

62

ADDITIONAL NOTES
ON THE *History*
Life and Death
OF
Sir MATTHEW HALE,
THE LATE
Universally Honoured and Loved
LORD CHIEF JUSTICE
OF THE
KINGS BENCH.

Written by *Richard Baxter*, at the request of
Edward Stephens, Esq; the Publisher of his
Contemplations, and his familiar Friend.
And Published by the urgency of others.

L O N D O N:
Printed for *Richard Janeway*, in *Queens-head-
Alley* in *Pater-noster-Row*. 1682.



NOte, that this Narrative was written two years before Dr. Burnet's; and it's not to be doubted, but that he had better information of his Manuscripts, and some other circumstances than I. But of those Manuscripts directed to me, about the souls Immortality, of which I have the Originals under his Hand, and also of his thoughts of the Subjects mentioned by me, from 1671. till he went to die in Gloucestershire, I had the fullest notice.

READER,

Since the History of Judg Hale's Life is published (written by Dr. Burnet very well), some men have thought, that because my familiarity with him was known, and the last time of a mans Life is supposed to contain his maturest judgment, time, study and experience correcting former oversights: and this great man, who was most diligently and thirstily learning to the last, was like to be still wiser, the notice that I had of him in the later years of his Life should not be omitted.

I was never acquainted with him till 1667. and therefore have nothing to say of the former part of his Life; nor of the later, as to any publick affairs, but only of what our familiar converse acquainted me: But the visible effects

To the Reader.

made me wonder at the industry and unwearied labours of his former Life. Besides the Four Volumes against Atheism and Infidelity, in Folio, which I after mention, when I was desired to borrow a Manuscript of his Law-Collections, he shewed me, as I remember, about Two and Thirty Folio's, and told me, he had no other on that Subject (Collections out of the Tower-Records, &c.) and that the Amanuensis work that wrote them, cost him a Thousand pound. He was so set on study, that he resolutely avoided all necessary diversions, and so little valued either grandure, wealth, or any worldly vanity, that he avoided them to that notable degree, which incompetent judges took to be an excess. His Habit was so coarse and plain, that I, who am thought guilty of a culpable neglect therein, have been bold to desire him to lay by some things which seemed too homely. The House which I surrendred to him, and wherein he lived at Acton, was indeed well scituate, but very small, and so far below the ordinary dwellings of men of his



To the Reader.

his rank, as that divers Farmers thereabout had better; but it pleased him. Many censur'd him for choosing his last Wife below his Quality: but the good man more regarded his own daily comfort, than mens thoughts and talk. As far as I could discern, he chose one very suitable to his ends; one of his own judgment and temper, prudent and loving, and fit to please him; and that would not draw on him the trouble of much Acquaintance and Relations. His house-keeping was according to the rest, like his Estate and Mind, but not like his Place and Honour: for he resolved never to grasp at Riches, nor take great fees, but would refuse what many others thought too little. I wondered when he told me how small his Estate was, after such ways of getting as were before him: But as he had little, and desired little, so he was content with little, and suited his Dwelling, Table and Retinue thereto. He greatly shunned the visits of many, or great persons, that came not to him on necessary business, because all his hours were precious to him, and therefore he contrived the avoiding of them,

To the Reader.

and the free enjoyment of his beloved privacy.

I must with a glad remembrance acknowledge, that while we were so unsuitable in places and worth, yet some suitability of judgment and disposition made our frequent converse pleasing to us both. The last time, save one, that I was at his house, he made me lodge there, and in the morning, inviting me to more frequent visits, said, No man shall be more welcome: And he was no dissembler. To signify his love, he put my name, as a Legatee in his Will, bequeathing me Forty shillings. Mr. Stephens gave me two Manuscripts, as appointed by him for me, declaring his judgment of our Church-contentions, and their cure (after mentioned). Though they are imperfect, as written on the same question at several times, I had a great mind to Print them, to try whether the common reverence of the Author would cool any of our contentious Clergy: but hearing, that there was a restraint in his Will, I took out part of a Copy, in which I find these words; I
do

To the Reader.

do expressly declare, That I will have nothing of my own Writings Printed after my Death,, but only such as I shall in my Life-time deliver out to be Printed. And not having received this in his Life-time, nor to be Printed in express terms, I am afraid of crossing the Will of the Dead, though he ordered them for me.

It shewed his mean Estate, as to Riches, that in his Will he is put to distribute the profits of a Book or two, when Printed, among his Friends and Servants. Alas! we that are great losers by Printing, know that it must be a small gain that must thus accrue to them. Doubtless, if the Lord Chief Justice Hale had gathered money as other Lawyers do that had less advantage, as he wanted not will, so he would not have wanted power to have left them far greater Legacies. But the Servants of a self-denying mortified Master, must be content to suffer by his Vertues, which yet, if they imitate him, will turn to their final gain.

God

To the Reader.

