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THE TABLE-TALK

cf

OF

JOHN SELDEN:

WITH NOTES BY

DAVID IRVING, LL. D.

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PREFACE.

SELDEN was one of the most learned men of a very learned age, and he acted a conspicuous part at a highly eventful period of British history. His researches were chiefly directed to subjects of a difficult and abstruse nature ; and to every investigation he applied a powerful intellect, furnished with prodigious stores of erudition. His various works on jurisprudence, and on Jewish and English antiquities, have supplied the most ample materials to all subsequent enquirers : many of these have excelled him in the graces of elocution, for his English as well as his Latin style is deficient in smoothness and elegance ; but it may safely be affirmed that none has yet equalled him in the copiousness and variety of his information.

He was born on the 16th of December 1584, at Salvington, a hamlet in the parish of West

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Tarring and county of Sussex. To his advancement in a very distinguished career, he must have been almost entirely indebted to his own talents, without any adventitious aid from hereditary influence. His father was John Selden, whom Wood describes as "a sufficient plebeian;" his mother was Margaret Baker, descended from a knightly family of that name in Kent. The same indefatigable biographer informs us, that the father's skill in music recommended him to a wife whose condition was superior to his own. This statement is not very definite; but to the late Mr. Hamper, well known to antiquaries as the editor of Dugdale's posthumous work,* I was indebted for the unexpected information that the illustrious scholar, antiquary, and lawyer was "the sonne of John Selden the minstrell."

"The word minstrel," as Warton has remarked, "is of an extensive signification, and is

* The Life, Diary, and Correspondence of Sir William Dugdale, Knight, sometime Garter Principal King of Arms: with an Appendix, &c. Edited by William Hamper, Esq., F. S. A. Lond. 1827, 4to. Mr. Hamper's communication I have inserted in the Appendix. In a note to the Life of Dugdale, p. 276, he stated that of the life of Selden "a satisfactory account, with a view of his paternal cottage," might be expected in a History of the Rape of Bramber, which was preparing for the press by the Rev. Edmund Cartwright of Arundel.

applied as a general term to every character of that species of men whose business it was to entertain, either with oral recitation, music, gesticulation, and singing, or with a mixture of all these arts united."* It very frequently denotes an ordinary musician, and in this sense it is repeatedly used in the common version of the Bible, which is an excellent standard for the contemporary meaning of an English word ; but on other occasions the term bears a more elevated signification, and is synonymous with poet.† An ancient Scottish poet, if I rightly apprehend his meaning, represents harping and reciting as an inferior accomplishment, and a talent for poetry as the chief qualification of a minstrel.

To harpe or carpe, whare so thu gose,
 Thomas, thu sall hafe the chose sothely.
 And he said, harpyng kepe I none,
 Ffor tonge es chese of mynstralse.‡

But in the time of Selden's father, whatever may have been the case at a more remote period,

* Warton's History of English Poetry, vol. iv. p. 127, Price's edit.

† See Bishop Percy's Essay on the Ancient Minstrels in England: Reliques of Ancient English Poetry, vol. i.

‡ Thomas of Rhyndoune, fytt ii. v. 5; Laing's Select Remains of the Ancient popular Poetry of Scotland. Edinb. 1822, 4to.

the word minstrel generally denoted a common musician.* In addition to his musical attainments, he may have had the recommendation of a handsome person. Selden's epitaph describes his mother as the sole heiress of Thomas Baker of Rushington; but Mr. Hamper informed me in 1819, that their *humble cottage* still remained unaltered, and exhibited the date of 1601, that is, seventeen years subsequent to the birth of their son. We may therefore be led to suspect that her inheritance was not very ample; but if she succeeded to a parcel of land worth ten pounds a year, she was as truly an heiress as the lady who succeeds to a demesne worth ten thousand. Certain however it is that her son was enabled, by whatever means, to obtain the advantages of a liberal education, and to prepare himself for the practice of a liberal profession. The early part of his education he received under Hugh Barker, at the free-school of Chichester, where he made a rapid progress in the learned languages; and at the early age of

* Elton's *Observations on the Ancient English Minstrelz*, (p. xiv.) prefixed to *Ancient Songs*, from the time of Henry the Third, to the Revolution. Lond. 1790, 8vo.

fourteen he was admitted of Hart Hall, Oxford.* After a residence of four years, he removed to Clifford's Inn, one of the Inns of Chancery, which were formerly considered as preparatory seminaries for students before their admission to one of the Inns of Court. In the month of May 1604 he began to reside in the Inner Temple, and in due time was called to the bar. His robust intellect and indomitable perseverance enabled him to acquire ample stores of classical, oriental, and Gothic learning. His works are numerous, and embrace no small variety of subjects. One of them, *Marmora Arundelliana*, relates to Grecian antiquities; some of his most elaborate publications illustrate the antiquities and jurisprudence of the Jews. One of his juridical works brought him indirectly into contention with an author of very high reputation. In 1609 Grotius published his *Mare Liberum*, for the purpose of asserting, against the preten-

* Hart Hall no longer exists. In 1746 it received a charter of incorporation as Hertford College; and the principal, Richard Newton, D.D., liberally exerted himself to secure such an endowment as his private fortune enabled him to contribute. The funds were however inadequate to the support of the institution; it ceased to have a principal in 1808; and the property having lapsed to the crown, the site of the suppressed college is now occupied by Magdalen Hall.

sions of the Portuguese, the right of his countrymen to navigate the eastern ocean. In 1636 Selden published his *Mare Clausum*, in order to vindicate the maritime ascendancy of the English; and here were two illustrious men, consummate masters of ancient and modern jurisprudence, disputing as points of international law what will never be decided except by the law of arms. His labours contributed to reflect much light on the history and jurisprudence of his native country; and his reputation as a lawyer of unrivalled learning must speedily have recommended him to a lucrative practice; but, probably from choice, he was less employed as a pleader than as a conveyancer and chamber counsel, though Wood is evidently mistaken in supposing that he seldom or never appeared at the bar. It is certain that he acquired no inconsiderable wealth, from whatever source it might have been derived; and it is also certain that of his wealth he was disposed to make a generous use; for, according to the statement of the same literary historian, "his mind was as great as his learning, full of generosity, and harbouring nothing that seemed base." His

connexion with the Earl of Kent may probably have contributed to his advancement ; but the talents and attainments of such a man were too conspicuous to be overlooked. In February 1623-4, he entered the House of Commons as a member for Lancaster ; he afterwards represented Great Bedwin, and finally the University of Oxford ; we may safely add, that no university was ever represented by another member of equal learning. His name is frequently mentioned in the annals of that unhappy era of English history. On the 8th of November 1643 he was appointed, by a vote of the House, to the office of Keeper of the Records in the Tower. After a life of incessant labour, he expired on the 30th of November 1654, having nearly completed the seventieth year of his age. His studies were not liable to interruption from domestic cares. His only sister reached a mature age ; two brothers, younger than himself, had died in infancy.

His remains were interred in the Temple church. At the particular request of his executors, one of whom was Matthew Hale, afterwards Chief Justice, Archbishop Usher preach-

ed his funeral sermon ; and as they were the most learned men that England and Ireland had produced, there was a manifest and signal propriety in the choice.* The amiable and excellent primate, with whom he had been long and intimately acquainted, visited him during his last illness, and must have been greatly edified by the piety of his dying friend. According to the testimony of the venerable Chief Justice, he was “ a resolved serious Christian.”

His singular attainments as an antiquary, had recommended him to the friendship of Camden, Sir Henry Spelman, and Sir Robert Cotton. Among his other friends, distinguished by their erudition, we may enumerate Francis Junius and his nephew Isaac Vossius, foreigners by birth, but resident in England, Thomas Lydiat, and Gerard Langbaine. In a work published in 1644, he mentions in very encouraging terms a young man of Cambridge, who afterwards attained to great distinction as a scholar and metaphysician ; this was Ralph Cudworth, who

* “ Beldou étoit prodigieusement savant, mais il écrivoit d’une manière un peu dégoûtante. C’est le plus grand homme que l’Angleterre ait jamais eu pour les belles lettres.” (Colomendi Opera, p. 814. Hambourg, 1709, 4to.)

had kindly communicated to him a manuscript as well as a printed copy of a Karraite treatise.* Among his foreign correspondents we find G. J. Vossius, Marcus Meibomius, and that great encourager of learning Peiresc.

Though not himself very poetical, he appears to have been on terms of intimacy with several eminent poets, particularly Jonson, Drayton, and Butler. To eighteen *songs* or cantos of Michael Drayton's Poly-Olbion he contributed Illustrations, which display his usual variety and profusion of learning. The indefatigable author continued his chorographical poem to the thirtieth song; and having thus completed his survey of England, he signified his inten-

* "Codicem MS. Scripturarii quem dixi uti et alterum illum typis editum, perhumaniter mecum communicavit (et libentissime beneficium agnosco) Radulphus Oudworthus Cantabrigiense, multiplici doctrinæ reconditiore præstantia morumque sanctitate juvenis ornatus." (Seldenus de Anno Civili veterum Judæorum, p. 11.) The Scripture, says Dr. Prideaux, in the Babylonish language is called Kara, and "from hence they had the name of Karraites, which is as much as to say Scripturarians." (Connection, vol. II. p. 338.) Oudworth had published his earliest work two years before the appearance of the treatise in which he is thus mentioned by Selden. It bears the following title: A Discourse concerning the true Notion of the Lords Supper. By R. O. Lond. 1642, 4to. In 1654 he became master of Christ's College, Cambridge; and *The true Intellectual System of the Universe*, published in 1678, secured him a high rank in the republic of letters. This work, a great repository of ancient learning, was translated into Latin by Meibomius, and enriched by his annotations. Dr. Oudworth was born in 1617, and died in 1683.

tion of extending it to Scotland, but this part of his plan he probably did not find sufficient encouragement to execute. After the year 1612, when he had reached the age of twenty-eight, Selden must have been too much occupied with more important engagements, to continue the Illustrations of his friend's Poly-Olbion. In the Table-Talk, he alludes to his acquaintance with Richard Crashaw. To Britannia's Pastorals by William Browne, who like himself belonged to the Inner Temple, are prefixed five English couplets, subscribed *J. Selden, Juris C.*

The following verses of Dr. Langbaine were placed under Selden's portrait. The fourth contains an allusion to two of his works, *De Diis Syris*, and *Marimora Arundelliana*.

Talem se ore tulit, quem gens non barbara quaevis
Quantovis pretio mallet habere suum.
Qualis at ingenio, vel quantus ab arte, loquentur
Dique ipsi et lapides, si taceant homines.

Selden flourished at a period when the people of England first commenced a systematic opposition to the arbitrary proceedings of their rulers. He had not entirely escaped the fangs of civil and ecclesiastical tyranny: he was repeatedly

committed to custody for delivering his sentiments in the House of Commons ; and in the year 1619, the Court of High Commission, which, though established in a Protestant country, presented many strong features of resemblance to the Inquisition, impelled him “ most humbly to acknowledge the error which he had committed in publishing the History of Tythes ; and especially that he had offered any occasion of argument against any right of maintenance *jure divino* of the ministers of the gospel.” Though animated with the liberal spirit of a reformer, Selden was not endowed with the undaunted fortitude of a martyr ; and he was fully aware of the ill-defined and arbitrary power exercised by a tribunal utterly disgraceful to a Protestant country. His native love of freedom prompted him to resist the unconstitutional measures of Charles the First, and the recollection of his personal wrongs must have confirmed his resolutions ; but his judgment and moderation were such that he equally disapproved the violence and injustice of his own party. His profession induced him to prefer legal and peaceful methods of redress ; nor was it consistent with his views

to abolish episcopacy, and to dethrone the king.

“Mr. Selden,” says the Earl of Clarendon, “was a person whom no character can flatter, or transmit in any expressions equal to his merit and virtue. He was of so stupendous learning in all kinds, and in all languages (as may appear in his excellent and transcendent writings) that a man would have thought he had been entirely conversant amongst books, and had never spent an hour but in reading and writing; yet his humanity, courtesy, and affability was such, that he would have been thought to have been bred in the best courts, but that his good nature, charity, and delight in doing good, and in communicating all he knew, exceeded that breeding. His stile in all his writings seems harsh, and sometimes obscure; which is not wholly to be imputed to the abstruse subjects of which he commonly treated, out of the paths trod by other men, but to a little undervaluing the beauty of a stile, and too much propensity to the language of antiquity; but in his conversation he was the most clear discourser, and had the best faculty of making hard things easy, and pre-

senting them to the understanding, of any man that hath been known. Mr. Hyde was wont to say, that he valued himself upon nothing more than upon having had Mr. Selden's acquaintance from the time he was very young, and held it with great delight as long as they were suffered to continue together in London; and he was very much troubled always when he heard him blamed, censured, and reproached, for staying in London, and in the Parliament, after they were in rebellion, and in the worst times, which his age obliged him to do; and how wicked soever the actions were which were every day done, he was confident he had not given his consent to them, but would have hindered them if he could with his own safety, to which he was always enough indulgent. If he had some infirmities with other men, they were weighed down with wonderful and prodigious abilities and excellencies in the other scale."*

It must therefore be considered as highly interesting to be admitted into the confidence, and to learn the private sentiments of so distinguished an individual; to hear him conversing

* Life of the Earl of Clarendon, vol. I. p. 30.

in the midst of his friends, and delivering his opinion on a great variety of topics, literary, political, and theological. We find ourselves thus admitted to Selden's domestic society, by the reverential zeal of his amanuensis Richard Milward. This meritorious person professes to have enjoyed opportunities of listening to his conversation for twenty successive years; and "lest all those excellent things that usually fell from him might be lost," he from time to time committed some of them to writing, and the collection was published thirty-five years after the death of his patron.* It must however have been prepared for the press within a few years of his decease: the dedication describes Hale as a judge of the Common Pleas, and his connexion with that court terminated on the death of Cromwell, which took place on the third of September 1658.

Dr. Wilkins, the learned editor of Selden's Works,† has expressed a doubt with respect to

* London, 1689, 4to.

† *Joannis Seldeni Opera omnia*. Lond. 1726, 3 tom. fol. Each volume consists of two parts, and the book is commonly bound in six volumes. The editor, David Wilkins, D.D., has prefixed a life of the author; and another may be found in the first edition of the *Biographia Britannica*, vol. vi. A judicious and well-written life of Selden was published by that

the genuineness of at least some part of this very curious volume. It certainly contains opinions which a zealous churchman could not be expected to relish ; but the texture of the whole is too remarkable to have originated from any obscure fabricator. Here we at once recognise the characteristics of Selden's conversation, as described by his friend Lord Clarendon ; namely, the clearness of his conceptions, and the faculty of presenting abstruse subjects in a familiar manner to the understanding ; and if all his writings had perished, this casual record of his thoughts would alone have been sufficient to recommend him to posterity as a person of a very inquisitive and sagacious mind. It is highly probable that the apprehension or memory of his amanuensis may occasionally have deceived himself, but we must not rashly presume that he had any intention of deceiving others. Some of the sentiments imputed to Selden have an appearance of moral laxity : but it must be recollected that only fragments of his conversation are here recorded ; and that in the warmth of

most respectable veteran in literature Dr. Aikin : *The Lives of John Selden, Esq. and Archbishop Usher ; with Notices of the principal English Men of Letters with whom they were connected.* Lond. 1812, 8vo.

debate, or the freedom of familiar intercourse, speculative men are too apt to propose opinions to which they do not deliberately adhere ; nor is it altogether improbable that some of his arguments, reported as grave and serious, may have been stated in a quiet tone of irony, which could not be conveyed to the reader.

This publication resembles the curious and entertaining books of *ana*, which are so numerous in French literature ; and a plan was once formed, though I believe never carried into execution, of exhibiting it in a French dress under the title of *Seldeniana*.* In the opinion of Dr. Johnson, certainly no incompetent judge, it is superior to any book of that denomination.† The title seems to have been adopted from the *Tischreden* of Martin Luther, the earliest specimen of a systematic attempt to record the familiar discourses of an eminent man in his domestic circle. This is in many respects a singular and interesting publication. Under the editorial inspection of Joannes Aurifaber, or Johann Goldschmidt, it was first

* Vignoul-Marville, *Mélanges d'Histoire et de Littérature*, tom. 1. p. 48.

† Boswell's *Journal of a Tour to the Hebrides* p. 321.

printed in folio at Eisleben in the year 1566. The work excited so much interest that two editions appeared in the course of the ensuing year, and these were followed by several others. The first English translation was executed by Captain Henry Bell ; and “the House of Commons, the 24th of February 1646, did give order for the printing thereof.” But the translator has stated a more singular fact ; namely, that one night, when he was “yet awake, there appeared unto him an ancient man, standing at his bedside, arrayed all in white, having a long and broad white beard hanging down to his girdle steed,” and upbraided him for having delayed to translate the book which had been sent to him from Germany. It is not perhaps improbable that the worthy captain may have been more asleep than awake. Of Luther’s Table-Talk, in English, there are several editions of a recent date, but greatly curtailed from the original : each of them appears in the form of a small volume ; the second edition of the *Tischreden* contains 553 folios, or 1106 pages, of ample extent.*

* *Colloquia, oder Tischreden D. Mart. Luthers, so er in vielen Jaren,*

France produced no small number and variety of works on a similar plan, and some of them are valuable and interesting. The earliest of them, the Scaligerana, contains, partly in Latin partly in French, a great multiplicity of remarks, criticisms, and animadversions of Joseph Scaliger, confessedly the most learned man of modern times. It is more than probable that his conversations have not always been accurately reported. In various instances, the censures of this illustrious scholar appear so rash and uncharitable, that an admirer of his genius and learning, who recollects his principal works, and examines some passages of the Scaligerana, may be ready to exclaim,

Δεῖ δέ σε χεῖρην καὶ λυπεῖσθαι.

The Casauboniana, recording various opinions and remarks of Isaac Casaubon, another scholar of great eminence, were not committed

gegen gelehrten Leuten, auch frembden Gerten, vnd seinen Tischgesellschaften geführt, nach den Heubstücken vnsrer Christlichen Lere, zusammen getragen; vnd jetzt auff newe corrigiret. Elzeben, 1567, fol. The title-page exhibits a wood-cut of the crucifixion, with Luther kneeling on the left, and Melancthon on the right; but so ill-proportioned are the figures, that if their posture had been erect, they would greatly have overtopped the cross. Together with the *colophon*, the last fello, *verses*, contains a medallion-portrait of the printer, Urban Gaubich.

to writing by some of his zealous admirers, but were compiled from his own papers. To these miscellanies, we must, among many others, add the Perroniana, Thuana, Valesiana, Huetiana, Fureteriana, Chevræana, Colomesiana, and, the best of them all, the Menagiana. As a specimen of the “*pensées judicieuses*” of Cardinal du Perron, it may be sufficient to mention that he describes Luther as “*une grosse bête*.”* Some individual, inheriting a portion of Luther’s spirit, might perhaps be disposed to return the compliment. The Menagiana contain a great variety of curious and interesting fragments of literature and literary history. Gilles Menage was a man of no ordinary attainments. His annotations on Diogenes Laërtius afford sufficient evidence of his classical erudition. His work entitled *Juris Civilis Amoenitates*, is well known to civilians. Besides his *Historia Mulierum Philosopharum*, and other contributions to literary history, he published *Origines de la Langue Française*, and *Le Origini della Lingua Italiana*; works of very elaborate and curious research. Nor must we overlook his volume of

* Perroniana, p. 232.

poems in Greek, Latin, Italian, and French. To these variegated labours, mentioned perhaps with superfluous care, I allude for the purpose of exciting the reader's curiosity as to the lively, familiar, and erudite remarks which he may expect to find in the four duodecimo volumes of the *Menagiana*, as corrected and enlarged by Bernard de la Monnoye, who was also a man of very accurate as well as extensive literature. His mental elasticity seems to have been unimpaired by bodily infirmity, and the burden of age: according to the opinion of this very competent judge, the *Anti-Baillet of Menage*, written in his seventy-eighth year,* “est plein d'un bout à l'autre d'une littérature exquise.” The origin of the *Huetiana* was different from that of all the miscellanies which have hitherto been enumerated: the learned bishop of Avranches, Pierre Daniel Huet, during the latter years of his long and studious life, prepared the work for posthumous publication; and after

* Theophrastus composed the most curious of his works when he had reached the venerable age of ninety-nine, β. Γεννάδης ἐν τῷ ἐννήκοντι ἔτει. The common reading of this passage is sanctioned by all the manuscripts inspected by the most learned of his commentators. (Casaubon ad Theophrasti Characteres Commentarius, p. 96, edit. Lugd. 1638. 8vo.)

his death, it was edited by the Abbé d'Olivet, well known for his edition of Cicero. Instead of producing specimens of his own smart sayings, or detailing anecdotes, witticisms, and repartees of other men, he gravely discusses a variety of topics, literary and philosophical. The history of the work of Jean le Clerc, entitled *Parrhasiana*, was unlike that of all its predecessors. Under an assumed name, indicating his love of free discussion, he published two volumes, containing various disquisitions relative to literature, history, morals, and politics.* He had accumulated a large fund of miscellaneous knowledge, and in his own department was regarded as an able man; but some of his excursions into the classical regions were not applauded by Perizonius, Burman, and Bentley.

The *Walpoliana*, recording many remarks and anecdotes of the Earl of Orford, and interspersed with a considerable number of his lively and pleasant letters, form the only English work which it here seems necessary to mention.

* *Parrhasiana* ; ou Pensées diverses sur des Matières de Critique, d'Histoire, de Morale, et de Politique. Avec la Défence de divers Ouvrages de Mr. L. C. Par Théodore Parrhas. Amst. 1699-1701, 2 tom. 8vo.

The materials were collected and arranged by Mr. Pinkerton. Horace Walpole, the son of a prime minister, was familiarly acquainted with men of letters, as well as with men of rank and fashion. His works are voluminous; but, among his other frivolities, he always felt or pretended to feel a great apprehension lest the odour of authorship should come

Betwixt the wind and his nobility.

In matters of taste, although he was extremely fastidious, his judgment was by no means infallible. In one of his letters, he pronounces the following sentence on Glover, Thomson, and Akenside: "I had rather have written the most absurd lines in *Lee*, than *Leonidas* or the *Seasons*; as I had rather be put into the round-house for a wrong-headed quarrel, than sup quietly at eight o'clock with my grandmother. There is another of these tame genius's, a Mr. Akenside who writes odes."* The noble earl is however a lively and ingenious, though sometimes a flimsy writer; and one of his productions, *The Mysterious Mother*, may

* *Oxford's Letters to Sir Horace Mann*, vol. ii. p. 31.

almost entitle him to be ranked with men of genius.

In the year 1819 I published an edition of the present work, and the preface to it contains the following statement: "Selden's Table-Talk has frequently been reprinted; but the editor flatters himself that in the correctness and elegance of its typography, the present edition will at least be found to equal any that has yet appeared. The annotations which he has subjoined are too inconsiderable to require any further notice; but the punctuation, which was so slovenly as to render many sentences unintelligible, has been rectified with much care and attention." In the present edition, many of the notes have been enlarged, and many more have been added. A Manuscript in the Advocates Library has enabled me to amend several corrupted passages, and to supply words omitted in the previous editions. Of the various readings, the most material are briefly explained in the notes, but in a few instances I have silently inserted words previously omitted. This Manuscript, a small quarto, bears the subsequent title: "The Discourse of John Selden, Esq^r: or his

Sense of various Matters of weight and high consequence ; relating especially to Religion and State. *Distingue Tempora.*" It is written in a regular and elegant hand, apparently belonging to the latter part of the seventeenth century ; and we may safely conclude that it must have been transcribed from another Manuscript, and not from the first edition.

EDINBURGH, 24th August 1854.

Intellexit hoc probe, si quis alius, Joannes Seldenus,
Britanniae illud immortale decus.

BURDEI Hist. Juris Naturalis, p. 6.

TABLE-TALK.

BEING THE DISCOURSES OF

JOHN SELDEN, Esq:

OR HIS SENCE OF VARIOUS MATTERS OF WEIGHT AND HIGH
CONSEQUENCE, RELATING ESPECIALLY TO
RELIGION AND STATE

Distingue Tempora.

LONDON:

Printed for *E. Smith*, in the Year MDCLXXXIX.

TO THE HONOURABLE
MR. JUSTICE HALES,
ONE OF THE JUDGES OF THE COMMON PLEAS;

AND TO THE MUCH HONOURED
EDWARD HAYWOOD,* JOHN VAUGHAN, AND
ROWLAND JEWKS, ESQUIRES.

MOST WORTHY GENTLEMEN,

WERE you not executors to that person, who, while he lived, was the glory of the nation, yet I am confident any thing of his would find acceptance with you; and truly the sense and notion here is wholly his, and most of the words. I had the opportunity to hear his discourse

* According to the slovenly practice of that age, two of the names are sufficiently disfigured; for it appears from Selden's will that these executors were Matthew Hale and Edward Heyward. See Wilkins, *Vita Seldeni*, p. lili, and Bishop Burnet's *Life and Death of Sir Matthew Hale*, p. 14. Lond. 1682, 8vo. Hale was afterwards Chief Justice of the King's Bench, and Vaughan of the Common Pleas. The former died in 1676, the latter in 1674; but Selden's *Table-Talk* was not published till 1689. It is highly probable that Milward was likewise dead before that period. Selden's *Titles of Honour* are dedicated "To my most beloved Friend and Chamberfellow Mr. Edward Heyward." In a subsequent edition, he is described as Edward Heyward, Esq. of Cardeston in Norfolk.

twenty years together ; and lest all those excellent things that usually fell from him might be lost, some of them from time to time I faithfully committed to writing, which here digested into this method, I humbly present to your hands. You will quickly perceive them to be his by the familiar illustrations wherewith they are set off, and in which way you know he was so happy, that, with a marvellous delight to those that heard him, he would presently convey the highest points of religion, and the most important affairs of state, to an ordinary apprehension.

In reading be pleased to distinguish times, and in your fancy carry along with you the *when* and the *why* many of these things were spoken ; this will give them the more life, and the smarter relish. 'Tis possible the entertainment you find in them, may render you the more inclinable to pardon the presumption of

Your most obliged and

most humble servant,

RI. MILWARD.

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THE
DISCOURSES OF JOHN SELDEN, ESQ.

ABBEYS, PRIORIES, ETC.

1. THE unwillingness of the monks to part with their land, will fall out to be just nothing, because they were yielded up to the king by a supreme hand, viz. a Parliament. If a king conquer another country, the people are loath to lose their lands; yet no divine will deny but the king may give them to whom he please. If a Parliament make a law concerning leather, or any other commodity, you and I, for example, are Parliament men; perhaps in respect to our own private interests, we are against it; yet the major part conclude it; we are then involved, and the law is good.

2. When the founders of abbeys laid a curse upon those that should take away those lands, I would fain know what power they had to curse me. 'Tis not the curses that come from the poor, or from any body, that hurt me because they come from them, but because I do something ill against them that deserves God should curse me for it. On the other side, 'tis not a man's blessing me that makes me blessed : he only declares me to be so ; and if I do well I shall be blessed, whether any bless me or not.

3. At the time of dissolution, they were tender in taking from the abbots and priors their lands and their houses, till they surrendered them, as most of them did. Indeed the prior of St. John's, Sir Richard Weston, being a stout man, got into France, and stood out a whole year, at last submitted, and the king took in that priory also, to which the Temple belonged, and many other houses in England. They did not then cry, No abbots, no priors, as we do now, No bishops, no bishops.

4. Henry the Fifth put away the friars, aliens, and seized to himself £100,000 a year;

and therefore they were not the Protestants only that took away church lands.

5. In Queen Elizabeth's time, when all the abbeyes were pulled down, all good works defaced, then the preachers must cry up justification by faith, not by good works.

ARTICLES.

The nine and thirty Articles are much another thing in Latin, in which tongue they were made, than they are translated into English. They were made at three several convocations, and confirmed by Act of Parliament six or seven times after. There is a secret concerning them: of late ministers have subscribed to all of them; but by Act of Parliament that confirmed them, they ought only to subscribe to those Articles which contain matter of faith, and the doctrine of the sacraments, as appears by the first subscriptions.* But Bishop Ban-

* A more ample and satisfactory discussion of this subject may be found in Blackburne's Confessional, p. 5, 3d edition. London, 1770, 8vo. It seems to have been by the private authority of Queen Elizabeth that a clause, unsanctioned by the convocation, was added to the twentieth Article; a clause which makes the startling averment, that "the Church hath power to decree rites or ceremonies, and authority in controversies of faith." (Blackburne, p. 308. Lamb's Historical Account of the thirty-nine Articles, p. 33. Cambridge, 1829, 4to.)

croft, in the convocation held in King James's days, he began it, that ministers should subscribe to three things, to the king's supremacy, to the Common Prayer, and to the thirty-nine Articles. Many of them do not contain matter of faith. Is it matter of faith how the church should be governed? whether infants should be baptized? whether we have any property in our goods? &c.

BAPTISM.

1. 'Twas a good way to persuade men to be christened, to tell them that they had a foulness about them, viz. original sin, that could not be washed away but by baptism.

2. The baptizing of children with us does only prepare a child, against he comes to be a man, to understand what Christianity means. In the church of Rome it has this effect, it frees children from hell. They say they go into *Limbus Infantum*. It succeeds circumcision, and we are sure the child understood nothing of that at eight days' old; why then may not we as reasonably baptize a child at that age? In England, of late years, I ever

thought the parson baptized his own fingers rather than the child.

3. In the primitive times they had godfathers to see the children brought up in the Christian religion, because many times, when the father was a Christian, the mother was not, and sometimes when the mother was a Christian, the father was not; and therefore they made choice of two or more that were Christians, to see their children brought up in that faith.

BASTARD.

'Tis said the xxiii. of Deuteron. 2, "A bastard shall not enter into the congregation of the Lord, even to the tenth generation." *Non ingreditur in ecclesiam Domini*, he shall not enter into the church. The meaning of the phrase is, he shall not marry a Jewish woman. But upon this, grossly mistaken, a bastard at this day in the church of Rome, without a dispensation, cannot take orders: * the thing haply well enough where 'tis so

* See Corvini Jus Canonicum, p. 42, edit. Amst. 1657, 12mo. "Excluduntur nati ex injustis nuptiis, sive illegitimi; nisi religionem monasticam ingredientes, natalium sordes professione plebata abluerint." (Gravinae Institutiones Canonicae, p. 58. August. Taurin. 1742, 8vo.)

settled ; but that 'tis upon a mistake (the place having no reference to the church) appears plainly by what follows at the third verse ; “ An Ammonite or Moabite shall not enter into the congregation of the Lord, even to the tenth generation.” Now, you know, with the Jews an Ammonite or a Moabite could never be a priest, because their priests were born so, not made.

BIBLE, SCRIPTURE.

1. 'Tis a great question how we know Scripture to be Scripture, whether by the church, or by man's private spirit. Let me ask you how I know anything ? how I know this carpet to be green ? First, because somebody told me it was green ; that you call the church in your way. Then after I have been told it is green, when I see that colour again, I know it to be green ; my own eyes tell me it is green ; that you call the private spirit.

2. The English translation of the Bible is the best translation in the world, and renders the sense of the original best, taking in for the

English translation, the Bishops' Bible,* as well as King James's. The translation in King James's time took an excellent way. That part of the Bible was given to him who was most excellent in such a tongue, as the Apocrypha to Andrew Downs ; and then they met together, and one read the translation, the rest holding in their hands some Bible, either of the learned tongues, or French, Spanish, Italian, &c. If they found any fault, they spoke ; if not, he read on.

3. There is no book so translated as the Bible for the purpose. If I translate a French book into English, I turn it into English phrase, not into French English. *Il fait froid* ; I say 'tis cold, not, it makes cold ; but the Bible is rather translated into English words than into English phrase. The Hebraisms are kept, and the phrase of that language is kept : as for example, *he uncovered her shame* ; which is well enough, so long as scholars have to do

* This translation, executed under the direction of Archbishop Parker, was published at London in folio in the year 1568. Eight of the translators were bishops, and from this circumstance the book was commonly called the Bishops' Bible. See Archbishop Newcome's *Historical View of the English Biblical Translations*, p. 78. Dublin, 1792, 8vo.

with it ; but when it comes among the common people, Lord, what jeer do they make of it !

4. *Scrutamini Scripturas.* These two words have undone the world. Because Christ spake it to his disciples, therefore we must all, men, women, and children, read and interpret the Scripture.

5. Henry the Eighth made a law, that all men might read the Scripture, except servants ; but no woman, except ladies and gentlewomen, who had leisure and might ask somebody the meaning. The law was repealed in Edward the Sixth's days.

6. Laymen have best interpreted the hard places in the Bible, such as Joannes Picus, Scaliger, Grotius, Salmasius, Heinsius,* &c.

* Daniel Heinsius, better known as a critic than as a theologian, was a professor in the University of Leyden, and a writer of profound erudition. Besides editions of various classics, a volume of Greek and Latin poems, and a volume of Latin orations, he published an elaborate work, under the title of *Sacrarum Exercitationum ad Novum Testamentum libri xx. : in quibus Contextus Sacre illustratur, SS. Patrum aliorumque Sententiae examinantur, Interpretationes denique antiquae aliaeque ad eam expendantur. Quibus Aristarchus Sacre, emendatior nec paulo auctior, indicesque aliquot uberrimi accedunt.* Lugd. Bat. 1639, fol. Pp. 1005. His *Aristarchus Sacre*, an elaborate commentary on the metaphrase by Nonnus on St. John's Gospel, had been published with the original text. Lugd. Bat. 1627, 8vo. He had adopted the hypothesis of what is called the *lingua Hellenistica*, a term which, according to Salmasius, (*Funus Linguae Hellenisticae*, p. 327,) was introduced by Drusius. It is employed as the

7. If you ask which of Erasmus, Beza, or Grotius, did best upon the New Testament, 'tis an idle question, for they all did well in their way. Erasmus broke down the first brick, Beza added many things, and Grotius added much to him ; in whom we have either something new, or something heightened that was said before, and so 'twas necessary to have them all three.*

description of a dialect supposed to have derived its peculiarities from the Jewish translators of the Old and writers of the New Testament. Ralmius, a great dictator in literature, considered this hypothesis as fanciful, and attacked it with his usual impetuosity, and with his usual superabundance of learning. He hastened to make some incidental allusions to it, in a juridical work, entitled *De Modo Usurarum Liber*. Lugd. Bat. 1639, 8vo. After an interval of a few years, he devoted an ample volume to the discussion of the subject : *De Hellenistica Commentarius, Controversiam de Lingua Hellenistica decidens, et plenissime pertractans Originem et Dialectos Græcæ Linguae*. Lugd. Bat. 1643, 8vo. An anonymous reply, which he ascribed to Helmsius, provoked a speedy rejoinder : *Punna Linguae Hellenisticae, sive Confutatio Exercitationis de Hellenistica et Lingua Hellenistica. Cul libet exequias ire Hellenisticae l. licet. Ecce illa jam effertur*. Lugd. Bat. 1643, 8vo. This hypothesis of a Hellenistic dialect may be considered as resting on no adequate foundation ; and the same remark may perhaps be applied to some more recent speculations as to the formation of a Macedonian and an Alexandrian dialect. But whatever opinion may be formed of his hypothesis, the researches of such a scholar as Sturz cannot be considered as fruitless. (*Frid. Guil. Sturzi de Dialecto Macedonica et Alexandrina Liber*. Lipsiæ, 1808, 8vo.)

* Sir Harris Nicolas, who was so well informed on many subjects, has introduced an extraordinary notice of an individual whose name is very conspicuous in the literary and ecclesiastical annals of his own age. "The name of Theodore Beza, one of the most celebrated reformers of Germany, is well known. When the following letter to Hatton, requesting aid from

8. The text serves only to guess by ; we must satisfy ourselves fully out of the authors that lived about those times.

9. In interpreting the Scripture, many do as if a man should see one have ten pounds which he reckoned by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, meaning four was but four units, and five, five units, &c., and that he had in all but ten pounds : the other that sees him, takes not the figures together as he doth, but picks here and there, and thereupon reports that he hath five pounds in one bag, and six pounds in another bag, and nine pounds in another bag, &c., when as in truth he hath but ten pounds in all. So we pick out a text here and there to make it serve our turn ; whereas if we take it altogether, and considered what went before and what followed after, we should find it meant no such thing.

