for parliament, that there may never be a free parliament more in the kingdom, which is a plot much worse than their gun-powder treason.

² See the grievous complaints of the Commons in 25 Edw. III. 4. Provisors, and 6 Rich. II. 5. 27 Edw. III.

³ See Parliament Roll, 4 Hen. IV. 1 Hen. V.

⁴ See the Statutes, 3 Hen. V. Statutes, 4, 7. Hen. IV. 8.

⁵ So the pope absolved Hen. III. and Edw. I. from their oath to keep the great charter.

⁶ King John made.

⁷ See the Roll Part. 40. Edw. III. num. 8. rot. claus. 3 Edw. I. calls King John's charter, and granted to the pope a most unjust and forceless charter, since burnt.—*Orig. Notes.*

It seems they think it safest as yet, to keep a shadow of elections for their intended convention, by forming bodies politick of cities and towns, to name or return whom the king pleases, and by the specious name of liberty of conscience, with promises of favour and threats of displeasure, to deceive or affright the other electors, to accept of those for their deputies that the king shall offer; but if this attempt upon the prime fundamental of our whole civil government shall be suffered, the king may hereafter, with as much justice, law, and reason, call whom he pleaseth, from any parts of the kingdom, to consult with, and in the name, and under pretence of their advice, change our laws and customs, impose taxes, and alter at his pleasure the succession of the crown.

We must with sorrow shew your highness, that they have so far prosecuted this their design against our government, that they have rendered it impossible to have a legal free parliament elected and returned, in the present state of the cities and boroughs, the sheriffs and officers, and the condition of the electors, great numbers of them are quite harred of their freedom and indifferency to elect, which our law requires, by the declared displeasure of the king, and the threatened and certain loss of their offices and employments and benefits, if they accept not of such for their trustees as have unworthily resolved or promised to vote against our established laws, as the king will have them, without hearing the reasons about them by the kingdom in parliament; and, as we believe, without knowing the intent and purpose of the laws they promise to abrogate.

'Tis not now practicable to have the legal free consent of the kingdom unto the making or repealing of any laws, (without which they cannot be obligatory,) until there be a just restoration of the customs and liberties of the cities and boroughs, which have been illegally and treacherously surrendered, or unduly wrested from them, and legal magistrates shall be duly chosen to execute writs for elections and make returns, until there be a revocation of the king's terrifying declaration of the unfitness for parliament, and publick employment of all that will not help to finish his great work begun, of destroying all our penal laws, for preventing the popish practices against the rights of the crown and the realm.

Nor until there be an absolute renunciation of all the promises, engagements, and subscriptions of the electors of parliament, taken by his majesty's orders, and ministers to restrain their freedom and indifferency in their elections. Thus the cunning and malice of our popish adversaries have cut off all our legal means of relief by the free common councils of the kingdom, whilst they lay close siege to take our bodies and souls captive.

We need not remember your highnesses that these attempts and endeavours to subvert our liberty in our religion and government, is a part of that general design that was formed and concluded on many years since, in the most secret councils of the popish princes, chiefly managed by the jesuits, to root out of all Europe the profession of the protestant reformed religion, and the people's liberties.

We will not mention the notorious actual prosecutions of that popish resolution in several kingdoms and dominions,² nor the treacherous falseness of those princes in their treaties, agreements, and oaths, nor the oppressions, bloodshed, and all kinds of unrighteousness that have been practised by them, in order to that general great design.

The instance alone of the French king is enough to be named instead of all, because he hath owned and published to the whole world his part in that design, and by com

¹ Note, that Cromwell took upon him such a power, to send for men by his letters, without election, and called them a parliament, and made acts, and intended to have changed the succession of the crown to his own family, if those his creatures could have agreed with him.

² That is, in France, the dukedom of Savoy, the kingdom of Poland, and many others.—*Orig. Notes.*

paring the violences, banishments, and murders done upon the protestants at the same time, by other popish princes, (as they were able) with his public confessions of his long-laid design, we may make a true judgment of the whole.

The French king, by his edict³ of 1685, hath declared, that he entered into that design from his coming to the crown; and it appears by the edict⁴ then prepared, and agreed by his council of conscience, that all his renewed edicts in the protestants favour, his acknowledging and registering in parliament their great services for him, and his advancement of many of them to the highest dignities, military and civil, in his kingdom, were done to flatter and deceive them; he calls God to be witness of his designs and resolutions at that time, to abolish their religion by degrees, and that he only attended his fit opportunity for that great work, as 'tis called by our king, and by that edict.

In that interim of his seeming kindness to the protestants, and solemn professions to them and some of the protestant princes, for their observing faithfully the law and edict of Nantz, that was like the French protestants great charter; there were all possible secret contrivances and practices to prepare for that great work, especially in England, that hath long been the head of the reformed religion, and the chief terror of the French king and the popish world; he shewed his fear of the people of England when he barbarously banished his now majesty, and the late king, in their distress, rather than displease Cromwell; he therefore applied his principal councils and endeavours to distract and weaken the protestants of England, and to persuade and assist the late king covertly to increase and strengthen the popish party; for that end, his dearest confessor, the jesuit Le Chaiz, was ordered to correspond with Mr Coleman, that was then secretary to his now majesty, and the letters⁵ confessed by him before thousands, shewed that the matter proposed was to root out of the world the protestant religion, under the name of the northern heresy; and ten times more of the particulars of that wretched design had appeared, if all Mr Coleman's latest letters for two years and a half, that were brought to Whitehall, and many culled out of the rest, had not been there suppressed, and kept from the sight of the parliament; yet Mr Coleman on his trial confidently avowed, before all the people, that design of subverting the protestant religion, and that he was only a subordinate minister in it.

It appears by those letters that the French king's money was to manage that work, and the letters brought into parliament by the now Lord Montague, acknowledged by the late king, to be written by his order, prove to the world that the late king was content to become the French king's pensioner, for five hundred thousand pound per annum, to keep off the meeting of parliaments. We had then discovered the increase of popery, and the danger of the protestant religion; and had thereupon formed the parliament's test, and were preparing other laws for security against the popish designs.

It hath also been manifest to the world, that all kind of devices and artifices that the jesuits councils could invent, were, about the same years, used to pervert the faith and religion of the united provinces, or to betray them into the French king's power, or at least a dependence upon him.

'Tis now notorious to the world that an agreement was made between the French king and his late majesty of England, to subdue and divide those provinces, that they might no more be either a support or refuge for the protestants. We crave pardon for our boldness, that we humbly appeal to your highness, whether your integrity and constancy in the protestant religion, and your fidelity to your country's freedom, were

³ That edict of 1685 is worthy to be read by every true protestant.

⁴ 'Tis fit to see in that edict prepared, as it's published, the opinion they have of protestants that they are deemed incapable of having any right to claim the benefit of the treaties, promises, or oaths made to them by the papists.

⁵ See in Coleman's Letters in print, published by the parliament's command.—*Orig. Notes.*

not, about those years, vainly attacked by those two kings, or at least by one of them; and whether the piety, generosity, and brave scorn and indignation expressed at their proposals, did not fix an enmity in their hearts against you, the effects whereof you have suffered ever since.

The world hath also seen the effects of the French king's prosecution of the same design to take away the support of the protestant interest, by his pensions to the chief men of the kingdom of Sweden, and to such as he could prevail with in the court of Brandenburg, and all other princes courts that adhere to the protestant interest.

Yet the chief of his expence was upon our late king and his ministers and counselors, who concurred in all the secret practices and contrivances to weaken the power of the protestants, and to suffer the greatness, glory, and terror of the French king to be advanced; but he durst never openly and avowedly join with him in the great work against the protestant religion, for fear of his protestant subjects, he having deluded them with so many solemn protestations of his faithfulness to their religion and their liberty.

The French king found, by experience, that the parliaments had prevailed with our king to break all the measures that they had taken together for the destruction of the united provinces, by obliging him to a separate peace with them, which had forced him to let fall his then spreading plumes, and in crafty ways to seek and solicit a truce; and therefore he durst not, during our king's life, put in execution his great work that he declares had been so long in his heart, that by torments, murders, and all sorts of barbarous cruelties, to oppress the professors and profession of the reformed religion, and entirely to raze and expunge the memory of it, as his edicts and his practices now declare to be his intentions.

The French king durst not throw off his disguise and shew himself to be like a raving wolf to his protestant subjects, until our now king had publickly espoused the popish design, which he had, together with him, long prosecuted in the dark, and until he had begun to invade the protestants liberties and securities, his putting the military powers into popish hands, and to demand the parliament's consent to a law, (which they refused) to authorize him to make his papists the guardians of the protestant religion and lives.

The French king then knew that the people of England were in no capacity to interpose in behalf of his protestant subjects, however he should destroy them; and, as his edict says, being by the truce, without fear of disturbance, he entirely applied himself to the great design; he sent his dragoons to destroy the poor protestants goods, and to torment their bodies with more cruelty and inhumanity than ever was practised since the creation; he resolved, for his glory, (as his clergy told him) "to shew himself the first and most illustrious of the church's children, and the extirpator of the protestant heresy," which they told him was a more solid and immortal title than he acquired by all his triumphs.

He then presented that work of extirpation, as Saul did to strange countries, breathing out threatnings and slaughter; he sent to the Duke of Savoy, and, as that court complains, persuaded and frightened that prince into a most unchristian and bloody decree, to compel the most ancient protestants in the vallies of Piedmont to turn papists forthwith; and they being faithful to their religion, that edict was pursued by the help of his dragoons, and the harmless protestants tormented and murdered more cruelly than the worst of vermin⁶ or serpents, until they were utterly destroyed, and their country given to the papists. That court of Savoy seems still ashamed⁷ of that horrid wickedness, and says, for their excuse, "that the French king declared he would root

⁶ See the relation of it printed.

⁷ See Dr Burnet's letter from his personal enquiry.—*Orig. Notes.*

out those protestants by his own force, and possess the country, if the duke would not have assisted therein."

The suppression of the protestants of England hath been always esteemed the principal part of the popish design, to extirpate the protestant religion, and therefore all the Romish councils, policies, and industries; their conspiracies, poisoning, and massacres, have been long employed about it, and have perfectly gained our now king to serve their design; they have united him with the French king, that their conjoined councils, treasures, and strength, may finish the work of bringing England to the obedience of their church. 'Tis many ways evident that both the kings are under the like conduct, and our king proceeds in the same methods against us wherein the French king hath been successful, to destroy the protestants of his kingdom. His first attempt is to subvert our civil government and laws, and the freedom and being of our parliaments, just as the French king first invaded the supreme legal authority of France which was vested in the assembly of estates, from whom alone he now derives his crown. Our king, in imitation of his brother of France, strives to bring all the offices and magistracy of the kingdom, that were legally of the people's choice, to be solely and immediately depending on his absolute will for their being, whether they arise by our common law, or be instituted by statutes or charters. He endeavours, by various artifices, to bring the disposal of all the properties and estates of the people, and their lives and liberties, to be at his mere will, by a perversion of the instituted course of our juries, and by judges and a chancellor fit for that purpose, and every moment dependent on his will; he seeks to make his proclamations and declarations to have as much power over our laws as the French king's edicts: and, after his example, he establisheth a mercenary army, to master and subdue the people to his will.

If he can prevail in these things to overturn the civil government, then the liberty of the protestant profession and of conscience in all forms, however seemingly settled by him, will be precarious, and he may as easily destroy it as the French king hath abolished the irrevocable edicts, treaties, or laws of his kingdom, confirmed by his oath, which were as good security to those protestants as any Magna Charta that our king can make for us, or any act of a convention with the name of a parliament which is possible for him to hold in the state unto which he hath reduced the kingdom.

Our king hath the same French copy, by which he writ, assuring the protestants of grace and clemency, giving them promises of equal liberty of conscience with his papists, in preferring unto offices and employments those whom he resolves to suppress and ruin, preventing the execution of laws, and in allowing liberty of conscience in some notions, and the outward forms of worship in the Christian religion, provided always, that they have no regard or conscience for the substance of Christ's religion in justice and righteousness, nor stumble at complying with him, or assisting him in the highest crimes against Jesus Christ, by invading the rights and liberties of the kingdom, and assuming a forcible domination to oppress whom he pleases, which is a subversion of the very foundation of justice and love amongst men, and by consequence of the religion preached and established by Christ.

These matters of fact are self-evidences, and clearly shew, that our grievous oppressions by our king are the effects of the united councils of the popish interest, whereof the French king is the chief. That the conspiracy against true religion and liberty that now appears in England, comprises all the protestant princes and states in Europe; England is only first attacked, as the principal fortress of the protestant profession, if the three kingdoms of England, Scotland, and Ireland can be reduced into the pattern of the French king, in government and religion, and the strength of them be united against any single protestant state or prince they shall think fit to assault, if they can, by artifices, keep the rest divided, which will not be hard for them, for there is little hope of any long defence of such a state.

The French king seems not unwilling to have it known, that the popish design is general against all profession of the protestant religion, though especially against England; he hath allowed the Bishop of Cosnac's speech to him at Versailles, in 1685, to be published, who was authorized to be the mouth of the clergy of that kingdom; he magnifies the king for suppressing the protestants of his own kingdom, and asks what they may not yet expect; England, saith he, is just offering to your majesty one of the most glorious occasions that you can desire; the king of England, by the need which he will have of succour, and of the support of your arms to maintain him in the catholick faith, will make you quickly find occasion to give a protection wholly of yourself. We know very well, before the French clergy declared it by that bishop, that the same head that contrived the perversion or destruction of so many millions of the protestants in that kingdom, designed the ruin of the English religion and liberty; but it surprised us to see that speech published by the French king's authority, and that our king should suffer the translation of it to pass freely in England, and through the world. We thought it beneath the majesty of a king of England to be content that his subjects should be told, that he was to come under the protection of a king of France, over whose kings and kingdom his ancestors had so often triumphed; but it seems nothing is to be esteemed inglorious that may serve the general popish design of extirpating the protestant profession.

We need not put your highness in mind, that the same speech acknowledges, that the popish councils and conspiracy against England intend the like ruin to the religion and freedom of the United Provinces; that bishop tells the king, that he hath undertook the conquest of new countries there to re-establish the prelacy, the religious worship, and the altars; that Holland and Germany have been the theatre of his victories, only that Christ might triumph there, that is, that the papists might trample upon the protestants and their religion; and this he speaks, (as he says) in the very spirit of the church, and signifies their hopes of success against the poor protestants to be unbounded, saying, "What may we not yet expect?"

