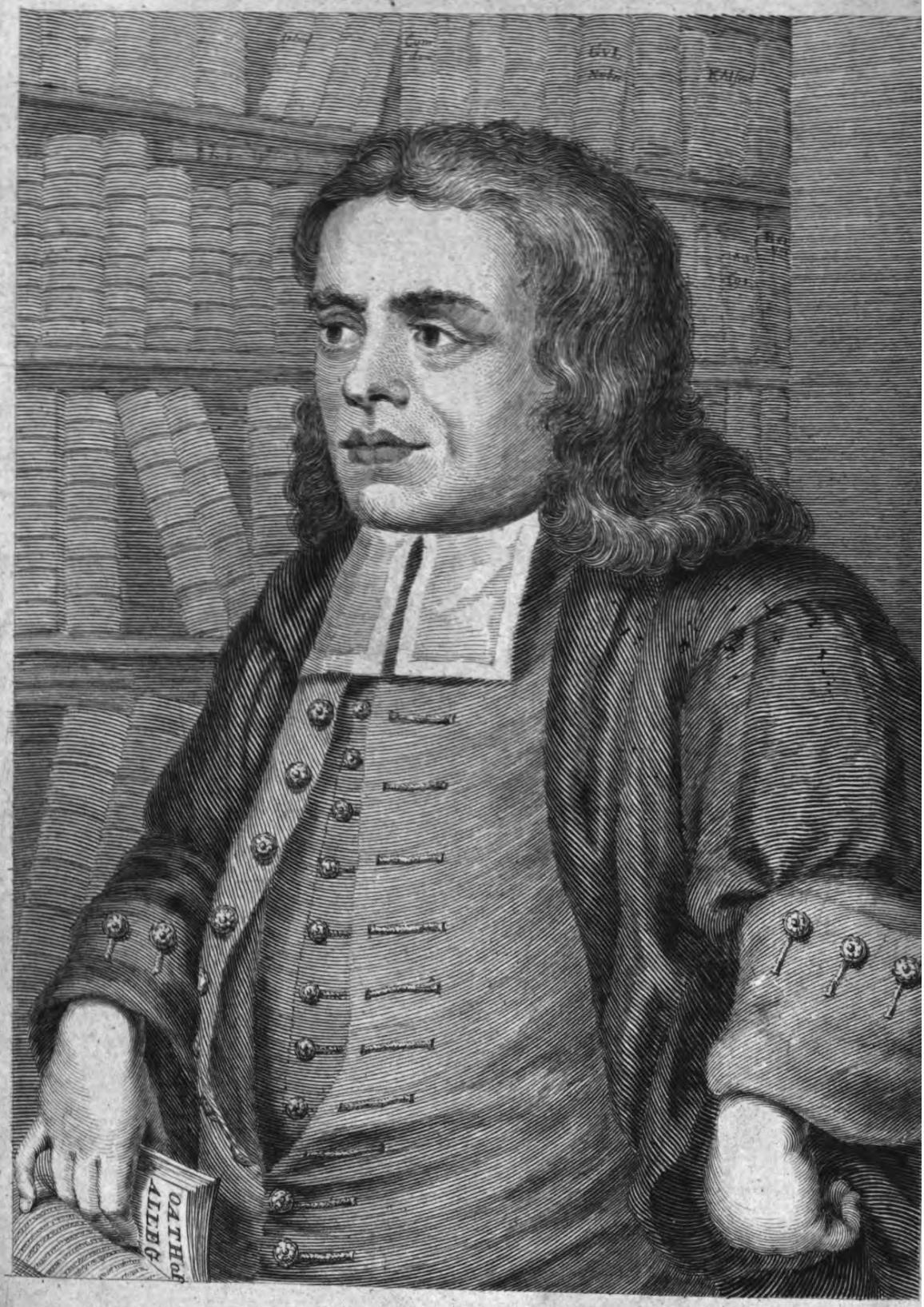
Octob. 14. 1736

This day Mr. Ball and myself collated the MS. of Mr. Hearne with this book, and corrected some errours, notwithstanding the pretended accuracy of the Revd Mr Bilston the Editor




THOMAS HEARNE M.A. of Edmund-Hall Oxon.

Vertue Scul

A

# VINDICATION

Of those who take the

## *Oath of Allegiance,*

To His Present MAJESTIE from *Perjurie, Injustice*, and *Disloyaltie,* Charged upon them by Such as are against it.

Wherein is evidently shewed

That the COMMON GOOD of a Nation is what is *Primarily* and *Principally* Respected in an Oath, and therefore when the Oath is inconsistent with that, the Persons who have taken it, are absolved from it.

In Proving of which the Case of *MAUD* and King *STEPHEN* is particularly Consider'd.

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In a Letter to a *Non-Juror.*

---

*Conscientia mille Testes.*

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Printed in the Year 1731.

TO THE

# *READER.*

IT has been a very just Obſervation made by ſome Writers, that thoſe Perſons, who have been moſt induſtrious in handing down to Poſterity the Memorials of other Men, have generally had the Misfortune to be neglected Themſelves. Unwilling that ſo hard a Fate ſhould befall a Man who ſo little deſerves it, I was glad to embrace any Opportunity rather than truſt a Thing of ſuch Conſequence to *Hereafter*; and I have this Satisfaction (how uncommon ſoever it may be thought to give an Account of a Man in his Life Time) that I have preſerved ſome Memorials of an indefatigable

Gentleman now living, which an able Pen may improve greatly to his Honour when dead.

With this View then the following Epiſtle (which eſcaped periſhing with another on the ſame Subject) now makes its publick Appearance; and without an Apology will prove, I hope, a ſtanding Monument of it's Author's early Talent at *Reaſoning* as well a Proof of his Proficiency in *Hiſtory* when conſidered as pen'd at the Age of twenty two.

It may be neceſſary to premiſe perhaps that the (a) Gentleman, for whoſe Good I ſuppoſe it was intended, and from (b) whom it came (with many other MSS) expreſly by Will to the *Bodleian Library*, was an eminent Non-juror: One! who had been always a par-

(a) Mr. *Cherry* of *Shottesbroke*, *Berks*.
(b) See the Vellum Reg. of Benefactors in the *Bodl. Library*.

ticular

ticular Friend to our Author, having at his own Expence (c) according to his grateful Acknowledgment) educated him at School and afterwards at the Univerſity. This was the Gentleman to whom the following Letter was ſent, probably to engage him in a Compliance with the Oath of Allegiance to King *William*, notwithſtanding his former Oath to King *James*. And I think it no common Inſtance of an early Gratitude to endeavour to rectify what he apprehended to be an Error in That Friend's Manner of thinking, who had contributed ſo much to qualify him for the doing it.

That He therefore may never be forgotten who has raked the Repoſitories of Antiquity and been indefatigable in fetching Learning from Places where not many

(c) *Leland. Itin.* Vol. 1. Pref. p. 15. *Leland Collect.* Vol. 1. Pref. p. 39.

would have ſought after it, a few Memorials of his Life and ſome Obſervations on his Writings may be more for His Credit, and leſs troubleſome to the Reader than a tedious Preface to ſo little a Work.

The firſt Diſcovery I can make of Mr. *Hearne* is from the Pariſh Regiſter of *Abbots* or *White-Waltham;* a Village about Six Miles diſtant from *Windſor*. Here it ſtands upon Record that he was baptized by the Name of *Thomas* Son of *George Hearne* and *Edith* his Wife on the Eleventh of *June* 1678. His Father I have been informed was a conſiderable Antiquary of the lower Claſs; and was *Sacriſtan* of that Parochial Church to the Day of his Death. So that Mr. *Hearne* in all Probability receiv'd his great Propenſity to the Study of Antiquity as it were *ex Traduce*.

I think it is agreed on all Hands that his early Inclination to Letters firſt diſcovered itſelf amongſt the *Tumuli* of his own Pariſh Churchyard; over which he was obſerved to be continually plodding almoſt as ſoon as he was Maſter of the Engliſh Alphabet. To this ſoon after adding a little Writing he grew impatient after Antiquity: reſolved never to be unprepared for collecting Materials that might be ſerviceable hereafter, and accordingly ſtuffed his Diary (which was his conſtant Companion) with every Occurrence worthy his Notice. This he prudently foreſaw would turn to a good Account in his more advanced Years; Vacancies in his future Labours might be ſupply'd with a Story from his Journal; and tho' it might not be very methodical, or perhaps not at all to his Purpoſe in Hand, Yet the Deſign

ſign of preſerving it might ſufficiently juſtify the Publication of it.

This is the advantageous Method he has purſued all his Life Time: He has copy'd *Monuments* and *Inſcriptions; Original Letters* and *venerable Ballads of Antiquity;* Stories of honeſt *John Roß* and *Peter Langtoft; Robert* of *Brune* and St. *Thomas Cantilupe:* Men! who had not Mr. *Hearne* lived, might have laid for ever buried in an ignoble Obſcurity. The Preſervation of theſe Things may be aſcribed to his *Collectanea,* which are now ſwelled to a prodigious Size.

It is difficult indeed to determine to what particular Number theſe MSS Volumes are now grown, becauſe they are kept with as ſtrict and ſacred a Care from the Eyes of Mankind as the

the (d) Oracles of the *Sibylls* reposed in the Capitol. The highest Number I have yet seen quoted by himself is CXXIII. in his Preface to the (e) Annals of *John* of *Trokelowe*. So that notwithstanding there can be no certain Calculation made of an exact Number, Yet there is some room for a Conjecture that they are not fewer than five Hundred.

Several Passages there are in his (f) XCV Volume that enough convince us of his not being then arrived at Years of Discretion, notwithstanding he had fill'd so many of them: If therefore his Industry was as great in his advanced Years as in his Youth (which I believe all will allow

(d) See Dr. *Prideaux*'s Account of those choice *Leaves* in the 485 page of Vol. 2. of his *Connection*: where we find that none but the Keepers of them were ever Suffered to peruse them, and they only upon particular Exigencies.

(e) P. 29. (f) *Rob. de Glouc.* Vol. 2. p. 638.

when

when they confider the uninterrupted State of Health he all along enjoy'd) I think I may be allowed not to have exceeded the Number, but rather to have fallen ſhort of it. This however I only took Notice of to ſhew what an *ineſtimable* Loſs the World muſt ſuſtain, ſhould this *prodigious* Treaſure periſh with the *Collector* of it.

This Digreſſion I hope the Reader will pardon; and ſo without dwelling on the firſt Eight or ten Years of his Life, I ſhall follow him to the School, where I am told he laid the Foundation of his future Greatneſs.

It was happy for Him as well as the *World* that he fell into the Hands of a good (g) Maſter at *Bray* School: It being a melan-

(g) Mr. *Gibſon*, Author of the excellent *Grammatical Exceptions againſt the late Alterations made in the common Accidence and Grammar.*

cholly

cholly Thing to consider how many great Geniuss have either been cramp'd or utterly spoil'd thro' the Ignorance or Indolence of trifling Pedagogues. Here he soon mastered the Rudiments of Learning, and by a gradual but speedy Progress became acquainted with the *Roman* and *Greek* Historians.

Thus encouraged by the Pregnancy of his *Parts*, his assiduous Industry and Proficiency in School Learning, his liberal Friend thought them sufficient Motives to the Continuance of his Bounty, and sent him accordingly in the Year MDCXCV (with a considerable Addition) to the University of *Oxford*. Fortune here again (if I am rightly informed) seem'd particularly fond of him: The Vicar ([h]) of the Parish where his

(h) *White Kennett*, M. A. afterwards Bp. of *Peterborough*.

Benefactor lived was at that Time a considerable Tutor in *Edmund Hall*, and in the Study of Antiquity most eminently remarkable. Thro' this Gentleman's Means he was admitted into this Place, and used more like a Son than barely a Pupil by him

A few Years being spent in Academical Learning, by the Help of which he had improved his Propensity to Antiquity; He gave the World a Specimen of his future Designs. In the Year MDCCII. (but VII Years from his Matriculation) he publish'd a copious Index of the principal Passages in Sir *Roger L'Estrange*'s Translation of *Josephus*. Which seems to have met with so good a Reception, that the same was reprinted not long after in an Octavo Edition. In MDCCIII. he obliged the World with (or at least occasion'd the Publication of) the *Reliquiæ Bod-*

*Badleianæ* or ſome genuine Remains of Sir *Thomas Bodley*; adding the ſame Year to his other Labour *Pliny*'s *Epiſtles* and *Panegyrick* with various Lections and Annotations; not to mention his Edition of *Eutropius*, with many other Things publiſhed all in this Year. In MDCCIV and V. came out that laborious Work call'd *Doctor Hiſtoricus*, 2 Vol. being a ſhort Syſtem of Univerſal Hiſtory, and an Introduction to the Study of it.

It would be almoſt endleſs to expatiate particularly on his Labours, or to give an Account of the Product of every Year; for which Reaſon I muſt refer the Reader to his own printed Catalogue of them, publiſh'd at the End of every Book ſince they became numerous.

During this Period however it is obſervable that the following

Epiſtle was written, which loudly ſpeaks in the Behalf of Mr. *Hearne*'s Induſtry, and ſhews the early Application he had made to Books. The many juſt Quotations in it from ſacred Hiſtory as well as Prophane, from Acts of Parliament and Lawyers of the greateſt Name, I flatter my ſelf will excuſe my writing a Panegyrick, and it's Author's Name recommend it enough to the Peruſal of Mankind.

In MDCCIII. on the 3d of *July* he took the Degree of Maſter of Arts, and had no ſooner compleated it, but the Eyes of the whole Univerſity were upon him: His Induſtry was almoſt become a Proverb, and (notwithſtanding a little Surlineſs of Temper, which it is thought he brought into the World with him, and which probably increaſed with his ſevere Stu-

Studies) he met with Friendſhip in a great many, and much Reſpect from all Men.

I ſhould have mention'd indeed before this, the Encouragement he had from the (k) Head Librarian, who (acquainted with his Diligence) made him Underkeeper of the *Bodleian* Library. There he had Room enough for his Inquiſitive Genius to range in; of which he made ſo good a Uſe that the Product of every Year afterwards may juſtly be aſcribed to the Acquiſitions he had made in this Treaſure of Learning.

After ſome Years ſpent in this Way, of printing *Indexes*, *Itineraries* and *Collectanea*, his Labour met with an additional Reward; being on 19th of *Jan.* 1714---15. elected *Archetypographus* of the Univerſity and ſuperiour *Beadle*

(k) Dr. *Hudſon* Principal of St. *Mary-Hall.*

of

of Civil Law. (1) This we find him acknowledging with Pleasure and Humility to be an Honour, which he took the first 'Opportunity of mentioning to 'the World, on purpose that his 'Gratitude might be made known 'to Posterity. And notwithstanding he was conscious to himself 'that the University Favours 'were conferred upon One who 'every way undeserved them, in 'respect of Learning, and other 'requisite Qualifications, yet still 'he had very good Reason for accepting of them upon this Account amongst others, as they 'seasonably assisted and relieved 'one of their Members that had 'for many Years led an obscure 'and retired Life, and was at that 'Time reduced to a necessitous 'Condition, thro' the great Expence he had been at in carrying 'on many publick Designs.

(1) *Leland. Collect.* Vol. 1. p. 56.

In

In this happy Poſture of Affairs one would have imagined he might have been eaſy and ſatisfied: But neither Friendſhip nor Preferment could put a Stop to his Enquiry after *Truth.* Soon after this Promotion he acquired better Reaſons (to *Himſelf* at leaſt) for Non-Compliance with the Oaths that were neceſſary for *keeping* it, than he had before for the *Acceptance* of it; and accordingly reſigns that advantageous Poſt, which the Univerſity had ſo lately conferred on him, as inconſiſtent with his *Conſcience*, or at leaſt, his Manner of *Thinking.*

Ever ſince he has ſteadily adhered to the Principles of a Nonjuror; has ſpent his Time in annually obliging the World with ſomething relating to the Hiſtory of *England,* or with ſome other Affairs as they accidentally have

fell

fell in his Way, both for the Benefit and Pleasure of Mankind. Here I think I may leave him still labouring at the Oar, deserving the Favour and Compliments of the Learned upon his yearly Revival of something (as it were) lost to every one but Himself. (m) *Singulis fere Annis Cl.* Hearnius *aliquid e MSS. eruere quod ad Historiam Anglicanam spectat, idque* Præfationibus *ac* Appendicibus prolixis sæpe longe aliena complexis *sive ornare sive* onerare. —(n) Hearnius *doctus Antiquarius & Industriæ summæ. Hic Talpa eruditus egregia e Tenebris eruit; multum scalpsit, corrasit, & occultus ipse Literaturæ Cumulos, Naso satis acuto, in Lucem edidit.*—Hearnium *alterum verbis mutilatis totum incumbentem, fortiter, obstinate, contractis*

(m) Acta Eruditorum Anno. 1729. p. 182.
(n) *Ed. Young.* Orat. *Codrington.* p. 26.

*Su-*

*Superciliis infixum, & Temporibus suis hoc e Saxo Ingenii sui Vi vel* Duritie *potius, Lumen elidentem videor videre.* These Passages how much soever they may look like Ridicule to Men who deal only in *Polite Learning*, are still undoubted Confirmations of Mr. *Hearne*'s Industry, and will ever be thought so by Persons of *deeper Penetration.*

Amongst many Qualities remarkable in him, his strict and unshaken *Integrity* is none of the least. No Regard for any one's Merit could ever prevail with him to connive at their Errors: He chose rather to break off the strictest Friendship, than to be led aside by it in his Search after Truth; Nay his very *Gratitude* when it interfered with his *Integrity* was at once renounced as no longer binding. (°) *Operæ Pre-*

(o) *Leland. Collect.* Vol. 1. p. 37.

*tium est* (says he) *Lectorem monere me nulla alia de Causa à* Richardsono *dissentire, nisi quod* Veritatem *aliis quibuscunque Amicitiis anteferendam esse censeam.* And in another Place, (p) *Eo collineat Operum nostrorum Scopus, ut* Veritatem *pro virili asseramus, cui litavimus.*

There is one Thing indeed relating to *University* College (to which Society he (q) declares himself indebted) which it would really be a Fault in me not to take Notice of, because I am positive his *Veritatis Amor* can never be reconciled with it.

During the late unhappy Contest in that House, occasion'd by the Death of Dr. *Charlett*, Mr. *Hearne* published *Peter Langtoft*'s Chronicle; at the End of the 2d Vol. of which he adds a Glossary upon English Words.

(p) *Alured. Beverl.* p.43. (q) *Leland. Itin.* p.7,8.

Upon

Upon the Word *Writ* he has it thus: We commonly underſtand by *Writ* (the ſame with the Latin *Breve*) a written Order or Precept from the King or Court of Judicature, by which any thing is commanded to be done, relating to a Suit or Action.

