

LORD BACON'S WORKS.

VOLUME THE SIXTEENTH.

PART II.

CONTAINING

LIFE OF BACON AND NOTES.

Bacon, Francis

810

THE WORKS

OF

FRANCIS BACON,

Lord Chancellor of England.

A NEW EDITION:

BY

BASIL MONTAGU, ESQ.

VOL. XVI.

PART THE SECOND.

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The foundation position is, that "All tangible bodies contain a spirit enveloped with the grosser body. There is no known body, in the upper parts of the earth, without its spirit, whether it be generated by the attenuating and concocting power of the celestial warmth, or otherwise; for the pores of tangible bodies are not a vacuum, but either contain air, or the peculiar spirit of the substance; and this not a vis, an energy, or a fiction, but a real, subtile, and invisible, and, therefore, neglected body, circumscribed by place and dimension." (a)

All bodies
have a
spirit.

This doctrine is thus stated in the Excursion :

"To every form of being is assigned
An *active* principle, howe'er removed
From sense and observation; it subsists
In all things, in all natures, in the stars
Of azure heaven, the unenduring clouds,
In flower and tree, and every pebbly stone
That paves the brooks, the stationary rocks,
The moving waters, and the invisible air.
Whate'er exists hath properties that spread
Beyond itself, communicating good,
A simple blessing or with evil mixed:
Spirit that knows no insulated spot,
No chasm, no solitude: from link to link
It circulates, the soul of all the worlds." (b)

(a) "The knowledge of man (hitherto) hath been determined by the view or sight; so that whatsoever is invisible, either in respect of the fineness of the body itself, or the smallness of the parts, or of the subtilty of the motion, is little inquired. The spirits, or pneumatics, that are in all tangible bodies, are scarce known. Sometimes they take them for vacuum; whereas they are the most active of bodies. Sometimes they take them for air; from which they differ exceedingly, as much as wine from water, and as wood from earth. Sometimes they will have them to be natural heat, or a portion of the element of fire; whereas some of them are crude and cold. And sometimes they will have them to be the virtues and qualities of the tangible parts, which they see; whereas they are things by themselves, and then, when they come to plants and living creatures, they call

(b) Excursion, B. 9. See note (a), next page.

As another specimen, the mode of explaining the condensation of spirit by *flight* may be selected.

Flight.

The spirit, he says, is condensed by flight,—cold,—appeasing, and quelling. The condensation by *flight* is when there is an antipathy between the spirit and the body upon which it acts; as, in opium, which is so exceedingly powerful in condensing the spirit, that a grain will tranquillize the nerves, and by a few grains they may be so compressed as to be irrecoverable. The touched spirit may retreat into its shell for a time or for ever; or it may, when fainting, be recalled, by the application of a stimulant, as surprise from a sudden impulse; a blow, or a glass of water thrown on the face; or the prick of a pin, or the action of mind on mind.

“ I am not sick, if Brutus have in hand
Any exploit worthy the name of honour.”

Death.

As another specimen, his sentiments upon Death, the decomposition of compounds, may be selected.

In his doctrine of motion, he says, “ The political motion is that by which the parts of a body are restrained, from their own immediate appetites or tendencies to unite in such a state as may preserve the existence of the whole body. Thus, the spirit, which exists in all living bodies, keeps all the parts in due subjection; when it escapes, the body decomposes, or the similar parts unite—as

them souls. And such superficial speculations they have; like prospectives, that shew things inward, when they are but paintings.”—*Sylva*, Exp. 98.

(a) Principio cœlum, ac terras, camposq; liquentes,
Lucentemq; globum lunæ, Titaniaq; astra,
Spiritus intus alit totamq; infusa per artus
Mens agitat molem, et magno se corpore miscet.—*Æneid*.

Plato's doctrine, respecting the “ *Anima Mundi*,” or soul of the world, pervading and vivifying all created things, see Berkeley's *Sins*, p. 133, and Mandeville on Hypochondriacism.

metals rust, fluids turn sour; and, in animals, when the spirit which held the parts together escapes, all things are dissolved, and return to their own natures or principles: the oily parts to themselves, the aqueous to themselves, &c. upon which necessarily ensues that odour, that unctuousity, that confusion of parts, observable in putrefaction." So true is it, that in nature all is beauty; that, notwithstanding our partial views and distressing associations, the forms of death, misshapen as we suppose them, are but the tendencies to union in similar natures.

The knowledge of this science Bacon considers of the utmost importance to our well being:—that the action of the spirit is the cause of consumption and dissolution;—is the agent which produces all bodily and mental effects;—influences the will in the production of all animal motions, as in the whale and the elephant;—and is the cause of all our cheerfulness or melancholy:—that the perfection of our being consists, in the proper portion of this spirit properly animated, or the proper portion of excitability properly excited;—that its presence is life, its absence death.

This subject, deemed of such importance by Bacon, has been much neglected, and occasionally been supposed to be a mere creature of the imagination. (a)

(a) Shaw, in his edition of Bacon says, "The whole of this inquiry still remains strangely neglected, to the great disadvantage of natural philosophy, which seems almost a dead thing without it."

Dugald Stuart, in his dissertation, says, "If on some occasions, he assumes the existence of animal spirits, as the medium of communication between soul and body, it must be remembered that this was then the universal belief of the learned; and that it was at a much later period not less confidently avowed by Locke. Nor ought it to be overlooked (I mention it to the credit of both authors), that in such instances the fact is commonly so stated, as to render it easy for the reader to detach it from the theory. As to the scholastic questions concerning the nature and essence of mind,—whether it be extended or unextended? whether it have any relation to space or to time? or whether (as was contended by others)

Although the History of Life and Death is apparently a separate tract, it is the last portion of the third of the six books into which the third part of the Instauration is divided, (a) which are the histories of

- 1st. The Winds.
- 2nd. Density and Rarity.
- 3rd. Heavy and Light.
- 4th. Sympathy and Antipathy.
- 5th. Sulphur, Mercury, and Salt.
- 6th. Life and Death.

His reason for the publication of this tract, he thus states: "Although I had ranked the History of Life and Death as the last among my six monthly designations; yet I have thought fit, in respect of the prime use thereof, in which the least loss of time ought to be esteemed precious, to invert that order."

The History, which was published in Latin, is inscribed "To the present age and posterity, in the hope and wish that it may conduce to a common good, and that the nobler sort of physicians will advance their thoughts, and not employ their times wholly in the sordidness of cures, neither be honoured for necessity only, but that they will become coadjutors and instruments of the divine omnipotence and clemency in prolonging and renewing the life of man, by safe, and convenient, and civil ways, though hitherto unassayed."

it exist in every ubi, but in no place? Bacon has uniformly passed them over with silent contempt; and has probably contributed not less effectually to bring them into general discredit, by this indirect intimation of his own opinion, than if he had descended to the ungrateful task of exposing their absurdity."

(a) The two first, the Division of the Sciences and the Novum Organum, have already been explained, ante, p. cxxxv and cclxvii.

This was the last of his philosophical publications during his life; but they were only a small portion of his labours, which are thus recorded by Dr. Rawley:—"The last five years of his life, being withdrawn from civil affairs and from an active life, he employed wholly in contemplation and studies: a thing whereof his lordship would often speak during his active life, as if he affected to die in the shadow, and not in the light. During this time he composed the greatest part of his books and writings, both in English and Latin, which I will enumerate, as near as I can, in the just order wherein they were written.

- The History of the Reign of King Henry the Seventh. (*b*) Works after his retirement.
 Abecedarium Naturæ; or a Metaphysical Piece. (*c*)
 Historia Ventorum. (*d*)
 Historia Vitæ et Mortis. (*e*)
 Historia Densi, et Rari. (*f*)
 Historia Gravis et Levis.
 A discourse of a War with Spain. (*h*)
 A dialogue touching an Holy War. (*i*)
 The fable of the New Atlantis. (*k*)
 A preface to a Digest of the Laws of England. (*l*)
 The beginning of the History of the Reign of King Henry the Eighth. (*m*)
 De Augustis Scientiarum; (*n*) or the Advancement of Learning: put into Latin, with several enrichments and enlargements.
 Counsels, civil and moral; or his book of Essays, likewise enriched and enlarged. (*o*)

(*b*) Vol. iii. p. 100.

(*d*) Vol. x. p. 15.

(*f*) Vol. x. p. 381.

(*i*) Vol. vii. p. 118.

(*l*) Vol. iii. p. 353.

(*n*) Vols. viii. and ix.

(*c*) Vol. xi. p. 219.

(*e*) Vol. x. p. 111.

(*h*) Vol. vii. p. 237.

(*k*) Vol. ii. p. 319.

(*m*) Vol. iii. p. 418.

(*o*) Vol. i.

The conversion of certain Psalms into English verse. (*p*)

The translation into Latin of the History of King Henry the Seventh; of the Counsels, civil and moral; (*r*) of the dialogue of the Holy War; (*s*) of the fable of the New Atlantis: (*t*) for the benefit of other nations.

His revising of his book *De Sapientia Veterum*. (*u*)

Inquisitio de Magnete. (*x*)

Topica Inquisitionis; de Luce, et Lumine. (*y*)

Lastly, *Sylva Sylvarum*; or the Natural History. (*z*)

“He also designed, upon the motion and invitation of his late majesty, to have written the Reign of King Henry the Eighth; (*a*) but that work perished in the designation merely, God not lending him life to proceed further upon it than only in one morning’s work: whereof there is extant an *Ex Ungue Leonem*.”

Such were his works during the short period, when between sixty and seventy years of age, he, fortunately for himself and society, was thrown from active into contemplative life; into that philosophical seclusion, where he might turn from calumny, from the slanders of his enemies, to the admiration of all civilized Europe; from political rancour and threats of assassination to the peaceful safety of sequestered life; from the hollow compacts which politicians call union, formed by expediency and dissolved at the first touch of interest, to the enduring joys of intellectual and virtuous friendship and the consolations of piety. (*b*)

(*p*) Vol. vii. p. 98.

(*r*) Vol. xv.

(*s*) Vol. vii.

(*t*) Vol. ii.

(*u*) Vol. iii.

(*x*) Vol. xi. p. 227.

(*y*) Vol. x. p. 440.

(*z*) Vol. iv.

(*a*) Vol. iii. p. 418.

(*b*) Such are the joys of active intellectual seclusion. “Si Descartes eut quelques foiblesses de l’humanité, il eut aussi les principales vertus du philosophe. Sobre, tempérent, ami de la liberté et de la retraite, reconnoissant liberal, sensible à l’amitié, tendre, compatissant, il ne connoissoit

These blessings he now enjoyed. Eminent foreigners crossed the seas on purpose to see and discourse with him. (a)

Gondomar, who was in Spain, wrote to express his regard and respect, with lamentations that his public duties prevented his immediate attendance upon him in England. (b)

When the Marquis d'Effiat accompanied the Princess Henrietta-Maria, wife to Charles the First, to England, he visited Lord Bacon; who, being then sick in bed, received him with the curtains drawn. "You resemble

que les passions douces et savoit résister aux violentes. 'Quand on me fait offense,' disoit-il, 'je tâche d'élever mon ame si haut, que l'offense ne parvienne pas jusqu'à elle.' L'ambition ne l'agita pas plus que la vengeance. Il disoit, comme Ovide, 'Vivre caché, c'est vivre heureux.'—Newton étoit doux, tranquille, modeste, simple, affable, toujours de niveau avec tout le monde, il ne se démentit point pendant le cours de sa longue et brillante carrière. Il auroit mieux aimé être inconnu, que de voir le calme de sa vie troublé par ces orages littéraires, que l'esprit et la science attirent à ceux qui cherchent trop la gloire. 'Je me reprocherois,' disoit-il, 'mon imprudence, de perdre une chose aussi réelle que le repos, pour courir après un ombre.'"

(a) Rawley.

(b) See his correspondence with Gondomar, vol. xii. pp. 407-8, 441, 443. The following is a translation from a Spanish letter of Gondomar:

"Most illustrious Sir,—Having received so many kindnesses and good wishes from your illustrious lordship in your prosperity, I deem it one of my greatest misfortunes my not being able to serve you as duty and gratitude require of me now you are in adversity. Still greater is my misfortune, since my presence here is now useless; for much as I have desired to express all I feel, and to salute you personally, I am constrained to refrain therefrom, lest I should give you offence, and this I assure you has occasioned me much grief, not being able to do all I would wish. Nevertheless I will do all that I can, and if your lordship judges the intercession of the King my master with his majesty the King of Great Britain can be of any service to your affairs, I will represent the same to him, fully assured that his Catholic majesty will interpose with much pleasure. I shall always be devotedly at the service of your lordship, and praying God to preserve you many happy years. The COUNT DE GONDOMAR."

"June 14, 1621."

the angels," said that minister to him: "we hear those beings continually talked of, we believe them superior to mankind, and we never have the consolation to see them." "Your kindness," he answered, "may compare me to an angel, but my infirmities tell me that I am a man." In this interview a friendship originated which continued during their lives, and is recorded in his will, where amongst his legacies to his friends, he says, "I give unto the right honourable my worthy friend, the Marquis Fiatt, late lord ambassador of France, my books of orisons or psalms curiously rhymed." As a parent he wrote to the marquis, who esteemed it to be the greatest honour conferred upon him to be called his son. He caused his *Essays* and treatise *De Augmentis* to be translated into French; and, with the affectionate enthusiasm of youth, upon his return to France, requested and obtained his portrait. (*a*)

Julius
Cæsar.

His friendship with Sir Julius Cæsar, Master of the Rolls, continued to his death. (*b*)

(*a*) Rawley.

(*b*) "Sir Julius Cæsar (Master of the Rolls) sent to his lordship in his necessity an hundred pounds for a present."—Aubrey.

