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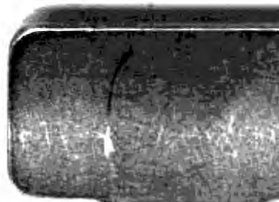
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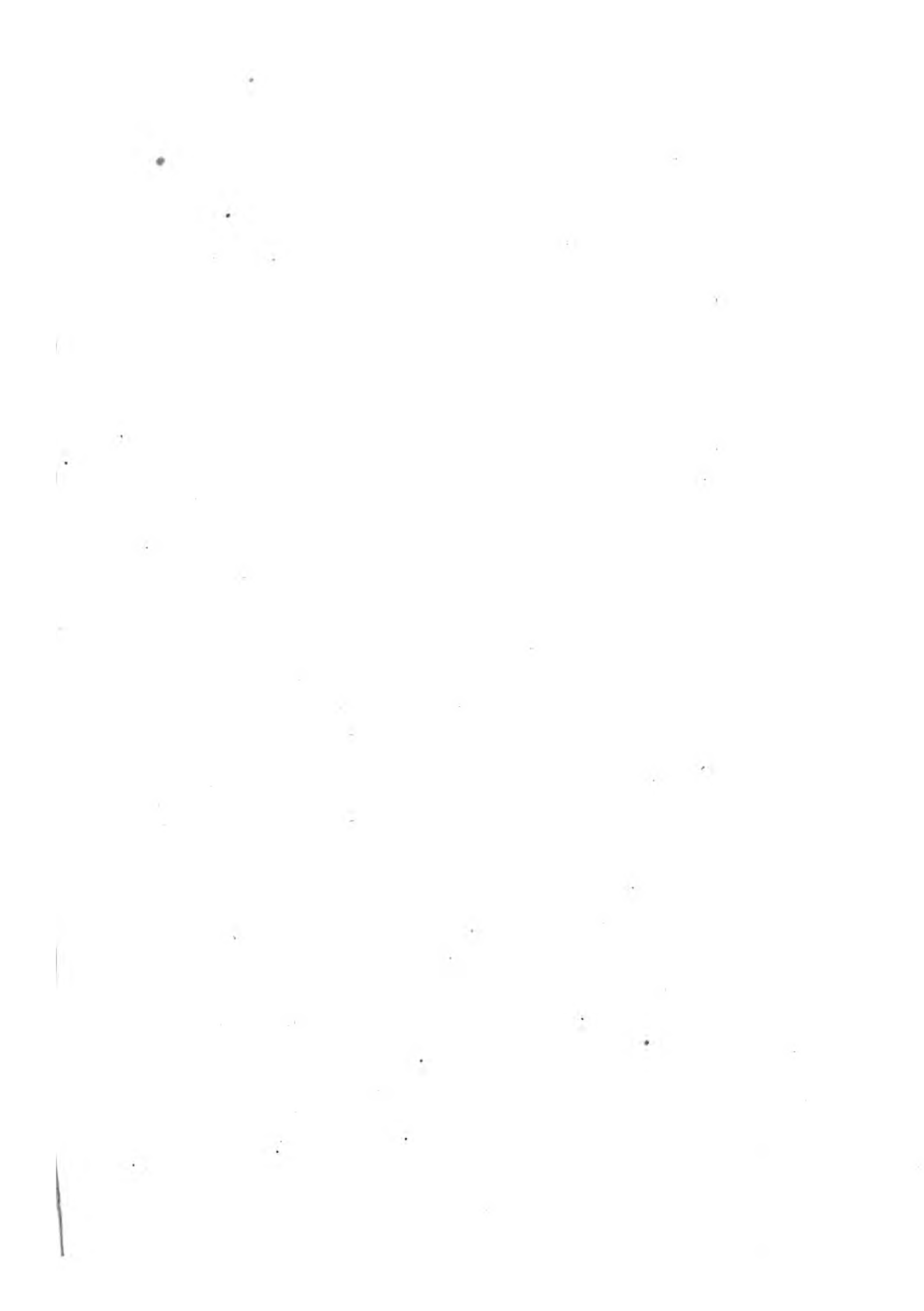


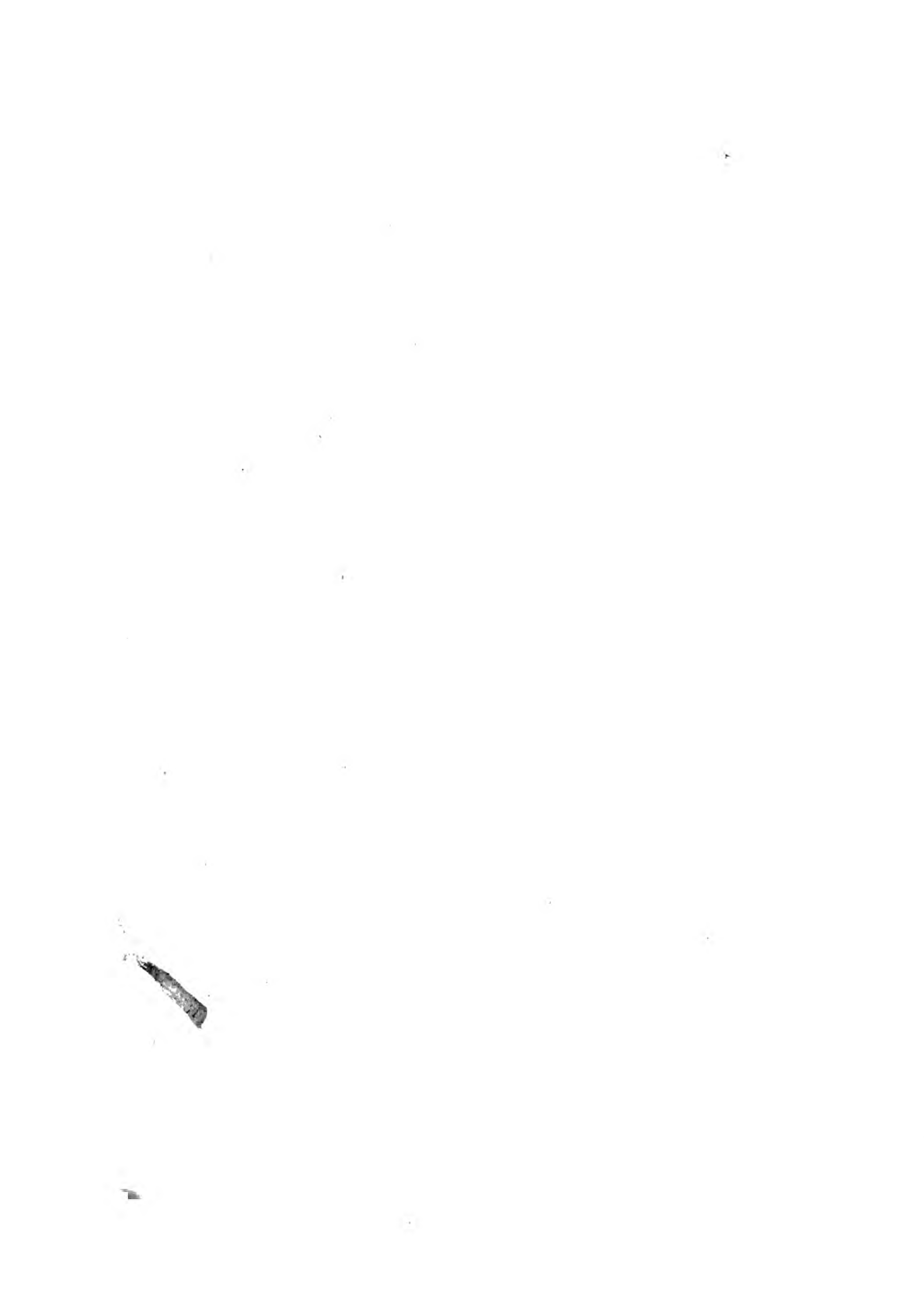
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T H E C A S E

O F

B. T. 11. 168

Glocester Hall,

I N

O X F O R D,

Rectifying the false Stating thereof

B Y

Doctor WOODROFFE.



Es Apr. 1 1702.

THe Doctor having dispers'd in the Lobby of the House of Commons amongst the Members the Case of Gloucester-Hall, Printed in an open Sheet, called, "The Case of Worcester Colledge, or Gloucester Hall, changed into Worcester Colledge, in order to procure the passing of a Bill in that Honourable House, for the Settling of Sir Thomas Cookes's Charity of 10000 l. personally solicited several of the Members for that purpose, asserting the Truth of his Printed Case, *Verbo sacerdotis*; but notwithstanding the Doctors Printed and Verbal Addresses, he was not able to succeed in his Attempt; for on the 29 April 1702. The Bill (upon the second Reading thereof in the House of Commons) was rejected.

The Doctor not being well pleas'd at the Loss of the Bill, after the House was prorogued, published a Second Edition of the same Case, with some little Altera-

tion in half a Sheet of 4 Pages, Entitling it, "The Case of Worcester Colledge, as it was presented to the Members of the House of Commons, which was also dispersed about the Town, together with a printed Letter in 4to of 8 Pages, calling it self, "A Letter from a Member of the House of Commons, in Answer to a Letter from a Member of the University, enquiring, bow the Bill for Settling Sir Thomas Cookes's Charity of 10000 l. for the Erecting and Endowing of Worcester Colledge in Oxford, came to be rejected in their House.

The Doctor who has scattered these Papers up and down, cannot but know, that Truth is a Common Debt owing to all Men, and that He that Prints, thereby Addresses himself to every Man, and consequently that the Printing that which is false, is a publick Fraud; and for that reason, any Man by the best means he can may discover and recover the Truth as a

A

Debt

Debt justly due to him: And therefore every Body is at Liberty to answer the *Doctors* Case of *Glocester-Hall*, wherein having printed his Name, and personally as well as publickly owned it, He has no reason to wonder, if Notice be taken of him by that Name. And tho' in the Title of the Letter the *Doctor* puts on a Disguise, yet 'tis not difficult to guess who *the University Member* is, that made that Enquiry, nor who *the Parliament Member* is, who answered it, the One may be suppoed the *Principal of an Old Hall*, the other the *Provost of a new (to be made) Colledge*, or (in plainer Terms) the *Doctor* himself, tho' under different Characters.

The University Man (it seems) wrote an Inquisitive Letter, and because he would be sure of having an Answer to his own Mind, drew it himself, and sent it abroad in the Name of a *Parliament Man*; to entitle himself perhaps by that Qualification, both to a freer Liberty of Writing, and to an Exemption for taking that Liberty.

In the Printed Case of *Glocester-Hall*, as well as in *the Letter*, the *Doctor* hath taken upon him a licencious Freedom of Publishing whatever he thought fit, without Examining whether it were right or wrong; tho' the matter were never so absurd, mistaken, or impossible: And this made him venture to affirm in the Case (a) That *August 1701* (which was above six Weeks after *Sir Thomas Cookes* died) *the Doctor* being then at *Bentley*, "*Sir Thomas invited some Friends to Dine with him there*, the *Doctor* not considering that *Sir Thomas* was Dead, and the Worms at Dinner with him at that time.

However tho' this Passage is impossible to be true, yet the *Doctor* when he revised and altered the Case, Reprinted the same Passage in the Second Edition; which is not only a great Mistake as to the time, but (which is worse) the very Ground and Reason, for which that Passage is cited, viz. The Pretence of *Sir Thomas's* having finished his great Work

"in *Settling his Charity on Worcester Colledge*, is notoriously false; for he died without having made any other Settlement of it, but what is contain'd in his Will.

Without doubt when this Case was first given out in the Lobby, divers of the Members might know when *Sir Thomas Cookes* died, and might and did perceive by this incredible Passage, how slender regard was to be given to a Paper drawn up so inconsiderately; and if they judg'd of the Sincerity of the Publisher in other Particulars of the Case, according to the little Truth of this, certainly they could not see any great reason to give Credit to such a Case, which possibly divers of the Members were convinc'd to be mistated also, in other Matters of Fact besides this, (as in Truth it is;) so that instead of Wondering how the Bill came to be rejected, there would have been much juster Ground to wonder (all things considered) if it had not been rejected.

For the *Doctor* in divers other Instances in his Printed Case and Letter, (which will be consider'd in their proper Places) hath so wretchedly misrepresented several Matters of Fact, and made such Reflexions upon Persons, that it is not only reasonable, but necessary for the Undeceiving those who have been, and preventing those who may be, misled; as well as for the just Vindication of Persons traduced, to set the Business of *Glocester-Hall*, in a true Light, That all Men (especially the concern'd) may have a right State thereof.

But this cannot be done so exactly as it ought to be, without laying open some odd Passages, which might have been concealed, if the *Doctor* had not dragg'd them out into the Light, and by publishing several Falshoods, rendered the detecting them of absolute Necessity, for the Discovery of the Truth.

And therefore if any Person be touched, by the relating of any Fact concerning this Affair, he will do well to consider, who gave

(a) vide
Case Note the
4th.

gave the occasion, and was the first Aggressor; and that, a publick Attempt to impose a Falſity upon others, as it occasions, ſo it juſtifies, the Detection.

I cannot apprehend it any breach of *Charity*, but rather a piece of *Juſtice*, to diſcover the Faults of one Man, when the Concealing them may be injurious to another, or to a Community; and tho' (being a *Layman*) I muſt confeſs my ſelf unable to diſpute with a *Doctor in Divinity*, concerning Points of *Religion*, yet I may ſafely affirm, that none of the Rules of *Charity* bind me to violate any of the Duties of *Juſtice*.

The *Doctor* by his *Printed Caſe* did more particularly Addreſs himſelf to a *great Community*, The greateſt in the Kingdom, *viz.* *The Representatives of the Commons of England in Parliament*, in order to procure the Eſta bliſhing of a *Law* upon falſe Suggeltions and Surmiſes, to alter the *Will*, and pervert the *Charity* of a Dead Man, intended for the *Common Good*: Therefore in a Matter of ſuch a *publick Concern*, tranſacted in the *great Council* of the Kingdom, and deſign'd to involve in it the joynt Conſent of *the Three Eſtates of the Realm*, I conceive it cannot be conſiſtent with *Juſtice*, by covering the Fault of one or two, to ſuffer ſuch a *Community* to be impoſed upon, and a *Law* to be founded upon Artifice and Deceit. And tho' in ſome Caſes, where it may be done innocently, and without Prejudice to any, I muſt Acknowledge it to be one of the *Acts of Charity*, to conceal the Faults of others; yet it may be at other times, and is at this time, and on this occaſion in particular, by ſo much a more important *Charity* to detect them, by how much the Benefit of a *Number* is preferable to the Advantage of *one or two* Perſons: for as of Evils, it's our Duty to chuſe the leaſt, ſo of things that are good, the largeſt, and that which is moſt extenſive is ever to be choſen.

Moreover in conteſting *Matters of Right*, before competent Judges, or Perſons legally intruſted to act a *Liberty*,

hath been ever allow'd, to expoſe the *Falſhood* of other Men, when ever it was requiſite for the Diſcovery of the *Truth*, in Relation to the things con- teſted.

Befides, the *Doctor* is the leſs excuſable for his Miſrepresentations in this Caſe, in Reſpect of the *Quality* and Character of the reſt of the *Co-Truſtees* upon whom he deſign'd to impoſe them, and the Relation he ſtands in toward them.

As to the *Qualities of the Truſtees*, five of them are eminent *Governours* and *Overſeers of the Church* (and one of them the Greateſt in the Kingdom) who (*as Biſhops*) being his *Eccleſiaſtical Superiors*, might challenge a ſuitable Reſpect and Obſervance from him: The other 24, were all of them *Heads of Houſes*, and Rulers in the ſame *Univerſity*, where he himſelf reſided, who had reaſon to expect from him all Manner of *Fairneſs* and *Sincerity* in his Con- verſation towards them: and all of them being joyn'd with him in the ſame *Truſt*, might therefore claim his *beſt Advice* and *Aſſiſtance* in the Management there- of, rather than his Obſtruction and Diſ- couragement, which tends to the deter- ring others, from accepting ſuch noble and neceſſary Offices for the *Publick Good*.

And 'tis great pity it may be obſerved, that Men of the *greateſt Sincerity*, who are therefore moſt fit to be truſted, are not generally inclin'd to undertake it; which gives buſie and ſelf-ended Men too many Opportunities to thruſt them- ſelves into, and others out of, *Publick Truſts*; but however, when 'tis ſeriously conſidered, that Perſons appointed to manage the *Charity* of other Men, are not ſo much the *Donors*, as *Gods Truſtees*, who is the great *Donee* in all Caſes of *Charity*; It is not to be imagined, that any good Man ſo intruſted will think it a Trouble to undertake the Care of ſuch a *Truſt*, or be ready to ſling it up to thoſe who gape to embrace it, for baſe and private Ends; but rather for *Gods ſake* and the *Publicks*, bear as well

with the Common and incident Cares, as any Accidental Difficulties, happening in such Cases; and faithfully and sincerely, without indulging their own private ease, or any Respect to Persons, apply themselves heartily to the Execution of such Trusts, for *the most Publick and extensive Good*, which the *Charity* is or can be made capable of, by their prudent Management.

It is to be wished, the *Doctor*, before he Printed his Case, would have consider'd the Consequence, not only of *Misleading others*, but also of being *mised*; and how far he may be concern'd in the unhappy effects of both: since *the Deceiver* is answerable for the Injury done to *the Deceived*; tho' on the other side, *the Deceived* (notwithstanding the guilt of *the Deceiver*) is also frequently brought into great Mischiefs, and sometimes to Ruin and Destruction, by the Falshood of *the Deceiver*, besides the appendant Imputation of *Weakness*, on the deceived Person, for suffering himself to be *over-reached*.

We have a *dreadful Example* of the unhappy Consequence of *too hastily Believing*, what is told us, tho' by Men pretending to Holiness, and to speak by Divine Inspiration; and *the Instance* is the more remarkable in this Case, because *the Deceiver and Deceived* were both *Prophets*.

The *Doctor* may remember that *the Lying Old Prophet*, by Imposing a Falshood upon *the Man of God*, betrayed him to a cruel and untimely Death. We do not read of any Judgment fell upon the *Deceiver*, (tho' he was guilty of a most notorious Fraud :) But the Person *deceived* lost his Life, after he had refused the Invitation and rejected the Reward of a *King*, by suffering himself to be deceived by one of *his own Order*.

Another Instance of the sad Consequence of an easie Credulity, we have in *Sampson*, who tho' a *Wise Magistrate* and a Man of *great Valour*, yet after he had judged *Israel* twenty Years, when once he had given up himself to be im-

posed upon, was first blinded, and then made *the Sport and Derision* of those, to whom before he was a *Terrour*.

It may therefore import all Men, especially *the Learned*, and such who are bred up in *the Schools of the Prophets*, and have Capacities, as well as Time and Opportunities, to search into the Truth of Matters offered to their Belief, to be Cautious, and not suffer themselves to be deluded by the most specious Pretenders.

The *Doctor*, that he might the better mislead the Readers of his Case, endeavours to *put out the Eyes* of their Reason, by his *false Representations* of several Facts; Hoping, that by misguiding their Judgments, he might be able to induce them to make a Settlement of *Sir Thomas Cookes's Charity*, otherwise then was directed by his *Will*. Which the *Doctor* (so far as in him lay) attempted to frustrate, as may appear by what follows, *viz.*

Sir *Thomas Cookes* of Bentley in the County of Worcester Barr. on the 19th Febr. 1696. Made his last Will and Testament in Writing, and about 4 Years and 3 Months after, *viz.* On the 8th June 1701. He died leaving his Will in full Force.

The Tenour of which Will (so far as it relates to the 10000 l. Charity) is as followeth, (*viz.*)

“ Imprimis. I give and devise to the
 “ Most Reverend Father in God, the
 “ Lord Arch-Bishop of Canterbury, the
 “ Right Reverend the Bishops of Wor-
 “ cester, Oxford, Litchfield, and Glo-
 “ cester, and to the Vice-Chancellor, and
 “ all the Heads of the Colledges and
 “ Halls in Oxford, for the time being,
 “ and to their Successors, the full Sum of
 “ 10000 l. to be paid to them, or such
 “ Person, as they or the Major Part of
 “ them shall appoint, by my Executors
 “ hereafter named, within 18 Months
 “ next after my Decease, to be by them
 “ or the Major Part of them, laid out and
 “ disposed of, for the Uses and Purposes
 “ herein

The Will. " herein after expressed and declared
 " (That is to say)
 " To the End, They shall forthwith
 " place out the same at Interest upon good
 " Security, until they shall dispose of the
 " same in Purchasing some Estate in Lands
 " and Hereditaments, to their own good
 " liking.
 " And that with the Interest and In-
 " crease of the said Money, and the Rents
 " and Profits of the Lands purchased.

They should either

" Erect and build upon an Ornamental
 " Pyle of Building in Oxford, and
 " thereto (by and out of the Interest of
 " the said Principal Money, and by and
 " with the Rents and Profits of the
 " Lands so purchased) Add, raise,
 " Create, or Endow such and so many
 " Scholars Places and Fellowships, as
 " they shall think the Product or Yearly
 " Revenue of the said 10000 l. and
 " Lands therewith purchased, will sup-
 " port and maintain.

Or otherwise

" That the said Arch-Bishop, Bishops,
 " Vice-Chancellor and Heads, or the
 " Major Part of them, do with the Interest
 " of the said Money, and by and out of
 " the said Rents and Profits of the
 " Lands therewith purchased, add to,
 " create, raise, or endow such other
 " College or Hall in Oxford, with
 " such and so many Fellowships and
 " Scholars Places, as they shall think
 " most fit and convenient.

" To whose Care and Discretion (for
 " the Ends aforesaid) I wholly leave
 " the Disposal and Management of
 " the said Money; And I do hereby
 " will and devise, That the said Arch-
 " Bishop, Bishops, Vice-Chancellor
 " and Heads, for the time being, Be for
 " ever Trustees, Managers and Go-
 " vernors of the Lands so purchased,
 " and of the Scholars Places and Fel-
 " lowships therewith raised, created, or
 " endowed.

" And I constitute the Bishops of Wor-

The Will. " cester, and Oxford, and Vice-Chan-
 " cellor of Oxford, for the time being,
 " and their Successors for ever, to be
 " special Visitors of and for the said
 " Scholars Places and Fellowships so to
 " be settled.

" And my Will is, That when such
 " Scholars Places and Fellowships are
 " settled, such Boys bred in my Schools
 " at Bromesgrave and Feckenham,
 " in the County of Worcester, as for
 " their Learning shall be thought fit for
 " the University, and such of them prin-
 " cipally, as shall be of my Relations;
 " and for want of such Boys, then such
 " other fit Boys there, shall from time
 " to time for ever hereafter have Pre-
 " ference, and be placed in the said
 " Scholars Places and Fellowships;
 " and for want of fit Boys in those
 " Schools, Then such Boys as are bred
 " in the Free-Schools in Worcester,
 " Hartlebury, and Kiderminster, &c.
 " in the County of Worcester, as shall
 " be judged fit for the University, shall
 " from time to time for ever after (as
 " often as a Vacancy shall happen) be
 " placed in the said Fellowships and
 " Scholars Places.