Had he left off here he had done very well: (r) *Sed ad Agendum Nati ſumus* are his own Words; upon which Principle I ſuppoſe he proceeded in this Place. Of this kind (he tells us) is that remarkable one relating to *Univerſity* College of King *Richard* the Second, with his Seal annexed, which he juſt ſaw and haſtily run over.

Whether he ever ſaw this Inſtrument I ſhall not ſcruple at preſent, but whether there is any Seal to it, or has been within the Compaſs of Mr. *Hearne*'s Years,

(r) *Rob. de Avesbury Præf.* p. 1.

I leave to the Enquiries of the *Fellows* of that Society.

The ſame he tells us was done afterwards expreſsly by K. *Henry* VI. in a Writing quoted from the Muniments of the ſame College by (f) Mr. *Twyne*. The Thing will appear beſt to the Reader if I produce the Paſſage printed by Mr. *Twyne* and the Tranſlation of it by Mr. *Hearne*.

*Nam cum Temporibus* Henrici Sexti *inter* Gulielmum Abbatem *de Oſney*, *&* Richardum Witton *illius Collegii Magiſtrum eſſet Controverſia &c.* And then follows the Inſtrument itſelf, which is only a common Form in the Caſe of a Law-Suit drawn by ſome Attorney, which Mr. *Hearne*, without the leaſt Authority whatever, makes to be one of theſe *Writs* or Precepts from the King or Court of Judicature relating to

(f) *B. Twyne Apolog. Antiq. Acad. Oxon.* p. 198.

the

the depending Suit between the *Abbot of Osney* and *Richard Whitten* then Master of the College.

How he came to translate *Temporibus Hen.* VI^ti by the *Order* of *Henry* the VI looks more like *Design* than *Blunder*; tho' I would not suggest that he had any Intent of giving a Turn to a Cause then depending in some Measure upon such Instruments as he would have made this.

The Annals of this College lately publish'd by Mr. *Smith* I find have given our Antiquary some Distaste; but upon what Bottom this Anger is raised, a little Enquiry (if the Reader will permit me) will soon discover.

In his Preface to (t) *Sprott* I found this Gentleman a very great Favourite of Mr. *Hearne*'s; whose Character there given is *Vir per-eruditus & benevolus*:

(t) *Sprott. Pref.* p. 24.——P. 17.

But

But I am afraid Men's Tempers grow ſour and moroſe as they advance in Years. In a Preface to the Life of *Richard* II. we have another Account of Mr. *Smith*: *viz.* *Scriptor ille* ferreus *atque mendax* Guilielmus Faber *de* Joh. Roſſo *tam maligne paſſim locutus eſt.*——*Hæc in Gratiam* Guilielmi Fabri *Eccleſiæ Anglicanæ* (*quod vix credas*) *Sacerdotis, qui multum Temporis in iſto uno* [*ſcil.* Antiquitatis] *Studio conſumpſit, nuperque* (*jam pene Octogenarius*) *Librum prolixum,* Annales Collegii Univerſitatis, *Verbo haud ſatis apto, appellatum, Lingua vernacula conſcripſit* (*ne dicam conſcribillavit*) *& in publicum protruſit.*

I cannot but obſerve here, that Mr. *Smith*'s Age is made a part of his bad Character; when old Age, by ſome more ſacred Writers than Mr. *Hearne,* is thought *honour-*

*able*

*able* rather than *ſcandalous.* Many other Sentences there are in this Preface of his, which abound with the ſame ſort of Language of this Rev^d old Gentleman, which the *Veritatis Amor* can never juſtify.

([u]) One Paſſage there is reſpecting *Sprott* (whoſe Authority I own I have ſome Reaſon to ſcruple) which proves, that Mr. *Hearne* has either not kept up to his avow'd Regard for *Truth,* or elſe has unhapply blundered in a Point of Chronology, tho' he abuſes Mr. *Smith* for it in the very ſame Caſe. His Words are theſe: Sprottus *floruit An. Dom.* 1274. *longe nimirum citius quam exoptat* Guil. Faber, *qui* ἀναχρονισμῶν *immemor, audacter falſoque retulit,* Ranulphum Higdenum *primum omnium fuiſſe qui de* Scholis Aluredianis *aliquid tradidit, &c.*

(u) *Life of Rich.* 2. Pref. p. 19.

It

It is obſervable here in the firſt place, that *Sprott* lived (according to Mr. *Hearne*'s own Confeſſion) in 1274, which was in the Reign of *Edward* the Firſt; that he ſtudied *in ea parte Ædis Chriſti quam vulgo vocant Quadrangulum Cantuarienſe*, and that he wrote of *Canterbury College* and left a Book behind him concerning it, is evident from the above-cited Preface to *Sprott*'s *Chronicle*.

This is a very ſurpriſing *Canterbury* Tale indeed; and what wou'd make *Sprott* (provided it could be prov'd) more Famous than the *Samian* Philoſopher, who by the Help of Tranſmigration paſſed thro' 2 or 3 Succeſſive Stages of Generation, but never under the ſame Name.

*Sprott*, who lived in 1274, in the Reign of *Edward* the Firſt, ſtudied in *Canterbury College*, which

which was not built till 1363, and therefore, agreeable to this Account, muſt either have lived about 89 Years before he was born, or at leaſt written of a Place as many Years before it was built.

This Miſtake I would have accounted for in my Author's Behalf, had it been in my Power; but as it is not, I muſt leave it to himſelf, who is better qualified to reconcile Difficulties of this Nature.

Another Slip of this kind appears in the 302 page of his Collection of *Curious Diſcourſes*. *Academia* (ſays he) *ſcripſit* Guilielmo Wykham *Epiſcopo* Winton. *ut illis accommodaret Machinas, quarum Ope* Scholam Theologicam *Voltis & Fornicibus exornarent*. It is very well known that the *Divinity School* (for which this Loan was deſired) was built in the Year 1476, by *Tho. Kempe*

Bishop of *London*. This Mr. *Hearne* allows in the Page preceding the Place before cited. (w) *William* of *Wikham* Bp. of *Winton* died the 27th of *Sept*. 1404. so that according to this Assertion the University sent to him *ut illis accommodaret Machinas* &c. 60 Years after his Death. (x) *Rymer* in his *Fœdera* tells us, that *Hen. Beaufort* Bp. of *Winton* died the 3d Id. of *April* 1447. and was succeeded by *William Waynflete*, who lived in Possession of the same till 1486. So that if for *Wikham* we read *Waynflete*, as the Person petition'd by the University, we shall come within the Time of building the *Divinity School*, and set Mr. *Hearne* right in his Chronology. This I believe was an Alteration of no Design, but only a simple, thoughtless Blunder. Mistakes of this sort I shall

(w) *Le Neve*. p. 286. (x) *Rymer Fœd*. Vol. 8. p. 392.

con-

conclude with an Aſſertion of his relating to *Univerſity Coll.* where he makes *William* of *Durham* to have ſtudied in the *Great Hall*, which was not bought for the Uſe of *William* of *Durham*'s Scholars till 124 Years after his Death.

As for the Cenſure paſſed upon Mr. *Smith* in the Paſſage above-cited (which really is too ſevere without better Grounds for it) I may venture to ſay 'tis Unjuſtifiable. For ſuppoſing that *Sprott*'s Book was written before *Higden*'s, Yet ſtill Mr. *Smith* (who had never ſeen or heard of it till he had finiſhed his *Annals*) might undoubtedly ſay, and conſiſtent with Truth too, that *Ralph Higden* was the firſt he ever had met with quoted as a Friend to the weak Cauſe of K. *Alfred*'s Halls, and who ſeem'd firſt to have introduced this Novelty into the World.

Mr. *Hearne* therefore in the former Case seems to deserve the Sentence of being ἀναχρονισμῶν *immemor*; and in the latter to be very Ungenteel, to make no worse of 'it. (y) *Utinam igitur Auctor* 'Noster (to use almost his own 'Words) *Errores expungat, Li-* 'brumque Retractationum ipse 'confestim edat, Crimenque ne-' fandum, quod* Clerico hoc digno '*intulit, pro virili eluat. Hoc e-* 'nim non extorsit Veritatis Amor.

Whilst I am thus impartially considering our Antiquary's Character, by setting him right in his Mistakes, as well as commending his Vertues, one thing occurrs which I should have been glad never to have had the Opportunity of correcting. About twenty Years before the Publication of the Life of *Richard* II^d^. (which was wrote by one of the Monks

(y) *Leland. Collect.* Vol. 1. p. 27.

of

of *Evesham*, our Author, in his (z) Preface to the VII Volume of *Leland's Itinerary*, expresses a hearty Concern for the just Rights of the Crown, in Opposition to those 'who, in order to advance 'and maintain *Republican Princi-* '*ples*, strain their *Inventions* to 'give a wrong *Turn* to, and *pervert* the *true Meaning* of our best *Historians*; and *studiously asperse, blacken and defame*, the Memory of K. *Charles* the IId. (as others with less Modesty have done that of K. *Charles* the Ist.) What he has said upon these Points he hopes no *Ingenuous* or *Impartial* Person will think *Uncharitable* or *Unbecoming*.

These are sounding Words, and express a great deal of Loyalty to the Memory of those Princes. But such fickle Things are our *Memories*, that sometimes they

(z). *Leland. Itin.* Pref. p. 12.

seem

ſeem to take Pleaſure in expoſing us. Hence doubtleſs it was that Mr. *Hearne* lately run counter to his own above-cited Declarations. It muſt be Forgetfulneſs (I hope ſo at leaſt) that will ſuffer a Man to draw his own Character in an infamous Light; and whether he has not done it to the Life, let the *Reader* judge when he has heard the Accuſation, and is referred to the Place where he may ſoon inform himſelf.

At the latter ([a]) End of the Life of *Richard* the IId. there is a *Letter* printed (and Mr. *Hearne* ſays an *Original* one) of *Charles* the Firſt when Prince of *Wales*. It is directed to the *Duke* of *Buckingham*, and interpreted by the *Publiſher* of it, as carrying on an Affair of Gallantry. Be the Letter what it will, *Original* or not, He ought to have given a

([a]) Pag. 405.

bet-

better Reaſon for making it publick. He was apprehenſive (he tells us) that if ſuch a *Letter* ſhould be ſtifled, ſome Perſons might interpret it an Inſtance of Partiality, and be apt to make baſe Reflections upon it. Let us examine this kind of Reaſoning a little. The ſtifling this *Letter* would have been thought an *Inſtance* of *Partiality;* The Reaſon of which muſt be this; Becauſe Mr. *Hearne* is neceſſarily obliged to publiſh every Thing he meets with. And then, he ſays, that ſome Perſons would be apt to make baſe Reflections on it: On the *Letter* I ſuppoſe, which if ſtifled, they might never ſee or hear of: Or if he means thoſe Gentlemen who communicated it to him, he has again forgot his *Veritatis Amor*, becauſe they never intended it ſhould be printed. That it may eſcape therefore all

*Cen-*

*Cenſure* he publiſhes it in a heap of *Appendixes* and *Curæ ſecundæ*, and makes it a hundred Times more eaſy for baſe Reflections to be caſt on it than it was before.

This is the *Reaſon* given for publiſhing this *Letter*. In the next Book printed by him (which was *Trokelowe*'s Annals of *Edward* the II[d]) we have an Apology in his Preface for the very ſame Thing. The *Letter* became the Subject of almoſt every one's Diſcourſe, and a Reflection caſt upon a Prince, remarkable for his *uncommon Chaſtity*, could not but be taken Notice of by many of his Friends. Whether it had liked to have diſcontinued any of his Subſcriptions, or whether he had more maturely conſidered the Matter I cannot ſay: This however is plain, that his *Apology* is deſigned to give a ſofter Turn, than was hinted in his

*Ex-*

*Explanation* of the *Letter*; and that now he had rather have it thought, that the *Prince* was unwarily *mis-led*, than *inclined* to this Gallantry.

It had been more *prudent* (and I may add less *officious*) in Mr. *Hearne*, whilst he was thus endeavouring to clear himself, to have first got leave for the Printing this Letter from the *Gentleman* who shewed it him, and who, I am informed since, so highly resents it, that he has broke off a Friendship with him, that had been kept very strict for many Years. I must subjoin by the way, that it is certainly a greater Instance of *Partiality* to publish a *Letter* as an *Original*, which the Editor could not at that Time, neither can he now prove to be so.

The *Apology* will appear, upon a little Consideration, not at all inferiour to his *Reason* for print-

ing it; especially if we observe, that tho' he did not know what the *Intrigue* was, yet he happily conjectured, by making the *Prince* to be enticed like *Joseph* by the Importunity of a lewd Mistress; tho' I don't remember that *Joseph* ever wrote to a third Person about His Affair. Nay, it may be remarked further, that Mr. *Hearne* makes the (b) Wife of *Pharaoh* the *importunate* Woman, when the Scriptures assure us, it was *Potiphar*'s Spouse that was so deeply smitten with the Comelinesss of the *Hebrew*. But a Man may possibly forget his *Bible*, who is so very much taken up with *Adam* de *Domerham*, and the *black Book* of the *Exchequer*, &c.

(b) This Blunder I find has reach'd my Author's Ears, and in his Preface to *Tho. Caius* stands corrected, tho' with some Reluctance. For he says, it signifies nothing whether it was *Pharaoh*'s or *Potiphar*'s Wife.

Had

Had this unfortunate *Prince* lived ſome hundred Years before he did, Mr. *Hearne*'s Love for *Antiquity* might probably have engaged him in his *Defence* rather than in *expoſing* him. We find him, in the (c) Appendix to *Leland*'s *Collectanea*, very angry with *Tyrrel* the Hiſtorian for ſtaining the Reputation of *Ethelred* and his firſt *Queen*: There he ſays 'it is a great Crime to 'ſcandalize any Perſon; the Hei'nouſneſs of it increaſes accord'ing to the Dignity of the Per'ſon, of whom the Scandal is 'raiſed: But this (ſays he) may 'be wiped off by a publick *Re'tractation*.

This was good Doctrine, had not a Preface to *Cambden*'s Queen *Elizabeth* ſhew'd, that Men do not always practiſe as they adviſe: But a publick Retractation, which

(c) Page 77.

(from the Ingenuousness of Mr. *Hearne*'s Disposition) I have Reason to think he will make, may wipe off the Blemish he may have contracted, either in the Case of Prince *Charles*, or the indecent Language given Mr. *Smith*. His Pretence to *strict Integrity*, I am almost confident, will prevail with him to do it, in a better Manner than disguising it in a trifling *Apology*; and as he is a strict Enquirer after *Truth*, and is by this Time convinced it was wrong to publish the *Letter*, or abuse the aged *Divine*, I don't doubt but in his next *Work* he will retract what he has said in both Cases, and frustrate the Expectations of some People who think he delights in *Abuse*, by acknowledging me his *Friend* in setting him right.

Thus have I considered one of his excellent Qualities; the next is his *Fidelity* as an *Editor*.

One

One Rule which I have been informed he at firſt laid down, and generally ſpeaking cloſely obſerved, was always to follow his Authors religiouſly. Their Miſtakes by this means were punctually copy'd and ſacredly preſerved: Nay, the very Blunders of Tranſcribers were faithfully penn'd down for the Amuſement of Poſterity. *Prurigo emendandi ac commutandi a Nobis plane abſit*, are his own Words in the Notes after the Appendix of *John* of *Trokelowe*'s Annals of *Edward* the Second. And again, in (d) *Leland*'s *Itinerary* he declares, that he was ſo nice in this Affair, that 'I obſerved (ſays he) Mr. *Leland*'s 'Way of Spelling, and omitted 'nothing, not ſo much as the A-'ſterisks, and other Notes of that 'Nature that had been inſerted 'by him: Nor did I leave out

(d) *Leland. Itin.* Vol. 1. p. 15.

'even

'even those *Words* that are plain-
'ly *redundant*, nor pretend to
'alter those that are manifestly
'*wrong*, and occasion'd by the
'Haste the Author was in, or else
'by the Defect of his Memory.

This Method is very observable throughout the numerous Volumes he has obliged the World with. *Sic MS.* he has noted perhaps in the *Margin* to shew that he was not ignorant of the Error in the *Copy*. *Delenda sunt ut opinor* may possibly be seen at the Bottom of one Page, and *lege* &c. at another. Here perhaps may be a *Desunt* &c. and there a *Subintellige* &c. But still amidst all these Regulations, the Text is generally kept *purely corrupt*, and scarce a Blunder thro' the whole, but what is very industriously preserved. Nay, so great a Regard has he for the old Way of Spelling, that the following *Epistle*

*piſtle* (which I have printed as like the Original as poſſibly I could) is a ſtanding Proof of it.

There are indeed a few Caſes in which he has vary'd from this Rule, (e) which might have been conceal'd, ‘ *had I not been appre-* ‘ *henſive* (to uſe his own Words ‘ in another Caſe) *that ſome Per-* ‘ *ſons*, if ſuch Slips ſhould be ſti- ‘ fled, *might have interpreted it* ‘ *a great Inſtance of Partiality*, ‘ *and made baſe Reflections upon* ‘ *it*. One of this Nature I muſt not paſs by, leaſt his Character ſhould prevail (as probably it might) with ſome Men hereafter to eſtabliſh his *Errors* for *Truths*.

(f) Dr. *Leonard Hutton*, in his Antiquities of *Oxford*, has quoted a Line from *Shepreve*'s Life of (g) Dr. *Claymond*, concerning a *Shed*

(e) Hiſtory of *Rich.* II. p. 404. *Cur. Sec.*

(f) Dr. *Hutton*, Student of *Chriſt-Church*, about the Year 1574.

(g) Dr. *Claymond* Preſident of *Corpus*.

that

that formerly ſtood in the *Corn-Market*, built to skreen the Corn from the Weather. Upon this there was an Inſcription, and the Copy from whence he tranſcribed it, had it thus, *viz.*

Ut poſſit *ſircum* Saccus habere locum.

In this Verſe there appears a palpable Error, which a Reader of no extraordinary Capacity might have diſcovered and corrected. But ſee the Misfortune of not following an old Rule. By an unhappy Conjecture he has wander'd from his *Copy*, and to make *better Senſe* of it he has acted the *Critick*'s Part, and mended *ſircum* with *circum*. But I think the Alteration of that *Letter* makes but little Difference in the Senſe. The Lines (as I copy'd them from the MS. Life now in the *Muſæum* at *Oxford*) run thus, *viz.*

Plebs

Plebs ubi Rura colens, empturis hordea vendit,
Aſpice quadrifido tecta propinqua foro.
Hoc erexit opus talem Claymundus in Uſum
Ut *Siccum* poſſit Saccus habere Locum.

