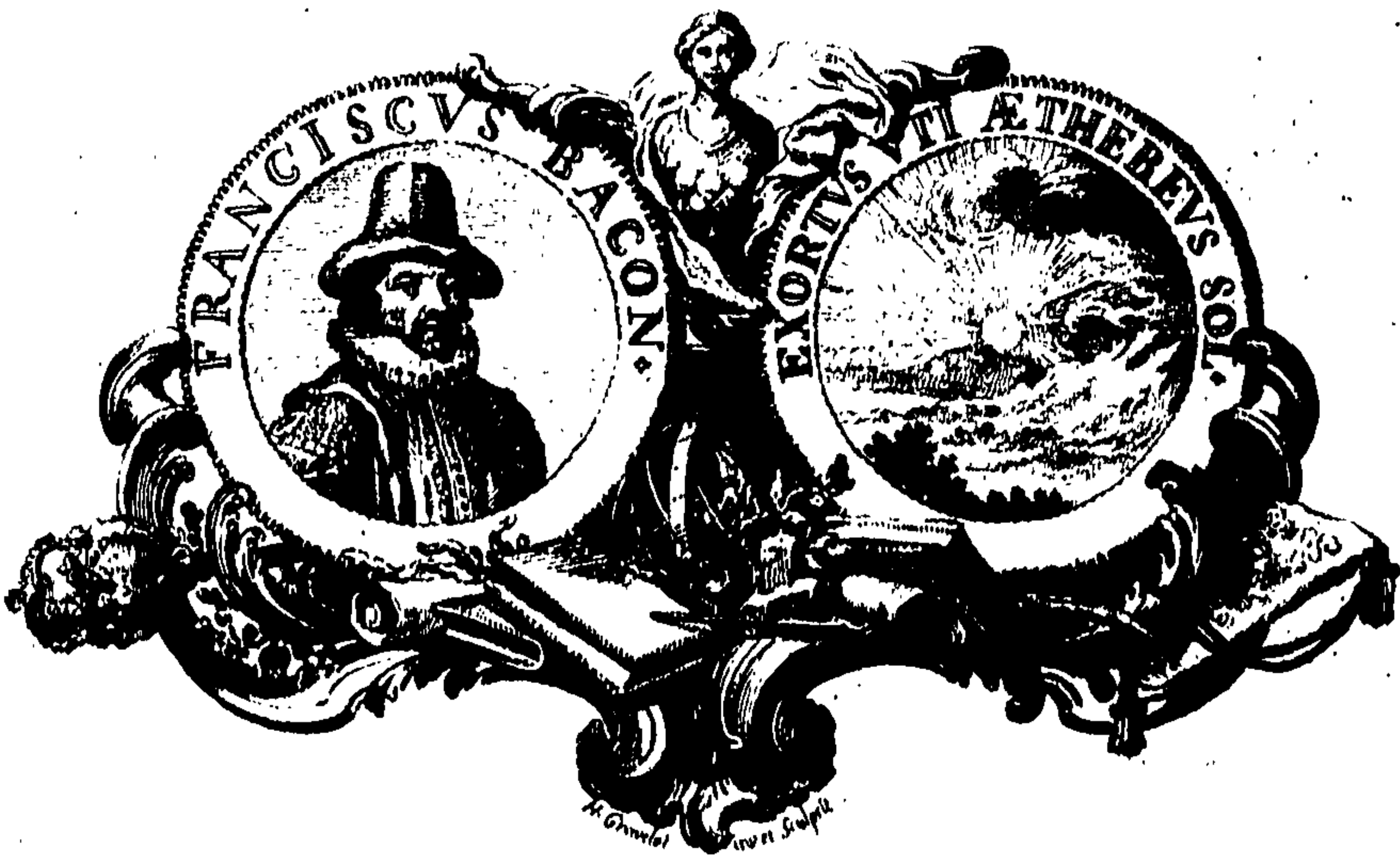


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MONITI MELIORA

T H E  
W O R K S  
O F  
FRANCIS BACON,  
BARON OF VERULAM,  
VISCOUNT ST. ALBAN,  
A N D  
Lord High Chancellor of England.

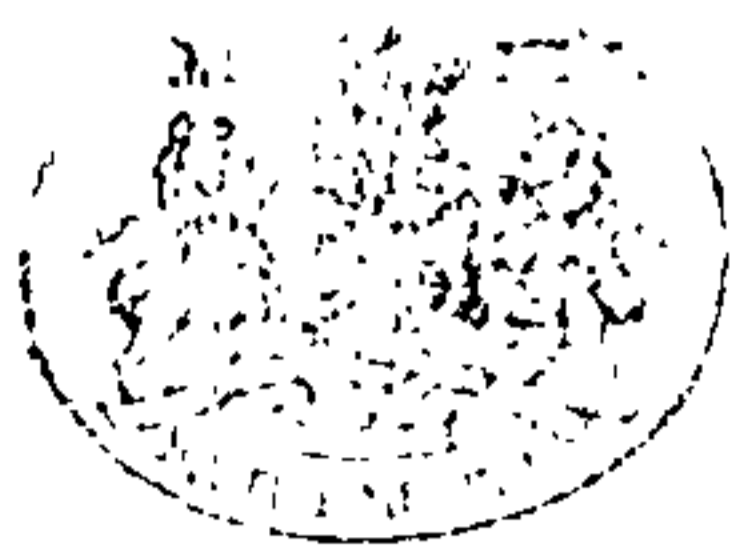
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L O N D O N,

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MDCCLIII.



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L A W

T R A C T S.

VOL. II.

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THE  
ELEMENTS  
OF THE  
COMMON LAWS  
OF  
ENGLAND.

CONTAINING

I.

A Collection of some of the principal RULES and MAXIMS of the *Common Law*,  
with their Latitude and Extent.

II.

The USE of the *Common Law* for Preservation of our Persons, Goods, and  
Good Names; according to the Laws and Customs of this Land.

## S A C R E D M A J E S T Y.

I Do here most humbly present and dedicate to your sacred Majesty a sheaf and cluster of fruit of the good and favourable season, which by the influence of your happy government we enjoy; for if it be true that *silent leges inter arma*, it is also as true, that your Majesty is in a double respect the life of our laws; once, because without your authority they are but *litera mortua*; and again, because you are the life of our peace, without which laws are put to silence. And as the vital spirits do not only maintain and move the body, but also contend to perfect and renew it; so your sacred Majesty, who is *anima legis*, doth not only give unto your laws force and vigour; but also hath been careful of their amendment and reforming; wherein your Majesty's proceeding may be compared, as in that part of your government (for if your government be considered in all the parts, it is incomparable) with the former doings of the most excellent Princes that ever have reigned, whose study altogether hath been always to adorn and honour times of peace with the amendment of the policy of their laws. Of this proceeding in Augustus Cæsar the testimony yet remains.

*Pace data terris, animum ad civilia vertit*

*Jura suum; legesque tulit justissimus auctor.*

Hence was collected the difference between *gesta in armis* and *acta in toga*, whereof Cicero disputeth thus:

*Ecquid est, quod tam proprie dici possit actum ejus, qui togatus in republica cum potestate imperioque versatus sit, quam lex? quaere acta Gracchi: leges Semproniae proferentur. Quaere Syllae: Corneliae. Quid? Cn. Pompeii tertius con-* Phil. I. c. 7.  
*fulatus in quibus actis consistit? nempe in legibus. A Caesare ipso si quaereres quidnam egisset in urbe, et in toga: leges multas se responderet, et praeclaras tulisse.*

The same desire long after did spring in the emperor Justinian, being rightly called *ultimus imperatorum Romanorum*, who having peace in the heart of his empire, and making his wars prosperously in the remote places of his dominions by his lieutenants, chose it for a monument and honour of his government, to revise the Roman laws, from infinite volumes and much repugnancy, into one competent and uniform corps of law; of which matter himself doth speak gloriously, and yet aptly, calling it, *proprium et sanctissimum templum justitiae consecratum*: a work of great excellency indeed, as may well appear, in that France, Italy and Spain, which have long since shaken off the yoke of the Roman empire, do yet nevertheless continue to use the policy of that law: but more excellent had the work been, save that the more ignorant and obscure time undertook to correct the more learned and flourishing time. To conclude with the domestick example of one of your Majesty's royal ancestors: King Edward I, your Majesty's famous progenitor, and the principal law-giver of our nation, after he had in his younger years given himself satisfaction in the glory of arms, by the enterprize of the Holy Land, and having inward peace (otherwise than for the invasions which himself made upon Wales and Scotland, parts far distant from the centre of the realm) he bent himself to endow his state with sundry notable and fundamental laws, upon which the government hath ever since principally rested. Of this example, and others the like, two reasons may be given; the one, because that Kings, which, either by the moderation of their natures, or the maturity of their years and judgment, do temper their magnanimity with justice, do wisely consider and conceive of the exploits of ambitious wars, as actions rather great than good; and so, distasted with that course of winning honour, they convert their minds rather to do somewhat for the better uniting of human society, than for the dissolving or disturbing of the same. Another reason is, because times of peace, for the most part drawing with them abundance of wealth, and finesse of cunning, do draw also, in further consequence, multitude of suits and controversies, and abuses of law by evasions and devices; which inconveniences

niences in such time growing more general, do more instantly solicit for the amendment of laws to restrain and repress them.

Your Majesty's reign having been blessed from the Highest with inward peace, and falling into an age, wherein, if science be increased, conscience is rather decayed; and if mens wits be great, their wills be greater; and wherein also laws are multiplied in number, and slackened in vigour and execution; it was not possible but that not only suits in law should multiply and increase (whereof a great part are always unjust) but also that all the indirect courses and practices to abuse law and justice should have been much attempted, and put in ure, which no doubt had bred greater enormities, had they not, by the royal policy of your Majesty, by the censure and foresight of your Council-table and Star-chamber, and by the gravity and integrity of your benches, been repressed and restrained: for it may be truly observed, that, as concerning frauds in contracts, bargains, and assurances, and abuses of laws by delays, covins, vexations, and corruptions in informers, jurors, ministers of justice, and the like, there have been sundry excellent statutes made in your Majesty's time, more in number, and more politick in provision, than in any of your Majesty's predecessors times.

But I am an unworthy witness to your Majesty of an higher intention and project, both by that which was published by your Chancellor in full parliament from your royal mouth, in the five and thirtieth of your happy reign; and much more by that which I have been since vouchsafed to understand from your Majesty, imparting a purpose for these many years infused into your Majesty's breast, to enter into a general amendment of the state of your laws, and to reduce them to more brevity and certainty, that the great hollownes and unsafety in assurances of lands and goods may be strengthened, the swerving penalties, that lie upon many subjects, removed, the execution of many profitable laws revived, the judge better directed in his sentence, the counsellor better warranted in his counsel, the student eased in his reading, the contentious suitor, that seeketh but vexation, disarmed, and the honest suitor, that seeketh but to obtain his right, relieved; which purpose and intention, as it did strike me with great admiration when I heard it, so it might be acknowledged to be one of the most chosen works, and of the highest merit and beneficence towards the subject, that ever entered into the mind of any King; greater than we can imagine, because the imperfections and dangers of the laws are covered under the clemency and excellent temper of your Majesty's government. And though there be rare precedents of it in government, as it cometh to pass in things so excellent, there being no precedent full in view but of Justinian; yet I must say, as Cicero said to Cæsar, *Nihil vulgare te dignum videri potest*; and as it is no doubt a precious seed sown in your Majesty's heart by the hand of God's divine Majesty, so, I hope, in the maturity of your Majesty's own time, it will come up and bear fruit. But to return thence whither I have been carried; observing in your Majesty, upon so notable proofs and grounds, this disposition in general of a prudent and royal regard to the amendment of your laws, and having by my private labour and travel collected many of the grounds of the common law, the better to establish and settle a certain sense of law, which doth now too much waver in incertainty, I conceived the nature of the subject, besides my particular obligation, was such, as I ought not to dedicate the same to any other, than to your sacred Majesty; both because though the collection be mine, yet the laws are yours; and because it is your Majesty's reign that hath been as a goodly seasonable spring weather to the advancing of all excellent arts of peace. And so concluding with a prayer answerable to the present argument, which is, that God will continue your Majesty's reign in a happy and renowned peace, and that he will guide both your policy and arms to purchase the continuance of it with surety and honour, I most humbly crave pardon, and commend your Majesty to the divine preservation.

*Your Sacred M A J E S T Y ' s most humble and obedient subject and servant,*

FRANCIS BACON.

T H E  
P R E F A C E.

I Hold every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected: but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having therefore from the beginning come to the study of the laws of this realm, with a desire no less (if I could attain unto it) that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws; for hereby no small light will be given in new cases, wherein the authorities do square and vary, to confirm the law, and to make it received one way; and in cases wherein the law is cleared by authority, yet nevertheless to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful: so that the incertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time, will, by this new strength laid to the foundation, be somewhat the more settled and corrected. Neither will the use hereof be only in deciding of doubts, and helping soundness of judgment, but further in gracing of argument, in correcting unprofitable subtlety, and reducing the same to a more sound and substantial sense of law; in reclaiming vulgar errors, and generally the amendment in some measure of the very nature and complexion of the whole law: and therefore the conclusions of reasons of this kind are worthily and aptly called by a great civilian *legum leges*, laws of laws, for that many *placita legum*, that is, particular and positive learnings of laws, do easily decline from a good temper of justice, if they be not rectified and governed by such rules.

Now for the manner of setting down of them, I have in all points, to the best of my understanding and foresight, applied myself not to that which might seem most for the ostentation of mine own wit or knowledge, but to that which may yield most use and profit to the students and professors of our laws.

And therefore, whereas these rules are some of them ordinary and vulgar, that now serve but for grounds and plain songs to the more shallow and impertinent sort of arguments; others of them are gathered and extracted out of the harmony and congruity of cases, and are such as the wisest and deepest sort of lawyers have in judgment and use, though they be not able many times to express and set them down.

For the former sort, which a man that should rather write to raise an high opinion of himself, than to instruct others, would have omitted, as trite and within every man's compass; yet nevertheless I have not affected to neglect them, but have chosen out of them such as I thought good: I have reduced them to a true application, limiting and defining their bounds, that they may not be read upon at large, but restrained to a point of difference: for as, both in the law and other sciences, the handling of questions by common-place, without aim or application, is the weakest; so yet nevertheless many common principles and generalities are not to be contemned, if they be well derived and deduced

deduced into particulars, and their limits and exclusions duly assigned: for there be two contrary faults and extremities in the debating and sifting out of the law, which may be best noted in two several manner of arguments: Some argue upon general grounds, and come not near the point in question; others, without laying any foundation of a ground or difference, do loosely put cases, which, though they go near the point, yet being so scattered, prove not, but rather serve to make the law appear more doubtful, than to make it more plain.

Secondly, whereas some of these rules have a concurrence with the civil Roman law, and some others a diversity, and many times an opposition, such grounds which are common to our law and theirs I have not affected to disguise into other words than the civilians use, to the end they might seem invented by me, and not borrowed or translated from them: no, but I took hold of it as a matter of greater authority and majesty, to see and consider the concordance between the laws penned, and as it were dictated *verbatim*, by the same reason. On the other side, the diversities between the civil Roman rules of law and ours, happening either when there is such an indifferency of reason so equally balanced, as the one law embraceth one course, and the other the contrary, and both just, after either is once positive and certain; or where the laws vary in regard of accommodating the law to the different considerations of estate, I have not omitted to set down.