10. Make no more allegories in Scripture

England, was written, Beza was chief of the College at Geneva, founded by Calvin." (*Memoirs of the Life and Times of Sir Christopher Hatton*, p. 273. Lond. 1847, 8vo.) Theodore de Beze, better known by his Latin appellation, was a native of France, and for many years was pastor and professor of divinity at Geneva, where the personal influence, rather than the pecuniary resources of Calvin, contributed to the foundation of the College.

than needs must. The fathers were too frequent in them ; they indeed, before they fully understood the literal sense, looked out for an allegory. The folly whereof you may conceive thus : here at the first sight appears to me in my window a glass and a book ; I take it for granted 'tis a glass and a book ; thereupon I go about to tell you what they signify : afterwards, upon nearer view, they prove no such thing ; one is a box made like a book ; the other is a picture made like a glass. Where's now my allegory ?

11. When men meddle with the literal text, the question is, where they should stop. In this case, a man must venture his discretion, and do his best to satisfy himself and others in those places where he doubts ; for although we call the Scripture the word of God, as it is, yet it was writ by a man, a mercenary man, whose copy either might be false, or he might make it false : for example, here were a thousand Bibles printed in England with the text thus, *thou shalt commit adultery*, the word *not* left out. Might not this text be mended ?

12. The Scripture may have more senses

besides the literal, because God understands all things at once ; but a man's writing has but one true sense, which is that which the author meant when he writ it.

13. When you meet with several readings of the text, take heed you admit nothing against the tenets of your church, but do as if you were going over a bridge ; be sure you hold fast by the rail, and then you may dance here and there as you please ; be sure you keep to what is settled, and then you may flourish upon your various lections.

14. The Apocrypha is bound with the Bibles of all churches that have been hitherto. Why should we leave it out ? The church of Rome has her Apocrypha, viz., Susanna and Bel and the Dragon, which she does not esteem equally with the rest of those books that we call Apocrypha.

BISHOPS BEFORE THE PARLIAMENT.

1. A bishop, as a bishop, had never any ecclesiastical jurisdiction : for as soon as he was *electus confirmatus*, that is, after the three proclamations in Bow Church, he might exercise

jurisdiction before he was consecrated ; not till then, he was no bishop, neither could he give orders. Besides, suffragans were bishops, and they never claimed any jurisdiction.

2. Anciently the noblemen lay within the city for safety and security. The bishops' houses were by the water-side, because they were held sacred persons which nobody would hurt.

3. There was some sense for *commendams* at first: when there was a living void, and never a clerk to serve it, the bishops were to keep it till they found a fit man ; but now it is a trick for the bishop to keep it for himself.

4. For a bishop to preach, 'tis to do other folk's office, as if the steward of the house should execute the porter's or the cook's place. 'Tis his business to see that they, and all other about the house, perform their duties.

5. That which is thought to have done the bishops hurt, is their going about to bring men to a blind obedience, imposing things upon them, though perhaps small and well enough, without preparing them, and insinuating into their reasons and fancies. Every man loves to know his commander. I wear those gloves,

but perhaps if an alderman should command me, I should think much to do it ; what has he to do with me ? Or, if he has, peradventure I do not know it. This jumping upon things at first dash will destroy all. To keep up friendship, there must be little addresses and applications ; whereas bluntness spoils it quickly : to keep up the hierarchy, there must be little applications made to men, they must be brought on by little and little. So in the primitive times the power was gained, and so it must be continued. Scaliger said of Erasmus, *Si minor esse voluerit, major fuisset*. So we may say of the bishops, *Si minores esse voluerint, majores fuissent*.

6. The bishops were too hasty, else with a discreet slowness they might have had what they aimed at. The old story of the fellow that told the gentleman, he might get to such a place if he did not ride too fast, would have fitted their turn.

7. For a bishop to cite an old canon to strengthen his new articles, is as if a lawyer should plead an old statute that has been repealed God knows how long.

BISHOPS IN THE PARLIAMENT.

1. Bishops have the same right to sit in Parliament as the best earls and barons ; that is, those that were made by writ. If you ask one of them, Arundel, Oxford, Northumberland, why they sit in the House, they can only say, their father sat there before them, and their grandfather before him, &c. And so say the bishops ; he that was a bishop of this place before me sat in the House, and he that was a bishop before him, &c. Indeed your later earls and barons have it expressed in their patents, that they shall be called to the Parliament. *Objection.* But the lords sit there by blood, the bishops not. *Answer.* 'Tis true, they sit not there both the same way ; yet that takes not away the bishops' right. If I am a parson of a parish, I have as much right to my glebe and tithe, as you have to your land which your ancestors have had in that parish eight hundred years.

2. The bishops were not barons because they had baronies annexed to their bishoprics ; for few of them had so, unless the old ones, Can-

terbury, Winchester, Durham, &c. ; the new erected we are sure had none, as Gloucester, Peterborough,* &c. ; besides, few of the temporal lords had any¹ baronies. But they are barons because they are called by writ to the Parliament, and bishops were in the Parliament ever since there was any mention or sign of a Parliament in England.

3. Bishops may be judged by the peers, though in time of Popery it never happened, because they pretended they were not obnoxious to a secular court ; but their way was to cry, *Ego sum frater domini Papæ*, I am brother to my lord the Pope, and therefore take not myself to be judged by you : in this case they impannelled a Middlesex jury, and despatched the business.

4. Whether may bishops be present in cases of blood ? *Ans.* That they had a right to give votes appears by this, always when they did go out, they left a proxy ; and in the time of the abbots, one man had ten, twenty, or thirty voices. In Richard the Second's time, there

* Henry the Eighth erected six bishoprics, namely, those of Oxford, Bristol, Gloucester, Peterborough, Chester, and Westminster. The last see had only one bishop, and the diocese was again annexed to that of London.

was a protestation against the canons, by which they were forbidden to be present in case of blood. The Statute of 25th of Henry the Eighth may go a great way in this business. The clergy were forbidden to use or cite any canon, &c. ; but in the latter end of the Statute there was a clause, that such canons that were in usage in this kingdom should be in force till the thirty-two commissioners appointed should make others, provided they were not contrary to the king's supremacy. Now the question will be, whether these canons for blood were in use in this kingdom or no ? The contrary whereof may appear by many precedents in Richard III. and Henry VII., and the beginning of Henry VIII., in which time there were more attainted than since, or scarce before. The canons of irregularity of blood were never received in England, but upon pleasure. If a lay-lord was attainted, the bishops assented to his condemning, and were always present at the passing of the bill of attainder ; but if a spiritual lord, they went out as if they cared not whose head was cut off, so none of their own. In those days, the bishops being of great

houses, were often entangled with the lords in matters of treason. But when d'ye hear of a bishop a traitor now ?

5. You would not have bishops meddle with temporal affairs. Think who you are that say it. If a Papist, they do in your church ; if an English Protestant, they do among you ; if a Presbyterian, where you have no bishops, you mean your Presbyterian lay-elders should meddle with temporal affairs as well as spiritual. Besides, all jurisdiction is temporal ; and in no church but they have some jurisdiction or other. The question then will be reduced to *magis* and *minus* ; they meddle more in one church than in another.

6. *Objection.* Bishops give not their votes by blood in Parliament, but by an office annexed to them, which being taken away they cease to vote ; therefore there is not the same reason for them as for temporal lords. *Ans.* We do not pretend that they have that power the same way ; but they have a right : he that has an office in Westminster Hall for his life, the office is as much his as his land is his that hath land by inheritance.

7. Whether had the inferior clergy ever anything to do in the Parliament? *Ans.* No; no otherwise than thus: there were certain of the clergy that used to assemble near the Parliament, with whom the bishops, upon occasion, might consult; but there were none of the convocation, as 'twas afterwards settled, viz. the dean, the archdeacon, one for the chapter, and two for the diocese, but it happened by continuance of time, to save charges and trouble: their voices, and the consent of the whole clergy, were involved in the bishops; and at this day, the bishops' writs run, to bring all these to the Parliament; but the bishops themselves stand for all.

8. Bishops were formerly one of these two conditions; either men bred canonists and civilians, sent up and down ambassadors to Rome and other parts, and so by their merit came to that greatness; or else great noblemen's sons, brothers, and nephews, and so born to govern the state. Now they are of a low condition, their education nothing of that way: he gets a living, and then a greater living, and then a greater than that, and so comes to govern.

9. Bishops are now unfit to govern because of their learning : they are bred up in another law ; they run to the text for something done amongst the Jews, that nothing concerns England : 'tis just as if a man would have a kettle, and he would not go to our brazier to have it made as they make kettles, but he would have it made as Hiram made his brass-work, who wrought in Solomon's temple.

10. To take away bishops' votes is but the beginning to take them away ; for then they can be no longer useful to the king or state. 'Tis but like the little wimble, to let in the greater auger. *Objection.* But they are but for their life, and that makes them always go for the king as he will have them. *Ans.* This is against a double charity ; for you must always suppose a bad king and bad bishops. Then again, whether will a man be sooner content himself should be made a slave, or his son after him ? When we talk of our children, we mean ourselves. Besides, they that have posterity are more obliged to the king than they that are only for themselves, in all the reason in the world.

11. How shall the clergy be in the Parliament, if the bishops are taken away? *Answer.* By the laity; because the bishops, in whom the rest of the clergy are included, are sent* to the taking away their own votes, by being involved in the major part of the House. This follows naturally.

12. The bishops being put out of the House, whom will they lay the fault upon now? When the dog is beat out of the room, where will they lay the stink?

BISHOPS OUT OF THE PARLIAMENT.

1. In the beginning bishops and presbyters were alike, like the gentlemen in the country, whereof one is made deputy-lieutenant, and another justice of peace; so one is made a bishop, another a dean; and that kind of government by archbishops and bishops no doubt came in, in imitation of the temporal government, not *jure divino*. In time of the Roman empire, where they had a *legatus*, there they placed an archbishop; where they had a *rector*, there a bishop, that every one might be in-

* For "are sent," read "absent."

structed in Christianity, which now they had received into the empire.

2. They that speak ingenuously of bishops and presbyters, say that a bishop is a great presbyter, and during the time of his being bishop, above a presbyter ; as your president of the College of Physicians is above the rest, yet he himself is no more than a doctor of physic.

3. The words bishop and presbyter are promiscuously used ; that is confessed by all ;* and though the word bishop be in Timothy and Titus, yet that will not prove the bishops ought to have a jurisdiction over the presbyter, though Timothy or Titus had by the order that

* "Idem est presbyter qui et episcopus," says St. Jerom. See Drusii *Observationum Sacrarum libri xvi.* p. 86. Franckeræ, 1594, 8vo. The opinion of this ancient writer is explained and enforced with much ability and research in the work of Blondel, *Apologia pro Sententia Hieronymi de Episcopis et Presbyteris.* Arast. 1646, 4to. But the most learned writer on either side of the controversy was Salmasius, who published an elaborate volume under the title of *Walonis Mesallini de Episcopis et Presbyteris, contra D. Petavium Lotolitan, Dissertatio prima.* Lugd. Bat. 1641, 8vo. He resumed the discussion in a great work, entitled *Cl. Salmasii Librorum de Primatu Papæ pars prima. Accessore de eodem Primatu Nili et Barlaami Tractatus.* Lugd. Bat. 1645, 4to. "I boldly assert one thing," says Wycliffe in his *Triologus*, "namely, that in the primitive church, or in the time of Paul, two orders of the clergy were sufficient, that is, a priest and a deacon. In like manner I affirm, that in the time of Paul, presbyter and bishop were names of the same office. This appears from the third chapter of the first Epistle to Timothy, and from the first chapter of the Epistle to Titus. And the same is testified by that profound theologian Jerom." See Dr. Vaughan's *Life of Wycliffe*, vol. ii. p. 275.

was given them. Somebody must take care of the rest ; and that jurisdiction was but to excommunicate, and that was but to tell them they should come no more into their company. Or grant they did make canons one for another before they came to be in the state, does it follow they must do so when the state has received them into it ? What if Timothy had power in Ephesus, and Titus in Crete, over the presbyters ? Does it follow therefore the bishops must have the same in England ? Must we be governed like Ephesus and Crete ?

4. However some of the bishops pretend to be *jure divino*, yet the practice of the kingdom had ever been otherwise ; for whatever bishops do otherwise than the law permits, Westminster Hall can control, or send them to absolve, &c.

5. He that goes about to prove bishops *jure divino*, does as a man that having a sword, shall strike it against an anvil : if he strikes it a while there, he may peradventure loosen it, though it be never so well riveted ; 'twill serve to strike another sword, or cut flesh, but not against an anvil.

6. If you should say you hold your land by

Moses' or God's law, and would try it by that, you may perhaps lose, but by the law of the kingdom you are sure of it. So may the bishops by this plea of *jure divino* lose all. The pope had as good a title by the law of England as could be had, had he not left that and claimed by power from God.

7. There is no government enjoined by example, but by precept ; it does not follow we must have bishops still, because we have had them so long. They are equally mad who say bishops are so *jure divino* that they must be continued, and they who say they are so anti-christian that they must be put away. All is as the state pleases.

8. To have no ministers but presbyters, 'tis as in the temporal state they should have no officers but constables. Bishops do best stand with monarchy ; that as amongst the laity you have dukes, lords, lieutenants, judges, &c., to send down the king's pleasure to his subjects, so you have bishops to govern the inferior clergy. These upon occasion may address themselves to the king, otherwise every person of the parish must come, and run up to the court.

9. The Protestants have no bishops in France, because they live in a Catholic country, and they will not have Catholic bishops; therefore they must govern themselves as well as they may.

10. What is that to the purpose, to what end were bishops' lands given to them at first? You must look to the law and custom of the place. What is that to any temporal lord's estate, how lands were first divided, or how in William the Conqueror's days? And if men at first were juggled out of their estates, yet they are rightly their successors. If my father cheat a man, and he consent to it, the inheritance is rightly mine.

11. If there be no bishops, there must be something else which has the power of bishops, though it be in many; and then had you not as good keep them?*

* The learned Dr. Hody has incidentally surmised, that Selden "cannot be suspected of being over partial to bishops." (*History of English Councils and Convocations*, p. 129. Lond. 1701, 8vo.) But, as his judicious biographer remarks, "Selden steered a middle course, as one who was an enemy to the usurpations of ecclesiastical power, yet was friendly to the doctrine and discipline of the church of England;" and it is certain that in the House of Commons he exerted himself to prevent the abolition of episcopacy. (*Alkin's Life of Selden*, p. 105-7.) Of the divine right of episcopacy, and the divine right of presbytery, he entertained the same

half-crowns, but only single pence, yet thirty single pence are half-a-crown ; and then had you not as good keep both ? But the bishops have done ill. It was the men, not the function ; as if you should say, you would have no more half-crowns because they were stolen, when the truth is, they were not stolen because they were half-crowns, but because they were money, and light in a thief's hand.

12. They that would pull down the bishops, and erect a new way of government, do as he that pulls down an old house and builds another in another fashion. There's a great deal of do, and a great deal of trouble : the old rubbish must be carried away, and new materials must be brought ; workmen must be provided, and perhaps the old one would have served as well.

opinion ; but it appears from various passages of his Table-Talk, that he had no partiality for the Presbyterian discipline or mode of worship. It would not be easy to specify a church which obtained any ample measure of his approbation. According to the estimate of Dr. Hartley, " Every sect of Christians has magnified some great truth, not above its real value, but above the value which other sects have set upon it ; and by this means each important religious truth has had the advantage of being set in a full light by some party or other, though too much neglected by the rest. And the true catholic church and communion of saints unites all these sects, by taking what is right from each, and leaving the errors, falsehoods, and corruptions of each to combat and destroy one another." (*Observations on Man, his Frame, his Duty, and his Expectations*, vol. ii. p. 195, edit. Lond. 1791, 3 vols. 8vo.)

13. If the Parliament and Presbyterian party should dispute, who should be judge? Indeed in the beginning of Queen Elizabeth, there was such a difference between the Protestants and Papists, and Sir Nicholas Bacon, lord chancellor,* was appointed to be judge; but the conclusion was, the stronger party carried it; for so religion was brought into kingdoms, so it has been continued, and so it may be cast out when the state pleases.

14. It will be great discouragement to scholars that bishops should be put down: for now the father can say to his son, and the tutor to his pupil, study hard, and you shall have *vocem et sedem in parlamento*; then it must be, study hard, and you shall have a hundred a year, if you please your parish. *Objection.* But they that enter the ministry for preferment, are like Judas that looked after the bag. *Ans.* It may be so, if they turn scholars at Judas's age; but what arguments will they use to persuade them to follow their books while they are young?

* Sir Nicholas Bacon was keeper of the Great Seal, and was never promoted to the dignity of lord chancellor. (*Biographia Britannica*, vol. I. p. 441.) His youngest son was the most renowned of all chancellors.

BOOKS, AUTHORS.

1. The giving a bookseller his price for his books has this advantage ; he that will do so, shall have the refusal of whatsoever comes to his hand, and so by that means get many things, which otherwise he never should have seen. So 'tis in giving a bawd her price.

2. In buying books or other commodities, 'tis not always the best way to bid half so much as the seller asks : witness the country fellow that went to buy two* groat shillings ; they asked him three shillings, and he bid them eighteenpence.

3. They counted the price of the books, (Acts, xix. 19,) and found fifty thousand pieces of silver ; that is, so many sestercii, or so many three-halfpence of our money, about three hundred pound sterling.

4. Popish books teach and inform ; what we know we know much out of them. The fathers,

* The MS. of the Advocates Library supplies an inapplicable word, "two shore great shillings." The edition of 1818, ascribed to Mr. Singer, reads, "two shore great shillings." The second word is printed in Italics, and may perhaps be a conjectural emendation ; but neither the one reading nor the other contributes to render the passage more intelligible.

church story, schoolmen, all may pass for popish books ; and, if you take away them, what learning will you leave ? Besides, who must be judge ? The customer or the waiter ? If he disallows a book, it must not be brought into the kingdom ; then Lord have mercy upon all scholars. These Puritan preachers, if they have any things good, they have it out of Popish books, though they will not acknowledge it, for fear of displeasing the people. He is a poor divine that cannot sever the good from the bad.

5. 'Tis good to have translations, because they serve as a comment, so far as the judgment of the man goes.

6. In answering a book, 'tis best to be short ; otherwise he that I write against will suspect I intend to weary him, not to satisfy him. Besides, in being long, I shall give my adversary a huge advantage ; somewhere or other he will pick a hole.

7. In quoting of books, quote such authors as are usually read ; others you may read for your own satisfaction, but not name them.*

* Unless the speaker merely referred to quotations introduced in conversation, the propriety of his injunction may reasonably be called in

8. Quoting of authors is most for matter of fact, and then I write them as I would produce a witness ; sometimes for a free expression ; and then I give the author his due, and gain myself praise by reading him.

9. To quote a modern Dutchman, where I may use a classic author, is as if I were to justify my reputation, and I neglect all persons of note and quality that know me, and bring the testimonial of the scullion in the kitchen.

CANON LAW.

If I would study the canon law as it is used in England, I must study the heads here in use, then go to the practisers in those courts where that law is practised and know their customs.* So for all the study in the world.

question. It is obviously inapplicable to many branches of historical and literary discussion ; and in his own elaborate works, Selden quotes an immense variety of authors not usually read. Dr. Bentley recommended a different maxim : having found his son reading a novel, he said, " Why read a book which you cannot quote ? " (Walpoleana, vol. ii. p. 31.)

* Sir Matthew Hale has remarked, that all the strength " that the papal laws have obtained in this kingdom, is only because they have been received and admitted either by the consent of Parliament, and so are part of the statute laws of the kingdom, or else by immemorial usage and custom in some particular cases and courts, and no otherwise ; and therefore so far as such laws are received and allowed here, so far they obtain and no further." (History of the Common Law of England, p. 27.) This sound doctrine is adopted by Blackstone (Commentaries on the Law of

CEREMONY.

1. Ceremony keeps up all things: 'tis like a penny-glass to a rich spirit, or some excellent water; without it the water were spilt, the spirit lost.

2. Of all people, ladies have no reason to cry down ceremony, for they take themselves slighted without it. And were they not used with ceremony, with compliments and addresses, with legs and kissing of hands, they were the pitifulest creatures in the world. But yet methinks to kiss their hands after their lips, as some do, is like little boys, that after they eat the apple, fall to the paring, out of a love they have to the apple.

England, vol. I. p. 79); but if we may rely on the opinion of a recent author, it must be understood with certain qualifications. "Some things therein are of divine right, and therefore require no sanction from any human power to render them binding. Such are the three holy orders of bishops, priests, and deacons, and the functions essential to those orders. Such is the spiritual jurisdiction of the bishops." (Bowyer's English Constitution, a popular Commentary on the Constitutional Law of England, p. 17. London, 1841, 12mo.) This is rather to be considered as the mere utterance of a sectarian dogma, than the statement of a juridical argument. The divine right of bishops would be ineffectually pleaded to enforce their jurisdiction, unless their functions were recognised by the law of the land. There are certain titular bishops in England, Ireland, and Scotland; but submission to their authority is a voluntary act, and may be discontinued by any individual who is so inclined; nor would he be greatly moved by the averment, that the holy order of bishops is of divine right.

CHANCELLOR.

1. The bishop is not to sit with a chancellor in his court, (as being a thing either beneath him or beside him,) no more than the king is to sit in the King's Bench when he has made a lord chief-justice.

2. The chancellor governed in the church, who was a layman: and therefore 'tis false which they charge the bishops with, that they challenge sole jurisdiction; for the bishop can no more put out the chancellor, than the chancellor the bishop. They were many of them made chancellors for their lives; and he is the fittest man to govern, because divinity so overwhelms the rest.*

CHANGING SIDES.

1. 'Tis the trial of a man to see if he will change his side; and if he be so weak as to change once, he will change again. Your country fellows have a way to try if a man be

* Selden here alludes to the chancellors of dioceses, several of whom are still laymen. Instead of "for their lives," the context would lead us to expect "for their knowledge of the laws," or some equivalent expression. The lay chancellors have generally been civilians.

weak in the hams, by coming behind him and giving him a blow unawares ; if he bend once, he will bend again.

2. The lords that fall from the king, after they have got estates by base flattery at court, and now pretend conscience, do as a vintner, that when he first sets up, you may bring your wench to his house, and do your things there ; but when he grows rich, he turns conscientious, and will sell no wine upon the Sabbath-day.

3. Colonel Goring, serving first the one side and then the other, did like a good miller that knows how to grind which way soever the wind sits.

4. After Luther had made a combustion in Germany about religion, he was sent to by the pope, to be taken off, and offered any preferment in the church that he would make choice of: Luther answered, if he had offered half as much at first, he would have accepted it ; but now he had gone so far, he could not come back. In truth he had made himself a greater thing than they could make him : the German princes courted him ; he was become the author of a sect ever after to be called

Lutherans. So have our preachers done that are against the bishops ; they have made themselves greater with the people than they can be made the other way ; and therefore there is the less charity probably in bringing them off. Charity to strangers is enjoined in the text. By strangers is there understood those that are not of our own kin, strangers to your blood, not those you cannot tell whence they come ; that is, be charitable to your neighbours whom you know to be honest poor people.

CHRISTMAS.

1. Christmas succeeds the Saturnalia, the same time, the same number of holydays ; then the master waited upon the servant like the lord of misrule.

2. Our meats and our sports, much of them, have relation to church-works. The coffin of our Christmas pies, in shape long, is in imitation of the cratch ; our choosing kinge and queens on twelfth-night, hath reference to the three kings. So likewise our eating of fritters, whipping of tops, roasting of herrings, Jack of Lents, &c., they were all in imitation of church

works, emblems of martyrdom. Our tansies at Easter have reference to the bitter herbs ; though, at the same time, 'twas always the fashion for a man to have a gammon of bacon, to shew himself to be no Jew.

CHRISTIANS.

1. In the high church of Jerusalem, the Christians were but another sect of Jews, that did believe the Messias was come. To be called, was nothing else but to become a Christian, to have the name of a Christian, it being their own language ; for amongst the Jews, when they made a Doctor of Law, 'twas said he was called.*

2. The Turks tell their people of a heaven, where there is sensible pleasure, but of a hell where they shall suffer they don't know what. The Christians quite invert this order ; they tell us of a hell where we shall feel sensible pain, but of a heaven where we shall enjoy we can't tell what.

* The ceremonial of creating a Doctor of Law is minutely described in the work of Alting, *Hebræorum Republicæ Scholastica, sive Historia Academicarum et Promotionum Academicarum in Populo Hebræorum*, p. 106. Amst. 1652, 12mo.

3. Why did the heathens object to the Christians, that they worship an ass's head ?* You must know, that to a heathen a Jew and a Christian were all one ; that they regarded him not, so he was not one of them. Now that of the ass's head might proceed from such a mistake as this ; by the Jews' law, all the firstlings of cattle were to be offered to God, except a young ass, which was to be redeemed : a heathen being

* "Audio eos turpissimæ pecudis caput asini consecratum inepta nescio qua persuasione venerari." (Minucius Felix, p. 83, edit. Lugd. Bat. 1672, 8vo.) See the notes of the different commentators in this edition of Ouzellus, and Huertii Demonstratio Evangelica, p. 89. Paris, 1673, fol. Selden has justly remarked that the Jews and Christians were generally confounded with each other ; and accordingly Tacitus affirms that the Jews placed the image of a beast, doubtless of an ass, in the holy of holies. "Effigiem animalis, quo monstrante errorem sitinque depulerant, penetrali sacravere." (Taciti Hist. lib. v. § 4.) Ernesti, in his note on this passage, refers to several writers who have investigated the origin of so ridiculous a fable.

The subsequent passage in another historian, has commonly been supposed to evince how strangely the Jews and Christians of Rome were confounded with each other. (Gibbon, vol. ii. p. 401. Bishop Watson's Apology for Christianity, p. 68) "Judæos impulsore Chresto assidue tumultuantes Roma expulit." (Suetonii Claudius, § 25.) But the learned Van Dale has shewn that Chrestus was a common name among the Greeks, many of whom were at that period to be found in Italy. (De Oraculis Veterum Ethnicorum, p. 604.) The person mentioned by Suetonius might possibly be a slave, or the descendant of a slave. Tertullian has however stated, that through the ignorance of the Pagans, a Christian was sometimes termed *Chrestianus* ; and Lactantius informs us, that in the same manner Christ was commonly called *Chrestus*. (Tertulliani Apologeticus, cap. iii. Lactantii Divin. Institut lib. iv. cap. vii.) "Sed exponenda hujus nominis ratio est, propter ignorantium errorem, qui eum, immutata littera, Chrestum solent dicere."

present, and seeing young calves and young lambs killed at their sacrifices, only young asses redeemed, might very well think they had that silly beast in some high estimation, and thence might imagine they worshipped it as a god.

CHURCH.

1. Heretofore the kingdom let the church alone, let them do what they would, because they had something else to think of, viz. wars ; but now in time of peace, we begin to examine all things, will have nothing but what we like, grow dainty and wanton ; just as in a family the heir uses to go a hunting ; he never considers how his meal is drest, takes a bit, and away ; but when he stays within, then he grows curious ; he does not like this, nor he does not like that ; he will have his meat drest in his own way, or peradventure he will dress it himself.

2. It hath ever been the gain of the church, when the king will let the church have no power, to cry down the king and cry up the church ; but when the church can make use of the king's power, then to bring all under the

king's prerogative. The Catholics of England go one way and the court clergy another.

3. A glorious church is like a magnificent feast ; there is all the variety that may be, but every one chooses out a dish or two that he likes, and lets the rest alone ; how glorious soever the church is, every one chooses out of it his own religion, by which he governs himself, and lets the rest alone.

4. The laws of the church are most favourable to the church, because they were the church's own making ; as the heralds are the best gentlemen, because they make their own pedigree.

5. There is a question about that article concerning the power of the church, whether these words, *of having power in controversies of faith*, were not stolen in ; but 'tis most certain they were in the book of Articles that was confirmed, though in some editions they have been left out ;* but the article before tells you who the church is, not the clergy, but *cætus fidelium*.†

* See the note in p. 3.

† " And indeed," says Dr. Jortin, " all the writers who by the church mean prelates, or ecclesiastical councils and convocations, or the body of the clergy, use the word church in a sense utterly unknown to Scripture and to primitive antiquity." (Remarks on Ecclesiastical History, vol. v. p. 188.)

CHURCH OF ROME.

1. Before a juggler's tricks are discovered, we admire him, and give him money, but afterwards we care not for them : so 'twas before the discovery of the juggling of the church of Rome.

2. Catholics say, we out of our charity believe they of the church of Rome may be saved, but they do not believe so of us ; therefore their church is better according to ourselves. First, some of them no doubt believe as well of us as we do of them, but they must not say so. Besides, is that an argument their church is better than ours because it has less charity ?

3. One of the church of Rome will not come to our prayers ; does that argue* he doth not like them ? I would fain see a Catholic leave his dinner, because a nobleman's chaplain says grace. Nor haply would he leave the prayers of the church, if going to church were not made a mark of distinction between a Protestant and a Papist.

* *Argue*, not *agree*, is the reading of the MS.

CHURCHES.

The way coming into our great churches was anciently at the west door, that men might see the altar and all the church before them : the other doors were but posterns.

CITY.

1. What makes a city ; whether a bishopric or any of that nature ? *Answer.* 'Tis according to the first charter which made them a corporation. If they are incorporated by name of *civitas*, they are a city ; if by the name of *burgum*, then they are a borough.

2. The lord mayor of London, by their first charter, was to be presented to the king ; in his absence, to the lord chief justiciary of England, afterwards to the lord chancellor, now to the barons of the exchequer ; but still there was a reservation, that for their honour they should come once a year to the king, as they do still.

CLERGY.

1. Though a clergyman have no faults of his own, yet the faults of the whole tribe shall be laid upon him, so that he shall be sure not to lack.

2. The clergy would have us believe them against our own reason, as the woman would have had her husband against his own eyes : what ! will you believe your own eyes before your own sweet wife ?

3. The condition of the clergy towards their prince, and the condition of the physician is all one ; the physicians tell the prince they have agaric and rhubarb, good for him, and good for his subjects' bodies ; upon this he gives them leave to use it ; but if it prove naught, then away with it, they shall use it no more : so the clergy tell the prince they have physic good for his soul, and good for the souls of his people ; upon that he admits them ; but when he finds by experience they both trouble him and his people, he will have no more to do with them. What is that to them, or any body else, if a king will not go to heaven ?

4. A clergyman goes not a dram further than this, you ought to obey your prince in general. If he does, he is lost. How to obey him, you must be informed by those whose profession it is to tell you. The parson of the Tower, a good discreet man, told Dr. Mosely (who was

sent to me and the rest of the gentlemen committed the 3d *Caroli*, to persuade us to submit to the king) that they found no such words as *parliament, habeas corpus, return, tower, &c.*, neither in the fathers, nor the schoolmen, nor in the text; and therefore, for his part, he believed he understood nothing of the business. A satire upon all those clergymen that meddle with matters they do not understand.

5. All confess there never was a more learned clergy; no man taxes them with ignorance. But to talk of that is like the fellow that was a great wench; he wished God would forgive him his lechery, and lay usury to his charge. The clergy have worse faults.

6. The clergy and laity together are never like to do well: 'tis as if a man were to make an excellent feast, and should have his apothecary and his physician come into the kitchen; the cooks, if they were let alone, would make excellent meat; but then comes the apothecary, and he puts rhubarb into one sauce and agaric into another sauce. Chain up the clergy on both sides.

HIGH COMMISSION.

Men cry out upon the High Commission, as if the clergymen only had to do in it, when I believe there are more laymen in commission there than clergymen ; if the laymen will not come, whose fault is that ? So of the Star Chamber ; the people think the bishops only censured Prynne, Burton, and Bastwick, when there were but two there,* and one spake not in his own cause.

* But one of the two was the fierce and unrelenting Laud, whose baneful influence was attended with such fatal consequences. When sentence was pronounced, he delivered a pedantic and unfeeling speech, extending to seventy pages, and immediately printed it, with a dedication to the king. He at length arrives at this very comfortable conclusion : " I humbly crave pardon of your lordships for this my necessary length, and give you all hearty thanks for your noble patience, and your just and honourable censure upon these men, and your unanimous dislike of them, and defence of the church. But because the business hath some reflection upon myself, I shall forbear to censure them, and leave them to God's mercy and the king's justice." (A Speech delivered in the Starr-Chamber, on Wednesday the xivth of June, MDCXXXVII., at the Censure of Iohn Bastwick, Henry Burton, and William Pryn, concerning pretended Innovations in the Church. By the most Reverend Father in God, William L. Archbishop of Canterbury his Grace. Lond. 1637, 4to.) In the dedication, he suggests that his Majesty " might have justly called the offenders into another court, and put them to it in a way that might have exacted their lives." From the paragraph which immediately follows, it is evident that this way of vengeance would have been more entirely suited to his taste. When the atrocious sentence of the High Commission was pronounced on Dr. Leighton, on the 4th of June 1639, " the prelate off with his cap, and, holding up his hands, gave thanks to God, who had given him the victory over his enemies." (An Epitome or briefe

HOUSE OF COMMONS.

1. There be but two erroneous opinions in the House of Commons ; that the lords sit only

Discoverie, from the beginning to the ending, of the many and great Troubles that Dr. Leighton suffered in his Body, Estate, and Family, for the space of twelve years and upwards, p. 78. Lond. 1646, 4to.) This is the clear testimony of the unhappy sufferer himself ; and the recent biographers of the prelate are mistaken in their assertion, that the statement rests on the sole authority of General Ludlow. Even in the solitude of his prison, Laud seems to have entertained a deliberate opinion that Dr. Leighton's punishment had fallen short of his deserts. (Hist. of the Troubles and Tryal of Laud, vol. I. p. 198.) See likewise p. 203, and Dr. Nalson's Collection, vol. I. p. 512. Such was the genuine character of the cruel bigot whose name some of the disciples of the Oxford school of theology seem disposed to insert in their calendar of saints. "There is another point which must be shortly noticed here ; the archbishop's claim to the rights and titles of martyrdom. However full of childish boasting we may have been in many things, in increasing the number of our *Saints* we have been either singularly humble or negligent." (Preface to the Autobiography of Dr. William Laud, Archbishop of Canterbury, and *Martyr*. Oxford, 1839, 16to.) There is too much truth in the remark of Granger : "Few men have done more mischief in the world than a great part of those that have been canonized as saints ; who were not only bigots, but incendiaries and persecutors." (Biographical History of England, vol. I. p. 44.) According to this standard, Laud was not without his peculiar claims. It is deplorable to contemplate the popish propensities of a university which once contended for the Protestant faith. Dr. Reynolds, a most learned member of that university, inculcated a doctrine which merits their serious consideration : "*Romana ecclesia nec catholica est, nec sanum membrum catholicæ.*" (Johannis Rainoldi Angli Sex Theses de Sacra Scriptura et Ecclesia, p. 123. Lond. 1602, 8vo.) As to his literary character, the testimony of a distinguished bishop is very ample. "He alone was a well furnished library, full of all faculties, of all studies, of all learning : the memory, the reading of that man were neere to a miracle." (Hall's Epistles, p. 287.) Joseph Scaliger entertained a very high opinion of his erudition, and regretted his death as a loss to all the churches. (Scaligeri Epistolæ, p. 813. Lugd. Bat. 1627, 8vo.) Such was the character of the man who arrived at the conclusion, that the church of Rome is neither catholic, nor a sound member of the true church of Christ.

for themselves, when the truth is, they sit as well for the commonwealth. The knights and burgesses sit for themselves and others, some for more, some for fewer ; and what is the reason ? Because the room will not hold all. The lords being few, they all come ; and imagine the room able to hold all the commons of England, then the lords and burgesses would sit no otherwise than the lords do. The second error is, that the House of Commons are to begin to give subsidies, yet if the lords dissent they can give no money.

2. The House of Commons is called the Lower House in twenty Acts of Parliament ; but what are twenty Acts of Parliament amongst friends ?

3. The form of a charge runs thus : “ I accuse in the name of all the commons of England.” How then can any man be as a witness, when every man is made the accuser ?

CONFESSION.

1. In time of Parliament it used to be one of the first things the House did, to petition the king that his confessor might be removed, as

fearing either his power with the king, or else, lest he should reveal to the pope what the House was in doing ; as no doubt he did when the Catholic cause was concerned.

2. The difference between us and the Papists is, we both allow contrition, but the Papists make confession a part of contrition ; they say a man is not sufficiently contrite till he confess his sins to a priest.

3. Why should I think a priest will not reveal confession ? I am sure he will do anything that is forbidden him, haply not so often as I. The utmost punishment is deprivation ; and how can it be proved that ever any man revealed confession when there is no witness ? And no man can be witness in his own cause. A mere gullery. 'There was a time when 'twas public in the church, and that is much against their auricular confession.

COMPETENCY.

