

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 V.

### ABSTRACT OF THE TRIAL OF ARCHBISHOP LAUD, AND OF THE TREATY OF UXBRIDGE.

NEXT day, after the establishment of the Directory, Dr. William Laud, archbishop of Canterbury, received sentence of death. He had been a prisoner in the Tower almost three years, upon an impeachment of high treason by the house of commons, without once petitioning for a trial, or so much as putting in his answer to the articles; however, as soon as the parliament had united with the Scots, it was resolved to gratify that nation by bringing him to the bar; accordingly, serjeant Wild was sent up to the house of lords, October 23, with ten additional articles of high treason, and other crimes and misdemeanours; and to pray, that his grace might be brought to a speedy trial. We have already recited the fourteen original articles under the year 1640. The additional ones were to the following purpose:

1. "That the archbishop had endeavoured to destroy the use of parliaments, and to introduce an arbitrary government.

2. "That for ten years before the present parliament, he had endeavoured to advance the council-table, the canons of the church, and the king's prerogative, above law.

3. "That he had stopped writs of prohibition to stay proceedings in the ecclesiastical courts, when the same ought to have been granted.

4. "That he had caused sir John Corbet to be committed to the Fleet for six months, only for causing the petition of right to be read at the sessions.

5. "That judgment having been given in the court of King's-bench against Mr. Burley, a clergyman of a bad character, for nonresidence, he had caused the judgment to be stayed, saying he would never suffer judgment to pass upon any clergyman by *nihil dicit*.

6. "That large sums of money having been contributed for buying in impropriations, the archbishop had caused the feoffments to be overthrown into his majesty's exchequer, and by that means suppressed the design.

7. "That he had harboured and relieved divers Popish priests, contrary to law.

8. "That he had said at Westminster there must be a blow given to the church, such as had not been given, before it could be brought to conformity, declaring thereby his intention to alter the true Protestant religion established in it.

9. "That after the dissolution of the last parliament, he had caused a convocation to be held, in which sundry canons were made contrary to the rights and privileges of parliament, and an illegal oath imposed upon the clergy, with certain penalties, commonly known by the *et cætera* oath.

10. “That upon the abrupt dissolving of the short parliament 1640, he had told the king, he was now absolved from all rules of government, and at liberty to make use of extraordinary methods for supply.”<sup>1</sup>

I omit the charge of the Scots commissioners, because the archbishop pleaded the act of oblivion.

The lords ordered the archbishop to deliver in his answer in writing to the above-mentioned articles in three weeks, which he did, taking no notice of the original ones.<sup>2</sup> The trial was put off from time to time, at the request of the prisoner, till September 16, when the archbishop appearing at the bar, and having kneeled some time, was ordered to stand, and one of the managers for the commons moved the lords, that their articles of impeachment, with the archbishop’s answer, might be read; but when the clerk of the house had read the articles, there was no answer to the original ones. Upon which serjeant Maynard rose up and observed, “how unjust the archbishop’s complaints of his long imprisonment, and of the delay of his hearing, must be, when in all this time he had not put in his answer to their original articles, though he had long since counsel assigned him for that purpose. That it would be absurd in them to proceed on the additional articles, when there was no issue joined on the original ones; he therefore prayed, that the archbishop might forthwith put in his answer to all their articles, and then they should be ready to confirm their charge whenever their lordships should appoint.”

The archbishop says, the lords looked hard one upon another, as if they would ask where the mistake was, he himself saying nothing, but that his answer had not been called for.<sup>3</sup> His grace would have embarrassed them farther, by desiring them to hear his counsel, whether the articles were certain and particular enough to receive an answer. He moved likewise, that if he must put in a new answer, his former might be taken off the file; and that they would please to distinguish which articles were treason, and which misdemeanour. But the lords rejected all his motions, and ordered him to put in his peremptory answer to the original articles of the commons by the 22d instant, which he did accordingly, to this effect:

“As to the 13th article, concerning the troubles in Scotland, and all actions, attempts, assistance, counsel, or device, relating thereto, this defendant pleadeth the late act of oblivion, he being none of the persons excepted by the said act, nor are any of the offences charged upon this defendant excepted by the said act.

“And as to all the other articles, both original and additional, this defendant, saving to himself all advantages of exception to the said articles,

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<sup>1</sup> Prynne’s Complete History of the Trial of Archbishop Laud, p. 38.

<sup>2</sup> Ibid. p. 45.

<sup>3</sup> Wharton’s History of Archbishop Laud’s Troubles, p. 214, 215.

humbly saith, that he is not guilty of all or any the matters, by the said articles charged, in such manner and form as the same are by the said articles charged against him.”

The trial was deferred all the month of February, as the archbishop insinuates, because Mr. Prynne was not ready with his witnesses. When it came on, lord Grey of Werk, speaker of the house of lords, was appointed president; but the archbishop complains, that there were seldom more than sixteen or eighteen peers at a time. The managers for the commons were, Mr. Serjeant Wild, and Mr. Maynard, Mr. Brown, Mr. Nicolas, and Mr. Hill, whom the archbishop calls *consul bibulus*, because he said nothing; their solicitor was Mr. Prynne, the archbishop’s grand enemy. His grace’s counsel were, Mr. Hern, Mr. Hales, Mr. Chute, Mr. Gerard; and his solicitor was his own secretary, Mr. Dell. The trial was depending almost five months, in which time the archbishop was heard twenty days, with as much liberty and freedom of speech as could be reasonably desired. When he complained of the seizure of his papers, the lords ordered him a copy of all such as were necessary for his defence; and when he acquainted them, that by reason of the sequestration of his estate, he was incapable of feeing his counsel, they moved the committee of sequestrations in his favour, who ordered him £200. His counsel had free access to him at all times, and stood by to advise him during the whole of his trial.

The method of proceeding was this; the archbishop had three or four days’ notice of the day of his appearance, and of the articles they designed to proceed on; he was brought to the bar about ten in the morning, and the managers were till one making good their charge; the house then adjourned till four, when the archbishop made his defence, after which one of the managers replied, and the archbishop returned to the Tower between seven and eight of the clock in the evening.

It is unhappy that this remarkable trial, which contains the chief heads of controversy between the Puritans and the hierarchy, was not published by order of the house of peers, that the world might have seen the arguments on both sides in their full strength. Mr. Prynne, by order of the house of commons, has given us their evidence to that branch of the charge which relates to religion, and the archbishop has left behind him his own defence on every day’s hearing, mixed with keen and satirical reflections on his adversaries; but these being detached performances, I have endeavoured to reduce the most material passages into a proper method, without confining myself to the exact order of time in which the articles were debated.

All the articles may be reduced to these three general heads.

First, “That the archbishop had traitorously attempted and endeavoured to subvert the rights of parliament, and to exalt the king’s power above law.

Secondly, “That he had traitorously endeavoured to subvert the fundamental temporal laws and government of the realm of England, and to introduce an arbitrary government against law and the liberties of the subject.

Thirdly, “That he had traitorously endeavoured, and practised, to alter and subvert God’s true religion by law established in this realm, and instead thereof to set up Popish superstition and idolatry, and to reconcile us to the church of Rome.”

The trial began March 12, 1643-4, when Mr. Serjeant Wild, one of the managers of the house of commons, opened the impeachment with a smart speech, in which he stated and aggravated the several crimes charged upon the archbishop, and concluded with comparing him to Naaman the Syrian, who was a great man, but a leper.

The archbishop, in his reply, endeavours to wipe off the aspersions that were cast upon him, in a laboured speech which he held in his hand. He says, “It was no less than a torment to him to appear in that place, and plead for himself on that occasion, because he was not only a Christian but a clergyman, and by God’s grace advanced to the greatest place this church affords. He blessed God that he was neither ashamed to live, nor afraid to die; that he had been as strict an observer of the laws of his country, both in public and private, as any man whatsoever; and as for religion, that he had been a steady member of the church of England as established by law, which he had endeavoured to reduce to decency, uniformity, and beauty, in the outward face of it; but he had been as far from attempting any alterations in favour of Popery, as when his mother first bore him into the world: and let nothing be spoken but truth (says he) and I do here challenge whatsoever is between heaven and hell, that can be said against me in point of my religion, in which I have ever hated dissimulation.”<sup>1</sup> He then concludes with a list of twenty-one persons whom he had converted from Popery to the Protestant religion.

It was observed by some, that if the passionate expressions in this speech had been a little qualified, that they would have obtained more credit with his grace’s judges;<sup>2</sup> but as they were pronounced, were thought hardly fit for the mouth of one who lay under the weight of so many accusations from the representative body of the nation.

The next day [March 13], the managers for the commons began to make good the first branch of their charge, to the following purpose, viz.

“That the archbishop had traitorously attempted to subvert the rights of parliament, and to exalt the king’s power above the laws.”

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<sup>1</sup> Wharton’s History of Archbishop Laud’s Troubles, p. 223.

<sup>2</sup> Dr. Grey thinks that the severest expressions were justifiable in answer to so foul-mouthed an impeacher as serjeant Wild, and that there was nothing in the bishop’s speech unbecoming that great prelate to speak, or that assembly to hear.—ED.

In support of which they produced, (1.) a passage out of his own Diary, December 5, 1639. "A resolution was voted at the board to assist the king in extraordinary ways, if (says he) the parliament should prove peevish and refuse."

The archbishop replied, that this was the vote of the whole council-table, of which he was only a single member, and therefore could not be called his counsel. Besides, the words had relation to the troubles of Scotland, and are therefore included in the act of oblivion.

2. "They produced another expression in one of the archbishop's papers under his own hand, in the beginning of which he says, that magna charta had an obscure birth, and was fostered by an ill nurse."<sup>1</sup>

The archbishop replied, that it was no disgrace to magna charta to say it had an obscure birth; our histories confirm the truth of it, and some of our law-books of good account use almost the same expressions; and shall the same words be history and law in them, and treason in me?<sup>2</sup>

3. They averred. "that he had said in council, that the king's proclamation was of as great force as an act of parliament; and that he had compared the king to the stone spoken of in the gospel, that whosoever falls upon it shall be broken, but upon whomsoever it falls it will grind him to powder."

The archbishop replied, that this was in the case of the soap business, twelve years ago; and thinks it impossible those words should be spoken by him: nor does he apprehend the gentlemen who press this evidence can believe it themselves, considering they are accusing him as a cunning delinquent. So God forgive these men the falsehood and malice of their oaths (says he!) but as to the allusion to the stone in the Scripture, if I did apply it to the king, it was far enough from treason, and let them and their like take care, lest it prove true upon themselves, for Solomon says, "The anger of a king is death."<sup>3</sup>

4. In farther maintenance of this part of their charge, the managers produced "two speeches which his grace framed for the king to be spoken to the parliament; and his majesty's answer to the remonstrance of the house of commons in the year 1628, which was all written with the archbishop's own hand, and these words endorsed by himself, 'My answer to the parliament's remonstrance.' In which papers were sundry passages tending to set up an absolute power in the king, and to make the calling of parliaments in a manner useless. The king is made to say, that his power is only from God, and to him only he is accountable for his actions; that never king was more jealous of his honour, or more sensible of the neglect and contempt of his royal rights. His majesty bids the commons remember, that parliaments are

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<sup>1</sup> Laud's History, p. 229-231.

<sup>2</sup> Ibid. p. 409.

<sup>3</sup> Laud's History, p. 234.

altogether in his power, for their calling, sitting, and dissolution; and that according as they behaved themselves they should continue, or not be. When some of the members of parliament had spoken freely against the duke of Buckingham, they were by the king's command sent to the Tower; and his majesty coming to the house of peers, tells them, that he had thought fit to punish some insolent speeches lately spoken against the duke, for I am so sensible of all your honours (says he), that he that touches any of you, touches me in a very great measure. Farther, when the parliament was dissolved in the year 1628, a proclamation was published, together with the above-mentioned remonstrance, in which his majesty declares, that since his parliament was not so dutiful as they ought to be, he was resolved to live without them, till those who had interrupted his proceedings should receive condign punishment, and his people come to a better temper; and that in the meantime, he would exact the duties that were received by his father, which his now majesty neither could nor would dispense with."<sup>1</sup>

The archbishop replied, that he did indeed make the above-mentioned speeches, being commanded to the service, and followed his instructions as close as he could. As for the smart passages complained of, he hopes they will not be thought such, when it is considered whose mouth was to utter them, and upon what occasion. However, if they be, he is heartily sorry for them, and humbly desires they may be passed by. The answer to the remonstrance was drawn by his majesty's command, as appears by the endorsement; and the severe passages objected to were in his instructions. When a parliament errs, may not their king tell them of it? Or must every passage in his answer be sour that pleases not?<sup>2</sup>

The managers proceeded to produce some other passages tending more immediately to subvert the rights of parliament, and among others, they insisted on these three:

1. "That the archbishop had said at the council-table, after the ending of the late parliament, that 'now the king might make use of his own power.' This was attested by sir Harry Vane the elder, who was a privy-councillor, and then present."

The archbishop replied, that he did not remember the words; that if he did speak them they were not treasonable; or if they were, he ought to have been tried within six months, according to the statute 1 Eliz. cap. 6. That sir Henry Vane was only a single witness, whereas the law requires two witnesses for treason: besides, he conceived that this advice relating to the Scottish troubles was within the act of oblivion, which he had pleaded. But last of all, let it be remembered, says the archbishop, for sir Harry's honour,

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<sup>1</sup> King's Speeches, March 27, 29, and May 11.

<sup>2</sup> Laud's Hist. p. 230, 403, 404. 406.

that he being a man in years, has so good a memory, that he alone can remember words spoken at a full council-table, which no person of honour remembers save himself; but I would not have him brag of it, for I have read in St. Austin, that some, even the worst of men, have great memories, and so much the worse for having them. God bless sir Henry!<sup>1</sup>

2. The archbishop had affirmed, “that the parliament might not meddle with religion, without the assent of the clergy in convocation. Now if this were so, say the managers, we should have had no reformation, for the bishops and clergy dissented.”

The archbishop in his reply cited the statute 1 Eliz. cap. 1, which says, that “what is heresy shall be determined by the parliament, with the assent of the clergy in convocation,” from whence he concluded, the parliament could not by law determine the truth of doctrine without the assent of the clergy; and to this the managers agreed, as to the point of heresy, but no farther. The archbishop added, that, in his opinion, it was the prerogative of the church alone to determine truth and falsehood, though the power of making laws for the punishment of erroneous persons was in the parliament with the assent of the clergy.<sup>2</sup> Indeed the king and parliament may, by their absolute power, change Christianity into Turkism if they please, and the subjects that cannot obey must fly, or endure the penalty of the law; but of right they cannot do this without the church. Thus the parliament, in the beginning of queen Elizabeth’s reign, by absolute power abolished Popish superstition; but when the clergy were settled, and a form of doctrine was to be agreed on, a synod was called, 1562, and the articles of religion were confirmed by parliament, with the assent of the clergy, which gave all parties their just right, as is so evident, that the heathens could see the justice of it, for Lucullus says in Tully, that the priests were judges of religion, and the senate of the law.

3. “At a reference between Dr. Gill, schoolmaster of St. Paul’s, and the Mercers’ company, the archbishop had said, that the company could not turn him out of the school, without consent of his ordinary; and that, upon mention of an act of parliament, he replied, ‘I see nothing will down with you but acts of parliament, no regard at all to the canons of the church; but I will rescind all acts that are against the canons, and I hope shortly to see the canons and the king’s prerogative of equal force with an act of parliament.’”

The archbishop was so provoked with the oath of the witness who gave this in evidence [Mr. Samuel Blood], that he was going to bind his sin on his soul, not to be forgiven him, till he should ask him forgiveness;<sup>3</sup> but he

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<sup>1</sup> Ibid. p. 231.

<sup>2</sup> Ibid. p. 401.

<sup>3</sup> Laud’s History, p. 236, 237.



conquered his passion, and replied, that since by a canon<sup>1</sup> no person is allowed to teach school without the bishop's licence, and that in case of offence he is liable to admonition and suspension, it stands good, that he may not be turned out without the said bishop's knowledge and approbation. As for the words, "that he saw nothing would down with them but an act of parliament, and that no regard was had to the canons," he conceived them to be no offence; for though the superiority belongs to acts of parliament in this kingdom, yet certainly some regard is due to the canons; and therefore he says again, that "if nothing will down with men but acts of parliament, the government in many particulars cannot subsist. As to the last words, of his rescinding those acts that were against the canons, he is morally certain he could not utter them; nor does he believe any man that knows him will believe him such a fool, as to say, he hoped to see the canons and the king's prerogative of equal force with an act of parliament, since he has lived to see sundry canons rejected, and the king's prerogative discussed by law, neither of which can be done by any judges to an act of parliament. However, if such words should have escaped him, he observes there is only one witness to the charge; and if they be within the danger of the statute, then to that statute which requires his trial within six months he refers himself.

The managers went on to the second charge against the archbishop, which was his design "to subvert the fundamental temporal laws of the kingdom, and to introduce an arbitrary government against law and the liberty of the subject." In maintenance whereof they alleged "his illegal pressures of tonnage and poundage without act of parliament, ship-money, coat and conduct money, soap-money, &c. and his commitment of divers persons to prison for non-payment; for a proof of which there appeared, among others, three aldermen, viz. aldermen Atkins, Chambers, and Adams."

The archbishop confessed, that as to the business of ship-money, he was zealous in that affair, yet not with an intent to violate the law, for though this was before judgment given for the king, it was after the judges had declared the legality of it under their hands, and he thought he might safely follow such guides. He was likewise of opinion, that tonnage and poundage, coat and conduct money, were lawful on the king's part; that he was led into this opinion by the express judgment of some lords present, and by the silence of others; none of the great lawyers at the table contradicting it; however, that it was the common act of the council-table, and therefore all were as culpable as himself; and he was sure this could not amount to treason, except it were against the three aldermen, Atkins, Chambers, and Adams.<sup>2</sup>

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<sup>1</sup> Can. 77. 79.

<sup>2</sup> Laud's History, p. 232–234.

They objected farther, “sundry depopulations, and pulling down houses; that for the repair of St. Paul’s above sixty dwelling-houses had been pulled down, by order of council, without any satisfaction to the tenants, because they did not accept of the committee’s composition.—That he had obliged a brewer near the court not to burn sea-coal, under penalty of having his brewhouse pulled down; and that by a like order of council many shop-keepers were forcibly turned out of their houses in Cheapside, to make way for goldsmiths, who were forbid to open shop in any other places of the city. When a commission was issued under the broad seal to himself, to compound with delinquents of this kind, Mr. Talboys was fined £50 for noncompliance; and when he pleaded the statute of the 39th of Elizabeth, the archbishop replied, ‘Do you plead law here? either abide the order, or take your trial at the star-chamber.’ When Mr. Wakern had £100 allowed him for the pulling down his house, he was soon after fined £100 in the high-commission court for profanation; of which he paid thirty.”<sup>1</sup>

This the archbishop admitted, and replied to the rest, that he humbly and heartily thanked God, that he was counted worthy to suffer for the repair of St. Paul’s, which had cost him out of his own purse above £1,200. As to the grievances complained of, there was a composition allotted for the sufferers, by a committee named by the lords, not by him, which amounted to 8 or £9,000 before they could come at the church to repair it; so that if anything was amiss, it must be imputed to the lords of the council, who are one body, and whatsoever is done by the major part is the act of the whole; that, however, here was some recompense made them, whereas in king James’s time, when a commission was issued for demolishing these very houses, no care was taken for satisfaction of any private man’s interest; and I cannot forbear to add, says the archbishop, that the bishop, and dean and chapter, did ill in giving way to these buildings, to increase their rents by a sacrilegious revenue; there being no law to build on consecrated ground. When it was replied to this, “that the king’s commission was no legal warrant for pulling down houses, without authority of parliament,” he answered, that houses more remote from the church of St. Paul’s had been pulled down by the king’s commission only in king Edward III.’s time. As to the brewhouse, the archbishop owned that he had said to the proprietor, that he must seal a bond of £2,000 to brew no more with sea-coal; but it was at the council-table, when he was delivering the sense of the board, which office was usually put upon him if present; so that this or any other hardship he might suffer ought not to be imputed to him, but to the whole council; and he was very sure it could not amount to treason, except it were treason against a brewhouse. The like answer he made to the charge about

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<sup>1</sup> Ibid, p, 235. 244. 246. 265.

the goldsmiths' shops, namely, that it was the order of council, and it was thought to be for the beauty and grandeur of the city, and he did apprehend the council had a right to command in things of decency, and for the safety of the subject, and where there was no law to the contrary. As to the words which he spoke to Mr. Talboys, they were not designed to derogate from the law, but to show, that we sat not there as judges of the law, but to offer his Majesty's grace, by way of composition to them who would accept it, and therefore he had his option, whether he would agree to the fine we imposed upon him, or take his trial elsewhere. The commons replied with great reason, that no commission from the king could justify the pulling down men's houses, or oblige them to part with their estates without act of parliament.

The managers objected farther to the archbishop, "several illegal commitments, and exorbitant fines and censures in the starchamber, and high-commission court, as in the cases of Prynne, Burton, Bastwick, Huntley, and others; and that when the persons aggrieved brought prohibitions, he threatened to lay them by the heels, saying, 'Does the king grant us power, and are we then prohibited? Let us go and complain, I will break the back of prohibitions, or they shall break mine.' Accordingly several persons were actually imprisoned for delivering prohibitions, as was testified by many witnesses; nay, Mr. Wheeler swore, he heard the archbishop in a sermon say, that they which granted prohibitions to the disturbance of the church's right, God will prohibit their entrance into the kingdom of heaven."