Thirdly, whereas I could have digested these rules into a certain method or order, which, I know, would have been more admired, as that which would have made every particular rule, through coherence and relation unto other rules, seem more cunning and deep; yet I have avoided so to do, because this delivering of knowledge in distinct and disjointed aphorisms doth leave the wit of man more free to turn and tosse, and make use of that which is so delivered to more several purposes and applications; for we see that all the ancient wisdom and science was wont to be delivered in that form, as may be seen by the parables of Solomon, and by the aphorisms of Hippocrates, and the moral verses of Theognis and Phocylides; but chiefly the precedent of the civil law, which hath taken the same course with their rules, did confirm me in my opinion.

Fourthly, whereas, I know very well, it would have been more plausible and more current, if the rules, with the exposition of them, had been set down either in Latin or in English; that the harshness of the language might not have disgraced the matter; and that civilians, statesmen, scholars, and other sensible men might not have been barred from them; yet I have forsaken that grace and ornament of them, and only taken this course: the rules themselves I have put in Latin, not purified further than the propriety of the terms of the law would permit; which language I chose as the briefest to contrive the rules compendiously, the aptest for memory, and of the greatest authority and majesty to be avouched and alledged in argument: and for the expositions and distinctions, I have retained the peculiar language of our law, because it should not be singular among the books of the same science, and because it is most familiar to the students and professors thereof, and because that it is most significant to express conceits of law; and to conclude, it is a language wherein a man shall not be enticed to hunt after words, but matter; and for the excluding of any other than professed lawyers, it was better manners to exclude them by the strangeness of the language, than by the obscurity of the conceit; which is as though it had been written in no private and retired language, yet by those that are not lawyers would for the most part not have been understood, or, which is worse, mistaken.

Fifthly, whereas I might have made more flourish and ostentation of reading, to have vouched the authorities, and sometimes to have enforced or noted upon them, yet I have abstained from that also; and the reason is, because I judged it a matter undue and preposterous to prove rules and maxims; wherein I had the example of Mr. Littleton and Mr. Fitzherbert, whose writings are the institutions of the laws of England; whereof the one forbear-eth to vouch any authority altogether; the other never reciteth a book, but  
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when he thinketh the case so weak of credit in itself, as it needs a surety; and these two I did far more esteem than Mr. Perkins or Mr. Staundford, that have done the contrary. Well will it appear to those that are learned in the laws, that many of the cases are judged cases, either within the books, or of fresh report, and most of them fortified by judged cases, and similitude of reason; though in some few cases I did intend expressly to weigh down the authority by evidence of reason, and therein rather to correct the law, than either to sooth a received error, or, by unprofitable subtlety which corrupteth the sense of law, to reconcile contrarieties. For these reasons I resolved not to derogate from the authority of the rules, by vouching of any of the authorities of the cases, though in mine own copy I had them quoted: for although the meanness of mine own person may now at first extenuate the authority of this collection, and that every man is adventurous to controul; yet surely, according to Gamaliel's reason, if it be of weight, time will settle and authorize it; if it be light and weak, time will reprove it. So that, to conclude, you have here a work without any glory of affected novelty, or of method, or of language, or of quotations and authorities, dedicated only to use, and submitted only to the censure of the learned, and chiefly of time.

Lastly, there is one point above all the rest I account the most material for making these reasons indeed profitable and instructing; which is, that they be not set down alone, like short dark oracles, which every man will be content still to allow to be true, but in the mean time they give little light or direction; but I have attended them (a matter not practised, no not in the civil law to any purpose; and for want whereof, indeed, the rules are but as proverbs, and many times plain fallacies) with a clear and perspicuous exposition, breaking them into cases, and opening them with distinctions, and sometimes shewing the reasons whereupon they depend, and the affinity they have with other rules. And though I have thus, with as good discretion and foresight as I could, ordered this work, and, as I might say, without all colours or shews, husbanded it best to profit; yet, nevertheless, not wholly trusting to mine own judgment, having collected three hundred of them, I thought good, before I brought them all into form, to publish some few, that, by the taste of other mens opinions in this first, I might receive either approbation in mine own course, or better advice for the altering of the other which remain: for it is great reason that that which is intended to the profit of others, should be guided by the conceits of others.



# CONFESSION of FAITH.

Written by the Right Honourable

FRANCIS BACON, Baron of Verulam, &c.

**I** Believe that nothing is without beginning, but God; no nature, no matter, no spirit, but one, only, and the same God. That God, as he is eternally almighty, only wise, only good; in his nature; so he is eternally Father, Son, and Spirit, in persons.

I believe that God is so holy, pure, and jealous, as it is impossible for him to be pleased in any creature, though the work of his own hands; so that neither angel, man, nor world, could stand, or can stand, one moment in his eyes, without beholding the same in the face of a Mediator; and therefore, that before him, with whom all things are present, the Lamb of God was slain before all worlds; without which eternal counsel of his, it was impossible for him to have descended to any work of creation; but he should have enjoyed the blessed and individual society of three persons in Godhead for ever.

But that, out of his eternal and infinite goodness and love purposing to become a Creator, and to communicate to his creatures, he ordained in his eternal counsel, that one person of the Godhead should be united to one nature, and to one particular of his creatures; that so, in the person of the Mediator, the true ladder might be fixed, whereby God might descend to his creatures, and his creatures might ascend to God: so that God, by the reconciliation of the Mediator, turning his countenance towards his creatures (though not in equal light and degree) made way unto the dispensation of his most holy and secret will; whereby some of his creatures might stand, and keep their state; others might possibly fall, and be restored; and others might fall, and not be restored to their estate, but yet remain in being, though under wrath and corruption: all with respect to the Mediator; which is the great mystery and perfect center of all God's ways with his creatures, and unto which all his other works and wonders do but serve and refer.

That he chose (according to his good pleasure) man to be that creature, to whose nature the person of the eternal Son of God should be united; and amongst the generations of men, elected a small flock, in whom (by the participation of himself) he purposed to express the riches of his glory; all the ministration of angels, damnation of devils and reprobates, and universal administration of all creatures, and dispensation of all times, having no other end, but as the ways and ambages of God, to be further glorified in his saints, who are one with their head the Mediator, who is one with God.

That by the virtue of this his eternal counsel he condescended of his own good pleasure, and according to the times and seasons to himself known, to become a Creator; and by his eternal Word created all things; and by his eternal Spirit doth comfort and preserve them.

That he made all things in their first estate good, and removed from himself the beginning of all evil and vanity into the liberty of the creature; but reserved in himself the beginning of all restitution to the liberty of his grace; using, nevertheless, and turning the falling and defection of the creature (which to his prescience was eternally known) to make way to his eternal counsel, touching a Mediator, and the work he purposed to accomplish in him.

That God created Spirits, whereof some kept their standing, and others fell: he created heaven and earth, and all their armies and generations; and gave unto them constant and everlasting laws, which we call nature; which is nothing but the laws of the creation; which laws nevertheless have had three changes or times, and are to have a fourth or last. The first, when the matter of heaven and earth was created without forms: the second, the interim of perfection of every day's work: the third, by the curse, which notwithstanding was no new creation: and the last, at the end of the world, the manner whereof is not yet fully revealed so as the laws of nature, which now remain and govern inviolably till the end of the world, began to be in force when God first rested from his works, and ceased to create; but received a revocation, in part, by the curse; since which time they change not.

That notwithstanding God hath rested and ceased from creating since the first sabbath, yet, nevertheless, he doth accomplish and fulfil his divine will in all things, great and small, singular and general, as fully and exactly by providence, as he could by miracle and new creation, though his working be not immediate and direct, but by compass; not violating nature, which is his own law, upon the creature.

That at the first, the soul of man was not produced by heaven or earth, but was breathed immediately from God: so that the ways and proceedings of God with spirits are not included in nature; that is, in the laws of heaven and earth; but are reserved to the law of his secret will and grace: wherein God worketh still, and resteth not from the work of redemption, as he resteth from the work of creation; but continueth working till the end of the world: what time that work also shall be accomplished, and an eternal sabbath shall ensue. Likewise, that whensoever God doth transcend the law of nature by miracles (which may ever seem as new creations) he never cometh to that point or pass, but in regard of the work of redemption, which is the greater, and whereto all God's signs and miracles do refer.

That God created man in his own image, in a reasonable soul, in innocency, in free-will, and in sovereignty: that he gave him a law and commandment, which was in his power to keep, but he kept it not: that man made a total defection from God, presuming to imagine that the commandments and prohibitions of God were not the rules of good and evil, but that good and evil had their own principles and beginnings, and lusted after the knowledge of those imagined beginnings, to the end; to depend no more upon God's will revealed, but upon himself and his own light, as a God; than the which there could not be a sin more opposite to the whole law of God: that yet, nevertheless, this great sin was not originally moved by the malice of man, but was insinuated by the suggestion and instigation of the devil, who was the first defected creature, and fell of malice, and not by temptation.

That upon the fall of man, death and vanity entered by the justice of God; and the image of God in man was defaced; and heaven and earth, which were made for man's use, were subdued to corruption by his fall; but then that instantly, and without intermission of time, after the word of God's law became, through the fall of man, frustrate as to obedience, there succeeded the greater word of the promise, that the righteousness of God might be wrought by faith.

That as well the law of God as the word of his promise, endure the same for ever: but that they have been revealed in several manners, according to the dispensation of times. For the law was first imprinted in that remnant of light of nature, which was left after the fall, being sufficient to accuse: then it was more manifestly expressed in the written law; and was yet more opened by the prophets: and lastly, expounded in the true perfection by the Son of God, the great Prophet, and perfect interpreter, as also fulfiller of the law. That likewise the word of the promise was manifested and revealed: first, by immediate revelation and inspiration; after by figures, which were of two natures: the one, the rites and ceremonies of the law; the other, the continual history of the old world, and church of the Jews; which though it be literally true, yet  
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is it pregnant of a perpetual allegory and shadow of the work of the redemption to follow. The same promise or evangile was more clearly revealed and declared by the prophets, and then by the Son himself; and lastly by the Holy Ghost, which illuminateth the church to the end of the world.

That in the fulness of time, according to the promise and oath, of a chosen lineage descended the blessed seed of the woman, Jesus Christ, the only begotten Son of God and Saviour of the world; who was conceived by the power and over-shadowing of the Holy Ghost, and took flesh of the virgin Mary: that the Word did not only take flesh, or was joined to flesh, but was made flesh, though without confusion of substance or nature: so as the eternal Son of God, and the ever blessed Son of Mary was one person; so one, as the blessed virgin may be truly and catholically called, *Deipara*, the mother of God; so one, as there is no unity in universal nature, not that of the soul and body of man, so perfect; for the three heavenly unities (whereof that is the second) exceed all natural unities: that is to say, the unity of the three persons in Godhead; the unity of God and man in Christ; and the unity of Christ and the church: the Holy Ghost being the worker of both these latter unities; for by the Holy Ghost was Christ incarnate and quickened in flesh, and by the Holy Ghost is man regenerate and quickened in spirit.

That Jesus, the Lord, became in the flesh a sacrificer, and a sacrifice for sin; a satisfaction and price to the justice of God; a meriter of glory and the kingdom; a pattern of all righteousness; a preacher of the word which himself was; a finisher of the ceremony; a corner-stone to remove the separation between Jew and Gentile; an intercessor for the church; a lord of nature in his miracles; a conqueror of death and the power of darkness in his resurrection; and that he fulfilled the whole counsel of God, performing all his sacred offices, and anointing on earth; accomplished the whole work of the redemption and restitution of man to a state superior to the angels (whereas the state of man by creation was inferior) and reconciled and established all things according to the eternal will of the Father.

That in time Jesus the Lord was born in the days of Herod, and suffered under the government of Pontius Pilate, being deputy of the Romans, and under the high priesthood of Caiaphas, and was betrayed by Judas, one of the twelve apostles, and was crucified at Hierusalem; and after a true and natural death, and his body laid in the sepulchre, the third day he raised himself from the bonds of death, and arose and shewed himself to many chosen witnesses, by the space of divers days; and at the end of those days, in the sight of many, ascended into heaven; where he continueth his intercession; and shall from thence, at the day appointed, come in greatest glory to judge the world.

That the sufferings and merits of Christ, as they are sufficient to do away the sins of the whole world, so they are only effectual to those which are regenerate by the Holy Ghost; who breatheth where he will of free grace; which grace, as a seed incorruptible, quickeneth the spirit of man, and conceiveth him anew a son of God and member of Christ: so that Christ having man's flesh, and man having Christ's spirit, there is an open passage and mutual imputation, whereby sin and wrath was conveyed to Christ from man; and merit and life is conveyed to man from Christ: which seed of the Holy Ghost first figureth in us the image of Christ slain or crucified, through a lively faith; and then reneweth in us the image of God in holiness and charity; though both imperfectly, and in degrees far differing even in God's elect, as well in regard of the fire of the Spirit, as of the illumination thereof; which is more or less in a large proportion: as namely, in the church before Christ; which yet nevertheless was partaker of one and the same salvation with us, and of one and the same means of salvation with us.

That the work of the Spirit, though it be not tied to any means in heaven or earth, yet it is ordinarily dispensed by the preaching of the word; the administration of the sacraments; the covenants of the fathers upon the children, prayer, reading; the censures of the church; the society of the godly; the cross and afflictions; God's benefits; his judgments upon others; miracles; the con-

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templation of his creatures: All which (though some be more principal) God useth as the means of vocation and conversion of his elect; not derogating from his power to call immediately by his grace, and at all hours and moments of the day (that is, of man's life) according to his good pleasure.

That the word of God, whereby his will is revealed, continued in revelation and tradition until Moses; and that the Scriptures were from Moses's time to the times of the apostles and evangelists; in whose age, after the coming of the Holy Ghost, the teacher of all truth, the book of the Scriptures was shut and closed, so as not to receive any new addition; and that the church hath no power over the Scriptures to teach or command any thing contrary to the written word, but is as the ark, wherein the tables of the first testament were kept and preserved; that is to say, the church hath only the custody and delivery over of the Scriptures committed unto the same; together with the interpretation of them, but such only as is conceived from themselves.

That there is an universal or catholick church of God, dispersed over the face of the earth, which is Christ's spouse, and Christ's body; being gathered of the fathers of the old world, of the church of the Jews, of the spirits of the faithful dissolved, and the spirits of the faithful militant, and of the names yet to be born, which are already written in the book of life. That there is also a visible church, distinguished by the outward works of God's covenant, and the receiving of the holy doctrine, with the use of the mysteries of God, and the invocation and sanctification of his holy name. That there is also an holy succession in the prophets of the new testament and fathers of the church, from the time of the apostles and disciples which saw our Saviour in the flesh, unto the consummation of the work of the ministry; which persons are called from God by gift, or inward anointing; and the vocation of God followed by an outward calling and ordination of the church.

I believe, that the souls of such as die in the Lord are blessed, and rest from their labours, and enjoy the sight of God; yet so, as they are in expectation of a farther revelation of their glory in the last day. At which time all flesh of man shall arise and be changed, and shall appear and receive from Jesus Christ his eternal judgment; and the glory of the saints shall then be full; and the kingdom shall be given up to God the Father: from which time all things shall continue for ever in that being and state, which then they shall receive. So as there are three times (if times they may be called) or parts of eternity: The first, the time before beginnings, when the Godhead was only, without the being of any creature: the second, the time of the mystery, which continueth from the creation to the dissolution of the world: and the third, the time of the revelation of the sons of God; which time is the last, and is everlasting without change.



# A PRAYER or PSALM

Made by the

Lord B A C O N, Chancellor of ENGLAND.

**M**OST gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou, O Lord, soundest and searchest the depths and secrets of all hearts: thou acknowledgest the upright of heart: thou judgest the hypocrite: thou ponderest mens thoughts and doings as in a balance: thou measurest their intentions as with a line; vanity and crooked ways cannot be hid from thee.