" And my Will is, That as well the
 " said 10000 l. as all my other Lega-
 " cies, be paid at the time and in the
 " manner mentioned in my Will, by my
 " Executor, out of my Personal Estate;
 " And if that fall short, then my Will
 " is, such Deficiency be supplied by my
 " Executor, out of my Lands and Ten-
 " nements hereby devised him, to the
 " end he may (and my Will is he do)
 " sell or mortgage the same, that thereby
 " he may, together with my Personal
 " Estate, make up, pay, and discharge
 " the said Legacies.

" And I ordain my Nephew Tho-
 " mas Winford my Sole Executor, de-
 " siring and charging him to take Care,
 " that this my Will be in all things
 " performed, as he will Answer the
 " same at the last Great Meeting-
 " Day.

The Design of

This Will, was to direct how, and by whom, the 10000 *l.* *Charity* should be settled and managed.

The Doctors Bill, was to alter the *Will*, and to have the *Charity* settled and managed otherwise then the *Will* directed.

His Printed Case, was to promote the Passing of his *Bill* in the House of Commons.

His Letter, was to complain that *the Bill* was not passed, but *rejected*.

Which *Will*, *Bill*, *Case*, and *Letter* shall be severally and distinctly considered in order, according to the respective times wherein they were transacted.

As to the Will. It appears by the *Will* that 10000 *l.* is given by Sir *Thomas* to the Thirty Trustees, to be paid them by his Executor within eighteen Months next after his Death (which will expire on the 9th of December 1702, and is to be by them put out at *Interest*, till they can find out a *Purchase* to their own liking, and the *Interest* of the Money and Profits of the Lands when Purchased, is to be by them disposed of *one of these two Ways*:

Viz. *Either*

I. To erect and build upon *some Ornamental Building in Oxford*, and thereto add, create, or endow, so many *Fellowships and Scholars Places* as they shall think the Revenue of that Sum will maintain.

Or *otherwise*

II. To add to, create, or endow, *some Colledge or Hall in Oxford*, with so many

Fellowships and Scholars Places as they shall think most convenient.

From hence it is apparent, that Sir *Thomas* by the *Will* designed this *Charity* should be made extensive, for the Benefit of as many Persons as it can possibly maintain, which in his life time he often confirmed; declaring, he would have as little of it as could be, laid out in Building, and the whole (if possible) applied to the Fellows and Scholars.

By the *Will* the 30 Trustees were all made Governors and Managers for ever both of the Lands Purchased, and of the Fellowships and Scholarships.

And 3 of the Trustees, viz. The Bishops of Worcester and Oxford, and the Vice Chancellor of Oxon, for the time being, were made *Special Visitors* for ever of and for the said Fellowships and Scholarships.

The Scholars were to be chosen out of the Boys, bred up in Sir *Thomas's* Free Schools at *Bromesgrave* and *Feckenham* in *Worcestershire*, fit for the University; whom *his own Relations* were to have the Preference; and for want of fit Boys in those Schools, then those of the Free Schools in *Worcester*, *Hartlebury* and *Kedermister*, &c. were capable to be chosen.

Now in regard the maintenance of Scholars was the Chief Design of this *Charity*, it can't be conceived such a Sum as 10000 *l.* could be sufficient to erect and endow any Colledge; Therefore the Trustees had a Discretionary Liberty, either to endow some Building that was not a Colledge or Hall, or (which is better Husbandry, truer *Charity*, and most intended by Sir *Thomas*) to apply this Endowment of 10000 *l.* to some Colledge or Hall already endowed, where little or no Building was necessary, where all Colledge Officers were already fixed and maintained; lest otherwise that *Charity* which he design'd for Scholars, should be so distributed, that there should be room enough found in

Coll

Colledge or Hall in Oxford, to entertain the Persons designed for this Charity, (1) There will be no need to spend any of the Money in Building ; (2) Nor in the maintenance of Colledge Officers: by which means the Charity will be wholly or (at least) chiefly apply'd to the support of Scholars, and not consumed among Workmen, for whom it was never intended.

And that Sir Thomas might both enable and oblige his Heir, the more readily and chearfully to pay the 10000*l.* to the Trustees, at the time appointed, without making any pretences to delay the Payment, and to the end the Money (as the Will directs) might be improved for the best Advantage of the Charity, by putting it out to Interest till a Purchase could be made, 'Tis observable by the Will, viz.

I. That Sir Thomas gave his Heir, all his Estate, both Real and Personal.

II. He gave him 18 Months time (for his better Conveniency) to raise the Money.

III. He gave him both full Power and exprefs Order, to sell the Real Estate, if the Personal Estate was not sufficient for that end.

IV. He binds all this upon him, in the most strict Words and solemn Manner imaginable, (thus) Charging him to take Care that this Will (viz. the Will whereby he had given him this Estate) be in all things performed, as he will answer the same at the (Day of Judgment which he calls the) Last Great Meeting Day.

By what Motives Sir Thomas was induced to do this Publick Deed of Charity, is not needful to examine; But so much is certain, that having a fair Estate and no Children; He made his Will with great Deliberation and Advice, Consulting therein with Doctor Stillingfleet the late Learned Bishop of Worcester, into whose Hands the Will was put (as the Doctor himself has declared in

his (a) Extract of Letters) to ensure the Fund of 10000 *l.* and as a Pledge of Sir Thomas his Real and Sincere Purpose therein.

(a) Vide Letter dated 29 May 1699 In the Doctors Extract of Letters dispers'd about the University, and that laid before the House of Lords. Pag. 4. N. B.

For it appears by what the Doctor has discovered, in that Extract (b) " That there was a Report raised (against Sir Thomas) as if he would go back from his long design'd Charity: The Doctor well knows Sir Thomas his Mind was very mutable, and that he suspected his own Fickleness and Inconstancy to that Degree, that he made use of the Doctors Help to keep himself steady, and for that reason by a particular Letter mentioned in the same Extract (c) the Doctor declares that Sir Thomas gave him leave to publish to the World, who it was, that was doing this Charity; the reason whereof afterwards gave, was, that thereby he might make it impossible for himself to retract ought, having thus once declared it.

(b) Vide the same Letter in that Extract before the Lords.

(c) Vide the Letter, dated 13 June 1698. In that Extract dispers'd about Oxford.

The Doctor having leave by this Letter to sound a Trumpet before Sir Thomas his Alms, accepted the Office; and so between 'em both, the Purity of the Charity was stained by the Vanity.

When the Doctor first heard of the 10000 *l.* bequeathed by this Will of Sir Thomas Cookes (who never was displeas'd to have his Charity talk'd on, nor desired to conceal it) liked the Sum very well, and propos'd to himself which way he might get it settled upon Gloucester-Hall, an old ruinous Place, whereof he was Principal, which (as the Doctor himself, who knows it best, has in his own Words described it)

(d) *Præfusus desolata jacuit, under retro omnia fluere, subruï pæne totius Aula sum-damenta, nec quicquam nisi moles ædificiorum inanes, deploranda rudera, & meros ruinarum cumulos, ubique conspici.*

(d) Vide Charter of Incorporation dated 22 Octob. 1698

Since therefore the Doctor has confessed there was nothing to be seen about his tottering Hall, but void and empty Carcasses of Buildings, Lamentable Rubbish, and Heaps of Ruins, how can such

(a) Vide
the Will in
the Beginning.

a forlorn Wast, answer the Description in Sir *Thomas* his Will, of the Place design'd for his *Charity*, which he expressly requires to be (a) "an Ornamental Pile of Building. Besides it was situate in the very uttermost Skirts of the Suburbs of the City, and (which is worse) in a most Notoriously vicious, and scandalous Neighbourhood.

Now whether a Seminary for the Education of Young men in Religion and Vertue, was fit to be planted in so rank and stinking a Soil, may be worthy the Consideration of those to whom it belongs; But to be sure, such a naked and ruinous Place would have consumed all the 10000 *l.* and more, to repair and rebuild it, if Sir *Thomas* had intended it to be shared among *Masons*, *Bricklayers*, and *Carpenters*, another (but worse) kind of Burial-Undertakers, who interr Mens Estates and Persons before they are dead.

The *Doctor* fixing his Eye upon the 10000 *l.* had not Patience to wait for it, till Sir *Thomas* died; but endeavour'd all he could, to get it settled in his life time upon *Glocester-Hall*; for he considered by the Will, it was not to be paid by the Executor, till 18 Months after Sir *Thomas's* Death; and consequently if that happened before the *Doctor* could work him up to such a Settlement, that his Will must take place, and then all the rest of the Trustees would be let in, to have a share in the Disposal of the *Charity*. And he being but one of the Thirty, could not be sure he should be able to prevail for the Settling it upon *Glocester-Hall*.

Therefore he applyed himself vigorously, to get it fixt there while Sir *Thomas* lived, to which end he try'd all the Methods he could think on by Writing, Perswading, Teazing, Leasing, Flattering, and Threa'ning, and (which is the greater Pity) by Preaching too.

The *Doctor* will have the less reason to wonder at this Account of the several Arts he practis'd with Sir *Thomas*, because he has been so ambitious of

having the World take Notice of that he has published them himself, caused the choicest of them to be printed.

The first Method the *Doctor* us'd was, addresssing himself to Sir *Thomas* by Letters, in order by that mean to draw Answers from him, which (as appears by the Printed Case) he knew how to make use of to serve his ends; and accordingly, when he had received them, he turns the Courtesie and Civility of Sir *Thomas* his Expressions into Evidence against him; and because his Answers were sealed and delivered, he would make use of them as Bonds; and there were no difference between Obligations received from a Gentleman and those drawn up by a *Scrivener*.

Then the *Doctor* proceeded to buy out a small Purchase or two, which Sir *Thomas* not approving, the *Doctor* inform'd him, since he did not like them, the *Doctor* would purchase them himself, and accordingly they were purchased in the *Doctors* Name, and by (as 'tis said) since disposed of.

After this, the *Doctor* pass'd two Charters at his own Charge, but with little Consideration, that they are void in Law, and of no other use to himself, or any Body else, than to shew how rashly he would have squandred away the 10000 *l.* if he could once have got hold of it, which Sir *Thomas* carefully prevented.

But this was not all, the *Doctor* framed three Bodies of Statutes for the Government of *Glocester-Hall*, before any Settlement was either made, or to be made there; which several Bodies of Statutes are repugnant to each other, and all of them Void, Ugly and Absurd, drawn in the Name, without the Approbation of Sir *Thomas*.

These Letters, Purchases, Charters and Statutes, are here only hinted at, to shew the intermediate Transactions, managed by the *Doctor* between the time of Sir *Thomas's* making his Will, and the time of his Death; in order to get the Charity settled upon *Glocester-Hall* in Sir *Thomas's* Name.

* all of y^m differing from those he affirmes in his case to be signed by y^{rs} Besides their varying out y^e 42^l he applyed to their Lord^{ss} approbation after he

Life; but shall be more particularly considered under their respective Heads, in the State of the Case, where the *Doctor* has inserted them.

All these *Rash* and *Needless*, as well as *Chargeable Proceedings*, were made by the *Doctor*, only to give a *Countenance* to his *Design*, as if *Sir Thomas* (tho' he did not) had directed and approved all that was done; and to create a *Belief* among *easy* and *credulous People*, from these several *Facts* which the *Doctor* would (without reason) *Father* upon *Sir Thomas*, that his *Intentions* were fixed upon *Glocester-Hall*, when in *Truth* they were not.

Sir Thomas finding himself pressed on by the *Doctor*, faster then he was willing to go, made a stand, and took occasion to give out, he would not settle his *Charity* at *Glocester-Hall*, unless he and his *Heirs* might have the *Nomination* of the *Provost* for ever, which the *Duke of Ormond* as *Chancellor* of the *University* opposed for some considerable time, but afterwards condescended to.

At length, when the *Doctor* had made use of all the *Artificial Means* he could think of, and perceived he could not work upon *Sir Thomas*; and that tho' the *Duke* had yielded to his *Proposal* for the *Nomination* of a *Provost*, yet *Sir Thomas* still made other *Pretences* to hang back; the *Doctor* thought it high time, to give him a *Cast* of his own *Profession*, and to try what *Spiritual Methods* could do; and therefore endeavoured to soften him by *Texts* of *Scripture*, applied (or rather misapply'd) after the *Doctors* manner, threatening him with the *Judgment*, shewn upon *Ananias* and *Saphira*, for keeping back his intended *Charity* so long; hoping that way to frighten him, to go forward and compleat it.

Sir Thomas could not possibly be *easy* under all this *Teasing*, and therefore grew at last so very weary of the *Doctor*, that when he came to *Bentley*, *Sir Thomas* refused to see him, of which (as a great *Unkindness*) the *Doctor* complained to several of his *Friends*.

At last on the 23 *May* 1700 the *Doctor* gets up into the *Pulpit* at *Feckenham* in *Worcestershire*, not far from *Sir Thomas's* House; and there taking good Aim, Preached directly at him (tho' he was not at Church) and because the *Doctor* would be sure to hit him, and let the *World* know at whom he shot, and how good a *Marks-man* he was, he Printed his *Sermon*; and in a *Soothing Epistle* Dedicated it to *Sir Thomas*, that so he might incline him to read, what he would not hear; But tells him plainly in his *Dedication*, (a) “ That his Sermon was not published in the same Words in which it was preached, and the reason he there gives for it (tho' there might be another) was because having neither time to pen it, or commit it to Memory, he was obliged to those sudden and almost extempore Effusions, which 'twas scarce possible so to recollect, as not to vary from some of the Phrases and Expressions, which he then made use of in the Pulpit. And indeed one may easily guess (without being told) that his Discourse was made up of too many extempore Effusions; for the *Doctor* having taken a *Text* recommending the *Virtue* of *Charity*, to the *Rich-men* in this *World*, in order to make them *Rich* in good *Works*, from thence takes (or rather seeks) an occasion to inveigh bitterly against the *Vice* of *Flattery*, and after he had in the beginning of his *Sermon*, described the *Odioufness* thereof; about the *Middle* of it, he puts it in *Practice*, the better to shew his *Auditory* the *Ugliness* of it in himself.

The *Doctor* in his *Sermon* sets out the *Baseness* of a *Flatterer*, in the basest Words he could think of, taxing him (b) “ with *Lying*, *Falshood*, and *Hypocrisie* and with (c) *cringing*, *bowing*, and *remporizing*; then calls him “ *Officius* “ *Slave*, *Sordid* *Sycophant*, and *Parasite*, and in the next *Paragraph*, compares him to “ a *Dog* *snarling* for a *Bone*, a “ *Fly*, an *Earwig*, and in the same *Page* paints the *Flatterers*, “ In several *Postures*, “ of their *obseruance* to every *Beck* B “ or

(a) *Viz*
Doctor
Woodroff's
Sermon
 preach'd 23
 May 1700.
 at Fecken-
 ham in
 Worcester-
 shire, Printed
 at the Thea-
 ter Oxon,
 Epist: Ded,
 Page 1.

(b) *Sermon*
 Page 4.
 (c) Page 5.

[a] Sermon
pag. 5.

“ or Nod of the Rich Simmer, (as he there calls the flattered Person) and this in such a feeling manner, as if he were describing his own Addresses to his Patron; the Doctor observes (I will use his own Words (a) “ *With what Veneration they (i. e. Flatterers) receive all, he (i. e. the Flattered) doth or saith; with what a forward understanding they can apprehend more than either he expresses or intends, can interpret his wiser Thoughts beyond what ever came into them, and give him the Honour of what he did, and did not, even of all he should have said or done, with what ever else flearing, sneaking, ridiculous, servile, unmanlike Buffoons can invent for him.* These are the Doctor's own Words, and they exactly describe his own Behaviour towards Sir Thomas, to whom he attributed what he never deserved, applauding him for Actions he never did, apprehending more than he ever intended, and interpreting that to be in his Thoughts, which never came into them.

[b] Sermon
pag. 23.

After this, when he had decipher'd the Flatterer in these odious Colours, he tries how to act him, and falls a Flattering Sir Thomas in a sordid manner, and yet begins with a Prologue, disowning Flattery in this manner. “ (b) *Think not* (says he) *I stand here to flatter him, I know in whose Place I stand, I know in whose Name and Authority I speak, Think rather, as the Angel sent to Minister to our Lord after his Temptation, that I am sent to comfort him in his; and in the same Page goes on to sooth him up, and declares him “ One who desires nothing so much as to be rich in good Works, (affirming) he never saw or knew the Person so intent on Charity, as he seems to be, that it was all his Thoughts, all his Discourse, then in the next Page he proceeds thus. (c) “ I know in whose Place I stand, in whose Name and Authority I speak, and as so speaking, I am sent with my great Lord's ὡ δὲλε ἀγαθὸν, Well done thou good and faithful Servant, &c.*

[c] Pag. 24.

In the same Page the Doctor attributes to him the Words which our Saviour spoke of himself, and tells him that, “ *While he was breeding and maintaining such (i. e. Scholars) “ in his Schooles and Colledges “ *he was preaching the Gospel to the Poor “ healing the Broken Hearted, preaching Deliverance to the Captive, recovering Sight to the Blind, and Liberty to the Bruised; and in the same Paragraph applies to him those Words of Zachary in the Benedictus, prophesied of our Saviour, (c) “ That he was giving Light to them that sit in Darkness, and the Shadow of Death, and guiding our Feet into the way of Peace, with one or two Pages more, waded in extravagant Strains of the like in some Flattery.*

But the Doctor besides exposing the Baseness of a Flatterer, censures also the Person flattered, saying; (d) “ *Nothing is so mean and unworthy of a Man as to flatter, or to be flattered, and this generally, for which both ought to be shamed; for 'tis not (says he) Vertue, Piety, or any real Goodness or Honesty; for which Men flatter those, as they want it not, so neither do they but disdain the Assistance of a Flatterer, and blush to be set off (as all Flattery is) with Falshood and Hypocrisie, and admit that the flatterer (e) “ must stoop all the ill Nature of the flatterer's Wretch.*

The Doctor having thus characterized as well the Flattered as Flatterer, and observed how they abuse both themselves and each other, when he resolved to print his Sermon, gives Sir Thomas such loathsome and misplaced Commendations that every Body who reads them, and ever heard of Sir Thomas, must needs know those Praises could never belong to him, and were gross Abuses.

The Doctor (f) commends him “ *For the whole Course of a serious and religious Life, for the Desires and Endeavours of keeping up good Order, Sobriety and Moderation in his Family*

“ and for being himself the Example of it;
 “ for professing Piety in the whole Course
 “ of his Living, and labouring to infuse
 “ it into those about him; for appearing
 “ with the greatest Devotion in all Acts of
 “ Divine Worship, for his Zealous En-
 “ couraging the Devotion of others; for
 “ being troubled and grieved for those
 [a] Epist. Ded. (a) who absent themselves from
 Pag. 4. “ Publick Duties, and for being ready
 “ for every good Work: and after he has
 told him in the same Page that “ he did
 “ not speak what he had said “ to
 “ flatter him (which was the accustomed
 Preface to all his Flatteries) immedi-
 [b] Epist. Ded. ately in the next Page (b) he boasts of
 Pag. 5. being “ Sir Thomas’s Amanuensis in
 “ drawing up the Statutes, comforting
 “ himself for being employed in such a
 “ Work, under so Good, Pious, and Wise a
 “ Director, and at last bestows upon
 his Patron and himself a most blas-
 phemous Flattery, “ * in comparing his
 “ own drawing up the Statutes by Sir Tho-
 mas’s Instructions, to be like receiving
 “ the Patern of all he was to make
 “ from the Mount; (An Allusion too
 impious as well as obvious, to need
 any Explanation in this Atheistical
 Age.)

The Doctor being got into the Pulpit,
 resolved to make the best use he could
 of it, for the short time he stay’d there,
 and after he had sufficiently “ sawn’d
 “ upon Sir Thomas, he proceeded to
 press him on to settle his Charity with-
 out delay; and to that end strains the
 Words of the Text, viz. (in this World)
 and infers thence, that Sir Thomas ought
 himself to compleat his Charity in his
 Life; for the Doctor (who was not wil-
 ling it should be committed to the care
 of others) levelled this Part of his Ser-
 mon against “ the Will and the Trustees,
 to make them both useless, so far as his
 Arguments could prevail; and therefore
 he advised him (c) to give his Charity
 [c] Sermon. “ *in nō nōr aīōn* before he was on his
 Pag. 19. “ Death-Bed; the Doctors great Grief
 was, that by the Will the 10000 l. was
 not to be paid, till after Sir Thomas

died, and he was for telling it over pre-
 sently.

Then the Doctor endeavoured in his
 Sermon to put Sir Thomas out of conceit
 with his Trustees, to the intent he might
 confer the Trust upon himself only; to
 which end he attempted to stir up in Sir
 Thomas a Jealousie of them, reflecting
 upon Trustees and Executors in general,
 in these Words, (d) “ How often (says [d] Vide Ser-
 he) “ is it seen, that the first Trustee, the mon pag. 20.
 “ first Executor of others Charity’s quite
 “ inverts and overthrows the Intention of
 “ the Donor, I could instance (says he)
 “ in four or five of the greatest Bene-
 “ factions of our times, no one of which
 “ Answers the pious Design of the Liberal
 “ Benefactors (and adds) that either
 “ the Charity fell short of what it should
 be, or of the end to which it was given.
 Therefore he tells Sir Thomas (in the
 same Page) “ the wise and good Man
 “ will (if possible) be his own Execu-
 “ tor, and bids him take the Counsel of
 “ the Wiseman, viz. If God hath put it
 “ into thy Heart to do good, do it with
 “ all thy might, leave it not to another,
 “ to pervert the Design; leave it not to
 “ the Wildest Chancery, to make thy
 “ Will for thee.

It may be guess’d by this insipid
 Flurt of the Doctors, his Causes in E-
 quity not having Merits in them suffi-
 cient to deserve Success, he was a lit-
 tle out of Humour with the Chancery;
 and could not forbear in his Country-Pul-
 pit, to treat that High and Honourable
 Court, with such unfavoury Language,
 as did not become either the Place where,
 or the Place of which, it was spoken.

The Doctor should have remember’d
 “ that (e) “ Preachers are said to be [e] 15 Matth.
 “ the Salt of the Earth; in respect of 13.
 their being Savoury in themselves, as
 well as Seasoning others: But “ If
 “ that Salt hath lost its Savour, ’tis so
 unfit for the Pulpit, that St. Luke tells
 us (f) “ ’Tis not fit for the Dunghil. If [f] Luke 14.
 the Doctors Speech (as St. Paul advi- 34, 35.
 ses, Col 4. 6.) had been seasoned with
 Salt, wherein of late he hath been a

great Dealer, he would have temper'd his Expressions relating to so great a Court, with more Manners and Discretion.