The archbishop replied, that the fines, imprisonments, and other censures complained of, were the acts of the several courts that directed them, and not his. That the reason why several persons were imprisoned for prohibitions, was because they delivered them in court in an unmannerly way, throwing them on the table, or handing them over the heads of others on a stick, to the affront of the court; notwithstanding which, as many prohibitions had been admitted in his time as in his predecessors'; and after all, he apprehended these prohibitions were a very great grievance to the church; nor was there the same reason for them now, as before the Reformation, while the bishops' courts were kept under a foreign power, whereas now all power exercised in spiritual courts, as well as in temporal, is for the king. As to the words in his sermon, though he did not remember them, yet he saw no great harm in them. And here the archbishop put the lords in mind, that nothing had been done of late in the starchamber, or council-table, more than had been done in king James and queen Elizabeth's times. Nor is there any one witness that says, what he did was with a design to overthrow the laws, or introduce arbitrary government; no, that is only the construc-

tion of the managers, “for which, and something else in their proceedings, I am confident (says he) they shall answer at another bar.”<sup>1</sup>

The managers objected farther, “the archbishop’s taking undue gifts, and among others, his receiving two butts of sack, in a cause of some Chester men, whom it was in his power to relieve, by mitigating the fine set on them in the high-commission, and taking several large sums of money by way of composition for fines in the high-commission court, making use of the method of commutation, by virtue of a patent obtained from the king, which took away all opportunity from his majesty of doing justice, and showing mercy to his poor subjects, and invested the archbishop with the final determination.”

His grace heard this part of his charge with great resentment and impatience. “If I would have had anything to do in the base, dirty business of bribery (says he), I needed not be in such want as I am now.” As to the sack,<sup>2</sup> he protested, as he should answer it to God, that he knew nothing of it, and offered to confirm it by his oath, if it might be admitted. He declared, that when his steward told him of Mr. Stone’s design, he absolutely forbade his receiving it, or anything from any man who had business before him; but Mr. Stone watching a time when his steward was out of town, and the archbishop at court, brought the sack, telling the yeoman of the wine-cellar, that he had leave to lay it in. Afterward, when his steward acquainted him that the sack was brought in, he commanded it should be carried back; but Mr. Stone entreated that he might not be so disgraced, and protested he did not do it on the account of the Chester business, though after this he went home and put it on their account; for which they complained to the house of commons, and produced Mr. Stone for their witness. The archbishop observes, that Mr. Browne, in summing up his charge, did him justice in this particular, for neither to the lords nor commons did he so much as mention it.

As to the other sums of money which he received by way of composition or otherwise, for fines in the high-commission, he said, that he had the broad seal from the king, for applying them to the repairing the west end of St. Paul’s, for the space of ten years, which broad seal was then in the hands of Mr. Holford, and was on record to be seen. And all fines in the high-commission belonging to the crown, his majesty had a right to give them to what use he pleased; that as for himself, he thought it his duty to get as much money for so good a work as he could, even by way of commutation for certain crimes; which method of pecuniary commutations was

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<sup>1</sup> Laud’s History, p. 270, 271. 273, 274.

<sup>2</sup> Dr. Grey charges Mr. Neal with not giving the whole truth here, and with being cautious not to produce too many things in favour of the archbishop. The editor, not having Laud’s History, cannot ascertain the truth or candour of this charge.—ED.

according to law, and the ancient custom and practice of this kingdom, especially where men of quality were offenders, and he had applied no part of them to his own benefit or advantage.

It was next objected, “that he had made divers alterations in the king’s coronation oath, and introduced several unwarrantable innovations with relation to that august ceremony; as particularly, that he had inserted those words into the oath, ‘agreeable to the king’s prerogative,’ with about twenty other alterations of less moment, which they apprehended to be a matter of most dangerous consequence. That he had revived certain old Popish ceremonies, disused since the Reformation, as the placing a crucifix on the altar, the consecrating the holy oil, the anointing the king in form of a cross, the offering up the regalia on the altar, without any rubric or direction for these things, and inserting the following charge taken verbatim out of the Roman pontifical: ‘Stand, and hold fast, from henceforth, the place to which you have been heir by the succession of your forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us, and all the bishops and servants of God; and as you see the clergy come nearer the altar than others, so remember, that in place convenient you give them greater honour, that the Mediator of God and man may establish you in the kingly throne, to be the mediator between the clergy and the laity, and that you may reign for ever with Jesus Christ, the King of kings, and Lord of lords, who with the Father and the Holy Ghost liveth and reigneth for ever. Amen.’”

The archbishop replied, that he did not insert the words above mentioned into the coronation-oath, they being first added in king Edward VI. or queen Elizabeth’s time, and had no relation to the laws of the kingdom, mentioned before in the beginning of the oath, but to the profession of the gospel, whereby the king swears to maintain his prerogative against all foreign jurisdictions: and if this be not the meaning, yet he avers, that the clause was in the coronation-oath of king James. As to the other alterations they were admitted not to be material; but his grace confesses, that when they met in the committee, they were forced to mend many slips of the pen in some places, and to make sense and good English in others, and the book being intrusted with him, he did it with his own hand, openly in the committee, and with their approbation. As to the ceremonies of the coronation, they are nothing to him, since his predecessor crowned and anointed the king, indeed he supplied the place of the dean of Westminster, and was obliged to look after the regalia, and conceives the offering them at the altar could be no offence. He does not remember the crucifix was brought out [though Heylin says it was], and as to the prayer, it was not taken from the Pontifical by him, for it was used at king James’s coronation, and being a good one it is no matter whence it was taken. To all which the managers

replied, that it appeared by his own Diary, that he had the chief direction of all these innovations.<sup>1</sup>

The managers went on, and charged the archbishop “with endeavouring to set up an independent power in the church, by attempting to exempt the clergy from the jurisdiction of the civil magistrate; of which they produced several examples; one was, the archbishop’s forbidding the lord-mayor of the city of London to carry the sword upright in the church, and then obtaining an order of council for submitting it in time and place of divine service. Another was taken out of the archbishop’s Diary: upon making the bishop of London lord-treasurer, he says, ‘No churchman had it since Henry VII. and now, if the church will not hold up themselves, under God, I can do no more.’ A third was, his saying in the high-commission, that no constable should meddle with men in holy orders. A fourth was, his calling some justices of peace into the high-commission, for holding the sessions at Tewkesbury in the churchyard, being consecrated ground, though they had licence from the bishop, and though the eighty-eighth canon of the church of England gives leave, that temporal courts or leets may be kept in the church or churchyard. And a fifth was, that he had caused certain churchwardens to be prosecuted, for executing the warrant of a justice of peace upon an alehouse-keeper.”<sup>2</sup>

The archbishop replied in general, that he never attempted to bring the temporal power under the clergy, not to free the clergy from being under it; but this he confessed, that he had laboured to preserve the clergy from some laymen’s oppressions, for *vis laica* has been an old and a just complaint; and this I took to be my duty, says he, assuring myself that God did not raise me to that place of eminence to sit still, and see his ministers discountenanced and trampled upon. To the first particular he replied, that it was an order of council, and therefore not his: but it was a reasonable one, for the sword was not submitted to any foreign or home power, but to God only, and that in the place and at the performance of his holy worship, at which time and place kings submit themselves, and therefore cannot insist upon the emblems of their power. To the second and third examples he replied, that he saw no treason or crime in them. To the fourth he replied, that no temporal courts ought to be kept upon consecrated ground; and that though some such might upon urgent occasions be kept in the church, with leave, yet that is no warrant for a sessions, where there might be a trial for blood; and certainly it can be no crime to keep off profanation from churches: but be it never so criminal, it was the act of the high-commission, and not his: nor is there anything in it that looks towards treason. To the

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<sup>1</sup> Laud’s Hist. p. 318. Prynne, p. 475.

<sup>2</sup> Laud’s Hist. p. 293.

prosecuting the churchwardens he answered, that those statutes concerned alehouse-keepers only, and the reason why they were prosecuted was, because being church-officers they did not complain of it to the chancellor of the diocese; for certainly standing in such a relation to the church, they ought to have been as ready to inform the bishop as to obey the justice of the peace.

Lastly, The managers objected to the archbishop, “the convocation’s sitting after the parliament was dissolved, contrary to law; their imposing an oath on the subject, and their making sundry canons, which had since been voted by both houses of parliament contrary to the king’s prerogative, to the fundamental laws of the realm, to the rights of parliament, to the property and liberty of the subject, and containing matters tending to sedition, and of dangerous consequence.”<sup>1</sup>

The archbishop replied, that the sitting of the convocation after the dissolution of the parliament was, in the opinion both of judges and other lawyers, according to law; that as they were called to sit in convocation by a different writ from that which called them as bishops to sit in parliament, so they could not rise till they had a writ to discharge them. As for the oath so much complained of, it was according to law, or else they were misled by such precedents as were never excepted against; for in the canons made in king James’s time, there was an oath against simony, and an oath for licences for marriages, and an oath for judges in ecclesiastical courts, and all these established by no other authority than the late one. As to the vote of both houses, which condemned the canons, since their lordships would not suffer him to debate the justice and equity of it, he could only reply, that all these canons were made in open and full convocations, and are acts of that body, and cannot be ascribed to him, though president of that synod, so by me (says the archbishop) they were not made.<sup>2</sup>

These were the principal evidences produced by the commons, in maintenance of the first branch of their charge, viz. his grace’s endeavours to subvert the rights of parliament, and the fundamental temporal laws of the kingdom. From whence it is easy to observe, that besides the sharpness of the archbishop’s temper, there are three capital mistakes which run through this part of his defence.

1. A groundless supposition, that where the law is silent the prerogative takes place; and that in all such cases, a proclamation, or order of council, or a decree of the star-chamber, &c. is binding upon the subject; and that disobedience to such proclamations or orders might be punished at discretion. This gave rise to most of the unwarrantable orders by which the sub-

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<sup>1</sup> Laud’s History, p. 287. 292.

<sup>2</sup> Ibid. p. 282.

ject was insufferably oppressed in the former part of this reign, and to the exorbitant fines that were levied for disobedience, in which the archbishop himself was notoriously active.

2. The false conclusions drawn from his being but a single member of the council or high-commission, viz. that therefore he was not answerable for their votes or orders, even though he had set his hand to them; because what is carried by a majority is supposed to be the act of the whole body, and not of any particular member.<sup>1</sup> According to which way of reasoning, the constitution might be destroyed, without a possibility of punishing the authors.

3. His wilful misconstruction of the managers' reasonings; as when he replies with an air of satisfaction and triumph, he hopes this or the other particular will not be construed treason, unless it be against a brewhouse or an alderman, or the like; though he was told over and over, by the managers for the commons, that they did not object these things to him as so many treasonable acts, but as proofs and evidences of one general charge, which was, a traitorous attempt and endeavour to subvert the fundamental temporal laws, government, and liberties, of the realm; and how far they have made good this part of their charge must be left with the reader.

The commons proceeded next to the third general charge, relating to religion, in which our history requires us to be more particular; and here they aver, "that the archbishop had traitorously endeavoured and practised to alter and subvert God's true religion by law established in this realm, and instead thereof to set up Popish superstition and idolatry, and to reconcile us to the church of Rome."

This was divided into two branches:

1st. "His introducing and practising certain Popish innovations and superstitious ceremonies, not warranted by law, nor agreeable to the practice of the church of England since the Reformation.

2dly. "His countenancing and encouraging sundry doctrinal errors in favour of Arminianism and Popery."

The managers began with Popish innovations and ceremonies, in maintenance of which they insisted on the following proofs:

(1.) "His countenancing the setting up of images in churches, church-windows, and other places of religious worship. That in his own chapel at Lambeth he had repaired the Popish paintings on the windows, that had been destroyed at the Reformation, and made up the history of Christ crucified between two thieves; of his rising out of the grave: of his ascension into heaven; of the Holy Ghost descending in form of a dove; of Christ raising Lazarus out of the grave; and of God himself raining down manna from

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<sup>1</sup> Laud's History, p. 437.



heaven; of God's giving the law to Moses on mount Sinai; of fire descending from heaven at the prayer of Elisha; of the Holy Ghost overshadowing the Virgin, &c. all taken from the Roman missal, with several superstitious mottos and inscriptions. That he had caused divers crucifixes to be set up in churches over the communion-table, in his chapel at Lambeth, at Whitehall, and at the university at Oxford, of which he was chancellor. That in the parish of St. Mary's there was since his time erected a statue of the Virgin Mary cut in stone, with a child in her arms, to which divers people bowed and did reverence as they went along the streets; which could not be done without his allowance; nay, so zealous was this prelate (say the managers) in defence of images, that he procured Mr. Sherfield to be sentenced in the star-chamber, for defacing a church-window in or near Salisbury, because there was an image in it of God the Father; all of which is contrary to the statute of the 3rd and 4th of Edward VI. and the injunctions of queen Elizabeth, which enjoin all pictures, paintings, images, and other monuments of idolatry and superstition to be destroyed, so as that there remain no memory of them in walls, glass-windows, or elsewhere, within any church or house."<sup>1</sup>

The archbishop answered in general, that crucifixes and images in churches were not simply unlawful; that they were in use in Constantine's time, and long before, and therefore there could be no Popery in them. Tertullian says, they had the picture of Christ engraven on their chalice in form of a shepherd carrying home a lost sheep; and even Mr. Calvin allows an historical use of images Instit. lib. cap. 11. sect. 12. "Neque tamen ea superstitione teneor ut nullas prorsus imagines ferandas censeam, sed quia sculptura et pictura, Dei dona sunt, purum et legitimum utriusque usum requiro." The archbishop appealed likewise to the Homilies, p. 64, 65, for an historical use of images; but if it should be granted, says he, that they are condemned by the homilies, yet certainly one may subscribe to the homilies as containing a godly and wholesome doctrine, necessary for those times, without approving every passage or sentence, or supposing it necessary for all times. I do not approve of images of God the Father, though some will justify them from Dan. vii. 22, but as for the images of things visible, they are of use, not only for the beautifying and adorning the places of divine worship, but for admonition and instruction; and can be an offence to none but such as would have God served slovenly and meanly, under a pretence of avoiding superstition.<sup>2</sup>

As to the particulars, the archbishop allowed his repairing the windows of his chapel at Lambeth, and making out the history as well as he could,

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<sup>1</sup> Prynne's Cant. Doom. p. 157. 462, &c.

<sup>2</sup> Laud's Hist. p. 311. Prynne, p. 462, 463. 479.

but not from the Roman missal, since he did not know the particulars were in it, but from the fragments of what remained in the windows since the Reformation; but if they had been originally painted by his order, as in the case of the new chapel of Westminster, he knows no crime in it.<sup>1</sup> The image of the Virgin Mary in Oxford was set up by bishop Owen, and there is no evidence that I countenanced the setting it up, nor that any complaint was made to me of any abuse of it.<sup>2</sup> As to Mr. Sherfield's case, one of the witnesses says, it was the picture of an old man with a budget by his side pulling out Adam and Eve, it is not therefore certain that it was the image of God the Father; but if it was, yet Mr. Sherfield ought not to have defaced it but by command of authority, though it had been an idol of Jupiter; the orders of the vestry, which Mr. Sherfield pleads, being nothing at all without the bishop of the diocese.<sup>3</sup> The statute of Edward VI. has nothing to do with images in glass-windows; the words of the statute are, "any images of stone, timber, alabaster, or earth, graven, carved, or painted, taken out of any church, &c. shall be destroyed." So here is not a word of glass-windows, nor images in them.

The managers for the commons replied, that it was notoriously false, that the primitive Christians approved of images, for Justin Martyr, Clemens Alexandrinus, Irenæus, and all the ancient fathers, agree that they had none in their churches.<sup>4</sup> Lactantius says, there can be no religion in a place where any image is. Epiphanius rent in pieces an image painted on cloth, which he found in a church, out of holy indignation. All the ancient councils are against images in churches; and many godly emperors cast them out, after they began to be in use in latter times, as our own homilies expressly declare, *Peril of Idolatry*, part 2. p. 38. As for Tertullian, all that can be proved from him is, that those heretics against whom he wrote had such a chalice, not that the orthodox Christians allowed of it. Calvin only says, that he is not so superstitious as to think it altogether unlawful to make images of men or beasts for a civil use, because painting is the gift of God. But he affirms, in the very next section, that there were no images in churches for five hundred years after Christ; and says expressly, that they were not in use till the Christian religion was corrupted and depraved. He then adds, that he accounts it unlawful and wicked to paint the image of God, because he has forbidden it. But the homilies are so express that they wonder the archbishop can mention them without blushing; as well as his not knowing that the paintings were according to the mass-book, when his

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<sup>1</sup> Prynne, p. 462.

<sup>2</sup> Laud's History, p. 329.

<sup>3</sup> Ibid. p. 434.

<sup>4</sup> Prynne, p. 463–465.

own mass-book is marked in those places with his own hand.<sup>1</sup> The images in those windows were broken and demolished at the Reformation, by virtue of our statutes, homilies and injunctions, and remained as monuments of our indignation against Romish idolatry, till the archbishop repaired them. The managers observed farther, that the archbishop had confessed the particulars of this part of their charge, and had only excused himself as to the university of Oxford, though they conceive it impossible he could be ignorant of those innovations, being chancellor and visitor, and having entertained the king, queen, and elector-palatine, there for several days. As for Mr. Sherfield's case, they apprehend the authority of the vestry was sufficient in a place exempt from the jurisdiction of the bishop, as St. Edmund's church was. And the managers are still of opinion, that the statute of Edward VI. extends to images in glass-windows; and that which confirms them in it is, that the injunctions of queen Elizabeth, made in pursuance of this law, extend in direct terms to images in glass-windows; and the practice of those times in defacing them, infallibly proves it.

(2.) Another Popish innovation charged on the archbishop was, "his superstitious manner of consecrating chapels, churches, and churchyards; they instanced in Creed-church, of which the reader has had an account before; and in St. Giles's in the Fields, which, being fallen to decay, was in part re-edified and finished in bishop Mountaine's time, divine service, and administration of sacraments having been performed in it three or four years before his death; but no sooner was the archbishop translated to the see of London, than he interdicted the church, and shut up the doors for several weeks, till he had reconsecrated it, after the manner of Creed-church, to the very great cost and charge of the parish, and contrary to the judgment of bishop Parker, and our first reformers."<sup>2</sup>

"They objected farther, his consecrating of altars with all their furniture, as pattens, chalices, altar-cloths, &c. even to the knife that was to cut the sacramental bread; and his dedicating the churches to certain saints, together with his promoting annual revels, or feasts of dedication, on the Lord's day, in several parts of the country, whereby that holy day was profaned, and the people encouraged in superstition and ignorance."

The archbishop answered to the consecration of churches, that the practice was as ancient as Moses, who consecrated the tabernacle, with all its vessels and ornaments; that the temple was afterward consecrated by king Solomon; that as soon as Christian churches began to be built, in the reign of Constantine the Great, they were consecrated, as Eusebius testifies concerning the church of Tyre, in his Ecclesiastical History, lib. 10. cap. 3, and

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<sup>1</sup> Peril of Idol. p. 41–43.

<sup>2</sup> Prynne, p. 113, 114. 497.

so it has continued down to the present time. Besides, if churches were not consecrated, they would not be holy; nor does archbishop Parker speak against consecrations in general, but against Popish consecrations, which mine were not, says the archbishop, for I had them from bishop Andrews.<sup>1</sup>

As to the manner of consecrating Creed-church, St. Giles's, &c. his grace confessed, that when he came to the church-door, that passage in the Psalms was read, "Lift up your heads, O ye gates, even lift them up, ye everlasting doors, that the King of glory may come in;"<sup>2</sup> that he kneeled and bowed at his entrance into the church, as Moses and Aaron did at the door of the tabernacle; that he declared the place holy, and made use of a prayer like one in the Roman pontifical; that afterward he pronounced divers curses on such as should profane it, but denied his throwing dust into the air, in which he said, the witnesses had forsworn themselves, for the Roman pontifical does not prescribe throwing dust into the air, but ashes; and he conceives there is no harm, much less treason, in it.<sup>3</sup> The practice of giving the names of angels and saints to churches at their dedication, for distinction's sake, and for the honour of their memories, says his grace, has been very ancient, as appears in St. Austin, and divers others of the fathers; but the dedication, strictly speaking, is only to God; nor is the observing the annual feasts of dedication less ancient; the feast of the dedication of the temple was observed in our Saviour's time, and though, no doubt, it was abused by some among the Jews, yet our Saviour honoured it with his presence. Judge Richardson, indeed, had made an order in his circuit for putting down these wakes, but he was obliged to revoke it by authority; and, under favour, says the archbishop, I am of opinion that the feasts ought not to be put down for some abuses, any more than all vines ought to be rooted up because some will be drunk with the juice of them.<sup>4</sup> The feasts are convenient for keeping up hospitality and good neighbourhood; nor can there be a more proper time for observing them than on Sundays, after divine service is ended.

And as the consecrating of churches, and dedicating them to God, has been of ancient usage, so has the consecration of altars and their furniture, and such consecrations are necessary, for else the Lord's table could not be called holy, nor the vessels belonging to it holy, as they usually are; yea, there is a holiness in the altar which sanctifies the gift, which it could not do, except itself were holy; if there be no dedication of these things to God, no separation of them from common use, then there can be no such thing as

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<sup>1</sup> Laud's History, p. 339, 340. Prynne, p. 115.

<sup>2</sup> The archbishop alleged, that this place of Scripture had been anciently used in consecrations; and that it referred not to the bishop, but to the true King of glory. Dr. Grey.—ED.

<sup>3</sup> Prynne, p. 498.

<sup>4</sup> Laud's Hist. p. 269.

sacrilege, or difference between a holy table and a common one.<sup>1</sup> And as to the form of consecrating these things, I had them not from the Roman pontifical, but from bishop Andrews.