Remember, O Lord, how thy servant hath walked before thee: remember what I have first fought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the divisions of thy church: I have delighted in the brightness of thy sanctuary. This vine which thy right hand hath planted in this nation, I have ever prayed unto thee, that it might have the first and the latter rain; and that it might stretch her branches to the seas and to the floods. The state and bread of the poor and oppressed have been precious in mine eyes: I have hated all cruelty and hardness of heart: I have (though in a despised weed) procured the good of all men. If any have been my enemies, I thought not of them; neither hath the sun almost set upon my displeasure; but I have been as a dove, free from superfluity of malicioufness. Thy creatures have been my books, but thy Scriptures much more. I have fought thee in the courts, fields, and gardens, but I have found thee in thy temples.

Thousands have been my sins, and ten thousands my transgressions; but thy sanctifications have remained with me, and my heart (through thy grace) hath been an unquenched coal upon thine altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have encreased upon me, so have thy corrections; so as thou hast been always near me, O Lord; and ever as my worldly blessings were exalted, so secret darts from thee have pierced me; and when I have ascended before men, I have descended in humiliation before thee. And now, when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me according to thy former loving-kindness, keeping me still in thy fatherly school, not as a bastard but as a child. Just are thy judgments upon me for my sins, which are more in number than the sands of the sea, but have no proportion to thy mercies; for what are the sands of the sea, earth, heavens, and all these are nothing to thy mercies. Besides my innumerable sins, I confess before thee, that I am debtor to thee for the gracious talent of thy gifts and graces, which I have neither put into a napkin, nor put it (as I ought) to exchangers, where it might have made best profit, but mispent it in things for which I was least fit: so I may truly say, my soul hath been a stranger in the course of my pilgrimage. Be merciful unto me, O Lord, for my Saviour's sake, and receive me into thy bosom, or guide me in thy ways.

# A · P R A Y E R

Made and used by the Lord Chancellor B A C O N.

**O** Eternal God, and most merciful Father in Jesus Christ: Let the words of our mouths, and the meditations of our hearts be now and ever gracious in thy sight, and acceptable unto thee, O Lord, our God, our strength, and our redeemer.

**O** Eternal God, and most merciful Father in Jesus Christ, in whom thou hast made a covenant of grace and mercy with all those that come unto thee in him; in his name and mediation we humbly prostrate ourselves before the throne of thy mercies seat, acknowledging, that by the breach of all thy holy laws and commandments we are become wild olive-branches, strangers to thy covenant of grace; we have defaced in ourselves thy sacred image imprinted in us by creation; we have sinned against heaven, and before thee, and are no more worthy to be called thy children. O admit us into the place even of hired servants. Lord, thou hast formed us in our mothers wombs, thy providence hath hitherto watched over us, and preserved us unto this period of time: O stay not the course of thy mercies and loving-kindness towards us: have mercy upon us, O Lord, for thy dear Son Christ Jesus sake, who is the way, the truth, and the life. In him, O Lord, we appeal from thy justice to thy mercy, beseeching thee in his name, and for his sake only, thou wilt be graciously pleased freely to pardon, and forgive us all our sins and disobedience, whether in thought, word, or deed, committed against thy divine Majesty; and in his precious blood-shedding death, and perfect obedience, free us from the guilt, the stain, the punishment, and dominion of all our sins, and clothe us with his perfect righteousness. There is mercy with thee, O Lord, that thou mayst be feared; yea, thy mercies swallow up the greatness of our sins: speak peace to our souls and consciences; make us happy in the free remission of all our sins, and be reconciled to thy poor servants in Jesus Christ, in whom thou art well pleased: suffer not the works of thine own hands to perish; thou art not delighted in the death of sinners, but in their conversion. Turn our hearts, and we shall be turned; convert us, and we shall be converted; illuminate the eyes of our minds and understanding with the bright beams of thy Holy Spirit, that we may daily grow in the saving knowledge of the heavenly mystery of our redemption, wrought by our dear Lord and Saviour Jesus Christ; sanctify our wills and affection by the same Spirit, the most sacred fountain of all grace and goodness; reduce them to the obedience of thy most holy will in the practice of all piety toward thee, and charity towards all men. In flame our hearts with thy love, cast forth of them what displeaseth thee, all infidelity, hardness of heart, prophaneness, hypocrisy, contempt of thy holy word and ordinances, all uncleanness, and whatsoever advanceth itself in opposition to thy holy will. And grant that henceforth, through thy grace, we may be enabled to lead a godly, holy, sober, and christian life in true sincerity and uprightnes of heart before thee. To this end, plant thy holy fear in our hearts, grant that it may never depart from before our eyes, but continually guide our feet in the paths of thy righteousness, and in the ways of thy commandments: increase our weak faith, grant it may daily bring forth the true fruits of unfeigned repentance, that by the power of the death of our Lord and Saviour Jesus Christ we may daily die unto sin, and by the power of his resurrection we may be quickened, and raised up to newness of life, may be truly born anew, and may be effectually made partakers of the first resurrection, that then the second death may never have dominion over us. Teach us, O Lord, so to number our days, that we may apply our hearts unto wisdom; make us ever mindful of our last end, and continually to exercise the knowledge of grace in our hearts, that in  
the

the said divorce of soul and body, we may be translated here to that kingdom of glory prepared for all those that love thee, and shall trust in thee; even then and ever, O Lord, let thy holy angels pitch their tents round about us, to guard and defend us from all the malice of Satan, and from all perils both of soul and body. Pardon all our unthankfulness, make us daily more and more thankful for all thy mercies and benefits daily poured down upon us. Let these our humble prayers ascend to the throne of grace, and be granted not only for these mercies, but for whatsoever else thy wisdom knows needful for us; and for all those that are in need, misery, and distress, whom, Lord, thou hast afflicted either in soul or body; grant them patience and perseverance in the end, and to the end: And that, O Lord, not for any merits of ours, but only for the merits of thy Son, and our alone Saviour Christ Jesus; to whom with thee, and the Holy Spirit, be ascribed all glory, &c. *Amen.*

### The STUDENT'S PRAYER.

**T**O God the Father, God the Word, God the Spirit, we pour forth most humble and hearty supplications; that he remembering the calamities of mankind, and the pilgrimage of this our life, in which we wear out days few and evil, would please to open to us new refreshments out of the fountains of his goodness, for the alleviating of our miseries. This also we humbly and earnestly beg, that human things may not prejudice such as are divine; neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, any thing of incredulity, or intellectual night, may arise in our minds towards divine mysteries. But rather, that by our mind thoroughly cleansed and purged from fancy and vanities, and yet subject and perfectly given up to the divine oracles, there may be given unto faith the things that are faith's. *Amen.*

### The WRITER'S PRAYER.

**T**HOU, O Father, who gavest the visible light as the first-born of thy creatures, and didst pour into man the intellectual light as the top and consummation of thy workmanship, be pleased to protect and govern this work, which coming from thy goodness, returneth to thy glory. Thou after thou hadst reviewed the works which thy hands had made, beheldest that every thing was very good, and thou didst rest with complacency in them. But man reflecting on the works which he had made, saw that all was vanity and vexation of spirit, and could by no means acquiesce in them. Wherefore if we labour in thy works with the sweat of our brows, thou wilt make us partakers of thy vision and thy sabbath. We humbly beg that this mind may be steadfastly in us; and that thou, by our hands, and also by the hands of others, on whom thou shalt bestow the same spirit, wilt please to convey a largess of new alms to thy family of mankind. These things we commend to thy everlasting love, by our Jesus, thy Christ, God with us. *Amen.*



T H E  
C H A R A C T E R S  
O F A  
B E L I E V I N G C H R I S T I A N,  
I n P A R A D O X E S, a n d s e e m i n g C o n t r a d i c t i o n s.

1. **A** Christian is one that believes things his reason cannot comprehend; he hopes for things which neither he nor any man alive ever saw: he labours for that which he knoweth he shall never obtain; yet in the issue, his belief appears not to be false; his hope makes him not ashamed; his labour is not in vain.

2. He believes three to be one, and one to be three; a father not to be elder than his son; a son to be equal with his father; and one proceeding from both to be equal with both; he believing three persons in one nature, and two natures in one person.

3. He believes a virgin to be a mother of a son; and that very son of hers to be her maker. He believes him to have been shut up in a narrow room, whom heaven and earth could not contain. He believes him to have been born in time, who was and is from everlasting. He believes him to have been a weak child carried in arms, who is the Almighty; and him once to have died, who only hath life and immortality in himself.

4. He believes the God of all grace to have been angry with one that hath never offended him; and that God, that hates sin, to be reconciled to himself, though sinning continually, and never making, or being able to make him satisfaction. He believes a most just God to have punished a most just person, and to have justified himself though a most ungodly sinner. He believes himself freely pardoned, and yet a sufficient satisfaction was made for him.

5. He believes himself to be precious in God's sight, and yet loaths himself in his own. He dares not justify himself even in those things wherein he can find no fault with himself, and yet believes God accepts him in those services wherein he is able to find many faults.

6. He praises God for his justice, and yet fears him for his mercy. He is so ashamed as that he dares not open his mouth before God; and yet he comes with boldness to God, and asks him any thing he needs. He is so humble as to acknowledge himself to deserve nothing but evil; and yet believes that God means him all good. He is one that fears always, yet is as bold as a lion. He is often sorrowful, yet always rejoicing; many times complaining, yet always giving of thanks. He is the most lowly-minded, yet the greatest aspirer; most contented, yet ever craving.

7. He bears a lofty spirit in a mean condition; when he is ablest he thinks meanest of himself. He is rich in poverty, and poor in the midst of riches. He believes all the world to be his, yet he dares take nothing without special leave from God. He covenants with God for nothing, yet looks for a great reward. He loseth his life and gains by it; and whilst he loseth it, he saveth it.

8. He lives not to himself, yet of all others he is most wise for himself. He denieth himself often, yet no man loveth himself so well as he. He is most reproached, yet most honoured. He hath most afflictions, and most comforts.



9. THE more injury his enemies do him, the more advantages he gains by them. The more he forsakes worldly things, the more he enjoys them.

10. HE is the most temperate of all men, yet fares most deliciously; he lends and gives most freely; yet he is the greatest usurer; he is meek towards all men, yet inexorable by men. He is the best child, husband, brother, friend; yet hates father and mother, brother and sister. He loves all men as himself, yet hates some men with a perfect hatred.

11. HE desires to have more grace than any man hath in the world, yet is truly sorrowful when he seeth any man have less than himself; he knoweth no man after the flesh, yet gives all men their due respects; he knoweth if he please man he cannot be the servant of Christ; yet for Christ's sake he pleaseth all men in all things. He is a peace-maker, yet is a continual fighter, and is an irreconcilable enemy.

12. HE believes him to be worse than an infidel that provides not for his family, yet himself lives and dies without care. He accounts all his superiors, yet stands stiffly upon authority. He is severe to his children, because he loveth them; and by being favourable unto his enemy, he revengeth himself upon him.

13. HE believes the angels to be more excellent creatures than himself, and yet accounts them his servants. He believes that he receives many good things by their means, and yet he neither prays for their assistance, nor offers them thanks, which he doth not disdain to do to the meanest Christian.

14. HE believes himself to be a King, how mean soever he be; and how great soever he be, yet he thinks himself not too good to be a servant to the poorest saint.

15. HE is often in prison, yet always at liberty: a freeman though a servant. He loves not honour amongst men, yet highly prizeth a good name.

16. HE believes that God hath bidden every man that doth him good, to do so; he yet of any man is the most thankful to them that do aught for him. He would lay down his life to save the soul of his enemy, yet will not adventure upon one sin to save the life of him who saved his.

17. HE swears to his own hindrance, and changeth not; yet knoweth that his oath cannot tie him to sin.

18. HE believes Christ to have no need of any thing he doth, yet maketh account that he doth relieve Christ in all his acts of charity. He knoweth he can do nothing of himself, yet labours to work out his own salvation. He professeth he can do nothing, yet as truly professeth he can do all things: he knoweth that flesh and blood cannot inherit the kingdom of God, yet believeth he shall go to heaven both body and soul.

19. HE trembles at God's word, yet counts it sweeter to him than honey, and the honey-comb, and dearer than thousands of gold and silver.

20. HE believes that God will never damn him, and yet fears God for being able to cast him into hell. He knoweth he shall not be saved by, nor for his good works, yet he doth all the good works he can.

21. HE knoweth God's providence is in all things, yet is so diligent in his calling and business, as if he were to cut out the thread of his happiness. He believes before-hand that God hath purposed what he shall be, and that nothing can make him to alter his purpose; yet prays and endeavours, as if he would force God to save him for ever.

22. HE prays and labours for that which he is confident God means to give; and the more assured he is, the more earnest he prays for that he knows he shall never obtain, and yet gives not over. He prays and labours for that which he knows he shall be no less happy without; he prays with all his heart not to be led into temptation, yet rejoiceth when he is fallen into it; he believes his prayers are heard, even when they are denied, and gives thanks for that which he prays against.

23. HE hath within him both flesh and spirit, yet he is not a double-minded man; he is often led captive by the law of sin, yet it never gets dominion over him; he cannot sin, yet can do nothing without sin. He doth nothing against

his will, yet maintains he doth what he would not. He wavers and doubteth, yet obtains.

24. HE is often tossed and shaken, yet is as mount Sion; he is a serpent and a dove; a lamb and a lion; a reed and a cedar. He is sometimes so troubled, that he thinks nothing to be true in religion; yet if he did think so, he could not at all be troubled. He thinks sometimes that God hath no mercy for him, yet resolves to die in the pursuit of it. He believes, like Abraham, against hope, and though he cannot answer God's logick, yet, with the woman of Canaan, he hopes to prevail with the rhetorick of importunity.

25. HE wrestles, and yet prevails; and though yielding himself unworthy of the least blessing he enjoys, yet, Jacob-like, he will not let him go without a new blessing. He sometimes thinks himself to have no grace at all, and yet how poor and afflicted soever he be besides, he would not change conditions with the most prosperous man under heaven, that is a manifest worldling.

26. HE thinks sometimes that the ordinances of God do him no good, yet he would rather part with his life than be deprived of them.

27. HE was born dead; yet so that it had been murder for any to have taken his life away. After he began to live, he was ever dying.

28. AND though he hath an eternal life begun in him, yet he makes account he hath a death to pass through.

29. HE counts self-murder a heinous sin, yet is ever busied in crucifying the flesh, and in putting to death his earthly members; not doubting, but there will come a time of glory, when he shall be esteemed precious in the sight of the great God of heaven and earth, appearing with boldness at his throne, and asking any thing he needs; being endued with humility, by acknowledging his great crimes and offences, and that he deserveth nothing but severe punishment.

30. HE believes his soul and body shall be as full of glory, as them that have more; and no more full, than theirs that have less.

31. HE lives invisible to those that see him, and those that know him best do but guess at him; yet those many times judge more truly of him than he doth of himself.

32. THE world will sometimes account him a saint, when God accounteth him a hypocrite; and afterwards, when the world branded him for an hypocrite, then God owned him for a saint.

33. HIS death makes not an end of him. His soul which was put into his body, is not to be perfected without his body; yet his soul is more happy, when it is separated from his body, than when it was joined unto it: And his body, though torn in pieces, burnt to ashes, ground to powder, turned to rottenness, shall be no loser.

34. HIS advocate, his surety shall be his judge; his mortal part shall become immortal; and what was sown in corruption and defilement shall be raised in incorruption and glory; and a finite creature shall possess an infinite happiness. Glory be to God.