(a) Vide
the Doctors
Printed
Catè, Note 5.

But this *Preaching* proving as ineffectual with Sir *Thomas*, as the *Doctor's* other Practices upon him, the *Doctor* at last apply'd himself to Mr. *Price* the *Chancellor of the Diocesse of Worcester*, who is mentioned (a) in the *Doctors Printed Case*, of whom he bespoke an Instrument to be drawn up, which the *Doctor* pretends in the *Case*, was ordered by Sir *Thomas*, (tho' it was not) and was design'd (as the *Case* intimates) "for the revoking Sir *Thomas* his *Will*, so far as it related to this *Charity*."

And this Project also failed, for Sir *Thomas* never signed, or (for ought appears) intended to sign it, or ever directed the *Chancellor* to draw any such Instrument; for being a fickle minded Man, his Intentions towards *Glocester-Hall* before he died were mightily cooled; in so much that he discovered to several Persons but a few Days before his Death, a greater Inclination to bestow his *Charity* in erecting *Workhouses* in his own Country.

Thus from the 25 June 1697. (which is the first Day mentioned in the *Doctors Extract* for the first rise of his Intercourse with Sir *Thomas*) to the 8 June 1701. (on which Day Sir *Thomas* died) which wants but 17 Days of 4 Years. The *Doctor* was studying, labouring, and moyling unsuccessfully, to get this *Charity* settled upon his *Hall*; and if Sir *Thomas* had been as real and sincere in his Intentions, to settle it there, as the *Doctor* would have it believ'd he was; any rational Man may think he might have gone both further and faster than he did in his life time to accomplish those Intentions; but it will plainly appear by the several *Lingring Methods*, he made use of from time to time, and the *Difficulties* he rais'd himself, to obstruct and put off the Settlement, as

well as by the *whole Course of his Management*, that he had no mind to settle it there.

*Now Sir *Thomas* was Dead, the *Doctor* finding his *Will* like to be in force, considered, he had no way to bring about the Design he had been so often baffled in, but by an Act of *Parliament*; because he conceived, if that could possibly be obtained, in the manner he had contrived; it would not only alter the *Will*, but remove every thing else that stood in his way.

And tho the Clause in the *Will* relating to this *Charity*, was worded so plain, and made so fully expressive of Sir *Thomas* his Mind, as to the *Manner how*, and *Persons by whom*, and to whom, his 10000 l. was to be disposed, that there could be no doubt of his meaning, or need of any Explanation of the Sense of his Words, in any one instance; and tho' it had not been usual for the *Parliament* to alter a positive *Will*, where the meaning was plain, and obvious to common Understanding, much less to destroy the intent of it; yet the *Doctor* procur'd a *Bill* to be drawn up for the *Parliament*, in hopes to get it passed into an Act, the Substance and Design whereof (as appears by it self) * was (1) To exclude out of the Trust (at one Dash) 3 of the 5 *Bishops*, and all the *Heads of the Colledges and Halls in Oxford*, but himself (2) To appropriate the whole 10000 l. to *Glocester-Hall*, which the *Trustees* had a discretionary Liberty, to settle at any Place in *Oxford*, where they should think it most convenient, for the best Improvement of the *Charity*. (3) To confirm *Charters* which were void in Law, absurd, and impracticable. (4) To establish *Statutes* in Sir *Thomas's* Name, which he never made, and besides were useless, senseless, and directly contradictory to one another. (5) (By confirming the *Statutes*) to exclude the remaining *Bishops* out of the Management, who (with the other 27 *Trustees*) were

were all equally appointed by the *Will* to be *Managers* of the *Trust*, and so to keep in himself, the *Sole Trustee*, (6) to make himself the Greatest *Sharer*, as well as the only *Manager* of the *Charity*, which was designed for poor *Scholars*, by giving himself (a) in the *Statutes*, a *double Proportion* to any of the intended *Fellows*.

(a) Vide
Charter of
Statutes
dated 18 No-
vember
1698. Sect.
12.

These (among others) were the *Principal Designs* of the *Bill*, in the *Preamble* of which the *Doctor* took care to misrecite the *Will*, that he might the better pervert it; for he intimates by the *Words* of the *Preamble*, as well as by the following *Inference*, he deduces from them (b) "that the *Interest* of the " 10000 *l.* and the *Rents* of the *Lands* " when purchased (these are the *Words*) " should be applied for the erecting of a " *Colledge* or (in the *Disjunctive*) for " the creating and endowing *Fellowships*, " and *Scholars Places*, as if it might be either wholly laid out in *Building*, or wholly in *Endowment*, and in the very next *Paragraph*, 'tis falsely suggested, (c) " That *Sir Thomas* after the ma- " king of his *Will*, did upon *Deliberation* " come to a full and final *Determination*, " that the 10000 *l.* should be applied, for " the erecting of a *Colledge* upon the *Scite*, " and in the *Place* of *Glocester-Hall*; " and that the *Interest* and *Product* of the " 10000 *l.* and the *Rents* and *Profits* of " the *Lands* to be purchased therewith, " should be applied for the *Endowment* of " the said *Colledge*. Now it is not only notoriously false in *Fact*, that *Sir Thomas* came to any such *Determination* (as the *Doctor* pretends in the *Bill*,) but the *Determination* it self (if any such could have been (as the *Doctor* sets it forth) is senseless, and absurd; for how could *Sir Thomas* come to such a *Determination*, as is inconsistent with it self; for if the *Determination* was, that the 10000 *l.* should be applied to erect a *Colledge* in the *Place* of *Glocester-Hall*, (as the *Bill* mentions) how was it possible there should be any *Interest* and

(b) Vide
the *Bill* in
Beginning.

(c) Vide
the *Bill*
(ibid)

Product of that 10000 *l.* (after it was so applied to the *Erection*) to be laid out on a *Purchase*, or be appropriated to the *Endowment*. There was but one 10000 *l.* bequeath'd in all, and this *Determination* (as 'tis set out) is to lay out 20000 *l.* viz. 10000 *l.* to build, and 10000 more to endow.

But the *Doctors* main reach by the *Bill* was to wring the *Management* of this *Charity*, out of the *Hands* of all the rest of the *Co-Trustees*, wherein he was so cautious, as not to attempt it at once, but to proceed by *Degrees* (viz.)

First it appears by the *Bill* (as he has drawn it) (d) " That the 10000 *l.* " should be paid to all the 30 *Trustees* na- " med in the *Will*, it seems he was willing to trouble them all, so far as to burthen them with the *Care*, *Charge* and *Hazard* of receiving the *Money* for him; and consequently, of being accountable for it: But afterwards when it came to be laid out, then 27 of them were laid by at once; and by the *Bill*; (e) it was to be disposed of " with the " *Approbation* of two of them only, be- " sides himself, viz. The *Arch-Bishop* and *Bishop* of *Worcester*, together with the *Consent* of *Mr. Wynford* (now *Sir Thomas Wynford, Barr.*) the *Nephew*, *Heir* and *Executor* of *Sir Thomas Cooker*, whom the *Doctor* squeez'd into the *Trust*, to curry *Favour* with him, because as yet he had the 10000 *l.* in his *Hands*, and therefore the *Doctor* thought him fit to be caress'd with the *Title* of a *Supernumerary Trustee*; tho' it does not appear by any thing in his *Uncle's Will*, that he was ever intended to be put into the said *Trust*; or to concern him further in the 10000 *l.* than only to pay it to the *Trustees* punctually, within the time appointed by the *Will*, with a great *Charge* (f) to take care, " That it should be in all things performed.

(d) Vide
the *Bill* in
Beginning.

(e) Vide
the *Bill*
ibid.

(f) Vide
the *Will*
prop. first.

But after the *Purchase*, and when the *Settlement* is once made upon the *Doctors* intended *Colledge*, then the *Arch-Bishop* and *Bishop* of *Worcester*, and *Sir*

(a) Vide
the Bill about
the Middle.

Thomas Wynford himself, are all laid by, and left out of the further Management; for it was to be enacted (had the Bill passed) (a) “ *That the Rents and Profits of the Lands to be purchased, should be applied and disposed of, to the Provost and Fellows, in the Manner and Proportions directed by the Statutes, wherein no manner of Power or Authority is reserv'd, either to the Arch-Bishop or Bishop of Worcester, or Sir Thomas Wynford, during the Doctors Life, to act, or concern themselves any Ways, in the Execution of the Trust, or to oversee or inspect the Doctors Management thereof, who (if the Bill had passed) had been made the Chief Manager of all things.*

The Doctor certainly can have no fair Excuse for this Exclusion of all the Co-Trustees but himself; and if there were nothing else to be objected against him, but this contrivance only, yet that of itself is a sufficient Ground to suspect his Candour and Integrity; who was so very fearful of the Inspection of others, that he used divers Arts to exclude them; whereas they were Men of so clear a Character, that any one but the Doctor, would have look'd upon it as an Honour and Reputation, to be joined in a Trust with such Persons.

What the Doctor can alledge for this, I know not, but in the whole Series of this Affair, from first to last, it does not appear that Sir Thomas ever gave the least hint of any Inclination to change the Trustees, or lessen the Number, or exclude any one of them out of the Trust; and the Doctor himself, (who could have spy'd out such a thing as soon, and improved it as much, as any Body) does not, nor ever did so much as pretend, that Sir Thomas in his Life time let fall any thing, that could be interpreted any dislike, either to the Persons, or Number of the Trustees appointed by his Will.

'Tis further apparent by the Will that the Doctor was very loath any of the Trustees should stand so near, as to over-

look what he did; and that tho' he had found out a Method to get them all out of the Trust, yet still 3 of them by the Will were appointed Perpetual Visitors of and for the Fellowships and Scholars-Places; and therefore the Doctor did not think he had yet a clear Stage for himself to act in as he would, till those Visitors were also removed; to which end (b) the Bill (had it passed) would have turned out all the Visitors, appointed by the Will, viz. The Bishop of Worcester, the Bishop of Oxford, and the Vice-Chancellor, because the Doctor conceived, if they were Visitors, he should be more under their Eye than he was willing to be, and therefore by (c) the Bill, the Chancellour of the University was made Perpetual Visitor.

The Bill takes Notice that (d) the Site of Gloucester-Hall, being held by Lease from St. John Colledge in Oxford, at the Rent of 5 l. 10 s. 0 d. per Ann. “ *The President and Fellows thereof at the Request of Sir Thomas Cookes, in his Life did agree, (and were still willing) for the Encouragement of the Charity to Gloucester-Hall, that their Leases should from time to time be renewed without fine, at the same Rent and no more notwithstanding the Improvement which should or might be made of the same, by Building or otherwise - - -* Now tho' Sir Thomas was so far from making any such Request, to the President and Fellows of St. Johns concerning Gloucester-Hall, that he questioned their Title to the Site thereof, in which he continued unsatisfied to his Death, yet the Doctor by the Bill would make use of the Kindness of this Consent of St. Johns (which if it amount to any thing was yet at best, no more then a bare Offer to consent) to compel them by Act of Parliament, to stand to their kind Offer; designing it should have been enacted, (e) “ *That the President and Fellows of St. Johns and their Successors, for ever shall from time to time as occasion shall require (what ever just cause there may be hereafter to the*

“ contrary) make and renew Leases of
 “ the Scite of Worcester-Colledge,
 “ to the Provost, Fellows and Scholars
 “ thereof, under the Rent of 5 l. 10 s.
 “ per Ann. without taking any Fine or
 “ Income for the Renewal; Whereas St.
 Johns (as all other Colledges) is bound
 in Conscience to make the best Improve-
 ment of their own Revenues, which
 they honestly and lawfully can, for the
 good of their own Colledge, and cannot
 (if they would) legally make any
 such Bargain, to bind their Succes-
 sors.

But the Doctor went further in his
 Bill, and on behalf of St. Johns Colledge
 took upon him, without any Consent,
 or Direction from them (so far as he
 has yet made appear) to insert a Clause,

(a) Vide
 Bill toward
 the end.

(a) “ That the President and Fellows of
 “ St. Johns might sell and convey to the
 “ Provost, Fellows and Scholars of
 “ Worcester Colledge, and their Succes-
 “ sors, the Inheritance of several of their
 “ Lands mentioned in the Bill; So as
 “ other Land of the same or greater value
 “ were first settled upon St. Johns for the
 “ same Uses.

What apprehensions the House of
 Commons might have of this Clause, or
 whether, or how far, it Contributed to
 the rejecting the Bill, is not known, nor
 needful to be inquired into; But cer-
 tainly, that Honourable House who are
 the great Securers and Preservers of our
 Properties, will very well consider upon
 all Occasions (as to be sure they did on
 this) what the Consequences may be of
 empowering Colledges, by Act of Parlia-
 ment, to break into their own Establi-
 shments, and shake the foundations of their
 Ancient Constitutions, or to endanger,
 weaken, or disturb their quiet Title to
 the long settled Charities of their Found-
 ers and Benefactors, on any preence
 whatever. And it may be hereafter a
 great discouragement to the Benefactions
 of other Men Charitably inclined, to
 see the Settlements of Pious and Liberal
 Benefactors overturned, and perverted
 to purposes they never intended: And

if ever this project be attempted in Par-
 liament again (which the Dr. seems to
 threaten in his Letter) tis not to be doub-
 ed, but these things with all their
 Consequences (tho' never so remote.)
 will be Maturely considered in that Ho-
 nourable House, according to the great
 Weight and Importance thereof.

When the Dr. had contrived this Bill As to the Ex-
 tract of Let-
 ters, &c.
 he found it necessary (in order to get it
 pass'd into an Act) to make an Extract
 or Collection out of several (hitherto
 conceal'd) Letters sent him (as he al-
 ledges) on this subject, from Sir Thomas
 Cookes and others, but most of them from
 Sir Thomas's Agents or Servants, and re-
 ceived between the time of making his
 Will and his Death, with some other
 passages, relating to Purchases, Char-
 ter and Statutes made and transacted (as
 is pretended) within that time.

In composing which Extract, the Dr.
 (designing to Calculate it for Gloucester
 Hall) cul'd out of all the Letters and
 Transactions, such only which he con-
 ceived made most for his purpose, sup-
 pressing some Letters totally, discover-
 ring some partially, and representing o-
 thers advantageously, to promote the
 passing of the Bill, and to induce a belief,
 that those Letters and passages between
 the making his Will and his Death, did
 plainly demonstrate Sir Thomas his reso-
 lution to fix his whole Charity upon Glo-
 cester Hall; and therefore were to be ex-
 pounded to amount to such an alterati-
 on of his mind (as to the disposal of this
 Charity) as ought to take place, tho'
 contrary to the solemn Declaration and
 exprefs words of his Will.

This Extract (such as it was) is what
 the Dr. has thought fit to make and di-
 sperse in Writing, about the University
 and other Places; the most part whereof
 is comprehended in the Printed Case:
 Those who think fit to read either, not
 seeing the Original Letters themselves,
 are forced to take all upon Trust from the
 Drs. Allegations, both in the Extract and
 Case. — For tho' the Originals ought
 long since to have been produced, yet
 they

they are still with-held by the Dr. so that it hath not yet been made appear (nor perhaps can be) to the satisfaction of indifferent Persons, (1) Whether there be any such Letters as the Dr. *Quotes* in his *Extracts and Printed Case*? (2) Whether those *Extracts* the Dr. has made, agree with the Original Letters, out of which they are *Extracted*? (3) Whether other parts of the same Letters (so *Extracted*) are not concealed, which are repugnant to, or different from, those parts which are *extracted*? (4) Whether there be not other Letters and Papers in the Drs. Custody or Power, *not Extracted* at all, but wholly suppressed, contrary to, or different from those parts of the Letters which are *Extracted*.

'Tis observable the Dr. where it makes for his purpose, lays a mighty stress upon the Letters received from Sir *Thomas* and his Agents, and interprets the frankness of his *Compliments*, with the strictness used in expounding *Covenants*; whereas Sir *Thomas* his Letters were of no such weight as the Dr. would insinuate; for if there be really any such Letters as the Dr. pretends, Sir *Thomas* was well known to be a Man, whose mind could hardly be collected either from what he said or writ; for 'tis evident by his practice, he did not think it consistent with the debonair freedom of a *Gentleman*, to be fetter'd or bound by a modish slip of his *Pen or Tongue*, intended only for a fashionable filling up his Speech and Letters, and designed to sound well, but signify nothing. This is a truth can easily be proved, and must not be stilled, because the Dr. by citing his Letters to prove his intentions, has made it absolutely necessary to demonstrate, how little of his real Mind can be collected from those Letters; if any such can be produced as the Dr. pretends by his *Extract*; and consequently, how unaccountable it would be, to revoke a Mans last Will and Testament after he is Dead, by that which never was his meaning during his Life; this (in the Drs. Phrase in his Sermon, * " *is to apprehend*

" (a) *more than he expresses, or intends, and*
 " *to interpret his wiser Thoughts, beyond*
 " *whatever came into them.*

Therefore seeing the Dr. insinuates a variation of Sir *Thomas* his intention from his Will, and pretends he has Letters to prove such his variation; it should seem reasonable for the Dr. (especially himself being one of the Trustees) to produce all the *Original Letters and Papers* in his Custody, or Power, relating to this Affair; that the rest of the Trustees (who are intituled to have an equal privy with *the Dr.* to all Facts and Circumstances) may be the better enabled to discover if Sir *Thomas* his mind was really so altered as the Dr. pretends; which there is reason enough to doubt, in regard tho' Sir *Thomas* at some times, and in some of his *Humours*, (of which he had not a few, and especially after the Doctors teasing and importunity) might possibly shew an inclination to settle his Charity at *Glocester Hall*, yet at other times, 'tis manifest, he had a mind to settle it elsewhere; and more particularly, by the latest discovery he made *in this World*, what his mind was, *as to the place* where he inclined to settle it (which was but a few days before his Death) he declared his mind was changed from *Glocester Hall*, and was willing it should rather be employed somewhere in *Worcestershire*.

The Dr. having brought his Bill first into the *House of Lords*, laid one Copy of his *Extract* before their *Lordships*, in order to get the *Bill* pass'd in that *House*; But *that Copy* was different from the *Extract* which he had before dispersed about *the University*, and mentioned some passages more fully and at large, and others more obscurely, than those given about in *Oxford*; and some passages and parts of Letters inserted *in the one*, were totally omitted *in the other*; and tho' the truth of the Facts and Circumstances was one and the same, yet the Dr. by those several Copies of *Extracts* represented it in various shapes, knowing how to adapt his Applications suitably to the Per-

sons

Persons apply'd to, so as might best serve his turn.

Vide The
Lords Ex-
tract Parag.
3.

Therefore in that *Extract* laid before the Lords, the Dr. pretends *That on the 25 of June 1697.* (which was 4 Years within 17 days before Sir Thomas died) *he was inform'd by Mr. Wilmot, (Sir Thomas's Nephew) and Mr. Hinckly Minister of Norfield upon a Visit they made him, That Sir Thomas had declared his Resolution to lay out 10000 l. in the University, for the maintenance of his Free-Scholars, and that the Place Discours'd of (as proper for such a purpose) was Gloucester Hall.* And that thereupon, Mr. Wilmot and Mr. Hinckly (as the Dr. affirms in his *Extract*) *press'd the Dr. to write to Sir Thomas Cookes on that Subject*—The Dr. who it seems needed no great pressing, makes a *Model* for a Colledge, and not long after, *viz. on the 1st of August 1697, writ to Sir Thomas on that Subject* (as he confesses in that *Extract*) and therein gives Sir Thomas notice, that he had drawn a **Model* for a Colledge. But this passage is cunningly omitted in the printed *Case*, the better to countenance the Dr's Pretence; as it Sir Thomas first began to Treat with the Dr. about Gloucester-Hall by his Letter of the 5th of August 1697, which was no more than an Answer to the Dr's first Letter, dated the 1st Ditto.

Vide In that
Extract the
Letter dated
1 Aug. 1697.

(*) As ap-
pears in both
the Extracts
in Sir Tho-
mas his An-
swer of
5 Aug. 1697.

As to the
Printed Case.

When the *Bill* was sent down from the House of Lords to the House of Commons (which was on the 13th of April 1702) the Dr. delivered out his *Printed Case of Worcester-Colledge*, Compos'd chiefly out of the *Extract* of Letters, the Dates whereof, with references to them, were set out in the Margent of the *Case*.

In which, the Dr. not regarding that Truth and Sincerity which ought to be preserv'd by all Men in their Dealings, particularly by those of his Profession, and more especially in serious and solemn Transactions, and with Honourable and Publick Persons, did endeavour to impose several *Falsities and Untruths* (and such as he knew to be so) upon the Mem-

bers of the House of Commons, contain'd in his *Printed Case*, in order (as he hop'd) to procure the passing his *Bill* in that House, for the settling Sir Thomas Cookes's Charity on Gloucester-Hall.

For the better detecting of which *Falsities*, it will be most easie to observe them distinctly and a-part, in that order wherein the Doctor has caused them to lie in the *Printed Case*.

In the first Paragraph of which *Case*, the Doctor prevaricates, by concealing his first Letter to Sir Thomas * of the first August 1697, and pretending that by a Letter, which he refers to in the Margent of his *Case* (as dated 5 August) and is the first Letter therein mentioned (a) Sir Thomas *entred into a Treaty with him, concerning the Erecting and Endowing Worcester Colledge on the site of Gloucester Hall*; as if Sir Thomas had first wrote to him: whereas the Doctor (as appears by his own *Extract*) made a *Model* for a Colledge, and wrote to Sir Thomas before ever Sir Thomas wrote to him on that Subject: And tho' Sir Thomas, after the Doctor had obtuded himself upon him, did send the Doctor some Answers to his Letters, and so might be drawn into a Treaty, yet it was no more than a bare Treaty; and that also was limited with divers conditions, and was only Preparatory and Provisional: as (1) *Provided* he could be satisfied by his Council, that Gloucester-Hall was capable by Law of accepting and holding a Charity, that was to be perpetual; which (being but a Lease hold) he doubted could not be. (2) *Provided* he could have such terms granted him there, as he insisted on. (3) *Provided* he could live to settle it there himself according to his mind: Which were the *Preliminaries* he ever insisted on.

* Vide The
Lords Ex-
tract of the
Letters of the
1 and 5 Aug
1697.

(a) vide
The Case at
Letter (a.)

Among the several Answers the Doctor pretends in his *Extract and Case*, to have received from Sir Thomas Cookes, it will be reasonable (when they are produced) to examine, which of them are writ by Sir Thomas, and which by

his Agents and Servants, who (or some of them perhaps) have taken a greater liberty than he either gave, or intended them, and written more of their own mind, than of Sir Thomas's: For as they perceived the Doctor made it his business to flatter their Master, so they might have some hopes to make it worth their while to flatter the Doctor also, in case he could work himself by their assistance, into the *finger*ing of the 10000 l. And this might induce them in their Letters, to write the Doctor that which they thought would be most pleasing (true or false) hoping to ingratiate themselves thereby into his good opinion.

