

VOLUME 3

THE WORKS OF
FRANCIS BACON



ESSAYS, SCIENTIFIC &
PHILOSOPHICAL WRITINGS



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THE
W O R K S
O F
FRANCIS BACON,
BARON OF VERULAM,
VISCOUNT ST. ALBAN,
AND
Lord High Chancellor of England.

V O L. III.



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WORKS HISTORICAL.

VOL. III.

B

THE
HISTORY of the REIGN
OF
King HENRY the Seventh.

TO THE
Most Illustrious and Most Excellent
P R I N C E
C H A R L E S,
P R I N C E of W A L E S,
D U K E of C O R N W A L L,
E A R L of C H E S T E R, etc.

IT MAY PLEASE YOUR HIGHNESS,

IN part of my acknowledgment to your Highness, I have endeavoured to do honour to the memory of the last King of England, that was ancestor to the King your father and yourself ; and was that King to whom both unions may in a sort refer : that of the roses being in him consummate, and that of the kingdoms by him begun : besides, his times deserve it. For he was a wise man, and an excellent King ; and yet the times were rough, and full of mutations, and rare accidents. And it is with times, as it is with ways : Some are more uphill and down-hill, and some are more flat and plain ; and the one is better for the liver, and the other for the writer. I have not flattered him, but took him to life as well as I could, fitting
fo

so far off, and having no better light. It is true, your Highness hath a living pattern, incomparable, of the King your father: But it is not amiss for you also to see one of these ancient pieces. God preserve your Highness.

Your Highness's most humble

and devoted servant,

FRANCIS ST. ALBAN.

H I S T O R Y of the R E I G N

O F

King H E N R Y the Seventh.

AFTER that Richard, the third of that name, King in fact only, but tyrant both in title and regiment, and so commonly termed and reputed in all times since, was, by the divine revenge favouring the design of an exiled man, overthrown and slain at Bosworth-field; there succeeded in the kingdom the earl of Richmond, thenceforth stiled Henry the seventh. The King, immediately after the victory, as one that had been bred under a devout mother, and was in his nature a great observer of religious forms, caused *Te deum laudamus* to be solemnly sung in the presence of the whole army upon the place, and was himself with general applause and great cries of joy, in a kind of military election or recognition, saluted King. Mean while the body of Richard, after many indignities and reproaches, the *diriges* and obsequies of the common people towards tyrants, was obscurely buried. For though the King of his nobleness gave charge unto the friers of Leicester to see an honourable interment to be given to it, yet the religious people themselves, being not free from the humours of the vulgar, neglected it; wherein nevertheless they did not then incur any man's blame or censure: no man thinking any ignominy or contumely unworthy of him, that had been the executioner of King Henry the sixth, that innocent Prince, with his own hands; the contriver of the death of the duke of Clarence his brother; the murderer of his two nephews, one of them his lawful King in the present, and the other in the future, failing of him, and vehemently suspected to have been the impoisoner of his wife, thereby to make vacant his bed, for a marriage within the degrees forbidden. And although he were a Prince in military virtue approved, jealous of the honour of the English nation, and likewise a good law-maker, for the ease and solace of the common people; yet his cruelties and parricides, in the opinion of all men, weighed down his virtues and merits; and, in the opinion of wise men, even those virtues themselves were conceived to be rather feigned and affected things to serve his ambition, than true qualities ingenerate in his judgment or nature. And therefore it was noted by men of great understanding, who seeing his after-acts, looked back upon his former proceedings, that even in the time of King Edward his brother he was not without secret trains and mines to turn envy and hatred upon his brother's government; as having an expectation and a kind of divination, that the King, by reason of his many disorders, could not be of long life, but was like to leave his sons of tender years; and then he knew well, how easy a step it was, from the place of a protector and first Prince of the blood to the crown. And that out of this deep root of ambition it sprung, that as well at the treaty of peace that passed between Edward the fourth and Lewis the eleventh of France.

concluded

concluded by interview of both Kings at Piqueny, as upon all other occasions, Richard, then duke of Gloucester, stood ever upon the side of honour, raising his own reputation to the disadvantage of the King his brother, and drawing the eyes of all, especially of the nobles and soldiers, upon himself; as if the King, by his voluptuous life and mean marriage, were become effeminate and less sensible of honour and reason of state than was fit for a King. And as for the politic and wholiom laws which were enacted in his time, they were interpreted to be but the brocage of an usurper, thereby to woo and win the hearts of the people, as being conscious to himself, that the true obligations of sovereignty in him failed, and were wanting. But King Henry, in the very entrance of his reign, and the instant of time when the kingdom was cast into his arms, met with a point of great difficulty, and knotty to solve, able to trouble and confound the wisest King in the newness of his estate; and so much the more, because it could not endure a deliberation, but must be at once deliberated and determined. There were fallen to his lot, and concurrent in his person, three several titles to the imperial crown. The first, the title of the lady Elizabeth, with whom, by precedent pact with the party that brought him in, he was to marry. The second, the ancient and long disputed title, both by plea and arms, of the house of Lancaster, to which he was inheritor in his own person. The third, the title of the sword or conquest, for that he came in by victory of battle, and that the king in possession was slain in the field. The first of these was fairest, and most like to give contentment to the people, who by two and twenty years reign of King Edward the fourth had been fully made capable of the clearness of the title of the white rose or house of York; and, by the mild and plausible reign of the same King toward his latter time, were become affectionate to that line. But then it lay plain before his eyes, that if he relied upon that title, he could be but a King at courtesy, and have rather a matrimonial than a regal power; the right remaining in his Queen, upon whose decease, either with issue, or without issue, he was to give place and be removed. And though he should obtain by parliament to be continued, yet he knew there was a very great difference between a King that holdeth his crown by a civil act of estates, and one that holdeth it originally by the law of nature and descent of blood. Neither wanted there even at that time secret rumours and whisperings, which afterwards gathered strength and turned to great troubles, that the two young sons of King Edward the fourth, or one of them which were said to be destroyed in the Tower, were not indeed murdered, but conveyed secretly away, and were yet living: which, if it had been true, had prevented the title of the lady Elizabeth. On the other side, if he stood upon his own title of the house of Lancaster, inherent in his person, he knew it was a title condemned by parliament, and generally prejudged in the common opinion of the realm, and that it tended directly to the disinherison of the line of York, held then the indubitate heirs of the crown. So that if he should have no issue by the lady Elizabeth, which should be descendents of the double line, then the ancient flames of discord and intestine wars, upon the competition of both houses, would again return and revive.

As for conquest, notwithstanding Sir William Stanley, after some acclamations of the soldiers in the field, had put a crown of ornament, which Richard wore in the battle and was found amongst the spoils, upon King Henry's head, as if there were his chief title; yet he remembered well upon what conditions and agreements he was brought in; and that to claim as conqueror, was to put as well his own

party

party, as the rest, into terror and fear ; as that which gave him power of disannulling of laws, and disposing of mens fortunes and estates, and the like points of absolute power, being in themselves so harsh and odious, as that William himself, commonly called the conqueror, howsoever he used and exercised the power of a conqueror to reward his Normans, yet he forbore to use that claim in the beginning, but mixed it with a titulary pretence, grounded upon the will and designation of Edward the confessor. But the King, out of the greatness of his own mind, presently cast the die ; and the inconveniences appearing unto him on all parts, and knowing there could not be any interreign or suspension of title, and preferring his affection to his own line and blood, and liking that title best which made him independent ; and being in his nature and constitution of mind not very apprehensive or forecasting of future events afar off, but an entertainer of fortune by the day ; resolved to rest upon the title of Lancaster as the main, and to use the other two, that of marriage, and that of battle, but as supporters, the one to appease secret discontents, and the other to beat down open murmur and dispute ; not forgetting that the same title of Lancaster had formerly maintained a possession of three descents in the crown ; and might have proved a perpetuity, had it not ended in the weakness and inability of the last Prince. Whereupon the King presently that very day, being the two and twentieth of August, assumed the stile of King in his own name, without mention of the lady Elizabeth at all, or any relation thereunto. In which course he ever after persisted ; which did spin him a thread of many seditions and troubles. The King, full of these thoughts, before his departure from Leicester, dispatched Sir Robert Willoughby to the castle of Sheriff-Hutton in Yorkshire, where were kept in safe custody, by King Richard's commandment, both the lady Elizabeth, daughter of King Edward, and Edward Plantagenet, son and heir to George duke of Clarence. This Edward was by the King's warrant delivered from the constable of the castle to the hand of Sir Robert Willoughby ; and by him with all safety and diligence conveyed to the Tower of London, where he was shut up close prisoner. Which act of the King's, being an act merely of policy and power, proceeded not so much from any apprehension he had of doctor Shaw's tale at Paul's cross, for the bastarding of Edward the fourth's issues, in which case this young gentleman was to succeed, for that fable was ever exploded, but upon a settled disposition to depress all eminent persons of the line of York. Wherein still the King, out of strength of will or weakness of judgment, did use to shew a little more of the party than of the King.

For the lady Elizabeth, she received also a direction to repair with all convenient speed to London, and there to remain with the Queen dowager her mother ; which accordingly she soon after did, accompanied with many noblemen and ladies of honour. In the mean season the King set forwards by easy journeys to the city of London, receiving the acclamations and applauses of the people as he went, which indeed were true and unfeigned, as might well appear in the very demonstrations and fulness of the cry. For they thought generally, that he was a Prince, as ordained and sent down from heaven, to unite and put to an end the long dissensions of the two houses ; which although they had had, in the times of Henry the fourth, Henry the fifth, and a part of Henry the sixth, on the one side, and the times of Edward the fourth on the other, lucid intervals and happy pauses ; yet they did ever hang over the kingdom, ready to break forth into new perturbations and calamities. And as his victory gave him the knee, so his purpose of marriage

with the lady Elizabeth gave him the heart; so that both knee and heart did truly bow before him.

He on the other side with great wisdom, not ignorant of the affections and fears of the people, to disperse the conceit and terror of a conquest, had given order, that there should be nothing in his journey like unto a warlike march or manner; but rather like unto the progress of a King in full peace and assurance.

He entered the city upon a Saturday, as he had also obtained the victory upon a Saturday; which day of the week, first upon an observation, and after upon memory and fancy, he accounted and chose as a day prosperous unto him.

The mayor and companies of the city received him at Shoreditch; whence with great and honourable attendance, and troops of noblemen, and persons of quality, he entered the city; himself not being on horseback, or in any open chair or throne, but in a close chariot, as one that having been sometimes an enemy to the whole state, and a proscribed person, chose rather to keep state, and strike a reverence into the people, than to fawn upon them.

He went first into St. Paul's church, where, not meaning that the people should forget too soon that he came in by battle, he made offertory of his standards, and had orisons and *Te Deum* again sung; and went to his lodging prepared in the bishop of London's palace, where he stayed for a time.

During his abode there, he assembled his council and other principal persons, in presence of whom he did renew again his promise to marry with the lady Elizabeth. This he did the rather, because having at his coming out of Britain given artificially, for serving his own turn, some hopes, in case he obtained the kingdom, to marry Anne, inheritress to the duchy of Britain, whom Charles the eighth of France soon after married, it bred some doubt and suspicion amongst divers that he was not sincere, or at least not fixed in going on with the match of England so much desired: which conceit also, though it were but talk and discourse, did much afflict the poor lady Elizabeth herself. But howsoever he both truly intended it, and desired alio it should be so believed, the better to extinguish envy and contradiction to his other purposes, yet was he resolved in himself not to proceed to the consummation thereof, till his coronation and a parliament were past. The one, lest a joint coronation of himself and his Queen might give any countenance of participation of title; the other, lest in the entailing of the crown to himself, which he hoped to obtain by parliament, the votes of the parliament might any ways reflect upon her.

About this time in autumn, towards the end of September, there began and reigned in the city, and other parts of the kingdom, a disease then new: which by the accidents and manner thereof they called the sweating sickness. This disease had a swift course, both in the sick body, and in the time and period of the lasting thereof; for they that were taken with it, upon four and twenty hours escaping, were thought almost assured. And as to the time of the malice and reign of the disease ere it ceased; it began about the one and twentieth of September, and cleared up before the End of October, insomuch as it was no hindrance to the King's coronation, which was the last of October; nor, which was more, to the holding of the parliament, which began but seven days after. It was a pestilent fever, but, as it seemeth, not seated in the veins or humours, for there followed no carbuncle, no purple or livid spots, or the like, the mass of the body being not tainted; only a malign vapour flew to the heart, and seized the vital spirits; which stirred nature to strive to send it forth by an extreme sweat. And it appeared by experience, that
this

this disease was rather a surprize of nature than obstinate to remedies, if it were in time looked unto. For if the patient were kept in an equal temper, both for clothes, fire, and drink, moderately warm, with temperate cordials, whereby nature's work were neither irritated by heat, nor turned back by cold, he commonly recovered. But infinite persons died suddenly of it, before the manner of the cure and attendance was known. It was conceived not to be an epidemic disease, but to proceed from a malignity in the constitution of the air, gathered by the predispositions of seasons; and the speedy cessation declared as much.

On Simon and Jude's eve, the King dined with Thomas Bouchier, archbishop of Canterbury and cardinal; and from Lambeth went by land over the bridge to the Tower, where the morrow after he made twelve knights bannerets. But for creations he dispensed them with a sparing hand. For notwithstanding a field so lately fought, and a coronation so near at hand, he only created three: Jasper, earl of Pembroke, the King's uncle, was created duke of Bedford; Thomas, the lord Stanley, the King's father-in-law, earl of Derby; and Edward Courtney, earl of Devon; though the King had then nevertheless a purpose in himself to make more in time of Parliament; bearing a wife and decent respect to distribute his creations, some to honour his coronation, and some his parliament.

The coronation followed two days after, upon the thirtieth day of October, in the year of our Lord 1485; at which time Innocent the eighth was Pope of Rome; Frederick the third Emperor of Almain; and Maximilian his son newly chosen King of the Romans; Charles the eighth King of France; Ferdinando and Isabella Kings of Spain; and James the third, King of Scotland: with all which Kings and States the King was at that time in good peace and amity. At which day also, as if the crown upon his head had put perils into his thoughts, he did institute, for the better security of his person, a band of fifty archers, under a captain, to attend him, by the name of yeomen of his guard: and yet, that it might be thought to be rather a matter of dignity, after the imitation of what he had known abroad, than any matter of diffidence appropriate to his own case, he made it to be understood for an ordinance not temporary, but to hold in succession for ever after.

The seventh of November the King held his parliament at Westminster, which he had summoned immediately after his coming to London. His ends in calling a parliament, and that so speedily, were chiefly three; first, to procure the crown to be entailed upon himself. Next, to have the attainders of all of his party, which were in no small number, reversed, and all acts of hostility by them done in his quarrel remitted and discharged; and on the other side, to attain by parliament the heads and principals of his enemies. The third, to calm and quiet the fears of the rest of that party by a general pardon; not being ignorant in how great danger a King stands from his subjects, when most of his subjects are conscious in themselves that they stand in his danger. Unto these three special motives of a parliament was added, that he, as a prudent and moderate Prince, made this judgment, that it was fit for him to hasten to let his people see, that he meant to govern by law, howsoever he came in by the sword; and fit also to reclaim them to know him for their King, whom they had so lately talked of as an enemy or banished man. For that which concerned the entailing of the crown, more than that he was true to his own will, that he would not endure any mention of the lady Elizabeth, no not in the nature of special entail, he carried it otherwise with

great wisdom and measure : For he did not press to have the act penned by way of declaration or recognition of right ; as, on the other side, he avoided to have it by new law or ordinance, but chose rather a kind of middle way, by way of establishment, and that under covert and indifferent words ; “ that the inheritance “ of the crown should rest, remain, and abide in the King,” *etc.* which words might equally be applied, that the crown should continue to him ; but whether as having former right to it, which was doubtful, or having it then in fact and possession, which no man denied, was left fair to interpretation either way. And again, for the limitation of the entail, he did not press it to go farther than to himself and to the heirs of his body, not speaking of his right heirs ; but leaving that to the law to decide : so as the entail might seem rather a personal favour to him and his children, than a total disinherison to the house of York. And in this form was the law drawn and passed. Which statute he procured to be confirmed by the Pope’s bull the year following, with mention nevertheless, by way of recital, of his other titles, both of descent and conquest. So as now the wreath of three, was made a wreath of five ; for to the three first titles of the two houses, or lines, and conquest, were added two more, the authorities parliamentary and papal.

The King likewise, in the reversal of the attainders of his partakers, and discharging them of all offences incident to his service and succour, had his will ; and acts did pass accordingly. In the passage whereof, exception was taken to divers persons in the house of commons, for that they were attainted, and thereby not legal, nor habilitate to serve in parliament, being disabled in the highest degree ; and that it should be a great incongruity to have them to make laws, who themselves were not inlawed. The truth was, that divers of those, which had in the time of King Richard been strongest, and most declared for the King’s party, were returned knights and burgeses for the parliament ; whether by care or recommendation from the state, or the voluntary inclination of the people : many of which had been by Richard the third attainted by outlawries, or otherwise. The King was somewhat troubled with this ; for though it had a grave and specious shew, yet it reflected upon his party. But wisely not shewing himself at all moved therewith, he would not understand it but as a case in law, and wished the judges to be advised thereupon ; who for that purpose were forthwith assembled in the exchequer-chamber, which is the council-chamber of the judges, and upon deliberation they gave a grave and safe opinion and advice, mixed with law and convenience ; which was, that the knights and burgeses attainted by the course of law should forbear to come into the house, till a law were passed for the reversal of their attainders.

It was at that time incidently moved amongst the judges in their consultation, what should be done for the King himself, who likewise was attainted ? But it was with unanimous consent resolved, “ That the crown takes away all defects and “ stops in blood : and that from the time the King did assume the crown, the foundation was cleared, and all attainders and corruption of blood discharged.” But nevertheless, for honour’s sake, it was ordained by parliament, that all records, wherein there was any memory or mention of the King’s attainder, should be defaced, cancelled, and taken off the file.

But on the part of the King’s enemies there were by parliament attainted, the late duke of Gloucester, calling himself Richard the third ; the duke of Norfolk, the earl of Surry, viscount Lovel, the lord Ferrers, the lord Zouch, Richard

Ratcliffe,

Ratcliffe, William Catesby, and many others of degree and quality. In which bills of attainders, nevertheless, there were contained many just and temperate clauses, savings, and provisoes, well shewing and fore-tokening the wisdom, stay, and moderation of the King's spirit of government. And for the pardon of the rest, that had stood against the King, the King, upon a second advice, thought it not fit it should pass by parliament, the better, being matter of grace, to appropriate the thanks to himself: using only the opportunity of a parliament time, the better to disperse it into the veins of the kingdom. Therefore during the parliament he published his royal proclamation, offering pardon and grace of restitution to all such as had taken arms, or been participant of any attempts against him; so as they submitted themselves to his mercy by a day, and took the oath of allegiance and fidelity to him. Whereupon many came out of sanctuary, and many more came out of fear, no less guilty than those that had taken sanctuary.

As for money or treasure, the King thought it not seasonable or fit to demand any of his subjects at this parliament; both because he had received satisfaction from them in matters of so great importance, and because he could not remunerate them with any general pardon, being prevented therein by the coronation-pardon passed immediately before: but chiefly, for that it was in every man's eye, what great forfeitures and confiscations he had at that present to help himself; whereby those casualties of the crown might in reason spare the purses of the subject; especially in a time when he was in peace with all his neighbours. Some few laws passed at that parliament, almost for form sake: amongst which there was one, to reduce aliens, being made denizens, to pay strangers customs; and another, to draw to himself the seizures and compositions of Italians goods, for not employment, being points of profit to his coffers, whereof from the very beginning he was not forgetful; and had been more happy at the latter end, if his early providence, which kept him from all necessity of exacting upon his people, could likewise have attempered his nature therein. He added, during parliament, to his former creations, the innoblement or advancement in nobility of a few others; the lord Chandos of Britain, was made earl of Bath; Sir Giles Daubeney, was made lord Daubeney; and Sir Robert Willoughby, lord Brook.

The King did also with great nobleness and bounty, which virtues at that time had their turns in his nature, restore Edward Stafford, eldest son to Henry duke of Buckingham, attainted in the time of King Richard, not only to his dignities, but to his fortunes and possessions, which were great: to which he was moved also by a kind of gratitude; for that the duke was the man that moved the first stone against the tyranny of King Richard, and indeed made the King a bridge to the crown upon his own ruins. Thus the parliament broke up.

The parliament being dissolved, the King sent forthwith money to redeem the marquis Dorset, and Sir John Bourchier, whom he had left as his pledges at Paris, for money which he had borrowed, when he made his expedition for England. And thereupon he took a fit occasion to send the lord Treasurer and master Bray, whom he used as counsellor, to the lord mayor of London, requiring of the city a prest of six thousand marks: but after many parleys, he could obtain but two thousand pounds; which nevertheless the King took in good part as men use to do, that practise to borrow money when they have no need. About this time the King called unto his privy-council John Morton and Richard Fox, the one bishop of Ely, the other bishop of Exeter; vigilant men, and secret, and such as kept
watch

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went with him almost upon all men else. They had been both versed in his affairs, before he came to the crown, and were partakers of his adverse fortune. This Morton soon after, upon the death of Bouchier, he made archbishop of Canterbury. And for Fox, he made him lord Keeper of his privy-seal, and afterwards advanced him by degrees, from Exeter to Bath and Wells, thence to Durham, and last to Winchester. For although the King loved to employ and advance bishops, because having rich bishopricks, they carried their reward upon themselves: yet he did use to raise them by steps, that he might not lose the profit of the first fruits, which by that course of gradation was multiplied.

At last, upon the eighteenth of January, was solemnized the so long expected and so much desired marriage, between the King and the lady Elizabeth: which day of marriage was celebrated with greater triumph and demonstrations, especially on the people's part, of joy and gladness, than the days either of his entry or coronation; which the King rather noted than liked. And it is true, that all his life time, while the lady Elizabeth lived with him, for she died before him, he shewed himself no very indulgent husband towards her, though she was beautiful, gentle, and fruitful. But his aversion towards the house of York was so predominant in him, as it found place not only in his wars and councils, but in his chamber and bed.

Towards the middle of the spring, the King, full of confidence and assurance, as a prince that had been victorious in battle, and had prevailed with his parliament in all that he desired, and had the ring of acclamations fresh in his ears, thought the rest of his reign should be but play, and the enjoying of a kingdom: yet, as a wise and watchful King, he would not neglect any thing for his safety; thinking nevertheless to perform all things now, rather as an exercise than as a labour. So he being truly informed, that the northern parts were not only affectionate to the house of York, but particularly had been devoted to King Richard the third, thought it would be a summer well spent to visit those parts, and by his presence and application of himself to reclaim and rectify those humours. But the King, in his account of peace and calms, did much over-cast his fortunes, which proved for many years together full of broken seas, tides, and tempests. For he was no sooner come to Lincoln, where he kept his Easter, but he received news, that the lord Lovel, Humphrey Stafford, and Thomas Stafford, who had formerly taken sanctuary at Colchester, were departed out of sanctuary, but to what place no man could tell: which advertisement the King despised, and continued his journey to York. At York there came fresh and more certain advertisement, that the lord Lovel was at hand with a great power of men, and that the Staffords were in arms in Worcestershire, and had made their approaches to the city of Worcester, to assail it. The King, as a prince of great and profound judgment, was not much moved with it; for that he thought it was but a rag or remnant of Bosworth-field, and had nothing in it of the main party of the house of York. But he was more doubtful of the raising of forces to resist the rebels, than of the resistance itself; for that he was in a core of people, whose affections he suspected. But the action enduring no delay, he did speedily levy and send against the lord Lovel, to the number of three thousand men, ill armed, but well assured, being taken some few out of his own train, and the rest out of the tenants and followers of such as were safe to be trusted, under the conduct of the duke of Bedford. And as his manner was to send his pardons rather before the sword than after, he gave commission

to the duke to proclaim pardon to all that would come in : which the duke, upon his approach to the lord Lovel's camp, did perform. And it fell out as the King expected ; the heralds were the great ordnance. For the lord Lovel, upon proclamation of pardon, mistrusting his men, fled into Lancashire, and lurking for a time with Sir Thomas Broughton, after sailed over into Flanders to the lady Margaret. And his men, forsaken of their captain, did presently submit themselves to the duke. The Staffords likewise, and their forces, hearing what had happened to the lord Lovel, in whose success their chief trust was, despaired and dispersed. The two brothers taking sanctuary at Colnham, a village near Abingdon ; which place, upon view of their privilege in the King's bench, being judged no sufficient sanctuary for traitors, Humphrey was executed at Tyburn ; and Thomas, as being led by his elder brother, was pardoned. So this rebellion proved but a blait, and the King having by this journey purged a little the dregs and leaven of the northern people, that were before in no good affection towards him, returned to London.

In September following, the Queen was delivered of her first son, whom the King, in honour of the British race, of which himself was, named Arthur, according to the name of that ancient worthy King of the Britains, in whose acts there is truth enough to make him famous, besides that which is fabulous. The child was strong and able, though he was born in the eighth month, which the physicians do prejudge.

THERE followed this year, being the second of the King's reign, a strange accident of state, whereof the relations which we have are so naked, as they leave it scarce credible ; not for the nature of it, for it hath fallen out often, but for the manner and circumstance of it, especially in the beginnings. Therefore we shall make our judgment upon the things themselves, as they give light one to another, and, as we can, dig truth out of the mine. The King was green in his estate ; and, contrary to his own opinion and desert both, was not without much hatred throughout the realm. The root of all was the discountenancing of the house of York, which the general body of the realm still affected. This did alienate the hearts of the subjects from him daily more and more, especially when they saw, that after his marriage, and after a son born, the King did nevertheless not so much as proceed to the coronation of the Queen, not vouchsafing her the honour of a matrimonial crown ; for the coronation of her was not till almost two years after, when danger had taught him what to do. But much more when it was spread abroad, whether by error, or the cunning of malecontents, that the King had a purpose to put to death Edward Plantagenet closely in the Tower : whose case was so nearly paralleled with that of Edward the fourth's children, in respect of the blood, like age, and the very place of the Tower, as it did refresh and reflect upon the King a most odious resemblance, as if he would be another King Richard. And all this time it was still whispered every where, that at least one of the children of Edward the fourth was living : which bruit was cunningly fomented by such as desired innovation. Neither was the King's nature and customs greatly fit to disperse these mists ; but contrariwise, he had a fashion rather to create doubts than assurance. Thus was fuel prepared for the spark : the spark, that afterwards kindled such a fire and combustion, was at the first contemptible.

There

There was a subtle priest called Richard Simon*, that lived in Oxford, and had to his pupil a baker's son, named Lambert Simnell, of the age of some fifteen years, a comely youth, and well favoured, not without some extraordinary dignity, and grace of aspect. It came into this priest's fancy, hearing what men talked, and in hope to raise himself to some great bishoprick, to cause this lad to counterfeit and personate the second son of Edward the fourth, supposed to be murdered; and afterward, for he changed his intention in the manage, the lord Edward Plantagenet, then prisoner in the Tower, and accordingly to frame him and instruct him in the part he was to play. This is that which, as was touched before, seemeth scarcely credible; not that a false person should be assumed to gain a kingdom, for it hath been seen in ancient and late times; nor that it should come into the mind of such an abject fellow, to enterprize so great a matter; for high conceits do sometimes come streaming into the imaginations of base persons; especially when they are drunk with news, and talk of the people. But here is that which hath no appearance: That this priest, being utterly unacquainted with the true person, according to whose pattern he should shape his counterfeit, should think it possible for him to instruct his player, either in gesture and fashions, or in recounting past matters of his life and education; or in fit answers to questions, or the like, any ways to come near the resemblance of him whom he was to represent. For this lad was not to personate one, that had been long before taken out of his cradle, or conveyed away in his infancy, known to few; but a youth, that till the age almost of ten years had been brought up in a court where infinite eyes had been upon him. For King Edward, touched with remorse of his brother the duke of Clarence's death, would not indeed restore his son, of whom we speak, to be duke of Clarence, but yet created him earl of Warwick, reviving his honour on the mother's side; and used him honourably during his time, though Richard the third afterwards confined him. So that it cannot be, but that some great person that knew particularly and familiarly Edward Plantagenet, had a hand in the business, from whom the priest might take his aim. That which is most probable, out of the precedent and subsequent acts, is, that it was the Queen dowager, from whom this action had the principal source and motion. For certain it is, she was a busy negotiating woman, and in her withdrawing-chamber had the fortunate conspiracy for the King against King Richard the third been hatched; which the King knew, and remembered perhaps but too well; and was at this time extremely discontent with the King, thinking her daughter, as the King handled the matter, not advanced but depressed: and none could hold the book so well to prompt and instruct this stage-play, as she could. Nevertheless it was not her meaning, nor no more was it the meaning of any of the better and sager sort that favoured this enterprize, and knew the secret, that this disguised idol should possess the crown; but at his peril to make way to the overthrow of the King; and that done, they had their several hopes and ways. That which doth chiefly fortify this conjecture is, that as soon as the matter brake forth in any strength, it was one of the King's first acts to cloister the Queen dowager in the nunnery of Bermondsey, and to take away all her lands and estate; and this by a close council, without any legal proceeding, upon far fetched pretences that she had delivered her two daughters out of sanctuary to King Richard, contrary to promise. Which

* The priest's name was William Simonds, and the youth was the son of an organ-maker by the whole convention of the clergy at Lambeth, Feb. 27, 1487. See *Parliamentary Hist.* vol. 1, p. 107.

proceeding being even at that time taxed for rigorous and undue, both in matter and manner, makes it very probable there was some greater matter against her, which the King, upon reason of policy and to avoid envy, would not publish. It is likewise no small argument that there was some secret in it, and some suppressing of examinations, for that the priest Simon himself, after he was taken, was never brought to execution; no not so much as to public trial, as many clergymen were upon less treasons, but was only shut up close in a dungeon. Add to this, that after the earl of Lincoln, a principal person of the house of York, was slain in Stoke-field, the King opened himself to some of his council, that he was sorry for the earl's death, because by him, he said, he might have known the bottom of his danger.

But to return to the narration itself: Simon did first instruct his scholar for the part of Richard, duke of York, second son to King Edward the fourth; and this was at such time as it was voiced, that the King purposed to put to death Edward Plantagenet, prisoner in the Tower, whereat there was great murmur. But hearing soon after a general bruit that Plantagenet had escaped out of the Tower, and thereby finding him so much beloved amongst the people, and such rejoicing at his escape, the cunning priest changed his copy, and chose now Plantagenet to be the subject his pupil should personate, because he was more in the present speech and votes of the people; and it pieced better, and followed more close and handsomely, upon the bruit of Plantagenet's escape. But yet doubting that there would be too near looking, and too much perspective into his disguise, if he should shew it here in England; he thought good, after the manner of scenes in stage-plays and masks, to shew it afar off; and therefore sailed with his scholar into Ireland, where the affection to the house of York was most in height. The King had been a little improvident in the matters of Ireland, and had not removed officers and counsellors, and put in their places; or at least intermingled, persons of whom he stood assured, as he should have done, since he knew the strong bent of that country towards the house of York; and that it was a ticklish and unsettled state, more easy to receive distempers and mutations than England was. But trusting to the reputation of his victories and successes in England, he thought he should have time enough to extend his cares afterwards to that second kingdom.

Wherefore through this neglect, upon the coming of Simon with his pretended Plantagenet into Ireland, all things were prepared for revolt and sedition, almost as if they had been set and plotted beforehand. Simon's first address was to the lord Thomas Fitz-Gerard, earl of Kildare and deputy of Ireland; before whose eyes he did cast such a mist, by his own insinuation, and by the carriage of his youth, that expressed a natural princely behaviour, as joined perhaps with some inward vapours of ambition and affection in the earl's own mind, left him fully possessed, that it was the true Plantagenet. The earl presently communicated the matter with some of the nobles, and others there, at the first secretly; but finding them of like affection to himself, he suffered it of purpose to vent and pass abroad; because they thought it not safe to resolve, till they had a taste of the people's inclination. But if the great ones were in forwardness, the people were in fury, entertaining this airy body or phantasm with incredible affection; partly, out of their great devotion to the house of York; partly out of a proud humour in the nation, to give a King to the realm of England. Neither did the party, in this heat of affection, much trouble themselves with the attainder of George duke of Clarence; having newly

learned by the King's example, that attainders do not interrupt the conveying of title to the crown. And as for the daughters of King Edward the fourth, they thought King Richard had said enough for them; and took them to be but as of the King's party, because they were in his power and at his disposing. So that with marvellous consent and applause, this counterfeit Plantagenet was brought with great solemnity to the castle of Dublin, and there saluted, served, and honoured as King; the boy becoming it well, and doing nothing that did bewray the baseness of his condition. And within a few days after he was proclaimed King in Dublin, by the name of King Edward the sixth; there being not a sword drawn in King Henry his quarrel.

The King was much moved with this unexpected accident when it came to his ears, both because it struck upon that string which ever he most feared, as also because it was stirred in such a place, where he could not with safety transfer his own person to suppress it. For partly through natural valour, and partly through an universal suspicion, not knowing whom to trust, he was ever ready to wait upon all his achievements in person. The King therefore first called his council together at the charter-house at Shine; which council was held with great secrecy, but the open decrees thereof, which presently came abroad, were three.

The first was, that the Queen dowager, for that she, contrary to her past and agreement with those that had concluded with her concerning the marriage of her daughter Elizabeth with King Henry, had nevertheless delivered her daughters out of sanctuary into King Richard's hands, should be cloistered in the nunnery of Bermondsey, and forfeit all her lands and goods.

The next was, that Edward Plantagenet, then close prisoner in the Tower, should be, in the most public and notorious manner that could be devised, shewed unto the people: in part to discharge the King of the envy of that opinion and bruit, how he had been put to death privily in the Tower; but chiefly to make the people see the levity and imposture of the proceedings of Ireland, and that their Plantagenet was indeed but a puppet or a counterfeit.

The third was that there should be again proclaimed a general pardon to all that would reveal their offences, and submit themselves by a day. And that this pardon should be conceived in so ample and liberal a manner, as no high-treason, no not against the King's own person, should be excepted. Which though it might seem strange, yet was it not so to a wise King, that knew his greatest dangers were not from the least treasons, but from the greatest. These resolutions of the King and his council were immediately put in execution. And first, the Queen dowager was put into the monastery of Bermondsey, and all her estates seized into the King's hands: whereat there was much wondering; that a weak woman, for the yielding to the menaces and promises of a tyrant, after such a distance of time, wherein the King had shewed no displeasure nor alteration, but much more after so happy a marriage between the King and her daughter, blessed with issue male, should, upon a sudden mutability or disclosure of the King's mind, be so severely handled.

This lady was amongst the examples of great variety of fortune. She had first from a distressed suitor, and desolate widow, been taken to the marriage bed of a bachelor King, the goodliest personage of his time; and even in his reign she had endured a strange eclipse by the King's flight, and temporary depriving from the crown. She was also very happy, in that she had by him fair issue; and continued his nuptial love, helping herself by some obsequious bearing and dissembling of his pleasures,

pleasures, to the very end. She was much affectionate to her own kindred, even unto faction; which did stir great envy in the lords of the King's side, who counted her blood a disparagement to be mingled with the King's. With which lords of the King's blood joined also the King's favourite, the lord Hastings; who, notwithstanding the King's great affection to him, was thought at times, through her malice and spleen, not to be out of danger of falling. After her husband's death she was matter of tragedy, having lived to see her brother beheaded, and her two sons deposed from the crown, bastarded in their blood, and cruelly murdered. All this while nevertheless she enjoyed her liberty, state, and fortunes: but afterwards again, upon the rise of the wheel, when she had a King to her son-in-law, and was made grandmother to a grandchild of the best sex; yet was she, upon dark and unknown reasons, and no less strange pretences, precipitated and banished the world into a nunnery; where it was almost thought dangerous to visit her, or see her; and where not long after she ended her life: but was by the King's commandment buried with the King her husband at Windsor. She was foundress of Queen's college in Cambridge. For this act the King sustained great obloquy, which nevertheless, besides the reason of state, was somewhat sweetened to him by a great confiscation.

About this time also, Edward Plantagenet was upon a Sunday brought, throughout all the principal streets of London, to be seen of the people. And having passed the view of the streets, was conducted to Paul's church in solemn procession, where great store of people were assembled. And it was provided also in good fashion, that divers of the nobility, and others of quality, especially of those that the King most suspected, and knew the person of Plantagenet best, had communication with the young gentleman by the way, and entertained him with speech and discourse; which did in effect mar the pageant in Ireland with the subjects here, at least with so many, as out of error, and not out of malice, might be misled. Nevertheless in Ireland, where it was too late to go back, it wrought little or no effect. But contrariwise, they turned the imposture upon the King; and gave out, that the King, to defeat the true inheritor, and to mock the world, and blind the eyes of simple men, had tricked up a boy in the likeness of Edward Plantagenet, and shewed him to the people; not sparing to profane the ceremony of a procession, the more to countenance the fable.

The general pardon likewise near the same time came forth; and the King therewithal omitted no diligence, in giving strait order for the keeping of the ports, that fugitives, malecontents, or suspected persons, might not pass over into Ireland and Flanders.

Mean while the rebels in Ireland had sent privy messengers both into England and into Flanders, who in both places had wrought effects of no small importance. For in England they won to their party John earl of Lincoln, son of John de la Pole duke of Suffolk, and of Elizabeth, King Edward the fourth's eldest sister. This earl was a man of great wit and courage, and had his thoughts highly raised by hopes and expectations for a time: for Richard the third had a resolution, out of his hatred to both his brethren, King Edward and the duke of Clarence, and their lines, having had his hand in both their bloods, to disable their issues upon false and incompetent pretexts; the one of attainder, the other of illegitimation: and to design this gentleman, in case himself should die without children, for inheritor of the crown. Neither was this unknown to the King, who had secretly an

eye upon him. But the King, having tasted of the envy of the people for his imprisonment of Edward Plantagenet, was doubtful to heap up any more distastes of that kind, by the imprisonment of de la Pole also; the rather thinking it policy to conserve him as a corival unto the other. The earl of Lincoln was induced to participate with the action of Ireland, not lightly upon the strength of the proceedings there, which was but a bubble, but upon letters from the lady Margaret of Burgundy, in whose succours and declaration for the enterprize there seemed to be a more solid foundation, both for reputation and forces. Neither did the earl refrain the business, for that he knew the pretended Plantagenet to be but an idol. But contrariwise, he was more glad it should be the false Plantagenet than the true; because the false being sure to fall away of himself, and the true to be made sure of by the King, it might open and pave a fair and prepared way to his own title. With this resolution he sailed secretly into Flanders, where was a little before arrived the lord Lovel, leaving a correspondence here in England with Sir Thomas Broughton, a man of great power and dependencies in Lancashire. For before this time, when the pretended Plantagenet was first received in Ireland, secret messengers had been also sent to the lady Margaret, advertising her what was passed in Ireland, imploring succours in an enterprize, as they said, so pious and just, and that God had so miraculously prospered the beginning thereof; and making offer, that all things should be guided by her will and direction, as the sovereign patroness and protectress of the enterprize. Margaret was second sister to King Edward the fourth, and had been second wife to Charles, surnamed the Hardy, duke of Burgundy; by whom having no children of her own, she did with singular care and tenderness intend the education of Philip and Margaret, grandchildren to her former husband; which won her great love and authority among the Dutch. This Princess, having the spirit of a man, and malice of a woman, abounding in treasure by the greatness of her dower and her provident government, and being childless, and without any nearer care, made it her design and enterprize, to see the majesty royal of England once again replaced in her house; and had set up King Henry as a mark, at whose overthrow all her actions should aim and shoot; inasmuch as all the counsels of his succeeding troubles came chiefly out of that quiver. And she bare such a mortal hatred to the house of Lancaster, and personally to the King, as she was no ways mollified by the conjunction of the houses in her niece's marriage, but rather hated her niece, as the means of the King's ascent to the crown, and assurance therein. Wherefore with great violence of affection she embraced this overture." And upon counsel taken with the earl of Lincoln, and the lord Lovel, and some other of the party, it was resolved, with all speed the two lords, assisted with a regiment of two thousand Almain, being choice and veteran bands, under the command of Martin Swart, a valiant and experimented captain, should pass over into Ireland to the new King; hoping, that when the action should have the face of a received and settled regality, with such a second person as the earl of Lincoln, and the conjunction and reputation of foreign succours, the fame of it would embolden and prepare all the party of the confederates and malecontents within the realm of England to give them assistance when they should come over there. And for the person of the counterfeit it was agreed, that if all things succeeded well he should be put down, and the true Plantagenet received; wherein nevertheless the earl of Lincoln had his particular hopes. After they were come into Ireland, and that the party took courage, by seeing themselves
together

together in a body, they grew very confident of success; conceiving and discoursing amongst themselves, that they went in upon far better cards to overthrow King Henry, than King Henry had to overthrow King Richard: and that if there were not a sword drawn against them in Ireland, it was a sign the swords in England would be soon sheathed or beaten down. And first, for a bravery upon this accession of power, they crowned their new King in the cathedral church of Dublin; who formerly had been but proclaimed only; and then sat in council what should farther be done. At which council, though it were propounded by some, that it were the best way to establish themselves first in Ireland, and to make that the seat of the war, and to draw King Henry thither in person, by whose absence they thought there would be great alterations and commotions in England; yet because the kingdom there was poor, and they should not be able to keep their army together, nor pay their German soldiers, and for that also the sway of the Irishmen, and generally of the men of war, which, as in such cases of popular tumults is usual, did in effect govern their leaders, was eager, and in affection to make their fortunes upon England; it was concluded with all possible speed to transport their forces into England. The King in the mean time, who at the first when he heard what was done in Ireland, though it troubled him, yet thought he should be well enough able to scatter the Irish as a flight of birds, and rattle away this swarm of bees with their King; when he heard afterwards that the earl of Lincoln was embarked in the action, and that the lady Margaret was declared for it; he apprehended the danger in a true degree as it was, and saw plainly that his kingdom must again be put to the stake, and that he must fight for it. And first he did conceive, before he understood of the earl of Lincoln's sailing into Ireland out of Flanders, that he should be assailed both upon the east parts of the kingdom of England, by some impression from Flanders, and upon the north-west out of Ireland. And therefore having ordered musters to be made in both parts, and having provisionally designed two generals, Jasper earl of Bedford, and John earl of Oxford, meaning himself also to go in person where the affairs should most require it, and nevertheless not expecting any actual invasion at that time, the winter being far on, he took his journey himself towards Suffolk and Norfolk, for the confirming of those parts. And being come to St. Edmond's-Bury, he understood that Thomas marquis Dorset, who had been one of the pledges in France, was hastening towards him, to purge himself of some accusations which had been made against him. But the King, though he kept an ear for him, yet was the time so doubtful, that he sent the earl of Oxford to meet him, and forthwith to carry him to the Tower; with a fair message nevertheless, that he should bear that disgrace with patience, for that the King meant not his hurt, but only to preserve him from doing hurt, either to the King's service, or to himself; and that the King should always be able, when he had cleared himself, to make him reparation.

From St. Edmond's-Bury he went to Norwich, where he kept his Christmas. And from thence he went, in a manner of pilgrimage, to Walsingham, where he visited our lady's church, famous for miracles, and made his prayers and vows for help and deliverance. And from thence he returned by Cambridge to London. Not long after the rebels, with their King, under the leading of the earl of Lincoln, the earl of Kildare, the lord Lovel, and colonel Swart, landed at Fouldrey in Lancashire; whither there repaired to them Sir Thomas Broughton, with some small company of English. The King by that time, knowing now the storm
would

would have done, but all in one place, had levied forces in good number; and in person, taking with him his two designed generals, the duke of Bedford, and the earl of Oxford, was come on his way towards them as far as Coventry, whence he sent forth a troop of light horsemen for discovery, and to intercept some stragglers of the enemies, by whom he might the better understand the particulars of their progress and purposes, which was accordingly done; though the King otherwise was not without intelligence from espials in the camp.

The rebels took their way toward York, without spoiling the country or any act of hostility, the better to put themselves into favour of the people, and to personate their King: who, no doubt, out of a princely feeling, was sparing and compassionate towards his subjects: but their snow-ball did not gather as it went. For the people came not in to them; neither did any rise or declare themselves in other parts of the kingdom for them; which was caused partly by the good taste that the King had given his people of his government, joined with the reputation of his felicity; and partly for that it was an odious thing to the people of England, to have a King brought in to them upon the shoulders of Irish and Dutch, of which their army was in substance compounded. Neither was it a thing done with any great judgment on the party of the rebels, for them to take their way towards York: considering that howsoever those parts had formerly been a nursery of their friends; yet it was there, where the lord Lovel had so lately disbanded, and where the King's presence had a little before qualified discontents. The earl of Lincoln, deceived of his hopes of the countries concurrence unto him, in which case he would have temporised, and seeing the business past retract, resolved to make on where the King was, and to give him battle; and thereupon marched towards Newark, thinking to have surpris'd the town. But the King was somewhat before this time come to Nottingham, where he called a council of war, at which was consulted whether it were best to protract time, or speedily to set upon the rebels. In which council the King himself, whose continual vigilancy did suck in sometimes causeless suspicions, which few else knew, inclined to the accelerating a battle: but this was presently put out of doubt, by the great aids that came in to him in the instant of this consultation, partly upon missives, and partly voluntaries, from many parts of the kingdom.

The principal persons that came then to the King's aid, were the earl of Shrewsbury, and the lord Strange of the nobility; and of knights and gentlemen, to the number of at least threescore and ten persons, with their companies, making in the whole, at the least, six thousand fighting men, besides the forces that were with the King before. Whereupon the King, finding his army so bravely reinforced, and a great alacrity in all his men to fight, was confirmed in his former resolution, and marched speedily, so as he put himself between the enemies camp and Newark; being loth their army should get the commodity of that town. The earl, nothing dismayed, came forwards that day unto a little village called Stoke, and there encamped that night, upon the brow or hanging of a hill. The King the next day presented him battle upon the plain, the fields there being open and champion. The earl courageously came down and joined battle with him. Concerning which battle the relations that are left unto us are so naked and negligent, though it be an action of so recent memory, as they rather declare the success of the day, than the manner of the fight. They say, that the King divided his army into three battails; whereof the van-guard, only, well strengthened with wings, came to fight: That the flight

was fierce and obstinate, and lasted three hours, before the victory inclined either way; save that judgment might be made by that the King's vanguard of itself maintained fight against the whole power of the enemies, the other two battails remaining out of action, what the success was like to be in the end: That Martin Swart with his Germans performed bravely, and so did those few English that were on that side; neither did the Irish fail in courage or fierceness; but being almost naked men, only armed with darts and spears, it was rather an execution than a fight upon them; insomuch as the furious slaughter of them was a great discouragement and appalement to the rest: That there died upon the place all the chieftains; that is, the earl of Lincoln, the earl of Kildare, Francis lord Lovel, Martin Swart, and Sir Thomas Broughton; all making good the fight, without any ground given. Only of the lord Lovel there went a report, that he fled, and swam over Trent on horseback, but could not recover the farther side, by reason of the steepness of the bank, and so was drowned in the river. But another report leaves him not there, but that he lived long after in a cave or vault. The number that was slain in the field, was of the enemies part four thousand at the least; and of the King's part, one half of his vanguard, besides many hurt, but none of name. There were taken prisoners, amongst others, the counterfeit Plantagenet, now Lambert Simnell again, and the crafty priest his tutor. For Lambert, the King would not take his life, both out of magnanimity, taking him but as an image of wax, that others had tempered and moulded; and likewise out of wisdom, thinking that if he suffered death, he would be forgotten too soon; but being kept alive, he would be a continual spectacle, and a kind of remedy against the like enchantments of people in time to come. For which cause he was taken into service in his court to a base office in his kitchen; so that, in a kind of *mattacina* of human fortune, he turned a broach, that had worn a crown; whereas fortune commonly doth not bring in a comedy or farce after a tragedy. And afterwards he was preferred to be one of the King's falconers. As to the priest, he was committed close prisoner, and heard of no more; the King loving to seal up his own dangers.

After the battle the King went to Lincoln, where he caused supplications and thanksgivings to be made for his deliverance and victory. And that his devotions might go round in circle, he sent his banner to be offered to our lady of Walsingham, where before he made his vows. And thus delivered of this so strange an engine, and new invention of fortune, he returned to his former confidence of mind; thinking now, that all his misfortunes had come at once. But it fell out unto him according to the speech of the common people in the beginning of his reign, that said, It was a token he should reign in labour, because his reign began with a sickness of sweat. But howsoever the King thought himself now in a haven, yet such was his wisdom, as his confidence did seldom darken his foresight, especially in things near hand. And therefore, awakened by so fresh and unexpected dangers, he entered into due consideration, as well how to weed out the partakers of the former rebellion, as to kill the seeds of the like in time to come: and withal to take away all shelters and harbours for discontented persons, where they might hatch and foster rebellions, which afterwards might gather strength and motion. And first, he did yet again make a progress from Lincoln to the northern parts, though it were indeed rather an itinerary circuit of justice than a progress. For all along as he went, with much severity and strict inquisition, partly by martial law, and partly by commission, were punished the adherents and aiders of the late rebels. Not all by death,

death, for the field had drawn much blood, but by fines and ransoms, which spared life, and raised treasure. Amongst other crimes of this nature, there was diligent inquiry made of such as had raised and dispersed a bruit and rumour, a little before the field fought, "that the rebels had the day; and that the King's army was overthrown, and the King fled." Whereby it was supposed that many succours, which otherwise would have come unto the King, were cunningly put off and kept back. Which charge and accusation, though it had some ground, yet it was industriously embraced and put on by divers, who having been in themselves not the best affected to the King's part, nor forward to come to his aid, were glad to apprehend this colour to cover their neglect and coldness, under the pretence of such discouragements. Which cunning, nevertheless the King would not understand, though he lodged it, and noted it in some particulars, as his manner was.

But for the extirpating of the roots and causes of the like commotions in time to come, the King began to find where his shoe did wring him, and that it was his depressing of the house of York that did rankle and fester the affections of his people. And therefore being now too wise to disdain perils any longer, and willing to give some contentment in that kind, at least in ceremony, he resolved at last to proceed to the coronation of his Queen. And therefore at his coming to London, where he entered in state, and in a kind of triumph, and celebrated his victory with two days of devotion, for the first day he repaired to Paul's, and had the hymn of *Te Deum* sung, and the morrow after he went in procession, and heard the sermon at the cross, the Queen was with great solemnity crowned at Westminster, the five and twentieth of November, in the third year of his reign, which was about two years after the marriage; like an old christening, that had stayed long for godfathers. Which strange and unusual distance of time made it subject to every man's note, that it was an act against his stomach, and put upon him by necessity and reason of state. Soon after, to shew that it was now fair weather again, and that the imprisonment of Thomas marquis Dorset was rather upon suspicion of the time, than of the man, he, the said marquis, was set at liberty, without examination or other circumstance. At that time also the King sent an ambassador unto Pope Innocent, signifying unto him this his marriage; and that now, like another Æneas, he had passed through the floods of his former troubles and travels, and was arrived unto a safe haven: and thanking his Holiness that he had honoured the celebration of his marriage with the presence of his ambassador; and offering both his person and the forces of his kingdom, upon all occasions, to do him service.

The ambassador making his oration to the Pope, in the presence of the cardinals, did so magnify the King and Queen, as was enough to glut the hearers. But then he did again so extol and deify the Pope, as made all that he had said in praise of his master and mistress seem temperate and passable. But he was very honourably entertained, and extremely much made on by the Pope: who knowing himself to be lazy and unprofitable to the Christian world, was wonderfully glad to hear that there were such echoes of him sounding in remote parts. He obtained also of the Pope a very just and honourable bull, qualifying the privileges of sanctuary, wherewith the King had been extremely galled, in three points.

The first, that if any sanctuary man did by night, or otherwise, get out of sanctuary privily, and commit mischief and trespass, and then come in again, he should lose the benefit of sanctuary for ever after. The second, that howsoever the person of the sanctuary man was protected from his creditors, yet his goods out of sanctuary

tuary should not. The third, that if any took sanctuary for ease of treason, the King might appoint him keepers to look to him in sanctuary.

The King also, for the better securing of his estate against mutinous and discontented subjects, whereof he saw the realm was full, who might have their refuge into Scotland, which was not under key, as the ports were; for that cause rather than for any doubt of hostility from those parts, before his coming to London, when he was at Newcastle, had sent a solemn ambassage unto James the third King of Scotland, to treat and conclude a peace with him. The ambassadors were, Richard Fox, bishop of Exeter, and Sir Richard Edgcombe, comptroller of the King's house, who were honourably received and entertained there. But the King of Scotland labouring of the same disease that King Henry did, though more mortal, as afterwards appeared, that is, discontented subjects, apt to rise and raise tumult, although in his own affection he did much desire to make a peace with the King; yet finding his nobles averse, and not daring to displease them, concluded only a truce for seven years; giving nevertheless promise in private, that it should be renewed from time to time during the two Kings lives.

HITHERTO the King had been exercised in settling his affairs at home. But about this time brake forth an occasion that drew him to look abroad, and to hearken to foreign business. Charles the eighth the French King, by the virtue and good fortune of his two immediate predecessors, Charles the seventh his grandfather and Lewis the eleventh his father, received the kingdom of France in more flourishing and spread estate than it had been of many years before; being redintegrate in those principal members, which anciently had been portions of the crown of France, and were afterward dissevered, so as they remained only in homage, and not in sovereignty, being governed by absolute Princes of their own, Anjou, Normandy, Provence, and Burgundy. There remained only Britain to be re-united, and so the monarchy of France to be reduced to the ancient terms and bounds.

King Charles was not a little inflamed with an ambition to re-purchase and re-annex that dutchy: which his ambition was a wise and well weighed ambition; not like unto the ambitions of his succeeding enterprises of Italy. For at that time, being newly come to the crown, he was somewhat guided by his father's counsels, counsels, not counsellors, for his father was his own council, and had few able men about him. And that King, he knew well, had ever distasted the designs of Italy, and in particular had an eye upon Britain. There were many circumstances that did feed the ambition of Charles with pregnant and apparent hopes of success: the duke of Britain old, and entered into a lethargy, and served with mercenary counsellors, father of two only daughters, the one sickly and not like to continue: King Charles himself in the flower of his age, and the subjects of France at that time well trained for war, both for leaders and soldiers; men of service being not yet worn out since the wars of Lewis against Burgundy. He found himself also in peace with all his neighbour Princes. As for those that might oppose to his enterprise, Maximilian King of the Romans, his rival in the same duties (as well for the duchy, as the daughter) feeble in means; and King Henry of England as well somewhat obnoxious to him for his favours and benefits, as busied in his particular troubles at home. There was also a fair and specious occasion offered him to hide his ambition, and to justify his warring upon Britain; for that the duke had received and succoured Lewis duke of Orleans, and other of the French nobility, which

had taken arms against their King. Wherefore King Charles, being resolv'd upon that point, knew well he could not receive any opposition so potent, as if King Henry should, either upon policy of state, in preventing the growing greatness of France, or upon gratitude unto the duke of Britain, for his former favours in the time of his distress, espouse that quarrel, and declare himself in aid of the duke. Therefore he no sooner heard that King Henry was settled by his victory, but forthwith he sent ambassadors unto him to pray his assistance, or at least that he would stand neutral. Which ambassadors found the King at Leicester, and delivered their ambassage to this effect: They first imparted unto the King the success that their master had had a little before against Maximilian, in recovery of certain towns from him: which was done in a kind of privacy, and inwardness towards the King; as if the French King did not esteem him for an outward or formal confederate, but as one that had part in his affections and fortunes, and with whom he took pleasure to communicate his business. After this compliment, and some gratulation for the King's victory, they fell to their errand; declaring to the King, That their master was enforced to enter into a just and necessary war with the duke of Britain, for that he had received and succoured those that were traitors and declared enemies unto his person and state. That they were no mean, distressed, and calamitous persons that fled to him for refuge, but of so great quality, as it was apparent that they came not thither to protect their own fortune, but to infect and invade his; the head of them being the duke of Orleans, the first Prince of the blood and the second person of France. That therefore, rightly to understand it, it was rather on their master's part a defensive war than an offensive; as that that could not be omitted or forborn, if he tendered the conservation of his own estate; and that it was not the first blow that made the war invasive, for that no wise Prince would stay for, but the first provocation, or at least the first preparation; nay, that this war was rather a suppression of rebels, than a war with a just enemy; where the case is, that his subjects, traitors, are received by the duke of Britain his homager. That King Henry knew well what went upon it in example, if neighbour Princes should patronize and comfort rebels against the law of nations and of leagues. Nevertheless that their master was not ignorant, that the King had been beholden to the duke of Britain in his adversity; as on the other side, they knew he would not forget also the readiness of their King, in aiding him when the Duke of Britain, or his mercenary counsellors, failed him, and would have betrayed him; and that there was a great difference between the courtesies received from their master, and the duke of Britain: for that the duke's might have ends of utility and bargain; whereas their master's could not have proceeded but out of entire affection; for that, if it had been measured by a politic line, it had been better for his affairs, that a tyrant should have reigned in England, troubled and hated, than such a Prince, whose virtues could not fail to make him great and potent, whensoever he was come to be master of his affairs. But howsoever it stood for the point of obligation which the King might owe to the duke of Britain, yet their master was well assured, it would not divert King Henry of England from doing that that was just, nor ever embark him in so ill-grounded a quarrel. Therefore, since this war, which their master was now to make, was but to deliver himself from imminent dangers, their King hoped the King would shew the like affection to the conservation of their master's estate, as their master had, when time was, shewed to the King's acquisition of his kingdom. At the last, that according to the inclination which the King had ever professed of peace, he would look on

and stand neutral; for that their master could not with reason press him to undertake part in the war, being so newly settled and recovered from intestine seditions. But touching the mystery of re-annexing of the duchy of Brittain to the crown of France, either by war, or by marriage with the daughter of Britain, the ambassadors bare aloof from it as from a rock, knowing that it made most against them. And therefore by all means declined any mention thereof, but contrariwise interlaced, in their conference with the King, the assured purpose of their master to match with the daughter of Maximilian; and entertained the King also with some wandering discourses of their King's purpose, to recover by arms his right to the kingdom of Naples, by an expedition in person; all to remove the King from all jealousy of any design in these hither parts upon Britain, otherwise than for quenching of the fire, which he feared might be kindled in his own estate.

The King, after advice taken with his council, made answer to the ambassadors: and first returned their compliment, shewing he was right glad of the French King's reception of those towns from Maximilian. Then he familiarly related some particular passages of his own adventures and victory passed. As to the business of Britain, the King answered in few words; that the French King, and the duke of Britain, were the two persons to whom he was most obliged of all men; and that he should think himself very unhappy, if things should go so between them, as he should not be able to acquit himself in gratitude towards them both; and that there was no means for him as a Christian King, and a common friend to them, to satisfy all obligations both to God and man, but to offer himself for a mediator of an accord and peace between them; by which course he doubted not but their King's estate, and honour both, would be preserved with more safety and less envy than by a war; and that he would spare no cost or pains, no if it were to go on pilgrimage, for so good an effect; and concluded, that in this great affair, which he took so much to heart, he would express himself more fully by an ambassage, which he would speedily dispatch unto the French King for that purpose. And in this sort the French ambassadors were dismissed: the King avoiding to understand any thing touching the re-annexing of Britain, as the ambassadors had avoided to mention it; save that he gave a little touch of it in the word *envy*. And so it was, that the King was neither so shallow, nor so ill advertised, as not to perceive the intention of the French for the investing himself of Britain. But first, he was utterly unwilling, howsoever he gave out, to enter into war with France. A fame of a war he liked well, but not an atchievement; for the one he thought would make him richer, and the other poorer; and he was possessed with many secret fears touching his own people, which he was therefore loth to arm, and put weapons into their hands. Yet notwithstanding, as a prudent and courageous Prince, he was not so averse from a war, but that he was resolved to choose it, rather than to have Britain carried by France, being so great and opulent a duchy, and situate so opportunely to annoy England, either for coast or trade. But the King's hopes were, that partly by negligence, commonly imputed to the French, especially in the court of a young King, and partly by the native power of Britain itself, which was not small; but chiefly in respect of the great party that the duke of Orleans had in the kingdom of France, and thereby means to stir up civil troubles, to divert the French King from the enterprize of Britain. And lastly, in regard of the power of Maximilian, who was corival to the French King in that pursuit, the enterprize would either bow to a peace, or break in itself. In all which the King measured and valued things amiss,

as afterwards appeared. He sent therefore forthwith to the French King, Christopher Urswick, his chaplain, a person by him much trusted and employed: choosing him the rather, because he was a churelman, as best fitting with an ambassy of pacification: and giving him also a commission, that if the French King consented to treat, he should thence repair to the duke of Britain, and ripen the treaty on both parts. Urswick made declaration to the French King, much to the purpose of the King's answer to the French ambassadors here, insinuating also tenderly some overture of receiving to grace the duke of Orleans, and some taste of conditions of accord. But the French King on the other side proceeded not sincerely, but with a great deal of art and dissimulation in this treaty; having for his end, to gain time, and to put off the English succours under hope of peace, till he had got good footing in Britain by force of arms. Wherefore he answered the ambassador, that he would put himself into the King's hands, and make him arbiter of the peace; and willingly consented, that the ambassador should straightways pass into Britain, to signify this his consent, and to know the duke's mind likewise; well foreseeing, that the duke of Orleans, by whom the duke of Britain was wholly led, taking himself to be upon terms irreconcilable with him, would admit of no treaty of peace. Whereby he should in one, both generally abroad veil over his ambition, and win the reputation of just and moderate proceedings; and should withal endear himself in the affections of the King of England, as one that had committed all to his will: nay and, which was yet more fine, make faith in him, that although he went on with the war, yet it should be but with his sword in his hand, to bend the stiffness of the other party to accept of peace; and so the King should take no umbrage of his arming and protection; but the treaty to be kept on foot to the very last instant, till he were master of the field.

Which grounds being by the French King wisely laid, all things fell out as he expected. For when the English ambassador came to the court of Britain, the duke was then scarcely perfect in his memory, and all things were directed by the duke of Orleans, who gave audience to the chaplain Urswick, and upon his ambassage delivered made answer in somewhat high terms: That the duke of Britain having been an host, and a kind of parent or foster-father to the King, in his tenderness of age and weakness of fortune did look for at this time from King Henry, the renowned King of England, rather brave troops for his succours, than a vain treaty of peace. And if the King could forget the good offices of the duke done unto him aforetime; yet he knew well, he would in his wisdom consider of the future, how much it imported his own safety and reputation, both in foreign parts, and with his own people, not to suffer Britain, the old confederates of England, to be swallowed up by France, and so many good ports and strong towns upon the coast be in the command of so potent a neighbour King, and so ancient an enemy: And therefore humbly desired the King to think of this business as his own: and therewith brake off, and denied any farther conference for treaty.

Urswick returned first to the French King, and related to him what had passed. Who finding things to sort to his desire, took hold of them, and said; That the ambassador might perceive now that, which he for his part partly imagined before. That considering in what hands the duke of Britain was, there would be no peace, but by a mixed treaty of force and persuasion: and therefore he would go on with the one, and desired the King not to desist from the other. But for his own part, he did faithfully promise to be still in the King's power, to rule him in the matter of peace. This was accordingly represented unto the King by Urswick at his return, and in such a fashion, as if the treaty were in no sort desperate, but rather stayed for a better hour.

till the hammer had wrought and beat the party of Britain more pliant. Whereupon there passed continually packets and dispatches between the two Kings, from the one out of desire, and from the other out of dissimulation, about the negotiation of peace. The French King mean while invaded Britain with great forces, and distressed the city of Nantz with a strait siege, and as one, who though he had no great judgment, yet had that, that he could dissemble at home, the more he did urge the prosecution of the war, the more he did, at the same time, urge the solicitation of the peace. Inasmuch as during the siege of Nantz, after many letters and particular messages, the better to maintain his dissimulation, and to refresh the treaty, he sent Bernard D'Aubigny, a person of good quality, to the King, earnestly to desire him to make an end of the business howsoever.

The King was no less ready to revive and quicken the treaty; and thereupon sent three commissioners, the abbot of Abingdon, Sir Richard Tunstall, and chaplain Urswick formerly employed, to do their utmost endeavours to manage the treaty roundly and strongly.

About this time the lord Woodvile, uncle to the Queen, a valiant gentleman, and desirous of honour, sued to the King that he might raise some power of voluntaries under-hand, and without licence or passport (wherein the King might any ways appear) go to the aid of the duke of Britain. The King denied his request, or at least seemed so to do, and laid strait commandment upon him, that he should not stir, for that the King thought his honour would suffer therein, during a treaty, to better a party. Nevertheless this lord, either being unruly, or out of conceit that the King would not inwardly dislike that, which he would not openly avow, failed directly over into the isle of Wight, whereof he was governor, and levied a fair troop of four hundred men, and with them passed over into Britain, and joined himself with the duke's forces. The news whereof, when it came to the French court, put divers young bloods into such a fury, as the English ambassadors were not without peril to be outraged. But the French King, both to preserve the privilege of ambassadors, and being conscious to himself, that in the business of peace he himself was the greater dissembler of the two, forbad all injuries of fact or word against their persons or followers. And presently came an agent from the King, to purge himself touching the lord Woodvile's going over; using for a principal argument, to demonstrate that it was without his privity, for that the troops were so small, as neither had the face of a succour by authority, nor could much advance the Britain affairs. To which message although the French King gave no full credit, yet he made fair weather with the King, and seemed satisfied. Soon after the English ambassadors returned, having two of them been likewise with the duke of Britain, and found things in no other terms than they were before. Upon their return, they informed the King of the state of the affairs, and how far the French King was from any true meaning of peace; and therefore he was now to advise of some other course: neither was the king himself led all this while with credulity merely, as was generally supposed: but his error was not so much facility of belief, as an ill measuring of the forces of the other party.

For, as was partly touched before, the King had call the business thus with himself. He took it for granted in his own judgment, that the war of Britain, in respect of the strength of the towns and of the party, could not speedily come to a period. For he conceived, that the counsels of a war, that was undertaken by the French King, then childless, against an heir apparent of France, would be very faint and slow; and, besides, that it was not possible, but that the state of France should be embroiled with some troubles and alterations in favour of the duke of Orleans. He conceived how

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that Maximilian King of the Romans was a Prince warlike and potent; who, he made account, would give succours to the Britains roundly. So then judging it would be a work of time, he laid his plot, how he might best make use of that time for his own affairs. Wherof first he thought to make his vantage upon his parliament; knowing that they being affectionate unto the quarrel of Britain, would give him help largely: which treasure, as a noise of war might draw forth, so a peace succeeding might coffer up. And because he knew his people were hot upon the business, he chose rather to seem to be deceived, and lulled asleep by the French, than to be backward in himself; considering his subjects were not so fully capable of the reasons of state, which made him hold back. Wherefore to all these purposes he saw no other expedient, than to set and keep on foot a continual treaty of peace, laying it down, and taking it up again, as the occurrence required. Besides, he had in consideration the point of honour, in bearing the blessed person of a pacificator. He thought likewise to make use of the envy that the French King met with, by occasion of this war of Britain, in strengthening himself with new alliances; as namely, that of Ferdinando of Spain, with whom he had ever a consent even in nature and customs; and likewise with Maximilian, who was particularly interested. So that in substance he promised himself money, honour, friends, and peace in the end. But those things were too fine to be fortunate and succeed in all parts; for that great affairs are commonly too rough and stubborn to be wrought upon by the finer edges or points of wit. The King was likewise deceived in his two main grounds. For although he had reason to conceive that the council of France would be wary to put the King into a war against the heir apparent of France; yet he did not consider that Charles was not guided by any of the principal of the blood or nobility, but by mean men, who would make it their master-piece of credit and favour, to give venturous counsels, which no great or wise man durst or would. And for Maximilian, he was thought to be a greater matter than he was; his untimely and necessitous counsels being not then known.

After consultation with the ambassadors, who brought him no other news than he expected before, though he would not seem to know it till then, he presently summoned his parliament, and in open parliament propounded the cause of Britain to both houses, by his chancellor Moreton archbishop of Canterbury, who spake to this effect.

“ MY lords and masters, the King’s grace, our sovereign lord, hath commanded me to declare unto you the causes that have moved him at this time to summon this his parliament; which I shall do in few words, craving pardon of his grace, and you all, if I perform it not as I would.

“ His grace doth first of all let you know, that he retaineth in thankful memory the love and loyalty shewed to him by you, at your last meeting, in establishment of his royalty; freeing and discharging of his partakers, and confiscation of his traitors and rebels; more than which could not come from subjects to their sovereign, in one action. This he taketh so well at your hands, as he hath made it a resolution to himself, to communicate with so loving and well approved subjects, in all affairs that are of public nature, at home or abroad.

“ Two therefore are the causes of your present assembling: the one, a foreign business; the other, matter of government at home.

“ The French King, as no doubt ye have heard, maketh at this present hot war upon the duke of Britain. His army is now before Nantz, and holdeth it straitly

“ being the principal city, if not in summary and present possession, yet in

“ strength

“ strength and wealth, of that duchy. Ye may guess at his hopes, by his attempt-
 “ ing of the hardest part of the war first. The cause of this war he knoweth best.
 “ He alledgeth the entertaining and succouring of the duke of Orleans, and some
 “ other French lords, whom the King taketh for his enemies: Others divine of
 “ other matters. Both parts have, by their ambassadors, divers times prayed the
 “ King’s aids; the French King aids or neutrality; the Britains aids simply; for to
 “ their case requireth. The King, as a Christian Prince, and blessed son of the holy
 “ church, hath offered himself, as a mediator, to treat of peace between them. The
 “ French King yielded to treat, but will not stay the prosecution of the war. The
 “ Britains, that desire peace most, hearken to it least; not upon confidence or stiff-
 “ nesses, but upon distrust of true meaning, seeing the war goes on. So as the King,
 “ after as much pains and care to effect a peace, as ever he took in any business, not
 “ being able to remove the prosecution on the one side, nor the distrust on the other,
 “ caused by that prosecution, hath let fall the treaty; not repenting of it, but despair-
 “ ing of it now, as not likely to succeed. Therefore by this narrative you now un-
 “ derstand the state of the question, whereupon the King prayeth your advice; which
 “ is no other, but whether he shall enter into an auxiliary and defensive war for the
 “ Britains against France?

“ And the better to open your understandings in this affair, the King hath com-
 “ manded me to say somewhat to you from him, of the persons that do intervene in
 “ this business; and somewhat of the consequence thereof, as it hath relation to this
 “ kingdom, and somewhat of the example of it in general: making nevertheless no
 “ conclusion or judgment of any point, until his grace hath received your faithful and
 “ politic advices.

“ First, for the King our sovereign himself, who is the principal person, you are
 “ to eye in this business; his grace doth profess, that he truly and constantly desireth
 “ to reign in peace. But his grace saith, he will neither buy peace with dishonour,
 “ nor take it up at interest of danger to ensue; but shall think it a good change, if it
 “ please God to change the inward troubles and seditions, wherewith he hath been
 “ hitherto exercised, into an honourable foreign war. And for the other two persons
 “ in this action, the French King and the duke of Britain, his grace doth declare
 “ unto you, that they be the men unto whom he is of all other friends and allies
 “ most bounden: the one having held over him his hand of protection from the ty-
 “ rant; the other having reached forth unto him his hand of help for the recovery of
 “ his kingdom. So that his affection toward them in his natural person, is upon
 “ equal terms. And whereas you may have heard, that his grace was enforced to
 “ fly out of Britain into France, for doubts of being betrayed; his grace would not
 “ in any sort have that reflect upon the duke of Britain, in defacement of his former
 “ benefits; for that he is thoroughly informed, that it was but the practice of some
 “ corrupt persons about him, during the time of his sickness, altogether without his
 “ consent or privity.

“ But howsoever these things do interest his grace in this particular, yet he know-
 “ eth well, that the higher bond that tieth him to procure by all means the safety and
 “ welfare of his loving subjects, doth disinterest him of these obligations of gratitude,
 “ otherwise than thus; that if his grace be forced to make a war, he do it without
 “ passion or ambition.

“ For the consequence of this action towards this kingdom, it is much as the
 “ French King’s intention is. For if it be no more, but to range his subjects to re-
 “ son, who bear themselves stout upon the strength of the duke of Britain, it is

“ nothing;

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“ a thing to us. But if it be in the French King’s purpose, or if it should not be
 “ in purpose, yet if it should follow all one, as if it were fought, that the French
 “ King shall make a province of Britain, and join it to the crown of France ; then it
 “ is worthy the consideration, how this may import England, as well in the increase-
 “ ment of the greatness of France, by the addition of such a country, that stretcheth
 “ his boughs into our seas, as in depriving this nation, and leaving it naked of so
 “ firm and assured confederates as the Britains have always been. For then it will
 “ come to pass, that whereas not long since this realm was mighty upon the conti-
 “ nent, first in territory, and after in alliance, in respect of Burgundy and Britain,
 “ which were confederates indeed, but independent confederates ; now the one being
 “ already cast, partly into the greatness of France, and partly into that of Austria,
 “ the other is like wholly to be cast into the greatness of France ; and this island
 “ shall remain confined in effect within the salt waters, and girt about with the coast
 “ countries of two mighty monarchs.

“ For the example, it resteth likewise upon the same question, upon the French
 “ King’s intent. For if Britain be carried and swallowed up by France, as the world
 “ abroad, apt to impute and construe the actions of Princes to ambition, conceive
 “ it will ; then it is an example very dangerous and universal, that the lesser
 “ neighbour state should be devoured of the greater. For this may be the case of
 “ Scotland towards England ; of Portugal towards Spain ; of the smaller estates of
 “ Italy towards the greater ; and so of Germany ; or as if some of you of the com-
 “ mons might not live and dwell safely besides some of these great lords. And the
 “ bringing in of this example will be chiefly laid to the King’s charge, as to him that
 “ was most interested, and most able to forbid it. But then on the other side, there is
 “ so fair a pretext on the French King’s part, and yet pretext is never wanting to
 “ power, in regard the danger imminent to his own estate is such, as may make this
 “ enterprise seem rather a work of necessity than of ambition, as doth in reason cor-
 “ rect the danger of the example of that which is done in a man’s own defence, can-
 “ not be dangerous ; because it is in another’s power to avoid it. But in all this
 “ business, the King remits himself to your grave and mature advice, whereupon he
 “ purposeth to rely.”

This was the effect of the lord Chancellor’s Speech touching the cause of Britain ;
 for the King had commanded him to carry it so, as to affect the parliament towards
 the business ; but without engaging the King in any express declaration.

The Chancellor went on :

“ For that which may concern the government at home, the King hath commanded
 “ me to say unto you ; that he thinketh there was never any King, for the small
 “ time that he hath reigned, had greater and juster cause of the two contrary passions
 “ of joy and sorrow, than his grace hath. Joy, in respect of the rare and visible fa-
 “ vours of Almighty God, in girding the imperial sword upon his side, and assisting
 “ the same his sword against all his enemies ; and likewise in blessing him with so
 “ many good and loving servants and subjects, which have never failed to give him
 “ faithful counsel, ready obedience, and courageous defence. Sorrow, for that it hath
 “ not pleased God to suffer him to sheath his sword, as he greatly desired, otherwise
 “ than for administration of justice, but that he hath been forced to draw it so oft, to
 “ cut off traitorous and disloyal subjects, whom, it seems, God hath left, a few amongst
 “ many good, as the Canaanites amongst the people of Israel, to be thorns in their
 “ sides, to tempt and try them ; though the end hath been always, God’s name be
 “ blessed for ever, that the destruction hath fallen upon their own heads.

“ Wherefore

“ Wherefore his grace saith ; That he feeth that it is not the blood spilt in the
 “ field that will save the blood in the city ; nor the marshal’s sword that will set this
 “ kingdom in perfect peace : but that the true way is, to stop the seeds of faction
 “ and rebellion in their beginnings ; and for that purpose to devise, confirm, and
 “ quicken good and wholesome laws against riots, and unlawful assemblies of people,
 “ and all combinations and confederacies of them, by liveries, tokens, and other badges
 “ of factious dependence ; that the peace of the land may by these ordinances, as by
 “ bars of iron, be soundly bound in and strengthened, and all force, both in court,
 “ country, and private houses, be suppress’d. The care hereof, which so much con-
 “ cerneth yourselves, and which the nature of the times doth instantly call for, his
 “ grace commends to your wisdoms.

“ And because it is the King’s desire, that this peace, wherein he hopeth to govern
 “ and maintain you, do not bear only unto you leaves, for you to sit under the shade
 “ of them in safety ; but also should bear you fruit of riches, wealth, and plenty :
 “ therefore his grace prays you to take into consideration matter of trade, as also the
 “ manufactures of the kingdom, and to repress the bastard and barren employment
 “ of moneys to usury and unlawful exchanges ; that they may be, as their natural
 “ use is, turned upon commerce, and lawful and royal trading. And likewise that
 “ our people be set on work in arts and handicrafts ; that the realm may subsist more
 “ of itself ; that idleness be avoided, and the draining out of our treasure for foreign
 “ manufactures stopped. But you are not to rest here only, but to provide farther,
 “ that whatsoever merchandise shall be brought in from beyond the seas, may be
 “ employed upon the commodities of this land ; whereby the kingdom’s stock of trea-
 “ sure may be sure to be kept from being diminished by any over-trading of the
 “ foreigner.

“ And lastly, because the King is well assured, that you would not have him poor,
 “ that wishes you rich ; he doubteth not but that you will have care, as well to main-
 “ tain his revenues of customs and all other natures, as also to supply him with your
 “ loving aids, if the case shall so require. The rather, for that you know the King
 “ is a good husband, and but a steward in effect for the public ; and that what comes
 “ from you, is but as moisture drawn from the earth, which gathers into a cloud,
 “ and falls back upon the earth again. And you know well, how the kingdoms
 “ about you grow more and more in greatness, and the times are stirring ; and there-
 “ fore not fit to find the King with an empty purse. More I have not to say to you ;
 “ and wish, that what hath been said, had been better expressed : but that your wis-
 “ doms and good affections will supply. God bless your doings.”

It was no hard matter to dispose and affect the parliament in this business ; as well in respect of the emulation between the nations, and the envy at the late growth of the French monarchy ; as in regard of the danger to suffer the French to make their approaches upon England. by obtaining so goodly a maritime province, full of sea-towns and havens, that might do mischief to the English, either by invasion or by interruption of traffic. The parliament was also moved with the point of oppression ; for although the French seem’d to speak reason, yet arguments are ever with multitudes too weak for suspicions. Wherefore they did advite the King roundly to embrace the Britons quarrel, and to send them speedy aids ; and with much alacrity and forwardness granted to the King a great rate of subsidy, in contemplation of these aids.

But the King, both to keep a decency towards the French King, to whom he profest himself to be obliged, and indeed desirous rather to shew war, than to make it; sent new solemn ambassadors to intimate unto him the decree of his estates, and to iterate his motion, that the French would desist from hostility; or if war must follow, to desire him to take it in good part, if at the motion of his people, who were sensible of the cause of the Britons as their ancient friends and confederates, he did send them succours; with protestation nevertheless, that, to save all treaties and laws of friendship, he had limited his forces, to proceed in aid of the Britons, but in no wise to war upon the French, otherwise than as they maintained the possession of Britain. But before this formal ambassage arrived, the party of the duke had received a great blow, and grew to manifest declination. For near the town of St. Alban in Britain, a battle had been given, where the Britons were overthrown, and the duke of Orleans, and the prince of Orange taken prisoners, there being slain on the Britons part six thousand men, and amongst them the lord Woodvile, and almost all his soldiers, valiantly fighting. And of the French part, one thousand two hundred, with their leader James Galeot a great commander.

When the news of this battle came over into England, it was time for the King, who now had no subterfuge to continue farther treaty, and saw before his eyes that Britain went so speedily for lost, contrary to his hopes; knowing also that with his people, and foreigners both, he sustained no small envy and disreputation for his former delays, to dispatch with all possible speed his succours into Britain; which he did under the conduct of Robert lord Brooke, to the number of eight thousand choice men and well armed; who having a fair wind, in few hours landed in Britain, and joined themselves forthwith to those Briton forces that remained after the defeat, and marched straight on to find the enemy, and encamped fast by them. The French wisely husbanding the possession of a victory, and well acquainted with the courage of the English, especially when they are fresh, kept themselves within their trenches, being strongly lodged, and resolved not to give battle. But mean while, to harass and weary the English, they did upon all advantages set upon them with their light horse; wherein nevertheless they received commonly loss, especially by means of the English archers.

But upon these achievements Francis duke of Britain deceased; an accident that the King might easily have foreseen, and ought to have reckoned upon and provided for, but that the point of reputation, when news first came of the battle lost, that somewhat must be done, did overbear the reason of war.

After the duke's decease, the principal persons of Britain, partly bought, partly through faction, put all things into confusion; so as the English not finding head or body with whom to join their forces, and being in jealousy of friends, as well as in danger of enemies, and the winter begun, returned home five months after their landing. So the battle of St. Alban, the death of the duke, and the retire of the English succours, were, after some time, the causes of the loss of that duchy; which action some accounted as a blemish of the King's judgment, but most but as the misfortune of his times.

But howsoever the temporary fruit of the parliament, in their aid and advice given for Britain, took not, nor prospered not; yet the lasting fruit of parliament, which is good and wholesome laws, did prosper, and doth yet continue to this day. For, according to the lord Chancellor's admonition, there were that parliament divers excellent laws ordained concerning the points which the King recommended.

First,

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First, the authority of the star-chamber, which before subsisted by the ancient common laws of the realm, was confirmed in certain cases by act of parliament. This court is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice, besides the high court of parliament, in which distribution the King's bench holdeth the pleas of the crown, the common-places pleas civil, the exchequer pleas concerning the King's revenue, and the chancery the Pretorian power for mitigating the rigour of law, in case of extremity, by the conscience of a good man; there was nevertheless always reserved a high and preeminent power to the King's council, in causes that might in example or consequence concern the state of the commonwealth; which if they were criminal, the council used to sit in the chamber called the star-chamber; if civil, in the white-chamber or white-hall. And as the chancery had the Pretorian power for equity; so the star-chamber had the Cenforian power for offences under the degree of capital. This court of star-chamber is compounded of good elements, for it consisteth of four kinds of persons, counsellors, peers, prelates, and chief judges. It discerneth also principally of four kinds of causes, forces, frauds, crimes various of stellionate, and the inchoations or middle acts towards crimes capital or hainous, not actually committed or perpetrated. But that which was principally aimed at by this act was force, and the two chief supports of force, combination of multitudes, and maintenance or headship of great persons.

From the general peace of the country the King's care went on to the peace of the King's house, and the security of his great officers and counsellors. But this law was somewhat of a strange composition and temper. That if any of the King's servants under the degree of a lord, do conspire the death of any of the King's council or lord of the realm, it is made capital. This law was thought to be procured by the lord Chancellor, who being a stern and haughty man, and finding he had some mortal enemies in court, provided for his own safety; drowning the envy of it in a general law, by communicating the privilege with all other counsellors and peers, and yet not daring to extend it farther than to the King's servants in check-roll, lest it should have been too harsh to the gentlemen, and other commons of the kingdom; who might have thought their ancient liberty, and the clemency of the laws of England invaded, if the will in any case of felony should be made the deed. And yet the reason which the act yieldeth, that is to say, that he that conspireth the death of counsellors may be thought indirectly, and by a mean, to conspire the death of the King himself, is indifferent to all subjects as well as to servants in court. But it seemeth this sufficed to serve the lord Chancellor's turn at this time. But yet he lived to need a general law, for that he grew afterwards as odious to the country, as he was then to the court.

From the peace of the King's house, the King's care extended to the peace of private houses and families. For there was an excellent moral law molded thus; the taking and carrying away of women forcibly and against their will, except femalewards and bond-women, was made capital. The parliament wisely and justly conceiving, that the obtaining of women by force into possession, howsoever afterwards assent might follow by allurements, was but a rape drawn forth in length, because the first force drew on all the rest.

There was made also another law for peace in general, and repressing of murders and manslaughters, and was in amendment of the common laws of the realm; being this: That whereas by the common law the King's suit, in case of homicide, did expect the year and the day, allowed to the party's suit by way of appeal; and that it was found by experience, that the party was many times compounded with, and many

times wearied with the suit, so that in the end such suit was let fall, and by that time the matter was in a manner forgotten, and thereby prosecution at the King's suit by indictment, which is ever best, *flagrante crimine*, neglected; it was ordained, that the suit by indictment might be taken as well at any time within the year and the day, as after; not prejudicing nevertheless the party's suit.

The King began also then, as well in wisdom as in justice, to pare a little the privilege of clergy, ordaining that clerks convict should be burned in the hand; both because they might taste of some corporal punishment, and that they might carry a brand of infamy. But for this good act's sake, the King himself was after branded by Perkin's proclamation, for an execrable breaker of the rites of holy church.

Another law was made for the better peace of the country; by which law the King's officers and farmers were to forfeit their places and holds, in case of unlawful retainer, or partaking in routs and unlawful assemblies.

These were the laws that were made for repressing of force, which those times did chiefly require; and were so prudently framed, as they are found fit for all succeeding times, and so continue to this day.

There were also made good and politic laws that parliament, against usury, which is the bastard use of money; and against unlawful chievances and exchanges, which is bastard usury; and also for the security of the King's customs; and for the employment of the procedures of foreign commodities, brought in by merchant-strangers, upon the native commodities of the realm; together with some other laws of less importance.

But howsoever the laws made in that Parliament did bear good and wholesome fruit; yet the subsidy granted at the same time bare a fruit that proved harsh and bitter. All was inned at last into the King's barn, but it was after a storm. For when the commissioners entered into the taxation of the subsidy in Yorkshire, and the bishoprick of Duresm; the people upon a sudden grew into great mutiny, and said openly, That they had endured of late years a thousand miseries, and neither could nor would pay the subsidy. This, no doubt, proceeded not simply of any present necessity, but much by reason of the old humour of those countries, where the memory of King Richard was so strong, that it lay like lees in the bottom of mens hearts; and if the vessel was but stirred, it would come up. And, no doubt, it was partly also by the instigation of some factious malecontents, that bare principal stroke amongst them. Hereupon the commissioners being somewhat astonished, deferred the matter unto the earl of Northumberland, who was the principal man of authority in those parts. The earl forthwith wrote unto the court, signifying to the King plainly enough in what flame he found the people of those countries, and praying the King's direction. The King wrote back peremptorily, That he would not have one peny abated, of that which had been granted to him by parliament; both because it might encourage other countries, to pray the like release or mitigation; and chiefly because he would never endure that the base multitude should frustrate the authority of the parliament, wherein their votes and consents were concluded. Upon this dispatch from court, the earl assembled the principal justices and freeholders of the country; and speaking to them in that imperious language, wherein the King had written to him, which needed not, save that an harsh business was unfortunately fallen into the hands of a harsh man, did not only irritate the people, but make them conceive, by the stoutness and haughtiness of delivery of the King's errand, that himself was the author or principal persuader of that counsel: whereupon the meaner sort routed together, and suddenly

suddenly affailing the earl in his house, slew him, and divers of his servants : And rested not there, but creating for their leader Sir John Egremont, a factious person, and one, that had of a long time born an ill talent towards the King; and being animated also by a base fellow, called John a Chamber, a very *boutefeu*, who bare much sway amongst the vulgar and popular, entered into open rebellion; and gave out in flat terms, that they would go against King Henry, and fight with him for the maintenance of their liberties.

When the King was advertised of this new insurrection, being almost a fever that took him every year, after his manner little troubled therewith, he sent Thomas earl of Surry, whom he had a little before not only released out of the Tower, and pardoned, but also received to special favour, with a competent power against the rebels, who fought with the principal band of them, and defeated them, and took alive John a Chamber their firebrand. As for Sir John Egremont, he fled into Flanders to the lady Margaret of Burgundy, whose palace was the sanctuary and receptacle of all traitors against the King. John a Chamber was executed at York in great state; for he was hanged upon a gibbet raised a stage higher in the midst of a square gallows, as a traitor paramount; and a number of his men that were his chief complices, were hanged upon the lower story round about him; and the rest were generally pardoned. Neither did the King himself omit his custom, to be first or second in all his warlike exploits, making good his word, which was usual with him when he heard of rebels, that he desired but to see them. For immediately after he had sent down the earl of Surry, he marched towards them himself in person. And although in his journey he heard news of the victory, yet he went on as far as York, to pacify and settle those countries: and that done; returned to London, leaving the earl of Surry for his lieutenant in the northern parts, and Sir Richard Tunstall for his principal commissioner, to levy the subsidy, whereof he did not remit a denier.

About the same time that the King lost so good a servant as the earl of Northumberland, he lost likewise a faithful friend and ally of James the third, King of Scotland, by a miserable disaster. For this unfortunate Prince, after a long smother of discontent, and hatred of many of his nobility and people, breaking forth at times into seditions and alterations of court, was at last distressed by them, having taken arms, and surpris'd the person of Prince James his son, partly by force, partly by threats, that they would otherwise deliver up the kingdom to the King of England, to shadow their rebellion, and to be the titular and painted head of those arms. Whereupon the King, finding himself too weak, fought unto King Henry, as also unto the Pope, and the King of France, to compose those troubles between him and his subjects. The Kings accordingly interposed their mediation in a round and princely manner: not only by way of request and persuasion, but also by way of protestation and menace; declaring, That they thought it to be the common cause of all Kings, if subjects should be suffered to give laws unto their sovereign; and that they would accordingly resent it, and revenge it. But the rebels, that had shaken off the greater yoke of obedience, had likewise cast away the lesser tie of respect. And fury prevailing above fear, made answer; That there was no talking of peace, except the King would resign his crown. Whereupon, treaty of accord taking no place, it came to a battle of Bannocksbourn by Strivelin: in which battle the King, transported with wrath and just indignation,

incumbently fighting and precipitating the charge, before his whole numbers came up to him: was, notwithstanding the contrary express and fruit commandment of the Prince his son, slain in the pursuit, being fled to a mill, situate in the field, where the battle was fought.

As for the Pope's ambassy, which was sent by Adrian de Castello an Italian legate, and perhaps as those times were, might have prevailed more, it came too late for the ambassy, but not for the ambassador. For passing through England, and being honourably entertained, and received of King Henry, who ever applied himself with much respect to the see of Rome, he fell into great grace with the King, and great familiarity and friendship with Morton the Chancellor: insomuch as the King taking a liking to him, and finding him to his mind, preferred him to the bishoprick of Hereford, and afterwards to that of Bath and Wells, and employed him in many of his affairs of state, that had relation to Rome. He was a man of great learning, wisdom, and dexterity in business of state; and having not long after ascended to the degree of cardinal, paid the King large tribute of his gratitude, in diligent and judicious advertisement of the occurrents of Italy. Nevertheless, in the end of his time, he was partaker of the conspiracy, which cardinal Alphonso Petrucci and some other cardinals had plotted against the life of Pope Leo. And this offence, in itself so hainous, was yet in him aggravated by the motive thereof, which was not malice or discontent, but an aspiring mind to the papacy. And in this height of impiety there wanted not an intermixture of levity and folly; for that, as was generally believed, he was animated to expect the papacy by a fatal mockery, the prediction of a south-sayer, which was, "That one should succeed Pope Leo, whose name should be Adrian, an aged man of mean birth, and of great learning and wisdom." By which character and figure he took himself to be described, though it were fulfilled of Adrian the Fleming, son of a Dutch brewer, cardinal of Tortosa, and preceptor unto Charles the fifth; the same that, not changing his christian-name, was afterwards called Adrian the sixth.

But these things happened in the year following, which was the fifth of this King. But in the end of the fourth year the King had called again his parliament, not, as it seemeth, for any particular occasion of state: but the former parliament being ended somewhat suddenly, in regard of the preparation for Britain, the King thought he had not remunerated his people sufficiently with good laws, which evermore was his retribution for treasure. And finding by the insurrection in the north, there was discontentment abroad, in respect of the subsidy, he thought it good to give his subjects yet farther contentment and comfort in that kind. Certainly his times for good commonwealths laws did excel. So as he may justly be celebrated for the best lawgiver to this nation; after King Edward the first: for his laws, who so marks them well, are deep, and not vulgar; not made upon the spur of a particular occasion for the present, but out of providence of the future, to make the estate of his people still more and more happy; after the manner of the legislators in ancient and heroical times.

First therefore he made a law, suitable to his own acts and times: for as himself had in his person and marriage made a final concord, in the great suit and title for the crown; so by this law he settled the like peace and quiet in the private possessions of the subjects: ordaining, "That fines thenceforth should be final, to conclude

"All strangers rights;" and that upon fines levied, and solemnly proclaimed, the

subject should have his time of watch for five years after his title accrued; which if he forepassed, his right should be bound for ever after; with some exception nevertheless of minors, married women, and such incompetent persons.

This statute did in effect but restore an ancient statute of the realm, which was itself also made but in affirmance of the common law. The alteration had been by a statute, commonly called the statute of *non-claim*, made in the time of Edward the third. And surely this law was a kind of prognostic of the good peace, which since his time hath, for the most part, continued in this kingdom until this day: for statutes of *non-claim* are fit for times of war, when mens heads are troubled, that they cannot intend their estate; but statutes that quiet possessions, are fittest for times of peace, to extinguish suits and contentions, which is one of the banes of peace.

Another statute was made, of singular policy, for the population apparently, and, if it be thoroughly considered, for the soldiery and military forces of the realm.

Inclosures at that time began to be more frequent, whereby arable land, which could not be manured without people and families, was turned into pasture, which was easily rid by a few herdsmen; and tenances for years, lives, and at will, whereupon much of the yeomanry lived, were turned into demesns. This bred a decay of people, and, by consequence, a decay of towns, churches, tithes, and the like. The King likewise knew full well, and in no wise forgot, that there ensued withal upon this a decay and diminution of subsidies and taxes; for the more gentlemen, ever the lower books of subsidies. In remedying of this inconvenience the King's wisdom was admirable, and the parliament's at that time. Inclosures they would not forbid, for that had been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility: but they took a course to take away depopulating inclosures and depopulating pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. The ordinance was, "That all houses of husbandry, that were used with twenty acres of ground and upwards, should be maintained and kept up for ever; together with a competent proportion of land to be used and occupied with them;" and in no wise to be severed from them as by another statute, made afterwards in his successor's time, was more fully declared: this upon forfeiture to be taken, not by way of popular action, but by seizure of the land itself by the King and lords of the fee, as to half the profits, till the houses and lands were restored. By this means the houses being kept up, did of necessity enforce a dweller; and the proportion of land for occupation being kept up, did of necessity enforce that dweller not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants, and set the plough on going. This did wonderfully concern the might and mannerhood of the kingdom, to have farms as it were of a standard, sufficient to maintain an able body out of penury, and did in effect amortise a great part of the lands of the kingdom unto the hold and occupation of the yeomanry or middle people, of a condition between gentlemen and cottagers or peasants. Now, how much this did advance the military power of the kingdom, is apparent by the true principles of war and the examples of other kingdoms. For it hath been held by the general opinion of men of best judgment in the wars, howsoever some few have varied, and that it may receive some distinction of case, that the principal strength of an army consisteth in the infantry or foot. And to make
good

good infantry, it requireth men bred, not in a servile or indigent fashion, but in some free and plentiful manner. Therefore if a state run most to noblemen and gentlemen, and that the husbandmen and ploughmen be but as their workfolks and labourers, or else mere cottagers, which are but howled beggars, you may have a good cavalry but never good stable bands of foot; like to coppice woods, that if you leave in them staddles too thick, they will run to bushes and briers, and have little clean under-wood. And this is to be seen in France and Italy, and some other parts abroad, where in effect all is noblesse or peasantry. I speak of people out of towns, and no middle people; and therefore no good forces of foot: insomuch as they are enforced to employ mercenary bands of Switzers, and the like, for their battalions of foot. Whereby also it comes to pass, that those nations have much people, and few soldiers. Whereas the King saw, that contrariwise it would follow, that England, though much less in territory, yet should have infinitely more soldiers of their native forces than those other nations have. Thus did the King secretly sow Hydra's teeth; whereupon, according to the poet's fiction, should rise up armed men for the service of this kingdom.

The King also, having care to make his realm potent, as well by sea as by land, for the better maintenance of the navy, ordained; "That wines and woads from the parts of Galcoign and Languedoc, should not be brought but in English-bottoms;" bowing the ancient policy of this estate, from consideration of plenty to consideration of power. For that almost all the ancient statutes incite by all means merchant-strangers, to bring in all sorts of commodities; having for end cheapness, and not looking to the point of state concerning the naval power.

The King also made a statute in that parliament, monitory and minatory towards justices of peace, that they should duly execute their office, inviting complaints against them, first to their fellow-justices, then to the justices of assize, then to the King or Chancellor; and that a proclamation which he had published of that tenor, should be read in open sessions four times a year, to keep them awake. Meaning also to have his laws executed, and thereby to reap either obedience or forfeitures, wherein towards his latter times he did decline too much to the left hand, he did ordain remedy against the practice that was grown in use, to stop and damp informations upon penal laws, by procuring informations by collusion to be put in by the confederates of the delinquents, to be faintly prosecuted, and let fall at pleasure; and pleading them in bar of the informations, which were prosecuted with effect.

He made also laws for the correction of the mint, and counterfeiting of foreign coin current. And that no payment in gold should be made to any merchant stranger, the better to keep treasure within the realm, for that gold was the metal that lay in the least room.

He made also statutes for the maintenance of drapery, and the keeping of wools within the realm; and not only so, but for stinting and limiting the prices of cloth, one for the finer, and another for the coarser sort. Which I note, both because it was a rare thing to set prices by statute, especially upon our home commodities; and because of the wise model of this act, not prescribing prices, but stinting them not to exceed a rate; that the clothier might drape accordingly as he pleased.

Divers other good statutes were made that parliament, but these were the prin-

cipall. And thus I require those into whose hands this work shall fall, that they

do take in good part my long insilling upon the laws that were made in this King's reign. Whereof I have these reasons; both because it was the preeminent virtue and merit of this King, to whose memory I do honour; and because it hath some correspondence to my person; but chiefly because, in my judgment, it is some defect even in the best writers of history, that they do not often enough summarily deliver and set down the most memorable laws that passed in the times whereof they writ, being indeed the principal acts of peace. For though they may be had in original books of law themselves; yet that informeth not the judgment of Kings and counsellors, and persons of estate, so well as to see them described, and entered in the table and pourtrait of the times.

About the same time the King had a loan from the city of four thousand pounds; which was double to that they lent before, and was duly and orderly paid back at the day, as the former likewise had been: the King ever choosing rather to borrow too soon, than to pay too late, and so keeping up his credit.

Neither had the King yet cast off his cares and hopes touching Britain, but thought to master the occasion by policy, though his arms had been unfortunate; and to bereave the French King of the fruit of his victory. The sum of his design was, to encourage Maximilian to go on with his suit, for the marriage of Anne, the heir of Britain, and to aid him to the consummation thereof. But the affairs of Maximilian were at that time in great trouble and combustion, by a rebellion of his subjects in Flanders; especially those of Bruges and Gaunt, whereof the town of Bruges, at such time as Maximilian was there in person, had suddenly armed in tumult, and slain some of his principal officers, and taken himself prisoner, and held him in durance, till they had enforced him and some of his counsellors, to take a solemn oath to pardon all their offences, and never to question and revenge the same in time to come. Nevertheless Frederick the emperor would not suffer this reproach and indignity offered to his son to pass, but made sharp wars upon Flanders, to reclaim and chastise the rebels. But the lord Ravenstein, a principal person about Maximilian, and one that had taken the oath of abolition with his master, pretending the religion thereof, but indeed upon private ambition, and, as it was thought, instigated and corrupted from France, forsook the emperor and Maximilian his lord, and made himself an head of the popular party, and seized upon the towns of Ipres and Sluce with both the castles: and forthwith sent to the lord Cordes, governor of Picardy under the French King, to desire aid; and to move him, that he, on the behalf of the French King, would be protector of the united towns, and by force of arms reduce the rest. The lord Cordes was ready to embrace the occasion, which was partly of his own setting, and sent forthwith greater forces than it had been possible for him to raise on the sudden, if he had not looked for such a summons before, in aid of the lord Ravenstein and the Flemings, with instructions to invest the towns between France and Bruges. The French forces besieged a little town called Dixmude, where part of the Flemish forces joined with them. While they lay at this siege, the King of England, upon pretence of the safety of the English pale about Calais, but in truth being loth that Maximilian should become contemptible, and thereby be shaken off by the states of Britain about this marriage, sent over the lord Morley with a thousand men, unto the lord D'Aubigny, then deputy of Calais, with secret instructions to aid Maximilian, and to raise the siege of Dixmude. The lord D'Aubigny, giving it out that all was for the strengthening of the English marches, drew out of the garrisons of Calais, Hammes and Guines, to the same

ber of a thousand men more. So that with the fresh succours that came under the conduct of the lord Morley, they made up to the number of two thousand or better. Which forces joining with some companies of Almains, put themselves into Dixmude, not perceived by the enemies; and passing through the town with some reinforcement, from the forces that were in the town, assailed the enemies camp negligently guarded, as being out of fear; where there was a bloody fight, in which the English and their partakers obtained the victory, and slew to the number of eight thousand men, with the loss on the English part of a hundred or thereabouts; amongst whom was the lord Morley. They took also their great ordnance, with much rich spoils, which they carried to Newport; whence the lord D'Aubigny returned to Calais, leaving the hurt men and some other voluntaries in Newport. But the lord Cordes being at Ipres with a great power of men, thinking to recover the loss and disgrace of the fight at Dixmude, came presently on, and sat down before Newport, and besieged it; and after some days siege, he resolved to try the fortune of an assault. Which he did one day, and succeeded therein so far, that he had taken the principal tower and fort in that city, and planted upon it the French banner. Whence nevertheless they were presently beaten forth by the English, by the help of some fresh succours of archers, arriving by good fortune, at the instant, in the haven of Newport. Whereupon the lord Cordes, discouraged, and measuring the new succours, which were small, by the success, which was great, levied his siege. By this means matters grew more exasperate between the two Kings of England and France, for that, in the war of Flanders, the auxiliary forces of French and English were much blooded one against another. Which blood rankled the more, by the vain words of the lord Cordes, that declared himself an open enemy of the English, beyond that that appertained to the present service; making it a common by-word of his, "That he could be content to lie in hell seven years, so he might win Calais from the English."

The King having thus upheld the reputation of Maximilian, advised him now to press on his marriage with Britain to a conclusion. Which Maximilian accordingly did, and so far forth prevailed, both with the young lady and with the principal persons about her, as the marriage was consummated by proxy, with a ceremony at that time in these parts new. For she was not only publicly contracted, but stated, as a bride, and solemnly bedded; and after she was laid, there came in Maximilian's ambassador with letters of procuracy, and in the presence of sundry noble personages, men and women, put his leg, stript naked to the knee, between the espousal sheets; to the end, that that ceremony might be thought to amount to a consummation and actual knowledge. This done, Maximilian, whose property was to leave things then when they were almost come to perfection, and to end them by imagination; like ill archers, that draw not their arrows up to the head; and who might as easily have bedded the lady himself, as to have made a play and disguise of it, thinking now all assured, neglected for a time his further proceeding, and intended his wars. Mean while the French King, consulting with his divines, and finding that this pretended consummation was rather an invention of court, than any ways valid by the laws of the church, went more really to work, and by secret instruments and cunning agents, as well matrons about the young lady as counsellors, first sought to remove the point of religion and honour out of the mind of the lady herself, wherein there was a double labour. For Maximilian was not only contracted unto the lady, but Maximilian's daughter was likewise contracted to King Charles. So as the marriage halted upon both sides, and was not clear on either side. But for the contract with King Charles,

Charles, the exception lay plain and fair; for that Maximilian's daughter was under years of consent, and so not bound by law, but a power of disagreement left to either part. But for the contract made by Maximilian with the lady herself, they were harder driven: having nothing to allege, but that it was done without the consent of her sovereign lord King Charles, whose ward and client she was, and he to her in place of a father; and therefore it was void and of no force for want of such consent. Which defect, they said, though it would not evacuate a marriage after cohabitation and actual consummation; yet it was enough to make void a contract. For as for the pretended consummation, they made sport with it, and said: "That it was an argument that Maximilian was a widower, and a cold wooer, that could content himself to be a bridegroom by deputy, and would not make a little journey to put all out of question." So that the young lady, wrought upon by these reasons, finely intilled by such as the French King, who spared for no rewards or promises, had made on his side; and allured likewise by the present glory and greatness of King Charles, being also a young King, and a batchelor, and loth to make her country the seat of a long and miserable war; secretly yielded to accept of King Charles. But during this secret treaty with the lady, the better to save it from blasts of opposition and interruption, King Charles resorting to his wonted arts, and thinking to carry the marriage as he had carried the wars, by entertaining the King of England in vain belief, sent a solemn ambassage by Francis lord of Luxemburgh, Charles Marignian, and Robert Gagvien, general of the order of the *bons-hommes* of the Trinity, to treat a peace and league with the King; accoupling it with an article in the nature of a request, that the French King might with the King's good will, according unto his right of feigniory and tutelage, dispose of the marriage of the young duchess of Britain, as he should think good; offering by a judicial proceeding to make void the marriage of Maximilian by proxy. Also all this while, the better to amuse the world, he did continue in his court and custody the daughter of Maximilian, who formerly had been sent unto him, to be bred and educated in France; not dismissing or renvoying her, but contrariwise professing and giving out strongly, that he meant to proceed with that match. And that for the duchess of Britain, he desired only to preserve his right of feigniory, and to give her in marriage to some such ally as might depend upon him.

When the three commissioners came to the court of England, they delivered their ambassage unto the King, who remitted them to his council; where some days after they had audience, and made their proposition by the prior of the Trinity, who though he were third in place, yet was held the best speaker of them, to this effect.

"MY lords, the King our master, the greatest and mightiest King that reigned in France since Charles the Great, whose name he beareth, hath nevertheless thought it no disparagement to his greatness at this time to propound a peace; yea, and to pray a peace with the King of England. For which purpose he hath sent us his commissioners, instructed and enabled with full and ample power to treat and conclude; giving us further in charge, to open in some other business the secrets of his own intentions. These be indeed the precious love tokens between great Kings, to communicate one with another the true state of their affairs, and to pass by nice points of honour, which ought not to give law unto affection. This I do assure your lordships; it is not possible for you to imagine the true and cordial love that the King our master beareth to your sovereign, except you were near him as we are. He useth his name with so great respect; he remembereth their first acquaintance at Paris with so great contentment; nay, he never speaks of him, but

“ peace of the crowns ; it being a thing very usual in auxiliary forces of the best
 “ and fraiteft confederates to meet and draw blood in the field. Nay, many times
 “ there be aids of the same nation on both sides, and yet it is not, for all that, a king-
 “ dom divided in itself.

“ It resteth, my lords, that I impart unto you a matter, that I know your lordships
 “ all will much rejoyce to hear ; as that which importeth the Christian commonweal
 “ more, than any action that hath happened of long time. The King our master
 “ hath a purpose and determination to make war upon the Kingdom of Naples ;
 “ being now in the possession of a bastard slip of Arragon, but appertaining unto his
 “ Majesty by clear and undoubted right ; which if he should not by just arms seek to
 “ recover, he could neither acquit his honour nor answer it to his people. But his
 “ noble and christian thoughts rest not here : for his resolution and hope is, to make
 “ the reconquest of Naples, but as a bridge to transport his forces into Grecia ; and
 “ not to spare blood or treasure, if it were to the impawning of his crown, and dis-
 “ peopling of France, till either he hath overthrown the empire of the Ottomans, or
 “ taken it in his way to paradise. The King knoweth well, that this is a design that
 “ could not arise in the mind of any King, that did not stedfastly look up unto God,
 “ whose quarrel this is, and from whom cometh both the will and the deed. But
 “ yet it is agreeable to the person that he beareth, though unworthy of the thrice
 “ Christian King and the eldest son of the church. Whereunto he is also invited
 “ by the example, in more ancient time, of King Henry the fourth of England,
 “ the first renowned King of the House of Lancaster ; ancestor, though not progeni-
 “ tor to your King, who had a purpose towards the end of his time, as you know
 “ better, to make an expedition into the Holy-land ; and by the example also, pre-
 “ sent before his eyes, of that honourable and religious war which the King of Spain
 “ now maketh, and hath almost brought to perfection, for the recovery of the realm
 “ of Granada from the Moors. And although this enterprize may seem vast and
 “ unmeasured, for the King to attempt that by his own forces, wherein heretofore a
 “ conjunction of most of the Christian Princes hath found work enough ; yet his
 “ Majesty wisely considereth, that sometimes smaller forces being united under one
 “ command, are more effectual in proof, though not so promising in opinion and
 “ fame, than much greater forces, variously compounded by associations and leagues,
 “ which commonly in a short time after their beginnings turn to dissociations and
 “ divisions. But, my Lords, that which is as a voice from heaven, that calleth the
 “ King to this enterprize, is a rent at this time in the house of the Ottomans. I do
 “ not say but there hath been brother against brother in that house before, but never
 “ any that had refuge to the arms of the Christians, as now hath Gemes, brother
 “ unto Bajazet that reigneth, the far braver man of the two, the other being between
 “ a monk and a philosopher, and better read in the Alcoran and Averroes, than able
 “ to wield the scepter of so warlike an empire. This therefore is the King our
 “ master’s memorable and heroical resolution for an holy war. And because he cari-
 “ rieth in this the person of a Christian soldier, as well as of a great temporal monarch,
 “ he beginneth with humility, and is content for this cause to beg peace at the hands
 “ of other Christian Kings. There remaineth only rather a civil request than any
 “ essential part of our negotiation, which the King maketh to the King your sove-
 “ reign. The King, as all the world knoweth, is lord in chief of the duchy of Britain.
 “ The marriage of the heir belongeth to him as guardian. This is a private patri-
 “ monial right, and no business or estate : yet nevertheless, to run a fair course with
 “ your

“ your King, whom he desired to make another himself, and to be one and the same
 “ thing with him, his request is, that with the King’s favour and content he may
 “ dispose of her in marriage, as he thinketh good, and make void the intended and
 “ proposed marriage of Maximilian, according to justice. This, my lord, is all
 “ that I have to say, desiring your pardon for my weakness in the delivery.”

Thus did the French ambassadors, with great shew of their King’s affection and many signed words, seek to adduce all matters between the two Kings, having two things for their ends; the one to keep the King quiet till the marriage of Britain was past, and this was but a summer fruit, which they thought was almost ripe, and would be soon gathered. The other was more lasting; and that was to put him into such a temper, as he might be no disturbance or impediment to the voyage for Italy. The lords of the council were silent; and said only, “ That they knew the ambaf-
 “ sadors would look for no answer, till they had reported to the King;” and so they rose from council. The King could not well tell what to think of the marriage of Britain. He saw plainly the ambition of the French King was, to impatronise himself of the duchy; but he wondered he would bring into his house a litigious marriage, especially considering who was his successor. But weighing one thing with another he gave Britain for lost; but resolved to make his profit of this business of Britain, as a quarrel for war; and that of Naples, as a wrench and mean for peace; being well advertised, how strongly the King was bent upon that action. Having therefore conferred divers times with his council, and keeping himself somewhat close, he gave a direction to the Chancellor, for a formal answer to the ambassadors, and that he did in the presence of his council. And after calling the chancellor to him apart, bad him speak in such language, as was fit for a treaty that was to end in a breach; and gave him also a special caveat, that he should not use any words to discourage the voyage of Italy. Soon after the ambassadors were sent for to the council, and the Lord Chancellor spake to them in this sort:

“ MY lords ambassadors, I shall make answer, by the King’s commandment, unto
 “ the eloquent declaration of you, my lord prior, in a brief and plain manner. The
 “ King forgetteth not his former love and acquaintance with the King your master:
 “ but of this there needeth no repetition. For if it be between them as it was, it is
 “ well; if there be any alteration, it is not words that will make it up.

“ For the business of Britain, the King findeth it a little strange that the French
 “ King maketh mention of it as a matter of well deserving at his hand: for that de-
 “ serving was no more, but to make him his instrument to surpris one of his best
 “ confederates. And for the marriage the King would not meddle with it, if your
 “ master would marry by the book, and not by the sword.

“ For that of Flanders, if the subjects of Burgundy had appealed to your King
 “ as their chief lord, at first by way of supplication, it might have had a shew of
 “ justice: but it was a new form of process, for subjects to imprison their Prince first,
 “ and to slay his officers, and then to be complainants. The King saith, That sure
 “ he is, when the French King and himself sent to the subjects of Scotland, that had
 “ taken arms against their King, they both spake in another stile, and did in princely
 “ manner signify their detestation of popular attentates upon the person or authority of
 “ Princes. But, my lords ambassadors, the King leaveth these two actions thus:
 “ that on the one side he hath not received any manner of satisfaction from you con-
 “ cerning them; and on the other, that he doth not apprehend them so deeply, as
 “ intelligible of your intention to treat of peace, if other things may so lead in
 “ that

“ hand. As for the war of Naples, and the design against the Turk; the King
 “ hath commanded me expressly to say, that he doth wish with all his heart to his
 “ good brother the French King, that his fortunes may succeed according to his
 “ hopes and honourable intentions. And whensoever he shall hear that he is pre-
 “ pared for Grecia, as your master is pleased now to say that he beggeth a peace of
 “ the King, so the King will then beg of him a part in that war.

“ But now, my lords ambassadors, I am to propound unto you somewhat on the
 “ King’s part: The King your master hath taught our King what to say and de-
 “ mand. You say, my lord prior, that your King is resolved to recover his right
 “ to Naples, wrongfully detained from him. And that if he should not thus do,
 “ he could not acquit his honour, nor answer it to his people. Think, my lords,
 “ that the King our master saith the same thing over again to you touching Nor-
 “ mandy, Guienne, Anjou, yea, and the kingdom of France itself. I cannot ex-
 “ press it better than in your own words: If therefore the French King shall consent,
 “ that the King our master’s title to France, at least tribute for the same, be handled
 “ in the treaty, the King is content to go on with the rest, otherwise he refuseth to
 “ treat.”

The ambassadors, being somewhat abashed with this demand, answered in some heat; That they doubted not, but the King their sovereign’s sword would be able to maintain his scepter: and they assured themselves, he neither could nor would yield to any diminution of the crown of France, either in territory or regality: but, howsoever, they were too great matters for them to speak of, having no commission. It was replied, that the King looked for no other answer from them, but would forthwith send his own ambassadors to the French King. There was a question also asked at the table; whether the French King would agree to have the disposing of the marriage of Britain with an exception and exclusion, that he should not marry her himself? To which the ambassadors answered; That it was so far out of their King’s thoughts, as they had received no instructions touching the same. Thus were the ambassadors dismissed, all save the prior; and were followed immediately by Thomas earl of Ormond, and Thomas Goldenston prior of Christ-Church in Canterbury, who were presently sent over into France. In the mean space Lionel bishop of Concordia was sent as nuncio from Pope Alexander the sixth to both Kings, to move a peace between them. For Pope Alexander, finding himself pent and locked up by a league and association of the principal states of Italy, that he could not make his way for the advancement of his own house, which he immoderately thirsted after, was desirous to trouble the waters in Italy, that he might fish the better; casting the net, not out of Saint Peter’s, but out of Borgia’s bark. And doubting lest the fears from England might stay the French King’s voyage into Italy, dispatched this bishop, to compose all matters between the two Kings, if he could: who first repaired to the French King, and finding him well inclined, as he conceived, took on his journey towards England, and found the English ambassadors at Calais, on their way towards the French King. After some conference with them, he was in honourable manner transported over into England, where he had audience of the King. But notwithstanding he had a good ominous name to have made a peace, nothing followed: for in the mean time the purpose of the French King to marry the duchess, could be no longer dissembled. Wherefore the English ambassadors, finding how things went, took their leave, and returned. And the prior also was warned from hence to depart out of England. Who when he returned
 back,

back, more like a pedant than an ambassador, dispersed a bitter libel, in Latin verse, against the King; unto which the King, though he had nothing of a pedant, yet was content to cause an answer to be made in like verse; and that as speaking in his own person, but in a stile of scorn and sport. About this time also was born the King's second son Henry, who afterwards reigned. And soon after followed the solemnization of the marriage between Charles and Anne duchess of Britain, with whom he received the duchy of Britain as her dowry, the daughter of Maximilian being a little before sent home. Which when it came to the ears of Maximilian, who would never believe it till it was done, being ever the principal in deceiving himself, though in this the French King did very handsomely second it, in tumbling it over and over in his thoughts, that he should at one blow, with such a double scorn, be defeated, both of the marriage of his daughter and his own, upon both which he had fixed high imaginations, he lost all patience, and casting off the respects fit to be continued between great Kings, even when their blood is hottest, and most risen, fell to bitter invectives against the person and actions of the French King. And, by how much he was the less able to do, talking so much the more, spake all the injuries he could devise of Charles, saying; That he was the most perfidious man upon the earth, and that he had made a marriage compounded between an advowtry and a rape; which was done, he said, by the just judgment of God; to the end that, the nullity thereof being so apparent to all the world, the race of so unworthy a person might not reign in France. And forthwith he sent ambassadors as well to the King of England as to the King of Spain, to incite them to war, and to treat a league offensive against France, promising to concur with great forces of his own. Hereupon the King of England, going nevertheless his own way, called a parliament, it being the seventh year of his reign; and the first day of opening thereof, sitting under his cloth of estate, spake himself unto his lords and commons in this manner:

“ MY lords, and you the commons, when I purposed to make a war in Britain
 “ by my lieutenant, I made declaration thereof to you by my Chancellor. But now
 “ that I mean to make a war upon France in person, I will declare it to you my-
 “ self. That war was to defend another man's right, but this is to recover our
 “ own; and that ended by accident, but we hope this shall end in victory.

“ The French King troubles the Christian world: that which he hath is not his
 “ own, and yet he seeketh more. He hath invested himself of Britain: he main-
 “ taineth the rebels in Flanders: and he threateneth Italy. For ourselves, he hath
 “ proceeded from dissimulation to neglect; and from neglect to contumely. He
 “ hath assailed our confederates: he denieth our tribute: in a word, he seeks war:
 “ so did not his father, but sought peace at our hands; and so perhaps will he, when
 “ good counsel or time shall make him see as much as his father did.

“ Mean while, let us make his ambition our advantage; and let us not stand up-
 “ on a few crowns of tribute or acknowledgement, but, by the favour of Al-
 “ mighty God, try our right for the crown of France itself; remembering that
 “ there hath been a French King prisoner in England, and a King of England
 “ crowned in France. Our confederates are not diminished. Burgundy is in a
 “ mightier hand than ever, and never more provoked. Britain cannot help us, but
 “ it may hurt them. New conquests are more burden than strength. The malecon-
 “ tents of his own kingdom have not been base, popular, nor titulary impostors,
 “ but of an higher nature. The King of Spain, doubt ye not, will join with us,

“ not

“ not knowing where the French King’s ambition will stay. Our holy father the
 “ Pope likes no Tramontanes in Italy. But howsoever it be, this matter of confe-
 “ derates is rather to be thought on than reckoned on. For God forbid but
 “ England should be able to get reason of France without a second.

“ At the battles of Cressy, Poictiers, Agencourt, we were of ourselves. France
 “ hath much people, and few soldiers. They have no stable bands of foot. Some
 “ good horse they have ; but those are forces which are least fit for a defensive war,
 “ where the actions are in the assailant’s choice. It was our discords only that lost
 “ France ; and, by the power of God, it is the good peace which we now enjoy,
 “ that will recover it. God hath hitherto blessed my sword. I have, in this time
 “ that I have reigned, weeded out my bad subjects, and tried my good. My
 “ people and I know one another, which breeds confidence : and if there should be
 “ any bad blood left in the kingdom, an honourable foreign war will vent it or
 “ purify it. In this great business, let me have your advice and aid. If any of
 “ you were to make his son knight, you might have aid of your tenants by law.
 “ This concerns the knighthood and spurs of the kingdom, whereof I am father ;
 “ and bound not only to seek to mainrain it, but to advance it : but for matter of
 “ treasure, let it not be taken from the poorest sort, but from those to whom the
 “ benefit of the war may redound. France is no wilderness ; and I, that profess
 “ good husbandry, hope to make the war, after the beginnings, to pay itself. Go
 “ together in God’s name, and lose no time ; for I have called this parliament
 “ wholly for this cause.”

Thus spake the King ; but for all this, though he shewed great forwardness for a war, not only to his parliament and court, but to his privy-council likewise, except the two bishops and a few more, yet nevertheless in his secret intentions he had no purpose to go through with any war upon France. But the truth was, that he did but traffick with that war, to make his return in money. He knew well, that France was now entire and at unity with itself, and never so mighty many years before. He saw by the taste that he had of his forces sent into Britain, that the French knew well enough how to make war with the English, by not putting things to the hazard of a battle, but wearing them by long sieges of towns, and strong fortified encampings. James the third of Scotland, his true friend and confederate, gone ; and James the fourth, that had succeeded, wholly at the devotion of France, and ill affected towards him. As for the conjunctions of Ferdinando of Spain and Maximilian, he could make no foundation upon them. For the one had power, and not will ; and the other had will, and not power. Besides that, Ferdinando had but newly taken breath from the war with the Moors ; and merchanted at this time with France for the restoring of the counties of Ruffignon and Perpignan, oppignorated to the French. Neither was he out of fear of the discontents and ill blood within the realm ; which having used always to repress and appease in person, he was loth they should find him at a distance beyond sea, and engaged in war. Finding therefore the inconveniencies and difficulties in the prosecution of a war, he cast with himself how to compass two things. The one, how by the declaration and inchoation of a war to make his profit. The other, how to come off from the war with saving of his honour. For profit, it was to be made two ways ; upon his subjects for the war, and upon his enemies for the peace ; like a good merchant, that maketh his gain both upon the commodities exported and imported back again. For the point of honour, wherein he might suffer for giving over the

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war; he considered well, that as he could not trust upon the aids of Ferdinand's and Maximilian for supports of war; so the impuissance of the one, and the double proceeding of the other, lay fair for him for occasions to accept of peace. These things he did wisely foresee, and did as artificially conduct, whereby all things fell into his lap as he desired.

For as for the parliament, it presently took fire, being affectionate, of old, to the war of France; and desirous afresh to repair the dishonour they thought the King sustained by the loss of Britain. Therefore they advised the King, with great alacrity, to undertake the war of France. And although the parliament consisted of the first and second nobility, together with principal citizens and townsmen, yet worthily and justly respecting more the people, whose deputies they were, than their own private persons, and finding by the lord Chancellor's speech the King's inclination that way; they consented that commissioners should go forth for the gathering and levying of a benevolence from the more able sort. This tax, called a benevolence, was devised by Edward the fourth, for which he sustained much envy. It was abolished by Richard the third by act of parliament, to ingratiate himself with the people; and it was now revived by the King, but with consent of parliament, for so it was not in the time of King Edward the fourth. But by this way he raised exceeding great sums. Insomuch as the city of London, in those days, contributed nine thousand pounds and better; and that chiefly levied upon the wealthier sort. There is a tradition of a *dilemma*, that bishop Morton the Chancellor used, to raise up the benevolence to higher rates; and some called it his fork, and some his crotch. For he had couched an article in the instructions to the commissioners who were to levy the benevolence; "That if they met with any that were sparing, they should tell them, that they must needs have, because they laid up; and if they were spenders, they must needs have, because it was seen in their port and manner of living." So neither kind came amiss.

This parliament was merely a parliament of war; for it was in substance but a declaration of war against France and Scotland, with some statutes conducting thereunto: as, the severe punishing of mort-pays and keeping back of soldiers wages in captains: the like severity for the departure of soldiers without licence; strengthening of the common law in favour of protections for those that were in the King's service; and the setting the gate open and wide for men to sell or mortgage their lands, without fines for alienation, to furnish themselves with money for the war; and lastly, the excluding of all Scotch men out of England. There was also a statute for the dispersing of the standard of the exchequer throughout England; thereby to size weights and measures; and two or three more of less importance.

After the parliament was broken up, which lasted not long, the King went on with his preparations for the war of France; yet neglected not in the mean time the affairs of Maximilian for the quieting of Flanders, and restoring him to his authority amongst his subjects. For at that time the lord of Ravenstein, being not only a subject rebelled, but a servant revolted, and so much the more malicious and violent, by the aid of Bruges and Gaunt, had taken the town and both the castles of Sluice; as we said before: and having, by the commodity of the haven, gotten together certain ships and barks, fell to a kind of piratical trade; robbing and spoiling, and taking prisoners the ships and vessels of all nations, that passed along that coast towards the mart of Antwerp, or into any part of Brabant, Zealand, or Friezeland; being ever well victualled from Picardy, besides the commodity of victuals

tuals from Sluice, and the country adjacent, and the avails of his own prizes. The French assisted him still under-hand; and he likewise, as all men do that have been of both sides, thought himself not safe, except he depended upon a third person.

There was a small town some two miles from Bruges towards the sea, called Dam; which was a fort and approach to Bruges; and had a relation also to Sluice. This town the King of the Romans had attempted often, not for any worth of the town in itself, but because it might choke Bruges, and cut it off from the sea, and ever failed. But therewith the duke of Saxony came down into Flanders, taking upon him the person of an umpire, to compose things between Maximilian and his subjects; but being, indeed, fast and assured to Maximilian. Upon this pretext of neutrality and treaty, he repaired to Bruges; desiring of the states of Bruges, to enter peaceably into their town, with a retinue of some number of men of arms fit for his estate; being somewhat the more, as he said, the better to guard him in a country that was up in arms: and bearing them in hand, that he was to communicate with them of divers matters of great importance for their good. Which having obtained of them, he sent his carriages and harbingers before him, to provide his lodging. So that his men of war entered the city in good array, but in peaceable manner, and he followed. They that went before inquired still for inns and lodgings, as if they would have rested there all night; and so went on till they came to the gate that leadeth directly towards Dam; and they of Bruges only gazed upon them, and gave them passage. The captains and inhabitants of Dam also suspected no harm from any that passed through Bruges; and discovering forces afar off, supposed they had been some succours that were come from their friends, knowing some dangers towards them. And so perceiving nothing but well till it was too late, suffered them to enter their town. By which kind of flight, rather than stratagem, the town of Dam was taken, and the town of Bruges shrewdly blocked up, whereby they took great discouragement.

The duke of Saxony, having won the town of Dam, sent immediately to the King to let him know, that it was Sluice chiefly, and the lord Ravenstein, that kept the rebellion of Flanders in life: and that if it pleased the King to besiege it by sea, he also would besiege it by land, and so cut out the core of those wars.

The King, willing to uphold the authority of Maximilian, the better to hold France in awe, and being likewise sued unto by his merchants, for that the seas were much infested by the barks of the lord Ravenstein; sent straightways Sir Edward Poynings, a valiant man, and of good service, with twelve ships, well furnished with soldiers and artillery, to clear the seas, and to besiege Sluice on that part. The Englishmen did not only coop up the lord Ravenstein, that he stirred not, and likewise hold in strait siege the maritime part of the town; but also assailed one of the castles, and renewed the assault so for twenty days space, issuing still out of their ships at the ebb, as they made great slaughter of them of the castle; who continually fought with them to repulse them, though of the English part also were slain a brother of the earl of Oxford's, and some fifty more.

But the siege still continuing more and more strait, and both the castles, which were the principal strength of the town, being distressed, the one by the duke of Saxony, and the other by the English; and a bridge of boats, which the lord Ravenstein had made between both castles, whereby succours and relief might pass from the one to the other, being on a night set on fire by the English; he despairing to hold the town, yielded, at the last, the castles to the English, and the town to

the duke of Saxony, by composition. Which done, the duke of Saxony and Sir Edward Poynings treated with them of Bruges, to submit themselves to Maximilian their lord; which after some time they did, paying, in some good part, the charge of the war, whereby the Almans and foreign succours were dismissed. The example of Bruges other of the revolted towns followed; so that Maximilian grew to be out of danger, but, as his manner was to handle matters, never out of necessity. And Sir Edward Poynings, after he had continued at Sluce some good while till all things were settled, returned unto the King, being then before Boloign.

Somewhat about this time came letters from Ferdinando and Isabella, King and Queen of Spain; signifying the final conquest of Granada from the Moors; which action, in itself so worthy, King Ferdinando, whose manner was never to lose any virtue for the shewing, had expressed and displayed in his letters at large, with all the particularities and religious punctos and ceremonies, that were observed in the reception of that city and kingdom: shewing amongst other things, that the King would not by any means in person enter the city, until he had first aloof seen the cross set up upon the greater tower of Granada, whereby it became Christian ground. That likewise, before he would enter, he did homage to God above, pronouncing by an herald from the height of that tower, that he did acknowledge to have recovered that kingdom by the help of God Almighty, and the glorious Virgin, and the virtuous Apostle Saint James, and the holy father Innocent the eighth, together with the aids and services of his prelates, nobles, and commons. That yet he stirred not from his camp, till he had seen a little army of martyrs, to the number of seven hundred and more Christians, that had lived in bonds and servitude, as slaves to the Moors, pass before his eyes, singing a psalm for their redemption; and that he had given tribute unto God, by alms and relief extended to them all, for his admission into the city. These things were in the letters, with many more ceremonies of a kind of holy ostentation.

The King, ever willing to put himself into the consort or quire of all religious actions, and naturally affecting much the King of Spain, as far as one King can affect another, partly for his virtues, and partly for a counterpoise to France; upon the receipt of these letters sent all his nobles and prelates that were about the court, together with the mayor and aldermen of London, in great solemnity to the church of Paul; there to hear a declaration from the lord Chancellor, now cardinal. When they were assembled, the cardinal, standing upon the uppermost step, or half-pace, before the quire, and all the nobles, prelates, and governors of the city at the foot of the stairs, made a speech to them; letting them know, that they were assembled in that consecrated place, to sing unto God a new song. For that, said he, these many years the Christians have not gained new ground or territory upon the Infidels, nor enlarged and set farther the bounds of the Christian world. But this is now done by the prowess and devotion of Ferdinando and Isabella, Kings of Spain; who have, to their immortal honour, recovered the great and rich kingdom of Granada, and the populous and mighty city of the same name, from the Moors, having been in possession thereof by the space of seven hundred years and more: for which, this assembly and all Christians are to render laud and thanks unto God, and to celebrate this noble act of the King of Spain; who in this is not only victorious but apostolical, in the gaining of new provinces to the Christian faith. And the rather, for that this victory and conquest is obtained without much effusion of blood. Whereby it is to be hoped, that there shall be gained not only new territory, but infinite
souls

souls to the church of Christ, whom the Almighty, as it seems, would have live to be converted. Herewithal he did relate some of the most memorable particulars of the war and victory. And after his speech ended, the whole assembly went solemnly in procession, and *Te Deum* was sung.

Immediately after the solemnity, the King kept his May-day at his palace of Shene, now Richmond. Where, to warm the blood of his nobility and gallants against the war, he kept great triumphs of justing and tourney, during all that month. In which space it so fell out, that Sir James Parker, and Hugh Vaughan, one of the King's gentlemen ushers, having had a controversy touching certain arms that the king at arms had given Vaughan, were appointed to run some courses one against another. And by accident of a faulty helmet that Parker had on, he was stricken into the mouth at the first course, so that his tongue was born unto the hinder part of his head, in such sort, that he died presently upon the place. Which, because of the controversy precedent, and the death that followed, was accounted amongst the vulgar as a combat or trial of right. The King towards the end of this summer, having put his forces, wherewith he meant to invade France, in readiness, but so as they were not yet met or mustered together, sent Urswick, now made his almoner, and Sir John Risley, to Maximilian, to let him know that he was in arms, ready to pass the seas into France, and did but expect to hear from him, when and where he did appoint to join with him, according to his promise made unto him by Countebalt his ambassador.

The English ambassadors having repaired to Maximilian, did find his power and promise at a very great distance; he being utterly unprovided of men, money, and arms, for any such enterprise. For Maximilian, having neither wing to fly on, for that his patrimony of Austria was not in his hands, his father being then living, and on the other side, his matrimonial territories of Flanders being partly in dowry to his mother-in-law, and partly not serviceable, in respect of the late rebellions; was thereby destitute of means to enter into war. The ambassadors saw this well, but wisely thought fit to advertise the King thereof, rather than to return themselves, till the King's farther pleasure were known; the rather, for that Maximilian himself spake as great as ever he did before, and entertained them with dilatory answers: so as the formal part of their ambassage might well warrant and require their farther stay. The King hereupon, who doubted as much before, and saw through his business from the beginning, wrote back to the ambassadors, commending their discretion in not returning, and willing them to keep the state wherein they found Maximilian as a secret, till they heard farther from him: and mean while went on with his voyage royal for France, suppressing for a time this advertisement touching Maximilian's poverty and disability.

By this time was drawn together a great and puissant army into the city of London; in which were Thomas marquis Dorset, Thomas earl of Arundel, Thomas earl of Derby, George earl of Shrewsbury, Edmond earl of Suffolk, Edward earl of Devonshire, George earl of Kent, the earl of Essex, Thomas earl of Ormond, with a great number of barons, knights, and principal gentlemen; and amongst them Richard Thomas, much noted for the brave troops that he brought out of Wales. The army rising in the whole to the number of five and twenty thousand foot, and sixteen hundred horse; over which the King, constant in his accustomed trust and employment, made Jasper duke of Bedford and John earl of Oxford generals under his own person. The ninth of September, in the eighth year of his
reign,

rized, he departed from Greenwich towards the sea; all men wondering that he took that season, being so near winter, to begin the war; and some thereupon gathering, it was a sign that the war would not be long. Nevertheless the King gave out the contrary, thus: "That he intending not to make a summer business of it, but a resolute war, without term prefixed, until he had recovered France; it skilled not much when he began it, especially having Calais at his back, where he might winter, if the season of the war so required." The sixth of October he embarked at Sandwich; and the same day took land at Calais, which was the rendezvous, where all his forces were assigned to meet. But in this his journey towards the sea-side, wherein, for the cause that we shall now speak of, he hovered so much the longer, he had received letters from the lord Cordes, who the hotter he was against the English in time of war, had the more credit in a negotiation of peace; and besides was held a man open and of good faith. In which letters there was made an overture of peace from the French King, with such conditions as were somewhat to the King's taste; but this was carried at the first with wonderful secrecy. The King was no sooner come to Calais, but the calm winds of peace began to blow. For first, the English ambassadors returned out of Flanders from Maximilian, and certified the King, that he was not to hope for any aid from Maximilian, for that he was altogether unprovided. His will was good, but he lacked money. And this was made known and spread through the army. And although the English were therewithal nothing dismayed, and that it be the manner of soldiers, upon bad news to speak the more bravely; yet nevertheless it was a kind of preparative to a peace. Instantly in the neck of this, as the King had laid it, came news, that Ferdinando and Isabella, Kings of Spain, had concluded a peace with King Charles; and that Charles had restored unto them the counties of Ruffignon and Perpignian, which formerly were mortgaged by John King of Arragon, Ferdinando's father, unto France, for three hundred thousand crowns; which debt was also upon this peace by Charles clearly released. This came also handsomely to put on the peace; both because so potent a confederate was fallen off, and because it was a fair example of a peace bought; so as the King should not be the sole merchant in this peace. Upon these airs of peace, the King was content that the bishop of Exeter, and the lord d'Aubigny, governor of Calais, should give a meeting unto the lord Cordes, for the treaty of a peace. But himself nevertheless and his army, the fifteenth of October, removed from Calais, and in four days march sat him down before Boloign.

During this siege of Boloign, which continued near a month, there passed no memorable action, nor accident of war; only Sir John Savage, a valiant captain, was slain, riding about the walls of the town, to take a view. The town was both well fortified and well manned; yet it was distressed, and ready for an assault. Which, if it had been given, as was thought, would have cost much blood; but yet the town would have been carried in the end. Mean while a peace was concluded by the commissioners, to continue for both the Kings lives. Where there was no article of importance; being in effect rather a bargain than a treaty. For all things remained as they were, save that there should be paid to the King seven hundred forty-five thousand ducats in present, for his charges in that journey; and five and twenty thousand crowns yearly, for his charges sustained in the aids of the Britons. For which annual, though he had Maximilian bound before for those charges; yet he counted the alteration of the hand as much as the principal debt. And besides,

it was left somewhat indefinitely when it should determine or expire; which made the English esteem it as a tribute carried under fair terms. And the truth is, it was paid both to the King and to his son King Henry the eighth, longer than it could continue upon any computation of charges. There was also assigned by the French King, unto all the King's principal counsellors, great pensions, besides rich gifts for the present. Which whether the King did permit, to save his own purse from rewards, or to communicate the envy of a business, that was displeasing to his people, was diversly interpreted. For certainly the King had no great fancy to own this peace. And therefore a little before it was concluded, he had under-hand procured some of his best captains and men of war to advise him to a peace, under their hands, in an earnest manner, in the nature of a supplication. But the truth is, this peace was welcome to both Kings. To Charles, for that it assured unto him the possession of Britain, and freed the enterprise of Naples. To Henry, for that it filled his coffers; and that he foresaw at that time a storm of inward troubles coming upon him, which presently after brake forth. But it gave no less discontent to the nobility and principal persons of the army, who had many of them sold or engaged their estates upon the hopes of the war. They stuck not to say, "That the King cared not to plume his nobility and people, to feather himself." And some made themselves merry with that the King had said in parliament; "That after the war was once begun, he doubted not but to make it pay itself;" saying, he had kept promise.

Having risen from Boloign, he went to Calais, where he stayed some time. From whence also he wrote letters, which was a courtesy that he sometimes used, to the mayor of London, and the aldermen his brethren; half bragging what great sums he had obtained for the peace; knowing well that full coffers of the King is ever good news to London. And better news it would have been, if their benevolence had been but a loan. And upon the seventeenth of December following he returned to Westminster, where he kept his Christmas.

Soon after the King's return, he sent the order of the garter to Alphonso duke of Calabria, eldest son to Ferdinando King of Naples. An honour sought by that Prince to hold him up in the eyes of the Italians; who expecting the arms of Charles, made great account of the amity of England for a bridle to France. It was received by Alphonso with all the ceremony and pomp that could be devised, as things use to be carried that are intended for opinion. It was sent by Urswick; upon whom the King bestowed this ambassage to help him after many dry employments.

AT this time the King began again to be haunted with spirits, by the magic and curious arts of the lady Margaret; who raised up the ghost of Richard duke of York, second son to King Edward the fourth, to walk and vex the King. This was a finer counterfeit stone than Lambert Simnel; better done, and worn upon greater hands; being graced after with the wearing of a King of France, and a King of Scotland, not of a duchess of Burgundy only. And for Simnel, there was not much in him, more than that he was a handsome boy, and did not shame his robes. But this youth, of whom we are now to speak, was such a mercurial, as the like hath seldom been known; and could make his own part, if at any time he chanced to be out. Wherefore this being one of the strangest examples of a perfo-

lation, that ever was in elder or later times; it deserveth to be discovered, and re-

lated at the full. Although the King's manner of shewing things by pieces, and by dark lights, hath so masked it, that it hath left it almost as a mystery to this day.

The lady Margaret, whom the King's friends called Juno, because she was to him as Juno was to Æneas, stirring both heaven and hell to do him mischief, for a foundation of her particular practices against him, did continually, by all means possible, nourish, maintain, and divulge the flying opinion, that Richard duke of York, second son to Edward the fourth, was not murdered in the Tower, as was given out, but saved alive. For that those who were employed in that barbarous fact, having destroyed the elder brother, were stricken with remorse and compassion towards the younger, and set him privily at liberty to seek his fortune. This lure she cast abroad, thinking that this fame and belief, together with the fresh example of Lambert Simnel, would draw at one time or other some birds to strike upon it. She used likewise a farther diligence, not committing all to chance: for she had some secret espials, like to the Turks commissioners for children of tribute, to look abroad for handsome and graceful youths, to make Plantagenets, and dukes of York. At the last she did light on one, in whom all things met, as one would wish, to serve her turn for a counterfeit of Richard duke of York.

This was Perkin Warbeck, whose adventures we shall now describe. For first, the years agreed well. Secondly, he was a youth of fine favour and shape. But more than that, he had such a crafty and bewitching fashion, both to move pity, and to induce belief, as was like a kind of fascination and enchantment to those that saw him or heard him. Thirdly, he had been from his childhood such a wanderer, or, as the King called him, such a land-loper, as it was extreme hard to hunt out his nest and parents. Neither again could any man, by company or conversing with him, be able to say or detect well what he was, he did so flit from place to place. Lastly, there was a circumstance, which is mentioned by one that wrote in the same time, that is very likely to have made somewhat to the matter; which is, that King Edward the fourth was his godfather. Which, as it is somewhat suspicious, for a wanton prince to become gossip in so mean a house, and might make a man think, that he might indeed have in him some base blood of the house of York; so at the least, though that were not, it might give the occasion to the boy, in being called King Edward's godson, or perhaps in sport King Edward's son, to entertain such thoughts into his head. For tutor he had none, for ought that appears, as Lambert Simnel had, until he came unto the lady Margaret, who instructed him.

Thus therefore it came to pass: There was a townsman of Tournay, that had born office in that town, whose name was John Osbeck, a convert Jew, married to Catharine de Faro, whose business drew him to live for a time with his wife at London, in King Edward the fourth's days. During which time he had a son by her, and being known in court, the King either out of a religious nobleness, because he was a convert, or upon some private acquaintance, did him the honour to be godfather to his child, and named him Peter. But afterwards proving a dainty and effeminate youth, he was commonly called by the diminutive of his name, Peter-kin, or Perkin. For as for the name of Warbeck, it was given him when they did but guess at it, before examinations had been taken. But yet he had been so much talked on by that name, as it stuck by him after his true name of Osbeck was known. While he was a young child, his parents returned with him to Tournay. Then was he placed in a house of a kinsman of his, called John Strubbe, at Antwerp,

Antwerp, and so roved up and down between Antwerp and Tournay, and other towns of Flanders, for a good time; living much in English company, and having the English tongue perfect. In which time, being grown a comely youth, he was brought by some of the espials of the lady Margaret into her presence. Who viewing him well, and seeing that he had a face and personage that would bear a noble fortune; and finding him otherwise of a fine spirit and winning behaviour; thought she had now found a curious piece of marble, to carve out an image of a duke of York. She kept him by her a great while, but with extreme secrecy. The while she instructed him by many cabinet conferences. First, in princely behaviour and gesture; teaching him how he should keep state, and yet with a modest sense of his misfortunes. Then she informed him of all the circumstances and particulars that concerned the person of Richard duke of York, which he was to act: describing unto him the personages, lineaments, and features of the King and Queen his pretended parents; and of his brother, and sisters, and divers others, that were nearest him in his childhood; together with all passages, some secret, some common, that were fit for a child's memory, until the death of King Edward. Then she added the particulars of the time from the King's death, until he and his brother were committed to the Tower, as well during the time he was abroad, as while he was in sanctuary. As for the times while he was in the Tower, and the manner of his brother's death, and his own escape; she knew they were things that a very few could control. And therefore she taught him only to tell a smooth and likely tale of those matters; warning him not to vary from it. It was agreed likewise between them, what account he should give of his peregrination abroad, intermixing many things which were true, and such as they knew others could testify, for the credit of the rest; but still making them to hang together with the part he was to play. She taught him likewise how to avoid sundry captious and tempting questions, which were like to be asked of him. But in this she found him of himself so nimble and shifting, as she trusted much to his own wit and readines; and therefore laboured the less in it. Lastly, she raised his thoughts with some present rewards, and farther promises; setting before him chiefly the glory and fortune of a crown, if things went well, and a sure refuge to her court, if the worst should fall. After such time as she thought he was perfect in his lesson, she began to cast with herself from what coast this blazing star should first appear, and at what time it must be upon the horizon of Ireland; for there had the like meteor strong influence before. The time of the apparition to be, when the King should be engaged into a war with France. But well she knew, that whatsoever should come from her, would be held suspected. And therefore, if he should go out of Flanders immediately into Ireland, she might be thought to have some hand in it. And besides, the time was not yet ripe; for that the two Kings were then upon terms of peace. Therefore she wheeled about; and to put all suspicion afar off, and loth to keep him any longer by her, for that she knew secrets are not long-lived, she sent him unknown into Portugal, with the lady Brampton, an English lady, that embarked for Portugal at that time; with some *privado* of her own, to have an eye upon him, and there he was to remain, and to expect her farther directions. In the mean time she omitted not to prepare things for his better welcome and accepting, not only in the kingdom of Ireland, but in the court of France. He continued in Portugal about a year; and by that time the King of England called his parliament, as hath been said, and declared open war against France. Now did the sign reign, and the

constellation was come, under which Perkin should appear. And therefore he was straight sent unto by the duchess to go for Ireland, according to the first designment. In Ireland he did arrive at the town of Cork. When he was thither come, his own tale was, when he made his confession afterwards, that the Irishmen, finding him in some good clothes, came flocking about him, and bare him down that he was the duke of Clarence that had been there before. And after, that he was Richard the third's base son. And lastly, that he was Richard duke of York, second son to Edward the fourth. But that he, for his part, renounced all these things, and offered to swear upon the holy Evangelists, that he was no such man; till at last they forced it upon him, and bad him fear nothing, and so forth. But the truth is, that immediately upon his coming into Ireland, he took upon him the said person of the duke of York, and drew unto him complices and partakers by all the means he could devise. Inſomuch as he wrote his letters unto the earls of Deſmond and Kildare, to come in to his aid, and be of his party; the originals of which letters are yet extant.

Somewhat before this time, the duchess had also gained unto her a near servant of King Henry's own, one Stephen Frion, his secretary for the French tongue; an active man, but turbulent and discontented. This Frion had fled over to Charles the French King, and put himself into his service, at such time as he began to be in open enmity with the King. Now King Charles, when he understood of the person and attempts of Perkin, ready of himself to embrace all advantages against the King of England, instigated by Frion, and formerly prepared by the lady Margaret, forthwith dispatched one Lucas and this Frion, in the nature of ambassadors, to Perkin, to advertise him of the King's good inclination to him, and that he was resolved to aid him to recover his right against King Henry, an usurper of England, and an enemy of France; and wished him to come over unto him at Paris. Perkin thought himself in heaven now that he was invited by so great a King in so honourable a manner. And imparting unto his friends in Ireland for their encouragement, how fortune called him, and what great hopes he had, sailed presently into France. When he was come to the court of France, the King received him with great honour; saluted, and stiled him by the name of the duke of York; lodged him, and accommodated him in great state. And the better to give him the representation and the countenance of a Prince, assigned him a guard for his person, whereof the lord Congreſſall was captain. The courtiers likewise, though it be ill mocking with the French, applied themselves to their King's bent, seeing there was reason of state for it. At the same time there repaired unto Perkin divers Englishmen of quality; Sir George Nevile, Sir John Taylor, and about one hundred more; and amongst the rest, this Stephen Frion, of whom we ſpoke, who followed his fortune both then and for a long time after, and was indeed his principal counsellor and instrument in all his proceedings. But all this on the French King's part was but a trick, the better to bow King Henry to peace. And therefore, upon the first grain of incense, that was sacrificed upon the altar of peace at Boloign, Perkin was smoked away. Yet would not the French King deliver him up to King Henry, as he was laboured to do, for his honour's sake, but warned him away, and dismissed him. And Perkin on his part was as ready to be gone, doubting he might be caught up under-hand. He therefore took his way into Flanders, unto the duchess of Burgundy; pretending that having been variously tossed by fortune, he directed his course thither as to a safe harbour: no ways taking know-
ledge

ledge that he had ever been there before, but as if that had been his first address. The duchess, on the other part, made it as new and strange to see him; pretending, at the first, that she was taught and made wise by the example of Lambert Simnel, how she did admit of any counterfeit stuff; though even in that, she said, she was not fully satisfied. She pretended at the first, and that was ever in the presence of others, to pose him and sift him, thereby to try whether he were indeed the very duke of York or no. But seeming to receive full satisfaction by his answers, she then feigned herself to be transported with a kind of astonishment, mixt of joy and wonder, at his miraculous deliverance; receiving him as if he were risen from death to life: and inferring, that God, who had in such wonderful manner preserved him from death, did likewise reserve him for some great and prosperous fortune. As for his dismissal out of France, they interpreted it not, as if he were detected or neglected for a counterfeit deceiver; but contrariwise that it did shew manifestly unto the world, that he was some great matter; for that it was his abandoning that, in effect, made the peace; being no more but the sacrificing of a poor distressed Prince, unto the utility and ambition of two mighty monarchs. Neither was Perkin, for his part, wanting to himself, either in gracious or princely behaviour, or in ready and apposite answers, or in contenting and carefing those that did apply themselves unto him, or in pretty scorn and disdain to those that seemed to doubt of him; but in all things did notably acquit himself; insomuch as it was generally believed, as well amongst great persons, as amongst the vulgar, that he was indeed duke Richard. Nay, himself, with long and continual counterfeiting, and with oft telling a lye, was turned by habit almost into the thing he seemed to be; and from a liar to a believer. The duchess therefore, as in a case out of doubt, did him all princely honour, calling him always by the name of her nephew, and giving him the delicate title of the white rose of England; and appointed him a guard of thirty persons, halberdiers, clad in a party-coloured livery of murrey and blue, to attend his person. Her court likewise, and generally the Dutch and strangers, in their usage towards him, expressed no less respect.

The news hereof came blazing and thundering over into England, that the duke of York was sure alive. As for the name of Perkin Warbeck, it was not at that time come to light, but all the news ran upon the duke of York; that he had been entertained in Ireland, bought and sold in France, and was now plainly avowed, and in great honour in Flanders. These fames took hold of divers; in some upon discontent; in some upon ambition; in some upon levity and desire of change; in some few upon conscience and belief, but in most upon simplicity; and in divers, out of dependence upon some of the better sort, who did in secret favour and nourish these bruits. And it was not long ere these rumours of novelty had begotten others of scandal and murmur against the King and his government; taxing him for a great taxer of his people, and discourtenancer of his nobility. The loss of Britain, and the peace with France, were not forgotten. But chiefly they fell upon the wrong that he did his Queen, in that he did not reign in her right. Wherefore they said, that God had now brought to light a masculine branch of the house of York, that would not be at his courtesy, howsoever he did depress his poor lady. And yet, as it fareth in the things which are current with the multitude, and which they affect, these fames grew so general, as the authors were lost in the generality of speakers. They being like running weeds, that have no certain root; or like footings up and down, impossible to be traced: but after a while

these ill humours drew to an head, and settled secretly in some eminent persons, which were Sir William Stanley lord chamberlain of the King's household, the lord Fitzwalter, Sir Simon Mountfort, and Sir Thomas Thwaites. These entered into a secret conspiracy to favour duke Richard's title. Nevertheless none engaged their fortunes in this business openly, but two; Sir Robert Clifford, and master William Barley, who sailed over into Flanders, sent indeed from the party of the conspirators here, to understand the truth of those things that passed there, and not without some help of moneys from hence; provisionally to be delivered, if they found and were satisfied, that there was truth in these pretences. The person of Sir Robert Clifford, being a gentleman of fame and family, was extremely welcome to the lady Margaret. Who after she had conference with him, brought him to the sight of Perkin, with whom he had often speech and discourse. So that in the end, won either by the dukes to affect, or by Perkin to believe, he wrote back into England, that he knew the person of Richard duke of York, as well as he knew his own; and that this young man was undoubtedly he. By this means all things grew prepared to revolt and sedition here, and the conspiracy came to have a correspondence between Flanders and England.

The King on his part was not asleep; but to arm or levy forces yet, he thought would but shew fear, and do this idol too much worship. Nevertheless the ports he did shut up, or at least kept a watch on them, that none should pass to or fro that was suspected: but for the rest, he chose to work by countermine. His purposes were two; the one to lay open the abuse; the other, to break the knot of the conspirators. To detect the abuse, there were but two ways; the first, to make it manifest to the world that the duke of York was indeed murdered; the other, to prove that were he dead or alive, yet Perkin was a counterfeit. For the first, thus it stood. There were but four persons that could speak upon knowledge to the murder of the duke of York; Sir James Tirrel, the employed man from King Richard, John Dighton and Miles Forrest his servants, the two butchers or tormentors, and the priest of the Tower that buried them. Of which four, Miles Forrest and the priest were dead, and there remained alive only Sir James Tirrel and John Dighton. These two the King caused to be committed to the Tower, and examined touching the manner of the death of the two innocent princes. They agreed both in a tale, as the King gave out to this effect: That King Richard having directed his warrant for the putting of them to death, to Brackenbury the lieutenant of the Tower, was by him refused. Whereupon the King directed his warrant to Sir James Tirrel, to receive the keys of the Tower from the lieutenant, for the space of a night, for the King's special service. That Sir James Tirrel accordingly repaired to the Tower by night, attended by his two servants aforementioned, whom he had chosen for that purpose. That himself stood at the stair foot, and sent these two villains to execute the murder. That they smothered them in their bed; and, that done, called up their master to see their naked dead bodies, which they had laid forth. That they were buried under the stairs, and some stones cast upon them. That when the report was made to King Richard, that his will was done, he gave Sir James Tirrel great thanks, but took exception to the place of their burial, being too base for them that were King's children. Whereupon, another night, by the King's warrant renewed, their bodies were removed by the priest of the Tower, and buried by him in some place, which, by means of the priest's

priest's death soon after, could not be known. Thus much was then delivered abroad, to be the effect of those examinations : but the King, nevertheless, made no use of them in any of his declarations ; whereby, as it seems, those examinations left the business somewhat perplexed. And as for Sir James Tirrel, he was soon after beheaded in the Tower-yard for other matters of treason. But John Dighton, who, it seemeth, spake best for the King, was forthwith set at liberty, and was the principal means of divulging this tradition. Therefore this kind of proof being left so naked, the King used the more diligence in the latter, for the tracing of Perkin. To this purpose he sent abroad into several parts, and especially into Flanders, divers secret and nimble scouts and spies, some feigning themselves to fly over unto Perkin, and to adhere unto him ; and some under other pretences, to learn, search, and discover all the circumstances and particulars of Perkin's parents, birth, person, travels up and down ; and in brief, to have a journal, as it were, of his life and doings. He furnished these his employed men liberally with money, to draw on and reward intelligences ; giving them also in charge, to advertise continually what they found, and nevertheless still to go on. And ever as one advertisement and discovery called up another, he employed other new men, where the business did require it. Others he employed in a more special nature and trust, to be his pioneers in the main countermine. These were directed to insinuate themselves into the familiarity and confidence of the principal persons of the party in Flanders, and so to learn what associates they had, and correspondents, either here in England, or abroad ; and how far every one engaged, and what new ones they meant afterwards to try or board. And as this for the persons, so for the actions themselves, to discover to the bottom, as they could, the utmost of Perkin's and the conspirators, their intentions, hopes, and practices. These latter best-be-trust spies had some of them farther instructions, to practise and draw-off the best friends and servants of Perkin, by making remonstrance to them, how weakly his enterprise and hopes were built, and with how prudent and potent a King they had to deal ; and to reconcile them to the King, with promise of pardon and good conditions of reward. And, above the rest, to assail, sap, and work into the constancy of Sir Robert Clifford ; and to win him, if they could, being the man that knew most of their secrets, and who being won away, would most appall and discourage the rest, and in a manner break the knot.

There is a strange tradition ; that the King, being lost in a wood of suspicions, and not knowing whom to trust, had both intelligence with the confessors and chaplains of divers great men ; and for the better credit of his espials abroad with the contrary side, did use to have them cursed at Paul's, by name, amongst the bead-roll of the King's enemies, according to the custom of those times. These espials plied their charge so roundly, as the King had an anatomy of Perkin alive ; and was likewise well informed of the particular correspondent conspirators in England, and many other mysteries were revealed ; and Sir Robert Clifford in especial won to be assured to the King, and industrious and officious for his service. The King therefore, receiving a rich return of his diligence, and great satisfaction touching a number of particulars, first divulged and spread abroad the imposture and juggling of Perkin's person and travels, with the circumstances thereof, throughout the realm : not by proclamation, because things were yet in examination, and so might receive the more or the less, but by court-fames, which commonly print better than printed proclamations. Then thought he it also time to send an am-
bassage

HISTORY OF KING HENRY VII.

baſſage unto archduke Philip into Flanders, for the abandoning and diſmiſſing of Perkin. Herein he employed Sir Edward Poyning, and Sir William Warham doctor of the canon law. The archduke was then young, and governed by his council: before whom the ambaffadors had audience: and doctor Warham ſpake in this manner:

“ MY lords, the King our maſter is very ſorry, that England and your country
 “ here of Flanders, having been counted as man and wife for ſo long time; now
 “ this country of all others ſhould be the ſtage, where a baſe counterfeit ſhould
 “ play the part of a King of England; not only to his grace’s diſquiet and diſhonour,
 “ but to the ſcorn and reproach of all ſovereign Princes. To counterfeit the dead
 “ image of a King in his coin, is an high offence by all laws; but to counterfeit
 “ the living image of a King in his perſon, exceedeth all falſifications, except it
 “ ſhould be that of a Mahomet, or an Antichriſt, that counterfeit divine honour.
 “ The King hath too great an opinion of this ſage council, to think that any of you
 “ is caught with this fable, though way may be given by you to the paſſion of
 “ ſome, the thing in itſelf is ſo improbable. To ſet teſtimonies aſide of the death
 “ of duke Richard, which the King hath upon record, plain and infallible, be-
 “ cauſe they may be thought to be in the King’s own power, let the thing teſtify
 “ for itſelf. Senſe and reaſon no power can command. Is it poſſible, trow you,
 “ that King Richard ſhould damn his foul, and foul his name with ſo abominable
 “ a murder, and yet not mend his caſe? Or do you think, that men of blood,
 “ that were his inſtruments, did turn to pity in the miſt of their execution?
 “ Whereas in cruel and ſavage beaſts, and men alſo, the firſt draught of blood
 “ doth yet make them more fierce and enraged. Do you not know, that the
 “ bloody executioners of tyrants do go to ſuch errands with an halter about their
 “ neck; ſo that if they perform not, they are ſure to die for it? And do you
 “ think that theſe men would hazard their own lives, for ſparing another’s? Admit
 “ they ſhould have ſaved him; what ſhould they have done with him? Turn him
 “ into London ſtreets, that the watchmen, or any paſſenger that ſhould light upon
 “ him, might carry him before a juſtice, and ſo all come to light? Or ſhould
 “ they have kept him by them ſecretly? That ſurely would have required a great
 “ deal of care, charge, and continual fears. But, my lords, I labour too much
 “ in a clear buſineſs. The King is ſo wiſe, and hath ſo good friends abroad, as
 “ now he knoweth duke Perkin from his cradle. And becauſe he is a great Prince,
 “ if you have any good poet here, he can help him with notes to write his life;
 “ and to parallel him with Lambert Simnel, now the King’s falconer. And there-
 “ fore, to ſpeak plainly to your lordſhips, it is the ſtrangeſt thing in the world,
 “ that the lady Margaret, excuſe us if we name her, whole malice to the King is
 “ both cauſeleſs and endleſs, ſhould now when ſhe is old, at the time when other
 “ women give over child-bearing, bring forth two ſuch monſters; being not the
 “ births of nine or ten months, but of many years. And whereas other natural
 “ mothers bring forth children weak, and not able to help themſelves; ſhe bring-
 “ eth forth tall ſtriplings, able ſoon after their coming into the world to bid battle
 “ to mighty Kings. My lords, we ſlay unwillingly upon this part. We would
 “ to God, that they would once taſte the joys which God Almighty doth ſerve up
 “ unto her, in beholding her niſe to reign in ſuch honour, and with ſo much
 “ royal iſſue, which ſhe might be pleaſed to account as her own. The King’s
 “ requeſt unto the archduke, and your lordſhips, might be; that according to the
 “ example

“ example of King Charles, who hath already discarded him, you would banish
 “ this unworthy fellow out of your dominions. But because the King may justly
 “ expect more from an ancient confederate, than from a new reconciled enemy,
 “ he maketh his request unto you to deliver him up into his hands : pirates, and
 “ impostors of this sort, being fit to be accounted the common enemies of man-
 “ kind, and no ways to be protected by the law of nations.”

After some time of deliberation, the ambassadors received this short answer :

“ THAT the archduke, for the love of King Henry, would in no sort aid or
 “ assist the pretended duke, but in all things conserve the amity he had with the
 “ King : But for the dutchess dowager, she was absolute in the lands of her dowry,
 “ and that he could not let her to dispose of her own.”

The King, upon the return of the ambassadors, was nothing satisfied with this answer. For well he knew, that a patrimonial dowry carried no part of sovereignty or command of forces. Besides, the ambassadors told him plainly, that they saw the duchess had a great party in the archduke's council ; and that howsoever it was carried in a course of connivance, yet the archduke underhand gave aid and furtherance to Perkin. Wherefore, partly out of courage, and partly out of policy, the King forthwith banished all Flemings, as well their persons as their wares, out of his kingdom ; commanding his subjects likewise, and by name his merchants adventurers, which had a residence at Antwerp, to return ; translating the mart, which commonly followed the English cloth, unto Calais ; and embarred also all farther trade for the future. This the King did, being sensible in point of honour, not to suffer a pretender to the crown of England to affront him so near at hand, and he to keep terms of friendship with the country where he did set up. But he had also a farther reach : for that he knew well, that the subjects of Flanders drew so great commodity from the trade of England, as by this embargo they would soon wax weary of Perkin ; and that the tumults of Flanders had been so late and fresh, as it was no time for the Prince to displease the people. Nevertheless for form's sake, by way of requital, the archduke did likewise banish the English out of Flanders ; which in effect was done to his hand.

The King being well advertised, that Perkin did more trust upon friends and partakers within the realm than upon foreign arms, thought it behoved him to apply the remedy where the disease lay ; and to proceed with severity against some of the principal conspirators here within the realm ; thereby to purge the ill humours in England, and to cool the hopes in Flanders. Wherefore he caused to be apprehended, almost at an instant, John Ratcliffe lord Fitzwalter, Sir Simon Mountfort, Sir Thomas Thwaites, William D'Aubigney, Robert Ratcliffe, Thomas Cressenor, and Thomas Astwood. All these were arraigned, convicted, and condemned for high-treason, in adhering and promising aid to Perkin. Of these the lord Fitzwalter was conveyed to Calais, and there kept in hold, and in hope of life, until soon after, either impatient or betrayed, he dealt with his keeper to have escaped, and thereupon was beheaded. But Sir Simon Mountfort, Robert Ratcliffe, and William D'Aubigney, were beheaded immediately after their condemnation. The rest were pardoned, together with many others, clerks and laics, amongst which were two Dominican friers, and William Worsey dean of Paul's ; which latter sort passed examination, but came not to public trial.

The lord chamberlain at that time was not touched ; whether it were that the King would not stir too many humours at once, but, after the manner of good
 physicians,

physicians, purge the head last; or that Clifford, from whom most of these discoveries came, reserved that piece for his own coming over; signifying only to the King in the mean time, that he doubted there were some greater ones in the business, whereof he would give the King farther account when he came to his presence.

Upon Allhallows-day even, being now the tenth year of the King's reign, the King's second son Henry was created duke of York; and as well the duke, as divers others, noblemen, knights-bachelors, and gentlemen of quality, were made knights of the Bath according to the ceremony. Upon the morrow after twelfth-day, the King removed from Westminster, where he had kept his Christmas, to the Tower of London. This he did as soon as he had advertisement that Sir Robert Clifford, in whose bosom or budget most of Perkin's secrets were laid up, was come into England. And the place of the Tower was chosen to that end, that if Clifford should accuse any of the great ones, they might without suspicion, or noise, or sending abroad of warrants, be presently attached; the court and prison being within the cincture of one wall. After a day or two, the King drew unto him a selected council, and admitted Clifford to his presence; who first fell down at his feet, and in all humble manner craved the King's pardon; which the King then granted though he were indeed secretly assured of his life before. Then commanded to tell his knowledge, he did amongst many others, of himself, not interrogated, impeach Sir William Stanley, the lord chamberlain of the King's household.

The King seemed to be much amazed at the naming of this lord, as if he had heard the news of some strange and fearful prodigy. To hear a man that had done him service of so high a nature, as to save his life, and set the crown upon his head; a man, that enjoyed, by his favour and advancement, so great a fortune both in honour and riches; a man, that was tied unto him in so near a band of alliance, his brother having married the King's mother; and lastly, a man, to whom he had committed the trust of his person, in making him his chamberlain: that this man, no ways disgraced, no ways discontent, no ways put in fear, should be false unto him. Clifford was required to say over again and again, the particulars of his accusation; being warned, that in a matter so unlikely, and that concerned so great a servant of the King's, he should not in any wise go too far. But the King finding that he did sadly and constantly, without hesitation or varying, and with those civil protestations that were fit, stand to that that he had said, offering to justify it upon his soul and life; he caused him to be removed. And after he had not a little bemoaned himself unto his council there present, gave order that Sir William Stanley should be restrained in his own chamber where he lay before, in the square tower; and the next day he was examined by the lords. Upon his examination he denied little of that wherewith he was charged, nor endeavoured much to excuse or extenuate his fault: so that, not very wisely, thinking to make his offence less by confession, he made it enough for condemnation. It was conceived, that he trusted much to his former merits, and the interest that his brother had in the King. But those helps were over-weighed by divers things that made against him, and were predominant in the King's nature and mind. First, an over-merit, for convenient merit, unto which reward may easily reach, doth best with kings. Next the sense of his power; for the King thought, that he that could set him up, was the more dangerous to pull him down. Thirdly, the glim-
mering

mering of a confiscation; for he was the richest subject for value in the kingdom: there being found in his cattle of Holt forty thousand marks in ready money and plate, besides jewels, household-stuff, stocks upon his grounds, and other personal estate exceeding great. And for his revenue in land and fee, it was three thousand pounds a year of old rent, a great matter in those times. Lastly, the nature of the time; for if the King had been out of fear of his own class, it was not unlike he would have spared his life. But the cloud of so great a rebellion hanging over his head, made him work sure. Wherefore after some six weeks distance of time, which the King did honourably interpose, both to give space to his brother's intercession, and to shew to the world that he had a conflict with himself what he should do; he was arraigned of high-treason, and condemned, and presently after beheaded.

Yet is it to this day left but in dark memory, both what the case of this noble person was, for which he suffered; and what likewise was the ground and cause of his defection, and the alienation of his heart from the King. His case was said to be this; That in discourse between Sir Robert Clifford and him he had said, "That if he were sure that that young man were King Edward's son, he would never bear arms against him." This case seems somewhat an hard case, both in respect of the conditional, and in respect of the other words. But for the conditional, it seemeth the judges of that time, who were learned men, and the three chief of them of the privy-council, thought it was a dangerous thing to admit *ifs* and *ands*, to qualify words of treason; whereby every man might express his malice, and blanch his danger. And it was like to the case, in the following times, of Elizabeth Barton, the holy maid of Kent; who had said, "That if King Henry the eighth did not take Catharine his wife again, he should be deprived of his crown, and die the death of a dog." And infinite cases may be put of like nature; which, it seemeth, the grave judges taking into consideration, would not admit of treasons upon condition. And as for the positive words, "That he would not bear arms against King Edward's son;" though the words seem calm, yet it was a plain and direct over-ruling of the King's title, either by the line of Lancaster, or by act of parliament: which, no doubt, pierced the King more, than if Stanley had charged his lance upon him in the field. For if Stanley would hold that opinion, that a son of King Edward had still the better right, he being so principal a person of authority and favour about the King, it was to teach all England to say as much. And therefore, as those times were, that speech touched the quick. But some writers do put this out of doubt; for they say, that Stanley did expressly promise to aid Perkin, and sent him some help of treasure.

Now for the motive of his falling off from the King; it is true, that at Bosworth-field the King was beset, and in a manner inclosed round about by the troops of King Richard, and in manifest danger of his life; when this Stanley was sent by his brother, with three thousand men to his rescue, which he performed so, that King Richard was slain upon the place. So as the condition of mortal men is not capable of a greater benefit, than the King received by the hands of Stanley; being like the benefit of Christ, at once to save and crown. For which service the King gave him great gifts, made him his counsellor and chamberlain; and, somewhat contrary to his nature, had winked at the great spoils of Bosworth-field, which came almost wholly to this man's hands, to his infinite enriching. Yet nevertheless, blown up with the conceit of his merit, he did not think he had received good measure from the King, at least not pressing down and running over, as he expected.

And his ambition was so exorbitant and unbounded, as he became suitor to the King for the earldom of Chester: which ever being a kind of appenage to the principality of Wales, and using to go to the King's son, his suit did not only end in a denial, but in a distaste: the King perceiving thereby, that his desires were intemperate, and his cogitations vast and irregular, and that his former benefits were but cheap, and lightly regarded by him. Wherefore the King began not to brook him well. And as a little leaven of new distaste doth commonly sour the whole lump of former merits, the King's wit began now to suggest unto his passion, that Stanley at Bosworth-field, though he came time enough to save his life, yet he stayed long enough to endanger it. But yet having no matter against him, he continued him in his places until this his fall.

After him was made lord chamberlain Giles lord D'Aubigny, a man of great sufficiency and valour; the more because he was gentle and moderate.

There was a common opinion, that Sir Robert Clifford, who now was become the state informer, was from the beginning an emissary and spy of the King's; and that he fled over into Flanders with his consent and privity. But this is not probable; both because he never recovered that degree of grace, which he had with the King before his going over; and chiefly, for that the discovery which he had made touching the lord chamberlain, which was his great service, grew not from any thing he learned abroad, for that he knew it well before he went.

These executions, and especially that of the lord chamberlain, which was the chief strength of the party, and by means of Sir Robert Clifford, who was the most inward man of trust amongst them, did extremely quail the design of Perkin and his complers, as well through discouragement as distrust. So that they were now, like sand without lime, ill bound together; especially as many as were English, who were at a gaze, looking strange one upon another, not knowing who was faithful to their side; but thinking, that the King, what with his baits, and what with his nets, would draw them all unto him that were any thing worth. And indeed it came to pass, that divers came away by the thread, sometimes one, and sometimes another. Barley, that was joint commissioner with Clifford, did hold out one of the longest, till Perkin was far worn; yet made his peace at the length. But the fall of this great man, being in so high authority and favour, as was thought, with the King; and the manner of carriage of the business, as if there had been secret inquisition upon him for a great time before; and the cause for which he suffered, which was little more than for saying in effect, that the title of York was better than the title of Lancaster; which was the case almost of every man, at the least in opinion, was matter of great terror amongst all the King's servants and subjects; insomuch as no man almost thought himself secure, and men durst scarce commune or talk one with another, but there was a general diffidence every where: which nevertheless made the King rather more absolute than more safe. For "bleeding inwards, and shut vapours, strange soonest, and oppres most."

Hereupon presently came forth swarms and vollies of libels, which are the gulls of liberty of speech restrained, and the females of sedition, containing bitter invectives and slanders against the King and some of the council: for the contriving and dispersing whereof, after great diligence of inquiry, five mean persons were caught up and executed.

Mean while the King did not neglect Ireland, being the soil where these mushrooms and upstart weeds, that spring up in a night, did chiefly prosper. He first there o e
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from hence, for the better settling of his affairs there, commissioners of both robes, the prior of Lanthony, to be his chancellor in that kingdom; and Sir Edward Poyning, with a power of men, and a martial commission, together with a civil power of his lieutenant, with a clause, that the earl of Kildare, then deputy, should command him. But the wild Irish, who were the principal offenders, fled into the woods and bogs, after their manner; and those that knew themselves guilty in the pale fled to them. So that Sir Edward Poyning was enforced to make a wild chase upon the wild Irish: where, in respect of the mountains and fastnesses, he did little good. Which, either out of a suspicious melancholy upon his bad success, or the better to save his service from disgrace, he would needs impute unto the comfort that the rebels should receive underhand from the earl of Kildare; every light suspicion growing upon the earl, in respect of the Kildare that was in the action of Lambert Simnel, and slain at Stokefield. Wherefore he caused the earl to be apprehended, and sent into England; where, upon examination, he cleared himself so well, as he was replaced in his government. But Poyning, the better to make compensation of the meagerness of his service in the wars by acts of peace, called a parliament; where was made that memorable act, which at this day is called Poyning's law, whereby all the statutes of England were made to be of force in Ireland: for before they were not, neither are any now in force in Ireland, which were made in England since that time; which was the tenth year of the King.

About this time began to be discovered in the King that disposition, which afterwards, nourished and whet on by bad counsellors and ministers, proved the blot of his times; which was the course he took to crush treasure out of his subjects purses, by forfeitures upon penal laws. At this men did startle the more at this time, because it appeared plainly to be in the King's nature, and not out of his necessity, he being now in float for treasure: for that he had newly received the peace-money from France, the benevolence-money from his subjects, and great casualties upon the confiscations of the lord chamberlain, and divers others. The first noted case of this kind was that of Sir William Capel, alderman of London; who, uponundry penal laws, was condemned in the sum of seven and twenty hundred pounds, and compounded with the King for sixteen hundred: and yet after, Empson would have cut another chop out of him, if the King had not died in the instant.

The summer following, the King, to comfort his mother, whom he did always tenderly love and revere, and to make open demonstration to the world, that the proceedings against Sir William Stanley, which was imposed upon him by necessity of state, had not in any degree diminished the affection he bare to Thomas his brother, went in progress to Latham, to make merry with his mother and the earl, and lay there divers days.

During this progress, Perkin Warbeck finding that time and temporising, which, whilst his practices were covert and wrought well in England, made for him; did now, when they were discovered and defeated, rather make against him, for that when matters once go down the hill, they stay not without a new force, resolved to try his adventure in some exploit upon England; hoping still upon the affections of the common people towards the house of York. Which body of common people he thought was not to be practised upon, as persons of quality are; but that the only practice upon their affections was to set up a standard in the field. The place where he should make his attempt, he chose to be the coast of Kent.

The King by this time was grown to such a height of reputation for cunning and policy, that every accident and event that went well, was laid and imputed to his foresight, as if he had set it before: as in this particular of Perkin's design upon Kent. For the world would not believe afterwards, but the King, having secret intelligence of Perkin's intention for Kent, the better to draw it on, went of purpose into the north afar off, laying an open side unto Perkin, to make him come to the close, and so to trip up his heels, having made sure in Kent beforehand.

But so it was, that Perkin had gathered together a power of all nations, neither in number, nor in the hardiness and courage of the persons, contemptible, but in their nature and fortunes to be feared, as well of friends as enemies; being bankrupts, and many of them felons, and such as lived by rapine. Thence he put to sea, and arrived upon the coast of Sandwich and Deal in Kent, about July.

There he cast anchor, and to prove the affections of the people, sent some of his men to land, making great boasts of the power that was to follow. The Kentish men, perceiving that Perkin was not followed by any English of name or account, and that his forces consisted but of strangers born, and most of them base people and free-booters, fitter to spoil a coast, than to recover a kingdom; resorting unto the principal gentlemen of the country, professed their loyalty to the King, and desired to be directed and commanded for the best of the King's service. The gentlemen entering into consultation, directed some forces in good number to shew themselves upon the coast; and some of them to make signs to entice Perkin's soldiers to land, as if they would join with them; and some others to appear from some other places, and to make semblance as if they fled from them, the better to encourage them to land. But Perkin, who by playing the Prince, or else taught by secretary Frion, had learned thus much, that people under command do use to consult, and after to march in order; and rebels contrariwise run upon an head together in confusion, considering the delay of time, and observing their orderly and not tumultuary arming, doubted the worst. And therefore the wily youth would not set one foot out of his ship, till he might see things were sure. Wherefore the King's forces, perceiving that they could draw on no more than those that were formerly landed, set upon them and cut them in pieces, ere they could fly back to their ships. In which skirmish, besides those that fled and were slain, there were taken about an hundred and fifty persons. Which, for that the King thought, that to punish a few for example was gentleman's pay; but for rascal people, they were to be cut off every man, especially in the beginning of an enterprise; and likewise for that he saw, that Perkin's forces would now consist chiefly of such rabble and scum of desperate people, he therefore hanged them all for the greater terror. They were brought to London all railed in ropes, like a team of horses in a cart, and were executed some of them at London and Wapping, and the rest at divers places upon the sea-coast of Kent, Suffex, and Norfolk, for sea-marks or light-houses, to teach Perkin's people to avoid the coast. The King being advertised of the landing of the rebels, thought to leave his progress: but being certified the next day, that they were partly defeated and partly fled, he continued his progress, and sent Sir Richard Guildford into Kent in message; who calling the country together, did much commend from the King their fidelity, manhood, and well handling of that service; and gave them all thanks, and, in private, promised rewards to some particulars.

Upon the sixteenth of November, this being the eleventh year of the King, was holden the serjeants feast at Ely-place, there being nine serjeants of that call. The King, to honour the feast, was present with his Queen at the dinner; being a Prince that was ever ready to grace and countenance the professors of the law; having a little of that, that as he governed his subjects by his laws, so he governed his laws by his lawyers.

This year also the King entered into league with the Italian potentates for the defence of Italy against France. For King Charles had conquered the realm of Naples, and lost it again, in a kind of felicity of a dream. He passed the whole length of Italy without resistance; so that it was true which Pope Alexander was wont to say, That the Frenchmen came into Italy with chalk in their hands, to mark up their lodgings, rather than with swords to fight. He likewise entered and won, in effect, the whole kingdom of Naples itself, without striking stroke. But presently thereupon he did commit and multiply so many errors, as was too great a task for the best fortune to overcome. He gave no contentment to the barons of Naples, of the faction of the Angeovines; but scattered his rewards according to the mercenary appetites of some about him. He put all Italy upon their guard, by the seizing and holding of Ostia, and the protecting of the liberty of Pisa; which made all men suspect, that his purposes looked farther than his title of Naples. He fell too soon at difference with Ludovico Sfortia, who was the man that carried the keys which brought him in, and shut him out. He neglected to extinguish some relicks of the war. And lastly, in regard of his easy passage through Italy without resistance, he entred into an overmuch despising of the arms of the Italians; whereby he left the realm of Naples at his departure so much the less provided. So that not long after his return, the whole kingdom revolted to Ferdinando the younger, and the French were quite driven out. Nevertheless Charles did make both great threats, and great preparations to re-enter Italy once again. Wherefore at the instance of divers of the states of Italy, and especially of Pope Alexander, there was a league concluded between the said Pope, Maximilian King of the Romans, Henry King of England, Ferdinando and Isabella King and Queen of Spain, for so they are constantly placed in the original treaty throughout, Augustino Barbado duke of Venice, and Ludovico Sfortia duke of Milan, for the common defence of their estates: wherein though Ferdinando of Naples was not named as principal, yet, no doubt, the kingdom of Naples was tacitly included as a fee of the church.

There died also this year Cecile duchess of York, mother to King Edward the fourth, at her castle of Barkhamsted, being of extreme years, and who had lived to see three Princes of her body crowned, and four murdered. She was buried at Foderingham, by her husband.

This year also the King called his parliament, where many laws were made of a more private and vulgar nature, than ought to detain the reader of an history. And it may be justly suspected by the proceedings following, that as the King did excel in good commonwealth laws, so nevertheless he had, in secret, a design to make use of them, as well for collecting of treasure, as for correcting of manners; and so meaning thereby to harrow his people, did accumulate them the rather.

The principal law that was made this parliament, was a law of a strange nature; rather just than legal; and more magnanimous than provident. This law did ordain; That no person that did assist in arms, or otherwise, the King for the time being, should after be impeached therefore, or attainted, either by the course of the law.

or by act of parliament. But if any such act of attainder did happen to be made, it should be void and of none effect; for that it was agreeable to reason of estate, that the subject should not inquire of the justness of the King's title, or quarrel; and it was agreeable to good conscience, that, whatsoever the fortune of the war were, the subject should not suffer for his obedience. The spirit of this law was wonderful pious and noble, being like, in matter of war, unto the spirit of David in matter of plague; who said, *If I have sinned, strike me; but what have these sheep done?* Neither wanted this law parts of prudent and deep foresight: for it did the better take away occasion for the people to busy themselves to pry into the King's title; for that howsoever it fell, their safety was already provided for. Besides, it could not but greatly draw unto him the love and hearts of the people, because he seemed more careful for them than for himself. But yet nevertheless it did take off from his party that great tie and spur of necessity, to fight and go victors out of the field; considering their lives and fortunes were put in safety and protected, whether they stood to it, or ran away. But the force and obligation of this law was in itself illusory, as to the latter part of it, by a precedent act of parliament to bind or frustrate a future. For a supreme and absolute power cannot conclude itself, neither can that which is in nature revocable be made fixed, no more than if a man should appoint or declare by his will, that if he made any latter will it should be void. And for the case of the act of parliament, there is a notable precedent of it in King Henry the eighth's time; who doubting he might die in the minority of his son, procured an act to pass. That no statute made during the minority of a King, should bind him or his successors, except it were confirmed by the King under his great seal at his full age. But the first act that passed in King Edward the sixth's time, was an act of repeal of that former act; at which time nevertheless the King was minor. But things that do not bind, may satisfy for the time.

There was also made a shoaring or under-propping act for the benevolence: to make the sums which any person had agreed to pay, and nevertheless were not brought in, to be leviable by course of law. Which act did not only bring in the arrears, but did indeed countenance the whole business, and was pretended to be made at the desire of those that had been forward to pay.

This parliament also was made that good law, which gave the attaint upon a false verdict between party and party, which before was a kind of evangile, irremediable. It extends not to causes capital, as well because they are for the most part at the King's suit; as because in them, if they be followed in course of indictment, there passeth a double jury, the indictors, and the triers; and so not twelve men, but four and twenty. But it seemeth that was not the only reason; for this reason holdeth not in the appeal. But the great reason was, lest it should tend to the discouragement of jurors in cases of life and death; if they should be subject to suit and penalty, where the favour of life maketh against them. It extendeth not also to any suit, where the demand is under the value of forty pounds; for that in such cases of petty value it would not quit the charge, to go about again.

There was another law made against a branch of ingratitude in women, who having been advanced by their husbands, or their husbands ancestors, should alien, and thereby seek to defeat the heirs, or those in remainder, of the lands, whereunto they had been so advanced. The remedy was, by giving power to the next, to enter for a forfeiture.

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There was also enacted that charitable law, for the admission of poor suitors *in forma pauperis*, without fee to counsellor, attorney, or clerk, whereby poor men became rather able to vex than unable to sue. There were divers other good laws made that parliament, as we said before : but we still observe our manner, in selecting out those, that are not of a vulgar nature.

The King this while, though he sat in parliament, as in full peace, and seemed to account of the designs of Perkin, who was now returned into Flanders, but as a may-game ; yet having the composition of a wise King, stout without, and apprehensive within, had given order for the watching of beacons upon the coasts, and erecting more where they stood too thin, and had a careful eye where this wandering cloud would break. But Perkin, advised to keep his fire, which hitherto burned as it were upon green wood, alive with continual blowing ; sailed again into Ireland, whence he had formerly departed, rather upon the hopes of France, than upon any unreadiness or discouragement he found in that people. But in the space of time between, the King's diligence and Poyning's commission had so settled things there, as there was nothing left for Perkin, but the blustering affection of wild and naked people. Wherefore he was advised by his council, to seek aid of the King of Scotland, a Prince young and valorous, and in good terms with his nobles and people, and ill affected to King Henry. At this time also both Maximilian and Charles of France began to bear no good will to the King : the one being displeased with the King's prohibition of commerce with Flanders ; the other holding the King for suspect, in regard of his late entry into league with the Italians. Wherefore, besides the open aids of the dukes of Burgundy, which did with sails and oars put on and advance Perkin's designs, there wanted not some secret tides from Maximilian and Charles, which did further his fortunes : insomuch as they, both by their secret letters and messages, recommended him to the King of Scotland.

Perkin therefore coming into Scotland upon those hopes, with a well-appointed company, was by the King of Scots, being formerly well prepared, honourably welcomed, and soon after his arrival admitted to his presence, in a solemn manner : for the King received him in state in his chamber of presence, accompanied with divers of his nobles. And Perkin well attended, as well with those that the King had sent before him, as with his own train, entered the room where the King was, and coming near to the King, and bowing a little to embrace him, he retired some paces back, and with a loud voice, that all that were present might hear him, made his declaration in this manner :

“ HIGH and mighty King, your grace, and these your nobles here present,
 “ may be pleased benignly to bow your ears, to hear the tragedy of a young man,
 “ that by right ought to hold in his hand the ball of a kingdom ; but by fortune
 “ is made himself a ball, tossed from misery to misery, and from place to place.
 “ You see here before you the spectacle of a Plantagenet, who hath been carried
 “ from the nursery to the sanctuary ; from the sanctuary, to the direful prison ;
 “ from the prison, to the hand of the cruel tormentor ; and from that hand to the
 “ wide wilderness, as I may truly call it, for so the world hath been to me. So
 “ that he that is born to a great kingdom, hath not ground to set his foot upon,
 “ more than this where he now standeth by your princely favour. Edward the
 “ fourth, late King of England, as your grace cannot but have heard, left two
 “ sons, Edward, and Richard duke of York. Both very young. Edward the
 “ eldest succeeded their father in the crown. by the name of King Edward the fifth :
 “ but

HISTORY OF KING HENRY VII.

“ but Richard duke of Gloucester, their unnatural uncle, full thirving after the
 “ Englishmen, through ambition, and afterwards thinking for their blood, out of
 “ desire to secure himself, employed an instrument of his, confident to him, as he
 “ thought, to murder them both. This was a man that was employed to execute
 “ that execrable tragedy, having originally King Edward's name, the eldest of the two,
 “ was moved partly by remorse, and partly by some other means, to save Richard
 “ his brother; making a report nevertheless to the tyrant, that he had performed
 “ his commandment to both brethren. This report was accordingly believed, and
 “ published generally: so that the world hath been possessed of an opinion, that
 “ they both were barbarously sent away: though ever truth hath some sparks that
 “ fly abroad, until it appear in due time, as this hath had. But Almighty God,
 “ that stopped the mouth of the lion, and saved little Joash from the tyranny of
 “ Athaliah, when she massacred the King's children; and did save Isaac, when the
 “ hand was stretched forth to sacrifice him; preserved the second brother. For I
 “ myself, that stand here in your presence, am that very Edward duke of York,
 “ brother of that unfortunate Prince King Edward the fifth, now the most rightful
 “ surviving heir male to that victorious and most noble Edward, of that name the
 “ fourth, late King of England. For the manner of my escape, it is fit it should
 “ pass in silence, or, at least, in a more secret relation: for that it may concern
 “ some alive, and the memory of some that are dead. Let it suffice to think, that
 “ I had then a mother living, a Queen, and one that expected daily such a com-
 “ mandment from the tyrant, for the murdering of her children. Thus in my
 “ tender age escaping by God's mercy out of London, I was secretly conveyed over
 “ sea: where, after a time, the party that had me in charge, upon what new fears,
 “ change of mind or practice, God knoweth, suddenly forsook me. Whereby I
 “ was forced to wander abroad, and to seek mean conditions for the sustaining of
 “ my life. Wherefore distracted between several passions, the one of fear to be
 “ known, lest the tyrant should have a new attempt upon me; the other of grief
 “ and disdain to be unknown, and to live in that base and servile manner that I
 “ did; I resolved with myself to expect the tyrant's death, and then to put myself
 “ into my sister's hands, who was next heir to the crown. But in this season it
 “ happened one Henry Tudor, son to Edmund Tudor earl of Richmond, to
 “ come from France and enter into the realm, and by subtle and foul means to ob-
 “ tain the crown of the same, which to me rightfully appertained: so that it was
 “ but a change from tyrant to tyrant. This Henry, my extreme and mortal ene-
 “ my, so soon as he had knowlege of my being alive, imagined and wrought all
 “ the subtle ways and means he could, to procure my final destruction: for my
 “ mortal enemy hath not only falsely surmised me to be a feigned person, giving me
 “ nick-names, so abusing the world; but also, to defer and put me from entry into
 “ England, hath offered large sums of money to corrupt the Princes and their mi-
 “ nisters, with whom I have been retained; and made importune labours to certain
 “ servants about my person, to murder or poison me, and others to forsake and
 “ leave my righteous quarrel, and to depart from my service, as Sir Robert Clifford,
 “ and others. So that every man of reason may well perceive, that Henry, calling
 “ himself King of England, needed not to have bestowed such great sums of trea-
 “ sure, nor so to have busied himself with importune and incessant labour and in-
 “ dustry, to compass my death and ruin, if I had been such a feigned person. But
 “ the truth of my cause being so manifest, moved the most Christian King Charles,

“ and the lady duchess dowager of Burgundy my most dear aunt, not only to acknowledge the truth thereof, but lovingly to assist me. But it seemeth that God above, for the good of this whole island, and the knitting of these two kingdoms of England and Scotland in a strait concord and amity, by so great an obligation, hath reserved the placing of me in the imperial throne of England for the arms and succours of your grace. Neither is it the first time that a King of Scotland hath supported them that were bereft and spoiled of the kingdom of England, as of late, in fresh memory, it was done in the person of Henry the sixth. Wherefore, for that your grace hath given clear signs, that you are in no noble quality inferior to your royal ancestors; I, so distressed a Prince, was hereby moved to come and put myself into your royal hands, desiring your assistance to recover my kingdom of England; promising faithfully to bear myself towards your grace no otherwise, than if I were your own natural brother; and will, upon the recovery of mine inheritance, gratefully do you all the pleasure that is in my utmost power.”

After Perkin had told his tale, King James answered bravely and wisely; “ That whatsoever he were, he should not repent him of putting himself into his hands.” And from that time forth, though there wanted not some about him, that would have persuaded him that all was but an illusion; yet notwithstanding, either taken by Perkin’s amiable and alluring behaviour, or inclining to the recommendation of the great Princes abroad, or willing to take an occasion of a war against King Henry, he entertained him in all things, as became the person of Richard duke of York; embraced his quarrel; and, the more to put it out of doubt, that he took him to be a great Prince, and not a representation only, he gave consent, that this duke should take to wife the lady Catharine Gordon, daughter to the earl of Huntley, being a near kinswoman to the King himself, and a young virgin of excellent beauty and virtue.

Not long after, the King of Scots in person, with Perkin in his company, entered with a great army, though it consisted chiefly of borderers being raised somewhat suddenly, into Northumberland. And Perkin, for a perfume before him as he went, caused to be published a proclamation * of this tenor following, in the name of Richard duke of York, true inheritor of the crown of England:

“ IT hath pleased God, who putteth down the mighty from their seat, and exalteth the humble, and suffereth not the hopes of the just to perish in the end, to give us means at the length to shew ourselves armed unto our lieges and people of England. But far be it from us to intend their hurt or damage, or to make war upon them, otherwise than to deliver ourself and them from tyranny and oppression. For our mortal enemy Henry Tudor, a false usurper of the crown of England, which to us by natural and lineal right appertaineth, knowing in his own heart our undoubted right, we being the very Richard duke of York, younger son, and now surviving heir male of the noble and victorious Edward the fourth, late King of England, hath not only deprived us of our kingdom, but likewise by all foul and wicked means sought to betray us, and bereave us of our life. Yet if his tyranny only extended itself to our person, although our royal blood teacheth us to be sensible of injuries, it should be less to our grief. But

* The original of this proclamation remaineth with Sir Robert Cotton, a worthy preserver and treasurer of our antiquities, from whence I have had much light for the furnishing of this work.

HISTORY OF KING HENRY VII.

“ this Tudor, who boasteth himself to have overthrown a tyrant, hath, ever since
 “ his first entrance into his usurped reign, put little in practice, but tyranny and
 “ the feats thereof.

“ For King Richard, our unnatural uncle, although desire of rule did blind him,
 “ yet in his other actions, like a true Plantagenet, was noble, and loved the honour
 “ of the realm, and the contentment and comfort of his nobles and people. But
 “ this our mortal enemy, agreeable to the meanness of his birth, hath troden
 “ under foot the honour of this nation; selling our best confederates for money,
 “ and making merchandise of the blood, estates, and fortunes of our peers and
 “ subjects, by feigned wars, and dishonourable peace, only to enrich his coffers.
 “ Nor unlike hath been his hateful misgovernment, and evil deportments at
 “ home. First, he hath to fortify his false quarrel, caused divers nobles of this our
 “ realm, whom he held suspect and stood in dread of, to be cruelly murdered;
 “ as our cousin Sir William Stanley, lord chamberlain, Sir Simon Mountfort, Sir
 “ Robert Ratcliffe, William D’Aubigny, Humphrey Stafford, and many others,
 “ besides such as have dearly bought their lives with intolerable ransoms:
 “ some of which nobles are now in the sanctuary. Also he hath long kept, and
 “ yet keepeth in prison, our right intirely well-beloved cousin, Edward, son and
 “ heir to our uncle duke of Clarence, and others; withholding from them their
 “ rightful inheritance, to the intent they should never be of might and power, to
 “ aid and assist us at our need, after the duty of their legiances. He also mar-
 “ ried by compulsion certain of our sisters, and also the sifter of our said cousin
 “ the earl of Warwick, and divers other ladies of the royal blood, unto certain of
 “ his kinsmen and friends of simple and low degree; and, putting apart all well-
 “ disposed nobles, he hath none in favour and trust about his person, but bishop
 “ Fox, Smith, Bray, Lovel, Oliver King, David Owen, Rifeley, Turberville, Tiler,
 “ Chomley, Empson, James Hobart, John Cut, Garth, Henry Wyat, and such
 “ other caitifs and villains of birth, which by subtile inventions, and pilling of the
 “ people, have been the principal finders, occasioners, and counsellors of the mis-
 “ rule and mischief now reigning in England.

“ We remembering these premises, with the great and execrable offences daily
 “ committed and done by our foresaid great enemy and his adherents, in break-
 “ ing the liberties and franchises of our mother the holy church, upon pretences of
 “ wicked and heathenish policy, to the high displeasure of Almighty God, besides
 “ the manifold treasons, abominable murders, manslaughters, robberies, extortions,
 “ the daily pilling of the people by dismes, taxes, tallages, benevolences, and other
 “ unlawful impositions, and grievous exactions, with many other hainous effects,
 “ to the likely destruction and desolation of the whole realm: shall by God’s grace,
 “ and the help and assistance of the great lords of our blood, with the counsel of
 “ other sad persons, see that the commodities of our realm be employed to the most
 “ advantage of the same; the intercourse of merchandise betwixt realm and realm
 “ to be ministered and handled as shall more be to the common weal and prosper-
 “ ity of our subjects; and all such dismes, taxes, tallages, benevolences, unlawful
 “ impositions, and grievous exactions, as be above rehearsed, to be foredone and
 “ laid apart, and never from henceforth to be called upon, but in such cases as our
 “ noble progenitors, Kings of England, have of old time been accustomed to have
 “ the aid, succour, and help of their subjects, and true liege-men.

“ And

“ And farther, we do, out of our grace and clemency, hereby as well publish and promise to all our subjects remission and free pardon of ail by-past offences whatsoever, against our person or estate, in adhering to our said enemy, by whom, we know well, they have been misled, if they shall within time convenient submit themselves unto us. And for such as shall come with the foremost to assist our righteous quarrel, we shall make them so far partakers of our princely favour and bounty, as shall be highly for the comfort of them and theirs, both during their life and after their death : as also we shall, by all means which God shall put into our hands, demean ourselves to give royal contentment to all degrees and estates of our people, maintaining the liberties of holy church in their intire, preserving the honours, privileges, and preeminences of our nobles, from contempt or disparagement, according to the dignity of their blood. We shall also unyoke our people from all heavy burdens and endurances, and confirm our cities, boroughs and towns, in their charters and freedoms, with enlargement where it shall be deserved ; and in all points give our subjects cause to think, that the blessed and debonair government of our noble father King Edward, in his last times, is in us revived.