A N

# A D V E R T I S E M E N T

T O U C H I N G T H E

## C O N T R O V E R S I E S

O F T H E

### C H U R C H o f E N G L A N D.

**I**T is but ignorance, if any man find it strange, that the state of religion (especially in the days of peace) should be exercised and troubled with controversies: for as it is the condition of the church militant to be ever under trials, so it cometh to pass, that when the fiery trial of persecution ceaseth, there succeedeth another trial, which (as it were) by contrary blasts of doctrine, doth sift and winnow mens faith, and proveth whether they know God aright; even as that other of afflictions discovereth whether they love him better than the world. Accordingly was it foretold by Christ, saying, *that in the later times it should be said, Lo here, lo there is Christ*: which is to be understood, not as if the very person of Christ should be assumed and counterfeited, but his authority and pre-eminence (which is to be the truth itself) should be challenged and pretended. Thus have we read and seen to be fulfilled that which followeth, *Ecce in deserto, ecce in penetralibus*: while some have fought the truth in the conventicles and conciliables of hereticks and sectaries; others in the external face and representation of the church; and both sorts have been seduced. Were it then that the controversies of the church of England were such, as they did divide the unity of the spirit, and not only such as do unswathe her of her bands (the bands of peace) yet could it be no occasion for any pretended catholick to judge us, or for any irreligious person to despise us; or if it be, it shall but happen to us all as it hath used to do; to them to be hardened, and to us to endure the good pleasure of God. But now that our contentions are such, as we need not so much that general canon and sentence of Christ pronounced against hereticks; *Erratis, nescientes Scripturas, et potestatem Dei*; you do err, not knowing the Scripture, and the power of God: as we need the admonition of St. James, *Let every man be swift to hear, slow to speak, slow to wrath*; and that the wound is no way dangerous, except we poison it with our remedies: as the former sort of men have less reason to make themselves musick in our discord, so I have good hope that nothing shall displease ourselves, which shall be sincerely and modestly propounded for the appeasing of these dissentions. For if any shall be offended at this voice, *Vos estis fratres*; ye are brethren, why strive ye? he shall give a great presumption against himself, that he is the party that doth his brethren wrong.

The controversies themselves I will not enter into, as judging that the disease requireth rather rest than any other cure. Thus much we all know and confess, that they be not of the highest nature, for they are not touching the high mysteries of faith, such as detained the churches for many years after their first peace, what time the hereticks moved curious questions, and made strange anatomies of the natures and person of Christ; and the catholick fathers were compelled to follow them with all subtlety of decisions and determinations to exclude them from their evasions, and to take them in their labyrinths; so as it is rightly said, *illis temporibus, ingeniosa res fuit, esse Christianum*; in those days it was an ingenious and subtle thing to be a Christian.

Neither are they concerning the great parts of the worship of God, of which it is true, that *non servatur unitas in credendo, nisi eadem adsit in colendo*; there will be kept no unity in believing, except it be entertained in worshipping; such as were the controversies of the east and west churches touching images, and such as are many of those between the church of Rome and us; as about the adoration of the Sacrament, and the like; but we contend about ceremonies, and things indifferent, about the external policy and government of the church: in which kind, if we would but remember that the ancient and true bonds of unity are *one faith, one baptism*, and not one ceremony, one policy; if we would observe the league amongst Christians that is penned by our Saviour, *he that is not against us is with us*; if we could but comprehend that saying, *differentiarum rituum commendant unitatem doctrinae*; the diversities of ceremonies do set forth the unity of doctrine; and that *habet religio quae sunt aeternitatis, habet quae sunt temporis*; religion hath parts which belong to eternity, and parts which pertain to time: and if we did but know the virtue of silence, and slowness to speak, commended by St. James, our controversies of themselves would close up and grow together: but most especially, if we would leave the overweaning and turbulent humours of these times, and revive the blessed proceeding of the Apostles and Fathers of the primitive church, which was, in the like and greater cases not to enter into assertions and positions, but to deliver counsels and advices, we should need no other remedy at all; *si eadem consulis (frater) quae affirmas, consulenti debetur reverentia, cum non debeatur fides affirmanti*; brother, if that which you set down as an assertion, you would deliver by way of advice, there were reverence due to your counsel, whereas faith is not due to your affirmation. St. Paul was content to speak thus, *Ego, non Dominus*, I, and not the Lord: *Et, secundum consilium meum*; according to my counsel. But now men do too lightly say, *Non ego, sed Dominus*; not I, but the Lord: yea, and bind it with an heavy denunciation of his judgments, to terrify the simple, which have not sufficiently understood out of Solomon, that *the causeless curse shall not come*.

Therefore seeing the accidents are they which breed the peril, and not the things themselves in their own nature, it is meet the remedies be applied unto them, by opening what it is on either part, that keepeth the wound green, and formalizeth both sides to a farther opposition, and worketh an indisposition in mens minds to be reunited: wherein no accusation is pretended; but I find in reason, that peace is best built upon a repetition of wrongs; and in example, that the speeches which have been made by the wisest men, *de concordia ordinum*, have not abstained from reducing to memory the extremities used on both parts; so as it is true which is said, *Qui pacem tractat non repetitis conditionibus dissidii, is magis animos hominum dulcedine pacis fallit, quam aequitate componit*.

And first of all, it is more than time that there were an end and surcease made of this immodest and deformed manner of writing lately entertained, whereby matter of religion is handled in the style of the stage. Indeed, bitter and earnest writing must not hastily be condemned; for men cannot contend coldly, and without affection, about things which they hold dear and precious. A politick man may write from his brain, without touch and sense of his heart; as in a speculation that appertaineth not unto him; but a feeling Christian will express in his words a character of zeal or love. The latter of which, as I could wish rather embraced, being more proper for these times, yet is the former warranted also by great examples.

But to leave all reverent and religious compassion towards evils, or indignation towards faults, and to turn religion into a comedy or satire; to search and rip up wounds with a laughing countenance, to intermix Scripture and scurrility sometime in one sentence, is a thing far from the devout reverence of a Christian, and scant befitting the honest regard of a sober man. *Non est major confusio, quam serii et joci*. There is no greater confusion, than the confounding of jest and earnest. The majesty of religion, and the contempt and deformity of things ridiculous, are things as distant as things may be. Two principal causes

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have I ever known of atheism; curious controversies, and prophane scoffing: now that these two are joined in one, no doubt that sect will make no small progression.

And here I do much esteem the wisdom and religion of that bishop which replied to the first pamphlet of this kind, who remembered that a fool was to be answered, but not by becoming like unto him; and considered the matter which he handled, and not the person with whom he dealt.

Job, speaking of the majesty and gravity of a judge in himself, saith, *If I did smile, they believed it not*: as if he should have said, If I diverted, or glanced upon conceit of mirth, yet mens minds were so possessed with a reverence of the action in hand, as they could not receive it. Much more ought not this to be amongst bishops and divines disputing about holy things. And therefore as much do I mislike the invention of him who (as it seemeth) pleased himself in it as in no mean policy, that these men are to be dealt withal at their own weapons, and pledged in their own cup. This seemed to him as profound a device, as when the cardinal Sanfovino counselled Julius the second to encounter the council of Pisa with the council of Lateran; or as lawful a challenge as Mr. Jewel made to confute the pretended catholicks by the Fathers: but those things will not excuse the imitation of evil in another. It should be contrariwise with us, as Cæsar said, *Nil malo, quam eos similes esse sui, et me mei*. But now, *Dum de bonis contendimus, de malis consentimus*; while we differ about good things, we resemble in evil.

Surely, if I were asked of these men, who were the more to be blamed; I should percase remember the proverb, that the second blow maketh the fray and the saying of an obscure fellow; *Qui replicat, multiplicat*; he that replieth, multiplieth. But I would determine the question with this sentence; *Alter principium malo dedit, alter modum abstulit*; by the one means we have a beginning, and by the other we shall have none end.

And truly, as I do marvel that some of those preachers which call for reformation (whom I am far from wronging so far, as to join them with these scoffers) do not publish some declaration, whereby they may satisfy the world, that they dislike their cause should be thus solicited; so I hope assuredly, that my lords of the clergy have none intelligence with this interlibelling, but do altogether disallow that their credit should be thus defended. For though I observe in one of them many glosses, whereby the man would insinuate himself into their favours, yet I find it to be ordinary, that many pressing and fawning persons do misconjuncture of the humours of men in authority, and many times, *Veneri immolant suam*, they seek to gratify them with that which they most dislike: for I have great reason to satisfy myself touching the judgment of my lords the bishops in this matter, by that which was written by one of them, which I mentioned before with honour. Nevertheless I note, there is not an indifferent hand carried towards these pamphlets as they deserve; for the one sort flieth in the dark, and the other is uttered openly; wherein I might advise that side out of a wise writer, who hath set it down, that *punitis ingeniis gliscit auctoritas*.

And indeed we see it ever falleth out, that the forbidden writing is always thought to be certain sparks of a truth that fly up into the faces of those that seek to choak it, and tread it out; whereas a book authorized is thought to be but *temporis voces*, the language of the time. But in plain truth I do find (to mine understanding) these pamphlets as meet to be suppressed as the other. First, because as the former sort doth deface the government of the church in the persons of the bishops and prelates, so the other doth lead into contempt the exercises of religion in the persons of sundry preachers; so as it disgraceth an higher matter, though in the meaner person.

Next, I find certain indiscreet and dangerous amplifications, as if the civil government itself of this state had near lost the force of her sinews, and were ready to enter into some convulsion, all things being full of faction and disorder; which is as unjustly acknowledged, as untruly affirmed. I know his meaning

is to enforce this irreverent and violent impugning of the government of bishops to be a suspected forerunner of a more general contempt. And I grant there is a sympathy between the estates; but no such matter in the civil policy, as deserveth so dishonourable a taxation.

To conclude this point: As it were to be wished that these writings had been abortive, and never seen the sun; so the next is, since they be come abroad, that they be censured (by all that have understanding and conscience) as the intemperate extravagancies of some light persons. Yea farther, that men beware (except they mean to adventure to deprive themselves of all sense of religion, and to pave their own hearts, and make them as the high way) how they may be conversant in them, and much more how they delight in that vein; but rather to turn their laughing into blushing, and to be ashamed, as of a short madness, that they have in matters of religion taken their disport and solace. But this, perchance, is of these faults which will be soonest acknowledged; though I perceive, nevertheless, that there want not some who seek to blanch and excuse it.

But to descend to a sincere view and consideration of the accidents and circumstances of these controversies, wherein either part deserveth blame or imputation, I find generally, in causes of church matters, that men do offend in some or all of these five points.

The first is, the giving occasion unto the controversies; and also the inconsiderate and ungrounded taking of occasion.

The next is, the extending and multiplying the controversies to a more general opposition or contradiction than appeareth at the first propounding of them, when mens judgments are least partial.

The third is, the passionate and unbrotherly practices and proceedings of both parts towards the persons each of others, for their discredit and suppression.

The fourth is, the courses holden and entertained on either side, for the drawing of their partisans to a more strait union within themselves, which ever importeth a farther distraction of the entire body.

The last is, the undue and inconvenient propounding, publishing, and debating of the controversies. In which point the most palpable error hath been already spoken of, as that, which through the strangeness and freshness of the the abuse first offereth itself to the conceits of all men.

Now concerning the occasion of the controversies, it cannot be denied, but that the imperfections in the conversation and government of those which have chief place in the church, have ever been principal causes and motives of schisms and divisions. For whilst the bishops and governors of the church continue full of knowledge and good works; whilst they feed the flock indeed; whilst they deal with the secular states in all liberty and resolution, according to the majesty of their calling, and the precious care of souls imposed upon them, so long the church is *situated* as it were *upon an hill*; no man maketh question of it, or seeketh to depart from it: but when these virtues in the fathers and leaders of the church have lost their light, and that they wax worldly, lovers of themselves, and pleasers of men, then men begin to grope for the church as in the dark; they are in doubt whether they be the successors of the apostles, or of the Pharisees: yea, howsoever they sit in Moses' chair, yet they can never speak, *tanquam auctoritatem habentes*, as having authority, because they have lost their reputation in the consciences of men, by declining their steps from the way which they trace out to others; so as men had need continually have sounding in their ears this same *Nolite exire*, go not out; so ready are they to depart from the church upon every voice. And therefore it is truly noted by one that writeth as a natural man, that the humility of the friers did, for a great time, maintain and bear out the irreligion of bishops and prelates.

For this is the double policy of the spiritual enemy, either by counterfeit holiness of life to establish and authorise errors; or by corruption of manners to discredit and draw in question truth and things lawful. This concerneth my lords the bishops, unto whom I am witness to myself, that I stand affected

as I ought. No contradiction hath supplanted in me the reverence that I owe to their calling; neither hath any detraction or calumny imbas'd mine opinion of their persons. I know some of them whose names are most pierced with these accusations, to be men of great virtues; although the indisposition of the times, and the want of correspondence many ways is enough to frustrate the best endeavours in the edifying of the church. And for the rest, generally, I can condemn none. I am no judge of them that belong to so high a master; neither have I *two witnesses*. And I know it is truly said of fame, that

*Pariter facta, atque infecta canebat.*

Their taxations arise not all from one coast; they have many and different enemies ready to invent slander, more ready to amplify it, and most ready to believe it. And *Magnes mendacii credulitas*; credulity is the adamant of lyes. But if any be, against whom the supreme bishop hath not a few things, but many things; if any have lost his first love; if any be neither hot nor cold; if any have stumbled too fondly at the threshold, in such sort that he cannot sit well, that entered ill; it is time they return whence they are fallen, and confirm the things that remain.

Great is the weight of this fault; *et eorum causa abhorrebant homines a sacrificio Domini*: and for their cause did men abhor the adoration of God. But howsoever it be, those which have sought to deface them, and cast contempt upon them, are not to be excused.

It is the precept of Solomon, that the rulers be not reproached; no, not in our thought: but that we draw our very conceit into a modest interpretation of their doings. The holy angel would give no sentence of blasphemy against the common slanderer, but said, *Increpet te Dominus*, the Lord rebuke thee. The Apostle St. Paul, though against him that did pollute sacred justice with tyrannous violence he did justly denounce the judgment of God, saying, *Percutiet te Dominus*, the Lord will strike thee; yet in saying *paries dealbate*, he thought he had gone too far, and retracted it: whereupon a learned father said, *ipsum quamvis inane nomen, et umbram sacerdotis expavit*.

The antient councils and synods (as is noted by the ecclesiastical story) when they deprived any bishop, never recorded the offence; but buried it in perpetual silence: only Cham purchased his curse by revealing his father's disgrace; and yet a much greater fault is it to ascend from their person to their calling, and draw that in question. Many good fathers spake rigorously and severely of the unworthiness of bishops; as if presently it did forfeit, and cease their office. One saith, *Sacerdotes nominamur, et non sumus*, we are called priests, but priests we are not. Another saith, *Nisi bonum opus amplectaris, episcopus esse non potes*; except thou undertake the good work, thou canst not be a bishop; yet they meant nothing less than to move doubt of their calling or ordination.

The second occasion of controversies, is the nature and humour of some men. The church never wanteth a kind of persons which love the salutation of *Rabbi*, master; not in ceremony or compliment, but in an inward authority which they seek over mens minds, in drawing them to depend upon their opinions, and to seek knowledge at their lips. These men are the true successors of Diotrophes, the lover of pre-eminence, and not lord bishops. Such spirits do light upon another sort of natures, which do adhere to these men; *quorum gloria in obsequio*; stiff followers, and such as zeal marvellously for those whom they have chosen for their masters. This latter sort, for the most part, are men of young years, and superficial understanding, carried away with partial respects of persons, or with the enticing appearance of godly names and pretences: *Pauci res ipsas sequuntur, plures nomina rerum, plurimi nomina magistrorum*; few follow the things themselves, more the names of the things, and most the names of their masters.

