

THE
HISTORY OF THE PURITANS;

OR,

PROTESTANT NONCONFORMISTS;

FROM

THE REFORMATION IN 1517, TO THE REVOLUTION IN 1688;

COMPRISING

An Account of their Principles;

THEIR ATTEMPTS FOR A FARTHER REFORMATION IN THE CHURCH, THEIR SUFFERINGS, AND
THE LIVES AND CHARACTERS OF THEIR MOST CONSIDERABLE DIVINES.

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A NEW EDITION, IN THREE VOLUMES.

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WITH HIS LIFE OF THE AUTHOR AND ACCOUNT OF HIS WRITINGS.

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CHAPTER VIII.

THE ANTIQUITY OF LITURGIES, AND OF THE EPISCOPAL ORDER, DEBATED BETWEEN BISHOP HALL AND SMECTYMNUUS. PETITIONS FOR AND AGAINST THE HIERARCHY. ROOT AND BRANCH PETITION. THE MINISTERS' PETITION FOR REFORMATION. SPEECHES UPON THE PETITIONS. PROCEEDINGS AGAINST PAPISTS.

THE debates in parliament concerning the English liturgy and hierarchy engaged the attention of the whole nation, and revived the controversy without doors. The press being open, great numbers of anonymous pamphlets appeared against the establishment, not without indecent and provoking language, under these and the like titles: Prelatical Episcopacy not from the Apostles. Lord Bishops not the Lord's Bishops. Short View of the Prelatical Church of England. A Comparison between the Liturgy and the Mass-book. Service Book no better than a mess of Pottage, &c.—Lord Brook attacked the order of bishops in a treatise of the “Nature of episcopacy,” wherein he reflects in an ungenerous manner upon the low pedigree of the present bench, as if nothing except a noble descent could qualify men to sit among the peers. Several of the bishops vindicated their pedigree and families, as, bishop Williams, Moreton, Curie, Cooke, Owen, &c. and archbishop Usher defended the order, in a treatise entitled, “The apostolical institution of episcopacy;”¹ but then by a bishop his lordship understood no more than a stated president over an assembly of presbyters, which the Puritans of these times were willing to admit. The most celebrated writer on the side of the establishment, was the learned and pious bishop Hall, who, at the request of archbishop Laud, had published a treatise entitled, “Episcopacy of divine right,” as has been related. This reverend prelate, upon the gathering of the present storm, appeared a second time in its defence, in “An humble remonstrance to the high court of parliament;” and some time after, in “A defence of that remonstrance,” in vindication of the antiquity of liturgies and of diocesan episcopacy.

The bishop's remonstrance was answered by a celebrated treatise under the title of “Smectymnuus,” a fictitious word made up of the initial letters of the names of the authors, viz. Stephen Marshal, Edmund Calamy,

¹ Nalson, in his Collections, vol. 2. p. 279, 280, and after him, Collyer, Ecclesiastical History, vol. 2. p. 808, have abridged the arguments of this piece; but these abstracts do not shew, as Dr. Grey would intimate, the extent of jurisdiction, or the nature of the power, according to bishop Usher's idea, exercised by the primitive bishops. They go to prove only a superiority to elders: and by a quotation from Beza, it should seem that this prelate, as Mr. Neal says, meant by a bishop only a president of the presbytery of a place or district. The Presbyterians are charged with misrepresenting the bishop's opinion, and with printing a faulty and surreptitious copy of his book. If this were done knowingly and designedly, it must rank with such pious arts as deserve censure. Dr. Grey.—ED.

Thomas Young, Matthew Newcomen, and William Spurstow. When the bishop had replied to their book, these divines published a vindication of their answer to the “Humble remonstrance;” which, being an appeal to the legislature on both sides, may be supposed to contain the merits of the controversy, and will therefore deserve the reader’s attention.

The debate was upon these two heads;

1. Of the antiquity of liturgies, or forms of prayer.
2. Of the apostolical institution of diocesan episcopacy.

1. The bishop begins with liturgies, by which he understands “certain prescribed and limited forms of prayer, composed for the public service of the church, and appointed to be read at all times of public worship.” The antiquity of these, his lordship derives down from Moses, by an uninterrupted succession, to the present time. “God’s people (says he) ever since Moses’ day, constantly practised a set form, and put it ever to the times of the gospel. Our blessed Saviour, and his gracious forerunner, taught a direct form of prayer. When Peter and John went up to the temple at the ninth hour of prayer, we know the prayer wherein they joined was not of an extempore and sudden conception, but of a regular prescription: and the evangelical church ever since thought it could never better improve her peace and happiness, than in composing those religious models of invocation and thanksgiving, which they have traduced unto us, as the liturgies of St. James, Basil, and Chrysostom, and which, though in some places corrupted, serve to prove the thing itself.”

Smectymnuus replies, that if there had been any liturgies in the times of the first and most venerable antiquity, the great inquiries after them would have produced them to the world before this time; but that there were none in the Christian church is evident from Tertullian in his Apology, cap. 30, where he says, the Christians of those times, in their public assemblies, prayed “sine monitore quia de pectore,” without any prompter except their own hearts. And in his treatise of prayer, he adds, there are some things to be asked “according to the occasions of every man.” St. Austin says the same thing, ep. 121. “It is free to ask the same things that are desired in the Lord’s prayer, *aliis atque aliis verbis*, sometimes in one manner of expression, and sometimes in another.” And before this, Justin Martyr in his Apology says, *ὁ προεστως*, the president, or he that instructed the people, prayed according to his ability, or as well as he could. Nor was this liberty of prayer taken away till the times when the Arian and Pelagian heresies¹

¹ It is to be wished that Mr. Neal had used the word opinions instead of heresies. It was indeed the style of the times, when he wrote, and of many preceding ages: but the application of the term conveys not only the idea of error, but of error accompanied with malignity of mind and guilt. There may be great errors, without any of that criminality, which the word heresy, in the Scripture meaning of it, implieth. Besides pronouncing opinions, here-

invaded the church; it was then first ordained, that none should pray “*pro arbitrio, sed semper easdem preces;*” that they should not use the liberty which they had hitherto practised, but should always keep to one form of prayer. Concil. Load. can. 18. Still this was a form of their own composing, as appears by a canon of the council of Carthage, anno 397, which gives this reason for it, “*ut nemo in precibus vel patrem pro filio, vel filium pro patre nominet, et cum altari adsistitur semper ad patrem dirigatur oratio; et quicumque sibi preces aliunde describit, non iis utatur nisi prius eas cum fratribus instructoribus contulerit;*” i. e. “that none in their prayers might mistake the Father for the Son, or the Son for the Father; and that when they assist at the altar, prayer might be always directed to the Father; and whosoever composes any different forms, let him not make use of them till he has first consulted with his more learned brethren.” It appears from hence, that there was no uniform prescribed liturgy at this time in the church, but that the more ignorant priests might make use of forms of their own composing, provided they consulted their more learned brethren; till at length it was ordained at the council of Milan, anno 416, that none should use set forms of prayer, except such as were approved in a synod. They go on to transcribe, from Justin Martyr and Tertullian, the manner of public worship in their times, which was this; first the Scriptures were read; after reading, followed an exhortation to the practice and imitation of what was read; then all rose up and joined in prayer; after this they went to the sacrament, in the beginning whereof the president of the assembly poured out prayers and thanksgivings, according to his ability, and the people said Amen; then followed the distribution of the elements, and a collection of alms. This was Justin Martyr’s liturgy or service, and Tertullian’s is the same, only he mentions their beginning with prayer before reading the Scriptures, and their love-feasts, which only opened and concluded with prayer, and were celebrated with singing of psalms. Although the Smectymnuans admit that our blessed Saviour taught his disciples a form of prayer, yet they deny that he designed to confine them to the use of those words only, nor did the primitive church so understand it, as has been proved from St. Austin. The pretended liturgies of St. James, Basil, and St. Chrysostom, are of little weight in this argument, as being allowed by the bishop, and the most learned critics both Protestants and Papists, to be full of forgeries and spurious insertions. Upon the whole, therefore, they challenge his lordship to produce any one genuine liturgy, used in the Christian church for three hundred years after Christ.¹

sies is rather the language of authority and infallibility, than of the inquirer after truth, and prejudices the mind.—ED.