That which is a competency for one man is not enough for another, no more than that which will keep one man warm will keep another man warm : one man can go in doub-

let and hose, when another man cannot be without a cloak, and yet have no more clothes than is necessary for him.

GREAT CONJUNCTION.

The greatest conjunction of Saturn and Jupiter happens but once in eight hundred years, and therefore astrologers can make no experiments of it, nor foretell what it means ; not but that the stars may mean something ; but we cannot tell what, because we cannot come at them. Suppose a planet were a simple, or an herb, how could a physician tell the virtue of that simple unless he could come at it, to apply it ?

CONSCIENCE.

1. He that hath a scrupulous conscience is like a horse that is not well weighed ;* he starts at every bird that flies out of the hedge.

2. A knowing man will do that which a tender conscience man dares not do, by reason of his ignorance ; the other knows there is no hurt ; as a child is afraid to go into the dark when a man is not, because he knows there is no danger.

* With Dr. Wilkins, we ought undoubtedly to read *well wrapped*.

3. If we once come to leave that outloose, as to pretend conscience against law, who knows what inconvenience may follow? For thus, suppose an Anabaptist comes and takes my horse, I sue him; he tells me he did according to his conscience; his conscience tells him all things are coramon amongst the saints, what is mine is his; therefore you do ill to make such a law, if any man takes another's horse he shall be hanged. What can I say to this man? He does according to his conscience. Why is not he as honest a man as he that pretends a ceremony established by law is against his conscience? Generally to pretend conscience against law is dangerous; in some cases haply we may.

4. Some men make it a case of conscience whether a man may have a pigeon-house, because his pigeons eat other folk's corn. But there is no such thing as conscience in the business: the matter is, whether he be a man of such quality that the state allows him to have a dove-house; if so, there's an end of the business; his pigeons have a right to eat where they please themselves.

CONSECRATED PLACES.

1. The Jews had a peculiar way of consecrating things to God, which we have not.

2. Under the law, God, who was master of all, made choice of a temple to worship in, where he was more especially present ; just as the master of the house, who owns all the house, makes choice of one chamber to lie in, which is called the master's chamber. But under the gospel there was no such thing ; temples and churches are set apart for the conveniency of men to worship in : they cannot meet upon the point of a needle ; but God himself makes no choice.

3. All things are God's already ; we can give him no right, by consecrating any, that he had not before, only we set it apart to his service. Just as a gardener brings his lord and master a basket of apricots and presents them ; his lord thanks him, perhaps gives him something for his pains ; and yet the apricots were as much his lord's before as now.

4. What is consecrated is given to some particular man, to do God service, not given to

God, but given to man to serve God; and there's not any thing, lands or goods, but some men or other have it in their power to dispose of as they please. The saying things consecrated cannot be taken away, makes men afraid of consecration.

5. Yet consecration has this power; when a man has consecrated any thing to God, he cannot of himself take it away.

CONTRACTS.

1. If our fathers have lost their liberty, why may not we labour to regain it? *Ans.* We must look to the contract; if that be rightly made we must stand to it:* if we once grant

* Contracts which do not involve immoral consequences, ought undoubtedly to be fulfilled by those who make them; but some contracts are so unlawful in their very nature, that they are to be considered as null and void from the beginning. If our fathers had made a formal surrender of their liberty, would their posterity be bound in conscience to continue slaves through each successive generation? It will as readily be conceded that our ancestors had a right to stipulate, that neither they nor their descendants should ever renounce their spiritual allegiance to the pope. The condition of slavery seems to be utterly inconsistent with the dignity of human nature; it degrades a man to the level of the inferior animals; and if it should even be granted that an individual by his own act may reduce himself to that condition, it will be extremely hard to prove that he possesses any inherent right to comprehend his offspring in such a stipulation. "An indefeasible power," as Dr. Barrow has well stated, "cannot be settled by man; because there is no power ever extant at one time greater than there is at another; so that whatever power one may raise

we may recede from contracts upon any inconvenience that may afterwards happen, we shall have no bargain kept. If I sell you a horse, and do not like my bargain, I will have my horse again.

2. Keep your contracts. So far a divine goes ; but how to make our contracts, is left to ourselves ; and as we agree upon the conveying of this horse, or that land, so it must be. If you offer me a hundred pounds for my glove, I tell you what my glove is, a plain glove, pretend no virtue in it, the glove is my own, I profess not to sell gloves, and we agree for an hundred pounds, I do not know why I may not with a safe conscience take it. The want of that common obvious distinction of *jus praeceptivum*, and *jus permissivum*, does much trouble men.

3. Lady Kent articted with Sir Edward Herbert, that he should come to her when she sent for him, and stay with her as long as she would have him, to which he set his hand ; then he

the other may demolish ; there being no bonds whereby the present time may bind all posterity." (Treatise on the Pope's Supremacy, p. 404. Lond. 1680, 4to.)

articled with her, that he should go away when he pleased, and stay away as long as he pleased, to which she set her hand.* This is the epitome of all the contracts in the world, betwixt man and man, betwixt prince and subject; they keep them as long as they like them, and no longer.

COUNCIL.

They talk, but blasphemously enough, that the Holy Ghost is president of their general councils, when the truth is, the odd man is still the Holy Ghost.

CONVOCATION.

1. When the king sends his writ for a Parliament, he sends for two knights for a shire, and two burgesses for a corporation; but when he sends for two archbishops for a convocation, he commands them to assemble the whole clergy; but they, out of custom amongst themselves, send to the bishops of their provinces to will them to bring two clerks for a diocese, the dean,

* An explanation of this passage may be found in Dr. Aikin's *Life of Selden*, p. 154.

one for the chapter, and the archdeacons ; but to the king every clergyman is there present.

2. We have nothing so nearly expresses the power of a convocation, in respect of a Parliament, as a court-leet, where they have a power to make by-laws, as they call them ; as that a man shall put so many cows or sheep in the common ; but they can make nothing that is contrary to the laws of the kingdom.

CREED.

Athanasius's creed is the shortest, take away the preface, and the force, and the conclusion, which are not part of the creed. In the Nicene creed it is *εἰς ἐκκλησίαν*, I believe in the church ; but now, as our Common Prayer has it, I believe one catholic and apostolic Church. They like not creeds, because they would have no forms of faith, as they have none of prayer, though there be more reason for the one than for the other.

DAMNATION.

1. If the physician sees you eat any thing that is not good for your body, to keep you from it he

cries 'tis poison ; if the divine sees you do anything that is hurtful for your soul, to keep you from it he cries you are damned.

2. To preach long, loud, and damnation, is the way to be cried up. We love a man that damns us, and we run after him again to save us. If a man had a sore leg, and he should go to an honest judicious chirurgeon, and he should only bid him keep it warm, and anoint with such an oil, an oil well known, that would do the cure, haply he would not much regard him, because he knows the medicine beforehand an ordinary medicine. But if he should go to a surgeon that should tell him, your leg will gangrene within three days, and it must be cut off, and you will die unless you do something that I could tell you, what listening there would be to this man ! Oh, for the Lord's sake, tell me what this is ; I will give you any content for your pains.

DEVILS.

1. Why have we none possest with devils in England ? The old answer is, the Protestants the devil hath already, and the Papists are so.

holy he dares not meddle with them. Why then beyond seas where a nun is posset, when a Hugonot comes into the Church, does not the devil hunt them out? The priest teaches him, you never saw the devil throw up a nun's coats; mark that, the priest will not suffer it, for then the people will spit at him.

2. Casting out devils is mere juggling; they never cast out any but what they first cast in.*

* This juggling or delusion is of an ancient date. In the works of Sulpicius Severus, for example, we find some edifying narratives of St. Martin's miraculous dealings with sundry devils. When he was one day entering a house, he stopped at the threshold, and exclaimed that he saw a horrible demon in the porch. A fearful contest ensued between the saint and a demoniac, but the devil was finally compelled to make a foul retreat by the postern gate. "*Cum fugere de obpresso corpore poenis et cruciatibus cogeretur, nec tamen exire ei per os liceret, foeda relinquens vestigia, parum ventris exustus est.*" (Sulpicii Severi Opera, p. 463, edit. Hornii. Amst. 1665, 8vo.) This author, who wrote about the year 400, is commended for his polished style; "at ejusdem in adorandis figmentis miraculorum Martini et aliorum superstitionis crudelitas," is too glaring to be concealed. (Oelrichs, Commentarii de Scriptoribus Ecclesiae Latinae, p. 255. Lipsiae, 1791, 8vo.)

"Many shall run to and fro, and knowledge shall be increased;" but in many cases the progress of reason would seem to have been extremely slow. Even among Protestants, a belief in the long continuance of miraculous interpositions, could not easily be eradicated. An excellent prelate, who died in 1694, expresses the following opinion: "I think it still very credible, that if persons of sincere minds did go to preach the pure Christian religion, free from those errors and superstitions which have crept into it, to infidel nations, that God would still enable such persons to work miracles, without which there would be little or no probability of success." (Tillotson's Sermons, vol. x. p. 4452.) Such an opinion was not peculiar to the archbishop. After an interval of more than a century, we find the late Dr. Smith of Campbellton inclined to lend a credulous ear to the monkish

They do it where for reverence no man shall dare to examine it; they do it in a corner, in a mortice hole, not in the market place. They do nothing but what may be done by art; they make the devil fly out of the window in the likeness of a bat or a rat; why do they not hold him? Why in the likeness of a bat, or a rat, or some creature? That is, why not in some shape we paint him in, with claws and horns? By this trick they gain much, gain upon men's fancies, and so are revered; and certainly if the priest deliver me from him that is my most deadly enemy, I have all the reason in the world to reverence him. *Objection.* But if this be juggling, why do they punish impostures? *Answer.* For great reason, because they don't play their part well, and for fear others should

legends of miracles, performed by an Irish saint. "Of those marvellous relations I do not profess to believe any; nor would I be so bold as to deny them all. In circumstances such as those in which Columba stood, called forth to extirpate an old and inveterate superstition, and to establish the true religion upon its ruins, to surmount the prejudices of a barbarous people, and to contend with powerful and artful priests, we cannot, without presumption, say how far it might be fit that God should countenance the labours of his faithful servant, and vouchsafe him, even by signs and wonders, as he often did to his ministers in such cases, a clear and decided victory." (*Life of St. Columba, the Apostle and Patron Saint of the Ancient Scots and Picts*, p. 3. Edinb. 1798, 8vo.)

discover them ; and so all of them ought to be of the same trade.

3. A person of quality came to my chamber in the Temple, and told me he had two devils in his head, (I wondered what he meant,) and just at that time one of them bid him kill me : with that I began to be afraid, and thought he was mad. He said he knew I could cure him, and therefore entreated me to give him something ; for he was resolved he would go to nobody else. I perceiving what an opinion he had of me, and that 'twas only melancholy that troubled him, took him in hand, warranted him, if he would follow my directions, to cure him in a short time. I desired him to let me be alone about an hour, and then to come again, which he was very willing to. In the meantime I got a card, and lapped it up handsome in a piece of taffeta, and put strings to the taffeta, and when he came, gave it to him to hang about his neck, withal charged him that he should not disorder himself neither with eating nor drinking, but eat very little of supper, and say his prayers duly when he went to bed, and I made no question but he would be well

in three or four days. Within that time I went to dinner to his house, and asked him how he did? He said he was much better, but not perfectly well, or in truth he had not dealt clearly with me. He had four devils in his head, and he perceived two of them were gone, with that which I had given him, but the other two troubled him still. Well, said I, I am glad two of them are gone; I make no doubt but to get away the other two likewise. So I gave him another thing to hang about his neck. Three days after he came to me to my chamber, and professed he was now as well as ever, he was in his life, and did extremely thank me for the great care I had taken of him. I fearing lest he might relapse into the like distemper, told him that there was none but myself and one physician more in the whole town that could cure the devils in the head, and that was Dr. Harvey (whom I had prepared), and wished him, if ever he found himself ill in my absence, to go to him, for he could cure his disease as well as myself. The gentleman lived many years, and was never troubled after.

SELF-DENIAL.

'Tis much the doctrine of the times, that men should not please themselves, but deny themselves every thing they take delight in ; not look upon beauty, wear no good clothes, eat no good meat, &c. which seems the greatest accusation that can be upon the maker of all good things. If they be not to be used, why did God make them ? The truth is, they that preach against them cannot make use of them their selves, and then again they get esteem by seeming to condemn them. But mark it while you live, if they do not please themselves as much as they can ; and we live more by example than precept.

DUEL.

1. A duel may still be granted in some cases by the law of England, and only there. That the church allowed it anciently appears by this : in their public liturgies there were prayers appointed for the duellists to say ; the judge used to bid them go to such a church and pray, &c. But whether is this lawful ? If you grant any war lawful, I make no doubt but to convince it.

War is lawful, because God is the only judge between two that are supreme.* Now, if a difference happen between two subjects, and it cannot be decided by human testimony, why may they not put it to God to judge between them by the permission of the prince? Nay, what if we should bring it down, for argument's sake, to the swordmen? One gives me the lie; 'tis a great disgrace to take it; the law has made no provision to give remedy for the injury, if you can suppose anything an injury for which the law gives no remedy: why am not I in this case supreme, and may therefore right myself?†

* This is the reading of the MS., and likewise of Dr. Wilkins's edition. The meaning is, two that acknowledge no common jurisdiction. Other editions exhibit "two, that is supreme."

† Selden has elsewhere remarked, that "the divine law and Christianity teach otherwise." (*The Duello, or Single Combat*, chap. iv.) See likewise the Works of John Hales, vol. ii. p. 104, Barbeyrac, *Recueil de Discours*, tom. ii. p. 1, and Maffei, *Della Scienza chiamata Cavalleresca libri tre*, p. 72. Roma, 1710, 4to. It must however be admitted that many other writers have maintained the lawfulness of duelling. Dr Johnson adopted the same reasoning that Selden employs in the text, namely, "if public war be allowed to be consistent with morality, private war must be equally so." Upon another occasion he argued thus: "It is never unlawful to fight in self-defence. He then who fights a duel, does not fight from passion against his antagonist, but out of self-defence; to avert the stigma of the world, and to prevent himself from being driven out of society. I could wish there was not that superfluity of refinement; but while such notions prevail, no doubt a man may lawfully fight a duel." (*Boswell's Life of Johnson*, vol. ii. p. 217, 208.) Lord Kames maintains the same paradoxical opinion. (*Sketches of the History of Man*, vol. i. p.

2. A duke ought to fight with a gentleman. The reason is this: the gentleman will say to the duke, 'tis true you hold a higher place in the state than I; there's a great distance between you and me, but your dignity does not privilege you to do me an injury: as soon as ever you do me an injury you make yourself my equal; and as you are my equal, I challenge you; and in sense the duke is bound to answer him. This will give you some light to understand the quarrel betwixt a prince and his subjects. Though there be a vast distance between him and them, and they are to obey him according to their contract, yet he hath no power to do them an injury: then they think themselves as much bound to vindicate their

335.) Dr. Paley seems to tread on firmer ground. "Murder is forbidden; and wherever human life is deliberately taken away, otherwise than by public authority, there is murder." (*Principles of Moral and Political Philosophy*, vol. i. p. 270.) Dr. Ames, a more early as well as a more rigid casuist, expresses his disapprobation in terms of higher indignation. "*Nulla in Scripturis exstat approbatio hujusmodi pugnae: ita ut leges duelli (sicut etiam potandi leges,) non sint a Deo scriptae, sed a Diabolo traditae in perniciem generis humani.*" (*Amesii de Conscientia et ejus Jure vel Casibus libri quinque*, p. 347. Amst. 1643, 12mo.) On the theory and practice of duelling, I have a curious volume, bearing the following title: *Il Duello del Mutio Justinopolitano, con le Risposte Cavalleresche, nuovamente dall' autore riveduto, &c.* Vinegia, 1553, 8vo. Hieronimo Mutio does not however aver that private combats are sanctioned by the precepts of the Christian religion.

right as they are to obey his lawful commands ; nor is there any other measure of justice left upon earth but arms.

EPITAPH.

An epitaph must be made fit for the person for whom it is made. For a man to say all the excellent things that can be said upon one, and call that his epitaph, is as if a painter should make the handsomest piece he can possibly make, and say 'twas my picture. It holds in a funeral sermon.

EQUITY.

1. Equity in law is the same that the spirit is in religion, what every one pleases to make it. Sometimes they go according to conscience, sometimes according to law, sometimes according to the rule of court.

2. Equity is a roguish thing: for law we have a measure, know what to trust to ; equity is according to the conscience of him that is chancellor, and as that is larger or narrower, so is equity. 'Tis all one as if they should make the standard for the measure we call a foot, a

chancellor's foot; what an uncertain measure would this be? One chancellor has a long foot, another a short foot, a third an indifferent foot: 'tis the same thing in the chancellor's conscience.*

3. That saying, *Do as you would be done to*, is often misunderstood; for 'tis not thus meant that I a private man should do to you a private man, as I would have you to me, but do as we have agreed to do, one to another by public agreement. If the prisoner should ask the judge whether he would be content to be hanged, were he in his case, he would answer, no. Then, says the prisoner, do as you would

* Since the days of Selden, we may suppose the theory and practice of equity to have received material improvements. For nearly two centuries, the chancellors have been regularly trained by a professional education, and a few have been men of great attainments; but most of them have manifested a more zealous disposition to defend old abuses, than to lend the slightest aid in any attempt to remove them. An obstinate adherence to obsolete, cumbrous, and useless formalities, only satisfactory to those who divide the spoil, continues to render the course of proceedings in Chancery so tedious, uncertain, and expensive, that justice appears to be a commodity too costly to be purchased by any individual of moderate resources. After four or five lustrums of anxious and ruinous litigation, many an unhappy suitor must have been tempted to exclaim, *Equity is a vexatious thing*. The forms of proceeding are clearly detailed in Chief Baron Gilbert's *History and Practice of the High Court of Chancery*. In the Savoy, 1758, 8vo. There are many practical works of a recent date. A laudable attempt to investigate the principles of equity was made by a Scottish judge; a man of much native ingenuity, but sometimes hasty in his conclusions, and paradoxical in his opinions. According to Blackstone, he has misapprehended some points of English law. (*Kames's Principles of Equity*, second edition. Edinb. 1767, fol.)

be done to. Neither of them must do as private men, but the judge must do by him as they have publicly agreed ; that is, both judge and prisoner have consented to a law, that if either of them steal they shall be hanged.

EVIL SPEAKING.

1. He that speaks ill of another, commonly before he is aware makes himself such a one as he speaks against ; for if he had civility or breeding, he would forbear such kind of language.

2. A gallant man is above ill words : an example we have in the old Lord of Salisbury, who was a great wise man. Stone had called some lord about court, fool ; the lord complains, and has Stone whipt : Stone cries, I might have called my Lord of Salisbury fool often enough, before he would have had me whipt.*

* For a similar offence, another court jester was dismissed the service. Archy Armstrong was so unlucky as to touch upon what to the king and the primate was a very painful subject. As Lord was proceeding to the council-table, the jester accosted him thus. " When's feule now ? Doth not your Grace hear the news from Striveling about the Latargy ? " Such an offence was not to be pardoned by such an archbishop ; and accordingly the following entry appears in the records of the Council, March 11. 1637-8 : " It is this day ordered by his Majesty, with the advice of the Board, that Archibald Armstrong, the king's fool, for certain scandalous

3. Speak not ill of a great enemy, but rather give him good words, that he may use you the better, if you chance to fall into his hands.

words of a high nature, spoken by him against the Lord Archbishop of Canterbury his Grace, and proved to be uttered by him by two witnesses, shall have his coat pulled over his head, and be discharged of the King's service, and banished the court; for which the Lord Chamberlain of the King's household is prayed and required to give order to be executed." (Rushworth's Collections, part II. vol. I. p. 471.) This dignified order of the king in council was immediately executed. Archy had been in the service of the king's father, and had borne a part in many spoliations, which are particularly described by Sir Anthony Weldon. (Court and Character of King James, p. 61, edit., Lond. 1689, 8vo.) He accompanied Prince Charles in his romantic expedition to Madrid. (Howell's Familiar Letters, p. 136) There is a certain rare volume, which generally passes under the name of *Archy's Jest*, but of which the proper title is *A Banquet of Jest*, &c Newly published. Lond. 1636, 12mo. A portrait of Archy is prefixed. Some traditions of him are still preserved in the county of Dumfriesshire. He is said to have been a native of Eskdale, and to have resided at Stubbhorn, a delightful spot, which overlooks the town of Langholm. He belonged to a clan of freebooters, and of this clan he was not an inactive member. Of a traditional anecdote of his sheep-stealing we find a curious parallel in the Towneley Mysteries, p. 112. Lond. 1826, 8vo. See Scott's *Minstrelsy of the Scottish Border*, vol. II. p. 81. His preferment at court enabled him to acquire riches. A letter, printed in the *Banquet of Jest*, p. 43, commemorates his love of money, and the following passage occurs in a letter of that period. "I have a new fool in his place, Muckle John, but he will ne'er be so rich as I, for he cannot abide money." (Stratford's Letters and Dispatches, vol. II. p. 134.)

"The practice of retaining fools," says Mr. Douce, "can be traced in very remote times throughout almost all civilized, and even among some barbarous nations. It prevailed from the palace to the brothel. The pope had his fool, and the bawd hers, and ladies entertained them of both sexes." (Illustrations of Shakespeare, vol. II. p. 306.) When Xenophon, during his famous retreat, was entertained by Socrates, a wild Thracian chief, some jesters were introduced after supper for the purpose of entertaining the company. *Εἰς τὴν αὐτὴν καὶ γίλασσαναι.* (De Cyri Expeditione, lib. vii. p. 525, edit. Cantab. 1765, 4to.) In another work, describing an Athenian banquet, Philip the Jester, *Φίλιππος ὁ γίλασσανός,*

The Spaniard did this when he was dying. His confessor told him, to work him to repentance, how the Devil tormented the wicked that went to hell ; the Spaniard replying, called the Devil my lord. I hope my Lord the Devil is not so cruel. His confessor reproved him. Excuse me, said the Don, for calling him so ; I know not into what hands I may fall, and if I happen into his, I hope he will use me the better for giving him good words.

makes a considerable figure. (*Xenophon's Opera*, tom. v. p. 154, edit. Schneider.)

It may be supposed that Scotland was not without its share of foolery. Pinkerton states that a regular fool was entertained by James the Third. (*Hist. of Scotland*, vol. i. p. 434.) Dunbar, writing in the reign of James the Fourth, mentions "John Bute the fool" as being present at a dance in the queen's chamber. (*Poems*, vol. i. p. 119, Laing's edit.) A fool called John Mackilrie belonged to the royal household during the earlier part of the next reign. (Lindsay's *Hist. of Scotland*, p. 132.) The Treasurer's Accounts for the reign of James the Fifth, record various payments to fools. Mr. Douce has remarked, that "in Dr. Turner's *New Booke of Spirituall Physick*, 1555, 12mo, f. 8, there is a very curious story of John of Low, the king of Scotland's fool." Some fools appear to have followed their vocation without being maintained by a particular family. Under the date of 1639, the following entry occurs in Mr. Sharpe's *Extracts from the Household Book of the Countess of Marr*, p. 37 : "Payit in contribution to Edward the fools, 12 sh." But almost every family of distinction seems to have maintained its own jester ; and Lord Hailes remarked in the year 1770, that "in Scotland the vestiges of this sort of establishment still remain." (*Notes on Ancient Scottish Poems*, p. 246.) See Strutt's *View of the Dress and Habits of the People of England* vol. II. p. 313.

EXCOMMUNICATION.

1. That place they bring for excommunication, "put away from among yourselves that wicked person," 1 Cor. v. chap. 13 verse, is corrupted in the Greek: for it should be τὸ πονηρὸν, put away that evil from among you, not τὸν πονηρὸν, that evil person. Besides, ὁ πονηρὸς is the Devil in Scripture, and it may be so taken there; and there is a new edition of Theodoret come out, that has it right τὸ πονηρόν. 'Tis true the Christians, before the civil state became Christian, did by covenant and agreement set down how they should live; and he that did not observe what they agreed upon, should come no more amongst them, that is, be excommunicated. Such men are spoken of by the apostle, Romans, i. 31, whom he calls ἀσυνθέτους καὶ ἀσπόνδους: the Vulgate has it *incompositos et sine fœdere*: the last word is pretty well, but the first not at all. Origen in his book against Celsus, speaks of the Christians' συνθήκη: the translation renders it *conventus*, as [if] it signifies a meeting, when it is plain it signifies a covenant; and the English Bible

turned the other word well, *covenant-breakers*. Pliny tells us, the Christians took an oath amongst themselves to live thus and thus.*

2. The other place, *dic ecclesiæ*, tell the church, is but a weak ground to raise excommunication upon, especially from the sacrament, the lesser excommunication; since when that was spoken the sacrament was instituted.† The Jews' *ecclesia* was their sanhedrim, their court: so that the meaning is, if after once or twice admonition, this brother will not be reclaimed, bring him thither.

3. The first excommunication was 180 years after Christ, and that by Victor, bishop of Rome: but that was no more than this, that they should communicate and receive the sacrament amongst themselves, not with those of the other opinion; the controversy, as I take it, being about the feast of Easter. Men do

* "Seque sacramento non in scelus aliquod obstringere, sed ne furta, ne introcinita, ne adulteria committerent, ne fidem fallerent, ne depositum appellati abnegarent." (Plinii Epistolæ, lib. x. 97.) See the valuable work of Böhme: XII. Dissertationes Juris Ecclesiastici Antiqui, ad Plinium Secundum et Tertullianum, p. 72. Halmæ, 1729, 8vo. This is the second and a greatly enlarged edition. The author was a distinguished professor of law in the University of Halle.

† The context evidently requires "the sacrament was not instituted." See Matth. xviii. 17.

not care for excommunication because they are shut out of the church, or delivered up to Satan, but because the law of the kingdom takes hold of them. After so many days a man cannot sue, no not for his wife, if you take her from him ; and there may be as much reason to grant it for a small fault, if there be contumacy, as for a great one. In Westminster Hall you may outlaw a man for forty shillings, which is their excommunication, and you can do no more for forty thousand pound.

4. When Constantine became Christian, he so fell in love with the clergy, that he let them be judges of all things ; but that continued not above three or four years, by reason they were to be judges of matters they understood not, and then they were allowed to meddle with nothing but religion. All jurisdiction belonged to him, and he scanted them out as much as he pleased, and so things have since continued. They excommunicate for three or four things ; matters concerning adultery, tithes, wills, &c., which is the civil punishment the state allows for such faults. If a bishop excommunicate a man for what he ought not, the judge has

power to absolve, and punish the bishop: if they had that jurisdiction from God, why does not the church excommunicate for murder, for theft? If the civil power might take away all but three things, why may they not take them away too? If this excommunication were taken away, the presbyters would be quiet; 'tis that they have a mind to, 'tis that they would fain be at. Like the wench that was to be married: she asked her mother when 'twas done, if she should go to bed presently. No, says her mother, you must dine first. And then to bed, mother? No, you must dance after dinner. And then to bed, mother? No, you must go to supper. And then to bed, mother? &c.

FAITH AND WORKS.

'Twas an unhappy division that has been made between faith and works. Though in my intellect I may divide them, just as in the candle I know there is both light and heat; but yet put out the candle, and they are both gone; one remains not without the other: so 'tis betwixt faith and works. Nay, in a right

conception, *fides est opus* : if I believe a thing because I am commanded, that is *opus*.

FASTING DAYS.

1. What the church debars us one day, she gives us leave to take out in another. First we fast, and then we feast ; first there is a carnival, and then a lent.

2. Whether do human laws bind the conscience ? If they do, 'tis a way to ensnare : if we say they do not, we open the door to disobedience. *Answer*. In this case we must look to the justice of the law, and intention of the lawgiver : if there be no justice in the law, 'tis not to be obeyed ; if the intention of the lawgiver be absolute, our obedience must be so too. If the intention of the lawgiver enjoin a penalty as a compensation for the breach of the law, I sin not if I submit to the penalty ; if it enjoin a penalty as a future enforcement of obedience to the law, then ought I to observe it, which may be known by the often repetition of the law. The way of fasting is enjoined unto them who yet do not observe it. The law enjoins a penalty as an enforcement to obe-

dience ; which intention appears by the often calling upon us to keep that law by the king, and the dispensation of the church to such as are not able to keep it, as young children, old folks, diseased men, &c.

FATHERS AND SONS.

It hath ever been the way for fathers to bind their sons. To strengthen this by the law of the land, every one at twelve years of age is to take the oath of allegiance in court-leets, whereby he swears obedience to the king.

FINES.

The old law was, that when a man was fined, he was to be fined *salvo contentemento*, so as his countenance might be safe, taking countenance in the same sense as your countryman does, when he says, if you will come unto my house, I will shew you the best countenance I can ; that is, not the best face, but the best entertainment. The meaning of the law was, that so much should be taken from a man, such a gobbet sliced off, that yet notwithstanding he might live in the same rank and condition he

lived in before ; but now they fine men ten times more than they are worth.

FREE WILL.

The Puritans who will allow no free will at all, but God does all, yet will allow the subject his liberty to do or not to do, notwithstanding the king, the God upon earth. The Arminians, who hold we have free will, yet say, when we come to the king, there must be all obedience, and no liberty to be stood for.

FRIARS.

1. The friars say they possess nothing : whose then are the lands they hold ? Not their superior's ; he hath vowed poverty as well as they. Whose then ? To answer this, 'twas decreed they should say they were the pope's. And why must the friars be more perfect than the pope himself ?

2. If there had been no friars, Christendom might have continued quiet, and things remained at a stay.

3. If there had been no lecturers, which succeed the friars in their way, the church of

England might have stood and flourished at this day.

FRIENDS.

Old friends are best. King James used to call for his old shoes ; they were easiest for his feet.

GENEALOGY OF CHRIST.

1. They that say, the reason why Joseph's pedigree is set down, and not Mary's, is, because the descent from the mother is lost, and swallowed up, say something ; but yet if a Jewish woman married with a Gentile, they only took notice of the mother, not of the father. But they that say, they were both of a tribe, say nothing ; for the tribes might marry one with another, and the law against it was only temporary, in the time while Joshua was dividing the land, lest the being so long about it, there might be a confusion.

2. That Christ was the son of Joseph is most exactly true. For though he was the son of God, yet with the Jews, if any man kept a child, and brought him up, and called him son,

he was taken for his son ; and his land, if he had any, was to descend upon him ; and therefore the genealogy of Joseph is justly set down.

GENTLEMEN.

1. What a gentleman is, 'tis hard with us to define. In other countries he is known by his privileges ; in Westminster Hall he is one that is reputed one ; in the court of honour, he that hath arms.* The king cannot make a gentleman of blood. What have you said ? Nor God Almighty : but he can make a gentleman by creation. If you ask which is the better of these two, civilly, the gentleman of blood, morally, the gentleman by creation may be the better ; for the other may be a debauched man, this a person of worth.

2. Gentlemen have ever been more temperate in their religion than the common people, as having more reason, the others running in a

* Edward Waterhouse, a contemporary of Selden, has remarked that "all men learnedly bred, and members of universities and houses of law, are, by consent of Christendome, as well as our own nation, accounted gentlemen, and warranted to write themselves so, be their extract how meane and ignote soever." (An humble Apologie for Learning and Learned Men, p. 25. Lond. 1653, 8vo.)

hurry. In the beginning of Christianity, the fathers writ *contra gentes* and *contra Gentiles* ; they were all one : but after all were Christians, the better sort of people still retained the name of Gentiles throughout the four provinces of the Roman empire ; as *gentil-homme* in French, *gentil-uomo* in Italian, *gentil-hombre* in Spanish, and *gentil-man* in English : and they, no question, being persons of quality, kept up those feasts which we borrow from the Gentiles ; as Christmas, Candlemas, May-day, &c. continuing what was not directly against Christianity, which the common people would never have endured.

GOLD.

There are two reasons why these words, *Iesus autem transiens per medium eorum ibat*, were about our old gold. The one is, because Ripley the alchymist, when he made gold in the Tower, the first time he found it, he spoke these words, *per medium eorum*, that is, *per medium ignis et sulphuris*. The other, because these words were thought to be a charm, and that they did bind whatsoever they were written

upon, so that a man could not take it away. To this reason I rather incline.

HALL.

The hall was the place where the great Lord used to eat, (wherefore else were the halls made so big?) where he saw all his servants and tenants about him. He eat not in private except in time of sickness: when once he became a thing cooped up, all his greatness was spoiled. Nay, the king himself used to eat in the hall, and his lords sat with him, and then he understood men.

HELL.

1. There are two texts for Christ's descending into hell: the one Psalm xvi. the other Acts the 2d, where the Bible that was in use when the Thirty-nine Articles were made, has it *hell*. But the Bible that was in Queen Elizabeth's time, when the Articles were confirmed, reads it *grave*; and so it continued till the new translation in King James's time, and then 'tis *hell* again. But by this we may gather the church of England declined as much as they could, the

descent, otherwise they never would have altered the Bible.

2. *He descended into hell.* This may be the interpretation of it. He may be dead and buried, then his soul ascended into heaven. Afterwards he descended again into hell, that is, into the grave, to fetch his body, and to rise again. The ground of this interpretation is taken from the Platonic learning, who held a metempsychosis; and when a soul did descend from heaven to take another body, they called it *κατάβασιν εἰς ᾗδην*, taking *ᾗδης* for the lower world, the state of mortality. Now the first Christians many of them were Platonic philosophers, and no question spake such language as was then understood amongst them. To understand by *hell* the grave is no tautology; because the creed first tells what Christ suffered, *he was crucified, dead and buried*; then it tells us what he did, *he descended into hell, the third day he rose again, he ascended, &c.*

HOLYDAYS.

They say the church imposes holydays. There's no such thing, though the number of

holydays is set down in some of our Common-Prayer Books. Yet that has relation to an Act of Parliament, which forbids the keeping of any holydays in time of popery ; but those that are kept, are kept by the custom of the country ; and I hope you will not say the church imposes that.

HUMILITY.

1. Humility is a virtue all preach, none practise, and yet everybody is content to hear. The master thinks it good doctrine for his servant, the laity for the clergy, and the clergy for the laity.

2. There is *humilitas quædam in vitio*. If a man does not take notice of that excellency and perfection that is in himself, how can he be thankful to God, who is the author of all excellency and perfection ? Nay, if a man hath too mean an opinion of himself, 'twill render him unserviceable both to God and man.

3. Pride may be allowed to this or that degree, else a man cannot keep up his dignity. In gluttony there must be eating, in drunkenness there must be drinking : 'tis not the eating, nor

'tis not the drinking that is to be blamed, but the excess. So in pride.

IDOLATRY.

Idolatry is in a man's own thought, not in the opinion of another. Put case I bow to the altar, why am I guilty of idolatry? Because a stander-by thinks so? I am sure I do not believe the altar to be God; and the God I worship may be bowed to in all places, and at all times.

JEWS.

1. God at the first gave laws to all mankind, but afterwards he gave peculiar laws to the Jews, which they were only to observe. Just as we have the common law for all England, and yet you have some corporations that besides that have peculiar laws and privileges to themselves.

2. Talk what you will of the Jews, that they are cursed, they thrive where'er they come; they are able to oblige the prince of their country, by lending him money; none of them beg, they keep together, and for their being hated, my

life for yours, Christians hate one another as much.

INVINCIBLE IGNORANCE.

'Tis all one to me if I am told of Christ, or some mystery of Christianity, if I am not capable of understanding, as if I am not told at all ; my ignorance is as invincible ; and therefore 'tis vain to call their ignorance only invincible, who never were told of Christ. The trick of it is to advance the priest, whilst the church of Rome says a man must be told of Christ by one thus and thus ordained.

IMAGES.

1. The Papists' taking away the second commandment, is not haply so horrid a thing, nor so unreasonable amongst Christians as we make it ; for the Jews could make no figure of God, but they must commit idolatry, because he had taken no shape ; but since the assumption of our flesh, we know what shape to picture God in. Nor do I know why we may not make his image, provided we be sure what it is : as we say St. Luke took the picture of the Virgin Mary,

and St. Veronica of our Saviour. Otherwise it would be no honour to the king to make a picture, and call it the king's picture, when 'tis nothing like him.*

2. Though the learned Papists pray not to images, yet 'tis to be feared the ignorant do ; as appears by that story of St. Nicholas in Spain. A countryman used to offer daily to St. Nicholas's image : at length by mischance the image was broken, and a new one made of his own plum-tree ; after that the man forbore : being complained of to his ordinary, he answered, 'tis true he used to offer to the old image, but to the new he could not find in his heart, because he knew 'twas a piece of his own plum-tree. You see what opinion this man had of the image ; and to this tended the bowing of their images, the twinkling of their eyes, the Virgin's milk, &c. Had they only meant representations, a picture would have done as well as

* This has some appearance of a special pleading, intended to evade the only material question. The violation of the commandment is not simply the making an image, but bestowing upon that image, when made, any form of religious worship. "Thou shalt not bow down to them, nor serve them." The Papists exclude this commandment from many of their catechisms, and the motive is too obvious to require an explanation ; but, in order to exhibit a Decalogue, they divide the tenth into two, and thus number ten commandments.

these tricks. It may be with us in England they do not worship images, because living amongst Protestants they are either laughed out of it, or beaten out of it by shock of argument.