About these general affections are wreathed and interlaced accidental and private emulations and discontentments, all which together break forth into contentions; such as either violate truth, sobriety, or peace. These generalities apply themselves. The universities are the seat or the continent of this disease;

disease; whence it hath been, and is derived into the rest of the realm. There men will no longer be *e numero*, of the number. There do others side themselves before they know their right hand from their left: so it is true which is said, *transseunt ab ignorantia ad praejudicium*, they skip from ignorance to a prejudicate opinion, and never take a sound judgment in their way. But as it is well noted, *inter juvenile judicium et senile praejudicium, omnis veritas corrumpitur*: through want of years, when men are not indifferent, but partial, then their judgment is weak and unripe; and when it groweth to strength and ripeness, by that time it is forestalled with such a number of prejudicate opinions, as it is made unprofitable: so as between these two all truth is corrupted. In the mean while, the honourable names of sincerity, reformation, and discipline are put in the fore ward: so as contentions and evil zeals cannot be touched, except these holy things be thought first to be violated. But howsoever they shall infer the solicitation for the peace of the church to proceed from carnal sense, yet I will conclude ever with the apostle Paul, *Cum sit inter vos zelus et contentio, nonne carnales estis?* While there is amongst you zeal and contention, are ye not carnal? And howsoever they esteem the compounding of controversies to favour of man's wisdom and human policy, and think themselves led by the wisdom which is from above; yet I say with St. James, *Non est ista sapientia de sursum descendens, sed terrena, animalis, diabolica: ubi enim zelus et contentio, ibi inconstantia et omne opus praevarium*. Of this inconstancy it is said by a learned father, *Procedere volunt non ad perfectionem, sed ad permutationem*; they seek to go forward still, not to perfection, but to change.

The third occasion of controversies I observe to be an extreme and unlimited detestation of some former heresy or corruption of the church already acknowledged and convicted. This was the cause that produced the heresy of Arius, grounded especially upon detestation of gentilism, lest the christians should seem, by the assertion of the equal divinity of our Saviour Christ, to approach unto the acknowledgment of more gods than one. The detestation of the heresy of Arius produced that of Sabellius; who, holding for execrable the dissimilitude which Arius pretended in the Trinity, fled so far from him, as he fell upon that other extremity, to deny the distinction of persons; and to say they were but only names of several offices and dispensations. Yea, most of the heresies and schisms of the church have sprung up of this root; while men have made it as it were their scale, by which to measure the bounds of the most perfect religion; taking it by the farthest distance from the error last condemned. These be *posthumi haeresium filii*; heresies that arise out of the ashes of other heresies that are extinct and amortized.

This manner of apprehension doth in some degree possess many in our times. They think it the true touchstone to try what is good and evil, by measuring what is more or less opposite to the institutions of the church of Rome, be it ceremony, be it policy or government; yea, be it other institutions of greater weight, that is ever most perfect which is removed most degrees from that church; and that is ever polluted and blemished, which participateth in any appearance with it. This is a subtile and dangerous conceit for men to entertain; apt to delude themselves, more apt to delude the people, and most apt of all to calumniate their adversaries. This surely (but that a notorious condemnation of that position was before our eyes) had long since brought us to the re-baptization of children baptized according to the pretended catholick religion: for I see that which is a matter of much like reason, which is the re-ordaining of priests, is a matter already resolutely maintained. It is very meet that men beware how they be abused by this opinion; and that they know that it is a consideration of much greater wisdom and sobriety to be well advised, whether in general demolition of the institutions of the church of Rome, there were not (as mens actions are imperfect) some good purged with the bad, rather than to purge the church, as they pretend, every day anew; which is the way to make a wound in the bowels, as is already begun.



The fourth and last occasion of these controversies (a matter which did also trouble the church in former times) is the partial affectation and imitation of foreign churches. For many of our men (during the time of persecution, and since) having been conversant in churches abroad, and received a great impression of the form of government there ordained, have violently sought to intrude the same upon our church. But I answer: *Consentiamus in eo quod convenit, non in eo quod receptum est*; let us agree in this, that every church do that which is convenient for the state of itself, and not in particular customs. Although their churches had received the better form, yet many times it is to be sought, *non quod optimum, sed e bonis quid proximum*; not that which is best, but of good things which is the best and readiest to be had. Our church is not now to plant; it is settled and established. It may be, in civil states a republick is a better policy than a kingdom: yet, God forbid that lawful kingdoms should be tied to innovate and make alterations. *Qui mala introducit, voluntatem Dei oppugnat revelatam in verbo; qui nova introducit, voluntatem Dei oppugnat revelatam in rebus*; he that bringeth in evil customs resisteth the will of God revealed in his word; he that bringeth in new things, resisteth the will of God revealed in the things themselves. *Consule providentiam Dei cum verbo Dei*; take counsel of the providence of God, as well as of his word. Neither yet do I admit that their form, although it were possible and convenient, is better than ours, if some abuses were taken away. The parity and equality of ministers is a thing of wonderful great confusion, and so is an ordinary government by synods, which doth necessarily ensue upon the other.

It is hard in all causes, but especially in religion, when voices shall be numbered and not weighed: *Equidem*, saith a wise father, *ut vere quod res est scribant, prorsus decrevi fugere omnem conventum episcoporum; nullius enim concilii bonum exitum unquam vidi; concilia enim non minuunt mala, sed augent potius*. "To say the truth, I am utterly determined never to come to any council of bishops; for I never yet saw good end of any council; for councils abate not ill things, but rather increase them." Which is to be understood not so much of general councils, as of synods, gathered for the ordinary government of the church. As for the deprivation of bishops, and such like causes, this mischief hath taught the use of archbishops, patriarchs, and primates; as the abuse of them since hath taught men to dislike them.

But it will be said; Look to the fruits of the churches abroad and ours. To which I say, that I beseech the Lord to multiply his blessings and graces upon those churches an hundred fold. But yet it is not good, that we fall on the numbring of them; it may be our peace hath made us more wanton: it may be also (though I would be loth to derogate from the honour of those churches, were it not to remove scandals) that their fruits are as torches in the dark, which appear greatest afar off. I know they may have some strict orders for the repressing of sundry excesses: but when I consider of the censures of some persons, as well upon particular men as upon churches, I think on the saying of a Platonist, who saith, *Certe vitia irascibilis partis animae sunt gradu praviora, quam concupiscibilis, tametsi occultiora*; a matter that appeared much by the antient contentions of bishops. God grant that we may contend with other churches, as the vine with the olive, which of us shall bear the best fruit; and not as the briar with the thistle, which of us is most unprofitable. And thus much touching the occasions of these controversies.

Now, briefly to set down the growth and progression of the controversies; whereby will be verified the saying of Solomon; that *the course of Contention is to be stopped at the first; being else as the waters, which if they gain a breach, it will hardly ever be recovered*.

It may be remembered, that on that part, which call for reformation, was first propounded, some dislike of certain ceremonies, supposed to be superstitious; some complaint of dumb ministers who possess rich benefices; and some invectives against the idle and monastical continuance within the universities, by those who had livings to be resident upon; and such like abuses. Thence they

went on to condemn the government of bishops as an hierarchy remaining to us of the corruptions of the Roman church, and to except to sundry institutions in the church, as not sufficiently delivered from the pollutions of former times. And lastly, they are advanced to define of an only and perpetual form of policy in the church; which, without consideration of possibility, and foresight of peril, and perturbation of the church and state, must be erected and planted by the magistrate. Here they stay. Others, not able to keep footing in so steep ground, descend farther; That the same must be entered into and accepted of the people at their peril, without the attending of the establishment of authority. And so in the mean time they refuse to communicate with us, reputed us to have no church. This has been the progression of that side: I mean of the generality. For, I know, some persons (being of the nature, not only to love extremities, but also to fall to them without degrees) were at the highest strain at the first.

The other part, which maintaineth the present government of the church, hath not kept one tenour neither. First, those ceremonies which were pretended to be corrupt, they maintained to be things indifferent, and opposed the examples of the good times of the church to that challenge which was made unto them, because they were used in the later superstitious times. Then were they also content mildly to acknowledge many imperfections in the church: as tares come up amongst the corn; which yet (according to the wisdom taught by our Saviour) were not with strife to be pulled up, lest it might spoil and supplant the good corn, but to grow on together till the harvest. After, they grew to a more absolute defence and maintainance of all the orders of the church, and stiffly to hold, that nothing was to be innovated; partly because it needed not, partly because it would make a breach upon the rest. Hence (exasperated through contentions) they are fallen to a direct condemnation of the contrary part, as of a sect. Yea, and some indiscreet persons have been bold in open preaching to use dishonourable and derogatory speech and censure of the churches abroad; and that so far, as some of our men (as I have heard) ordained in foreign parts have been pronounced to be no lawful ministers. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from itself, as was at the first of one from the other. And surely, though my meaning and scope be not (as I said before) to enter into the controversies themselves, yet I do admonish the maintainers of the alone discipline, to weigh and consider seriously and attentively, how near they are unto them, with whom, I know, they will not join. It is very hard to affirm, that the discipline, which they say we want, is one of the essential parts of the worship of God; and not to affirm withal, that the people themselves, upon peril of salvation, without staying for the magistrate, are to gather themselves into it. I demand, If a civil state should receive the preaching of the word and baptism, and interdict and exclude the sacrament of the Lord's supper, were not men bound upon danger of their souls to draw themselves to congregations, wherein they might celebrate this mystery, and not to content themselves with that part of God's worship which the magistrate had authorised? This I speak, not to draw them into the mislike of others, but into a more deep consideration of themselves: *Fortasse non redeunt, quia suum progressum non intelligunt.*

Again, to my lords the bishops I say, that it is hard for them to avoid blame (in the opinion of an indifferent person) in standing so precisely upon altering nothing: *leges, novis legibus non recreatae, acescunt*; laws not refreshed with new laws, wax sour. *Qui mala non permutat, in bonis non perseverat*; without change of ill, a man cannot continue the good. To take away many abuses, supplanteth not good orders, but establisheth them. *Morosa moris retentio, res turbulenta est, aequae ac novitas*; a contentious retaining of custom is a turbulent thing, as well as innovation. A good husband is ever pruning in his vineyard or his field; not unseasonably indeed, not unskilfully, but lightly; he findeth ever somewhat to do. We have heard of no offers of the bishops of bills in par-

parliament; which no doubt, proceeding from them to whom it properly belongeth, would have every where received acceptance. Their own constitutions and orders have reformed them little. Is nothing amiss? Can any man defend the use of excommunication as a base process to lackey up and down for duties and fees; it being a precursory judgment of the latter day?

Is there no mean to train and nurse up ministers (for the yield of the universities will not serve, though they were never so well governed) to train them, I say, not to preach (for that every man confidently adventureth to do) but to preach soundly, and to handle the Scriptures with wisdom and judgment? I know prophesying was subject to great abuse, and would be more abused now; because heat of contentions is encreased: but I say the only reason of the abuse was, because there was admitted to it a popular auditory, and it was not contained within a private conference of ministers. Other things might be spoken of. I pray God to inspire the bishops with a fervent love and care of the people; and that they may not so much urge things in controversy, as things out of controversy, which all men confess to be gracious and good. And thus much for the second point.

Now, as to the third point, of unbrotherly proceeding on either part, it is directly contrary to my purpose to amplify wrongs: it is enough to note and number them; which I do also, to move compassion and remorse on the offending side, and not to animate challengers and complaints on the other. And this point (as reason is) doth chiefly touch that side which can do most: *Injuriae potentiorum sunt*; injuries come from them that have the upper hand.

The wrongs of them which are possessed of the government of the church towards the other, may hardly be dissembled or excused: they have charged them as though they denied tribute to Cæsar, and withdrew from the civil magistrate the obedience which they have ever performed and taught. They have sorted and coupled them with the *Family of love*, whose heresies they have laboured to destroy and confute. They have been swift of credit to receive accusations against them, from those that have quarrelled with them but for speaking against sin and vice. Their accusations and inquisitions have been strict, swearing men to blanks and generalities (not included within compass of matter certain, which the party which is to take the oath may comprehend) which is a thing captious and strainable. Their urging of subscription to their own articles, is but *laccessere, et irritare morbos ecclesiae*, which otherwise would spend and exercise themselves. *Non consensum quaerit sed dissidium, qui, quod factis praestatur, in verbis exigit*: He seeketh not unity, but division, which exacteth that in words, which men are content to yield in action. And it is true, there are some which (as I am persuaded) will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know this note of inconstancy and defection from that which they have long held, shall disable them to do that good which otherwise they might do: for such is the weakness of many, that their ministry should be thereby discredited. As for their easy silencing of them, in such great scarcity of preachers, it is to punish the people, and not them. Ought they not (I mean the bishops) to keep one eye open, to look upon the good that those men do, not to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, God forbid they should be permitted to preach: but shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a minister shall be troubled for saying in baptism, *do you believe?* for *dost thou believe?* If another shall be called in question for praying for her majesty, without the additions of her style; whereas the very form of prayer in the book of common-prayer hath "thy servant Elizabeth," and no more: If a third shall be accused, upon these words uttered touching the controversies, *tollatur lex, et fiat certamen* (whereby was meant, that the prejudice of the law removed, either reasons should be equally compared) of calling the people to sedition and mutiny, as  
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if he had said, Away with the law, and try it out with force: If these, and other like particulars be true, which I have but by rumour, and cannot affirm; it is to be lamented that they should labour amongst us with so little comfort. I know restrained governments are better than remis; and I am of his mind that said, Better is it to live where nothing is lawful, than where all things are lawful. I dislike that laws should not be continued, or disturbers be unpunished: but laws are likened to the grape, that being too much pressed yields an hard and unwholesome wine. Of these things I must say; *Ira viri non operatur justitiam Dei*; the wrath of man worketh not the righteousness of God.

As for the injuries of the other part, they be *ictus inermes*; as it were headless arrows; they be fiery and eager invectives, and (in some fond men) uncivil and irreverent behaviour towards their superiors. This last invention also, which exposeth them to derision and obloquy by libels, chargeth not (as I am persuaded) the whole side: neither doth that other, which is yet more odious, practised by the worst sort of them; which is, to call in (as it were to their aids) certain mercenary bands, which impugn bishops, and other ecclesiastical dignities, to have the spoil of their endowments and livings: of these I cannot speak too hardly. It is an intelligence between incendiaries and robbers, the one to fire the house, the other to rifle it.

The fourth point wholly pertaineth to them which impugn the present ecclesiastical government; who although they have not cut themselves off from the body and communion of the church, yet do they affect certain cognizances and differences, wherein they seek to correspond amongst themselves, and to be separate from others. And it is truly said, *tam sunt mores quidam schismatici, quam dogmata schismatica*; there be as well schismatical fashions as opinions. First, they have impropriated unto themselves the names of zealous, sincere, and reformed; as if all others were cold minglers of holy things and prophane, and friends of abuses. Yea, be a man endued with great virtues, and fruitful in good works; yet if he concur not with them, they term him (in derogation) a civil and moral man, and compare him to Socrates, or some heathen philosopher: whereas the wisdom of the Scriptures teacheth us otherwise; namely, to judge and denominate men religious according to their works of the second table; because they of the first are often counterfeit, and practised in hypocrisy. So St. John saith, that *a man doth vainly boast of loving God whom he never saw, if he love not his brother whom he hath seen*. And St. James saith, *This is true religion, to visit the fatherless and the widow*. So as that which is with them but philosophical and moral, is, in the apostle's phrase, *true religion and christianity*. As in affection they challenge the said virtues of zeal and the rest; so in knowledge they attribute unto themselves light and perfection. They say, the church of England in king Edward's time, and in the beginning of her majesty's reign, was but in the cradle; and the bishops in those times did somewhat grope for day-break, but that maturity and fulness of light proceedeth from themselves. So Sabinius, bishop of Heraclea, a Macedonian heretick, said, that the fathers in the council of Nice were but infants and ignorant men: that the church was not so perfect in their decrees as to refuse that farther ripeness of knowledge which time had revealed. And as they censure virtuous men by the names of civil and moral, so do they censure men truly and godly wise (who see into the vanity of their affections) by the name of politicks; saying, that their wisdom is but carnal and favouring of man's brain. So likewise if a preacher preach with care and meditation (I speak not of the vain scholastical manner of preaching, but soundly indeed, ordering the matter he handleth distinctly for memory, deducting and drawing it down for direction, and authorizing it with strong proofs and warrants) they censure it as a form of speaking not becoming the simplicity of the gospel, and refer it to the reprehension of St. Paul, speaking of the *enticing speech of man's wisdom*.