¹ Bishop Burnet says, [Hist. Ref. part 2. p. 72.] that it was in the fourth century that the liturgies of St. James, St. Basil, &c. were first mentioned; that the council of Laodicea

From the antiquity of liturgies in general, the bishop descends to a more particular commendation of that which is established in the church of England, as that it was drawn up by wise and good men with great deliberation; that it had been sealed with the blood of martyrs; and was selected out of ancient models, not Roman but Christian.

In answer to which these divines appeal to the proclamation of Edward VI. wherein the original of it is published to the world. The statute mentions four different forms then in use, out of which a uniform office was to be collected, viz. the use of Sarum, of Bangor, of York, and of Lincoln; all which were Roman rather than Christian; they admit his lordship's other encomiums of the English liturgy, but affirm that it was still imperfect, and in many places offensive to tender consciences.

The good bishop, after all, seems willing to compromise the difference about prayer. "Far be it from me (says his lordship) to dishearten any good Christian from the use of conceived prayer in his private devotions, and upon occasion also in the public. I would hate to be guilty of pouring so much water upon the spirit, to which I should gladly add oil rather. No, let the full soul freely pour out itself in gracious expressions of its holy thoughts into the bosom of the Almighty; let both the sudden flashes of our quick ejaculations, and the constant flames of our more fixed conceptions, mount up from the altar of a zealous heart unto the throne of grace; and if there be some stops or solecisms, in the fervent utterance of our private wants, these are so far from being offensive, that they are the most pleasing music to the ears of that God unto whom our prayers come; let them be broken off with sobs and sighs, and incongruities of our delivery, our good God is no otherways affected to this imperfect elocution, than an indulgent parent is to the clipped and broken language of his dear child, which is more delightful to him than any other's smooth oratory. This is not to be opposed in another, by any man that hath found the true operations of this grace in himself—" "What I have professed concerning conceived prayers, is that which I have ever allowed, ever practised, both in private and public.

appointed the same prayers to be used mornings and evenings, but that these forms were left to the discretion of every bishop; nor was it made the subject of any public consultation till St. Austin's time, when, in their dealing with heretics, they found they took advantage from some of the prayers that were in some churches; upon which it was ordered, that there should be no public prayers used but by common advice. Formerly, says the bishop, the worship of God was a pure and simple thing, and so it continued, till superstition had so infected the church, that those forms were thought too naked, unless they were put under more artificial rules, and dressed up with much ceremony. In every age there were notable additions made, and all the writers almost in the eighth and ninth centuries employed their fancies to find out mystical significations for every rite that was then used, till at length there were so many missals, breviaries, rituals, pontificals, pontoises, pies, graduals, antiphonals, psalteries, hours, and a great many more, that the understanding how to officiate was become so hard a piece of trade, that it was not to be learned without long practice.

God is a free spirit, and so should ours be, in pouring out our voluntary devotions upon all occasions; nothing hinders but that this liberty and a public liturgy should be good friends, and go hand in hand together; and whosoever would forcibly separate them, let them bear their own blame—the over-rigorous pressing of the liturgy, to the jostling out of preaching or conceived prayers, was never intended either by the law-makers, or moderate governors of the church.” If the bishops, while in power, had practised according to these pious and generous principles, their affairs could not have been brought to such a dangerous crisis at this time.

2. The other point in debate between the bishop and his adversaries, related to the superior order of bishops. And here the controversy was not about the name, which signifies in the Greek no more than an overseer, but about the office and character; the Smectymnuan divines contended, that a primitive bishop was no other than a parochial pastor, or a preaching presbyter, without pre-eminence or any proper rule over his brethren. His lordship on the other hand affirms, that bishops were originally a “distinct order from presbyters, instituted by the apostles themselves, and invested with the sole power of ordination and ecclesiastical jurisdiction;” that in this sense they are of divine institution, and have continued in the church by an uninterrupted succession to the present time. The bishop enters upon this argument with unusual assurance, bearing down his adversaries with a torrent of bold and unguarded expressions. His words are these; “This holy calling (meaning the order of bishops as distinct from presbyters) fetches its pedigree from no less than apostolical, and therefore divine institution. Except all histories, all authors fail us, nothing can be more plain than this; out of them we can and do shew on whom the apostles of Christ laid their hands, with an acknowledgment and conveyance of imparity and jurisdiction. We shew what bishops so ordained lived in the times of the apostles, and succeeded each other in their several charges under the eyes and hands of the then living apostles. We shew who immediately succeeded those immediate successors in their several sees, throughout all the regions of the Christian church, and deduce their uninterrupted line through all the following ages to this present day; and if there can be better evidence under heaven for any matter of fact (and, in this cause, matter of fact so derived evinceth matter of right,) let episcopacy be for ever abandoned out of God’s church.—Again, if we do not show, out of the genuine and undeniable writings of those holy men who lived both in the times of the apostles and some years after them, and conversed with them as their blessed fellow-labourers, a clear and received distinction both of the names and offices of bishops, presbyters, and deacons, as three distinct subordinate callings in God’s church,, with an evident specification of the duty and charge belong-

ing to each of them; let this claimed hierarchy be for ever hooted out of the church.”¹

The bishop admits² that, in the language of Scripture, bishops and presbyters are the same; that there is a plain identity in their denomination, and that we never find these three orders mentioned together, bishops, presbyters, and deacons; but though there be no distinction of names, his lordship apprehends there is a real distinction and specification of powers; which are,

1. The sole right of ordination.
2. The sole right of spiritual jurisdiction.

1. The sole right of ordination his lordship proves from the words of Paul, 2 Tim. i. 6; “Stir up the gift of God which is in thee by the laying on of my hands;” and that this power was never communicated to presbyters, from the words of St. Jerome, by whom ordination is excepted from the office of a presbyter: “quid facit episcopus, quod non facit presbyter ordinatione.” And yet (says his lordship) our English bishops do not appropriate this power to themselves: “Say, brethren, I beseech you after all this noise, what bishop ever undertook to ordain a presbyter alone or without the concurrent imposition of many hands? This is perpetually and infallibly done by us.”

The Smectymnuan divines contend, on the other hand, that bishops and presbyters were originally the same; that ordination to the office of a bishop does not differ from the ordination of a presbyter; that there are no powers conveyed to a bishop from which presbyters are excluded; nor any qualification required in one more than in the other; that admitting Timothy was a proper bishop, which they deny, yet that he was ordained by the laying on of the hands of the presbytery as well as of St. Paul’s, 1 Tim. iv. 14. That the original of the order of bishops, was from the presbyters choosing one from among themselves to be stated president in their assemblies, in the second or third century; that St. Jerome declares once and again, that in the days of the apostles, bishops and presbyters were the same; that as low as his time they had gained nothing but ordination; and that St. Chrysostom and Theophylact affirm, that while the apostles lived, and for some ages after, the names of bishops and presbyters were not distinguished. This, say they, is the voice of the most primitive antiquity.³ But the Smectymnuans

¹ Remonstrance, p. 21.