3. 'Tis a discreet way concerning pictures in churches, to set up no new, nor to pull down no old.

IMPERIAL CONSTITUTIONS.

They say imperial constitutions did only confirm the canons of the church; but that is not so, for they inflicted punishment, when the canons never did: viz. if a man converted a Christian to be a Jew, he was to forfeit his estate, and lose his life. In Valentine's Novels, 'tis said, "*constat episcopos forum legibus non habere, et judicant tantum de religione.*"*

IMPRISONMENT.

Sir Kenelm Digby was several times taken

* The passage to which Seiden refers is to be found in the *Leges Novellæ* Idv Valentini A. tit. xii. p. 26. "*Constat episcopos et presbyteros forum legibus non habere, nec de aliis causis (secundum Arcadii et Honorii divalia constituta, quæ Theodosianum Corpus ostendit) præter religionem posse cognoscere.*" See Grotius's edition of the *Codex Theodosianus*, tom. vi.

and let go again, at last imprisoned in Winchester-house. I can compare him to nothing but a great fish that we catch and let go again, but still he will come to the bait; at last therefore we put him into some great pond for store.

INCENDIARIES.

Fancy to yourself a man sets the city on fire at Cripplegate, and that fire continues, by means of others, till it come to Whitefriars, and then he that began it would fain quench it: does not he deserve to be punished most that first set the city on fire? So, 'tis with the incendiaries of the state. They that first set it on fire, by monopolizing, forest business, imprisoning Parliament men *tertio Caroli*, &c. are now become regenerate, and would fain quench the fire. Certainly they deserved most to be punished for being the first cause of our distractions.

INDEPENDENCY.

1. Independency is in use at Amsterdam, where forty churches or congregations have nothing to do one with another. And 'tis no question agreeable to the primitive times, be-

fore the emperor became Christian. For either we must say every church governed itself, or else we must fall upon that old foolish rock, that St. Peter and his successors governed all. But when the civil state became Christian, they appointed who should govern them; before they governed by agreement and consent: if you will not do this, you shall come no more amongst us. But both the Independent man, and the Presbyterian man, do equally exclude the civil power, though after a different manner.

2. The Independents may as well plead, they should not be subject to temporal things, not come before a constable, or a justice of peace, as they plead they should not be subject in spiritual things, because St. Paul says, "is it so, that there is not a wise man amongst you?"

3. The pope challenges all churches to be under him; the king and the two archbishops challenge all the church of England to be under them. The Presbyterian man divides the kingdom into as many churches as there be presbyteries; and your Independent would have every congregation a church by itself.

THINGS INDIFFERENT.

In time of a Parliament, when things are under debate, they are indifferent; but in a church or state settled, there's nothing left indifferent.

PUBLIC INTEREST.

All might go well in the commonwealth, if every one in the Parliament would lay down his own interest, and aim at the general good. If a man were sick, and the whole College of Physicians should come to him, and administer severally, haply so long as they observed the rules of art he might recover; but if one of them had a great deal of scammony by him, he must put off that, therefore he prescribes scammony; another had a great deal of rhubarb, and he must put off that, and therefore he prescribes rhubarb, &c. they would certainly kill the man. We destroy the commonwealth, while we preserve our own private interests, and neglect the public.

HUMAN INVENTION.

1. You say there must be no human invention in the church, nothing but the pure word. *Answer.* If I give any exposition but what is expressed in the text, that is my invention; if you give another exposition, that is your invention, and both are human. For example, suppose the word egg were in the text, I say, 'tis meant an hen-egg, you say a goose-egg: neither of these are exprest, therefore they are human inventions; and I am sure the newer the invention the worse; old inventions are best.

2. If we must admit nothing but what we read in the Bible, what will become of the Parliament? For we do not read of that there.

JUDGMENTS.

We cannot tell what is a judgment of God;* 'tis presumption to take upon us to know. In time of plague we know we want health, and therefore we pray to God to give us health; in time of war we know we want peace, and there-

* This subject is ably treated by Dr. Spencer, *Discourse concerning Prodiges*, p. 348, 2d edit. Lond. 1665, 8vo.

fore we pray to God to give us peace. Commonly we say a judgment falls upon a man for something in him we cannot abide. An example we have in King James concerning the death of Henry the Fourth of France : one said he was killed for his wenching, another said he was killed for turning his religion. No, says King James, who could not abide fighting, he was killed for permitting duels in his kingdom.

JUDGE.

1. We see the pageants in Cheapside, the lions, and the elephants, but we do not see the men that carry them : we see the judges look big, look like lions, but we do not see who moves them.

2. Little things do great works, when the great things will not. If I should take a pin from the ground, a little pair of tongs will do it, when a great pair will not. Go to a judge to do a business for you ; by no means, he will not hear of it ; but go to some small servant about him, and he will dispatch it according to your heart's desire.

3. There could be no mischief in the com-

monwealth without a judge. Though there be false dice brought in at the groom-porter's and cheating offered, yet unless he allow the cheating, and judge the dice to be good, there may be hopes of fair play.

JUGGLING.

'Tis not juggling that is to be blamed, but much juggling ; for the world cannot be governed without it. All your rhetoric, and all your elenchs in logic come within the compass of juggling.

JURISDICTION.

1. There's no such thing as spiritual jurisdiction ; all is civil ; the church's is the same with the lord mayor's. Suppose a Christian came into a pagan country, how can you fancy he shall have any power there ? He finds faults with the gods of the country ; well, they will put him to death for it : when he is a martyr, what follows ? Does that argue he has any spiritual jurisdiction ? If the clergy say the church ought to be governed thus and thus by

the word of God, that is doctrine all, that is not discipline.

2. The pope he challenges jurisdiction over all; the bishops they pretend to it as well as he; the Presbyterians they would have it to themselves; but over whom is all this? The poor laymen.

JUS DIVINUM.

1. All things are held by *jus divinum*, either immediately or mediately.

2. Nothing has lost the pope so much in his supremacy, as not acknowledging what princes gave him. 'Tis a scorn upon the civil power, and an unthankfulness in the priest. But the church runs to *jus divinum*, lest if they should acknowledge what they have by positive law, it might be as well taken from them as given to them.

KING.

1. A king is a thing men have made for their own sakes, for quietness sake.* Just as

* "The divine right of kings," says Dr. Paley, "is like the divine right of other magistrates,—the law of the land, or even actual and quiet possession of their office;—a right ratified, we humbly presume, by divine

in a family one man is appointed to buy the meat: if every man should buy, or if there were many buyers, they would never agree; one would buy what the other liked not, or what the other had bought before, so there would be a confusion. But that charge being committed to one, he according to his discretion pleases all; if they have not what they would have one day, they shall have it the next, or something as good.

2. The word king directs our eyes. Suppose it had been consul, or dictator. To think all kings alike is the same folly as if a consul of Aleppo or Smyrna should claim to himself the same power that a consul at Rome. What, am not I a consul? Or a duke of England should think himself like the duke of Florence. Nor can it be imagined that the word βασιλεὺς did signify the same in Greek as the Hebrew word מֶלֶךְ did with the Jews. Besides, let the

approbation, so long as obedience to their authority appears to be necessary or conducive to the common welfare. Princes are ordained of God by virtue only of that general decree by which he assents, and adds the sanction of his will, to every law of society which promotes his own purpose, the communication of human happiness." (Principles of Moral and Political Philosophy, vol. II. p. 160.) It is pleasant to contrast the intrepid shrewdness of Paley with the abject sycophancy of Sanderson.

divines in their pulpits say what they will,* they in their practice deny that all is the king's: they sue him, and so does all the nation, whereof they are a part. What matter is it then what they preach or teach in the schools?

3. Kings are all individual, this or that king; there is no species of kings.

4. A king that claims privileges in his own country because they have them in another, is just as a cook that claims fees in one lord's house, because they are allowed in another. If the master of the house will yield them, well and good.

5. The text, "render unto Cæsar the things that are Cæsar's," makes as much against kings as for them; for it says plainly, that some things are not Cæsar's. But divines make

* As a specimen of the political doctrines which the divines of that age ventured to inculcate in their pulpits, I subjoin an extract from one of the court sermons of Bishop Sanderson. This famous prelate avers that it is not expedient to take up arms against a lawful sovereign; "not for the maintenance of the lives or liberties either of ourselves or others; nor for the defence of religion; nor for the preservation of a church or state; no nor yet, if that could be imagined possible, for the salvation of a soul, no, not for the redemption of the whole world." (Sermons, ed. Aulom, p. 166, edit. Lond. 1671, fol.) A better specimen could scarcely be desired; but many others, not greatly inferior, may be found in a very curious Jacobitical publication, entitled *The History of Passions in Great Britain since the Reformation*. Amsterdam, 1689-90, 4to.

choice of it, first in flattery, and then because of the other part adjoined to it, "render unto God the things that are God's," where they bring in the church.

6. A king outed of his country, that takes as much upon him as he did at home in his own court, is as if a man on high, and I being upon the ground, used to lift up my voice to him that he might hear me, at length should come down, and then expects I should speak as loud to him as I did before.

KING OF ENGLAND.

1. The king can do no wrong ; that is, no process can be granted against him. What must be done then ? Petition him, and the king writes upon the petition *soit droit fait*, and sends it to the Chancery, and then the business is heard. His confessor will not tell him, he can do no wrong.

2. There's a great deal of difference between head of the church, and supreme governor, as our canons call the king. Conceive it thus : there is in the kingdom of England a College of Physicians ; the king is supreme governor of

those, but not head of them, nor president of the college, nor the best physician.

3. After the dissolution of abbeyes, they did not much advance the king's supremacy, for they only cared to exclude the pope: hence have we had several translations of the Bible put upon us. But now we must look to it, otherwise the king may put upon us what religion he pleases.

4. 'Twas the old way when the king of England had his house, there were canons to sing service in his chapel; so at Westminster in St. Stephen's chapel, where the House of Commons sits: from which canons the street called Canon Row has its name, because they lived there; and he had also the abbot and his monks, and all these the king's house.

5. The three estates are the lords temporal, the bishops are the clergy, and the commons, as some would have it. Take heed of that, for then if two agree, the third is involved; but he is king of the three estates.

6. The king hath a seal in every court, and though the great seal be called *sigillum Angliæ* the great seal of England, yet 'tis not because

'tis the kingdom's seal, and not the king's, but to distinguish it from *sigillum Hiberniæ*, *sigillum Scotiæ*.

7. The court of England is much altered. At a solemn dancing, first you had the grave measures, then the corautoes and the galliards, and this is kept up with ceremony; at length to French-more, and the cushion-dance, and then all the company dances, lord and groom, lady and kitchen-maid, no distinction. So in our court, in Queen Elizabeth's time, gravity and state were kept up. In King James's time things were pretty well. But in King Charles's time there has been nothing but French-more, and the cushion-dance, *omnium gatherum*, tolly polly, hoite come toite.

THE KING.

1. 'Tis hard to make an accommodation between the king and the Parliament. If you and I fell out about money, you said I owed you twenty pounds, I said I owed you but ten pounds, it may be a third party allowing me twenty marks, might make us friends. But if I said I owed you twenty pounds in silver, and

you said I owed you twenty pounds in diamonds, which is a sum innumerable, 'tis impossible we should ever agree. This is the case.

2. The king using the House of Commons as he did in Mr. Pym and his company, that is, charging them with treason because they charged my lord of Canterbury and Sir George Ratcliffe, it was just with as much logic as the boy that would have lain with his grandmother used to his father ; you lay with my mother, why should not I lie with yours ?

3. There is not the same reason for the king's accusing men of treason, and carrying them away, as there is for the houses themselves, because they accuse one of themselves. For every one that is accused is either a peer or a commoner ; and he that is accused hath his consent going along with him ; but if the king accuses, there is nothing of this in it.

4. The king is equally abused now as before : then they flattered him and made him do ill things, now they would force him against his conscience. If a physician should tell me, every thing I had a mind to was good for me, though in truth 'twas poison, he abused me ; and he

abuses me as much that would force me to take something whether I will or no.

5. The king, so long as he is our king, may do with his officers what he pleases ; as the master of the house may turn away all his servants, and take whom he please.

6. The king's oath is not security enough for our property : for he swears to govern according to law ; now the judges they interpret the law, and what judges can be made to do, we know.

7. The king and the Parliament now falling out, are just as when there is foul play offered amongst gamesters ; one snatches the other's stake ; they seize what they can of one another's. 'Tis not to be asked whether it belongs not to the king to do this or that : before, when there was fair play, it did ; but now they will do what is most convenient for their own safety. If two fall to scuffling, one tears the other's hand, the other tears his ; when they were friends they were quiet, and did no such thing ; they let one another's bands alone.

8. The king calling his friends from the Parliament, because he had use of them at

Oxford, is as if a man should have use of a little piece of wood, and he runs down into the cellar, and takes the spigot ; in the mean time all the beer runs about the house : when his friends are absent, the king will be lost.

KNIGHT'S SERVICE.

Knight's service in earnest means nothing : for the lords are bound to wait upon the king when he goes to war with a foreign enemy, with it may be one man and one horse ; and he that doth not, is to be rated so much as shall seem good to the next Parliament. And what will that be ? So 'tis for a private man that holds of a gentleman.

LAND.

1. When men did let their land under-foot, the tenants would fight for their landlords, so that way they had their retribution ; but now they will do nothing for them ; may be the first, if but a constable bid them, that shall lay the landlord by the heels ; and therefore 'tis vanity and folly not to take the full value.

2. *Allodium* is a law-word, contrary to *feu-*

dum, and it signifies land that holds of nobody.* We have no such land in England. 'Tis a true proposition, all the land in England is held either immediately or mediately of the king.

LANGUAGE.

1. To a living tongue new words may be added, but not to a dead tongue, as Latin, Greek, Hebrew, &c.

* "Allodial lands," says Dr. Stuart, "were enjoyed in full property, and are therefore opposed to feudal or beneficiary possessions, which were received with limitations, and under the burden of military service to the granters." (View of Society in Europe, p. 204.) See Du Cange, Glossarium ad Scriptores Mediæ et Infimæ Latinitatis, v. *Allodium*, and Herald's Quæstionum quotidianarum Tractatus, p. 109. Paris, 1650, fol. As to the etymology of the word, we find a variety of conjectures. See, for example, the glossary subjoined to Lindenbrog's Codex Legum Antiquarum, p. 1351, and Spelman's Archaeologus, in modum Glossarii ad Rem Antiquam posteriorem, p. 32. Lond. 1626, fol. lxx, the learned editor of Junius, prefers the suggestion of Loccenius, "qui compositum vult ab *ad* omnia, et *od*, possessio, q. d. omnimoda possessio." (Junii Etymologicum Anglicanum, v. *Allodial*. Oxon. 1743, fol.) *Allodial* is synonymous with *adial*, which is employed to denote the right of such lands in Orkney and Zetland; "whereby," as Lord Stair has stated, "without any investment, investiture, or other right or writ, they enjoy lands and hereditaments." (Institutions of the Law of Scotland, b. ii. tit. ii., § 11.) See likewise Lord Bankton's Institute of the Laws of Scotland, vol. i. p. 541. This word is evidently of a Scandinavian origin. In the Islandic language, *odul* signifies allodial property, but it also signifies *res derelicta*. (Halderson's Lexicon Islandicum, vol. ii. p. 121.) Among the Norwegian laws, we find enactments relative to *Odal* or *Odels* Gods. See Weylle's Glossarium Juridicum Danico-Norvegicum, § 382. Kiøbenhavn, 1652, 4to.

2. Latimer is the corruption of Latiner: it signifies he that interprets Latin; and though he interpreted French, Spanish, or Italian, he was called the king's Latiner, that is, the king's interpreter.

3. If you look upon the language spoken in the Saxon time, and the language spoken now, you will find the difference to be just as if a man had a cloak that he wore plain in Queen Elizabeth's days, and since, here has put in a piece of red, and there a piece of blue, and here a piece of green, and there a piece of orange-tawny. We borrow words from the French, Italian, Latin, as every pedantic man pleases.

4. We have more words than notions, half a dozen words for the same thing. Sometimes we put a new signification to an old word, as when we call a piece a gun. The word gun was in use in England for an engine to cast a thing from a man, long before there was any gunpowder found out.

5. Words must be fitted to a man's mouth. 'Twas well said of the fellow that was to make a speech for my lord mayor; he desired to take measure of his lordship's mouth.

LAW.

1. A man may plead not guilty, and yet tell no lie ; for by the law no man is bound to accuse himself : so that when I say, not guilty, the meaning is, as if I should say by way of paraphrase, I am not so guilty as to tell you ; if you will bring me to a trial, and have me punished for this you lay to my charge, prove it against me.

2. Ignorance of the law excuses no man ; not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to confute him.

3. 'The king of Spain was outlawed in Westminster Hall, I being of counsel against him.* A merchant had recovered costs against him in a suit, which because he could not get, we advised him to have him outlawed for not appearing, and so he was. As soon as Gondomar heard that, he presently sent the money, by

* In an important case which occurred in 1819, the vice-chancellor, Sir John Leach, laid it down as the law of the land, that a foreign monarch or government has no political or independent character here; and that in the courts of law they are only considered as private individuals, and can sue and be sued as such.

reason if his master had been outlawed, he could not have the benefit of the law, which would have been very prejudicial, there being then many suits depending between the king of Spain and our English merchants.

4. Every law is a contract between the king and the people, and therefore to be kept. An hundred men may owe me an hundred pounds, as well as any one man ; and shall they not pay me because they are stronger than I ? *Objection.* Oh, but they lose all if they keep that law. *Answer.* Let them look to the making of their bargain. If I sell my lands, and when I have done, one comes and tells me I have nothing else to keep me, I and my wife and children must starve, if I part with my land, must I not therefore let them have my land that have bought it and paid for it ?

5. The Parliament may declare law, as well as any other inferior court may, viz., the King's Bench. In that or this particular case, the King's Bench will declare unto you what the law is, but that binds nobody but whom the case concerns : so the highest court, the Parliament,

may do, but not declare law, that is, make law that was never heard of before.

LAW OF NATURE.

I cannot fancy to myself what the law of nature means, but the law of God.* How

* The law of nature and of nations had now assumed a systematic form; and Selden is himself the author of a very learned and elaborate work entitled *De Jure Naturali et Gentium, juxta Disciplinam Ebraeorum, libri septem*. Lond. 1640, fol. This new branch of jurisprudence, it is universally known, is chiefly indebted to the genius and learning of Grotius; but it may not be superfluous to add that his most remarkable precursor was Alberico Gentili, who, though a native of Italy, resided many years in England. In 1580 he was incorporated Doctor of the Civil Law in the University of Oxford, from that of Perugia. In 1587 he was appointed professor of the civil law; and this office he enjoyed during the remainder of his life. He died in the year 1611. (Wood's *Athenae Oxonienses*, vol. i. col. 367, edit. 1721.) One of his publications bears the title of *Alberici Gentilis, J. C. Professoris Regii, de Jure Belli, libri III. Nunc primum in lucem editi. Ad Illustrissimum Comitem Essexiae. Hanoviae, 1598, 8vo. Pp. 715*. Mr. Stewart, as I elsewhere had occasion to remark, committed a material error when he supposed him to "have read lectures on natural jurisprudence, under the sanction of the university." (Dissertation on the Progress of Metaphysical, Ethical, and Political Science, p. 38, first edit.) See *An Introduction to the Study of the Civil Law*, p. 151. Lond. 1837, 8vo. It was not till the year 1661 that the earliest professorship of the law of nature and of nations was founded in the University of Heidelberg, in favour of Samuel Pufendorf. This fact is distinctly stated in the preface to his work *De Jure Naturae et Gentium*, and by Barbeyrac in the preface to his translation, *Droit de la Nature et des Gens*, tom. i. p. cvii. 5me edit. Amst. 1734, 2 tom 4to.

Gentili is the author of various works on the civil law, the most important of which, a posthumous publication, was by his son Matthew dedicated to Prince Charles: *In Titulum Digestorum de Verborum Significatione Commentarius*. Hanoviae, 1614, 4to. Pp. 416. As a civilian, he is highly extolled by Fulbeck: "And amonge these, yea above these, him whom I lately named, Albericus Gentilis, who by his great industrie bath

should I know I ought not to steal, I ought not to commit adultery, unless somebody had told me so? Surely 'tis because I have been told so. 'Tis not because I think I ought not to do them, nor because you think I ought not; if so, our minds might change; whence then comes the restraint? From a higher power; nothing else can bind: I cannot bind myself, for I may untie myself again; nor an equal cannot bind me, for we may untie one another: it must be a superior power, even God Almighty. If two of us make a bargain, why should either of us stand to it? What need you care what you say, or what need I care what I say? Certainly because there is something about me that tells me *fides est servanda*; and if we after alter our minds, and make a new bargain, there's *fides servanda* there too.

quicken'd the dead bodie of the ciuill law written by the auncient ciuilians, and hath in his learned labours expressed the iudgement of a great state-man, the soundness of a deepe phylosopher, and the skill of a cunning ciuillian: learning in him hath shewed all her force, and he is therefore admirable, because he is absolute" (A Direction or Preparatiue to the Study of the Law, f. 26, b. Lond. 1620, 8vo.) His brother Scipio, an eminent ciuillian, was a professor of law in the University of Altdorf; and his works are more numerous than those of the Oxford professor. (Scipionis Gentilis Opera omnia. Neapoli, 1753 6, 8 tom. 4to.)

LEARNING.

1. No man is the wiser for his learning: it may administer matter to work in, or objects to work upon; but wit and wisdom are born with a man.

2. Most men's learning is nothing but history duly taken up. If I quote Thomas Aquinas for some tenet, and believe it because the schoolmen say so, that is but history. Few men make themselves masters of the things they write or speak.

3. The Jesuits and the lawyers of France, and Low-country-men, have engrossed all learning. The rest of the world make nothing but homilies.

4. 'Tis observable, that in Athens where the arts flourished, they were governed by a democracy: learning made them think themselves as wise as any body, and they would govern as well as others; and they spake as it were by way of contempt, that in the east and in the north they had kings, and why? Because the most part of them followed their business; and if some one man had made himself wiser than

the rest, he governed them, and they willingly submitted themselves to him. Aristotle makes the observation. And as in Athens the philosophers made the people knowing, and therefore they thought themselves wise enough to govern ; so does preaching with us, and that makes us affect a democracy : for upon these two grounds we all would be governors, either because we think ourselves as wise as the best, or because we think ourselves the elect, and have the spirit, and the rest a company of reprobates that belong to the Devil.

LECTURERS.

1. Lecturers do in a parish-church what the friars did heretofore, get away not only the affections, but the bounty, that should be bestowed upon the minister.

2. Lecturers get a great deal of money, because they preach the people tame, as a man watches a hawk ; and then they do what they list with them.

3. The lectures in Blackfriars, performed by officers of the army, tradesmen, and ministers, is as if a great lord should make a feast, and he

would have his cook dress one dish, and his coachman another, his porter a third, &c.

LIBELS.

Though some make slight of libels, yet you may see by them how the wind sits ; as take a straw and throw it up into the air, you shall see by that which way the wind is, which you shall not do by casting up a stone. More solid things do not shew the complexion of the times so well as ballads and libels.

LITURGY.

1. There is no church without a liturgy, nor indeed can there be conveniently, as there is no school without a grammar. One scholar may be taught otherwise upon the stock of his acumen, but not a whole school. One or two that are piously disposed, may serve themselves their own way, but hardly a whole nation.

2. To know what was generally believed in all ages, the way is to consult the liturgies, not any private man's writing. As if you would know how the church of England serves God, go to the Common Prayer Book, consult not

this nor that man. Besides, liturgies never compliment, nor use high expressions. The fathers oftentimes speak oratoriously.

LORDS IN THE PARLIAMENT.

1. The lords giving protections is a scorn upon them. A protection means nothing actively, but passively, he that is a servant to a Parliament man is thereby protected. What a scorn is it to a person of honour to put his hand to two lies at once, that such a man is my servant, and employed by me, when haply he never saw the man in his life, nor before never heard of him.

2. The lords protesting is foolish. To protest is properly to save to a man's self some right; but to protest as the lords protest, when they their selves are involved, 'tis no more than if I should go into Smithfield, and sell my horse, and take the money, and yet when I have your money, and you my horse, I should protest this horse is mine, because I love the horse, or I do not know why I do protest, because my opinion is contrary to the rest. Ridiculous! When they say the bishops did

anciently protest, it was only dissenting, and that in the case of the pope.

LORDS BEFORE THE PARLIAMENT.

1. Great lords, by reason of their flatterers, are the first that know their own virtues, and the last that know their own vices. Some of them are ashamed upwards, because their ancestors were too great. Others are ashamed downwards, because they were too little.*

2. The prior of St. John of Jerusalem is said to be *primus baro Angliæ*, the first baron of England, because being last of the spiritual barons, he chose to be first of the temporal. He was a kind of an otter, a knight half spiritual, and half temporal.

3. *Question.* Whether is every baron a baron of some place? *Answer.* 'Tis according to his patent: of late years they have been made baron of some place, but anciently not, called

* "Et vulgaris ista nobilitas quid aliud est, nisi opinio quaedam præstantiæ majorum ex oblivione nata? 'Cum nemo de regum quidem sit,' ut inquit Seneca, 'cujus majorum series non alternatim ex splendidis sordidisque constituerit.' Hanc ei avitæ paraverunt divitiæ, quid nobile habere potest id, cujus origo tam vilis est, et cum sordibus, fraude, injuria, atque omni indignitate plurimum conjuncta?" (Voluseni de Animi Tranquillitate Dialogus, p. 118, edit. Edinb. 1751, 8vo.)

only by their surname, or the surname of some family into which they have been married.

4. The making of new lords lessens all the rest. 'Tis in the business of lords as 'twas with St. Nicholas's image: the countryman, you know, could not find in his heart to adore the new image, made of his own plum-tree, though he had formerly worshipped the old one. The lords that are ancient we honour, because we know not whence they come; but the new ones we slight, because we know their beginning.

5. For the Irish lords to take upon them here in England, is as if the cook in the fair should come to my Lady Kent's kitchen, and take upon him to roast the meat there, because he is a cook in another place.

MARRIAGE.

1. Of all actions of a man's life, his marriage doth least concern other people, yet of all actions of our life 'tis most meddled with by other people.

2. Marriage is nothing but a civil contract. 'Tis true, 'tis an ordinance of God: so is every

other contract ; God commands me to keep it when I have made it.

3. Marriage is a desperate thing. The frogs in *Æsop* were extreme wise ; they had a great mind to some water, but they would not leap into the well, because they could not get out again.

4. We single out particulars, and apply God's providence to them. Thus when two are married and have undone one another, they cry it was God's providence we should come together, when God's providence does equally concur to every thing.

MARRIAGE OF COUSIN-GERMANS.

Some men forbear to marry cousin-germans out of this kind of scruple of conscience, because it was unlawful before the reformation, and is still in the church of Rome. And so by reason their grandfather, or their great-grandfather did not do it, upon that old score they think they ought not to do it ; as some men forbear flesh upon Friday, not reflecting upon the statute which with us makes it unlawful, but out of an old score, because the church of Rome

forbid it, and their forefathers always forbore flesh upon that day. Others forbear it out of a natural consideration, because it is observed, for example, in beasts, if two couple of a near kind, the breed proves not so good. The same observation they make in plants and trees, which degenerate being grafted upon the same stock. And 'tis also further observed, that matches between cousin-germans seldom prove fortunate. But for the lawfulness there is no colour but cousin-germans in England may marry, both by the law of God and man; for with us we have reduced all the degrees of marriage to those in the Levitical law, and 'tis plain there's nothing against it. As for that that is said, cousin-germans once removed may not marry, and therefore being a further degree may not, 'tis presumed a nearer should not, no man can tell what it means.*

* The marriage of cousin-german is discussed by a very learned and judicious writer, contemporary with Selden. See the Works of John Hales, vol. i. p. 145. Glasgow, 1765, 3 vols. 8vo. In the civil law there were various fluctuations with respect to such marriages; and the reader, who is desirous of making further researches, will find ample information in the dissertation of Gothofredus, *De Nuptiis Consobrinorum*, subjoined to his edition of *Philostorgii Historia Ecclesiastica*, Geneva, 1643, 4to, and in Otto's *Dissertationes Juris Publici et Privati*, p. 70. Traj. ad Rhen. 1723, 4to. The dissertation of Gothofredus is reprinted in the

MEASURE OF THINGS.

1. We measure from ourselves; and as things are for our use and purpose, so we ap-

splendid collection of his *Opera Juridica minora*. Lugd. Bat. 1733, fol. The law of Justinian stood thus: "*Duorum autem fratrum vel sororum liberi, vel fratris et sororis, jungi possunt.*" (*Inst. lib. i. tit. xii. § 4.*) The canon law has adopted a different doctrine: prohibitions introduce the necessity of dispensations; dispensations increase the influence and the emoluments of the church. It even prohibits the marriage of third-cousins, and extends its rule to affinity as well as consanguinity. To this discrepancy between the civil and the canon law, as Dr. Wood has suggested, we may trace the origin of a vulgar notion, still prevalent in this kingdom, that first-cousins may marry, but second-cousins may not. (*Institute of the Civil Law*, p. 47.) In computing the degrees of consanguinity in the transverse line, the civil and the canon law follow very different methods. The rule of the civil law is, that there are as many degrees as persons, exclusively of the common stock; that of the canon law, that degrees of consanguinity are to be reckoned by the number of descents in one line; and where the lines are unequal, the canonist takes the longer of the two. The canon law prohibits marriages in the fourth, the civil law permits them in the same degree; or, in other words, the one law prohibits the marriages of third-cousins, and the other permits the marriages of first-cousins. It may not be superfluous to mention that the earlier canonists differed from each other in one point: "*Alii namque patrem in primo gradu, filios in secundo ponunt. Alii primum gradum filios appellant.*" (*Decretum*, p. 2, c. 35, qu. 2 & 3, § 21.) But the decision of Pope Alexander the Second, that two degrees in the civil law make one in the canon law, has been generally adopted by later writers. "*Qui tamen parens,*" says Canisius, "*gradum non efficit, sed ipse filius et filia primum gradum constituunt; et ex his filius et filia secundum gradum.*" (*Summa Juris Canonici*, lib. ii. tit. xli. § 9. *Opera quæ de Jure Canonico reliquit*, p. 932. *Lovanii*, 1649, 4to.) This decision is however overlooked by Dr. Taylor, who describes first-cousins as standing in the third degree of consanguinity, according to the computation of the canon law. (*Elements of the Civil Law*, p. 331.) Dr. Paley committed an unaccountable mistake when he supposed that "the Roman law continued the prohibition to the descendants of brothers and sisters without limits." (*Principles of Moral and Political Philosophy*, vol. i. p. 312.)

prove them. Bring a pear to the table that is rotten, we cry it down, 'tis naught ; but bring a medlar that is rotten, and 'tis a fine thing ; and yet I'll warrant you the pear thinks as well of itself as the medlar does.

2. We measure the excellency of other men by some excellency we conceive to be in ourselves. Nash, a poet poor enough, as poets used to be, seeing an alderman with his gold chain, upon his great horse, by way of scorn said to one of his companions, Do you see yon fellow, how goodly, how big he looks ? Why, that fellow cannot make a blank verse.

3. Nay, we measure the goodness of God from ourselves ; we measure his goodness, his justice, his wisdom, by something we call just, good, or wise in ourselves ; and in so doing, we judge proportionably to the country fellow in the play, who said if he were a king he would live like a lord, and have pease and bacon every day, and a whip that cried slash.

DIFFERENCE OF MEN.

The difference of men is very great ; you would scarce think them to be of the same

species, and yet it consists more in the affection than in the intellect. For as in the strength of body, two men shall be of an equal strength, yet one shall appear stronger than the other, because he exercises and puts out his strength, the other will not stir nor strain himself, so 'tis in the strength of the brain ; the one endeavours, and strains, and labours, and studies, the other sits still, and is idle, and takes no pains, and therefore he appears so much the inferior.

MINISTER, DIVINE.

1. The imposition of hands upon the minister, when all is done, will be nothing but a designation of a person to this or that office or employment in the church. 'Tis a ridiculous phrase that of the canonists, *conferre ordines*. 'Tis *coöptare aliquem in ordinem* ; to make a man one of us, one of our number, one of our order. So Cicero would understand what I said, it being a phrase borrowed from the Latins, and to be understood proportionably to what was amongst them.

2. Those words you now use in making a minister, "receive the Holy Ghost," were used

amongst the Jews in making of a lawyer ; from thence we have them, which is a villanous key to something, as if you would have some other kind of prefecture than a mayoralty, and yet keep the same ceremony that was used in making the mayor.*

* " For the formal words," says Bishop Burnet, " used in the imposition of hands, though the saying, *Receive the Holy Ghost*, was a later addition without any ancient authority, yet because this comes nearer the practice of our Saviour, it was retained as the form of giving orders." (*Vindication of the Ordinations of the Church of England*, pref. Lond. 1677, 8vo.) As to the practice of our Saviour, it is greatly to be feared that this suggestion renders the matter more objectionable than ever. The objection to the use of such words does not involve a mere question of usage ; this solemn and presumptuous form of words seems intended to leave an impression that the bishop has succeeded to the miraculous power of an apostle. This power is expressly claimed by Bishop Bilson. (*De perpetua Ecclesie Christi Gubernatione*, p. 156. Lond. 1611, 4to.) In another work, published in 1683, Bishop Burnet rejected the doctrine of apostolical succession as a popish figment ; and, in answer to the arrogant assumptions of the Nonjurors, Bishop Hoadley afterwards discussed the subject with his usual powers of logical acuteness and precision. (*A Preservative against the Principles and Practices of the Nonjurors both in Church and State*, p. 78, 5th edit. Lond. 1719, 8vo.) As to apostolical succession, what was the opinion of Dr. Barrow ? " Such an office, consisting of so many extraordinary privileges and miraculous powers, which were requisite for the foundation of the church, and the diffusion of Christianity, against the manifold difficulties and disadvantages which it then must encounter, was not designed to continue by derivation ; for it containeth in it divers things, which apparently were not communicated, and which no man without gross imposture and hypocrisy could challenge to himself." (*Treatise of the Pope's Supremacy*, p. 115. Lond. 1680, 4to.) Archbishop Whately has very clearly expressed the same opinion. " Successors, in the apostolic office, the apostles have none. As witnesses of the resurrection, as dispensers of miraculous gifts, as inspired oracles of divine revelation, they have no successors." (*The Kingdom of Christ delineated in two Essays*, p. 229. Lond. 1841, 8vo.) See likewise Dr. Arnold's *Christian Life, its Course, its Hindrances, and its Helps*, p. xxvi. Lond. 1841.

3. A priest has no such thing as an indelible character: what difference do you find betwixt him and another man after ordination? Only he is made a priest, as I said, by designation, as a lawyer is called to the bar, then made a serjeant. All men that would get power over others, make themselves as unlike them as they can; upon the same ground the priests made themselves unlike the laity.

4. A minister when he is made, is *materia prima*, apt for any form the state will put upon him, but of himself he can do nothing. Like a Doctor of Law in the university; he hath a great deal of law in him, but cannot use it till he be made somebody's chancellor: or like a physician; before he be received into a house, he can give nobody physic; indeed after the master of the house hath given him charge of his servants, then he may: or like a suffragan, that

ere When we revert to an earlier period, it is refreshing to discern a similar spirit of rationality. "Apostolatus enim," says Bishop Downham, "erat functio, quae post fundatas omnes ecclesias, successionem non admittit, sed cum ipsa apostolis deditur." (Papa Antichristus, sive Distributio Antichristi, p. 110. Lond 1620, 4to.) Bishop Jewel, a most able and consistent defender of the Protestant faith, had wisely declared, "It is not sufficient to claime succession of place, it behooveth vs rather to have regard to the succession of doctrine." (A Defence of the Apologie of the Church of Englande, p. 122. Lond 1567, fol.)

could do nothing but give orders, and yet he was no bishop.