Vide the
Lords Extract
of the Letters
1 and 5 Aug.
97.

Now this Letter of the 5 August 1697, was obtained from Sir Thomas, by that sent him from the Doctor of the first Ditto, mentioned in the Extract (but concealed in the Case) in which Letter of the fifth August, 'tis pretended by the Extract, that Sir Thomas writ thus to the Doctor (viz.) "I have had indeed intentions in general, of completing the Education of my Boys (i. e. Free Scholars) at the University and declaring he had a passion for Gloucester-Hall, and that it stood rather above, than level with any other Colledge, in his thoughts.

vide the
Lords Extract
of the Letter
5 Aug. 97.

This by the Doctor was taken for such an Encouragement, that in four days after, viz. "on the 9th August 1697, the Doctor sends Sir Thomas a short Model of a Colledge.

Vide the Ex-
tract Letter
9 Aug. 97.

This forwardness of the Doctors surprized Sir Thomas, who seem'd in no such haste (as appears by his Answer dated the 14th Ditto) which is the next Letter mentioned in the * Case; wherein the Doctor has notoriously prevaricated, by quoting so much only of that Letter in his Case, as makes for his purpose, (as he deals indeed with the other Letters) but conceals all the rest of it: For tho' Sir Thomas declares there (as the Extract pretends) "that living or dying, he intended to endow Gloucester-Hall, yet he adds immediately other words, much differing from and altering

Vide the
Case, at Let-
ter (b)

the sense of those (viz.) "But truly Sir, at present I shall not be able to do tho' I am very willing; and would very glad to know from you, what I think one 1000 l. laid out your will produce; that thereby I may guess how many Thousand pounds will serve on this occasion (and then proceed thus in the same * Letter) Before I come to any resolution in the matter, you shall be consulted in it more particularly; and if it please God to remove me hence, before I can bring this matter to some perfection, you will find by my Will, you are one of the Trustees which trouble I desire you will accept.

But this part of the Letter the Doctor thought fit to leave out of the Case because it changed the meaning of the part, which he had singled out to publish: For by this Letter (if the Doctor's own Extract be true) 'tis apparent viz. (1) That Sir Thomas was in great haste to go on with this Charity tho' he was free to talk of it. (2) That at that time he declared he was not able to effect it. (3) That he was not then come to any resolution about it (so he declares expressly.) (4) That if he died before he could perfect it himself his mind is sufficiently declared by the Letter, that his Will should stand; and for that reason he appeals to his Will for the disposal of this Charity, if he died before he settled it himself; and referred the Doctor to it as one of the Trustees on whom he depended to execute the trust in that very Will, desiring him to accept the trouble thereof.

By this Answer Sir Thomas intended to allay the heat of the Doctor's importunity, pressing him on so fast by Letter and a Model: For 'tis remarkable, that in the very same Month wherein the Doctor began this correspondence with Sir Thomas, which was August 1697, Sir Thomas foresaw the Doctors teasing would be troublesome, and therefore in the latter end of that Month, he orders a Kinsman of his (a Gentleman of the Inner Temple) to correspond with

the Doctor about this Affair ; and accordingly his Kinsman on the 3d of September following, writ the Doctor word (as the Extract admits) (a) " That the Method wherein Sir Thomas desired to have things prepared , was rather by Conference than Letters ; which last Words the Doctor has warily left out in his Extract laid before the Lords, least that Expression might import that Sir Thomas might have (as possibly he had) some jealousy, that either he might be drawn in by the Doctor's Letters farther than he intended, or that the Sense of his own Letters might be strained by the Doctor beyond his Meaning.

(a) Vide Oxford Extract of the Letter of the 3 Sept. 97.

As to Purchases.

Vide Case, Letter (c)

The next Prevarication of the Doctor's which appears in his Case, is about Purchases ; where the Doctor affirms, that by a Letter noted in the Margent of his Case, at Letter (c) to be dated 22 August 1697, " Sir Thomas directed some Purchases to be lookt out, that might be most convenient for the Colledge, whereon to lay out the 10000 l. (These are the Words in the Case.) Tho' the Doctor has no Letter to warrant this Assertion ; for 'tis plain that both his Extracts of this Letter, mention Sir Thomas his Order was only to inform him of some Estate, or Estates convenient, whereon to lay out 1000 l. and what else Sir Thomas could conveniently spare, and not 10000 l. as is pretended in the Case.

Therefore 'tis manifest the Doctor has strained this Letter much beyond the genuine Sense of Sir Thomas his Expressions ; And if he can stretch so easily from One to Ten in this single Instance, 'tis Ten to One but he has done the like in others also, could they be discovered, as ('tis believed) they will be, whenever the Letters are fairly produced by the Doctor.

It appears the Direction given in this Letter, was but [to inform Sir Thomas of some Estate] which must be intended, an Estate of Inheritance, and such on which the Charity might be secured for ever: And [to inform him] must mean,

to give Sir Thomas an Account of such Estates, and to get him Particulars thereof, that he might make the usual and necessary Enquiries, in order to a Purchase.

But the Doctor expounds this Order, which was only to inform him of a fit Purchase, to be a positive Order to purchase ; being infected with the Principles mentioned in his Sermon, (b) " of apprehending more than either Sir Thomas express'd or intended, at that time, or any time during his Life: For 'tis plain by his Will, and by all he did subsequent thereunto, he did not intend the 10000 l. should be raised till after his Death, nor was willing to be troubled about it in his Life ; and therefore committed the Care thereof to his Executor, leaving him a good Estate (with a strong Injunction laid on him besides) to enable and encourage him, nay, even to oblige him to perform his Bequest.

(b) Vide Sermon, p. 5.

* Vide The Injunction in his Will.

The Doctor had no sufficient Grounds to purchase any Lands for the Use of this Charity: And indeed 'tis not only irrational to believe he did, but very improbable, if not impossible, he should ; For (1.) Sir Thomas gave the Doctor no Order to purchase, (so far as yet appears by any Letter in the Doctor's Extract) which certainly he would not have omitted, if he had had any such ; (his Orders were only to inform Sir Thomas of some Purchases.) (2.) As Sir Thomas gave him no Order, so he gave him no Money to purchase, nor so much as the Promise or Hopes of any ; which all Men know to be a very necessary Ingredient in Purchases: And it is scarce believed, that the Doctor of late has had such plenty of Money, or so little need of it, as to be able to purchase, especially for other Mens Account, and without their Desire. (3.) Sir Thomas, or his Council, had no Account of the Title of the Lands pretended to be purchased, nor were either of them consulted thereupon ; which usually is one of the first Steps towards a Purchase. (4.) Sir Thomas had not fix'd on the Place where to settle his Benefaction, at the time of the

Doctor's pretended Purchases, or at any time during his Life. (5. Nor had Sir Thomas settled any Corporation, or appointed who were to be Members thereof, or declared the Persons for whose Use this Benefaction was intended; and the Doctor had no Reason to be so hasty in purchasing Lands for the Use of a Corporation, which was not then, nor is yet in Being, nor possibly ever may be. (6.) Nor had he named any Trustees, in whose Name to purchase, or agreed to what Uses the Purchases should enure, or done any thing that look'd like a Design to lay out the 10000*l.* in his Life.

This plainly shews how little Sir Thomas was either concerned, or consulted, about the Purchases alledged to be made by the Doctor, who run on of his own head, greedily laying hold of all Occasions to be doing, and willing it should be believed, that all these forward Proceedings were conducted by the Direction of Sir Thomas, the better to skrew himself into the Opinion of some People; as if Sir Thomas had designed him the sole Manager of this Charity.

The Doctor was told by Sir Thomas's said Letter, * which was in the Beginning of their Correspondence, and was the Second Letter Sir Thomas ever wrote to him, That he was not then ready with his Money, nor so much as resolv'd in his Mind. And therefore admitting the Doctor had really made these Purchases in the Name of Sir Thomas, and for the Use of this Charity (as 'tis plain he did not) yet his Inconsideration therein cannot be defended; because he knew Sir Thomas could not settle his Charity, till the Title was first made out to the Satisfaction of Sir Thomas, or his Council; for till then it could not appear whether Gloucester-Hall was a Place capable by Law to receive his Charity, or had any such Legal Estate whereon he could securely engraft a Perpetuity.

And this Haste was still the more unwarrantable, in regard the Doctor had no Reason to believe Sir Thomas's Money

was ready when he made his Purchase nor did Sir Thomas ever give him Notice it was ready; but on the contrary about Three Years after the Time pretended for making these Purchases, the Doctor acknowledges by his Extract, that on the 10th of September 1700, and not till then, which was but 9 Months before Sir Thomas died, he was then far from declaring his Money to be ready "that he sent a large Particular of several Debts due to him to be call'd toward making up the 10000*l.* TH yet 'tis believed Sir Thomas (whatever he pretended) had Money enough ready at that time, if his Mind had been ready, which certainly it was not. And therefore the Doctor could have no justifiable Ground for hurrying on with his Purchases, Charters, and Statutes, long before there was any need of them, especially considering the Charity intended by the Will, was not to commence till 18 Months after Sir Thomas's Death. And yet the Doctor pretends in the Case, (e) "that Purchases were lock'd out, and three small ones, which lay convenient for the Colledge, actually made, and approved by Sir Thomas.

As to these 3 small Purchases, they may indeed well be call'd small, amounting all together to above 50*l.* Annum, or thereabout; two of them being small Lease-holds from St. Job's one whereof is call'd Beaumont's, and the other a Freehold Estate of Sir Robert Harrison's: Now if the Doctor has purchased any such Estates, Sir Thomas having advanced not a Penny of Money toward the Purchase, and the Doctor not being able to advance much, reported the Lands purchased are mortgaged for securing the Purchase-Money unpaid.

However the Purchases (whether purchased for or not) are made in the Doctor's Name, and for his own Use, and always concern this Charity: Nor yet is it material whether they lie convenient for Gloucester-Hall, as the Doctor pretends they do; seeing there is no ground

Conveniency in their being contiguous to it, nor any just Ground to purchase them, for that Reason, in regard the Lands most convenient to be purchased in such a Case, are those which are good Pennyworths, and have sound Titles. If Sir Thomas had really intended to endow Gloucester-Hall, he would not certainly have thought it Prudence to buy up all the Land round about it, at any rate whatever, for the Endowment thereof; but would rather have chosen such an Estate, which (tho' more distant) was commodiously situated, improvable Land, well Tenanted, and where he might have laid out his Money to the best Advantage. Besides all the 3 Estates not amounting to more than about 50*l.* per Annum, were in their value, as well as other respects, so inconsiderable, in so great a Benefaction, that they cannot seem worthy or able to influence any Considering Man in the laying-out such a Summ as 10000*l.*

But if the Doctor's Bill in Parliament be considered, wherein he had contrived that the whole Summ of 10000*l.* bequeathed by the Will, should be paid in by the Executor to the Trustees; and all of it laid out as in the Bill is directed, it will appear thereby the Doctor admits, that no part of the 10000*l.* was then laid out on account of this Charity; for if in truth any part of it had been so expended, Notice should have been taken in the Bill, that so much was already laid out, and that the remaining part of the 10000*l.* (not the whole, as the Bill intended) should be disposed in other Purchases; for the Doctor gives out, that he has already expended on this Account 1300*l.* and upwards, which is above one eighth part of the whole Benefaction (tho' nothing be done for the Money, but what had better been undone) and yet doubtless the Doctor has some Hopes he shall be considered for it some way or other, if he can persuade the Trustees to allow his Accounts.

And tho' the Doctor affirms in his

Case, (e) that the Purchases he had made "were approved by Sir Thomas Cookes"; the contrary is true: For Sir Thomas, when he heard the Doctor was treating about them, sufficiently express'd his Dislike thereof; which the Doctor perceiving, was so sensible *he had gone too fast* in these Purchases, and so willing to pacifie him, that he acquainted Sir Thomas, *since he did not approve them, he would take them for his own Account*; and accordingly did so, (as will appear by the Writings themselves, when they shall be produced.) If Sir Thomas had (as the Doctor would insinuate) approved the Purchases, he would certainly have paid the Doctor the Money he had laid out for them, and directed how, and on whom they should have been settled, or some way or other discovered what his Mind was in that Particular. And his not concerning himself in any of these things, is a sign he never approved them, or thought it worth his time to trouble himself about them.

The next Falshood in the Doctor's Case, is at the Letters (d and f) affirming, That Sir Thomas directed (d) "that a Body of Statutes should be framed for the good Discipline and Government of the said Colledge. And to prove that Sir Thomas gave such Directions, the Doctor quotes several Letters, which he refers to, in the Margent of his Case, by their Dates, at Letter (d) viz. Letters * of 14 Aug. 11 Octob. and 27 Novemb. 1697. and of the 13 Aug. 1698. But upon Perusal of both the Doctor's Extracts of Letters, it doth not appear that there is any such Letter as of 11 Octob. 1697; and in the Extracts of the other three, there is no Intimation of any Orders given by Sir Thomas to the Doctor, or any Other, to draw up any Statutes; but rather, that the Doctor drew them up of his own head: For it is manifest, that the first time any mention is made in either of the said Extracts concerning Statutes, which is in that Letter dated 27 Nov. 98, 'tis said, "the Doctor sent to Sir Thomas

Thomas his Kinsman a Draught of the said Statutes; which intimates they came first from the Doctor, and were of his framing. But to put the Matter out of all doubt, the Doctor in his (*n) Epist. Dedic. assumes to himself the Satisfaction of composing of the Statutes, in these Words, viz. " (I.) What a Comfort must it be (be it upon me, whatever the Defects and Errors are; for I must now own my self to have been the Amanuensis in drawing up the Statutes) to have been employed in such a Work, under so Good, so Pious a Director, as Sir Thomas! And the Doctor farther affirms in his Case, (f) that a Body of Statutes were, at Sir Thomas his Request, framed by the Advice of Dr. Stillingfleet, the late Bishop of Worcester, and perused by the Lord Archbishop of Canterbury, and approved and signed by both. But he does not pretend they were ever approved or signed by Sir Thomas, whose Signing was of absolute Necessity to make them his Statutes, as the Doctor would have them believed to be. There is no Question but the Statutes were drawn up by the Doctor; but the Doubt is if the Doctor was a faithful Amanuensis in drawing them up according to Sir Thomas his Directions; which is very questionable, since after they were drawn, Sir Thomas did not approve them, nor indeed was he able to understand them, being drawn up in Latine. But after Sir Thomas was made acquainted with the Tenour of some of them, he expressed his Dislike in several Particulars, viz. (1.) As to the Chancellor's electing the Provost from time to time; which the Doctor knew Sir Thomas intended to reserve to himself and his Heirs. (2.) As to the Smallness of the Salaries, &c. And therefore the Doctor's giving that Power to the Chancellor, was what he knew to be contrary to Sir Thomas his Intentions; for before the Statutes passed under the Great Seal, which was not, as appears by the Doctor's own

shewing, (b) till the 18th of November, 1698; Sir Thomas either wavering in his Mind, as to the settling his Charity, or designing to get some time to breath in, and rid himself from the Doctor's importunity, of which he was weary, invented this Project (viz.) about Aug. 1698, he pretended and gave out that his Relations had petitioned him not to proceed in his Settlement at Gloucester-Hall, unless he could secure to himself and his heirs for ever, the Nomination of the Head of this intended Colledge; and if he could not obtain this, to apply his Charity some other way, or to some such effect. But tho' it was not true that his Relations put him upon this, yet Sir Thomas insisted positively upon having this Point granted him by his Grace the Duke of Ormond, Chancellor of the Univerfity of Oxon, and would not depart from it, as may appear by the (c) Extracts and (d) Case.

The Duke thought this (as in truth it was) an unreasonable request, and would not for a long time consent to it; and indeed his Grace's hesitation in granting Sir Thomas such a Priviledge, was ~~not~~ worthy his most deliberate thoughts, and very well becoming his professed care of, and constant affection to the Univerfity; for that it might open a way to great Corruptions in the Choice of a Provost, and prove a matter of pernicious consequence.

This caused a difference (as the Doctor calls it in his Case, Note (1) between the Duke and Sir Thomas, which (as 'tis there alledged) hindred the completing of the Work for near two years. And tho' the Duke did not think fit in all that time, to Grant Sir Thomas his Request, yet Sir Thomas insisted upon it, giving this for a reason for adhering to his Request (viz.) that he could not depart from the Resolution he had made therein, without disobliging his Relations, who (as he pretended) had petitioned him to insist upon it; (e) and that he had promised them that he would.

(*n) Epist. Dedic. p. 5.

(1) vide Epist. Dedic. ibidem.

vide Case, Letter (f)

here note, the Bishops are not fairly used; for the Statutes are drawn since their signing in divers materiall places, and not one of the Copies published by Amanuensis in drawing them up according to Sir Thomas his Directions; which is very questionable, since after they were drawn, Sir Thomas did not approve them, nor indeed was he able to understand them, being drawn up in Latine. But after Sir Thomas was made acquainted with the Tenour of some of them, he expressed his Dislike in several Particulars, viz. (1.) As to the Chancellor's electing the Provost from time to time; which the Doctor knew Sir Thomas intended to reserve to himself and his Heirs. (2.) As to the Smallness of the Salaries, &c. And therefore the Doctor's giving that Power to the Chancellor, was what he knew to be contrary to Sir Thomas his Intentions; for before the Statutes passed under the Great Seal, which was not, as appears by the Doctor's own signing after he had rejected their Lord's approbation, and sett up

Now seeing the Doctor, by publishing this Dispute between the Duke and Sir *Thomas*, about the Nomination of a Provost, and disguising the real Cause thereof, has compelled a Discovery of the Naked Truth relating to this Matter, no respect to Sir *Thomas* (tho' his being dead, and also a Benefactor, might, if the Doctor had pleased, have covered this failing) ought to conceal the Artifice he made use of upon this occasion: For this pretence of Sir *Thomas* concerning his Relations petitioning him, was a meer contrivance of his own, and none of theirs; the truth is, he himself put his Relations upon framing this Petition to him, that he might with the better colour and less suspicion, insist upon this Point of Nominating the Head of *Worcester Colledge*, as a Matter forced upon him by his Relations importunity, which he could not handsomely resist; and as if it was no Design of his own, tho' it really was.

This makes it appear Sir *Thomas* was not sincere in his Resolution toward *Glocester-Hall*, when he could think fit to stir up his own Kindred to apply to him to divert his Charity from it, unless he could have such Terms granted him, which he could not but foresee, would be very difficult to obtain; and therefore possibly he insisted on 'em the rather, that so the Dukes refusal might serve him as an Excuse for stopping his Proceedings at *Glocester Hall*, and by that means rid himself of the Doctor's teasing; which is the more reasonable to suppose, because when his Grace, after near * two years *Address* by several Eminent Persons, had at last condescended to let him have the Nomination of the Provost, as he desired, yet Sir *Thomas* raised new Scruples, and sought out fresh pretences to put off the Doctor, and delay the Proceedings in his Charity at *Glocester-Hall*, in so much as it may be doubted by this and other such like dilatory Arts of Sir *Thomas* (notwithstanding his Letters and Pretences) whether he ever intended to settle it there,

or only shewed an outward and seeming inclination so to do? either to comply with the expectation he had given some Bishops, whom he was loath to distaste, or to shelter himself from the Doctor's vehement importunity, which he had no mind to gratifie. And this is the more likely to be true, in regard the Doctor, with all his Solicitations, Models, Purchases, Charters, and Statutes, was not able in four years time to prevail with Sir *Thomas* to settle his Benefaction at *Glocester-Hall*, or to make so much as one voluntary step of his own toward it, either by advancing any Money, or ordering any Settlement to be made, or leaving any Solemn Writing under his hand, that might testify his mind was altered from what his Will directs in relation to this Charity; which certainly he would have done, if his mind had been so fixed upon *Glocester-Hall*, as is pretended; especially when the Doctor had made it so easie for him, that he prepared him an Instrument ready drawn up for that purpose: But Sir *Thomas* was so averse thereunto, that he rejected that Instrument, and was changed from *Glocester-Hall* to another place, and afterwards from that other to a third, and at last died altogether unresolved as to *Glocester-Hall*; being not satisfied with the Title, nor willing (as he declared) so much of his Money should be consumed in Building, as those heaps of ruins required to make them either decent or useful.

It is manifest by what the Doctor has printed (k) in his *Epistle Dedicatory*,^{(k) Vide Ep. Ded. p. 5.} that he was the Composer of the Statutes: And now it will be a fit time to consider the Statutes themselves, which as the Doctor affirms in his Case (a) were directed by Sir *Thomas* to be framed for the good Discipline and Government of the Colledge, and (b) were framed accordingly, and advised and approved, and afterwards passed into a Charter, and obtained of His late Majesty, by the Order and Instance of Sir *Thomas Cookes*; and to prove the same,

sante, refers to sundry Letters dated 19th July, 29th August, and 24th September 1698. But there appear no Letters from Sir Thomas of those dates in either of the Doctors Extracts, to any such purpose for which the Doctor quotes them; for those of the 29th August and 24th September are said to be from Mr. Godwin the late Bishop of Worcester's Chaplain, purporting only his desires to hasten the Charters, which may more reasonably relate to the drawing them up for the Bishops perusal, than to the passing them under the Great Seal; because Sir Thomas (for ought appears) had never seen, perused, or approved, or sign'd them, nor being in Latin, was able to understand them. And as Sir Thomas never signed them, so 'tis not to be imagined, if he had understood them, he would ever have signed them, tho' they had been tender'd him; being drawn up contrary to his real intentions, as will more plainly appear, when the Dr's *dead Body of useless Statutes* is dissected, and the several parts consider'd distinctly.

When the Doctor had drawn up the Statutes, he did not think fit to pass them into a Charter, 'till he had first obtain'd a Charter of Incorporation, and for this reason the passing of the Statutes under the Great Seal was suspended, till the other was first granted: so that we must trace the Doctor in his own Method, and for the present defer the further Consideration of the Statutes till the Incorporation be first examined.