Life of Cæsar, p. 31.—"To recur to the private life of Sir Julius Cæsar; his love of domestic society, his affection for his younger progeny, and the necessity of female superintendence to the economy of an enlarged household establishment, combined to induce him, though now somewhat advanced in years, to take a third wife. On the 19th of April, 1615, he was married at the Rolls Chapel to Mrs. Anne Hungate, a widow, of an age not unsuitable to his own. She was a daughter of Henry Wodehouse, of Waxham in Norfolk, Esq. by Anne, one of the daughters of Sir Nicholas Bacon, Lord Keeper of the Great Seal, and had been first married to William Hungate, of East Bradenham in Norfolk, Esq. Her hand was given to Sir Julius Cæsar at the nuptial ceremony by her uncle, the great Sir Francis Bacon, then Attorney General, and the friendship which had long subsisted between these two eminent persons was strengthened and confirmed by this marriage. He found an asylum in the bosoms of his nephew and niece; composed many of his immortal works in an utter retirement in the house of Sir Julius Cæsar, and expired in his arms."

Selden, the chief of learned men reputed in this land, ^(a) Selden. expressed his respect, with the assurance that “never was any man more willing or ready to do your lordship’s service than myself.” ^(b)

Ben Jonson, not in general too profuse of praise, says, ^{Ben Jonson.} “My conceit of his person was never increased toward him by his place or honours; but I have and do reverence him for the greatness that was only proper to himself, in that he seemed to me ever by his works one of the greatest men, and most worthy of admiration that had been in many ages: in his adversity, I ever prayed that God would give him strength, for greatness he could not want; neither could I condole in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest.” ^(c)

Sir Thomas Meautys stood by him to his death with a ^{Meautys.} firmness and love which does honour to him and to human nature.

His exclusion from the verge of the court had long ^{1624.} been remitted; and, in the beginning of the year 1624, the ^{Æt. 64.} whole of the parliamentary sentence ^(d) was pardoned, ^{Pardon.}

(a) So described by Milton in his speech for the liberty of unlicensed printing.

(b) See vol. xii. p. 421.

(c) Under woods.

(d) To the Earl of Oxford.

My very good Lord,—Let me be an humble suitor to your lordship, for your noble favour. I would be glad to receive my writ this parliament, that I may not die in dishonour; but by no means, except it should be with the love and consent of my lords to re-admit me, if their lordships vouchsafe to think me worthy of their company; or, if they think that which I have suffered now these three years, in loss of place, in loss of means, and in loss of liberty for a great time, to be a sufficient expiation for my faults, whereby I may now seem in their eyes to be a fit subject of their grace, as I have been before of their justice. My good lord, the good which the commonwealth might reap of my suffering is already in. Justice is done; an example is made for reformation; the authority of the

by a warrant which stated that, "calling to mind the former good services of the Lord St. Albans, and how well and profitably he hath spent his time since his trouble, we are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare, for our signature, a bill containing a pardon of the whole sentence." (a)

house for judicature is established. There can be no farther use of my misery; perhaps some little may be of my service; for, I hope, I shall be found a man humbled as a Christian, though not dejected as a worldling. I have great opinion of your lordship's power, and great hope, for many reasons, of your favour, which if I may obtain, I can say no more, but nobleness is ever requited in itself; and God, whose special favour in my afflictions I have manifestly found to my comfort, will, I trust, be my paymaster of that, which cannot be requited by

Your Lordship's affectionate humble servant, &c.

Sir Francis Bacon to the King, about the Pardon of the Parliament's Sentence.

Most gracious and dread Sovereign,—I desire not from your majesty means, nor place, nor employment, but only, after so long a time of expiation, a complete and total remission of the sentence of the upper house, to the end that blot of ignominy may be removed from me, and from my memory with posterity, that I die not a condemned man, but may be to your majesty, as I am to God, "nova creatura."

(a) To our trusty and well beloved Thomas Coventry, our Attorney General.

Trusty and well beloved, we greet you well: Whereas our right trusty and right well beloved cousin, the Viscount of St. Alban, upon a sentence given in the upper house of parliament full three years since, and more, hath endured loss of his place, imprisonment, and confinement also for a great time, which may suffice for the satisfaction of justice and example to others: we being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his trouble, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and

This was one of the last of the King's acts, who thus faithfully performed, to the extent of his ability, all his promises. He died at Theobalds, on the 27th of March, 1625. (a)

A. D.
1625.
Æt. 65.
Death of
James.

His lordship was summoned to parliament in the succeeding reign, but was prevented, by his infirmities, from again taking his seat as a peer.

Though Lord Bacon's constitution had never been strong, his temperance and management of his health seemed to promise old age, which his unbounded knowledge and leisure for speculation could not fail to render useful to the world and glorious to himself. The retirement, which in all the distractions of politics refreshed and consoled him, was once more his own, and nature, whom he worshipped, spread her vast untrodden fields before him, where with science as his handmaid he might wander at his will; but the expectations of the learned world and the hopes of his devoted friends were all blighted by a perceptible decay of his health and strength in the beginning of the sickly year of 1625.

Decline of
his health.

During this year his publications were limited to a new edition of his *Essays*, (b) a small volume of *Apothegms*, (c)

Apo-
thegms.

disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare, for our signature, a bill containing a pardon, in due form of law, of the whole sentence; for which this shall be your sufficient warrant

(a) See an interesting account of his death in Hacket's *Life of Williams*.

(b) The particulars of this edition have been already explained.—See note 3 I.

(c) Bacon's *Apothegms* are either, 1st. In this his own publication. 2ndly. A few in the *Baconiana*. 3rdly. A few in *Aubrey*. Of the *Apothegms* published in 1625 the following is the preface by Lord Bacon:—“Julius Cæsar did write a collection of apophthegms, as appears in an epistle of Cicero. I need say no more for the worth of a writing of that nature. It is pity his book is lost; for I imagine they were collected with

the production, as a recreation in sickness, of a morning's dictation, and a translation of a few of the Psalms of

judgment and choice, whereas that of Plutarch and Stobæus, and much more the modern ones, draw much of the dregs. Certainly they are of excellent use: they are *Mucrones Verborum*, pointed speeches. Cicero prettily calls them *salinas*, salt pits, that you may extract salt out of, and sprinkle it where you will. They serve to be interlaced in continued speech: they serve to be recited upon occasion of themselves: they serve, if you take out the kernel of them, and make them your own. I have for my recreation in my sickness fanned the old; not omitting any because they are vulgar (for many vulgar ones are excellent good), nor for the meanness of the person, but because they are dull and flat, and added many new that otherwise would have died."

In his tract on history in the *Advancement of Learning*, Bacon says, "There are appendices of history conversant about the words of men, as history itself about the deeds: the partitions thereof into Orations, Letters, and Apophthegms."

Archbishop Tension, in his *Baconiana*, page 47, says, "The Apophthegms (of which the first is the best edition) were (what he saith also of his *Essays*) but as the recreations of his other studies. They were dictated one morning out of his memory; and if they seem to any a birth too inconsiderable for the brain of so great a man, they may think with themselves how little a time he went with it, and from thence make some allowance." He occasionally made great use of these Apophthegms, as may be seen by comparing Apophthegms 251, page 403, with the same anecdote as incorporated in the *Advancement of Learning*, vol. ii. page 224.

The different editions are:—1st edition. The title page "Apophthegmes, New and Old, collated by the Right Honorable Francis I.O. Verulam, Viscount St. Alban. London, printed for Hanna Barret and Richard Whittaker, and are to be sold at the King's Head in Paul's Church, 1625." 12mo. 307 pages, and 280 Apophthegms. This Tension, in the *Baconiana*, p. 47, says is the best edition.

2nd. In 1658 an edition was published. Here are 184 Apophthegms of Bacon: it is a 12mo. This seems to have been reprinted in 1669. I have never seen a copy; but the following is from the *Baconiana*, where Tension says, "His lordship hath received much injury by late editions, of which some have much enlarged, but not at all enriched the collection; stuffing it with tales and sayings, too infacetious for a ploughman's chimney corner. And particularly, in the collection not long since published, and called the Apophthegms of King James, King Charles, the Marquess of Worcester, the Lord Bacon, and Sir Thomas Moor; his lordship is dealt with very rudely. For besides the addition of insipid

David into English verse, (*a*) which he dedicated to a *Psalm*.
divine and poet, his friend, the learned and religious
George Herbert. (*b*) This was the last exercise, in the

tales, there are some put in which are beastly and immoral: such as were fitter to have been joined to Aretine, or Aloysia, than to have polluted the chaste labours of the Baron of Verulam."

3rd. In 1661 an edition of the *Apothegms* was published in the 2nd edition of the *Resuscitatio*. It consists only of 249 *Apothegms*, the edition published by Lord Bacon in 1625 consisting of 280. As this edition of the *Resuscitatio* was published during the life of Dr. Rawley, and as Lord Bacon says in his preface, "I have collated some few of them, therein fanning the old," it seems that Dr. Rawley may have seen the MSS. and that these additions are genuine. It will be observed that they are fewer in number; and, although some are the same, there are many which are not contained in the first edition.—See Stephens's preface to the *Memoirs*, published in 1734.

4th. In the 3rd edition of the *Resuscitatio*, published in 1671, there is another edition of the *Apothegms*, being 308 in number. Dr. Rawley died in 1667.

The 5th edition is a 12mo. It contains, as in the 4th edition, 308 *Apothegms*.

In this edition of the works of Bacon I separated the *Apothegms* which were in the edition of 1625, being 280 in number, from the additional *Apothegms* in the *Resuscitatio*, such additional *Apothegms* being 28 in number.

(*a*) Published in 8vo. 1628, and in the *Resuscitatio*, and in vol. vii. of this edition, p. 98.

(*b*) TO HIS VERY GOOD FRIEND,
MR. GEORGE HERBERT.

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

FR. ST. ALBAN.

time of his illness, of his pious mind; and a more pious mind never existed. (a)

Confession
of Faith.

There is scarcely a line of his works in which a deep, awful, religious feeling is not manifested. It is, perhaps, most conspicuous in his Confession of Faith, (b) of which

Of these, the 107th seems to be the best. Vol. vii. p. 100. But Q. Has there ever been a version approaching to the excellence of the original prose translation?

(a) Preface to vol. vii. Archbishop Tennyson says, "His writings upon pious subjects were only these: his Confession of Faith, written by himself in English, and turned into Latin by Dr. Rawley, the questions about an Holy War, and the Prayers, in these remains, and a translation of certain of David's Psalms into English verse. With this last pious exercise he diverted himself in the time of his sickness, in the year twenty-five. When he sent it abroad into the world, he made a dedication of it to his good friend, Mr. George Herbert, for he judged the argument to be suitable to him, in his double quality of a divine and a poet."

(b) See vol. vii. p. 10. Of the authenticity of this essay no doubt can be entertained: it was published in a separate tract in 1641. The following is an exact transcript of the title page: "The Confession of Faith," written by Sir Francis Bacon, printed in the year 1641. In the title page there is a wood engraving of Sir Francis Bacon, it is a thin 4to. of twelve pages, without any printer's name. Mr. D'Israeli kindly lent me a copy. It is similar, but not the same as the present copy. It was also published by Dr. Rawley, in the *Resuscitatio*, 1657, by whom it was translated into Latin, and published in the *Opuscula varia posthuma*. Londini, ex officina, R. Danielis, 1658. In his life he says, "Supererat tandem scriptum illud Confessionis Fidei; quod auctor ipse, plurimis ante obitum annis, idiomate Anglicano concepit: operæ pretium mihi visum est Romana civitate donare; quo non minus exteris, quam popularibus suis, palam fiat, qua fide imbutus, et quibus mediis fretus, illustrissimus heros, animam Deo reddiderit; et quod theologicis studiis, æque ac philosophicis et civilibus, cum commodum esset, vacaverit. Fruere his operibus, et scientiarum antistitis olim Verulamii ne obliviscaris. Vale."

Of the Confession of Faith there are various MSS. in the British Museum; Sloane's 23, 2 copies; Harleian, vol. 2, 314; vol. 3, 61; Hargraves, p. 62; the MSS. Burch, 4263, is, I suspect, in Lord Bacon's own writing, with his signature. It is stated in one of the MSS. to have been written before or when Sir Francis Bacon was Solicitor General, and in the Remains it is entitled, "Confession of Faith, written by Sir

Dr. Rawley says, "For that treatise of his lordship's, inscribed, *A Confession of the Faith*, I have ranked that in the close of this whole volume; thereby to demonstrate to the world that he was a master in divinity, as well as in philosophy or politics, and that he was versed no less in the saving knowledge than in the universal and adorning knowledges; for though he composed the same many years before his death, yet I thought that to be the fittest place, as the most acceptable incense unto God of the faith wherein he resigned his breath; the crowning of all his other perfections and abilities; and the best perfume of his name to the world after his death. This confession of his faith doth abundantly testify that he was able to render a reason of the hope which was in him." (a)

It might be said of him, as one of the most deep thinking of men said of himself, "For my religion, though there be several circumstances that might persuade the world I have none at all, yet, in despight thereof, I dare, without usurpation, assume the honourable style of a christian: not that I merely owe this title to the font, my education,

Francis Bacon, Knight, Viscount St. Albans, about the time he was Solicitor General to our late sovereign lord King James."

This tract was republished in 1757. *A Confession of Faith*, written by the Right Honourable Francis Bacon, Lord Verulam, republished with a preface on the subject of authority in religious matters, and adapted to the exigency of the present times. London, printed for W. Owen, at Temple Bar, 1757. 8vo. pp. 26

(a) This tract is thus noticed by Archbishop Tension in the *Baconiana*. His *Confession of Faith*, written by him in English, and turned into Latin by Dr. Rawley, upon which there was some correspondence between Dr. Maynwaring and Dr. Rawley. See vol. xii. of this edit. p. 209. —It is stated in one of the MSS. to have been written before or when Sir Francis Bacon was Solicitor General, and in the *Remains* it is entitled, "Confession of Faith, written by Sir Francis Bacon, knight, Viscount St. Albans, about the time he was Solicitor General to our late sovereign lord King James."

or clime wherein I was born, but having, in my riper years and confirmed judgment, seen and examined all, I find myself bound by the principles of grace and the law of mine own reason to embrace no other religion than this. (a)

Prayers.