We must freely confess, we were too slow to believe this desperate popish plot against the whole protestant profession, and in our particular case, we have been deluded with our king's promises to protect and maintain our religion, our laws, and government, until we see them all undermined, and the train laid to blow them up, by a packed convention of men pre-engaged, perverted or corrupted, to serve the king's will and designs, that shall assume the name of parliament; we were not utterly insensible of the danger of our liberty in our religion and our government, from the time his now majesty declared his late majesty to have been a papist; but who saw, that by their secret conjoined councils, they had not been able to prevent the making some laws to secure the protestants, by excluding papists from our parliaments, and all offices and employments; and we hoped that our king's life would not be sufficient to overturn by degrees, (as they had begun to proceed) the excellent foundations of our civil government, nor to extinguish the clear light of the truths of Christ professed in our religion; and we were assured, that your highnesses minds were clearly enlightened in the doctrines of the protestant religion, and adorned and accomplished with all Christian and royal virtues fit to possess the highest throne.

Thereupon we encouraged each other to suffer with patience his majesty's attempt against our laws and liberties, presuming that your highnesses would ere long be our joyful deliverers, to the everlasting confusion of the popish designs against our government and religion, and to the vindication of the innocency of the protestant martyrs in all the kingdoms of Europe.

But as your highnesses were the greatest objects of our earthly hopes, so the thoughts of her royal highness's succession to the crown, in conjunction with your highness's virtues and military prowess and magnanimity, were matters of the greatest horror

and dread to all the popish councils of Europe ; they have therefore applied themselves to various consultations ; sometimes it hath been proposed by his majesty's power, with a parliament, by the deluding names of Liberty of Conscience, and a Magna Charta therein, to fetter your highness in your accession to the crown, with such conditions as were obtained in parliament in the cases of Queen Mary and Elizabeth ; which they hoped to strengthen, by his majesty's putting the papists into possession of all the strength and authority of the kingdom, united with all the power of the French king, that your quiet admission to the throne might not be possible, unless you should submit unto and depend upon the papists, and the conditions that they should impose ; but they found it of greater difficulty than they at first imagined, to get a parliament that would join with his majesty in such a project against your highnesses ; therefore some of the more cautious papists, of considerable fortunes, stumbled at the absolute force of a mercenary army, and the French power to put a force upon the heiress of the crown ; they propounded, that his majesty should rather try the force of his paternal power with her royal highness, and use all the arguments of interest to induce her either to change her sentiments in her religion, or at least to moderate her thoughts concerning them, and incline her to concur in their full liberty.

If such endeavours should be hopeless, that then your highnesses should be at least prevailed with to declare your consents to his majesty's declaration for liberty of conscience, and your concurrence in his desires to a parliament for the repeal of all the penal laws in matters ecclesiastical and the test.

It was presumed, that your highnesses might have been persuaded, that the laws suspended and dispensed with by his majesty were only two or three laws against the protestant dissenters holding their conventicles, and some laws made since the Reformation only to compel papists by great penalties to come to church, and to keep their priests out of the kingdom ; and it was hoped, that your highnesses compassion to all Christians, and a tenderness for the liberty of consciences, would have moved you, without further examination, to have complied with his majesty's request.

It was believed your highnesses would never have enquired after the penal laws in matters ecclesiastical, made by the ancient papists many hundred years since, against the horrid invasions by the Romish church, on the rites of the crown and realm, whereby they had impoverished, enslaved, and almost ruined the kingdom ; nor that your highnesses would have understood, that the king hath opened a return to all those wicked practices of that popish church, and that the repeal of those laws would settle them.

It was supposed that your highnesses had not known, that the penal laws in matters ecclesiastical contain most of the clearest authoritative declarations that are extant in any records of the rights of the English crown, of the form and constitution of our government, and of the rights and liberties of the subject ; the church of Rome's claims, usurpation, and intolerable abuses and oppressions, having put a necessity upon the kings and parliaments to make those declarations of law, that are now ancient evidences of the inheritances of the kings and people, of inestimable value.

It was imagined that your highnesses would not have discerned the consequences of a general repeal of the penal laws in matters ecclesiastical, that by enacting only his majesty's declaration, (as he propounds there) would be the most absolute and complete establishment of popery that the Romish church can wish. All the canons, or laws of the church of Rome, shall then have greater legal force in England than they have had in five hundred years past ; and all her authorities and jurisdictions over our persons and estates will be in the same manner legal, by ancient usage and approved by parliament, as ever they were heretofore in England ; part of Magna Charta itself will be repealed, that makes it penal to such as the priest shall delude to give their lands to religious houses.

There was such a confidence of deceiving your highnesses, and obtaining your con-

sent to the repeal of the penal laws, that the priests spread a rumour that you had agreed, and that his majesty understood you well therein; a false jesuit had the impudence to whisper it as a secret, that their general design could not miscarry, seeing they were secretly assured, that the Prince of Orange would concur in it, when it was seasonable to declare himself.

We were certain of the falseness of those rumours, some of us knowing of applications that were contrived by his majesty's order to your highness in that matter; and we were much surprised, when a friend of ours at Whitehall told one of us, about the end of August last, that the rumours of your highnesses concurring with his majesty were suddenly hushed; and that he heard a whisper, that it was said with much anger, that your highnesses were obstinate in your errors, and thought to make yourselves popular with the church of England, and he would trouble himself no more with you, but you should repent it.

Some few of us, who had often conferences, concluded, that the king had changed his measures, but could not imagine what was designed to offer to a parliament, in lieu of a protestant successor's consent, to oblige them to repeal the penal laws desired by his majesty. It was not long before we heard it muttered that the queen was with child, and then the papists began to triumph, and the priests gave out boldly, that it would set aside her royal highness's right to the succession, though it were a daughter; and ignorantly and impudently affirmed, that if the queen had a daughter born after the king came to the crown, it ought to succeed before a daughter born when he was but a duke; but none but the papists gave any credit to the reports that she was with child; and the fable of the Duchess of Modena's request in heaven or purgatory, and the Lady of Loretto's helping her to conceive a son, for the sake of a fine present, made all but the papists believe it a mere invention of the priests, whatever should ensue.

* Dryden, as poet laureat, and a catholic convert, salutes the infant thus:

Hail, son of prayers! by holy violence.
Drawn from heaven——

And again,

By prayers the mighty blessing was implored,
To prayers was granted and by prayers restored.

Britannia Rediviva.

But the true-blue protestant poet, who wrote the following lampoon upon the thanksgiving appointed for the queen's conception, was less courtly:—

I.

Ye catholic statesmen and churchmen, rejoice,
And praise heaven's goodness with heart and with voice;
None greater on earth or in heaven than she,
Some say she's as good as the best of the three:
Her miracles bold
Were famous of old,
But a braver than this was never yet told;
'Tis pity that every catholic living
Had not heard on't before the last day of thanksgiving.

II.

In Lombardy land great Modena's duchess
Was snatch'd from her empire by death's cruel clutches;
When to Heaven she came, (for thither she went,)
Each angel received her with joy and content;
On her knees she fell down,
Before the bright throne,
And begg'd that God's mother would grant her a boon,
"Give England a son in this critical point,
To put little Orange's nose out of joint."

The story of it shewed it to be of the lineage of the popish legends, and was a matter of laughter and derision amongst the people, and a subject for poets lampoons, which were so common, that they were in Whitehall itself, and no doubt they came to the knowledge of his majesty, and most of his court. The more serious protestants presently apprehended, that a supposititious son was designed to abate your highnesses growing reputation and power; all the protestants of Europe then justly looking upon her royal highness as heiress apparent to the English crown, and your highnesses in all respects to be the fittest head for the protestant interest, against the general popish design.

They knew this device to be necessary for supporting the glory and terror of the French king against the greatning reputation of your highnesses, by the expectancy of the English crown; it is known, that he dreads your highnesses vindication and recovery of your own rights, from his manifest violence and rapine, and your patronage of the protestant interest in all Europe against his arbitrary and bloody designs.

He knows, that if her royal highness succeeds to the crown of England, he will be quickly incapable of prosecuting his cruel intentions against the protestants of other countries; and, it may be, scarce capable of supporting his grandeur and triumph over his miserable subjects.

The very expectation for eight or nine months, that the queen might bring forth a son, was greatly for the popish advantage; if the trick should have failed in the issue, by any unlucky accident, it made a stand for a time of the protestants of all countries, in the great expectations from your highnesses; it raised triumphant hopes in all popish countries; it strengthened the English papists hands and hearts to prosecute their design vigorously; it encouraged corrupt and time-serving protestants in profession to

III.

As soon as our lady had heard the petition,
To Gabriel the angel she straight gave commission;
She pluck'd off her smock from her shoulders divine,
And charged him to hasten to England's fair queen;
"Go to the royal dame,
To give her the same,
And bid her for ever to praise my great name;
For I in her favour shall work such a wonder,
Shall keep the most insolent heretic under."

IV.

"Tell James (my best son) his part of the matter,
Will be with this only to cover my daughter;
Let him put it upon her with his own royal hand,
Then let him go travel and visit the land,
And the spirit of love
Shall descend from above,
Though not, as before, in the shape of a dove;
Yet down he shall come in some shape or other,
Perhaps like Count Dada,* and make her a mother."

V.

This message with hearts full of faith was received;
And the next news we heard was the queen had conceived.
You great ones converted, poor cheated dissenters,
Grave judges, lord bishops, and common consenters;
You commissioners all
Ecclesiasticall,
From M——ve the doubtfull to Chester the tall;
Pray heaven may strengthen her majesty's placket,
For if this trick fail, then beware of your jacket.

* The Pope's nuncio.

fall in with their party, and prevailed with many weak dissenters to make them believe a succession of popish princes, and that their liberty of conscience is only to be expected from them; and that therefore they ought to serve in their employments.

When we saw the incredulity and mockery of the multitude, at the story of the queen's great belly, and the sad apprehensions of the more considerate, that, for the politick support of the popish design, a counterfeit son of the king's might be imposed on the kingdom, we resolved to observe and keep memorials of the rise, progress, and issue of the whole matter, (as far as we could get intelligence.) We presently perceived that the popish priests were the prime reporters and most confident asserters of the undoubted truth of the matter; and they boldly took upon them to presage, that the queen was with child of a boy, that was to finish the settlement of their church in England, as certainly as if they had seen the foetus perfectly formed in her womb; or rather, as if they had been privy to the plot of a supposititious boy, and had their cue in the management of it.¹

Their manner of talk and boasting increased the general suspicion; we knew that sort of priests maintained the vilest wickednesses to be lawful for their church's service, and that they have been notorious for impostures and forgeries of all sorts; they once forged an eternal gospel, (as they called it,) to support the orders of the mendicant fryers; and if we may believe some of themselves, they have a Father Titler in some rich convents, to forge titles to any man's lands adjoining to theirs, when the convents have a mind to them: Those priests contrived Queen Mary's great belly, for a counterfeit heir to the crown, to have carried on their catholick cause, and as great publick triumph and solemn prayers for her belly were made at Rome, and in all popish countries, as have been made in our queen's case: but their design was unluckily crossed, when her deliverance was expected, and all their joys and prayers vanished in smoke.

¹ The effects produced by the annunciation of the queen's pregnancy are well described by Ralph:—"The effect of this news was equally great on the two parties,* and at the same time wholly different: the jesuits at court and their followers overflowed with raptures, and foolishly talked of it as little less than a miracle; which, in such a country as this, could not fail to excite ridicule and bespeak unbelief: some boasted of the virtue and efficacy of her majesty's rich offerings to our Lady of Loretto; others of her mother the Duchess of Modena's vows when living, and intercession when dead; others of the pilgrimage of the king to St Winifred; and others, among whom was the Earl of Melfort, of the Holy Ghost moving on the Bath waters: All were strangely elated on the occasion; and some made no difficulty to pronounce that it was a son: Albeville was one of these; and when he returned to the Hague was so intoxicated with this persuasion, that he spoke out, says Bishop Burnet, what another man would have suppressed: for when the Prince of Orange put him in mind of the king's promise, to maintain the laws and the established church, he very cavalierly said, 'That upon some occasions princes must forget their promises; and as to that body which he called a church, it would not have a being two years to an end.' On the other hand, those who had no other prospect of deliverance out of the harpy talons of popery and slavery, than by the succession of the Princess of Orange, received the confirmation of this news with much inward sorrow and outward contempt: some inventing, many believing, and all circulating such stories as would best serve the great and necessary purpose of establishing a belief that the whole affair was no better than a solemn imposture; and which stories were neither over decent, well-bred, or charitable: a pillow, a dropsy, a tympany, a cushion, the queen's maladies, the king's crazy constitution, were the favourite topics of the wit and humour of the day: nor were they confined to conversation only; they found their way to the press; they were set forth in verse and prose, and were circulated from hand to hand through every corner of the kingdom. Partridge, the almanack-soothsayer, in his predictions for the year 1688, printed at the Hague, took upon him to say, 'that there was some bawdy project on foot either about buying, selling, or procuring a child or children for some pious uses.' And again, 'Some child is to be topped upon the lawful heirs, to cheat them out of their right and estate. God preserve the kingdom of England from invasion, and keep the protestant there from being dragooned!'—And here again Queen Mary's affectation of a big belly, and the discourses it gave rise to, as recorded by Fox, the martyrologist, were again revived; no endeavours were wanting to show that the two cases were exactly parallel: And upon the whole it was concluded, that if any process was on foot to abuse the nation, the very attempt called for the highest resentment; or if, on the other hand, the queen should really bring forth a son, the nation could not be visited by a heavier calamity."—Ralph I. 980.

Some of those priests were the agents for the bloody and unnatural usurpation of our King Richard III. A priest preached at Paul's cross, to make the people believe that King Edward IV., his elder brother, whose sons King Richard had murdered, was a bastard, not the lawful son of Richard Duke of York; and that Richard was the true legitimate son, and had been a long time wronged of the crown belonging to him.

It was a priest's invention and management to set up Lambert Symmell, a baker's son, against Henry VII., counterfeiting him to be Earl of Warwick, and laying claim to the crown, and was proclaimed king in Ireland, and marched into England with a good army, to maintain his pretence: And by the like advice, Perkin Warbeck, another counterfeit, was set up against the same Henry VII., by Margaret, Duchess of Burgundy, to be Richard, the younger son of Edward IV., and made such a considerable party in Ireland, and was so received and assisted in Scotland, that he bid fair for the crown: And we could not forget what a cheating trick the jesuits invented and practised of latter years, about procuring an heir to a crown that is become the chief support in Europe.

The remembrance of these, and many other wicked frauds of the Romish priests of the like import, to change the successions of crowns to serve their church, and seeing them so busy and industrious to prepossess the people's minds with an opinion that the queen had a great belly, and that it was a son, when it was impossible in nature to be known, if she had been then really pregnant;—these things, we say, put together, confirmed our suspicions, that they acted a part as they were influenced, and that a counterfeit son might be resolved on, to be set up for Prince of Wales, as common fame confidently reported.

The collections and observations we have since made, of the thing that occurred during the queen's supposed pregnancy, and about her pretended delivery of this son, hath made the truth of the matter so plain in our apprehensions, that now we no more suspect, but conclude and believe this pretended Prince of Wales to be a mere counterfeit; and we hold it our duty to your highness, to our country, and to the whole protestant interest, (this child being set up against all these,) to set before you all the memorials we have taken in the whole matter, several of us having been at last very near the court, during the whole transaction.