God made him a Publick Good, which is more than to get Riches. His great judgment, and known integrity, commanded respect from those that knew him; so that I verily think, that no one Subject since the days that History hath notified the affairs of England to us, went off the stage with greater and more Universal Love and Honour; (And what Honour without Love is, I understand not.) I remember, when his Successor, the Lord Chief Justice Rainsford, falling into some melancholy, came, and sent to me for some advice, he did it, as he said, because Judg Hale desired him so to do; and expressed so great respect to his judgment and Writings, as I perceived much prevailed with him. And many have profited by his contemplations, who would never have read them, had they been written by such a one as I. Yet among all his books and discourses, I never knew of these until he was dead.

His resolution for Justice was so great, that I am persuaded, that no wealth nor honour would have hired him knowingly to do one unjust Act. And

To the Reader.

And though he left us in sorrow, I cannot but acknowledg it a great mercy to him, to be taken away when he was. Alas! what would the good man have done, if he had been put by Plotters, and Traitors, and Swearers, and For swearers, upon all that his Successors have been put to? In likelihood, even all his great wisdom and sincerity, could never have got him through such a wilderness of thorns, and briars, and wild beasts, without tearing in pieces his entire Reputation, if he had never so well secured his conscience. O! how seasonably did he avoid the tempest, and go to Christ!

And so have so many excellent persons, since then, and especially within the space of one year, as may well make England tremble at the Prognostick, that the righteous are taken as from the evil to come. And alas! what an evil is it like to be? We feel our loss. We fear the common danger. But what Believer can chuse but acknowledg Gods mercy to them, in taking them up to the world of Light, Love, Peace and Order, when confusion is coming upon this

To the Reader.

this world, by Darknes, Malignity, Perfidiousness and cruelty. Some think, that the last conflagration shall turn this Earth into Hell. If so, who would not first be taken from it? And when it is so like to Hell already, who would not rather be in Heaven?

Though some mistook this man for a meer Philosopher or Humanist, that knew him not within; yet his most serious description of the sufferings of Christ, and his copious Volumes to prove the truth of the Scripture, Christianity, our Immortality, and the Deity, do prove so much reality in his Faith and Devotion, as makes us past doubt of the reality of his reward and glory.

When he found his belly swell, his breath and strength much abate, and his face and flesh decay, he chearfully received the sentence of Death: And though Dr. Glisson by meer Oximel squilliticum, seemed a while to ease him, yet that also soon failed him; and he told me, he was prepared and contented comfortably to receive his change. And accordingly he left us, and went unto his native Country of Gloucestershire to die, as the history tells you.

Mr.

To the Reader.

Mr. Edward Stephens being most familiar with him, told me his purpose to write his Life: and desired me to draw up the meer Narrative of my short familiarity with him; which I did, as followeth: but hearing no more of him, cast it by: But others desiring it, upon the sight of the published History of his Life by Dr. Burnet, I have left it to the discretion of some of them, to do with it what they will.

And being half dead already in those dearest friends who were half my self, am much the more willing to leave this molehill, and prison of earth, to be with that wise and blessed Society, who being united to their Head in glory, do not envy, hate or persecute each other, nor forsake God, nor shall ever be forsaken by Him.

R. B.



*Additional Notes on the Life
and Death of Sir Matthew
Hale.*

*To my worthy Friend, Mr. Stephens, the
Publisher of Judg Hale's Contemplati-
ons.*

S I R,

YOU desired me to give
you notice of what I
knew, in my personal
converse of the Great
Lord Chief Justice of
England, Sir Matthew Hale. You have
partly

B

artly made any thing of mine unmeet or the sight of any but your self and his private friends (to whom it is useless), by your divulging those words of his extraordinary favour to me, which will make it thought, that I am partial in his praises. And indeed that excessive esteem of his, which you have told men of, is a divulging of his imperfection, who did over-value so unworthy a person as I know my self to be.

I will promise you to say nothing but the truth; and judg of it, and use it as you please.

My acquaintance with him was not long: and I lookt on him as an excellent person, studied in his own way, which I hoped I should never have occasion to make much use of; but I thought not, so versed in our matters as our selves. I was confirmed in this conceit by the first report I had from him, which was his wish, that Dr. Reynolds,

Mr.



Mr. Calamy and I, would have taken Bishopricks, when they were offered us by the Lord Chancellor, as from the King, in 1660. (as one did). I thought he understood not our case, or the true state of *English* Prelacy. Many years after, when I lived at *Aston*, he being Lord Chief Baron of the Exchequer, suddenly took a house in the Village. We sate next seats together at Church for many weeks, but neither did he ever speak to me, or I to him. At last, my extraordinary friend (to whom I was more beholden than I must here express), Serjeant *Fountaine*, asked me, why I did not visit the Lord Chief Baron? I told him, because I had no reason for it, being a stranger to him; and had some against it, viz. that a Judg, whose Reputation was necessary to the ends of his Office, should not be brought under Court-suspicion, or disgrace, by his familiarity with a person, whom the *interest and diligence* of some Prelates had rendred so odious as I knew my self to

B 2

be

be with such, I durst not be so injurious to him. The Serjeant answered, It is not meet for him to come first to you; I know why I speak it: Let me intreat you to go first to him. In obedience to which request I did it; and so we entered into Neighbourly familiarity. I lived then in a small house, but it had a pleasant garden and backside, which the (honest) Landlord had a desire to sell. The Judg had a mind to the house; but he would not meddle with it, till he got a stranger to me, to come and enquire of me, whether I was willing to leave it? I told him, I was not only willing, but desirous, not for my own ends, but for my Landlord's sake, who must needs sell it: and so he bought it, and lived in that poor house, till his mortal sickness sent him to the place of his Interment.