And therefore the next piece of insincerity which appears in his Case is at Letter (h) where 'tis affirmed, "That a Charter of Incorporation, and at Letter (i) That a Charter of Statutes were obtained of his late Majesty, by the order and instance of Sir Thomas Cookes; the former dated the 22th October 1698, the later dated the 18th November 1698; for the proving whereof the Doctor quotes several Letters dated 19th July, 29th August and 24th September 1698. Now in

Vide Case,
at Letter (h)

Vide Case,
ibidem.

the Doctor's Extract (d) Mention made, "That the Doctor, by Direction Sir Thomas and the Bishop of Worcester, petition'd His Majesty for a Charter, but nothing is intimated in the Extracts of any Letter from Sir Thomas to that purpose, and in several other Letters mentioned in the Extracts (e) 'tis said, "The late Bishop of Worcester's Chaplain writ to the Doctor to hasten the Charters; tho' notoriously known the Doctor was forward, he needed no body to hasten him. However between the Doctor's hastiness and the Chaplains hastening such inconsiderate haste was made with the Charter of Incorporation, that one would think, by the wording it, it was drawn by a Chaplain. For the Doctor's precipitation was so violent, that not allowing himself time to consult with a Lawyer upon the Draught, he forgot the Corporation which should have been incorporated but himself, and not one of the Members of his intended Corporation was named in the Charter, but the Provost only; as if he intended by the power of this Charter to turn his *Natural* into a *Body Politick*.

It seems the Doctor took especial care of himself in this Charter, tho' he minded no body else: For he was made Provost for life, and is the only man named to be one of this pretended Corporation, and yet it was called by the Name of the Provost, Fellows, and Scholars of Worcester Colledge in the University of Oxford, tho' there was not a Fellow or Scholars Name inserted, nor any Power or Directions given, to whom, when, or how they should be chosen; which (being a material point no doubt but Sir Thomas would have provided for, had he been consulted upon this Charter. By this hurrying of the Doctor the King was deceived in his Grant, and so the Charter is void in Law; for (as the Doctor had managed it) no Corporation at all was constituted thereby.

But because this cannot be so plainly demonstrated, as by setting forth the Charter in its own Words, the Tenour thereof is here inserted, (viz.)

REX omnibus ad quos, &c. **Salutem** *Quum* Benja. Woodroffe *Sacrae Theologiae Professor Aulae Glocestriensis Principalis*——
 ——nobis humilime renuntiaverat quam varias mutationes & detrimenta decursu temporis, Aula ista subierat, non exuto tantum Collegii nomine quo per multa secula gaudebat, sed Antiquiori illa Appellatione Bello siti sive Belli montis (vulgo Beaumonts) —— ferè deperdita —— *Quum* haec & multa alia de Celeberrimis Viris —— ibidem constanter educatis Renuntiaverat nobis Idem —— Principalis, donec post longi temporis & sacrilegorum —— injurias —— nec non & recentiores quas in Bello Civili accepit clades, in Gladium Bombardarumque Fabricas tum mutata, quasi Vulcano magis quam Palladii impostum sacrandam, * prorsus desolata jacuit; unde retro omnia fluere, ^{The Description of the Ruinous Hall} subruere pene totius Aulae fundamenta, nec quicquam nisi Moles aedificiorum inanes, deploranda rudera, & meros ruinarum cumulos, ubique conspici. *Quum* ad haec idem Benj. Woodroffe nos ultra certiores fecerat quot & quantis Ecclesiae ac Reipublicae commodis subservire adhuc poterat Amplissima illa Aula —— nec non & sequiori hoc quoque aeo existere Viros quosdam Clarissimos, quorum piis in animis esset —— eandem ad Antiquas Laudes ac Collegii nomen —— revocare, modo Majestati nostrae allubuerit —— tam —— pio proposito aspirare: **Sciatis** ergo vos, sciat Praesens & futura secula nos —— pro solita & insita nobis Clementia —— —— Dedisse & Concessisse & per Praesentes —— dare & concedere praefato Benj. Woodroffe & aliis quibuscunque tam pio operi intentis libertatem & potestatem quamcunque faciendi ea omnia quae ad tam pium —— opus perficiendum spectant; secundum formam Regiae nostrae Chartae hic annexae. **Imprimis Volumus** —— & **Concedimus** quod praedicta Aula —— sit & permaneat impostum Liberum Collegium de se, per nomen Collegii Wigorniensis Et —— quod de cetero imperpetuum sit & erit unus Gubernator qui erit & vocabitur Praepositus Collegii praedicti, Et quod praedictus Benj. Woodroffe sit & erit primus Praepositus Collegii ejusdem, continuandus in eodem officio durante vita sua naturali. Et ulterius Volumus & Concedimus quod de cetero imperpetuum sint & erint in Collegio praedicto * duodecim Socii Collegii illius, quorum sex esse Socii Seniores, & sex alteri Socii Juniores, ac etiam octo Scholares de Fundamento Collegii praedicti. Et quod Praepositus Socii & Scholares de cetero imperpetuum sint & erunt vigore Praesentium unum Corpus Corporatum & Politicum in re, facto, & nomine, per nomen Praepositi Sociorum & Scholarium Collegii Wigorniensis in Universitate Oxon, ac eos & Successores suos (per idem nomen) unum Corpus Corporatum & Politicum in re, facto, & nomine, realiter, & ad plenum —— erigimus —— constituimus —— & creamus, Et quod (per idem nomen) habeant Successionem imperpetuum. Et quod

*ipsi & Successores sui per nomen (prædictum) sui. & erunt — Per
na Habiles & in lege Capaces ad habendum — & perquirendum Te
ras, Tenementa — ac etiam Bona & Catalla — nec non ad Da
dum & Concedendum eadem Terras, Tenementa, Bona, & Catalla — &c.*
— With Power to have a Common Seal, and to break or alter the same, or ma
a new one, &c. — (as more at large may appear by the Charter it self.)

It does not appear, from the Begin
ning to the End of this Charter, that
Sir Thomas (at whose Instance the Do
ctor pretends he passed it under Seal)
is so much as named. In the Preamble
it appears plainly that Dr. Woodroffe ap
plied to His Majesty in his own Name;
and where the Doctor recites there
were certain *Worthy Men* minded to re
store *Glocester-Hall* to its former Repu
tation, yet he takes no notice of *his*
Friend Sir Thomas among those *Vros*
Charissimos, which (had he known it)
he would not have liked very well; and
possibly the Doctor had other Benefa
ctors in his Eye, none of which being
named in the Charter, he was at liber
ty to apply it to whom he pleased.

And in the Granting Clause, it ap
pears the *Dare & Concedere* is to no
body by name but the Doctor himself,
who tho' he managed the passing of
both the Charters, without consulting
Sir Thomas Cookes upon the Draughts of
either (so far as appears) or giving
him an English Copy thereof, that he
might be able to consider of them, yet
in both the Extracts (a) the Doctor
pretends that “ he advised from Day to
Day with the late Bishop of Worcester,
being then in Town, and took Direc
tions from him and his Grace of Can
terbury, in passing both the Charters.
Which is very unlikely (whatever the
Doctor pretends) and the rather to be
questioned, because two Months before
the Charter of Incorporation passed,
viz. on the 3d of September 1698, the

(a) Vide both
the Extracts
in the Para
graph between
the 3d and
22d Octob.
98. next be
fore the Do
ctor's menti
oning the
Charter of In
corporation on
the said 22
Oct.

(b) Vide the
Extracts of
the Letter of
the 3 Oct.
1698.

Doctor owns in his Extract (b) “ that
the late Bishop of Worcester's Chap
lain (as from the Bishop) desired him
to name the Scholars and Fellows; the

Bishop foreseeing (without doubt) the
the inserting their Names in the Ch
ter was of absolute Necessity.

Having done with the Charter
Incorporation, to follow the Doct
roving Method in his Case, we m
return again to the Statutes, wh
in part have been considered alrea
concerning which 'tis further obser
ble, that tho' the Doctor does not p
tend he had Sir Thomas his Orders
draw up more than one Body of Statu
(if in truth he had Orders for one)
he took upon him to draw up th
each differing from the other, every
of which (for several Purposes,
to serve several Turns) the Doctor
signed to pass under the Name and
thority of Sir Thomas Cookes.

The First Body of Statutes
the Doctor, was that contained in
Charter, under the Great Seal, in
Preamble whereof 'tis alledged, (c)
Sir Thomas Cookes humbly offered
Body of Statutes to His Majesty for
Royal Confirmation thereof. But in
the Doctor deceived both the King
Sir Thomas Cookes: For (1.) Sir T
mas did not agree or consent to th
as his Statutes; (2.) He did not o
them, nor intend or direct them to
offered to the King as such; (3.) N
had he perused or approved the
(4.) But on the contrary, when
was made acquainted what they w
he disapproved them, and declar'd
would have them altered, and (d)
mended some of them himself, if
Doctor's Pretences in his Case
true.

The Second Body of Statutes which for Distinction sake is called The Oxford Copy, and is that which the Doctor sent thither.

(a) Vide the Case, at Letter (m.)

(b) vide Ca. c. the 5th Paragraph after Letter (ra) and before Note (1.)

(c) Vide Case (m) the Line before Note (1.)

The *Second Body* of Statutes composed by the Doctor, is that mentioned in the Doctor's Case, at Letter (m) where he affirms, That in the 16th Section of the Statutes which passed the Seal (a) " a Power was reserved to Sir Thomas, in his Life-time, to alter or amend any of the said Statutes, or to make any new — And that accordingly some Alterations were made by Sir Thomas, by the Advice of the present Lord Bishop of Worcester; (Dr. Stillingfleet the former Bishop being then dead) and that (b) after those Alterations, Three Copies were made of the Statutes so amended, one of which was to remain in the Custody of the Duke of Ormond, which was (as the Doctor there affirms) the Copy, that (whilst the Bill was depending in the House of Lords) was by their Lordships Order sent down to the University, and Eleven Days given the Heads of the Houses to peruse the same — Now here the Doctor prevaricates egregiously, affirming, contrary to his own Knowledge, that the Copy of the Statutes sent to Oxford, was a Copy of those Statutes which were amended by Sir Thomas (c) " and the same with those contained in the Schedule annexed to the Bill in Parliament. — This he avers — But it will appear, upon Examination, a notorious Falshood, and that the Statutes sent down to Oxford were very different from those annexed to the Bill; and so the Heads of the Colleges and Halls there, were grossly abused by the Doctor's not sending them the true Body of Statutes which the House of Lords intended (viz.) those which were annexed to the Bill then depending before their Lordships; instead of which, the Doctor sent a Draught-Copy, much disagreeing from that, wherein were near 30 Blanks, and those in the most material Parts of the Statutes: Which shews that Draught sent to Oxford, to be imperfect, unsettled

and unresolved on; and designed to be further considered, in order to have the Blanks filled up, and the Draught made perfect, before Sir Thomas could be expected either to approve or sign it, who died, having sufficiently shewed his Dislike of the *First Body* of Statutes which passed the Seal, and leaving this *Second* unsettled and incomplete; which is a Demonstration he approved neither.

The *Third Body* of Statutes is that annexed to the Bill in Parliament, which is supposed to be drawn up after Sir Thomas's Death: And this is the more likely, because the Doctor has inserted in his Body of Statutes those very Sums for the Salaries of the several Officers of the House, Readers, &c. which Sir Thomas disliked in the Statutes which passed the Seal, and would not agree to them; and therefore the Doctor made the *Second Body* of Statutes, with Blanks for those Sums to be filled up as Sir Thomas should direct, who never gave any Direction therein; but about twenty Days before his Death, discovered his Mind to a Friend of his then going for London, to this effect, viz. He desired he might have an English Copy of the Statutes made to lie by him, that he might advise with Council thereupon, and that some able Council might be taken at London, to examine into the Title of Gloucester-Hall, that he might be satisfied therein; but he did not live to receive either an English Copy of the Statutes, or any Satisfaction as to the Title; nor was the Title in his Life-time so much as laid before his Council.

This *Third Body* of Statutes differs from both the former; all the three varying from each other, and scarce agreeing in any one of the Sections, tho' there be 17 Sections in every one; and the Differences are so many, and in such essential Points, that were it not for the Names of Sir Thomas Cookes, and Worcester-Colledge, one would

The Third Body of Statutes, called hereafter The Bill-Copy, being that which was annexed to the Bill in Parliament, and differing from both the former.

note public should of sta before m, the 20th w h 2 of 2 app by the 1698 the n Oxon the D own up 3 his ou ing n appa been by of

would be induced to believe they were designed for three differing Foundations, and that the Doctor was to be Head of them all.

Therefore, for the clearer Demonstration, as well of the Differences and Repugnances of each of the said *Three Bodies of Statutes* one from ano-

ther, as of the Variances and Disagreements in each of them, of one part from another of the same Body, it will not be improper to give a *Specimen* of some few (among many) of those Differences and Repugnances, as follows:

In the Preamble of the Statutes

All the Three Bodies of Statutes begin thus, *viz.*

*Quod in Dei Patris, Filii, & Spiritus Sancti
Gloriam——&c.——cedat.*

EGO *Thomas Cookes de Bentley——Baronettus——Præsentes*
hanc Donationem in Collegio Wigorniensis——Illi (si sic Visum
fuerit) perpetuo duraturam, humilime voveo Consecroq; & secundum
formam & tenorem sequentem firmam ratamque esse Decerno.

1. *Ego Thomas Cookes*, does import, That *Sir Thomas Cookes* was the Author and Maker of the Statutes; when he never signed them, or perused them, or (for ought appears) ever saw them.

2. *Præsentes hanc Donationem Voveo Consecroq;* should imply some Donation actually given to *Worcester Colledge*; whereas it doth not appear in any Section of all the Statutes, or by any other authentick Instrument under his hand, that *Sir Thomas* gave any manner of thing to the Use of *Worcester-Colledge*. — Here was neither *Donatio* nor *Donator*.

3. *Et secundum formam & Tenorem sequentem firmam ratamque esse Decerno*, is designed to signifie, That *Sir Thomas* did decree his Donation to be firm and ratified; tho' he did not so

much as set his Name to it, which the least Indication Men usually give of their Approval of things committed to writing. So that it does not appear *Sir Thomas* made or agreed to these pretended Statutes; or that, in any reasonable Construction, any one of them can be esteemed his *Act and Deed*. — Certainly the Doctor will not imagine that he can be legally bound by a Bond filled up unknown to him, thus, *viz.* (— *Noverint universi per præsentem me Benjaminum Woodroffe Sacra Theologia Professorum teneri, &c.* —) which he never signed, sealed, or deliver'd: And it may be considered, that the making of *Statutes and By-laws* for the good Government of *Colledge for ever*, does not seem a Matter of so slight a Concern, as to be established without an *Authentick Sanction* suitable to the Importance of so serious and *solemn an Act*.

Statutorum. Sect. I.

[Oxford-Copy.]

Imprimis Statuo quod * Reditus Terrarum & Tenementorum

a me *acquisitorum aut acquirendorum ad com-*
modum Præpositi Sociorum Scholariumque Collegii Wigorniensis prædicti.
integre cedant : Et quod sex Senioribus Sociis cum Præposito aut Majori
eorum parti (quorum Præpositum unum esse volo) Cura omnis, Admi-
nistratio, ac Dispositio Terrarum ac Tenementorum Redituumque
Communium a me sic *acquisitorum aut acquirendorum*, necnon potestas
Custodia ac usus Sigilli Communis committetur.

* Donatio (ne
voca-
tur) Præpo-
siti Sociis &
Scholaribus.

But in the Bill-Copy without any Blank, 'tis Statuo quod Reditus
Terrarum & Tenementorum ad hunc usum a me *acquisitorum aut acqui-*
rendorum qui reditus conficient summam five constabunt pretio Decem
Mille Librarum legalis Moneta Angliæ ad commodum Præpositi, &c.
cedent. The Charter-Copy is the same, leaving out these words
[qui constabunt pretio.]

Thy g
very diff
2^d sig
last's line
cedant
=sted in
the first
ing male

The large Blank left after (Tene-
mentorum) plainly shews something
was to be therein inserted, which was
then undetermined, and reserved to fur-
ther consideration, before The Statutes
could be agreed to by Sir Thomas, and
consequently, that they were never a-
greed to.

Imprimis Statuo, thus most of the
Statutes begin, and yet no body ap-
pears to be the person qui statuit; for
they are not signed.

Quod Reditus Terrarum & Tenemen-
torum a me *acquisitorum vel acquiren-*
dorum ad hunc usum, &c. — Hence
'tis evident, the Revenues of the Col-
ledge were to arise out of Lands pur-
chased or to be purchased by Sir Thomas
ad hunc usum; but for ought appears, no
such Purchases were ever made.

Qui Reditus conficient summam vel
constabunt pretio Decem Mille Libra-
rum — shews that the whole 10000 l.
was to be laid out in purchasing Ter-

ras & Tenementa : For if this be Sir Tho-
mas his Statute, and means any thing,
it plainly requires that the Revenues to be
purchased shall cost 10000 l. and then
there can be nothing left for building;
therefore without doubt it will be well
considered by the Persons concerned,
whether they are not, and how far they
are, obliged, to apply the whole Mo-
ney (necessary Charges of the trust be-
ing deducted) to purchase Reditus
Terrarum & Tenementorum qui consta-
bunt pretio 10000 l. — Moreo-
ver, the Charter and Bill-Copies re-
quiring that the whole Money be laid
out in a Purchase, do admit that no
part of it was laid out, when the Do-
ctor prosecuted his Bill in Parliament,
tho' sometimes he pretends he has alrea-
dy expended one eighth part thereof on
account of this Charity.

Imprim
enys Sa
mijqs
Sociorn
hic infr
andoru
= tuo ol
Terrari
= mento
vsum
in.. (a)
... (b) ...
= tuj x co
Sumam
ad com
patis so
= laniur
jam p
nomina

Ad commodum Præpositi Socio-
rum Scholariumque — integre cedant
— implies that if any such Pur-

sch: in y^e B^{ps} copy y^e words - hic infra nominandorum - and a me; jam proxim
ora show plainly y^e follows y^e scholars were design'd to be named in y^e statutes
appear to be esyl to insdrl - (a) - y^e places where the lands lay - (b) - y^e names of
... all wch were to be inserted before sth them. completed

chases had been, or should be made, the Revenues of them were to be apply'd entirely to the use of the Provost, Fellows, and Scholars, without allowing any part of the 10000 l. to be laid out in building, it being appropriated integre to another purpose so far as this Statute is able to limit the same.

that nothing can be done without consent.

It may not be unworthy consideration whether the disposing of all the Revenues of the College, and the use of the common Seal, is not too great a Trust for the Provost and major part of the Senior Fellows; especially when 'tis observed that in the 4th Section the Dr. has given himself a much larger power, viz. to do with the major part of so many of the six Senior Fellows, as shall chance to be present, (tho never so few) which in its proper place will be further considered.

* This Paragraph is not in the copy sign'd by the Bps & gives the Dr. & the Senior Fellows an extravagant power to dispose of all the lands & use of the common Seal at their pleasure.

* — Et quod sex Senioribus Sociis cum Præposito — (quorum Præpositum unum esse volo) Cura omnis Administratio, ac Dispositio Terrarum &c. necnon usus Signilli Communis committetur. These words give the Dr. such a Negative Vote,

Statutorum Sect. II.

[Oxford-Copy.]

The 2. sect in the Bps copy is left out by the Dr. in all his copies.

(& it follows) viz. sect. 2.

De Electione Præpositi Senioriorum & Scholarium.

Item Statuo Quod quoties Vacatio Præpositi contingat duo e Senioribus sociis (qui scilicet : tum tales erunt vel tales prædicti extiterant) a reliquis Sociis — electi, mihi ipsi, si tum Superstes fuerint & postquam e Vivis discessero, Heredibus meis humiliter præsentabuntur; ut utrum e duobus a me aut illis prælatus fuerit in Præposito ipso facto Præpositus habeatur ac admittatur.

Defundatione Principali & Alumno — rum constituo sanctorum & stabiliis principalibus unum & 20 Alumnos quorum 12. Socii Juniores videlicet 8. & 6. Socii Seniores Reliqui 6. Juniores — nominabuntur

In the Charter-copy 'tis — Quoties Vacatio Præpositi continget, duo e Senioribus Sociis — Honoratissimo Cancellario Universitatis prædictæ humillime præsentabuntur, ut utrum e duobus — ille prælatus ac nominaverit in præposito, ipso facto Præpositus habeatur.

So the Charter has given the Nomination of a Provost to the Chancellour of the University, which Sir Thomas in his life would never yield to, but stiffly insisted to reserve it to himself and his Heirs. But the Dr. (it seems) passed the Charter directly contrary to his mind.

The Charter-copy directs the Election e Senioribus sociis which must mean as are so at the time of the Choice. the Oxford and Bill-Copies appoint the Choice to be out of those which were, or ever have been Senior Fellows

'Tis strange if the Dr. should leave out this, being the foundation of all the rest

Note in the 3. sect. of the copy sign'd by the Bishops is of 2. sect. relating to the choice of a Provost the clause is inserted — viz. Quo verò auspicio sit hæc Electio a Precibus Solennibus & Tacharistia illam Bm inchoari statuo — which the Dr. has left out in all his copies as unnecessary.

In that part of Section the II.

Relating to the Choice of Scholars out of Sir Thomas his two Free Schools, 'tis thus expressed.

[Oxford-copy.]

— Sub hac tamen conditione, quod in Scholarium Electione Cognati mei — semper preferentur ; in secundis, Clericorum filii ; deinde Electi mosynarii in Scholis meis educati, atque cœrulea veste a me donati, si pietate ac literis aliis præluxerint, assumentur.

But (in the Charter-Copy,) Clergy mens Sons are totally omitted.

given but conditionally, si pietate ac literis aliis præluxerint.

In (the Bill-copy) the third Preference in Elections is given absolutely to Sir Tho. his Blew coat Boys who have the second preference in the Charter-copy but in the Oxford-copy the preference to Sir Tho. Kinsmen and blewcoat Boys is

All the Fellows except two, are obliged to take Orders as soon as they are capable, secundum Canones Ecclesiæ, in all the three Copies, to which is added in the Charter and Bill-Copies [& usum Academiae] — Quære the Doctor's meaning by this addition.

Statutorum Sect. III,

Concerning the Election out of the two Free Schools.

[Oxford-copy.]

Statutum est quod quoties in alterutra harum (i. e. Scholarum) so: De Electi in Scholis Bromesgr. & Peckeham. lennis aliqua Electio — celebrabitur. Præpositus Collegii atque unus aut alter e Sociis, (quem aut quos vice illa Præpositus & sex Seniores muneri isti designaverint) Electorum Titulo & Autoritate gaudebunt. — But in the Charter and Bill-Copies 'tis & unus & alter e Sociis — and 'tis also — quem aut quos vice illa adscissere visum erit Præposito — (in the Charter-Copy) But — quem aut quos vice illa Præpositus & sex Seniores designaverint (in the Oxford and Bill-Copies —) which is an apparent difference between these two Bodies of Statutes.

There is also a long Paragraph beginning — Ne quid dissensimus, &c. (in the Oxford-Copy) which is all left out (in the Charter and Bill-Copies) gi-

ving Sir Thomas his Free Scholars in both his Schools equal liberty to be Candidates at every Election out of each.

a)

De Electione vtro sic in Scholis nostris habenda sic altera Statuo, ut v Attornij i.e. altero anno in Bromesgravia altero in Bromesgravia habeatur, ita tamen ut quæcumq; in Schola pro vice sua Electio sit habeat Scholaribus in alterutra versantibus sese eadem jure ac privilegijs in eorum propria Schola possunt exercere.