The managers for the commons replied, that if the temple was consecrated, it was by the king himself, and not by the high-priest; and if the tabernacle was consecrated, it was by Moses the civil magistrate, and not by Aaron the high-priest; but we read of no other consecrating the tabernacle and its utensils, but anointing them with oil, for which Moses had an express command; nor of any other consecrating the temple, but of Solomon's making an excellent prayer in the outward court, not in the temple itself, and of his hallowing the middle court by offerings and peace offerings; and it is observable that the cloud and glory of the Lord filled the temple, so as the priests could not stand to minister before Solomon made his prayer, which some call his consecration. But if it should be allowed that the temple was consecrated in an extraordinary manner, we have no mention either in Scripture or Jewish writers of the consecration of their synagogues, to which our churches properly succeed.<sup>2</sup> And after all, it is no conclusive way of arguing, to derive a Christian institution from the practice of the Jewish church, because many of their ordinances were temporary, ceremonial, and abolished by the coming of Christ.

From the beginning of Christianity, we have no credible authority for consecrating churches for three hundred years.<sup>3</sup> Eusebius, in his life of Constantine the Great, indeed mentions his consecrating a temple that he built over our Saviour's sepulchre at Jerusalem; but how? with prayers, disputations, preaching, and exposition of Scripture, as he expressly defines it, cap. 45. Here were no processions, no knocking at the doors by the bishop, crying, "Open, ye everlasting doors;" nor casting dust or ashes into the air, and pronouncing the ground holy; no reverencing towards the altar, nor a great many other inventions of latter ages: no, these were not known in the Christian church till the very darkest times of Popery; nay, in those very dark times, we are told by Otho the pope's legate, in his Ecclesiastical Constitutions, that in the reign of king Henry III. there were not only divers parish-churches but some cathedrals in England, which had been used for many years, and yet never consecrated by a bishop. But it is plain to a demonstration, that the archbishop's method of consecrating churches is a modern Popish invention; for it is agreed by Gratian, Platina, the centuriators, and others, that pope Hyginus, Gelasius, Silvester, Felix, and Gregory, were the first inventors and promoters of it; and it is nowhere to be found but in the Roman pontifical, published by command of pope Clement VIII.

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<sup>1</sup> Ibid. p. 313.

<sup>2</sup> Prynne, p. 115. 499. &c.

<sup>3</sup> Ibid. p. 501.

de Ecclesiæ Dedicatione, p. 209. 280, for which reasons it was exploded and condemned by our first reformers, and particularly by bishop Pilkington in his comment upon Haggai, chap. i. ver. 7, 8, and archbishop Parker, who in his *Antiq. Britan*, expressly condemns the archbishop's method of consecration as Popish and superstitious, p. 85–87.<sup>1</sup>

But the archbishop says, if churches are not consecrated they cannot be holy, whereas many places that were never consecrated are styled holy, as “the most holy place,” and the “holy city Jerusalem;” and our homilies say, that the church is called holy, not of itself, but because God's people resorting thither are holy, and exercise themselves in holy things; and it is evident that sanctification, when applied to places, is nothing else but a separating them from common use to a religious and sacred one, which may be done without the superstitious method above mentioned; and though the archbishop avers he had not his form of consecration from the Roman pontifical, he acknowledges he had it from bishop Andrews, who could have it nowhere else.<sup>2</sup>

As for consecrating altars, pattens, chalices, altar-cloths, and other altar-furniture, their original is no higher than the Roman missal and pontifical, in both which there are particular chapters and set forms of prayer for this purpose; but to imagine that these vessels may not be reputed holy, though separated to a holy use, unless thus consecrated, is without any foundation in reason or Scripture, and contrary to the practice of the church of England, and the opinion of our first reformers.<sup>3</sup>

To the archbishop's account of feasts of dedication we answer as before, that an example out of the Jewish law is no rule for the Christian church. Ezra kept a feast at the dedication of the temple, when it was rebuilt, and offered a great many burnt-offerings, (Ezra vi. 16, 17,) but it was not made an annual solemnity; for the feast of dedication, mentioned John x. 22, was not of the dedication of the temple, but of the altars, instituted by Judas Maccabeus, to be kept annually by the space of eight days, (1 Macc. iv. 56. 59,) which being of no divine institution, but kept only by the superstitious Jews, not by Christ or his apostles (who are only said to be at Jerusalem at that time), can be no precedent for our modern consecrations.<sup>4</sup>

Pope Felix and Gregory are the first that decreed the annual observation of the dedication of churches since our Saviour's time, which were observed in England under the names of wakes or revels, but were the occasion of so much idleness and debauchery, that king Henry VIII., anno 1536, restrained them all to the first Sunday in October, not to be kept on any

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<sup>1</sup> Prynne, p. 115–117.

<sup>2</sup> *Ibid.* p. 502.

<sup>3</sup> *Ibid.* p. 65, &c. 467. 470.

<sup>4</sup> *Ibid.* p. 128.

other day; and afterward, by the statute 5 and 6 Edward VI. cap. 3, of holy days, they were totally abolished. But these feasts being revived again by degrees, in sundry places of this realm, and particularly in Somersetshire, judge Richardson, when he was on the circuit, at the request of the justices of the peace for the county, published an order for suppressing them; but was obliged the next year as publicly to revoke it, and to declare such recreations to be lawful; and as a farther punishment on the judge, the archbishop obtained his removal from that circuit. It is very certain, that at these revels there were a great many disorders; as drunkenness, quarrelling, fornication, and murder, it is therefore very unlikely they should answer any good purpose, and how fit they were to succeed the public devotions of the Lord's day, we shall leave to your lordships' consideration.

(3.) The managers charged the archbishop farther, "with giving orders to sir Nath. Brent, his vicar-general, to enjoin the churchwardens of all parish churches within his diocese, that they should remove the communion-table from the middle of the chapel to the upper end, and place it in form of an altar, close to the wall, with the ends north and south, and encompass it with rails, according to the model of cathedrals. They objected likewise to his furnishing the altar in his own chapel, and the king's at Whitehall, with basins, candlesticks, tapers, and other silver vessels, not used in his predecessor's time; and to the *credentia* or side-table, in conformity to the Roman ceremonial, on which the elements were to be placed on a clean linen cloth before they were brought to the altar to be consecrated; and to the hanging over the altar a piece of arras with a large crucifix."<sup>1</sup>

The archbishop answered, that the placing the communion-table at the east end of the chancel, was commanded by queen Elizabeth's injunctions, which say, that the holy table shall be set in the place where the altar stood, which, all who are acquainted with antiquity know, was at the east end of the chancel, with the ends north and south, close to the wall, and thus they were usually placed both in this and other churches of Christendom; the innovation therefore was theirs who departed from the injunctions, and not mine who have kept to them. Besides, altars, both name and thing, were in use in the primitive churches long before Popery began; yea, they are to be found both in the Old and New Testament; and that there can be no Popery in railing them in, I have proved in my speech in the star-chamber. However, I aver, that I gave no orders nor directions to sir Nath. Brent, my vicar-general, neither by letter nor otherwise, to remove or rail in communion-tables in all parish-churches; and I desire sir Nath, may be called to testify the truth upon his oath. Sir Nath, being sworn, the archbishop asked him upon his oath, whether he had ever given him such orders? To which he

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<sup>1</sup> Prynne, p. 62. 91, &c.

replied, “My lords, upon the oath I have taken, I received an express direction and command from the archbishop himself to do what I did of this kind, otherwise I durst never have done it.”<sup>1</sup> The archbishop insisting that he never gave him such orders, and wondering he should be so unworthy as to affirm it upon oath, sir Nath, produced the following letter under the archbishop’s own hand, directed to himself at Maidstone.

“Sir,

“I require you to command the communion-table at Maidstone to be placed at the east or upper end of the chancel, and there railed in, and that the communicants there come up to the rail to receive the blessed sacrament; and the like you are required to do in all churches, and in all other places where you visit metropolitically. “W. CANT.”

To which the archbishop, being out of countenance, made no other reply, but that he had forgot it.<sup>2</sup>

As to the furniture upon the altar, he added, that it was no other than was used in the king’s chapel at Whitehall before his time, and was both necessary and decent; as is likewise the *credentia*, or side-table, the form of which he took from bishop Andrews’s model; and the piece of arras that was hung up over the altar in Passion-week, he apprehended was very proper for the place and occasion, such representations being approved by the Lutherans, and even by Calvin himself, as had been already shown.

The managers replied to the antiquity of altars, that though the name is often mentioned in Scripture, yet it is never applied to the Lord’s table; but altars and priests are put in opposition to the Lord’s table and ministers of the New Testament, 1 Cor. ix. 13, 14. Christ himself celebrated the sacrament at a table, not at an altar, and he calls it a supper, not a sacrifice; nor can it be pretended by any law or canon of the church of England, that it is called an altar more than once, stat. 1 Edw. VI. cap. 1, which statute was repealed within three years, and another made, in which the word altar is changed into table. It is evident from the unanimous suffrage of most of the fathers that lived within three hundred years after Christ, and by our most learned reformers, that for above two hundred and fifty years after Christ, there were no altars in churches, but only tables; pope Sixtus II. being the first that introduced them;<sup>3</sup> and the canons of the Popish council of Aix, 1583, being the only ones that can be produced for railing them in; one of which prescribes thus, “unumquodque altare sepiatur omnino septo ferreo, vel lapideo, vel ligneo,”<sup>4</sup> “Let every altar be encompassed with a rail of

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<sup>1</sup> Laud’s Hist. p. 310.

<sup>2</sup> Prynne, p. 89.

<sup>3</sup> Ibid. p. 480,481.

<sup>4</sup> Ibid. p. 62.



iron, stone, or wood.” The text, Heb. xiii. 10, “We have an altar whereof they have no right to eat which serve the tabernacle,” is certainly meant of Christ himself, and not of the altar of wood or stone, as our Protestant writers have proved at large; agreeably to which all altars in churches were commanded to be taken away and removed, as superstitious and Popish, by public laws and injunctions at the Reformation, and tables were set up in their stead, which continued till the archbishop was pleased to turn them again into altars.

But the archbishop is pleased to maintain, that the queen's injunctions prescribe the communion-table to be set in the place where the altar stood, and that this was anciently at the east end of the choir; whereas we affirm, that he is not able to produce one precedent or authority in all antiquity for this assertion; on the contrary, we are able to demonstrate to your lordships, that altars and Lord's tables, amongst Jews and Christians, stood anciently in the midst of their churches or choirs;<sup>1</sup> where the people might sit, stand, and go conveniently round them. So it was certainly in the Jewish church, as every one allows; and it was so in the Christian church, till the very darkest times of Popery, when private masses were introduced.<sup>2</sup> Eusebius, Dionysius Areopagita, Chrysostom, Athanasius, Augustine, &c. affirm, that the table of the Lord stood in the middle of the chancel, so that they might compass it about; nay, Durandus, a Popish writer, informs us, that when a bishop consecrates a new altar, he must go round about it seven times; by which it is evident, it could not stand against a wall; but our most eminent writers against Popery, as Bucer, bishop Jewel, bishop Babington, bishop Morton, and archbishop Williams, have proved this so evidently, that there is no room to call it in question; and we are able to produce several authorities from Venerable Bede, St. Austin the first archbishop of Canterbury, and others, that they stood thus in England in their times.

Nor do queen Elizabeth's injunctions in the least favour the archbishop's practice, of fixing the communion-table to the east wall with rails about it, for they order the table to be removed when the sacrament is to be distributed, and placed in such sort within the chancel, as whereby the minister may be more conveniently heard of the communicants, and the communicants may more conveniently, and in greater numbers, communicate with him. Now, if it be to be removed at the time of communion, it is absurd to suppose it to be fixed to the wall, and encompassed with rails. Besides, the rubric of the Common Prayer-book, and the eighty-second canon

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<sup>1</sup> Choir or chorus has its denomination from the multitude standing round about the altar [*in modum corona*] in the form of a ring or circle. In the ancient liturgies they prayed for all those that stood round about the altar.—The priests and deacons stood round about the altar when they officiated, and so did the bishops when they consecrated it.

<sup>2</sup> Prynne, p. 482. 481. Vide Bishop Williams's Life, p. 109.

of 1603, appoint the communion-table to be placed in the body of the church, where the chancel is too small, or near the middle of the chancel, where it is large enough; and thus they generally stood in all churches, chapels, and in Lambeth-chapel itself, till the archbishop's time, which puts the matter out of question.<sup>1</sup> And if it be remembered, that the saying of private masses brought in this situation of altars into the church of Rome, contrary to all antiquity, the archbishop's imitating them in this particular must certainly be a Popish innovation.

The furniture upon the altar, which the archbishop pleads for, is exactly copied from the Roman pontifical and the Popish council of Aix, and is condemned by our homilies and queen Elizabeth's injunctions, which censure, condemn, and abolish, as superstitious, ethnical, and Popish, all candlesticks, trindals, rolls of wax, and setting up of tapers, as tending to idolatry and superstition, injunct. 2.23. 25. Therefore, instead of conforming to the chapel at Whitehall, he ought, as dean of that chapel, to have reformed it to our laws, homilies, and injunctions.

The like may be said of the *credentia* [or side-table], which is taken expressly out of the Roman Ceremonial and pontifical, and is used amongst the Papists only in their most solemn masses. It was never heard of in any Protestant church, nor in the church of England, till the archbishop's time; and as for the stale pretext of his having it from bishop Andrews, if it be true, we are certain that bishop could have it no where else but from the Roman missal.<sup>2</sup>

The arras hangings, with the picture of Christ at his last supper, with a crucifix, are no less Popish than the former, being enjoined by the Roman Ccremoniale, edit. Par. 1633, lib. 1. cap. 12. p. 69, 70, in these words, "Quod si altare parieti adhæreat, applicari poterit ipsi parieti supra altare pannus aliquis cæteris nobilior et speciosior, ubi intextæ sint D. N. Jesu Christi, aut gloriosse Virginis, vel sanctorum imagines." "If the altar be fixed to the wall, let there be hangings more noble and beautiful than the rest fastened upon the wall over the altar, in which are wrought the images of Christ, the blessed Virgin, or the saints." Besides, these things being condemned by our statutes, homilies, and injunctions, as we have already proved, ought not certainly to have been introduced by a prelate, who challenges all that is between heaven and hell, justly to tax him in any one particular of favouring Popish superstition or idolatry.

"Another innovation charged on the archbishop, was his introducing divers superstitions into divine worship, as bowing towards the altar, bowing at the name of Jesus, enjoining people to do reverence at their entrance into

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<sup>1</sup> Prynne, p. 467. 481.

<sup>2</sup> Prynne, p. 63. 468.

church, reading the second service at the communion-table, standing up at the *Gloria Patri*,<sup>1</sup> and introducing the use of copes and church-music. They objected farther, his repairing old crucifixes, his new statutes of the university of Oxford, among which some were arbitrary, and others were superstitious; of the former sort, are the imposing new oaths; the statute of banishment; referring some misdemeanours to arbitrary penalties, and obliging students to go to prison on the vice-chancellor's or proctor's command. Of the latter sort, are bowing to the altar, singing the litany, and reading Latin prayers in Lent; together with the above-mentioned superstitions in the manner of divine worship."<sup>2</sup>

The archbishop answered, that bowing in divine worship was practised among the Jew (2 Chron. xxix. 29); and the Psalmist says, "O come, let us worship and bow down: let us kneel before the Lord our Maker" (Psal. xcv. 6); that it was usual in queen Elizabeth's time; and that the knights of the garter were obliged to this practice by the orders of their chapter. Besides, the altar is the chief place of God's residence on earth, for there it is, "This is my body;" whereas in the pulpit it is only, This is my word. And shall I bow to men in each house of parliament, and not bow to God in his house whither I come to worship him? Surely I must worship God, and bow to him, though neither altar nor communion-table be in the church.<sup>3</sup>

Bowing at the name of Jesus is prescribed in direct terms by queen Elizabeth's injunctions, no. 12, and by the eighteenth canon of our church; and though standing up at the *Gloria Patri* is not prescribed by any canon of the church, it is nevertheless of great antiquity; nor is the reading the second service at the communion-table an innovation, it being the constant practice in cathedrals, and warranted by the rubric.

The use of copes is prescribed by the twenty-fourth canon of 1603, which says, "that in all cathedrals, and collegiate churches, the communion shall be administered on principal feast-days, sometimes by the bishop if present, sometimes by the dean, and sometimes by the canon or prebendary, the principal minister using a decent cope; so that here is no innovation, any more than in the use of organs, which our church has generally approved, and made use of.

As to the statutes of the university of Oxford, it is honour more than enough for me, that I have finished and settled them; nor did I anything in

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<sup>1</sup> "It is observable (remarks Mrs. Macaulay), that the most obnoxious of those ceremonies which Laud so childishly insisted on were established at the Restoration, and have been ever since regularly practised in the church; and that many of his most offensive measures have been adopted by revolution ministers, such as the nominating clergymen to be justices of peace, with restraints laid on marriage." History of England, vol. 1. p. 135. the note.—ED.

<sup>2</sup> Prynne, p. 72, &c.

<sup>3</sup> Laud's History, p. 313. 361.

them but by the consent of the convocation; and as to the particulars, there is nothing but what is agreeable to their charters, and the ancient custom and usage of the university.<sup>1</sup>

The managers replied, that bowing to the altar is Popish, superstitious, and idolatrous, being prescribed only by Popish canons, and introduced on purpose to support the doctrine of transubstantiation, which the archbishop's practice seems very much to countenance, when at his coming up to the altar to consecrate the bread, he makes three low bows, and at his going away three more, giving this reason for it, "Quia hoc est corpus meum," "Because this is my body;" whereas he does not bow to the pulpit, because a greater reverence is due to the body than to the word of the Lord.<sup>2</sup> Besides, it has no foundation in antiquity, nor has it been approved by any Protestant writers, except the archbishop's creatures, such as Dr. Heylin, Pocklington, &c. and has been condemned by the best writers, as Popish and superstitious. The black book of the knights of the garter at Windsor, is a sorry precedent for a Protestant archbishop to follow, being made in the darkest times of Popery, viz. in the reign of Henry V.; and if they bow *Deo et altari*, to God and to his altar, as the archbishop in the star-chamber is of opinion Christians ought to do, we cannot but think it both Popish and idolatrous. His passages of Scripture are nothing to the purpose, for kneeling before the Lord our maker has no relation to bowing to the altar; nor is there any canon or injunction of the church to support the practice.

The archbishop confesses, that there is neither canon nor injunction for standing up at the *Gloria Patri*, which must therefore be an innovation, and is of no greater antiquity than the office of the mass, for it is derived from the *Ordo Romanns*, as appears from the works of Cassander, p. 98.<sup>3</sup> And though bowing at the name of Jesus be mentioned in the canons, yet these canons are not binding, not being confirmed by parliament,<sup>4</sup> especially since the homilies, the Common Prayer-book, the articles of religion, and the book of ordination, which are the only authentic rules of the church, make no mention of it; nor was it ever introduced before the time of pope Gregory X. who first prescribed it; and from the councils of Basil, Sennes, and Augusta, it was afterward inserted in the Roman Ceremoniale; besides, our best Protestant writers have condemned the practice.

Reading the second service at the altar, when there is no communion, is contrary to the canons of 1571 and 1603, contrary to the queen's injunc-

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<sup>1</sup> Ibid. p. 304.

<sup>2</sup> Prynne, p. 63, 64. 474. 477. 487.

<sup>3</sup> Prynne, p. 64.

<sup>4</sup> Dr. Grey contends here, that the canons of a convocation duly licensed by the king, when confirmed by royal authority, are properly the ecclesiastical laws of the church of England, and are as binding as the statutes of parliament.—ED.

tions, the homilies, the rubric in the Common Prayer-book, and was never practised in parish-churches till of late, though used in some cathedrals, where the rubric enjoins the communion to be administered every Sunday in the year, which being omitted, the second service at the table was left to supply it. The Lord's table was ordained only to administer the sacrament, but the epistle and gospel, which are the chief parts of the second service, are appointed to be read with the two lessons in the reading pew.<sup>1</sup>

As for copes, neither the Common Prayer-book, nor book of ordination, nor homilies confirmed by parliament, nor queen Elizabeth's injunctions in her first year, make any mention of them, though they are evidently derived from the Popish wardrobe, and the last Common Prayer-book of king Edward VI. expressly prohibits them.<sup>2</sup> The twenty-fourth canon of 1603, enjoins only the chief minister to wear a cope at the administration of the sacrament, whereas the archbishop prescribed them to be worn by others besides the chief minister, and as well when the sacrament was not administered as when it was. But, as we observed before, those canons not being confirmed by parliament, expired with king James, and there can be no warrant for their present use. Nor is the use of music in churches, or chanting of prayers, of any great antiquity, being first introduced by pope Vitalian, A.D. 666, and encouraged only by Popish prelates.<sup>3</sup>

And though the archbishop pleads, that the statutes of Oxford are agreeable to ancient custom and usage, we affirm they contain sundry innovations, not only with regard to the liberty of the subject, but with regard to religion, for Latin prayers were formerly said only on Ash-Wednesdays before the bachelors of arts, whereas now none others are to be said throughout all Lent; the statute for singing in solemn processions was made in time of Popery, and renewed in these statutes to keep up the practice of such superstitious perambulations; and though the archbishop with his wonted assurance wonders what these things have to do with treason, we apprehend, that if they appear so many proofs of a design to subvert<sup>4</sup> the

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<sup>1</sup> Prynne, p. 492.

<sup>2</sup> Ibid. p. 64. 479, 480.

<sup>3</sup> Prynne, p. 65.