I will truly tell you the matter and the manner of our converse. We were oft together, and almost all our discourse was

was Philosophical, and especially about the Nature of Spirits and superior Regions; and the Nature, Operations and Immortality of mans Soul. And our disposition and course of thoughts, were in such things so like, that I did not much cross the bent of his conference. He studied Physicks, and got all new or old books of Philosophy that he could meet with, as eagerly as if he had been a boy at the University: *Monsnerius*, and *Honoratus Faber*, he deservedly much esteemed; but yet took not the later to be without some mistakes. Mathematicks he studied more than I did, it being a knowledge which he much more esteemed than I did; who valued all knowledge by the greatness of the benefit, and necessity of the use; and my unskilfulness in them, I acknowledged my great defect, in which he much excelled. But we were both much addicted to know and read all the pretenders to more than ordinary in Physicks; the *Platonists*, the *Peripateticks*, the *Epicureans* (and specially

cially their *Gassendus*), *Teleius*, *Campagna*, *Patricius*, *Lullius*, *White*, and every Sect that made us any encouraging promise. We neither of us approved of all in *Aristotle*; but he valued him more than I did. We both greatly disliked the Principles of *Cartesius* and *Gassendus* (much more of the *Bruitists*, *Hobs* and *Spinoza*); especially their Doctrine *de Motu*, and their obscuring, or denying *Nature it self*, even the *Principia Motus*, the *Virtutes formales*, which are the Causes of Operations.

Whenever we were together, he was the spring of our discourse (as chusing the Subject): and most of it still was of the *Nature of Spirits*, and the *Immortality*, *State* and *Operations of separated Souls*. We both were conscious of humane darkness, and how much of our Understandings, quiet in such matters, must be fetcht from our implicate trust in the *goodness* and *promises* of God, rather

ther than from a clear and satisfying conception of the mode of separated Souls Operations; and how great use we have herein of our Faith in Jesus Christ, as he is the Undertaker, Mediator, the Lord and Lover of Souls, and the actual possessor of that Glory. But yet we thought, that it greatly concerned us, to search as far as God allowed us, into a matter of so great moment; and that even little and obscure prospects into the Heavenly State, are more excellent than much and applauded knowledge of transitory things.

He was much in urging Difficulties and Objections; but you could not tell by them what was his own judgment: For when he was able to answer them himself, he would draw out anothers answer.

He was but of a slow speech, and sometime so hesitating, that a stranger would have thought him a man of low parts,

parts, that knew not readily what to say (though ready at other times). But I never saw *Cicero's Doctrine, de Oratore*, more verified in any man, that *furnishing the mind with all sorts of knowledge, is the chief thing to make an excellent Orator*: For when there is *abundance*, and *clearness* of knowledge in the mind, it will furnish even a slow tongue, to speak that which by its *congruence* and *verity* shall prevail. Such a one never wants moving matter, nor an answer to vain Objectors.

The manner of our converse was as suitable to my inclination as the matter. For whereas many bred in Universities, and called Scholars, have not the *Wit*, *Manners* or *Patience*, to hear those that they discourse with speak to the end, but through *List* and *Impotencie* cannot hold, but cut off a mans speech when they hear any thing that urgeth them, before the later part make the former intelligible or strong (when oft the proof
and

and use is reserved to the end), liker Scolds than Scholars; as if they commanded silence at the end of each sentence to him that speaketh, or else would have two talk at once. I do not remember, that ever he and I did interrupt each other in any discourse. His Wisdom and accustomed Patience caused him still to stay for the end. And though my disposition have too much forwardness to speak, I had not so little Wit or Manners, as to interrupt him; whereby we far better understood each other, than we could have done in chopping and maimed discourse.

He was much for coming to Philosophical knowledge by the help of Experiments: But he thought, that our new Philosophers, as some call the *Cartesians*, had taken up with many Fallacies as Experiments, and had made as unhappy a use of their try-

tryals, as many Empericks and Mountebanks do in Medicine: and that *Aristotle* was a man of far greater experience, as well as study, than they. He was wont to say, That Lads at the Universities had found it a way to be thought wiser than others, to joyn with boasters that cried down the Ancients before they understood them: For he thought, that few of these contempters of *Aristotle*, had ever so far studied him, as to know his Doctrine, but spoke against they knew not what; even as some secular *Theologues* take it to be the way to be thought *Wise men* and *Orthodox*, to cant against some Party or Sect which they have advantage to contemn. It must cost a man many years study to know what *Aristotle* held. But to read over *Magirus* (and perhaps the *Conimbricenses* or *Zabarell*), and then prate against *Aristotle*, requirerh but a little time and labour.