“ And forasmuch as the putting to death, or taking alive of our said mortal enemy, may be a mean to stay much effusion of blood, which otherwise may ensue, if by compulsion or fair promises he shall draw after him any number of our subjects to resist us, which we desire to avoid, though we be certainly informed, that our said enemy is purposed and prepared to fly the land, having already made over great masses of the treasure of our crown, the better to support him in foreign parts, we do hereby declare, that whosoever shall take or distress our said enemy, though the party be of never so mean a condition, he shall be by us rewarded with a thousand pound in money, forthwith to be laid down to him, and an hundred marks by the year of inheritance ; besides that he may otherwise merit, both toward God and all good people, for the destruction of such a tyrant.

“ Lastly, we do all men to wit, and herein we take also God to witnesses, that whereas God hath moved the heart of our dearest cousin, the King of Scotland, to aid us in person in this our righteous quarrel ; it is altogether without any pact or promise, or so much as demand of any thing that may prejudice our crown or subjects : but contrariwise, with promise on our said cousin’s part, that whensoever he shall find us in sufficient strength to get the upper hand of our enemy, which we hope will be very suddenly, he will forthwith peaceably return into his own kingdom ; contenting himself only with the glory of so honourable an enterprize, and our true and faithful love and amity : which we shall ever, by the grace of Almighty God, so order, as shall be to the great comfort of both kingdoms.”

But Perkin’s proclamation did little edify with the people of England ; neither was he the better welcome for the company he came in. Wherefore the King of Scotland seeing none came in to Perkin, nor none stirred any where in his favour, turned his enterprize into a rode ; and wasted and destroyed the country of Northumberland with fire and sword. But hearing that there were forces coming against him, and not willing that they should find his men heavy and laden with booty, he returned into Scotland with great spoils, deferring farther prosecution till another

time. It is said, that Perkin, acting the part of a Prince handsomely, when he saw the Scottish fell to waste the country, came to the King in a passionate manner, making great lamentation, and desired, that that might not be the manner of making the war; for that no crown was so dear to his mind, as that he desired to purchase it with the blood and ruin of his country. Whereunto the King answered half in sport, that he doubted much he was careful for that that was none of his, and that he should be too good a steward for his enemy, to save the country to his use.

By this time, being the eleventh year of the King, the interruption of trade between the English and the Flemish began to pinch the merchants of both nations very sore: which moved them by all means they could devise, to affect and dispose their sovereigns respectively, to open the intercourse again; wherein time favoured them. For the archduke and his council began to see, that Perkin would prove but a runagate and citizen of the world; and that it was the part of children to fall out about babies. And the King on his part, after the attempts upon Kent and Northumberland, began to have the business of Perkin in less estimation; so as he did not put it to account in any consultation of state. But that that moved him most was, that being a King that loved wealth and treasure, he could not endure to have trade sick, nor any obstruction to continue in the gate-vein, which disperseth that blood. And yet he kept state so far, as first to be sought unto. Wherein the merchant-adventurers likewise, being a strong company at that time, and well under-set with rich men, and good order, did hold out bravely; taking off the commodities of the kingdom, though they lay dead upon their hands for want of vent. At the last, commissioners met at London to treat: on the King's part, bishop Fox lord privy seal, viscount Wells, Kendal prior of saint John's, Warham master of the rolls, who began to gain much upon the King's opinion; Urfwick, who was almost ever one; and Rifeley: on the archduke's part, the lord Bevers his admiral, the lord Verunsel president of Flanders, and others. These concluded a perfect treaty, both of amity and intercourse, between the King and the archduke; containing articles both of state, commerce, and free fishing. This is that treaty which the Flemings call at this day *intercurfus magnus*; both because it is more complete than the precedent treaties of the third and fourth year of the King; and chiefly to give it a difference from the treaty that followed in the one and twentieth year of the King, which they call *intercurfus malus*. In this treaty, there was an express article against the reception of the rebels of either Prince by other; purporting, That if any such rebel should be required, by the Prince whose rebel he was, or the Prince confederate, that forthwith the Prince confederate should by proclamation command him to avoid the country: which if he did not within fifteen days, the rebel was to stand proscribed, and put out of protection. But nevertheless in this article Perkin was not named, neither perhaps contained, because he was no rebel. But by this means his wings were clipped of his followers that were English. And it was expressly comprised in the treaty, that it should extend to the territories of the duchess dowager. After the intercourse thus restored, the English merchants came again to their mansion at Antwerp, where they were received with procession and great joy.

The winter following, being the twelfth year of his reign, the King called again his parliament; where he did much exaggerate both the malice, and the cruel predatory war lately made by the King of Scotland: That that King, being in amity
with

with him, and no ways provoked, should so burn in hatred towards him, as to drink of the lees and dregs of Perkin's intoxication, who was every where else detested and discarded: and that when he perceived it was out of his reach to do the King any hurt, he had turned his arms upon unarmed and unprovided people, to spoil only and depopulate, contrary to the laws both of war and peace: concluding, that he could neither with honour nor with the safety of his people, to whom he did owe protection, let pass these wrongs unrevenged. The parliament understood him well, and gave him a subsidy, limited to the sum of one hundred and twenty thousand pounds, besides two fifteens: for his wars were always to him as a mine of treasure, of a strange kind of ore; iron at the top, and gold and silver at the bottom. At this parliament, for that there had been so much time spent in making laws the year before, and for that it was called purposely in respect of the Scottish war, there were no laws made to be remembered. Only there passed a law, at the suit of the merchant-adventurers of England, against the merchant-adventurers of London, for monopolizing and exacting upon the trade: which it seemeth they did a little to save themselves, after the hard time they had sustained by want of trade. But those innovations were taken away by parliament.

But it was fatal to the King to fight for his money; and though he avoided to fight with enemies abroad, yet he was still enforced to fight for it with rebels at home: for no sooner began the subsidy to be levied in Cornwall, but the people there began to grudge and murmur. The Cornish being a race of men, stout of stomach, mighty of body and limb, and that lived hardly in a barren country, and many of them could, for a need, live under ground, that were tanners. They muttered extremely, that it was a thing not to be suffered, that for a little stir of the Scots, soon blown over, they should be thus grinded to powder with payments: and said it was for them to pay that had too much, and lived idly. But they would eat their bread that they got with the sweat of their brows, and no man should take it from them. And as in the tides of people once up, there want not commonly stirring winds to make them more rough; so this people did light upon two ring-leaders or captains of the rout. The one was Michael Joseph, a blacksmith or farrier of Bodmin, a notable talking fellow, and no less desirous to be talked of. The other was Thomas Flammock, a lawyer, who, by telling his neighbours commonly upon any occasion that the law was on their side, had gotten great sway amongst them. This man talked learnedly, and as if he could tell how to make a rebellion, and never break the peace. He told the people, that subsidies were not to be granted, nor levied in this case; that is, for wars of Scotland: for that the law had provided another course, by service of escuage, for those journeys; much less when all was quiet, and war was made but a pretence to poll and pill the people. And therefore that it was good they should not stand now like sheep before the shearers, but put on harness, and take weapons in their hands. Yet to do no creature hurt; but go and deliver the King a strong petition, for the laying down of those grievous payments, and for the punishment of those that had given him that counsel; to make others beware how they did the like in time to come. And said, for his part he did not see how they could do the duty of true Englishmen, and good liege-men, except they did deliver the King from such wicked ones, that would destroy both him and the country. Their aim was at archbishop Morton and Sir Riginald Bray, who were the King's screens in this envy.

After

After that these two, Flammoek and the blacksmith, had by joint and several praatings found tokens of content in the multitude, they offered themselves to lead them, until they should hear of better men to be their leaders, which they said would be ere long: telling them farther, that they would be but their servants, and first in every danger; but doubted not but to make both the west-end and the east-end of England to meet in so good a quarrel; and that all, rightly understood, was but for the King's service. The people upon these seditious instigations, did arm, most of them with bows, and arrows, and bills, and such other weapons of rude and country people, and forthwith under the command of their leaders, which in such cases is ever at pleasure, marched out of Cornwall through Devonshire unto Taunton in Somersetshire, without any slaughter, violence, or spoil of the country. At Taunton they killed in fury an officious and eager commissioner for the subsidy, whom they called the provost of Perin. Thence they marched to Wells, where the lord Audley, with whom their leaders had before some secret intelligence, a nobleman of an ancient family, but unquiet and popular, and aspiring to ruin, came in to them, and was by them, with great gladness and cries of joy, accepted as their general; they being now proud that they were led by a nobleman. The lord Audley led them on from Wells to Salisbury and from Salisbury to Winchester. Thence the foolish people, who, in effect, led their leaders, had a mind to be led into Kent, fancying that the people there would join with them; contrary to all reason or judgment, considering the Kentish men had shewed great loyalty and affection to the King so lately before. But the rude people had heard Flammoek say, that Kent was never conquered, and that they were the freest people of England. And upon these vain noises, they looked for great matters at their hands, in a cause which they conceived to be for the liberty of the subject. But when they were come into Kent, the country was so well settled, both by the King's late kind usage towards them, and by the credit and power of the earl of Kent, the lord Abergavenny, and the lord Cobham, as neither gentleman nor yeoman came in to their aid; which did much damp and dismay many of the simpler sort; insomuch as divers of them did secretly fly from the army, and went home: but the sturdier sort, and those that were most engaged, stood by it, and rather waxed proud, than failed in hopes and courage. For as it did somewhat appall them, that the people came not in to them; so it did no less encourage them, that the King's forces had not set upon them, having marched from the west unto the east of England. Wherefore they kept on their way, and encamped upon Blackheath, between Greenwich and Eltham; threatening either to bid battle to the King, for now the seas went higher than to Morton and Bray, or to take London within his view; imagining with themselves, there to find no less fear than wealth.

But to return to the King. When first he heard of this commotion of the Cornish men occasioned by the subsidy, he was much troubled therewith; not for itself, but in regard of the concurrence of other dangers that did hang over him at that time. For he doubted lest a war from Scotland, a rebellion from Cornwall, and the practices and conspiracies of Perkin and his partakers, would come upon him at once: knowing well, that it was a dangerous triplicity to a monarchy, to have the arms of a foreigner, the discontents of subjects, and the title of a pretender to meet. Nevertheless the occasion took him in some part well provided. For as soon as the parliament had broken up, the King had presently raised a puissant army to war upon Scotland. And King James of Scotland likewise, on his part, had

had made great preparations, either for defence, or for new assailing of England. But as for the King's forces, they were not only in preparation, but in readiness presently to set forth, under the conduct of D'Aubigny the lord chamberlain. But as soon as the King understood of the rebellion of Cornwall, he stayed those forces, retaining them for his own service and safety. But therewithal he dispatched the earl of Surry into the north, for the defence and strength of those parts, in case the Scots should stir. But for the course he held towards the rebels, it was utterly differing from his former custom and practice; which was ever full of forwardness and celerity to make head against them, or to set upon them as soon as ever they were in action. This he was wont to do. But now, besides that he was attempered by years, and less in love with dangers, by the continued fruition of a crown; it was a time when the various appearance to his thoughts of perils of several natures, and from divers parts, did make him judge it his best and surest way, to keep his strength together in the seat and center of his kingdom: according to the ancient Indian emblem, in such a swelling season, to hold the hand upon the middle of the bladder, that no side might rise. Besides, there was no necessity put upon him to alter his counsel. For neither did the rebels spoil the country, in which case it had been dishonour to abandon his people: neither on the other side did their forces gather or increase, which might hasten him to precipitate and assail them before they grew too strong. And lastly, both reason of estate and war seemed to agree with this course: for that insurrections of base people are commonly more furious in their beginnings. And by this means also he had them the more at vantage, being tired and harassed with a long march; and more at mercy, being cut off far from their country, and therefore not able by any sudden flight to get to retreat, and to renew the troubles.

When therefore the rebels were encamped on Blackheath upon the hill, whence they might behold the city of London, and the fair valley about it; the King knowing well, that it stood him upon, by how much the more he had hitherto protracted the time in not encountering them, by so much the sooner to dispatch with them, that it might appear to have been no coldness in fore-flowing, but wisdom in choosing his time; resolved with all speed to assail them, and yet with that providence and surety, as should leave little to venture or fortune. And having very great and puissant forces about him, the better to master all events and accidents, he divided them into three parts; the first was led by the earl of Oxford in chief, assisted by the earls of Essex and Suffolk. These noblemen were appointed, with some corners of horse, and bands of foot, and good store of artillery, wheeling about to put themselves beyond the hill where the rebels were encamped; and to beset all the skirts and descents thereof, except those that lay towards London; thereby to have these wild beasts, as it were in a toil. The second part of his forces, which were those that were to be most in action, and upon which he relied most for the fortune of the day, he did assign to be led by the lord chamberlain, who was appointed to set upon the rebels in front, from that side which is towards London. The third part of his forces, being likewise great and brave forces, he retained about himself, to be ready upon all events to restore the fight, or consummate the victory; and mean while to secure the city. And for that purpose he encamped in person in Saint George's fields, putting himself between the city and the rebels. But the city of London, especially at the first, upon the near encamping of the rebels, was in great tumult: as it useth to be with wealthy and popu-
lous.

These cities, especially those which for greatness and fortune are queens of their regions, who seldom see out of their windows, or from their towers, an army of enemies. But that which troubled them most, was the conceit, that they dealt with a rout of people, with whom there was no composition or condition, or orderly treating, if need were; but likely to be bent altogether upon rapine and spoil. And although they had heard that the rebels had behaved themselves quietly and modestly by the way as they went; yet they doubted much that would not last, but rather make them more hungry, and more in appetite to fall upon spoil in the end. Wherefore there was great running to and fro of people, some to the gates, some to the walls, some to the water-side; giving themselves alarms and panic fears continually. Nevertheless both Tate the lord mayor, and Shaw and Haddon the sheriffs, did their parts stoutly and well, in arming and ordering the people. And the King likewise did adjoin some captains of experience in the wars, to advise and assist the citizens. But soon after, when they understood that the King had so ordered the matter, that the rebels must win three battles, before they could approach the city, and that he had put his own person between the rebels and them, and that the great care was, rather how to impound the rebels that none of them might escape, than that any doubt was made to vanquish them; they grew to be quiet and out of fear; the rather, for the confidence they reposed, which was not small, in the three leaders, Oxford, Essex, and D'Aubigny; all men well famed and loved amongst the people. As for Jasper duke of Bedford, whom the king used to employ with the first in his wars, he was then sick, and died soon after.

It was the two and twentieth of June, and a Saturday, which was the day of the week the King fancied, when the battle was fought; though the King had, by all the art he could devise, given out a false day, as if he prepared to give the rebels battle on the Monday following, the better to find them unprovided, and in disarray. The lords that were appointed to circle the hill, had some days before planted themselves, as at the receipt, in places convenient. In the afternoon, towards the decline of the day, which was done, the better to keep the rebels in opinion that they should not fight that day, the lord D'Aubigny marched on towards them, and first beat some troops of them from Deptford-bridge, where they fought manfully; but, being in no great number, were soon driven back, and fled up to their main army upon the hill. The army at that time, hearing of the approach of the King's forces, were putting themselves in array, not without much confusion. But neither had they placed, upon the first high ground towards the bridge, any forces to second the troops below, that kept the bridge; neither had they brought forwards their main battle, which stood in array far into the heath, near to the ascent of the hill. So that the earl with his forces mounted the hill, and recovered the plain, without resistance. The lord D'Aubigny charged them with great fury; inasmuch as it had like, by accident, to have brandled the fortune of the day: for, by inconsiderate forwardness in fighting at the head of his troops, he was taken by the rebels, but immediately rescued and delivered. The rebels maintained the fight for a small time, and for their persons shewed no want of courage; but being ill armed, and ill led, and without horse or artillery, they were with no great difficulty cut in pieces, and put to flight. And for their three leaders, the lord Audley, the blacksmith, and Flammock, as commonly the captains of commotions are but half-couraged men, suffered themselves to be taken alive. The number slain on the rebels part were some two thousand men; their army amounting, as it is said, unto the number of sixteen thousand.

The

The rest were, in effect, all taken; for that the hill, as was said, was encompassed with the King's forces round about. On the King's part there died about three hundred, most of them shot with arrows, which were reported to be of the length of a taylor's yard; so strong and mighty a bow the Cornish-men were said to draw.

The victory thus obtained, the King created divers bannerets, as well upon Blackheath, where his lieutenant had won the field, whither he rode in person to perform the said creation, as in St. George's Fields, where his own person had been encamped. And for matter of liberality, he did, by open edict, give the goods of all the prisoners unto those that had taken them; either to take them in kind, or compound for them, as they could. After matter of honour and liberality, followed matter of severity and execution. The lord Audley was led from Newgate to Tower-Hill, in a paper coat painted with his own arms; the arms reversed, the coat torn, and he at Tower-Hill beheaded. Flammock and the blacksmith were hanged, drawn, and quartered at Tyburn: the blacksmith taking pleasure upon the hurdle, as it seemeth by words that he uttered, to think that he should be famous in after-times. The King was once in mind to have sent down Flammock and the blacksmith to have been executed in Cornwall, for the more terror: but being advertised that the country was yet unquiet and boiling, he thought better not to irritate the people farther. All the rest were pardoned by proclamation, and to take out their pardons under seal, as many as would. So that, more than the blood drawn in the field, the king did satisfy himself with the lives of only three offenders, for the expiation of this great rebellion.

It was a strange thing to observe the variety and inequality of the King's executions and pardons: and a man would think it, at the first, a kind of lottery or chance. But, looking into it more nearly, one shall find there was reason for it, much more, perhaps, than after so long a distance of time we can now discern. In the Kentish commotion, which was but an handful of men, there were executed to the number of one hundred and fifty: and in this so mighty a rebellion but three. Whether it were that the King put to account the men that were slain in the field, or that he was not willing to be severe in a popular cause, or that the harmless behaviour of this people, that came from the west of England to the east, without mischief almost, or spoil of the country, did somewhat mollify him, and move him to compassion; or lastly, that he made a great difference between people that did rebel upon wantonness, and them that did rebel upon want.

After the Cornish-men were defeated, there came from Calais to the King an honourable embassage from the French King, which had arrived at Calais a month before, and there was stayed in respect of the troubles, but honourably entertained and defrayed. The King, at their first coming, sent unto them, and prayed them to have patience, till a little smoke, that was raised in his country, were over, which would soon be: Slighting, as his manner was, that openly, which nevertheless he intended seriously.

This embassage concerned no great affair, but only the prolongation of days for payment of moneys, and some other particulars of the frontiers. And it was, indeed, but a wooing embassage, with good respects to entertain the King in good affection; but nothing was done or handled to the derogation of the King's late treaty with the Italians.

But during the time that the Cornish-men were in their march towards London, the King of Scotland, well advertised of all that passed, and knowing himself sure of a war from England, whensoever those flurs were appeased, neglected not his opportunity; but thinking the King had his hands full, entered the frontiers of England again with an army, and besieged the castle of Norham in person, with part of his forces, sending the rest to forage the country. But Fox bishop of Duresme, a wise man, and one that could see through the present to the future, doubting as much before, had caused his castle of Norham to be strongly fortified, and furnished with all kind of munition: and had manned it likewise with a very great number of tall soldiers, more than for the proportion of the castle, reckoning rather upon a sharp assault, than a long siege. And for the country likewise, he had caused the people to withdraw their cattle and goods into fast places, that were not of easy approach; and sent in post to the earl of Surry, who was not far off, in Yorkshire, to come in diligence to the succour. So as the Scottish King both failed of doing good upon the castle, and his men had but a catching harvest of their spoils: and when he understood that the earl of Surry was coming on with great forces, he returned back into Scotland. The earl, finding the castle freed, and the enemy retired, pursued with all celerity into Scotland, hoping to have overtaken the Scottish King, and to have given him battle; but, not attaining him in time, sat down before the castle of Aton, one of the strongest places, then esteemed, between Berwick and Edinburgh, which in a small time he took. And soon after, the Scottish King retiring farther into his country, and the weather being extraordinary foul and stormy, the earl returned into England. So that the expeditions on both parts were, in effect, but a castle taken, and a castle distressed; not answerable to the puissance of the forces, nor to the heat of the quarrel, nor to the greatness of the expectation.

Amongst these troubles, both civil and external, came into England from Spain, Peter Hialas, some call him Elias, surely he was the forerunner of the good hap that we enjoy at this day: for his embassy set the truce between England and Scotland; the truce drew on the peace; the peace the marriage; and the marriage the union of the kingdoms; a man of great wisdom, and, as those times were, not unlearned; sent from Ferdinando and Isabella, Kings of Spain, unto the King, to treat a marriage between Catharine, their second daughter, and Prince Arthur. This treaty was by him set in a very good way, and almost brought to perfection. But it so fell out by the way, that upon some conference which he had with the King touching this business, the King, who had a great dexterity in getting suddenly into the bosom of ambassadors of foreign Princes, if he liked the men; inso-much as he would many times communicate with them of his own affairs, yea, and employ them in his service, fell into speech and discourse incidently, concerning the ending of the debates and differences with Scotland. For the King naturally did not love the barren wars with Scotland, though he made his profit of the noise of them. And he wanted not in the council of Scotland, those that would advise their King to meet him at the half way, and to give over the war with England; pretending to be good patriots, but indeed favouring the affairs of the King. Only his heart was too great to begin with Scotland for the motion of peace. On the other side, he had met with an ally of Ferdinando of Arragon, as fit for his turn as could be. For after that King Ferdinando had, upon assured confidence of the marriage to succeed, taken upon him the person of a natural ally to the King, he would not let, in a Spanish gravity, to counsel the

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the King in his own affairs. And the King on his part, not being wanting to himself, but making use of every man's humours, made his advantage of this in such things, as he thought either not decent, or not pleasant to proceed from himself; putting them off as done by the counsel of Ferdinando. Wherefore he was content that Hialas, as in a matter moved and advised from Hialas himself, should go into Scotland, to treat of a concord between the two Kings. Hialas took it upon him, and coming to the Scottish King, after he had with much art brought King James to hearken to the more safe and quiet counsels, wrote unto the King, that he hoped that peace would with no great difficulty cement and close, if he would send some wise and temperate counsellor of his own, that might treat of the conditions. Whereupon the King directed bishop Fox, who at that time was at his castle of Norham, to confer with Hialas, and they both to treat with some commissioners deputed from the Scottish King. The commissioners on both sides met. But after much dispute upon the articles and conditions of peace, propounded upon either part, they could not conclude a peace. The chief impediment thereof was the demand of the King to have Perkin delivered into his hands, as a reproach to all Kings, and a person not protected by the law of nations. The King of Scotland, on the other side, peremptorily denied so to do, saying, that he, for his part, was no competent judge of Perkin's title: but that he had received him as a suppliant, protected him as a person fled for refuge, espoused him with his kinswoman, and aided him with his arms, upon the belief that he was a prince; and therefore that he could not now with his honour so unrip, and, in a sort, put a lye upon all that he had said and done before, as to deliver him up to his enemies. The bishop likewise, who had certain proud instructions from the King, at the least in the front, though there were a pliant clause at the foot, that remitted all to the bishop's discretion, and required him by no means to break off in ill terms, after that he had failed to obtain the delivery of Perkin, did move a second point of his instructions, which was, that the Scottish King would give the King an interview in person at Newcastle. But this being reported to the Scottish King, his answer was, that he meant to treat a peace, and not to go a begging for it. The bishop also, according to another article of his instructions, demanded restitution of the spoils taken by the Scottish, or damages for the same. But the Scottish commissioners answered, that that was but as water spilt upon the ground, which could not be gotten up again; and that the King's people were better able to bear the loss, than their master to repair it. But in the end, as persons capable of reason, on both sides they made rather a kind of recess than a breach of treaty, and concluded upon a truce for some months following. But the King of Scotland, though he would not formally retract his judgment of Perkin, wherein he had engaged himself so far; yet in his private opinion, upon often speech with the Englishmen, and divers other advertisements, began to suspect him for a counterfeit. Wherefore in a noble fashion he called him unto him, and recounted the benefits and favours that he had done him in making him his ally, and in provoking a mighty and opulent King by an offensive war in his quarrel, for the space of two years together; nay more, that he had refused an honourable peace, whereof he had a fair offer, if he would have delivered him; and that, to keep his promise with him, he had deeply offended both his nobles and people, whom he might not hold in any long discontent: and therefore required him to think of his own fortunes, and to choose out some fitter place for his exile: Telling him withal, that he could not say, but the English had broken him before

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the Scottish, for that, upon two several trials, none had declared themselves on his side ; but nevertheless he would make good what he said to him at his first receiving, which was that he should not repent him for putting himself into his hands ; for that he would not cut him off, but help him with shipping and means to transport him where he should desire. Perkin, not descending at all from his stage-like greatness, answered the King in few words, that he saw his time was not yet come ; but whatsoever his fortunes were, he should both think and speak honour of the King. Taking his leave, he would not think on Flanders, doubting it was but hollow ground for him since the treaty of the archduke, concluded the year before ; but took his lady, and such followers as would not leave him, and sailed over into Ireland.

This twelfth year of the King, a little before this time, Pope Alexander, who loved best those Princes that were furthest off, and with whom he had least to do, taking very thankfully the King's late entrance into league for the defence of Italy, did remunerate him with an hallowed sword and cap of maintenance, sent by his nuncio. Pope Innocent had done the like, but it was not received in that glory : for the King appointed the mayor and his brethren to meet the Pope's orator at London-bridge, and all the streets between the bridge foot and the palace of Paul's, where the King then lay, were garnished with the citizens, standing in their liveries. And the morrow after, being Allhallows day, the King, attended with many of his prelates, nobles, and principal courtiers, went in procession to Paul's, and the cap and sword were born before him. And after the procession, the King himself remaining seated in the quire, the lord archbishop, upon the greece of the quire, made a long oration : setting forth the greatness and eminency of that honour which the Pope, in these ornaments and ensigns of benediction, had done the King ; and how rarely, and upon what high deserts, they used to be bestowed : And then recited the King's principal acts and merits, which had made him appear worthy, in the eyes of his holiness, of this great honour.

All this while the rebellion of Cornwall, whereof we have spoken, seemed to have no relation to Perkin ; save that perhaps Perkin's proclamation had striken upon the right vein, in promising to lay down exactions and payments, and so had made them now and then have a kind thought on Perkin. But now these bubbles by much stirring began to meet, as they use to do upon the top of water. The King's lenity, by that time the Cornish rebels, who were taken and pardoned, and, as it was said, many of them sold by them that had taken them, for twelve pence and two shillings apiece, were come down into their country, had rather emboldened them, than reclaimed them ; insomuch as they stuck not to say to their neighbours and countrymen, that the King did well to pardon them, for that he knew he should leave few subjects in England, if he hanged all that were of their mind : and began whetting and inciting one another to renew the commotion. Some of the subtlest of them, hearing of Perkin's being in Ireland, found means to send to him to let him know, that if he would come over to them, they would serve him.

When Perkin heard this news, he began to take heart again, and advised upon it with his council, which were principally three ; Herne a mercer, that had lost his debt ; Skelton a tailor, and Astley a scrivener ; for secretary Frien was gone. These told him, that he was mightily overseen, both when he went into Kent, and when he went into Scotland ; the one being a place so near London, and under the King's nose ; and the other a nation so disaffected with the people of England, that if they

they had loved him never so well, yet they would never have taken his part in that company. But if he had been so happy as to have been in Cornwall at the first, when the people began to take arms there, he had been crowned at Westminster before this time. For, these Kings, as he had now experience, would sell poor Princes for shoes. But he must rely wholly upon people; and therefore advised him to sail over with all possible speed into Cornwall: which accordingly he did; having in his company four small barks, with some sixscore or seven-score fighting men. He arrived in September at Whitland-Bay, and forthwith came to Bodmin, the blacksmith's town; where there assembled unto him to the number of three thousand men of the rude people. There he set forth a new proclamation, stroking the people with fair promises, and humouring them with invectives against the King and his government. And as it fareth with smoke, that never loseth itself till it be at the highest; he did now before his end raise his stile, intitling himself no more Richard duke of York, but Richard the fourth, king of England. His council advised him by all means to make himself master of some good walled town; as well to make his men find the sweetness of rich spoils, and to allure to him all loose and lost people, by like hopes of booty; as to be a sure retreat to his forces, in case they should have any ill day, or unlucky chance in the field. Wherefore they took heart to them, and went on, and besieged the city of Exeter, the principal town for strength and wealth in those parts.

When they were come before Exeter, they forbore to use any force at the first, but made continual shouts and outcries to terrify the inhabitants. They did likewise in divers places call and talk to them from under the walls, to join with them, and be of their party; telling them, that the King would make them another London, if they would be the first town that should acknowledge him. But they had not the wit to send to them, in any orderly fashion, agents or chosen men, to tempt them and to treat with them. The citizens on their part shewed themselves stout and loyal subjects: neither was there so much as any tumult or division amongst them, but all prepared themselves for a valiant defence, and making good the town. For well they saw, that the rebels were of no such number or power, that they needed to fear them as yet; and well they hoped, that before their numbers increased, the King's succours would come in. And, howsoever, they thought it the extremest of evils, to put themselves at the mercy of those hungry and disorderly people. Wherefore setting all things in good order within the town, they nevertheless let down with cords, from several parts of the walls privily, several messengers, that if one came to mischance, another might pass on, which should advertise the King of the state of the town, and implore his aid. Perkin also doubted, that succours would come ere long; and therefore resolved to use his utmost force to assault the town. And for that purpose having mounted scaling-ladders in divers places upon the walls, made at the same instant an attempt to force one of the gates. But having no artillery nor engines, and finding that he could do no good by ramming with logs of timber, nor by the use of iron bars, and iron crows, and such other means at hand, he had no way left him but to set one of the gates on fire, which he did. But the citizens well perceiving the danger, before the gate could be fully consumed, blocked up the gate, and some space about it on the inside, with faggots and other fuel, which they likewise set on fire, and so repulsed fire with fire; and in the mean time raised up rampiers of earth, and cast up deep
trenches.

troubles, to say, without of wall and gate. And for the saladoe, they had so bad luck, that the rebels were driven from the walls with the loss of two hundred men.

The King when he heard of Perkin's siege of Exeter, made sport with it, and said to them that were about him, that the King of rake-hells was landed in the west, and that he hoped now to have the honour to see him, which he could never yet do. And it appeared plainly to those that were about the King, that he was indeed much vexed with the news of Perkin's being in English ground, where he could have no retreat by land; thinking now, that he should be cured of those privy stiches, which he had long had about his heart, and at some times broken his sleeps, in the midst of all his felicity. And to set all mens hearts on fire, he did by all possible means let it appear, that those that should now do him service to make an end of these troubles, should be no less accepted of him, than he that came upon the eleventh hour, and had the whole wages of the day. Therefore now, like the end of a play, a great number came upon the stage at once. He sent the lord chamberlain, and the lord Brook, and Sir Rice ap Thomas, with expedite forces to speed to Exeter, to the rescue of the town, and to spread the fame of his own following in person with a royal army. The earl of Devonshire, and his son, with the Carews, and the Fulfordes, and other principal persons of Devonshire, uncalled from the court, but hearing that the King's heart was so much bent upon this service, made haste with troops that they had raised, to be the first that should succour the city of Exeter, and prevent the King's succours. The duke of Buckingham likewise, with many brave gentlemen, put themselves in arms, not staying either the King's or the lord chamberlain's coming on, but making a body of forces of themselves, the more to endear their merit; signifying to the King their readines, and desiring to know his pleasure. So that according to the proverb, in the coming down, every faint did help.

Perkin, hearing this thunder of arms, and preparations against him from so many parts, raised his siege, and marched to Taunton; beginning already to squint one eye upon the crown, and another upon the sanctuary: though the Cornish-men were become like metal often fired and quenched, churlish, and that would sooner break than bow; swearing and vowing not to leave him, till the uttermost drop of their blood were spilt. He was at his rising from Exeter between six and seven thousand strong, many having come unto him after he was set before Exeter, upon fame of so great an enterprise, and to partake of the spoil; though upon the raising of the siege some did slip away. When he was come near Taunton, he dissembled all fear, and seemed all the day to use diligence in preparing all things ready to fight. But about midnight, he fled with threescore horse to Bewdley in the New Forest, where he and some of his company reallered themselves sanctuary men, leaving his Cornish-men to the four winds; but yet thereby easing them of their vow, and using his wonted compassion, not to be by when his subjects blood should be spilt. The King as soon as he heard of Perkin's flight, sent presently five hundred horse to pursue and apprehend him, before he should get either to the sea, or to that same little island, called a sanctuary. But they came too late for the latter of these. Therefore all they could do, was to beset the sanctuary, and to maintain a strong watch about it, till the King's pleasure were farther known. As for the rest of the rebels, they, being destitute of their head, without stroke stricken, submitted themselves unto the King's mercy. And the King, who commonly

monly drew blood, as physicians do, rather to save life than to spill it, and was never cruel when he was secure; now he saw the danger was past, pardoned them all in the end, except some few desperate persons, which he reserved to be executed, the better to set off his mercy towards the rest. There were also sent with all speed some horse to Saint Michael's mount in Cornwall, where the lady Catharine Gordon was left by her husband, whom in all fortunes she entirely loved; adding the virtues of a wife to the virtues of her sex. The King sent in the greater diligence, not knowing whether she might be with child, whereby the business would not have ended in Perkin's person. When she was brought to the King, it was commonly said, that the King received her not only with compassion, but with affection; pity giving more impression to her excellent beauty. Wherefore comforting her, to serve as well his eye as his fame, he sent her to his Queen, to remain with her; giving her very honourable allowance for the support of her estate, which she enjoyed both during the King's life, and many years after. The name of the White-rose, which had been given to her husband's false title, was continued in common speech to her true beauty.

The King went forwards on his journey, and made a joyful entrance into Exeter, where he gave the citizens great commendations and thanks; and taking the sword he wore from his side, he gave it to the mayor, and commanded it should be ever after carried before him. There also he caused to be executed some of the ring-leaders of the Cornish-men, in sacrifice to the citizens whom they had put in fear and trouble. At Exeter the King consulted with his council, whether he should offer life to Perkin if he would quit the sanctuary, and voluntarily submit himself. The council were divided in opinion: some advised the King to take him out of sanctuary perforce, and to put him to death, as in a case of necessity, which in itself dispenseth with consecrated places and things: wherein they doubted not also but the King should find the Pope tractable, to ratify his deed, either by declaration, or, at least, by indulgence. Others were of opinion, since all was now safe, and no farther hurt could be done, that it was not worth the exposing of the King to new scandal and envy. A third sort fell upon the opinion, that it was not possible for the King ever, either to satisfy the world well touching the imposture, or to learn out the bottom of the conspiracy, except by promise of life and pardon, and other fair means, he should get Perkin into his hands. But they did all in their preambles much bemoan the King's case, with a kind of indignation at his fortune; that a Prince of his high wisdom and virtue, should have been so long and so oft exercised and vexed with idols. But the King said, that it was the vexation of God Almighty himself to be vexed with idols, and therefore that that was not to trouble any of his friends: and that for himself, he always despised them; but was grieved that they had put his people to such trouble and misery. But in conclusion, he leaned to the third opinion, and so sent some to deal with Perkin: who seeing himself prisoner, and destitute of all hopes, having tried princes and people, great and small, and found all either false, faint, or unfortunate, did gladly accept of the condition. The King did also, while he was at Exeter, appoint the lord Darcy, and others commissioners, for the fining of all such as were of any value, and had any hand or partaking in the aid or comfort of Perkin, or the Cornish-men, either in the field or in the fight.

These commissioners proceeded with such strictness and severity, as did much obscure the King's mercy in sparing of blood, with the bleeding of so much treasure.

Perkin

Perkin was brought into the King's court, but not to the King's presence; though the King, to satisfy his curiosity, saw him sometimes out of a window, or in passage. He was at first at liberty, but guarded with all care and watch that was possible, and wiled to follow the King to London. But from his first appearance upon the stage, in his new person of a sycophant or jugler, instead of his former person of a prince, all men may think how he was exposed to the derision, not only of the courtiers, but also of the common people, who flocked about him as he went along; that one might know afar off where the owl was, by the flight of birds: some mocking, some wondering, some cursing, some prying and picking matter out of his countenance and gesture to talk of: So that the false honour and respects which he had so long enjoyed, was plentifully repaid in scorn and contempt. As soon as he was come to London, the King gave also the city the solace of this may-game: for he was conveyed leisurely on horseback, but not in any ignominious fashion, through Cheapside and Cornhill, to the Tower; and from thence back again to Westminster, with the * churm of a thousand taunts and reproaches. But to attend the show, there followed a little distance off Perkin, an inward counsellor of his, one that had been serjeant farrier to the King. This fellow, when Perkin took sanctuary, chose rather to take an holy habit than an holy place, and clad himself like an hermit, and in that weed wandered about the country, till he was discovered and taken. But this man was bound hand and foot upon the horse, and came not back with Perkin, but was left at the Tower, and within few days after executed. Soon after, now that Perkin could tell better what himself was, he was diligently examined; and after his confession taken, an extract was made of such parts of them, as were thought fit to be divulged, which was printed and dispersed abroad: wherein the King did himself no right: for as there was a laboured tale of particulars, of Perkin's father and mother, and grandfire and grandmother, and uncles and coulins, by names and surnames, and from what places he travelled up and down; so there was little or nothing to purpose of any thing concerning his designs, or any practices that had been held with him; nor the duchess of Burgundy herself, that all the world did take knowledge of, as the person that had put life and being into the whole business, so much as named or pointed at. So that men missing of that they looked for, looked about for they knew not what, and were in more doubt than before: but the King chose rather not to satisfy, than to kindle coals. At that time also it did not appear by any new examinations or commitments, that any other person of quality was discovered or impeached, though the King's closeness made that a doubt doubtful.

About this time a great fire in the night-time suddenly began at the King's palace at Shene, near unto the King's own lodgings, whereby a great part of the building was consumed, with much colly household-stuff; which gave the King occasion of building from the ground that fine pile of Richmond, which is now standing.

Somewhat before this time also, there fell out a memorable accident: There was one Sebastian Gabato, a Venetian, dwelling in Bristol, a man seen and expert in cosmography and navigation. This man seeing the success, and emulating perhaps the enterprise of Christophorus Columbus in that fortunate discovery towards the south-west, which had been by him made some six years before, conceited with himself, that lands might likewise be discovered towards the north-west. And surely it may be he had more firm and pregnant conjectures of it, than Columbus had of this at the first. For the two great islands of the old and new world, being, in the shape

and making of them, broad towards the north, and pointed towards the south; it is likely, that the discovery first began where the lands did nearest meet. And there had been before that time a discovery of some lands, which they took to be islands, and were indeed the continent of America, towards the north-west. And it may be, that some relation of this nature coming afterwards to the knowledge of Columbus, and by him suppressed (desirous rather to make his enterprise the child of his science and fortune, than the follower of a former discovery) did give him better assurance, that all was not sea, from the west of Europe and Africa unto Asia, than either Seneca's prophecy or Plato's antiquities, or the nature of the tides and landwinds, and the like, which were the conjectures that were given out, whereupon he should have relied: though I am not ignorant, that it was likewise laid unto the casual and wind-beaten discovery, a little before, of a Spanish pilot, who died in the house of Columbus. But this Gabato bearing the King in hand, that he would find out an island endued with rich commodities, procured him to man and victual a ship at Bristol, for the discovery of that island: with whom ventured also three small ships of London merchants, fraught with some gross and slight wares, fit for commerce with barbarous people. He sailed, as he affirmed at his return, and made a chart thereof, very far westwards, with a quarter of the north, on the north side of Tierra de Labrador, until he came to the latitude of sixty seven degrees and an half, finding the seas still open. It is certain also, that the King's fortune had a tender of that great empire of the West-Indies. Neither was it a refusal on the King's part, but a delay by accident, that put by so great an acquiescence: for Christophorus Columbus, refused by the King of Portugal, who would not embrace at once both east and west, employed his brother Bartholomæus Columbus unto King Henry, to negotiate for his discovery: and it so fortun'd, that he was taken by pirates at sea, by which accidental impediment he was long ere he came to the King: so long, that before he had obtained a capitulation with the King for his brother, the enterprise by him was achieved, and so the West-Indies by providence were then reserved for the crown of Castile. Yet this sharpened the King so, that not only in this voyage, but again in the sixteenth year of his reign, and likewise in the eighteenth thereof, he granted forth new commissions for the discovery and investing of unknown lands.

In this fourteenth year also, by God's wonderful providence, that boweth things unto his will, and hangeth great weights upon small wires, there fell out a trifling and untoward accident, that drew on great and happy effects. During the truce with Scotland, there were certain Scottish young gentlemen that came into Norham town, and there made merry with some of the English of the town: and having little to do, went sometimes forth, and would stand looking upon the castle. Some of the garrison of the castle, observing this their doing twice or thrice, and having not their minds purged of the late ill blood of hostility, either suspected them, or quarrelled them for spies: whereupon they fell at ill words, and from words to blows; so that many were wounded of either side, and the Scottish-men, being strangers in the town, had the worst; insomuch that some of them were slain, and the rest made haste home. The matter being complained on, and often debated before the wardens of the marches of both sides, and no good order taken; the King of Scotland took it to himself, and being much kindled, sent a herald to the King to make protestation, that if reparation were not done, according to the conditions of the truce, his King did denounce war. The King, who had often tried fortune, and was

inclined to peace, made answer, that what had been done, was utterly against his will, and without his privy; but if the garison soldiers had been in fault, he would see them punished, and the truce in all points to be preserved. But this answer seemed to the Scottish King but a delay, to make the complaint breathe out with time; and therefore it did rather exasperate him than satisfy him. Bishop Fox, understanding from the King that the Scottish King was still discontent and impatient, being troubled that the occasion of breaking of the truce should grow from his men, sent many humble and deprecatory letters to the Scottish King to appease him. Whereupon King James, mollified by the bishop's submissive and eloquent letters, wrote back unto him, that he were in part moved by his letters, yet he should not be fully satisfied, except he spake with him, as well about the compounding of the present differences, as about other matters that might concern the good of both kingdoms. The bishop, advising first with the King, took his journey for Scotland. The meeting was at Melrofs, an abby of the Cistercians, where the King then abode. The King first roundly uttered unto the bishop his offence conceived for the insolent breach of truce, by his men of Norham castle: whereunto bishop Fox made such humble and smooth answer, as it was like oil into the wound, whereby it began to heal: and this was done in the presence of the King and his council. After, the King spake with the bishop apart, and opened himself unto him, saying, that these temporary truces and peaces were soon made, and soon broken, but that he desired a straiter amity with the King of England; discovering his mind, that if the King would give him in marriage the lady Margaret, his eldest daughter, that indeed might be a knot indissoluble. That he knew well what place and authority the bishop deservedly had with his master: therefore, if he would take the business to heart, and deal in it effectually, he doubted not but it would succeed well. The bishop answered soberly, that he thought himself rather happy than worthy to be an instrument in such a matter, but would do his best endeavour. Wherefore the bishop returning to the King, and giving account what had passed, and finding the King more than well disposed in it, gave the King advice; first to proceed to a conclusion of peace, and then to go on with the treaty of marriage by degrees. Hereupon a peace was concluded, which was published a little before Christmas, in the fourteenth year of the King's reign, to continue for both the Kings lives, and the over-liver of them, and a year after. In this peace there was an article contained, that no Englishman should enter into Scotland, and no Scottishman into England, without letters commendatory from the Kings of either nation. This at the first sight might seem a means to continue a strangeness between the nations; but it was done to lock in the borderers.

This year there was also born to the King a third son, who was christened by the name of Edmund, and shortly after died. And much about the same time came news of the death of Charles the French King, for whom there were celebrated solemn and princely obsequies.

It was not long but Perkin, who was made of quicksilver, which is hard to hold or imprison, began to stir. For deceiving his keepers, he took him to his heels, and made speed to the sea-coasts. But presently all corners were laid for him, and such diligent pursuit and search made, as he was fain to turn back, and get him to the house of Bethlehem, called the priory of Shene (which had the privilege of sanctuary) and put himself into the hands of the prior of that monastery. The prior was thought an holy man, and much revered in those days. He came to the king, and brought

besought the King for Perkin's life only, leaving him otherwise to the King's discretion. Many about the King were again more hot than ever, to have the King to take him forth and hang him. But the King, that had a high stomach and could not hate any that he despised, bid, "Take him forth, and set the knave in the stocks;" and so promising the prior his life, he caused him to be brought forth. And within two or three days after, upon a scaffold set up in the palace court at Westminster, he was fettered and set in the stocks for the whole day. And the next day after, the like was done by him at the cross in Cheapside, and in both places he read his confession, of which we made mention before; and was from Cheapside conveyed and laid up in the Tower. Notwithstanding all this, the King was, as was partly touched before, grown to be such a partner with fortune, as no body could tell what actions the one, and what the other owned. For it was believed generally, that Perkin was betrayed, and that this escape was not without the King's privity, who had him all the time of his flight in a line; and that the King did this, to pick a quarrel to him to put him to death, and to be rid of him at once: but this is not probable. For that the same instruments who observed him in his flight, might have kept him from getting into sanctuary.

But it was ordained, that this winding-ivy of a Plantagenet should kill the true tree itself. For Perkin, after he had been a while in the Tower, began to insinuate himself into the favour and kindness of his keepers, servants to the lieutenant of the Tower Sir John Digby, being four in number; Strangeways, Blewet, Aftwood, and Long Roger. These varlets, with mountains of promises, he sought to corrupt, to obtain his escape; but knowing well, that his own fortunes were made so contemptible, as he could feed no man's hopes, and by hopes he must work, for rewards he had none, he had contrived with himself a vast and tragical plot; which was, to draw into his company Edward Plantagenet earl of Warwick, then prisoner in the Tower; whom the weary life of a long imprisonment, and the often and renewing fears of being put to death, had softened to take any impression of counsel for his liberty. This young Prince he thought the servants would look upon, though not upon himself: and therefore, after that by some message by one or two of them, he had tasted of the earl's consent; it was agreed that these four should murder their master the lieutenant secretly in the night, and make their best of such money and portable goods of his, as they should find ready at hand, and get the keys of the Tower, and presently let forth Perkin and the earl. But this conspiracy was revealed in time, before it could be executed. And in this again the opinion of the King's great wisdom did surcharge him with a sinister fame, that Perkin was but his bait, to entrap the earl of Warwick. And in the very instant while this conspiracy was in working, as if that also had been the King's industry, it was fatal, that there should break forth a counterfeit earl of Warwick, a cordwainer's son, whose name was Ralph Wilford: a young man taught and set on by an Augustin frier, called Patrick. They both from the parts of Suffolk came forwards into Kent, where they did not only privily and underhand give out, that this Wilford was the true earl of Warwick, but also the frier, finding some light credence in the people, took the boldness in the pulpit to declare as much, and to incite the people to come in to his aid. Whereupon they were both presently apprehended, and the young fellow executed, and the frier condemned to perpetual imprisonment. This also happening so opportunely, to represent the danger to the King's estate from the earl of Warwick, and thereby to colour the King's severity that followed; together

with the madness of the frier so vainly and desperately to divulge a treason, before it had gotten any manner of strength; and the saving of the frier's life, which nevertheless was, indeed, but the privilege of his order; and the pity in the common people, which if it run in a strong stream, doth ever cast up scandal and envy, made it generally rather talked than believed, that all was but the King's device. But howsoever it were, hereupon Perkin, that had offended against grace now the third time, was at the last proceeded with, and by commissioners of oyer and terminer, arraigned at Westminster, upon divers treasons committed and perpetrated after his coming on land within this kingdom, for so the judges advised, for that he was a foreigner, and condemned, and a few days after executed at Tyburn; where he did again openly read his confession, and take it upon his death to be true. This was the end of this little cockatrice of a King, that was able to destroy those that did not espy him first. It was one of the longest plays of that kind that hath been in memory, and might perhaps have had another end, if he had not met with a King both wise, stout, and fortunate.

As for Perkin's three counsellors, they had registred themselves sanctuary men when their master did; and whether upon pardon obtained, or continuance within the privilege, they came not to be proceeded with.

There were executed with Perkin, the mayor of Cork and his son, who had been principal abettors of his treasons. And soon after were likewise condemned eight other persons about the Tower conspiracy, whereof four were the lieutenant's men: but of those eight, but two were executed. And immediately after was arraigned before the earl of Oxford, then for the time high steward of England, the poor Prince, the earl of Warwick; not for the attempt to escape simply, for that was not acted; and besides, the imprisonment not being for treason, the escape by law could not be treason, but for conspiring with Perkin to raise sedition, and to destroy the King: and the earl confessing the indictment, had judgment, and was shortly after beheaded on Tower-hill.

This was also the end, not only of this noble and commiserable person Edward the earl of Warwick, eldest son to the duke of Clarence; but likewise of the line male of the Plantagenets, which had flourished in great royalty and renown, from the time of the famous King of England, King Henry the second. Howbeit it was a race often dipped in their own blood. It hath remained since only transplanted into other names, as well of the imperial line, as of other noble houses. But it was neither guilt of crime, nor reason of state, that could quench the envy that was upon the King for this execution: so that he thought good to export it out of the land, and to lay it upon his new ally, Ferdinando King of Spain. For these two Kings understanding one another at half a word, so it was that there were letters shewed out of Spain, whereby in the passages concerning the treaty of the marriage, Ferdinando had written to the King in plain terms, that he saw no assurance of his succession, as long as the earl of Warwick lived; and that he was loth to send his daughter to troubles and dangers. But hereby, as the King did in some part remove the envy from himself; so he did not observe, that he did withal bring a kind of malediction and infausting upon the marriage, as an ill prognostic: which in event so far proved true, as both Prince Arthur enjoyed a very small time after the marriage, and the lady Catharine herself, a sad and a religious woman, long after, when King Henry the eighth his resolution of a divorce from her was first made known to her, used some words, that she had not offended, but it was a judgment
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of God, for that her former marriage was made in blood; meaning that of the earl of Warwick.

This fifteenth year of the King, there was a great plague both in London and in divers parts of the kingdom. Wherefore the King, after often change of places, whether to avoid the danger of the sickness, or to give occasion of an interview with the archduke, or both, sailed over with his Queen to Calais. Upon his coming thither, the archduke sent an honourable embassage unto him as well to welcome him into those parts, as to let him know, that, if it pleased him, he would come and do him reverence. But it was said withal, that the King might be pleased to appoint some place, that were out of any walled town or fortrefs, for that he had denied the same upon like occasion to the French King: and though, he said, he made a great difference between the two Kings, yet he would be loth to give a precedent, that might make it after to be expected at his hands, by another whom he trusted less. The King accepted of the courtesy, and admitted of his excuse, and appointed the place to be at Saint Peter's church without Calais. But withal he did visit the arch-duke with ambassadors sent from himself, which were the lord Saint John, and the secretary; unto whom the archduke did the honour, as going to mass at Saint Omer's, to set the lord Saint John on his right hand, and the secretary on his left, and so to ride between them to church. The day appointed for the interview the King went on horseback some distance from Saint Peter's church, to receive the archduke: and upon their approaching, the archduke made haste to light, and offered to hold the King's stirrup at his alighting; which the King would not permit, but descending from horseback, they embraced with great affection; and withdrawing into the church to a place prepared, they had long conference, not only upon the confirmation of former treaties, and the freeing of commerce, but upon cross marriages, to be had between the duke of York the King's second son, and the archduke's daughter; and again between Charles the archduke's son and heir, and Mary the King's second daughter. But these blossoms of unripe marriages were but friendly wishes, and the airs of loving entertainment; though one of them came afterwards to conclusion in treaty, though not in effect. But during the time that the two Princes conversed and communed together in the suburbs of Calais, the demonstrations on both sides were passing hearty and affectionate, especially on the part of the archduke: who, besides that he was a Prince of an excellent good nature, being conscious to himself how drily the King had been used by his council in the matter of Perkin, did strive by all means to recover it in the King's affection. And having also his ears continually beaten with the counsels of his father and father-in-law, who, in respect of their jealous hatred against the French King, did always advise the archduke to anchor himself upon the amity of King Henry of England; was glad upon this occasion to put in use and practice their precepts, calling the King patron, and father, and protector, these very words the King repeats, when he certified of the loving behaviour of the archduke to the city, and what else he could devise, to express his love and observance to the King. There came also to the King, the governor of Picardy, and the bailiff of Amiens, sent from Lewis the French King to do him honour, and to give him knowledge of his victory, and winning of the duchy of Milan. It seemeth the King was well pleased with the honours he received from those parts, while he was at Calais; for he did himself certify all the news and occurrents of them in every particular, from Calais, to
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the mayor and aldermen of London, which, no doubt, made no small talk in the city. For the King, though he could not entertain the good-will of the citizens, as Edward the fourth did; yet by affability and other princely graces did ever make very much of them, and apply himself to them.

This year also died John Morton, archbishop of Canterbury, chancellor of England, and cardinal. He was a wise man, and an eloquent, but in his nature harsh and haughty; much accepted by the King, but envied by the nobility, and hated of the people. Neither was his name left out of Perkin's proclamation for any good will, but they would not bring him in amongst the King's casting counters, because he had the image and superscription upon him of the Pope, in his honour of cardinal. He won the King with secrecy and diligence, but chiefly because he was his old servant in his less fortunes: and also for that, in his affections, he was not without an inveterate malice against the house of York, under whom he had been in trouble. He was willing also to take envy from the King, more than the King was willing to put upon him: for the King cared not for subtrefuges, but would stand envy, and appear in any thing that was to his mind; which made envy still grow upon him more universal, but less daring. But in the matter of exactions, time did after shew, that the bishop in feeding the King's humour did rather temper it. He had been by Richard the third committed, as in custody, to the duke of Buckingham, whom he did secretly incite to revolt from King Richard. But after the duke was engaged, and thought the bishop should have been his chief pilot in the tempest, the bishop was gotten into the cock-boat, and fled over beyond seas. But whatsoever else was in the man, he deserveth a most happy memory, in that he was the principal mean of joining the two roses. He died of great years, but of strong health and powers.

The next year, which was the sixteenth year of the King, and the year of our Lord one thousand five hundred, was the year of jubile at Rome. But Pope Alexander, to save the hazard and charges of mens journeys to Rome, thought good to make over those graces by exchange, to such as would pay a convenient rate, seeing they could not come to fetch them. For which purpose was sent into England, Jasper Pons, a Spaniard, the Pope's commissioner, better chosen than were the commissioners of Pope Leo afterwards employed for Germany; for he carried the business with great wisdom, and semblance of holiness: insomuch as he levied great sums of money within this land to the Pope's use, with little or no scandal. It was thought the King shared in the money. But it appeareth by a letter which cardinal Adrian, the King's pensioner, wrote to the King from Rome some few years after, that this was not so. For this cardinal, being to persuade Pope Julius, on the King's behalf, to expedite the bull of dispensation for the marriage between Prince Henry and the lady Catharine, finding the Pope difficile in granting thereof, doth use it as a principal argument concerning the King's merit towards that see, that he had touched none of those deniers which had been levied by Pons in England. But that it might the better appear, for the satisfaction of the common people, that this was consecrated money, the same nuncio brought unto the King a brief from the Pope, wherein the King was exhorted and summoned to come in person against the Turk: for that the Pope, out of the care of an universal father, seeing almost under his eyes the successes and progresses of that great enemy of the faith, had had in the conclave, and with the assistance of the ambassadors of foreign Princes, divers consultations about an holy war, and a general expedition of Christian Princes against the

the Turk : wherein it was agreed and thought fit, that the Hungarians, Polonians, and Bohemians, should make a war upon Thracia ; the French and Spaniards upon Græcia ; and that the Pope, willing to sacrifice himself in so good a cause, in person, and in company of the King of England, the Venetians, and such other states as were great in maritime power, would sail with a puissant navy through the Mediterranean unto Constantinople. And that to this end, his holiness had sent nuncios to all Christian Princes ; as well for a cessation of all quarrels and differences amongst themselves, as for speedy preparations and contributions of forces and treasure for this sacred enterprize.

To this the King, who understood well the court of Rome, made an answer rather solemn than serious : signifying,

“ That no Prince on earth should be more forward and obedient, both by his
 “ person, and by all his possible forces and fortunes, to enter into this sacred war,
 “ than himself. But that the distance of place was such, as no forces that he
 “ should raise for the seas, could be levied or prepared but with double the charge,
 “ and double the time, at the least, that they might be from the other Princes, that
 “ had their territories nearer adjoining. Besides, that neither the manner of his
 “ ships, having no galleys, nor the experience of his pilots and mariners, could be
 “ so apt for those seas as theirs. And therefore that his holiness might do well to
 “ move one of those other Kings, who lay fitter for the purpose, to accompany
 “ him by sea. Whereby both all things would be no sooner put in readiness, and
 “ with less charge, and the emulation and division of command, which might grow
 “ between those Kings of France and Spain, if they should both join in the war by
 “ land upon Græcia, might be wisely avoided : and that for his part he would not
 “ be wanting in aids and contribution. Yet notwithstanding, if both these Kings
 “ should refuse, rather than his holiness should go alone, he would wait upon him
 “ as soon as he could be ready : always provided, that he might first see all diffe-
 “ rences of the Christian Princes amongst themselves fully laid down and appeased,
 “ as for his own part he was in none, and that he might have some good towns
 “ upon the coast in Italy put into his hands, for the retreat and safeguard of his
 “ men.”

With this answer Jasper Pons returned, nothing at all discontented : and yet this declaration of the King, as superficial as it was, gave him that reputation abroad, as he was not long after elected by the knights of Rhodes protector of their order ; all things multiplying to honour in a prince, that had gotten such high estimation for his wisdom and sufficiency.

There were these two last years some proceedings against heretics, which was rare in this King's reign, and rather by penances, than by fire. The King had, though he were no good schoolman, the honour to convert one of them by dispute at Canterbury.

This year also, though the King were no more haunted with sprites, for that by the sprinkling, partly of blood, and partly of water, he had chased them away ; yet nevertheless he had certain apparitions that troubled him, still shewing themselves from one region, which was the house of York. It came so to pass, that the earl of Suffolk, son to Elizabeth eldest sister to King Edward the fourth, by John duke of Suffolk, her second husband, and brother to John earl of Lincoln, that was slain at Stokefield, being of an hasty and choleric disposition, had killed a man in his fury ; whereupon the King gave him his pardon. But, either willing to leave a
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cloud upon him, or the better to make him feel his grace, produced him openly to plead his pardon. This wrought in the earl, as in a haughty stomach it useth to do; for the ignominy printed deeper than the grace. Wherefore he being discontent, fled secretly into Flanders unto his aunt the dutchess of Burgundy. The King startled at it; but, being taught by troubles to use fair and timely remedies, wrought so with him by messages, the lady Margaret alſo growing, by often failing in her alchemy, weary of her experiments; and partly being a little sweetned, for that the King had not touched her name in the confession of Perkin, that he came over again upon good terms, and was reconciled to the King.

In the beginning of the next year, being the seventeenth of the King, the lady Catharine, fourth daughter of Ferdinando and Isabella, King and Queen of Spain, arrived in England at Plymouth the second of October, and was married to Prince Arthur in Paul's the fourteenth of November following: the Prince being then about fifteen years of age, and the lady about eighteen. The manner of her receiving, the manner of her entry into London, and the celebrity of the marriage, were performed with great and true magnificence, in regard of cost, shew, and order. The chief man that took the care was bishop Fox, who was not only a grave counsellor for war or peace, but also a good surveyor of works, and a good master of ceremonies, and any thing else that was fit for the active part, belonging to the service of the court or state of a great King. This marriage was almost seven years in treaty, which was in part caused by the tender years of the marriage couple, especially of the Prince; but the true reason was, that these two Princes, being Princes of great policy and profound judgment, stood a great time looking one upon another's fortunes, how they would go; knowing well, that in the mean time the very treaty itself gave abroad in the world a reputation of a strait conjunction and amity between them, which served on both sides to many purposes, that their several affairs required, and yet they continued still free. But in the end, when the fortunes of both the Princes did grow every day more and more prosperous and assured, and that looking a'l about them, they saw no better conditions, they shut it up.

The marriage money the Princess brought, which was turned over to the King by act of renunciation, was two hundred thousand ducats: whereof one hundred thousand were payable ten days after the solemnization, and the other hundred thousand at two payments annual; but part of it to be in jewels and plate, and a due course set down to have them justly and indifferently prized. The jointure or advancement of the lady, was the third part of the principality of Wales, and of the dukedom of Cornwall, and of the earldom of Chester, to be after set forth in fevralty: and in case she came to be Queen of England, her advancement was left indefinite, but thus; that it should be as great as ever any former Queen of England had.

In all the devices and conceits of the triumphs of this marriage, there was a great deal of astronomy: the lady being resembled to Hesperus, and the Prince to Arcturus, and the old King Alphonus, that was the greatest astronomer of Kings, and was ancissor to the lady, was brought in, to be the fortune-teller of the match. And whoſoever had those toys in compiling, they were not altogether pedantical: but you may be sure, that King Arthur the Britain, and the descent of the lady Catharine from the house of Lancaster, was in no wise forgotten. But, as it should seem, it is not good to fetch fortunes from the stars: for this young Prince, that
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drew upon him at that time, not only the hopes and affections of his country, but the eyes and expectation of foreigners, after a few months, in the beginning of April, deceased at Ludlow Castle, where he was sent to keep his residence and court, as Prince of Wales. Of this Prince, in respect he died so young, and by reason of his father's manner of education, that did cast no great lustre upon his children, there is little particular memory: only thus much remaineth, that he was very studious and learned, beyond his years, and beyond the custom of great Princes.

There was a doubt ripped up in the times following, when the divorce of King Henry the eighth from the lady Catharine did so much busy the world, whether Arthur was bedded with his lady or no, whereby that matter in fact, of carnal knowledge, might be made part of the case. And it is true, that the lady herself denied it, or at least her counsel stood upon it, and would not blanch that advantage, although the plenitude of the Pope's power of dispensing was the main question. And this doubt was kept long open, in respect of the two Queens that succeeded, Mary and Elizabeth, whose legitimations were incompatible one with another, though their succession was settled by act of parliament. And the times that favoured Queen Mary's legitimation would have it believed, that there was no carnal knowledge between Arthur and Catharine. Not that they would seem to derogate from the Pope's absolute power, to dispense even in that case; but only in point of honour, and to make the case more favourable and smooth. And the times that favoured Queen Elizabeth's legitimation, which were the longer and the latter, maintained the contrary. So much there remaineth in memory, that it was half a year's time between the creation of Henry Prince of Wales and Prince Arthur's death, which was construed to be, for to expect a full time, whereby it might appear, whether the lady Catharine were with child by Prince Arthur, or no. Again, the lady herself procured a bull, for the better corroboration of the marriage, with a clause of *vel forsan cognitam*, which was not in the first bull. There was given in evidence also, when the cause of the divorce was handled, a pleasant passage, which was; that in a morning Prince Arthur, upon his up-rising from bed with her, called for drink, which he was not accustomed to do, and finding the gentleman of his chamber that brought him the drink to smile at it, and to note it, he said merrily to him; that he had been in the midst of Spain, which was an hot region, and his journey had made him dry; and that if the other had been in so hot a clime, he would have been drier than he. Besides, the Prince was upon the point of sixteen years of age when he died, and forward, and able in body.

The February following, Henry duke of York was created Prince of Wales, and earl of Chester and Flint: for the dukedom of Cornwall devolved to him by statute. The King also being fast-handed, and loth to part with a second dowry, but chiefly being affectionate both by his nature, and out of politic considerations to continue the alliance with Spain, prevailed with the Prince, though not without some reluctance, such as could be in those years, for he was not twelve years of age, to be contracted with the Princess Catharine: The secret providence of God ordaining that marriage to be the occasion of great events and changes.

The same year were the espousals of James King of Scotland with the lady Margaret the King's eldest daughter; which was done by proxy, and published at Paul's cross the five and twentieth of January, and *Te Deum* solemnly sung. But certain it is, that the joy of the city thereupon shewed, by ringing of bells and bonfires, and such other merriments of the people, was more than could be expected, in a case of

so great and fresh enmity between the nations, especially in London, which was far enough off from feeling any of the former calamities of the war: and therefore might be truly attributed to a secret instinct and inspiring, which many times runneth not only in the hearts of Princes, but in the pulse and veins of people, touching the happiness thereby to ensue in time to come. This marriage was in August following consummated at Edinburgh: the King bringing his daughter as far as Collieston on the way, and then consigning her to the attendance of the earl of Northumberland; who with a great troop of lords and ladies of honour brought her into Scotland, to the King her husband.

This marriage had been in treaty by the space of almost three years, from the time that the King of Scotland did first open his mind to bishop Fox. The sum given in marriage by the King, was ten thousand pounds: and the jointure and advancement assured by the King of Scotland, was two thousand pounds a year, after King James his death, and one thousand pounds a year in present, for the lady's allowance or maintenance. This to be set forth in lands, of the best and most certain revenue. During the treaty, it is reported, that the King remitted the matter to his council; and that some of the table, in the freedom of counsellors, the King being present, did put the case; that if God should take the King's two sons without issue, that then the kingdom of England would fall to the King of Scotland, which might prejudice the monarchy of England. Whereunto the King himself replied; that if that should be, Scotland would be but an accession to England, and not England to Scotland, for that the greater would draw the less: and that it was a safer union for England than that of France. This passed as an oracle, and silenced those that moved the question.

The same year was fatal, as well for deaths as marriages, and that with equal temper. For the joys and feasts of the two marriages were compensated with the mournings and funerals of Prince Arthur, of whom we have spoken, and of Queen Elizabeth, who died in child-bed in the Tower, and the child lived not long after. There died also that year Sir Reginald Bray, who was noted to have had with the King the greatest freedom of any counsellor; but it was but a freedom the better to set off flattery. Yet he bare more than his just part of envy for the exactions.

At this time the King's estate was very prosperous: secured by the amity of Scotland, strengthened by that of Spain, cherished by that of Burgundy, all domestic troubles quenched, and all noise of war, like a thunder afar off, going upon Italy. Wherefore nature, which many times is happily contained and refrained by some bands of fortune, began to take place in the King; carrying, as with a strong tide, his affections and thoughts unto the gathering and heaping up of treasure. And as Kings do more easily find instruments for their will and humour, than for their service and honour; he had gotten for his purpose, or beyond his purpose, two instruments, Empson and Dudley, whom the people esteemed as his horse-leeches and shearers, bold men and careless of fame, and that took toll of their master's grift. Dudley was of a good family, eloquent, and one that could put hateful business into good language. But Empson, that was the son of a sieve-maker, triumphed always upon the deed done, putting off all other respects whatsoever. These two persons being lawyers in science, and privy counsellors in authority, as the corruption of the best things is the worst, turned law and justice into wormwood and rapine. For first, their manner was to cause divers subjects to be indicted of sundry crimes, and so far forth to proceed in form of law; but when the bills were found, then presently

to commit them: and nevertheless not to produce them in any reasonable time to their answer, but to suffer them to languish long in prison, and by sundry artificial devices and terrors to extort from them great fines and ransoms, which they termed compositions and mitigations.

Neither did they, towards the end, observe so much as the half-face of justice, in proceeding by indictment; but sent forth their precepts to attach men and convent them before themselves, and some others, at their private houses, in a court of commission; and there used to shuffle up a summary proceeding by examination, without trial of jury; assuming to themselves there, to deal both in pleas of the crown, and controversies civil.

Then did they also use to intrude and charge the subjects lands with tenures *in capite*, by finding false offices, and thereby to work upon them for wardships, liveries, premier seifins, and alienations, being the fruits of those tenures, refusing, upon divers pretexts and delays, to admit men to traverse those false offices, according to the law. Nay, the King's wards, after they had accomplished their full age, could not be suffered to have livery of their lands, without paying excessive fines, far exceeding all reasonable rates. They did also vex men with informations of intrusion, upon scarce colourable titles.

When men were outlawed in personal actions, they would not permit them to purchase their charters of pardon, except they paid great and intolerable sums; standing upon the strict point of law, which upon outlawries giveth forfeiture of goods: nay, contrary to all law and colour, they maintained the King ought to have the half of mens lands and rents, during the space of full two years, for a pain in case of outlawry. They would also ruffle with jurors, and enforce them to find as they would direct, and, if they did not, convent them, imprison them, and fine them.

These and many other courses, fitter to be buried than repeated, they had of preying upon the people; both like tame hawks for their master, and like wild hawks for themselves; insomuch as they grew to great riches and substance: but their principal working was upon penal laws, wherein they spared none, great nor small; nor considered whether the law were possible or impossible, in use or obsolete: but raked over all old and new statutes, though many of them were made with intention rather of terror than of rigour, having ever a rabble of promoters, questmongers, and leading jurors at their command, so as they could have any thing found either for fact or valuation.

There remaineth to this day a report, that the King was on a time entertained by the earl of Oxford, that was his principal servant both for war and peace, nobly and sumptuously, at his castle at Henningham: And at the King's going away, the earl's servants stood, in a seemly manner, in their livery coats, with cognifances, ranged on both sides, and made the King a lane. The King called the earl to him, and said, "My lord, I have heard much of your hospitality, but I see it is greater than the speech: These handsome gentlemen and yeomen, which I see on both sides of me, are sure your menial servants." The earl smiled, and said, "It may please your grace, that were not for mine ease: they are most of them my retainers, that are come to do me service at such a time as this, and chiefly to see your grace." The King started a little, and said, "By my faith, my lord, I thank you for my good cheer, but I may not endure to have my laws broken in my sight: my attorney must speak with you." And it is part of the report, that

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the earl compounded for no less than fifteen thousand marks. And to shew farther the King's extreme diligence, I do remember to have seen long since a book of account of Pimpson's, that had the King's hand almost to every leaf, by way of signing, and was in some places postilled in the margin with the King's hand likewise, where was this remembrance.

“ Item, Received of such a one five marks, for a pardon to be procured ; and
 “ if the pardon do not pass, the money to be repaid ; except the party be some
 “ other ways satisfied.

And over-against this *Memorandum*, of the King's own hand,

“ Otherwise satisfied.”

Which I do the rather mention, because it shews in the King a nearness, but yet with a kind of justness. So these little sands and grains of gold and silver, as it seemeth, helped not a little to make up the great heap and bank.

But mean while, to keep the King awake, the earl of Suffolk, having been too gay at Prince Arthur's marriage, and sunk himself deep in debt, had yet once more a mind to be a knight-errant, and to seek adventures in foreign parts ; and taking his brother with him, fled again into Flanders. That, no doubt, which gave him confidence, was the great murmur of the people against the King's government : and being a man of a light and rash spirit, he thought every vapour would be a tempest. Neither wanted he some party within the kingdom : for the murmur of people awakes the discontents of nobles ; and again, that calleth up commonly some head of sedition. The King resorting to his wonted and tried arts, caused Sir Robert Curson, captain of the castle at Hammes, being at that time beyond sea, and therefore less likely to be wrought upon by the King, to fly from his charge, and to feign himself a servant of the earl's. This knight, having insinuated himself into the secrets of the earl, and finding by him upon whom chiefly he had either hope or hold, advertised the King thereof in great secrecy : but nevertheless maintained his own credit and inward trust with the earl. Upon whose advertisements, the King attached William Courtney earl of Devonshire, his brother-in-law, married to the lady Catharine, daughter to King Edward the fourth ; William de la Pole, brother to the earl of Suffolk ; Sir James Tirrel, and Sir John Windham, and some other meaner persons, and committed them to custody. George lord Abergavenny, and Sir Thomas Green, were at the same time apprehended ; but as upon less suspicion, so in a freer restraint, and were soon after delivered. The earl of Devonshire being interested in the blood of York, that was rather feared than nocent ; yet as one that might be the object of others plots and designs, remained prisoner in the Tower, during the King's life. William de la Pole was also long restrained, though not so straitly. But for Sir James Tirrel, against whom the blood of the innocent Princes, Edward the fifth, and his brother, did still *cry from under the altar*, and Sir John Windham, and the other meaner ones, they were attainted and executed ; the two knights beheaded. Nevertheless, to confirm the credit of Curson, who belike had not yet done all his feats of activity, there was published at Paul's cross, about the time of the said executions, the Pope's bull of excommunication and curse against the earl of Suffolk and Sir Robert Curson, and some others by name ; and likewise in general against all the abettors of the said earl : wherein it must be confessed, that
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heaven was made too much to bow to earth, and religion to policy. But soon after, Curton, when he saw the time, returned into England, and withal into wonted favour with the King, but worse fame with the people. Upon whose return the earl was much dismayed, and seeing himself destitute of hopes, the lady Margaret also, by tract of time and bad success, being now become cool in those attempts, after some wandering in France and Germany, and certain little projects, no better than squibs of an exiled man, being tired out, retired again into the protection of the archduke Philip in Flanders, who by the death of Isabella was at that time King of Castile, in the right of Joan his wife.

This year, being the nineteenth of his reign, the King called his parliament: wherein a man may easily guess how absolute the King took himself to be with his parliament, when Dudley, that was so hateful, was made speaker of the house of commons. In this parliament there were not made any statutes memorable touching public government. But those that were, had still the stamp of the King's wisdom and policy.

There was a statute made for the disannulling of all patents of lease or grant, to such as came not upon lawful summons to serve the King in his wars, against the enemies or rebels, or that should depart without the King's licence; with an exception of certain persons of the long robe: providing nevertheless, that they should have the King's wages from their house, till their return home again. There had been the like made before for offices, and by this statute it was extended to lands. But a man may easily see by many statutes made in this King's time, that the King thought it safest to assist martial law by law of parliament.

Another statute was made, prohibiting the bringing in of manufactures of silk wrought by itself, or mixt with any other thread. But it was not of stuffs of whole piece, for that the realm had of them no manufacture in use at that time, but of knit silk or texture of silk; as ribbons, laces, cauls, points, and girdles, &c. which the people of England could then well skill to make. This law pointed at a true principle; "That where foreign materials are but superfluities, foreign manufactures should be prohibited." For that will either banish the superfluity, or gain the manufacture.

There was a law also of resumption of patents of gaols, and the reannexing of them to the sheriffwicks; privileged officers being no less an interruption of justice, than privileged places.

There was likewise a law to restrain the by-laws, or ordinances of corporations, which many times were against the prerogative of the King, the common law of the realm, and the liberty of the subject, being fraternities in evil. It was therefore provided, that they should not be put in execution, without the allowance of the chancellor, treasurer, and the two chief justices, or three of them, or of the two justices of circuit where the corporation was.

Another law was, in effect, to bring in the silver of the realm to the mint, in making all clipped, minished, or impaired coins of silver, not to be current in payments; without giving any remedy of weight, but with an exception only of reasonable wearing, which was as nothing in respect of the uncertainty; and so, upon the matter, to set the mint on work, and to give way to new coins of silver, which should be then minted.

There likewise was a long statute against vagabonds, wherein two things may be noted; the one, the dislike the parliament had of gaoling of them, as that which was chargeable,

HISTORY OF KING HENRY VII.

chargeable, pestiferous, and of no open example. The other, that in the statutes of this King's time, for this of the nineteenth year is not the only statute of that kind, there are ever coupled the punishment of vagabonds, and the forbidding of dice and cards, and unlawful games, unto servants and mean people, and the putting down and suppressing of ale-houses, as strings of one root together, and as if the one were unprofitable without the other.

As for riot and retainers, there passed scarce any parliament in this time without a law against them; the King ever having an eye to might and multitude.

There was granted also that parliament a subsidy, both from the temporality and the clergy. And yet nevertheless, ere the year expired, there went out commissions for a general benevolence, though there were no wars, no fears. The same year the city gave five thousand marks, for confirmation of their liberties; a thing fitter for the beginnings of Kings reigns, than the latter ends. Neither was it a small matter that the mint gained upon the late statute, by the recoinage of groats and half-groats, now twelve-pences and six-pences. As for Empson and Dudley's mills, they did grind more than ever: so that it was a strange thing to see what golden showers poured down upon the King's treasury at once: the last payments of the marriage-money from Spain; the subsidy; the benevolence; the recoinage; the redemption of the city's liberties; the casualties. And this is the more to be marvelled at, because the King had then no occasions at all of wars or troubles. He had now but one son, and one daughter unbested. He was wise; he was of an high mind; he needed not to make riches his glory; he did excel in so many things else; save that certainly avarice doth ever find in itself matter of ambition. Belike he thought to leave his son such a kingdom, and such a mass of treasure, as he might choose his greatness where he would.

This year was also kept the serjeants feast, which was the second call in this King's days.

About this time Isabella Queen of Castile deceased; a right noble lady, and an honour to her sex and times, and the corner-stone of the greatness of Spain that hath followed. This accident the King took not for news at large, but thought it had a great relation to his own affairs; especially in two points: the one for example, the other for consequence. First, he conceived that the case of Ferdinando of Aragon, after the death of Queen Isabella, was his own case after the death of his own Queen; and the case of Joan the heir unto Castile, was the case of his own son Prince Henry. For if both of the Kings had their kingdoms in the right of their wives, they descended to the heirs, and did not accrue to the husbands. And although his own case had both steel and parchment, more than the other, that is to say, a conquest in the field, and an act of parliament, yet notwithstanding, that natural title of descent in blood did, in the imagination even of a wise man, breed a doubt, that the other two were not safe nor sufficient. Wherefore he was wonderful diligent to inquire and observe what became of the King of Aragon, in holding and continuing the kingdom of Castile; and whether he did hold it in his own right; or as administrator to his daughter; and whether he were like to hold it in fact, or to be put out by his son-in-law. Secondly, he did revolve in his mind, that the state of Christendom might by this late accident have a turn. For whereas before time, himself, with the conjunction of Aragon and Castile, which then was one, and the amity of Maximilian and Philip his son the archduke, was far too strong a party for France; he began to fear, that now the French King, who had great interest in the affections of Philip
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the young King of Castile, and Philip himself, now King of Castile, who was in ill terms with his father-in-law about the present government of Castile, and thirdly, Maximilian, Philip's father, who was ever variable, and upon whom the surest aim that could be taken was, that he would not be long as he had been last before, would, all three being potent Princes, enter into some strait league and confederation amongst themselves: whereby though he should not be endangered, yet he should be left to the poor amity of Aragon. And whereas he had been heretofore a kind of arbiter of Europe, he should now go less, and be over-topped by so great a conjunction. He had also, as it seems, an inclination to marry, and bethought himself of some fit conditions abroad: and amongst others he had heard of the beauty and virtuous behaviour of the young Queen of Naples, the widow of Ferdinando the younger, being then of matronal years of seven and twenty: by whose marriage he thought that the kingdom of Naples, having been a goal for a time between the King of Aragon and the French King, and being but newly settled, might in some part be deposited in his hands, who was so able to keep the stakes. Therefore he sent in embassage or message three confident persons, Francis Marfin, James Braybrooke, and John Stile, upon two several inquisitions rather than negotiations. The one touching the person and condition of the young Queen of Naples. The other touching all particulars of estate, that concerned the fortunes and intentions of Ferdinando. And because they may observe best, who themselves are observed least, he sent them under colourable pretexts; giving them letters of kindness and compliment from Catharine the Princess, to her aunt and niece, the old and young Queen of Naples, and delivering to them also a book of new articles of peace; which notwithstanding it had been delivered unto doctor de Puebla, the lieger ambassador of Spain here in England, to be sent; yet for that the King had been long without hearing from Spain, he thought good those messengers, when they had been with the two Queens, should likewise pass on to the court of Ferdinando, and take a copy of the book with them. The instructions touching the Queen of Naples were so curious and exquisite, being as articles whereby to direct a survey, or framing a particular of her person, for complexion, favour, feature, stature, health, age, customs, behaviour, conditions, and estate, as, if the King had been young, a man would have judged him to be amorous; but, being ancient, it ought to be interpreted, that sure he was very chaste, for that he meant to find all things in one woman, and so to settle his affections without ranging. But in this match he was soon cooled, when he heard from his ambassadors, that this young Queen had had a goodly jointure in the realm of Naples, well answered during the time of her uncle Frederick, yea and during the time of Lewis the French King, in whose division her revenue fell; but since the time that the kingdom was in Ferdinando's hands, all was assigned to the army and garrisons there, and she received only a pension or exhibition out of his coffers.

The other part of the inquiry had a grave and diligent return, informing the King at full of the present state of King Ferdinando. By this report it appeared to the King, that Ferdinando did continue the government of Castile, as administrator unto his daughter Joan, by the title of Queen Isabella's will, and partly by the custom of the kingdom, as he pretended. And that all mandates and grants were expedited in the name of Joan his daughter, and himself as administrator, without mention of Philip her husband. And that King Ferdinando, howsoever he did dismit himself of the name of King of Castile, yet meant to hold the kingdom without account, and in absolute command.

It appeareth also, that he flattered himself with hopes, that King Philip would permit unto him the government of Castile during his life; which he had laid his plot to work him unto, both by some counsellors of his about him, which Ferdinando had at his devotion, and chiefly by promise, that in case Philip gave not way unto it, he would marry some young lady, whereby to put him by the succession of Aragon and Granada, in case he should have a son; and lastly, by representing unto him that the government of the Burgundians, till Philip were by continuance in Spain made as natural of Spain, would not be endured by the Spaniards. But in all those things, though wisely laid down and considered, Ferdinando failed; but that Pluto was better to him than Pallas.

In the same report also, the ambassadors being mean men, and therefore the more free, did strike upon a string which was somewhat dangerous; for they declared plainly, that the people of Spain, both nobles and commons, were better affected unto the part of Philip, so he brought his wife with him, than to Ferdinando; and expressed the reason to be, because he had imposed upon them many taxes and tallages; which was the King's own case between him and his son.

There was also in this report a declaration of an overture of marriage, which Amason the secretary of Ferdinando had made unto the ambassadors in great secret, between Charles Prince of Castile and Mary the King's second daughter; assuring the King, that the treaty of marriage then on foot for the said Prince and the daughter of France, would break: and that she the said daughter of France should be married to Angolefme, that was the heir apparent of France.

There was a touch also of a speech of marriage between Ferdinando and madame de Foix, a lady of the blood of France, which afterwards indeed succeeded. But this was reported as learned in France, and silenced in Spain.

The King by the return of this embassy, which gave great light unto his affairs, was well instructed, and prepared how to carry himself between Ferdinando King of Aragon and Philip his son-in-law King of Castile; resolving with himself to do all that in him lay, to keep them at one within themselves; but howsoever that succeeded, by a moderate carriage, and bearing the person of a common friend, to lose neither of their friendships; but yet to run a course more intire with the King of Aragon, but more laboured and officious with the King of Castile. But he was much taken with the overture of marriage with his daughter Mary; both because it was the greatest marriage of Christendom, and for that it took hold of both allies.

But to corroborate his alliance with Philip, the winds gave him an interview: for Philip choosing the winter season, the better to surprize the King of Aragon, set forth with a great navy out of Flanders for Spain, in the month of January, the one and twentieth year of the King's reign. But himself was surprized with a cruel tempest, that scattered his ships upon the several coasts of England. And the ship wherein the King and Queen were, with two other small barks only, torn and in great peril, to escape the fury of the weather thrust into Weymouth. King Philip himself, having not been used, as it seems, to sea, all wearied and extreme sick, would needs land to refresh his spirits, though it was against the opinion of his council, doubting it might breed delay, his occasions requiring celerity.

The rumour of the arrival of a puissant navy upon the coast, made the country arm. And Sir Thomas Trenchard, with forces suddenly raised, not knowing what the matter might be, came to Weymouth. Where understanding the accident, he

did in all humbleness and humanity invite the King and Queen to his house; and forthwith dispatched posts to the court. Soon after came Sir John Carew likewise, with a great troop of men well armed; using the like humbleness and respects towards the King, when he knew the case. King Philip doubting that they, being but subjects, durst not let him pass away again without the King's notice and leave, yielded to their intreaties to stay till they heard from the court. The King, as soon as he heard the news, commanded presently the earl of Arundel to go to visit the King of Castile, and let him understand that as he was very sorry for his mishap, so he was glad that he had escaped the danger of the seas, and likewise of the occasion himself had to do him honour; and desiring him to think himself as in his own land; and that the King made all haste possible to come and embrace him. The earl came to him in great magnificence, with a brave troop of three hundred horse; and, for more state, came by torch-light. After he had done the King's message, King Philip seeing how the world went, the sooner to get away, went upon speed to the King at Windsor, and his Queen followed by easy journeys. The two Kings at their meeting used all the caresses and loving demonstrations that were possible. And the King of Castile said pleasantly to the King, "that he was now punished for that he would not come within his walled town of Calais, when they met last." But the King answered, "that walls and seas were nothing where hearts were open; and that he was here no otherwise but to be served." After a day or two's refreshing, the Kings entered into speech of renewing the treaty; the King saying, that though King Philip's person were the same, yet his fortunes and state were raised: in which case a renovation of treaty was used amongst Princes. But while these things were in handling, the King choosing a fit time, and drawing the King of Castile into a room, where they two only were private, and laying his hand civilly upon his arm, and changing his countenance a little from a countenance of entertainment, said to him, "Sir, you have been saved upon my coast, I hope, you will not suffer me to wreck upon yours." The King of Castile asked him, "what he meant by that speech?" "I mean it, faith the King, by that same harebrain wild fellow, my subject, the earl of Suffolk, who is protected in your country, and begins to play the fool, when all others are weary of it." The King of Castile answered, "I had thought, Sir, your felicity had been above those thoughts: but, if it trouble you, I will banish him." The King replied, "those hornets were best in their nest, and worst when they did fly abroad; and that his desire was to have him delivered to him." The King of Castile herewith a little confused, and in a study, said, "That can I not do with my honour, and less with yours; for you will be thought to have used me as a prisoner." The King presently said, "Then the matter is at an end: for I will take that dishonour upon me, and so your honour is saved." The King of Castile, who had the King in great estimation, and besides remembered where he was, and knew not what use he might have of the King's amity, for that himself was new in his estate of Spain, and untried both with his father-in-law and with his people, with his countenance, said, "Sir, you give law to me, but so will I to you. You shall have him, but, upon your honour, you shall not take his life." The King embracing him, said, "Agreed." Saith the King of Castile, "I will do that I will do you, if I send to him in such a fashion, as he may partly come with his own good will." The King said, "It was well thought of; and if it pleased him, he would bid with him, in sending to the earl a message to that purpose."

both sent severally, and mean while they continued feasting and pastimes. The King being, on his part, willing to have the earl sure before the King of Castile went; and the King of Castile, being as willing to seem to be enforced. The King also, with many wise and excellent persuasions, did advise the King of Castile to be ruled by the counsel of his father-in-law Ferdinando; a Prince so prudent, so experienced, so fortunate. The King of Castile, who was in no very good terms with his said father-in-law, answered, "That if his father-in-law would suffer him to govern his kingdoms, he should govern him."

There were immediately messengers sent from both Kings, to recal the earl of Suffolk; who upon gentle words used to him was soon charmed, and willing enough to return; assured of his life, and hoping of his liberty. He was brought through Flanders to Calais, and thence landed at Dover, and with sufficient guard delivered and received at the Tower of London. Mean while King Henry, to draw out the time, continued his feasting and entertainments, and after he had received the King of Castile into the fraternity of the Garter, and for a reciprocal had his son the Prince admitted to the order of the Golden Fleece, he accompanied King Philip and his Queen to the city of London; where they were entertained with the greatest magnificence and triumph, that could be upon no greater warning. And as soon as the earl of Suffolk had been conveyed to the Tower, which was the serious part, the jollities had an end, and the Kings took leave. Nevertheless during their being here, they in substance concluded that treaty, which the Flemings term *intercurjus malus*, and bears date at Windsor; for there be some things in it, more to the advantage of the English, than of them; especially, for that the free-fishing of the Dutch upon the coasts and seas of England, granted in the treaty of *undecimo*, was not by this treaty confirmed. All articles that confirm former treaties being precisely and warily limited and confirmed to matter of commerce only, and not otherwise.

It was observed, that the great tempest which drove Philip into England, blew down the golden eagle from the spire of Paul's, and in the fall it fell upon a sign of the black eagle, which was in Paul's church-yard, in the place where the school-house now standeth, and battered it, and brake it down: which was a strange stooping of a hawk upon a fowl. This the people interpreted to be an ominous prognostic upon the imperial house, which was, by interpretation also, fulfilled upon Philip the emperor's son, not only in the present disaster of the tempest, but in that that followed. For Philip arriving into Spain, and attaining the possession of the kingdom of Castile without resistance, inasmuch as Ferdinando, who had succeeded to great before, was with difficulty admitted to the speech of his son-in-law, sickened soon after, and deceased. Yet after such time, as there was an observation by the wisest of that court, that if he had lived, his father would have gained upon him in that sort, as he would have governed his councils and designs, if not his affections. By this all Spain returned into the power of Ferdinando in state as it was before; the rather, in regard of the infirmity of Joan his daughter, who loving her husband, by whom she had many children, dearly well, and no less beloved of him, howsoever her father, to make Philip ill-beloved of the people of Spain, gave out that Philip used her not well, was unable in strength of mind to bear the grief of his disease, and fell distracted of her wits. Of which malady her father was thought no ways to endeavour the cure, the better to hold his legal power in Castile. So that as the felicity of Charles the eighth was said to be a dream;

dream; so the adversity of Ferdinando was said likewise to be a dream, it passed over so soon.

About this time the King was desirous to bring into the house of Lancaster celestial honour, and became suitor to Pope Julius, to canonise King Henry the sixth for a saint; the rather, in respect of that his famous prediction of the King's own assumption to the crown. Julius referred the matter, as the manner is, to certain cardinals, to take the verification of his holy acts and miracles: but it died under the reference. The general opinion was, that Pope Julius was too dear, and that the King would not come to his rates. But it is more probable, that that Pope, who was extremely jealous of the dignity of the see of Rome, and of the acts thereof, knowing that King Henry the sixth was reputed in the world abroad but for a simple man, was afraid it would but diminish the estimation of that kind of honour, if there were not a distance kept between innocents and saints.

The same year likewise there proceeded a treaty of marriage between the King and the lady Margaret duchess dowager of Savoy, only daughter to Maximilian, and sister to the King of Castile; a lady wise, and of great good fame. This matter had been in speech between the two Kings at their meeting, but was soon after resumed; and therein was employed for his first piece the King's then chaplain, and after the great prelate, Thomas Wolsey. It was in the end concluded, with great and ample conditions for the King, but with promise *de futuro* only. It may be the King was the rather induced unto it, for that he heard more and more of the marriage to go on between his great friend and ally Ferdinando of Aragon, and madame de Foix, whereby that King began to piece with the French King, from whom he had been always before severed. So fatal a thing it is, for the greatest and straitest amities of Kings at one time or other, to have a little of the wheel: nay, there is a farther tradition in Spain, though not with us, that the King of Aragon, after he knew that the marriage between Charles the young Prince of Castile and Mary the King's second daughter went roundly on, which though it was first moved by the King of Aragon, yet it was afterwards wholly advanced and brought to perfection by Maximilian, and the friends on that side, entered into a jealousy, that the King did aspire to the government of Castilia, as administrator during the minority of his son-in-law; as if there should have been a competition of three for that government; Ferdinando, grandfather on the mother's side; Maximilian, grandfather on the father's side; and King Henry, father-in-law to the young Prince. Certainly it is not unlike, but the King's government, carrying the young prince with him, would have been perhaps more welcome to the Spaniards than that of the other two. For the nobility of Castilia, that so lately put out the King of Aragon in favour of King Philip, and had discovered themselves so far, could not be but in a secret distrust and distaste of that King. And as for Maximilian, upon twenty respects he could not have been the man. But this purpose of the King's seemeth to me, considering the King's safe courses, never found to be enterprising or adventurous, not greatly probable, except he should have had a desire to breathe warmer, because he had ill lungs. This marriage with Margaret was protracted from time to time, in respect of the infirmity of the King, who now in the two and twentieth of his reign began to be troubled with the gout: but the defluxion taking also into his breast, wasted his lungs, so that thrice in a year, in a kind of return, and especially in the spring, he had great fits and labours of the phthisic: nevertheless, he continued to intend business with as great diligence, as

before in his health : yet so, as upon this warning he did likewise now more seriously think of the world to come, and of making himself a saint, as well as King Henry the sixth, by treasure better employed, than to be given to Pope Julius : for this year he gave greater alms than accustomed, and discharged all prisoners about the city, that lay for fees or debts under forty shillings. He did also make haste with religious foundations ; and in the year following, which was the three and twentieth, finished that of the Savoy. And hearing also of the bitter cries of his people against the oppressions of Dudley and Empson, and their complices ; partly by devout persons about him, and partly by public sermons, the preachers doing their duty therein, he was touched with great remorse for the same. Nevertheless Empson and Dudley, though they could not but hear of these sermons in the King's conscience ; yet, as if the King's soul and his money were in several offices, that the one was not to intermeddle with the other, went on with as great rage as ever. For the same three and twentieth year was there a sharp prosecution against Sir William Capel now the second time ; and this was for matters of misgovernment in his mayoralty : the great matter being, that in some payments he had taken knowledge of false moneys, and did not his diligence to examine and beat it out, who were the offenders. For this and some other things laid to his charge, he was condemned to pay two thousand pounds ; and being a man of stomach, and hardened by his former troubles, refused to pay a mite ; and belike used some untoward speeches of the proceedings, for which he was sent to the Tower, and there remained till the King's death. Knafworth likewise, that had been lately mayor of London, and both his sheriffs, were for abuses in their offices questioned, and imprisoned, and delivered, upon one thousand four hundred pounds paid. Hawis, an alderman of London, was put in trouble, and died with thought and anguish, before his business came to an end. Sir Lawrence Ailmer, who had likewise been mayor of London, and his two sheriffs, were put to the fine of one thousand pounds. And Sir Lawrence, for refusing to make payment, was committed to prison, where he stayed till Empson himself was committed in his place.

It is no marvel, if the faults were so light, and the rates so heavy, that the King's treasure of store, that he left at his death, most of it in secret places, under his own key and keeping, at Richmond, amounted, as by tradition it is reported to have done, unto the sum of near eighteen hundred thousand pounds sterling ; a huge mass of money even for these times.

The last act of state that concluded this King's temporal felicity, was the conclusion of a glorious match between his daughter Mary, and Charles Prince of Castile, afterwards the great emperor, both being of tender years : which treaty was perfected by bishop Fox, and other his commissioners at Calais, the year before the King's death. In which alliance, it seemeth, he himself took so high contentment, as in a letter which he wrote thereupon to the city of London, commanding all possible demonstrations of joy to be made for the same, he expresseth himself, as if he thought he had built a wall of brass about his kingdom : when he had for his sons-in-law, a King of Scotland, and a prince of Castile and Burgundy. So as now there was nothing to be added to this great King's felicity, being at the top of all worldly bliss, in regard of the high marriages of his children, his great renown throughout Europe, and his scarce credible riches, and the perpetual constancy of his prosperous successes, but an opportune death, to withdraw him from any future blow of fortune : which certainly (in regard of the great hatred of his people, and
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the title of his son, being then come to eighteen years of age, and being a bold Prince and liberal, and that gained upon the people by his very aspect and presence) had not been impossible to have come upon him.

To crown also the last year of his reign, as well as his first, he did an act of piety, rare, and worthy to be taken into imitation. For he granted forth a general pardon: as expecting a second coronation in a better kingdom. He did also declare in his will, that his mind was, that restitution should be made of those sums which had been unjustly taken by his officers.

And thus this Solomon of England, for Solomon also was too heavy upon his people in exactions, having lived two and fifty years, and thereof reigned three and twenty years, and eight months, being in perfect memory, and in a most blessed mind, in a great calm of a consuming sickness passed to a better world, the two and twentieth of April 1508, at his palace of Richmond, which himself had built.

THIS King, to speak of him in terms equal to his deserving, was one of the best sort of wonders; a wonder for wise men. He had parts, both in his virtues and his fortune, not so fit for a common-place, as for observation. Certainly he was religious, both in his affection and observance. But as he could see clear, for those times, through superstition, so he would be blinded, now and then, by human policy. He advanced church-men; he was tender in the privilege of sanctuaries, though they wrought him much mischief. He built and endowed many religious foundations, besides his memorable hospital of the Savoy: and yet was he a great alms-giver in secret; which shewed, that his works in public were dedicated rather to God's glory than his own. He professed always to love and seek peace; and it was his usual preface in his treaties, that when Christ came into the world, peace was sung; and when he went out of the world, peace was bequeathed. And this virtue could not proceed out of fear or softness; for he was valiant and active, and therefore, no doubt, it was truly christian and moral. Yet he knew the way to peace was not to seem to be desirous to avoid wars: therefore would he make offers and fames of wars, till he had mended the conditions of peace. It was also much, that one that was so great a lover of peace, should be so happy in war. For his arms, either in foreign or civil wars, were never unfortunate; neither did he know what a disaster meant. The war of his coming in, and the rebellions of the earl of Lincoln, and the lord Audley, were ended by victory. The wars of France and Scotland, by peaces fought at his hands. That of Britain, by accident of the duke's death. The insurrection of the lord Lovel, and that of Perkin at Exeter, and in Kent, by flight of the rebels before they came to blows. So that his fortune of arms was still inviolate: the rather sure, for that in the quenching of the commotions of his subjects, he ever went in person: sometimes reserving himself to back and second his lieutenants, but ever in action; and yet that was not merely forwardness, but partly distrust of others.

He did much maintain and countenance his laws; which, nevertheless, was no impediment to him to work his will: for it was so handled, that neither prerogative nor profit went to diminution. And yet as he would sometimes strain up his laws to his prerogative, so would he also let down his prerogative to his parliament. For mint, and wars, and martial discipline, things of absolute power, he would never-

theless

theless bring to parliament. Justice was well administered in his time, save where the King was party: save also, that the council-table intermeddled too much with *maum* and *tuum*. For it was a very court of justice during his time, especially in the beginning; but in that part both of justice and policy, which is the durable part, and cut, as it were, in brass or marble, which is the making of good laws, he did excel. And with his justice, he was also a merciful prince: as in whose time, there were but three of the nobility that suffered; the earl of Warwick, the lord chamberlain, and the lord Audley: though the first two were instead of numbers, in the dislike and obloquy of the people. But there were never so great rebellions, expiated with so little blood, drawn by the hand of Justice, as the two rebellions of Blackheath and Exeter. As for the severity used upon those which were taken in Kent, it was but upon a scum of people. His pardons went ever both before and after his sword. But then he had withal a strange kind of interchanging of large and unexpected pardons, with severe executions: which, his wisdom considered, could not be imputed to any inconstancy or inequality; but either to some reason which we do not now know, or to a principle he had set unto himself, that he would vary, and try both ways in turn. But the less blood he drew, the more he took of treasure. And, as some construed it, he was the more sparing in the one, that he might be the more pressing in the other; for both would have been intolerable. Of nature assuredly he coveted to accumulate treasure, and was a little poor in admiring riches. The people, into whom there is infused, for the preservation of monarchies, a natural desire to discharge their princes, though it be with the unjust charge of their counsellors and ministers, did impute this unto cardinal Morton and Sir Reginald Bray: who, as it after appeared, as counsellors of ancient authority with him, did so second his humours, as nevertheless they did temper them. Whereas Simpson and Dudley that followed, being persons that had no reputation with him, otherwise than by the servile following of his bent, did not give way only, as the first did, but shape him way to those extremities, for which himself was touched with remorse at his death, and which his successor renounced, and sought to purge. This excess of his had at that time many glosses and interpretations. Some thought the continual rebellions wherewith he had been vexed, had made him grow to hate his people: some thought it was done to pull down their stomachs, and to keep them low: some, for that he would leave his son a golden fleece: some suspected he had some high design upon foreign parts: but those perhaps shall come nearell the truth, that fetch not their reasons so far off; but rather impute it to nature, age, peace, and a mind fixed upon no other ambition or pursuit. Whereunto I should add, that having every day occasion to take notice of the necessities and shifts for money of other great Princes abroad, it did the better, by comparison, set off to him the felicity of full coffers. As to his expending of treasure, he never spared charge which his affairs required; and in his buildings was magnificent, but his rewards were very limited: so that his liberality was rather upon his own state and memory than upon the deserts of others.

He was of an high mind, and loved his own will, and his own way; as one that revered himself, and would reign indeed. Had he been a private man, he would have been termed proud. But in a wise Prince, it was but keeping of distance, which indeed he did towards all; not admitting any near or full approach, either to his power, or to his secrets: for he was governed by none. His Queen, notwithstanding

standing she had presented him with divers children, and with a crown also, though he would not acknowledge it, could do nothing with him. His mother he revered much, heard little. For any person agreeable to him for society, such as was Hastings to King Edward the fourth, or Charles Brandon after to King Henry the eighth, he had none: except we should account for such persons, Fox, and Bray, and Empson, because they were so much with him: but it was but as the instrument is much with the workman. He had nothing in him of vain-glory, but yet kept state and majesty to the height; being sensible, that majesty maketh the people bow, but vain-glory boweth to them.

To his confederates abroad he was constant and just, but not open. But rather such was his inquiry, and such his closeness, as they stood in the light towards him, and he stood in the dark to them. Yet without strangeness, but with a semblance of mutual communication of affairs. As for little envies, or emulations upon foreign princes, which are frequent with many Kings, he had never any; but went substantially to his own business. Certain it is, that though his reputation was great at home, yet it was greater abroad. For foreigners that could not see the passages of affairs, but made their judgments upon the issues of them, noted that he was ever in strife, and ever aloft. It grew also from the airs which the princes and states abroad received from their ambassadors and agents here; which were attending the court in great number: whom he did not only content with courtesy, reward, and privateness; but, upon such conferences as passed with them, put them in admiration, to find his universal insight into the affairs of the world: which though he did suck chiefly from themselves, yet that which he had gathered from them all, seemed admirable to every one. So that they did write ever to their superiors in high terms, concerning his wisdom and art of rule: nay, when they were returned, they did commonly maintain intelligence with him. Such a dexterity he had to impropriate to himself all foreign instruments.

He was careful and liberal to obtain good intelligence from all parts abroad: wherein he did not only use his interest in the liegers here, and his pensioners, which he had both in the court of Rome, and other the courts of Christendom; but the industry and vigilance of his own ambassadors in foreign parts. For which purpose his instructions were ever extreme curious and articulate; and in them more articles touching inquisition, than touching negotiation: Requiring likewise from his ambassadors an answer, in particular distinct articles, respectively to his questions.

As for his secret spies, which he did employ both at home and abroad, by them to discover what practices and conspiracies were against him, surely his case required it; he had such moles perpetually working and casting to undermine him. Neither can it be reprehended; for if spies be lawful against lawful enemies, much more against conspirators and traitors. But indeed to give them credence by oaths or curses, that cannot be well maintained; for those are too holy vestments for a disguise. Yet surely there was this farther good in his employing of these spies and familiars; that as the use of them was cause that many conspiracies were revealed, so the fame and suspicion of them kept, no doubt, many conspiracies from being attempted.

Towards his Queen he was nothing uxorious, nor scarce indulgent; but companionable and respectful, and without jealousy. Towards his children he was full of paternal affection, careful of their education, aspiring to their high advancement,
regular

regular to see that they should not want of any due honour and respect, but not greatly willing to call any popular lullre upon them.

To his council he did refer much, and sat oft in person; knowing it to be the way to assist his power, and inform his judgment. In which respect also he was fairly patient of liberty, both of advice, and of vote, till himself were declared. He kept a strait hand on his nobility, and chose rather to advance clergymen and lawyers, which were more obsequious to him, but had less interest in the people; which made for his absoluteness, but not for his safety. Inſomuch as, I am persuaded, it was one of the causes of his troublesome reign; for that his nobles, though they were loyal and obedient, yet did not co-operate with him, but let every man go his own way. He was not afraid of an able man, as Lewis the eleventh was: but contrariwise, he was served by the ablest men that were to be found; without which his affairs could not have prospered as they did. For war, Bedford, Oxford, Surry, D'Aubigny, Brooke, Poynings: For other affairs, Morton, Fox, Bray, the prior of Lanthony, Warham, Urswick, Hufsey, Frowick, and others. Neither did he care how cunning they were that he did employ; for he thought himself to have the master-reach. And as he chose well, so he held them up well; for it is a strange thing, that though he were a dark prince, and infinitely suspicious, and his times full of secret conspiracies and troubles; yet in twenty-four years reign, he never put down, or discompoſed counsellor, or near servant, save only Stanley the lord chamberlain. As for the disposition of his subjects in general towards him, it stood thus with him; that of the three affections, which naturally tie the hearts of the subjects to their sovereigns, love, fear, and reverence; he had the last in height, the second in good measure, and so little of the first, as he was beholden to the other two.

He was a Prince, sad, serious, and full of thoughts, and secret observations, and full of notes and memorials of his own hand, especially touching persons. As, whom to employ, whom to reward, whom to inquire of, whom to beware of, what were the dependencies, what were the factions, and the like; keeping, as it were, a journal of his thoughts. There is to this day a merry tale; that his monkey, set on as it was thought by one of his chamber, tore his principal note-book all to pieces, when by chance it lay forth: whereat the court, which liked not those pensive accounts, was almost tickled with sport.

He was indeed full of apprehensions and suspicions: but as he did easily take them, so he did easily check them and master them; whereby they were not dangerous, but troubled himself more than others. It is true, his thoughts were so many, as they could not well always stand together; but that which did good one way, did hurt another. Neither did he at sometimes weigh them aright in their proportions. Certainly, that rumour which did him so much mischief, that the duke of York should be saved, and alive, was, at the first, of his own nourishing; because he would have more reason not to reign in the right of his wife. He was affable, and both well and fair-spoken; and would use strange sweetness and blandishments of words, where he desired to effect or persuade any thing that he took to heart. He was rather studious than learned; reading most books that were of any worth, in the French tongue, yet he understood the Latin, as appeareth in that cardinal Hadrian and others, who could very well have written French, did use to write to him in Latin.

For his pleasures, there is no news of them : and yet by his instructions to Mar-
fin and Stile, touching the Queen of Naples, it seemeth he could interrogate well
touching beauty. He did by pleasures, as great Princes do by banquets, come and
look a little upon them, and turn away. For never Prince was more wholly given to
his affairs, nor in them more of himself: infomuch as in triumphs of juffs and tourneys,
and balls, and masks, which they then called disguises, he was rather a princely and
gentle spectator, than seemed much to be delighted.

No doubt, in him, as in all men, and most of all in Kings, his fortune wrought
upon his nature, and his nature upon his fortune. He attained to the crown, not
only from a private fortune, which might endow him with moderation ; but also
from the fortune of an exiled man, which had quickened in him all seeds of ob-
servation and industry. And his times being rather prosperous than calm, had
raised his confidence by success, but almost marred his nature by troubles. His
wisdom, by often evading from perils, was turned rather into a dexterity to deliver
himself from dangers, when they pressed him, than into a providence to prevent and
remove them afar off. And even in nature, the sight of his mind was like some
sights of eyes ; rather strong at hand, than to carry afar off. For his wit increased
upon the occasion ; and so much the more, if the occasion were sharpened by dan-
ger. Again, whether it were the shortness of his foresight, or the strength of his
will, or the dazling of his suspicions, or what it was ; certain it is, that the per-
petual troubles of his fortunes, there being no more matter out of which they
grew, could not have been without some great defects and main errors in his na-
ture, customs, and proceedings, which he had enough to do to save and help with a
thousand little industries and watches. But those do best appear in the story itself.
Yet take him with all his defects, if a man should compare him with the Kings
his concurrents in France and Spain, he shall find him more politic than Lewis
the twelfth of France, and more entire and sincere than Ferdinando of Spain.
But if you shall change Lewis the twelfth for Lewis the eleventh, who lived a
little before, then the consort is more perfect. For that Lewis the eleventh, Fer-
dinando, and Henry, may be esteemed for the *tres magi* of Kings of those ages.
To conclude, if this King did no greater matters, it was long of himself ; for what
he minded he compassed.

He was a comely personage, a little above just stature, well and straight limbed,
but slender. His countenance was reverend, and a little like a churchman : and
as it was not strange or dark, so neither was it winning or pleasing, but as the face
of one well disposed. But it was to the disadvantage of the painter, for it was best
when he spake.

His worth may bear a tale or two, that may put upon him somewhat that
may seem divine. When the lady Margaret his mother had divers great suitors
for marriage, she dreamed one night, that one in the likeness of a bishop in
pontifical habit did tender her Edmund earl of Richmond, the King's father, for
her husband, neither had she ever any child but the King, though she had three
husbands. One day when King Henry the sixth, whose innocency gave him ho-
lincs, was washing his hands at a great feast, and cast his eye upon King Henry,
then a young youth, he said ; " This is the lad that shall possess quietly that,
that we now strive for." But that, that was truly divine in him, was that he had
the fortune of a true Christian, as well as of a great King, in living exercised,

HISTORY OF KING HENRY VII.

and dying repentant: So as he had an happy warfare in both conflicts, both of sin, and the cross.

He was born at Pembroke castle, and lieth buried at Westminster, in one of the stateliest and daintiest monuments of Europe, both for the chapel, and for the sepulchre. So that he dwelleth more richly dead, in the monument of his tomb, than he did alive in Richmond, or any of his palaces. I could wish he did the like in this monument of his fame.



H I S T O R Y of the R E I G N

O F

King H E N R Y the Eighth.

AFTER the decease of that wise and fortunate King, Henry the seventh, who died in the height of his prosperity, there followed, as useth to do, when the sun setteth so exceeding clear, one of the fairest mornings of a kingdom that hath been known in this land, or any where else. A young King about eighteen years of age, for stature, strength, making, and beauty, one of the goodliest persons of his time. And though he were given to pleasure, yet he was likewise desirous of glory; so that there was a passage open in his mind, by glory, for virtue. Neither was he unadorned with learning, though therein he came short of his brother Arthur. He had never any the least pique, difference, or jealousy, with the King his father, which might give any occasion of altering court or council upon the change; but all things passed in a still. He was the first heir of the white and red rose; so that there was no discontented party now left in the Kingdom, but all mens hearts turned towards him: and not only their hearts, but their eyes also; for he was the only son of the kingdom. He had no brother; which though it be a comfortable thing for Kings to have, yet it draweth the subjects eyes a little aside. And yet being a married man in those young years, it promised hope of speedy issue to succeed in the crown. Neither was there any queen mother, who might share any way in the government, or clash with his counsellors for authority, while the King intended his pleasure. No such thing as any great and mighty subject, who might any way eclipse or overshadow the imperial power. And for the people and state in general, they were in such lowness of obedience, as subjects were like to yield, who had lived almost four and twenty years under so politic a King as his father; being also one who came partly in by the sword; and had so high a courage in all points of regality; and was ever victorious in rebellions and seditions of the people. The crown extremely rich, and full of treasure, and the kingdom like to be so in a short time. For there was no war, no dearth, no stop of trade, or commerce; it was only the crown which had sucked too hard, and now being full, and upon the head of a young King, was like to draw less. Lastly, he was inheritor of his father's reputation, which was great throughout the world. He had strait alliance with the two neighbour states, an ancient enemy in former times and an ancient friend, Scotland and Burgundy. He had peace and amity with France, under the assurance, not only of treaty and league, but of necessity and inability in the French to do him hurt, in respect that the French King's designs were wholly bent upon Italy: so that it may be truly said, there had scarcely been seen, or known, in many ages, such a rare concurrence of signs and promises, of a happy and flourishing reign to ensue, as were now met in this young King, called, after his father's name, Henry the eighth.

T H E
B E G I N N I N G
O F T H E
HISTORY OF GREAT BRITAIN.

BY the decease of Elizabeth Queen of England, the issues of King Henry the eighth failed, being spent in one generation and three successions. For that King, though he were one of the goodliest persons of his time, yet he left only by his six wives three children; who reigning successively, and dying childless, made place to the line of Margaret, his eldest sister, married to James the fourth King of Scotland. There succeeded therefore to the kingdom of England James the sixth then King of Scotland, descended of the same Margaret both by father and mother: so that by a rare event in the pedigrees of kings, it seemed as if the divine providence, to extinguish and take away all envy and note of a stranger, had doubled upon his person, within the circle of one age, the royal blood of England by both parents. This succession drew towards it the eyes of all men, being one of the most memorable accidents that had happened a long time in the Christian world. For the kingdom of France having been reunited in the age before in all the provinces thereof formerly dismembered; and the kingdom of Spain being, of more fresh memory, united and made entire, by the annexing of Portugal in the person of Philip the second; there remained but this third and last union, for the counterpoising of the power of these three great monarchies; and the disposing of the affairs of Europe thereby to a more assured and universal peace and concord. And this event did hold mens observations and discourses the more, because the island of Great Britain, divided from the rest of the world, was never before united in it'self under one King, notwithstanding the people be of one language, and not separate by mountains or great waters; and notwithstanding also that the uniting of them had been in former times industriously attempted both by war and treaty. Therefore it seemed a manifest work of providence, and a case of reservation for these times; insomuch that the vulgar conceived that now there was an end given, and a consummation to superstitious prophecies, the belief of fools, but the talk sometimes of wise men, and to an ancient tacit expectation, which had by tradition been infused and inveterated into mens minds. But as the best divinations and predictions are the politic and probable foresight and conjectures of wise men, so in this matter the providence of King Henry the seventh was in all mens mouths; who being one of the deepest and most prudent princes of the world, upon the deliberation concerning the marriage of his eldest daughter into Scotland, had, by some speech uttered by him, shewed himself sensible and almost prescient of this event.

Neither did there want a concurrence of divers rare external circumstances, besides the virtues and condition of the person, which gave great reputation to this succes-

tion. A King in the strength of his years, supported with great alliances abroad, established with royal issue at home, at peace with all the world, practised in the regiment of such a kingdom, as might rather enable a King by variety of accidents, than corrupt him with affluence or vain-glory; and one that besides his universal capacity and judgment, was notably exercised and practised in matters of religion and the church; which in these times, by the confused use of both swords, are become so intermixed with considerations of estate, as most of the counsels of sovereign princes or republics depend upon them: but nothing did more fill foreign nations with admiration and expectation of his succession, than the wonderful and, by them, unexpected content of all estates and subjects of England, for the receiving of the King without the least scruple, pause, or question. For it had been generally dispersed by the fugitives beyond the seas, who, partly to apply themselves to the ambition of foreigners, and partly to give estimation and value to their own employments, used to represent the state of England in a false light, that after Queen Elizabeth's decease there must follow in England nothing but confusions, interregns, and perturbations of estate, likely far to exceed the ancient calamities of the civil wars between the houses of Lancaster and York, by how much more the dissensions were like to be more mortal and bloody, when foreign competition should be added to domestical; and divisions for religion to matter of title to the crown. And in special, Parsons the Jesuit, under a disguised name, had not long before published an express treatise, wherein, whether his malice made him believe his own fancies, or whether he thought it the fittest way to move sedition, like evil spirits, which seem to foretel the tempest they mean to move; he laboured to display and give colour to all the vain pretences and dreams of succession which he could imagine; and thereby had possessed many abroad that knew not the affairs here with those his vanities. Neither wanted there here within this realm, divers persons both wise and well affected, who though they doubted not of the undoubted right, yet setting before themselves the waves of peoples hearts, guided no less by sudden and temporary winds, than by the natural course and motion of the waters, were not without fear what might be the event. For Queen Elizabeth being a Princess of extreme caution, and yet one that loved admiration above safety; and knowing the declaration of a successor might in point of safety be disputable, but in point of admiration and respect assuredly to her disadvantage; had from the beginning set it down for a maxim of estate, to impose a silence touching succession. Neither was it only reserved as a secret of estate, but restrained by severe laws, that no man should presume to give opinion, or maintain argument touching the same: so, though the evidence of right drew all the subjects of the land to think one thing; yet the fear of danger of law made no man privy to others thought. And therefore it rejoiced all men to see so fair a morning of a kingdom, and to be thoroughly freed of former apprehensions; as a man that awaketh out of a fearful dream. But so it was, that not only the consent, but the applause and joy was infinite, and not to be expressed, throughout the realm of England upon this succession: whereof the consent, no doubt, may be truly ascribed to the clearness of the right; but the general joy, alacrity, and gratulation, were the effects of differing causes. For Queen Elizabeth, although she had the use of many both virtues and demonstrations, that might draw and knit unto her the hearts of her people; yet nevertheless carrying a hand restrained in self, and strained in points of prerogative, could not answer the voice either of servants or subjects to a full contentment; especially in her latter days,

days, when the continuance of her reign, which extended to five and forty years, might discover in people their natural desire and inclination towards change; so that a new court and a new reign were not to many unwelcome. Many were glad, and especially those of settled estate and fortune, that the fears and uncertainties were overblown, and that the dye was cast. Others, that had made their way with the King, or offered their service in the time of the former Queen, thought now the time was come for which they had prepared: and generally all such as had any dependence upon the late earl of Essex, who had mingled the service of his own ends with the popular pretence of advancing the King's title, made account their cause was amended. Again, such as might misdoubt they had given the King any occasion of distaste, did contend by their forwardness and confidence to shew, it was but their fastness to the former government, and that those affections ended with the time. The papists nourished their hopes, by collating the case of the papists in England, and under Queen Elizabeth, and the case of the papists in Scotland under the King; interpreting that the condition of them in Scotland was the less grievous, and divining of the King's government here accordingly: besides the comfort they ministred to themselves from the memory of the Queen his mother. The ministers, and those which stood for the presbytery, thought their cause had more sympathy with the discipline of Scotland than the hierarchy of England, and so took themselves to be a degree nearer their desires. Thus had every condition of persons some contemplation of benefit, which they promised themselves; over-reaching perhaps, according to the nature of hope, but yet not without some probable ground of conjecture. At which time also there came forth in print the King's book, intituled, Βασιλικὸν Δῶρον: containing matter of instruction to the Prince his son touching the office of a King; which book falling into every man's hand, filled the whole realm, as with a good perfume or incense, before the King's coming in: for being excellently written, and having nothing of affectation, it did not only satisfy better than particular reports touching the King's disposition, but far exceeded any formal or curious edict or declaration, which could have been devised of that nature, wherewith Princes in the beginning of their reigns do use to grace themselves, or at least express themselves gracious in the eyes of their people. And this was for the general the state and constitution of mens minds upon this change: the actions themselves passed in this manner.

The rest is wanting.

T H E O L O G I C A L

W O R K S.

A

CONFESSION of FAITH.

Written by the Right Honourable

FRANCIS BACON, Baron of Verulam, &c.

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

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

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

That he chose, according to his good pleasure, man to be that creature, to whose nature the eternal Son of God should be united; and amongst the generations of men, elected a small flock, in whom, by the participation of himself, he purposed to express the rays of his glory; all the ministration of angels, damnation of devils

A C O N F E S S I O N O F F A I T H.

and reprobates, universal administration of all creatures, and dispensation of all times, have no other end, but as the ways and ambages of God, to be further glorified in his saints, who are one with their head the Mediator, who is one with God.

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

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

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

That notwithstanding God hath rested from creating since the first sabbath, yet, nevertheless, he doth accomplish and fulfil his divine will in all things, great and small, general and particular, as fully and exactly by providence, as he could do by miracle and new creation, though his working be not immediate nor direct, but by compass; not violating nature, which is his own law, upon his creatures.

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

That God created man in his own image or likeness, in a reasonable soul, in innocency, and sovereignty: that he gave him a law and command, which was in his power to keep, but he kept it not: that man made a total defection from God, pretending to imagine that the commandments and prohibitions of God were not the rules of good and evil, but that good and evil had their principles and beginnings, and lusted after the knowledge of those imaginary beginnings, to the end; to depend no more upon God's will revealed, but upon himself, and his own light, as a God; than which there could not be a sin more opposite to the law of God: that yet, nevertheless, this great sin was not originally moved by the malice of man, but was
unfornately

insinuated by the suggestion and instigation of the devil, who was the first defected creature, and fell by malice, and not by temptation.

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

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

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

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

That in time Jesus the Lord was born in the days of Herod, and suffered under the government of Pontius Pilate, being deputy of the Romans, and under the Jewish

A CONFESSION OF FAITH.

priesthood of Caiaphas, and was betrayed by Judas, one of the twelve apostles, and was crucified at Hierusalem; and after a true and natural death, and his body buried in the sepulchre, the third day he raised himself from the bands of death, and arose and shewed himself to many chosen witnesses, by the space of divers days; and in the end of those days, in the sight of many, ascended into heaven; and shall from thence come in his appointed time in his greatest glory to judge the world.

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

That the work of the Spirit, though it be not tied to any means in heaven or in earth, yet it is ordinarily dispensed by the preaching of the word, and the administration of the sacraments; the covenants of the fathers upon the children, prayer, reading; the censures of the church; the society of the godly; the cross and afflictions; God's benefits; his judgments upon others; miracles; the contemplation of his creatures: All which, though some be more principal, God useth as the means of vocation and conversion of his elect; not derogating from his power to call immediately by his grace, and at all hours and moments of the day, that is, of man's life, according to his good pleasure.

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

That there is an universal or catholic church of God, dispersed over the face of the earth, which is Christ's spouse, and Christ's body; being gathered of the fathers of the old world, of the church of the Jews, of the spirits of the faithful dissolved, and of the spirits of the faithful militant, and of the names yet to be born, which are already written in the book of life. That there is also a visible church, distinguished by the outward works of God's covenant, and the receiving of the holy doctrine, with the use of the mysteries of God, and the invocation and sanctification of his holy name. That there is also an holy succession in the prophets of the

the new testament and the fathers of the church, from the time of the apostles and disciples which saw our Saviour in the flesh, unto the consummation of the work of the ministry; which persons are called of God by gift, or inward anointing; and the vocation of God followed by an outward calling and ordination of the church.

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



A P R A Y E R or P S A L M

Made by the

Lord B A C O N, Chancellor of E N G L A N D.

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

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

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

A PRAYER

A P R A Y E R

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

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

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

by the power of his resurrection we may be quickened, and raised up to newness of life, may be truly born anew, and may be effectually made partakers of the first resurrection, that then the second death may have no dominion over us. Teach us, O Lord, so to number our days, that we may apply our hearts unto wisdom; make us ever mindful of our last end, and continually to exercise the knowledge of grace in our hearts, that in the said divorce of soul and body, we may be translated here to that kingdom of glory prepared for all those that love thee, and shall trust in thee; even then and ever, O Lord, let thy holy angels pitch their tents round about us, to guard and defend us from all the malice of Satan, and from all perils both of soul and body. Pardon all our unthankfulness, make us daily more and more thankful for all thy mercies and benefits daily poured down upon us. Let these our humble prayers ascend to the throne of grace, and be granted not only for these mercies, but for whatsoever else thy wisdom knows needful for us; and for all those that are in need, misery, and distress, whom, Lord, thou hast afflicted either in soul or body; grant them patience and perseverance in the end, and to the end: And that, O Lord, not for any merit of ours, but only for the merits of thy Son, and our alone Saviour Christ Jesus; to whom with thee and the Holy Spirit be ascribed all glory, &c. *Amen.*

The STUDENT'S PRAYER.

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

The WRITER'S PRAYER.

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

THE
C H A R A C T E R S
O F A
B E L I E V I N G C H R I S T I A N,
In PARADOXES, and seeming Contradictions.

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

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

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

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

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

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

CHRISTIAN PARADOXES.

thanks. He is the most lowly-minded, yet the greatest aspirer; most contented, yet ever craving.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHRISTIAN PARADOXES.

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

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

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

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



A N

A D V E R T I S E M E N T
 TOUCHING THE
 C O N T R O V E R S I E S
 OF THE
 C H U R C H of E N G L A N D.

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

strive.

strive ye? he shall give a great presumption against himself, that he is the party that doth his brethren wrong.

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

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

Therefore seeing the accidents are they which breed the peril, and not the things themselves in their own nature, it is meet the remedies be applied unto them, by opening what it is on either part, that keepeth the wound green, and formalizeth both sides to a farther opposition, and worketh an indisposition in mens minds to be reunited: wherein no accusation is pretended; but I find in reason, that peace is built upon a repetition of wrongs; and in example, that the speeches which have been built by the wisest men, *de concordia ordinum*, have not abtained from
reducing

reducing to memory the extremities used on both parts; so as it is true which is said, *Qui per vim tractat non repetitis conditionibus dissidii, is magis antea hominum dulcedine pacis fuit, quam asperitate componit.*

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

But to leave all reverent and religious compassion towards evils, or indignation towards faults, and to turn religion into a comedy or satire; to search and rip up wounds with a laughing countenance, to intermix Scripture and scurrility sometimes in one sentence, is a thing far from the devout reverence of a Christian, and scant befecming the honest regard of a sober man. *Non est major confusio, quam joci et joci.* There is no greater confusion, than the confounding of jest and earnest. The majesty of religion, and the contempt and deformity of things ridiculous, are things as distant as things may be. Two principal causes have I ever known of atheism; curious controversies, and profane scoffing: now that these two are joined in one, no doubt that sect will make no small progression.

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

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

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

And

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

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

Next, I find certain indiscreet and dangerous amplifications, as if the civil government itself of this state had near lost the force of her sinews, and were ready to enter into some convulsion, all things being full of faction and disorder; which is as unjustly acknowledged, as untruly affirmed. I know his meaning is to enforce this irreverent and violent impugning of the government of bishops to be a suspected forerunner of a more general contempt. And I grant there is a sympathy between the estates; but no such matter in the civil policy, as deserveth so dishonourable a taxation.

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

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

The

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

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

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

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

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

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

For this is the double policy of the spiritual enemy, either by counterfeit holiness of life to establish and authorize errors; or by corruption of manners to discredit and draw in question truth and things lawful. This concerneth my lords the bishops, unto whom I am witness to myself, that I stand affected as I ought. No contradiction hath supplanted in me the reverence that I owe to their calling; neither hath any detraction or calumny imbased mine opinion of their persons. I know some of them, whose names are most pierced with these accusations, to be men of great virtues; although the indisposition of the times, and the want of correspondence many ways is enough to frustrate the best endeavours in the edifying of the church. And for the rest, generally, I can condemn none. I am no judge of them that belong to so high a master; neither have I *two witnesses*. And I know it is truly said of fame, that

Pariter facta, atque infanda canebat.

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

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

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

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

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

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

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

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

This manner of apprehension doth in some degree possess many in our times. They think it the true touchstone to try what is good and evil, by measuring what is more or less opposite to the institutions of the church of Rome, be it ceremony, be it policy or government; yea, be it other institutions of greater weight, that is ever most perfect which is removed most degrees from that church; and that is ever polluted and blemished, which participateth in any appearance with it. This is a subtile and dangerous conceit for men to entertain; apt to delude themselves, more apt to delude the people, and most apt of all to calumniate their adversaries. This surely, but that a notorious condemnation of that position was before our eyes, had long since brought us to the re-baptisation of children baptised according to the pretended catholic religion: for I see that which is a matter of much like reason, which is the re-ordaining of priests, is a matter already resolutely main-

tained. It is very meet that men beware how they be abused by this opinion; and that they know that it is a consideration of much greater wisdom and sobriety to be well advised, whether in general denunciation of the institutions of the church of Rome, there were not, as mens actions are imperfect, some good purged with the bad, rather than to purge the church, as they pretend, every day anew; which is the way to make a wound in the bowels, as is already begun.

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

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

But it will be said; Look to the fruits of the churches abroad and ours. To which I say, that I beseech the Lord to multiply his blessings and graces upon those churches an hundred fold. But yet it is not good, that we fall on the numbring of them; it may be our peace hath made us more wanton: it may be also, though I would be loth to derogate from the honour of those churches, were it not to remove scandals, that their fruits are as torches in the dark, which appear greatest afar off. I know they may have some strict orders for the repressing of sundry excesses: but when I consider of the censures of some persons, as well upon particular men as upon churches, I think on the saying of a Platonist, who saith, *Certe vitia irascibilis parte anime sunt gradu praeiora, quam concupiscibilis, tametsi occultiora*; a matter that appeared much by the ancient contentions of bishops. God grant that we may

contend with other churches, as the vine with the olive, which of us shall bear the best fruit; and not as the brier with the thistle, which of us is most unprofitable. And thus much touching the occasions of these controversies.

Now, briefly to set down the growth and progression of the controversies; whereby will be verified the saying of Solomon; that *the crafts of Conventuals will spoil as the grass; being they are too waters, which if they gain a break, it will hardly ever be recovered.*

It may be remembered, that on that part, which calls for reformation, was first propounded some dislike of certain ceremonies supposed to be superstitious; some complaint of dumb ministers, who possess rich benefices; and some invectives against the idle and monastical continuance within the universities, by those who had livings to be resident upon; and such like abuses. Thence they went on to concern the government of bishops as an hierarchy remaining to us of the corruptions of the Roman church, and to except to sundry institutions in the church, as not sufficiently delivered from the pollutions of former times. And lastly, they are advanced to define of an only and perpetual form of policy in the church; which, without consideration of possibility, and foresight of peril, and perturbation of the church and state, must be erected and planted by the magistrate. Here they stay. Others, not able to keep footing in so steep ground, descend farther; That the same must be entered into and accepted of the people at their peril, without the attending of the establishment of authority. And so in the mean time they refuse to communicate with us, reputed us to have no church. This has been the progression of that side: I mean of the generality. For, I know, some persons, being of the nature, not only to love extremities, but also to fall to them without degrees, were at the highest strain at the first.

The other part, which maintaineth the present government of the church, hath not kept one tenor neither. First, those ceremonies which were pretended to be corrupt, they maintained to be things indifferent, and opposed the examples of the good times of the church to that challenge which was made unto them, because they were used in the later superstitious times. Then were they also content mildly to acknowledge many imperfections in the church: as tares come up amongst the corn; which yet, according to the wisdom taught by our Saviour, were not with strife to be pulled up, lest it might spoil and supplant the good corn, but to grow on together till the harvest. After, they grew to a more absolute defence and maintenance of all the orders of the church, and stiffly to hold, that nothing was to be innovated; partly because it needed not, partly because it would make a breach upon the rest. Hence, exasperated through contentions, they are fallen to a direct condemnation of the contrary part, as of a sect. Yea, and some indiscreet persons have been bold in open preaching to use dishonourable and derogatory speech and censure of the churches abroad; and that so far, as some of our men, as I have heard, ordained in foreign parts, have been pronounced to be no lawful ministers. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from itself, as was at the first of one from the other. And surely, though my meaning and scope be not, as I said before, to enter into the controversies themselves, yet I do admonish the maintainers of the alone discipline, to weigh and consider seriously and attentively, how near they are unto them, with whom, I know, they will not join. It is very hard to affirm, that the discipline, which they say we want, is one of the essential parts of the worship

of God; and not to affirm withal, that the people themselves, upon peril of salvation, without slaying for the magistrate, are to gather themselves into it. I demand, If a civil state should receive the preaching of the word and baptism, and intreat and exclude the sacrament of the Lord's supper, were not men bound upon danger of their souls to draw themselves to congregations, wherein they might celebrate this mystery, and not to content themselves with that part of God's worship which the magistrate had authorised? This I speak, not to draw them into the milike of others, but into a more deep consideration of themselves: *Fortasse non redunt, quia suam progrediam non intelligunt.*

Again, to my lords the bishops I say, that it is hard for them to avoid blame, in the opinion of an indifferent person, in standing so precisely upon altering nothing: *leges, a vis legibus non recreata, accedunt*; laws, not refreshed with new laws, wax sour. *Qui mala non permutat, in bonis non proficere*; without change of ill, a man cannot continue the good. To take away many abuses, supplanteth not good orders, but establisheth them. *Mutatio moris relicto, res turbulenta est, aqua et novitas*; a contentious retaining of custom is a turbulent thing, as well as innovation. A good husband is ever pruning in his vineyard or his field; not unseasonably indeed, not unskilfully, but lightly; he findeth ever somewhat to do. We have heard of no offers of the bishops of bills in parliament; which no doubt, proceeding from them to whom it properly belongeth, would have every where received acceptance. Their own constitutions and orders have reformed them little. Is nothing amiss? Can any man defend the use of excommunication as a base process to lackey up and down for duties and fees; it being a precursory judgment of the latter day?

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

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

The wrongs of them which are possessed of the government of the church towards the other, may hardly be dissembled or excused: they have charged them as though they denied tribute to Cæsar, and withdrew from the civil magistrate the obedience which they have ever performed and taught. They have sorted and coupled them with the *Family of love*, whose heresies they have laboured to destroy and confute. They have been swift of credit to receive accusations against them, from those that have quarrelled with them but for speaking against sin and vice. Their accusations and injuries have been those, tearing men to banks and generations, not by

cluded within compass of matter certain, which the party which is to take the oath may comprehend, which is a thing captious and straining. Their urging of subscription to their own articles, is but *laccere, et irritare morbos ecclesie*, which otherwise would spend and exercise themselves. *Non consensum querit sed diffidum, qui, quod facti, periclitatur, in verbi exigit*: He seeketh not unity, but division, which exacteth that in words, which men are content to yield in action. And it is true, there are some which, as I am persuaded, will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know this note of inconstancy and defection from that which they have long held, shall disable them to do that good which otherwise they might do: for such is the weakness of many, that their ministry should be thereby discredited. As for their easy silencing of them, in such great scarcity of preachers, it is to punish the people, and not them. Ought they not, I mean the bishops, to keep one eye open, to look upon the good that those men do, not to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, God forbid they should be permitted to preach: but shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a minister shall be troubled for saying in baptism, *do you believe?* for *dost thou believe?* If another shall be called in question for praying for her majesty, without the additions of her stile; whereas the very form of prayer in the book of common-prayer hath "thy servant Elizabeth," and no more: If a third shall be accused, upon these words uttered touching the controversies, *tolatur lex, et facti certamen*, whereby was meant, that the prejudice of the law removed, either reasons should be equally compared, or calling the people to sedition and mutiny, as if he had said, *Away with the law, and try it out with force*: If these and other like particulars be true, which I have but by rumour, and cannot affirm; it is to be lamented that they should labour amongst us with so little comfort. I know restrained governments are better than remifs; and I am of his mind that said, Better is it to live where nothing is lawful, than where all things are lawful. I dislike that laws should not be continued, or disturbers be unpunished: but laws are likened to the grape, that being too much pressed yields an hard and unwholesome wine. Of these things I must say; *Ira civi non operatur justitiam Dei*; the wrath of man worketh not the righteousness of God.

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

The fourth point wholly pertaineth to them which impugn the present ecclesiastical government; who although they have not cut themselves off from the body and communion of the church, yet do they affect certain cognifances and differences, wherein they seek to correspond amongst themselves, and to be separate from others. And it is truly said, *tanquam justitiam quibusdam in conspectu, quibusdam in conspectu*

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

Now for their own manner of preaching, what is it? Surely they exhort well, and work compunction of mind, and bring men well to the question, *Viri, fratres, quid faciemus?* But that is not enough, except they resolve the question. They handle matters of controversy weakly, and *abiter*, and as before a people that will accept of any thing. In doctrine of manners there is little but generality and repetition. The word, the bread of life, they toss up and down, they break it not: they draw not their directions down *ad casus conscientiae*; that a man may be warranted in his particular actions whether they be lawful or not; neither indeed are many of them able to do it, what through want of grounded knowledge, what through want of study and time. It is a compendious and easy thing to call for the observation of the sabbath-day, or to speak against unlawful gain; but what actions and works may be done upon the sabbath, and what not; and what courses of gain are lawful, and in what cases: to set this down, and to clear the whole matter with good distinctions and decisions, is a matter of great knowledge and labour, and affecteth much meditation and converting in the Scriptures, and other helps which God hath provided and prepared for instruction.

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

They

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

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

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

Another extremity is the excessive magnifying of that, which though it be a principal and most holy institution, yet hath it limits, as all things else have. We see wheresoever, in a manner, they find in the Scriptures the word spoken of, they expound it of preaching; they have made it, in a manner, of the essence of the sacrament of the Lord's supper, to have a sermon precedent; they have, in a sort, annihilated the use of liturgies, and forms of divine service, although the house of God be denominated of the principal, *domus orationis*, a house of prayer, and not a house of preaching. As for the life of the good monks and hermits in the primitive church, I know, they will condemn a man as half a papist, if he should maintain them as other than profane, because they heard no sermons. In the mean time, what preaching is, and who may be said to preach, they move no question; but, as far as I see, every man that presumeth to speak in chair, is accounted a preacher. But I am assured, that not a few that call hotly for a preaching ministry, deserve to be the first themselves that should be expelled. All which errors and misproceedings they do fortify and intrench by an addicted respect to their own opinions, and an impatience to hear contradiction or argument; yea, I know some of them that would think it a tempting of God, to hear or read what may be said against them; as if there could be a *quod lonum est, tenete*; without an *omnia probate*, going before.

This may suffice to offer unto themselves a thought and consideration, whether in these things they do well or no? and to correct and assuage the partiality of their

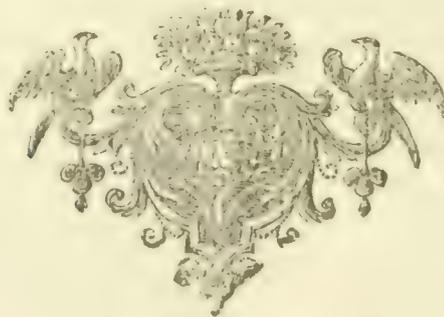
OF CHURCH CONTROVERSIES.

followers. For as for any man that shall hereby enter into a contempt of their ministry, it is but his own hardness of heart. I know the work of exhortation doth chiefly rest upon these men, and they have zeal and hate of sin: But again, let them take heed that it be not true which one of their adversaries said, that they have but two small wants, knowledge and love. And so I conclude this point.

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

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

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



CERTAIN

CONSIDERATIONS

Touching the better

PACIFICATION and EDIFICATION

OF THE

CHURCH of ENGLAND.

Dedicated to his Most Excellent MAJESTY.

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

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

ſenſe, in theſe cauſes; wherein you have well expreſſed to the world, that there is inſuſed in your ſacred breath, from God, that high principle and poſition of government, That you ever hold the whole more dear than any part.

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

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

For the firſt of theſe, it is excellently ſaid by the prophet; *State ſuper vias antiquas, et viſite, quoniam ſic vocavit eos, et ambulavit in eis.* So as that he doth not ſay, *State ſuper vias antiquas, et ambulavit in eis*: For it is true, that with all wiſe and moderate perſons, cuſtom and uſage obtaineth that reverence, as it is ſufficient matter to move them to make a ſtand, and to diſcover, and take a view; but it is no warrant to guide and conſult them: a juſt ground, I ſay, it is of juſt deliberation, but not of direction. But on the other ſide, who knoweth not, that time is truly compared to a ſtream, that carrieth down freſh and pure waters into that ſalt ſea of corruption which environeth all human actions? And therefore, if man ſhall not by his induſtry, virtue, and policy, as it were with the oar, row againſt the ſtream and inclination of time; all institutions and ordinances, be they never ſo pure, will corrupt and degenerate. But not to handle this matter common-place like; I would
only

only ask, why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in parliament assembled; devising remedies as fast as time breedeth mischief; and contrariwise the ecclesiastical state should still continue upon the dregs of time, and receive no alteration now for these five and forty years, and more? If any man should object, that if the like intermission had been used in civil causes also, the error had not been great: Surely the wisdom of the kingdom hath been otherwise in experience for three hundred years space at the least. But if it be said to me, there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do: whereas commonly, to speak truth, dilapidations of the inward and spiritual edifications of the church of God are in all times as great as the outward and material. Sure I am that the very word and stile of reformation used by our Saviour, *ab initio non fuit sic*, was applied to church matters, and those of the highest nature, concerning the law moral.

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

There remaineth yet an objection, rather of suspicion than of reason; and yet such as I think maketh a great impression in the minds of very wise and well affected persons; which is, that it may be given to multitudes, though it be in taking away abuses, yet it may so acquaint men with sweetness of change, as it will undermine the stability even of that which is sound and good. This surely had been a good and true Allegation in the late contentions and divisions between the people and

the senate of Rome; where things were carried at the appetites of multitudes, which can never keep within the compass of any moderation: but these things being with us to have an orderly passage, under a king who hath a royal power and approved judgment, and knoweth as well the measure of things as the nature of them; it is surely a needless fear. For they need not doubt but your Majesty, with the advice of your council, will discern what things are intermingled like the tares amongst the wheat, which have their roots so enwrapped and entangled, as the one cannot be pulled up without endangering the other; and what are mingled but as the chaff and the corn, which need but a fan to sift and sever them. So much therefore for the first point, of no reformation to be admitted at all.

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

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

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

Circum-

Circumstances in the government of Bishops.

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

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

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

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

The like is to be found in other well-governed commonwealths abroad, where the jurisdiction is yet more dispersed; as in the court of parliament of France, and in other places. No man will deny but the acts that pass the bishop's jurisdiction are of as great importance as those that pass the civil courts: for mens souls are more precious than their bodies or goods; and so are their good names. Bishops have their infirmities, and have no exception from that general malediction which is pronounced against all men living, *Vae soli, nam si occideret, etc.* Nay, we see that the first warrant in spiritual causes is directed to a number, *Dic ecclesiae*; which is not so in temporal matters: and we see that in general causes of church government, there are as well assemblies of all the clergy in councils, as of all the states in parliament. Whence should this sole exercise of jurisdiction come? Surely I do suppose, and, I think, upon good ground, that *ab initio non fuit ita*; and that the deans and chapters were councils about the sees and chairs of bishops at the first, and were unto them a presbytery or consistory; and intermeddled not only in the disposing of their revenues and endowments; but much more in jurisdiction ecclesiastical. But it is probable, that the deans and chapters stuck close to the bishops in matters of profit and the world,

and

OF THE PACIFICATION OF THE CHURCH.

and would not lose their hold; but in matters of jurisdiction, which they accounted but a small and attendance, they furnished the bishops to increase and usurp; and to these two points, and the other is lost. And see for that the bishop of Rome, *pro forma* of the church, and no question is that church the full authority was collected, performed all ecclesiastical jurisdiction as in consistory.

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

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

For the second point, which is the deputation of their authority, I see no perfect and a true ground for that either, being somewhat different from the examples and rules of government. The bishop exerciseth his jurisdiction by his chancellor and commissary official, *etc.* We see in all laws in the world, offices of confidence and skill cannot be put over, nor exercised by deputy, except it be especially contained in the original grant; and in that case it is dutiful. And for experience, there was never any chancellor of England made a deputy; there was never any judge in any court made a deputy. The bishop is a judge and of a high nature; whence cometh it that he should depute, considering that all trust and confidence, as was said, is personal and inherent; and cannot, nor ought not to be transposed? though in this age, *etiam non sine causa*, it is probable that bishops when they gave themselves too much to the glory of the world, and became grandees in kingdoms, and great counsellors to princes, then did they delegate their proper jurisdictions, as things of too inferior a nature for their greatness: and then, after the similitude and imitation of kings and counts palatine, they would have their chancellors and judges.

But that example of kings and potentates giveth no good defence. For the reasons why kings administer by their judges, although themselves are supreme judges, are two: the one, because the offices of kings are for the most part of inheritance; and it is a rule in all laws, that offices of inheritance are rather matters that ground in interest than in confidence: for as much as they may fall upon women, upon infants,

fore such offices by all laws might be exercised and administered by delegation. The second reason is, because of the amplitude of their jurisdictions ; which is as great as either their birth-right from their ancestors, or their sword-right from God maketh it. And therefore, if Moses, that was governor over no great people, and those collected together in a camp, and not scattered in provinces and cities, himself of an extraordinary spirit, was nevertheless not able to suffice and hold out in person to judge the people, but did, by the advice of Jethro approved from God, substitute elders and judges ; how much more other kings and princes ?

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

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

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

Concerning the Liturgy, the Ceremonies, and Subscription.

FOR the liturgy, great respect and heed would be taken, lest by inveighing against the dumb ministry, due reverence be not withdrawn from the liturgy. For though the gift of preaching be far above that of reading; yet the action of the liturgy is as high and holy as that of the sermon. It is said, *Domus mea domus orationis vocabitur: the house of prayer*; not the house of preaching: and whereas the apostle saith, *How shall men call upon him, or whom they have not believed? And how shall they believe unless they hear? And how shall they hear, unless a preacher?* it appeareth that as preaching is the more original, so prayer is the more final; as the difference is between the seed and the fruit: for the keeping of God's law, is the fruit of the teaching of the law; and prayer, or invocation, or divine service, or liturgy, for these be but varieties of terms, is the immediate hallowing of the name of God, and the principal work of the first table, and of the great commandment of the love of God. It is true that the preaching of the holy word of God is the sowing of the seed; it is the lifting up of the brazen serpent, the ministry of faith, and the ordinary means of salvation; but yet it is good to take example, how that the best actions of the worship of God may be extolled excessively and superstitiously. As the extolling of the sacrament bred the superstition of the mass; the extolling of the liturgy and prayers bred the superstition of the monastical orders and customs: and so no doubt, preaching likewise may be magnified and extolled superstitiously, as if all the whole body of God's worship should be turned into an ear. So as none, as I suppose, of sound judgment will derogate from the liturgy, if the

form

form thereof be in all parts agreeable to the word of God, the example of the primitive church, and that holy decency which St. Paul commendeth. And therefore, first, that there be a set form of prayer, and that it be not left either to an extemporal form, or to an arbitrary form. Secondly, that it consist as well of lauds, hymns, and thanksgivings, as of petitions, prayers, and supplications. Thirdly, that the form thereof be quickened with some shortness and diversities of prayers and hymns, and with some interchanges of the voice of the people, as well as of the minister. Fourthly, that it admit some distinct uses of time, and commemorations of God's principal benefits, as well general as particular. Fifthly, that prayers likewise be appropriated to several necessities and occasions of the church. Sixthly, that there be a form likewise of words and liturgy in the administration of the sacraments, and in the denouncing of the censures of the church, and other holy actions and solemnities; these things, I think, will not be much controverted.

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

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

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

For private baptism by women, or lay persons, the best divines do utterly condemn it; and I hear it not generally defended; and I have often marvelled, that where the book in the preface to public baptism doth acknowledge that baptism in the practice

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of the primitive church was anniversary, and but at certain times; which sheweth that the primitive church did not attribute so much to the ceremony, as they would break an outward and general order for it: the book should afterwards allow of private baptism, as if the ceremony were of that necessity, as the very institution, which committed baptism only to the ministers, should be broken in regard of the supposed necessity. And therefore this point of all others I think was but a *Concessum propter duritiam cordis*.

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

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

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

Touching a Preaching Ministry.

TO speak of a learned ministry: it is true that the worthiness of the pastors and ministers is of all other points of religion the most summary; I do not say the greatest, but the most effectual towards the rest: but herein, to my understanding,
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while men go on in zeal to hasten this work, they are not aware of as great or greater inconvenience, than that which they seek to remove. For while they inveigh against a dumb ministry, they make too easy and too promiscuous an allowance of such as they account preachers; having not respect enough to their learnings in other arts, which are handmaids to divinity; not respect enough to years, except it be in case of extraordinary gift; not respect enough to the gift itself, which many times is none at all. For God forbid, that every man that can take unto himself boldness to speak an hour together in a church upon a text, should be admitted for a preacher, though he mean never so well. I know there is a great latitude in gifts, and a great variety in auditories and congregations; but yet so as there is *aliquid infinitum*, below which you ought not to descend. For you must rather leave the ark to shake as it shall please God, than put unworthy hands to hold it up. And when we are in God's temple, we are warned rather to *put our hands up in our mouth, than to offer the sacrifice of fools*. And surely it may be justly thought, that amongst many causes of atheism, which are miserably met in our age; as schisms and controversies, profane scoffings in holy matters, and others; it is not the least that divers do adventure to handle the word of God, who are unfit and unworthy. And herein I would have no man mistake me, as if I did extol curious and affected preaching; which is as much on the other side to be disliked, and breedeth atheism and scandal as well as the other, for who would not be offended at one that cometh into the pulpit, as if he came upon the stage to play parts or prizes? neither on the other side, as if I would discourage any who hath any tolerable gift.

But upon this point I ground three considerations: First, whether it were not requisite to renew that good exercise which was practised in this church, some years, and afterwards put down by order indeed from the church, in regard of some abuse thereof, inconvenient for those times; and yet against the advice and opinion of one of the greatest and gravest prelates of this land, and was commonly called prophesying; which was this: That the ministers within a precinct did meet upon a week-day in some principal town, where there was some ancient grave minister that was president, and an auditory admitted of gentlemen, or other persons of leisure. Then every minister successively, beginning with the youngest, did handle one and the same part of Scripture, spending severally some quarter of an hour or better, and in the whole some two hours: and so the exercise being begun and concluded with prayer, and the president giving a text for the next meeting, the assembly was dissolved. And this was, as I take it, a fortnight's exercise; which, in my opinion, was the best way to frame and train up preachers to handle the word of God as it ought to be handled, that hath been practised. For we see orators have their declamations, lawyers have their moots, logicians their sophisms; and every practice of science hath an exercise of erudition and initiation before men come to the life; only preaching, which is the worthiest, and wherein it is most danger to do amiss, wanteth an introduction, and is ventured and rushed upon at the first. But unto this exercise of the prophecy, I would wish these two additions: the one, that after this exercise, which is in some sort public, there were immediately a private meeting of the same ministers, where they might brotherly admonish the one the other, and especially the elder sort the younger, of any thing that had passed in the exercise in matter or manner un-found and uncomely; and in a word, might mutually use such advice, instruction, comfort,

and in, or encouragement, or occasion might minister; for public reprehension, were to be allowed. The other objection, that I mean, is that the same exercise were used in the universities, as in the country, because they presume to preach, as well as in the country for ministers. For they have in some colleges an exercise called a common-place; which can in no degree be so profitable, being but the speech of one man at one time. And if it be feared, that it may be occasion to whet mens speeches for controversies, it is easily remedied, by some strict prohibition, that matters of controversy tending any way to the violating or ditquieting the peace of the church, be not handled or entered into; which prohibition, in regard there is ever to be a grave person president or moderator, cannot be frustrated. The second consideration is, whether it were not convenient there should be a more exact probation and examination of ministers: namely, that the bishops do not ordain alone, but by advice; and then that ancient holy order of the Church might be revived; by the which the bishop did ordain ministers but at four set times of the year; which were called *Quatuor tempora*; which are now called Ember-weeks: it being thought fit to accompany so high an action with general fasting and prayer, and sermons, and all holy exercises; and the names likewise of those that were to be ordained, were published some days before their ordination; to the end exceptions might be taken, if just cause were. The third consideration is, that if the case of the church of England be, that were a computation taken of all the parochian churches, allowing the union of such as were too small and adjacent, and again a computation to be taken of the persons who were worthy to be pastors; and upon the said account if it fall out that there are many more churches than pastors, then of necessity recourse must be had to one of these remedies; either that pluralities must be allowed, especially if you can by permutation make the benefices more compatible; or that there be allowed preachers to have a more general charge, to supply and serve by turn parishes unfurnished: for that some churches should be provided of pastors able to teach, and others wholly destitute, seemeth to me to be against the communion of saints and christians, and against the practice of the primitive church.

Touching the abuse of Excommunication.

EXcommunication is the greatest judgment upon earth; being that which is ratified in heaven; and being a precursory or prelusory judgment of the great judgment of Christ in the end of the world. And therefore for this to be used irreverently, and to be made an ordinary process, to lackey up and down for fees; how can it be without derogation to God's honour, and making the power of the keys contemptible? I know very well the defence thereof, which hath no great force; that it issueth forth not for the thing itself, but for the contumacy. I do not deny, but this judgment is, as I said before, of the nature of God's judgments; of the which it is a model. For as the judgment of God taketh hold of the least sin of the impenitent, and taketh no hold of the greatest sin of the convert or penitent; so excommunication may in case issue upon the smallest offence, and in case not issue upon the greatest: but is this contumacy such a contumacy as excommunication is now used for? For the contumacy must be such as the party, as far as the eye and wisdom of the church can discern, standeth in state of reprobation and damnation: as one that for that time seemeth given over

to final impenitency. Upon this observation I ground two considerations: the one, that this censure be restored to the true dignity and use thereof; which is, that it proceed not but in causes of great weight; and that it be decreed not by any deputy or substitute of the bishop, but by the bishop in person; and not by him alone, but by the bishop assisted.

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

Touching Non-Residents, and Pluralities.

FOR non-residence, except it be in case of necessary absence, it seemeth an abuse drawn out of covetousness and sloth: for that men should live of the folk that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted, as hath been touched before. The questions upon this point do arise upon the cases of exception and excusation, which shall be thought reasonable and sufficient, and which not. For the case of chaplains, let me speak that with your Majesty's pardon, and with reverence towards the other peers and grave persons, whose chaplains by statutes are privileged: I should think, that the attendance which chaplains give to your Majesty's court, and in the houses and families of their lords, were a juster reason why they should have no benefice, than why they should be qualified to have two: for, as it standeth with christian policy, that such attendance be in no wise neglected; because that good, which ensueth thereof to the church of God, may exceed, or countervail that which may follow of their labours in any, though never so large a congregation; so it were reasonable that their maintenance should honourably and liberally proceed thence, where their labours be employed. Neither are there wanting in the church dignities and preferments not joined with any exact cure of souls; by which, and by the hope of which, such attendants in ordinary, who ought to be, as for the most part they are, of the best gifts and sort, may be farther encouraged and rewarded. And as for extraordinary attendants, they may very well retain the grace and countenance of their places and duties at times incident thereunto, without discontinuance or non-residence in their pastoral charges. Next for the case of intending studies in the universities, it will more easily receive an answer; for studies do but serve and tend to the practice of those studies: and therefore for that which is most principal and final to be left undone, for the attending of that which is subservient and subministrant, seemeth to be against proportion of reason. Neither do I see, but that they proceed right well in all knowledge, which do couple study with their practice; and do not first study altogether, and then practice afterwards; and therefore they may very well study at their benefices.

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Thirdly, for the case of extraordinary service of the church ; as if some pastor be sent to a general council, or here to a convocation ; and likewise for the case of necessity, as in the particular of infirmity of body and the like, no man will contradict, but that there may be some substitution for such a time. But the general case of necessity is the case of pluralities ; the want of pastors and insufficiency of livings considered, *posito*, that a man doth faithfully and incessantly divide his labours between two cures ; which kind of necessity I come now to speak of in the handling of pluralities.

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

Touching the Provision for sufficient Maintenance in the Church.

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

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

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

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

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

THE
TRANSLATION
OF CERTAIN
P S A L M S
INTO
ENGLISH VERSE.

By the Right Honourable

FRANCIS Lord Verulam, Viscount St. Alban.*

To his very good Friend,

Mr. GEORGE HERBERT.

THE pains † that it pleased you to take about some of my writings, I cannot forget; which did put me in mind to dedicate to you this poor exercise of my sickness. Besides, it being my manner for dedications, to choose those that I hold most fit for the argument, I thought, that in respect of divinity and poetry met, whereof the one is the matter, the other the stile of this little writing, I could not make better choice: so, with signification of my love and acknowledgment, I ever rest

Your affectionate Friend,

FR. ST. ALBAN.

* Printed at London 1633, in Quarto.

† Of translating part of the Advancement of Learning into Latin.

The TRANSLATION of the 1st P S A L M.

WH O never gave to wicked reed
 A yielding and attentive ear ;
 Who never sinners path did tread,
 Nor sat him down in scorner's chair ;
 But maketh it his whole delight
 On law of God to meditate ;
 And therein spendeth day and night :
 That man is in a happy state.

He shall be like the fruitful tree,
 Planted along a running spring,
 Which, in due season, constantly
 A goodly yield of fruit doth bring :
 Whose leaves continue always green,
 And are no prey to winter's pow'r :
 So shall that man not once be seen
 Surprised with an evil hour.

With wicked men it is not so,
 Their lot is of another kind :
 All as the chaff, which to and fro
 Is tofs'd at mercy of the wind.
 And when he shall in judgment plead,
 A casting sentence bide he must :
 So shall he not lift up his head
 In the assembly of the just.

For why ? the Lord hath special eye
 To be the godly's stay at call :
 And hath given over, righteously,
 The wicked man to take his fall:

The TRANSLATION of the XIIth P S A L M.

H E L P, Lord, for godly men have took their flight,
 And left the earth to be the wicked's den :
 Not one that standeth fast to truth and right,
 But fears, or seeks to please, the eyes of men.
 When one with other falls in talk apart,
 Their meaning go'th not with their words, in proof ;
 But fair they flatter, with a cloven heart,
 By pleasing words, to work their own behoof.

But God cut off the lips, that are all set
 To trap the harmless soul, that peace hath vow'd;
 And pierce the tongues, that seek to counterfeit
 The confidence of truth, by lying loud:
 Yet so they think to reign, and work their will
 By subtle speech, which enters ev'ry where;
 And say: Our tongues are ours, to help us still;
 What need we any higher pow'r to fear?

Now for the bitter fighting of the poor,
 The Lord hath said, I will no more forbear
 The wicked's kingdom to invade and scour,
 And set at large the men restrain'd in fear.
 And sure the word of God is pure and fine,
 And in the trial never loseth weight;
 Like noble gold, which, since it left the mine,
 Hath seven times passed through the fiery strait.

And now thou wilt not first thy word forsake,
 Nor yet the righteous man that leans thereto;
 But wilt his safe protection undertake,
 In spite of all their force and wiles can do
 And time it is, O Lord, thou didst draw nigh;
 The wicked daily do enlarge their bands;
 And that which makes them follow ill a vie,
 Rule is betaken to unworthy hands.

The TRANSLATION of the xcth P S A L M.

O Lord, thou art our home, to whom we fly,
 And so hast always been from age to age.
 Before the hills did intercept the eye,
 Or that the frame was up of earthly stage,
 One God thou wert, and art, and still shalt be;
 The line of time, it doth not measure thee.

Both death and life obey thy holy lore,
 And visit in their turns, as they are sent;
 A thousand years, with thee they are no more
 Than yesterday, which, ere it is, is spent:
 Or as a watch by night, that course doth keep,
 And goes, and comes, unawares to them that sleep.

Thou carry'st man away as with a tide:
 Then down swim all his thoughts, that mounted high:

Much

A TRANSLATION OF CERTAIN PSALMS

Much like a mocking dream, that will not bide,
 But fies before the light of waking eye ;
 Or as the grafs, that cannot term obtain,
 To see the summer come about again.

At morning, fair it musters on the ground ;
 At ev'n it is cut down, and laid along :
 And though it spared were, and favour found,
 The weather would perform the mower's wrong :
 Thus hast thou hang'd our life on brittle pins,
 To let us know it will not bear our sins.

Thou bury'ft not within oblivion's tomb
 Our trespasses, but ent'rest them aright ;
 Ev'n those that are conceiv'd in darkness' womb,
 To thee appear as done at broad day-light.
 As a tale told, which sometimes men attend,
 And sometimes not, our life steals to an end.

The life of man is threescore years and ten,
 Or, if that he be strong, perhaps fourscore ;
 Yet all things are but labour to him then,
 New sorrows still come on, pleasures no more.
 Why should there be such turmoil and such strife
 To spin in length this feeble line of life ?

But who considers duly of thine ire ?
 Or doth the thoughts thereof wisely embrace ?
 For thou, O God, art a consuming fire :
 Frail man, how can he stand before thy face ?
 If thy displeasure thou dost not refrain,
 A moment brings all back to dust again.

Teach us, O Lord, to number well our days,
 That by our livets to wisdom to apply ;
 For that which guides man best in all his ways,
 Is meditation of mortality.
 This bubble light, this vapour of our breath,
 Teach us to consecrate to hour of death.

Return unto us, Lord, and balance now,
 With days of joy, our days of misery ;
 Help us right soon, our knees to thee we bow,
 Depending wholly on thy clemency ;
 Then shall thy servants both with heart and voice
 All the days of their life in thee rejoice.

Begin thy work, O Lord, in this our age,
 Shew it unto thy servants that now live ;
 But to our children raise it many a stage,
 That all the world to thee may glory give.
 Our handy-work likewise, as fruitful tree,
 Let it, O Lord, blessed, not blasted be.

The TRANSLATION of the CIVth P S A L M.

FAther and King of pow'rs, both high and low,
 Whose sounding fame all creatures serve to blow ;
 My soul shall with the rest strike up thy praise,
 And carol of thy works, and wondrous ways.
 But who can blaze thy beauties, Lord, aright ?
 They turn the brittle beams of mortal sight.
 Upon thy head thou wear'st a glorious crown,
 All set with virtues polish'd with renown :
 Thence round about a silver veil doth fall
 Of crystal light, mother of colours all.
 The compass heav'n, smooth without grain, or fold,
 All set with spangs of glitt'ring stars untold,
 And strip'd with golden beams of power unpent,
 Is raised up for a removing tent.
 Vaulted and arched are his chamber beams
 Upon the seas, the waters, and the streams :
 The clouds as chariots swift do scour the sky :
 The stormy winds upon their wings do fly.
 His angels spirits are, that wait his will,
 As flames of fire his anger they fulfil.
 In the beginning, with a mighty hand,
 He made the earth by counterpoise to stand,
 Never to move, but to be fixed still ;
 Yet hath no pillars but his sacred will.
 This earth, as with a veil, once cover'd was,
 The waters over-flowed all the mass :
 But upon his rebuke away they fled,
 And then the hills began to shew their head ;
 The vales their hollow bosoms open'd plain,
 The streams ran trembling down the vales again :
 And that the earth no more might drowned be,
 He set the sea his bounds of liberty ;
 And though his waves resound, and beat the shore,
 Yet it is bridled by his holy lore.
 Then did their rivers seek their proper places,
 And found their heads, their issues, and their races ;
 The springs do feed the rivers all the way,
 And to the tribute to the sea repay :

Running

Running along through many a pleasant field,
 Much fruitfulness unto the earth they yield :
 That know the beasts and cattle feeding by,
 Which for to slake their thirst do thither lie.
 Nay desert grounds the streams do not forsake,
 But through the unknown ways their journey take :
 The asses wild, that hide in wilderness,
 Do thither come, their thirst for to refresh.
 The shady trees along their banks do spring,
 In which the birds do build, and sit and sing ;
 Stroking the gentle air with pleasant notes,
 Plaining, or chirping through their warbling throats.
 The higher grounds, where waters cannot rise,
 By rain and dews are water'd from the skies ;
 Causing the earth put forth the grass for beasts,
 And garden herbs, serv'd at the greatest feasts ;
 And bread, that is all viands firmament,
 And gives a firm and solid nourishment ;
 And wine man's spirits for to recreate ;
 And oil his face for to exhilarate.
 The sappy cedars, tall like stately tow'rs,
 High-flying birds do harbour in their bow'rs ;
 The holy storks, that are the travellers,
 Choose for to dwell and build within the firs ;
 The climbing goats hang on steep mountains side ;
 The digging conies in the rocks do bide.
 The moon, so constant in inconstancy,
 Doth rule the monthly seasons orderly ;
 The sun, eye of the world, doth know his race,
 And when to shew, and when to hide his face.
 Thou makest darkness, that it may be night,
 When as the savage beasts, that fly the light,
 As conscious of man's hatred, leave their den,
 And range abroad, secur'd from sight of men.
 Then do the forests ring of lions roaring,
 That ask their meat of God, their strength restoring ;
 But when the day appears they back do fly,
 And in their dens again do lurking lie.
 Then man goes forth to labour in the field,
 Whereby his grounds more rich increase may yield.
 O Lord, thy providence sufficeth all ;
 Thy goodness, not restrain'd, but general
 Over thy creatures : the whole earth doth flow
 With thy great largesse pour'd forth here below.
 Nor is it earth alone exalts thy name,
 But seas and streams likewise do spread the fame.
 The rolling seas unto the lot doth fall
 Of beasts innumerable, great and small ;

There

There do the stately ships plow up the floods,
 The greater navies look like walking woods ;
 The fishes there far voyages do make,
 To divers shores their journey they do take.
 There hast thou set the great Leviathan,
 That makes the seas to seeth like boiling pan.
 All these do ask of thee their meat to live,
 Which in due season thou to them dost give.
 Ope thou thy hand, and then they have good fare ;
 Shut thou thy hand, and then they troubled are.
 All life and spirit from thy breath proceed,
 Thy word doth all things generate and feed.
 If thou withdraw'st it, then they cease to be,
 And straight return to dust and vanity ;
 But when thy breath thou dost send forth again,
 Then all things do renew, and spring amain ;
 So that the earth, but lately desolate,
 Doth now return unto the former state.
 The glorious Majesty of God above
 Shall ever reign in mercy and in love :
 God shall rejoice all his fair works to see,
 For as they come from him all perfect be.
 The earth shall quake, if ought his wrath provoke ;
 Let him but touch the mountains they shall smoke.
 As long as life doth last I hymns will sing,
 With chearful voice, to the eternal King ;
 As long as I have being, I will praise
 The works of God, and all his wondrous ways.
 I know that he my words will not despise,
 Thanksgiving is to him a sacrifice.
 But as for sinners, they shall be destroy'd
 From off the earth, their places shall be void.
 Let all his works praise him with one accord ;
 O praise the Lord, my soul ; praise ye the Lord !

The TRANSLATION of the CXXVIth P S A L M.

WHEN God return'd us graciously
 Unto our native land,
 We seem'd as in a dream to be,
 And in a maze to stand.

The heathen likewise they could say :
 The God that these men serve,
 Hath done great things for them this day,
 Their nation to preserve.

A TRANSLATION OF CERTAIN PSALMS.

'Tis true, God hath pour'd out his grace
 On us abundantly,
 For which we yield him psalms and praise,
 And thanks with jubile.

O Lord, turn our captivity,
 As winds that blow at south,
 Do pour the tides with violence
 Back to the rivers mouth.

Who sows in tears shall reap in joy,
 The Lord doth so ordain ;
 So that his seed be pure and good,
 His harvest shall be gain.

The TRANSLATION of the CXXXVIIth P S A L M.

WHEN as we sat all sad and desolate,
 By Babylon upon the river's side,
 Eas'd from the tasks which in our captive state
 We were enforced daily to abide,
 Our harps we had brought with us to the field,
 Some solace to our heavy souls to yield.

But soon we found we fail'd of our account,
 For when our minds some freedom did obtain,
 Straightways the memory of Sion Mount
 Did cause afresh our wounds to bleed again ;
 So that with present griefs, and future fears,
 Our eyes burst forth into a stream of tears.

As for our harps, since sorrow struck them dumb,
 We hang'd them on the willow-trees were near ;
 Yet did our cruel masters to us come,
 Asking of us some Hebrew songs to hear ;
 Taunting us rather in our misery,
 Than much delighting in our melody.

Alas, said we, who can once force or frame
 His grieved and oppress'd heart to sing
 The praises of Jehovah's glorious name,
 In banishment, under a foreign King ?
 In Sion is his seat and dwelling place,
 Thence doth he shew the brightness of his face.

Jerusalem, where God his throne hath set,
 Shall any hour absent thee from my mind ?
 Then let my right-hand quite her skill forget,
 Then let my voice and words no passage find ;
 Nay if I do not thee prefer in all,
 That in the compass of my thoughts can fall.

Remember thou, O Lord, the cruel cry
 Of Edom's children, which did ring and found,
 Inciting the Chaldeans' cruelty,
 "Down with it, down with it, even unto the ground."
 In that good day repay it unto them,
 When thou shalt visit thy Jerusalem.

And thou, O Babylon, shalt have thy turn
 By just revenge, and happy shall he be,
 That thy proud walls and tow'rs shall waste and burn,
 And as thou didst by us, so do by thee.
 Yea happy he, that takes thy children's bones,
 And dasheth them against the pavement stones.

The TRANSLATION of the CXLIXth P S A L M.

O Sing a new song to our God above,
 Avoid profane ones, 'tis for holy quire :
 Let Israel sing songs of holy love
 To him that made them, with their hearts on fire :
 Let Zion's sons lift up their voice and sing
 Carols and anthems to their heav'nly King.

Let not your voice alone his praise forth tell,
 But move withal, and praise him in the dance ;
 Cymbals and harps let them be tuned well,
 'Tis he that doth the poors estate advance :
 Do this not only on the solemn days,
 But on your secret beds your spirits raise.

O let the fairs bear in their mouth his praise,
 And a two-edged sword drawn in their hand,
 Therewith for to revenge the former days
 Upon all nations that their zeal withstand ;
 To bind their Kings in chains of iron strong,
 And manacle their nobles for their wrong.

Expect the time, for 'tis decreed in heav'n,
 Such honour shall unto his fairs be giv'n.

L E T T E R S.

LETTERS in the reign of Queen ELIZABETH.

I.

It may please your good Lordship,

I Am sorry the joint masque from the four inns of court faileth; wherein I conceive there is no other ground of that event but impossibility. Nevertheless, because it falleth out that at this time Gray's Inn is well furnished of gallant young gentlemen, your lordship may be pleased to know, that rather than this occasion shall pass without some demonstration of affection from the inns of court, there are a dozen gentlemen of Gray's Inn, that out of the honour which they bear to your lordship and my lord chamberlain, to whom at their last masque they were so much bounden, will be ready to furnish a masque; wishing it were in their power to perform it according to their mind. And so for the present I humbly take my leave, resting

Your Lordships very humble and much bounden,

FR. BACON.

II. A LETTER of ceremony to Queen ELIZABETH, upon the sending of a new-year's gift. Rawley's Edition.

It may please your sacred Majesty,

ACCORDING to the ceremony of the time, I would not forget, in all humbleness, to present your Majesty with a small new-year's gift: nothing to my mind. And therefore to supply it, I cannot but pray to God to give your Majesty his new-year's gift; that is, a new year, that shall be as no year to your body, and as a year with two harvests to your coffers; and every other way prosperous and gladfome. And so I remain,

Your Majesty's loyal and obedient subject.

III. A

III. A LETTER of ceremony to Queen ELIZABETH, upon the sending of a new-year's gift.

Rawley's
Referentio.

Most excellent sovereign Mistress,

THE only new-year's gift, which I can give your Majesty, is that, which God hath given to me; which is, a mind in all humbleness to wait upon your commandments and business: wherein I would to God, that I were hooded, that I saw less; or that I could perform more: for now I am like a hawk, that bates, when I see occasion of service, but cannot fly because I am tied to another's fist. But mean while, I continue my presumption of making to your Majesty my poor oblation of a garment, as unworthy the wearing, as his service, that sends it: but the approach to your excellent person may give worth to both; which is all the happiness I aspire unto.

Rawley's
Referentio.

IV. To the QUEEN.

It may please your sacred Majesty,

Probably
wrote 1600.

I Would not fail to give your Majesty my most humble and due thanks, for your royal choice of such commissioners in the great star-chamber cause; being persons, besides their honour, of such science and integrity: by whose report I doubt not but your Majesty will find that, which you have been heretofore informed, both by my lord keeper, and by some much meaner person, touching the nature of that cause, to be true. This preparatory hearing doth already assail me, with new and enlarged offers of composition; which if I had born a mind to have hearkened unto, this matter had been quenched long ago, without any benefit to your Majesty. But your Majesty's benefit is to me in greater regard than mine own particular: trusting to your Majesty's gracious disposition and royal word, that your Majesty will include me in any extraordinary course of your sovereign pleasure, which your Majesty shall like to take in this cause. The other man, I spoke to your Majesty of, may, within these two terms, be in the same straits, between your Majesty's justice and mercy, that this man now is, if your Majesty be so pleased. So most humbly craving pardon for my presuming to seek access for these few lines, I recommend your Majesty to the most precious custody and best preservation of the Divine Majesty.

Your Majesty's most humble, and entirely obedient servant and subject,

V. To

V. To the QUEEN*.

*Rawley's
Resuscitatio*It may please your excellent Majesty,*

I Presume according to the ceremony and good manner of the time and my accustomed duty, in all humbleness to present your Majesty with a simple gift; almost as far from answering my mind, as sorting with your greatness; and therewith wish, that we may continue to reckon on, and ever, your Majesty's happy years of reign: and they that reckon upon any other hopes, I would they might reckon short and to their cost. And so craving pardon most humbly, I commend your Majesty to the preservation of the divine goodness.

VI. To the QUEEN*.

*Rawley's
Resuscitatio.*It may please your excellent Majesty,*

I Most humbly intreat your Majesty, not to impute my absence to any weakness of mind or unworthiness. But, I assure your Majesty, I do find envy beating so strongly upon me, standing as I do, if this be to stand, as it were not strength of mind, but stupidity, if I should not decline the occasions; except I could do your Majesty more service than I can any ways discern that I am able to do. My course towards your Majesty, God is my witness, hath been pure and unleavened: and never poor gentleman, as I am persuaded, had a deeper and truer desire and care of your glory, your safety, your repose of mind, your service: wherein, if I have exceeded my outward vocation, I most humbly crave your Majesty's pardon for my presumption. On the other side, if I have come short of my inward vocation, I most humbly crave God's pardon for quenching the Spirit. But in this mind I find such solitude, and want of comfort, which I judge to be, because I take duty too exactly, and not according to the dregs of this age, wherein the old anthem might never be more truly sung, *Totus mundus in maligno positus est*. My life hath been threatned, and my name libelled, which I count an honour. But these are the practices of those whose despairs are dangerous, but yet not so dangerous as their hopes; or else the devices of some, that would put out all your Majesty's lights, and fall on reckoning how many years you have reigned; which I beseech our blessed Saviour may be doubled, and that I may never live to see any eclipse of your glory, interruption of safety, or indisposition of your person; which I commend to the Divine Majesty, who keep you and fortify you.

This seems to refer to the Earl of Essex, 1600.

* Rawley's
Retrahitatio.

VII. To my Lord Treasurer BURGHLEY, 1591.*

My Lord,

WITH as much confidence as mine own honest and faithful devotion unto your service, and your honourable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your lordship. I wax now somewhat ancient; one and thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed; and I do not fear that action shall impair it; because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bare a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol, that loveth honour; nor under Jupiter, that loveth business, for the contemplative planet carrieth me away wholly: but as a man born under an excellent sovereign, that deserveth the dedication of all mens abilities. Besides, I do not find in myself so much self-love, but that the greater part of my thoughts are to deserve well, if I were able, of my friends, and namely of your lordship; who being the Atlas of this commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am, to do you service. Again, the meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends: for I have taken all knowledge to be my province; and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, confutations, and verbosities: the other with blind experiments and auricular traditions and impostures, hath committed so many spoils; I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that province. This, whether it be curiosity, or vain-glory, or nature, or, if one take it favourably, *philanthropia*, is so fixed in my mind, as it cannot be removed. And I do easily see, that place of any reasonable countenance doth bring commandment of more wits than of a man's own; which is the thing I greatly affect. And for your lordship, perhaps you shall not find more strength and less encounter in any other. And if your lordship shall find now or at any time, that I do seek or affect any place, whereunto any that is nearer unto your lordship shall be concurrent, say then that I am a most dishonest man. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty: but this I will do, I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy, and so give over all care of service, and become some sorry book-maker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining

taining nothing from you. And even so, I wish your lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service.

From my lodging at Gray's-Inn.

VIII. To the Lord Treasurer BURGHEY. *

* Rawley's
Resuscitatio.

My singular good Lord,

YOUR lordship's comfortable relation of her majesty's gracious opinion and meaning towards me, though at that time your leisure gave me not leave to shew how I was affected therewith; yet upon every representation thereof it entereth and striketh more deeply into me, as both my nature and duty presseth me to return some speech of thankfulness. It must be an exceeding comfort and encouragement to me, setting forth and putting myself in way towards her majesty's service, to encounter with an example so private and domestical, of her majesty's gracious goodness and benignity; being made good and verified in my father, so far forth, as it extendeth to his posterity; accepting them as commended by his service, during the non-age, as I may term it, of their own deserts. I, for my part, am very well content, that I take least part, either of his abilities of mind, or of his worldly advancement; both which he held and received, the one of the gift of God immediately, the other of her majesty's gift: yet, in the loyal and earnest affection which he bare to her majesty's service, I trust my portion shall not be with the least: nor in proportion with the youngest birth. For methinks his precedent should be a silent charge, upon his blessing, unto us all, in our degrees, to follow him afar off, and to dedicate unto her majesty's service both the use and spending of our lives. True it is, that I must needs acknowledge myself prepared and furnished thereunto with nothing but with a multitude of lacks and imperfections; but calling to mind how diversly, and in what particular providence God hath declared himself to tender the state of her majesty's affairs, I conceive and gather hope, that those whom he hath in a manner pres'd for her majesty's service, by working and imprinting in them a single and zealous mind to bestow their duties therein; he will see them accordingly appointed of sufficiency convenient for the rank and standing where they shall be employed: so as, under this her majesty's blessing, I trust to receive a larger allowance of God's graces. And as I may hope for this, so I can assure and promise for my endeavour, that it shall not be in fault; but what diligence can intitle me unto, that I doubt not to recover. And now seeing it hath pleased her majesty to take knowledge of this my mind, and to vouchsafe to appropriate me unto her service, preventing any desert of mine with her princely liberality; first, I humbly do beseech your lordship, to present to her majesty my more than humble thanks for the same: and withal, having regard to my own unworthiness to receive such favour, and to the small possibility in me to satisfy and answer what her majesty conceiveth, I am moved to become a most humble suitor to her majesty, that this benefit also may be affixed unto the other; which is, that if there appear in me no such towardness of service, as it may be her majesty doth benignly value and assess me at, by reason of my sundry wants, and the disadvantage of my nature, being unapt to lay forth the simple store of those inferior gifts which God hath allotted unto me, most to view; yet that it would please her excellent majesty, not to account my thankfulness the

less, for that my disability is great to shew it; but to sustain me in her majesty's gracious opinion, whereupon I only rest, and not upon any expectation of desert to proceed from myself towards the contentment thereof. But if it shall please God to send forth an occasion whereby my faithful affection may be tried, I trust it shall save me labour for ever making more protestation of it hereafter. In the mean time, howsoever it be not made known to her majesty, yet God knoweth it through the daily solicitations wherewith I address myself unto him, in unfeigned prayer, for the multiplying of her majesty's prosperities. To your lordship also, whose recommendation, I know right well, hath been material to advance her majesty's good opinion of me, I can be but a bounden servant. So much may I safely promise, and purpose to be, seeing public and private bonds vary not, but that my service to her majesty and your lordship draw in a line. I wish therefore to shew it with as good proof, as I can say it in good faith, etc.

Your Lordship's, etc.

† Rawley's
Resuscitatio.

IX. To the Lord Treasurer BURGHLEY †.

It may please your good Lordship,

I Am to give you humble thanks for your favourable opinion, which, by Mr. Secretary's report I find, you conceive of me, for the obtaining of a good place, which some of my honourable friends have wished unto me *nec opinanti*. I will use no reason to persuade your lordship's mediation, but this, that your lordship, and my other friends, shall in this beg my life of the queen; for I see well, the bar will be my bier, as I must and will use it, rather than my poor estate or reputation shall decay. But I stand indifferent, whether God call me, or her majesty. Had I that in possession, which, by your lordship's only means, against the greatest opposition, her majesty granted me, I would never trouble her majesty, but serve her still voluntarily without pay. Neither do I, in this, more than obey my friends conceits, as one that would not be wholly wanting to myself. Your lordship's good opinion doth somewhat confirm me, as that I take comfort in above all others; assuring your lordship, that I never thought so well of myself for any one thing, as that I have found a fitness to my thinking, in myself to observe and revere your virtues: for the continuance whereof, in the prolonging of your days, I will still be your headman, and accordingly, at this time, commend your lordship to the divine protection.

• Rawley's
Resuscitatio.

X. To the Lord Treasurer BURGHLEY*.

Most honourable, and my very good Lord,

I Know I may commit an error in writing this letter, both in a time of great and weighty business, as also when myself am not induced thereto by any new particular occasion; and therefore your lordship may impute to me either levity, or ignorance what appertaineth to good respects and forwardness of dealing, especially to an honourable person, in whom there is such concurrence of *magnitudo honoris et aetatis*, as it is hard to say whether is the greater. But I answer myself first, that I have ever noted it as a part of your lordship's excellent wisdom, *parvis componere magna*; that you do not exclude inferior matters of access, amongst the care of great. And for myself,

myself, I thought it would better manifest what I desire to express, if I did write out of a deep and settled consideration of my own duty, rather than upon the spur of a particular occasion: and therefore, my singular good lord, *ex abundantia cordis*, I must acknowledge how greatly and diversly your lordship hath vouchsafed to tie me unto you by many your benefits. The reversion of the office which your lordship only procured unto me, and carried through great and vehement opposition, though it yet bear no fruit, yet it is one of the fairest flowers of my poor estate; your lordship's constant and serious endeavours to have me solicitor; your late honourable wishes for the place of the wards; together with your lordship's attempt to give me way by the remove of Mr. Solicitor; they be matters of singular obligation; besides many other favours, as well by your lordship's grants from yourself, as by your commendation to others, which I have had for my help; and may justly persuade myself, out of the few denials I have received, that fewer might have been, if mine own industry and good hap had been answerable to your lordship's goodness. But, on the other side, I most humbly pray your lordship's pardon if I speak it; the time is yet to come that your lordship did ever use, or command or employ me, in my profession, in any services or occasions of your lordship's own, or such as are near unto your lordship; which hath made me fear sometimes, that your lordship doth more honourably affect me, than thoroughly discern of my most humble and dutiful affection to your lordship again: which if it were not in me, I knew not whether I were unnatural, unthankful, or unwise. This causeth me most humbly to pray your lordship, and I know mine own case too well, to speak it as weening I can do your lordship service, but as willing to do it, as, to believe, that your lordship is upon just title a principal owner and proprietor of that, I cannot call, talent, but mite, that God hath given me; which I ever do, and shall devote to your service. And in like humble manner, I pray your lordship to pardon mine errors, and not to impute unto me the errors of any other, which I know also themselves have by this time left and forethought, but to conceive of me to be a man that daily profiteth in duty. It is true I do in part comfort myself, supposing that it is my weakness and insufficiency that moveth your lordship, who hath so general a command, to use others more able. But let it be as it is, for duty only and homage I will boldly undertake, that nature and true thankfulness shall never give place to a politic dependance. Lastly, I most humbly desire your lordship to continue unto me the good favour, and countenance, and encouragement, in the course of my poor travails, whereof I have had some taste and experience; for the which I yield your lordship my very humble good thanks. And so again, craving your honour's pardon for so long a letter, carrying so empty an offer of so impuissant a service, but yet a true and unfeigned signification of an honest and vowed duty; I cease, commending your lordship to the preservation of the Divine Majesty.

XI. A LETTER to the Lord Treasurer BURGHELY,
in excuse of his speech in parliament against the triple subsidy *.

* Rawley's
Remonstrance.

It may please your Lordship,

I Was sorry to find, by your lordship's speech yesterday, that my last speech in parliament, delivered in discharge of my conscience, and duty to God, her majesty, and my country, was offensive. If it were misreported, I would be glad to attend
your

your lordship to disavow any thing I said not; if it were misconstrued, I would be glad to expound myself, to exclude any sense I meant not. If my heart be misjudged by imputation of popularity or opposition, by any envious or officious informer, I have great wrong; and the greater, because the manner of my speech did most evidently shew, that I spake simply and only to satisfy my conscience, and not with any advantage, or policy to tway the cause: and my terms carried all signification of duty and zeal towards her majesty and her service. It is true, that from the beginning, whatsoever was above a double subsidy, I did with might, for precedent sake, appear to be extraordinary; and, for discontent's sake, might not have been levied upon the poorer sort: though otherwise, I wished it as rising as I think this will prove, and more. This was my mind, I confess it: And therefore I most humbly pray your good lordship, first, to continue me in your own good opinion: and then to perform the part of an honourable friend towards your poor servant and alliance, in drawing her majesty to accept of the sincerity and simplicity of my heart, and to bear with the rest, and restore me to her majesty's good favour, which is to me dearer than my life. And so, etc.

1595, April.

Your Lordship's most humble in all duty.

XII. To the right honourable his very good Lord, the Lord Keeper of the great seal, etc.¶

¶ Harl. MSS.
Vol. 6, 77.
No. 22.

My very good Lord,

I Was wished to be here ready in expectation of some good effect; and therefore I commend my fortune to your lordship's kind and honourable furtherance. My affection inclineth me to be much [your] lordship's, and my course and way, in all reason and policy for myself, leadeth me to the same dependance: Hereunto if there shall be join'd your lordship's obligation in dealing strongly for me as you have begun, no man can be more yours. A timorous man is every body's, and a covetous man is his own. But if your lordship consider my nature, my course, my friends, my opinion with her majesty, if this eclipse of her favour were past, I hope you will think, I am no unlikely piece of wood to shape you a true servant of. My present thankfulness shall be as much as I have said. I humbly take my leave.

Your lordship's true humble servant,

From Greenwich this
5th of April 1594.

FR. BACON.

¶ Harl. MSS.
Vol. 6, 77.
No. 87.

XIII. To the right honourable my very good lord, the Lord Keeper*.

My Lord,

I Have, since I spake with your lordship, pleaded to the queen against herself for the injury she doth Mr. Bacon in delaying him so long, and the unkindness she doth me in granting no better expedition in a suit which I have followed so long, and so affectionately. And though I find that she makes some difficulty, to have the more thanks, yet I do assure myself she is resolved to make him. I do write
this

this not to solicit your lordship to stand firm in assisting me, because, I know, you hold yourself already tied by your affection to Mr. Bacon, and by your promise to me; but to acquaint your lordship of my resolution to set up my rest, and employ my uttermost strength to get him placed before the term: So as I beseech your lordship think of no temporising course, for I shall think the queen deals unkindly with me, if she do not both give him the place, and give it with favour and some extraordinary advantage. I wish your lordship all honour and happiness; and rest,

Greenwich, this 14th of January, [1594.]

Your lordship's very assured,

Endorsed, *My lord of Effex for Mr.
Franc. Bacon to be Solicitor.*

ESSEX.

XIV. To the right honourable his very good Lord, the Lord Keeper of the great seal*.

* Harl. MSS.
Vol. 696.
No. 52.

My very good Lord,

SIR Thomas Egerton failing of your lordship, being newly gone, sent his letter to me to be conveyed unto you, which I send inclosed; desiring your lordship, according to your kind affection, to make the best use thereof for my furtherance. And I pray your lordship to call to remembrance my lord treasurer's kind courtesie, who affirmed directly all the rest to be unfit. And because *vis unita fortior*, I pray your lordship to take a time with the queen when my lord treasurer is present. Thus in hope to-morrow will bring forth some good effect, I rest,

Your Lordship's in all humble duty and service,

FR. BACON.

XV. To the right honourable, etc. the Lord Keeper, etc.*

* Vol. 696.
No. 50.

My very good Lord,

BECAUSE I understand your lordship remaineth at court till this day, and that my lord of Effex writeth to me, that his lordship cometh to London, I thought good to remember your lordship, and to request you, as I touched in my last, that if my lord treasurer be absent, your lordship would forbear to fall into my business with her majesty, lest it might receive some foil before the time, when it should be resolutely dealt in. And so commending myself to your good favour, I most humbly take my leave.

Your Lordship's in all humble duty and service,

From Gray's-Inn this
2th of April, 1594.

FR. BACON.

XVI. Earl of Effex, to Lord Keeper Puckering*.

* Harl. Vol.
697, No. 72.

My Lord,

MY short stay at the court made me fail of speaking with your lordship; therefore I must write that which myself had told you; that is, that your lordship will be pleased to forbear pressing for a Solicitor, since there is no cause towards the
end

end of a term to call for it; and because the absence of Mr. Bacon's friends may be much to his disadvantage. I wish your lordship all happiness and rest.

Your Lordship's very assured to be commanded,

Winstead this 4th
of May, 1594.

ESSEX.

XVII. To the right honourable the Lord Keeper, etc.

It may please your good Lordship,

I Understand of some business like enough to detain the queen to-morrow, which maketh me earnestly to pray your good lordship, as one that I have found to take my fortune to heart, to take some time to remember her majesty of a solicitor this present day.

Our Tower employment stayeth, and hath done there three days, because one of the principal offenders being brought to confess, and the other persisting in denial, her majesty in her wisdom thought best some time were given to him that is obstinate, to bethink himself; which indeed is singular good in such cases. Thus desiring your lordship's pardon, in haste I commend my fortune and duty to your favour.

Your Lordship's most humbly to receive your commandments,

From Gray's - Inn this
15th of August, 1594.

FR. BACON.

1 Hist. M. S.
Vol. 6, p.
No. 103.

XVIII. To the right honourable the Lord Keeper, etc. †

It may please your good Lordship,

AS your lordship hath at divers times helped me to pass over contrary times, so I humbly pray you not to omit this favourable time. I cannot bear myself as I should, till I be settled. And thus desiring pardon, I leave your lordship to God's preservation.

Your Lordship's most humbly at commandment,

From Gray's - Inn this
23th of August, 1594.

FR. BACON.

1 Hist. M. S.
Vol. 6, p.
No. 103.

XIX. To the right honourable his very good lord, the Lord Keeper, etc. †

It may please your good Lordship,

I Was minded, according to the place of employment, though not of office, wherein I serve, for my better direction and the advancement of the service, to have acquainted your lordship, now before the term, with such her majesty's causes as are in my hands. Which course intended out of duty, I do now find by that I hear from my lord of Essex, your lordship of your favour is willing to use for my good, upon that satisfaction you may find in my travels. And I now send to your lordship, together with my humble thanks, to understand of your lordship's being at leisure, what part of to-morrow, to the end I may attend your lordship, which
this

this afternoon I cannot, in regard of some conference I have appointed with Mr. Attorney General. And so I commend your honourable lordship to God's good preservation.

Your good Lordship's humbly at your hon[ourable] commandments,

From Gray's-Inn the 23th
of September, Friday.

FR. BACON.

XX. To the right honourable the Lord Keeper, etc.*

* Ibid. No.
110.

It may please your good Lordship,

I Received, at my lord of Essex last going from court, a message of good assurance, which his lordship sent to my brother and to myself; which was this: That her majesty had steadfastly promised him to dispatch my matter to-morrow. And somewhat her majesty said to myself, when I attended her upon some service since, which I liked well, though it was with some doubtfulness, as, they say, her majesty useth till the last hour. This I thought good to signify to your good lordship, both that your lordship may perceive how effectual and operative your lordship's last dealing with her majesty was; and also that, now the wheel is going, your lordship would set it forward, the rather in respect of the necessity to go presently in hand with these criminal causes, if the commission shall hold according to the adjournment. And if her majesty should not be pleased presently to give order for a patent, yet if your lordship may by her warrant give me warning to prepare myself, it will be some hold and satisfaction. So thinking long to have the strength of place, to do your lordship acceptable service, I leave your good lordship to God's good preservation.

Your Lordship's most humbly at your hon[ourable] commandments,

From Gray's-Inn this 28th
of September, 1594.

FR. BACON.

XXI. To the right honourable the Lord Keeper, etc. *

* Ibid. Vol.
66, No. 111.

It may please your Lordship,

I Thought good to step aside for nine days, which is the durance of a wonder, and not for any dislike in the world; for I think her majesty hath done me as great a favour in making an end of this matter, as if she had enlarged me from some restraint. And I humbly pray your lordship, if it so please you, to deliver to her majesty from me, that I would have been glad to have done her majesty service now in the best of my years, and the same mind remains in me still; and that it may be, when her majesty hath tried others, she will think of him that she hath cast aside. For I will take it upon that which her majesty hath often said, that she doth reserve me, and not reject me. And so I leave your good lordship to God's good preservation.

From Wickham-Park this 20th of May, 1595.

Your Lordship's much bounden,

Endorsed: *Mr. Fr. Bacon, his contentation
to leave the jurisdiction.*

FR. BACON.

XXII. A LETTER to the lord treasurer BURGHLEY,
recommending his first suit, touching the solicitor's place.

† Rawley's
Retraſcitatio.

My Lord,

AFTER the remembrance of my most humble duty, though I know, by late experience, how mindful your lordship vouchsafeth to be of me and my poor fortunes, since it pleased your lordship, during your indisposition, when her majesty came to visit your lordship, to make mention of me for my employment and preferment; yet being now in the country, I do presume that your lordship, who of yourself had so honourable care of the matter, will not think it a trouble to be solicited therein. My hope is, that whereas your lordship told me her majesty was somewhat gravelled upon the offence she took at my speech in parliament; your lordship's favourable and good word, who hath assured me, that for your own part you construed, that I spake to the best, will be as a good tide to remove her from that shelf. And it is not unknown to your good lordship, that I was the first of the ordinary sort of the lower house of parliament that spake for the subsidy; and that which I after spake in difference, was but in circumstances of time and manner, which methinks should be no greater matter, since there is variety allowed in counsel, as a discord in music, to make it more perfect. But I may justly doubt, not so much her majesty's impression upon this particular, as her conceit otherwise of my insufficiency; which though I acknowledge to be great, yet it will be the less because I purpose not to divide myself between her majesty and the causes of other men, as others have done, but to attend her business only; hoping that a whole man meanly able, may do as well as half a man better able. And if her majesty think that she shall make an adventure in using one that is rather a man of study, than of practice and experience; surely I may remember to have heard that my father, an example, I confess, rather ready than like, was made solicitor of the augmentation, a court of much business, when he had never practised, and was but twenty-seven years old; and Mr. Brograve was now in my time called to be attorney of the duchy, when he had practised little or nothing; and yet discharged his place with great sufficiency. But these things and the like are as her majesty shall be made capable of them; wherein, knowing what authority your lordship's commendation hath with her majesty, I conclude with myself, that the substance of strength which I may receive, will be from your lordship. It is true, my life hath been so private, as I have had no means to do your lordship service; but yet, as your lordship knoweth, I have made offer of such as I could yield: for as God hath given me a mind to love the public; so incidently, I have ever had your lordship in singular admiration; whose happy ability her majesty hath so long used, to her great honour and yours. Besides, that amendment of state or countenance, which I have received, hath been from your lordship. And therefore if your lordship shall stand a good friend to your poor ally, you shall but *tuum opus proprium*, which you have begun. And your lordship shall bestow your benefit upon one that hath more sense of obligation than of self-love. Thus humbly desiring pardon of so long a letter, I wish your lordship all happiness. This 7th of June 1595.

Your Lordship's in all humbleness to be commended.

XXIII.

XXIII. To the right honourable the Lord Keeper, etc.†

† Harl. MSS.
Vol. 6997.
No. 13.

It may please your good Lordship,

NOT able to attend your lordship myself, before your going to the court, by reason of an ague, which offered me a fit on Wednesday morning, but since by abstinence, I thank God, I have starved it, so as now he hath turned his back, I am chasing him away with a little physic; I thought good to write these few words to your lordship, partly to signify my excuse, if need be, that I assisted not Mr. Attorney on Thursday last in the star-chamber, at which time, it is some comfort to me, that I hear by relation somewhat was generally taken hold of by the court, which I formerly had opened and moved; and partly to express a little my conceit, touching the news which your lordship last told me from the queen, concerning a condition in law knit to an interest, which your lordship remembreth, and is supposed to be broken by misfevance. Wherein surely my mind, as far as it appertaineth to me, is this, that as I never liked not so much as the coming in upon a lease by way of forfeiture, so I am so much enemy to myself, as I take no contentment in any such hope of advantage. For as your lordship can give me best testimony, that I never in my life propounded any such like motion, though I have been incited thereto; so the world will hardly believe, but that it is underhand quickened and nourished from me. And truly, my lord, I would not be thought to supplant any man for great gain; and I humbly pray your lordship to continue your commendation and countenance to me in the course of the queen's service that I am entered into: which when it shall please God to move the queen to *profit, I hope I shall give cause for your lordship to obtain as many thanks, as you have endured chidings. And so I commend your good lordship to God's good preservation. † perfect.