From his Prayers, found after his death, his piety cannot be mistaken. (b) They have the same glory around

(a) See Sir Thomas Browne's *Religio Medici*, of which my excellent friend, Charles Lamb has, with his usual sweet and deep feeling, thus spoken: "I wonder and admire his entireness in every subject that is before him. He follows it, he never wanders from it, and he has no occasion to wander; for whatever happens to be the subject, he metamorphoses all nature into it. In that treatise on some urns dug up in Norfolk, how earthy, how redolent of graves and sepulchres is every line! You have now dark mould, now a thigh-bone, now a skull, then a bit of a mouldered coffin, a fragment of an old tomb-stone with moss in its "Hic jacet," a ghost or a winding-sheet, or the echo of a funeral psalm wafted on a November wind; and the gayest thing you shall meet with shall be a silver nail or a gilt "Anno Domini," from a perished coffin top."

The whole of the passage is as follows: "For my religion, though there be several circumstances that might persuade the world I have none at all, as the general scandal of my profession, the natural course of my studies, the indifferency of my discourse, and behaviour in matters of religion, neither violently defending one nor with common ardour or contention opposing another, yet in despite hereof I dare without usurpation assume the honourable style of a christian: not that I merely owe this title to the font, my education, or clime wherein I was born, as being bred up either to confirm those principles my parents instilled into my unwary understanding, or by a general consent proceed in the religion of my country; but having in my riper years and confirmed judgment seen and examined all, I find myself obliged, by the principles of grace and the law of mine own reason, to embrace no other name than this. Neither doth herein my zeal so far make me forget the general charity I owe unto humanity, as rather to hate than pity Turks, Infidels, and Jews, rather contenting myself to enjoy that happy style than maligning those who refuse so glorious a title. But because the name of christian is become too general to express our faith, to be particular, I am of that reformed new-cast religion, wherein I dislike nothing but the name: of the same belief our Saviour taught, the apostles disseminated, the fathers authorized, and the martyrs confirmed."

(b) Vol. vii. p. 3. Of the prayers the first, entitled, "A Prayer, or Psalm, made by the Lord Chancellor of England," is in the *Resuscitatio*;

them, whether they are his supplications as a student, as an author, or as a preserver, when Chancellor, of the religious sentiments of the country.

As a student, he prays, that he may not be inflated or misled by the vanity which makes man wise in his own conceit: "To God the Father, God the Word, God the Spirit, we put forth most humble and hearty supplications, that human things may not prejudice such as are divine; neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, any thing of incredulity or intellectual night may arise in our minds towards divine mysteries." (b)

Student's
prayer.

As an author (c) he prays in the same spirit: "Thou, O Father, who gavest the visible light as the first-born of thy creatures, and didst pour into man the intellectual light as the top and consummation of thy workmanship, be pleased to protect and govern this work, which coming from thy goodness, returneth to thy glory."

Author's
prayer.

The same spirit did not forsake him when Chancellor: "Most gracious Lord God, my merciful Father from my youth up, my Creator, my Redeemer, my Comforter. Remember, O Lord, how thy servant hath walked before thee: remember what I have first sought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the divisions of thy church: I have delighted in the brightness of thy sanctuary. This vine, which thy right hand hath planted in this nation, I have ever prayed unto thee that it might have the first and the latter rain; and that it might stretch her branches to the seas and to the floods. Thy creatures have been

Chancel-
lor's
prayer.

the second prayer, entitled, "A Prayer made and used by the Lord Chancellor Bacon," is in the Remains; and the two remaining prayers, "The Student's Prayer," and "The Writer's Prayer," are in the Baconiana.

(b) Vol. vii. p. 8.

(c) Vol. vii. p. 9.

my books, but thy scriptures much more. I have sought thee in the courts, fields, and gardens, but I have found thee in thy temples." (a)

Instaura-
tion.

The same holy feeling appears in all his important works. The preface to his *Instauratio Magna* opens (b) and concludes (c) with a prayer. The treatise "*De*

(a) Vol. vii. p. 5.

(b) "We in the beginning of our work pour forth most humble and ardent prayers to God the Father, God the Word, and God the Spirit, that mindful of the cares of man, and of his pilgrimage through this life, in which we wear out some few and evil days, thou would vouchsafe through our hands to endow the family of mankind with these new gifts; and we moreover humbly pray that human knowledge may not prejudice divine truth, and that no incredulity and darkness in regard to the divine mysteries may arise in our minds upon the disclosing of the ways of sense, and this greater kindling of our natural light; but rather that from a pure understanding, cleared of all fancies and vanity, yet no less submitted to, may wholly prostrate before the divine oracles, we may render unto faith the tribute due unto faith: and lastly, that being freed from the poison of knowledge, infused into it by the serpent, and with which the human soul is swoln and puffed up, we may neither be too profoundly nor immoderately wise, but worship truth in charity."*

(c) The preface to the *Instauratio* concludes thus: "*Neque enim hoc sinerit Deus, ut phantasiæ nostræ somnium pro exemplari mundi edamus: sed potius benigne faveat, ut apocalypsim, ac veram visionem vestigiorum et sigillorum Creatoris supercreaturas, scribamus. Itaque tu, Pater, qui lucem visibilem primitias creaturæ dedisti, et lucem intellectualem ad fastigium operum tuorum in faciem hominis inspirasti; opus hoc, quod a tua bonitate pro-*

* Vol. ix. p. 260.

Augmentis Scientiarum" abounds with religious sentiments, De Aug-
 contains two tracts, one upon natural, the other upon re-^{mentis.}
 vealed religion, "the sabbath and port of all men's labours:"
 and concludes, "Attamen, quoniam etiam res quæque

fectum, tuam gloriam repetit, tuere et rege. Tu, postquam
 conversus es ad spectandum opera, quæ fecerunt manus
 tuæ vidisti quod omnia essent bona valde; et requievisti.
 At homo, conversus ad opera, quæ fecerunt manus suæ,
 vidit quod omnia essent vanitas et vexatio spiritus; nec
 ullo modo requievit. Quare si in operibus tuis sudabimus,
 facies nos visionis tuæ et sabbati tui participes. Supplices
 petimus, ut hæc mens nobis constet: utque novis elee-
 mosynis per manus nostras et aliorum, quibus eandem
 mentem largieris, familiam humanam dotatam velis."*

"May God never permit us to give out the dream of
 our fancy as a model of the world, but rather in his kind-
 ness vouchsafe to us the means of writing a revelation and
 true vision of the traces and stamps of the Creator on
 his creatures. May thou, therefore, O Father, who gavest
 the light of vision as the first fruits of creation, and hast
 inspired the countenance of man with the light of the
 understanding as the completion of thy works, guard and
 direct this work, which, proceeding from thy bounty, seeks
 in return thy glory. When thou turnedst to look upon
 the works of thy hands, thou sawest that all were very
 good and restedst. But man, when he turned towards the
 works of his hands, saw that they were all vanity and
 vexation of spirit, and had no rest. Wherefore if we labour
 in thy works, thou wilt make us partakers of that which
 thou beholdest and of thy rest. We humbly pray that our
 present disposition may continue firm, and that thou mayest
 be willing to endow thy family of mankind with new gifts
 through our hands, and the hands of those to whom thou
 wilt accord the same disposition."

* Vol. ix. p. 178.

maximæ initiis suis debentur, mihi satis fuerit sevisse posteris et Deo immortalī: cuius numen supplex precor, per filium suum et servatorem nostrum, ut has et hisce similes intellectus humani victimas, religione tanquam sale respersas, et gloriæ suæ immolatas, propitius accipere dignetur." In the midst of his profound reasoning in the

Novum Organum.

3rd Part
Instauratio

Novum Organum, there is a passage in which his opinion of our incorporeal nature is disclosed. (x) And the third part of the Instauratio concludes thus: "Deus Universi Conditor, Conservator, Instaurator, hoc opus, et in ascensione ad gloriā suam, et in descensione ad bonum humanum pro sua erga homines, benevolentia, et misericordia, protegat et regat, per Filium suum unicum, nobiscum Deum."

Minor
publications.

In his minor publications the same piety may be seen. It appears in the *Meditationes Sacræ*; (a) in the *Wisdom of the Ancients*; (b) in the *Fables of Pan*, (c) of *Prometheus*, (d) of *Pentheus*, (e) and of *Cupid*: (f) in various parts of the *Essays*, but particularly in the *Essay on Atheism* (g) and *Goodness of Nature*: (h) in the *New Atlantis*: (i) in his tract, "*De principiis*," and the tract, entitled "*The Conditions of Entities*." (k)

(x) "Quare actio magnetica poterit esse instantia diuortii circa naturam corpoream, et actionem naturalem. Cui hoc adjici potest tanquam corollarium aut lucrum non prætermittendum: viz. quod etiam secundum sensum philosophanti sumi possit probatio, quod sint entia et substantiæ separata et incorporea. Si enim virtus et actio naturalis, emanans a corpore, subsistere possit aliquo tempore, et aliquo loco, omnino sine corpore; prope est ut possit etiam emanare in origine sua a substantia incorporea. Videtur enim non minus requiri natura corporea ad actionem naturalem sustentandam et deprehendam, quam ad excitandum aut generandam."

(a) See vol. i. p. 203, and preface to vol. i. p. xxiii.

(b) Vol. iii. p. 1, and preface, p. 2.

(c) Vol. iii. p. 11.

(d) Vol. iii. p. 68.

(e) Vol. iii. p. 29.

(f) Vol. iii. p. 43.

(g) Vol. i. p. 53.

(h) Vol. i. p. 40.

(i) Vol. ii. p. 336.

(k) Baconiana, p. 91.

It concludes thus: "This is the form and rule

There is a tract entitled, "The Characters of a believing christian, in paradoxes and seeming contradictions," which is spurious. (*a*) Paradoxes.

Such are his religious sentiments in different parts of his works; but they are not confined to his publications. They appear where, according to his own doctrine, our opinions may always be discovered, in his familiar letters, in the testimony of his friends, in his unguarded observations, and in his will.

In a letter to Mr. Mathew, imprisoned for religion, he says, "I pray God, who understandeth us all better than we understand one another, contain you, even as I hope he will, at the least, within the bounds of loyalty to his majesty, and natural piety towards your country." In the decline of his life, in his letter to the Bishop of Winchester, he says, "Amongst consolations, it is not the least to represent to a man's self like examples of calamity in others. In this kind of consolation I have not been wanting to myself, though as a Christian, I have tasted, through God's great goodness, of higher remedies." (*b*) Letters.

In his essay on Atheism there is an observation, which may appear to a superficial observer hasty and unguarded, inconsistent with the language of philosophy, and at variance with his own doctrines. It was written, not in prostration to any idol, but from his horror of the barren and desolate minds that are continually saying, "There is no God," (*c*) and his preference, if compelled to elect, of the least of two errors. "I had rather," he says, "believe all

of our alphabet. May God the Creator, Preserver, and Restorer of the universe, protect and govern this work, both in its ascent to his glory, and in its descent to the good of mankind, for the sake of his mercy and good will to men, through his only son Immanuel."

(*a*) The evidence of this may be found in the preface to vol. vii.

(*b*) See letter to the Duke of Buckingham, postea, p. 445.

(*c*) See postea, p. 443, note (*a*).

the fables in the Legend and the Talmud and the Alcoran, than that this universal frame is without a mind." (a)

As knowledge consists in understanding the sequence of events, or cause and effect, (b) he knew that error must exist not only from our ignorance, but from our knowledge of immediate causes.

In the infancy of his reason, man ascribes events to chance, or to a wrong natural cause, (c) or to the imme-

(a)

"Great God! I'd rather be

A pagan suckled in a creed outworn:
So might I, standing on this pleasant lea,
Have glimpses that would make me less forlorn;
Have sight of Proteus rising from the sea;
Or hear old Triton blow his wreathed horn."—Wordsworth.

(b) All the order and happiness in the world depend upon the regular sequence of events.

"All things that are have some operation not violent or casual. Neither doth any thing ever begin to exercise the same, without some fore-conceived end for which it worketh. And the end which it worketh for is not obtained unless the work be also fit to obtain it by. For unto every end every operation will not serve. That which doth assign unto each thing the kind, that which doth moderate the force and power, that which appoints the form and measure of working, the same we term a law. So that no certain end could ever be attained, unless the actions whereby it is attained were regular, that is to say, made suitable, fit, and correspondent unto their end, by some canon rule of law."—Hooker, Ecclesiastical Polity.

The blessings which result from the regular sequence of events will be evident by a moment's consideration of the misery attendant upon an interruption of this regularity: suppose, for instance, that calculating upon the nutritious effects of food, it was to have the effect of poison, or that sugar had the effect of arsenic; or that fire, instead of exhilarating by a genial warmth, had the violent effects of gunpowder; or that, at the moment of attack, gunpowder ceased to be inflammable, is it not obvious what misery must result?