² Defence, p. 47.

³ In the debate of the house on this head, the authority of that very ancient parchment copy of the Bible in St. James’s library, sent by Cyrillus patriarch of Alexandria to king Charles I. being all written in great capital Greek letters, was vouched and asserted by Sir Simon D’Ewes, a great antiquary, wherein the postscripts to the epistles to Timothy and Titus are only this, “This first to Timothy, written from Laodicea; to Titus, written from Nicopolis;” whence he inferred, that the styling of Timothy and Titus first bishops of

are amazed at his lordship's assertion, that the bishops of the church of England never ordained without presbyters; and that this was so constant a practice, that no instance can be produced of its being done without them. "Strange! (say they) when some of us have been eye-witnesses of many scores who have been ordained by a bishop in his private chapel, without the presence of any presbyter, except his domestic chaplain, who only read prayers. Besides, the bishop's letters of orders make no mention of the assistance of presbyters, but challenge the whole power to themselves, as his lordship had done in his book entitled, *Episcopacy of Divine Right*, the fifteenth section of which has this title. 'The power of ordination is only in bishops.'"

But the main point upon which the bishop lays the whole stress of the cause is, whether presbyters may ordain without a bishop? For the proof of this, the Smectymnuans produce the author of the comment on the Ephesians, which goes under the name of St. Ambrose, who says, that in Egypt the presbyters ordain if the bishop be not present; so also St. Augustine in the same words; and the chorepiscopus, who was only a presbyter, had power to impose hands, and to ordain within his precincts with the bishop's licence; nay farther, the presbyter of the city of Alexandria, with the bishop's leave, might ordain, as appears from *Con. Ancyr. Carit. 3*, where it is said, "it is not lawful for chorepiscopi to ordain presbyters or deacons; nor for the presbyters of the city without the bishop's letter, in another parish;" which implies they might do it with the bishop's letter, or perhaps without it, in their own; and Firmilianus says of them who rule in the church, whom he calls "seniores et propositi;" that is, presbyters as well as bishops, that they had the power of baptizing and of laying on of hands in ordaining.¹

Ephesus and Crete, were the spurious additions of some eastern bishop or monk, at least five hundred years after Christ. Rushworth, vol. 4. p. 284.

¹ It may be some satisfaction to the reader, to see the judgment of other learned men upon this argument, which has broken the bands of brotherly love and charity, between the church of England and all the foreign Protestants that have no bishops.

The learned primate of Ireland, archbishop Usher, in his letter to Dr. Bernard, says, "I have ever declared my opinion to be, that 'episcopus et presbyter graduantum differunt, non ordine,' and consequently, that in places where bishops cannot be had, the ordination by presbyters stands valid; but the ordination made by such presbyters as have severed themselves from those bishops to whom they have sworn canonical obedience, I cannot excuse from being schismatical. I think that churches that have no bishops are defective in their government, yet, for the justifying my communion with them (which I do love and honour as true members of the church universal), I do profess, if I were in Holland I should receive the blessed sacrament at the hands of the Dutch, with the like affection as I should from the hands of the French ministers were I at Charenton." The same most reverend prelate, in his answer to Mr. Baxter, says, "that the king having asked him at the Isle of White, whether he found in antiquity, that presbyters alone ordained any? he replied yes, and that he could shew his majesty more, even where presbyters alone successively

2. The other branch of power annexed to the episcopal office, is the sole right of spiritual jurisdiction; this the bishop seems in some sort to disclaim: “Whoever (says he) challenged a sole jurisdiction? We willingly grant that presbyters have, and ought to have, jurisdiction within their own charge; and that in all great affairs of the church they ought to be consulted. We admit, that bishops of old had their ecclesiastical council of presbyters; and we still have the same in our deans and chapters; but we say that the superiority of jurisdiction is so in the bishop, that presbyters may not exercise it without him, and that the exercise of external jurisdiction is derived from, by, and under him, to those who exercise it within his diocess.” This his lordship proves from several testimonies out of the fathers.

The Smectymnuans agree with his lordship, that in the ancient church, bishops could do nothing without the consent of the clergy; nor in cases of excommunication and absolution without the allowance of the whole body of the church to which the delinquent belonged, as appears from the testimonies of Tertullian and St. Cyprian; but they aver, upon their certain knowledge, that our English bishops have exercised several parts of ecclesiastical jurisdiction without their presbyters. And farther (say they), where, in all antiquity, do we meet with such delegates, as lay-chancellors, commissaries, and others as never received imposition of hands? These offices were not known in those times; nor can any instance be produced of laity or clergy who had them for above four hundred years after Christ.

Upon the whole, allowing that, in the third or fourth century, bishops were a distinct order from presbyters, yet, say these divines, our modern bishops of the church of England differ very widely from them; the primitive bishops were elected by a free suffrage of the presbyters, but ours by a

ordained bishops, and instanced in Jerome’s words, (epist. ad Evagrium) of the presbyters of Alexandria choosing and making their own bishops from the days of Mark, till Heraclius and Dionysius. Baxter’s Life, p. 206.

This was the constant sense of our first reformers, Cranmer, Pilkington, Jewel, Grindal, Whitgift, &c. and even of Bancroft himself; for when Dr. Andrews, bishop of Ely, moved that the Scots bishops elect might first be ordained presbyters in the year 1610, Bancroft replied there was no need of it, since ordination by presbyters was valid; upon which the said bishop concurred in their consecration. And yet lower, when the archbishop of Spalato was in England, he desired bishop Moreton to re-ordain a person that had been ordained beyond sea, that he might be more capable of preferment; to which the bishop replied, that it could not be done, but to the scandal of the reformed churches, wherein he would have no hand. The same reverend prelate adds, in his Apol. Cathol. that to ordain was the *jus aniejuum* of presbyters. To these may be added the testimony of bishop Burnet, whose words are these: “As for the notion of distinct offices of bishop and presbyter, I confess it is not so clear to me, and therefore, since I look upon the sacramental actions as the highest of sacred performances, I cannot but acknowledge those who are empowered for them must be of the highest office in the church.” Vindication of the Church of Scotland, p. 336.

congé d'elire from the king. They did not proceed against criminals but with the consent of their presbyters, and upon the testimony of several witnesses; whereas ours proceed by an oath *ex officio*, by which men are obliged to accuse themselves; the primitive bishops had no lordly titles and dignities, no lay-chancellors, commissaries, and other officials, nor did they engage in secular affairs, &c. After several comparisons of this kind, they recapitulate the late severities of the bishops in their ecclesiastical courts; and conclude with an humble petition to the high court of parliament, "that if episcopacy be retained in the church it may be reduced to its primitive simplicity; and if they must have a liturgy, that there may be a consultation of divines to alter and reform the present; and that even then it may not be imposed upon the clergy, but left to the discretion of the minister, how much of it to read when there is a sermon."

By this representation it appears, that the controversy between these divines might have been compromised, if the rest of the clergy had been of the same spirit and temper with bishop Hall; but the court-bishops would abate nothing as long as the crown could support them; and as the parliament increased in power, the Puritan divines stiffened in their demands, till methods of accommodation were impracticable.