<sup>4</sup> Mrs. Macaulay thinks, that to the charge of endeavouring to subvert the established religion, and to set up Popish superstition and idolatry, the archbishop was particularly strong in his defence, and the allegations to support the charge were particularly vague and trifling. "The truth is (as that author observes), those superstitious ceremonies which he with so much blind zeal had endeavoured to revive, and which were so justly ridiculed and abhorred by the more enlightened Protestants, were the discipline of the first reformers in this country, and had the sanction both of the civil and ecclesiastical power: reformation had begun in England at the wrong end; it was first adopted and modelled by government, instead of being forced upon government by the general sense of the people; and thus, to further the ambitious views of the monarch, and to gratify the pride of the prelacy, a great part of the mystery of Popery was retained in the doctrine, and a great part of the puppet

established religion of the church of England, they will be judged so in the highest degree.<sup>1</sup>

Farther, they charged the archbishop with advising the king “to publish his declaration for the use of sports on the Lord’s day, in order to suppress afternoon-sermons; with obliging the clergy of his diocese to read it in their pulpits, and punishing those that refused.”<sup>2</sup>

The archbishop answered, that he had the king’s warrant for printing the book of sports; that there is no proof that it was by his procurement, nor that it was done on purpose to take away afternoon-sermons, since these recreations are not allowed till they are over; besides, the declaration allows only lawful recreations, which is no more than is practised at Geneva, though for his own part he always observed strictly the Lord’s day. What he enjoined about the reading the declaration was by his majesty’s command, and he did not punish above three or four for not reading it.<sup>3</sup>

The commons replied, that it was evident, by the archbishop’s letter to the bishop of Bath and Wells, that the declaration was printed by his procurement, the warrant for printing it being written all with his own hand, and without date, and therefore might probably be obtained afterward;<sup>4</sup> moreover, some of the recreations mentioned in it are unlawful on the Lord’s day, according to the opinion of fathers, councils, and imperial laws; and though Calvin differs from our Protestant writers about the morality of the sabbath, yet he expressly condemns dancing and pastimes on that day. As for his grace’s own strict observation of the Lord’s day, it is an averment without truth, for he sat constantly at the council-table on that day; and it was his ordinary practice to go to bowls in the summer-time, and use other recreations upon it; nor is it probable, that the archbishop would have punished conscientious ministers for not reading the book of sports, if the thing had been disagreeable to his practice, especially when there is no warrant at all in the declaration that ministers should publish it, or be punished for refusing it; and that he punished no more, was not owing to his clemency who gave command to suspend all that refused, but the clergy’s compliance: for so zealous was this archbishop and some of his brethren in this affair, that it was inserted as an article of inquiry in their visitations, whether the king’s declaration for sports has been read and published by the minister? And defaulters were to be presented upon oath. Now we appeal to the whole Christian world, whether ever it has been known, that any who have

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shows of the Papists in the discipline, of the church of England,” *History of England*, vol. 4. p. 135.—ED.

<sup>1</sup> Prynne, p. 478.

<sup>2</sup> *Ibid.* p. 128. 154. 382.

<sup>3</sup> *Laud’s History*, p. 343, 344.

<sup>4</sup> Prynne, p. 505.

been called fathers of the church, have taken so much pains to have the Lord's day profaned, as first to advise the king to publish a declaration to warrant it, then to enjoin the clergy to read it in their pulpits, and to suspend, sequester, and deprive, all whose consciences would not allow them to comply, and this not only contrary to the laws of God, but to the laws of the land.

The reader will, no doubt, remark upon this part of the archbishop's trial, that those rites and ceremonies which have bred such ill blood, and been contended for with so much fierceness as to disturb the peace of the church and divide its communion, have no foundation in Scripture, or primitive antiquity, taking their rise for the most part in the darkest and most corrupt times of the Papacy. I speak not here of such rites as are established by law, as the cross in baptism, and kneeling at the communion, &c. because the commons could not charge these on the archbishop as criminal. And it will be observed farther, that when men claim a right to introduce ceremonies for decency of worship, and impose them upon the people, there can be no bounds to a fruitful invention. Archbishop Laud would, no doubt, by degrees, have introduced all the follies of the Roman church; and admitting his authority to impose rites and ceremonies not mentioned in Scripture, it is not easy to give a reason why fifty should not be enjoined as well as five.

The managers went on next to the second branch of their charge, to prove the archbishop's design to subvert the Protestant religion, by countenancing and encouraging sundry doctrinal errors in favour of Arminianism<sup>1</sup> and Popery.

And here they charged him, first, "with being the great patron of that part of the clergy who had declared themselves in favour of these errors, and with procuring their advancement to the highest stations in the church, even though they were under censure of parliament, as Dr. Manwaring, Montague, &c. They averred, that the best preferments in his majesty's gift,

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<sup>1</sup> The reader has seen, in the preceding part of this reign, and in that of James I., how Arminianism became connected with the politics of the time. There is no natural or necessary union between Arminianism and despotism. And at the same time that the court in England protected and patronized the Arminians, and in return received from them a sanction to its arbitrary views; the reverse took place in Holland: where the Arminians, favoured by the magistrates of the States, opposed the aspiring designs of the stadtholder Maurice; and the Calvinists, on the contrary, who were there called Gomarists, espoused his interest, and seconded his ambitious and arbitrary measures against the liberty of their country. These have continued the dominant party to this day: and the most violent of them have not only the sway in the church, but their favour is courted by the prince, who finds his interest advanced by a connexion with them. In this instance the Dutch Calvinists, while they maintain all the rigour of his theological system, have greatly and ignominiously deviated from the political principles of their illustrious founder; whose character as a legislator, more than as a divine, displayed the strength of his genius; and whose wise edicts were dictated by genuine patriotism and the spirit of liberty. Appendix to the 12th vol. of the Monthly Review enlarged, p. 523; and Rousseau's Social Compact, p. 112, note.—ED.

ever since the archbishop's administration in 1627, had by his advice been bestowed on persons of the same principles; and that he had advised the king to publish a declaration, prohibiting the clergy to preach on the five controverted points, by virtue of which the mouths of the orthodox preachers were stopped, and some that ventured to transgress the king's declaration were punished in the high-commission, when their adversaries were left at large to spread their opinions at their pleasure."

The archbishop answered, that he had not defended any points of Arminianism, though he heartily wished, for the peace of Christendom, that these differences were not pursued with such heat and animosity.<sup>1</sup> He confessed that he had been taxed in a declaration of the house of commons as a favourer of Arminians, but without proof, and he took it as a very great slander. Nor had he, to the best of his remembrance, advanced any such to ecclesiastical livings; if they proved so afterward it was more than he could foresee; but he had preferred divers orthodox ministers, against whom there was no exception. He denied that he had any hand in the preferment of Dr. Manwaring or Montague, who were under censure of parliament, nor is the Pocket-book a sufficient proof of it; he was of opinion, that Neal, Lindsey, Wren, Bancroft, Curie, and others mentioned in the charge, were worthy men, and every way qualified for their preferments, though it does not appear he had any hand in bestowing them. As for the king's declaration prohibiting the clergy to preach the five points, it was his majesty's own, and not his; and since the publishing of it he had endeavoured to carry it with an equal hand, and to punish the transgressors of it on one side as well as the other.<sup>2</sup>

The commons replied, that they wondered at the archbishop's assurance in denying his endeavours to promote Arminianism in the church; that the remonstrance of the commons was a sufficient evidence of his guilt, being confirmed by many proofs, though his answer to it proved so full of bitterness and sauciness, as throwing scandal on the whole representative body of the nation.<sup>3</sup>

As to the particulars, they say, that his preferring Mr. Downham and Taylor, orthodox men, to some benefices, was only a blind to cover his advancing so many popishly-affected clergymen. It is known to all the world that Montague and Manwaring were his creatures; the Pocket-book says, that his majesty's royal assent to their preferment was signed by order of this prelate (when only bishop of London), and himself was the person that consecrated them. It would be too long to go into particulars, but everybody knows, that the disposal of all or most of the bishoprics, deaneries, and

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<sup>1</sup> Laud's Hist. p. 352. Prynne, p. 529.

<sup>2</sup> Prynne, p. 508.

<sup>3</sup> Ibid. p. 529.



considerable benefices since the year 1627, have been under the direction of this archbishop; and what sort of persons have been preferred is apparent to all men, by the present distracted condition of the church and universities.

The king's declaration for prohibiting preaching on the five controverted points, was an artifice of the archbishop's to introduce the Arminian errors, by preventing orthodox ministers from awakening the minds of people against them. And whereas he avers, that he has carried it with an even hand, and could bring witnesses from Oxford to prove it, we challenge him to name one scholar or Minister that was ever imprisoned, deprived, silenced, prosecuted in the high-commission, or cast out of favour on this account; there was indeed one Rainsford an Arminian, who, in the year 1632, was obliged publicly to confess his error in disobeying his majesty's declaration, and that was all his punishment; whereas great numbers of the other side have been persecuted, so as to be forced to abandon their native country, at a time when the most notorious and declared Arminians were advanced to the best preferments in the church, as Montague made a bishop, Harsnet an archbishop, Lindsey promoted to two bishoprics, Potter to a deanery, and Duppa to a deanery and bishopric, and made tutor to the prince, &c.<sup>1</sup>

The managers objected farther to the archbishop, "that having obtained the sole licensing of the press, by a declaration of the star-chamber in the year 1637, he had prohibited the reprinting sundry orthodox books formerly printed, and sold by authority; as the Geneva Bible with notes, Gellibrand's Protestant Almanack, in which the Popish saints were left out of the calendar, and Protestant martyrs put in their places; that his chaplains had refused to license the Confession of Faith of the Palatine Churches, Fox's Book of Martyrs, Bishop Jewel's works, some part of Dr. Willet's, and the History of the Gunpowder-Treason, as was attested by the clerks of Stationers' hall; and this reason given for the refusal, that we were not now so angry with the Papists as formerly, and therefore it was not proper to exasperate them, there being a design on foot to win them by mildness. That the archbishop had suppressed sundry new books written against Arminianism and Popery, and had castrated others, expunging such passages as reflected upon the superstition and idolatry of that church;"<sup>2</sup> a large catalogue of which the commons produced; many authors appeared in maintenance of this part of the charge, and among others, Dr. Featly, Dr. Clarke, Dr. Jones, Mr. Ward, &c.<sup>3</sup> It was said in particular, "that he had expunged divers passages, which bore hard upon the Papists, out of the collection of public

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<sup>1</sup> Ibid. p. 172. 511.

<sup>2</sup> Prynne, p. 179, 180. 182, &c.

<sup>3</sup> Ibid. p. 254, 255. 257, 258, &c.

prayers for a general fast against the plague; and that in the prayer-book appointed by authority for the 5th of November, instead of ‘Root out that Babylonish and antichristian sect, whose religion is rebellion, whose faith is faction, and whose practice is murdering of soul and body;’ he had altered that passage, and artfully turned it against the Puritans, thus, ‘Root out the antichristian sect of them, who turn religion into rebellion, and faith into faction.’

“And as the archbishop had castrated some books, because they refuted the doctrines he would countenance; so he gave full licence to others, wherein the grossest points of Arminianism and Popery were openly asserted; as Cosins’s Hours of Prayer, Sale’s Introduction to a Devout Life, Christ’s Epistle to a Devout Soul, and others, in which the following doctrines were maintained; (1.) The necessity of auricular confession, and the power of priests to forgive sins. (2.) The lawfulness and benefit of Popish penance, as wearing hair-cloth, and other corporal punishments. (3.) Absolute submission to the commands of priests as directors of conscience. (4.) That in the sacrament, the body and blood of Christ is a true and proper sacrifice; that the natural body and blood of Christ is really and substantially present in the eucharist; and that there can be no true sacrament or consecration of it where there is no altar. (5.) That crucifixes, images, and pictures, may be lawfully set up in churches, and ought not to be removed. (6.) That the pope is not antichrist. (7.) That there are venial sins. (8.) That there is a purgatory or *limbus patrum*. (9.) That the relics of saints are to be preserved and revered. (10.) That the Virgin Mary and saints are to be invoked and prayed to. (11.) That the church of Rome is the mother-church, and never erred in fundamentals. (12.) That there are written traditions of equal authority with the word of God.”<sup>1</sup> To which were added, sundry articles of Arminian doctrine, as of free-will, total and final apostacy from grace; examples of which the managers produced from the several authors.

And as a farther encouragement to Popery, they objected his grace’s “conniving at the importation of Popish books, and restoring them to the owners when seized by the searchers, contrary to the statute of 3 Jacob. I. by which means many thousands of them were dispersed over the whole kingdom; whereas he gave the strictest commands to his officers to seize all imported Bibles with notes, and all books against Arminian and Popish innovations. All which put together amount to no less than a demonstration of the archbishop’s design to subvert our established religion, by introducing doctrinal Arminianism and Popery.”<sup>2</sup>

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<sup>1</sup> Prynne, p. 188. 202.

<sup>2</sup> Ibid. p. 349.

The archbishop answered, that the decree of the star-chamber for regulating the press was the act of the whole court, and not his; and he is still of opinion, that it was both a necessary and useful act, being designed to suppress seditious, scbismatical, and mutinous books.<sup>1</sup> As to the particulars, he replied, that the Geneva Bible was only tolerated, not allowed by authority, and deserved to be suppressed for the marginal note on Exod. i. 17, which allows disobedience to the king's command. Gellibrand's Almanack had left out all the saints and apostles, and put in those named by Mr. Fox, and therefore deserved to be censured, As to the Book of Martyrs, it was an abridgment of that book I opposed (says his grace), lest the book itself should be brought into disuse, and lest anything material should be left out. But the licensing of books was left in general to my chaplains, for an archbishop had better grind, than take that work into his own hands; and whereas it has been inferred, that what is done by my chaplain must be taken as my act, I conceive no man can by law be punished criminally for his servant's fact, unless it be proved that he had a hand in it.

The like answer the archbishop gave to the castrating and licensing books,—his chaplains did it; and since it was not proved they did it by his express command, they must answer for it. He admits, that he altered the prayers for the 5th of November, and for the general fast by his majesty's command; and he is of opinion the expressions were too harsh, and therefore ought to be changed.

He denied that he ever connived at the importation of Popish books; and if any such were restored to the owners, it was by order of the high-commission, and therefore he is not answerable for it.

The commons replied, that the decree for regulating the press was procured by him with a design to enlarge his jurisdiction; and though some things in it might deserve the thanks of the stationers, they complain loudly that books formerly printed by authority, might not be reprinted without a new licence from himself.<sup>2</sup>—As to particulars, they affirm that the Geneva Bible was printed by authority of queen Elizabeth and king James, *cum privilegio*; and in the 15th Jacob, there was an impression by the king's own printer, notwithstanding the note upon Exodus, which is warranted both by fathers and canonists. Gellibrand's Almanack was certainly no offence, and therefore did not deserve that the author should be tried before the high-commission; and if the queen and the Papists were offended at it, it was to be liked never the worse by all good Protestants. The archbishop is pleased, indeed, to cast the whole blame of the press on his chaplains; but we are of opinion (says the managers) that the archbishop is answerable for

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<sup>1</sup> Laud's History, p. 350.

<sup>2</sup> Prynne, p. 515.

what his chaplains do in this case; the trust of licensing books being originally invested in him, his chaplains being his deputies, he must answer for them at his peril. When the archbishop of York in the reign of Edward I. was questioned in parliament, for excommunicating two servants of the bishop of Durham, employed in the king's service, the archbishop threw the blame on his commissary, who was the person that excommunicated them; but it was then resolved in parliament, that the commissary's act was his own, and he was fined four thousand marks to the king. Now the commissary was an officer established by law; but the archbishop's chaplains are not officers by law, and therefore dare not license anything without his privity and command.

Besides, it is apparent these books were castrated by the archbishop's approbation, for otherwise he would have punished the licencers, printers, and publishers, as he always did when information was given of any new books published against the late innovations. His grace has forgot his refusing to license the Palatine Confession of Faith, which is his peculiar happiness when he can make no answer; and it looks a little undutiful in him to cast the alteration of the prayers for November 5 on the king, when every body knows by whom the king's conscience was directed.<sup>1</sup>

And whereas the archbishop denies his conniving at the importation of Popish books, he does not so much as allege that he ordered such books to be seized as he ought to have done; he confesses that such books as were seized, had been restored by order of the high-commission, whereas it has been sworn to be done by his own order; but if it had not, yet he being president of that court ought to have crossed those orders, that court not daring to have made any such restitutions without his consent: so that we cannot but be of opinion that the whole of this charge, which shows a manifest partiality on the side of Arminianism and Popery, and the strongest and most artificial attempts to propagate these errors in the nation, still remains in its full strength.

The managers went on to charge the archbishop with his severe prosecution of those clergymen, who had dared to preach against the dangerous increase of Arminianism and Popery, or the late innovations; they instanced in Mr. Chauncy, Mr. Workman, Mr. Davenport, and others; some of whom were punished in the high-commission for not railing in the communion-table, and for preaching against images: and when Mr. Davenport fled to New-England to avoid the storm, the archbishop said, his arm should reach him there. They objected farther, his suppressing afternoon-sermons on the

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<sup>1</sup> Ibid. p. 522.

Lord's day, and the laudable design of buying in impropriations, which was designed for the encouraging such lecturers.”<sup>1</sup>

The archbishop answered, that the censures passed on the ministers above mentioned was the act of the high-commission, and not his: and he confesses their sentences appeared just and reasonable, inasmuch as the passages that occasioned them were against the laudable ceremonies of the church, against the king's declaration, tending to infuse into the minds of the people groundless fears and jealousies of Popery, and to cast aspersions on the governors of the church; that therefore, if he did say, his arm should reach Mr. Davenport in New-England, he sees no harm in it, for there is no reason that the plantations should secure offenders against the church of England, from the edge of the law; and he meddled with none except such as were Puritanical, factious, schismatical, and enemies to the good orders of the church.<sup>2</sup>

As to the suppressing afternoon-sermons, the instructions for turning them into catechising was before his time, and he could not but approve of the design, as a proper expedient for preserving peace between ministers and people, the lecturers being for the most part factious, and the occasion of great contentions in the parishes where they preached.<sup>3</sup>

He confessed, that he overthrew the design of buying up impropriations, and thanked God he had destroyed it, because he conceived it a plot against the church, for if it had succeeded, more clergymen would have depended on these feoffees than on the king, and on all the peers and bishops besides; but he proceeded against them according to law, and if the sentence was not just, it must be the judges' fault and not his.

The commons replied, that it was notorious to all men how cruel he had been towards all those who had dared to make a stand against his proceedings. They put him in mind of Prynne, Burton, and Bastwick, and of great numbers whom he had forced into Holland, and into the plantations of America, to avoid the ruin of themselves and families; yea, so implacable was this prelate that he would neither suffer them to live in the land nor out of it, an embargo being laid on all ministers going to New England; and if any such got over clandestinely, he threatened his arm should reach them there. In vain does he shelter his severe proceedings under the authority of the court, for if this plea be admitted, no corrupt judges or counsellors can be brought to justice for the most arbitrary proceedings; but in reality, the act of the court is the act of every particular person that gives his vote for it, and every individual member is accountable. Many instances of this might be produced; but there has been one very lately, in the case of ship-money,

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<sup>1</sup> Prynne, p. .361, 362, &c.

<sup>2</sup> Laud's Hist. p. 332. 348.

<sup>3</sup> Prynne, p. 537.

which is fresh in the memory of all men; and we do aver, that the sermons or books, for which the above-mentioned persons suffered so severely, were neither factious nor seditious, but necessary for these times, wherein the Protestant religion runs so very low, and superstition and Popery are coming in like a flood.<sup>1</sup>

As to the instructions for suppressing afternoon-sermons, whensoever they were drawn up, it is evident he was the man that put them in execution, and levelled them against those conscientious persons who scrupled reading the prayers in their surplice and hood, or taking a living with cure of souls; all such persons, how orthodox soever in doctrine, how diligent soever in their callings, and pious in their lives, being reputed factious, schismatical, and unworthy of the least employment in the church.<sup>2</sup>

As to the impropriations, there was no design in the feoffees to render the clergy independent on the bishops, for none were presented but conformable men, nor did any preach but such as were licensed by the bishop; indeed, the design being to encourage the preaching of the word of God, the feoffees were careful to employ such persons as would not be idle; and when they perceived the archbishop was bent on their ruin, Mr. White went to his grace, and promised to rectify anything that was amiss, if the thing itself might stand. But he was determined to destroy it, and by his mighty influence obtained a decree, that the money should be paid into the king's exchequer, by which an end was put to one of the most charitable designs for the good of the church, that has been formed these many years.<sup>3</sup>

The last charge of the managers was, "his grace's open attempts to reconcile the church of England with the church of Rome, as appears, first, by the Papal titles he suffered the universities to give him in their letters, as 'sanctitas vestra,' your holiness; 'sanctissime pater,' most holy father; 'Spiritus Sancti effusissime plenus,' full of the Holy Ghost; 'summits pontifex, optimus maximusque interris,' &c. Agreeably to this he assumed to himself the title of patriarch, or pope of Great Britain, 'altering orbis papa;' which gave the Romanists such an opinion of him, that they offered him twice a cardinal's hat; though, as things then stood, he did not think it prudent to receive it.<sup>4</sup> But sir H. Mildmay and sir N. Brent swore, that both at Rome and elsewhere, he was reputed a Papist in his heart;<sup>5</sup> which opinion was not a little confirmed, (1.) By his forbidding the clergy to pray for the conversion of the queen to the Protestant faith. (2.) By his owning the church of Rome to be a true church; by denying the pope to be antichrist,

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<sup>1</sup> Prynne, p. 335, &c.

<sup>2</sup> Ibid. p. 370. 537, 538.

<sup>3</sup> Ibid. p. 537.

<sup>4</sup> Prynne, p. 441.