Your Lordship's most humbly at your hon[ourable] commandment,

From Gray's-Inn the
11th of June, 1595.

FR. BACON.

XXIV. To the right honourable the Lord Keeper, etc.*

* Ibid. No. 37.

It may please your Lordship,

THERE hath nothing happened to me in the course of my business more contrary to my expectation, than your lordship's failing me, and crossing me now in the conclusion, when friends are best tried. But now I desire no more favour of your lordship, than I would do if I were a suitor in the chancery; which is this only, that you would do me right. And I for my part, though I have much to alledge, yet nevertheless, if I see her majesty settle her choice upon an able man, such a one as Mr. Serjeant Fleming, I will make no means to alter it. On the other side, if I perceive any insufficient obscure *idole man offered to her majesty, then I think myself double bound to use the best means I can for myself; which I humbly pray your lordship I may do with your favour, and that you will not disable me farther than is cause. And so I commend your lordship to God's preservation, * Ita MSS.

That beareth your Lordship all humble respect,

From Gray's-Inn the 28th of July, 1595.

Entered, in Lord Keeper's hand, *Mr. Bacon wronging me.*

FR. BACON.

B b 2

XXV.

; Hist. M.
Vol. 6, 7.
No. 44.

XXV. To the right honourable the Lord Keeper, etc. §

It may please your Lordship,

I Thought it became me to write to your lordship, upon that which I have understood from my lord of Essex, who vouchsafed, as I perceive, to deal with your lordship of himself to join with him in the concluding of my business, and findeth your lordship hath conceived offence, as well upon my manner when I saw your lordship at Temple last, as upon a letter, which I did write to your lordship some time before. Surely, my lord, for my behaviour, I am well assured, I omitted no point of duty or ceremony towards your lordship. But I know too much of the court to beg a countenance in public place, where I make account I shall not receive it. And for my letter, the principal point of it was, that which I hope God will give me grace to perform, which is, that if any idole may be offered to her majesty, since it is mixt with my particular, to inform her majesty truly, which I must do, as long as I have a tongue to speak, or a pen to write, or a friend to use. And farther I remember not of my letter, except it were that I writ, I hoped your lordship would do me no wrong, which hope I do still continue. For if it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her majesty, and your own virtue, your lordship is ascended; I know you will have a compunction of mind to do me any wrong. And therefore, good my lord, when your lordship favoureth others before me, do not lay the separation of your love and favour upon myself. For I will give no cause, neither can I acknowledge any, where none is; but humbly pray your lordship to understand things as they are. Thus sorry to write to your lordship in an argument, which is to me unpleasant, though necessary, I commend your lordship to God's good preservation.

Your Lordship's in all humble respect,

From Twickennam-Park this
19th of August, 1595.

FR. BACON.

XXVI. To the right honourable the Lord Keeper, etc. ‡

; Hist. No. 79

It may please your good Lordship,

I Am sorry the opportunity permitteth me not to attend your lordship as I minded. But I hope your lordship will not be the less sparing in using the argument of my being studied and prepared in the queen's causes, for my furtherance upon belief that I had imparted to your lordship my travels, which some time next week I mean to do. Neither have I been able to confer with Mr. Attorney, as I desired, because he was removing from one building to another. And besides, he alledged his note-book was in the country at — and so we respited it to some time next week. I think he will rather do me good offices than otherwise, except it be for the township your lordship remembreth by the verse. Thus I commend your honourable lordship to God's good preservation.

Your Lordship's most humble at your hon[ourable] commandment,

From Gray's Inn this 27th
of September, 1595.

FR. BACON.

XXVII. To

XXVII. To the right honourable my good lord, the Lord Keeper of the great seal of England *.

* Harl. MSS.
Vol. 6997.
No. 66.

It may please your good Lordship,

MY not acquainting your lordship hath proceeded of my not knowing any thing, and of my not knowing of my absence at Byllam with my lady Kuffel, upon some important cause of her son's. And as I have heard nothing, so I look for nothing, though my lord of Essex sent me word, he would not write till his lordship had good news. But his lordship may go on in his affection, which nevertheless myself have desired him to limit. But I assure your lordship, I can take no farther care for the matter. I am now at Twicknam-Park, where I think to stay: For her majesty placing a solicitor, my travel shall not need in her causes, though whensoever her majesty shall like to employ me in any particular, I shall be ready to do her willing service. This I write lest your lordship might think my silence came of any conceit towards your lordship, which, I do assure you I have not. And this needed I not to do, if I thought not so: For my course will not give me any ordinary occasion to use your favour, whereof nevertheless I shall ever be glad. So I commend your good lordship to God's holy preservation.

Your Lordship's humble, etc.

This eleventh of October, 1595.

FR. BACON.

XXVIII. To the right honourable the Lord Keeper, etc. *

* Ibid. No. 67.

It may please your good Lordship,

I Conceive the end already made, which will, I trust, be to me a beginning of good fortune, or at least of content. Her majesty by God's grace shall live and reign long, she is not running away, I may trust her. Or whether she look towards me or no, I remain the same, not altered in my intention. If I had been an ambitious man, it would have overthrown me, but minded as I am, *Revertet benedictio mea in sinum meum*. If I had made any reckoning of any thing to be stirred, I would have waited on your lordship, and will be at any time ready to wait on you to do you service. So I commend your good lordship to God's holy preservation.

Your Lordship's most humble at your hon[ourable] commandment,

From Twicknam-Park this 14th of October.

Indorsed: 14 October 95.

FR. BACON.

XXIX. To the right honourable the Lord Keeper, etc. *

* Ibid. No. 29.

My very good lord,

I Received a letter from a very friend of mine, requesting me to move your lordship, to put into the commission for the subsidy, Mr. Richard Kempe, a reader of Gray's-Inn, and besides born to good estate, being also my friend and familiar acquaintance.

acquaintance. And because I conceive the gentleman to be every way forttable with the service, I am bold to commend him to your lordship's good favour. And even so, with remembrance of my most humble duty, I rest,

Your Lordship's affectionate to do you humble service,

Twickenham-Park, July 3, 1595.

FR. BACON.

* Harl. Ms. B.
Vol. 677.
No. 47.

XXX. To the right honourable the Lord Keeper, etc. *

My Lord,

IN my last conference with your lordship, I did intreat you both to forbear hurting of Mr. Fr. Bacon's cause, and to suspend your judgment of his mind towards your lordship, till I had spoken with him. I went since that time to Twickenham-park to confer with him, and had signified the effect of our conference by letter ere this, if I had not hoped to have met with your lordship, and so to have delivered it by speech. I told your lordship when I last saw you, that this manner of his was only a natural freedom, and plainness, which he had used with me, and in my knowledge with some other of his best friends, than any want of reverence towards your lordship; and therefore I was more curious to look into the moving cause of his stile, than into the form of it; which now I find to be only a diffidence of your lordship's favour and love towards him, and no alienation of that dutiful mind which he hath borne towards your lordship. And therefore I am fully persuaded, that if your lordship would please to send for him, there would grow to good satisfaction, as hereafter he should enjoy your lordship's honourable favour, in as great a measure as ever, and your lordship have the use of his service, who, I assure your lordship, is as strong in his kindness, as you find him in his jealousy. I will use no argument to persuade your lordship, that I should be glad of his being restored to your lordship's wonted favour; since your lordship both knoweth how much my credit is engaged in his fortune, and may easily judge how sorry I should be, that a gentleman whom I love so much, should lack the favour of a person whom I honour so much. And thus commending your lordship to God's best protection, I rest,

Endorsed: 31 August, 95. *My Lord of E. To
the Lord Keeper for Mr. Bacon, for a seal
Jan. 17. 1600. In my Lord Keeper's own hand.*

Your Lordship's very assured,

ESSEX.

* Lo. No. 1:6.

XXXI. To the right honourable the Lord Keeper, etc. *

My very good Lord,

THE want of assistance from them which should be Mr. Fr. Bacon's friends, makes [me] the more industrious myself, and the more earnest in soliciting mine own friends. Upon me the labour must lie of his establishment, and upon me the disgrace will light of his being refused. Therefore I pray your lordship, now account me not as a solicitor only of my friend's cause, but as a party interested in this: And employ all your lordship's favour to me, or strength for me, in procuring

curing a short and speedy end. For though I know, it will never be carried any other way, yet I hold both my friend and myself disgraced by this protraction. More I would write, but that I know to so honourable and kind a friend, this which I have said is enough. And so I commend your lordship to God's best protection, resting,

[No date]

At your Lordship's commandment,

ESSEX.

XXXII. To my Lord of ESSEX, from Mr. BACON, October 4, * Rawley's
1596 *.
Refuscitatio.

My singular good Lord,

I Will no longer disveer part of that, which I meant to have said to your lordship at Barn-Elms, from the *exordium* which I then made; whereunto I will only add this, that I humbly desire your lordship, before you give access to my poor advice, to look about, even jealously a little if you will, and to consider; first, whether I have not reason to think, that your fortune comprehended mine? Next, whether I shift my counsel, and do not *constare mihi*? for I am persuaded, there are some would give you the same counsel now which I shall, but that they should derogate from that which they have said heretofore. Thirdly, whether you have taken hurt, at any time, by my careful and devoted counsel; for although I remember well your lordship once told me, that you having submitted upon my well-meant motion at Nonsuch, the place where you renewed a treaty with her majesty of obsequious kindness, she had taken advantage of it; yet I suppose, you do since believe, that it did much attemper a cold malignant humour then growing upon her majesty toward your lordship, and hath done you good in consequence. And for my being against it, now lately, that you should not estrange yourself, although I give place to none in true gratulation; yet neither do I repent me of safe counsel; neither do I judge of the whole play by the first act. But whether I counsel you the best, or for the best, duty bindeth me to offer to you my wishes. I said to your lordship last time, *Martha, Martha, attendis ad plurima, unum sufficit*; win the queen: if this be not the beginning of any other course, I see no end. And I will not now speak of favour of affection, but of other correspondence and agreeableness; which, whensoever it shall be conjoined with the other of affection, I durst wager my life, let them make what *prosopopoeias* they will of her majesty's nature, that in you she will come to the question of *Quid fiet homini, quem rex vult honorare*? But how is it now? A man of a nature not to be ruled, that hath the advantage of my affection, and knoweth it; of an estate not grounded to his greatness; of a popular reputation; of a military dependence. I demand, whether there can be a more dangerous image than this, represented to any monarch living, much more to a lady, and of her majesty's apprehension? And is it not more evident than demonstration itself, that whilst this impression continueth in her majesty's breast, you can find no other condition, than inventions to keep your estate bare and low; crossing and disgracing your actions; extenuating and blasting of your merit; carping with contempt at your nature and fashions; breeding, nourishing, and fortifying such instruments as are most factious against you; repulses and scorns of your friends, and dependents that are true and steadfast; winning and inveigling away from you such as

are

are flexible and wavering; thrusting you into odious employments and offices to supplant your reputation; abusing you and feeding you with dalliances and demonstrations, to divert you from descending into the serious consideration of your own case; yea, and percase venturing you in perillous and desperate enterprises. Herein it may please your lordship to understand me; for I mean nothing less, than that these things should be plotted and intended as in her majesty's royal mind towards you: I know the excellency of her nature too well. But I say, wheresoever the formerly-described impression is taken in any king's breast towards a subject, these other recited inconveniences must, of necessity of politic consequence, follow; in respect of such instruments as are never failing about princes: which spy into their humours and conceits, and second them; and not only second them, but in seconding increase them; yea, and many times, without their knowledge, pursue them farther than themselves would. Your lordship will ask the question, where-with the Athenians were wont to interrupt their orators, when they exaggerated their dangers; *Quid igitur agendum est?*

I will tell your lordship *quae mihi mare in montem veniunt*; supposing nevertheless, that yourself, out of your own wisdom upon the case, with this plainness and liberty represented to you, will find out better expedients and remedies. I wish a cure applied to every of the five former impressions, which I will take not in order, but as I think they are of weight.

For the removing the impression of your nature to be *opiniastre* and not rutable: first and above all things I wish, that all matters past, which cannot be revoked, your lordship would turn altogether upon insatisfaction, and not upon your nature or proper disposition. This string you cannot upon every apt occasion harp upon too much. Next, whereas I have noted you to fly and avoid, in some respect justly, the resemblance or imitation of my lord of Leicester, and my lord chancellor Hatton; yet I am persuaded, howsoever I with your lordship as distant as you are from them in points of favour, integrity, magnanimity, and merit, that it will do you much good between the queen and you, to alledge them, as oft as you find occasion, for authors and patterns: for I do not know a readier mean to make her majesty think you are in your right way. Thirdly, when at any time your lordship upon occasion happen in speeches to do her majesty right, for there is no such matter as flattery amongst you all, I fear you handle it *magis in speciem adornatis verbis, quam ut sentire videaris*. So that a man may read formality in your countenance; whereas your lordship should do it familiarly, *et oratione fida*. Fourthly, your lordship should never be without some particulars afoot, which you should seem to pursue with earnestness and affection; and then let them fall, upon taking knowledge of her majesty's opposition and dislike. Of which, the weightiest sort may be, if your lordship offer to labour, in the behalf of some that you favour, for some of the places now void; choosing such a subject as you think her majesty is like to oppose unto: and if you will say that this is *conjunctum cum aliena injuria*, I will not answer, *hanc non aliter constabunt*; but I say, commendation from so good a mouth doth not hurt a man, though you prevail not. A less weighty sort of particulars may be the pretence of some journeys, which at her majesty's request your lordship might relinquish; as if you would pretend a journey to see your living and estate towards Wales, or the like: for as for great foreign journeys of employment and service, it standeth not with your gravity to play or stratagem with them.

And

And the lightest sort of particulars, which yet are not to be neglected, are in your habits, apparel, wearings, gestures, and the like.

The impression of greatest prejudice next, is that of a military dependence: wherein I cannot sufficiently wonder at your lordship's course, that you say, the wars are your occupation, and go on in that course; whereas, if I might have advised your lordship, you should have left that person at Plymouth, more than when in counsel, or in commending fit persons for service for wars, where it had been in season. And here, my lord, I pray mistake me not: I am not to play now the part of a gown-man, that would frame you best to mine own turn. I know what I owe you. I am infinitely glad of this last journey, now it is past; the rather, because you may make so honourable a full point for a time. You have property good enough in that greatness: There is none can, of many years, ascend near you in competition. Besides, the disposing of the places and affairs both, concerning the wars, you increasing in other greatness, will of themselves flow to you; which will preserve that dependence in full measure. It is a thing that of all things I would have you retain, the times considered, and the necessity of the service; for other reason I know none: yet, I say, keep it in substance, but abolish it in shews to the queen; for her majesty loveth peace. Next, she loveth not charge. Thirdly, that kind of dependence maketh a suspected greatness. Therefore, *quod inlat agimus*. Let that be a sleeping honour a while, and cure the queen's mind in that point. Therefore, again, whereas I heard your lordship designing to yourself the earl marshal's place, or the place of master of the ordnance; I did not in my mind so well like of either, because of their affinity with a martial greatness. But of the places now void, in my judgment and discretion, I would name you to the place of lord privy-seal. For first, it is the third person of the great officers of the crown. Next, it hath a kind of super-intendence over the secretary. It hath also an affinity with the court of wards, in regard of the fees from the liveries: and it is a fine honour, quiet place, and worth a thousand pounds by year: and my lord admiral's father had it, who was a martial man; and it fits a favourite to carry her majesty's image in seal, who beareth it best expressed in heart. But my chief reason is, that which I first alleged, to divert her majesty from this impression of a martial greatness. In concurrence whereof, if your lordship shall not remit any thing of your former diligence at the Star-chamber; if you shall continue such intelligences as are worth the cherishing; if you shall pretend to be as bookish and contemplative as ever you were: all these courses have both their advantages and uses in themselves otherwise, and serve exceeding aptly to this purpose. Whereunto I add one expedient more, stronger than all the rest; and, for my own confident opinion, void of any prejudice or danger of diminution of your greatness; and that is, the bringing in of some martial man to be of the council; dealing directly with her majesty in it, as for her service, and your better assistance; choosing nevertheless some person that may be known, not to come in against you, by any former division. I judge the fittest to be my lord Mountjoy, or my lord Willoughby. And if your lordship see deeper into it than I do, that you would not have it done in effect; yet in my opinion, you may serve your turn by the pretence of it, and stay it nevertheless.

The third impression is of a popular reputation; which, because it is a thing good in itself, being obtained as your lordship obtaineth it, that is, *bonis artibus*; and besides, well governed, is one of the best flowers of your greatness both present and to come; it would be handled tenderly. The only way is to quench it *verbis* and

not *viduus*. And therefore to take all occasions to the queen, to speak against popularity and popular courses vehemently; and to tax it in all others: but, nevertheless, to go on in your honourable commonwealth courses as you do. And therefore, I will not advise you to cure this, by dealing in monopolies, or any oppressions: Only, if in parliament your lordship be forward for treasure, in respect of the wars, it becometh your person well; and if her majesty object popularity to you at any time, I would say to her, a parliament will shew that; and so feed her with expectation.

The fourth impression, of the inequality between your estate of means, and your greatness of respects, is not to be neglected. For believe it, my lord, that till her majesty find you careful of your estate, she will not only think you more like to continue chargeable to her, but also have a conceit that you have higher imaginations. The remedies are, first, to profess it in all speeches to her: Next, in such suits wherein both honour, gift, and profit may be taken, to communicate freely with her majesty, by way of inducing her to grant, that it will be this benefit to you. Lastly, to be plain with your lordship, for the gentlemen are such as I am beholden to, nothing can make the queen, or the world think so much that you are come to a provident care of your estate, as the altering of some of your officers; who though they be as true to you as one hand to the other; yet *opinio veritate major*: But if, in respect of the bonds they may be entered into for your lordship, you cannot so well dismiss yourself of them, this cannot be done but with time.

For the fifth and last, which is of the advantage of a favourite; as sever'd from the rest, it cannot hurt; so joined with them, it maketh her majesty more fearful and shadowy, as not knowing her own strength. The only remedy to this, is to give way to some other favourite, as in particular you shall find her majesty inclined; so as the subject hath no ill, nor dangerous aspect towards yourself. For otherwise, whosoever shall tell me, that you may not have singular use of a favourite at your devotion, I will say he understandeth not the queen's affection, nor your lordship's condition. And so I rest.

October 4, 1597.

XXXIII. To my lord of ESSEX*.

* Rawley's
R. N. statio.

It may please your good Lordship,

I Pray God her majesty's weighing be not like the weight of a balance; *gravia deorsum, levia sursum*. But I am as far from being altered in devotion towards her, as I am from distrust that she will be altered in opinion towards me, when she knoweth me better. For myself, I have lost some opinion, some time, and some means; this is my account: but then for opinion, it is a blast that goeth and cometh; for time, it is true, goeth and cometh not; but yet I have learned that it may be redeemed.

For means, I value that most; and the rather, because I am purposed, not to follow the practice of the law, if her majesty command me in any particular, I shall be ready to do her willing service: and my reason is only, because it drinketh too much time, which I have dedicated to better purposes. But even for that point of estate and means, I partly lean to Thales's opinion, That a philosopher may be rich if he will. Thus your lordship seeth how I comfort myself; to the increase whereof

I would

I would fain please myself to believe that to be true which my lord treasurer writeth ; which is, that it is more than a philosopher can morally digest. But without any such high conceit, I esteem it like the pulling out of an aking tooth, which, I remember, when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholden to you than to any man : and I say, I reckon myself as a common, not popular, but common ; and as much as is lawful to be included of a common, so much your lordship shall be sure to have.

*Your Lordship's, to obey your honourable commands,
more jettled than ever.*

XXXIV. To my lord of ESSEX*.

* Rawley's
Resuscitatio.

My singular good Lord,

YOUR lordship's so honourable minding my poor fortune the last year, in the very entrance into that great action, which is a time of less leisure, and in so liberal an allowance of your care, as to write three letters to stir me up friends in your absence, doth, after a sort, warrant me not to object to myself your present quantity of affairs, whereby to silence myself from petition of the like favour. I brake with your lordship myself at the Tower ; and I take it my brother hath since renewed the same motion, touching a fortune I was in thought to attempt, *in genere economico*. *In genere politico*, certain cross winds have blown contrary. My suit to your lordship is for your several letters to be left with me dormant, to the gentlewoman, and either of her parents : Wherein I do not doubt, but as the beams of your favour have often dissolved the coldness of my fortune ; so in this argument your lordship will do the like with your pen. My desire is also, that your lordship would vouchsafe unto me, as out of your care, a general letter to my lord keeper, for his lordship's holding me from you recommended ; both in the course of my practice, and in the course of my employment in her majesty's service : wherein, if your lordship shall in any *antitithesis* or relation affirm, that his lordship shall have no less fruit of me than of any other whom he may cherish, I hope your lordship shall engage yourself for no impossibility. Lastly and chiefly, I know not whether I shall attain to see your lordship before your noble journey ; for ceremonies are things infinitely inferior to my love and to my zeal. This let me, with your allowance, say unto you by pen. It is true, that in my well-meaning advices, out of my love to your lordship, and perhaps out of the state of mine own mind, I have sometimes persuaded a course differing ; *ac tibi pro tutis insania facti prebant* : be it so, yet remember, that the signing of your name is nothing, unless it be to some good patent or charter, whereby your country may be endowed with good and benefit. Which I speak, both to move you to preserve your person for farther merit and service of her majesty and your country, and likewise to refer this action to the same end. And so, in most true and fervent prayers, I commend your lordship, and your work in hand, to the preservation and conduct of the divine Majesty ; so much the more watchful, as these actions do more manifestly in shew, though alike in truth, depend upon his divine providence.

* Rawle's
Referentia.

XXXV. To Sir JOHN STANHOPE.*

S I R,

YOUR good promises sleep, which it may seem now no time to awake. But that I do not find that any general Kalendar of observati on of time serveth for the court: and besides, if that be done, which I hope by this time is done; and that other matters shall be done, which we wish may be done, I hope to my poor matter, the one of these great matters may clear the way, and the other give the occasion. And though my lord treasurer be absent, whose health nevertheless will enable him to be sooner at court than is expected; especially if this hard weather, too hard to continue, shall relent; yet we abroad say, his lordship's spirit may be there, though his person be away. Once I take for a good ground, that her majesty's business ought to keep neither vacation nor holy-day, either in the execution, or in the care and preparation of those whom her majesty calleth and useth: and therefore I would think no time barred from remembering that, with such discretion and respect as appertaineth. The conclusion shall be, to put you in mind to maintain that which you have kindly begun, according to the reliance I have upon the sincerity of your affection, and the soundness of your judgment. And so I commend you to God's preservation.

† Rawle's
Referentia.

XXXVI. To my lord of ESSEX.†

My singular good Lord,

THE message it pleased your lordship to send me, was to me delivered doubtfully. Whether your lordship said you would speak with me at the Star-chamber, or with Mr. Philip. If with me, it is needless; for gratitude imposeth upon me satisfaction: if with Mr. Philip, it will be too late; because somewhat must, perchance, be done that day. This doubt not solved, maketh me write again: the rather, because I did liberally, but yet privately, affirm your lordship would write; which if I make not good, it may be a discouragement. Your lordship's letter, though it have the subject of honour and justice, yet it shall have the efficacy of a thing done upon affection. I shall ever in a firm duty submit my occasions, though great, to your lordship's respects, though small: and this is my resolution, that when your lordship doth for me, you shall increase my obligation; when you refuse to do for me, you shall increase my merit. So leaving the matter wholly to your lordship's pleasure, I commend your lordship to the preservation of the divine Majesty.

From Gray's-Inn.

Your Lordship's ever most kindly Landon.

XXXVII. To

XXXVII. To my lord of ESSEX*.

* Rawley's
Retulcitatio.*My singular good Lord,*

I May perceive, by my lord keeper, that your lordship, as the time served, signified unto him an intention to confer with his lordship at better opportunity; which, in regard of your several and weighty occasions, I have thought good to put your lordship in remembrance of; that now at his coming to the court it may be executed; desiring your good lordship, nevertheless, not to conceive out of this my diligence in soliciting this matter, that I am either much in appetite, or much in hope. For as for appetite, the waters of Parnassus are not like the waters of the Spaw, that give a stomach; but rather they quench appetite and desires. And for hope, how can he hope much, that can allege no other reason than the reason of an evil debtor, who will persuade his creditor to lend him new sums, and to enter farther in with him to make him satisfy the old? and to her majesty no other reason, but the reason of a waterman; I am her first man of those who serve in counsel of law? and so I commit your lordship to God's best preservation.

XXXVIII. To my lord of ESSEX*.

* Ibid.

Most honourable, and my singular good Lord,

I Cannot but importune your lordship, with thanks for your lordship's remembering my name to my lord keeper; which being done in such an article of time, could not but be exceedingly enriched, both in demonstration and effect; which I did well discern by the manner of expressing thereof by his lordship again to me. This accumulating of your lordship's favours upon me hitherto, worketh only this effect; that it raiseth my mind to aspire to be found worthy of them, and likewise to merit and serve you for them. But whether I shall be able to pay my vows or no, I must leave that to God, who hath them *in deposito*: whom also I most instantly beseech to give you fruit of your actions, beyond that your heart can propound: *Nam Deus major est corde*: Even to the envioning of his benedictions, I recommend your lordship.

XXXIX. To the QUEEN: written by FRANCIS BACON for the earl of ESSEX*.

* Ibid.

It may please your Majesty,

IT were great simplicity in me to look for better, than that your majesty should cast away my letter, as you have done me; were it not that it is possible your Majesty will think to find somewhat in it, whereupon your displeasure may take hold; and so indignation may obtain that of you which favour could not. Neither might I in reason presume to offer unto your majesty dead lines, myself being excluded as I am; were it not upon this only argument or subject; namely to clear myself in point of duty. Duty, though my state lie buried in the sands, and my favours

favours be cast upon the waters, and my honours be committed to the wind, yet standet surely built upon the rock, and hath been, and ever shall be, unforced and unattempted. And therefore, since the world, out of error, and your majesty, I fear, out of art, is pleased to put upon me, that I have so much as any election, or will in this my absence from attendance, I cannot but leave this protestation with your majesty; that I am, and have been merely a patient, and take myself only to obey and execute your majesty's will. And indeed, Madam, I had never thought it possible that your majesty could have so disinterested yourself of me; nor that you had been so perfect in the art of forgetting; nor that after a quintessence of wormwood, your majesty would have taken so large a draught of poppy, as to have passed so many summers without all feeling of my sufferings. But the only comfort I have is this, that I know your majesty taketh delight and contentment in executing this disgrace upon me. And since your majesty can find no other use of me, I am glad yet I can serve for that. Thus making my most humble petition to your majesty, that in justice, howsoever you may by strangeness untie, or by violence cut asunder all other knots, your majesty would not touch me in that which is indissoluble; that is, point of duty; and that your majesty will pardon this my unwarranted presumption of writing, being to such an end: I cease in all humbleness;

Your Majesty's poor, and never so unworthy servant,

E S S E X.

• Rawley's
Retractions.

XL. TO SIR ROBERT CECIL*.

S I R,

I Forbear not to put in paper, as much as I thought to have spoken to your honour to-day, if I could have stayed: knowing, that if your honour should make other use of it, than is due to good meaning, and than I am persuaded you will; yet to persons of judgment, and that know me otherwise, it will rather appear, as it is, a precise honesty, and this same *suum cuique tribuere*, than any hollownes to any. It is my luck still to be akin to such things as I neither like in nature, nor would willingly meet with in my course; but yet cannot avoid, without shew of base timorousness, or else of unkind or suspicious strangeness.

[Some *hiatus* in the copy.]

And I am of one Spirit still. I ever liked the Galenists, that deal with good compositions; and not the Paracelsians, that deal with these fine separations: and in music, I ever loved easy airs, that go full all the parts together; and not these strange points of accord and discord. This I write not, I assure your honour, officiously; except it be according to Tully's *Offices*; that is, honestly and morally. For though, I thank God, I account, upon the proceeding in the queen's service, or not proceeding, both ways; and therefore neither mean to flawn nor retire; yet I naturally desire good opinion with any person which for fortune or spirit is to be regarded; much more with a secretary of the queen's, and a

* The few words in this letter were written before the earl of Essex had been reconciled to the queen; and our author had not having been called or advised with for some year and a half before the earl's going to Ireland, according to the date at the bottom of the beginning of 1598.

cousin-

cousin-german, and one with whom I have ever thought myself to have some sympathy of nature, though accidents have not suffered it to appear. Thus not doubting of your honourable interpretation and usage of that I have written, I commend you to the divine preservation.

From Gray's-Inn.

XLI. To Sir ROBERT CECIL*.

* Rawley's
Refuscitatio.

S I R,

YOUR honour knoweth, my manner is, though it be not the wisest way, yet taking it for the honestest, to do as Alexander did by his physician, in drinking the Medicine, and delivering the advertisement of suspicion: so I trust on, and yet do not smother what I hear. I do assure you, Sir, that by a wise friend of mine, and not factious towards your honour, I was told with asseveration, that your honour was bought by Mr. Coventry for two thousand angels; and that you wrought in a contrary spirit to my lord your father. And he said farther, that from your servants, from your lady, from some counsellors that have observed you in my business, he knew you wrought underhand with me: The truth of which tale I do not believe. You know the event will shew, and God will right. But as I reject this report, though the strangeness of my case might make me credulous, so I admit a conceit, that the last messenger my lord and yourself used, dealt ill with your honours; and that word, speculation, which was in the queen's mouth, rebounded from him as a commendation: for I am not ignorant of those little arts. Therefore, I pray, trust not him again in my matter. This was much to write; but I think my fortune will set me at liberty, who am weary of asserviling myself to every man's charity. Thus I, etc.

XLII. To FOULK GREVIL †.

† Ibid.

S I R,

I Understand of your pains to have visited me, for which I thank you. My matter is an endless question. I assure you I had said, *Requiesce, anima mea*: but I now am otherwise put to my psalter; *Nolite confidere*. I dare go no farther. Her majesty had, by set speech, more than once assured me of her intention to call me to her service; which I could not understand but of the place I had been named to. And now, whether *invidus homo hoc fecit*; or whether my matter must be an appendix to my lord of Essex suit; or whether her majesty, pretending to prove my ability, meaneth but to take advantage of some errors, which, like enough, at one time or other I may commit; or what it is; but her majesty is not ready to dispatch it. And what though the master of the Rolls, and my lord of Essex, and yourself, and others, think my case without doubt; yet in the mean time I have a hard condition to stand so, that whatsoever service I do to her majesty, it shall be thought but to be *servitium viscatum*, lime-twigs and fetches to place myself; and so I shall have envy, not thanks. This is a course to quench all good spirits, and to corrupt every man's nature; which will, I fear, much hurt her majesty's service in the end. I have been like a piece of stuff bespoken in the shop; and if her majesty will not
take

take me, it may be the selling by parcels will be more gainful. For to be, as I told you, like a child following a bird, which, when he is nearest flieth away, and lyeth a litle before, and then the child after it again, and so *in infinitum*; I am weary of it, as also of wearying my good friends: of whom, nevertheless I hope in one course or other gratefully to deserve. And so, not forgetting your business, I leave to trouble you with this idle letter, being but *justa et moderata quermonia*: For indeed, I do confess, *primus amor* will not easily be cast off. And thus again I commend me to you.

4 B. 1. 1. 1.
Relatative.

XLIII. To my lord of Essex †.

It may please your good Lordship,

I Am very sorry her majesty should take my motion to travel in offence. But surely, under her majesty's royal correction, it is such an offence as it should be an offence to the sun, when a man, to avoid the scorching heat thereof, flieth into the shade. And your lordship may easily think, that having now these twenty years, for so long it is, and more, since I went with Sir^a Amyas Paulet into France, from her majesty's royal hand, made her majesty's service the scope of my life; I shall never find a greater grief than this, *renunciare amorem primum*. But since, *principia actuum sunt tantum in vestra potestate*, I hope her majesty of her clemency, yea and justice, will pardon me, and not force me to pine here with melancholy. For though mine heart be good, yet mine eyes will be sore; so as I shall have no pleasure to look abroad: and if I should otherwise be affected, her majesty in her wisdom will but think me an impudent man, that would face out a disgrace. Therefore, as I have ever found you my good lord and true friend, so I pray open the matter so to her majesty, as she may discern the necessity of it without adding hard conceit to her rejection; of which, I am sure, the latter I never deserved. Thus, etc.

^a This letter was therefore wrote about the year 1598.

† 10. d.

XLIV. To Sir ROBERT CECIL, at his being in France ‡.

It may please your honourable Lordship,

I Know you will pardon this my observance, in writing to you, empty of matter, but out of the fulness of my love. I am sorry that as your time of absence is prolonged, above that was esteemed at your lordship's setting forth; so now, upon this late advertisement received from you, there groweth an opinion amongst better than the vulgar, that the difficulties also of your negotiation are increased. But because I know, the gravity of your nature to be not to hope lightly, it maketh me to despair the less. For you are *natus ad ardua*: and the indisposition of the subject may honour the skill of the workman. Sure I am, judgment and diligence shall not want in your lordship's self: but this was not my purpose; being only to signify unto your lordship my continual and incessant love towards you, thirsting after your return, for many respects. So I commend you ever to the good preservation of the divine Majesty.

Gray's-Inn. 1598.

At your Honour's commandment ever and particularly.

XLVI.

XLV. To Sir ROBERT CECIL †.

† Rawley's
Retractions.*My singular good Lord,*

THE argument of my letters to your lordship rather increaseth than spendeth; it being only the desires I have to salute you; which by your absence is more augmented than abated. For me to write to your lordship occurrences, either of Scottish brags, or Irish plaints, or Spanish ruffling, or Low-Country states, were, besides that it is *abominabile* from mine own humour, to forget to whom I write; save that you, that know true advertisements, sometimes desire and delight to hear common reports; as we that know but common reports, desire to hear the truth. But to leave such as write to your fortunes, I write to yourself, in regard of my love to you, you being as near to me in heart's blood, as in blood of descent. This day I had the contentment to see your father, upon occasion: and methought his lordship's countenance was not decayed, nor his cough vehement; but his voice was as faint all the while as at first. Thus wishing your lordship a happy and speedy return, I commend you to the divine Majesty.

This seems to be written 1598, the time of lord Burghley's last sickness.

XLVI. A Letter of advice to the earl of ESSEX, to take upon him the care of Irish causes, when Mr. Secretary CECIL was in France. 1598 †. † 1601.

My singular good Lord,

I Do write, because I had no time fully to express my conceit to your lordship touching Irish affairs, considering them as they may concern your lordship; knowing that you will consider them as they may concern the state. That it is one of the aptest particulars that hath come, or can come upon the stage for your lordship to purchase honour upon, I am moved to think for three reasons: Because it is ingenerate, in your house, in respect of my lord your father's noble attempts: because of all the actions of state on foot at this time, the labour resteth most in that particular; and because the world will make a kind of comparison, between those that set it out of frame and those that bring it into frame: which kind of honour giveth the quickest kind of reflection. The transferring this honour upon yourself consisteth in two points: the one, if the principal persons employed come in by you and depend upon you; the other, if your lordship declare yourself, and profess to undertake a care of that kingdom. For the persons, it falleth out well that your lordship hath had no interest in the persons of imputation: for neither Sir William Fitz-williams, nor Sir John Norrice, was yours. Sir William Ruffel was conceived yours, but was curbed. Sir Coniers Clifford, as I conceive it, dependeth on you, who is said to do well. And if my lord of Ormond, in this interim, doth accommodate things well, as it is said he doth, I take it he hath always had good understanding with your lordship: so as all things hitherto are not only whole and entire, but of favourable aspect towards your lordship, if hereafter you choose well: wherein in your wisdom you will remember there is a great difference in choice of the persons, as you shall think the affairs to incline to composition or to war. Concerning the care of

business, the general and popular conceit hath been, that Irish causes have been much neglected; whereby the very reputation of better care will put life into them. And I am sure her majesty, and my lords of the council, do not think their care dissolved when they have chosen whom to employ: but that they will proceed in a spirit of state, and not leave the main point to discretion. Then if a resolution be taken, a consultation must proceed; and the consultation must be governed upon information to be had from such as know the place, and matters in fact: and in taking of information I have always noted there is a skill and a wisdom. But for a beginning and key to that which shall follow, it were good your lordship would have some large and serious conference with Sir William Ruffel, Sir Richard Bingham, the earl of Thomond, and Mr. Willbraham; to know their relation of the past; their opinion of the present; and their advice for the future. But I am of opinion much more would be had of them, if your lordship shall be pleased severally to confer; not *obiter*, but expressly upon some caveat given them to think of it before: for *bene docet qui prudenter interrogat*.

For the points of apposing them, I am too much a stranger to the business to deduce them; but in a general topic, methinks the pertinent interrogations must be; either of the possibility and means of accord; or of the nature of the war; or of the reformation of abuses; or of the joining of practice with force in the disunion of the rebels. If your lordship doubt to put your sickle into another's harvest, yet consider you have these advantages; first, time brings it to you in Mr. Secretary's absence: next, *vis unita fortior*: thirdly, the business being mixt with matters of war, it is fittest for you: and lastly, I know your lordship will carry it with that modesty and respect towards aged dignity, and that good correspondence towards my dear kinsman and your good friend now abroad, as no inconvenience may grow that way.

Thus have I played the ignorant statesman; which I do to no body but your lordship; except I do it to the queen sometimes when she trains me on. But your lordship will accept my duty and good meaning, and secure me touching the privateness of that I write.

XLVII. A LETTER of advice to the earl of ESSEX, upon the first treaty with Tyrone 1598, before the earl was nominated for the charge of Ireland *.

* Treaty's
Reconciliation.

My very good Lord,

Concerning the advertisements, which your lordship imparted to me, touching the state of Ireland, I hold them to be no more certain to make judgment upon, than a patient's water to a physician: therefore for me upon one water to make a judgment, were indeed like a foolish bold mountebank, or Dr. Birket: yet for willing duty's sake, I will set down to your lordship what opinion sprang in my mind upon that I read.

The letter from the council there, leaning to mistrust and dissuade the treaty, I do not much rely on for three causes. First, because it is always the grace, and the safety from blame, of such a council to err in caution: whereunto add, that it may be, they, or some of them, are not without envy towards the person who is used in
treating

treating the accord. Next, because the time of this treaty hath no shew of dissimulation; for that Tyrone is now in no straits: but he is more like a gamester that will give over because he is a winner, than because he hath no more money in his purse. Lastly, I do not see but those articles, whereupon they ground their suspicion, may as well proceed out of fear, as out of falsehood. For the retaining the dependence of the Vraights, the protracting the admission of a sheriff, the refusing to give his son for an hostage, the holding off from present repair to Dublin, the refusing to go presently to accord, without including Odonell, and other his associates, may very well come of an apprehension in case he should receive hard measure; and not out of treachery: so as if the great person you write of be faithful, and that you have not heard some present intelligence of present succours from Spain, for the expectation whereof Tyrone would win time, I see no deep cause of distrusting this course of treaty, if the main conditions may be good. For her majesty seemeth to me to be a winner thereby three ways: first, her purse shall have some rest: next, it will divert the foreign designs upon the place: thirdly, though her majesty be like for a time to govern but *precario* in the north, and be not, as to a true command, in better state there than before; yet, besides the two respects of ease of charge, and advantage of opinion abroad, before mentioned, she shall have time to use her princely policy in two points to weaken them: the one, by division and the disunion of the heads: the other, by recovering and winning the people from them by justice: which of all other courses is the best.

Now for the Athenian question: you discourse well; *Quid igitur agendum est?* I will shoot my fool's bolt, since you will have it so. The earl of Ormond, to be encouraged and comforted. Above all things, the garrisons to be instantly provided for. For opportunity maketh a thief: and if he should mean never so well now, yet such an advantage as the breaking of her majesty's garrisons might tempt a true man.

And because he may as well waver upon his own inconstancy, as upon occasion, and wanton variableness is never restrained but by fear, I hold it necessary to be menaced with a strong war: not by words, but by musters and preparations of forces here, in case the accord proceed not: but none to be sent over, lest it disturb the treaty, and make him look to be over-run as soon as he hath laid away arms. And, but that your lordship is too easy to pass in such cases from dissimulation to verity, I think, if your lordship lent your reputation in this case; that is, to pretend, that if peace go not on, and the queen mean to make, not a defensive war as in times past, but a full re-conquest of those parts of the country, you would accept the charge; I think it would help to settle Tyrone in his seeking accord, and win you a great deal of honour *gratis*.

And that which most properly concerns this action, if it prove a peace, I think her majesty shall do well to cure the root of the disease; and to profess, by a commission of peaceable men, chiefly of respect and countenance, reformation of abuses, extortions, and injustices there; and to plant a stronger and surer government than heretofore, for the ease and protection of the subject. For the removing of the sword or government in arms from the earl of Ormond, or the sending of the deputy, which will eclipse it, if peace follow, I think it unseasonable.

Lastly, I hold still my opinion, both for your better information, and the fuller declaration of your care, in meddling in this urgent and meriting service, that your lordship have a set conference with the persons I named in my former letter.

XLVIII. A LETTER of advice to my lord of ESSEX, immediately before his going into Ireland. 1599*.

* Rawley's
Reminatio.

My singular good Lord,

^a YOUR late note of my silence in your occasions hath made me set down these few wandering lines, as one that would say somewhat, and can say nothing, touching your lordship's intended charge for Ireland: which my endeavour I know your lordship will accept graciously and well; whether your lordship take it by the handle of the occasion ministred from yourself, or of the affliction from which it proceeds.

Your lordship is designed to a service of great merit and great peril; and as the greatness of the peril must needs include a like proportion of merit; so the greatness of the merit may include no small consequence of peril, if it be not temperately governed. For all immoderate success extinguisheth merit, and stirreth up distaste and envy; the assured forerunners of whole charges of peril. But I am at the last point first, some good spirit leading my pen to preface to your lordship success; wherein, it is true, I am not without my oracles and divinations; none of them superstitious, and yet not all natural. For first, looking into the course of God's providence in things now depending, and calling to consideration, how great things God hath done by her majesty and for her; I collect he hath disposed of this great defection in Ireland, thereby to give an urgent occasion to the reduction of that whole kingdom; as upon the rebellion of Desmond there ensued the reduction of that whole province.

Next, your lordship goeth against three of the unluckiest vices of all others, disloyalty, ingratitude, and insolvency; which three offences, in all examples, have seldom their doom adjourned to the world to come.

Lastly, he that shall have had the honour to know your lordship inwardly, as I have had, shall find *bona exa*, whereby he may better ground a divination of good, than upon the dissection of a sacrifice. But that part I leave; for it is fit for others to be confident upon you, and you to be confident upon the cause; the goodness and justice whereof is such as can hardly be matched in any example; it being no ambitious war against foreigners, but a recovery of subjects; and that after lenity of conditions often tried; and a recovery of them not only to obedience, but to humanity and policy, from more than Indian barbarism.

There is yet another kind of divination, familiar to matters of state; being that which Demosthenes so often relied upon in his time; when he said, That which for the time past is worst of all, is for the time to come the best: which is, that things go ill, not by accident, but by errors; wherein, if your lordship have been heretofore an awaking censor, yet you must look for no other now, but *Maius aut tempus*: and though you shall not be the happy physician that cometh in the declination of the disease; yet you embrace that condition which many noble spirits have accepted for advantage; which is that you go upon the greater peril of your fortune, and the less of your reputation; and so the honour countervaileth the adven-

* Our author observes, "I was not called or advised with some years and a full house by lordship's return, to lead a life of glory in Ireland," which explains the passage. — See Vol. II. p. 111. title;

ture; of which honour your lordship is in no small possession, when that her majesty, known to be one of the most judicious princes in discerning of spirits that ever governed, hath made choice of you, merely out of her royal judgment; her affection inclining rather to continue your attendance, into whose hand, and trust, to put the command and conduct of so great forces; the gathering the fruit of so great charge; the execution of so many counsels; the redeeming of the defaults of so many former governors; the clearing of the glory of her so many happy years reign, only in this part eclipsed. Nay farther, how far forth the peril of that state is interlaced with the peril of England; and therefore how great the honour is, to keep and defend the approaches or avenues of this kingdom, I hear many discourse; and there is a great difference, whether the tortoise gathereth herself within her shell hurt or unhurt.

And if any man be of opinion, that the nature of the enemy doth extenuate the honour of the service, being but a rebel and a savage, I differ from him; for I see the justest triumphs that the Romans in their greatness did obtain, and that whereof the emperors in their stiles took addition and denomination, where of such an enemy as this; that is people barbarous, and not reduced to civility, magnifying a kind of lawless liberty, and prodigal of life, hardened in body, fortified in woods and bogs, and placing both justice and felicity in the sharpness of their swords; such were the Germans and ancient Britons, and divers others. Upon which kind of people, whether the victory were a conquest, or a reconquest upon a rebellion or a revolt, it made no difference, that ever I could find, in honour. And therefore it is not the enriching predatory war that hath the preeminence in honour, else should it be more honour to bring in a carrack of rich burden, than one of the twelve Spanish Apostles. But then this nature of people doth yield a higher point of honour, considered in truth, and substance, than any war can yield which should be achieved against a civil enemy; if the end may be *pacisque imponere morem*, to replant and refound the policy of that nation; to which nothing is wanting, but a just and civil government; which design, as it doth descend unto you from your noble father, who lost his life in that action, though he paid tribute to nature, and not to fortune; so I hope your lordship shall be as fatal a captain to this war, as Africanus was to the war of Carthage, after that both his uncle and father had lost their lives in Spain in the same war. Now although it be true, that these things which I write, being but representations unto your lordship of the honour and appearance of the success of the enterprise, be not much to the purpose of any advice; yet it is that which is left to me, being no man of war, and ignorant in the particulars of estate. For a man may, by the eye, set up the white in the midst of the but, though he be no archer. Therefore I will only add this wish, according to the English phrase, which termeth a well-willing advice, a wish; that your lordship in this whole action, looking forward, would set down this position; That merit is worthier than fame; and looking back hither would remember this text, That obedience is better than sacrifice. For designing to fame and glory may make your lordship in the adventure of your person to be valiant as a private soldier, rather than as a general: it may make you in your commandments rather to be gracious than disciplinary: it may make you press action, in respect of the great expectation conceived, rather hastily than seasonably and safely: it may make you seek rather to achieve the war by force, than by intermixture of practice: it may make you, if God shall send prosperous beginnings, rather seek the fruition of that honour, than

than the perfection of the work in hand. And for the other point, that is the proceeding, like a good protestant, upon express warrant, and not upon good intention, your lordship in your wisdom knoweth that as it is most fit for you to desire convenient liberty of instructions, so it is no less fit for you to observe the due limits of them; remembering that the exceeding of them may not only procure, in case of adverse accident, a dangerous disavow; but also, in case of prosperous success, be subject to interpretation, as if all were not referred to the right end.

Thus have I presumed to write these few lines to your lordship, *in methodo ignorantiae*; which is, when a man speaketh of any subject, not according to the parts of the matter, but according to the model of his own knowledge; and most humbly desire your lordship, that the weakness thereof may be supplied in your lordship by a benign acceptation, as it is in me by my best wishing.

* Rawley's
Refutation.

XLIX. To my lord of Essex.

My Lord,

CONCEIVING that your lordship came now up in the person of a good servant to see your sovereign mistress; which kind of compliments are many times *instar magnorum meritorum*; and therefore that it would be hard for me to find you: I have committed to this poor paper the humble salutations of him that is more yours than any man's; and more yours than any man. To these salutations I add a due and joyful gratulation, confessing that your lordship, in your last conference with me before your journey, spake not in vain, God making it good; that you trusted, we should say, *Quis putasset?* Which, as it is found true in a happy sense, so I wish you do not find another *Quis putasset?* in the manner of taking this so great a service. But I hope it is, as he said, *Nubecula est, cito transibit*: and that your lordship's wisdom, and obsequious circumspection, and patience, will turn all to the best. So referring all to some time that I may attend you, I commit you to God's best preservation.

L. A LETTER to the earl of Essex,

* Ibid.

in offer of his service when he was first enlarged to Essex-House.

My Lord,

NO man can expound my doings better than your lordship, which makes me need to say the less; only I humbly pray you to believe, that I aspire to the conscience and commendation of *bonus civis*, and *bonus vir*; and that though I love some things better, I confess, than I love your lordship, yet I love few persons better; both for gratitude's sake, and for your virtues, which cannot hurt but by accident; of which my good affection it may please your lordship to assure yourself; and of all the true effect and offices I can yield. For as I was ever sorry your lordship should fly with waxen wings, doubting Icarus's fortune, so for the growing up of your own feathers, be they ostriches or other kind, no man shall be more glad. And this is the axle-tree whereon I have turned and shall turn. Which having already signified to you by some near mean, having so fit a messenger for mine own letter,

letter, I thought good also to redouble by writing. And so I commend you to God's protection. From Gray's-Inn this 9th day of July, 1600.

*19 Jul. *Cab.*

LI. An Answer of my lord of ESSEX, to the preceding LETTER of Mr. BACON ‡.

‡ Rawley's
Refutation.

MR. BACON,

I Can neither expound nor censure your late actions; being ignorant of all of them save one; and having directed my sight inward only to examine myself. You do pray me to believe, that you only aspire to the conscience and commendation of *bonus civis*, and *bonus vir*: and I do faithfully assure you, that while that is your ambition, though your course be active, and mind contemplative, yet we shall both *convenire in eodem tertio*; and *convenire inter nosip[s]os*. Your profession of affection, and offer of good offices, are welcome to me: for answer to them I will say but this; that you have believed I have been kind to you, and you may believe that I cannot be other, either upon humour or mine own election. I am a stranger to all poetical conceits, or else I should say somewhat of your poetical example. But this I must say, that I never flew with other wings than desire to merit, and confidence in my sovereign's favour; and when one of these wings failed me, I would light no where but at my sovereign's feet, though she suffered me to be bruised with my fall. And till her majesty, that knows I was never bird of prey, finds it to agree with her will and her service that my wings should be impeded again, I have committed myself to the mue. No power but my God's, and my sovereign's, can alter this resolution of

Your retired friend,

ESSEX.

LII. To my lord of ESSEX*.

*Ibid.

My Lord,

I am glad your lordship hath plunged out of your own business: wherein I must commend your lordship, as Xenophon commended the state of his country, which was this, that having chosen the worst form of government of all others, they governed the best in that kind. *Hoc pace et venia tua*, according to my charter. Now, as your lordship is my witness that I would not trouble you whilst your own cause was in hand, though that I know, that the farther from the term, the better the time was to deal for me, so that being concluded, I presume I shall be one of your next cares. And having communicated with my brother of some course, either to perfect the first, or to make me some other way; or rather, by seeming to make me some other way to perfect the first; wherewith he agreed to acquaint your lordship; I am desirous, for mine own better satisfaction, to speak with your lordship myself: which I had rather were somewhere else than at court; and as soon as your lordship will assign me to wait on you. And so in, etc.

I.III. To

LIII. To my lord of Essex*.

* Rawley's
Refutation.*It may please your Lordship,*To wit.
Heaut. I. 1.

THAT your lordship is *in domo propria*, no man taketh greater gladness than I do; the rather, because I assure myself that of your eclipses, as this hath been the longer, it shall be the least; as the comical poet hath, *Nona illam in fatis nocens, supra te illa; longue fit, ut non vere videatur*. For if I may be so bold as to say what I think, I believe neither your lordship looked to have found her majesty in all points as you have done, neither her majesty *per case* looked to have found your lordship as she hath done. And therefore I hope upon this experience may grow more perfect knowledge, and upon knowledge more true content; which I, for my part, do infinitely wish, as accounting these accidents to be like the fish Remora; which though it be not great, yet hath it a hidden property to hinder the falling of the ship. And therefore, as bearing unto your lordship, after her majesty, of all public persons, the second duty, I could not but firmly unto you my affectionate gratulation. And so I commend your good lordship to the best preservation of the divine Majesty.

From Gray's-Inn.

LIV. To Sir ROBERT CECIL †.

† Rawley's
Refutation.*It may please your good Honour,*

I Am apt enough to contemn *mendacia famae*, yet it is with this distinction, as fame walks among inferiors, and not as it hath entrance into some ears. And yet nevertheless, in that kind also I intend to avoid a suspicious silence, but not to make any base apology. It is blown about the town, that I should give opinion touching my lord of Essex's cause; first, that it was a *praemunire*; and now last, that it reached to high treason: and this opinion should be given in opposition to the opinion of the lord Chief Justice, and of Mr. Attorney-General. Sir, I thank God, whatsoever opinion my head serveth me to deliver to her majesty, being asked, my heart serveth me to maintain, the same honest duty directing me and assisting me. But the utter untruth of this report God and the queen can witness; and the improbability of it, every man that hath wit, more or less, can conceive. The root of this I discern to be not so much a light and humourous envy at my access to her majesty, which of her majesty's grace being begun in my first years, I would be sorry she should estrange in my last years; for so I account them, reckoning by health not by age, as a deep malice to your honourable self; upon whom, by me, through nearness, they think to make some aspersion. But as I know no remedy against libels and lyes; so I hope it shall make no manner of difference of your honourable good conceits and affection towards me; which is the thing I confess to fear. For as for any violence to be offered to me, wherewith my friends tell me, to no small terror, that I am threatened, I thank God I have the privy coat of a good conscience; and have a good while since put off any fearful care of life, or the accidents of life. So desiring to be preserved in your good opinion, I remain.

This is a letter known to be wrote 1620. in the interval between the return of the Earl of Essex from Ireland, and his hearing before the Lord Chancellor, &c.

L.V.

LV. To my Lord HENRY HOWARD †.

† Rawley's
Refutation.*My Lord,*

THERE be very few besides yourself, to whom I would perform this respect. For I contemn *mendacia famae*, as it walks among inferiors; though I neglect it not, as it may have entrance into some ears. For your lordship's love, rooted upon good opinion, I esteem it highly, because I have tasted the fruits of it; and we both have tasted of the best waters, in my account, to knit minds together. There is shaped a tale in London's forge, that beateth apace at this time, that I should deliver opinion to the queen in my lord of Essex cause: first, that it was a *praemunire*; and now last, that it was high treason; and this opinion to be in opposition and encounter of the lord Chief Justice's opinion, and the Attorney General's. My lord, I thank God, my wit serveth me not to deliver any opinion to the queen, which my stomach serveth me not to maintain; one and the same conscience of duty guilding me and fortifying me. But the untruth of this fable God and my sovereign can witness, and there I leave it; knowing no more remedy against lyes, than others do against libels. The root, no question of it, is partly some light-headed envy at my access to her majesty; which being begun and continued since my childhood, as long as her majesty shall think me worthy of them, I scorn those that shall think the contrary: And another reason is the aspersion of this tale, and the envy thereof, upon some greater man, in regard of my nearness. And therefore, my lord, I pray you answer for me, to any person that you think worthy your own reply, and my defence. For my lord of Essex, I am not servile to him, having regard to my superior's duty. I have been much bound unto him. And on the other side, I have spent more time and more thoughts about his well doing, than ever I did about mine own. I pray God, you his friends, amongst you, be in the right. *Nulla remedia tam faciunt dolorem, quam quae sunt salutaria.* For my part, I have deserved better, than to have my name objected to envy, or my life to a ruffian's violence. But I have the privy coat of a good conscience. I am sure these courtes and bruises hurt my lord more than all. So having written to your lordship, I desire exceedingly to be preferred in your good opinion and love: And so leave you to God's goodness.

3 December 1599.

LVI. Two LETTERS, framed,

The one as from Mr. Anthony Bacon, to the earl of ESSEX; the other, as the earl's answer thereunto*.

* Rawley's
Refutation.

Both written by Mr. Francis Bacon, at the instance of Mr. Anthony Bacon his brother, and to be shewed to the queen, upon some fit occasion; as a mean to work her majesty to receive the earl again to favour and attendance at court. They were devised whilst my lord remained prisoner in his own house. See Sir Francis Bacon's *Apology*, to the earl of Devonshire.

My singular good Lord,

THIS standing at a stay in your lordship's fortunes doth make me, in my love towards your lordship, jealous lest you do somewhat, or omit somewhat, that amounteth to a new error. For I suppose that of all former matters there is a full

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E e

expiation;

piation; wherein, for any thing that your lordship doth, I for my part, who am remote, cannot cast nor devise wherein any error should be, except in one point, which I dare not censure nor dissuade; which is, that as the prophet saith, in this affliction you look up *ad manum percussentem*, and so make your peace with God. And yet I have heard it noted, that my lord of Leicester, who could never get to be taken for a saint, nevertheless in the queen's disfavour waxed seeming religious; which may be thought by some, and used by others, as a case resembling yours, if men do not see, or will not see the difference between your two dispositions. But to be plain with your lordship, my fear rather is, because I hear how some of your good and wise friends, not unpractised in the court, and supposing themselves not to be unseen in that deep and unscrutable center of the court, which is her majesty's mind, do not only toll the bell, but even ring out peals, as if your fortune were dead and buried, and as if there were no possibility of recovering her majesty's favour; and as if the best of your condition were to live a private and retired life, out of want, out of peril, and out of manifest disgrace; and so in this persuasion of theirs include a persuasion to your lordship to frame and accommodate your actions and mind to that end: I fear, I say, that this untimely despair may in time bring forth a just despair, by causing your lordship to slacken and break off your wife, loyal, and seasonable endeavours and industry for redintegration to her majesty's favour: in comparison whereof all other circumstances are but as *atomi*, or rather as a *vacuum* without any substance at all. Against this opinion it may please your lordship to consider of these reasons which I have collected, and to make judgment of them, neither out of the melancholy of your present fortune, nor out of the infusion of that which cometh to you by others relation, which is subject to much tincture, but *ex rebus ipsis*, out of the nature of the persons and actions themselves, as the truest and least deceiving grounds of opinion. For though I am so unfortunate as to be a stranger to her majesty's eye, and much more to her nature and manners; yet by that which is apparent, I do manifestly discern, that she hath that character of the divine nature and goodness, *quos amavit, amavit usque ad finem*: and where she hath a creature, she doth not deface nor defeat it; insomuch as, if I observe rightly in those persons whom heretofore she hath honoured with her special favour, she hath covered and remitted not only defects and ingratitude in affection, but errors in state and service. Secondly, if I can spell and scholar-like put together the parts of her majesty's proceedings now towards your lordship, I cannot but make this construction, that her majesty in her royal intention never purposed to call your lordship's doings into public question; but only to have used a cloud without a shower, in censuring them by some temporary restraint only of liberty, and debarring from her presence. For, first the handling the cause in the Star-chamber, you not being called, was enforced by the violence of libelling and rumours, wherein the queen thought to have satisfied the world, and yet spared your lordship's appearance; and after, when that means which was intended for the quenching of malicious bruits, turned to kindle them, because it was said your lordship was condemned unheard, and your lordship's sister wrote that piquant letter, then her majesty saw plainly, that these winds of rumours could not be commanded down without a handling of the cause, by making you a party, and admitting your defence. And to this purpose I do assure your lordship, that my brother Francis Bacon, who is too wise, I think to be abused, and too honest to abuse: though he be more reserved in all particulars than is needful, yet in generalty

he hath ever constantly and with asseveration affirmed to me, that both those days, that of the Star-chamber, and that at my lord Keeper's, were won from the queen merely upon necessity and point of honour, against her own inclination. Thirdly, in the last proceeding, I note three points, which are directly significant, that her majesty did expressly forbear any point which was * irreparable, or might make ^{irrecuperable, Cab.} your lordship in any degree incapable of the return of her favour; or might fix any character indelible of disgrace upon you: for she spared the public place of the Star-chamber, which spared ignominy; she limited the charge precisely not to touch upon any pretence disloyalty; and no record remaineth to memory of the charge or sentence. Fourthly, the very distinction which was made in the sentence of sequestration from the places of service in state, and leaving to your lordship the place of master of the horse, doth, to my understanding, *indicative*, point at this; that her majesty meant to use your lordship's attendance in court, while the exercises of the other places stood suspended. Fifthly, I have heard, and your lordship knoweth better than I, that now, since you were in your own custody, her majesty in *verbo regio*, and by his mouth, to whom she committeth her royal grants and decrees, hath assured your lordship she will forbid, and not suffer, your ruin. Sixthly, as I have heard her majesty to be a prince of that magnanimity, that she will spare the service of the ablest subject or peer, when she shall be thought to stand in need of it: so she is of that policy, as she will not lose the service of a meaner than your lordship, where it shall depend merely upon her choice and will. Seventhly, I hold it for a principle, that generally those diseases are hardest to cure whereof the cause is obscure; and those easiest, whereof the cause is manifest; whereupon I conclude, that since it hath been your error in your courses towards her majesty, which hath prejudiced you, that your reforming and conformity will restore you; so as you may be *faber fortunæ propriae*. Lastly, considering your lordship is removed from dealing in causes of state, and left only to a place of attendance; methinks the ambition of any man, who can endure no partners in state matters, may be so quenched, as they should not laboriously oppose themselves to your being in court: so as upon the whole matter, I can find neither in her majesty's person, nor in your own person, nor in any third person, neither in former precedents, nor in your own case, any cause of dry and peremptory despair. Neither do I speak this so, but that, if her majesty, out of her resolution, should design you to a private life, you should be as willing, upon her appointment, to go into the wilderness, as into the land of promise. Only I wish your lordship will not pre-occupate despair, but put trust, next to God, in her majesty's grace, and not to be wanting to yourself. I know your lordship may justly interpret, that this which I persuade, may have some reference to my particular, because I may truly say, *Te stante*, not *virebo*, for I am withered in myself, but *manebo*, or *tenebo*; I shall in some sort be, or hold out. But though your lordship's years and health may expect return of grace and fortune; yet your eclipse for a time is an *ultimum vale* to my fortune; and were it not that I desire and hope to see my brother established, by her majesty's favour, as I think him well worthy, for that he hath done and suffered, it were time I did take that course, from which I dissuade your lordship. But now in the mean time, I cannot choose but perform these honest duties to you, to whom I have been so deeply bounden.

LVII. A LETTER framed as from the Earl; in answer to the former LETTER*.

* Rawley's
Resuscitatio

Mr. BACON,

I Thank you for your kind and careful letter. It persuades me that which I wish strongly, and hope for weakly; that is possibility of restitution to her majesty's favour: but your arguments that would cherish hope turn to despair. You say the queen never meant to call me to public censure, which sheweth her goodnets; but you see I passed under it, which sheweth others power. I believe most steadfastly her majesty never intended to bring my cause to a sentence; and I believe as verily, that since that sentence she meant to restore me to attend upon her person. But they that could use occasions, which was not in me to let, and amplify occasions, and practise upon occasions, to represent to her majesty a necessity to bring me to the one, can and will do the like to stop me from the other. You say my errors were my prejudice, and therefore I can mend myself: it is true; but they that know that I can mend myself, and that if ever I recover the queen, that I will never lose her again; will never suffer me to obtain interest in her favour. And you say the queen never forsook utterly, where she inwardly favoured: but I know not whether the hour-glass of time hath altered her mind; but sure I am the false glass of others informations must alter her, when I want access to plead my own cause. I know I ought doubly to be her majesty's; both *jure creationis*, for I am her creature; and *jure redemptionis*, for I know she hath saved me from overthrow. But for her first love, and for her last protection, and all her great benefits, I can but pray for her majesty; and my endeavours are now to make my prayers for her majesty and myself better heard. For, thanks be to God, they that can make her majesty believe I counterfeit with her, cannot make God believe that I counterfeit with him: and they which can let me from coming near unto her, cannot let me from drawing near unto him, as I hope I do daily. For your brother, I hold him an honest gentleman, and wish him all good, much rather for your sake. Yourself I know hath suffered more for me and with me than any friend I have: yet I cannot but lament freely, as you see I do; and advise you not to do that which I do, which is to despair. You know letters what hurt they have done me, and therefore make sure of this: and yet I could not, as having no other pledge of my love, but communicate freely with you, for the ease of my heart and yours.

LVIII. A LETTER to Mr. Secretary CECIL, after the * defeating of the Spanish forces in Ireland; inciting him to embrace the care of reducing that kingdom to civility, with some reasons sent inclosed*.

* Rawley's
Resuscitatio.

It may please your Honour,

AS one that wisheth you all increase of honour; and as one that cannot leave to love the state, what interest soever I have, or may come to have in it; and as one that now this dead vacation time hath some leisure *ad aliud agendum*; I will

* Therefore this was wrote 1601.

presume to propound unto you that which though you cannot but see, yet I know not whether you apprehend and esteem it in so high a degree; that is, for the best action of importation to yourself, of sound honour and merit to her majesty and this crown, without ventosity and popularity, that the riches of any occasion, or the tide of any opportunity, can possibly minister or offer: and that is the cause of Ireland, if they be taken by the right handle. For if the wound be not ripped up again, and come to a *recrudency by new foreign succours, I think that no physician will go on much with letting of blood, *in declinatione morbi*; but will intend to purge and corroborate. To which purpose I send you mine opinion, without labour of words, in the inclosed; and sure I am, that if you shall enter into the matter according to the vivacity of your own spirit, nothing can make unto you a more gainful return. For you shall make the queen's felicity complete, which now, as it is, is incomparable; and for yourself, you shall shew yourself as good a patriot as you are thought a politic, and make the world perceive you have not less generous ends, than dextrous delivery of yourself towards your ends; and that you have as well true arts and grounds of government, as the facility and felicity of practice and negotiation; and that you are as well seen in the periods and tides of estates, as in your own circle and way: than the which, I suppose, nothing can be a better addition and accumulation of honour unto you. This, I hope, I may in privateness write, either as a kinsman, that may be bold; or as a scholar, that hath liberty of discourse, without committing any absurdity. But if it seem any error in me thus to intromit myself, I pray your honour to believe, I ever loved her majesty and the state, and now love yourself; and there is never any vehement love without some absurdity, as the Spaniard well says; *desuavio con la calentura*. So desiring your honour's pardon, I ever continue.

Considerations touching the QUEEN'S service in IRELAND*.

* Rawley's Retalicatio.

THE reduction of that country, as well to civility and justice, as to obedience and peace, which things, as affairs now stand, I hold to be inseparable, consisteth in four points:

1. The extinguishing of the relicks of the war.
2. The recovery of the hearts of the people.
3. The removing of the root and occasions of new troubles.
4. Plantations and buildings.

FOR the first; concerning the places and times, and particularities of farther prosecution, in fact, I leave it to the opinion of men of war; only the difficulty is, to distinguish and discern the propositions, which shall be according to the ends of the state here, that is, final and summary towards the extirpation of the troubles, from those, which though they pretend public ends, yet may refer indeed to the more private and compendious ends of the council there; or of the particular governors or captains. But still, as I touched in my letter, I do think much letting blood, *in declinatione morbi*, is against method of cure: and that it will but induce necessity, and exasperate despair; and perchance discover the hollownets of that which is done already, which now blazeth to the best shew. For Iaglia's and proscriptions of two or three of the principal rebels, they are no doubt, *jure gentium*, lawful: in Italy

Italy usually practis'd upon the banditti; best in season when a side goeth down: and may do good in two kinds; the one, if they take effect; the other, in the distrait which may follow amongst the rebels themselves. But of all other points, to my understanding, the most effectual is, the well expressing or impelling the design of this state, upon that miserable and desolate kingdom; containing the same between these two lists or boundaries; the one, that the queen seeketh not an extirpation of that people, but a reduction; and that, now she hath chastised them by her royal power and arms, according to the necessity of the occasion, her majesty taketh no pleasure in effusion of blood, or displanting of ancient generations. The other, that her majesty's princely care is principally and intentionally bent upon the action of Ireland; and that she seeketh not so much the ease of charge, as the royal performance of the office of protection, and reclaim of those her subjects: and in a word, that the case is altered so far as may stand with the honour of the time past: which it is easy to reconcile, as in my last note I shewed. And again, I do repeat, that if her majesty's design be *expresso* to reduce wild and barbarous people to civility and justice, as well as to reduce rebels to obedience, it makes weakness turn christianity, and conditions graces; and so hath a fineness in turning utility upon point of honour, which is agreeable to the humour of these times. And besides, if her majesty shall suddenly abate the lists of her forces, and shall do nothing to countervail it in point of reputation, of a politic proceeding, I doubt things may too soon fall back into the state they were in. Next to this: Adding reputation to the cause, by imprinting an opinion of her majesty's care and intention upon this action, is the taking away of reputation from the contrary side, by cutting off the opinion and expectation of foreign succours; to which purpose this enterprize of Algiers, if it hold according to the advertisement, and if it be not wrapped up in the period of this summer, seemeth to be an opportunity *coelitus demissa*. And to the same purpose nothing can be more fit than a treaty, or a shadow of a treaty of a peace with Spain, which methinks should be in our power to fasten at least *rumore tenus*, to the deluding of as wise people as the Irish. Lastly, for this point; that which the ancients called *petulas facta redeundi ad sanitatem*; and which is but a mockery when the enemy is strong, or proud, but effectual in his declination; that is, a liberal proclamation of grace and pardon to such as shall submit, and come in within a time prefixed, and of some farther reward to such as shall bring others in; that one's sword may be sharpened by another's, is a matter of good experience, and now, I think, will come in time. And percase, though I wish the exclusions of such a pardon exceeding few, yet it will not be safe to continue some of them in their strength, but to translate them and their generations into England; and give them recompence and satisfaction here, for their possessions there; as the king of Spain did, by divers families of Portugal. To the effecting of all the points aforesaid, and likewise those which fall wit in the divisions following, nothing can be in priority, either time or matter, better than the sending of some commission of countenance, *ad re-mittendas et componendas*; for it will be a very significant demonstration of her majesty's care of that kingdom; a credence to any that shall come in and submit; a bridle to any that shall have their fortunes there, and shall apply their propositions to private ends; and an evidence that her majesty, after arms laid down, speedily pursueth a politic course, without neglect or respiration: and it hath been the wisdom of the best examples of government.

TOWARDS

TOWARDS the recovery of the hearts of the people, there be but three things *in natura rerum*.

1. Religion.
2. Justice and protection.
3. Obligation and reward.

For religion, to speak first of piety, and then of policy, all divines do agree, that if consciences be to be enforced at all, wherein yet they differ, two things must precede their enforcement; the one, means of instruction; the other, time of operation; neither of which they have yet had. Besides, till they be more like reasonable men than they yet are, their society were rather scandalous to the true religion, than otherwise; as pearls cast before swine: for till they be cleansed from their blood, incontinency, and theft, which are now not the lapses of particular persons, but the very laws of the nation, they are incompatible with religion reformed. For policy, there is no doubt but to wrestle with them now, is directly opposite to their reclaiming, and cannot but continue their alienation of mind from this government. Besides, one of the principal pretences, whereby the heads of the rebellion have prevailed both with the people, and with the foreigner, hath been the defence of the catholic religion: and it is this that likewise hath made the foreigner reciprocally more plausible with the rebel. Therefore a toleration of religion, for a time, not definite, except it be in some principal towns and precincts, after the manner of some French edicts, seemeth to me to be a matter warrantable by religion, and in policy of absolute necessity. And the hesitation in this point, I think, hath been a great casting back of the affairs there. Neither if any English papist or recusant shall, for liberty of his conscience, transfer his person, family, and fortunes thither; do I hold it a matter of danger, but expedient to draw on undertaking, and to further population. Neither if Rome will cozen itself, by conceiving it may be some degree to the like toleration in England, do I hold it a matter of any moment; but rather a good mean to take off the fierceness and eagerness of the humour of Rome, and to stay further excommunications or interdictions for Ireland. But there would go hand in hand with this, some course of advancing religion indeed, where the people is capable thereof; as the sending over some good preachers, especially of that sort which are vehement and zealous persuaders, and not scholastical, to be resident in principal towns; endowing them with some stipends out of her majesty's revenues, as her majesty hath most religiously and graciously done in Lancashire: and the recontinuing and replenishing the college begun at Dublin, the placing of good men to be bishops in the sees there, and the taking care of the versions of bibles and catechisms, and other books of instruction, into the Irish language; and the like religious courses, both for the honour of God, and for the avoiding of scandal and insatisfaction here, by the shew of a toleration of religion in some parts there.

For justice: the barbarism and desolation of the country considered, it is not possible they should find any sweetness at all of justice; if it shall be, which hath been the error of times past, formal, and fetched far off from the state; because it will require running up and down for process; and give occasion for polling and exactions by fees, and many other delays and charges. And therefore there must be an interim in which the justice must be only summary; the rather, because it is fit and safe for a time the country do participate of martial government; and therefore, I could wish in every principal town or place of habitation, there were a captain or governor;

governor; and a judge, such as recorders and learned stewards are here in corporations, who may have a prerogative commission to hear and determine *secundum formam dignitatum*; and as near as may be to the laws and customs of England; and that by bill or plaint, without original writ; reserving from their sentence matter of free-hold and inheritance, to be determined by a superior judge itinerant; and both sentences, as well of the balywick judge, as itinerant, to be reversed, if cause be, before the council of the province to be established there with fit instructors.

For obligation and reward; it is true, no doubt, which was anciently said, that a state is contained in two words, *praemium* and *poena*; and I am persuaded, if a penny in the pound which hath been spent in *poena*, for this kind of war is but *poena*, a chastisement of rebels, without fruit or emolument to this state, had been spent in *praemio*, that is, in rewarding, things had never grown to this extremity. But to speak forwards. The keeping of the principal Irish persons in terms of contentment, and without cause of particular complaint; and generally the carrying of an even course between the English and the Irish; whether it be in competition, or whether it be in controversy, as if they were one nation, without that same partial course which hath been held by the governors and counsellors there, that I have favoured the Irish, and some contrary, is one of the best medicines of that state. And as for other points of contentment, as the countenancing of their nobility as well in this court as there; the imparting of knighthood; the care of education of their children, and the like points of comfort and allurements; they are things which fall into every man's consideration.

For the extirpating of the seeds of troubles, I suppose the main roots are but three. The first, the ambition and absoluteness of the chief of the families and septs. The second, the licentious idleness of their kernes and soldiers, that lie upon the country, by cesses and such like oppressions. And the third, the barbarous laws, customs, their brehon laws, habits of apparel, their poets or heralds that enchant them in savage manners, and sundry other such dregs of barbarism and rebellion, which by a number of politic statutes of Ireland, meet to be put in execution, are already forbidden; unto which such additions may be made as the present time requireth. But the deducing of this branch requireth a more particular notice of the state and manners there, than falls within my compass.

For plantations and buildings, I do find it strange that in the last plot for the population of Munster, there were limitations how much in demesne, and how much in farm, and how much in tenancy; again, how many buildings should be erected, how many Irish in mixture should be admitted, and other things foreseen almost to curiosity: but no restraint that they might not build *quocumque* at their pleasure; nor any condition that they should make places fortified and defensible: which omission was a strange neglect and secureness, to my understanding. So as for this last point of plantations and buildings, there be two considerations which I hold most material; the one for quickening, and the other for assuring. The first is, that choice be made of such persons for the government of towns and places, and such undertakers be procured, as be men gracious and well beloved, and are like to be well followed. Wherein for Munster, it may be, because it is not *res integra*; but that the former undertakers stand interested, there will be some difficulty: but surely, in

in mine opinion, either by agreeing with them, or by over-ruling them with a parliament in Ireland, which in this course of a politic proceeding, infinite occasions will require speedily to be held, it will be fit to supply fit qualified persons for undertakers. The other, that it be not left, as heretofore, to the pleasure of the undertakers and adventurers, where and how to build and plant; but that they do it according to a prescript or formulary. For first, the places, both maritime and inland, which are fittest for colonies or garrisons, as well for doubt of the foreigner, as for keeping the country in bridle, would be found, surveyed, and resolved upon: and then that the patentees be tied to build in those places only, and to fortify as shall be thought convenient. And lastly, it followeth of course, in countries of new populations, to invite and provoke inhabitants by ample liberties and charters.

LIX. To my lord of Canterbury [Dr. WHITGIFT *.]

* Rawley's
Resuscitatio.*It may please your Grace,*

I Have considered the objections, perused the statutes, and framed the alterations, which I send, still keeping myself within the privy of a letter, and form of a narration; not entering into a form of argument or disputation: for, in my poor conceit, it is somewhat against the majesty of princes actions, to make too curious and striving apologies, but rather to set them forth plainly, and so as there may appear an harmony and constancy in them, so that one part upholdeth another. And so I wish your grace all prosperity. From my poor lodging, this, etc.

Your Grace's most dutiful pupil and servant.

LX. To Sir THOMAS LUCY *.

* Rawley's
Resuscitatio.

S I R,

THERE was no news better welcome to me this long time, than that of the good success of my kinsman; wherein if he be happy, he cannot be happy alone, it consisting of two parts. And I render you no less kind thanks for your aid and favour towards him, than if it had been for myself; assuring you that this bond of alliance shall on my part tie me to give all the tribute to your good fortune upon all occasions, that my poor strength can yield. I send you, so required, an abstract of the lands of inheritance; and one lease of great value, which my kinsman bringeth; with a note of the tenures, values, contents, and state, truly and perfectly drawn; whereby you may perceive the land is good land, and well countenanced by scope of acres, woods, and royalties; though the total of the rents be set down as it now goeth, without improvement: in which respect it may somewhat differ from your first note. Out of this, what he will assure in jointure, I leave it to his own kindness; for I love not to measure affection. To conclude, I doubt not your daughter might have married to a better living, but never to a better life; having chosen a gentleman bred to all honesty, virtue, and worth, with an estate convenient. And if my brother or myself were either thrivers, or fortunate in the queen's service, I would hope there should be left as great an house of the Cokes in this gentleman, as in your good

friend Mr. Attorney-General. But sure I am, if Scriptures fail not, it will have as much of God's blessing; and sufficiency is ever the best feast, etc.

LXI. A LETTER of recommendation of his service to the earl of NORTHUMBERLAND, a few days before queen ELIZABETH'S death*.

* Rawley's
Renuitatio.

It may please your good Lordship,

AS the time of sowing a seed is known, but the time of coming up and disclosing is casual, or according to the season; so I am witness to myself, that there hath been covered in my mind a long time, a seed of affection and zeal towards your lordship, sown by the estimation of your virtues, and your particular honours and favours to my brother deceased, and myself; which seed still springing, now bursteth forth into this profession. And to be plain with your lordship it is very true, and no winds or noises of civil matters can blow this out of my head or heart, that your great capacity and love towards studies and contemplations of an higher and worthier nature, than popular, a nature rare in the world, and in a person of your lordship's quality almost singular, is to me a great and chief motive to draw my affection and admiration towards you. And therefore, good my lord, if I may be of any use to your lordship, by my head, tongue, or pen, means, or friends, I humbly pray you to hold me your own; and herewithal, not to do so much disadvantage to my good mind, nor partly to your own worth, as to conceive that this commendation of my humble service proceedeth out of any straits of my occasions, but merely out of an election, and indeed the fulness of my heart. And so wishing your lordship all prosperity, I continue, etc.

March 1603.

LETTERS, in the reign of king JAMES.

* Ibid.

LXII. * To Mr. FOWLVS.

S I R,

THE occasion awaketh in me the remembrance of the constant and mutual good offices, which passed between my good brother and yourself; whereunto, as you know, I was not altogether a stranger; though the time and design, as between brethren, made me more reserved. But well do I bear in mind the great opinion which my brother, whose judgment I much reverence, would often

* Upon the death of queen Elizabeth Mr. Fowly was sent out of Scotland with letters to divers of the lords of the privy council; soon after whose arrival the lord Treasurer, the lord High Admiral and Sir Robert Cecil, principal secretary of state, returned a large letter of thanks, and of advice to the king concerning the improvement of his life. He was afterward created a baronet by the name of Sir David Fowly of Fowly, in the north county of Yorkshire, where he had seated himself, and where his posterity now remain.

express to me, of your extraordinary sufficiency, dexterity, and temper, which he had found in you, in the business and service of the king our sovereign lord^a. This latter bred in me an election, as the former gave an inducement for me, to address myself to you; and to make this signification of my desire towards a mutual entertainment of good affection and correspondence between us: hoping that both some good effect may result of it towards the king's service; and that for our particulars, though occasion give you the precedence of furthering my being known, by good note, unto the king; so no long time will intercede before I on my part shall have some means given to requite your favours, and to verify your commendation. And so with my loving commendations, good Mr. Fowlys, I leave you to God's goodness.

From Gray's-Inn, 27 March, 1603.

^a Mr. Anthony Bacon, the elder and only brother to our author, of the whole blood, reported to have been equal to him in height of wit, though inferior in the improvements of learning and knowledge. Sir Henry Wotton observes, that he was a gentleman of impotent feet, but of a nimble head, through whose hands ran all the intelligences with Scotland. *Stephen.*

LXIII. To Mr. FOWLYS*.

* Rawley's Resuscitatio.

Mr. FOWLYS,

I Did write unto you yesterday by Mr. Lake, who was dispatched hence from their lordships, a letter of reviver of those sparks of former acquaintance between us in my brother's time; and now, upon the same confidence, finding so fit a messenger, I would not fail to salute you; hoping it will fall out so happily, as that you shall be one of the king's servants which his majesty will first employ here with us; where I hope to have some means not to be barren in friendship towards you.

We all thirst after the king's coming, accounting all this but as the dawning of the day before the rising of the sun, till we have his presence. And though now his majesty must be *Janus bifrons*, to have a face to Scotland, as well as to England, yet *quod nunc instat agendum*: the expectation is here that he will come in state, and not in strength^b. So for this time I commend you to God's goodness. 28 March 1603.

^b My lord Bacon, in his history of K. Henry VII, observes the like conduct in that wise prince, in order to quiet the fears of the people, and disperse the conceit of his coming in by conquest.

LXIV. To Sir^b THOMAS CHALONER, then in Scotland, before his majesty's entrance*.

* Ibid.

S I R,

FOR our money matters, I am assured you received no insatisfaction; for you know my mind, and you know my means; which now the openness of the time, caused by this blessed content, and peace, will increase; and so our agreement, according

^b Sir Thomas Chaloner was son to Sir Thomas Chaloner, who had behaved himself with great valour, under the command of the emperor Charles V. and the duke of Somerset, and with equal prudence, in

ording to your time, be observed. For the present, according to the Roman adage, that "one cluster of grapes ripeneth best besides another," I know you hold me not unworthy, whose mutual friendship you should cherish; and I, for my part, conceive good hope, that you are likely to become an acceptable servant to the king our master: not so much for any way made heretofore, which, in my judgment, will make no great difference, as for the stuff and sufficiency which I know to be in you; and whereof, I know, his majesty may reap great service. And therefore, my general request is, that according to that industrious vivacity which you use towards your friends, you will further his majesty's good conceit and inclination towards me, to whom words cannot make me known, neither mine own, nor others; but time will, to no disadvantage of any that shall fore-run his majesty's experience, by your testimony and commendation. And though occasion give you the precedence of doing me this special good office; yet I hope no long time will intercede before I shall have some means to requite your favour and acquit your report. More particularly, having thought good to make oblation of my most humble service to his majesty by a few lines, I desire your loving care and help, by yourself, or such means as I refer to your discretion, to deliver and present the same to his majesty's hands: Of which letter I send you a copy, that you may know what you carry; and may take of Mr. Matthew the letter itself, if you be pleased to undertake the delivery. Lastly, I do commend to yourself, and such your courtesie as occasion may require, this gentleman Mr. Matthew, eldest son to my lord bishop of Dureme, and my very good friend, assuring you that any courtesie you shall use towards him, you shall use to a very worthy young gentleman, and one I know, whose acquaintance you will much esteem. And so I ever continue. 1603.

the courts of the emperor and king of Spain: whither he was sent ambassador in the beginning of the reign of queen Elizabeth. The son was, like his father, a gentleman of great parts and abilities, to whose care king James committed the tuition of prince Henry, 17 Aug. 1603. *Rymer*, xvi. 546. Sir Thomas had, a few years before, made the first discovery of alum mines in this nation, at or near Gisborough in Yorkshire; where some of his name and family still continue. He survived his royal pupil just three years, dying in November, 1615. *Stephens*.

LXV. An offer of service to the KING upon his first coming in ^{to}.

* Rawley's
Resuscitatio.

It may please your most excellent Majesty,

IT is observed by some, upon a place in the Canticles, *Ego sum flos campi, et lilium convallium*, that, *à dispari*, it is not said, *Ego sum flos horti, et lilium montium*; because the majesty of that person is not inclosed for a few, nor appropriated to the great. And yet, notwithstanding, this royal virtue of access, which both nature and judgment have planted in your majesty's mind, as the portal of all the rest, could not of itself, my imperfections considered, have animated me to make oblation of myself immediately to your majesty, had it not been joined with an habit of the like liberty, which I enjoyed with my late dear sovereign mistress; a princess happy in all things else, but most happy in such a successor. And yet farther, and more nearly, I was not a little encouraged, not only upon a supposal, that unto your majesty's sacred ear, open to the air of all virtues, there might perhaps have come some ^{of} small breath of the good memory of my father, so long a principal counsellor

† Notice, Sir
John Maitland's
Collection of Letters,
p. 17.

counsellor in your kingdom^a; but also a more particular knowledge of the infinite devotion and incessant endeavours, beyond the strength of his body, and the nature of the times, which appeared in my good brother, Mr. Anthony Bacon, towards your majesty's service; and were on your majesty's part, through your singular benignity, by many most gracious and lively significations and favours accepted and acknowledged, beyond the merit of any thing he could effect: which endeavours and duties, for the most part, were common to myself with him, though by design, as between brethren, dissolved. And therefore, most high and mighty King, my most dear and dread sovereign lord, since now the corner-stone is laid of the mightiest monarchy in Europe; and that God above, who hath ever a hand in bridling the floods and motions both of the seas and of peoples hearts, hath by the miraculous and universal consent, the more strange, because it proceedeth from such diversity of causes, in your coming in, given a sign and token of great happiness in the continuance of your reign; I think there is no subject of your majesty's, which loveth this island, and is not hollow or unworthy, whose heart is not set on fire, not only to bring you peace-offerings, to make you propitious; but to sacrifice himself a burnt-offering or holocaust to your majesty's service: amongst which number no man's fire shall be more pure and fervent than mine; but how far forth it shall blaze out, that resteth in your majesty's * employment. So thinking after the happiness of kissing your royal hand, I continue ever. 1603.

^a Sir N. Bacon, lord keeper of the great seal from the first to the 21 Elizabeth.

* Pleasure to ordain. Sir Torre Matthew.

LXVI. A Letter commending his love to the lord of ^b KINLOSSE, upon his majesty's entrance *.

My Lord,

THE present occasion awakeneth in me a remembrance of the constant amity and mutual good offices, which passed between my brother deceased and your lordship, whereunto I was less strange, than in respect of the time I had reason to pretend; and withal, I call to mind the great opinion which my brother who seldom failed in judgment of a person, would often express to me of your lordship's great wisdom and soundness, both in head and heart, towards the service and affairs of our sovereign lord the king.

The one of those hath bred in me an election, and the other a confidence to address my good will and sincere affection to your good lordship; not doubting, in regard that my course of life hath wrought me not to be altogether unseen in the matters of the kingdom, that I may be of some use, both in point of service to the king, and in your lordship's particular.

And on the other side, I will not omit humbly to desire your lordship's favour, in furthering a good conceit and impression of my most humble duty and true zeal towards the king; to whose majesty words cannot make me known, neither mine own nor others; but time will, to no disadvantage of any, that shall forerun his majesty's experience, by their humanity and commendations. And so I commend your good lordship to God's providence and protection.

From Gray's-Inn, etc. 1603.

^b Edward Bruce Mil. Dom. Kinlosse, Magist. Rotulorum curiae cancellariae, 19 Jul. 1603. *Rymer* xvii. p. 491.

* Scrip. in *Scra.* p. 56. Edit. 1654.

LXVII.

LXVII. A Letter to doctor MORISON^c, a Scottish physician, upon his Majesty's coming in.*Mr. Doctor MORISON,*

I have thought good by this my letter to renew this my ancient acquaintance which hath passed between us, signifying my good mind to you, to perform to you any good office for your particular, and my expectation and a firm assurance of the like on your part towards me: wherein I confess you may have the start of me, because occasion hath given you the precedency in investing you with opportunity to use my name well, and by your loving testimony to further a good opinion of me in his majesty, and the court.

But I hope my experience of matters here will, with the light of his majesty's favour, enable me speedily both to requite your kindness, and to acquit and make good your testimony and report. So not doubting to see you here with his majesty; considering that it belongeth to your art to feel pulses (and I assure you, Galen doth not set down greater variety of pulses, than do vent here in mens hearts), I wish you all prosperity, and remain

Yours, etc.

From my chamber at Gray's-Inn, etc. 1603.

^c He had held a correspondence with Mr. Anthony Bacon, and was employed to find intelligence from Scotland to the earl of Essex. See *Memoirs of the reign of queen Elizabeth, from the year 1581, till her death.* Vol. I. p. 79, 109, 116.

* Rawley's
Retaliation.

LXVIII. To Mr. DAVIES^d, gone to meet the king^{*}.*Mr. DAVIES,*

Though you went on the sudden, yet you could not go before you had spoken with yourself, to the purpose which I will now write: and therefore I know it shall be altogether needless, save that I meant to shew you, that I was not asleep. Briefly, I commend myself to your love and the well using my name; as well in repressing and answering for me, if there be any biting or nibbling at it in that place, as in imprinting a good conceit and opinion of me, chiefly in the king, of whose favour I make myself comfortable assurance, as otherwise in that court: And not only so, but generally to perform to me all the good offices which the vivacity of your wit can suggest to your mind, to be performed to one, with whole affection you have so great sympathy, and in whose fortune you have so great interest. So desiring you to be good to concealed poets, I continue

*Your assured friend,*Gray's-Inn this 26th of
March, 1603.

FR. BACON.

^d Mr. DAVIES having made his way unto the knowledge of King James, by a poem he dedicated unto the late queen, not that, *Anna's Epitaph*, was very favourably received by the king; and not long after made his way to general to Ireland, and serjeant at law: And in the next reign, was nominated to be chief justice of the king's bench in England upon the displacing of Sir Richard Crew; but died suddenly on 27 December, 1610. He was very conversant with the wits of his time; some of his writings declare his excellency in that kind, as others do his abilities in his own profession. *Stephens.*

LXIX.

LXIX. To Mr. ROBERT KEMPE, upon the death of queen Elizabeth *.

* Rawley's Resuscitatio.

Mr. KEMPE.

THIS alteration is so great, as you might justly conceive some coldness of my affection towards you, if you should hear nothing from me, I living in this place. It is in vain to tell you with what wonderful still and calm this wheel is turned round; which, whether it be a remnant of her felicity that is gone, or a fruit of his reputation that is coming, I will not determine. For I cannot but divide myself between her memory and his name: Yet we account it but a fair morn, before sun-rising, before his majesty's presence: though for my part I see not whence any weather should arise. The papists are contained with fear enough, and hope too much. The French is thought to turn his practice upon procuring some disturbance in Scotland, where crowns may do wonders: But this day is so welcome to the nation, and the time so short, as I do not fear the effect. My lord of Southampton expecteth release by the next dispatch, and is already much visited and much well-wished. There is continual posting by men of good quality towards the king: the rather, I think, because this spring-time it is but a kind of sport. It is hoped, that as the state here hath performed the part of good attorneys to deliver the king quiet possession of his kingdoms, so the king will redeliver them quiet possession of their places; rather filling places void, than removing men placed. So etc. 1603.

LXX. To the earl of ^a NORTHUMBERLAND, recommending a proclamation to be made by the king at his entrance *.

* 1603.

It may please your Lordship,

I Do hold it a thing formal and necessary for the king to forerun his coming, be it never so speedy, with some gracious declaration for the cherishing, entertaining, and preparing of mens affections ^b. For which purpose I have conceived a draught,

^a Henry Percy, the ninth earl of Northumberland of that name, had not only great learning himself, but was also patron of other learned men, especially mathematicians. And though no man disputed the title of King James to the English throne with a greater zeal than himself, declaring that he would remove all impediments by his sword; yet the king, perhaps fearing that one who thought he could counter-crown, might attempt to resume them, caused this great man to be effectually prosecuted in the Star-chamber in the year 1606, upon a supposition of his being privy to the powder-plot, or at least of concealing his cousin Mr. Thomas Percy one of the conspirators therein: that he was fined 30000 l. and condemned to perpetual imprisonment. But the lord Hay, afterwards created viscount Doncaster and earl of Carlisle, marrying in 1617 his youngest daughter the lady Lucy Percy, a lady of the most celebrated wit and beauty of any in her times; his release from the Tower was obtained about the year 1621. Though it is said, the earl was with great difficulty prevail'd to accept of this favour, because procured by a man he disdain'd to own to be so near a relation, as that of a son. *Stephens.*

^b Instead of this declaration, Sir Francis Bacon tells us, that ^c at this time there came forth in print the king's book containing matter of instruction to the prince his son, touching the office of a king; which falling into every man's hand, filled the whole realm with a good general opinion before the king's coming in; and far exceeded any formal or curious edict or declaration, which could have been devised of that nature, wherewith princes in the beginning of their reigns do use to grace themselves, or at least express themselves gracious in the eyes of their people. Vol. III. p. 118.

it

it being a thing familiar in my mistress her times to have my pen used in public writings of satisfaction. The use of this may be in two sorts: First, properly, if your lordship think it convenient to shew the king any such draught, because the veins and pulses of this state cannot but be best known here; which if your lordship should do, then I would desire you to withdraw my name, and only signify, that you gave some heads or direction of such a matter to one, of whose style and pen you had some opinion. The other collateral; that though your lordship make no other use of it, yet it is a kind of portraiture of that which I think worthy to be advised by your lordship to the king; and perhaps more compendious and significant, than if I had set them down in articles. I would have attended your lordship but for some little physic I took. To-morrow morning I will wait on you. So I ever, etc. 1603.

* Rawley's
Relativitatio.

LXXI. To the earl of ^e SOUTHAMPTON, upon the king's coming in *.

It may please your Lordship,

I Would have been very glad to have presented my humble service to your lordship by my attendance, if I could have foreseen that it should not have been unpleasing unto you. And therefore, because I would be sure to commit no error, I chose to write; assuring your lordship, how little soever it may seem credible to you at first, yet it is as true as a thing that God knoweth; that this great change hath wrought in me no other change towards your lordship than this, that I may safely be that to you now, which I was truly before. And so craving no other pardon, than for troubling you with my letter, I do not now begin to be, but continue to be

1603.

Your lordship's humble and much devoted

FR. BACON.

* Henry Wriothesley earl of Southampton having been involved in the guilt of the unfortunate earl of Essex, was condemned for the same crimes; but that earl, who seemed careless of his own life, interceded for the life of his friend, as did Southampton's own modest behaviour at his trial: From which time he endured imprisonment in the Tower till the 10th of April, 1603. He was afterwards restored in blood, made knight of the garter, and one of his majesty's privy council. *Stephens.*

LXXII. To Mr. TOBIE MATTHEW ^d,

Signifying the wise proceedings of king JAMES at his first entrance into England *.

* Sir Tobie
Matthew's
Collection of
Letters. p. 13.

S I R,

† Viz. James
Scotland to
maintain King
Sec N. LXIV.
p. 432.

I Was heartily glad to hear that you have passed so great a part of your † journey in so good health. My aim was right in my address of letters to those persons in the court of Scotland, who are likeliest to be used for the affairs of England; but the

† Mr. Matthew was son to Dr. Toby Matthew bishop of Durham, afterwards archbishop of York; an eminent divine, considered either in the schools, the pulpit, or the episcopal chair. He was born in Oxford in 1578, when his father was dean of Christ's church: but was, to the great grief of his parents, a few years after the king's accession, reconciled to the church of Rome, through the means, as is said, of Parsons the Jesuit, and became so maudlin an agent for her, that his refusal of the oath of allegiance was

the pace they held was too swift, for the men were come away before my letters could reach them. With the first I have renewed acquaintance, and it was like a bill of revivor, by way of cross-suits; for he was as ready to have begun with me. The second did this day arrive, and took acquaintance with me instantly in the council-chamber, and was willing to entertain me with farther demonstrations of confidence, than I was willing at that time to admit. But I have had no serious speech with him, nor do I yet know whether any of the doubles of my letter have been delivered to the king. It may perhaps have proved your luck to be the first.

Things are here in good quiet. The king acts excellently well; for he puts in clauses of reservation to every proviso. He saith, he would be sorry to have just cause to remove any. He saith, he will displace none who hath served the queen and state sincerely, etc. The truth is, here be two extremes; some few would have no change, no not reformation: some many would have much change even with perturbation. God, I hope, will direct this wise king to hold a mean between reputation enough and no terrors^b. In my particular I have many comforts and assurances; but in my own opinion the chief is, that the canvassing world is gone, and the deserving world is come. And withal I find myself as one awaked out of sleep; which I have not been this long time, nor could, I think, have been now without such a great noise as this, which yet is in *aura leni*. I have written this to you in haste, my end being no more than to write, and thereby to make you know that I will ever continue the same, and still be sure to wish you as heartily well as myself. 1603.

blessed by act of parliament, together with some imprudent carriage, gave the king such offence, that he was in a manner exiled the kingdom in the year 1607. He continued roving from one country and prince's court to another till 1617, when applying himself with much earnestness to the earl of Buckingham, he obtained a permission to come into England, which he did in July that year, presenting himself in the first place to Sir Francis Bacon then lord keeper of the great seal. But the king being afterwards displeased with him, did, notwithstanding his moving and pressing letters, command him again to depart in October, 1618. Yet in 1622, he was recalled to assist in the business of the Spanish match then in agitation, and knighted the year following. He is represented as a man of very good parts and literature, but of an active and restless temper. What opinion Sir Francis Bacon had of him when young, appears before in his letter to Sir Thomas Chaloner; and what esteem he had for Sir Francis, may be seen in the preface to his collection of letters: at the beginning of which is printed his character of the lady Carlisle whom I have mentioned No. LXX. He died at Gaunt in Flanders in 1655. *Stephens.*

^b Upon this occasion it may not be amiss to remember what cardinal d'Ossat writ from Rome to M. de Villeroy upon the accession of king James to the crown of England, part of which I wish no prince would ever forget,

“ C'est l'ordinaire des hommes de regarder plus au soleil orient qu' à l'occident, & des Princes bien avisez qui sont appellez à un nouvel estat, d'y entrer doucement, sans irriter ni mécontenter personne ni dedans ni dehors. Si ce Prince continuë guidé par la vertu & accompagné de bonheur, comme jusques icy, il fera très-grand, & fera bon l'avoir pour amy; & nous, qui depuis quelques anneés en ça n'avions eu l'œil quasi qu'en un lieu, faudra que l'ayons cy-après en deux; comme faudra bien aussi que fassient encore d'autres. Et en fin de compte, *Celui de tous qui regnera le mieux & le plus justement à l'honneur & gloire de Dieu, & au soulagement, profit & félicité de ses sujets; sera le plus afferme, le plus fort, & le plus aimé, tant & bon de Dieu & des hommes; en quoy consiste la vraie & perdura le grandeur & puissance des Rois, & l'assurance de leur roïauté.*” *Stephens.*

• Rawley's
Retractatio.

LXXIII. To the earl of NORTHUMBERLAND*.

It may please your good Lordship,

I Would not have lost this journey, and yet I have not that I went for; for I have had no private conference to purpose with the king; no more hath almost any other English: For the speech his majesty admitteth with some noblemen, is rather matter of grace, than matter of business. With the attorney he spake, urged by the treasurer of Scotland, but no more than needs must. After I had received his majesty's first welcome, and was promised private access; yet not knowing what matter of service your lordship's letter carried, for I saw it not, and well knowing that primeness in advertisement is much; I chose rather to deliver it to Sir Thomas Erskine, than to cool it in my own hands, upon expectation of access. Your lordship shall find a prince the farthest from vain-glory that may be; and rather like a prince of the ancient form, than of the latter time. His speech is swift and cursory, and in the full dialect of his country; and in speech of business, short; in speech of discourse, large. He affecteth popularity by gracing such as he hath heard to be popular, and not by any fashions of his own: He is thought somewhat general in his favours; and his virtue of access is rather, because he is much abroad, and in press, than that he giveth easy audience. He hasteneth to a mixture of both kingdoms and occasions, faster perhaps than policy will well bear. I told your lordship once before, that, methought, his majesty rather asked counsel of the time past, than of the time to come: But it is yet early to ground any settled opinion. For the particulars, I refer to conference, having in these generals gone farther in so tender an argument than I would have done, were not the bearer hereof so assured. So I continue, etc. 1603.

LXXIV. A Letter to Mr. MURRAY^a, of the king's bed-chamber.

Mr. MURRAY,

IT is very true, that his majesty, most graciously at my humble request, knighted the last Sunday my brother-in-law, a towardsly young gentleman^b; for which favour I think myself more bound to his majesty, than for the benefit of ten knights: And to tell you truly, my meaning was not, that the suit of this other gentleman Mr Temple^c should have been moved in my name. For I should have been unwilling to have moved his majesty for more than one at once, though many times in his majesty's courts of justice, if we move once for our friends, we are allowed to move again for our fee.

But indeed my purpose was, that you might have been pleased to have moved it as for myself.

^a John Murray, Esq;

^b To wit, Sir John Constable, Sir Francis Bacon dedicated the second edition of his *Essays*, published at London in 1625, in octavo.

^c Probably Mr. William Temple, who had been educated in King's College, Cambridge, then master of the free school at Lincoln, was successively secretary to Sir Philip Sidney, secretary to Henry, and the earl of Essex, made provost of Dublin College in 1604, and at last knighted, and appointed one of the makers of the laws in Ireland. He died about 1627, at the age of 72.

Never-

Nevertheless, since it is so far gone, and that the gentleman's friends are in some expectation of success, I leave it to your kind regard what is farther to be done, as willing to give satisfaction to those which have put me in trust, and loth on the other side to press above good manners. And so with my loving commendations I remain

1603.

Yours, etc.

LXXV. To Mr. PIERCE, secretary to the lord deputy of Ireland*.

* Rawley's
Reluctatio.

Mr. PIERCE,

I Am glad to hear of you, as I do; and for my part, you shall find me ready to take any occasion to further your credit and preferment. And I dare assure you, though I am no undertaker, to prepare your way with my lord of Salisbury, for any good fortune which may befall you. You teach me to complain of business, whereby I write the more briefly; and yet I am so unjust, as that which I alledge for mine own excuse, I cannot admit for yours: for I must, by expecting, exact your letters, with this fruit of your sufficiency, as to understand how things pass in that kingdom. And therefore having begun, I pray you continue. This is not merely curiosity, for I have ever, I know not by what instinct, wished well to that impolished part of this crown. And so, with my very loving commendations, I remain.

LXXVI. To the earl of ^a NORTHAMPTON,
Desiring him to present the *Advancement of learning* to the king*.

* Ibid.

It may please your good Lordship,

HAVING finished a work touching the advancement of learning, and dedicated the same to his sacred majesty, whom I dare avouch, if the records of time err not, to be the learnedest king that hath reigned; I was desirous, in a kind of congruity, to present it by the learnedest counsellor in this kingdom; to the end that so good an argument, lighting upon so bad an author, might receive some reputation by the hands into which, and by which, it should be delivered. And therefore, I make it my humble suit to your lordship, to present this mean but well-meant writing to his majesty, and with it my humble and zealous duty; and also, my

^a The earl of Northampton was the second son, and bore the name of that accomplished gentleman Henry Howard, earl of Surrey, son and heir to the duke of Norfolk, who suffered under the severity of king Henry's VIII's latter days; the one by death, the other by imprisonment. During great part of the reign of queen Elizabeth, while his family lay under the cloud, he apply'd himself to learning; and to what a degree he arrived, appears by a book he published in 1583, against the poison of supposed prophecies, dedicated to Sir Francis Walsingham; and from the eulogy that was generally given him, that he was the most learned among the noble, and the most noble among the learned. But in the king's reign his advancement was speedy, both in honours and riches. The services he performed as a commissioner in making the peace between England and Spain, gave birth to a saying in those times, but with what truth I know not, that his house in the Strand, now called Northumberland house, was built by Spanish gold. He died in 1614, leaving behind him the memory of some real good works, and of some supposed ill ones; being suspected of concealing his religion for many years, and of being pray to the untimely death of Sir Thomas Overbury. *See below.*

like humble request of pardon, if I have too often taken his name in vain, not only in the dedication, but in the voucher of the authority of his speeches and writings. And so I remain. 1605.

LXXVII. To Sir ^a THOMAS BODLEY,

Upon sending his book of *Advancement of learning* *.

^c Rawley's
Resuscitatio.

S I R,

I Think no man may more truly say with the psalm, *Multum incola fuit anima mea*, than myself; for, I do confess, since I was of any understanding, my mind hath in effect been absent from that I have done; and in absence are many errors, which I do willingly acknowledge; and, amongst the rest, this great one that led the rest; that knowing myself by inward calling to be fitter to hold a book, than to play a part, I have led my life in civil causes; for which I was not very fit by nature, and more unfit by the preoccupation of my mind. Therefore calling myself home, I have now for a time enjoyed myself, whereof likewise I desire to make the world partaker. My labours, if I may so term that which was the comfort of my other labours, I have dedicated to the king; desirous, if there be any good in them, it may be as the fat of a sacrifice, incensed to his honour: and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning. For books are the shrines where the faint is, or is believed to be: And you having built an ark to save learning from deluge, deserve propriety in any new instrument or engine, whereby learning should be improved or advanced. 1605.

^a Sir Thomas Bodley restored the public library in Oxford, begun in the times of king Henry VI. by Humphry duke of Gloucester; or was rather the founder of a new one, which now bears his name, and which hath placed him among the chief benefactors to that university, and to the commonwealth of learning. He died in the entrance of the year 1613. *Stephens.*

LXXVIII. To the earl of ^b SALISBURY,

Upon sending the *Advancement of learning* *.

^c Ibid.

It may please your good Lordship,

I Present your lordship with a work of my vacant time, which if it had been more, the work had been better. It appertaineth to your lordship, besides my particular respects, in some propriety, in regard you are a great governor in a province of

^b Sir Robert Cecil, created by king James lord Cecil, viscount Cranburne, and earl of Salisbury, was not only son to one of the greatest statesmen of his age, the lord Burleigh, but succeeded him in his places and abilities, and was one of the great supports of the queen's declining years. Yet the ill offices he was thought to perform towards the noble and popular earl of Essex, together with his conduct in some particulars in her successor's reign, abated the lustre of his character, which otherwise from his parts and prudence would have appeared very conspicuous. After he had been long secretary of state, some years lord treasurer and chancellor of the university of Cambridge, he died in May 1612, at Marlborough, in his return from the Bath; as by a diary of his sickness and the account given by Sir Robert Naunton, one of his retinue, appears; which I should not mention, but that his enemies in their libels, which flew freely about, have suggested that he died on the Downs; which, if true, could be esteemed at most but his misfortune. *Stephens.*

learning.

learning. And, that which is more, you have added to your place affection towards learning; and to your affection judgment: of which the last I could be content were, for the time, less, that you might the less exquisitely censure that which I offer unto you. But sure I am, the argument is good, if it had lighted upon a good author. But I shall content myself to awake better spirits, like a bell-ringer, which is first up to call others to church. So with my humble desire of your lordship's good acceptation, I remain. 1605.

LXXIX. To the ^a lord treasurer BUCKHURST, on the same subject*.

* Rawley's Refuscitatio.

May it please your good Lordship,

I Have finished a work touching the advancement or setting forward of learning, which I have dedicated to his majesty, the most learned of a sovereign, or temporal prince that time hath known: and upon reason not unlike I humbly present one of the books to your lordship; not only as a chancellor of an university, but as one that was excellently bred in all learning; which I have ever noted to shine in all your speeches and behaviours: and therefore your lordship will yield a gracious aspect to your first love, and take pleasure in the adorning of that wherewith yourself are so much adorned. And so humbly desiring your favourable acceptation thereof, with signification of humble duty, I remain. 1605.

^b I shall draw this noble lord's character from Sir Robert Naunton's observations of the favourites of queen Elizabeth; and much in his own words: My lord of Buckhurst was of the noble house of the Sackvilles, and of the queen's consanguinity. He was a very fine gentleman of person and endowments both of art and nature, but without measure magnificent, till on the turn of his humour, and the alloy that his years, and good counsels of the queen, etc. had wrought upon those immoderate courses of his youth, and that height of spirit inherent to his house; she began to assist him in the reparation of that vast patrimony he had much wasted. After the honour she had given him of lord Buckhurst, and knight of the garter, she procured him to be chosen chancellor of the university of Oxford, upon the death of Sir Christopher Hatton, and constituted him lord treasurer, on the death of the lord Burleigh, which office he enjoyed till April, 1608, dying then suddenly at the council-table; the king having some years before created him earl of Dorset. He is also much commended for his happy vein in poetry, to which he was addicted in his youth; and for his elocution, and the excellencies of his pen; faculties that ran in the blood, as Sir Robert Naunton observes in his son Robert, and his grandsons Richard and Edward, successive earls of Dorset; and the last age had the satisfaction to see continued in the person of the right honourable Charles earl of Dorset and Middlesex. *Stephens.*

LXXX. To the lord chancellor, Sir T. EGERTON, lord Ellesmere, on the same subject*.

* Ibid.

May it please your good Lordship,

I Humbly present your lordship with a work, wherein as you have much commandment over the author, so your lordship hath great interest in the argument: for, to speak without flattery, few have like use of learning, or like judgment in learning, as I have observed in your lordship. And again, your lordship hath been a great planter of learning, not only in those places in the church, which have been in your own gift, but also in your commendatory vote, no man hath more constantly

stantly held *Deur d'aur*: and therefore, both your lordship is beholding to learning, and learning beholding to you; which maketh me presume with good assurance that your lordship will accept well of these my labours; the rather because your lordship in private speech hath often begun to me in expressing your admiration of his majesty's learning, to whom I have dedicated this work; and whose virtue and perfection in that kind did chiefly move me to a work of this nature. And so with signification of my most humble duty and affection to your lordship, I remain.

1605.

* Sir Tobie
Matthew's
*Calendar of
1605*, p. 11.

LXXXI. TO MR. MATTHEW *.

S I R,

I Perceive you have some time when you can be content to think of your friends; from whom since you have borrowed yourself, you do well, not paying the principal, to send the interest at six months day. The relation which here I send you inclosed, carries the truth of that which is publick; and though my little leisure might have required a briefer, yet the matter would have endured and asked a larger.

I have now at last taught that child to go, at the swadling whereof you were. My work touching the proficiency and advancement of learning, I have put into two books; whereof the former, which you saw, I can't but account as a page to the latter. I have now published them both; whereof I thought it a small adventure to send you a copy, who have more right to it than any man, except bishop Andrews, who was my inquisitor.

The death of the late great judge concerned not me, because the other was not removed. I write this in answer to your good wishes; which I return not as ^a flowers of Florence, but as you mean them; whom I conceive place can't alter, no more than time shall me, except it be for the better. 1605.

^a Mr. Matthew wrote an elegy on the Duke of Florence's felicity.

* Rawley's
Reinforcement.

LXXXII. * TO DR. PLAYFERE ^b.Desiring him to translate the *Advancement* into Latin.

MR. DR. PLAYFERE,

A Great desire will take a small occasion to hope and put in trial that which is desired. It pleased you a good while since to express unto me the good liking which you conceived of my book of the advancement of learning; and that more significantly, as it seemed to me, than out of courtesy or civil respect. Myself, as I then took contentment in your approbation thereof, so I should esteem and acknowledge not only my contentment increased, but my labours advanced, if I might obtain your help in that nature which I desire: Wherein, before I set down in plain terms my request unto you, I will open myself, what it was which I chiefly sought

^b Thomas Playfere, D. D. a native of Kent, educated in St. John's college in Cambridge, and appointed Margaret professor of divinity in that university about 1597, in the room of Dr. Peter Baro. He died there about January or February, 1608.

and propounded to myself in that work ; that you may perceive that which I now desire, to be pursuant thereupon. If I do not much err, for any judgment that a man maketh of his own doings, had need be spoken with a *Si nunquam fallet imago*, Virg. Ecl. ii. I have this opinion, that if I had sought mine own commendation, it had been a much fitter course for me to have done as gardeners used to do, by taking their seed and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But for as much as the end was merit of the state of learning, to my power, and not glory ; and because my purpose was rather to excite other mens wits, than to magnify mine own, I was desirous to prevent the uncertaintnes of mine own life and times, by uttering rather seeds than plants : nay and farther, as the proverb is, by sowing with the basket, rather than with the hand : wherefore, since I have only taken upon me to ring a bell to call other wits together, which is the meanest office, it cannot but be consonant to my desire, to have that bell heard as far as can be. And since they are but sparks which can work but upon matter prepared, I have the more reason to wish that those sparks may fly abroad, that they may the better find and light upon those minds and spirits which are apt to be kindled. And therefore the privateness of the language considered, wherein it is written, excluding so many readers ; as, on the other side, the obscurity of the argument in many parts of it excludeth many others ; I must account it a second birth of that work, if it might be translated into Latin, without manifest loss of the sense and matter. For this purpose I could not represent to myself any man into whose hands I do more earnestly desire that work should fall than yourself ; for by that I have heard and read, I know no man a greater master in commanding words to serve matter. Nevertheless, I am not ignorant of the worth of your labours, whether such as your place and profession imposeth, or such as your own virtue may, upon your voluntary election, take in hand. But I can lay before you no other persuasions than either the work itself may affect you with ; or the honour of his majesty, to whom it is dedicated ; or your particular inclination to myself ; who, as I never took so much comfort in any labours of mine own, so I shall never acknowledge myself more obliged in any thing to the labours of another, than in that which shall assist it. Which your labour if I can by my place, profession, means, friends, travel, work, deed, requite unto you, I shall esteem myself so straitly bound thereunto, as I shall be ever most ready both to take and seek occasion of thankfulness. So leaving it, nevertheless *salva amicitia*, as reason is, to your good liking, I remain.

LXXXIII. To the Lord Chancellor, touching the *History of Britain* *.

* Rawley's Resuscitatio.

It may please your good Lordship,

SOME late act of his majesty, referred to some former speech which I have heard from your lordship, bred in me a great desire, and the strength of desire a boldness to make an humble proposition to your lordship, such as in me can be no better than a *†* wish : but if your lordship should apprehend it, it may take some good and worthy effect. The act I speak of, is the order given by his majesty for the erection of a tomb or monument for our late sovereign queen Elizabeth[†] : wherein I

† Thought, Matthew's collection of letters.

* The monument here spoken of, was erected in K. Henry VII. chapel at Westminster, in the year 1606.

may

may note much, but only this at this time, that as her majesty did always right to his majesty's hopes, so his highness doth in all things right to her memory; a very just and princely retribution. But from this occasion, by a very easy ascent, I passed farther, being put in mind, by this representative of her person, of the more true and more vive representation, which is of her life and government: for as statues and pictures are dumb histories, so histories are speaking pictures; wherein if my affection be not too great, or my reading too small, I am of this opinion, that if Plutarch were alive to write lives by parallels, it would trouble him both for virtue and fortune, to find for her a parallel amongst women. And though she was of the passive sex, yet her government was so active, as, in my simple opinion, it made more impression upon the several states of Europe, than it received from thence. But I confess unto your lordship I could not stay here, but went a little farther into the consideration of the times which have passed since king Henry VIII; wherein I find the strangest variety, that in so little number of successions of any hereditary monarchy hath ever been known. The reign of a child; the offer of an usurpation, though it was but as a diary ague; the reign of a lady married to a foreigner; and the reign of a lady solitary and unmarried; so that as it cometh to pass in massy bodies, that they have certain trepidations and wavering before they fix and settle; so it seemeth that by the providence of God this monarchy, before it was to settle in his majesty, and his generations, in which I hope it is now established for ever, hath had these prelusive changes in these barren princes. Neither could I contain myself here, as it is easier for a man to multiply than to stay a wish, but calling to remembrance the unworthiness of the history of England^a, in the main continuance thereof; and the partiality and obliquity of that of Scotland, in the latest and largest author^b that I have seen; I conceived it would be honour for his majesty, and a work very memorable, if this island of Great Britain, as it is now joined in monarchy for the ages to come, so it were joined in history for the times past; and that one just and complete history were compiled, of both nations.

^a The unworthiness of the history of England hath been long complained of by ingenious men, both of this and other nations, Sir Francis Bacon hath expressed himself much to the same effect, though more at large in his second book of the advancement of learning^c: where he carries this period of remarkable events somewhat higher than in this letter, beginning with the union of the roses under Henry VII. and ending with the union of the kingdoms under K. James. A portion of time filled with so great and variable accidents both in church and state, and since so well discovered to the view of the world, that had other parts the same performance, we should not longer lie under any reproach of this kind. The reign of K. Henry VII. was written by our author soon after his retirement, with so great beauty of stile, and wisdom of observation, that nothing can be more entertaining; the truth of history not being disguised with the false colours of romance. It was so acceptable a present to the P. of Wales, that when he became king, he commanded him to proceed with the reign of K. Henry VIII. But my lord Bacon in drawing the pen of nature, which he hardly lived to finish; his ill state of health, and succeeding death, put an end to this and other noble designs: leaving the ecclesiastical and civil affairs of those times to be related by the learned pens of Dr. Burnet, notwithstanding the objections of the avowed enemies, and fearing friends to the reformation, and the lord Herbert of Cherbury; that I think there is not much of moment to be expected from a future hand. And for the Annals of Queen Elizabeth compiled by Mr. Camden, the esteem of them is as universal as the language in which they are written. Nor must I forget in this place to take notice of two fair and large volumes lately published in French by Monsieur de Larey; where building upon the foundations laid by these gentlemen, and some other memoirs, he hath not forgotten to do much honour to the English nation: beginning his history also with Henry VII. *Stephens.*

^b This I take to be meant of Buchanan's history of Scotland; a book much admired by some, though censured by many, for his partiality in favour of the lords, against Mary queen of the Scots, and the regal power. In other respects, archbishop Spotwood informs us that he penned it with such judgment and exactness, as no country can shew a better. *Stephens.*

And

And if any man perhaps should think it may refresh the memory of former discords, he may satisfy himself with the verse *olim hæc meminisse juvabit*; for the case being now altered, it is matter of comfort and gratulation to remember former troubles. Thus much, if it may please your lordship, is in the optative mood; and it is time that I did look a little into the potential; wherein the hope which I conceived was grounded upon three observations. The first, the nature of these times, which flourish in learning, both of art and language; which giveth hope not only that it may be done, but that it may be well done. Secondly, I do see that which all the world sees in his majesty, both a wonderful judgment in learning, and a singular affection towards learning, and works which are of the mind more than of the hand. For there cannot be the like honour sought and found, in building of galleries^c, and planting of elms along high-ways, and in those outward ornaments, wherein France is now so busy, things rather of magnificence than of magnanimity, as there is in the uniting of states^d, pacifying of controversies^e, nourishing and augmenting of learning and arts, and the particular actions appertaining to these; of which kind Cicero judged truly, when he said to Cæsar, *Quantum operibus tuis detraket vetustas, tantum addet laudibus*. And lastly, I call to mind, that your lordship at some times hath been pleased to express unto me a great desire, that something of this nature should be performed; answerable indeed to your other noble and worthy courses and actions; joining and adding unto the great services towards his majesty, which have, in small compass of time, been performed by your lordship, other great deservings both of the church and commonwealth, and particulars; so as the opinion of so great and wise a man doth seem to me a good warrant both of the possibility and worth of the matter. But all this while I assure myself, I cannot be mistaken by your lordship, as if I sought an office or employment for myself: for no man knows better than your lordship, that if there were in me any faculty thereunto, yet neither my course of life nor profession would permit it; but because there be so many * good painters both for hand and colours, it needeth but encouragement and instructions to give life unto it. So in all humbleness I conclude my presenting unto your lordship this wish; which, if it perish, it is but a loss of that which is not. And so craving pardon that I have taken so much time from your lordship, I remain—

LXXXIV. To the KING, upon sending unto him a beginning of the
History of his Majesty's times *.

* Rawley's
Revelatio.

It may please your Majesty,

HEARING that your majesty is at leisure to peruse story, a desire took me to make an experiment what I could do in your majesty's times, which being but a leaf or two, I pray your pardon, if I send it for your recreation; considering that love must creep where it cannot go. But to these I add these petitions: First, that if your majesty do dislike any thing, you would conceive I can amend it upon

^c The magnificent gallery at the Louvre in Paris, built by Henry IV.

^d The union of England and Scotland.

^e The conference at Hampton court held between the bishops and puritans, as they were then called, soon after the king's coming to the crown of England, and where his majesty was the moderator. *Stephens*

your least beck. Next, that if I have not spoken of your majesty encomiastically, your majesty would be pleased only to ascribe it to the law of an history; which doth not clutter together praises upon the first mention of a name, but rather disperfeth and weaveth them through the whole narrative. And as for the proper place of commemoration, which is in the period of life, I pray God I may never live to write it. Thirdly, that the reason why I presumed to think of this oblation, was because whatsoever my disability be, yet I shall have that advantage which almost no writer of history hath had; in that I shall write of times not only since I could remember, but since I could observe. And lastly, that it is only for your majesty's reading.

* Rawley's
Refuscitatio.

LXXXV. A Letter of expostulation, to Sir EDWARD COKE,
attorney-general*.

Mr. Attorney,

I Thought best, once for all, to let you know in plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you, I pray, think of me: I am one that knows both mine own wants and other mens; and it may be, perchance, that mine mend, when others stand at a stay. And surely I may not endure, in public place, to be wronged without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers, which would be glad to have you paid at another's cost. Since the time I missed the solicitor's place, the rather I think by your means, I cannot expect that you and I shall ever serve as attorney and solicitor together; but either to serve with another upon your remove, or to step into some other course: so as I am more free than ever I was from any occasion of unworthy conforming myself to you, more than general good manners, or your particular good usage shall provoke; and if you had not been short-sighted in your own fortune, as I think, you might have had more use of me. But that tide is passed. I write not this to shew my friends what a brave letter I have written to Mr. Attorney; I have none of those humours: but that I have written is to a good end, that is to the more decent carriage of my master's service, and to our particular better understanding one of another. This letter, if it shall be answered by you indeed, and not in word, I suppose it will not be worse for us both; else it is but a few lines lost, which for a much smaller matter I would have adventured. So this being to yourself, I for my part rest—

[Before June, 1626.]

* See Rawley's
Refuscitatio,
Temp. p. 22.

LXXXVI. To the earl of SALISBURY, concerning the
solicitor's place*.

May it please your Lordship,

I Am not privy to myself of any such ill deserving towards your lordship, as that I should think it an impudent thing to be a suitor for your favour in a reasonable matter;

matter ; your lordship being to me as, with your good favour, you cannot cease to be : but rather it were a simple and arrogant part in me to forbear it.

It is thought Mr. Attorney shall be chief justice of the common pleas ; in case Mr. Solicitor rise, I would be glad now at last to be solicitor ; chiefly because I think it will increase my practice, wherein God blessing me a few years, I may mend my state, and so after fall to my studies and ease ; whereof one is requisite for my body, and the other serveth for my mind ; wherein if I shall find your lordship's favour, I shall be more happy than I have been, which may make me also more wise. I have small store of means about the king, and to sue myself is not fit ; and therefore I shall leave it to God, his majesty, and your lordship, for I must still be next the door. I thank God, in these transitory things I am well resolved. So beseeching your lordship not to think this letter the less humble, because it is plain, I rest, etc.

1606.

FR. BACON.

LXXXVII. Another Letter to the earl of SALISBURY,
touching the solicitor's place *.

* Rawley's
Resuscitatio.

It may please your good Lordship,

I Am not ignorant how mean a thing I stand for, in desiring to come into the solicitor's place : for I know well, it is not the thing it hath been ; time having wrought alteration both in the profession, and in that special place. Yet because, I think, it will increase my practice, and that it may satisfy my friends : and because I have been voiced to it, I would be glad it were done. Wherein I may say to your lordship, in the confidence of your poor kinsman, and of a man by you advanced, *Tu idem ser opem, qui spem dedisti* : for, I am sure, it was not possible for a man living to have received from another more significant and comfortable words of hope ; your lordship being pleased to tell me, during the course of my last service, that you would raise me ; and that when you had resolved to raise a man, you were more careful of him than himself ; and that what you had done for me in my marriage, was a benefit to me, but of no use to your lordship ; and therefore I might assure myself, you would not leave me there ; with many like speeches, which I know my duty too well, to take any other hold of than the hold of a thankful remembrance. And I acknowledge, and all the world knoweth, that your lordship is no dealer of holy water, but noble and real ; and, on my part, I am of a sure ground, that I have committed nothing that may deserve alteration. And therefore my hope is, your lordship will finish a good work, and consider, that time groweth precious with me, and that I am now *in vergentibus annis*. And although I know that your fortune is not to need an hundred such as I am, yet I shall be ever ready to give you my first and best fruits ; and to supply, as much as in me lieth, worthiness by thankfulness.

* *Resolves*
Resuscitatio.

LXXXVIII. To the lord Chancellor, concerning the solicitor's place *.

It may please your good Lordship,

AS I conceived it to be a resolution, both with his majesty, and among your lordships of his council, that I should be placed solicitor, and the solicitor to be removed to be the king's serjeant: so I most thankfully acknowledge your lordship's furtherance and forwardness therein; your lordship being the man that first devised the mean: Wherefore my humble request to your lordship is, that you would set in with some strength to finish this your work; which, I assure your lordship, I desire the rather, because being placed, I hope for many favours at last to be able to do you some better service. For as I am, your lordship cannot use me; nor scarcely indeed know me. Not that I vainly think, I shall be able to do any great matters, but certainly it will frame me to use a more industrious observance and application to such, as I honour so much as I do your lordship; and not, I hope, without some good offices, which may now and then deserve your thanks. And herewithal, good my lord, I humbly pray your lordship to consider, that time groweth precious with me, and that a married man is seven years elder in his thoughts the first day: And therefore what a discomfortable thing is it for me to be unsettled still? Certainly, were it not that I think myself born to do my sovereign service, and therefore in that station I will live and die; otherwise, for mine own private comfort, it were better for me that the king should blot me out of his book; or that I should turn my course to endeavour to serve in some other kind, than for me to stand thus at a stop; and to have that little reputation, which by my industry I gather, to be scattered and taken away by continual disgraces, every new man coming above me. Sure I am, I shall never have fairer promises and words from all your lordships. For I know not what my services are, saving that your lordships told me they were good, and I would believe you in a much greater matter. Were it nothing else, I hope the modesty of my suit deserveth somewhat; for I know well the solicitor's place is not as your lordship left it; time working alteration, somewhat in the profession, much more in that special place. And were it not to satisfy my wife's friends, and to get myself out of being a common gaze and a speech, I protest before God I would never speak word for it. But to conclude, as my honourable lady your wife was some mean to make me to change the name of another; so if it please you to help me to change mine own name, I can be but more and more bounden to you: And I am much deceived, if your lordship find not the king well inclined, and my lord of Salisbury forward and affectionate.

1625.

LXXXIX. To my Lady PACKINGTON,
in answer to a message by her sent *.

* *Resolves*
Bacon's letters.

MADAM,

YOU shall with right good will be made acquainted with any thing that concerneth your daughters, if you bear a mind of love and concord: otherwise you must be content to be a stranger unto us: For I may not be so unwill as to

differt

suffer you to be an author or occasion of diffension between your daughters and their husbands, having seen so much misery of that kind in yourself.

And above all things I will turn back your kindness, in which you say, you will receive my wife if she be cast off: for it is much more likely we have occasion to receive you being cast off, if you remember what is passed. But it is time to make an end of those follies: and you shall at this time pardon me this one fault of writing to you; for I mean to do it no more till you use me and respect me as you ought. So wishing you better than it seemeth you will draw upon yourself, I rest,

Yours,

FR. BACON.

XC. To the KING, touching the solicitor's place*.

* Rawley's
Refutation.

HOW honestly ready I have been, most gracious sovereign, to do your majesty humble service, to the best of my power, and in a manner beyond my power, as I now stand, I am not so unfortunate but your majesty knoweth. For both in the commission of union, the labour whereof, for men of my profession, rested most upon my hand, and this last parliament, in the bill of the subsidy, both body and preamble; in the bill of attainders, both Tretham and the rest; in the matter of purveyance; in the ecclesiastical petitions; in the grievances; and the like; as I was ever careful, and not without good success, sometimes to put forward that which was good, sometimes to keep back that which was not so good; so your majesty was pleased kindly to accept of my services, and to say to me, such conflicts were the wars of peace, and such victories the victories of peace; and therefore such servants that obtained them were by kings, that reign in peace, no less to be esteemed, than services of commanders in the wars. In all which nevertheless I can challenge to myself no sufficiency, but that I was diligent and reasonably happy to execute those directions, which I received either immediately from your royal mouth, or from my lord of Salisbury: at which time it pleased your majesty also to promise and assure me, that upon the remove of the then attorney I should not be forgotten, but brought into ordinary place. And this was after confirmed to me, by many of my lords, and towards the end of the last term, the manner also in particular was spoken of; that is, that Mr. Solicitor should be made your majesty's serjeant, and I solicitor; for so it was thought best to sort with both our gifts and faculties for the good of your service; and of this resolution both court and country took knowledge. Neither was this any invention or project of mine own; but moved from my lords, and I think first from my lord Chancellor; whereupon resting, your majesty well knoweth I never opened my mouth for the greater place; though I am sure I had two circumstances, that Mr. Attorney, that now is, could not alledge: the one, nine years service of the crown; the other the being cousin germain to the lord of Salisbury, whom your majesty esteemeth and trusteth so much. But for the less place, I conceived it was meant me. But after that Mr. Attorney Hobart was placed, I heard no more of my preferment; but it seemed to be at a stop, to my great disgrace and discouragement. For, gracious sovereign, if still, when the waters are stirred, another shall be put in before me, your majesty had need work a miracle, or else I shall be still a lame man to do your majesty service. And therefore my most humble suit to your majesty is; that this,

which

which seemed to me intended, may speedily be performed: And I hope, my former service shall be but as beginnings to better, when I am better strengthened: For, sure I am, no man's heart is fuller, I say not but many may have greater hearts, but I say, not fuller of love and duty towards your majesty and your children; as, I hope, time will manifest against envy and detraction, if any be. To conclude, I most humbly crave pardon for my boldness, and rest—

1609.

* Reader's
Recall this.

XCI. To the earl of SALISBURY, upon a new-year's tide*.

It may please your good Lordship,

HAVING no gift to present you with in any degree proportionable to my mind, I desire nevertheless to take the advantage of a ceremony to express myself to your lordship; it being first time I could make the like acknowledgment, when I stood out of the person of a suitor: wherefore I most humbly pray your lordship to think of me, that, now it hath pleased you, by many effectual and great benefits, to add the assurance and comfort of your love and favour to that precedent disposition, which was in me, to admire your virtue and merit; I do esteem whatsoever I have or may have in this world, but as trash, in comparison of having the honour and happiness to be a near and well accepted kinsman to so rare and worthy a counsellor, governor, and patriot: For having been a studious, if not a curious observer of antiquities of virtue, as of late pieces, I forbear to say to your lordship what I find and conceive; but to any other I would think to make myself believed. But not to be tedious in that which may have the shew of a compliment, I can but wish your lordship many happy years, many more than your father had; even so many more, as we may need you more. So I remain—

* III.

XCII. To Mr. MATTHEW, imprisoned for religion*.

Mr. MATTHEW,

DO not think me forgetful or altered towards you; but if I should say, I could do you any good, I should make my power more than it is. I do hear that which I am right sorry for; that you grow more impatient and busy than at first; which maketh me exceedingly fear the issue of that which seemeth not to stand at a stay. I myself am out of doubt, that you have been miserably abused, when you were first seduced; but that which I take in compassion, others may take in severity. I pray God, that understandeth us all better than we understand one another, contain you, even as I hope he will, at the least, within the bounds of loyalty to his majesty, and natural piety towards your country. And I intreat you much, sometimes to meditate upon the extreme effects of superstition in this last powder treason; fit to be tabled and pictured in the chambers of meditation, as another hell above the ground; and well justifying the censure of the heathen, that superstition is far worse than atheism; by how much it is less evil to have no opinion of God at all, than such as is impious towards his divine majesty and goodness. Good Mr. Matthew, receive yourself back from these courses of perdition. Willing to have written a great deal more, I continue, etc.

XC II.

XCIII. To Mr. MATTHEW*.

* Sir Tobie
Matthew's
collection of
letters, p. 14.

S I R,

TWO letters of mine are now already walking towards you ; but so that we might meet, it were no matter though our letters should lose their way. I make a shift in the mean time to be glad of your approaches, and would be more glad to be an agent for your presence, who have been a patient by your absence. If your body by indisposition make you acknowledge the healthful air of your native country ; much more do I assure myself, that you continue to have your mind no way estranged. And as my trust with the state is above suspicion, so my knowledge both of your loyalty and honest nature will ever make me shew myself your faithful friend without scruple. You have reason to commend that gentleman to me, by whom you sent your last, although his having travelled so long amongst the sader nations of the world make him much the less easy upon small acquaintance to be understood. I have sent you some copies of my book of the *Advancement*; which you desired ; and a little work of my recreation, which you desired not. My *Instauration* I reserve for our conference ; it sleeps not. Those works of the *Alphabet* are in my opinion of less use to you where you are now, than at Paris ; and therefore I conceived, that you had sent me a kind of tacit countermand of your former request. But in regard that some friends of yours have still insisted here, I send them to you ; and for my part, I value your own reading more than your publishing them to others. Thus, in extreme haste, I have scribbled to you I know not what, which therefore is the less affected, and for that very reason will not be esteemed the less by you.

XCIV*. To Sir GEORGE CAREW*,
on sending him the treatise *In felicem memoriam Elizabethae*.

* Rawley's
Refutation.

BEING asked a question by this bearer, an old servant of my brother Anthony Bacon's, whether I would command him any thing into France ; and being at better leisure than I would, in regard of sickness, I began to remember that neither your business nor mine, though great and continual, can be, upon an exact account, any just occasion why so much good-will as hath passed between us should be so much discontinued as it hath been. And therefore, because one must begin, I thought to provoke your remembrance of me by a letter : And thinking to fill it with somewhat besides salutations, it came to my mind, that this last summer vacation, by occasion of a factious book that endeavoured to verify *Miseræ Foemina*, the addition of the pope's bull, upon queen Elizabeth, I did write a few lines in her memorial, which I thought you would be pleased to read, both for the argu-

* Sir George Carew of Cornwall was made in chivalry in the time of queen Elizabeth ; and in 1597 sent ambassador into Poland ; and in 1600 went to the court of France with the like character. After about three years continuance, he was recalled by the king to make use of his service at home ; but he survived not many years. M. De Thou in a letter to Mr. Camden in 1617, very much laments his death ; as long a friend he much valued, and an assistant in the prosecution of his history : having received helps from him in that part which relates to the contentions between the Poles and the Swedes in the year 1598, as appears before the contents of book CXXI. *St. p. 11.*

ment,

ment, and because you were wont to bear affection to my pen. *Verum, ut aliud ex-
at,* if it came handsomely to pass, I would be glad the president De Thou, who
hath written an history, as you know, of that fame and diligence, saw it; chiefly
because I know not whether it may not serve him for some use in his story; wherein
I would be glad he did right to the truth, and to the memory of that lady, as I per-
ceive by that he hath already written he is well inclined to do. I would be glad al-
so, it were some occasion, such as absence may permit, of some acquaintance or mu-
tual notice between us. For though he hath many ways the precedence, chiefly in
worth, yet this is common to us both, that we serve our sovereigns in places of
law eminent: And not ourselves only, but that our fathers did so before us. And
lastly, that both of us love learning and liberal sciences, which was ever a bond of
friendship in the greatest distance of places. But of this I make no farther request,
than your own occasions and respects, to me unknown, may further or limit; my
principal purpose being to salute you, and to send you this token: Whereunto I will
add my very kind commendations to my lady; and so commit you both to God's
holy protection.

XCV. To the KING,

upon presenting the *Discourse touching the plantation of Ireland* *.

It may please your excellent Majesty,

I know not better how to express my good wishes of a new-year to your majesty,
than by this little book, which in all humbleness I send you. The stile is a
stile of business, rather than curious or elaborate. And herein I was encouraged
by my experience of your majesty's former grace, in accepting of the like poor
field fruits touching the union. And certainly I reckon this action as a second bro-
ther to the union. For I assure myself that England, Scotland and Ireland well
united, is such a trefoil as no prince except yourself, who are the worthiest, wear-
eth in his crown; *Si potentia reducatur in actum.* I know well, that for me to beat
my brains about these things, they be *majera quam pro fortuna*; but yet they be
minora quam pro studio ac voluntate. For as I do yet bear an extreme zeal to the
memory of my old mistress queen Elizabeth, to whom I was rather bound for her
truth than her favour; so I must acknowledge myself more bound to your majesty
both for trust and favour; whereof I will never deceive the one, as I can never de-
serve the other. And so, in all humbleness kissing your majesty's sacred hand,
I remain.

XCVI. To the Bishop of ELY, upon sending his writing, intituled,
Cogitata et Visa *.

* *Ibid.*

My very good Lord,

NOW your lordship hath been so long in the church and the palace, disputing
between kings and popes; methinks you should take pleasure to look into
the

The King and his court being exasperated by the gun powder treason, thought it necessary to make
the more effectual way to distinguish between those papists that paid due obedience to the king, and those
that

the field, and refresh your mind with some matter of philosophy; though that science be now through age waxed a child again, and left to boys and young men. And because you were wont to make me believe you took liking to my writings, I send you some of this vacation's fruits; and thus much more of my mind and purpose. I hasten not to publish; perishing I would prevent; and I am forced to respect as well my times as the matter. For with me it is thus; and I think, with all men in my case: If I bind myself to an argument, it loadeth my mind; but if I rid my mind of the present cogitation, it is rather a recreation. This hath put me into these miscellanies; which I purpose to suppress, if God give me leave to write a just and perfect volume of philosophy, which I go on with though slowly. I send not your lordship too much, lest it may glut you. Now let me tell you what my desire is: if your lordship be so good now, as when you were the good dean of Westminster, my request to you is, that not by pricks, but by notes, you would mark unto me whatsoever shall seem unto you either not current in the stile, or harsh to credit and opinion, or inconvenient for the person of the writer; for no man can be judge and party: and when our minds judge by reflection on ourselves,

that did not. For which end, in the parliament which met upon the memorable fifth of November, 1605, a new oath of allegiance was framed; declaring that the pope, etc. had no power to depose kings, absolve their subjects, or dispose of their kingdoms, etc. The court of Rome, jealous of losing an authority they had been many years assuming, and especially perceiving that many papists submitted to the oath, as not intrenching upon matters of faith, severely inhibited them from taking the same by two briefs, the one quickly succeeding the other. The king, on the other hand, esteeming it a point that nearly concerned him, had recourse to those arms he could best manage, and encountered the briefs by a premonition directed to all christian princes; exhorting them to espouse the common quarrel. Cardinal Bellarmine, who, by virtue of his title, thought himself almost equal to princes, and by his great learning much superior, enters the lists with the king. The seconds coming in on both sides, no man was thought fitter to engage this remarkable antagonist than that great and renowned prelate in learning and sanctity, Dr. Andrews, then bishop of Ely, and after of Winchester. Neither were the reformed of the French church idle spectators; as Monsieur du Moulin, and Monsieur du Plessis Mornay: This last published a book at Saumur in 1611, intitled, *The mystery of iniquity, &c. shewing by what degrees the bishops of Rome had raised themselves to their present grandeur, asserting the right of sovereign princes against the positions of the cardinals Bellarmine and Baronius: The French edition whereof he dedicated to Lewis the thirteenth, and the Latin to king James.* This last performance was presented to king James, with a letter exhorting him, "de quitter d'oresnavant la plume, pour aller espee à la main desfiner l'antichrist hors de sa forteresse:" to give over waging a war with his pen, and to destroy the papal power with his sword; which he excited the king to attempt in the conclusion of his dedication, with so much life, that I shall crave the liberty to insert part of his own words, in order to declare the spirit and zeal of a gentleman, who for his valour and conduct in war, his judgment in council, his dexterity in dispatches, and his firmness and constancy in religion, in the defence of which, hand, and tongue, and pen were employed, is far above all the titles of honour that can be given.

*Hanc tu, rex potentissime, laudem, hanc lauream, alfit ut tibi praecepti patiaris; cuiquam alii sero tam velis; non sanguine, non vita, non carioribus caeteris redemptam malis. At tu, Jehova Deus, cujus res, cujus gloria, hoc proprie agitur; cujus alique esse frustra sent vesta, suspiria, molimina nostra; exurgis, exurge, robor indas, pugnam ut corcam. Voca Jerusalem tuam per nomen suum, prebende dexteram Uncti tui, ambam ante faciem ejus; complantentur vallis, subsident montes, conspernantur fluvii, pateant januae, conterantur roetes, contremis aut pe-
pulis, corruat Jericho illi, in spiritu e tui, in conspectu ejus. Ego sexagenario haec iam major, lateri tunc pro-
bancam tra vidis; inter aegroti, inter alia aegrotum senectum e tuam; inter principia prae nam miseriam; inter
triumphos praevemente angelis. Cecidit haud ingemiscam; janctus haec laetitia tuis immergari, aeterni e con-
gus immoriar raptus.*

But this was an enterprize suited to the warlike genius of Du Plessis, great master of Henry the fourth, and not to the peaceable spirit of king James. Besides the king, in his answer of the 20th of October, 1611, after he had excused his long silence, and very much commended this author in the design of his book, and as freely called the pope antichrist, and Rome Babylon, conceives that neither the Scriptures, the doctrine nor example of the primitive church, would sufficiently justify an offensive war, undertaken purely for religion; could he in prudence expect any success in such an attempt. *Stephens.*

they are more subject to error. And though, for the matter itself, my judgment be in some things fixed, and not accessible by any man's judgment that goeth not my way; yet even in those things, the admonition of a friend may make me express myself diversly. I would have come to your lordship, but that I am hastening to my house in the country: and so I commend your lordship to God's goodness.

XCVII. To Sir THOMAS BODELEY,

after he had imparted to him a writing, intitled, *Cogitata et Visa* †.

† Rawley's
Retraictatio.

S I R,

I N respect of my going down to my house in the country, I shall have miss of my papers, which I pray you therefore to return unto me. You are, I bear you witness, slothful, and you help me nothing; so as I am half in conceit, that you affect not the argument: for myself, I know well, you love and affect. I can say no more to you, but *non canimus surdis, respondent omnia sylvæ*. If you be not of the lodgings chalked up, whereof I speak in my preface, I am but to pass by your door. But if I had you a fortnight at Gorhambury, I would make you tell me another tale; or else I would add a cogitation against libraries, and be revenged on you that way. I pray you send me some good news of Sir Thomas Smith; and commend me very kindly to him. So I rest—

1607.

XCVIII. Sir THOMAS BODELEY'S letter to Sir FRANCIS BACON, about his *Cogitata et Visa*, wherein he declareth his opinion freely touching the same*.

* Appendix
to a collection
of letters of
acclamation
Ulster, letter
XIV. p. 100.

S I R,

AS soon as the term was ended, supposing your leisure was more than before, I was coming to thank you two or three times, rather choosing to do it by word than by letter: but I was still disappointed of my purpose, as I am at this present upon an urgent occasion, which doth tie me fast to Fulham, and hath now made me determine to impart my mind in writing.

I think you know I have read your *Cogitata et Visa*, which I protest I have done with great desire, reputed it a token of your singular love, that you joined me with those your chiefest friends, to whom you would commend the first perusal of your draught: for which, I pray you, give me leave to say but this unto you:

First, that if the depth of my affection to your person and spirit, to your works and your words, and to all your abilities, were as highly to be valued, as your affection is to me, it might walk with yours arm in arm, and claim your love by just desert. But there can be no comparison where our states are so uneven, and our means to demonstrate our affections so different: insomuch as for my own, I must leave it to be prized in the nature that it is; and you shall evermore find it most addicted to your worth.

As touching the subject of your book, you have set afoot so many rare and noble speculations, as I cannot choose but wonder, and I shall wonder at it ever, that,
your

your expence of time considered in your public profession, which hath in a manner no acquaintance with scholarship or learning, you should have culled out the quintessence, and sucked up the sap of the chiefest kind of learning.

For howsoever in some points you do vary altogether from that which is, and hath been ever, the received doctrine of our schools, and was always by the wisest, as till they have been deemed, of all nations and ages adjudged the trust; yet it is apparent, that in those very points, and in all your proposals and plots in that book, you shew yourself a master workman.

For myself, I must confess, and I speak it *ingenuè*, that for the matter of learning, I am not worthy to be reckoned in the number of smatterers.

And yet because it may seem, that being willing to communicate your treatise with your friends, you are likewise willing to listen to whatsoever I or others can except against it; I must deliver unto you for my private opinion, that I am one of that crew that say there is, and we profess, a far greater holdfast of certainty in our sciences, than you by your discourse will seem to acknowledge.

For whereas, first, you do object the ill success and errors of practitioners in physic, you know as well they do proceed of the patient's unruliness, for not one of a hundred doth obey his physician in observing his cautions; or by misinformation of their own indispositions, for few are able in this kind to explicate themselves; or by reason their diseases are by nature incurable, which is incident, you know, to many sorts of maladies; or for some other hidden cause which cannot be discovered by course of conjecture. Howbeit, I am full of this belief, that as physic is ministrèd now-a-days by physicians, it is much to be ascribed to their negligence or ignorance, or other touch of imperfection, that they speed no better in their practice: for few are found of that profession so well instructed in their art, as they might by the precepts which their art doth afford; which though it be defective in regard of such perfection, yet for certain it doth flourish with admirable remedies, such as tract of time hath taught by experimental events, and are the open highway to that principal knowledge that you recommend.

As for alchemy and magic, some conclusions they have that are worthy the preserving; but all their skill is so accompanied with subtleties and guiles, as both the crafts and craft-masters are not only despised, but named with derision. Whereupon to make good your principal assertion, methinks you should have drawn your examples from that which is taught in the liberal sciences, not by picking out cases that happen very seldom, and may by all confession be subject to reproof; but by controlling the generals, and grounds, and eminent positions, and aphorisms, which the greatest artists and philosophers have from time to time defended.

For it goeth for current amongst all men of learning, that those kind of arts which clerks in times past did term quadrivials, confirm their propositions by infallible demonstrations.

And likewise in the trivials such lessons and directions are delivered unto us, as will effect very near, or as much altogether, as every faculty doth promise. Now in case we should concur to do as you advise, which is, to renounce our common notions, and cancel all our theorems, axioms, rules, and tenets, and so to come babies *in quantum naturæ*, as we are willed by scriptures to come *ad infantiam naturam*; there is nothing more certain in my understanding, than that it would instantly bring us to barbarism, and, after many thousand years, leave us more unprovided of theoretical furniture than we are at this present: for that were indeed

to become very babes, or *tabula rasa*, when we shall leave no impression of any former principles, but be driven to begin the world again, and to travel by trials of axioms and sense, which are your proofs by particulars, what to place *in intellectu*, for our general conceptions; it being a maxim of all mens approving, *In intellectu nihil esse, quod non prius fuit in sensu*; and so in appearance it would befall us, that till Plato's year be come about, our insight in learning would be of less reckoning than now it is accounted.

As for that which you inculcate, of a knowledge more excellent than now is among us, which experience might produce, if we would but essay to extract it out of nature by particular probations, it is no more upon the matter, but to incite us unto that, which without instigation by a natural instinct men will practise of themselves: for it cannot in reason be otherwise thought, but that there are infinite numbers in all parts of the world, for we may not in this case confine our cogitations within the bounds of Europe, which embrace the course that you purpose, with all the diligence and care that ability can perform; for every man is born with an appetite of knowledge, wherewith he cannot be so glutted, but still, as in a dropsy, thirst after more.

But yet why they should hearken to any such persuasion, as wholly to abolish those settled opinions and general theorems, to which they attained by their own and their ancestors experience, I see nothing yet alledged to induce me to think it.

Moreover, I may speak, as I should suppose with good probability, that if we should make a mental survey what is like to be effected all the world over, those five or six inventions which you have selected, and imagine to be but of modern standing, would make but a slender shew amongst so many hundreds of all kinds of natures, which are daily brought to light by the enforcement of wit, or casual events, and may be compared, or partly preferred above those that you have named.

But were it so here that all were admitted, that you can require, for the augmentation of our knowledge; and that all our theorems and general positions were utterly extinguished with a new substitution of others in their places, what hope may we have of any benefit of learning by this alteration?

Affuredly, as soon as the new are brought with their additions *ad auxilium*, by the inventors and their followers, by an interchangeable course of natural things they will fall by degrees to be buried in oblivion, and so on continuance to perish outright; and that perchance upon the like to your present pretences, by proposal of some means to advance all our knowledge to an higher pitch of perfectness: for still the same defects that antiquity found, will reside in mankind.

And therefore, other issues of their actions, devices, and studies are not to be expected, than is apparent by records were in former times observed.

I remember here a note which Paterculus made of the incomparable wits of the Grecians and Romans in their flourishing state, that there might be this reason of their notable downfall in their issue that came after; because by nature *Quod summo studio petatum est, cecidit in summum, et postea in perfectam mora est*; inso-much that men perceiving that they could go no farther, being come to the top, they turned back again of their own accord, forsaking those studies that are most in request, and betaking themselves to new endeavours, as if the thing that they sought had been by prevention surpris'd by others.

So it fared in particular with the eloquence of that age, that when their successors found that hardly they could equal, by no means excel their predecessors, they began

began to neglect the study thereof, and both to write and speak for many hundred years in a ruttical manner; till this latter revolution brought the wheel about again, by inflaming gallant spirits to give the onset afresh, with straining and striving to climb unto the top and height of perfection, not in that gift only, but in every other skill in any part of learning.

For I do not hold it an erroneous conceit to think of every science, that as now they are professed, so they have been before in all precedent ages, though not alike in all places, nor at all times alike in one and the same place, but according to the changings and twinings of times, with a more exact and plain, or with a more rude and obscure kind of teaching.

And if the question should be asked, what proof I have of it, I have the doctrine of Aristotle, and of the deepest learned clerks, of whom we have any means to take any notice, that as there is of other things, so there is of sciences *ortus et interitus*, which is also the meaning, if I should expound it, of *nihil novum sub sole*, and is as well to be applied *ad facta*, as *ad dicta*, *ut nihil neque dictum neque factum, quod non est dictum et factum prius*. I have farther for my warrant that famous complaint of Solomon to his son, against the infinite making of books in his time, of which in all congruity it must needs be understood, that a great part were observations and instructions in all kind of literature; and of those there is not now so much as one petty pamphlet, only some parts of the bible excepted, remaining to posterity.

As then there was not, in like manner, any footing to be found of millions of authors that were long before Solomon, and yet we must give credit to that which he affirmed, that whatsoever was then, or had been before, it could never be truly pronounced of it, Behold this is new.

Whereupon I must for my final conclusion infer, seeing all the endeavours, study and knowledge of mankind, in whatsoever art or science, have ever been the same, as they are at this present, though full of mutabilities, according to the changes and accidental occasions of ages and countries, and clerks dispositions, which can never be but subject to intention and remission, both in their devices and practices of their knowledge: If now we should accord in opinion with you, First, to condemn our present knowledge of doubts and incertitudes, which you confirm but by averment, without other force of argument: And then to disclaim all our axioms and maxims, and general assertions that are left by tradition from our elders to us, which, for so it is to be pretended, have passed all probations of the sharpest wits that ever were. And lastly, to devise, being now become again as it were *abecedarii*, by the frequent spelling of particulars to come to the notice of the true generals, and so afresh to create new principles of sciences: The end of all would be that, when we shall be dispossessed of the learning which we have, all our consequent travels will but help us in a circle to conduct us to the place from whence we set forward, and bring us to the happiness to be restored *in integrum*: which will require as many ages as have marched before us, to be perfectly achieved.

And this I write with no dislike of increasing our knowledge with new-found devices, which is undoubtedly a practice of high commendation, in regard of the benefit they will yield for the present; that the world hath ever been, and will assuredly for ever continue very full of such devisors, whose industry hath been very obstinate and eminent that way, and hath produced strange effects, above the reach
and

and the hope of mens common capacities : and yet our notions and theorems have always kept in grace both with them, and with the rarest that ever were named among the learned.

By this you see to what boldness I am brought by your kindness, that if I seem to be too saucy in this contradiction, it is the opinion that I hold of your noble disposition and of the freedom in these cases that you will afford your special friend, that hath induced me to do it. And although I myself, like a carrier's horse, cannot bairk the beaten way in which I have been trained, yet such is my censure of your *Cogitata*, that I must tell you, to be plain, you have very much wronged yourself and the world, to smother such a treasure so long in your coffer ; for though I stand well assured, for the tenor and subject of your main discourse, you are not able to impanel a substantial jury in any university that will give up a verdict to acquit you of error, yet it cannot be gainsaid, but all your treatise ever doth abound with choice conceits of the present state of learning, and with so worthy contemplations of the means to procure it, as may persuade any student to look more narrowly to his business, not only by aspiring to the greatest perfection of that which is now-a-days divulged in the sciences, but by diving yet deeper into, as it were, the bowels and secrets of nature, and by enforcing of the powers of his judgment and wit, to learn of St Paul, *confessari meliora dona* : which course, would to God, to whisper so much in your ear, you had followed at the first, when you fell into the study of such a study as was not worthy such a student. Nevertheless, being so as it is, that you are therein settled, and your country soundly served, I cannot but wish with all my heart, as I do very often, that you may gain a fit reward to the full of your deserts, which I hope will come with heaps of happiness and honour.

Yours to be used and commended,

From Fulham, Feb. 19, 1607.

THO. BODELEY.

POSTSCRIPT.

S I R,

ONE kind of boldness doth draw on another, inasmuch as, methinks, I should offend not to signify, that before the transcript of your book be fitted for the press, it will be requisite for you to cast a censor's eye upon the stile and the elocution ; which in the framing of some periods, and in divers words and phrases, will hardly go for current, if the copy brought to me be just the same that you would publish.

XCIX. TO MR. MATTHEW,
upon sending to him a part of *Institutione Magna* *.

MR. MATTHEW,

I Plainly perceive by your affectionate writing touching my work, that one and the same thing affecteth us both ; which is, the good end to which it is dedicated : for as to any ability of mine, it cannot merit that degree of approbation. For your caution for church-men and church-matters, as for any impediment it might be

be to the applause and celebrity of my work, it moveth me not; but as it may hinder the fruit and good which may come of a quiet and calm passage to the good port to which it is bound, I hold it a just respect: so as to fetch a fair wind I go not too far about. But the truth is, that I at all have no occasion to meet them in my way; except it be as they will needs confederate themselves with Aristotle. who, you know, is intemperately magnified by the schoolmen; and is also allied, as I take it, to the jesuits, by Faber, who was a companion of Loyola, and a great Aristotelian. I send you at this time the only part which hath any harshness; and yet I framed to myself an opinion, that whosoever allowed well of that preface, which you so much commend, will not dislike, or at least ought not to dislike, this other speech of preparation; for it is written out of the same spirit, and out of the same necessity: nay, it doth more fully lay open, that the question between me and the ancients, is not of the virtue of the race, but of the rightness of the way. And to speak truth, it is to the other but as *palma* to *pugnus*, part of the same thing more large. You conceive aright, that in this, and the other, you have commission to impart and communicate them to others according to your discretion. Other matters I write not of. Myself am like the miller of Granchester, that was wont to pray for peace amongst the willows; for while the winds blew, the wind mills wrought, and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences. Let me conclude with my perpetual wish towards yourself, that the approbation of yourself, by your own discreet and temperate carriage, may restore you to your country, and your friends to your society. And so I commend you to God's goodness.

Gray's Inn, Oct. 10, 1609.

C. TO MR. MATTHEW*.

S I R,

I Thank you for your last, and pray you to believe, that your liberty in giving opinion of those writings which I sent you, is that which I sought, which I expected, and which I take in exceeding good part; so good as that it makes me recontinue, or rather continue my hearty wishes of your company here, that so you might use the same liberty concerning my actions, which now you exercise concerning my writings. For that of queen Elizabeth, your judgment of the temper and truth of that part, which concerns some of her foreign proceedings, concurs fully with the judgment of others, to whom I have communicated part of it; and as things go, I suppose they are likely to be more and more justified and allowed. And whereas you say, for some other part, that it moves and opens a fair occasion, and broad way, into some field of contradiction: on the other side it is written to me from the lieger* at Paris, and some others also, that it carries a manifest impression of truth with it, and that it even convinces as it grows. These are their very words; which I write not for mine own glory, but to shew what variety of opinion rises from the disposition of several readers. And I must confess my desire to be, that my writings should not court the present time, or some few places, in such sort as might make them either less general to persons, or less permanent in future ages. As to the *Insurrection*, your so full approbation thereof I read with much comfort, by how much more my heart is upon it; and by how much less I expected consent and concur-

* Sir Tobie
Matthew's
collection of
Letters, p. 12.

* Sir George
Carew.

rence

rence in a matter so obscure. Of this I can assure you, that though many things of great hope decay with youth, and multitude of civil busineses is wont to diminish the price, though not the delight of contemplations, yet the proceeding in that work doth gain with me upon my affection and desire, both by years and busineses. And therefore I hope, even by this, that it is well pleasing to God, from whom, and to whom, all good moves. To him I most heartily commend you.

* Rawley's
Remains.

CL. TO MR. MATTHEW.

MR. MATTHEW,

I Heartily thank you for your letter of the 10th of February, and am glad to receive from you matter both of encouragement and of advertisement touching my writings. For my part I do wish, that since there is no *lumen lucum* in the world, but all *madidum*, and *maceratum*, infused in affections, and bloods, or humours, that these things of mine had those separations that might make them more acceptable: so that they claim not so much acquaintance of the present times, as they be thereby the less apt to last. And to shew you that I have some purpose to new-mold them, I send you a leaf or two of the preface, carrying some figure of the whole work. Wherein I purpose to take that which I count real and effectual of both writings; and chiefly to add a pledge, if not payment, to my promises, I send you also a memorial of queen Elizabeth; to requite your eulogy of the late duke of Florence's felicity. Of this, when you were here, I shewed you some model; at what time, methought, you were more willing to hear Julius Cæsar, than queen Elizabeth, commended. But this which I send is more full, and hath more of the narrative: And farther, hath one part that, I think, will not be disagreeable either to you or that place; being the true tract of her proceedings towards the catholics, which are infinitely mistaken. And though I do not imagine, they will pass allowance there, yet they will gain upon excuse. I find Mr. Le Zure to use you well, I mean his tongue of you, which shews you either honest, or wise: but this I speak merrily. For in good faith I do conceive hope, that you will so govern yourself, as we may take you as assuredly for a good subject and patriot, as you take yourself for a good christian; and so we may again enjoy your company, and you your conscience, if it may no otherways be. For my part, assure yourself, as we say in the law, *mutatis mutandis*, my love and good wishes to you are not diminished. And so I remain—

* Our author alludes to one of the dark sayings of Heraclitus, that dry light is ever the best; which in another place he thus expounds: "Certainly the light that a man receiveth by counsel from another, is clearer and purer than that which cometh from his own understanding and judgment, this being ever moist and drenched in his affections." *Stephens*.

† The duke of Florence was named Ferdinand, of the house of Medici; whose memory Sir Henry Wotton celebrated in a letter printed in his Remains, and presented to king Charles I. Piascius, the bishop of Premata in Poland, begins his chronicle of the year 1629, with an account of his death; and sets up his character in these words: *Princeps animo exco, et omnibus partibus artibus in tantis rebus actus, et in tantis fortibus rebus habuerit.* *Stephens*.

CII. To Mr. MATTHEW.

Upon sending his book *De sapientia veterum* *.* Rawley's
Retractatio.

Mr. MATTHEW,

I Do very heartily thank you for your letter of the 24th of August from Salamanca; and in recompence thereof I send you a little work of mine, that hath begun to pass the world. They tell me my Latin is turned into silver, and become current: had you been here, you should have been my inquisitor before it came forth: But, I think, the greatest inquisitor in Spain will allow it. But one thing you must pardon me if I make no haste to believe, that the world should be grown to such an ecstacy as to reject truth in philosophy, because the author dissenteth in religion; no more than they do by Aristotle or Averroes. My great work goeth forward; and after my manner, I alter ever when I add. So that nothing is finished till all be finished. This I have written in the midst of a term and parliament; thinking no time so possessed, but that I should talk of these matters with so good and dear a friend. And so with my wonted wishes I leave you to God's goodness.

From Gray's-Inn, Feb. 27, 1617.

CIII. To the KING, desiring to succeed in the attorney's place *.

* Ibid.

It may please your Majesty,

YOUR great and princely favours towards me in advancing me to place; and, that which is to me of no less comfort, your majesty's benign and gracious acceptance, from time to time, of my poor services, much above the merit and value of them; hath almost brought me to an opinion that I may sooner, perchance, be wanting to myself in not asking, than find your majesty's goodness wanting to me in any my reasonable and modest desires. And therefore perceiving how at this time preferments of law fly about mine ears, to some above me, and to some below me; I did conceive your majesty may think it rather a kind of dullness, or want of faith, than modesty, if I should not come with my pitcher to Jacob's well, as others do. Wherein I shall propound to your majesty that which tendeth not so much to the raising of my fortune, as to the settling of my mind; being sometimes assailed with this cogitation, that by reason of my slowness to see and apprehend sudden occasions, keeping in one plain course of painful service, I may, *in fine dierum*, be in danger to be neglected and forgotten: and if that should be, then were it much better for me, now while I stand in your majesty's good opinion, though unworthy, and have some little reputation in the world, to give over the course I am in, and to make proof to do you some honour by my pen, either by writing some faithful narrative of your happy, though not untraded, times; or by compiling your laws, which, I perceive, your majesty laboureth with; and hath in your head, as Jupiter had Pallas, or some other the like work, for without some endeavour to do you honour, I would not live; than to spend my wits and time in this laborious place wherein I now serve; if it shall be deprived of those outward ornaments, which it was wont to have, in respect of an assured succession to some place

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of

of more dignity and rest; which seemeth now to be an hope altogether casual, if not wholly intercepted. Wherefore, not to hold your majesty long, my humble suit to your majesty is that, than the which I cannot well go lower; which is, that I may obtain your royal promise to succeed, if I live, into the attorney's place, whensoever it shall be void; it being but the natural and immediate step and rise which the place I now hold hath ever, in sort, made claim to, and almost never failed of. In this suit I make no friends but to your majesty, rely upon no other motive but your grace, nor any other assurance but your word; whereof I had good experience, when I came to the solicitor's place, that it was like to the two great lights, which in their motions are never retrograde. So with my best prayers for your majesty's happiness, I rest—

* Rawley's
Resuscitatio

CIV. To the KING, upon the attorney's sickness*.

It may please your most excellent Majesty,

I Do understand by some of my good friends, to my great comfort, that your majesty hath in mind your majesty's royal promise, which to me is *anchorage*, touching the attorney's place. I hope Mr. Attorney shall do well. I thank God I wish no man's death, nor much mine own life, more than to do your majesty service. For I account my life the accident, and my duty the substance. But this I will be bold to say; If it please God that I ever serve your majesty in the attorney's place, I have known an attorney Coke, and an attorney Hobart, both worthy men, and far above myself; but if I should not find a middle way between their two dispositions and carriages, I should not satisfy myself. But these things are far or near, as it shall please God. Mean while I most humbly pray your majesty, to accept my sacrifice of thanksgiving for your gracious favour. God preserve your majesty. I ever remain—

CV. * To the most high and excellent prince,

* Steven's second collection, p. 1.

HENRY, prince of Wales, duke of Cornwall, and earl of Chester*.

It may please your Highness,

HAVING divided my life into the contemplative and active part, I am desirous to give his majesty and your highness of the fruits of both, simple though they be.

To write just treatises, requireth leisure in the writer, and leisure in the reader, and therefore are not so fit, neither in regard of your highness's princely affairs, nor in regard of my continual service; which is the cause that hath made me choose to write certain brief notes, set down rather significantly than curiously, which I have called *Essays*. The word is late, but the thing is ancient; for Seneca's epistles to Lucilius, if you mark them well, are but essays, that is, dispersed meditations, though conveyed in the form of epistles. These labours of mine, I know, cannot

* Francis Bacon designed to have prefixed this epistle to his *Essays*, printed in the year 1612. But was prevented by the prince's death; yet it was so well liked by Mr. Matthew, that he presented part of it in his dedication to the duke of Turcany, before his translation of those *Essays*, printed in 1618.

be worthy of your highness, for what can be worthy of you? But my hope is, they may be as grains of salt, that will rather give you an appetite, than offend you with satiety. And although they handle those things wherein both mens lives and their persons are most conversant; yet what I have attained I know not; but I have endeavoured to make them not vulgar, but of a nature, whereof a man shall find much in experience, and little in books; so as they are neither repetitions nor fancies. But, however, I shall most humbly desire your highness to accept them in gracious part, and to conceive, that if I cannot rest, but must shew my dutiful and devoted affection to your highness in these things which proceed from myself, I shall be much more ready to do it in performance of any of your princely commandments. And so wishing your highness all princely felicity I rest,

Your Highness's most humble servant,

1612.

FR. BACON.

CVI. To the earl of SALISBURY, lord treasurer, upon a new year's tide *.

* Rawley's Resuscitatio.

It may please your good Lordship,

I Would intreat the new year to answer for the old, in my humble thanks to your lordship; both for many your favours, and chiefly that upon the occasion of Mr. Attorney's infirmity I found your lordship even as I could wish. This doth increase a desire in me to express my thankful mind to your lordship; hoping, that though I find age and decays grow upon me, yet I may have a flash or two of spirit left to do you service: and I do protest before God, without compliment or any light vanity of mind, that if I knew in what course of life to do you best service, I would take it, and make my thoughts, which now fly to many pieces, be reduced to that center. But all this is no more than I am; which is not much; but yet the entire of him that is, etc.

CVII. To my LORD-MAYOR, upon a proceeding in a private cause *. 1613.

My very good Lord,

I Did little expect, when I left your lordship last, that there would have been a proceeding against Mr. Barnard to his overthrow: Wherein I must confess myself to be in a sort accessary; because he relying upon me for counsel, I advised that course which he followed. Wherein now I begin to question myself, whether in preserving my respects unto your lordship, and the rest, I have not failed in the duty of my profession towards my client. For certainly, if the words had been hainous, and spoken in a malicious fashion, and in some public place, and well proved; and not a prattle in a tavern, caught hold of by one who, as I hear, is a detected sycophant, Standish, I mean; yet I know not what could have been done more, than to impose upon him a grievous fine, and to require the levying of the same; and to take away his means of life by his disfranchisement, and to commit him to a defamed prison during Christmas; in honour whereof, the prisoners in other courts

do commonly of grace obtain some enlargement. This rigour of proceeding, to tell your lordship and the rest, as my good friends, my opinion plainly, tendeth not to strengthen authority, which is best supported by love and fear intermixed; but rather to make people discontented and servile; especially when such punishment is inflicted for words not by rule of law, but by a jurisdiction of discretion, which would evermore be moderately used. And I pray God, whereas Mr. Recorder, when I was with you, did well and wisely put you in mind of the admonitions you often received from my lords, that you should bridle unruly tongues; that those kind of speeches and rumours, whereunto those admonitions do refer, which are concerning the state and honour thereof, do not pass too licentiously in the city unpunished; while these words which concern your particular, are so straitly enquired into, and punished with such extremity. But these things your own wisdom, first or last, will best represent unto you. My writing unto you at this time is, to the end, that howsoever I do take it somewhat unkindly, that my mediation prevailed no more; yet that I might preserve that farther respect that I am willing to use unto such a state, in delivering my opinion unto you freely, before I would be of counsel, or move any thing that should cross your proceedings; which, notwithstanding, in case my client can receive no relief at your hands, I must and will do; continuing, nevertheless, in other things, my wonted good affections to yourselves and your occasions.

* Stephens's
first collection.
P. 55.

CVIII. TO SIR VINCENT SKINNER*.

SIR VINCENT SKINNER^a,

I See that by your needless delays, this matter is grown to a new question; wherein for the matter itself, if it had been staid at the beginning by my lord Treasurer and Mr. Chancellor, I should not so much have stood upon. For the great and daily travels which I take in his majesty's service, either are rewarded in themselves, in that they are but my duty, or else may deserve a much greater matter. Neither can I think amiss of any man, that in furtherance of the king's benefit moved the doubt, that knew not what warrant I had. But my wrong is, that you, having had my lord Treasurer's and Mr. Chancellor's warrant for payment above a month's time; you, I say, making your payments, belike upon such differences, as are better known to yourself, than agreeable to the respect of his majesty's service, have delayed all this time, otherwise than I might have expected from our ancient acquaintance, or from that regard which one in your place may owe to one in mine. By occasion whereof there ensueth to me a greater inconvenience, that now my name in sort must be in question amongst you, as if I were a man likely to demand that which were unreasonable, or be denied that which is reasonable: and this must be, because you can pleasure men at pleasure. But this I leave with this: That it is the first matter wherein I had occasion to discern of your friendship, which I see to fall to this; that whereas Mr. Chancellor, the last time, in my man's hearing, very honourably said, that he would not discontent any man in my place; it seems you have no such caution. But my writing to you now is to know of you where now the stay is, without being any more beholden to you, to whom indeed no man ought to be beholden in those cases in a right course. And so I bid you farewell.

J. BACON.

^a See list of the recipients of the *proteccion*. *Pinner*, XVI. p. 497.

CIX. "TO SIR HENRY SAVILLE*.

* Stephens's
first collection,
p. 54.

S I R,

COMING back from your invitation at Eton, where I had refreshed myself with company which I loved, I fell into a consideration of that part of policy, whereof philosophy speaketh too much, and laws too little; and that is, of education of youth. Whereupon fixing my mind awhile, I found straightways, and noted even in the discourses of philosophers, which are so large in this argument, a strange silence concerning one principal part of that subject. For as touching the framing and seasoning of youth to moral virtues, as tolerance of labours, continency from pleasures, obedience, honour, and the like, they handle it: but touching the improvement, and helping of the intellectual powers, as of conceit, memory, and judgment, they say nothing: whether it were, that they thought it to be a matter wherein nature only prevailed; or that they intended it as referred to the several and proper arts which teach the use of reason and speech. But for the former of these two reasons, howsoever it pleaseth them to distinguish of habits and powers, the experience is manifest enough, that the motions and faculties of the wit and memory may be not only governed and guided, but also confirmed and enlarged by custom and exercise duly applied: as if a man exercise shooting, he shall not only shoot nearer the mark, but also draw a stronger bow. And as for the latter, of comprehending these precepts within the arts of logic and rhetoric, if it be rightly considered, their office is distinct altogether from this point; for it is no part of the doctrine of the use or handling of an instrument, to teach how to whet or grind the instrument to give it a sharp edge, or how to quench it, or otherwise whereby to give it a stronger temper. Wherefore finding this part of knowledge not broken, I have, but *tanquam aliud agens*, entered into it, and salute you with it; dedicating it, after the ancient manner, first as to a dear friend, and then as to an apt person, forasmuch as you have both place to practise it, and judgment and leisure to look deeper into it than I have done. Herein you must call to mind *Ἄριστον μὲν ἴδωρ*. Though the argument be not of great height and dignity, nevertheless it is of great and universal use: And yet I do not see why, to consider it rightly, that should not be a learning of height, which teacheth to raise the highest and worthiest part of the mind. But howsoever that be, if the world take any light and use by this writing, I will the gratulation be to the good friendship and acquaintance between us two: And so I commend you to God's divine protection.

A discourse touching the helps for intellectual powers.

I Did ever hold it for an insolent and unlucky saying, *Faber quique fortunæ suæ*; except it be uttered only as an hortative or spur to correct sloth. For otherwise, if it be believed as it soundeth, and that a man entereth into an high imagination

* Sir Henry Saville, so justly celebrated for his noble edition of St. Chrysostom, and other learned works, was many years warden of Merton college in Oxford, in which university he studied a geometry and astronomy lecture, &c. *Misc. Hist.* See the instrument of foundation, Rymer XVII. p. 217. and likewise protest of Henry. To the gentleman, as of all the most proper, in Francis Bacon's first discourse touching the *Education of the mind*; but being an imperfect copy, he places this usual subject among the defects reckoned up in his *Advancement of learning*. Stephens.

that

that he can compass and obtain all accidents; and ascribeth all successes to his drifts and resolutions; and the contrary to his errors and slipings: it is commonly seen that the evening fortune of that man is not so prosperous, as of him that without slackening of his industry attributeth much to felicity and providence above him. But if the sentence were turned to this, *Faber quisque ingenii sui*, it were somewhat more true, and much more profitable; because it would teach men to bend themselves to reform those imperfections in themselves which now they seek but to cover, and to attain those virtues and good parts which now they seek but to have only in shew and demonstration. Yet notwithstanding every man attempteth to be of the first trade, of carpenters, and few bind themselves to the second; whereas nevertheless the rising in fortune seldom amendeth the mind; but on the other side, the removing of the stonks and impediments of the mind, doth often clear the passage, and current to a man's fortune. But certain it is, whether it be believed or no, that as the most excellent of metals, gold, is of all other the most pliant and most induring to be wrought; so of all living and breathing substances, the perfectest man is the most susceptible of help, improvement, impression, and alteration; and not only in his body, but in his mind and spirit; and there again not only in his appetite and affection, but in his powers of wit and reason.

For as to the body of man, we find many and strange experiences, how nature is over-wrought by custom, even in actions that seem of most difficulty and least possible. As first in voluntary motion, which tho' it be termed voluntary, yet the highest degrees of it are not voluntary; for it is in my power and will to run; but to run faster than according to my lightness or disposition of body, is not in my power nor will. We see the industry and practice of tumblers and funambulos, what effects of great wonder it bringeth the body of man unto. So for suffering of pain and do-lour, which is thought so contrary to the nature of man, there is much example of tenances in strict orders of superstition what they do endure, such as may well verify the report of the Spartan boys, which were wont to be scourged upon the altar so bitterly as sometimes they died of it, and yet were never heard to complain. And to pass to those faculties which are reckoned more involuntary, as long fasting and abstinence, and the contrary extreme, voracity; the leaving and forbearing the use of drink for altogether; the enduring vehement cold, and the like; there have not wanted, neither do want, divers examples of strange victories over the body in every of these. Nay, in respiration, the proof hath been of some who by continual use of diving and working under the water, have brought themselves to be able to hold their breath an incredible time; and others that have been able, without suffocation, to endure the stifling breath of an oven or furnace so heated as tho' it did not scald nor burn, yet it was many degrees too hot for any man not made to it to breathe or take in. And some impostors and counterfeits likewise have been able to wreath and cast their bodies into strange forms and motions; yea, and others to bring themselves into trances and astonishments. All which examples do demonstrate how variously and to how high points and degrees the body of man may be as it were moulded and wrought. And if any man shall give heed to the propriety of nature that hath been in those persons which have attained to those points, and that it is not open for every man to do the like, tho' he had been put to it; for which cause such things come but very rarely to pass: It is true no doubt but some persons are apter than others; but so as the more apt are to reach perfection, but the less apt are doth not disable: So that for example,

example, the more apt child, that is taken to be made a *sumbulo*, will prove more excellent in his feats; but the less apt will be *gregarius famulus* also. And there is small question, but that these abilities would have been more common, and others of like sort, not attempted, would likewise have been brought upon the stage, but for two reasons: The one, because of mens diffidence in prejudging them as impossibilities; for it holdeth in those things which the poet saith, *pejant, quia posse videntur*; for no man shall know how much may be done except he believe much may be done. The other reason is, because they be but practices base and inglorious, and of no great use, and therefore sequestered from reward of value, and on the other side painful; so as the recompence balanceth not with the travel and suffering. And as to the will of man, it is that which is most maniable and obedient; as that which admitteth most medicines to cure and alter it. The most sovereign of all is religion, which is able to change and transform it in the deepest and most inward inclinations and motions, and next to that is opinion and apprehension, whether it be infused by tradition and institution, or wrought in by disputation and persuasion; and the third is example, which transformeth the will of man into the similitude of that which is most obversant and familiar towards it; and the fourth is, when one affection is healed and corrected by another, as when cowardise is remedied by shame and dishonour, or sluggishness and backwardness by indignation and emulation, and so of the like; and lastly, when all these means or any of them have new-framed or formed human will, then doth custom and habit corroborate and confirm all the rest. Therefore it is no marvel, though this faculty of the mind, of will and election, which inclineth affection and appetite, being but the inceptions and rudiments of will, may be so well governed and managed; because it admitteth access to so divers remedies to be applied to it, and to work upon it: The effects whereof are so many and so known, as require no enumeration; but generally they do issue, as medicines do, into two kinds of cures, whereof the one is a just or true cure, and the other is called palliation: For either the labour and intention is to reform the affections really and truly, restraining them if they be too violent, and raising them if they be too soft and weak; or else it is to cover them, or, if occasion be, to pretend them and represent them: Of the former sort whereof the examples are plentiful in the schools of philosophers, and in all other institutions of moral virtue: and of the other sort the examples are more plentiful in the courts of princes, and in all politic traffic; where it is ordinary to find, not only profound dissimulations, and suffocating the affections, that no note or mark appear of them outwardly; but also lively simulations and affectations, carrying the tokens of passions which are not, as *risus jussus* and *lacrymae coactae*, and the like.

Of helps of the intellectual powers.

THE intellectual powers have fewer means to work upon them, than the will or body of man; but the one that prevaieth, that is exercise, worketh more forcibly in them than in the rest.

THE ancient habit of the philosophers, *Si quis quaerat in utramque partem de omni sibi.*

These that follow are but indigested notes.

The

The exercise of scholars making verses extempore, *Stans pede in uno*.
 The exercise of lawyers in memory narrative.
 The exercise of sophists, and *so. ad appetitum*, with manifest effect.
 Artificial memory greatly holpen by exercise.
 The exercise of buffoons to draw all things to conceits ridiculous.

THE means that help the understanding and faculties thereof are,
 (Not example, as in the will, by conversation; and here the conceit of imitation
 already digested, with the consultation, *inter se videtur*, of Tully's opinion, ad-
 vising a man to take some one to imitate. Similitude of faces analysed.)

Arts, Logic, Rhetoric: The ancients, Aristotle, Plato, Theætetus, Gorgias *litigiosus vel sophista*, Protagoras, Aristotle, *schola sua*. Topics, Elenchs, Rhetorics, Organon, Cicero, Hermogenes. The Neoterics, Ramus, Agricola. *Nil facri*; Lullus his Typocosmia, studying Cooper's Dictionary, Mattheus collection of proper words for metaphors, Agrippa *de vanitatibus*, etc.

Que. If not here of imitation.

Collections preparative. Aristotle's similitude of a shoemaker's shop, full of shoes of all sorts; Demosthenes, *Exordia concionum*. Tully's precept of theses of all sorts preparative.

The relying upon exercise, with the difference of using and tempering the instrument; and the similitude of prescribing against the laws of nature and of estate.

Five Points.

1. THAT exercises are to be framed to the life; that is to say, to work ability in that kind whereof a man in the course of action shall have most use.

2. The indirect and oblique exercises; which do, *per partes* and *per consequentiam*, inable these faculties; which perhaps direct exercise at first would but distort; and these have chiefly place where the faculty is weak, not *per se*, but *per accidens*: As if want of memory grow through lightness of wit and want of staid attention; then the mathematics or the law helpeth; because they are things, wherein if the mind once roam, it cannot recover.

3. Of the advantages of exercise; as to dance with heavy shoes, to march with heavy armour and carriage; and the contrary advantage, in natures very dull and unapt, of working alacrity, by framing an exercise with some delight or affection.

Ut pueris olim dant crustula blandi

Doctores, clementia voluit ut asserere prima.

4. Of the cautions of exercise; as to beware lest by evil doing, as all beginners do weakly, a man grow not, and be inveterate, in an ill habit, and so take not the advantage of custom in perfection, but in confirming ill. Slubbering on the lute.

5. The marshalling and sequel of sciences and practices: logic and rhetoric should be used to be read after poetry, history, and philosophy: first, exercise, to do things well and clean; after, promptly and readily.

The exercises in the universities and schools are of memory and invention; either to speak by heart that which is set down *verbatim*, or to speak *extempore*: whereas there is little use in action of either or both; but most things which we utter are neither verbally premeditate, nor merely extemporal. Therefore exercise would be framed to take a little breathing, and to consider of heads; and then to fit and form the

speech

speech *extempore*. This would be done in two manners; both with writing and tables, and without: for in most actions it is permitted and passable to use the note, whereunto if a man be not accustomed, it will put him out.

There is no use of a narrative memory *in academiis*, namely, with circumstances of times, persons, and places, and with names; and it is one art to discourse, and another to relate and describe; and herein use and action is most conversant.

Also to sum up and contract, is a thing in action of very general use.

CX. SIR FRANCIS BACON TO MR. MATTHEW, about his writings, and the death of a friend*.

* Sir Tobie Matthew's collection of letters, p. 23

S I R,

THE reason of so much time taken before my answer to yours of the fourth of August, was chiefly by accompanying my letter with the paper which here I send you; and again, now lately, not to hold from you till the end of a letter, that which by grief may, for a time, efface all the former contents, the death of your good friend and mine A. B. to whom because I used to send my letters for conveyance to you, it made me so much the more unready in the dispatch of them. In the mean time I think myself, howsoever it hath pleased God otherwise to bless me, a most unfortunate man, to be deprived of two, a great number in true friendship, of those friends, whom I accounted as no stage-friends, but private friends, and such, as with whom I might both freely and safely communicate, him by death, and you by absence. As for the memorial of the late deceased queen, I will not question whether you be to pass for a disinterested man or no; I freely confess myself am not, and so I leave it. As for my other writings, you make me very glad of your approbation; the rather, because you add a concurrence in opinion with others; for else I might have conceived, that affection would, perhaps, have prevailed with you, beyond that, which, if your judgment had been neat and free, you could have esteemed. And as for your caution, touching the dignity of ecclesiastical persons, I shall not have cause to meet with them any otherwise, than in that some schoolmen have, with excess, advanced the authority of Aristotle. Other occasion I shall have none. But now I have sent you that only part of the whole writing, which may perhaps have a little harshness and provocation in it: although I may almost secure myself, that if the preface passed so well, this will not irritate more, being indeed, to the preface, but as *palma ad pugnum*. Your own love expressed to me, I heartily embrace; and hope that there will never be occasion of other, than intireness between us; which nothing but *majores charitates* shall ever be able to break off.

Interrogatories whereupon PEACHAM is to be examined.

Questions in general*.

* Sir David Dalrymple's Memorials and Letters relating to the history of Great Britain, in the reign of James the First, p. 26. Edit. Glasgow, 1762.

1. **W**HIO procured you, moved you, or advised you, to put in writing these traitorous slanders which you have set down against his majesty's person and government, or any of them?

2. Who gave you any advertisement or intelligence touching those particulars which are contained in your writings; as touching the sale of the crown lands, the deceit of the king's officers, the greatness of the king's gifts, his keeping divided courts, and the rest; and who hath conferred with you, or discoursed with you, concerning those points?

3. Whom have you made privy and acquainted with the said writings, or any part of them? and who hath been your helpers or confederates therein?

4. What use mean you to make of the said writings? was it by preaching them in sermon, or by publishing them in treatise? if, in sermon, at what time, and in what place meant you to have preached them? if, by treatise, to whom did you intend to dedicate, or exhibit, or deliver such treatise?

5. What was the reason, and to what end did you first set down in scattered papers, and after knit up, in form of a treatise or sermon, such a mass of treasonable slanders against the king, his posterity, and the whole state?

6. What moved you to write, the king might be stricken with death on the sudden, or within eight days, as Ananias or Nabal; do you know of any conspiracy or danger to his person, or have you heard of any such attempt?

7. You have confessed that these things were applied to the king; and that, after the example of preachers and chronicles, kings infirmities are to be laid open: this sheweth plainly your use must be to publish them, shew to whom and in what manner.

8. What was the true time when you wrote the said writings, or any part of them? and what was the last time you looked upon them, or perused them before they were found or taken?

9. What moved you to make doubt whether the people will rise against the king for taxes and oppressions? Do you know, or have you heard, of any likelihood or purpose of any tumults or commotion?

10. What moved you to write, That getting of the crown-land again would cost blood, and bring men to say, This is the heir, let us kill him? Do you know, or have you heard of any conspiracy or danger to the prince, for doubt of calling back the crown-land?

11. What moved you to prove, that all the king's officers might be put to the sword? Do you know, or have you heard of any petition is intended to be made against the king's council and officers, or any rising of people against them?

12. What moved you to say in your writing, That our king, before his coming to the kingdom, promised mercy and judgment, but we find neither? What promise do you mean of, and wherein hath the king broke the same promise?

There

There follows in the hand-writing of Secretary Winwood,

Upon these interrogatories, Peacham this day was examined before torture, in torture, between torture, and after torture; notwithstanding, nothing could be drawn from him, he still persisting in his obstinate and insensible denials, and former answers.

January the 19th, 1614.

RAPHE WINWOOD,	GERVASE HELWYSSE,
JUL. CÆSAR,	RAN. CREWE,
FR. BACON,	HENRY YELVERTON,
H. MOUNTAGUE,	FR. COTTINGTON.

CXI. To the KING, concerning PEACHAM'S CAUSE*.

• Rawley's
Refuscitatio.

It may please your excellent majesty,

IT grieveth me exceedingly that your majesty should be so much troubled with this matter of Peacham, whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions, which I wish were otherwise, yet, I hope well, the end will be good. But then every man must put to his helping hand; for else I must say to your majesty, in this and the like cases, as St. Paul said to the centurion, when some of the mariners had an eye to the cock-boat, *Except these stay in the ship ye cannot be safe.* I find in my lords great and worthy care of the business: And for my part, I hold my opinion and am strengthened in it by some records that I have found. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

Jan. 21, 1614.

FR. BACON.

CXII. To the KING, touching Peacham's cause*.

• Ibid.

It may please your excellent majesty,

THIS day in the afternoon was read your majesty's letters of direction touching Peacham; which because it concerneth properly the duty of my place, I thought it fit for me to give your majesty both a speedy and a private account thereof; that your majesty, knowing things clearly how they pass, may have the true fruit of your own wisdom and clear-seeing judgment in governing the business.

First, for the regularity which your majesty, as a master in business of estate, doth prudently prescribe in examining and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner.

For the course your majesty directeth and commandeth for the feeling of the judges of the king's bench, their several opinions, by distributing ourselves and en-

* Peacham was accused of having inserted several treasonable passages in a sermon; but in a sermon never preached, nor intended to be made public: it had been taken out of his study. The king would have the judges give their opinion of this affair privately and apart; which my lord Coke refused to do, as a thing of dangerous tendency. Peacham was found guilty of high treason; as was Algernon Sidney for the like crime, in Charles the second's time.

joining secrecy; we did first find an encounter in the opinion of my lord Coke, who seemed to affirm, that such particular and, as he called it, auricular talking of opinions was not according to the custom of this realm; and seemed to divine, that his brethren would never do it. But when I replied, that it was our duty to pursue your majesty's directions, and it were not amiss for his lordship to leave his brethren to their own answers; it was so concluded: and his lordship did desire that I might confer with himself; and Mr. Serjeant Mountague was named to speak with Justice Crook; Mr. Serjeant Crew with Justice Houghton; and Mr. Solicitor with Justice Dodderidge. This done, I took my fellows aside, and advised that they should presently speak with the three judges, before I could speak with my lord Coke, for doubt of infusion; and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. This sorted not amiss; for Mr. Solicitor came to me this evening, and related to me that he had found Judge Dodderidge very ready to give opinion in secret; and fell upon the same reason which upon your majesty's first letter I had used to my lord Coke at the council-table; which was, that every judge was bound expressly by his oath, to give your majesty counsel when he was called; and whether he should do it jointly or severally, that rested in your majesty's good pleasure, as you would require it. And though the ordinary course was to assemble them, yet there might intervene cases, wherein the other course was more convenient. The like answer made Justice Crook. Justice Houghton,

^b Sir John Dodderidge was born in Devonshire, and successively admitted in Exeter college Oxford, and the Middle Temple, London: where having acquired the reputation of being a very great common and civil lawyer, as well as a general scholar, he was made serjeant at law *1 Jacobi*, then the king's solicitor, and after that the king's serjeant, till he was advanced to be one of the judges of the king's bench; where he sat many years. He died 13 Sept. 1628, in the 73d year of his age, and was succeeded by Sir George Crook, who tells us, Sir John Dodderidge was a man of great knowledge, as well in the common law, as in other sciences, and divinity. *Notions.*

^c Sir John Crook, eldest son of John Crook of Chilton in Buckinghamshire, inherited his father's virtues and fortunes; and was very famous for his wisdom, eloquence, and knowledge in our laws: who being speaker of the house of commons in the last parliament of queen Elizabeth, had from her this commendation at the end thereof; that he had proceeded therein with such wisdom and discretion, that none before him had deserved better. After he had been recorder of London, and serjeant at law, he was *5 James* made one of the justices of the king's bench; where he continued till his death, 23 Jan. 1619. He was brother to Sir George Crook, so well known to the professors of the common law by his three large volumes of report: which Sir George was one of the judges of the court of common pleas, in the latter end of the reign of king James, and in a few years after removed into the king's bench; where he sat till the year 1641, when by reason of his great age and infirmities, the king at his own request gave him a gracious discharge, as appears in the preface to one of his books, where a due character is given of his virtues by his son-in-law Sir Herbert Crook, late master of the rolls. But certainly no man can have in us a more lively idea of his merit, than part of a letter written to the duke of Buckingham, by the bishop of Lincoln a keeper of the great seal, which I copied from his own hand.

M. J. p. 10. near Crook,

W. Inghel c. II. Feb. 11. 1624.

“ I Will not trouble your grace with any long congratulation, for the honour your grace hath gained, in
 “ the promoting of this most worthy man Sir George Crook to a judge his place. I know you must
 “ meet with the applause of this act from every man that cometh from hence. In good faith I never ob-
 “ served in all my small experience any accident in this kind, so generally and universally accompanied
 “ with the acclamation of all kind of people.

“ I am importuned, by the rest of the judges of the common pleas, to return their most humble and
 “ hearty thanks to the king's majesty for his choice, and to assure his majesty, that though his majesty
 “ hath

Houghton, ^a who is a soft man, seemed desirous first to confer; alledging that the other three judges had all served the crown before they were judges, but that he had not been much acquainted with business of this nature.

We purpose therefore forthwith, they shall be made acquainted with the papers; and if that could be done as suddenly as this was, I should make small doubt of their opinions: and howsoever, I hope, force of law and precedent will bind them to the truth: neither am I wholly out of hope, that my lord Coke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.

For Owen, I know not the reason why there should have been no mention made thereof in the last advertisement: for I must say for myself, that I have lost no moment of time in it, as my lord of Canterbury can bear me witness. For having received from my lord an additional of great importance; which was, that Owen of his own accord after examination should compare the case of your majesty, if you were excommunicate, to the case of a prisoner condemned at the bar; which additional was subscribed by one witness; but yet I perceived it was spoken aloud, and in the hearing of others; I presently sent down a copy thereof, which is now come up, attested with the hands of three more, lest there should have been any scruple of *singularis testis*; so as for this case I may say, *omnia parata*; and we expect but a direction from your majesty for the acquainting the judges severally; or the four judges of the king's bench, as your majesty shall think good.

I forget not, nor forswear not, your majesty's commandment touching recusants; of which, when it is ripe, I will give your majesty a true account, and what is possible to be done, and where the impediment is. Mr. Secretary bringeth *bonam voluntatem*, but he is not versed in these things: and sometimes urgeth the conclusion without the premises, and by haste hindereth. It is my lord treasurer, and the exchequer must help it, if it be holpen. I have heard more ways than one, of an offer of 20000 *l. per annum*, for farming the penalties of recusants, not including any offence capital, or of *premunire*; wherein I will presume to say, that my poor endeavours, since I was by your great and sole grace your attorney, have been no small spurs to make them feel your laws, and seek this redemption; wherein I must also say, my lord Coke hath done his part. And I do assure your majesty, I know it somewhat inwardly and groundedly, that by the courses we have taken they conform daily and in great numbers; and I would to God it were as well a conversion as a conformity: but if it should die by dispensation or dissimulation, then I fear that whereas your majesty hath now so many ill subjects poor and detected, you shall then have them rich and dissembled. And therefore I hold this offer very considerable, of so great an increase of revenue: if it can pass the fiery trial of religion and honour, which I wish all projects may pass.

^a hath been extraordinary fortunate, above all his predecessors, in the continual election of most worthy judges: yet hath his majesty never placed upon any bench a man of more integrity and sufficiency than this gentleman: for which act they do with tears in their eyes praise and bless him." *See Lett.*

^a This expression is to be understood in a favourable sense, since Sir George Crook gives a more than ordinary character of him. *Mem.* That in Hilary term, 21 Jac. Sir Robert Houghton died at Serjeants-Inn in Chancery-lane, being a most reverend, prudent, learned, and temperate judge, and inferior to none of his time. *Stephens.*

Thus,

Thus, in as much as I have made to your majesty somewhat a naked and particular account of business, I hope your majesty will use it accordingly. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant,

Jan. 27, 1614.

FR. BACON.

CXIII. To the KING, reporting the state of lord chancellor ELLESMERE'S health*.

* Rawley's Refuscitatio.

It may please your excellent majesty,

BECAUSE I know your majesty would be glad to hear how it is with my lord chancellor; and that it pleased him, out of his ancient and great love to me, which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which during these three days he had scarcely done to any, I thought it might be pleasing to your majesty to certify you how I found him. I found him in bed, but his spirits fresh and good, speaking stoutly, and without being spent or weary; and both willing and beginning of himself to speak, but wholly of your majesty's business: wherein I cannot forget to relate this particular; that he wished, that his sentencing of O. S. † at the day appointed might be his last work, to conclude his services, and express his affection towards your majesty. I told him, I knew your majesty would be very desirous of his presence that day, so it might be without prejudice; but otherwise your majesty esteemed a servant more than a service, especially such a servant. Not to trouble your majesty, though good spirits in sickness be uncertain calendars, yet I have very good comfort of him, and I hope by that day, etc.

† Mr. Olive: St. John.

Jan 29, 1614.

CXIV. To the KING, touching Peacham's business ‡, &c.

‡ Rawley's Refuscitatio.

It may please your excellent majesty,

I Received this morning, by Mr. Murray, a message from your majesty, of some warrant and confidence that I should advertise your majesty of your business, wherein I had part: wherein, I am first humbly to thank your majesty for your good acceptance of my endeavours and service, which I am not able to furnish with any other quality, save faith and diligence.

For Peacham's case, I have, since my last letter, been with my lord Coke twice; once before Mr. Secretary's going down to your majesty, and once since, which was yesterday: at the former of which times I delivered him Peacham's papers; and at this latter the precedents, which I had with care gathered and selected: for these degrees and order the business required.

At the former I told him that he knew my errand, which stood upon two points; the one to inform him of the particular case of Peacham's treasons, for I

never

never give it other word to him, the other, to receive his opinion to myself, and in secret, according to my commission from your majesty.