(c) The following anecdote from a sermon of Bishop Latimer will clearly illustrate this: "Here now I remember an argument of Master More's, which he bringeth in a book that he made against Bilney, and here by the way I will tell you a merry toy. Master More was once sent in commission into Kent, to help to try out, if it might be, what was the cause of

diate interference of a superior benevolent or malevolent being; (a) and, having formed an opinion, he entrenches

Goodwin sands and the shelf that stopped up Sandwich haven. Thither cometh Master More, and calleth the country before him, such as were thought to be men of experience, and men that could of likelihood best certify him of that matter concerning the stoppage of Sandwich haven. Among others came in before him an old man with a white head, and one that was thought to be little less than a hundred years old. When Master More saw this aged man, he thought it expedient to hear him say his mind in this matter, for, being so old a man, it was likely that he knew most of any man in that presence and company. So Master More called this old aged man unto him, and said, Father, tell me, if ye can, what is the cause of this great rising of the sands and shelves here about this haven, the which stop it up, so that no ships can arrive here? Ye are the eldest man that I can espy in all this company, so that if any man can tell any cause of it, ye of likelihood can say most of it, or at leastwise more than any man here assembled. Yea, forsooth, good Master, quoth this old man, for I am well nigh a hundred years old, and no man here in this company any thing near unto my age. Well then, quoth Master More, how say you in this matter? What think ye to be the cause of these shelves and flats that stop up Sandwich haven? Forsooth, sir, quoth he, I am an old man; I think that Tenderden-steeple is the cause of Goodwin sands; for I am an old man, sir, quoth he, and I may remember the building of Tenderden steeple, and I may remember when there was no steeple at all there. And before that Tenderden steeple was in building, there was no manner of speaking of any flats or sands that stopped the haven, and therefore I think that Tenderden steeple is the cause of the destroying and decay of Sandwich haven. And so to my purpose, preaching of God's word is the cause of rebellion, as Tenderden steeple was the cause that Sandwich haven is decayed."

A common instance of this species of error is in the love-note of the spider, called the death watch. Sitting by the bed of a sick or dying friend, when all is still, the noise of the spider is heard a short time before the death of the sufferer; and the events are, therefore, supposed to be connected. Astrology is, perhaps, founded upon this delusion.

(a) Near to the Hartz mountains in Germany, a gigantic figure has from time immemorial occasionally appeared in the heavens. It is indistinct, but always resembles the form of a human being. Its appearance has ever been a certain indication of approaching misfortune. It is called the Spectre of the Broken. It has been seen by many travellers. In speaking of it, Monsieur Jordan says, "In the course of my repeated tours through the Hartz mountains, I often, but in vain, ascended the Broken, that I

himself within its narrow boundaries, or is indolently content without seeking for any remote cause, (q) but

might see the spectre. At length, on a serene morning, as the sun was just appearing above the horizon, it stood before me, at a great distance, towards the opposite mountain. It seemed to be the gigantic figure of a man. It vanished in a moment." In September, 1796, the celebrated Abbé Haiiy visited this country. He says: "After having ascended the mountain for thirty times, I at last saw the spectre. It was just at sunrise, in the middle of the month of May, about four o'clock in the morning. I saw distinctly a human figure of a monstrous size. The atmosphere was quite serene towards the east. In the south-west a high wind carried before it some light vapours, which were scarcely condensed into clouds and hung round the mountains upon which the figure stood. I bowed. The colossal figure repeated it. I paid my respects a second time, which was returned with the same civility. I then called the landlord of the inn; and having taken the same position which I had before occupied, we looked towards the mountain, when we clearly saw two such colossal figures, which, after having repeated our compliment by bending their bodies, vanished.—When the rising sun throws his rays over the Broken upon the body of a man standing opposite to fleecy clouds, let him fix his eye steadfastly upon them, and in all probability he will see his own shadow extending the length of five or six hundred feet, at the distance of about two miles from him."

(q) This is explained by Lord Bacon, in his doctrine of Idols, under the head "Abandoning Universality." He says, "Man has a tendency to abandon universality, that is, to stop too soon in his inquiries, and to conclude that he views the truth which he possesses in all its extent." This may be thus illustrated:—Rings twirled upon an axis appear spheres. A lighted stick, moved quickly in a circle, appears a circle of fire, or what boys call gold lace. A lighted flambeau carried quickly by night appears tailed like a comet. When a musical string is struck, it vibrates, and the strings appear double, treble, &c. These appearances originate in a new impression being made before the effect of a former impression is removed; for if these motions are performed slowly, such appearances do not exist. It may, therefore, be considered a general truth, that when a new impression is made upon the organ of sight before the effect of a former impression is removed, that is, when the motion of impulse is quicker than the motion of recovery, this peculiar effect is produced. Now the position, that "Man has a tendency to abandon universality," assumes that, the mind, having discovered this truth with respect to the sense of seeing, is apt to rest content therewith, without considering that it

philosophy endeavours to discover the antecedent in the chain of events, (a) and looks up to the first cause. (b)

is only a sprout from some general or more universal truth pervading different parts of nature.

That this truth is not confined to the sense of seeing will appear from a few moments' consideration.—Does not gunpowder produce its effect by the rapidity with which the crude spirit of the nitre avoids and flies from fire, where the impelling force is quicker than the force of resistance? are not such great masses of matter as an elephant or a whale moved in the same manner by the repeated action of animal spirit? is not, also, animal spirit itself in the same manner put to flight by the action of opium? Is it not, therefore, an universal truth, that great effects are produced when the motion of impulse is quicker than the motion of recovery?

Again, to fall suddenly from a discord upon a concord is agreeable in music; but this truth is not confined to music: a sudden alteration in tone is often agreeable in public speaking; and it may, perhaps, be said universally that there always is delight in breaking the continuity of any painful sensation.

Again, the quavering upon a stop in music gives delight to the ear; but this pleasure from quavering is not confined to music: for the playing of light upon the water or the sparkling of a diamond give the same delight to the eyes; and, perhaps, it may be said universally, that gentle and quickly varying excitement, gentle fluctuating undulation, unattended with pain, is pleasant.

The cause seems to be, either mental indolence, which contents itself with the truth it possesses, without the trouble of inquiring whether it can be extended; or the never dreaming of the possibility of any extension, from want of the habit of exercising the understanding to its full extent, of giving scope to the understanding to range.

The errors with respect to cause and effect may be thus exhibited:

- | | | |
|---|---|--|
| { | 1. From <i>ignorance</i> of the cause, ascribing events | 1. To chance. |
| | | 2. To a wrong natural cause. |
| { | 2. From <i>knowledge</i> of proximate cause. | 3. To immediate interposition of a superior. |
| | | Abandoning universality. |

(a) See ante, note (a), page 439.

(b) Hume, in his general corollary at the conclusion of his *Essays*, says, "Though the stupidity of men, barbarous and uninstructed, be so great, that they may not see a sovereign author in the more obvious works of nature, to which they are so much familiarised, yet it scarce seems

This stopping at second causes, the property of animals and of ignorance, always diminishes as knowledge advances. (*a*) Great intellect cannot be severed from piety. It was reserved for the wisest of men to raise a temple to the living God.

The philosopher who discovered the immediate cause of lightning was not inflated by his beautiful discovery: he was conscious of the power "which dwelleth in thick darkness, and sendeth out lightnings like arrows." (*b*)

The philosopher who discovered the immediate cause of the rainbow did not rest in the proximate cause, but raised

possible, that any one of good understanding should reject the idea, when once it is suggested to him. A purpose, an intention, a design, is evident in every thing; and when our comprehension is so far enlarged as to contemplate the first rise of this visible system, we must adopt, with the strongest conviction, the idea of some intelligent cause or author."

So, too, Browne in his beautiful work on Cause and Effect, says, "Wherever we turn our eyes, to the earth, to the heavens, to the myriads of beings that live and move around us, or to those more than myriads of worlds, which seem themselves almost like animate inhabitants of the infinity through which they range; above us, beneath us, on every side, we discover with a certainty that admits not of doubt, intelligence and design, that must have preceded the existence of every thing which exists. The power of the Omnipotent is indeed so transcendent in itself, that the loftiest imagery and language which we can borrow from a few passing events in the boundlessness of nature, must be feeble to express its force and universality."

(*a*) See note (*a*), preceding page.—Men will, therefore, always exist who may conceive themselves to be the most important beings in the universe; the fern is a forest to the insect below it.

(*b*) Dr. Franklin, speaking of conductors, says, "A rod was fixed to the top of my chimney, and extended about nine feet above it. From the foot of this rod, a wire the thickness of a goose-quill came through a covered glass tube in the roof, and down through the well of the staircase; the lower end connected with the iron spear of a lamp. On the staircase opposite to my chamber door the wire was divided; the ends separated about six inches, a little bell on each end, and between the little brass bells a ball suspended by a silk thread, to play between and strike the bells when clouds passed with electricity in them."

his thoughts to him who placeth his bow in the heavens. "Very beautiful it is in the brightness thereof: it compasseth the heaven about with a glorious circle, and the hand of the Most High hath bended it."

Hence, therefore, Bacon said in his youth, and repeated in his age, (a) "it is an assured truth, and a conclusion

(a) His sentiments were formed at an early period of his life, and continued to his death.

In a small volume which he published when he was thirty-seven years of age, there is a meditation upon Atheism. It was published in Latin in 1597, and in English in 1598. The work is "*Meditationes Sacræ*." A portion of his meditation on Atheism is as follows: "The fool hath said in his heart there is no God.' First, it is to be noted, that the scripture saith, 'The fool hath said in his heart, and not thought in his heart.' It is a fool that hath so said in his heart, which is most true; not only in respect that he hath no taste in those things which are supernatural and divine, but in respect of human and civil wisdom: for first of all, if you mark the wits and dispositions which are inclined to atheism, you shall find them light, scoffing, impudent, and vain; briefly of such a constitution as is most contrary to wisdom and moral gravity. Secondly, amongst statesmen and politics, those which have been of greatest depths and compass, and of largest and most universal understanding, have not only in cunning made their profit in seeming religious to the people, but in truth have been touched with an inward sense of the knowledge of deity, as they which you shall evermore note to have attributed much to fortune and providence. Contrariwise, those who ascribed all things to their own cunning and practices, and to the immediate and apparent causes, and as the prophet saith, 'have sacrificed to their own nets,' have been always but petty counterfeit statesmen, and not capable of the greatest actions. Lastly, this I dare affirm in knowledge of nature, that a little natural philosophy, and the first entrance into it, doth dispose the opinion to atheism; but on the other side, much natural philosophy and wading deep into it will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools than this, 'There is no God.'"

The first edition of his *Essays*, which was published with the *Meditationes Sacræ*, in 1597, does not contain any essay upon Atheism. The next time the subject is mentioned by Lord Bacon is in 1605, in the passage which I have cited from the *Advancement of Learning*.

In 1612 Lord Bacon published an enlarged edition of his *Essays*, and

of experience, that a little or superficial knowledge of philosophy may incline the mind of man to atheism, but a farther proceeding therein doth bring the mind back again to religion; for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause; but when a man passeth on farther, and seeth the dependence of causes, and the works of providence; then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs be tied to the foot of Jupiter's chair." (a)

Rawley's
statement.

The testimony of his friends is of the same nature. His chaplain and biographer, Dr. Rawley, says, "That this lord was religious and conversant with God, appeareth by several passages throughout the whole current of his writings. He repaired frequently, when his health would permit him, to the service of the church; to hear sermons; to the administration of the sacrament of the blessed body and blood of Christ; and died in the true faith established in the Church of England." (b)

in this edition there is an essay on Atheism, containing the very same sentiments. In 1623, he repeats it in his treatise *De Augmentis*; and in 1625, the year before his death, he published another edition of his *Essays*, in which there are additions and alterations, and considerable improvement of the essay on Atheism, but a repetition of the same opinion: "I had rather believe all the fables in the legend, and the Talmud, and the Alcoran, than that this universal frame is without a mind; and, therefore, God never wrought miracle to convince atheism, because his ordinary works convince it. It is true that a little philosophy inclineth man's mind to atheism, but depth in philosophy bringeth men's minds about to religion; for while the mind of man looketh upon second causes scattered, it may sometimes rest in them, and go no further; but when it beholdeth the chain of them confederate and linked together, it must needs fly to providence and deity."

(a) 8 Iliad.

(b) Life by Rawley.

His will thus opens: "I bequeath my soul and body His will. into the hands of God by the blessed oblation of my Saviour; the one at the time of my dissolution, the other at the time of my resurrection."—Such are the proofs of his religious opinions.

His version of the Psalms was the last of his literary labours.

In the autumn, he retired to Gorhambury.

In the latter end of October he wrote to Mr. Palmer.

Good Mr. Palmer,—I thank God, by means of the sweet air of the country, I have obtained some degree of health. Sending to the court, I thought I would salute you; and I would be glad, in this solitary time and place, to hear a little from you how the world goeth, according to your friendly manner heretofore. Fare ye well, most heartily.

Your very affectionate and assured friend,

Gorhambury, Oct. 29, 1625.

FR. ST. ALBAN.

In November he wrote to the Duke of Buckingham. (a)

The severe winter which followed the infectious summer of this year brought him very low.

On the 19th of December he made his will.

(a) Excellent Lord,—I could not but signify unto your grace my rejoicing, that God hath sent your grace a son and heir, and that you are fortunate as well in your house, as in the state of the kingdom. These blessings come from God, as I do not doubt but your grace doth, with all thankfulness, acknowledge, vowing to him your service. Myself, I praise his divine Majesty, have gotten some step into health. My wants are great; but yet I want not a desire to do your grace service; and I marvel, that your grace should think to pull down the monarchy of Spain without my good help. Your grace will give me leave to be merry, however the world goeth with me. I ever rest, &c.

A. D.
1626.
Æt. 66.
Cause of
his death.

In the spring of 1626 his strength and spirits revived, and he returned to his favourite seclusion in Gray's Inn, from whence, on the 2nd of April, either in his way to Gorhambury, or when making an excursion into the country, with Dr. Witherborne, the King's physician, it occurred to him, as he approached Highgate, the snow lying on the ground, that it might be deserving consideration, whether flesh might not be preserved as well in snow as in salt; and he resolved immediately to try the experiment. They alighted out of the coach, and went into a poor woman's house at the bottom of Highgate Hill, and bought a hen, and stuffed the body with snow, and my lord did help to do it himself. The snow chilled him, and he immediately fell so extremely ill, that he could not return to Gray's Inn, but was taken to the Earl of Arundel's house, at Highgate, where he was put into a warm bed, but it was damp, and had not been slept in for a year before. (a)

Whether Sir Thomas Meautys or Dr. Rawley could be found does not appear; but a messenger was immediately sent to his relation, the Master of the Rolls, the charitable Sir Julius Cæsar, then grown so old, that he was said to be kept alive beyond nature's course, by the prayers of the many poor whom he daily relieved. (b) He instantly attended his friend, who, confined to his bed, and so enfeebled that he was unable to hold a pen, could still exercise his lively fancy. He thus wrote to Lord Arundel:

His last
letter.