We crave leave to put your highnesses in mind, that before we can convincingly set forth the special and particular facts and circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general conclusions about the proofs and evidences whereby a true judgment ought to be made of this supposed prince; and if your highnesses shall be clearly satisfied in the truth of those conclusions, whereof we cannot doubt, you may be fully convinced by them alone, without further hesitation or enquiry, that this supposed Prince of Wales cannot be justly judged, by any kind of rules of justice or law whatsoever, to be in truth born of the queen.

The first certain conclusion to be remembered is this, that, by the universal rules of justice and equity, any child of our queen's, (that was expected or hoped to be the heir of the crown of three kingdoms, and to postpone or set aside an undoubted heiress apparent, and also the right expectant of a warlike prince, and divers princesses of the blood,) we say, such a child ought to have been attested to be born of the body of the queen, of the personal certain knowledge of proper witnesses, suitable to the case and concern, in so great a number, and of such unspotted fame, undoubted authority, and perfect indifferency, that the proofs of its birth could never have been reasonably drawn into doubt or question, either in England, or any other Christian kingdoms or states.

A son of the queen's body had naturally and really made an entry in the moment of

his birth, upon the apparent right of her royal highness: She had thereby rightfully ceased to be heiress apparent to the crown; and no rules of natural civil justice, nor the law of any civil government, will allow or suffer entries to be made, and persons to be outed of the rights they apparently had in judgment of law, without sufficient proof, either of right paramount to the others, or a determination of these former rights apparent.

Our English laws, and special statutes for that purpose, abhor any entry upon the apparent legal right of another, either of the will of the king, or of any subject; the admission of such a practice is absolutely destructive of property, and all civil justice and government; it dissolves the whole civil government, and turns all into the confused course of natural right. Wheresoever a civil government and property is established on entry of will upon the legally apparent right of others, without sufficient manifestation of their own greater or better rights, is directly contrary to God's eternal law, of all righteousness amongst men.

Upon these certain infallible foundations we build our conclusion, that this supposed Prince of Wales, born of the body of the queen, ought, by the laws of England, the fundamental rules of all civil justice and government, and by the unalterable laws of God, to be manifestly proved by them that pretend it beyond all possible contradiction, in such manner as is described and specified in the preceding conclusion; and such proofs ought to have been publicly divulged and made known to England and the world, before his patrons ought to have entered, in his name, upon her royal highness's right, in the judgment of our laws, to be styled and reputed the heiress apparent to the crown of England, and to assume to him that honour and glory which her highness justly had in England, and all the kingdoms and states of Europe, to be apparently the next successor to the crown of England.

Questionless all the civilized kingdoms in the world that are hereditary, have pursued these principles of justice and reason in their common custom, to have their princes born in the presence of the princes of the blood, the chiefest men of religion, and the greatest nobles and officers in the highest trust for the kingdom, and the ambassadors and ministers of foreign kingdoms and states, that the heirs of those great inheritances might be so known and manifest, that it might not be possible for any controversies to arise about their births, and their being the lineal heirs of the respective kingdoms. Whenssoever rights of any kind are obtained, merely by virtue of birth, those that claim them are bound to prove, by witnesses suitable to the respective circumstances of every case, the reality of their pretended birth, at their peril of being justly excluded from the rights they demand; yet justice does not always require the like witnesses and clearnesses of testimony about the birth of all common persons, the circumstances of their cases being so different, that witnesses of such qualities, and in such a number, as may be sufficient proof for the birth of one heir, may justly be judged insufficient for the birth of another.

But the birth of the pretended Prince of Wales was attended with such circumstances, that justice required that his birth of the queen should have been testified by a plenty of such witnesses, as their proof might have amounted to the highest degree of certainty that is possible to be built upon human testimony; doubtless the circumstances of his pretended birth were very extraordinary.

It was generally reputed and believed, that the queen's sicknesses and infirmities had disabled her to bring forth a living child; the famous physician, Dr Willis, shewed that opinion to his brethren, of one of her children, when her majesty was much stronger, saying, "*There were mala stamina vitæ;*" and the popular opinion therein was confirmed by several years experience.

It was notorious, that two hundred to one throughout the kingdom did not believe the report that her majesty was with child, notwithstanding all that was said of it by the king and queen, and the prayers enjoined thereupon.

That her majesty's pregnancy was as little believed in foreign protestant countries as in England, and pamphlets were published in several countries, as well as in England, that declared the report of the queen's being with child to be nothing more than an artifice of the jesuits, by those hopes of a popish successor to the crown, to encourage the catholicks in their designs, and to gain proselytes.

It was publickly known, that there was a jealousy in the greatest part of the kingdom that the popish councils had designed to impose upon them a counterfeit Prince of Wales.

There were also circumstances about the birth of this supposed prince of another sort, and no less important. It was the general opinion, that the security or danger of the profession of the protestant religion, not only in England, but in all the kingdoms and states of Europe, would be the certain consequence of her majesty's bearing or not bearing a Prince of Wales.

The birth of such a prince was to be a great diminution of many princes and princesses, in their expectancy and primity to the succession to the three crowns, and threatened England with the danger and misery of falling under an infant prince in name, and in truth under the domination of Rome.

All these special circumstances attending the birth of this supposed Prince of Wales, being of such nature, import, and number, as the like never met together before, in the expectations of the birth of any prince in the world; in this case natural justice common to all nations, and the practical reason of the special customary law of England, in the proof of matters of fact, we say, both universal justice, and the peculiar law of England required indispensably, that there should have been such proper proof that this supposed prince was born of the queen, as was answerable unto all the special circumstances in the case; such proof as had comprehended the objections that might arise from every of them, as fully as was possible in the nature of the things, that the testimony of his birth might have been sufficient to have satisfied the most jealous and distrustful about it, in our own and foreign countries, and to have removed all the prejudices against it that were known to have been spread far and near by common fame.

It was absolutely necessary in justice, law, and prudence, to have had such proof of his birth as our precedent conclusion hath asserted; that is,

That there had been testimony of it, of personal and absolutely certain knowledge. Women to have testified their personal sight and perception of that very individual child coming naturally out of the queen's womb, and men to have witnessed their immediate free and full sight and inspection of that very child, by the women's assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the birth of a child, the effects of such separation being there visible and impossible to be hidden;

¹ Such proof, according to the poet laureat, the nation actually had, and most historians have been of his opinion:—

“Fain would the fiends have made a dubious birth,
Loth to confess the godhead clothed in earth;
But, sickened, after all their baffled lies,
To find an heir apparent in the skies,
Abandoned to despair still may they grudge,
And owning not the Saviour prove the judge.
Not great Eneas stood in plainer day,
When, the dark mantling mist dissolved away,
He to the Tyrians shewed his sudden face,
Shining with all his goddess mother's grace;
For she herself had made his countenance bright,
Breathed honour on his eyes and her own purple light.”

Britannia Rediviva.

such testimony is always provided for in the birth of every prince of the blood in France, though never so remote from the crown.

That the witnesses of those matters had been fit and proper witnesses, suitable to the greatness of the persons and things that might be in question, and to the vast extensive consequence that may ensue thereupon. Nature, or the first light from God created in the minds of mankind, dictated the equity of those Roman imperial laws, that appointed those which asserted filiation or marriage to prove them, by fit or proper and most unquestionable witnesses; most of the writers about those laws serve themselves therein of these words severally, which we will for shortness put together; *Matrimonium et filiationem qui asserunt, debent, probare pretestes, idoneos omni exceptione majores*; they that alledge a marriage or a child being by virtue whereof they claim, ought to prove it by witnesses, that are above or beyond all possible exception: In this case there ought to have been such fit witnesses, that nothing could have been objected against them in any respect, either by Englishmen or foreigners.

That the witnesses that law and prudence required of both sexes had been fit and proper, in respect of their years, or age; that the women had been matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality, in their exposing to them nakedly the works of nature, as was unavoidably necessary.

That they had been fit and proper, in regard of their sufficiency of knowledge and understanding in the matters of child-bearing, such as knew by experience all those works of nature, in what manner the mothers ought to be, and are customarily treated in their real travail and child-bearing, and immediately after it, and what are the natural symptoms in the mother, that accompanies their real bringing forth of a child, before it hath been its natural time of nine months in the womb, and at its due natural time, and also the signs of a child perfectly grown in the womb, or brought to light before its time of perfection; it was of necessity that the witnesses had been of such knowledge and experience in all these matters, or so sufficiently informed about them, by others of skill and faithfulness, that it might have been evident to the kingdom, that such witnesses could not be imposed upon, deluded or deceived, by any cunning artifices, to believe this pretended prince to have been born of the queen, if he were in truth supposititious and counterfeit.

The general rules of our canon law required, that the witnesses had been publicly known to the kingdom, by their persons or their names, their interests, concerns or employments; our fundamental laws have taken care, that all matters of fact should be decided by juries of the neighbourhood where the facts are done, that the witnesses that testify them may be known to the jurors; and fraud is always suspected, if persons unknown to the neighbourhood of the facts be produced to witness them, unless there be manifest reason of their knowledge of the fact better than those that were near the place, and known to the jurors.

The reason of our law is of impregnable force in the case of the supposed prince, that the witnesses of his birth should be persons publicly known, on whose knowledge, truth, and credit, the whole kingdom and the Christian world should rely in a matter of such vast consequence; obscure unknown persons never publicly named or heard of in this or any foreign kingdom, and above all, obscure foreigners, French or Italians, or others, ought not to be deemed fit or competent witnesses to satisfy the kingdom in this fact; indeed, when circumstances are considered, it will be evident, that the pretended testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences, in regard there was a whole kingdom, besides all the eminent ministers of foreign princes and states, out of which witnesses might have been selected, that were publicly known, and heard of by all the people; and the necessity of it was never more so manifest in any case, it being known to his majesty and his whole

court, that the queen's being with child was not generally believed, either in England or foreign countries.

Common justice required, that the witnessess had been fit and proper, in respect of their high distinguishing quality, either that they had been dignified with some of the highest ecclesiastical dignities, as archbishops or bishops, or had been, by birth or creation, of the degree of the greatest nobility of the kingdom; or that their extraordinary worth had raised their reputation, and had been honoured with the great and eminent offices of trust in the realm.

Our laws are impartial to high and low, in hearing the testimonies of witnesses in every case, and therefore they duly consider both the circumstances of every fact to be proved, and of every witness, and his capacity to prove it; our laws indeed judge not truth and integrity to be annexed and intailed to dignity, nobility, or greatness, yet they justly claim the testimonies of persons of great dignity in the church, or of noble birth, and raised knowledge and fortunes, and independent upon others, to be more free from exception, (which this case requires,) than those that are of weak understandings, without the advantage of excellent breeding and instruction, or indigent, and bound to depend upon favour of others for their support, like nurses and midwives, and other servants.

Therefore, (*cæteris paribus*.) the capacity and probability of knowing the facts and indifferency of witnesses of high and low degree being equal, our laws justly allow most weight and credit to the testimony of dignified and noble witnesses; and they are therefore required to prove the fact of a prince's birth, whereupon depends the right and title to kingdoms, to exclude the apparent right of one, and to put another into possession of the same.

Our laws presume persons of such high degree to have greater sense and regard to conscience, more generosity and contempt of falsehood, and more tenderness of their honour, than those of low condition; and upon that presumption, noblemens affirmation upon their honour are in many cases accepted by our laws in lieu of their oaths, unto which all others are obliged in the same like cases; and for that reason, their declarations of the birth of a prince, without their making oath thereof judicially, have been as certainly relied upon by the kingdom, in the descent of the inheritance without dispute, as if they had sworn their knowledge in the forms of justice.

There are also other circumstantial reasons, unto which our laws have regard, for the greatest value to be put upon the testimony of the nobility of both sexes, about the birth of a prince; they are most accustomed to the presence and conversation of the king and queen.

Such ladies are justly presumed to be free from too great awful distances, common to those of lower quality, and to have more audacity and confidence to make such near approaches to the queen in her travail and bringing forth, as are necessary, that they may be ocular witnesses that they have seen the child in its very birth; and such nobles are more bold and free to take such a searching view of the child in its naked naturals, as may make them knowing witnesses of its birth, and absolutely certain that they are not deluded with a supposititious child.

Such noble witnesses are also known to have greater obligations upon them than others, to prevent all possible questions and disputes, that may arise by any uncertainties about the succession to the crown, which may divide and destroy the kingdom, and their great interest and posterities: Their conditions and fortunes also are supposed, by our laws, to be above temptations by bribes of wealth or honour, to connive at falsehood, or to stoop to serve a counterfeit prince.

Upon all these considerations, the witnesses of the birth of every English prince ought to be of such high and noble quality; and it was known to have been infinitely more necessary, that the reason of our law had been exactly observed in the case of

this supposed prince, than ever it was since the foundation of the kingdom; there never was any such occasion to have stopped the mouth of public fame, or to have shewed the justly jealous subjects, that there were such fit and proper witnesses, that a prince was now born of the queen, as were unquestionable, without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required for full security, that there had been competent and sufficient numbers of those fit and proper witnesses, at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a fraud had been put upon them.

This sort of caution is always just and necessary in the birth of our princes, but in the present case, there could have been no honest end, intention, or pretence, to have confined themselves to a small number of witnesses of fact, wherein a kingdom known to be filled with just suspicions of an imposture to be put upon them, were to be satisfied merely by the witnesses averment, and a noble princess also to be excluded from being heiress apparent to the crown.

Our laws require witnesses of facts answerable to the nature and circumstances of them, and always require ample testimonies, when the parties that are obliged to prove them had it in their powers and choice, without charge or burden to themselves, to have multiplied their witnesses to what number they had pleased, and could not be ignorant of the usefulness or necessity of it, and yet more especially if the fact were such, whereby great benefit was to accrue to them, and answerable loss unto others; in such a case it would much abate the strength of the proof in the course of our law, if there were such a small number of witnesses as might leave room for any objection, or the least doubt of the fact.

The antient Roman imperial laws in the cases of subjects, when there was a posthumous to be born, that might exclude another heir apparent: We say, those laws in common natural equity to prevent a supposititious child, appointed thirty days to be given to the apparent heir, and all others whose right was concerned, of the expected time of her travail and delivery, that, on the behalf of the heir apparent, women might be sent to be present to see the birth of the child that might become the heir; that law confined the number to five free women to be so sent, allowing her that was to be delivered to have also five women of her own chusing, and no more, so that the number to be present at her delivery should not exceed ten, besides two midwives and six maid servants that were no witnesses.