At the former time he fell upon the same allegation which he had begun at the council-table; that judges were not to give opinion by fractions, but intirely according to the vote whereupon they should settle upon conference: and that this auricular taking of opinions, single and apart, was new and dangerous; and other words more vehement than I repeat.

I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one. And then to give him a little out-let to save his first opinion, wherewith he is most commonly in love, I added, that judges sometimes might make a suit to be spared for their opinion, till they had spoken with their brethren; but if the king, upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining: nay, that it touched upon a violation of their oath, which was to counsel the king, without distinction whether it were jointly or severally. Thereupon, I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives, and many things more precious than the life of a particular; as war, and peace, and the like.

To conclude, his lordship *tanquam exitum quaerens*, desired me for the time to leave with him the papers, without pressing him to consent to deliver a private opinion till he had perused them. I said I would; and the more willingly, because I thought his lordship, upon due consideration of the papers, would find the case to be so clear a case of treason, as he would make no difficulty to deliver his opinion in private; and so I was persuaded of the rest of the judges of the king's bench, who likewise, as I partly understood, made no scruple to deliver their own opinion in private: whereunto he said, which I noted well, that his brethren were wise men, and that they might make a shew as if they would give an opinion, as was required; but the end would be, that it would come to this: they would say, they doubted of it, and so pray advice with the rest. But to this I answered, that I was sorry to hear him say so much, lest, if it came so to pass, some that loved him not might make a construction, that that which he had foretold, he had wrought. Thus your majesty sees, that, as Solomon saith, *Gressus volentis tanquam in sepi spinarum*, it catcheth upon every thing.

The latter meeting is yet of more importance; for then, coming armed with divers precedents, I thought to set in with the best strength I could, and said, that before I descended to the record, I would break the case to him thus: That it was true we were to proceed upon the ancient statute of king Edward the third, because other temporary statutes were gone; and therefore it must be said in the indictment, *Inauginatus est et comparavit mortem et finalem destructionem domini regis*: then must the particular treasons follow in this manner, namely, *Et quod ad perimplendum*
nefandum

*in latine propositum suum, compoſuit et conſcripſit quendam deſideratum et venerabilem ſi-
bellum, ſive ſcriptum, in quo, inter alia proditoria, continetur, etc.* And then the prin-
cipal paſſages of treaſon, taken forth of the papers, are to be entered in *hæc verba* ;
and with a concluſion in the end, *Ad intentionem quod legens populus et veri ſubditi do-
mini regis conditionem ſuum amorem a domino rege retraherent, et ſibi dominum regem re-
linquerent, et guerram et inſurrektionem contra eum levarent et facerent, etc.* I have in
this form followed the ancient title of the indictments for brevity ſake, though
when we come to the buſineſs itſelf, we ſhall enlarge it according to the uſe of
the later times. This I repreſented to him, being a thing he is well acquainted
with, that he might perceive the platform of that was intended, without any
miſtaking or obſcurity. But then I fell to the matter itſelf, to lock him in as
much as I could, namely,

That there be four means or manners, whereby the death of the king is com-
paſſed and imagined.

The firſt by ſome particular fact or plot.

The ſecond, by disabling his title ; as by affirming, that he is not lawful king ;
or that another ought to be king ; or that he is an uſurper ; or a baſtard ; or
the like.

The third, by ſubjecting his title to the pope ; and thereby making him of an
absolute king a conditional king.

The fourth, by disabling his regiment, and making him appear to be incapable
or indigne to reign.

Theſe things I relate to your majeſty in ſum, as is fit ; which, when I opened
to my lord, I did inſiſt a little more upon, with more efficacy and edge, and au-
thority of law and record than I can now expreſs.

Then I placed Peacham's treaſon within the laſt diviſion, agreeable to divers
precedents, whereof I had the records ready ; and concluded, that your majeſty's
ſafety and life and authority was thus by law inſconſed and quartered ; and that it
was in vain to fortify on three of the ſides, and ſo leave you open on the fourth.

It is true, he heard me in a grave faſhion more than accuſtomed, and took a
pen and took notes of my diviſions ; and when he read the precedents and records,
would ſay, This you mean falleth within your firſt, or your ſecond, diviſion. In
the end, I expreſſly demanded his opinion, as that whereto both he and I were
enjoined. But he deſired me to leave the precedents with him, that he might
advise upon them. I told him, the reſt of my fellows would diſpatch their part,
and I ſhould be behind with mine ; which I perſuaded myſelf your majeſty would
impute rather to his backwardneſs than my negligence. He ſaid, as ſoon as I
ſhould underſtand that the reſt were ready, he would not be long after with his
opinion.

For Mr. St. John, your majeſty knoweth, the day draweth on ; and my lord
chancellor's recovery, the ſeaſon, and his age, promiſing not to be too haſty. I
ſpoke with him on Sunday, at what time I found him in bed, but his ſpirits ſtrong,
and not ſpent or wearied, and ſpake wholly of your buſineſs, leading me from
one matter to another ; and wiſhed and ſeemed to hope, that he might attend
the day for O. S. and it were, as he ſaid, to be his laſt work to conclude his
ſervices, and expreſs his affection towards your majeſty. I preſumed to ſay to him,

that

that I knew your majesty would be exceeding desirous of his being present that day, so as that it might be without prejudice to his continuance; but that otherwise your majesty esteemed a servant more than a service, especially such a servant. Surely in mine opinion your majesty were better put off the day than want his presence, considering the cause of the putting off is so notorious; and then the capital and the criminal may come together the next term.

I have not been unprofitable in helping to discover and examine, within these few days, a late patent, by surreption obtained from your majesty, of the greatest forest in England, worth 30,000 *l.* under colour of a defective title, for a matter of 400 *l.* The person must be named, because the patent must be questioned. It is a great person, my lord of Shrewsbury; or rather, as I think, a greater than he, which is my lady of ^aShrewsbury. But I humbly pray your majesty to know this first from my lord treasurer, who methinks groweth even studious in your business. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

Jan. 31, 1614.

FR. BACON.

The rather, in regard to Mr. Murray's absence, I humbly pray your majesty to have a little regard to this letter.

CXV. To

^a That she was a woman of intrigue, and, as Camden says in his Annals of King James, *rebus turbantibus nata*, will appear from her conduct relating to the king's and her kinswoman the lady Arabella: for having been the great instrument of her marriage with Sir William Seymour, afterwards earl and marquis of Hertford, and of procuring her escape from the Tower; she was convened before the privy council, and for refusing to give any answer in a matter which so nearly concerned the state, she was fined in the star-chamber: and the charge which was then given against her, printed in the Cabala, p. 369. was I doubt not, says Mr. Stephens, made by Sir Francis Bacon. But as if this was not a sufficient warning, she afterwards reported that the lady Arabella left a child by her husband; for which and her repeated obstinacy she incurred a greater censure in the same court. That charge, whether Sir Francis Bacon's or not, is as follows:

YOUR lordships do observe the nature of this charge: My lady of Shrewsbury, a lady wife, and that ought to know what duty requireth, is charged to have refused, and to have persisted in refusal to answer, and to be examined in a high cause of state; being examined by the council-table, which is a representative body of the king. The nature of the cause, upon which she was examined, is an essential point, which doth aggravate and increase this contempt and presumption; and therefore of necessity with that we must begin.

How graciously and parent-like his majesty used the lady Arabella before she gave him cause of indignation, the world knoweth.

My lady notwithstanding, extremely ill-advised, transacted the most weighty and binding part and action of her life, which is her marriage, without acquainting his majesty; which had been a neglect even to a mean parent: but being to our sovereign, and she standing so near to his majesty as she doth, and then choosing such a condition as it pleased her to choose, all parties laid together, how dangerous it was, my lady might have read it in the fortune of that house wherewith she is matched; for it was not unlike the case of Mr. Seymour's grandmother.

The king nevertheless so remembered he was a king, as he forgot not he was a kinsman, and placed her only *sub iura regis*.

But now did my lady accumulate and heap up this offence with a far greater than the former, by seeking to withdraw herself out of the king's power into foreign parts.

That this flight or escape into foreign parts might have been seed of trouble to this state, is a matter whereof the conceit of a vulgar person is not incapable.

For although my lady should have put on a mind to continue her loyalty, as nature and duty did bind her; yet when she was in another sphere, she must have moved in the motion of that orb, and not of the planet itself: and God forbid the king's felicity should be so little, as he should not have enjoy and eniers enough in foreign parts.

CXV. To the KING,

Touching my Lord Chancellor's amendment, etc.*

* Rawley's
Beneficentio.*It may please your excellent Majesty,***M**Y lord chancellor sent for me to speak with me this morning, about eight of the clock. I perceive he hath now that *signum sanitatis*, as to feel better

It is true, if any foreigner had wrought upon this occasion, I do not doubt but the intent would have been, as the prophet saith, *They have conceived mischief, and have brought forth a serpent*. But yet your lordships know that it is wisdom in princes, and it is a watch they owe to themselves and to their people, to stop the beginnings of evils, and not to despise them. Seneca saith well, *Non parva cupido hinc periculum, si levia viderentur*; dangers cease to be light, because by detaining, they grow and gather strength.

And accordingly hath been the practice both of the wisest and stoutest princes, to hold for matter pregnant of peril, to have any near them in blood to fly into foreign parts. Wherein I will not wander; but take the example of king Henry the seventh, a prince not unfit to be paralleled with his majesty; I mean not the particular of Perkin Warbeck, for he was but an idol or a disguise; but the example I mean, is that of the earl of Suffolk, whom the king extorted from Philip of Austria. The story is memorable, that Philip, after the death of Isabella, coming to take possession of his kingdom of Castile, which was but matrimonial to his father-in-law Ferdinando of Aragon, was cast by weather upon the coast of Weymouth, where the Italian story saith, king Henry used him in all things else as a prince, but in one thing as a prisoner; for he forced upon him a promise to restore the earl of Suffolk that was fled into Flanders; and yet this I note was in the 21st year of his reign, when the king had a goodly prince at man's estate, besides his daughters, nay, and the whole line of Clarence nearer in title; for that earl of Suffolk was descended of a sister of Edward the fourth: so far off did that king take his aim. To this action of so deep consequence, it appeareth, you, my lady of Shrewsbury, were privy, not upon foreign suspicions or strained inferences, but upon vehement presumptions, now clear and particular testimony, as hath been opened to you; so as the king had not only reason to examine you upon it, but to have proceeded with you upon it as for a great contempt; which if it be reserved for the present, your ladyship is to understand it aright, that it is not defect of proof, but abundance of grace that is the cause of this proceeding; and your ladyship shall do well to see into what danger you have brought yourself. All offences consist of the fact which is open, and the intent which is secret; this fact of conspiring in the flight of this lady may bear a hard and gentler construction; if upon overmuch affection to your kinswoman, gentler; if upon practice or other end, harder; you must take heed how you enter into such actions; whereof if the hidden part be drawn unto that which is open, it may be your overthrow; which I speak not by way of charge, but by way of caution.

For that which you are properly charged with, you must know that all subjects, without distinction of degrees, owe to the king tribute and service, not only of their deed and hand, but of their knowledge and discretion.

If there be any thing that imports the king's service, they ought themselves undemanded to impart it; much more if they be called and examined; whether it be of their own fact or of another's, they ought to make direct answer: neither was there ever any subject brought in causes of estate to trial judicial, but first to be privately examined: for examination is the entrance of justice in criminal cases; it is one of the eyes of the king's politic body; there are but two, information and examination; it may not be endured that any of them should be put out by your example.

Your excuses are not worthy your own judgment; rash vows of lawful things are to be kept, but unlawful vows not; your own divines will tell you so. For your examples, they are some erroneous traditions. I have heard of one Pembridge, who is somewhat that he was unlettered, and it was but when he was examined by one private counsellor, to whom he took exception: that of my lord Lumley is a fiction; the preeminences of nobility I would hold with to the last grain; but every day's experience is to the contrary: nay, you may remember the duty of lady Arabella Herbert, which of the blood, of an higher rank than yourself, was declining, and yet that but by request neither, to declare of your fact, yieldeth ingenuously to be examined of her own. I do not doubt but by this time you see both your own error, and the king's grace in proceeding with you in this manner.

Note the proclamation for apprehending the lady Arabella, and William Seymour, second son of the earl of Northampton, dated June 4, 1552, who had made their escape the day before. Rymer, A. 11. p. 77. See also p. 78.

his

his former weakness: for it is true, I did a little mistrust that it was but a boutade of desire and good spirit, when he promised himself strength for Friday, though I was won and carried with it. But now I find him well inclined to use, should I say, your liberty, or rather your interdict, signified by Mr. Secretary from your majesty. His lordship shewed me also your own letter, whereof he had told me before, but had not shewed it me. What shall I say? I do much admire your goodness for writing such a letter at such a time.

He had sent also to my lord treasurer, to desire him to come to him about that time. His lordship came; and, not to trouble your majesty with circumstances, both their lordships concluded, myself present and concurring, That it could be no prejudice to your majesty's service to put off the day for^d Mr. St. John till the next term: the rather, because there are seven of your privy-council, which are at least *numerus* and part of the court, which are by infirmity like to be absent; that is, my lord chancellor, my lord admiral, my lord of Shrewsbury, my lord of Exeter, my lord Zouch, my lord Stanhope, and Mr. Chancellor of the duchy; wherefore they agreed to hold a council to-morrow in the afternoon for that purpose.

It is true, that I was always of opinion that it was no time lost; and I do think so the rather, because I could be content, that the matter of Peacham were first settled and put to a point. For there be perchance, that would make the example upon Mr. St. John to stand for all. For Peacham, I expect some account from my fellows this day; if it should fall out otherwise, then I hope it may not be left so. Your majesty, in your last letter, very wisely put in a disjunctive, that the judges should deliver an opinion privately, either to my lord chancellor or to ourselves distributed: his sickness made the latter way to be taken; but the other may be reserved with some accommodating, when we see the success of the former.

I am appointed this day to attend my lord treasurer for a proposition of raising profit and revenue by infranchising copyholders. I am right glad to see the patrimonial part of your revenue well looked into, as well as the fiscal: and I hope it will so be in other parts as well as this. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

Feb. 7, 1614.

FR. BACON.

^d In 1614, a benevolence was set on foot. Mr. Oliver St. John gave his opinion publicly, that it was against law, reason, and religion; for which he was condemned in a fine of five thousand pounds, and to be imprisoned during the king's pleasure.

CXVI. To the KING, concerning Owen's cause, *etc.* *

* Rawley's
Retutation.

It may please your excellent Majesty,

MYself, with the rest of your counsel learned, conferred with my lord Coke, and the rest of the judges of the king's bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true, that your majesty in your letter did mention that the same course might be held in the taking of opinions apart in this, which was prescribed and used in Peacham's cause; yet both

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my lords of the council, and we amongst our-selves, holding it, in a case so clear, not needful ; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges, if cause were, more strongly, which is somewhat, we thought best rather to use this form.

The judges desired us to leave the examinations and papers with them for some little time, to consider, which is a thing they use, but I conceive, there will be no manner of question made of it. My lord chief justice, to shew forwardness, as I interpret it, shewed us passages of Suarez and others, thereby to prove, that though your majesty stood not excommunicate by particular sentence, yet by the general bulls of *Coena Domini*, and others, you were upon the matter excommunicate ; and therefore, that the treason was as *de praesenti*. But I (that foresee that if that course should be held, when it cometh to a public day, to disseminate to the vulgar an opinion, that your majesty's case is all one, as if you were *de facto* particularly and expressly excommunicate ; it would but increase the danger of your person with those that are desperate papists ; and that it is needless) commended my lord's diligence, but withal put it by ; and fell upon the other course, which is the true way, that is, that whosoever shall affirm, *in diem*, or *sub conditione*, that your majesty may be destroyed, is a traitor *de praesenti* ; for that he maketh you but tenant for life, at the will of another. And I put the duke of Buckingham's case, who said, that if the king caused him to be arrested of treason, he would stab him ; and the case of the impostress Elizabeth Barton, that said, that if king Henry the eighth took not his wife again, Catharine dowager, he should be no longer king ; and the like.

It may be these particulars are not worth the relating : but because I find nothing in the world so important to your service, as to have you thoroughly informed, the ability of your direction considered, it maketh me thus to do ; most humbly praying your majesty to admonish me, if I be over-troublesome.

For Peacham, the rest of my fellows are ready to make their report to your majesty, at such time, and in such manner, as your majesty shall require it. Myself yesterday took my lord Coke aside, after the rest were gone, and told him all the rest were ready, and I was now to require his lordship's opinion, according to my commission. He said, I should have it ; and repeated that twice or thrice, as thinking he had gone too far in that kind of negative, to deliver any opinion apart, before ; and said, he would tell it me within a very short time, though he were not that instant ready. I have tossed this business *in omnes partes*, whereof I will give your majesty knowledge when time serveth. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

Febr. 11, 1634.

FR. BACON.

* Rawley's
Resuscitatio.

CXVII. To the KING, about a certificate of lord chief justice COKE*.

It may please your excellent Majesty,

I Send your majesty inclosed my lord Coke's answers ; I will not call them rescripts, much less oracles. They are of his own hand, and offered to me as they are in writing ; though I am glad of it for mine own discharge. I thought it my duty, as

soon as I received them, instantly to send them to your majesty; and forbear, for the present, to speak farther of them. I, for my part, though this Muscovia weather be a little too hard for my constitution, was ready to have waited upon your majesty this day, all respects set aside; but my lord treasurer, in respect of the season and much other business, was willing to save me. I will only conclude touching these papers with a text, divided I cannot say, *Oportet isthac fieri*; but I may say, *Imis autem nondum*. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

14 Feb. 1. 14.

FR. BACON.

CXVIII. Sir FRANCIS BACON to King JAMES*.

* Sir David Dalrymple's Memorials and Letters,

It may please your excellent majesty,

I Perceive by the bishop of Bath and Wells, that although it seemeth he hath dealt in an effectual manner with Peacham, yet he prevaileth little hitherto; for he hath gotten of him no new names, neither doth Peacham alter in his tale touching Sir John Sydenham.

Peacham standeth off in two material points *de novo*.

The one, he will not yet discover into whose hands he did put his papers touching the consistory villanies. They were not found with the other bundles upon the search; neither did he ever say that he had burned or defaced them. Therefore it is like they are in some persons hands; and it is like again, that that person that he hath trusted with those papers, he likewise trusted with these others of the treasons, I mean with the sight of them.

The other, that he taketh time to answer, when he is asked, whether he heard not from Mr. Paulet some such words, as, he saith, he heard from Sir John Sydenham, or in some lighter manner.

I hold it fit, that myself, and my fellows, go to the Tower, and so I purpose to examine him upon these points, and some others; at the least, that the world may take notice that the business is followed as heretofore, and that the stay of the trial is upon farther discovery, according to that we give out.

I think also it were not amiss to make a false fire, as if all things were ready for his going down to his trial, and that he were upon the very point of being carried down, to see what that will work with him.

Lastly, I do think it most necessary, and a point principally to be regarded, that because we live in an age wherein no counsel is kept, and that it is true there is some bruit abroad, that the judges of the king's bench do doubt of the case, that it should not be treason; that it be given out constantly, and yet as it were a secret; and so a fame to slide, that the doubt was only upon the publication, in that it was never published, for that (if your majesty marketh it) taketh away, or least qualifies the danger of the example; for that will be no man's case.

This is all I can do to thridd your majesty's business with a continual and settled care, turning and returning, not with any thing in the world, save only the occasions themselves, and your majesty's good pleasure.

I had no time to report to your majesty, at your being here, the business referred, touching Mr. John Murray. I find a shrewd ground of a title against your majesty

jury and the patentees of these lands, by the coheir of Thomas earl of Northampton; for I see a fair deed. I find a reasonable consideration for the making the said deed, being for the advancement of his daughters; for that all the possessions of the said man were entailed upon his brother; I find it was made four years before his rebellion; and I see some probable cause why it hath slept so long. But Mr. Murray's petition speaketh only of the moiety of one of the coheirs, whereunto if your majesty should give way, you might be prejudiced in the other moiety. Therefore, if Mr. Murray can get power of the whole, then it may be safe for your majesty to give way to the trial of the right; when the whole shall be submitted to you.

Mr. Murray is my dear friend; but I must cut even in these things, and so I know he would himself with no other. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

Febr the 23, 1614.

FR. BACON.

• Sir David Dalrymple's Memorials and Letters, p. 32.

CXIX. Sir FRANCIS BACON to King JAMES^{VI}.

May it please your majesty,

I Send your majesty inclosed a copy of our last examination of Peacham, taken the 10th of this present, whereby your majesty may perceive, that this miscreant wretch goeth back from all, and denieth his hand and all. No doubt, being fully of belief that he shall go presently down to his trial, he meant now to repeat his part which he purposed to play in the country, which was to deny all. But your majesty, in your wisdom, perceiveth, that this denial of his hand, being not possible to be counterfeited, and sworn to by Adams, and so oft by himself formally confessed and admitted, could not mend his case before any jury in the world, but rather aggravateth it by his notorious impudence and fallshood, and will make him more odious. He never deceived me; for when others had hopes of discovery, and thought time well spent that way, I told your majesty, *percutibus mille figuræ*, and that he did but now turn himself into divers shapes, to save or delay his punishment. And therefore submitting myself to your majesty's high wisdom, I think myself bound, in confidence, to put your majesty in remembrance, whether Sir John Sydenham shall be detained upon this man's impeaching, in whom there is no truth. Notwithstanding, that further inquiry be made of this other person, and that information and light be taken from Mr. Paulet and his servants, I hold it, as things are, necessary. God preserve your majesty.

Your majesty's most humble and devoted subject and servant,

March the 12, 1614.

FR. BACON.

The

The Examination of EDMUND PEACHAM at the Tower,
March 10, 1614*.

* Sir David
Dalrymple's
Memorials
and Letters,

P. 34.

Being asked, when he was last at London, and where he lodged when he was there; he saith he was last at London after the end of the last parliament, but where he lodged, he knoweth not.

Being asked, with what gentlemen, or others in London, when he was here last, he had conference and speech withal? he saith he had speech only with Sir Maurice Berkeley. and that about the petitions only, which had been before sent up to him by the people of the country, touching the apparitors and the grievances offered the people by the court of the officials.

Being asked, touching one Peacham, of his name, what knowledge he had of him, and whether he was not the person that did put into his mind divers of those traitorous passages which are both in his loose and contexted papers? he saith this Peacham, of his name, was a divine, a scholar, and a traveller; and that he came to him some years past, the certainty of the time he cannot remember, and lay at this examine's house a quarter of a year, and took so much upon him, as he had scarce the command of his own house or study; but that he would be writing, sometimes in the church, sometimes in the steeple, sometimes in this examine's study; and now saith farther, that those papers, as well loose as contexted, which he had formerly confessed to be of his own hand, might be of the writing of the said Peacham; and saith confidently, that none of them are his own hand-writing or inditing; but whatsoever is in his former examinations, as well before his majesty's learned council, as before my lord of Canterbury, and other the lords, and others of his majesty's privy-council, was wholly out of fear, and to avoid torture, and not otherwise.

Being required to describe what manner of man the said Peacham that lay at his house was; he saith that he was tall of stature, and can make no other description of him, but saith, as he taketh it, he dwelleth sometimes at Honslow as a minister; for he hath seen his letters of orders and licence under the hand of Mr. D. Chatterton, sometime bishop of Lincoln. He denieth to set his hand to this examination.

Examina't per FR. BACON, GER. HILLWYSSE,
KANULPHE CREWE, H. YELVERTON.

The true State of the Question, whether PEACHAM's case be
treason or not*.

*Ibid p. 36.

In the hand-writing of King JAMES.

THE indictment is grounded upon the statute of Edward the third, that he compassed and imagined the king's death; the indictment then is according to the law, and justly founded. But how is it verified? First, then, I gather this conclusion, that since the indictment is made according to the prescription of law, the pro-
cess

cess is formal, the law is fulfilled, and the judge and jury are only to hearken to the verification of the hypothesis, and whether the minor be well proved or not.

That his writing of this libel is an overt act, the judges themselves do confess; that it was made fit for publication, the form of it bewrays the self; that he kept not these papers in a secret and close facon, (manner) but in an open house and hidies cask, both himself and the messenger do confess; nay, himself confesseth, that he wrote them at the desire of another man, to whom he should have shown them when they had been perfected, and who craved an account for them, which, though it be denied by the other party, worketh sufficiently against the deponer himself. Nay, he confesseth that in the end he meant to preach it; and though, for diminishing of his fault, he alleges, that he meant first to have taken all the bitterness out of it, that excuse is altogether absurd, for there is no other stuff in, or through it all but bitterness, which being taken out it must be a quintessence of an alchemy spirit without a body, or popish accidents without a substance; and then to what end would he have published such a ghost, or shadow without substance, *cui bono*; and to what end did he so farce (stuff) it first with venom, only to scrape it out again; but it had been hard making that sermon to have talled well, that was *once so spiced, quæ semel est indita necesse, &c.* But yet this very excuse is by himself overthrown again, confessing, that he meant to retain some of the most crafty malicious parts in it, as, etc. [So the manuscript.]

The only question that remains then is, whether it may be verified and proved, that, by the publishing of this sermon or rather libel of his he compassed or imagined the king's death: which I prove he did, by this reason; had he compiled a sermon upon any other ground, or stuffed the bulk of it with any other matter, and only powdered it here and there, with some passages of reprehension of the king; or had he never so bitterly railed against the king and upbraided him of any two or three, though monstrous vices, it might yet have been some way excusable; or yet had he spued forth all the venom that is in this libel of his, in a railing speech, either in drunkenness, or upon the occasion of any sudden passion or discontentment, it might likewise have been excused in some sort; but upon the one part, to heap up all the injuries that the hearts of men, or malice of the devil, can invent against the king to disable him utterly, not to be a king, not to be a christian, not to be a man, or a reasonable creature, not worthy of breath here, nor salvation hereafter; and, upon the other part, not to do this hastily or rashly, but after long premeditation, first having made collections in scattered papers, and then reduced it to a method, in a formal treatise, a text cho'een for the purpose, a prayer premitted, applying all his wits to bring out of that text what he could, *in malam partem*, against the king.

This, I say, is a plain proof that he intended to compass or imagine, by this means, the king's destruction. For, will ye look upon the person or quality of the man, it was the far likeliest means he could use to bring his wicked intention to pass; his person an old, unable, and unwieldy man; his quality a minister, a preacher; and that in so remote a part of the country, as he had no more means of access to the king's person than he had ability of body, or resolution of spirit, to act such a desperate attempt with his own hands upon him; and therefore, as every creature is ablest, in their own element, either to defend themselves, or annoy their adversaries, as birds in the air, fishes in the water, and so forth, what so ready and natural means had he whereby to annoy the king as by publishing such a seditious libel? and so, under the specious pretext of conscience, to inflame the hearts of the people against him.

him. Now, here is no illation nor inference made upon the statute, it stands *in puris naturalibus*, but only a just inference and probation of the guilty intention of this party. So the only thing the judges can doubt of, is of the delinquent's intention; and then the question will be, whether if these reasons be stronger to enforce the guiltiness of his intention, or his bare denial to clear him, since nature teaches every man to defend his life as long as he may; and whether, in case there were a doubt herein, the judges should not rather incline to that side wherein all probability lies: but if judges will needs trust better the bare negative of an infamous delinquent, without expressing what other end he could probably have, than all the probabilities, or rather infallible consequences upon the other part, caring more for the safety of such a monster, than the preservation of a crown, in all ages following, whereupon depend the lives of many millions; happy then are all desperate and seditious knaves, but the fortune of this crown is more than miserable. *Quod Deus avertat.*

CXX. To the KING, touching matter of his majesty's revenue and profit*.

* Rawley's Refuscitatio.

It may please your majesty,

I May remember what Tacitus saith, by occasion that Tiberius was often and long absent from Rome. *In urbe, et parva et magna negotia imperatorem simul premunt:* but, saith he, *In recessu, dimissis rebus minoris momenti, summæ rerum magnarum maxis agitantur.* This maketh me think it shall be no incivility to trouble your majesty with busines, during your abode from London; knowing that your majesty's meditations are the principal wheel of your estate; and being warranted from a former commandment which I received from you.

I do now only send your majesty these papers inclosed, because I do greatly desire so far forth to preserve my credit with you, as thus, that whereas lately, perhaps out of too much desire, which induceth too much belief, I was bold to say, that I thought it as easy for your majesty to come out of want, as to go forth of your gallery; your majesty would not take me for a dreamer, or a projector; I send your majesty therefore some grounds of my hopes. And for that paper which I have gathered of increasements sperate, I beseech you to give me leave to think, that if any of the particulars do fail, it will be rather for want of workmanship in those that shall deal in them, than want of materials in the things themselves. The other paper hath many discarding cards; and I send it chiefly, that your majesty may be the less surpris'd by projectors; who pretend sometimes great discoveries and inventions in things, that have been propounded, and, perhaps, after a better fashion, long since. God Almighty preserve your majesty.

Your majesty's most humble and devoted subject and servant,

25 April, 1615.

FR. BACON.

* Rawley's
Refutation.

CXXI. To the KING*.

It may please your excellent Majesty,

+ I am earl of
Northamp-
ton.

† Print d p.
583, of vol. ii.

MR. St. John his day is past, and well past. I hold it to be *Janus bifrons*; it hath a good aspect to that which is past, and to the future; and doth both satisfy and prepare. All did well: my lord chief justice delivered the law for the benevolence strongly; I would he had done it timely. * Mr. Chancellor of the exchequer spake finely, somewhat after the manner of my late † lord privy-seal; not all out so sharply, but as elegantly. Sir Thomas Lake, who is also new in that court, did very well, familiarly and counsellor-like †. My lord of Pembroke, who is likewise a stranger there, did extraordinarily well, and became himself well, and had an evident applause †. I meant well also; and because my information was the ground; having spoken out of a few heads which I had gathered, for I seldom do more, I set down, as soon as I came home, cursorily, ‡ a frame of that I had said; though I persuade myself I spake it with more life. I have sent it to Mr. Murray sealed; if your majesty have so much idle time to look upon it, it may give some light of the day's work: but I most humbly pray your majesty to pardon the errors. God preserve you ever.

Your majesty's most humble subject and devote servant,

April 29. 1615.

FR. BACON.

* The chancellor of the exchequer here meant was Sir Fulke Greville, who being early initiated into the court of queen Elizabeth, became a polite and fine gentleman; and in the 18th of king James was created Lord Brooke. He erected a noble monument for himself on the north-side of Warwick church, which hath escaped the late desolation, with this well known inscription, "Fulke Greville, servant to queen Elizabeth, counsellor to king James, and friend to Sir Philip Sidney." Nor is he less remembered by the monument he has left in his writings and poems, chiefly composed in his youth, and in familiar exercises with the gentleman I have before mentioned. *Stephens.*

† Sir Thomas Lake was about this time made one of the principal secretaries of state, as he had been formerly Latin secretary to queen Elizabeth, and before that time bred under Sir Francis Walsingham. But in the year 1618, falling into the king's displeasure, and being engaged in the quarrels of his wife and daughter the lady Rosalind, with the countess of Exeter; he was at first banished from the court, and afterwards removed, and deeply censured and fined in the star-chamber; although it is said the king then gave him in open court the public eulogy, that he was a minister of state fit to have the greatest affairs in Europe. Whilst this storm was hanging over his head, he writ many letters to the king and the marquiss of Buckingham, which I have seen, complaining of his misfortune, that he ran woe-wetly to proceed from the court, and he gave to his nearer relations. *Stephens.*

‡ William earl of Pembroke, son to Henry Herbert earl of Pembroke, lord president of the council in the marches of Wales, by Maria his wife, a lady in whom the Males and Graces seemed to meet; whose very letters, in the judgment of some who saw many of them, declared her to be mistress of a pen not inferior to that of her brother, the admirable Sir Philip Sidney, and to whom he addressed his *Arcadia*. Nor did this gentleman degenerate from their wit and spirit, as his own poems, his great patronage of learned men, and resolute opposition to the Spanish match, did, among other instances, fully prove. In the year 1618, he was made lord chamberlain, and chosen chancellor of the university of Oxford. He died suddenly on the 11th of April, 1633, having just completed his 50 years: but his only son deceasing a child before him, his estate and honours descended upon his younger brother, Philip Earl of Montgomery, the immediate ancestor of the present noble and learned earl. *Stephens.*

CXXII. To the KING, concerning the new company*.

* Rawley's
Refuscitatio.*It may please your most excellent majesty,*

YOUR majesty shall shortly receive the bill for the incorporation of the new company*, together with a bill for the privy-seal, being a dependency thereof: for this morning I subscribed and docketted them both. I think it therefore now time to represent to your majesty's high wisdom that which I conceive, and have had long in my mind, concerning your majesty's service, and honourable profit in this business.

This profit, which hath proceeded from a worthy service of the lord treasurer, I have from the beginning constantly affected; as may well appear by my sundry labours from time to time in the same: for I hold it a worthy character of your majesty's reign and times; inasmuch, as though your majesty might have at this time, as is spoken, a great annual benefit for the quitting of it; yet I shall never be the man that should wish for your majesty to deprive yourself of that beatitude, *Beatius est dare, quàm accipere*, in this cause; but to sacrifice your profit, though as your majesty's state is, it be precious to you, to so great a good of your kingdom: although this project is not without a profit immediate unto you, by the increasing of customs upon the materials of dyes.

But here is the case: the new company by this patent and privy seal are to have two things, wholly diverse from the first intention, or rather, *ex diametro* opposite unto the same; which nevertheless they must of necessity have, or else the work is overthrown: so as I may call them *mala necessaria*, but yet withal temporary. For as men make war to have peace; so these merchants must have licence for whites, to the end to banish whites; and they must have licence to use tenters, to the end to banish tenters.

This is therefore that I say; your majesty, upon these two points, may justly, and with honour, and with preservation of your first intention inviolate, demand profit in the

* Among other projects for supplying his majesty with money, after his abrupt dissolution of the parliament, there was one proposed through the lord treasurer's means by Sir William Cockayne, an alderman of London. For the society or fellowship of Merchant Adventurers, having enjoyed by licence from the crown a power of exporting yearly several thousands of English cloths dyed; it was imagined that the king would not only receive an increase in his customs by the importation of materials necessary for dyeing, but the nation a considerable advantage in employing the subject, and improving the manufacture to its utmost before it was exported. This proposition being besides attended with the offer of an immediate profit to his majesty, was soon embraced; the charter granted to the Merchant Adventurers recalled, and Sir William Cockayne and several other traders incorporated upon certain conditions, as appears in part from this letter; though some other letters in the same and the following year inform us, what difficulties the king and council, and indeed the whole kingdom, sustained thereby. For the trading towns in the Low-Countries and in Germany, which were the great mart and staple of these commodities, perceiving themselves in danger of losing the profit, which they had long reaped by dyeing and dressing great quantities of English cloth, the Dutch prohibited the white commodity; and the materials being either dearer here, or the material dyes less plentiful in these parts of the world, the want of cloth was soon at a stand; upon which the council of the country sent a bill to the king, so that after several attempts to carry on the design, Sir Francis Bacon finding the time slipping away by the delay, and not able to comply with their proposals, but making new and greater demands, and that the whole matter was more and more perplexed, sent on the 14th of October, 1609, a bill to the king, which I have here inserted, as being the reason why the new company was no longer to be minded, but the old company to be restored with and revived. Accordingly, pursuant to a power of recoubling contained in the first charter, it was recalled, and a proclamation published for restoring the old company, and a new charter was granted them, on their payment of 50,000*l.* See the *History of the reign of James the first*, page 100.

interim, as long as these unnatural points continue, and then to cease. For your majesty may be pleased to observe, that they are to have all the old company's profit by the trade of whites; they are again to have, upon the proportion of cloths which they shall vend dyed and dressed, the Flemmings profit upon the tenter. Now then, I say, as it had been too good husbandry for a king to have taken profit of them, if the project could have been effected at once, as was voiced, so on the other side it might be, perchance, too little husbandry and providence to take nothing of them, for that which is merely lucrative to them in the mean time. Nay, I say farther, this will greatly conduce, and be a kind of security to the end desired. For I always feared, and do yet fear, that when men, by condition merchants, though never so honest, have gotten into their hands the trade of whites, and the dispendation to tenter, wherein they shall reap profit for that which they never sowed; but have gotten themselves certainties, in respect of the state's hopes: they are like enough to sleep upon this as upon a pillow, and to make no haste to go on with the rest. And though it may be said, that this is a thing will easily appear to the state, yet, no doubt, means may be devised and found to draw the business in length. So that I conclude, that if your majesty take a profit of them in the *interim*, considering you refuse profit from the old company, it will be both spur and bridle to them, to make them pace aright to your majesty's end.

This in all humbleness, according to my vowed care and fidelity, being no man's man but your majesty's, I present, leave, and submit to your majesty's better judgment; and I could wish your majesty would speak with Sir Thomas Lake in it; who, besides his good habit which he hath in business, beareth, methinks, an indifferent hand in this particular; and, if it please your majesty, it may proceed as from yourself, and not as a motion or observation of mine.

Your majesty need not in this to be straitened in time; as if this must be demanded or treated before you sign their bill. For I foreseeing this, and foreseeing that many things might fall out which I could not foresee, have handled it so, as with their good contentment there is a power of revocation inserted into their patent. And so commending your majesty to God's blessing and precious custody, I rest,

Your majesty's most humble and devoted subj. & servant,

Aug. 12. 1615.

FR. BACON.

* See also
Ker's edition.

CXXIII. To Sir GEORGE VILLIERS, about Roper's place*.

S I R,

Sending to the king upon occasion, I would not fail to salute you by my letter; which, that it may be more than two lines, I add this for news; that as I was sitting by my lord chief justice, upon the commission for the indicting of the great person; one of the judges asked him, whether Roper were dead; he said, he for his part knew not; another of the judges answered, It should concern you, my lord, to know it. Whereupon he turned his speech to me, and said, No, Mr. Attorney, I will not wrestle now in my latter times. My lord, said I, you speak like a wife man. Well, saith he, they have had no luck with it that have had it. I had a son,
Thos

Those days be past. Here you have the dialogue to make you merry. But in sadness, I was glad to perceive he meant not to contest. I can but honour and love you, and rest,

Your assured friend and servant,

Jan. 22, 1615.

FR. BACON.

CXXIV. Sir FRANCIS BACON to King JAMES*.

* Sir David Dalrymple's Memorials and Letters,

It may please your most excellent majesty,

IT pleased your majesty to commit to my care and trust for Westminster-hall three particulars; that of the *rege inconsulto*, which concerneth Murray; that of the commendams, which concerneth the bishop of Lincoln; and that of the *habeas corpus*, which concerneth the chancery. p. 46.

These causes, although I gave them private additions, yet they are merely, or at least chiefly, yours; and the die runneth upon your royal prerogatives, diminution, or intire conservation. Of these it is my duty to give your majesty a short account.

For that of the *rege inconsulto*, I argued the same in the King's-bench on Thursday last. There argued on the other part Mr. George Crook, the judge's brother, an able book-man, and one that was manned forth with all the furniture that the bar could give him, I will not say the bench, and with the study of a long vacation. I was to answer, which hath a mixture of the sudden; and of myself I will not, nor cannot say any thing, but that my voice served me well for two hours and an half; and that those that understood nothing, could tell me that I lost not one auditor that was present in the beginning, but staid till the latter end. If I should say more, there were too many witnesses, for I never saw the court more full, that mought disprove me.

My lord Coke was pleased to say, that it was a famous argument; but, withal, he asked me a politic and tempting question: for, taking occasion by a notable precedent I had cited, where, upon the like writ brought, all the judges in England assembled, and that privately, lest they should seem to dispute the king's commandment, and, upon conference, with one mind agreed, that the writ must be obeyed. Upon this hold, my lord asked me, whether I would have all the rest of the judges called to it. I was not caught: but knowing well that the judges of the common pleas were most of all others interested in respect of the prothonotaries, I answered, civilly, that I could advise of it; but that I did not distrust the court; and, besides, I thought the case so clear, as it needed not.

Sir, I do perceive, that I have not only stopped, but almost turned the stream; and I see how things cool by this, that the judges that were wont to call so hotly upon the business, when they had heard, of themselves, took a fortnight day to advise what they will do, by which time the term will be near at an end; and I know they little expected to have the matter so beaten down with book law, upon which my argument wholly went: so that every mean student was satisfied. Yet, because the times are as they are, I could wish, in all humbleness, that your majesty would remember and renew your former commandment which you gave my lord chief justice in Michaelmas term, which was, that, after he had heard your attorney, which is now done, he should forbear further proceeding till he had spoke with your majesty.

It

It concerneth your majesty threefold. First, in this particular of Murray; next, in the grant whereof fourteen several patents, part in queen Elizabeth's time, some in your majesty's time, which depend upon the like question; but, chiefly, because this writ is a mean provided by the ancient law of England, to bring any case that may concern your majesty, in profit or power, from the ordinary benches, to be tried and judged before your chancellor of England, by the ordinary and legal part of his power; and your majesty knoweth your chancellor is ever a principal counsellor, and instrument of monarchy, of immediate dependence upon the king; and therefore like to be a safe and tender guardian of the royal rights.

For the case of the commendams, a matter likewise of great consequence, though nothing near the first, this day I was prepared to have argued it before all the judges; but, by reason of the sickness of the serjeant which was provided to argue on the other side, although I pressed to have had some other day appointed this term; yet it pleased divers of the judges to do me the honour, as to say it was not fit any should argue against me, upon so small time of warning, it is adjourned to the first Saturday next term.

For the matter of the *habeas corpus*, I perceive this common employment of my lord chancellor, and my lord chief justice, in these examinations, is such a *vinculum*, as they will not square while these matters are in hand, so that there is *altum silentium* of that matter. God ever preserve your majesty.

Your majesty's most humble and bounden subject and servant,

17 Jan. 1617.

FR. BACON.

CXXV. To the KING,

Advising him to break off with the new company*.

* R. 1617.
1617.

It may please your excellent majesty,

I spake yesternight long with my lord Coke; and for the *rege inconsulto*, I conceive by him it will be, *an amplius deliberandum censeo*, as I thought at first, so as for the present your majesty shall not need to renew your commandment of stay. I spake with him also about some propositions concerning your majesty's casual revenue; wherein I found him to consent with me fully, assuming, nevertheless, that he had thought of them before; but it is one thing to have the vapour of a thought, another to digest business aright. He, on his part, imparted to me divers things of great weight concerning the reparation of your majesty's means and finances, which I heard gladly; inasmuch as he perceiving the same, I think was the readier to open himself to me in one circumstance, which he did much inculcate. I concur fully with him, that they are to be held secret; for I never saw but that business is like a child, which is framed invisibly in the womb; and if it come forth too soon, it will be abortive. I know, in most of them, the prosecution must rest much upon myself. But I that had the power to prevail in the farmers case of the French wines, without the help of my lord Coke, shall be better able to go through these with his help, the ground being no less just. And this I shall ever add of mine own, that I shall ever respect your majesty's honour no less than your profit; and

and shall also take care, according to my penfive manner, that that which is good for the present, have not in it hidden seeds of future inconveniences.

The matter of the new company was referred to me by the lords of the privy council; wherein, after some private speech with Sir Lionel Cranfield, I made that report which I held most agreeable to truth, and your majesty's service. If this new company break, it must either be put upon the patent, or upon the order made by themselves. For the patent, I satisfied the board, that there was no tittle in it which was not either *verbatim* in the patent of the old company, or by special warrant from the table inserted. My lord Coke, with much respect to me, acknowledged, but disliked the old patent in itself, and disclaimed his being at the table when the additions were allowed. But in my opinion, howsoever my lord Coke, to magnify his science in law, draweth every thing, though sometimes improperly and unreasonably, to that kind of question, it is not convenient to break the business upon those points. For considering they were but clauses that were in the former patents, and in many other patents of companies; and that the additions likewise passed the allowance of the table, it will be but clamoured, and perhaps conceived, that to quarrel them now, is but an occasion taken; and that the times are but changed, rather than the matter. But that which preserveth intire your majesty's honour, and the constancy of your proceedings, is to put the breach upon their orders.

For this light I gave in my report, which the table readily apprehended, and much approved; that if the table reject their orders as unlawful and unjust, it doth free you from their contract: for whosoever contracteth or undertaketh any thing, is always understood to perform it by lawful means; so as they have plainly abused the state, if that which they have undertaken be either impossible or unjust.

I am bold to present this consideration to that excellent faculty of your majesty's judgment; because I think it importeth that future good which may grow to your majesty in the close of this business; that the falling off be without all exception. God have you in his precious custody.

Your majesty's most humble and bounden subject and servant,

Feb. 3, 1615.

FR. BACON.

CXXVI. To the KING, touching the chancellor's sickness*.

*Rawley's
Resuscitatio.

It may please your most excellent Majesty,

I Am glad to understand by Mr. Murray, that your majesty accepteth well of my poor endeavours in opening unto you the passages of your service, that business may come the less crude, and the more prepared to your royal judgment; the perfection whereof, as I cannot expect they should satisfy in every particular; so, I hope, through my assiduity there will result a good total.

My lord chancellor's sickness falleth out *duro tempore*. I have always known him a wise man, and of just elevation for monarchy; but your majesty's service must not be mortal. And if you lose him, as your majesty hath now or late purchased many

many hearts by depressing the wicked; so God doth minister unto you a counterpart to do the like, by raising the honest. God evermore preserve your majesty.

Your majesty's most humble subject and bounden servant,

Feb. 2, 1603.

FR. BACON.

* Stephens's
first edition,
p. 84.

CXXVII. To the KING*.

It may please your most excellent majesty,

YOUR worthy chancellor, I fear, goeth his last day. God hath hitherto used to weed out such servants as grew not fit for your majesty; but now he hath gathered to himself one of the choicer plants, a true sage, or jewel, out of your garden; but your majesty's service must not be mortal.

Upon this heavy accident I pray your majesty, in all humbleness and sincerity, to give me leave to use a few words. I must never forget, when I moved your majesty for the attorney's place, that it was your own sole act, and not my lord of Somerset's; who when he knew your majesty had resolved it, thrust himself into the business to gain thanks; and therefore I have no reason to pray to saints.

I shall now again make oblation to your majesty, first of my heart, then of my service; thirdly of my place of attorney, which I think is honestly worth 6000 *l. per annum*, and fourthly, of my place in the star-chamber, which is worth 1600 *l. per annum*; and with the favour and countenance of a chancellor much more. I hope I may be acquitted of presumption if I think of it, both because my father had the place, which is some civil inducement to my desire, and I pray God your majesty may have twenty no worse years in your greatness, than queen Elizabeth had in her model, after my father's placing, and chiefly because the chancellor's place, after it went to the law, was ever conferred upon some of the learned counsel, and never upon a judge. For Audeley was raised from king's serjeant; my father from attorney of the wards; Bromley from solicitor; Puckering from queen's serjeant; Egerton from master of the rolls, having newly left the attorney's place. Now, I beseech your majesty, let me put you the present case truly. If you take my lord Coke, this will follow; first your majesty shall put an over-ruling nature into an over-ruling place, which may breed an extreme; next you shall blunt his industries in matter of your finances, which seemeth to aim at another place; and lastly, popular men are no sure mounters for your majesty's saddle. If you take my lord Hobart, you shall have a judge at the upper end of your council board, and another at the lower end; whereby your majesty will find your prerogative pent: For though there should be emulation between them, yet as legists they will agree in magnifying that wherein they are best; he is no statesman, but an œconomist wholly for himself; so as your majesty, more than an outward form, will find little help in him for the business. If you take my lord of Canterbury, I will say no more, but the chancellor's place requires a whole man; and to have both jurisdictions, spiritual and temporal, in that height, is fit but for a king.

For

CXXVIII. A Letter to the KING,

• Rawley's
Refuscitatio.

Of my lord Chancellor's amendment, and the difference begun between
the chancery and king's bench*.

It may please your excellent majesty;

I Do find, God be thanked, a sensible amendment in my lord chancellor: I was with him yesterday in private conference about half an hour; and this day again, at such a time as he did seal, which he endured well almost the space of an hour, though the vapour of wax be offensive to him. He is free from a fever, perfect in his powers of memory and speech; and not hollow in his voice nor look; he hath no panting or labouring respiration; neither are his coughs dry or weak. But whosoever thinketh his disease is but melancholy, he maketh no true judgment of it; for it is plainly a formed and deep cough, with a pectoral surcharge; so that at times he doth almost *animam agere*. I forbear to advertise your majesty of the care I took to have commissions in readiness, because Mr. Secretary Lake hath let me understand he signified as much to your majesty: but I hope there shall be no use for them at this time. And as I am glad to advertise your majesty of the amendment of your chancellor's person, so I am sorry to accompany it with an advertisement of the sickness of your chancery court, though, by the grace of God, that cure will be much easier than the other. It is true I did lately write to your majesty, that for the matter of the *Habeas corpora*, which was the third matter in law you had given me in charge, I did think the communion in service between my lord chancellor and my lord chief justice, in the great business of examination, would so join them as they would not square at this time; but pardon me, I humbly pray your majesty, if I have too reasonable thoughts.

And yet that which happened the last day of term, concerning certain indictments in the nature of *praemunire*, preferred into the king's bench, but not found; is not so much as is voiced abroad; though I must say, it is *omni tempore nimium, et hoc tempore alienum*: and therefore, I beseech your majesty not to give any believing ear to reports, but to receive the truth from me, that am your attorney-general, and ought to stand indifferent for jurisdictions of all courts; which account I cannot give your majesty now, because I was then absent; and some are now absent, which are properly and authentically to inform me touching that which passed. Neither let this any ways disjoint your other business, for there is a time for all things, and this very accident may be turned to good. Not that I am of opinion that that same cunning maxim of *Separa et impera*, which sometimes holdeth in persons, can well take place in jurisdictions; but because some good occasion by this excess may be taken to settle that which would have been more dangerous, if it had gone out by little and little. God ever preserve your majesty.

Your majesty's most humble subject and most bounden servant,

Feb. 15, 1615.

FR. BACON.

CXXIX. To

CXXIX. To Sir GEORGE VILLIERS*.

• Rawley's
Refuscitatio.

S I R,

I Received this morning from you two letters by the same bearer; the one written before, the other, after his majesty had received my last.

In this difference between the two courts of chancery and king's bench, for so I had rather take it for this time, than between the persons of my lord chancellor and my lord chief justice, I marvel not, if rumour get way of true relation; for I know fame hath swift wings, specially that which hath black feathers: but within these two days, for sooner I cannot be ready, I will write unto his majesty both the narrative truly, and my opinion sincerely; taking much comfort that I serve such a king that hath God's property in discerning truly of mens hearts. I purpose to speak with my lord chancellor this day; and so to exhibit that cordial of his majesty's grace, as I hope that other accident will rather rouse and raise his spirit, than deject him, or incline him to relapse. Mean while I commend the wit of a mean man that said this other day, "Well, the next term you shall have an old man come with a besom of wormwood in his hand, that will sweep away all this." For it is my lord chancellor's fashion, specially towards the summer, to carry a posy of wormwood. I write this letter in haste to return your messenger with it. God keep you; and long and happily may you serve his majesty.

Your true and affectionate servant,

Feb. 19, 1615.

FR. BACON.

Sir, I thank you for your inward letter; I have burned it as you commanded: but the fire it hath kindled in me will never be extinguished.

CXXX. To Sir GEORGE VILLIERS, about swearing him into the privy council*.

* Ibid.

S I R,

MY lord chancellor's health growing with the days, and his resignation being an uncertainty, I would be glad you went on with my first motion, my swearing privy counsellor. This I desire not so much to make myself more sure of the other, and to put it past competition, for herein I rest wholly upon the king and your excellent self, but because I find hourly that I need this strength in his majesty's service, both for my better warrant and satisfaction of my conscience, that I deal not in things above my vocation; and for my better countenance and prevailing, where his majesty's service is, under any pretext, opposed, I would it were dispatched. I remember a greater matter than this was dispatched by a letter from Royston, which was the placing of the archbishop that now is; and I imagine the king did it on purpose, that the act might appear to be his own.

My lord chancellor told me yesterday in plain terms, that if the king would ask his opinion touching the person that he would commend to succeed him upon death

or disability, he would name me for the fittest man. You may advise, whether use may not be made of this offer.

I sent a pretty while since a paper to Mr. John Murray, which was indeed a little remembrance of some things past, concerning my honest and faithful services to his majesty; not by way of boasting, from which I am far, but as tokens of my studying his service uprightly and carefully. If you be pleased to call for the paper, which is with Mr. John Murray, and to find a fit time that his majesty may cast an eye upon it, I think it will do no hurt; and I have written to Mr. Murray to deliver the paper, if you call for it. God keep you in all happiness.

Your truest servant,

Feb. 21, 1615.

FR. BACON.

CXXXI. To the KING,

Concerning the *praemurire* in the king's bench, against the chancery *.

* Rawley's
Resuscitatio.

It may please your most excellent Majesty,

I Was yesterday in the afternoon with my lord chancellor, according to your commandment which I received by the master of the horse, and find the old man well comforted, both towards God, and towards the world: and that same middle comfort which is divine and human, proceeding from your majesty, being God's lieutenant on earth, I am persuaded, hath been a great cause that such a sickness hath been portable to such an age. I did not fail in my conjecture, that this business of the chancery hath stirred him; he sheweth to despise it, but he is full of it, and almost like a young duellist that findeth himself behind-hand.

I will now, as your majesty requireth, give you a true relation of that which hath passed; neither will I decline your royal commandment for delivering my opinion also, though it be a tender subject to write on; but I that account my Being but as an accident to my Service, will neglect no duty upon self-safety.

First, it is necessary I let your majesty know the ground of the difference between the two courts, that your majesty may the better understand the narrative.

There was a statute made 27 Edw. III. cap. 1. which, no doubt, in the principal intention thereof was ordained against those that sued to Rome; wherein there are words somewhat general against any "that questioneth or impeacheth any judgment given in the king's courts, or in any other court." Upon these doubtful words, other courts, the controversy groweth. For the fonder interpretation taketh them to be meant of those courts, which though locally they were not held at Rome, or where the pope's chair was, but here within the realm; yet in their jurisdiction had their dependence upon the court of Rome; as were the court of the legate here, and the courts of the archbishops and bishops, which were then but subordinate judgment-seats to that high tribunal of Rome. And for this construction, the opposition of the words, if they be well observed, between *the king's courts* and *other courts*, maketh very much; for it importeth as if those other courts were not the king's courts. Also the main scope of the statute fortifieth the same. And lastly, the practice of many ages. The other
interpre-

interpretation, which cleaveth to the letter, expoundeth the king's courts to be the courts of law only, and other courts to be courts of equity, as the chancery, exchequer-chamber, duchy, *etc.* Though this also flieth indeed from the letter, for that all these are the king's courts.

There is also another statute, which is but a simple prohibition, and not with a penalty of a *praemunire*, as the other is, "that after judgments given in the king's courts, the parties shall be in peace, except the judgment be undone by error or attaint," which is a legal form of reversal. And of this also I hold the fonder interpretation to be to settle possessions against disturbances, and not to take away remedy in equity, where those judgments are obtained *ex rigore juris*, and against good conscience.

But upon these two statutes there hath been a late conceit in some, that if a judgment pass at the common law against any, that he may not after sue for relief in chancery; and if he doth, both he, and his counsel, and his solicitors, yea and the judge in equity himself, are within the danger of those statutes.

Here your majesty hath the true state of the question, which I was necessarily to open to you first, because your majesty calleth for this relation; not as news, but as business. Now to the historical part.

It is the course of the king's bench, that they give in charge to a grand jury offences of all natures, to be presented within Middlesex, where the said court is; and the manner is, to enumerate them as it were in articles. This was done by justice Crook, the Wednesday before the term ended. And that article, If any man, after a judgment given, had drawn the said judgment to a new examination in any other court, was by him specially given in charge; which had not used to be given in charge before. It is true, it was not solemnly dwelt upon, but as it were thrown in amongst the rest.

The last day of the term, and, that which all men condemn, the supposed last day of my lord chancellor's life, there were two indictments preferred of *praemunire*, for suing in chancery after judgment in common law; the one by Rich. Glanville, the other by William Allen: the former against Courtney, the party in chancery, Gibb the counsellor, and Deurst the clerk; the latter against alderman Bowles and Humfrey Smith, parties in chancery; serjeant More the counsellor, Elias Wood solicitor in the cause, and Sir John Tindal, master of the chancery, and an assessor to my lord chancellor.

For the cases themselves, it were too long to trouble your majesty with them; but this I will say, if they were set on that preferred them, they were the worst marks-men that ever were that set them on. For there could not have been chosen two such causes to the honour and advantage of the chancery, for the justness of the decrees, and the foulness and scandal both of fact and person, in those that impeach the decrees.

The grand jury, consisting, as it seemeth, of very substantial and intelligent persons, would not find the bills, notwithstanding they were clamoured by the parties, and twice sent back by the court; and in conclusion, resolutely seventeen of nineteen found an *Ignoramus*; wherein, for that time, I think *Ignoramus* was wiser than those that know too much.

Your majesty will pardon me, if I be sparing in delivering to you some other circumstances of aggravation, and of concurrences of some like matters the same day;

as

as if it had been some fatal constellation. They be not things so sufficiently tried, as I dare put them into your ear.

For my opinion, I cannot but begin with this preface, that I am infinitely sorry that your majesty is thus put to talve and cure, not only accidents of time, but errors of servants; for I account this a kind of sickness of my lord Coke's, that comes almost in as ill a time as the sickness of my lord chancellor. And as, I think, it was one of the wisest parts that ever he played when he went down to your majesty to Rowston, and desired to have my lord chancellor joined with him; so this was one of the weakest parts that ever he played, to make all the world perceive that my lord chancellor is severed from him at this time.

But for that which may concern your service, which is my end, leaving other men to their own ways, first, my opinion is plainly that my lord Coke at this time is not to be disgraced; both because he is so well habituate for that which remaineth of these capital causes, and also for that which I find is in his breast touching your finances and matters of repair of your estate; and, if I might speak it, as I think it were good his hopes were at an end in some kind, so I could wish they were raised in some other.

On the other side, this great and public affront, not only to the reverend and well deserving person of your chancellor, and at a time when he was thought to lie on dying, which was barbarous, but to your high court of chancery, which is the court of your absolute power, may not, in my opinion, pass lightly, nor end only in some formal atonement, but use is to be made thereof for the settling of your authority and strengthening of your prerogative according to the true rules of monarchy.

Now to reconcile and accommodate these two advices, which seem almost opposite: first your majesty may not see it, though I confess it be suspicious, that my lord Coke was any way aforehand privy to that which was done; or that he did set it or animate it, but only took the matter as it came before him; and that his error was only, that at such a time he did not divert it in some good manner.

Secondly, if it be true, as is reported, that any of the puisne judges did stir this business; or that they did openly revile and menace the jury for doing their conscience, as they did honestly and truly, I think that judge is worthy to lose his place. And, to be plain with your majesty, I do not think there is any thing a greater *polychreston*, or *ad multa utile* to your affairs, than upon a just and fit occasion to make some example against the presumption of a judge in causes that concern your majesty, whereby the whole body of those magistrates may be contained the better in awe; and it may be this will light upon no unfit subject of a person, that is rude, and that no man cares for.

Thirdly, if there be no one so much in fault, which I cannot yet affirm either way, and there must be a just ground, God forbid else, yet I should think, that the very presumption of going so far, in so high a cause, deserveth to have that done which was done in this very case upon the indictment of serjeant Heale in queen Elizabeth's time; that the judges should answer it upon their knees before your majesty or your council, and receive a sharp admonition: at which time also, my lord Wray, being then chief justice, slipt the collar and was forborn.

Fourthly, for the persons themselves, Glanville and Allen, which are base fellows and turbulent, I think there will be discovered and proved against them, besides

besides the preferring of the bills, such combinations and contemptuous speeches and behaviours, as there will be good ground to call them, and perhaps some of their petty counsellors at law, into the star-chamber.

In all this which I have said your majesty may be pleased to observe, that I do not engage you much in the main point of the jurisdiction, for which I have a great deal of reason, which I now forbear. But two things I wish to be done: the one, that your majesty take this occasion to redouble unto all your judges your ancient and true charge and rule, That you will endure no innovating the point of jurisdiction, but will have every court impaled within their own precedents, and not assume to themselves new powers upon conceits and inventions of law: the other, that in these high causes that touch upon state and monarchy, your majesty give them strait charge, that upon any occasions intervenient hereafter, they do not make the vulgar party to their contentions, by public handling them, before they have consulted with your majesty, to whom the reglement of those things only appertaineth.

To conclude, I am not without hope, that your majesty managing this business according to your great wisdom, unto which I acknowledge myself not to be worthy to be card-holder, or a candle-holder, will make profit of this accident as a thing of God's sending.

Lastly, I may not forget to represent to your majesty, that there is no thinking of arraignments until these things be somewhat accommodated, and some outward and superficial reconciliation at least made between my lord chancellor and my lord chief justice; for this accident is a banquet to all the delinquents friends. But this is a thing that falleth out naturally of itself, in respect of the judges going circuit, and my lord chancellor's infirmity with hope of recovery: and although this protraction of time may breed some doubt of mutability, yet I have lately learned out of an excellent letter of a certain king, that the sun sheweth sometimes watry to our eyes, but when the cloud is gone, the sun is as before. God ever preserve your majesty.

Your majesty's most humble subject and bounden servant,

Feb. 21, 1615.

F. R. BACON.

CXXXII. To the KING, on the breach of the new company*.

* Rawley's Refuscitatio.

It may please your most excellent Majesty,

YOUR privy council have wisely and truly discerned of the orders and demands of the new company, that they are unlawful and unjust; and themselves have now acknowledged the work impossible without them, by their petition in writing now registered in the council book; so as this conclusion of their own making, is become peremptory and final to themselves; and the impossibility confessed, the practice and abuse reserved to the judgment the state shall make of it.

This breach then of this great contract is wholly on their part, which could not have been if your majesty had broken upon the patent; for the patent was your majesty's act, the orders are their act; and in the former case they had not been liable to farther question, now they are.

There

For the second main part of your majesty's consultation, that is, what shall be done supposing an absolute breach, I have had some speech with Mr. Secretary Lake, and likewise with Sir Lionel Cranfield; and, as I conceive, there may be three ways taken into consideration: the first is, that the old company be restored, who, no doubt, are in appetite, and, as I find by Sir Lionel Cranfield, not unprepared; and that the licences, the one, that of 30000 cloths, which was the old licence; the other that of my lord Cumberland's, which is without stint, my lord of Cumberland receiving satisfaction, be compounded into one intire licence without stint; and then, that they amongst themselves take order for that profit which hath been offered to your majesty. This is a plain and known way, wherein your majesty is not an actor; only it hath this, that the work of dying and dressing cloths, which hath been so much glorified, seemeth to be wholly relinquished, if you leave there. The second is, that there be a free trade of cloth, with this difference, that the dyed and dressed pay no custom, and the whites double custom, it being a merchandise prohibited and only licentiate. This continueth in life and fame the work desired, and will have a popular applause: but, I do confess, I did ever think that trading in companies is most agreeable to the English nature, which wanteth that same general vein of a republic which runneth in the Dutch, and serveth to them instead of a company; and therefore I dare not advise to adventure this great trade of the kingdom, which hath been so long under government, in a free or loose trade. The third is a compound way of both, which is, to go on with the trade of whites by the old company restored; and that your majesty's profit be raised by order amongst themselves, rather than by double custom, wherein you must be the actor; and that nevertheless there be added a privilege to the same company to carry out cloths dyed, and dressed, custom-free; which will still continue as a glorious beam of your majesty's royal design. I hope and wish at least, that this which I have written may be of some use to your majesty, to settle, by the advice of the lords about you, this great business: at the least it is the effect of my care and poor ability, which, if in me be any, it is given me to no other end but faithfully to serve your majesty. God ever preserve you.

Your majesty's most humble subject and bounden servant,

Feb. 25, 1615.

FR. BACON.

CXXXIII. TO SIR GEORGE VILLIERS*.

* Rawley's
Refuscitatio.

S I R,

I Humbly pray you not to think me over-hasty or much in appetite, if I put you in remembrance of my motion of strengthening me with the oath and trust of a privy counsellor; not for mine own strength, for as to that, I thank God, I am armed within, but for the strength of my service. The times I submit to you, who knoweth them best. But sure I am, there were never times which did more require a king's attorney to be well armed, and, as I said once to you, to wear a gauntlet and not a glove: the arraignments, when they proceed; the contention between the chancery and king's bench; the great cause of the *rege inconulto*, which is so precious to the king's prerogative; divers other services that concern the king's revenue and the repair of his estate. Besides, it pleaseth his majesty to accept well of my rela-

tions touching his business, which may seem a kind of interloping, as the merchants call it, for one that is no counsellor. But I leave all unto you, thinking myself infinitely bounden unto you for your great favours, the beams whereof I see plainly reflect upon me even from others; so that now I have no greater ambition than this, that as the king sheweth himself to you the best master, so I might be found your best servant. In which wish and vow I shall ever rest,

Most devoted and affectionate to obey your commands,

Feb. 27, 1615.

FR. BACON.

CXXXIV. To his MAJESTY, about the earl of Somerset*.

* Stephen's
first collection,
p. 105.

It may please your most excellent majesty,

AT my last access to your majesty, it was fit for me to consider the time and your journey, which maketh me now trouble your majesty with a remnant of that I thought then to have said: besides your old warrant and commission to me, to advertise your majesty when you are *aux champs*, of any thing that concerned your service and my place. I know your majesty is *nanquam minus solus, quam cum solus*; and I confess, in regard of your great judgment, unto which nothing ought to be presented but well weighed, I could almost wish that the manner of Tiberius were in use again, of whom Tacitus saith, *Mis erat quamvis praesentem scripto edire*; much more in absence. I said to your majesty that which I do now repeat, that the evidence upon which my lord of Somerset standeth indicted is of a good strong thread, considering impoisoning is the darkest of offences; but that the thread must be well spun and woven together: for, your majesty knoweth, it is one thing to deal with a jury of Middlesex and Londoners, and another to deal with the peers; whose objects perhaps will not be so much what is before them in the present case, which I think is as odious to them as to the vulgar, but what may be hereafter. Besides, there be two disadvantages, we that shall give in evidence shall meet with, somewhat considerable; the one that the same things often opened lose their freshnets, except there be an aspersion of somewhat that is new; the other is the expectation raised, which makes things seem less than they are, because they are less than opinion. Therefore I were not your attorney, nor myself, if I should not be very careful, that in this last part, which is the pinnacle of your former justice, all things may pass *sine offenculo, sine scrupulo*. Hereupon I did move two things, which, having now more fully explained myself, I do in all humbleness renew. First, that your majesty will be careful to choose a steward of judgment, that may be able to moderate the evidence and cut off digressions; for I may interrupt, but I cannot silence: the other, that there may be special care taken for the ordering the evidence, not only for the knitting, but for the list, and, to use your majesty's own words, the confining of it. This to do, if your majesty vouchsafe to direct it yourself, that is the best; if not, I humbly pray you to require my lord chancellor, that he, together with my lord chief justice, will confer with myself and my fellows, that shall be used for the marshalling and bounding of the evidence, that we may have the help of his opinion, as well as that of my lord chief justice; whose great travels as I much com-

mend,

mend, yet that same *plerophoria*, or over-confidence, doth always subject things to a great deal of chance.

There is another business proper for me to crave of your majesty at this time, as one that have in my eye a great deal of service to be done concerning your casual revenue; but considering times and persons, I desire to be strengthened by some such form of commandment under your royal hand, as I send you here inclosed. I most humbly pray your majesty to think, I understand myself right well in this which I desire, and that it tendeth greatly to the good of your service. The warrant I mean not to impart, but upon just occasion; thus thirstily to hear of your majesty's good health, I rest—

22 Jan. 1615.

CXXXV. To his MAJESTY, about the chancellor's place*.

* Rawley's
Resuscitatio.

It may please your most excellent majesty,

THE last day when it pleased your majesty to express yourself towards me far above that I can deserve or could expect, I was surpris'd by the prince's coming in: I most humbly pray your majesty, therefore, to accept these few lines of acknowledgment. I never had greater thoughts for myself, farther than to maintain those great thoughts, which, I confess, I have for your service. I know what honour is, and I know what the times are; but, I thank God, with me my service is the principal; and it is far from me, under honourable pretences to cover base desires; which I account them to be, when men refer too much to themselves, especially serving such a king. I am afraid of nothing but that the matter of the horse, your excellent servant, and I shall fall out, who shall hold your stirrup best. But were your majesty mounted and seated without difficulties and distastes in your business, as I desire and hope to see you; I should *ex animo* desire to spend the decline of my years in my studies: wherein also I should not forget to do him honour, who, besides his active and politic virtues, is the best pen of kings, much more the best subject of a pen. God ever preserve your majesty.

Your majesty's most humble subject, and more and more obliged servant,

April 1, 1616.

FR. BACON.

CXXXVI. To Sir GEORGE VILLIERS, about the earl of Somers^{et}*.

* Stephens's
first collection,
p. 108.

S I R,

I Thought it convenient to give his majesty an account of that which his majesty gave me in charge in general, reserving the particulars for his coming; and I find it necessary to know his pleasure in some things ere I could farther proceed.

My lord chancellor and myself spent Thursday and yesterday, the whole forenoons of both days, in the examination of Sir Robert Cotton; whom we find hitherto but empty, save only in the great point of the treaty with Spain.

This examination was taken before his majesty's warrant came to Mr. Vice-Chamberlain, for communicating unto us the secrets of the pensions; which warrant I

received yesterday morning being Friday, and a meeting was appointed at my lord chancellor's in the evening after council; upon which conference we find matter of farther examination for Sir Robert Cotton, of some new articles whereupon to examine Somerset, and of entering into examination of Sir William Mounson.

Wherefore, first for Somerset, being now ready to proceed to examine him, we stay only upon the duke of Lenox, who it seemeth is fallen sick and keepeth in; without whom, we neither think it warranted by his majesty's direction, nor agreeable to his intention, that we should proceed; for that will want, which should sweeten the cup of medicine, he being his countryman and friend. Herein then we humbly crave his majesty's direction with all convenient speed, whether we shall expect the duke's recovery, or proceed by ourselves; or that his majesty will think of some other person, qualified according to his majesty's just intention, to be joined with us. I remember we had speech with his majesty of my lord Hay; and I, for my part, can think of no other, except it should be my lord chancellor of Scotland, for my lord Binning may be thought too near allied.

I am farther to know his majesty's pleasure concerning the day; for my lord chancellor and I conceived his majesty to have designed the Monday and Tuesday after St. George's feast; and nevertheless we conceived also, that his majesty understood that the examinations of Somerset about this, and otherwise touching the Spanish practices, should first be put to a point; which will not be possible, as time cometh on, by reason of this accident of the duke's sickness, and the cause we find of Sir William Mounson's examination, and that divers of the peers are to be sent for from remote places.

It may please his majesty therefore to take into consideration, whether the days may not well be put off till Wednesday and Thursday after the term, which endeth on the Monday, being the Wednesday and Thursday before Whitsuntide; or, if that please not his majesty, in respect, it may be, his majesty will be then in town, whereas these arraignments have been still in his majesty's absence from town, then to take Monday and Tuesday after Trinity Sunday, being the Monday and Tuesday before Trinity term.

Now for Sir William Mounson, if it be his majesty's pleasure that my lord chancellor and I shall proceed to the examination of him, for that of the duke of Lenox differs, in that there is not the like cause as in that of Somerset, then his majesty may be pleased to direct his commandment and warrant to my lord chief justice, to deliver unto me the examination he took of Sir William Mounson, that those, joined to the information which we have received from Mr. Vice-Chamberlain, may be full instructions unto us for his examination. Farther, I pray let his majesty know, that on Thursday in the evening my lord chief justice and myself attended my lord chancellor at his house for the settling that scruple which his majesty most justly conceived in the examination of the lady Somerset; at which time, resting on his majesty's opinion, that that evidence, as it standeth now uncleared, must *secundum leges & nae conscientiae* be laid aside; the question was, whether we should leave it out, or try what a re-examination of my lady Somerset would produce? Whereupon we agreed upon a re-examination of my lady Somerset, which my lord chief justice and I have appointed for Monday morning. I was bold at that meeting to put my lord chief justice a posing question; which was, Whether that opinion which his brethren had given upon the whole evidence, and he had reported to his majesty, namely, that it was good evidence, in their opinions, to convict my lord

of Somersfet, was not grounded upon this part of the evidence now to be omitted, as well as upon the rest: who answered positively, No; and they never saw the exposition of the letter, but the letter only.

The same Thursday evening, before we entered into this last matter, and in the presence of Mr. Secretary Winwood, who left us when we went to the former business, we had conference concerning the frauds and abusive grants passed to the prejudice of his majesty's state of revenue; where my lord chief justice made some relation of his collections which he had made of that kind; of which I will only say this, that I heard nothing that was new to me, and I found my lord chancellor in divers particulars, more ready than I had found him. We grew to a distribution both of times and of matters, for we agreed what to begin with presently, and what should follow, and also we had consideration what was to be holpen by law, what by equity, and what by parliament; wherein I must confess, that in the last of these, of which my lord chief justice made most account, I make most doubt. But the conclusion was, that upon this entrance I should advise and confer at large with my lord chief justice, and set things in work. The particulars I refer till his majesty's coming.

The learned counsel have now attended me twice at my chamber, to confer upon that which his majesty gave us in commandment, for our opinion upon the case set down by my lord chancellor, whether the statutes extend to it or no; wherein we are more and more edified and confirmed that they do not, and shall shortly send our report to his majesty.

Sir, I hope you will bear me witness I have not been idle; but all is nothing to the duty I owe his majesty for his singular favours past and present; supplying all with love and prayers, I rest,

Your true friend and devoted servant,

April 13, 1616.

FR. BACON.

CXXXVII. To Sir GEORGE VILLIERS, about the earl of Somersfet*.

S I R,

I Received from you a letter of very brief and clear directions; and I think it a great blessing of God upon me and my labours, that my directions come by so clear a conduit, as they receive no tincture in the passage.

Yesterday my lord chancellor, the duke of Lenox, and myself, spent the whole afternoon at the Tower, in the examination of Somersfet, upon the articles sent from his majesty, and some other additional, which were in effect contained in the former, but extended to more particularity, by occasion of somewhat discovered by Cotton's examination and Mr. Vice-Chamberlain's information.

He is full of protestations, and would fain keep that quarter toward Spain clear: using but this for argument, that he had such fortunes from his majesty, as he could not think of bettering his conditions from Spain, because, as he said, he was no military man. He cometh nothing so far on, for that which concerneth the treaty, as Cotton, which doth much aggravate suspicion against him: the farther particulars I reserve to his majesty's coming.

In

* Stephens's first collection, p. 112.

LETTERS OF SIR FR. BACON TEMP. JAC.

In the end, *tanquam cetera*, but very effectually, my lord chancellor put him in mind of the state he stood in for the imprisonment; but he was little moved with it, and pretended carelessness of life, since ignominy had made him unfit for his majesty's service. I am of opinion that the fair usage of him, as it was fit for the Spanish examinations, and for the questions touching the papers and dispatches, and all that, so it was no good preparative to make him descend into himself touching his present danger: and therefore my lord chancellor and myself thought not good to insist upon it at this time.

I have received from my lord chief justice the examination of Sir William Mounson; with whom we mean to proceed to farther examination with all speed.

My lord chief justice is altered touching the re-examination of the lady, and desired me that we might stay till he spake with his majesty, saying, it could be no casting back to the business; which I did approve.

Myself with the rest of my fellows, upon due and mature advice, perfected our report touching the chancery; for the receiving whereof, I pray you put his majesty in mind at his coming, to appoint some time for us to wait upon him all together, for the delivery in of the same, as we did in our former certificate.

For the revenue matters, I reserve them to his majesty's coming; and in the mean time I doubt not but Mr. Secretary Winwood will make some kind of report thereof to his majesty.

For the conclusion of your letter concerning my own comfort, I can but say the Psalm of *Quid retribuam?* God that giveth me favour in his majesty's eyes, will strengthen me in his majesty's service. I ever rest

Your true and devoted servant,

April 18, 1616.

FR. BACON.

To requite your postscript of excuse for scribbling, I pray you excuse that the paper is not gilt, I writing from Westminster-Hall, where we are not so fine.

CXXXVIII. A Letter to the KING, with his MAJESTY'S observations upon it*.

* Stephens's
F. II collection,
F. 114.

It may please your most excellent majesty,

YOUR majesty hath put me upon a work of providence in this great cause, which is to break and distinguish future events into present cases; and so to present them to your royal judgment, that in this action, which hath been carried with so great prudence, justice, and clemency, there may be, for that which remaineth, as little surprize as is possible; but that things duly foreseen may have their remedies and directions in readiness; wherein I cannot forget what the poet Martial saith; *O quantum est jubitis casibus ingenium!* signifying, that accident is many times more subtle than foresight, and over-reacheth expectation; and besides, I know very well the meanness of my own judgment, in comprehending or forecalling what may follow.

It was your majesty's pleasure also, that I should couple the suppositions with my opinion in every of them, which is a harder task; but yet your majesty's

jeity's commandment requireth my obedience, and your trust giveth me assurance.

I will put the case, which I wish; that Somerset should make a clear confession of his offences, before he be produced to tryal.

In this case it seemeth your majesty will have a new consult; the points whereof will be, 1. Whether your majesty will stay the tryal, and so save them both from the stage, and that public ignominy. 2. Or whether you will, or may fitly by law, have the tryal proceed, and stay or reprieve the judgment, which saveth the lands from forfeiture, and the blood from corruption. 3. Or whether you will have both tryal and judgment proceed, and save the blood only, not from corrupting, but from spilling.

These be the depths of your majesty's mercy which I may not enter into: but for honour and reputation they have these grounds:

That the blood of Overbury is already revenged by divers executions.

That confession and penitency are the footsteps of mercy; adding this circumstance likewise, that the former offenders did none of them make a clear confession.

That the great downfall of so great persons carrieth in itself a heavy judgment, and a kind of civil death, although their lives should not be taken.

All which may satisfy honour for sparing their lives. But if your majesty's mercy should extend to the first degree, which is the highest, of sparing the stage and the tryal; then three things are to be considered:

First, That they make such a submission or deprecation, as they prostrate themselves, and all that they have, at your majesty's feet, imploring your mercy.

Secondly, That your majesty, in your own wisdom, do advise what course you will take, for the utter extinguishing of all hopes of resuscitating of their fortunes and favour; whereof if there should be the least conceit, it will leave in men a great deal of envy and discontent.

And lastly; whether your majesty will not suffer it to be thought abroad, that there is cause of farther examination of Somerset, concerning matters of estate, after he shall begin once to be a confessant, and so make as well a politic ground, as a ground of clemency, for farther stay.

And for the second degree, of proceeding to tryal, and staying judgment, I must better inform myself by precedents, and advise with my lord chancellor.

The second case is, if that fall out which is likest, as things stand, and which we expect, which is, that the lady confess; and that Somerset himself plead not guilty, and be found guilty:

In this case, first, I suppose your majesty will not think of any stay of judgment, but that the public process of justice pass on.

R E X.

I say with Apollo, *Medis tutius itur*, if it may stand with law; and if it cannot, when I shall hear that he confesseth, I am then to make choice of the first or the last.

R E X.

This article cannot be mended in point thereof.

R E X.

If stay of judgment can stand with the law, I could even wish it in this case: in all the rest this article cannot be mended.

Secondly,

Secondly, For your mercy to be extended to both for pardon of their execution, I have partly touched in the considerations applied to the former case; whereunto may be added, that as there is ground of mercy for her, upon her penitency and free confession, and will be much more upon his finding guilty; because the malice on his part will be thought the deeper source of the offence: so there will be ground for mercy on his part, upon the nature of the proof; and because it rests chiefly upon presumptions. For certainly there may be an evidence so balanced, as it may have sufficient matter for the conscience of the peers to convict him, and yet leave sufficient matter in the conscience of a king upon the same evidence to pardon his life; because the peers are astringed by necessity either to acquit or condemn; but grace is free: and for my part, I think the evidence in this present case will be of such a nature.

R E X.

That danger is well to be foreseen, lest he upon the one part commit unpardonable errors, and I on the other part seem to punish him in the spirit of revenge.

R E X.

This article cannot be mended.

Thirdly, It shall be my care so to moderate the manner of charging him, as it might make him not odious beyond the extent of mercy.

Lastly, All these points of mercy and favour are to be understood with this limitation, if he do not, by his contemptuous and insolent carriage at the bar, make himself incapable and unworthy of them.

The third case is, if he should stand mute and will not plead, whereof, your majesty knoweth, there hath been some secret question.

In this case I should think fit, that, as in public, both myself, and chiefly my lord chancellor, sitting then as lord Steward of England, should dehort and deter him from that desperation; so nevertheless, that as much should be done for him, as was done for Weston; which was to adjourn the court for some days, upon a christian ground, that he may have time to turn from that mind of destroying himself; during which time your majesty's farther pleasure may be known.

The fourth case is that which I should be very sorry it should happen, but it is a future contingent; that is, if the peers should acquit him and find him not guilty.

In this case the lord steward must be provided what to do. For as it hath been never seen, as I conceive it, that there should be any rejecting of the verdict, or any respiting of the judgment of the acquittal; so on the other side this case requireth, that because there be many high and heinous offences, though not capital, for which he may be questioned in the star-chamber, or otherwise, that there be some touch of that in general at the conclusion, by my lord steward of England; and that therefore he be remanded to the Tower as close prisoner.

R E X.

This is so also.

For the matter of examination, or other proceedings, my lord chancellor with my advice hath set down,

To-morrow, being Monday, for the re-examination of the lady:

Wednesday next, for the meeting of the judges concerning the evidence:

Thursday for the examination of Somerset himself, according to your majesty's instructions:

Which

Which three parts, when they shall be performed, I will give your majesty advertisement with speed, and in the mean time be glad to receive from your majesty, whom it is my part to inform truly, such directions or significations of your pleasure as this advertisement may induce, and that with speed, because the time cometh on. Well remembring who is the person whom your majesty admitted to this secret, I have sent this letter open unto him, that he may take your majesty's times to report it, or shew it unto you; assuring myself that nothing is more firm than his trust, tyed to your majesty's commandments.

Your majesty's most humble and most bounden subject and servant,

April 23, 1616.

FR. BACON.

CXXXIX. To Sir GEORGE VILLIERS, about the earl of
Somerset*.

* Stephens's
first collection,
p. 120.

S I R,

I Have received my letter from his majesty with his marginal notes, which shall be my directions, being glad to perceive I understand his majesty so well. That same little charm, which may be secretly infused into Somerset's ear some few hours before his trial, was excellently well thought of by his majesty; and I do approve it both for matter and time; only if it seem good to his majesty, I would wish it a little enlarged: for if it be no more than to spare his blood, he hath a kind of proud humour which may overwork the medicine. Therefore I could wish it were made a little stronger, by giving him some hopes that his majesty will be good to his lady and child; and that time, when justice and his majesty's honour is once saved and satisfied, may produce farther fruit of his majesty's compassion: which was to be seen in the example of Southampton, whom his majesty after attainder restored; and Cobham and Gray, to whom his majesty, notwithstanding they were offenders against his own person, yet he spared their lives; and for Gray, his majesty gave him back some part of his estate, and was upon point to deliver him much more. He having been so highly in his majesty's favour, may hope well, if he hurt not himself by his public mildemeanor.

For the person that should deliver this message, I am not so well seen in the region of his friends, as to be able to make choice of a particular; my lord treasurer, the lord Knollys, or any of his nearest friends, should not be trusted with it: for they may go too far, and perhaps work contrary to his majesty's ends. Those which occur to me, are my lord Hay, my lord Burleigh, of England I mean, and Sir Robert Carre.

My lady Somerset hath been re-examined, and his majesty is found both a true prophet and a most just king in that scruple he made; for now she expoundeth the word He, that should send the tarts to Elwys's wife, to be of Overbury, and not of Somerset; but for the person that should bid her, she said it was Northampton or Weston, not pitching upon certainty, which giveth some advantage to the evidence.

Yesterday being Wednesday, I spent four or five hours with the judges whom his majesty designed to take consideration with, the four judges of the King's Bench.

LETTERS OF SIR FR. BACON TEMP. JAC.

of the evidence against Somerset: they all concur in opinion, that the questioning and drawing him on to trial is most honourable and just, and that the evidence is fair and good.

His majesty's letter to the judges concerning the *Commendams* was full of magnanimity and wisdom. I perceive his majesty is never lets alone, than when he is alone; for I am sure there was no body by him to inform him, which made me admire it the more.

The judges have given a day over, till the second Saturday of the next term; so as that matter may endure farther consideration, for his majesty not only not to lose ground, but to win ground.

To-morrow is appointed for the examination of Somerset, which by some infirmity of the duke of Lenox was put off from this day. When this is done, I will write more fully, ever resting,

Your true and devoted servant,

May 2, 1616.

FR. BACON.

• Ste. Hen's
first collection,
p. 122.

CXL. To Sir GEORGE VILLIERS, of Somerset's arraignment*.

S I R,

I Am far enough from opinion, that the redintegration or resuscitation of Somerset's fortune can ever stand with his majesty's honour and safety; and therein I think I express'd myself fully to his majesty in one of my former letters; and I know well any expectation or thought abroad will do much hurt. But yet the glimmering of that which the king hath done to others, by way of talk to him, cannot hurt, as I conceive; but I would not have that part of the message as from the king, but added by the messenger as from himself. This I remit to his majesty's princely judgment.

For the person, tho' he trust the lieutenant well, yet it must be some new man; for in these cases, that which is ordinary worketh not so great impressions as that which is new and extraordinary.

The time I wish to be the Tuesday, being the even of his lady's arraignment: For, as his majesty first conceived, I would not have it stay in his stomach too long, lest it sour in the digestion; and to be too near the time, may be thought but to tune him for that day.

I send herewithal the substance of that which I purpose to say nakedly, and only in that part which is of tenderness; for that I conceive was his majesty's meaning.

It will be necessary, because I have distributed parts to the two serjeants, as that paper doth express, and they understand nothing of his majesty's pleasure of the manner of carrying the evidence more than they may guess by observation of my example, which they may ascribe as much to my nature as to direction; therefore that his majesty would be pleased to write some few words to us all, signed with his own hand, that, the matter itself being tragical enough, bitterness and insulting be forborn; and that we remember our part to be to make him delinquent to the peers, and not odious to the people. That part of the evidence of the lady's exposition of the pronoun, *he*, which was first caught hold of by me, and afterwards

by

by his majesty's singular wisdom and conscience excepted to, and now is by her re-examination retracted, I have given order to serjeant Montague, within whose part it falleth, to leave it out of the evidence. I do yet crave pardon, if I do not certify touching the point of law for respiting the judgment, for I have not fully advised with my lord chancellor concerning it, but I will advertise it in time.

I send his majesty the lord steward's commission in two severall instruments, the one to remain with my lord chancellor, which is that which is written in secretary-hand for his warrant, and is to pass the signet; the other, that whereunto the great seal is to be affixed, which is in chancery-hand: his majesty is to sign them both, and to transmit the former to the signet, if the secretaries either of them be there; and both of them are to be returned to me with all speed. I ever rest,

Your true and devoted servant,

MAY, 1599

FR. BACON.

CXLI. To the KING, about Somersets examination*.

It may please your majesty,

* Stephens's
first collection,
p. 124.

WE have done our best endeavours to perform your majesty's commission, both in matter and manner, for the examination of my lord of Somerset; wherein that which passed, for the general, was to this effect; That he was to know his own case, for that his day of trial could not be far off; but that this day's work was that which would conduce to your majesty's justice little or nothing, but to your mercy much, if he did lay hold upon it; and therefore might do him good, but could do him no hurt. For as for your justice, there had been taken great and grave opinion, not only of such judges as he may think violent, but of the most sad and most temperate of the kingdom, who ought to understand the state of the proofs, that the evidence was full to convict him, so as there needeth neither confession, nor supply of examination. But for your majesty's mercy, although he were not to expect we should make any promise, we did assure him, that your majesty was compassionate of him if he gave you some ground whereon to work; that as long as he stood upon his innocency and trial, your majesty was tied in honour to proceed according to justice; and that he little understood, being a close prisoner, how much the expectation of the world, besides your love to justice itself, engaged your majesty, whatsoever your inclinations were: but nevertheless that a frank and clear confession might open the gate of mercy, and help to satisfy the point of honour.

That his lady, as he knew, and that after many oaths and imprecations to the contrary, had nevertheless in the end being touched with remorse, confessed; that she that led him to offend, might lead him likewise to repent of his offence: that the confession of one of them could not fitly do either of them much good, but the confession of both of them might work some farther effect towards both: and therefore, in conclusion, we wished him not to shut the gate of your majesty's mercy against himself, by being obdurate any longer. This was the effect of that which was spoken, part by one of us, part by another, as it fell out; adding farther, that he might well discern who spake in us in the course we held; for that commissioners for examination might not presume to far of themselves.

Qq 2

Net

Not to trouble your majesty with circumstances of his answers, the sequel was no other, but that we found him still not to come any degree farther on to confets; only his behaviour was very sober, and modest, and mild, differing apparently from other times, but yet, as it seemed, resolved to have his trial.

Then did we proceed to examine him upon divers questions touching the empoisonment, which indeed were very material and supplemental to the former evidence; wherein either his affirmatives gave some light, or his negatives do greatly fallify him in that which is apparently proved.

We made this farther observation; that when we asked him some question that did touch the prince or some foreign practice, which we did very sparingly at this time, yet he grew a little stirred, but in the questions of the empoisonment very cold and modest. Thus not thinking it necessary to trouble your majesty with any farther particulars, we end with prayer to God ever to preserve your majesty.

Your majesty's most loyal and faithful servant,

FR. BACON.

Postscript. If it seem good unto your majesty, we think it not amiss some preacher, well chosen, had access to my lord of Somerset for his preparing and comfort, although it be before his trial.

CXLII. An exhortation to the lord chief justice C O K E *.

* Stephen's
first edition,
p. 120.

My very good Lord,

Eccles. xi. 4.

THOUGH it be true, that *he who considereth the wind and the rain, shall neither sow nor reap; yet there is a season for every action, and so there is a time to speak, and a time to keep silence.* There is a time when the words of a poor simple man may profit; and that poor man in *The Preacher*, which delivered the city by his wisdom, found that without this opportunity the owner both of wisdom and eloquence lose but their labour, and cannot charm the deaf adder. God therefore; before his Son that bringeth mercy, sent his servant the trumpeter of repentance to level every high hill, to prepare the way before him, making it smooth and straight: and as it is in spiritual things, where Christ never comes before his way-maker hath laid even the heart with sorrow and repentance, since self-conceited and proud persons think themselves too good and too wise to learn of their inferiors, and therefore need not the physician, so in the rules of earthly wisdom, it is not possible for nature to attain any mediocrity of perfection, before she be humbled by knowing herself and her own ignorance. Not only knowledge, but also every other gift, which we call the gifts of fortune, have power to puff up earth: afflictions only level these mole-hills of pride, plough the heart, and make it fit for wisdom to sow her seed, and for grace to bring forth her increase. Happy is that man therefore, both in regard of heavenly and earthly wisdom, that is thus wounded to be cured, thus broken to be made straight; thus made acquainted with his own imperfections that he may be perfected.

Supposing this to be the time of your affliction, that which I have propounded to myself is, by taking this seasonable advantage, like a true friend, though far unworthy

worthy to be counted so, to shew you your true shape in a glaſs; and that not in a falſe one to flatter you, nor yet in one that ſhould make you ſeem worse than you are, and ſo offend you; but in one made by the reflexion of your own words and actions; from whose light proceeds the voice of the people, which is often not unfitly called the voice of God. But therein, ſince I have purpoſed a truth, I muſt intreat liberty to be plain, a liberty that at this time I know not whether or no I may uſe ſafely, I am ſure at other times I could not; yet of this reſolve yourſelf, it proceedeth from love and a true deſire to do you good; that you knowing the general opinion, may not altogether neglect or contemn it, but mend what you find amifs in yourſelf, and retain what your judgment ſhall approve; for to this end ſhall truth be delivered as naked as if yourſelf were to be anatomized by the hand of opinion. All men can ſee their own profit, that part of the wallet hangs before. A true friend (whose worthy office I would perform, ſince, I fear, both yourſelf and all great men want ſuch, being themſelves true friends to few or none) is firſt to ſhew the other, and which is from your eyes.

Firſt therefore behold your errors. In diſcourſe you delight to ſpeak too much, not to hear other men; this, ſome ſay, becomes a pleader not a judge; for by this ſometimes your affections are entangled with a love of your own arguments, though they be the weaker; and rejecting of thoſe, which, when your affections were ſettled, your own judgment would allow for ſtrongeſt. Thus while you ſpeak in your own element the law, no man ordinarily equals you; but when you wander, as you often delight to do, you wander indeed, and give never ſuch ſatisfaction as the curious time requires. This is not cauſed by any natural defect, but firſt for want of election, when you have a large and fruitful mind, ſhould not ſo much labour what to ſpeak, as to find what to leave unſpoken: rich ſoils are often to be weeded.

Secondly, You cloy your auditory when you would be obſerved; ſpeech muſt be either ſweet or ſhort.

Thirdly, You converſe with books, not men, and books eſpecially human; and have no excellent choice with men, who are the beſt books: for a man of action and employment you ſeldom converſe with, and then but with your underlings; not freely, but as a ſchoolmaſter with his ſcholars, ever to teach, never to learn: but if ſometimes you would in your familiar diſcourſe hear others, and make election of ſuch as know what they ſpeak, you ſhould know many of theſe tales you tell to be but ordinary; and many other things, which you delight to repeat and ſerve in for novelties, to be but ſtale. As in your pleadings you were wont to inſult over miſery, and to inveigh bitterly at the perſons, which bred you many enemies, whoſe poiſon yet ſwelleth, and the effects now appear, ſo are you ſtill wont to be a little careleſs in this point, to praiſe or diſgrace upon ſlight grounds, and that ſometimes untruly; ſo that your reproofs or commendations are for the moſt part neglected and contemned; when the censure of a judge, coming ſlow but ſure, ſhould be a brand to the guilty, and a crown to the virtuous. You will jeſt at any man in public, without reſpect of the perſon's dignity or your own: this diſgraceth your gravity, more than it can advance the opinion of your wit; and ſo do all actions which we ſee you do directly with a touch of vain-glory, having no reſpect to the true end. You make the law to lean too much to your opinion, whereby you ſhew yourſelf to be a legal tyrant, ſtriking with that weapon where you pleaſe, ſince you are able to turn the edge any way: for thus the wiſe maker of the law gives warn-
ing

Let the young gentlemen, that they should be wary, lest, while they hope to be instructed by your integrity and knowledge, they should be deceived with your skill granted with authority. Your too much love of the world is too much love, when I should be to give you a thousand, you receive a few or none: the hand that has taken from you, do it give to others. Alas, you show no bowels of compassion, as if you thought all too little for yourself; or that God hath given you all that you have, if you could wish to be as good, I trust that you get well, for I know fore the rest is not, only to that end you should like your man, and never be troubled; but try how much you would gather, to account for all at the great and general audit-day. We desire you to a hard day, and let your payments in household and home comfort; where nothing of your estate is spent towards their relief, but all brought up higher, to the responsibility of your country.

In your last, which might have been your best, piece of service to the state, affectioned to follow that old rule, which giveth justice leaden heels and iron hands, you used too many delays till the delinquents hands were loosed, and yours bound: in that work you seemed another Fabius, where the humour of Marcellus would have done better; what need you have sought more evidences than enough? while you pretended the finding out of more, missing your aim, you discredited what you had found. This best judgments think; though you never used such speeches as are fathered upon you, yet you might well have done it, and but rightly; for this crime was second to none, but the powder-plot: that would have blown up all at one blow, a merciful cruelty; this would have done the same by degrees, a lingering but a sure way; one might by one be called out, till all opposers had been removed.

Besides, that other plot was scandalous to Rome, making popery odious in the sight of the whole world: this hath been scandalous to the truth of the whole gospel; and since the first nullity to this instant, when justice hath her hands bound, the devil could not have invented a more mischievous practice to our state and church than this hath been, is, and is like to be. God avert the evil.

But herein you committed another fault: that as you were too open in your proceedings, and so taught them thereby to defend themselves; so you gave them time to undermine justice, and to work upon all advantages both of affections, and honour, and opportunity, and breach of friendship; which they have so well followed, sparing neither pains nor costs, that it almost seemeth an higher offence in you to have done so much indeed, than that you have done no more: you stopt the confessions and accusations of some, who perhaps, had they been suffered, would have spoken enough to have removed some stumbling-blocks out of your way; and that you did not this in the favour of any one, but of I know not what present unadvised humours, supposing enough behind to discover all; which fell not out so. However, as the apostle saith in another case, you *went not rightly to the truth*; and therefore, though you were to be commended for some you did, yet you were to be reprehended for many circumstances in the doing; and doubtless God hath an eye in this cross to your negligence, and the briars are left to be pricks in your sides and thorns in your eyes. But that which we commend you for, are those excellent parts of wisdom, and knowledge in the law, which you are endowed with; which to are only good in their good use. Wherefore we thank you heartily for standing stoutly in the commonwealth's behalf; hoping it proceedeth not from a disposition to oppose greatness, as your enemies say, but to do justice, and deliver truth indifferently
without

without respect of persons; and in this we pray for your prosperity, and are sorry that your good actions should not always succeed happily. But in the carriage of this you were faulty; for you took it in hand in an evil time, both in respect of the present business which was interrupted, and in regard of his present sickness whom it concerned, whereby you diminished your strength, and made a gap for the enemies to pass out at, and to return and assault you.

But now since the case so standeth, we desire you to give way to power, and so to fight that you be not utterly broken, but reserved intirely to serve the commonwealth again, and to do what good you can, since you cannot do all the good you would; and since you are fallen upon this rock, cast out the goods to save the bottom; stop the leaks and make towards land; learn of the steward to make friends of the unrighteous mammon. Those Spaniards in Mexico who were chafed of the Indians, tell us what to do with our goods in our extremity: they being to pass over a river in their flight, as many as cast away their gold swam over safe; but some more covetous, keeping their gold, were either drowned with it, or overtaken and slain by the savages: you have received, now learn to give. The beaver learns us this lesson, who being hunted for his stones, bites them off: you cannot but have much of your estate, pardon my plainness, ill got; think how much of that you never spake for, how much by speaking unjustly or in unjust causes. Account it then a blessing of God, if thus it may be laid out for your good, and not left for your heir, to hasten the wasting of much of the rest, perhaps of all: for so we see God oftentimes proceeds in judgment with many hasty gatherers: you have enough to spare, being well laid, to turn the tide, and fetch all things again. But if you escape, I suppose it worthy of an *If*, since you know the old use, that none called in question must go away uncensured, yet consider that accusations make wounds, and leave scars; and though you see the toil behind your back, yourself free, and the covert before, yet remember there are stands: trust not a reconciled enemy; but think the peace is but to secure you for farther advantage, or expect a second and a third encounter; the main battle, the wings are yet unbroken, they may charge you at an instant, or Death before them; walk therefore circumspectly, and if at length, by means of our endeavours and yours, you recover the favour that you have lost; give God the glory in action, not in words only; and remember us with sense of your past misfortune, whose estate hath, and may hereafter lie in the power of your breath.

There is a great mercy in dispatch, delays are tortures, wherewith by degrees we are rent out of our estates^a; do not you, if you be restored, as some others do, fly from the service of virtue to serve the time, as if they repented their goodness, or meant not to make a second hazard in God's house; but rather let this cross make you zealous in God's cause, sensible in ours, and more sensible in all; which expresses thus. You have been a great enemy to papists, if you love God be so still, but more indeed than heretofore; for much of your zeal was heretofore wasted in words: call to remembrance that they were the persons that prophesied of that cross of yours long before it happened; they saw the storm coming, being the principal contrivers and furtherers of the plot, the men that blew the coals, heat the iron, and made all

^a My lord Bacon observe elsewhere, that the Scripture saith, there be that turn judgment into wormwood; and faith he, "surely there be also that turn it into vinegar; for injustice maketh it bitter, and delays make it sour." *Lilly's Life*. Vol. I. p. 320.

things ready; they owe you a good turn, and will, if they can, pay it you; you see their hearts by their deeds, prove then your faith to too: the best good work you can do, is to do the best you can against them, that is, to see the law severely, justly, and diligently executed.

And now we beseech you, my lord, be sensible both of the stroke and hand that striketh; learn of David to leave Shimei, and call upon God; he hath some great work to do, and he prepareth you for it; he would neither have you faint, nor yet bear this cross with a stoical resolution: there is a christian mediocrity worthy of your greatness. I must be plain, perhaps rash; had some notes which you had taken at sermons been written in your heart to practise, this work had been done long ago, without the envy of your enemies; but when we will not mind ourselves, God, if we belong to him, takes us in hand; and because he seeth that we have unbridled stomachs, therefore he sends outward crosses, which, while they cause us to mourn, do comfort us, being assured testimonies of his love that sends them. To humble ourselves therefore before God, is the part of a christian; but for the world and our enemies the counsel of the poet is apt,

Æneid vi.
95.

Tu no cede malis, sed contra audentior ito.

The last part of this counsel you forget, yet none need be ashamed to make use of it, that to being armed against casualties, you may stand firm against the assaults on the right hand, and on the left. For this is certain, the mind that is most prone to be puffed up with prosperity, is most weak and apt to be dejected with the least puff of adversity. Indeed she is strong enough to make an able man stagger, striking terrible blows: but true christian wisdom gives us armour of proof against all assaults, and teacheth us in all estates to be content: for though she cause our truest friends to declare themselves our enemies; though she give heart then to the most cowardly to strike us; though an hour's continuance countervails an age of prosperity; though she cast in our dish all that ever we have done; yet hath she no power to hurt the humble and wise, but only to break such as too much prosperity hath made stiff in their own thoughts, but weak indeed; and fitted for renewing: when the wise rather gather from thence profit and wisdom; by the example of David, who said, *Before I was chastised I went astray*. Now then he that knoweth the right way, will look better to his footing. Cardan saith, that weeping, fasting, and sighing, are the chief purges of grief; indeed naturally they do assuage sorrow; but God in this case is the only and best physician; the means he hath ordained are the advice of friends, the amendment of ourselves; for amendment is both physic and cure. For friends, though your lordship be least, yet I hope you are not altogether destitute; if you be, do but look upon good books; they are true friends, that will neither flatter nor dissemble: be you but true to yourself, applying that which they teach unto the party grieved, and you shall need no other comfort nor counsel. To them, and to God's holy Spirit, directing you in the reading of them I commend your lordship; beseeching him to lead you a good issue out of these troubles, and from henceforth to work a reformation in all that is amiss, and a resolute perseverance, proceeding, and growth, in all that is good; and that for his glory, the bettering of yourself, this church, and commonwealth; whose faithful servant whilst you remain,

I remain a faithful servant to you.

FR. BACON.

CXLIII.

CXLIII. To Sir GEORGE VILLIERS*.

* Rawley's
Recusatio.

S I R,

THE time is, as I should think, now or never, for his majesty to finish his good meaning towards me; if it please him to consider, what is past, and what is to come.

If I would tender my profit, and oblige men unto me by my place and practice, I could have more profit than I could devise; and could oblige all the world, and offend none; which is a brave condition for a man's private. But my heart is not on these things. Yet on the other side, I would be sorry that worthless persons should make a note that I get nothing but pains and enemies; and a little popular reputation, which followeth me whether I will or no. If any thing be to be done for yourself, I should take infinite contentment, that my honour might wait upon yours; but I would be loth it should wait upon any man's else. If you would put your strength to this business, it is done; and that done many things more will begin. God keep you ever. I rest

Your true and devoted servant,

May 30, 1616.

FR. BACON.

CXLIV. To the KING, about the Commendams*.

* Stephens's
first collec-
tion, p. 137.*May it please your most excellent majesty,*

I Am not swift to deliver any thing to your majesty before it be well weighed. But now that I have informed myself of as much as is necessary touching this proceeding of the judges to the argument of the Commendams, notwithstanding your majesty's pleasure signified by me, upon your majesty's commandment in presence of my lord chancellor and the bishop of Winchester, to the contrary, I do think it fit to advertise your majesty what hath passed; the rather, because I suppose the judges, since they performed not your commandment, have at least given your majesty their reasons of failing therein; I being to answer for the doing your majesty's commandments, and they for the not doing.

I did conceive, that in a cause that concerned your majesty and your royal power, the judges having heard your attorney-general argue the Saturday before, would of themselves have taken farther time to be advised.

And, if I fail not in memory, my lord Coke received from your majesty's self, as I take it, a precedent commandment in Hilary term, that both in the *rego in-consulto*, and in the Commendams, your attorney should be heard to speak, and then stay to be made of farther proceedings, till my lord had spoken with your majesty.

Nevertheless, hearing that the day appointed for the judges argument held, contrary to my expectation, I sent on Thursday in the evening, having received your majesty's commandment but the day before in the afternoon, a letter to my lord Coke; whereby I let him know, that upon some report of my lord of Winchester, who by your commandment was present at my argument of that which passed, it

was your majesty's express pleasure, that no farther proceedings should be, until you had conferred with your judges: which your majesty thought to have done at your being now last in town; but by reason of your many and weighty occasions, your princely times would not serve; and that it was your pleasure he should signify to much to the rest of the judges, whereof his lordship might not fail. His answer by word to my man was, that it were good the rest of the judges understood so much from myself: whereupon I, that cannot skill of scruples in matter of service, did write on Friday three several letters of like content to the judges of the common pleas, and the barons of the exchequer, and the other three judges of the king's bench, mentioning in that last my particular letter to my lord chief justice.

* This case is reported by my lord Holt, p. 109.

This was all I did, and thought all had been sure; in so much as the same day being appointed in chancery for your majesty's great cause, followed by my lord Hunsden*, I writ two other letters to both the chief justices, to put them in mind of assisting my lord chancellor at the hearing. And when my lord chancellor himself took some notice upon that occasion openly in the chancery, that the Commendams could not hold presently after, I heard the judges were gone about the Commendams; which I thought at first had been only to adjourn the court, but I heard after that they proceeded to argument.

In this their doing, I conceive, they must either except to the nature of the commandment, or to the credence thereof; both which, I assure myself, your majesty will maintain.

† Mag. Chart.

For if they should stand upon the general ground, † *Nullo negotio, nulli differemus justitiam*, it receiveth two answers. The one, that reasonable and mature advice may not be confounded with delay; and that they can well alledge when it pleaseth them. The other is, that there is a great difference between a case merely between subject and subject, and where the king's interest is in question directly or by consequence. As for the attorney's place and commission, it is as proper for him to signify the king's pleasure to the judges, as for the secretary to signify the same to the privy-council; and so it hath ever been.

These things were a little strange if there came not so many of them together, as the one maketh the other seem less strange: but your majesty hath fair occasions to remedy all with small aid; I say no more for the present.

I was a little plain with my lord Coke in these matters; and when his answer was, that he knew all these things; I said he could never profit too much in knowing himself and his duty. God ever preserve your majesty.

CXLV. A memorial for his MAJESTY, corrected with Sir FR. BACON'S own hand. 1616*.

* This memorial is first printed in the year 1616.

IT seemeth this year of the fourteenth of his majesty's reign, being a year of a kind of majority in his government, is consecrated to justice^a: which as his ma-

^a By the laws several ages are assigned to persons for several purposes: and by the common law the first is to be a kind of majority, and secondly the age of discretion. At that time a man may assume the government of his private matters: the law and the age may vary at the pleasure appointed by law, and so it is a new year, and the woman at that age shall be out of ward, etc. See below.

jefty hath performed to his subjects in this late memorable occasion, so he is now to render and perform to himself, his crown and posterity.

That his council shall perceive by that which his majesty shall now communicate with them, that the mass of his business is continually prepared in his own royal care and cogitations, howsoever he produceth the same to light, and to act *per opera dierum*^a.

That his majesty shall make unto them now a declarative of two great causes, whereof he doubteth not they have heard by glimpses; the one concerning his high court of chancery, the other concerning the church and prelacy; but both of them deeply touching his prerogative and sovereignty, and the flowers of his crown.

That about the end of Hilary term last, there came to his majesty's ears, only by common voice and report, not without great rumour and wonder, that there was somewhat done in the king's bench the last day of that term, whereby his chancery should be pulled down, and be brought in question for *praemunire*; being the most hainous offence after treason, and felony, and misprision of treason; and that the time should be when the chancellor lay at the point of death.

That his majesty was so far from hearing of this by any complaint from his chancellor, who then had given over worldly thoughts, that he wrote letters of comfort to him upon this accident, before he heard from him; and for his attorney, his majesty challenged him for not advertising him of that, of which it was proper for his majesty to be informed from him.

That his majesty being sensible of this so great novelty and perturbation in his courts of justice, nevertheless used this method and moderation, that before he would examine this great affront and disgrace offered to his chancery and chancellor, he would first inform himself whether the chancery or chancellor were in fault; and whether the former precedents of chancery did warrant the proceedings there after judgment passed at common law, which was the thing in question, and thereupon his majesty called his learned counsel to him, and commanded them to examine the precedents of chancery, and to certify what they found: which they did; and by their certificate it appeareth, that the precedents of that kind were many and precise in the point, and constant, and in good times, and allowed many times by the judges themselves.

That after this his majesty received from the lord chancellor a case, whereby the question was clearly set down and contained within the proper bounds of the present doubt; being, Whether upon apparent matter of equity, which the judges of the law by their place and oath cannot meddle with or relieve, if a judgment be once passed at common law, the subject shall perish, or that the chancery shall relieve him; and whether there be any statute of *praemunire* or other, to restrain this power in the chancellor; which case, upon the request of the lord chancellor, his majesty likewise referred to his learned counsel, and the prince's attorney Mr. Walter was joined with them, who, upon great advice and view of the original records themselves, certified the chancery was not restrained by any statute in that case.

^a *Per opera dierum* alluding to the tradition: Almighty God was pleased to observe in the creating of the world. In this passage Sir Francis Bacon intimates, what he expressly declares Vol. I. Essay XLVII. p. 513. that in all negotiations of civility a man must first prepare business, and so ripen it by degrees. *Supra*.

LETTERS OF SIR FR. BACON TEMP. JAC.

That his majesty again required his learned counsel to call the clerks of the king's bench to them, and to receive from them any precedents of indictments in the king's bench against the chancery for proceeding in the like case; who produced only two precedents, being but indictments offered or found, upon which there was no other proceeding; and the clerks said, they had used diligence and could find no more.

That his majesty, after he had received this satisfaction that there was ground for that the chancery had done, and that the chancery was not in fault, he thought then it was time to question the misdemeanor and contempt in scandalizing and dishonouring his justice in that high court of chancery in so odious a manner; and commanded his attorney-general, with the advice of the rest of his learned counsel, to prosecute the offenders in the star-chamber, which is done; and some of them are fled, and others stand out and will not answer.

That there resteth only one part more towards his majesty's complete information in this cause: which is to examine that which was done in open court the said last day of Hilary term, and whether the judges of the king's bench did commit any excess of authority; or did animate the offenders otherwise than according to their duty and place; which inquiry, because it concerneth the judges of a court to keep order and decorum, his majesty thinketh not so convenient to use his learned counsel therein, but will commit the same to some of the council-table, and his learned counsel to attend them.

This declared, or what else his majesty in his own high wisdom shall think good; it will be fit time to have the certificate of the learned counsel openly read.

His majesty may, if he please, forbear to publish at this time at the table the committees; but signify his pleasure to themselves afterwards.

The committees named by his majesty, were the archbishop of Canterbury, secretary Lake, the chancellor of the exchequer, and the master of the rolls.

This report is to be prefixed, to be given in by Wednesday at night, that his majesty may communicate it with his council, and take farther order on Thursday thereupon, if his majesty be so pleased.

At this declaration, it is his majesty's direction, to the end things may appear to be the more evenly carried, that neither my lord chancellor nor my lord chief justice be present.

But then when his majesty entereth into the second declarative, my lord chancellor is to be called for: but my lord chief justice not; because it concerneth him.

For the second declarative: that his majesty hath reason to be offended and grieved, in that which passed touching the commendams, both in matter and manner: for the matter, that his majesty's religious care of the church and of the prelacy, and namely of his lords spiritual the bishops, may well appear, first, in that he hath utterly expelled those sectaries or inconformable persons that spurned at the government; secondly, that by a statute made in the first year of his reign, he hath preserved their livings from being washed and dilapidated by long leases, and therein bound himself and his crown and succession; and lastly, that they see two bishops privy counsellors at the table, which hath not been of late years.

That

That agreeably to this his majesty's care and good affection, hearing that there was a case of the bishop of Lincoln's, wherein his majesty's supreme power of granting Commendams, which in respect of the exility of bishoprics is sometimes necessary, was questioned to be overthrown or weakened; he commanded his attorney-general, not only to have care to maintain it according to his place, but also that he should relate to his majesty how things passed; and did also command the bishop of Winchester to be present at the public argument of the case; and to report to his majesty the true state of that question, and how far it extended.

This being accordingly done; then upon report of the bishop of Winchester in presence of the lord chancellor, his majesty thought it necessary, that before the judges proceeded to declare their opinion they should have conference with his majesty, to the end to settle some course, that justice might be done, and his regal power, whereof his crown had been so long vested, not touched nor diminished: and thereupon commanded his attorney, who by his place ought properly to signify his majesty's pleasure to his judges, as his secretary doth to his privy council, in the presence of the lord chancellor and the bishop, to signify his pleasure to the judges, that because his majesty thought it needful to consult with them in that case before they proceeded to judgment; and that his majesty's business, as they all knew, was very great, and Midsummer term so near at hand, and the cause argued by his attorney so lately, they should put off the day till they might advise with his majesty at his next coming to town. That his majesty's attorney signified so much by his letters, the next day after he had received his commandment, to all the judges, and that in no imperious manner, but alledging the circumstances aforesaid, that the case was lately argued, his majesty's business great, another term at hand, *etc.*

Now followeth the manner that was held in this, which his majesty conceiveth was not only indiscreet, but presumptuous and contemptuous.

For first, they disobeyed this his majesty's commandment, and proceeded to public argument notwithstanding the same; and thought it enough to certify only their mind to his majesty.

Secondly, in a general letter under all their hands, howsoever it may be upon divided opinion, they alledge unto his majesty their oath; and that his majesty's commandment, for the attorney's letter was but the case that it was wrapped in, was against law; as if maturity and a deliberate proceeding were a delay, or that commandment of stay in respect of so high a question of state and prerogative, were like a commandment gotten by importunity, or in favour of a suitor.

Thirdly, above all, it is to be noted and justly doubted, that upon the contrary, in this that they have done, they have broken their oath; for their oath is to counsel the king when they shall be called; and if when the king calleth them to counsel, they will do the deed first, and give him counsel after, this is more than a simple refusal.

Lastly, it is no new thing upon divers particular occasions, of a far higher nature than the consulting with their sovereign about a cause of great moment, to put off days, and yet no breach of oath. And there was another fair passage well known to my lord Coke, that he might have used if it had pleased him; for that very day was appointed for the king's great cause in the chancery, both for my lord Hobart and him; which cause ought to have had precedence afore any private cause, as they would have this seem to be.

To this letter his majesty made a most princely and prudent answer, which I leave to itself.

Upon

Upon this declaration his majesty will be pleased to have the judges letter and his own letter read.

Then his majesty, for his part as I conceive, will be pleased to ask the advice of his council as well for the stay of the new day, which is Saturday next, as for the censure and reproof of the contempt passed: for though the judges are a reverend body, yet they are, as all subjects are, corrigible.

* Bacon's
P. 161. 160.

CXLVI. TO SIR GEORGE VILLIERS*.

S I R,

THE king giveth me a noble choice; and you are the man my heart ever told me you were. Ambition would draw me to the latter part of choice; but in respect of my hearty wishes, that my lord chanceilor may live long; and the small hopes I have, that I shall live long myself; and, above all, because I see his majesty's service daily and instantly bleedeth; towards which, I persuade myself, vainly perhaps, but yet in mine own thoughts firmly and constantly, that I shall give, when I am of the table, some effectual furtherance, as a poor thread of the labyrinth, which hath no other virtue, but an united continuance, without interruption or distraction, I do accept of the former, to be counsellor for the present, and to give over pleading at bar; let the other matter rest upon my proof, and his majesty's pleasure, and the accidents of time. For, to speak plainly, I would be loth that my lord chanceilor, to whom I owe most after the king and yourself, should be locked to his successor, for any advancement or gracing of me. So I ever remain

Your true and most devoted and most obliged servant,

June 3, 1616.

FR. BACON.

* 161.

CXLVII. TO SIR GEORGE VILLIERS*.

S I R,

I Send his majesty a draught of the act of council concerning the judges letter, penned as near as I could to his majesty's instructions received in your presence. I then told his majesty my memory was not able to keep way with his; and therefore his majesty will pardon me for any omissions or errors, and be pleased to supply and reform the same. I am preparing some other materials for his majesty's excellent hand, concerning business that is coming on: for since his majesty hath renewed my heart within me, methinks I should double my enleavours. God ever preserve and prosper you. I rest

Your most devoted and bounden servant,

June 12, 1616.

FR. BACON.

CXLVIII. Touching the Commendams*.

* Stephens's
first collec-
tion, p. 149.

^a At Whitehall the sixth of June, Anno 1616.

Present the KING's MAJESTY.

Lord Archbishop of Cant.
Lord Chancellor.
Lord Treasurer.
Lord Privy-Seal.
Lord Chamberlain.
Duke of Lenox.
Lord Zouche.
Bishop of Winton.
Lord Knollys.

Lord Wotton.
Lord Stanhope.
Lord Fenton.
Mr. Vice-Chamberlain.
Mr. Secretary Winwood.
Mr. Secretary Lake.
Mr. Chancellor of the Exchequer.
Master of the Rolls.

HIS majesty having this day given order for meeting of the council, and that all the judges, being twelve in number, should be sent for to be present; when the lords were sat, and the judges ready attending, his majesty came himself in person to council, and opened to them the cause of that assembly; which was: That he had called them together concerning a question that had relation to no private person, but concerned God and the king, the power of his crown, and the state of this church whereof he was protector; and that there was no fitter place to handle it than at the head of his council-table: that there had been a question pleaded and argued concerning Commendams; the proceedings wherein had either been mis-reported or mis-handled; for his majesty a year since had received advertisements concerning the cause in two entrances, by some that intrenched upon his prerogative royal in the general power of granting Commendams; and by others, that the doubt rested only upon a special nature of a Commendam, such as in respect of the incongruity and exorbitant form thereof might be questioned, without impeaching or weakening the general power of all.

Whereupon his majesty, willing to know the true state thereof, commanded the lord * bishop of Winchester, and Mr. Secretary Winwood to be present at the next argument, and to report the state of the question and proceeding to his majesty. But Mr. secretary Winwood being absent by occasion, the lord of Winchester only was present, and made information to his majesty of the particulars thereof, which his majesty commanded him to report to the board. Whereupon the lord of Winchester stood up and said, that serjeant Chiborne, who argued the cause against the Commendams, had maintained divers positions and assertions very prejudicial to his majesty's prerogative royal; as first, that the translation of bishops was against the canon law, and for authority vouched the canons of the council of Sardis; that the king had not power to grant Commendams, but in case of necessity; that there could be no necessity, because there could be no need for augmentation of

* D. Bilson,
who died
June 18,
1616.

^a It is very clear, that this is the act of council referred to in the preceding letter, and drawn up by Sir Francis Bacon; which, being written in a hurried manner, I accidentally brought, and have corrected several errors therein. If any remain, as I believe the reader will think there doth; it is because I had no opportunity to peruse the council-books. *Step. ms.*

living,

living, for no man was bound to keep hospitality above his means; besides many other parts of his argument tending to the overthrow of his majesty's prerogative in case of Commendams.

The lord of Winchester having made his report, his majesty resumed his former narrative, letting the lords know, that after the lord of Winton had made unto his majesty a report of that which passed at the argument of the cause, like in substance unto that which now had been made; his majesty apprehending the matter to be of so high a nature, commanded his attorney-general to signify his majesty's pleasure unto the lord chief justice; That in regard of his majesty's most weighty occasions, and for that his majesty held it necessary upon the lord of Winton's report, that his majesty be first consulted with, before the judges proceed to argue it; therefore the day appointed for the judges argument should be put off till they might speak with his majesty; and this letter of his majesty's attorney was, by his majesty's commandment, openly read as followeth, *in haec verba*.

MY LORD,

“ IT is the king's express pleasure, that because his majesty's time would not
 “ serve to have conference with your lordship and his judges, touching the cause
 “ of Commendams, at his last being in town; in regard of his majesty's other most
 “ weighty occasions; and for that his majesty holdeth it necessary, upon the report
 “ which my lord of Winchester, who was present at the last arguments by his ma-
 “ jesty's royal commandment, made to his majesty, that his majesty be first con-
 “ sulted with, ere there be any farther proceedings by arguments by any of the
 “ judges, or otherwise; therefore that the day appointed for the farther proceed-
 “ ings by arguments of the judges in that case, be put off till his majesty's farther
 “ pleasure be known, upon consulting with him; and to that end, that your lord-
 “ ship forthwith signify his commandment to the rest of the judges: whereof your
 “ lordship may not fail: and so I leave your lordship to God's goodness.

This Thursday afternoon,
 April 25, 1616.

Your loving friend to command,

FR. BACON.

THAT upon this letter received, the lord chief justice returned word to his majesty's said attorney by his servant; That it was fit the rest of his brethren should understand his majesty's pleasure immediately by letters from his said attorney to the judges of the several benches: and accordingly it was done; whereupon all the said judges assembled, and by their letter under their hands certified his majesty, that they held those letters, importing the signification aforesaid, to be contrary in law, and such as they could not yield to the same by their oath; and that therefore they had proceeded at the day, and did now certify his majesty thereof: Which letter of the judges his majesty also commanded to be openly read, the tenor whereof followeth, *in haec verba*.

Most lowly and great foreign,

“ IF may please your most excellent majesty to be advertised, that this letter here
 “ enclosed was delivered unto me your chief justice on Thursday last in the after-
 “ noon, by a servant of your majesty's attorney-general; and letters of the like
 “ effect

“ effect were on the day following sent from him by his servant to us your majesty’s
 “ justices of every of the courts at Westminster. We are and ever will be ready
 “ with all faithful and true hearts, according to our bounden duties, to serve and
 “ obey your majesty, and think ourselves most happy to spend our times and abili-
 “ ties to do your majesty true and faithful service in this present case mentioned
 “ in this letter. What information hath been made unto you, whereupon Mr.
 “ Attorney doth ground his letter, from the report of the bishop of Winton, we
 “ know not; this we know, that the true substance of the cause summarily is
 “ thus; it consisteth principally upon the construction of two acts of parliament,
 “ the one of the twenty-fifth year of K. Edw. III. and the other of the twenty-fifth
 “ year of K. Hen. VIII. whereof your majesty’s judges upon their oaths, and ac-
 “ cording to their best knowledge and learning, are bound to deliver their true
 “ understanding faithfully and uprightly; and the case between two for private
 “ interest and inheritance earnestly called on for justice and expedition. We hold
 “ it our duty to inform your majesty, that our oath is in these express words :
 “ That in case any letters come unto us contrary to law, that we do nothing by
 “ such letters but certify your majesty thereof, and go forth to do the law, notwith-
 “ standing the same letters. We have advisedly considered of the said letter of Mr.
 “ Attorney, and with one consent do hold the same to be contrary to law, and
 “ such as we could not yield to the same by our oath, assuredly persuading our-
 “ selves that your majesty being truly informed, that it standeth not with your
 “ royal and just pleasure to give way to them : And knowing your majesty’s zeal
 “ to justice to be most renowned, therefore we have, according to our oaths and
 “ duties, at the very day prefixed the last term, proceeded, and thereof certified
 “ your majesty ; and shall ever pray to the Almighty for your majesty in all ho-
 “ nour, health and happiness long to reign over us.

See joint Ten,
 25 April 1610.

*Edw. Coke, Henry Hobart, Laur. Tanfield, Pet. Warburton,
 George Snigge, Ja. Asham, Ed. Bromley, John Croke,
 Humphry Wincke, John Dodderidge, Augustin Nicholls,
 Robert Houghton.*

His majesty having considered of this letter, by his princely letters returned an-
 swer, reporting himself to their own knowledge and experience, what princely care
 he hath ever had since his coming to the crown, to have justice duly administered
 to his subjects, with all possible expedition, and how far he was from crossing or
 delaying of justice, when the interest of any private person was questioned : but on
 the other side expressing himself, that where the case concerned the high powers and
 prerogatives of the crown, he would not endure to have them wounded through
 the fears of a private person; admonishing them also, lastly, of a custom lately con-
 certained, of a greater boldness to dispute the high points of his majesty’s preroga-
 tive in a popular and unlawful liberty of argument more than in former times; and
 making them perceive also how weak and impertinent the pronouncing of allegations
 of their oath was in a case of this nature, and how well it might have been
 spared; with many other weighty points in the said letter contained : which letter
 also by his majesty’s appointment and commandment was publicly read *in voce
 verba*.

James *Rex*,

“ **T**RUSTY and well-beloved counsellors, and trusty and well-beloved, we
 “ greet you well. We perceive by your letter, that you conceive the command-
 “ ment given you by our attorney-general in our name to have proceeded upon
 “ wrong information: but if you list to remember what princely care we have ever
 “ had, since our coming to this crown, to see justice duly administered to our subjects,
 “ with all possible expedition; and how far we have ever been from urging the
 “ delay thereof in any sort, you may safely persuade yourselves that it was no small
 “ reason that moved us to send you that direction. You might very well have
 “ spared your labour in informing us of the nature of your oath; for although we
 “ never studied the common law of England, yet are we not ignorant of any points
 “ which belong to a king to know: we are therefore to inform you hereby, that
 “ we are far from crossing or delaying any thing which may belong to the interest
 “ of any private party in this case; but we cannot be contented to suffer the prerogative
 “ royal of our crown to be wounded through the sides of a private person: we have
 “ no care at all which of the parties shall win this process in this case, so
 “ that right prevail, and that justice be truly administered. But on the other side,
 “ we have reason to foresee that nothing be done in this case which may wound our
 “ prerogative in general; and therefore so that we may be sure that nothing shall
 “ be debated amongst you which may concern our general power of giving Com-
 “ mendams, we desire not the parties to have one hour’s delay of justice: but that
 “ our prerogative should not be wounded in that regard for all times hereafter, upon
 “ pretext of private persons interest, we sent you that direction; which we account
 “ as well to be wounded if it be publicly disputed upon, as if any sentence were
 “ given against it: we are therefore to admonish you, that since the prerogative of
 “ our crown hath been more boldly dealt withal in Westminster-Hall, during the
 “ time of our reign, than ever it was before in the reigns of divers princes imme-
 “ diately preceding us, that we will no longer endure that popular and unlawful
 “ liberty; and therefore we were justly moved to send you that direction to forbear
 “ to meddle in a cause of so tender a nature, till we had farther thought upon it.
 “ We have cause indeed to rejoice of your zeal for your speedy execution of justice;
 “ but we would be glad that all our subjects might so find the fruits thereof, as
 “ that no pleas before you were of older date than this is. But as to your argu-
 “ ment, which you found upon your oath, you give our predecessors, who first
 “ founded the oath, a very charitable meaning, in perverting their intention and
 “ zeal to justice, to make a weapon of it to use against their successors: for although
 “ your oath be, that you shall not delay justice between any private persons or par-
 “ ties, yet was it not meant that the king should thereby receive harm, before he
 “ be forewarned thereof; neither can you deny, but that every term you will out
 “ of your own discretions, for reasons known unto you, put off either the hearing
 “ or determining of any ordinary cause betwixt private persons till the next term
 “ following. Our pleasure therefore is, who are the head and fountain of justice
 “ under God in our dominions, and we out of our absolute power and authority
 “ royal do command you, that you forbear to meddle any farther in this plea till
 “ our coming to town, and that out of our own mouth you hear our pleasure in
 “ this business, which we do out of the care we have, that our prerogative may not
 “ receive

“ receive an unwitting and indirect blow; and not to hinder justice to be administered to any private parties, which no importunities shall persuade us to move you in. Like as, only for the avoiding of the unreasonable importunity of suitors in their own particular, that oath was by our predecessors ordained to be minister'd unto you: so we wish you heartily well to fare.

Postscript. “ You shall upon the receipt of this letter call our attorney-general unto you, who will inform you of the particular points which we are unwilling to be disputed of in this case.”

This letter being read, his majesty resolved to take into his consideration the parts of the judges letter and other their proceedings in that cause, and the errors therein contained and committed; which errors his majesty did set forth to be both in matter and manner: in matter, as well by way of omission as commission; for omission, that it was a fault in the judges, that when they heard a counsellor at the bar presume to argue against his majesty's prerogative, which in this case was in effect his supremacy, they did not interrupt and reprove sharply that base and bold course of defaming or impeaching things of so high a nature by discourse; especially since his majesty hath observed, that ever since his coming to the crown, the popular sort of lawyers have been the men, that most affrontedly in all parliaments have troden upon his prerogative: which being most contrary to their vocation of any men, since the law or lawyers can never be respected, if the king be not revered; it doth therefore best become the judges of any, to check and bridle such impudent lawyers, and in their several benches to disgrace them that bear so little respect to their king's authority and prerogative: that his majesty had a double prerogative, whereof the one was ordinary and had relation to his private interest, which might be, and was every day, disputed in Westminster-Hall; the other was of an higher nature, referring to his supreme and imperial power and sovereignty, which ought not to be disputed or handled in vulgar argument: but that of late the courts of the common law are grown so vast and transcendent, as they did both meddle with the king's prerogative, and had incroached upon all other courts of justice; as the high commission, the councils established in Wales and at York, the court of requests.

Concerning that which might be termed commission, his majesty took exception at the judges letter both in matter and form: for matter, his majesty plainly demonstrated, that whereas it was contained in the judges letter, that the signification of his majesty's letter as aforesaid was contrary to law, and not agreeable to the oath of a judge; that could not be: first, for that the putting off any hearing or proceeding upon any just or necessary cause, is no denying or delaying of justice, but wisdom and maturity of proceeding; and that there cannot be a more just and necessary cause of stay, than the consulting with the king, where the cause concerns the crown; and that the judges did daily put off causes upon lighter occasions: and likewise his majesty did desire to know of the judges, how his calling them to consult with him was contrary to law, which they could never answer unto.

Secondly, That it was no bare supposition or surmise, that this cause concerned the king's prerogative; for that it had been directly and plainly disputed at the bar; and the very disputing thereof in a public audience, is both dangerous and dishonourable to his majesty.

Secondly,

Thirdly,

Thirdly, That the manner of the putting off that which the king required, was not infinite nor long time, but grounded upon his majesty's weighty occasions, which were notorious; by reason whereof he could not speak with the judges before the argument; and that there was a certain expectation of his majesty's return at Wharfedale: and likewise that the cause had been so lately handled and argued, and would not receive judgment by the Easter term next, as the judges themselves afterwards confessed.

And afterwards, because there was another just cause of absence for the two chief justices, for that they ought to have assisted the lord chancellor the same day in a great cause of the king's followed by the lord Hunsdon against the Lord William Howard in chancery; which cause of the king's, especially being so worthy, ought to have had precedency before any cause betwixt party and party. Also whereas it was contained in the judges letter that the cause of Commendams was but a cause of private interest between party and party, his majesty shewed plainly the contrary; not only by the argument of serjeant Chiborne, which was before his commandment, but by the argument of the judges themselves, namely justice Nicholls, which was after; but especially since one of the parties is a bishop who pleaded for the Commendams by the virtue of his majesty's prerogative.

Also whereas it was contained in the judges letter, that the parties called upon them earnestly for justice, his majesty conceived it to be but pretence; urging them to prove that there was any solicitation by the parties for expedition, otherwise than in an ordinary course of attendance; which they could not prove.

As for the form of the letter, his majesty noted, that it was a new thing, and very indecent and unfit for subjects to disobey the king's commandment, but most of all to proceed in the mean time, and to return to him a bare certificate; whereas they ought to have concluded with the laying down and representing of their reasons modestly to his majesty, why they should proceed; and so to have submitted the same to his princely judgment, expecting to hear from him whether they had given him satisfaction.

After this his majesty's declaration, all the judges fell down upon their knees, and acknowledged their error for matter and form, humbly craving his majesty's gracious favour and pardon for the same.

But for the matter of the letter, the lord chief justice of the king's bench entered into a defence thereof; the effect whereof was, that the stay required by his majesty was a delay of justice, and therefore contrary to law and the judges oath; and that the judges knew well amongst themselves, that the case, as they meant to handle it, did not concern his majesty's prerogative of granting of Commendams: and that if the day had not held by the not coming of the judges, the suit had been discontinued, which had been a failing of justice, and that they could not adjourn it, because Mr. Attorney's letter mentioned no day certain, and that an adjournment must always be to a day certain.

Unto which answer of the chief justice his majesty did reply; that for the last conceit, it was mere sophistry, for that they might in their discretions have prefixed a convenient day, such as there might have been time for them to consult with his majesty before, and that his majesty left that point of form to themselves.

And for that other point, that they should take upon them peremptorily to discern whether the plea concerned the king's prerogative, without consulting with

his majesty first, and informing his princely judgment, was a thing preposterous; for that they ought first to have made that appear to his majesty, and so to have given him assurance thereof upon consulting with him.

And for the matter, that it should be against the law and against their oath his majesty said he had spoken enough before; unto which the lord chief justice in effect had made no answer, but only insisted upon the former opinion; and therefore the king required the lord chancellor to deliver his opinion upon that point, Whether the stay that had been required by his majesty were contrary to law, or against the judges oath.

The chancellor stood up and moved his majesty, that because this question had relation to matter of law, his majesty would be informed by his learned counsel first, and they first to deliver their opinions, which his majesty commanded them to do.

Whereupon his majesty's attorney-general gave his opinion, that the putting off of the day in manner as was required by his majesty, to his understanding was without all scruple no delay of justice, nor danger of the judges oath; insisting upon some of the reasons which his majesty had formerly opened, and adding, that the letter he had formerly written by his majesty's command was no imperious letter; as to say his majesty for certain causes, or for causes known to himself, would have them put off the day: but fairly and plainly expressed the causes unto them; for that the king conceived upon my lord of Winton's report, that the cause concerned him; and that his majesty would have willingly spoken with them before; but by reason of his important business could not; and therefore required a stay till they might conveniently speak with him, which they knew could not be long. And in conclusion of his speech wished the judges to consider seriously with themselves, whether they were not in greater danger of breach of their oaths by the proceedings, than they would have been by their stay; for that it is part of their oath to counsel his majesty when they are called; and if they will proceed first in a business whereupon they are called to counsel, and will counsel him when the matter is past, it is more than a simple refusal to give him counsel; and so concluded his speech, and the rest of the learned counsel consented to his opinion.

Whereupon the lord chief justice of the king's bench, answering nothing to the matter, took exception that the king's counsel learned should plead or dispute with the judges; for he said they were to plead before judges, and not to dispute with them. Whereunto the king's attorney replied, that he found that exception strange; for that the king's learned counsel were by oath and office, and much more where they had the king's express commandment, without fear of any man's face, to proceed or declare against any the greatest peer or subject of the kingdom; and not only any subject in particular, but any body of subjects or persons, were they judges, or were they of an upper or lower house of parliament, in case they exceed the limits of their authority, or took any thing from his majesty's royal power or prerogative; and so concluded, that this challenge, and that in his majesty's presence, was a wrong to their places, for which he and his fellows did appeal to his majesty for reparation. And thereupon his majesty did affirm, that it was their duty so to do, and that he would maintain them therein, and took occasion afterward again to speak of it; for when the lord chief justice said, he would not dispute with his majesty, the king replied, That the judges would not dispute with him, nor his
learned

learned counsel might not dispute with them ; so whether they did well or ill, it must not be disputed.

After this the lord chancellor declared his mind plainly and clearly, that the stay that had been by his majesty required, was not against the law, nor a breach of the judges oath, and required that the judges oath itself might be read out of the statute, which was done by the king's solicitor, and all the words thereof weighed and considered.

Thereupon his majesty and the lords thought good to ask the judges severally their opinions ; the question being put in this manner : Whether, if at any time, in a case depending before the judges, his majesty conceived it to concern him either in power or profit, and thereupon required to consult with them, and that they should stay proceedings in the mean time, they ought not to stay accordingly ? They all, the lord chief justice only excepted, yielded that they would, and acknowledged it to be their duties so to do ; only the lord chief justice of the king's bench said for answer, that when the case should be, he would do that which should be fit for a judge to do. And the lord chief justice of the common-pleas, who had assented with the rest, added, that he would ever trust the justice of his majesty's commandment. After this was put to a point, his majesty thought fit, in respect of the farther day of argument, appointed the Saturday following for the Commendams, to know from his judges what he might expect from them concerning the same. Whereupon the lord of Canterbury breaking the case into some questions, his majesty did require his judges to deal plainly with him, whether they meant in their argument to touch the general power of granting Commendams, yea or no ? Whereupon all the said judges did promise and assure his majesty, that in the argument of the said case of Commendams, they would speak nothing which should weaken or draw into doubt his majesty's prerogative for granting of them ; but intended particularly to insist upon the points of *lapse* and other judicial points of this case, which they conceived to be of a form differing from all other Commendams which have been practised.

The judges also went farther, and did promise his majesty, that they would not only abstain from speaking any thing to weaken his majesty's prerogative of Commendams, but would directly and in plain terms affirm the same, and correct the erroneous and bold speeches which had been used at the bar in derogation thereof.

Also the judges did in general acknowledge and profess with great forwardness, that it was their duty, if any counsellor at the law presumed at any time to call in question his majesty's high prerogative, that they ought to reprehend them and silence them ; and all promised so to do hereafter.

Lastly, the two judges that were then next to argue, Mr. Justice Dodderidge and Mr. Justice Winch, opened themselves unto his majesty thus far ; that they would insist chiefly upon the *lapse*, and some points of uncertainty, repugnancy, and absurdity, being peculiar to this Commendam ; and that they would shew their dislike of that which had been said at the bar for the weakening of the general power ; and Mr. Justice Dodderidge said he would conclude for the king, that the church was void and in his majesty's gift ; he also said that the king might give a Commendam to a bishop either before or after his consecration, and that he might give it him during his life, or for a certain number of years.

The

The judges having thus far submitted and declared themselves, his majesty commanded them to keep the bounds and limits of their several courts, not to suffer his prerogative to be wounded by rash and unadvised pleading before them, or by new invention of law: for as he well knew the true and ancient common law is the most favourable for kings of any law in the world; so he advised them to apply their studies to that ancient and best law, and not to extend the power of any other of their courts beyond their due limits; following the precedents of their best ancient judges in the times of the best government; and that then they might assure themselves that he, for his part, in his protection of them, and expediting of justice, would walk in the steps of ancient and best kings. Whereupon he gave them leave to proceed in their argument.

When the judges were removed, his majesty that had forbore to ask the voices and opinions of his council before the judges, because he would not prejudicate the freedom of the judges opinion, concerning whether the stay of proceedings, that had been by his majesty required, could by any construction be thought to be within the compass of the judges oath, which they had heard read unto them, did then put the question to his council; who all with one consent did give opinion, that it was far from any colour or shadow of such interpretation, and that it was against common sense to think the contrary, especially since there is no mention made in their oath of delay of justice, but only that they should not deny justice, nor be moved by any of the king's letters, to do any thing contrary to law or justice.

G. Cant. Tho. Eilesmere, Canc. Tb. Suffolk, E. Worcester, Pembroke, Nottingham, Lenox, W. Knollys, John Digby, Ralph Winwood, Tho. Lake, Fulke Greville, Jul. Caesar, Fra. Bacon.

CXLIX. TO SIR GEORGE VILLIERS, for the restoring to Dr. Burges the liberty of preaching*.

S I R,

I Do think you may do yourself honour, and, that which is more, do a good work; if you will assist and perfect a motion begun, and that upon a good ground, both of submission and conformity, for the restoring of doctor Burges to preach^a; and I wish likewise, that if Grays-Inn should think good, after he is free from the state, to choose him for their preacher, his majesty should not be against it: for certainly we should watch him well if he should fly forth; so as he cannot be placed in a more safe auditory. This may seem a trifle, but I do assure you I do scarce know a particular, wherein you may open more honest mouths to speak honour of you, than this. And I do extremely desire there may be a full cry from all forts

* Rawley's Refuscitatio, and Stephen's second collection, p. 2.

^a Soon after this date doctor Burges was presented to the parsonage of Sutton-Colfield in Warwickshire. In 1620 he attended Sir Horace Vere into the Palatinate, when that noble general conducted thither a gallant regiment, the largest for number, and greatest for quality, being much composed of gentlemen, that had been seen. *Stephens.*

LETTERS OF SIR FR. BACON TEMP. JAC.

of people, especially the best, to speak, and to trumpet out your commendations. I pray you take it to heart, and do somewhat in it. I rest

Your devoted and bounden servant,

June 12, 1616.

FR. BACON.

CL. TO SIR GEORGE VILLIERS *.

* Stephens's
first collec-
tion, p. 177.

S I R,

THERE is a particular wherein I think you may do yourself honour, which, as I am informed, hath been laboured by my lady of Bedford^a, and put in good way by the bishop of Bath and Wells^b, concerning the restoring to preach of a famous preacher, one doctor Burget's; who, though he hath been silenced a great time, yet he hath now made such a submission touching his conformity, as giveth satisfaction. It is much desired also by Gray's-Inn, if he shall be free from the state, to choose him for their preacher: and certainly it is safer to place him there, than in another auditory, because he will be well watched, if he should any ways fly forth in his sermons beyond duty. This may seem a trifle, but, I do assure you, in opening this man's mouth to preach, you shall open every man's mouth to speak honour of you; and I confess I would have a full cry of puritans, of papists, of all the world to speak well of you; and, besides, I am persuaded, which is above all earthly glory, you shall do God good service in it. I pray deal with his majesty in it. I rest

Your devoted and bounden servant,

June 13, 1616.

FR. BACON.

* My lady of Bedford, so much celebrated by doctor Donne and Sir William Temple, for the admirable disposition of her garden at Moor-Park, was sister and co-heir to the late Lord Harington of Exton; who dying in the entrance of the year 1614, and the 22d of his age, revived in the nation the sense it had of the loss of prince Henry, as being a young nobleman of great hope and piety. This lady disposed of much of the estate she had from her brother; being Barley upon the Hill in the county of Rutland to the then marquis of Buckingham, where he afterwards adorned the seat with noble structures, which were destroyed in the time of our civil wars. But this place has now recovered its ancient splendour at the expense, and by the direction of its present lord the earl of Nottingham.

^b The bishop was first sent to Sir Edward Montagu, and brother to the late Lord Montagu of Beaulieu, a man of great learning and deep sense, and very moderate; and by some called King James's churchman. In 1610 he was translated to Winchester, and during two years time, he was buried in the body of the steeple church of Bath, which with great care he had preserved from the ruins, when time and neglect were bringing upon it.

CLII. TO SIR GEORGE VILLIERS *.

* Stephens's
first collec-
tion, p. 5.

S I R,

I Send you inclosed a warrant for my lady of Somersets pardon, reformed in that main and material point, of inserting a clause [that she was not a principal, but an accessory before the fact, by the instigation of base persons.] Her friends think long

long to have it dispatched, which I marvel not at, for that in matter of life moments are numbred.

I do more and more take contentment in his majesty's choice of Sir Oliver St. John, for his deputy of Ireland, finding, upon divers conferences with him, his great sufficiency; and I hope the good intelligence, which he purposeth to hold with me by advertisements from time to time, shall work a good effect for his majesty's service.

I am wonderful desirous to see that kingdom flourish, because it is the proper work and glory of his majesty and his times. And his majesty may be pleased to call to mind, that a good while since, when the great rent and divisions were in the parliament of Ireland, I was no unfortunate remembrancer to his majesty's princely wisdom in that business. God ever keep you and prosper you.

Your true and most devoted and bounden servant,

1 July 1616.

FR. BACON.

CLI. To Sir GEORGE VILLIERS*.

* Stephens's second collection, p. 4.

S I R,

I Think I cannot do better service towards the good estate of the kingdom of Ireland than to procure the king to be well served in the eminent places of law and justice; I shall therefore name unto you for the attorney's place there, or for the solicitor's place, if the new solicitor shall go up, a gentleman of mine own breeding and framing, Mr. Edward Wyrthington of Gray's-Inn; he is born to eight hundred pounds a year; he is the eldest son of a most severe justicer, amongst the recusants of Lancashire, and a man most able for law and speech, and by me trained in the king's causes. My lord deputy, by my description, is much in love with the man. I hear my lord of Canterbury, and Sir Thomas Laque, should name one Sir John Beare, and some other mean men. This man I commend upon my credit, for the good of his majesty's service. God ever preserve and prosper you. I rest

Your most devoted and most bounden servant,

2 July 1616.

FR. BACON.

CLIII. To Sir GEORGE VILLIERS, about Irish affairs*.

* Ibid. p. 5.

S I R,

BEcause I am uncertain whether his majesty will put to a point some resolutions touching Ireland, now at Windsor; I thought it my duty to attend his majesty by my letter, and thereby to supply my absence, for the renewing of some former commissions for Ireland, and the framing of a new commission for the wards and the alienations, which appertain properly to me as his majesty's attorney, and have been accordingly referred by the lords. I will undertake that they are prepared with a greater care, and better application to his majesty's service in that kingdom,

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than heretofore they have been ; and therefore of that I say no more. And for the instructions of the new deputy, they have been set down by the two secretaries, and read to the board ; and being things of an ordinary nature, I do not see but they may pass.

But there have been three propositions and counsels which have been stirred, which seem to me of very great importance ; wherein I think myself bound to deliver to his majesty my advice and opinion, if they should now come in question.

The first is, touching the recusant magistrates of the towns of Ireland, and the commonalties themselves their electors, what shall be done ? Which consultation ariseth from the late advertisements of the two lords justices, upon the instance of the two towns, Limerick and Kilkenny ; in which advertisements they represent the danger only, without giving any light for the remedy ; rather warily for themselves, than agreeably to their duties and places.

In this point I humbly pray his majesty to remember, that the refusal is not of the oath of allegiance, which is not enacted in Ireland, but of the oath of supremacy, which cutteth deeper into matter of conscience. Also, that his majesty will, out of the depth of his excellent wisdom and providence, think, and, as it were, calculate with himself, whether time will make more for the cause of religion in Ireland, and be still more and more propitious ; or whether deferring remedies will not make the case more difficult. For if time give his majesty advantage, what needeth precipitation to extreme remedies ? But if time will make the case more desperate, then his majesty cannot begin too soon. Now, in my opinion, time will open and facilitate things for reformation of religion there, and not shut up and lock out the same. For, first, the plantations going on, and being principally of protestants, cannot but mate the other party in time ; also his majesty's care in placing good bishops and divines, in amplifying the college there, and in looking to the education of wards and the like ; as they are the most natural means, so are they like to be the most effectual and happy for the weeding out of popery, without using the temporal sword : so that, I think, I may truly conclude, that the ripeness of time is not yet come.

Therefore my advice in all humbleness is, that this hazardous course of proceeding, to tender the oath to the magistrates of towns, proceed not, but die by degrees. And yet, to preserve the authority and reputation of the former council, I would have somewhat done ; which is, that there be a proceeding to seizure of liberties ; but not by any act of power, but by *Quo warrantum*, or *Si vis foris* ; which is a legal course ; and will be the work of three or four terms ; by which time the matter will somewhat cool.

But I would not, in any case, that the proceeding should be with both the towns, which stand now in contempt, but with one of them only, choosing that which shall be thought most fit. For if his majesty proceed with both, then all the towns that are in the like case will think it a common cause ; and that it is but their case today, and their own to-morrow. But if his majesty proceed with one, the apprehension and terror will not be so strong ; for they will think it may be their case as well to be spared as prosecuted : and this is the best advice that I can give to his majesty in this strait ; and of this opinion seemed my lord chancellor to be.

The second proposition is this : it may be his majesty will be moved to reduce the number of his council of Ireland, which is now almost fifty, to twenty, or the

like number; in respect the greatness of the number doth both embase the authority of the council, and divulge the business. Nevertheless, I do hold this proposition to be rather specious and solemn, than needful at this time; for certainly, it will fill the state full of discontentment; which in a growing and unsettled estate ought not to be.

This I could wish; that his majesty would appoint a select number of counsellors there, which might deal in the improvement of his revenue, being a thing not fit to pass through too many hands, and that the said selected number should have days of sitting by themselves, at which the rest of the council should not be present; which being once settled, then other principal business of state may be handled at those sittings, and so the rest begin to be disused, and yet retain their countenance without murmur or disgrace.

The third proposition, as it is wound up, seemeth to be pretty, if it can keep promise; for it is this, that a means may be found to reinforce his majesty's army there by 500 or 1000 men; and that without any peny increase of charge. And the means should be, that there should be a commandment of a local removing, and transferring some companies from one province to another; whereupon it is supposed, that many that are planted in house and lands, will rather lose their entertainment, than remove; and thereby new men may have their pay, and yet the old be mingled in the country for the strength thereof.

In this proposition two things may be feared; the one, discontent of those that shall be put off; the other, that the companies shall be stuffed with *Tinnes*, instead of *Veterani*. I wish therefore that this proposition be well debated ere it be admitted. Thus having performed that which duty binds me to do, I commend you to God's best preservation.

Your most devoted and bounden servant,

Greenwich, July 5, 1616.

FR. BACON.

CLIV. To the KING *.

* Stephens's second collection, p. 9.

It may please your most excellent Majesty,

According to your commandment, I send inclosed the preface to the patent of creation of Sir George Villiers. I have not used any glaring terms, but drawn it according to your majesty's instructions, and the note which thereupon I framed, and your majesty allowed, with some additions which I have inserted. But I hope your majesty will be pleased to correct and perfect it. Your majesty will be also pleased to remember, that, if the creation shall be at Roughford, your pleasure and this draught be speedily returned; for it will ask a sending of the bill for your majesty's signature, and a sending back of the same to pass the seals, and a sending thereupon the patent itself: so it must twice be sent up and down before the day. God evermore preserve your majesty.

Your majesty's most devoted and most bounden servant,

28 July, 1616.

FR. BACON.

* Stephen's
second collec-
tion, p. 10.

CLV. To Sir GEORGE VILLIERS, on sending his bill for Viscount*.

S I R,

I Send you the bill for his majesty's signature, reformed according to his majesty's amendments, both in the two places, which, I assure you, were both altered with great judgment, and in the third place, which his majesty termed a question only. But he is an idle body that thinks his majesty asks an idle question; and therefore his majesty's questions are to be answered, by taking away the cause of the question, and not by replying.

For the name, his majesty's will is law in those things; and to speak truth, it is a well-founding and noble name, both here and abroad; and being your proper name, I will take it for a good sign that you shall give honour to your dignity, and not your dignity to you. Therefore I have made it viscount Villiers: and for your barony, I will keep it for an earldom; for though the other had been more orderly, yet that is as usual, and both alike good in law.

For Roper's place^a, I would have it by all means dispatched: and therefore I marvel it lingereth. It were no good manners to take the business out of my lord treasurer's hands; and therefore I purpose to write to his lordship, if I hear not from him first by Mr. Deccomb. But if I hear of any delay, you will give me leave, especially since the king named me, to deal with Sir John Roper myself; for neither I, nor my lord treasurer, can deserve any great thanks of you in this business; considering the king hath spoken to Sir John Roper, and he hath promised; and, besides, the thing itself is so reasonable, as it ought to be as soon done as said. I am now gotten into the country to my house, where I have some little liberty to think of that I would think of, and not of that which other men hourly break my head withal, as it was at London. Upon this you may conclude, that most of my thoughts are of his majesty; and then you cannot be far off. God ever keep you, and prosper you. I rest always

Aug. 5, one of the happiest days, 1616.

Your true and most devoted servant,

FR. BACON.

^a Sir John Roper, who had for many years enjoyed the place of the *chief clerk for inrolling of pleas in the court of the king's bench*, esteemed to be worth about 4000 *l. per annum*, being grown old, was prevailed with to surrender it upon being created lord Teynham, with a reservation of the profits thereof to himself during life. Upon which surrender Sir George Villiers was to have the office granted to two of his trustees for their lives, as Carr earl of Somerset was to have had before. But the lord chief justice Coke not being very forward to accept of the surrender, or make a new grant of it upon those terms, he was upon the 3d of October 1616 commanded to desist from the service of his place, and at last removed from it upon the 15th of November following. His successor Sir Henry Montagu, third son of Sir Edward Montagu of Boughton in Northamptonshire, recorder of London, and king's serjeant, being more complaisant, Sir John Roper resigned towards the latter end of the same month; and Mr. Shute, and Mr. Heach, who was afterwards the king's solicitor-general, being the deputies and trustees of Sir George Villiers, were admitted. *Stephen's* Introd. p. 37.

CLVI. To Sir GEORGE VILLIERS, on sending his patent *. * Rawley's
Refutatio.

S I R,

I Have sent you now your patent of creation of lord Blechly of Blechly, and of viscount Villiers. Blechly is your own; and I liked the sound of the name better than Whaddon; but the name will be hid, for you will be called viscount Villiers. I have put them both in a patent, after the manner of the patent of arms where baronies are joined: But the chief reason was, because I would avoid double prefaces, which had not been fit; nevertheless the ceremony of robing, and otherwise, must be double. And now, because I am in the country, I will send you some of my country fruits, which with me are good meditations; which, when I am in the city, are choked with business.

After that the king shall have watered your new dignities with his bounty of the lands which he intends you, and that some other things concerning your means, which are now likewise in intention, shall be settled upon you; I do not see but you may think your private fortunes established; and therefore it is now time, that you should refer your actions chiefly to the good of your sovereign and your country. It is the life of an ox or a beast always to eat, and never to exercise; but men are born, especially christian men, not to cram in their fortunes, but to exercise their virtues; and yet the other have been the unworthy, and sometimes the unlucky humour of great persons in our times; neither will your farther fortune be the farther off: For assure yourself, that fortune is of a woman's nature, that will sooner follow you by slighting than by too much wooing. And in this dedication of yourself to the public, I recommend unto you principally that which I think was never done since I was born; and which not done, hath bred almost a wilderness and solitude in the king's service; which is, that you countenance, and encourage, and advance able and virtuous men in all kinds, degrees, and professions. For in the time of some late great counsellors, when they bare the sway, able men were by design and of purpose suppressed; and though now since choice goeth better both in church and commonwealth, yet money, and turn-serving, and cunning canvasses, and importunity prevail too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise because they are yours. As for cunning and corrupt men, you must, I know, sometimes use them, but keep them at a distance; and let it appear, that you make use of them, rather than that they lead you. Above all, depend wholly, next to God, upon the king; and be ruled, as hitherto you have been, by his instructions; for that's best for yourself. For the king's care and thoughts concerning you are according to the thoughts of a great king; whereas your thoughts concerning yourself are, and ought to be, according to the thoughts of a modest man. But let me not weary you: the sum is, that you think goodness the best part of greatness; and that you remember whence your rising comes, and make return accordingly. God ever keep you.

Gorhambury, Aug. 12, 1616.

Your true and most devoted servant,

FR. BACON.

CLVII.

* Bacon's
Remembrance.

CLVII. To the KING, of Sir George Villiers's patent *.

It may please your most excellent majesty,

I Have sent Sir George Villiers' patent, drawn again, containing also a barony; the name Blackly, which is his own, and to my thinking foundeth better than Whaddon. I have included both in one patent, to avoid a double preface, and as hath been used in the patents of earls of the like nature: nevertheless the ceremony of robing and otherwise is to be double, as is also used in the like case of earls.

It resteth, that I express unto your majesty my great joy, in your honouring and advancing this gentleman; whom to describe, not with colours, but with true lines, I may say this; your majesty certainly hath found out and chosen a safe nature, a capable man, an honest will, generous and noble affections, and a courage well lodged, and one that I know loveth your majesty unfeignedly, and admireth you as much as is in a man to admire his sovereign upon earth. Only your majesty's school, wherein he hath already so well profited, as in this entrance upon the stage, being the time of the greatest danger, he hath not committed any manifest error, will add perfection to your majesty's comfort and the great contentment of your people. God ever preserve your majesty. I rest in all humbleness,

Colchester,
Aug. 12, 1616.

Your majesty's most bounden and devoted subject and servant,

FR. BACON.

* Ibid. with
corrections
from the original.

CLVIII. To Sir GEORGE VILLIERS, on sending his patent sealed *.

S I R,

I Took much contentment in that I perceived by your letter, that you took in so good part the freedom of my advice, and that yourself in your own nature and judgment consented therewith. There is no service comparable to good counsel; and the reason is, because no man can do so much for another, as a man may do for himself: now good counsel helpeth a man to help himself; but you have so happy a master as supplieth all. My service and good-will shall not be wanting.

It was graciously and kindly done also of his majesty towards me, to tell you that you were beholden to me; but it must be then for thinking of you as I do; for otherwise, for speaking as I think, it is but the part of an honest man. I send you your patent, whereof God give you joy; and I send you here inclosed a little note of remembrance for that part of the ceremony which concerneth the patent; for as for other ceremonies, I leave to others.

My lord chancellor dispatched your patent presently upon the receipt; and writ to me, how glad he was of it, and how well he wished you. If you write to him a few words of thanks, I think, you shall do well. God keep you and prosper you. I ever rest

Colchester, Aug. 19, 1616.

Your true and most devoted servant,

FR. BACON.

CLIX.

CLIX. To Sir GEORGE VILLIERS, acknowledging the King's
favour*.

* Rawley's
Resuscitatio.

S I R,

I Am more and more bound unto his majesty, who, I think, knowing me to have other ends than ambition, is contented to make me judge of mine own desires. I am now beating my brains, among many cares of his majesty's business, touching the redeeming the time in this business of cloth. The great question is; how to miss, or how to mate the Flemings; how to pass by them, or how to pass over them.

In my next letter, I shall alter your stile: but I shall never whilst I breathe alter mine own stile, in being

Your true and devoted servant,

Aug. 22, 1616.

FR. BACON.

CLX. To the KING*.

* Stephen's
first collection,
P. 175.

It may please your most excellent majesty,

FIRST, from the bottom of my heart I thank the God of all mercy and salvation, that he hath preserved you from receiving any hurt by your fall; and I pray his divine Majesty ever to preserve you on horseback and on foot from hurt and fear of hurt.

Now touching the clothing business; for that I perceive the cloth goeth not off as it should, and that Wiltshire is now come in with complaint, as well as Gloucestershire and Worcestershire, so that this gangrene creepeth on; I humbly pray your majesty to take into your majesty's princely consideration a remedy for the present stand, which certainly will do the deed; and for any thing that I know will be honourable and convenient, though joined with some loss in your majesty's customs, which I know in a business of this quality, and being but for an interim till you may negotiate, your majesty doth not esteem: and it is this:

That your majesty by your proclamation do forbid, after fourteen days, giving that time for suiting mens selves, the wearing of any stuff made wholly of silk, without mixture of wool, for the space of six months. So your majesty shall supply outward vent with inward use, specially for the finer cloths, which are those wherein the stand principally is, and which silk-weavers are likest to buy; and you shall shew a most princely care over thousands of the poor people; and besides, your majesty shall blow a horn, to let the Flemings know your majesty will not give over the chace. Again, the winter season coming on is fittest for wearing of cloth; and there is scope enough left for bravery and vanity by lacing and embroidery, so it be upon cloth or stuffs of wool.

I thought it my duty to offer and submit this remedy, amongst others, to your majesty's great wisdom, because it pleased you to lay the care of this business upon me; and indeed my care did fly to it before, as it shall always do to any knots and difficulties

difficulties in your business, wherein hitherto I have been not unfortunate. God ever have you in his most precious custody.

Your majesty's most faithful and most bounden servant,

Sept. 13, 1616.

FR. BACON.

CLXI. To the lord Viscount VILLIERS.

* Stephen's first collection, p. 181.

My very good Lord,

IT was my opinion from the beginning, that this company will never overcome the business of the cloth; and that the impediments are as much or more in the persons which are *instrumenta animata*, than in the dead business itself.

I have therefore sent unto the king here inclosed my reasons, which I pray your lordship to shew his majesty.

The new company and the old company are but the sons of Adam to me, and I take myself to have some credit with both; but it is upon fear rather with the old, and upon love rather with the new; and yet with both upon persuasion that I understand the business.

Nevertheless I walk *in via regia*, which is not absolutely acceptable to either; for the new company would have all their demands granted, and the old company would have the king's work given over and deserted.

My opinion is, that the old company be drawn to succeed into the contract, else the king's honour suffereth, and that we all draw in one way to effect that. If time, which is the wisest of things, prove the work impossible or inconvenient, which I do not yet believe, I know his majesty and the state will not suffer them to perish.

I wish what shall be done were done with resolution and speed, and that your lordship, because it is a gracious business, had thanks of it next the king; and that there were some commission under his majesty's sign manual to deal with some selected persons of the old company, and to take their answers and consent under their hands; and that the procuring the commission, and the procuring their offers to be accepted, were your lordship's work.

In this treaty my lord chancellor must by no means be left out; for he will moderate well, and aimeth at his majesty's ends.

Mr. Solicitor is not yet returned, but I look for him presently. I rest

Your lordship's true and most devoted servant,

Monday, October 14,
1616. of the cloths.

FR. BACON.

* B. M. p. 182. CLXII. Reasons why the new company is not to be trusted and continued with the trade of cloths*.

FIRST, The company consists of a number of young men and shop-keepers, which not being bred in the trade, are fearful to meddle with any of the dear and fine cloths, but only meddle with the coarse cloths, which is every man's skill; and besides,

besides, having other trades to live upon, they come in the sunshine so long as things go well, and as soon as they meet with any storm or cloud, they leave trade, and go back to shop-keeping : whereas the old company were beaten traders, and having no other means of living but that trade, were fain to ride out all accidents and difficulties, which, being men of great ability, they were well able to do.

Secondly, These young men being the major part, and having a kind of dependence upon alderman Cockain, they carry things by plurality of voices ; and yet those few of the old company, which are amongst them, do drive almost three parts of the trade : and it is impossible things should go well, where one part gives the vote, and the other doth the work ; so that the execution of all things lies chiefly upon them that never consented, which is merely *motus violentus*, and cannot last.

Thirdly, The new company make continually such new springing demands, as the state can never be secure nor trust to them ; neither doth it seem that they do much trust themselves.

Fourthly, The present stand of cloth at Blackwell-hall, which is that that presseth the state most, and is provided for but by a temporary and weak remedy, is supposed would be presently at an end, upon the revivor of the old ; in respect that they are able men and united amongst themselves.

Fifthly, In these cases *opinio est veritate major*, and the very voice and expectation of revivor of the old company will comfort the clothiers, and encourage them not to lay down their looms.

Sixthly, The very Flemings themselves, in regard of the pique they have against the new company, are like to be more pliant and tractable towards his majesty's ends and desires.

Seventhly, Considering the business hath not gone on well, his majesty must either lay the fault upon the matter itself, or upon the persons that have managed it ; wherein the king shall best acquit his honour, to lay it where it is indeed ; that is, upon the carriage and proceedings of the new company, which have been full of uncertainty and abuse.

Lastly, The subjects of this kingdom generally have an ill taste and conceit of the new company, and therefore the putting of them down will discharge the state of a great deal of envy.

CLXIII. To the Lord Viscount VILLIERS*.

M; very good Lord,

* Stephens's
first collection,
p. 184

NOW that the king hath received my opinion, with the judges opinion, unto whom it was referred, touching the proposition for inns, in point of law ; it resteth that it be molded and carried in that sort, as it may pass with best contentment and conveniency. Wherein I that ever love good company, as I was joined with others in the legal point, so I desire not to be alone touching the conveniency. And therefore I send your lordship a form of warrant for the king's signature, whereby the framing of the business, and that which belongeth to it, may be referred to myself with serjeant Montague and serjeant Finch, and tho' Montague should change his place, that alteration hurteth not the business, but rather helpeth it. And because the inquiry and survey touching inns will require much

† Here (referred) or some word of the like import is omitted.

attendance and charge, and the making of the licences, I shall think fit, when that question cometh to me, to be † to the justice of assize, and not to those that follow this business: therefore his majesty may be pleased to consider what proportion or dividend shall be allotted to Mr. Mompesson, and those that shall follow it at their own charge, which useth in like cases to be a fifth: So I ever rest

Your Lordship's true and most devoted servant,

Nov. 13, 1616.

FR. BACON.

* I suppose after the judges and attorney-general had given the opinion above-mentioned, that a patent was soon granted for licensing of common inns; whence Sir Giles Mompesson levied several sums by fines, and annual rent, and from ale-houses also by a subsequent patent: proceeding therein with so much rigour, that it was complained of in the parliament which began in 1629, as one of the great grievances of the nation; the patent declared illegal, and recalled by the king's proclamation; Mompesson and Michel the chief projectors of this and some other oppressions, severely censured according to their demerits: the manner of which may be seen in the journals of that parliament, and the histories of those times. *Stephens.*

CLXIV. To the Lord Viscount VILLIERS*.

* See hens's first collection, p. 186.

My very good Lord,

I Think his majesty was not only well advised, but well inspired, to give order for this same wicked child of Cain, Bertram, to be examined before he was farther proceeded with. And I for my part, before I had received his majesty's pleasure by my lord chamberlain, went thus far; that I had appointed him to be farther examined, and also had taken order with Mr. Solicitor that he should be provided to make some declaration at his trial in some solemn fashion, and not to let such a strange murder pass, as if it had been but a horse-stealing.

But upon his majesty's pleasure signified, I forthwith caused the trial to be staid, and examined the party according to his majesty's questions; and also sent for the principal counsel in the cause, whereupon Sir John Tyndal's report was grounded, to discern the justice or iniquity of the said report, as his majesty likewise commanded.

I send therefore the case of Bertram truly stated and collected, and the examination taken before myself and Mr. Solicitor; whereby it will appear to his majesty that Sir John Tyndal, as to his cause, is a kind of martyr: for if ever he made a just report in his life, this was it.

But the event since all this is, that this Bertram being, as it seemeth, indurate, or in despair, hath hanged himself in prison; of which accident, as I am sorry, because he is taken from example and public justice, so yet I would not for any thing it had been before his examination; so that there may be otherwise some occasion taken, either by some declaration in the king's bench upon the return of the coroner's inquest, or by some printed book of the fact, or by some other means, whereof I purpose to advise with my lord chancellor, to have both his majesty's
royal

royal care, and the truth of the fact, with the circumstances, manifested and published ^a.

For the taking of a toy of my lord chief justice before he was placed, it was done before your letter came; and on Tuesday Heath and Shute shall be admitted and all perfected.

My lord chancellor purposeth to be at the hall to-morrow, to give my lord chief justice his oath; and I pray God it hurt him not this cold weather. God ever prosper you.

Your true and most devoted servant,

Sunday night, Nov. 17, 1616.

FR. BACON.

^a This Bertram, who, according to Cambden in his annals of king James, was a grave man of above 70 years of age, and of a clear reputation, pilloried Sir John Tyndal, a master in chancery, on the 12th of November, for making a report against him, in a cause where the sum contended for did not exceed 200*l*. By his examination taken the 16th, he confessed it to be as foul a murder as ever was; under the sentence of which he hanged himself the next day. *Stephens*.

CLXV. TO SIR FRANCIS BACON, his Majesty's Attorney-General *.

* Stephens's second collection, p. 23.

S I R,

I Have acquainted his majesty with your letter, and the other papers inclosed, who liketh very well of the course you purpose touching the manifest to be published of Bertram's fact: and will have you, according to your own motion, advise with my lord chancellor of the manner of it. His majesty's pleasure likewise is, that according to the declaration he made before the lords of his council at Whitehall, touching the review of my lord Coke's *Reports*, you draw a warrant ready for his signature, directed to those judges whom he then named to that effect, and send it speedily to him to be signed, that there may be a dispatch of that business before the end of this term. And so I rest

Your faithful friend at command,

Newmarket, Nov. 19, 1616:

GEORGE VILLIERS.

The Case of John Bertram.

Leonard Chamberlayne died intestate without issue, and left a sister married to Bertram, and a niece afterwards married to Sir George Simeon.

The niece obtained letters of administration, and did administer; but afterwards upon appeal, Bertram in the right of his wife, that was the sister, obtained the former administration to be repealed, and new letters of administration to be committed to Bertram and his wife, because the sister was nearer of kin than the niece.

Thereupon Bertram brings his bill in chancery against the first administratrix, to discover the true state of the intestate, and to have it set over unto him, being the rightful administrator; and this cause coming to hearing, it did appear that there

was a debt of 200 *l.* owing by one Harris to the intestate : whereupon it was decreed, that the debt of Harris by bond should be set over to Bertram, and likewise that all other moneys, debts, and bonds, should be assigned over to him. In the penning of this decree there was an error or slip ; for it was penned that a debt by Harris by a bond of 200 *l.* should be set over, whereas the proofs went plainly that it was but 200 *l. in toto* upon divers specialties and writings. Upon this pinch and advantage Bertram moved still that the bond of 200 *l.* should be brought in, and at last the defendant alledging that there was no such bond, the court ordered that the money itself, namely, 200 *l.* should be brought in ; which was done accordingly, and soon after by order of the court it was paid over to Bertram.

When Bertram had this 200 *l.* in his purse he would needs surmise, that there was another 200 *l.* due by Harris upon account, besides the 200 *l.* due by one singular bond, and still pressed the words of the decree, which mentions a bond, and thereupon got his adversary Sir George Simeon committed. Afterwards it was moved upon Simeon's part, that there was only one debt of 200 *l.* and that the decree was mistaken in the penning of it, and so must needs be understood, because the decree must be upon the proofs ; and all the proofs went but upon the 200 *l. in toto*, and not upon any particular bond : whereupon my lord chancellor referred the consideration of the proofs, and the comparing of them with the decree, to Sir John Tyndal and doctor Amye.

They reported, which was the killing report, that upon the proofs there was but one 200 *l.* in all, and that had been eagerly followed by Bertram, and that Simeon had suffered by error and mistaking, and that it were time he were released, which was a most just and true report, and yet it concluded, as is used in such cases, that they referred it to the better judgment of the court ; and the court upon the reading of that report gave order that the plaintiff Bertram should shew cause by a day why Simeon should not be enlarged, and the plaintiff Bertram dismissed. And before the day prefixed to shew cause, Bertram pittoled Sir John Tyndal.

CLXVI. To the Lord Viscount VILLIERS*.

* Stephen's
first edition,
p. 158.

My very good Lord,

I Am glad to find your lordship mindful of your own business, and if any man put you in mind of it, I do not dislike that neither ; but your lordship may assure yourself, in whatsoever you commit to me your lordship's farther care shall be needless : for I desire to take nothing from my master and my friend but care ; and therein I am so covetous, as I will leave them as little as may be.

Now therefore things are grown to a conclusion, touching your land and office, I will give your lordship an account of that which is passed ; and acquaint your judgment, which I know to be great and capable of any thing, with your own business ; that you may discern the difference between doing things substantially, and between shuffling and talking : and first for your patent.

First, it was my counsel and care that your book should be fee-farm, and not fee-simple ; whereby the rent of the crown in succession is not diminished, and yet the quantity of the land, which you have upon your value, is enlarged ; whereby you have both honour and profit.

Secondly,

Secondly, By the help of Sir Lyonel Cranfield I advanced the value of Sherbourn from 26000 *l.* (which was thought and admitted by my lord treasurer and Sir John Decombe, as a value of great favour to your lordship, because it was a thousand pound more than it was valued at to Somerset to thirty two thousand pounds; whereby there were six thousand pounds gotten, and yet justly.

Thirdly, I advised the course of rating Hartington at a hundred years purchase, and the rest at thirty-five years purchase fee-farm, to be set down and expressed in the warrant; that it may appear and remain of record, that your lordship had no other rates made to you in favour, than such as purchasers upon sale are seldom drawn unto; whereby you have honour.

Fourthly, That lease to the feoffees, which was kept as a secret in the decke, and was not only of Hartington, but also of most of the other particulars in your book, I caused to be thoroughly looked into and provided for; without which your assurance had been nothing worth: and yet I handled it so, and made the matter so well understood, as you were not put to be a suitor to the prince for his goodwill in it, as others ignorantly thought you must have done.

Fifthly, The annexation^a, which no body dreamt of, and which some idle bold lawyer would perhaps have said had been needless; and yet is of that weight, that there was never yet any man that would purchase any such land from the king, except he had a declaration to discharge it, I was provident to have it discharged by declaration.

Sixthly, Lest it should be said that your lordship was the first, except the queen and the prince, that brake the annexation, upon a mere gift; for that others had it discharged only upon sale, which was for the king's profit and necessity; I found a remedy for that also, because I have carved it in the declaration, as that this was not gift to your lordship, but rather a purchase and exchange, as indeed it was, for Sherbourn.

Seventhly and lastly, I have taken order, as much as in me was, that your lordship in these things which you have passed be not abused, if you part with them; for I have taken notes in a book of their values and former offers.

Now for your office.

First, Whereas my lord Teynham, at the first, would have had your lordship have had but one life in it, and he another; and my lord treasurer, and the solicitor, and Decombe, were about to give way to it; I turned utterly that course, telling them that you were to have two lives in it, as well as Somerset had.

Secondly, I have accordingly, in the assurance from your deputies, made them acknowledge the trust, and give security not only for your lordship's time, but after; so as you may dispose, if you should die, which I would be forry to live to, the profits of the office by your will, or otherwise, to any of your friends for their comfort and advancement.

Thirdly, I dealt so with Whitlocke as well as Heath, as there was no difficulty made of the surrender.

Lastly, I did cast with myself, that if your lordship's deputies had come in by Sir Edward Coke, who was tied to Somerset, it would have been subject to some clamour from Somerset, and some question what was forfeited by Somerset's at-

^a The annexation, by which lands, *etc.* were united or annexed to the duchies of Cornwall and Lancaster.

LETTERS OF SIR FR. BACON TEMP. JAC.

raider, being but of felony, to the king; but now they coming in from a new chief justice, all is without question or scruple.

Thus your lordship may see my love and care towards you, which I think infinitely too little in respect of the fulness of my mind; but I thought good to write this, to make you understand better the state of your own business; doing by you as I do by the king; which is, to do his business safely and with foresight, not only of to-morrow or next day, but afar off; and not to come fiddling with a report to him what is done every day, but to give him up a good sum in the end.

I purpose to send your lordship a kalendar fair written of those evidences which concern your estate, for so much as have passed my hands; which in truth are not fit to remain with solicitors, no nor with friends, but in some great cabinet to be made for that purpose.

All this while I must say plainly to your lordship, that you fall short for your present charge, except you play the good husband; for the office of Teynham is in reversion, Darcy's land is in reversion; all the land in your books is but in reversion, and yields you no present profit, because you pay the fee-farm. So as you are a strange heteroclite in grammar, for you want the present tense; many verbs want the praterperfect tense, and some the future tense, but none want the present tense. I will hereafter write to your lordship, what I think of for that supply; to the end that you may, as you have begun to your great honour, despite money, where it crosseth reason of state or virtue. But I will trouble you no farther at this time. God ever preserve and prosper your lordship.

Your true and most devoted servant,

Nov. 29, 16.6.

FR. BACON.

* Certainly the wisdom of foresight and prevention, is far above the wisdom of remedy; and yet I fear the following observation of Sir Francis Bacon makes in his essay of empire, concerning the time in or near which he lived, hath been verified too much in others. "This is true, that the wisdom of all these later times in princes affairs, is rather fine deliveries and shiftings of dangers and mischiefs when they are near, than solid or grounded courses to keep them aloof. But this is but to try masteries with fortune; and let men beware how they neglect and suffer matter of trouble to be prepared; for no man can forbid the spark, not tell whence it may come."

* Suppl. to
6th collection,
p. 172.

CLXVII. To the Lord Viscount VILLIERS, about duels*.

My very good Lord,

I Delivered the proclamation for cloth to secretary Winwood on Saturday, but he keepeth it to carry it down himself, and goeth down, as I take it, to-day. His majesty may perceive by the docket of the proclamation, that I do not only study, but act that point touching the judges, which his majesty commandeth in your last.

Yesterday was a day of great good for his majesty's service, and the peace of this kingdom concerning duels, by occasion of Darcy's case. I spake big, and, publishing his majesty's strait charge to me, said, it had struck me blind, as in point of duels and cartels, etc. I should not know a coronet from a hatband. I was bold also to declare how excellently his majesty had expressed to me a contemplation of his

his touching duels ; that is, that when he came forth and saw himself princely attended with goodly nobles and gentlemen, he entered into the thought, that none of their lives were in certainty not for twenty four hours from the duel ; for it was but a heat or a mistaking, and then a lye, and then a challenge, and then life : saying, that I did not marvel, seeing Xerxes shed tears, to think none of his great army should be alive once within a hundred years, his majesty were touched with compassion to think that not one of his attendance but might be dead within twenty four hours by the duel. This I write because his majesty may be wary, what he saith to me, in things of this nature, I being so apt to play the blab. In this also I forgot not to prepare the judges, and wish them to profess, and as it were to denounce, that in all cases of duel capital before them, they will use equal severity towards the insolent murder by the duel, and the insidious murder ; and that they will extirpate that difference out of the opinions of men ; which they did excellent well.

I must also say, that it was the first time that I heard my lord of Arundel speak in that place ; and I do assure your lordship he doth excellently become the court ; he speaketh wisely and weightily, and yet easily and clearly, as a great nobleman should do *.

There hath been a proceeding in the king's bench against Bertram's keeper, for misdemeanor, and I have put a little pamphlet, prettily penn'd by one Mr. Trotte, that I set on work, touching the whole business, to the praise by my lord chancellor's advice.

I pray God direct his majesty in the cloth business, that that thorn may be once out of our sides. His majesty knoweth my opinion *ab antiquo*. Thanks be to God for your health, and long may you live to do us all good. I rest

Your true and most devoted servant,

FR. BACON.

* My lord of Arundel descended from the noble family of the Howards ; his grandfather the duke of Norfolk losing his life upon the account of Mary Queen of the Scots, and his father suffering some years imprisonment under sentence of condemnation ; he was restored in blood, and to the titles of Arundel and Surry, 1. Jac. made a privy counsellor on the 25th of July 1616, and afterwards earl marshal of England, and general of the army sent against the Scots by king Charles I. But about the beginning of our civil wars he retired into Italy, where he had spent part of his youth, and returned to the religion he had professed, dying at Padua in 1646. He was a gentleman of a noble aspect, and of a noble nature, a great virtuoso and antiquary, who with much care and cost procured many valuable antiquities and inscriptions to be brought from Asia, Greece, and Italy into England, and placed them in or near his garden at Arundel-house in the Strand ; several of which were very generously presented by his grandson the duke of Norfolk to the university of Oxford, where they are among others of the famous Selden fixed to the walls inclosing the Theatre. It were to be wished, that the great number of ancient statues which adorned his house and gardens, and have since been much neglected, had met with as safe a repository. The eloquence which Sir Francis Bacon doth here commend in this lord, is much the same which in the beginning of his *Advancement of learning* he doth attribute to the king, in the words of Tacitus, concerning Augustus Cæsar ; *Augusto profuerunt, et quæ primo sem accepit, eloquentia quæ*.

A proposition for the suppressing of singular combats or duels, in the handwriting of Sir FRANCIS BACON*.

* Original in
of the
in
mentioned Sir
Francis Bacon
con
agreed
it may not be
improper to
insert here this
curious paper
from Sir Da-
vid Dalrymple's
memoir
al and letter,
p. 51.

FIRST, for the ordinance which his majesty may establish herein, I wish it may not look back to any offence past, for that strikes before it warns. I wish also it may be declared to be temporary, until a parliament; for that will be very acceptable to the parliament; and it is good to teach a parliament to work upon an edict or proclamation precedent.

For the manner, I should think fit there be published a grave and severe proclamation, induced by the overflow of the present mischief.

For the ordinance itself: first, I consider that offence hath vogue only amongst noble persons, or persons of quality. I consider also that the greatest honour for subjects of quality in a lawful monarchy, is to have access and approach to their sovereign's sight and person, which is the fountain of honour; and though this be a comfort all persons of quality do not use; yet there is no good spirit but will think himself in darkness, if he be debarred of it. Therefore I do propound, that the principal part of the punishment be, that the offender, in the cases hereafter set down, be banished perpetually from approach to the courts of the king, queen, or prince.

Secondly, That the same offender receive a strict prosecution by the king's attorney, *ore tenus*, in the Star-Chamber; for the fact being notorious, will always be confessed, and so made fit for an *ore tenus*. And that this prosecution be without respect of persons, be the offender never so great; and that the fine set be irreparable.

Lastly, For the causes, that they be these following:

1. Where any singular combat, upon what quarrel soever, is acted and performed, though death do not ensue.
2. Where any person passeth beyond the seas, with purpose to perform any singular combat, though it be never acted.
3. Where any person sendeth a challenge.
4. Where any person accepteth a challenge.
5. Where any person carrieth or delivereth a challenge.
6. Where any person appointeth the field, directly or indirectly, although it be not upon any cartel or challenge in writing.
7. Where any person accepteth to be a second in any quarrel.

CLXVIII. To the Lord Viscount VILLIERS*.

* See the
first
in p. 32.

It may please your Lordship,

I Pray let his majesty understand, that although my lord chancellor's answer touching the dismissal of the Farmers cause, was full of respect and duty, yet I would be glad to avoid an express signification from his majesty, if his majesty may otherwise have his end. And therefore I have thought of a course, that a motion be made in open court, and that thereupon my lord move a compromise to some to be named

named on either part, with bond to stand to their award. And as I find this to be agreeable to my lord chancellor's disposition, so I do not find but the Farmers and the other party are willing enough towards it. And therefore his majesty may be pleased to forbear any other letter or message touching that business. God ever keep your lordship.

Jan. 23, 1616.

Your Lordship's true and most devoted servant,

FR. BACON.

CLXIX. This letter was written to the Earl of BUCKINGHAM, on the same day Sir Francis Bacon was declared Lord Keeper of the Great Seal*.

My dearest Lord,

IT is both in care and kindness, that small ones float up to the tongue, and great ones sink down into the heart in silence. Therefore I could speak little to your lordship to-day, neither had I fit time: but I must profess thus much, that in this day's work you are the truest and perfectest mirror and example of firm and generous friendship that ever was in court. And I shall count every day lost, wherein I shall not either study your well doing in thought, or do your name honour in speech, or perform you service in deed. Good my lord, account and accept me

Your most bounden and devoted friend and servant of all men living,

March 7, 1616.

FR. BACON, C. S.

* Stephens's first collection, p. 194.

CLXX. To the Earl of BUCKINGHAM*.

My singular good Lord,

WHEN I heard here your lordship was dead, I thought I had lived too long. That was, to tell your lordship truly the state of my mind, upon that report. Since, I hear it was an idle mistaking of my lord Evers for my lord Villiers. God's name be blessed, that you are alive to do infinite good, and not so much as sick or ill disposed for any thing I now hear.

I have resigned the prince's seal, and my lord Hobart is placed. I made the prince laugh, when I told him I resigned it with more comfort than I received it; he understanding me that I had changed for a better: but after I had given him that thought, I turned it upon this, that I left his state and business in good case, whereof I gave him a particular account.

The queen calleth upon me for the matter of her house, wherein your lordship and my lord chamberlain and I dealt, and received his majesty's direction, so that I shall prepare a warrant first to my lord treasurer and Mr. Chancellor, for that is the right way, to advise how to settle it by assignment, in case she survive his majesty, which I hope in God she shall not.

Her desire was expressly and of herself that when I had prepared a warrant to be sent to his majesty, I should send it by your lordship's hands.

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We

* Stephens's second collection, p. 33.

LETTERS, etc. OF THE LORD KEEPER BACON.

We sit in council, that is all I can yet say; Sir John Denham is not come, upon whose coming the king shall have account of our consultations touching Ireland, which we cannot conclude till we have spoken with him; God ever preserve and prosper you.

It grieveth me much that I cannot hear enough of his majesty's good disposition of health, and his pleasures, and other ordinary occurrences of his journey. I pray your lordship will direct Mr. Packer to write to me some time of matters of that kind; I have made the like request to Sir Edward Villiers, by whom I write this present, to whose good affection I think myself beholden, as I do also esteem him much for his good parts, besides his nearness to your lordship, which bindeth me above all.

Your lordship's most faithful and devoted friend and servant,

7 Apr. 1617.

FR. BACON, C. S.

CLXXI. To the renowned University of CAMBRIDGE,
his dear and reverend Mother*.

* Rawley's
Refutation.

I Am debtor to you for your letters, and of the time likewise, that I have taken to answer them. But as soon as I could choose what to think on, I thought good to let you know; that although you may err much in your valuation of me, yet you shall not be deceived in your assurance: and for the other part also, though the manner be to mend the picture by the life; yet I would be glad to mend the life by the picture, and to become, and be, as you express me to be. Your gratulations shall be no more welcome to me, than your business or occasions; which I will attend; and yet not so, but that I shall endeavour to prevent them by my care of your good. And so I commend you to God's goodness.

Your most loving and assured friend and son,

Gorhambury, Apr. 12, 1617.

FR. BACON, C. S.

CLXXII. To the Earl of BUCKINGHAM*.

* Stephens's
first collection,
p. 176.

My singular good Lord,

I Am now for five or six days retired to my house in the country: for I think all my lords are willing to do as scholars do, who though they call them holy-days, yet they mean them play-days.

We purpose to meet again on Easter-Monday, and go all to the spital sermon for that day, and therein to revive the ancient religious manner, when all the council used to attend those sermons, which some neglect in queen Elizabeth's time, and his majesty's great devotion in the due hearing of sermons himself with his council at the court, brought into desuetude. But now our attendance upon his majesty, by reason of his absence, cannot be, it is not amiss to revive.

I perceive by a letter your lordship did write some days since to my lord Brackley, that your lordship would have the king satisfied by precedents, that letters pa-
tents

tents might be of the dignity of an earldom without delivery of the patent by the king's own hand, or without the ordinary solemnities of a creation. I find precedents somewhat tending to the same purpose, yet not matching fully. But howsoever let me, according to my faithful and free manner of dealing with your lordship, say to you, that since the king means it, I would not have your lordship, for the satisfying a little trembling or panting of the heart in my lord or lady Brackley, to expose your lordship's self, or myself, whose opinion would be thought to be relied upon, or the king our master, to envy with the nobility of this realm; as to have these ceremonies of honour dispensed with, which in conferring honour have used to be observed, like a kind of *actor Bullatus* without the ceremony of a commencement: the king and you know I am not ceremonious in nature, and therefore you may think, if it please you, I do it in judgment. God ever preserve you.

Your lordship's most faithful and devoted friend and servant,

FR. BACON, C. S.

I purpose to send the precedents themselves by my lord of Brackley; but I thought fit to give you some taste of my opinion before.

Gorhambury, Apr. 13, 1617.

CLXXIII. To the Earl of BUCKINGHAM*.

My singular good Lord,

* Stephens's second collection, p. 17.

I Pray your good lordship to deliver to his majesty the inclosed.

I send your lordship also the warrant to my lord treasurer and Mr. Chancellor of the exchequer for the queen's [†] house: it is to come again to the king, when the bill is drawn for the letters patents; for this is only the warrant to be signed by his majesty. † Somerset-House.

I asked the queen, whether she would write to your lordship about it; her answer was very modest and discreet, that because it proceeded wholly from his majesty's kindness and goodness, who had referred it, it was not so fit for her to write to your lordship for the dispatch of it, but she desired me to thank your lordship for your former care of it, and to desire you to continue it: and withal she desired your lordship not to press his majesty in it, but to take his best times. This answer, because I like it so well, I write to you at large; for other matters I will write by the next. God ever prosper you and preserve you.

Your lordship's most faithful and devoted friend and servant,

London, 19 Apr. 1617.

FR. BACON, C. S.

CLXXIV. To Mr. MATTHEW, in reflection upon some
astronomers in Italy*.

* Sir Tobie
Matthew's
collection of
Letters, p. 25.

S I R,

I Write to you chiefly now, to the end, that by the continuance of my acquaintance with you by letters, you may perceive how much I desire, and how much I do not despair of the recontinuance of our acquaintance by conversation. In the mean time I wish you would desire the astronomers of Italy to amuse us less than they do with their fabulous and foolish traditions, and come nearer to the experiments of sense; and tell us, that when all the planets, except the moon, are beyond the line in the other hemisf, here for six months together, we must needs have a cold winter, as we saw it was the last year. For understanding that this was general over all these parts of the world; and finding that it was cold weather with all winds, and namely west-wind, I imagined there was some higher cause of this effect; though yet I confess I thought not that ever I should have found that cause so palpable a one as it proved; which yet, when I came quickly afterwards to observe, I found also very clearly, that the summer must needs be cold too; though yet it were generally thought, that the year would make a shift to pay itself, and that we should be sure to have heats for our cold. You see, that though I be full of business, yet I can be glad rather to lay it all aside, than to say nothing to you. But I long much more to be speaking often with you, and I hope I shall not long want my wish.

CLXXV. To the KING, about the Spanish match*.

* Stephen's
first collection,
p. 157.

It may please your most excellent majesty,

MR. Vice Chamberlain hath acquainted myself and the rest of the commissioners for the marriage with Spain, which are here, with your majesty's instructions, signed by your royal hands, touching that point of the suppressing of pirates, as it hath relation to his negotiation; whereupon we met yesterday at my lord admiral's at Chelsea, because we were loth to draw my lord into the air, being but newly up on his recovery^a.

We conceive the parts of the business are four: the charge; the confederations, and who shall be solicited or retained to come in; the forces and the distributions of them; and the enterprize. We had only at this time conference amongst ourselves, and shall appoint, after the holy-days, times for the calling before us such as are fit, and thereupon perform all the parts of your royal commandments.

^a Charles Lord Howard of Effingham and earl of Nottingham was, as Sir Robert Naunton observes, as good a gentleman as any person at that time had in us; which is confirmed by Sir Edmund Bacon, although his country was that he was raised upwards the part of eighty. He was all brave, faithful, and diligent, and one of the best as lord high admiral upon several occasions, particularly against the Spanish Armada in 1588. But in the latter end of the year 1613, he succeeded in the honourable place to the King, who constituted it upon the marriage of Buckingham, and died in the year 1614, and of his age the sixth hundred.

In this conference I met with somewhat which I must confess was altogether new to me, and opened but darkly neither; whereof I think Mr. Vice-Chamberlain will give your majesty some light, for so we wished. By occasion whereof I hold it my duty, in respect of the great place wherein your majesty hath set me, being only made worthy by your grace, which maketh it decent for me to counsel you *ad summam rerum*, to intimate or represent to your majesty thus much.

I do foresee, in my simple judgment, much inconvenience to ensue, if your majesty proceed to this treaty with Spain, and that your council draw not all one way. I saw the bitter fruits of a divided council the last parliament; I saw no very pleasant fruits thereof in the matter of the cloth. This will be of equal, if not more inconvenience; for wheresoever the opinion of your people is material, as in many cases it is not, there, if your council be united, they shall be able almost to give law to opinion and rumour; but if they be divided, the infusion will not be according to the strength and virtue of the votes of your council, but according to the aptness and inclination of the popular. This I leave to your majesty in your high wisdom to remedy: only I could wish that when Sir John Digby's instructions are perfected, and that he is ready to go, your majesty would be pleased to write some formal letter to the body of your council, if it shall be in your absence, signifying to them your resolution in general, to the end, that when deliberation shall be turned into resolution, no man, howsoever he may retain the inwardness of his opinion, may be active *in contrarium*.

The letters of my lords of the council with your majesty, touching the affairs of Ireland, written largely and articulately, and by your majesty's direction, will much facilitate our labours here; though there will not want matter of consultation thereupon. God ever preserve your majesty safe and happy.

Your majesty's most devoted and obliged servant,

London, April 19, 1617.

F. R. BACON, C. S.

CLXXVI. To the Earl of BUCKINGHAM*.

My singular good Lord,

* Stephens's
fifth Edition,
p. 200.

I Send your lordship, according to the direction of your letter, a note of the precedents that I find in my lord Brackley's business which do rather come near the case than match it. Your lordship knoweth already my opinion, that I would rather have you constant in the matter, than instant for the time.

I send also inclosed an account of council business by way of remembrance to his majesty, which it may please you to deliver to him.

The queen returneth her thanks to your lordship for the dispatch of the warrant touching her house: I have not yet acquainted the lord treasurer, and chancellor of the exchequer with it; but I purpose to-morrow to deliver them the warrant, and to advise with them for the executing of the same.

I have received the king's letter with another from your lordship, touching the cause of the officers, and Sir Arthur Ingram, whereof I will be very careful to do them justice.

Yesterday

Yesterday I took my place in chancery, which I hold only for the king's grace and favour, and your constant friendship. There was much ado, and a great deal of world: but this matter of pomp, which is heaven to some men, is hell to me, or purgatory at least. It is true, I was glad to see that the king's choice was so generally approved; and that I had so much interest in mens good will and good opinions, because it maketh me the fitter instrument to do my master service and my friend also.

† See page
67 of vol. ii.

After I was set in chancery, I published his majesty's charge which he gave me when he gave me the seal; and what rules and resolutions I had taken for the fulfilling his commandments. I send your lordship a † copy of that I said. My lord Hay coming to take his leave of me two days before, I told him what I was meditating, and he desired me to send him some remembrance of it; and so I could not but send him another copy thereof. Men tell me it hath done the king a great deal of honour; insomuch that some of my friends that are wise men and no vain ones, did not sick to say to me, that there was not these seven years such a preparation for a parliament; which was a commendation, I confess, pleased me well. I pray take some fit time to shew it his majesty, because if I misunderstood him in any thing, I may amend it, because I know his judgment is higher and deeper than mine.

I take infinite contentment to hear his majesty is in great good health and vigor; I pray God preserve and continue it. Thus wishing you well above all men living, next my master and his: I rest

Dorset-house, which putteth me
in mind to shew your lordship,
for your care of me touching
York-house, May 8, 1617.

Your true and devoted friend and servant,

FR. BACON, C. S.

CLXXVII. An account of council business, and other matters committed to me by his MAJESTY*.

* Sir John's
first collection,
p. 202.

FIRST, for May-day; at which time there was great apprehension of tumult by prentices and loose people; there was never such a still. The remedies that did the effect were three:

First, The putting in muster of the trained bands and military bands in a brave fashion that way. Next the laying a strait charge upon the mayor and aldermen for the city, and justices of the peace for the suburbs, that the prentices and others might go abroad with their flags and other gauderies, but without weapon of shot and pike, as they formerly took liberty to do: which charge was exceeding well performed and obeyed. And the last was, that we had, according to our warrant dormant, strengthen'd our commissions of the peace in London and Middlesex, with new clauses of lieutenantancy; which as soon as it was known abroad, all was quiet by the terror it wrought. This I write, because it maketh good my farther assurance I gave his majesty at his first removes, that all should be quiet; for which I received his thanks.

For the Irish affairs, I received, this day his majesty's letter to the lords, which we have not yet opened, but shall sit upon them this afternoon. I do not forget, besides the points of state, to put my lord treasurer in remembrance, that his majesty
laid

laid upon him the care of the improvement of the reveauē of Ireland by all good means, of which I find his lordship very careful, and I will help him the best I can.