Now for their own manner of preaching, what is it? Surely they exhort well, and work compunction of mind, and bring men well to the question, *Viri, fratres, quid faciemus?* But that is not enough, except they resolve the question.

They handle matters of controversy weakly, and *obiter*, and as before a people that will accept of any thing. In doctrine of manners there is little but generality and repetition. The word (the bread of life) they toss up and down, they break it not: they draw not their directions down *ad casus conscientiae*; that a man may be warranted in his particular actions whether they be lawful or not; neither indeed are many of them able to do it, what through want of grounded knowledge, what through want of study and time. It is a compendious and easy thing to call for the observation of the sabbath-day, or to speak against unlawful gain; but what actions and works may be done upon the sabbath, and what not; and what courses of gain are lawful, and in what cases: to set this down, and to clear the whole matter with good distinctions and decisions, is a matter of great knowledge and labour, and asketh much meditation and conversing in the Scriptures, and other helps which God hath provided and preserved for instruction.

Again, they carry not an equal hand in teaching the people their lawful liberty, as well as their restraints and prohibitions: but they think a man cannot go too far in that that hath a shew of a commandment.

They forget that there are sins on the right hand, as well as on the left; and that the word is double-edged, and cutteth on both sides, as well the profane transgressions, as the superstitious observances. Who doubteth but that it is as uniaawful to shut where God hath opened, as to open where God hath shut; to bind where God hath loosed, as to loose where God hath bound? Amongst men it is commonly as ill taken to turn back favours, as to disobey commandments. In this kind of zeal (for example) they have pronounced generally, and without difference, all untruths unlawful; notwithstanding, that the midwives are directly reported to have been blessed for their excuse; and Rahab is said by faith to have concealed the spies; and Solomon's selected judgment proceeded upon a simulation; and our Saviour, the more to touch the hearts of the two disciples with an holy dalliance, made as if he would have passed Emmaus. Farther, I have heard some sermons of mortification, which, I think, with very good meaning, they have preached out of their own experience and exercise, and things in private counsels not unmeet; but surely no sound conceits, much like to Parsons *Resolution*, or not so good; apt to breed in men rather weak opinions and perplexed despairs, than filial and true repentance which is sought.

Another point of great inconvenience and peril, is to entitle the people to hear controversies, and all kinds of doctrine. They say no part of the counsel of God is to be suppressed, nor the people defrauded: so as the difference which the Apostle maketh between milk and strong meat is confounded; and his precept, that the weak be not admitted unto questions and controversies, taketh no place.

But most of all is to be suspected, as a seed of farther inconvenience, their manner of handling the Scriptures; for whilst they seek express Scripture for every thing; and that they have, in a manner, deprived themselves and the church of a special help and support, by embasing the authority of the fathers, they resort to naked examples, conceited inferences, and forced allusions, such as do mine into all certainty of religion.

Another extremity, is the excessive magnifying of that, which though it be a principal and most holy institution, yet hath it limits, as all things else have. We see wheresoever, in a manner, they find in the Scriptures the word spoken of, they expound it of preaching; they have made it, in a manner, of the essence of the sacrament of the Lord's supper, to have a sermon precedent; they have, in a sort, annihilated the use of liturgies, and forms of divine service, although the house of God be denominated of the principal, *domus orationis*, a house of prayer, and not a house of preaching. As for the life of the good monks and hermits in the primitive church, I know, they will condemn a man as half a papist, if he should maintain them as other than profane, because they heard no sermons. In the mean time, what preaching is, and who may be said to preach, they move no question; but (as far as I see)

every man that presumeth to speak in chair, is accounted a preacher. But I am assured, that not a few that call hotly for a preaching ministry, deserve to be the first themselves that should be expelled. All which errors and misproceedings they do fortify and intrench by an addicted respect to their own opinions, and an impatience to hear contradiction or argument; yea, I know some of them that would think it a tempting of God, to hear or read what may be said against them; as if there could be a *quod bonum est, tenete*; without an *omnia probate*, going before.

This may suffice to offer unto themselves a thought and consideration, whether in these things they do well or no? and to correct and assuage the partiality of their followers. For as for any man that shall hereby enter into a contempt of their ministry, it is but his own hardness of heart. I know the work of exhortation doth chiefly rest upon these men, and they have zeal and hate of sin: But again, let them take heed that it be not true which one of their adversaries said, that they have but two small wants, knowledge, and love. And so I conclude this point.

The last point, touching the due publishing and debating of these controversies, needeth no long speech. This strange abuse of antiques and pasquils hath been touched before: so likewise I repeat that which I said, that a character of love is more proper for debates of this nature, than that of zeal. As for all direct or indirect glances or levels at mens persons, they were ever in these causes disallowed.

Lastly, whatsoever be pretended, the people is no meet arbitrator, but rather the quiet, modest, and private assemblies, and conferences of the learned. *Qui apud incapacem loquitur, non disceptat, sed calumniatur.* The press and pulpit would be freed and discharged of these contentions; neither promotion on the one side, nor glory and heat on the other side, ought to continue those challenges and cartels at the cross, and other places: but rather all preachers, especially such as be of good temper, and have wisdom with conscience, ought to inculcate and beat upon a peace, silence, and surseance. Neither let them fear Solon's law, which compelled in factions every particular person to range himself on the one side; nor yet the fond calumny of neutrality; but let them know that is true which is said by a wise man, That neuters in contentions are either better or worse than either side.

These things have I in all sincerity and simplicity set down, touching the controversies which now trouble the church of England; and that without all art and insinuation, and therefore not like to be grateful to either part: Notwithstanding, I trust what hath been said shall find a correspondence in their minds which are not embarked in partiality, and which love the whole better than a part; wherefore I am not out of hope that it may do good; at the least I shall not repent myself of the meditation.



CERTAIN

## CONSIDERATIONS

Touching the better

PACIFICATION and EDIFICATION

OF THE

CHURCH of ENGLAND.

Dedicated to his Most Excellent MAJESTY.

**T**HE unity of your church (excellent Sovereign) is a thing no less precious than the union of your kingdoms; being both works wherein your happiness may contend with your worthiness. Having therefore presumed, not without your Majesty's gracious acceptation, to say somewhat of the one; I am the more encouraged not to be silent in the other: the rather, because it is an argument that I have travelled in heretofore\*. But Solomon commendeth a word spoken in season, and as our Saviour (speaking of the discerning of seasons) saith, *When you see a cloud rising in the west, you say it will be a shower*: so your Majesty's rising to this monarchy in the west parts of the world, doth promise a sweet and fruitful shower of many blessings upon this church and commonwealth; a shower of that influence as the very first dews and drops thereof have already laid the storms and winds throughout Christendom; reducing the very face of Europe to a more peaceable and amiable countenance. But to the purpose.

It is very true, that these ecclesiastical matters are things not properly appertaining to my profession; which I was not so inconsiderate, but to object to myself: but finding that it is many times seen that a man that standeth off, and somewhat removed from a plot of ground, doth better survey it and discover it, than those which are upon it; I thought it not impossible, but that I, as a looker-on, might cast mine eyes upon some things which the actors themselves (especially some being interested, some led and addicted, some declared and engaged) did not or would not see. And that knowing in my conscience (whereto God beareth witness) that the things which I shall speak, spring out of no vein of popularity, ostentation, desire of novelty, partiality to either side, disposition to intermeddle, or any the like leaven; I may conceive hope that what I want in depth of judgment, may be countervailed in simplicity and sincerity of affection. But of all things this did most animate me; that I found in these opinions of mine (which I have long held and embraced, as may appear by that which I have many years since written of them, according to the proportion nevertheless of my weakness) a consent and conformity with that which your Majesty hath published of your own most christian, most wise, and moderate sense, in these causes; wherein you have well expressed to the world, that there is infused in your sacred breast, from God, that high principle, and position of government, That you ever hold the whole more dear than any part.

For who seeth not that many are affected, and give opinion in these matters, as if they had not so much a desire to purge the evil from the good, as to countenance and protect the evil by the good? Others speak as if their scope were  
only

only to set forth what is good, and not to seek what is possible; which is to wish, and not to propound. Others proceed as if they had rather a mind of removing than of reforming. But howsoever either side, as men (though excellent men) shall run into extremities; yet your Majesty, as a most wise, equal, and christian moderator, is disposed to find out the golden mediocrity in the establishment of that which is sound, and in the reparation of that which is corrupt and decayed. To your princely judgment then I do in all humbleness submit whatsoever I shall propound, offering the same but as a mite, into the treasury of your wisdom. For as the astronomers do well observe, that when three of the superior lights do meet in conjunction, it bringeth forth some admirable effects: so there being joined in your Majesty the light of nature, the light of learning, and, above all, the light of God's Holy Spirit; it cannot be but your government must be as a happy constellation over the states of your kingdoms. Neither is there wanting to your Majesty that fourth light, which, though it be but a borrowed light, yet is of singular efficacy and moment added to the rest, which is the light of a most wise and well compounded council; to whose honourable and grave wisdoms I do likewise submit whatsoever I shall speak, hoping that I shall not need to make protestation of my mind and opinion. That, until your Majesty doth otherwise determine and order, all actual and full obedience is to be given to ecclesiastical jurisdiction as it now standeth; and, when your Majesty hath determined and ordered, that every good subject ought to rest satisfied, and apply his obedience to your Majesty's laws, ordinances, and royal commandments; nor of the dislike I have of all immodest bitterness, peremptory presumption, popular handling, and other courses, tending rather to rumour and impression in the vulgar sort, than to likelihood of effect, joined with observation of duty.

But before I enter into the points controverted, I think good to remove (if it may be) two opinions, which directly confront and oppose to reformation: the one bringing it to a nullity, and the other to an impossibility. The first is, that it is against good policy to innovate any thing in church matters: the other, that all reformation must be after one platform.

For the first of these, it is excellently said by the prophet; *State super vias antiquas, et videte, quoniam sit via recta et vera, et ambulate in ea.* So as he doth not say, *State super vias antiquas, et ambulate in eis*: For it is true, that with all wise and moderate persons, custom and usage obtaineth that reverence, as it is sufficient matter to move them to make a stand, and to discover, and take a view; but it is no warrant to guide and conduct them: a just ground, I say, it is of deliberation, but not of direction. But on the other side, who knoweth not, that time is truly compared to a stream, that carrieth down fresh and pure waters into that salt sea of corruption which environeth all human actions? And therefore, if man shall not by his industry, virtue, and policy, as it were with the oar, row against the stream and inclination of time; all institutions and ordinances, be they never so pure, will corrupt and degenerate. But not to handle this matter common-place like; I would only ask, Why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in parliament assembled; devising remedies as fast as time breedeth mischief; and contrariwise the ecclesiastical state should still continue upon the dregs of time, and receive no alteration now for these five and forty years and more? If any man shall object, that if the like intermission had been used in civil causes also, the error had not been great: Surely the wisdom of the kingdom hath been otherwise in experience for three hundred years space at the least. But if it be said to me, that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do: whereas commonly, to speak truth, dilapidations of the inward and spiritual edifications of the church of God are in all times as great as the outward and material. Sure I am that the very word and style of reformation used by our Saviour, *ab initio non fuit sic*, was applied to church matters, and those of the highest nature, concerning the law moral.

Nevertheless, he were both unthankful and unwise, that would deny but that the church of England, during the time of Queen Elizabeth, of famous memory,



did flourish. If I should compare it with foreign churches, I would rather the comparison should be in the virtues, than, as some make it, in the defects; rather, I say, as between the vine and the olive, which should be most fruitful; and not as between the briar and the thistle, which should be most unprofitable. For that reverence should be used to the church, which the good sons of Noah used to their father's nakedness; that is, as it were to go backwards, and to help the defects thereof, and yet to dissemble them. And it is to be acknowledged, that scarcely any church, since the primitive church, yielded, in like number of years and latitude of country, a greater number of excellent preachers, famous writers, and grave governors. But for the discipline and orders of the church, as many, and the chiefest of them, are holy and good; so yet, if St. John were to endite an epistle to the church of England, as he did to them of Asia, it would sure have the clause; *habeo adversus te pauca*. And no more for this point, saving, that as an appendix thereto it is not amiss to touch that objection, which is made to the time, and not to the matter; pretending, that if reformation were necessary, yet it were not now seasonable at your Majesty's first entrance: yet Hippocrates saith, *Si quid moves, a principio move*: and the wisdom of all examples do shew, that the wisest princes, as they have ever been the most sparing in removing or alteration of servants and officers upon their coming in; so for removing of abuses and enormities, and for reforming of laws, and the policy of their states, they have chiefly sought to ennoble and commend their beginnings therewith; knowing that the first impresson with people continueth long, and when mens minds are most in expectation and suspence, then are they best wrought and managed. And therefore it seemeth to me, that as the spring of nature (I mean the spring of the year) is the best time for purging and medicining the natural body, so the spring of kingdoms is the most proper season for the purging and rectifying of politick bodies.

There remaineth yet an objection, rather of suspicion than of reason; and yet such as I think maketh a great impresson in the minds of very wise and well-affected persons; which is, that if way be given to mutation, though it be in taking away abuses, yet it may so acquaint men with sweetness of change, as it will undermine the stability even of that which is sound and good. This surely had been a good and true allegation in the ancient contentions and divisions between the people and the senate of Rome; where things were carried at the appetites of multitudes, which can never keep within the compass of any moderation: but these things being with us to have an orderly passage, under a king who hath a royal power and approved judgment, and knoweth as well the measure of things as the nature of them; it is surely a needless fear. For they need not doubt but your Majesty, with the advice of your council, will discern what things are intermingled like the tares amongst the wheat, which have their roots so enwrapped and entangled, as the one cannot be pulled up without endangering the other; and what are mingled but as the chaff and the corn, which need but a fan to sift and sever them. So much therefore for the first point, of no reformation to be admitted at all.

For the second point, that there should be but one form of discipline in all churches, and that imposed by necessity of a commandment and prescript out of the word of God; it is a matter volumes have been compiled of, and therefore cannot receive a brief redargution. I for my part do confess, that in revolving the Scriptures I could never find any such thing: but that God had left the like liberty to the church government, as he had done to the civil government; to be varied according to time, and place, and accidents, which nevertheless his high and divine providence doth order and dispose. For all civil governments are restrained from God unto the general grounds of justice and manners; but the policies and forms of them are left free: so that monarchies and kingdoms, senates and seignories, popular states, and communalities, are lawful, and where they are planted ought to be maintained inviolate.