This rule was set down positively in the empire, as the dictate of natural equity and prudence; and although England hath no positive written law that prescribes any set number of friends to be sent in such a case, by the heir apparent to see the birth of such a child, yet the custom and practice is in every such case (though no fraud be suspected) to give notice to the next heir, and that some of their friends are customarily sent, (to what number they please,) to be present at the birth of the child that may be an heir, to the exclusion of another.

That practice with us is not of favour, but of legal right; our common law generally binds all that set up a claim to any thing that another hath, to give such notice of his pretence as is needful to make his just defence, if he can, and to prove the fact whereby he claims, by such a number of witnesses as may put the truth of it out of doubt to the court of judicature; but that number in the course of our law is greater or smaller according to the cause that appears of jealousy or distrust of the truth of the fact pretended.

These rules of our law, and the reasons of them, fully include the case of a pretence of a child to be born to exclude an heir apparent; and if there were many known grounds of suspicion in any such case that it was designed to set up a supposititious child, and a notorious common fame of it, and no notice were given of the time expected of the child's birth. hoped to be heir to the then heir apparent, or to any that

had expectancies of the inheritances. We say in such a case, by the rules and practices of our laws, a small number of witnesses of the birth of a child ought not to be believed, since they that should claim for such a child might, by due notice to the parties concerned, have had such witnesses as had put the child's birth beyond all question.

Certainly by the reason of our common law there ought to be a much greater number of witnesses of the birth of every of our princes, than of the birth of the subjects heirs; but our law requires, that the birth of this pretended Prince of Wales should have been proved by a greater number of witnesses than was ever needful heretofore; in the case of a prince, there ought to have been so many fit and proper persons present at his pretended birth, that it might have been manifest to all that had heard it, that the eyes of so many witnesses of such condition, knowledge, and judgment, could not have been deceived in what they had testified to have known and seen, the number ought to have been so considerable, that there could have been no reasonable suspicion that so many of both sexes, and of various dignities, honours, and interests, (and some of them of consanguinity with the former heiress apparent,) had made a confederacy amongst themselves, to abuse the kingdom with a counterfeit prince, and that so many had kept each others counsel in a fraud and falsehood so odious and injurious.

It had been common prudence as well as justice to the realm, that the witnesses of the birth had been very many, that amongst such a number some of them might have been known in one part of the kingdom, and others in another part, and that some of their names and qualities might have been known in foreign countries, and for that reason the ministers of foreign princes, (according to custom) ought to have been some of the witnesses: The peoples knowledge of the names, qualities, or persons of the witnesses had much conduced to their fuller assurance of the truths; it would have appeared to them incredible, and almost impossible, that the integrity of such and so many witnesses could have been attacked either separately or jointly.

But on the contrary, seeing custom and law required a good number of fit and proper witnesses to have made up a testimony of the birth of a prince that might have been truly said to have been *omni exceptione majus*, above all possible objections against it; and seeing the wit of man cannot invent a reason why the king and the patrons of this pretended Prince of Wales did not provide such ample and unquestionable testimonies that he was born of the queen, when they could not be ignorant that it was the voice of common fame in England and foreign countries, that her majesty's conception of a child was merely fictitious, and that a supposititious prince was designed; and seeing no excuse or pretence is published for the neglect or failure of such a testimony of his birth, we say (the circumstances of the case being considered) it's most unjust to expect or demand of your highnesses; or of the people of England, or of foreigners, a belief and acknowledgment that this pretended Prince of Wales was born of the queen.

As our common law informs us who are fit and proper witnesses, whose testimonies ought to be received in this case, and in the proof of all matters of fact respectively, so the same declares who are deemed to be unfit and disabled to be witnesses, in all the various and respective questions of fact, it shews whose testimonies ought not to be heard, and much less believed, in divers sorts of facts that come into question; if your highnesses and the kingdom be told of the presence of such persons to have been at the birth of this pretended prince, they ought not by our laws to be accounted witnesses, nor their averments in the case to be heard by your highnesses or the kingdom, and much less to be allowed to be of any validity in the common course of our courts of judicature; if parties concerned to prove a fact do knowingly offer for witnesses such as our laws reject in the facts in question, it turns to the prejudice of their other proof; we are therefore obliged to acquaint your highnesses with the actions, qualities, respects and circumstances that have disabled many, by force of our common law, to be heard as witnesses of the birth of this pretended Prince of Wales.

First, our laws utterly disable all those to be heard in the case that have received either gifts of money or honours, or any other reward or benefits whatsoever for their pretended assistance about his birth, or by reason or occasion of that pretence; 'tis the common practice of our law, that when a witness is produced, the adverse party may examine him upon his oath, whether he hath had money or other reward or gift directly or indirectly, for or by reason of the matter in question, or from the party in whose behalf he is produced to testify, or from any of his friends; if he cannot acquit himself thereof by his oath, though it cannot be proved against him, our impartial law denies such a person not only to be partial in the case, but corrupted and bribed, and unworthy to be heard.

Our law will not admit those to be witnesses for the birth of this supposed Prince of Wales that have any promise, expectation, or hopes of any advancement, office, place, or benefit by or under him, if he shall be received and allowed by the kingdom to be Prince of Wales; they that cannot purge themselves by their oaths from all such promises, expectations, and hopes, are not, in the judgment of our law, persons indifferent and unconcerned in the event of the matter in question, nor fit to be heard as witnesses; their testimonies being partly for themselves and their own benefit, and the allowance of such testimonies in judicature would in consequence subvert all civil justice and government. Our law excludes all from being witnesses to support the pretence of the supposed Prince of Wales, that have such dependence on the patrons and maintainers of him, that they are in danger of damage and loss by them of any kind if they should displease them in their testimony. Our laws judge all such not to be free and of their own right in the case, but bound to serve and please the patrons of the cause; and therefore presume that they may be corrupted by fear of losing the advantages they love, if they should impartially declare the whole truth, and nothing but the truth of the matter.

Our laws seek to know the naked and entire truth of all facts that come into legal question or contest, and will not admit of any to be witnesses of them, unless they appear to be free from fears of any prejudice to themselves, by speaking the truth impartially. We are enforced by the concern of all the protestants, to speak more plainly than we would; we must say, that all that hold offices of profit and honour, during the king's will, are, by the laws of England, excluded out of the number of fit and competent witnesses about the birth of this child, whom his majesty hath proclaimed and maintains to be Prince of Wales; our good laws have regard to human infirmities, and will not put a temptation upon men to suffer them to be witnesses in matters wherein they may damnify themselves in the loss of their offices, if they happen to displease their master in his concern in the case, by testifying clearly the whole truth of it; they are not free in the judgment of our laws to speak the truth without fear, and for that reason are not to be received by the kingdom as witnesses in this case.

Our laws will never allow or suffer any to be witnesses in this case who are known or may be proved to have enmity or prejudice of any kind upon any account whatsoever to her royal highness, against whom most immediately this supposed prince contends, she having been most unquestionably the heir apparent of the crown, and justly so remaining, until the kingdom shall be satisfied, by a sufficient number of lawful witnesses, that there is a prince born, whereby her claim to the next succession shall be postponed. The question of fact to be decided by witnesses is apparently between her royal highness and this supposed prince; and 'tis an illegal, unanswerable, and conclusive exception against any to be received for witnesses against her in his behalf, that they are declared enemies to her and the professed protestant religion, the destruction whereof they are bound in conscience to endeavour; and for that reason, such known enemies to her right of succession to the crown, that their church have decreed and

declared her right, and the right of all protestants, to any authorities to be absolutely forfeited to the papists for protestants heresy.

It cannot be denied, that all that are sincerely Roman catholicks, and believe their own church, do judge her royal highness to be an excommunicated heretick by their church, and that all her rights in possession and reversion are thereby confiscated, and that they are obliged by the law of their church, in conscience of their religion, and by the hope of pardon of their sins, to defeat and destroy, by all ways and means in their power, all her pretensions to the descent of the crown upon her, and to assist to the investing the right to the succession in a Roman catholick. We might here add, that our English papists are all in union and communion with the pope, as appears by his nuncio in London; and he is, by the ancient laws and statutes of this realm, declared the publick or common enemy of the kingdom, near two hundred years before Henry VIII.

'Tis manifest that the English papists are declared enemies to her royal highness's right in this case, between her and the pretended Prince of Wales; and therefore, by the laws of England, they cannot be witnesses of the fact in question, neither ought their testimonies therein to be offered to the kingdom to delude the people.

The civil law so fully concurs with our common law in rejecting enemies to be witnesses in the cause of their enemy, that it denies to give credit to what they may testify in the cause of their enemy with their dying breath after they have received the Eucharist; that is the general conclusion of the doctors of that civil law, *Inimicus etiamsi in articulo mortis constitutus, et accepisset Eucharistiam repellitur a testimonio causæ sui inimici*; we mention this chiefly to shew, that 'tis not only by our English laws that our papists are rejected from being witnesses of the birth of this pretended prince against her royal highness, but by the ancient approved rules of the civil laws that they generally acknowledge, and by the judgment of their own doctors.

Herein are only set forth to your highness the laws of England, that you may justly insist upon as your right, to prevent the church of Rome's conspiracies against you; we reflect not on the credit or truth of any Roman catholick lords or others in giving their testimonies in matters of private interests, wherein the cause of their church is not in question, and the laws of their church bind them not to either party; but since they are bound in this case to be enemies to her royal highness, our law will not allow them to be believed to her prejudice; and they must openly renounce that common honesty to which they pretend if they offer themselves to the kingdom to be competent witnesses against her in behalf of this pretended prince, when they are conscious to themselves, that not only our laws, but natural justice and equity abhors such a practice.

We must say with all due reverence and most humble submission, that our laws will not allow that the declaration or testimony of his majesty or the queen should be accepted and believed in this case as lawful proof that this pretended prince was born of the queen; 'tis sufficient for us that our laws will not suffer our kings to descend into the place of witnesses, they will not admit them to testify their own knowledge of the facts in any case whatsoever, criminal or civil. But there's abundant reason also from natural equity and civil justice, that the kingdom should not receive and rely upon the king's affirmation about the birth of this supposed prince; their majesties have publicly espoused his cause for their own in all respects, and none on earth, kings or subjects, may justly expect or be suffered to supply the place of witnesses in their own case, since civil government is established; if they might lawfully be their own proof for their cause, they might as justly be judges of their own proofs, which in consequence would turn up the foundations of civil government, one of its chiefest original intentions being to introduce a course of justice, that none might be their own judges.

We would not speak thus plainly, if it were justly avoidable; we cast no scandal hereby upon his majesty, nor any way come near the crime of detraction; we barely relate the law of England in this case of his majesty's affirmation of the birth of this pretended prince, that it hath not the force of legal proof, or of the testimony of one legal witness; and his majesty is obliged, in justice and honour, by his office and oath, not to impose upon his subjects to believe and rely upon his affirmation or word in this case, (nor on the queen's, that's necessarily included in his,) he cannot desire the people diffusively to change their ancient customs and laws, to substitute their king's words or assertions in the room of sworn legal witnesses, to prove the matters of the highest moment about the government.

If the kingdom should allow the affirmation of their kings to be sufficient to make a lawful Prince of Wales, without such witnesses of his birth as our law requires, they should consent to change the ancient constitution of the English monarchy, and so destroy the established legal security of their freedom and estates; the laws of England in this case are not dissonant from the laws of other kingdoms, and the most absolute empires; the civil law now received in most Christian kingdoms, that was so adapted to absolute government, that it was one of its principles, that *principis verbum pro lege habendum est*, the word of the prince was to be taken for a law; we say that law never ascribed absolute credit to the prince's affirmations of matters of fact, wherein the subjects rights were concerned, it passeth for a rule of that law in such cases, *princeps indistincte non creditur*; the emperor is not to be believed entirely, without limitations and restrictions, in his affirming matters of fact relating to his subjects legal interest and securities.

The learned doctors in that law determine, that the emperor's affirmation that a subject hath committed treason or rebellion against him, ought not to be believed, or taken for a proof; they say expressly, *regi fides non adhibetur si attestatur talem fuisse proditorem*; likewise, if he pretends and declares a cause why he deprives any subject, or feudatory, of his interest, he is not to be believed, there must be proof, and the parties intended to be prejudiced must be cited, and heard in their defence.

They generally resolve, that when a king asserts or attests any thing to the prejudice of another, he is not to be therein believed, especially when his affirmation is for his own advantage, and to the subjects damage or inconvenience: these are their words: *Quando ex assertione principis ipse principaliter sentiret commodum et subditi incommodum, tam ipsi principi non creditur*.

The Emperor Henry VI. of Germany had a due sense of the justice and reason of the law herein about the year 1200; he did not expect that the people should believe the affirmations of himself, and his empress Constantia, about the birth of a prince, when there was a rumour and suspicion that Constantia was past her age of child-bearing, and feigned a great belly; he gave the people plentiful proof by witnesses, more than reason required; he prepared a most publick place, wherein she remained, expecting her time of delivery, *ventre custodito*, with publick watchers or keepers, that no supposititious child might possibly be conveyed to her, and there, in the sight of the people of the city, and all the matrons that would and could possibly approach her, (none being excluded) she brought forth a prince, that was afterwards chosen Emperor Frederick II.

If it were needful, we could shew your highness that the honour and security of our royal family of England, with the peace and safety of the kingdom, were intended in the constitution of our legal monarchy, in such manner that the kings should not have power at their will to change the succession, or by any means prevent the descent of the crown to the next in blood; but if the kingdom should believe his majesty's affirmation of this supposed prince's birth, without proof thereof, according to the laws and customs of England, the next succession were really and actually there-

by put out of the legal course, and referred to the will of the king, which is in effect to make the crown patrimonial; whereas, by the laws and customs of England, the right to the crown descends to the next of blood, and the successor is most properly to be stiled the heir of the kingdom, by force of the kingdom's laws, and cannot be defeated of the succession by any act of the predecessor; if therefore the king shall gain so vast a power, by imposing on the people to believe his attestation of this supposed prince's birth, 'tis manifest that natural justice, as well as the law of England, makes it of no force or effect to the prejudice of her royal highness, in her esteem of being the heiress apparent of the crown.

We believe the jesuits, and other maintainers of this supposed prince, will claim, (as is their common practice,) against these our laws, whose force detects and defeats their impostures; they will pretend, that 'tis unreasonable to expect a testimony of his birth from such witnesses, and in such manners as are hereby described, exclusive of all Roman catholicks; but the reason and wisdom of these laws are irresistible, and 'tis a great circumstance shewing their guilt, that they are displeased with the laws that prevent falsehood and impostures, and require proofs of facts as clear as the sun.

The just and innocent are never offended at any law that provides for truth and righteousness; they cannot but be conscious to themselves that it was more easy to have provided such witnesses as our law requires of a prince's birth, than to have had such as they provided, that would counterfeit to be spectators, and be content (as 'tis now said they were) to see nothing of the fact of which they were to be published to the kingdom to have been the knowing eye witnesses.