<sup>5</sup> Ibid. p. 409, &c.

and wishing a reconciliation with her; and affirming that she never erred in fundamentals, no, not in the worst of times. (3.) By his sowing discord between the church of England and foreign Protestants, not only by taking away the privileges and immunities of the French and Dutch churches in these kingdoms, but by denying their ministers to be true ministers, and their churches true churches. (4.) By maintaining an intimate correspondence with the pope's nuncio and with divers priests and Jesuits, conniving at the liberties they took in the Clink, and elsewhere, and threatening those pursuivants who were diligent in apprehending them; to all which they added, the influence the archbishop had in marrying the king to a Papist, and his concealment of a late plot to reduce these kingdoms to Popery and slavery."<sup>1</sup>

To this long charge the archbishop gave some general answers, in satirical and provoking language: My lords (says he), I am charged with an endeavour to reconcile the church of England to the church of Rome; I shall recite the sum of the evidence, and of the arguments to prove it. (1.) I have reduced several persons from Popery, whom I have named in my speech; ergo, I have endeavoured to bring in Popery. (2.) I have made a canon against Popery, and an oath to abjure it; ergo, I have endeavoured to introduce it. (3.) I have been twice offered a cardinalship and refused it, because I would not be subject to the pope; ergo, I have endeavoured to subject the church of England to him. (4.) I wrote a book against Popery; ergo, I am inclinable to it. (5.) I have been in danger of my life from a Popish plot; ergo, I cherished it, and endeavoured to accomplish it. (6.) I endeavoured to reconcile the Lutherans and Calvinists; ergo, I laboured to bring in Popery.<sup>2</sup>

To the particulars he replied, that whatever Papal power he had assumed, he had assumed it not in his own right, as the popes did, but from the king. That the style of holiness was given to St. Augustine, and others, and therefore not peculiar to the pope; why then should so grave a man as Mr. Brown (says he) disparage his own nation, as if it were impossible for an English bishop to deserve as good a title as another? As for the other titles, they must be taken as compliments for my having deserved well of the university; but after all, it is one thing to assume Papal titles, and another to assume Papal power. As to the title of patriarch, or pope of the other world; it is the title that Anselm says belongs to the archbishop of Canterbury, and not so great a one as St. Jerome gave to St. Augustine, when he wrote to him with this title, *Beatissimo papse Augustino*. I confess I have been offered a cardinal's hat, but refused it, saying, I could not accept it till Rome was otherwise than it now is. If, after this, others will repute me a

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<sup>1</sup> Ibid. p. 539.

<sup>2</sup> Laud's Hist. p. 285, 286. 325, &c. Prynne, p. 543. Laud's Hist. p. 418, 419.

Papist, I cannot help it.<sup>1</sup> I hope I shall not be answerable for their uncharitableness. Sir Henry Mildmay will witness how much I am hated and spoken against at Rome. It does not appear that I forbade ministers praying for the queen's conversion; but when I was told the queen was prayed for in a factious and seditious manner, I referred the matter to my visitors, and do acknowledge that Mr. Jones was punished in the high-commission on this account.<sup>2</sup>

To the objection, of the church of Rome's being a true church, I confess myself of that opinion, and do still believe, that she never erred in fundamentals, for the foundations of the Christian religion are in the articles of the creed, and she denies none of them; and it would be sad if she should, for "it is through her that the bishops of the church of England, who have the honour to be capable of deriving their calling from St. Peter, must deduce their succession."<sup>3</sup> She is therefore a true church, though not an orthodox one; our religion and theirs is one in essentials, and people may be saved in either. It has not been proved, that I deny the pope to be antichrist, though many learned men have denied it; nor do I conceive that our homilies affirm it; and if they did, I do not conceive myself bound to believe every phrase that is in them. I confess, I have often wished a reconciliation between the churches of England and Rome in a just and Christian way, and was in hopes in due time to effect it; but a reconciliation without truth and piety I never desired.<sup>4</sup>

To the objection of the foreign Protestant churches, I deny that I have endeavoured to sow discord between them, but I have endeavoured to unite the Calvinists and Lutherans; nor have I absolutely unchurched them. I say indeed, in my book against Fisher, according to St. Jerome, No bishop, no church; and that none but a bishop can ordain, except in cases of inevitable necessity; and whether that be the case with the foreign churches, the world must judge.<sup>5</sup> The judgment of the church of England is, that church-government by bishops is unalterable, for the preface to the book of ordination says, that from the apostles' time there have been three orders of ministers in the church, bishops, priests, and deacons; now if bishops are the apostles' successors, and have continued in the church above sixteen hun-

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<sup>1</sup> It may be pertinent to observe here, that, though Laud did not approve the doctrinal articles of the church of Rome, "it is possible that one who dislikes many points of the Romish faith, may yet be very fond of introducing her tyrannical government, and, in order to it, of amusing the poor laity with the long train of her gaudy and mysterious ceremonies; that while they stand fondly gazing at this lure, and are busied about impertinences, they may the more easily be circumvented in irrecoverable bondage by men of deeper but more mischievous designs." *Memoirs of Hollis*, vol. 2. p. 578.—ED.

<sup>2</sup> *Laud's History*, p. 383.

<sup>3</sup> *Ibid.* p. 392.

<sup>4</sup> *Prynne*, p. 556.

<sup>5</sup> *Laud's Hist* p. 374. *Prynne*, p. 540.



dred years, what authority have any Christian states to deprive them of that right which Christ has given them? As to the French and Dutch churches in this kingdom, I did not question them for their ancient privileges, but for their new encroachments, for it was not the design of the queen [Elizabeth] to harbour them, unless they conformed to the English liturgy; now I insisted on this only with respect to those who were of the second descent, and born in England; and if all such had been obliged to go to their parish-churches as they ought, they would not have done the church of England so much harm as they have since done.<sup>1</sup>

To the fourth objection I answer, that I had no intimate correspondence with priests or Jesuits, nor entertained them at my table, knowing them to be such. I never put my hand to the releasing any priest out of prison, nor have I connived at the liberties they assumed; the witnesses who pretended to prove this are either mean persons, or strongly prejudiced; and to most of the facts there is but one witness. As to the nuncios from Rome, it was not in my power to hinder their coming, the king having condescended to it, at the earnest request of the queen; nor had I any particular intimacy with them whilst they were here; nor do I remember my checking the pursuivants in doing their duty. But if it could be supposed that I said, I will have nothing to do with any priest-catching knaves, I hope the words are not treason; nor is it any offence not to be a persecutor, or not to give ill language to Jesuits; and I do affirm, that I never persecuted any orthodox ministers or Puritans, though I may have persecuted some for their schisms and misdemeanours.<sup>2</sup>

As to the king's marrying, it is not proved that I had any hand in it, though I acknowledge the duke of Buckingham did me the honour to make me his confessor. Nor did I conceal the late plot to bring in Popery, but discovered it to the king as soon as I had intelligence of it; for the truth of which I appeal not only to my letters, but to the earl of Northumberland here present; who stood up, and said, he remembered no such thing.

The commons replied to the archbishop's general defence, that he had been fighting with his own shadow, for they never objected those things to him for the purposes which he mentions; they never objected his reducing any from Popery, but that many were hardened in it by his means. Nor did they object the canons or oath to prove him guilty of introducing Popery, but to quite different purposes. So that the archbishop in these, and the other particulars above mentioned, has given us a specimen of his sophistry and Jesuitism, transforming his own defence into our charge and evidence,

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<sup>1</sup> Ibid. p. 378.

<sup>2</sup> Laud's Hist. p. 394.

and making our objections stand as proofs of a fact, which they were not in the least intended to support.<sup>1</sup>

To the particulars they replied, that the titles he had assumed were peculiar to the Papacy; that they were never assumed by any Protestant archbishop before himself; nay, that in the times of Popery there are hardly any examples of their being given to English bishops, and that it is blasphemy to give the title of holiness in the abstract to any but God himself: the archbishop therefore ought, in his answers to the letters of the university, to have checked them, whereas he does not so much as mention these exorbitancies, nor find the least fault with them. And though there be a difference between Papal title and Papal power, yet certainly his claiming the title of “alterius orbis papa,” pope of the other world, is a demonstration that he was grasping at the same power in Great Britain, as the pope had in Italy; and though, for prudent reasons, he refused the cardinal’s hat when it was offered, yet when he had made his terms, and accomplished that reconciliation between the two churches that he was contriving, no doubt he would have had his reward. Sir Henry Mildmay being summoned, at the archbishop’s request, to give in evidence, how much he was hated and spoke against at Rome, swore that when he was at Rome some of the Jesuitical faction spoke against the archbishop, because they apprehended he aimed at too great an ecclesiastical jurisdiction for himself; but the seculars commended and applauded him, because of the near approaches he made to their church, and showed himself favourable to their party. The like evidence was given by Mr. Challoner, and others.<sup>2</sup>

And whereas the archbishop had said, that it was not proved, that he forbid ministers to pray for the queen’s conversion, the managers produced Mr. Hugh Radcliffe, of St. Martin’s, Ludgate, who swore that sir Nathaniel Brent, his vicar-general, at a visitation at Bow-church, gave in charge to the clergy, in his hearing, these words, “Whereas divers of you, in your prayers before sermon, used to pray for the queen’s conversion, you are to do so no more, for the queen does not doubt of her conversion.”<sup>3</sup> And both before and after, the archbishop himself caused Mr. Bernard, Mr. Peters, and Mr. Jones, to be prosecuted in the high-commission on this account.<sup>4</sup> The archbishop having said, that he never put his hand to the releasing any priest out of prison, the managers produced a warrant under his own hand, dated Jan. 31, 1633, for the release of William Walgrave, deposed to be a dangerous seducing priest, in these words:

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<sup>1</sup> Prynne, p. 513.

<sup>2</sup> Ibid. p. 418.

<sup>3</sup> Ibid. p. 413.

<sup>4</sup> Ibid. p. 414.

“These are to will and command you, to set at full liberty the person of William Walgrave, formerly committed to your custody, and for your so doing this shall be your sufficient warrant.

“W. Cant. R. Ebor.”

But the archbishop’s memory frequently failed him on such occasions.

His grace confesses the church of Rome to be a true church, whereas we aver her to be a false and antichristian one, for she has no sure foundation, no true head, no ordinances, sacraments, or worship, no true ministry, nor government of Christ’s institution; she yields no true subjection to Christ’s laws, word, or spirit, but is overspread with damnable errors in doctrine, and corruptions in manners and worship, and is therefore defined by our homilies to be a false church. Must she not err in fundamentals, when she affirms the church to be built on Peter, not upon Christ, and resolves our faith into the church, and not into the Scriptures? When she deifies the Virgin Mary and other saints by giving them divine worship, and obliges us to adore the consecrated bread in the sacrament as the very body and blood of Christ; when she denies the cup to the laity, obliges people to pray in an unknown tongue, and sets up a new head of the church instead of Christ, with the keys of the kingdom of heaven at his girdle? What are these but fundamental errors, which nullify the church that maintains them! The religion of the church of Rome and ours is not one and the same, for theirs is no Christian religion, but a heap of superstition and idolatry; and his affirming salvation may be had in that church, is contrary to the opinion of our best Protestant writers, who make her damnable errors the foundation of our separation from her. And though the archbishop makes light of his not believing the pope to be antichrist, we do aver, that our statutes and homilies do either in direct or equivalent expressions define him to be antichrist, and particularly in the subsidy act, 3 Jac. penned by the convocation.

But can anything more fully demonstrate the archbishop’s design to reconcile the church of England with Rome than his own confession? He says, he has laboured this matter with a faithful and single heart (Reply to Fisher, p. 388,) though not to the prejudice of truth and piety. But it must be observed, that the archbishop’s design was not to bring over the church of Rome to us, but to carry us over to them; and what large advances he has made that way, appears by his setting up altars, crucifixes, images, and other innovations. What advance has the church of Rome made towards us? why, none at all; nor is it possible she should, till she lays aside her infallibility. The pretence, therefore, of the church of Rome’s meeting us half-way, was a mere blind to deceive the people of England, till he had carried them wholly over into her territories.<sup>1</sup>

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<sup>1</sup> Prynne, p. 552, &c.

The archbishop has denied his endeavours to sow discord among foreign Protestants, and asserted his endeavours to reconcile the Lutherans and Calvinists, though he has produced no evidence of it; but his late behaviour towards the Scots, on the account of their having no bishops, and to the foreign settlements among ourselves, is a sufficient proof of the contrary. The maxim that he cites from St. Jerome, No bishop, no church, is a plain perverting of his sense, for his words are, “Ubi non est sacerdos, non est ecclesia;” but it is well known that, according to St. Jerome, bishops and presbyters are one and the same in jurisdiction and office, and presbyters have the power of ordination as well as bishops; and therefore this is a conclusion of the archbishop’s framing, which, if it be true, must necessarily unchurch all the foreign reformed churches, and render all the ordinations of their ministers invalid, which is a sufficient evidence of his enmity to them.<sup>1</sup>

As to the French and Dutch churches, who were settled by charter in the reign of king Edward VI. Mr. Bulteel’s book, of the manifold troubles of those churches by this archbishop’s prosecutions, evidently proves, that he invaded and diminished their ancient immunities and privileges in all parts; and that he was so far from being their friend, that they accounted him their greatest enemy.

To the fourth objection, relating to the archbishop’s correspondence with Popish priests, we reply, that the archbishop’s intimacy with sir Toby Mathew, the most active Jesuit in the kingdom, has been fully proved; that he was sometimes with him in his barge, sometimes in his coach, sometimes in private with him in his garden, and frequently at his table.<sup>2</sup> The like has been proved of Sancta Clara, St. Giles Leander, Smith, and Price, and we cannot but wonder at his denying that he knew them to be priests, when the evidence of his knowledge of some of them has been produced under his own hand; and the witnesses for the others were no meaner persons than the lords of the council, and the high-commissioners (among which was himself,) employed to apprehend priests and delinquents; from whence we conclude, that all the archbishop’s predecessors, since the Reformation, had not half the intimacy with Popish priests and Jesuits as himself, and his harbouring some of them that were native Englishmen, is within the statutes of 23 Eliz. cap. 1, and 27 Eliz. cap. 2. It is very certain that the liberty the Jesuits have enjoyed in prison, and elsewhere, was owing to his connivance: and though the archbishop is so happy as not to remember his checking the officers for their diligence in apprehending Popish priests, yet his distinction between not persecuting Papists, and prose-

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<sup>1</sup> Ibid, p. 541.

<sup>2</sup> Ibid. p. 4 18. 456. 559. 561.

cutting Puritans, besides the quibble, is an unanswerable argument of his affection to the one beyond the other.<sup>1</sup>

The managers produced six or eight witnesses, to prove the archbishop's discountenancing and threatening such as were active in apprehending priests and Jesuits. And though he would wash his hands of the affair of the pope's nuncio residing here in character, and holding an intimate correspondence with the court, because himself did not appear in it, yet it is evident, that secretary Windebank, who was the archbishop's creature and confidant, held an avowed correspondence with them. If he had no concern in this affair, should he not, out of regard to the Protestant religion, and church of England, even to the hazard of his archbishopric, have made some open protestation, when Gregorio Panzani resided herein character two years; Gregory Con, a Scot, for three years and two months; and last of all, count Rosetti, till driven away by the present parliament.<sup>2</sup>

It has been sufficiently proved, that the archbishop was concerned in the Spanish and French matches, and in the instructions given to the prince at his going to Spain, to satisfy the pope's nuncio about king James's having declared the pope to be antichrist; for the duke of Buckingham was the prince's director, and himself acknowledged that he was the duke's confessor.

And as to the late plot of Habernfield, we have owned, in our evidences, that at first he discovered it to the king, because he imagined it to be a plot of the Puritans, but when he found the parties engaged in it to be Papists, and among others, secretary Windebank and sir Toby Mathew his own creatures, he then concealed his papers, called it a sham plot, and brow-beat the informers, whereas he ought at least to have laid it before the parliament, that they might have sifted it to the bran. But that it was a real plot, his own Diary, together with our latter discoveries, fully prove; and his concealment of it, we conceive to be a high and treasonable offence, tending to subvert the Protestant religion, and subject us to the church of Rome.<sup>3</sup>

Thus, we humbly conceive, we have made a satisfactory reply to all the archbishop's answers, and have fully made good the whole of our charge, namely, that the archbishop has traitorously endeavoured to destroy our civil liberties, and to introduce tyranny and arbitrary power; and, secondly, that he has endeavoured to subvert the Protestant religion established by law in these kingdoms, and to subject us to the church of Rome; wherefore we do, in the name of all the commons of England, pray judgment against him as a traitor.

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<sup>1</sup> Prynne, p. 118. 458.

<sup>2</sup> Ibid. p. 446.

<sup>3</sup> Ibid. p. 564, &c.

Before the archbishop withdrew from the bar, he moved the lords, that considering the length of his trial,<sup>1</sup> and the distance of time between the several days of hearing, they would allow him a day that he might set before their lordships in one view, the whole of the commons' charge, and his defence; to which they condescended, and appointed September 2, which was five weeks from the last day of his trial.<sup>2</sup> When the archbishop appeared at the bar, he began with a moving address, beseeching their lordships to consider his calling, his age, his long imprisonment, his sufferings, his patience, and the sequestration of his estate. He then complained, (1.) Of the uncertainty and generality of the commons' charge (2.) Of the short time that was allowed him for his answer. (8.) That he had been sifted to the bran, and had his papers taken from him. (4.) That the things he had taken most pains in, were for the public good, and done at his own great expense, as the repair of St. Paul's, and the statutes of Oxford. (5.) That many of the witnesses were sectaries and schismatics, whereas, by the canon law, no schismatic should be heard against his bishop. He complained also of the number of witnesses produced against him, which were above one hundred and fifty; whereas the civil law says, that the judges should moderate things so as no man should be oppressed with the multitude of witnesses. (6.) That he had been charged with passionate and hasty words, which he hopes their lordships will pardon as human frailties. (7.) That other men's actions had been laid to his charge, as those of his chaplains, and the actions of the high-commission and star-chamber, which, he insists, cannot by any law be put upon him, it being a known rule, "Refertur ad universes quod publice fit per majorem partem." He then went over the particular charges above mentioned, and concluded with a request, that when the commons had replied to the facts, his counsel might be heard as to matters of law. The commons replied to the archbishop's speech, September 11, and the same day his counsel delivered in these two queries, "(1.) Whether in all or any of the articles charged against the archbishop, there be contained any treason by the established laws of the kingdom? (2.) Whether the impeachment and articles did contain such certainties and particularities as are required by law in cases of treason?"<sup>3</sup> The lords sent down the queries to the commons, who, after they had referred them to a

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<sup>1</sup> It had been drawn out through more than three months, and he had been often, when summoned before the lords, sent baek unheard. This had, needlessly, exposed him to the scorns and revilings of the people, and to an expense which he could ill bear; for he never appeared but it cost him £6 or £7 per day. His estate and goods had been sequestered; and it was not till towards the end of his trial, and after repeated solicitations, that the commons allowed him £200 to support his necessary expenses. Macaulay's History of England, vol. 4. p. 138, note—ED.

<sup>2</sup> Laud's History, p. 4)2. 119.

<sup>3</sup> Ibid. p. 422.

committee of lawyers, agreed that the archbishop's counsel might be heard to the first query, but not to the second. Accordingly, October 11, the archbishop being present at the bar, Mr. Hearn proposed to argue these two general questions:<sup>1</sup>

(1.) "Whether there be at this day any other treason than what is enacted by the statute 25 Edward III. cap. 2. or enacted by some other subsequent statute?"

(2.) "Whether any of the matters, in any of the articles charged against the archbishop, contain any of the treasons declared by that law, or enacted by any subsequent law?"

And for the clearing of both these he humbly insisted, that an "endeavour to subvert the laws, the Protestant religion, and the rights of parliament, which are the three general charges to which all the particulars alleged against the archbishop may be reduced, is not treason within the statute of 25 Edward III. nor any other particular statute."<sup>2</sup>

In maintenance of this proposition, he contended, first, "That the particulars alleged against the archbishop were not within the letter of the statute of the 25th Edward III. and then argued, that the statutes of this land ought not to be construed by equity or inference, because they are declarative laws, and were designed for the security of the subject in his life, liberty, and estate; and because since the time of Henry IV. no judgment has been given in parliament for any treason not expressly contained or declared in that or some other statute, but by bill; from whence it will follow, that the particulars charged against the archbishop, being only an endeavour to subvert fundamental laws, are of so great latitude and uncertainty, that every action not warranted by law may be extended to treason, though there is no particular statute to make it so. If it be replied, that the statute of 25 Edward III. takes notice of compassing or imagining, we answer, it confines it to the death of the king; but an endeavour to subvert the laws of the realm is no determinate crime by the laws of England, but has been esteemed an aggravation of a crime, and has been usually joined as the result of some other offence below treason."<sup>3</sup>

"The like may be observed to the second charge, of endeavouring to subvert religion; it is not treason by the letter of any law established in this kingdom, for the statute of 1 Edward VI, cap. 12, makes it but felony to attempt an alteration of religion by force, which is the worst kind of attempt."<sup>4</sup>

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<sup>1</sup> Ibid. p. 423.

<sup>2</sup> Laud's History, p. 424, 425.

<sup>3</sup> Ibid. p. 427.

<sup>4</sup> Ibid, p. 429.

“As to the third charge, of endeavouring to subvert the rights of parliament. We insist on the same reply that was made under the first head. We allow that by the statute of 5 Jac. cap. 4, it is provided that if any man shall put in practice to reconcile any of his majesty’s subjects to the pope or see of Rome, it shall be deemed treason; but we conceive this does not reach the archbishop, because (1.) He is charged only with an endeavour, whereas in the statute it is putting in practice. (2.) Because the archbishop is charged with reconciling the church of England with the church of Rome, whereas in the statute it is reconciling any of his majesty’s subjects to the see of Rome; now reconciling with, may as well be construed a reducing Rome to England, as England to Rome.