The matter of the revenue of the recusants here in England, I purpose to put forward by a conference with my lord of Canterbury, upon whom the king laid it, and upon secretary Winwood; and, because it is matter of the exchequer, with my lord treasurer and Mr. Chancellor; and after to take the assistance of Mr. Attorney, and the learned counsel; and when we have put it in a frame, to certify his majesty.

The business of the pirates is, I doubt not, by this time come to his majesty, upon the letters of us the commissioners, whereof I took special care; and I must say, I find Mr. Vice-chamberlain a good able man with his pen. But to speak of the main business, which is the match with Spain, the king knows my mind by a former letter; that I would be glad it proceeded with an united council; not but that votes and thoughts are to be free: but yet after a king hath resolved, all men ought to co-operate, and neither to be active nor much locutive *in oppositum*; especially in a case where a few dissenting from the rest, may hurt the business *in foro famæ*.

Yesterday, which was my weary day, I bid all the judges to dinner, which was not used to be, and entertained them in a private withdrawing chamber, with the learned counsel. When the feast was passed, I came amongst them, and sat me down at the end of the table, and prayed them to think I was one of them, and but a foreman. I told them I was weary, and therefore must be short, and that I would now speak to them upon two points. Whereof the one was, that I would tell them plainly, that I was firmly persuaded, that the former discords and differences between the chancery and other courts were but flesh and blood; and that now the men were gone, the matter was gone; and that for my part as I would not suffer any the least diminution or derogation from the ancient and due power of the chancery, so if any thing should be brought to them at any time, touching the proceedings of the chancery, which did seem to them exorbitant or inordinate, that they should freely and friendly acquaint me with it, and we should soon agree; or if not, we had a master that could easily both discern and rule. At which speech of mine, besides a great deal of thanks and acknowledgment, I did see cheer and comfort in their faces, as if it were a new world.

The second point was, that I let them know how his majesty, at his going, gave me charge to call and receive from them the accounts of their circuits, according to his majesty's former prescript, to be set down in writing; and that I was to transmit the writings themselves to his majesty; and accordingly as soon as I have received them I will send them to his majesty.

Some two days before I had a conference with some judges, not all, but such as I did choose, touching the high commission, and the extending of the same in some points; which I see I shall be able to dispatch by consent, without his majesty's farther trouble.

I did call upon the committees also for the proceeding in the purging of Sir Edward Coke's Reports, which I see they go on with seriously.^a

Thanks

^a During the time that my lord chief justice Coke lay under the displeasure of the court, some information was given to the king, that he having published eleven books of Reports, had written many things against his majesty's prerogative. And being commanded to explain some of them, my lord chancellor Ellesmere

Thanks be to God, we have not much to do for matters of counsell, and I fee now that his majesty is as well able by his letters to govern England from Scotland, as he was to govern Scotland from England.

doth thereupon, in his letter of 12 October 1611, write thus to the king: "According to your majesty's
 " commandment, I have caused to be made by Mr. S. [?], I called the Lord chief justice before me on 11 August 1611
 " 1611, and in the presence of Mr. Annesley, and others of your learned council. I did let him know your
 " majesty's appointment of the law, and his excuses, which upon review of his own labours he had made
 " fewer than you expected, and his excuses other than you expected." And did at the same time inform
 him, that his majesty was charmed with several other passages therein; and those not of the principal
 points of the cases judged, but deliver'd by way of expatiation, and which might have been omitted with-
 out prejudice to the judgment; of which sort the attorney and solicitor-general did for the present only se-
 lect five, which being deliver'd to the chief justice on the 17th of October, he returns his answers at large
 upon the 21st of the same month, the which I have seen under his own hand. 'Tis true the lord chancellor
 wished he might have been spared all service concerning the chief justice, as remembering the fifth petition of
donner n'obis à lui en jura, etc. In which that though a committee of judges was appointed to consider these
 books, yet the matter seems to have slept, till after Sir Francis Bacon was made lord keeper, it revived,
 and two judges more were added to the former. Whereupon Sir Edward Coke doth by his letter make his
 humble suit to the earl of Buckingham, 1. That if his majesty shall not be satisfied with his former offer,
 namely, by the advice of the judges to explain and publish those points, so as no shadow may remain
 against his prerogative, that then all the judges of England may be called thereto. 2. That they might
 certify also what cases he had published for his majesty's prerogative and benefit, for the good of the church,
 and quieting mens inheritances, and good of the commonwealth. But Sir Edward then, or soon after,
 coming into favour by the marriage of his daughter, I conceive there was no farther proceedings in this
 affair. It will be needless for me to declare what reputation these books have among the professors of the
 law; but I cannot omit upon this occasion, to take notice of a character Sir Francis Bacon had some time
 before given them in his proposition to the king, touching the compiling and amendment of the laws of
 England. "To give every man his due, had it not been for Sir Edward Coke's Reports, which though
 " they may have errors and some peremptory and extrajudicial resolutions more than are warranted, yet
 " they contain infinite good decisions and rulings over of cases, the law by this time had been almost like
 " a ship without ballast: for that the cases of modern experience are fled from those that are adjudged
 " and ruled in former time." *Stephens.*

CLXXVIII. A note of some precedents as come nearest the case of the
 lord Brackley: referred to in the foregoing letter*.

* See the
 note on p. 20.

THE lord Hay was created baron of Sawley, 28 Junii 13 Regis, without the
 ceremony of robing, as I take it, but then the patent, as I conceive it also deli-
 vered to the person of the said lord Hay by the king's own hands; and again, the
 dignity of a baron hath incident to it only the ceremony of robes, and not the
 cincture of the sword, coronet, etc.

The duke of Lenox was created earl of Richmond, 6 Octobris 11 Regis, without
 any of the ceremonies, as I take it, but the patent, as I conceive it also, was deli-
 ver'd to the person of the said duke, with the hands of the king: and again, in re-
 gard he was invested of the superior dignity of duke of Scotland, the ceremonies
 were not fit to be iterated.

King Henry VII created Edward Courtenay knight, earl of Devon, 26 Octobris,
 1 Regni, *teste meo, et per litteras apostolicas, etc.* Whereby it may be collected, that
 it was done without the solemnities; for that where the solemnities were performed,
 it hath used to be with a *teste testibus*, and not *teste meo*; and whether it were de-
 liver'd with the king's hand or not, it appears not.

Edward VI created William earl of Essex, marquis of Northampton, 16 Feb.
 1 Edw. VI. and it is mentioned to be *per cincturam gladii, cappam honoris, et circulum*
auri

aurei impositionem; but whether the delivery was by the king's own hand *non constat*, but it was *teste meipso*, and not *hiscē testibus*.

The same king created John viscount L'Isle, earl of Warwick, the same time, and it is mentioned to be *per cincturam gladii*, etc. but it was *teste meipso*, and not *hiscē testibus*.

Edward VI created Thomas lord Wriothesley, earl of Southampton in the same day, and in the same manner, with a *teste meipso*, and not *hiscē testibus*. These three creations being made upon one day, and when the king was a child of about nine years old, and in the very entrance of his reign, for the patents bear date at the Tower of London, doth make me conjecture that all the solemnities were performed; but whether the king endured to be present at the whole ceremony, and to deliver the patents with his own hand, I doubt; for that I find that the very self-same day, year, and place, the king created his uncle the earl of Hertford, to be duke of Somerset *per cincturam gladii, cappam honoris, et circuli aurei impositionem, et traditionem virgule aureae*, with a *hiscē testibus*, and not *teste meipso*, and with a *datum per manus nostras*: yet these things are but conjectural.

I find no precedents for a *non obstante*, or a dispensation with the solemnities, as the lord Brackley's bill was penned.

CLXXIX. To the Lord Keeper*.

My honoured Lord,

I Have acquainted his majesty with your letter, and the papers that came inclosed, who is exceedingly well satisfied with that account you have given him therein, especially with the speech you made at the taking of your place in the chancery. Whereby his majesty perceiveth that you have not only given proof how well you understand the place of a chancellor, but done him much right also, in giving notice unto those that were present, that you have received such instructions from his majesty; whose honour will be so much the greater, in that all men will acknowledge the sufficiency and worthiness of his majesty's choice, in preferring a man of such abilities to that place, which besides cannot but be a great advancement and furtherance to his service: and I can assure your lordship, that his majesty was never so well pleased, as he is with this account you have given him of this passage. Thus with the remembrance of my service, I rest

Your Lordship's ever at command,

Edinburgh, 18 May. 1617.

G. BUCKINGHAM.

* Stephens's second collection, p. 47.

CLXXX. To the Earl of BUCKINGHAM*.

My very good Lord,

I Know your lordship hath a special care of any thing that concerneth the queen. She was entered into dislike of her solicitor, this bearer Mr. Lowder, and resolute in it. To serve, and not to please, is no man's condition. Therefore, upon knowledge of her pleasure, he was willing to part with his place, upon hopes not to be destituted, but to be preferred to one of the barons places in Ireland. I pray move the king for him, and let his majesty know from me, that I think, howsoever he

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Y y

pleased

* Ibid. p. 48

pleased not here, he is fit to do his majesty service in that place; he is grave and formal, which is somewhat there, and sufficient enough for that place. The queen had made Mr. Hackwell her solicitor, who hath for a long time taken much pains in her business, wherein she hath done well. He was an opposite in parliament, as Jones was, that the king hath made chief justice of Ireland. But I hold it no ill counsel to join, or to remove such men. God preserve and prosper you.

Your true and devoted friend and servant,

Whitehall, 25 May, 1617.

FR. BACON.

CLXXXI. To the Earl of BUCKINGHAM*.

* Stephens's
first collection,
p. 207.

My very good Lord,

I shall write to your lordship of a business which your lordship may think to concern myself; but I do think it concerneth your lordship much more. For as for me, as my judgment is not so weak to think it can do me any hurt, so my love to you is so strong, as I would prefer the good of you and yours before mine own particular.

It seemeth secretary Winwood hath officiously busied himself to make a match between your brother and Sir Edward Coke's daughter: and, as we hear, he doth it rather to make a faction, than out of any great affection to your lordship; it is true, he hath the consent of Sir Edward Coke, as we hear, upon reasonable conditions for your brother; and yet no better than, without question, may be found in some other matches. But the mother's consent is not had, nor the young gentlewoman's, who expecteth a great fortune from her mother, which without her consent is endangered. This match, out of my faith and freedom towards your lordship, I hold very inconvenient both for your brother and yourself.

First, He shall marry into a disgraced house, which in reason of state is never held good.

Next, He shall marry into a troubled house of man and wife, which in religion and christian discretion is disliked.

Thirdly, Your lordship will go near to lose all such your friends as are adverse to Sir Edward Coke; myself only except, who out of a pure love and thankfulness shall ever be firm to you.

And lastly and chiefly, believe it, it will greatly weaken and distract the king's service; for though, in regard of the king's great wisdom and depth, I am persuaded, those things will not follow which they imagine: yet opinion will do a great deal of harm, and cast the king back, and make him relapse into those inconveniences which are now well on to be recovered.

Therefore my advice is, and your lordship shall do yourself a great deal of honour, if, according to religion and the law of God, your lordship will signify unto my lady your mother, that your desire is, that the marriage be not pressed or proceeded in without the consent of both parents; and so either break it altogether, or defer any farther delay in it, till your lordship's return: and this the rather, for that, besides the inconvenience of the matter itself, it hath been carried to harshly and inconsiderately by secretary Winwood, as, for doubt that the father should

take

take away the maiden by force, the mother, to get the start, hath conveyed her away secretly; which is ill of all sides. Thus hoping your lordship will not only accept well, but believe my faithful advice, who by my great experience in the world must needs see farther than your lordship can; I ever rest

Your Lordship's true and most devoted friend and servant,

FR. BACON, C. S.

I have not heard from your lordship since I sent the king my last account of council business; but I assure myself you received it, because I sent at the same time a packet to secretary Lake, who hath signified to me that he hath received it.

I pray your lordship deliver to his majesty this little note of chancery business.

July, 12, 1617.

CLXXXII. To the KING*.

It may please your most excellent Majesty,

I Think it agreeable to my duty, and the great obligation wherein I am tied to your majesty, to be freer than other men in giving your majesty faithful counsel, while things are in passing; and more bound than other men in doing your commandments, when your resolution is settled, and made known to me.

I shall therefore most humbly crave pardon from your majesty, if in plainness, and no less humbleness, I deliver to your majesty my honest and disinterested opinion, in the business of the match of Sir John Villiers, which I take to be *magnum in parvo*: preserving always the laws and duties of a firm friendship to my lord of Buckingham, whom I will never cease to love, and to whom I have written already, but have not heard yet from his lordship.

But first, I have three suits to make to your majesty, hoping well you will grant them all.

The first is, that if there be any merit in drawing on that match, your majesty would bestow the thanks not upon the zeal of Sir Edward Coke to please your majesty, nor upon the eloquent persuasions or pragmatics of Mr. Secretary Winwood, but upon them, that carrying your commandments and directions with strength and justice, in the matter of the governor of Diepe, in the matter of Sir Robert Rich, and in the matter of protecting the lady, according to your majesty's commandment; have so humbled Sir Edward Coke, as he seeketh now that with submission, which, as your majesty knoweth, before he rejected with scorn: for this is the true orator that hath persuaded this business; as I doubt not but your majesty in your excellent wisdom doth easily discern.

My second suit is, that your majesty would not think me so pusillanimous, as that I, that when I was but Mr. Bacon, had ever, through your majesty's favour, good reason at Sir Edward Coke's hands, when he was at the greatest, should now,

* All that I have seen relating to the difference between the governor of Diepe and Sir Edward Coke, is contained in a letter of secretary Winwood's to my lord Buckingham, dated 29 June this year, and in these words; "Sir Edward Coke hath consigned into the hands of the lords 2400*l* for the satisfaction of the French ambassador, in the cause which concerneth the governor of Diepe." *Stepens.*

that your majesty of your great goodness hath placed me so near your chair, being, as I hope, by God's grace and your instructions, made a servant according to your heart and hand, fear him, or take umbrage of him, in respect of mine own particular.

My third suit is, that if your majesty be resolved the match shall go on, after you have heard my reasons to the contrary; I may receive therein your particular will and commandments from yourself, that I may conform myself thereunto; imagining with myself, though I will not wager on womens minds, that I can prevail more with the mother than any other man. For if I should be requested in it from my lord of Buckingham, the answers of a true friend ought to be, that I had rather go against his mind than against his good: but your majesty I must obey; and besides I shall conceive that your majesty, out of your great wisdom and depth, doth see those things which I see not.

Now therefore, not to hold your majesty with many words, which do but drown matter, let me most humbly desire your majesty to take into your royal consideration, that the state is at this time not only in good quiet and obedience, but in a good affection and disposition. Your majesty's prerogative and authority having risen some just degrees above the horizon more than heretofore, which hath dispersed vapours: your judges are in good temper; your justices of the peace, which is the body of the gentlemen of England, grow to be loving and obsequious, and to be weary of the humour of ruffling: all mutinous spirits grow to be a little poor, and to draw in their horns; and not the less for your majesty's disauthorising the man I speak of. Now then I reasonably doubt, that if there be but an opinion of his coming in, with the strength of such an alliance, it will give a turn and relapse in mens minds, into the former state of things, hardly to be holpen, to the great weakening of your majesty's service.

Again, your majesty may have perceived, that as far as it was fit for me in modesty to advise, I was ever for a parliament; which seemeth to me to be *cardo rerum* or *summa summarum* for the present occasions. But this my advice was ever conditional; that your majesty should go to a parliament with a council united, and not distracted; and that your majesty will give me leave never to expect, if that man come in. Not for any difference of mine own, for I am *omnibus omnia* for your majesty's service, but because he is by nature unfociable, and by habit popular, and too old now to take a new ply. And men begin already to collect, yea and to conclude, that he that raiseth such a smoke to get in, will set all on fire when he is in.

It may please your majesty, now I have said, I have done; and as I think I have done a duty not unworthy the first year of your last high favour, I most humbly pray your majesty to pardon me, if in any thing I have erred; for my errors shall always be supplied by obedience; and so I conclude with my prayers for the happy preservation of your person and estate.

Your majesty's most humble, bounden, and most devoted servant,

Comenbury, July 25, 1617.

FR. BACON, C. S.

CLXXXIII. To

CLXXXIII. To the Earl of BUCKINGHAM*.

* Stephens's
first collec-
tion, p. 213.

My very good Lord,

I Do think long to hear from your lordship, touching my last letter, wherein I gave you my opinion touching your brother's match. As I then shewed my dislike of the matter, so the carriage of it here in the manner I dislike as much. If your lordship think it is humour or interest in me that leads me; God judge my sincerity. But I must say, that in your many noble favours towards me, they ever moved and flowed from yourself, and not from any of your friends whatsoever; and therefore in requital give me leave, that my counsels to you again be referred to your happiness, and not to the desires of any of your friends. I shall ever give you, as I give my master, safe counsel, and such as time will approve.

I received yesterday from Mr. Attorney the queen's bill, which I send your lordship. The payment is not out of lands, but out of the customs, and so it can be but the rent. Your lordship remembereth, it is but in a case which I hope shall never be; that is, after his majesty's death, if she survive. God ever bless and direct you.

Your Lordship's most faithful and devoted friend and servant,

Gorhambury, July 25, 1617.

FR. BACON, C. S.

CLXXXIV. To the KING*.

* Ibid p. 214.

It may please your most excellent Majesty,

I Dare not presume any more to reply upon your majesty, but I reserve my defence till I attend your majesty at your happy return; when I hope verily to approve myself, not only a true servant to your majesty, but a true friend to my lord of Buckingham; and for the times also, I hope to give your majesty a good account, though distance of place may obscure them. But there is one part of your majesty's letter that I could be sorry to take time to answer; which is, that your majesty conceiveth, that whereas I wrote that the height of my lord's fortune might make him secure, I meant that he was turned proud, or unknowing of himself: surely the opinion which I have ever had of my lord, whereof your majesty is best witness, is far from that. But my meaning was plain and simple, that his lordship might, through his great fortune, be the less apt to cast and foresee the unfaithfulness of friends, and the malignity of enemies, and accidents of time. Which is a judgment, your majesty knoweth better than I, that the best authors make of the best and best tempered spirits, *ut sunt res humanae*; inasmuch that Guicciardine maketh the same judgment, not of a particular person, but of the wisest state of Europe, the senate of Venice, when he saith, their prosperity had made them secure, and underweighers of perils. Therefore I beseech your majesty to deliver me in this from any the least imputation upon my dear and noble lord and friend. And so expecting that that sun which when it went from us, left us cold weather, and now it is returned towards us hath brought with it a blessed harvest; will, when it cometh to us, dispel and disperse all mists and mistakings.

July 31, 1617.

CLXXXV. To

CLXXXV. To the Earl of BUCKINGHAM*.

* See Bacon's
first volume,
lib. p. 215.

My very good Lord,

SINCE my last to your lordship, I did first send for Mr. Attorney-General, and made him know, that, since I heard from court, I was resolved to further the match and the conditions thereof for your lordship's brother's advancement the best I could. I did send also to my lady Hatton, and some other special friends, to let them know, I would in any thing declare for the match; which I did, to the end that if they had any apprehension of my assistance, they might be discouraged in it. I sent also to Sir John Butler, and after by letter to my lady your mother, to tender my performance of any good office towards the match or the advancement from the mother. This was all I could think of for the present.

I did ever foresee, that this alliance would go near to lose me your lordship that I hold so dear; and that was the only respect particular to myself that moved me to be as I was, till I heard from you. But I will rely upon your constancy and nature, and my own deserving, and the firm tye we have in respect of the king's service.

In the mean time I must a little complain to your lordship, that I do hear my lady your mother and your brother Sir John do speak of me with some bitterness and neglect. I must bear with the one as a lady, and the other as a lover, and with both for your lordship's sake, whom I will make judge of any thing they shall have against me. But I hope, tho' I be a true servant to your lordship, you will not have me to be a vassal to their passions, specially as long as they are governed by Sir Edward Coke and secretary Winwood, the latter of which I take to be the worst; for Sir Edward Coke, I think, is more modest and discreet: therefore your lordship shall do me right; and yet I shall take it for favour, if you signify to them, that you have received satisfaction from me, and would have them use me friendly and in good manner. God keep us from these long journeys and absence, which make misunderstandings and give advantage to untruth, and God ever prosper and preserve your lordship.

Your Lordship's true and devoted friend and servant,

Greenwich, Aug. 23, 1617.

FR. BACON, C. S.

CLXXXVI. A Memorial for your MAJESTY*.

* See Bacon's
second col-
lection, p. 50.

ALTHOUGH I doubt not but your majesty's own memory and care of your affairs will put you in mind of all things convenient, against you shall meet with your council, yet some particulars I thought it not unfit to represent to your majesty; because they passed the labour of your council.

I. Some time before your departure, here was delivered unto you by the officers of your exchequer a computation of your revenue and expence, wherein was expressed that your revenue ordinary was not only equal to your expence, but did somewhat exceed it, though not much.

In

In this point, because the half year will now be expired at Michaelmas, it shall be fit, that your majesty call to account, whether that equality hath held for this half year ; and if not, what the causes have been, and whether the course prescribed hath been kept, that the ordinary expence hath been borne out of the ordinary revenue, and the extraordinary only out of such money as hath come in by extraordinary means, or else your estate cannot clearly appear.

II. To maintain this equality, and to cause your majesty's state to subsist in some reasonable manner till farther supply might be had, it was found to be necessary that 200,000 *l.* of your majesty's most pregnant and pressing debts should be discharged ; and after consideration of the means how to do that, two ways were resolved on. One that 100,000 *l.* should be discharged to the farmers of your customs by 25,000 *l.* yearly, they having for their security power to defalke so much of their rent in their own hands : but because if that should be defalked, then your ordinary should want so much, it was agreed that the farmers should be paid the 25,000 *l.* yearly in the sale of woods.

In this point it is fit for your majesty to be informed what hath been done, and whether order hath been taken with the farmers for it, and what debts were assigned to them so to discharge ; for of the particulars of that course I never heard yet.

And because it is apparent that the woodfalls this year do not amount to half that sum of 25,000 *l.* your majesty is to give charge that consideration be had how the same shall be supplied by some other extraordinary for the present year, or else here will follow a fracture of the whole assignments.

Item, Your majesty may please to call for information how that money raised upon the woods is employed, so much is already received, and to be wary that no part hereof be suffered to go for extraordinaries, but to be employed only for the use for which it is assigned, or else a greater rupture will follow in your assignments.

Item, A special consideration is to be had what course shall be taken for the rest of the years with the wood sales for supply of this 25,000 *l.* yearly.

III. The other hundred thousand pound was agreed to be borrowed, and an allotment made by my lords of the council at the table, how the same should be employed, and for what special services, whereof I deliver to your majesty herewith a copy.

In which point it may please your majesty to cause yourself to be informed how that allotment hath been observed, and because it is likely that a good part of it hath gone towards the charges of this your journey to Scotland, at least so it is paid, your majesty is to call for the particulars of that charge, that you may see how much of that hundred thousand it taketh up.

And then consideration is to be had how it may be supplied with some extraordinary comings in, as namely the moneys to come from the merchant-adventurers, that the same be allotted to none other use, but to perform this allotment, that so the foundation laid may be maintained, or else all will be to seek ; and if there be any other extraordinary means to come to your majesty, that they may be reserved to that use.

And because care must be had to keep your credit in London, for this money borrowed, your majesty may please to call for information what is done in the matter of the forests, and what sum, and in what reasonable time, is like to be made thereof.

The

The extraordinaries which it is like will be alledged for this year :

Your majesty's journey into Scotland.

The lord Hay's employment into France.

The lord Roos into Spain.

The Baron de Tour extraordinary from France.

Sir John Bennet to the Archduke.

The enlarging your park at Theobalds.

Sir John Digby's sending into Spain.

Of all which when your majesty hath seen an estimate what they amount unto, and what money hath been already delivered towards them, which I fear will fall to be out of the moneys borrowed at London; then it is to be considered what extraordinaries are any ways to come in, which may supply these extraordinaries laid out, and be employed for the uses for which the moneys borrowed were intended.

* Stephens's
first collec-
tion, p. 217.

CLXXXVII. To the Earl of BUCKINGHAM*.

My ever best Lord, now better than yourself,

YOUR lordship's pen or rather pencil hath pourtrayed towards me such magnanimity and nobleness and true kindness, as methinketh I see the image of some ancient virtue, and not any thing of these times. It is the line of my life, and not the lines of my letter, that must express my thankfulness: wherein if I fail, then God fail me, and make me as miserable as I think myself at this time happy by this reviver, through his majesty's singular clemency, and your incomparable love and favour. God preserve you, prosper you, and reward you for your kindness to

Your raised and infinitely obliged friend and servant,

Sept. 22, 1617.

FR. BACON, C. S.

* Ibid.

CLXXXVIII. To the Earl of BUCKINGHAM*.

My very good Lord,

I Send your lordship the certificate touching the inrolment of prentices. We can find no ground for it by law. Myself shall ever be ready to further things that your lordship commendeth; but where the matter will not bear it, your lordship, I know, will think not the worse, but the better of me, if I signify the true state of things to your lordship; resting ever

Your lordship's true friend and devoted servant,

York house, Octob. 29, 1617.

FR. BACON, C. S.

LETTERS, etc. OF THE LORD KEEPER BACON.

The Certificate.

ACCORDING to his majesty's command signified by your lordship's letters, we have advisedly considered of the petition touching the inrolment of apprentices indentures, and heard the petitioners counsel, and do find as followeth :

1. That the act of parliament 5 Eliz. doth not warrant the erecting of an office to inroll such indentures in cities, towns corporate, or market towns ; but if any such inrolment should be, it must be by the officers there, who are assigned to perform fundry other things touching apprentices and servants.

2. That in country villages, for which the suit carries most colour, we cannot give the suitors hope, that any profit will be there made, warrantable by law.

Thus we have, according to our duties, certified our opinions of this petition, submitting the same nevertheless to his majesty's great wisdom ; and rest

At your lordship's command,

Octob. 25, 1617.

FR. BACON, C. S. H. MONTAGUE. THEO. COVENTRY.

CLXXXIX. To the Earl of BUCKINGHAM*.

* Stephens's first collection, p. 219.

My very good lord,

THE liking which his majesty hath of our proceeding concerning his household, telleth me that his majesty cannot but dislike the declining and tergiversation of the inferior officers ; which by this time he understandeth.

There be but four kinds of retrenchments. 1. The union of tables. 2. The putting down of tables. 3. The abatement of dishes to tables. 4. The cutting off new diets and allowance lately raised ; and yet perhaps such as are more necessary than some of the old.

In my opinion, the first is the best and most feasible. The lord chamberlain's table is the principal table of state. The lord steward's table, I think, is much frequented by Scottish gentlemen. Your lordship's table hath a great attendance ; and the groom of the stole's table is much resorted to by the bedchamber. These would not be touched. But for the rest, his majesty's case considered, I think they may well be united into one.

These things are out of my element, but my care runneth where the king's state most laboureth : ^a Sir Lionel Cranfield is yet sick, for which I am very sorry ;

^a Sir Lionel Cranfield was a man of so much note in these times, and so often named in these papers, that I cannot omit taking some notice of his good and bad fortunes. He was bred a merchant, yet by his great abilities in, and application to business, and the relation he had to my lord of Buckingham by marriage, he was raised to be master of the court of requests, then of the wardrobe, and after of the court of wards, created lord Cranfield, and earl of Middlesex : missing the lord keeper's place, he was constituted lord high treasurer, which being an office he understood as well as any, we may conclude his integrity fell short of his ability, from the severe judgment given against him by the house of lords in 1624. *Stephens.*

LETTERS, etc. OF THE LORD KEEPER BACON.

for methinks his majesty, upon these tossings over of his business from one to others, hath an apt occasion to go on with sub-committees. God ever preserve and prosper you.

Your lordship's true friend and devoted servant,

York-house, Nov. 19, 1617.

F. R. BACON, C. S.

* Stephens's
second collec-
tion, p. 64.

CXC. To the Lord Keeper*.

My honourable lord,

HIS majesty commandeth me to write to your lordship, that he wonders your hand being at that letter of the lords of the council, which he saith is a very blunt one: you have not besides sent him some advice of your own, his majesty having only intrusted you to speak with Sir Lionel Cranfield about his estate.

Your lordship's faithful friend and servant,

Newmarket, 19 Nov. 1617.

G. BUCKINGHAM.

* Ibid. p. 65.

CXCI. To the Earl of BUCKINGHAM*.

My very good lord,

YESTERDAY at afternoon were read at the table his majesty's^b two letters, written with his own hand, the matter worthy the hand. For they were writ-

^b One of these letters of King James, as it contains a specimen of the frugality and good economy of his court, and relates to the subject we are upon, I have borrowed from the Cabala, p. 258. in terms following.

A letter read at the council-board 21 Nov. 1617, touching the abatement of his majesty's household charge.

My Lords:

NO worldly thing is so precious as time: ye know what talk I gave you to work upon, during my absence, and what time was limited unto you, for the performance thereof. This same chancellor of Scotland was wont to tell me twenty-four years ago, that my house could not be kept upon epigrams; long discourses and lawsuits will never repair my estate. *Omit curia in actu colit.* Remember, that I told you, the time must be made for the foot, and let that be the square of all your proceeding in this matter. Abate impediments of all things; and multitudes of unnecessary officers, where ever they be placed. But for the household, wardrobe, and pensions, cut and carve as many as may agree with the possibility of any estate. Take not your own rule of 50,000*l.* for the household. If you can make it less I will be content to give it you. And that you may see I will not spare mine own portion, I have sent, with this letter, a copy of the tedious charges concerning my mouth, having had the happy opportunity of this morning, in an oration so nearly concerning his place. In this I expect no answer in word or action, but only the real performance, for a beginning to relieve me out of my misery. For now you shall see at your feet, and the world shall hear me witness, that I have put you last to rest; and by praying God to bless your labours, I bid you heartily farewell.

Your humble

JAMES BACON

My lordship's true friend and devoted servant, I suppose his majesty apprehends that the vigour the council at first showed in settling the household, would not be of long continuance: it being changed by the death of the lord keeper, and by a thing not unusual in public affairs, that violent beginnings had no happy continuance.

ten *ex arte imperant*, if I can judge; and I hope they and the like will disenchant us of the opinion, which yet sticks with us, that to-day will be as yesterday, and to-morrow as to-day; so as there will be, as he saith, *Acribus initiis, sine incurioso*.

I hold my opinion given in my former letter, that the uniting of some tables is the most passable way. But that is not all: for when that is done, the king may save greatly in that which remaineth. For if it be set down, what tables shall be fixed, and what diet allowed to them, my steward, as ill a *mejnager* as I am, or my lord mayor's steward, can go near to tell, what charge will go near to maintain the proportion. Then add to that some large allowance for waite, because the king shall not lose his prerogative to be deceived more than other men, and yet, no question, there will be a great retrenchment. But against this last abatement will be moved the payment of arrears. But I confess I would be glad that I might see, or rather, that a parliament may see, and chiefly that the king, for his own quiet, may see, that upon such a sum paid, such an annual retrenchment will follow: for things will never be done in act, except they be first done in conceit.

I know these things do not pertain to me; for my part is to acquit the king's office towards God by administration of justice, and to oblige the hearts of his people to him by the same, and to maintain his prerogative. But yet because it is *in hoc* that the king's case laboureth, I cannot but yield my care, and my strength too, in counsel, such as it is; which cannot be so much as it was between our Lady-day and Michaelmas last. But whatsoever it is, it is wholly his majesty's, without any deflexion.

As soon as I find any possibility of health in Sir Lionel Cranfield, to execute a sub-commission, I will by conference with him frame a draught of a letter from his majesty, for which there is the fairest occasion in the world. And the king hath prepared it as well as possible. God ever preserve and prosper you.

Your lordship's true friend and devoted servant,

York-house, Nov. 22, 1617.

FR. BACON, C. S.

CXCII. To the Earl of BUCKINGHAM*.

My Lord,

HOW well I wish to Sir Gilbert Haughton, himself I dare say doth not doubt, partly out of mine own affection, and chiefly for your lordship's affection towards him, which is to me more than mine own. That the king should make bargains of hope, when his treasure sufficeth not for his own charge, I may not advise for my dearest friends; for I am nailed to the king's estate. But two things I shall assent unto; the one, that if the king can redeem his works without charge of officers, I shall be glad of it, both for the gentleman's sake, and because I perceive the uniting of the allum-works in the king's hand is best; the other, that if his majesty be pleased to signify his pleasure to my lord treasurer and me, that there be no forfeiture taken by Banister till the king shall advise of this bargain, we will hold him to it. God preserve and prosper your lordship. Your lordship, I think, perceiveth both by scribbling and cursory inditing, that I write in tracts of business.

Your lordship's true friend and devoted servant,

York-house, this 24th of Nov. 1617.

FR. BACON, C. S.

CXCIII.

* Stephens's second collection, p. 67.

* Stephens's
second collec-
tion, p. 67.

CXCIII. To the Earl of BUCKINGHAM*.

My very good Lord,

I Send your lordship a draught of a letter touching the sub-commission, written in wide lines, because it may be the better amended by his majesty. I think it is to penned as none can except to it, no nor imagine any thing of it. For the household-busines there was given a fortnight's day: for the pensions, the course which I first propounded, of abating a third throughout, and some wholly, seemeth well entered into. These be no ill beginnings. But this course of the sub-commission threads all the king's busines. God ever preserve and prosper you.

Your Lordship's true friend and devoted servant,

York-house, Nov. 27. 1617.

FR. BACON, C. S.

Sir Lionel Cranfield is now reasonably well recovered.

Draught of the Sub-commission.

My Lords,

IN this first and greatest branch of our charge concerning our house, we do find what difficulties are made, and what time is lost, in disputing of and devising upon the manner of doing it; whereof the matter must be, and is so fully resolved. Neither can we but see in this, as in a glass, the like event to follow in the rest upon like reason. For the inferior officers in every kind, who are best able for skill to propound the retrenchments, will out of interest or fearfulness make dainty to do service; and that which is done with an ill-will will never be well done. Again, to make it the act of the whole table, for the particular propositions and reckonings, will be too tedious for you, and will draw the busines itself into length; and to make any particular committees of yourselves, were to impose that upon a few, which requireth to be carried indifferently as the act of you all. For since the great officers themselves think it too heavy for them, as our state now is, to deal in it, without bringing it to the table; with much more reason may any particular persons of you be loth to meddle in it, but at the board. In all which respects we have thought fit, neither do we see any other way, that you send unto us the names of the officers of our exchequer, and our custom-house, and auditors, out of which we will make choice of some few, best qualified to be sub-committees, for the better ease, and the speeding of the busines by their continual travels and meetings; whose part and employment we incline to be to attend the principal officers in their several charges, and join themselves to some of the inferior officers, and so take upon them the mechanic and laborious part of every busines, thereby to facilitate and prepare it for your consultations, according to the directions and instructions they shall receive from you from time to time.

CXCIV.

CXCIV. To the KING*.

* Stephens's
second collection,
p. 69.*May it please your Majesty,*

BEING yesterday assembled in council to proceed in the course we had begun for retrenchment of your majesty's expences; we received your princely letters, whereby we are directed to send to your Majesty the names of the officers of the exchequer, custom-house, and auditors, out of which you purpose to make choice of some to be sub-committed to handle the mechanic and laborious part of that which your Majesty had appointed to our care; we have, according to our duty, sent unto your Majesty the names of the several officers of your Majesty in those places, to be ordered as your wisdom shall think best to direct. But withal, we thought it appertenant to our duties to inform your Majesty how far we have proceeded in the several heads of retrenchments by your Majesty at your departure committed unto us, that when you know in what estate our labours are, your judgment may the better direct any further course as shall be meet.

The matter of the household was by us, some days since, committed peremptorily to the officers of the house, as matter of commandment from your Majesty, and of duty in them, to reduce the expence of your house to a limited charge of fifty thousand pounds by the year, besides the benefit of the compositions: and they have ever since painfully, as we are informed, travailed in it, and will be ready on Sunday next, which was the day given them, to present some models of retrenchments of divers kinds, all aiming at your Majesty's service.

In the point of pensions we have made a beginning, by suspending some wholly for a time, and of others of a third part; in which course we are still going on, until we make it fit to be presented to your Majesty; in like manner the lord chamberlain and the lord Hay did yesterday report unto us, what their travail had ordered in the wardrobe: and although some doubt did arise unto us, whether your Majesty's letters intended a stay of our labours, until you had made choice of the sub-committee intended by you; yet presuming that such a course by sub-committee was purposed rather for a furtherance, than lett to that work, we did resolve to go on still till your Majesty's further directions shall come unto us; and then according to our duty we will proceed, as we shall be by your Majesty commanded. In the mean time we thought it our duty to inform your Majesty of what we have done, that neither your Majesty may conceive that we have been negligent in those things which were committed unto us, nor your directions by your late letters hinder or cast back that which is already so far proceeded in. And so humbly kissing your royal hands, and praying to the Almighty for your long and happy reign over us, we rest

Your Majesty's most humble and obedient subjects and servan's,

5 Dec. 1617.

G. CANT.	LENCK.	PEMBROKE.
E. WORCESTER.	W. WALLINGFORD.	L. FLIEN.
T. ARUNDEL.	JAMES HAY.	T. EDMONDS.
E. WOTTON.	JUL. CÆSAR.	EDW. COKE.
T. LAKE.	T. SUFFOLK.	C. EDMONDS.
FR. BACON, C. S.		

CXCIV.

CXCIV. To the Marquis of BUCKINGHAM*.

* See the
first collec-
tion, p. 74.

My very good Lord,

I write you only, rather in a kind of continuance and tripping, upon the King's affairs, than that the time is yet ripe, either for advertisement, or

The *liberum arbitrium* must be done and afternoon, with great diligence, and without distraction or running several ways: which if it be no more than necessary, what would we have done? that is, if there had been no sub-commissioners, or they not well chosen.

I speak with Sir Lionel Cranfield, as cause requireth either for account or direction, and as far as I can, by the letters I have from him, discern, probably their service will attain, and may exceed his majesty's expectation.

I do well like the course they take, which is, in every kind to set down, as in beer, in wine, in beef, in muttons, in corn, *etc.* what cometh to the king's use, and then what is spent, and lastly what may be saved. This way though it be not so accurate, yet it is demonstrative. *Nam rectum est index sui et silvii.* and the false manner of accounting and where the gain cleaveth, will appear after the consequence. I humbly pray his majesty to pardon me for troubling him with these imperfect glances, which I do, both because I know his majesty thinketh I ought to understand somewhat, and lest his majesty should conceive, that he multiplying honours and favours upon me, I should not also increase and redouble my endeavours and cares for his service. God ever blefs, preserve, and prosper his majesty and your lordship, to whom I ever remain

Your true and most devoted servant,

1617.

FR. BACON, C. S.

CXCVI. To Mr. MATTHEW,

about reading and giving judgment upon his writings*.

* See Folio
Matthew's
and collec-
tion of letters,
p. 22.

S I R,

BECAUSE you shall not lose your labour this afternoon, which now I must needs spend with my lord chancellor, I send my desire to you in this letter, that you will take care not to leave the writing, which I left with you last, with any man, so long, as that he may be able to take a copy of it; because, first, it must be censured by you, and then considered again by me. The thing which I expect most from you is, that you would read it carefully over by yourself, and to make some little note in writing, where you think, to speak like a critic, that I do perhaps *in-ferre*, or where I do *indulgere gratis*; or where, in fine, I give any manner of disadvantage to myself. This, *supra totam materiam*, you must not fail to note; besides, all such words and phrases as you cannot like; for you know in how high account I have your judgment.

* This seems to be spoken pleasantly of himself, and to refer to Jan. 15, 1617, on which day the Lord Verulam was by special warrant made lord chancellor. Rymer XVII. p. 55. and at which time probably some affairs, that required privacy and retirement, might occur.

CXCVII.

CXCVII. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 73.*My very good Lord,*

I Thought fit by this my private letter to your lordship, to give you an account of such business as your lordship hath recommended unto me, that you may perceive that I have taken that care of them I ought, and ever shall in those you recommend or remit to me.

For the suit of the alehouses which concerneth your brother Mr. Christopher Villiers, and Mr. Patrick Mawl, I have conferred with my lord chief justice, and Mr. Solicitor thereupon, and there is a scruple in it that it should be one of the grievances put down in parliament; which if it be, I may not in my duty and love to you advise you to deal in it; if it be not, I will mold it in the best manner and help it forward. The stay is upon the search of the clerk of the parliament, who is out of town; but we have already found, that the last grievance *in optimis*, is not the same with this suit; but we doubt yet of another *in tertio*.

For the business of Mr. Leviston, for your lordship's sake, who I perceive keeps your noble course with me, in acquainting me with these things, I shall apply myself unto you; though in my nature I do desire that those that serve in the court where I sit, though they be not in places of my gift, and so concerns not me nor my place in profit; yet I wish, I say, I might leave them in as good case as I find them. And this suit concerneth the main profit of the six clerks; who though they be of the master of the rolls his gift, yet they serve in my court. But my greatest doubt is, that the grant cannot be good in law; and that it is not like those other precedents, whereof I have receiv'd a note. For the difference is, where things have been written by all the clerks indifferently and loofely, in which case the king may draw them into an office; and where they have appertained to one especial office; in which case the king can no more take away the profits of a man's office, than he can the profits of his land. Therefore I think your lordship may do well to write to Mr. Solicitor and serjeant Finch, or some other lawyers that you trust, or such as Mr. Leviston trusteth, being persons of account, to inform you of the point in law, before you proceed any farther: for without that all is in vain.

† Sir Thomas
Coventry.

For the business of Hawkins, touching the register for the commission of bankrupts; I am not yet satisfied likewise for the law, nor for the conveniency: but I rather incline to think it may pass, and I have set it in a course by which it may be thoroughly informed.

For Sir Rowland Egerton's cause, and his lady's, the parties have submitted themselves unto me, and are content to do it by bond; and therefore I will undoubtedly make an end of it according to justice and conscience.

For

* Sir Henry Finch, Esq. a great lawyer, being the first of his name that made a considerable figure in the profession, I find I have not met with the name of him. He is said to have been the son of Sir Mowle Finch of Eastwel in the county of Kent, and to have been the first of his name that was of the great seal in the reign of King Charles I. He died in 1654, and was buried in the church of St. Dunstons, in the Strand. He was a great lover of learning in the law, as well as the sciences, in his time, and was a great benefactor of the common law of England according to the rules of art. His first good parts were not known until he was advanced by the greatness of his enemies; which accounts for the things he has done since, but is commonly appeared in many other descendents from his honourable family. *Stephens.*

LETTERS etc. OF LORD CHANCELLOR BACON.

For Sir Gilbert Houghton's business, I am in very good hope to effect your lordship's desire for his good.

For Moor's business, concerning the printing of books, after hearing all parties, I have sealed his patent; but for his former patent of salt, I dare not do it, without acquainting the council therewith, which I am ready to do, if he require that course to be taken.

If his majesty at any time ask touching the lord Clifton's business, I pray your lordship represent to his majesty thus much: that whatsoever hath passed, I thank God I neither fear nor hate him; but I am wonderful careful of the seats or justice, that they may still be well munited, being principal sinews of his majesty's authority. Therefore the course will be, as I am advised, that for this heinous misprision, that the party, without all colour or shadow of cause, should threaten the life of his judge, and of the highest judge of the kingdom next his majesty, he be first examin'd, and if he confess it, then an *ore tenus*; if he confess it not, then an information in the star-chamber, and he to remain where he is till the hearing. But I do purposely forbear yet to have him examin'd, till the decree or agreement between him and my lord Aubigny, which is now ready, be perfected, lest it should seem an oppression, by the terror of the one, to beat him down in the other. Thus I ever rest

Your Lordship's true friend and devoted servant,

Yorkhouse, Jan. 25, 1617.

FR. BACON, *Canc.*

I pray your lordship to pardon me, if in respect of a little watering in one of mine eyes, I have written this letter, being long and private business, in my secretary's hand.

* See here's
second collection,
p. 75.

CXCVIII. To the Lord Chancellor *.

My honourable Lord,

I Have received your lordship's letters, wherein I see the continuance of your love and respect to me, in any thing I write to you of, for which I give your lordship many thanks, desiring nothing for any man but what you shall find just and convenient to pass. I am very glad to understand that there is so good hope of Sir Gilbert Houghton's business, which I must needs ascribe to your lordship's great favour toward him for my sake, which I will ever acknowledge. If his majesty at any time speak of the lord Clifton's business, I will answer according to that your lordship hath written, *etc.*

Your Lordship's faithful servant,

Newmarket, the last of Jan. 1617.

G. BUCKINGHAM.

† Ibid p. 76.

CXCIX. To the KING †.

It may please your most excellent Majesty,

FINDING as well by your Majesty's dispatches and directions to your council, as now by speech with Mr. Secretary Lake, that your Majesty is content to be troubled with business of sundry natures; I thought good, according to the duty of my

my place, and the necessity of the occasion, to put your Majesty in mind, that on this day seven-night, being Friday in the morning, I am, according to custom, to give a charge and admonition to the judges and justices of peace now before the circuits, wherein I am humbly to crave your Majesty's pleasure and directions.

I have for your Majesty's better ease fit down the heads, which by the prescript of your book, and out of the consideration of the present times, I have thought fittest to be remembered. I have also sent your Majesty the last account of the judges circuits, not to trouble you with the reading of them all; but to the end that if upon my memorial, or otherwise out of your Majesty's own memory, which is above memorials, you should have occasion to resort to those accounts, the papers may be by you.

The point of greatest weight, in my opinion, is the carrying of a balanced hand at this time in the matter of recusants, in regard of the treaty with Spain. For it were good, in respect of your people, that there were no note made, that the string is relaxed, and in respect of the treaty, that it is not strained; and therefore that the proceeding in those causes be rather diligent than severe.

I am wonderful glad to hear that this extremity of weather, which I think the Muscovite hath brought with him, hath not touched your Majesty, whose health and ease is far dearer to me than my life with all the appurtenances. God ever preserve and prosper you.

Your Majesty's most faithful and most obliged servant,

Friday morning, Feb. 6, 1617.

F. R. BACON, *Canc.*

Your Majesty will be pleased your answer be with me on Thursday at Noon, or soon after.

CC. To the Lord Chancellor *.

* Stephen's second collection, p. 77.

My Honourable Lord,

I HAVE acquainted his majesty with your letter to me, and delivered likewise to him the letter and other things directed to his majesty, who hath commanded me to return this answer to them all.

First, For your memorial of your charge to the judges, he liketh it so well, that he findeth nothing either to be added or diminished, and was so well satisfied therewith, that he accounteth it needless to read the other papers, but sealed them up again, and sendeth them back to your lordship without reading them. Only in the point of recusants his majesty is of the quite contrary opinion to you; for though he would not by any means have a more severe course held, than his laws appoint in that case, yet sith the many reasons why, there should be no mitigation above that which his laws have enacted, and his own conscience telleth him to be fit. As first, the papists in his kingdom have taken such heart upon the commission given to Sir John Digby touching the match with Spain, that they have sent copies thereof privately up and down, and are so lifted up in their hopes of what they desire, that his majesty cannot but take a more severe course, as far as by his laws he may, than hitherto he hath done. Besides, when they shall see a harder hand carried toward them than hath been accustomed, his majesty assureth himself, they will employ all their means to further the match, in hope of mitigating of that

severity when it shall be accounted. And though these reasons were not, his majesty would account it a blemish in a prince to shew such a desire of the match, as to slack any thing in his course of government, much more in propagation of the religion he professeth, for fear of giving hindrance to the match thereby. And so with many thanks for your favours to my brother in his butines, I rest

Your Lordship's faithfull servant,

Newmarket, 8 Feb 1617.

G. BUCKINGHAM.

* Stephens's
Letters of the
1600s, p. 77.

CCI. To the Marquis of BUCKINGHAM*.

My very good Lord,

MR. Chancellor of the exchequer hath signified to me this day, that yesterday his majesty called him to his coach, and said to him, that one that had used ill speech of me should be called before me, and make his submission to me; and thereupon be called before the council, and receive a sharp reprehension, and so be enlarged. And Mr. Chancellor could not tell me who the person was, but after by some letter he received from my lord Clifton, and speech with a man of his, he perceived it was he.

I pray your lordship in humbleness to let his majesty know, that I little fear the lord Clifton, but I much fear the example, that it will animate ruffians and rodomonti extremely against the seats of justice, which are his majesty's own seats, yea and against all authority and greatness, if this pass without public censure and example; it having gone already so far as that the person of a baron hath been committed to the Tower. The punishment it may please his majesty to remit, and I shall not formally but heartily intercede for him: but an example, setting myself aside, I wish for terror of persons that may be more dangerous than he, towards the least judge of the kingdom.

Therefore it may please his majesty to speak of it with myself and my lords, when he cometh next, and in the mean time I will command, from his majesty, the matter of the rolls, and Mr. Attorney, who were appointed by the table to examine him, to stay^a. God ever prosper you.

Your Lordship's true friend and devoted servant,

March 17, 1617.

FR. BACON, *Canc.*

^a I know not whether there was any prosecution against the lord Clifton, or whether it was prevented by the laying of violent hands upon himself, in the year ensuing. *Stephens.*

[Add. p. 20.]

CCII. To the Marquis of BUCKINGHAM†.

My very good Lord,

WE have set once upon the commission of treasure to no ill purpose, as may appear by the account inclosed; wherein his majesty will find no preposterous issue of treasure: Mr. Chancellor imagines well, Coke seeks and beats over, as well where

where it is not, as where it is; secretary Naunton forgets nothing. I will look to bow things to the true ends. God bleis and prosper his majesty and yourself.

Your Lordship's most obliged friend and faithful servant,

25 July, 1617.

FR. VERULAM, *Canc.*

CCIII. To the Marquis of BUCKINGHAM*.

* Stephens's
found collection,
p. 80.

My very good Lord,

I Pray your lordship to signify to his majesty, that I thought it my duty to stay at the seal, a book of Sir Francis Steward's, and Sir James Austerlony, *etc.* of 200 *l.* land in charge in fee-simple: my reasons,

First, It is a perpetuity, and so much rent in diminution of revenue certain.

Secondly, The warrant, as is acknowledged, came only from my lord of Suffolk, and not from Mr. Chancellor. And yet my lord was wont to boast, that since he was treasurer, all commissions and contracts for sale of the king's lands were broken off and ceased.

Thirdly, the rate of the moneys paid by the gentlemen amounteth but to thirteen years purchase; which is a plain gift of a good proportion of value.

If his majesty, now informed, revere his mandate. it is done, and I excused; but I could wish his majesty would refer it to the commissioners of the treasury, how the gentlemen may be otherwise satisfied.

I received yesternight a brave account of the commission of the wards in Ireland, which this one year is advanced from 200 *l.* per annum to 4000 *l.* which is twenty fold multiplied. This I write for two reasons. First, Because I glory in it, because it was my work wholly: next, because his majesty may take occasion by this to look better to the improvement of his wards in England in due time. God ever preserve and prosper you.

Your Lordship's most obliged friend and faithful servant,

York-house, July 27, 1618.

FR. VERULAM, *Canc.*

CCIV. To the Marquis of BUCKINGHAM†.

† *Ibid.* p. 82.

My very good Lord,

I Am very glad to hear of the honour his majesty intendeth to my noble lady your lordship's^a mother. This, amongst many other things, sheweth in your lordship good nature, which is the root of all virtues, next religion. Besides, it doth sort well in states, when place and power do meet, and stand not too far at distance.

For the passing of it by direction without bill signed, it cannot be in law. So is Mr. Attorney's opinion, and so is mine; and therefore there is presently a bill sent with an indorsement of passing it by immediate warrant, and this antedate.

* The advancement of this lady to the title of the countess of Buckingham, was, notwithstanding the reasons here alledged, so ill received by the house of commons in 1621, that in article XI. of their impeachment of the duke her son, it was objected against him as one of his offences. *Stephens.*

For the antedate, I must present his majesty with my caution, and with my obedience.

18 H. VI.
cap. 1.

For the statute tieth me from antedates; and indeed the mischief is infinite: for by that means the king may grant any land, *etc.* and take it away a month hence, and grant it another by an antedate. And surely were it land or the like, I would not say *alibi*, or, Your majesty cannot do it, for a world; or, Your majesty is sworn and I am sworn; or such brave phrases: but surely, I say, I would in humbleness represent it to his majesty.

But the case of honour differeth; for therein his majesty's prerogative and declaration is absolute, and he may make him that is last to be first. And therefore upon his majesty's signification of his pleasure upon the indorsement of the bill signed, I take it I may lawfully do it.

I am here rejoicing with my neighbours the towns-men of St. Albans, for this happy day, the fifth of August, 1618.

Your Lordship's most obliged friend and faithful servant,

Gorhambury.

FR. VERULAM, *Canc.*

* By this and the preceding letter it appears, that as my lord chancellor thought it his duty to offer to the king his reasons against passing of a patent; yet if then the king, who was judge of the inconvenience, was pleased to command it, he was obliged to allow the same. But in those things which were contrary to law, as it is to be presumed, that after an humble representation thereof, no prince would exact, so no minister in such a case would yield an obedience. *Stephens.*

† The fifth of August, being the anniversary of the king's deliverance from the earl of Gowry's conspiracy, was by some called the court-holiday, and ridiculed as a fiction; though the truth thereof being delivered down by archbishop Spotswood, and other good historians, I see no great reason to call it into question. *Stephens.*

CCV. To the Marquis of BUCKINGHAM*.

* Stephen's
second collection,
f. 13.

My very good Lord,

I Thank your lordship for your last loving letter. I now write to give the king an account of a patent I have stayed at the seal. It is of licence to give in mortmain eight hundred pound land, though it be of tenure in chief to Allen that was the player, for an hospital.

I like

* That Allen the player, who founded an hospital at Dulwich in Surry, had been an excellent actor of the comical and serious part, will appear evident to any one that shall thoroughly consider the following poem made by that admirable dramatic poet, Ben Jonson.

To Mr. EDWARD ALLEN.

If Rome so great, and in her wisest age,
Fear'd not to boast the glories of her stage:
As skilful Roscius, and grave Æsop, men
Yet crown'd with honours, as with riches then;
Who had no less a trumpet of their name,
Than Cicero, whose ev'ry breath was fame:
How can so great example die in me?
That, Allen, I should pause to publish thee;
Who both their graces in thy self has more
Outstript, than they did all that went before:
And present worth in all dost so contract,
As others speak, but only thou dost act.
Vener this renown. 'Tis just that who did give
So many poets life, by one should live.

I like well that Allen playeth the last act of his life so well; but if his majesty give way thus to amortize his tenures, his courts of wards will decay; which I had well hoped should improve.

But that which moved me chiefly is, that his majesty now lately did absolutely deny Sir Henry Savill for 200*l.* and Sir Edward Sandys for 100*l.* to the perpetuating of two lectures, the one in Oxford, the other in Cambridge, foundations of singular honour to his majesty, the best learned of kings, and of which there is great want; whereas hospitals abound, and beggars^b abound never a whit the less.

If his majesty do like to pass the book at all; yet if he would be pleased to abridge the 800*l.* to 500*l.* and then give way to the other two books for the university, it were a princely work. And I would make an humble suit to the king, and desire your lordship to join in it, that it might be so. God ever preserve and prosper you.

Your Lordship's most obliged friend and faithful servant,

York-house, Aug. 18, 1618.

FR. VERULAM, *Canc.*

I have written to my lord chamberlain, being chancellor of Oxford, to help in the business.

^b It were to be wished this observation did not hold true to this day: for though the foundations of hospitals are to be commended, which Sir Francis Bacon hath done both in this letter, and other his writings; yet it shews that some more adequate remedy for supporting the poor, than what arises from these charities, or even from the laws enacted for their relief, was then, and yet is to be desired. And as the defect thereof is no small reproach to the government of a country, happy in its natural product, and enriched by commerce; so it would be an act of the greatest humanity, to provide for the poor, and that idleness and beggary, the successive nursery of rogues, might as far as possible be extirpated. Upon this occasion I cannot but take notice of a story which has been spread abroad to the defamation of Sir Fr. Bacon, though upon no good ground, as far as I can judge, as if in the accomplishment of the foundation of the Charter-house hospital, begun by Mr. Sutton, and carried on by his executors, Sir Francis, who was then the king's solicitor, had, for some ill designs of gain to himself or others, endeavoured to have defeated the same. The fact was, that the heir at law supposing, notwithstanding what Mr. Sutton had done in procuring acts of parliament, and patents from the king, in order to establish this noble charity, that the greatest part of his estate was descended to him, it was argued on his behalf by the solicitor-general, by Mr. Henry Yelverton, and Mr. Walter, men of great reputation in those times: and whatever ill intentions, some of the court might have, my request to the reader is, that before he pass any censure upon Sir Francis Bacon, relating hereunto, he would please to peruse his advice, printed in Vol. II. p. 232. given to the king touching Mr. Sutton's estate. *Stephens.*

CCVI. To the Marquis of BUCKINGHAM*.

My very good Lord,

WHAT passed in your lordship's presence, your lordship can tell, touching the navy. The morrow following we concluded in approbation of the books, save in one point, touching the number convenient for manning the ships, wherein the number allowed by the commissioners had, in my judgment, a little of the merchant; for to measure by so many as were above dead pays, is no good argument. For the abuse of dead pays is to be amended, and not the necessary number abated.

In

* Stephens's second collection, p. 84.

LETTERS, etc. OF LORD CHANCELLOR BACON.

In this his majesty may fall upon a middle proportion between that of the common law and that of the officers.

It were good, now the three books, which we have appointed to be ingrossed into one longer book, are affirmed, there were a short book of his majesty's royal directions, and orders thereupon, extracted.

By the computation of the treasury, I persuade myself, they are of the first orders that have been well spent in that kind. We have put those particulars, whereof his majesty gave us charge, into a way.

Employ's information will be to good purpose, and we find another of like nature revealed to Mr. Secretary and myself. God ever prosper you.

Your lordship's most obliged friend and faithful servant,

9th October, 1618.

FR. VERULAM, *Canc.*

* Stephens's
second collection,
p. 85.

CCVII. To the Marquis of BUCKINGHAM*.

My very good Lord,

LOOKING for matter of service, I have found out a suit for myself; and it is proper for me more than all men, because it is within the account of the hanaper. But I have made a law to myself, that I will never beg any thing which shall not bring gain to the king. Therefore my suit is, to farm the profits of the alienations, yielding a thousand pounds a year more to the king than hath been yielded *communibus annis*, by a *medium* of seven years. If the king be pleased to grant me this, it will a little warm the honour he hath given me; and I shall have a new occasion to be, as I ever have been, and shall be,

Your Lordship's obliged friend and faithful servant,

York House, October 9, 1618.

FR. VERULAM, *Canc.*

CCVIII. To the Marquis of BUCKINGHAM†.

† *Ibid.* p. 86.

My very good Lord,

THIS morning Mr. Attorney came to me, and desired of me the many writs of *Ne exeat regnum* against most of the Dutch merchants^a, and withal let me understand that there was a discovery of an infinite transportation of gold and silver out of

^a The affair of these Dutch merchants is in some measure represented in this letter, and those of October 6, and Nov. 9, 1619. But Mr. Stephens in his Introduction, p. 45, 46. gives us, by the assistance of some authentic papers, the following account of the affair: Upon the 19th of October, 1618, the attorney general having applied to the lord chancellor for writs *Ne exeat regnum*, against these merchants, the same exhibited an information against about one hundred and eighty of them, for transporting beyond the seas vast quantities of gold and silver in money, plate, and bullion, since the beginning of King James's reign. The attorney at first brought the cause to an hearing against about twenty of them, who were supposed the greatest offenders, and most able to make reparation. From this

of this realm by the said Dutch merchants, amounting to millions; and that Sir John Brittain had made a book in proof, and presented the same to his majesty: and farther, that his majesty had directed him to prosecute the same; and had also given Sir Thomas Vavasour the forfeiture of such ten of them as he should choose.

Hereupon I thought it my duty, as in a matter of great weight, to signify to his majesty by your lordship what I conceive.

The discovery I think very happy. For if it be true, it will be a great benefit to his majesty: it will also content his people much, and it will demonstrate also that Scotland is not the leech, as some discourfers say, but the Netherlanders, that suck the realm of treasure. So that the thing is very good.

But two things I must represent to his majesty; the first, that if I stay merchants from their trading by this writ, I must do it either *ex officio*, or by special warrant from his majesty.

If *ex officio*, then I must have more than a bare surmise to grant the writ upon, so as I must be acquainted with the grounds, or at least appearance of proofs. If by special warrant, then I desire to receive the same. The other is, that I humbly beseech his majesty that these royal boughs of forfeiture may not be vintaged, or crop'd by private suitors, considering his majesty's state as it is, but that Sir Thomas Vavasour, or Sir John Brittain, may have a bountiful and gracious reward for their discovery; but not the prime, or without stint.

In sum, I would wish his majesty to refer the whole business, and carriage of the same for his honour and profit, to the commissioners of treasury; or because it is a legal forfeiture, to myself, Mr. Chancellor, Sir Edward Coke, and my lord chief justice of England: and by us his majesty shall be assured to know the best course for his justice, honour, and profit, and that he may dispose what bounty he will. God ever preserve and prosper you.

Your Lordship's most obliged friend and faithful servant,

York-house,
October 17, 1618.

FR. VERULAM, *Canc.*

amounting in the whole to 150000 *l.* of which Mr. William Courteen, and two others, were condemned in 2000 *l.* each; the advice which the lord chancellor gave the king, not to grant away the fines of such ten of them as Sir Thomas Vavasour the discoverer should choose, and which it seems he had in a manner been promised, was a piece of service worthy the place he enjoyed, and the trust he had with the king. Upon the 12th of October 1616, Mr. Courteen was condemned to pay 2000 *l.* more, and others smaller sums, for endeavouring to corrupt the king's evidence. And the 19th of November following was appointed for the trial of between twenty and thirty more; but by reason of some neglect or mismanagement in the prosecution, which gave the court a great deal of trouble, and the defendants some advantage, the cause was not heard till the 7th of December, though most of them were then found guilty. Of the large fines imposed upon the delinquents, it is supposed that they paid but a third part; for during the prosecution, the States General did by a letter desire the marquis of Buckingham to endeavour to moderate the heat thereof, as Sir Noel Caron their ambassador did the next day after sentence, to mitigate the severity.

CCIX. To the Lord Chancellor*.

* Stephen's
second collec-
tion, p. 87.

My Lord,

I Have acquainted his majesty with your letter, who giveth you thanks for your advice to communicate the busines of the Dutchmen to the commissioners of the treasury, which his majesty was before purposed to refer to them, as it concerns his treasure, for the carriage of it; and to your lordship and the rest named in your letter, for the relation it hath to the law. For the proposers of the suit, his majesty intendeth only to reward their pains as may stand with his service and his princely disposition, but to preserve the main benefit himself: all that his majesty would have your lordship to do for the present, is to take order about the writ of *Ne exeant regnum*; to advise with his learned counsel what course is to be taken, and if by a warrant from his majesty, that your lordship send him a warrant to be signed, which shall be returned with all speed. Of other things his majesty thinketh it will be time enough to speak at his return to London. In the mean time I rest

Your Lordship's faithful friend and servant,

Hinchenbroke, 21 Octob. 1618.

G. BUCKINGHAM.

CCX. To the Marquis of BUCKINGHAM †.

†Ibid. p. 88.

My very good Lord,

I Have this morning received the petty roll for the sheriffs. I received also the papers exhibited by Sir Miles Fleetwood, which I will use to his majesty's best service, and thereupon give account to his majesty when time serveth.

My care, which is not dormant touching his majesty's service, especially that of treasure, which is now *summa summarum*, maketh me propound to his majesty a matter, which, God is my witness, I do without contemplation of friend or end, but *animo recto*.

If Sir Edward Coke continue sick, or keep in, I fear his majesty's service will languish too, in those things which touch upon law; as the calling in debts, recusants, alienations, defalcations, etc. And this is most certain, that in these new diligences, if the first beginning cool, all will go back to the old bias. Therefore it may please his majesty to think of it, whether there will not be a kind of necessity to add my lord chief justice of England to the commissioners of treasure. This I move only to the king and your lordship, otherwise it is a thing *ex non entibus*. God preserve and prosper you.

From the Star Chamber,
23 Nov. 1618.

Your Lordship's most faithful servant,

FR. VERULAM, COUN.

P. S. I forget not Tufton's cause. All things stay, and precedents are in search.

CCXI. To

CCXI. To the Marquis of BUCKINGHAM*.

*My very good Lord,** Stephens's
second collec-
p. 69.

THIS long book, which I fend for his majesty's signature, was upon a conference and consult yesternight (at which time I was assisted by the two chief justices, and attended by the surveyor, attorney, and receiver of the court of wards, Fleetwood) framed and allowed.

It is long, because we all thought fit not to piece new instructions with old instructions, but to reduce both old and new into one body of instructions. I do not see that of the articles, which are many, any could have been spared. They are plain, but they have a good property, that they will take fast hold. I may not trouble his majesty with chooling some of them in particular, when all are good: only I think fit to let his majesty know of one, which is, that according to his own directions, the oath of making no private unlawful profit is now as well translated to the master and officers that may take, as to the parties and suitors that may give.

It little becometh me to possess his majesty that this will be to his majesty's benefit ten thousands yearly, or fifteen thousands, or twenty thousands: for these rattles are fitter for mountebanks of service, than grave counsellors. But my advices, as far as I am able to discern, tend or extend but to thus much: this is his majesty's surest and easiest way for his most good.

Sir Miles Fleetwood, who both now and heretofore hath done very good service in this, meriteth to be particularly from your lordship encouraged; which I beseech your lordship not to forget. God ever prosper you.

Your Lordship's most faithful bounden friend and servant,

Dec. 4, 1618.

FR. VERULAM, *Chan.*

CCXII. To the KING*.

May it please your most excellent majesty,

* Ibid. p. 72.

ACCORDING to your Majesty's pleasure, signified to us by the lord marquis Buckingham, we have considered of the fitness and conveniency of the gold and silver thread business, as also the profit that may accrue unto your majesty.

We are all of opinion that it is convenient that the same should be settled, having been brought hither at the great charge of your majesty's now agents, and being a means to set many of your poor subjects on work; and to this purpose there was a former certificate to your majesty from some of us with others.

And for the profit that will arise, we see no cause to doubt; but do conceive apparent likelihood, that it will redound much to your majesty's profit, which we esteem may be at the least 10,000 *l.* by the year; and therefore in a business of such benefit to your majesty, it were good it were settled with all convenient speed,

by all lawful means that may be thought of, which, notwithstanding, we most humbly leave to your majesty's highest wisdom.

Your majesty's most humble and faithful servants,

FR. VERULAM, *Canc.* H. MONTAGU. HENRY YELVERTON.

4 Oct. 1618. The marquis of Buckingham writes from Theobalds to the lord chancellor, that the king being desirous to be furnished of the gold and silver thread buinaets, would have his lordship consult the lord chief justice, and the attorney and solicitor-general therein.

* Stephens's second collection, p. 91.

CCXIII. To the KING*.

It may please your most excellent majesty,

I Do many times with gladness, and for a remedy of my other labours, revolve in my mind the great happiness which God, of his singular goodness, hath accumulated upon your majesty every way; and how complete the same would be, if the state of your means were once rectified, and well ordered: Your people military and obedient, fit for war, used to peace; your church illighted with good preachers, as an heaven of stars; your judges learned, and learning from you, just, and just by your example; your nobility in a right distance between crown and people, no oppressors of the people, no over-shadows of the crown; your council full of tributes of care, faith and freedom; your gentlemen and justices of peace willing to apply your royal mandates to the nature of their several counties, but ready to obey; your servants in awe of your wisdom, in hope of your goodness; the fields growing every day by the improvement and recovery of grounds from the desert to the garden; the city grown from wood to brick; your sea-walls or *pomoerium* of your island surveyed, and in edifying; your merchants embracing the whole compass of the world, east, west, north, and south; the times give you peace, and yet offer you opportunities of action abroad: and lastly, your excellent royal issue entaileth these blessings and favours of God to descend to all posterity. It resteth therefore, that, God having done so great things for your majesty, and you for others, you would do so much for yourself, as to go through according to your good beginnings, with the rectifying and settling of your estate and means, which only is wanting; *hoc rebus defuit unum*. I therefore, whom only love and duty to your majesty, and your royal line, hath made a financier, do intend to present unto your majesty a perfect book of your estate, like a perspective glass, to draw your estate nearer to your sight; beseeching your majesty to conceive, that if I have not attained to do that that I would do, in this which is not proper for me, in my element I shall make your majesty amend in some other thing, in which I am better bred. God ever preserve, etc.

Jan 2 1618.

CCXIV. To

CCXIV. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 93.*My very good Lord,*

IF I should use the count de Gondomar's action, I should first lay your last letter to my mouth, in token of thanks, and then to my heart in token of contentment, and then to my forehead in token of a perpetual remembrance.

I fend now to know how his majesty doth after his remove, and to give you account, that yesterday was a day of motions in the chancery. This day was a day of motions in the star-chamber, and it was my hap to clear the bar, that no man was left to move any thing, which my lords were pleased to note they never saw before. To-morrow is a sealing day; Thursday is the funeral day; so that I pray your lordship to direct me whether I shall attend his majesty Friday or Saturday. Friday hath some reliques of business, and the commissioners of treasure have appointed to meet; but to see his majesty, is to me above all.

I have set down *de bene esse*, Suffolk's cause, the third fitting next term; if the wind suffer the commission of Ireland to be sped. I ever more and more rest

Your Lordship's most obliged friend and faithful servant,

This 11th of May, 1619.

FR. VERULAM, *Canc.*

CCXV. To the Lord Chancellor*.

* Ibid. p. 94.

My most honourable Lord,

I Acquainted his majesty with your letter at the first opportunity after I received it, who was very well pleased with that account of your careful and speedy dispatch of businesses, etc.

Yours, etc.

Greenwich, 13 May, 1619.

G. BUCKINGHAM.

P. S. Your business had been done before this, but I knew not whether you would have the attorney or solicitor to draw it.

CCXVI. To the Lord Chancellor*.

* Ibid.

My noble Lord,

I Shewed your letter of thanks to his majesty, who says there are too many in it for so small a favour, which he holdeth too little to encourage so well a deserving servant. For myself, I shall ever rejoice at the manifestation of his majesty's favour towards you, and will contribute all that is in me to the increasing his good opinion; ever resting

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Bbb 2

CCXVII. To

CCXVII. To my very loving friends Sir THOMAS LEIGH and
Sir THOMAS PUCKERING knights and baronets*.

* Stephens's
second collec-
tion, p. 94.

AFTER my hearty commendations; being informed by the petition of one Thomas Porten, a poor Yorkshireman, of a heavy accident by fire, whereby his house, his wife, and a child, together with all his goods, were utterly burnt and consumed; which misfortune, the petitioner suggests, with much eagerness, was occasioned by the wicked practices and conjurations of one John Clarkson of Rowington in the county of Warwick, and his daughter, persons of a wandering condition, affirming, for instance, that one Mr. Hailes of Warwick did take from the said Clarkson certain books of conjuration and witchcraft: that the truth of the matter may be rightly known, and that Clarkson and his daughter, if there be ground for it, may answer the law according to the merit of so heinous a fact, I have thought good to wish and desire you to send for Clarkson, and his daughter, and as upon due examination you shall find cause, to take order for their forthcoming, and answering of the matter at the next assize for the county of York; and also to confer with Mr. Hailes, whether he took from the said Clarkson any such book of conjuration, as the petitioner pretends he did, and to see them in safe custody. Whereupon I desire to be certified how you find the matter; and your doing thereupon. So not doubting of your special care and diligence herein, I bid you heartily farewell, and rest

Your very loving friend,

York-house, 15 May, 1619.

FR. VERULAM, *Canc.*

CCXVIII. To the Marquis of BUCKINGHAM*.

* Ibid. p. 95.

My very good Lord,

I Send his majesty a volume of my lord of Bangor's and my lord Sheffield, whereof I spake when I left his majesty at Theobalds. His majesty may be pleased, at his own good time and pleasure, to cast his eye upon it. I purpose at my coming to London to confer with the chief justice as his majesty appointed; and to put the business of the pursevants in a way, which I think will be best by a commission of Oyer and Terminer; for the star-chamber, without confession, is long seas. I should advise that this point of the pursevants were not single, but that it be coupled in the commission with the offences of keepers of prisons hereabouts: it hath a great affinity; for pursevants are but ambulatory keepers, and it works upon the same party, of the papists, and it is that wherein many of his majesty's and the council's severe charges have been hitherto unfruitful; and it doth a great deal of mischief. I have some other reasons for it. But of this it will be fittest to advertise more particularly, what I have resolved of on advice, upon conference with the chief justice. I am wonderful glad to hear of the king's good health. God preserve his majesty and your lordship. I ever rest

Your Lordship's most obliged friend and faithful servant,

Corhampton, the last of July, 1619.

FR. VERULAM, *Canc.*

CCXIX. To

CCXIX. To the Lord Chancellor*.

* Stephens's second collection, p. 99.

My honourable Lord,

YOUR lordship hath sent so good news to his majesty, that I could have wished you had been the reporter of it yourself; but seeing you came not, I cannot but give you thanks for employing me in the delivering of that which pleased his majesty so well, whereof he will put your lordship in mind, when he seeth you. I am glad we are come so near together, and hoping to see you at Windsor, I rest

Your Lordship's faithful friend and servant,

29 Aug. 1619.

G. BUCKINGHAM.

CCXX. To the Lord Chancellor*.

* Ibid.

My honourable Lord,

AS I was reading your lordship's letter, his majesty came, and took it of my hands, when he knew from whom it came, before I could read the paper inclosed; and told me that you had done like a wise counsellor: first setting down the state of the question, and then propounding the difficulties, the rest being to be done in its own time.

I am glad of this occasion of writing to your lordship, that I may now let your lordship understand his majesty's good conceit and acceptation of your service, upon your discourse with him at Windsor, which though I heard not myself, yet I heard his majesty much commend it both for the method and the affection you shewed therein to his affairs, in such earnest manner, as if you made it your only study and care to advance his majesty's service. And so I rest

Your Lordship's faithful friend and servant,

Wantage, 9 Sept. 1619.

G. BUCKINGHAM.

CCXXI. To the Marquis of BUCKINGHAM*.

* Ibid. p. 97.

My very good Lord,

I Think it my duty to let his majesty know what I find in this cause of the *cre tenus*. For as his majesty hath good experience, that when his business comes upon the stage, I carry it with strength and resolution; so in the proceedings I love to be wary and considerate.

I wrote to your lordship by my last, that I hoped by the care I had taken, the business would go well, but without that care I was sure it would not go well. This I meant because I had had conference with the two chief justices, Sir Edward Coke being present, and handled the matter so, that not without much ado I left both the chief justices firm to the cause and satisfied.

But

But calling to mind that in the main business, notwithstanding I and the chief judges went one way, yet the day was not good, and I should be loth to see more of such days, I am not without some apprehension. For though we have Sir Edward Coke earnest and forward, inasmuch as he advised the *ore tenus*, before I knew of it at Vaulkeat, and now bound the Dutchmen over to the Bar-chamber, before I was made privy; unto both which proceedings I did nevertheless give approbation: yet if there should be either the major part of the votes the other way, or any main distraction, though we bear it through, I should think it a matter full of inconvenience. But that which gives me most to think, is the carriage of Mr. Attorney, which forteth neither with the business, nor with himself: for, as I hear from divers, and partly perceive, he is fallen from earnest, to be cool and faint: which weakness, if it should make the like alteration at the bar, it might overthrow the cause. All the remedy which is in my power, is by the advice of the judges to draw some other of the learned counsel to his help; which he, I know, is unwilling with, but that is all one.

This I thought it necessary to write, lest the king should think me asleep, and because I know that his majesty's judgment is far better than mine. But I, for my part, mean to go on roundly; and so I ever rest

Your Lordship's most obliged friend and faithful servant,

Octob. 9. 1619.

FR. VERULAM, *Chan.*

If the king in his great wisdom should any ways incline to have the *ore tenus* put off, then the way were, to command that the matter of the *ore tenus* should be given in evidence, by way of aggravation in the main cause. And it is true, that if this precursory matter goeth well, it giveth great entrance into the main cause; if ill, contrariwise, it will do hurt and disadvantage to the main.

CCXXII. To the Lord Chancellor*.

* Stephen's second collection, p. 39.

My honourable Lord,

THE news of this victory hath so well pleased his majesty, that he giveth thanks to all; and I among the rest, who had no other part but the delivering of your letter, had my part of his good acceptance, which he would have rewarded after the Roman fashion with every man a garland, if it had been now in use; but after the fashion of his gracious goodness, he giveth your lordship thanks: and would have you deliver the like in his majesty's name to Sir Edward Coke, and the judges. Your news which came the first, gave his majesty a very good breakfast, and I hope his health will be the better after it.

Your lordship's faithful friend and servant,

14 Oct. 1619.

G. BUCKINGHAM.

This letter was indorsed,

Thanks on the success of the ore tenus against the Dutch.

CCXXIII.

CCXXIII. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 99.

My very good Lord,

THESE things which I write now and heretofore in this cause, I do not write so, as any can take knowledge that I write; but I dispatch things *ex officio* here, and yet think it fit inwardly to advertise the king what doth occur. And I do assure your lordship, that if I did serve any king whom I did not think far away wiser than myself, I would not write in the midst of business, but go on of myself.

This morning, notwithstanding my speech yesterday with the duke*, he delivered this letter inclosed, and I having cleared the room of all save the court and learned counsel, whom I required to stay, the letter was read a little before our hour of sitting. When it was read, Mr. Attorney began to move, that my lord should not acknowledge his offences as he conceived he had committed them, but as they were charged; and some of the lords speaking to that point, I thought fit to interrupt and divert that kind of question; and said, before we considered of the extent of my lord's submission, we were first to consider of the extent of our own duty and power; for that I conceived it was neither fit for us to stay proceeding, nor to move his majesty in that which was before us in course of justice: unto which, being once propounded by me, all the lords and the rest *una voce* assented. I would not so much as ask the question, whether, though we proceeded, I should send the letter to his majesty, because I would not straiten his majesty in any thing.

The evidence went well, I will not say I sometime help it, as far as was fit for a judge, and at the rising of the court, I moved their lordships openly whether they would not continue this cause from day to day till it were ended; which they thought not fit, in regard of the general justice which would be delayed in all courts. Yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday, and Friday, and to sit by eight of the clock, and so to dispatch it before the king come, if we can. God preserve and prosper you. I ever rest

Your Lordship's most obliged friend and faithful servant,

The 22 October, Friday at
4 of the clock, 1619.

FR. VERULAM, *Canc.*

CCXXIV. To the Lord Chancellor*.

* Stephens's
second collec-
tion, p. 101.

My honourable Lord,

I Have received your letters by both your servants, and have acquainted his majesty with them, who is exceedingly pleased with the course you have held in the earl of Suffolk's business, and holdeth himself so much the more beholden to you, because you sent the letter of your own motion, without order or consent of the lords, whereby his majesty is not tied to an answer. His majesty hath understood by many, how worthily your lordship hath carried yourself both in this and the Dutch business; for which he hath commanded me to give you thanks in
his

LETTERS, etc. OF LORD CHANCELLOR BACON.

his name, and feeth your care to be so great in all things that concern his service, that he cannot but much rejoyce in the trust of such a servant, which is no less comfort to

Your Lordship's faithful friend and servant,

Royston, 23 Oct. 1619.

G. BUCKINGHAM.

Indorsed thus,

On my lord of Bucks inclosing a letter of submission from my lord of Suffolk.

CCXXV. To the Marquis of BUCKINGHAM*.

* Stephens's second collection, p. 102.

My very good Lord,

MY lord of Suffolk's cause is this day sentenced. My lord and his lady fined together at 30,000 *l.* with imprisonment in the Tower at their own charge. Bingley at 2000 *l.* and committed to the Fleet. Sir Edward Coke did his part, I have not heard him do better, and began with a fine of 100,000 *l.* but the judges first, and most of the rest, reduced it as before. I do not dislike that things passed moderately; and, all things considered, it is not amiss, and might easily have been worse.

There was much speaking of interceding for the king's mercy; which, in my opinion, was not so proper for a sentence. I said in conclusion, that mercy was to come *ex mero motu*, and so left it: I took some other occasion pertinent to do the king honour, by shewing how happy he was in all other parts of his government, save only in the manage of his treasure by his officers.

I have sent the king a new bill for Suffex; for my lord of Nottingham's certificate was true, and I told the judges of it before; but they neglected it. I conceive the first man, which is newly set down, is the fittest. God ever preserve and prosper you.

Your Lordship's most obliged friend and faithful servant,

Nov. 13, 1619.

FR. VERULAM, *Canc.*

CCXXVI. To the Marquis of BUCKINGHAM*.

* *Ibid.* p. 113.

My very good Lord,

I Do not love to interlope by writing in the midst of business: but because his majesty commanded me to acquaint him with any occurrence which might cross the way, I have thought fit to let his majesty know what hath passed this day.

This day, which was the day set down, the great cause of the Dutchmen was enter'd into. The pleading being open'd, and the case stated by the counsel; the counsel of the defendants made a motion to have certain examinations taken concerning the old defendants suppressed, because they were taken since the last hearing.

I set the business in a good way, and shewed they were but supplemental, and that at the last hearing there were some things extrajudicial alledged *ad infirmandum conscientiam judicis*, and therefore there was more reason these should be used *ad infirmandum conscientiam judicis*, and that there was order for it. The order was read, and approved both by the court, and the defendant's own counsel; but it was alledged

alleged that the order was not enter'd time enough, whereby the defendants might likewise examine: wherein certainly there was some slip or forgetfulness in Mr. Attorney or Brittain that followed it, which I wish had been otherwise; yet it went fair out of the court.

But after dinner my lords were troubled about it, and after much dispute we have agreed to confer silently and *sine strepitu* to-morrow, and set all straight, calling the judges, and the learned counsel, with whom I have spoken this evening, I think, to good purpose. For in good faith I am fain to be *omnibus omnia*, as St. Paul saith, to set forward his majesty's service.

I discern a kind of inclination to take hold of all accidents to put off the cause, whereunto neither I shall give way, nor I hope his majesty; to-morrow, if caule be, I shall write more, but I hope all shall be well. I ever rest

Your Lordship's most obliged friend and faithful servant,

Friday-night, Nov. 19, 1619.

FR. VERULAM, *Canc.*

CCXXVII. To the Marquis of BUCKINGHAM*.

My very good Lord,

I Have conferred with Sir Lionel Cranfield, according to his majesty's special commandment, touching two points of value, for the advancement, the one present, the other speedy, of his majesty's revenue.

The first is of the currants, to restore the imposition of five shillings six pence, laid in the late queen's time, and drawn down unduly, to serve private turns, to three shillings four pence; which will amount to above three thousand pounds yearly increase.

The other is of the tobacco, for which there is offer'd 2000 *l.* increase yearly, to begin at Michaelmas next, as it now is, and 3000 *l.* increase, if the plantations of tobacco here within land be restrained.

I approve, in mine own judgment, both propositions, with these cautions: That for the first the farmers of the currants do by instrument under their seals relinquish to the king all their claim thereto by any general words of their patent. And for the second, that the bargain be concluded, and made before the proclamation go forth; wherein perhaps there will occur some doubt in law, because it restraineth the subject in the employment of his freehold at his liberty. But being so many ways *pro bono publico*, I think it good enough.

His majesty may therefore be pleased to write his letter to the commissioners of the treasury, signifying his majesty's pleasure directly in both points to have them done, and leaving to us the consideration *de modo*. God ever prosper you. I rest

Your Lordship's most obliged friend and faithful servant,

Nov. 22, 1619.

FR. VERULAM, *Canc.*

CCXXVIII. To the Marquis of BUCKINGHAM*.

My very good Lord,

I Send the submission of Sir Thomas Lake, drawn in such form as upon a meeting with me of the chief justices, and the learned counsel, was conceived agree-

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Ccc

able

* Stephens's second collection, p. 104.

* Ibid. p. 107.

CCXXXI. To the Lord Chancellor *.

My Lord,

HIS majesty having seen in this great business your exceeding care and diligence in his service by the effect which hath followed thereupon, hath commanded me to give you many thanks in his name, and to tell you that he seeth you play the part of all in all, etc.

Newmarket, 10 Dec. 1619.

Yours, etc.

G. BUCKINGHAM.

Indorsed,

*In the Dutch case.** Stephens's
second col-
lection, p. 107.

CCXXXII. To the Marquis of BUCKINGHAM *.

My very good Lord,

TO keep form, I have written immediately to his majesty of justice Croke's death, and send your lordship the letter open, wishing time were not lost. God preserve and prosper you.

24 Jan. 1619.

*Your Lordship's ever,*FR. VERULAM, *Canc.*

* Ibid. p. 108.

CCXXXIII. To the Marquis of BUCKINGHAM *.

My very good Lord,

I Doubt not but Sir Giles Montpeffon advertiseth your lordship how our revenue business proceeds. I would his majesty had rested upon the first names; for the additionals, specially the exchequer man, doth not only weaken the matter, but weakeneth my forces in it, he being thought to have been brought in across. But I go on, and hope good service will be done.

For the commissions to be published in the star-chamber, for which it pleaseth his majesty to give me special thanks, I will have special care of them in time. God ever prosper you.

10th Feb. 1619.

*Your Lordship's most obliged friend and faithful servant,*FR. VERULAM, *Canc.*

* Ibid.

CCXXXIV. To the KING *.

May it please your most excellent majesty,

ACcording to your commandment we met together yesterday at Whitehall, and there consulted what course were fittest to be taken now in this business, of your majesty's attorney-general, both for the satisfying your own honour, as also for calling in the late exorbitant charter of the city; which are the two ends, as we conceive, that your majesty propose unto yourself.

To effect both which, we humbly presume to present thus much unto your majesty as our opinion. First, that an information be put into the star-chamber, as we formerly advised, against your attorney as delinquent, against the mayor, etc. as interested, and against the recorder also, mixtly with some touch of charge.

Ccc 2

That

* Ibid. p. 109.

LETTERS, etc. OF LORD CHANCELLOR BACON.

That the submission by letter offered by Mr. Attorney is no way satisfactory for your majesty's honour; but is to be of record by way of answer, and deduced to more particulars.

That any submission or surrender of the patents by the city should be also of record in their answer; and no other can be received with your majesty's honour, but by answer in court: the same to come merely of themselves, without any motion on your majesty's behalf directly or indirectly; which being done in this form, it will be afterwards in your majesty's choice and pleasure to use mercy, and to suspend any farther proceedings against your attorney.

That it is of necessity as well for the putting in of this information, as for your majesty's other urgent and public services in that and other courts, to have a sequestration presently of your attorney, and a provisional commission to some other, during your majesty's pleasure, to execute that charge. For both which, instruments legal shall be provided as soon as your majesty's pleasure is known. To which we humbly and dutifully submit our advice and opinion, beseeching God to bless your majesty's sacred person with continuance and increase of much health and happiness: wherewith, humbly kissing your royal hands, we rest

Your Majesty's most humble and faithful subjects and servants,

At your majesty's Palace of
Whitehall, June 16, 1620.

FR. VERULAM, *Canc.* GEO. CALVERT,
T. ARUNDEL, JUL. CÆSAR,
ROBERT NAUNTON, EDW. COKE.

* Stephens's
second collec-
tion, p. 110.

CCXXXV. To the Marquis of BUCKINGHAM*.

My very good Lord,

I Have lately certified his majesty on the behalf of Sir George Chaworth, by secretary Calvert, touching the place of a remembrancer in chancery for setting down of causes. And because the gentleman telleth me, the king thought my certificate a little doubtful; he desired me to write to your lordship, touching my approbation more plainly. It is true, that I conceive it to be a good business, and will be for the service of the court, and ease of the subject; I will look it shall be accompanied with good cautions.

We ruffle over business here in council space, and I think to reasonable good purpose. By my next I will write of some fit particulars. I ever rest

Your most obliged friend and faithful servant,

June 21, 1620.

FR. VERULAM, *Canc.*

CCXXXVI. To the Marquis of BUCKINGHAM*.

*Ibid p. 111.

My very good Lord,

THE tobacco business is well settled in all points. For the coals, they that brought the offer to secretary Calvert, so very basely shrink from their words; but we are casting about to piece it and perfect it. The two goose-quills Maxwell and Alured have

have been pulled, and they have made submissions in that kind which the board thought fit: for we would not do them the honour to require a recantation of their opinion, but an acknowledgment of their presumption.

His majesty doth very wisely, not shewing much care or regard to it, yet really to suppress their licentious course of talking and writing. My old lord Burghley was wont to say, that the Frenchman when he hath talked, he hath done; but the Englishman when he hath talked, he begins. It evaporateth malice and discontent in the one, and kindleth it in the other. And therefore upon some fit occasion I wish a more public example. The king's state, if I should now die and were opened, would be found at my heart, as queen Mary said of Calais; we find additionals still, but the consumption goeth on. I pray God give his majesty resolution, passing by at once all impediments and less respects, to do that which may help it, before it be irremediable. God ever preserve and prosper your lordship.

Your Lordship's most obliged friend and faithful servant,

23 July, 1620.

FR. VERULAM, *Canc.*

I have staid the thousand pounds set upon Englefield for his majesty, and given order for levying it.

CCXXXVII. To the Marquis of BUCKINGHAM*.

* Stephens's second collection, p. 112.

My very good Lord,

ONE gave me a very good precept for the stone; that I should think of it most when I feel it least. This I apply to the king's business, which surely I revolve most when I am least in action; whereof at my attendance I will give his majesty such account as can proceed from my poor and mean abilities, which as his majesty out of grace may think to be more than they are, so I out of desire may think sometime they can effect more than they can. But still it must be remembered, that the stringing of the harp, nor the tuning of it, will not serve, except it be well played on from time to time.

If his majesty's business or commandments require it, I will attend him at Windsor, though I would be glad to be spared, because quick airs at this time of the year do affect me. At London, and so at Theobalds and Hampton-Court, I will not fail, God willing, to wait upon his majesty. Mean while I am exceeding glad to hear his majesty hath been lusty and well this progress. Thus, much desiring to see your lordship, *cujus amor tantum mihi crescit in horas*, as the poet saith, I ever remain

Your Lordship's most obliged friend and faithful servant,

Gorhambury, this 30th
of Aug. 1620.

FR. VERULAM, *Canc.*

CCXXXVIII. To the Marquis of BUCKINGHAM*.

* *Ibid.* p. 113.

My very good Lord,

I Write now only a letter of thanks to his majesty, for that I hear, in my absence he was pleased to express towards me, though unworthy, a great deal of grace and

and good opinion before his Lords: which is much to my comfort, whereas I must ever impute your lameness as necessary. I have also written to him what signification I received from Secretary Naunton of his majesty's will and pleasure, left in to great content: there should be any mistaking.

The pain of my foot is gone, but the weakness doth a little remain, so as I hope within a day or two to have full use of it. I ever remain

Your Majesty's most obliged friend and faithful servant,

2 Octob. 1620.

FR. VERULAM, *Canc.*

CCXXXIX. To the KING*.

* Stephen's
second collection,
no. p. 114.

It may please your majesty,

I thought myself an unfortunate man that I could not attend you at Theobalds. But I hear that your majesty hath done, as God Almighty useth to do, which is to turn evil into good, in that your majesty hath been pleased upon that occasion to express before your lords your gracious opinion and favour towards me, which I most humbly thank your majesty for, and will aspire to deserve.

Secretary Naunton this day brought me your pleasure in certain notes: that I should advise with the two chief justices, old parliament-men, and Sir Edward Coke, who is also their senior in that school, and Sir Randall Crewe the last speaker, and such other judges as we should think fit, touching that which mought in true policy, without packing or degenerate arts, prepare to a parliament, in case your majesty should resolve of one to be held; and withal he signified to me some particular points, which your majesty very wisely had deduced.

All your majesty's business is *super cor meum*, for I lay it to heart, but this is a business *secundum cor meum*; and yet, as I will do your majesty all possible good services in it, so I am far from feeling to impropriate to myself the thanks, but shall become *omnis omnia*, as St. Paul saith, to attain your majesty's ends.

As soon as I have occasion, I will write to your majesty touching the same, and will have special care to communicate with my lords, in some principal points, though all things are not at first fit for the whole table. I ever rest

Your Majesty's most bounden and most devoted servant,

2 Octob. 1620.

FR. VERULAM, *Canc.*

Your majesty needeth not to doubt but that I shall carry the business with that secrecy which appertaineth.

CCXL. To the Marquis of BUCKINGHAM*.

* *Ibid.* p. 115.

My very good Lord,

YESTERDAY I called unto us the two chief justices, and serjeant Crewe, about the parliament business. To call more judges, I thought not good. It would

would be little to assistance, much to secrecy. The distribution of the business we made was *four* or *parts*.

I. The perusing of the former grievance, and of things of like nature which have come since.

II. The consideration of a proclamation, with the clauses thereof, especially touching elections; which clauses nevertheless, we are of opinion, should be rather *monitory* than *exclusive*.

III. The inclusive: that is to say, what persons were fit to be of the house, tending to make a sufficient and well-composed house of the ablest men of the kingdom, fit to be advised with *circa ardua regni*, as the stile of the writs goeth, according to the pure and true institution of a parliament; and of the means to place such persons without novelty or much observation. For this purpose we made some lists of names of the prime counsellors, and principal statesmen or courtiers; of the gravest or wisest lawyers; of the most respected and best tempered knights and gentlemen of the county. And here *obiter* we did not forget to consider who were the *survivors* of the last session how many of them are dead, how many reduced, and how many remain, and what were fit to be done concerning them.

IV. The having ready of some commonwealth bills, that may add respect and acknowledgment of the king's care; not wooing bills to make the king and his graces cheap; but good matter to set them on work, that an empty stomach do not feed upon humour.

Of these four points, that which concerneth persons is not so fit to be communicated with the council-table, but to be kept within fewer hands. The other three may, when they are ripe.

Mean while I thought good to give his majesty an account what is done, and in doing, humbly craving his direction if any thing be to be altered or added; though it may be ourselves shall have second thoughts, this being but the result of our first meeting.

The state of his majesty's treasure still maketh me sad, and I am sorry I was not at Theobalds to report it, or that it was not done by my fellows: it is most necessary we do it faithfully and freely: for to flatter in this, were to betray his majesty with a kiss. I humbly pray his majesty to think of my former counsel; and this I will promise, that whomsoever his majesty shall make treasurer, if his majesty shall direct him to have relation to my advice, I will continue the same care and advice I do now, and much more chearfully when I shall perceive that my propositions shall not be *rejected*.

Mean while, to keep the commission in doing of somewhat worth the doing, it may please his majesty to take knowledge, that upon our report we had agreed to make remonstrance to him, that we thought Ireland might, if his majesty leave it to our care, be brought by divers good expedients to bear their own charge; and therefore his majesty may be pleased by his commandment to set us in hand with it out of hand. God ever prosper you.

Your Majesty's most obliged friend and faithful servant,

OS. B. 1. 1601

FR. VERULAM, CHC.

CXXLI.

* Sturbon's
second edition,
vol. p. 117.

CCXLI. To the Lord Chancellor*.

My Lord,

I Have acquainted his majesty with your letter, and labour in his service, for which he commandeth me to give you thanks, and to let your lordship know, that he liketh exceeding well your method held by the judges, which could not be amended, and concurrerth with you in your opinions. First, touching the proclamation, that it should be monitory and persuasive, rather than compulsive: and, secondly, that the point concerning the persons, who should be admitted, and who avoided, is fit to be kept from the knowledge of the council-table, and to be carried with all secrecy.

For the business of Ireland, his majesty had heard of it before, and gave commandment to the master of the wards, that it should be hastened and set in hand with all speed, which his majesty doubteth not but is done by this time. Touching your advice for a treasurer, his majesty is very mindful of it, and will let you know as much at his return, when he will speak farther with your lordship of it. And so I rest

Yours, &c.

Royton, 9 Oct. 1622.

G. BUCKINGHAM.

CCXLII. This letter was written with the KING's own hand, to my lord Chancellor VERULAM, upon his lordship's sending to his Majesty his *Novum Organum**.

* Rawley's
Emendatio.

My Lord,

I Have received your letter and your book, than the which you could not have sent a more acceptable present unto me. How thankful I am for it, cannot better be expressed by me, than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep: having otherwise, as little spare time to read it, as you had to write it. And then, to use the liberty of a true friend, in not sparing to ask you the question in any point whereof I shall stand in doubt: *nam ejus est explicare, ejus est condere*: as, on the other part, I will willingly give a due commendation to such places, as, in my opinion, shall deserve it. In the mean time I can with comfort assure you, that you could not have made choice of a subject more befitting your place, and your universal and methodical knowledge; and in the general, I have already observed, that you jump with me, in keeping the mid way between the two extremes; as also in some particulars I have found that you agree fully with my opinion. And so praying God to give your work as good success as your heart can wish, and your labours deserve, I bid you heartily farewell.

Octob. 16, 1622.

JAMES R.

CCXLIII. To the Marquis of BUCKINGHAM †.

† See here's
second collec-
tion, p. 121.

My very good Lord,

I Send his majesty a form of a proclamation for the parliament, which I thought fit to offer first to his majesty's perusal, before I acquainted the council.

For that part which concerneth the foreign business, his majesty will graciously consider, how easy it is for me to mistake, or not to attain; which his majesty in his wisdom will pardon, correct, and direct.

For that part touching the elections, I have communicated it with my colleagues, Sir Edward Coke, the two chief justices, and serjeant Crew, who approve it well; and we are all of opinion, that it is not good to have it more peremptory, more particular, nor more sharp.

We are thinking of some commonwealth laws, amongst which I would have one special for the maintenance of the navy, as well to give occasion to publish, to his majesty's honour, what hath been already done; as, to speak plainly, to do your lordship honour in the second place; and besides, it is agreeable to the times. God ever prosper you.

Your Lordship's most obliged friend and faithful servant,

Oct. 1, 1620.

FR. VERULAM, *Canc.*

CCXLIV. Draught of a proclamation for a parliament, referred to in the preceding letter *.

* Ibid. p. 122.

AS in our princely judgment we hold nothing more worthy of a christian monarch, than the conservation of peace at home and abroad; whereby effusion of christian blood and other calamities of war are avoided, trade is kept open, laws and justice retain their due vigour and play, arts and sciences flourish, subjects are less burdened with taxes and tallages, and infinite other benefits redound to the state of a common-weal; so in our own practice we suppose there hath been seldom any king, that hath given more express testimonies and real pledges of his desire to have peace conserved, than we have done in the whole course of our regiment.

For neither have we, for that which concerns ourselves, been ready to apprehend or embrace any occasions or opportunities of making war upon our neighbours; neither have we omitted, for that which may concern the states abroad, any good office or royal endeavour for the quenching of the sparks of troubles and discords in foreign parts. Wherein, as we have been always ready and willing, so we wish that we had been always as happy and prevailing in our advices and counsels that tended to that end.

And yet do we not forget, that God hath put into our hands a sceptre over populous and warlike nations, which might have moved us to second the affection and disposition of our people, and to have wrought upon it for our own ambition, if we had been so minded. But it hath sufficed unto us to seek a true and not swelling greatness, in the plantations and improvements of such parts of our dominions, as have, in former times, been more desolate or uncivil, and in the maintaining of all

our loving subjects in general in tranquillity and security, and the other conditions of good government, and happy times. But amongst other demonstrations of our constant purpose and provident care to maintain peace, there was never such a trial, nor so apparent to the world, as in a theatre, as our persisting in the same resolution, since the time that our dear son-in-law was elected and accepted king of Bohemia; by how much the motives tending to shake and assail our said resolution were the more forcible. For neither did the glory of having our dearest daughter and son-in-law to wear a crown; nor the extreme alacrity of our people devoted to that cause; nor the representations, which might be set before us of dangers, if we should suffer a party in Christendom, held commonly adverse and ill-affectèd to our state and government, to gather farther reputation and strength, transport us to enter into an auxiliary war, in prosecution of that quarrel: but contrariwise, finding the justice of the cause not so clear, as that we could be presently therein satisfied; and weighing with ourselves likewise, that if the kingdom of Bohemia had continued in the house of Austria, yet nevertheless the balance of Christendom had stood in no other sort than it had done for many years before, without increase of party; and chiefly fearing that the wars in those parts of Germany, which have been hitherto the bulwark of Christendom against the approaches of the Turk, might by the intestine dissensions allure and let in the common enemy; we did abstain to declare or engage ourselves in that war, and were contented only to give permission to the ambassador of our son-in-law, to draw some voluntary helps of men and money from our subjects, being a matter that violated no treaty, and could not be denied in case of so near a conjunction.

But while we contained ourselves in this moderation, we find the event of war hath much altered the case by the late invasion of the Palatinate, whereby, howsoever under the pretence of a diversion, we find our son in fact expelled in part, and in danger to be totally dispossessed of his ancient inheritance and patrimony, so long continued in that noble line; whereof we cannot but highly resent, if it should be alienated and ravished from him in our times, and to the prejudice of our grandchildren and line-royal. Neither can we think it safe for us in reason of state, that the county Palatine, carrying with itself an electorate, and having been so long in the hands of princes of our religion, and no way depending upon the house of Austria, should now become at the disposing of that house; being a matter, that indeed might alter the balance of Christendom importantly, to the weakening of our estate, and the estate of our best friends and confederates.

I pray God
this hold.

Wherefore, finding a concurrence of reasons and respects of religion, nature, honour, and estate: all of them inducing us in no wise to endure so great an alteration; we are resolvèd to imploy the uttermost of our forces and means, to recover and retake the said Palatinate to our son and our descendents, purposing nevertheless, according to our former inclination so well grounded, not altogether to intermit, if the occasions give us leave, the treaties of peace and accord, which we have already begun, and whereof the coming on of the winter, and the counterpoise of the actions of war, hitherto may give us as yet some appearance of hope.

But inasmuch as it were great improvidence to depend upon the success of such treaties, and therefore good policy requires that we should be prepared for a war, which we intend for the recovery and assuring of the said Palatinate, with the dependences, a design of no small charge and difficulty, the strength and conjunctures of the adverse party considered, we have thought good to take into our princely and
serious

serious consideration, and that with speed, all things that may have relation to such a designment; amongst which we hold nothing more necessary, than to confer and advise with the common council of our kingdom, upon this so important a subject.

For although the making of war or peace be a secret of empire, and a thing properly belonging to our high prerogative royal and imperial power; yet nevertheless, in causes of that nature, which we shall think fit not to reserve, but to communicate, we shall ever think ourselves much assisted and strengthened by the faithful advice and general assent of our loving subjects.

Moreover, no man is so ignorant, as to expect that we should be any ways able, monies being the sinews of war, to enter into the list against so great potentates, without some large and bountiful help of treasure from our people; as well towards the maintenance of the war, as towards the relief of our crown and estate. And this the rather, for that we have now, by the space of full ten years, a thing unheard of in late times, subsisted by our own means, without being chargeable to our people, otherwise than by some voluntary gifts of some particulars, which though in total amounted to no great matter, we thankfully acknowledge at their hands: but as, while the affairs abroad were in greater calm, we did content ourselves to recover our wants by provident retrenchment of charge, and honourable improvement of our own, thinking to wear them out without troubling our people; so in such a state of Christendom, as seemeth now to hang over our heads, we durst no longer rely upon those slow remedies, but thought necessary, according to the ancient course of our progenitors, to resort to the good affections and aids of our loving subjects.

Upon these considerations, and for that also, in respect of so long intermission of a parliament, the times may have introduced some things fit to be reformed, either by new laws, or by the moderate desires of our loving subjects, dutifully intimated unto us, wherein we shall ever be no less ready to give them all gracious satisfaction, than their own hearts can desire, we have resolved, by the advice of our privy council, to hold a parliament at our city of Westminster.

And because as well this great cause, there to be handled amongst the rest, and to be weighed by the beam of the kingdom, as also the true and ancient institution of parliament, do require the lower-house, at this time, if ever, to be compounded of the gravest, ablest, and worthiest members that may be found: we do hereby, out of the care of the common good, wherein themselves are participant, without all prejudice to the freedom of elections, admonish all our loving subjects, that have votes in the elections of knights and burgessees, of these few points following.

First, That they cast their eyes upon the worthiest men of all sorts, knights and gentlemen, that are lights and guides in their countries, experienced parliament-men, wise and discreet statesmen, that have been practised in public affairs, whether at home or abroad, grave and eminent lawyers, substantial citizens and burgessees, and generally such as are interested and have portion in the estate.

Secondly, That they make choice of such as are well affected in religion, without declining either on the one hand to blindness and superstition, or on the other hand to schism or turbulent disposition.

Thirdly, and lastly, That they be truly sensible, not to disvalue or disparage the house with bankrupts and necessitous persons, that may desire long parliaments only for protection; lawyers of mean account and estimation; young men that are not ripe for grave consultations: mean dependents upon great persons, that may be thought to have their voices under command, and such like obscure and inferior persons: to

that, to conclude, we may have the comfort to see before us the very face of a sufficient and well composed house, such as may be worthy to be a representative of the third estate of our kingdom, fit to nourish a loving and comfortable meeting between us and our people, and fit to be a noble instrument, under the blessing of Almighty God, and our princely care and power, and with the loving conjunction of our prelates and peers, for the settling of so great affairs as are before expressed.

CCXLV. To the Lord Chancellor*.

* Stephens's
second collec-
tion, p. 128.

My honourable Lord,

I have shewed your letter and the proclamation to his majesty, who expecting only, according as his meaning was, directions therein for the well ordering of the elections of the burgessees, findeth a great deal more, containing matter of state, and the reasons of calling the parliament; whereof neither the people are capable, nor is it fit for his majesty to open unto them, but to reserve to the time of their assembling, according to the course of his predecessors, which his majesty intendeth to follow. The declaring whereof in the proclamation would cut off the ground of his majesty's, and your lordship's speech, at the proper time: his majesty hath therefore extracted somewhat of the latter part of the draught you have sent, purposing to take a few days space to set down himself what he thinketh fit, and to make it ready against his return hither, or to Theobalds at the furthest, and then to communicate it to your lordship, and the rest of the lords. And so I rest

Yours, etc.

Rayson, 1, O.S. 1629.

G. BUCKINGHAM.

† Ibid p 119

CCXLVI. To Sir^a HENRY WOTTON[†].

My very good cousin,

THE letter which I received from your lordship, upon your going to sea, was more than a compensation for any former omission; and I shall be very glad to entertain

^a Mr. Stephens observes, when this letter was written, upon the occasion of my lord chancellor's publishing his *Novum Organum*, Sir Henry Wotton, so eminent for his many endowments, great learning, conduct, and other accomplishments, was resident at Vienna, endeavouring to quench that fire which began to blaze in Germany, upon the proclaiming the elector Palatine king of Bohemia. How grateful a present this book was to Sir Henry, cannot better be expressed than by his answer to this letter; which, though it may be found in his *Romans*, the reader will not be displeas'd to see part of it transcribed in this place.

Right honourable and my very good Lord,

I have your lordship's letters dated Oct. b. 20, and I have with'd, by the care of my cousin Meautys, and by your own special favour, three copies of that work, wherewith your lordship hath done a great and ever-living benefit to all the children of nature, and to nature herself, in her uttermost extent and latitude; who never before had so noble nor so true an interpreter, or, as I am ready to stile your lordship, never so inward a secretary of her cabinet. But of your said work, which came but this week to my hands, I shall find occasion to speak more hereafter; having yet read only the first book thereof, and

entertain a correspondence with you in both kinds which you write of: for the latter, I am now ready for you, having sent you some ore of that mine. I thank you for your favours to Mr. Meautys, and I pray continue the same. So wishing you out of your honourable exile, and placed in a better orb, I rest

Your Lordship's affectionate kinsman and assured friend,

York-house, Oct. 20. 1620.

FR. VERULAM, Canc.

CCXLVII. Lord of St. ALBANS to Mr. MATTHEW*.

S I R,

THE report of this act, which I hope will prove the last of this business, will probably, by the weight it carries, fall and seize on me. And therefore, not now at will, but upon necessity it will become me to call to mind what passed; and, my head being then wholly employed about invention, I may the worse put things, upon the account of mine own memory. I shall take physick to day, upon this change of weather, and vantage of leisure; and I pray you not to allow yourself so much business, but that you may have time to bring me your friendly aid before night, &c.

* Sir Tobie Matthew's collection of letters, p. 200.

CCXLVIII. To Mr. MATTHEW,
believing his danger less than he found it †.

† Ibid. p. 32.

S I R,

I Say to you, upon the occasion which you give me in your last, *Medicæ fidei, quare dubitasti?* I would not have my friends, though I know it be out of love, too apprehensive either of me, or for me; for, I thank God, my ways are found and good, and I hope God will bless me in them. When once my master, and afterwards myself, were both of us in extremity of sickness, which was no time to dissemble, I never had so great pledges and certainties of his love and favour: and that which I knew then, such as took a little poor advantage of these later times, know since. As for the nobleman that passed that way by you, I think he is fallen out with me for his pleasure, or else, perhaps, to make good some of his own mistakings. For he cannot in his heart but think worthily of my affection and well-deserving towards him; and as for me, I am very sure that I love his nature and parts.

and a few cobwebs of the second. For it is not a banquet that we may superficially taste, and put up the rest in their pockets; but in truth a solid feast, which requires due mastication — &c.

But I say more further than I meant in speaking of this excellent labour, while the delight yet I feel, and even the pride that I take in a certain congeniality, as I may term it, with our Lordship's studies, will first let me cease. And indeed I owe your Lordship, even as I promised, which you are pleased to remember, and therefore do but wishing you, some trouble this way; I mean by the commerce of philosophical experiment, which surely, of all other, is the most ingenious traffic.

CCXLIX. To Mr. MATTHEW,
expressing great acknowledgment and kindness*.

* Sir Tobie
Matthew's
collection of
letters, p. 69.

S I R,

I Have been too long a debtor to you for a letter, and especially for such a letter, the words whereof were delivered by your hand, as if it had been in old gold: for it was not possible for entire affection to be more generously and effectually expressed. I can but return thanks to you; or rather indeed such an answer, as may better be of thoughts than words. As for that which may concern myself, I hope God hath ordained me some small time, whereby I may redeem the loss of much. Your company was ever of contentment to me, and your absence of grief; but now it is of grief upon grief. I beseech you therefore make haste hither, where you shall meet with as good a welcome as your own heart can wish.

CCL. To Mr. MATTHEW,
owning his impatient attention to do him service †.

† Ibid. p. 53.

S I R,

IT is not for nothing that I have deferred my essay *De amicitia*, whereby it hath expected the proof of your great friendship towards me: whatsoever the event be (wherein I depend upon God, who ordains the effects, the instrument, all) yet your incessant thinking of me, without loss of a moment of time, or hint of occasion, or a circumstance of endeavour, or the stroke of a pulse, in demonstration of your affection to me, doth infinitely tie me to you. Commend my service to my friend. The rest to-morrow, for I hope to lodge at London this night, etc.

Secrecy I need not recommend, otherwise than that you may recommend it over to our friend; both because it prevents opposition, and because it is both the king's and my lord marquis's nature, to love to do things unexpected.

CCLI. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion of letters,
p. 129.

Our very good Lord,

WE thought it our duty to impart to his majesty, by your lordship, one particular of parliament business, which we hold it our part to relate, though it be too high for us to give our opinion of it.

The officers that make out the writs of parliament addressed themselves to me the chancellor to know, whether they should make such a writ of summons to the prince, giving me to understand, that there were some precedents of it; which I the chancellor communicated with the rest of the committees for parliament business; in whose assistance I find so much strength that I am not willing to do any thing without them: Whereupon we, according to his majesty's prudent and constant rule, for observing in what reigns the precedents were, upon diligent search have found as followeth.

That

That king Edward I. called his eldest son prince Edward to his parliament in the thirtieth year of his reign, the prince then being about the age of eighteen years; and to another parliament in the four and thirtieth year of his reign.

Edward III. called the Black Prince his eldest son to his parliament in the five and twentieth, eight and twentieth, and two and fortieth years of his reign.

Henry IV. called prince Henry to his parliaments in the first, third, eighth, and eleventh years of his reign, the prince being under age in the three first parliaments; and we find in particular, that the eighth year, the prince sat in the upper house in days of business, and recommended a bill to the lords.

King Edward IV. called prince Edward his son to his parliament, in *anno* 22 of his reign, being within age.

King Henry VII. called prince Arthur to his parliament in the seventh year of his reign, being within age.

Of king Edward VI. we find nothing, his years were tender, and he was not created prince of Wales.

And for prince Henry, he was created prince of Wales during the last parliament at which he lived.

We have thought it our duty to relate to his majesty what we have found, and withal that the writs of summons to the prince are not much differing from the writs to the peers; for they run *in fide et ligeancia*, and sometime *in fide et homagio in quibus nobis tenemini*, and after, *consilium nobis impensuri circa ardua regni*. Whereby it should seem that princes came to parliament not only in the days of solemnity, when they come without writ, but also on the days of sitting. And if it should be so, then the prince may vote, and likewise may be of a committee of the upper house, and consequently may be of a conference with the lower house, and the like.

This might have been made more manifest as to the presence, and acts of the prince in days of sitting, if, through the negligence of officers, the journal-books of the upper house before the reign of king Henry VIII. were not all missing.

All which we thought it appertained to our care to look through, and faithfully to represent to his majesty: and having agreed secrecy amongst ourselves, and enjoined it to the inferior officers, we humbly desire to know his majesty's pleasure, whether he will silence the question altogether, or make use of it for his service, or refer it to his council, or what other course he will be pleased to take according to his great wisdom and good pleasure.

This we have dispatched the sooner, because the writs of summons must have forty days distance from the first days of the parliament. And for the other parts of our accounts, his majesty shall hear from us, by the grace of God, within few days; evermore praying for his majesty's prosperity, and wishing your lordship much happiness.

Your Lordship's to be commanded,

York-house, 21 Nov. 1620.

FR. VERULAM, *Canc.* EDW. COKE, H. MONTAGU,
HENRY HOBARTE, RAN. CREW.

* Verulam's
second collec-
tion, p. 137.

CCLII. To the Marquis of BUCKINGHAM*.

My very good Lord,

WE have, these two days past, made report to the board of our parliament committee, upon relation whereof for some things we provide, for some things we arm.

The king, by my lord treasurer's signification, did wisely put it upon a consult, whether the patents, which we mentioned in our joint letters, were at this time to be removed by act of council, before parliament. I opined (but yet somewhat like Ovid's mistress, that strove, but yet as one that would be overcome) that yes. My reasons:

That men would go better and faster to the main errand.

That these things should not be staged, nor talked of, and so the less fuel to the fire.

That in things of this nature, wherein the council had done the like in former particulars, which I enumerated, before parliament, near parliament, during parliament, the council were to keep their wonted centinel, as if they thought not of a parliament, to destroy in other patents, as concealments.

The reasons on the other side were:

That it would be thought but an humouring of the parliament, being now in the calends of a parliament, and that after parliament they would come up again.

That offered graces, by reason and experience, lose their thanks.

That they are to be suffered to play upon something, since they can do nothing of themselves.

That the choosing out of some things, when perhaps their minds might be more upon other things, would do no great effect.

That former patents taken away by act of council, were upon the complaints of particular persons; whereas now it should seem to be done *tanquam ex officio*.

To this I yielded, though, I confess, I am yet a little doubtful to the point of *suavibus modis*. But it is true that the speech of these, though in the lower house, may be contemned; and if way be given to them, as I writ to your lordship of some of them in my last, it will sort to your honour. For other things, the lords have put them in a very good way, of which I will give express account when I see his majesty, as also of other observations concerning parliament. For if his majesty said well, that when he knew the men and the elections, he would guess at the success; the prognosticks are not so good as I expected, occasioned by the late occurrences abroad, and the general licentious speaking of state matters, of which I wrote in my last. God ever keep you.

Your Lordship's most obliged friend and faithful servant,

1 Dec. 1620.

FR. VERULAM, Chancellor.

CCLIII.

CCLIII. To the Lord Chancellor *.

* Stephens's
second collec-
tion, p. 135.*My honourable Lord,*

AS soon as his majesty's convenience would permit, I have acquainted him with the draught of the proclamation your lordship sent me by his majesty's direction: his majesty liketh it in every point so well, both in matter and form, that he findeth no cause to alter a word in it, and would have your lordship acquaint the lords of the council with it, though he assureth himself, no man can find any thing in it to be changed, and to take order for the speedy setting it forth. And so I rest

Yours, etc.

Theobalds, 21 Dec. 1620.

G. BUCKINGHAM.

CCLIV. To the Lord Chancellor †.

† Ibid.

I Have acquainted his majesty with your letter and the inclosed: the matter which his majesty hath been thinking upon for his speech concerneth both the points of the institution of a parliament, and of the end for which this is called; yet his majesty thinketh it fit that some extract be made out of it, which needeth to be but very short, as he will shew you at his return.

Yours, etc.

Theobalds, 19 Jan. 1620.

G. BUCKINGHAM.

CCLV. To the Marquis of BUCKINGHAM ‡.

‡ Ibid. p. 136.

My very good Lord,

YESTERDAY I know was no day; now I hope I shall hear from your lordship, who are my anchor in these floods. Mean while to ease my heart, I have written to his majesty the inclosed; which I pray your lordship to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship.

Yours ever what I can,

March 25, 1621.

FR. ST. ALBAN, Canc.

CCLVI. To the KING §.

§ Ibid.

It may please your most excellent Majesty,

TIME hath been when I have brought unto you *gemitum columbae* from others, now I bring it from myself. I fly unto your Majesty with the wings of a dove, which once within these seven days I thought would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come up-

on me: I have been, as your Majesty knoweth best, never author of any immoderate counsel, but always desired to have things carried *suavis moris*. I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man, in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be? For these are the things that use to raise dislikes abroad.

For the house of commons, I began my credit there, and now it must be the place of the sepulture thereof; and yet this parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the upper house, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true straight line of nobleness, without any crooks or angles.

And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore I am resolved, when I come to my answer, not to trick up my innocency, as I writ to the lords, by cavillations or voidances; but to speak to them the language that my heart speaketh to me, in excusing, extenuating, or ingenuously confessing; praying to God to give me the grace to see the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience, than is cause. But not to trouble your Majesty any longer, craving pardon for this long mourning letter; that which I thirst after, *as the hart after the streams* is, that I may know, by my matchless friend that presenteth to you this letter, your Majesty's heart (which is an *abyssus* of goodness, as I am an *abyssus* of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as clay in your Majesty's gracious hands.

FR. ST. ALBAN, *Cont.*

March 25, 1621.

CCLVII. To the KING*.

To my most excellent Majesty,

I Think myself infinitely bounden to your Majesty, for vouchsafing me access to your Royal Person, and to touch the hem of your garment. I see your Majesty imitateth him that would not *break the broken reed, nor quench the smoking flax*; and as your Majesty imitateth Christ, so I hope assuredly my lords of the upper house will imitate you: and unto your Majesty's grace and mercy, and next to my lords, I recommend myself. It is not possible, nor it were not safe, for me to answer particularly all I have my charge; which when I shall receive, I shall without fig-leaves or oil-poll, confess what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may

* See the
first collection
ibid., p. 13.

I may be twice penitent, once for my fault, and the second time for my error. And so submitting all that I am to your Majesty's grace, I rest —

20 April, 1621.

CCLVIII. To the KING's most Excellent Majesty *.

* Stephen's
see ma col l e-
tion, p. 143.

It may please your Majesty,

I have pleased God, for these three days past, to visit me with such extremity of head-ach, upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation. And then the little physic that I have, told me, that either it must grow to a congelation, and so to a lethargy; or to break, and so to a mortal fever and sudden death: which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care of my business, and therein prostrate myself again, by my letter, at your majesty's feet.

Your majesty can bear me witness, that, at my last so comfortable access, I did not so much as move your majesty, by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the house; and, according to my own desire, your majesty left it to the sentence of the house, and it was reported by my lord treasurer.

But now, if not *per omnipotentiam*, as the divines speak, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the house, and that cup may pass from me, it is the utmost of my desires.

This I move with the more belief, because I assure myself that if it be reformation that is sought, the very taking away the seal, upon my general submission, will be as much in example, for this four hundred years, as any farther severities.

The means of this I most humbly leave unto your majesty. But surely I conceive, that your majesty opening yourself in this kind to the lords counsellors, and a motion from the prince, after my submission, and my lord marquis using his interest with his friends in the house, may affect the sparing of a sentence, I making my humble suit to the house for that purpose, joined with the delivery of the seal into your majesty's hands.

This is the last suit I shall make to your majesty in this business, prostrating myself at your mercy-seat, after fifteen years service, wherein I have served your majesty in my poor endeavours with an entire heart, and, as I presumed to say unto your majesty, am still a virgin for matters which concern your person or crown; and now only craving, that after eight steps of honour I be not precipitated altogether.

But because he that hath taken bribes is apt to give bribes, I will go farther, and present your majesty with a bribe. For if your majesty give me peace and leisure, and God give me life, I will present your majesty with a good history of England, and a better digest of your laws. And so concluding with my prayers, I rest

Your majesty's afflicted, but ever devoted servant,

21 Apr. 1621.

FR. ST. ALBAN, *Chanc.*

• Stephen's
second collec-
tion, p. 145.

CCLIX. To the Prince of WALES*.

It may please your Highness,

WHEN I call to mind, how infinitely I am bound to your highness, that stretch'd forth your arm to save me from a sentence; that took hold of me to keep me from being plunged deep in a sentence; that hath kept me alive in your gracious memory and mention since the sentence; pitying me as, I hope, I deserve, and valuing me far above that I can deserve: I find my words almost as barren as my fortunes, to express unto your highness the thankfulness I owe. Therefore I can but resort to prayers to Almighty God to clothe you with his most rich and precious blessings, and likewise joyfully to meditate upon those he hath conferred upon you already; in that he hath made you to the king your father, a principal part of his safety, contentment and continuance: in yourself so judicious, accomplished, and graceful in all your doings, with more virtues in the buds (which are the sweetest) than have been known in a young prince, of long time; with the realm so well beloved, so much honoured, as it is mens daily observation how nearly you approach to his majesty's perfections; how every day you exceed yourself; how, compared with other princes, which God hath ordained to be young at this time, you shine amongst them; they rather setting off your religious, moral, and natural excellencies, than matching them, though you be but a second person. These and such like meditations I feed upon, since I can yield your highness no other retribution. And for myself, I hope by the assistance of God above, of whose grace and favour I have had extraordinary signs and effects during my afflictions, to lead such a life in the last acts thereof, as whether his majesty employ me, or whether I live to myself, I shall make the world say that I was not unworthy such a patron.

I am much beholden to your highness's worthy servant Sir John Vaughan, the sweet air, and loving usage of whose house hath already much revived my languishing spirits; I beseech your highness, thank him for me. God ever preserve and prosper your highness.

Your Highness's most humble and most bounden servant,

4 June, 1621.

FR. ST. ALBAN.

CCLX. To the KING †.

It may please your most excellent Majesty,

I humbly thank your majesty for my liberty, without which timely grant, any farther grace would have come too late. But your majesty that did shed tears in the beginning of my trouble, will, I hope, shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death to

Your Majesty's most devoted servant,

4 June, 1621.

FR. ST. ALBAN.

CCLXI. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 147.*My very good Lord,*

I Heartily thank your lordship for getting me out of prison: and now my body is out, my mind nevertheless will be still in prison, till I may be on my feet to do his majesty and your lordship faithful service. Wherein your lordship, by the grace of God, shall find that my adversity hath neither spent, nor pent my spirits. God prosper you.

Your Lordship's most obliged friend and faithful servant,

4 June, 1621.

FR. ST. ALBAN.

CCLXII. A Memorial for his MAJESTY'S service †.

† Ibid.

FOR that your majesty is pleased to call for my opinion, concerning the sacred intention you have to go on with the reformation of your courts of justice, and relieving the grievances of your people, which the parliament hath entered into; I shall never be a recusant, though I be confined, to do you service.

Your majesty's star-chamber, next your court of parliament, is your highest chair. You never came upon that mount, but your garments did shine before you went off. It is the supreme court of judicature ordinary, it is an open council; nothing I would think can be more seasonable, if your other appointments permit it, than if your majesty will be pleased to come thither in person, the morrow after this term (which is the time anniversary, before the circuits and the long vacation) and there make an open declaration:

That you purpose to pursue the reformation, which the parliament hath begun. That all things go well, in all affairs, when the ordinary and extraordinary are well mingled and tempered together. That in matters of your treasure you did rely upon your parliament for the extraordinary, but you were ever desirous to do what you could, by improvements, retrenchments, and the like, to set the ordinary in good frame and establishment. That you are in the same mind in matter of reformation of justice, and grievance, to assist yourself with the advice and authority of parliament at times; but mean while to go on with the same intentions, by your own regal power and care. That it doth well in church-music when the greatest part of the hymn is sung by one voice, and then the choir at all times falls in sweetly and solemnly, and that the same harmony forteth well in monarchy between the king and his parliament.

That all great reformations are best brought to perfection by a good correspondence between the king and his parliament, and by well fortting the matters and the times; for in that which the king doth in his ordinary administration, and proceedings, neither can the information be so universal, nor the complaint so well encouraged, nor the references so many times free from private affection, as when the king proceedeth by parliament; on the other side, that the parliament wanteth time to go through with many things; besides, some things are of that nature, as they are better discerned and resolved by a few than by many. Again, some things are so
merely

merely regal, as it is not fit to transfer them; and many things, whereof it is fit for the king to have the principal honour and thanks.

Therefore, that according to these differences and distributions, your majesty meaneth to go on, where the parliament hath left, and to call for the memorials, and impositions of those things, which have passed in both houses, and to have them pass the file of your council, and such other assistance as shall be thought fit to be called respectively, according to the nature of the business, and to have your learned council search precedents what the king hath done for matter of reformation, as the parliament hath informed themselves by precedents what the parliament hath done: and thereupon that the clock be set, and resolutions taken, what is to be holpen by commission, what by act of council, what by proclamation, what to be prepared for parliament, what to be left wholly for parliament.

That if your majesty had done this before a parliament, it might have been thought to be done to prevent a parliament, whereas, now it is to pursue a parliament; and that by this means many grievances shall be answered by deed, and not by word; and your majesty's care shall be better than any standing committee in this interim between the meetings of parliament.

For the particulars, your majesty in your grace and wisdom will consider, how unproper and how unwarranted a thing it is for me, as I now stand, to send for entries of parliament, or for searchers for precedents, whereupon to ground an advice; and besides what I should now say may be thought by your majesty (how good an opinion soever you have of me) much more by others, to be busy or officious, or relating to my present fortunes.

* Stephen's
second collec-
tion, p. 150.

CCLXIII. To the Marquis of BUCKINGHAM*.

My very good Lord,

YOUR lordship, I know, and the king both, mought think me very unworthy of that I have been, or that I am, if I should not by all means desire to be freed from the restraint which debarreth me from approach to his majesty's person, which I ever so much loved, and admired; and severeth me likewise from all conference with your lordship, which is my second comfort. Nevertheless, if it be conceived that it may be matter of inconvenience, or envy, my particular respects must give place: only in regard of my present urgent occasions, to take some present order for the debts that prets me most, I have petitioned his majesty to give me leave to stay at London till the last of July, and then I will dispose of my abode according to the sentence. I have sent to the prince to join with you in it, for though the matter seem small, yet it importeth me much. God prosper you.

Your Lordship's true servant,

20 June, 1621.

FR. ST. ALBAN.

CCLXIV.

CCLXIV. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 151.*My very good Lord,*

I Humbly thank your lordship for the grace and favour you did both to the message and messenger, in bringing Mr. Meautys to kiss his majesty's hands, and to receive his pleasure from himself. My riches in my adversity have been, that I have had a good master, a good friend, and a good servant.

I perceive by Mr. Meautys his majesty's inclination, that I should go first to Gorhambury; and his majesty's inclinations have ever been with me instead of directions. Wherefore I purpose, God willing, to go thither forthwith, humbly thanking his majesty, nevertheless, that he meant to have put my desire, in my petition contained, into a way, if I had insisted upon it; but I will accommodate my present occasions as I may, and leave the times, and seasons, and ways to his majesty's grace and choice.

Only I desire his majesty to bear with me if I have pressed unseasonably. My letters out of the Tower were *de profundis*; and the world is a prison, if I may not approach his majesty, finding in my heart as I do. God preserve and prosper his majesty and your lordship.

Your lordship's faithful and bounden servant,

22 June, 1621.

FR. ST. ALBAN.

CCLXV. To the Marquis of BUCKINGHAM †.

† Ibid. p. 152.

My very good Lord,

I Thank God I am come very well to Gorhambury, whereof I thought your lordship would be glad to hear sometimes; my lord, I wish myself by you in this stirring world, not for any love to place or business, for that is almost gone with me, but for my love to yourself, which can never cease in

Your Lordship's most obliged friend and true servant,

FR. ST. ALBAN.

Being now out of use and out of sight, I recommend myself to your lordship's love and favour, to maintain me in his majesty's grace and good intention.

CCLXVI. To the KING ‡.

‡ Ibid.

It may please your most excellent Majesty,

I Perceive by my noble and constant friend the marquis, that your majesty hath a gracious inclination towards me, and taketh care of me, for fifteen years the subject of your favour, now of your compassion; for which I most humbly thank your majesty. This same *nova creatura* is the work of God's pardon and the king's; and since I have the inward seal of the one, I hope well of the other.

Utar,

LETTERS OF THE L. VISCOUNT S. ALBAN.

Utar, saith Seneca to his master, *magnis exemplis ; nec meae fortunae, sed tuae*. Demosthenes was banished for bribery of the highest nature, yet was recalled with honour ; Marcus Livius was condemned for exactions, yet afterwards made consul and censor. Seneca banished for divers corruptions, yet was afterwards restored, and an instrument of that memorable *Quinquennium Neronis*. Many more. This, if it please your majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance, how when your majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For as Aristotle saith, young men may be happy by hope, so why should not old men, and sequestered men, by remembrance? God ever prosper and preserve your majesty.

Your Majesty's most bounden and devoted servant,

16 July, 1621.

FR. ST. ALBAN.

* Stephens's
second collec-
tion, p. 153.

CCLXVII. To the Lord S T. ALBAN *.

My honourable Lord,

I Have delivered your lordship's letter of thanks to his majesty, who accepted it very graciously, and will be glad to see your book, which you promised to send very shortly, as soon as it cometh. I send your lordship his majesty's warrant for your pardon, as you desired it ; but am sorry, that in the current of my service to your lordship there should be the least stop of any thing ; yet having moved his majesty, upon your servant's intimation, for your stay in London till Christmas, I found his majesty, who hath in all other occasions, and even in that particular already, to the dislike of many of your own friends, shewed with great forwardness his gracious favour towards you, very unwilling to grant you any longer liberty to abide there ; which being but a small advantage to you, would be a great and general distaste, as you cannot but easily conceive, to the whole state. And I am the more sorry for this refusal of his majesty's, falling in a time when I was a suitor to your lordship in a particular concerning myself, wherein though your servant insisted farther than, I am sure, would ever enter into your thoughts, I cannot but take it as a part of a faithful servant in him. But if your lordship, or your lady, find it inconvenient for you, to part with the house, I would rather provide myself otherwise, than any way incommode you, but will never slack any thing of my affection to do you service ; whereof if I have not given you good proof, I will desire nothing more, than the fittest occasion to shew how much I am

Your Lordship's faithful servant,

Octob. 1621.

G. BUCKINGHAM.

CCLXVIII.

CCLXVIII. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 154.*My very good Lord,*

AN unexpected accident maketh me hasten this letter to your lordship, before I could dispatch Mr. Meautys; it is that my lord keeper hath stayed my pardon at the seal. But it is with good respect; for he saith it shall be private, and then he would forthwith write to your lordship, and would pass it if he received your pleasure; and doth also shew his reason of stay, which is, that he doubteth the exception of the sentence of parliament is not well drawn, nor strong enough; which if it be doubtful, my lord hath great reason. But sure I am, both myself, and the king, and your lordship, and Mr. Attorney, meant clearly, and I think Mr. Attorney's pen hath gone well. My humble request to your lordship is, that for my lord's satisfaction Mr. Solicitor may be joined with Mr. Attorney, and if it be safe enough, it may go on; if not, it may be amended. I ever rest

Your lordship's most obliged friend and faithful servant,

18 October, 1621.

FR. ST. ALBAN.

CCLXIX. To the Lord ST. ALBAN †.

† Ibid. p. 155.

My honourable Lord,

IHAVE brought your servant along to this place, in expectation of the letter from the lord keeper, which your lordship mentioneth in yours; but having not yet received it, I cannot make answer to the business you write of: And therefore thought fit not to detain your man here any longer, having nothing else to write, but that I always rest

Your Lordship's faithful friend and servant,

Hinchenbrook, 20 Oct. 1621.

G. BUCKINGHAM.

CCLXX. To the Lord ST. ALBAN ‡.

‡ Ibid. p. 156.

My noble Lord,

NOW that I am provided of a house, I have thought it congruous to give your lordship notice thereof, that you may no longer hang upon the treaty, which hath been between your lordship and me, touching York-house; in which, I assure your lordship, I never desired to put you to the least inconvenience. So I rest

Your Lordship's servant,

G. BUCKINGHAM.

* Stephens's
second collec-
tion, p. 150.

CCLXXI. To the Lord ST. ALBAN*.

My Lord,

I Am glad your lordship understands me so rightly in my last letter. I continue still in the same mind, for, I thank God, I am settled to my contentment; and so I hope you shall enjoy yours, with the more, because I am so well pleased in mine. And, my lord, I shall be very far from taking it ill, if you part with it to any else, judging it alike unreasonableness, to desire that which is another man's, and to bind him by promise or otherwise not to let it to another.

My lord, I will move his majesty to take commiseration of your long * imprisonment, which, in some respects, both you and I have reason to think harder, than the Tower; you for the help of physic, your parley with your creditors, your conference for your writings, and studies, dealing with friends about your business; and I for this advantage to be sometimes happy in visiting and conversing with your lordship, whose company I am much desirous to enjoy, as being tied by ancient acquaintance to rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

* Restraint from coming within the verge of the court.

* From the
original
draught.

CCLXXII. To the Marquis of BUCKINGHAM*.

My very good Lord,

THOUGH I returned answer to your lordship's last honourable and kind letter, by the same way by which I received it; yet I humbly pray your lordship to give me leave to add these few lines. My lord, as God above is my witness, that I ever have loved and honoured your lordship as much, I think, as any son of Adam can love or honour a subject; and continue in as hearty and strong wishes of felicity to be heaped and fixed upon you as ever; so, as low as I am, I had rather sojourn in a college in Cambridge, than recover a good fortune by any other than yourself. To recover yourself to me (if I have you not) or to ease your lordship in any thing, wherein your lordship would not so fully appear, or to be made participant of your favours, in your way; I would use any man that were your lordship's friend. Secondly, if in any of my former letters I have given your lordship any distaste, by the style of them, or any particular passage, I humbly pray your lordship's benign construction and pardon. For I confess it is my fault, though it be some happiness to me withal, that I many times forget my adverbity; but I shall never forget to be, *etc.*

5 March 1621.

CCLXXIII.

CCLXXIII. To the KING's most excellent Majesty *.

* Stephens's
second collec-
tion, p. 107.*May it please your Majesty,*

I Acknowledge myself in all humbleness infinitely bounden to your majesty's grace and goodness, for that, at the intercession of my noble and constant friend, my lord marquis, your majesty hath been pleased to grant me that which the civilians say is *res inaequabilis*, my liberty. So that now, whenever God calleth me, I shall not die a prisoner. Nay, farther, your majesty hath vouchsafed to cast a second and iterate aspect of your eye of compassion upon me, in referring the consideration of my broken estate to my good lord the treasurer; which as it is a singular bounty in your majesty, so I have yet so much left of a late commissioner of your treasure, as I would be sorry to sue for any thing that might seem immodest. These your majesty's great benefits, in casting your bread upon the waters (as the Scripture saith) because my thanks cannot any ways be sufficient to attain, I have raised your progenitor, of famous memory (and now, I hope, of more famous memory than before) king Henry VII, to give your majesty thanks for me; which work, most humbly kissing your majesty's hands, I do present. And because in the beginning of my trouble, when in the midst of the tempest I had a kenning of the harbour, which I hope now by your majesty's favour I am entering into, I made a tender to your majesty of two works, *An history of England*, and *A digest of your laws*; as I have, by a figure of *pars pro toto*, performed the one, so I have herewith sent your majesty, by way of an epistle, a new offer of the other. But my desire is farther, if it stand with your majesty's good pleasure, since now my study is my exchange, and my pen my factor, for the use of my talent; that your majesty (who is a great master in these things) would be pleased to appoint me some task to write, and that I shall take for an oracle. And because my *Instauracion* (which I esteem my great work, and do still go on with silence) was dedicated to your majesty; and this *History of king Henry VII.* to your lively and excellent image the prince; if now your majesty will be pleased to give me a theme to dedicate to my lord of Buckingham, whom I have so much reason to honour, I should with more alacrity embrace your majesty's direction than my own choice. Your majesty will pardon me for troubling you thus long. God evermore preserve and prosper you.

Your Majesty's poor beadsman most devoted,

Gorhambury, 20 Mar. 1621.

FR. ST. ALBAN.

CCLXXIV. To the right honourable his very good lord, the lord marquis of BUCKINGHAM, high admiral of England †.

† Ibid p. 157.

My very good Lord,

THESE main and real favours which I have lately received from your good lordship, in procuring my liberty, and a reference of the consideration of my release, are such, as I now find that in building upon your lordship's noble nature and friendship, I have built upon the rock, where neither winds nor waves can cause overthrow.

LETTERS OF THE L. VISCOUNT S. ALBAN.

throw. I humbly pray your lordship to accept from me such thanks as ought to come from him whom you have much comforted in fortune, and much more comforted in shewing your love and affection to him; of which also I have heard by my lord Falkland, Sir Edward Sackville, Mr. Matthews, and other ways.

I have written, as my duty was, to his majesty thanks touching the same, by the letter I here put into your noble hands.

I have made also, in that letter, an offer to his majesty of my service, for bringing into better order and frame the laws of England: the declaration whereof I have left with Sir Edward Sackville, because it were no good manners to clog his majesty, at this time of triumph and recreation, with a business of this nature; so as your lordship may be pleased to call for it to Sir Edward Sackville when you think the time seasonable.

I am bold likewise to present your lordship with a book of my *History of king Henry the seventh*. And now that, in summer was twelve months, I dedicated a book to his majesty; and this last summer, this book to the prince; your lordship's turn is next, and this summer that cometh (if I live to it) shall be yours. I have desired his majesty to appoint me the task, otherwise I shall use my own choice; for this is the best retribution I can make to your lordship. God prosper you. I rest

Your Lordship's most obliged friend and faithful servant,

Gorhambury, this 20th of March 1621.

F R. S T. A L B A N.

CCLXXV *. To Father Redempt. BARANZAN †.

Domine Baranzane,

LITÉRAS tuas legi libenter; cumque inter veritatis amatores ardor etiam candorem generet, ad ea, quæ ingenuè petiisti, ingenuè respondebo.

Non est meum abdicare in totum syllogismum. Res est syllogismus magis inhabilis ad præcipua, quam inutilis ad plurima.

Ad mathematica quidni adhibeatur? Cum fluxus materiæ & inconstantia corporis physici illud sit, quod inductionem desideret; ut per eam veluti figatur, atque inde eruantur notiones benè terminatæ.

De metaphysicâ ne sis sollicitus. Nulla enim erit post veram physicam inventam; ultra quam nihil præter divina.

In physicâ prudenter notas, & idem tecum sentio, post notiones primæ classis, et axiomata super ipsas, per inductionem benè eruta et terminata, tuto adhiberi syllogismum, modo inhibeatur saltus ad generalissima, et fiat progressus per scalam convenientem.

De multitudine instantiarum, quæ homines deterrere possit, hæc respondeo:

Primò, quid opus est dissimulatione? Aut copia instantiarum comparanda, aut negotium deterrendum. Aliæ omnes viæ, utcunque blandiantur, impervix.

* From Niceron, tom. III. p. 45.

† He was a Barnabite monk at Annecy in Savoy, who in his Lectures on Philosophy, began to discard the authority of Aristotle. He died the 23 Dec. 1622, at the age of 33.

Secundò, (quod et ipse notas) prærogativæ instantiarum, et modus experimentandi circa experimenta lucifera (quem aliquando trademus) de multitudine ipsarum plurimum detrahent.

Tertiò, quid magni foret, rogo, si in describendis instantiis impleantur volumina, quæ historiam C. Plinii sextuplicent? In quâ tamen ipsâ plurima philologica, fabulosa, antiquitatis, non naturæ. Etenim veram historiam naturalem nihil aliud ingreditur præter instantias, connexiones, observationes, canones. Cogita altera ex parte immensa volumina philosophica; facile perspicias maximè solida esse maximè finita.

Postremò, ex nostrâ philosophandi methodo excipietur in viâ plurimorum operum utilium messis, quæ ex speculationibus aut disputationibus sterilis aut nulla est.

Historiam naturalem ad condendam philosophiam (ut et tu mones) ante omnia præopto; neque huic rei deero, quantum in me est. Utinam habeam et adjuutores idoneos. Neque in hac parte mihi quidpiam accidere poterit felicius, quam si tu, talis vir, primitias huic operi præbeas conscribendo historiam cœlestium, in quâ ipsa tantum phænomena, atque unâ instrumenta astronomica, eorumque genera et usum; dein hypotheses præcipuas et maximè illustres, tam antiquas quam modernas, atque simul exactas restitutionum calculationes, et alia hujusmodi sincerè proponas, absque omni dogmate et themate. Quod si huic cœlestium historiam cometarum adjeceris (de quâ conficiendâ ecce tibi articulos quosdam et quasi topica particularia) magnificentum prorsus frontispicium historiæ naturali extruxeris, et optimè de scientiarum instauratione merueris, mihi que gratissimum feceris.

Librum meum de progressu scientiarum traducendum commisi. Illa translatio, volente Deo, sub finem ætatis perficietur: eam ad te mittam.

Opera tua, quæ publici juris sunt, inspexi; magnæ certè subtilitatis & diligentiae in viâ vestrâ. Novatores, quos nominas, Patricium, Telesium, etiam alios, quos prætermittis, legi. Possint esse tales innumeri velut etiam antiquis temporibus fuerunt Anaximenes, Anaxagoras, Democritus, Parmenides, et alii (nam Pythagoram ut supersticiosum omitto.) Inter istos tam antiquos quam modernos differentiam facultatis agnosco maximam, veritatis perparvam. Summa rei est, si homines se rebus submittere velint, aliquid confiet; sin minus, ingenia ista redibunt in orbem.

Stabilita jam sit inter nos notitia; meque, ut cœpisti, maximè autem veritatem ama. Vale

Apud Aedes meas,
Londini Junii ultimo, 1622.

Tui amantissimus,

S. ALBANS.

CCLXXVI. To the KING*,

It may please your most excellent Majesty,

IN the midst of my misery, which is rather assuaged by remembrance, than by hope; my chiefest worldly comfort is, to think that since the time I had the first vote of the commons house of parliament for commissioner of the union, until the time that I was this last parliament chosen by both houses for their messenger to your majesty in the petition of religion (which two were my first and last services) I was ever more so happy as to have my poor services graciously accepted by your majesty, and likewise not to have had any of them miscarry in my hands. Neither of which points I can any ways take to myself, but ascribe the former to your majesty's goodness, and the

* Stephens's second collection, p. 158.

the latter to your prudent directions; which I was ever careful to have and keep. For as I have often said to your majesty, I was towards you but as a bucket and a cistern, to draw forth and conserve; whereas yourself was the fountain. Unto this comfort of nineteen years prosperity, there succeeded a comfort even in my greatest adversity, somewhat of the same nature; which is, that in those offences wherewith I was charged, there was not any one that had special relation to your majesty, or any your particular commandments. For as towards Almighty God, there are offences against the first and second table, and yet all against God; so with the servants of kings that are offences more immediate against the sovereign; although all offences against law are also against the king. Unto which comfort there is added this circumstance, that as my faults were not against your majesty, otherwise than as all faults are; so my fall was not your majesty's act, otherwise than as all acts of justice are yours. This I write not to insinuate with your majesty, but as a most humble appeal to your majesty's gracious remembrance, how honest and direct you have ever found me in your service; whereby I have an assured belief, that there is in your majesty's own princely thoughts a great deal of serenity and clearness towards me your majesty's now prostrate and cast down servant.

Neither (my most gracious sovereign) do I, by this mention of my services, lay claim to your princely grace and bounty, though the privilege of calamity doth bear that form of petition. I know well, had they been much more, they had been but my bounden duty. Nay, I must also confess, that they were from time to time, far above my merit, over and super-rewarded by your majesty's benefits which you heaped upon me. Your majesty was and is that master to me, that raised and advanced me nine times; thrice in dignity, and six times in office. The places indeed were the painfullest of all your services; but then they had both honour and profits. And the then profits might have maintained my now honour, if I had been wise. Neither was your majesty's immediate liberality wanting towards me in some gifts, if I may hold them. All this I do most thankfully acknowledge, and do herewith conclude, that for any thing arising from myself to move your eye of pity towards me, there is much more in my present misery, than in my past services; save that the same, your majesty's goodness, that may give relief to the one, may give value to the other.

And indeed, if it may please your majesty, this theme of my misery is so plentiful, as it need not be coupled with any thing else. I have been some body by your majesty's singular and undeserved favour, even the prime officer of your kingdom; your majesty's arm hath been often laid over mine in council, when you presided at the table; so near I was. I have borne your majesty's image in metal, much more in heart; I was never in nineteen years service chidden by your majesty, but contrariwise often over-joyed, when your majesty would sometimes say, I was a good husband for you, though none for myself: sometimes, that I had a way to deal in business *suavibus modis*, which was the way which was most according to your own heart: and other most gracious speeches of affection and trust, which I feed on to this day. But why should I speak of these things which are now vanished, but only the better to express the downfall?

* Therefore
this was wrote
my the
middle of
1622.

For now it is thus with me: I am a * year and a half old in misery; though I must ever acknowledge, not without some mixture of your majesty's grace and mercy; for I do not think it possible, that any one whom you once loved should be today miserable. Mine own means, through my own improvidence, are poor and weak, little better than my father left me. The poor things that I have had from

your

your majesty, are either in question, or at courtesy. My dignities remain marks of your past favour, but burdens of my present fortune. The poor remnants which I had of my former fortunes, in plate or jewels, I have spread upon poor men unto whom I owed, scarce leaving myself a convenient subsistence. So as, to conclude, I must pour out my misery before your majesty, so far as to say, *Si desieris tu, perimus.*

But as I can offer to your majesty's compassion little arising from myself to move you, except it be my extreme misery, which I have truly laid open; so looking up to your majesty's own self, I should think I committed Cain's fault, if I should despair. Your majesty is a king whose heart is as unscrutable for secret motions of goodness, as for depth of wisdom. You are creator-like, factive and not destructive. You are the prince in whom hath been ever noted an aversation against any thing that favoured of an hard heart; as, on the other side, your princely eye was wont to meet with any motion that was made on the relieving part. Therefore as one that hath had the happiness to know your majesty's near hand, I have (most gracious sovereign) faith enough for a miracle, and much more for a grace, that your majesty will not suffer your poor creature to be utterly defaced, nor blot that name quite out of your book, upon which your sacred hand hath been so oft for the giving him new ornaments and additions.

Unto this degree of compassion, I hope God above (of whose mercy towards me, both in my prosperity and adversity, I have had great testimonies and pledges, though my own manifold and wretched unthankfulness might have averted them) will dispose your princely heart, already prepared to all piety. And why should I not think, but that that thrice noble prince, who would have pulled me out of the fire of a sentence, will help to pull me (if I may use that homely phrase) out of the mire of an abject and sordid condition in my last days: and that excellent favourite of yours (the goodness of whose nature contendeth with the greatness of his fortune; and who counteth it a prize, a second prize, to be a good friend, after that prize which he carrieth to be a good servant) will kiss your hands with joy for any work of piety you shall + do for me. And as all commiserable persons, especially such as find their hearts void of all malice, are apt to think that all men pity them, so I assure myself that the lords of your council, who out of their wisdom and nobleness cannot but be sensible of human events, will in this way which I go, for the relief of my estate, further and advance your majesty's goodness towards me. For there is, as I conceive, a kind of fraternity between great men that are, and those that have been, being but the several tenses of one verb; nay, I do further presume, that both houses of parliament will love their justice the better, if it end not in my ruin: for I have been often told, by many of my lords, as it were in the way of excusing the severity of the sentence, that they know they left me in good hands. And your majesty knoweth well, I have been all my life long acceptable to those assemblies, not by flattery, but by moderation, and by honest expressing of a desire to have all things go fairly and well.

But if it may please your majesty (for saints I shall give them reverence, but no adoration, my address is to your majesty, the fountain of goodness) your majesty shall, by the grace of God, not feel that in gift, which I shall extremely feel in help; for my desires are moderate, and my courtes measured to a life orderly and reserved, hoping still to do your majesty honour in my way. Only I most humbly beseech your majesty to give me leave to conclude with those words which necessity speaketh:

+ Vouchsafe to express towards me.
March.

LETTERS OF THE L. VISCOUNT S. ALBAN.

speareth: Help me (dear sovereign lord and master) and pity me so far, as that I, that have borne a bag, be not now in my age forced in effect to bear a wallet; nor that I, that desire to live to study, may not be driven to study to live*. I most humbly crave pardon of a long letter, after a long silence. God of heaven ever blefs, preserve, and prosper your majesty.

Your Majesty's poor ancient servant and beadjman,

FR. ST. ALBAN.

* Altho' the subject matter of this and some other letters of the like nature, hath given me occasion to make some remarks thereon already; yet I cannot omit taking notice, in this place, of what the learned Monsieur Le Clerc hath observed in the twelfth chapter of his *Reflections upon good and bad fortune*. Where, in his discourse of liberality, and the obligations that are upon princes, etc. to extend their bounty to learned men, in respect of the benefit the world receives from them; he expresses his sense of the honour which was due to the memory of those who assisted Erasmus and Grotius, and his resentment of the neglect of king James, for deserting the lord Bacon; "One cannot read, saith he, without indignation, that which is reported of the famous chancellor of England, Francis Bacon, whom the king suffered to languish in poverty, whilst he preferred worthless persons, to his dishonour. A little before his death this learned man writ to that prince a bemoaning letter;" and then cites this moving conclusion out of Howell's letters; which though that author thought it urged a little abjection of spirit in my lord Bacon; yet Monsieur Le Clerc thinks it shewed a much lower in the king, to permit so able a man to lie under the necessity of making so sad request, and yet withal to afford no relief. *Stephens.*

CCLXXVII. To Mr. MATTHEW,
employing him to do a good office with a great man*.

* Sir Tobie
Matthew's se-
cond collec-
tion of letters,
p. 34.

S I R,

I Have received your letter, wherein you mention some passages at large, concerning the lord you know of. You touched also that point in a letter which you wrote upon my lord's going over; which I answered, and am a little doubtful, whether mine ever came to your hands. It is true, that I wrote a little fullenly therein; how I conceived that my lord was a wise man in his own way, and perhaps thought it fit for him to be out with me; for at least I found no cause thereof in myself. As for the latter of these points, I am of the same judgment still; but for the former, I perceive by what you write, that it is merely some misunderstanding of his: and I do a little marvel at the instance, which had relation to that other crabbed man; for I conceived that both in passing that book, and (as I remember) two more, immediately after my lord's going over, I had shewed more readines than many times I use in like cases. But, to conclude, no man hath thought better of my lord than I have done. I know his virtues, and namely, that he hath much greatness of mind, which is a thing almost lost amongst men: nor can any body be more sensible and remembering than I am of his former favours; so that I shall be most glad of his friendship. Neither are the past occasions in my opinion such, as need either reparation or declaration; but may well go under the title of nothing. Now I had rather you dealt between us than any body else, because you are no way drenched in any man's humour. Of other things at another time; but this I was forward to write in the midst of more business than ever I had.

CCLXXVII

CCLXXVIII. To the Lord DIGBY, on his going to Spain *.

* Stephens's
second collec-
tion, p. 165.*My very good Lord,*

I Now only fend my best wishes to follow you at sea and land, with due thanks for your late great favours. God knows whether the length of your voyage will not exceed the size of my hour-glass: but whilst I live, my affection to do your lordship service shall remain quick under the ashes of my fortune.

CCLXXIX. To Mr. MATTHEW †.

† Sir Toby
Matthew's
collection of
letters, p. 51.*S I R,*

I IN this solitude of friends, which is the base court of adversity, where no body almost will be seen stirring, I have often remembered this Spanish saying, *Amor fin fin, no tiens fin*^a. This bids me make choice of your friend and mine, for his noble succours; not now towards the aspiring, but only the respiring of my fortunes. I, who am a man of books, have observed, that he hath both the magnanimity of the old Romans, and the cordiality of the old English; and withal, I believe, he hath the wit of both: sure I am, that for myself I have found him in both my fortunes, to esteem me so much above my just value, and to love me so much above the possibility of deserving, or obliging on my part, as if he were a friend created and reserved for such a time as this. You know what I have to say to the great lord, and I conceive it cannot pass so fitly to him by the mouth of any, as of this gentleman; and therefore do your best (which I know will be of power enough) to engage him both in the substance and to the secrecy of it: for I can think of no man but yourself, to be used by me in this, who are so private, so faithful, and so discreet a friend to us both; as on the other side, I dare swear he is, and know myself to be as true to you as your own heart.

^a Love without ends hath no end. was a saying of Gondomar the Spanish ambassador; meaning thereby, that if it were begun not upon particular ends, it would last. Bacon's Apophthegms, 67. Vol. I. p. 538.

CCLXXX. An expostulation to the Marquis of BUCKINGHAM †.

† Ibid p. 48,
and Stephens's
second collec-
tion, p. 167.*My very good Lord,*

YOUR lordship will pardon me, if, partly in the freedom of adversity, and partly of former friendship (the sparks whereof cannot but continue) I open myself to your lordship, and desire also your lordship to open yourself to me. The two last acts which you did for me, in procuring the releasement of my fine, and my *Quietus est*, I acknowledge, were effects real and material of your love and favour; which, as to my knowledge, it never failed in my prosperity, so in these two things it seems not to have turned with the wheel. But the extent of these two favours is not much more than to keep me from persecution. For any thing farther, which might tend to my comfort and assistance, as I cannot say to myself, that your lordship hath forsaken me; so I see not the effects of your undeserved, yet undesired professions and promises; which being made to a person in affliction, have the nature, after a sort, of vows. But that which most of all makes me doubt

of a change or cooling in your lordship's affection towards me, is, that being twice now at London, your lordship did not vouchsafe to see me; though by messages you gave me hope thereof, and the latter time I had begged it of your lordship.

The cause of change may either be in myself or your lordship. I ought first to examine myself, which I have done; and God is my witness, I find all well, and that I have approved myself to your lordship a true friend, both in the watery trial of prosperity, and in the fiery trial of adversity. If your lordship take any insatisfaction touching the house, I humbly pray you think better of it. For that motion to me was a second sentence more grievous than the first, as things then stood, and do yet stand: for it sentenced me to have lost both in my own opinion, and much more in the opinion of others, that which was saved to me, almost only, in the former sentence; and which was more dear to me than all that which was taken from me, which is your lordship's love and favour. For had it not been for that bitter circumstance, your lordship knows, that you might have commanded my life, and all that is mine. But surely it could not be that, nor any thing in me, which wrought the change. It is likely on the other part, that though your lordship in your nature I know to be generous and constant, yet I being now become out of sight, and out of use, your lordship having a flood of new friends, and your ears possessed perhaps by such as would not leave room for an old; your lordship may, even by course of the world, and the over-bearing of others, be turned from me; and it were almost a miracle if it should be otherwise. But yet, because your lordship may still have so heroical a spirit, as to stand out in all these violent assaults, which might have alienated you from your friend; my humble suit to your lordship is, that remembering our former friendship, which began with your beginnings, and since that time hath never failed on my part, your lordship would deal clearly with me, and let me know, whether I continue in your favour or no; and whether in those poor requests, which I may yet make to his majesty (whose true servant I ever was and am) for the tempering of my misery, I may presume to use your lordship's favour and help as I have done; for otherwise it were a kind of stupidity in me, and a great trouble also to your lordship, for me not to discern the change, for your lordship to have an importuner, instead of a friend and a suitor. Though howsoever, if your lordship should never think of me more, yet in respect of your former favours, which cannot altogether be made void, I must remain, etc.

CCLXXXI. To the Lord ST. ALBAN*.

* Stephens's
second collec-
tion, p. 174.

My Lord,

I have dispatched the business your lordship recommended to me, which I send your lordship here inclosed, signed by his majesty, and have likewise moved him for your coming to kiss his hand, which he is pleased you should do at Whitehall when he returneth next thither. In the mean time I rest

Your Lordship's faithful friend and servant,

Newmarket, 13 Nov. 1622.

G. BUCKINGHAM.

I will give order to my secretary to wait upon Sir John Suckling about your other business.

Endorsed by the Lord St. Alban's hand.

My Lord of Bucks touching my warrant and accept.

CCLXXXII.

CCLXXXII. To the Marquis of BUCKINGHAM*.

* Stephens's
second collec-
tion, p. 175.

Excellent Lord,

THOUGH I have troubled your lordship with many letters, oftner than I think I should (save that affection keepeth no account) yet upon the repair of Mr. Matthew, a gentleman so much your lordship's servant, and to me another myself, as your lordship best knoweth, you would not have thought me a man alive, except I had put a letter into his hand, and withal, by so faithful and approved a man, commended my fortunes afresh unto your lordship.

My lord, to speak my heart to your lordship, I never felt my misfortunes so much as now: not for that part which may concern myself, who profit (I thank God for it) both in patience, and in settling mine own courtes; but when I look abroad and see the times so stirring, and so much dissimulation and falshood, baseness and envy in the world, and so many idle clocks going in mens heads, then it grieveth me much, that I am not sometimes at your lordship's elbow, that I might give you some of the fruits of the careful advice, modest liberty, and true information of a friend that loveth your lordship as I do. For though your lordship's fortunes be above the thunder and storms of inferior regions; yet nevertheless, to hear the wind and not to feel it, will make one sleep the better.

My good Lord, somewhat I have been, and much I have read; so that few things that concern states or greatness, are new cases unto me: and therefore I hope I may be no unprofitable servant to your lordship. I remember the king was wont to make a character of me, far above my worth, *that I was not made for small matters*; and your lordship would sometimes bring me from his majesty that Latin sentence, *De minimis non curat lex*: and it hath so fallen out, that since my retiring, times have been fuller of great matters than before; wherein perhaps, if I had continued near his majesty, he might have found more use of my service, if my gift lay that way: but that is but a vain imagination of mine. True it is, that as I do not aspire to use my talent in the king's great affairs; yet for that which may concern your lordship, and your fortune, no man living shall give you a better account of faith, industry, and affection, than I shall. I must conclude with that which gave me occasion of this letter, which is Mr. Matthew's employment to your lordship in those parts, wherein I am verily persuaded your lordship shall find him a wise and able gentleman, and one that will bend his knowledge of the world (which is great) to serve his majesty, and the prince, and in especial your lordship. So I rest

Your Lordship's most obliged and faithful servant,

Gray's Inn, this 18 April, 1623.

FR. ST. ALBAN.

CCLXXXIII. To the Duke of BUCKINGHAM*.

* Ibid. p. 177.

Excellent Lord,

HOW much I rejoice in your grace's safe return, you will easily believe, knowing how well I love you, and how much I need you. There be many things in this journey both in the felicity and in the carriage thereof, that I do not a little

G g 2

admire,

LETTERS OF THE L. VISCOUNT S. ALBAN.

admire, and with your grace may reap more and more fruits in continuance answerable to the beginnings. Myself have ridden at anchor all your grace's absence, and my cables are now quite worn. I had from Sir Toby Matthew, out of Spain, a very comfortable message, that your grace had said, I should be the first that you would remember in any great favour after your return; and now coming from court, he telleth me he had commission from your lordship to confirm it: for which I humbly kiss your hands.

My lord, do some good work upon me, that I may end my days in comfort, which neverthels cannot be complete except you put me in some way to do your noble self service; for I must ever rest

Your Grace's most obliged and faithful servant,

12 Oct. 1623.

F. R. ST. ALBAN.

I have written to his highness, and had presented my duty to his highness, to kiss his hands at York-house, but that my health is scarce yet confirmed.

CCLXXXIV. To the Lord St. ALBAN*.

* Stephens's second collection, p. 178.

My Lord,

THE assurance of your love makes me easily believe your joy at my return; and if I may be so happy, as by the credit of my place to supply the decay of your cables, I shall account it one of the special fruits thereof. What Sir Toby Matthew hath delivered on my behalf, I will be ready to make good, and omit no opportunity that may serve for the endeavours of

Your Lordship's faithful friend and servant,

Royston, Octob. 14, 1623.

G. BUCKINGHAM.

† Ibid. p. 179.

CCLXXXV. To the Duke of BUCKINGHAM*.

Excellent Lord,

I Send your grace for a parabien a book of mine, written first and dedicated to his majesty in English, and now translated into Latin and enriched. After his majesty and his highness, your grace is ever to have the third turn with me. Vouchsafe of your wonted favour to present also the king's book to his majesty. The prince's I have sent to Mr. Endimion Porter. I hope your grace, because you are wont to disabie your Latin, will not send your book to the Conde d'Olivares, because he was a deacon; for I understand by one, that your grace may guess whom I mean, that the Conde is not rational, and I hold this book to be very rational. Your grace will pardon me to be merry, however the world goeth with me. I ever rest

Your Grace's most faithful and obliged servant,

Gray Inn, this 22d
October, 1623.

F. R. ST. ALBAN.

I have added a begging postscript in the king's letter; for, as I writ before, my cables are worn out, my hope of tackling is by your lordship's means. For me and mine I pray command.

CCLXXXVI. To the Lord S T. ALBAN*.

* Stephens's
second collection,
p. 180.

My Lord,

I Give your lordship many thanks for the parabien you have sent me; which is so welcome unto me, both for the author's sake and for the worth of itself, that I cannot spare a work, of so much pains to your lordship and value to me, unto a man of so little reason and less art; who, if his skill in languages be no greater than I found it in argument, may, perhaps, have as much need of an interpreter, for all his deaconry, as myself; and whatsoever mine ignorance is in the tongue, yet this much I understand in the book, that it is a noble monument of your love, which I will entail to my posterity, who, I hope, will both reap the fruit of the work, and honour the memory of the author. The other book I delivered to his majesty, who is tied here by the feet longer than he purposed to stay.

For the business your lordship wrote of in your other letters, I am sorry I can do you no service, having engaged myself to Sir William Becher before my going into Spain, so that I cannot free myself, unless there were means to give him satisfaction. But I will ever continue

Your lordship's assured friend and faithful servant,

Hinchenbrook, 27 Oct. 1623.

G. BUCKINGHAM.

CCLXXXVII. To the Lord S T. ALBAN †.

† Ibid. p. 181.

My honourable Lord,

I Have delivered your lordship's letter and your book to his majesty, who hath promised to read it over: I wish I could promise as much for that which you sent me, that my understanding of that language might make me capable of those good fruits, which, I assure myself by an implicit faith, proceed from your pen. But I will tell you in good English, with my thanks for your book, that I ever rest

Your lordship's faithful friend and servant,

Hinchenbrook, 29 Oct. 1623.

G. BUCKINGHAM.

CCLXXXVIII. To the Duke of BUCKINGHAM ‡.

‡ Ibid.

Excellent Lord,

I Send Mr. Parker to have ready, according to the speech I had with your grace, my two suits to his majesty, the one for a full pardon, that I may die out of a cloud; the other for a translation of my honours after my decease. I hope his majesty

LETTERS OF THE L. VISCOUNT S. ALBAN.

majesty will have compassion on me, as he promised me he would. My heart telleth me that no man hath loved his majesty and his service more entirely, and love is the law and the prophets. I ever rest

Your Grace's most obliged and faithful servant,

25 Nov. 1623.

FR. ST. ALBAN.

• Stephens's second collection, p. 184.

CCLXXXIX. To the Lord ST. ALBAN*.

My honourable lord,

I have received your lordship's letter, and have been long thinking upon it, and the longer the less able to make answer unto it. Therefore if your lordship would be pleased to send any understanding man unto me, to whom I may in discourse open myself, I will by that means so discover my heart with all freedom, which were too long to do by letter, especially in this time of parliament business, that your lordship shall receive satisfaction. In the mean time I rest

Your Lordship's faithful servant,

Royston, 16 December.

G. BUCKINGHAM.

† Ibid. p. 185.

CCXC. To the Lord ST. ALBAN †.

My Lord,

I have moved his majesty in your suit, and find him very gracious inclined to grant it; but he desireth first to know from my lord treasurer his opinion and the value of it: to whom I have written to that purpose this inclosed letter, and would wish your lordship to speak with him yourself for his favour and furtherance therein; and for my part I will omit nothing that appertaineth to

Your lordship's faithful friend and servant,

Newmarket, the 23th of Jan. 1623.

G. BUCKINGHAM.

‡ Ibid. p. 185.

CCXCI. To the Duke of BUCKINGHAM ‡.

Excellent Lord,

I have received the warrant, not for land but for the money, which if it may be speedily served, is sure the better; for this I humbly kiss your grace's hands. But because the exchequer is thought to be somewhat barren, although I have good assistance of Mr. Chancellor, yet I hold it very essential, and therein I most humbly pray your grace's favour, that you would be pleased by your letter to recommend to Mr. Chancellor the speedy issuing of the money by this warrant, as a business whereof your grace hath an especial care; the rather for that I understand from him, there be some other warrants for money to private suitors at this time on foot. But
your

your grace may be pleased to remember this difference: that the other are mere gifts; this of mine is a bargain, with an advance only.

I most humbly pray your grace likewise to present my most humble thanks to his majesty. God ever guide you by the hand. I always rest

Grays-Inn, this 17th of
November, 1624.

Your faithful and more and more obliged servant,

FR. ST. ALBAN.

I most humbly thank your grace for your grace's favour to my honest deserving servant.

CCXCII. To the Lord ST. ALBAN*.

My noble Lord,

THE hearty affection I have borne to your person and service, hath made me ever ambitious to be a messenger of good news to you, and an eschewer of ill; this hath been the true reason why I have been thus long in answering you, not any negligence in your discreet modest servant, you sent with your letter, nor his who now returns you this answer, oft-times given me by your master and mine; who tho' by this may seem not to satisfy your desert and expectation, yet, take the word of a friend who will never fail you, hath a tender care of you, full of a fresh memory of your by-past service. His majesty is but for the present, he says, able to yield unto the three years advance, which if you please to accept, you are not hereafter the farther off from obtaining some better testimony of his favour worthier both of him and you, though it can never be answerable to what my heart wishes you, as

Your Lordship's humble servant,

G. BUCKINGHAM.

CCXCIII. To the lord^a Treasurer MARLBOROUGH,
expostulating about his unkindness and injustice†.

My Lord,

I Humbly intreat your lordship, and, if I may use the word, advise you to make me a better answer. Your lordship is interested in honour, in the opinion of all them who hear how I am dealt with; if your lordship malice me for such a cause, surely it was one of the justest businesses that ever was in chancery. I will avouch it; and how deeply I was tempted therein, your lordship knows best. Your lordship may do well, in this great age of yours, to think of your grave, as I do of mine; and to beware of hardness of heart. And as for fair words, it is a wind, by which neither your lordship, nor any man else, can sail long. Howsoever, I am the man who will give all due respects and reverence to your great place, etc.

* The lord Marlborough was made treasurer 22 Dec. 1624, 22 Jan.

* Stephens's
second collection,
p. 186.

† Sir Tobie
Matthew's
collection of
letters, p. 52.

• Stephens's
first collec-
tion, p. 297.

CCXCIV. To the KING*.

Most gracious and dread Sovereign,

BEFORE I make my petition to your Majesty, I make my prayers to God above, *petere ab imo*, that if I have held any thing so dear as your Majesty's service, nay, your heart's ease, and your honour's, I may be repulled with a denial: but, if that hath been the principal with me, that God, who knoweth my heart, would move your Majesty's royal heart to take compassion of me, and to grant my desire.

I prostrate myself at your Majesty's feet, I, your ancient servant, now sixty-four years old in age, and three years five months old in misery. I desire not from your Majesty means, nor place nor employment, but only, after so long a time of expiation, a complete and total remission of the sentence of the upper-house, to the end that blot of ignominy may be removed from me, and from my memory with posterity; that I die not a condemned man, but may be to your Majesty, as I am to God, *nova creatura*. Your Majesty hath pardoned the like to Sir John Bennet, between whose case and mine, not being partial with myself, but speaking out of the general opinion, there was as much difference, I will not say as between black and white, but as between black and gray, or ash-coloured^a: look therefore down, dear sovereign, upon me also in pity. I know your Majesty's heart is inscrutable for goodness; and my lord of Buckingham was wont to tell me, you were the best natured man in the world; and it is God's property, that those he hath loved, he loveth to the end. Let your Majesty's grace, in this my desire, stream down upon me, and let it be out of the fountain and spring-head, and *ex mero motu*, that, living or dying, the print of the goodness of king James may be in my heart, and his praises in my mouth. This my most humble request granted, may make me live a year or two happily; and denied, will kill me quickly. But yet the last thing that will die in me, will be the heart and affection of

Your majesty's most humble, and true devoted servant,

July 30, 1624.

FR. ST. ALBAN.

^a Sir John Bennet, judge of the prerogative court, was in the year 1621 accused, convicted, and censured in parliament for taking of bribes, and committing several misdemeanors relating to his office.

† Cal. 1620.
Edw. 1. 13.

CCXCV. In answer to the foregoing, by king JAMES †.

To our trusty and well-beloved, Thomas Coventry, our Attorney General.

Trusty and Well beloved, we greet you well:

WHEREAS our right trusty and right well beloved cousin, the viscount of St. Alban, upon a sentence given in the upper house of parliament full three years since, and more, hath endured loss of his place, imprisonment, and confinement

ment^a also for a great time; which may suffice for the satisfaction of justice, and example to others: we being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his trouble, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement; these are to will and require you to prepare, for our signature, a bill containing a pardon, in due form of law, of the whole sentence: for which this shall be your sufficient warrant.

^a His sentence forbid his coming within the verge of the court. [In consequence of this letter, my lord Bacon was summoned to parliament in the first year of king Charles.]

CCXCVI. The lord Viscount St. ALBAN to Dr. WILLIAMS, bishop of Lincoln, concerning his speeches, *etc.* *.

* Stephens's
second collection,
vol. p. 189.

My very good Lord,

I Am much bound to your lordship for your honourable promise to Dr. Rawley: he chooseth rather to depend upon the same in general, than to pitch upon any particular; which modesty of choice I commend.

I find that the ancients, as Cicero, Demosthenes, Plinius Secundus, and others, have preserved both their orations and their epistles. In imitation of whom I have done the like to my own; which nevertheless I will not publish while I live; but I have been bold to bequeath them to your lordship, and Mr. Chancellor of the duchy. My speeches, perhaps, you will think fit to publish: the letters, many of them, touch too much upon late matters of state, to be published; yet I was willing they should not be lost. I have also by my will erected two lectures in perpetuity, in either university one, with an endowment of 200*l.* *per annum* apiece: they to be for natural philosophy, and the sciences thereupon depending; which foundations I have required my executors to order, by the advice and direction of your lordship, and my lord bishop of Coventry and Lichfield. These be my thoughts now. I rest

Your Lordship's most affectionate to do you service.

^a This title seems to imply that the date of this letter was after the bishop was removed from being lord keeper.

CCXCVII. The bishop's answer to the preceding letter *.

† Ibid. p. 190.

Right honourable and my very noble Lord,

MR. Doctor Rawley, by his modest choice, hath much obliged me to be careful of him, when God shall send any opportunity; and, if his majesty shall remove me from this see, before any such occasion be offered, not to change my intentions with my bishopric.

It is true that those ancients, Cicero, Demosthenes, and Plinius Secundus, have preserved their orations, the heads and effects of them at the least, and their epistles;

and I have ever been of opinion, that these two pieces are the principal pieces of our antiquities: those of ancient discovering the form of administering justice, and the letters the carriage of the affairs in those times. For our histories, or rather the lives of men, borrow as much from the affections and phantasies of the writers, as from the truth itself, and are for the most of them built altogether upon unwritten relations and traditions. But letters written *de re*, and bearing a synchronism or equality of time *concurrentibus*, have no other fault, than that which was imputed unto Virgil, *nihil peccat, nisi quod nihil peccet*; they speak the truth too plainly, and cast too glaring a light for that age, wherein they were, or are written.

Your lordship doth most worthily therefore in preserving those two pieces, amongst the rest of those matchless monuments you shall leave behind you; considering, that as one age hath not bred your experience, so is it not fit it should be confined to one age, and not imparted to the times to come. For my part therein, I do embrace the honour with all thankfulness, and the trust imposed upon me with all religion and devotion. For those two lectures in natural philosophy, and the sciences, woven and involved with the same; it is a great and a noble foundation both for the use, and the salary, and a foot that will teach the age to come, to guess in part at the greatness of that Herculean mind, which gave them their existence. Only your lordship may be advised for the seats of this foundation. The two universities are the two eyes of this land, and fittest to contemplate the lustre of this bounty: these two lectures are as the two apples of these eyes. An apple when it is single is an ornament, when double a pearl or a blemish in the eye. Your lordship may therefore inform yourself if one Sidley of Kent hath not already founded in Oxford a lecture of this nature and condition. But if Oxford in this kind be an Argus, I am sure poor Cambridge is a right Polyphemus; it hath but one eye, and that not so steadily or artificially placed; but *bonum est facere ad diffundendum*; your lordship being so full of goodness, will quickly find an object to pour it on. That which made me say thus much, I will say in verse, that your lordship may remember it the better;

*Sola ruinosis hat Cantabrigia pennis,
Atque inopi lingua d'betas invocat artes.*

I will conclude with this vow: *Deus, qui animum istum tibi, animo isti tempus quem longissimum tribuit.* It is the most affectionate prayer of

Bohemia, the 10th of
December, 1621.

Your Lordship's most humble servant,

JO. LINCOLN.

* See here's second collection, p. 118.

CCXCVIII. To the ^a Queen of BOHEMIA*.

It may please your Majesty,

I Have received your Majesty's gracious letter from Mr. Secretary Moreton, who is now a saint in heaven. It was at a time when the great desolation of the plague was

* The princess Elizabeth, eldest daughter of king James, was married to Frederick V. elector palatine, who by receiving the crown of Bohemia, was soon deprived both of that and his ancestral principality. Under all her afflictions she had the happiness of being mother of many fine children, and at length

was in the city, and when myself was ill of a dangerous and tedious sickness. The first time that I found any degree of health, nothing came sooner to my mind, than to acknowledge your majesty's great favour, by my most humble thanks: and because I see your Majesty taketh delight in my writings, and to say the truth, they are the best fruits I now yield, I presume to send your Majesty a little discourse of mine, touching † a war with Spain, which I writ about two years since; † See Vol. II. P. 295. which the king your brother liked well. It is written without bitterness or invective, as king's affairs ought to be carried; but if I be not deceived, it hath edge enough. I have yet some spirits left, and remnant of experience, which I consecrate to the king's service and your Majesty's; for whom I pour out my daily prayers to God, that he would give your Majesty a fortune worthy your rare virtues; which, some good spirit tells me, will be in the end. I do in all reverence kiss your Majesty's hands, ever resting

Your Majesty's most humble and devoted servant,

FR. ST. ALBAN.

length of seeing her son restored to the Palatinate, and her nephew to his kingdoms. To her, who had been so much injured by Spain, my lord St. Alban presents his discourse touching a war with Spain, in acknowledgment of the favour of her majesty's letter, sent by her secretary Sir Albertus Moreton; in which quality he had served his uncle Sir Henry Wotton, in some of his embassies: and as he was tenderly beloved by him in his life, and much lamented in his death; so Sir Harry professed no less admiration of this queen, and the splendour of her virtues under the darkness of her fortunes. *See p. 187.*

CCXCIX. A letter of the Lord BACON's, in French, to the Marquis
FIAT, relating to his *Essays* *.

* Stephens's second collection, p. 187.

Monseur l'Ambassadeur mon Fil,

VOYANT que vostre excellence faict & traite mariages, non seulement entre les princes d'Angleterre & de France, mais aussi entre les langues (puis que faictes traduire mon livre de *l'Advancement des sciences* en Francois) j'ai bien voulu vous envoyer mon livre dernièrement imprimé, que j'avois pourveu pour vous, mais j'estois en doute de le vous envoyer, pour ce qu'il estoit escrit en Anglois. Mais à cest heure pour la raison susdicte je le vous envoie. C'est un recomplement de mes *Essays morales & civiles*; mais tellement enlargiés & enrichiés, tant de nombre que de poids, que c'est de fait un œuvre nouveau. Je vous baise les mains, & reste

Vostre très affectionné ami, & très humble serviteur.

CCC. To the Earl of ARUNDEL and SURRY: just before his death,
being the last letter he ever wrote *.

* Sir Tobie
Matthew's
collection, p.
57.

My very good Lord,

I Was likely to have had the fortune of Caius Plinius the elder, who lost his life by trying an experiment about the burning of the mount Vesuvius: for I was also desirous to try an experiment or two, touching the conservation and induration of bodies. As for the experiment itself, it succeeded excellently well; but in the journey, between London and Highgate, I was taken with such a fit of casting, as I knew not whether it were the stone, or some surfeit, or cold, or indeed a touch of them all three. But when I came to your lordsh^p's house, I was not able to go back, and therefore was forced to take up my lodging here, where your house-keeper is very careful and diligent about me; which I assure myself your lordship will not only pardon towards him, but think the better of him for it. For indeed your lordship's house was happy to me; and I kiss your noble hands for the welcome which I am sure you give me to it, *etc.*

I know how unfit it is for me to write to your lordship with any other hand than my own; but by my troth my fingers are so disjointed with this fit of sickness, that I cannot steadily hold a pen.



L E T T E R S,
S P E E C H E S, C H A R G E S,
A D V I C E S, &c.

O F

F R A N C I S B A C O N,

L O R D V I S C O U N T S T. A L B A N,

L O R D C H A N C E L L O R O F E N G L A N D ;

First published in the Year 1763.

By T H O M A S B I R C H, D. D.

Chaplain to her Royal Highness the Princess AMELIA,

A N D

Secretary to the Royal SOCIETY.

The Second Edition with ADDITIONS.

To the Honourable

CHARLES YORKE,

Attorney General to his Majesty.

S I R,

THE gratitude, which I owe you for the honour, and other important advantages of your friendship, hath often made me wish for an opportunity of making you some return equal, in any degree, to your merit, and my own obligations. It was therefore a very agreeable incident to me, when by means of your noble brother, the Lord Viscount Royston, always attentive to enlarge the fund of history, as well as to encourage and reward every attempt in favour of literature in general, there was put into my Hands a volume of original papers of the great Lord Bacon. This volume was, at his Lordship's request, readily intrusted with me by his Grace the Lord Archbishop of
Canter-

DEDICATION.

Canterbury, whose zeal for the advancement of useful learning of all kinds bears a just proportion to that, which he has shewn, in every station of the church filled by him, for the support of religion, and for what is the most perfect system of its principles, laws, and sanctions, Christianity.

From the long acquaintance, with which I have been favoured by you, and the frequent conversations, which we have had upon subjects, foreign to the profession, which you so much adorn, I well knew your high veneration for the writings of Bacon, and your thorough knowledge of the most abstruse of them. Having therefore, with an application little less than that of decyphering, transcribed from the first draughts, and digested into order, a collection of his letters, little inferior in number, and much superior in contents, to what the world hath hitherto seen, intermixed with other papers of his of an important nature, I could not doubt, but that the publishing of them would be no less acceptable to you, than, I persuade myself, they will be to the public. For it is scarce to be imagined, but that the bringing to light, from obscurity and oblivion, the remains of so eminent a person, will be thought an acquisition not inferior to the discovery (if the ruins of Herculaneum should afford such a treasure) of a new set of the epistles of Cicero, whom our immortal countryman most remarkably resembled as an orator, a philosopher, a writer, a lawyer, and a statesman. The communication of them to the public appearing to me a duty to it and the memory of the author, to whom could I, separately from the consideration of all personal connexions and
induce-

DEDICATION.

inducements, so justly present them, as to him, whom every circumstance of propriety, and conformity of character, in the most valuable part of it, pointed out to me for that purpose? Similarity of genius; the same extent of knowledge in the laws of our own and other countries, enriched and adorned with all the stores of ancient and modern learning; the same eloquence at the bar and in the senate; an equal force of writing, shewn in a single work indeed, and composed at a very early age, but decisive of a grand question of law and sanction of government, the grounds of which had never before been stated with due precision; and the most successful discharge of the same offices of King's Council and Solicitor and Attorney General.

These reasons, Sir, give your name an unquestionable right to be prefixed to these posthumous pieces. And I hope, while I am performing this act of justice, I may be excused the ambition of preserving my own name, by uniting it with those of BACON and YORKE.

Your delicacy here restrains me from indulging myself farther in the language, which truth and esteem would dictate. But I must be allowed to add a wish, in which every good man and lover of his country will join with me, that as there now remains but one step for you to complete that course of public service and glory, in which you have so closely followed your illustrious father, he, happy in the most important circumstance of human life, the characters and fortunes of his children,

DEDICATION.

—*longo ordine Nati,*
Clari omnes patriá pariter Virtute suáque,

may live to see you possessed of that high station, which himself filled for almost twenty years, with a reputation superior to all the efforts of envy or party. Nor is it less to his honour, (and may it be your's at a very distant period) that, though he thought proper to retire from that station in the full vigour of his abilities, he still continues to exert them in a more private situation, for the general benefit of his country; enjoying in it the noblest reward of his services, an unequalled authority, founded on the acknowledged concurrence of the greatest capacity, experience, and integrity.

I am,

S I R,

Your most obliged

and most devoted

humble servant,

London,
June 1, 1762.

THOMAS BIRCH.

P R E F A C E.

AS the reader will undoubtedly have some curiosity about the history of the transmission of these papers, now presented to him at the distance of an hundred and forty years from the date of most of them, though the hand of the incomparable writer is too conspicuous in them to admit of any suspicion of their genuineness; it will be proper here to give him some information upon that subject. Dr. Thomas Tenison is known to have been the editor of the *Baconiana*, published at London 1679, though he added only the initial letters of his name to the account of all the Lord Bacon's works (a), subjoined to that collection. He had been an intimate friend of, and fellow of the same college (b) with Mr. William Rawley, only son of Dr. William Rawley, chaplain to the lord chancellor Bacon, and employed by his lordship, as publisher of most of his works. Dr. Rawley dying in the 79th year of his age, June the 18th 1667, near a year after his son (c); his executor, Mr. John Rawley, put into the hands of his friend Dr. Tenison these papers of lord Bacon, which composed the *Baconiana*; and, probably, at the same time, presented to him all the rest of his lordship's manuscripts, which Dr. Rawley had been possessed of, but did not think proper to make public. The reasons of his reserve appear from Dr. Tenison's account (d) cited above, to have been, "that he judged some papers touching *matters of state* to

(a) This account is dated Nov. the 30th, 1678.

(b) Benet in the university of Cambridge.

(c) Who was buried the 3d of July, 1666.

(d) Page 81.

P R E F A C E.

“ tread too near to the heels of truth, and to the times of the persons
“ concerned : and that he thought his lordship’s *letters* concerning his fall
“ might be injurious to his honour, and cause the old wounds of it to
“ bleed anew.” But this is a delicacy, which, though suitable to the age
in which Dr. Rawley lived, and to the relation, under which he had
stood to his noble patron, ought to have no force in other times and cir-
cumstances, nor ever to be too much indulged to the prejudice of the
rights of historical truth.

Dr. Tenison being, soon after the publication of the *Baconiana*, removed from the more private station of a country living to the vicarage of St. Martin’s in the fields, Westminster, and, after the revolution, advanced to the bishopric of Lincoln, and at last to the archbishopric of Canterbury, had scarce leisure, if he had been inclined, to select more of the papers of his admired Bacon. These therefore with the rest of his manuscripts, not already deposited in the library at Lambeth, were left by him in his last will, dated the 11th of April, 1715, to his chaplain, Dr. Edmund Gibson, then rector of Lambeth, and afterwards successively bishop of Lincoln and London, and to Mr. (afterwards Dr.) Benjam. Ibbot, who had succeeded Dr. Gibson as library-keeper to his grace. Dr. Ibbot dying (e) many years before bishop Gibson, the whole collection of archbishop Tenison’s papers came under the disposition of that bishop, who directed his two executors, the late Dr. Bettesworth, dean of the Arches, and his eldest son, George Gibson, Esq; to deposit them, with the addition of many others of his own collecting, in the manuscript library at Lambeth: and accordingly after his lordship’s death, which happened on the 6th of Sept. 1748, all these manuscripts were delivered by his said executors to archbishop Herring, on the 21st of October of that year, and placed in the library on the 23d of February following. But as they lay undigested in bundles, and in that condition were neither convenient for use, nor secure from damage, his grace the present archbishop directed them to be methodized and bound up in volumes with proper indexes, which was done by his learned librarian, Andrew Coltee Ducarel, LL. D. Fellow of the royal and antiquarian societies, to whose know-

(e) The 11th of April 1725.

P R E F A C E.

ledge, industry, and love of history and antiquities, the valuable library of manuscripts of the archiepiscopal see of Canterbury is highly indebted for the order, in which it is now arranged; and by whose obliging and communicating temper it is rendered generally useful. Bishop Gibson's collection, including what is the chief part of it, that of archbishop Tenison, fills fourteen large volumes in folio. The eighth of these consists merely of Lord Bacon's papers.

Of them principally, the work, which I now offer the public, is formed; nor has any paper been admitted into it that had been published before, except two of Lord Bacon's letters, which having been disguised and mutilated in all former impressions, were thought proper to be reprinted here, together with two other letters of his lordship; one on the remarkable case of Peacham, the other accompanying his present to king James I. of his *Novum Organum*. These letters I was unwilling to omit, because the collection, in which they have lately appeared, intitled by the very learned and ingenious editor, Sir David Dalrymple, Bart. *Memorials and Letters relating to the History of Britain in the reign of James the First, published from the Originals*, at Glasgow 1762, in 8vo, is likely to be much less known in England, from the smallness of the number of printed copies, than it deserves.

The general rule, which I have prescribed myself, of publishing only what is new, restrained me from adding those letters written in the earlier part of Mr. Francis Bacon's life, which I had before published from the originals, found among the papers of his brother Anthony, in the *Memoirs of the Reign of Queen Elizabeth, from the Year 1581 to her death*.

The example of the greatest men, in preserving in their editions of the classics the smallest remains of their writings, will be a full justification of my industry in collecting and inserting even the fragments of a writer equal to the most valuable of the ancients. Nor will the candid and intelligent object to the least considerable of the duke of Buckingham's letters, since they acquire an importance from the rank and character of
the

P R E F A C E.

the writer, as well as from their carrying on the series of his correspondence, acquainting us with new facts, or ascertaining old ones with additional evidence and circumstances, and shewing the extent of that authority and influence, which his situation, as a favourite, gave him in all parts of the government, even as high as the seat of justice itself.

P O S T S C R I P T,

Relating to this SECOND EDITION.

Since the former edition, there came into my hands, among the collections in print and manuscript, relating to lord Bacon and his works, made by the late John Locker, Esq; two letters of Dr. Tenison, afterwards Archbishop of Canterbury, which will enable me to give the public full satisfaction, in what manner that learned divine became possessed of the *Letters, &c.* of the noble author published by me.

One of these Letters, the original, written to Mr. Richard Chiffwell, the Bookseller, for whom the *Baconiana* had been printed, is as follows:

“ S I R,

Decemb. 16, 1682.

“ I Have now look'd over all the books and papers in the box. In the
“ books there are copies of Essays, Maxims of law, &c. all printed
“ already: but they contain some things fit to be printed; and they and
“ the letters will make a handsome folio; which I doubt not but will
“ turn to account. For the Letters, there are divers of Sir Thomas
“ Meautys, &c. worth nothing: but there are more than forty letters
“ to the duke of Buckingham, and some of the duke of Buckingham
“ to him.

“ There are eight or ten to king James. There are three or four to
“ Gondomar, and Gondomar's answer to one of them.

“ There

P R E F A C E.

“ There are two or three letters to bishop Williams, and two from
“ him.

“ There is lord Bacon's letter to Casaubon in Latin.

“ There is one essay never printed.

“ All which will be well accepted.

“ After the holy days I will methodize all, and put all letters of the
“ same date together (for as yet they are in confusion) and then we will
“ take farther resolutions about them. I will get an afternoon (if God
“ permit) to see the remaining papers in Bartholomew-Close. The Greek
“ M.S. will not prove much worth. The latter and greater part is only
“ a piece of Tzetzes.

“ It is necessary, that you procure for me Tobie Matthew's printed
“ letters, for here are also ten of his to lord Bacon; and I know not
“ which they are yet printed. Also I shall want a copy of the Essays
“ printed in 12mo, 1663, printed for Thomas Palmer, at the crown in
“ Westminster-Hall, with a preface by one Griffith. I have the book;
“ and the preface is mentioned in the title page, but is wanting.

“ *I am your assured friend,*

“ T. TENISON.

“ If more sheets of Dr. Spencer's are done, pray send them.”

For Mr. Chifwell, at the Rose and Crown,
in St. Paul's Church-Yard, London.

The other letter, of which I have a copy taken by the late Richard Rawlinson, L L D. from bishop Tanner's manuscripts, in Christ-Church, Oxford, Vol. XXXV, p. 152. was address'd to archbishop Sancroft in these terms :

“ *May it please your Grace,*

“ **I** Have received your grace's letter touching my course of preaching
“ in Lent, which I shall be ready, God assisting me, to do my duty
“ at that time according to my poor talent.

“ I did

P R E F A C E.

“ I did forget on Tuesday to acquaint your grace, that I had, by a strange
“ providence, lately found out in this town a great many original papers
“ of the lord Bacon. When I have looked over them and sorted them,
“ I will be bold to present your grace with a catalogue of them. They
“ came to me from the executor of the executor of Sir Thomas Meau-
“ tys, who was his lordship’s executor. Amongst his lordship’s papers
“ are letters from king James, the queen of Bohemia, count Gondo-
“ mar, and others. Amongst his lordship’s own letters, there is one in
“ Latin to Isaac Casaubon.

* Heneage
Finch, earl
of Nottingham,
who died on the
day of the
date of this
letter, aged
61 years.

“ One just now come from my lord Chancellor’s * assured me he was
“ not indeed dead, but just dying.

“ *I am your Grace’s most obliged servant,*

Decemb. 18, 1682.

“ T H O. T E N I S O N.

The reason of the rule, which I prescribed to myself in the former
edition, of publishing only what was new, not subsisting in the present,
which forms a part of a complete collection of the author’s writings, I
have inserted in it such letters from and to him, as I had published in 1754
in the *Memoirs of the reign of queen Elizabeth.*

London, January 1, 1765.

L E T T E R S, &c.
O F
L O R D C H A N C E L L O R B A C O N.

Mr. FRANCIS BACON to Mr. ROBERT CECIL*.

S I R,

I Am very glad, that the good affection and friendship, which conversation and familiarity did knit between us, is not by absence and intermission of society discontinued; which assureth me it had a farther root than ordinary acquaintance. The signification whereof, as it is very welcome to me, so it maketh me wish, that, if you have accomplished yourself, as well in the points of virtue and experience, which you sought by your travel, as you have won the perfection of the Italian tongue, I might have the contentment to see you again in England, that we may renew the fruit of our mutual good will; which, I may truly affirm, is, on my part, much increased towards you, both by your own demonstration of kind remembrance, and because I discern the like affection in your honourable and nearest friends.

Our news are all but in feed; for our navy is set forth with happy winds, in token of happy adventures, so as we do but expect and pray, as the husbandman when his corn is in the ground.

Thus commending me to your love, I commend you to God's preservation.

Mr. FRANCIS BACON to the EARL of ESSEX*.

My Lord,

I Did almost conjecture by your silence and countenance a distaste in the course I imparted to your lordship touching mine own fortune; the care whereof in your lordship as it is no news to me, so nevertheless the main effects and demonstrations past are so far from dulling in me the sense of any new, as contrariwise every new refresheth the memory of many past. And for the free and loving advice your lordship hath given me, I cannot correspond to the same with greater duty, than by assuring your lordship, that I will not dispose of myself without your allowance,

VOL. III.

K k k

not

* From the original draught in the library of queen's college, Oxford. *Arch. D. 2.*

This letter seems to be of a very early date, and to have been written to Mr. Robert Cecil, while he was upon his travels.

* Among the papers of Antony Bacon, Esq; vol. III. fol. 74, in the Lambeth library.

not only because it is the best wisdom in any man in his own matters, to rest in the wisdom of a friend (for who can by often looking in the glass discern and judge so well of his own favour, as another, with whom he converseth?) but also because my affection to your lordship hath made mine own contentment inseparable from your satisfaction. But, notwithstanding, I know it will be pleasing to your good Lordship, that I use my liberty of replying; and I do almost assure myself, that your lordship will rest persuaded by the answer of those reasons, which your lordship vouchsafed to open. They were two, the one, that I should include * * *

1593, April.

The rest of the letter is wanting.

Mr. FRANCIS BACON to Sir JOHN PUCKERING, Lord Keeper of the Great Seal (*a*).

My Lord,

IT is a great grief unto me, joined with marvel, that her majesty should retain an hard conceit of my speeches in parliament (*b*). It might please her sacred majesty to think what my end should be in those speeches, if it were not duty, and duty alone. I am not so simple, but I know the common beaten way to please. And whereas popularity hath been objected, I muse what care I should take to please many, that take a course of life to deal with few. On the other side, her majesty's grace and particular favour towards me hath been such, as I esteem no worldly thing above the comfort to enjoy it, except it be the conscience to deserve it. But if the not seconding of some particular person's opinion shall be presumption, and to differ upon the manner shall be to impeach the end; it shall teach my devotion not to exceed wishes, and those in silence. Yet notwithstanding, to speak vainly as in grief, it may be her majesty hath discouraged as good a heart, as ever looked toward her service, and as void of self-love. And so in more grief than I can well express, and much more than I can well dissemble, I leave your lordship, being as ever,

Your Lordship's intirely devoted, &c.

(*a*) Harl. MSS. Vol. 286. No. 123, fol. 232.

(*b*) On Wednesday the 7th of March, 1593, upon the three subsidies demanded of the house of commons; to which he assented, but not to the payment of them under six years, urging the necessities of the people, the danger of raising public discontentment, and the setting of an evil precedent against themselves and their posterity. See Sir Samuel Dives's Journals, p. 493. He sat in that parliament, which met November 19, 1592, and was dissolved 10 April, 1593, as one of the knights of the shire for Middlesex.

Mr. FRANCIS BACON to Alderman JOHN SPENCER *.