While this controversy was debating at home, letters were sent from both sides to obtain the judgment of foreign divines, but most of them were so wise as to be silent. Dr. Plume, in the life of bishop Hacket, writes that Blondel, Vossius, Hornbeck, and Salmasius, were sent to by the king's friends in vain; Blondel published a very learned treatise on the Puritan side; but Deodate from Geneva, and Amyraldus from France, wished an accommodation, and, as Plume says, were for episcopal government. The Papists triumphed, and had raised expectations from these differences, as appears by a letter of T. White, a Roman Catholic, to the lord-viscount Gage at Dublin, dated February 12, 1639, in which are these words: "We are in a fair way to assuage heresy and her episcopacy; for Exeter's book has done more for the Catholics, than they could have done themselves, he having written, that episcopacy in office and jurisdiction is absolutely *jure divino* (which was the old quarrel between our bishops and king Henry VIII. during his heresy), which book does not a little trouble our adversaries, who declare this tenet of Exeter's to be contrary to the laws of this land—All is like to prosper here, so I hope with you there."¹ However, it is certain, the body of foreign Protestants were against the bishops, for this reason among others, because they had disowned their ordinations; and could it be supposed they should compliment away the validity of their administrations, to a set of men that had disowned their communion, and

¹ Foxes and Firebrands, part 2. p. 81.

turned the French and Dutch congregations out of the land? No, they wished they might be humbled by the parliament. Lord Clarendon adds, "They were glad of an occasion to publish their resentments against the church, and to enter into the same conspiracy against the crown, without which they could have done little hurt."

But the cause of the hierarchy being to be decided at another tribunal, no applications were wanting on either side to make friends in the parliament-house, and to get hands to petitions. The industry of the several parties on this occasion is almost incredible; and it being the fashion of the time to judge of the sense of the nation this way, messengers were sent all over England to promote the work. Lord Clarendon, and after him Dr. Nalson and others of that party, complain of great disingenuity on the side of the Puritans: his lordship says,¹ "that the paper which contained the ministers' petition was filled with very few hands, but that many other sheets were annexed, for the reception of numbers that gave credit to the undertaking; but that when their names were subscribed, the petition itself was cut off, and a new one of a very different nature annexed to the long list of names; and when some of the ministers complained to the reverend Mr. Marshall, with whom the petition was lodged, that they never saw the petition to which their hands were annexed, but had signed another against the canons, Mr. Marshall is said to reply, that it was thought fit by those that understood business better than they, that the latter petition should be rather preferred than the former." This is a charge of a very high nature,² and ought to be well supported: if it had been true, why did they not complain to the committee which the house of commons appointed to inquire into the irregular methods of procuring hands to petitions? His lordship answers, that they were prevailed with to sit still and pass it by; for which we have only his lordship's word, nothing of this kind being to be found in Rushworth, Whitelocke, or any disinterested writer of those times.

However, it cannot be denied that there was a great deal of art and persuasion used to get hands to petitions on both sides, and many subscribed their names who were not capable to judge of the merits of the cause. The petitions against the hierarchy were of two sorts; some desiring that the whole fabric might be destroyed; of these the chief was the root and branch petition, signed by the hands of about fifteen thousand citizens and inhabitants of London; others aiming only at a reformation of the hierarchy; of

¹ Clarendon, vol. 1. p. 204.

² This charge we have seen brought forward by Dr. Grey, to discredit what Mr. Neal had reported, concerning the number of petitions sent up from all parts of the country, against the clergy. When, as he proceeded in his review of Mr. Neal's history, he saw that our author had himself laid before his readers this charge of lord Clarendon's, it would have been candid in him to have cancelled his own strictures on this point, or to have exposed the futility of Mr. Neal's reply to his lordship.—ED.

these the chief was the ministers' petition, signed with the names of seven hundred beneficed clergymen, and followed by others with an incredible number of hands, from Kent, Gloucestershire, Lancashire, Nottingham, and other counties. The petitions in favour of the present establishment were not less numerous, for within the compass of this and the next year, there were presented to the king and house of lords no less than nineteen, from the two universities, from Wales, Lancashire, Staffordshire, and other counties, subscribed with about one hundred thousand hands, whereof, according to Dr. Walker, six thousand were nobility, gentry, and dignified clergy. One would think by this account that the whole nation had been with them; but can it be supposed that the honest freeholders of Lancashire and Wales could be proper judges of such allegations in their petitions as these?—That there can be no church without bishops—that no ordination was ever performed without bishops—that without bishops there can be no presbyters, and by consequence no consecration of the Lord's supper—that it has never been customary for presbyters to lay hands upon bishops, from whence the disparity of their function is evident—that a bishop has a character that cannot be communicated but by one of the same distinction—and that the church has been governed by bishops without interruption for fifteen hundred years. These are topics fit to be debated in a synod of learned divines, but the tacking a hundred thousand names of freeholders on either side, could prove no more than that the honest countrymen acted too much by an implicit faith in their clergy. Loud complaints being made to the parliament of unfair methods of procuring names to petitions, the house appointed a committee to examine into the matter; but there being great faults, as I apprehend, on both sides, the affair was dropped.

The root and branch petition was presented to the house December 11, 1640, by alderman Pennington and others, in the name of his majesty's subjects in and about the city of London, and adjacent counties. It was thought to be the contrivance of the Scots commissioners, who were become very popular at this time. The petition sheweth, "that whereas the government of archbishops and lord-bishops, deans and archdeacons, &c. with their courts and ministrations in them, have proved prejudicial, and very dangerous to the church and commonwealth; they themselves having formerly held, that they have their jurisdiction or power of human authority, till of late they have claimed their calling immediately from Christ, which is against the laws of this kingdom, and derogatory to liis majesty's state royal. And whereas the said government is found by woful experience, to be a main cause and occasion of many foul evils, pressures, and grievances, of a very high nature, to his majesty's subjects, in their consciences, liberties, and estates, as in a schedule of particulars hereunto annexed, may in part appear:

“We therefore most humbly pray and beseech this honourable assembly, the premises considered, that the said government, with all its dependences, roots, and branches, may be abolished, and all the laws in their behalf made void, and that the government, according to God's word, may be rightly placed among us: and we your humble supplicants, as in duty bound, shall ever pray, &c.”

The schedule annexed to the petition contained twenty-eight grievances and pressures, the chief of which were, the bishops suspending and depriving ministers for nonconformity to certain rites and ceremonies; their discountenancing preaching; their claim of *jus divinum*; their administering the oath *ex officio*; the exorbitant power of the high-commission, with the other innovations already mentioned.

The friends of the establishment opposed this petition, with one of their own in favour of the hierarchy, in the following words:

“To the honourable the knights, citizens, &c. the petition of, &c. humbly sheweth,

“That whereas of late, a petition subscribed by many who pretend to be inhabitants of this city, hath been delivered, received, and read, in this honourable house, against the ancient, present, and by law established, government of the church; and that, not so much for the reformation of bishops, as for the utter subversion and extirpation of episcopacy itself; we whose names are underwritten, to shew there be many, and those of the better sort of the inhabitants of this city, otherwise and better minded, do humbly represent unto this honourable house, these considerations following-

1. “That episcopacy is as ancient as Christianity itself in this kingdom.
2. “That bishops were the chief instruments in the reformation of the church against Popery, and afterward the most eminent martyrs for the Protestant religion, and since, the best and ablest champions for the defence of it.
3. “That since the Reformation the times have been very peaceable, happy, and glorious, notwithstanding the episcopal government in the church, and therefore that this government can be no cause of our unhappiness.
4. “We conceive that not only many learned, but divers other godly persons would be much scandalised and troubled in conscience if the government of episcopacy, conceived by them to be an apostolical institution, were altered; and since there is so much care taken, that no man should be offended in the least ceremony, we hope there will be some, that such men's consciences may not be pressed upon in a matter of a higher nature and consequence, especially considering that this government by episcopa-

cy is not only lawful and convenient for edification, but likewise suitable to, and agreeable with, the civil policy and government of this state.