* In q
by the
1. Cogn
2. Elec
3. d. or
4. Alj
for

Statutorum Sect. IV.

[Oxford-Copy.]

De Officio
Præpositi.

DE Officio Præpositi sic statuo. Penes Præpositum Regimen omne esto, necnon etiam Nominatio (but in the Charter and Bill-Copies tis Electio sive Nominatio) Sociorum & Scholarium — Consultis tamen & approbantibus sex Sociis Senioribus (si tot domi fuerint) aut majori Præsentium parte — Præpositum autem ipsum obnixè rogo, obtestorq; immo in ipsis Christi visceribus adjuro, ut se pro Tremendo Omnipotentis Dei Tribunali semper præsentem sistat, Memorq; rationis quam & ego & ille ultimo illo die reddituri sumus, fideli ac pio animo quæcunque ad ipsum spectant, præstet.

This Regimen omne penes Præpositum necnon Electio & Nominatio Sociorum & Scholarium is a very great power to be lodg'd in the Provost, notwithstanding the following seeming limitation (viz.) Consultis tamen & Approbantibus Sex Sociis Senioribus si tot domi fuerint aut Majori præsentium parte in regard the Dr. thereby has a liberty given him, to take advantage of their absence; and to act by himself and one or two Fellows, in case the rest are not present; And the solemn adjuring him in Christi visceribus

will scarce be able to restrain any man, that is dispos'd to make an ill use of so exorbitant a Power. Also this Regimen omne penes Præpositum is inconsistent with Sect. I, wherein Cura omnis Administratio & Dispositio Terrarum & Tenementorum committitur sex Senioribus Sociis cum Præposito aut majori eorum parte; which makes their Suffrages absolutely necessary to be obtain'd, whether at home or abroad, directly contrary to the tenour of this Section; which herein is repugnant to Section I.

In the same Sect. IV.

[Oxford-Copy.]

De officio vice Præpositi.

De Officio
Vice Præpos.

Vice præpositus eandem auctoritatem (absente Præposito) exercerebit — cujus (i. e. Præpositi) judicio Controversia omnis terminabitur. —

This gives the Dr, too great a power for one man to be trusted with, and seems to cut off all Appeals to the Visitor of the College, and make his Office useles.

Statutorum Sect V.

In this Section the three severall bodies of Statutes differ from each other in divers particulars (too many to be here inserted) some few of which follow: viz.

1. The *Charter-Copy* founds but three Ordinary Lectures — to which the *Oxford and Bill-Copies* add a fourth, viz. in the *Hebrew and Oriental Languages*.

2. The *History Reader* is to read in *Sacred History* between 7 and 9 in the Morning (by the *Charter-Copy*) — but between 6 and 10 (by the *Oxford and Bill-Copies*.)

3. And in *Prophane History*, he is to read on *Tuesdays* and *Thursdays*, between 1 and 3 in the Afternoon (by the *Charter-Copy*) — But between 1 and 6, (by the *Oxford and Bill-Copies*.)

4. The *Philological Reader* (by the *Charter-Copy*) is to explain the *Latin, Greek, and Hebrew Grammars* 4 times a Week for a Month in the *Spring*, and the like in *Autumn* — But (by the *Oxford and Bill-Copies*) he is to perform the same 4 times a Week all the Year round, in the *Vacations*. Vid. Sect. 13.

and the *Hebrew Grammar* in those two Copies is omitted.

5. The same Reader (by the *Charter-Copy*) is empower'd to require one *Declamation* from every *Batchelour* of Arts — But (by the *Oxford and Bill-Copies*) one in every Term.

6. The *Tutors* are required to see that the Scholars — *Lecturarum quibus eos oportet adesse, rationem reddant* — yet the Statutes have no where appointed who are to be the *proper Auditours* of each Lecture.

7. The *Tutors* are also required, — *Quicquid ad Comitatem seu urbanitatem spectat ubique saluberrimo esse exemplo, to their Pupils* ((by the *Charter-Copy*) — But — *ad Παιδείαν & υβερσίαν Κωίης spectat* — (in the *Oxford Copy*) — And *ad pietatem veram & eruditionem ingenuam spectat* — (in the *Bill-Copy*.)

Statutorum Sect: VI.

[Oxford-Copy.]

De Lecturis
Solennibus.

IN all the three Bodies of Statutes 'tis said the same Person may hold the same Lecture 2 Years (viz.) — *Nec Lecturæ ejusdem (nisi extraordinaria de causa a Præposito approbanda & a Visitatore confirmanda) ultra secundum annum quisquam capax habeatur.*

— This is irreconcilable with the very next words that follow immediately (in the *Oxford-Copy*) viz. — *Quin ad aliam atq; aliam Lecturam sese de novo quotannis accingant singuli* — Here is

a manifest contradiction, that one and the same man may hold the same Lecture two Years, and yet be obliged to leave it at the end of one.

Statutorum Sect. VII.

[Oxford-Copy.]

De Curſibus,
Actibus, &
Exercitiis,

THE Anatomy Reader (*by the Charter and Bill-Copies*) is required after his lecture *de quacunq; parte Corporis Humani — Quod Coronidis loco ſeptem primos verſus Duodecimi Capitis Eccleſiaſtis doctrinæ huic melius explicandæ accommodet.* — But this is left out (*in the Oxford-Copy*) And the Dr. (with reſpect to the *Anatomical* uſefulneſs thereof) might as prudently have omitted it in the other two Copies alſo.

The Chymical Lecturer is to read 4 General and 12 Practical Lectures which are to be performed — *Experimentis aut Operationibus Chymicis ſimul exhibitis* — for which no more is allowed than 10 l. *per Annum*, which will not pay for the Inſtruments he muſt of neceſſity uſe in his Operations.

The Lectures in *Botany*, are to be 4 General and 8 Practical ones yearly — which laſt 8 as the Statute directs, are to be performed — *Plantis ipſis coram auditoribus, adhibitis* — But this is impracticable in a private Colledge, unleſs there be a particular *Phyſick-Garden*, which cannot be kept and maintained without great Care and Expence — And the direction of this Statute — *Quod Prælector Botanicus Auditores in Campos, Silvas & Paluſtria quater deducat, quo Plantas decerpere & diſtinguere ipſi doceantur* — will not be ſufficient for this Purpoſe.

Note, That by this Section, all Lectures are to be read by the ſix Senior Fellows, who are alſo appointed Tutors; Except in *Anatomy, Chymiſtry, and Botany* (which both Senior and Junior Fellows may read equally) And four of theſe ſix Senior Fellows are to be *Divines*, and the other two *Phyſicians*; or one a *Phyſician* and the other a *Civilian*; So that of which ſoever of theſe Professions a Senior Fellow is, and tho' he may be a Senior at 25 years of Age;

yet he is by the Dr. ſuppos'd to be an able Profeſſor in * *Divinity, Sacred and Prophane Hiſtory, Chronology, Geography, Mathematicks, Philology, the Hebrew, and Oriental Languages, Anatomy Chymiſtry, Botany, and Politicks*; and if he be a *Civilian*, in every Faculty beſides his own; (for there is no Lecture in the *Civil Law*.) And all theſe Readers are to be ſubject to the Provoſt's humour, for holding theſe Lectures, either as to the time, place, or method, or all of them.

In the same Sect. VII.

Constituo fundo & stablito ——— Censuram de Libris Theologicis, Medicis, Philologicis, Politicis, recens pœdeuntibus quotannis quater ferendam.

(1.) *Constituo fundo, &c.* These are words of noise, but insignificant, because it does not appear that any Person *constituit vel fundavit* — (2.) This Censure *de Libris Politicis* is an Institution never heard of before in this *Kingdome*, nor in any Colledge but the *Jesuits*, or those of their Communion; and one would wonder how this came into the Doctor's mind, unless his being made *Caput Politicum* by the pretended Charter of *Incorporation* (which constituted him *an Head without any Body*) turn'd him into a *Politician*, (as he imagin'd himself) and so put him upon making *Glocester-Hall* the only select place in *England* for the profess'd Study of *Politicks*, wherein as ('tis well known) the Doctor himself is none of the ablest Professors, so neither is it likely that Raw young Scholars should be fitly qualify'd to make *Proficients*; Nor indeed is it fit to turn them into a path so dangerous; for it cannot be deny'd, but that some men *have lost*, and more have *ventured their Heads*, meerly by stuffing them with unfortunate *Political Notions*, which they have been tempted to reduce into *Practice*; of which there have been divers publick and still smarting Experiments. And tho' the Dr. has allow'd a yearly Salary of 5 l. per annum *pro Experimentis sive tentaminibus Philosophicis*, and 10 l. per annum *pro Experimentis Chymicis*, yet to the bold Censurer he has allow'd nothing *pro Experimentis Politicis*, tho' he runs the greatest hazard of them all. (3.) Besides, this new fangled Institution requires a great expence in buying

all Books that come out in *Divinity*, *Physick*, &c. — and will unprofitably consume one Man's whole time to peruse them — (4.) These Censurers in all likelihood must be junior Fellows (because the Seniors being *Tuteurs*, have their hands full of other business, and more in truth than they can well dispatch) and the Juniors are very unfit to pass their *Censures de Libris Theologicis Medicis, &c.* since many years reading and experience are necessary to enable a man to form a Judgment in *Divinity* or *Physick*; for which reason by the *University Statutes Tit. 4. §. 16, 17, 18. Bachelours* in *Divinity* and *Physick* and *Masters of Art*, are so far from being allow'd to be *Readers*, that they are required to be the *bumble Hearers* of the several Professors in those Faculties, before they are judg'd capable to teach; whereas the Doctor's *Statutes* suppose them fit to Judge, Censure, and Instruct others, before they have learn'd themselves. So that the Dr. qualifies his Fellows to be Professors in *Divinity* and *Physick*, before the *University Statutes* suppose they begin those Studies.

Lastly, to conclude this Section — If there had been any of these *Politick Censurers de libris Theologicis* establish'd, when the Dr. preach'd at *Feckenham* on the 23^d *May* 1700. he would have had just cause to have censured the Dr. (tho' the Inventer of this Censorious Order) for that *Paulry Sermon*, since it must be confess'd it did deserve a Censure, and 'tis a *Shame* it had none.

Statutorum Sect. VIII.

De Divinis
Officiis.

Publick Prayers are to be read in English (*by the Charter-Copy*) — in English Greek or Latin, as the *Provost* directs (*by the Oxford and Bill-Copies*) — Whereas the **Act of Uniformity** 14 Car. 2^{di} permits only *Latin or English* to be us'd in *Colledges and Halls* of the University, &c.

In the *Charter-Copy* there is an Order for reading the *Litany* on Wednesdays and Fridays — which is needless, because 'tis already ordered in the *Rubrick*. But no such thing is in the *Oxford and Bill-Copies*.

In the same *Charter-Copy* a Fellow (not in Orders) may read all the Prayers except the *Confession, Absolution, and Communion-Service*; and a Batchelour of Art the *Litany*; — Now this is indecent, and contrary to the *Rubrick*, whereby 'tis directed that the *Minister or Priest* read those Prayers, which was never intended to be permitted to any Person not in Orders. Herein the Doctor contradicts the *Rubrick*, which that *Act* requires to be observed; and there are in this *Section* divers other Absurdities and Repugnancies, too tedious to be here taken notice of.

Statutorum Sect. IX.

Concerning the Yearly Salaries.

[Charter and Bill-Copies.]

De Salario
Annuo.

Statutum est quod per Annum singulis sive (*Socii sive Scholares*) integre annumerabuntur — 14 l. 00 s. 00 d.

Note, All the *Salaries and Allowances* mentioned in this, as well as the 10th 11th. and 12th *Sections* following, shall be inserted and considered together after the 12th *Section*, in regard the several *Salaries* are mentioned *sparsum* in those four *Sections*, and not wholly comprized within any one of them.

Statutorum Sect. X.

[Charter and Bill-Copies.]

De Salario
Officiariorum

IN this *Section* the several *Salaries* of the *Vice-Provost, Bursar, Moderators, Chappel-Clerk, Librarian, Readers, &c.* — are particularly inserted, which will be all considered together after the 12th *Section*.

Section: But in the *Oxford-Copy* the Sums to be appointed for those Salaries are left in Blank and none inserted.

Statutorum Sect. XI.

[Charter, Oxford, and Bill-Copies.]

STatutum est ultra, quod ad levamen sumptuum extraordinariorum, De Interest-
 certain (Allowances called) *Incrementa*, a *Tribus Novitiis*, *Tribus* mentis.
Baccalaureis, & *Tribus Inceptoribus in Artibus*, quotannis accipientur —
 Which Allowances will be inserted and considered with the rest of the
Salaries under the 12th Section.

In the same XI. Statute.

[In all the Copies.]

STatutum est insuper, Quod ultra *Stipendia*, *Salaria*, & *Premia* pri-
 us decreta, quicquid *Minervalis* nomine quoquo modo accrescet,
 inter illos, quibus *Juvenum cura* demandabitur, pro suo cujusque labore
 ac diligentia, a *Præposito & Sociis*, singulis *Anni quadrantibus* justa &
 æqua proportione dividetur.

'Tis very unjust that the *Tutors* should be deprived of any part of the honest profit of their *labour and diligence*, bestowed on their *Pupils* Education: — And there is no reason if one *Tutor* takes more pains (and therefore justly receives a greater reward) than another, that he should be forced to let that o-

ther *Tutor* have any part of his reward, who did bear no part of his labour: And it must needs be a great discouragement to *Industry*, to make the rewards of all the *Tutors* in a Colledge equal, tho' their *Vertue*, *Learning*, and *Diligence*, be never so disproportionable.

* Nor
 e D
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Statutorum Sect. XII.

[In all the Copies.]

DE Reditu Præpositi Ita Statuo, ut quicquid *Stipendii*, *Salarii*,
 five *Præmii uni alicui Socio* accreverit, *Dupla* ejusdem propor- De Reditu
 tio *Præposito* quotannis accrescat. Præpositi.

Now these four last Sections, viz. the 9th, 10th, 11th, and 12th, all relating to the *Salaries* of the *Provost*, *Colledge Officers*, and *Readers*, &c. —

(being of the same nature) will be best considered together; to which end the particular *Salaries* are here inserted as follow; viz.

Per Annum

li. s.

§
 Vide Sect. 9. } *Duodecim Sociis & Octo Scholaribus* } *in toto* — 280 00
singulis — 14 00 0 per Annum }

§
 Vide Sect. 10. } *Vice-Præposito* ————— 6 00
Bursario ————— 6 00
Moderatoribus Binis ————— 8 00
Clerico Sacelli ————— 6 00
Bibliothecario ————— 4 00

Prælectori {
 1 *Catechetico* ————— 12 00
 2 *Historico* ————— 8 00
 3 *Mathematico* ————— 13 06
 4 *Philosophico* ————— 8 00
 5 *Philologico* ————— 8 00
 6 *Linguae Hebraicæ & Linguæ Orient.* 10 00

Note, all these Sums are inserted both in the Charter which passed under the great Seal, and in the Bill that passed in the House of Lords; and will swallow up the whole Revenue of 500 l. per annum excepting 13-3-4

Obeuntis Cursum {
Anatomicum ————— 8 00
Chymicum ————— 10 00
Botanicum ————— 6 00

Pro Actibus Solemnibus in {
Theologia ————— 8 00
Medicina ————— 4 00
Chymia ————— 2 00
Botanicis ————— 2 00

Pro Orationibus 5 a Moderatoribus habendis ————— 2 10

Pro 4 Panegyric. Orationibus in Autores Classicos ————— 2 00

Respondenti & Opponentis priori in fine 4 Termin. — 2 00

(viz.)
 4 86 16 08 } *Censuram ferentibus de Libris* {
 13 03 04 } *Theologicis* ————— 2 00
 100 00 00 } *Medicis* ————— 2 00
 } *Philosophicis* ————— 2 00
 } *Politicis* ————— 2 00

Pro Experimentis Philosophicis ————— 5 00

Pro Exercitationibus in S. Scripturam ————— 26 00

Pro Concione ————— } *in Commemor. Fundatoris* { 1 06

Pro Oratione Panegyric. ————— } 0 13

§
 Vide Sect. 11. } *Tribus Novitiis in primo adventu ad Academiam* — 6 00
 } *Tribus Baccalaurei Gradum capeffentibus* ————— 9 00
 } *Tribus Inceptoribus in Artibus* ————— 15 00

Salaria in toto per Annum 486 16 8

These *Salaries* do not appear to be duly apportioned, as for Example, *Observe* (1.) The *Fellows* have no greater *Salaries* than the *Scholars*; which Sir *Thomas* being informed of, found fault with as too scanty an Allowance for the *Fellows*, and declared he would have it alter'd — (2.) The *Clerk of the Chappel's* Salary being Six Pounds, is more than the *Librarians* and *Moderators*, which is but Four Pounds a-piece, and is equal to the *Salaries* of the *Vice-Provost*, *Botany Reader*, and *Burser* (Vide Sect. 10.) and is very unreasonable. (3.) Several of the said *Salaries* are incompetent and unproportionable to the *Reputation*, *Care*, and *Trouble* of the Officers — and in particular, the Salary allotted to the *Chymist* (which is but 10 l.) is not sufficient to pay for the *Instruments* he must use, and to defray the *necessary Expences* of his Course; for which reason the Doctor in drawing up the amended Draught of *Statutes*, viz. that sent to Oxford, left all the *Salaries* in *Blank*, that Sir *Thomas* (as the Dr. pretended once) might fill up the several Sums as he himself pleased, when he came to peruse the *English Copy* of them, which he desired to be made for him; but Sir *Thomas* never had such a Copy, and therefore never agreed or settled the *quantum* of the *Salaries*, which the Doctor not only set down of his own head, but inserted those very Sums in the Bill-Copy, which Sir *Thomas* had disapproved in the Charter, as being in his opinion too little for the *Fellows*.

These *Salaries* being cast up, amount in the whole to 486 l. 16 s. 8 d. per *Annium* (without any *Salary*, much less the *Dupla* for the Doctor himself.) And admitting the whole 10000 l. were to be laid out, (without any Deductions out of it for the *necessary Charges* of the *Trust*) it cannot be supposed to purchase above 500 l. per *annum* (if so much) and the *Salaries* and *Stipends* before mentioned, (as the Dr. has carv'd them out)

amounting to 486 l. — 16 — 8 per *annum* as aforesaid, there remains in all $\begin{array}{r} 486 \ 16 \ 8 \\ 13 \ 3 \ 4 \\ \hline 500 \ 00 \ 00 \end{array}$ but 13 — 3 — 4 — Annual Revenue for the Provost's *Dupla Proportio*, and for the *Salaries* of a *Dean*, *Register*, *Steward*, *Cook*, *Manciple*, *Butler*, *Porter*, and other inferior Officers necessary for a *Colledge* — and for *Repairs*, *Taxes*, and other *accidental losses* by *Insolvent Tenants* or otherwise — Whereby it appears, that instead of leaving any thing for the charge of *Building*, the constant *Annual Revenue* will not defray the ordinary *Yearly Charge* by a very great *Deficiency*; which possibly the Doctor foresaw, when he inserted in the *Oxford Copy* a Clause beginning, — *Quoniam vix fieri potest* — in the 11th Sect. whereby it was — *Decretum, Quod quicquid quotannis in calculo computove quoquomodo accrescet decrescetve, totum Corpus Corporatum pariter afficiat, sic ut singulis illius membris, quod Reliquum erit, pro ratione Incrementi vel Decrementi, equali ac justa proportione in sine cujusque anni distribuatur.*

So that each Member of the Corporation was to be equally affected by any *Deficiency* or *Overplus*, according to his just proportion.

And tho' one would wonder how the Doctors *Dupla proportio* should be raised, when the *whole Income* of the *Colledge* was not able to maintain the common *necessary charges* of it, as the Doctor had contrived the matter; and seeing all the Profit arising out of the *Pupils*, was to be equally divided yearly among the *Tutors*; yet 'tis plain, the Doctor had done his best to secure his own *Dupla Proportio* (that is) not only the double Salary of 14 l. per *annum* allowed to the *Fellows* (eo nomine) but (as he has worded this Section) *Dupla proportio* to any manner of *Stipend*, *Salary*, or *Reward*, whatsoever, (viz.) Double to the *Quicquid uni alicui Socio accreverit*, either as *Fellow*, *Tutor*, or *Reader*, or in any other capacity.

Statutorum. Sect. XIII.

Sanctio Statuti

IN this Section a Fellow or Scholar for Contumacy may be deprived of his Salary *ad dimidiatam usq, partem*, and no time is limited for the continuance of this Punishment, and after they have been *Primo aut Secundo Moniti*, they may by the Charter-Copy be suspended *ab omni Beneficio in sex menses*, which together with leaving the Fellows to be punished (as is mention'd in this Section) *pro Arbitrio Præpositi*, and adding this further Injunction — *delicta alia quæcunq; graviori semper supplicio vindicari postulo* — subjects all the Fellows wholly to the Mercy of the Provost, which is very unreasonable, and levels them with the condition of his poor * Greek Boys. And tho' it be provided by this Statute, That if the Provost do not within a years time exact these Mults — *Ipse quadruplo multabitur* — It may be inquired who will take upon him to demand this Penalty of a Person, *Penes Quem Regimen omne est* (as in the 4th Section.)

* Whom he used in such manner, that all or most of them run away from him, but upon much persuasion return'd, in hopes of better usage.

Statutorum Sect. XIV.

De moribus conformandis.

BY this Section all the Powers given to the Vicechancellor and Proctors by the University-Statutes. *Titulo 15. De Moribus conformandis* — § (1.) *De Reverentia Juniorum*, &c. § 2. *De coercendis Otiosis*, &c. § 4. *De Domibus Oppidanorum*, &c. § 5. *De Oenopoliis*, &c. § 6. *De Nocturna Vagatione*, &c. § 7. *De Ludis prohibitis*: § 8. *De Famosis Libellis*, &c. § 9. *De Contumeliis*, &c. § 10. *De Vi & injuria*, &c. § 12. *De Conventiculis illicitis*, &c. — § 14. *De Oppugnatoribus*, &c. are given (by the Charter and Oxford-Copies) to the Provost, and Vice-Provost — referring *ad Academiæ Statuta sub Epigraphis prædictis* — where 'tis added — *Autoritate illa omni quæ Vice Cancellario & Procuratoribus ad coercenda istiusmodi delicta illic committitur, ad Præpositum & Vice Præpositum, in solidum (prout res feret) transferenda* — But in the Bill-Copy the Dr. has left out the 12th Sect. *De Illicitis Conventiculis reprimendis* in the University Statutes (tho' he has inserted all the rest) for which perhaps he can give some reason.