Mr. Alderman Spencer †,

THOUGH I be ready to yield to any thing for my brother's sake, so yet he will not, I know, expect, no nor permit me, that I should do myself wrong. For me, that touch no money, to have a statute hurrying upon my estate of that

† Sir John Spencer, lord mayor of London in 1594. His vast fortune came to his only daughter, Elizabeth, married to William lord Compton, created earl of Northampton, in August 1618.

greatness,

* Among the papers of Anthony Bacon, Esq; vol. III. fol. 186, in the Lambeth library.

greatness, were a thing utterly unreasonable, and not to be moved, specially, since your assurance is as good without. There is much land bought and sold in England, and more intailed than fee-simple. But for a remainder man to join in feal, I think was never put in practice. For a time, till your assurance pass, so it pass with convenient speed, because of the uncertainty of life, I am content to enter into one; looking, nevertheless, for some present of gratification for my very joining in conveyance, and much more having yielded to this. For any warranty or charter, I had had neither law nor wit, if I should have meant it; and the reforming of the covenant, and the deed of feoffment, doth sufficiently witness my intention. Thus bid I heartily farewell.

Your very loving friend,

Twickenham-Park, this 26th of August 1593.

FR. BACON.

The Earl of ESSEX to Mr. FRANCIS BACON *.

1593 Sept.

Mr. Bacon,

YOUR letter met me here yesterday. When I came, I found the queen so wayward, as I thought it no fit time to deal with her in any sort, especially since her choler grew towards myself, which I have well satisfied this day, and will take the first opportunity I can to move your suit. And if you come hither, I pray you let me know still where you are. And so being full of business, I must end, wishing you what you wish to yourself.

Your assured friend,

ESSEX.

Lord Treasurer BURGHLEY to Mr. FRANCIS BACON †.

Nephew,

I Have no leisure to write much; but for answer I have attempted to place you: but her majesty hath required the lord keeper ‡ to give to her the names of divers lawyers to be preferred, wherewith he made me acquainted, and I did name you as a meet man, whom his lordship allowed in way of friendship, for your father's sake: but he made scruple to equal you with certain, whom he named, as Brograve ¶ and Branthwayt, whom he specially commendeth. But I will continue the remembrance of you to her majesty, and implore my lord of Essex's help.

Your loving uncle,

27 Sept. 1593.

N. BURGHLEY.

¶ John Brograve, attorney of the duchy of Lancaster, and afterwards knighted. He is mentioned by Mr. Francis Bacon, in his letter to the lord Treasurer, of 7th June 1595, from Gray's Inn, as having discharged his part of attorney of the duchy with *great proficiency*. There is extant of his, in print, a *relation upon the Statute of 27 Henry VIII. concerning Justice*.

* Among the papers of Antony Bacon, Esq; Vol. III. fol. 197. in the Lambeth library.

† Among the papers of Antony Bacon, Esq; Vol. III. fol. 197. in the Lambeth library. ‡ Puckering.

Sir ROBERT CECIL to Mr. FRANCIS BACON*.

* Among the papers of Antony Bacon, Esq. Vol. III. fol. 197 verso in the Lambeth library.
† Mr. Edward Coke.

Cousin,

ASSURE yourself, that the solicitor's † coming gave no cause of speech; for it was concerning a book to be drawn, concerning the bargain of wines. If there had been, you should have known, or when there shall. To satisfy your request of making my lord know, how recommended your desires are to me, I have spoken with his lordship, who answereth, he hath done and will do his best. I think your absence longer than for my good aunt's comfort will do you no good: for, as I ever told you, it is not likely to find the queen apt to give an office, when the scruple is not removed of her forbearance to speak with you. This being not yet perfected may stop good, when the hour comes of conclusion, though it be but a trifle, and questionless would be straight dispatched, if it were luckily handled. But herein do I, out of my desire to satisfy you, use this my opinion, leaving you to your own better knowledge what hath been done for you, or in what terms that matter standeth. And thus, desirous to be recommended to my good aunt, to whom my wife heartily commends her, I leave you to the protection of Almighty God. From the court at Windsor, this 27th of September 1593.

Your loving cousin and friend,

ROBERT CECIL.

I have heard in these causes, *Facies hominis est tanquam Leonis.*

Mr. FRANCIS BACON to the QUEEN*.

1593.
* Among the papers of Antony Bacon, Esq. Vol. III. fol. 315 in the Lambeth library.

Madam,

REMEMBERING, that your majesty had been gracious to me both in countenancing me, and conferring upon me the reversion of a good place, and perceiving, that your majesty had taken some displeasure towards me, both these were arguments to move me to offer unto your majesty my service, to the end to have means to deserve your favour, and to repair my error. Upon this ground, I affected myself to no great matter, but only a place of my profession, such as I do see divers younger in proceeding to myself, and men of no great note, do without blame aspire unto. But if any of my friends do press this matter, I do assure your majesty my spirit is not with them.

It sufficeth me, that I have let your majesty know, that I am ready to do that for the service, which I never would do for mine own gain. And if your majesty like others better, I shall, with the Lacedemonian, be glad, that there is such choice of abler men than myself. Your majesty's favour indeed, and access to your royal person, I did ever, encouraged by your own speeches, seek and desire; and I would be very glad to be reintegrate in that. But I will not wrong mine own good mind so much, as to stand upon that now, when your majesty may conceive, I do it but to make my profit of it. But my mind turneth upon other wheels than
these

those of profit. The conclusion shall be, that I wish your majesty served answerable to yourself. *Principis est virtus maxima nosse suos.* Thus I most humbly crave pardon of my boldness and plainness. God preserve your majesty.

Mr. FRANCIS BACON to ROBERT KEMP of Gray's-Inn, Esq; * 1593, Nov. 4.

Good Reslin,

THERE is no news you can write to me, which I take more pleasure to hear, than of your health and of your loving remembrance of me; the former whereof though you mention not in your letter, yet I straight presumed well of it, because your mention was so fresh to make such a flourish. And it was afterwards accordingly confirmed by your man Roger, who made me a particular relation of the former negotiation between your ague and you. Of the latter, though you profess largely, yet I make more doubt, because your coming is turned into a sending; which when I thought would have been repaired by some promise or intention of yourself, your man Roger entered into a very subtle distinction to this purpose, that you could not come, except you heard I was attorney; but I ascribe that to your man's invention, who had his reward in laughing; for I hope you are not so stately, but that I shall be one to you *stylo vetere* or *stylo novo*. For my fortune (to speak court) it is very slow, if any thing can be slow to him, that is secure of the event. In short nothing is done in it; but I propose to remain here at Twickenham till Michaelmas term, then to St. Alban's, and after the term to court. Advise you, whether you will play the honest man or no. In the mean time I think long to see you, and pray to be remembered to your father and mother.

From Twickenham-Park,
this 4th of Nov. 1593.

Yours in loving affection,

FR. BACON.

Mr. FRANCIS BACON to the Earl of ESSEX *.

1593, Nov.
10.

My Lord,

I Thought it not amiss to inform your lordship of that, which I gather partly by conjecture, and partly by advertisement of the late recovered man, that is so much at your devotion, of whom I have some cause to think, that he ^a worketh for the *Huddler* ^b underhand. And though it may seem strange, considering how much it importeth him to join straight with your lordship, in regard both of his enemies and of his ends; yet I do the less rest secure upon the conceit, because he is a man likely to trust so much to his art and finess (as he, that is an excellent wherryman, who, you know, looketh towards the bridge, when he pulleth towards Westminster) that he will hope to serve his turn, and yet to preserve your lordship's good opinion. This I write to the end, that, if your lordship do see nothing to the contrary, you may assure him more, or trust him less; and chiefly, that your lord-

* Among the papers of Anthony Bacon, Esq; Vol. III. fol. 283. in the Lambeth library.

^a Probably Lord Keeper Puckering.

^b Mr. Edward Coke.

ship

ship be pleased to found again, whether they have not, amongst them, drawn out the nail, which your lordship had driven in for the negative of the *Huditer*; which if they have, it will be necessary for your lordship to iterate more forcibly your former reasons, whereof there is such *copia* , as I think you may use all the places of logic against his placing.

Thus with my humble thanks for your lordship's honourable usage of Mr. Standen, I wish you all honour.

Your Lordship's in most faithful duty,

FR. BACON.

I pray, Sir, let not my jargon privilege my letter from burning; because it is not such, but the light sheweth through.

Earl of ESSEX to Mr. FRANCIS BACON*.

* Among the papers of Anthony Bacon Esq; vol. IV. fol. 90. in the Lambeth library.

S I R,

I HAVE received your letter, and since I have had opportunity to deal freely with the queen. I have dealt confidently with her as a matter, wherein I did more labour to overcome her delays, than that I did fear her denial. I told her how much you were thrown down with the correction she had already given you, that she might in that point hold herself already satisfied. And because I found, that Tantfield* had been most propounded to her, I did most disable him. I find the queen very reserved, staying herself upon giving any kind of hope, yet not passionate against you, till I grew passionate for you. Then she said, that none thought you fit for the place but my lord Treasurer and myself? Marry, the others must some of them say before us for fear or for flattery. I told her, the most and wisest of her council had delivered their opinions, and preferred you before all men for that place. And if it would please her majesty to think, that whatsoever they said contrary to their own words when they spake without witness, might be as factiously spoken, as the other way flatteringly, she would not be deceived. Yet if they had been never for you, but contrarily against you, I thought my credit, joined with the approbation and mediation of her greatest counsellors, might prevail in a greater matter than this; and urged her, that though she could not signify her mind to others, I might have a secret promise, wherein I should receive great comfort, as in the contrary great unkindness. She said she was neither persuaded nor would hear of it till Easter, when she might advise with her council, who were now all absent; and therefore in passion bid me go to bed, if I would talk of nothing else. Wherefore in passion I went away, saying, while I was with her, I could not but solicit for the cause and the man I so much affected; and therefore I would retire myself till I might be more graciously heard; and so we parted. To-morrow I will go hence of purpose, and on Thursday I will write an expostu-

* Probably Laurence Tantfield, made Lord Chief Baron of the Exchequer in June 1587.

lating letter to her. That night or upon Friday morning I will be here again, and follow on the same course, stirring a discontentment in her, &c. And so wish you all happiness, and rest

Your most assured friend,

Indented, March 28, 1594.

ESSEX.

The Earl of ESSEX to Mr. FRANCIS BACON*.

S I R,

I HAVE now spoken with the queen, and I see no stay from obtaining a full resolution of that we desire. But the passion she is in by reason of the tales, that have been told her against Nicholas Clifford, with whom she is in such rage, for a matter, which I think you have heard of, doth put her infinitely out of quiet; and her passionate humour is nourished by some foolish women. Else I find nothing to distaste us, for she doth not contradict confidently; which they, that know the minds of women, say is a sign of yielding. I will to-morrow take more time to deal with her, and will sweeten her with all the art I have to make *beneficium audire em.* I have already spoken with Mr. Vice-chamberlain †; and will to-morrow speak with the rest. Of Mr. Vice-chamberlain you may assure yourself; for so much he hath faithfully promised me. The exceptions against the competitors I will use to-morrow; for then I do resolve to have a full and large discourse, having prepared the queen to-night to assign me a time under colour of some such business, as I have pretended. In the mean time I must tell you, that I do not respect either my absence, or my shewing a discontentment in going away, for I was received at my return, and I think I shall not be the worse. And for that I am oppressed with multitude of letters that are come, of which I must give the queen some account to-morrow morning, I therefore desire to be excused for writing no more to-night: to-morrow you shall hear from me again. I wish you what you wish yourself in this and all things else, and rest

Your most affectionate friend,

This Friday at night.

Indented, March 29, 1594.

ESSEX.

Mr. FRANCIS BACON to the Earl of ESSEX*.

My Lord,

I THANK your lordship very much for your kind and comfortable letter, which I hope will be followed at hand with another of more assurance. And I must confess this very delay hath gone so near me, as it hath almost overthrown my health; for when I revolved the good memory of my father, the near degree of alliance I stand in to my lord Treasurer, your lordship's so signalled and declared favour,

* Among the papers of Antony Bacon Esq; vol. IV. fol. 89. in the Lambeth library.

† Sir Thomas Heneage.

* Among the papers of Antony Bacon Esq; vol. III. fol. 62. Lambeth library.

* Sir Thomas Egerton.

† *Treatise of attorney general.*

your, the honourable testimony of so many counsellors, the commendations unlaboured, and in sort offered by my lords the judges and the matter of the rolls elect⁴; that I was voiced with great expectation, and, though I say it myself, with the wishes of most men, to the higher place †; that I am a man, that the queen hath already done for; and that princes, especially her majesty, love to make an end where they begin; and then add hereunto the obscureness and many exceptions to my competitors: when I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and therefore truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself with a couple of men to Cambridge, and there spend my life in my studies and contemplations without looking back. I humbly pray your lordship to pardon me for troubling you with my melancholy. For the matter itself, I commend it to your love; only I pray you communicate afresh this day with my lord Treasurer and sir Robert Cecil; and if you esteem my fortune, remember the point of precedency. The objections to my competitors your lordship knoweth partly. I pray spare them not, not over the queen, but to the great ones, to shew your confidence, and to work their distrust. Thus longing exceedingly to exchange troubling your lordship with serving you, I rest

Your Lordship's, in most intire and faithful service,

FRANCIS BACON.

I humbly pray your lordship I may hear from you sometime this day.

30th of March, 1594.

* Among the Papers of Antony Bacon, Esq; vol. IV. fol. 122. in the Lambeth library.

Mr. FRANCIS BACON to Sir ROBERT CECIL*.

My most honourable good cousin,

YOUR honour in your wisdom doth well perceive, that my access at this time is grown desperate in regard of the hard terms, that as well the earl of Essex as Mr. Vice-chamberlain, who were to have been the means thereof, stand in with her majesty, according to their occasions. And therefore I am only to stay upon that point of delaying and preserving the matter intire till a better constellation; which, as it is not hard, as I conceive, considering the French business and the instant progress &c. so I commend in special to you the care, who in sort assured me thereof, and upon whom now, in my lord of Essex's absence, I have only to rely; and, if it be needful, I humbly pray you to move my lord your father to lay his hand to the same delay. And so I wish you all increase of honour.

Your honour's poor kinsman in faithful service and duty,

FRANCIS BACON.

From Gray's Inn, this 1st of May, 1594.

Sir

Sir ROBERT CECIL'S answer*.

Cousin,

I DO think nothing cut the throat more of your present access than the earl's being somewhat troubled at this time. For the delaying I think it not hard, neither shall there want my best endeavour to make it easy, of which I hope you shall not need to doubt by the judgment, which I gather of divers circumstances confirming my opinion. I protest I suffer with you in mind, that you are thus gravelled; but time will founder all your competitors, and set you on your feet, or else I have little understanding.

* Among the
papers of An-
tony Bacon,
Esq; vol. IV.
fol. 122. in
the Lambeth
library.

Earl of ESSEX to Mr. FRANCIS BACON*.

* Ibid. fol.
122.

S I R,

I WROTE not to you till I had had a second conference with the queen, because the first was spent only in compliments: she in the beginning excepted all business: this day she hath seen me again. After I had followed her humour in talking of those things, which she would entertain me with, I told her, in my absence I had written to Sir Robert Cecil to solicit her to call you to that place, to which all the world had named you; and being now here, I must follow it myself; for I know what service I should do her in procuring you the place; and she knew not how great a comfort I should take in it. Her answer in playing just was, that she came not to me for that, I should talk of those things when I came to her, not when she came to me; the term was coming, and she would advise. I would have replied, but she stopped my mouth. To-morrow or the next day I will go to her, and then this excuse will be taken away. When I know more, you shall hear more; and so I end full of pain in my head, which makes me write thus confusedly.

Your most affectionate friend.

The same to the same*.

* Ibid. fol.
122.

S I R,

I WENT yesterday to the queen through the galleries in the morning, afternoon, and at night. I had long speech with her of you, wherein I urged both the point of your extraordinary sufficiency proved to me not only by your last argument, but by the opinion of all men I spake withal, and the point of mine own satisfaction, which I protested, should be exceeding great, if, for all her unkindness and discomforts past, she should do this one thing for my sake. To the first she answered, that the greatness of your friends, as of my lord Treasurer and myself, did make men give a more favourable testimony than else they would do, thinking thereby they pleased us. And that she did acknowledge you had a great wit and an excellent gift of speech, and much other good learning. But in law she rather thought you could make shew to the uttermost of your knowledge, than that you were deep. To the second she said, she shewed her dislike to the suit,

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as

as well as I had done my affection in it; and that if there were a yielding, it was fitter to be of my side. I then added, that this was an answer, with which she might deny me all things, if she did not grant them at the first, which was not her manner to do. But her majesty had made me suffer and give way in many things else; which all I should bear, not only with patience, but with great contentment, if she would but grant my humble suit in this one. And for the presence of the approbation given you upon partiality, that all the world, lawyers, judges, and all, could not be partial to you; for somewhat you were crossed for their own interest, and some for their friends; but yet all did yield to your merit. She did in this as she useth in all, went from a denial to a delay, and said, when the council were all here, she would think of it; and there was no haste in determining of the place. To which I answered, that my sad heart had need of hasty comfort; and therefore her majesty must pardon me, if I were hasty and importunate in it. When they come we shall see what will be done; and I wish you all happiness, and rest

Your most affectionate friend,

Indorsed, 18th of May, 1594.

ESSEX.

FULK GREVILL Esq; to Mr. FRANCIS BACON*.

* Among the papers of Ant. Bacon, Esq; vol. IV. folio 137. in the Lambeth library.

Mr. Francis Bacon,

Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had no lodging nearer than my uncle's, which is four miles off. This day I came thither to dinner, and waiting for to speak with the queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remain'd as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you: which it pleased her majesty to confess, that indeed you began to frame very well, inasmuch as she saw an amend in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope, shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will 100 l. to 50 l. that you shall be her solicitor, and my friend: in which mind and for which mind I commend you to God. From the court this Monday in haste,

Your true friend to be commanded by you,

FOULKE GREVILL.

We

We cannot tell whether she come to _____ or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.

Indorsed, 17 June, 1594.

Mr. FRANCIS BACON to the QUEEN*.

Most gracious and admirable Sovereign,

AS I do acknowledge a providence of God towards me, that findeth it expedient for me *tolerare jugum in juventute mea*; so this present arrest of mine by his divine Majesty from your majesty's service is not the least affliction, that I have proved; and I hope your majesty doth conceive, that nothing under mere impossibility could have detained me from earning so gracious a vail, as it pleased your majesty to give me. But your majesty's service by the grace of God shall take no lack thereby; and thanks to God, it hath lighted upon him, that may be best spared. Only the discomfort is mine, who nevertheless have the private comfort, that in the time I have been made acquainted with this service, it hath been my hap to stumble upon somewhat unseen, which may import the same, as I made my lord keeper acquainted before my going. So leaving it to God to make a good end of a hard beginning, and most humbly craving your majesty's pardon for presuming to trouble you, I recommend your sacred majesty to God's tenderest preservation.

From Huntingdon, this
20th of July, 1594.

Your sacred majesty's in most humble obedience and devotion,

FR. BACON.

Mr. FRANCIS BACON to his Brother ANTONY*.

My good Brother,

ONE day draweth on another; and I am well pleased in my being here; for methinks solitariness collecteth the mind, as shutting the eyes doth the sight. I pray you therefore advertise me what you find, by my lord of Essex, (who, I am sure, hath been with you,) was done last Sunday; and what he conceiveth of the matter. I hold in one secret, and therefore you may trust your servant. I would be glad to receive my parsonage rent as soon as it cometh. So leave I you to God's good preservation.

From Twickenham-park, this
Tuesday morning, 1594.

Your ever loving brother,

FR. BACON.

Indorsed, 16 Oct. 1594.

EARL of ESSEX to Mr. FRANCIS BACON*.

S I R,

I Will be to-morrow night at London. I purpose to hear your argument the next day. I pray you send me word by this bearer of the hour, and place, where it

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is.

* Among the papers of Antony Bacon. Edq; vol. IV. fol. 141, and 156, in the Lambeth library.

* Ibid. fol. 197.

* Ibid. fol. 195.

is. Of your own cause I shall give better account when I see you, than I can do now ; for that which will be done, will be this afternoon or to-morrow.

I am fast unto you, as you can be to yourself,

Indorsed, 23 Oct. 1594.

ESSEX.

MR. FRANCIS BACON to his Brother ANTONY*.

* Among the papers of Antony Bacon, Esq; vol. IV. fol. 28, in the Lambeth library.

Good Brother,

SINCE I saw you this hath passed. Tuesday, though sent for, I saw not the queen. Her majesty alledged she was then to resolve with the council upon her places of law. But this resolution was *ut supra*; and note the rest of the counsellors were persuaded she came rather forwards than otherwise; for against me she is never peremptory but to my lord of Essex. I missed a line of my lord keeper's; but thus much I hear otherwise. The queen seemeth to apprehend my travel. Whereupon I was sent for by Sir Robert Cecil in sort as from her majesty; himself having of purpose immediately gone to London to speak with me; and not finding me there, he wrote to me. Whereupon I came to the court, and upon his relation to me of her majesty's speeches, I desired leave to answer it in writing; not, I said, that I mistrusted his report, but mine own wit; the copy of which answer I send. We parted in kindness *secundum exterius*. This copy you must needs return; for I have no other; and I wrote this by memory after the original was sent away. The queen's speech is after this sort. *Why? I have made no solicitor. Hath any body carried a solicitor with him in his pocket? But he must have it in his own time (as if it were but yesterday's nomination) or else I must be thought to cast him away:* Then her majesty sweareth thus; "If I continue this manner, she will seek all England for a solicitor rather than take me. Yea, she will send for Heuston and Coventry (a) to-morrow next," as if she would swear them both. Again she entereth into it, that "she never deals so with any as with me (*in hoc erratum non est*) she hath pulled me over the bar (*note the words, for they can not be her own*) she hath used me in her greatest causes. But this is Essex; and she is more angry with him than with me." And such like speeches so strange, as I should lose myself in it, but that I have cast off the care of it. My conceit is, that I am the least part of mine own matter. But her majesty would have a delay, and yet would not bear it herself. Therefore she giveth no way to me, and she perceiveth her council giveth no way to others; and so it ticketh as she would have it. But what the secret of it is *oculus aquile non penetravit*. My lord* continueth on kindly and wisely a course worthy to obtain a better effect than a delay, which to me is the most unwelcome condition.

Now to return to you the part of a brother, and to render you the like kindness advise you, whether it were not a good time to set in strongly with the queen to draw her to honour your travels. For in the course I am like to take, it will be a great and necessary stay to me, besides the natural comfort I shall receive. And if you will

(a) Thomas Coventry, afterwards one of the justices of the common pleas, and father of the lord keeper Coventry.

have

have me deal with my lord of Effex, or otherwise break it by mean to the queen, as that, which shall give me full contentment, I will do it as effectually, and with as much good discretion, as I can. Wherein if you aid me with your direction, I shall observe it. This as I did ever account it sure and certain to be accomplished, in case myself had been placed, and therefore deferred it till then, as to the proper opportunity; so now that I see such delay in mine own placing, I wish *ex animo* it should not expect.

I pray you let me know what mine uncle Killigrew will do†; for I must be more careful of my credit than ever, since I receive so little thence where I deserved best. And, to be plain with you, I mean even to make the best of those small things I have with as much expedition, as may be without loss; and so sing a mass of *requiem*, I hope, abroad. For I know her majesty's nature, that she neither careth tho' the whole surname of Bacons travelled, nor of the Cecils neither.

I have here an idle pen or two, specially one, that was cozened, thinking to have got some money this term. I pray fend me somewhat else for them to write out besides your Irish collection, which is almost done. There is a collection of king James, of foreign states, largeliest of Flanders; which, though it be no great matter, yet I would be glad to have it. Thus I commend you to God's good protection.

From my lodging at Twickenham-
park, this 25th of January, 1594.

Your intire loving brother,

FR. BACON.

† Mr Antony Bacon had written to Sir Henry Killigrew on the 14th of January, 1594, to desire the loan of two hundred pounds for six months. Vol. IV. fol. 4.

Letter of Mr. FRANCIS BACON to Sir ROBERT CECIL*, a copy of which was sent with the preceding to Mr. Antony Bacon.

* Among the papers of Antony Bacon, Esq; vol. IV. fol. 31.

S I R,

YOUR Honour may remember, that upon relation of her majesty's speech concerning my travel, I asked leave to make answer in writing; not but I knew then what was true, but because I was careful to exprefs it without doing myself wrong. And it is true, I had then opinion to have written to her majesty: but since weighing with myself, that her majesty gave no ear to the motion made by yourself, that I might answer by mine own attendance, I began to doubt the second degree, whether it might not be taken for presumption in me to write to her majesty; and so resolved, that it was best for me to follow her majesty's own way in committing it to your report.

It may please your honour to deliver to her majesty, first, that it is an exceeding grief to me, that any not motion (for it was not a motion) but mention, that should come from me, should offend her majesty, whom for these one and twenty years (for so long it is, that I kissed her majesty's hands upon my journey into France) I have used the best of my wits to please.

Next, mine answer standing upon two points, the one, that this mention of travel to my lord of Effex was no present motion, suit, or request; but casting the worst of my fortune with an honourable friend, that had long used me privately, I told his lordship of this purpose of mine to travel, accompanying it with these very words,

LETTERS, &c. OF LORD CHANCELLOR BACON.

words, that upon her majesty's rejecting me with such circumstance, though my heart might be good, yet mine eyes would be fire, that I should take no pleasure to look upon my friends; for that I was not an impudent man, that could face out a disgrace; and that I hoped her majesty would not be offended, that, not able to endure the sun, I fled into the shade. The other, that it was more than this; for I did expressly and particularly (for so much wit God then lent me) by way of caveat restrain my lord's good affection, that he should in no wise utter or mention this matter till her majesty had made a solicitor: wherewith (now since my looking upon your letter) I did in a dutiful manner challenge my lord, who very honourably acknowledged it, seeing he did it for the best: and therefore I leave his lordship to answer for himself. All this my lord of Essex can testify to be true; and I report me to yourself, whether at the first, when I desired deliberation to answer, yet nevertheless said, I would to you privately declare what had passed, I said not in effect so much. The conclusion shall be, that wheresoever God and her majesty shall appoint me to live, I shall truly pray for her majesty's preservation and felicity. And so I humbly commend me to you.

Your poor kinsman to do you service,

Indorsed, January, 1601.

FR. BACON.

(a) The speeches drawn up by Mr. FRANCIS BACON for the Earl of ESSEX in a *devise* (b) exhibited by his lordship before queen ELIZABETH, on the anniversary of her accession to the throne, November 17, 1595.

The SQUIRE's speech.

MOST excellent and most glorious queen, give me leave I beseech your majesty, to offer my master's complaint and petition; complaint, that coming hither to your majesty's most happy day, he is tormented with the importunity of a melancholy dreaming hermit, a mutinous brain-sick soldier, and a busy tedious secretary.

(a) Philip Gibbon's papers, vol. V. No. 113.

(b) An account of this *devise*, which was much applauded, is given by Mr. Rowland Whyte to Sir Robert Sydney, in a letter dated at London, Saturday the 22d of November, 1595, and printed in the *Lives and Memorials of some of the Squires of the State*, vol. I. p. 32. According to this letter, the earl of Essex, some considerable time before he came himself into the tilt-yard, sent his page with some speech to the queen, who returned with her majesty's love; and when his lordship came himself, he was met by an old hermit, a secretary of state, a brave soldier, and an esquire. The first presented him with a book of meditations; the second with political discourses; the third with orations of bravely fought battles; the fourth was his own follower to whom the other three imparted much of their purpose before the earl came in. "At this time," says Whyte, "they went with him, persuading him to this and that course of life, according to their inclinations. Comes into the tilt yard, unthought upon, the ordinary post-boy of London, a ragged villain, all bemired, upon a poor lean jade galloping and blowing for life, and delivered the secretary a packet of letters, which he presently offered my lord of Essex. And with this dumb show our eyes were fed for that time. In the after-supper, before the queen; they first delivered a well-penned speech to move this worthy knight to leave his following of love, and to betake him to
" heavenly

tary. His petition is, that he may be as free as the rest; and, at least, whilst he is here, troubled with nothing but with care how to please and honour you.

The HERMIT'S speech in the presence.

THOUGH our ends be divers, and therefore may be one more just than another; yet the complaint of this Squire is general, and therefore alike unjust against us all. Albeit he is angry, that we offer ourselves to his master uncalled, and forgets we come not of ourselves, but as the messengers of self-love, from whom, all that comes should be well taken. He saith, when we come, we are importunate. If he mean, that we err in form, we have that of his master, who being a lover, useth no other form of soliciting. If he will charge us to err in matter, I for my part will presently prove, that I persuade him to nothing but for his own good. For I wish him to leave turning over the book of fortune, which is but a play for children; when there be so many books of truth and knowledge, better worthy the revolving; and not fix his view only upon a picture in a little table, when there be so many tables of histories, yea to life, excellent to behold and admire. Whether he believe me or no, there is no prison to the prison of the thoughts, which are free under the greatest tyrants. Shall any man make his conceit, as an anchorite, mured up with the compass of one beauty or person, that may have the liberty of all contemplation? Shall he exchange the sweet travelling through the universal variety, for one wearisome and endless round or labyrinth? Let thy master, Squire, offer his service to the *musés*. It is long since they received any into their court. They give alms continually at their gate, that many come to live upon; but few they have ever admitted into their palace. There shall he find secrets not dangerous to know; sides and parties not factious to hold; precepts and commandments not penal to disobey. The gardens of love, wherein he now placeth himself, are fresh to day, and fading to-morrow, as the sun comforts them, or is turned from them. But the gardens of the musés keep the privilege of the golden age; they ever flourish, and are in league with time. The monuments of wit survive the monuments of power. The verses of a poet endure without a syllable lost, while states and empires pass many periods. Let him not think he shall descend; for he is now upon a hill, as a ship is mounted upon the ridge of a wave: but that hill of the musés is above tempests, always clear and calm; a hill of the goodliest discovery, that man can have, being a prospect upon all the errors and wanderings of the present and former times. Yea, in some cliff it leadeth the eye beyond the horizon of time, and giveth no obscure divinations of times to come.

“ heavenly meditation: the secretary’s all tending to have him follow matters of state; the soldier’s
 “ persuading him to the war: but the squire answered them all, and concluded with an excellent, but
 “ too plain, English, that this knight would never forsake his mistress’s love, whose virtue made all his
 “ thoughts divine: whose wisdom taught him all true policy; whose beauty and worth were at all times
 “ able to make him fit to command armies. He shew’d all the defects and imperfections of all their
 “ courses; and therefore thought his course of life to be best in serving his mistress.” Mr. White then
 mentions, that the part of the old *hermit* was performed by him, who at Cambridge played that of *Gibaldi*;
 that Morley acted the *secretary*, and that the *soldier* was represented by him, who acted the *pedant*, and
 that Mr. Tobie Matthew was the *squire*. “ The world, says Mr. White, makes many untrue construc-
 “ tions of these speeches, comparing the hermit and the secretary to two of the lords; and the soldier to
 “ Sir Roger Williams. But the queen said, that if she had thought there had been so much said of her,
 “ she would not have been there that night; and so went to bed.”

So

So that if he will indeed lead *vitam vitam*, a life, that unites safety and dignity, pleasure and merit; if he will win admiration without envy; if he will be in the feast, and not in the throng; in the light, and not in the heat; let him embrace the life of study and contemplation. And if he will accept of no other reason, yet because the gift of the muses will enworthy him in love, and where he now looks on his mistress's outside with the eyes of sense, which are dazzled and amazed, he shall then behold her high perfections and heavenly mind with the eyes of judgment, which grow stronger by more nearly and more directly viewing such an object.

The SOLDIER'S speech.

SQUIRE, the good old man hath said well to you; but I dare say, thou wouldst be sorry to leave to carry thy master's shield, and to carry his books: and I am sure thy master had rather be a falcon, a bird of prey, than a singing bird in a cage. The muses are to serve martial men, to sing their famous actions; and not to be served by them. Then hearken to me.

It is the war, that giveth all spirits of valour, not only honour, but contentment. For mark, whether ever you did see a man grown to any honourable commandment in the wars, but whensoever he gave it over, he was ready to die with melancholy? Such a sweet felicity is in that noble exercise, that he, that hath tasted it thoroughly, is distasted for all other. And no marvel; for if the hunter takes such solace in his chace; if the matches and wagers of sport pass away with such satisfaction and delight; if the looker on be affected with pleasure in the representation of a feigned tragedy; think what contentment a man receiveth, when they, that are equal to him in nature, from the height of insolency and fury are brought to the condition of a chaced prey; when a victory is obtained, whereof the victories of games are but counterfeits and shadows; and, when in a lively tragedy, a man's enemies are sacrificed before his eyes to his fortune.

Then for the dignity of military profession, is it not the truest and perfectest practice of all virtues? of wisdom, in disposing those things, which are most subject to confusion and accident: of justice, in continual distributing rewards: of temperance, in exercising of the straitest discipline: of fortitude, in toleration of all labours and abstinence from effeminate delights: of constancy, in bearing and digesting the greatest variety of fortune. So that when all other places and professions require but their several virtues, a brave leader in the wars must be accomplished with all. It is the wars, that are the tribunal-seat, where the highest rights and possessions are decided; the occupation of kings, the root of nobility, the protection of all estates. And lastly, lovers never thought their profession sufficiently grac'd, till they have compared it to a warfare. All, that in any other profession can be wished for, is but to live happily: but to be a brave commander in the field, death itself doth crown the head with glory. Therefore, Squire, let thy master go with me; and though he be resolv'd in the pursuit of his love, let him aspire to it by the noblest means. For ladies count it no honour to subdue them with their fairest eyes, which will be daunted with the fierce encounter of an enemy. And they will quickly discern a champion fit to wear their glove
from

from a page not worthy to carry their pantofle. Therefore I say again, let him seek his fortune in the field, where he may either lose his love, or find new argument to advance it.

The STATESMAN'S speech.

SQUIRE, my advice to thy master shall be as a token wrapped up in words; but then will it shew itself fair, when it is unfolded in his actions. To wish him to change from one humour to another, were but as if, for the cure of a man in pain, one should advise him to lie upon the other side, but not enable him to stand on his feet. If from a sanguine delightful humour of love, he turn to a melancholy retired humour of contemplation, or a turbulent boiling humour of the wars; what doth he but change tyrants? Contemplation is a dream; love a trance; and the humour of war is raving. These be shifts of humour, but no reclaiming to reason. I debar him not studies nor books, to give him stay and variety of conceit, refresh his mind, to cover sloth and indisposition, and to draw to him from those, that are studious, respect and commendation. But let him beware, lest they possess not too much of his time; that they abstract not his judgment from present experience, nor make him presume upon knowing much, to apply the less. For the wars, I deny him no enterprise, that shall be worthy in greatness, likely in success, or necessary in duty; not mixed with any circumstance of jealousy, but duly laid upon him. But I would not have him take the alarm from his own humour, but from the occasion; and I would again he should know an employment from a discourting. And for his love, let it not disarm his heart within, as to make him too credulous to favours, nor too tender to unkindnesses, nor too apt to depend upon the heart he knows not. Nay, in his demonstration of love, let him not go too far; for these feely lovers, when they profess such infinite affection and obligation, they tax themselves at so high a rate, that they are ever under arrest. It makes their service seem nothing, and every cavil or imputation very great. But what, Squire, is thy master's end? If to make the prince happy he serves, let the instructions to employ men, the relations of ambassadors, the treaties between princes, and actions of the present time, be the books he reads: let the orations of wise princes, or experimented counsellors in council or parliament, and the final sentences of grave and learned judges in weighty and doubtful causes, be the lecturers he frequents. Let the holding of affection with confederates without charge, the frustrating of the attempts of enemies without battles, the intitling of the crown to new possessions without shew of wrong, the filling of the prince's coffers without violence, the keeping of men in appetite without impatience, be the inventions he seeks out. Let policy and matters of state be the chief, and almost the only thing, he intends. But if he will believe *Philantia*, and seek most his own happiness, he must not of them embrace all kinds, but make choice, and avoid all matter of peril, displeasure, and charge, and turn them over to some novices, that know not manacles from bracelets, nor burdens from robes. For himself, let him set for matters of commodity and strength, though they be joined with envy. Let him not trouble himself too laboriously to sound into any matter deeply, or to execute any thing exactly; but let himself make himself cunning rather in the humours and drifts of persons,

than in the nature of business and affairs. Of that it sufficeth to know only so much, as may make him able to make use of other mens wits, and to make again a smooth and pleasing report. Let him entertain the proposition of others, and ever rather let him have an eye to the circumstances, than to the matter itself; for then shall he ever seem to add somewhat of his own: and besides, when a man doth not forget so much as a circumstance, men do think his wit doth superabound for the substance. In his counsels let him not be confident; for that will rather make him obnoxious to the success; but let him follow the wisdom of oracles, which uttered that, which might ever be applied to the event. And ever rather let him take the side, which is likeliest to be followed, than that which is soundest and best, that every thing may seem to be carried by his direction. To conclude, let him be true to himself, and avoid all tedious reaches of state, that are not merely pertinent to his particular. And if he will needs pursue his affection, and go on his course, what can so much advance him in his own way? The merit of war is too outwardly glorious to be inwardly grateful: and it is the exile of his eyes, which looking with such affection upon the picture, cannot but with infinite contentment behold the life. But when his mistress shall perceive, that his endeavours are become a true support of her, a discharge of her care, a watchman of her person, a scholar of her wisdom, an instrument of her operation, and a conduit of her virtue; this, with his diligences, accesses, humility, and patience, may move her to give him further degrees and approaches to her favour. So that I conclude, I have traced him the way to that, which hath been granted to some few, *amare et sapere*, to love and be wise.

The reply of the SQUIRE.

WANDERING Hermit, storming Soldier, and hollow Statesman, the enchanting orators of *Philautia*, which have attempted by your high charms to turn resolved *Erophilus* into a statue deprived of action, or into a vulture attending about dead bodies, or into a monster with a double heart; with infinite assurance, but with just indignation, and forced patience, I have suffered you to bring in play your whole forces. For I would not vouchsafe to combat you one by one, as if I trusted to the goodness of my breath, and not the goodness of my strength, which little needeth the advantage of your severing, and much less of your disagreeing. Therefore, first, I would know of you all what assurance you have of the fruit, whereto you aspire.

You, Father, that pretend to truth and knowledge, how are you assured, that you adore not vain chimæras and imaginations? that in your high prospect, when you think men wander up and down; that they stand not indeed still in their place? and it is some smoke or cloud between you and them, which moveth, or else the dazzling of your own eyes? Have not many, which take themselves to be inward counsellors with nature, proved but idle believers, which told us tales, which were no such matter? And, Soldier, what security have you for these victories and garlands, which you promise to yourself? Know you not of many, which have made provision of laurel for the victory, and have been fain to exchange it with cypress for the funeral? of many which have bespoken fame to found their triumphs, and have been glad to pray her to say nothing of them, and not to discover them in their flights?

Corrupt

Corrupt Statesman, you that think by your engines and motions to govern the wheel of fortune; do you not mark, that clocks cannot be long in temper? that jugglers are no longer in request, when their tricks and flights are once perceived? Nay, do you not see, that never any man made his own cunning and practice, without religion and moral honesty, his foundation, but he overbuilt himself, and in the end made his house a windfall? But give ear now to the comparison of my master's condition, and acknowledge such a difference, as is betwixt the melting hail-stone and the solid pearl. Indeed it seemeth to depend, as the globe of the earth seemeth to hang, in the air; but yet it is firm and stable in itself. It is like a cube, or a die-form, which tosse it or throw it any way, it ever lighteth upon a square. Is he denied the hopes of favours to come? He can resort to the remembrance of contentments past. Destiny cannot repeal that, which is past. Doth he find the acknowledgement of his affection small? He may find the merit of his affection the greater. Fortune cannot have power over that which is within. Nay, his falls are like the falls of Antæus; they renew his strength. His clouds are like the clouds of harvest, which makes the sun break forth with greater force. His wanes are changes like the moon's, whose globe is all light towards the sun, when it is all dark towards the world; such is the excellency of her nature, and of his estate. Attend, you beadsman of the muses, you take your pleasure in a wilderness of variety; but it is but of shadows. You are as a man rich in pictures, medals, and crystals. Your mind is of the water, which taketh all forms and impressions, but is weak of substance. Will you compare shadows with bodies, picture with life, variety of many beauties with the peerless excellency of one? the element of water with the element of fire? And such is the comparison between knowledge and love.

Come out, Man of war; you must be ever in noise. You will give laws, and advance force, and trouble nations, and remove land-marks of kingdoms, and hunt men, and pen tragedies in blood: and that, which is worst of all, make all the virtues accessory to bloodshed. Hath the practice of force so deprived you of the use of reason, as that you will compare the interruption of society with the perfection of society? the conquest of bodies with the conquest of spirits? the terrestrial fire, which destroyeth and dissolveth, with the celestial fire, which quickeneth and giveth life? And such is the comparison between the soldier and the lover.

And as for you, untrue Politique, but truest bondman to *Philautia*, you, that presume to bind occasion, and to overwork fortune, I would ask you but one question. Did ever any lady, hard to please, or disposed to exercise her lover, injoin him so good tasks and commandments, as *Philautia* exacteth of you? While your life is nothing but a continual acting upon a stage; and that your mind must serve your humour, and yet your outward person must serve your end; so as you carry in one person two several servitudes to contrary masters. But I will leave you to the scorn of that mistress, whom you undertake to govern; that is, to fortune, to whom *Philautia* hath bound you. And yet, you commissioner of *Philautia*, I will proceed one degree farther: if I allowed both of your assurance, and of your values, as you have set them, may not my master enjoy his own felicity; and have all yours for advantage? I do not mean, that he should divide himself in both pursuits, as in your feigning tales towards the conclusion you did yield him; but because

all these are in the hands of his mistress more fully to bestow, than they can be attained by your addresses, knowledge, fame, fortune. For the *Muses*, they are tributary to her majesty for the great liberties they have enjoyed in her kingdom, during her most flourishing reign; in thankfulness whereof they have adorned and accomplished her majesty with the gifts of all the sisters. What library can present such a story of great actions, as her majesty carrieth in her royal breast by the often return of this happy day? What worthy author or favourite of the muses, is not familiar with her? Or what language, wherein the muses have used to speak, is unknown to her? Therefore, the hearing of her, the observing of her, the receiving instructions from her, may be to *Erophilus* a lecture exceeding all dead monuments of the muses. For *Fame*, can all the exploits of the war win him such a title, as to have the name of favoured and selected servant of such a queen? For *Fortune*, can any insolent politique promise to himself such a fortune, by making his own way, as the excellency of her nature cannot deny to a careful, obsequious, and dutiful servant? And if he could, were it equal honour to obtain it by a shop of cunning, as by the gift of such a hand?

Therefore *Erophilus's* resolution is fixed: he renounceth *Philautia*, and all her enchantments. For her recreation, he will confer with his muse: for her defence and honour, he will sacrifice his life in the wars, hoping to be embalmed in the sweet odours of her remembrance. To her service will he consecrate all his watchful endeavours, and will ever bear in his heart the picture of her beauty; in his actions, of her will; and in his fortune, of her grace and favour.

TO SIR THOMAS EGERTON, Lord Keeper of the Great Seal (*a*).

May it please your honourable good Lordship,

OF your Lordship's honourable disposition, both generally and to me, I have that belief, as what I think, I am not afraid to speak; and what I would speak, I am not afraid to write. And therefore I have thought to commit to letter some matter, whereunto [which] I have been [conceived] led [into the same] by two motives; the one, the consideration of my own estate; the other, the appetite, which I have to give your lordship some evidence of the thoughtful and voluntary desire, which is in me, to merit well of your most honourable lordship: which desire in me hath been bred chiefly by the consent I have to your great virtue come in good time to do this state pleasure; and next by your loving courtes held towards me, especially in your nomination and inablement of me long since to the solicitor's place, as your lordship best knows. Which your two honourable friendships I esteem so much [in so great sort] as your countenance and favour in my practice, which are somewhat to my poverty; yet I count them not the best [greatest] part of the obligation, wherein I stand bound to you.

And now, my lord, I pray you right humbly, that you will vouchsafe your honourable licence and patience, that I may express to you, what in a doubtful liberty I have thought fit, partly by way of praying your help, and partly by way of

(a) From the original draught in the library of Queen's college, Oxford, Arch. D. 2. the copy of which was communicated to me by Thomas Tyrwhyt, Esq; clerk of the honourable house of commons. Sir William Dugdale in his *Baronage of England*, vol. II. p. 438, has given two short passages of this letter transferred by him from the unpublished original.

offering my good will; partly again by way of pre-occupating your conceipt, lest you may in some things mistake.

My estate, to confesse a truth to your lordship, is weak and indebted, and needeth comfort; for both my father, though I think I had greatest part in his love to all his children, yet in his wisdom served me in as a last comer; and myself, in mine own industry, have rather referred and aspired to virtue than to gain: whereof I am not yet wise enough to repent me. But the while, whereas Solomon speaketh that *want cometh first like a way-faring man*, and after like *an armed man*, I must acknowledge to your lordship myself to [be] *in primo gradu*; for it stealeth upon me. But for the second, that it should not be able to be resisted, I hope in God I am not in that case; for the preventing whereof, as I do depend upon God's providence all in all, so in the same his providence I see opened unto me three not unlikely expectations of help: the one my practice; the other some proceeding in the queen's service; the third [the] place I have in reversion; which, as it standeth now unto me, is but like another man's ground reaching upon my house, which may mend my prospect, but it doth not fill my barn.

For my practice, it presupposeth my health, which, if I should judge of, as a man that judgeth of a fair morrow by a fair evening, I might have reason to value well. But myself having this error of mind, that I am apter to conclude in every thing of change from the present tense than of a continuance, do make no such appointment. Besides, I am not so far deceived in myself, but that I know very well, and I think your lordship is *majus corde*, and in your wisdom you note it more deeply than I can in myself, that in practising the law, I play not all my best game, which maketh me accept it with a *nisi quod potius*, as the best of my fortune, and a thing agreeable to better gifts than mine, but not to mine.

For my placing, your lordship best knows, that when I was much dejected with her majesty's strange dealing towards me, it pleased you of your singular favour so far to comfort and encourage me, as to hold me worthy to be excited to think of succeeding your lordship in your second place (*b*); signifying in your plainness, that no man should better content yourself: which your exceeding favour you have not since varied from, both in pleading the like signification into the hands of some of my best friends, and also in an honourable and answerable nomination and commendation of me to her majesty. Wherein I hope your lordship, if it please you to call to mind, did find me neither overweening in presuming too much upon it, nor much deceived in my opinion of the event for the continuing it still in yourself, nor sleepy in doing some good offices to the same purpose.

Now upon this matter I am to make your lordship three humble requests, which had need be very reasonable, coming so many together. First, that your lordship will hold and make good your wittes towards me in your own time; for no other I mean it; and in thankfulness thereof, I will present your lordship with the fairest flower of my estate; though it yet bear no fruit; and that is the poor reversion, which of her majesty's gift I hold; in the which I shall be no less willing Mr. John Egerton (*c*), if it seem good to you, should succeed me in that, than I would be willing to succeed your lordship in the other place.

My

(*b*) The master-ship of the rolls; which office the lord Keeper held till the lord Bruce was advanced to it, May 18. 1603.

(*c*) Second son of the lord Keeper, whose eldest son Sir Thomas, knighted at Cadiz upon the taking it in 1596 by the earl of Essex, died in Ireland, whither he attended that earl in 1593, as Mr. John Egerton likewise

My next humble request is, that your lordship would believe a protestation, which is, that if there be now against the next term, or hereafter, for a little bought knowledge of the court teacheth me to foresee these things, any heaving or palting at that place, upon mine honesty and troth, my spirit is not in, nor with it; I, for my part, being resolutely resolved not to proceed one pace or degree in this matter but with your lordship's foreknowledge and approbation: The truth of which protestation will best appear, if by any accident, which I look not for, I shall receive any further strength. For, as I now am, your lordship may impute it only to policy alone in me, that being without present hope myself, I would be content the matter sleep.

My third humble petition to your lordship is, that you would believe an intelligence, and not take it for a fiction in court; of which manner I like Cicero's speech well, who writing to Appius Claudius saith; *Sin autem que tibi ipsi in mentem veniant, ea aliis tribuere soles, inducis genus sermonis in amicitiam minime liberale.* But I do assure your lordship, it is both true and fresh, and from a person of that sort, as having some glimpse of it before, I now rest fully confirmed in it: and it is this, that there should be a plot laid of some strength between Mr. Attorney General (*d*), and Mr. Attorney of the Wards (*e*), for the one's remove to the rolls, and the other to be drawn to his place. Which, to be plain with your lordship, I do apprehend much. For first, I know Mr. Attorney General, whatsoever he pretendeth or protesteth to your lordship, or any other, doth seek it; and I perceive well by his dealing towards his best friends, to whom he oweth most, how perfectly he hath conned the adage of *proximus egomet mihi*: and then I see no man ripened for the place of the rolls in competition with Mr. Attorney General. And lastly, Mr. Attorney of the Wards being noted for a pregnant and stirring man, the objection of any hurt her majesty's business may receive in her causes by the drawing up of Mr. Attorney General, will wax cold. And yet nevertheless, if it may please your lordship to pardon me so to say, of the second of those placings I think with some scorn; only I commend the knowledge hereof to your lordship's wisdom, as a matter not to be neglected.

And now lastly, my honourable good lord, for my third poor help, I account [it] will do me small good, except there be a heave; and that is this place of the Star-Chamber. I do confess ingenuously to your lordship out of my love to the public, besides my particular, that I am of opinion, that rules without examples will do little good, at least not to continue; but that there is such a concordance between the time to come and the time passed, as there will be no reforming the one without informing of the other. And I will not as the proverb is, spit against the wind, but yield so far to a general opinion, as there was never a more ** or particular example. But I submit it wholly to your honourable grave consideration; only I humbly pray you to conceive, that it is not any money, that I have borrowed of Mr. Mills, nor any gratification I receive for my aid, that makes me shew myself any ways in it, but simply a desire to preserve the rights of the

Baron of Dill, and was knighted by his lordship, and at the coronation of king James was made knight of the Bath. He succeeded his father in the titles of baron of Dillfinere and viscount Brackley, and on the 17th of June 1624 created earl of Brackwater.

1624. Sir Thomas Heleutt, who died 13 October 1695, and has a monument erected to his memory at Westminster Abbey.

office, as far as it is meet and incorrupt; and secondly his importunity, who nevertheless, as far as I see, taketh a course to bring this matter in question to his farther disadvantage, and to be principal in his own harm. But if it be true, that I have heard of more than one or two, that besides this fore-running in taking of fees, there are other deep corruptions, which in an ordinary course are intended to be proved against him; surely, for my part, I am not superstitious, as I will not take any shadow of it, nor labour to stop it, since it is a thing medicinable for the office of the realm. And then if the place by such an occasion or otherwise should come in possession, the better to testify my affection to your lordship, I should be glad, as I offered it to your lordship by way of [surrender] so in this case to offer it by way of joint-patency, in nature of a reversion, which, as it is now, there wanteth no good will in me to offer, but that both in that condition it is not worth the offering; and besides, I know not whether my necessity may enforce me to sell it away; which, if it were locked in by any reversion or joint-patency, I were disabled to do for my relief.

Thus your lordship may perceive how assured a persuasion I have of your love towards me, and care of me; which hath made me so freely to communicate of my poor state with your lordship, as I could have done to my honourable father, if he had lived: which I most humbly pray your lordship may be private to yourself, to whom I commit it to be used to such purpose, as in your wisdom and honourable love and favour should seem good. And so humbly craving pardon, I commend your lordship to the divine preservation.

At your Lordship's honourable commandment humbly and particularly.

Mr. FRANCIS BACON to the Earl of ESSEX*,
on his lordship's going on the expedition against Cadiz.

My singular good Lord,

I have no other argument to write on to your good lordship, but upon demonstration of my deepest and most bounden duty, in fulness whereof I mourn for your lordship's absence, though I mitigate it as much as I can with the hope of your happy success, the greatest part whereof, be it never so great, will be the safety of your most honourable person; for the which in the first place, and then for the prosperity of your enterprise, I frequently pray. And as in so great discomfort it hath pleased God some ways to regard my desolateness, by raising me so great and so worthy a friend in your absence, as the new-placed lord keeper †, in whose placing as it hath pleased God to establish mightily one of the chief pillars of this estate, that is, the justice of the land, which began to shake and sink, and for that purpose no doubt gave her majesty strength of heart of herself to do that in six days, which the deepest judgment thought would be the work of many months; so for my particular, I do find in an extraordinary manner, that his lordship doth succeed my father almost in his fatherly care of me, and love towards me, as much as he professeth to follow him in his honourable and sound courses of justice and estate; of which so special favour the open and apparent reason I can ascribe to nothing more than the impression, which, upon many conferences of long time used between his lordship and me, he may have received both of your lordship's high love and good

† Egeon.

opinion

* Among the papers of Anthony Bacon, Esq; vol. XI. f. 169, in the Lambeth library.

opinion towards his lordship, verified in many and singular offices, whereof now the realm, rather than himself, is like to reap the fruit; and also of your singular affection towards me, as a man chosen by you to set forth the excellency of your nature and mind, though with some error of your judgment. Hereof if it may please your lordship to take knowledge to my lord, according to the stile of your wonted kindness, your lordship shall do me great contentment. My lord told me he had written to your lordship, and wished with great affection he had been so lucky, as to have had two hours talk with you upon those occasions, which have since fallen out. So wishing that God may conduct you by the hand pace by pace, I commend you and your actions to his divine providence.

Your Lordship's ever deepliest bounden,

10 May, 1596.

F. R. BACON.

The Earl of ESSEX to Mr. FRANCIS BACON*.

* Among the Papers of Antony Bacon, Esq; vol. XI. fol. 139. in the Lambeth library.

S I R,

I Have thought the contemplation of the art military harder than the execution. But now I see where the number is great, compounded of sea and land forces, the most *tyrones*, and almost all voluntaries, the officers equal almost in age, quality, and standing in the wars, it is hard for any man to approve himself a good commander. So great is my zeal to omit nothing, and so short my sufficiency to perform all, as, besides my charge, myself doth afflict myself. For I cannot follow the precedents of our dissolute armies, and my helpers are a little amazed with me, when they are come from governing a little troop to a great; and from to all the great spirits of our state. And sometimes I am as much troubled with them, as with all the troops. But though these be warrants for my seldom writing, yet they shall be no excuses for my fainting industry. I have written to my lord keeper and some other friends to have care of you in my absence. And so commending you to God's happy and heavenly protection, I rest

Your true friend,

Plymouth, this 17th of May, 1596.

ESSEX.

Mr. FRANCIS BACON to his Brother ANTONY*.

* Ibid. fol. 21.

Good Brother,

YESTERNIGHT Sir John Fortescu (a) told me, he had not many hours before imparted to the queen your advertisements, and the gazette likewise; which the queen caused Mr. John Stanhope (b) to read all over unto her; and her majesty conceived they be not vulgar. The advertisements her majesty made estimation of as concurring with other advertisements, and alike concurring also with her opinion of the affairs. So he willed me to return you the queen's thanks. Other particular of any speech from her majesty of yourself he did not relate to me. For my lord of Essex's

(a) Chancellor of the exchequer.

(b) Made treasurer of the chamber in July 1596, and in May 1603, created lord Stanhope of Harrington in Northamptonshire.

and your letters, he said, he was ready and desirous to do his best. But I seemed to make it but a love-wish, and passed presently from it, the rather, because it was late in the night, and I mean to deal with him at some better leisure after another manner, as you shall hereafter understand from me. I do find in the speech of some ladies and the very face of the court some addition of reputation, as methinks, to us both; and I doubt not but God hath an operation in it, that will not suffer good endeavours to perish.

The queen saluted me to day, as she went to chapel. I had long speech with Sir Robert Cecil this morning, who seemed apt to discourse with me; yet of yourself *ne verbum quidem*, not so much as a *quomodo valet?*

This I write to you in haste, *aliud ex alio*, I pray set in a course of acquainting my lord keeper what passeth, at first by me, and after from yourself. I am more and more bound to him.

Thus wishing you good health, I recommend you to God's happy preservation.

From the court, this 30th of May, [1596].

Your intire loving brother,

FR. BACON.

To Sir THOMAS EGERTON, Lord Keeper of the Great Seal (g).

It may please your Lordship,

I AM to make humble complaint to your lordship of some hard dealing offered me by one Sympton, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse: but yet I could scarcely have imagined, he would have dealt either so dishonestly towards myself, or so contemptuously towards her majesty's service. For this Lombard, pardon me, I most humbly pray your lordship, if being admonished by the street he dwells in, I give him that name, having me in bond for 300l. principal, and I having the last term confessed the action, and by his full and direct consent respited the satisfaction till the beginning of this term to come, without ever giving me warning, either by letter or message, served an execution upon me, having trained me at such time, as I came from the Tower, where, Mr. Waad can witness, we attended a service of no mean importance (b). Neither

(g) From the original in the Hatfield collection of State papers, communicated to me by the Rev. William Murdin, B. D. and intended by him for the public in a third volume of the collection of those papers, if his death had not prevented him from executing his design.

(b) It is not easy to determine what this service was; but it seems to relate to the examination of some prisoner; perhaps Edward Squire, executed in November, 1598, for poisoning the queen's saddle; or Valentine Thomas, who accused the king of Scots of practices against queen Elizabeth [*Historical View*, p. 178.] or one Stanley; concerning whom I shall insert here passages from two MS. letters of John Chamberlain, Esq; to his friend, Dudley Carleton, Esq; afterwards ambassador to Venice, the United Provinces, and France; these letters being part of a very large collection, from 1598 to 1625, which I transcribed from the originals. "One Stanley, says Mr. Chamberlain, in his letter dated at London, 3 October, 1598, that came in sixteen days over land with letters out of Spain, is lately committed to the Tower. He was very earnest to have private conference with his majesty, pretending matter of great importance, which he would by no means utter to any body else." In another letter dated 20 November, 1598, Mr. Chamberlain observes, that on "the day, that they looked for Stanley's arraignment, he came not himself, but sent his forerunner, one Squire, that had been an under-purveyor of the stable, who being in Spain was dealt withal by one Walpole a Jesuit, to poison the queen and the earl of Essex; and accordingly came prepared into England, and went with the earl in his own ship the last journey, and poisoned the arms or handles of the chair he used to sit in, with a confession he had received of the Jesuit; as likewise he had done the pommel of the queen's saddle not past five days before his going to sea. But because nothing succeeded of it, the priest thinking he had either changed his purpose, or betrayed it, gave Stanley instructions to accuse him; thereby to get him more credit, and to be revenged of Squire for breaking promise. The fellow confessed the whole practice, and, as it seemed, died very penitent."

would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house was just by; handling it as upon a despite, being a man I never provoked with a cross word, no nor with many delays. He would have urged it to have had me in prison; which he had done, had not Sheriff More, to whom I sent, gently recommended me to a handiome house in Coleman-street, where I am. Now because he will not treat with me, I am inforced humbly to desire your lordship to send for him, according to your place, to bring him to some reason; and this forthwith, because I continue here to my farther discredit and inconvenience, and the trouble of the gentleman with whom I am. I have an hundred pounds lying by me, which he may have, and the rest upon some reasonable time and security; or, if need be, the whole; but with my more trouble. As for the contempt he hath offered, in regard her majesty's service, to my understanding, carrieth a privilege *eundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though unworthy, I am vouchsafed, I inforce nothing, thinking I have done my part, when I have made it known; and so leave it to your lordship's honourable consideration. And so with signification of my humble duty, &c.

To Sir ROBERT CECIL, Secretary of State (i).

It may please your Honour,

I Humbly pray you to understand how badly I have been used by the inclosed, being a copy of a letter of complaint thereof, which I have written to the lord Keeper. How sensitive you are of wrongs offered to your blood in my particular, I have had not long since experience. But herein I think your honour will be doubly sensitive, in tenderness also of the indignity to her majesty's service. For as for me, Mr. Sympsen might have had me every day in London; and therefore to betray me, while he knew I came from the Tower about her majesty's special service, was to my understanding very bold. And two days before he brags he forbore me, because I dined with Sheriff More. So as with Mr. Sympsen, examinations at the Tower are not so great a privilege, *eundo et redeundo*, as Sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my lord of Essex thereof; for otherwise his punishment will do me no good.

So with signification of my humble duty, I commend your honour to the divine preservation.

From Coleman-street, this 24th of September [1598.]

At your honourable command particularly,

FR. BACON.

The Substance of a Letter I (k) now wish your Lordship (l) should write to her Majesty.

THAT you desire her majesty to believe *id, quod res ipsa loquitur*, that it is not conscience to yourself of any advantage her majesty hath towards you, other-

(i) From the Hatfield collection. (k) Francis Bacon. (l) Robert earl of Essex.

wife than the general and infinite advantage of a queen and a mistress; nor any drift or device to win her majesty to any point or particular, that moveth you to send her these lines of your own mind. But first, and principally, gratitude; next a natural desire of, you will not say, the tedious remembrance, for you can hold nothing tedious, that hath been derived from her majesty; but the troubled and pensive remembrance of that which is past, of enjoying better times with her majesty, such as others have had, and that you have wanted. You cannot impute the difference to the continuance of time, which addeth nothing to her majesty but increase of virtue; but rather to your own misfortune or errors. Wherein nevertheless, if it were only question of your own indurances, though any strength never so good may be oppressed, yet you think you should have suffocated them, as you had often done, to the impairing of your health, and weighing down of your mind. But that, which indeed toucheth the quick, is that, whereas you accounted it the choice fruit of yourself to be a contentment and entertainment to her majesty's mind, you found many times to the contrary, that you were rather a disquiet to her, and a distaste.

Again, whereas in the course of her service, though you confess the weakness of your own judgment, yet true zeal, not misled with any mercenary nor glorious respect, made you light sometimes upon the best and soundest counsels; you had reason to fear, that the distaste particular against yourself made her majesty farther off from accepting any of them from such a hand. So as you seemed, to your deep discomfort, to trouble her majesty's mind, and to foil her business; inconveniences, which, if you be minded as you ought, thankfulness should teach you to redeem, with stepping down, nay throwing yourself down, from your own fortune. In which intricate case, finding no end of this former course, and therefore desirous to find the beginning of a new, you have not whither to resort, but unto the oracle of her majesty's direction. For though the true introduction *ad tempora meliora* be by an *amnesia* of that which is past, except it be in the sense, that the verse speaketh, *Olim hæc meminisse juvabit*, when tempests past are remembered in the calm; and that you do not doubt of her majesty's goodness in pardoning and obliterating any of your errors and mistakings heretofore; refreshing the memory and contemplations of your poor services, or any thing that hath been grateful to her majesty from you; yea, and somewhat of your sufferings, so though that be, yet you may be to seek for the time to come. For as you have determined your hope in a good hour, not willingly to offend her majesty, either in matter of court or state, but to depend absolutely upon her will and pleasure; so you do more doubt and mistrust your wit and insight in finding her majesty's mind, than your conformities and submission in obeying it; the rather, because you cannot but nourish a doubt in your breast, that her majesty, as princes hearts are inscrutable, hath many times towards you *aliud in ore, et aliud in corde*. So that you, that take her *secundum litteram*, go many times farther out of your way.

Therefore your most humble suit to her majesty is, that she will vouchsafe you that approach to her heart and bosom, *et ad scrinium pectoris*, plainly, for as much as concerneth yourself, to open and expound her mind towards you, suffering you to see clear what may have bred any dislike in her majesty; and in what points she would have you reform yourself; and how she would be served by you. Which done, you do assure her majesty, she shall be both at the beginning and the ending of all, that you do, of that regard, as you may presume to impart to her majesty.

LETTERS, etc. OF LORD CHANCELLOR BACON.

And so that hoping, that this may be an occasion of some farther serenity from her majesty towards you, you refer the rest to your actions, which may verify what you have written; as that you have written may interpret your actions, and the course you shall hereafter take.

Indorsed by Mr. Francis Bacon,

A letter framed for my lord of Essex to the queen.

To Mr. Secretary CECIL (*m*).

It may please your Honour,

BECAUSE we live in an age, where every man's imperfections is but another's fable; and that there fell out an accident in the exchequer, which I know not how, nor how soon may be traduced, though I dare trust rumour in it, except it be malicious, or extreme partial; I am bold now to possess your honour, as one, that ever I found careful of my advancement, and yet more jealous of my wrongs, with the truth of that, which passed; deferring my farther request, until I may attend your honour: and so I continue

Your Honour's very humble and particularly bounden,

Gray's-Inn, this 24th of April, 1601.

FR. BACON.

A true remembrance of the abuse I received of Mr. Attorney General (*n*) publicly in the exchequer the first day of term; for the truth whereof I refer myself to all that were present.

IMoved to have a reseizure of the lands of George Moore, a relapsed recusant, a fugitive, and a practising traytor; and shewed better matter for the queen against the discharge by plea, which is ever with a *salvo jure*. And this I did in as gentle and reasonable terms as might be.

Mr. Attorney kindled at it, and said, "Mr. Bacon, if you have any tooth against me, pluck it out; for it will do you more hurt, than all the teeth in your head will do you good." I answered coldly in these very words: "Mr. Attorney, I respect you: I fear you not: and the less you speak of your own greatness, the more I will think of it."

He replied, "I think scorn to stand upon terms of greatness towards you, who are less than little; less than the least;" and other such strange light terms he gave me, with that insulting, which cannot be expressed.

Herewith stirred, yet I said no more but this: "Mr. Attorney, do not depress me so far; for I have been your better, and may be again, when it please the queen."

With this he spake, neither I nor himself could tell what, as if he had been born attorney general; and in the end bade me not meddle with the queen's business, but with mine own; and that I was unsworn, &c. I told him sworn or unsworn was all one to an honest man; and that I ever set my service first, and myself second; and wish'd to God, that he would do the like.

(*m*) From the Hatfield collection.

(*r*) Edward Coke, knighted by king James at Greenwich in 1603; and made lord chief justice of the common plea, 30 June, 1605.

Then

Then he said, it were good to clap a *cap. utlegatum* upon my back ! To which I only said he could not ; and that he was at a fault ; for he hunted upon an old scent.

He gave me a number of disgraceful words besides ; which I answered with silence, and shewing, that I was not moved with them.

TO ROBERT, Lord CECIL (o).

It may please your good Lordship,

THEY say late thanks are ever best. But the reason was, I thought to have seen your lordship ere this. Howsoever I shall never forget this your last favour amongst others ; and it grieveth me not a little, that I find myself of no use to such an honourable and kind friend.

For that matter, I think, I shall desire your assistance for the punishment of the contempt ; not that I would use the privilege in future time, but because I would not have the dignity of the king's service prejudiced in my instance. But herein I will be ruled by your lordship.

It is fit likewise, though much against my mind, that I let your lordship know, that I shall not be able to pay the money within the time by your lordship undertaken, which was a fortnight. Nay money I find so hard to come by at this time, as I thought to have become an humble suitor to your honour to have sustained me with your credit for the present from urgent debts with taking up 300 l. till I can put away some land. But I am so forward with some sales, as this request, I hope, I may forbear.

For my estate, because your honour hath care of it, it is thus : I shall be able with selling the skirts of my living in Hertfordshire (p) to preserve the body ; and to leave myself, being clearly out of debt, and having some money in my pocket, 300 l. land *per annum* with a fair house, and the ground well timbered. This is now my labour.

For my purpose or course, I desire to meddle as little as I can, in the king's causes, his majesty now abounding in council ; and to follow my private thrift and practice, and to marry with some convenient advancement. For as for any ambition I do assure your honour, mine is quenched. In the queen's, my excellent mistress's, time, the *quorum* was small : her service was a kind of freehold, and it was a more solemn time. All those points agreed with my nature and judgment. My ambition now I shall only put upon my pen, whereby I shall be able to maintain memory and merit of the times succeeding.

Lastly, for this divulged and almost prostituted title of knighthood, I could without charge, by your honour's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's Inn commons ; and because I have found out an alderman's daughter (q), an handsome maiden, to my liking. So as if your honour will find the time, I will come to the court from Gorbamby upon any warning.

How my sales go forward, your lordship shall in a few days hear. Mean while, if you will not be pleased to take farther day with this lewd fellow, I hope your lord-

(o) From the Hatfield collection.

(p) Gorbamby.

(q) Probably the lady, whom he afterwards married, Alice, one of the daughters and coheirs of Benedict Barnham, Esq; Alderman of London. She survived her husband above twenty years. *Life of Lord Bacon*, by Dr. William Rawley.

LETTERS, etc. OF LORD CHANCELLOR BACON.

ship will not suffer him to take any part of the penalty, but principal, interest, and costs.

3 July, 1603.

So I remain your Lordship's most bounden,

F. R. BACON.

To the same.

It may please your good Lordship,

IN answer of your last letter, your money shall be ready before your day, principal, interest, and costs of suit. So the sheriff promised, when I released errors; and a Jew takes no more. The rest cannot be forgotten; for I cannot forget your lordship's *dum memor ipse mi*: and if there have been *aliquid nimis*, it shall be amended. And, to be plain with your lordship, that will quicken me now which slackened me before. Then I thought you might have had more use of me than now, I suppose, you are like to have. Not but I think the impediment will be rather in my mind, than in the matter or times. But to do you service, I will come out of my religion at any time.

For my knighthood (*r*), I wish the manner might be such as might grace me, since the matter will not: I mean, that I might not be merely gregarious in a troop. The coronation (*s*) is at hand. It may please your lordship to let me hear from you speedily. So I continue

From Gorhambury, this
16th of July, 1603.

Your Lordship's ever much bounden,

F. R. BACON.

To Sir JOHN DAVIS, his majesty's attorney general in Ireland*.

Mr. Attorney,

I Thank you for your letter, and the discourse you sent of this new accident, as things then appeared. I see manifestly the beginning of better or worse: But me thinketh it is first a tender of the better, and worse followeth but upon refusal or default. I would have been glad to see you here; but I hope occasion reserveth our meeting for a vacation, when we may have more fruit of conference. To requite your proclamation; which in my judgment is wisely and seriously penned, I send you another with us, which happened to be in my hands when yours came. I would be glad to hear often from you, and to be advertised how things pass, whereby to have some occasion to think some good thoughts; though I can do little. At the least it will be a continuance in exercise of our friendship, which on my part remaineth increased by that I hear of your service, and the good respects I find towards myself. And so in Tormour's hall, I continue

Your very loving friend,

From Gray's Inn, this 23d of Octob. 1603.

F. R. BACON.

To ISAAC CASAUBON (*t*).

CUM ex literis, quas ad dominum Carew misisti, cognoscam scripta mea à te probari, et mihi de judicio tuo gratulatus sum, et tibi, quam ea res mihi fuerit vo-

(*) He was knighted at Whitehall, 27 July, 1603.

(†) It was celebrated, 24 July, 1603.

(‡) The letter appears to have been written after Sir George Carew, mentioned in it, returned from his embassy in France, in October, 1603; and before the arrival of Casaubon in England, in Octob. 1603.

luptati.

laptati, scriben dum exillimavi. Atque illud etiam de me recte auguraris, me scientias ex latebris in lucem extrahere venementer cupere. Neque enim multum interest ea per otium feri, quæ per otium legantur, sed plane vitam, et res humanas, et medias earum turbas, per contemplationes sanas et veras instructiores esse volo. Quanta autem in hoc genere aggrediar, et quam parvis præfidiis, postmodum fortasse rescisces. Etiam tu pariter gratissimum mihi facies, si quæ in animo habes atque morlis et agitas, mihi nota esse velis. Nam conjunctionem animorum et studiorum plus facere ad amicitias iustico, quam civiles necessitatis et occasionum officia. Equidem existimo neminem unquam magis verè potuisse dicere de sese, quam me ipsum, illud quod habet psalmus, *multum incola fuit anima mea*. Itaque magis videor cum antiquis versari, quam cum his, quibuscum vivo. Quid ni etiam possim cum absentibus potius versari, quam cum iis, qui præsto sunt; et magis electione in amicitiiis uti, quam occasione de more submitti? Verum ad institutum revertor ego; si quæ in re amicitia mea tibi aut tuis usui aut ornamento esse possit, tibi operam meam bonam atque navam polliceor. Itaque salutem tibi dicit

Amicus tuus, &c.

Indoned, To Casaubon.

The beginning of a letter immediately after my lord Treasurer's (u) decease (w).

May 29, 1612.

It may please your Majesty,

IF I shall seem in these few lines to write *majora quam pro fortunâ*, it may please your majesty to take it to be an effect, not of presumption, but of affection. For of the one I was never noted; and for the other I could never shew it hitherto to the full; being as a hawk tied to another's fist, that might sometimes bait and proffer, but could never fly. And therefore if, as it was said to one, that spoke great words, *Amice, verba tua æsident civitatem* (x), so your majesty say to me, "Bacon, your words require a place to speak them;" I must answer, that place, or not place, is in your majesty to add or refrain: and though I never grow eager but to ***** yet your majesty—

To the KING, immediately after the Lord Treasurer's death.

31 May, 1612.

It may please your excellent Majesty,

I Cannot but endeavour to merit, considering your preventing graces, which is the occasion of these few lines.

Your majesty hath lost a great subject and a great servant. But if I should praise him in propriety, I should say, that he was a fit man to keep things from growing worse; but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer; and, like clay in the hands of the potter, to mould it as he thought good; so that he was more *in operatione* than *in opere*. And though he had fine passages of action, yet the real conclusions came slowly on. So that although your

(u) Robert Earl of Salisbury, who died 24 May, 1612.

(w) The draught of this imperfect letter is written chiefly in Greek characters.

(x) These words of Themistocles are cited likewise by Lord Bacon at the end of his book *De Augmentis Scientiarum*.

majesty

mainly hath grave counsellors and worthy persons I fit; yet you do, as it were, turn a leaf, wherein if your majesty shall give a frame and constitution to matters, before you place the persons, in my simple opinion it were not amiss. But the great matter, and most instant for the present, is the consideration of a parliament, for two effects: the one for the supply of your estate; the other, for the better knitting of the hearts of your subjects unto your majesty, according to your infinite merit; for both which, parliaments have been, and are, the ancient and honourable remedy.

Now because I take myself to have a little skill in that region, as one, that ever affected, that your majesty might, in all your causes, not only prevail, but prevail with satisfaction of the inner man; and though no man can say but I was a perfect and peremptory royalist, yet every man makes me believe that I was never one hour out of credit with the lower house: my desire is to know, whether your majesty will give me leave to meditate and propound unto you some preparative remembrances, touching the future parliament.

Your majesty may truly perceive, that, though I cannot challenge to myself either invention, or judgment, or elocution, or method, or any of those powers; yet my offering is care and observance: and, as my good old mistress was wont to call me her watch-candle, because it pleased her to say, I did continually burn, and yet she suffered me to waste almost to nothing; so I must much more owe the like duty to your majesty, by whom my fortunes have been settled and raised. And so craving pardon, I rest

Your majesty's most humble servant devote,

F. B.

To the KING.

It may please your excellent Majesty,

MY principal end being to do your majesty service, I crave leave to make at this time to your majesty this most humble oblation of myself. I may truly say with the psalm, *Multum incola fuit anima mea*; for my life hath been conversant in things, wherein I take little pleasure. Your majesty may have heard somewhat, that my father was an honest man; and somewhat yet I may have been of myself, though not to make any true judgment by, because I have hitherto had only *potestatem verborum*, nor that neither. I was three of my young years bred with an ambassador (y) in France, and since I have been an old truant in the school-house of your council-chamber, though on the second form; yet longer than any, that now sitteth, hath been in the head form. If your majesty find any aptness in me, or if you find any scarcity in others, whereby, you may think it fit for your service to remove me to business of state, although I have a fair way before me for profit, and, by your majesty's grace and favour, for honour and advancement, and in a course less exposed to the blast of fortune; yet now that he (z) is gone, *quo vivente virtutibus certissimum exitum*, I will be ready as a chessman to be, wherever your majesty's royal hand shall set me. Your majesty will bear me witness, I have not suddenly opened myself thus far. I have looked on upon others. I see the exceptions; I see the distractions; and I fear Tacitus will be a prophet, *magis alii bonos, quam alii mores*. I know mine own heart;

(y) Sir Amos Porrier, who was sent ambassador to France, in September, 1576. He was succeeded by Sir Edward Stafford, in December, 1577.

(z) Lord Treasurer Salisbury.

and

and I know not, whether God, that hath touched my heart with the affection, may not touch your royal heart to discern it. Howsoever, I shall go on honestly in mine ordinary courtes, and supply the rest in prayers for you, remaining, &c.

To the KING (*a*).

*** Lastly, I will make two prayers unto your majesty, as I used to do to God Almighty, when I commend to him his own glory and cause; so I will pray to your majesty for yourself.

The one is, that these cogitations of want do not any ways trouble or vex your mind. I remember, Moses saith of the land of promise, that it was not like the land of Egypt, that was watered with a river, but was watered with showers from heaven; whereby I gather, God preferreth sometimes uncertainties before certainties, because they teach a more immediate dependence upon his providence. Sure I am, *nil novi accidit vobis*. It is for no new thing for the greatest kings to be in debt: and, if a man shall *parvis componere magna*, I have seen an earl of Leicester, a chancellor Hatton, an earl of Essex, and an earl of Salisbury in debt; and, yet was it no manner of diminution to their power or greatness.

My second prayer is, that your majesty, in respect of the hasty freeing of your state, would not descend to any means, or degree of means, which carrieth not a symmetry with your majesty and greatness. He is gone, from whom those courses did wholly flow. So have your wants and necessities in particular, as it were, hanged up in two tablets before the eyes of your lords and commons to be talked of for four months together: to have all your courses to help yourself in revenue or profit put into printed books, which were wont to be held *arcana imperii*: to have such worms of aldermen to lend for ten in the hundred upon good assurance, and with such **, as if it should save the bark of your fortune: to contract still where might be had the readiest payment, and not the best bargain: to stir a number of projects for your profit, and then to blast them, and leave your majesty nothing but the scandal of them: to pretend an even carriage between your majesty's rights and the ease of the people, and to satisfy neither. These courses and others the like, I hope, are gone with the deviser of them; which have turned your majesty to inestimable prejudice (*b*).

I hope your majesty will pardon my liberty of writing. I know these things are *majora quam pro fortuna*: but they are *minora quam pro studio et voluntate*. I assure myself, your majesty taketh not me for one of a busy nature; for my state being free from all difficulties, and I having such a large field for contemplations, as I have partly, and shall much more make manifest to your majesty and the world,

(*a*) The beginning of this letter is wanting.

(*b*) It will be but justice to the memory of the earl of Salisbury to remark, that this disadvantageous character of him by sir Francis Bacon seems to have been suggested by the prejudice of the latter against that able minister, grounded upon some suspicions, that the earl had not served him with so much zeal, as he might have expected from so near a relation, either in queen Elizabeth's reign, or that of her successor. Nor is it any just imputation on his lordship, that he began to decline in king James I's good opinion, when his majesty's ill economy occasioned demands on the lord treasurer, which all his skill, in the business of the finances, could not answer, but which drew from him advices and remonstrances still extant, which that king, not being very ready to profit by, conceived some resentment against, and in old times, and even retained it against his memory.

to occupy my thoughts, nothing could make me active, but love and affection. So praying my God to bless and favour your person and estate, &c.

To the KING.

It may please your excellent Majesty,

I HAVE, with all possible diligence since your majesty's progress, attended the service committed to the sub-commissioners, touching the repair and improvement of your majesty's means: and this I have done, not only in meeting, and conference, and debate with the rest; but also by my several and private meditation and inquiry. So that, besides the joint account, which we shall give to the lords, I hope I shall be able to give your majesty somewhat *ex proprio*. For as no man loveth better *confilere in commune* than I do; neither am I of those fine ones, that use to keep back any thing, wherein they think they may win credit apart, and so make the consultation almost *inutile*. So nevertheless, in cases, where matters shall fall in upon the bye, perhaps of no less worth than that, which is the proper subject of the consultation; or where I find things passed over too slightly, or in cases, where that, which I should advise, is of that nature, as I hold it not fit to be communicated to all those with whom I am joined; these parts of business I put to my private account; not because I would be officious, (though I profess I would do works of supererogation, if I could) but in a true discretion and caution. And your majesty had some taste in those notes, which I gave you for the wards, (which it pleased you to say were no tricks nor novelties, but true passages of business, that mine own particular remembrances and observations are not like to be unprofitable. Concerning which notes for the wards, though I might say, *sic vos non vobis*; yet let that pass.

I have also considered fully of that great proposition, which your majesty commended to my care and study, touching the conversion of your revenue of land into a multiplied present revenue of rent: wherein I say, I have considered of the means and course to be taken, of the assurance, of the rates, of the exceptions, and of the arguments for and against it. For though the project itself be as old as I can remember, and falleth under every man's capacity; yet the dispute and manage of it affordeth a great deal of consideration and judgment; projects being like Æsop's tongues, the best meat and the worst, as they are chosen and handled. But surely, *ut deficient remedia ordinaria, recurrendum est ad extraordinaria*. Of this also I am ready to give your majesty an account.

Generally upon this subject of the repair of your majesty's means, I beseech your majesty to give me leave to make this judgment, that your majesty's recovery must be by the medicines of the Galenists and Arabians, and not of the Chemists or Paracelsians. For it will not be wrought by any one fine extract or strong water; but by a skilful company of a number of ingredients, and those by just weight and proportion, and that of some simples, which perhaps of themselves, or in over-great quantity, were little better than poisons; but mixed, and broken, and in just quantity, are full of virtue. And secondly, that as your majesty's growing hind-hand hath been work of time; so must likewise be your majesty's coming forth and making even. Not but I wish it were by all good and fit means accelerated; but that I beseech, that if your majesty shall propound to yourself to
do

do it *per saltum*, it can hardly be without accidents of prejudice to your honour, safety, or profit.

Indorsed.

My letter to the KING, touching his estate in general, September 18th, 1612.

In HENRICUM Principem Walliæ Elogium FRANCISCI BACONI (a).

HENRICUS primogenitus regis Magnæ Britanniæ, princeps Walliæ, antea spe beatus, nunc memoriâ felix, diem suum obiit 6 Novemb. anno 1612. Is magno totius regni luctu et desiderio extinctus est, utpote adolescens, qui animos hominum nec offendisset nec satiasset. Excitaverat autem propter bonam indolem multiplices apud plurimos omnium ordinum spes, nec ob brevitatem vitæ frustraverat. Illud imprimis accessit, quod in causâ religionis firmus vulgo habebatur: prudentioribus quoque hoc animo penitus insiderat, adversus insidias conjurationum, cui malo ætas nostra vix remedium reperit, patri eum instar præsidii et scuti fuisse, adeo ut et religionis et regis apud populum amor in eum redundaret, et in æstimationem jaçturæ meritò annumeraretur. Erat corpore validus et erectus, staturâ mediocri, decorâ membrorum compage, incessu regio, facie oblongâ et in maciem inclinante, habitu plenior, vultu composito, oculorum motu magis sedato quam forti. Inerant quoque et in fronte severitatis signa, et in ore nonnihil fastûs. Sed tamen si quis ultra exteriora illa penetraverat, et eum obsequio dâbito et sermone tempestivo deliniverat, utebatur eo benigno et facili, ut alius longè videretur colloquio quam aspectu, talisque prorsus erat, qui famam sui excitaret moribus dissimilem. Laudis et gloriæ fuit procul dubio appetens, et ad omnem speciem boni et auram decoris commovebatur; quod adolescenti pro virtutibus est. Nam et arma ei in honore erant ac viri militares; quin et ipse quiddam bellicum spirabat; et magnificentiæ operum, licet pecuniæ alioquin satis parcus, deditus erat: amator insuper antiquitatis et artium. Literis quoque plus honoris attribuit quam temporis. In moribus ejus nihil laudandum magis fuit, quam quod in omni genere officiorum probè institutus credebatur et congruus: filius regi patri mirè obsequens, etiam reginam multo cultu demerebat, erga fratrem indulgens; forem verò unicè amabat, quam etiam, quantum potuit virilis forma ad eximiam virginalem pulchritudinem collata, referebat. Etiam magistri et educatores pueritiæ ejus, quod rarè fieri solet, magnâ in gratiâ apud eum manserant. Sermone verò obsequii idem exactor et memor. Denique in quotidiano vitæ genere, et assignatione horarum ad singula vitæ munera, magis quam pro ætate constans atque ordinatus. Affectus ei inerant non nimium vehementes, et potius æquales quam magni. Etenim de rebus amatoriis mirum in illâ ætate silentium, ut prorsus lubricum illud adolescentiæ suæ tempus in tantâ fortunâ, et valetudine satis prosperâ, absque aliquâ insigni notâ amorum transigeret. Nemo reperiebatur in aulâ ejus apud eum præpotens, aut in animo ejus validus: quin et studia ipsa, quibus capiebatur maximè, potius tempora patiebantur quam excessus, et magis repetita erant per vices, quam quod extaret aliquod unum, quod reliqua superaret et compesceret, sive ea moderatio fuit, sive in naturâ non admodum præcoci, sed lentè maturescente, non cernebantur adhuc quæ prævalitura erant. Ingenio certè pollebat, eratque et

(a) Harl. MSS. Vol. 193. fol. 75. It seems to me no improbable supposition, that this character was intended to be sent to Thuanus, in order to be inserted in his excellent History, if he should have continued it to the year 1612, whereas it reached only to 1617.

curiosus satis et capax, sed sermone tardior et tanquam impeditus : tamen si quis diligenter observaverat ea, quæ ab eo proferebantur, sive quaestionis vim obtinebant, sive sententiæ, ad rem omnino erant, et captum non vulgarem arguebant ; ut in illâ loquendi tarditate et raritate iudicium ejus magis suspensum videretur et anxium, quam infirmum aut hebes. Interim audiendi miris modis patiens, etiam in negotiis, quæ in longitudinem porrigebantur ; idque cum attentione et sine tædio, ut raro animo peregrinaretur aut falsâ mente aliquid ageret, sed ad ea, quæ dicebantur, aut agebantur, animum adverteret atque applicaret ; quod magnam ei, si vita suppetisset, prudentiam spondebat. Certe in illius principis naturâ plurima erant obscura, neque iudicio cuiuspiam patefacienda, sed tempore, quod ei præreptum est. Attamen quæ apparebant, optima erant, quod famæ satis est. Mortuus est ætatis suæ anno decimo nono ex febre contumaci, quæ ubique à magnis et insularis fere insolitibus siccitatibus ac fervoribus orta per æstatem populariter grassabatur, sed raro funere ; dein sub autumnum erat facta lethalior. Addidit fama atrocior, ut ille (b) ait, erga dominantium exitus suspicionem veneni. Sed cum nulla ejus rei extarent indicia, præsertim in ventriculo, quod præcipuè à veneno pati solet, is sermo citò evanuit.

(b) Tacit. Annal. l. iv. 12.

The following translation is an attempt, for the sake of the English reader, to give the sense of the original, without pretending to reach the force and conciseness of expression peculiar to the great writer as well as to the Roman language.

HENRY Prince of Wales, eldest son of the king of Great Britain, happy in the hopes conceived of him, and now happy in his memory, died on the 6th of Nov. 1612, to the extreme concern and regret of the whole kingdom, being a youth, who had neither offended nor satiated the minds of men. He had by the excellence of his disposition excited high expectations among great numbers of all ranks ; nor had through the shortness of his life disappointed them. One capital circumstance added to these was the esteem, in which he was commonly held, of being firm to the cause of religion : and men of the best judgment were fully persuaded, that his life was a great support and security to his father from the danger of conspiracies ; an evil, against which our age has scarce found a remedy ; so that the people's love of religion and the king overflowed to the prince ; and this consideration deservedly heightened the sense of the loss of him. His person was strong and erect ; his stature of a middle size ; his limbs well made ; his gait and deportment majestic ; his face long and inclining to leanness ; his habit of body full ; his look grave, and the motion of his eyes rather composed than spirited. In his countenance were some marks of severity, and in his air some appearance of haughtiness. But whoever looked beyond these outward circumstances, and addressed and softened him with a due respect and seasonable discourse, found the prince to be gracious and easy ; so that he seemed wholly different in conversation from what he was in appearance, and in fact raised in others an opinion of himself very unlike what his manner would at first have suggested. He was unquestionably ambitious of commendation and glory, and was strongly affected by every appearance of what is good and honourable ; which in a young man is to be considered as virtue. Arms and military men were highly valued by him ; and he
breathed

breathed himself something warlike. He was much devoted to the magnificence of buildings and works of all kinds, though in other respects rather frugal; and was a lover both of antiquity and arts. He shewed his esteem of learning in general more by the countenance which he gave to it, than by the time which he spent in it. His conduct in respect of morals did him the utmost honour; for he was thought exact in the knowledge and practice of every duty. His obedience to the king his father was wonderfully strict and exemplary: towards the queen he behaved with the highest reverence: to his brother he was indulgent; and had an intire affection for his sister, whom he resembled in person as much as that of a young man could the beauty of a virgin. The instructors of his younger years (which rarely happens) continued high in his favour. In conversation he both expected a proper decorum, and practised it. In the daily business of life, and the allotment of hours for the several offices of it, he was more constant and regular than is usual at his age. His affections and passions were not strong, but rather equal than warm. With regard to that of love, there was a wonderful silence, considering his age, so that he passed that dangerous time of his youth in the highest fortune, and in a vigorous state of health, without any remarkable imputation of gallantry. In his court no person was observed to have any ascendant over him, or strong interest with him: and even the studies, with which he was most delighted, had rather proper times assigned them, than were indulged to excess, and were rather repeated in their turns, than that any one kind of them had the preference of, and controlled the rest; whether this arose from the moderation of his temper, and that in a genius not very forward, but ripening by slow degrees, it did not yet appear what would be the prevailing object of his inclination. He had certainly strong parts, and was endued with both curiosity and capacity; but in speech he was slow, and in some measure hesitating. But whoever diligently observed what fell from him either by way of question or remark, saw it to be full to the purpose, and expressive of no common genius. So that under that slowness and infrequency of discourse, his judgment had more the appearance of suspence and solicitude to determine rightly, than of weakness and want of apprehension. In the mean time he was wonderfully patient in hearing, even in business of the greatest length; and this with unwearied attention, so that his mind seldom wandered from the subject, or seemed fatigued, but he applied himself wholly to what was said or done: which (if his life had been lengthened) promised a very superior degree of prudence. There were indeed in the prince some things obscure, and not to be discovered by the sagacity of any person, but by time only, which was denied him; but what appeared were excellent, which is sufficient for his fame.

He died in the 19th year of his age of an obstinate fever, which during the summer, through the excessive heat and dryness of the season, unusual to islands, had been epidemical, though not fatal, but in autumn became more mortal. Fame, which, as Tacitus says, is more tragical with respect to the deaths of princes, added a suspicion of poison: but as no signs of this appeared, especially in his stomach, which uses to be chiefly affected by poison, this report soon vanished.

To

To the KING.

May it please your Majesty,

ACCORDING to your highness's pleasure signified by my lord Chamberlain (c), I have considered of the petition of certain baronets (d), made unto your majesty for confirmation and extent or explanation of certain points mentioned in their charter; and am of opinion, that first, whereas it is desired, that the baronets be declared a middle degree between baron and knight, I hold this to be reasonable as to their placing.

Secondly, where it is desired, that unto the words *degree or dignity of baron*, the word *honour* might be added; I know very well, that in the preface of the baronet's patent it is mentioned, that all honours are derived from the king. I find also, that in the patent of the Baronets, which are marshalled under the barons, except it be certain principals, the word *honour* is granted. I find also, that the word *dignity* is many times in law a superior word to the word *honour*, as being applied to the king himself, all capital indictments concluding *contra coronam et dignitatem nostram*. It is evident also, that the word *honour* and *honourable* are used in these times in common speech very promiscuously. Nevertheless, because the stile of honour belongs chiefly to peers and counsellors, I am doubtful what opinion to give therein.

Thirdly, whereas it is believed, that if there be any question of precedence touching baronets, it may be ordered, that the same be decided by the commissioners marshal, I do not see but it may be granted them for avoiding disturbances.

Fourthly, for the precedence of baronets, I find no alteration or difficulty, except it be in this, that the daughters of baronets are desired to be declared to have precedence before the wives of knights eldest sons; which, because it is a degree hereditary, and that in all examples, the daughters in general have place next the eldest brothers wives, I hold convenient.

Lastly, whereas it is desired, that the apparent heirs males of the bodies of the baronets may be knighted during the life of their fathers; for that I have received from the lord Chamberlain a signification, that your majesty did so understand it, I humbly subscribe thereunto, with this, that the baronets eldest sons being knights do not take place of ancient knights, so long as their fathers live.

All which nevertheless I humbly submit to your majesty's better judgment.

Your majesty's most humble and most bounden servant,

FR. BACON.

(c) Thomas Howard earl of Suffolk.

(d) The order of baronets was created by patent of king James I, dated the 22d of May, 1611. The year following, a decree was made relating to their place and precedence, and four years after namely, in 1616, another decree to the same purpose. See Selden's *Titles of Honour*, Part II. Ch. V. p. 221. Ch. XI. p. 306, and 310. 2d Edit. fol. 1631.

The charge against Mr. WHITELOCKE (*e*).

My Lords,

THE offence, wherewith Mr. Whitelocke is charged, for as to Sir Robert Mansell, I take it to my part only to be sorry for his error, is a contempt of a high nature, and resting upon two parts: on the one, a presumptuous and licentious censure and defying of his majesty's prerogative in general; the other a slander and traducement of one act or emanation hereof, containing a commission of survey and reformation of abuses in the office of the navy.

This offence is fit to be opened and set before your lordships, as it hath been well begun, both in the true state and in the true weight of it. For as I desire, that the nature of the offence may appear in its true colours; so, on the other side, I desire, that the shadow of it may not darken or involve any thing that is lawful, or agreeable with the just and reasonable liberty of the subject.

First, we must and do agree, that the asking, and taking, and giving of counsel in law is an essential part of justice; and to deny that, is to shut the gate of justice, which in the Hebrews commonwealth was therefore held in the gate, to shew all passage to justice must be open: and certainly counsel in law is one of the passages. But yet, for all that, this liberty is not infinite and without limits.

If a jesuited papist should come, and ask counsel (I put a case not altogether feigned) whether all the acts of parliament made in the time of queen Elizabeth and king James are void or no; because there are no lawful bishops sitting in the upper house, and a parliament must consist of lords spiritual and temporal and commons; and a lawyer will set it under his hand, that they be all void, I will touch him for high treason upon this his counsel.

So, if a puritan preacher will ask counsel, whether he may stile the king Defender of the Faith, because he receives not the discipline and presbytery; and the lawyer will tell him, it is no part of the king's stile, it will go hard with such a lawyer.

Or if a tribunitious popular spirit will go and ask a lawyer, whether the oath and band of allegiance be to the kingdom and crown only, and not to the king, as was Hugh Spenser's case, and he deliver his opinion as Hugh Spenser did; he will be in Hugh Spenser's danger.

(*e*) He had been committed, in May 1613, to the Fleet, for speaking too boldly against the marshal's court, and for giving his opinion to Sir Robert Mansell, treasurer of the navy, and vice-admiral, that the commission to the earl of Nottingham, lord high admiral, for reviewing and reforming the disorders committed by the officers of the navy, was not according to law; though Mr. Whitelocke had given that opinion only in private to his client, and not under his hand. Sir Robert Mansell was also committed to the Marshalsea, for animating the lord admiral against the commission. [Sir Ralph Winwood's *Memoirs of State*, Vol. III. p. 275.] This Mr. Whitelocke was probably the same with James Whitelocke, who was born in London, 28 November, 1572, educated at merchant-taylor's school there, and St. John's college in Oxford, and studied law in the Middle Temple, of which he was summer reader in 1619. In the preceding year, 1618, he stood for the place of recorder of the city of London, but was not elected to it, Robert Heaton, Esq; being chosen on the 10th of November, entirely by the recommendation of the king, the city having been told, that they must choose none, whom his majesty should refuse, as he had in particular excepted Mr. Whitelocke by name [MS. letter of Mr. Chamberlain to Sir Dudley Carleton, November 14, 1618.] Mr. Whitelocke, however, was called to the degree of sergeant at law in term 1620, knighted, made chief justice of Chester; and at last, on the 12th of October, 1624, one of the justices of the King's bench; in which post he died June, 1632. He was father of Bulstrode Whitelocke, Esq; commissioner of the great seal.

So as the privilege of giving council proveth not all opinions : and as some opinions given are traitorous ; so are there others of a much inferior nature, which are contemptuous. And among these I reckon Mr. Whitelocke's ; for as for his loyalty and true heart to the king, God forbid I should doubt it.

Therefore let no man mistake so far, as to conceive, that any lawful and due liberty of the subject for asking counsel in law is called in question when points of disloyalty or of contempt are restrained. Nay, we see it is the grace and favour of the king and his courts, that if the case be tender, and a wise lawyer in modesty and discretion refuseth to be of council, for you have lawyers sometimes too nice as well as too bold, they are then ruled and assigned to be of council. For certainly counsel is the blind man's guide ; and sorry I am with all my heart, that in this case the blind did lead the blind.

For the offence, for which Mr. Whitelocke is charged, I hold it great, and to have, as I said at first, two parts ; the one a censure, and, as much as in him is, a circling, nay a clipping, of the king's prerogative in general : the other, a slander and depravation of the king's power and honour in this commission.

And for the first of these, I consider it again in three degrees : first, that he presumed to censure the king's prerogative at all. Secondly, that he runneth into the generality of it more than was pertinent to the present question. And lastly, that he hath erroneously, and falsely, and dangerously given opinion in derogation of it.

First, I make a great difference between the king's grants and ordinary commissions of justice, and the king's high commissions of regiment, or mixed with causes of state.

For the former, there is no doubt but they may be freely questioned and disputed, and any defect in matter or form stood upon, though the king be many times the adverse party :

But for the latter sort, they are rather to be dealt with, if at all, by a modest, and humble intimation or remonstrance to his majesty and his council, than by bravery of dispute or peremptory opposition.

Of this kind is that properly to be understood, which is said in Bracton, *De honoris et actibus rebus non debent aut possunt iudicarii aut private persone disputare, sed tantus est, ut expectetur sententia regis.*

And the king's courts themselves have been exceeding tender and sparing in it ; so that there is in all our law, not three cases of it. And in that very case of 24 Ed. 3. ass. pl. s. which Mr. Whitelocke vouched, where, as it was a commission to arrest a man, and to carry him to prison, and to seize his goods without any form of justice or examination preceding ; and that the judges saw it was obtained by surreption : yet the judges said they would keep it by them, and shew it to the king's council.

But Mr. Whitelocke did not advise his client to acquaint the king's council with it, but presumptuously giveth opinion, that it is void. Nay, not so much as a clause or passage of modesty, as that he submits his opinion to censure : that it is too great a matter for him to deal in ; or this is my opinion, which is nothing, &c. But *illo is manus*, he takes it into his hands, and pronounceth of it, as a man would scarcely do of a warrant of a justice of peace, and speaks like a dictator, that *thus it is*, and *thus it shall be*, &c. (f)

ROBERT.

(f) See H. Wotton in a letter of his to Sir Edmund Bacon (*Rec. Wotton*, p. 421. Edit. 1684.) concerning a warrant beginning of June, 1617, wherein, that Sir Robert Mordaunt and Mr. Whitelocke were, in

ROBERT Earl of SOMERSET to Sir THOMAS OVERBURY (g).
From a copy among lord BACON'S papers in the Lambeth library.

S I R,

I Have considered that my answer to you, and what I have otherwise to say, will exceed the bounds of a letter; and now having not much time to use betwixt my waiting on the king, and the removes we do make in this our little progress, I thought fit to use the same man to you, whom I have heretofore many times employed in the same business. He has, besides an account and a better description of me to give you, to make a repetition of the former carriages of all this business, that you may distinguish that, which he did by knowledge of mine and direction, and betwixt that he did out of his own discretion without my warrant. With all this he has to renew to you a former desire of mine, which was the ground-work of this, and the chief errand of his coming to you, wherein I desire your answer by him. I would not employ this gentleman to you, if he were, as you conceit of him, your unfriend, or an ill instrument betwixt us. So owe him the testimony of one, that has spoken as honestly, and given more praises of you, than any man, that has spoken to me.

My haste at this time makes me to end sooner than I expected: but the subject of my next sending shall be to answer that part you give me in your love, with a return of the same from

Your assured loving friend,

R. SOMERSET.

Indorsed.

Lord Somerset's first letter.

To the KING.

It may please your most excellent Majesty,

HAVING understood of the death of the lord Chief Justice (b), I do ground in all humbleness an assured hope, that your majesty will not think of any other

the Saturday before, called to a very honourable hearing in the queen's presence-chamber at Whitehal', before the lords of the council, with intervention of the lord chief justice Colke, the lord chief baron Mansfield, and the matter of the rolls; the lord chief justice of the King's Bench, Fleming being kept at home by some infirmity. There the attorney and solicitor first undertook Mr. Whitelocke, and the recorder [Henry Montagu], as the king's servant, Sir Robert Mansell, charging the one as a counsellor, the other as a questioner, in matters of the king's prerogative and sovereignty upon occasion of a commission intended for a research into the administration of the admiralty. "Whitelocke in his answer *after Sir Henry Wotton* spoke more confidently than was expected from a lawyer; and the knight more temperately than was expected from a soldier. . . . Whitelocke ended his speech with an absolute confession of his own offence, and with a promise of employing himself hereafter in defence of the king's prerogative. . . . In this they generally agreed, both counsellors and judges, to represent the humiliation of both the prisoners to the king, in lieu of innocency, and to intercede for his gracious pardon: which was done, and accordingly the next day they were enlarged upon a submission under writing.

(g) He was committed to the Tower on the 21st of April, 1613, and died there of poison on the 15th of September following.

(h) Sir Thomas Fleming, who died about August 1613.

but your poor servants, your attorney (*i*), and your solicitor (*k*), one of them, for that place. Else we shall be like Noah's dove, not knowing where to rest our feet. For the places of rest, after the extreme painful places, wherein we serve, have used to be either the lord Chancellor's place, or the mastership of the rolls, or the places of the chief justices : whereof, for the first, I could be almost loth to live to see this worthy counsellor fail. The mastership of the rolls is blocked with a reversion (*l*). My lord Coke is like to outlive us both. So as, if this turn fail, I for my part know not whither to look. I have served your majesty above a prenticehood, full seven years and more, as your solicitor, which is, I think, one of the painfullest places in your kingdom, specially as my employments have been ; and God hath brought mine own years to fifty two, which I think is older than ever any solicitor continued unpreferred. My suit is principally, that you would remove Mr. Attorney to the place. If he refuse, then I hope your majesty will seek no farther than myself, that I may at last, out of your majesty's grace and favour, step forwards to a place either of more comfort or more ease. Besides, how necessary it is for your majesty to strengthen your service amongst the judges by a chief justice, which is sure to your prerogative, your majesty knoweth. Therefore I cease farther to trouble your majesty, humbly craving pardon, and relying wholly upon your goodness and remembrance, and resting in all true humbleness,

Your Majesty's most devoted, and faithful subject and servant,

F. R. BACON.

Reasons why it should be exceeding much for his majesty's service to remove the lord COKE from the place he now holdeth (*m*) to be Chief Justice of England (*n*), and the Attorney (*o*) to succeed him, and the Solicitor (*p*) the Attorney.

FIRST, it will strengthen the king's causes greatly amongst the judges : for both my lord Coke will think himself near a privy counsellor's place, and thereupon turn obsequious ; and the attorney general, a new man, and a grave person, in a judge's place, will come in well to the other, and hold him hard to it, not without emulation between them, who shall please the king best.

Secondly, the attorney general sorteth not so well with his present place, being a man timid and scrupulous both in parliament and other businets, and one, that in a word was made fit for the late lord Treasurer's bent, which was to do little with much formality and protestation : whereas the now solicitor going more roundly to work,

(*i*) Sir Henry Hobart, who was made lord chief justice of the common pleas, November 26, 1613, in the room of Sir Edward Coke, removed to the post of lord chief justice of the King's Bench, October 25.

(*k*) Sir Francis Bacon himself, who was appointed attorney general, October 27, 1613.

(*l*) To Sir Julius Caesar.

(*m*) Of chief justice of the common pleas, having been appointed to that office June 30, 1606.

(*n*) He was advanced to that office October 25, 1613.

(*o*) Sir Henry Hobart, who had been appointed attorney general July 1, 1606.

(*p*) Sir Francis Bacon who had been sworn solicitor general June 25, 1607.

and

and being of a quicker and more earnest temper, and more effectual in that he dealeth in, is like to recover that strength to the king's prerogative, which it hath had in times past, and which is due unto it. And for that purpose there must be brought in to be solicitor some man of courage and speech, and a grounded lawyer; which done, his majesty will speedily find a marvellous change in his business. For it is not to purpose for the judges to stand well-disposed, except the king's council, which is the active and moving part, put the judges well to it; for in a weapon, what is a back without an edge?

Thirdly, the king shall continue and add reputation to the attorney's and solicitor's place, by this orderly advancement of them; which two places are the champions places for his rights and prerogative; and being stripped of their expectations and successions to great place, will wax vile; and then his majesty's prerogative goeth down the wind. Besides, the remove of my lord Coke to a place of less profit, though it be with his will, yet will be thought abroad a kind of discipline to him for opposing himself in the king's causes; the example whereof will contain others in more awe.

Lately, whereas now it is voiced abroad touching the supply of places, as if it were a matter of labour and canvass, and money; and other persons are chiefly spoken of to be the men and the great suitors; this will appear to be the king's own act, and is a course so natural and regular, as it is without all suspicion of these by-courses, to the king's infinite honour. For men say now, the king can make good second judges, as he hath done lately (*q*); but that is no mastery, because men sue to be kept from these places. But now is the trial in those great places, how his majesty can hold good, where there is great suit and means.

To the KING.

It may please your most excellent majesty,

WE have, with all possible care and diligence, considered Cotton's (*b*) cause, the former and the latter, touching the book and the letter in the gilt apple, and have advisedly perused and weighed all the examinations and collections which were formerly

(*q*) Sir John Dodderidge was made judge of the King's Bench, November 25, 1612, and Sir Augustin Nichols of the common pleas the day following.

(*b*) The case of this gentleman will render the detail of it necessary for the illustration of this letter; and the circumstances of it, not known in our history, may be thought to deserve the reader's attention. He was a native of the West of England, and a recusant, against whom a proclamation was issued in June 1613, charging him with high treason against the king and state for having published a very scandalous and railing book against his majesty, under the title of *Balaam's Ass*, which was dropt in the gallery at Whitehall. Just at the time of publishing this proclamation, he happened to cross the Thames, and enquiring of the watermen what news? they, not knowing him, told him of the proclamation. At landing, he muffled himself up in his cloke, to avoid being known; but had not gone many paces, when one Mr. Maine, a friend of his, meeting and discovering him, warned him of his danger; and being asked what he would advise him to do, recommended it to him to surrender himself; which he did to the earl of Southampton. He denied himself to be the author of the libel: but his study being searched, among his papers were found many parts of the book, together with relics of those persons, who had been executed for the gun-powder treason, as one of Sir Everard Digby's fingers, a toe of Thomas Percy, some other part of Cateby or Rookewood, and a piece of one of Peter Lambert's ribs. He was kept

formerly taken; wherein we might attribute a good deal of worthy industry and watchful inquiry to my lord of Canterbury. We thought fit also to take some new examinations; which was the cause we certified no sooner. Upon the whole matter, we find the cause of his imprisonment just, and the suspicions and presumptions many and great; which we little need to mention, because your majesty did relate and enforce them to us in letter perfection, than we can express them. But, nevertheless, the proofs seem to us to amount to this, that it was possible he should be the man; and that it was probable likewise, he was the man: but no convicting proofs, that may satisfy a jury of life and death, or that may make us take it upon our conscience, or

prisoner in the Tower till March 1618, when the true author of the libel was discovered to be John Williams, Esq; a barrister of the Middle Temple, who had been expelled the house of commons on account of his being a papist. The discovery was owing to this accident: a pursuivant in want of money, and desirous to get some by his employment, waited at the Spanish ambassador's door, to see if he could light upon any prey. At last came out Mr. Williams, unknown to the pursuivant; but carrying, in his conceit, the countenance of a priest. The pursuivant, therefore followed him to his inn, where Williams having mounted his horse, the pursuivant came to him, and told him, that he must speak a word or two with him. "Marry, with all my heart, said Williams: what is your pleasure?" You may light, answered the pursuivant; for you are a priest. "A priest? replied Williams: I have a good warrant to the contrary for I have a wife and children." Being, however, obliged to dismount, the pursuivant searched him; and in his pocket was found a bundle of papers sealed up; which the pursuivant going to open, Williams made some resistance, pretending they were evidences of a gentleman, whose law-businesses he transacted. The pursuivant insiling upon opening the papers, among them was found *Balaam's Ass*, with new annotations; of which, upon examination, Williams confessed himself to be the author. He was brought to trial on the 3d of May, 1619, for writing that and another book intitled *Speculum Regale*; in both of which he had presumed to prophecy, that the king would die in 1621, grounding this prediction on the prophecy of Daniel, where the prophet speaks of time and times, and half a time. He farther affirmed, that Antichrist will be revealed, when sin shall be at the highest; and then the end is nigh: that such is our time; sin is now at the highest; ergo that the land is the abomination of desolation mentioned by Daniel, and the habitation of devils, and the antimark of Christ's church. Williams's defence was, 1. That what he had written was not with any malice or disloyalty of heart towards the king, but purely from affection, and by way of caution and admonition, that his majesty might avoid the mischiefs likely to befall him; having added in his book, when he delivered the threats of judgment and destruction, which God avert, or fear words: 2. That the matter rested only in opinion and thought, and contained no overt act; no rebellion, treason, or other mischief following it. 3. That he had inclosed his book in a box sealed up, and secretly conveyed it to the king, without ever publishing it. But the court was unanimously of opinion, that he was guilty of high treason; and that the words contained in the libel, as cited above, imported the end and destruction of the king and his realm; and that antichristianism and false religion were maintained in the said realm; which was a motive to the people to commit treasons, to raise rebellions, &c. and that the writing of the book was a publication. *Report of Henry Roper, Esq; on the 10th, 1619, p. 88.* In consequence of this judgment he had a sentence of death put upon him, which was executed over-against Charing-Cross two days after. MS. letters of Mr. Thomas Lorkin to Sir Thomas Puckering, Bart. dated at London, June the 24th and 30th 1613, and March the 16th 1613, and May the 21st and 31st 1619, among the Harleian MS. Vol. 70. 2. At his death he adher'd to his protestation of the Roman Catholic religion, and died with great resolution. He prayed for the king and prince; and said, that he was sorry for having written so falsely and irreverently; but pretended that he had an inward warrant and particular illumination to understand certain hard passages of Daniel and the Revelation, which made him adventure so far. MS. letter of John Chamberlain, Esq; to Sir Dudley Carleton, dated at London, May 8, 1619.

This case was urged against the *learned judges* at their trial in king James II's reign by Sir William Williams, then solicitor general, who observ'd, *Trial p. 76*, that it had been made use of by Mr. solicitor general Bacon on the trial of Col. Sidney, and was the great "case relied upon, and that passed and gone" in that case; though there is nothing of this, that appears in the proceedings of the case.

It is but justice to the memory of our great antiquary, Sir Robert Cotton, Bart. to remark here a mistake of Dr. Thomas Smith in his life of Sir Robert, p. 26. prefixed to his catalogue of the Cottonian library, where he has confounded the Cotton, mentioned in the beginning of this note, with Sir Robert Cotton, and erroneously supposed, that the impression of having written the libel had fallen upon the latter.

to think it agreeable to your majesty's honour, which next our conscience to God, is the dearest thing to us on earth, to bring it upon the stage: which, notwithstanding we, in all humbleness, submit to your majesty's better judgment. For his liberty, and the manner of his delivery, he having so many notes of a dangerous man, we leave it to your princely wisdom. And so commending your majesty to God's precious custody, we rest

Your Majesty's most humble and bounden servants,

22 Jan. 1613.

FR. BACON.
H. MONTAGU.
H. YELVERTON.

To JOHN MURRAY (*r*) of the Bed-chamber to the King*.

Mr. Murray,

I Keep the same measure in a proportion with my master and with my friend; which is that I will never deceive them in any thing, which is in my power; and when my power faileth my will, I am sorry.

Monday is the day appointed for performing his majesty's commandment. Till then I cannot tell what to advise you farther, except it should be this, that in case the judges should refuse to take order in it themselves, then you must think of some warrant to Mr. Secretary, who is your friend, and constant in the businesses, that he see forthwith his majesty's commandment executed, touching the double lock; and, if need be, repair to the place, and see by view the manner of keeping the seal; and take order, that there be no stay for working of the seal of justice, nor no prejudice to Killegrew's farm, nor to the duty of money paid to the chief justice. Whether this may require your presence, as you write, that yourself can best judge. But of this more, when we have received the judges answer. It is my duty, as much as in me is, to procure my master to be obeyed. I ever rest

Your friend and assured

January 21, 1614.

FR. BACON.

I pray deliver the inclosed letter to his majesty.

To his very good friend Mr. John Murray of his majesty's bed-chamber.

To Mr. MURRAY.

Mr. Murray,

MY Lord Chancellor, yesterday in my presence, had before him the judges of the common pleas, and hath performed his majesty's royal command in a very worthy fashion, such as was fit for our master's greatness; and because the king may

(*r*) He was created Viscount of Annan in Scotland in August, 1622. *Negotiations of Sir Thomas Roe, in his Embassy to the Ottoman Porte*, p. 93. In April, 1624, the lord Annan was created earl of Annandale in Scotland. *Ibid.* p. 216.

* This, and the three following letters, are printed from Harl. MSS. Vol. 6986.

know

LETTERS, etc. OF LORD CHANCELLOR BACON.

know it, I send you the inclosed. This seemeth to have wrought the effect desired; for presently I sent for Sir Richard Cox (s), and willed him to present himself to my lord Hobart, and signify his readines to attend. He came back to me, and told me, all things went on. I know not what afterwards may be; but I think this long chace is at an end. I ever rest

Jan. 25, 1614.

Your's assured,

FR. BACON.

To Mr. MURRAY.

Mr. Murray,

I Pray deliver the inclosed to his majesty, and have care of the letter afterwards. I have written also to his majesty about your reference to this purpose, that if you can get power over the whole title, it may be safe for his majesty to assent, that you may try the right upon the deed. This is the farthest I can go. I ever rest

Your's assured,

February 28, 1614.

FR. BACON.

To the KING.

May it please your most excellent Majesty,

I Send your majesty inclosed, a copy of our last examination of Peacham (t), taken the 10th of this present; whereby your majesty may perceive, that this miscreant wretch goeth back from all, and denieth his hand and all. No doubt, being fully of belief,

(t) He was one of the masters of the green cloth, and had had a quarrel at court during the christmas ho y-days of the year 1614, with Sir Thomas Erskine; which quarrel was made up by the lords of the marshal's court, Sir Richard being obliged to put up with very foul words. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, January 12, 1614.

(s) Edmund Peacham, a minister in Somersetshire [MS. letter of Mr. Chamberlain, dated January 5, 1614]. I find one of both his names, who was instituted into the vicarage of Ridge in Hertfordshire July 22, 1581, and resigned it in 1587 [Newcourt, *Repertor*. Vol. I. p. 864.] Mr. Peacham was committed to the Tower for inserting several treasonable passages in a sermon never preached, nor, as Mr. Justice Coke remarks in his *Reports* during the reign of king Charles I, p. 125, ever intended to be preached. Mr. Chamberlain, in a letter of the 9th of February, 1614, to Sir Dudley Carleton, mentions Mr. Peacham's having been "stretched already, though he be an old man, and, they say, much above three score; but they could wring nothing out of him more than they had at first in his papers. Yet the king is extremely incensed against him, and will have him prosecuted to the uttermost." In another letter, dated February 23, we are informed, that the king, since his coming to London on the 15th, had had "the opinion of the judges severally in Peacham's case; and it is said, that most of them concur to find it treason: yet my lord chief justice [Coke] is for the contrary; and if the lord Hobart, that rides the western circuit, can be drawn to jump with his colleague, the chief baron [Panfield,] it is thought he shall be sent down to be tried, and trusted up in Somersetshire." In a letter of the 2d of March, 1614, Mr. Chamberlain writes, "Peacham's trial at the western assizes is put off, and his journey stayed, though Sir Randall Crew, the king's serjeant, and Sir Henry Yelverton, the solicitor, were ready to go to horse to have waited on him there." "Peacham, the minister, adds he in a letter of the 13th of July, 1615, that hath been this twelve month in the Tower, is sent down to be tried for treason in Somersetshire before the lord chief baron and Sir Henry Montagu the recorder. The lord Hobart gave over that circuit the last assizes. Sir Ran-

dall

belief, that he should go presently down to his trial, he meant now to repeat his part, which he purposed to play in the country, which was to deny all. But your majesty in your wisdom perceiveth, that this denial of his hand, being not possible to be counterfeited, and to be sworn by Adams, and so oft by himself formerly confessed and admitted, could not mend his case before any jury in the world, but rather aggravateth it by his notorious impudency and falshood, and will make him more odious. He never deceived me; for when others had hopes of discovery, and thought time well spent that way, I told your majesty *pereuntibus mille figura*; and that he now did but turn himself into divers shapes, to save or delay his punishment. And therefore submitting myself to your majesty's high wisdom, I think myself bound in conscience to put your majesty in remembrance, whether Sir John Sydenham (u) shall be detained upon this man's impeaching, in whom there is no truth. Notwithstanding, that farther inquiry be made of this other Peacham, and that information and light be taken from Mr. Poulet (w) and his servants, I hold it, as things are, necessary. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant,

March 12, 1614.

FR. BACON.

Supplement of two passages omitted in the edition of Sir FRANCIS BACON'S speech in the King's Bench, against OWEN (x), as printed in his works. After the words [*it is bottomless*] in the paragraph beginning [*For the treason itself, which is the second point, &c.*] add

[I SAID in the beginning, that this treason in the nature of it was old. It is not of the treasons, whereof it may be said *from the beginning it was not so*. You are indicted, Owen, not upon any statute made against the Pope's supremacy, or other matters, that have reference to religion; but meerly upon that law, which was born with the kingdom, and was law even in superstitious times, when the pope was received. The compassing and imagining of the king's death was treason.

"dall Crew and Sir Henry Yelverton, the king's serjeant and solicitor, are sent down to prosecute the trial." The event of this trial, which was on the 7th of August, appears from Mr. Chamberlain's letter of the 14th of that month, wherein, it is said, that "seven knights were taken from the bench, and appointed to be of the jury. He defended himself very simply, but obstinately and doggedly enough. But his offence was so foul and scandalous, that he was condemned of high treason; yet not hitherto executed, nor perhaps shall be, if he have the grace to submit himself, and shew some remorse." He died, as appears from another letter of the 27th of March, 1616, in the jail at Taunton, where he was said to have "left behind a most wicked and desperate writing, worse than that he was convicted for."

(z) He had been confronted about the end of February, or beginning of March, 1614, with Mr. Peacham, about certain speeches, which had formerly passed between them. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, from London, March 2, 1614.

(u) John Poulet, Esq; knight of the shire for the county of Somerset in the parliament, which met April 5, 1614. He was created lord Poulet of Henton St. George, June 23, 1627.

(x) He was of the family of that name at Godstow in Oxfordshire [*Camdeni Annales Regis Jacobi I. p. 12.*] He was a young man, who had been in Spain; and was condemned at the King's Bench, on Wednesday May 17, 1615, "for divers most vile and traitorous speeches confessed and subscribed with his own hand; as, among others, that it was as lawful for any man to kill a king excommunicated, as for the hangman to execute a condemned person. He could say little for himself, or in maintenance of his desperate positions, but only that he meant it not by the king, and he holds him not excommunicate." MS. letter of Mr. Chamberlain to Sir Dudley Carleton from London, May 20, 1615.

The

The statute of the 25th of Edward III, which was but declaratory, begins with this article, as the capital of capitals in treason, and of all others the most odious and the most perilous.] And to the civil law, &c.

At the conclusion of his speech after the words [*the duke of Anjou and the papists*] add

[As for subjects, I see not, or ever could discern, but that by infallible consequence, it is the case of all subjects and people, as well as of kings; for it is all one reason, that a bishop, upon an excommunication of a private man, may give his lands and goods in spoil, or cause him to be slaughtered, as for the pope to do it towards a king; and for a bishop to absolve the son from duty to the father, as for the pope to absolve the subject from his allegiance to his king. And this is not my interence, but the very affirmative of pope Urban the second, who in a brief to Godfrey, bishop of Luca, hath these very words, which cardinal Baronius reciteth in his Annals, Tom. XI. p. 802. *Non illos homicidas arbitramur, qui adversus excommunicatos zelo catholice matris ardentibus eorum quoslibet trucidare contigerit,* speaking generally of all excommunications.]

TO MR. MURRAY*.

Good Mr. Murray,

ACCORDING to his majesty's pleasure by you signified unto me, we have attended my lord Chancellor (*y*), my lord Treasurer (*z*), and Mr. Chancellor of the Exchequer (*a*), concerning Sir Gilbert Houghton's patent stayed at the seal; and we have acquainted them with the grounds and state of the suit, to justify them, that it was just and beneficial to his majesty. And for any thing we could perceive by any objection or reply they made, we left them in good opinion of the same, with this, that because my lord Chancellor, by the advice as it seemeth of the other two, had acquainted the council-table, for so many as were then present, with that suit amongst others, they thought fit to stay till his majesty's coming to town, being at hand, to understand his farther pleasure. We purpose, upon his majesty's coming, to attend his majesty, to give him a more particular account of this business, and some other. Mean while, finding his majesty to have care of the matter, we thought it our duty to return this answer to you in discharge of his majesty's direction. We remain,

Your assured friends,

July 6, 1615.

FRANCIS BACON,
HENRY YELVERTON.

Sir FRANCIS BACON, to Lord NORRIS, in answer to him*.

My Lord,

I Am sorry of your misfortune; and for any thing, that is within mine own command, your lordship may expect no other than the respects of him, that for-

* Harl. MSS. Vol. 6986.

(1) *See above.*

(2) Thomas Howard, earl of Suffolk.

(3) Sir John Greville, advanced to that post October 1, 1614, in the room of Sir Julius Cesar, made master of the robe.

getteth not your lordship is to him a near ally, and an ancient acquaintance, client, and friend. For that, which may concern my place, which governeth me, and not I it; if any thing be demanded at my hands or directed, or that I am *ex officio* to do any thing; if I say, it come to any of these three, for as yet I am a stranger to the business; yet saving my duties, which I will never live to violate, your lordship shall find, that I will observe those degrees and limitations of proceeding, which belongeth to him, that knoweth well he serveth a clement and merciful matter, and that in his own nature shall ever incline to the more benign part; and that knoweth also what belongeth to nobility, and to a house of such merit and reputation, as the lord Norris is come from. And even so I remain,

Your Lordship's very loving friend.

Sept. 20. 1615.

To the KING*.

It may please your excellent Majesty,

I Received this very day, in the forenoon, your majesty's several directions touching your cause prosecuted by my lord Hunsdon (*b*) as your farmer. Your first direction was by Sir Christopher Parkins, that the day appointed for the judicial sentence should hold: and if my lord chief justice, upon my repair to him, should let me know, that he could not be present, then my lord chancellor should proceed, calling to him my lord Hobart, except he should be excepted to; and then some other judge by consent. For the latter part of this your direction, I suppose, there would have been no difficulty in admitting my lord Hobart; for after he had assisted at so many hearings, it would have been too late to except to him. But then your majesty's second and later direction, which was delivered unto me from the earl of Arundel, as by word of mouth, but so as he had set down a remembrance thereof in writing freshly after the signification of his pleasure, was to this effect, that before any proceeding in the chancery, there should be a conference had between my lord chancellor, my lord chief justice, and myself, how your majesty's interest might be secured. This later direction I acquainted my lord chancellor with; and finding an impossibility, that this conference should be had before to-morrow, my lord thought good, that the day be put over, taking no occasion thereof other than this, that in a cause of so great weight it was fit for him to confer with his assistants, before he gave any decree or final order. After such time as I have conferred with my lords, according to your commandment, I will give your majesty account with speed of the conclusion of that conference.

Farther, I think fit to let your majesty know, that in my opinion I hold it a fit time to proceed in the business of the *Rege inconsulto*, which is appointed for Monday. I did think these greater causes would have come to period or pause sooner: but now they are in the height, and to have so great a matter as this of the *Rege inconsulto* handled, when men do *aliud agere*, I think it no proper time. Besides, your majesty in your great wisdom knoweth, that this business of Mr. Murray's is somewhat against the stream of the judges inclination: and it is no part of a skilful

* H. A. MSS. Vol. 70-6.

† See Carey, *Life of Hatfield*. He died in April, 1617.

mariner to sail on against a tide, when the tide is at strongest. If your majesty be pleased to write to my lord Coke, that you would have the business of the *Rex inconsulto* receive a hearing, when he should be *animo sedato et libero*, and not in the midst of his assiduous and incessant cares and industries in other practices, I think your majesty shall do your service right. Howsoever, I will be provided against the day.

Thus praying God for your happy preservation, whereof God giveth you so many great pledges.

I rest your Majesty's most humble and devoted subject and servant,

November 17, 1615.

FR. BACON.

Innovations introduced into the laws and government (c).

1. THE ecclesiastical commission. In this he prevailed, and the commission was pared, and namely the point of alimony left out, whereby wives are left wholly to the tyranny of their husbands. This point, and some others, may require a review, and is fit to be restored to the commission.
2. Against the provincial councils. In this he prevailed in such sort, as the presidents are continually suitors for the enlargement of the instructions, sometimes in one point, sometimes in another; and the jurisdictions grow into contempt, and more would, if the lord chancellor did not strengthen them by injunctions, where they exceed not their instructions.
3. Against the star-chamber for levying damages. In this he was over-ruled by the sentence of the court; but he bent all his strength and wits to have prevailed; and so did the other judges by long and laborious arguments: and if they had prevailed, the authority of the court had been overthrown. But the plurality of the court took more regard to their own precedents, than to the judges opinion.
4. Against the admiralty. In this he prevailed, for prohibitions fly continually; and many times are cause of long suits, to the discontent of foreign ambassadors, and the king's dishonour and trouble by their remonstrances.
5. Against the court of the duchy of Lancaster prohibitions go; and the like may do to the court of wards and exchequer. This is new, and would be forthwith restrained, and the others settled.

() This paper was evidently designed against the lord chief justice Coke.

c. Against

6. Against the court of requests.

In this he prevailed; and this but lately brought in question.

7. Against the chancery for decrees after judgment.

In this his majesty hath made an establishment: and he hath not prevailed, but made a great noise and trouble.

8. Præmunire for suits in the chancery.

This his majesty hath also established, being a strange attempt to make the chancellor sit under a hatchet, instead of the king's arms.

9. Disputed in the common pleas, whether that court may grant a prohibition to stay suits in the chancery, and time given to search for precedents.

This was but a bravery, and dieth of itself, especially the authority of the chancery by his majesty's late proceedings being so well established.

10. Against the new boroughs in Ireland.

This in good time was over-ruled by the voice of eight judges of ten, after they had heard your attorney. And had it prevailed, it had overthrown the parliament of Ireland, which would have been imputed to a fear in this state to have proceeded; and so his majesty's authority and reputation lost in that kingdom.

11. Against the writs *Dom. Rege inconjulto*.

This is yet *sub judice*: but if it should prevail, it maketh the judges absolute over the patents of the king, be they of power and profit, contrary to the ancient and ever continued law of the crown; which doth call those causes before the king himself, as he is represented in chancery.

12. Against contribution, that it was not law neither to levy it, nor to move for it.

In this he prevailed, and gave opinion, that the king by his great seal could not so much as move any his subjects for benevolence. But this he retracted after in the star-chamber; but it marred the benevolence in the mean time.

13. Peacham's case.

In this, for as much as in him was, and in the court of king's bench, he prevailed, though it was holpen by the good service of others. But the opinion, which he held, amounted in effect to this, that no word of scandal or defamation, importing that the king was utterly unable or unworthy to govern, were treason, except they disabled his title, &c.

14. Owen's case.

In this we prevailed with him to give opinion it was treason: but then it was upon a conceit of his own, that was no less dangerous, than if he had given his opinion against the king: for he proclaimed the king excommunicate in respect of the anniversary bulls of *Cæna Domini*, which was to expose his person to the fury of any jesuited confessor.

Q q q 2

15. The

15. The value of benefices not to be according to the tax in the king's book of taxes.

By this the intent of the statute of 21 Henry VIII. is frustrated; for there is no benefice of so small an improved value as 8 l. by that kind of rating. For this the judges may be assembled in the exchequer for a conference.

16. Suits for legacies ought to be in their proper dioceses, and not in the prerogative court; although the will be proved in the prerogative court upon *bona notabilia* in several dioceses, commendams, &c.

The practice hath gone against this; and it is fit, the suit be where the probate is. And this served but to put a pique between the archbishops courts and the bishops courts. This may be again propounded upon a conference of the judges.

TO SIR GEORGE VILLIERS.

S I R,

THE message, which I received from you by Mr. Shute, hath bred in me such belief and confidence, as I will now wholly rely upon your excellent and happy self. When persons of greatness and quality begin speech with me of the matter, and offer me their good offices, I can but answer them civilly. But those things are but toys: I am yours surer to you than to my own life; for, as they speak of the Turquois stone in a ring, I will break into twenty pieces, before you have the least fall. God keep you ever.

Your truest servant,

February 15, 1615

FR. BACON.

My lord Chancellor is prettily amended. I was with him yesterday almost half an hour. He used me with wonderful tokens of kindness. We both wept, which I do not often.

Ido sed,

A letter to Sir G. Villiers touching a message brought to him by Mr. Shute of a promise of the chancellor's place.

* From an old manuscript in my possession, introduced at the close of Sir Francis Bacon.

* SIR FRANCIS BACON TO SIR GEORGE VILLIERS, touching the examination of Sir Robert Cotton upon some information of Sir John Digby (*a*).

I Received your letter yesterday towards the evening, being the 8th of this present, together with the interrogatory included, which his majesty hath framed, not only with a great deal of judgment what to interrogate, but in a wise and apt order

(.) Secretary Winwood, in a private letter to Sir Thomas Edmondes, printed in the *Historical View of the Negotiations between the Courts of England, France, and Brabant*, p. 302, mentions, that there was great expectation, that Sir John Digby, just then returned from Spain, where he had been ambassador, could charge the earl of Somerset with *being traitors and plots with Spain*. "To the long, *a th o'—* *that*, as yet he hath used no other language, but that, having served in a place of honour, it would become him

order; for I do find that the degrees of questions are of great efficacy in examination. I received also notice and direction by your letter, that Sir Robert Cotton was first thoroughly to be examined; which indeed was a thing most necessary to begin with; and that for that purpose Sir John Digby was to inform my lord chancellor of such points, as he conceived to be material; and that I likewise should take a full account for my lord chief justice of all Sir Robert Cotton's precedent examinations. It was my part then to take care, that that, which his majesty had so well directed and expressed, should be accordingly performed without loss of time. For which purpose, having soon after the receipt of your letter received a letter from my lord chancellor, that he appointed Sir John Digby to be with him at two of the clock in the afternoon, as this day, and required my presence, I spent the mean time, being this forenoon, in receiving the precedent examinations of Sir Robert Cotton from my lord chief justice, and perusing of them; and accordingly attended my lord chancellor at the hour appointed, where I found Sir John Digby.

At this meeting it was the endeavour of my lord chancellor and myself to take such light from Sir John Digby, as might evidence first the examination of Sir Robert Cotton; and then to the many examinations of Somerset; wherein we found Sir John Digby ready and willing to discover unto us what he knew; and he had also, by the lord chancellor's direction, prepared some heads of examination in writing for Sir Robert Cotton; of all which use shall be made for his majesty's service, as is fit. Howbeit, for so much as did concern the practice of conveying the prince into Spain, or the Spanish pensions, he was somewhat reserved upon this ground, that they were things his majesty knew, and things, which by some former commandment from his majesty he was restrained to keep in silence, and that he conceived they could be no ways applied to Somerset. Wherefore it was not fit to press him beyond that, which he conceived to be his warrant, before we had known his majesty's farther pleasure; which I pray you return unto us with all convenient speed. I for my part am in no appetite for secrets; but nevertheless seeing his majesty's great trust towards me, wherein I shall never deceive him; and that I find the chancellor of the same opinion, I do think it were good my lord chancellor chiefly and myself were made acquainted with the persons and the particulars; not only because it may import his majesty's service otherwise, but also because to my understanding, for therein I do not much rely, upon Sir John Digby's judgment it may have a great connection with the examination of Somerset, considering his mercenary nature, his great undertaking for Spain in the match, and his favour with his majesty: and therefore the circumstances of other pensions given cannot but tend to discover whether he were pensioner or no.

But herein no time is lost; for my lord chancellor, who is willing even beyond his strength, to lose no moment for his majesty's service, hath appointed me to attend him Thursday morning for the examination of Sir Robert Cotton, leaving tomorrow for council-business to my lord, and to me for considering of fit articles for Sir Robert Cotton.

10 April, 1611.

“ him to be an accuser. Legally or criminally he can say nothing: yet this he says and hath written, that
 “ all his private dispatches, wherein he most discovered the practices of Spain, and their intelligences,
 “ were presently sent into Spain; which could not be but by the treachery of Somerset.”

Mr. TOBIE MATTHEW (*d*) to Sir FRANCIS BACON, Attorney General.

May it please you, Sir,

THE notice I have from my lord Roos, Sir Henry Goodere, and other friends, of the extreme obligation, wherein I continue towards you, together with the conscience I have of the knowledge, how dearly and truly I honour and love you, and daily pray, that you may rise to that height, which the state, wherein you live, can give you, hath taken away the wings of fear, whereby I was almost carried away from daring to importune you in this kind. But I know how good you have always been, and are still, towards me; or rather because I am not able to comprehend how much it is, I will presume there is enough for any use, whereupon an honest humble servant may employ it.

It imports the business of my poor estate, that I be restored to my country for some time; and I have divers friends in that court, who will further my desire thereof, and particularly Mr. secretary Lake and my lord Roos, whom I have desired to confer with you about it. But nothing can be done therein, unless my lord of Canterbury (*e*) may be made propitious, or at least not averse; nor do I know in the world how to charm him but by the music of your tongue. I beseech you, Sir, lose some minutes upon me, which I shall be glad to pay by whole years of service; and call to mind, if it please you, the last speech you made me, that if I should continue as I then was, and neither prove ill-affected to the state, nor become otherwise than a meer secular man in my religion, you would be pleased to negotiate for my return. On my part the conditions are performed; and it remains, that you do the like: nor can I doubt but that the nobleness of your nature, which loves nothing in the world so well as to be doing of good, can descend from being the attorney general to a great king, to be solicitor for one of the meanest subjects that he hath.

I send my letter to my lord's grace open, that before you seal it, if you shall think fit to seal it, and rather not to deliver it open, you may see the reasons that I have; which, if I be not partial, are very pregnant. Although I confess, that till it was now very lately mentioned to me by some honourable friends, who have already procured to disimpression his majesty of some hard conceit he had me in, I did not greatly think thereof; and now I am full of hope, that I shall prevail. For supposing, that my lord of Canterbury's mind is but made of iron, the adamant of your persuasion will have power to draw it. It may please you either to send a present answer hereunto; or, since I am not worthy of so much favour, to tell either of those honourable persons aforementioned what the answer is, that accordingly they may co-operate.

(*d*) Son of Dr. Tobie Matthew, archbishop of York. He was born at Oxford in 1578, while his father was dean of Christ-church, and educated there. During his travels abroad, he was seduced to the Romish religion by father Parsons. This occasioned his living out of his own country from the year 1607 to 1617, when he had leave to return to England. He was again ordered to leave it in October, 1618; but in 1622 was recalled to assist in the match with Spain; and on account of his endeavours to promote it, was knighted by king James I. at Royston, on the 10th. of October, 1623. He translated into Italian Sir Francis Bacon's *Essays*, and died at Ghent in Flanders, October 13, 1655, N. S.

(*e*) Dr. George Abbot.

This letter goes by Sir Edward Parham, a gentleman, whom I have been much beholding to. I know him to be a perfect honest man; and since, I protest, I had rather die than deceive you, I will humbly pray, that he may rather receive favour from you, than otherwise, when he shall come in your way, which at one time or other all the world there must do. And I shall acknowledge myself much bound to you, as being enabled by this means to pay many of my debts to him.

I presume to send you the copy of a piece of a letter, which Galileo, of whom, I am sure, you have heard, wrote to a monk of my acquaintance in Italy, about the answering of that place in Joshua, which concerns the sun's standing still, and approving thereby the pretended falshood of Copernicus's opinion. The letter was written by occasion of the opposition, which some few in Italy did make against Galileo, as if he went about to establish that by experiments, which appears to be contrary to Holy Scripture. But he makes it appear the while by this piece of a letter, which I send you, that if that passage of Scripture doth expressly favour either side, it is for the affirmative of Copernicus's opinion, and for the negative of Aristotle's. To an attorney general in the midst of a town, and such a one, as is employed in the weightiest affairs of the kingdom, it might seem unseasonable for me to interrupt you with matter of this nature. But I know well enough in how high account you have the truth of things; and that no day can pass, wherein you give not liberty to your wise thoughts of looking upon the works of nature. It may please you to pardon the so much trouble which I give you in this kind; though yet, I confess, I do not deserve a pardon, because I find not in myself a purpose of forbearing to do the like hereafter. I most humbly kiss your hand.

Your most faithful and affectionate servant,

Draft's, this 21st of April, 1616.

TOBIE MATTHEW.

Sir FRANCIS BACON to the Judges*.

My Lord,

IT is the king's express pleasure, that because his majesty's time would not serve to have conference with your lordship and his judges touching his cause of commendams at his last being in town, in regard of his majesty's other most weighty occasions; and for that his majesty holdeth it necessary, upon the report, which my lord of Winchester, who was present at the last argument by his majesty's royal commandment, made to his majesty, that his majesty be first consulted with, ere there be any further proceeding by argument by any of the judges or otherwise: Therefore, that the day appointed for the farther proceeding by argument of the judges in that case be put off till his majesty's farther pleasure be known upon consulting him; and to that end, that your lordship forthwith signify his commandment to the rest of the judges; whereof your lordship may not fail. And so I leave your lordship to God's goodness.

This Thursday at afternoon,
the 25th of April, 1616.

Your loving friend to command,

FR. BACON.

Questions

* From the collections of the late Robert Stephens, Esq;

Questions legal for the Judges [in the case of the Earl and Countess of Somerset.]

WHETHER the ax is to be carried before the prisoner, being in the case of felony?

Whether, if the lady make any digression to clear his lordship, she is not by the lord Steward to be interrupted and silenced?

Whether, if my lord of Somerset should break forth into any speech of taxing the king, he be not presently by the lord Steward to be interrupted and silenced; and, if he persist, he be not to be told, that if he take that course, he is to be withdrawn, and evidence to be given in his absence? And whether that may be; and what else to be done?

Whether if there should be twelve votes to condemn, and twelve or thirteen to acquit, it be not a verdict for the king?

Questions of Convenience, whereupon his Majesty may confer with some of his Council.

WHETHER, if Somerset confess at any time before his trial, his majesty shall stay trial in respect of farther examination concerning practice of treason, as the death of the late prince, the conveying into Spain of the now prince, or the like; for till he confess the less crime, there is [no] likelihood of confessing the greater?

Whether, if the trial upon that reason shall be put off, it shall be discharged privately by dissolving the commission, or discharging the summons? Or whether it shall not be done in open court, the peers being met, and the solemnity and celebrity preserved; and that with some declaration of the cause of putting off the farther proceeding?

Whether the days of her trial and his shall be immediate, as it is now appointed; or a day between, to see, if, after condemnation, the lady will confess of this lord; which done, there is no doubt but he will confess of himself?

Whether his trial shall not be set first, and hers after, because then any conceit, which may be wrought by her clearing of him, may be prevented; and it may be he will be in the better temper, hoping of his own clearing, and of her respiting?

What shall be the days; for Thursday and Friday can hardly hold in respect of the summons; and it may be as well Friday and Saturday, or Monday and Tuesday, as London makes it already?

A particular remembrance for his Majesty.

It were good, that after he is come into the Hall, so that he may perceive he must go to trial, and shall be retired into the place appointed, till the court call for him, then the lieutenant should tell him roundly, that if in his speeches he shall tax the king (*f*), that the justice of England is, that he shall be taken away, and

The king's speech of *f* is the *f* in the earl of Somerset on his trial though for what is not known by any former instance for the king's extreme misanthropy of mind that had waxed, and for the manner used by Sir Francis Bacon in particular, as appears from his letters, to prevail upon the

and the evidence shall go on without him; and then all the people will cry *away with him*; and then it shall not be in the king's will to save his life, the people will be so set on fire.

Indersed,

Memorial touching the course to be had in my lord of Somerset's arraignment.

The heads of the charge against ROBERT earl of SOMERSET.

Apostyle of the king.

We will doe well to remember how wayes in your preamble, that insigne, that the only zeal to justice maketh me take this course. I have commandit you not to expatiate, nor digresse upon any other points, that maye not serve clearlie for probation or inducement of that point, quibair of he is accused.

FIRST it is meant, that Somerset shall not be charged with any thing by way of aggravation, otherwise than as conduceth to the proof of the impositions.

For the proofs themselves, they are distributed into four:

The first to prove the malice, which Somerset bore to Overbury, which was the motive and ground of the impositions.

The second is to prove the preparations unto the impositions, by plotting his imprisonment, placing his keepers, stopping access of friends, &c.

The third is the acts of the impositions themselves.

And the fourth is acts subsequent, which do vehemently argue him to be guilty of the impositions.

For the first two heads, upon conference, whereunto I called serjeant Montagu and serjeant Crew, I have taken them two heads to myself; the third I have allotted to serjeant Montagu; and the fourth to serjeant Crew.

In the first of these, to my understanding, is the only tenderness: for on the one side, it is most necessary to lay a foundation, that the malice was a deep malice, mixed with fear, and not only matter of revenge upon his lordship's quarrel: for *periculum periculo vincitur*; and the malice must have a proportion to the effect of it, which was the impositions: so that if this foundation be not laid, all the evidence is weakened.

On the other side, if I charge him, or could charge him, by way of aggravation, with matters tending to disloyalty or treason, then he is like to grow desperate.

the earl to submit to be tried, and to keep him in temper during his trial, *lest he*, as the king expressed it in an apostyle on Sir Francis's lett r of the 28th of April, 1616, *upon the one part commit unpardonable errors, and I on the other seem to punish him in the spirit of revenge.* See more on this subject in Mr. Mallet's *Life of the Lord Chancellor Bacon*, who closes his remarks with a reference to a letter of Somerset to the king, printed in the *Cabala*, and written in an high stile of expostulation, and shewing, through the affected obscurity of some expressions, that there was an important secret in his keeping, of which his majesty dreaded a discovery. The earl and his lady were released from their confinement in the Tower in January 1621, the latter dying August 23, 1632, leaving one daughter Anne, then sixteen years of age, afterwards married to William lord Russell, afterwards earl, and at last duke of Bedford. The earl of Somerset surviv'd his lady several years, and died in July 1645, being interred on the 17th of that month in the church of St. Paul's, Covent Garden.

Therefore I shall now set down perpicuously what come I mean to hold, that your majesty may be pleased to direct and correct it, preserving the strength of the evidence: and this I shall now do, but shortly and without ornament.

First, I shall read some passages of Overbury's letters, namely these: "Is this
" the fruit of nine years live, common secrets, and common dangers?" In another
letter: "Do not drive me to extremity to do that, which you and I shall be sorry
" for?" In another letter: "Can you forget him, between whom such secrets of
" all kinds have passed? &c."

Then will I produce Simcock, who deposeth from Weston's speech, that Somerset told Weston, that, *if ever Overbury came out of prison, use of them may do for it.*

Then I will say what these secrets were. I mean not to enter into particulars, nor to charge him with disloyalty, because he stands to be tried for his life upon another crime. But yet by some taste, that I shall give to the pees in general, they may conceive of what nature those secrets may be. Wherein I will take it for a thing notorious, that Overbury was a man, that always carried himself insolently, both towards the queen, and towards the late prince: that he was a man, that carried Somerset on in courtes separate and opposite to the privy council: that he was a man of nature fit to be an incendiary of a state, full of bitterness and wildness of speech and project: that he was thought altogether unfitly to govern Somerset, in so much that in his own letters he vaunted, *that from him proceeded Somerset's fears, errors, and understanding.*

This course I mean to run in a kind of generality, putting the imputations rather upon Overbury than Somerset; and applying it, that such a nature was like to hatch dangerous secrets and practices. I mean to shew likewise what bargains were made and covenants between them, which are great badges of secrets of estate, and used either by princes and their ministers of state, or by such as practise against princes. That your majesty was called *John* in respect of your empire, the queen *Elizabeth*, though Somerset now saith it was *Lionel*, and that my lady of Suffolk was *Elizabeth*, the bishopp of Canterbury *Thomas*, Northampton, *Demetrius*, Suffolk, first *Lionel*, after *Henry*; and many others, so as it appears they made a play both of your court and kingdom, and that their imaginations wrought upon the great secret and matters.

Neither will I omit Somerset's breach of trust to your majesty, in trusting Overbury with all the dispatches, things, wherewith your council of estate itself was not many times privy or acquainted: and yet this man must be admitted to them, not curiously, or by glimpses, but to have them by him, to copy them, to register them, to table them, &c.

Apology of the king

*That your majesty should be gotten to
" commit such things to his hands, and
" that your majesty should be gotten to
" give him such great secrets, they
" are not to be wondered at, as long as
" he was your majesty's counsellor.*

I shall also give in evidence, in this place, the right account of that letter, which was brought to Somerset by Allison, being found in the fields soon after the late prince's death, and was directed to Antwerp containing these words, that "the first branch was cut from the tree;
" and that he should, ere long, send happier
" and joyfuller news."

Which is a notice I would not use, but that my lord Coke, who hath filled this part with
many

Nothing to Somersfet, and declared by Franklin after condemnation.

Nothing to Somersfet, and a loose conjecture.

No letter than a gazette, or passage of Gallo Belgicus.

Nothing yet proved against Lowbell.

Nothing to Somersfet.

Declared by Franklin after condemnation.

Nothing to Somersfet.

Nothing to Somersfet.

The particular reasons, why I omit them, I have set in the margin ; but the general is partly to do a kind of right to justice, and such a solemn trial, in not giving that in evidence, which touches not the delinquent, or is not of weight ; and partly to observe your majesty's direction, to give Somersfet no just occasion of despair or flushes.

But I pray your majesty to pardon me, that I have troubled your majesty with repeating them, lest you should hear hereafter, that Mr. Attorney hath omitted divers material parts of the evidence.

Indorsed,

Somersfet's business and charge, with his majesty's postiles.

TO SIR GEORGE VILLIERS.

S I R,

YOUR man made good haste ; for he was with me yesterday about ten of the clock the forenoon. Since I held him.

R r r 2

The

many frivolous things, would think all lost, except he hear somewhat of this kind. But this it is to come to the leavings of a business.

And for the rest of that kind, as to speak of that particular, that Mrs. Turner did at Whitehall shew to Franklin the man, who, as she said, poisoned the prince, which, he says, was a physician with a red beard.

That there was a little picture of a young man in white wax, left by Mrs. Turner with Forman the conjurer, which my lord Coke doubted was the prince.

That the vice-roy of the Indies at Goa reported to an English factor, that prince Henry came to an untimely death by a mistress of his.

That Somersfet, with others, would have preferred Lowbell the apothecary to prince Charles.

That the countess laboured Forman and Gresham, the conjurers, to enforce the queen by witchcraft to favour the countess.

That the countess told Franklin, that when the queen died, Somersfet should have Somersfet-house.

That Northampton said, the prince, if ever he came to reign, would prove a tyrant.

That Franklin was moved by the countess to go to the Palsgrave, and should be furnished with money.

The reason, why I set so small a distance of time between the use of the little charm, or, as his majesty better terms it, *the evangle* (g), and the day of his trial (h) notwithstanding his majesty's being so far off, as advertisement of success and order thereupon could not go and come between, was chiefly, for that his majesty, from whom the overture of that first moved, did write but of a few hours, that this should be done, which I turned into days. Secondly, because the hope I had of effect by that mean, was rather of attempting him at his arraignment, than of confession before his arraignment. But I submit it to his majesty's better judgment.

The person, by your first description, which was without name, I thought had been meant of Packer (i): but now I perceive it is another, to me unknown, but, as it seemeth, very fit. I doubt not but he came with sufficient warrant to Mr. Lieutenant to have access. In this I have no more to do, but to expect to hear from his majesty how this worketh.

The letter from his majesty to myself and the serjeants I have received, such as I wished; and I will speak with the commissioners, that he may, by the lieutenant, understand his majesty's care of him, and the tokens herein of his majesty's compassion towards him.

I ever had a purpose to make use of that circumstance, that Overbury, the person murdered, was his majesty's prisoner in the Tower; which indeed is a strong pressure of his majesty's justice. For Overbury is the first prisoner murdered in the Tower, since the murder of the young princes by Richard the third, the tyrant.

I would not trouble his majesty with any points of preamble, nor of the evidence itself, more than that part nakedly, wherein was the tenderness, in which I am glad his majesty, by his postils, which he returned to me, approveth my judgment.

Now I am warranted, I will not stick to say openly, I am commanded, not to exasperate, nor to agravate the matter in question of the imposition with any other collateral charge of disloyalty, or otherwise; wherein, besides his majesty's principal intention, there will be some use to save the former bruits of Spanish matters.

There is a direction given to Mr. Lieutenant by my lord Chancellor and myself, that as yesterday Mr. Whiting (k), the preacher, a discreet man, and one that was used to Helwisse, should preach before the lady (l), and teach her, and move her generally to a clear confession. That after the same preacher should speak as much to him at his going away in private; and so proof to be made, whether this good mean, and the last night's thoughts, will produce any thing. And that this day the lieutenant should declare to her the time of her trial, and likewise of his trial, and persuade her, not only upon Christian duty, but as good for them both, that

(g) Cicero, *Epist. ad Atticum*, Lib. XIII. Ep. 40. uses this word, *evangelium*; which signifies both good news, and the reward given to him who brings good news. See Lib. II. *Epist.* 3.

(h) The earl of Somerset.

(i) John, of whom there are several letters in Winwood's *Memorials*, Vol. II.

(k) John Whiting, D.D. rector of St. Martin Vintry, in London, and vicar of East Ham in Essex, preacher in the church of St. Paul's and chaplain to king James I. He attended Sir Germaine Helwisse, who had been lieutenant of the Tower, at his execution upon Tower-Hill, on Monday the 27th of November, 1633, for the murder of Sir Thomas Overbury.

(l) Frances, countess of Somerset.

she deal clearly touching him, whereof no use can be made, nor need to be made, for evidence, but much use may be made for their comfort.

It is thought, at the day of her trial the lady will confess the indictment; which if she do, no evidence ought to be given. But because it shall not be a dumb shew, and for his majesty's honour in so solemn an assembly, I purpose to make a declaration of the proceedings of this great work of justice, from the beginning to the end, wherein, nevertheless, I will be careful no ways to prevent or discover the evidence of the next day.

In this my lord chancellor and I have likewise used a point of providence: for I did forecast, that if in that narrative, by the connection of things, any thing should be spoken, that should shew him guilty, she might break forth into passionate protestations for his clearing; which, though it may be justly made light of, yet it is better avoided. Therefore my lord Chancellor and I have devised, that upon the entrance into that declaration she shall, in respect of her weakness, and not to add farther affliction, be withdrawn.

It is impossible, neither is it needful, for me, to express all the particulars of my care in this business. But I divide myself into all cogitations as far as I can foresee; being very glad to find, that his majesty doth not only accept well of my care and advices, but that he applieth his directions so fitly, as guideth me from time to time.

I have received the commissions signed.

I am not forgetful of the goods and estate of Somerset, as far as is seasonable to inquire at this time. My lord Coke taketh upon him to answer for the jewels, being the chief part of his moveable value: and this, I think, is done with his majesty's privity. But my lord Coke is a good man to answer for it.

God ever preserve and prosper you. I rest

Your true and devoted servant,

May 10, Friday at 7 of the clock
in the morning [1616.]

FR. BACON.

The charge of the Attorney General, Sir FRANCIS BACON, against FRANCES, Countess of SOMERSET, intended to have been spoken by him at her arraignment, on Friday, May 24, 1616, in case she had pleaded not guilty (*n*).

IT may please your grace, my lord high steward of England (*o*), and you my lords the peers.

You have heard the indictment against this lady well opened; and likewise the point in law, that might make some doubt, declared and solved; wherein certainly the policy of the law of England is much to be esteemed, which requireth and respecteth form in the indictment, and substance in the proof.

This scruple it may be hath moved this lady to plead not guilty, though for the proof I shall not need much more than her own confession, which she hath formerly made, free and voluntary, and therein given glory to God and justice.

(*n*) She pleaded guilty, on which occasion the attorney general spoke a charge somewhat different from this, printed in his works.

(*o*) Thomas Egerton, viscount Ellesmere, lord high Chancellor.

And

And certainly confession, as it is the strongest foundation of justice, so it is a kind of counter-balance, whereupon justice and mercy may meet.

The proofs, which I shall read in the end for the ground of your verdict and sentence, shall be very short; and, as much as may, serve to satisfy your honours and consciences for the conviction of this lady, without wasting of time in a case clear and proved; or ripping up guiltless against one, that hath prostrated herself by confession; or preventing or deflowering too much of the evidence. And therefore the occasion itself doth admonish me to spend this day rather in declaration, than in evidence, giving God and the king the honour, and your lordships and the hearers the contentment, to set before you the proceeding of this excellent work of the king's justice, from the beginning to the end; and so to conclude with the reading the confessions and proofs.

My lords, this is now the second time (*p*) within the space of thirteen years reign of our happy sovereign, that this high tribunal-seat of justice, ordained for the trial by peers, hath been opened and erected; and that, with a rare event, supplied and exercised by one and the same person; which is a great honour to you, my lord Steward.

In all this mean time, the king hath reigned in his white robe, not sprinkled with any drop of blood of any of his nobles of this kingdom. Nay, such hath been the depths of his mercy, as even those noble mens bloods, (against whom the proceeding was at Winchester,) Cobham and Grey, were attainted and corrupted, but not spilt or taken away; but that they remained rather spectacles of justice in their continual imprisonment, than monuments of justice in the memory of their suffering.

It is true, that the objects of his justice then and now were very differing. For then, it was the revenge of an offence against his own person and crown, and upon persons, that were malcontents, and contraries to the state and government. But now, it is the revenge of the blood and death of a particular subject, and the cry of a prisoner. It is upon persons, that were highly in his favour; whereby his majesty, to his great honour, hath shewed to the world, as if it were written in a sun-beam, that he is truly the lieutenant of him, with whom there is no respect of persons; that his affections royal are above his affections private: that his favours and nearness about him are not like popish sanctuaries to privilege malefactors: and that his being the best master of the world doth not let him from being the best king of the world. His people, on the other side, may say to themselves, *I will be born in peace; for God and the king and the law protect me against great and small.* It may be a discipline altho to great men, especially such as are swoln in fortunes from small beginnings, that the king is as well able to level mountains, as to fill vallies, if such be their desert.

But to come to the present case; the great frame of justice, my lords, in this present action, hath a vault, and it hath a stage: a vault, wherein these works of darkness were contrived; and a stage with steps, by which they were brought to light. And therefore I will bring this work of justice to the period of this day; and then go on with this day's work.

Sir Thomas Overbury was murdered by poison in the 15th of September, 1613, 11 *Reg.* This foul and cruel murder did, for a time, cry secretly in the

92 The trial was on the trial of the lords Cobham and Grey, in November 1613.

ears of God; but God gave no answer to it, otherwise than by that voice, which sometimes he useth, which is *vox populi*, the speech of the people. For there went then a murmur, that Overbury was poisoned: and yet this same submiss and soft voice of God, the speech of the vulgar people, was not without a counter-tenor, or counter-blatt of the devil, who is the common author both of murder and slander: for it was given out, that Overbury was dead of a foul disease, and his body, which they had made a *corpus Judaicum* with their poisons, so as it had no whole part, must be said to be leprosed with vice, and so his name poisoned as well as his body. For as to dissoluteness, I never heard the gentleman noted with it: his faults were insolency, and turbulency, and the like of that kind: the other part of the soul not the voluptuous

Mean time, there was some industry used, of which I will not now speak, to lull asleep those, that were the revengers of blood; the father and the brother of the murdered. And in these terms things stood by the space almost of two years; during which time, God so blinded the two great procurers, and dazzled them with their own greatness, and bind and nail fast the actors and instruments, with security upon their protection, as neither the one looked about them, nor the other stirred or fled, nor were conveyed away; but remained here still, as under a privy arrest of God's judgments; insomuch as Franklin, that should have been sent over to the Palgrave with good store of money, was, by God's providence, and the accident of a marriage of his, diverted and stayed.

But about the beginning of the progress last summer, God's judgments began to come out of their depths: and as the revealing of murders is commonly such, as a man may say, *a Domino hoc factum est*; it is God's work, and it is marvellous in our eyes; so in this particular it was most admirable; for it came forth by a compliment and matter of courtesy.

My lord of Shrewsbury (*q*), that is now with God, recommended to a counsellor of state, of especial trust by his place, the late lieutenant Helwisse (*r*), only for acquaintance as an honest worthy gentleman; and desired him to know him, and to be acquainted with him. That counsellor answered him civilly, that my lord did him a favour; and that he should embrace it willingly: but he must let his lordship know, that there did lie a heavy imputation upon that gentleman, Helwisse; for that Sir Thomas Overbury, his prisoner, was thought to have come to a violent and untimely death. When this speech was reported back by my lord of Shrewsbury to Helwisse, *perculit illico animum*, he was stricken with it; and being a politic man, and of likelihood doubting, that the matter would break forth at one time or other, and that others might have the start of him, and thinking to make his own case by his own tale, resolved with himself, upon this occasion, to discover to my lord of Shrewsbury and that counsellor, that there was

(*q*) Gilbert, earl of Shrewsbury, knight of the garter, who died May 8, 1616.

(*r*) Sir Gervase Helwisse, appointed lieutenant of the Tower, upon the removal of Sir William Wand on the 11th of May, 1613, [*Reliquie Worthianæ*, p. 412, 3d Ed. 1672.] Mr. Chamberlain, in a MS. Letter to Sir Dudley Carleton, dated at London, May 13, 1613, speaks of Sir Gervase's promotion in these terms. "One Sir Gervase Helwisse of Lincolnshire, somewhat an unknown man, is put into the place [of Sir W. Waad's] by the favour of the lord Chamberlain [earl of Somerset] and his lady. The gentleman is of too mild and gentle a disposition for such an office. He is my old friend and acquaintance in France, and lately renewed in town, where he hath lived past a year, nor followed the court many a day." Sir Henry Wotton, in a letter of the seventeenth of May, 1613, [*ibid.*, p. 15.] says, that Sir Gervase had been before *one of the prisoners*.

an attempt, whereto he was privy, to have poisoned Overbury by the hands of his under-keeper, Weston; but that he checked it, and put it by, and dissuaded it, and related so much to him indeed: but then he left it thus, that was but an attempt, or untimely birth, never executed; and, as if his own fault had been no more, but that he was honest in forbidding, but fearful of revealing and impeaching or accusing great persons; and so with this fine point thought to save himself.

But that great counsellor of state wisely considering, that by the lieutenant's own tale it could not be simply a permission or weakness; for that Weston was never displaced by the lieutenant, notwithstanding that attempt: and coupling the sequel by the beginning, thought it matter fit to be brought before his majesty, by whose appointment Helwisse set down the like declaration in writing.

Upon this ground, the king playeth Solomon's part, *Gloria Dei celare rem; et Gloria Regis investigare rem*; and sets down certain papers of his own hand, which I might term to be *claves justitie*, keys of justice; and may serve for a precedent both for princes to imitate, and for a direction for judges to follow: and his majesty carried the balance with a constant and steady hand, evenly and without prejudice, whether it were a true accusation of the one part, or a practice and factious device of the other: which writing, because I am not able to express according to the worth thereof, I will desire your lordship anon to hear read.

This excellent foundation of justice being laid by his majesty's own hand, it was referred unto some counsellors to examine farther, who gained some degrees of light from Weston, but yet left it imperfect.

After it was referred to Sir Edward Coke, chief justice of the King's Bench, as a person best practised in legal examinations, who took a great deal of indefatigable pains in it, without intermission, having, as I have heard him say, taken at least three hundred examinations in this business.

But these things were not done in a corner. I need not speak of them. It is true, that my lord chief justice, in the dawning and opening of the light, finding that the matter touched upon these great persons, very discreetly became suitor to the king to have greater persons than his own rank joined with him. Whereupon, your lordship, my lord high Steward of England, to whom the king commonly resorteth *in arduis*, and my lord Steward of the king's house, and my lord Zouch, were joined with him.

Neither wanted there this while practice to suppress testimony, to deface writings, to weaken the king's resolution, to slander the justice, and the like. Nay when it came to the first solemn act of justice, which was the arraignment of Weston, he had his lesson to stand mute; which had arrested the wheel of justice. But this dumb devil, by the means of some discreet divines, and the potent charm of justice, together, was cast out. Neither did this poisonous adder stop his ear to those charms, but relented, and yielded to his trial.

Then follow the proceedings of justice against the other offenders, Turner; Helwisse, Franklin.

But all these being but the organs and instruments of this fact, the actors and not the authors, justice could not have been crowned without this last act against these great persons. If the Weston's censure or prediction might have been verified, when he said, he hoped the small flies should not be caught, and the great escape. Wherein the king being in great straits, between the defacing of his honour and
of

of his creature, hath, according as he useth to do, chosen the better part, reserving always mercy to himself.

The time also of this justice hath had its true motions. The time until this lady's deliverance was due unto honour, christianity, and humanity, in respect of her great belly. The time since was due to another kind of deliverance too; which was, that some causes of estate, that were in the womb, might likewise be brought forth, not for matter of justice, but for reason of state. Likewise this last procrastination of days had the like weighty grounds and causes. And this is the true and brief representation of this extreme work of the king's justice.

Now for the evidence against this lady, I am sorry I must rip it up. I shall first shew you the purveyance or provisions of the poisons; that they were seven in number brought to this lady, and by her billeted and laid up till they might be used: and this done with an oath or vow of secrecy, which is like the Egyptian darkness, a gross and palpable darkness, that may be felt.

Secondly, I shall shew you the exhibiting and sorting of this same number or volley of poisons: white arsenic was fit for salt, because it is of like body and colour. The poison of great spiders, and of the venomous fly cantharides, was fit for pigs sauce, or partridge sauce, because it resembled pepper. As for mercury-water, and other poisons, they might be fit for tarts, which is a kind of hotch-pot, wherein no one colour is so proper: and some of these were delivered by the hands of this lady, and some by her direction.

Thirdly, I shall prove and observe unto you, the cautions of these poisons; that they might not be too swift, lest the world should startle at it by the suddenness of the dispatch: but they must abide long in the body, and work by degrees: and for this purpose there must be essays of them upon poor beasts, &c.

And lastly, I shall shew you the rewards of this imposition, first demanded by Weston, and denied, because the deed was not done; but after the deed done and perpetrated, that Overbury was dead, then performed and paid to the value of 180 l.

And so without farther aggravation of that, which in itself bears its own tragedy, I will conclude with the confessions of this lady herself, which is the strongest support of justice; and yet is the foot-stool of mercy. For, as the Scripture says, *mercy and truth have kissed each other*; there is no meeting or greeting of mercy, till there be a confession, or trial of truth. For these read,

Franklin, November 16, Richard Weston, October 3,
Franklin, November 17, Helwisse, October 2,
Rich. Weston, October 1, The Countess's letter without date,
Rich. Weston, October 2, The Countess's confession, January 8.
Will. Weston, October 2,

Sir FRANCIS BACON to the KING*.

It may please your excellent majesty,

ACCORDING to your majesty's reference signified by Sir Roger Wilbraham, I have considered of the petition of Sir Gilbert Houghton, your majesty's servant, for a licence of sole transportation of tallow, butter, and hides, &c. out of

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S f f

your

* From the collections of the late Robert Stephens, Esq;

your realm of Ireland; and have had conference with the lord Chichester, late lord deputy of Ireland, and likewise with Sir John Davies, your majesty's attorney there: And this is that which I find:

First, that hides and skins may not be meddled withal, being a staple commodity of the kingdom, wherein the towns are principally interested.

That for tallow, butter, beef, not understanding it of live cattle, and pipe-staves, for upon these things we fell, although they were not all contained in the petition, but in respect hides were more worth then all the rest, they were thought of by way of some supply; these commodities are such, as the kingdom may well spare, and in that respect fit to be transported; wherein nevertheless some consideration may be had of the profit, that shall be taken upon the licence. Neither do I find, that the farmers of the customs there, of which some of them were before me, did much stand upon it, but seemed rather to give way to it.

I find also, that at this time all these commodities are free to be transported by proclamation, so as no profit can be made of it, except there be first a restraint; which restraint I think fitter to be by some prohibition in the letters patents, than by any new proclamation; and the said letters patents to pass rather here, than there, as it was in the licence of wines granted to the lady Arbella; but then those letters patents to be inrolled in the chancery of Ireland, whereby exemplifications of them may be taken to be sent to the ports.

All which nevertheless I submit to your majesty's better judgment.

Your majesty's most humble bounden subject and servant,

5 June, 1616.

FR. BACON.

Mr. TOBIE MATTHEW to Sir FRANCIS BACON, Attorney General.

May it please your Honour,

SUCH, as know your honour, may congratulate with you the favour, which you have lately received from his majesty, of being made a counsellor of state (s): but as for me, I must have leave to congratulate with the council-table, in being so happy as to have you for an assessor. I hope these are but beginnings, and that the marriage, which now I perceive that fortune is about to make with virtue, will be consummate in your person. I cannot dissemble, though I am ashamed to mention, the excessive honour, which you have vouchsafed to do unto my picture. But shame ought not to be so hateful as sin; and without sin I know not how to conceal the extreme obligation, into which I am entered thereby, which is incomparably more than I can express, and no less than as much as I am able to conceive. And as the copy is more fortunate than the original, because it hath the honour to be under your eye; so the original being much more truly yours than the copy can be, aspires by having the happiness to see you, to put the picture out of countenance.

I understand by Sir George Petre (t), who is arrived here at the Spa, and is so wife as to honour you extremely, though he have not the fortune to be known to

(s) Sir Francis Bacon was sworn at Greenwich of the privy council, June 9. 1616.

(t) Grandson of John, the first lord Petre, and son of William, second baron of that name.

your

your honour, that he had heard how my lord of Canterbury had been moved in my behalf; and that he gave way unto my return. This, if it be true, cannot have happened without some endeavour of your honour; and therefore, howsoever I have not been particularly advertised, that your honour had delivered my letter to his grace; yet now methinks I do as good as know it, and dare adventure to present you with my humblest thanks for the favour. But the main point is, how his majesty should be moved; wherein my friends are straining courtesy; and unless I have your honour for a master of the ceremonies, to take order, who shall begin, all the benefit, that I can reap by this negotiation, will be to have the reputation of little judgment in attempting that, which I was not able to obtain; and that howsoever I have shot fair, I know not how to hit the mark. I have been directed by my lord Roos, who was the first mover of this stone, to write a letter, which himself would deliver to the master of the horse (u), who doth me the honour to wish me very well: and I have obeyed his lordship, and beseech your honour, that you will be pleased to prevent, or to accompany, or second it with your commendation, lest otherwise the many words, that I have used, have but the virtue of a single o, or cypher. But indeed, if I had not been over-weighed by the authority of my lord Roos's commandment, I should rather have reserved the master of the horse's favour to some other use afterward. In conformity whereof, I have also written to his lordship; and perhaps he will thereupon forbear to deliver my letter to the master of the horse: whereas, I should be the less sorry, if your honour's self would not think it inconvenient to make the suit of my return to his majesty; in which case I should, to my extreme contentment, have all my obligations to your honour only.

His majesty's being now in progress will give some impediment to my suit, unless either it be my good fortune, that your honour do attend his person; or else that you will be pleased to command some one of the many servants your honour hath in court, to procure the expedition of my cause, wherein I can foresee no difficulty, when I consider the interest, which your honour alloweth me in your favour, and my innocent carriage abroad for so many years; whereunto all his majesty's ministers, who have known me, I am sure, will give an attestation, according to the contents of my letter to his grace of Canterbury.

If I durst, I would most humbly intreat your honour to be pleased, that some servant of yours may speedily advertise me, whether or no his grace of Canterbury hath received my letter; what his answer was; and what I may hope in this my suit. I remember, that the last words, which I had the honour to hear from your mouth, were, that if I continued any time, free both from disloyalty and priesthood, your honour would be pleased to make yourself the intercessor for my return. Any letter sent to Mr. Trumball for me will come safely and speedily to my hands.

The term doth now last with your honour all the year long; and therefore the sooner I make an end, the better service I shall do you. I presume to kiss your hands, and continue

Your Honour's most intirely, and humbly ever at commandment,

Spa, this 16th of July,
Idibus mensis Julii.

TOBIE MATTHEW.

(u) Sir George Villiers, who was appointed to that office, January 4, 1616.

POSTSC. It is no small penance, that I am forced to apparel my mind in my man's hand, when it speaks to your honour. But God Almighty will have it so, through the shaking I have in my right hand; and I do little less than want the use of my fore finger.

To Sir FRANCIS BACON, Attorney General.

It may please your Honour,

I Presumed to importune your honour with a letter of the 16th of this month, whereby I signified, how I had written to the master of the horse, that he would be pleased to move his majesty for my return into England; and how that I had done it upon the direction of my lord Roos, who offered to be the deliverer thereof. Withal I told your honour, that I expressed thereby an act rather of obedience, than prudence, as not holding his lordship a fit man, whom, by presenting that letter, the king might peradventure discover to be my favourer in this business. In regard whereof I besought him, that, howsoever I had complied with his command in writing, yet he would forbear the delivery: and I gave him divers reasons for it. And both in contemplation of those reasons, as also of the hazard of miscarriage, that letters do run into between these parts and those, I have now thought fit to send your honour this inclosed, accompanied with a most humble intreaty, that you will be pleased to put it into the master of the horse's hands, with such a recommendation as you can give. Having read it, your honour may be pleased to seal it; and if his honour have received the former by other hands, this may serve in the nature of a duplicate or copy: if not, it may be the original. And indeed, though it should be but the copy, if it may be touched by your honour, it would have both greater grace and greater life, than the principal itself; and therefore, howsoever, I humbly pray, that this may be delivered.

If my business should be remitted to the council table, which yet, I hope, will not be, I am most a stranger to my lord Chancellor and my lord Chamberlain (w), of whom yet I trust, by means of your honour's good word in my behalf, that I shall receive no impediment.

The bearer, Mr. Becher (x), can say what my carriage hath been in France, under the eye of several ambassadors; which makes me the more glad to use him in the delivery of this letter to your honour: and if your honour may be pleased to command me any thing, he will convey it to my knowledge.

I hear, to my unspeakable joy of heart, how much power you have with the master of the horse; and how much immediate favour you have also with his most excellent majesty: so that I cannot but hope for all good success, when I consider withal the protection, whereinto you have been pleased to take me, the

Most humble and most obliged of your Honour's many servants,

Spa. this last of July,
Styls novo, 1616.

TOBIE MATTHEW.

(w) William, earl of Pembroke.

(x) William, afterwards knighted. He had been secretary to Sir George Calvert, ambassador to the court of France, and was afterwards agent at that court; and at last made clerk of the Council.

To Sir FRANCIS BACON, Attorney General.

May it please your Honour,

I Have been made happy by your honour's noble and dear lines of the two and twentieth of July : and the joy, that I took therein, was only kept from excess by the notice they gave me of some intentions and advices of your honour, which you have been pleased to impart to others of my friends, with a meaning, that they should acquaint me with them ; whereof they have intirely failed. And therefore if still it should import me to understand what they were, I must be inforced to beg the knowledge of them from yourself. Your honour hath, by this short letter, delivered me otherwise from a great deal of laborious suspence. For, besides the great hope you give me of being so shortly able to do you reverence, I am come to know, that by the diligence of your favour towards me, my lord of Canterbury hath been drawn to give way, and the master of the horse hath been induced to move. That motion, I trust, will be granted howsoever ; but I should be out of fear thereof, if, when he moves the king, your honour would cast to be present ; that if his majesty should make any difficulty, some such reply, as is wont to come from you in such cases, may have power to discharge it.

I have been told rather confidently than credibly, for in truth I am hardly drawn to believe it, that Sir Henry Goodere should under hand, upon the reason of certain accounts, that run between him and me, wherein I might justly lose my right, if I had so little wit, as to trouble your honour's infinite business, by a particular relation thereof, oppose himself to my return ; and perform ill offices in conformity of that unkind affection, which he is said to bear me. But, as I said, I cannot absolutely believe it, though yet I could not so far despise the information, as not to acquaint your honour with what I heard. I offer it not as a ruled case, but only as a query, as I have also done to Mr. Secretary Lake, in this letter, which I humbly pray your honour may be given him, together with your best advice, how my business is to be carried in this conjuncture of his majesty's drawing near to London, at which time I shall receive my sentence. I have learned from your honour to be confident, that it will be pronounced in my favour : but, if the will of God should be otherwise, I shall yet frame for myself a good proportion of contentment ; since, howsoever I was so unfortunate, as that I might not enjoy my country, yet withal, I was so happy, as that my return thither was desired and negotiated by the affection, which such a person as yourself vouchsafed to bear me. When his majesty shall be moved, if he chance to make difficulty about my return, and offer to impose any condition, which, it is known, I cannot draw myself to digest ; I desire it may be remembered, that my case is common with many of his subjects, who breathe in the air of their country, and that my case is not common with many, since I have lived so long abroad with disgrace at home ; and yet have ever been free, not only from suspicion of practice, but from the least dependence upon foreign princes. My king is wise ; and I hope, that he hath this just mercy in store for me. God Almighty make and keep your honour ever happy, and keep me so in his favour, as I will be sure to continue

Your Honour's ever most obliged and devoted servant,

Antwerp, this first of Sept.
1610.

TOBIE MATTHEW.

POST.

POSTSCRIPT.

May it please your Honour,

I have written to Sir John Digby; and I think he would do me all favour, if he were handſomely put upon it. My lady of Pembroke (*a*) hath written, and that very earnestly, to my lord Chamberlain in my behalf.

This letter goes by Mr. Robert Garret, to whom I am many ways beholden, for making me the best present, that ever I received, by delivering me your honour's last letter.

SIR FRANCIS BACON to the KING.

May it please your excellent Majesty,

BECAUSE I have ever found, that in business the consideration of persons, who are *instrumenta animata*, is no less weighty than of matters, I humbly pray your majesty to peruse this inclosed paper, containing a diligence, which I have used *in omnem eventum*. If Towerſon (*b*), as a passionate man, have overcome himself in his opinion, so it is. But if his company make this good, then I am very glad to see in the case, wherein we now stand, there is this hope left, and your majesty's honour preserved in the *entier*. God have your majesty in his divine protection.

Your majesty's most devoted, and

most bounden servant, &c.

This is a secret to all men but my lord chancellor; and we go on this day with the new company, without discouraging them at all.

September 18, 1616.

Indorsed,

To the King, upon Towerſon's propositions about the cloth business.

RICHARD MARTIN, Esq; (*c*) to Sir FRANCIS BACON.

Right Honourable,

MY attendance at court two days, in vain, considering the end of my journey, was no loss unto me, seeing thereby I made the gain of the overture and assurance of your honour's affection. These comforts have given new life and strength to my hopes, which before began to faint. I know, what your honour promiseth, you will undertake; and what you undertake, you seldom fail to compass; for such proof of your prudence and industry your honour hath of late times given to the

(*a*) Mary widow of Henry, earl of Pembroke, who died January 19, 1601-2, daughter of Sir Henry Sidney, and sister of Sir Philip. She died September 25, 1621.

(*b*) Whose brother, captain Gabriel Towerſon, was one of the English merchants executed by the Dutch at Amboyna, in 1623.

(*c*) Born about 1570, entered a commoner of Broad-gate's hall, now Pembroke-college, Oxford, in 1585, whence he removed to the Middle Temple. In the parliament of 1601, he served for the borough of Barnstable in Devon; and in the first parliament of king James I, he served for Cirencester in Gloucestershire, he was chosen Recorder of London in September, 1608; but died in the last day of the following month. He was much esteemed by the men of learning and genius of that age.

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swaying world. There is, to my understanding, no great intricacy in my affair, in which I plainly descry the course to the shore I would land at; to which neither I, nor any other can attain, without the direction of our great master-pilot, who will not stir much without the beloved mate found the way. Both these none can so well set awork as yourself, who have not only their ear, but their affection, and that with good right, as I hope, in time, to good and public purpose. It is fit likewise, that your honour know all my advantages. The present incumbent is tied to me by firm promise, which gives an impediment to the competitors, whereof one already, according to the heaviness of his name and nature, *peit aer sum*. And though I be a bad courtier, yet I know the style of gratitude, and shall learn as I am instructed. Whatsoever your honour shall undertake for me, I will make good. Therefore I humbly and earnestly intreat your best endeavour, to assure to yourself and your matter a servant, who both can and will, though as yet mistaken, advance his honour and service with advantage. Your love and wisdom is my last address; and on the real nobleness of your nature, whereof there is so good proof, stands my last hope. If I now find a stop, I will resolve it is *fatum Carthaginis*, and sit down in perpetual peace. In this business I desire all convenient silence; for though I can endure to be refused, yet it would trouble me to have my name blasted. If your honour return not, and you think it requisite, I will attend at court. Mean time, with all humble and hearty wishes for increase of all happiness, I kiss your honour's hands.

Your Honour's humbly at command,

September 27, 1616.

R. MARTIN.

To the right honourable Sir Francis Bacon, Knight, his Majesty's Attorney General, and one of his Majesty's most honourable privy council, my singular patron at court.

To the KING.

It may please your Majesty,

THIS morning, according to your majesty's command, we have had my lord chief justice of the king's bench (*d*) before us, we being assisted by all our learned council, except serjeant Crew, who was then gone to attend your majesty. It was delivered unto him, that your majesty's pleasure was, that we should receive an account from him of the performance of a commandment of your majesty laid upon him, which was, that he should enter into a view and retraction of such novelties, and errors, and offensive conceits, as were dispersed in his *Reports*; that he had had good time to do it; and we doubted not but he had used good endeavour in it, which we desired now in particular to receive from him.

His speech was, that there were of his *Reports* eleven books, that contained about five hundred cases: that heretofore in other *Reports*, as namely, those of Mr. Plowden (*e*), which he revered much, there hath been found nevertheless errors, which
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(*d*) Sir Edward Coke.

(*e*) Edmund Plowden, born of an ancient family of that name at Plowden in Shropshire, who, as he tells us himself in the preface to his *Reports*, in the twentieth year of his age, and the thirtieth of the reign

the wisdom of time had discovered, and later judgments controlled; and enumerated to us four cases in Plowden, which were erroneous: and the coupon delivered in to us the inclosed paper, wherein your majesty may perceive, that my lord is an happy man, that there should be no more errors in his five hundred cases, than in a few cases of Plowden. Your majesty may also perceive, that your majesty's direction to my lord chancellor and myself, and the travail taken by us and Mr. Solicitor (f), in following and performing your direction, was not altogether lost; for that of those three heads, which we principally respected, which were the rights and liberties of the church, your prerogative, and the jurisdiction of other your courts, my lord hath scarcely fallen upon any, except it be the prince's case, which also yet seemeth to stand but upon the grammatical, of French and Latin.

My lord did also give his promise, which your majesty shall find in the end of his writing, thus far in a kind of common place or thesis, that it was sin for a man to go against his own conscience, though erroneous, except his conscience be first informed and satisfied.

The lord chancellor in the conclusion signified to my lord Coke your majesty's commandment, that until report made, and your pleasure thereupon known, he shall forbear his sitting at Westminster, &c. not restraining nevertheless any other exercise of his place of chief justice in private.

Thus having performed, to the best of our understanding, your royal commandant, we rest ever

Your Majesty's most faithful, and most bounden servants, &c.

The Lord Viscount VILLIERS to Sir FRANCIS BACON, Attorney General.

S I R,

I Have acquainted his majesty with my lord chancellor's and your report, touching my lord Coke; as also with your opinion therein; which his majesty doth dislike for these three reasons: first, because, that by this course you propound, the process cannot have a beginning, till after his majesty's return; which, how long it may last after, no man knoweth. He therefore thinketh it too long and uncertain a delay, to keep the bench so long void from a chief justice. Secondly, although his majesty did use the council's advice in dealing with the chief justice upon his other misdemeanors; yet he would be loth to lessen his prerogative, in making the council judges, whether he should be turned out of his place or no, if the case should so require. Thirdly, for that my lord Coke hath sought means to kiss his majesty's hands, and withal to acquaint him with some things of great importance to his service; he holdeth it not fit to admit him to his presence, before these points be determined, because that would be a grant of his pardon before he had his trial. And if those things, wherewith he is to acquaint his ma-

reign of Henry VIII. anno. 1539, began his study of the common law in the Middle Temple. Wood adds *Ath. Oxon. Vol. 1. col. 217*, that he spent three years in the study of arts, philosophy, and physic at Cambridge, and four at Oxford, where in November 1552 he was admitted to practice chirurgery and physick. In 1557 he became summer reader of the Middle-Temple, and three years after lent reader, having been made serjeant, October 27. 1558. He died February 6, 1584-5, at the age of sixty seven, in the profession of the Roman catholic faith, and lies interred in the Temple church.

(f) Sir Henry Yelverton.

resty,

jeſty, be of ſuch conſequence, it would be dangerous and prejudicial to his majeſty, to delay him too long. Notwithstanding, if you ſhall adviſe of any other reaſons to the contrary, his majeſty would have you, with all the ſpeed you can, to ſend them unto him; and in the mean time to keep back his majeſty's letter, which is herein ſent unto you, from my lord Coke's knowledge, until you receive his majeſty's further direction for your proceeding in his buſineſs.

And ſo I reſt,

Your ever aſſured friend at command,

The 5th of the 3^d of October. 1616.

GEORGE VILLIERS.

To the Right Honourable Sir Francis Bacon, Knight, his Majeſty's Attorney General, and of his moſt honourable privy council.

To the KING.

It may pleaſe your moſt excellent Majeſty,

WE have conſidered of the letters, which we received from your majeſty, as well that written to us both, as that other written by my lord Villiers to me, the attorney, which I thought good to acquaint my lord chancellor withal, the better to give your majeſty ſatiſfaction. And we moſt humbly deſire your majeſty to think, that we are, and ever ſhall be, ready to perform and obey your majeſty's directions; towards which the firſt degree is to underſtand them well.

In answer therefore to both the ſaid letters, as well concerning matter as concerning time, we ſhall in all humbleneſs offer to your majeſty's high wiſdom the conſiderations following :

Fiſt, we did conceive, that after my lord Coke was ſequeſtered from the table and his circuits (*e*), when your majeſty laid upon him your commandment for the expurging of his *Reports*, and commanded alſo our ſervice to look into them, and into other novelties introduced into the government, your majeſty had in this your doing two principal ends :

The one, to ſee, if upon ſo fair an occaſion he would make any expiation of his former faults; and alſo ſhew himſelf ſenſible of thoſe things in his *Reports*, which he could not but know were the likeſt to be offenſive to your majeſty.

The other, to perform *de vero* this right to your crown and ſucceſſion, and your people alſo; that thoſe errors and novelties might not run on, and authorize by time, but might be taken away, whether he conſented to it or no.

But we did not conceive your majeſty would have had him charged with thoſe faults of his book, or thoſe other novelties; but only would have had them repreſented to you for your better information.

Now your majeſty ſeeth what he hath done, you can better judge of it than we can. If, upon this probation added to former matters, your majeſty think him not fit for your ſervice, we muſt in all humbleneſs ſubſcribe to your majeſty, and acknowledge that neither his diſplacing, conſidering he holdeth his place but

(e) On the 27th of June, 1616. *Caſſid. ſeculare Regis Jacobi I.* p. 17; and Peck, *Diſſerta. Geſt. ſa.* V. I. L. c. 11. p. 16.

during your will and pleasure, nor the choice of a fit man to be put in his room, are council-table matters, but are to proceed wholly from your majesty's great wisdom and gracious pleasure. So that in this court, it is but the signification of your pleasure, and the business is at an end as to him. Only there remaineth the actual expurgation or animadversions of the books.

But if your majesty understand it, that he shall be charged, then, as your majesty best knoweth, justice requireth, that he be heard and called to his answer, and then your majesty will be pleased to consider, before whom he shall be charged; whether before the body of your council, as formerly he was, or some selected commissioners; for we conceive your majesty will not think it convenient it should be before us two only. Also the manner of his charge is considerable, whether it shall be verbal by your learned council, as it was last; or whether, in respect of the multiplicity of matters, he shall not have the collections, we have made in writing, delivered to him. Also the matter of his charge is likewise considerable, whether any of those points of novelty, which by your majesty's commandment we collected, shall be made part of his charge; or only the faults of his books, and the prohibitions and *habeas corpus*, collected by my lord of Canterbury. In all which course we foresee length of time, not so much for your learned council to be prepared, for that is almost done already, but because himself no doubt, will crave time of advice to peruse his own books, and to see, whether the collections be true, and that he be justly charged; and then to produce his proofs, that those things, which he shall be charged with, were not conceits or singularities of his own, but the acts of court, and other like things, tending to excusation or extenuation; wherein we do not see, how the time of divers days, if not of weeks, can be denied him.

Now for time, if this last course of charging him be taken, we may only inform your majesty thus much, that the absence of a chief justice, though it should be for a whole term, as it hath been often upon sickness, can be no hindrance to common justice. For the business of the king's bench may be dispatched by the rest of the judges: his voice in the star-chamber may be supplied by any other judge, that my lord chancellor shall call; and the trials by *nisi prius* may be supplied by commission.

But as for those great matters of discovery, we can say nothing more than this, that either they are old or new. If old, he is to blame for having kept them so long: if new, or whatsoever, he may advertise your majesty of them by letter, or deliver them by word to such counsellor as your majesty will assign.

Thus we hope your majesty will accept of our sincerity, having dealt freely and openly with your majesty, as becometh us: and when we shall receive your pleasure and direction, we shall execute and obey the same in all things; ending with our prayers for your majesty, and resting

Your Majesty's most faithful, and

most bounden servants,

T. ELLESMERE CANC.
FR. BACON.

October 6, 1616.

Re-

Remembrances of his Majesty's declaration, touching the Lord COKE.

THAT although the discharging and removing of his majesty's officers and servants, as well as the choice and advancement of men to place, be no council-table matters, but belong to his majesty's princely will and secret judgment; yet his majesty will do his council this honour, that in his resolutions of that kind, his council shall know them first before others, and shall know them, accompanied by their causes, making as it were a private manifesto, or revealing of himself to them without parables.

Then to have the report of the lords touching the business of the lord Coke, and the last order of the council read.

That done, his majesty farther to declare, that he might, upon the same three grounds in the order mentioned, of deceit, contempt, and slander of his government, very justly have proceeded then, not only to have put him from his place of chief justice, but to have brought him in question in the star-chamber, which would have been his utter overthrow; but then his majesty was pleased for that time only to put him off from the council-table, and from the public exercise of his place of chief justice, and to take farther time to deliberate.

That in his majesty's deliberation, besides the present occasion, he had in some things looked back to the lord Coke's former carriage, and in some things looked forward, to make some farther trial of him.

That for things passed, his majesty had noted in him a perpetual turbulent carriage, first towards the liberties of his church and estate ecclesiastical; towards his prerogative royal, and the branches thereof; and likewise towards all the settled jurisdictions of all his other courts, the high commission, the star-chamber, the chancery, the provincial councils, the admiralty, the duchy, the court of requests, the commission of inquiries, the new boroughs of Ireland; in all which he had raised troubles and new questions; and lastly, in that, which might concern the safety of his royal person, by his exposition of the laws in cases of high treason.

That, besides the actions themselves, his majesty in his princely wisdom hath made two special observations of him; the one, that he having in his nature not one part of those things, which are popular in men, being neither civil, nor affable, nor magnificent, he hath made himself popular by design only, in pulling down government. The other, that whereas his majesty might have expected a change in him, when he made him his own, by taking him to be of his council, it made no change at all, but to the worse, he holding on all his former channel, and running separate courses from the rest of his council; and rather busying himself in casting fears before his council, concerning what they could not do, than joining his advice what they should do.

That his majesty, desirous yet to make a farther trial of him, had given him the summer's vacation to reform his *Reports*, wherein there be many dangerous conceits of his own uttered for law, to the prejudice of his crown, parliament, and subjects; and to see, whether by this he would in any part redeem his fault. But that his majesty hath failed of the redemption he desired, but hath met with another kind of redemption from him, which he little expected. For as to the *Reports*, after three months time and consideration, he had offered his majesty only five animadversions, being rather a scorn, than a satisfaction to his majesty; whereof one was, that in the

prince's case he had found out the French statute, which was *filz aîné*, whereas the Latin was *primogenitus*; and so the prince is duke of Cornwall in French, and not duke of Cornwall in Latin. And another was, that he had set Montagu to be chief justice in Henry VIII's time, when it should have been in Edward VI's, and such other stuff; not falling upon any of those things, which he could not but know were offensive.

That hereupon his majesty thought good to refresh his memory, and out of many cases, which his majesty caused to be collated, to require his answer to five, being all such, as were but expatiations of his own, and no judgments; whereunto he returned such an answer, as did either justify himself, or elude the matter, so as his majesty seeth plainly *antiquum obtinet*.

To Sir FRANCIS BACON, Attorney General *.

S I R,

I Have kept your man here thus long, because I thought there would have been some occasion for me to write after Mr. Solicitor General's being with the king. But he hath received so full instruction from his majesty, that there is nothing left for me to add in the business. And so I rest

Your faithful servant,

Roydon, the 15th of Octob. 1616.

GEORGE VILLIERS.

To the right honourable Sir Francis Bacon, knight, one of his majesty's privy council, and his attorney general.

Sir EDMUND BACON (*f*) to Sir FRANCIS BACON, attorney general.

My Lord,

I Am bold to present unto your hands by this bearer, whom the law calls up, some salt of wormwood, being uncertain, whether the regard of your health makes you still continue the use of that medicine. I could wish it otherwise; for I am persuaded, that all diuretics, which carry with them that punctuous nature and caustic quality by calcination, are hurtful to the kidneys, if not enemies to the other principal parts of the body. Wherein if it shall please you, for your better satisfaction, to call the advice of your learned physicians, and that they shall resolve of any medicine for your health, wherein my poor labour may avail you, you know where your faithful apothecary dwells, who will be ready at your commandment; as I am bound both by your favours to myself, as also by those to my nephew, whom you have brought out of darkness into light, and, by what I hear, have already made him, by your bounty, a subject of emulation to his elder brother. We

*Harl. MSS. Vol. 70c6.

f Son of Sir Francis Bacon, being eldest son of Sir Nicholas Bacon, Lord keeper of the great seal. Sir Edmund died without issue April 16, 1649. There are several letters to him from Sir Henry Wotton, printed among the works of the latter.

are all partakers of this your kindness towards him; and for myself, I shall be ever ready to deserve it by any service that shall lie in the power of

Your Lordship's poor nephew,

Redgrave, this 19th of October, 1616.

EDM. BACON.

For the right honourable Sir Francis Bacon, knight, his majesty's attorney general, and one of his most honourable privy counsellors, be these delivered at London.

To the KING.

May it please your excellent Majesty,

I Send your majesty a form of discharge for my lord Coke from his place of chief justice of your bench (*g*).

I send also a warrant to the lord chancellor, for making forth a writ for a new chief justice, leaving a blank for the name to be supplied by your majesty's presence; for I never received your majesty's express pleasure in it.

If your majesty resolve of Montagu (*h*) as I conceive and wish, it is very material, as these times are, that your majesty have some care, that the recorder succeeding be a temperate and discreet man, and assured to your majesty's service. If your majesty, without too much harshness, can continue the place within your own servants, it is best: if not, the man, upon whom the choice is like to fall, which is Coventry (*i*), I hold doubtful for your service; not but that he is a well learned, and an honest man; but he hath been, as it were, bred by lord Coke, and seasoned in his ways.

God preserve your majesty.

Your majesty's most humble and bounden servant,

FR. BACON.

I send not these things, which concern my lord Coke, by my lord Villiers, for such reasons as your majesty may conceive.

November 13, at noon [1616].

To the KING.

It may please your most excellent majesty,

I Send your majesty, according to your commandment, the warrant for the review of Sir Edward Coke's *Reports*. I had prepared it before I received your majesty's pleasure: but I was glad to see it was in your mind, as well as in my hands. In the nomination, which your majesty made of the judges, to whom it should be directed, your majesty could not name the lord chief justice, that now is (*k*), because

(*g*) Sir Edward Coke was removed from that post on the 15th of November, 1616.

(*h*) Sir Henry Montagu, recorder of London, who was made lord chief justice of the King's Bench, November 16, 1616. He was afterwards made lord treasurer, and created earl of Manchester.

(*i*) Thomas Coventry, Esq; afterwards lord keeper of the great seal.

(*k*) Sir Henry Montagu.

he was not then declared: but you could not leave him out now, without discourtenance.

I send your majesty the state of lord Darcy's cause (1) in the star-chamber, set down by Mr. Solicitor (m), and mentioned in the letters, which your majesty received from the lords. I leave all in humbleness to your majesty's royal judgment: but this is true, that it was the clear opinion of my lord chancellor, and myself, and the two chief justices, and others, that it is a cause most fit for the censure of the court, both for the repressing of duels, and the encouragement of complaints in courts of justice. If your majesty be pleased it shall go on, there resteth but Wednesday for the hearing; for the last day of term is commonly left for orders, though sometimes, upon extraordinary occasion, it hath been set down for the hearing of some great cause.

I send your majesty also baron Bromley's (n) report, which your majesty required; whereby your majesty may perceive things go not so well in Cumberland, which is the seat of the party your majesty named to me, as was conceived. And yet if there were land-winds, as there be sea-winds, to bind men in, I could wish he were a little wind-bound, to keep him in the south.

But while your majesty passeth the accounts of judges in circuits, your majesty will give me leave to think of the judges here in their upper region. And because Tacitus saith well, *opportuni magnis conatibus transitus rerum*; now upon this change, when he, that letteth, is gone, I shall endeavour, to the best of my power and skill, that there may be a consent and united mind in your judges to serve you, and strengthen your business. For I am persuaded there cannot be a sacrifice, from which there may come up to you a sweeter odour of rest, than this effect, whereof I speak.