He

He could well bear it, when one that had throughly studied *Aristotle*, dissented from him in any particular upon Reason; but he loathed it in ignorant men, that were carried to it by shameful vanity of mind.

His many hard questions, doubts and objections to me, occasioned me to draw up a small Tract of the *Nature and Immortality of mans Soul*, as proved by *Natural light alone* (by way of Questions and Answers): In which I had not baulked the hardest Objections and Difficulties that I could think of (conceiving that *Atheists* and *Sadduces* are so unhappily witty, and *Satan* such a Tutor, that they are as like to think of them as I). But the good man, when I sent it to him, was wiser than I, and sent me word in his return, that he would not have me publish it in *English* (nor without

out some alterations of the method); because though he thought I had sufficiently answered all the Objections, yet ordinary Readers would take deeper into their minds such hard Objections as they never heard before, than the Answer (how full soever) would be able to overcome: Whereupon, not having leisure to translate and alter it, I cast it by.

He seemed to reverence and believe the opinion of Dr. Willis, and such others, *de Animis brutorum*, as being not spiritual substances. But when I sent him a confutation of them, he seemed to acquiesce, and as far as I could judg, did change his mind; and had higher thoughts of sensitive Natures, than they that take them to be some evanid qualities, proceeding from contexture, attemperation and motion.

Yet

Yet he and I did think, that the *Notion of Immateriality*, had little satisfactory to acquaint us with the Nature of a Spirit (not telling us any thing *what it is*, but *what it is not*). And we thought, that the old Greek and Latin Doctors (cited by *Faustus Rhegiculis*, whom *Mamertus* answereth), did mean by a *Body* or *Matter* (of which they said *Spirits* did consist), the same thing as we now mean by the *Substance* of Spirits, distinguishing them from meer *Accidents*. And we thought it a matter of *some moment*, and *no small difficulty*, to tell what men mean here by the word [*Substance*], if it be but a *Relative* notion, because it doth *substare accidentibus* & *subsistere per se*, *Relation* is not proper *Substance*. It is *Substance* that doth *so subsist*: It is *somewhat*, and not *nothing*, nor an *accident*. Therefore if more than *Relation* must be meant, it will prove hard

out some alterations of the method); because though he thought I had sufficiently answered all the Objections, yet ordinary Readers would take deeper into their minds such hard Objections as they never heard before, than the Answer (how full soever) would be able to overcome: Whereupon, not having leisure to translate and alter it, I cast it by.

He seemed to reverence and believe the opinion of Dr. *Willis*, and such others, *de Animis brutorum*, as being not spiritual substances. But when I sent him a confutation of them, he seemed to acquiesce, and as far as I could judg, did change his mind; and had higher thoughts of sensitive Natures, than they that take them to be some evanid qualities, proceeding from contexture, attemperation and motion.

Yet

Yet he and I did think, that the *Notion of Immateriality*, had little satisfactory to acquaint us with the Nature of a Spirit (not telling us any thing *what it is*, but *what it is not*). And we thought, that the old Greek and Latin Doctors (cited by *Faustus Rhegiculis*, whom *Mamertus* answereth), did mean by a *Body or Matter* (of which they said *Spirits* did consist), the same thing as we now mean by the *Substance* of Spirits, distinguishing them from meer *Accidents*. And we thought it a matter of *some moment*, and *no small difficulty*, to tell what men mean here by the word [*Substance*], if it be but a *Relative* notion, because it doth *substare accidentibus & subsistere per se*, *Relation* is not proper *Substance*. It is *Substance* that doth *so subsist*: It is *somewhat*, and not *nothing*, nor an *accident*. Therefore if more than *Relation* must be meant, it will prove hard

hard to distinguish *Substance* from *Substance* by the notion of *Immateriality*. Souls have no shadows: They are not palpable and gross; but they are SUBSTANTIAL LIFE, as VERTUES. And it is hard to conceive, how a created *Vis vel Virtus* should be the adequate conceptus of a Spirit, and not rather an inadequate, supposing the conceptus of *substantia Fundamental* (as Dr. Glisson calls it *de Vita Nature*), seeing *omnis Virtus est rei alieni Virtus*.

Yet he yielded to me, that *Virtus seu Vis Vitalis*, is not *Anima accidens*, but the *Conceptus formalis Spiritus*, supposing *substantia* to be the conceptus *fundamentalis*: and both together express the essence of a Spirit.

Every created being is *Passive*:
For *recipit in fluxum causæ primæ*.
God

God transcendeth our defining skill: But where there is *receptivity*, many Ancients thought there was some pure sort of *Materiality*: and we say, there is *receptive Substantiality*. And who can describe the difference (laying aside the *formal Vertues* that difference things) between the *highest material substance*, and the *lowest substance*, called *Immaterial*.

We were neither of us satisfied with the notions of *Penetrability* and *Indivisibility*, as sufficient differences. But the *virtutes specificæ* plainly difference.

What later thoughts, a year before he died, he had of these things, I know not: But some say, that a *Treatise* of this Subject, the *Souls Immortality*, was his last finished work (promised in the end of his *Treatise of mans Origination*);
and

and if we have the sight of that, it will fullier tell us his Judgment.