'Tis notorious, that the presence of ten of the protestant nobility of either sex, and other persons of eminent quality, might have been as easily procured as one of the catholicks, if it had been intended to deal justly and fairly with the kingdom, and they know that the protestants throughout Europe (not the papists) wanted and desired satisfaction about the queen's great belly and her delivery, the suspicions of a counterfeit prince were strong amongst them, and decried by all the papists; they knew the friends, and those of consanguinity with her royal highness, were as ready to attend, if they had been called, as any catholick whatsoever; and they were not ignorant that custom, law, and natural justice required that convenient notice should have been given to her royal highness above all others, of the expected time of the queen's delivery, that such noble matrons as she had thought necessary might have been sent, to have continually attended near her majesty, and to have been impartial witnesses of the birth beyond exception; they understood the custom of calling ambassadors to be present at the queen's delivery, and that a common fame of a designed imposture was spread in foreign protestant countries, and that there were envoys and publick ministers from some of them, especially that the Dutch had an ambassador there, and expected to have been called: they know that those provisions for legal unquestionable proof of the birth that was pretended had been no hinderance of the presence or assistance of as many papists of each sex as her majesty had desired; and she might have as entirely depended upon their only help, if it had been her pleasure, as if those lawful witnesses had not been present.

The popish counsels delude his majesty if they persuade him that any pleas of inadvertency, neglect, or ignorance can satisfy the kingdom, instead of the proofs in the case that the custom and laws of England require: 'tis a rule of our law, that none shall make advantage of their own lachez, that is, their failures or neglects of what they ought to have done; less evidence is never to be accepted in our courts of judicature, because the party concerned was negligent in seeking it, or ignorant when he might have known his duty.

We presume your highness, in reading this, may be satisfied in the truth of our first preliminary conclusion, which is necessary to be always remembered, in order to a just

judgment to be made of this supposed Prince of Wales, and of the things proper to be done by your highness, by reason or occasion of his pretences; we doubt not your highness will clearly perceive what you may in justice demand of his majesty in the case, preserving nevertheless a most pious sense of filial duty.

We may more remember your highness, that, as the case now appears, no acknowledgment of that pretended prince can justly be required of your highness by his majesty. 'Tis contrary to justice and our laws, that her royal highness should depart from her place and claim of heiress apparent to the crown, and resign it to a child who is not yet lawfully witnessed to have been born of the queen. We therefore put your highness in remembrance of a second conclusion, fit to be premised in this case, as an absolute certainty to be insisted on, that is,

That neither the laws of England, nor any natural or civil justice, do require of your highness any kind of testimonies or proofs that the pretences of this supposed Prince of Wales are false and feigned, or that he was not born of the queen.

Whosoever claims to be the natural and legitimate son of any family, 'tis wholly and solely incumbent on him to prove it by the laws and customs of all civil government, and by the manifest light of nature: those two rules of the civil law are adopted by all countries into their courses of judicature, *Qualem quis se facit, pro fundamento intentionis suæ talem se debet probare*; and, *Filius qui petit hæreditatem tanquam filius debet probare julationem*: If sonship, or other quality or relation, be the ground of a demand, that foundation must be always proved by the demandant; if he that pretends to be heir by his birth to any inheritance, fails of such sufficient witnesses as the respective laws of countries require to prove his proximity of blood, there needs no testimony on the part of those that deny his lineal descent. The course of the law of England is known to most Englishmen, in the trial of all claims by birth; the claimant is always put to prove all that he sets forth of his descent in his declaration, and the least defect of proof is fatal to his process, if the defendant perceives the plaintiff to want sufficient legal testimony of his descent and birth; he never troubles the court with proofs on his behalf; 'tis enough for him that he denies the descent pretended, to shew the insufficiency of the witnesses, and their testimony produced to prove it.

Your highness is not obliged, either by our laws or natural justice, to have witnesses to prove the pretended Prince of Wales to be an imposture, her royal highness having been the legal acknowledged heiress apparent of the crown. Unless such lawful witnesses, that he was born of the queen, were known and published, as did satisfy the kingdom, neither your highness, nor any princes or states, may in justice acknowledge his pretences; her royal highness ought to remain in the esteem of the kingdom, and of all princes and states, as the heiress apparent of the crown, at least until a prince shall be legally known and declared; and 'tis a manifest wrong to your highness, to the kingdom, and to all the protestants interest, to suffer this supposed prince, silently and submissively, without publick complaint of the wrong, to assume the name of prince and heir apparent to the crown.

When the popish league endeavoured to set aside the claim of your highness's ancestor, Henry IV. to the crown of France, and proclaimed the Cardinal of Bulloign to be king, he sent agents to the pope, (though he was then a protestant,) and to all the princes and states of Christendom, to manifest himself to be the right lawful heir of that crown, and the Venetian state, (to his vast advantage,) contested it with the pope's nuncio, that they ought so to acknowledge him, because it appeared that he was the right heir.

His right indeed was to be king in possession; but there is the like reason and justice to support her royal highness's title to the crown in reversion, since another is set up, and declared throughout the world, to be the right heir of it, immediately after his now majesty. 'Tis undoubtedly just and reasonable for her to demand and expect that

the pretender's birth (so much and so justly suspected) should be made manifest to the kingdom by witnesses, without exception, according to the law and custom of England and to natural equity.

It may be of dangerous consequence to suffer a false opinion of him in the kingdom and the world to gain strength by time and neglect; yet neither law nor equity puts any burden of proof in the case upon your highness; 'tis only incumbent upon your highness to declare the wrong to yourselves and the kingdom by the pretended prince, and to take care that no illegal, imperfect, or fallacious testimony in the case be invented or obtruded upon yourselves and the kingdom, to support his pretences; her royal highness's claim and right to be the next in reversion, after his now majesty, in the legal descent of the crown, ought to stand unshaken and unquestionable in the judgment of our law and the kingdom, notwithstanding any thing to the contrary that hath been hitherto lawfully published or declared.

We cannot doubt but 'tis here made manifest that your highness's publick refusal to acknowledge this pretended Prince of Wales may be built upon such sure foundations of law and justice as can never be overturned; we would not therefore trouble your highness with all the circumstances of the case which we have remarked in our observations, that make it to us not only improbable, but incredible, that he was born of the queen. Since 'tis not possible for us to send witnesses personally to prove to your highness every circumstance that we have noted, and 'tis not just that your highness should take them up upon unknown authority; since we cannot in prudence subscribe our names to this memorial, nor so much as the names of our witnesses to the facts; since the proof of the circumstances can never be a foundation of positive unquestionable certainty, but can only serve to make the falsehood and jesuitical contrivance in this imposture more infamous and odious; since 'tis undoubtedly your highness's interest never to depart from the manifest principles of law and justice, which put it wholly and entirely upon the maintainers of the supposed prince to prove him to be such as they pretend, with the highest human certainty that can be acquired by witnesses, and to the kingdom's full satisfaction:

And since 'tis notoriously known, that above all others of the Roman church, the jesuits (which in this matter will most earnestly contend against your highness) have the greatest effrontery and confidence to deny and forswear matters of fact, however certainly proved and known; and they would be glad to have any thing offered in this case that might give them room, or a possibility for dispute, and seeming doubtfulness of fact, that they might obscure the truth, and deceive some of the people with their equivocal affirmation, and impertinent cavils at your highness's witnesses, or their testimonies, and their bold asseverations of falsehoods:

Upon all these considerations, we shall restrain from the relation of many very pregnant circumstances that we had collected, which, if they were taken jointly in their natural order and due connection, would, by their united force, strongly induce impartial judges to conclude that the queen could not be the mother of the supposed prince.

We could give very great circumstantial assurances to your highness that there never was, or appeared to be, any reasonable grounds for a belief that her majesty had conceived a child. She never had the first most natural, known, and common sign of conception: her *menses profluxum*, or *termes*, continued their usual uncertain course as formerly, during the whole time of her pretended great belly; she did not conceal that it was with her after that manner of women in her journey to Bath, nor that they continued some days after the king left her there, and all the industry used afterward to hide them in their seasons, proved ineffectual, because those things come to the knowledge of more than were made privy to the whole imposture designed.

Her majesty having not that natural sign of her termes stopping whereby women usually conclude themselves to have conceived, from whence she could make a reckon-

ing, it seems, by the king's speech in council, that their majesties had both thought fit to publish her conception to have been at the time of the present made to the Lady's Image at Loretto, upon the king's return to the queen at Bath.

It was then too soon for them to be provided of a supposititious child, and so might name any time they pleased of her conception, and then seek for a child that might agree with it; and it appeared pious and great to make her conception one of the miracles of the Lady's Image, though it happened unluckily afterward that they could not make the times of her conception and supposed delivery to agree with nature's most constant time of nine months.

The confidants and advisers about the imposture hearing the voice of common fame upon the king's declaring when the supposed new-born child was shewn, that he had now a son, a strong and lively prince, the meanest childbearing women that were disinterested, saying thereupon in mockery, that such a child of about eight months was as great a miracle as the queen's conception had been reported; we say, the confidants fearing it might make the whole story less credible, and help to detect the fraud, they have persuaded her majesty to declare that she had miscounted the time of her conceiving the child, and that she knew very well that she was with child before her use of the bath; by this new reckoning, they thought that it might be affirmed that the child was born at his due time, and might be strong and lively, as his majesty had said, and they thought it an easy sham to say women misreckoned very often.

But it was unhappily forgotten that her majesty had continued and expressly affirmed her first reckoning several weeks after her pretended delivery; it was forgotten that it was known sufficiently that her majesty had her termes in her journey to Bath, and four days after the king's going from thence, which was a manifest proof that there was then no conception; it was not considered that if it be truth that the queen knew herself to have then conceived, as she hath lately declared, then it cannot be a misreckoning, and the meanest physician she had at Bath would have told her, that if she had imagined a conception, as she now says, bathing would probably destroy the embryo.

It was not well remembered how the king had declared with her majesty's privity the miracle of the time of her conceiving quite inconsistent with her now account; neither was it thought of in the now council how her majesty's truth and honour should be saved in her contrary stories of the time of her conceiving, even since her supposed delivery; but we need not mention that, since the world knows how little regard the jesuit confessors have to truth.

Her majesty shewed no grounds to believe her pregnancy by nature's progress therein; the common natural signs, that in four months follow in every woman that hath a child in her womb, were wholly wanting in her majesty; there was no swelling or increase of the usual proportion of her breasts, nor was there any milk ever seen to be in them, (though one lady took the confidence once to affirm it) the proportion of them was visibly the same to the eyes of all that can be lawfully witnesses, and were usually in her presence, and none of those ladies proper to be witnesses could ever obtain the satisfaction to see a drop of milk from her breasts, though it had been her majesty's honour, interest, and pleasure to have shewed it, if there had been any reality in the pretence of her pregnancy.

We put this circumstance into our memorial not without some mirth in our meeting, because one of our company said he was now sure that neither her majesty's physicians nor the jesuits were natural philosophers; they might (said he) with very little arts have caused the queen's breasts, at her age, to have swelled with milk so plentifully, that she might have easily milked it forth in quantity in the sight of the Princess of Denmark and all the protestant ladies of the court; it may be done (said he) in rational or animal creatures, and he gave us instances of undoubted credit wherein it had been

done to his knowledge, and a child suckled; and, to divert us, he offered to shew it in an animal, he having also tried that experiment, and thereby milked out the milk from a young creature's udder that had never been with young; another of the company said merrily, if that were so easy an artifice, he wondered that the Romish priests had not learned it, since 'tis known to the world that they have long had the art of keeping the Virgin Mary's milk above 1600 years, and of multiplying the quantity of it from horse loads to cart loads, to disperse among their credulous vulgar.

We humbly pray your highnesses pardon that we seem herein less serious than so great a matter requires; we speak only the words of truth and soberness, but the comical tricks of the Romish priests (that commonly end in tragedy) force us to represent them as they deserve.

There's another known sign and testimony of a woman's pregnancy, that is, the sensible stirring of the child in the womb, that was expected her majesty should have shewn to the ladies with joy, especially to those protestant ladies of her bed-chamber that doubted (with the protestant doctor, her then physician) her being with child, as far as they durst (when the quickening of a child in her womb was pretended, and published throughout the kingdom,) it had been a pleasure to her majesty, and no trouble (if it had been real without deceit) to have shewn the motion of a child in her womb to honourable matrons of her bed-chamber, that might have been in all respects lawful witnesses of that truth to the justly jealous kingdom; these might have touched her belly, and had been proper judges from their experience of the true motions of an infant in the womb, and some of consanguinity to the heiress apparent might have been admitted to that favour, as our laws and common prudence directed, for removing the causes of jealousy; but however industriously her majesty's quickening with child was spread abroad, yet the feeling of its motions was never vouchsafed to any competent witnesses of it, to give the suspicious kingdom a ground to believe that she was with child.

The next visible and manifest sign of the true natural progress of a great belly, is the distension of all the parts of the body that encircle and encompass the womb; such is the place and manner wherein nature hath prepared the lodging of the growing child in the womb, that according to its growth and increase, and the quantity of liquors that are naturally and necessarily congested there, so are all the circumambient parts gradually extended and enlarged to make room; there never was, nor naturally can be, an extension only of the *peritoneum*, the rim of the belly, to give room to the child; all naturalists and anatomists know, that if in that manner, no child could keep its natural site in the womb, nor be born alive.

All men and women that ever observed women great with child, know that all the parts that inclose the cavity swell until the time of their delivery approach; but this natural necessary sign of pregnancy so entirely failed in her majesty, that skilful spectators of both sexes wondered that better arts were not used to make that visible sign and appearance of the growth of a child in her womb; we were satisfied by skilful matrons of great experience, that attended on purpose to observe her majesty exactly, that all the outward parts of her body that encompass the womb, were of the same proportion that they were at other times, save only her belly, which was exceedingly copped up, and high, that shew'd like a great bellied woman to them that looked upon her majesty before; but, said they, when we saw her majesty walking, and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied woman; we took care to have the fashion of her majesty's body observed by skilful women at several periods of time during her supposed pregnancy, and once a very short time before her pretended delivery, and we had always the same account we have here faithfully given your highness.

We compared this circumstance with another that we had marked, whereof we had

from time to time full assurance during all the four last months time of her majesty's supposed being with child, those being the months wherein usually all the circumambient parts of the womb swell most; we were very well informed that in all these months her majesty, contrary to her former usual course, always withdrew from her chamber, and retired into her cabinet, or some other private room, with two or three Italians, when she changed her linen, and would never permit any one of the protestant ladies of the bed-chamber to see her change her linen, as they had constantly done.

Those two circumstances explained each other, and plainly shewed that the natural naked and true shape of her majesty's body, as it was then, was not to be seen by those that were not of the confederacy in the intended imposture; those that were only capable of being lawful witnesses for her majesty against common fame, (if fame had belied her,) those were all excluded from a possibility of seeing whether her belly was truly and naturally great, and a few foreigners of no quality were only to keep the secret of what her majesty was to make the coping belly.