Whether this Miſtake aroſe from his not having an Ear for the *Monkiſh Muſick*, an Error of the like Nature may ſerve to determine.

(h) In the Catalogue of his Works, annexed to the Hiſtory of *Glaſtonbury*, he has publiſhed an Inſcription in the following manner, now to be ſeen in the Remains of *Rewly*.

ELE LONGESPE COMITISSE DE
VERVIC VISCERA SVNT HIC.

Mr. *Wood* ſaw this entire, but afterwards it was broken, and unskilfully placed in a Wall of one of the lower Rooms of (i) *Rewly*, where Mr. *Hearne* ſays, he has

(h) *Antiq. Glaſton.* p. 337.
(i) A Monaſtery adjoining *Oxon*.

often ſeen it, and that it is very legible. In this ancient Inſcription I find there is a *Jingle* too; and had it been ſo legible as he declares it was when he ſaw it, I am ſurpriſed that *He*, of all Men, ſhould be ſo inaccurate a Copyer (a Trade he has followed almoſt all his Life) as to tranſpoſe one Word and add another, inſtead of taking it as it really is,

ELE DE WERWICK
COMITISSE VISCERA SUNT HIC.

The Word *Longeſpe*, inſerted in his Account of it, is not upon the Stone, how legible ſoever he aſſerts it to be; and the Spelling of *Werwick* quite altered by him, without the leaſt Authority whatever but his own.

This Blunder may in ſome Meaſure be accounted for in this Manner. ---- There is now in the *Anatomy School* (which was formerly under the Care of Mr. *Hearne*)

*Hearne*) a Stone found at *Rewly* (probably the Foundation-Stone of a Chapel there) bearing this Inſcription---ELE LONGESP̄ COMIT̄: WAREW̄: HANC CAPELLAM FECIT: This no doubt had often been peruſed by my *Antiquary*, as well as the other before mentioned; and perhaps the truſting too much to Memory, might raiſe a confuſed Notion of both Inſcriptions, and corrupt the *Monkiſh Jingle* in the former Caſe.

Theſe few Miſtakes then have taken their Riſe from not ſticking cloſely to his *Copy*: I ſhall take Notice of but one more, which was occaſioned by following it too cloſely; and it may be ſeen in his Edition of that valuable (k) MS. which is ſaid to have belonged formerly to Venerable *Bede*.

Let it be obſerved in the firſt Place, that this MS. is in very old

(k) *MS. Latino Græc.* Fol. 38.

Capital Letters, and each Page divided into two Columns: The first contains the *Latin*, the *Greek* is wrote collaterally in the other. Thro' the *Oscitancy* of the Scribe, the *Latin* Sentence is frequently carried beyond the Bounds of its own Column, by which means it becomes intermixed with the *Greek*. The Text as he has printed it stands thus: *viz.*

MIRARI COEPERVNT EΘAYMAZON
ET CONFVNDEBANTVR MENTEKAIΔIHΠOPOYN.

At the Bottom of his Page (not contented with Dr. *Mills*'s *Reading*) he adds *sic plane in Codice nostro non* ἐθαύμαζον καὶ διηπόρουν *ut apud Millium*; tho' it will appear beyond all Dispute upon any one's Enquiry, that the Dr. was not in the least to be blamed. For, as I observed before, thro' the Careless-

leſsneſs of the Scribe, the Latin Line being carried beyond its due Bounds into the Greek Column, and the Words MENTE and MENTE conſiſting of five Capital Letters, juſt the ſame in both Languages, unhappily led Mr. *Hearne* into this Miſtake. So that by defalcating one Word from the Latin, and converting it into two Greek ones of no Signification at all, he ſpoil'd the Senſe of the one, and made the other quite ſuperfluous. — But ſome Faults ſure are pardonable in ſo *voluminous* a Writer.

To be particular in ſhewing his Talent at *Reaſoning* would, I fear, be making too free with my *Reader*'s Time: I might quote three Parts of his Diſcourſe on the *Stunsfield Pavement*, had not Mr. *Poynter* throughly conſidered it already; and give ſuch Inſtances of it which nothing but

*Envy*

*Envy* or *Ill-Nature* could find fault with. But the following *Epiſtle* prevents my dwelling upon this Excellency, it being a Maſter-piece of its kind, and what the Reader, I hope, will be greatly delighted with.

But let the Epiſtle ſpeak for itſelf: There is one Paragraph in his (1) Preface to *Sprott*'s *Chronicle* which really ſeems to be a new Method of *Reaſoning*, ſuch as no Writer but himſelf, I believe, dares lay any Claim to. He is there ſpeaking in *Sprott*'s Praiſe, and his Words are theſe — *Adeo ut non videam cur mihi ſit Detrimento, ſi publice declarem me opinari de Academia noſtra Oxonienſi Opus etiam juſtum ac diſtinctum contexuiſſe*: And then comes the Reaſon in the very next Sentence, viz. *Opinioni favet Auctoris Pietas. Quod ſi Tu aliter ſentias,*

(1) P. 28, 29.

*Ego*

*Ego in Sententia non perſtabo,* nec *quorſum recidant quæcunque animadverti magnopere laborabo, ſi modo illud conceſſeris de Collegio Cantuarienſi Opus poſt ſe reliquiſſe, in quo multa itidem de tota Academia è Monumentis præclaris obiter notaverit.*

This is the Argument produced to prove that the Author of that *lean Chronicle* (whether *Sprott* or ſome other, it not clearly appearing that *Sprott* was the Author of it) compoſed many other valuable Books, not at all inferior to the *Chronicle* which is publiſhed. Great Pity indeed! that ſuch profitable works ſhould be buried in Obſcurity; and doubtleſs was there not ſome Hope of their being ſtill recoverable, *Sprott*'s Admirers (how inflexible ſoever in other Caſes) would lament greatly under their Loſs in this.

Agree-

Agreeable to this new Method of Reaſoning we find an uncommon Conjecture in his Preface to the Sixth Volume of *Leland's Itinerary*, which very few Writers would ever have made. From a Medal of *Carauſius* bearing this Inſcription, VICTORIA CEA. he endeavours to prove, that the Brogue of the common People is the true Standard of the *Roman* Dialect and Pronunciation. The word *Cæſar*, according to this *curious Remark*, is not to be pronounced as it generally is by People of Faſhion or Breeding, *Ceſar*, but agreeable to the broad Manner of Speaking uſed by the moſt ruſtick of Mankind, and as it ſtands upon the Coin, CEASAR.

I acknowledge this Obſervation to be a very curious one, and to ſtand upon the Authority of a Medal, but if it ſhould ever be diſcovered, that it proceeded from an

an Error of the *Mint-Master*, from a ſimple Literal Tranſpoſition, or from any other Accident (as poſſibly it might) the Remark will then ſink in its Value; The Coin indeed may be curious upon the Account of the Blunder, but is no more an Argument to aſcertain the Truth of Dialect or Pronunciation, than that *ſpurious Halfpenny* of His preſent *Majeſty*, would be a Standard in the Next Age for pronouncing GEOGIVS inſtead of GEORGIVS.

It would waſte too much of the Reader's Time probably, to offer here a Collection of all the Poetical Fragments ſcatter'd thro' his Labours; the Preſervation of which by Printing them, I muſt obſerve, ſhews no ſmall Deſire to be uſeful to Mankind, as theſe Rhythmes contain either Leſſons of Oeconomy; ſuch as,

With a red Man reade thy read;
With a brown Man break thy Bread:
At a pale Man draw thy Knife;
From a black Man keep thy Wife.

*Rob. Glouc.* 2 Vol. p. *698.*

Or an Account of an ancient local Custom:

Ule, Ule, Ule, Ule,
Three Puddings in a Pule,
Crack Nuts and cry Ule.

*Rob. Glouc.* p. *679.*

Or else an Illustration of a Pedigree:

William de Coningsby
Came out of Britany,
With his Wife Tiffany,
And his Maid Manfas,
And his Dog Hardegrass.

Thus have I collected some Memorials of Mr. *Hearne*'s Life, and have taken the Liberty to correct some few Mistakes in his Writings. In a Thing of such Moment I have been very careful

ful, not to offend either my Reader or Author; avoiding *Flattery* on the one hand, and *Scandal* on the other. I have deſcribed his good Qualities as they have occurred, and rectify'd ſome Errors he unfortunately fell into, in order to ſave him the Trouble of doing it himſelf.

I little thought indeed when I undertook to publiſh this *Letter*, that a Defence would be expected for my doing it, or that I ſhould make His Friends my Enemies by it. But for want of better Knowledge of the Nature of the Affair, It was no ſooner advertiſed than at once condemned as *malicious*, or at leaſt *Impertinent*. At firſt Sight indeed I own it carries a bad Aſpect, to publiſh a Man's Letter without his Conſent, but when Circumſtances are rightly conſidered, and the whole Matter weighed a little, I don't

doubt but Mr. *Hearne* himſelf will laugh at the ill-digeſted *Zeal* of his *Eſpouſers* in this Caſe, and be obliged to thoſe *Gentlemen* who cauſed the Publication of it, by engaging themſelves to take off ſuch a Number when publiſhed. To ſet thoſe Perſons therefore right, who could not encourage this Performance conſiſtent with Conſcience, and to wipe off the Dirt which others have ſecretly endeavour'd to beſpatter me with, I ſhall offer a few Lines in my own Defence; and a few I believe will ſerve as a ſufficient Anſwer.

As for the *Malice* objected to me, I have no other way to clear my ſelf of *that*, than by ſeriouſly declaring, it never once entered my Thoughts; and as for the *Impertinence* of it, the ſame Reaſons that prove againſt *me*, will riſe in Judgment againſt Mr. *Hearne* likewiſe. When I firſt diſcovered this

this Letter in MS. the Title had ſomething in it ſo very odd, that I could not forbear looking farther into it, and read it at firſt with a good deal of Surprize. I was very much pleaſed with the Author's Labour, though ſhock'd with the Principle on which the Treatiſe was built; and intended to have conſidered how far the *Common Good* would juſtify Men in laying aſide an Oath, where there was no Judge to determine when it was for ſuch a Good; had I not been prevented by anſwering theſe Inſinuations of its being a Malicious Thing to print it.

As I found it a learned and laboured Piece, I thought it might pleaſe the Reader, if it did not profit him: Nay, I am not aſhamed to own, that I had an Eye to my own Intereſt in doing it. The Author's Name I was ſatisfied was well known to the Learned

ed World, and his Works always ſold at an *exceſſive* Price; ſo that I imagined no one would raiſe Objections againſt me for conſulting my own Profit in publiſhing Mr. *Hearne*'s Works, any more than they would againſt him for printing other Peoples. The *Letter* itſelf is a Vindication of thoſe who took the Oath of Allegiance to King *William;* and I cannot think it any bad Part of a Man's Character to give his Reaſons for complying with that Oath, which others refuſed. The Point was diſputable, and Cenſures no doubt were paſſed upon the *Jurors* as well as *Non-jurors*. His Reaſons for Compliance (how weak ſoever in the Eyes of thoſe of a different Perſwaſion) were doubtleſs good in his own; and if he has diſcovered better now for refuſing the Oath, than he before gave for the taking it, 'tis an

an Argument I think of his constant Enquiry after *Truth*, and of his discharging his Conscience as he improves in Knowledge.

This however is plain, that he did not proceed in a Concern of such Moment with Levity or Rashness; but after a Mature Consideration he ventured to take the *Oath* of *Allegiance*, and gave his Reasons for it in this *Letter* accordingly. His Worldly Interest, 'tis manifest, was no Motive to him; He shewed himself a strict Enquirer after *Truth*, and did not comply upon the sordid View of raising his Fortune upon the Ruins of his Integrity. How he became dissatisfied in this Affair since shall not be my Business to enquire.

Why Mr. *Cherry*, whose Friendship for him was inviolable to the Day of his Death, should suffer this *Letter* to be placed in a Publick

lick Library (where he knew every thing was to be seen) had he not apprehended it to be for Mr. *Hearne*'s Credit, I cannot conceive. Some indeed have objected, that it was not left so by his *Will*, which I own I have not had an Opportunity of enquiring into, contenting my self with the express Testimony of the *Register* of Benefactors, which I thought Authority enough for my asserting it. And doubtless, had it not been his *Inclination* at least that it should be so lodg'd, he would have cancelled it himself in order to prevent its being publick, or ordered it to have been consumed with other useless or private Papers.

But such was that Gentleman's Integrity, and his Regard for Mr. *Hearne* so steady, that notwithstanding the Letter differed from him in Principles, and opposed

his

his own way of Thinking, Yet as it was drawn up in a conſcientious Manner, and illuſtrated with many curious Inſtances, it ſeems to have been his *Deſire*, if not his expreſs *Will*, that it ſhould be depoſited in this Place of Learning for his Credit as a *Writer*, and Character as a *Chriſtian*. Upon the Whole I hope the Objections urg'd againſt me for publiſhing a *Letter* of ſo much *Worth*, pen'd with ſo much *Judgment*, and ſupported with ſuch *Arguments*, will appear more like *Malice* and *Impertinence* in the *Objectors* than in *Me* for making it publick. The ſame Reaſon then may be given for my printing a Treatiſe of my Author's, which he himſelf gave for publiſhing Letters of Dr. *Langbaine*'s: (m) *His itaque de Cauſis in lucem protuli quoniam erudita eſt Epiſtola*, & Auctoris

(m) *Leland. Collect.* Vol. 5. p. 282.

*Nomine digna, multaque contineat à Re Historica non aliena, & hanc statui mihi esse describendam jurisque publici faciendam. Neque dubito quin tu, Lector benevole, æqui bonique sis consulturus.*

---

AT the earnest Request of several of my Friends, I have here reprinted that *Letter* which Mr. *Hearne* made publick of *Charles* the First, when Prince of *Wales*, that my Readers may see how little Room there was (even Supposing it to be an Original one) for so ill a Construction as has been put upon it.

STEENIE,

I *Have nothing now to wryte to you, but to give you thankes bothe for the good councell ye gave me, and for the Event of it. The King*

*King gave mee a good ſharpe potion, but you tooke away the working of it, by the well reliſhed Comfites ye ſent after it. I have met with the Partie, that muſt not be named, once alreddie: and the cullor of wryting this Letter ſhall make me meete withe her on Saterday, although it is written the day being Thurſday. So aſſuring you that the buſines goes ſafelie onn, I reſt*

Your conſtant loving freind

CHARLES.

I hope ye will not ſhow the King this Letter, but put it in the ſafe cuſtodie of Miſter Vulcan.

*On the Back this:*
Pr. Ch. to the Duke.
*Without Date.*

*ERRATA.*

*Pref.* p. 21. l. *ult. leg.* p. 27. *dele* p. 17.

THE

# Oath of Allegiance

## VINDICATED

By

Mr. *Hearne*, now a *Nonjuror*.

SIR,

IN a former Letter, I endeavoured to Vindicate those who have taken the *Oaths of Allegiance* to His *Present Majesty*, from the Imputation of *Perjury*, *Injustice*, *and Disloyalty*, cast upon them by such as Scruple them, by shewing That when the King himself Breaks His Oath by Tyrannizing upon, and Depriving his Subjects of their Liberties, and consequently the *Common GOOD of the NATION* requires either his Deposition, or, at least, that a Restraint shou'd be put upon him some other way, those who had taken *Allegiance* to him before, are solved from Obligation to him. This I did especially by what passed between King *Henry* VI^th^, and *Edward* IV^th^.

pag. 2. Now Underſtanding what I there ſaid hath not that Effect as was expected, I hope it may not be taken amiſſe, if in this Letter, I proſecute the *Same Thing* further, by giving

*Firſt* an *Hiſtorical* Account of what paſſed in Relation to *Maud* the Empreſſe, and *Stephen* Earle of *Blois*, as to the Sitting upon the Throne;

*Secondly*, Shewe That thoſe who tooke an Oath to *Stephen* as to their Sovereign Lord, notwithſtanding they had before Sworne Allegiance to Her the Empreſſe, thought themſelves, yea even were, looſed from their Obligation to her, becauſe the *Common Good* of the *Nation* ſo required it.

*Firſt* therefore as to what paſſed in Relation to the Sitting upon the Throne.

*HENRY* the Firſt of that Name, King of *England*, Son of *William Conqueror*, p. 3. and, for His Great Learning, Sirnamed *Beauclerke*, or ever the Warre was begune betweene him and his Diſcontented Brother *Robert*, Duke of *Normandy*, in the firſt Year of his Reigne CIↃ: C [a], marryed *Molde* or *Mawde* the Daughter of *Malcolyne* or *Malcolme* King of *Scotland*, and of *Margaret* his Wife, Daughter of *Edward*

(a) Vid. *Speed's* Chronicle.

the

the *Out-Lawe*, by whome, as ſome Chronicles ſay, he had two Sonnes, and two Daughters, that is to ſay, *William*, and *Richard*, *Mawde* and *Mary* [b]. *Polydore Virgil* ſaith [c], That of *Mawde* were borne *William* and *Mawd*, and of a Concubine *Richard* and *Mary*.

But *Polydore* is an Author who had more regard to *Elegance of Expreſſion*, than *Truth*, which ought to Overballance every thing elſe in an *Hiſtorian*, and therefore, in this Relation, I ſhall not make any Quotations from him, knoweing very well that *Leland* ſpeaks of him according to his Deſert [d], when diſcovering his Error in the Riſe of *ISIS*, he writes thus:

*Utinam* Polydorus *tam oculatus fuiſſet teſtis in* Rebus Britannicis, *quam interim eſt terſus, nitidus, elegans. Na ille tum exegiſſet opus immortalitate plane digniſſimum: modo & eadem opera cognitionem utriuſque Linguæ, videlicet* Britannicæ, *&* Saxonicæ, *tanquam ad Coronidem adjeciſſet.* At ille interim laudandus plurimum, qui domi Sedens, & Numeroſo Veterum Auctorum de Rebus in Britannia geſtis Scribentium præſidio deſtitutus, præſtitit in tanta anguſtia, quanta potuit alius

(b) Vid. *Grafton's* Chron. (c) Sub an. 1120.
(d) in *Comment. in Cygneam Cantionem* in voc. *ISIS*.

quiſquam maxima. *Hæc ego de* Polydoro *modeſte ſatis, ut arbitror, & candide retuli, quem interim aperte de me male loqui, & ſentire certo ſcio, id quod ſuſque deque fero.* But however this be, certain it is, and all Chronicles mention it, That King *Henry*, having ended his Differences with the *French* King, who had uſurped upon Part of his Lands in *Normandy*, *Anno Dom.* CIↃ: C: XX returned into *England*, with a great Deale of Joy and Pleaſure, and was received with as much. Nothing now but Mirth and Praiſe of the King, for his Victorious and Happy Undertakings. But the Old Adage always holds true:

——————*Miſcentur triſtia lætis*;

And the like Saying of an Old Celebrated Poet, [e] *Sæva Noverca dies nunc eſt, nunc Mater amica.* For on a ſudden the moſt ſorrowful and unexpected News was brought to the King and whole Kingdome, as ever, I may ſay, was heard of in *England.* For the King's Sonnes and his Daughter, with other Nobles to the number of 140, as ſome *Chronicles*, to the number of 160, Perſons, as others, beſides fiftie Marriners, having taken Ship at *Harflew*, thinking to follow the King,

(e) *Heſiod.* in Lib. cui Tit. *Opera & Dies.*

and

and Sailing forth with a South-Wind, their Ship through Negligence of the Marriners, proceeding from the Prædominancy of Old *Bacchus* in their Heads, having entertained him with the greateſt Security, was throwne upon a Rocke, and utterlie periſhed on the Coaſt of *England*, upon the 25th of *November*, So that of all the Companie, none eſcaped to bring News of this Dreadful Accident, but one Butcher, who catching hold of the Maſt, was driven with the ſame to Shore, which was neare, and ſo was ſaved from the greateſt Danger.