“Thus, says Mr. Hearn, we have endeavoured to make it appear, that none of the matters, in any of the articles charged, are treason within the letter of the law; indeed, the crimes, as they are laid in the charge, are many and great, but their number cannot make them exceed their nature; and if they be but crimes and misdemeanours apart, below treason, they cannot be made treason by putting them together.”<sup>1</sup>

These arguments of the archbishop’s counsel staggered the house of lords, nor could the managers for the commons satisfy them in their reply; they had no doubts about the truth of the facts, but whether any of them were treason by the laws of the land?<sup>2</sup>—this the judges very much questioned, and therefore the lords deferred giving judgment, till the commons thought fit to take another method to obtain it.

Various are the accounts of the archbishop’s behaviour on his trial; his friends and admirers flatter him beyond measure, and said he perfectly triumphed over his accusers; and his grace seems to be of the same mind, when he tells us, that all men magnified his answer to the house of com-

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<sup>1</sup> Laud’s History, p. 430.

<sup>2</sup> We cannot allow ourselves to withhold here from our reader the just and important remarks of a late biographer of the archbishop. “It appears a great defect in the laws of a free and limited government, that an attempt to subvert the constitution and mode of government, should not be judicially deemed a capital offence, punishable as such. For, in a just and political sense, the man who endeavours to enslave his countrymen, to deprive them of their natural and legal rights and privileges, and instead of a free constitution of government, to introduce one that is arbitrary and despotic; such a man is undoubtedly guilty of as high a crime, and is as much a traitor to his country, as he who attempts to deprive the prince of the crown, and ought to be punished with equal severity.” British Biography, vol- 4. p. 286. Nay, it may be added, that the severity of the punishment ought to be regulated by the more heinous guilt, which attaches itself rather to the former than to the latter conduct; by the latter conduct the blow is aimed at the rights and prosperity of one person, or at most of one family only; but the former conduct robs millions of their rights, and involves, in its effects, generations to come. Nor does it lessen the guilt, if men, instead of being the agents of prerogative, are the tools of influence; if, instead of being awed into a subserviency to the views of despotism, they are brought over to measures inimical to the liberties of the people—Ed.



mons, but he forbore to set down in what language, because it was high.<sup>1</sup> Mr. Prynne allows, that “he made as full, as gallant, and pithy a defence, and spoke as much for himself, as was possible for the wit of man to invent; and that with so much art, sophistry, vivacity, oratory, audacity, and confidence, without the least blush, or acknowledgment of guilt in anything, as argued him rather obstinate than innocent, impudent than penitent, and a far better orator and sophister than Protestant or Christian.”<sup>2</sup> But then he imputes his boldness to the king’s pardon, which he had in his pocket.

Bishop Burnet is of opinion, that “in most of the particulars the archbishop made but frivolous excuses; as, that he was but one of many,<sup>3</sup> who either in council, star-chamber, or high-commission, voted illegal things. Now though this was true, yet a chief minister, and one in high favour, determines the rest so much, that they are little better than machines acted by him. On other occasions he says, the thing was proved but by one witness. Now how strong soever this defence may be in law, it is of no force in an appeal to the world; for if a thing be true, it is no matter how full or defective the proof is.”<sup>4</sup>

The archbishop himself has informed us of his great patience under the hard usage he met with at his trial; but his Diary furnishes too many examples to the contrary, for it appears from thence, that he sometimes gave the witnesses very rude language at the bar, insinuating to the court, that many of them were perjured; that their evidence was the effect of malice, envy, and a thirst after his blood. Sometimes he threatened them with the judgments of God, and once he was going to bind his sin upon one of them, not to be forgiven till he asked pardon; but he recovered himself. He is pleased sometimes to observe, that his crimes were proved only by one witness;<sup>5</sup> and yet at last he complains that he was oppressed with numbers, no less than one hundred and fifty,<sup>6</sup> and calls them “a pack of such witnesses, as were never produced against any man of his place and calling; pursuivants, messengers, pillory-men, bawds; and such as had shifted their religion to

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<sup>1</sup> Laud’s History, p. ill.

<sup>2</sup> Prynne, p. 462.

<sup>3</sup> To what bishop Burnet observes on this plea, it is pertinent to add the remarks of a late writer: “that if it were admitted, it would always be impracticable to bring a wicked minister of state to justice, for any proceedings in the privy council, to which the rest concurred; and that it would not be thought a proper justification of criminals of an inferior order, in any court of justice, if they were to allege, that there were other persons accomplices in the crimes with which they were accused.” British Biography, vol. 4. p. 285.—ED.

<sup>4</sup> History of his Life, p. 50, or p. 68, edition in Huw. at Edinburgh.

<sup>5</sup> Laud’s History, p. 237.

<sup>6</sup> He also charged Prynne with keeping a school of instruction for the witnesses, and tampering with them in a most shameful manner. Macaulay’s History of England, vol. 4. p. 137, note.—ED.

and again.”<sup>1</sup> And yet there were among them, men of the best fashion and quality in the kingdom, as sir H. Vane, sen. sir H. Mildmay, sir Wm. Balfore, sir Nath. Brent, vicar-general; sundry aldermen of the city of London, and many excellent divines, as Dr. Featly, Dr. Haywood the archbishop’s chaplain, Mr. Dell his secretary, Mr. Osbaldeston, and others of an equal if not superior character. When his grace was checked at the bar for reflecting upon the witnesses, and put in mind by the managers that some of them were aldermen, some gentlemen, and some men of quality, he replied smartly, “That is nothing, there is not an active separatist in England but his hand is against me: both gentlemen, aldermen, and men of all conditions, are separated from the church of England, and I would to God some of my judges were not.”<sup>2</sup>

After this it can hardly be expected, that the managers for the commons should escape his grace’s censure; it must be admitted, that in the course of their arguments they made use of some harsh expressions, which nothing but the character they sustained could excuse;<sup>3</sup> but it was no argument of the archbishop’s patience and discretion, to fight them at their own weapons. The managers were, serjeant Maynard, one of the ablest lawyers of his age; he lived to be the father of his profession; and when the prince of Orange [afterward king William III.] complimented him upon his having outlived all his brethren of the law, he made this handsome reply, that if it had not been for the wonderful revolution that his highness had brought about, he should have outlived the law itself. He managed the first part of the evidence March 13, 16, 18, and 28. “This gentleman (says the archbishop) pleaded, though strongly, yet fairly, against me.”<sup>4</sup>

Serjeant Wild was the son of serjeant George Wild, of Droitwich in Worcestershire; he was afterward reader of the Inner-Temple, a great lawyer of unblemished morals. After the restoration of king Charles II. he was made lord-chief-baron, and esteemed a grave and venerable judge.<sup>5</sup> He

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<sup>1</sup> Land’s History, p. 417.

<sup>2</sup> Ibid. p. 434.

<sup>3</sup> “Like true lawyers (says Mrs. Macaulay), they played their parts in baiting the unhappy prisoner with the most acrimonious and insulting language; like true lawyers, they took all the unfair advantages which their offices and other opportunities procured them: and like true lawyers, they put a forced and unwarrantable construction on all the facts which they cited against him.” History of England, vol. 4. p. 137, 8vo.—ED.

<sup>4</sup> Laud’s History, p. 330.

<sup>5</sup> The character of serjeant Wild is impeached, and the above account of his preferment is shown to be inaccurate, by Dr. Grey. He was made lord-chief-baron of the exchequer (see Whitelocke’s Memorials, p. 337) 12th October, 1648. In the protectorate of Cromwell he retired, and did not act. During the Rump parliament he was restored to the exchequer. After king Charles II., returned, he lived nine years in a retired condition. Wood’s Athens Oxon. vol. 1.p. 808. On the authority of Wood, Dr. Grey charges him with having received £1,000 out of the privy purse at Derby-house, for the condemnation of captain Burley, at Winchester, for causing a drum to beat up for God and king Charles, in the Isle of Wight,

managed that part of the evidence which concerned religion. May 20, 27; June 6, 11, 17, 20, and 27; July 20 and 24; but “this gentleman (says the archbishop), though he had language good enough sometimes, he liad little or no sense. I had a character given me before of him, which I forbear to express, but by his proceedings with me I found it exactly true?”<sup>1</sup>

Samuel Browne, esq. was an able and grave lawyer. In the reign of king Charles II. he was knighted and made lord-chief-justice of the common pleas; he summed up the whole evidence at the lords’ bar. “His behaviour towards the archbishop was decent and civil, but his pleadings (according to his grace) very unfair.”<sup>2</sup>

Robert Nicolas, esq. pressed the archbishop very hard, and therefore no wonder that he was displeased with him. The archbishop allows that he had some sense, but extreme virulent and foul language. He managed the second and fourth branches of the evidence, April 16, May 14, July 29. This gentleman happening to call the archbishop pander to the whore of Babylon; the archbishop bids him remember, “that one of his zealous witnesses against the whore of Babylon got all his means by being a pander to other lewd women, and was not long since taken in bed with one of his wife’s maids. Good Mr. Nicolas (says he), do not dispense with all whores but the whore of Babylon!”<sup>3</sup>

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in order to rescue his captive king. The reader will judge what credit is due to this charge, when he is informed, that captain Burley was convicted, sentenced, and executed, according both to Wood and Whitelocke [Memorials, p. 290], in 1647, some months before serjeant Wild was made a judge. Another charge brought against him, from lord Clarendon and Wood, is, that he received another £1,000 for the acquittance of major Rolfe, who had a design to murder or poison the king. That the reader may form his judgment on this charge, we will state the proceedings on the affair of major Rolfe, as they are chronologically given by Whitelocke.—1648, June 23. A charge by Osborne against colonel Hammond and captain Rolfe, was ordered to be printed. July 11, A letter was received from colonel Hammond, desiring that Osborne’s charge against Mr. Rolfe may come to a speedy hearing, it reflecting so highly upon the army and upon him; and being a horrid scandal, whereof he clears his own innocency and the officers of the army and Mr. Rolfe. Accommodations were ordered for Mr. Rolfe. August 1, Major Rolfe was bailed. August 12, At a conference with the lords about Mr. Rolfe, the commons alleged, that Mr. Rolfe was committed by their lordships without any cause in the warrant, and they found reason to clear him. August 31, The grand jury, at Southampton, found the bail against major Rolfe, *ignoramus*. September 9, There was an order for £150 for Mr. Rolfe for his unjust imprisonment. Memoirs, p. 310. All these transactions appear to have taken place independently of serjeant Wild, and before he was preferred to be a judge. To these particulars it may be added, that the king himself acquitted colonel Hammond, involved in the same accusation with Rolfe, and professed a perfect confidence in him as a man of honour and trust. Memoirs, p. 315. The stress, which lord Clarendon, and after him Mr. Echard and Dr. Grey, have laid on this charge against serjeant Wild, will apologise for so minute an investigation of a matter, not essentially connected with the general truth of Mr. Neal’s history.—ED,

<sup>1</sup> Laud’s History, p, 320, 330,

<sup>2</sup> Ibid. p. 390.

<sup>3</sup> Ibid.

As for Mr. Hill the other manager, he is called *Consul Bibulus*, because he said nothing. Upon the whole the archbishop is of opinion, that the managers for the commons sought his blood, “and made false constructions, for which (says he) I am confident they shall answer at another bar, and for something else in these proceedings.”<sup>1</sup>

Such was the unhappy spirit of this prelate, who “though he had seen the violent effects of his ill counsels, and had been so long shut up, and so much at leisure to reflect upon what had passed in the hurry of passion, and in the exaltation of his prosperity, yet (as bishop Burnet observes) he does not in any one point of his Diary acknowledge his own errors, nor mix any wise or pious reflections upon the unhappy steps he had made.” It was, no doubt, a great mortification to his spirit to be exposed to the people, and to wait sometimes an hour or two before he was called to the bar; but as for his charity, and patience under his sufferings, I must leave it with the reader to form his own judgment.

While the proceedings against the archbishop were at a stand by reason of the lords being dissatisfied, whether the facts proved against him were treason by statute law; the citizens of London assembled, and presented a petition to the house of commons, October 28th, signed with a great number of hands, praying for speedy justice against delinquents, and particularly against the archbishop; which was no doubt an artful contrivance of his enemies. The commons, to prevent all farther delays, determined not to press the lords for judgment upon the trial, but ordered a bill of attainder to be brought in; and when it had been twice read, the archbishop was brought to the bar of the house of commons, to hear the evidence on which it proceeded, and to make what farther defence he thought proper. Mr. Browne summed up the charge November 2, and the archbishop had nine days given him to prepare his defence. November 11, he spoke for himself some hours at the bar of the house of commons, and Mr. Browne replied before the archbishop withdrew; after which the bill of attainder passed the house the very same day with but one dissenting voice, and that not upon the substance of the charge, but upon the manner of proceeding.<sup>2</sup> The bill being sent up to the lords, they made an order December 4, “that all books, writings, &c. concerning the archbishop’s trial, should be brought in to the clerk of the parliament,” which being done, they examined over again all the heads and principal parts of the evidence, and voted each particular as they went forward; so tender were they of the life of this prelate, and so

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<sup>1</sup> Ibid. p. 271.

<sup>2</sup> It was greatly against the archbishop, that the management of the trial was assigned to Prynne, a man of sour and austere principles; whom Laud had made his enemy by the severe sentence of the star-chamber; and who, by his behaviour on this occasion, showed, that he remembered and resented the share Laud had in inflicting his past sufferings.—ED.

careful to maintain the honour and justice of their proceedings. When they had gone through the whole, they voted him guilty of all facts charged against him, in three branches, namely, “guilty of endeavouring to subvert the laws;—of endeavouring to overthrow the Protestant religion,—and the rights of parliaments.” After this they sent a message to the commons, to desire them to answer the argument of the archbishop’s counsel, as to the point of law, which they accordingly did at a conference January 2, when serjeant Wild, Mr. Browne, and Mr. Nicolas, having given the reasons of the commons for their attainder, the lords were satisfied, and January 4, passed the bill,<sup>1</sup> whereby it was ordained, that he should suffer death as in cases of high treason. To stop the consequence of this attainder, the archbishop produced the king’s pardon under the great seal, signed April 19, 12th Car. but it was overruled by both houses. 1. Because it was granted before conviction. And, 2. If it had been subsequent, yet in the present case of treason they argued, that the king could not pardon a judgment of parliament, especially as the nation was in a state of war; for if the king’s pardon was a protection, not a deserter, nor a spy, nor an incendiary of any kind against the parliament, would have suffered in his life or liberty.<sup>2</sup>

All the favour therefore the archbishop could obtain, was, upon his petition, to have his sentence altered from hanging to being beheaded on Tower-hill, which was appointed to be on Friday, January 10, when the archbishop being conducted to the scaffold, attended by his chaplain Dr. Stern, and Mr. Marshal and Palmer, sent by the parliament,<sup>3</sup> read his last speech to the people,<sup>4</sup> which was a sort of sermon from Heb. xii. 2. “Let us run with patience the race that is set before us, looking unto Jesus, the author and finisher of our faith, who, for the joy that was set before him, endured the cross, despising the shame, and is set down at the right hand of the throne of God.” In which he acknowledges himself to have been a great sinner; but having ransacked every corner of his heart, he thanks God, that he has not found any of his sins deserving death by any of the known laws of the kingdom, though he does not charge his judges, because they are to

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<sup>1</sup> Dr. Grey will not allow the decree of the commons to be called “a bill.” It was, in his opinion, an ordinance only, and that an imperfect one; because it was not supported by the royal assent, and therefore, he says, had no legal force at all.—ED.

<sup>2</sup> Whitelocke’s *Memoirs*, p. 117.

<sup>3</sup> It marks a virulent and bitter spirit in the conduct of this execution, that of the three clergymen, whose consolatory attendance and service at his exit Laud petitioned for, but one was allowed him; and this under the restraint of the inspection of two ministers appointed by parliament. Macaulay’s *History*, vol. 4. p. 144.—ED.

<sup>4</sup> “In this very performance (observes Mrs. Macaulay), which was executed with great art of composition, and likewise in his remarks on the charge which the Scots brought against him, he plainly shows that his adversity had not altered his opinions, nor corrected any one of his most mischievous prejudices; and that, had accident re-established him in his former plenitude of power, he would have run, to the end of his days, the same persecuting course for which he now suffered.” *History of England*, vol. 4. p. 140.—ED.

proceed according to evidence.—He thanks God that he is as quiet within as ever he was in his life, and hopes that his cause in heaven will look of another colour than it does here. “It is clamoured against me (says he) that I designed to bring in Popery, but I pray God that the pope do not come in, by means of these sectaries which clamour so much against me.” As for the king, he assured the world, that he was as sound a Protestant as any man in the kingdom, and would venture as freely for it. He complains of the citizens for gathering hands to petitions, and particularly against himself, whereby they were bringing the guilt of innocent blood upon themselves and their city. He laments the ruin of the hierarchy, and concludes with declaring himself a true Protestant, according to the church of England established by law, and takes it upon his death, that “he never endeavoured the subversion of the laws of the realm, nor any change of the Protestant religion into Popish superstition; nor was he an enemy to parliaments.”

In his last prayer he desires that God would give him patience to die for his honour, for the king’s happiness, and the church of England. He then prays for the preservation of the king in his just rights: for the parliament in their ancient and just power; for the church, that it may be settled in truth and peace, and in its patrimony; and for the people, that they may enjoy their ancient laws, and other liberties; and then, having forgiven his enemies, he concluded with the Lord’s prayer. After which he gave his paper to Dr. Stern, saying, “Doctor, I give you this, to show your fellow-chaplains, that they may see how I am gone out of the world, and God’s blessing and his mercy be upon them.” When the scaffold was cleared, he pulled off his doublet, and said, “God’s will be done, I am willing to go out of the world; no man can be more willing to send me out.” Then turning to the executioner, he gave him some money, and bid him do his office in mercy; he then kneeled down, and after a short prayer, laid his head on the block, and said, “Lord Jesus, receive my spirit;” which being the sign, the executioner did his office at one blow.<sup>1</sup> The archbishop’s corpse was put

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<sup>1</sup> Mrs. Macaulay’s reflections on this event appear to carry weight and pertinence with them. “As the justice of the country had been something satisfied by the death of the criminal Strafford, it would have done honour to the parliament to have left this aged prelate the example of their mercy, rather than to have made him the monument of their justice. Perpetual imprisonment, with no more than a decent maintenance, and the deprivation of his archiepiscopal function (which of course followed the abolishment of that kind of church government), would have taken away his abilities of doing farther mischief; and the present prosperous state of the parliament affairs rendered his death a circumstance of no importance to the public. It is plain that he fell a sacrifice to the intolerant principle of the Presbyterians, a sect who breathed as fiery a spirit of persecution as himself. It is farther to be observed of this prelate, that he is the only individual of that high office in the church of England (Cranmer, the martyr, excepted) who ever suffered death by the hands of the executioner; though the turbulent ambition of his order has disturbed the peace of society from the first period of the church-power to the present day.” *History of England*, vol. 4. p. 143, 144.—ED.

into a coffin, and by the permission of parliament buried in Barking church, with the service of the church read over him. The inscription upon the coffin was this, “In hac cistula conduntur exuviae Gulielmi Laud, archiepiscopi Cantuariensis, qui securi percussus immortalitatem adiit, die x<sup>o</sup> Januarii, aetatis suae 72, archiepiscopatus xii.” But after the Restoration, his body was removed to Oxford, and deposited with great solemnity in a brick vault, according to his last will and testament, near the altar of the chapel of St. John Baptist college, July 24, 1663.

Thus died Dr. William Laud, archbishop of Canterbury, primate of all England, and metropolitan; some time chancellor of the universities of Oxford and Dublin, one of the commissioners of his majesty’s exchequer, and privy-counsellor to the king, in the seventy-second year of his age, and twelfth of his archiepiscopal translation. He was of low stature, and a ruddy countenance; his natural temper was severe and uncourtly, his spirit active and restless, which pushed him on to the most hazardous enterprises. His conduct was rash and precipitate, for, according to Dr. Heylin, he attempted more alterations in the church in one year, than a prudent man would have done in a great many. His counsels in state-affairs were high and arbitrary, for he was at the head of all the illegal projects, of ship-money, loans, monopolies, star-chamber fines, &c. which were the ruin of the king and constitution.

His maxims in the church were no less severe, for he sharpened the spiritual sword, and drew it against all sorts of offenders, intending, as lord Clarendon expresses it, that the discipline of the church should be felt as well as spoken of. There had not been such a crowd of business in the high-commission court since the Reformation, nor so many large fines imposed, as under this prelate’s administration, with little or no abatement, because they were assigned to the repair of St. Paul’s, which gave occasion to an unlucky proverb, that the church was repaired with the sins of the people.

As to the archbishop’s religion, he declared himself, upon the scaffold, a Protestant, according to the constitution of the church of England, but with more charity to the church of Rome than to the foreign Protestants; and though he was an avowed enemy to sectaries and fanatics of all sorts, yet he had a great deal of superstition in his make, as appears from those passages in his Diary, in which he takes notice of his dreams, of the falling down of pictures, of the bleeding of his nose, of auspicious and inauspicious days of the year, and of the position of the stars; a variety of which may be collected out of that performance.