Nothing can be more manifest than it is by all these circumstances, taken as they ought in connection each with other, that there hath nothing appeared of the natural plainness and simplicity that always accompany truth, in the whole demeanour of her majesty, from the time of her pretended conceiving a child to the very time of her feigned delivery of this supposed Prince of Wales: all that hath been acted in the matter hath plainly imported trick and design to hide and smother Nature's works, that ought to have been most freely exposed to the whole world; if there had been any truth in the pretences that could have borne the light, we may securely affirm to your highness, that in all the eight months and four days, first reckoned to have been the time of her majesty's pregnancy, or from the time of her going to Bath in the new reckoning, there never hath been any of these constant natural signs in her majesty that could afford to any understanding man or woman a ground to believe that she conceived a child.

The progress towards finishing the intended imposture of this Prince of Wales hath been answerable to its beginning. In the preparation for her majesty's supposed delivery, there hath been no regard to the rules of natural equity or law, or common prudence, nor any appearance of that open freedom and naturally plain proceeding that ought to have shewn that they did not fear the kingdom, or the world, knowing the truth of all that should be done in that pretended natural work of bearing a child, wherein the whole kingdom, and so much of the world was concerned. If the customs and laws of England, or natural equity, had been consulted in the circumstances of the case about the preparations needful for her majesty's expected deliverance of a prince, the first of all advices had certainly been to give early notice to your highness, and to others in the nearest possibility or expectance of succeeding to the crown, of the time of her expected travail and deliverance of a prince, and of the place of her residence at such time; that proper noble matrons and others might have prepared themselves, and attended there, and have been present in their behalf, which might have suppressed and silenced for ever, by their testimonies, all suspicions of fraud and imposture.

But 'tis not only undeniable that no such notice was given either to her royal highness, or to any of consanguinity with her, nor to any other of the noble matrons of England, but such artifices were used as might most conceal the time and intended place of her pretended travail, such feigned time of her supposed conception was published by the king and queen, that neither her royal highness, nor any of the nobility, could possibly foresee the time when the comedy that is now said to have been acted was to begin.

The place where her majesty was intended to lie in was kept in such uncertainty, and often published so variously, sometimes that it should be at Richmond, sometimes

at Windsor, another time at Hampton Court, that none of the nobles of either sex, that were of the kindred and friends of the heir apparent, nor of the protestant nobility, could know how to prepare themselves for attendance on her majesty, as was their duty to their majesties, her royal highness, and the kingdom.

As the publication of the place was often changed, as if a surprise in the place was designed, so at last such a sudden and seeming hasty resolution was taken a day or two before her pretended delivery, that her lying-in should be at St James's, though none expected the time to be near by above three weeks, that commands were given for preparing her lodgings there so hastily, that when her majesty said on the Friday, she would lie there on Saturday, and it was told her it was not possible her lodgings should be ready, she then said, she would lie there on the floor.

It was hoped by all the protestants, that the Princess of Denmark would have been a faithful watcher for her own sake, when the time of her majesty's deliverance of her great belly should come; though she had not been able, or she durst not give them advice of the occurrences in the time of her majesty's supposed pregnancy, it was thought that she could not be avoided but she would be present to see what was brought forth, whether any thing or nothing; but care was taken that advice should be given her, when she wanted astringent medicines, to go to the loosening waters of the Bath, to keep her fourscore miles distant till the pretended prince should be born.

At the first notice we had of her majesty's passionate declaration, that she would lie at St James's on the Saturday night, we could not conjecture that there was to be a pretended prince brought forth on the Sunday; nor was there any whispers of it, or the least natural feigned or counterfeit sign of forerunning pains of a woman whose time of travail approacheth. Her majesty was late in the night at cards, and no appearance of an indisposition then, nor is any pretended to have been in the night; but we learned by the event on the Sunday, the reason of her majesty's fixed and immovable resolution to lie at St James's on the Saturday night; she was to seem to bring forth a prince on the Sunday.

There was a cunning contrivance to chuse a fit time of that day; it was to be between the hours of nine and ten in the morning, that all, or most of the protestant ladies might be at church, and the trick be over before their return; and that the midwife, Mrs Labany, and the favourite Mrs Tourain, might have freedom and secrecy, as they had, to act their parts in the bringing forth of a supposititious prince.

The room also that was chosen, wherein the trick was to be acted, was fit for the purpose, and contrary to the rules of common prudence, to be chosen in a case suspected for setting up a supposititious child, and ought to have been avoided, if their meaning had been just and good. There was a private door within the ruel of the bed, into a room, from whence a child might be secretly brought, and put into the bed, unseen by any that should attend in the queen's room, though at the feet of the bed; (none of them coming into the ruel;) and by that door the three confidantes, the midwife, Mrs Labany, and Mrs Tourain, brought into her majesty's bed what they pleased unseen.

If they had wanted no secret conveyance by that door, common prudence required that they had nailed or sealed it up, to avoid confirming and increasing the kingdom's just and known jealousies, of imposing upon them a counterfeit prince, when it should be known that there was such secret ways as made it so easy to be done by confederation, undiscerned by others that were in the room; but it appeared by the event, that the privy door was so necessary for the designed imposture, that all the transactions of it were managed by that door, as is well known to all those lords of the council that were brought for a shew, not to see any thing that was done, but only to be seen in the bed-chamber with his majesty, that their names might be published to the people, as if they had been witnesses of the queen's being delivered of this pretended prince.

The civil laws provided, as a rule of common natural equity, that when a woman was

to be delivered of a posthumous child, that might defeat another appearing heir, that the chamber wherein she was to be delivered should have but one door; and if there were more, that they should be sealed up with the seals of both parties, and that keepers should be set at the single door, and no woman suffered to enter until she was searched in all kinds, that no child might be conveyed to the woman in her real or supposed travail; and though we have no express statute that gives direction in such cases, yet our common law abhors all appearance of fraud about inheritances, and hath appointed twelve of the most able neighbours to judge of all the signs and appearances of fraud and setting up counterfeit heirs; who may also judge upon presumptive evidence, and reject any pretended heir, where they see signs of fraud and imposture whereupon to ground their judgment, and every one must, at his peril, take care that there be no grounds of suspicion given of a supposititious heir.

We have faithfully shewed your highness what were the preparations for her majesty's supposed time of travail, wherein there appeared no marks of an intention to deal uprightly and openly with her royal highness, as heiress apparent of the crown, and with the subjects of the kingdom; nor was there any natural signs that her majesty really feared or expected the common sorrows, pains, and danger of a woman in travail, or made any suitable provisions.

We cannot learn that there was in readiness so much as the usual instruments of midwives, whereupon they commonly place all women of quality in their time of travail, that such assistance may be given them, by the matrons and midwives, as is not possible to be given on their knees, which is the common posture of meaner women, and least of all, as they lie in their bed, which is seldom used, until the length of the travail and failure of strength enforce it; there being many natural reasons for the posture of the women's bodies helping them in their travail.

Amongst other suitable provisions, it had been certainly fit that a college of physicians had been called to attend somewhere near to her majesty, if she had not known there could be no need of them; and she being sure there could be no hour of danger to herself, in a feigned travail, nor any sudden need of physicians' advice or help to a strong lively supposed prince that was intended then to be brought forth.

As all the preparations for her majesty's supposed time of travail discovered to knowing and observing people, that there was not reality in her pretences made of a great belly, so the fiction and fraud was made more manifest when the trick came to be acted.

Her majesty lying in bed, with all the curtains round close drawn, all that was provided belonging naturally to a child, and intended to be used by them, in their bringing forth the supposititious prince, being prepared and ready within the inner chamber, then her majesty's feigned travail began: and all these things were, by the help of the midwife, Mrs Labany, and Mrs Tourain, the confederates, brought through the door in the wall by the queen's bed, and put between her sheets, that is, a child, and all that naturally attends a birth; then the midwife and the confidantes seemed very busy about her majesty in the dark, none seeing what they did; and being afraid, as appeared by the midwife's words, that the child, which was prepared to sleep to prevent its crying before it was got into the bed, should be stifled by the closeness of the bed, they were forced to hasten the queen's pretended delivery, even beyond what was reasonably to be believed, notwithstanding all that could be said of the Lady of Loretto, or any other saint's assistance; therefore the queen's supposed deliverance was in very short time.

But nothing appeared in her majesty like the real natural travail of a woman in child-bearing; there being none of the usual natural signs in her majesty of being in real travail, which cannot be hidden; there was no appearance of an approaching travail by various intermitting pains, usually very great, by the infant's struggling to free itself

of the womb; no shew of the pains naturally and gradually increasing, as more of the ligatures came to be broken or rent, whereby every infant is safely retained in the womb until its full growth and appointed time; there were no signs of her majesty's known weakness in bearing such pangs in her state of body, debilitated with long lingering infirmities; there were no signs of a violent eruption of an untimely birth from the womb of eight months and four days, as her majesty then reported it to have been.

All that was to be feigned was suddenly dispatched, and the midwife delivered something close covered to Mrs Labany, which could be nothing but the child they had put in, and went with it together through the privy door, in the ruel of the bed into the next room, in so great haste, that it was not considered how plainly it might discover, that it was a mere feigned counterfeit travail of the queen's, if the midwife durst quit her attending and assisting her majesty in these moments, when there was the greatest necessity of her skill and assistance in her office, and the most extreme danger of her majesty's life, by any neglect of her, if she had really brought forth any child, as they were obliged to pretend.

Instead of fair open freedom, in shewing that the queen was really delivered of a prince, which our customs and laws and natural equity required, that all those works of nature might have been seen, and testified by noble matrons, their pretended birth of a prince, and all that they did about it, was done in the dark, with the curtains close drawn round about the bed, and under the coverings of it, and none of either sex permitted to see any thing done about her majesty, or her supposed child, save only the confederates; no others of those in the bed-chamber, that drew as near as they might, were suffered to see what was taken out of the bed, being something wholly covered, and immediately carried away by the private door.

All hearkened after the common and most constant natural sign of the birth of a living child, that is, its crying; but we are fully assured, from divers lords of the council, and others that were in the bed-chamber, that the crying of a child was heard by none there, when the pretence was that a child was born, though the midwife would not at first say it was a prince.

We have related to your highnesses no circumstances but such as are notoriously known, or could be judicially proved before any impartial court of judicature, and therefore we will not offer to your highness these conjectures, (though we have them from good hands,) of what was acted about the pretended prince, in the room from whence he was brought, and to which he was carried, before the lords of the council, or any others, were told that there was a prince born: but we have it of certainty from those that were present, that during the whole fictitious travail of the queen's, and a considerable time after it, his majesty kept those lords of the council that were called, not far from the feet of her majesty's bed, that was close shut up; and they neither saw nor heard any thing about the birth of the supposed prince, whereof they can be lawful witnesses to the kingdom, yet the actors of this whole imposture had the confidence to publish forthwith to the kingdom by authority, that those lords, and many ladies of quality, were present at the queen's delivery of a prince, equivocating therein like the jesuits, and falsely insinuating to the people, that those lords, and many matrons of the nobility, had been such ocular witnesses as our laws require, of the queen's being delivered of a prince; whereas, in truth, all that were not of the confederacy waited to no more purpose, than if they had been ten miles off her bed-chamber.

After long waiting his majesty left them, and retired into the inner-room, where was Mrs Labany, and the confidantes, with the supposed prince; and it was soon after said to the lords, that a prince being born, there was no more need of them, whereupon several of them went away; and whatsoever was done in shewing a child to those that stayed, was not worthy of enquiry, since it could be of no use to your highness or the kingdom.

Yet we carefully observed and enquired after the queen's supposed deliverance of a prince, whether there were any natural demonstrable signs in her majesty, that she had newly born a child, that had broke its way by violence into the world before nature's time, as she then affirmed; some of us know well the usual and necessary consequences of such force upon nature in women of such tenderness and weakness as her majesty's; we expected to have heard of her great weakness and danger of her life by a fever, that commonly attends such untimely births; we enquired after the danger of her majesty's breasts, by the unusual redundancy of milk, because one had reported so long before, that she had plenty of it in her breasts; we employed proper persons to ask what woman had the honour to draw her breasts, or whether any applications were made to her breasts to repel or dry the milk; and also, to ask after the good progress of her majesty, in the natural cleansings that follow child-bearing; and of her strength in bearing these unavoidable consequences, whereby all women of her majesty's tenderness and weakness are greatly debilitated; but we could never learn, by our most diligent inquiry, that there was any appearance of these natural effects of child-bearing, though a good doctor's skill might have easily feigned all those, to the delusion of all about her majesty's court.

We have now given your highness an abstract of many of the circumstances which we had collected in this affair; and must freely affirm, that we cannot observe, from the beginning to the end of it, one footstep of sincere plainness; all that hath been done therein, from the queen's pretended conception to her supposed delivery of a prince, hath shewed desires and intentions to hide the truth of those natural things, which they were obliged, by the laws of England, by natural justice, and by their own honour and interest, to have made demonstrable or provable, by sufficient witnesses, to all the kingdom, if there had been truth in their pretences.

There hath been such a total neglect, slighting, and disregard of all the necessary rules of law and justice about needful witnesses of the birth of a prince and heir to the crown, (when they knew that most of the kingdom suspected their setting up a counterfeit,) that it looks like a contempt of your highness and the whole kingdom, as if no satisfaction were due to her royal highness in her admission of an heir to the crown before her, nor to the kingdom in their acknowledgment of a prince to be the next successor to the crown.

The most modest judgment we can make of it is, to think that a blind zeal, (always nourished by the Romish church) to settle a popish successor, hath made them break through all the rules of righteousness, and stifle and extinguish all the natural affections of a father to a child, to do a service to their church that is by their doctrine so meritorious.

Your highness will the better consider all these circumstances mentioned, if you will please to call to mind the occasion and time when this design was first resolved to set up a prince, to bar her royal highness of the immediate succession to the crown.

Be pleased to remember, that it is before observed, that the going to the Bath, and the visit to St Winefred's well, and the present made to the Lady, were preparations for a report of the queen's being with child, and were all concluded upon about the end of August and beginning of September 1687, and then was your highness's compliance with the popish design despaired of.

The abstract of Mr Steward's letters to Mynheer Fagel, which we just now find printed, confirms all our memorials in that matter. He was pardoned and chosen by the king to have persuaded your highness to a consent that the penal laws and test should be repealed, which had been a full establishment of popery; in his two first letters of July he seeks to persuade your highness, that the king was resolved to preserve, and observe the true right of succession to the crown, and was very desirous of your highness's consent and concurrence in his design, and troubled to find them so.

averse from it; in his next letters of the same July he pressed that your highness should have been disposed to hearken to a well-chosen informer, to be sent by his majesty to persuade your concurrence with him, and he pressed extremely for a hasty answer: the new councils for setting up a supposititious prince seem then to have been begun.