5. “That this government is lawful, it appears by the immediate, universal, and constant, practice of all the Christian world, grounded upon Scripture, from the apostle’s time to this last age, for above fifteen hundred years together, it being utterly incredible, if not impossible, that the whole church, for so long a time, should not discover, by God’s word, this government to be unlawful, if it had been so; to which may be added, that the most learned Protestants, even in those very churches which now are not governed by bishops, do not only hold the government by episcopacy to be lawful, but wish that they themselves might enjoy it.

“Again, That the government by episcopacy is not only lawful, but convenient for edification, and as much or more conducing to piety and devotion than any other, it appears, because no modest man denies that the primitive times were most famous for piety, constancy, and perseverance in the faith, notwithstanding more frequent and more cruel persecutions than ever have been since, and yet it is confessed that the church in those times was governed by bishops.

“Lastly, That the government of the church by episcopacy is most suitable to the form and frame of the civil government here in this kingdom, it appears by the happy and flourishing union of them both for so long a time together; whereas no man can give us an assurance how any church-government besides this (whereof we have had so long experience) will suit and agree with the civil policy of this state. And we conceive it may be of dangerous consequence for men of settled fortunes, to hazard their estates, by making so great an alteration, and venturing upon a new form of government, whereof neither we nor our ancestors have had any trial or experience, especially considering that those who would have episcopacy to be abolished, have not yet agreed, nor (as we are verily persuaded) ever will or can agree upon any other common form of government to succeed in the room of it; as appears by the many different and contrary draughts and platforms they have made and published, according to the several humours and sects of those that made them; whereas, seeing every great alteration in a church or state must needs be dangerous, it is just and reasonable, that whosoever would introduce a new form instead of an old one, should be obliged to demonstrate and make it evidently appear aforehand, that the government he would introduce is proportionably so much better than that he would abolish, as may recompense the loss we may sustain, and may be worthy of the hazard we must run in abolishing the one, and introducing and settling of the other; but this we are confident can never be done, in regard of this particular.

“And therefore our humble and earnest request to this honourable house, is, that as well in this consideration, as all the other aforesaid, we may still enjoy that government which most probably holds its institution from the apostles, and most certainly its plantation with our Christian faith itself in this kingdom, where it hath ever since flourished, and continued for many ages without any interruption or alteration; whereby it plainly appears, that as it is the most excellent government in itself, so it is the most suitable, most agreeable, and every way most proportionable, to the civil constitution and temper of this state; and therefore we pray and hope, will always be continued and preserved in it and by it, notwithstanding the abuses and corruptions which in so long a tract of time, through the errors or negligence of men, have crept into it; which abuses and corruptions being all of them (what and how many soever there may be) but merely accidental to episcopacy, we conceive and hope there may be a reformation of the one, without a destruction of the other.

“Which is the humble suit of, &c. &c.”

A third petition was presented to the house, January 23, by ten or twelve clergymen, in the name of seven hundred of their brethren who had signed it, called the ministers’ petition, praying for a reformation of certain grievances in the hierarchy, but not an entire subversion of it; a schedule of these grievances was annexed, which being referred to the committee, Mr. Crew reported the three following, as proper for the debate of the house: “1. The secular employments of the clergy. 2. The sole power of the bishops in ecclesiastical affairs, and particularly in ordinations and church-censures. 3. The large revenues of deans and chapters, with the inconveniences that attend the application of them.”

Two days after the delivery of this petition [January 25] his majesty came to the house, and very unadvisedly interrupted their debates by the following speech: “—There are some men that more maliciously than ignorantly will put no difference between reformation and alteration of government; hence it comes to pass, that divine service is irreverently interrupted, and petitions in an ill way given in, neither disputed nor denied, against the present established government, in the names of divers counties, with threatenings against the bishops, that they will make them but ciphers. Now I must tell you, that I make a great difference between reformation and alteration of government; though I am for the first, I cannot give way to the latter. If some of them have overstretched their power, and encroached too much on their temporality, I shall not be unwilling that these things should be redressed and reformed; nay farther, if you can show me, that the bishops have some temporal authority inconvenient for the state, and not necessary for the government of the church and upholding episcopal jurisdiction, I shall not be unwilling to desire them to lay it down; but this must not be

understood that I shall any ways consent that their voices in parliament should be taken away, for in all the times of my predecessors, since the Conquest and before, they have enjoyed it as one of the fundamental constitutions of the kingdom.” This unhappy method of the king’s coming to the house, and declaring his resolutions beforehand, was certainly unparliamentary, and did the church no service; nor was there any occasion for it at this time, the house being in no disposition as yet, to order a bill to be brought in for subverting the hierarchy.

In the months of February and March, several days were appointed for the consideration of these petitions; and when the bill for the utter extirpating the episcopal order was brought into the house in the months of May and June, several warm speeches were made on both sides; I will set the chief of them before the reader at one view, though they were spoken at different times.

Among those who were for root and branch, or the total extirpating of episcopacy, was sir Henry Vane, who stood up and argued, that “since the house had voted episcopal government a great impediment to the reformation and growth of religion, it ought to be taken away, for it is so corrupt in the foundation (says he) that if we pull it not down, it will fall about the ears of those that endeavour it within a few years. This government was brought in by antichrist, and has let in all kinds of superstition in the church—It has been the instrument of displacing the most godly and conscientious ministers, of vexing, punishing, and banishing out of the kingdom, the most religious of all sorts and conditions, that would not comply with their superstitious inventions and ceremonies. In a word, it has turned the edge of the government against the very life and power of godliness, and the favour and protection of it towards all profane, scandalous, and superstitious persons that would uphold their party—It has divided us from the foreign Protestant churches, and has done what it could to bind the nation in perpetual slavery to themselves and their superstitious inventions, by the late canons.—Farther, this government has been no less prejudicial to the civil liberties of our country, as appears by the bishops preaching up the doctrine of arbitrary power, by their encouraging the late illegal projects to raise money without parliament, by their kindling a war between England and Scotland, and falling in with the plots and combinations that have been entered into against this present parliament.” Sir Harry concludes from these premises, “that the Protestant religion must always be in danger, as long as it is in the hands of such governors; nor can there be any hopes of reformation in the state, while the bishops have votes in parliament; that the fruit being so bad the tree must be bad. Let us not then halt between two opinions (says he), but with one heart and voice give glory to God, by

complying with his providence, and with the safety and peace of the church and state, which is by passing the root and branch bill.”¹

Mr. serjeant Thomas gave the house a long historical narration of the viciousness and misbehaviour of the bishops in the times of Popery; of their treasonable and rebellious conduct towards their sovereigns; of their antipathy to the laws and liberties of their country; of their ignorance, pride, and addictedness to the pomp of this world, to the apparent neglect of their spiritual functions; and of their enmity to all methods of reformation to this day.²

Mr. Bagshaw stood up to reply to the objections made against abolishing the order of bishops.