One thing I must notifie to you, and to those that have his Manuscripts, That when I sent him a *Scheme*, with some *Elucidations*, he wrote me on that and my Treatise of the Soul, almost a Quire of Paper of *Animadversions*; by which you must not conclude at all of his own judgment: For he professed to me, that he wrote them to me, not as his judgment, but (as his way was) as the hardest Objections which he would have satisfaction in. And when I had written him a full Answer to all, and have been oft since with him, he seemed satisfied. You will wrong him therefore, if you should Print that written to me as his judgment.

As to his judgment about *Religion*; Our discourse was very sparing about Controversies. He thought not fit to begin with me about them, nor I with him: and as it was in me, so it seemed to be in him, from a conceit, that we were not fit to pretend to add much to one another.

About matters of Conformity, I could gladly have known his mind more fully: But I thought it unmeet to put such questions to a Judge, who must not speak against the Laws: and he never offered his judgment to me. And I knew, that as I was to reverence him in his own Profession, so in matters of my profession and concernment, he expected not, that I should think as he, beyond the Reasons which he gave.

I must say, that he was of opinion, that the *Wealth and Honour of the Bishops was convenient*, to enable them the better to relieve the poor, and rescue the Inferior Clergy from oppression, and to keep up the honour of Religion in the world. But all this on supposition, that it would be in the hands of *wise and good men*, or else it would do as much harm. But when I asked him, Whether great Wealth and Honour would not be most earnestly desired and sought by the worst of men, while good men would not seek them? And whether he that was the only fervent seeker, was not likeliest to obtain (except under some rare extraordinary Prince)? And so whether it was not like to entail the Office on the worst, and to arm Christs Enemies against him to the end of the world (which a provision that had neither *alluring*,
nor

nor much *discouraging* temptation, might prevent), he gave me no answer. I have heard some say, If the Pope were a good man, what a deal of good might he do? But have Popes therefore blest the world?

I can truly say, that he greatly lamented the negligence, and ill lives, and violence of some of the Clergy; and would oft say, What have they their Calling, Honour and Maintenance for, but to seek the instructing and saving of mens Souls?

He much lamented, that so many worthy Ministers were silenced, the Church weakned, Papists strengthened, the Cause of Love and Piety greatly wronged and hindred by the present differences about Conformity. And he hath told me his judgment, That THE ONLY
C2 MEANS

MEANS TO HEAL US WAS, A NEW ACT OF UNIFORMITY, which should neither leave all at liberty, nor impose any thing but necessary.

I had once a full opportunity to try his judgment far in this. It pleased the Lord Keeper *Bridgman* to invite Dr. *Manton* and my self (to whom Dr. *Bates* at our desire was added), to treat with Dr. *Wilkins* and Dr. *Burton* about the terms of our Reconciliation and Restoration to our Ministerial liberty. After some days conference, we came to agreement in all things, as to the necessary terms. And because Dr. *Wilkins* and I had special intimacy with Judg *Hale*, we desired him to draw it up in the form of an Act, which he willingly did, and we agreed to every word. But it pleased the House of Commons, hearing of it, to begin their next Session

Session with a Vote, That no such Bill should be brought in; and so it died.

Quer. 1. Whether after this and other such agreement, it be Ingenuity, or somewhat else, that hath ever since said, *We know not what they would have?* And that at once call out to us, and yet strictly forbid us to tell them what it is we take for sin, and what we desire.

2. Whether it be likely, that such men as Bishop *Wilkins*, and Dr. *Burton*, and Judg *Hale*, would consent to such terms of our concord, as should be worse than our present condition of division and convulsion is? And whether the maintainers of our dividing Impositions, be *all wiser and better men than this Judg and that Bishop were?*

3. And whether it be any distance of opinion, or difficulty of bringing us to agreement, that keepeth *England* in its sad Divisions, or rather some mens opinion, that our *Unity* it self is not desirable, lest it strengthen us? The case is plain.

His behaviour in the Church was Conformable, but prudent. He constantly heard a Curate, too low for such an Auditor. In Common-Prayer he behav'd himself as others, saving that, to *avoid* the *difference* of the Gospels from the Epistles, and the bowing at the name *Jesus*, from the names, *Christ*, *Saviour*, *God*, &c. He would use some equality in his gestures, and stand up at the reading of all Gods Word alike.

I had but one fear or suspicion concerning him, which since I am
assu-

assured was groundless: I was afraid lest he had been too little for the *Practical part of Religion*, as to the working of the Soul towards God, in Prayer, Meditation, &c. because he seldom spake to me of such Subjects, nor of Practical Books, or Sermons; but was still speaking of Philosophy, or of Spirits, Souls, the future State, and the Nature of God. But at last I understood, that his averseness to Hypocrisie made him purposely conceal the most of such his practical thoughts and works, as the world now findeth by his Contemplations and other Writings.