That letter seems to threaten what we now see if your highness refused; he doubled his assurance to him that was to solicit your highness, that if you were obstinate, (as they call it,) it will be fatal to the dissenters, and be feared productive of ills yet unheard of: And his letter of August 5. seems to give your highness your last time to chuse the settlement of popery, or to resolve to be true to the protestant religion.

He says, if your highness did what was desired by the king, it was the best service to the protestants, the highest obligation on his majesty, and the greatest advancement of your own interest that you could think on; but if not, then all is contrary. There can be no other meaning, in saying if your highnesses refused, all is contrary, save only this, that the protestants should then have no mercy from the papists; his majesty would be so offended that he would become your highness's enemy; and it would be the loss of your highness's greatest interest, that you can think on, which certainly could be no other than the just expectancy of the three kingdoms.

As these letters threaten that the king would destroy your highness's greatest interest if you refused, so the attempt of it soon after appeared.

It is now known, that in September and October the resolutions were taken to publish that the queen was with child; but before it was publicly declared, that is, October 8, Mr Steward says, he would use no more arguments to your highness, but he then laments your highness's loss of the time of compliance: "Alas," said he, "that Providence should not be understood." Then, in November, he speaks more plainly, (notwithstanding your highness's moderation towards the papists and their liberty was shewn by Mynheer Fagel's letter,) he says that all hope of your highness's concurrence in the king's design was given over, and men were become as cold in it there as your highness were positive here: And upon his new conference with the king, he not only shews the king's dislike of that letter, but says expressly, that your highness's answer was too long delayed, and that the king was quite over that matter. There can be no other reasonable construction of this, than that the king had then resolved of another way to prosecute the popish design, and time hath now shewn and proved to the world that the way resolved on was to set up this supposititious prince for a popish successor.

These letters, by the help of time, shew the design when it was in embryo, and help to make a judgment upon all the other circumstances that we have mentioned; and no doubt, if an evidence made up of all the circumstances that we have mentioned, in their order and connection, were given to any impartial judges, it would be judged as strong a presumptive evidence as ever was given; and in the proceedings of our laws against criminals, judgment hath passed against the lives of many upon far less evidence, this being as full as the matter of the thing can possibly suffer in your highness and the kingdom's case.

But notwithstanding this sort of circumstantial evidence be sufficiently forcible and convincing to disinterested persons, to prove this supposed prince to be an impostor, and it may be more circumstances of the same nature are known to your highness, yet we most humbly pray your highness to wave insisting upon any of them, as entirely as if you could neither prove nor know more about this pretended prince than common fame hath proclaimed without contradiction.

It no ways belongs to your highnesses, nor to the kingdom, to prove the falsehood of his pretences, or any circumstance about his birth, and it would be very prejudicial for your highness to take upon you the burden of producing witnesses and proofs, and

admitting your highness's adversaries to dispute their force and sufficiency, when it belongs to them wholly and only to bring forth such lawful witnesses in due numbers as may satisfy your highness and the kingdom of the truth of their pretences, and it is an infinite wrong to your highness and the kingdom, that they have not done it long since, if there had been a true prince born of the queen.

Since it is the kingdom's great concern as well as your highnesses, we are the bolder to propose that the method of defence against the public injury, be made according to the known laws and customs of England; that is, that an open free demand be made in the name of her royal highness, as heiress apparent of the crown; and in behalf of all the people of the realm, that there be forthwith declared and published to the kingdom a sufficient number for this case, of lawful witnesses of either sex, such as the laws of England and natural justice require in the case, who do testify, that, according to the usual practice of their respective sexes at the birth of princes, heirs to crowns, they were eye-witnesses that the child, now called the Prince of Wales, was naturally born of the queen's body.

'Tis but just, regular, and modest for your highness to make that demand, and your insisting upon it to be done immediately without the least delay, and is no more than the right of your highness and the kingdom, that must be confessed by all that either know the rules of natural justice or the laws of England: Our laws require and demand an entry to be made upon all intruders into the rights or inheritances of another, there ought to be legal interruptions made of all wrongful possessions however obtained. A long permission of an illegitimate child to pass for a legitimate heir, is of dangerous consequence to the true heir of an inheritance; 'tis a known rule both in our English laws and the civil laws, *Tacens longo tempore præsimitur consentire*, he that remains long without answering any thing to an intruder's claim seems to allow it.

We crave pardon that we must freely tell your highness, that it hath been our astonishment that your highness has been so long silent and have deferred to make your just demand, and that you have so long suffered her royal highness's chaplains to pray publicly for this supposed Prince of Wales.

Your highness's heart cannot desire the God of truth and righteousness to prosper such an invasion of your own and the kingdom's rights, nor to bless the imposture as such, being set up (though an innocent child) to be a tool in the hands of others to destroy the protestant profession, your highness's claims to the greatest inheritance and the best civil government known in the world. We believe your highnesses to be true Christians, that tremble in the worship and prayers before the eternal Majesty, and therefore hope such a shew of owning him will not be longer suffered to be acted before the great God, that searcheth all the hearts of princes and subjects.

If your highnesses shall first make this legal demand proposed, and satisfaction therein be not given by the maintainers of the supposed prince without delay, then natural justice and our laws dictate that your highnesses demand a retraction by the publick ministers of the king in all Christian kingdoms and states, of the false news they have published of the birth of a Prince of Wales, and their vindication of her royal highness's right apparent to the next succession of the crown.

When a wrongful claimer to be heir of an inheritance cannot prove his true descent, the court wherein he sues his claim not only rejects and damns his false pretences, but openly declares the counterfeit tricks or forgeries that they observe to have been attempted to support the false claim; and our laws enable the heir that hath been disturbed to demand by his action against the false pretender satisfaction for the scandal of his lawful title, and our laws further require his prosecution for justice against all the known confederates in that intended wrong and fraud, for their several crimes therein committed.

We are sensible that most catholick princes have a prejudice to us in the rights we

claim as English protestants, not knowing our laws and liberties, and we have therefore proposed these two demands to be first in order made by your highnesses in the behalf of her royal highness and the kingdom, that we might convince them that we have reason and justice, according to their own laws and rules of right, to seek your highnesses protection against the king's practices (as they yet appear) in forcing us to stoop to a counterfeit prince, and to change the succession of the crown and the whole government, your highnesses having therein a joint concern with us and our laws; and nature itself calls upon you to defend your own and the kingdom's right, to preserve the succession of the crown, as it is by the laws established, which the king had no pretence of power to change.

But we must also humbly fly to your highnesses to protect us against the horrible destruction made by the king of all our laws, for the reformation of our Christian religion, and our security against the open, professed, and mortal enemies of our liberties therein, the king having declared to the world that those laws shall never hereafter be put in execution; and, to make our case therein desperate, hath caused his judges to justify him in what he hath done.

We must also pray your highnesses help against his invasion of all our civil rights and fundamental liberties, and his utter subversion of the free government of England by its ancient customs and laws.

We cannot doubt but your highnesses will be convinced by this memorial that we have not complained of our oppressions until they are become intolerable, nor sought any relief (save from God alone) until your highnesses justly expected inheritance, and the very being of our civil government, are in the most extreme danger of utter ruin.

We are and have been truly loyal to the king, and never refused obedience to any of his legal commands, or any whatsoever that could consist with all our other duties to God and our fellow subjects. We have been content to suffer personal wrongs and manifest injustice, and considered the corruption of men, that abuses and particular wrongs will happen in all governments, and ought patiently to be borne, whilst the fundamentals of civil government and justice are sacredly preserved. Our Christian charity taught us that 'tis better that a few suffer wrongs than to hazard for their just relief more effusion of blood, or other mischiefs than can be recompensed by their obtaining right. We know the jesuits crafts might have clouded the justice that might have been demanded in particular cases, and we have therefore stayed until the justice of what we pray is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the jesuits or their Romish priests.

We are sensible that the king hath used the name of the royal authority and prerogative in all the lawless powers that he hath exercised; and we durst not pray your highness's aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done, and daily doth, might be authorized by the royal powers and high prerogatives which belong to the kings of England.

'Tis most unquestionable, that the noble English monarchy and government had a legal foundation, and was and is established upon customs, franchises, and laws peculiar to the English nation. It was always free and independent upon all the powers and potentates on earth: The kings and the people are, and of right were always free and absolute, to bind themselves by their own laws, made by their joint consent, and not otherwise; they could never be bound by any others than themselves, save only by the laws of the most high God.

A king of England ceaseth to act by the English kingly authority, or as a king of England, if he yield up himself or his subjects to be bound or subjected to any other laws, canons, or jurisdictions, than such as are made or freely received by the mutual agreement of the king, and the representative body of the realm in parliament.

'Tis declared in the statute 6 Richard II. 5. That the crown of England had been so free at all times, that it hath been in subjection to no realm; and that the same ought not, in any thing touching the regality, to be submitted to the Bishop of Rome, nor the laws and statutes of the realm to be by him frustrated or defeated at his will, to the perpetual destruction of the king's sovereignty, crown and regality, and of all the realm. The commons then prayed the king, and him required, by way of justice, to examine all the states of the realm how they would stand to defend the rights of the crown and the realm against the pope; and it was thereupon ordained, that all that should pursue or bring any bulls or instruments from Rome against the king's regality or his realm, should be put out of the king's protection, and incur a *premunire*, which, as the law then was, made it lawful for any man to kill them.

Likewise the statute of 24 Henry VIII. 12. and 25 Henry VIII. 21. say, That the realm hath been, and is free from subjection to man's laws, but only to such as have been devised and made within the same for its own welfare, or of their free liberty, received by their consent to them.

The king and parliament, near four hundred years since, were so resolute to defend the rights and freedoms of the crown and the realm against the imposition of the pope's canons, and the jurisdictions and powers which he attempted to exercise, that notwithstanding they were papists, yet they, by the statute of 18 Edward III. statute 1. Rot. Parliament, number 38, declared the pope to be the common enemy to the king and the realm, and so he stands now declared; and to the like purpose is the Roll Parliament 17 Edward III. number 59. Though these statutes are not printed, their force is the same, to make them to fall into the condition of enemies to the kingdom that correspond with him or his nuncio.

It never was in the power of any king of England to yield up or submit the rights of the crown, and the realm and its laws, powers or jurisdictions of any sort, against the will of the realm in parliament; so it was confessed 500 years since, King Henry VI. in his letter to Pope Paschal, *Notum habeat sanctitus vestra quod me vivente [auxiliante Deo] dignitates et usus regni nostri Angliæ non imminuentur, et si ego (quod obsit) in tanta me dejectione ponerem, magnates mei, et totus Angliæ populus, nullo modo pateretur.* "Be it known (said he) to your holiness, that whilst I live (by God's assistance) the authorities and usages of the kingdom of England shall never be diminished, but if I would so debase myself, (which God forbid,) my nobles and the whole people of England would by no means suffer it."

King John indeed unworthily surrendered the crown and regalities to Pope Innocent III: and his successors, and the priest falsely put it into that charter, that it was by the consent of his council of barons he submitted to hold the kingdom of the pope, and that by yearly rent again; but when Pope Gregory X. in the third of Edward I. sent for that pretended rent, that noble prince justly answered, that he was bound by his oath in his coronation to preserve the rights of the kingdom untouched, and that he could do nothing that concerned the crown without the advice of the people in parliament, which are there called *proceres*.

In the 40th Edward III. the pope demanded the same rents, and the king proposed it in parliament, but they declared that neither King John nor any other king had any power to put himself or the realm and people into subjection to the pope without their consent in parliament; and that if it were done by King John, it was done contrary to his oath in his coronation; and if the pope attempted any thing thereupon against the king or his subjects, they would resist him to their utmost power.

The same King Edward III. had only negligently suffered the pope's power to be too much used in the kingdom, contrary to the statute of Carlisle, 35 Edward I. as

* See Roll. Clar. 3. Ed. Num. 9. Shed.

* See Coke's Inst. Fol. 13.—Orig. Notes.*

appears by the parliament Roll 17 Edward III. number 59; and the commons in parliament complained, that the treasure of the realm was transported to Rome, and the secrets of the realm discovered by the foreign priests sent hither; and they required of the king some mercy, for that they neither could nor would any longer bear those strong oppressions, or else that he would help them to expel out of this realm the pope's power by force, and thereupon were enacted against many of the pope's powers in this realm, those severe penal laws of 25 Edward III. 27 Edward III. 1. 38 Edward III. Statute II. Chap. I. all which our king hath now declared shall never hereafter be put in execution.

That victorious prince, Edward III. though a papist, yet pretended to no regal prerogative of suspending the laws made by the kings and parliaments against the pope; he confesseth, in that statute of 35th Edward I. against the pope's power, that it held its force, being not annulled by parliament; and therefore he was bound, by his oath, to see the same kept as a law of the realm, though that by sufferance and negligence it had been attempted to the contrary.

If the effects of the Romish jurisdictions in the realm were looked upon as they are related in that 38th Edward III. 1. it would be manifest, that the king that would put the kingdom into such a state lays aside thereby his kingly office and dignity whilst he pursues these intentions; that statute saith, That by the powers exercised by the pope and court of Rome, and the dependants thereof, the good ancient laws, customs, and franchises of the realm, were greatly impeached, blemished, and confounded; the crown abated, the treasure and riches of the realm carried away, the inhabitants and subjects of the realm impoverished and troubled, and the great men and commons in bodies and goods damnified: surely there can be no doubt, whether the king hath any royal prerogative to enable him either to stop the execution of these penal laws, that prevent the kingdom from falling back into such a forlorn estate, or to attempt, by pretence of liberty of conscience for the Romish priests and emissaries, and their practices, to enable them to work all the mischief they can against those that would save the kingdom from such miseries.

Your highnesses may be absolutely certain, that the king acts not by virtue of the English regal office or prerogatives, in his authorizing treasons to be daily committed against the realm. By the statute of 13th Elizabeth, ii. they that give or receive any absolution or reconciliation to Rome by the pope's authority, or any of his priests, which the king licenseth and authorizeth to be done continually, those are declared high traitors to the king and the realm, and, no doubt, treason declared by a statute against the realm, are common nuisances of the highest nature and mischief; it is the trust of the regal office to prevent and punish them; and it is directly contrary to the kingly office to assume power to authorize or licence such crimes.

'Tis unquestionable, that no king of England ever had power to grant offices to persons disabled to bear them, by positive and direct acts of parliament, made for that very purpose, and declared to be for the people's security; nevertheless the king hath put most of the offices of the kingdom in the hands of those that are so disabled.

'Tis as certain, it never was in the power of our kings to dispossess at their wills any of the subjects of those interests and profits which they had for their lives; nor to commission any to judge his subjects finally in matters criminal or civil by their discretion, without any regard to the laws, customs, and privileges of the realm.