“It is asserted (says he) that it is of divine right, which is contrary to the statute 37 of Henry VIII. cap. 17, which says, they have their episcopal authority and all other ecclesiastical jurisdiction whatsoever, solely and only, by, from, and under the king.

“It is argued, that episcopacy is inseparable from the crown, and therefore it is commonly said, No bishop no king; which is very ridiculous, because the kings of England were long before bishops, and may still depose them.

“It is said, that episcopacy is a third state in parliament; but this I deny, for the three states are the king, the lords temporal, and the commons. Kings of England have held several parliaments without bishops; king Edward I. in the 24th of his reign, held a parliament *excluso clero*; and in the parliament of the 7th Richard II. there is mention made of the consent of the lords temporal and the commons, but not a word of the clergy; since therefore the present hierarchy was of mere human institution, and had been found a very great grievance to the subject, he inclined to the root and branch petition.”

Mr. White entered more fully into the merits of the cause, and considered the present bishops of the church with regard to their baronies, their temporalities, and their spiritualities.

“The former (says he) are merely of the king’s favour, and began in this kingdom the 4th of William the Conqueror, by virtue whereof they have had place in the house of peers in parliament; but in the 7th Henry VIII. (1846, Kel.) it was resolved by all the judges of England, that the king may hold his parliament by himself, his temporal lords, and commons, without any bishop; for a bishop has not any place in parliament by reason of his spiritualities, but merely by reason of his barony, and accordingly acts of parliament have been made without them, as 2 Richard II. cap. 3, and at

¹ Nalson’s Collections, vol. 2. p. 276.

² Ibid. vol. 2. p. 211.

other times; nor were they ever called spiritual lords in our statutes, till 16 Richard II. cap. 1.

“By the bishop’s spiritualities I mean, those spiritual powers which raise him above the order of a presbyter; and here I consider, first, his authority over presbyters by the oath of canonical obedience, by which he may command them to collect tenths granted in convocation, according to 20 Henry VI. cap. 13. Secondly, his office, which is partly judicial and partly ministerial; by the former, he judges in his courts of all matters ecclesiastical and spiritual within his diocese, and of the fitness of such as are presented to him to be instituted into benefices; by the latter he is to consecrate places dedicated to divine service. 9 Henry VI. cap. 17, he is to provide for the officiating of cures in the avoidance of churches, on neglect of the patron’s presenting thereunto. He is to certify loyal [or lawful] matrimony, general bastardy, and excommunication. He is to execute judgments given in *quare impedit*, upon the writ *ad admittendum clericum*. He is to attend upon trials for life, to report the sufficiency or insufficiency of such as demand clergy; and lastly, he is to ordain deacons and presbyters.

“Now all these being given to these bishops *jure humano*, says Mr. White, I conceive, may for just reasons be taken away. He affirms, that according to Scripture, a bishop and presbyter is one and the same person; for (1.) Their duties are mentioned as the same, the bishop being to teach and rule his church, 1 Tim. iii. 2. 5, and the presbyter being to do the very same, 1 Pet. v. 2, 3. (2.) Presbyters in Scripture are said to be bishops of the Holy Ghost, Acts xx. 28. And St. Paul charges the presbyters of Ephesus, to take heed to the flock over which the Holy Ghost had made them bishops or overseers; and other bishops the Holy Ghost never made. (3.) Among the enumeration of church-officers Eph. iv. 11, whereof the three former are extraordinary, and are ceased, there remains only the pastor and teacher, which is the very same with the presbyter. The bishop, as he is more than this, is no officer given by God; and it is an encroachment upon the kingly office of Christ, to admit other officers into the church than he himself has appointed.

“Seeing then episcopacy may be taken away in all, wherein it exceeds the presbyter’s office, which is certainly *jure divino*, we ought to restore the presbyters to their rights which the bishops have taken from them, as particularly to the right of ordination, excommunication, and liberty to preach the whole counsel of God without restraint from a bishop: they should have their share in the discipline and government of the church; and in a word, all superiority of order between bishops and presbyters should be taken away.” Mr. White is farther of opinion, that the bishops should be deprived of their baronies, and all intermeddling with civil affairs; that institution and induction, the jurisdiction of tithes, causes matrimonial and testamen-

tary, and other usurpations of the ecclesiastical courts, should be restored to the civil judicature, and be determined by the laws of the land.

In order to take off the force of these arguments, in favour of the root and branch petition, the friends of the hierarchy said, that the very best things might be corrupted; that to take away the order of bishops was to change the whole constitution for they knew not what; they therefore urged the ministers' petition for reformation, and declaimed with vehemence against the corruptions of the late times.

Lord Falkland, who in the judgment of the noble historian was the most extraordinary person of his age, stood up and said:

“Mr. Speaker,

“He is a great stranger in our Israel, who knows not that this kingdom has long laboured under many and great oppressions both in religion and liberty; and that a principal cause of both has been, some bishops and their adherents, who, under pretence of uniformity, have brought in superstition and scandal under the title of decency; who have defiled our churches by adorning them, and slackened the strictness of that union that was between us and those of our religion beyond sea; an action both impolitic and ungodly.¹

“They have been less eager on those who damn our church, than on those who, on weak conscience and perhaps as weak reason, only abstain from it. Nay, it has been more dangerous for men to go to a neighbouring parish when they had no sermon in their own, than to be obstinate and perpetual recusants. While mass has been said in security, a conventicle has been a crime; and which is yet more, the conforming to ceremonies has been more exacted than the conforming to Christianity; and while men for scruples have been undone, for attempts of sodomy they have only been admonished.

“Mr. Speaker, they have resembled the dog in the fable, they have neither practised themselves, nor employed those that should, nor suffered those that would. They have brought in catechising only to thrust out preaching; cried down lectures by the name of faction, either because other men's industry in that duty appeared a reproof to their neglect, or with intent to have brought in darkness, that they might the easier sow their tares while it was night.

“In this they have abused his majesty as well as his people, for when he had with great wisdom silenced on both parts those opinions, that will always trouble the schools, they made use of this declaration to tie up one side and let the other loose. The truth is, Mr. Speaker, as some ministers in our state first took away our money, and afterward endeavoured to make

¹ Rushworth, vol. 4. p. 184. or part 3. vol. 1.

our money not worth taking, by depraving it: so these men first depressed the power of preaching, and then laboured to make it such, as the harm had not been much if it had been depressed; the chief subjects of the sermons being, the *jus divinum* of bishops and tithes; the sacredness of the clergy; the sacrilege of impropriations; the demolishing of Puritanism; the building up of the prerogative, &c. In short, their work has been to try how much of the Papist might be brought in without Popery, and to destroy as much as they could of the gospel, without bringing themselves in danger of being destroyed by the law.

Mr. Speaker, these men have been betrayers of our rights and liberties, by encouraging such men as Dr. Beal and Manwaring; by appearing for monopolies and ship money; some of them have laboured to exclude all persons and causes of the clergy from the temporal magistrate, and by hindering prohibitions, to have taken away the only legal bounds to their arbitrary power; they have encouraged all the clergy to suits, and have brought all suits to the council-table, that, having all power in ecclesiastical matters, they might have an equal power in temporals; they have both kindled and blown the common fire of both nations, and have been the first and principal cause of the breach since the pacification at Berwick.