*Matthew* of *Weſtminſter* ſays nothing of the Marriners being Drunke, but thinks [f] that this Puniſhment from the Waves happened deſervedly: *In vita enim eorum in libidinem fluxerunt enormem: Unde creditur, eos enormiter in Mari tranquiliſſimo Vitam in puncto terminaſſe.*

A Lamentable Caſe truely it was, to be deprived of Children thus! However the King's Eldeſt Sonne *William* might have been ſaved by Boat, had not the Cries of his Baſe Siſter, the Counteſs of *PERCH* made ſo deep an Impreſſion upon him as to make him endeavour her Safety, which yet was in vaine, and to his owne Ruine;

(f) *Hiſt.* L. 2. p. 30.

for

for whilst he was busie in taking her in, others leaping in, overloaded the Boat, whereby all miserably perished: Thus *William* of *Malmsbury:*

*Jam alios undis exponebat, alios ingressa per rimas aqua enecabat, cum jam ejecta Scapha filius Regis excipitur, servarique potuisset ad littus regressus, nisi soror ejus notha Comitissa* Perticiæ *in majori Nave cum Morte luctans, fœmineo ululatu Fratris opem imploraſſet, ne tam impie se relinqueret. Ille Misericordia infractus lembum Carinæ applicari jussit:* Ut Sororem exciperet, mortem misellus pro Clementiæ teneritudine indeptus. *Continuo enim multitudine insilientium Scapha victa subsedit, omnesque pariter fundo involvit.*

The more heavy the News yet: For this *William* was the King's Eldest Sonne, and the next Heire to the Crowne, and was endued with such Excellent Qualifications and Accomplishments, as drewe the Hearts of all to him. So *Malmsb:*

*Filium habuit Rex* Henericus *ex* Matilde *Nomine* Willielmum dulci spe, & ingenti cura in Successionem educatum & provectum. Nam & ei, vix dum XII annorum esset, omnes liberi homines Angliæ & Normanniæ, cujuscunque Ordinis & Dignitatis, cujuscunque Domini fideles, manibus

manibus & Sacramento se dedere coacti sunt. *Filiam quoque* Fulconis *Comitis* Andegavensis *vix Nubilem ipse etiam impubis despondit, & accepit dato sibi a Socero Comitatu Cenomannico* pro Munere Sponsalico. *Quin &* Jerosolymam Fulco *ire contendens, commendavit Comitatum Regi suum, si veniret, futurum profecto generi, si non rediret.* Plures ergo Provinciæ spectabant Nutum Pueri, putabaturque Regis Edwardi Vaticinium in eo complendum: ferebaturque Spes Angliæ modo arboris succisa, in illo juvenculo iterum floribus pubescere, fructus procudere, & ideo finem malorum spectari posse. p. 9.

*Huntingdon* relates this memorable Shipwreck thus, without mention of Young *William*'s Endowments, or of the Possibility of his Escape.

*Anno* CIↃ: C: XX. *Gratiæ omnibus domitis & pacificatis in* Gallia *cum Gaudio Rex* Henericus *rediit in* Angliam: *Sed in ipso maris transitu duo Filii Regis* Willielmus *&* Richardus, *& Filia Regis & Neptis, necnon & multi Proceres, Dapiferi, Camerarii, Pincernæ Regis, &* Richardus *Consul* Cestriæ *naufragati sunt.* Qui omnes vel fere omnes Sodomitica Labe dicebantur & erant irretiti. Improvise igitur (the same with what Westmonasteriensis — p. 10

saith

ſaith in the Words above cited) Mors Abſorbuit emeritos, cum mare tranquiliſſimum ventis careret.

The moſt Learned, and Judicious Sir *Walter Raleigh*, in that moſt admirable Booke of his Intituled *The Hiſtory of the World* g thinks that this great Slaughter by the *Watery Element* happened as a Puniſhment to King *Henry* for his Unnaturalneſs to his Eldeſt Brother *Robert* the Lawful Heire to the Crowne, and his other Enormous Crimes. Which cannot be gainſaied, it being a thing too often ſeen that Children are Puniſhed for their Parent's Tranſgreſſions.

By this memorable Accident alſo the Falſity of King *William Rufus*'s Speech was remarkably Experienced, which he utter'd to the Ship-Maſter upon his going to *Normandie Anno Dom.* CIↃ: XC: IX upon Notice that *Nans* was beſieged by his Enemies, whome a little before he had Quieted. Namely the King being at Dinner roſe haſtily up, tooke Shipping, and, notwithſtanding there was a great, and tempeſtuous, Wind, forced the Maſter on, (who adviſed him to Stay 'till it was Settled,) Saying, *That he never heard as yet of any King that was drowned.*

(g) In the *Preface.*

King

King *Henry* therefore being, as hath been related, so unexpectedly Deprived of this Flower, whose sweet Dispositions had drawne the hearts of all to have a great Affection towards him, was beset with nothing but Sorrowe, and Troubles; as indeed well he might, seeing he lost his Life so ignobly, proceeding, according to the general Report from Carelessnes and Vice, notwithstanding his Death was noble in this, that rather than his dear Sister should loose her's, he would hazard his owne, Life, altho it be the common Opinion that he is rather to be blamed than praised, who being in the greatest Danger, instead of freeing himself from it, labours to save others who are in the same, notwithstanding he sees it will be a kind of Miracle to save his owne Life. p. 12

To make up this Gappe, the King in the Yeare next [h] following, *April* 10th. [If I remember rightly Master *Stowe* saith it was *Jan.* 3d] married a Second Wife named *Adelicia*, a Lady of Excellent Beautie, and Noble Endowments, Daughter to the Duke of *Lovaine*, and Descended of the Noble Dukes of *Lorraine*. p. 13

*John Hardyng* [i] also, after having given

(h) Vid. *Hollingsh. Chron.* pag. 41. *Lond.* 1587.
(i) *Chron.* Vit. *Hen. I.* fol. c:xxx:v. pag. 2. *Lond.* 1543.

an Account of the Shipwrecke, tells us That the King Marryed againe, and so say all other *Chronicles*. *Hardyng*'s owne words shall here be added.

The Third Yere after [*viz.* after the Departure to *Normandy*] to England came again,
The Duke his Sonne, Willyam of Normandy,
His Brother Richard also, the Sothe to Sain
And Erle Richard of Chester in Compaignie,
With many other Lords, in Shippes them bye
Uppon the Seas were dreint in greate Distresse.
Of the whiche the Kyng, had then greate hevinesse.
Whiche Duke William had wed the Daughter then
Of Fowke Talboys, Erle of Angeow had bene.
p. 14 — With whom a C̄ Knightes withe many Menne
And Ladies many, were drowned as was seene.
And then the King wed Hadelyse the Quene
The Duke Godfrey Daughter, that was of Loreyne
Of His Mourning to comforte hym againe.

A Lady of such both *External* and *Internal* Endowments promised the fairest that she should have a numerous offspring, yet herein the King was Deceived, and all his Labour for this End (which you may be sure was not small) was defeated. For he had no Issue, to the Renovation and Augmentation of his Grief, by her.

Nothing

Nothing now was to be done by the King but to take Care the Crowne might be settled upon his Eldest Daughter *Maud*, and her Issue. *Anno Gratiæ* therefore 1126. the King being in *Normandy*, and understanding that *Henry* the Emperor (his Daughter *Maud*'s Husband, she having beene married to him *an.* 1108. being then not above 5 Years of Age, for her Birth was in the latter End of CIↃ: C: I.) was departed this Life at *Utregt*, the 23. of *May an. eod.* sent for his said Daughter the Empresse to come immediately over to him into *Normandy*; and having set his Business in order on that side the Sea, and taken her with him, he returned into *England* before the Feast of S. *Michael*, where calling a Parliament, in the Presence of himself, and *David* King of *Scotland*, he caused the Nobles (and first above all others *Stephen* his Sister's Sonne, who, as shall be said, first Violated it,) to swear Fealty to her, as to his Lawfull, and now onely Heir, by which they should be againe Governed by one of the Royal Blood. The Oath was this, *That they should as much as in them lay, after King* Henrye's *Decease*, (*if he Died without Heir-Male*) *establish her Queene of the Monarchy of*

p. 15

p. 16

Greate Brittaine, *now called* England. But whether they did or no (saith [k] *Gemeticensis*) belongs not to me to tell.

*Gyraldus* [l] and *Hygden* [m] and some Ancient [n] MSS. Affirme (but with very little Probability or Credit) That the Emperor *Henry* Died not at this Time, according to the general Bruite; but that rather upon a *Remorse of Conscience* arising from his Imprisonment of his owne Natural Father to Deathe, *Hen.* viz. 3*d*; and also his Spiritual Father the Pope with his Cardinalls; repenting of these Abominable Actions, he laid aside his Imperial Roabe, and with all Secrecy fled into *England*, intending to do Pennance, by Severity of Life, for them; Accordingly that at *West-Chestre* he became an *Hermite*, changing his Name into *Godscall*, (as being now called of God) where he so lived for the Space of 10 Years, and was interred in the Cathedrall Church of St. *Werburga* the Virgine. Upon which his sudden Flight, the Empresse *Maud* his Wife, saith *John Stowe*, [o] was suspected to be guilty of his Death, and for that Cause was kept continually in the King's Cham-

p. 17

(k) P. 680. (l) *Itinerar.* Lib. 7. c. 16. *Hoved.* in *Hen.* I. (m) *Polychr.* (n) See *Speed.* (o) In his Annals.

ber.

ber. Here Maſter *Stowe* is infallibly out; for notwithſtanding She was kept in the Chamber with the Queene, as *Matthew Paris* ſaith alſo, yet it is no good Reaſoning to ſay it was for her Wickedneſs; for even the ſaid *Paris* gives us a much more wiſe and ſolid Reaſon, and withall altogether conſonant to Truth, for her being ſo kept, *viz.* for that her Father did love her exceedingly, as being now his ſole Heir. An honourable Place truly to live there; for what place may be more noble than for the Daughter to live with the Queene her Mother? Where could She have been more ſecure from Enemies than in the Palace of her Mother and Queene? And without doubt the King well conſidered this; knoweing That ſeveral Dangers were in other Places whereby he might eaſily be robbed of this his Deſigned Succeſſor. And that the ſame *Stowe* alſo was as much in the wrong for aſſigning her Burying-place at *Weſt-Cheſtre*, in St. *Werburg*'s Church, appears, Firſt from thoſe who write of the Antiquities of that County, p who mention no ſuch Matter for certainty, which ſure they

(p) Vid. *William Smith*'s and *William Webb*'s Deſcriptions of *Cheſhire*, publiſhed by *Dan. King*, in Folio.

wou'd

p. 19 wou'd do were they certified of the Truth hereof; Secondly, The Generality of *Chronoclers* tell us, he was Buried at *Spire*, with this Epitaph:

*Filius hic, Pater hic, Avus hic, Proavus jacet istic.* As even *Brompton* tells us q: *Eodem anno* Henricus 4. *Imperator gener* Henrici Regis *obiit, & Secundum* quosdam *apud* Spiram, *cum Progenitoribus suis sepelitur.* Where by *Quosdam* that he must understand the Greatest Part of *Chroniclers*, the Reader will grant, after he hath Searched our *English* Writers upon this Subject, and more especially from his Citation of *Giraldus*, onely for the contrary Opinion, to which he gives the most Credit. For thus he writes immediately after: *Verius tamen videtur* Giraldus *in* Itinerario Walliæ *sentire, ubi dicit Quod* Henricus *iste postquam Patrem suum Spiritualem Dominum Papam, cum Cardinalibus, ut supra dictum est, incarceraverat, & etiam Patrem suum Carnalem incarerando dehonestaverat, tandem ad Cor rediens, ultroneus exul factus est, &* Matilda, *filia dicti Regis* Henrici, *uxore clam dimissa, apud* Cestriam *per Decennium Hermeticam duxit Vitam, ubi dum viveret, ne cuiquam innotesceret,*

p. 20

(q) *Chron.* P. 1015. Col. 1. Sub. an 1125. inter Scriptores 10. Angliæ Antiquos. *Lond.* 1625.

Go-

Godeſcallum *ſe vocavit, quod ſonat à* Deo vocatum. *Sic igitur Imperatore latenter digreſſa,* Matildis *Imperatrix ſine prole aliquâ ab eo concepta, ad Patrem ſuum Regem* Henricum *in* Normannia *adhuc exiſtentem rediit.*

See for this Particular, if you pleaſe, more eſpecially *William Gemeticenſis* [r], who alſo reporteth *Maud* to be a Woman generally well thought of, and approved among the Greateſt Princes of the Empire, for her Prudent and Gracious Behaviour towards the Emperor her Husband; inſomuch that they became Suiters unto her, ſeeking by all means to attaine her to Governe them, and to that end attended her to K. *Henry* in *Normandy* to Sollicite the ſame; to whome in no wiſe he would give his Conſent, meaning to make her his Succeſſor in the Kingdome: Unto which *Malmesb.* (who then lived) accordeth; ſaying [s], That She was extremely unwilling to come out of thoſe Parts of the Empire, where both her Dowry and Acquaintance lay, and that the Princes of thoſe Countries made more than one ſingle Journey into *England*, to ſollicite the King that She might be their

(r) *Polycr.* Lib. 7. c. 16. (s) *Novel.* L. 1.

Em-

Empresse, but the King would not part with the Heire of his Crowne.

Afterwards the King to be free from the Complaints and Disturbances of Forreign Princes, concluded a Marriage between *Jeffry Martell*, Sirnamed *Plantagenet*, Earle of *Anjou*, Sonne of *Foulke*, who also gave his Sonne with the Earldome, the Territories of *Gaunt*, and *Thuryn*, and his said Daughter the Empresse, which was Solemnized in *Normandy* the 3d of *April*, *an. præd.*

p. 22

*Anno Dom.* CIↃ: C: XXXI. His Daughter *Maud*, for some Displeasure, between her and her Husband, Departed from him and came into *England*. Some [t] write That She was the Provoker of certaine Displeasures between her Husband and Father, which so affected his Mind with Passions of Grief, that many thought it was a great Hastning of his End; And indeed *Malmesburie* [u] saith, That the King upon his Death-Bed passionately mention'd the Wrongs and Indignities wherewith her Husband had Disquieted his Mind. Howbeit soone after this her Departure from him, by Consent of the Estates, who met at *Normandy*: She was

p. 23

(t) Vid *Rog. Hoved.* in *Hen.* I. *Hunt.* in *Hist.* Lib. 7.
(u) *Novel.* Lib. 1.

re-

reconciled to her Husband: Sent unto him upon his Intreaty: And, *Anno Dom.* CIↃ: C: XXXI. *ut supra*, bare him a Sonne, whose Name was *Henry*; for Joy whereof, King *Henry* assembled his Lords, and againe made his said Daughter, and the Lawfull Heires of her Body Successors in his Dominions.

Thus *Malmesb.* in his owne Words; [Yet it must be noted that *Chroniclers* Differ in their Assignation of the Yeare, Some placing it in *Anno Domini* 1127. others in——28. others some in 1132.] Convocato ergo omnibus Regni Principibus (or, Magno Concilio Cleri & Populi) apud *London*, filiam suam & Hæredes ex ea nascituros, sibi constituit Successores; & fecit Archiepiscopos, Episcopos, Abbates, Regemque Scotiæ *David*, & Comites & Barones totius suæ Dominationis jurare fidelitates Matildi *filiæ ejus*, & *Henrico* Filio ejus, adhuc minimo, & constituit eum Regem post se. Juramentum ergo cuncti, quicunque in eodem Concilio alicujus videbantur esse momenti, primo *Willielmus* Cantuariæ Archiepiscopus, mox cæteri Episcopi, nec minus Abbates. Laicorum, primus juravit *David* Rex Scotiæ, ejusdem Imperatricis Avunculus, tunc *Stephanus Moritonij*

p. 24

e

Comes & Bononiæ, Nepos *Henrici* Regis ex sorore Adala, mox *Robertus* Filius Regis, quem ante Regnum susceperat, & Comitem *Glocestriæ* fecerat. *Notabile fuit* (ut fertur) Certamen inter *Robertum* & *Stephanum*, dum æmula laude Virtutum inter se contenderent, quis eorum prior juraret, illo Privilegium filij, isto dignitatem Nepotis spectante. Ita Obstrictis omnibus Fide & Sacramento tunc quidem a quoque in sua discessum est.

*Brompton* tells (w) us the same thing, but with this Note, *viz.* That all were not of this Opinion, That a second Oath was taken; *Anno Dom.* 1128. Secundum quosdam Proceres Angliæ juraverunt coram Rege quod Superius dictum est, videlicet de Regno Angliæ ad Opus Matildæ Imperatricis filiæ suæ observando, si ipsa Patrem suum sine Liberis decedentem superviveret.

But those Authors who are of the contrary Opinion with *Brompton*'s Quidam, are certainly not to be relied upon, since *Malmesburiensis*, lived in this King's Time, and was a Person, as *Bale* and *Pits* will tell You of an Honest and Good Life, and withall of great Industry in Search-

(w) In *Chron.* p. 1015. inter Scriptores *Angliæ* antiquos 10. *Lond.* Fol. 1652.

ing

ing into the Bowells of Venerable Antiquity.