He told me once, how God brought him to a fixed Honour and Observation of the Lords Day; That when he was young, being in the *West*, the sickness or death of some Relation at *London*, made some matter of Estate to become his concern-

cernment; which required his hastening to *London* from the *West*: And he was commanded to travel on the Lords Day: but I cannot well remember how many cross accidents befel him in his journey; One Horse fell lame, another died, and much more; which struck him with such sense of Divine Rebuke, as he never forgot.

When I went out of the house, in which he succeeded me, I went into a greater, over-against the Church-door. The Town having great need of help for their Souls, I Preached between the publick Sermons in my house, taking the people with me to the Church (to Common-Prayer and Sermon) Morning and Evening. The Judge told me, that he thought that my course did the Church much service; and would carry it to respectfully

fully to me at my door, that all the people might perceive his approbation. But Dr. *Reeves* could not bear it, but complained against me; and the Bishop of *London* caused one Mr. *Rosse* of *Brainford*, and Mr. *Philips*, two Justices of the Peace, to send their Warrants to apprehend me. I told the Judge of the Warrant, but askt him no counsel, nor he gave me none; but with tears shewed his sorrow: (The only time that ever I saw him weep). So I was sent to the common Goal for Six Months, by these two Justices, by the procurement of the said Dr. *Reeves* (His Majesties Chaplain, Dean of *Windsor*, Dean of *Wolverhampton*, Parson of *Horseley*, Parson of *Acton*). When I came to move for my release upon a *Habeas Corpus* (by the counsel of my great friend Serjeant *Fountaine*), I found, that the character which Judge *Hale* had given of me, stood me in some stead; and every one of the Four Judges of the Common-Pleas, did not only

only acquit me, but said more for me than my Council (*viz.* Judg *Wild*, Judg *Archer*, Judg *Tyrel*, and the Lord Chief Justice *Vaughan*) ; and made me sensible, how great a part of the Honour of His Majesties Government, and the Peace of the Kingdom, consisted in the Justice of the Judges.

And indeed Judg *Hale* would tell me, that Bishop *Usher* was much prejudiced against Lawyers, because the worst Causes find their Advocates ; but that he and Mr. *Selden* had convinced him of the Reasons of it, to his satisfaction : And that he did by acquaintance with them, believe that there were as many honest men among Lawyers, proportionably, as among any Profession of men in *England* (not excepting Bishops or Divines).

And I must needs say, that the improvement of Reason, the diverting men from Sensuality and Idleness, the main-

maintaining of Propriety and Justice, and consequently the Peace and Welfare of the Kingdom, is very much to be ascribed to the Judges and Lawyers.

But this Imprisonment brought me the great loss of converse with Judg *Hale* : For the Parliament in the next Act against Conventicles, put into it divers clauses, suited to my case ; by which I was obliged to go dwell in another County, and to forsake both *London* and my former habitation ; and yet the Justices of another County were partly enabled to pursue me.

Before I went, the Judg had put into my hand Four Volumes (in Folio), which he had written, to prove the *Being and Providence of God*, the *Immortality of the Soul*, and *life to come*, the *truth of Christianity*, and of every *Book of the Scripture by it self*, besides the common proofs of the whole.

Three

Three of the Four Volumes I had read over, and was sent to the Goal before I read the Fourth. I turn'd down a few leaves for some small Animadversions, but had not time to give them him. I could not then perswade him to review them for the Press. The only fault I found with them of any moment, was that great copiousness, the effect of his fulness and patience, which will be called tediousness by impatient Readers.

When we were separated, he (that would receive no Letters from any man, about any matters which he was to judg) was desirous of Letter-converse about our Philosophical and Spiritual Subjects. I having then begun a Latin *Methodus Theologiae*, sent him one of the Schemes (before mentioned), containing the Generals of the Philosophical part, with some Notes upon it; which he so over-valued, that he urged me to proceed in the same way.

way. I objected against putting so much Philosophy (though mostly but *de homine*) in a Method of Theology: but he rejected my Objections, and resolved me to go on.

At last it pleased God to visit him with his mortal sickness. Having had the *Stone* before (which he found thick Pond-water better ease him of, than the Gravel-Spring-water), in a cold journey, an extraordinary Flux of Urine took him first, and then such a pain in his side, as forced him to let much Blood, more than once, to save him from sudden suffocation or oppression. Ever after which he had death in his lapsed countenance, flesh and strength, with shortness of breath. Dr. *Willis*, in his life-time, wrote his case without his name, in an *Observation* in his *Pharmacent*, &c. which was shortly Printed after his own death, and before his Patient's: but I dare say it so crudely, as is no honour to that book. When

When he had striven a while under his disease, he gave up his Place, not so much from the apprehension of the nearness of his death (for he could have died comfortably in his publick work), but from the sense of his disability to discharge his part: But he ceased not his studies, and that upon Points which I could have wished him to let go (being confident, that he was not far from his end).