5. A minister should preach according to the articles of religion established in the church where he is. To be a civil lawyer let a man read Justinian, and the body of the law, to confirm his brain to that way;* but when he comes to practise, he must make use of it so far as it concerns the law received in his own country. To be a physician let a man read Galen and Hippocrates; but when he practises, he must apply his medicines according to the temper of those men's bodies with whom he lives, and have respect to the heat and cold of climes, otherwise that which in Pergamus,

* Robert Balfour, not a professional lawyer, but a philosopher, has offered the following advice as to juridical studies. "*Quamobrem bene natis adolescentibus, quorum existimationi optime consultum cupio, libenter araderem, ut non tam minutos istos et gregarios fori tabulas inalteri velint, quam nobiles jurisconsultos, qui leges suas politiorum literarum cognitione, et logicæ peritia condire solent, et ornare.*" (Balfour's *Commentaria in Organum Aristotelis*, p. 5. Burdigalæ, 1616, 4to.)

Dr Smith, with his usual perspicacity, has directed our attention to an interesting topic connected with the history of law. "It is perhaps worth while to remark, that though the laws of the Twelve Tables were many of them copied from those of some antient Greek republics, yet law never seems to have grown up to be a science in Greece. In Rome it became a science very early, and gave a considerable degree of illustration to those citizens who had the reputation of understanding it." (*Inquiry into the Nature and Causes of the Wealth of Nations*, vol. II. p. 362. Lond. 1776. 2 vols. 4to.)

where Galen lived, was physic, in our cold climate may be poison. So to be a divine let him read the whole body of divinity, the fathers and the schoolmen ; but when he comes to practise, he must use it and apply it according to those grounds and articles of religion that are established in the church, and this with sense.

6. There be four things a minister should be at ; the concionary part, ecclesiastical story, school divinity, and the casuists.

1. In the concionary part he must read all the chief fathers, both Latin and Greek, wholly ; St. Austin, St. Ambrose, St. Chrysostom, both the Gregories, &c., Tertullian, Clemens Alexandrinus, and Epiphanius ; which last have more learning in them than all the rest, and writ freely.

2. For ecclesiastical story let him read Baronius, with the Magdeburgenses, and be his own judge, the one being extremely for the Papists, the other extremely against them.

3. For school divinity let him get Cavellus's*

* The editor of *Duns Scotus* was Hugo Cavellus. The previous editions, as well as the MS., exhibit the erroneous reading of Javellus.

edition of Scotus or Mayco,* where there be quotations that direct you to every schoolman, where such and such questions are handled. Without school divinity a divine knows nothing logically, nor will be able to satisfy a rational man out of the pulpit.

4. The study of the casuists must follow the study of the schoolmen, because the division of their cases is according to their divinity; otherwise he that begins with them will know little: as he that begins with the study of the reports and cases in the common law, will thereby know little of the law.† Casuists may be of admir-

* Dr. Wilkins substitutes *Major*; but a change of one letter restores *Mayro*, which is probably the true reading. "Franciscus Mayro," says Cardinal Bellarmine, "natione Scotus, professione religiosus ordinis S. Francisci, Scoti discipulus, vixit tempore Joannis vigesimi secundi papae, anno Domini 1320." (*De Scriptoribus Ecclesiasticis*, p. 216.) Other writers represent him as a native of Digne in Provence. See Labbe *de Scriptoribus Ecclesiasticis* Bellarmini, tom. i. p. 322, Du Pin, *Bibliothèque des Auteurs Ecclesiastiques*, tom. xi. p. 70, and Wadding, *Scriptores Ordinis Minorum*, p. 123. Romae, 1650, fol. He is likewise called P. de Mayronis and Maronius. He was known in the schools by the appellation of *Doctor Illuminatus*, and *Acutus*. Sixtus Senensis describes him as being "in scholastica eruditione praestantissimus, et in divinis Scripturis suo tempore clarissimus." (*Bibliotheca Sancta*, tom. i. p. 431, edit. Venet. 1575. 2 tom. 4to.)

† Casuistry was a more gainful study, and was therefore more assiduously cultivated in popish countries. With unwearied perseverance, and often with abundant subtilty, the doctors of that church devised an immense variety of rules, with their exceptions; and it may safely be affirmed that many of them were rules "peccare docentes." The scandalous casuistry of the Jesuits was, with matchless skill and efficacy, exposed in *Les Jé-*

able use, if discreetly dealt with, though among them you shall have many leaves together very impertinent. A case well decided would stick

vinciales of Pascal. The Lutherans likewise contributed their share of treatises for the direction of the conscience; nor was the subject altogether neglected by the English theologians. Robert Sanderson and Thomas Barlow, who successively became bishops of Lincoln, were consulted as great authorities, and each of them has left Cases of Conscience, which have been published. Dr. Sanderson, when regius professor of divinity at Oxford, distinguished himself by the publication of seven lectures *De Juramenti Promissorii Obligatione*, and ten *De Obligatione Conscientiæ*. He was a learned and able man; and the account of his life, by that amiable old biographer Isaac Walton, has rendered his name popular. But the most renowned of the English casuists is Jeremy Taylor, bishop of Down; whose *Ductor Dubitantium*, or Rule of Conscience in all her generall Measures, is a singular monument of his insatiable curiosity, extensive learning, and vigorous intellect. The name of William Ames, eminent among the Puritans, must not be overlooked. He was a fellow of Corpus Christi College, Cambridge; and having relinquished his fellowship, he emigrated to Holland, where he was appointed professor of divinity in the University of Franeker. He was the author of many works, partly in English, but chiefly in Latin. His treatise *De Conscientia* was first printed at Amsterdam in 1630; and, under the title of *A Treatise on Conscience*, it appeared in an English dress at London in 1643. Dr. Ames died at Rotterdam in the month of November 1633. (*Biographia Britannica*, vol. i. p. 17). *Vriemoet, Athenarum Frislarum libri duo*, p. 212. *Leovardiae*, 1738, 4to.) Among the Scottish theologians of that period, we find Dr. Forbes conspicuous for his *Theologia Moralis*, a commentary on the Ten Commandments; in which, among other discussions, "*variae controversiæ dissolvuntur, et Casus Conscientiæ explicantur.*" (*Forbesii Opera*, tom. i. Amst. 1702-3, 2 tom. fol.) In the University of Cambridge a professorship of casuistry was founded in the year 1683; but, like many other academical offices, it speedily became a mere sinecure, and it has very recently been converted into a professorship of moral philosophy.

I have a rare and curious volume, which exhibits some edifying illustrations of the Romish system of casuistry. The author is Luis de Bola, professor of the Sacred Scriptures in the University of Bologna, and reader of cases of conscience in the Cathedral. A single specimen may be sufficient. The case of a man who had let a house to a prostitute,

by a man ; they would remember it whether they will or no, whereas a quaint position dieth in the birth. The main thing is to know where to search ; for talk what they will of vast memories, no man will presume upon his own memory for any thing he means to write or speak in public.*

7. *Go and teach all nations.* This was said to all Christians that then were, before the distinction of clergy and laity : there have been since men designed to preach only by the state, as some men are designed to study the law, others to study physic. When the Lord's Supper was instituted, there were none present

knowing her to be such, was referred to this casuist, who learnedly decided that he had not committed a mortal sin, and supported his decision by a variety of reasons. One of these is stated in the following terms : " Tum etiam quia Romae, sciente et patiente summo Pontif. locantur, et in omni dioecesi consueverunt homines optimae conscientiae locare domos meretricibus, nec unquam Episcopi id prohibuerunt, nisi forte in ea civitatis parte quae est proxima Monasteriis Monialium, vel Ecclesiis." (Responsiones Casuum Conscientiae, qui omnibus Curatis et Poenitentiaris singulis mensibus coram Illustriss. ac Reverendiss. Card. Palaeoto, Archiepiscopo Bonon. proponuntur, f. 70, a. Bononiae, 1587, 8vo.) Certainly the example of the pope ought to influence the opinion of a professor in one of the pope's universities. Luis de Beia was a native of Portugal, and studied in the University of Coimbra, which had formerly boasted of George Buchanan as one of its professors.

* Surprising efforts of memory are mentioned by Jordau, *Histoire de la Vie et des Ouvrages de M. la Croze*, p. 225. Amst. 1741, 8vo. See likewise the very learned and very misceellaneous work of Muretus, *Variae Lectiones*, lib. III. cap. 1. f. 31, edit. Paris. 1586, 8vo.

but the disciples : shall none then but ministers receive ?

8. There is all the reason you should believe your minister, unless you have studied divinity as well as he, or more than he.

9. 'Tis a foolish thing to say ministers must not meddle with secular matters, because his own profession will take up the whole man : may he not eat, or drink, or walk, or learn to sing ? The meaning of that is, he must seriously attend to his calling.*

10. Ministers with the Papists, that is, their priests, have much respect ; with the Puritans they have much, and that upon the same ground ; they pretend both of 'em to come immediately from Christ : but with the Protestants they have very little ; the reason whereof is, in the beginning of the reformation they were glad to get such to take livings as they could procure

* It seems however a sound opinion, that the pulpit is not a suitable place for political discussion. I have read an American sermon, in which the names of Jefferson and Maddison are mentioned in terms of free vituperation, and much in the style of a paragraph in a newspaper. Barbeyrac, an able professor of law in the University of Groningen, has published a "*Discours sur la Question, s'il est permis d'échauffer en Chaire le Magistrat, qui a commis quelque Faute ?*" It occurs in his *Recueil de Discours sur diverses Matieres importantes*, tom. II p. 235. Amst. 1731, 2 tom. 8vo.

by any invitations, things of pitiful condition. The nobility and gentry would not suffer their sons or kindred to meddle with the church ; and therefore at this day, when they see a parson, they think him to be such a thing still, and there they will keep him, and use him accordingly ; if he be a gentleman, that is singled out, and he is used the more respectfully.

11. The Protestant minister is least regarded, appears by the old story of the keeper of the Clink. He had priests of several sorts sent unto him ; as they came in, he asked them who they were. Who are you ? to the first. I am a priest of the church of Rome. You are welcome, quoth the keeper ; there are those will take care of you. And who are you ? A silenced minister. You are welcome too ; I shall fare the better for you. And who are you ? A minister of the church of England. O God help me, quoth the keeper, I shall get nothing by you ; I am sure you may lie, and starve, and rot, before anybody will look after you.

12. Methinks 'tis an ignorant thing for a churchman to call himself the minister of Christ, because St. Paul or the apostles called them-

selves so. If one of them had a voice from heaven, as St. Paul had, I will grant he is a minister of Christ ; I will call him so too. Must they take upon them as the apostles did ? Can they do as the apostles could ? The apostles had a mark to be known by, spake tongues, cured diseases, trod upon serpents, &c. Can they do this ? If a gentleman tells me, he will send his man to me, and I did not know his man, but he gave me this mark to know him by, he should bring in his hand a rich jewel ; if a fellow came to me with a pebble-stone, had I any reason to believe he was the gentleman's man ?

MONEY.

1. Money makes a man laugh. A blind fiddler playing to a company, and playing but scurvily, the company laughed at him ; his boy that led him, perceiving it, cried, father, let us be gone, they do nothing but laugh at you. Hold thy peace, boy, said the fiddler ; we shall have their money presently, and then we will laugh at them.

2. Euclid was beaten in Boccaline, for teach-

ing his scholars a mathematical figure in his school, whereby he shewed that all the lives both of princes and private men tended to one centre, *con gentilezza*, handsomely to get money out of other men's pockets, and put it into their own.

3. The pope used heretofore to send the princes of Christendom to fight against the Turk ; but prince and pope finely juggled together ; the moneys were raised, and some men went out to the holy war ; but commonly after they had got the money, the Turk was pretty quiet, and the prince and the pope shared it between them.

4. In all times the princes in England have done something illegal to get money : but then came a parliament, and all was well ; the people and the prince kissed and were friends, and so things were quiet for a while. Afterwards there was another trick found out to get money, and after they had got it, another parliament was called to set all right, &c. But now they have so outrun the constable

MORAL HONESTY.

They that cry down moral honesty, cry down that which is a great part of religion, my duty towards God, and my duty towards man. What care I to see a man run after a sermon, if he cozens and cheats as soon as he comes home? On the other side morality must not be without religion; for if so, it may change as I see convenience. Religion must govern it. He that has not religion to govern his morality, is not a dram better than my mastiff-dog; so long as you stroke him, and please him, and do not pinch him, he will play with you as finely as may be, he is a very good moral mastiff; but if you hurt him, he will fly in your face, and tear out your throat.

MORTGAGE.

In case I receive a thousand pounds, and mortgage as much land as is worth two thousand to you, if I do not pay the money at such a day, I fail. Whether you may take my land and keep it in point of conscience? *Answer.* If you had my land as security only for your mo-

ney, then you are not to keep it; but if we bargained so that if I did not repay your £1000, my land should go for it, be it what it will, no doubt you may with a safe conscience keep it; for in these things all the obligation is *servare fidem*.

NUMBER.

All those mysterious things they observe in numbers, come to nothing upon this very ground, because number in itself is nothing, has nothing to do with nature, but is merely of human imposition, a mere sound. For example, when I cry one o'clock, two o'clock, three o'clock, that is but man's division of time; the time itself goes on, and it had been all one in nature, if those hours had been called nine, ten, and eleven. So when they say the seventh son is fortunate, it means nothing; for if you count from the seventh backwards, then the first is the seventh; why is not he likewise fortunate?

OATHS.

1. Swearing was another thing with the Jews

than with us, because they might not pronounce the name of the Lord Jehovah.

2. There is no oath scarcely but we swear to things we are ignorant of: for example, the oath of supremacy; how many know how the king is king; what are his right and prerogative? So how many know what are the privileges of the Parliament, and the liberty of the subject, when they take the protestation? But the meaning is, they will defend them when they know them. As if I should swear I would take part with all that wear red ribbons in their hats, it may be I do not know which colour is red; but when I do know, and see a red ribbon in a man's hat, then will I take his part.

3. I cannot conceive how an oath is imposed where there is a parity, viz. in the House of Commons; they are all *pares inter se*, only one brings paper, and shews it the rest, they look upon it, and in their own sense take it. Now they are but *pares* to me, who am none of the house, for I do not acknowledge myself their subject; if I did, then no question I was bound by an oath of their imposing. 'Tis to me but reading a paper in their own sense.

4. There is a great difference between an assertory oath, and a promissory oath.* An assertory oath is made to a man before God, and I must swear so as man may know what I mean ; but a promissory oath is made to God only, and I am sure he knows my meaning. So in the new oath it runs, “ whereas I believe in my conscience,” &c., “ I will assist thus and thus :” that *whereas* gives me an outloose ; for if I do not believe so, for ought I know I swear not at all.

5. In a promissory oath, the mind I am in is a good interpretation ; for if there be enough happened to change my mind, I do not know why I should not. If I promise to go to Oxford to-morrow, and mean it when I say it, and afterwards it appears to me that ’twill be my undoing, will you say I have broke my promise if I stay at home ? Certainly I must not go.

6. The Jews had this way with them, concerning a promissory oath or vow : if one of them had vowed a vow, which afterwards appeared to him to be very prejudicial by reason

* See Bishop Sanderson *De Juramenti Promissorii Obligatione*, p. 9, edit. Lond. 1696, 8vo.

of something he either did not foresee, or did not think of, when he made his vow; if he made it known to three of his countrymen, they had power to absolve him, though he could not absolve himself; and that they picked out of some words in the text.* Perjury hath only to do with an assertory oath; and no man was punished for perjury by man's law till Queen Elizabeth's time; 'twas left to God, as a sin against him: the reason was, because 'twas so hard a thing to prove a man perjured; I might misunderstand him, and he swears as he thought.

7. When men ask me whether they may take an oath in their own sense, 'tis to me as if they should ask whether they may go to such a place upon their own legs; I would fain know how they can go otherwise.

8. If the ministers that are in sequestered

* The Rabbins write, " when any Jew
Did make to God or man a vow,
Which afterwards he found unward,
And stul born to be kept, or too hard,
Any three other Jews of th' nation
Might free him from the obligation "
And have not two saints pow'r to use
A greater privilege than three Jews ?

BUTLER'S Hudibras, part II canto II

livings will not take the engagement, threaten to turn them out and put in the old ones, and then I'll warrant you they will quietly take it. A gentleman having been rambling two or three days, at length came home, and being in bed with his wife, would fain have been at something that she was unwilling to, and instead of complying, fell to chiding him for his being abroad so long. well, says he, if you will not, call up Sue, (his wife's chamber-maid;) upon that she yielded presently.

9. Now oaths are so frequent, they should be taken like pills, swallowed whole; if you chew them, you will find them bitter; if you think what you swear, 'twill hardly go down.

ORACLES.

Oracles ceased presently after Christ, as soon as nobody believed them.* ' Just as we have no

* About this period the credit of oracles certainly began to decline; but Van Dale has clearly shewn that they did not, as has very generally been supposed, cease at the birth of Jesus Christ. (*De Oraculis Veterum Ethnæorum*, p. 476 edit. 2da. Amst. 1700, 4to.) See likewise Fontenelle, *Histoire des Oracles*, p. 220, edit. Paris, 1698, 8vo. Selden has undoubtedly assigned the true cause of their cessation. On the subject of the Sibylline Oracles, a long and learned note occurs in Lord Hailes's edition of Lactantius *De Justitia*, p. 162. Edinb 1777, 8vo. Professor Thorkelius of Copenhagen has more recently illustrated the Sibylline Oracles in two

fortune-tellers, nor wise men, when nobody cares for them. Sometimes you have a season for them, when people believe them, and neither of these, I conceive, wrought by the Devil.

different publications. The first of these is entitled *Libri Sibyllistarum veteris Ecclesiae, crisi, quatenus Monumenta Christiana sunt, subjecti*. Havniae, 1815, 8vo. The other, *Conspectus Doctrinae Christianae, qualis in Sibyllistarum Libris continetur*, occurs in a work edited by Bishop Munter, under the title of *Miscellanea Hafniensia theologici et philologici argumenti*, tom 1 fasc. 1. p 113. Hafniae, 1816, 8vo. In the course of last century, a well-known and well meaning writer maintained not only the genuineness, but even the divine inspiration of a certain portion of these Oracles. "Providence has therefore so far taken care in this matter, that we have still, at this day, preserv'd and extant among us those very Sibylline Oracles, and that in good measure compleat and uncorrupt, which were anciently so very famous among the Heathens, Josephus the Jew, and the first Christians, and which of old were generally allow'd to be sacred books, and deriv'd from divine inspiration." (Whiston's *Vindication of the Sibylline Oracles*, p 48. Lond. 1715, 8vo.) See likewise p. 82. Some of this writer's conclusions might have been worthy of the Licentiate Balthasar Porreño, who published a work under the title of *Oraculos de las doce Sibylas, Profetas de Christo nuestro Señor entre los Gentiles*. Cuenca, 1621, 4to. The copious treatise of Blondel, written in French, and published in 1649, the more brief dissertation of Isaac Vossius, published in 1680, the twelve academical disputations by Professor Marck of Francker, afterwards of Leyden, published in 1732, all of them exhibiting a more rational view of the subject, are sufficiently known and appreciated; but, on the same side of the question, I have a dissertation by Ruinesius, a very learned and able writer, which seems to have been almost entirely overlooked. It occurs in a thin volume, bearing the following title: *Georgii Schubarti Enarratio parergica Metamorphoseon Ovidianae de Illuvio Deucalionis. Accedit Tho. Reineii Dissertatio critica de Sibyllinis Oraculis, primum edita*. Jenae, a. a. 4to. This dissertation appears to have been written in 1642. It may not be improper to mention, that an additional book was discovered by that meritorious labourer, Cardinal Mai. *Sibyllae liber xiv. editore et interprete Angelo Maio*. Mediolani, 1817, 8vo. Eight books have long been in circulation, but this being numbered as the fourteenth, five must still be wanting.

OPINION.

1. Opinion and affection extremely differ. I may affect a woman best, but it does not follow I must think her the handsomest woman in the world. I love apples best of any fruit, but it does not follow I must think apples to be the best fruit. Opinion is something wherein I go about to give reason why all the world should think as I think. Affection is a thing wherein I look after the pleasing of myself.

2. 'Twas a good fancy of an old Platonic: the gods which are above men, had something whereof man did partake, an intellect, knowledge, and the gods kept on their course quietly. The beasts, which are below man, had something whereof man did partake, sense and growth, and the beasts lived quietly in their way. But man had something in him, whereof neither gods nor beasts did partake, which gave him all the trouble, and made all the confusion in the world; and that is opinion.

3. 'Tis a foolish thing for me to be brought off from an opinion, in a thing neither of us know, but are led only by some cobweb-stuff;

as in such a case as this, *utrum angeli invicem colloquantur?* If I forsake my side in such a case, I shew myself wonderful light, or infinitely complying, or flattering the other party ; but if I be in a business of nature, and hold an opinion one way, and some man's experience has found out the contrary, I may with a safe reputation give up my side.

4. 'Tis a vain thing to talk of an heretic, for a man for his heart can think no otherwise than he does think.* In the primitive times

* The liberality of the following passage in Salvianus has very justly been commended. "Haeretici sunt, sed non scientes: denique apud nos sunt haeretici, apud se non sunt; nam in tantum se catholicos esse judicant, ut nos ipsos titulo haereticæ pravitatis infament. Quod ergo illi nobis sunt, et hoc nos illis" (De Gubernatione Dei, p. 100, edit. Baluzii.) The ever memorable clerk of Eton, in his *Tract concerning Schism*, has remarked that "heresy is an act of the will, not of reason; and is indeed a lie, not a mistake." (Works of John Hales, vol. i. p. 125.) "Heresy," says Bishop Taylor, "is not an error of the understanding, but an error of the will. . . . If his error be not voluntary, and part of an ill life, then because he lives a good life, he is a good man, and therefore no heretick: no man is an heretick against his will" (Liberty of Propheying, p. 31-8, 2d edit. Lond. 1702, 8vo.) Bishop Burnet has adopted the same opinion. "All the room that was left for good nature, was the favourable definition that was given of heresy: by which obstinacy was made its peculiar character, that distinguished it from error, which lies in a more innocent mistake concerning divine matters; and, as many have explained this obstinacy, it amounts to a continuing in error after one is convinced of it. This notion of heresy, which has been received by many of the greatest men even in the church of Rome itself, seems to agree well with that of St. Paul's ranking heresy with the works of the flesh." (Preface to Lactantius's Relation of the Death of the primitive Persecutors. Amst. 1687, 12mo.) "That alone," says Dr. Campbell, "is schism, in the sense of

there were many opinions, nothing scarce but some or other held : one of these opinions being embraced by some prince, and received into his kingdom, the rest were condemned as heresies ; and his religion, which was but one of the several opinions, first is said to be orthodox, and so have continued ever since the apostles.

PARITY.

This is the juggling trick of the parity, they would have nobody above them, but they do not tell you they would have nobody under them.

holy writ, which wounds charity, and which, in order to unite Christians more closely to a sect or faction, alienates their hearts from one another, and consequently from the interest of their common Master, or which detaches them in respect of love, even though outward unity should not be violated, from the whole community of Christians, in order to attach them more firmly to a part" (Lectures on Ecclesiastical History, vol. i. p. 106). A similar opinion as to the Scriptural doctrine of heresy was ably maintained by Dr. Foster in his controversy with Dr. Stebbing. Of their tracts, seven in number, I have a collection, which forms a considerable volume. Stebbing was a writer more remarkable for his zeal than his judgment. In an earlier publication, he had suggested the propriety of levying a tax from all those who dissent from the established religion, and, according to this enlightened and liberal divine, no conscientious man will be unwilling to pay sixpence in the pound, or any other tax that the magistrate thinks proper, as a tribute for his religious liberty. A nameless antagonist of Locke had likewise recommended the expedient of " punishing men to make them consider reasons and arguments proper and sufficient to convince them" (Locke's Letters concerning Toleration, p. 144. Lond. 1705. 4to.)

PARLIAMENT.

1. All are involved in a Parliament. There was a time when all men had their voice in choosing knights. About Henry the Sixth's time they found the inconvenience ; so one Parliament made a law, that only he that had forty shillings *per annum* should give his voice, they under should be excluded. They made the law who had the voice of all, as well under forty shillings as above ; and thus it continues at this day. All consent civilly in a Parliament ; women are involved in the men, children in those of perfect age ; those that are under forty shillings a year, in those that have forty shillings a year, those of forty shillings in the knights.

2. All things are brought to the Parliament, little to the courts of justice : just as in a room where there is a banquet presented, if there be persons of quality there, the people must expect and stay till the great ones have done.

3. The Parliament flying upon several men, and then letting them alone, does as a hawk that flies a covey of partridges, and when she

has flown them a great way, grows weary and takes a tree ; then the falconer lures her down, and takes her to his fist : on they go again, *heirett*, up springs another covey, away goes the hawk, and as she did before, takes another tree, &c.

4. Dissenters in Parliament may at length come to a good end, though first there be a great deal of do, and a great deal of noise, which mad wild folks make : just as in brewing of wrest-beer, there's a great deal of business in grinding the malt, and that spoils any man's clothes that comes near it : then it must be mashed, then comes a fellow in and drinks of the wort, and he's drunk ; then they keep a huge quarter when they carry it into the cellar ; and a twelve month after 'tis delicate fine beer.

5. It must necessarily be that our distempers are worse than they were in the beginning of the Parliament. If a physician comes to a sick man, he lets him blood, it may be scarifies him, cups him, puts him into a great disorder, before he makes him well ; and if he be sent for to cure an ague, and he finds his patient hath many diseases, a dropsy, and a palsy, he applies

remedies to 'em all, which makes the cure the longer and the dearer: this is the case.

6. The Parliament-men are as great princes as any in the world, when whatsoever they please is privilege of Parliament; no man must know the number of their privileges, and whatsoever they dislike is breach of privilege. The duke of Venice is no more than speaker of the House of Commons; but the senate at Venice are not so much as our Parliament-men, nor have they that power over the people, who yet exercise the greatest tyranny that is any where. In plain truth, breach of privilege is only the actual taking away of a member of the house, the rest are offences against the house: for example, to take out process against a Parliament-man, or the like.

7. The Parliament party, if the law be for them, they call for the law; if it be against them, they will go to a parliamentary way; if no law be for them, then for law again: like him that first called for sack to heat him, then small drink to cool his sack, then sack again to heat his small drink, &c.

8. The Parliament party do not play fair

play, in sitting up till two of the clock in the morning, to vote something they have a mind to. 'Tis like a crafty gamester, that makes the company drunk, then cheats them of their money. Young men and infirm men go away. Besides, a man is not there to persuade other men to be of his mind, but to speak his own heart, and if it be liked, so, if not, there's an end.

PARSON.

1. Though we write *parson* differently, yet 'tis but person ; that is, the individual person set apart for the service of such a church ; and 'tis in Latin *persona*, and *personatus* is a parsonage. Indeed with the canon lawyers, *personatus* is any dignity or preferment in the church.

2. There never was a merry world since the fairies left dancing, and the parson left conjuring. The opinion of the latter kept thieves in awe, and did as much good in a country as a justice of peace.

PATIENCE.

Patience is the chiefest fruit of study. A man that strives to make himself a different thing from other men by much reading, gains this chiefest good, that in all fortunes he hath something to entertain and comfort himself withal.

PEACE.

1. King James was pictured going easily down a pair of stairs, and upon every step there was written peace, peace, peace. The wisest way for men in these times is to say nothing.

2. When a country-wench cannot get her butter to come, she says, the witch is in her churn. We have been churning for peace a great while, and 'twill not come ; sure the witch is in it.

3. Though we had peace, yet 'twill be a great while ere things be settled. Though the wind lie, yet after a storm the sea will work a great while.

PENANCE.

Penance is only the punishment inflicted, not penitence, which is the right word : a man comes not to do penance because he repents him of his sin, but because he is compelled to it ; he curses him, and could kill him that sends him thither. The old canons wisely enjoined three years' penance, sometimes more, because in that time a man got a habit of virtue, and so committed that sin no more for which he did penance.

PEOPLE.

1. There is not anything in the world more abused than this sentence, *Salus populi suprema lex esto* ; for we apply it as if we ought to forsake the known law when it may be most for the advantage of the people, when it means no such thing. For first, 'tis not *Salus populi suprema lex est*, but *esto* ; it being one of the laws of the Twelve Tables,* and after divers laws

* This is not one of the laws of the Twelve Tables, but one of those which Cicero has proposed for the government of his imaginary republic " Regio imperio duo sunt : illic praeuendo, iudicando, consulendo, praetores, iudices, consules appellantur. Militiae summum jus habent : nemiui parento. Olli salus populi suprema lex esto " (De Legibus, lib. iii. § 8.) Sir George Colobrooke, having quoted a law respecting religion, refers

made, some for punishment, some for rewards, then follows this, *Salus populi suprema lex esto*: that is, in all the laws you make, have a special eye to the good of the people; and then what does this concern the way they now go?

2. *Objection.* He that makes one, is greater than he that is made: the people made the king, *ergo*, &c. *Answer.* This does not hold; for if I have £1000 *per annum*, and give it you, and leave myself ne'er a penny, I made you; but when you have my land, you are greater than I. The parish makes the constable, and when the constable is made, he governs the parish. The answer to all these doubts is, have you agreed so? If you have, then it must remain till you have altered it.

PLEASURE.

1. Pleasure is nothing else but the intermis-

to Cicero, and "*Leges XII. Tab. by Godefroy.*" (Six Letters on Intolerance, p. 295. Lond. 1791, 8vo.) But for this law, the reader will in vain have recourse to the well known work of Gothofredus, *Fontes quatuor Juri Civilis*. Genevæ, 1653, 4to. "*Nam quas,*" says Gravina, "*et Ciceronis libris de Legibus in XII. Tab. retulerunt, non veras arbitramur, sed a Cicerone confictas, exemplo legum Platoniarum; quavis multas legum decemvirarum sententias, propter æquitatem quam continebant ex infinita philosophia ductam, Cicero suis legibus comprehenderit.*" (*Origines Juris Civilis*, p. 172, edit. Mascovii.)

sion of pain, the enjoying of something I am in great trouble for till I have it.

2. 'Tis a wrong way to proportion other men's pleasures to ourselves; 'tis like a child's using a little bird, O poor bird, thou shalt sleep with me; so lays it in his bosom, and stifles it with his hot breath: the bird had rather be in the cold air. And yet too 'tis the most pleasing flattery, to like what other men like.

3. 'Tis most undoubtedly true, that all men are equally given to their pleasure; only thus, one man's pleasure lies one way, and another's another. Pleasures are all alike, simply considered in themselves: he that hunts, or he that governs the commonwealth, they both please themselves alike, only we commend that whereby we ourselves receive some benefit; as if a man place his delight in things that tend to the common good. He that takes pleasure to hear sermons, enjoys himself as much as he that hears plays; and could he that loves plays endeavour to love sermons, possibly he might bring himself to it as well as to any other pleasure. At first it may seem harsh and tedious, but afterwards 'twould be pleasing and delight-

ful. So it falls out in that which is the great pleasure of some men, tobacco ; at first they could not abide it, and now they cannot be without it.

4. Whilst you are upon earth, enjoy the good things that are here (to that end they were given) and be not melancholy, and wish yourself in heaven. If a king should give you the keeping of a castle, with all things belonging to it, orchards, gardens, &c., and bid you use them ; withal promise you that, after twenty years to remove you to the court, and to make you a privy counsellor ; if you should neglect your castle, and refuse to eat of those fruits, and sit down, and whine, and wish you were a privy counsellor, do you think the king would be pleased with you ?

5. Pleasures of meat, drink, clothes, &c. are forbidden those that know not how to use them ; just as nurses cry *pah !* when they see a knife in a child's hand : they will never say any thing to a man.

PHILOSOPHY.

When men comfort themselves with philo-

sophy, 'tis not because they have got two or three sentences, but because they have digested those sentences and made them their own : so upon the matter, philosophy is nothing but discretion.

POETRY.

1. Ovid was not only a fine poet, but, as a man may speak, a great canon lawyer, as appears in his *Fasti*, where we have more of the festivals of the old Romans than any where else : 'tis pity the rest are lost.*

2. There is no reason plays should be in verse, either in blank or rhyme ; only the poet has to say for himself, that he makes something like that which somebody made before him. The old poets had no other reason but this, their

* In imitation of Ovid, a modern poet has composed a long poem on the festivals of the popish church : Ambrosii Novidii Fraoci Ferentinatis Sacrorum Fastorum libri xii. Ex eisdem mensium digestio. Antverpiæ, 1559, 12mo. As the modern are inferior to the ancient Romans, " nec *Idorum* cultu, nec rebus gestis," he thought it disgraceful and pernicious that they should not also be supplied with their *Festi*. Exercising the most exemplary perseverance, he has accordingly completed twelve books on this important subject ; and the concluding verses leave no room to doubt that he must have been abundantly satisfied with his own performance

Sanctum opus exactum est : jam ego non fata timebo.
 Ut veniant, aliqua parte superstes ero.
 Numina donec erunt, et cuncta sidera, vivam,
 Romaque qua toto rem tenet orbe, legar.

verse was sung to music ; otherwise it had been a senseless thing to have fettered up themselves.

3. I never converted but two: the one was Mr. Crashaw from writing against plays, by telling him a way how to understand that place of putting on women's apparel, which has nothing to do in the business,* as neither has it,

* This was Richard Crashaw, a poet who enjoyed a considerable share of reputation during his own age. See a biographical notice, contributed by Hayley, in Dr. Kippis's edition of the *Biographia Britannica*, vol. iv. p. 428. He was a fellow of St. Peter's College, Cambridge; and having been expelled by the Parliamentary visitor in 1644, he sought a place of refuge in France, where he unfortunately became a convert to popery. Having proceeded to Rome, he was retained as the secretary of a cardinal, and was afterwards elected a canon of Loretto, but died about the year 1650, soon after he obtained this moderate preferment. His death was affectionately and charitably bewailed by Cowley. (*Works*, Miscell. p. 29) The elegiac poem, which is highly commended by Dr. Johnson, opens with the following couplet :

Poet and saint ' to thee alone are given
The two most sacred names of earth and heaven.

Cowley thought it necessary to make an apology to his own church for canonizing such a saint :

Pardon, my mother Church, if I consent
That angels led him when from thee he went.

According to Ayre, not a high authority, Cowley himself had " a little leaning" towards popery. (*Memoirs of the Life and Writings of Alexander Pope*, Esq., vol. i. p. 308. Lond. 1745, 2 vols. 8vo.) In his local position and professional labours, Crashaw was connected with one of the most deplorable monuments of priestcraft and delusion to be found within the limits of the popedom. The holy house of the Blessed Mary, *Mother of God*, was in 1291 transported by angels from Nazareth to Dalmanis. This was the first stage of its marvellous progress; but in 1294, for the advancement of pure and undefiled religion, the angels were usefully employed in transferring the inestimable gift to Italy. It afterwards made more than

that the fathers speak against plays in their time, with reason enough, for they had real idolatries mixed with their plays, having three

one movement, and finally, in 1295 and in the territory of the pope, it found a suitable resting-place at Loretto, where a considerable town was gradually founded; and this town became the seat of a bishop during the pontificate of Sixtus the Fifth, who was elected in 1585. A large church had been erected over the holy mansion, and in process of time it was bedecked with an immense variety of votive offerings, many of them very precious. This shrine of a popish idol was favoured with many miraculous manifestations, including the sacred fire, the cure of diseases, and the exorcism of men possessed with devils. If poor Crashaw, educated as a Protestant, could believe in the portentous doctrine of transubstantiation, he might not be greatly startled by such monstrous figments and lying wonders. They had been most circumstantially detailed by Tursellinus, a learned Jesuit, who is more generally known as the author of a very useful treatise on Latin particles, and an elegant epitome of universal history: *Horatii Tursellini Romani, e Societate Iesu, Lauretanae Historiae libri quinque. Ad Illustriss. D. Petrum Aldobrandinum, S. R. E. Card. Moguntiae, 1600, 8vo. Pp. 397.* This however does not appear to be the first edition, the *Imprimatur* is dated at Rome in 1597. An English translation by T. P., which does not exhibit the name of Tursellinus in the title-page, was soon afterwards published, *The History of our B. Lady of Loreto. Translated out of Latyn into English. Imprinted with license, 1608, 8vo.* The subsequent extract from this translation may perhaps interest some readers: "I find by approued authors that manie yeares agoe, two churches were erected to our B. Ladie of Loreto in the kingdome of Scotland; the one in the towne of Perth, otherwise called S. Iohns, the other by the high way that goeth to Misseilburrow, not far from Edenburrow, the chiefe citie of Scotland. In both places, the B. Virgin of Loreto was most religiouslie reuerenced; and that in the suburbe of Misseilburrow was most famous for the resort and concourse of pilgrims, and the miracles of our B. Ladie, as long as the Catholicke religion remaind in Scotland. But after Caluins pestiferous doctrine began to rage and raigne in that kingdome (heretofore most religious) those furies destroyed that sacred house of our B. Ladie, but so notwithstanding, that the ruines thereof might remaine, both as tokens of their madness, and also as manifest signes of the ancient religion of the Scottish people" (P. 236). He proceeds to mention, that the chapel of Musselburgh was erected by the pious zeal of a Scottish hermit, who in the attire of a pilgrim came to Loreto to salute the Blessed Virgin, and, begging money of godly men, car-

altars perpetually upon the stage. The other was a Doctor of Divinity from preaching against painting; which simply in itself is no more hurtful than putting on my clothes, or doing anything to make myself like other folks, that I may not be odious or offensive to the company. Indeed if I do it with an ill intention, it alters the case; so, if I put on my gloves with an intention to do a mischief, I am a villain.