“ My very good Lord,

“ I was likely to have had the fortune of Cajus Plinius the elder, who lost his life by trying an experiment about the burning of the Mountain Vesuvius. For I was also

(a) Aubrey.

(b) See Wotton's Remains.

desirous to try an experiment or two, touching the conservation and induration of bodies. As for the experiment itself, it succeeded excellently well; but in the journey between London and Highgate I was taken with such a fit of casting, as I knew not whether it were the stone, or some surfeit, or cold, or indeed a touch of them all three. But when I came to your lordship's house, I was not able to go back, and therefore was forced to take up my lodging here, where your housekeeper is very careful and diligent about me, which I assure myself your lordship will not only pardon towards him, but think the better of him for it. For indeed your lordship's house was happy to me; and I kiss your noble hands for the welcome which I am sure you give me to it.

“I know how unfit it is for me to write to your lordship with any other hand than my own; but by my troth, my fingers are so disjointed with this fit of sickness, that I cannot steadily hold a pen.”

This was his last letter. He died in the arms of Sir Julius Cæsar, early on the morning of Easter Sunday, the 9th. of April, 1626, in the sixty-sixth year of his age. (*a*)

On opening his will, his wish to be buried at St. Albans thus appears: “For my burial, I desire it may be in St. Michael's church, near St. Albans: there was my mother buried, and it is the parish church of my mansion-house of Gorhambury, and it is the only Christian church within the walls of Old Verulam.” ^{Opening his will.}

(*a*) He died on the ninth day of April, in the year 1626, in the early morning of the day then celebrated for our Saviour's resurrection, in the sixty-sixth year of his age, at the Earl of Arundel's house in Highgate, near London, to which place he casually repaired about a week before, God so ordaining that he should die there of a gentle fever, accidentally accompanied with a great cold, whereby the defluxion of rheum fell so plentifully upon his breast, that he died of suffocation.—Rawley.

- Funeral. Of his funeral no account can be found, nor is there any trace of the scite of the house where he died. (*a*)
 He is buried in the same grave with his mother in St. Michael's church.
- Monument. On his monument he is represented sitting in contemplation, his hand supporting his head. (*b*)

FRANCISCUS BACON. BARO DE VERULĀ. S^{TI}: ALB^{NI}: VIC^{MS}:

SEU NOTIORIBUS TITULIS.

SCIENTIARUM LUMEN. FACUNDIE LEX.

SIC SEDEBAT:

QUI POSTQUAM OMNIA NATURALIS SAPIENTIE

ET CIVILIS ARCANA EVOLVISSET

NATURÆ DECRETUM EXPLEVIT

COMPOSITA SOLVANTUR.

AN^O DNĪ MDCCVI

ÆTAT^E LXVI

TANTI VIRI

MEM.

THOMAS MEAUTYS

SUPERSTITIS CULTOR

DEFUNCTI ADMIRATOR

II P

- Meautys. This monument, erected by his faithful secretary, has transmitted to posterity the image of his person; and, though no statue could represent his mind, his attitude of deep and tranquil thought cannot be seen without emotion. No sculptured form gives the lineaments of Sir Thomas Meautys. A plain stone records the fact, that he lies at his master's feet. Much time will not pass away before

(*a*) I have sought, but sought in vain, for the scite of the house where he died.—See the Gentleman's Magazine, June, 1828.

(*b*) With an inscription composed by that accomplished gentleman and rare wit, Sir Henry Wotton.—Rawley.

The statue is of white marble, which is very finely executed of the size of life, by an Italian artist.

the few letters which may now be seen upon his grave will be effaced. His monument will be found in the veneration of after times, in the remembrance of his grateful adherence to the fallen fortunes of his master, "that he loved and admired him in life, and honoured him when dead." (a)

(a) In page 104 of the edition by the learned and pious John Jebb, Bishop of Limerick, of Burnet's Lives, is the following note: "Such, and yet more striking, was Lord Bacon's inflexible adherent, Thomas Meawtys: who transmitted to posterity the monumental image of his person, in an attitude of deep, yet tranquil thought; while he himself lies, unsculptured, but not forgotten, at his master's feet. Few and faint are the inscriptive characters which can now be traced of the modest secretary's name; but it is deeply engraven on many a kind and congenial heart. He who now guides the pen once visited the church of Saint Michael, within the precincts of Old Verulam. He trusts he did so with no irreverent emotion; and, while he read the thrilling *sic sedebat*, he thought upon the faithful servant, who never viewed him so seated but with affectionate veneration."

The following is an extract from my Journal:—Thursday, Oct. 8, 1829. On Sunday morning last we left London for St. Albans. We went to St. Michael's Church, and sat by the altar, near to the monument. After church we walked to Gorbamby: explored the ruins of Sir Nicholas Bacon's old mansion, where Lord Bacon lived when a child, and where when he was a child Queen Elizabeth first noticed him. A few of the ruins remain. All is still and quiet. On Monday morning we took the clerk of St. Michael's, and went to the church: we took a wet sponge, to enable me to ascertain whether my opinion as to the grave of Sir Thomas Meawtys was right or erroneous. After our washings we found the inscription as follows:

Pew.	IH THE BODY OF SR M ^{AWTYS} KT
------	--

I am satisfied that, upon removing the pew, which is now upon part of the stone, there will appear, in the first line, **HERE LIE**, and in the second line, **THOMAS**, so that the inscription will be plain:

HERE LIETH THE BODY OF SR
THOMAS MEAWTYS KT.

I directed the clerk to ascertain what will be the expense of raising the pew; and, if necessary, I will apply to Lord Verulam and to the Rector.

CONCLUSION.

In his analysis of human nature, Bacon considers first the general properties of man, and then the peculiar properties of his body and of his mind. (*a*) This mode may be adopted in reviewing his life.

His temperament.

He was of a temperament of the most delicate sensibility: so excitable, as to be affected by the slightest alterations in the atmosphere. (*b*) It is probable that the temperament of genius may much depend upon such pressibility, (*c*) and that to this cause the excellencies and failures of Bacon may frequently be traced. His health was always delicate, and, to use his own expression, he was all his life puddering with physic. (*e*)

His person.

He was of a middle stature, and well proportioned; his features were handsome and expressive, and his countenance, until it was injured by politics and worldly warfare, singularly placid. There is a portrait of him when he was only eighteen now extant, on which the artist has recorded his despair of doing justice to his subject, by the inscription "Si tabula daretur digna, animum mallem. (*f*) His portraits differ beyond what may be

(*a*) See p. 135. (*b*) See note G at the end, and note (*a*), next page.

(*c*) See Coleridge's *Aids to Reflection*, where he considers this sensibility to be the foundation of the temperament of genius; that, rightly directed, it leads to all that is great and good; wrongly directed, to all that is bad and vicious; and that in the twilight between both, there lies sentimentality more injurious perhaps than open vice.—To the same effect Lord Bacon says: "In the law of the leprosy it is said, 'If the whiteness overspread the flesh, the patient may pass abroad for clean: but if there be any whole flesh remaining, he is to be shut up for unclean.' One of the rabbins noteth a principle of moral philosophy, that men abandoned to vice do not so much corrupt manners as those that are half good and half evil."

(*e*) See his letter to Sir Humphry May, vol. xii. p. 407.

(*f*) See note (*a*), p. 17. The original is in the possession of Adam Hawkins, Esq. who kindly permitted me to take a copy, from which the slight engraving in this edition is taken.

considered a fair allowance for the varying skill of the artist, or the natural changes which time wrought upon his person; but none of them contradict the description given by one who knew him well, "that he had a spacious forehead and piercing eye, looking upward as a soul in sublime contemplation, a countenance worthy of one who was to set free captive philosophy." (a)

His life of mind was never exceeded, perhaps never equalled. When a child

Mind.

"No childish play to him was pleasing:"

(a) Evelyn on Medals. The following observations respecting his person are from Rawley's life. "It hath been desired that something should be signified touching his diet, and the regimen of his health; of which, in regard of his universal insight into nature, he may perhaps be to some an example. For his diet, it was rather a plentiful and liberal diet, as his stomach would bear it, than a restrained, which he also commended in his book of the History of Life and Death. In his younger years he was much given to the finer and lighter sorts of meat, as of fowls and such like; but afterward, when he grew more judicious, he preferred the stronger meats such as the shambles afforded, as those meats which bred the more firm and substantial juices of the body, and less dissipable: upon which he would often make his meal, though he had other meats upon the table. You may be sure he would not neglect that himself, which he so much extolled in his writings, and that was the use of nitre, whereof he took in the quantity of about three grains in thin warm broth every morning for thirty years together next before his death. And for physic he did indeed live physically but not miserably; for he took only a maceration of rhubarb infused into a draught of white wine and beer mingled together for the space of half an hour in six or seven days, immediately before his meal, whether dinner or supper, that it might dry the body less, which (as he said) did carry away frequently the grosser humours of the body, and not diminish or carry away any of the spirits, as sweating doth; and this was no grievous thing to take: as for other physic in an ordinary way (whatsoever hath been vulgarly spoken) he took not. His receipt for the gout, which did constantly ease him of his pain within two hours, is already set down in the end of the Natural History. It may seem the moon had some principal place in the figure of his nativity, for the moon was never in her passion, or eclipsed, but he was surprised with a sudden fit of fainting, and that, though he observed not, nor took any previous knowledge of the eclipse thereof, and as soon as the eclipse ceased, he was restored to his former strength again."

while his companions were diverting themselves in the park he was occupied in meditating upon the causes of the echoes (*a*) and the nature of imagination. (*b*) In after life he was a master of the science of harmony, (*c*) and the laws of imagination he studied with peculiar care, (*d*) and well understood. The same penetration he extended to colours, (*f*) and to the heavenly bodies, (*g*) and predicted

(*a*) See ante, page 3.

(*b*) See note (*t*), page 4.

(*c*) Sir John Hawkins, in his History of Music, says, "Lord Bacon, in his Natural History has given a great variety of experiments touching music, that shew him to have been, not barely a philosopher, an inquirer into phenomena of sound, but a master of the science of harmony, and very intimately acquainted with the precepts of musical composition."

(*d*) See 10th Century of Sylva, vol. iv. See Stewart's Dissertation.

(*f*) See his solitary Instances in the Novum Organum. See p. 290. A rainbow and a piece of glass in a stable window both shew the prismatic colours; but there is nothing common between the rainbow and the stable window, save this power of shewing the colour. Does not colour depend upon the refractive power of these bodies?

(*g*) "Quicumque enim superlunarium et sublunarium conficta divortia contempserit, et materiae appetitus et passiones maxime catholicas (quæ in utroque globo validæ sunt, et universitatem rerum transverberant) bene perspexerit, is ex illis quæ apud nos cernuntur luculentam capiet de rebus cælestibus informationem."

Whoever shall reject the feigned divorces of superlunary and sublunary bodies, and shall intently observe the appetences of matter and the most universal passions, which in either globe are exceeding potent, and transverberate the universal nature of things, he shall receive clear information concerning celestial matters from the things seen here with us; and contrariwise, from those motions which are practised in heaven, he shall learn many observations which now are latent, touching the motion of bodies here below, not only so far as their inferior motions are moderated by superior, but in regard they have a mutual intercourse by passions common to them both.

"We must openly profess that our hope of discovering the truth, with regard to the celestial bodies, depends upon the observation of the common properties, or the passions and appetites of the matter of both states; for, as to the separation that is supposed betwixt the ethereal and sublunary bodies, it seems to me no more than a fiction, and a degree of superstition

the modes by which their laws would be discovered, and which, after the lapse of a century, were so beautifully elucidated by Newton.

The extent of his views was immense. He stood on a cliff, and surveyed the whole of nature. His vigilant observation of what we, in common parlance, call trifles, was, perhaps, more extraordinary: scarcely a pebble on the shore escaped his notice. It is thus that genius is, from its life of mind, attentive to all things, and, from seeing real union in the apparent discrepancies of nature, deduces general truths from particular instances.

His powers were varied and in great perfection. *(a)* His senses were exquisitely acute, *(b)* and he used them

mixed with rashness, &c. Our chiefest hope and dependance in the consideration of the celestial bodies is, therefore, placed in physical reasons, though not such as are commonly so called; but those laws, which no diversity of place or region can abolish, break through, disturb or alter."

(a) "Those abilities," says Dr. Rawley, "which commonly go single in other men, though of prime and observable parts, were all conjoined and met in him; sharpness of wit, memory, judgment, and elocution. I have been induced to think, that if ever there were a beam of knowledge derived from God upon any man in these modern times, it was upon him; for, though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself."

"For the former three, his books do abundantly speak them, which with what sufficiency he wrote let the world judge, but with what celerity he wrote them I can best testify; but for the fourth, his elocution, I will only set down what I heard Sir Walter Rawleigh once speak of him by way of comparison (whose judgment may well be trusted), 'That the Earl of Salisbury was an excellent speaker, but no good penman; that the Earl of Northampton (the Lord Henry Howard) was an excellent penman, but no good speaker; but that Sir Francis Bacon was eminent in both.'" —See Ben Jonson's observations, ante, p. 28.

(b) Aubrey. See note G at the end.

to dissipate illusions, by holding firm to the works of God and to the sense, which is God's lamp, *Lucerna Dei, spiraculum hominis.*" (a)

Imagination.

His imagination was fruitful and vivid; but he understood its laws, and governed it with absolute sway. He used it as a philosopher. It never had precedence in his mind but followed in the train of his reason. With her hues, her forms, and the spirit of her forms, he clothed the nakedness of austere truth. (b)

Understanding.