“Mr. Speaker, I have represented no small quantity, and no mean degree of guilt, but this charge does not lie against episcopacy, but against the persons who have abused that sacred function; for if we consider, that the first spreaders of Christianity, the first defenders of it, both with their ink and blood, as well as our late reformers, were all bishops; and even now, in this great defection of the order, there are some that have been neither proud nor ambitious; some that have been learned opposers of Popery, and zealous suppressers of Arminianism, between whom and their inferior clergy there has been no distinction in frequent preaching; whose lives are untouched, not only by guilt, but by malice; I say if we consider this, we shall conclude, that bishops may be good men, and let us but give good men good rules, and we shall have good government and good times.

“I am content to take away from them all those things which may, in any degree of possibility, occasion the like mischiefs with those I have mentioned: I am sure neither their lordships, judging of tithes, wills, and marriages, no, nor their voices in parliament, are *jure divino*. If their revenues are too great, let us leave them only such proportion as may serve, in some degree, for the support of the dignity of learning and encouragement of students. If it be found they will employ their laws against their weaker brethren, let us take away those laws, and let no ceremonies which any number count unlawful, and no man counts necessary, be imposed upon them; but let us not abolish, upon a few days’ debate, an order that has lasted in most churches these sixteen hundred years. I do not believe the order

of bishops to be *jure divino*, nor do I think them unlawful; but since all great changes in government are dangerous, I am for trying if we cannot take away the inconveniences of bishops, and the inconveniences of no bishops. Let us therefore go upon the debate of grievances, and if the grievances may be taken away and the order stand, we shall not need to commit the London petition at all; but if it shall appear that the abolition of the one cannot be but by the destruction of the other, then let us not commit the London petition, but grant it.”

Lord George Digby, an eminent royalist, spoke with great warmth against the root and branch petition, and with no less zeal for a reformation of grievances.

“If the London petition (says his lordship) may be considered only as an index of grievances, I should wink at the faults of it, for no man within these walls is more sensible of the heavy grievances of church-government than myself; nor whose affections are keener for the clipping those wings of the prelates, whereby they have mounted to such insolence; but having reason to believe that some aim at the total extirpation of bishops, I cannot restrain myself from labouring to divert it.

I look upon the petition with terror, as on a comet or a blazing-star, raised and kindled out of the poisonous exhalations of a corrupted hierarchy: methought the comet had a terrible tail, and pointed to the north; and I fear all the prudence of this house will have a hard work to hinder this meteor from causing such distempers and combustions as it portends by its appearance; whatever the event be, I shall discharge my conscience freely, unbiassed both from popularity and court-respect.”¹

His lordship then goes on to argue the unreasonableness of abolishing a thing, because of some abuses that attend it; he complains of the presumption of the petitioners, in desiring the repeal of so many laws at once, and not applying in a more modest manner for a redress of grievances, as the ministers have done. On the other hand, he allows the behaviour of the prelates had given too just an occasion for it; that no people had been so insulted as the people of England had lately been, by the insolences of the prelates; “their vengeance has been so laid, as if it were meant no generation, no degree, no complexion of mankind, should escape it. Was there a man of tender conscience (says his lordship), him they loaded with unnecessary impositions; was there a man of legal conscience, him they nettled with innovations, and fresh introductions to Popery; was there a man of a humble spirit, him they trampled to dirt in their pride; was there a man of proud spirit, him they have bereft of reason, with indignation at their superlative insolence; was there a man faithfully attached to the rights of the

¹ Rushworth, p. 172.

crown, how has he been galled by their new oath! was there a man that durst mutter against their insolences, he may inquire for his lugs. They have been within the bishops' visitation as if they would not only derive their brandishment of the spiritual sword from St. Peter, but of the material one too, and the right to cut off ears; for my part I am so inflamed with these things, that I am ready to cry, with the loudest of the fifteen thousand, Down with them to the ground.

“But, Mr. Speaker, we must divest ourselves of passion: we all agree a reformation of church-government is necessary; but before I can strike at the root, and agree to a total extirpation of episcopacy, it must be made manifest to me, (1.) That the mischiefs we have felt arise from the nature of episcopacy, and not from its abuse. (2.) Such a form of government must be set before us as is not liable to proportionable inconveniences. (3.) It must appear that the Utopia is practicable. Let us therefore lay aside the thoughts of extirpating bishops, and reduce them to their primitive standard; let us retrench their dioceses; let them govern by assemblies of their clergy; let us exclude them from intermeddling in secular affairs, and appoint a standing committee to collect all the grievances of the church, and no man's votes shall be given with more zeal for redressing them than mine.”

Surely the bishops must have behaved very ill in the late times, that their very best friends could load them with such reproaches! Sir Benjamin Rudyard, surveyor of the court of wards, sir Harbottle Grimstone, with a great many others of unquestionable duty and loyalty to the king, spoke the same language, and it deserves to be remembered, says lord Clarendon,¹ that in the midst of these complaints the king was never mentioned but with great honour; all the grievances being laid at the door of his ministers, and all hopes of redress being placed in his majesty alone. At the close of the debate, it was ordered that the root and branch petition should remain in the hands of the clerk of the house of commons, with direction that no copy should be delivered out; but after the throwing out of the bill to deprive the bishops of their votes in parliament, it was revived, and a bill brought in by sir Edward Deering [May 20, 1641] for the utter extirpating of the whole order, as will be seen hereafter.

It was in this debate that some smart repartees passed between the members; Mr. Grimstone argued thus, that bishops *are jure divino* is a question: that archbishops are not *jure divino* is out of question; now that bishops which are questioned whether *jure divino*, or archbishops which out of question are not *jure divino*, should suspend ministers which are *jure divino*, I leave to you to be considered. To which Mr. Selden answered, that the convocation is *jure divino* is a question; that parliaments are not *jure*

¹ Clarendon, vol. 1. p. 203.

divino is out of the question; that religion is *jure divino* is no question; now that the convocation which is questionable whether *jure divino*, and parliaments which out of the question are not *jure divino*, should meddle with religion which questionless is *jure divino* I leave to your consideration. In both which I apprehend there is more of a jingle of words than strength of argument.¹

But the house was unanimous for a reformation of the hierarchy, which was all that the body of the Puritans as yet wished for or desired. The ministers' petition was therefore committed to a committee of the whole house, and on March 9, they came to this resolution, "that the legislative and judicial power of bishops in the house of peers is a great hinderance to the discharge of their spiritual function, prejudicial to the commonwealth, and fit to be taken away by bill; and that a bill be drawn up to this purpose." March 11, it was resolved farther, "that for bishops or any other clergyman to be in the commission of peace, or to have any judicial power in the star-chamber or in any civil court, is a great hinderance to their spiritual function, and fit to be taken away by bill." And not many days after it was resolved, that they should not be privy-councillors or in any temporal offices.