4. 'Tis a fine thing for children to learn to make verse; but when they come to be men, they must speak like other men, or else they

ried with him to his own country a small fragment of the sacred roof. The name of this pious pilgrim was Thomas Douchtie; and, according to one account, his chapel was founded in 1533. (*A Journal of remarkable Occurrences that have passed within the Country of Scotland*, p. 17. Edinb. 1832, 4to.) Buchanan, who seems to antedate the foundation by two years, adds a few words as to the real character of the hermit of Loretto: "Magnumque e fictis miraculis quantum faciebat. Sed Thomas prope omnibus vita flagitiosissima erat nota, et falsitas miraculorum deprehensa." (*Herum Scotticarum Historia*, lib. xiv. p. 272, edit. Ruddiman.) Bishop Lesley informs us that to this shrine James the Fifth made a pilgrimage in 1536, after having been compelled by stress of weather to return from his meditated voyage to France (*De Rebus gestis Scottorum*, p. 442. Romæ, 1578, 4to). Of one of the hermit's notable impositions, and its public exposure, a characteristic account may be found in Row's *History of the Kirk of Scotland*, p. 446. Edinb. 1842, 8vo. So likewise Dr. McCre's *Life of Knox*, vol. i. p. 321. Knox has preserved a curious poem by the Earl of Glencairn, entitled *An Epistle direct fra the Holpe Armie of Allart, to his Brethren the Gray Priores*. (*History of the Reformation of Religion within the Realme of Scotland*, vol. i. p. 72, Laing's edit.)

will be laughed at. 'Tis ridiculous to speak, or write, or preach in verse. As 'tis good to learn to dance : a man may learn his leg, learn to go handsomely ; but 'tis ridiculous for him to dance when he should go.

5. 'Tis ridiculous for a lord to print verses ; 'tis well enough to make them to please himself, but to make them public, is foolish.* If a man in a private chamber twirls his band-strings, or plays with a rush to please himself, 'tis well enough ; but if he should go into Fleet-street, and sit upon a stall, and twirl a band-string, or play with a rush, then all the boys in the street would laugh at him.

6. Verse proves nothing but the quantity of syllables ; they are not meant for logic.†

* Is not this a somewhat prosaic opinion ? From the age of Surrey to that of Byron, many lords have written verses which it was not foolish to print. During a very gloomy period of our literary history, the Earl of Stirling's *Recreations with the Muses* appeared to conspicuous advantage, when compared with the vernacular compositions of nearly all his Scottish contemporaries.

† To what scientific or matter-of-fact acquaintance could Selden find it necessary to direct such an observation ? With the same obvious propriety, he might have reminded a poetical acquaintance that geometry is not meant for delighting the fancy.

POPE.

1. A pope's bull and a pope's brief differ very much ; as with us the great seal and the privy seal. The bull being the highest authority the pope* can give, the brief is of less. The bull has a leaden seal upon silk, hanging upon the instrument ; the brief has *sub annulo piscatoris* upon the side.

2. He was a wise pope that when one that used to be merry with him before he was advanced to the popedom, refrained afterwards to come at him, (presuming he was busy in governing the Christian world,) the pope sends for him, bids him come again, and says he, we will be merry as we were before ; for thou little thinkest what a little foolery governs the whole world.†

3. The pope in sending reliques to princes, does as wenches do by their wassails at new-year's-tide ; they present you with a cup, and you must drink of a slabby stuff ; but the mean-

* This is the reading of the MS., and likewise of Dr. Wilkins's edition. By a manifest error, other editions exhibit " the king can give."

† Go, my son, said the Chancellor Oxenstiern, and see with how little wisdom the world is governed.

ing is, you must give them money, ten times more than it is worth.

4. The pope is infallible where he hath power to command, that is, where he must be obeyed ; so is every supreme power and prince. They that stretch his infallibility further, do they know not what.

5. When a Protestant and a Papist dispute, they talk like two madmen, because they do not agree upon their principles. The one way is to destroy the pope's power, for if he hath power to command me, 'tis not my alleging reasons to the contrary can keep me from obeying : for example, if a constable command me to wear a green suit to-morrow, and has power to make me, 'tis not my alleging a hundred reasons of the folly of it, can excuse me from doing it.

6. There was a time when the pope had power here in England, and there was excellent use made of it ; for 'twas only to serve turns, as might be manifested out of the records of the kingdom, which divines know little of. If the king did not like what the pope would have, he would forbid the pope's legate to land upon his

ground. So that the power was truly then in the king, though suffered in the pope. But now the temporal and the spiritual power (spiritual so called, because ordained to a spiritual end) spring both from one fountain, they are like to twist that.

7. The Protestants in France bear office in the state, because though their religion be different, yet they acknowledge no other king but the king of France. The Papists in England they must have a king of their own, a pope, that must do something in our kingdom ; therefore there is no reason they should enjoy the same privileges.

8. Amsterdam admits of all religions but Papists, and 'tis upon the same account. The Papists, where'er they live, have another king at Rome ; all other religions are subject to the present state, and have no prince elsewhere.

9. The Papists call our religion a Parliamentary religion ; but there was once, I am sure, a Parliamentary pope ; Pope Urban was made pope in England by act of Parliament, against Pope Clement. The act is not in the book of Statutes, either because he that com-

piled the book would not have the name of the pope there, or else he would not let it appear that they meddled with any such thing ; but 'tis upon the rolls.

10. When our clergy preach against the pope and the church of Rome, they preach against themselves ; and crying down their pride, their power, and their riches, have made themselves poor and contemptible enough : they dedicate first to please their prince, not considering what would follow. Just as if a man were to go a journey, and seeing at his first setting out the way clean and fair, ventures forth in his slippers, not considering the dirt and the sloughs are a little further off, or how suddenly the weather may change.

POPERY.

1. The demanding a noble for a dead body passing through a town, came from hence in time of popery ; they carried the dead body into the church, where the priest said dirges ; and twenty dirges at fourpence a piece comes to a noble ; but now it is forbidden by an order from my Lord Marshal ; the heralds carry his warrant about them.

2. We charge the prelatical clergy with popery to make them odious, though we know they are guilty of no such thing:* just as heretofore they called images mamnets, and the adoration of images mammetry, that is, Mahomet and Mahometry; odious names, when all the world knows the Turks are forbidden images by their religion.†

* Sir Simonds D'Ewes, a more zealous Protestant than Selden, has made the following remark: "Doubtless he that will adore and bow unto or towards an image, the sacrament, an altar, a communion-table, or any other creature, where the bowing is not merely civill, will never stumble at any other part or point of popery, but may safely passe to Rome or Rhemez." (*The Primitive Practise for preserving Truth*, p. 51. Lond. 1645, 4to.) Andrew Marvell, the friend of Milton, had likewise formed a different opinion of the prelatical clergy. He speaks of "the table set altar-wise, and to be called the altar; candles, crucifixes, paintings, images, copes, bowing to the east, bowing to the altar, and so many several cringes and genuflections, that a man unpractised stood in need to entertain both a dancing-master and a remembrancer. . . . Several of our church did thereby frequently mistake their way, and from a popish kind of worship, fell into the Roman religion." (*Marvell's Rehearsal transpos'd*, p. 225-7. Lond. 1672, 8vo.) Herbert Thorndike, a learned prebendary of Westminster, conspicuous for the violence of his high-church zeal, prepared his own epitaph, which contained this popish clause: "Tu, lector, requiem ei et beatam in Christo resurrectionem precare." (P. 224.)

Mede has laboured to prove that, at a very early period, the communion-table was described as an altar. (*Works*, p. 382.) After conceding all that he demands, it is only necessary to repeat that no such term is employed by the apostles or evangelists. If we resign ourselves to the guidance of the fathers, we shall be led to adopt many unsound opinions. Thus, the doctrine of the millennium, likewise maintained by Mede, may be confirmed by very early authorities, and, among others, by that of Justin Martyr. See Chillingworth's *Works*, vol. III. p. 369, edit. Oxford, 1838, 3 vols. 8vo.

† See Eton's *Survey of the Turkish Empire*, p. 189, 4th edit. Lond. 1809, 8vo. Notwithstanding their abhorrence of idolatry, the Mahomedans

POWER, STATE.

1. There is no stretching of power. 'Tis a good rule, eat within your stomach, act within your commission.

were long misrepresented as gross idolaters; and, according to Selden's remark, *maximetry* became synonymous with image-worship. See a valuable note by Mr. Way in the *Præceptorium Parvulorum* tom. ii. p. 330, and *Juni Etymologium Anglicanum*, v. *Maxmet*. Of this application of the term, we meet with innumerable instances in the writers of the middle ages. "The sinne of maxmetria," says Chaucer, "is the first that God defended in the ten commandments." (*Canterbury Tales*, vol. i. p. 228, Tyrwhitt's edit; Wycliffe's version of 1 John, v. 21, 5. "My litle sones, kepe ye you fro maxmetia." The bishop of Dunkeld translates a passage of the twelfth *Æneid*. (Douglas's *Virgil*, p. 412. Alderman's edit.)

The kyng himself, latynus, for the affray
Fled to the closte, and turnit wyth hym away
Hys goddis and his maxmetia.

In the fabulous history ascribed to Archbishop Turpin there is a chapter *de Idolo Mahumet*, where we find some curious information. "Tradunt Baracen quod idolum istud, Mahumet, quem ipsi colunt, dum adhuc viveret in nomine proprio fabricavit, et demoniacum legionem quamdam sua arte magica in eo sigillavit, quae etiam tanta fortitudine illud idolum obtinet, quod a nullo unquam frangi potuit." (*De Vita Caroli Magni et Rolandi Historia*, Joanni Turpino Archiepiscopo Remensi vulgo tributa, ad fidem codicis vetustioris emendata, et observationibus philologicis illustrata, a Sebastiano Ciampi, p. 10. Florentiae, 1822, 8vo.) Charlemagne, we are told, destroyed all the other idols which he found in Spain. In the early poets we perceive the name of Mahound associated with that of Turmagant or Termagant, another imaginary object of Saracen idolatry. See Percy's *Reliques of Ancient English Poetry*, vol. i. p. 77, 363, 5th edit. In Chaucer's *Rime of Sire Thopas*, (*Canterbury Tales*, vol. ii. p. 235,) the great giant swears by Termagant; and the following verse occurs in Spenser's *Faerie Queene*, b. vi. cant. vii. st. 47:

And oftentimes by Turmagant and Mahound swore

Bishop Hall's *Satires*, b. i. sat. i., contain an obvious allusion to such passages:

2. They that govern most make least noise. You see when they row in a barge, they that do drudgery-work, slash, and puff, and sweat; but he that governs, sits quietly at the stern, and scarce is seen to stir.

3. Syllables govern the world.

4. *All power is of God*, means no more than *fides est servanda*. When St. Paul said this, the people had made Nero emperor. They agree, he to command, they to obey. Then God comes in, and casts a hook upon them, keep your faith; then comes in, all power is of God. Never king dropt out of the clouds. God did not make a new emperor, as the king makes a justice of peace.

5. Christ himself was a great observer of the civil power, and did many things only justifiable

Nor ladies wanton loue, nor wandring knight,
Legend I out in rimes all richly dight;
Nor fright the reader with the pagan vaunt
Of mightie Mabound and great Terragant.

Bishop Percy has remarked, that "the old French romancers, who had corrupted Terragant into Terragant, couple it with the name of Mahomet as constantly as ours." La Fontaine, with his usual pleasantry, introduces their names in *La Flâcée du Roi de Garbe* (*Contes et Nouvelles en vers*, t. ii. p. 4.)

Et reniant Mahom, Jupin, et Terragant,
Avec maint autre dieu non moins extravagant.

because the state required it, which were things merely temporary, for the time that state stood. But divines make use of them to gain power to themselves ; as for example that of *dic ecclesie*, tell the church : there was then a sanhedrim, a court to tell it to, and therefore they would have it so now.

6. Divines ought to do no more than what the state permits. Before the state became Christian, they made their own laws, and those that did not observe them, they excommunicated, naughty men, they suffered them to come no more amongst them.* But if they would come amongst them, how could they hinder them ? By what law, by what power ? They were still subject to the state, which was heathen. Nothing better expresses the condition of Christians in those times, than one of the meetings you have in London, of men of the same county, of Sussex-men, or Bedfordshire-men ; they appoint their meeting, and they agree, and make laws amongst themselves, he that is not there shall pay double, &c. and if any one

* See Ekhmeri *Dissertationes Juris Ecclesiastici Antiqui*, ad Plinium Secundum et Tertullianum, p. 109.

misbehave himself, they shut him out of their company; but can they recover a forfeiture made concerning their meeting by any law? Have they any power to compel one to pay? But afterwards, when the state became Christian, all the power was in them, and they gave the church as much, or as little as they pleased, and took away when they pleased, and added what they pleased.

7. The church is not only subject to the civil power with us that are Protestants, but also in Spain: if the church does excommunicate a man for what it should not, the civil power will take him out of their hands. So in France the bishop of Angers altered something in the Breviary: they complained to the Parliament at Paris, that made him alter it again, with a *comme au* *

8. The Parliament of England has no arbitrary power in point of judicature, but in point of making law only.

9. If the prince be *servus natura*, of a servile

* Read *comme d'abus*. An *appel comme d'abus* is an appeal to the civil from the ecclesiastical court, on the ground of the latter having exceeded its jurisdiction.

base spirit, and the subjects *liberi*, free and ingenuous, oftentimes they depose their prince, and govern themselves. On the contrary, if the people be *servi natura*, and some one amongst them of a free and ingenuous spirit, he makes himself king of the rest ; and this is the cause of all changes in state, commonwealths into monarchies, and monarchies into commonwealths.

10. In a troubled state we must do as in foul weather upon the Thames, not think to cut directly through, so the boat may be quickly full of water, but rise and fall as the waves do, give as much as conveniently we can.

PRAYER.

1. If I were a minister, I should think myself most in my office, reading of prayers, and dispensing the sacraments ; and 'tis ill done to put one to officiate in the church, whose person is contemptible out of it. Should a great lady, that was invited to be a gossip, in her place send her kitchen-maid, 'twould be ill taken, yet she is a woman as well as she ; let her send her woman at least.

2. *You shall pray*, is the right way, because according as the church is settled, no man may make a prayer in public of his own head.

3. 'Tis not the original Common Prayer-Book. Why, shew me an original Bible, or an original *Magna Charta*.

4. Admit the preacher prays by the spirit, yet that very prayer is common prayer to the people; they are tied as much to his words, as in saying, *Almighty and most merciful Father*. Is it then unlawful in the minister, but not unlawful in the people?

5. There were some mathematicians that could with one fetch of their pen make an exact circle, and with the next touch point out the centre; is it therefore reasonable to banish all use of the compasses? Set forms are a pair of compasses.

6. "God hath given gifts unto men." General texts prove nothing: let him shew me John, William, or Thomas in the text, and then I will believe him. If a man hath a voluble tongue, we say, he hath the gift of prayer. His gift is to pray long; that I see; but does he pray better?

7. We take care what we speak to men, but to God we may say anything.

8. The people must not think a thought towards God, but as their pastors will put it into their mouths; they will make right sheep of us.

9. The English priests would do that in English which the Romish do in Latin, keep the people in ignorance;* but some of the people outdo them at their own game.

10. Prayer should be short, without giving

* The injunctions of popes, and the opinions of eminent Catholic writers, relative to the expediency of permitting the Scriptures to be read in the vulgar tongue, have been briefly recapitulated by Jacques Laurentius in his animadversions on Grotius. (*Hugo Grotius Papizana*, p. 194. Amst. 1642, 8vo.) A more ample apparatus was exhibited by the French clergy, under the title of *Collectio quorundam gravium Authorum, qui ex professo, vel ex occasione, Sacras Scripturas aut divinarum Officiorum in Vulgari Linguam Translationes damnarunt*. Letet. Paris. 1661, 4to. But the same bigotry and priestcraft are by no means to be imputed to all the Catholic clergy; many of whom have undertaken to translate the Scriptures, or some portions of them, into their native languages, while others have maintained the expediency of such translations. This opinion was strenuously maintained at an early period by a Spanish layman, who published a work under the following title: *Friderici Furi, Caeritolani Valeriani, Bononiæ; sive de Libris Sacris in Vernaculam Linguam convertendis libri duo, ad Franciscum Bovadilam Mendocum, Cardinalem Burgensem*. Basil. 1536, 8vo. An edition of this work, which was of very rare occurrence, was published by H. W. Tydeman, professor of law in the University of Leyden. Lugd. Bat. 1818, 8vo. Bononia, a native of Palermo, was one of the doctors of Louvain who, on being consulted by Charles the Fifth, had delivered a formal opinion against the permission to read the Scriptures in the vulgar tongue. By the publication of this remarkable work, the author exposed himself to some danger, but he was protected by the emperor. (*Antoniæ Bibliotheca Hispana*, tom. i. p. 362.)

God Almighty reasons why he should grant this or that; he knows best what is good for us. If your boy should ask you a suit of clothes, and give you reasons, otherwise he cannot wait upon you, he cannot go abroad but he will discredit you, would you endure it? You know it better than he; let him ask a suit of clothes.

11. If a servant that has been fed with good beef, goes into that part of England where salmon is plenty, at first he is pleased with his salmon, and despises his beef; but after he has been there a while, he grows weary of his salmon, and wishes for his good beef again. We have a while been much taken with this praying by the spirit; but in time we may grow weary of it, and wish for our Common Prayer.*

* "During those years between forty and sixty, though on civil accounts there were great disorders, and the foundations were out of course, yet, in the matters of God's worship, things went well; there was freedom and reformation, and a face of godliness was upon the nation, though there were those that made but a mask of it. Ordinances were administered in power and purity; and, though there was much animus, yet religion, at least in the profession of it, did prevail. This, methinks, we know very well, let men say what they will of those times." (M. Henry's *Life of the Rev. Philip Henry*, A. M., p. 29, edit. Lond. 1823, 8vo.) Here the biographer, well known as a commentator on the Bible, records the opinion of his pious father, who, in a plain question of practical religion, was perhaps as competent a witness as the learned Selden. We may at least venture to affirm that their opportunities of personal observation must have been very different.

12. 'Tis hoped we may be cured of our extemporary prayers, the same way the grocer's boy is cured of his eating plums, when we have had our bellyful of them.

PREACHING.

1. Nothing is more mistaken than that speech, "preach the gospel:" for 'tis not to make long harangues, as they do now-a-days, but to tell the news of Christ's coming into the world; and when that is done, or where 'tis known already, the preacher's work is done.

2. Preaching, in the first sense of the word, ceased as soon as ever the gospel was written.

3. When the preacher says, this is the meaning of the Holy Ghost in such a place, in sense he can mean no more than this; that is, I by studying of the place, by comparing one place with another, by weighing what goes before, and what comes after, think this is the meaning of the Holy Ghost; and for shortness of expression I say, the Holy Ghost says thus, or this is the meaning of the Spirit of God. So the judge speaks of the king's proclamation, this is the intention of the king; not that the king had

declared his intention any other way to the judge, but the judge examining the contents of the proclamation, gathers by the purport of the words the king's intention ; and then for shortness of expression says, this is the king's intention.

4. Nothing is text but what was spoken in the Bible, and meant there for person and place ; the rest is application, which a discreet man may do well ; but 'tis his Scripture, not the Holy Ghost.

5. Preaching by the spirit, as they call it, is most esteemed by the common people, because they cannot abide art or learning, which they have not been bred up in. Just as in the business of fencing, if one country-fellow amongst the rest has been at the school, the rest will undervalue his skill, or tell him he wants valour : you come with your school tricks ; there's Dick Butcher has ten times more mettle in him : so they say to the preachers, you come with your school-learning ; there's such a one has the spirit.

6. The tone in preaching does much in working upon the people's affections. If a man

should make love in an ordinary tone, his mistress would not regard him ; and therefore he must whine. If a man should cry fire or murder in an ordinary voice, nobody would come out to help him.

7. Preachers will bring any thing into the text. The young masters of arts preached against non-residency in the university ; whereupon the heads made an order that no man should meddle with any thing but what was in the text. The next day one preached upon these words, " Abraham begat Isaac : " when he had gone a good way, at last he observed, that Abraham was resident ; for if he had been non-resident, he could never have begot Isaac ; and so fell foul upon the non-residents.

8. I could never tell what often preaching meant after a church is settled, and we know what is to be done ; 'tis just as if a husbandman should once tell his servants what they are to do, when to sow, when to reap, and afterwards one should come and tell them twice or thrice a day what they know already. You must sow your wheat in October, you must reap your wheat in August, &c.

9. The main argument why they would have two sermons a day, is, because they have two meals a day ; the soul must be fed as well as the body. But I may as well argue I ought to have two noses because I have two eyes, or two mouths because I have two ears. What have meals and sermons to do one with another ?

10. The things between God and man are but a few, and those, forsooth, we must be told often of ; but things between man and man are many ; those I hear of not above twice a year, at the assizes, or once a quarter at the sessions ; but few come then ; nor does the minister exhort the people to go at these times to learn their duty towards their neighbours. Often preaching is sure to keep the minister in countenance, that he may have something to do.

11. In preaching they say more to raise men to love virtue than men can possibly perform, to make them do their best ; as if you would teach a man to throw the bar, to make him put out his strength, you bid him throw farther than it is possible for him, or any man else : throw over yonder house.

12. In preaching they do by men as writers of romances do by their chief knights, bring them into many dangers, but still fetch them off: so they put men in fear of hell, but at last they bring them to heaven.

13. Preachers say, do as I say, not as I do. But if a physician had the same disease upon him that I have, and he should bid me do one thing, and he do quite another, could I believe him?

14. Preaching the same sermon to all sorts of people, is as if a schoolmaster should read the same lesson to his several forms: if he reads *amo, amas, amavi*, the highest forms laugh at him, the younger boys admire him; so 'tis in preaching to a mixed auditory. *Objection.* But it cannot be otherwise; the parish cannot be divided into several forms: what must the preacher then do in discretion? *Answer.* Why then let him use some expressions by which this or that condition of people may know such doctrine does more especially concern them; it being so delivered that the wisest may be content to hear. For if he delivers it altogether, and leaves it to them to single out what belongs

to themselves, which is the usual way, 'tis as if a man would bestow gifts upon children of several ages, two years old, four years old, ten years old, &c. and there he brings tops, pins, points, ribands, and casts them all in a heap together upon a table before them: though the boy of ten years old knows how to choose his top, yet the child of two years old, that should have a riband, takes a pin, and ere he be aware pricks his fingers, and then all's out of order, &c. Preaching for the most part is the glory of the preacher, to shew himself a fine man. Catechising would do much better.

15. Use the best arguments to persuade, though but few understand; for the ignorant will sooner believe the judicious of the parish, than the preacher himself; and they teach, when they dissipate, what he has said, and believe it the sooner, confirmed by men of their own side. For betwixt the laity and the clergy there is, as it were, a continual driving of a bargain; something the clergy would still have us believe, and therefore many things are heard from the preacher with suspicion. They are afraid of some ends, which are easily assented to, when

they have it from some of themselves. 'Tis with a sermon as 'tis with a play ; many come to see it which do not understand it ; and yet hearing it cried up by one whose judgment they cast themselves upon, and of power with them, they swear and will die in it. that 'tis a very good play, which they would not have done if the priest himself had told them so. As in a great school, 'tis [not] the master that teaches all ; the monitor does a great deal of work ; it may be the boys are afraid to see the master : so in a parish 'tis not the minister does all ; the greater neighbour teaches the lesser ; the master of the house teaches his servant, &c.

16. First in your sermons use your logic, and then your rhetoric. Rhetoric without logic is like a tree with leaves and blossoms, but no root ; yet I confess more are taken with rhetoric than logic, because they are caught with a free expression, when they understand not reason. Logic must be natural, or it is worth nothing at all ; your rhetoric figures may be learned. That rhetoric is best which is most reasonable and most catching. An instance we have in that old blunt commander at Cadiz, who shewed

himself a good orator ; being to say something to his soldiers, which he was not used to do, he made them a speech to this purpose : “ What a shame will it be, you Englishmen, that feed upon good beef and brewess, to let those rascally Spaniards beat you that eat nothing but oranges and lemons ;” and so put more courage into his men than he could have done with a more learned oration. Rhetoric is very good, or stark naught ; there’s no medium in rhetoric. If I am not fully persuaded, I laugh at the orator.

17. ’Tis good to preach the same thing again ; for that’s the way to have it learned. You see a bird by often whistling to learn a tune, and a month after record it to herself.

18. ’Tis a hard case a minister should be turned out of his living for something they inform he should say in his pulpit. We can no more know what a minister said in his sermon by two or three words picked out of it, than we can tell what tune a musician played last upon the lute, by two or three single notes.

PREDESTINATION.

1. They that talk nothing but predestination, and will not proceed in the way of heaven till they be satisfied on that point, do as a man that would not come to London, unless at his first step he might set his foot upon the top of St. Paul's.*

2. For a young divine to begin in his pulpit with predestination, is as if a man were coming into London, and at his first step would think to set his foot, &c.

3. Predestination is a point inaccessible, out of our reach ; we can make no notion of it, 'tis so full of intricacy, so full of contradiction ; 'tis in good earnest, as we state it, half a dozen bulls one upon another.

* " It is our duty to look to God's commands, and not to his decrees; to our own duty, and not to his purposes. The decrees of God are a vast ocean, into which many possibly have curiously pried, to their own horror and despair; but few or none have ever pried into them to their own profit and satisfaction. Our election is not written in particular in the word of God, but our duty is plainly laid down there. If men conscientiously perform their duty, this is the way to come to the knowledge of their election. Men therefore should not question whether they be elected or not, but first believe on Christ, and endeavour diligently to work out their own salvation; and if their works be good and their obedience true, thereby they will come to a certain knowledge that they were elected and set apart to everlasting life." (*Boston's Illustrations of the Doctrines of the Christian Religion*, vol. 1 p. 217. Kdntz. 1773, 5 vols 8vo.)

4. Dr. Prideaux,* in his lectures, several days used arguments to prove predestination ; at last tells his auditory they are damned that do not believe it ; doing herein just like school-boys ; when one of them has got an apple, or something the rest have a mind to, they use all the arguments they can to get some of it from him : “ I gave you some t’other day ; you shall have some with me another time : ” when they cannot prevail, they tell him he’s a jackanapes, a rogue, and a rascal.

PREFERMENT.

1. When you would have a child go to such a place, and you find him unwilling, you tell him he shall ride a cock-horse, and then he will go presently : so do those that govern the state, deal by men to work them to their ends ; they tell them they shall be advanced to such or such a place, and they would do any thing they would have them.

* John Prideaux, D D, rector of Exeter College, and regius professor of divinity in the University of Oxford. He was nominated to the bishopric of Worcester in the year 1641, but the subsequent troubles prevented him from deriving any advantage from his promotion, and the close of his life was exposed to great poverty. He is the author of many publications, enumerated by Wood.

2. A great place strangely qualifies. John Read was in the right, groom of the chamber to my Lord of Kent.* Attorney Noy being dead, some were saying, how will the king do for a fit man? Why, any man, says John Read, may execute the place. I warrant, says my lord, thou thinkest thou understandest enough to perform it. Yes, quoth John, let the king make me attorney, and I would fain see that man that durst tell me there's any thing I understand not.

3. When the pageants are a-coming there's a great thrusting and a riding upon one another's backs, to look out at the window: stay a little and they will come just to you, you may see them quietly. So 'tis when a new statesman

* To this nobleman, Henry Grey, Earl of Kent, Galden repeatedly alludes. "His intimacy in that family," says Dr. Aikin, "was such, that some have called him steward to that noblesman; but, considering his other occupations, it is probable that his services were limited to some legal advice and assistance in managing his affairs. After the earl's death in 1639, without issue, he appears to have been domesticated with the widow both in town and country, taking the management of her concerns, and, as Wood says, living with her in a conjugal way: but what he meant by this expression I do not undertake to conjecture. At her decease she appointed him her executor; and he possessed the Friary house in Whitefriars in consequence of her bequest, to which also is attributed the greatest part of the property he had acquired, and which appears to have been considerable" (*Life of Galden*, p. 158.) This lady was one of the three daughters and coheirs of Gilbert Talbot, Earl of Shrewsbury.

or officer is chosen ; there's great expectation and listening who it should be ; stay a while, and you may know quietly.

4. Missing preferment makes the presbyters fall foul upon the bishops : men that are in hopes and in the way of rising, keep in the channel, but they that have none, seek new ways. 'Tis so amongst the lawyers : he that hath the judge's ear, will be very observant of the way of the court ; but he that hath no regard, will be flying out.

5. My Lord Digby having spoken something in the House of Commons, for which they would have questioned him, was presently called to the upper house. He did by the Parliament as an ape when he hath done some waggy : his master spies him, and he looks for his whip, but before he can come at him, whip says he to the top of the house.

6. Some of the Parliament were discontented that they wanted places at court, which others had got ; but when they had them once, then they were quiet. Just as at a christening some that get no sugar-plums, when the rest have, mutter and grumble ; presently the wench

comes again with her basket of sugar-plums, and then they catch and scramble, and when they have got them, you hear no more of them.

PRAEMUNIRE.

There can be no praemunire. A praemunire, so called from the word *praemunire** *facias*, was when a man laid an action in an ecclesiastical court, for which he could have no remedy in any of the king's courts, that is, in the courts of common law, by reason the ecclesiastical courts before Henry the Eighth were subordinate to the pope, and so it was *contra coronam et dignitatem regis*; but now the ecclesiastical courts are equally subordinate to the king. Therefore it cannot be *contra coronam et dignitatem regis*, and so no praemunire.

PREROGATIVE.

1. Prerogative is something that can be told what it is, not something that has no name: just as you see the archbishop has his prerogative court, but we know what is done in that

* In the writ to which Selden alludes, the word *praemunire* is compounded with *praemonere*. See Harrington's *Observations on the more Ancient Statutes*, p. 251, 3d edit. Lond. 1769, 4to

court. So the king's prerogative is not his will, or, what divines make it, a power to do what he lists.

2. The king's prerogative, that is, the king's law. For example, if you ask whether a patron may present to a living after six months by law, I answer no. If you ask whether the king may, I answer he may by his prerogative, that is, by the law that concerns him in that case.

PRESBYTERY.

1. They that would bring in a new government, would very fain persuade us they meet it in antiquity. Thus they interpret presbyters, when they meet the word in the fathers. Other professions likewise pretend to antiquity. The alchymist will find his art in Virgil's *aureus ramus*, and he that delights in optics will find them in Tacitus. When Cæsar came into England, they would persuade us they had perspective glasses, by which he could discover what they were doing upon the land, because it is said, *positis speculis*: the meaning is, his watch or his sentinel discovered this and this unto him.

2. Presbyters have the greatest power of any clergy in the world, and gull the laity most: for example, admit there be twelve laymen to six presbyters, the six shall govern the rest as they please. First, because they are constant, and the others come in like churchwardens in their turns, which is an huge advantage. Men will give way to them who have been in place before them. Next, the laymen have other professions to follow: the presbyters make it their sole business; and besides, too, they learn and study the art of persuading: some of Geneva have confessed as much.

3. The presbyter with his elders about him, is like a young tree fenced about with two, or three, or four stakes; the stakes defend it, and hold it up, but the tree only prospers and flourishes: it may be some willow-stake may bear a leaf or two, but it comes to nothing. Lay-elders are stakes, the presbyter the tree that flourishes.

4. When the queries were sent to the Assembly concerning the *jus divinum* of presbytery, their asking time to answer them, was a satire upon themselves; for if it were to be seen in

the text, they might quickly turn to the place, and shew us it. Their delaying to answer makes us think there's no such thing there. They do just as you have seen a fellow do at a tavern reckoning: when he should come to pay his reckoning, he puts his hands into his pockets, and keeps a grabbling, and a fumbling, and shaking, at last tells you he has left his money at home, when all the company knew at first he had no money there; for every man can quickly find his own money.

PRIESTS OF ROME.

1. The reason of the statute against priests was this: in the beginning of Queen Elizabeth there was a statute made, that he that drew men from their civil obedience was a traitor. It happened this was done in privacies and confessions, when there could be no proof; therefore they made another act, that for a priest to be in England was treason, because they presumed that was his business to fetch men off from their obedience.

2. When Queen Elizabeth died, and King James came in, an Irish priest does thus ex-

press it: "Elizabetha in Orcum detrusa, successit Jacobus, alter haereticus." You will ask why they did use such language in their church.

Ans. Why does the nurse tell the child of raw head and bloody bones, to keep it in awe?

3. The queen mother and Count Rosset are to the priests and Jesuits like the honey-pot to the flies.

4. The priests of Rome aim but at two things, to get power from the king, and money from the subject.

5. When the priests come into a family, they do as a man that would set fire on a house; he does not put fire to the brick-wall, but thrusts it into the thatch. They work upon the women, and let the men alone.

6. For a priest to turn a man when he lies a dying, is just like one that hath a long time solicited a woman, and cannot obtain his end; at length makes her drunk, and so lies with her.

PROPHECIES.

Dreams and prophecies do thus much good; they make a man go on with boldness and courage, upon a danger or a mistress: if he

obtains, he attributes much to them ; if he miscarries, he thinks no more of them, or is no more thought of himself.

PROVERBS.

The proverbs of several nations were much studied by Bishop Andrews, and the reason he gave was, because by them he knew the minds of several nations, which is a brave thing ; as we count him a wise man that knows the minds and insides of men, which is done by knowing what is habitual to them. Proverbs are habitual to a nation, being transmitted from father to son.

QUESTION.

When a doubt is propounded, you must learn to distinguish, and show wherein a thing holds, and wherein it doth not hold : ay or no never answered any question. The not distinguishing where things should be distinguished, and the not confounding where things should be confounded, is the cause of all the mistakes in the world.

REASON.

1. In giving reasons, men commonly do with us as the woman does with her child ; when she goes to market about her business, she tells it she goes to buy it a fine thing, to buy it a cake or some plums. They give us such reasons as they think we will be caught withal, but never let us know the truth.

2. When the schoolmen talk of *recta ratio* in morals, either they understand reason as it is governed by a command from above, or else they say no more than a woman when she says a thing is so, because it is so ; that is, her reason persuades her 'tis so. The other acception has sense in it. As take a law of the land, I must not depopulate, my reason tells me so. Why ? Because if I do, I incur the detriment.

3. The reason of a thing is not to be enquired after till you are sure the thing itself be so. We commonly are at what's the reason of it ? before we are sure of the thing. 'Twas an excellent question of my Lady Cotton, when Sir Robert Cotton was magnifying of a shoe, which was Moses's or Noah's, and wondering

at the strange shape and fashion of it: "but, Mr. Cotton," says she, "are you sure it is a shoe?"

RETALIATION.

"An eye for an eye, and a tooth for a tooth." That does not mean, that if I put out another man's eye, therefore I must lose one of my own, (for what is he the better for that?) though this be commonly received; but it means, I shall give him what satisfaction an eye shall be judged to be worth.

REVERENCE.

'Tis sometimes unreasonable to look after respect and reverence, either from a man's own servant, or other inferiors. A great lord and a gentleman talking together, there came a boy by, leading a calf with both his hands: says the lord to the gentleman, you shall see me make the boy let go his calf; with that he came towards him, thinking the boy would have put off his hat, but the boy took no notice of him. The lord seeing that, Sirrah, says he, do you not know me, that you use no reverence?

Yes, says the boy, if your lordship will hold my calf, I will put off my hat.

NON-RESIDENCY.