For this wretched murderer, Bertram (o), now gone to his place, I have, perceiving your majesty's good liking of what I propounded, taken order, that there shall be a declaration concerning the cause in the king's bench, by occasion of punishment of the offence of his keeper; and another in chancery, upon the occasion

(1) This is just mentioned in a letter of Sir Francis Bacon to the lord viscount Villiers, printed in his works; but is more particularly stated in the *Reports* of Sir Henry Hobart, lord chief justice of the Common Pleas, p. 120, 121. Edit. London, 1658, fol. as follows. The lord Darcy of the North sued Gervase Markham, Esq; in the Star-Chamber, in 1616, on this occasion. They had hunted together, and the defendant and a servant of the plaintiff, one Beckwith, fell together by the ears in the field; and Beckwith threw him down, and was upon him cuffing him, when the lord Darcy took his servant off, and reproved him. However, Mr. Markham expressing some anger against his lordship, and charging him with maintaining his man, lord Darcy answered, that he had used Mr. Markham kindly; for if he had not rescued him from his man, the latter would have beaten him to rags. Mr. Markham, upon this, wrote five or six letters to lord Darcy, subscribing them with his name; but did not send them, and only dispersed them unsealed in the fields; the purport of them being this: that whereas the lord Darcy had said, that, but for him, his servant Beckwith had beaten him to rags, he lied; and as often as he should speak it, he lied; and that he would maintain this with his life; adding, that he had dispersed those letters, that his lordship might find them, or somebody else bring them to him; and that if his lordship were desirous to speak with him, he might send his boy, who should be well willed. For this offence, Mr. Markham was censured, and fined 500 l. by the Star-Chamber.

(2) Sir Henry Neville.

(3) Edward Bromley, made one of the barons of the Exchequer, February 6, 1592.

(4) John Bertram, a grave man, above seventy years of age, and of a clear reputation, according to Camden, *Annot. Regis Jacobi I.* p. 21. He killed with a pistol, in Lincoln's Inn, on the 12th of November 1616, Sir John Tyndal, a barrister in chancery, for having made a report against him in a cause, whereon the sum awarded for his defence exceeded 200 l. He charged himself in prison on the 17th of that month.

of moving for an order, according to his just and righteous report. And yet withal, I have set on work a good pen (*p*), and myself will overlook it, for making some little pamphlet fit to fly abroad in the country.

For your majesty's proclamation touching the wearing of cloth, after I had drawn a form as near as I could to your majesty's direction, I propounded it to the lords, my lord chancellor being then absent; and after their lordship's good approbation, and some points by them altered, I obtained leave of them to confer thereupon with my lord chancellor and some principal judges, which I did this afternoon; so as, it being now perfected, I shall offer it to the board to-morrow, and so send it to your majesty.

So humbly craving you majesty's pardon for troubling you with so long a letter, specially being accompanied with other papers, I ever rest

Your Majesty's most humble and bounden servant,

This 21st of November, at
ten at night [1616].

FR. BACON.

Remembrances for the KING before his going into Scotland.

May it please your Majesty,

ALTHOUGH your journey be but as a long progress, and that your majesty shall be still within your own land; and therefore any extraordinary course neither needful, nor in my opinion fit; yet nevertheless, I thought it agreeable to my duty and care of your service, to put you in mind of those points of form, which have relation, not so much to a journey into Scotland, as to an absence from your city of London for six months, or to a distance from your said city near three hundred miles; and that in an ordinary course, wherein I lead myself, by calling to consideration what things there are, that require your signature, and may seem not so fit to expect sending to and fro; and therefore to be supplied by some precedent warrants.

First, your ordinary commissions of justice, of assize, and the peace, need not your signature, but pass of course by your chancellor. And your commissions of lieutenancy, though they need your signature, yet if any of the lieutenants should die, your majesty's choice and pleasure may be very well attended. Only I should think fit, under your majesty's correction, that such of your lord lieutenants, as do not attend your person, were commanded to abide within their counties respectively.

For grants, if there were a longer cessation, I think your majesty will easily believe it will do no hurt. And yet if any be necessary, the continual dispatches will supply that turn.

That, which is chiefly considerable, is proclamations, which all do require your majesty's signature, except you leave some warrant under your great seal to your standing council here in London.

It is true, I cannot foresee any case of such sudden necessity, except it should be the apprehension of some great offenders, or the adjournment of the term upon sickness, or some riot in the city, such as hath been about the liberties of the

(*p*) Mr. Trott.

Tower,

Tower, or against strangers, &c. But your majesty, in your gr at wisdom, may perhaps think of many things, that I cannot remember or foresee; and therefore it was fit to refer those things to your better judgment.

Also my lord chancellor's age and health is such, as it doth not only admit, but require the accident of his death (2) to be thought of; which may fall in such a time, as the very commissions of ordinary justice before mentioned, and writs, which require present dispatch, cannot well be put off. Therefore your majesty may be pleased to take into consideration, whether you will not have such a commission, as was prepared about this time twelvemonth in my lord's extreme sickness, for the taking of the seal into custody, and for the seal of writs and commissions for ordinary justice, till you may advise of a chancellor or keeper of the great seal.

Your majesty will graciously pardon my care, which is assiduous; and it is good to err in caring even rather too much than too little. These things, for so much as concerneth forms, ought to proceed from my place, as attorney, unto which you have added some interest in matter, by making me of your privy council. But for the main they rest wholly in your princely judgment, being well informed; because miracles are ceased, though admiration will not cease, while you live.

Indoned, February 21, 1610.

SIR EDWARD COKE to the KING.

Most gracious Sovereign,

I Think it now my duty to inform your majesty of the motives that induced the lord chancellor and judges to resolve, that a murder or felony, committed by one Englishman upon another in a foreign kingdom, shall be punished before the constable and marshal here in England.

First, in the book case, in the 13th year of king Henry the fourth, in whose reign the statute was made, it is expressly said, one liege-man was killed in Scotland by another liege-man; and the wife of him that was killed, did sue an appeal of murder in the constable's court of England. *Vide Statutum*, saith the book, *de primo Henrici IV. Cap. 14. Et contemporanea expositio est fortissima in Lege.* Stanford (3), an author without exception, saith thus, *fol. 65, a.*: "By the statute of Henry IV. Cap. 14. "if any subject kill another subject in a foreign kingdom, the wife of him, that is slain, may have an appeal in England before the constable and marshal; which is a case in *terminis terminantibus*. And when the wife, if the party slain have any, shall have an appeal, there, if he hath no wife, his next heir shall have it."

If any fact be committed out of the kingdom upon the high sea, the lord admiral shall determine it. If in a foreign kingdom, the cognizance belongeth to the constable, where the jurisdiction pertains to him.

And these authorities being seen by Bromley, chancellor, and the two chief justices, they clearly resolved the case, as before I have certified your majesty.

(1) He died at the age of seventy, on the 17th of March, 1613, having resigned the great seal on the 3d of that month; which was given on the 7th to Sir Francis Bacon.

(2) Sir William, the most ancient writer on the pleas of the crown. He was born in Middlesex, August 23, 1509, educated in the university of Oxford, studied the law at Gray's Inn, in which he was elected gentleman commoner in 1527, made esquire in 1532, the year following queen's lieutenant, and, in 1534, one of the justices of the Common Pleas. He died August 23, 1558.

I humbly

I humbly desire I may be so happy, as to kiss your majesty's hands, and to my exceeding comfort to see your sacred person ; and I shall ever rest

Your Majesty's faithful and loyal subject,

Feb. 25 [1619].

EDW. COKE.

To the King's most excellent Majesty.

TO the KING (s).

May it please your most excellent Majesty,

MY continual meditations upon your majesty's service and greatness have, amongst other things, produced this paper inclosed, which I most humbly pray your majesty to excuse, being that, which, in my judgment, I think to be good both *de meo*, and *ad populum*. Of other things I have written to my lord of Buckingham. God for ever preserve and prosper your majesty.

Your Majesty's humble servant, most devoted and most bounden,

March 23, 1616.

FR. BACON.

Indorsed,

My lord keeper to his majesty, with some additional instructions for Sir John Digby.

Additional instructions to Sir JOHN DIGBY (t).

BESIDES your instructions directory to the substance of the main errand, we would have you in the whole carriage and passages of the negotiation, as well with the king himself, as the duke of Lerma, and council there, intermix discourse upon fit occasions, that may express ourselves to the effect following :

That you doubt not, but that both kings, for that which concerns religion, will proceed sincerely, both being intire and perfect in their own belief and way. But that there are so many noble and excellent effects, which are equally acceptable to both religions, and for the good and happiness of the christian world, which may arise of this conjunction, as the union of both kings in actions of state, as may make the difference in religion as laid aside, and almost forgotten.

As first, that it will be a means utterly to extinguish and extirpate pirates, which are the common enemies of mankind, and do so much infest Europe at this time.

Also, that it may be a beginning and seed (for the like actions heretofore have had less beginnings) of a holy war against the Turk ; whereunto it seems the events of time do invite Christian kings, in respect of the great corruption and relaxation of discipline of war in that empire ; and much more in respect of the utter ruin and enervation of the Grand Signor's navy and forces by sea ; which openeth a way, with

(s) His Majesty had begun his journey towards Scotland, on the 14th of March, 1619.

(t) Ambassador to the court of France.

LETTERS, etc. OF LORD CHANCELLOR BACON.

congregating vast armies by land, to suffocate and starve Constantinople, and thereby to put those provinces into mutiny and insurrection.

Also, that by the same conjunction there will be erected a tribunal, or pretorian power, to decide the controversies, which may arise amongst the princes and estates of Christendom, without effusion of Christian blood; for so much as any estate of Christendom will hardly recede from that, which the two kings shall meditate and determine.

Also, that whereas there doth, as it were, creep upon the ground a disposition in some places to make popular estates and leagues to the disadvantage of monarchies, the conjunction of the two kings will be able to stop and impede the growth of any such evil.

These discourses you shall do well frequently to treat upon, and therewithal to fill up the spaces of the active part of your negotiation; representing, that it stands well with the greatness and majesty of the two kings to extend their cogitations and the influence of their government, not only to their own subjects but to the state of the whole world besides, specially the Christian portion thereof.

Account of Council Business.

FOR remedy against the infestation of pirates, than which there is not a better work under heaven, and therefore worthy of the great care his majesty hath expressed concerning the same, this is done:

First, Sir Thomas Smith (*u*) hath certified in writing, on the behalf of the merchants of London, that there will be a contribution of 20,000 l. a year, during two years space, towards the charge of repressing the pirates; wherein we do both conceive, that this, being as the first offer, will be increased. And we consider also, that the merchants of the West, who have sustained in proportion far greater damage than those of London, will come into the circle, and follow the example: and for that purpose letters are directed unto them.

Secondly, for the consultation *de modo* of the arming and proceeding against them, in respect that my lord admiral (*w*) cometh not yet abroad, the table hath referred it to my lord treasurer (*x*), the lord Carew (*y*), and Mr. Chancellor of the Exchequer (*z*), who heretofore hath served as treasurer of the navy, to confer with the lord admiral, calling to that conference Sir Robert Mansell, and others expert in sea-service; and so to make report unto the board. At which time some principal merchants shall likewise attend for the lords better information.

(*u*) Of Bilsborough in Kent, second son of Thomas Smith, of Osenbarger, of that county Esq. He had farmed the customs in the reign of queen Elizabeth, and was sent, by king James I. ambassador to the court of Russia, in March 1624-5; from whence returning, he was made governor of the society of merchants trading to the East-Indies, Malcovy, the French and Summer Islands; and treasurer for the colony and company of Virginia. He built a magnificent house at Deptford, which was burnt on the 30th of January, 1618; and in April 1619 he was removed from his employment of governor and treasurer, upon several complaints of frauds committed by him.

(*w*) Charles Howard, earl of Nottingham.

(*x*) Thomas Howard, earl of Suffolk.

(*y*) George, lord Carew, who had been president of Munster in Ireland, and was now master of the granary. He was created earl of Totness by king Charles I. in 1626.

(*z*) Sir Felix Greville.

So that, when this is done, his majesty shall be advertised from the table: whereupon his majesty may be pleased to take into his royal consideration, both the business in itself, and as it may have relation to Sir John Digby's embassy.

For safety and caution against tumults and disorders in and near the city, in respect of some idle flying papers, that were cast abroad of a May-day, &c. the lords have wisely taken a course neither to nurse it, or nourish it, by too much apprehension, nor much less to neglect due provision to make all sure. And therefore order is given, that as well the trained bands, as the military bands, newly erected, shall be in muster as well weekly, in the mean time, on every Thursday, which is the day upon which May-day falleth, as in the May-week itself, the Monday, Tuesday, Wednesday, and Thursday. Besides, that the strength of the watch shall that day be increased.

For the buildings in and about London, order is given for four selected aldermen, and four selected justices, to have the care and charge thereof laid upon them; and they answerable for the observing of his majesty's proclamation, and for stop of all farther building; for which purposes the said *Esus* are warned to be before the board, where they shall receive a strait charge, and be tied to a continual account.

For the provosts marshals, there is already direction given for the city and the counties adjacent; and it shall be strengthened with farther commission, if there be cause.

For the proclamation, that lieutenants, not being counsellors, deputy-lieutenants, justices of the peace, and gentlemen of quality, should depart the city, and reside in their countries; we find the city so dead of company of that kind for the present, as we account it out of season to command that, which is already done. But after men have attended their business the two next terms, in the end of Trinity-term, according to the custom, when the justices shall attend at the star-chamber, I shall give a charge concerning the same: and that shall be corroborated by a proclamation, if cause be.

For the information given against the Witheringtons, that they should countenance and abet the spoils and disorders in the middle shires; we find the informers to falter and fail in their accusation. Nevertheless, upon my motion, the table hath ordered, that the informer shall attend one of the clerks of the council, and set down articulately what he can speak, and how he can prove it, and against whom, either the Witheringtons or others.

For the causes of Ireland, and the late letters from the deputy (*a*), we have but entered into them, and have appointed Tuesday for a farther consultation of the same; and therefore of that subject I forbear to write more for this present.

Indersed,

March 30, 1617. An account of council business.

To the Lord KEEPER*.

My honourable Lord,

WHEREAS the late lord chancellor thought it fit to dismiss out of the chancery a cause touching Henry Skipwith to the common law, where he

(*a*) Sir Oliver St. John, afterwards viscount Grandison.

* Harl. MSS. Vol. 7000.

desireth it should be decided: these are to intreat your lordship (b) in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place, where now it is, that without more vexation unto him in polling him from one to another, he may have a final hearing and determination thereof. And so I rest

Your Lordship's ever at command,

G. BUCKINGHAM.

My Lord,

This is a business, wherein I spake to my lord Chancellor (c); whereupon he dismissed the suit.

Lincoln, the 4th of April, 1617.

To the Reverend UNIVERSITY of OXFORD (d).

AMONGST the gratulations I have received, none are more welcome and agreeable to me than your letters, wherein the less I acknowledge of those attributes you give me, the more I must acknowledge of your affection, which bindeth me no less to you, that are professors of learning, than my own dedication doth to learning itself. And therefore you have no need to doubt, but I will emulate, as much as in me is, towards you the merits of him that is gone, by how much the more I take myself to have more propriety in the principal motive thereof. And for the equality you write of, I shall by the grace of God, far as may concern me, hold the balance as equally between the two universities, as I shall hold the balance of other justice between party and party. And yet in both cases I must meet with some inclinations of affection, which nevertheless shall not carry me aside. And so I commend you to God's goodness.

Your most loving and assured friend,

Gerhambury, April 12, 1617.

FR. BACON.

To the Lord KEEPER*.

My Honourable Lord,

IHAVE acquainted his majesty with your letters, who liked all your proceedings well, saving only the point, for which you have since made amends, in obeying

(b) This is the first of many letters, which the marquis of Buckingham wrote to lord Bacon in favour of persons, who had causes depending in, or likely to come into, the court of Chancery. And it is not improvable, that such recommendations were considered in that age as less extraordinary and irregular, than they would appear now. The marquis made the same kind of applications to lord Bacon's successor, the lord keeper Williams, in whose *Life*, by bishop Hacket, Part I, p. 107, we are informed, that "there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the lord keeper's patron."

(c) Ekehart.

(d) From the collections of the late Robert Stephens, Esq; historiographer royal, and John Lockier, Esq; now in possession of the editor.

* Harl. MS. 3. Vol. 2006.

his

his pleasure touching the proclamation. His majesty would have your lordship go thoroughly about the business of Ireland, whereinto you are so well entered, especially at this time, that the chief justice (*e*) is come over, who hath delivered his opinion thereof to his majesty, and hath understood what his majesty conceived of the same; wherewith he will acquaint your lordship, and with his own observation and judgment of the businesses of that country.

I give your lordship hearty thanks for your care to satisfy my lady of Rutland's (*f*) desire; and will be as careful, when I come to York, of recommending your suit to the bishop (*g*). So I rest

Your Lordship's ever at command,

Newark, the 5th of April, 1617.

G. BUCKINGHAM.

To my very honourable lord, Sir Francis Bacon, knight, lord keeper of the great seal of England.

To the Lord KEEPER *.

My very good Lord,

I SPAKE at York with the archbishop (*b*), touching the house, which he hath wholly put into your hands, to do with it what your lordship shall be pleased.

I have heretofore, since we were in this journey, moved his majesty for dispatch of my lord Brackley's (*i*) business: but because his majesty never having heard of any precedent in the like case, was of opinion, that this would be of ill consequence in making that dignity as easy, as the pulling out of a sword to make a man a knight, and so make it of little esteem, he was desirous to be assured, first, that it was no new course, before he would do it in that fashion. But since he can receive no assurance from your lordship of any precedent in that kind, his majesty intendeth not so to precipitate the business, as to expose that dignity to censure and contempt, in omitting the solemnities required, and usually belonging unto it.

His majesty, though he were a while troubled with a little pain in his back, which hindered his hunting, is now, God be thanked, very well, and as merry as he ever was; and we have all held out well.

(*e*) Sir John Denham, one of the lords justices of Ireland in 1616. He was made one of the barons of the Exchequer in England, May 2, 1617. He died January 6, 1638, in the eightieth year of his age. He was the first, who set up customs in Ireland (not but there were laws for the same before;) of which the first year's revenue amounted but to 500l; but before his death, which was about twenty-two years after, they were let for 54,000 l. per annum. *Borlase's Reduction of Ireland to the crown of England*, p. 200. Edit. London, 1675.

(*f*) Frances, countess of Rutland, first wife of Frances, earl of Rutland, and daughter and coheir of Sir Henry Knevet, of Charleton in Wiltshire, knight. She had by the earl an only daughter and heir, Catharine, first married to George, marquis, and afterwards duke, of Buckingham; and secondly to Randolph Mac Donnell, earl, and afterwards marquis, of Antrim in Ireland.

(*g*) Relating to York-house.

* Harl. MSS. Vol. 7005.

(*b*) Dr. Tobie Matthew.

(*i*) Who desired to be created earl in an unusual manner, by letters patents, without the delivering of the patent by the king's own hand, or without the ordinary solemnities of creation. He was accordingly created earl of Bridgewater, May 27, 1617.

I shewed

LETTERS, etc. OF LORD CHANCELLOR BACON.

I shewed his majesty your letter, who taketh very well your care and desire to hear of his health.

So I commit you to God, and rest

Your Lordship's most assured friend to do you service,

Aukland, the 18th of Apr. 1617.

G. BUCKINGHAM.

Since the writing of this letter, I have had some farther speech with his majesty, touching my lord Brackley; and find, that if, in your lordship's information in the court, you write any thing, that may tend to the furthering of the dispatch of it in that kind, he desireth it may be done.

To the Lord KEEPER*.

My honourable Lord,

I Send your lordship the warrant for the queen (*k*) signed by his majesty, to whom I have likewise delivered your lordship's letter. And touching the matter of the pirates, his majesty cannot yet resolve; but within a day or two your lordship shall see a dispatch, which he purposeth to send to the lords of his council in general, what his opinion and pleasure is in that point.

I would not omit this opportunity to let your lordship know, that his majesty, God be thanked, is in very good health, and so well pleased with his journey, that I never saw him better, nor merrier. So I rest

Your Lordship's ever at command,

From Newcastle, the 23d of Apr. 1617.

G. BUCKINGHAM.

Lord Keeper BACON to Mr. MANEY, Fellow of Trinity College Cambridge †.

AFTER my hearty commendations, I having heard of you, as a man well deserving, and of able gifts to become profitable in the church; and there being fallen within my gift the rectory of Frome St. Quintin with the chapel of Evershot in Dorsetshire, which seems to be a thing of good value, 18*l.* in the king's books, and in a good country, I have thought good to make offer of it to you; the rather for that you are of Trinity college, whereof myself was some time: and my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From Dorset House, 23 April, 1617.

From your loving friend,

FR. BACON, C. S.

* Harl. MS. Vol. 7067.

† Harl. MS. Vol. 7067. See the lord keeper's letter of April 7, 1617, printed in his works.

‡ From the collection of the late Robert Stephens, Esq;

The LORD KEEPER to his NIECE, touching her Marriage.

Good Niece,

AMONGST your other virtues, I know there wanteth not in you a mind to hearken to the advice of your friends. And therefore you will give me leave to move you again more seriously than before in the match with Mr. Comptroller(*d*).

The state, wherein you now are, is to be preferred before marriage, or changed for marriage, not simply the one or the other, but according as, by God's providence, the offers of marriage are more or less fit to be embraced. This gentleman is religious, a person of honour, being counsellor of state, a great officer, and in very good favour with his majesty. He is of years and health fit to be comfortable to you, and to free you of burdensome cares. He is of good means, and a wise and provident man, and of a loving and excellent good nature; and, I find, hath set his affections upon you; so as I foresee you may sooner change your mind, which, as you told me, is not yet towards marriage, than find so happy a choice. I hear he is willing to visit you, before his going into France, which, by the king's commandment, is to be within some ten days: and I could wish you used him kindly, and with respect. His return out of France is intended before Michaelmas. God direct you, and be with you. I rest

Your very loving uncle, and assured friend,

Dorset-house, this 28th of Apr. 1617.

FR. BACON.

To the LORD KEEPER*.

My honourable Lord,

I Understand that Sir Lewis Tresham hath a suit depending in the chancery before your lordship; and therefore out of my love and respect toward him, I have thought fit to recommend him unto your favour so far only, as may stand with justice and equity, which is all he desireth, having to encounter a strong party. And because he is shortly to go into Spain about some other business of his own, I farther desire your lordship to give him what expedition you can, that he may receive no prejudice by his journey.

Your Lordship's ever at command,

G. BUCKINGHAM.

Indorsed, May 6, 1616.

(*d*) Sir Thomas Edmonds, who had been appointed to that office, December 21, 1616; and, January 10, 1617-8, was made treasurer of the household. He had been married to Magdalen, one of the daughters and coheirs of Sir John Wood, knight, clerk of the signet: which lady died at Paris December 31, 1614.

The proposal for a second marriage between him and the lord keeper's niece does not appear to have had success.

* Harl. MSS., Vol. 7006.

To

To the Lord KEEPER*.

My Honourable Lord,

I have by reports heard that, which doth much grieve and trouble me, that your lordship hath, through a pain in one of your legs, been forced to keep your chamber. And being desirous to understand the true estate of your health, which reports do not always bring, I intreat your lordship to favour me with a word or two from yourself, which, I hope, will bring me the comfort I desire, who cannot but be very sensible of whatsoever happeneth to your lordship, as being

Your Lordship's most affectionate to do you service,

G. BUCKINGHAM.

His majesty, God be thanked, is very well and safely returned from his hunting journey.

From Edinburgh, the 24 of June, 1617.

To the Earl of BUCKINGHAM.

My very good Lord,

THIS day I have made even with the business of the kingdom for common justice; not one cause unheard; the lawyers drawn dry of all the motions they were to make; not one petition unanswered. And this, I think, could not be said in our age before. This I speak not out of ostentation, but out of gladness when I have done my duty. I know men think I cannot continue, if I should thus oppress myself with business: but that account is made. The duties of life are more than life; and, if I die now, I shall die before the world will be weary of me, which in our times is somewhat rare. And all this while I have been a little imperfect in my foot. But I have taken pains more like the beast with four legs, than like a man with scarce two legs. But if it be a gout, which I do neither acknowledge, nor much disclaim, it is a good natured gout; for I have no rage of it, and it goeth away quickly. I have hope it is but an accident of changing from a field-air (1) to a Thames-air (2); or rather, I think, it is the distance of the king and your lordship from me, that doth congeal my humours and spirits.

When I had written this letter, I received your lordship's letter of the third of this present, wherein your lordship sheweth your solicitous care of my health, which did wonderfully comfort me. And it is true, that at this present I am very well, and my supposed gout quite vanished.

I humbly pray you to commend my service, infinite in desire, howsoever limited in ability, to his majesty, to hear of whose health and good disposition is to me the great-

* Hist. MSS. A. 2. 7. 26.

(1) Gray's Inn.

(2) London house, originally belonging to the bishops of Salisbury, afterwards the house of Sir Richard B. 1. 2. 3. and 4. the son Sir Thomas, earl of Dorset, and lord Treasurer.

est beatitude, which I can receive in this world. And I humbly beseech his majesty to pardon me, that I do not now send him my account of council business, and other his royal commands, till within these four days; because the flood of business of justice did hitherto wholly possess me; which, I know, worketh this effect, as it contenteth his subjects, and kaitteth their hearts more and more to his majesty, though, I must confess, my mind is upon other matters, as his majesty shall know, by the grace of God, at his return. God ever blest and prosper you.

Your lordship's true and most devoted friend and servant,

Whitchall, this 8th of June, 1617.

FR. BACON.

To the Lord KEEPER*.

My Honourable Lord,

YOUR lordship will understand, by Sir Thomas Lake's letter, his majesty's directions touching the surveyor's deputy of the court of wards. And though I assure myself of your lordship's care of the business, which his majesty maketh his own; yet my respect to Sir Robert Naunton (n) maketh me add my commendation thereof to your lordship, whom I desire to give all the furtherance and assistance you can to the business, that no prejudice or imputation may light upon Sir Robert Naunton, through his zealous affection to attend his majesty in this journey.

I will not omit to let you know, that his Majesty is very well, and receiveth much contentment in his journey. And with this conclusion, I rest

Your Lordship's most affectionate to do you service.

Edinburgh the 11th of June, 1617.

G. BUCKINGHAM.

To the Lord Viscount FENTON (o).

My very good Lord,

I Thank your lordship for your courteous letter; and if I were asked the question, I would always choose rather to have a letter of no news, than a letter of news; for news imports alteration: but letters of kindness and respect bring that, which, though it be no news amongst friends, is more welcome.

I am exceedingly glad to hear, that this journey of his majesty, which I never esteemed more than a long progress, save that it had reason of state joined with pleasure, doth sort to be so joyful and so comfortable.

For your parliament, God speed it well; and for ours, you know the sea would be calm, if it were not for the winds: and I hope the king whensoever that shall be, will

* Harl. MSS. Vol. 7006.

(n) Surveyor of the court of wards.

(o) Sir Thomas Erskine, who for his service to the king, in the attempt of the earl of Gowry, was, upon his majesty's accession to the throne of England, made captain of his guard in the room of Sir Walter Raleigh. He was afterwards created earl of Kells.

LETTERS, etc. OF LORD CHANCELLOR BACON.

find those winds reasonably well laid. Now that the sun is got up a little higher, God ordains all things to the happiness of his majesty, and his monarchy.

My health, I thank God, is good; and I hope this supposed gout was but an incomer. I ever rest

Your Lordship's affectionate and assured friend,

Whitehall June 18, [1617].

F. R. BACON.

To the lord KEEPER, written from Scotland June 28, 1618 (*p*).

I Will begin to speak of the business of this day; *opus hujus diei in de suo*, which is of the parliament. It began on the 7th of this month, and ended this day, being the 28th of June. His majesty, as I perceived by relation, rode thither in great state the first day. These eyes are witnesses, that he rode in an honourable fashion, as I have seen him in England, this day. All the lords rode in English robes; not an English lord on horseback, though all the parliament-house at his majesty's elbow, but my lord of Buckingham, who waited upon the king's stirrup in his collar, but not in his robes. His majesty the first day, by way of preparation to the subject of the parliament, made a declaratory speech, wherein he expressed himself what he would not do, but what he would do. The relation is too prolix for a sheet of paper; and I am promised a copy of it, which I will bring myself unto your lordship with all the speed I may. But I may not be so reserved, as not to tell your lordship, that in that speech his majesty was pleased to do England and Englishmen much honour and grace; and that he studied nothing so much, sleeping and waking, as to reduce the barbarity, I have warrant to use the king's own word, of this country unto the sweet civility of ours; adding farther, that if the Scottish nation would be as docible to learn the goodness of England, as they are teachable to limp after their ill, he might with facility prevail in his desire: for they had learned of the English to drink healths, to wear coaches and gay cloaths, to take tobacco, and to speak neither Scottish nor English. Many such diseases of the times his majesty was pleased to enumerate, not fit for my pen to remember, and graciously to recognize, how much he was beholden to the English nation for their love and conformity to his desires. The king did personally and intallibly sit amongst them of the parliament every day; so that there fell not a word amongst them, but his majesty was of council with it.

The whole assembly, after the wonted manner, was abstracted into eight bishops, eight lords, eight gentlemen, knights of the shires, and eight lay burgesses for towns. And this epitome of the whole parliament did meet every day in one room to treat and debate of the great affairs of the kingdom. There was exception taken against some of the lower-house, which were returned by the country, being pointed at as men averse in their appetites and humours to the business of the parliament, who were deposed of their attendance by the king's power; and others, better affected, by the king's election, placed in their room.

The greatest and weightiest articles, agitated in this parliament, were specially touching the government of the kirk and kirkmen, and for the abolishing of hereditary sheriffs to an annual charge; and to enable justices of the peace to have as well the

(1) From a copy in the Paper-office.

real execution, as the title of their places. For now the sheriff doth hold *jura regalia* in his circuit without check or controlment; and the justices of the peace do want the staff of their authority. For the church and commonwealth, his majesty doth strive to shape the frame of this kingdom to the method and degrees of the government of England, as by reading of the several acts it may appear. The king's desire and travel herein, though he did suffer a momentary opposition (for his countrymen will speak boldly to him,) hath in part been profitable. For though he hath not fully and complementally prevailed in all things, yet he hath won ground in most things, and hath gained acts of parliament to authorize particular commissioners, to set down orders for the church and churchmen, and to treat with sheriffs for their offices by way of pecuniary composition. But all these proceedings are to have an inseparable reference to his majesty. If any prove unreasonably and undutifully refractory, his majesty hath declared himself, that he will proceed against him by the warrant of the law, and by the strength of his royal power.

His majesty's speech this day had a necessary connexion with his former discourse. He was pleased to declare what was done and determined in the progress of this parliament; his reasons for it; and that nothing was gotten by shouldering or wrestling, but by debate, judgment, and reason, without any interposition of his royal power in any thing. He commanded the lords in state of judicature, to give life, by a careful execution, unto the law, which otherwise was but *mortuum cadaver et bona peritura*.

Thus much touching the legal part of my advertisement unto you. I will give your lordship an account in two lines of the complement of the country, time, and place.

The country affords more profit, and better contentment, than I could ever promise myself, by my reading of it.

The king was never more chearful in body and mind, never so well pleased: and so are the English of all conditions.

The entertainment very honourable, very general, and very full: every day feasts and invitations. I know not who paid for it. They strive, by direction, to give us all fair contentment, that we may know, that the country is not so contemptible, but that it is worth the cherishing.

The lord provost of this town, who in English is the mayor, did feast the king and all the lords this week; and another day all the gentlemen. And, I confess, it was performed with state, with abundance, and with a general content.

There is a general, and a bold expectation, that Mr. John Murray shall be created a baron of this country; and some do chat, that my lord of Buckingham's Mr. Wray shall be a groom of the bed-chamber in his place.

There hath been yet no creation of lords, since his majesty did touch Scotland: but of knights many, yet not so many as we heard in England; but it is thought all the pensioners will be knights to-morrow. Neither are there any more English lords sworn of the privy-council here, save my lord of Buckingham.

The earl of Southampton, Montgomery, and Hay, are already gone for England.

I have made good profit of my journey hither; for I have gotten a transcript of the speech, which your lordship did deliver at your first and happy sitting in chancery; which I could not gain in England. It hath been shewed to the king, and received due approbation. The God of heaven, all-wise and all-sufficient, guard and assist your lordship in all your actions: for I can read here whatsoever your lordship doth act there; and your courtes be such, as you need not to fear to give copies of them. But the

king's ears be wide and long, and he feeth with many eyes. All this works for your honour and comfort. I pray God nothing be foiled, heated, or cooled in the carriage. Envy sometimes attends virtues, and not for good; and these bore certain proprieties and circumstances inherent to your lordship's mind; which men may admire, I cannot express. But I will wade no farther herein, lest I should seem eloquent. I have been too faucy with your lordship, and held you too long with my idleness. He that takes time from your lordship, robs the public. God give your body health, and your soul heaven.

My lord of Pembroke, my lord of Arundel, my lord Zouch, and Mr. Secretary Lake, were new sworn of the council here.

To the earl of BUCKINGHAM.

My very good Lord,

I Have sent inclosed a letter to his majesty concerning the strangers; in which business I had formerly written to your lordship a joint letter with my lord of Canterbury, and my lord Privy-Seal (q), and Mr. Secretary Winwood.

I am, I thank God, much relieved with my being in the country-air, and the order I keep; so that of late years I have not found my health better.

Your lordship writeth seldomer than you were wont; but when you are once gotten into England, you will be more at leisure. God blefs and prosper you.

Your Lordship's true and devoted friend and servant,

Gorhambury, July 29, 1617.

FR. BACON.

To the lord KEEPER*.

My honourable Lord,

I Have acquainted his majesty with your letter, who in this business of Sir John Bennet's (r), hath altogether followed your lordship's direction.

His majesty hath at length been pleased to dispatch Mr. Lowder (s), according to your lordship's desire, for the place in Ireland. What the cause of the stay was, I shall impart to your lordship, when I see you, being now too long to relate.

His majesty hath not yet had leisure to read the little book you sent me to present unto him; but, as soon as I see the fittest opportunity, I will offer it to him again.

His majesty, God be thanked, is very well; and I am exceeding glad to hear of your health, that you are of so good term-proof, which is the best of it, being you are in those businesses put most to the trial, which I wish may long continue in

(q) Edward, earl of Worcester.

* Harl. M. S. Vol. 5077.

(r) Sir John Bennet, of Oxfordshire, who was sent to Breffels to the archduke, to expelulate with him concerning a matter of the king, imputed to Hieronimus Paganus, and entitled, *De rebus in Belgia*.

(s) He had been sent to the queen; but finding her dislike of him, he was willing to part with his place for that of one of the barons of the exchequer in Ireland; for which he was recommended by the lord keeper to the earl of Buckingham, in a letter dated at Whitehall, May 25, 1617.

that strength, that you may still do his majesty and your country that good service, whereof we hear so general approbation, that it much rejoiceth me, who rest

Your Lordship's ever at command,

Falkland, the 5th of July, 1617.

G. BUCKINGHAM.

To the KING (*t*).

May it please your most excellent Majesty,

I Do very much thank your majesty for your letter, and think myself much honoured by it. For though it contain some matter of dislike, in which respect it hath grieved me more than any event, which hath fallen out in my life; yet because I know reprehensions from the best masters to the best servants are necessary; and that no chastisement is pleasant for the time, but yet worketh good effects; and for that I find intermixed some passages of trust and grace; and find also in myself inwardly sincerity of intention, and conformity of will, howsoever I may have erred; I do not a little comfort myself, resting upon your majesty's accustomed favour; and most humbly desiring, that any one of my particular notions may be expounded by the constant and direct course, which, your majesty knoweth, I have ever held in your service.

And because it hath pleased your majesty, of your singular grace and favour, to write fully and freely unto me; it is duty and decorum in me not to write shortly to your majesty again, but with some length; not so much by way of defence or answer, which yet, I know, your majesty would always graciously admit; as to shew, that I have, as I ought, weighed every word of your majesty's letter.

First, I do acknowledge, that this match of Sir John Villiers is *magnum in parvo* in both senses, that your majesty speaketh. But your majesty perceiveth well, that I took it to be in a further degree, *maius in parvo*, in respect of your service. But since your majesty biddeth me to confide upon your act of empire, I have done. For, as the Scripture saith, *God all things are possible*; so certainly, to wise kings much is possible. But for that second sense, that your majesty speaketh of, *magnum in parvo*, in respect of the stir; albeit it being but a most lawful and ordinary thing, I most humbly pray your majesty to pardon me, If I signify to you, that we here take the loud and vocal, and as I may call it, streperous carriage to have been far more on the other side, which indeed is inconvenient, rather than the thing itself.

Now for the manner of my affection to my lord of Buckingham, for whom I would spend my life, and that which is to me more, the cares of my life; I must humbly confess, that it was in this a little parent-like, this being no other term, than his lordship hath heretofore vouchsafed to my counsels; but in truth, and it please your majesty, without any grain of disesteem for his lordship's discretion. For I know him to be naturally a wise man, of a sound and staid wit, as I ever said unto your majesty. And again, I know he hath the best tutor in Europe. But yet I was afraid, that the height of his fortune might make him too secure; and as the proverb is, a looker-on sometimes seeth more than a gamester.

(1) This letter appears, from the interment of the king's answer to it, to have been written at Greenwich, July 22, 1617. That printed with this date in his *Works*, should be August 2, 1617, as I judge by the original draught of it.

For

For the particular part of a true friend, which your majesty witnesseth, that the earl hath lately performed towards me, in palliating some errors of mine; it is no new thing with me to be more and more bound to his lordship; and I am most humbly to thank, whatsoever it was, both your majesty and him; knowing well, that I may, and do commit many errors, and must depend upon your majesty's gracious countenance and favour for them, and shall have need of such a friend near your majesty. For I am not so ignorant of mine own case, but that I know I am content with as strong an envy of some particulars, as with the love of the general.

For my opposition to this business, which, it seemeth, hath been informed your majesty, I think it was meant, if it be not a thing merely feigned, and without truth or ground, of one of these two things; for I will dissemble nothing with your majesty. It is true, that in those matters, which, by your majesty's commandment and reference, came before the table concerning Sir Edward Coke, I was sometimes sharp, it may be too much; but it was with end to have your majesty's will performed; or else, when he thought he was more peremptory than became him, in respect of the honour of the table. It is true also, that I disliked the riot or violence, whereof we of your council gave your majesty advertisement by our joint letter: and I disliked it the more, because he justified it to be law; which was his old song. But in that act of council, which was made thereupon, I did not see but all my lords were as forward as myself, as a thing most necessary for preservation of your peace, which had been so carefully and firmly kept in your absence. And all this had a fair end, in a reconciliation made by Mr. Attorney (y), whereby both husband and wife and child should have kept together. Which, if it had continued, I am persuaded the match had been in better and fairer forwardness, than now it is.

Now for the times of things, I beseech your majesty to understand that, which my lord of Buckingham will witness with me, that I never had any word of letter from his lordship of the business, till I wrote my letter of advice; nor again, after my letter of advice, till five weeks after, which was now within this fortnight. So that although I did in truth presume, that the earl would do nothing without your majesty's privity; yet I was in some doubt, by this his silence of his own mind, that he was not earnest in it, but only was content to embrace the officious offers and endeavours of others.

But, to conclude this point, after I had received, by a former letter of his lordship, knowledge of his mind, I think Sir Edward Coke himself, the last time he was before the lords, might particularly perceive an alteration in my carriage. And now that your majesty hath been pleased to open yourself to me, I shall be willing to further the match by any thing, that shall be desired of me, or that is in my power.

And whereas your majesty conceiveth some dregs of spleen in me by the word *Mr. Bacon*; truly it was but to express in thankfulness the comparative of my fortune unto your majesty, the author of the latter, to shew how little I needed to fear, while I had your favour. For, I thank God, I was never vindictive nor implacable.

As for my opinion of prejudice to your majesty's service, as I touched it before, I have done; I do humbly acquiesce in your majesty's satisfaction, and rely upon your majesty's judgment, who unto judgment have also power, so to mingle the elements, as may conserve the fabric.

For the interest, which I have in the mother, I do not doubt but it was increased by this, that I in judgment, as I then stood, affected that which she did in passion. But I think the chief obligation was, that I stood so firmly to her in the matter of her assurance, wherein I supposed I did your majesty service, and mentioned it in a memorial of council-business, as half craving thanks for it. And sure I am now, that, and the like, hath made Sir Edward Coke a convert, as I did write to your majesty in my last.

For the collation of the two spirits, I shall easily subscribe to your majesty's answer; for Solomon were no true man, if in matter of malice the woman should not be the superior.

To conclude, I have gone through, with the plainness of truth, the parts of your majesty's letter: very humbly craving pardon for troubling your majesty so long; and most humbly praying your majesty to continue me in your grace and favour, which is the fruit of my life upon the root of a good conscience. And although time in this business have cast me upon a particular, which, I confess, may have probable shew of passion or interest; yet God is my witness, that the thing, that most moved me, was an anxious and solicitous care of your majesty's state and service, out of consideration of the time past and present.

God ever preserve and bless your majesty, and send you a joyful return after your prosperous journey.

The KING to the LORD KEEPER, in answer to his Lordship's letter from
Gorhambury of July 25, 1617.

JAMES R.

RIGHT trusty and well beloved counsellor, we greet you well.

Although our approach doth now begin to be near London, and that there doth not appear any great necessity of answering your last letter, since we are so shortly to be at home; yet we have thought good to make some observations to you upon the same, that you may not err, by mistaking our meaning.

The first observation we are to make is, that, whereas you would invert the second sense, wherein we took your *magnum in parvo*, in accounting it to be made *magnum* by their streperous carriage, that were for the match, we cannot but shew you your mistaking therein. For every wrong must be judged by the first violent and wrongous ground, whereupon it proceeds. And was not the thesteous stealing away of the daughter from her own father (u) the first ground, whereupon all this great noise hath since proceeded? For the ground of her getting again came upon a

(u) Lady Hatton had first removed her daughter to Sir Edmund Withpole's house, near Oatlands, without the knowledge of Sir Edward Coke; and from thence, according to a letter of Mr. Chamberlain, dated July 19. 1617, the young lady was privately conveyed to a house of the lord of Argyll's by Hampton-Court. "Whence, adds Mr. Chamberlain, her father, with a warrant from Mr. Secretary [Winwood] fetched her; but indeed went farther than his warrant, and brake open divers doors before he got her."

lawful and ordinary warrant, subscribed by one of our council (*w*), for redress of the former violence: and except the father of a child might be proved to be either lunatic, or idiot, we never read in any law, that either it could be lawful for any creature to steal his child from him; or that it was a matter of noble and frequent carriage for him to hunt for the recovery of his child again.

Our next observation is, that whereas you protest your affection to Buckingham, and thereafter confess, that it is in some sort *parent-like*; yet, after that you have praised his natural parts, we will not say, that you throw all down by a direct imputation upon him, but we are sure you do not deny to have had a greater jealousy of his discretion, than, so far as we conceive, he ever deserved at your or any man's hands. For you say, that you were afraid, that the height of his fortune might make him too loose; and so, as a looker on, you might sometime see more than a gamester. Now we know not how to interpret this in plain English otherwise, than that you were afraid, that the height of his fortune might make him misknow himself. And surely, if that be your *parent-like affection* toward him, he hath no obligation to you for it. And, for our part, besides our own proof, that we find him farthest from that vice of any courtier, that ever we had so near about us; so do we fear, that you shall prove the only phenix in that jealousy of all the kingdom. For we would be very sorry, that the world should apprehend that conceit of him. But we cannot conceal, that we think it was least your part of any to enter into that jealousy of him, of whom we have heard you oft speak in a contrary style. And as for that error of yours, which he lately palliated, whereof you seem to pretend ignorance; the time is so short since you commended to him one (*x*) to be of the barons of our exchequer in Ireland, as we cannot think you to be so short of memory, as to have forgotten how far you undertook in that business, before acquainting us with it; what a long journey you made the poor man undertake, together with the slight recommendation you sent of him; which drove us to those straits, that both the poor man had been undone, and your credit a little blasted, if Buckingham had not, by his importunity, made us both grant you more than suit, for you had already acted a part of it, and likewise run a hazard of the hindrance of your own private, by preferring a person to so important a place, whom you so slightly recommended.

Our third observation is upon the point of your opposition to this business, wherein you either do, or at least would seem to, mistake us a little. For first, whereas you excuse yourself of the oppositions you made against Sir Edward Coke at the council-table, both for that, and other causes; we never took upon us such a patrociny of Sir Edward Coke, as if he were a man not to be meddled withal in any case.

(*w*) Sir William Mordaunt, whom Sir John Pemberton served in the letter cited in the note above, was treasurer of the chamber of the household of the lord keeper, and threatened with a forfeiture, in case he should be removed from his office. His lordship at the same time, told the said Mordaunt, master of the rolls, that he would not be so bold as to do so, and would be ready to answer it with all the time he could; whereas when he did it out of his own will and choice. Which words Mordaunt took at himself, and said, he alleged, that what he had done was in the behalf of the council, and for the party, and thus he acted of approbation of all his colleagues in the king, making the whole party to be *pro se*, and thus appears in the carriage to which he was so well known. The next day, Mordaunt being called in order of the dignity, when the lord keeper had conceived much displeasure against him, and being by himself, what occurred to the secretary had given him to propose himself to Mordaunt, and being answered, "Mordaunt, I can say no more but he is a goodly fellow." Mordaunt, Mr. Chancellor, the 14th of July, 1617.

(*x*) Sir Edward. See the letter of the earl of Buckingham of the 20th of July.

For whatsoever you did against him, by our employment and commendation, we ever allowed it, and will do, for good service on your part. *De bonis operibus non lapidamus vos.* But whereas you talk of the riot and violence committed by him, we wonder you make no mention of the riot and violence of them, that stole away his daughter, which was the first ground of all that noise, as we said before. For a man may be compelled by manifest wrong beyond his patience; and the first breach of that quietness, which hath ever been kept since the beginning of our journey, was made by them that committed the theft. And for your laying the burden of your opposition upon the council, we meddle not with that question; but the opposition, which we justly find fault with you, was the refusal to sign a warrant for the father to the recovery of his child, clad with those circumstances, as is reported, of your slight carriage to Buckingham's mother, when she repaired to you upon so reasonable an errand. What farther opposition you made in that business, we leave it to the due trial in the own time. But whereas you would distinguish of times, pretending ignorance either of our meaning or his, when you made your opposition; that would have served for a reasonable excuse not to have furthered such a business, till you had been first employed in it: but that can serve for no excuse of crossing any thing, that so nearly concerned one, whom you profess such friendship unto. We will not speak of obligation; for surely we think, even in good manners, you had reason not to have crossed any thing, wherein you had heard his name used, till you had heard from him. For if you had willingly given your consent and hand to the recovery of the young gentlewoman; and then written both to us and to him what inconvenience appeared to you to be in such a match; that had been the part indeed of a true servant to us, and a true friend to him. But first to make an opposition; and then to give advice by way of friendship, is to make the plow go before the horse.

Thus leaving all the particulars of your carriage, in this business, to the own proper time, which is ever the discoverer of truth, we commend you to God. Given under our signet at Nantwich, in the fifteenth year of our reign of Great Britain, &c.

To the Lord Keeper B A C O N*.

My Lord,

IF your man had been addressed only to me, I should have been careful to have procured him a more speedy dispatch: but now you have found another way of address, I am excused; and since you are grown weary of employing me, I can be no otherwise in being employed. In this business of my brother's, that you overtrouble yourself with, I understand from London by some of my friends, that you have carried yourself with much scorn and neglect both toward myself and friends; which, if it prove true, I blame not you, but myself, who was ever

* From the collections of Robert Stephens, Esq; deceased.

Your Lordship's assured friend,

G. BUCKINGHAM.

[July, 1617.]

To the Lord KEEPER.

My Lord,

I Have received your lordship's letter by your man ; but having so lately imparted my mind to you in my former letters, I refer your lordship to those letters, without making a needless repetition, and rest

Your Lordship's at command,

Alhton, the 25th of Aug. 1617.

G. BUCKINGHAM.

To my honourable lord, Sir Francis Bacon, knight, lord keeper of the great seal of England.

Sir HENRY YELVERTON, Attorney General, to the Lord Keeper
BACON.

My most worthy and honourable Lord,

I Dare not think my journey lost, because I have with joy seen the face of my master, the king, though more clouded towards me than I looked for.

Sir Edward Coke hath not forborne, by any engine, to heave at your honour, and at myself; and he works by the weightiest instrument, the earl of Buckingham, who, as I see, sets him as close to him as his shirt, the earl speaking in Sir Edward's praise, and, as it were, menacing in his spirit.

My lord, I emboldened myself to assay the temper of my lord of Buckingham to myself, and found it very fervent, misled by information, which yet I find he embraced as truth, and did nobly and plainly tell me, he would not secretly bite; but whosoever had any interest, or tasted of the opposition to his brother's marriage, he would as openly oppose them to their faces, and they should discern what favour he had, by the power he would use.

In the passage between him and me, I stood with much confidence upon these grounds.

First, that neither your lordship, nor myself had any way opposed, but many ways had furthered, the fair passage to the marriage.

Secondly, that we only wished the manner of Sir Edward's proceedings to have been more temperate, and more nearly resembling the earl's sweet disposition.

Thirdly, that the chiefest check in this business was Sir Edward himself, who listened to no advice, who was so transported with passion, as he purposely declined the even way, which your lordship and the rest of the lords left both him, his lady, and his daughter, in

Fourthly, I was bold to stand upon my ground; and so I said I knew your lordship would, that these were slanders, which were brought him of us both, and that it stood not with his honour to give credit to them.

After I had passed these straits with the earl, leaving him leaning still to the first relation of envious and odious adversaries, I adventured to approach his majesty, who graciously gave me his hand to kiss, but intermixed withal that I deserved not that fa-

your

vour, if three or four things were true, which he had to object against me. I was bold to crave his princely justice; first, to hear, then to judge; which he graciously granted, and said, he wished I could clear myself. I answered I would not appeal to his mercy in any of the points, but would endure the severest censure, if any of them were true. Whereupon he said, he would reserve his judgment till he heard me; which could not be then, his other occasions pressed him so much. All this was in the hearing of the earl; and I protest, I think the confidence in my innocency made me depart half justified; for I likewise kissed his majesty's hand at his departure; and though out of his grace he commanded my attendance to Warwick, yet upon my suit he easily inclined to give me the choice, to wait on him at Windsor, or at London.

Now, my lord, give me leave, out of all my affections, that shall ever serve you, to intimate touching yourself:

1. That every courtier is acquainted, that the earl professeth openly against you, as forgetful of his kindness, and unfaithful to him in your love, and in your actions.

2. That he returneth the shame upon himself, in not listening to counsel, that dissuaded his affection from you, and not to mount you so high, not forbearing in open speech, as divers have told me, and this bearer, your gentleman, hath heard also, to tax you, as if it were an inveterate custom with you, to be unfaithful to him, as you were to the earls of Essex and Somerset.

3. That it is too common in every man's mouth in court, that your greatness shall be abated; and as your tongue hath been as a razor to some, so shall theirs be to you.

4. That there are laid up for you, to make your burden the more grievous, many petitions to his majesty against you.

My lord, Sir Edward Coke, as if he were already upon his wings, triumphs exceedingly; hath much private conference with his majesty; and in public doth offer himself, and thrust upon the king, with as great boldness of speech, as heretofore.

It is thought, and much feared, that at Woodstock he will again be recalled to the council-table; for neither are the earl's ears, nor his thoughts, ever off him.

Sir Edward Coke, with much audacity, affirmeth his daughter to be most deeply in love with Sir John Villiers; that the contract pretended with the earl of Oxford is counterfeit; and the letter also, that is pretended to have come from the earl.

My noble lord, if I were worthy, being the meanest of all to interpose my weakness, I would humbly desire,

1. That your lordship fail not to be with his majesty at Woodstock. The sight of you will fright some.

2. That you single not yourself from other lords; but justify the proceedings as all your joint acts; and I little fear but you pass conqueror.

3. That you retort the clamour and noise in this business upon Sir Edward Coke, by the violence of his carriage.

4. That you seem not dismayed, but open yourself bravely and confidently, wherein you can excel all subjects; by which means I know you shall amaze some, and daunt others.

LETTERS, etc. OF LORD CHANCELLOR BACON.

I have abused your lordship's patience long; but my duty and affection towards your lordship shall have no end: but I will still wish your honour greater, and rest myself

Daventry, Sept. 3, 1617.

Your Honour's servant,

HENRY YELVERTON.

I beseech your lordship burn this letter.

To the right honourable his singular good lordship, the lord keeper of the great seal.

To the Lord KEEPER.

My Lord,

I Have received so many letters lately from your lordship, that I cannot answer them severally: but the ground of them all being only this, that your lordship feareth I am so incensed against you, that I will hearken to every information, that is made unto me; this one letter may well make answer unto them all. As his majesty is not apt to give ear to any idle report against men of your place; so, for myself, I will answer, that it is far from my disposition to take any advantage in that kind. And for your lordship's unkind dealing with me in this matter of my brother's, time will try all. His majesty hath given me commandment to make this answer in his name to your letter to him, that he needeth not to make any other answer to you, than that, which in that letter you make to yourself, that you know his majesty to be so judicious, that whatsoever he heareth, he will keep one ear open to you. Which being indeed his own princely disposition, you may be assured of his gracious favour in that kind.

I will not trouble your lordship with any longer discourse at this time, being to meet you so shortly, where will be better trial of all, that hath passed, than can be made by letters. So I rest

Warwick, Sept. 5, [1617].

Your Lordship's at command,

G. BUCKINGHAM.

To the right honourable Sir Francis Bacon, knight, lord keeper of the great seal of England.

Advice to the KING, for reviving the commission of suits.

THAT, which for the present I would have spoken with his majesty about, as a matter, wherein time may be precious, being upon the tenderest point of all others. For though the particular occasion may be despised, and yet nothing ought to be despised in this kind, yet the counsel thereupon I conceive to be most sound and necessary, to avoid future perils.

There is an examination taken within these few days by Mr. Attorney, concerning one Baynton, or Baynham, for his name is not yet certain, attested by two witnesses, that the said Baynton, without any apparent shew of being overcome with drink, other-

otherwise than so as might make him less wary to keep secrets, said, that he had been lately with the king, to petition him for reward of service; which was denied him. Whereupon it was twice in his mind to have killed his majesty. The man is not yet apprehended, and said by some to be mad, or half-mad; which, in my opinion, is not less dangerous; for such men commonly do most mischief; and the manner of his speaking imported no distraction. But the counsel I would out of my care ground hereupon, is, that his majesty would revive the commission for suits, which hath been now for these three years, or more, laid down. For it may prevent any the like wicked cogitations, which the devil may put into the mind of a roarer or swaggerer upon a denial: and besides, it will free his majesty from much importunity, and save his coffers also. For I am sure when I was a commissioner, in three whole years space there passed scarce ten suits, that were allowed. And I doubt now, upon his majesty's coming home from this journey, he will be much troubled with petitions and suits; which maketh me think this remedy more seasonable. It is not meant, that suits generally should pass that way, but only such suits, as his majesty would be rid on.

Indorsed,

September 21, 1617.

To revive the commission of suits. For the King.

The Earl of BUCKINGHAM to the Lord Keeper, Sir FRANCIS BACON (S).

My Lord,

I Have made his majesty acquainted with your note concerning that wicked fellow's speeches, which his majesty contemneth, as is usual to his great spirit in these cases. But, notwithstanding, his majesty is pleased, that it shall be exactly tried, whether this foul-mouthed fellow was taken either with drunkenness or madness, when he spake it. And as for your lordship's advice for setting up again the commissioners for suits, his majesty saith, there will be time enough for thinking upon that, at his coming to Hampton-Court.

But his majesty's direction, in answer of your letter, hath given me occasion to join hereunto a discovery upon the discourse you had with me this day (a). For I do freely confess, that your offer of submission unto me, and in writing, if so I would have it, battered so the unkindness, that I had conceived in my heart for your behaviour towards me in my absence, as out of the sparks of my old affection towards you, I went to sound his majesty's intention towards you, specially in any public meeting; where I found, on the one part, his majesty so little satisfied with your late answer unto him, which he counted, for I protest I use his own terms, *confused* and *childish*, and his rigorous resolution, on the other part, so fixed, that he would put some public exemplary mark upon you; as I protest the sight of his deep-conceived indignation quenched my passion, making me upon the instant change from the person of a party into a peace-maker; so as I was forced upon my knees to beg of his majesty, that he would put no public act of disgrace upon you. And as, I dare say,

(a) This seems to be the letter, to which the lord keeper returned an answer, September 22, 1617, printed in the next page.

(b) See at the end of the letter to Sir Antony Weldon, who may perhaps be believed in such a circumstance as this. See also the *Character of King James*, p. 122.

no other person would have been patiently heard in this suit by his majesty but myself; so did I, though not without difficulty, obtain thus much, that he would not so far disgrace you from the merit of your future service, as to put any particular mark of disgrace upon your person. Only thus far his majesty protesteth, that upon the conscience of his office he cannot omit, though laying aside all passion, to give a kindly reprimand, at his first sitting in council, to so many of his counsellors, as were then here behind, and were actors in this business, for their ill behaviour in it. Some of the particular errors committed in this business he will name, but without accusing any particular persons by name.

Thus your lordship seeth the fruits of my natural inclination. I protest, all this time past it was no small grief unto me to hear the mouth of so many, upon this occasion, open to load you with innumerable malicious and detracting speeches, as if no music were more pleasing to my ear, than to rail of you: which made me rather regret the ill nature of mankind, that, like dogs, love to set upon them, that they see snatched at.

And, to conclude, my lord, you have hereby a fair occasion, so to make good hereafter your reputation, by your sincere service to his majesty, as also by your firm and constant kindness to your friends, as I may, your lordship's old friend, participate of the comfort and honour, that will thereby come to you. Thus I rest at last

Your Lordship's faithful friend and servant,

G. B.

The force of your old kindness hath made me set down this in writing unto you, which some, that have detested ill of me in this action, would be glad to obtain by word of mouth, though they be far enough from it, for ought I yet see. But I beseech your lordship to reserve this secretly to yourself only, till our meeting at Hampton-Court, lest his majesty should be highly offended, for a cause that I know.

Indorsed,

A letter of reconciliation from lord Buckingham, after his majesty's return from Scotland.

To the Earl of BUCKINGHAM.

My very good Lord,

IT may please your lordship to let his majesty understand, that I have spoken with all the judges, signifying to them his majesty's pleasure touching the commendams. They all *una voce* did re-affirm, that his majesty's powers, neither the power of the crown, nor the practised power by the archbishop, as well in the commendam *ad recipiendum*, as the commendam *ad retinendum*, are intended to be touched; but that the judgment is built upon the particular defects and informalities of this commendam now before them. They received with much comfort, that his majesty took so well at their hands the former stay, and were very well content and desirous, that when judgment is given, there be a faithful report made of the reason thereof.

The

The accounts of the summer-circuits, as well as that of the lent-circuit, shall be ready against his majesty's coming. They will also be ready with some account of their labours concerning Sir Edward Coke's *Reports*: wherein I told them his majesty's meaning was, not to disgrace the person, but to rectify the work, having in his royal contemplation rather posterity than the present.

The two points touching the peace of the middle shires, I have put to a consult with some selected judges.

The cause of the Egertons I have put off, and shall presently enter into the treaty of accord, according to his majesty's commandment, which is well tailed abroad in respect of his compassion towards those ancient families.

God ever preserve and prosper your lordship, according to the faithful and fervent wishes of

Your Lordship's true friend and devoted servant,

York-house, October 11, 1617.

FR. BACON.

To the Earl of BUCKINGHAM.

My very good Lord,

I Have reformed the ordinance according to his Majesty's corrections, which were very material. And for the first of *phrasis non placet*, I understand his majesty, nay farther, I understand myself, the better for it. I send your lordship therefore six privy seals; for every court will look to have their several warrant. I send also two bills for letters patents to the two reporters: and for the persons, I send also four names, with my commendations of those two, for which I will answer upon my knowledge. The names must be filled in the blanks; and so they are to be returned.

For the business of the court of wards, your lordship's letter found me in the care of it. Therefore, according to his majesty's commandment, by you signified, I have sent a letter for his majesty's signature. And the directions themselves are also to be signed. These are not to be returned to me, lest the secret come out; but to be sent to my lord of Wallingford, as the packets use to be sent.

I do much rejoice to hear of his majesty's health and good disposition. For me, though I am incessantly in business, yet the reintegration of your love maketh me find all things easy.

God preserve and prosper you.

Your lordship's true friend and devoted servant,

York-house, October 18, 1617.

FR. BACON.

To the Lord KEEPER*.

My honourable Lord,

I Have delivered the judges advice, touching the middle shires, unto his majesty, who liketh it very well. As for the point of law, his majesty will

*Harl. MSS. Vol. 7006.

consider

LETTERS, etc. OF LORD CHANCELLOR BACON.

consider of it at more leisure, and then send you his opinion thereof. And so I rest

Your Lordship's faithful friend and servant,
Walsingham, the 22d of Oct. 1617.

G. BUCKINGHAM.

To the Lord Keeper*.

My Honourable Lord,

HIS majesty hath spent some time with Sir Lionel Cranfield about his own business, wherewith he acquainted his majesty. He hath had some conference with your lordship, upon whose report to his majesty of your zeal and care of his service, which his majesty accepteth very well at your hands, he hath commanded Sir L. Cranfield to attend your Lordship, to signify his farther pleasure for the furtherance of his service; unto whose relation I refer you. His majesty's farther pleasure is, you acquaint no creature living with it, he having resolved to rely upon your care and trust only.

Thus wishing you all happiness, I rest

Your Lordship's faithful friend and servant,
Cobler 26, 1617.

G. BUCKINGHAM.

Sir FRANCIS ENGLEFYLD (b) to the Lord Keeper.

Right Honourable,

GIVE me leave, I beseech your lordship, for want of other means, by this paper to let your lordship understand, that notwithstanding I rest in no contempt, nor have to my knowledge broken any order made by your lordship concerning the trust, either for the payment of money, or assignment of land; yet, by reason of my close imprisonment, and the unusual carriage of this cause against me, I can get no council, who will in open court deliver my case unto your lordship. I must therefore humbly leave unto your lordship's wisdom, how far your lordship will, upon my adversary's fraudulent bill exhibited by the wife without her husband's privity, extend the most powerful arm of your authority against me, who desire nothing but the honest performance of a trust, which I know not how to leave, if I would. So, nothing doubting but your lordship will do what appertaineth to

* Harl. MSS. Vol. 7006.

(b) The gentleman was very unfortunate in his behaviour, with regard to those, who had the great seal: for in the 11th year of the year 1621, he was fined 1000 l. by the Star-Chamber, for causing an imprisonment or captivity of the Lord keeper William, bishop of Lincoln. Mr. Letter of the Chamberlain to Sir Francis Carr, is dated at London, 1621. Sir Francis had been committed to the Fleet for a contempt of a writ from the Chancery; upon which he was charged, by Sir John Fenwick, with causing the bishop's imprisonment, & that he could prove that the bishop judge had been bribed by Fenwick to imprison him "in the name of the law." After this and the sentence in the Star Chamber, the lord keeper ordered Sir Francis, and told him, he should receive his final assertions, and prove upon him, that he scorned the pill of the world, or the count, or name, title of any man; and that for his own part, he forgive him every penny of his fine, and would cause the fine money towards him from the king. Bishop Hackett's *Life of the* — *Life of William, Part I. p. 53, 54.*

justice,

justice, and the eminent place of equity your lordship holdeth, I must, since I cannot understand from your lordship the cause of my late close restraint, rest, during your lordship's pleasure,

Your Lordship's close prisoner in the Fleet,

October 23, 1617.

FR. ENGLEFYLD.

To the Lord KEEPER*.

My honourable Lord,

I Have thought good to renew my motion to your lordship, in the behalf of my lord of Huntingdon, my lord Stanhope, and Sir Thomas Gerard; for that I am more particularly acquainted with their desires; they only seeking the true advancement of the charitable uses, unto which the land, given by their grandfather, was intended: which, as I am informed, was meant by way of a corporation, and by this means, that it might be settled upon the schoolmaster, usher, and poor, and the coheirs to be visitors. The tenants might be conscionably dealt withal; and so it will be out of the power of any feoffees to abuse the trust; which, it hath been lately proved, have been hitherto the hindrance of this good work. These coheirs desire only the honour of their ancestor's gift, and wish the money, misemployed and ordered to be paid into court by Sir John Harper, may rather be bestowed by your lordship's discretion for the augmentation of the foundation of their ancestors, than by the censure of any other. And so I rest

Your Lordship's servant,

Theobalds, November 12.

G. BUCKINGHAM.

Indorsed, 1617.

To the Lord KEEPER*.

My honourable Lord,

THOUGH I had resolved to give your lordship no more trouble in matters of controversy depending before you, with what importance soever my letters had been; yet the respect I bear unto this gentleman hath so far forced my resolution, as to recommend unto your lordship the suit, which, I am informed by him, is to receive a hearing before you on Monday next, between Barnaby Leigh and Sir Edward Dyer, plaintiffs, and Sir Thomas Thynne (c), defendant; wherein I desire your lordship's favour on the plaintiffs so far only as the justice of their cause shall require. And so I rest

Your Lordship's faithful servant,

Newmarket, the 15th of Nov.

Indorsed, 1617.

G. BUCKINGHAM.

*Harl. MSS. Vol. 7006.

(c) Eldest son of Sir John Thynne, knight, who died November 21, 1604. This Sir Thomas's younger son by his first wife, Mary, daughter of George, lord Audley, was father of Thomas Thynne, Esq; assassinated by the followers of Count Coningsmark, February 12, 1632-3.

To the Lord KEEPER*.

My honourable Lord,

THE certificate being returned upon the commission touching Sir Richard Haughton's alum-mines, I have thought fit to desire your lordship's furtherance in the business, which his majesty, as your lordship will see by his letter, much affecteth as a bargain for his advantage, and for the present relief of Sir Richard Haughton. What favour your lordship shall do him therein, I will not fail to acknowledge, and will ever rest

Your Lordship's faithful servant,

G. BUCKINGHAM.

Indorsed,

Received November 16, 1617.

To the Lord KEEPER*.

My honourable Lord,

I Have acquainted his majesty with your lordship's letter, who liketh well of the judges opinion you sent unto him, and hath pricked the sheriff of Buckinghamshire in the roll you sent, which I return signed unto your lordship.

His majesty takes very well the pains you have taken in sending to Sir Lionel Cranfield; and desireth you to send to him again, and to quicken him in the business.

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

His majesty liketh well the course taken about his household, wherewith he would have your lordship, and the rest of his council, to go forward.

Newmarket, the 17th of November, 1617.

Indorsed,

My lord of Buckingham shewing his majesty's approbation of the courses held touching the household.

To the Lord KEEPER*.

My honourable Lord,

UNDERSTANDING, that Thomas Hukeley, a merchant of London, of whom I have heard a good report, intendeth to bring before your lordship in chancery a cause depending between him, in right of his wife, daughter of William Austen, and one John Horsmendon, who married another daughter of the said Austen; I have thought fit to desire your lordship to give the said Thomas Hukeley a favourable hearing when his cause shall come before you; and so far to respect him for my sake, as your lordship shall see him grounded upon equity and reason;

* Hist. Miss. Vol. 7036.

which

which is no more than, I assure myself, your lordship will grant readily, as it is desired by

Your lordship's faithful friend and servant,

Indorfed, November 17, 1617.

G. BUCKINGHAM.

To the Earl of BUCKINGHAM (*d*).

My very good Lord,

THE last letter of my lords, whereof the conclusion indeed is a little *blunt*, as the king calleth it, was concluded in my absence, which hath been but once since I came to this town; and brought me by the clerk of the council, as I sat in chancery. Whereupon I retired to a little closet I have there, and signed it, not thinking fit to sever.

For my opinion, I dispatched it the morrow following. And till Sir Lionel Cranfield (*e*) be able to execute his part in the sub-commission, it will, in my opinion, not be so fit to direct it. He crept to me yesternight, but he is not well. I did his majesty's message to him touching the tobacco; and he said he would give his majesty very real and solid satisfaction touching the same.

This is all for the present I shall trouble your lordship withal, resting ever

Your lordship's true friend and devoted servant,

November 20, 1617.

FR. BACON.

To the Lord KEEPER*.

My honourable Lord,

HIS majesty liketh very well of the draught your lordship sent of the letter for the sub-commission, and hath signed it, as it was, without any alteration, and sent it to the lords. Which is all I have to write at this time, but that I ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 2d of Decemb. 1617.

G. BUCKINGHAM.

To the Lord KEEPER*.

My honourable Lord,

HIS majesty hath been pleased to refer a petition of one Sir Thomas Blackstones to your lordship, who being brother-in-law to a gentleman, whom I much respect, Sir Henry Constable, I have, at his request, yielded to recommend his business so far to your lordship's favour, as you shall find his case to deserve compassion, and may stand with the rules of equity. And so I rest

Your Lordship's faithful friend and servant,

Newmarket, the 4th of December.

Indorfed, 1617.

G. BUCKINGHAM.

(*d*) In answer to his lordship's letter from Newmarket, November 19, 1617, printed in lord Bacon's works.

(*e*) He was originally a merchant in the city of London, introduced to the king's knowledge by the earl of Northampton, and into his service by the earl of Buckingham, being the great projector for reforming the king's household, advancing the customs, and other services; for which he was made lord treasurer, baron Cranfield, and earl of Middlesex: but being accused by the house of commons for misdemeanors in his office, he had a severe sentence passed upon him by the lords in 1624.

* Harl. MSS. Vol. 7006.

To the Earl of BUCKINGHAM.

My very good Lord,

YOUR lordship may marvel, that together with the letter from the board, which you see, passed so well, there came no particular letter from myself; wherein, though it be true, that now this very evening I have made even with the causes of chancery, and comparing with the causes heard by my lord (*f*), that dead is, of Michaelmas-term was twelve-month, I find them to be double so many and one more; besides that the causes, that I dispatch, do seldom turn upon me again, as his many times did; yet nevertheless, I do assure your lordship, that should have been no excuse to me, who shall ever assign both to the causes of the subject, yea, and to my health, but the leavings of times after his majesty's business done. But the truth is, I could not speak with Sir Lionel Cranfield, with whom of necessity I was to confer about the names, till this afternoon.

First, therefore, I send the names, by his advice, and with mine own good allowance of those, which we wish his majesty should select; wherein I have had respect somewhat to form, more to the avoiding of opposition, but most to the service.

Two most important effects his majesty's letter hath wrought already: the one, that we perceive his majesty will go through stich; which goeth to the root of our disease. The other, that it awaketh the particular officers, and will make their own endeavours and propositions less perfunctory, and more solid and true for the future. Somewhat is to be done presently, and somewhat by seasonable degrees. For the present, my advice is, his majesty would be pleased to write back to the table, that he doth well approve, that we did not put back or retard the good ways we were in of ourselves; and that we understood his majesty's right: that his late direction was to give help, and not hindrance, to the former courses; and that he doth expect the propositions we have in hand, when they are finished: and that for the sub-commissions, he hath sent us the names he hath chosen out of those by us sent and propounded; and that he leaveth the particular directions from time to time, in the use of the sub-commissioners, wholly to the table.

This I conceive to be the fairest way; first to seal the sub-commission without opening the nature of their employments, and without seeming, that they should have any immediate dependence upon his majesty, but merely upon the table.

As for that, which is to be kept in breast, and to come forth by parts, the degrees are these:

First, to employ the sub-commissioners in the reconsidering of those branches, which the several officers shall propound.

Next, in taking consideration of other branches of retrenchment, besides those which shall be propounded.

The third, to take into consideration the great and huge arrears and debts in every office; whether there be cause to abate them upon deceit or abuse; and at least how to settle them best, both for the king's honour, and avoiding of cla-

(*f*) Chancellor Ellesmere.

mour, and for the taking away, as much as may be, that same ill influence and effect, whereby the arrear past destroys the good husbandry and reformation to come.

The fourth is to proceed from the consideration of the retrenchments and arrears to the improvements.

All these four, at least the last three, I wish not to be stirred in till his majesty's coming.

God ever preserve and prosper you.

Your Lordship's true friend and devoted servant,

FR. BACON.

Your lordship will be pleased to have a little care of the bestowing of this letter.

York-house, this 6th of December, 1617.

To the Lord KEEPER*.

My honourable Lord,

LEST Mr. Secretary (g) should be come away before the delivery of this packet, I have thought fit to direct it to your lordship, with this letter to your lordship about the court of Wards, and another to the lords from his majesty. Which is all I have now to write, but that I ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 7th of December, 1617.

G. BUCKINGHAM.

To the Lord KEEPER*.

My honourable Lord,

I Have acquainted his majesty with your lordship's letter, who hath followed your directions therein, and written to the lords accordingly. Which is all I have now to write to your lordship, but that I shall ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 9th day of December, 1617.

G. BUCKINGHAM.

Indorsed,

My lord of Buckingham to your lordship, shewing the king's liking of your opinion and choice of names for sub-commission.

* Harl. MSS. Vol. 7006.

(g) Sir Thomas Lake. His colleague, secretary Winwood, died October 27, 1617; and Sir Robert Naunton, succeeded to the post of secretary, January 8, 1617-8; from that of surveyor of the Court of Wards.

* Harl. MSS. Vol. 7005.

To the Earl of BUCKINGHAM.

My very good Lord,

YOUR lordship's letters patents (*b*) are ready. I would be glad to be one of the witnesses at the delivery; and therefore, if the king and your lordship will give me leave, I will bring it to-morrow at any hour shall be appointed.

New-Year's eve, 1617.

Your Lordship's ever,

FR. BACON.

I was bold to send your lordship, for your new-year's gift, a plain cap of essay, in token, that if your lordship in any thing shall make me your sayman, I will be hurt before your lordship shall be hurt. I present therefore to you my best service, which shall be my All-Years gift.

To the Earl of BUCKINGHAM.

My very good Lord,

SIR George Chaworth and I am agreed, so that now I shall retain the grace of my place, and yet he rewarded. The king hath no ill bargain; for he hath four times as much as he was offered by Sir George of increafe; and yet I take upon me to content my servants, and to content him. Nevertheless, I shall think myself pleased by his majesty, and do acknowledge, that your lordship hath dealt very honourably and nobly with me.

I send inclosed a letter, whereby your lordship signifieth his majesty's pleasure to me; and I shall make the warrant to Mr. Attorney. I desire it may be carried in privateness. I ever rest

*Your Lordship's true friend**and devoted servant,*

This New-Year's eve, 1617.

FR. BACON.

To Sir JAMES FULLERTON (*i*).

I presume to send his highness this pair of small candlesticks, that his light, and the light of his posterity, upon the church and commonwealth, may never fail. I pray you do me the favour to present it to his highness, with my best and humblest service.

Your most affectionate and assured friend,

FR. BACON, C. S.

(*b*) For the title of marquis of Buckingham to himself and the male heirs of his body.

(*i*) He had been surveyor of the lands to prince Charles, when duke of York; and was groom of the stole to him, when king. He died in January, 1630-1.

To the Lord CHANCELLOR (*k*).

My honourable Lord,

I HAVE heretofore recommended unto your lordship the determination of the cause between Sir Rowland Egerton and Edward Egerton (*l*), who, I understand, did both agree, being before your lordship, upon the values of the whole lands. And as your lordship hath already made so good an entrance into the business, I doubt not but you will be as noble in furthering the full agreement between the parties: whereunto, I am informed, Sir Rowland Egerton is very forward, offering on his part that, which to me seemeth very reasonable, either to divide the lands, and his adverse party to choose; or the other to divide, and he to choose. Whereupon my desire to your lordship is, that you would accordingly make a final end between them, in making a division, and setting forth the lands, according to the values agreed upon by the parties themselves. Wherein, besides the charitable work your lordship shall do in making an end of a controversy between those, whom name and blood should tie together, and keep in unity, I will acknowledge your favour as unto myself, and will ever rest

Your Lordship's faithful servant,

Theobalds, Jan. the 9th, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR *.

My honourable Lord,

HIS majesty having given order to Mr. Solicitor (*m*) to acquaint your lordship with a business touching ale-houses (*n*), that upon consideration thereof you might certify your opinion unto his majesty, whether it be fit to be granted or not; I have thought fit to desire your lordship to give it what favour and furtherance you may, if you find it reasonable and not prejudicial to his majesty's service, because it concerneth Mr. Patrick Maule, and my brother, Christopher Villiers, whose benefit I have reason to wish and advance by any just courses, And so I rest

Your Lordship's faithful servant,

Royston, Jan. 11th, 1617.

G. BUCKINGHAM.

(*k*) Sir Francis Bacon had that title given him January 4.

(*l*) This was one of the causes mentioned in the charge of the House of Commons against the lord Bacon: in his answer to which, he acknowledged, that some days after perfecting his award, which was done with the advice and consent of the lord chief justice Hobart, and publishing it to the parties, he received 300*l.* of Mr. Edward Egerton, by whom, soon after his coming to the test, he had likewise been presented with 400*l.* in a purse.

* Harl. MSS. Vol. 7006.

(*m*) Sir Thomas Coventry.

(*n*) The lord chancellor, in his letter to the marquis of Buckingham, dated January 25, 1617, printed in his works, has the following passage: "For the suit of the *ale houses*, which concerneth your brother, Mr. Christopher Villiers, and Mr. Patrick Maule, I have conferred with my lord chief justice, and Mr. Solicitor thereupon, and there is a scruple in it, that it should be one of the grievances put down in parliament: which if it be, I may not, in my duty and love to you, advise you to deal in it; if it be not, I will mould in the best manner, and help it forward." A patent for licensing ale-houses being afterwards granted to Sir Giles Mompesson and Sir Francis Mitchel, and greatly abused by them, they were punished for those abuses by the parliament, which met January 30, 1620.

To the Lord CHANCELLOR (*).

My honourable Lord,

SIR John Cotton (a) having acquainted me with a petition he intended to exhibit to his majesty, that, without any apparent fault committed by him, he was put from his office of *Curios Rotularum*; I have persuaded him to forbear the presenting of his petition until I had written to your lordship, and received your answer. I have therefore thought fit to signify unto your lordship, that he is a gentleman, of whom his majesty maketh good esteem, and hath often occasion to use his service: and therefore, besides that he is a man of good years, and hath served long in the place, I know his majesty, out of these respects, will be loth he should receive any disgrace. I desire therefore to understand from your lordship the reasons of his remove, that, if I cannot give satisfaction to the gentleman himself, I may at least make answer to his majesty for that act of your lordship's, which is alledged to be very unusual, unless upon some precedent misdemeanor of the party. Thus, having in this point discharged my part in taking the best course I could, that no complaint should come against you to the king, I rest

Your Lordship's faithful friend,

Newmarket, Jan. 16th, 1617.

G. BUCKINGHAM.

To Sir HENRY YELVERTON, Attorney General.

Mr. Attorney,

WHEREAS there dependeth before me in chancery a great cause of tithes concerning the benefices of London, though in a particular, yet, by consequence, leading to a general; his majesty, out of a great religious care of the state, both of church and city, is graciously pleased, that before any judicial sentence be pronounced in chancery, there be a commission directed unto me, the lord chancellor, lord treasurer, the lord privy-seal, and the lord chamberlain; and likewise to the lord archbishop, the lord bishop of Winchester (p), and the bishop of Ely (q), and also to the Master of the Rolls (r), the two lord chief justices (s), justice Dodderidge, and justice Hutton, who formerly assisted me in the cause, to treat of some concord in a reasonable moderation between the ministers and the mayor and the commonalty of London in behalf of the citizens; and to make some pact and transaction between them by consent, if it may be; or otherwise to hear and certify their opinions touching the cause, that thereupon his majesty may take such farther order, by directing of a proceeding in chancery, or by some other course, as to his wisdom shall seem fit.

(*) Ha. I. MSS. Vol. 7006.

(a) Of Lamwade, in Cambridgehire, knight. He served many years as knight of the shire for that county, and died in 1620, at the age of seventy-seven. His eldest son, Sir John Cotton, was created a baronet, July 12, 1611.

(p) Dr. James Montagu.

(q) Dr. Lancelot Andrews.

(r) Sir Julius Cesar.

(s) Sir Henry Montagu of the King's Bench, and Sir Henry Hobart of the Common Pleas.

You

You will have care to draw the commission with some preface of honour to his majesty, and likewise to insert in the beginning of the commission, that it was *de a consilio nro cancellarii* (as it was indeed, lest it should seem to be taken from the court. So I commit you to God's &c.

Jan. 19, 1617.

FR. BACON. *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

I DO not easily fail towards gentlemen of quality to disgrace them. For I take myself to have some interest in the good wills of the gentlemen of England, which I keep and cherish for his majesty's special service. And for this gentleman, of whom you write, Sir John Cotton, I know no cause in the world, why I should have displaced him, but that it was certified unto me, that it was his own desire to resign: wherein if I was abused, I will restore him. But if he did consent, and, now it is done, changeth his mind, then I would be loth to disgrace the other, that is come in. Therefore I pray your lordship, that I may know and be informed from himself what passed touching his consent; and I will do him reason.

Thus, with my thanks to your lordship, I will ever rest

Your Lordship's true friend and most devoted servant,

January 20, 1617.

FR. BACON, *Canc.*

Indorsed,

To the Marquis of Buckingham, concerning Sir John Cotton's resigning the place of Custos Rotulorum of Cambridgeshire.

To the Lord CHANCELLOR *.

My honourable Lord,

I Thank your lordship for your favour to Sir George Tipping, in giving liberty unto him to make his appearance before you after the holy-days, at my request; who, as I understand by some friends of mine, who moved me to recommend him to your lordship's favour, is willing to conform himself in performance of the decree made in the chancery by your lordship's predecessor, but that he is persuaded, that presently, upon the performance thereof, his son will make away the land, that shall be conveyed unto him: which being come to Sir George from his ancestors, he desireth to preserve to his posterity. I desire your lordship's farther favour therefore unto him, that you will find out some course, how he may be exempted from that fear of the sale of his lands, whereof he is ready to acknowledge a fine to his son, and to his heirs by Anne Pigot; and, they failing, to his son's heirs males, and, for want thereof, to any of his son's or brethren's heirs males, and so to the heirs general of his father and himself by lineal descent, and the remainder to the crown. This offer, which seemeth very reasonable, and for his majesty's advantage, I de-

* Harl. MSS. Vol. 7006.

LETTERS, etc. OF LORD CHANCELLOR BACON.

fire your lordship to take into your consideration, and to shew him what favour you may for my sake; which I will readily acknowledge, and ever rest

Your Lordship's faithful servant,

Newmarket, Jan. 23, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR (*).

My honourable Lord,

SINCE I received your lordship's letter, Sir Lionel Cranfield being here, hath informed his majesty of the whole proceeding in his business of the household; which his majesty liketh very well, and is glad it is approved by your lordship, of whose care and pains therein he receiveth very good satisfaction.

In the business touching Sir John Cotton, your lordship dealeth as nobly as can be desired; and so, if it should come in question before his majesty, I would answer in your behalf. I leave Sir John Cotton to inform your lordship by his letter of the business, and ever rest

Your Lordship's faithful servant,

Newmarket, Jan. 24, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR *.

My honourable Lord,

IHAVE been intreated by a gentleman, whom I much respect, to recommend to your lordship's favour Mr. John Huddy, between whom and Mr. Richard Huddy there is, as I am informed, a cause to be heard before your lordship in the chancery on Saturday next. My desire unto your lordship is, that you would shew the said John Huddy what favour you lawfully may, and as his cause will bear, when it cometh before you, for my sake. Which I will not fail to acknowledge, ever resting

Your Lordship's faithful servant,

Newmarket Jan. 28, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR *.

My honourable Lord,

IUnderstand, that his majesty hath been pleased to refer a suit unto him by two of his servants, Robert Maxwell and John Hunt, for the making of sheriffs and escheators patents, to your lordship's consideration. My desire unto your lordship on their behalf is, that you would shew them thus much favour for my sake, and with as much expedition, as may be, and your lordship's other occasions may

(* Harl. Mss. Vol. 7006.

permit,

permit, to certify your opinion thereof unto his majesty; which I will be ready to acknowledge, and ever rest

Newmarket, Feb. 4, 1617.

Your Lordship's faithful servant,

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

THOUGH I had resolved not to write to your lordship in any matter between party and party; yet at the earnest request of my noble friend, the lord Norris, to whom I account myself much beholden, I could not but recommend unto your lordship's favour a special friend of his, Sir Thomas Monk, who hath a suit before your lordship in the chancery (t) with Sir Robert Ballet; which, upon the report made unto me thereof, seemeth so reasonable, that I doubt not but the cause itself will move your lordship to favour him, if upon the hearing thereof it shall appear the same unto your lordship, as at the first sight it doth unto me. I therefore desire your lordship to shew in this particular what favour you lawfully may, for my sake, who will account it as done unto myself; and will ever rest

Your Lordship's faithful servant,

Newmarket, Feb. 4, 1617.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

IHAVE sent inclosed a letter to his majesty about the public charge I am to give the last Star-Chamber day, which is this day sevennight, to the judges and justices before the circuit. I pray deliver it to his majesty with speed. I send also some papers appertaining to that business, which I pray your lordship to have in readiness, if his majesty call for them. I ever rest

Your Lordship's true friend and devoted servant,

February 6, 1617.

FR. BACON, Canc.

To the Lord CHANCELLOR*.

My honourable Lord,

HIS majesty marvelleth, that he heareth nothing of the business touching the gold and silver thread (u); and therefore hath commanded me to write unto

* Harl. MSS. Vol. 7776.

(t) Lord Bacon was afterwards accused by the House of Commons of having received of Sir Thomas Monk two pieces: which he did not deny, but alleged, that it was after the suit was ended.

(u) A petition for the monopoly of which was granted to Sir Giles Mompesson and Sir Francis Mitchell, who were punished for the abuse of that patent by the parliament, which met January 30, 1626-7.

LETTERS, etc. OF LORD CHANCELLOR BACON.

your lordship to hasten the dispatch of it; and to give him as speedy an account thereof as you can. And so I rest

Your Lordship's faithful servant,

Newmarket, Feb. 7.

G. BUCKINGHAM.

Indorsed, 1617.

To the Lord CHANCELLOR*.

My honourable Lord,

I UNDERSTAND by this bearer, Edward Hawkins, how great pains your lordship hath taken, in the business which I recommended to you concerning him, and how favourably your lordship hath used him for my sake. For which I give your lordship many thanks, and will be ever ready to acknowledge your favour toward him by all the testimonies of

Your Lordship's faithful friend,

Theobalds, Feb. 12, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I HAVE acquainted his majesty with your letter, who liketh well of the course you mention in the end of your letter, and will speak with you farther of it at his return to London. In the mean time, he would have your lordship give direction to the master of the Rolls (x) and Mr. Attorney (y) to stay the examination. And so I rest

Your Lordship's most assured to do you service,

Hampton-Court, March 18, 1617.

G. BUCKINGHAM.

To the Lord CHANCELLOR of Ireland (z).

My Lord Chancellor,

I WILL not have you account the days of my not answering your letter. It is a thing imposed upon the multitude of my business to lodge many things faithfully, though I make no present return.

Your conjunction and good understanding with the deputy (a) I approve and commend; for I ever loved intire and good compositions, which was the old physic, better than fine separations.

Your friendly attributes I take as effects of affection; which must be causes of any good offices, wherewith I can requite you.

* Harl. MSS. Vol. 726.

(x) Sir James Cæsar.

(y) Sir Henry Yelverton.

(z) Dr. Thomas Jones, archbishop of Dublin, who died April 10, 1610.

(a) Sir Oliver St. John, afterwards viscount Grandison. He died at Battersea in Surrey, December 20, 1625, aged seventy.

We conceive that kingdom is in growth. God fend foundnes to the increase; wherein I doubt not but your lordship will do your part. God keep you.

York-house, April 15, 1618.

Your Lordship's very loving friend,

FR. BACON, *Canc.*

To the Lord Chief Justice of Ireland (*b*).

My Lord Chief Justice,

I Thank you for your letter, and assure you, that you are not deceived, neither in the care I have of the public in that state, nor in my good wishes, and the effects thereof, when it shall lie in my power towards yourself.

I am glad to receive your testimony of my lord deputy, both because I esteem your judgment, and because it concurrerth with my own.

The materials of that kingdom, which is trade and wealth, grow on apace. I hope the form, which giveth the best living of religion and justice, will not be behind, the rather by you, as a good instrument. I rest

York-house, ** of April 1618.

Your Lordship's assured friend,

FR. BACON, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

Understanding, that there is a suit depending before your lordship between Sir Rowland Cotton (*c*), plaintiff, and Sir John Gawen, defendant, which is shortly to come to a hearing; and having been likewise informed, that Sir Rowland Cotton hath undertaken it in the behalf of certain poor people; which charitable endeavour of his, I assure myself, will find so good acceptation with your lordship, that there shall be no other use of recommendation: yet, at the earnest request of some friends of mine, I have thought fit to write to your lordship in his behalf, desiring you to shew him what favour you lawfully may, and the cause may bear, in the speedy dispatch of his business; which I shall be ever ready to acknowledge, and rest

Your Lordship's most devoted to serve you,

Whitehall, April 20, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I WILL not go about to excuse mine own fault, by making you believe his majesty was backward in your business; but upon the first motion, he gave me

(*f*) Sir William Jones, to whom, upon his being called to that post, the lord keeper made a speech, printed in his works.

* *U. S. M. S. Vol. 7. c.*

(*g*) A gentleman eminent for his learning, especially in the Hebrew language, in which he had been instructed by the famous H. J. Prougton, who died in 1612. He was son of Mr William Cotton, citizen and draper of London, and had an estate at Lellabert in Shropshire, where he resided, till he came to live at London at the request of Sir Allen Cotton, his father's younger brother, who was Lord Mayor of that city in 1625. Sir Isaac and was the first patron of the learned Dr. Lightfoot, and encouraged him in the prosecution of his studies of the Hebrew language, and writings.

direct-

directions for it; which it was my negligence, as I freely confess, that I have not farther performed, having not been slack in moving his majesty, but in dispatching your man. All is done, which your lordship desired, and I will give order, according to his majesty's directions, so that your lordship shall not need to trouble yourself any farther, but only to expect the speedy performance of his majesty's gracious pleasure.

I will take the first opportunity to acquaint his majesty with the other business, and will ever rest

Your Lordship's faithful friend and servant,

Throbbalds, May 8, [1618.]

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable good Lord,

WHEREAS in Mr. Hansbye's cause (d), which formerly, by my means, both his majesty and myself recommended to your lordship's favour, your lordship thought good, upon a hearing thereof, to decree some part for the young gentleman, and to refer to some masters of the chancery, for your farther satisfaction, the examination of witnesses to this point; which seemed to your lordship to be the main thing your lordship doubted of, whether or no the leases, conveyed by old Hansbye to young Hansbye by deed, were to be liable to the legacies, which he gave by will; and that now I am credibly informed, that it will appear upon their report, and by the depositions of witnesses, without all exception, that the said leases are no way liable to those legacies: these shall be earnestly to intreat your lordship, that upon consideration of the report of the masters, and depositions of the witnesses, you will, for my sake, shew as much favour and expedition to young Mr. Hansbye in this cause, as the justness thereof will permit. And I shall receive it at your lordship's hands as a particular favour.

So I take my leave of your lordship, and rest

Your Lordship's faithful friend and servant,

Greenwich, June 12, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

UNDERSTANDING, that the cause depending in the chancery between the lady Vernon and the officers of his majesty's household is now ready for a decree; though I doubt not, but, as his majesty hath been satisfied of the equity of the cause on his officers behalf, who have undergone the business, by his majesty's command, your lordship will also find their cause worthy of your favour: yet I

* MS. A. 9. 2. 6.

(d) This was to be one of the causes, on account of which lord Bacon was afterwards accused by the House of Commons; in answer to whose charge he admits, that in the case of sir Ralph Hansbye there happened a double issue of the inheritance, and the claim for goods and chattel; if no time after the first issue was returned, there was a second delivered to him by Mr. Thomas Matthew; nor could it be proved, that the first was the matter in dispute.

have thought fit once again to recommend it to your lordship, desiring you to give them a speedy end of it, that both his majesty may be freed from farther importunity, and they from the charge and trouble of following it: which I will be ever ready to acknowledge as a favour done unto myself, and always rest

Your Lordship's faithful friend and servant,

Greenwich, June 15, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Wrote unto your lordship lately in the behalf of Sir Rowland Cotton, that then had a suit in dependence before your lordship and the rest of my lords in the Star-Chamber. The cause, I understand, hath gone contrary to his expectation; yet he acknowledges himself much bound to your lordship for the noble and patient hearing he did then receive; and he rests satisfied, and I much beholden to your lordship, for any favour it pleased your lordship to afford him for my cause. It now rests only in your lordship's power for the assessing of costs; which, because, I am certainly informed, Sir Rowland Cotton had just cause of complaint, I hope your lordship will not give any against him. And I do the rather move your lordship to respect him in it, because it concerns him in his reputation, which I know he tenders, and not the money which might be imposed upon him; which can be but a trifle. Thus presuming of your lordship's favour herein, which I shall be ready ever to account to your lordship for, I rest

Your Lordship's most devoted to serve you,

June 19, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

WHEREAS it hath pleased his majesty to recommend unto your consideration a petition exhibited by Mr. Fowle, together with the grievances and request for the rectifying of the work of gold and silver thread; and now understandeth, that your lordship hath called unto you the other commissioners in that case, and spent some time to hear what the opposers could object, and perceiveth by a relation of a good entrance you have made into the business; and is now informed, that there remaineth great store of gold and silver thread in the merchants hands, brought from foreign parts, besides that, which is brought in daily by stealth, and wrought here by underhand workers; so that the agents want vent, with which inconveniencies, it seemeth the ordinary course of law cannot so well meet: and yet they are enforced, for freeing of clamour, to set great numbers of people on work; so that the commodity lying dead in their hands, will in a very short time grow to a very great sum of money: To the end therefore, that the undertakers

*Hart. M.S. Vol. 70.6.

may not be disheartened by these wrongs and losses, his majesty hath commanded me to write unto your lordship, to the end you might bestow more time this vacation in prosecuting the course you have so worthily begun, that all differences being reconciled, the defects of the commission may be also amended, for prevention of farther abuses therein; so as the agents may receive encouragement to go on quietly in the work without disturbance. And I rest

Your Lordship's faithful friend and servant,

From Beaulieu, the 20th day of Aug. 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR.

My Honourable Lord,

Herewithal I presumed to send a note inclosed, both of my business in chancery, and with my lord Roos, which it pleased your lordship to demand of me, that so you might better do me good *in utroque genere*. It may please your lordship, after having perused it, to commend it over to the care of Mr. Meautys for better custody.

At my parting last from your lordship, the grief I had to leave your lordship's presence, though but for a little time, was such, as that being accompanied with some small corporal indisposition, that I was in, made me forgetful to say that, which now for his majesty's service I thought myself bound not to silence. I was credibly informed and assured, when the Spanish ambassador went away, that howsoever Raleigh and the prentices (*e*) should fall out to be proceeded withal, no more instances would be made hereafter on the part of Spain for justice to be done ever in these particulars: but that if slackness were used here, they would be laid up in the deck, and would serve for materials (this was the very word) of future and final discontentments. Now as the humour and design of some may carry them towards troubling of the waters; so I know your lordship's both nature and great place require an appeasing them at your hands. And I have not presumed to say this little out of any mind at all, that I may have to meddle with matters so far above me, but out of a thought I had, that I was tied in duty to lay thus much under your lordship's eye; because I know and consider of whom I heard that speech, and with how great circumstances it was delivered.

I beseech Jesus to give continuance and increase to your lordship's happiness; and that, if it may stand with his will, myself may one day have the honour of casting some small mite into that rich treasury. So I humbly do your lordship reverence, and continue

The most obliged of your Lordship's

many faithful servants,

Nottingham, August 21, 1618.

TOBIE MATTHEW.

(e) Who on the 14th of July, 1618, had insulted Gondomar, the Spanish ambassador, on account of a boy's being hurt by him as he was riding. [Gondomar's Memoirs to R. 1618, p. 30.] They were proceeded against by commissioners at Gresham on Wednesday the 14th of August following; seven being found guilty, and sentenced to six months imprisonment, and to pay 100 l. a piece. Two others were acquitted. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, London, August 15, 1618.

To Mr. (afterwards Sir) ISAAC WAKE, his Majesty's Agent at the court of Savoy.

Mr. Wake,

I Have received some letters from you; and hearing from my lord Cavendish (*f*) how well he affects you, and taking notice also of your good abilities and services in his majesty's affairs, and not forgetting the knowledge I had, when young, of your good father (*g*), I thought myself in some measure tied not to keep from you my good opinion of you, and my desire to give you any furtherance in your fortunes and occasions, whereof you may take knowledge and liberty to use me for your good. Fare you well.

Your very loving friend,

York-house, this 11th of Sept. 1618.

FR. VERULAM (*b*), *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

HIS majesty is desirous to be satisfied of the fitness and conveniency of the gold and silver thread-busines; as also of the profit, that shall any way accrue unto him thereby. Wherefore his pleasure is, that you shall, with all convenient speed, call unto you the lord chief justice of the King's Bench (*i*), the attorney general (*k*) and the solicitor (*l*); and consider with them of every of the said particulars, and return them to his majesty, that thereupon he may resolve what present course to take for the advancement of the execution thereof. And so I rest

Your Lordship's faithful servant,

Trenchards, the 4th of Octob. 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have been desired by some friends of mine, in the behalf of Sir Francis Englefyld, to recommend his cause so far unto your lordship, that a peremptory day being given by your lordship's order for the perfecting of his account, and for the assignment of the trust, your lordship would take such course therein, that the gentleman's estate may be redeemed from farther trouble, and secured from all

f William Cavendish, son and heir of William, created baron Cavendish of Hardwick in Derbyshire, in May 1601, and earl of Devonshire, July 12. 1618.

g Arthur Wake, recorder of Billing in Northamptonshire, master of the hospital of St. John in Northampton, and canon of Christ-Church, Oxford.

i He had been created lord Verulam on the 12th of July, 1603.

k Sir Henry Montagu.

l Sir Henry Holberton.

m Sir Francis Coventry.

* Harl. MSS. Vol. 700.

LETTERS, etc. OF LORD CHANCELLOR BACON.

danger, by engaging those, to whom the trust is now transferred by your lordship's order, to the performance of that, whereunto he was tied. And so not doubting but your lordship will do him what lawful favour you may herein, I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Indorsed,

Received October 14, 1618.

To the KING, concerning the form and manner of proceeding against
SIR WALTER RALEGH (*m*).

May it please your most excellent Majesty,

ACCORDING to your commandment given unto us, we have, upon divers meetings and conferences, considered what form and manner of proceeding against Sir Walter Ralegh might best stand with your majesty's justice and honour, if you shall be pleased, that the law shall pass upon him.

And, first, we are of opinion, that Sir Walter Ralegh being attainted of high-treason, which is the highest and last work of law, he cannot be drawn in question judicially for any crime or offence since committed. And therefore we humbly present two forms of proceeding to your majesty: the one, that together with the warrant to the lieutenant of the Tower, if your majesty shall so please, for his execution, to publish a narrative in print of his late crimes and offences; which, albeit your majesty is not bound to give an account of your actions in these cases to any but only to God alone, we humbly offer to your majesty's consideration, as well in respect of the great effluxion of time since his attainder, and of his employment by your majesty's commission, as for that his late crimes and offences are not yet publicly known. The other form, whereunto, if your majesty so please, we rather incline, is, that where your majesty is so renowned for your justice, it may have such a proceeding, as is nearest to legal proceeding; which is, that he be called before the whole body of your council of state, and your principal judges, in your council-chamber; and that some of the nobility and gentlemen of quality be admitted to be present to hear the whole proceeding, as in like cases hath been used. And after the assembly of all these, that some of your majesty's counsellors of state, that are best acquainted with the case, should openly declare, that this form of proceeding against Sir Walter is holden, for that he is civilly dead. After this your majesty's council learned to charge his acts of hostility, depredation, abuse as well of your majesty's commission, as of your subjects under his charge, impurances, attempt of escape, and other his misdemeanors. But for that, which concerns the French, wherein he was rather passive than active, and without which the charge is compleat, we humbly refer to your majesty's consideration, how far that shall be touched. After which charge so given, the examinations read, and Sir Walter heard, and some to be confronted against him, if need be, then he is to be withdrawn and sent back; for that no sentence is, or can be, given against him. And after he is gone, then the lords of the council and judges to give their advice to your majesty, whether in respect of these subsequent offences upon the whole matter, your majesty, if you so please, may not with justice and honour

(*) He was beheaded October 29, 1618, the day of the inauguration of the lord mayor of London.

give warrant for his execution upon his attainder. And of this whole proceeding we are of opinion, that a solemn act of council should be made, with a memorial of the whole presence. But before this be done, that your majesty may be pleased to signify your gracious direction herein to your council of state; and that your council learned, before the calling of Sir Walter, should deliver the heads of the matter, together with the principal examinations touching the same, wherewith Sir Walter is to be charged, unto them, that they may be perfectly informed of the true state of the case, and give their advice accordingly. All which nevertheless we, in all humbleness, present and submit to your princely wisdom and judgment and shall follow whatsoever it shall please your majesty to direct us herein, with all dutiful readiness.

Your Majesty's most humble and faithful servants, &c.

York-house, this 18th of October, 1618.

To the lord CHANCELLOR*.

My honourable Lord,

WHEREAS there is a cause depending in the court of chancery between one Mr. Francis Foliambe and Francis Hornsby, the which already hath received a decree, and is now to have another hearing before yourself; I have thought fit to desire you to shew so much favour therein, seeing it concerns the gentleman's whole estate, as to make a full arbitration and final end, either by taking the pains in ending it yourself, or preferring it to some other, whom your lordship shall think fit: which I shall acknowledge as a courtesy from your lordship; and ever rest

Your Lordship's faithful friend and servant,

Hitchingbroke, the 22d of October, 1618.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Send the commission for making Lincoln's Inn-Fields into walks for his majesty's signature. It is without charge to his majesty.

We have had my lord of Ormonde (u) before us. We could not yet get him to answer directly, whether he would obey the king's award or no. After we had endured his importunity and impertinences, and yet let him down to this, that his majesty's award was not only just and within his submission, but in his favour; we concluded in few words, that the award must be obeyed, and if he did refuse or impugn the execution of it in Ireland, he was to be punished by the justice of Ire-

* Hist. MSS. Vol. 700.

(u) Walter, earl of Ormonde, grandfather of James the first duke of Ormonde. This earl, upon the death of his grandfather, earl of Ormonde and March, succeeding to the honours, should have received likewise the earldom of the same; but this right was cancelled by Sir Henry and Preston lord Dacre, who reported to the honour of King James I. who made an award, with Walter, earl of Ormonde, concerning the same; and so the earl, who was by the king's order, committed to the Fleet, where he remained eight years before the death of that king; but in 1605 recovered his liberty.

LETTERS, etc. OF LORD CHANCELLOR BACON.

land: if he did murmur or scandalize it here, or trouble his majesty any more, he was to be punished in England. Then he asked, whether he might be gone. For that, we told him, his majesty's pleasure was to be known.

Sir Robert Mansell hath promised to bring his summer account this day seven-night. God preserve and prosper you.

Your Lordship's most obliged friend,

and faithful servant,

November 12, 1618.

FR. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

I Send your lordship the commission signed by his majesty, which he was very willing to dispatch as a business very commendable and worthy to be taken in hand.

For the earl of Ormonde, his majesty made no other answer, but that he hopeth he is not so unmannerly, as to go away without taking leave of his majesty.

For Sir Robert Mansell's account, his majesty saith he is very slow, especially being but a summary account, and that he promised to bring it in before: and therefore would have him tied to the day he hath now set, without any farther delay.

This last his majesty commanded me to put in after I had written and signed my letter.

Your Lordship's faithful friend and servant,

Roydon, the 13th of November, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

HAVING formerly moved your lordship in the business of this bearer, Mr. Wyche, of whom, as I understand, your lordship hath had a special care to do him favour, according to the equity of his cause; now seeing that the cause is shortly to be heard, I have thought fit to continue my recommendation of the business unto you, desiring your lordship to shew what favour you lawfully may unto Mr. Wyche, according as the justness of the cause shall require: which I will acknowledge as a courtesy from your lordship, and ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 18th of November, 1618.

G. BUCKINGHAM.

* Harl. MSS. Vol. 7006.

To the Lord CHANCELLOR*.

My honourable Lord,

I Send your Lordship the bill of the sheriff of Hereford and Leicester, pricked and signed by his majesty, who hath likewise commanded me to send unto your lordship these additions of instructions, sent unto him by the surveyor and receiver of the court of wards; wherein, because he knoweth not what to prescribe without understanding what objections can be made, his pleasure is, that your lordship advise and consider of them, and send him your opinion of them, that he may then take such course therein, as shall be fit.

His majesty commanded me to give you thanks for your care of his service; and so I rest

Your Lordship's faithful servant,

Newmarket, 22d of November.

G. BUCKINGHAM.

Indited, 1618.

To the Marquis of BUCKINGHAM.

My very good Lord,

WE have put the *Declaration* (c) touching Raleigh to the press with his majesty's additions, which were very material, and fit to proceed from his majesty.

For the prisoners, we have taken an account, given a charge, and put some particulars in examination for punishment and example.

For the pursuivants, we staid a good while for Sir Edward Coke's health; but he being not yet come abroad, we have entered into it; and we find faults, and mean to select cases for example: but in this swarm of priests and recusants we are careful not to discourage in general. But the punishment of some, that are notoriously corrupt, concerned not the good, and will keep in awe those that are but indifferent.

The balance of the king's estate is in hand, whereof I have great care, but no great help.

The sub-committees for the several branches of treasure are well chosen and charged.

This matter of the king's estate for means is like a quarry, which digs and works hard; but then, when I consider it buildeth, I think no pains too much; and after term it shall be my chief care.

For the mint, by my next I will give account; for our day is Wednesday.

God ever preserve and prosper you.

Your Lordship's

November 22, 1618.

F. R. VERULAM, *Care.*

Indited,

Of council-busines.

* Harl. MSS. Vol. 2006.

(c) *Declaration of the Demerit and Carriage of Sir Walter Raleigh, Knight, as well in his Voyage, as in his Imprisonment, &c. printed at London, 1618, in quarto.*

To the Lord CHANCELLOR*.

My honourable Lord,

I Having understood by Dr. Steward, that your lordship hath made a decree against him in the chancery, which he thinks very hard for him to perform; although I know it is unusual to your lordship to make any alterations, when things are so far past: yet in regard I owe him a good turn, which I know not how to perform but this way, I desire your lordship, if there be any place left for mitigation, your lordship would shew him what favour you may, for my sake, in his desires, which I shall be ready to acknowledge as a great courtesy done unto myself; and will ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 2d of Decemb. 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have written a letter unto your lordship, which will be delivered unto you in behalf of Dr. Steward; and besides, have thought fit to use all freedom with you in that, as in other things; and therefore have thought fit to tell you, that he being a man of very good reputation, and a stout man, that will not yield to any thing, wherein he conceiveth any hard course against him, I should be sorry he should make any complaint against you. And therefore, if you can advise of any course, how you may be eased of that burden, and freed from his complaint, without shew of any fear of him, or any thing he can say, I will be ready to join with you for the accomplishment thereof: And so desiring you to excuse the long stay of your man, I rest

Your Lordship's faithful friend and servant,

From Newmarket, 3d of December, 1618.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

WESTERNIGHT we dispatched the lord Ridgeway's account. Good service is done. Seven or eight thousand pounds are coming to the king, and a good precedent set for accounts.

There came to the seal about a fortnight since a strange book passed by Mr. Attorney to one Mr. Hall; and it is to make subjects, for so is denization, and this to go to private use, till some thousand pounds be made of it. The number one hundred denizens. And whereas all books of that nature had an exception of merchants, which importeth the king not much in his customs only, for that is provided for in the book. but many other ways, this takes in merchants and all. I acquaint-

* Harl. MSS. Vol. 7. 26.

ed the commissioners with it, and by one consent it is stayed. But let me counsel his majesty to grant forth a commission of this nature, so to raise money for himself, being a flower of the crown: and Hall may be rewarded out of it; and it would be to principal persons, that it may be carried with election and discretion, whom to admit to denization, and whom not.

God ever bless and prosper you.

Your Lordship's most faithful

and obliged friend and servant,

December 8, 1618.

F. R. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

I Thank your lordship for the favour, which, I understand, Sir Francis Engleyfield hath received from your lordship upon my last letter, whereunto I desire your lordship to add this one favour more, which is the same, that I understand your lordship granted him at Christmas last, to give him liberty, for the space of a fortnight, to follow his business in his own person; whereby he may bring it to the more speedy end, putting in security, according to the ordinary course, to render himself prisoner again, as soon as that time is expired: which is all that I desire for him, and in which I will acknowledge your lordship's favour towards him; and ever rest

Your Lordship's faithful friend and servant,

Newmarket, the 10th of Decemb. 1618.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM*.

My very good Lord,

I Send you herewith the copy of a letter, which we, the commissioners for Ormonde's cause, have written to the deputy of Ireland, according to his majesty's pleasure signified by Sir Francis Blundell; which I humbly desire his majesty would peruse, that if it do not attain his meaning, as we conveyed it, we may second it with a new letter.

We have appointed Monday morning for these mint businesses, referred by his majesty to certain commissioners, and we will carry it *sine strepitu*.

The patent touching Guinea and Bynny for the trade of gold, staid first by myself, and after by his majesty's commandment, we have now settled by consent of all parties.

Mr. Attorney, by my direction, hath made, upon his information exhibited into the Star-Chamber, a thundering motion against the transportation of gold by the Dutch; which all the town is glad of; and I have granted divers writs of *ne exeat regnum*, according to his majesty's warrant.

* Hist. MSS. Vol. 7026.

LETTERS, etc. OF LORD CHANCELLOR BACON.

Sir Edward Coke keeps in still, and we have miss of him ; but I supply it as I may by my farther diligence. God ever bleis you and keep you.

Your Lordship's most faithful and

bounden friend and servant,

December 11, 1613.

FR. VERULAM, *Canc.*

I forget not your doctor's *(p)* matter. I shall speak with him to-day, having received your lordship's letter ; and what is possible, shall be done. I pray pardon my scribbling in haste.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have acquainted his majesty with your letters, who is very well pleased with your care of his service, in making stay of the grant of denizens upon the reason you alledge, whereof his majesty will speak farther with you at his return.

The letter, which you sent me about my lord of Ormonde's son, is not according to his majesty's meaning ; but I would have you frame another to my lord deputy to this purpose : " That his majesty having seen a letter of his to Sir Francis Blundell, advertizing, that the earl of Ormonde's son, and some other of his kindred, did victual and fortify their houses ; his majesty hath thereupon commanded you to write unto him, that if the ground of his information be true, which he may best know, that then he send for the said earl's son, and the principal of his kindred, to appear before him : and if they appear, and give him satisfaction, it is well ; but if they refuse to appear, or give him not satisfaction, though they appear ; that then he assemble what forces he can, be they never so few, and go against them, that he may crush the rebellion in the egg."

I have remembered his majesty, as I promised your lordship, about the naming you for a commissioner to treat with the Hollanders : But besides that you have so many businessès, both of the star-chamber, and others in the term-time, when this must be attended as well as in the vacation, whereby this would be either too great a toil to you, or a hindrance to his majesty's service ; he thinketh it could not stand with the honour of your place to be balanced with those that are sent from the state, so far unequal to his majesty, and being themselves none of the greatest of the state. Therefore his majesty holdeth it not fit or worthy of you to put you into such an employment, in which none of your predecessors, or any of the chief counsellors, have been ever used in this kind, but only in a treaty of marriage or conclusion of a peace ; as when the constable of Castile was here, when the commissioners on both sides had their authority under the great seal of either kingdom, with direct relation to their sovereigns, far differing from this commission, which is now given to these men, and whereunto his majesty is to frame the course of his. As for the part, which concerneth Scotland, the choice

* See also p. 361.

hath not been made of the chancellor or archbishop of St. Andrew's, but of men nearer the rank of those, that come hither to treat. As yet his majesty delayeth to give any commission at all, because he would first be informed from the lords, both of the points and form of their commission, which his majesty hitherto understandeth to be, with authority to over-rule and direct their merchants in what they shall think fit; which if it be so, then his majesty holdeth it fit, for his part, to appoint the whole body of the council with like power over his merchants. As for me, I shall be ever ready upon any occasion to shew myself

Your Lordship's faithful friend and servant,

Newmarket, the 14th of December, 1618.

G. BUCKINGHAM.

To the Lady CLIFFORD.

My good Lady and cousin,

I shall not be wanting in any thing, that may express my good affection and wishes towards your ladyship, being so near unto me, and the daughter of a father, to whom I was in the passages of my fortune much obliged. So with my loving commendations, in the midst of business, I rest

Your affectionate kinsman and assured friend,

York house, this 25th of January, 1613.

FR. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

LEST my often writing may make your lordship conceive, that this letter hath been drawn from you by importunity, I have thought fit, for preventing of any such conceit, to let your lordship know, that Sir John Wentworth, whose business I now recommend, is a gentleman, whom I esteem in more than an ordinary degree. And therefore I desire your lordship to shew him what favour you can for my sake in his suit, which his majesty hath referred to your lordship: which I will acknowledge as a courtesy unto me, and rest

Your Lordship's faithful friend and servant,

Newmarket, January 26, 1618.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Being desired by a special friend of mine to recommend unto your Lordship's favour the case of this petitioner, have thought fit to desire you, for my sake, to

* Hist. MSS. Vol. 7006.

shew him all the favour you may in this his desire, as you shall find it in reason to deserve; which I shall take as a courtesy from your lordship, and ever rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

I thank your Lordship for your favour to Sir John Wentworth, in the dispatch of his business.

Newmarket, March 15, 1618.

To the Lord CHANCELLOR*.

Most honourable Lord,

IT may please your Lordship, there was with me this day one Mr. Richard White, who hath spent some little time at Florence, and is now gone into England. He tells me, that Galileo had answered your discourse concerning the flux and reflux of the sea, and was sending it unto me; but that Mr. White hindered him, because his answer was grounded upon a false supposition, namely, that there was in the ocean a full sea but once in twenty-four hours. But now I will call upon Galileo again. This Mr. White is a discreet and understanding gentleman, though he seem a little soft, if not slow; and he hath in his hands all the works, as I take it, of Galileo, some printed, and some unprinted. He hath his discourse of the flux and reflux of the sea, which was never printed; as also a discourse of the mixture of metals. Those which are printed in his hand are these: the *Nuncius sidereus*; the *Mecchie solari*, and a third *Delle Cose, che stanno su l'acqua*, by occasion of a disputation, that was amongst learned men in Florence about that, which Archimedes wrote, *de insidentibus humido*.

I have conceived, that your lordship would not be sorry to see these discourses of that man; and therefore I have thought it belonging to my service to your lordship to give him a letter of this date, though it will not be there so soon as this. The gentleman hath no pretence or business before your lordship, but is willing to do your lordship all humble service; and therefore, both for this reason, as also upon my humble request, I beseech your lordship to bestow a countenance of grace upon him. I am beholden to this gentleman; and, if your lordship shall vouchsafe to ask him of me, I shall receive honour by it. And I most humbly do your lordship reverence.

Your Lordship's most obliged servant,

Dunelm. from my bed, the 14th of April, 1619.

TOBIE MATTHEW.

To the Lord CHANCELLOR*.

My Honourable Lord,

HIS majesty hath commanded me to signify unto your lordship, that it is his pleasure you put off the hearing of the cause between Sir Arthur Manwaring

* Harl. MsS. Vol. 7006.

and

and Gabriel Dennis till toward the end of the term; because his majesty is graciously pleased to be at the hearing thereof himself. And so I rest

Your Lordship's faithful friend and servant,

Reyton, April 13, 1619.

G. BUCKINGHAM.

To the Lord CHANCELLOR, and Sir LIONEL TANFIELD, Lord
Chief Baron of the Exchequer*.

My Lords,

HIS Majesty having been moved by the duke of Savoy's ambassador in the behalf of Philip Bernardi, whom he is to send about some special employment over the seas to the duke of Savoy, that, before his going, the business mentioned in this petition may be ended, hath commanded me to recommend the same unto your lordship's care, that with all expedition the cause may be heard and ended by your lordships, according to his majesty's reference; or left to the determination of the court of chancery, where it is depending, and where the party assureth himself of a speedy end. And so I rest

Your Lordship's very assured friend at command,

Reyton, the 19th of April, 1619.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM*

My very good Lord,

I Think fit to let your lordship understand what passed yesterday in the Star-Chamber touching Suffolk's (*p*) business.

There came to me the clerk of the court in the inner chamber, and told me, that my Lord of Suffolk desired to be heard by his council at the * fitting of the court, because it was pen * * * him.

I marvelled I heard not of it by Mr. Attorney, who should have let me know as much, that I might not be taken on the sudden in a cause of that weight.

I called presently Mr. Attorney to me, and asked him, whether he knew of the motion, and what it was, and how he was provided to answer it. He signified to me, that my lord would desire to have the commission for examinations in Ireland to be returnable in Michaelmas term. I said, it might not be, and presently drew the council, then present, to me, and made Mr. Attorney repeat to them the passages past, and settled it, that the commission should be returnable the first day of the next term, and then republication granted, that it might, if accidents of wind and weather permit, come to hearing in the term. And upon motion in open court it was ordered accordingly.

* Harl. MSS. Vol. 700.

(p) Thomas Howard, earl of Suffolk, who had been made lord Treasurer in 1614. He was accused of several misdemeanors in that office, together with his lady, and Sir John Bingley, her ladyship's agent; and lay in prison protesting against them all in the Star Chamber.

LETTERS, etc. OF LORD CHANCELLOR BACON.

God ever preserve and prosper you. I pray God this great easterly wind agree well with his majesty.

Your Lordship's most obliged friend and faithful servant,

May 6, 1619.

FR. VERULAM, *Canc.*

Indorsed,

Sent by Sir Gilbert Houghton.

To the Marquis of BUCKINGHAM.

My very good Lord.

I Am much bounden to his majesty and likewise to your lordship. I see, by the late accesſes I have had with his majesty, and now by his royal and real favour (g, that he loveth me, and acknowledgeth me for the servant I am, or desire to be. This in me must turn to a great alacrity to honour and serve him with a mind less troubled and divided. And for your lordship, my affection may and doth daily receive addition, but cannot, nor never could, receive alteration. I pray present my humble thanks to his majesty; and I am very glad his health confirmeth; and I hope to see him this summer at Gorhambury: There is sweet air as any is. God preserve and prosper you both. I ever rest

Your Lordship's most obliged friend and faithful servant,

May 9, 1619.

FR. VERULAM, *Canc.*

Minute of a Letter to the Count PALATINE of the Rhine.

Monseigneur,

JE me tiens a grand honneur, qu'il plaise à vostre altesse de me cognoistre pour tel, que je suis, ou pour le moins voudrois être, envers vous et vostre service: et m'estimeray heureux, si par mes conseils aupres du roy, ou autre devoir, je pourroy contribuer à vostre grandeur, dont il semble que Dieu vous a basti de belles occasions, ayant en contemplation vostre tres-illustre personne, non seulement comme tres-cher allié de mon maître, mais aussi, comme le meilleur appui, apres les roys de Grande Bretagne, de la plus saine partie de la Chrestieneté.

Je ne puis aussi passer sous silence la grande raison, que vostre altesse fait a vostre propre honneur en choisissant tels conseillers et ministres d'estat, comme se montre tres-bien estre monsieur le baron de Dhona et Monsieur de Plessen, estants personnages si graves, discretes et habiles; en quoy vostre jugement reluict assez.

Vostre altesse de vostre grace excusera la faulte de mon langage François, ayant esté tant versé es vielles loix de Normandie: mais le coeur supplera la plume, en priant Dieu de vous tenir en sa digne et sainte garde,

Monseigneur,

De vostre altesse le plus humble

et plus affectionné serviteur.

Indorsed, May 12, 1619.

(g) Probably the grant made to him about this time of 1200^{l.} a year.

To the Lord CHANCELLOR*.

My honourable Lord,

HIS majesty was pleased at the suit of some, who have near relation unto me, to grant a license for transportation of butter out of Wales unto one Lewis and Williams, who in consideration, that the patent should be passed in their names, entered into articles for the performance of certain conditions agreed upon between them, which, now that the patent is under the great seal, they utterly refuse to perform. My desire therefore to your lordship is, that you would call the said Lewis and Williams before you, with the other parties, or some of them, who shall be ready at all times to attend your lordship; and out of your consideration of the matter, according to equity, to take such course therein, that either the said agreement may be performed; or that they, which refuse it, may receive no benefit of the patent; which upon reason thereof was passed in their names. And herein I desire your lordship to make what expedition you can; because now is the season to make provision of the butter, that for this year is to be transported, whereof they take advantage to stand out. And so I rest

Your Lordship's faithful friend and servant,

Greenwich, May 14, 1619.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

THOUGH it be nothing, and all is but duty; yet I pray shew his majesty the paper inclosed, that his majesty may see, how careful his poor servant is upon every emergent occasion to do him what honour he can. The motion made in court by the king's serjeant, Crew (*q*), that the declaration might be made parcel of the record, and that I hear otherwise of the great satisfaction abroad, encourageth me to let his majesty know what passed.

God ever preserve and prosper you both.

*Your Lordship's obliged friend and faithful servant,*FR. VERULAM, *Canc.*

Indorsed, June 29, 1619.

My lord to my lord marquis, inclosing the form of a declaration used in point of acknowledgment in the lady Exeter's (*r*) cause.

To the Marquis of BUCKINGHAM.

My very good Lord,

IPurposed to have seen you to day, and receive your commandments before the progress. But I came not to London till it was late, and found you were gone be-

* Harl. MSS. Vol. 7000.

(*q*) Sir Rowland Crew, made chief justice of the King's Bench, January 26, 1624.(*r*) Countess of Exeter, accused of incest and other crimes by the lady Lake, wife of secretary Lake, and their daughter the lady Roos.

fore I came. Nevertheless, I would not fail to let your lordship understand, that as I find every day more and more occasions, whereby you bind me to you; so this morning the king of himself did tell me some testimony, that your lordship gave of me to his majesty even now, when you went from him, of so great affection and commendation, for I must ascribe your commendation to affection, being above my merit, as I must do contrary to that, that painters do; for they desire to make the picture to the life, and I must endeavour to make the life to the picture, it hath pleased you to make so honourable a description of me. I can be but yours, and desire to better myself, that I may be of more worth to such an owner.

I hope to give the king a good account of my time this vacation.

If your lordship pass back by London, I desire to wait on you, and discourse a little with you: if not, my prayers shall go progress with you, and my letters attend you, as occasion serveth.

God ever preserve and prosper you.

Your Lordship's most obliged friend and faithful servant,

July 1, 1619.

FR. VERULAM, *Cant.*

To the Marquis of BUCKINGHAM.

My very good Lord,

THIS day, according to the first appointment, I thought to have waited upon his majesty, and to have given him an account of my cares and preparations for his service, which is my progress. And therefore, since his coming to Windsor is prolonged, I thought to keep day by letter, praying your lordship to commend my most humble service to his majesty, and to let him know, that since I see his majesty doth me the honour, as to rely upon my care and service, I lose no time in that, which may pertain thereunto. I see the straits, and I see the way out; and what lieth in one man, whom he hath made great, and trained, shall not be wanting. And I hope, if God give me life for a year or two, to give his majesty cause to think of me seven years after I am dead.

I am glad the time approacheth, when I shall have the happiness to kiss his majesty's hands, and to embrace your lordship, ever resting

Your Lordship's most obliged friend and faithful servant,

York-house, August 28, 1619.

FR. VERULAM, *Cant.*

To the Lord CHANCELLOR*.

My honourable Lord,

His majesty, upon a petition delivered by Mr. Thomas Digby, wherein he complaineth of great wrongs done unto him, hath been pleased, for his more speedy relief and redress, if it prove as he allegeth, to refer the consideration thereof

* Hall. Mod. Vol. 1. p. 6.

unto your lordship. And because he is a gentleman, whom I have long known and loved, I could not but add my desire to your lordship, that, if you find he hath been wronged, you would do him so much favour, as to give him such remedy, as the equity of his case may require. For which I will ever rest

Your Lordship's faithful friend and servant,

Royston, Octob. 8, 1619.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have acquainted his majesty with your letter, who hath given order to Mr. Secretary Calvert to signify his pleasure for the proceeding in that business, whereof you write, without any farther delay, as your lordship will more fully understand by Mr. Secretary, who for that purpose is to return to London against the day of hearing.

I have no answer to make to your former letter, and will add no more to this, but that his majesty hath a great confidence in your care of his service. And so I rest

Your Lordship's faithful friend and servant,

Royston, Oct. 10, 1619.

G. BUCKINGHAM.

Indorsed,

Shewing his majesty's acceptation of your lordship's care, in particular in the business against the earl of Suffolk.

To the Marquis of BUCKINGHAM.

My very good Lord,

AFTER my last letter yesterday, we entered into conference, touching the Suffolk cause, myself, and the commissioners, and the two chief justices (*s*). The fruit of this conference is, that we all conceive the proceedings against my lord himself to be not only just and honourable, but in some principal parts plausible in regard of the public; as namely, those three points, which touch upon the ordnance, the army of Ireland, and the money of the cautionary towns; and the two chief justices are firm in it.

I did also in this cause, by the assent of my lords, remove a part; for Mr. Attorney had laid it upon serjeant Davies (*t*) to open the information, which is that, which gives much life or coldness to the cause. But I will have none but trained men in this cause; and I cannot forget, that the allotting of the opening of the

* Harl. MSS. Vol. 7006.

(*s*) Sir Henry Montagu of the King's Bench, and Sir Henry Hobart of the Common Pleas.

(*t*) Sir John Davies, author of *Nisi te p'now*, knighted in February, 1607-8, and made serjeant at law in 1612. He had been attorney general of Ireland.

LETTERS, etc. OF LORD CHANCELLOR BACON.

information in this cause of the Dutch, I mean the main cause, to a mean fellow, one II goes, did hurt, and was never well recovered.

By my next I will write of the king's estate : and I ever rest

Your Lordship's most obliged friend

and faithful servant,

October 14, 1619.

FR. VERULAM, *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

THIS morning the Duke (*u*) came to me, and told me the king's cause was yesterday left fair ; and if ever there were a time for my lord of Suffolk's submission, it was now ; and that, if my lord of Suffolk should come into the court, and openly acknowledge his delinquency, he thought it was a thing considerable. My answer was, I would not meddle in it ; and, if I did, it must be to dissuade any such course ; for that all would be but a play upon the stage, if justice went not on in the right course. This I thought it my duty to let the king know by your lordship.

I cannot express the care I have had of this cause in a number of circumstances and discretions, which, though they may seem but small matters, yet they do the business, and guide it right.

God ever keep your lordship.

Your Lordship's most obliged friend

and faithful servant,

October 21, 1619.

FR. VERULAM, *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

I Am doubly bounden to the king for his majesty's trust and acceptance ; whereof the one I will never deceive ; the other, though I cannot deserve, yet I will do my best, and perhaps as much as another man.

This day the evidence went well ; for the solicitor (*w*) did his part substantially : and, a little to warm the business, when the misemployment of treasure, which had relation to the army of Ireland, was handled, I spake a word, that he, that did draw or milk treasure from Ireland, did not *emulger*, milk money, but blood. But this is but one of the little things, that I wrote of before.

The king, under pardon, must come hither with two resolutions ; the one, to remit all importunity, touching this cause, to the lords in court of justice ; the other, to pursue the designs first taken at Windsor, and then at Hampton-Court,

(*u*) Ledwith, duke of Lenox. He was created duke of Richmond, May 17, 1623 ; and died February 11, 1624.

(*w*) Sir Thomas Coventry, afterwards lord keeper of the great seal.

for his commission of treasury: wherein I do my part, and it is reasonably well; but better would it be, if instruments were not impediments. I ever rest

Your Lordship's most obliged friend

and faithful servant,

October 27, Wednesday.

F. R. VERULAM, *Canc.*

Friday will not end the business; for to-morrow will but go through with the king's evidence.

To the Lord CHANCELLOR*.

My honourable Lord,

THIS bearer, a Frenchman belonging to the ambassador, having put an Englishman in suit for some matters between them, is much hindred and molested by often removing of the cause from one court to another. Your lordship knows, that the French are not acquainted with our manner of proceedings in the law, and must therefore be ignorant of the remedy in such a case. His course was to his majesty; but I thought it more proper, that your lordship would be pleased to hear and understand this case from himself, and then to advise and take order for his relief, as your lordship in your wisdom shall think fit. So commending him to your honourable favour, I rest

Your Lordship's faithful friend and servant,

Royston, 27th of October, 1619.

G. BUCKINGHAM.

Your Lordship shall do well to be informed of every particular, because his majesty will have account of it at his coming.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have acquainted his majesty with your letter, who commanded me to give your lordship thanks for your speed in advertising those things that pass, and for the great care he seeth you ever have of his service.

I send your lordship back the bill of sheriffs for Suffex, wherein his majesty hath pricked the first, as your lordship wished.

His majesty would not have you omit this opportunity of so gross an over-sight in the judges, to admonish them of their negligence in suffering such a thing to come to his majesty, which needed his amending afterward: and withal, to let them know, that his majesty observeth, that every year they grow more and more careless of presenting fit men unto him for that place; and that you advise them to be more wary hereafter, that they may give his majesty better satisfaction. And so I rest

Royston, November 14, 1619.

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

* Harl. MSS. Vol. 7006.

To the Marquis of BUCKINGHAM.

My very good Lord,

THIS day afternoon, upon our meeting in council, we have planed those rubs and knots, which were mentioned in my last, whereof I thought good presently to advertise his majesty. The days hold without all question, and all delays diverted and quieted.

Sir Edward Coke was at Friday's hearing, but in his night-cap; and complained to me, he was ambulant, and not current. I would be sorry he should fail us in this cause. Therefore I desired his majesty to signify to him by your lordship, taking knowledge of some light indisposition of his, how much he should think his service disadvantaged in this cause, if he should be at any day away; for then he cannot sentence.

By my next I will give his majesty some account of the tobacco and the currants. I ever rest

Your Lordship's most obliged friend

and faithful servant,

November 20, at evening, 1619.

F. R. VERULAM, *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

I Know well his majesty taketh to heart this business of the Dutch (x), as he hath great reason, in respect both of honour and profit. And because my first letter was written in the epistasis, or trouble of the business; and my second in the beginning of the catastrophe, or calming thereof, wherein nevertheless I was fain to bear up strongly into the weather before the calm followed, and since every day hath been better and better, I thought good to signify so much, that his majesty may be less in suspense.

The great labour was to get entrance into the business; but now the portcullis is drawn up. And though, I must say, there were some blots in the tables, yet, by well playing, the game is good.

Rowland is passing well justified; for both his credit is by very constant and weighty testimony proved, and those vast quantities, which were thought incredible, or at least improbable, are now made manifest truth.

Yet I find a little of the old leaven towards the first defendants, carried in this stile and character: "I would this, that appears now, had appeared at first. But this cometh of haste and precipitation;" and the like. But yet, I hope, the correction and practice upon the *arbitrarius*, and the rectifying of Rowland's credit, will satisfy my lords upon the former proofs. For I would be very sorry, that these new defendants, which, except one or two, are the smaller flies, should be in the net,

(x) The charts, received in the late Chamber for exporting the gold and silver coin.

and

and the old defendants, which are the greater flies, should get through. God preserve you.

*Your Lordship's most obliged friend,
and faithful servant,*

This November 26, 1619.

FR. VERULAM, *Canc.*

Inferred,

Touching the Dutch business.

To the Lord CHANCELLOR*.

My honourable Lord,

I Do, from time to time, acquaint his majesty with your letters, wherein he ever perceiveth your vigilant care in any thing that concerneth his service; and hath commanded me to give you thanks in his name, who is sure your endeavours will never be wanting, when any thing is to be done for the advancement of his affairs.

According to your lordship's advice, his majesty hath written to the commissioners of the treasury, both touching the currants and the tobacco (y), the plantation whereof his majesty is fully resolved to restrain; and hath given them order forthwith to set out a proclamation to that effect; not intending in that point to stand upon any doubt of law, nor to expect the judges interpretation; nor to allow any freehold in that case; but holding this the safest rule, *Salus reipublice suprema lex esto*. And so I rest

Your Lordship's faithful friend and servant,

Newmarket, Nov. 27, 1619.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have presented both the submissions to his majesty. His answer is, he cannot alter that, which was allowed of by the lords of the last Star-Chamber-day, except first they be acquainted with it, and the consent of the lady Exeter be likewise had, because the decree doth necessarily require it. So I rest

Your lordship's humble servant,

G. BUCKINGHAM.

Inferred,

Touching the submissions of Sir Thomas Lake and his lady.

* Harl. MSS. Vol. 7060.

(y) Lord Bacon, in his letter of November 23, 1619, mentions, that there was offered 2000*l.* increase yearly for the tobacco, to begin at Michaelmas, 1620, to wit, 1000*l.* increase, if the plantations here within land be retained.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Acquainted this day the bearer with his majesty's pleasure touching Lake's (z) submission; which, whether it should be done in person, or in writing, his majesty signified his will thus, that it should be spared in open court, if my lady of Exeter should consent, and the board think fit. The board liked it well, and appointed my lord Digby and secretary Calvert to speak with my lady, who returned her answer in substance, that she would, in this and all things, be commanded by his majesty: but if his majesty left it to her liberty and election, she humbly prayed to be excused. And though it was told her, that this answer would be cause, that it could not be performed this term; yet she seemed willing rather it should be delayed, than dispensed with.

This day also Trake (a), in open court, made a retractation of his wicked opinions in writing. The form was as good as may be. I declared to him, that this court was the judgment-seat; the mercy-seat was his majesty: but the court would commend him to his majesty: and I humbly pray his majesty to signify his pleasure specially, because of the misery of the man; and it is a rare thing for a sectary, that hath once suffered smart and shame, to turn so unfeignedly, as he seemed to do.

God ever blefs and keep you.

Your most obliged friend and faithful servant,

December 1, 1619.

FR. VERULAM, *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

ON Friday I left London, to hide myself at Kew; for two months and a half together to be strong bent is too much for my bow. And yet, that the king may perceive, that in my times of leisure I am not idle, I took down with me Sir Giles Mompeffon (b), and with him I have quietly conferred of that proposition

(z) Sir Thomas Lake's.

(a) John Trake, a minister, who was prosecuted in the Star-Chamber for maintaining, as we find mentioned in the *Reports* of the lord chief justice Hobart, p. 236, that the Jewish Sabbath ought to be observed, and not ours; and that we ought to abstain from all manner of swines flesh, and those meats, which the Jews were forbidden in Leviticus, according to bishop Andrews, in his speech, in the Star-Chamber on that occasion, printed among his lordship's works. Mr. Trake being examined in that court, confessed, that he had divulged those opinions, and had laboured to bring as many to them as he could; and had also written a letter to the king, wherein he seemed to tax his majesty with hypocrisy, and expressly inveighed against the bishops high commissioners, as bloody and cruel in their proceedings against him, and a papal clergy. He was sentenced to fine and imprisonment, not for holding those opinions, for those were examinable in the Ecclesiastical Court, and not there, but for making of conventicles and commotions, and for scandalizing the king, the bishops, and clergy. Dr. Fuller, in his *Church History of Britain*, Book X. p. 77. § 64. mentions his having heard Mr. Trake preach, and remarks, that his *voice had more strength than any thing else he delivered*; and that after his recantation he relapsed, not into the same, but other opinions, rather *humorous than bitter*, and died obscurely at Lambeth in the reign of king Charles I.

(b) Who in the parliament, which began January 30, 1620-1, was sentenced to be degraded and rendered incapable of bearing any office, for practising several abuses, in setting up new inns and ale-houses, and exacting great sums of money of the people, by pretence of letters patents granted him for that purpose. But he fled into foreign parts, finding himself abandoned by the marquis of Buckingham, on whom he had depended for protection.

which

which was given me in charge by his majesty, and after seconded by your lordship. Wherein I find some things I like very well, and some other, that I would set by. And one thing is much to my liking, that the proposition for bringing in his majesty's revenue with small charge is no invention, but was on foot heretofore in king Philip's and queen Mary's time, and had a grave and mighty opinion for it. The rest I leave to his relation, and mine own attendance.

I hope his majesty will look to it, that the fines now to come in may do him most good. Both causes produce fines of one hundred and fourscore thousand pounds, whereof one hundred thousand may clear the anticipations, and then the assignments may pass under the great seal, to be inrollable; so as we shall need to think of nothing but the arrears in a manner, of which I wish the 20,000 l. to the strangers, with the interest, be presently satisfied. The remain may serve for the king's present and urgent occasions. And if the king intend any gifts, let them stay for the second course, for all is not yet done, but nothing out of these, except the king should give me the 20,000 l. I owe Peter Vanlore out of his fine, which is the chief debt I owe. But this I speak merrily. I ever rest

Your Lordship's most obliged friend

and faithful servant,

Kew, Decem. 12, 1619.

FR. VERULAM, *Canc.*

After I had written this letter, I received from your lordship, by my servant, his majesty's acceptance of my poor services; for which I pray your lordship to present to his majesty my most humble thanks. I have now other things in my mind for his majesty's service, that no time be lost.

To the Lord CHANCELLOR*.

My honourable Lord,

HIS majesty hath been pleased, out of his gracious care of Sir Robert Killigrew, to refer a suit of his, for certain concealed lands, to your lordship and the rest of the commissioners for the treasury; the like whereof hath been heretofore granted to many others. My desire to your lordship is, that he being a gentleman, whom I love and wish very well unto, your lordship would shew him, for my sake, all the favour you can, in furthering his suit. Wherein your lordship shall do me a courtesy, for which I will ever rest

Your Lordship's faithful friend and servant,

Royston, December 25, 1619.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I HAVE acquainted his majesty with your letter, who for that business, whereof Mr. Chancellor of the exchequer brought the message to his majesty to Theobalds, returned the answer by him.

* Harl. MSS. Vol. 7006.

LETTERS, etc. OF LORD CHANCELLOR BACON.

As for that, whereof Sir Giles Mompesson spake to your lordship, his majesty liketh very well, and so do all others, with whom his majesty hath spoken of it; and therefore he recommendeth it to your care, not doubting but your lordship will give all your furtherance to it, being your own work, and so much concerning his majesty's honour and profit; and will speak farther with your lordship of it at his return to London.

For those other businesses of the Star-Chamber, which his majesty hath recommended to your lordship, he hopeth you will keep the clock still going, his profit, being so much interested therein, especially seeing Mr. Chancellor of the exchequer (†) hath promised his majesty, that he will be no more sick, whereby you shall have this comfort, that the burden will not lie upon your lordship alone.

The little leisure I had at Theobalds made me bring your man down hither for this answer, which I hope your lordship will excuse; and ever hold me for

Your Lordship's faithful friend and servant,

Roylea Jan. 19.

G. BUCKINGHAM.

Indefid. 1609.

TO the Marquis of BUCKINGHAM.

My very good Lord,

IN the midst of business, as in the midst of a way, one should not stay long, especially when I crave no direction, but only advertise.

This day we met about the commission, the commonwealth's commission, for the poor and vagabonds, &c. We have put it into an exceeding good way, and have appointed meetings once in fourteen days, because it shall not be a-shack. I was glad to hear from the two chief-justices, that whatsoever appears in the country to come from *primum mobile*, that is, the king's care, works better, than if it came from the law. Therefore we have ordered, that this commission shall be published in the several circuits in the charges of the judges. For the rest hereafter.

For the proposition of Sir Giles Mompesson, we have met once. Exchequer-men will be exchequer men still; but we shall do good.

For the account, or rather imparting, of the commissioners of treasury to the council, I think it will but end in a compliment. But the real care, and I hope good purpose, I will not give over, the better because I am not alone.

For the Star-Chamber business, I shall, as you write, keep the clock on going, which is hard to do, when sometimes the wheels are too many, and sometimes too few. But we shall do well, especially if those, whom the king hath hitherto made head-men (I mean, which have given bonds for their fines) he do not hereafter make free-men.

For Suffolk's business it is a little strange, that the attorney made it a question to the commissioners of treasury, whether Suffolk should not be admitted to the lease of the extent of his own land, which is the way to encourage him not to pay his fine. But when it was told him, that the contrary course was held with the earl of Nor-

† Sir John Helle, who surrendered that office in September, 1601, being succeeded in it by Sir Richard Weston. He had been created Lord Brooke of Beauchamp's Court, Jan. 9, 1591.

thumberland,

chamberland, and that thereby he was brought to agree for his fine; then he turned, as his manner is.

For the errors, we have yet so much use of the service of Sir Henry Britten in bringing in the fines, indeed more than of the attorney, as we cannot, without prejudice to his majesty's service, enter yet into them; and besides, Sir Edward Coke comes not abroad.

Mr. Kirkham hath communicated with me, as matter of profit to his majesty, upon the coals referred by his majesty to us of the treasury, wherein I hope we shall do good, the rather, because I am not alone,

The proclamation for light gold, Mr Secretary Calvert, I know, hath sent to his majesty; and therefore of that I say no more.

For the raising of silver by ordinance, and not by proclamation, and that for the time to come, we have given order to finish it. I hear a whispering, that thereupon the commissioners of the navy, the officers of the household, the wardrobe, may take occasion to break the book and the undertakings, because the prices may rise, which I thought good to signify to his majesty. And to speak plainly, I fear more the pretence, than the natural effect. God evermore preserve your lordship. I rest

Your Lordship's most obliged friend

and faithful servant,

Jan. 20, 1619.

FR. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

I HAVE acquainted his majesty with your letter, who is very well pleased therein, finding in you a continual care of his service. In that point of the Star-Chamber business, his majesty saith, there is a mistaking; for he meant not the Dutchmens business, but that motion, which your lordship made unto him, of sitting in the Star-Chamber about the commissions, which he had not leisure to read till he came down to Royston, and hath reason to give you thanks for it, desiring you to prepare it, and study the point, of which he will speak more with you at his return to London, being a matter worthy your thinking on, and his majesty's practice.

For the last point of your letter, his majesty saith, it cannot but proceed of malice, that there should be any such plot, which he will not endure, but he will account those, that whisper of it in that sort, enemies of his service; and will put them out of their places, that practise it. And so I rest

Your Lordship's faithful friend and servant,

Newmarket, Jan. 22, 1619.

G. BUCKINGHAM.

* Harl. MSS. Vol. 7006.

To

To Mr. Secretary CALVERT*.

Mr. Secretary,

I HAVE received your letter of the 3d of this present, signifying his majesty's pleasure touching Peacock's (*d*) examinations, of which I will have special care.

My lord Coke is come to town, and hath sent me word, he will be with me on Monday, though he be somewhat lame. Howsoever, the service shall be done.

I was made acquainted, by your letter to secretary Naunton, with his majesty's dislike of the sending to him of the jolly letter from Zealand. I will now speak for myself, that, when it was received, I turned to the master of the Wards (*e*), and said. "Well, I think you and I shall ever advise the king to do more for a Burlamachi, when he seeketh to his majesty by supplication and supplying the king at the first word, than for all the rest upon any bravados from the Burgomasters of Holland and Zealand;" Who answered very honestly, that it was in the king's power to make them alter their style when he would. But when another of us said, we could not but in our own discharge send the king the letter, *scilicet negandum non fuit*; though indeed my way is otherwise.

I have at last recovered from these companions, Harrison and Dale, a copy of my lord of Bangor's (*f*) book, the great one, and will presently set in hand the examinations. God keep you.

Your assured friend,

FR. VERULAM, Canc.

Feb. 5, 1619.

To the KING.

May it please your Majesty,

SIR Edward Coke is now a-foot, and, according to your command, signified by Mr. Secretary Calvert, we proceed in Peacock's examinations. For although there have been very good diligence used, yet certainly we are not at the bottom; and he, that would not use the utmost of his line to found such a business as this, should not have due regard, neither to your majesty's honour nor safety.

A man would think he were in Luke Hutton's case again; for as my lady Roos personated Luke Hutton, so, it seemeth, Peacock personateth Atkins. But I make no judgment yet, but will go on with all diligence; and, if it may not be

(*d*) He was a minister of the University of Cambridge. He was committed to the Tower, for pretending, that he had, by forcery, infatuated the king's judgment in the cause of Sir Thomas Lake. *Camd. Annal. Regi. Jacobi I.* p. 54.

(*e*) Sir Lionel Cranfield.

(*f*) Dr. Lewis Baully, born at Caermarthen in Wales, and educated in Exeter-College, Oxford. He had been master of Livelham in Worcester-shire, and chaplain to prince Henry, and rector of St. Martin's Friday Street, in London. He was promoted to the bishopric of Bangor in 1616. On the 15th of July, 1621, he was committed to the Fleet, but on what account is not related by Camden, *Annales Regi. Jacobi I.* p. 72 who mentions the circumstance of the bishop's imprisonment; but that he was soon after set at liberty. He was the author of the well known book, *the Practice of Piety*.

done

done otherwise, it is fit Peacock be put to torture. He deserveth it as well as Peacham did.

I beseech your majesty not to think I am more bitter, because my name is in it; for, besides that I always make my particular a cypher, when there is question of your majesty's honour and service, I think myself honoured, for being brought into so good company. And as, without flattery, I think your majesty the best of kings, and my noble lord of Buckingham the best of persons favoured; so I hope, without presumption, for my honest and true intentions to state and justice, and my love to my master, I am not the worst of chancellors.

God ever preserve your majesty.

Your Majesty's most obliged

and most obedient servant,

FR. VERULAM, *Canc.*

Feb. 10, 1619.

To the Lord CHANCELLOR.

Most honoured Lord,

I presume, now after term, if there be any such thing as an after-term with your lordship, to offer this inclosed paper (g) to your sight, concerning the duke of Lerma; which, if your lordship have not already read, will not, I think, be altogether unpleasing, because it is full of particular circumstances. I know not how commonly it passeth up and down more or less. My friend, Mr. Gage, sent it me lately out of Spain. But howsoever I build upon a sure ground; for though it should be vulgar, yet for my desire to serve your lordship, I cannot demerit so much, as not to deserve a pardon at your lordship's most noble hand.

Before the departure of the duke of Lerma from that court, there was written upon the gate for a pasquinade, that the house was governed *por el Padre, y el Hijo, y un Santo*; as in Paris about the same time was written upon the Louvre-Gate, *C'est icy l'hostel des troys Roys*; for Luynes's brother is almost as great as himself. But the while there is good store of kings now in Christendom, though there be one fewer than there was.

In Spain, there are very extraordinary preparations for a great armada. Here is lately in this court a current speech, as that the enterprize, whatsoever it should have been, is laid wholly aside: but that were strange. Yet this is certain, that the forces of men, to the number of almost two thousand, which were to have gone into Spain from hence, are discharged, together with some munition, which was also upon the point of being sent. Another thing is also certain, that both in the court of Spain and this, there is at this time a strange straitness of money; which I do not conceive, for my part, to proceed so much from want, as design to employ it. The rendezvous, where the forces were to meet, was at Malaga, within the Straits; which makes the enterprize upon Algiers most likely to be intended. For I take that to be a wild conceit, which thinks of going by the Adriatic *per far in un Viaggio duoi servitii*; as the giving a blow to Venice, and the landing of forces in aid of the king of Bohemia about Trieste.

(g) I have, out of a ragged hand in Spanish, translated it, and accompanied it with some marginal notes for your Lordship's greater ease. Note of Mr. Matthew.

LETTERS, etc. OF LORD CHANCELLOR BACON.

Perhaps the king of Spain would be glad to let the world see, that now he is *Lord of peace*; and by shewing himself in some action, to intitle the duke of Lerma to all his former sloth; or perhaps he now makes a great preparation, upon the pretence of some enterprise, that he will let fall, that to be may with the less noise assemble great forces some other year, for some other attempt not spoken of now.

My lord Compton *is* in this court, and goes shortly towards Italy. His fashion is sweet, and his disposition noble, and his conversation fair and honest.

Diego, my lord Roos's man, is come hither. I pray God it be to do me any good towards the recovery of the debt his lord owes me.

Most honoured lord, I am here at good leisure to look back upon your lordship's great and noble goodness towards me, which may go for a great example in this age; and so it doth. That, which I am sure of, is, that my poor heart, such as it is, doth not only beat, but even boil in the desires it hath to do your lordship all humble service.

I crave leave, though it be against good manners, that I may ever present my humblest service to my most honoured lady, my lady Verulam, and lady Constable, with my best respects to my dear friend, Sir John Constable; who, if your lordship want the leisure, would perhaps cast an eye upon the inclosed paper.

I do, with more confidence, presume to address this other letter to Mr. Meautys, because the contents thereof concern your lordship's service.

I beseech sweet Jesus to make and keep your lordship intirely happy. So I humbly do you reverence, remaining ever

Your Lordship's most obliged servant,

TOBIE MATTHEW.

POST. I should be glad to receive some of your lordship's philosophical labours, if your lordship could so think fit. I do now receive a letter from the Conde de Gondomar, who, thinking that it should find me in England, saith thus: *Beñ las manos mil veces a mi señor, el señor Gran Chanciller, con my coracon; como estey en ja buena gracia.* The empress is dead long since, and the emperor is so sickly, or rather so sick, that they forbear to bury her with solemnity, as conceiving, that he will save charge by dying shortly. They say here, that the business of Bohemia is growing towards an end by composition.

London, this 14th of Feb. 1619.

To the Marquis of BUCKINGHAM.

My very good Lord,

FOR the services committed to Sir Lionel Cranfield, after his majesty hath spoken with him, I shall attend and follow his majesty's pleasure and directions, and yield my best care, advice, and endeavour for performance.

Lionel Cranfield, Lord Compton, only son of William, earl of Northampton. This nobleman, who succeeded his father in the earldom of Northampton, in June 1635, was killed at Hopton-Herston, near Stamford, on Sunday, March 13, 1642, fighting for King Charles I.

In

In the pretermitted duty I have some profit, and more was to have had if queen Anne had lived. Wherefore I shall become an humble suitor to his majesty, that I may become no loser, specially seeing the business had been many a time and out quite overthrown, if it had not been upheld only, or chiefly, by myself; so that whatsoever service hath been since done, is upon my foundation.

Mr. Attorney (*i*) groweth pretty pert with me of late; and I see well who they are that maintain him. But be they flies, or be they wasps, I neither care for buzzies nor stings, most especially in any thing, that concerneth my duty to his majesty, or my love to your lordship.

I forgot not, in my public charge, the last Star-Chamber-day, to publish his majesty's honour for his late commission for the relief of the poor, and suppressing vagabonds; as also his gracious intention touching informers, which, I perceive, was received with much applause. That of projectors I spake not of, because it is not yet ripe, neither doth it concern the execution of any law, for which my speech was proper. God ever preserve and prosper you.

Your Lordship's most obliged friend

February, 17, 1619.

and faithful servant,

FR. VERULAM, *Canc.*

To the Marquis of BUCKINGHAM.

My very good Lord,

I SEND, by post, this sealed packet, containing my lord of Suffolk's answer in the Star-Chamber. I received it this evening at six of the clock, by the hands of the master of the Rolls (*k*), sealed as it is with my lord of Suffolk's seal, and the master's of the Rolls. But neither I, nor the master of the Rolls, know what is in it; but it cometh first to his majesty's sight. Only I did direct, that because the authentic copy, unto which my lord is sworn, according to the course of the court, is not so fit for his majesty's reading, my lord of Suffolk should fend withal a paper copy, which his majesty might read with less trouble.

My lady Suffolk is so ill of the small-pox, as she is not yet fit to make any answer.

Bingley's (*l*) answer is come in, a long one; and, as I perceive, with some things impertinent, yea, and unfit. Of that I confer with Mr. Solicitor (*m*) tomorrow; and then I will farther advertise your lordship

God ever preserve and prosper you.

Your Lordship's most obliged friend

York-house, this 23^d of Feb. 1619,
at 9 of the clock [1619-20.]

and faithful servant,

FR. VERULAM, *Canc.*

(*i*) Sir Henry Velverton.
(*l*) Sir John Bingley's.

(*k*) Sir Julius Cæsar.
(*m*) Sir Thoma. Coventry.

E e e e 2

To

To the Lord CHANCELLOR.

Most honoured Lord,

I DO even now receive this letter from the Conde de Gondomar, with direction I should send it, since I am not there to deliver it, to Mr. Wyche, that so he may present it to your lordship's hand at such time, as it may be of most use to him. He commands me besides, that for his sake I should become a humble solicitor to your lordship for this friend of his; which I presume to do the more willingly, because this party is a great friend of mine, and so are also many of his friends my friends. Besides he wills me to represent his great thanks to your lordship, for the just favours you have been pleased to vouchsafe to Mr. Wyche already, the rather, in contemplation of the Conde, as he hath been informed. And if in the company, or rather in the attendance, of so great an intercessor, it be not an unpardonable kind of ill manners to intrude myself, I presume to cast myself at your lordship's feet, with protestation, that I shall be very particularly bound to your lordship's goodness for any favour, with justice, that he shall obtain.

I beseech Jesus keep your lordship ever intirely happy; and so doing all humble reverence, I take leave.

Your Lordship's most humble

Brussels, this 26th of Feb. 1619.

and most obliged servant,

TOBIE MATTHEW.

To the Lord CHANCELLOR*.

My honourable Lord,

UNDERstanding, that there hath been a long and tedious suit depending in the chancery between Robert D'Oyley and his wife, plaintiffs, and Leonard Lovace, defendant; which cause hath been heretofore ended by award, but is now revived again, and was, in Michaelmas term last, fully heard before your lordship; at which hearing your lordship did not give your opinion thereof, but were pleased to defer it, until breviats were delivered on both sides; which, as I am informed, hath been done accordingly: now my desire unto your lordship is, that you will be pleased to take some time, as speedily as your lordship may, to give your opinion thereof, and so make a final end, as your lordship shall find the same in equity to deserve. For which I will ever rest

Your Lordship's faithful friend and servant,

Windsor, May 18, 1620.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

I WENT to Kew for pleasure, but I met with pain. But neither pleasure nor pain can withdraw my mind from thinking of his majesty's service. And be-

* Harl. MSS. Vol. 7006.

cause his majesty shall see how I was occupied at Kew, I send him these papers of rules for the Star-Chamber, wherein his majesty shall erect one of the noblest and durablest pillars for the justice of this kingdom in perpetuity, that can be, after, by his own wisdom, and the advice of his lords, he shall have revised them, and established them. The manner and circumstances I refer to my attending his majesty. The rules are not all set down; but I will do the rest within two or three days. I ever remain

June 9, 1620.

Your Lordship's most obliged friend

and faithful servant,

FR. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My very good Lord,

SUCH is my haste at this time, that I cannot write so largely to yourself, as I would, in the business of the steel, in which once already I sent to your lordship, and in which I only desire the good of the commonwealth, and the service of my master. I therefore have sent this bearer, my servant, unto you, and committed the relation of the business to him. And I do intreat your lordship to give credit to what he shall deliver your lordship therein, with your lawful assistance of my desires; wherein I doubt not but you shall do a very good office. And I shall rest ready to requite your courtesy; and, with my best wishes, continue

Egham, July 6, 1620.

Your very loving friend,

G. BUCKINGHAM.

Indorsed,

My Lord Marquis in the behalf of his servant, Mr. Porter, and Mr. Dallington.

To the Lord CHANCELLOR*.

My honourable Lord

HIS majesty having made a reference of business to your lordship, concerning Sir Robert Douglas and Mr. David Ramsay, two of his highness's servants, whom he loveth, and whom I wish very well unto; I have thought fit to desire you to shew them all the favour your lordship may therein: which I will acknowledge, and ever rest

Farnham, the last of August, 1620.

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

The reference comes in the name of my brother Christopher, because they thought it would succeed the better: but the prince wisheth well to it.

Indorsed,

Touching the business of wills.

* Harl. MSS. Vol. 7000.

To the KING (*v*).

AMongst the counsels, which, since the time I had the honour to be first of your counsel, and a member of your privy council, I have given your majesty faithfully, according to my small ability; I do take comfort in none more, than that I was the first, that advised you to come in person into the Star-Chamber; knowing very well, that those virtues of your majesty, which I saw near hand, would out of that throne, both as out of a sphere, illustrate your own honour, and, as out of a fountain, water and refresh your whole land. And because your majesty, in that you have already done, hath so well effected that, which I foresaw and desired, even beyond my expectation; it is no marvel, if I resort still to the branches of that counsel, that hath borne so good fruit.

The Star-Chamber, in the institution thereof, hath two uses; the one as a supreme court of judicature; the other as an open council. In the first kind, your majesty hath sat there now twice: the first time, in a cause of force, concerning the duels; the second time, in a cause of fraud, concerning the forgeries and contumacies against the lady of Exeter; which two natures of crimes, force and fraud, are the proper objects of that court.

In the second kind, your majesty came the first time of all, when you did set in frame and fabric the several jurisdictions of your courts. There wants a fourth part of the square to make all complete, which is, if your majesty will be pleased to publish certain commonwealth commissions; which, as your majesty hath well begun to do in some things, and to speak of in some others; so, if your majesty will be pleased to make a solemn declaration of them in that place, this will follow:

First, that your majesty shall do yourself an infinite honour, and win the hearts of your people to acknowledge you, as well the most politic king, as the most just.

Secondly, it will oblige your commissioners to a more strict account, when they shall be engaged by such a public charge and commandment. And, thirdly, it will invite and direct any man, that finds himself to know any thing concerning those commissions, to bring in their informations. So as I am persuaded it will eternise your name and merit, and that king James's commissions will be spoken of, and put in ure, as long as Britain lasts; at the least, in the reign of all good kings.

For the particulars, besides the two commissions of the navy, and the buildings about London, wherein your majesty may consider, whether you will have any thing altered or supplied, I wish these following to be added.

Commission for advancing the clothing of England, as well the old drapery as the new, and all the incidents thereunto.

Commission for staying treasure within the realm, and the reiglement of monies.

Commission for the provision of the realm with corn and grain, and the govern-

(v) This letter appears to have been written after the proceedings against Sir Thomas Lake, and before the sitting of the Star Chamber, in January 1619-20, and before the resolution of calling the parliament, which was not until January 30, 1620-1.

ment of the exportation and importation thereof; and directing of public granaries, if cause be.

Commission for introducing and nourishing manufactures within the realm, for the setting people a-work, and the considering of all grants and privileges of that nature.

Commission to prevent the depopulation of towns and houses of husbandry, and for nuisances and high-ways.

Commission for the recovery of drowned lands.

Commission for the suppression of the grievances of informers.

Commission for the better proceedings in the plantations of Ireland.

Commission for the provision of the realm with all kind of warlike defence, ordnance, powder, munition, and armour.

Of these you may take and leave, as is shall please you: and I wish the articles concerning every one of them, first allowed by your council, to be read openly, and the commissioners names.

For the good, that comes of particular and select-committees and commissions, I need not common-place, for your majesty hath found the good of them; but nothing to that, that will be, when such things are published; because it will vindicate them from neglect, and make many good spirits, that we little think of, cooperate in them.

I know very well, that the world, that commonly is apt to think, that the care of the commonwealth is but a pretext in matters of state, will perhaps conceive, that this is but a preparative to a parliament. But let not that hinder your majesty's magnanimity, *in opere operato*, that is so good; and besides that opinion, for many respects, will do no hurt to your affairs.

To the Lord CHANCELLOR*.

My very good Lord,

BY his Majesty's directions, Sir Francis Blundell will deliver you a petition of Sir Francis Annesly, his majesty's secretary of Ireland, with his majesty's pleasure thereupon. To the gentleman I wish very well, and do therefore recommend him and his cause to your lordship's good favour; and your respect of him, in his absence, I will thankfully acknowledge. So I take my leave.

Your Lordship's very loving friend,

Theobalds, the 2d of Octob. 1620.

G. BUCKINGHAM.

To the KING.

It may please your most excellent Majesty.

IT being a thing to speak or write, specially to a king, in public, another in private, although I have dedicated a work (*o*), or rather a portion of a work, which, at last, I have overcome, to your majesty by a public epistle, where I speak to you in the hearing of others; yet I thought fit also humbly to seek access for the

* Harl. MSS. Vol. 7006.

(*o*) *Novum Organum*. In the library of the late Thomas earl of Leicester, the descendant of Sir Edward Coke, at Holkham in Norfolk, is a copy of this work, entitled *Novum Organum*, printed by John Bill in 1625, presented to Sir Edward, who at the top of the title page has written *Edw. C. ex aut. auctoris*.

the same, not so much to your person as to your judgment, by these private lines.

The work, in what colours soever it may be set forth, is no more but a new logic, teaching to invent and judge by induction, as finding syllogism incompetent for sciences of nature; and thereby to make philology and sciences both more true and more active.

This tending to enlarge the bounds of reason, and to endow man's estate with new value, was no improper oblation to your majesty, who, of men, is the greatest master of reason, and author of beneficence.

There be two of your council, and one other bishop (*p*) of this land, that know I have been about some such work near thirty years (*q*); so as I made no haste. And the reason, why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try, whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philology.

This work is but a new body of clay, wherinto your majesty, by your countenance and protection, may breathe life. And, to tell your majesty truly what I think, I account your favour may be to this work as much as an hundred years time: for I am persuaded the work will gain upon mens minds in ages, but your gracing it may make it take hold more swiftly; which I would be very glad of, it being a work meant, not for praise or glory, but for practice, and the good of men. One thing, I confess, I am ambitious of, with hope, which is, that after these beginnings, and the wheel once set on going, men shall seek more truth out of christian pens, than hitherto they have done out of heathen. I say with hope; because I hear my former book of the *Advancement of Learning*, is well tasted in the universities here, and the English colleges abroad: and this is the same argument sunk deeper.

And so I ever humbly rest in prayers, and all other duties,

Your Majesty's most bounden
and devoted servant,

FR. VERULAM, Canc.

York-house, this 12th of Oct. 1620.

Aurum Corollium.

*Instruere parvas veterum documenta spherum:
L. vera leges Jussitque prius.*

And over the device of the ship passing between Hercules's Pillars, Sir Edward has written the two following verses:

" It do serveth not to be read in Schooles,
" But to be freighted in the *Ship of Fools*."

Auding to a famous book of Sebastian Brand, born at Strauburg about 1460, written in Latin and High Dutch verse, and translated into English in 1508 by Alexander Barclay, and printed at London the year following by Richard Pynson, printer to Henry VII. and Henry VIII. in tomo with the following title, "The Ship of Follys of the World: Translated in the Coll. of Saynt Mary Otery in the countie of Devonshyre, oute of Latin, Frenche, and Doche, into Engleshe tongue, by Alex. Barklay, of Devonshyre, and chaplen in the sayd College M.C.CCC.VIII." It was dedicated by the translator to Thomas Cornish, bishop of Exeter, and suffragan bishop of Wells, and adorned with great variety of woodcuts.

Dr. Laneham Andrews, Bishop of Winchester.

Dr. Crumwell, in a letter to Sir Dudley Carleton, Ambassador at Holland, dated at London, October 20, 1620, writes, that Mr. Henry Cuffe, who had been Secretary to Robert, earl of Essex, and was said to be long concerned in his treasons, having long since perused this work, gave out a piece, that he had written, in which he said, that he had read it, and a copy thereof was sent him. And, in another letter, dated February 1, 1621, Mr. Crumwell writes, that the king could not forbear sometimes, in reading this work, to say, that it was the *Ship of Fools*, that people are under standing.

To

To the Lord CHANCELLOR*.

My honourable Lord,

THERE is a business in your lordship's hands, with which Sir Robert Lloyd did acquaint your lordship; whereof the prince hath demanded of me what account is given. And because I cannot inform his highness of any proceeding therein, I desire your lordship to use all expedition that may be, in making your answer to me, that I may give his highness some satisfaction, who is very desirous thereof. And so I rest

Your Lordship's faithful friend and servant,

Roxton, 14th of October, 1620.

G. BUCKINGHAM.

Indorsed,

Touching the register of wills.

To the Lord CHANCELLOR*.

My honourable Lord,

I Desire your lordship to continue your favour to Sir Thomas Gerrard, in the business concerning him, wherein I signified his majesty's pleasure to your lordship. And one favour more I am to intreat of your lordship in his behalf, that you will be pleased to speak to one of the assistants of the chancellor of the duchy, in whose court he hath a cause depending, as he will more fully inform your lordship himself, to see that he may have a fair proceeding, according to justice: for which I will ever rest

Your Lordship's faithful friend and servant,

Roxton, 15th of October, 1620.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

YOUR lordship desiring to understand what cometh of the business; after which the prince hearkeneth, I was in doubt which of the two businesses you meant; that of the Duchy or that of the Prerogative-Court for wills; for both are recommended from the prince. But be it one, or be it the other, no time hath been lost in either; for Mr. Secretary Naunton and I have entered into both. For the Duchy, we have already stayed all proceeding to the king's disservice for those manors, which are not already passed under seal. For that, which is passed, we have heard the Attorney (*r*) with none, or little, satisfaction hitherto. The chancellor (*s*) is not yet come, though sent for. For the other, we have heard Sir John Bennet (*t*), and given him leave to acquaint my lord of Canterbury; and have required the Solicitor (*u*) to

* Harl. MSS. Vol. 7000.

(*r*) Sir Henry Yelverton.(*s*) Sir Humphrey M. v. made chancellor of the duchy, March 9, 1617-8.(*t*) Judge of the Prerogative-Court of Canterbury. In 1621 he was fined 20000 l. for bribery, corruption, and extortion in that office. He died in 1627.(*u*) Sir Thomas Coventry.

come well prepared for the king. So that in neither we can certify yet; and to trouble your lordship, while business is but in passage, were time lost. I ever rest

Your Lordship's most obliged friend,

and faithful servant,

October 16, 1620.

FR. VERULAM, *Canc.*

To the KING, thanking his Majesty for his gracious acceptance of his book.

May it please your Majesty,

I Cannot express, how much comfort I received by your last letter of your own royal hand (x). I see your majesty is a star, that hath benevolent aspect and gracious influence upon all things, that tend to a general good.

*Dapni. quid antiquos signorum suspicis ortus?
Ecce Dionci processit Caesaris astrum;
Astrum, quo segetes gauderent frugibus, et quo
Duceret apricis in collibus uva colorem (x).*

This work, which is for the bettering of mens bread and wine, which are the characters of temporal blessings and sacraments of eternal, I hope, by God's holy providence, will be ripened by Cæsar's star.

Your majesty shall not only do to myself a singular favour, but to your business a material help, if you will be graciously pleased to open yourself to me in those things, wherein you may be unsatisfied. For though this work, as by position and principle, doth disclaim to be tried by any thing but by experience, and the results of experience in a true way; yet the sharpness and profoundness of your majesty's judgment ought to be an exception to this general rule; and your questions, observations, and admonishments, may do infinite good.

This comfortable beginning makes me hope farther, that your majesty will be aiding to me, in setting men on work for the collecting of a natural and experimental history; which is *basis totius negotii*, a thing, which I assure myself, will be from time to time an excellent recreation unto you; I say, to that admirable spirit of yours, that delighteth in light: and I hope well, that even in your times many noble inventions may be discovered for man's use. For who can tell, now this mine of truth is opened, how the veins go; and what lieth higher, and what lieth lower? But let me trouble your majesty no farther at this time. God ever preserve and prosper your majesty.

[October 19, 1620.]

To the Marquis of BUCKINGHAM.

My very good Lord,

I Send now only to give his majesty thanks for the singular comfort, which I received by his majesty's letter of his own hand, touching my book. And I must

(x) On the 16th of October, 1620, printed in Lord Bacon's works.

(x) *Magis longæ vitæ, et*—

also give your Lordship of my best thanks, for your letter so kindly and affectionately written.

I did even now receive your lordship's letter touching the proclamation, and do approve his majesty's judgment and foresight about mine own. Neither would I have thought of inserting matter of state for the vulgar, but that now-a-days there is no vulgar, but all statesmen. But, as his majesty doth excellently consider, the time of it is not yet proper. I ever rest

Your Lordship's most obliged friend

and faithful servant,

October 19, 1620.

FR. VERULAM, *Canc.*

Inscribed,

In answer to his majesty's directions touching the proclamation for a parliament.

Notes of a Speech of the LORD CHANCELLOR in the Star-Chamber, in the cause of Sir HENRY YELVERTON, Attorney-General (y).

SORRY for the person, being a gentleman, that I lived with in Gray's-Inn; served with him when I was attorney; joined with him in many services, and one, that ever gave me more attributes in public, than I deserved; and, besides, a man of very good parts, which with me is friendship at first sight; much more, joined with so ancient an acquaintance.

But, as a judge, I hold the offence very great, and that without pressing measure; upon which I will only make a few observations, and so leave it.

1. First I observe the danger and consequence of the offence: for if it be suffered, that the learned council shall practise the art of multiplication upon their warrants, the crown will be destroyed in small time. The great seal, the privy seal, signet, are solemn things; but they follow the king's hand. It is the bill drawn by the learned council and the docket, that leads the king's hand.

2. Next I note the nature of the defence. As first, that it was error in judgment: for this surely, if the offence were small though clear, or great, but doubtful, I should hardly sentence it. For it is hard to draw a straight line by steadiness of hand; but it could not be the swerving of the hand. And herein I note the wisdom of the law of England, which termeth the highest contempts and excesses of authority, *misprison*; which, if you take the sound and derivation of the words, is but *mistaken*: but if you take the use and acceptance of the word, it is high and hainous contempts and usurpations of authority; whereof the reason I take to be, and the name excellently imposed; for that main mistaking, it is ever joined with contempt; for he, that reveres, will not easily mistake; but he, that flights, and thinks more of the greatness of his place than of the duty of his place, will soon commit misprisions.

Inscribed,

Star-Chamber, October 24, 1620. Notes upon Mr. Attorney's cause.

(He was prosecuted in the Star-Chamber, for having passed certain clause in a charter, lately granted to the king's children, not agreeable to his majesty's warrant, and derogatory to his honour. But the chief reason of the severity against him was thought to be the marquis of Buckingham's resentment against him, not being allowed, according to the duty of his office, some oppressive, if not illegal, patent, which the projects of those times were but in preparing.)

F f f f 2

To

To the Marquis of BUCKINGHAM.

My very good Lord,

IT may be, your lordship will expect to hear from me what passed yesterday in the Star-Chamber, touching Yelverton's cause, though we desired secretary Cavert to acquaint his majesty therewith.

To make short, at the motion of the attorney, in person at the bar, and at the motion of my lord Steward (z) in court, the day of proceeding is deferred till the king's pleasure is known. This was against my opinion then declared plain enough; but put to votes, and ruled by the major part, though some concurred with me.

I do not like of this course, in respect that it puts the king in a strait; for either the note of severity must rest upon his majesty, if he go on; or the thanks of clemency is in some part taken away if his majesty go not on.

I have *cor unum et via una*; and therefore did my part as a judge and the king's chancellor. What is farther to be done, I will advise the king faithfully, when I see his majesty and your lordship. But before I give advice, I must ask a question first.

God ever preserve and prosper you.

Your Lordship's most obliged friend

and faithful servant,

FR. VERULAM, *Canc.*

October 28, 1620.

Lord Chancellor BACON to the Marquis of BUCKINGHAM*.

My very good Lord,

YESTERNIGHT we made an end of Sir Henry Yelverton's cause. I have almost killed myself with sitting almost eight hours. But I was resolved to sit it through. He is sentenced to imprisonment in the Tower during the king's pleasure. The fine of 4000 l. and discharge of his place, by way of opinion of the court, referring it to the king's pleasure. How I stirred the court, I leave it to others to speak; but things passed to his majesty's great honour. I would not for any thing but he had made his defence; for many chief points of the charge were deeper printed by the defence. But yet I like it not in him; the less because he retained Holt, who is ever retained but to play the fool. God ever prosper you.

Your Lordship's most obliged friend

and faithful servant,

FR. VERULAM, *Canc.*

11 Nov. 1620.

To the KING.

It may please your most excellent Majesty,

IN performance of your royal pleasure, signified by Sir John Suckling (a), we have at several times considered of the petition of Mr. Christopher Villiers (b), and have

(a) The Duke of Lennox.

(b) He was afterwards comptroller of the household to king Charles I, and father of the poet of the same name.

(c) Younger brother to the marquis of Buckingham. He was created, April 25, 1625, baron of Daven-try and Earl of Arundel. He died September 24, 1624.

heard

heard, as well the registers and ministers of the Prerogative-Court of Canterbury, and their council, as also the council of the lord archbishop of Canterbury. And setting aside such other points, as are desired by the petition, we do think, that your majesty may by law, and without inconvenience, appoint an officer, that shall have the ingrossing of the transcripts of all wills to be sealed with the seal of either of the Prerogative-Courts, which shall be proved *in communi forma*; and likewise of all inventories, to be exhibited in the same courts.

We see it necessary, that all wills, which are not judicially controverted, be ingrossed before the probate. Yet, as the law now stands, no officer of those courts can lawfully take any fee or reward for ingrossing the said wills and inventories, the statute of the 21st of king Henry the VIIIth restraining them. Wherefore we hold it much more convenient, that it should be done by a lawful officer, to be appointed by your majesty, than in a cause not warrantable by law. Yet our humble opinion and advice is, that good consideration be had in passing this book, as well touching a moderate proportion of fees to be allowed for the pains and travel of the officer, as for the expedition of the suitor, in such sort, that the subject may find himself in better case than he is now, and not in worse.

But however we conceive this may be convenient in the two courts of prerogative, where there is much business yet in the ordinary course of the bishops diocessans, we hold the same will be inconvenient, in regard of the small employment.

*Your Majesty's most faithful
and obedient servant,*

November 15, 1602.

FR. VERULAM, *Canc.*
ROBERT NAUNTON,
HENRY MONTAGU (c).

To the Lord CHANCELLOR*.

AFTER my very hearty commendations, I have acquainted his majesty with your letter, who commanded me to tell you, that he had been thinking upon the same point, whereof you write, three or four days ago, being so far from making any question of it, that he every day expected when a writ should come down. For at the creation of prince Henry, the lords of the council and judges assured his majesty of as much, as the precedents, mentioned in your letter, speak of. And so I rest

Your Lordship's very loving friend at command,

Newmarket, the 24th of Novemb. 1600.

G. BUCKINGHAM.

Inclosed,

Shewing his majesty is satisfied with precedents, touching the prince's summons to parliament.

To the Marquis of BUCKINGHAM.

My very good Lord,

YOUR lordship may find that in the number of patents, which we have represented to his majesty, as like to be stirred in by the lower house of parlia-

(*) Lord Chief Justice of the King's Bench, who, on the 3d of December following, was advanced to the post of lord high treasurer.

* Hist. MSS. Vol. 1000.

ment,

ment, we have set down three, which may concern some of your lordship's special friends, which I account as mine own friends; and so shewed myself, when they were in suit. The one, that to Sir Giles Mompeffon, touching the inns; the second, to Mr. Christopher Villiers and Mr. Maule, touching the recognizances for ale-houses; the third, to Mr. Lieutenant of the Tower, touching the cask. These in duty could not be omitted, for that, specially the two first of them, are more rumoured, both by the vulgar, and by the gentlemen, yea, and by the judges themselves, than any other patents at this day. Therefore I thought it appertained to the singular love and affection, which I bear you upon so many obligations, to wish and advise, that your lordship, whom God hath made in all things so fit to be beloved, would put off the envy of these things, which I think in themselves bear no great fruit; and rather take the thanks for ceasing them, than the note for maintaining them. But howsoever, let me know your mind, and your lordship shall find I will go your way.

I cannot express, how much comfort I take in the choice his majesty hath made of my lord chief justice to be lord treasurer; not for his sake, nor for my sake, but for the king's sake; hoping, that now a number of counsels, which I have given for the establishment of his majesty's estate, and have lain dead and deeper than this snow, may now spring up and bear fruit; the rather, for that I persuade myself, he and I shall run one way. And yet I know well, that in this doubling world *cor unum et via una* is rare in one man, but more rare between two. And therefore, if it please his majesty, according to his prudent custom in such cases, to cast out, now at his coming down, some words, which may the better knit us in conjunction to do him service, I suppose it will be to no idle purpose.

And as an old truant in the commission of the treasury, let me put his majesty in remembrance of three things now upon his entrance, which he is presently to go in hand with: the first, to make Ireland to bear the charge thereof; the second, to bring all accounts to one purse in the exchequer: the third, by all possible means to endeavour the taking off of the anticipations. There be a thousand things more; but these being his majesty's last commands to the commissioners of the treasury, with such as in his majesty's princely judgment shall occur, will do well to season his place.

*Your Lordship's most obliged friend
and faithful servant,*

November 29. 1622.

FR. VERULAM, Cant.

As soon as I had written this letter, I received your lordship's letter, touching my lord chief justice, which redoubled my comfort, to see how his majesty's thoughts and mine, his poor servant's, and your lordship's, meet.

I send inclosed names for the speaker; and if his majesty, or your lordship, demand our opinion, which of them, my lord chief justice will tell you. It were well it were dispatched; for else I will not dine with the speaker; for his drink will not be laid in time enough.

I beseech your lordship, care may be taken, that our general letter may be kept secret, whereof my lord chief justice will tell you the reason.

To

To the KING:

It may please your most excellent majesty,

ACCORDING to your commandment, we have heard once more the proctors of the Prerogative-Court, what they could say; and find no reason to alter, in any part, our former certificate. Thus much withal we think fit to note to your majesty, that our former certificate, which we now ratify, is principally grounded upon a point in law, upon the statute of 21 Henry VIII, wherein we the chancellor and treasurer, for our own opinions, do conceive the law is clear; and your solicitor general (*d*) concurs.

Now whether your majesty will be pleased to rest in our opinions, and so to pass the patents; or give us leave to assist ourselves with the opinion of some principal judges now in town, whereby the law may be the better resolved, to avoid farther question hereafter; we leave it to your majesty's royal pleasure. This we represent the rather, because we discern such a confidence in the proctors, and those upon whom they depend, as, it is not unlike, they will bring it to a legal question.

And so we humbly kiss your majesty's hands, praying for your preservation.

Your Majesty's most humble

and obedient servants,

York-house, December 12, 1620.

FR. VERULAM, *Canc.*

HENRY MONTAGU,

ROBERT NAUNTON.

The Lord CHANCELLOR and two Chief JUSTICES (*e*) to the
Marquis of BUCKINGHAM.

Our very good Lord,

IT may please his majesty to call to mind, that when we gave his majesty our last account of parliament business in his presence, we went over the grievances of the last parliament in 7mo (*f*), with our opinion by way of probable conjecture, which of them are like to fall off, and which may perchance stick and be renewed. And we did also then acquaint his majesty, that we thought it no less fit to take into consideration grievances of like nature, which have sprung up since the said last session, which are the more like to be called upon, by how much they are the more fresh, signifying withal, that they were of two kinds; some proclamations and commissions, and many patents; which, nevertheless, we did not trouble his majesty withal in particular; partly, for that we were not then fully prepared, as being a work of some length, and partly, for that we then desired and obtained leave of his majesty to communicate them with the council-table. But now since I, the chancellor, received his majesty's pleasure by secretary Calvert, that we should first present them to his majesty with some advice thereupon provisionally,

(*d*) Sir Thomas Coventry, who was made attorney general, January 14, 1620-1.

(*e*) Sir Henry Montagu of the King's Bench, and Sir Henry Herbert of the Common Pleas.

(*f*) That which began Secretary, 1603; and was prorogued July 23, 1620.

and

and as we are capable, and thereupon know his majesty's pleasure before they be brought to the table, which is the work of this dispatch.

And hereupon his majesty may be likewise pleased to call to mind, that we then said, and do now also humbly make remontrance to his majesty, that in this we do not so much express the sense of our own minds or judgments upon the particulars, as we do performe the lower house, and call with ourselves what is like to be stirred there. And therefore if there be any thing, either in respect of the matter, or the persons, that stands not so well with his majesty's good liking, that his majesty would be graciously pleased not to impute it unto us; and withal to consider, that it is to this good end, that his majesty may either remove such of them, as in his own princely judgment, or with the advice of his council, he shall think fit to be removed; or be the better provided to carry through such of them, as he shall think fit to be maintained, in case they should be moved; and so the less surprised.

First, therefore to begin with the patents, we find three sorts of patents, and those somewhat frequent, since the session of 7mo, which *in genere* we conceive may be most subject to exception of grievance; patents of old debts, patents of concealments, and patents of monopolies, and forfeitures for dispensations of penal laws, together with some other particulars, which fall not so properly under any one head.

In these three heads, we do humbly advise several courses to be taken; for the first two, of old debts and concealments, for that they are in a sort legal, though there may be found out some point in law to overthrow them; yet it would be a long business by course of law, and a matter unusual by act of council, to call them in. But that, that moves us chiefly, to avoid the questioning them at the council-table, is, because if they shall be taken away by the king's act, it may let in upon him a flood of suitors for recompence; whereas, if they be taken away at the suit of the parliament, and a law thereupon made, it frees the king, and leaves him to give recompence only where he shall be pleased to intend grace. Wherefore we conceive the most convenient way will be, if some grave and discreet gentleman of the country, such as have lost relation to the court, make, at fit times, some modest motion touching the same; and that his majesty would be graciously pleased to permit some law to pass, for the time past only, no ways touching his majesty's regal power, to free the subjects from the same; and so his majesty, after due consultation, to give way unto it.

For the third, we do humbly advise, that such of them, as his majesty shall give way to have called in, may be questioned before the council-table, either as granted contrary to his majesty's book of bounty, or found since to have been abused in the execution, or otherwise by experience discovered to be burdensome to the country. But herein we shall add this farther humble advice, that it be not done as matter of preparation to a parliament; but that occasion be taken, partly upon revising of the book of bounty, and partly upon the fresh examples in Sir Henry Yelverton's case of abuse and surreption in obtaining of patents; and likewise, that it be but as a continuance in conformity of the council's former diligence and vigilancy, which hath already stayed and revoked divers patents of like nature, whereof we are ready to shew the examples. Thus, we conceive, his majesty shall keep his greatness, and somewhat shall be done in parliament, and somewhat out of parliament, as the nature of the subject and business require.

We

We have sent his majesty herewith a schedule of the particulars of these three kinds; wherein, for the first two, we have set down all that we could at this time discover: but in the latter, we have chosen out but some, that are most in speech, and do most tend, either to the vexation of the common people, or the discountenancing of our gentlemen and justices, the one being the original, the other the representative of the commons.

There being many more of like nature, but not of like weight, nor so much rumoured, which, to take away now in a blaze, will give more scandal, that such things were granted, than thanks, that they be now revoked.

And because all things may appear to his majesty in the true light, we have set down, as well the suitors as the grants, and not only those, in whose names the patents were taken, but those, whom they concern, as far as comes to our knowledge.

For proclamations and commissions, they are tender things; and we are willing to meddle with them sparingly. For as for such, as do but wait upon patents, wherein his majesty, as we conceived, gave some approbation to have them taken away, it is better they fall away, by taking away the patent itself, than otherwise; for a proclamation cannot be revoked but by proclamation, which we avoid.

For those commonwealth bills, which his majesty approved to be put in readiness, and some other things, there will be time enough hereafter to give his majesty account, and amongst them, of the extent of his majesty's pardon, which, if his subjects do their part, as we hope they will, we do wish may be more liberal than of later times, a pardon being the ancient remuneration in parliament.

Thus hoping his majesty, out of his gracious and accustomed benignity, will accept of our faithful endeavours, and supply the rest by his own princely wisdom and direction; and also humbly praying his majesty, that when he hath himself considered of our humble propositions, he will give us leave to impart them all, or as much as he shall think fit, to the lords of his council, for the better strength of his service, we conclude with our prayers for his majesty's happy preservation, and always rest &c.

Indorsed,

The lord chancellor and the two chief justices to the king, concerning parliament business.

To the Lord CHANCELLOR, and the Lord MANDEVILLE, Lord Treasurer of England*.

My honourable Lords,

HIS majesty is pleased, according to your lordship's certificate, to rely upon your judgments, and hath made choice of Sir Robert Lloyd, knight, to be patentee and master of the office of ingrossing the transcripts of all wills and inventories in the Prerogative-Courts, during his highness's pleasure, and to be accountable unto his majesty for such profits as shall arise out of the same office. And his majesty's farther pleasure is, that your lordship forthwith proportion and set down, as well a reasonable rate of fees for the subject to pay for ingrossing the said transcripts, as also such fees, as your lordship shall conceive fit to be allowed to the said patentee for the charge of clerks and ministers for execution of the said office. And

* Harl. MSS. Vol. 7000.
Vol. III.

LETTERS, etc. OF LORD CHANCELLOR BACON.

to this effect his majesty hath commanded me to signify his pleasure to his solicitor general (g), to prepare a book for his majesty's signature. And so I bid your lordship heartily well to fare, and remain

Your Lordship's very loving friend,

Royston, December 17, 1620.

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Was so full of cold, as I could not attend his majesty to day. Yesterday I dispatched the proclamation with the council. There was a motion to have sharpened it; but better none, than over sharp at first. I moved the council also for supplying the committee for drawing of bills and some other matters, in regard of my lord Hobart's (b) sickness, who, I think, will hardly escape: which, though it be happiness for him, yet it is loss for us.

Mean while, as I propounded to the king, which he allowed well, I have broken the main of the parliament into questions and parts, which I send. It may be, it is an over-diligence; but still methinks there is a middle thing between art and chance: I think they call it providence, or some such thing, which good servants owe to their sovereign, specially in cases of importance and straits of occasions. And those huffing elections, and general licence of speech, ought to make us the better provided. The way will be, if his majesty will be pleased to peruse these questions advisedly, and give me leave to wait on him; and then refer it to some few of the council, a little to advise upon it. I ever rest

Your Lordship's most obliged friend

December 23, 1620.

and faithful servant,

F. R. VERULAM, *Canc.*

To the Lord CHANCELLOR*.

My honourable Lord,

HIS majesty hath commanded me to signify his pleasure unto your lordship, that Sir Thomas Coventry, now his solicitor general, be forthwith made his attorney general: and that your lordship give order to the clerk of the crown to draw up a grant of the said place unto him accordingly. And so I rest

Your Lordship's faithful friend and servant,

Whitehall, 6th of January, 1620.

G. BUCKINGHAM.

To the Lord CHANCELLOR*.

My honourable Lord,

I Have been intreated to recommend unto your lordship the distressed case of the lady Martin, widow of Sir Richard Martin, deceased, who hath a cause to be

(g) Sir Thomas Coventry.

(b) The chief justice of the Common Pleas.

* *See ante*, Vol. page.

heard

heard before your lordship in the chancery, at your first sitting in the next term, between her and one Archer, and others, upon an ancient statute, due long since unto her husband; which cause, I am informed, hath received three verdicts for her in the common law, a decree in the Exchequer Chamber, and a dismissal before your lordship: which I was the more willing to do, because I have seen a letter of his majesty to the said Sir Richard Martin, acknowledging the good service, that he did him in this kingdom, at the time of his majesty's being in Scotland. And therefore I desire your lordship, that you would give her a full and fair hearing of her cause, and a speedy dispatch thereof, her poverty being such, that having nothing to live on but her husband's debts, if her suit long depend, she shall be enforced to lose her cause for want of means to follow it: wherein I will acknowledge your lordship's favour, and rest

Your Lordship's faithful friend and servant,

Whitchall, the 15th of January, 1620.

G. BUCKINGHAM.

To the lord CHANCELLOR*.

My honourable Lord,

HIS majesty hath commanded me to signify his pleasure unto you, that you give present order to the clerk of the crown to draw a bill to be signed by his majesty for Robert Heath, late recorder of London, to be his majesty's solicitor general. So I rest

Your Majesty's faithful friend and servant,

Theobalds, 20th of January, 1620.

G. BUCKINGHAM.

To the KING (i).

May it please your Majesty,

I Thank God I number days, both in thankfulness to him, and in warning to myself. I should likewise number your majesty's benefits, which, as, to take them in all kinds, they are without number; so even in this kind of steps and degrees of advancement, they are in greater number, than scarcely any other of your subjects can say. For this is now the eighth time, that your majesty hath raised me.

You formed me of the learned council extraordinary, without patent or fee, a kind of *individuum vagum*. You established me, and brought me into ordinary. Soon after you placed me solicitor, where I served seven years. Then your majesty made me your attorney, or procurator general; then privy counsellor, while I was attorney; a kind of miracle of your favour, that had not been in many ages: thence keeper of your seal; and, because that was a kind of planet, and not fixed, chancellor: and, when your majesty could raise me no higher, it was your grace to illustrate me with beams of honour, first making me baron Verulam, and now viscount St. Alban. So this is the eighth rise or reach, a diapason in music, even a good number, and accord for a close. And so I may, without superstition, be buried in St. Alban's habit or vestment.

* Harl. MSS. Vol. 2007.

(i) This seems to have been written by lord St. Alban, just after he was created a viscount by that title, January 27, 1620.

Besides the number, the obligation is increased by three notes or marks: first, that they proceed from such a king; for honours from some kings are but great chancels, or counters, set high; but from your majesty, they are indeed dignities, by the co-operation of your grace. Secondly, in respect of the continuance of your majesty's favour, which proceedeth, as the divine favour, from grace to grace. And, thirdly, these splendors of honour are like your freest patents, *abique aliquo inde reddendo*. Offices have burdens of cares and labours; but honours have no burden but thankfulness, which doth rather raise mens spirits, than *accable* them, or press them down.

Then I must say, *quid retribuam?* I have nothing of mine own. That, that God hath given me, I shall present unto your majesty; which is care and diligence, and assiduous endeavour, and that, which is the chief, *cor unum et viam unam*; hoping, that your majesty will do, as your superior doth; that is, finding my heart upright, you will bear with my other imperfections. And lastly, your majesty shall have the best of my time, which, I assure myself, I shall conclude in your favour, and survive in your remembrance. And that is my prayer for myself. The rest shall be in prayers for your majesty.

To the Lord CHANCELLOR*.

My noble Lord,

I Have shewed your letter of thanks to his majesty, who saith there are too many thanks in it for so small a favour; which he holdeth too little to encourage so well a deserving servant. For myself, I shall ever rejoice at the manifestation of his majesty's favour toward you, and will contribute all, that is in me, to the increasing of his good opinion; ever resting

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Speech of the Lord Viscount ST. ALBAN, Lord Chancellor, to the parliament, January 30, 1620.

My Lords and Masters,

YOU have heard the king's speech; and it makes me call to mind what Solomon saith, who was also a king: *The words of the wise are as nails and pins, driven in and fastened by the masters of assemblies*. The king is the master of this assembly; and though his words, in regard of the sweetness of them, do not prick; yet, in regard of the weight and wisdom of them, I know they pierce through and through; that is, both into your memories, and into your affections; and there I leave them.

As the king himself hath declared unto you the causes of the convoking of this parliament; so he hath commanded me to set before you the true institution and use of a parliament, that thereby you may take your aim, and govern yourselves the better in parliament matters: for then are all things in best state, when they are preserved in their primitive institution; for otherwise, ye know the principle

* Harl. MSS. Vol. 2000.

of philosophy to be, that the corruption or degeneration of the best things is the worst.

The kings of this realm have used to summon their parliaments or estates for three ends or purposes; for advice, for assent, and for aid.

For advice, it is no doubt great surety for kings to take advice and information from their parliament. It is advice, that proceedeth out of experience; it is not speculative or abstract. It is a well-tryed advice, and that passeth many revenues, and hath Argus's eyes. It is an advice, that commonly is free from private and particular ends, which is the bane of counsel. For although some particular members of parliament may have their private ends; yet one man sets another upright; so that the resultate of their counsels is, for the most part, direct and sincere. But this advice is to be given with distinction of the subjects: they are to tender and offer their advice by bill or petition, as the case requires. But in those things, that are *Arcana Imperii*, and reserved points of sovereignty, as making of war or peace, or the like, there they are to apply their advice to that, which shall be communicated unto them by the king, without pressing farther within the veil, or reaching forth to the forbidden fruit of knowledge. In these things the rule holds, *tantum permissum quantum commissum*.

To the Marquis of BUCKINGHAM.

My very good Lord,

WITH due thanks for your last visit, this day is a play-day for me. But I will wait on your lordship, if it be necessary.

I do hear from divers of judgment, that to-morrow's conference (*k*) is like to pass in a calm, as to the referrees (*l*). Sir Lionel Cranfield, who hath been formerly the trumpet, said yesterday, that he did now incline to Sir John Walter's opinion and motion, not to have the referrees meddled with otherwise, than to discount it from the king; and so not to look back, but to the future. And I do hear almost all men of judgment in the house wish now that way. I woo no body: I do but listen, and I have doubt only of Sir Edward Coke, who I wish, had some round caveat given him from the king; for your lordship hath no great power with him: but I think a word from the king mates him.

If things be carried fair by the committees of the lower house, I am in some doubt, whether there will be occasion for your lordship to speak to-morrow; though, I confess, I incline to wish you did, chiefly because you are fortunate in that kind; and, to be plain also, for our better countenance, when your lordship, according to your noble proposition, shall shew more regard of the fraternity you have with great counsellors, than of the interest of your natural brother.

Always, good my lord, let us think of times out of parliament, as well as the present time in parliament, and let us not all be put *es pourpoint*. Fair and mode-

(*k*) On Monday the 5th of March, 1620-1, the house of lords received message from the commons, desiring a conference touching certain grievances, principally concerning Sir Giles Mompesson. See Journal of the house of lords.

(*l*) Those, to whom the king referred the petitions, to consider, whether they were fit to be granted or no. This explanation of the word *referrees* I owe to a note in a MS. letter, written to the celebrated Mr. Joseph Mead of Christ's College, Cambridge.

rate counsels are ever best in causes of estate; the rather, because I wish this parliament, by the sweet and united passages thereof, may increase the king's reputation with foreigners, who may make a far other judgment than we mean, of a beginning to question great counsellors and officers of the crown, by courts, or assemblies of others. But the reflection upon my particular in this makes me more starting, than perhaps, as a counsellor, I ought to be.

God ever preserve and prosper you.

March 7, the day I received
the rest, 1620.

Your Lordship's true servant all and ex. r,
FR. ST. ALBAN, Canc.

To the KING (*m*).

It may please your Majesty,

I Received your majesty's letter about midnight: and because it was stronger than the ancient summons of the exchequer, which is *fiat iustitiam et omnia tibi adhaerent*; whereas this was *fiat me diligis*; I used all possible care to effect your majesty's good will and pleasure.

I sent early to the prince, and to my lord treasurer: and we attended his highness soon after seven of the clock, at Whitehall, to avoid farther note. We agreed, that, if the message came, we would put the lords into this way, that the answer should be, that we understood they came prepared both with examination and precedent; and we likewise desired to be alike prepared, that the conference might be with more fruit.

I did farther speak with my lord of Canterbury, when I came to the house, not letting him know any part of the business, that he would go on with a motion, which he had told me of the day before, that the lords' house might not sit Wednesday and Friday, because they were convocation-days; and so was the former custom of parliament.

As good luck was, the house read two bills, and had no other business at all: whereupon my lord of Canterbury made his motion; and I adjourned the house till Saturday. It was no sooner done, but came the message from the lower house. But the *conjunctionum est* was past, though I perceived a great willingness, in many of the lords, to have recalled it, if it might have been.

So with my best prayers for your majesty's preservation, I rest

Thursday, at eleven of our fore-
noon [March 8, 1620]

Your Majesty's most bounden
and most devoted servant,
FR. ST. ALBAN, Canc.