Things being thus carried on, now was the Time wherein the King was called into the Country of Bones: For in the Year of our Lord CIↃ: C: XXXV. being in *Normandy*, returning on a certain Day from Hunting, he eate some *Lampreys*, notwithstanding he had before always found them Prejudicial and Disagreeable to him, by which he received the Stroke of Deathe in the 35th Yeare and Third Moneth of his Reigne. So *Brompton* (x) Cum die quadam a venatu redijsset, apud Sanctum *Dionisium* in Silva *Leonum Carnes* comedit Murænarum, i. e. Lampredarum, quæ licet ei semper nocebant, eas tamen semper amabat. Cum autem Medicus hoc genus Comestionis Regi prohiberet, ille Salubri Consilio minime acquievit, *Secundum quod dicitur*, p. 27

Nitimur in vetitum semper, cupimusq; negata.

Hæc igitur Comestio pessimi humoris illatrix & consimilium vehemens excitatrix Senile Corpus letaliter confrigerans, subitam & summam Perturbationem fecit. Contra quod ad impetum Materiæ gra- e

(x) Col. 1020.

viſſimæ diſſolvendum Natura reluctans febrem acutam excitavit; qua prævalente, Rex Magnificus cum jam Annis $\overline{XXXV}$ & 3bus menſibus regnaſſet, prima die Decembris Anno Domini ſupradicto vitam amiſit hujus ſeculi Temporalem; *Hic autem Annus erat ab adventu* Normannorum 69, *& ab Adventu* Britannorum 1245.

p. 28

Now was the Time for *England's* Weeping and Lamentation, having loſt a King of ſuch Rare Endowments; For notwithſtanding ſome heape great Reproaches upon him, yet certaine it is he did not deſerve them (allowing for the Infirmities of Men) being for his great Skill in *Martial* Affairs, and his diſcreet Government of his Kingdome, ſufficiently celebrated both at home and abroad. Which procured theſe Verſes upon him by one of that Age:

Rex *Henricus* obit, Decus olim, nunc Dolor [orbis,
Numina flent Numen deperijſſe ſuum.
Mercurius minor Eloquio, vi mentis Apollo,
Jupiter Imperio, Marſq; vigore gemit.
Anglia *quæ cunis, quæ Sceptro Numinis hujus*
*Ardua ſplenduerat, jam tenebroſa ruit.*
*Hæc cum Rege ſuo,* Normannia *cum duce marcet;*
Nutrijt hæc puerum, perdidit illa virum.

p. 29

Well

Well might *England* therefore Weep, for ſuch a Loſſe, but more eſpecially for the long Troubles now comeing on.

For no ſooner was the King Dead, but *Stephen* his Nephew, by his Siſter (y), Earle of *Blois*, notwithſtanding he had formerly taken an Oath of Allegiance to *Maud* and her Iſſue (for *Henry* had Deſigned her to Succeed him *Legitima & perenni Succeſſione*, ſaith *Malmsbury* (z) ) claimed the Kingdome, and by the Helpe of his Brother *Henry* Biſhop of *Wincheſter*, p. 30 was Crowned KING. And notwithſtanding at firſt onely the Arch-Biſhop of *Canterbury*, and two other Biſhops ſwore to him, yet afterwards moſt of the Nobles went into, and tooke the Oath of Allegiance to Him, as their Sovereign Lord: Even *Robert* of *Glouceſter*, King *Henry* the Firſt's Natural Son, not ſtanding out, but with this *Proviſo* he Swore, *viz. That his Honour and Covenant ſhould be preſerved.*

Thus You have what I firſt propoſed, namely, The *Hiſtorical Account* of *Stephen*'s coming to the Crowne: I have brought it from the Beginning of King *Henry*'s Iſſue, that ſo *Maud*'s Legitimacy

(y) Vid *Chron. Brompton.* Col. 1022. *Lond.* 1652. fol.
(z) *Malmsb. Hiſt. Novel.* Lib. 1. p. 100. 105. 2.

to

to the Crowne might be the better Discerned. You see how forward the Nobles were in those Dayes to Submitt to the Earle of *Blois* notwithstanding his having no immediate Right at present to the Crowne. I am nowe to shewe

p. 31 Secondly That the Nobles thought themselves, yea even were, free from their former Oath, because the Affairs of the Nation at present required that a Submission should be paid to *Stephen.*

For afterwards (altho' this be something Forreign to the Business) upon the Agreement (a) between King *Stephen* and *Henry* the Second, *Maud* herself was set aside, and *Stephen* was to Continue in the Throne during his Life, after which the said *Henry* was to Succeede, to whome it was to continue in his Issue. So that if the *Common Good* in this, and other Oaths, be not especially to be considered, in this particular Business there is a *Gordian Knot* which our *Non-Jurors* will not be very able to untye, unless They
p. 32 do it by some indirect Means. For the Allegiance was transferred from the Right Heire to an Usurper, as *Stephen*

(a) Vid. Bp. *Stillingfleet's Unreasonablenes of a New-Separation.* p. 11.

must

muſt be owned to have beene by thoſe who deny that Allegiance can be tranſferred from the Right Heire. And they muſt continue Allegiance to the Uſurper for his Life; which is repugnant to the Nature of our Conſtitution, if it be founded in a Lineal and Legal Succeſſion. And againe, *Maud*, to whome they had ſworne, is ſet aſide, and the Reverſion of the Crowne is Entailed on her Son, altho' ſhe was living.

But more cloſe to the Buſineſs, That the *Common Good* did require a Submiſſion to *Stephen*, none can † dneny if they conſider *Firſt* That *Maud* was then in *France*, when *Stephen* was in *England*, and that thereby Opportunity was offered to *Stephen* of Doing an Extraordinary Miſchief to the Land, provided he were not received, and that more eſpecially, becauſe his Brother was Bp of *Wincheſter* as was ſaid. p. 33

*Secondly* If they conſider that the Priviledges of the Clergy had been infringed, and therefore that they required ſuch a Sovereign as would Maintaine them to the utmoſt of his Abilities, as *Stephen* promiſed and did in a great Meaſure performe.

† Sic MS.

Not

Not one of our *Non-Jurors* can be so bold as to affirme That the Whole Nation was so Wicked in those Dayes as to perjure themselves, without any Respect to the Reasonableness of what they did. For certaine it is that they knewe very well That the *Prime* End of an Oath is to be preferred to one which is *Inferior*. The *Prime* End of an Oath is *The Good of the Persons concerned in it*, and the *Inferior* one, *The Ascertaining something to him to whome performed. Therefore* (b) *whatsoever the Intention of the Persons was, how Strict soever the Expressions may be, if the keeping of the Oath be really and truly inconsistent with the Welfare of a People, in subverting the Fundamental Laws which Support it; I do not see how such an Oath continues to Oblige: For, there is no Relation of Mankind one to another, but there is some Good Antecedent, which is the just Measure of that Obligation they stand in to each other.* So that since the *Common Good* of the Nation, namely The Preservation of its Rights and Priviledges, *&c.* required a Submission to *Stephen*, the Nobles *&c.* might really think themselves, yea and even were, solved from their Antecedent Oaths to the Empresse.

p. 34

p. 35

(b) *Stillingfleet* ibid. p. 5.

But

But further yet, The *Common Good* of the Nation was so much respected in this Submission to *Stephen*, that his wearing the Crowne During his Life, and then the Reversion of it to *Henry* the Second, was confirmed by Parliament (which will in some Measure confute those, who affirme the Parliament hath nothing to do in Matters of this Nature). For saith *Fortescue* (in a M.S. Treatise called, The Declaratyon made by *John Fortescu* Knight upon certein Writings sent out of *Scotland* agenst the Kyng's Title to hys Realme of *Englond*, imperfect in the *Bodleian* Librarye, *inter M S S. Digb. Num.* 198. but perfect in the *Cottonian*, some Notes whereof I have lying by me) King *Henry* the Third (so it is written in the MS. for which I write *first*) had Issu a Doughter weddit to the Emperour of *Almayne* by whome She had Issue, but aftir his Decese she was weddid to the Erle of *Anjou* and had Issu by hym a Sonne aftirward callid *Henry Fitz Empresse*, and that Kyng died without any other Issue aftir whois Deth this Lond wold not suffir his Doughtir to reign upon hem by cause it was not enheritable by Women, and by the same Reason they wold not suffir hir Sonne to be their King, which by Force

of that Eleccion was made ennoyncid King of *Englond*, and so reignid more then XVIII Yere, and aftir that when the Sonnys which the sayd *Stephyn* had were Dede, Accorde toke betweene hym and *Henry Fitz Empresse* that the same *Henry* shuld aftir his Decese have the Kyngdome of *Englond* to hym and to his Heires Masles for evirmore, of which Estate he was then made sure by Auctorite of Parliament by whiche Title he and his Issue have reigned in this Lond alway Sithen.

p. 37

This is all which I have by me out of the said Treatise in relation to *Stephen*; I could wish I had the remainder, which is in the *Cottonian* Librarye, for the *Bodleian* Copy hath not a Word of what I have just now Transcribed, nor of several things Passing before this Relation of *Stephen*'s Comeing to the Crowne *&c.* breaking of (I knowe not for what Reason) abruptly with these Words by the forsaid jugement of *Genesis* may not be denyed. For—— in the §. intituled—— A Woman ys under the Power of Man wyle she ys under the Byshop of *Rome*.

att S.or.

p. 30

But Bishop *Stillingfleet* (c) quotes this MS. (for this he must mean by his Words- *in a Manuscript Discourse about the Title of*

(c) Ubi Supra p. 11.

*the*

*the House of* Lancaster, unlesse it be the *Latyn* Booke, which the foresaid *Declaration* so much mentions, which probably it may, because the Bp. quotes the Words in *Latine* once, which notwithstanding contained much of that which is the Subject of the *Declaration*, being the Cause of it) Thus: Fortescue *saith, that* Henry *the Second was Crowned King in the Life of his Mother (who lived to the 13th of* Henry *the Second) by the General Consent of the Kingdome*; and immediately before: *The Right of* Henry *the Second was Declared* Communi Consensu Procerum & Communitatis Regni Angliæ.

Indeed *Rad. de Diceto* (d) who Lived nearer that Time, mentions nothing of the Parliament, but then *Fortescue* appeals not only to the *Chronicles*, but to the Proceedings of Parliament, for what he alledges (e). p. 39

And *Matt. Westminster* (f) and *Paris* †, Persons of Great Authority, say That this was done *Communi Consensu Procerum & Communitatis Regni* Angliæ.

*Gervase* (g), That the Great Men were summoned to perfect the Agreement, by

(d) *Rad. de Diceto.* A. D. 1153. (e) *Stillingfleet,* Ibid. (f) *Matt. West.* A. D. 1158 † *Matt. Paris,* eod. an. (g) *Gervas.* A.D. 1153.

 giving

giving their Assent to it, and confirming it by their Oaths.

*Gul. Nubrigensis* (h), That the *Bonum Publicum* was the Foundation of the Agreement.

p. 40 And, to name no more, *Matt. Westm.* (i) again, That the King and the Lords did all sweare to it, and a Solemn Charter was made to it, and kept in a most sure Place.

From what hath been said, it seems nothing is more certaine than that the *Bonum Publicum* was the Foundation of what was done in *England* from the first Usurpation of *Stephen* till the time wherein the Crowne was returned againe to Prince *Henry*. And so I have given Satisfaction I hope in the two Things proposed. But I shall nevertheless stay upon this Matter somewhat longer, by shewing that notwithstanding the *Bonum Publicum* did not require their Allegiance to *Stephen*, yet they had good Reason to think they might safely do it. For

p. 41 *First* It is said by *Rad. de Diceto* (k) That *Hugh Bigod* Sware, That King

(h) *Gul. Neoburg.* L. 1. c. 30. (i) *Matt. Westm.* S. 1153. (k) *Radulphus de Diceto Abbrev. Chronicor.* Col. 505. *Matt. Par.* Hist. *Angl.* p. 71.

*Henry*

*Henry* the First, on his Death-Bed, Disinherited his Daughter, and made *Stephen* his Heire. Hugo *præterea* Bigot, *Senescallus Regis, præstito Juramento, probavit coram Archiepiscopo* Cantuariensi *qd. dum Rex ageret in Extremis, Imperatricem exhæredavit, &* Stephanum *igitur constituit successorem.* Which if true, shews how Erroneously they Argue who would have us Discharged by K. *James* the First, before we Sware to King *W.*

*Secondly* The Lords and others of the Realme thought that their Oath was not Obligatory, because taken to a Woman. The Opinion was, saith *Radulphus de Diceto* (1) Fore nimis turpe, si tot Nobiles, fœminæ subderentur, That it would be an Action altogether Base, and unbecoming Men professing Generosity and the Good of the Realme, to suffer any such thing as Submission to one of the weakest Sex. p. 42

Good Reason there was why they should deny Obedience to a Woman: For

(1) *Radulph. de Diceto Abbrev. Chronic.* Col. 505. *Matt. Par. Hist.* Angl. p. 71. *Will. Pryn's Collections* Vol. 1, p. 490. *Stillingfleet,* loco citato.

*First,*

*First* A Woman is of such an Infirme Constitution, and Fickle Temper, in Respect of Man, That nothing but Fears and Jealousies must be bred, generally speaking, whilst she bears sway; from whence Anarchy and Confusion, and consequently Destruction to the National Customs will followe of Course. This I say not according to my owne Opinion, but the Sentiments of those more Ancient Times.

*Secondly* Man is by Nature above Woman, and therefore has more Right to Governe, and so whatsoever he doth, provided it be agreeable to Reason, ought to be Submitted to by the Woman as a Servant under him. And further presently after the Fall, God told the Woman That she should be in Subjection to Man, as her Sovereigne, to whome She ought to pay all Due Defference and Ready Submission. And so writes *Fortescue*, both in the Words which I have above Transcribed, and in these (m): No Woman ought sovereignly or supremely to Reigne upon Man. Whiche Matter ys provyd

p. 43 –

§

(m) In MS. supra citato, in § cui tit. *A Woman ys under the Power of Man, &c.* ut supra descripsi.

by

by the Jugement that God gave upon the fyrſt Woman when She had Synned, ſaing to her thes Words (eris ſub poteſtate viri, & ipſe dominabitur tui) which be in the Boke of *Geneſis* the thred Chapyter, and bethe ſuche in Engliſhe: Thou ſhalt be under the Power of Man, and he ſhall be thy Lord. Which Words ſpokyn to that Woman whas ſpoken to all the kynd of Women, as the Words though ſpoken by God to the fyrſt Man, whas ſpoken to all Mankynd. Now notwithſtanding Sir *John* tooke not theſe Words in ſuch an Extenſive Senſe, as to ſuppoſe That a Woman is under the Power of every Man, but onely that She is under the Power of ſome particular Man; Namely the Pope, which according to Sir *John's* Senſe is enough: (For ſaith he, Our Lord ſaid not in hys forſaid Jugement that a Woman ſhuld be under the Power and Lordſhype of all Men, which is untrew yff ſhe be under the Power and Lordſhype of any Man. For Logycions ſay, Quod Propoſitio indefinita eſt vera ſi in aliquo ſuppoſito illa ſit vera, And by that reaſon ſhe ys under the Power and Lordſhype of Man yf in any kynd of Subjectyon ſhe be under the Power and Lordſhype of Man. Wherefore the for-

p. 44

p. 45

ſaid

ſaid Text of *Geneſis* or any thing deduced thereof may not prove that a Woman may not Reign in a Kingdome of whiche the King hathe no Sovereigne in Temporalities ſithen ſhe abideth alwais Subyet to the Pope.) I ſay notwithſtanding Sir *John* was not of ſuch Opinion, yet I ſee no reaſon why they might not be of it in King *Stephen*'s time, when Learning flouriſhed not ſo much as in *Forteſcue*'s time; nor were there ſo good Conveniences for the Propagation of it.

But *Thirdly* They might think that the Oath was not ſo Strong which they had taken to *Maud*, as not to be broken without Perjury, ſince they had ſeen ſuch Changes already in Succeſſions as did Demonſtrate That the Lawfull Heire was not always to be received, if one that was farther removed might be received with greater Safety: For, as was ſaid above, The *Common Good* is what ought primarily to be conſidered in Oaths, and that ought to Overballance every thing elſe.

p. 46

The ſetting aſide the Lawfull Heire, and Admitting the Unlawfull one in his roome, ſhall be here illuſtrated by ſome Examples. Which notwithſtanding they may ſeeme to make againſt what I ſaid above,

above, *viz.* That I would prove that the Nobles *&c.* had reason to think themselves absolved from their Oath to *Maud*, the *Common Good* being set aside; yet to the unprejudiced they will seeme otherwise: because there the *Common Good* was only Supposed, whereas here several other things were the Causes of the Rejection, altho' the *Common Good* was generally the *Primary* one, and that only I insist upon here, because most agreeable to my purpose, which is to shewe That Allegiance ought to be paid to his Present Majesty, because the *Common* or *Public Good* of the Nation requires it. p. 47

That *Prioritie of Birth* hath the Lawfull Title to Dominion, seemeth to be a Truth so plaine, that none of any Skill or Judgment will deny: And yet that the Younger have oftentimes been received before the Elder Sonnes is Warranted by History both *Divine* and Prophane.

I.

Thus *David* preferred *Solomon* before *Adonia* (n): *Even as I ſware unto thee* [Bathsheba] *by the Lord God of* Israel, *ſaying*, *aſſuredly* Solomon *thy Sonne ſhall*

(n) 3 *Kings* 1. 30.

*Reign after me, and he shall sit upon my Throne in my Stead; even so will I certainly do this Day.*——(o) *Let* Zadok *the Priest, and* Nathan *the Prophet anoint him there* [at Gihon] *King over* Israel. And (p) *Then sat* Solomon *upon the Throne of* David *his Father, and his Kingdome was Established greatly*; But yet *Adonia* the Eldest Sonne was then Living.

p. 48

II.

And *Rehoboam* Son of *Solomon* appointed the Youngest of his Sonnes to Succeed him. So saith the Text (q): Rehoboam *made* Abijah *the Son of* Maachah *the Chief to be Ruler among his Brethren: for he thought to make him King.*

III.

And what do we gather from all the Accidents which befell the Righteous *Joseph*, unless it be that God is pleased That the Younger should oftentimes Rule over the Elder, notwithstanding he cannot claime a Legality of Title? *Rachel* we know was Barren for some time by the

p. 49

(o) Ver. 34. (p) Ch. II. ver. 12. (q) 2 *Paralipom.* XI. 22.