He was careful in improving the excellencies, and in diminishing the defects of his understanding, whether from inability at particular times to acquire knowledge or inability to acquire particular sorts of knowledge. (c)

Temporary inability.

As to temporary inability, his golden rules were, "1st, Fix good, obliterate bad times. (d) 2ndly, In studies what-

(a) Sylva, Cent. x. vol. iv.

(b) See text, p. 134, and note R R R, and the Excursion.

(c) That understanding is in a sound state for the acquisition of knowledge which is capable at any time to acquire any sort of knowledge. The defects of the understanding are, therefore, disabilities,

- | | | |
|---|--------------------------------|--------------------|
| { | 1. As to time, from | 1. Disinclination. |
| | | 2. Fatigue. |
| | 2. As to particular knowledge. | 3. Interruption. |

(d) There is a kind of culture of the mind which is built upon this ground, that the minds of all mortals are at some times in a more perfect state: at other times in a more depraved state. The objects, therefore, of this culture are, the fixation of good times and the obliteration of bad times, that the good seasons may be cherished, and the evil crossed and expunged out of the calendar.—Bacon.

The mind is brought to any thing with more sweetness and happiness, if that whereunto we pretend be not first in the intention, but "*tantum aliud agendo.*" If a favourable gale spring up, hoist the sail.

Be surrounded by different instruments of knowledge, that you may gratify your immediate desire.—"Dr. Johnson advised me to-day," says Boswell, "to have as many books about me as I could, that I might read upon any subject upon which I had a desire for instruction at the time. 'What you read then,' said he, 'you will remember; but if you have not

soever a man commandeth upon himself, let him set hours for it; but whatever is agreeable to his nature, let him take no care for any set hours, for his thoughts will fly to it of themselves.” (a)—He so mastered and subdued his mind as to counteract disinclination to study; (b) and he

a book immediately ready, and the subject moulds in your mind, it is a chance if you again have a desire to study it.”

Dr. Johnson said, “If a man begins to read in the middle of a book, and feels an inclination to go on, let him not quit it to go to the beginning; he may perhaps not feel again the inclination.”—Boswell’s Life, p. 405.

(a) Bacon, speaking of Queen Elizabeth, says, “This lady was endowed with learning in her sex singular, and rare even amongst masculine princes; whether we speak of learning, of language, or of science modern or ancient, divinity or humanity; and unto the very last of her life she accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly.”

But the most effectual expedient employed by Alfred for the encouragement of learning was his own example, and the constant assiduity with which, notwithstanding the multiplicity and urgency of his affairs, he employed himself in the pursuits of knowledge. He usually divided his time into three equal portions: one was employed in sleep and the refection of his body by diet and exercise; another in the dispatch of business; a third in study and devotion: and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanterns: an expedient suited to that rude age, when the geometry of dialling and the mechanism of clocks and watches was entirely unknown. And by such a regular distribution of his time, though he often laboured under great bodily infirmities, this martial hero, who fought in person fifty-six battles by sea and land, was able during a life of no extraordinary length to acquire more knowledge, and even to compose more books, than most studious men, though blest with the greatest leisure and application, have in more fortunate ages made the object of their uninterrupted industry.—Hume.

Dr. Johnson said, “If a man never has an eager desire for instruction he should prescribe a task for himself; if he has a science to learn he must regularly and resolutely advance.”

(b) As in the improvement of the understanding, the mind ought always to be employed on some subject from which it is averse, that it may obtain the mastery over itself: so two seasons are chiefly to be observed; the one when the mind is best disposed to a business, the other when it is worst, that by the one we may be well forwards on our way, by the latter we may

prevented fatigue by stopping in due time: (c) by a judicious intermission (d) of studies, and by never plodding

by a strenuous contention work out the knots and stonds of the mind, and make it pliant for other occasions.

Somebody talked of happy moments for composition, and how a man can write at one time and not at another. "Nay," said Dr. Johnson, "a man may write at any time if he will set himself doggedly to it."

Johnson told us, almost all his *Ramblers* were written just as they were wanted for the press; that he sent a certain portion of the copy of an essay, and wrote the remainder while the former part of it was printing. When it was wanted, and he had fairly sat down to it he was sure it would be done.

Dr. Johnson would allow no settled indulgence of idleness upon principle, and always repelled every attempt to urge excuses for it. A friend one day suggested, that it was not wholesome to study soon after dinner. Johnson said, "Ah, sir, don't give way to such a fancy: at one time of my life I had taken it into my head that it was not wholesome to study between breakfast and dinner."

Thou shalt find, that deferring breeds, besides the loss, an indisposition to good; so that what was before pleasant to thee, being omitted, to-morrow grows harsh, the next day unnecessary, afterwards odious. To-day thou canst, but wilt not; to-morrow thou couldst, but listest not; the next day thou neither wilt, nor canst bend thy mind on these thoughts. So I have seen friends, that, upon neglect of duty, grow overly, upon overliness; strange, upon strangeness, to utter defiance.

Perhaps the two following rules may assist this defect.

1. Ascertain the cause of the disinclination, and counteract it.
2. Form the habit of conquering your indisposition to study at particular times.

(c) We do not call for a perpetuity of this labour of meditation: human frailty could never bear so great a toil. Nothing under heaven is capable of a continual motion, without complaint: it is enough for the glorified spirits above, to be ever thinking and never weary. The mind of man is of a strange metal; if it be not used, it rusteth; if used hardly, it breaketh.

For he would ever interlace a moderate relaxation of his mind with his studies, as walking, or taking the air abroad in his coach, or some other befitting recreation; and yet he would lose no time, inasmuch as upon his first and immediate return, he would fall to reading again, and so suffer no moment of time to slip from him without some present improvement.

Rawley.

(d) Rawley.—What a heaven lives a scholar in, that at once in one close room can daily converse with all the glorious martyrs and fathers: that can single out at pleasure either sententious Tertullian, or grave

upon books; for, although he read incessantly, he winnowed quickly. (*a*)—Interruption was only a diversion of

Cyprian, or resolute Jerome, or flowing Chrysostome, or divine Ambrose, or devout Bernard, or (who alone is all these) heavenly Augustine: and talk with them and hear their wise and holy counsels, and so mix their parts, that the pleasantries of the one may temper the austereness of the other. Let us hold with that blessed Monica, that such like cogitations are the food of the mind, yet even the mind also has her satiety, and may surfeit of too much.—Boyle's Meditations.

One while mine eyes are busied, another while my hand, and sometimes my mind takes the burthen from them both; wherein I would imitate the skillfullest cooks, which make the best dishes with manifold mixtures: one hour is spent in textual divinity, another in controversy; histories relieve them both. Now when the mind is weary of other labours, it begins to undertake her own; sometimes it meditates and winds up for future use; sometimes it lays forth her conceits into present discourse; sometimes for itself, offer for others. Neither know I whether it works or plays in those thoughts: I am sure no sport hath more pleasure, no work more use; only the decay of a weak body makes me think these delights insensibly laborious. Thus could I all day (as singers use) make myself music with changes, and complain sooner of the day for shortness than of the business for toil, were it not that this faint monitor interrupts me still in the midst of my busy pleasures, and enforces me both to respite and repast: I must yield to both; while my body and mind are joined together in unequal couples, the better must follow the weaker.

Le changement d'étude est toujours un délassement pour moi.

D'Aguesseau.

(*a*) "He was no plodder upon books, though he read much, and that with great judgment, and rejection of impertinences incident to many authors."—Rawley.

"Study is like the heaven's glorious sun,
That will not be deep searched with saucy looks;
Small have continual plodders ever won,
Save bare authority from others' books."—Love's Labour's Lost.

"I was a scholar: seven useful springs
Did I deflower in quotations
Of crossed opinions 'bout the soul of man;
The more I learnt, the more I learnt to doubt:
Delight, my spaniel slept, whilst I baus'd leaves,
'Tossed o'er the dunces, pored on the old print
Of titled words; and still my spaniel slept.
Whilst I wasted lamp-oil, baited my flesh,

study; (a) and, if necessary, he sought retirement. (b)

Shrunk up my veins; and still my spaniel slept.
 And still I held converse with Zabarell,
 Aquinas, Scotus, and the musty saw
 Of antick Donate: still my spaniel slept.
 Still on went I; first, *an sit anima*;
 Then, an it were mortal. O hold, hold at that
 They're at brain buffets, fell by the ears amain
 Pell-mell together: still my spaniel slept.
 Then, whether 'twere corporeal, local, fixt,
Ex traduce, but whether I had free will
 Or no, hot philosophers
 Stood banding factions, all so strongly propt:
 I stagger'd, knew not which was firmer part,
 But thought, quoted, read, observ'd and pryed,
 Stuff't noting books; and still my spaniel slept.
 At length he waked, and yawned; and by yon sky,
 For aught I know he knew as much as I."

Marston's "What you Will," Charles Lamb's Selections, p. 84.

See Wordsworth's Expostulation and Reply.

(a) Johnson, in his life of Savage, says, "Out of this story he formed the tragedy of Sir Thomas Overbury, which, if the circumstances in which he wrote it be considered, will afford at once an uncommon proof of strength of genius and evenness of mind; of a serenity not to be ruffled, and an imagination not to be suppressed. During a considerable part of the time in which he was employed upon this performance, he was without lodging and often without meat; nor had he any other conveniences for study than the fields or the streets allowed him: there he used to walk and form his speeches, and afterwards step into a shop, beg for a few moments the use of the pen and ink, and write down what he had composed, upon paper which he had picked up by accident.

Voltaire, when shut up in the Bastille, and for aught he knew for life, deprived of the means either of writing or reading, arranged and in part executed the project of his *Henriade*.—Vide de Voltaire, par M. . . . à Genève, 1786, chap. iv. Godwin's Political Justice, p. 322.

Brutus when a soldier under Pompey, in the civil wars, employed all his leisure in study; and the very day before the battle of Pharsalia, though it was in the middle of summer, and the camp under many privations, spent all his time till the evening in writing an epitome of Polybius.

Plutarch in Brut.

(b) Places of learning should be retired, tending to quietness and privateness of life, and discharge of cares and troubles: much like the stations which Virgil prescribeth for the hiving of bees.

Of inability to acquire particular sorts of knowledge he ^{Particular studies.} was scarcely conscious. He was interested in all truths, and, by investigations in his youth upon subjects from which he was averse, he wore out the knots and stonds of his mind, and made it pliant to all inquiry. (a)—He contemplated

Principio sedes apibus statioque petenda
Quo neque sit ventis aditus, &c. Bacon.

We are not to indulge ourselves in excuses from study; for if we think we never are to apply to it, but when we are vigorous, in high spirits, and free from all manner of other care, we shall always find pretexts to excuse us to ourselves. Let us always therefore find food for meditation, whether we are in a crowd, upon a journey, at table, or even amidst a tumult.

Silence, retirement, and a perfect tranquillity of mind, are indeed the greatest friends to study, but they do not always fall to a man's share. If therefore we should sometimes be interrupted, we are not immediately to throw away our papers, and give our time up for lost: no, we ought to get the better of difficulties, and to acquire such a habit as to surmount all impediments by resolution and application. For if you resolve and apply in earnest, and with the whole force of your mind to what you are about, that which may offend your eyes or ears never can disorder your understanding. Does it not often happen, that an accidental thought throws us into so profound a train of study, that we do not see the people we meet, and sometimes wander out of our way? May not this always be our case, especially when our study is not the effect of accident but of determination.

Quintillian.

(a) Rule. Engage in studies opposite to the favourite pursuit. Histories make men wise; poetry, witty; the mathematics, subtle; natural philosophy, deep, moral, grave; logic and rhetoric, able to contend. *Arcunt studia in mores.* Nay, there is no stond or impediment in the wit, but may be wrought out by fit studies. Like as diseases of the body may have appropriated exercises: bowling is good for the stone and reins; shooting for the lungs and breast; gentle walking for the stomach; riding for the head, and the like. So if a man's wit be wandering, let him study the mathematics; for in demonstrations, if his wit be called away never so little, he must begin again: if his wit be not apt to distinguish or find differences, let him study the schoolmen; for they are *Cymini sectores*: if he be not apt to beat over matters, and to call up one thing to prove and illustrate another, let him study the lawyer's cases: so every defect of the mind may have a special receipt.

Rule. Master your mind by continually investigating subjects from which you are averse.—Let the mind be daily employed upon some subject from

nature in detail and in mass: he contracted the sight of his mind and dilated it. (b)—He saw differences in

which it is averse, that, by wearing out the knots and stonds of the mind, it may become pliant on other occasions.

Bear ever toward the contrary of that whereunto you are by nature inclined, that you may bring the mind straight from its warp. Like as when we row against the stream, or when we make a crooked wand straight, by bending it the contrary way.

Fixedness of mind, or mental attention to a particular subject, will not, of course, be mistaken for fixedness of studies, or ability to attend only to particular pursuits.

(b) To contemplate nature and bodies in their simplicity, breaks and grinds the understanding, and to consider them in their compositions and configurations, blunts and relaxes; as appears plainly from comparing the school of Leucippus and Democritus with the other philosophies. For the former is so taken up with the particles of things, as almost to neglect their structure, while the other views the fabrication of things with such astonishment as not to enter into the simplicity of nature. Both these contemplations, therefore, are to be taken up by turns, that the understanding may at once be rendered more piercing and capacious, and the inconveniences prevented.

He who cannot contract his sight should consider as an oracle the saying of the poor woman to the haughty prince, who rejected her petition, as a thing below his dignity to notice—"then cease to reign:" for it is certain that whoever will not attend to matters because they are too minute or trifling shall never obtain command or rule over nature. The nature of every thing is best seen in its smallest portions. The philosopher, while he gazed upwards to the stars, fell into the water; but if he had looked down, he might have seen the stars in the water. The property of the loadstone was discovered in needles of iron, and not in bars of iron.

He who cannot dilate the sight of his mind should consider whether it is not better for a man in a fair room to set up one great light or branching candlestick of lights, than to go about with a small watch-candle into every corner.