His grace must be allowed to have had a considerable share of knowledge, and to have been a learned man, though he was more a man of

business than of letters.<sup>1</sup> He was a great benefactor to the college in which he was educated, enriching it with a variety of valuable manuscripts,<sup>2</sup> besides £500 in money.<sup>3</sup> He gave £800 to the repair of the cathedral of St. Paul's, and sundry other legacies of the like nature. But with all his accomplishments he was a cruel persecutor, as long as he was in power, and the chief incendiary in the war between the king and parliament, the calamities of which are in a great measure chargeable upon him. "That which gave me the strongest prejudices against him (says bishop Burnet) is, that, in his Diary, after he had seen the ill effects of his violent counsels, and had been so long shut up, and so long at leisure to reflect on what had passed in the hurry of passion, in the exaltation of his prosperity, he docs not in any one part of that great work acknowledge his own errors, nor mix any wise or serious reflections on the ill-usage he met with, or the unhappy steps he had made?" The bishop adds withal,<sup>4</sup> "that he was a learned, sincere, and zealous man, regular in his own life, and humble in his private deportment, but hot and indiscreet, eagerly pursuing such matters as were either very inconsiderable or mischievous; such as setting the communion-table by the east wall of the church, bowing to it, and calling it an altar, suppressing the Walloon privileges, breaking of lectures, and encouraging of sports on the Lord's day, &c. His severity in the star-chamber, and in the high-commission court; but above all, his violent and indeed inexcusable injustice, in the prosecution of bishop Williams, were such visible blemishes, that nothing but the putting him to death in so unjust a manner could have raised his character. His Diary represents him as an abject fawner upon the duke of Buckingham, and as a superstitious regarder of dreams;<sup>5</sup> his de-

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<sup>1</sup> "Just the contrary (says bishop Warburton): he did not understand business at all, as fully appears from the historian's account of his civil administration, and was a great master of religious controversy." Mr. Hume, speaking of Laud's learning and morals, expresses himself in the following manner: "This man was virtuous, if severity of manners alone, and abstinence from pleasure, could deserve that name. He was learned, if polemical knowledge could entitle him to that praise." History of Great Britain, vol. 5. p. 193.—ED.

<sup>2</sup> These manuscripts, which he had purchased at a prodigious expense, were in Hebrew, Syriac, Chaldee, Egyptian, Ethiopian, Armenian, Arabic, Persian, Turkish, Russian, Chinese, Japanese, Greek, Latin, Italian, French, Saxon, English, and Irish. The archbishop also founded an Arabic lecture in the university of Oxford, which began to be read in 1636. He obtained the advowson of the living of St. Lawrence in Reading for St. John's college. He procured a charter for Reading, and founded, and endowed with £200 per annum, an hospital in that town. Oxford owed also to his influence a large charter, confirming its ancient, and investing it with new, privileges. It is but justice due to his memory to record, to the honour of Laud, these acts of munificence and public utility. British Biography, vol. 4. p. 289, 290.—ED.

<sup>3</sup> Diary, p. 56.

<sup>4</sup> History of his Life, vol. 1. p. 49, 50; or Scotch edit. p. 68.

<sup>5</sup> "His superstitions (says Mrs. Macaulay) were as contemptible as those that belonged to the weakest of women." His Diary fell into the hands of Prynne, in the search of the archbishop's papers, and was published by him during his trial. This his grace complained of, as done to abash and disgrace him. The publication of it, certainly, did not tend to sof-



fence of himself, written with so much care when he was in the Tower, is a very mean performance; and his friends have really lessened him—Heylin by writing his life, and Wharton by publishing his vindication of himself.” Mr. Rapin adds, “Let the archbishop’s favourers say what they please, he was one of the chief authors of the troubles that afflicted England; 1. By supporting with all his might the principles of that arbitrary power which the court strove for several years to establish. 2. By using too much strictness and rigidity in the observance of trifles in divine service, and in compelling everybody to conform themselves thereto.”<sup>1</sup> To which I would beg leave to add, that since nothing relating to the doctrine or discipline of the church of England established by law was objected to him at his trial, but only certain innovations in the church, without or contrary to law, I cannot conceive with what propriety of language his friends and admirers have canonized him as the blessed martyr of the church of England.<sup>2</sup>

The last and most memorable transaction of this year, was the treaty of Uxbridge. His majesty had sent the two houses sundry propositions for peace last summer, which took them up a great deal of time to form into propositions for his majesty’s assent. The commissioners were, two lords, four commoners, and those of the Scots commissioners; they arrived at Oxford November 26, but though the king had given them a safe-conduct, Mr. Whitelocke observes, they met with very rude treatment from the populace, who saluted them as they passed along the streets with the names of traitors, rogues, and rebels, throwing stones and dirt into their coaches; when they came to their inn, they were insulted by the soldiers, so that they were obliged to shut up the doors till the king ordered them a guard. When they

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ten the prejudices against him, or to raise him in the opinion of the public. It was done by an order of a committee of the house of commons.—ED.

<sup>1</sup> Rapin, v.1. p. 507, folio.

<sup>2</sup> Dr. Grey calls Mr. Neal’s delineation of archbishop Laud’s character, “a long invective,” and opposes to it lord Clarendon’s character of this prelate. Facts will show, who has drawn it with truth: and by facts we may decide concerning a more recent delineation of it by the pen of Mrs. Macaulay. “Laud, a superstitious churchman, who had studied little else than canon law and the dotting opinions of the fathers, was entirely ignorant of the utility, equity, and beauty, of civil and religious liberty, was himself imposed on before he endeavoured to impose on others; and became a zealous instrument of tyranny, even for conscience’ sake. The principles of religion, on which he uniformly acted, were as noxious to the peace of society, as were the principles of the Papists; the same want of charity, the same exercise of cruelty, the same arrogance of dominion, were common to both. Utterly unacquainted with the simplicity, charity, and meekness, of the gospel, his character was void of humility and forgiveness; nor had he other rules to judge of men’s deservings, but as they were more or less attached to the power of the church. Upon the whole, his character serves as an eminent example, to show that extensive learning and abilities are not incompatible with a narrow judgment; and that in all the catalogue of human frailties, there are none which more corrupt the heart, or deprave the understanding, than the follies of religion.” History of England, vol. 4. p. 134. 142, 143. Were it necessary for the editor of Mr. Neal to subjoin his idea of Laud’s character, he would be inclined to give it in three words; as formed of superstition, tyranny, and intolerance.—ED.

delivered their propositions, his majesty received them coldly;<sup>1</sup> and because they were only to receive his answer, told them, a letter-carrier might have done as well.<sup>2</sup> Next day his majesty gave them his answer in writing sealed up; and when they desired to see it, he replied with a frown, “What is it to you, who are but to carry what I send? If I will send the song of Robin Hood, or Little John, you must carry it.” But at length they obtained a copy, which was only to desire a safe-conduct for the duke of Lenox and earl of Southampton to come to London with his majesty’s answer; but the letter not being directed to the parliament of England, the houses would not consent but upon that condition. The king’s council advised him to yield, which did not prevail, till his majesty had found out an evasion, and entered it upon record in the council-books, as appears by his letter to the queen, dated January 2, in which he says, “that his calling them a parliament did not imply his acknowledging them as such; upon which construction, and no other (says he),<sup>3</sup> I called them as it is registered in the council-books, and if there had been but two of my opinion (says the king) I would not have done it.”<sup>4</sup> In another intercepted letter to the queen, he tells her, “he could not prevail with his parliament at Oxford to vote those at Westminster-

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<sup>1</sup> This, as Dr. Grey observes, is not expressly said by Whitelocke; whose words are, “The next day they (i. e. the commissioners) had access to his majesty, who used them civilly, and gave to every one of them his hand to kiss; but he seemed to show more disdain to the Scots commissioners than to any others of their company.” On the evening of the same day, as Hollis and Whitelocke were paying a visit to the earl of Lindsey, the king came into the chamber, and treated those gentlemen with extraordinary respect, entered into a free conversation with them, and asked their advice as friends. *Memorials*, p. 108. Rushworth says, that “the king received the commissioners very obligingly, but seemed more to slight the Scots commissioners than any of the rest,” vol. 5. p. 841. Even here, though the language of Rushworth is more descriptive of a courteous and complaisant reception, than is that of Whitelocke, there is yet an intimation of something in the king’s manner to all the commissioners, that indicated coldness and indifference, and it justifies Mr. Neal’s representation of it.—ED.

<sup>2</sup> Whitelocke, p. 106, 107, 109, 110.

<sup>3</sup> Whitelocke, p. 277.

<sup>4</sup> Dr. Grey aims, here, to impeach not the accuracy only, but the veracity, of Mr. Neal; whose account of the matter does, indeed, seem to imply, that the king was at length prevailed on to direct his answer to the parliament at Westminster: whereas Dr. Grey shows, from Rapin and Rushworth, that his majesty put no direction at all on it, and the commissioners accepted it without a direction; and that therefore the charge of evasion against the king was without ground. But Dr. Grey contents himself with a partial account and view of this matter, and does not apprise his reader, that Rapin also mentions the expedient by which the king reconciled to himself a compliance with the requisition of the parliament: the fact, in its full extent, was, that the commissioners, though they objected to the form and the want of direction to the king’s message, yet did deliver it to the parliament at Westminster, and was thanked for their services. But then the like exceptions were made by both houses, and it was resolved not to grant the safe conduct it asked, nor to receive his majesty’s answer, unless he should send to the parliament of England assembled at Westminster. The trumpeter went away with the letter to this effect December 3, and returned on the 7th with an answer from the king, acknowledging those at Westminster to be the parliament. Rushworth, vol. 5. p. 813, 844.

ster no parliament, but assures her he would not make peace without her approbation, nor go one jot beyond the paper she sent him.”<sup>1</sup> In another, the king informs the queen, “that the parliament were sending him propositions for peace, which, if she likes, he thinks may be the best way for settlement as things stand;” so that the fate of England was to be determined by the queen and her Popish council. Besides, his majesty was unhappily elevated at this time by the divisions at Westminster, which produced the new modelling the army; and with a false and romantic account of the successes of the marquis of Montrose in Scotland, which were so magnified, that it was expected the Scots must immediately march back into their own country; whereas, in reality, they were not so considerable as to oblige them to draw off a single regiment.

In this situation of affairs it was agreed, according to the proposals of the king’s commissioners, that there should be a treaty of peace at Uxbridge, to commence January 30, 1645, and to continue twenty days.

There were sixteen commissioners for the king, viz. nine lords, six commoners, and one divine; twelve for the parliament, and ten for the Scots, and one divine, viz. Mr. Henderson; the king’s divine was Dr. Steward, who was assisted by Dr. Sheldon, Laney, Fern, Potter, and Hammond. Assistant divines for the parliament were, Mr. Vines, Marshal, Cheynel, and Chiesly. These, with their retinue, to the number of one hundred and eight persons, were included in the safe-conduct.

The propositions to be treated of were, religion, the militia, and Ireland; each of which was to be debated three days successively, till the twenty days were expired.

The treaty was preceded by a day of fasting and prayer on both sides for a blessing, but was interrupted the very first day, by a sermon preached occasionally in the church of Uxbridge by Mr. Love, then preacher to the garrison of Windsor, wherein he had said, that they [his majesty’s commissioners] came thither with hearts full of blood, and that there was as great a distance between this treaty and peace, as between heaven and hell. The commissioners having complained of him next day, the parliament-commissioners laid it before the two houses, who sent for him to London, where he gave this account of the affair,—that the people being under a disappointment at their lecture, he was desired unexpectedly to give them a sermon; which was the same he had preached at Windsor the day before.<sup>2</sup> He admits, that he cautioned the people not to have too great a dependence upon the treaty, because, “whilst our enemies (says he) go on in their wicked practices, and we keep to our principles, we may as soon make fire and

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<sup>1</sup> Rushworth, vol. 5. p. 943.

<sup>2</sup> Dugdale’s Treaty of Uxbridge, p. 764.

water to agree; and I had almost said, reconcile heaven and hell, as their spirits and ours. They must grow better, or we must grow worse, before it is possible for us to agree.” He added farther, “that there was a generation of men that carried blood and revenge in their hearts against the well-affected in the nation, who hated not only their bodies but their souls, and in their cups would drink a health to their damnation.” Though there might be some truth in what the preacher said, yet these expressions were unbecoming any private man in so nice a conjuncture; he was therefore confined to his house during the treaty, and then discharged.<sup>1</sup>

It was too evident, that neither party came to the treaty with a healing spirit. The king’s commissioners were under such restraints, that little good was to be expected from them; and the parliament-commissioners would place no manner of confidence in his majesty’s promises, nor abate a tittle of the fullest security for themselves and the constitution.<sup>2</sup> The king therefore, in his letter to the queen of January 22, assures her of the utter improbability that this present treaty should produce a peace, “considering the great and strange difference, if not contrariety, of grounds, that was between the rebels’ propositions and his; and that I cannot alter mine, nor will they ever theirs, but by force.”<sup>3</sup>

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<sup>1</sup> Mr. Love, lord Clarendon’s representation, which states only—that the commissioners seemed troubled at the charge against him, promised to examine it, and engaged that he should be severely punished; but afterward confessed that they had no authority to punish him, but that they had caused him to be sharply reprehended and sent out of town: “this (his lordship adds) was all that could be obtained, so unwilling were they to discountenance any man who was willing to serve them.” *History of the Rebellion*, vol. 2. p. 579. Dr. Grey remarks here, “This is lord Clarendon’s account, who himself was a commissioner of that treaty.” The remark is evidently made to intimate that Mr. Neal’s account is not true. It is to be regretted, that he has not, in this instance, referred to his authority. But it is certain, that lord Clarendon does not relate the whole of the commissioners’ answer or conduct. The former, according to Rushworth, vol. 5. p. 865, and Dugdale, p. 765, was a promise “to represent the complaint against Mr. Love to the parliament, who would proceed therein according to justice;” and the latter, it appears by Whitelocke, was correspondent to this engagement: “for the parliament, having notice of Mr. Love’s sermon from the commissioners, sent for him and referred the business to an examination.” *Memorials*, p. 123.—Ed.

<sup>2</sup> Rapin, vol. 2. p. 510, folio.

<sup>3</sup> The quotation from Rapin, as Dr. Grey intimates, is not exact, or full. The passage stands thus; “I cannot alter mine, nor will they ever theirs, till they be out of hope to prevail with force, which a little assistance, by thy means, will soon make them be; for I am confident, if ever I could put them to a defensive (which a reasonable sum of money would do), they would be easily brought to reason.” Rushworth, vol. 7. p. 944. As the passage now appears at its full length, though the reader should judge Mr. Neal’s manner of quoting it inaccurate, he will perceive that he has truly given the idea and meaning of the king: who thought of nothing but of putting the parliament out of hope of prevailing by force, by carrying against them a superior force.—Ed.

We shall only just mention the propositions relating to the militia and Ireland, our principal view being to religion. The king's commissioners proposed to put the militia into the hands of trustees for three years, half to be named by the king, and half by the parliament, and then to revert absolutely to the crown, on pain of high treason. But the parliament-commissioners replied, that by the king's naming half the commissioners, the militia would be rendered inactive, and that after three years they should be in a worse condition than before the war; they therefore proposed, that "the parliament should name the commissioners for seven years, and then to be settled as the king and parliament should agree, or else to limit their nomination to three years after the king and parliament should declare the kingdom to be in a settled peace."<sup>1</sup> It had been easy to form this proposition, so as both parties might have complied with honour and safety, if they had been in earnest for an accommodation; but his majesty's commissioners could yield no farther.

As to Ireland, the king's commissioners justified his majesty's proceedings in the cessation, and in sending for the rebels over to fill up his armies; and when the commissioners on the other side put them in mind of his majesty's solemn promises to leave that affair to the parliament, and to have those rebels punished according to law; the others replied, they wished it was in his majesty's power to punish all rebellion according as it deserved; but since it was otherwise, he must condescend to treaties, and to all other expedients necessary to reduce his rebellious subjects to their duty and obedience."<sup>2</sup> Admirable arguments to heal divisions, and induce the parliament to put the sword into the king's hands!<sup>3</sup>

The article of religion was, in the opinion of lord Clarendon, of less consequence with many in the parliament-house, for if they could have obtained a security for their lives and fortunes, he apprehends this might have been accommodated, though, considering the influence of the Scots, and

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<sup>1</sup> Rapin, p. 513.

<sup>2</sup> Clarendon, vol. 2. p. 592.

<sup>3</sup> Bishop Warburton treats this with contempt, calling it "a foolish declamation. The subject here was Ireland, not the militia," So Mr. Neal represents it; but the force of his remark turns on the propriety of putting the sword into the king's hands; and whether the sword was worn by the English militia or the Irish rebels, in either case it was an object of fear and jealousy to the parliament. The reader will not be displeased to see how the bishop becomes advocate for the king on the charge here alleged, of breaking his promise to leave the Irish war to the parliament. His answer, i. e. the king's, says his grace, is to this effect, and I think it very pertinent. "It is true, I made this promise, but it was when the parliament was my friend, not my enemy. They might be then entrusted with my quarrel; but it would be madness to think they now can. To prevent, therefore, their making a treaty with the Irish, and in their distresses bringing over their troops against me, I have treated with them, and have brought over the troops, against them." This was speaking like a wise and able prince. —ED.

the growing strength of the Presbyterian and Independent parties, it is very much to be doubted. However, this being the first point debated in the treaty, and a church-controversy, it will be proper to represent the instructions on both sides. While this was upon the carpet, Dr. Steward, clerk of the closet, and a commissioner for the king, sat covered without the bar, behind the commissioners; as did Mr. Henderson behind those of the parliament. The assistant divines were present in places appointed for them, opposite to each other.

His majesty's instructions to his commissioners on the head of religion were these: "Here (says the king) the government of the church will be the chief question, wherein two things are to be considered, conscience and policy; for the first I must declare, that I cannot yield to the change of the government by bishops, not only because I fully concur with the most general opinion of Christians in all ages, in episcopacy's being the best government, but likewise I hold myself particularly bound by the oath I took at my coronation, not to alter the government of this church from what I found it; and as for the church-patrimony, I cannot suffer any diminution or alienation of it, it being, without peradventure, sacrilege, and likewise contrary to my coronation-oath; but whatsoever shall be offered for rectifying abuses, if any have crept in, or for the ease of tender consciences (provided the foundation be not damaged,) I am content to hear, and willing to return a gracious answer. Touching the second, that is, the point of policy, as it is the king's duty to protect the church, so the church is reciprocally bound to assist the king in the maintenance of his just authority. Upon these views my predecessors have been always careful (especially since the Reformation) to keep the dependence of the clergy entirely upon the crown, without which it will scarce set fast on the king's head; therefore you must do nothing to change or lessen this natural dependence."<sup>1</sup>

The commissioners from the two houses of parliament at Westminster, instead of being instructed to treat about a reformation of the hierarchy, were ordered to demand the passing of a bill for abolishing and taking away episcopal government; for confirming the ordinance for the calling and sitting of the assembly of divines; that the Directory for public worship, and the propositions concerning church-government, hereunto annexed, be confirmed as a part of reformation of religion and uniformity; that his majesty take the solemn league and covenant, and that an act of parliament be passed, enjoining the taking it by all the subjects of the three kingdoms.<sup>2</sup>

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<sup>1</sup> Rushworth, vol. 5. p. 945.

<sup>2</sup> Dugdale, p. 766.

The propositions annexed to these demands were these, viz. “that the ordinary way of dividing Christians into distinct congregations, as most expedient for edification, be by the respective bounds of their dwellings.

“That the ministers, and other church-officers in each particular congregation, shall join in the government of the church in such manner as shall be established by parliament.

“That many congregations shall be under one presbyterial government.

“That the church be governed by congregational, classical, and synodical assemblies, in such manner as shall be established by parliament.

“That synodical assemblies shall consist both of provincial and national assemblies.”

One may easily observe the distance between the instructions of the two parties; one being determined to maintain episcopacy, and the other no less resolute for establishing presbytery. After several papers had passed between the commissioners, about the bill for taking away episcopacy, it was debated by the divines for two days together.

Mr. Henderson, in a laboured speech, endeavoured to show the necessity of changing the government of the church, for the preservation of the state,—“That now the question was not, whether the government of the church by bishops was lawful, but whether it was so necessary that Christianity could not subsist without it.—That this latter position could not be maintained in the affirmative, without condemning all other reformed churches in Europe.—That the parliament of England had found episcopacy a very inconvenient and corrupt government—that the hierarchy had been a public grievance from the Reformation downwards—that the bishops had always abetted Popery, had retained many superstitious rites and customs in their worship and government: and over and above had lately brought in a great many novelties into the church, and made a nearer approach to the Roman communion, to the great scandal of the Protestant churches of Germany, France, Scotland, and Holland.—That the prelates had embroiled the British island, and made the two nations of England and Scotland fall foul upon each other.—That the rebellion in Ireland, and the civil war in England, may be charged upon them—that for these reasons the parliament had resolved to change this inconvenient mischievous government, and set up another in the room of it, more naturally formed for the advancement of piety—that this alteration was the best expedient to unite all Protestant churches, and extinguish the remains of Popery—he hoped therefore the king would concur in so commendable and godly an undertaking; and conceived his majesty’s conscience could not be urged against such a compliance, because he had already done it in Scotland; nor could

he believe that episcopacy was absolutely necessary to the support of the Christian religion.”<sup>1</sup>

Dr. Steward, clerk of the king’s closet, addressing himself to the commissioners, replied, “he knew their lordships were too well acquainted with the constitution of the church of England, and the basis upon which it stood, to imagine it could be shaken by the force of Mr. Henderson’s rhetoric—that he was firmly of opinion, that a government, which from the planting of Christianity in England had continued without interruption, that a government under which Christianity had spread and flourished to a remarkable degree, could have nothing vicious or antichristian in its frame; that he expected that those who had sworn themselves to an abolition of this primitive constitution, and came hither to persuade their lordships and his majesty to a concurrence, would have endeavoured to prove the unlawfulness of that government they pressed so strongly to remove;—but though in their sermons and prints they gave episcopacy an antichristian addition, Mr. Henderson had prudently declined charging so deep, and only argued from the inconveniences of that government, and the advantages which would be consequent on an alteration. Forasmuch as a union with the Protestant churches abroad was the chief reason for his change, the doctor desired to know what foreign church they designed for a pattern—that he was sure the model in the Directory had no great resemblance to any foreign reformed church—and though he would not enter upon a censure of those communions, yet it was well known that the most learned men of those churches had lamented a defect in their reformation; and that the want of episcopacy was an unhappy circumstance—that they had always paid a particular reverence to the church of England, and looked on it as the most perfect constitution, upon the score of its having retained all that was venerable in antiquity. From hence he proceeded to enlarge upon the apostolical institution of episcopacy, and endeavoured to prove, that without bishops the sacerdotal character could not be conveyed, nor the sacraments administered to any significancy.