Plea-

Pleasure of the Lord (altho' she was most beautifull, and *Jacob* had served Fourteen Years for her (r) because *Leah* was hated, who yet received at first most honour from God, her Womb being opened, and she bare four Children (s): But at length the Lord looked upon *Rachel*, and she also conceived and bare *Joseph* (t) This was the first Favour of the Lord shewed in an Eminent manner. But afterwards greater Favours appeared: For notwithstanding he was the Eleventh Son, and therefore according to the Common Course of Things could not expect so high Honours as his Elder Brethren, yet the Lord was always with him, and made him to prosper and be a Real Sovereign to his Brethren: For *First* his Dreame concerning the Sheaves, in which his Brethren's Sheaves fell downe, and made Obeisance to his Sheafe (u) shewed God had chosen him to be Superior to the Rest. *Secondly* So did also ~~the~~ Dreame of the Sun (w) Moon and Starrs submitting themselves to him. *Thirdly* But this more especially was manifested after he was sold into *Egypt* by them (x), out of

p. 50

his

(r) *Gen.* XXIX. (s) Cap. id. v. 31, 32, 33, 34, 35. (t) Cap. XXX. v. 24. (u) Cap. XXXVII. v. 5, &c. (w) Cap. id. v. 9. (x) Cap. id. v. 28.

the Hatred they bore him: For *First* he was favoured of *Potiphar* an Officer of *Pharoh*'s and Captain of the Guard, who bought him of the *Ishmaelites* (y) by whome he was made Overseer of his House and all that he had (z); A most high Honour indeed. But greater yet: For, saith the Text (a), *It came to passe from that Time that he had made him Overseer in his House, and over all that he had, that the Lord blessed the Egyptian's House for* Joseph's *Sake: and the Blessing of the Lord was upon all that he had, in the House, and in the Field,* &c. And notwithstanding afterwards through false Accusation (b) he was cast into Prison, yet the Lord's Favour was still more remarkable towards him (c), and afterwards *Pharaoh*, because he had interpreted his Dreams (d) which did betoken Famine after VII. Years, set him over all Egypt, *because there was none so discreet and wise as he was* (e), and he was adored and worshipped almost like a God, so great Estimation had he. And he gathered Provision over all the Land against

p. 51.

(y) Cap. XXXIX. v. 1. (z) Ver. 4. (a) Ver. 5. (b) Cap. id. v. 14, 15, 17, 18, 19, 20. (c) Ver. 21, 22, 23. (d) Vid. Cap. XLI. (e) Cap. Ejusd. Ver. 39, &c.

the

the Years of Famine, at which Time, marke what Power he had over his Brethren; For, as You may read in Chapters XLII, and XLIII, XLIV, *Jacob* sent his Sonnes into *Egypt*, there being a sore Famine in *Canaan*, at several Times to buy Corne of *Joseph*, they not knoweing that he was their Brother whome they had Sold, and they paid him the greatest Reverence; And in the last Mission he revealed himself (f), and sent for his Father into *Egypt*, who came with all his Household, and received the Greatest Honours from *Pharaoh* for *Joseph*'s Sake, Who was ever after Adored as King, *and at length Died* (g) *being CX Years Old, and they embalmed him, and he was buried in a Coffin in* Egypt. p. 52

I have insisted the longer upon this Story of *Joseph*, because of the Remarkable Manifestation of Providence in every particular of it, and therefore may have probably some Influence upon the Minds of those who at present deny the Interposition of Providence in the bringing over our Gracious Soveraign His present Majesty whome God long Preserve, and setting him upon the Throne; Affirming That Providence onely permitts such Do- p. 53

(f) Cap. XLV. (g) *Gen.* L. v. *ult.*

ings,

ings, but is not pleased with them; These Men for sooth, think That God is more pleased with Romish Superstitions and Tyrannyes, than the Primitive Worship, and the Subjects Enjoyment of their Liberties.

## IV.

King *William* sirnamed the *Conqueror* of this Realme, drawing near his End, beganne to think of one to Succeed him, and thereupon Pitched upon his Son *William*, notwithstanding *Robert* his Eldest Sonne, was alive; and thereupon, being in *Normandy*, commended him with Letters under his owne Seale to *Lanfranke* then Arch-Bp. of *Canterbury*: a Man highly Esteemed in Forreign Countries, and in *England* in such Admiration That his Authority was Absolute. In which Letters the King Expressed his Good Affection to his Son *William*, and Extolled his Virtues and Loyalty to him, and said that he was every ways fit for Government. And moreover he had also Respect to the Good of the Realme, for knoweing That his Son *Robert*, being of a Flexible and Mild Disposition, was more fit to Governe a People well Settled in Af-

p. 54—

Affection, than such as had been newly Conquered, and not yet weaned from their Ancient Customs, he thought his Son *William* might better Succeed, *jure in hoc Casu non obstante*, being of a Fierce and Fiery Temper, and made for a Curb to the Irregular and Rebellious. With this Letter therefore he Posted away, and in a short Time arrived at the Port called *Whitesand*, where he had the first Intelligence of the Decease of his Father, which made him make the more hast to the Arch-Bp. to whome he delivered the said Letters, and was forthwith Declared King, upon the 9th of *Sept.* (h) *A°. Gratiæ* CIↃ: LXXXVII. and upon the 1st of *Oct.* next Ensueing was by the same *Lanfranke*, with all ~~the~~ Ceremonies and Solemnities perteining to that Action, Crowned at *Westminster*.

p. 55

&

V.

The said *William* dying by the Force of an Arrow, Shott by Sir *Walter Tyrrel* at a Dear in the New-Forrest *August* the 2d in the 13th Year of his Reigne, *Robert* the Eldest Brother was still kept from the

(h) Vid. Sir *John Hayward's* Hist. of the 3 *Norman* Kings, p. 141.

Crowne,

Crowne; notwithstanding it was his Right not onely by Birth, but by Expresse Covenant made between him and his Brother *William* upon Oath (i), and his Younger Brother *Henry* apprehending the Opportunitie of the Duke's Absence, (he being then in *Palestina* Warring against the *Saracens*) forthwith seized upon the Treasure of the King, and thereby also upon his State, and so was Crowned at *Westminster* upon the Second Day of *August*, the Day of *William*'s Death in the Year 1100. by *Maurice* Bp. of *London*; because *Anselme* Arch-Bishop of *Canterburie* was then in Exile.

p. 56

In giving these Examples, I would not be thought to be of Opinion That the Younger Sons may be preferred always before the Elder, but onely when it is more Safe, and the *Common Good* so requires it. And so those Lawyers are to be interpreted who Affirme That a King may Determine in his Life, which of his Sonnes shall Reign after him. Namely this must be Understood when a State is newly raised to the Title of a Kingdome, or when by Conquest, Usurpation, or some other Meanes of Change, the Government thereof is Transferred from one

p. 57

(i) Ibid. p. 223.

Stemme

Stemme to another: For then there being no Certaine Lawe to be followed, the Right ſeems to Depend upon the Diſpoſition of the Prince.

As well *Hen.* therefore as *William* were præferred to *Robert* becauſe there was not ſo much Danger from them as from *Robert*. For

*Firſt*, as to *William*, The Right of Succeſſion to the Crowne of England being not at that Time ſo ſurely Settled, as it hath been ſince; but having Waved in long Uncertaintie; *firſt*, in the *Heptarchie* of the *Saxons* and *Engliſh*, and afterwards betweene the *Engliſh* and *Danes*, and was then newly poſſeſſed by the Sword, *William* was more fit (as is manifeſt from what I ſaid above) for ſettling Affairs, and conſequently for inſuring the Kingdome to the *Normane* Line than *Robert*.

*Secondly* Robert had given juſt Offence, and therefore might be put by, having borne Arms againſt his Father.

*Secondly*, as to *Henry*,

*Firſt*, The ſame reaſons hold with Reſpect to him as I gave for *William*.

*Secondly*, *Robert* was borne before, *Henry* after the Conqueror was King, and

in this Case there are Learned and Great Judges who stand in Favour of *Henry*, as will be somewhat clear by and by.

## VI.

*Herodotus* gives us an Example altogether fit for my Purpose (k) in these Words: Ἐπὶ δὲ ἡ ἀγγελὴ ἀπίκετο ἐπὶ τῆς μάχης τῆς ἐν
p. 59 Μαραθῶνι γενομένης ἐπὶ βασιλέα Δαρεῖον τὸν Ὑστάσπεος, καὶ πρὶν μεγάλως κεχαραγμένον τοῖσι Ἀθηναίοισι διὰ τὴν ἐς Σάρδις ἐσβολὴν, καὶ δὴ καὶ τότε πολλῷ τε δεινότερα ἐποίεε, καὶ μᾶλλον ὥρμητο στρατεύεσθαι ἐπὶ τὸν Ἑλλάδα καὶ αὐτίκα μὴν ἐπαγγέλλετο, πέμπων ἀγγέλους κατὰ πόλις, ἑτοιμάζειν στρατιὴν, πολλῷ τε πλείονα ἐπιτάσσων ἑκάστοισι ἢ πρότερον παρέχειν, καὶ νέας τε καὶ ἵππους, καὶ σῖτον, καὶ πλοῖα· τούτων δὲ πανταχοῦ ἀγγελλομένων, ἡ Ἀσία ἐδονέετο πᾶσα ἐπὶ τρία ἔτεα.
n Καταλερομένων δὲ τὸν ἀρίστων ὡς ἐπὶ τὴν Ἑλλάδα στρατευομένων, καὶ παρασκευαζομένων, τετάρτῳ ἔτει Αἰγύπτιοι ὑπὸ Καμβύσεω δουλωθέντες, ἀπέστησαν ἀπὸ Περσέων· ἐνθαῦτα δὴ καὶ μᾶλλον ὥρμητο ἐπ' ἀμφότερους στρατεύεσθαι. Στελλομένου δὲ Δαρείου ἐπ' Αἰγυπτον καὶ Ἀθήνας, τὸν παῖδων αὐτοῦ στάσις ἐγένετο μεγάλη περὶ
p. 60 τοῦ Ἡγεμονίης, ὡς δεῖμιν ἀποδέξαντα Βασιληΐα κατὰ τὸν Περσέων νόμον, ὅτῳ στρατεύεσθαι· ἔσαν γὰρ Δαρείῳ καὶ πρότερον ἢ Βασιλεῦσαι γεγονότες τρεῖς παῖδες ἐκ τοῦ πρωτέρης γυναικὸς Γοβρυέω θυγατρὸς· καὶ Βασιλεύσαντι, ἐξ Ἀτόσης τοῦ Κύρου, ἕτεροι τέσσαρες. τῶν μὲν δὴ πρωτέρων ἐπρέσβευε Ἀρταβαζάνης, τῶν δὲ

(k) in *Polymnia*, in *principio*.

ἐπι-

ἐπιγενομένων, Ξέρξης· ἐόντες δὲ μητρὸς ἀπὸ τῆς αὐτῆς, ἐστασίαζον· ὁ μὲν Ἀρτοβαζάνης, κατότι πρεσβύτατός τε εἴη παντὸς τοῦ γένους, καὶ ὅτι νομιζόμενον εἴη παρὰ πάντων ἀνθρώπων, τὸ πρεσβύτατον τὴν ἀρχὴν ἔχειν. Ξέρξης δὲ, ὡς Ἀτόσσης τε παῖς εἴη τοῦ Κύρου θυγατρὸς, καὶ ὅτι Κύρος εἴη κτησάμενος τοῖσι Πέρσῃσι τὴν ἐλευθερίην. Δαρείου δὲ οὐκ ἀποδεικνυμένου κωλύμην, ἐτύγχανε κατὰ τὠὐτὸ τούτοισι καὶ Δημάρητος ὁ Ἀρίστωνος ἀναβεβηκὼς ἐς Σοῦσα, ἐξεληλαμένος τε τοῦ ἐν Σπάρτῃ βασιληΐης, καὶ φυγὴν ἐπιβαλὼν ἑωὐτῷ ἐκ Λακεδαίμονος ἔτος ὁ ἀνὴρ πυθόμενος τὸν Δαρείου πάιδων τὴν διαφορὴν, ἐλθὼν, ὡς ἡ φάτις μὶν ἔχει, p. 61
Ξέρξῃ συνεβούλευε λέγειν πρὸς τοῖσι ἔλεγε ἔπεσι, ὡς αὐτὸς μὲν γένοιτο Δαρείῳ ἥδε βασιλεύοντι, καὶ ἔχοντι τὸ Περσέων κράτος, Ἀρτοβαζάνης δὲ, ἐπ' ἰδιώτῃ ἐόντι Δαρείῳ· ἔκων ἔτ' εἰκὸς εἴη ἔτε δίκαιον, ἄλλόν τινα τὸ γέρας ἔχειν παρὰ ἑωὐτοῦ· ἐπείγε καὶ ἐν Σπάρτῃ, ἔφη ὁ Δημάρητος ὑποτιθέμενος, οὕτω νομίζεσθαι, κῶς οἱ μὲν προγεγονότες ἕωσι πρὶν ἢ τὸν πατέρα σφέων βασιλεῦσαι, ὁ δὲ βασιλεύοντι ὀψίγονος ἐπιγένηται, τοῦ ἐπιθυμέοντα τὴν ἔκδεξιν τοῦ βασιληΐης γενέσθαι· χρησαμένου δὲ Ξέρξεω τῇ Δημαρήτου ὑποθήκῃ, γνοὺς ὁ Δαρεῖος ὡς λέγει δίκαια, βασιληΐα μιν ἀπέδεξε.

Which in *English* runnes thus:

Now when News was brought to *Darius* the Sonne of *Hystaspes* of the Fight at *Marathon*, his former Anger Conceived against the *Athenians* because they had invaded Sardis was not a little Augmented, and therefore was the more Propense to p. 62

make Warre upon Greece: And he gave out Declarations of his Intentions, and therefore desired That all Cities in his Territories would make greater Preparations than before they had done. Whilst these things are Carrrying on, Asia received Continual *Exagitations* for the Space of 3 Years. Whilst therefore the most Valiant and Skillful Soldiers are Picking out, and Greatest Præparations making, in the 4th Yeare the *Egyptians* who had been Subdued by *Cambyses*, fell from the *Persians*; Which made *Darius* make the Greater Celerity in his Expedition both against the *Egyptians* and *Athenians*. But whilst he is busy in these things a great Dissension arose amongst his Children about the *Succession*: because by the Lawes of *Persia*, the King might not enter into Enterprise of Armes, before he had Declared his Successor. Now *Darius* had three Children before he was King, by his first Wife the Daughter of *Gobrys*. After he was King he had other foure, by *Atossa* the Daughter of *Cyrus*. *Artabazanes* was Eldest of the first sort; *Xerxes* of the second. And being not borne of the same Mother, they Contended together for the Empire. *Artabazanes* alleged that he was the Eldest of

p. 63

all

all the King's Sonnes, and that it was a Custome among all Nations, That in Principalities the Eldest should succeed. *Xerxes*, that he was begotten of *Atossa* the Daughter of *Cyrus* by whose Valour the *Persians* had obtained their Empire. Before *Darius* had given Sentence, *Demaratus* the Sonne of *Aristo*, being cast out of the Kingdome of *Sparta*, and flying from Lacedæmon, came to Susa. This Man heareing of the Controversie betweene the Sonnes of *Darius*, came (as the Story goes) to *Xerxes*, and advised him to add this to his former Plea, namely that he was borne first to *Darius* after he had obteined the Kingdome and Empire of the *Persians*: but that *Artabazanes* was borne to him whilst he lived a Private Life: And that therefore neither Equity nor Justice would permitt That any other should obtaine the Honour of Reigning before him; And that it was the Custome of *Sparta*, That if a Man had a Sonne in private Estate, and afterwards another when he was King, this last should succeed in his Kingdome. *Darius* heareing this, and thinking nothing could be more agreeable to Reason, rejected *Artabazanes*, and gave Judgement for *Xerxes*.

p. 64

This

This Example if Weighed in the Ballance of Reason and Justice, will appeare to any Man of Sense so Pertinent to the Purpose in hand, that it makes altogether for what I alledge, That for the *Common Good*, the Direct Order of Succession may be Changed. For even *Darius* did this Rather for this End, than out of Opinion that *Xerxes* was the *Rightfull* Heir.

p. 65

VII.

After *Alexandra*, the Kingdome of *Judæa* was obtained by her Eldest Sonne *Hyrcanus*; in the 3d Yeare of the CLXXVII. *Olympiad* (l), Q. *Hortensius* and Q. *Metellus* (m), being Consulls. His Mother having in her Life-time Committed it to him. But her Younger Sonne *Aristobulus* was the most strong, and of a Fiery Temper (n). And therefore the same *Josephus* tells us (o) That *Hyrcanus*, three Moneths after the Decease of *Alexandra* his Mother, was Expelled out of his Kingdome by him. *Hyrcanus* being very much Displeased with this Injustice, fought forthwith with his Brother neare unto Jericho:

(l) *Usserii Annales* p. 423. Sub an. Per: Jul. 4644. (m) *Josephi Antiq.* Lib. 14. c. 1. (n) Idem De Bello *Judaic.* L. 1. c. 4. (o) Lib. 15. *Ant.* c. 9.

where

where a great number of *Hyrcanus*'s Followers ſubmitted themſelves of their owne Accorde to *Ariſtobulus*. Through which Accident *Hircanus* was forced to flie to the Fortreſs of the Higher City. The reſt of the Faction, for feare of his Brother who had gotten the Victorie, retired themſelves within the Præcincts of the Temple, where they were beſieged and taken. After which, a Peace was Treated of betwixt both the Brethren, and their Difference was Concluded in this Manner, that *Hyrcanus* ſhould paſſe the reſt of his Life without meddling with State Affairs, and *Ariſtobulus* ſhould Reigne. This League was Ratified betweene them in the Temple, and confirmed with Oaths, Conjunction of Hands and Embraces, in the Sight of all the People: Which being finiſhed, *Ariſtobulus* retired himſelf into the Palace, and *Hyrcanus* to *Ariſtobulus*'s Lodging, to lead a Private and Quiet Life (p). The maine Reaſon of *Hyrcanus*'s Submiſſion of himſelf to his Brother *Ariſtobulus*, and Putting, the Government into his hands, was, as You may read in *Joſephus* afterwards, The *Common Good*, for had he held out againſt him nothing but Slaughter and Famine would have im-

p. 66

p. 67

(p) Lib. 14. *Ant.* c. 1.

mediately

mediately followed. I might give the Story at length, but 'twould be too Tedious, and my other Buſineſs calls me away.

## VIII.

*Lewis* borne after his Father was Duke of Milane, was preferred in Succeſſion before his Brother *Galeace*, who was borne before (q).