So likewise in church matters, the substance of doctrine is immutable; and so are the general rules of government: but for rites and ceremonies, and for the particular hierarchies, policies, and disciplines of churches, they be left at

large. And therefore it is good we return unto the ancient bounds of unity in the church of God; which was, one faith, one baptism; and not, one hierarchy, one discipline: and that we observe the league of Christians, as it is penned by our Saviour; which is in substance of doctrine this: *He that is not with us, is against us*: but in things indifferent, and but of circumstance, this; *He that is not against us, is with us*. In these things, so as the general rules be observed; that Christ's flock be fed; that there be a succession in bishops and ministers, which are the prophets of the New Testament; that there be a due and reverent use of the power of the keys; that those that preach the gospel, live of the gospel; that all things tend to edification; that all things be done in order and with decency, and the like: the rest is left to the holy wisdom and spiritual discretion of the master builders, and inferior builders in Christ's church; as it is excellently alluded by that father that noted, that Christ's garment was without seam; and yet the church's garment was of divers colours: and thereupon setteth down for a rule; *in veste varietas sit, scissura non sit*.

In which variety, nevertheless, it is a safe and wise course to follow good examples and precedents; but then by the rule of imitation and example to consider not only which are best, but which are the likeliest; as namely, the government of the church in the purest times of the first good emperors that embraced the faith. For the times of persecution, before temporal princes received our faith, as they were excellent times for doctrine and manners, so they be improper and unlike examples of outward government and policy. And so much for this point: now to the particular points of controversies, or rather of reformation.

### Circumstances in the government of Bishops.

**F**IRST therefore, for the government of bishops, I for my part, not judging the precedents of other reformed churches, do hold it warranted by the word of God, and by the practice of the ancient church in the better times, and much more convenient for kingdoms, than parity of ministers and government by synods. But then farther, it is to be considered, that the church is not now to plant or build; but only to be pruned from corruption, and to be repaired and restored in some decays.

For it is worth the noting, that the Scripture saith, *Translato sacerdotio, necesse est ut et legis fiat translatio*. It is not possible, in respect of the great and near sympathy between the state civil, and the state ecclesiastical, to make so main an alteration in the church, but it would have a perilous operation upon the kingdoms; and therefore it is fit that controversy be in peace and silence.

But there be two circumstances in the administration of bishops, wherein, I confess, I could never be satisfied; the one, the sole exercise of their authority; the other, the deputation of their authority.

For the first, the bishop giveth orders alone, excommunicateth alone, judgeth alone. This seemeth to be a thing almost without example in good government, and therefore not unlikely to have crept in in the degenerate and corrupt times. We see the greatest kings and monarchs have their councils. There is no temporal court in England of the higher sort where the authority doth rest in one person. The king's bench, common-pleas, and the exchequer, are benches of a certain number of judges. The chancellor of England hath an assistance of twelve masters of the chancery. The master of the wards hath a council of the court: so hath the chancellor of the dutchy. In the exchequer chamber, the lord treasurer is joined with the chancellor and the barons. The masters of the requests are ever more than one. The justices of assize are two. The lord presidents in the North and in Wales have councils of divers. The star-chamber is an assembly of the king's privy council, aspersed with the lords spiritual and temporal: so as in courts the principal person hath ever either colleagues or assessors.

The like is to be found in other well-governed common-wealths abroad, where the jurisdiction is yet more dispersed; as in the court of parliament of  
France,

France, and in other places. No man will deny but the acts that pass the bishop's jurisdiction are of as great importance as those that pass the civil courts: for mens souls are more precious than their bodies or goods; and so are their good names. Bishops have their infirmities, and have no exception from that general malediction which is pronounced against all men living, *Vae soli, nam si occideret, etc.* Nay, we see that the first warrant in spiritual causes is directed to a number, *Dic ecclesiae*; which is not so in temporal matters: and we see that in general causes of church government, there are as well assemblies of all the clergy in councils, as of all the states in parliament. Whence should this sole exercise of jurisdiction come? Surely I do suppose, and, I think, upon good ground, that *ab initio non fuit ita*; and that the deans and chapters were councils about the sees and chairs of bishops at the first, and were unto them a presbytery or consistory; and intermeddled not only in the disposing of their revenues and endowments; but much more in jurisdiction ecclesiastical. But it is probable, that the deans and chapters stuck close to the bishops in matters of profit and the world, and would not lose their hold; but in matters of jurisdiction (which they accounted but trouble and attendance) they suffered the bishops to encroach and usurp; and so the one continueth, and the other is lost. And we see that the bishop of Rome (*fas enim et ab hoste doceri*, and no question in that church the first institutions were excellent) performeth all ecclesiastical jurisdiction as in consistory.

And whereof consisteth this consistory, but of the parish-priests of Rome, which term themselves cardinals, *a cardinibus mundi*; because the bishop pretendeth to be universal over the whole world? And hereof again we see many shadows yet remaining: as, that the dean and chapter, *pro forma*, chuseth the bishop, which is the highest point of jurisdiction: and that the bishop, when he giveth orders, if there be any ministers casually present, calleth them to join with him in imposition of hands, and some other particulars. And therefore it seemeth to me a thing reasonable and religious, and according to the first institution, that bishops, in the greatest causes, and those which require a spiritual discerning, namely, in ordaining, suspending, or depriving ministers, in excommunication (being restored to the true and proper use, as shall be afterwards touched) in sentencing the validity of marriages and legitimations, in judging causes criminous, as simony, incest, blasphemy, and the like, should not proceed sole and unassisted: which point (as I understand it) is a reformation that may be planted *sine strepitu*, without any perturbation at all: and is a matter which will give strength to the bishops, countenance to the inferior degrees of prelates or ministers, and the better issue or proceeding to those causes that shall pass.

And as I wish this strength given to the bishops by council, so it is not unworthy your Majesty's consideration, whether you shall not think fit to give strength to the general council of your clergy (the convocation-house) which was then restrained when the state of the clergy was thought a suspected part to the kingdom, in regard of their late homage to the bishop of Rome; which state now will give place to none in their loyalty and devotion to your Majesty.

For the second point, which is the deputation of their authority, I see no perfect and sure ground for that neither, being somewhat different from the examples and rules of government. The bishop exerciseth his jurisdiction by his chancellor and commissary official, *etc.* We see in all laws in the world, offices of confidence and skill cannot be put over, nor exercised by deputy, except it be especially contained in the original grant; and in that case it is dutiful. And for experience, there was never any chancellor of England made a deputy; there was never any judge in any court made a deputy. The bishop is a judge and of a high nature; whence cometh it that he should depute, considering that all trust and confidence, as<sup>1</sup> was said, is personal and inherent; and cannot, nor ought not to be transposed? Surely in this, again, *ab initio non fuit sic*: but it is probable that bishops when they gave themselves too much to the glory of the world, and became grandees in kingdoms, and great counsellors to princes, then did they delegate their proper jurisdictions, as things of too inferior a nature for their greatness: and then, after the similitude

tude and imitation of kings and counts palatine, they would have their chancellors and judges.

But that example of kings and potentates giveth no good defence. For the reasons why kings administer by their judges, although themselves are supreme judges, are two: the one, because the offices of kings are for the most part of inheritance; and it is a rule in all laws, that offices of inheritance are rather matters that ground in interest than in confidence: for as much as they may fall upon women, upon infants, upon lunatics and ideots, persons incapable to execute judicature in person; and therefore such offices by all laws might ever be exercised and administered by delegation. The second reason is, because of the amplitude of their jurisdictions; which is as great as either their birth-right from their ancestors, or their sword-right from God maketh it. And therefore, if Moses, that was governor over no great people, and those collected together in a camp, and not scattered in provinces and cities, himself of an extraordinary spirit, was nevertheless not able to suffice and hold out in person to judge the people, but did, by the advice of Jethro approved from God, substitute elders and judges; how much more other kings and princes?

There is a third reason likewise, though not much to the present purpose; and that is, that kings, either in respect of the commonwealth, or of the greatness of their own patrimonies, are usually parties in suits; and then their judges stand indifferent between them and the subject: but in the case of bishops, none of these reasons hold. For, first, their office is elective, and for life, and not patrimonial or hereditary; an office merely of confidence, science, and qualification. And for the second reason, it is true, that their jurisdiction is ample and spacious; and that their time is to be divided between the labours as well in the word and doctrine, as in government and jurisdiction: but yet I do not see (supposing the bishops courts to be used incorruptly, and without any indirect course held to multiply causes for gain of fees) but that the bishop might very well, for causes of moment, supply his judicial function in his own person. For we see before our eyes, that one chancellor of England dispatcheth the suits in equity of the whole kingdom; which is not so much by reason of the excellency of that rare honourable person which now holdeth the place: but it was ever so, though more or less burdalous to the suitor, as the chancellor was more or less able to give dispatch. And if hold be taken of that which was said before, that the bishop's labour in the word must take up a principal part of his time; so I may say again, that masters of state have ever taken up most of the chancellor's time; having been for the most part persons upon whom the kings of this realm have most relied for matters of counsel. And therefore there is no doubt but the bishop, whose circuit is less ample, and the causes in nature not so multiplying, with the help of references and certificates to and from fit persons, for the better ripening of causes in their mean proceedings, and such ordinary helps incident to jurisdiction, may very well suffice his office. But yet there is another help: for the causes that come before him are these: tythes, legacies, administrations, and other testamentary causes; causes matrimonial; accusations against ministers, tending to their suspension, deprivation, or degrading; simony, incontinency, heresy, blasphemy, breach of the sabbath, and other like causes of scandal. The first two of these, in my opinion, differ from the rest; that is, tythes and testaments: for those be matters of profit, and in their nature temporal; though, by a favour and connivance of the temporal jurisdiction, they have been allowed and permitted to the courts ecclesiastical: the one, to the end the clergy might sue for that that was their sustentation before their own judges; and the other, in a kind of piety and religion, which was thought incident to the performance of dead mens wills. And surely for these two the bishop, in my opinion, may with less danger discharge himself upon his ordinary judges. And I think likewise it will fall out, that those suits are in the greatest number. But for the rest, which require a spiritual science and discretion, in respect of their nature, or of the scandal; it were reason, in my opinion, there were no audience given but by the bishop himself; he being also assisted, as was touched before: but it were necessary also he were

attended by his chancellor, or some others his officers being learned in the civil laws, for his better instruction in points of formality, or the courses of the court: which if it were done, then were there less use of the official's court, whereof there is now so much complaint: and causes of the nature aforesaid being only drawn to the audience of the bishop, it would repress frivolous and prowling suits, and give a grave and incorrupt proceeding to such causes as shall be fit for the court.

There is a third point also, not of jurisdiction, but of form of proceeding, which may deserve reformation, the rather, because it is contrary to the laws and customs of this land and state, which though they do not rule those proceedings, yet may they be advised with for better directions; and that is the oath *ex officio*; whereby men are enforced to accuse themselves, and, that that is more, are sworn unto blanks, and not unto accusations and charges declared. By the law of England no man is bound to accuse himself. In the highest cases of treason, torture is used for discovery; and not for evidence. In capital matters, no delinquent's answer upon oath is required; no, not permitted. In criminal matters not capital, handled in the star-chamber, and in causes of conscience handled in the chancery, for the most part grounded upon trust and secrecy, the oath of the party is required. But how? Where there is an accusation and an accuser, which we call bills of complaint (from which the complainant cannot vary, and out of the compass of the which the defendant may not be examined) exhibited unto the court, and by process notified unto the defendant. But to examine a man upon oath, out of the insinuation of fame, or out of accusations secret and undeclared, though it have some countenance from the civil law; yet it is so opposite *ex diametro* to the sense and course of the common law, as it may well receive some limitation.

### Concerning the Liturgy, the Ceremonies, and Subscription.

FOR the liturgy, great respect and heed would be taken, lest by inveighing against the dumb ministry, due reverence be not withdrawn from the liturgy. For though the gift of preaching be far above that of reading; yet the action of the liturgy is as high and holy as that of the sermon. It is said, *Domus mea domus orationis vocabitur: the house of prayer*; not the house of preaching: and whereas the apostle saith, *How shall men call upon him, on whom they have not believed? And how shall they believe unless they hear? And how shall they hear, without a preacher?* it appeareth that as preaching is the more original, so prayer is the more final; as the difference is between the seed and the fruit: for the keeping of God's law, is the fruit of the teaching of the law; and prayer, or invocation, or divine service, or liturgy (for these be but varieties of terms) is the immediate hallowing of the name of God, and the principal work of the first table, and of the great commandment of the love of God. It is true that the preaching of the holy word of God is the sowing of the seed; it is the lifting up of the brazen serpent, the ministry of faith, and the ordinary means of salvation; but yet it is good to take example, how that the best actions of the worship of God may be extolled excessively and superstitiously. As the extolling of the sacrament bred the superstition of the mass; the extolling of the liturgy and prayers bred the superstition of the monastical orders and oraisons: and so no doubt preaching likewise may be magnified and extolled superstitiously, as if all the whole body of God's worship should be turned into an ear. So as none (as I suppose) of sound judgment will derogate from the liturgy, if the form thereof be in all parts agreeable to the word of God, the example of the primitive church, and that holy decency which St. Paul commendeth. And therefore, first, that there be a set form of prayer, and that it be not left either to an extemporal form, or to an arbitrary form. Secondly, that it consist as well of lauds, hymns, and thanksgivings, as of petitions, prayers, and supplications. Thirdly, that the form thereof be quickned with some shortness and diversities of prayers

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and hymns, and with some interchanges of the voice of the people, as well as of the minister. Fourthly, that it admit some distinctions of times, and commemorations of God's principal benefits, as well general as particular. Fifthly, that prayers likewise be appropriated to several necessities and occasions of the church. Sixthly, that there be a form likewise of words and liturgy in the administration of the sacraments, and in the denouncing of the censures of the church, and other holy actions and solemnities: these things, I think, will not be much controverted.

But for the particular exceptions to the liturgy in form as it now standeth, I think divers of them allowing they were just, yet seem they not to be weighty; otherwise than that nothing ought to be counted light in matters of religion and piety: as the heathen himself could say, *etiam vultu saepe laeditur pietas*. That the word (priest) should not be continued, especially with offence, the word (minister) being already made familiar. This may be said that it is a good rule in translation, never to confound that in one word in the translation, which is precisely distinguished in two words in the original, for doubt of equivocation and traducing. And therefore seeing the word *προεβύτερος* and *ιερεύς* be always distinguished in the original; and the one used for a sacrificer, the other for a minister; the word (priest) being made common to both (whatsoever the derivation be) yet in use it confoundeth the minister with the sacrificer. And for an example of this kind, I did ever allow the discretion and tenderness of the Rheimish translation in this point; that finding in the original the word *ἀγάπη* and never *ἔργος*, do ever translate charity, and never love, because of the indifferency and equivocation of the word with impure love.

Touching the absolution; it is not unworthy consideration, whether it may not be thought improper and unnecessary: for there are but two sorts of absolution; both supposing an obligation precedent: the one upon an excommunication, which is religious and primitive; the other upon confession and penance, which is superstitious, or at least positive; and both particular, neither general. Therefore since the one is taken away, and the other hath its proper case, what doth a general absolution, wherein there is neither penance nor excommunication precedent? for the church never looseth, but where the church hath bound. And surely I may think this at the first was allowed in a kind of spiritual discretion, because the church thought the people could not be suddenly weaned from their conceit of assoyling, to which they had been so long accustomed.

For confirmation, to my understanding, the state of the question is, whether it be not a matter mistaken and altered by time; and whether that be not now made a subsequent to baptism, which was indeed an inducement to the communion. For whereas in the primitive church children were examined of their faith before they were admitted to the communion, time may seem to have turned it to refer as if it had been to receive a confirmation of their baptism.

For private baptism by women, or lay-persons, the best divines do utterly condemn it; and I hear it not generally defended; and I have often marvelled, that where the book in the preface to publick baptism doth acknowledge that baptism in the practice of the primitive church was anniversary, and but at certain times; which sheweth that the primitive church did not attribute so much to the ceremony, as they would break an outward and general order for it; the book should afterwards allow of private baptism, as if the ceremony were of that necessity, as the very institution, which committed baptism only to the ministers, should be broken in regard of the supposed necessity. And therefore this point of all others I think was but a *Concessum propter duritiam cordis*.