The true strong and sound mind is the mind that can embrace equally great things and small. I am told the King of Prussia will say to a servant, bring me a bottle of such a wine, which came in such a year, it lies in such a corner of the cellar. I would have a man great in great things, and elegant in little things.—Dr. Johnson.

"That servant has committed twenty-one faults since we sat down to dinner," said Swift to Lord Orrery.—Johnson's Life.

apparent resemblances, and resemblances in apparent differences. (*a*)—He had not any attachment either to antiquity or novelty. (*b*)—He prevented mental aberration by studies which produced fixedness, (*c*) and fixedness

This great man's attention to small things was very remarkable: as an instance of it, he one day said to me, "Sir, when you get silver in change for a guinea, look carefully at it, you may find some curious piece of coin."

Johnson, vol. i. 3.

(*a*) The great and radical difference of capacities as to philosophy and the sciences lies here, that some are stronger and fitter to observe the differences of things, and others to observe their correspondences; for a steady and sharp genius can fix its contemplations, and dwell and fasten upon all the subtlety of differences, whilst a sublime and ready genius perceives and compares the smallest and most general agreements of things; but both kinds easily fall into excess, by grasping either at the dividing scale or shadow of things.

(*b*) Bacon says, that one of the distempers of learning is an extreme affection of two extremities, antiquity and novelty; wherein the daughters of time do take after the father; for as time devoureth his children, so these one of them seeketh to depress the other; while antiquity envieth there should be new additions, and novelty cannot be content to add things recent, but it must deface and reject the old. Surely the advice of the prophet is the true direction in this case, *state super vias antiquas et videte quam sit via recta et bona et ambulate in ea*. Antiquity deserveth that reverence, that men should make a stay awhile, and stand thereupon, and look about to discover which is the best way; but when the discovery is well taken, then not to rest there, but cheerfully to make progression. Indeed to speak truly, *Antiquitas seculi, Juventus Mundi*; certainly our times are the ancient times, when the world is now ancient, and not those which we count ancient, *ordine retrogrado*, by a computation backward from our own times.—His works abound with similar observations.

(*c*) Men do not sufficiently understand the excellent use of the pure mathematics, in that they do remedy and cure many defects in the wit and faculties intellectual. For if the wit be too dull, they sharpen it; if too wandering, they fix it; if too inherent in the sense, they abstract it. So that as tennis is a game of no use in itself, but of great use in respect it maketh a quick eye and a body ready to be put into all postures, so in the mathematics, that use which is collateral and intervenient is no less worthy than that which is principal and intended.

This is to be exactly observed, that not only exceeding great progression may be made in those studies, to which a man is swayed by a natural

by keeping his mind alive and open to perpetual improvement. (a)

Memory.

The theory of memory he understood and explained: (b) and in its practice he was perfect. He knew much, and what he once knew he seldom forgot.

Composition.

In his compositions his first object was clearness: to reduce marvels to plain things, not to inflate plain things into marvels. (c) He was not attached either to method

proclivity; but also that there may be found, in studies properly selected for that purpose, cures and remedies to promote such kind of knowledge, to the impressions whereof a man may, by some imperfection of nature, be most unapt and insufficient. As for example, if a man be bird-witted, that is, quickly carried away, and hath not patient faculty of attention, the mathematics give a remedy thereunto; wherein, if the wit be caught away but for a moment, the demonstration is new to begin.

Burke always read a book, as if he were never to see it again.

Locke says, a proper and effectual remedy for this wandering of thoughts I should be glad to find.

Newton used to say, that if there were any difference between him and other men, it consisted in his fixing his eye steadily on the object which he had in view, and waiting patiently for every idea as it presented itself, without wandering or hurrying.

(a) Certainly custom is most perfect when it beginneth in young years, this we call education, which is in effect but an early custom. So we see in languages, the tongue is more pliant to all expressions and sounds; the joints are more supple to all feats of activity and motions in youth than afterwards; for it is true that late learners cannot so well take the ply, except it be in some minds that have not suffered themselves to fix, but have kept their minds open and prepared to receive continual amendment, which is exceeding rare.

Locke says, "There are men who converse but with one sort of men, they read but one sort of books, they will not come in the hearing but of one sort of notions; the truth is, they canton out to themselves a little Goshen in the intellectual world, where light shines, and as they conclude, day blesses; but the rest of that vast expansum they give up to night and darkness, and so avoid coming near it.—See the Conduct of the Understanding; where there are many valuable observations on this subject.

(b) See ante, p. 292.

(c) In the composing of his books he did rather drive at a masculine and clear expression, than at fineness or affectation of phrases, and would often ask if the meaning were expressed plainly enough, as being one that

or to ornament, although he adopted both to insure a favourable reception for abstruse truths.

Such is a faint outline of his mind, which "like the sun had both light and agility; it knew no rest but in motion, no quiet but in activity: it did not so properly apprehend, as irradiate the object; not so much find, as make things intelligible. There was no poring, no struggling with memory, no straining for invention; his faculties were quick and expedite; they were ready upon the first summons, there was freedom and firmness in all their operations, his understanding could almost pierce into future contingents, his conjectures improving even to prophecy; (a) he saw consequents yet dormant in their principles, and effects yet unborn, in the womb of their causes."

How much is it to be lamented that such a mind, with such a temperament, was not altogether devoted to contemplation, to the tranquil pursuit of knowledge, and the calm delights of piety.

That in his youth he should quit these pleasant paths for the troubles and trappings of public life would be a cause for wonder, if it were not remembered that man amongst men is a social being; and, however he may abstract himself in his study, or climb the hill above him, he must daily mingle with their hopes and fears, their wishes and affections. He was cradled in politics: to be Lord Keeper was the boundary of the horizon drawn by his parents. He lived in an age when a

Causes of
entering
active life.

accounted words to be but subservient or ministerial to matter, and not the principal. And if his style were polite, it was because he could not do otherwise. Neither was he given to any light conceits, or descanting upon words, but did ever purposely and industriously avoid them; for he held such things to be but digressions or diversions from the scope intended, and to derogate from the weight and dignity of the style.

(a) See South's noble sermon on Human Perfection.

young mind would be dazzled, and a young heart engaged by the gorgeous and chivalric style which pervaded all things, and which a romantic queen loved and encouraged: life seemed a succession of splendid dramatic scenes, and the gravest business a well-acted court masque; the mercenary place-hunter knelt to beg a favour with the devoted air of a knight errant; and even sober citizens put on a clumsy disguise of gallantry, and compared their royal mistress to Venus and Diana. There was nothing to revolt a young and ingenuous mind: the road to power was, no doubt, then as it is now, but, covered with tapestry and strewed with flowers, it could not be suspected that it was either dirty or crooked. He had also that common failing of genius and ardent youth, which led him to be confident of his strength rather than suspicious of his weakness: and it was his favourite doctrine, that the perfection of human conduct consists in the union of contemplation and action, a conjunction of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action; but he should have recollected that Jupiter dethroned Saturn, and that civil affairs seldom fail to usurp and take captive the whole man. He soon saw his error: how futile the end, how unworthy the means! but he was fettered by narrow circumstances, and his endeavours to extricate himself were vain.

Entrance
into active
life.

Into active life he entered, and carried into it his powerful mind and the principles of his philosophy. As a philosopher he was sincere in his love of science, intrepid and indefatigable in the pursuit and improvement of it: his philosophy is "discover—improve."^(a) He was

(a) God hath framed the mind of man as a mirror, or glass, capable of the image of the universal world, and joyful to receive the impression

patientissimus veri. He was a reformer not an innovator. His desire was to proceed not "in aliud" but "in melius." His motive was not the love of excelling, but the love of excellence. He stood on such a height that popular praise or dispraise could not reach him.

He was a *cautious* reformer: quick to hear, slow to speak. His motive for reform. "Use Argus's hundred eyes before you raise one of Briareus's hundred hands," was his maxim.

He was a *gradual* reformer. He thought that reform ought to be, like the advances of nature, scarce discernible in its motion, but only visible in its issue. His admonition was, "Let a living spring constantly flow into the stagnant waters."

He was a *confident* reformer. "I have held up a light Reformer. in the obscurity of philosophy, which will be seen centuries after I am dead. It will be seen amidst the erection of temples, tombs, palaces, theatres, bridges, making noble roads, cutting canals, granting multitude of charters and liberties for comfort of decayed companies and corporations; the foundation of colleges and lectures for learning and the education of youth; foundations and institutions of orders and fraternities for nobility, enterprize, and obedience; but above all, the establishing good laws for the regulation of the kingdom and as an example to the world."

He was a *permanent* reformer.—He knew that wise reform, Permanent instead of palliating a complaint, looks at the real cause of the malady. He concurred with his opponent, Sir

thereof, as the eye joyeth to receive light; and not only delighted in beholding the variety of things and vicissitudes of times, but raised also to find out and discern the ordinances and decrees, which throughout all those changes are infallibly observed: for nothing is denied to man's inquiry and invention. The spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets.

Edward Coke, in saying, "Si quid moves a principio moveas. Errores ad principia referre est refellere." His opinion was that he, "who in the cure of politic or of natural disorders, shall rest himself contented with second causes, without setting forth in diligent travel to search for the original source of evil, doth resemble the slothful husbandman, who moweth down the heads of noisome weeds, when he should carefully pull up the roots; and the work shall ever be to do again."

Cautious, gradual, permanent reform, from the love of excellence, is ever in the train of knowledge. They are the tests of a true reformer.

Such were the principles which he carried into law and into politics.

Lawyer.

As a lawyer he looked with microscopic eye into its subtleties, and soon made great proficience in the science.^(a) He was active in the discharge of his professional duties: and published various works upon different parts of the law. In his offices of Solicitor and Attorney General, "when he was called, as he was of the King's council learned, to charge any offenders, either in criminals or capitals, he was never of an insulting and domineering nature over them, but always tender-hearted, and carrying himself decently towards the parties, though it was his duty to charge them home, but yet as one that looked

(a) When the celebrated lawyer, Mr. Hargrave, is speaking of the powers displayed by Lord Bacon, in his reading on the statute of Uses, he says, "It is a very profound treatise on the subject, as far as it goes, and shows that he had the clearest conception of one of the most abstruse parts of our law. What might we not have expected," he adds, "from the hands of such a master, if his vast mind had not so embraced within its compass the whole field of science, as very much to detach him from professional studies."—Such are the observations of Mr. Hargrave, an eminent lawyer, upon Lord Bacon's legal attainments.

upon the example with the eye of severity, but upon the person with the eye of pity and compassion.” (a)

As a Judge, it has never been pretended that any decree Judge made by him was ever reversed as unjust. (b)

As a Patron of preferment his favourite maxim was Patron. “Detur digniori, qui beneficium digno dat omnes obligat.”

As a Statesman he was indefatigable in his public Statesman. exertions. “Men think,” he said, “I cannot continue if I should thus oppress myself with business; but my account is made. The duties of life are more than life; and if I die now, I shall die before the world is weary of me, which in our times is somewhat rare.”

His love of reform, his master passion, manifested itself both as a statesman and as a lawyer; but, before he attempted any change he, with his usual caution, said, Reform as statesman and lawyer. “There is a great difference between arts and civil affairs; arts and sciences should be like mines, resounding on all sides with new works, and further progress: but it is not good to try experiments in states except the necessity be urgent or the utility evident; and well to beware that it is the reformation that draweth on the change and not the desire of change that pretendeth the reformation.”

The desire to change he always regarded with great jealousy. He knew that in its worst form it is the tool by which demagogues delude and mislead; (c) and in its best form, when it originates in benevolence and a love of truth, it is a passion by which kind intention has rushed on with such fearless impetuosity, and wisdom been hurried into such lamentable excess: it is so nearly allied to a contempt of authority, and so frequently ac-

(a) Rawley.

(b) See Rushworth, vol. i. p. 28.

(c) See note, next page.

complicated by a presumptuous confidence in private judgment: a dislike of all established forms merely because they are established, and of the old paths merely because they are old: it has such a tendency to go too far rather than not far enough; that this great man, conscious of the blessings of society and of the many perplexities which accompany even the most beneficial alterations, always looked with suspicion upon a love of change, whether it existed in himself or in others. In his advice to Sir George Villiers he said,—“Merit the admonition of the wisest of men: ‘My son, fear God and the King, and meddle not with those who are given to change.’”

(c) False patriotism, till it gain its end,
Is as the true in many semblances.
Like that it takes upon it to reform
Oppressive judgments and injurious laws,
That bear too hard upon the common weal:
Cries out upon abuses, seems to weep
Over the country's wrongs: and by this face
Of seeming zeal and justice, craftily
It wins those hearts for which its bait is thrown.

But when its end is gained,

'Tis flattering, cruel,
Pompous and full of sound and stupid rage;
Of faith neglectful: heaping wrong on wrong:
Ambitious, selfish:—while the true is calm,
Firm, persevering, more in act than show.

Deux citoyens haranguoient sur la place,
Montés chacun sur un tréteau:
L'un vend force poisons, distillés dans une eau
Limpide à l'œil; mais il parle avec grace;
Son habit est doré, son équipage est beau;
Il attroupe la populace.
L'autre, ami des humains, jaloux de leur bonheur,
Pour rien débite un antidote;
Mais il est simple, brusque et mauvais orateur;
On s'en moque, on le fuit comme un fou qui radote,
Et l'on court à l'empoisonneur.

As a statesman his first wish was, in the true spirit of his philosophy, to preserve; the next, to improve the constitution in church and state. Reform as
statesman.

In his endeavours to improve England and Scotland he was indefatigable and successful. He had no sooner succeeded than he immediately raised his voice for oppressed Ireland, with an earnestness which shows how deeply he felt for her sufferings. "Your majesty," he said, "accepted my poor field fruits touching the union, but let me assure you that England, Scotland, and Ireland well united, will be a trefoil worthy to be worn in your crown. She is blessed with all the dowries of nature and with a race of generous and noble people; but the hand of man does not unite with the hand of nature. The harp of Ireland is not strung to concord. It is not attuned with the harp of David in casting out the evil spirit of superstition, or the harp of Orpheus in casting out desolation and barbarism."