*But* You will ſay that theſe Examples are not very Material, becauſe they do not ſhew that the Rightfull Heire hath been turned out, ſince the Youngeſt Sonne if borne after his Father hath Obtained the Kingdome, and his Elder Brethren borne before, is the True and Legitimate Heire to the Crowne. And that this is confirmed by many Grounds of the *Imperial* or *Civil* Lawe (r): As that Sonnes borne after their Father is Advanced to a Dignitie, doe hold Certaine Privileges, which Sonnes formerly borne do not enjoy: That theſe Children which are borne after a Perſon is freed from any infamous or ſervile Condition, doe participate onely of that Condition, and not they

p 60

(q) *Guice.* Lib. 1. *Blond.* Decad. 2. Lib. 2.
(r) Vid. *Hayward's Hiſt. of the* 3. Norman *Kin.* p 226.

who

who were borne before. That if a Man taketh a Wife in the Province wherein he holdeth Office, the Marriage is good, if after the Time his Office ſhall expire, they Continue in the ſame Conſent: but ſo that the Children borne before, ſhall not be thereby held for Legitimate. That thoſe Children which are borne after their Father is honoured with the Title of *Clariſſimus*, doe enjoy the Rights due unto that Degree of Dignitie, and not they who were borne before. That as a Sonne borne after the Father hath loſt his Kingdome, is not Eſteemed the Sonne of a King: So neither he that is borne before the Father be King. p. 69

But theſe Paſſages, and the like, Commonly Alledged for Probation of the Younger Sonne's Right to the Kingdome, provided he was borne after his Father were King, and his Brother, or Brothers borne before, are little pertinent to the purpoſe, becauſe they concern not any Univerſall Right of Inheritance, which is due unto Children after the Death of their Parents; but certain Particular Privileges and Rights Attributed unto them whilſt their Parents were living, which, for the moſt part, are Arbitrarie

and Mutable, as Depending upon the Pleasure of the Prince.

And notwithstanding many Interpreters of both Lawes are of the Contrary Opinion, *i. e.* think them of great weight in this Particular, and therefore give their Judgment for the Younger Brother, if borne first after his Father had the Empire; yet there are others of more solid Judgment, who thinke the Elder Sonne in every Case by all true grounds of Lawe ought to succeed, unlesse there be any Expresse Lawe of the State to the Contrarie. For

p. 70

*First:* This is the Nature of all Successions by Way of Inheritance: For, if a Father purchase Lands, Leases, Cattel or other Goods, the Inheritance shall be transmitted to his Eldest Sonne, although borne before the Purchase. Likewise, if a Father be advanced to any Title of Honour, as Duke, Earle, Marquesse, *&c.* the Eldest Sonne is to succeed in the same, altho' he was borne before the Advancement. And therefore seeing this is the General Rule in all other Inheritable Successions, and there is no Reason of Singularitie in a Kingdome; it followeth, that in like Case the Succession of a Kingdome

dome ſhould alſo Deſcend to the Firſt-borne, notwithſtanding he were borne before the Kingdome was atchieved by his Father. p. 71

*Secondly*, The Sonne who was borne before his Father was a King had once a Right to ſucceed in his Kingdome; becauſe had not another Sonne beene borne, without Doubt he ſhould have ſucceeded. This being ſo, I cannot, for my Life, perceive how his Right ſhould be utterly taken away by this Younger Sonne's Birth: For there is great Difference between *Diminution* and *Extinction*. I don't Deny but the Multiplicity of Children doth Diminiſh the Right of the Elder Sonne in Reſpect of the Goods, which are to be diſtributed amongſt all; But that this Diſtribution ſhould Infringe the Right of the Elder in Point of Succeſſion, is ſuch a Piece of Abſurdity, as I cannot find reconciled by any Philoſophy I have read. And he muſt needs invert the Common Notion of Things who will from hence gather That an *External* and *Caſual*, *i. e.* an *Independent* Accident is in It ſelf ſufficient to Eradicate and Extinguiſh the Right of the Subject. So that it is plaine that the Diſtribution of the p. 72

Goods amongst several Children does not Extinguish the Right of the Elder. Nor *Secondly* can it be Diminished in those Things which are not of Nature to be either Valued or Divided (of which sort a Kingdome is the Chief) but do pass intirely unto one. For the Right of Blood which onely is Regarded in Lawfull Successions, is Acquired and Held from the Nativitie of the Childe, and doth not beginne at the Father's Death; at which Time the Inheritance doth fall.

*Thirdly* and *Lastly*, If it be true That he that is borne first after the Acquisition of a Kingdome, should succeed; then it is also true in Degrees of Consanguinity more Remote: And Consequently if the King dies without Issue after he had obteined this Dignity, then would one that was related to him, altho' perhaps several Degrees off, succeed him, because Borne after he was King, and so his owne Sonne borne before he was a Sovereign will be excluded. And whether in this Case there would not be the greatest Injustice Acted imaginable, I appeal to any Man living. Let even the Heathens themselves Judge here. Let us read over all their *Political* Injunctions and Lawes, and

p. 73

and ſee whether they ever favoured ſuch Kinds of Action as this. And what do *Chriſtian Politicians* teach us worſe Rules than *Heathen?* ſhall God's Revelation be ſo abuſed, as that our Reaſon and Underſtanding ſhould be rather Obſcured than Illuminated by it?

Nothing is therefore more agreeable to Reaſon than that when the Elder Sonnes have been Excluded it hath been for other Reaſons, but Principally for the *Common Good.* p. 74

*Fourthly*, They might thinke themſelves with a great Deale of Reaſon freed from the Obligation of their Oath, becauſe the Pope had given them an Abſolution, as You may ſee in the Chronicles. *Crop-Eared Prynne* will ſatisfy You Sufficiently in his Voluminous Collections.

No one that conſiders the great Authority of the Pope, and the Feare which was had of him, can thinke this Reaſon as infirme.

Once there was a Time when the Popes claimed no ſuch Power as now they do, of Depoſing Princes at their Pleaſure, and Exerciſing both *Eccleſiaſtical* and *Temporal* Juriſdiction intirely themſelves, as if Kings were not of Divine Authority.

They

They then considered That a ***Regale Sacerdotium*** is really and truly accomplished, when both Priest and King act together in bringing their Subjects to a Knowledge of their Duty, and Directing them in the Path to Heaven.

p 75

And therefore it is that we see in the ***Imperial*** Lawe the Authoritie of the Prince and Priest are made Equal, when it is Decreed (s) ***That no man may remove a Body out of a Monument in the Church, without a Decree of the Priest or Commandment of the Prince.***

And indeed, in short, the Authoritie of the Emperors in Disposing of such Matters, and Direction in Matters of Doctrine, together with the Bishops, appeares abundantly out of all their Ancient Laws, and out of the Rescripts to Popes, and the Epistles of the Popes to them.

But scarce in any one thing doth the Care of Princes for the Welfare and Peace of the Church, and the Obsequiousness of Popes to them appeare more, than from the Letter of ***Pelagius*** the first (who was little above 550 Years from Christ) to ***Childebert*** King of France, in these Words (t): We must endeavour, for the

p 76

(s) Dig. Lib. 11. Tit. 7. Le. 8. Ossa.
(t) *Pelagius I.* Epist. 16. and 25. q. 1.

taking

taking away of all Scandal of Suſpicion, to preſent the Obſequiouſneſs of our Confeſſion, unto Kings, to whome the Holy Scriptures command even us to be Subject. For *Ruffinus*, Your Excellencies Ambaſſadour, asked from us Confidently, as became him, that either we ſhould ſignifie to You, That we did obſerve in all Points the Faith, which Leo had Deſcribed, or ſend a Confeſſion of our Faith in our own Words.

And according to this Great Authority and Reſpect, they received high Titles. The Lawe ſtiles the Emperor Sanctiſſimum *Imperatorem* (u). And his Privileges *Divinas Indulgentias* (w). *Juſtinian* in the Inſcription of one of his owne Lawes, inſerts amongſt his owne Titles, Semper adorandus Auguſtus (x). And *Theodoſius* and *Valentinian* in Favour of the *Chriſtian* Religion (y), *Ut ſciant omnes, quantum* Noſtra Divinitas *averſatur* Neſtorium. And it would be Endleſſe to Enumerate all. In a Word, They are ſuch as Diſcover that Emperors and Kings are of Divine Original, and therefore

p. 77

(u) Dig. Li. 31. Tit. 1. L. 87. Sect. *Imperator.*
(w) Cod. Li. 1. Tit. 1. L. 1. Tit. 15. Le. 3.
(x) Cod. L. 1. Ti. 15. Le. 3.,
(y) Cod. L. 1. Tit. 1. L. 3.

can-

cannot be Deposed *pro Arbitrio* unless they turn Enemies to God, and their Countrie, as Certainly Tyrants do.

But afterwards the Popes forsooke that Respect they formerly paid to them, and Ingrossed both *Ecclesiastical* and *Civil* Authority to themselves.

This Usurpation happened *first* when the *Lombards* and other Barbarous People Invading Italie had like to have taken away all the Pope's Temporal Estate: For then he sending to the Easterne Emperours for Relief; when he found his Intreaties were in vaine, he applyed himself to the *French*. *Stephen* the 3d especially made great Lamentations to *Pipin* and *Carloman* (z); as likewise did *Stephen* the 4th to the Sonnes of these Princes, whom at length he obtained to hearken to him. They therefore with their Power delivered *Italy* from the Infestation of the *Lombards*, and thereby the Pope beganne to cheare up, and to reprehend with some Bitternes, the Eastern Emperours; and not only reprehended them, but even Translated the Empire to the *French* for their good Service to him; And by this Means wanne so upon them that at length

p. 70

(z) Vid. Dr. *Donne's Pseudomartyr*. Lond. 1610. fol. in Pag. 58.

he

he gain'd ſole Authority both in *Spiritual* and *Temporal* Affairs, and they durſt not contradict him. Hence the Original of Depoſing Kings at Pleaſure. Now were continual Thunderbolts Iſſued forth against ſuch as Gainſaied his Power and Authority; but none more Abſolute herein than *Gregory* the 7th. concerning whome alone I ſhall note ſome Things relating hereto, as being more Directly to my Purpoſe, he living but little before King *Stephen's* Time. p. 79

This Pope therefore thought himſelf ſo much above all his Predeceſſors, or any other Bp. in the World, that he Augmented the Uſurpations which had been before his Time to ſuch a Degree; that none but Sonnes of *Belial* can think becoming a Man profeſſing Knowledge, and Worſhip of the only true God, much leſs one that pretends himſelf to be the greateſt Friend to Chriſt.

Before his Appearing, by Excommunication was intended onely *Spiritual Puniſhment*, unleſs ſome of the Popes made it reach further, as You may read in the foreſaid Dr *Donne*: And this Kind of Excommunication is now call'd *Excommunicatio Major*, and in the Canons *Anathema Maranatha*, the Denouncing of p. 80

 which,

which, and the Abſolving from it, was Acted with many Formalities, and Solemnities, and had many Ingredients, of Burning Tapers, and Diverſe Others, to which none could be Subjected without the Knowledge of the Arch-Bp: But *Gregory* extended Excommunication even to *Temporal Puniſhments*, and that in a more remarkable Manner than his Anceſtors: For by the Frequency of his Excommunications it appears they were all Cholerique, and not at all agreeable to the *Evangelical* Spirit; and the Poſtſcripts, ſaith Dr *Donne* (a) were worſe than the Body of the Letter; being Confiſcations, which his Predeceſſors, upon whoſe Actions, in this Caſe, he ſhould have relied, never exerciſed, being of a more mild and Chriſtian Diſpoſition, knowing that otherwiſe they had but ſmall Reaſon to affirme themſelves Chief Heads of the Church.

p 81

His Actions are the beſt Proofe to ſhewe the Abſoluteneſſe of the Authority to which he Pretended. *Firſt* he ſhewed it to the *French* King; and then to the Emperor.

To the Biſhops of *France* he writes (b) that their ~~King~~ *Philip* is not to be called

(a) *Pſeudomartyr.* pag. 66. (b) L. 2. Ep. 5.

King,

King, but a Tyrant, which by Perſwaſion of the Devil is become the Cauſe and the Head of all Miſchief: And that therefore they (the Biſhops) muſt endeavour to make a Change in him, and to ſhewe him, That he cannot Eſcape the Sword of Apoſtolique Animadverſion. And afterwards bidds them Depart from Communion with, and pay no Obedience to, him: And moreover that they ſhould forbid Divine Service throughout all France. And at length that if their Authority will not prevaile, he will interpoſe his owne, and endeavour to take his Kingdome from his Poſſeſſion. And in the ſame Tenour He writes to the Earl of *Poiſtou* (b) That if the King perſevere, both He and all which give Obedience to him, ſhall be ſequeſtred from the Communion of the Church, by a Councell to be held at Rome. This was the Mildneſs ſhewed to ſuch as had Eſtabliſhed, as I have ſaid, the Pope in his Temporalities; otherwiſe, perchance, he might have went a Begging, Yea worſe been ſent with Stones, by his Enemies, into the other World.

His Severity to the Emperor *Henry* appeares beſt from the Forme of his Ex-

(b) L. 1. 2. Ep. 18.

communication of him, *viz.* Contradico ei (c) I denie him the Government of all the Kingdome of Germany, and of Italy: and I absolve all Christians, from the Band of the Oath, which they have made to him, or shall make: And I forbid any Man to serve him as his King: for it is fit, That He which endeavours to Diminish the Honour of the Church should loose his owne Honour. And because he hath contemned to obey as a Christian, Participating with Excommunicated Persons, and Despising my Admonitions, and Separating himself from the Church, I tie him in Vinculo Anathematis.

In which Forme two Things are observable, besides *Excommunication* as taken in it's Proper sense, namely as it Extends to Spiritual Punishment onely, two Things; *first Confiscation*, in not suffering him to enjoy the Dominion of France, a Thing not heard of before: *Secondly*, his Absolution of the Subjects of all Oathes of Allegiance, which they have, or shall make to him.

This being done, he wrote an Epistle to a certaine Bishop, at his Request, to shewe that in this Action he had not

(c) *Binius.* To. 3. fo. 1282. A.

passed

passed the Bounds of his Power and Authority, the Contents whereof are ([d]),

*First*, that there are manie and most certaine Documents in the Scriptures of this Kind of Excommunication, of which he cites those which are ordinarily offered, as *Tu es Petrus*, and *Tibi dabo Claves*, and *Quodcunque ligaveris:* and then askes *whether Kings be excepted?* True Kings are not excepted; *but then*, saith Dr *Donne* ([e]) *This Proceeding against Kings is Excepted: That is, it is not Included in that Commission, as hath been Enough and Enough proved by Many.*

*Secondly*, he urges the Testimony of *Gelasius* a Pope, *That Priesthood is above Principality, and that the Bishoppe of Rome is the Chief Priest.* p. 85

*Thirdly*, he brings in Pope *Julius*, who expounding the Words, *Tibi Dabo Claves*, to certaine *Oriental* Bishops, saith, *shall not he that opens Heaven, judge of the Earth?*

*Fourthly*, he cites (though not as *Gregory's* words are) a Privilege graunted

(d) Li. 8. Ep. 21. Episcopo *Metenti.*
(e) Ubi Supra, p. 71.

by

by *Gregory* the First, to a Monasterie, and *Deprivation* from secular Dignity, and *Excommunication* to any that Infringe that Privilege. It is the Privilege of the Monasterie of St. *Medard.* In which *Deposition* is made to be the lesser Punishment, and to precede *Excommunication.* But *Gregory* is forced to make an Addition of the Word *Decrevit* in his Citation; a *Decree* presupposing Infallibility. But he that reads the Epistle itself will find that this *Deposition* and *Excommunication*, is only a *Comminatory Imprecation* to Deterre any from Infringing the said Privilege, and was commonly used in granting Privileges.

*Fifthly*, His next Reason why Princes may be Deposed by Priests, is taken from the Diversity of their *Beginning* and first *Institution*: For saith he, *Royal Dignity was found out and invented by Humane Pride, but Priests were intitled by the Divine Pietie.* And *who knows not that Kings had their Beginnings from those Men, who being Ignorant of God, and provoked by the Prince of the World, the Devil, through Pride, Rapine, Perfidiousnesse, Murder, and all Wickednesse, affected a Government over their Equalls, by a blind Ambition, and Intolerable Presumption?* *Sixthly*,

*Sixthly*, He brings in the Examples of *Innocent* who Excommunicated *Arcadius*, and of *Zacharye* who Deposed *Childerique*.

These Things being said by him in Favour of his Authority, in the *Seventh* Place he Reproaches and Debases the *State* and *Order* of Kings in a most Insufferable and Dreadful Manner, saying *That even Exorcists* (which is no Sacred Order) are Superiour to *Princes*. And his Reason why *Exorcists* are Superiour to *Princes* is, *That since they are above the Divell himself, much more are they superiour to those which are Subjects to the Divell, and Members of the Divell.* And at length saies further, Discoveringe his Rancoure and Malice in the highest Degree, *In regal Dignity very fewe are saved, and from the Beginning of the World till now, we find not one King equall in Sanctitie to Innumerable Religious Men. What King hath done any Miracles? To what King have Churches or Altars beene Erected? How many Kings are Saints? Whereas, onely in our Sea there are almost a Hundred.* p.07

The Popes therefore Pretending to such an Absolute Power and Authority, and their Inferiors easily submitting to them, well might the Nobles &c. submitt themselves to King *Stephen*, being ab-

solved

solved from the Oath he had taken to *Maud*, and they likewise assured by him, That they might do it very safely. For even the Pope then had as greate Power here as in other Parts. *Gregory* the VIIth of whome just nowe, shewing his Pride in a Remarkable Instance, by desiring King *William* the Conqueror to do Fealty for his Crowne, from whome nevertheless he received a Flat Denyal in these Words, in a Letter sent to him: (f)

*Excellentissimo Sanctæ Ecclesiæ Pastori* Gregorio, *Gratia Dei* Anglorum *Rex & Dux* Normannorum Willielmus *Salutem cum Amicitiâ.* Hubertus Legatus *tuus Religiose Pater, ad me veniens ex tua parte me admonuit, quatenus tibi & Successoribus tuis Fidelitatem facerem, & de Pecunia quam Antecessores mei ad* Romanam *Ecclesiam mittere solebant, melius cogitarem. Unum admisi. Fidelitatem facere nolui, nec volo, quia nec Ego promisi, nec Antecessores meos Antecessoribus tuis id fecisse comperio. Pecunia tribus ferme Annis* in Gallis *me agente, negligenter collecta est. Nunc vero Divinâ Misericordiâ me in Regnum meum reverso, quod collectum per præfatum Lega-*

(f) *MS. Codex Epistolar. Lanfranci* Cited by *Sr. John Davys* in his *Irish* Reports of *Præmunire* fol. 89. Fullers Ch. Hist. Cent. XI. Book. 3. p. 3.