For the form of celebrating matrimony, the ring seemeth to many even of vulgar sense and understanding, a ceremony not grave, especially to be made (as the words make it) the essential part of the action; besides, some other of the words are noted in speech to be not so decent and fit.

For musick in churches; that there should be singing of psalms and spiritual songs, is not denied: so the question is *de modo* wherein if a man will look

attentively into the order and observation of it, it is easy to discern between the wisdom of the institution, and the excess of the late times. For first there are no songs or verses sung by the quire, which are not supposed by continual use to be so familiar with the people, as they have them without book; whereby the sound hurteth not the understanding; and those which cannot read upon the book, are yet partakers of the sense, and may follow it with their mind. So again, after the reading of the word, it was thought fit there should be some pause for holy meditation, before they proceeded to the rest of the service: which pause was thought fit to be filled rather with some grave sound, than with a still silence; which was the reason of the playing upon the organs after the Scriptures read; all which was decent and tending to edification. But then the curiosity of division and reports, and other figures of musick; have no affinity with the reasonable service of God, but were added in the more pompous times.

For the cap and surplice, since they be things in their nature indifferent, and yet by some held superstitious; and that the question is between science and conscience, it seemeth to fall within the compass of the apostle's rule; which is, *that the stronger do descend and yield to the weaker*. Only the difference is, that it will be materially said, that the rule holdeth between private man, and private man; but not between the conscience of a private man, and the order of a church. But yet since the question at this time is of a toleration, not by connivance, which may encourage disobedience, but by law, which may give a liberty; it is good again to be advised whether it fall not within the equity of the former rule: the rather, because the silencing of ministers by this occasion, is, in this scarcity of good preachers, a punishment that lighteth upon the people as well as upon the party. And for the subscription, it seemeth to me in the nature of a confession, and therefore more proper to bind in the unity of faith, and to be urged rather for articles of doctrine, than for rites and ceremonies, and points of outward government. For howsoever politick considerations and reasons of state may require uniformity, yet christian and divine grounds look chiefly upon unity.

### Touching a Preaching Ministry.

**T**O speak of a learned ministry: it is true that the worthiness of the pastors and ministers is of all other points of religion the most summary; I do not say the greatest, but the most effectual towards the rest: but herein, to my understanding, while men go on in zeal to hasten this work, they are not aware of as great or greater inconvenience, than that which they seek to remove. For while they inveigh against a dumb ministry, they make too easy and too promiscuous an allowance of such as they account preachers; having not respect enough to their learnings in other arts, which are handmaids to divinity; not respect enough to years, except it be in case of extraordinary gift; not respect enough to the gift itself, which many times is none at all. For God forbid, that every man that can take unto himself boldness to speak an hour together in a church upon a text, should be admitted for a preacher, though he mean never so well. I know there is a great latitude in gifts, and a great variety in auditories and congregations; but yet so as there is *aliquid infimum*, below which you ought not to descend. For you must rather leave the ark to shake as it shall please God, than put unworthy hands to hold it up. And when we are in God's temple, we are warned rather to *put our hands upon our mouth, than to offer the sacrifice of fools*. And surely it may be justly thought, that amongst many causes of atheism, which are miserably met in our age; as schisms and controversies, profane scoffings in holy matters, and others; it is not the least that divers do adventure to handle the word of God, which are unfit and unworthy. And herein I would have no man mistake me, as if I did extol curious and affected preaching; which is as much on the other side to be disliked, and breedeth atheism and scandal as well as the other (for who would not be offended at one that cometh into the pulpit, as if he came upon the stage

to play parts or prizes?) neither on the other side, as if I would discourage any who hath any tolerable gift.

But upon this point I ground three considerations: First, whether it were not requisite to renew that good exercise which was practised in this church, some years, and afterwards put down by order indeed from the church, in regard of some abuse thereof, inconvenient for those times; and yet against the advice and opinion of one of the greatest and gravest prelates of this land, and was commonly called prophesying; which was this: That the ministers within a precinct did meet upon a week-day in some principal town, where there was some ancient grave minister, that was president, and an auditory admitted of gentlemen, or other persons of leisure. Then every minister successively, beginning with the youngest, did handle one and the same part of Scripture, spending severally some quarter of an hour or better, and in the whole some two hours: and so the exercise being begun and concluded with prayer, and the president giving a text for the next meeting, the assembly was dissolved. And this was, as I take it, a fortnight's exercise; which, in my opinion, was the best way to frame and train up preachers to handle the word of God as it ought to be handled, that hath been practised. For we see orators have their declamations, lawyers have their moots, logicians their sophisms; and every practice of science hath an exercise of erudition and initiation before men come to the life; only preaching, which is the worthiest, and wherein it is most danger to do amiss, wanteth an introduction, and is ventured and rushed upon at the first. But unto this exercise of the prophecy, I would wish these two additions: the one, that after this exercise, which is in some sort public, there were immediately a private meeting of the same ministers, where they might brotherly admonish the one the other, and especially the elder sort the younger, of any thing that had passed in the exercise in matter or manner un-found and uncomely; and in a word, might mutually use such advice, instruction, comfort, or encouragement, as occasion might minister; for publick reprehension were to be debarred. The other addition, that I mean, is that the same exercise were used in the universities for young divines before they presumed to preach, as well as in the country for ministers. For they have in some colleges an exercise called a common place; which can in no degree be so profitable, being but the speech of one man at one time. And if it be feared, that it may be occasion to whet mens speeches for controversies, it is easily remedied, by some strict prohibition, that matters of controversy tending any way to the violating or disquieting the peace of the church, be not handled or entered into; which prohibition, in regard there is ever to be a grave person president or moderator, cannot be frustrated. The second consideration is, whether it were not convenient there should be a more exact probation and examination of ministers: namely, that the bishops do not ordain alone, but by advice; and then that ancient holy order of the church might be revived; by the which the bishop did ordain ministers but at four set times of the year; which were called *Quatuor tempora*; which are now called Ember-weeks: it being thought fit to accompany so high an action with general fasting and prayer, and sermons, and all holy exercises; and the names likewise of those that were to be ordained, were published some days before their ordination; to the end, exceptions might be taken, if just cause were. The third consideration is, that if the case of the church of England be, that were a computation taken of all the parochian churches (allowing the union of such as were too small and adjacent) and again a computation to be taken of the persons who were worthy to be pastors; and upon the said account if it fall out that there are many more churches than pastors, then of necessity recourse must be had to one of these remedies; either that pluralities must be allowed (especially if you can by permutation make the benefices more compatible;) or that there be allowed preachers to have a more general charge, to supply and serve by turn parishes unfurnished: for that some churches should be provided of pastors able to teach, and others wholly destitute, seemeth to me to be against the communion of saints and christians, and against the practice of the primitive church.



## Touching the abuse of Excommunication.

**E**Xcommunication is the greatest judgment upon earth; being that which is ratified in heaven; and being a precursory or prelufory judgment of the great judgment of Christ in the end of the world. And therefore for this to be used irreverently, and to be made an ordinary process, to lackey up and down for fees; how can it be without derogation to God's honour, and making the power of the keys contemptible? I know very well the defence thereof, which hath no great force; that it issueth forth not for the thing itself, but for the contumacy. I do not deny, but this judgment is, as I said before, of the nature of God's judgments; of the which it is a model. For as the judgment of God taketh hold of the least sin of the impenitent, and taketh no hold of the greatest sin of the convert or penitent; so excommunication may in case issue upon the smallest offence, and in case not issue upon the greatest: but is this contumacy such a contumacy as excommunication is now used for? For the contumacy must be such as the party (as far as the eye and wisdom of the church can discern) standeth in state of reprobation and damnation: as one that for that time seemeth given over to final impenitency. Upon this observation I ground two considerations: the one, that this censure be restored to the true dignity and use thereof; which is, that it proceed not but in causes of great weight; and that it be decreed not by any deputy or substitute of the bishop, but by the bishop in person; and not by him alone, but by the bishop assisted.

The other consideration is, that in lieu thereof, there be given to the ecclesiastical court some ordinary process with such force and coercion as appertaineth; that so the dignity of so high a sentence being retained, and the necessity of mean process supplied, the church may be indeed restored to the ancient vigour and splendour. To this purpose, joined with some other holy and good purposes, was there a bill drawn in parliament, in the three and twentieth year of the reign of the queen deceased; which was the gravest parliament that I have known; and the bill recommended by the gravest counsellor of estate in parliament; though afterwards it was stayed by the queen's special commandment, the nature of those times considered.

## Touching Non-Residents, and Pluralities.

**F**OR non-residence, except it be in case of necessary absence, it seemeth an abuse drawn out of covetousness and sloth: for that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted, as hath been touched before. The questions upon this point do arise upon the cases of exception and excusation, which shall be thought reasonable and sufficient, and which not. For the case of chaplains, let me speak that with your Majesty's pardon, and with reverence towards the other peers and grave persons, whose chaplains by statutes are privileged: I should think, that the attendance which chaplains give to your Majesty's court, and in the houses and families of their lords, were a juster reason why they should have no benefice, than why they should be qualified to have two: for, as it standeth with christian policy, that such attendance be in no wise neglected; because that good, which ensueth thereof to the church of God, may exceed, or countervail that which may follow of their labours in any, though never so large a congregation; so it were reasonable that their maintenance should honourably and liberally proceed thence, where their labours be employed. Neither are there wanting in the church dignities and preferments not joined with any exact cure of souls; by which, and by the hope of which, such attendants in ordinary (who ought to be, as for the most part they are, of the best gifts and sort) may be farther encouraged and rewarded. And as for extraordinary attendants, they may very well retain

the grace and countenance of their places and duties at times incident thereunto, without discontinuance or non-residence in their pastoral charges. Next for the case of intending studies in the universities, it will more easily receive an answer; for studies do but serve and tend to the practice of those studies: and therefore for that which is most principal and final to be left undone, for the attending of that which is subservient and subministrant, seemeth to be against proportion of reason. Neither do I see, but that they proceed right well in all knowledge, which do couple study with their practise; and do not first study altogether, and then practise altogether; and therefore they may very well study at their benefices. Thirdly, for the case of extraordinary service of the church; as if some pastor be sent to a general council, or here to a convocation; and likewise for the case of necessity, as in the particular of infirmity of body, and the like, no man will contradict, but that there may be some substitution for such a time. But the general case of necessity is the case of pluralities; the want of pastors and insufficiency of livings considered, *posito*, that a man doth faithfully and incessantly divide his labours between two cures; which kind of necessity I come now to speak of in the handling of pluralities.

For pluralities, in case the number of able ministers were sufficient, and the value of benefices were sufficient, then pluralities were in no sort tolerable. But we must take heed, we desire not contraries. For to desire that every parish should be furnished with a sufficient preacher, and to desire that pluralities be forthwith taken away, is to desire things contrary; considering, *de facto*, there are not sufficient preachers for every parish: whereto add likewise, that there is not sufficient living and maintenance in many parishes, to maintain a preacher; and it maketh the impossibility yet much the greater. The remedies *in rerum natura* are but three; union, permutation, and supply. Union of such benefices as have the living too small, and the parish not too great, and are adjacent. Permutation, to make benefices more compatible, though men be over-ruled to some loss in changing a better for a nearer. Supply, by stipendiary preachers, to be rewarded with some liberal stipends, to supply, as they may, such places which are unfurnished of sufficient pastors: as Queen Elizabeth, amongst other her gracious acts, did erect certain of them in Lancashire; towards which pensions, I see no reason but reading ministers, if they have rich benefices, should be charged.

#### Touching the Provision for sufficient Maintenance in the Church.

**T**ouching church-maintenance, it is well to be weighed what is *jure divino*, and what *jure positivo*. It is a constitution of the divine law, from which human laws cannot derogate, that those which feed the flock, should live of the flock; that those that serve at the altar, should live of the altar; that those which dispense spiritual things, should reap temporal things; of which it is also an appendix, that the proportion of this maintenance be not small or necessitous, but plentiful and liberal. So then, that all the places and offices of the church be provided of such a dotation, that they may be maintained, according to their several degrees, is a constitution permanent and perpetual: but for particularity of the endowment, whether it should consist of tithes, or lands, or pensions, or mixt, might make a question of convenience, but no question of precise necessity. Again, that the case of the church *de facto* is such, that there is want in the church of patrimony, is confessed. For the principal places, namely, the bishops livings, are in some particulars not sufficient; and therefore enforced to be supplied by toleration of Commendams, things of themselves unfit, and ever held of no good report. And as for the benefices and pastors places, it is manifest that very many of them are very weak and penurious. On the other side, that there was a time when the church was rather burthened with superfluity, than with lack, that is likewise apparent; but it is long since; so as the fault was in others, the want redoundeth unto us. Again, that it were to be wished that impropriations were returned to the church as the most proper

and natural endowments thereof, is a thing likewise wherein mens judgments will not much vary. Nevertheless, that it is an impossibility to proceed now, either to their resumption or redemption, is as plain on the other side. For men are stated in them by the highest assurance of the kingdom, which is, act of parliament; and the value of them amounteth much above ten subsidies; and the restitution must of necessity pass their hands, in whose hands they are now in possession or interest.

But of these things which are manifestly true, to infer and ground some conclusions. First, in mine own opinion and sense, I must confess (let me speak it with reverence) that all the parliaments since 27 and 31 of Henry VIII. (who gave away impropriations from the church) seem to me to stand in a sort obnoxious, and obliged to God in conscience to do somewhat for the church, to reduce the patrimony thereof to a competency. For since they have debarred Christ's wife of a great part of her dowry, it were reason they made her a competent jointure. Next to say, that impropriations should be only charged, that carrieth neither possibility nor reason. Not possibility, for the reasons touched before: not reason, because if it be conceived, that if any other person be charged, it should be a re-charge, or double-charge, inasmuch as he payeth tythes already, that is a thing mistaken. For it must be remembered, that as the realm gave tythes to the church, so the realm since again hath given tythes away from the church unto the King, as they may give their eighth sheaf or ninth sheaf. And therefore the first gift being evacuated, it cannot go in defeasance or discharge of that perpetual bond, wherewith men are bound to maintain God's ministers. And so we see in example, that divers godly and well disposed persons, not impropiators, are content to encrease their preachers livings; which, though in law it be but a benevolence, yet before God it is a conscience. Farther, that impropriation should not be somewhat more deeply charged than other revenues of like value, methinks, cannot well be denied, both in regard of the ancient claim of the church, and the intention of the first giver: and again, because they have passed in valuation between man and man somewhat at the less rate, in regard of the said pretence or claim of the church in conscience before God. But of this point, touching church-maintenance, I do not think fit to enter into farther particularity, but reserve the same to a fitter time.

Thus have I in all humbleness and sincerity of heart, to the best of my understanding, given your Majesty tribute of my cares and cogitations in this holy business, so highly tending to God's glory, your Majesty's honour, and the peace and welfare of your states: insomuch as I am persuaded that the papists themselves should not need so much the severity of penal laws, if the sword of the Spirit were better edged, by strengthening the authority, and suppressing the abuses in the church.

To conclude, renewing my most humble submission of all that I have said to your Majesty's most high wisdom, and again, most humbly craving pardon for any errors committed in this writing; which the same weakness of judgment that suffered me to commit them, would not suffer me to discover them, I end with my devout and fervent prayer to God, that as he hath made your Majesty the corner-stone, in joining your two kingdoms, so you may be also as a corner-stone to unite and knit together these differences in the church of God; to whose heavenly grace and never-erring direction, I commend your Majesty's sacred person, and all your doings.