By this means the intended Scholars of Gloucester-Hall are exempted from all Jurisdiction of the Vicechancellor and Proctors; and this Colledge is set up to

be Independent upon the Government of the University; — or rather for a distinct University of itself.

Statutorum Sect. XV.

[Oxford-Copy.]

THIS Section contains only the Oath of the Provoſt, Fellows and Scholars; vizt. — *Tu dabis fidem ad obſervandum Statuta, Jura, Privilegia, &c. — iſtius Collegii; necnon ad ejus omnia Commoda (ſive præſens ſive abſens fueris) quantum in te, ad extremum uſque vitæ terminum promovenda — Ita te Deus adjubet.* De juramento Præpoſiti Scholariorum &c. Scholarii.

This Oath is a Snare to the Conſciences of young men, and puts 'em upon difficulties, if not impoſſibilities; for

1. They ſwear to obſerve the *Statutes* of the *Univerſity* upon their Matriculation, in theſe words, or to this effect — *Tu dabis fidem ad obſervandum omnia Statuta Privilegia, & Conſuetudines hujus Univerſitatis* — but the *Statutes* deſigned by the Charter and Oxford-Copies for *Glouceſter Hall* are different from the *Statutes* of the *Univerſity*, in that by the Charter and Oxford-Copies Sect 14. ſeveral Powers which the Vicechancellor and Proctors have by the *Univerſity Statutes*, were given to the *Provoſt* and *Vice Provoſt*, without any limitation whether thoſe Powers are to be executed, *intra vel extra Aulam Gloceſtrenſem*.

2. In reſpect of the double Setts of *Statutes* intended by the Bill in Parliament (had it paſſed) to be eſtabliſhed;

the Takers of the abovementioned Oath, muſt all have ſworn to obſerve Impoſſibilities; becauſe both thoſe bodies of *Statutes* (tho' repugnant) by that Bill, were expreſſly confirmed.

And ſo they muſt have ſworn to ſubmit to the *Chancellor* as Viſitor appointed by the *Bill* and to the *Biſhop of Worceſter* as Viſitor by the Charter — (as in the next Section will appear.)

Befides, That Oath would have compell'd them to obey the *Provoſt* * who (by the Charter) was to be choſen by the *Chancellor* and (by the Bill-Copy) was to be choſen by *Sir Thomas Cookes* his Heirs. And in Caſe it ſhould happen that each of them had appointed a ſeveral *Provoſt* thoſe who take this Oath, would be in ſome perplexity how to keep it, and be forced to be at the trouble of conſulting others, for ſatiſfaction of their doubts. * Vide the 2. Section in both.

Statutorum Sect. XVI.

[Oxford-Copy.]

HOC Statutorum Corpus perpetuis futuris Temporibus inviolabilitèr obſervari Decerno — Potestate tamen mihi Reſervata quamdiu Deo placuerit ut ſuperſtes ſim, præſentia hæc Statuta mutandi, aut corrigendi, deq; novo condendi alia — & faciendi quicquid ad meliorem diſciplinam ſive Regimen Collegii mei pertinebit. De Potestate Viſitatoria.

Here is to be noted, That as well thoſe *Statutes*, paſſed into the Charter, as thoſe annexed to the Bill, (as inconſiſtent as they are with each other, or diſagreeing in themſelves, yet) by this Section in the Charter and

Bill.Copies, are made (1) *Unalterable* after the death of *Sir Thomas*. (2) To be *inviolably* observed for ever — tho' some of them are directly contrary to each other ; and therefore impossible to be obeyed ; For *That two Repugnances cannot both be observed*.

By this Section in the Charter-Copy the *Visitatorial Power* is given to the *Bishop of Worcester*, and that See being vacant, to the *Bishop of Oxford* (*viz.* — *ubi autem e Vivis Discessero, Visitatoriam Potestatem multum Reverendo in Christo Patri Wigornienſi Episcopo (quisquis tum fuerit) & Successoribus suis in perpetuum Concedo, tertio quoquo anno exercendam ; atque (Sede Vacante) multum Reverendo in Christo Pat. Oxonii Episcopo, &c.* But by the *Oxford* and *Bill Copies*, the *Chancellor* of the *University* is made *Visitor*.

Concerning the *Statutes in General*, it may be further observed, that there was near two years space between the passing the *Charter of Statutes* and the pretended amendment of them, (for so long it appears the difference lasted between the *Chancellor* of the *University* and *Sir Thomas*, who could not if he would, alter that Statute about nominating a *Provost*, till the Duke had first consented to it) and when that consent was obtained, which so far as appears, was not — till about the beginning of

August 1700 (a) and when *Sir Tho.* had objected against the *narrow pensions* allowed the *Fellows* in the *Charter-Statutes*, the *Dr.* drew up that amended Draft (as he calls it in his *Case*) of which the *Chancellor* of the *University*, *Sir Thomas*, and himself, had each a Copy ; and in the (b) *Chancellours Copy* the *Pensions* were left in *Blank* for *Sir Thomas* to fill up as he thought fit.

This was the *Doctor's* pretence for leaving the *Blanks*, so that the amended Draft sent to *Oxford* was intended (when compleated and approved by *Sir Thomas*) to vacate the *Statutes* in the *Charter* : But *Sir Thomas* not living to peruse them, or fill up the *Blanks* left on purpose for his consideration and insertion, the *Dr.*

after his death, framed out of both the former Drafts a third Draft, which is that annexed to the *Bill* ; wherein 'tis manifest, those very *Summs* mentioned in the *Charter* for the *Salaries* of the *Fellows* which *Sir Thomas* had objected against as *too little* the *Dr.* notwithstanding inserted in the *Bill.Copy* with an intent to establish them by *Act of Parliament* ; — And it will not be difficult to prove, nor easie for the *Dr.* to deny, that this last body of *Statutes* in the manner and words it now appears, annex'd to the *Rejected Bill*, was compleated, if not composed after *Sir Thomas* was dead, who neither perused, understood, or approved any one of the several bodies of *Statutes*, and therefore signed none of them.

It may be also observed — from the *Regimen Omne Penes Præpositum esto ; — Cujus judicio Controversia Omnis terminabitur — Prout præcipit Præpositus — Cujus Designatio Penes Præp esto — Prout Præp s. statuerit — pro Arbitrio Præpositi* — and other synonymous expressions, sprinkled up and down throughout the *Statutes*, that the *Dr.* endeavoured to bring all the *Fellows* and *Scholars* into a slavish subjection to his Arbitrary Government, which was fitter to be exercised over *Beasts* than *Men* ; especially those who were to receive a *generous Education*. For the *Dr.* was resolved to ride 'em with *Bit and Bridle* ; and indeed, if the whole body of *Statutes* were thoroughly examined and considered, one would imagine by the imperious *Stile* thereof, and that *absolute Dominion* which the *Dr.* has every where bestowed upon himself, that the *Compiler* of them was fitter to *break Horses*, than *breed Scholars* ; — Besides, there are many other absurdities in the *Statutes*, too tedious to be here taken notice of in particular.

Having done with the *Statutes*, the next *falsehood* in the *Doctor's Case* appears at *Note the 1st*, where 'tis alleadged, *viz.* " *That which bindeth the going on of this work (as the Doctor calls it) for near*

(a) Vide both the Extracts, wherein no mention is made of the Chancellours condescending in that point till Mr. Mason's Letter of the 5. AUG. 1700.

(b) Note the Chancellours Copy was that sent to Oxford. Vide Case at the 4th Paragr after Letter (m) before Note 1.

(c) Thomas
is far from
finishing it
he had scarce
begun it.

" two years was the difference about no-
minating the successive Heads of the
Colledge, which being composed, Sir
Tho. proceeded (c) to finish the work,
as the Cafe pretends and having
agreed with Sr, John's Colledge " Sir
Thomas (d) ordered his Council
(Mr. _____ named in the Drs.
Cafe) to set about drawing up of Set-
tlements which according to the Instru-
ctions receiv'd from his Agents, his
said Council was advising and direct-
ing till within three or four days before
the death of Sir Thomas.

(d) Vide
Cafe Note 1.

Here the Dr. affirms that for Truth,
which he knows to be False; and if he
had any real respect for Sir Thomas or
his Family, he would never have pub-
lished such indefensible Falshoods con-
cerning him, to draw these Matters in-
to Examination, and compel the disco-
very of such Truths which tend to expose
his Memory only. If Sir Thomas had pro-
ceeded so far as to direct his Council to
draw up Settlements of this Charity on
Gloicester-Hall (as the Dr. avers he did)
it may incline some Persons to believe,
he intended to settle it there; But on
the other side, if this be (as it really
is) false, 'tis fit the Concerned should
know it, to prevent their being misgui-
ded, and enable them to pass a right
judgment, according to the Truth of
this Fact.

Now notwithstanding the Drs. posi-
tive assertion that Sir Thomas ordered his
Council to make such Settlements —
'Tis evident, that neither he, nor any of
his Agents ever gave his Council any or-
ders or instructions to draw any, nor
did his Council advise or direct any
Settlement to be drawn, nor was any
Draft begun, or one line of any Settle-
ment writ, or so much as projected or
designed to be begun, when Sir Thomas
died. His Council was so far from be-
ing able to direct any Draft, that he had
not so much as seen the Title *Gloicester-
Hall* pretended, upon which this Cha-
rity should be founded, For the truth is
this, about eighteen or twenty days be-
fore Sir Thomas died, he declared to

those about him, that he would not
proceed any further at *Gloicester-Hall*,
till first his Council was satisfied in the
Title, * and desired that some able
Council might be retain'd to inspect it,
and to examine the Statutes, whe-
ther they were such as were fit for him
to signe; and because they were in *La-
tin*, he desired an *English Copy* might
be made of them, to lye by him for his
own perusal, that he might be able to
judge of them himself.

* This was
about 20 days
before he died.

Accordingly about or soon after the
end of *Easter-Term* 1701. and just be-
fore Sir Thomas his death, which hap-
pened on the *Whitsunday* following; the
Dr. and Mr. *Holl* — y his Council (as the
Dr. himself has several times since ac-
knowledged) met Sir Thomas his Coun-
cil, but produced nothing to make out
any Title, nor were able to tell Sir Tho.
his Council what the Title was, (and
this the Dr. and his Council will not
deny) the Result of this meeting was,
(viz) the Dr. was advised to procure
such Evidences of the Title, as might
enable Sir Thomas his Council to give
his Opinion thereof for the satisfaction
of Sir Thomas; who at or much about
that time was either dying or dead; and
so came to no farther Resolution as to
Gloicester-Hall; — and this the Dr. calls
in his Cafe, a drawing up of Settlements
" by Sir Thomas his Order, which were
" advising and settling till within three or
" four days before his death; as he would
groundlessly pretend; But herein the Dr.
is guilty of most palpable falshood.

The next Prevarication in the Drs. *
Cafe is at Note the 2d. where 'tis char-
ged, that " during the aforesaid stop, Sir
Thomas was petitioned to bestow his
Charity at *Baliol Colledge*. But not-
withstanding that Sir Thomas still per-
sisted in his first Resolution for *Gloce-
ster-Hall*, and declared to the two Bi-
shops (named in the Drs. Cafe) as
well by Letters, as by word of mouth,
That from the first Transactions relating
to *Gloicester-Hall* he never varied in
his thoughts or intentions concerning it;
tho' 'tis notorious that Sir Thomas did
not

* He was not
petitioned till
he had desi-
red Bal. Col-
ledge to pe-
tition him,
for he first put
them upon it.

not persist in his first Resolutions for *Glocester-Hall*; and whatever he might declare to those two Bishops by *Letter or word of mouth*, yet 'tis apparent by his Actions, that after he had treated about *Glocester-Hall*, and the *Chancellor* had refused to grant him the nomination of an Head, Sir *Thomas* turn'd his mind from *Glocester-Hall*, and treated with *Bal Colledge* about settling his Charity there; then changing his Resolution from thence, he was for some time inclined to apply his Charity in Erecting *Workhouses* in his own County; after that, he return'd to *Bal Colledge*, then he broke off his Treaty there, and came back again to *Glocester-Hall*, and seem'd to reassume his former Intentions of settling his Charity there; but afterwards he again alter'd his mind from *Glocester-Hall*, and was the second time inclined to erect *Workhouses* in *Worcestershire*, and made some progress therein, tho' afterwards he desisted.

Now because the Doctor himself has made it absolutely necessary to shew That Sir *Thomas* did thus vary to and fro as to the disposing of his *Benefaction* sometimes at one place, and sometimes at another; the manner of his wavering therein will best appear by the following Letters; and that from the 17 July 1699. to the 26th April 1700. Sir *Thomas* not only treated about settling his Charity at *Bal Colledge*, but by Mr. *Mason* his Agent, first encouraged that Colledge upon his own voluntary offer, and (withour their seeking) to apply to him for bestowing his Charity there; the Original of which Letters are ready to be produced, and are to the effect and of the dates following (*viz.*)

The several
Letters about
Bal. Colledge

18. July 1699. Mr. *Mason* (as from Sir *Thomas*) writes to Mr. *J. B.* — one of the *Fellows* of *Balich*, (being Sir *Thomas* Countryman whom he had frequently made use of, during his treating with Dr. *Woodr* — to transact matters with him relating to *Glocester-Hall*, and one who had faithfully and industriously endeavoured to forward the settling his Charity there, so long as Sir *Thomas* appeared to be inclined thereunto; to this

Gentleman Mr. *Mason* in that Letter writes thus (*viz.*) “ Sir *Thomas* resolved to settle his Charity son where, and bids me tell you *Bal Colledge* will stand as fair as any, please for it, and desires you to acquaint Dr. *Woodroff* of this, and that unless he may compleat the Business he will be wholly off, and will print a Narrative of the whole Affair to vindicate himself. — By this Letter Sir *Thomas* without asking, invited *Bal. Colledge* to address him for his Charity, which he understood would be very acceptable to some of his nearest Relations, and other Gentlemen of the most considerable Families in *Worcestershire*, who had been pleased to interest themselves far in this Affair, as to address to Sir *Thomas* on behalf of *Bal. Colledge*.

Upon the Receipt of this Letter Mr. *J. B.* — waited upon Dr. *Woodroffe* (as he had done several times before with Messages from Sir *Thomas* in this affair) and acquainted him with the substance of this Letter, which was in ways pleasing to the Doctor.

On the 12. August 99. Mr. *Mason* writes again — Sir *Thomas* had desired him to acquaint Mr. *J. B.* — that he has been so trick'd and bogg'd with Oxon, That he is resolved if they do not let him settle it at *Glocester-Hall* in short time, he will be wholly off; now it was plainly his own fault, that it was not settled at *Glocester-Hall*, (1) because he himself insisted on such Terms, which he had reason to believe the *Chancellor* would not yield to, (2) when at last his own Terms were yielded to, yet he did not proceed to settle it at *Glocester-Hall* tho' he lived near 12 Months after the *Chancellor* had condescended to the desired Terms.

On the 23. Octob. 99. Mr. *Mason* writes again expressing his fear, least the Master of *Balial*'s absence (who was then at *Bristol*) should be prejudicial to *Bal. Colledge*.

11th Decemb. 99. Sir *Thomas* himself discourses Mr. *J. B.* — personally and Bently, about settling his Charity

Bal — Colledge, and delivered him a Copy of the Statutes passed in the Charter, to be perused by the Master and Fellows of *Bal*. in order to be by them fitted and accommodated to their own Colledge.

Sir Thomas about this time pretending some doubt, desired that one of the most eminent Trustees whom he had several times consulted in this Affair, might signify under his Lordship's hand (in the Form drawn up by Sir Thomas or his Order) if he might with honour depart from *Glocester-Hall*, and be at liberty to settle his Benefaction where he pleased.

17th Jan. 99. (By Sir Thomas his Order) that Form which he desired to be subscribed by his Lordship, to certify his opinion in that particular, was accordingly sent to his Lordship.

Jan. 1699.

But in the same Month Sir Thomas wavering in his mind, privately directed a friend of his own, to encourage the Justices and Grand Jury of the County of *Worcester* at the Quarter-Sessions, to apply to him, that he would employ his Charity in the erecting Workhouses in his own County; and accordingly the Justices and Grand Jury did address him to that end, which shews he was cooled in his Intentions, both as to *Glocester-Hall*, and *Bal* — Colledge. And tho' Sir Thomas himself stirred up this Address from the Grand Jury, yet so unaccountable and intricate were his proceedings, That on the

29th of the same January he wrote to his Lordship, whose Opinion he had desired as aforesaid, lamenting his misfortune, that he could not obtain leave (as he pretended) to settle his Charity at *Glocester-Hall*, and acquaints his Lordship with an Application made to him on behalf of *Bal*. Colledge.

To excuse this mysterious Management of Sir Thomas, or for some such like Cause, which possibly wanted a vindication,

On the 31th of the same January 99: Mr. Mason writes (as doubtless he had

good reason) in this manner —

" * Sir Thomas's ways (which now seem to be in a Cloud) will clear up in such a marvelous brightness, as will display the wisdom and sincerity of his Conduct. " Vide Post-
script of this
Letter of the
31. of Jan.
99.

19th Febr. 99. Sir Thomas under his hand, writes to one of the Present Members in Parliament of his own Country in these words — " * I do solemnly declare, if I were once assured under his Lordship's hand, that I might with safety and prudence retreat from *Glocester-Hall*, I would immediately settle my Charity at *Bal* — Colledge — And 'tis an oversight in the Master and Fellows of that Colledge, that they have not formally petitioned me, to bestow my Charity at their House, and also promised that they will stand by me and defend me — It would have been a hard thing to have made such a Promise, and a harder to have performed it; for some of these Practices seem incapable of being defended.

9th of March 99. Mr. Mason wrote " * Nothing was wanting to determine Sir Thomas his Resolution in favour of *Bal*. — Colledge, but the Opinion of his Lordship. Accordingly on the 28th of March 1700. That Opinion was sent to Sir Thomas, whereby it was signified " * That his Lordship could not tell what Vows to God, or Promises to Men, or personal Resolutions, Sir Thomas had made; But his Lordship declared (as to himself) that Sir Thomas was under no sort of Obligation to him; But in that Respect, was free to dispose of his Charity where and how he himself should think fit. " Vide the
Letter it self.
Copy of this
Opinion.

26th April 1700. Mr. Mason writes — Sir Thomas having receiv'd the Opinion of his Lordship, had declared, " He had made no Vows to God that he would end w *Glocester-Hall* in particular, neither had he promised to any man, or resolv'd w. him himself to do it, unless he could have honourable Terms. " Vide the
Letter of this
Date.

By these Passages it may appear, that Sir *Thomas* (as the Dr. pretends) did not persist in his Resolutions toward *Glocester-Hall*, but that he did vary in his thoughts concerning it; and that, not accidentally, or in an heat, upon any suddain distast; but deliberately, with premeditation, and great seeming tenderness; consulting and advising, whether he might safely and prudently turn his Charity from *Glocester-Hall* to another place.

After Sir *Thomas* had received this Opinion of his Lordship, which he seem'd to desire so impatiently, pretending it to be the only Cause that stopped him from proceeding to treat at *Bal-Colledge*, it had no manner of effect upon him, to induce him to compleat that Treaty; for tho' he had promised that if he could be assured under his Lordship's hand, that he might with safety and prudence retreat from *Glocester-Hall*, he would immediately settle at *Bal-Colledge*; yet he did not, nor perhaps ever intended it: These Letters therefore are not cited to prove how his mind stood toward *Bal-Colledge*, but to prove he had no steady Intention to any place; and his assertion to the Bishops, mentioned in the Drs. Case to be made both by word of Mouth and Letters was notoriously false. viz. * That from the first Transaction relating to *Glocester-Hall* he never varied in his thoughts or intentions concerning it — This the Doctor has alledged in his Case for a Truth, tho' it be not — However, possibly in one sense it may be allowed to be true, if the Dr. designed it should be so understood (that is) — In case Sir *Thomas* (as 'tis more than probable) had no real intentions to settle his Benefaction at *Glocester-Hall*, then he could not properly be said to vary from such intentions, which he never had.

* For he varied from *Glo. Hall* to *Bal. Coll.* then from that to *Workhouses*, then to *Bal. Coll.* again, then back to *Glo. Hall*, then to *Workhouses* the 2d time.

vide Case Note the 2d.

The next thing observable in the Doctor's Case, is at Note the (2d.) where the Dr. cites in the Margent two several Letters by their dates, to demonstrate the firmness of Sir *Thomas* his

Resolution toward *Glocester-Hall*, one of which Letters (as he Pretends) was dated on the

7th May 1700. Wherein the Case mentions Sir *Thomas* did write, That " if he might obtain the nomination of the " Head (which he did obtain) 'twas no " in the Power of all the World to draw " him from *Glocester-Hall*, (nor indeed to draw him to it) — 'Tis remarkable, that within sixteen days after this Letter, viz. on the 23. May 1700. when the Doctor preached the " Extempore Sermon (as he himself " calls it) at *Feckenham*, It appears by the Doctor's manner of Application " to Sir *Thomas* in that fulsome Discourse that he hung back and stood in need of being drawn on; and that he was not (or at least the Doctor did not think he was) so resolved as the Doctor expected, but that he lingered and delayed (as in truth he did) in fixing his Charity — And therefore in that Sermon the Doctor (to rouze up his slowness) call'd this to him out of the Pulpit * " O Pious " Soul! Hasten the work, by which thou " hopest to lead on others to write after the " same Copy. * pressing him to settle his " Charity in his life-time by himself, and " not by another — and then immediately adds, — † For if left to the " Man that comes after me, who can tell " whether he shall be a Wise man or " Fool? — Now it may be inquired which of these two Characters most properly belong to the Doctor, for this imprudent and misapplied quotation whereby he made use of the Holy language of the Bible irreverently in relation to God, and reflectingly on the Family of his expected Benefactor, appears by the very next words in the Sermon following this Text out of *Ecclesiastes*, wherein the Doctor cries out — " How often is it seen that the " first Executor of others Charities quickly " inverts and overthrows the Intention " the Donor; of which the Doctor pretends he could give four or five instances in the greatest Benefactions of our time — And least all this should not prove

sufficient to stir up Sir Thomas, the Doctor tells him roundly in the next page of the same Sermon, viz. p. 21.

Vide Sermon
pag. 21.

“ *Thou knowest not what a Curse it may be upon all, if once thou begin to procrastinate, and prevaricate with him, who gave thee the Riches, thou hast vowed to his Service —* ”

After all this, the Doctor to cheer up himself in the hopes, and his Patron in the performance of his long look'd for Settlement, again prophanes the sacred Language of the Scripture, applying to Sir Thomas a part of the 57th Psalm, with this Preface to it —

(d) Vide
Sermon pag.
26.

“ *I trust I can say for our Honourable Benefactor in the words of the Psalmist, (d) My Heart is fixed, O God! my heart is fixed: And because Sir Thomas was not at Church, the Doctor not only repeated this very passage in his Epistle Dedicatory (e) but therein acquaints Sir Tho. in what page of his Sermon he should find it; fearing he would not be at the pains to read the whole.* ”

(e) Vide
Epist. Ded.
pag. 3.