“As to his majesty’s consenting to put down episcopacy in Scotland, he would say nothing, though he knew his majesty’s present thoughts upon that subject. But he observed that the king was farther obliged in this kingdom than in the other; that in England he was tied by his coronation-oath to maintain the rights of the church, and that this single engagement was a restraint upon his majesty’s conscience, not to consent to the abolition of episcopacy, or the alienation of church-lands.”

Mr. Henderson and Mr. Marshal declared it to be false in fact, and a downright imposition upon the commissioners, that the foreign Protestants

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<sup>1</sup> Clarendon, vol. 2. p. 584.



lamented the want of episcopacy, and esteemed our constitution more perfect than their own.<sup>1</sup> They then ran out into a high commendation of presbyterial government, as that which had the only claim to a divine right.<sup>2</sup> Upon which the marquis of Hertford<sup>3</sup> spoke to this effect:

“My lords,

“Here is much said concerning church-government in the general; the reverend doctors on the king’s part affirm, that episcopacy is *jure divino*; the reverend ministers on the other part affirm, that presbytery is *jure divino*; for my part, I think neither the one nor the other,<sup>4</sup> nor any government whatsoever, to *be jure divino*; and I desire we may leave this argument, and proceed to debate on the particular proposals.”<sup>5</sup>

Dr. Steward desired they might dispute syllogistically, as became scholars, to which Mr. Henderson readily agreed; in that way they proceeded about two days; the points urged by the king’s doctors were strongly opposed by Mr. Henderson, Mr. Marshal, and Mr. Vines, and very learnedly replied to by his majesty’s divines, who severally declared their judgments upon the apostolical institution of episcopacy; but neither party were convinced or satisfied.

When the debate concerning religion came on a second time, his majesty’s commissioners delivered in their answer to the parliament’s demands in writing, with their reasons why they could not consent to the bill for abolishing episcopacy, and establishing the Directory in the room of the Common Prayer, nor advise his majesty to take the covenant: but for the uniting and reconciling all differences in matters of religion, and procuring a blessed peace, they were willing to consent,

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<sup>1</sup> These assertions of Mr. Henderson and Mr. Marshal are not to be found, as Dr. Grey remarks, in the place to which Mr. Neal refers. Rushworth says there only in general, “that Mr. Henderson and Mr. Marshal answered the doctor, commending the Presbyterian way of government, and that episcopacy was not so suitable to the word of God as presbytery, which they argued to be *jure divino*.” See also Whitelocke’s Memorials, p. 123. Dr. Grey fills several pages with quotations from Calvin, Beza, and other foreign divines, in favour of episcopacy.—ED.

<sup>2</sup> Rushworth, p. 848.

<sup>3</sup> Rushworth and Whitelocke add, that the earl of Pembroke and many of the commissioners, besides these two lords, were of the same judgment, and wished, passing over this point, to come to the particulars. Rushworth’s Collection, vol. 5. p. 849. Whitelocke’s Memorials, p. 123.—ED.

<sup>4</sup> “The marquis of Hertford (says bishop Warburton) seems to have read Hooker to more advantage than the king his master; who fancied that great men contended for the *jus divinum* of episcopacy in his E. P., in which he has been followed by many divines since.”—ED.

<sup>5</sup> Whitelocke, p. 123.

(1) “That freedom be left to all persons, of what opinion soever, in matters of ceremony; and that all the penalties of the laws and customs which enjoin those ceremonies be suspended.<sup>1</sup>

(2.) “That the bishop shall exercise no act of jurisdiction or ordination, without the consent of the presbyters, who shall be chosen by the clergy of each diocese, out of the most learned and grave ministers of the diocese.<sup>2</sup>

(3.) “That the bishop keep his constant residence in his diocese, except when he shall be required by his majesty to attend him on any occasion, and that (if he be not hindered by the infirmities of old age or sickness) he preach every Sunday in some church within his diocese.

(4.) “That the ordination of ministers shall be always in a public and solemn manner, and very strict rules observed concerning the sufficiency and other qualifications of those men who shall be received into holy orders, and the bishops shall not receive any into holy orders without the approbation and consent of the presbyters, or the major part of them.

(5.) “That a competent maintenance and provision be established by act of parliament, to such vicarages as belong to bishops, deans, and chapters, out of the impropriations, and according to the value of those impropriations of the several parishes.

(6.) “That for time to come no man shall be capable of two parsonages or vicarages, with cure of souls.

(7.) “That towards settling the public peace, £100,000 shall be raised by act of parliament out of the estates of bishops, deans, and chapters, in such manner as shall be thought fit by the king and two houses of parliament, without the alienation of any of the said lands.

(8.) “That the jurisdiction in causes testamentary, decimal, matrimonial, be settled in such manner as shall seem most convenient by the king and two houses of parliament.

(9.) “That one or more acts of parliament be passed for regulating of visitations, and against immoderate fees in ecclesiastical courts, and abuses by frivolous excommunication, and all other abuses in the exercise of ecclesiastical jurisdiction, in such manner as shall be agreed upon by the king and both houses of parliament.

“And if your lordships shall insist upon any other thing which your lordships shall think necessary for reformation, we shall very willingly apply ourselves to the consideration thereof.” But they absolutely refused their consent to the main points, viz. the abolishing episcopacy, establishing the Directory, confirming the assembly of divines, and taking the covenant.

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<sup>1</sup> Rushworth, p. 872.

<sup>2</sup> Dugdale, p. 780.

Mr. Rapin observes, upon the first of these concessions, that since the penal laws were not to be abolished, but only suspended, it would be in the king's power to take off the suspension whensoever he pleased. Upon the third, fourth, and fifth, that they were so reasonable and necessary, that it was not for the king's honour to let them be considered as a condescension to promote the peace; and the remainder, depending upon the joint consent of king and parliament, after a peace, it would always be in the king's breast to give or withhold his assent, as he thought fit.<sup>1</sup>

The commissioners for the parliament replied to these concessions, that they were so many new propositions, wholly different from what they had proposed, that they contained little or nothing but what they were already in possession of by the laws of the land; that they were no way satisfactory to their desires, nor consisting with that reformation to which both nations are obliged by the solemn league and covenant; therefore they can give no other answer to them, but insist to desire their lordships, that the bill may be passed, and their other demands concerning religion granted.<sup>2</sup> The parliament-commissioners, in their last papers, say, that all objections in favour of the present hierarchy, arising from conscience, law, or reason, being fully answered, they must now press for a determinate answer to their proposition concerning religion.

The king's commissioners deny that their objections against passing the bill for abolishing episcopacy have been answered, or that they had received any satisfaction in those particulars, and therefore cannot consent to it.

The parliament-commissioners add, that after so many days' debate, and their making it appear, how great a hinderance episcopal government is and has been to a perfect reformation, and to the growth of religion, and how prejudicial it has been to the state, they hoped their lordships would have been ready to answer their expectations.<sup>3</sup>

The king's commissioners replied, "It is evident, and we conceive consented to on all sides, that episcopacy has continued from the apostles' time, by a continued succession, in the church of Christ, without intermission or interruption, and is therefore *jure divino*,"

The parliament-commissioners answer, "So far were we from consenting that episcopacy has continued from the apostles' time, by a continued succession, that the contrary was made evident to your lordships, and the unlawfulness of it fully proved."<sup>4</sup>

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<sup>1</sup> History, vol. 2. p. 512, 513.

<sup>2</sup> Dugdale, p. 783.

<sup>3</sup> Ibid. p. 787.

<sup>4</sup> Ibid. p. 788.

The king's commissioners replied, that they conceived the succession of episcopacy from the apostles was consented to on all sides, and did not remember that the unlawfulness of it had been asserted and proved."<sup>1</sup> However, they apprehend all the inconveniences of that government are remedied by the alterations which they had offered. Nor had the parliament-commissioners given them a view in particular of the government they would substitute in place of the present; if therefore the alterations proposed do not satisfy, they desire the matter may be suspended till after the disbanding the armies, and both king and parliament can agree in calling a national synod.

The above-mentioned concessions would surely have been a sufficient foundation for peace, if they had been made twelve months sooner, before the Scots had been called in with their solemn league and covenant, and sufficient security had been given for their performance; but the commissioners' hands were now tied; the parliament apprehending themselves obliged by the covenant to abolish the hierarchy; and yet if the commissioners could have agreed about the militia, and the punishment of evil counsellors, the affair of religion would not, in the opinion of lord Clarendon, have hindered the success of the treaty; his words are these: "The parliament took none of the points of controversy less to heart, or were less united in anything, than in what concerned the church;<sup>2</sup> the Scots would have given up everything into the hands of the king for their beloved presbytery; but many of the parliament were for peace, provided they might have indemnity for what was passed, and security for time to come."<sup>3</sup> And were not these reasonable requests? Why then did not the commissioners prevail with the king to give them security, and divide the parliament, or put an end to the war?

The last day of the treaty the parliament continued sitting till nine of the clock at night, in hopes of hearing something from their commissioners, that might encourage them to prolong the treaty; but when an express brought word, that the king's commissioners would not yield to one of their propositions, they broke up without doing anything in the business. Each party laid the blame upon the other; the king's commissioners complained, that the parliament would not consent to prolong the treaty;<sup>4</sup> and the others, that after twenty days' conference not one proposition had been yielded. All sober men, and even some of the king's commissioners, were troubled at the event; but considering the state of the king's affairs, and his servile

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<sup>1</sup> Ibid. p. 790. 878.

<sup>2</sup> Clarendon, vol. 2. p. 581.

<sup>3</sup> Ibid. p. 594.

<sup>4</sup> See a proof of this in Dr. Grey.—ED.

attachment to the counsels of a Popish queen, it was easy to foresee it could not be otherwise.

Bishop Burnet, in the *History of his Life and Times*,<sup>1</sup> says, that lord Hollis, who was one of the commissioners, told him, “that the king’s affairs were now at a crisis, for the treaty of Uxbridge gave him an opportunity of making peace with the parliament, but all was undone by the unhappy success of the marquis of Montrose at this time in Scotland, which being magnified to the king far beyond what it really was, prevailed with his majesty to put such limitations on his commissioners, as made the whole design miscarry.”

Most of the king’s commissioners, who were not excepted out of the article of indemnity, were for accommodating matters before they left Uxbridge. The earl of Southampton rode post from Uxbridge to Oxford, to entreat the king to yield something to the necessity of the times; several of his council pressed him to it on their knees; and it is said his majesty was at length prevailed with, and appointed next morning to sign a warrant to that purpose, but that Montrose’s romantic letter, of his conquest in Scotland, coming in the meantime, made the unhappy king alter his resolution.<sup>2</sup>

But there was something more in the affair than this: lord Clarendon<sup>3</sup> is of opinion, that if the king had yielded some things to the demands of the parliament relating to religion, the militia, and Ireland, there were still other articles in reserve that would have broken off the treaty; in which I cannot but agree with his lordship; for not to mention the giving up delinquents to the justice of parliament, of which himself was one, there had been as yet

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<sup>1</sup> Vol. 1. p. 51, Edinburgh edition.

<sup>2</sup> Dr. Grey attempts to convict Mr. Neal of falsehood in each part of this paragraph. For the first part, the doctor says, “that, as far as he could learn, there was not so much as the shadow of an authority.” In reply, it may be observed, that though Mr. Neal has not, as it is to be wished he had, referred to his authority, yet the doctor’s assertion is not well supported. For Whitelocke informs us, that “on the 19th of February the earl of Southampton and others of the king’s commissioners went from Uxbridge to Oxford, to the king, about the business of the treaty, to receive some further directions from his majesty therein.” *Memorials*, p. 127. As the treaty closed on the 22d, the reader will judge, whether Mr. Neal, speaking of the object and expedition of this journey, had not so much as the shadow of an authority. With respect to the latter part of the paragraph concerning Montrose, Dr. Grey will have it, that bishop Burnet’s authority makes directly against Mr. Neal; and then he quotes from him as follows: “Montrose wrote to the king, that he had gone over the land from Dan to Beersheba, and that he prayed the king to come down in these words, Come thou and take the city, lest I take it, and it be called by my name.” This letter was written, but never sent, for he was routed, and his papers taken before he had dispatched the courier. Of course the doctor means to conclude, that the king could not be influenced to obstruct the operation of the treaty, by a letter which was never received. But it escaped Dr. Grey’s attention, that the letter which he quotes was written more than a year after the treaty was broken off: and Mr. Neal speaks, on the authority of bishop Burnet, of another letter, or expresses received, while the treaty was pending. So that there is no contradiction in the case—ED.

<sup>3</sup> Vol. 2. p. 594.

no debate about the Roman Catholics, whom the parliament would not tolerate, and the king was determined not to give up, as appears from the correspondence between himself and the queen at this time. In the queen's letter, January 6, 1644-5, she desires his majesty "to have a care of his honour, and not to abandon those who had served him—for if you agree upon strictness against Roman Catholics, it will discourage them from serving you; nor can you expect relief from any Roman Catholic prince."<sup>1</sup>—In her letter of January 27, she adds, "Above all have a care not to abandon those who have served you, as well the bishops as the poor Catholics." In answer to which the king writes, January 30, "I desire thee to be confident, that I shall never make peace by abandoning my friends." And, February 15, "Be confident, that in making peace I shall ever show my confidence in adhering to the bishops, and all our friends."—March 5, "I give thee power in my name, to declare to whom thou thinkest fit, that I will take away all the penal laws against the Roman Catholics in England, as soon as God shall make me able to do it, so as by their means I may have so powerful assistance as may deserve so great a favour, and enable me to do it."<sup>2</sup>—As for Ireland, his majesty had already commanded the duke of Ormond, by his letter of February 27, to make peace with the Papists, cost what it would. "If the suspending Poyning's act will do it (says he), and taking away the penal laws, I shall not think it a hard bargain—When the Irish give me that assistance they have promised, I will consent to the repeal by law."<sup>3</sup>

It appears from hence, that the peace which the king seemed so much to desire was an empty sound. The queen was afraid he might be prevailed with to yield too far; but his majesty bids her be confident of the contrary, for "his commissioners would not be disputed from their ground, which was according to the note she remembers, and which he would not alter." When the treaty was ended, he writes thus to the queen, March 13: "Now is come to pass what I foresaw, the fruitless end of this treaty. Now if I do anything unhandsome to myself or my friends, it will be my own fault—I was afraid of being pressed to make some mean overtures to renew the treaty, but now if it be renewed it shall be to my honour and advantage."<sup>4</sup> Such was the queen's ascendant over the king, and his majesty's servile submission to her imperious dictates;<sup>5</sup> the fate of three kingdoms was at her dis-

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<sup>1</sup> Rapin, vol. 2. p. 511, 512, folio edition.

<sup>2</sup> Rushworth, vol. 5. p. 942. 944. 946, 947.

<sup>3</sup> Ibid. p. 978, 979.

<sup>4</sup> Rapin, vol. 2. p. 512, folio edition

<sup>5</sup> We will leave with our readers bishop Warburton's remarks on this reflection of Mr. Neal. "Never was the observation of the king's unhappy attachment made in a worse place. His honour required him not to give up his friends; and his religion, viz. the true principles of Christianity, to take off the penal law's from peaceable Papists; and common humanity called upon him to favour those who had served him at the hazard of their lives and for-

posal; no place at court or in the army must be disposed of without her approbation; no peace must be made but upon her terms; the Oxford mongrel parliament, as his majesty calls it, must be dismissed with disgrace, because they voted for peace; the Irish Protestants must be abandoned to destruction; and a civil war permitted to continue its ravages throughout England and Scotland, that a Popish religion and arbitrary government might be encouraged and upheld.<sup>1</sup>

As a farther demonstration of this melancholy remark, his majesty authorised the earl of Glamorgan, by a warrant under his royal signet, dated March 12, 1644, to conclude privately a peace with the Irish Papists upon the best terms he could, though they were such as his lieutenant the duke of Ormond might not well be seen in, nor his majesty himself think fit to own publicly at present, engaging, upon the word of a king and a Christian, to ratify and perform whatsoever he should grant under his hand and seal, on condition they would send over into England a body of ten thousand men, under the command of the said earl.<sup>2</sup> The date of this warrant is remarkable, as it was at a time when his majesty's affairs were far from being desperate; when he thought the divisions in the parliament-house would quickly be their ruin, and that he had little more to do than to sit still and be re-

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tunes."—It may be properly added, that religion, in the liberal sense in which his lordship explains the term, required the king to take off the penal laws from peaceable Puritans as well as Papists. But in his majesty's dictionary the word does not appear to have borne so generous and just a meaning.—ED.

<sup>1</sup> Clarendon, vol. 2. p. 364.

<sup>2</sup> Dr. Grey treats this account of the earl of Glamorgan's commission as a fine piece of slander, furnished by a tribe of republican writers: and to confute it he produces a letter from the king to the lord-lieutenant and council of Ireland, one from colonel King in Ireland, and another from secretary Nicholas to the marquis of Ormond. There is no occasion here to enter into a discussion of the question concerning the authority under which the earl of Glamorgan acted. For since Mr. Neal and Dr. Grey wrote, the point has been most carefully and ably investigated by Dr. Birch, in "An inquiry into the share which king Charles I. had in the transactions of the earl of Glamorgan," published in 1747. And the fact has been put out of all doubt by a letter of that nobleman to the lord-chancellor Hyde, written a few days after king Charles II.'s restoration, which has appeared in the Clarendon State Papers, vol. 2. p. 20—203, and has been republished in the second edition of the *Biographia Britannica*, vol. 2. p. 320, under the life of Dr. Birch. The general fact having been ascertained beyond all contradiction, the question which offers is, how far the king acted criminally in this transaction. Mrs. Macaulay represents him as violating every principle of honour and conscience. Mr. Hume, on the contrary, speaks of it as a very innocent transaction, in which the king was engaged by the most violent necessity. Dr. Birch considers it with temper, though he appears to think it not easily reconcilable to the idea of a good man, a good prince, or a good Protestant. Mr. Walpole has some candid and lively reflections on it. "It requires (he observes) very primitive resignation in a monarch to sacrifice his crown and his life, when persecuted by subjects of his own sect, rather than preserve both by the assistance of others of his subjects who differed from him in ceremonials or articles of belief.—His fault was not in proposing to bring over the Irish, but in having made them necessary to his affairs. Everybody knew that he wanted to do, without them, all that he could have done with them." *Biographia Britannica*, second edition, vol. 2. p. 321, note—Ed. See Rushworth, vol. 6. p. 239, &c. Rapin, p. 330. *Hist. Stuarts*, p. 305.

stored upon his own terms, for which reason he was so unyielding at the treaty of Uxbridge; and yet the earl, by his majesty's commission, granted everything to the Irish, even to the establishing the Roman-Catholic religion, and putting it on a level with the Protestant: he gave them all the churches and revenues they were possessed of since the Rebellion, and not only exempted them from the jurisdiction of the Protestant clergy, but allowed them jurisdiction over their several flocks, so that the reformed religion in that kingdom was in a manner sold for ten thousand Irish Papists, to be transported into England and maintained for three years. Let the reader now judge, what prospect there could be of a well-grounded peace by the treaty of Uxbridge! What security there was for the Protestant religion! How little ground of reliance on the king's promises! and consequently, to whose account the calamities of the war, and the misery and confusions which followed after this period, ought to be placed.

The day before the commencement of the treaty of Uxbridge, the members of the house of commons attended the funeral of Mr. John White, chairman of the grand committee of religion, and publisher of the *Century of Scandalous Ministers*; he was a grave lawyer, says lord Clarendon, and made a considerable figure in his profession. He had been one of the feoffees for buying in impropriations, for which he was censured in the star-chamber. He was representative in parliament for the borough of Southwark; having been a Puritan from his youth, and, in the opinion of Mr. Whitelocke,<sup>1</sup> an honest, learned, and faithful servant of the public, though somewhat severe at the committee for plundered ministers. He died January 29, and was buried in the Templechurch with great funeral solemnity.<sup>2</sup>

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<sup>1</sup> Memorials, p. 122.

<sup>2</sup> Dr. Grey, on the authority of Walker, "charges Mr. White with corrupt practices by the way of bribery; says, that Dr. Bruno Ryves called him a fornicating Brownist, and that the author of *Persec. Undec.* suggests much worse against him; and, on the testimony of an anonymous author, represents him as dying distracted, crying out, how many clergymen, their wives and children, he had undone; raving and condemning himself at his dying hour, for his undoing so many guiltless ministers." Such representations carry little weight with them against the testimony of Clarendon and Whitelocke: especially, when it is considered that the obnoxious part, which Mr. White acted, would necessarily create many enemies; some of whom would invent, and others easily credit, the most reproachful calumnies against him. Dr. Calamy and Mr. Withers, whom Dr. Grey never notices, have sufficiently exposed the partiality and credulity of Dr. Walker, to render his assertions suspicious. And it should not be overlooked, as a strong presumption at least of the purity of Mr. White's character and the integrity of his proceedings, that he appealed to the public by his *Century of Scandalous Ministers*.—ED.