While the house of commons were thus preparing to clip the wings of the bishops, they were not unmindful of the Roman Catholics; these were criminals of a higher nature, and had a deep share in the present calamities; their numbers were growing, and their pride and insolence insufferable: they flocked in great numbers about the court, and insulted the very courts of judicature; the queen protected them, and the king and archbishop countenanced them as friends of the prerogative. Andreas ab Harbensfield, the queen of Bohemia's chaplain, advised his grace of a Popish confederacy against the king and the church of England; but when the names of Montague, sir Kenelm Digby, Winter, Windebank, and Porter, all Papists, and officers about the court, were mentioned as parties, the whole was discredited and stifled. When the house of commons petitioned the king to issue out a proclamation for putting the laws in execution against Papists, it was done in so defective a manner, that the committee reported it would avail nothing; for in the clause which enjoins all Popish recusants to depart the city in fifteen days, it is added, "without special licence had thereunto;" so that if they could obtain a licence from his majesty, or from the lords of the council, the bishop, the lieutenant, or deputy-lieutenant, of the county, then they were not within the penalty. Besides, the disarming of all Popish recusants was limited to recusants convicted; so that if they were not convicted, a justice of peace could not disarm them. They observed farther, that many

¹ Selden's argument is considered by bishop Warburton, as a thorough confutation of Grimstone's—ED.

recusants had letters of grace to protect their persons and estates; that instead of departing from London there was a greater resort of Papists at present than heretofore; and that their insolence and threatening language were insufferable and dangerous. A gentleman having given information in open court to one of the judges of the King's-bench, that in one parish in the city of Westminster there were above six thousand recusants, the committee appointed Mr. Heywood, an active justice of peace, to collect and bring in a list of the names of all recusants within that city and liberties; for which purpose all the inhabitants were summoned to appear and take the oaths in Westminster-hall: but while the justice was in the execution of his office, and pressing one James a Papist to take them, the wretch drew out his knife and stabbed the justice in the open court, telling him, "he gave him that for persecuting poor Catholics." The old gentleman sunk down with the wound, but by the care of the surgeons was recovered, and the criminal taken into custody.¹ This Mr. Heywood was the very person who, being commanded by king James I. to search the cellars under the parliament-house at the time of the gunpowder-plot, took Guy Fawkes with his dark lantern in his hand, which lantern is preserved among the archives of Oxford, with Mr. Heywood's name upon it in letters of gold.

The parliament, alarmed at this daring attempt, sent orders to all the justices of peace of Westminster, London, and Middlesex, requiring them to command the churchwardens to make a return of the names of all recusants within their parishes, in order to their being proceeded against according to law; a few days after the like orders were sent to the justices in the remoter counties. The houses petitioned his majesty to discharge all Popish officers in garrisons or in the army, who refused to take the oaths of allegiance and supremacy, and to fill up their places with Protestants. March 16, they petitioned his majesty to remove all Papists from court, and particularly sir Kenelm Digby, sir Toby Matthews, sir John Winter, and Mr. Montague, and that the whole body of Roman Catholics might be disarmed. The answer returned was, that his majesty would take care that the Papists about the court should give no just cause of scandal; and as for disarming them, he was content it should be done according to law. So that their addresses

¹ Dr. Grey is displeased with Mr. Neal for not informing his reader, how the king acted on this occasion; especially as he says, according to the first edition, "the king favours them," i. e. the Papists. This is the marginal contents of the following paragraph, and the fact is there fully established. With respect to the attempt made on the life of Mr. Heywood, his majesty, it should be acknowledged, expressed a proper abhorrence of it, and "recommended it to parliament, to take course for a speedy and exemplary punishment" of it. For which the house returned their humble thanks. But this instance of royal justice is not sufficient to wipe off the charge of general and great partiality towards the Catholics. Rushworth's Collections, part 3. vol. 1. p. 57.—ED.

had no other effect than to exasperate the Papists, the king and queen being determined to protect them as long as they were able.

There was at this time one Goodman a seminary priest under condemnation in Newgate, whom the king, instead of leaving to the sentence of the law, reprieved in the face of his parliament; whereupon both houses [January 29, 1640] agreed upon the following remonstrance:

“That considering the present juncture, they conceived the strict execution of the laws against recusants more necessary than formerly,

1. “Because by divers petitions from several parts of the kingdom, complaints are made of the great increase of Popery and superstition; priests and Jesuits swarm in great abundance in this kingdom, and appear as boldly as if there were no laws against them.

2. “It appears to the house, that of late years many priests and Jesuits condemned for high treason have been discharged out of prison.

3. “That at this time the pope has a nuncio or agent in this city; and Papists go as publicly to mass at Denmark-house, and at St. James’s and the ambassadors’ chapels, as others do to their parish-churches.

4. “That the putting the laws in execution against Papists, is for the preservation and advancement of the true religion established in this kingdom; for the safety of their majesties’ persons, and the security of government.

5. “It is found that Goodman the priest has been twice formerly committed and discharged; that his residence now in London was in absolute contempt of his majesty’s proclamation; that he was formerly a minister of the church of England; and therefore they humbly desire he may be left to the justice of the law.”

To this remonstrance the king replied,

“That the increase of Popery and superstition, if any such thing had happened, was contrary to his inclination; but to take off all occasions of complaint he would order the laws to be put in execution.

“That he would set forth a proclamation to command Jesuits and priests to depart the kingdom within a month; and in case they either failed or returned, they should be proceeded against according to law.

“As touching the pope’s nuncio Rosetti, his commission reached only to keep up a correspondence between the queen and pope, in things relative to the exercise of religion; that this correspondence came within the compass of the full liberty of conscience secured her by the articles of marriage; however, since Rosetti’s character happened to be misunderstood and gave offence, he had persuaded the queen to consent to his being recalled.

“Farther, his majesty promised to take care to restrain his subjects from going to mass at Denmark-house, St. James’s, and the chapels of the ambassadors.

“Lastly, touching Goodman, he was content to remit him to the pleasure of the house; but he puts them in mind that neither queen Elizabeth nor king James ever put any to death merely for religion; and desired them to consider the inconveniences that such a conduct might draw upon his subjects and other Protestants in foreign countries.”

How strange this assertion! Let the reader recollect the many executions of Papists for denying the supremacy; the burning the Dutch Anabaptists, for whom Mr. Fox the martyrologist interceded in vain; and the hanging of Barrow, Greenwood, Penry, &c. in the reign of queen Elizabeth; let him also remember the burning of Bartholomew Legate and Edward Wightman, for the Arian heresy by king James I. (of all which, and some others, the commons in their reply put his majesty in mind); and then judge of the truth of this part of his declaration. Nor did the Jesuits regard the other parts of it, for they knew they had a friend in the king’s bosom that would protect them, and therefore, instead of removing out of the land, they lay concealed within the verge of the court. Even Goodman himself was not executed,¹ though the king promised to leave him to the law, and though he himself petitioned, like Jonah the prophet, to be thrown overboard to allay the tempest between the king and his subjects. Such was his majesty’s attachment to this people! to the apparent hazard of the Protestant religion and the peace of his kingdoms, and to the sacrificing all good correspondence between himself and his parliament.

¹ Whitelocke informs us, that the king left him to the parliament: “and they (says bishop Warburton) would not order his execution. The truth of the matter was this; each party was desirous of throwing the odium of Goodman’s execution on the other; so between both the man escaped.” On this ground, his lordship exclaims, “How prejudiced is the representation of our historian!” In reply to this reflection, it maybe asked, Did it not show the king’s partiality and reluctance to have the law executed against Goodman, that he remitted the matter to the house? Did not the inflicting the sentence of the law lie solely with himself, as invested with the executive power? and yet he did not inflict it. Doth not this conduct justify Mr. Neal’s representation? nay, that representation is just and candid if it pointed to the reprieve only, which produced the remonstrance of the parliament. There would not have been any occasion for that remonstrance, had it not been for his majesty’s attachment to men of that description.

The advocates of the king have considered his conduct towards Goodman as an amiable act of humanity; nay, as proceeding from a mind most sensibly touched with the “galantry,” as it is called, of this man in petitioning to be made a sacrifice to the justice of the law, to serve his majesty’s interest and affairs. Dr. Grey, and Nalson’s Collections, vol. 1. p. 746.—ED.