*tum*

*tum mittitur; & quod reliquum est per Legatos* Lanfranci, *Archiepiscopi fidelis Nostri, cum opportunum fuerit, transmittetur. Orate pro Nobis, & pro statu Regni Nostri, quia Antecessores Vestros dileximus, & Vos præ Omnibus sincere diligere & obedienter audire desideramus.*

But the Kings after *William* gave him more Respect: And they never denyed him Power of Absolution in such Cases as this of *Stephen*, as had I Time, I could shew; For it is remark'd by our *Church Historians* that (g) The Papal Power in *England* went forward very much untill the Statute of *Mortmaine* was made in the Reigne of King *Edw.* I. That it went backward slowly when the Statute of Provisions was made *Anno Dom.* 1340. Regni *Edw.* III. 12. Swiftly when the Statute of *Præmunire* was made *Anno Dom.* 1393. Regni 16 *Rich.* II. And that it fell downe when the Papacy was Abolished in the Reign of K. *H.* 8th. p. 90

This Kind of Reasoning abundantly shewes how great Reason, according to the Principles of those Times, the *English* had to swear Allegiance to *Stephen*, their Antecedent Oaths to *Maud* notwithstanding.

(g) *Fuller* in his Church Hist. L. 3. Cent. XIII. p. 116.

And now I hope I have with the greateſt Clearneſs proved, I had almoſt ſaid Demonſtrated, That the Nobility and Communalty of England, Submitted to *Stephen* upon Principles of Reaſon and Juſtice, the *Common Good* of the Nation being the Chief Matter they depended upon.

The Reſult of all is this, That the *Common Good* of a Nation is *Principally* to be conſidered in an Oath, and that therefore it is not *Obligatory*, Provided it be inconſiſtent with it. For otherwiſe any one may take an Oath to another to ſtand by him in all Caſes, even to the Ruine, and Deſtruction of any Kingdome, and if he refuſes be ſtigmatized for a Perjured Perſon. But no one that pretends to any Thing of Skill in theſe matters will approve of ſuch Oaths as Binding. Nor can therefore thoſe Adverſaries to the Succeſſion of his preſent Majeſty, blame ſuch as have ſworne Allegiance to him, with any Shewe of Reaſon. They know very well in what a Condition the Kingdom was in at the Time of the Abdication. And that if King *James* had been permitted to have continued in his Actions, by this Time nothing but Tyranny had Reigned, the Proteſtant Religion utterly

p. 91

utterly Extirpated, and the Land flowed with Blood. Can any one therefore thinke that God had not an Eye over us, in Providing a Prince a Professed Enemie to Popery, to be our Deliverer from this Destruction hanging over our Heads? And what should we reject his Providence, and willingly involve ourselves in Ruine! Should we contrary to our Predecessors be such Pittiful Maintainers of our Lawes and Liberties? Certainly all Nations of any humanity, Yea the very *Romanists* themselves would have cryed out shame upon us. p. 92

Our Constitution is so Excellent that the Prince hath not such Absolute Authority as to impose what Lawes he pleases upon the People, nor on the other Hand is the Liberty of the People so unbounded as to command and force the King to what they please. No, there is a Due Power and Authority to both, every way becoming a strong Foundation. And therefore the King makes Lawes by the Consent of the People his Subjects. And this Kind of Dominion is called *Dominium Politicum & Regale*, in Contradistinction to the Dominion which a Tyraunt uses, called simply *Dominium Regale*. So that did our King Rule *Dominio Regali*, then

he might command us to what he Pleased,
p. 93 without our Consent first of all had, but as he rules by the former, *viz. Dominio Politico & Regali*, our Consent is prerequired. I shall here beg leave to Transcribe faithfully what the most Judicious and Learned *John Fortescue* Knt. in K. *Edw.* IVth's Time hath written concerning these two Dominions. He writes therefore in these Words (h).

Ther be ij kynds of Kyngdomys, of of the whiche that one ys a Lordschip, callid in Latyne *Dominium Regale*, and that other is callid, *Dominium Politicum & Regale:* And they Dyversen in that the first may Rule his People by such Lawys as he makyth hymself, and therefor he may set upon them Talys and other Impositions, such as he wyl hymself without their Assent. The Secund may not Rule hys People by other Lawys than such as thay assenten unto: And therefor he may set upon them non Impositions without their own Assent. This Dyversite is wele taught by Saynct *Thomas* in his Boke which he wrote *ad Regem*
p. 94

(h) In Tractatu quodam MS. cui Tit. The Difference betweene Dominium Regale & Dominium Politicum & Regale, in Bibliothecâ *Bodl.* inter MSS. *Ken. Digb.* Num. 145. Script. propria Manu *Adriani Fortescue* Mil. Anno Dom. 1532. Regni *H.* 8*vi.* 24°.

*Cypri*

*Cypri* De *Regimine Principum.* But yet it is more Opynly treatid in a Boke callid *Compendium Moralis Philosophia*, and sumwhat by *Gylys* in hys Boke *De Regimine Principum.* The Children of *Yſrael*, as ſaith Saynt *Thomas*, after that God had Choſyn them *in Populum Peculiarem & Regnum Sacerdotale* were Rulid by hym under Jugs *Regaliter & Politice*, unto the Tyme that they Deſyryd to have a Kyng, as than had al the Gentilys, which we cal Panyms, that had a Kyng, a man that Reynyd on them *Regaliter tantum.* With which Deſyer God was gretly offendyd, as wel for their folye, as for their Unkindneſs, that ſithen they had a Kyng, which was God that Reynyd upon them Polytykly and Royally, and yet would Chaunge hym for a Kyng, a verey Man, that would Reynge upon them Royally. And therefore God manaſyd them, and made them to be fearyd with Thonders and other ferefull thyngs from Heavyn. And whan they would not leve their foly the Deſyer, he chargyd the Prophete *Samuell* to Declare unto them the Lawe of ſuch a Kynge as thay askyd. Which amongs other thyngs ſaid that he would take from them their Londs and Goods, and Gyfe them to hys Servaunts. And

alſo

alſo ſet their Childern in his Works and Labours, and do to them ſuch other many harmefull thyngs as in the VIIIth Chapyter of the firſt Boke of Kyngs it may appere, wheras before that tyme while thay were Rulyd onely by God Royally and Polytykly under Jugs hyt was not lefull to any Man for to take from them any of theyr Goods, or to greve their Childern, that had not offendyd. Wherby it may Appere that in thooſe Days *Regimen Politicum & Regale* was Dyſtwyngwyd *à Regimine tantum Regale.* And that it was better to the People to be Rulyd Polytykly and Royally, than to be Rulyd onely Royally. Saynt *Thomas* alſo in his ſayd Boke prayſeth moche *Dominium* Politicum & Regale, bycauſe the Prynce that Reynith by ſuch Lordſchip may not frely fall into Tyranny, as may the Prince that Reynith *Regaliter tantum.* And yet thay both ar equal in Aſtate and Power, as it may lightly be ſchewyd and provyd by Infallible Reaſons.

The

## The Title of the Second §. p. 96

### *Wy one Kyng Reynith* Regaliter tantum, *and another Reynith* Politice & Regaliter.

HYT may peraventure be Mervelid by ſome Men, why one Realme is a Lordſchip onely Royal, and the Prince therof Rulyth yt by hys Lawe callid *Jus Regale*; And another Kyngdome is a Lordſchippe Royal and Politike, and the Prince therof Rulyth by a Lawe callid *Jus Politicum & Regale*, Sythen theſ 2 Princes both of Egal Aſtate. To this Dowte it may be anſweryd in this Manner. The firſt Inſtitution of theſ twoo Realmys upon the Incorporation of them is the Cauſe of thys Dyverſite. Whan *Nembroth* by Might for hys owne Glorye made and incorporate the fyrſt Realme and ſubduyd it to hymſelf by Tyrannye he would not have it governyd by any other Rule or Lawe, but by his own Will, by which and for thaccomplishment therof he made it. And therfor though he had thus made a Realme, Holy Scripture Deny'd to cal hym a Kyng, Quia Rex dici- p. 97

dicitur à Regendo. Whych thyng he dyd not, but oppressyd the People by Might, and therfor he was a Tyraunt, and callid *Primus Tyrannorum.* But Holy Writt callith hym Robustus Venator coram Deo. For as the Huntar takyth the Wyld Beste for to Sclee, and Eate hym; So *Nembroth* subduyd to hym the People with Might to have their Service and their Goods usyng upon them the Lordschip that is callid *Dominium Regale tantum.*

After hym *Belus* that was callid first a King, and after hym his Sone *Nynus*, and aftir hym other Panyms, thay by Example of *Nembroth* made them Realmys, would not have them Rulid by other Lawys than by their own Wills, which Lawys ben Right good under Good Princes. And their Kyngdom's are then most resemblyd to the Kingdom of God, whych Reynith upon Man Rulying hym by his own Wyll. Wherfor many Christyn Princes usen the same Lawe. And therfor it is that the Lawys Sayen *Quod Principi placuit Legis habet vigorem.* And thus I suppose first beganne in Realmys *Dominium tantum Regale.* But afterward whan Mankynd was more Mansuete and better disposyd to Vertue, Grete Communalties, as was the Felischip that came

p. 90

into

into this Lond with *Brute*, wyllyng to be unyed and made a Body Politike callid a Realme havyng an Heede to Governe yt, as after the ſaying of the Philoſopher, Every Communaltie unyed of many parts muſt needs have an Heede; than thay Choſe the ſame *Brute* to be their Heed and Kyng. And thay and he upon this Incorporation, Inſtitution and Ownyng of themſelf into a Realme, ordeyned the ſame Realme ſo to be Rulyd and Juſtyfyd by ſuch Lawys, as thay would aſſent unto. Whiche Lawe therfor ys callid *Politicum*. And by cauſe it is mynyſtrid by a Kyng it is callid *Regale*, *Politica dicitur & Polos, quod eſt Plures, & Ycos, ſcientia, quo Regimen Politicum dicitur Regimen plurium ſcientia ſive conſilio miniſtratum.* The Kyng of *Scotts* Reynith upon hys People by this Lawe, videlicet *Regimine Politico & Regali:* And, as *Diodorus Syculus* ſaith in hys Boke *De Priſtinis Hiſtorijs*, The Realme of Egypt is Rulid by the ſame Lawe and therfor the Kyng therof Chaungith not hys Lawes without the Aſſent of hys People. And in like fourme, as he ſaith, is Rulyd the Kyngdom of *Saba* in *Felici Arabia*. And the Lond of *Libie* and alſo the more parte of all the Realmys in *Affrike*. Whych maner of Rule and Lordſchip the ſaid *Dyodorus* in

p. 99

p. 100 that Boke prayſith gretely; For yt ys not onely good for hys People that Receyve therby ſuch Juſtice as they Deſyer themſelf. Now, as me ſemyth, it ys ſchewyd opynly ynowgh, why one Kyng Rulith and Reynith on hys People *Dominio tantum Regali*, and that another Reynith *Dominio Politico & Regali*. For that one Kyngdome beganne of and by the Might of the Prince, and that other beganne by the Deſyer and Inſtitution of the People of the ſame Prince.

The Title of the Third §.

## Hereafter be Schewyd the Frutes of *Jus Regale*, and the Frutes of *Jus Politicum & Regale*.

AND how ſo be it, that the *French* Kyng Reynith upon his People *Dominio Regali*, yet Sainct *Lewis* Sumtime Kyng ther, ne any of his Progenytors ſett never Tayls or other Impoſitions upon the People of that Lond, without the Aſſent of the 3 Aſtatts, which whan thay be aſſemblid are like to the Courte of Parlement in Englond. And this Order kepte many of hys Succeſſors untill late Days that the 3 Aſtats durſt not come togeders. And than for that Cauſe and for grete Neceſſite which the *French* Kyng had of Goods for the De-

p. 101

Defence of the Lond, he toke upon hym to ſet Tayls, and other Impoſitions upon the Comons without the Aſſent of the 3 Aſtatts, but yet he would nott ſett any ſuch Chargs, nor hath ſett upon the Nobles for feare of Rebellioun. And by cauſe the Comons though thay have grutchid, have not Rebellid, or be hardy to Rebell, the French King's Have Yerly ſythen ſett ſuch Chargs upon them, and ſo Augmentid the ſame Chargis, as the Commons be ſo Impoveriſchid and Deſtroyyd that they may unneth Lyre. Thay Drynke Water, thay Eate Apples with Bread ryght Browne made of Rye. Thay Eate no Fleſche but if it be ſelden, a littil Larde of the Entrayls or Heeds of Beſts ſclayne for the Nobles and Merchaunts of the Lond. Thay weryn no Wollyn, but if it be a Pore Cote under their uttermoſt Garment made of Grete Canvas, and cal it a Frok. Their Hoſyn be of like Canvas, and paſſen not their Knee. Wherfor thay be gartrid, and their Thyes bare. Their Wyfs and Childern gone barefoot, thay may in non otherwyſe lyve. For ſum of them that was wont to pay to his Lord for his Tenement, which he hyrith by the Yere a Scute, payyth now to the Kyng over that Scute, fyve Skuts. Wherthrugh thay be

p. 102

artyd by neceſſyte ſo to Watche, Labour and Grubbe in the Ground for their Suſtenaunce, that their Nature is much Waſtid and the Kynd of them brought to nowght. Thay gone Crokyd, and ar feble, not able to fyght nor to Defend the Realme, nor thay have Wepon nor Monye to bye them Wepon withal but verely thay lyvin in the moſt Extreme Povertie and Myſerye, and yet thay Dwellyn in one the moſt Fertile Realme of the World. Wherthrugh the *French* Kyng hath not p. 103 Men of his owne Realme able to Defend it, except his Nobles, which beryn no ſuch Impoſitions. And therefore thay are Ryght likely of their bods, by ſuch Cauſe the ſaid Kyng is Compellid to make hys Armys, and Retennys for the Defence of his Land of Straungers, as *Scotts*, *Spanyards*, *Arragonars*, Men of *Almayn*, and of other Nations, els al his Ennymyes might Overrenne hym. For he hath no Defence of his owne, Excepte his Caſtells and Fortraſis. Loo this the Frute of hys *Jus Regale*. Yff the Realme of Englond which ys an Yle, and therfor may not lightly gett ſocours of other Londs, wer Rulid under ſuch a Lawe and under ſuch a Prince, it would be than a Pray to al other Nations that would Conquere, Robbe and Devoure yt, which was wel

provyd

provyd in the Tyme of the *Brytons*, whan the *Scotts* and the Pyctes so bette and Oppressyd this Lond, that the People therof sought helpe of the *Romaynes*, to whome thay had byn Tributorye. And whan thay would not be Defendyd by them, the sought helpe of the Duke of Britaine, then callid *Little Britayne*, and grauntyd therfor to make hys Brother *Constantine* their Kyng. And so he was made Kyng here and Rayned many Yers, and his Childerne after hym off wych Grete *Arthure* was one of their Issue. But, blessid be God this Lond ys Rulid under better Lawe, and therfor the People therof be not in such Penurye, nor therby hurt in their Persons, but they be Welthye and have al thyngs necessarye to the Sustenaunce of Nature. Wherfore thay be Myghty and able to resyste the Adversarijs of the Realme, and to bett other Realmes that do or will do them wrong. Loo this is the Frute of Jus *Politicum & Regale*, under which we lyve.

This Greate Man hath handled, You see, this Matter so Judiciously, that it were vaine for me to say any thing more of *Dominium Regale & Politicum* under which we live. For, You see, he hath Demonstrably proved how the King cannot give Lawes without the Consent of his

his People, and that if he could it were to the Ruine of our Nation.

Now ſince King *James* broke his Oath, by which he was Obliged to Protect and Defend his Subjects, can any one of reaſon thinke his Subjects Obliged by their Oath to Maintaine him on his Throne, which would be their certaine Deſtruction?

A good Sentence meet wee in *Caxton*'s Booke of Armes, in theſe Words (i), if rightly weighed, not aliene to our purpoſe:

Prynces Soverayne for none other thynge were eſtablyſhed but for to doo Ryght to every of their Subgettis that ſhold be oppreſſid for ony Extorſion, and for to defende and kepe them lyke as the Good Sheppard Expoſeth his Lyf for hys Sheep, and therfore oweth the Subgette to Reſorte to the Lorde as to hys Refuge whan ony Grief is doone to hym, and the Good Lorde ſchal take his Armes for hym yf it be nede, that ys to ſaye ſchal helpe with his Power to kepe hys Good Right be it by waye of Juſtyce or by Execution of Armes.

And indeed, if the King be intruſted with the Defence of the Realme, as indeed he is, then it is ſaid That (k) *In-*

(i) Ch. 3. (k) *Hill.* 20. *E.* 1. B. R. Ro. 14. *Ruſhworth's Collections* Part. 2. p. 501.

*cumbit*

*cumbit Domino Regi Salvatio sibi Commiss.* And That *per Juramentum est astrictus ad providendum Salvationem Regni circumquaque.*

Allegiance is an Act of Reciprocation: For as it binds the Subjects to Tribute and Subjection, So therefore must it the King to the Charge of Protection, by the Expence of those; *Rex ad Tutelam Legis, Corporum & Bonorum erectus*, saith *Fortescue.* And in the Great Case between the Earles of Hereford and Glocester (m), it is said, That *Dominus Rex est omnibus & singulis de Regno suo Justitiæ Debitor.* p. 107

I suppose therefore that by what I have said, Sir, You are satisfied, at least ought to be, That the Jurors to His Majesty that now is are farre from Entertaining Disloyal Principles.

You may, perhaps, think me an *Antimonarchist*, And that I have been Guided very much by Mr. *Tyrrel's* History. But I declare unto You that I am the quite contrary, and am a Professed Enemy to all such as Indulge *Antimonarchical* Principles: And that I am so farre from approveing Mr *Tyrrel's* Booke, that I really believe all he hath said about Election hath but a weake Foundation; the strongest his

(m) *Hill* ubi Supra.

owne

owne Opinions. Sure I am, That he would have Quitted himself more to his Credit, had he not receded from the Sentiments of such as wrote before him, I meane the Chiefest who held that our *Monarchie* is much Ancienter than Mr. *Tyrrel* makes it. But here's the Case: Mr. *Tyrrel* is Resolved to be Partial, and to Demonstrate to the World what Great Errors he hath Rectified. But so it is, That he is in this whole Worke so Erroneous himself, that he wants a Weeder to come after him. And indeed he that shall undertake to Weed or Purge the Faults from it, will have a very Tiresome Piece of Worke: because for the most parte he drawes Authors to be of His Opinion, notwithstanding he knowes they are of the Contrary. But I shall put a Stop here, (having been more Tedious than at first I intended) and assure You that I am,

SIR,

*Your Faithfull and*

*Humble Servant*

Scripsi Aulæ
Sti *Edm. Oxon.*
*Jun.* 11°. 1700.

THO. HEARNE.

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