1. The people thought they had a great victory over the clergy, when in Henry the Eighth's time they got their bill passed, that a clergyman should have but two livings: before a man might have twenty or thirty; 'twas but getting a dispensation from the pope's limiter, or gatherer of the Peter-pence, which was as easily got as now you may have a license to eat flesh.*

2. As soon as a minister is made, he hath power to preach all over the world, but the civil power restrains him; he cannot preach in this parish, or in that; there is one already appointed. Now if the state allows him two livings, then he hath two places where he may exercise his function, and so has the more power to do his office, which he might do every where if he were not restrained.

* Bishop Lowth has stated that "there were some in England who, by the pope's authority, possessed at once twenty ecclesiastical benefices and dignities, with dispensation moreover for holding as many more as they could lawfully procure, without limitation of number." (*Life of William of Wykeham, Bishop of Winchester*, p. 28, 3d edit. Oxford, 1777, 8vo.)

RELIGION.

1. King James said to the fly, have I three kingdoms, and thou must needs fly into my eye? Is there not enough to meddle with upon the stage, or in love, or at the table, but religion?

2. Religion amongst men appears to me like the learning they got at school. Some men forget all they learned, others spend upon the stock, and some improve it. So some men forget all the religion that was taught them when they were young, others spend upon that stock, and some improve it.

3. Religion is like the fashion: one man wears his doublet slashed, another laced, another plain, but every man has a doublet; so every man has his religion. We differ about trimming.

4. Men say they are of the same religion for quietness sake; but if the matter were well examined, you would scarce find three any where of the same religion in all points.

5. Every religion is a getting religion; for though I myself get nothing, I am subordinate

to those that do. So you may find a lawyer in the Temple that gets little for the present ; but he is fitting himself to be in time one of those great ones that do get.

6. Alteration of religion is dangerous, because we know not where it will stay : 'tis like a mill-stone that lies upon the top of a pair of stairs ; 'tis hard to remove it, but if once it be thrust off the first stair, it never stays till it comes to the bottom.*

7. *Question.* Whether is the church or the Scripture judge of religion ? *Answer.* In truth neither, but the state. I am troubled with a

* An adherence to these suggestions of worldly wisdom might defer the cause of reformation till the consummation of all things. Such cold and cautious considerations did not influence the conduct of Luther, Calvin and Knox ; but we read of a certain ancient scribe, γεγραμμένος, who offered similar advice to his countrymen. " Ye men of Ephesus, what man is there that knoweth not how that the city of the Ephesians is a worshipper of the great goddess Diana, and of the image which fell down from Jupiter ? Seeing then that these things cannot be spoken against, ye ought to be quiet, and do nothing rashly." If a meeting of reformers should by some extraordinary contingency be held in Rome, we may suppose a papal secretary to address them in nearly the same strain. " Ye men of Rome, what man is there that knoweth not how that the city of the Romans is a worshipper of the Blessed Virgin, whose holy habitation angels conveyed through the air from Nazareth to Loretto ? Seeing then that these things cannot be spoken against, ye ought to be quiet, and do nothing rashly." If acquainted with Selden's Table Talk, he might with obvious propriety subjoin the wise suggestion of a most learned Protestant : " Alteration of religion is dangerous, because we know not where it will stay."

boil ; I call a company of chirurgeons about me ; one prescribes one thing, another another ; I single out something I like, and ask you that stand by, and are no chirurgeon, what you think of it. You like it too ; you and I are judges of the plaster, and we bid them prepare it, and there's an end. Thus 'tis in religion : the Protestants say they will be judged by the Scriptures ; the Papists say so too ; but that cannot speak. A judge is no judge, except he can both speak and command execution ; but the truth is they never intend to agree. No doubt the pope, where he is supreme, is to be judge ; if he say we in England ought to be subject to him, then he must draw his sword and make it good.

8. By the law was the Manual received into the church before the reformation ; not by the civil law, that had nothing to do in it ; nor by the canon law, for that Manual that was here, was not in France, nor in Spain ; but by custom, which is the common law of England ; and custom is but the elder brother to a Parliament : and so it will fall out to be nothing that the Papists say, ours is a Parliamentary

religion, by reason the service-book was established by act of Parliament, and never any service-book was so before. That will be nothing, that the pope sent the Manual; 'twas ours because the state received it. The state still makes the religion, and receives into it what will best agree with it. Why are the Venetians Roman Catholics? Because the state likes the religion; all the world knows they care not three-pence for the pope. The council of Trent is not at this day admitted in France.

9. *Papist.* Where was your religion before Luther, an hundred years ago? *Protestant.* Where was America an hundred or sixscore years ago? Our religion was where the rest of the Christian church was. *Papist.* Our religion continued ever since the apostles, and therefore 'tis better. *Protestant.* So did ours. That there was an interruption of it, will fall out to be nothing, no more than if another earl should tell me of the Earl of Kent, saying he is a better earl than he, because there was one or two of the family of Kent did not take the title upon them; yet all that while they were really earls, and afterwards a great prince de-

clared them to be Earls of Kent, as he that made the other family an earl.

10. Disputes in religion will never be ended, because there wants a measure by which the business would be decided. The Puritan would be judged by the word of God: if he would speak clearly, he means himself, but he is ashamed to say so; and he would have me believe him before a whole church, that has read the word of God as well as he. One says one thing, and another another; and there is, I say, no measure to end the controversy. 'Tis just as if two men were at bowls, and both judged by the eye: one says 'tis his cast, the other says 'tis my cast; and having no measure, the difference is eternal. Ben Jonson satirically expressed the vain disputes of divines, by Inigo Lanthorn disputing with his puppet in a Bartholomew fair; it is so; it is not so; it is so; it is not so; crying thus one to another a quarter of an hour together.*

* See Jonson's Works, vol. III. p. 407, Whalley's edit. = vol. IV. p. 531, Otford's edit. "Mr. Selden," says the former editor, "quoted by me, but this is the passage he meant; and he calls him Inigo Lanthorn, because Inigo Jones, as was remarked above, [p. 506,] was sneered at in the character of Leatherhead." The name of this character in Bartholomew Fair is Lanthorn Leatherhead.

11. In matters of religion to be ruled by one that writes against his adversary, and throws all the dirt he can in his face, is as if in point of good manners a man should be governed by one whom he sees at cuffs with another, and thereupon thinks himself bound to give the next man he meets a box on the ear.

12. 'Tis to no purpose to labour to reconcile religions, when the interest of princes will not suffer it. 'Tis well if they could be reconciled so far that they should not cut one another's throats.*

* Many learned and pious men had laboured to effect a reunion of the Protestants and Catholics. Soon after the dawn of the reformation, Erasmus published his *Liber de Sacerdotia Ecclesiae Concordia, deque Redandis Opinionum Dissidiis*. Antv. 1523, 8vo. The title seems to be very appropriate, for at best it must only be patching. Cassander's *Consultatio de Articulis Religionis inter Catholicos et Protestantos controversis*, is a more systematic, and a more remarkable production. It may be found in the collection of tracts which Grotius published under the title of *Via ad Pacem Ecclesiasticam*. Amst. 1642, 8vo. See likewise Grotii *Opera Theologica*, tom. iii. Grotius had been preceded by Jean de Serres, better known as Joannes Serranus, who is the author of a work entitled *De Fide Catholica, sive Principiis Religionis Christianae, communi omnium Christianorum Consensu semper et ubique rata*. Paris. 1597, fol. The intentions of this learned man, who had distinguished himself by his edition of Plato, seem to have been strangely misrepresented. (Cassanderi *Epistolae*, p. 474, edit. Almeloveen. Roterd. 1769, fol.) William Forbes, bishop of Edinburgh, prosecuted the same design in his posthumous *Considerationes Modestae et Pacificae Controversiarum, de Justificatione, Purgatorio, Invocatione Sanctorum, Christo Mediatore, Eucharistia*. Lond. 1658, 8vo. See *Bibliothèque Choisy*, tom. v. p. 396. Dr. Forbes was a learned man, but not a faithful expositor of the Protestant doctrine. He was too much disposed to make dangerous concessions, and to meet the

13. There's all the reason in the world divines should not be suffered to go a hair beyond their bounds, for fear of breeding confusion, since there now be so many religions

Papists half-way. It cannot be mentioned to his honour that, a few years ago, the Puseyites had formed a plan of reprinting his work; but the gentleman selected as editor soon afterwards evinced his consistency, as well as his honesty, by seceding to the Romish church. One of Forbes's sons, as we learn from Bishop Burnet, had followed a similar course. Many other individuals exerted themselves in the cause of peace and union, (*Colerossi Opera*, p. 294;) with what success, it is superfluous to explain. The same ill success attended the labours of those who endeavoured to reconcile the different denominations of Protestants; the most conspicuous of whom was our countryman John Dury, who not only published different works on this subject, but with the view of promoting so pious a design, visited almost all the Protestant countries of Europe, and persevered in his exertions for upwards of forty years. (*De Pace inter Evangelicos procuranda, eminentiorum in Ecclesia Scotica Theologorum Sententiae, Johanni Duræo Scoto communicatae*. Francofurti, 1643, 8vo. *Johannis Duræi Irenicorum Tractatum Prodromus*. Amst. 1662, 8vo. *Coleri Historia Johannis Duræi*. Vitemberg. 1716, 4to. *Mosheimii Commentatio de Actis Suecanis Johannis Duræi*. Editio novissima. Helmstadti, a. n. 4to. Bayle, *Dictionnaire Historique et Critique*, tom. ii. p. 1043.) The opinion of the theological faculty of Aberdeen, explained at great length, and inserted in the volume *De Pace*, must have been written by John Forbes. It is subscribed by other five doctors, Baron, Scrogie, Lealey, Sibbald, and Ross, but he has incorporated it in his learned and valuable *Instructiones Historico-Theologicae*. (*Forbesii Opera*, tom. ii. p. 678.) Mosheim describes Dury as "vir certe bonus, pius, et eruditus, sed ingenio et memoria locupletior, quam res sapienter sustinendi et dignoscendi virtute." (*Institutiones Historiae Ecclesiasticae*, p. 928.) Many foreign divines were led to adopt similar plans, Jablonski *Institutiones Historiae Christianae*, tom. ii. p. 265;) and an English prelate, Dr. Davenant, bishop of Salisbury, published a little work entitled *Ad Fraternali Communionem inter Evangelicas Ecclesias Restaurandam Adhortatio*. Cantab. 1640, 12mo. But it is to be feared that we must finally acquiesce in the opinion of Sir Thomas Browne as to the possibility of a reconciliation; "which though peaceable spirits do desire, and may conceive that revolution of time and the mercies of God may

on foot. The matter was not so narrowly to be looked after when there was but one religion in Christendom: the rest would cry him down for an heretic, and there was nobody to side with him.

14. We look after religion as the butcher did after his knife, when he had it in his mouth.

15. Religion is made a juggler's paper; now 'tis a horse, now 'tis a lanthorn, now 'tis a boar, now 'tis a man. To serve ends, religion is turned into all shapes.

16. Pretending religion and the law of God, is to set all things loose. When a man has no mind to do something he ought to do by his contract with man, then he gets a text, and interprets it as he pleases, and so thinks to get loose.

17. Some men's pretending religion, is like the roaring boys' way of challenges, "their reputation is dear, it does not stand with the honour of a gentleman;" when, God knows,

effect, yet that judgment that shall consider the present antipathies between the two extreams, their contrarieties and condition, affection and opinion, may with the same hopes expect an union in the poles of heaven." (*Religio Medici*, p. 7.)

they have neither honour nor reputation about them.*

* In reference to several important topics, this learned lawyer occasionally indulges in a certain degree of levity, or what may easily be mistaken for levity. Thus, in p. 48, he states the hypothetical case of an Anabaptist taking his horse, and alleging that "his conscience tells him all things are common amongst the saints;" the following question is then proposed: "Why is not he as honest a man as he that pretends a ceremony established by law is against his conscience?" It is not to be supposed that ceremonies, imposed by human authority, appeared in the same light to Richard Baxter and John Selden, men both excellent in their generation. "And as to rites and ceremonies, are there any necessary to salvation, which Christ has not instituted? If not, how can the magistrate impose them? What commission has he from the care he ought to have 'for the salvation of men's souls,' to use his *coactive* force for the establishment of any new ones which our Lord and Saviour, with due reverence be it spoken, had forgotten? He instituted two rites in his church; can any one add any new one to them? Christ commanded simply to baptize into the name of the Father, the Son, and the Holy Ghost; but the signing of the cross, how came that necessary?" (Locke's *Letters concerning Toleration*, p. 127.) In p. 12, Selden defends the practice of circulating the Apocrypha with the canonical Scriptures. "Why should we leave it out? The church of Rome has her Apocrypha." It is generally supposed that the church of Rome has many usages, as well as many doctrines, which all consistent Protestants abhor. But the church of England not only circulates the Apocrypha, but enjoins many portions of it to be read as *first* lessons; and after the Restoration, when an attempt was made to discontinue so unseemly a practice, it was strenuously resisted by the violent churchmen, who had neither learned wisdom nor moderation from their recent sufferings. "Only I admire, I confess," says Marvell, "that upon such an occasion they could not in any one thing be gratified, not so much as in forbearing the lessons of the Apocrypha. Inasmuch that, as many remember very well, after a long tug at the Convocation-house about that matter, a good doctor came out at last with great exultation, that *they had carried it for Bel and the Dragon*." (The *Rehearsal* transpos'd, the second part, p. 382. Lond. 1673, 8vo.) The tyrannical and cruel minister of a profligate and heartless sovereign instigated him to violate his solemn and public declaration for granting liberty of conscience; and on the fatal day of St. Bartholomew, about two thousand conscientious men "relinquished their preferments in the church, or refused to accept of any upon the terms of the act of uniformity." It

18. They talk much of settling religion ; religion is well enough settled already, if we would let it alone. Methinks we might look after, &c.

19. If men would say they took arms for any thing but religion, they might be beaten out of it by reason : out of that they never can, for they will not believe you whatever you say.

20. The very *arcanum* of pretending religion in all wars, is that something may be found out in which all men may have interest. In this

was computed that nearly " eight thousand Protestant dissenters perished in prison in the reign of King Charles II., and that merely for dissenting from the church." (Neal's History of the Puritans, vol. iii. p. 119, 271.) Lord Dover describes this as " a persecution which for cruel and unrelenting severity has been rarely equalled in history." (Historical Inquiries respecting the Character of Edward Hyde, Earl of Clarendon, Lord Chancellor of England, p. 113. Lond. 1827, 8vo.) The chief author of the persecution was the chancellor, who was however zealously encouraged in his pernicious measures by Sheldon, and other equally wise and humane prelates of the triumphant church. " You would think," says Marvell, " the same day that they took up divinity they divested themselves of humanity, and so they may procure and execute a law against the non-conformists, that they had forgot the gospel." (The Rehearsal transpos'd, p. 238.) The attempt to force episcopacy upon the most pious and resolute portion of the people in another kingdom, was attended with much greater atrocities. According to the opinion of that able and excellent man Jonathan Edwards, " Scotland has also been the scene, for many years together, of cruelties and blood by the hands of high-churchmen, such as came very little short of the popish persecution in Queen Mary's days, and in many things much exceeded it." (History of the Work of Redemption, p. 291. • Edinb. 1771, 8vo.)

the groom has as much interest as the lord. Were it for land, one has one thousand acres, and the other but one; he would not venture so far as he that has a thousand. But religion is equal to both. Had all men land alike, by a *lex agraria*, then all men would say they fought for land.

SABBATH.

Why should I think all the fourth commandment belongs to me, when all the fifth does not? * What land will the Lord give me for honouring my father? It was spoken to the Jews with reference to the land of Canaan; but the meaning is, if I honour my parents, God will also bless me. We read the commandments in the church-service, as we do

* The Puritans contended for the rigid observance of the first day of the week, to which they found no difficulty in transferring the injunctions respecting the Jewish sabbath; but their Arminian opponents were of opinion, "that no man can reasonably condemn the moderate use of lawful recreations upon the Lord's day, as simply and *de toto genere* unlawful." See Bishop Sanderson's *Eight Cases of Conscience*, p. 16. Lond. 1674, 8vo. Belden afterwards remarks that "if there be any superstition truly and properly so called, 'tis their observing the sabbath after the Jewish manner." On the religious observance of the first day of the week during the primitive ages of Christianity, the reader may consult the elaborate work of Böhmer, *Dissertationes Juris Ecclesiastici Antiqui, ad Plinium Secundum et Tertullianum*, pp. 14-35.

David's Psalms ; not that all there concerns us, but a great deal of them does.

SACRAMENT.

1. Christ suffered Judas to take the communion. Those ministers that keep their parishioners from it, because they will not do as they will have them, revenge rather than reform.

2. No man can tell whether I am fit to receive the sacrament ; for though I were fit the day before, when he examined me, at least appeared so to him, yet how can he tell what sin I have committed that night, or the next morning, or what impious atheistical thoughts I may have about me when I am approaching to the very table ?*

SALVATION.

We can best understand the meaning of

* "The unconcernedness," says Dr. Newton of Oxford, "with which 'many persons' kneel to pray is not less unreasonable, than the astonishment with which they go to receive the sacrament ; forasmuch as both offices, when the nature of both is truly understood, require equal fitness, and expose the unfit to equal danger. So that he who is fit to say his prayers, is fit to receive the sacrament. And he who shall incur the displeasure of God for unworthily receiving, shall do so in the same degree, if the unworthiness be equal, for unworthily praying." (Newton's Sermons. p. 60. Oxford, 1784, 8vo.)

σωτηρία, salvation, from the Jews, to whom the Saviour was promised. They held that themselves should have the chief place of happiness in the other world ; but the Gentiles that were good men, should likewise have their portion of bliss there too. Now by Christ the partition-wall is broken down, and the Gentiles that believe in him, are admitted to the same place of bliss with the Jews ; and why then should not that portion of happiness still remain to them who do not believe in Christ, so they be morally good ? This is a charitable opinion.

STATE.

In a troubled state save as much for your own as you can. A dog had been at market to buy a shoulder of mutton ; coming home he met two dogs by the way, that quarrelled with him ; he laid down his shoulder of mutton, and fell to fighting with one of them ; in the meantime the other dog fell to eating his mutton ; he seeing that, left the dog he was fighting with, and fell upon him that was eating ; then the other dog fell to eat : when he perceived there was no remedy, but which of them soever he

fought withal, his mutton was in danger, he thought he would have as much of it as he could, and thereupon gave over fighting, and fell to eating himself.

SUPERSTITION.

1. They that are against superstition oftentimes run into it of the wrong side. If I will wear all colours but black, then am I superstitious in not wearing black.

2. They pretend not to abide the cross, because 'tis superstitious; for my part I will believe them, when I see them throw their money out of their pockets, and not till then.

3. If there be any superstition truly and properly so called, 'tis their observing the sabbath after the Jewish manner.

SUBSIDIES.

1. Heretofore the Parliament was wary what subsidies they gave to the king, because they had no account; but now they care not how much they give of the subjects' money, because they give it with one hand, and receive it with the other, and so upon the matter give it them-

selves. In the mean time, what a case the subjects of England are in ! If the men they have sent to the Parliament misbehave themselves, they cannot help it, because the Parliament is eternal.

2. A subsidy was counted the fifth part of a man's estate ; and so fifty subsidies is five and forty times more than a man is worth.

SIMONY.

The name of simony was begot in the canon law : the first statute against it was in Queen Elizabeth's time. Since the reformation simony has been frequent : one reason why it was not practised in time of popery, was the pope's provision ; no man was sure to bestow his own benefice.*

SHIP-MONEY.

1. Mr. Noy brought in ship-money first for maritime towns ; but that was like putting in

* " *Simonia nihil aliud est quam studiosa voluntas, sive cupiditas emendi vel vendendi spiritualia, vel spiritualibus annexa. Vel Simonia est rei spiritualia, vel spiritualibus annexa, cum aliquo temporali facta commutatio. Appellata est autem a Simone Mago, qui primus hujus detestandi sceieris autor fuit.*" (*Lancelotti Institutiones Juris Canonici, tom. ii. p. 239, edit. Doujatii. Paris 1685, 2 tom. 12mo.*)

a little anger, that afterwards you may put in a greater. He that pulls down the first brick, does the main work ; afterwards 'tis easy to pull down the wall.

2. They that at first would not pay ship-money till 'twas decided, did like brave men, though perhaps they did no good by the trial ; but they that stand out since, and suffer themselves to be distrained, never questioning those that do it, do pitifully, for so they only pay twice as much as they should.

SYNOD, ASSEMBLY.

1. We have had no national synod since the kingdom hath been settled as now it is, only provincial ; and there will be this inconveniency to call so many divines together ; 'twill be to put power into their hands who are too apt to usurp it, as if the laity were bound by their determination. No, let the laity consult with divines on all sides, hear what they say, and make themselves masters of their reasons ; as they do by any other profession, when they have a difference before them. For example, goldsmiths, they enquire of them, if such a jewel be

of such a value, and such a stone of such a value, hear them, and then, being rational men, judge themselves.

2. Why should you have a synod, when you have a convocation already, which is a synod? Would you have a superfetation of another synod? The clergy of England, when they cast off the pope, submitted themselves to the civil power, and so have continued; but these challenge to be *jure divino*, and so to be above the civil power; these challenge power to call before their presbyteries all persons for all sins directly against the law of God, as proved to be sins by necessary consequence. If you would buy gloves, send for a glover or two, not Glovers-hall: consult with some divines, not send for a body.

3. There must be some laymen in the synod, to overlook the clergy, lest they spoil the civil work: just as when the good woman puts a cat into the milkhouse to kill a mouse, she sends her maid to look after the cat, lest the cat should eat up the cream.

4. In the ordinance for the Assembly, the lords and commons go under the names of learned, godly, and judicious divines; there is

no difference put betwixt them and the ministers in the context. *

5. 'Tis not unusual in the Assembly to revoke their votes, by reason they make so much haste ; but 'tis that will make them scorned. You never heard of a council revoked an act of its own making ; they have been wary in that, to

* The Ordinance of Parliament, dated on the 12th of June 1643, authorises " the calling of an Assembly of learned and godly Divines, and others." (Rushworth's Historical Collections, vol. ii. part iii. p. 137. Confession of Faith, p. 14.) Of the Westminster Assembly Selden was a conspicuous member. " The divines there congregate," says Baxter, " were men of eminent learning and godliness, and ministerial abilities and fidelity : and being not worthy to be one of them my self, I may the more freely speak that truth which I know even in the face of malice and envy, that, as far as I am able to judge by the information of all history of that kind, and by any other evidences left us, the Christian world, since the days of the apostles, had never a synod of more excellent divines (taking one thing with another) than this synod and the synod of Dort were." (Baxter's Narrative of the most remarkable Passages of his Life and Times, part I. p. 73. Lond. 1696, fol.) Dr. Twisse, the prolocutor of the Assembly, he describes as " a man very famous for his scholastical wit and writings in a very smooth triumphant stile." John Wallis, who afterwards rose to high distinction as a man of science and erudition, was one of the scribes. A list of the members may be found in Neal's History of the Puritans, vol. ii. p. 208. Thomas Gataker, the worthy rector of Rotherhithe, who is classed among the members that " gave constant attendance," was one of the most learned men of whom England is entitled to boast. " Vir enim fuit stupendae lectionis, magnique judicii, et qui in commentando diligens atque operosus est." (Morhofii Polyhistor, tom. i. p. 926.) It may not be improper to subjoin the testimony of Colomies, an author of no mean attainments in literature : " Je ne vois proprement que six théologiens Protestans (je parle de ceux qui ont écrit,) qui aient été d'une grande littérature ; Rainold, Usserius, et Gataker en Angleterre ; Blondel, Petit, et Bochart en France." (Colomiesi Opera, p. 834. Hamburgi, 1709, 4to.) Rainold and Usserius are Reynolds and Usher. Mr Reynolds, of whom a cursory notice may be found in p. 44, was president of Corpus Christi College, Oxford. He was born in 1549, and died in 1607.

keep up their infallibility ; if they did any thing, they took away the whole council ; and yet we would be thought infallible as any body. 'Tis not enough to say, the House of Commons revoke their votes, for theirs are but civil truths, which they by agreement create and uncreate as they please : but the truths the synod deals in are divine ; and when they have voted a thing, if it be then true, 'twas true before ; not true because they voted it, nor does it cease to be true, because they voted otherwise.

6. Subscribing in a synod, or to the articles of a synod, is no such terrible thing as they make it ; because if I am of a synod, 'tis agreed, either tacitly or expressly, that which the major part determines, the rest are involved in ; and therefore I subscribe, though my own private opinion be otherwise ; and upon the same ground, I may without scruple subscribe to what those have determined whom I sent, though my private opinion be otherwise, having respect to that which is the ground of all assemblies ; the major part carries it.

THANKSGIVING.

At first we gave thanks for every victory as soon as ever 'twas obtained ; but since we have had many, now we can stay a good while. We are just like a child : give him a plum, he makes his leg ; give him a second plum, he makes another leg ; at last when his belly is full, he forgets what he ought to do ; then his nurse, or somebody else that stands by him, puts him in mind of his duty ; “ Where’s your leg ? ”

TITHES.

1. Tithes are more paid in kind in England, than in all Italy and France. In France they have had impropriations a long time ; we had none in England till Henry the Eighth.

2. To make an impropriation, there was to be the consent of the incumbent, the patron, and the king ; then 'twas confirmed by the pope : without all this the pope could make no impropriation.

3. Or what if the pope gave the tithes to any man, must they therefore be taken away ? If the pope gives me a jewel, will you therefore take it away from me ?

4. Abraham paid tithes to Melchizedek. What then? 'Twas very well done of him; it does not follow therefore that I must pay tithes, no more than I am bound to imitate any other action of Abraham's.

5. 'Tis ridiculous to say the tithes are God's part, and therefore the clergy must have them; why, so they are if the layman has them. 'Tis as if one of my Lady Kent's maids should be sweeping this room, and another of them should come and take away the broom, and tell for a reason why she should part with it, 'tis my lady's broom; as if it were not my lady's broom, which of them soever had it.

6. They consulted in Oxford where they might find the best argument for their tithes, setting aside the *jus divinum*; they were advised to my History of Tythes, a book so much cried down by them formerly; in which, I dare boldly say, there are more arguments for them than are extant together any where. Upon this one writ me word, that my History of Tythes was now become like Peleus's *hasta*,* to wound

* Read *Pelias hasta*, that is, the spear of Achilles. Telephus could only be cured by the spear which had inflicted the wound. See Hygini

and to heal. I told him in my answer, I thought I could fit him with a better instance. 'Twas possible it might undergo the same fate

Fabulae, p. 161, edit. Munckeri, and Musgrave's *Euripides*, vol. iii. p. 558. This subject has supplied the ancient poets with many allusions, which are frequently of the amatory kind. From a MS. Anthology Valckenaer has quoted a distich, which contains such an allusion, and which he describes as "*non invenustum.*" (*Diatrise in Euripidis perditorum Dramatum Reliquias*, p. 210. Lugd. Bat. 1767. 4to) The entire story is contained in an epigram of an ancient Latin poet. (*Poemata vetera Pithoei*, p. 49. *Anthologia Burmanni*, tom. ii. p. 80.)

The correspondent to whom Selden alludes, appears to have been Gerard Langbaine, D.D., provost of Queen's College, Oxford. (*Wilkins, Vita Seldeni*, p. vii.) Langbaine, a native of Bartonkirk in Westmoreland, was a man of learning, and among other works published an edition of Longinus. Oxonii, 1636, 8vo. Its character may be found in the elaborate edition of Welske, p. lvii. To Dr. Duck, when engaged in the preparation of his valuable treatise *De Usu et Autoritate Juris Civilis Romanorum*, which was published in 1649, he rendered such material assistance, that, according to Wood, "he deserved the name of co-author." (*Athenae Oxonienses*, vol. iii. col. 258.) He was born in 1608, and died in 1658. He was the father of Gerard Langbaine, well known as a contributor to literary history, by the publication of *An Account of the English Dramatic Poets*. Oxford, 1691, 8vo.

Archbishop Usher and Dr. Langbaine visited Selden during his last illness; and to them he declared "that he had his study full of books and papers of most subjects in the world; yet at that time he could not recollect any passage out of infinite books and manuscripts he was master of, wherein he could rest his soul, save out of the holy Scriptures; wherein the most remarkable passage that lay most upon his spirit was Titus ii. 11, 12, 13, 14." Dr. Aikin, who refers to this anecdote by an anonymous writer, subjoins the following remark: "The import of these verses is the assurance of salvation, through the redemption of Christ to all who live virtuously; a truth which he therefore regarded as the essence of the Christian revelation." (*Life of Selden*, p. 152.) To live virtuously, according to the evangelical contemplation of virtue, implies the harmonious union of faith with good works. Sir Matthew Hale, who must have been well acquainted with his character, stated to Baxter that he considered Selden "a resolved serious Christian, and a great adversary to Hobbes's errors."

that Aristotle, Avicen, and Averroes did in France, some five hundred years ago ; which were excommunicated by Stephen bishop of Paris (by that very name, excommunicated) because that kind of learning puzzled and troubled their divinity ; but finding themselves at a loss some forty years after (which is much about the time since I writ my history) they were called in again, and so have continued ever since.

TRADE.

1. There is no prince in Christendom but is directly a tradesman, though in another way than an ordinary tradesman. For the purpose, I have a man ; I bid him lay out twenty shillings in such commodities, but I tell him for every shilling he lays out I will have a penny. I trade as well as he. This every prince does in his customs.

2. That which a man is bred up in, he thinks no cheating ; as your tradesman thinks not so of his profession, but calls it a mystery. Whereas if you would teach a mercer to make his silks heavier than what he has been used

to, he would peradventure think that to be cheating.

3. Every tradesman professes to cheat me, that asks for his commodity twice as much as it is worth.

TRADITION.

Say what you will against tradition, we know the signification of words by nothing but tradition. You will say the Scripture was written by the Holy Spirit; but do you understand that language 'twas writ in? No. Then for example, take these words, "in principio erat verbum." How do you know those words signify, "in the beginning was the word," but by tradition, because somebody has told you so?*

* It is not perhaps easy to conjecture what arguments Selden is here attempting to refute; but the rejection of absurd or doubtful traditions, represented as articles of religious belief, is widely different from the rejection of all traditional knowledge. A rational Protestant, for example, may demur to the tradition that the apostle Peter was the first bishop of Rome, and founder of the popedom. That he ever visited Rome, is a fact which merely rests upon vague and unsatisfactory tradition. From the conclusion of his first Epistle, it appears to have been written at Babylon: this is confidently affirmed to be the spiritual Babylon, that is, Rome; but what court would listen to such defective and dubious evidence? Nor will it derive the slightest confirmation from the exhibition of a certain marvellous chair, described as the identical chair that had been occupied by this first of popes; a chair which has most unfortunately been found

TRANSUBSTANTIATION.

1. The fathers using to speak rhetorically brought up transubstantiation: as if because it is commonly said, "*amicus est alter idem*," one should go about to prove a man and his friend are all one. That opinion is only rhetoric turned into logic.

2. There is no greater argument (though not used) against transubstantiation than the apostles at their first council forbidding blood and suffocation. Would they forbid blood, and yet enjoin the eating of blood too?

3. The best way for a pious man is, to address himself to the sacrament with that

to retain some intelligible vestiges of a Saracen inscription. It seems a very material circumstance that Paul, who "dwelt two whole years in his own hired house" at Rome, makes no allusion whatsoever to Peter's connexion with that city. "*Qui Petrum Romae fuisse potest credere*," says Salmasius, "*sane credat et Jacobum in Hispania prædicasse evangelium, et Josephum Arimatheæ in Britannia*." (*Apparatus ad Libros de Primatu*, p. 15.) See however what has been stated by the very learned Bishop Pearson, *De Successione primorum Romæ Episcoporum*, p. 32. The legend of St. Joseph of Arimathea is without hesitation adopted by one of the early champions of what they are pleased to call apostolical succession. (Mason's *Vindication of the Church of England*, p. 54.) Dr. Ledwich, an able antiquary, has investigated another traditional story, of much less importance than the legend of the pontificate; he has shewn that there are many reasons for concluding such an individual as St. Patrick never existed. (*Antiquities of Ireland*, p. 59, 2d edit. Dublin, 1804, 4to.)

reverence and devotion, as if Christ were really there present.

TRAITOR.

'Tis not seasonable to call a man traitor that has an army at his heels. One with an army is a gallant man. My Lady Cotton was in the right, when she laughed at the Duchess of Richmond for taking such state upon her, when she could command no forces. "She a duchess! there's in Flanders a duchess indeed;" meaning the archduchess.

TRINITY.

The second person is made of a piece of bread by the papists, the third person is made of his own phrensy, malice, ignorance and folly, by the Roundhead. To all these the spirit is intituled. One the baker makes, the other the cobbler; and betwixt those two, I think the first person is sufficiently abused.

TRUTH.

1. The Aristotelians say, all truth is contained in Aristotle in one place or another.

Galileo makes Simplicius say so, but shews the absurdity of that speech, by answering, all truth is contained in a lesser compass, viz. in the alphabet. Aristotle is not blamed for mistaking sometimes, but Aristotelians for maintaining those mistakes. They should acknowledge the good they have from him, and leave him when he is in the wrong. There never breathed that person to whom mankind was more beholden.

2. The way to find out the truth is by others' mistakings; for if I was to go to such a place, and one had gone before me on the right hand, and he was out, another had gone on the left hand, and he was out, this would direct me to keep the middle way, that peradventure would bring me to the place I desired to go.

3. In troubled water you can scarce see your face, or see it very little, till the water be quiet and stand still. So in troubled times you can see little truth; when times are quiet and settled, then truth appears.

TRIAL.

1. Trials are by one of these three ways; by

confession, or by demurrer; that is, confessing the fact, but denying it to be that wherewith a man is charged; for example, denying it to be treason, if a man be charged with treason; or by a jury.

2 *Ordalium* was a trial, and was either by going over nine red-hot ploughshares, as in the case of Queen Emma, accused for lying with the bishop of Winchester, over which she being led blindfold, and having passed all her irons, asked when she should come to her trial; or 'twas by taking a red-hot coulter in a man's hand, and carrying it so many steps, and then casting it from him. As soon as this was done, the hands or the feet were to be bound up, and certain charms to be said, and a day or two after to be opened: if the parts were whole, the party was judged to be innocent; and so on the contrary.*

* See Dr. Cowell's Interpreter, v. *Ordal*, where he refers to various authorities. This mode of trial, this ignorant and superstitious appeal to the justice of God, seems very generally to have obtained among the ancient people of Europe. (*Stiernhielm de Jure Sueonum et Gothorum vetusto*, p. 83. Holmiae, 1672, 4to. Ant. Fernandez Prieto y Sotelo, *Historia del Derecho Real de España*, p. 140. Madrid, 1738, 4to.) But the most ancient record of the fiery ordeal is perhaps to be found in the subsequent passage of a Greek poet.

Ἦσαν δ' ἱσχυροὶ καὶ μύθους αἰεὶ χερσὶν,
καὶ πῦρ διέρων, καὶ θεῶν ὀρκιασμένοι,

3. The rack is used no where as in England: in other countries 'tis used in judicature, when there is a *semiplena probatio*, a half-proof against a man; then to see if they can make it full, they rack him if he will not confess. But here in England they take a man and rack him, I do not know why, nor when; not in time of judicature, but when somebody bids.*

Τὸ μᾶτι δρᾶσαι μᾶτι τῷ ξυνιδίοναι

Τὸ πρᾶγμα βουλεύσασθαι μᾶτ' εἰργασμίου.

SOPHOCLES *Antigone*, v. 264

In reference to this passage, Brunck has remarked, "Necio an antiquius aliud exstet superstitionis illius testimonium, qua diu captæ fuerunt septentrionalium omnium populorum mentes." Two different modes of probation are here specified; namely, by handling a bar of hot iron, and by passing through a fire. Lord Auckland refers to the ancient *Leges Wallonæ*, p. 82, for the description of "a species of ordeal, unknown probably in all other countries." (*Principles of Penal Law*, p. 160. Lond. 1771, 8vo.)

* Blackstone has stated that the trial by rack is utterly unknown to the law of England; but whatever may have been the letter of the law, he admits that the rack "was occasionally used as an engine of state, not of law, more than once in the reign of Queen Elizabeth." (*Commentaries on the Laws of England*, vol. iv. p. 326.) To the unhappy, and perhaps innocent sufferer, it must have been of little moment, whether the mangling of his limbs was to be described as an operation of the law, or a tyrannical exertion of power which the law had not sufficient efficacy to prevent. Torture, with the view of extorting evidence, had been inflicted in the reign of Henry the Sixth; and in that of Elizabeth the application of it was much more frequent than Blackstone seems willing to admit. By order of this amiable princess, all the Duke of Norfolk's servants were subjected to the torture. (Barrington's *Observations on the more Ancient Statutes*, p. 80, 441.) A well-known Jesuit, Edmund Campian, B.D., was treated in the same inhuman manner, and was executed at Tyburn on the first of December 1581. Poor Campian, who had apostatised when a member of St. John's College, Oxford, was a man of talents and learning. His

4. Some men, before they come to their trial, are cozened to confess upon examination : upon this trick, they are made to believe somebody

Historie of Ireland is better known than his Latin works, of which a selection was published at Antwerp in 1631. One of his contributions to polite literature is entitled *De Imitatione Rhetorica Tractatus*. The catalogue of victims in this reign might easily be enlarged.