These and many other powers exerted by the king, which we might name to your highnesses, are not the actings of an English legal monarch, but an assumed despotical power over the persons, the liberties, and interests of the subjects; as if he alone had at least the property paramount in all their persons and their interests, which in all civil governments belongs only to the lawful legislators; and as if the people of Eng-

land were tenants of his mere will to what they have, and had no right nor interest in their laws, customs, or franchises, nor any justice to demand the benefit of them.

Nothing can complete his majesty's renunciation of the trusts and obligation of the English regal office, save only that he assumes, (as he now doth actually) to take from the cities and boroughs entirely, all their customs and privileges, and free election of their magistrates, confirmed to them expressly by the great charter, and many other laws; and that he deprives all the rest of the people of their liberty to choose such persons as they please, according to the statutes, to consent for them to the laws that bind them, their estates and lives, as he hath declared he will, and intends and is every day doing; and then the ancient, rightful, and free English government will be manifestly and entirely dissolved, and Englishmen shall have no legal right to their estates, their wives and children, or their lives.

There will be then no legal English monarchy in England, trusted by the laws with high royal prerogatives for the joint safety and benefit of the king and the subjects, acknowledging themselves to be bound by an oath to maintain the customs, laws, and franchises of the realm, and to take continual care for the execution of the laws impartially; for that purpose every man shall then have equal and eternal right to every thing as this king will, and his popish forces shall dispose of it, and so long only as he shall please to continue in the same mind with the same force.

'Tis with bleeding hearts, that in this manifest extreme oppression and danger we beg your highnesses aid to defend the rights of the crown and the realm.

There can be no question of your highnesses right to defend the same, the legal monarchy and government, by our ancient customs, laws, and franchises, to save the ancient penal laws against the pope's usurpations, and the latter laws for the reformation of our religion from popery; and to preserve the special customs and privileges of the cities and boroughs, as well as the general customs of the kingdom; our customs and laws only have vested in your highness the next right expectant of the English crown [and if no prince shall be born, *Rege etiam renitente*,] though the king shall do all that's possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force, but as the king shall please, by his judges and courts, and by all that he shall possess of the power of the kingdom, your highness's claim and rights expectant of the crown is in like manner destroyed and set aside; and the whole arbitrary magistracy serving his will, and all his popish forces, foreigners and natives, will be engaged in interest and misguided conscience, to oppose your highness's claim; by the laws and customs of England, there will be indeed, in the state to which the king hath brought the kingdom, no legal magistrates nor government in being and use, unto which her royal highness can immediately succeed, according to the customs and laws of England; the kingdom must be a confused multitude, and the strongest may subdue the rest to their will.

As your highnesses have a right to save the government, by reason of your great interest in it, so all the people have an unquestionable right to seek your highness's aid therein; and 'tis one of their principal duties of the Christian religion, and will be one of the best outward expressions of their love to God and Jesus Christ, to assist your highnesses in all your righteous ways, defending their just civil government, being instituted by God for preserving justice amongst human societies.

The people that love their neighbours and countries as Christian religion commands, ought not carelessly, nor irreligiously, to suffer their civil government, their laws, and all their rights and interest that their country hold by them for themselves and posterities, to be destroyed by any man's will, superstition, or ambition.

He that was at first a legal and supreme magistrate, and ought to have been obeyed if he would have so continued, though he had done many injustices to particular persons, he may cast off the quality and use of the powers of a legal supreme magistrate,

and use and exercise power destructive to all the legal trusts and office ; and then he divests himself of that office and trust of a lawful magistracy, unto which the laws of God and the kingdom require obedience.

The ancient kings of England acknowledged the people's right to save their free government, if any of the kings themselves would have dishonourably parted with the rights of the crown and the realm ; we mention the letter of Henry I. to the pope : and that great prince, Edward I. on the like occasion of power claimed by the pope, not only writ to the pope to the same effect as Henry I. did, but by his consent letters were written to Pope Boniface, by the lords and commons in parliament, wherein they told the pope, that they were bound by oath to the observation and defence of their liberty, customs, and ancient laws, and would maintain them with all their power and force ; and that they neither did, nor ever would, could, or ought to suffer the king, though he would, to do, or any ways attempt, what the pope desired, contrary to their customs, since it would be to the destruction of the right of the crown of England, and the kingly dignity, and the subversion of the statutes of the kingdom, and prejudice of their ancient liberties, customs, and laws.

Since, then, your highnesses have an undoubted right¹ to interpose between the king and us in your own and the kingdom's behalf, to save our ancient legal government, and in special our laws for the reformation of our Christian religion, we humbly offer, that, besides the former demands about the supposed prince, your highnesses will please to demand and insist immoveable,

That the ancient free government of England, by its own customs and laws only made, or approved in parliament, be immediately restored in all the parts of it through the kingdom ; that is, that the rights of the crown and freedom of the realm be forthwith vindicated from all the submissions publicly made to the pope by the king that now is, to the dishonour and abasement of the English crown and realm, and from all the claims made by the Romish church of any powers and jurisdictions whatsoever over the Christians, or church in England.

That all the laws now in force against the admission of the canons, and jurisdiction of Rome, contrary to our customs and laws, and against the maintainers of them, be forthwith declared to be put in due execution ; and all suspensions of them, or dispensations with them, without the authority of parliament, be declared null and void.

That the ancient customs, liberties, and privileges, for the city of London, and the whole form and course of its government, be forthwith restored, the customs thereof being part of the common law of England ; and its liberties be established by the great charter, and many acts of parliament, that the customs, free election of their magistrates, and all the privileges of all the cities and boroughs of England, confirmed by the greater charter, and other laws, be duly restored.

That legal officers, both civil and military, be settled in all the places of magistracy, and all the commands throughout the kingdom.

That all commissions whatsoever be forthwith revoked, and declared null and void, whereby are granted any powers of discretion over the persons or interests of the subjects, contrary to the laws and customs of England ; especially the commission for ecclesiastical affairs, with its monstrous *non obstante* to all our laws.

That the freedom of elections, which is the foundation of the government, be duly vindicated, and all the most unworthy pre-engagements revoked and renounced to elect and vote as the king would have them.

That the kingdom may be restored, as soon as possible, to a capacity of holding a legal parliament, in such form and manner as the laws require ; by whose help the

¹ Rot. Parliament. 28 Ed. I. See Coke's Institut. 2 fol. 98.—Orig. Note.

civil government may be re-established, and force and arbitrary powers therein utterly abolished.

We crave your highnesses pardon, that we further humbly offer to your highnesses that time and accident always made changes in the usefulness of laws, and that it hath so happened in our penal laws made for uniformity in the profession of faith, and in the outward worship of God ; four of our succeeding parliaments perceived the abuse of these laws, and the mischief thereby to conscious Christians, and declared their intention of relieving them, if the king would have permitted them, yet they endeavoured to stop the execution of them, and desired a settlement of liberty of conscience as is due to Christians.

In these regards, and the subversion of the whole government, since made necessity and charity, many have the force of laws to enforce the stay of the execution of some of those laws for conformity, until those matters may be settled in parliament.

We therefore humbly pray your highnesses to procure, as a case of necessity, that none be disturbed until a legal parliament shall have resolved the case for the profession of their faith in matters merely supernatural, or the outward expression of their worship, so as both terminate only in God, and neither wrong nor hurt any man on earth, in body, goods, and good name, but their own souls only, if they be mistaken therein.

We now most humbly submit ourselves, and all herein contained, to your highnesses wisdom, candour, and charity, and shall pray the just and great God to fill your noble souls with perfect love and wisdom, and all the most resplendent virtues that are fit to shine in the highest thrones and power that ever the sun beheld.

Sir, the character we have had of your worth makes us confident of your faithfulness to deliver the enclosed forthwith to his Highness the Prince of Orange, or, in his absence, to her Royal Highness the Princess. We could not trust it by the post, and therefore have sent it by an express, which may, perhaps, make it longer in coming ; the messenger's only order is to deliver it to one of your servants ; and we confide in your integrity, and remain,

Sir,

Your most humble servants,
And whom you may hereafter know.

Murder will out ; or a clear and full Discovery that the Earl of Essex did not murder himself, but was murdered by others, both by undeniable Circumstances and positive Proofs. 1689.

Arthur Capel, first Earl of Essex, the firm friend of Lord Russell, was deeply engaged in the state intrigues which led to what was called the Rye-house Plot. In the beginning of July, 1683, he was committed to the Tower, and for some time seemed to bear his confinement with unconcern ; but at length he was observed to shew great depression of spirits, to which indeed he was constitutionally liable. In this temper he asked repeatedly for a penknife to pare his nails, and at length called for a razor, which he observed would do as well. Shortly afterwards he was found by his valet de chambre in the closet of his apartment, with his throat cut from ear to ear, in such a manner as made it probable that he must have thrown his head very

far back in order to accomplish his fatal purpose, for the jugulars and gullet were severed above the aspera arteria. Notwithstanding this circumstance, strong suspicions of foul play were entertained, and the death of the Earl of Essex became a keen subject of political controversy.

There were two remarkable circumstances attending the time of the earl's death: First, it happened on the very day of Lord Russell's trial; secondly, upon that day also the king and Duke of York visited the Tower in person. From these concurrences, various deductions were made, according to the humour and political opinions of the writers upon this sad topic. Upon the whole, they seem rather to favour the hypothesis of suicide; for, while the danger of Lord Russell might be supposed to increase the gloom of a mind already agitated, the visit to the Tower seems irreconcilable to prudence on the part of the royal brothers, supposing the earl to have been murdered by their connivance.

After the Revolution, a committee of four peers were appointed to examine into this dark story; but, after receiving a great deal of evidence, they found themselves unable to make any report to the House, so that it may be fairly supposed that nothing was brought forward which made a serious impression on their own minds.

Burnet, who is uniformly as candid as his credulity will permit, seems, in the following passage, to incline to the opinion that Essex died by his own hand. "I passed slightly over the suspicions that were raised upon Lord Essex's death when I mentioned that matter. This winter the business was brought to a trial. A boy and girl did report that they heard great crying in his lodgings, and that they saw a bloody razor flung out at a window, which was taken up by a woman that came out of the house where he was lodged. These children reported this confidently that day when they went to their several homes: they were both about ten or twelve years old. The boy went backward and forward in his story, sometimes affirming it, and at other times denying it: but his father had an office in the custom-house, so it was thought he prevailed with him to deny it in open court. But the girl stood firmly to her story. The simplicity of the children, together with the ill opinion that was generally had of the court, inclined many to believe this. As soon as his lady heard of it, she ordered a strict enquiry to be made about it, and sent what she found to me, to whom she had trusted all the messages that had passed between her lord and her while he was in the Tower. When I perused all, I thought there was not a colour to found a prosecution on, which she would have done with all possible zeal, if she had found any appearances of truth in the matter. Lord Essex had got into an odd set of some strange principles; and, in particular, he thought a man was the master of his own life, and seemed to approve of what his wife's great grandfather, the Earl of Northumberland, did, who shot himself in the Tower after he was arraigned. He had also very black fits of the spleen. But at that time one Braddon, whom I had known for some years for an honest, but enthusiastical man, hearing of these stories, resolved to carry the matter as far as it would go. And he had picked up a great variety of little circumstances, all which laid together seemed to him so convincing, that he thought he was bound to prosecute the matter. I desired him to come no more near me since he was so positive. He talked of the matter so publicly, that he was taken up for spreading false news to alienate the hearts of the people from the king. He was tried upon it. Both the children owned that they had reported the matter as he had talked it, the boy saying then that it was a lie. Braddon had desired the boy to set it all under his hand, though with that he charged him to write nothing but the truth. This was called suborning, and he was fined for it 2000*l*."—BURNET, *ad. ann.* 1684.

I. THAT he did not murder himself you have evinced,

1. From the improbabilities that he should do it.
2. From the impossibilities that he could so do it.

II. That he was murdered by others you have made good,

1. By undeniable circumstances.
2. By positive proofs offered.

I. That the Earl of Essex did not murder himself, as the inquest declares, appears,
(1.) From the improbabilities that he should so do.

1. Because of that excellent, sedate, and well-composed natural temper he was well known to be of, and free from such melancholy and frensical fits which might incline and expose him to such a mischief, whatever maliciously and falsely had been said to the contrary.

2. Because of that grace and fear of God he was so eminently endowed with, which would secure him from such impiety.

3. Because of that abhorrency by principle which he was well known to have of such unnatural practices (whereof he could not speak without great emotion of spirit) whatever, the better to colour the murder, and fix it upon him, had been most villainously reported, and spread abroad to the contrary.

4. Because of the careful provision he made for his own preservation after he came into the Tower, fearing the worst.

(1.) By sending for his own silver vessel to dress his meat in by his own people.

(2.) By that store of all sorts of wine he had ordered to be laid in for his own drinking.

(3.) By the direction he had given to his servant to take notes of my Lord Russell's trial, that very day, for his own use, all ample indications he designed self-preservation, not self-destruction.

5. Because as his conscience was clear from any treasonable guilt, (whatever to the contrary has been most wickedly suggested) so was he free from either legal witnesses or conviction, there being no bill of indictment found against him, as against others, the day before, which might sufficiently secure him from needless fears, or any such desperate course; though, had his zeal and affection to his king, country, and religion, (whom he might apprehend to have been in danger) transported him to any irregularity, his father's, as well as his own extraordinary merits from the crown, might well be supposed (from so grateful and compassionate a prince) would plead his pardon, and free him from such desperation.

6. Because of that entire love and friendship he bore to his most dear friend, the Lord Russell, which both in honour and conscience would forbid and deter from such an action, which must so necessarily tend to the certain ruin and destruction of his best friend, and which fell out accordingly, from the sinister construction they made thereof.

7. Because of the previous notice given thereof in divers places, which, to be sure, he would never have done, had he designed any such thing.

(2.) From the impossibilities that he could so do as the inquest declares.

1. Because it was impossible that he at one cut (as the verdict saith) could cut four inches in depth, and eight in length, because none can manage his hand to guide a razor so to do at once, viz. from the left side of the neck-bone to the right.

2. Because it is impossible that with that French razor, which was but four inches and a half long, and without a tongue, (necessitating to take two inches and an half at least in his hand) that he could, with two inches of such an instrument, cut four or five inches in depth, and eight or nine in length.

3. Because it is impossible in nature that when he had cut the left jugular and wind-pipe to the neck-bone, which let out so much of the blood and vitals, that he could have either life or strength to proceed to cut the other also, as all skilful surgeons and anatomists can demonstrate.

4. Because it was utterly impossible that after he had locked himself into the closet, he could so cut his throat as it was, and then open the closet-door and fling the bloody razor out of the chamber-window, at such a distance from the closet, and then get the razor up again; and keep it in his hand (as some) or fling it by him, (as others) and all this after he was dead, for he instantly died, saith the inquest, and none but himself in the room, say their witnesses, therefore it was impossible he could with that razor