(*m*) The date of this letter is determined to be the 8th of March, 1620-1, from the circumstance of its being mentioned to have been written on that Thursday, on which the house of lords adjourned to the Saturday following. It appears from the journal of that house, that on the 8th of March, 1620, the said house, at which were present the prince of Wales and marquis of Buckingham, was adjourned to Saturday the 10th, on which day a conference of both houses was held relating to the complaint of the earl of the countess against Sir Giles Mompesson. Of this conference the lord chancellor made report on Monday, March 12, to the house of lords, remarking, that "the inducement to this conference was to clear the king's honour touching grants to Sir Giles, and the passages in procuring the same." After this report of the conference, the lord Chamberlain, William earl of Pembroke, complained to the house, that the countess, in sending the lord chancellor and the lord treasurer, the lord vicount Mandeville, had, in that conference, done to the countess, not being allowed to do so when the countess was named. Upon which lord the lords acknowledged their error, and begged pardon of the house.

To

To the Marquis of BUCKINGHAM (c).

My very good Lord,

YOUR lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time, when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think, if the great seal lay upon Hounslow Heath, no body would take it up. But the king and your lordship will, I hope, put an end to these my straits one way or other. And in troth that, which I fear most, is, left continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning, or fainting. But I hope in God I shall hold out. God prosper you.

To the Chancellor of the Duchy, Sir HUMPHREY MAY.

Good Mr. Chancellor,

THERE will come, upon Friday, before you a patent (p) of his majesty's for the separation of the company of apothecaries from the company of grocers, and their survey, and the erecting them into a corporation of themselves under the survey of the physicians. It is, as I conceive, a fair business both for law and conveniency, and a work, which the king made his own, and did, and, as I hear, doth take much to heart. It is *in favorem vite*, where the other part is *in favorem lucri*. You may perhaps think me partial to apothecaries, that have been ever puddering in physic all my life. But there is a circumstance, that touches upon me but *post diem*, for it is comprehended in the charge and sentence passed upon me. It is true, that after I had put the seal to the patent, the apothecaries (q) presented me with an hundred pounds. It was no judicial affair. But howsoever, as it may not be defended, so I would be glad it were not raked up more than needs. I doubt only the chair (r), because I hear he useth names sharply;

(c) This letter seems to have been written soon after lord St. Alban began to be accused of abuses in his office of chancellor.

(p) The patent for incorporating the apothecaries by themselves, by the appellation of *The masters, warden, and society of the art and mystery of apothecaries of London*, was dated December 6, 1617. They had been incorporated with the company of grocers, April 9, 1600.

(q) His lordship being charged by the house of commons, that he had received 100 l. of the *new company of apothecaries*, that he had given the grocers, as likewise a taker of gold worth between 400 and 500 l. with a present of ambergris, from the *apothecaries that stood with the grocers*, and 200 l. of the grocers; he admits the several sums to have been received of the three parties, but alledges, "that he considered those presents as no judicial business, but a concord of composition between the parties: and as he thought they had all three received good, and they were all common purses, he thought it the less matter to receive what they voluntarily presented; for if he had taken it in the nature of a bribe, he knew it could not be concealed, because it must be put to the account of the three several companies."

(r) Sir Robert Philips was chairman of the committee of the house of commons for inquiring into the abuses of the courts of justice. He was son of Sir Edward Philips, Master of the Rolls, who died September 11, 1611, being succeeded by Sir Julius Cæsar, to whom the king had given, January 16, 1610-11, under the great seal, the reversion of that post.

and

and besides, it may be, he hath a tooth at me yet, which is not fallen out with age. But the best is, as one saith, *satis est lapsos non erigere; urgere verò jacentes, aut præcipitantes impellere, certè est inhumanum*. Mr. Chancellor, if you will be nobly pleased to grace me upon this occasion, by shewing tenderness of my name, and commiseration of my fortune, there is no man in that assembly, from whose mouth I had rather it should come. I hope it will be no dishonour to you. It will oblige me much, and be a worthy fruit of our last reintegration of friendship. I rest

Your faithful friend to do you service.

Memoranda of what the Lord CHANCELLOR intended to deliver to the KING, April 16, 1621, (s), upon his first access to his Majesty after his troubles.

THAT howsoever it goeth with me, I think myself infinitely bound to his majesty for admitting me to touch the hem of his garment; and that, according to my faith, so be it unto me.

(1) A committee of the House of Commons had been appointed about the 12th of March, 1620-1, to inspect the abuses of the courts of justice, of which Sir Edward Sackville was named the chairman, but by reason of some indisposition, Sir Robert Philips was chosen in his room. The first thing they fell upon was bribery and corruption, of which the lord chancellor was accused by Mr. Christopher Aubrey and Mr Edward Egerton, who affirmed, that they had procured money to be given to his lordship to promote their causes depending before him. This charge being corroborated by some circumstances, a report of it was made from the committee to the house, on Thursday the 15th of March; and a second, on the 17th, of other matters of the same nature charged upon his lordship. The heads of the accusation having been drawn up, were presented by the commons to the lords, in a conference on Monday the 19th of the same month. The subject of this conference being reported, the next day, to the house of lords by the lord treasurer, the marquis of Buckingham presented to their lordships a letter to them from the lord chancellor, dated that day. Upon this letter, answer was sent from the lords to the lord chancellor, on the 20th, that they had received his letter, and intended to proceed in his cause, now before them, according to the rule of justice, desiring his lordship to provide for his just defence. The next day, March 21, the commons sent to the lords a farther charge against the lord chancellor; and their lordships, in the mean time, examined the complaints against him, and witnesses in the house, and appointed a select committee of themselves to take examinations likewise. Towards the latter end of March, the session was discontinued for some time, in hopes, as it was imagined, of softening the lord chancellor's fall: but, upon the re-assembling of the parliament, more complaints being daily represented, on Wednesday, April 24, the prince signified unto the lords, that his lordship had sent a submission, dated the 22d. Which the lords having considered, and heard the collection of corruptions charged on him, and the proofs read, they sent a copy of the same, without the proofs, to him by baron Denham and Mr. Attorney general, with this message, that his lordship's confession was not fully set down by him; and that they had therefore sent him the particular charge, and expected his answer to it with all convenient expedition. To which he answered, that he would return their lordships an answer with speed. On the 25th of April, the lords considered of his said answer, and sent a second message by the same persons, that having received a doubtful answer to their message, sent him the day before, they now sent to him again, to know directly and presently, whether his lordship would make his confession, or stand upon his defence. His answer returned by the same messengers was, that he would make no manner of defence, but meant to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission; but humbly craved liberty, that where the charge was more full than he finds the truth of the fact, he may make declaration of the truth in such particulars, the charge being brief, and containing not all circumstances. The lords sent the same messengers, to let him know, that they granted him time to do this till the Monday following; when he sent his confession, and submission; which being avowed by him to several lords, sent to him, the lords resolved, on the 2d of May, to proceed to sentence him the next morning, and summoned him to attend; which he excusing, on account of being confined to his bed by sickness, they gave judgment accordingly on the 3d of May, 1621.

That

That I ought also humbly to thank his majesty for that, in that excellent speech of his, which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages, which I do construe to my advantage.

And lastly, I have heard from my friends, that, notwithstanding these waves of information, his majesty mentions my name with grace and favour.

In the next place, I am to make an oblation of myself into his majesty's hands, that, as I wrote to him, I am as *clay in his hands*, his majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes; and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction, knowing that his heart is inscrutable for good. Only I may express myself thus far, that my desire is, that the thread, or line, of my life, may be no longer than the thread, or line, of my service: I mean, that I may be of use to your majesty in one kind or other.

Now for any farther speech, I would humbly pray his majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your majesty will understand it to be in such sort, as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault, and fortune.

For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves or subterfuges.

There be three degrees, or cases, as I conceive, of gifts and rewards given to a judge.

The first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this, my heart tells me, I am innocent; that I had no bribe or reward in my eye or thought, when I pronounced any sentence or order.

The second is a neglect in the judge to inform himself, whether the cause be fully at an end, or no, what time he receives the gift; but takes it upon the credit of the party, that all is done; or otherwise omits to inquire.

And the third is, when it is received *sine fraude*, after the cause ended; which, it seems by the opinion of the civilians, is no offence. Look into the case of simony, &c.

Draught of another paper to the same purpose.

THERE be three degrees, or cases, of bribery, charged, or supposed, in a judge:

The first, of bargain, or contract, for reward to pervert justice.

The second, where the judge conceives the cause to be at an end, by the information of the party, or otherwise, useth not such diligence, as he ought, to inquire of it. And the third, when the cause is really ended, and it is *sine fraude*, without relation to any precedent promise.

Now if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls.

But for the first of them, I take myself to be as innocent, as any born upon St. Innocents day, in my heart.

For the second, I doubt in some particulars I may be faulty.

And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent, once for the fact, and again for the error. For I had rather be a briber, than a defender of bribes.

I must likewise confess to your majesty, that at new-years tides, and likewise at my first coming in, which was, as it were, my wedding, I did not so precisely, as perhaps I ought, examine, whether those, that presented me, had causes before me, yea or no.

And this is simply all, that I can say for the present, concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say, that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summorum* with me is, that I may not be made altogether unprofitable to do your majesty's service, or honour. If your majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivré* to bear the rest. And, to tell your majesty what my thoughts run upon, I think of writing a story of England, and of recompiling of your laws into a better digest.

But to conclude, I most humbly pray your majesty's directions and advice. For as your majesty hath used to give me the attribute of care of your business; so I must now cast the care of myself upon God and you.

Notes upon MICHAEL DE LA POLE's Case (t).

10 Rich. 2. **T**HE offences were of three natures:

1. Deceits to the king.

2. Misgovernance in point of estate, whereby the ordinances made by ten commissioners for reformation of the state, were frustrated, and the city of Ghent in foreign parts, lost.

3. And his setting the seal to pardons for murders, and other enormous crimes.

The judgment was imprisonment, fine, and ransom, and restitution to the king, but no disablement, nor making him incapable, no degrading in honour mentioned in the judgement: but contrary-wise, in the clause, that restitution should be made and levied out of his lands and goods, it is expressly said, that because his honour of earl was not taken from him, therefore his 20l. *per annum* creation money should not be meddled with.

Observations upon THORPE's Case.

24 Edw. 3. His offence was taking of money from five several persons, that were felons, for staying their process of exigent; for that it made him a kind of accessory of felony, and touched upon matter capital.

(t) This paper was probably drawn up on occasion of the proceedings and judgment passed upon the lord viscount St. Alban by the house of lords, May 3, 1621.

The judgment was the judgment of felony : but the proceeding had many things strong and new ; first, the proceeding was by commission of *oyer* and *terminer*, and by jury ; and not by parliament.

The judgment is recited to be given in the king's high and sovereign power.

It is recited likewise, that the king, when he made him chief justice, and increased his wages, did *ore tenus* say to him, in the presence of his council, that now, if he bribed, he would hang him : unto which penance, for so the record called it, he submitted himself. So it was a judgment by a contract.

His oath likewise, which was devised some few years before, which is very strict in words, that he shall take no reward, neither before nor after, is chiefly insisted upon. And that, which is more to be observed, there is a precise proviso, that the judgment and proceeding shall not be drawn into example against any, and specially not against any who have not taken the like oath : which the lord chancellor, lord treasurer, master of the wards, &c. take not, but only the judges of both benches, and baron of the exchequer.

The king pardoned him presently after, doubting, as it seems, that the judgment was erroneous, both in matter and form of proceeding ; brought it before the lords of parliament, who affirmed the judgment, and gave authority to the king in the like cases, for the time to come, to call to him what lords it pleased him, and to adjudge them.

Notes upon Sir JOHN LEE's Case, Steward of the King's Household.

44 *Edw.* 3. His offences were great oppressions in usurpation of authority, in attacking and imprisoning in the Tower, and other prisons, numbers of the king's subjects, for causes no ways appertaining to his jurisdiction ; and for discharging an appellant of felony without warrant, and for deceit of the king, and extortions.

His judgment was only imprisonment in the Tower, until he had made a fine and ransom at the king's will ; and no more.

Notes upon Lord LATIMER's Case.

50 *Edw.* 3. His offences were very high and hainous, drawing upon high treason : as the extortious taking of victuals in Bretagne to a great value, without paying any thing ; and for ransoming divers parishes there to the sum of 83,000*l.* contrary to the articles of truce proclaimed by the king ; for suffering his deputies and lieutenants in Bretagne to exact, upon the towns and countries there, divers sums of money, to the sum of 150,000 crowns ; for sharing with Richard Lyons, in his deceit of the king ; for enlarging, by his own authority, divers felons ; and divers other exorbitant offences.

Notwithstanding all this, his judgement was only to be committed to the Marshalsea, and to make fine and ransom at the king's will.

But after, at the suit of the commons, in regard of those horrible and treasonable offences, he was displaced from his office, and disabled to be of the king's council ; but his honours not touched, and he was presently bailed by some of the lords, and suffered to go at large.

JOHN Lord NEVILLE's Case.

50 *Educ.* 3. His offences were the not supplying the full number of the soldiers in Bretagne, according to the allowance of the king's pay. And the second was for buying certain debts, due from the king, to his own lucre, and giving the parties small recompence, and specially in a case of the lady Ravensholme.

And it was prayed by the commons, that he might be put out of office about the king: but there was no judgment given upon that prayer, but only of restitution to the lady, and a general clause of being punished according to his demerits.

To the Count GONDOMAR, Ambassador from the court of Spain.

Illustrissime Domine Legate,

A Morem illustrissimæ Dominationis tuæ erga me, ejusque et fervorem et candorem, tam in prosperis rebus, quam in adversis, æquabili tenore constantem perspexi. Quo nomine tibi meritas et debitas gratias ago. Me verò jam vocat et ætas, et fortuna, atque etiam genius meus, cui adhuc satis morosè satisfeci, ut excedens è theatro rerum civilium literis me dedam, et ipsos actores instruam, et posteritati serviam. Id mihi fortasse honori erit, et degam tanquam in atriis vitæ melioris.

Deus illustrissimam Dominationem tuam incolumem servet et prosperam.

Junii 6, 1621.

Servus tuus,

FR. ST. ALBAN.

To Count GONDOMAR (u).

Illustrissime et excellentissime Domine,

Perspexi et agnosco providentiam divinam, quod in tantâ solitudine mihi tanquam cœlitus fulcitaverit talem amicum, qui tantis implicatus negotiis, et in tantis temporis angustis, curam mei habuerit, idque pro me effecerit, quod alii amici mei aut non ausi sint tentare, aut obtinere non potuerint. Atque illustrissimæ Dominationi tuæ reddent fructum proprium et perpetuum mores tui tam generosi, et erga omnia officia humanitatis et honoris propensi; neque erit fortasse inter opera tua hoc minimum, quod me, qui et aliquis fui apud vivos, neque omnino intermoriar apud posteros, ope et gratiâ tuâ erexeris, confirmaris. Ego quid possum? Ero tandem tuus, si minus usufructu, at saltem affectu, voto. Sub cineribus fortunæ vivi erunt semper ignes amoris. Te igitur humillimè saluto, tibi valedico, omnia prospera exopto, gratitudinem testor, observantiam polliceor.

Illustrissimo et excellentissimo Do. Do. Didaco Sarmiento de Acuña, Comiti de Gondomar, Legato Regis Hispaniarum extraordinario in Angliâ.

To the Marquis of BUCKINGHAM (v).

My very good Lord,

I Humbly thank your lordship for the grace and favour, which you did both to the message and messenger, in bringing Mr. Meautys to kiss his majesty's hands,

as in the letters, memor., &c. of the Lord Chancellor Bacon, published by Mr. Stephens, in 1736, p. 517. I found a letter to him from count Gondomar, dated at London, June 12, 1621.

The letter is repeated here, because it differs, in some respects, from that published in *Actes, memoires, &c. parlementary affairs, state papers, &c.* by Robert Stephens Esq; p. 151. Edit. London, 1736, and

and to receive his pleasure. My riches in my adversity hath been, that I have had a good matter, a good friend, and a good servant.

Perceiving, by Mr. Meautys, his majesty's inclination, it shall be, as it hath ever used to be to me, instead of a direction; and therefore I purpose to go forthwith to Gorhambury, humbly thanking his majesty nevertheless, that he was graciously pleased to have acquainted my lords with my desire, if it had stood me so much upon. But his majesty knoweth best the times and seasons; and to his grace I submit myself, desiring his majesty and your lordship to take my letters from the Tower as written *de profundis*, and those I continue to write to be *ex aquis salvis*.

[June 22, 1621.]

Indorsed,

To lord Buckingham, upon bringing Mr. Meautys to kiss the king's hands.

To the Marquis of BUCKINGHAM*.

My very good Lord,

I HAVE written, as I thought it decent in me to do, to his majesty the letter I send inclosed. I have great faith, that your lordship, now nobly and like yourself, will effect with his majesty. In this the king is of himself, and it hath no relation to parliament. I have written also, as your lordship advised me, only touching that point of means. I have lived hitherto upon the scraps of my former fortunes; and I shall not be able to hold out longer. Therefore I hope your lordship will now, according to the loving promises and hopes given, settle my poor fortunes, or rather my being. I am much fallen in love with a private life; but yet I shall so spend my time, as shall not decay my abilities for use.

God preserve and prosper your Lordship.

[Sept. 5, 1621.]

To the PRINCE.

May it please your Highness.

I Cannot too oft acknowledge your highness's favour in my troubles; but acknowledgement now is but begging of new favour. Yet even that is not inconvenient; for thanksgiving and petition go well together, even to God himself. My humble suit to your highness, that I may be thought on for means to subsist; and to that purpose, that your highness will join with my noble friend to the king. That done, I shall ever be ready, either at God's call, or his majesty's, and as happy, to my thinking, as a man can be, that must leave to serve such a king.

God preserve and prosper your Highness.

On the back of the draughts of the three preceding letters were written the following memoranda.

Bishops Winchester (x), Durham (y), London (z).
Lord Duke (a), Lord Hunfdon.

(x) Dr. Andrews.
(s) Dr. George Mountain.

(y) Dr. Richard Nolle.
(a) Lenox.

Lord

Lord chamberlain (*b*), to thank him for his kind remembrance by you; and though in this private fortune I shall have use of few friends, yet I cannot but acknowledge the moderation and affection his lordship shewed in my business, and desire, that of those few his lordship will still be one for my comfort, in whatsoever may cross his way, for the furtherance of my private life and fortune.

Mr. John Murray. If there be any thing, that may concern me, that is fit for him to speak, and me to know, that I may receive it by you.

Mr. Maxwell. That I am sorry, that so soon as I came to know him, and to be beholding to him, I wanted power to be of use to him.

Lord of Kelly; and to acquaint him with that part touching the confinement.

TO THE KING.

It may please your Majesty,

NOW that your majesty hath passed the recreation of your progress, there is nevertheless one kind of recreation, which, I know, remaineth with your majesty all the year; which is to do good, and to exercise your clemency and beneficence. I shall never measure my poor service by the merit, which perhaps is small, but by the acceptance, which hath been always favourably great. I have served your majesty now seventeen years; and since my first service, which was in the commission of the union, I received from your majesty never chiding or rebuke, but always sweetness and thanks. Neither was I, in these seventeen years, ever chargeable to your majesty, but got my means in an honourable sweat of my labour, save that of late your majesty was graciously pleased to bestow upon me the pension of twelve hundred pounds for a few years. For in that other poor prop of my estate, which is the farming of the petty writs, I improved your majesty's revenue by four hundred pounds the year. And likewise, when I received the seal, I left both the Attorney's place, which was a gainful place, and the clerkship of the Star-Chamber, which was queen Elizabeth's favour, and was worth twelve hundred pounds by the year, which would have been a good *commendam*. The honours, which your majesty hath done me, have put me above the means to get my living; and the misery I am fallen into hath put me below the means to subsist as I am. I hope my courses shall be such, for this little end of my thread, which remaineth, as your majesty, in doing me good, may do good to many, both that live now, and shall be born hereafter. I have been the keeper of your seal, and now am your beadsman. Let your own royal heart, and my noble friend, speak the rest.

God preserve and prosper your majesty.

September 5, 1621.

*Your majesty's faithful
peer servant and beadsman,*
FR. ST. ALBAN.

Cardinal Wolsey said, that if he had pleased God as he pleased the king, he had not been ruined. My conscience saith no such thing; for I know not but in serving you, I have served God in one. But it may be, if I had pleased God, as I had pleased you, it would have been better with me.

(*c*) William, earl of Pembroke.

To

To the KING.

It may please your most excellent Majesty,

I Do very humbly thank your majesty for your gracious remission of my fine. I can now, I thank God and you, die, and make a will.

I desire to do, for the little time God shall send me life, like the merchants of London, which, when they give over trade, lay out their money upon land. So, being freed from civil businets, I lay forth my poor talent upon those things, which may be perpetual, still having relation to do you honour with those powers I have left.

I have therefore chosen to write the reign of king Henry the VIIth, who was in a sort your forerunner, and whose spirit, as well as his blood, is doubled upon your majesty.

I durst not have presumed to intreat your majesty to look over the book, and correct it, or at least to signify what you would have amended. But since you are pleased to send for the book, I will hope for it.

[*(c)* God knoweth, whether ever I shall see you again; but I will pray for you to the last gasp, resting]

The same, your true beadsman,

October 8, 1621.

FR. ST. ALBAN.

Grant of pardon to the Viscount ST. ALBAN, under the privy seal (*d*).

A Special pardon granted unto Francis, Viscount St. Alban, for all felonies done and committed against the common laws and statutes of this realm; and for all offences of præmunire; and for all misprisions, riots, &c. with a restitution of all his lands and goods forfeited by reason of any of the premises; except out of the same pardon all treasons, murders, rapes, incest; and except also all fines, imprisonments, penalties, and forfeitures adjudged against the said viscount St. Alban by a sentence lately made in the parliament. Teste Rege apud Westm. 17 die Octob. anno Regni sui 19.

Per lettre de privato sigillo.

Dr. WILLIAMS, Bishop of Lincoln elect, and Lord Keeper of the Great Seal, to the Viscount ST. ALBAN.

My very good Lord,

HAVING perused a privy seal, containing a pardon for your lordship, and thought seriously thereupon, I find, that the passing of the same, the assembly in parliament so near approaching (*e*), cannot but be much prejudicial to the service of the king, to the honour of my lord of Buckingham, to that commiseration, which otherwise would be had of your lordship's present estate, and especially to my

(*d*) This passage has a line drawn over it.

(*e*) Cotton Library, Titus Book VII.

(*f*) It met November 24, 1621; and was dissolved, February 8, 1621-2.

judg-

judgment and fidelity. I have ever affectionately loved your lordship's many and most excellent good parts and endowments; nor had ever cause to disaffect your lordship's person. So as no respect in the world, beside the former considerations, could have drawn me to add the least affliction, or discontentment, unto your lordship's present fortune. May it therefore please your lordship to suspend the passing of this pardon, until the next assembly be over and dissolved; and I will be then as ready to seal it, as your lordship to accept of it; and, in the mean time, undertake, that the king and my lord admiral shall interpret this short delay, as a service and respect issuing wholly from your lordship; and rest, in all other offices whatsoever,

Your Lordship's faithful servant,

Westminster-College, October 12, 1621.

JO. LINCOLN, *clerk. Custos Sigilli.*

To the right honourable his very good lord, the lord viscount St. Alban.

TO the lord KEEPER.

My very good Lord,

I know the reasons must appear to your lordship many and weighty, which should move you to stop the king's grace, or to dissuade it; and somewhat the more in respect of my person, being, I hope, no unfit subject for noble dealing. The message I received by Mr. Meautys did import inconvenience, in the form of the pardon; your lordship's last letter, in the time: for, as for the matter, it lay so fair for his majesty's and my lord of Buckingham's own knowledge, as I conceive your lordship doth not aim at that. My affliction hath made me understand myself better, and not worse; yet loving advice, I know, helps well. Therefore I send Mr. Meautys to your lordship, that I might reap so much your fruit of your lordship's professed good affection, as to know in some more particular fashion, what it is that your lordship doubteth, or disliketh (*f*); that I may the better endeavour your satisfaction, or acquiescence, if there be cause. So I rest

October 18, 1621.

Your Lordship's to do you service,

FR. ST. ALBAN.

Petition of the Lord Viscount ST. ALBAN, intended for the House of Lords.

My right honourable very good Lords,

IN all humbleness, acknowledging your lordships justice, I do now in like manner crave and implore your grace and compassion. I am old, weak, ruined, in want, a very subject of pity. My only suit to your lordships is to shew me your noble favour towards the release of my confinement, so every confinement is, and to me, I protest, worse than the Tower (*g*). There I could have had company, physicians,

g The Lord Viscount, in a letter to the marquis of Buckingham, dated October 27, 1621, printed in the *Works of the Earl of Bacon*, 1652, gives his reasons, why he desired to seal that pardon.

h He had been committed to the Tower, in May, 1621, and discharged after two days confinement there, according to *Clarendon's History of the Revolt*, l. 1071. There is a letter of his lordship to the marquis of Buckingham, dated from the Tower, May 31, 1621, desiring his lordship to procure his discharge instantly.

conference with my creditors and friends about my debts, and the necessities of my estate, helps for my studies and the writings I have in hand. Here I live upon the sword-point of a sharp air, indangered if I go abroad, dulled, if stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good, and to help out any wrecks; and that, which is one of my greatest griefs, my wife, that hath been no partaker of my offending, must be partaker of this misery of my restraint.

May it please your lordships therefore, since there is a time for justice, and a time for mercy, to think with compassion upon that, which I have already suffered, which is not little; and to recommend this my humble, and, as I hope, modest, suit to his most excellent majesty, the fountain of grace, of whose mercy, for so much as concerns himself merely, I have already tasted, and likewise of his favour of this very kind, by some small temporary dispensations.

Herein your lordships shall do a work of charity and nobility: you shall do me good; you shall do my creditors good; and, it may be, you shall do posterity good, if out of the carcase of dead and rotten greatness, as out of Samson's lion, there may be honey gathered for the use of future times.

God bless your persons and counsels.

Your Lordship's supplicant and servant,

FR. ST. ALBAN.

Indorsed,

Copy of the petition intended for the house of parliament.

To JOHN Lord DIGBY (*b*).

My very good Lord,

RECEIVING, by Mr. Johnson, your loving salutations, it made me call to mind many of your lordship's tokens, yea and pledges, of good and hearty affection in both my fortunes; for which I shall be ever yours. I pray, my lord, if occasion serve, give me your good word to the king, for the release of my confinement, which is to me a very strait kind of imprisonment. I am no Jesuit, nor no leper; but one, that served his majesty these sixteen years, even from the commission of the union, till this last parliament, and ever had many thanks of his majesty, and was never chidden. This his majesty, I know, will remember at one time or other; for I am his man still.

God keep your lordship.

Your Lordship's most affectionate to do you service,

FR. ST. ALBAN.

Gorhambury, this last
of December, 1621.

To the Lord Viscount ST. ALBAN*.

My honourable Lord,

I Have received your lordship's letter, and have been long thinking upon it, and the longer, the less able to make answer unto it. Therefore if your lordship will

(*b*) Created so in November, 1618, and in September, 1622, earl of Bristol.

* Harl. MSS. Vol. 7000.

LETTERS, etc. OF LORD CHANCELLOR BACON.

be pleased to send any understanding man unto me, to whom I may, in discourse, open myself, I will, by that means, to discover my heart with all freedom, which were too long to do by letter, especially in this time of parliament businets, that your lordship shall receive satisfaction. In the mean time I rest

Royston, December 16 [1621].

Your Lordship's faithful servant,

G. BUCKINGHAM.

To the Marquis of BUCKINGHAM.

My very good Lord,

THE reason, why I was so desirous to have had conference with your lordship at London, was indeed to save you the trouble of writing: I mean, the reason in the second place; for the chief was to see your lordship. But since you are pleased to give me the liberty to send to your lordship one, to whom you will deliver your mind, I take that in so good part, as I think myself tied the more to use that liberty modestly. Wherefore, if your lordship will vouchsafe to send to me one of your own, except I might have leave to come to London, either Mr. Packer, my ancient friend, or Mr. Aylesbury (*i*), of whose good affection towards me I have heard report; to me it shall be indifferent. But if your lordship will have one of my nomination, if I might presume so far, I would name before all others, my lord of Falkland. But because perhaps it may cost him a journey, which I may not in good manners desire, I have thought of Sir Edward Sackville, Sir Robert Mansell, my brother, Mr. Solicitor General (*k*), who, though he be almost a stranger to me, yet, as my case now is, I had rather employ a man of good nature than a friend, and Sir Arthur Ingram, notwithstanding he be great with my lord treasurer. Of these, if your lordship will be pleased to prick one, I hope well I shall intreat him to attend your lordship, and to be sorry never a whit of the employment. Your lordship may take your own time to signify your will, in regard of the present businets of parliament. But my time was confined, by due respect to write a present answer to a letter, which I construed to be a kind letter, and such as giveth me yet hope to shew myself to your lordship

Your Lordship's most obliged friend

and faithful servant,

F. R. ST. ALBAN.

Indorsed,

To the lord of Buckingham, in answer to his of the 16th of December.

A Memorial of Conference, when the Lord Viscount ST. ALBAN expected the Marquis of BUCKINGHAM.

My Lord Marquis,

Inducement.] **A**FFLICTIONS are truly called trials; trials of a man's self, and trials of friends. For the first, I am not guilty to myself of any unworthiness, except perhaps too much softness in the beginning of my troubles. But

(*i*) Thomas Aylesbury, Esq; Secretary to the marquis of Buckingham as lord high-admiral. He was created a Baronet in 1627. Lord chancellor Clarendon married his daughter Frances.

(*k*) Sir Robert Heath, made Solicitor in January, 1620-1.

since,

since, I praise God, I have not lived like a drone, nor like a mal-content, nor like a man confused. But though the world hath taken her talent from me, yet God's talent I put to use.

For trial of friends, he cannot have many friends, that hath chosen to rely upon one. So that is in a small room, ending in yourself. My suit therefore to you is, that you would now, upon this vouchsafed conference, open yourself to me, whether I stand in your favour and affection, as I have done; and if there be an alteration, what is the cause; and, if none, what effects I may expect for the future of your friendship and favour, my state being not unknown to you.

Reasons of doubting.] The reasons, why I should doubt of your lordship's coolnets towards me, or falling from me, are either out of judgment and discourte, or out of experience, and somewhat that I find. My judgment telleth, that when a man is out of sight and out of use, it is a nobleness somewhat above this age to continue a constant friend: that some, that are thought to have your ear, or more, love me not, and may either devalue me, or distaste your lordship with me. Besides, your lordship hath now so many, either new-purchased friends, or reconciled enemies, as there is scarce room for an old friend specially set aside. And lastly, I may doubt, that that, for which I was fittest, which was to carry things *suavibus modis*, and not to bristle, or undertake, or give venturous counsels, is out of fashion and request.

As for that, I find your lordship knoweth, as well as I, what promises you made me, and iterated them back by message, and from your mouth, consisting of three things: the pardon of the whole sentence; some help for my debts; and an annual pension, which your lordship did set at 2000 l. as obtained, and 3000 l. in hope. Of these being promises undesired, as well as favours undeserved, there is effected only the remission of the fine, and the pardon now stayed. From me I know there hath proceeded nothing, that may cause the change. These I lay before you, desiring to know, what I may hope for; for hopes are racks, and your lordship, that would not condemn me to the Tower, I know will not condemn me to the rack.

The pardon stayed.] I have, though it be a thing trivial, and that at a coronation one might have it for five marks, and after a parliament for nothing, yet have great reason to desire it, specially being now stirred: chiefly, first, because I have been so sifted; and now it is time there were an end. Secondly, because I mean to live a retired life; and so cannot be at hand to shake off any clamour.

For any offence the parliament should take, it is rather honour, that in a thing, wherein the king is absolute, yet he will not interpose in that, which the parliament hath handled; and the king hath already restored judicature, after a long intermission: but for matter of his grace, his majesty shall have reason to keep it intire.

I do not think any, except a Turk or Tartar, would wish to have another chop out of me. But the best is, it will be found there is a time for envy, and a time for pity; and cold fragments will not serve, if the stomach be on edge. For me, if they judge by that, which is past, they judge of the weather of this year by an almanack of the old year; they rather repent of that they have done, and think they have but served the turns of a few.

THOMAS MEAUTYS, Esq; (*m*) to the Lord Viscount ST. ALBAN.

May it please your Lordship,

AS soon as I came to London, I repaired to Sir Edward Sackville (*n*), whom I find very zealous, as I told your lordship. I left him to do you service, in any particular you shall command him, to my lord marquis, though it were with some adventure; and withal he imparted to me what advice he had given to my lady this afternoon, upon his visiting of her at York-house, when Mr. Packer also, as it fell out, was come, at the same time, to see my lady, and seemed to concur with Sir Edward Sackville in the same ways; which were, for my lady to become a suitor to my lady Buckingham (*o*), and my lady marchioness (*p*), to work my lord marquis for obtaining of the king some bounty towards your lordship; and in particular, that of the thousand pounds for the small writs. If I may speak my opinion to your lordship, and in particular, that of the thousand pounds for the small writs. If I may speak my opinion to your lordship, it is not amiss to begin any way, or with any particular, though but small game at first, only to set a rusty clock a-going, and then haply it may go right for a time, enough to bring on the rest of your lordship's requests. Yet because your lordship directed me to wish my lady, from you, by no means, to act any thing, but only to open her mind, in discourse, unto friends, until she should receive your farther direction; it became not me to be too forward in putting it on too fast with Sir Edward; and my lady was pleased to tell me since, that she hath written to your lordship at large.

I inquired, even now, of Benbow, whether the proclamation for dissolving the parliament were coming forth. He tells me, he knows no more certainty of it than that Mr. Secretary commanded him yesterday to be ready for dispatching of the writs, when he should be called for; but since then, he hears it sticks, and endures some qualms; but they speak it still aloud at court, that the king is resolved of it.

Benbow tells me likewise, that he hath attended, these two days, upon a committee of the lords, with the book of the commission of peace; and that their work is to empty the commission in some counties by the score, and many of them parliament-men: which course sure helps to ring the passing-bell to the parliament.

Mr. Borough (*q*) tells me, he is at this present fain to attend some service for the

(*m*) He had been secretary to the lord viscount St. Alban, while his lordship had the great seal, and was afterwards clerk of the council, and knighted. He succeeded his patron in the manor of Gorhambury, which, after the death of Sir Thomas, came to his cousin and heir, Sir Thomas Meautys, who married Anne, daughter of Sir Nathaniel Bacon of Culford-Hall in Suffolk, knight; which lady married a second husband, Sir Harbottle Grimstone, Baronet, and master of the rolls; who purchased the reversion of Gorhambury from Sir Hercules Meautys, nephew of the second Sir Thomas.

(*n*) Afterwards earl of Dorset, well known for his duel, in 1613, with the lord Kinlofs, in which the latter was killed.

(*o*) Mary, countess of Buckingham, mother of the marquis.

(*p*) Catharine, marchioness of Buckingham, wife of the marquis, and only daughter and heir of Francis, earl of Rutland.

(*q*) John Borough, educated in common law at Gray's Inn, keeper of the records of the Tower of London, secretary to the earl marshal, in 1623 made Norroy; in July the year following knighted, and on the 23d of December, the same year, made garter king at arms in the place of Sir William Segar. He died October 21, 1643.

king;

king; but about Saturday he hopes to be at liberty to wait upon your lordship.
I humbly rest

January 3, 1621.

Your Lordship's for ever to honour and serve,

T. MEAUTYS.

To the right honourable my most honoured lord, the lord viscount St. Alban.

To the Lord Viscount ST. ALBAN.

May it please your Lordship,

THIS afternoon my lady found access to my lord marquis, procured for her by my lord of Montgomery (r), and Sir Edward Sackville, who seemed to contend, which of them should shew most patience in waiting, which they did a whole afternoon, the opportunity to bring my lord to his chamber, where my lady attended him. But when he was come, she found time enough to speak at large: and though my lord spake so loud, as that what passed was no secret to me and some others, that were within hearing; yet, because my lady told me she purposeth to write to your lordship the whole passage, it becomes not me to anticipate, by these, any part of her ladyship's relation.

I send your lordship herewith the proclamation for dissolving the parliament; wherein there is nothing forgotten, that we (s) have done amiss: but for most of those things, that we have well done, we must be fain, I see, to commend ourselves.

I delivered your lordship's to my lord of Montgomery, and Mr. Matthew, who was even then come to York-house to visit my lady, when I received the letter; and, as soon as he had read it, he said, that he had rather your lordship had sent him a challenge; and that it had been easier to answer, than so noble and kind a letter. He intends to see your lordship some time this week; and so doth Sir Edward Sackville, who is forward to make my lady a way by the prince, if your lordship advise it.

There are packets newly come out of Spain: and the king, they say, seems well pleased with the contents; wherein there is an absolute promise, and undertaking, for restitution of the Palatinate; the dispensation returned already from the pope, and the match hastened on their parts. My lord Digby goes shortly; and Mr. Matthew tells me, he means, before his going, to write by him to your lordship.

The king goes not till Wednesday, and the prince certainly goes with him. My lord marquis, in person, christens my lord of Falkland's child to-morrow, at his house by Watford.

Mr. Murray (t) tells me, the king hath given your book (u) to my lord Brooke (w), and enjoined him to read it, recommending it much to him: and then my lord Brooke is to return it to your lordship; and so it may go to the press.

(r) Philip, afterwards earl of Pembroke.

(s) Mr. Meautys was member, in this parliament, for the town of Cambridge.

(t) Either John Murray of the king's bed-chamber, mentioned above in the letter of 21 January, 1614, or Thomas Murray, tutor and secretary to the prince, made provost of Eton-College, in the room of Sir Henry Savile, who died February 19, 1621-2. Mr. Murray died likewise, April 1, 1623.

(u) *The History of the Reign of King Henry the Seventh.*

(w) Fulk Greville.

when your lordship pleases, with such amendments, as the king hath made, which I have seen, and are very few, and those rather words, as *epidemic*, and *mild* instead of *debonnaire*, &c. Only that of persons attainted, enabled to serve in parliament by a bare reversal of their attainder, the king by all means will have left out. I met with my lord Brooke, and told him, that Mr. Murray had directed me to wait upon him for the book, when he had done with it. He desired to be spared this week, as being to him a week of much business; and the next week I should have it: and he ended in a compliment, that care should be taken, by all means, for good ink and paper to print it in; for that the book deserveth it.

I beg leave to kiss your lordship's hands.

Your Lordship's in all humbleness

January 7, 1621-2.

to honour and serve,

T. MEAUTY.

This proclamation is not yet sealed; and therefore your lordship may please, as yet, to keep it in your own hands.

To the Lord Viscount ST. ALBAN.

My most honoured Lord,

I Met, even now, with a piece of news so unexpected, and yet so certainly true, as that, howsoever I had much ado, at first, to desire the relater to speak probably; yet now I dare send it your lordship upon my credit. It is my lord of Somerset's and his lady's coming out of the Tower, on Saturday last (x), fetched forth by my lord of Falkland, and without the usual degrees of confinement, at first to some one place (y); but absolute and free, to go where they please. I know not how peradventure this might occasion you to cast your thoughts, touching yourself, into some new mould, though not in the main, yet in something on the bye.

I beg leave to kiss your lordship's hands.

Your Lordship's in all humbleness,

for ever to honour and serve you,

T. MEAUTYS.

LODOWIC STEWART Duke of Lenox, to the Lord Viscount ST. ALBAN.

My Lord,

IT is not unknown to your lordship, that in respect I am now a married man, I have more reason than before to think of providing me some house in London, whereof I am yet destitute; and for that purpose, I have resolved to intreat your lordship, that I may deal with you for York-house; wherein I will not offer any

(x) January 6, 1621-2. *Camdeni Annales Regis Jacobi I.* p. 77.

(y) Camden *ubi supra*, says, "that the earl was ordered to confine himself to the lord viscount Wallingford's house or neighbourhood."

conditions to your loss. And, in respect I have understood, that the consideration of your lady's wanting a house hath bred some difficulty in your lordship to part with it, I will for that make offer unto your lordship, and your lady, to use the house in Cannon-Row, late the earl of Hertford's, being a very commodious and capable house, wherein I and my wife have absolute power; and whereof your lordship shall have as long time, as you can challenge or desire of York-house. In this I do freelier deal with your lordship, in respect I know you are well assured of my well-wishes to you in general; and that in this particular, though I have not been without thoughts of this house before your lordship had it; yet I was willing to give way to your lordship's more pressing use thereof then. And as I do not doubt of your lordship's endeavour to gratify me in this; so I shall esteem it as an extraordinary courtesy, which I will study to requite by all means.

So, with my best wishes to your lordship, I rest

Your Lordship's most loving friend,

LENOX.

In respect my lord of Buckingham was once desirous to have had this house, I would not deal for it till now, that he is otherwise provided.

Whitehall, the 27th of January, 1621.

To the Right honourable my very good lord, my lord viscount St. Alban.

Answer of the Lord Viscount ST. ALBAN.

My very good Lord,

I Am sorry to deny your grace any thing; but in this you will pardon me. York-house is the house, wherein my father died, and wherein I first breathed; and there will I yield my last breath, if so please God, and the king will give me leave; though I be now by fortune, as the old proverb is, like a bear in a monk's hood. At least no money, no value, shall make me part with it. Besides, as I never denied it to my lord marquis, so yet the difficulty I made was so like a denial, as I owe unto my great love and respect to his lordship a denial to all my other friends; among whom, in a very near place next his lordship, I ever account of your grace. So, not doubting, that you will continue me in your former love and good affection, I rest

*Your Grace's, to do you humble service
affectionate, &c.*

To the Marquis of BUCKINGHAM.

My very good Lord,

AS my hopes, since my misfortunes, have proceeded of your lordship's mere motion, without any petition of mine; so I leave the times and the ways to the same good mind of yours. True it is, a small matter for my debts would do me more good now, than double a twelvemonth hence. I have lost six thousand pounds by year, besides caps and courtesies. But now a very moderate proportion would suffice; for still I bear a little of the mind of a commissioner of the treasury, not to be over-chargeable to his majesty; and two things I may assure

affure your lordship of : the one, that I shall lead such a course of life, as whatsoever the king doth for me, shall rather sort to his majesty's and your lordship's honour, than to envy : the other, that whatsoever men talk, I can play the good husband, and the king's bounty shall not be lost. If your lordship think good, the prince should come in to help, I know his highness wisheth me well ; if you will let me know when, and how, he may be used. But the king is the fountain, who, I know, is good.

God prosper you.

Gorhambury, January 30, 1621.

Your Lordship's most bounden and faithful

FR. ST. ALBAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

YOUR lordship dealeth honourably with me in giving me notice, that your lordship is provided of an house (z), whereby you discontinue the treaty your lordship had with me for York-house, although I shall make no use of this notice, as to deal with any other. For I was ever resolved your lordship should have had it, or no man. But your lordship doth yet more nobly, in assuring me, you never meant it with any the least inconvenience to myself. May it please your lordship likewise to be assured from me, that I ever desired you should have it, and do still continue of the same mind.

I humbly pray your lordship, to move his majesty to take some commiseration of my long imprisonment. When I was in the Tower, I was nearer help of physic ; I could parly with my creditors ; I could deal with friends about my businets ; I could have helps at hand for my writings and studies, wherein I spend my time ; all which here fail me. Good my lord, deliver me out of this ; me, who am his majesty's devout beadsman, and

Your Lordship's most obliged friend

and faithful servant,

FR. ST. ALBAN.

Gorhambury, this 3d of Feb. 1621.

JOHN SELDEN, Esq; to the Lord Viscount ST. ALBAN.

My most honoured Lord,

AT your last going to Gorhambury, you were pleased to have speech with me about some passages of parliament ; touching which, I conceived, by your lordship, that I should have had farther direction by a gentleman, to whom you committed some care and consideration of your lordship's intentions therein. I can only give this account of it, that never was any man more willing or ready to do your lordship service, than myself ; and in that you then spake of, I had been most forward to have done whatsoever I had been, by farther direction, used in. But I understood, that your lordship's pleasure that way was changed. Since, my

(z) Mr. Chamberlain, in a MS. letter to Sir Dudley Carleton, dated at London, January 10, 1621-2, mentions, that the marquis of Buckingham had contracted with the lord and lady Wallingford, for *three* *houses* near Whitehall, for some money.

lord,

lord, I was advised with, touching the judgments given in the late parliament. For them, if it please your lordship to hear my weak judgment expressed freely to you, I conceive thus. First, that admitting it were no session, but only a *convention*, as the proclamation calls it; yet the judgments given in the upper house, if no other reason be against them, are good; for they are given by the lords, or the upper house, by virtue of that ordinary authority, which they have as the supreme court of judicature; which is easily to be conceived, without any relation to the matter of session, which consists only in the passing of acts, or not passing them, with the royal assent. And though no session of the three states together be without such acts so passed; yet every part of the parliament severally did its own acts legally enough to continue, as the acts of other courts of justice are done. And why should any doubts be, but that a judgment out of the King's Bench, or Exchequer-Chamber, reversed there, had been good, although no session? For there was truly a parliament, truly an upper house, which exercised by itself this power of judicature, although no session. Yet withal, my lord, I doubt, it will fall out, upon fuller consideration, to be thought a session also. Were it not for the proclamation, I should be clearly of that mind; neither doth the clause, in the act of subsidy, hinder it. For that only prevented the determination of the session at that instant; but did not prevent the being of a session, whenever the parliament should be dissolved. But because that point was resolved in the proclamation, and also in the commission of dissolution on the 8th of February, I will rest satisfied.

But there are also examples of former times, that may direct us in that point of the judgment, in regard there is store of judgments of parliament, especially under Edward I. and Edward II. in such conventions, as never had, for aught appears, any act passed in them.

Next, my lord, I conceive thus; that by reason there is no record of those judgments, it may be justly thought, that they are of no force. For thus it stands. The lower house exhibited the declarations in paper; and the lords, receiving them, proceeded to judgment verbally; and the notes of their judgments are taken by the clerk, in the journal only; which, as I think, is no record of itself; neither was it ever used as one. Now the record, that in former times was of the judgments and proceedings there, was in this form. The accusation was exhibited in parchment; and being so received, and indorsed, was the first record; and that remained filed among the bills of parliament, it being of itself as the bills in the king's Bench. Then out of this there was a formal judgment, with the accusation entered into that roll, or second record, which the clerk transcribes by ancient use, and sends into the chancery.

But in this case there are none of these: neither doth any thing seem to help to make a record of it, than only this, that the clerk may enter it, now after the parliament; which, I doubt, he cannot. Because, although in other courts the clerks enter all, and make their records after the term; yet in this parliamentary proceeding it falls out, that the court being dissolved, the clerk cannot be said to have such a relation to the parliament, which is not then at all in being, as the prothonotaries of the courts of Westminster have to their courts, which stand only adjourned. Besides, there cannot be an example found, by which it may appear, that ever any record of the first kind, where the transcript is into the chancery, was made in parliament; but only sitting the house, and in their view. But this I

offer to your lordship's farther consideration, desiring your favourable censure of my fancy herein; which, with whatsoever ability I may pretend to, shall ever be desirous to serve you, to whom I shall perpetually own myself

From the Temple, February
xix, ccccxxi.

Your Lordship's most humble servant,

J. SELDEN.

My Lord,

If your lordship have done with that *Miscardus de Interpretatione Statutorum* (a), I shall be glad, that you would give order, that I might use it. And for that of 12 Hen. 7, touching the grand council in the manuscript, I have since seen a privy seal of the time of Henry 7. (without a year) directed to borrow for the king; and in it there is a recital of a grand council, which thought, that such a sum was fit to be levied; whereof the Lords gave 40,000 l. and the rest was to be gotten by privy seal upon loan. Doubtless, my lord, this interprets that of the manuscript story.

On the back of this letter are the following notes by the lord viscount St. Alban.

“ The case of the judgment in parliament, upon a writ of error put by
“ Just. Hu. (b)

“ The case of no judgment entered into the court of augmentations, or survey
“ of first fruits; which are dissolved, where there may be an entry after, out of a
“ paper-book.

“ *Mem.* All the acts of my proceeding were after the royal assent to the subsidy.”

TO MR. TOBIE MATTHEW (c).

Good Mr. Matthew,

IN this solitude of friends, which is the base court (d) of adversity, where almost no body will be seen stirring, I have often remembered a saying of my lord ambassador of Spain (e), *Amor sin fin no tiene fin* (f). This moveth me to make choice of his excellent lordship for his noble succours towards not the aspiring, but the respiring of my fortunes.

I, that am a man of books, have observed his lordship to have the magnanimity of his own nation, and the cordiality of ours; and, by this time, I think he hath the wit of both. Sure I am, that for myself I have found him, in both my fortunes, to esteem me so much above value, and to love me so much above possibility of deserving, or obliging on my part, as if he were a friend reserved for such a time as this. I have known his lordship likewise, while I stood in a stand where I might look about, a most faithful and respective friend to my lord marquis; who,

(a) *Alderoni Miscardi communes conclusiones utriusque juris ad generalem statutorum interpretationem accedentes*: printed at Ferrara, 1608.

(b) *Ibidem*.

(c) This, and the following letter of March 5, 1611-2, to the marquis of Buckingham, are inserted from the originals, much more complete and exact, than the copies of them printed in his works.

(d) *Ibidem*.

(e) Count Gondomar, who returned to Spain about March, 1621-2.

(f) *Ibidem* without end: *with no end*.

next the king and the prince, was my raiser, and must be, he or none, I do not say my restorer, but my reliever.

I have, as I made you acquainted at your being with me, a purpose to present my lord marquis with an offer of my house and lands here at Gorchambury; a thing, which, as it is the best means I have now left to demonstrate my affection to his lordship, so I hope it will be acceptable to him. This proposition I desire to put into no other hand but my lord ambassador's, as judging his hand to be the fairest, the most honourable, and the most effectual for my good, if my lord will be pleased to deal in it. And when I had thus resolved, I never sought, nor thought of any mean but yourself, being so private, faithful, and discreet a friend to us both. I desire you therefore, good Mr. Matthew, to acquaint my lord ambassador with this overture; and both to use yourself, and desire at his lordship's hands secrecy therein; and withal to let his lordship know, that in this business, whatsoever in particular you shall treat with him, I shall not fail, in all points, to make good and perform.

Commend my humble service to his lordship. I ever rest

Gorchambury, Feb. 28, 1621.

Your most affectionate and assured friend,

FR. ST. ALBAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

THOUGH I have returned answer to your lordship's last letter by the same way, by which I received it; yet I humbly pray your lordship to give me leave to add these few lines.

My lord, as God above is witness, that I ever have loved and honoured your lordship, as much, I think, as any son of Adam can love or honour any subject, and continue in as hearty and strong wishes of felicity to be heaped and fixed upon you, as ever; so, as low as I am, I had rather sojourn in a college in Cambridge, than recover a good fortune by any other but yourself. Marry, to recover yourself to me, if I have you not, or to ease your lordship in any thing, wherein your lordship would not so fully appear, or to be made participant of your favours in your own way, I would use any man, that were your lordship's friend: and therefore, good my lord, in that let me not be mistaken. Secondly, if in any of my former letters I have given your lordship any distaste by the stile of them, or any particular passages, I humbly pray your lordship's benign construction and pardon. For, I confess, it is my fault, though it be some happiness to me withal, that I do most times forget my adversity. But I shall never forget to be

Your Lordship's most obliged friend

March 5, 1621.

and faithful servant,

FR. ST. ALBAN.

Fragments of several kinds.

MY meaning was, if my lord should obtain for me, by his noble mediation, in consideration of my services past, and other respects to do that, for my relief which I was suitor for by my lord's noble mediation, and whereof I was in good hope

K k k k 2

LETTERS, etc. OF LORD CHANCELLOR BACON.

hope to have presented my lord with Gorhambury in possession, out of gratitude and love, for nothing.

My meaning was, if my lord should prevail for me in my suit to the king for reward of services, and relief of my poor estate, to have presented him with Gorhambury, out of gratitude and love, for nothing, except some satisfaction to my wife, for her interest.

If my lord like better to proceed by way of bargain, so I find that I may but submit, I will deserve of his honour, and express my love in a friendly penny-worth.

The third point to be added :

This as his work.] The more for kissing the king's hands presently.

The reasons, stalling my debts.

Willingness in my friends to help me.

None will be so bold as to oppress me.

The pretence, that the king would give me direction, in what nature of writings to expend my time.

The letter to expect yet, and the manner of the delivery.

That my lord do not impute it, if he hear I deal with others ; for he shall better perceive the value, and I shall make it good to his lordship, being my state requireth speed.

To the Lord Viscount ST. ALBAN.

May it please your Lordship,

REMEMBRING, that the letter your lordship put yesterday into my hand was locked up under two or three seals, it ran in my head, that it might be business of importance, and require haste : and not finding Mr. Matthew in town, nor any certainty of his return till Monday or Tuesday, I thought it became me to let your lordship know it, that so I might receive your lordship's pleasure, if need were, to send it by as safe a hand, as if it had three seals more.

My lord, I saw Sir Arthur Ingram, who let fall somewhat, as if he could have been contented to have received a letter by me from your lordship, with something in it like an acknowledgment to my lord treasurer (g), that by his means you had received a kind letter from my lord marquis. But, in the close, he came about, and fell rather to excuse what was left out of the letter, than to please himself much with what was in it. Only indeed he looked upon me, as if he did a little distrust my good meaning in it. But that is all one to me ; for I have been used to it, of late, from others, as well as from him. But persons apt to be suspicious may well be borne with ; for certainly they trouble themselves most, and lose most by it. For of such it is a hard question, whether those be fewest whom they trust, or those who trust them. But for him, and some others, I will end in a wish, that, as to your lordship's service, they might prove but half so much honest, as they think themselves wiser, than other men.

It is doubtful, whether the king will come to-morrow or not ; for they say he is full of pain in his feet.

My lord marquis came late to town last night, and goeth back this evening : and Sir Edward Sackville watcheth an opportunity to speak with him before he go.

(g) Michel, lord Cranfield, made lord treasurer in October, 1621.

However,

However, he wisheth that your lordship would lose no time in returning an answer, made all of sweet-meats, to my lord marquis's letter, which, he is confident, will be both tasted and digested by him. And Sir Edward wisheth, that the other letter to my lord marquis, for presenting your discourse of laws to his majesty, might follow the first. I humbly rest

Your Lordship's for ever truly

to honour and serve you,

THO. MEAUTYS.

Martii 3, 1621.

To the Lord Viscount ST. ALBAN.

May it please your Lordship,

I Had not failed to appear this night, upon your lordship's summons, but that my stay till to-morrow, I knew would mend my welcome, by bringing Mr. Matthew, who means to dine with your lordship only, and so to rebound back to London, by reason my lord Digby's journey calls for him on the sudden. Neither yet was this all, that stayed me; for I hear somewhat, that I like reasonably well; and yet I hope it will mend too; which is, that my lord marquis hath sent you a message by my lord of Falkland, which is a far better hand than my lord treasurer's, that gives you leave to come presently to Highgate: and Sir Edward Sackville, speaking for the other five miles, my lord commended his care and zeal for your lordship, but silenced him thus: "Let my lord be ruled by me: it will be never the worse for him." But my lord marquis saying farther to him, "Sir Edward, however you play a good friend's part for my lord St. Alban; yet I must tell you, I have not been well used by him." And Sir Edward desiring of him to open himself in whatsoever he might take offence at; and withal, taking upon him to have known so much from time to time, of your lordship's heart, and endeavours towards his lordship, as that he doubted not but he was able to clear any mist, that had been cast before his lordship's eyes by your enemies; my lord marquis, by this time being ready to go to the Spanish ambassador's to dinner, broke off with Sir Edward, and told him, that after dinner he would be back at Wallingford-house, and then he would tell Sir Edward more of his mind; with whom I have had newly conference at large, and traced out to him, as he desired me, some particulars of that, which they call a treaty with my lord treasurer about York-house, which Sir Edward Sackville knows how to put together, and make a smooth tale of it for your lordship; and this night I shall know all from him, and to-morrow, by dinner, I shall not fail to attend your lordship: till when, and ever, I rest

Your Lordship's in all truth

to honour and serve you,

T. MEAUTYS.

Indented, Received March 17.

To HENRY CARY, Lord Viscount FALKLAND (*b*).

My very good Lord,

YOUR lordship's letter was the best letter I received this good while, except the last kind letter from my lord of Buckingham, which this confirmeth. It

Appointed lord Deputy of Ireland, September 8, 1622.

is the best accident, one of them, amongst men, when they hap to be oblig'd to those, whom naturally and personally they love, as I ever did your lordship; in truth not many between my lord marquis and yourself; so that the sparks of my affection shall ever rest quick, under the ashes of my fortune, to do you service; and wishing to your fortune and family all good.

*Your Lordship's most affectionate,
and much obliged, &c.*

I pray your lordship to present my humble service and thanks to my lord marquis, to whom, when I have a little paus'd, I purpose to write; as likewise to his majesty, for whose health and happiness, as his true headsmen, I most frequently pray.

Indorsed,

March 11. Copy of my answer to Lord Falkland.

To the Lord TREASURER (i).

My very good Lord,

I HAVE received, by my noble friend, my lord viscount Falkland, advertisement, as from my lord marquis, of three things; the one, that, upon his lordship's motion to his majesty, he is graciously pleas'd to grant some degree of releas'e of my confinement. The second, that if I shall gratify your lordship, who, my lord understandeth, are desirous to treat with me about my house at London, with the same, his lordship will take it as well, as if it was done to himself. The third, that his majesty hath refer'd unto your lordship the consideration of the relief of my poor estate. I have it also from other part, yet by such, as have taken it immediately from my lord marquis, that your lordship hath done me to the king very good offices. My lord, I am much bounden to you: wherefore if you shall be pleas'd to send Sir Arthur Ingram, who formerly mov'd me in it for your lordship, to treat farther with me, I shall let your lordship see how affectionately I am desirous to pleasure your lordship after my lord of Buckingham.

So wishing your lordship's weighty affairs, for his majesty's service, a happy return to his majesty's contentment, and your honour, I rest

*Your Lordship's very affectionate
to do you service,*

FR. ST. ALBAN.

Indorsed,

March 12. To the lord treasurer.

To the Lord TREASURER.

My very good Lord,

THE honourable correspondence, which your lordship hath been pleas'd to hold with my noble and constant friend, my lord marquis, in furthering his majesty's grace towards me, as well concerning my liberty, as the consideration of my poor estate, hath very much oblig'd me to your lordship, the more by how much the less likelihood there is, that I shall be able to merit it at your lordship's hands. Yet thus much I am glad of, that this course, your lordship holds with

(i) Lionel, lord Cranfield.

me, doth carry this much upon itself, that the world shall see in this, amongst other things, that you have a great and noble heart.

For the particular business of York-house, Sir Arthur Ingram can bear me witness, that I was ready to leave the conditions to your lordship's own making: but since he tells me plainly, that your lordship will by no means have to be so, you will give me leave to refer it to Sir Arthur Ingram, who is so much your lordship's servant, and no less faithful friend to me, and understands values well, to set a price between us.

For the reference his majesty hath been graciously pleased, at my lord marquis's suit, to make unto your lordship, touching the relief of my poor estate (*k*), which my lord of Falkland's letter hath signified, warranting me likewise to address myself to your lordship touching the same; I humbly pray your lordship to give it dispatch, my age, health, and fortunes, making time to me therein precious. Wherefore, if your lordship, who knoweth best what the king may best do, have thought of any particular, I would desire to know from your good lordship: otherwise I have fallen myself upon a particular, which I have related to Sir Arthur, and, I hope, will seem modest, for my help to live and subsist. As for somewhat towards the paying off my debts, which are now my chief care, and without charge of the king's coffers, I will not now trouble your lordship; but purposing to be at Chiswick, where I have taken a house, within this sevendnight, I hope to wait upon your lordship, and to gather some violets in your garden, and will then impart unto you, if I have thought of any thing of that nature for my good.

So I ever rest, &c.

THOMAS MEAUTYS, Esq; to the Lord Viscount ST. ALBAN.

May it please your Lordship,

I Have been attending upon my lord marquis's minutes for the signing of the warrant. This day he purposed in earnest to have done it; but it falls out untowardly, for the warrant was drawn, as your lordship remembers, in haste at Gorhambury, and in as much haste delivered to Sir Edward Sackville, as soon as I alighted from my horse, who instantly put it into my lord marquis's hands, so that no copy could possibly be taken of it by me. Now his lordship hath searched much for it, and is yet at a loss, which I knew not till six this evening: and because your lordship drew it with caution, I dare not venture it upon my memory to carry level what your lordship wrote, and therefore dispatched away this messenger, that to your lordship, by a fresh post, for this will hardly do it, may send a warrant to your mind, ready drawn, to be here to-morrow by seven o'clock, as Sir Arthur (*l*) tells me my lord marquis hath directed: for the king goes early to Hampton-Court, and will be here on Saturday.

Your books (*m*) are ready, and passing well bound up. If your lordship's letters to the king, prince, and my lord marquis were ready, I think it were good to lose no time in their delivery; for the printer's fingers itch to be felling.

[*l*] The lord viscount St. Alban, in a letter to the king, from Gorhambury, 25th of March, 1621-2, speaks thus mildly for signing the constitution, and breaking it to his good lord the Lord the just.

[*m*] Ingram.

[*n*] 21, 02 of the Reign of King Henry 1. 1.

My

LETTERS, etc. OF LORD CHANCELLOR BACON.

My lady hath seen the house at Chiswick, and may make a shift to like it: only she means to come to your lordship thither, and not go first: and therefore your lordship may please to make the more haste, for the great lords long to be in York-house.

Mr. Johnson will be with your lordship to-morrow; and then I shall write the rest.

*Your Lordship's in all humbleness
and honour to serve you.*

TO THOMAS MEAUTYS, Esq.

Good Mr. Meautys,

FOR the difference of the warrant, it is not material at the first. But I may not stir till I have it; and therefore I expect it to-morrow.

For my lord of London's ⁽ⁿ⁾ stay, there may be an error in my book ^(o); but I am sure there is none in me, since the king had it three months by him, and allowed it: if there be any thing to be mended, it is better to be espied now than hereafter.

I send you the copies of the three letters, which you have; and, in mine own opinion, this demur, as you term it, in my lord of London, maketh it more necessary than before, that they were delivered, specially in regard they contain withal my thanks. It may be signified they were sent before I knew of any stay; and being but in those three hands, they are private enough. But this I leave merely at your discretion, resting

March 21, 1621.

Your most affectionate and assured friend,

FR. ST. ALBAN.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

IDO make account, God willing, to be at Chiswick on Saturday; or, because this weather is terrible to one, that hath kept much in, Monday.

In my letter of thanks to my lord marquis, which is not yet delivered, but to be forthwith delivered, I have not forgotten to mention, that I have received signification of his noble favour and affection, amongst other ways, from yourself, by name. If, upon your repair to the court, whereof I am right glad, you have any speech with the marquis of me, I pray place the alphabet, as you can do it right well, in a frame, to express my love faithful and ardent towards him. And for York-house, that whether in a straight line, or a compass line, I meant it his lordship in the way, which I thought might please him best. I ever rest,

March 21, 1621.

Your most affectionate and assured friend,

FR. ST. ALBAN.

Though your journey to court be before your receipt of this letter, yet it may serve for another time.

⁽ⁿ⁾ Dr. George Mountain.

^(o) His *History of the reign of king Henry VII.*

To the Queen of BOHEMIA.

It may please your Majesty,

I Find in books, and books I dare alledge to your majesty, in regard of your singular ability to read and judge of them even above your sex, that it is accounted a great bliss for a man to have leisure with honour. That was never my fortune, nor is. For time was, I had honour without leisure; and now I have leisure without honour. And I cannot say so neither altogether, considering there remain with me the marks and stamp of the king's, your father's grace, though I go not for so much in value, as I have done. But my desire is now to have leisure without loitering, and not to become an abbey-labber, as the old proverb was, but to yield some fruit of my private life. Having therefore written the reign of your majesty's famous ancestor, king Henry the seventh: and it having passed the file of his majesty's judgment, and been graciously also accepted of the prince, your brother, to whom it is dedicated, I could not forget my duty so far to your excellent majesty, to whom, for that I know and have heard, I have been at all times so much bound, as you are ever present with me, both in affection and admiration, as not to make unto you, in all humbleness, a present thereof, as now being not able to give you tribute of any service. If king Henry the seventh were alive again, I hope verily he could not be so angry with me for not flattering him, as well-pleas'd in seeing himself so truly described in colours, that will last, and be believed. I most humbly pray your majesty graciously to accept of my good will; and so, with all reverence, kiss your hands, praying to God above, by his divine and most benign providence, to conduct your affairs to happy issue; and resting

April 20, 1622.

*Your Majesty's most humble
and devoted servant,*
FR. ST. ALBAN.

Sir EDWARD SACKVILLE to the Lord Viscount ST. ALBAN.

My very honoured Lord,

I LONGING to yield an account of my stewardship, and that I had not buried your talent in the ground, I waited yesterday the marquis's pleasure, until I found a fit opportunity to importune some return of his lordship's resolution. The morning could not afford it; for time only allowed leave to tell him, I would say something. In the afternoon I had amends for all. In the forenoon he laid the law, but in the afternoon he preached the gospel; when, after some revivations of the old distaste concerning York-house, he most nobly opened his heart unto me, wherein I read that which argued much good towards you. After which revelation, the book was again sealed up, and must, in his own time, only by himself be again manifested unto you. I have leave to remember some of the vision, and am not forbidden to write it. He vowed, not court-like, but constantly, to appear your friend so much, as if his majesty should abandon the care of you, you should share his fortune with him. He pleas'd to tell me, how much he had been beholden to you; how well he loved you; how unkindly he took the denial of

your house, for so he will needs understand it. But the close, for all this, was harmonious, since he protested he would seriously begin to study your ends, now that the world should see he had no ends on you. He is in hand with the work, and therefore will, by no means, accept of your offer; though, I can assure you, the tender hath much won upon him, and mellowed his heart towards you; and your genius directed your right, when you wrote that letter of denial unto the duke (p). The king saw it; and all the rest; which made him say unto the marquis, you played an after-game well; and that now he had no reason to be much offended.

I have already talked of the revelation, and now am to speak in apocalyptic language, which I hope you will rightly comment; whereof, if you make difficulty, the bearer (q) can help you with the key of the cypher.

My lord Falkland, by this time, hath shewed you London from Highgate. If York-house were gone, the town were yours; and all your straitest shackles cleared off, besides more comfort than the city-air only. The marquis would be exceedingly glad the treasurer had it. This I know; but this you must not know from me. Bargain with him presently, upon as good conditions as you can procure, so you have direct motion from the marquis to let him have it. Seem not to dive into the secret of it; though you are purblind if you see not through it. I have told Mr. Meautys, how I would wish your lordship to make an end of it. From him, I beseech you, take it, and from me only the advice to perform it. If you part not speedily with it, you may defer the good, which is approaching near you, and disappointing other aims, which must either shortly receive content, or never, perhaps anew yield matter of discontent, though you may be indeed as innocent as before. Make the treasurer believe, that since the marquis will by no means accept of it, and that you must part with it, you are more willing to pleasure him, than any body else, because you are given to understand my lord marquis so inclines; which inclination, if the treasurer shortly send unto you about it, desire may be more clearly manifested, than as yet it hath been; since, as I remember, none hitherto hath told you *in terminis terminantibus*, that the marquis desires you should gratify the treasurer. I know that way the hare runs; and that my lord marquis longs until Cranfield hath it; and so I wish too, for your good, yet would not it were absolutely passed, until my lord marquis did send, or write, unto you, to let him have it; for then, his so disposing of it were but the next degree removed from the immediate acceptance of it, and your lordship freed from doing it otherwise than to please him, and to comply with his own will and way.

I have no more to say, but that I am, and ever will be

*Your Lordship's most affectionate friend
and humble servant,*

E. SACKVILLE.

Indorsed,

Received the 11th of May, 1622.

To the LORD KEEPER, Dr. WILLIAMS, Bishop of Lincoln.

My very good Lord,

I Understand, there is an extent prayed against me, and a surety of mine, by the executors of one Harris, a goldsmith. The statute is twelve years old, and

(1) Cf. Lenox, of the 30th of January, 1621-2.

(2) Probably Mr. Meautys.

falleth to an executor, or an executor of an executor, I know not whether. And it was sure a statute collected out of a shop-debt, and much of it paid. I humbly pray your lordship, according to justice and equity, to stay the extent, being likewise upon a double penalty, till I may better inform myself touching a matter so long past, and if it be requisite, put in a bill, that the truth of the account appearing, such satisfaction may be made, as shall be fit. So I rest

May 30, 1622.

*Your Lordship's affectionate
to do you faithful service,*

FR. ST. ALBAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Thought it appertained to my duty, both as a subject, and as he that took once the oath of a counsellor, to make known to your lordship an advertisement, which came to me this morning. A gentleman, a dear friend of mine, whom your lordship cannot but imagine, though I name him not, to hold me thus much, that some English priests, that negotiated at Rome to facilitate the dispensation, did their own business, that was his phrase; for they negotiated with the pope to erect some titular bishops for England, that might ordain, and have other spiritual faculties; saying withal most honestly, that he thought himself bound to impart this to some counsellor, both as a loyal subject, and as a catholic; for that he doubted it might be a cause to cross the graces and mercies, which the catholics now enjoy, if it be not prevented; and he asked my advice, whether he should make it known to your lordship, or to my lord keeper (*r*), when he came back to London. I commended his loyalty and discretion, and wished him to address himself to your lordship, who might communicate it with my lord keeper, if you saw cause, and that he repaired to your lordship presently, which he resolved to do. Nevertheless, I did not think mine own particular duty acquitted, except I certified it also myself, borrowing so much of private friendship in a cause of state, as not to tell him I would do so much.

Indorsed,

My letter to my Lord Marquis, touching the business of estate advertised by Mr. Matthew (*s*).

To the Lord Viscount ST. ALBAN.

My most honoured Lord,

I Come in these to your lordship with the voice of thanksgiving, for the continuance of your accustomed noble care of me and my good, which overtakes me, I find, whithersoever I go. But for the present itself, whereof your lordship

(*r*) Dr. Williams, bishop of Lincoln.

() The date of this letter may be pretty nearly determined by one of the lord keeper to the marquis of Buckingham, dated August 23, 1622, and printed in the *Cabal*. The postscript to that letter is as follows: "The Spanish ambassador took the alarm very speedily of the titular Roman bishop; and before my departure from his house at Harington, whither I went privately to him, did write both to Rome and Spain to prevent it. But I am afraid that T. he will prove but an apocryphal, and no canonical, intelligence, acquainting the state with the project for the Jesuits, rather than for Jesus's sake."

L 1112

writes,

writes, whether or no it be better than that I was wont to bring your lordship, the end only can prove. For I have yet no more to shew for it, than good works, of which many times I brought your lordship good store. But because *medicines* were not made to thrive in court, I mean to lose no time from assailing my lord marquis, for which purpose I am now hovering about New-hall (*t*), where his lordship is expected, but not the king, this day, or to-morrow; which place, as your lordship adviseth, may not be ill chosen for my business. For, if his lordship be not very thick of hearing, sure New-hall will be heard to speak for me.

And now, my good lord, if any thing make me diffident, or indeed almost indifferent, how it succeeds, it is this; that my sole ambition having ever been, and still is, to grow up only under your lordship, it is become preposterous, even to my nature and habit, to think of prospering or receiving any growth, either without or besides your lordship. And therefore let me claim of your lordship to do me this right, as to believe that, which my heart says, or rather swears, to me, namely, that what addition soever, by God's good providence, comes at any time to my life or fortune, it is, in my account, but to enable me the more to serve your lordship in both; at whose feet I shall ever humbly lay down all, that I have, or am, never to rise thence other than

September 11, 1622.

Your Lordship's in all duty,
and reverent affections,
T. MEAUTYS.

To the Countess of BUCKINGHAM (*u*), mother to the Marquis of
BUCKINGHAM.

My very honourable good Lady.

YOUR ladyship's late favour and noble usage towards me were such, as I think your absence a great part of my misfortunes. And the more I find my most noble lord, your son, to increase in favour towards me, the more, out of my love to him, I wish he had often by him so loving and wise a mother. For, if my lord were never so wise, as wise as Solomon; yet, I find, that Solomon himself, in the end of his proverbs, sets down a whole chapter of advices, that his mother taught him.

Madam, I can but receive your remembrance with affection, and use your name with honour, and intend you my best service, if I be able, ever resting

Bedford-house, the 27th
of October, 1622.

Your Ladyship's humble
and affectionate servant,
FR. ST. ALBAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Have many things to thank your lordship for, since I had the happiness to see you; that your lordship, before your going out of town, sent my memorial

(*t*). In I ff. x.

(*u*) Mary, daughter of Anthony Beaumont, a younger son of William Beaumont of Cole-Orton in Leicestershire. She was thrice married: 1. to Sir George Villiers, father of the duke of Buckingham; 2. to Sir William Bayner; and 3. to Sir Thomas Compton, knight of the Bath, a younger brother of William, Earl of Northampton. She was created countess of Buckingham, July 1, 1618; and died April 19, 1632.

to my lord treasurer : that your lordship offered, and received, and presented my petition to the king, and procured me a reference : that your lordship moved his majesty, and obtained for me access to him, against his majesty comes next, which in mine own opinion, is better than if it had been now, and will be a great comfort to me, though I should die next day after : that your lordship gave me 10 good English for my Latin book. My humble request is, at this time, that because my lord treasurer keepeth yet his answer in suspense, though by one, he useth to me, he speaketh me fair, that your lordship would nick it with a word : for if he do me good, I doubt it may not be altogether of his own.

God ever prosper you.

4th of November, 1622.

Your Lordship's most lowly

and faithful servant,

FR. ST. ALBAN.

Memorial of Access (*w*).

It may please your majesty,

I May now in a manner sing, *nunc dimittis*, now I have seen you. Before methought I was scant in state of grace, but in a kind of utter darkness. And therefore, among other your mercies and favours, I do principally thank your majesty for this admission of me to kiss your hands.

I may not forget also to thank your majesty for your remission of my fine, for granting of my *quittus*, and general pardon ; and your late recommendation of my debts ; favours not small, specially to a servant out of sight, and out of use.

I beseech your majesty to give me leave to tell you what had, in my misfortunes, sustained me. Aristotle says, *Old men live by remembrance, young men by hope*. And so it is true, that young men live by hope, and fallen men by remembrance. Two remembrances have sustained me : the one, that since I had the prime vote in the lower house, to be first commissioner for the union, until the last assembly of parliament, I was chosen messenger of both houses, in the petitions of religion, which were my two first and last services, having past a number of services of importance, your majesty never chid me ; neither did ever any public service miscarry in my hands. This was the finishing act of my prosperity. The second was of my adversity, which, in few words, is this, that as my fault was not against your majesty ; so my fall was not your act ; and therefore I hope I shall live and die in your favour.

I have this farther to say in the nature of an humble oblation ; for things once dedicated and vowed cannot lose their character, nor be made common. I ever vowed myself to your service. Therefore,

First, if your majesty do at any time think it fit, for your affairs, to employ me again publicly upon the stage, I shall so live and spend my time, as neither discontinuance shall disable me, nor adversity shall discourage me, nor any thing, that I shall do, give any scandal or envy upon me.

Secondly, if your majesty shall not hold that fit ; yet, if it shall please you at any time to ask my opinion, or require my propositions privately by my lord marquis, or any of your counsellors, that is my friend, touching any commission or business ; for,

(*w*) This paper was written in Greek characters, soon after his access to king James I, which had been promised him in a letter of the marquis of Buckingham, from Newmarket, November 13, 1622.

as Ovid said, *Est aliquid luce patente minus* ; I shall be glad to be a labourer, or pioneer in your service.

Lastly, and chiefly, because your majesty is an universal scholar, or rather master, and my pen (as I may * it, passed * *) gained upon the world, your majesty would appoint me some task, or literary province, that I may serve you *calamo*, if not *confilio*.

I know that I am censured of some conceit of mine ability or worth : but, I pray your majesty, impute it to desire, *possunt quia posse videntur*. And again, I should do some wrong to your majesty's school, if, in sixteen years access and near service, I should think I had learned, or laid in, nothing.

May it please your majesty, I have borne your image in metal : and I shall keep it in my heart, while I live.

That his majesty's business never miscarried in my hands, I do not impute to any extraordinary ability in myself ; but to my freedom from particular, either friends, or ends, and my careful receipt of his majesty's directions, being, as I have formerly said to him, but as a bucket and cistern to that fountain ; a bucket to draw forth, a cistern to preserve.

I may allude to the three petitions of the Litany, *Libera nos, Domine ; parce mihi, Domine ; et exaudi nos, Domine*. First, the first, I am persuaded, his majesty had a mind to do it, and could not conveniently in respect of his affairs. For the second, he had done it in my fine and pardon. For the third, I had likewise performed, in restoring to the light of his countenance.

There be mountebanks, as well in the civil body, as in the natural. I ever served his majesty with modesty ; no shouldering, no undertaking.

Seneca saith, *Tam citi debet constare ratio quam negotii*. So I make his majesty oblation of both.

For envy, it is an almanack of the last year ; and as a friend of mine said, the parliament died penitent towards me.

Of my offences, far be it from me to say, *dat veniam corvois, vexat censura Columbas* : But I will say that I have good warrant for ; *they were not the greatest offenders in Israel, upon whom the wall of Shilo fell*.

What the king bestowed upon me, will be farther seen, than upon Paul's steeple.

My story is proud. I may thank your majesty ; for I heard him note of Tasso, that he could know which poem he made, when he was in good condition, and which when he was a beggar. I doubt he could make no such observation of me.

My lord hath done many things to shew his greatness. This of mine is one of them, that shews his goodness.

I am like ground fresh. If I be left to myself, I will grow and bear natural philosophy : but if the king will plough me up again, and sow me on, I hope to give him some yield.

Kings do raise and pull down with reason ; but the greatest work is reasoning.

For my hap, I seek an *otium*, and, if it may be, a fat *otium*.

I am said to have a feather in my head. I pray God some are not wild in their head, that gird not well.

I am too old, and the seas are too long, for me to double the Cape of Good Hope.

Ashes are good for somewhat ; for lees, for salts. But I hope I am rather embers than ashes, having the heat of good affections, under the ashes of my fortunes.

Your majesty hath power : I have faith. Therefore a miracle may be soon wrought.

I would

I would live to study, and not study to live; yet I am prepared for *date obolum Bellisario*; and I that have borne a bag, can bear a wallet.

For my Pen:

- If active, 1. The reconciling of laws.
2. The disposing of wards and generally education of youth.
3. Limiting the jurisdiction of courts, and prescribing rules for every of them.

Reglement of Trade.

- If contemplative, 1. Going on with the story of Henry the Eighth.
2. General treatise of *de Legibus et Justitiâ*.
3. The Holy War.

For my Lord of Buckingham.

These I rank high amongst his favours.

To the king of * * * that the goodness of his nature may strive with the goodness of his fortune.

He had but one fault, and that is, that you cannot mar him with any accumulating of honours upon him.

Now after this sun-shine, and little dew, that save war.

Whales will overturn your boat, or bark, or of admiral, or other.

For the Prince.

Ever my chief patron.

The work of the father is creation; of the son redemption.

You would have drawn me out of the fire; now out of the mire.

To ask leave of the king to kiss the prince's hands, if he be not now present.

Indorsed,

Mem. of access.

To the Lord Viscount S T. A L B A N.

My most honoured Lord,

SINCE my last to your lordship, I find, by Mr. Johnson, that my lord treasurer is not twice in one mind, or Sir Arthur Ingram not twice in one tale. For Sir Arthur, contrary to his speech but yesterday with me, puts himself now, as it seems, in new hopes to prevail with my lord treasurer for your lordship's good and advantage, by a proposition, sent by Mr. Johnson, for the altering of your patent to a new mould, more safe than the other, which he seemed to dissuade, as I wrote to your lordship. I like my lord treasurer's heart to your lordship, so much every day worse than other, especially for his coarse usage of your lordship's name in his last speech, as that I cannot imagine he means you any good. And therefore, good my lord, what directions you shall give herein to Sir Arthur Ingram, let them be as safe ones, as you can think upon; and that your lordship surrender not your old patent, till you have the new under seal, lest my lord keeper should take toy, and stop it there. And I know your lordship cannot forget they have such a savage
word

LETTERS, etc. OF LORD CHANCELLOR BACON.

word among them, as *fasting*. God in heaven bleſs your lordſhip from ſuch hands and tongues; and then things will mend of themſelves.

Your Lordſhip's, in all humbleneſs,

This Sunday Morning.

to honour and ſerve you,

T. MEAUTYS.

Indorſed, 25th of November [1622].

To the Marquis of BUCKINGHAM.

My very good Lord,

I Find my lord treaſurer, after ſo many days and appointments, and ſuch certain meſſages and promiſes, doth but mean to coax me, it is his own word of old, and to ſaw me aſunder, and to do juſt nothing upon his majeſty's gracious reference, nobly procured by your lordſhip for this poor remnant. My lord, let it be your own deed; and, to uſe the prayers of the Litany, good lord deliver me from this fervile dependence; for I had rather beg and ſtarve, than be fed at that door.

God ever proſper your lordſhip.

*Your Lordſhip's moſt bounden
and faithful ſervant,*

Bedford-houſe, this

FR. ST. ALBAN.

Indorſed,

To Buckingham, about lord treaſurer Cranfield's uſing of him.

Remembrances of the Lord Viſcount ST. ALBAN, upon his going to the Lord Treaſurer (x).

My Lord,

FOR paſt matters, they are memorial with me. I thank God I am ſo far from thinking to retrieve a fortune, as I did not mark where the game fell. I aſcribe all to Providence. Your lordſhip hath greatneſs; and I hope you will line it with goodneſs. Of me you can have no uſe; but you may have honour by me, in uſing me well; for my fortune is much in your hands.

For Sir G. I heard by Sir Arthur (y), you thought well of my dealing to him; for ſo Ingram told me. But I doubt he reported ſomewhat amiſs of me, that procured that warrant; ſince which he thinks he may bring me to his own conditions, never comes to me, flies from that he had agreed; ſo to conclude with the letter upon even terms.

For the king, I muſt ſubmit. Ingram told me there ſhould be a favour in it, till I might ſue to the king.

The ſequeſtration as much as a reſumption; for if it be as in the king's hands, all will go back; ſo it requires a farmer.

My penſion and that the rewards of my long ſervice, and relief of my preſent means. In parliament he ſaid, he would not have me know what want meant.

(x) This ſe is written in Greek characters.

(y) Ingram.

L A. B. (z).

OF York-house garden :

Of New-hall :

Of my being with my lord treasurer :

Of my business.

It is well begun : I desire it may be your act.

It is nothing out of the king's purse : it laid fair ; a third part of the profit.

The king bestows honour upon reward, one honour upon alms and charity.

Time, I hope, will work this, or a better.

I know my lord will not forsake me.

He can have but one mother. Friends wayfarers, some to Waltham, some to Ware, and where the ways part, farewell.

I do not desire to stage myself, nor pretensions, but for the comfort of a private life. Yet will I be ever at your and the king's call. Malcontent, or busy-body, I scorn to be.

Though my lord shall have no use of me, yet he shall have honour by me.

For envy, the almanack of that year, is past.

You may observe last parliament, though an high-aiming parliament, yet not a petition, not a clamour, not a motion, not a mention of me. Visitations by all the noblemen about the town.

A little will make me happy : the debts I have paid.

I shall honour my lord with pen and words ; and be ready to give him faithful and free counsel, as ready, as when I had the seal ; and mine ever *suavibus modis* for safety, as well as for greatness.

The king and the prince, I hear for certain, well affected.

To dine with :

To go to New-hall.

To the Marquis of BUCKINGHAM.

Excellent Lord,

I Perceive this day, by Mr. Comptroller (a), that I live continually in your lordship's remembrance and noble purposes concerning my fortunes, as well for the comfort of my estate, as for countenancing me otherwise by his majesty's employments and graces ; for which I most humbly kiss your hands, leaving the times to your good lordship ; which, considering my age and wants, I assure myself, your lordship will the sooner take into your care. And for my house at Gorhambury, I do infinitely desire your lordship should have it ; and howsoever I may treat, I will conclude with none, till I know your lordship's farther pleasure, ever resting

*Your Lordship's most obliged**and faithful servant,*

FR. ST. ALBAN.

Bedford-house, this 5th of
Feb. 1622 (b).

(a) Lady Buckingham, mother of the duke.

(c) Henry Cary, vicount Falkland.

(b) Two days before the marquis of Buckingham set out privately, with the prince, for Spain.

To the Lord Viscount ST. ALBAN.

My very good Lord,

I Have received, by this bearer, the privy seal for the survey of coals, which I will lay aside, until I shall hear farther from my lord Steward (c), and the rest of the lords.

I am ready to do as much as your lordship desireth, in keeping Mr. Cotton (d) off from the violence of those creditors: only himself is, as yet, wanting in some particular directions.

I heartily thank your lordship for your book; and all other symbols of your love and affection, which I will endeavour upon all opportunities to deserve: and, in the mean time, do rest

Your Lordship's assured faithful

Westminster-college, this 7th
of February, 1622.

poor friend and servant,

JO. LINCOLN, C. S.

To the right honourable his very good lord, the lord viscount St. Alban.

To the Marquis of BUCKINGHAM.

Excellent Lord,

THOUGH your lordship's absence (f) fall out in an ill time for myself; yet because I hope in God this noble adventure will make your lordship a rich return in honour, abroad and at home, and chiefly in the inestimable treasure of the love and trust of that thrice-excellent prince; I confess I am so glad of it, as I could not abstain from your lordship's trouble in seeing it expressed by these few and hasty lines.

I beseech your lordship, of your nobleness vouchsafe to present my most humble duty to his highness, who, I hope, ere long will make me leave king Henry the eighth, and set me on work in relation of his highness's adventures.

I very humbly kiss your lordship's hands, resting ever

Your Lordship's most obliged friend and servant.

February 21, 1622.

To the Marquis of BUCKINGHAM.

Excellent Lord,

UPON the repair of my lord of Rochford unto your lordship, whom I have ever known so fast and true a friend and servant unto you; and who knows likewise so much of my mind and affection towards your lordship, I could not but kiss your lordship's hands, by the duty of these few lines.

My lord, I hope in God, that this your noble adventure will make you a rich return, especially in the inestimable treasure of the love and trust of that thrice-

() Duke of Lenox.

d) Probably the surety of lord Bacon, for the debt to Harris the goldsmith, mentioned in his lordship's letter of May 30, 1622.

(c) in Spain.

God preserve your majesty, and send you a good return of the treasure abroad, which passeth all Indian fleets.

March 25, 1623.

Your Majesty's most humble
and devoted servant,
FR. ST. ALBAN.

Indorsed,

To the king touching the provostship of Eton (i)

To Mr. Secretary CONWAY.

Good Mr. Secretary,

WHEN you did me the honour and favour to visit me, you did not only in general terms express your love unto me, but, as a real friend, asked me whether I had any particular occasion, wherein I might make use of you? At that time I had none: now there is one fallen. It is, that Mr. Thomas Murray, provost of Eton, whom I love very well, is like to die. It were a pretty cell for my fortune. The college and school, I do not doubt, but I shall make to flourish. His majesty, when I waited on him, took notice of my wants, and said to me, that, as he was a king, he would have care of me. This is a thing somebody would have; and costs his majesty nothing. I have written two or three words to his majesty, which I would pray you to deliver. I have not expressed this particular to his majesty, but referred it to your relation. My most noble friend, the marquis, is now absent. Next to him I could not think of a better address than to yourself, as one likeliest to put on his affection. I rest

Grey's Inn, the 25th of March, 1623.

Your Honour's very affectionate friend,
FR. ST. ALBAN.

Secretary CONWAY, to the Lord Viscount ST. ALBAN*.

Right Honourable,

I Do so well remember the motives, why I presented you so with my humble service, and particular application of it to your particular use, as I neither forget nor repent the offer. And I must confess a greater quickning could not have been added to my resolution to serve you, than the challenge you lay to my duty, to follow, in his absence, the affection of your most noble and hearty friend the marquis.

(i) Mr. Thomas Murray, the provost of that college, having been cut for the stone, died April 1, 1623. The lord keeper Williams in an unpublished letter to the marquis of Buckingham, dated 11 April, 1623, has the following passage: "Mr. Murray, the provost of Eton, is now dead: the place stayed by the fellows and myself until your lordship's pleasure be known. Whomsoever your lordship shall name I shall like of, though it be Sir William Becher, though this provostship never descended so low. The king named unto me yesterday morning Sir Albertus Merton, Sir Dudley Carleton, and Sir [Robert] Aiton, our late queen's secretary. But in my opinion, though he named him last, his majesty inclined to the Aiton most. It will rest wholly upon your lordship to name the man. It is somewhat necessary he be a good scholar, but more that he be a good husband, and a careful manager, and a stayed man; which no man can be, that is so much indebted as the lord of St Alban's."

I rest

* From the collections of Robert Stephens, Esq; deceased.

I lost no time to deliver your letter, and to contribute the most advantageous arguments I could. It seems your motion had been more than enough, if a former engagement to Sir William Becher upon the marquis his score had not opposed it.

I will give you his majesty's answer, which was; That he could not value you so little, or conceive you would have humbled your desires and your worth so low: That it had been a great deal of ease to him to have had such a scantling of your mind; to which he could never have laid so unequal a measure. His majesty adding further, that since your intentions moved that way, he would study your accommodation. And it is not out of hope, but that he may give some other contentment to Sir William Becher in due time, to accommodate your lordship, of whom, to your comfort, it is my duty to tell you, his majesty declared a good opinion, and princely care, and respect.

I will not fail to use time and opportunity to your advantage: and if you can think of any thing to instruct my affection and industry, your lordship may have the more quick and handsome proof of my sure and real intentions to serve you, being indeed

Royston, March 27, 1623.

Your Lordship's affectionate servant,

ED. CONWAY.

To Count GONDOMAR, then in Spain.

Illustrissime Comes,

MULTA sunt, quæ mihi animos addunt, et quandam alacritatem conciliant, ut Dominationem tuam illustrissimam hoc tempore de meis fortunis compellam et deprecer. Primum, idque vel maximum, quod cum tam arcta regum nostrorum conjunctio jam habeatur pro transactâ, inde et tu factus sis intercessor tanto potentior; et mihi nullus jam subsit scrupulus universas fortunas meas viro tanto, licet extero, debendi et acceptas referendi. Secundum, quod cum ea, quæ dominatio tua illustrissima de me promisso tenus præsens impetraveras, neque ullam repulsam passâ sint, neque tamen ad exitum perducta; videatur hoc innuere providentia divina, ut hoc opus me à calamitate erigendi planè tuum sit initio et fine. Tertium, quod stellæ duæ, quæ mihi semper fuerunt propitiæ, major et minor, jam splendent in urbe vestra, unde per radios auxiliares et benignos amoris erga me tui eum possint nancisci influxum, qui me in aliquo non indigno priore fortuna gradu collocet. Quartum, quod perspexi ex literis, quas ad amicum meum intimum dominum Tobiam Matthæum nuper scripsisti, memoriam mei apud te vivere et vigere, neque tantâ negotiorum arduorum et sublimium mole, quanta dom. tuæ incumbit, obrutam esse aut extinctam. Postremum accidit et illud, quod postquam ex favore excellent. Domini marchionis ad regis mei conspectum et colloquium admissus fuerim, videar mihi in statu gratiæ collocatus. Non me allocutus est rex ut criminofum, sed ut hominem tempestate dejectum; et simul constantem meum ut perpetuum in sermone suo industriæ et integritatis tenorem prolixè agnovit, cum insigni, ut videbatur, affectu: unde major mihi oboritur spes, manente ejus erga me gratiâ, et extinctâ omni ex diuturnitate invidiâ, labores illustr. domin. tuæ pro me non incasum fore. Ipse interim nec otio me dedi, nec rebus me importunè immiscui, sed in iis vivo, et ea tracto, quæ nec priores, quos gessi, honores deduceant, et posteris

memo-

LETTERS, etc. OF LORD CHANCELLOR BACON.

memoriam nominis mei haud ingrati fortasse relinquent. Itaque spero me non indignam fore materiam, in qua et potentiae et amicitiae tuae vis eluceat et celebretur; ut non minus in privata hominis fortuna potuisse videaris, quam in negotiis publicis. Deus illustri dominationem tuam incolumem fervet et felicitate cumulet.

Indorsed,

My lord St. Alban's first letter to Gondomar, into Spain, March 28, 1623.

To the Marquis of BUCKINGHAM, in Spain.

Excellent Lord,

FINDING so trusty a messenger as Sir John Epsley, I thought it my duty to put these few lines into his hands. I thank God, that those shadows, which either mine own melancholy, or my extreme love to your lordship, did put into my mind concerning this voyage of the prince and your lordship, rather vanish and diminish, than otherwise. The gross fear is past of the passage of France. I think you had the ring, which they write of, that, when the seal was turned to the palm of the hand, made men go invisible. Neither do I hear of any novelty here worth the esteeming.

There is a general opinion here, that your lordship is like enough to return, and go again, before the prince come: which opinion, whether the business lead you to do so or no, doth no hurt; for it keeps men in awe.

I find, I thank God, some glimmering of the king's favour, which your lordship's noble work of my access, no doubt, did chiefly cherish. I am much bound to Mr. secretary Conway. It is wholly for your lordship's sake; for I had no acquaintance with him in the world. By that I see of him, he is a man fit to serve a great king, and fit to be a friend and servant to your lordship. Good my lord, write two or three words to him, both of thanks, and a general recommendation of me unto him.

Vouchsafe, of your nobleness, to present my most humble duty to his highness. We hear he is fresh in his person, and becomes this brave journey in all things. God provide all things for the best.

I ever rest &c.

Indorsed March 30, 1623.

To Mr. Secretary CONWAY.

Good Mr. Secretary,

I Am much comforted by your last letter, wherein I find, that his majesty, of his mere grace and goodness, vouchsafeth to have a care of me, a man out of sight, out of use; but yet his, as the Scripture saith, God knows those that are his. In particular, I am very much bound to his majesty, and I pray you, Sir, thank his majesty most humbly for it, that, notwithstanding the former designment of Sir William Becher (*l*), his majesty, as you write, is not out of hope, in due time, to accom-

(*l*) Sir William had not, however, that post; but, in lieu of it, the promise of 2500*l*. upon the fall of the 10th of the Exchequer's peace, and was permitted to keep his clerkship of the council. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, dated at London, July 24, 1624. The provostship was given to Sir Henry Wotton, who was instituted into it the 26th of that month, having purchased it by a surrender of a grant of the reversion of the mastership of the rolls, and of another office, which was fit to be turned

accommodate me of this cell, and to satisfy him otherwise. Many conditions, no doubt, may be as contenting to that gentleman, and his years may expect them. But there will hardly fall especially in the spent hour-glass of my life, any thing so fit for me, being a retreat to a place of study so near London, and where, if I sell my house at Gorhambury, as I purpose to do, to put myself in some convenient plenty, I may be accommodated of a dwelling for summer time. And therefore, good Mr. Secretary, further this his majesty's good intention, by all means, if the place fall.

For yourself, you have obliged me much. I will endeavour to deserve it: at least your nobleness is never lost; and my noble friend, the marquis, I know, will thank you for it.

I was looking of some short papers of mine touching usury (*m*), to grind the teeth of it, and yet make it grind to his majesty's mill in good sort, without discontentment or perturbation. If you think good, I will send it to his majesty, as the fruit of my leisure. But yet I would not have it come from me, not for any tenderness in the thing, but because I know, in courts of princes, it is usual, *non res, sed displicet auctor*. God keep your honour &c.

Indorsed,

To Mr. Secretary Conway, touching the provostship of Eton, March 31, 1623.

TO COUNT GONDOMAR.

Illustrissime Comes,

PRIMO loco, ut debeo, gratulor dominationi tuæ illustrissimæ novum honoris tui gradum per se sublimem, sed ex causâ, propter quam evectus es, haud parum nobilitatum. Profectio dom. Tobix Matthæi, qui mihi est tanquam alter ego, ut dominatio tua illustrissima optimè novit, in illas partes, memoriam mihi renovat eximii tui erga me favoris, cum me pluries, paulo ante discessum tuum, in campis, in urbe visitares, et prolixè de voluntate tuâ erga fortunas meas pollicereris. Quintiam tam apud regem meum quam apud marchionem de illis sedulo ageres, ut etiam promissum ab illis de postulatis meis obtinueris. Quod si illo tempore quis mihi genius aut vates in aurem infusurasset et dixisset, Mitte ista in præiens. Britannia est regio paulo frigidior: differ rem donec princeps Gallix et marchio Buckinghamix et comes de Gondomar conveniunt in Hispaniâ, ubi hujusmodi fructus clementius maturescant: quin et viderit idem dom. Tob. Matthæum, qui illic, quem admodum nunc, instabit, et negotium promovebit: scilicet risissimè, sed fidem profus non adhibuissimè. Quare, illustrissime comes, cum talia miracula edideris in fortunâ publicâ, etiam in fortunâ amici et cervi tui privatâ eniteat virtus tua. Miraculum enim potentix et fidei proles est. Tu potentiam habes, ego fide abundo, si modo digna sit res ad quam dominatio tua illustrissima manum salutarem porrigat. Id tempus optimè demonstrabit.

turned into present money, which he then, and afterwards, much wanted [Life of him by Mr. Isaac Walton:] for when he went to the election at Eton, soon after his being made provost, he was so ill provided, that the fellows of the college were obliged to furnish his bare walls, and whatever else was wanting. MS. letter of Mr. Chamberlain, Aug. 7, 1624.

(*m*) In his works is published, *A Dialogue of an œt against an usurious Shift of Gain, in delivering of Commodities instead of Money.*

LETTERS, etc. OF LORD CHANCELLOR BACON.

Cum nuper ad dominationem tuam illustrissimam scripserim, eo brevior fio. Hoc tantum à te peto, ut etiam inter negotia, quæ feliciter administras, consuetam digneris dom. Matthæo libertatem proponendi et consulendi apud te ea, quæ in rem meam fore videbimus.

Deus illustrissimam tuam dominationem servet incolumem, ut enixè optat &c.

To the Earl of BRISTOL, Ambassador in Spain.

My very good Lord,

THOUGH I have written to your lordship lately, yet I could not omit to put a letter into so good a hand as Mr. Matthew's, being one, that hath often made known unto me, how much I am beholden to your lordship; and knoweth likewise in what estimation I have ever had your lordship, not according to your fortunes, but according to your inward value. Therefore, not to hold your lordship in this time of so great business, and where I have so good a mean as Mr. Matthew, who, if there be any thing that concerns my fortune, can better express it than myself, I humbly commend myself, and my service to your lordship, resting &c.

To Sir FRANCIS COTTINGTON, Secretary to the PRINCE.

Good Mr. Secretary,

THOUGH I think I have cloyed you with letters, yet had I written a thousand before, I must add one more by the hands of Mr. Matthew, being as true a friend, as any you or I have; and one, that made me so happy, as to have the assurance of our friendship; which if there be any stirring for my good, I pray practise in so good a conjunction as his. I ever rest &c.

To Mr. TOBIE MATTHEW.

Good Mr. Matthew,

BECAUSE Mr. Clarke is the first, that hath been sent since your departure, who gave me also the comfortable news, that he met you well, I could not but visit you with my letters, who have so often visited me with your kind conferences.

My health, I thank God, is better than when you left me; and to my thinking, better than before my last sickness. This is all I need to write of myself to such a friend.

We hope well, and it is generally rather spoken, than believed, that his highness will return very speedily. But they be not the best pieces in painting, that are galled out in haste. I hope, if any thing want in the speed of time, it will be compensated in the fruit of time, that all may sort to the best.

I have written a few words of duty and respect only, to my lord marquis, and Mr. Secretary. I pray you kiss the count of Gondomar's hand.

God keep you.

1623, 1625.

Your most affectionate and assured friend,

FR. ST. ALBAN.

To the Duke of BUCKINGHAM.

Excellent Lord,

I Write now only to congratulate with your grace your new honour (*n*) ; which because I reckon to be no great matter to your fortune, though you are the first English duke that hath been created since I was born, my compliment shall be the shorter. So having turned almost my hopes of your grace's return, by July, into wishes, and not to them neither, if it should be any hazard to your health, I rest &c.

Vouchsafe, of your nobleness, to present my most humble duty to his highness. Summer is a thirity time ; and sure I am, I shall infinitely thirst to see his highness's and your grace's return.

Duke of BUCKINGHAM to the Lord Viscount ST. ALBAN.

My good Lord,

I Have received your hearty congratulation for the great honour and gracious favour, which his majesty hath done me : and I do well believe, that no man is more glad of it than yourself.

Tobie Matthew is here ; but what with the journey, and what with the affliction he endures, to find, as he says, that reason prevails nothing with these people, he is grown extreme lean, and looks as sharp as an eyas (*o*). Only he comforts himself with a conceit, that he is now gotten on the other side of the water, where the same reason, that is valuable in other parts of the world, is of no validity here ; but rather something else, which yet he hath not found out.

I have let his highness see the good expressions of your lordship's care and faithful affection to his person ; and shall ever be ready to do you, in all things, the best service that I can.

So wishing your lordship much happiness, I rest

*Your Lordship's faithful friend**and humble servant,*

G. BUCKINGHAM.

Madrid, this 2th of May, 1623. *B. ret.*

To the Duke of BUCKINGHAM, in Spain.

Excellent Lord,

I Humbly thank your grace for your letter of the 29th of May ; and that your grace doth believe, that no man is gladder of the increase of your honour and fortune, than I am ; as, on the other part, no man should be more sorry, if it should in the least degree decline, nor more careful, if it should so much as labour. But of the first, I speak as a thing, that is : but of the two latter, it is but a case put, which I hope I shall never see. And, to be plain with your grace, I am not a little comforted to observe, that, although in common sense

(2) The date of this letter is given in the text as May 18, 1623.

(3) A young lady, just taken out of the veil.

and experience, a man would have doubted, that some things might have served to your prejudice; yet in particulars we find nothing of it. For a man might reasonably have feared, that absence and discontinuance might have lessened his majesty's favour: no such thing has followed. So likewise, that any, that might not wish you well, should have been bolder with you. But all is continued in good compass. Again, who might not have feared, that your grace being there to manage, in great part, the most important business of Europe, so far from the king, and not strengthened with advice there, except that of the prince himself, and thus to deal with so politic a state as Spain, you should be able to go through as you do? and yet nothing, as we hear, but for your honour, and that you do your part. Surely, my lord, though your virtues be great, yet these things could not be, but thro' the blessing of God, which is over the king and the prince, doth likewise defend upon you as a faithful servant; and you are the more to be thankful to God for it.

I humbly thank your grace, that you make me live in his highness's remembrance, whom I shall ever bear an heart to honour and serve. And I much joy to hear of the great and fair reputation, which at all hands are given him.

For Mr. Matthew, I hope by this time he hath gathered up his crumbs; which importeth much, I assure your grace, if his cure must be, either by finding better reason on that side the line, or by discovering, what is the motion, that moveth the wheels, that, if reason do not, we must all pray for his being in good point. But in truth, my lord, I am glad he is there; for I know his virtues, and particularly his devotion to your lordship.

God return his highness and your grace, unto us safe and sound, and according to your heart's desires.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

I Have received your letter of the 10th of June (*p*), and am exceeding glad to hear you are in so good health. For that, which may concern myself, I neither doubt of your judgment in choosing the fittest time, nor of your affection in taking the first time you shall find fit. For the public business, I will not turn my hopes into wishes yet, since you write as you do; and I am very glad you are there, and, as I guess, you went in good time to his lordship.

For your action of the case, it will fall to the ground; for I have not heard from the duke, neither by letter, nor message, at this time.

God keep you. I rest always

Grey's Inn, 15th of June, 1623,

Your most affectionate and faithful servant,

FR. ST. ALBAN.

I do hear from Sir Rober Ker and others, how much beholden I am to you.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

I Thank you for your letter of the 26th of June, and commend myself unto your friendship, knowing your word is good assurance, and thinking I cannot wish myself a better wish, than that your power may grow to your will.

(*p*.)

Since

Since you say the prince hath not forgot his commandment, touching my History of Henry VIII, I may not forget my duty. But I find Sir Robert Cotton, who poured forth what he had, in my other work, somewhat dainty of his materials in this.

It is true, my labours are now most set to have those works, which I had formerly published, as that of *Attainment of Learning*, that of *Henry VII*, that of the *Essays*, being retraced, and made more perfect, well translated into Latin by the help of some good pens, which forsake me not, for these modern languages will, at one time or other, play the bankrupts with books: and since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity.

For the essay of friendship, while I took your speech of it for a cursory request, I took my promise for a compliment. But since you call for it, I shall perform it (q).

I am much beholden to Mr. Gage for many expressions of his love to me; and his company, in itself very acceptable, is the more pleasing to me, because it retaineth the memory of yourself.

This letter of yours, of the 26th, lay not so long by you, but it hath been as speedily answered by me, so as with Sir Francis Cottington I have had no speech since the receipt of it. Your former letters, which I received from Mr. Griefley, I had answered before, and put my letter into a good hand.

For the great business, God conduct it well. Mine own fortune hath taught me expectation.

God keep you.

Indeed,

To Mr. Matthew, into Spain.

To Mr. TOBIE MATTHEW.

Good Mr. Matthew,

I HAVE received your letter sent by my lord of Andover; and, as I acknowledged your care, so I cannot fit it with any thing, that I can think on for myself; for since Gondomar; who was my voluntary friend, is in no credit, neither with the prince, nor with the duke, I do not see what may be done for me there; except that, which Gondomar hath lost, you have found; and then I am sure my care is amended: so, as with a great deal of confidence, I commend myself to you, hoping, that you will do what in you lieth, to prepare the prince and duke to think of me upon their return. And if you have any relation to the infanta, I doubt not but it shall be also to my use. God keep you.

Your most affectionate and true friend, &c.

To the Duke of BUCKINGHAM.

Excellent Lord,

THOUGH I have formerly given your grace thanks for your last letter, yet being much refreshed to hear things go so well, whereby we hope to see the young prince published in Spain, and dedicated to the duke of Buckingham, I enclose you

you here shortly, your errand done, and the prince within the veil; I could not contain, but congratulate with your lordship, ^{being} your good fortune, that is God's blessing, still follow you. I hope I have still place in your love and favour; which if I have, for other place, it shall not trouble me. I ever rest

Your Grace's most obliged and faithful servant.

July 22, 1623.

To the Duke of BUCKINGHAM.

Excellent Lord,

UPON Mr. Clarke's dispatch, in troth I was ill in health, as he might partly perceive. Therefore I wrote to my true friend, and your grace's devoted servant, Mr. Matthew, to excuse me to your grace for not writing. Since, I thank God, I am pretty well recovered; for I have lain at two wards, one against my diet, the other against my physicians, who are strange creatures.

My lord, it rejoiceth me much, that I understand from Mr. Matthew, that I live in your grace's remembrance; and that I shall be the first man, that you will think on upon your return: which if your grace perform, I hope God Almighty, who hath hitherto extraordinarily blessed you in this rocky business, will bless you the more for my sake. For I have had extraordinary tokens of his divine favour towards me, both in sickness and in health, prosperity and adversity.

Vouchsafe to present my most humble duty to his highness, whose happy arrival will be a bright morning to all. I ever rest

*Your Grace's most obliged
and faithful servant,*

Grey's Inn, August 29, 1623.

FR. ST. ALBAN.

To Mr. TOBIE MATTHEW.

Good Mr. Matthew,

I Have gotten a little health; I praise God for it. I have therefore now written to his grace, that I formerly, upon Mr. Clarke's dispatch, desired you to excuse me for not writing, and taken knowledge, that I have understood from you, that I live in his grace's remembrance; and that I shall be his first man, that he will have care of upon his return. And although your absence be to me as uncomfirtable to my mind, as God may make it helpful to my fortunes; yet it is somewhat supplied by the love, freedom, and often visitations of Mr. Gage; so, as when I have him, I think I want you not altogether.

God keep you.

*Your most affectionate
and much obliged friend, &c.*

Minutes of a Letter to the Duke of BUCKINGHAM.

THAT I am exceeding glad his grace is come home (r) with so fair a reputation of a found protestant, and so constant for the king's honour and errand.

His grace is now to consider, that his reputation will vanish like a dream, except now, upon his return, he do some remarkable act to fix it, and bind it in.

(r) The prince and duke arrived from Spain in London, October 6, 1623.

They

They have a good wise proverb in the country, whence he cometh, taken I think from a gentlewoman's sampler, *Qui en un da nudo, pieno punto*, "he that tieth not a knot upon his thread, loseth his ritch."

Any particular I, that live in darknes, cannot propound. Let his grace who seeth clear, make his choice: but let some such thing be done, and then this reputation will stick by him; and his grace may afterwards be at the better liberty to take and leave off the future occasions, that shall present.

To the KING:

It may please your most excellent Majesty,

I Send, in all humbleness, to your majesty, the poor fruits of my leisure. This book (1) was the first thing, that ever I presented to your majesty (2); and it may be will be last. For I had thought it should have been *posthuma proles*. But God hath otherwise disposed for a while. It is a translation, but almost enlarged to a new work. I had good helps for the language. I have been also mine own *index expurgatorius*, that it may be read in all places. For since my end of putting it into Latin was to have it read every where, it had been an absurd contradiction to free it in the language, and to pen it up in the matter. Your majesty will vouchsafe graciously to receive these poor sacrifices of him, that shall ever desire to do you honour, while he breathes, and fulfilleth the rest in prayers.

*Your majesty's true beadsman,
and most humble servant, &c.*

Todos duelos con pan son buenos: itaque det vestra Majestas obolum Bellisario.

To the PRINCE.

It may please your excellent Highness,

I Send your highness, in all humbleness, my book of *Advancement of Learning*, translated into Latin, but so enlarged as it may go for a new work. It is a book, I think, will live, and be a citizen of the world, as English books are not. For Henry the Eighth, to deal truly with your highness, I did so despair of my health this summer, as I was glad to choose some such work, as I might compass within days; so far was I from entering into a work of length. Your highness's return hath been my restorative. When I shall wait upon your highness, I shall give you a farther account. So I most humbly kiss your highness's hands, resting

Your Highness's most devoted servant.

I would, as I wrote to the duke in Spain, I could do your highness's journey any honour with my pen. It began like a fable of the poets; but it deserveth all in a piece a worthy narration.

(1) *De Augmentis Scientiarum*, printed at London, 1623, in folio. The present to king James I, is in the royal library in the British Museum.

(2) *The two books of Sir Francis Bacon of the Proficiency and Advancement of Learning, Divine and Human*: printed at London, 1605, in quarto.

Conf. B u c. *

My Lord,

MY counsels bear not so high an elevation, as to have for their mark business of estate. That, which I level at, is your standing and greatness, which nevertheless I hold for a main pillar of the king's service.

For a parliament, I hold it then fit, when there have passed some more visible demonstrations of your power with the king, and your constancy in the way you are in: before not.

There are considerable, in this state, three sorts of men: the party of the papists, which hate you; the party of the protestants, including those they call puritans, whose love is yet but green towards you; and particular great persons, which are most of them reconciled enemies, or discontented friends: and you must think there are a great many, that will magnify you, and make use of you for the breaking of the match, or putting the realm into a war; which after will return to their old bias.

For particulars, it is good to carry yourself fair; but neither to trust too far, nor to apply too much, but keep a good distance, and to play your own game, shewing yourself to have, as the bee hath, both of the honey and of the sting.

The speech now abroad is, "My lord of Buckingham's head is full of thoughts: he hath a great task; either he must break, or the match must break. He was wont to go to the king's ways; but now he goeth cross his way, he will easily lose his way."

There is a point nice to be managed, yea, and tender to be spoken of, which is your carriage between the king and the prince; so that you may lose no manner of ground with the prince; and yet the king may not think himself the more solitary, nor that you adore too much the sun-rising. Though this you may set down, that the way to have the king sure unto you is to keep great with the prince.

Conf. with B u c. December 17, 1623.

YOU march bravely: but methinks you do not draw up your troops.

You must beware of these your pardons. If we make men less in awe, and respect you, *ut a clamo fesset medico.*

The points of the general advice.

If a war be proceeded in; to treat a strait league with France, under name of a renovation of the match with France. Three secret articles, the liberty of the German nation, whereof there is a fresh precedent of Henry the second of France, that took it into protection prosperously, and to the arrest of the emperor Charles's greatness. 2. The conservation of the liberties of the Low-Countries for the United Provinces, and open trade into the East and West Indies.

Offer of mine own service upon a commission into France.

My lord hath against him three disadvantages: the catholic party & the Spaniards; the envy and fear of particular great men; the nice point of carrying himself between the king and the prince.

The knot, which is to be tied for his reputation, must either be advancing or departing of persons, or putting by, or forwarding, of actions.

* *Uxor mea cum Buckingham.*

Conf.

Conf. B. C. qu. and old store, January 2, 1623.

THERE is not an honourable man in court than Montgomery (x).

To have some opportunity, by the D.'s means, to speak with the prince in presence of the duke.

To think, whether it be fit for me to speak with the king, and to seek access before parliament; if then.

The offer of my service to live a summer, as upon mine own delight, at Paris, to settle a fast intelligence between France and us.

I have somewhat of the French: I love birds, as the king doth, and have some childish mindedness, wherein we shall consent.

To think of Belfast's sending over into Ireland. Those, that find themselves obnoxious to parliament, will do all they can, that those things, which are likest to distaste the king, be first handled.

It is not to be forgotten, that as long as great men were in question, as in my case, all things went sweetly for the king. But the second meeting, when no such thing was, the pack went higher.

Weeding time is not yet come. Cott. Car.

qu. of Car.

The battery will be chiefly laid on the prince's part, if they find any entry.

To be the author of some counsel to the prince, that tasteth of religion and virtue, lest it be imputed, that he entertains him only in pleasures, like a Pe. Ga.

The things remarkable for your grace, to fix and bind in the reputation, which you have gained, must be either persons, or matters.

The doubt the prince is *mollis cera*, and formed *di ultima impressione*. Therefore good to have sure persons about him, or at least none dangerous.

For the pardons to proceed, it is a tender business. First, whatsoever useth to be done in parliament, is thankless. Then it is not good for his grace. It will make men bolder with him. *Urina chiara fa fico al medico*. Lastly, remove the envy from others, it may beat upon my lord himself, or the king.

Conf. B. January 2, 1623.

YOU have now tied a knot, as I wished you; *qui en no da nudo, pierdo punto* (y); a jolly one, the parliament. Although I could have wished, that before a parliament, some remarkable thing had been done, whereby the world might have taken notice, that you stand the same in grace and power with the king. But there is time enough for that between this and parliament (z). And besides, the very prevailing for a parliament sheweth your power with the king.

You march bravely. Do you draw up your troops so well?

One of these days I shall turn my lord Brooke, and say to you, *O brave Buckingham*.

I will commend you to all others, and censure you only to yourself.

(x) Philip, Earl of Montgomery, afterwards of Pembroke.

(y) "He that cutt not a knot upon his thread, loseth his stitch."

(z) It met February 13, 1623-4.

You bowl well, if you do not horfe the bowl an hand too much. You know the fine bowler is knee almost to ground in the delivery of the ball.

May, and the king will put a hook in the nostrils of Spain, and lay a foundation of greatness here to his children, in these west parts. The call for me, it is book-learning. You know the king was wont to do me the honour, as to say of me, *de minimis non curat lex*: if good for any thing, for great volumes, I cannot thread needles so well.

The chamberlain (*a*): for his person, not effectual; but some dependences he hath, which are drawn with him. Besides, he can take no reputation from you.

Montgomery is an honest man, and a good observer. Can you do nothing with Naunton (*b*)? Who would think now, that I name Naunton to my lord of Buckingham? But I speak to you point-blank: no crooked end, either for myself, or for others turn.

The French treaty, besides alliance, is to have three secret articles: the one, the protection of the liberty of Germany, and to avoid from it all forces thence, like to that, which was concluded between the princes of Germany and Henry II (*c*), the last king, except Henry IV, of value in France; for the race of the Valois were *faitneants*: and, in the name of Germany, to conclude the Grisons and Valtoline. The second, the conserving the liberties of the Low-Countries. The third, the free trade into all parts of both East and West Indies. All these import no invasive hostility, but only the uniting of the states of Europe against the growing ambition of Spain. Neither do any of these touch upon the cause of religion.

I am persuaded, the hinge of the king's affairs, for his safety and greatness, is now in Spain. I would the king had an abler instrument.

Above all, you must look to the safety of Ireland, both because it is most dangerous for this state, for the disease will ever fall to the weakest part; and besides, this early declaration against Spain, which the popish party call abrupt, and is your grace's work, may be thought to be the danger of Ireland. It were good you called to you Belfast (*d*) and Grandison (*e*) and ask their opinions, what is best to be done for the safety of Ireland, either by increasing the list of companies, and by contenting those, that are in arrear, by paying; or by altering any governor there; or by having companies ready mustered and trained here, towards the coast of Ireland; or by having shipping in readines, &c. For this gown commission, I like it well; but it is but paper-shot for defence.

If the papists be put in despair, it both endangereth Ireland, and maketh a greater difficulty in the treaty and alliance with France.

To think of a difference to be put between the jesuits and other priests and papists, as to reduce, in some moderation, the banishment of the one, though not of the other: but to remember, that they were the reasonablest, as I take it, in the conflict; and it may draw the blow of an assassin against Buckingham.

At least, the going on with the parliament hath gained this, that the discourse is ended, "my lord of Buckingham hath a great talk. His head is full: either

a Sir William Cecil, first Lord of Burleigh.

b Sir Robert Montgomery, who had been Secretary of State, and was now master of the court of wards.

c The treaty of 1552, which regulated the emperor's and Charles's line. *Montgomery's name.*

d Sir John Cusack, Baron of Belfast, who had been twice Lord Justice of Ireland.

e Sir Robert Grandison, who had been twice Lord Justice of Ireland in August, 1616.

“ the match breaks, or his fortune breaks. He has run his courses with the
 “ stream of the king’s ways; but now he goeth cross-way, he may soon lose his
 “ own way.”

If your grace go not now constantly on for religion, and round dealing with Spain, men will either think they were mistaken in you; or that you are brought about; or that your will is good, but you have no power.

Your grace hath a great party against you, and a good rough way. The Spaniards hate you: The papists little better. In the opinion of the people, you are green, and not yet at a gage. Particulars are, for the most part, discontented friends or reconciled enemies: and that nice dividing between the *sol orient* and *occident*.

TO the Duke of BUCKINGHAM.

Excellent Lord,

I Desire in this, which I now presume to write to your grace, to be understood, that my bow carrieth not so high, as to aim to advise touching any of the great affairs now on foot, and so to pass it to his majesty through your hands; though it be true, that my good affection towards his majesty and the prince and the public is that, which will last die in me; and though I think also his majesty would take it but well, if having been that man I have been, my honest and loyal mind should sometimes feed upon those thoughts. But my level is no farther, but to do the part of a true friend in advising yourself for your own greatness and safety; although, even in this also, I assure myself I perform a good duty to the public service, unto which I reckon your standing and power to be a firm and sound pillar of support.

First, therefore, mylord, call to mind oft, and consider duly, how infinitely your grace is bound to God in this one point, which I find to be a most rare piece, and wherein, either of ancient or late times, there are few examples; that is, that you are beloved so dearly, both by the king and the prince. You are not as a Lerma, or an Olivares, and many others the like, who have insinuated themselves into the favours of young princes, during the kings, their fathers, time, against the bent and inclination of the kings: but contrary-wise, the king himself hath knit the knot of trust and favour between the prince and your grace, wherein you are not so much to take comfort in that you may seem to have two lives in your own greatness, as in this, that hereby you are enabled to be a noble instrument for the service, contentment, and heart’s-ease, both of father and son. For where there is so loving and indulgent a father, and so respective and obedient a son, and a faithful and worthy servant, interested in both their favours upon all occasions, it cannot be but a comfortable house. This point your grace is principally to acknowledge and cherish.

Next, that, which I should have placed first, save that the laying open of God’s benefits is a good preparation to religion and godliness, your grace is to maintain yourself firm and constant in the way you have begun; which is, in being and shewing yourself to be a true and sound protestant. This is your soul’s health. This is that you owe to God above, for his singular favours: and this is that, which hath brought you into the good opinion and good will of the realm in general. So that, as your case differeth, as I said, from the case of other favourites, in that you have both king and prince; so in this, that you have also now the hearts of the best subjects, for I do not love the word *people*, your case differeth

from your own, as it stood before. And because I would have your reputation in this point complete, let me advise you, that the name of puritans in a papist's mouth do not make you to withdraw your favour from such, as are honest and religious men; so that they be not so turbulent and factious spirits, or adverse to the government of the church, though they be traduced by that name. For of this kind is the greatest part of the body of the subjects; and besides, which is not to be forgotten, it is safest for the king and his service, that such men have their dependence upon your grace, who are intirely the king's, rather than upon any other subject.

For the papists, it is not unknown to your grace, that you are not, at this time, much in their books. But be you like yourself; and far be it from you, under a king and prince of that clemency, to be inclined to rigour or persecution.

But three things must be looked unto: the first, that they be suppressed in any insolency, which may tend either to disquiet the civil estate, or scandalize our church in fact; for otherwise, all their doctrine doth it in opinion. The second, that there be an end, or limit, of those graces, which shall be thought fit for them, and that there be not every day new demands hearkened to. The third, that for those cases and graces, which they have received, or shall receive, of the state, the thanks go the right way; that is, to the king and prince, and not to any foreigner. For this is certain, that if they acknowledge them from the state, they may perhaps sit down, when they are well. But if they have a dependence upon a foreigner, there will be no end of their growing desires and hopes. And in this point also, your lordship's wisdom and moderation may do much good.

For the match with Spain, it is too great and dark a business for me to judge of. But as it hath relation to concern yourself, I will, as in the rest, deal freely with your grace.

My lord, you owe, in this matter, two debts to the king: the one, that, if in your conference and judgment you be persuaded it be dangerous and prejudicial to him and his kingdoms, you deliver your soul, and in the freedom of a faithful counsellor, joined with the humbleness of a dutiful servant, you declare yourself accordingly, and shew your reasons. The other, that if the king in his high judgment, or the prince in his settled affection, be resolved to have it go on; that then you move in their orb, as far as they shall lay it upon you. But mean while, let me tell your grace, that I am not of the general opinion abroad, that the match must break, or else my lord of Buckingham's fortune must break. I am of another opinion; and yet perhaps it will be hard to make you believe it, because both sides will persuade you to the contrary. For they, that would not have it go on, will work upon that conceit, to make you oppose it more strongly. They that would have it go on, will do the same, to make you take up betimes, and come about. But I having good assistance in your grace's judgment, will tell you my reasons, why I thus think, and so leave it. If the match should go on, and put case against your counsel and opinion; doth any man think, that so profound a king, and so well seen in the science of reigning, and so understanding a prince, will ever suffer the whole sway of affairs and greatness to go that way? And, if not, who should be a fitter person to keep the balance even, than your grace, whom the king and prince know to be so intirely their own, and have found so nobly independent upon any other? Surely my opinion is, you are likely to be greater by counterpoise against the Spanish dependence, than you will by concurrence. And therefore

fore, in God's name, do your duty faithfully and wisely; for behaving yourself well otherwise, as I know you will, your fortune is like to be well either way.

For that excellent lady whose fortune is so distant from her merits and virtue, the queen of Bohemia, your grace, being as it were the first-born or prime man of the king's creatures, must in consequence owe the most to his children and generations; whereof I know your noble heart hath far greater sense, than any man's words can infuse into you. And therefore whatsoever liveth within the compass of your duty, and of possibility, will no doubt spring from you out of that fountain.

It is open to every man's discourse, that there are but two ways for the restitution of the Palatinate, treaty and arms. It is good therefore to consider of the middle acts, which may make either of these ways desperate, to the end they may be avoided in that way, which shall be chosen. If no match, either this with Spain, or perhaps some other with Austria, no restitution by treaty. If the Dutch, either be ruined, or grow to a peace, of themselves, with Spain, no restitution by war.

But these things your grace understandeth far better than myself. And, as I said before, the points of state I aim not at farther, than they may concern your grace, to whom, while I live, and shall find it acceptable to you, I shall ever be ready to give the tribute of a true friend and servant, and shall always think my counsels given you happy, if you shall pardon them, when they are free; and follow them, when they are good. God preserve and prosper you.

To the Duke of BUCKINGHAM (*f*).

Excellent Lord,

THERE is a suit, whereunto I may, as it were, claim kindred, and which may be of credit and profit unto me; and it is an old arrear, which is called upon, from Sir Nicolas Bacon, my eldest brother. It may be worth to me perhaps two thousand pounds; and yet I may deal kindly with my brother, and also reward liberally, as I mean to do, the officers of the Exchequer, which have brought it to light. Good my lord, obtain it of the king, and be earnest in it for me. It will acquit the king somewhat of his promise, that he would have care of my wants; for hitherto, since my misfortunes, I have tasted of his majesty's mercy, but not of his bounty. But your lordship may be pleased in this, to clear the coast with my lord treasurer; else there it will have a stop. I am almost at last cast for means; and yet it grieveth me most, that at such a time as this, I should not be rather serviceable to your grace, than troublesome.

God preserve and prosper your grace.

*Your Grace's most obliged
and faithful servant,*

FR. ST. ALBAN.

This 23^d of January, 1623.

To the Earl of OXFORD (*g*).

My very good Lord,

LET me be an humble suitor to your lordship for your noble favour. I would be glad to receive my writ this parliament (*b*), that I may not die in dishonour;

(*f*) The Duke's answer to this letter, dated at Newmarket, the 28th of January, 1623, is printed in the third volume, page 111.

(*g*) Henry Ayle, who died in 1622. He was lord great chamberlain of England.

(*b*) That act February 19, 1623, and was prorogued May 23, 1624.

but by no means, except it should be with the love and consent of my lord, to re-
 admit me, if their lordship would think me worthy of their company; or if
 they think that which I have endured now these three years, in loss of place, in loss
 of means, and in loss of liberty for a great time, to be a sufficient expiation for my
 faults, whereby I may now seem in their eyes to be a fit subject of their grace, as I
 have been before of their justice. My good lord, the good, which the commonwealth
 might reap of my suffering, is already in. Justice is done; an example is made
 for reformation; the authority of the house for judicature is established. There
 can be no farther use of my misery; perhaps some little may be of my ruin: for,
 I hope, I shall be found a man humbled as a Christian, though not delivered as a
 worldling. I have great opinion of your lordship's power, and great hope, for
 many reasons, of your favour; which, if I may obtain, I can say no more but no-
 blety's is ever requited in itself; and God, whose special favour in my afflictions I
 have manifestly found to my comfort, will, I trust, be my pay-master of that, which
 cannot be requited by

Your Lordship's affectionate humble servant, &c.

Indorsed, February 2, 1623.

TO SIR FRANCIS BARNHAM (i).

Good Cousin,

UPON a little searching, made touching the patents of the survey of coals, I find
 matter not only to acquit myself, but likewise to do myself much right.

Any reference to me, or any certificate of mine I find not. Neither is it very
 likely I made any; for that, when it came to the great seal, I stayed it. I did not
 only stay it, but brought it before the council-table, as not willing to pass it, ex-
 cept their lordships allowed it. The lords gave hearing to the business, I remem-
 ber, two several days; and in the end disallowed it, and commended my care and
 circumspection, and ordered, that it should continue stayed; and so it did all
 my time.

About a twelvemonth since my lord duke of Lenox, now deceased (k), wrote to
 me to have the privy seal; which, though I respected his lordship much, I refused
 to deliver to him, but was content to put it into the right hand; that is, to send it
 to my lord keeper (l), giving knowledge how it had been stayed. My lord keeper
 received it by mine own servant, writeth back to me, acknowledging the receipt, and
 adding, that he would lay it aside until his lordship heard farther from my lord
 steward (m), and the rest of the lords. Whether this first privy seal went to the
 great seal, or that it went about again, I know not: but all my part is, that I have
 related. I ever rest

March 14, 1623.

Your faithful friend and cousin,

F. R. ST. ALBAN.

(i) He appears to be a relation of his lordship's lady, who was daughter of Benedict Barnham, Esq; alderman of the city of London. Sir Francis was appointed, by his lordship, one of the executors of his last will.

(k) He died suddenly, February 12, 1623.

(l) See his letter to Lord St. Alban, of February 7, 1622.

(m) James, marquis of Hamilton, who died March 2, 1621-5.

To the Duke of BUCKINGHAM.

My Lord,

I Am now full three years old in misery ; neither hath there been any thing done for me, whereby I might die out of ignominy, or live out of want. But now, that your grace, God's name be praised for it, hath recovered your health, and are come to the court, and the parliament business hath also intermission ; I firmly hope, your grace will deal with his majesty, that as I have tasted of his mercy, I may also taste of his bounty. Your grace, I know, for a business of a private man, cannot win yourself more honour ; and I hope I shall yet live to do you service. For my fortune hath, I thank God, made no alteration in my mind, but to the better. I ever rest humbly

*Your Grace's most obliged
and faithful servant,*
FR. ST. ALBAN.

If I may know by two or three words from your grace, that you will set in for me, I will propound somewhat that shall be modest, and leave it to your grace, whether you will move his majesty yourself, or recommend it by some of your lordship's friends, that wish me well ; [as my lord of Arundel, or secretary Conway, or Mr. James Maxwell (n).]

To the Duke of BUCKINGHAM.

Excellent Lord,

I Understand, by Sir John Suckling, that he attended yesterday at Greenwich, hoping, according to your grace's appointment, to have found you there, and to have received your grace's pleasure touching my suit, but missed of you : and this day he sitteth upon the subsidy at Brentford, and shall not be at court this week : which causeth me to use these few lines to hear from your grace, I hope, to my comfort ; humbly praying pardon, if I number thus the days, that misery should exceed modesty. I ever rest

June 30, 1624.

*Your Grace's most faithful
and obliged servant,*
FR. ST. ALBAN.

To Sir RICHARD WESTON, Chancellor of the Exchequer.

Mr. Chancellor,

THIS way, by Mr. Myn, besides a number of little difficulties it hath, amounteth to this, that I shall pay interest for mine own money. Besides, I must confesse, I cannot bow my mind to be a suitor, much less a shifter, for that means, which I enjoy by his majesty's grace and bounty. And therefore I am rather ashamed of that I have done, than minded to go forward. So that I leave it to yourself what you think fit to be done in your honour and my case, resting

London, this 20th of July, 1624.

Your very loving friend,
FR. ST. ALBAN.

(n) The words included in brackets have a line drawn after them.

To the Duke of BUCKINGHAM.

Excellent Lord,

NOW that your grace hath the king private, and at better leisure, the noise of soldiers, ambassadors, parliaments, a little ceasing, I hope you will remember your servant; for at so good a time (s), and after so long a time, to forget him, were almost to forsake him. But, howsoever, I shall still remain

Your Grace's most obliged and faithful servant,

FR. ST. ALBAN.

I am bold to put into my good friend, Sir Tobie Matthew's hand, a copy of my petition, which your grace had sent to Sir John Suckling.

Inclosed, August, 1624.

To the Duke of BUCKINGHAM.

Excellent Lord,

I Am infinitely bound to your grace for your late favours. I send your grace a copy of your letter, signifying his majesty's pleasure, and of the petition. The course, I take it, must be, to make a warrant for the execution of the same, by way of reference to Mr. Chancellor of the Exchequer, and Mr. Attorney (p). I most humbly pray your grace likewise, to prostrate me at his majesty's feet, with most humble thanks for the grant of my petition, whose sweet presence since I discontinued, methinks I am neither amongst the living, nor amongst the dead.

I cannot but likewise gratulate his majesty on the extreme prosperous success of his business, since this time twelvemonth. I know I speak it in a dangerous time; because the dye of the Low-Countries is upon the throw. But yet that is all one. For if it should be a blow, which I hope in God it shall not, yet it would have been ten times worse, if former courses had not been taken. But this is the raving of an hot ague.

God evermore bless his majesty's person and designs, and likewise make your grace a spectacle of prosperity, as you have hitherto been.

Your Grace's most faithful,

Grey's Inn, 9th of October, 1624.

and obliged, and by you received servant,

FR. ST. ALBAN.

To the Chancellor of the Duchy (q), Sir HUMPHREY MAY.

Good Mr. Chancellor,

I Do approve very well of your forbearance to move my suits, in regard the duke's return (r) is so near at hand, which I thought would have been a longer matter; and I imagine there is a *gratification* till he come. I do not doubt, but you shall find

(s) This seems to refer to the anniversary thanksgiving-day for the king's delivery from the Gowry conspiracy, on the 25th of August, 1600.

(p) Sir Francis Bacon.

(q) This letter is enclosed, 1624.

(r) From Paris, whither the Duke of Buckingham went in May, 1625, to conduct the new queen to England.

his grace nobly disposed. The last time you spake with him about me, I remember you sent me word, he thanked you for being so forward for me. Yet I could wish, that you took some occasion to speak with him, generally to my advantage, before you move to him any particular suit; and to let me know how you find him.

My lord treasurer sent me a good answer touching my monies. I pray you continue to quicken him, that the king may once clear with me. A fire of old wood needeth no blowing; but old men do. I ever rest

Yours to do you service.

Consultations in Parliament *anno 1 Caroli Regis*, at Westminster, anno Domini 1625 (s). [Found among lord Bacon's papers.]

THE consultations now in parliament may be regulated into these four heads following.

<p>1. The state of the king in the constant reve- nue of his crown.</p>	<p>1. What it was; and how far the <i>introitus et exitus</i> there ordered. Vide my book of a medium for ten years before <i>primo Jacobi regis</i>.</p>
	<p>2. What now it is in clear revenue, either by</p> <p>Lands; Customs and impositions; Casualties.</p> <p>Gifts of land, <i>ex mero motu</i>, and no valuable consideration. This may be revoked. Grants of pensions, now 120000<i>l</i>. before but 18000<i>l</i>. Good times have resumed them upon necessity. Increase of household, from 45000<i>l</i>. to 80000<i>l</i>.</p>
	<p>3. The means how it is abated by</p> <p>The purveyors more, and the tables less furnished than formerly. Fruitless ambassages with larger allowance than formerly. To re- duce them to the ordinary of the late queen. Treble increase of the privy purse. Double increase of the treasury of the chamber and great wardrobe. In all, by not using the best course of assignments, whereby the credi- tor is delayed in his payment, and the king furcharged in the price. The exchequer-man making his best profit from the king's wants.</p>

(1) This parliament met on the 16th of June, and was dissolved August 12, 1625.

2. The condition of the subject in his freedom and fortune.

1. Formerly in taxes by parliament.

2. Now in

Subsidies and fifteenths, spent only in defence of the states, or aid of our allies.

Tonnage and poundage employed in guard of the seas. Loans rarely, and that employed entirely for the public. Imposition by prerogative, of old custom, rated easily by the book of rates, if any, either limited to time or measure.

Custom inanced by the new books of rates. Impositions and monopolies multiplied; and this settled to continue by grants.

Tonnage and poundage levied, though no act of parliament, nor the seas guarded. The times, the ways, and the persons, that induce these.

3. The employment or waste of treasure.

1. Public treasure is to be examined.

2. The king's subjects.

What sums have been granted for the defence of the state these last three years. How in particular spent and where.

1. The council of war appointed by parliament.

2. By full order of the council.

3. By any other than those, and by whom.

1. The Palatine.

2. Count Mansfield.

3. Land soldiers in the last fleet.

The design, where they were sent.

The council, that directed it.

The success of the action, and the reason of the persons in number, and the like.

3. In ships and mu- nition of	4. Our own.	{ The number and quantity employed severally. The manner of imbarcking these ships, and what prejudice and discouragement of trade. The council, that directed such employments. The severall successes, as at Argier, and Cadiz.
	5. Strangers, as prize.	6. Allies.
		7. Enemies.

Hired by contract to, serve, and how used: or
 Taken as prize: if so,
 How then delivered and dealt withal in the course of justice.
 What success hath followed upon injustice done them: as the arrest of our goods in France and Germany, whereby our goods are at a stand for vent.
 The number and true value of the goods.
 The account made to his majesty or his officers, for it.

The dismissing and discharging of any of them and the goods, namely,	{ 1. By whom the direction 2. The pretence. 3. The value of the goods. 4. The place whither they went.
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Under this head will fall the complaint of Dover.

{ A nation feared, renowned, victorious.
 It made the Netherlands there a state when it was none.
 Recovered Henry IV. of France's kingdom, when he had nothing left but the town of Dieppe.
 Conquered the invincible navy of Spain in 1588.
 Took towns in Portugal the year follow-

<p>4. Honour of the king and state, which as in all other, consists more <i>in fama</i> than <i>in re</i>.</p>	<p>1. How formerly we stood.</p>	<p>following, and marched 100 miles upon the firm land. Fired, or brought away, the Spanish navy before Cadiz, and sacked the town. Took the Spanish ships daily, and spoiled the Port-towns of the West-Indies, never losing but one ship during all the Spanish wars. Reduced the ambition of that king for a fifth monarchy to so low an ebb, that in one year he paid 2500 millions of ducats for interest, so as after he was enforced to beg treaties of peace, in low terms, at the last queen regent's hands. A carriage and readines in the people to assist their sovereign in their purse and person.</p>
	<p>2. The cause of the good success then.</p>	<p>A wisdom and gravity of council, who ordered nothing but by public debate, and then assisted by the military professors, either by land or sea, of the best repute, and such only employed.</p>
	<p>3. In what condition.</p>	<p>4. Loss in reputation by the ill success.</p> <p>In the voyage of Algier. In the Palatinate. In the journey with Mansfield. In this last to Cadiz (1).</p>
	<p>Condition we now stand by</p>	<p>5. The reasons.</p> <p>The uncheerfulness we have either to adventure our purses or goods, occasioned by a distrust we have of the success.</p> <p>The want of the like courses and counsels, that were formerly used.</p>

I could wish, that for every of these four heads there were a particular committee to examine an apt report for the houses: and the houses, upon every report, to put itself into a committee of the whole assembly; and after a full and deliberate debate, to order a model, or form, for a conference with the lords: and

(1) In October, 1625.

fo, together, humbly to present unto his majesty a remonstrance of their labour; offering withal a serious consultation and debate amongst themselves for the finding out the fittest manner both for the defence of the state and our allies, reformation of the errors, and a constant way to raise such supplies of money and necessaries, as may enable his majesty to proceed chearfully, and I hope assuredly, in this his glorious action, not only for himself and the state, but for all that profess the same religion, and are like to be overwhelmed in the ambition of the Spanish monarchy.

TO SIR ROBERT PYE.

Good Sir Robert Pye,

LET me intreat you to dispatch that warrant of a petty sum, that it may help to bear my charge of coming up (x) to London. The duke, you know, loveth me, and my lord treasurer (y) standeth now towards me in very good affection and respect (z). You that are the third person in these businesses, I assure myself, will not be wanting; for you have professed and shewed, ever since I lost the seal, your good will towards me. I rest

Your affectionate and assured friend, &c.

Indorsed,

To Sir Robert Pye. Gor. 1625.

TO the Earl of DORSET (a).

My very good Lord,

THIS gentleman, the bearer hereof, Mr. Colles by name, is my neighbour. He is commended for a civil young man. I think he wanteth no metal, but he is peaceable. It was his hap to fall out with Mr. Matthew Francis, serjeant at arms, about a toy; the one affirming, that a hare was fair killed, and the other foul. Words multiplied, and some blows passed on either side. But since the first falling out, the serjeant hath used towards him divers threats and affronts, and, which is a point of danger, sent to him a letter of challenge: but Mr. Colles, doubting the contents of the letter, refused to receive it. Motions have been made also of reconciliation, or of reference to some gentlemen of the country not partial: but the serjeant hath refused all, and now, at last, sueth him in the earl marshal's court. The gentleman saith, he distrusteth not his cause upon the hearing; but would be glad to avoid restraint, or long and chargeable attendance. Let me therefore pray your good lordship to move the noble earl (b) in that kind, to carry a favourable hand towards him, such as may stand with justice and the order of that court. I ever rest

Your Lordship's faithful friend and servant.

Indorsed,

To E. Dorset. Gor. 1625.

(x) From Gorhambury.

(y) Sir James Lord Lee, advanced from the post of lord chief justice of the King's Bench, on the 20th of December 1624, to that of lord treasurer; and created earl of Marlborough on the 5th of February, 1625-6.

(z) His lordship had not been always in that disposition towards the lord viscount St. Alban; for the latter, in a letter to this lord treasurer, severely expostulated with him about his unkindness and injustice.

(a) Sir Edward Sackville succeeded to that title on the death of his brother Richard, March 28, 1627.

(b) Arundel, earl marshal.

Sir THOMAS COVENTRY, Attorney General, to the Lord Viscount
ST. ALBAN.

My very good Lord,

I Received from your lordship two letters, the one of the 23^d, the other of the 28th of this month. To the former I do assure your lordship I have not heard any thing of any suits or motion, either touching the reversion of your honours or the rent of your farm of petty writs; and, if I had heard any thing thereof, I would not have been unmindful of that caveat, which heretofore you gave in by former letters, nor slack to do you the best service I might.

The debt of Sir Nicolas Bacon resteth as it did; for in the latter end of king James's time, it exhibited a *quo warranto* in the Exchequer, touching that liberty, against St. Nicolas, which abated by his death; then another against Sir Edmund, which by the demise of the king, and by reason of the adjournment of the late term, hath had no farther proceeding, but that day is given to plead.

Concerning your other letter, I humbly thank your lordship for your favourable and good wilhes to me, though I, knowing my own unaptness to so great an employment (c), should be most heartily glad, if his majesty had, or yet would choofe, a man of more merit. But, if otherwise, humbleness and submission becomes the servant, and to stand in that station where his majesty will have him. But as for the request you make for your servant, though I protest I am not yet engaged by promise to any, because I hold it too much boldness towards my master, and discourtesy towards my lord keeper (d), to dispose of places, while he had the seal: yet in respect I have some servants, and some of my kindred, apt for the place you write of, and have been already so much importuned by noble persons, when I lately was with his majesty at Salisbury, as it will be hard for me to give them all denial; I am not able to discern, how I can accommodate your servant; though for your sake, and in respect of the former knowledge myself have had of the merit and worth of the gentlemen, I should be most ready and willing to perform your desire, if it were in my power. And so, with remembrance of my service to your lordship, I remain

At your Lordship's commandment,
THO. COVENTRY.

Kingsbury, Oct. 29, 1625.

To the right honourable, and my very good lord, the viscount St. Alban.

TO MR. ROGER PALMER.

Good Mr. Roger Palmer,

I Thank God, by means of the sweet air of the country, I have obtained some degree of health. Sending to the court, I thought I would salute you: and I

(c) That of the great seal, of which Sir Thomas Coventry was three days after made lord keeper, on the 11th of November, 1625.

(d) Bishop Wilham, who had resigned the great seal, on the 25th of October 1625, to Sir John Suckling, who brought his majesty's warrant to receive it, dated at Salisbury on the 23^d of that month.

would

would be glad, in this solitary time and place, to hear a little from you how the world goeth, according to your friendly manner heretofore.

Fare ye well most heartily.

Gaslowbury, Oct. 23, 1625.

Your very affectionate and assured friend,

FR. ST. ALBAN.

To the Duke of BUCKINGHAM.

Excellent Lord,

I Could not but signify unto your grace my rejoicing, that God hath sent your grace a son and heir (*e*), and that you are fortunate as well in your house, as in the state of the kingdom. These blessings come from God, as I do not doubt but your grace doth, with all thankfulness, acknowledge, vowing to him your service. Myself, I praise his divine majesty, have gotten some step into health. My wants are great; but yet I want not a desire to do your grace service: and I marvel, that your grace should think to pull down the monarchy of Spain without my good help. Your grace will give me leave to be merry, however the world goeth with me. I ever rest

Your Grace's most faithful,

and obliged servant, &c.

I wish your grace a good new year.

To Sir HUMPHREY MAY, Chancellor of the Duchy of Lancaster.

Good Mr. Chancellor,

I Did wonder what was become of you, and was very glad to hear you were come to court; which, methinks, as the times go, should miss you as well as I.

I send you another letter, which I wrote to you of an old date, to avoid repetition; and I continue my request then to you, to found the duke of Buckingham's good affection towards me, before you do move him in the particular petition. Only the present occasion doth invite me to desire, that his grace would procure me a pardon of the king of the whole sentence. My writ for parliament I have now had twice before the time, and that without any express restraint not to use it. It is true, that I shall not be able, in respect of my health, to attend in parliament; but yet I might make a proxy. Time hath turned envy to pity; and I have a long cleansing week of five years expectation and more. Sir John Bennet hath his pardon; and my lord of Somerset hath his pardon, and, they say, shall sit in parliament. My lord of Suffolk cometh to parliament, though not to council. I hope I deserve not to be the only outcast.

God keep you. I ever rest

Your most affectionate friend,

to do you service.

I wish you a good new year.

In dorset,

To the chancellor of the Duchy. Gor. 1625.

(*e*) Born November 17, 1625, and named Charles. Diary of the Life of Archbishop Laud, published by Mr. Wharton, p. 24. This son of the duke died the 16th of March, 1626-7. Ibid. p. 40.

To the Marquis d'EFFIAT, the French Ambassador.

Mon P. Ambassadeur, mon fils,

VOUS savez que le commencement est la moitié du fait. Voyla pourquoy je vous ay escrit ce petit mot de lettre, vous priant de vous souvenir de vostre noble promesse de me mettre en la bonne grace de nostre tres-excellente Royne, & m'en faire recevoir quelque gracieuse demonstration. Vostre Excellence prendra aussi, s'il vous plait, quelque occasion de prescher un peu à mon avantage en Porcille du Duc de Buckingham en general. Dieu vous ayt en sa saincte garde.

Jan. 18, 1625.

Vostre tres-affectionné et tres humble serviteur,

FR. ST. ALBAN.

The following letters, wanting both date and circumstances to determine such dates, are placed here together.

* From the original draught in the library of queen's college Oxford, Arch. D. 2.

To the Lord TREASURER*.

It may please your honourable Lordship,

I Account myself much bound to your lordship for your favour showed to Mr. Higgins upon my commendations about Pawlet's wardship; the effect of which your lordship's favour, though it hath been intercepted by my lord deputy's suit, yet the signification remains: and I must in all reason consent and acknowledge, that your lordship had as just and good cause to satisfy my lord deputy's request, as I did think it unlikely, that my lord would have been suitor for so mean a matter.

So this being to none other end but to give your lordship humble thanks for your intended favour, I commend your lordship to the preservation of the Divine Majesty.

From Grays Inn.

* Id. ib.

To Sir FRANCIS VERE*.

S I R,

I AM to recommend to your favour one Mr. John Ashe, as to serve under you, as agent of your company; whose desire how much I do affect, you may perceive if it be but in this, that myself being no further interested in you, by acquaintance or deserving, yet have intruded myself into this commendation; which, if it shall take place, I shall by so much the more find cause to take it kindly, by how much I find less cause in myself to take upon me the part of a mover or commender towards you, whom nevertheless I will not so far estrange myself from, but that in a general or mutual respect, incident to persons of our qualities and service, and not without particular inducements of friendship, I might, without breaking decorum, offer to you a request of this nature, the rather honouring you so much for your virtues, I would gladly take occasion to be beholden to you; yet no more gladly than to have occasion to do you any good office. And so this being to no other end, I commend you to God's goodness.

From my Chamber at the

To

To Mr. CAWFEILDE*.

S I R,

I MADE full account to have seen you here this reading, but your neither coming nor sending the interr. as you undertook, I may † perceive of a wonder. And you know *super mirari caperunt philosophari*. The redemption of both these consisteth in the vouchsafing of your coming up now, as soon as you conveniently can; for now is the time of conference and counsel. Besides; if the course of the court be held *super interrogat. judicis*, then must the interr. be ready ere the commission be sealed; and if the commission proceed not forthwith, then will it be caught hold of for further delay. I will not, by way of admittance, desire you to tend with all speed the interr. because I presume much of your coming, which I hold necessary; and accordingly, *pro more amicitiae*, I desire you earnestly to have regard both of the matter itself, and my so conceiving. And so &c.

Your friend particularly

* From the original draught in the library of queen's college Oxford, Arch. D. 2.

To my Lord MONTJOYE*.

My very good Lord,

Finding by my last going to my lodge at Twickenham, and tossing over my papers, somewhat that I thought might like you, I had neither leisure to perfect them, nor the patience to expect leisure; so desirous I was to make demonstration of my honour and love towards you, and to increase your good love towards me. And I would not have your lordship conceive, though it be my manner and rule to keep state in contemplative matters, *si quis venerit nomine suo, eum recipietis*, that I think so well of the collection as I seem to do: and yet I dare not take too much from it, because I have chosen to dedicate it to you. To be short, it is the honour I can do to you at this time. And so I commend me to your love and honourable friendship.

* Id. ib.

To King JAMES I.

May it please your Majesty,

Thinking often, as I ought, of your majesty's virtue and fortune, I do observe, not without admiration, that those civil acts of sovereignty, which are of the greatest merit, and therefore of truest glory, are by the providence of God manifestly put into your hands, as a chosen vessel to receive from God, and an excellent instrument to work amongst men the best and noblest things. The highest degree of sovereign honour is to be founder of a kingdom or estate; for, as in the acts of God, the creation is more than the conservation; and as, among men, the birth-day is accounted the chiefest of the days of life; so, to found a kingdom, is more worthy, than to augment, or to administer the same. And this is an honour that no man can take from your majesty, that the day of your coming to the crown of England was as the birth-day of the kingdom intire Britain.

The next degree of sovereign honour is the plantation of a country or territory, and the reduction of a nation, from waste soil and barbarous manners, to a civil

† Query whether perceive?

civil population. And in this kind also your majesty hath made a fair and prosperous beginning in your realm of Ireland.

The third eminent act of sovereignty is to be a lawgiver, whereof he speaketh.

Pace datâ terris, animum ad civilia vertit

Jura suam, legesque tulit justissimus auctor.

And another saith, " *Equid est, quod tam propriè dici potest actum ejus, qui togatus in republicâ cum potestate imperioque versatur, quam lex. Quære acta Gracchi; leges Sempronie proferentur: quære Syllæ, Cornelie quid? Cneii Pompeii tertius consulatus in quibus actis consistit? Nempe legibus. A Cæsare ipso si quæreres quidnam egisset in urbe et toga; leges multas se respondeat et præclaras tulisse.*"

To the KING.

It may please your Majesty,

A Full heart is like a full pen: it can hardly make any distinguished work. The more I look upon my own weakness, the more I must magnify your favours; and the more I behold your favours, the more I must consider mine own weakness. This is my hope, that God, who hath moved your heart to favour me, will write your service in my heart. Two things I may promise; for, though they be not mine own, yet they are surer than mine own, because they are God's gifts; that is, integrity and industry. And therefore, whensoever I shall make my account to you, I shall do it in these words, *ecce tibi lucrifeci*, and not *ecce mihi lucrifeci*. And for industry, I shall take to me, in this procuration, not Martha's part, to be busied in many things, but Mary's part, which is to intend your service; for the less my abilities are, the more they ought to be contracted *ad unum*. For the present, I humbly pray your majesty to accept my most humble thanks and vows as the forerunners of your service, which I shall always perform with a faithful heart.

Your majesty's most obedient servant,

FR. BACON.

To the KING's Most Excellent Majesty.

The humble petition of the Lord VERULAM, Viscount ST. ALBAN:

THAT whereas your supplicant, for reward of full sixteen years service in the painfulest places of your kingdom, how acceptable or useful, he appealeth to your majesty's gracious remembrance, had of your majesty's gracious bounty two grants, both under the great seal of England; the one a pension of 1200*l.* the other a farm of the petty writs, about 600*l.* *per annum* in value, which was long since assigned to your supplicant's wife's friends in trust for her maintenance: which two grants are now the substance of your supplicant's and his wife's means, and the only remains of your majesty's former favours, except his dignities, which without means are but burdens to his fortunes:

So it is, most gracious sovereign, that both these are now taken from him; the pension stopped, the lease seized, the pension being, at this present, in arrear 500*l.* and at Michaelmas 800*l.* is stopped, as he conceiveth, upon the general stop of pensions; though he hopeth assuredly, that your majesty, that looketh with the
gracious

gracious eye of a king, and not the strict eye of an officer, will behold his case as especial, if not singular. The latter was first seized for satisfaction of a private gentleman, your supplicant unheard, and without any shadow of a legal court. Since it hath been continued, in respect of a debt to your majesty for the arrear of rent upon the same farm, amounting to 1500l. But whereas your majesty's farmers debtors for their rents, and other your debtors, have usually favours, sometimes of stallment, sometimes upon equity, if their farms decay, or at least when they are called upon, have days given, put in security, or the like; your supplicant was never so much as sent to, no warnings to provide, no days given, but put out of possession suddenly by a private and peremptory warrant, without any spark of those favours used to the meanest subjects. So that now your supplicant having left little or no annual income, is in great extremity, having spread the remnant of his former fortunes in jewels and plate, and the like, upon his poor creditors, having scarce left bread to himself and family.

In tender consideration whereof, your supplicant, and overthrown servant, doth implore your majesty's grace and goodness felt by so many, known to all, and whereof he cannot live to despair; first, in general, that your majesty will not suffer him, upon whose arm your princely arm hath so often been, when you presided in counsel, so near he was, and who hath borne your image in metal, but more in his heart, utterly to perish; or, which is worse, to live in his last days in an abject and fordid condition. Next, in particular, that your majesty would be graciously pleased to take present order to have the arrear of his pension paid, and likewise that for the future it may be settled, that he be not at courtesy, nor to beg at that door, which is like enough to be shut against him. Secondly, that the possession of his wife's lease may be restored to her; and this bit of arrear to your majesty, that you will be pleased to remit it, according to your majesty's gracious and pious promise, when you admitted him to you in the night of his troubles, which was, that you would not meddle with his estate, but to mend it. In the restoring the possession, you shall remove your hand of arms: in the remitting of the rent, you shall extend your hand of grace: and if he be not worthy of so much favour, as to have it released yet, that it may be respited for some good time; that he may make somewhat of that his father left him, and keep himself out of want, in such sort, that your supplicant, that aspireth but to live to study, be not put to study to live. And he, according to his bounden duty, shall not intermit, as he ever hath done, to pray to God for your majesty's health and happiness.

To the Marquis of BUCKINGHAM.

My very good Lord,

I Hear yesterday was a day of very great honour to his majesty, which I do congratulate. I hope also his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity. His majesty knows best his own ways; and for me to despair of him, were a sin not to be forgiven. I thank God I have overcome the bitterness of this cup by christian resolution; so that worldly matters are but mint and cumin.

God ever preserve you.

Indorsed,

To my Lord Buckingham after my troubles.

To the Marquis of BUCKINGHAM.

My very good Lord,

I thought it my duty to take knowledge to his majesty, from your lordship, by the included, that, much to my comfort, I understand his majesty doth not forget me nor forsake me, but hath a gracious inclination to me, and taketh care of me; and to thank his majesty for the same. I perceive, by some speech, that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you, that it were strange I should be in debt; for that I could not but have received an hundred thousand pounds gift since I had the seal; which is an abominable falsehood. Such tales as these made St. James say, that the *tongue is a fire*, and *itself fired from hell*, whither, when these tongues shall return, they will *bring a drop of water to cool them*. I praise God for it, I never took peny for any benefice or ecclesiastical living; I never took peny for releasing any thing I stopped at the seal; I never took peny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied, as a good confessant, guiltiness, and not excuse; and therefore I hope it leaves me fair to the king's grace, and will turn many mens hearts to me.

As for my debts, I shewed them your lordship, when you saw the little house and the farm, besides a little wood or desert, which you saw not.

If these things were not true, although the joys of the penitent be sometimes more than the joys of the innocent, I could not be as I am.

God bless you, and reward you for your constant love to me. I rest, &c.

Draught of a Letter to the Marquis of BUCKINGHAM not sent (*f*).

My Lord,

I say to myself, that your lordship hath forsaken me; and I think I am one of the last, that findeth it, and in nothing more, than that twice at London your lordship would not vouchsafe to see me, though the latter time I begged it of you. If your lordship lack any justification about York-house, good my lord, think of it better; for I assure your lordship, that motion to me was to me as a second sentence; for I conceived it sentenced me to the loss of that, which I thought was saved from the former sentence, which is your love and favour. But sure it could not be that pelting matter; but the being out of sight, out of use, and the ill offices done me, perhaps, by such as have your ear. Thus I think, and thus I speak; for I am far enough from any baseness or detracting, but shall ever love and honour you, howsoever I be

Your forsaken friend and freed servant,

FR. ST. ALEAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

IT is in vain to cure the accidents of a disease, except the cause be found and removed. I know adversity is apprehensive; but I fear it is too true, that

(*f*) Among Lord Bacon's printed letters, is one without a date, in which he complains, as in this, that he, being *in the way*, had been the marquis and not come safe to the king.

now

now I have lost honour, power, profit and liberty; I have, in the end, lost that, which, to me, was more dear than all the rest, which is my friend. A change there is apparent and great; and nothing is more sure, than that nothing hath proceeded from and since my troubles, either towards your lordship or towards the world, which hath made me unworthy of your undeserved favours or undesired promises. Good my lord, deal so nobly with me, as to let me know, whether I stand upright in your favour, that either I may enjoy my wonted comfort, or see my griefs together, that I may the better order them; though, if your lordship should never think more of me, yet your former favours should bind me to be

Your Lordship's most obliged

and faithful servant,

FR. ST. ALBAN.

To the Marquis of BUCKINGHAM.

My very good Lord,

THIS extreme winter hath turned, with me, a weakness of body into a state that I cannot call health, but rather sickness, and that more dangerous than felt, as whereby I am not likely to be able to wait upon your lordship, as I desired, your lordship being the person, of whom I promise myself more almost than of any other; and, again, to whom, in all loving affection, I desire no less to approve myself a true friend and servant. My desire to your lordship is to admit this gentleman, my kinsman and approved friend, to explain to you my business, whereby to save further length of letter, or the trouble of your lordship's writing back.

To Mr. TOBIE MATTHEW.

Good Mr. Matthew,

THE event of the business, whereof you write, is, it may be, for the best: for seeing my lord, or himself, beginneth to come about, *quorsum* as yet? I could not in my heart suffer my lord Digby to go hence without my thanks and acknowledgements. I send my letter open, which I pray seal and deliver. Particulars I would not touch.

Your most affectionate and assured friend,

FR. ST. ALBAN

To Mr. TOBIE MATTHEW.

Good Mr. Matthew,

WHEN you write by pieces, it sheweth your continual care; for a flush of memory is not so much; and I shall be always, on my part, ready to watch for you, as you for me.

I will not fail, when I write to the lord marquis, to thank his lordship for the message, and to name the nuntius. And, to tell you plainly, this care, they speak of, concerning my estate, was more than I looked for at this time; and it is that, which pleaseth me best. For my desires reach but to a fat *otium*. That is truth; and so would I have all men think, except the greatest; for I know patents, *ad quos aliquando inde trahuntur*, are not so easily granted.

Q q q q 2

I pray

I pray my service to the Spanish ambassador, and present him my humble thanks for his favour. I am much his servant; and altho' may be good for somewhat. I ever rest

Your most affectionate and assured friend,

FR. ST. ALBAN.

I have sought for your little book, and cannot find it. I had it one day with me in my coach. But sure it is safe; for I seldom lose books or papers.

To the Lord Viscount ST. ALBAN.

Most honoured Lord,

I Have received your great and noble token and favour of the 9th of April, and can but return the humblest of my thanks for your lordship's vouchsafing so to visit this poorest and unworthiest of your servants. It doth me good at heart, that, although I be not where I was in place, yet I am in the fortune of your lordship's favour, if I may call that fortune, which I observe to be so unchangeable. I pray hard that it may once come in my power to serve you for it; and who can tell, but that, as *fortis imaginatio generat casum*, so strange desires may do as much? Sure I am, that mine are ever waiting on your lordship; and wishing as much happiness as is due to your incomparable virtue, I humbly do your lordship reverence.

*Your Lordship's most obliged
and humble servant,*

TOBIE MATTHEW.

POSTC. The most prodigious wit, that ever I knew of my nation, and of this side of the sea, is of your lordship's name though he be known by another.

To the Lord Archbishop of YORK (g).

My very good Lord,

I Must use a better style, than mine own, in saying, *Amor tuus undequaque se ostendit ex literis tuis proximis*, for which I give your grace many thanks, and so, with more confidence, continue my suit to your lordship for a lease absolute for twenty one years of the house, being the number of years, which my father and my predecessors fulfilled in it. A good fine requires certainty of term; and I am well assured, that the charge I have expended, in reparations, amounting to 1000 marks at least already, is more than hath been laid out by the tenants, that have been in it since my remembrance, answerable to my particular circumstance, that I was born there, and am like to end my days there. Neither can I hold my hand, but, upon this encouragement, am like to be doing still, which tendeth to the improvement, in great measure of the inheritance of your see by superlapidations, if I may so call it, instead of dilapidations, wherewith otherwise it might be charged.

And whereas a state for life is a certainty, and not so well seen how it wears, a term of years makes me more depending upon you and your succession.

(g) Dr. Tobie Matthew.

For

For the providing of your lordship and your successors a house, it is part of the former covenant, wherein I desired not to be released.

So assuring myself of your grant and perfecting of this my suit; and assuring your grace of my earnest desire and continual readiness to deserve well of you and yours chiefly, and likewise of the fee in any of the causes or preeminences thereof, I commend your grace to God's goodness, resting, &c.

The following Papers, containing the Lord Chancellor ELLESMERE'S Exceptions to Sir EDWARD COKE'S *Reports*, and Sir Edward's Answers, having never been printed, though Mr. STEPHENS, who had copied them from the Originals, designed to have given them to the Public, they are subjoined here in justice to the Memory of that great Lawyer and Judge; especially as the Offence taken at his *Reports* by King JAMES, is mentioned above in the Letter of the Lord Chancellor and Sir FRANCIS BACON, of October 16, 1616, to that King.

To the KING'S most excellent Majesty *.

It may please your most excellent Majesty,

ACCORDING to your majesty's directions signified unto me by Mr. Solicitor, I called the lord chief justice before me on Thursday the 17th of this instant, in the presence of Mr. Attorney and others of your learned counsel. I did let him know your majesty's acceptance of the few animadversions, which, upon review of his own labours, he had sent, though fewer than you expected, and his excuses other than you expected, as namely, in the prince's case, the want of the original in French, as though, if the original had been *primogenitus* in Latin; then he had not in that committed any error. I told him farther, that because his books were many, and the cases therein, as he saith, 500; your majesty, out of your gracious favour was pleased, that his memory should be refreshed; and that he should be put in mind of some passages dispersed in his books, which your majesty, being made acquainted with, doth as yet distaste, until you hear his explanation and judgment concerning the same. And that out of many some few should be selected, and that at this time he should not be pressed with more, and these few not to be the special and principal points of the cases, which were judged, but things delivered by discourse, and, as it were, by expatiation, which might have been spared and forborn, without prejudice to the judgment in the principal cases.

Of this sort Mr. Attorney and Mr. Solicitor made choice of five specially, which were read distinctly to the lord chief justice. He heard them with good attention, and took notes thereof in writing, and, lest there might be any mistaking either in the declaring thereof unto him, or in his misconceiving of the same, it was thought good to deliver unto him a true copy. Upon consideration whereof, and upon advised deliberation, he did yesterday in the afternoon return unto me, in the presence of all your learned council, a copy of the five points beforementioned, and his answer at large to the same, which I make bold to present herewith to your majesty, who can best discern and judge both of this little which is done, and what may be expected of the multiplicity of other cases of the like sort, if they shall be brought to further examination. All that I have done in this behalf

* From the originals.

been by your majesty's commandment and direction, in presence of all your learned council, and by the special assistance and advice of your attorney and solicitor.

I know obedience is better than sacrifice; for otherwise I would have been an humble suitor to your majesty to have been spared in all service concerning the lord chief justice. I thank God, I forget not the fifth petition, *Dimitte nobis debita nostra peccata, &c.* but withal I have learned this distinction: there is, 1. *Remissio voluntatis.* 2. *Remissio pance.* 3. *Remissio judicii.* The two first I am past, and have freely and clearly remitted. But the last, which is of judgment and discretion, I trust I may in christianity and with good conscience retain, and not to trull too far, &c.

I must beseech your majesty's favour to excuse me for all that I have here before written, but specially for this last needless passage; wherein I fear your majesty will note me to play the divine, without learning, and out of season. So with my continual prayers to God to preserve your majesty with long, healthful, and happy life, and all earthly and heavenly felicity, I rest

At York-house, 22 Octob. 1616.

Your Majesty's humble

and faithful subject and servant,

T. ELLESMERE, Caw.

QUESTIONS demanded of the Chief Justice of the King's Bench by his Majesty's commandment.

- Lib. 10. 1. **I**N the case of the isle of Ely, whether his lordship thinks that resolution there spoken of to be law; That a general taxation upon a town, to pay so much towards the repair of the sea banks, is not warranted to be done by the commissioners of sewers; but that the same must be upon every particular person, according to the quantity of his land, and by number of acres and perches; and according to the portion of the profit, which every one hath there.
- Lib. 11. 2. In Darcy's case, whether his lordship's judgment be as he reporteth it to be resolved; That the dispensation or licence of queen Elizabeth to Darcy to have the sole importation of cards, notwithstanding the statute, 3. E. 4. is against law.
- Lib. 11. 3. In Goufrey's case, what he means by this passage, Some courts cannot imprison, fine, or amerce, as ecclesiastical courts before the ordinary archdeacon, &c. or other commissioners, and such like, which proceed according to the canon or civil law.
- Lib. 8. 4. In Dr. Bonham's case, what he means by this passage, That in many cases the common law shall controul acts of parliament, and sometimes shall judge them to be meerly void: For where an act of parliament is against common right and reason, the law shall controul it, and adjudge it void.
- Lib. 11. 5. In Barges's case, to explain himself where he saith, That to the court of King's Bench belongs authority, not only to correct errors in judicial proceedings, but other errors and misdemeanors extrajudicial, tending to the breach of peace, oppression of subjects, or to the raising of faction, controversies, debate, or to any

manner

manner of misgovernment. So no wrong or injury can be done, but, that this shall be reformed or punished by due couric of law.

I received these Questions the 17th of this instant October, being Thursday; and this 21st day of the same month I made these answers following:

The humble and direct Answer to the Questions upon the Case of the Isle of Ely.

THE statute of the 23 H. VIII. cap. 5, prescribeth the commission of sewers to be according to the manner, form, tenure, and effect hereafter ensuing, namely, to inquire by the oath of men, &c. who hath any lands or tenements, or common of pasture, or hath, or may have, any loss, &c. and all these persons to tax, distrain, and punish, &c. after the quantity of lands, tenements, and rents, by the number of acres and perches, after the rate of every person's portion or profit, or after the quantity of common of pasture, or common of fishing, or other commodity there, by such ways and means, and in such manner and form, as to you, or six of you, shall seem most convenient.

The words of the statute 23 H. 8, the commission of sewers.

The commissioners of sewers within the isle of Ely did tax Fendrayton, Samsley, and other towns generally, namely, one intire sum upon the town of Fendrayton, another upon Samsley, &c. The lords of the council wrote to myself, the chief justice of the Common Pleas, and unto justice Daniel and justice Foster, to certify our opinions, whether such a general taxation were good in law. Another question was also referred to us, whereof no question is now made; and as to this question we certified, and so I have reported as followeth, That the taxation ought to have these qualities, 1. It ought to be according to the quantity of lands, tenements, and rents, and by number of acres and perches. 2. According to the rate of every person's portion, tenure, or profit, or of the quantity of common of pasture, fishing, or other commodity, wherein we erred not, for they be the very words and text of the law and of the commission. Therefore we concluded, that the said taxation of an intire sum in gross upon a town is not warranted by their commission, &c. And being demanded by your majesty's commandment, whether I do think, the said resolution concerning the said general taxation to be law, I could have wished, that I could have heard council learned again on both sides, as I and the other judges did, when we resolved this point; and now being seven years past since the said resolution, and by all this time I never hearing any objection against it, I have considered of this case, as seriously as I could within this short time, and without conference with any; and mine humble answer is, That for any thing that I can conceive to the contrary, I remain still of my former opinion, and have, as I take it, the exprefs text and meaning of the law to warrant mine opinion. Seeing that one town is of greater value, and subject to more danger, than another, the general taxation of a town cannot, as I take it, be just, unless the particular lands, &c. and loss be known, for the total must rise upon the particulars; and if the particulars be known, then may the taxations be in particular, as it ought, as I take it to be according to the exprefs words of the act and commission.

The taxation of the commissioners.

The reports.

The makers of the act did thereby provide, That every man should be equally charged, according to his benefit or loss; but if the general taxations should be good,

1.

2.

3.

good, then might the intire tax set upon the town be levied of any one man or some few men of that town; which should be unequal, and against the express words of the act and commission; and if it should be in the power of their officer to levy the whole taxation upon whom he will, it would be a means of much corruption and inconvenience; all which the makers of the act did wisely foresee by the express words of the act.

4. If the taxation be in particular, according to the number of acres, &c. which may easily be known, it may, as I take it, be easily done.

5. It was not only the resolution of the said three judges, but it hath been ruled and adjudged by divers other judges in other rates accordingly.

All which notwithstanding I most humbly submit myself herein to your majesty's princely censure and judgment.

EDW. COKE.

The humble and direct Answer to the Questions upon D'ARCY'S Case.

The case.

THE Statute of 3 of E. 4. cap. 4. at the humble petition of the card-makers, &c. within England, prohibiteth, amongst other things, the bringing into the realm of all foreign playing cards upon certain penalties. Queen Elizabeth, in the fortieth year of her reign, granted to Sir Ed. D'Arcy, his executors, deputies, and assigns, for twenty-one years, to have the sole making of playing cards within the realm, and the sole importation of foreign playing cards; and that no other should either make any such cards, within the realm, or import any foreign cards, but only the said Sir Ed. D'Arcy, his executors, deputies, and assigns, notwithstanding the said Act.

The point concerning the sole making of cards within the realm is not questioned: the only question now is concerning the sole importation.

The words of the report, concerning the clause of the sole importation.

It was resolved, That the dispensation or licence to have the sole importation or merchandizing of cards, without any limitation or stint, is utterly against the law.

And your majesty's commandment having been signified to me, to know, whether my judgment be, as I report it to be resolved, in most humble manner I offer this answer to your majesty; That I am of opinion, that without all question the late queen by her prerogative might, as your majesty may, grant licence to any man to import any quantity of the said manufacture whatsoever, with a *non obstante* of the said statute: and for proof thereof I have cited about fifteen book-cases in my report of this case. And the first of those book-cases is the 2 H. 7. fol. 6. by the which it appeareth, that if a penal statute should add a clause, That the king should not grant any dispensation thereof, *non obstante* the statute; yet the king, notwithstanding that clause of restraint, might grant dispensations at his pleasure with a *non obstante* thereof. Therefore seeing this royal prerogative and power to grant dispensations to penal laws is so incident and inseparable to the crown, as a clause in an act of parliament cannot restrain it, I am of opinion, that when the late queen granted to Sir Ed. D'Arcy to have the sole importation of this manufacture without limitation, and that no other should import any of the same during 21 years, that the same was not of force either against the late queen, or is of force against your majesty: for, if the said grant were of force, then could not the late queen or your majesty, during the said term, grant any dispensation of this statute concerning this manufacture to any other
for

for any cause whatsoever; which is utterly against your majesty's inseparable prerogative, and consequently utterly void; which falleth not out where the licence hath a certain limitation of quantity or stint; for there the crown is not restrained to grant any other licence.

And therefore where it was resolved by Popham chief justice, and the court of King's Bench, before I was a judge, That the said dispensation or licence to have the sole importation and merchandizing of cards without any limitation or stint, should be void, I am of the same opinion; for that it is neither against your majesty's prerogative, nor power in granting of such dispensations; but tendeth to the maintenance of your majesty's prerogative royal, and may, if it stand with your majesty's pleasure, be so explained.

Wherein in all humbleness I submit myself to your majesty's princely censure and judgment.

EDW. COKE.

The humble and direct Answer to the Question rising upon GODFREY'S Case.

SOME courts cannot imprison, fine, nor amerce, as ecclesiastical courts holden before the ordinary, archdeacon, or their commissaries and such like, which proceed according to the common or civil law. The words of the report.

And being commanded to explain what I meant by this passage, I answer, that I intended only those ecclesiastical courts there named and such like, that is, such like ecclesiastical courts, as peculiars, &c.

And within these words, (And such like) I never did nor could intend thereby the high commission; for that is grounded upon an act of parliament, and the king's letters patents under the great seal. Therefore these words *commissaries* and *such like* cannot be extended to the high commission, but, as I have said, to inferior ecclesiastical courts.

Neither did I thereby intend the court of the admiralty; for that is not a like court to the courts before named; for those be ecclesiastical courts, and this is temporal. But I referred the reader to the case in Brook's abridgment, pla. 77, where it is that, if the admiral, who proceeded by the civil law, hold plea of any thing done upon the land, that it is void and *coram non judice*; and that an action of transgressions in that case doth lie, as by the said case it appeareth. And therefore that in that case he can neither fine nor imprison. And therewith agree divers acts of parliament; and so it may be explained, as it was truly intended.

All which I most humbly submit to your majesty's princely judgment.

EDW. COKE.

The humble and direct Answer to the fourth Question arising out of Dr. BONHAM'S Case.

IN this case I am required to deliver what I mean by this passage therein, That in many cases the common law shall control acts of parliament; and sometimes shall adudge them to be merely void; for where an act of parliament is against common right and reason, the common law shall control it, and adudge it to be void.

The words of
the report.

The words of my report do not import any new opinion, but only a relation of such authorities of law, as had been adjudged and resolved in ancient and former times, and were cited in the argument of Bonham's case; and therefore the words of my book are these, "It appeareth in our books, that in many cases the common law shall control acts of parliament, and sometimes shall adjudge them to be utterly void; for when an act of parliament is against common right and reason, or repugnant or impossible to be performed, the common law shall control this, and adjudge such act to be void. And therefore in 8 E. 3. 30, Thomas Tregor's case, upon the statute of West. 2. cap. 38, *et artic. super cart.* cap. 9, Herle saith, Some statutes are made against law and right, which they, that made them, perceiving, would not put them in execution.

The statute of H. II. cap. 21, gives a writ of *Cessavit heredi potenti super hereditate tenent et super eos, quibus alienatum fuerit hujusmodi tenementum.* And yet it is adjudged in 33 E. 3. *tit. cessavit* 42, where the case was, Two co-partners, lords and tenant by fealty and certain rent; the one co-partner hath issue, and dyeth, the aunt and the niece shall not join in a *cessavit*, because that the heir shall not have a *cessavit*, for the cessor in his ancestor's time. Fitz. N. B. 209, F. and herewith accords Plow. com. 110. And the reason is, because that in a *cessavit*, the tenant, before judgment, may render the arrearages and damages, &c. and retain his land: and this he cannot do, when the heir bringeth a *cessavit* for the cessor in the time of his ancestor; for the arrearages incurred in the life of his ancestor do not belong to the heir.

And because that this is against common right and reason, the common law adjudges the said act of parliament as to this part void. The statute of Carlisle made anno 35 E. 1. enacteth, That the order of the Cistercians and Augustines have a convent and common seal; that the common seal shall be in the custody of the prior, which is under the Abbot, and four others of the discreetest of the house; and that any deed sealed with the common seal, that is not so kept, shall be void. And the opinion in the 27 H. 6. *tit. Annuity* 41, was, that this statute is void; for the words of the book are, it is impertinent to be observed for the seal being in their custody, the Abbot cannot seal any thing with it; and when it is in the hands of the Abbot, it is out of their custody *ipso facto.* And if the statute should be observed, every common seal might be defeated by a simple surmise, which cannot be. Note, reader, the words of the said statute made at Carlisle, anno 35. E. 1. which is called *Statutum Religiosorum*, are these: *Et insuper ordinavit dominus rex et statuit, quod abbates Cisterciensis & Præmonstratensis ordinum religiosorum, &c. de cetero habeant sigillum commune, et illud in custodia prioris monasterii seu a mus et quatuor de dignioribus et discretioribus ejusdem loci consentus sub privato sigillo abbatis ipsius loci cisterced. deponend. Et si fuerit aliqua scripta obligationum, donationum, emptio, venditionum, alienationum, seu aliarum quæcunque contractuum alio sigillo quam tali sigillo communi sicut præmittitur custodit, hanciatur amodo, sigillata pro nullo penitus habeantur, omnique careant firmitate.* So the statute of 1 E. 6. cap. 14, gives chantries, &c. to the king, saving to the donor, &c. all such rents, services, &c. and the common law controls this, and adjudges it void as to the services; and the donor shall have the rent as a rent-seck to the crown of common right; for it should be against common right and reason, that the king should hold of any, or do suit to any of his subjects, 14 Eliz. Dyer, 313. And so it was adjudged Mich. 16 and 17 Eliz. in the common place in
Stroud's

Stroud's case. So if any act of parliament give to any to hold, or to have confuſance of all manner of pleas before him ariſing within his manor or D. yet he ſhall hold no plea, whereunto himſelf is a party, for *Aliquum eſt al quem ſuo rei eſſe judicem.*

Which caſes being cited in the argument of this caſe, and I finding them truly vouched, I reported them in this caſe, as my part was, and had no other meaning than ſo far as thoſe particular caſes there cited do extend unto. And therefore the beginning is, It appeareth in our books, &c. And ſo it may be explained, as it was truly intended.

In all which I moſt humbly ſubmit myſelf to your majeſty's princely censure and judgment.

EDW. COKE.

The humble and direct Answer to the laſt Queſtion ariſing upon
BAGG'S Caſe.

IT was reſolved, that to this court of the King's Bench belongeth authority not only to correct errors in judicial proceedings, but other errors and miſdemors tending to the breach of the peace, or oppreſſion of the ſubjects, or to the raiſing of faction or other miſgovernment: ſo that no wrong or injury either public or private can be done, but it ſhall be reformed and puniſhed by law. The words of the report.

Being commanded to explain myſelf concerning theſe words, and principally concerning this word, *miſgovernment*;

I answer, that the ſubject matter of that caſe concerned the miſgovernment of the mayors and other the magiſtrates of Plymouth.

And I intended for the perſons the miſgovernment of ſuch inferior magiſtrates for the matters in committing wrong or injury, either public or private, puniſhable by law, and therefore the laſt claule was added, "and ſo no wrong or injury, either " public or private, can be done, but it ſhall be reformed and puniſhed by law;" and the rule is *verba intelligenda ſunt ſecundum ſubjectam materiam.*

And that they and other corporations might know, that factions and other miſ-governments amongſt them, either by oppreſſion, bribery, unjuſt diſfranchiſement, or other wrong or injury, public or private, are to be redreſſed and puniſhed by law, it was ſo reported.

But if any ſcruple remains to clear it, theſe words may be added *by inferior magiſtrates*; and ſo the ſenſe ſhall be by faction or miſgovernment of inferior magiſtrates, ſo as no wrong or injury, &c.

All which I moſt humbly ſubmit to your majeſty's princely judgment.

EDW. COKE.

May it pleaſe your Lordſhip,

ABOVE a year paſt, in my late lord chancellor's time, information was given to his majeſty, that I having publiſhed in eleven works or books of reports, containing above 600 caſes one with another, had written many things againſt his majeſty's prerogative. And I being by his majeſty's gracious favour called thereunto, all the exceptions, that could be taken to ſo many caſes in ſo many books, fell to five, and the moſt of them too were by paſſages in general words; all which I offered to explain in ſuch ſort, as no ſhadow ſhould remain againſt his majeſty's prerogative, as in truth there did not; which whether it were

related to his majesty, I know not. But thereupon the matter hath slept all this time; and now the matter, after this ever blessed marriage, is revived, and two judges are called by my lord keeper to the former, that were named. My humble suit to your lordship is, that if his majesty shall not be satisfied with my former offer, viz. by advice of the judges to explain and publish as is aforesaid those five points, so as no shadow may remain against his prerogative; that then all the judges of England may be called hereunto. 2. That they may certify also what cases I have published for his majesty's prerogative and benefit, for the good of the church, and quieting of mens inheritances, and good of the common-wealth; for which purpose I have drawn a minute of a letter to the judges, which I assure myself your lordship will judge reasonable; and so reposing myself upon your lordship's protection I shall ever remain

Your most bounden servant,

EDW. COKE.

Superfcribed,

To the right honourable his singular good lord the earl of Buckingham, of his majesty's privy council.

The Letter to the JUDGES.

WHEREAS in the time of the late lord chancellor intimation was given unto us, that divers cases were published in Sir Edward Coke's reports, tending to the prejudice of our prerogative royal; whereupon we caring for nothing more, as by our kingly office we are bounden, than the preservation of prerogative royal, referred the same; and thereupon, as we are informed, the said Sir Edward Coke being called thereunto, the objections were reduced to five only, and most of them consisting in general terms; all which Sir Edward offered, as we are informed, to explain and publish, so as no shadow might remain against our prerogative. And whereas of late two other judges are called to the others formerly named. Now our pleasure and intention being to be informed of the whole truth, and that right be done to all, do think it fit, that all the judges of England, and barons of the Exchequer, who have principal care of our prerogative and benefit, do assemble together concerning the discussing of that, which, as is aforesaid, was formerly referred; and also what cases Sir Edward Coke hath published to the maintenance of our prerogative and benefit, for the safety and increase of the revenues of the church, and for the quieting of mens inheritances, and the general good of the common-wealth: in all which we require your advice and careful considerations; and that before you make any certificate to us, you confer with the said Sir Edward, so as all things may be the better cleared.

To all the judges of England, and barons of the Exchequer.

There is no date to this letter. But I conceive it written in October or November, 1677. See Mr. Stephens.

T H E
L A S T W I L L

O F

FRANCIS BACON Viscount ST. ALBAN.

FIRST, I bequeath my soul and body into the hands of God by the blessed oblation of my Saviour; the one at the time of my dissolution, the other at the time of my resurrection. For my burial, I desire it may be in St. Michael's church near St. Alban's: there was my mother buried, and it is the parish church of my mansion-house of Gorhambury, and it is the only christian church within the walls of Old Verulam. I would have the charge of my funeral not to exceed three hundred pounds at the most.

E. Regr. Curiae Praerog. Cantuariae extract.

For my name and memory, I leave it to mens charitable speeches, and to foreign nations, and the next ages. But, as to that durable part of my memory, which consisteth in my works and writings, I desire my executors, and especially Sir John Constable and my very good friend Mr. Bosvile, to take care that of all my writings, both of English and of Latin, there may be books fair bound, and placed in the king's library, and in the library of the university of Cambridge, and in the library of Trinity college, where myself was bred, and in the library of Bennet college, where my father was bred, and in the library of the university of Oxonford, and in the library of my lord of Canterbury, and in the library of Eaton.

Also whereas I have made up two register books, the one of my orations or speeches, the other of my epistles or letters, whereof there may be use; and yet because they touch upon business of state, they are not fit to be put into the hands but of some counsellor, I do devise and bequeath them to the right honourable my very good lord bishop of Lincoln, and the chancellor of his majesty's duchy of Lancaster. Also I desire my executors, especially my brother Constable, and also Mr. Bosvile, presently after my decease to take into their hands all my papers whatsoever, which are either in cabinets, boxes, or presses, and them to seal up until they may at their leisure peruse them.

I give and bequeath unto the poor of the parishes where I have at any time rested in my pilgrimage, some little relief according to my poor means; to the poor of St. Martin in the Fields, where I was born, and lived in my first and last days, forty pounds; to the poor of St. Michael's near St. Alban's, where I desire to be buried, because the day of death is better than the day of birth, fifty pounds; to the poor of St. Andrew's in Holborn, in respect of my long abode in Gray's-Inn, thirty;

thirty pounds ; to the poor of the abbey church parish in St. Albans, twenty pounds ; to the poor of St. Peter's there, twenty pounds ; to the poor of St. Stephen's there, twenty pounds ; to the poor of Redborn twenty pounds ; to the poor of Hemstead, where I heard sermons and prayers to my comfort in the time of the former great plague, twenty pounds ; to the poor of Twickenham, where I lived some time at Twickenham park, twenty pounds. I intreat Mr. Shute of Lombard-street to preach my funeral sermon, and to him in that respect I give twenty pounds : or if he cannot be had, Mr. Peterfon my late chaplain, or his brother.

Devises and legacies to my wife : I give grant and confirm to my loving wife, by this my last will, whatsoever hath been assured to her, or mentioned or intended to be assured to her by any former deed, be it either my lands in Hertfordshire, or the farm of the seal, or the gift of goods, in accomplishment of my covenants of marriage ; and I give her also the ordinary stuff at Gorhambury, as waincot tables, stools, bedding, and the like (always reserving and excepting the rich hangings with their covers, the table carpets, and the long cushions, and all other stuff which was or is used in the long gallery ; and also a rich chair, which was my niece Cæsar's gift, and also the armour, and also all tables of marble and towch.) I give also to my wife my four coach geldings and my best caroache, and her own coach mares and caroache : I give also and grant to my wife the one half of the rent which was reserved upon Read's lease for her life ; which rent although I intended to her merely for her better maintenance while she lived at her own charge, and not to continue after my death, yet because she has begun to receive it, I am content to continue it to her ; and I conceive by this advancement, which first and last I have left her, besides her own inheritance, I have made her of competent abilities to maintain the estate of a viscountess, and give sufficient tokens of my love and liberality towards her ; for I do reckon, and that with the least, that Gorhambury and my lands in Hertfordshire, will be worth unto her seven hundred pounds *per annum*, besides woodfells, and the leases of the houses, whereof five hundred pounds *per annum* only I was tied unto by covenants upon marriage ; so as the two hundred pounds and better was mere benevolence ; the six hundred pounds *per annum* upon the farm of the writs, was likewise mere benevolence ; her own inheritance also, with that she purchased with part of her portion, is two hundred pounds *per annum* and better, besides the wealth she hath in jewels, plate, or otherwise, wherein I was never strait-handed. All which I here set down, not because I think it too much, but because others may not think it less than it is.

Legacies to my friends : I give unto the right honourable my worthy friend the marquis Fiatt, late lord ambassador of France, my books of orizons or psalms curiously rhymed : I give unto the right honourable my noble friend Edward earl of Dorset, my ring, with the crushed diamond, which the king that now is gave me when he was prince : I give unto my right honourable friend the lord Cavendish, my casting bottle of gold : I give to my brother Constable all my books, and one hundred pounds to be presented to him in gold : I give to my sister Constable some jewels, to be bought for her of the value of fifty pounds : I give to Nall her daughter some jewels, to be bought for her of the value of forty pounds : I give to my lady Cooke some jewels, to be bought for her of the value of fifty pounds : And to her daughter Anne Cooke, to buy her a jewel, forty pounds : And to her son Charles, some little jewel to the value of thirty pounds. I will also that my executor sell my chambers in Grays-Inn, which, now the lease is

full, I conceive may yield some three hundred pounds; one hundred pounds for the ground story, and two hundred pounds for the third and fourth stories; which money, or whatsoever it be, I desire my executors to bestow for some little present relief upon twenty five poor scholars in both universities, fifteen in Cambridge and ten in Oxonford. I give to Mr. Thomas Meautys, some jewel to be bought for him of the value of fifty pounds, and my foot-cloth horse: I give to my ancient good friend Sir Toby Matthew, some ring to be bought for him of the value of thirty pounds: I give to my very good friend Sir Christopher Darcy, some ring to be bought for him of the value of thirty pounds: I give to Mr. Henry Percy one hundred pounds: I give to Mr. Henry Goodricke forty pounds: I give to my god-son Francis Lowe son of Humphry Lowe, one hundred and fifty pounds: I give to my god-son Francis Hatcher son of Mr. William Hatcher, one hundred pounds: I give to my god-son Francis Fleetwood son of Henry Fleetwood, Esq; fifty pounds: I give to my god-son Philips son of auditor Philips, twenty pounds: I give to every of my executors a piece of plate of thirty pounds value.

Legacies to my servants now, or late servants: I give to my servant Robert Halpeny four hundred pounds, and the one half of my provisions of hay, firewood, and timber, which shall remain at the time of my decease: I give to my servant Stephen Paife three hundred and fifty pounds, and my bed with the appurtenances, bed linen and apparel linen, as shirts, pillowbiers, sheets, caps, handkerchiefs, etc. I give to my servant Wood three hundred and thirty pounds, with all my apparel, as doublets, hose, and to his wife ten pounds: I give to my late servant Francis Edney two hundred pounds, and my rich gown: I give to my ancient servant Troughton one hundred pounds: I give to my chaplain Dr. Rawleigh one hundred pounds: I give to my ancient servant Welles one hundred pounds: I give to my ancient servant Fletcher one hundred pounds, and to his brother ten pounds: and if my servant Fletcher be dead, then the whole to his brother: I give to my wife's late waiting gentlewoman Mrs. Wagstaffe one hundred pounds: I give to Morrice Davis one hundred pounds: I give to old John Bayes one hundred pounds: I give to my ancient servant Woder threescore and ten pounds: I give to my ancient servant Guilman threescore pounds: I give to my ancient servant Faldo forty pounds: I give to London my coachman forty pounds: I give to Harinep my groom forty pounds: I give to Abraham my footman forty pounds: I give to Smith my bayliff and his wife forty pounds: I give to my ancient servant Bowes thirty pounds: I give to my servant Atkins thirty pounds: I give to old Thomas Gotherum, who was bred with me from a child, thirty pounds: I give to my servant Plomer twenty pounds: I give to Daty my cook twenty pounds: I give to Henry Brown twenty pounds: I give to Richard Smith twenty pounds: I give to William Sayers ten pounds: I give to John Large twenty pounds: I give to old goodwife Smith ten pounds: I give to Peter Radford's wife five pounds. I give to every mean servant that attends me and is not already named, five pounds.

The general devise and bequest of all my lands and goods to the performance of my will.

Whereas by former assurance made to Sir John Constable, knight, my brother-in law, and to Sir Thomas Crewe, and Sir Thomas Hedley, knights, and serjeants at law, and some other persons now deceased, all my lands and tenements in Hertfordshire

feoffment were by me conveyed in trust: And whereas of late my fine, and the whole benefit thereof, was by his majesty's letters patents conveyed to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barneham, and Sir Thomas Crewe, knight, persons by me named in trust; I do devise by this my will, and declare that the trust by me reposed, as well touching the said lands as upon the said letters patents, is, that all and every the said persons so trusted, shall perform all acts and assurances that by my executors, or the survivor or survivors of them, shall be thought fit and required, for the payment and satisfaction of my debts, and legacies, and performance of my will, having a charitable care that the poorest either of my creditors or legataries be first satisfied.

I do further give and devise all my goods, chattels, and debts due to me whatsoever, as well my pension of twelve hundred pounds *per annum* from the king for certain years yet to come, as all my plate, jewels, household stuff, goods and chattles whatsoever, except such as by this my last will I have especially bequeathed, to my executors, for the better and more ready payment of my debts, and performance of my will.

And because I conceive there will be upon the moneys raised by sale of my lands, leases, goods and chattles, a good round surplussage, over and above that which may serve to satisfy my debts and legacies, and perform my will; I do devise and declare, that my executors shall employ the said surplussage in manner and form following; that is to say, that they purchase therewith so much land of inheritance, as may erect and endow two lectures in either the universities, one of which lectures shall be of natural philosophy, and the sciences in general thereunto belonging; hoping that the stipends or salaries of the lectures may amount to two hundred pounds a year for either of them; and for the ordering of the said lectures and the election of the lecturers from time to time, I leave it to the care of my executors, to be established by the advice of the lords bishops of Lincoln and Coventry and Litchfield.

Nevertheless thus much I do direct, that none shall be lecturer, if he be English, except he be master of arts of seven years standing, and that he be not professed in divinity, law, or physic, as long as he remains lecturer; and that it be without difference whether [he] be a stranger or English: and I wish my executors to consider of the precedent of Sir Henry Savil's lectures for their better instruction.

I constitute and appoint for my executors of this my last will and testament, my approved good friend the right honourable Sir Humphrey Maye chancellor of his majesty's duchy of Lancaster, Mr. Justice Hutton, Sir Thomas Crewe, Sir Francis Barneham, Sir John Constable, and Sir Euball Thelwall; and I name and intreat to be one of my supervisors, my most noble, constant and true friend, the duke of Buckingham, unto whom I do most humbly make this my last request, that he will reach forth his hand of grace to assist the just performance of this my will, and likewise that he will be graciously pleased for my sake to protect and help such of my good servants, as my executors shall at any time recommend to his grace's favour: and also I do desire his grace in all humbleness to commend the memory of my long continued and faithful service unto my most gracious sovereign, who ever when he was prince was my patron, as I shall, who have now, I praise God, one foot in heaven, pray for him while I have breath.

And because of his grace's great business, I presume also to name for another of my supervisors, my good friend and near ally the master of the rolls.

And

And I do most earnestly intreat both my executors and supervifors, that although I know well it is matter of trouble and travail unto them, yet considering what I have been, that they would vouchsafe to do this last office to my memory and good name, and to the discharge of mine honour and conscience; that all men may be duly paid their own, that my good mind by their good care may effect that good work.

Whatsoever I have given, granted, confirmed, or appointed to my wife, in the former part of this my will, I do now for just and great causes utterly revoke and make void, and leave her to her right only.

I desire my executors to have special care to discharge a debt by bond, now made in my sickness to Mr. Thomas Mewtys, he discharging me fully towards Sir Robert Dowglafs, and to procure Sir Robert Dowglafs his patent to be delivered to him.

FR. ST. ALBAN.

Published the nineteenth day of December 1625,
in the presence of

W. Rawley, Ro. Halpeny, Stephen Paife,
Will. Atkins, Thomas Kent, Edward Legge.

Decimo tertio die mensis Julii anno Domini millesimo sexcentesimo vicesimo septimo emanavit commissio domino Roberto Rich militi, supremae curiae cancellariae magistror' uni, et Thomae Meautys armigero, creditoribus honorandi viri domini Francisci Bacon militis, domini Verulam, vice-comitis Sancti Albani, defunet', habentibus etc. ad administrand' bona jura et credita dicti defuneti Francisci Bacon defunet', juxta tenorem et effectum ipsius testamenti superscript', eo quod dominus Thomas Crewe miles et dominus Johannes Constable miles, executores in hujusmodi testamento nominat' alias vigore mandator' sive occasionum a curia praerogat' Cantuar' emanat' ad id legitime et peremptorie citati, onus executionis testament' superscript' in se suscipere recusarunt et denegarunt, saltem plus juste distulerunt; eoque quod dominus Humphridus Maye miles, cancellarius ducatus Lancastriae, dominus Ricardus Hutton miles, unus justitiariorum domini nostri regis de banco coram, dominus Euball Thekwall miles, supremae curiae cancellariae magistrorum unus, et dominus Franciscus Barnbam miles, executores etiam in testamento superscript' nominat', ex certis causis eos et amicos suos in ea parte juste moven' oneri executionis testament' superscript' expresse renuntiarunt, prout ex actis curiae praediēt' plenius liquet et apparet; de bene et fideliter administrando eadem ad sancta Dei evangelia in debita juris forma jurat'.

LINTHWAITE FARRANT Registrar' deputat' assumpt'.

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