Now if the Doctor himself had believed what he would have those believe, for whom he printed his Case, viz. that Sir Thomas was so stedfastly resolved upon Gloucester-Hall “ *That all the world could not draw him from it, what need was there of all this sordid Flattery and Pulpit-Canting, whereby the Dr. dishonoured God, and reflected not only upon Sir Thomas and his Family, but upon himself and his Profession also.* ”

Vide Case,
Note 2d.

The other Letter the Doctor quoted under (Note the 2.) to prove the constancy of Sir Thomas his Resolutions toward Gloucester-Hall, is said (in the Case) to be dated 12th June 1700. wherein 'tis pretended Sir Thomas declared — “ *That his whole Happiness as to this world, depended on his speedy and happy settling of his Charity there —* but no such Letter is to be found in either of the Doctor's Extracts, and 'tis scarce to be imagined if there had been any such, he would have forgot to insert it in one

of them: However when the Dr. has any just occasion, he may (if he can find it) produce this Letter with the rest.

But it may be further observed, if Sir Thomas his mind was so fixed on Gloucester-Hall (which the Doctor pretends) “ *That his whole Happiness depended on his speedy settling his Charity there, how comes it to pass that in the August following, viz. August 1700. (when 'tis alleadged by the Dr. in his Extract (e) “ Sir Thomas joyfully (e) Vide in the Oxford Extract the Letter dated 5. Aug. 1700: “ receiv'd the News of the Chancellor's condescension in granting him the nomination of the Head) how comes it to pass that he did not. (as any man would imagine he should) proceed to compleat the Work he designed at Gloucester-Hall (that which hindered him being then removed:) For till the Chancellor had vouchsafed to yield this point, his Grace's Denial was alleadged as the only Cause of Sir Thomas's not proceeding with Gloucester-Hall; And when it was yielded to, Sir Thomas (who lived 10 Months after, yet) made no step toward it, tho' the Doctor in his Sermon had openly admonished him not to procrastinate and prevaricate with God. However he was so far from settling it either at Gloucester-Hall or Bal. Colledge, That at the Worcester-Lent-Affixes before he died, which was in April 1701. long after the Chancellor had granted him the point he so insisted on, his mind was changed from both his Colledges in Oxford, in so much that he expressed himself more inclinable to bestow his 10000 l. for the erecting of a ~~work~~ house, and desired, a near Relation of his own, * one of the most Ancient Justices of the Peace in the County, to procure the Justices to address to him for that purpose, “ *That he might have the better pretence (as he himself declared) to come off with the University. —* And about the same time he declared to another * Gentleman of the same County, he was so far from inclining to Gloucester-Hall,*

M. J. B.

Hall or Doctor Woodroff, " That he
" *dreaded to be troubled with him about it,*
objecting against the slender Pensions
proposed by the Doctor for the Fellows,
and thereupon encouraged this and another
Gentleman, to get the Grand Jury
of the County to Address to him, for
the erecting *Work-houses*, desiring to
know their Sense and take their Ad-
vice.

Whereupon the Grand Jury drew up
an Address to Sir Thomas (at his own
instigation) wherein 'tis mentioned, (in
these among other words) — " That Sir

The Grand Ju-
ry's Address
in April
1701. to Sir
Thomas, who
died the 8th
June follow-
ing.
Vide the Co-
py thereof.

" *Thomas Cookes had declared his in-
" tentions to lay out 10000 l. in some
" Charity, tha: may be the most General
" and Universal for the Relief of the poor,
" since he had made some steps in order to
" the founding a Collage in Oxford,
" which could not be effected for the Rea-
" sons lately made known; and now
" since Oxford is well filled with Col-
" ledges and Scholars, And the great In-
" crease of the Poor ——— both ren-
" dred their condition most miserable, &c.
" ——— We the Grand jury of this
" County, with respect recommend to the
" said Sir Tho Cookes, the opinion of
" the Body of the Cuntty, That the dis-
" posing of his said noble Gift, so as Work-
" houses &c. and Stocks may be provided
" for maintaining the Poor, &c. is the
" best Measure and Course, that can be
" taken, and that the said Charity can be
" employed in, &c. ———*

This Address being Signed by 17 of
the *Grand Jury*, as also by several *Justi-
ces of Peace*, Gentlemen and Freehol-
ders of the County, was (by one of the
Gentlemen employed to obtain it,) pre-
sented to Sir Thomas, who well appro-
ved of it.

But (after his usual manner) still
hesitated, (tho' it was his own Project)
saying, *the Bishop of W. ——— had mo-
ved him for his Charity to go to Oxford,*
But yet if his Lordship's consent could be
had, it shou'd go according to the Ad-
dress — Thereupon by Sir Thomas

his Consent, one of the Gent. (who had
promoted the Address then going
London) receiving it from him, waited
on the Bishop with it, when he came
to *Town*, taking three other Gentlemen
of the same County with him, and delivered
the same to his Lordship, who having
read it, put it up, saying, That he
would give his Answer, when he came
down into the Country; But the Gen-
tleman staying in *London* about a fortnight,
for the dispatch of his Business,
Sir Thomas was dead before he returned
back; And yet the Doctor pretends in
his Case, " *That Settlements on Gloucester-
" ster-Hall were advising and directing
" till within three or four days before the
" death of Sir Thomas* (as is mentioned
before in pag 43. and in the * *Dr
Case* also at Note I.) the falshood where-
of, has already been sufficiently detected.
For at the same instant of time the set-
tling his Charity on *Workhouses* was in
agitation, and that by his own Order.

Sir Thomas (after this Address
from the Grand Jury was sent to the
Bishop, and a little before his death
hearing that (notwithstanding all
the privacy he had used in obtaining
thereof) the Secret had taken air, and
that it was known and talk'd of about
the Country, that he himself had encoura-
ged the Address, and considering he had
directed the Gentleman who presented
it to him, to carry it to the Bishop for
his leave to employ the Charity on *Work-
houses*, and fearing least that Gentleman
might discover at *London*, how Sir Tho-
mas had procur'd that Address to be
made (which he was not willing should
be known to the Bishops concern'd in
this Trust,) Sir Thomas in order to con-
ceal his own inconstancy in this point
from their Lordship's notice, and to
keep himself right in their good opinion,
employed * one of his own Relations,
mentioned in the Doctor's Extract,
who writ (as from Sir Thomas)
(a) " *That he disowned the proceed-
" ings of the Gentlemen at the Assizes,
" in framing a Petition to him, and de-
" signing to wait on the Bishops in Lon-
" don*

tho' the House did then think fit to publish only the Votes themselves, yet the Debates, Grounds, and Reasons inducing those Votes, were never hitherto thought fit to be published, nor is it decent to pry into them; and nothing but a wanton Curiosity like the Drs. could have attempted it, searching chiefly after those things, that are most fit to be concealed.

" the same would have been Reason with the Commons, which was so with the Lords,— And the Bill passed in the one House, as it had done in the other, —

" — (t) That if the House had had ^{(t) page 6.} more time to have deliberated therein, or to have been better informed, 'tis not to be doubted, but a Bill of that Import, must have been received with great readiness of mind — (u) That the rejecting the ^{(u) page 6.} Bill had occasioned so much Discourse and Wonder, that it was believed it would be no less wondred at in all the Universities of Europe, how a Bill of this nature should miscarry.

(o) vide the Letter pag. 1. l. 7.

In the Letter it self pag. 1. (o) the Dr. affirms, " That most of the Members whom the Doctor had met with, since the Bill was rejected, and had been active in rejecting it, were not so well satisfied in what was then done, as they seem'd to be, when doing it — And that (p) had it been practicable, there was nothing the House would have been more desirous of, than to have retrieved it — As if the Members had repented to the Dr. for giving their Votes against his Bill.

(p) Vide Letter p. 1. l. 19.

This is the treatment the University-Member gave the Gentlemen of that * House of Commons; which yet is the more remarkable, because in the very same Letter wherein the Dr. expressed himself with so little manners, he also shewed so little discretion (at pag. 2d) that he flatters himself and others to believe, That notwithstanding all these his rude and unhandsome Censures of that Honourable House (w) " It was not to be ^{(w) page 2.} doubted (as he affirms) that if it be ^{(w) page 2.} needful to renew his rejected Bill in another Session, it will find the most favourable acceptance: As if he did believe that notwithstanding his indecent behaviour toward that great Assembly, the importance of his Application to them was of such weight, as might have challenged success in the rudest language.

(q) Vide Letter p. 1. l. 10.

In the same page 1. the Dr. complains — " (q) That to Quash a Bill for the settling of a Charity, especially such a Charity as that of erecting a Colledge, for the advancement of Learning, good Manners, and Piety (a Charity that happens not in every Kings Reign) is so contrary to all the Rules and constant Practice of the House, that the Members themselves did admire, how such a Bill should be lost, and that without ever committing it, or examining the Pretensions of those who opposed it, or bearing what could be answered thereunto—Here the Dr. takes upon him to know the Rules and Orders of the House, for the regulating their own Proceedings, in the passing of all Bills; and to censure them for acting contrary thereunto, in the rejecting his.

Besides the Doctors Reflections on the Houses Proceedings as Irregular, he ventures in pag. 2. to reflect also on Persons, particularly (x) on those who called ^{(x) page 2.} for the Reading of the Bill at the time ^{(x) page 2.} when 'twas rejected — And in the very next pag. insinuates that he could, (tho' it seems he was loath to do it) give an Account how it came to pass (y) That the Bill was so long in the ^{(y) page 2.} House before 'twas rejected; that 'twas ^{(y) page 2.} delayed from day to day, notwithstanding the Applications made to have it read, and hopes daily given that it should be read; and who the Persons were, who at last moved to have it read; with the critical management

(r) Vide Letter p. 2. l. 37.

In pag. 2. the Dr. observes (r) " It was much taken notice of, that the Bill was rejected in a very thin House; (s) and in an hurry of Business, when things could not have so full an Hearing as might have been desired; — (t) And that if the Matter had been admitted to a full Scrutiny in the House,

(s) pag. 6. l. 23.

(t) pag. 5. l. 32.

ment of it; which last words the Dr. printed in a different Character, to make the Reflection more apparent.

Certainly if the Dr. ever intended to have applied himself to another *House of Commons*, in favour of any *Bill* relating to this *Charity*; it might with good reason have been expected, he should have behaved himself more decently toward the last.

As to the Drs. *Reflections* in the said *Letter* upon the *University*, telling them
 (a) pag. 3. pag. 3. (a) of forfeiting their Understanding and Conscience, and pag. 7. (b) of appearing in the Cause of Idleness and Loose-ness, possibly he hoped that the disguise he acted in, intituled him to such a liberty of Speech, that he might say whatever he pleased, of that Great and Learned Body; But he may be assured, the Brightness of their Reputation is fixed too high, and shines too clear, to receive any damage or diminution from so foul a Mouth, whose Railing is beneath their notice, and (much more) their Resentment; for tho' they are armed with sufficient Authority to punish, yet they had much rather extend their Charity to forgive, the impotent malice of Detractors and Slanderers.

As the Dr. thought fit to personate another, in the publishing this *Letter*, so he seems unwilling to be suspected for being the Contriver of the *Bill*, or to have any Interest or Concern of his own in the promoting thereof, and therefore in the *Letter* pag. the 3. (d) he endeavours to have it believed that the *Act of Parliament* was projected for the sake, and upon the account of Sir *Thomas's* Heir, as if the *Act* was framed especially for his Service; For the Dr. affirms in the *Letter* page 3. "That 'twas not because any doubt arose either concerning the Testators (i. e. Sir *Thomas's*) Intention, or the Settlement made by him, that that *Act of Parliament* was desired; but to indemnify the Heir and his Estate upon the payment of the Money, &c. — Now the contrary to this Affirmation is true, for the chief Reason for proje-

cting that *Act*, was "the Doctors doubt concerning Sir *Thomas* his various Intentions about this Benefaction, and not the indemnifying the Heir; for that was only a collateral matter, least design'd by the Doctor, and might have been securely provided for, without an *Act of Parliament* (viz.) by *Decree in Chancery*. But the Dr. knew nothing could alter the Will, turn out the Trustees, take the management of the Charity out of their hands, and confine it to *Glo. Hall* (which was the Drs. chiefest aim) but the *Act of Parliament*, which he had industriously contrived, not for the safety of the Heir (as he pretended) but for private and self-ends of his own.

The Doctor it seems was very officious to concern himself for the Heir, designing by such an obsequiousness, to gain his favour; not doubting but by degrees he might skrew himself so far into his good opinion, as to prevail with him to deliver himself up to his Condué and at last be directed by his Counsel and so joyn with him in contesting the Trustees Power for disposing of the Charity. — And the Doctor, to shelter himself under the Heir, is industrious to have it believed, That 'tis not the Dr. who is concern'd in contending for *Glocester Hall*, but the Heir, who knowing his Uncles intentions toward that Place, thinks himself obliged to promote the Settlement of his Charity there.

Tho the Dr. does not consider (what has been observed by others, viz.) that the Heir, when his Uncle died, and for considerable time before, was beyond Sea, and while he continued in *England*, was a meer stranger to his Uncle's Affairs, knowing nothing of his mind nor indeed expecting to be his Heir, and that he cannot be supposed to know what his Uncles intentions were, say only by hear say; and therefore cannot be sure how far he may depend on the truth of what had been told him of this Subject — Nor did the Dr. well consider how unreasonable 'tis to ima-

gine that the Heir having so considerable a Fortune, unexpectedly left him by his Uncle, should so forget the Gratitude due to his Memory, as to countenance either the raising or carrying on any Dispute, which in the Event can have no other consequence but to expose the Frailties of his Uncle, which ought rather to be concealed. — Besides the Dr. had reason to apprehend that it was not likely that the Heir, in respect to his own interest, should be easily drawn in to assist in the controverting any part of that Will, by vertue of which he enjoys his Uncles Estate, and which he has often and solemnly declared he believed to be his Real Last Will and Testament, and that he died without revoking or altering the same.

Now in regard *this State of the Case* is design'd to detect the false stating of *that publish'd by Dr. Woodroffe*, and to rectifie those who have been misguided thereby, as if the *Transactions* between *Sir Thomas Cookes and the Dr.* after the making his Will, had altered or taken away the Trustees Power given by the *Will*, to dispose of this Charity any where in *Oxford*, — It may not be improper to refer those Persons for their more ample satisfaction, to *the Opinions of Council* who have been consulted, on a short Abstract of this Case in Writing, setting forth the said *Transactions*; whereby it may appear to those who shall peruse the same, (1.) *That there is no Obligation on the Trustees in settling this Charity, to take notice of any of the said Transactions.* (2.) *That the Power given the Trustees to dispose this Charity in Oxford where they think fit, continues in force, notwithstanding any of those Transactions.* (3.) *That the Trustees ought to receive the 10000*l.* and may fully discharge the Executor thereof without an Act of Parliament, (viz.) by consenting to a Decree in Equity for that end.* (4.) *That the Trustees are impowered to put out the Money at Interest, till it can be laid out in a Purchase.* (5.) *That both the Charters are void in Law.* (6.) *That the Charity will be the more useful, the less of it is laid out in Building*

(as by the Written Abstract of the said Case, with *Councils Opinion thereupon*, more at large may appear, remaining in the Custody or Power of the late *Vice-Chancellor of Oxford*.)

Soon after the giving these Opinions, at the *Worcester Assizes* held the 19th August last, *An Address* was made by several of the *Gentlemen and Clergy* of the said County, and sign'd by the *Grand Jury*, directed to the *Vice-Chancellor and all the Heads of the Colledges and Halls in Oxford*, declaring "That *the said Trustees*, with all Reason and Justice, might make use of that Liberty and Freedom, which by *Sir Thomas* they were entituled to, notwithstanding any advances made by *Sir Thomas*, and desiring the Trustees to execute the Power and Trust lodged in them, so as it may be most for the Publick Good and the Honour of the *University*; without regarding the pretences of those, who undertake to Judge of the intentions of *Sir Thomas Cookes* otherwise than by his last Will; which having before him several years before he died, he found no reason to alter in any circumstance (tho earnestly solicited thereunto) — and further requesting that particular regard might be had to the said County, and especially to the Sons of Clergymen, and such who shall be brought up in *Sir Thomas* his Free Schools. —

Which Address was presented accordingly, and is submitted to the Judgment of the Trustees, whenever they shall think it a seasonable time to take it into Consideration.

To these Opinions of Council the Dr. could not submit, but insinuates that the Trustees are not to regard them, and are bound in Conscience to take notice of the several Declarations of *Sir Thomas* his Intentions toward *Glocester Hall*, which import such an alteration of his Will, as takes away the Trustees Power in disposing this Charity, and confines it wholly to *Glocester Hall*, and that the Trustees are bound in Conscience to settle it there.

Now

Now it cannot seem reasonable that a Man's Will (being a Legal Act) reduced into Writing and Certainty, should be expounded by the Private Consciences of Gentlemen unskill'd in the Law (tho' otherwise never so learn'd) but according to Justice and the Rules of Equity, which is the *Publick Conscience* of the Nation. And no man ought in this case, to pretend *Conscience* for acting against the *Law*, but submit his *Conscience* to the Direction of the *Law*, in expounding *Legal Instruments*; the *Law* in such Cases being to regulate the *Conscience*, not *Conscience* the *Law*; to which we are expressly required to be subject, not only for fear of wrath, but out of *Conscience*, and to submit to the Ordinances of Man for the Lords sake.

But because the *Dr.* lays such a stress upon the Declaration of Sir *Thomas* his Intentions, he should consider, there is a great deal of difference, between the actual disposing of a thing, and the declaring Intentions to dispose it; the one is a compleat Act, perfected and finished, the other ^{may be} ~~at most~~ but an inclination or willingness (for the time it lasts) and sometimes but a bare pretence only: For 'tis possible, the person may declare what he never intended, or if he did really intend, may alter those Intentions, and never perform them: Now all the Transactions of Sir *Thomas Cookes* concerning *Glocester Hall*, after the making his Will, do no more than import, that he declared sometimes he intended to fix his Charity there, tho' his *Conscience* must needs tell him, those Declarations were insincere as well as insignificant; for that at the very same time when he declared so, and long before, he must needs know, that he had actually and legally by his Will given the same Charity to his Trustees, to be by them disposed of in *Oxford* as they should think fit. Is it reason therefore that the Declaration of an Intention to make a Settlement, that was not only never made, but never so much as attempted or begun: I say, is it reason, such a Declaration should destroy or alter a Settlement

actually, deliberately, and studiously made and executed (as Sir *Thomas Cookes's* Will was) with all the Essentials as well as Formalities required by Law, to make it Authentick and Substantially Effective for the disposing the Charity in question?

However, admitting that bare Intentions only were fit to be regarded, Is it not manifest, that there were different Declarations made by Sir *Thomas* of his Intentions to settle the same Charity at two other places besides *Glocester Hall*. Did he not speak, write, and consult nay do, as well as promise several things, sufficiently declaring his Intentions to *Baliol Colledge* in *Oxford*, and then to *Work-houses* in his own County. And may not Arguments as well be drawn of his Intentions to both those places, as to *Glocester Hall*, for the settling his Charity at either? tho' possibly he might really intend to settle it no where at all (as by the Project of the *Revocation* and other *Passages* before mentioned, may without breach of Charity be justly suspected.) For it cannot be denied that Sir *Thomas* was a man of an uneven temper, so inconsistent and changeable in his Resolutions, that 'tis imagined, if he had not been surprized by Death, he would wholly have sunk his Charity. And divers Gentlemen of Note in *Worcestershire* (among whom I live) and who knew him thoroughly (if that were possible for any man to do) did not believe when he promoted the Address to be made to himself from the *Grand Jury* (which was not long before he died) that he seriously intended to give his Charity either to *Oxford*, or for *Work-houses*, or any other *Publick Use*; but rather that his desiring to be addressed and to obtain the sense of the Gentlemen of the County, concerning the Disposal of the 10000 *l.* was only an Artifice he made use of, to the end that having by that means a plausible pretence for not giving it to *Oxford*, he might by the Aid of that Address, with a better Countenance, revoke that pa-

of his *Will*, and so retract his Charity, which if he did secretly intend, it hath pleased God to *disappoint him*.

To conclude, Seeing the great Bustle the Dr. has made, is to procure the settling of this 10000 *l.* at *Glocester Hall*, and in regard the consideration of the *Place* where it is to be settled, is a matter which will be (sooner or later) not only proper, but necessary, for the *Trustees*, or the major part of them, to determine; it may (with submission) be of some use to them, to be informed, not so much whether Sir *Thomas* intended to settle it on *Glocester Hall*, but (which seems proper to be first inquired) Whether *Glocester Hall* is a *Place* capable by *Law* to receive such a Settlement: For if it shall appear to the *Trustees* satisfaction to be a *Place* by *Law* incapable, (as Sir *Thomas Cookes* all along was told and suspected it to be) there will not only be the less cause to wonder why he declin'd the making his Settlement there; but the greater Reason to believe he never really intended it ——— and so the *Trustees* will be eased of some part of their trouble, in deliberating about that *Place*.

For clearing of which Point the *Trustees* (tho they are at perfect liberty

to take what other advice they think fit, yet) may for the present please to be referr'd to the (a) *fur-*

ther Opinion of Council, who have been consulted on this very Question, upon Perusal whereof it will appear, "That *Glocester Hall* (*being no Corporation*, the Charter being void, and the Title to the Scite thereof being only a Leasehold from another Colledge) is not a *Place* capable in *Law* to receive the Endowment of a Perpetual Charity, (for the Reasons mentioned in the said Opinion).

(a) Note, This and the preceding *Opinions of Council*, under their hands, together with the Printed Cases of *Glocester Hall*, the Printed Letter and Sermon, the Written Copies of Extracts, Charters, and Addresses, herein before referred to, remain in the Custody or Power of the late Vice-Chancellor of *Oxford*, for the satisfaction of all such who are or may be concerned to inspect the same.

And if upon Examination this be found true, notwithstanding the Drs. pretence of *his Conscience*, obliging him to promote the settling this Charity at *Glocester Hall*; I must observe, That the Dr. must needs have a strange kind of *Occasional Conscience* (designing to serve some particular turn) that can induce him not only to exert himself, but perswade others, to the settling of a Dead Mans Charity upon a *Place*, where by *Law* it cannot be securely settled, and where for that reason, he refused to settle it himself in his lifetime.

I have now done, and had never begun, if the Doctor by Printing a *False State of the Case*, had not compell'd the Publication of a *True One*: and by threatning a yet further Disquisition of this Matter, necessitated the sending abroad these Papers; which (however) are not designed to conclude the *Trustees*, or obstruct their searching into the *Truth* of all Particulars; but with all due Reverence are entirely submitted to their Judgments.

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