"To the disgrace of humanity," says Dr Stuart, "the torture, as a part of our law, was to continue till the days of Q. Anne, [7 Ann. cap. 21], and with marks of atrocity which were not usual in other nations. In Scotland, the sustaining of the torture was not uniformly to justify the criminal. Upon new presumptions he might again be fitted to the rack. It might be inflicted upon persons of a tender age. It might be exercised upon women. Being restrained only by the discretion or the wantonness of judges, it might mock the natural miseries of men, and force them to groan by studied and artificial agonies, while under the languors of sickness, and under the pressure and the debilities of years. Even after sentence had been given, the object of persecution was not in security from it. The unfortunate victim, whom anguish and pain had convicted of a crime of which he was innocent, and who waited with impatience to forget a shame that was not his, in the completion of human punishment, might, before he suffered, be dragged anew to the torture, to discover his accomplices, and be mangled and torn to accuse men as innoxious as himself." (*Observations concerning the Public Law and the Constitutional History of Scotland*, p. 279. Edinb. 1779, 8vo.) It is deeply disgraceful to William's administration in Scotland, that torture was thrice inflicted in his reign : the last victim being Neville Payne, an English gentleman, charged with a participation in the treasonable designs of Sir James Montgomery. The following passage occurs in a letter addressed by the Earl of Crawford to the Earl of Melville on the 11th of December 1690 : "Yea he was so manly and resolute under his suffering, that such of the Council as were not acquainted with all the evidences, were brangled, and began to give him charity, that he might be innocent. It was surprising to me and others, that flesh and blood could without fainting, and in contradiction to the grounds we had insisted of our knowledge of his accession in matters, endure the heavy punishment he was in for two hours. . . My stomach is truly so far out of tune, by being a witness to an act so far cross to my natural temper, that I am fitter for rest than any thing else ; nor could any less than the danger from such conspirators to the person of our incomparable King, and the safety of his Government, prevailed over me to

has confessed before them ; and then they think it a piece of honour to be clear and ingenuous, and that destroys them.

have in the Councils name been the prompter of the executioner to encrease the torture to so high a pitch." (Leven and Melville Papers, p. 582. Edinb. 1843, 4to.) The noble inquisitor had previously stated that the torture was "inflicted on both thumbs and one of his legs, *with all the severity that was consistent with humanity*, even unto that pitch, that we could not preserve life, and have gone further." Of *humanity* different individuals will form different estimates ; but the tender mercies of the wicked are cruel, and here was penance with a vengeance. It is proper to mention, that some members of the Privy Council voted against subjecting Payne to the torture, and refused to witness the perpetration of such abominable cruelty.

By the law of the Dutch republic, torture was applied in a more preposterous manner. It was a maxim of their jurisprudence, that no man could justly be put to death unless he had confessed the crime which was laid to his charge ; and when this confession was withheld, a criminal convicted upon the clearest evidence was subjected to the torture. It is not a little astonishing that in a country where the study of jurisprudence was so successfully cultivated, where it was cultivated by Grotius, Bynkershoek, Noodt, and Schultingius, so absurd a maxim should long have retained the force of law. Germany was long disgraced by the same atrocious folly under the disguise of law and justice, nor am I fully aware that even now every vestige of it has disappeared. About thirty years ago, I met with a Bavarian priest, who admitted that it was still the law of the kingdom, and strenuously contended that it was the perfection of wisdom and justice. A Spanish priest might have been equally vehement in representing the *apostolical* tribunal of the Inquisition as one of the chief blessings of Spain. So slow is the progress of sober sense and enlightened humanity.

The Marquis Beccaria has remarked, that "the result of torture is a matter of calculation, and depends on the constitution, which differs in every individual, and is in proportion to his strength and sensibility ; so that to discover truth by this method is a problem, which may be better solved by a mathematician than a judge, and may be thus stated. The force of the muscles, and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime." (An Essay on Crimes and Punishments, translated from the Italian, p. 64, 2d edition. Lond. 1769, 8vo.)

UNIVERSITY.

1. The best argument why Oxford should have precedence of Cambridge, is the act of Parliament by which Oxford is made a body, made what it is, and Cambridge is made what it is; and in the act it takes place. Besides Oxford has the best monuments to shew.*

* Some of the scholars of Oxford and Cambridge had assigned a very remote origin to their respective universities, and had eagerly disputed the point of their comparative antiquity. See, among other publications, Caius De Antiquitate Cantabrigiensiæ Academiciæ, Lond. 1568, 8vo, and Bryan Twyne's Antiquitatis Academiciæ Oxoniensis Apologia. Oxon. 1608, 4to. Dr. Kaye, or Caius, published an enlarged edition of his work. Lond. 1574, 4to. He prosecuted the controversy in another publication, entitled Historia Cantabrigiensiæ Academiciæ ab urbe condita. Lond. 1574, 4to. Such writers as these are not very critical in their enquiries. At Oxford and Cambridge, as well as at the seats of all the older universities, there were undoubtedly considerable schools of learning long before the universities were founded; but the seminaries which we denominate universities, that is, seminaries where there are public professors in the different faculties, and where degrees are conferred, are of a much more recent date than has frequently been supposed. A very learned writer who has carefully investigated this subject, arrives at the following conclusion: "ut proinde videatur merito pronuntiari posse, sæculo demum tertio decimo academias nostras originem suam debere, et inter omnes antiquitate antecellere Parisiensem." (Herm. Conringii de Antiquitatibus Academicis Dissertationes septem, recognovit C. A. Heumannus, p. 97. Gottingæ, 1739, 4to.) In reference to the history of scholastic institutions at an early period, we find valuable materials in the work of Lannoy, De Scholis celeberrimis seu a Carolo Magno, seu post eundem Carolum per Occidentem instauratis, Liber Paris. 1672, 8vo. Nor must we overlook another publication of the same author, De varia Aristotelis in Academia Parisiensi Fortuna, extraneis hinc inde adornata præmiis, Liber. Lutetiae Parisiorum. 1653, 8vo. Hagæ Comitum, 1656, 4to. For the gratification of those who are particularly interested in academical antiquities, I am induced to mention a rare and singular volume published at Nürnberg by Georgius Christophorus

2. 'Twas well said of one, hearing of a history lecture to be founded in the university: Would to God, says he, they would direct a lecture of discretion there; this would do more good there an hundred times.*

Waltherus, J.U.D.: *Tractatus juridico-politico-historicus de Statu, Juribus, et Privilegiis Doctorum omnium Facultatum*, xlv. capitulis comprehensus, centum et duodecim questionibus locupletatus. Typis et impensis Jeremias Dünkeri, Bibliopole Norici, 1642, 8vo. Pp. 587. The dignity, privileges, and immunities of doctors, not omitting the claims of their wives, are discussed with the most exemplary diligence and persevering research, though occasionally in a strain which may provoke the smile of a modern doctor; as, for example, when he treats "*De finali causa et utilitate Doctorum*;" when he enquires, "*An Doctores creati sint Nobiles, an vero dignitatem habeant nobilitate inferiorem?*" and "*An Doctores Juris seu Joti sint in statu Deo accepto et hominibus utili?*" See pp. 101, 125, 155. He however proposes one very sensible question: "*An Professores in Academiis et Comites Palatini, indignos creantes, puniantur, aut puniri debeant?*" (P. 80.) Counts Palatine, deriving their authority from the emperor, were authorized to confer degrees. In the Lutheran universities, there is a practice which to us appears somewhat anomalous; they confer the degree of doctor of divinity on laymen eminent for their theological learning. The work of Thorlacius mentioned in a preceding note, p. 133, under the title of *Libri Sibyllistarum veteris Ecclesiæ*, was his inaugural dissertation on taking that degree in the University of Copenhagen. Eichhorn, who acquired no small celebrity by his publications on Biblical literature, was another layman who had taken the same degree. In the University of Göttingen he belonged to the philosophical faculty; but I heard him deliver a lecture on the twenty-third chapter of the Acts of the Apostles. He read successive verses of the Greek text, and interspersed a critical and exegetical commentary. "Der Ritter Bunsen," the late Prussian ambassador, is a doctor of philosophy, the civil law, and divinity.

* The Camden professorship of history was founded at Oxford in 1622, and Degory Whear was the first professor; but Selden might perhaps allude to Lord Brooke's plan of endowing at Cambridge "a lecture for reading of history." To this chair he appointed Isaac Dorislaw, I.L. D., who afterwards occupied a more conspicuous station. Clarendon speaks of his "having been received into Gresham College, as a professor in one

3. He that comes from the university to govern the state, before he is acquainted with the men and manners of the place, does just as

of those chairs which are endowed for public lectures in that society." (History of the Rebellion, vol. vi. p. 297.) It is however evident that he was directly removed from Leyden to Cambridge; and, according to Dr. Ward, he never was a professor in Gresham College. (Lives of the Professors of Gresham College, p. xix. Lond. 1740, fol.) "He read some two or three lectures, beginning with Cornelius Tacitus: where his author mentioning the conversion of the state of Rome from government by kings to the government by consuls by the suggestion of Junius Brutus, he took occasion to discourse of the power of the people under the kings, and afterward; when he touched upon the excesses of Tarquinus Superbus, his infringing of the liberties of the people, which they enjoyed under former kings; and so, among many other things, descended to the vindicating the Netherlanders for retaining their liberties against the violence of Spain. In conclusion, he was conceived by some to speak too much for the liberties of the people; though he spake with great moderation, and with an exception of such monarchies as ours, where the people had surrendered their right to the king, as that in truth there could be no just exception taken against him; yet the master of Peterhouse complained to the vice-chancellor, master of Christ's College, and complaint also was made above, and it came to his Majesty's ear. . . Word came from the bishop of Winchester, then Durham, in his Majesty's name, to prohibit the history-reader to read." In consequence of so pitiful an act of despotism, the university lost the benefit of Lord Brooke's endowment. This statement appears in a letter, dated at Cambridge on the 16th of May 1628, and addressed to that most excellent and most learned man Archbishop Usher by Dr. Samuel Ward, master of Sidney College, and Lady Margaret's professor of divinity. (Letters, subjoined to Dr. Parr's Life of Usher, p. 393. Lond. 1686, fol.) The salary continued to be paid by his noble patron. In his capacity of a civilian, Dr. Doriolaw was afterwards retained as counsel for the people of England at the King's trial. He had likewise acted as judge-advocate in the Earl of Essex's army; and having been sent as ambassador to the States of Holland, he was assassinated by some of the ruffianly followers of Montrose. Dr. Ward, in whose house he resided at Cambridge, describes him as "a fair-conditioned man, and a good scholar." In a poem addressed to him by his friend Caspar Barlaeus (Pœmata, part ii. p. 200,) he is mentioned in very favourable terms:

Vir docte, vir venuste, flos amicorum.

if he should come into the presence-chamber all dirty, with his boots on, his riding coat and his head all daubed. They may serve him well enough in the way, but when he comes to court, he must conform to the place.

VOWS.

Suppose a man find by his own inclination he has no mind to marry, may he not then vow chastity? *Answer.* If he does, what a fine thing hath he done! 'Tis as if a man did not love cheese, and then he would vow to God Almighty never to eat cheese. He that vows can mean no more in sense than this; to do his utmost endeavour to keep his vow.

USURY.

1. The Jews were forbidden to take use one of another, but they were not forbidden to take it of other nations. That being so, I see no reason why I may not as well take use for my money as rent for my house. 'Tis a vain thing to say, money begets not money; for that no doubt it does.*

* See Bentham's *Defence of Usury*, p. 100, 3d edit. Lond. 1816, 12mo. During the age of Selden, a strong prejudice still prevailed against the

2. Would it not look oddly to a stranger that should come into this land, and hear in our pulpits usury preached against, and yet the law allow it? Many men use it, perhaps some churchmen themselves. No bishop nor ecclesiastical judge, that pretends power to punish other faults, dares punish, or at least does punish, any man for doing it.

PIOUS USES.

The ground of the ordinary's taking part of a man's estate, who died without a will, to pious uses, was this; to give it somebody to pray that his soul might be delivered out of purgatory: now the pious uses come into his own pocket. 'Twas well expressed by John o' Pows in the play, who acted the priest:

lending of money at interest, which in every form was donominated usury; and it was not without a considerable degree of caution that the "commodities of usury" were displayed by Lord Bacon. (Essays, p. 224.) "John Calvin," says an excellent writer of that period, "was the first good man, from the beginning of the world, that maintained use to be lawful; and I have often wished, that whatsoever his conceit was, that he had been pleased to conceal it, for he hath done much hurt: and howsoever he means and tempers his conclusions with sundry constraints, and equitable and pious considerations, (so that he which practiseth use with Calvin's limits, shall do by it little hurt,) yet, I know not how, *multos in-ownit sententiae fautores, pietatis nullos.*" (Works of John Hale, vol. i. p. 200.)

one that was to be hanged, being brought to the ladder, would fain have given something to the poor ; he feels for his purse (which John o' Powls had picked out of his pocket before), missing it, cries out, he had lost his purse, now he intended to have given something to the poor ; John o' Powls bid him be pacified, for the poor had it already.

WAR.

1. Do not undervalue an enemy by whom you have been worsted. When our countrymen came home from fighting with the Saracens, and were beaten by them, they pictured them with huge, big, terrible faces as you still see the sign of the Saracen's head is, when in truth they were like other men. But this they did to save their own credits.

2. Martial law in general means nothing but the martial law of this or that place : with us to be used in *fervore belli*, in the face of the enemy, not in time of peace ; there they can take away neither limb nor life. The commanders need not complain for want of it, because our ancestors have done gallant things without it.

3. *Question.* Whether may subjects take up arms against their prince? *Answer.* Conceive it thus: here lies a shilling betwixt you and me; tenpence of the shilling is yours, twopence is mine: by agreement, I am as much king of my twopence, as you of your tenpence; if you therefore go about to take away my twopence, I will defend it, for there you and I are equal, both princes.

4. Or thus: two supreme powers meet: one says to the other, give me your land; if you will not, I will take it from you; the other, because he thinks himself too weak to resist him, tells him, of nine parts I will give you three, so I may quietly enjoy the rest, and I will become your tributary. Afterwards the prince comes to exact six parts, and leaves but three; the contract then is broken, and they are in parity again.

5. To know what obedience is due to the prince, you must look into the contract betwixt him and his people; as if you would know what rent is due from the tenant to the landlord, you must look into the lease. When the contract is broken, and there is no third person

to judge, then the decision is by arms. And this is the case between the prince and the subject.

6. *Question.* What law is there to take up arms against the prince, in case he break his covenant? *Answer.* Though there be no written law for it, yet there is custom, which is the best law of the kingdom ; for in England they have always done it. There is nothing expressed between the king of England and the king of France, that if either invades the other's territory, the other shall take up arms against him ; and yet they do it upon such an occasion.

7. 'Tis all one to be plundered by a troop of horse, or to have a man's goods taken from him by an order from the council-table. To him that dies, 'tis all one whether it be by a penny halter or a silk garter ; yet I confess the silk garter pleases more ; and, like trouts, we love to be tickled to death.

8. The soldiers say they fight for honour, when the truth is they have their honour in their pocket ; and they mean the same thing that pretend to fight for religion. Just as a parson goes to law with his parishioners ; he

says, for the good of his successors, that the church may not lose its right ; when the meaning is to get the tithes into his own pocket.

9. We govern this war as an unskilful man does a casting-net : if he has not the right trick to cast the net off his shoulder, the leads will pull him into the river. I am afraid we shall pull ourselves into destruction.

10. We look after the particulars of a battle, because we live in the very time of war ; whereas of battles past we hear nothing but the number slain. Just as for the death of a man : when he is sick, we talk how he slept this night, and that night, what he eat, and what he drank ; but when he is dead, we only say, he died of a fever, or name his disease, and there's an end.

11. Boccaline has this passage of soldiers. They came to Apollo to have their profession made the eighth liberal science, which he granted. As soon as it was noised up and down, it came to the butchers, and they desired their profession might be made the ninth ; for, say they, the soldiers have this honour for the killing of men ; now we kill as well as they ; but we kill beasts for the preserving of men,

and why should not we have honour likewise done unto us? Apollo could not answer their reasons, so he reversed his sentence, and made the soldiers' trade a mystery, as the butchers' is.

WITCHES.

The law against witches does not prove there be any;* but it punishes the malice of those people that use such means to take away men's lives. If one should profess that by turning his hat thrice, and crying buz, he could take away a man's life, though in truth he could do no such thing, yet this were a just law made by the state, that whosoever should turn his hat thrice, and cry buz, with an intention to take away a man's life, shall be put to death.†

* Selden was a better logician than Sir George Mackenzie; who avers that a lawyer cannot entertain any doubt of the existence of witchcraft, "seeing our law ordains it to be punished by death." (*Criminal Law of Scotland*, part i. tit. x.) On this subject a much abler man has reasoned in a similar manner. "I do not think," says Dr. Bentley, "any English priest will or need affirm in general, that there are now no real instances of sorcery or witchcraft; especially while you have a public law, which they neither enacted nor procur'd, declaring those practices to be felony." (*Remarks upon a late Discourse of Free-Thinking*, p. 47, edit. Camb. 1743, 8vo.) It may not be improper to add, that one of Bentley's most distinguished friends seems likewise to have lent a credulous ear to the vulgar accounts of witchcraft, astrology, and fortune-telling. See Dr. Clarke's *Exposition of the Church-Catechism*, p. 24.

† The justice of such a law seems to be very questionable. The intention and the act of murder may be equal sins, but they cannot be con-

WIFE.

1. He that hath a handsome wife, by other men is thought happy ; 'tis a pleasure to look upon her, and be in her company ; but the husband is cloyed with her. We are never content with what we have.

2. You shall see a monkey sometimes, that has been playing up and down the garden, at length leap up to the top of the wall, but his clog hangs a great way below on this side : the bishop's wife is like that monkey's clog ; himself is got up very high, takes place of the temporal barons, but his wife comes a great way behind.

sidered as equal crimes ; for human laws must have a reference, not to internal purposes, but to external actions. But he who intends to commit murder, and in consequence of that intention is guilty of wounding and maiming, may justly be subjected to severe punishment ; not however on account of his mere intention, but on account of his inflicting an atrocious injury.

Cujacius has delivered it as a general doctrine, that the intention to commit, as well as the actual commission of more flagrant crimes, was punishable by the civil law ; "*jure Romano non tantum effectum puniri, sed et voluntatem.*" (Observationes, lib. viii. cap. xxii. lib. xv. cap. xxv.) But the opinion of this great civilian seems to be properly modified by Gravina : "*Sane secernerem puram nudamque cogitationem facinoris, neque confecti, neque dum affecti (quam expertem prorsus poenae semper fuisse crediderim) ab alia voluntate cum periculoso conatu et aliqua machinatione conjuncta, quam puto poenam in gravioribus viguisse delictis.*" (Origines Juris Civilis, p. 419.) See likewise Bynkershoek, Observationes Juris Romani, lib. iii. cap. x., and Matthaeus De Criminibus, p. 343. Traj. ad Rhon 1644, 4to.

3. 'Tis reason a man that will have a wife should be at the charge of her trinkets, and pay all the scores she sets on him. He that will keep a monkey, 'tis fit he should pay for the glasses he breaks.

WISDOM.

1. A wise man should never resolve upon any thing, at least never let the world know his resolution, for if he cannot arrive at that, he is ashamed. How many things did the king resolve in his Declaration concerning Scotland, never to do, and yet did them all ! A man must do according to accidents and emergencies.

2. Never tell your resolution beforehand ; but when the cast is thrown, play it as well as you can to win the game you are at. 'Tis but folly to study how to play size-ace, when you know not whether you shall throw it or no.

3. Wise men say nothing in dangerous times. The lion, you know, called the sheep, to ask her if his breath smelled : she said, ay ; he bit off her head for a fool. He called the wolf,

and asked him : he said, no ; he tore him in pieces for a flatterer. At last he called the fox, and asked him : truly he had got a cold, and could not smell. King James was pictured, &c.

WIT.

1. Wit and wisdom differ ; wit is upon the sudden turn, wisdom is in bringing about ends.

2. Nature must be the groundwork of wit and art ; otherwise whatever is done will prove but Jack-pudding's work.

3. Wit must grow like fingers. If it be taken from others, 'tis like plums stuck upon black thorns ; there they are for a while, but they come to nothing.

4. He that will give himself to all manner of ways to get money, may be rich ; so he that lets fly all he knows or thinks, may by chance be satirically witty. Honesty sometimes keeps a man from growing rich, and civility from being witty.

5. Women ought not to know their own wit, because they will still be shewing it, and so spoil it ; like a child that will continually be

shewing its fine new coat, till at length it all bedaubs it with its pah hands.

6. Fine wits destroy themselves with their own plots, in meddling with great affairs of state. They commonly do as the ape that saw the gunner put bullets in the cannon, and was pleased with it, and he would be doing so too : at last he puts himself into the piece, and so both ape and bullet were shot away together.

WOMEN.

1. "Let the women have power of their heads, because of the angels." The reason of the words "because of the angels," is this ; the Greek church held an opinion that the angels fell in love with women ; an* opinion grounded upon that, Genesis vi. "the sons of God saw the daughters of men that they were fair." This fancy St. Paul discreetly catches, and uses it as an argument to persuade them to modesty.

2. The grant of a place is not good by the canon law, before a man be dead : upon this ground some mischief might be plotted against

* In the former editions, this clause stands as a fifth paragraph at the end of the present article, where it appears devoid of meaning. It evidently belongs to the sentence to which it is now transferred.

him in present possession, by poisoning or some other way. Upon the same reason a contract made with a woman during her husband's life, was not valid.*

3. Men are not troubled to hear a man dispraised, because they know, though he be naught, there's worth in others ; but women are mightily troubled to hear any of them spoken against, as if the sex itself were guilty of some unworthiness.

4. Women and princes must both trust somebody ; and they are happy or unhappy according to the desert of those under whose hands they fall.. If a man knows how to manage the favour of a lady, her honour is safe, and so is a prince's.

* Bishop Sanderson has discussed a curious " case of unlawful love " between a gentleman and a lady, who, during their respective marriages with other parties, entered into a mutual engagement, " that if happily either of them should at any time be freed from the bond of matrimony, either he by the death of his wife, or she by the death of her husband, that party so freed should continue afterwards unmarried, and stay for the other, till the other should be freed also, though it were during life. Now so it is, that this gentlewoman's husband died, and her affections and resolutions so altered, that gladly she would marry, if she might be released of the engagement of that vow, or persuaded of the unlawfulness or nullity thereof." (*Cases of Conscience*, p. 30.) This case is very inaccurately stated by Dr. Paley, *Principles of Moral and Political Philosophy*, vol. i. p. 135.

YEAR.

1. 'Twas the manner of the Jews (if the year did not fall out right, but that it was dirty for the people to come up to Jerusalem at the feast of the passover, or that their corn was not ripe for their first fruits) to intercalate a month, and so to have, as it were, two Februaries, thrusting up the year still higher, March into April's place, April into May's place,* &c. Whereupon it is impossible for us to know when our Saviour was born, or when he died.†

2. The year is either the year of the moon, or the year of the sun; there's not above eleven days difference. Our moveable feasts are ac-

* See the dissertation of Selden, *De Anno Civili veterum Judaeorum*, p. 26, edit. Lugd. Bat. 1683, 8vo. The same volume contains the dissertation of Archbishop Usher, *De Macedonum et Asianorum Anno Solari*. The intercalation of the Jews is treated, though somewhat briefly, by P. Munckerus, *De Intercalatione variarum Gentium, et praesertim Romanorum*, p. 13. Lugd. Bat. 1680, 8vo. On the science of chronology, it may here be deemed superfluous to mention the most learned and elaborate works of Scaliger *De Emendatione Temporum*, and Petavius *De Doctrina Temporum*. The learning of the French Jesuits is extolled by Selden in p. 105. Petavius, "le grand Petau," belonged to that society, and was regarded as the most learned of their number. Sirmond, who appears to have been a more candid and amiable person, is ranked next in order.

† See the elaborate work of Nicholas Mann, *De veris Annis D. N. Jesu Christi Natali et Emortuali Dissertationes duae Chronologicae*, p. 64, 241. Lond. 1752, 8vo.

according to the year of the moon ; else they should be fixed.

3. Though they reckon ten days sooner beyond sea, yet it does not follow their spring is sooner than ours : we keep the same time in natural things, and their ten days sooner, and our ten days later, in those things mean the self same time ; just as twelve sous in French, are tenpence in English.

4. The lengthening of days is not suddenly perceived till they are grown a pretty deal longer, because the sun, though it be in a circle, yet it seems for a while to go in a right line ; for take a segment of a great circle especially, and you shall doubt whether it be straight or no. But when the sun is got past that line, then you presently perceive the days are lengthened. Thus it is in the winter and summer solstice ; which is indeed the true reason of them.

5. The eclipse of the sun is when it is new moon ; the eclipse of the moon when 'tis full. They say Dionysius was converted by the eclipse that happened at our Saviour's death, because it was neither of these, and so could not be natural.

ZEALOTS.

1. One would wonder Christ should whip the buyers and sellers out of the temple, and nobody offer to resist him, considering what opinion they had of him : but the reason was, they had a law, that whosoever did profane *sanctitatem Dei aut templi*, the holiness of God or the temple, before ten persons, 'twas lawful for any of them to kill him, or to do any thing this side killing him, as whipping him, or the like. And hence it was that when one struck our Saviour before the judge, where it was not lawful to strike (as it is not with us at this day) he only replies ; If I have spoken evil, bear witness of the evil ; but if well, why smitest thou me ? He says nothing against their smiting him, in case he had been guilty of speaking evil, that is blasphemy, and they could have proved it against him. They that put this law in execution were called zealots ; but afterwards they committed many villanies.

APPENDIX.

No. I.

TO THE EDITOR OF SELDEN'S TABLE-TALK.

SIR,

It may be satisfactory for you to know, that there is a document in existence which settles the precise rank in life of Selden's father ; about which the biographers of our great antiquary have hitherto somewhat differed. This document is the Parish-Register of West Tarring, in the county of Sussex, from whence, in the month of June last, I extracted the following entry :

" 1584. John, the sonne of John Selden the minstrell, was baptized the xxth day of December."

Salvington, his birth-place, is a hamlet to West Tarring ; and the humble cottage of his

father still remains unaltered. The date of 1601 is upon it ; and on the lintel of the door, within-side, is this inscription, rudely cut in capitals intermixed with small letters :

Gratus, honeste, mihi ; non claudar, inito, sedeque :*
Fur abeas, non sum facta soluta tibi.

In lieu of a better, accept the following imitation :

Thou'rt welcome, honest friend, walk in, make free :
Thief, get thee hence, my doors are closed to thee.

My respect for the memory of Selden is increased by a family connection, recorded in the same Parish-Register ; namely, a marriage in 1582 between Alice Selden (probably aunt to the renowned antiquary) and George Hamper, an ancestor of,

Sir,

Your obedient humble servant,

WM. HAMPER.

*Deritend House, Birmingham,
December 17, 1818.*

* Not *sculpts*, as generally printed.

No. II.—See p. 63.

IN reference to cases of equity, the following suggestions of an eminent lawyer, nearly contemporary with Selden, occur in a curious and interesting little volume bearing this title: *Englands Balme: or, Proposals by way of Grievance and Remedy; humbly presented to his Highness and the Parliament: towards the Regulation of the Law, and better Administration of Justice. Tending to the great Ease and Benefit of the good people of the Nation. By William Sheppard, Esq. In pessima Republica plurimae leges. Tacit. London, 1657, sm. 8vo.*

“That all suits be commenced in their proper courts, as now they are; but that where a cause is begun in one of them that is a court of law, if matter of equity arise in it, that that court shall determine it, and not send it to another court. And so on the other side, if it be in a court of equity, and matter of law arise, that the same court determine it; but that they call two of the judges of the law to the hearing

of the cause, which shall have voyces in the judgment. The matters of law to be tryed by rules of law, and matters of equity in a court of law to be tryed by petition, witnesses, or bill and answer, as the judges of the court shall direct.

“That one and the same method of proceeding, of matters of law and equity, be used in all the courts at Westminster, great sessions, provincial courts, and the rest of the courts of the nation ; and all these to be as near as may be to the method herein set down.” (P. 64.) These suggestions are at least sufficient to prove that the equity practice of Selden’s age was to be classed among national grievances.

Sheppard thus explains the origin of his undertaking, in a preliminary address To the Right Honorable, the Lords and Gentlemen assembled in Parliament. “Right Honorable, When I was first called by his Highness, from my country, to wait upon him, to the end he might advise with me and some others, about some things tending to the regulation of the law, which I understood to have respect not onely to the doctrine it self, and the things

amiss the in, but also to all the grievances and complaints of the nation, the reformation whereof must be either by the making of new laws that are wanting, or the execution of old laws that are made ; as to which work, I could not think my self alone (without help of others) fit, nor durst I presume to attempt more in it than this only, to look them out, and take them up from the mouth and pen of others ; and these to contract into heads of grievances, and of some remedies annexed, as questions or cases to be debated only by such helpers as I expected in the work, and so by us to have been offered to the consideration of the next Parliament ; and this rude model being thus prepared, and this Parliament now convened and sitting, it hath been advised that it be offered to your Honors." For this important task he must have been selected on account of his high reputation, and his known adherence to the existing government. Sheppard published many other works, some of which have not been entirely superseded, after the lapse of nearly two centuries. He is best known as the author of the Touchstone of Common Assurances. Of

this treatise there is a modern edition, including the notes of different editors, and an enlargement of the text by Richard Preston. Lond. 1820-1, 2 vols. 8vo.

Referring to the body of the English law, he states as a grievance "the length and tediousness of it, that it is so large and voluminous, that it can hardly be read in many years." The chief remedy which he proposes is this: "To make one plain, compleat, and methodical Treatise or Abridgment of the Common and Statute-Law, comprehending the heads thereof, to which all cases may be referred ; and therein to make those things that are now obscure and incertain, clear and certain. And to have all the judges subscribe it for the settled law, and to have it confirmed by the Parliament." (P. 4, 6.) If the body of the law was so formidable in Sheppard's age, what shall be said of the immense load of lumber that has since been accumulated ? During the next two centuries, if it should continue to increase in the same ratio, the Statutes at large will become *ἄχθος καμήλων πολλῶν*.

No. III.—See p. 116.

BISHOP STILLINGFLEET adheres to the opinion of Jerom as to the identity of bishops and presbyters. “ I believe upon the strictest inquiry Medina’s judgement will prove true, that Jerome, Austin, Ambrose, Sedulius, Primasius, Chrysostome, Theodoret, Theophilact, were all of Aërius his judgement, as to the identity of both name and order of bishops and presbyters in the primitive church ; but here lay the difference ; Aërius from hence proceeded to separation from bishops and their churches, because they were bishops. And Blondel well observes that the main ground why Aërius was condemned, was for unnecessary separation from the church of Sebastia, and those bishops too who agreed with him in other things, as Eustathius the bishop did ; whereas had his mere opinion about bishops been the ground of his being condemned, there can be no reason assigned why this heresie, if it were then thought so, was not mentioned either by Socrates, Theodoret, Sozomen, or Evagrius, before whose time he lived.” (*Irenicum*,

a Weapon-salve for the Churches Wounds, p. 276, 2d edit. Lond. 1662, 4to.)

“ He must be very ignorant of antiquity,” says Bishop Burnet, “ if he does not know that there are divers instances in church history of laymen, nay, and catechumens chosen bishops ; and we do not find those intermedial steps were made of ordaining them first deacons and then priests, but, by what appears to us, they at once made them bishops.” (Vindication of the Ordinations of the Church of England, p. 63. Lond. 1677, 8vo.) In allusion to the popish doctrine of succession, the same prelate expresses himself in the following terms: “ They boast much of a constant succession, as the only infallible mark to judge of a church, and as that without which we can never be certain of the faith. But if this is true, then into what desperate scruples must all men fall ? For the resolution of their faith turns to that which can never be so much as made probable, much less certain.” (The Letter writ by the last Assembly General of the Clergy of France to the Protestants, translated into English, and examined by Gilbert Burnet, D.D., p. 157. Lond. 1683, 8vo.)

Bishop Hoadley has remarked, that “ it is highly absurd to put so important a point as God’s favour, and eternal happiness, upon what no man living can ever be acquainted with, to his satisfaction ; but still more absurd to put it upon a matter, the contrary to which appears to be true. This is the case here. This regular uninterrupted succession of persons qualified and regularly ordained, is a matter impossible to be proved ; nay, the contrary is more than probable, upon all historical evidence ; which we receive in other cases. Therefore your interest in the favour of God can have nothing to do with it. As sure as God is just, he would have laid this matter open and plain to the capacities of those whose salvation was to depend upon it. Now he hath in fact been so far from making this plain in his providence, that he hath rather made the contrary plain. Therefore this cannot be the point upon which your salvation can at all depend.” In reference to the miraculous powers claimed by virtue of what is called *apostolical succession*, he offers the following remarks : “ To claim a right to stand in God’s

stead, in such sense that they with all their infirmities, and prejudices, and mistakes, about them, can absolutely and certainly bless some, or withhold a blessing from others ; and that God Almighty hath obliged himself to bless, or not to bless, with their voice alone ; this is the highest absurdity, as it puts a power, which nothing but infallibility can support, into the hands of men, remaining weak and fallible ; and, as I think, the highest blasphemy, as it supposeth Almighty God to place a sett of men above himself, and to put out of his own hands the disposal of his own blessings and curses.” (A Preservative against the Principles and Practices of the Nonjurors both in Church and State, pp. 78, 91, 5th edit. Lond. 1719, 8vo.)

When three Scottish bishops were to be consecrated in 1610, Dr. Andrews, bishop of Ely, contended that they must first be ordained presbyters, as they had not previously received episcopal ordination. Archbishop Bancroft “ maintained ‘ that thereof there was no necessity, seeing where bishops could not be had,

the ordination given by the presbyters must be esteemed lawful ; otherwise that it might be doubted if there were any lawful vocation in most of the reformed churches.' This applauded to by the other bishops, Ely acquiesced, and at the day and in the place appointed the three Scottish bishops were consecrated." (Spottiswoode's History of the Church of Scotland, vol. iii. p. 209, edit. Edinb. 1847-51.) Hooker was also of opinion, that " we are not simply without exception, to urge a lineal descent of power from the apostles by continued succession of bishops in every effectual ordination." (Ecclesiastical Polity, book vii. § xiv.)

The opinion of Archbishop Cranmer is still less in accordance with the delirious day-dreams of a large section of modern churchmen, Protestants in name, but more than semi-popish in all their tendencies. He has unequivocally stated that " a bishop may make a priest by the Scriptures, and so may princes and governors alsoe, and that by the authority of God committed to them, and the people alsoe by their election." The following statement occurs

in a singular work of Courayer, who particularly mentions Cranmer, Barlow, and Thirlby: "En un mot, on trouve dans toutes ces réponses le pur Presbytérianisme sans le moindre déguisement, et il n'est que trop clair que ces théologiens et ces prélats ne visioient qu'à l'extinction de l'épiscopat." (Dissertation sur la Validité des Ordinations des Anglois, et sur la Succession des Evesques de l'Eglise Anglicane, part. i. p. 181. Bruxelles, 1723, 2 part. 8vo.) This statement, by a canon regular of St. Geneviève, is not to be considered as the statement of an enemy; his partiality towards the English church exposed him to so much danger that he sought a place of refuge in England, where his services were rewarded with a pension of two hundred pounds a year. See Dr. Kippis's edition of the *Biographia Britannica*, vol. iv. p. 311. Mr. Hallam has remarked that "Cranmer and most of the original founders of the Anglican church, so far from maintaining the divine and indispensable right of episcopal government, held bishops and priests to be the same order." (Constitutional History of England, vol. i. p.

541.) A late biographer of the archbishop, more conspicuous for zeal than for acuteness or judgment, has attempted to explain his conduct “in not proclaiming now the apostolical institution of episcopacy.” (Todd’s Life of Archbishop Cranmer, vol. i. p. 308.)