I sent him a book which I newly published, for reconciling the controversies about Predestination, Redemption, Grace, Free-will, but desired him not to bestow too much of his precious time upon it: But (before he left his Place) I found him at it so oft, that I took the boldness to tell him, that I thought more practical Writings were most suitable to his case, who was going from this contentious world. He gave me but little answer; but I after found, that he plied Practicals and
Con-

Contemplatives in their season; which he never thought meet to give me any account of. Only in general he oft told me, That the reason and season of his Writings (against *Atheism*, &c. aforesaid) were, Both in his Circuit and at home, he used to set apart some time for Meditation, especially after the Evening publick Worship every Lords Day; and that he could not so profitably keep his thoughts in connexion and method, otherwise, as by writing them down; and withal, that if there were any thing in them useful, it was the way to keep it for after use: And therefore for the better management, for the accountableness and the after use, he had long accustomed to pen his Meditations; which gave us all of that nature that he hath left us.

Notwithstanding his own great furniture of knowledg, and he was accounted by some, somewhat tenacious
of

of his Conceptions (for men that know much, cannot easily yield to the expectations of less knowing men), yet I must say, that I remember not that ever I conversed with a man that was readier to receive and learn. He would hear as patiently, and recollect all so distinctly, and then try it so judiciously (not disdaining to learn of an inferior in some things, who in more had need to learn of him), that he would presently take what some stand wrangling against many years. I never more perceived in any man, how much great knowledg and wisdom facilitate additions, and the reception of any thing not before known. Such a one presently perceiveth that Evidence which another is incapable of.

For Instance, The last time, save one, that I saw him (in his weakness at *Acton*), he engaged me to explicate the Doctrine of Divine Government (and Decree), as consistent with the
sin

sin of man. And when I had distinctly told him, 1. What God did, as the Author of Nature, Physically. 2. What he did, as Legislator, Morally. And 3. What he did, as Benefactor, and by special Grace. 4. And where permission came in, and where actual operation. 5. And so, how certainly God might cause the effects, and not cause the *volitions*, as determinate to evil, (though the volition and effect being called by one name (as Theft, Murder, Adultery, Lying, &c.) oft deceive men). He took up all that I had said in order, and distinctly twice over repeated each part in its proper place, and with its Reason: and when he had done, said, that I had given him satisfaction.

Before I knew what he did himself in Contemplation, I took it not well, that he more than once
D
told

34 *Notes on the Life and Death*

told me, *Mr. Baxter, I am more beholden to you than you are aware of; and I thank you for all, but especially for your Scheme, and your Catholick Theology.* For I was sorry, that a man (that I thought) so near death, should spend much of his time on such Controversies (though tending to end them). But he continued after, near a year, and had leisure for Contemplations which I knew not of.

When I parted with him, I doubted which of us would be first at Heaven: But he is gone before, and I am at the door, and somewhat the willinger to go, when I think such Souls as his are there.

When he was gone to *Gloucestershire*, and his Contemplations were published by you, I sent him the confession of my censures of him, how I had feared that he had allowed

of Sir Matthew Hale. 35

lowed too great a share on his time and thoughts to Speculation, and too little to Practicals; but rejoiced to see the conviction of my error: and he returned me a very kind Letter, which was the last.

Some censured him for living under such a Curate at *Acton*, thinking it was in his power to have got Dr. Reeves, the Parson, to provide a better. Of which I can say, that I once took the liberty to tell him, that I feared too much tepidity in him, by reason of that thing; not that he needed himself a better teacher, who knew more, and could over-look scandals; but for the sake of the poor ignorant people, who greatly needed better help. He answered me, That if money would do it, he would willingly have done it; but *the Dr. was a man, not to be dealt with*; which was the hardest word that I remember I have

D 2 . heard

heard him use of any. For I never knew any man more free from speaking evil of others behind their backs. Whenever the discourse came up to the faultiness of any individuals, he would be silent: but the *sorts* of faulty persons he would blame with cautelous freedom, especially idle, proud, scandalous, contentious, and factious Clergymen.

We agreed in nothing more than that which he oft repeateth in the Papers which you gave me, and which he oft expressed, *viz.* That true Religion consisteth in great, plain, necessary things, the life of faith and hope, the love of God and man, an humble self-denying mind, with mortification of worldly affection, carnal lusts, &c. And that the calamity of the Church, and withering of Religion, hath come from proud and busie mens

ad-

additions, that cannot give peace to themselves and others, by living in love and quietness on this Christian simplicity of faith and practice, but vex and turmoil the Church with these needless and hurtful superfluities; some by their decisions of words, or unnecessary controversies; and some by their restless reaching after their own worldly interest, and corrupting the Church, on pretence of *raising* and *defending* it; some by their needless ceremonies, and some by their superstitious and causeless scruples. But he was specially angry at them that would so manage their differences about such things, as to shew, that they had a greater zeal for their own additions, than for the common saving truths and duties which we were all agreed in; and that did so manage their several little and selfish causes, as wounded or injured the common

D 3

cause

cause of the Christian and Reformed Churches. He had a great distaste of the books called, *A Friendly Debate*, &c. and *Ecclesiastical Polity*, as from an evil Spirit, injuring Scripture Phrase, and tempting the Atheists to condemn all Religion, so they might but vent their spleen, and be thought to have the better of their adversaries; and would say, *How easie is it to requite such men*, and all parties to expose each other to contempt? (Indeed, how many Parishes in *England* afford too plentiful matter of reply to one that took that for his part; and of tears to serious observers)?

His main desire was, That as men should not be peevishly quarrelling against any lawful circumstances, forms or orders in Religion, much less think themselves godly men, because they can fly from other
mens

mens circumstances, or settled lawful Orders as sin; so especially, that no humane additions of Opinion, Orders, Modes, Ceremonies, Professions, or Promises, should ever be managed to the hindering of Christian Love and Peace, nor of the Preaching of the Gospel, nor the wrong of our common Cause, or the strengthening of Atheism, Infidelity, Prophaness or Popery; but that Christian Verity and Piety, the Love of God and man, and a good life, and our common peace in these, might be first resolved on and secured, and all our additions might be used, but in due subordination to these, and not to any injury of any of them; nor Sects, Parties, or narrow Interests be set up against the common duty, and the publick interest and peace.

I know you are acquainted, how greatly he valued Mr. *Selden*, being one of his Executors; his Books and Picture being still near him. I think it meet therefore to remember, that because many *Hobbiſts* do report, that Mr. *Selden* was at the heart an Infidel, and inclined to the Opinions of *Hobbs*, I deſired him to tell me the truth herein: And he oft professed to me, that Mr. *Selden* was a resolved serious Christian; and that he was a great adversary to *Hobbs* his errors; and that he had seen him openly oppose him ſo earnestly, as either to depart from him, or drive him out of the Room. And as Mr. *Selden* was one of thoſe called *Eraſtians* (as his Book *de Synedrhis*, and others ſhew), yet owned the Office properly Ministerial. So most Lawyers that ever I was acquainted with, taking the word

Jur

Jurisdiction, to ſignifie ſomething more than the meer Doctoral, Priestly power, and power over their own Sacramental Communion in the Church which they guide, do uſe to ſay, that it is primarily in the Magiſtrate (as no doubt all power of Corporal Coercion, by Mulcts and Penalties is). And as to the *Accidentals* to the proper power of Priesthood, or the *Keys*, they truly ſay with Dr. *Stillingsfleet*, That God hath ſetled no one form.

Indeed, the Lord Chief Juſtice thought, that the power of the Word and Sacraments in the Ministerial Office, was of Gods inſtitution; and that they were the proper Judges appointed by Chriſt, to whom they themſelves ſhould apply Sacraments, and to whom they ſhould deny them. But that the power of Chancellors Courts,
and

and many modall additions, which are not of the Essence of the Priestly Office, floweth from the King, and may be fitted to the State of the Kingdom. Which is true, if it be limited by Gods Laws, and exercised on thing only allowed them to deal in, and contradict not the Orders and Powers setled by Christ and his Apostles.

On this account he thought well of the form of Government in the Church of *England*; (lamenting the miscarriages of many persons), and the want of Parochial Reformation: But he was greatly for uniting in Love and Peace, upon so much as is necessary to Salvation, with all Good, Sober, Peaceable Men.

And

And he was much against the corrupting of the Christian Religion (whose *Simplicity* and *Purity* he justly took to be much of its excellency), by mens busie additions, by Wit, Policy, Ambition, or any thing else which sophisticateth it, and maketh it another thing, and causeth the lamentable contentions of the world.

What he was as a Lawyer, a Judg, a Christian, is so well known, that I think for me to pretend that my testimony is of any use, were vain. I will only tell you what I have written by his Picture, in the front of the great Bible which I bought with his Legacy, in memory of his Love and Name, viz. *Sir Matthew Hale, That unwearied Student, that prudent Man, that solid Philosopher, that famous Lawyer, that PILLAR and BASIS of*
 JU-

JUSTICE (who would not have done an unjust act for any worldly price or motive), the Ornament of his Majesties Government, and Honour of England; the highest faculty of the Soul of Westminster-Hall, and pattern to all the Reverend and Honourable Judges; That godly serious practical Christian, the lover of goodness and all good men; a lamenter of the Clergies selfishness, and unfaithfulness, and discord, and of the sad divisions following hereupon; An earnest desirer of their Reformation, Concord, and the Churches peace, and of a REFORMED ACT of UNIFORMITY, as the best and necessary means thereto; That great contemner of the Riches, Pomp and Vanity of the World; That pattern of honest plainness and humility, who while he fled from the Honour that pursued him, was yet Lord Chief Justice of the Kings Bench, after his being long Lord Chief

Chief Baron of the Exchequer; living and dying, entering on, using, and voluntarily surrendring his place of Judicature, with the most universal Love, and Honour, and Praise, that ever did English Subject in this Age, or any that just History doth acquaint us with, &c. &c. &c. This man so wise, so good, so great, bequeathing me in his Testament the Legacy of Forty shillings, meerly as a Testimony of his respect and love, I thought this book, the Testament of Christ, the meetest purchase by that price, to remain in memorial of the faithful love, which he bare and long expressed to his inferiour and unworthy, but honouring Friend, who thought to have been with Christ before him, and waiteth for the day of his perfect conjunction with the Spirits of the Just made perfect,

Richard Baxter.