In these reforms he acted with his usual caution. He looked about him to discover the straight and right way, and so to walk in it. He stood on such an eminence, that his eye rested not upon small parts, but comprehended the whole. He stood on the ancient way. He saw this happy country, the mansion house of liberty. He saw the order and beauty of her sacred buildings, the learning and piety of her priests, the sweet repose and holy quiet of her decent sabbaths, and that best sacrifice of humble and simple devotion, more acceptable than the fire of the temple which went not out by day or by night. He saw it in the loveliness of his own beautiful description of the blessings of government. "In Orpheus's theatre all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords

of the harp, the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion."

Reform of
law.

In gradual reform of the law, his exertions were indefatigable. He suggested improvements both of the civil and criminal law: he proposed to reduce and compile the whole law; and in a tract upon universal justice, "*Leges Legum*," he planted a seed which, for the last two centuries, has not been dormant, and is now just appearing above the surface. He was thus attentive to the ultimate and to the immediate improvement of the law: the ultimate improvement depending upon the progress of knowledge. "*Veritas temporis filia dicitur, non auctoritatis*:" the immediate improvement upon the knowledge by its professors in power, of the local law, the principles of legislation, and general science.

So this must ever be. Knowledge cannot exist without the love of improvement. The French Chancellors, D'Aguesseau and L'Hôpital, were unwearied in their exertions to improve the law; and three works upon imaginary governments, the *Utopia*, the *Atlantis*, and the *Armata*, were written by English Chancellors.

Sir Wm.
Grant.

So Sir William Grant, the reserved intellectual Master of the Rolls, struck at the root of sanguinary punishment, when, in the true spirit of philosophy, he said, "Crime is prevented not by fear, but by recoiling from the act with

horror, which is generated by the union of law, morals, and religion. With us they do not unite; and our laws are a dead letter.” (a)

So too by the exertions of the philosophic and benevolent Sir Samuel Romilly, who was animated by a spirit public as nature, and not terminated in any private design, the criminal law has been purified; and, instead of monthly massacres of young men and women, we, in our noble times, have lately read that “there has not been one execution in London during the present shrievalty.”—With what joy, with what grateful remembrance has this been read by the many friends of that illustrious statesman, who, regardless of the senseless yells by which he was vilified, went right onward in the improvement of law, the advancement of knowledge, and the diffusion of charity. (b)

Such were Bacon’s public exertions.—In private life he was always cheerful and often playful, according to his own favourite maxim, “To be free-minded and cheerfully disposed at hours of meat, and of sleep, and of exercise, is one of the best precepts of long lasting.” (c)

(a) I was in the house when the observation was pressedly made by Sir William. It apparently fell still-born. I said to a friend who was with me, “These punishments are at an end.”

(b) I never applied to him for an object in distress, but he thankfully opened his purse.

Of the reforms by the Lord Chancellor Brougham, it is not the proper time, nor, perhaps, am I the proper person to form a correct judgment. This will be the subject of future consideration.

(c) “His meals,” says Dr. Rawley, “were refectations of the ear as well as of the stomach, like the *Noctes Atticæ*, or *Convivia Deipno-Sophistarum*; wherein, a man might be refreshed in his mind and understanding no less than in his body. And I have known some, of no mean parts that have professed to make use of their note-books when they have risen from his table; in which conversations,

Conversa-
tion.

The art of conversation, that social mode of diffusing kindness and knowledge, he considered to be one of the valuable arts of life, and all that he taught he skilfully and gracefully practised. When he spoke, the hearers only feared that he should be silent, yet he was more pleased to listen than to speak, "glad to light his torch at any man's candle." He was skilful in alluring his company to discourse upon subjects in which they were

and otherwise, he was no dashing man, as some men are, but ever a countenancer and fosterer of another man's parts. Neither was he one that would appropriate the speech wholly to himself, or delight to outvie others, but leave a liberty to the co-assessors to take their turns; wherein he would draw a man on, and allure him to speak upon such a subject as wherein he was peculiarly skilful, and would delight to speak. And, for himself, he contemned no man's observations, but would light his torch at every man's candle."

Fuller, in his life of Lord Burleigh says, "No man was more pleasant and merry at meals; and he had a pretty wit-rack in himself to make the dumb to speak; to draw speech out of the most sullen and silent guest at his table, to shew his disposition in any point he should propound. At night when he put off his gown he used to say, 'Lie there, Lord Treasurer,' and bidding adieu to all state affairs, disposed himself to his quiet rest."

"And now the evening is come, no tradesman doth more carefully take in his wares, clear his shop-board and shut his windows, than I would shut up my thoughts and clear my mind. That student shall live miserably, which like a camel lies down under his burthen."—Bishop Hall.

Plutarch tells us Democritus used to say, "That if the body and the soul were to sue one another for damages, it would be a doubtful question whether the landlord or the guest were most faulty."

Plato's caution is very just, which is, "That we ought not to exercise the body without the soul, nor the soul without the body."

Plutarch, in his book *De Præceptis Salubribus*, which he wrote, as he declares himself, for the benefit of studious persons and politicians: "The ox said to his fellow servant the camel, which refused to bear part of his burden, 'In a little time it will be your turn to carry all my burden instead of a part.'"

most conversant. He was ever happy to commend, and unwilling to censure; and when he could not assent to an opinion, he would set forth its ingenuity, and so grace and adorn it by his own luminous statement, that his opponent could not feel lowered by his defeat. (a)

His wit was brilliant, and when it flashed upon any ^{Wit.} subject, it was never with ill-nature, which, like the crackling of thorns ending in sudden darkness, is only fit for a fool's laughter; (b) the sparkling of his wit was that of the

Query, whether the reasons of this are not, 1st, that the mind requires rest; and 2ndly, that the spirit which produces thought is required for digestion and exercise. Ramazini, on the Diseases of learned Men, says, "For while the brain is employed in digesting what the desire of knowledge and the love of learning takes in, the stomach cannot but make an imperfect digestion of the aliment, because the animal spirits are diverted and taken up in the intellectual service; or these spirits are not conveyed to the stomach with a sufficient influx, upon the account of the strong application of the nervous fibres, and the whole nervous system, in profound study. How much the influx of the animal spirits contributes to the due performance of all the natural functions of the viscera, is manifest from the decay of paralytic parts; for though these parts are supplied with vital juice by the perpetual afflux of the arterial blood, yet they dwindle and decay by being deprived of that nervous juice, or spirits, or whatever it is, which is conveyed to them through the nerves."

(a) See note (c), ante, 471.

(b) Ros. Oft have I heard of you, my lord Biron,
 Before I saw you: and the world's large tongue
 Proclaims you for a man replete with mocks;
 Full of comparisons and wounding flouts;
 Which you on all estates will execute,
 That lie within the mercy of your wit:
 To weed this wormwood from your fruitful brain;
 And therewithal, to win me, if you please,
 (Without the which I am not to be won,)
 You shall this twelvemonth term from day to day
 Visit the speechless sick, and still converse
 With groaning wretches; and your task shall be,
 With all the fierce endeavour of your wit,
 To enforce the pained impotent to smile.

precious diamond, valuable for its worth and weight, denoting the riches of the mine. (*a*)

He had not any children; but, says Dr. Rawley, "the want of children did not detract from his good usage of his consort during the intermarriage, whom he prosecuted with much conjugal love and respect, with many rich gifts and endowments, besides a robe of honour which he invested her withal, which she wore until her dying day, being twenty years and more after his death."

He was religious, and died in the faith established in the church of England. (*b*)

Bacon has been accused of servility, of dissimulation, of various base motives, and their filthy brood of base actions, all unworthy of his high birth, and incompatible with his great wisdom, and the estimation in which he was held by the noblest spirits of the age. It is true that there were men in his own time, and will be men in all times, who are better pleased to count spots in the sun than to rejoice in its glorious brightness. Such men have openly libelled him, like Dewes and Weldon, whose falsehoods were detected as soon as uttered, or have fastened upon certain ceremonious compliments and dedications, the fashion of his day, as a sample of his servility, passing over his noble letters to the Queen, his lofty contempt for the Lord Keeper Puckering, his open dealing with Sir Robert Cecil,

BRON. To move wild laughter in the throat of death?

It cannot be; it is impossible:

Mirth cannot move a soul in agony.

Ros. Why, that's the way to choke a gibing spirit,

Whose influence is begot of that loose grace,

Which shallow laughing hearers give to fools:

A jest's prosperity lies in the ear

Of him that hears it, never in the tongue

Of him that makes it.

(*a*) See ante, p. 28.

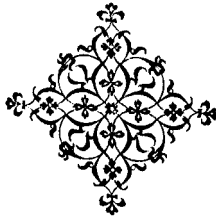
(*b*) Rawley.

and with others, who, powerful when he was nothing, might have blighted his opening fortunes for ever, forgetting his advocacy of the rights of the people in the face of the court, and the true and honest counsels, always given by him, in times of great difficulty, both to Elizabeth and her successor. When was a "base sycophant" loved and honoured by piety such as that of Herbert, Tennyson, and Rawley, by noble spirits like Hobbes, Ben Jonson, and Selden, or followed to the grave, and beyond it, with devoted affection such as that of Sir Thomas Meautys.

Forced by the narrowness of his fortune into business, conscious of his own powers, aware of the peculiar quality of his mind, and disliking his pursuits, his heart was often in his study, while he lent his person to the robes of office, (a) and he was culpably unmindful of the conduct of his servants, who amassed wealth meanly and rapaciously, while their careless master, himself always poor, with his thoughts on higher ventures, never stopped to inquire by what methods they grew rich. No man can act thus with impunity; he has sullied the brightness of a name which ought never to have been heard without reverence, injured his own fame, and has been himself the victim upon the altar which he raised to true science; becoming a theme to "point a moral or adorn a tale," in an attempt to unite philosophy and politics, an idol, whose golden head and hands of base metal form a monster more hideous than the Dagon of the Philistines.

(a) He says to Sir Thomas Bodley, "I do confess, since I was of any understanding my mind hath in effect been absent from that I have done, and in absence are many errors which I willingly acknowledge, and amongst the rest, this great one, which led the rest, that knowing myself by inward calling to be fitter to hold a book than to play a part, I have led my life in civil causes, for which I was not very fit by nature, and more unfit by pre-occupation of mind."

His consciousness of the wanderings of his mind made him run into affairs with over-acted zeal and a variety of useless subtleties; and in lending himself to matters immeasurably beneath him, he sometimes stooped too low. A man often receives an unfortunate bias from an unjust censure. Bacon, who was said by Elizabeth to be without knowledge of affairs, and by Cecil and Burleigh to be unfit for business, affected through the whole of his life an over-refinement in trifles and a political subtlety unworthy of so great a mind: it is also true that he sometimes seemed conscious of the pleasure of skill, and that he who possessed the dangerous power of "working and winding" others to his purpose, tried it upon the little men whom his heart disdained; but that heart was neither "cloven nor double." There is no record that he abused the influence which he possessed over the minds of all men. He ever gave honest counsel to his capricious mistress, and her pedantic successor; to the rash, turbulent Essex, and to the wily, avaricious Buckingham. There is nothing more lamentable in the annals of mankind than that false position, which placed one of the greatest minds England ever possessed at the mercy of a mean king and a base court favourite.



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FINIS.

NOTES.

A. *Life*, p. i.

A LITTLE beyond Hungerford Market had been of old the Bishop of Norwich's Inn, but was exchanged in 1535, in the reign of Henry VIII. for the Abbey of St. Bennett Holme, in Norfolk. The next year Charles Brandon, Duke of Suffolk, exchanged his house called Southwark Place for it. In Queen Mary's reign it was purchased by Heath, Archbishop of York, and called York House. Toby Matthew, archbishop in the time of James I. exchanged it with the crown, and had several manors in lieu of it. The Lord Chancellors Egerton and Bacon resided in it; after which it was granted to the favourite Villiers, Duke of Buckingham, who made it a magnificent house. In 1648, the parliament bestowed it on Lord Fairfax, whose daughter and heir marrying George Villiers, second Duke of Buckingham, it reverted again to the true owner, who for some years after the restoration resided in it. On his disposal of it, several streets were laid out on the site and ground belonging to it. These go generally under the name of York Buildings; but his name and title is preserved in George, Villiers, Duke, and Buckingham Streets, and even the particle *of* is not forgotten, being preserved in Of Alley.—See Maitland's London, 482, Vol. I.

The house is situated at the top of Villiers Street, North front towards the Strand, East front towards Villiers Street. In two closets on the first floor there is a part of the old ceiling. In the lease of the house it is called "York House." It is now, 1832, occupied by G. Roake, bookseller and stationer, York House, 31, Strand, corner of Villiers Street.

B. *Life*, p. i.

Sir Anthony Cooke, characterised by Camden as *vir antiqua serenitate*, was born at Giddy Hall, in Essex. He was a man eminent in all the circles of the arts, preferring contemplation to active life, and skilled in education. "Contemplation," says Lloyd, "was his soul: privacy his life: and discourse his element. Business was his purgatory: and publicity his torment. He took more pleasure to breed up statesmen than to be one. He managed his family and children with such prudence and discretion, that Lord Seymour standing by one day when this gentleman chid his son, said 'Some men govern families with more skill than others do kingdoms:' and thereupon commended him to the government of his nephew, Edward VI. Such the majestie of his looks and gate, that awe governed; such the reason and sweetness, that love obliged all his family: a family equally afraid to displease so good a head, and to offend so great. In their marriage they were guided by his reason, more than his will; and rather directed by his counsel, than led by his authority.

He had five daughters, whose education he superintended; and, thinking that women are as capable of learning as men, he instilled that to his daughters at night, what he had taught the prince in the day; and all the daughters of Sir Anthony Cooke were perfectly skilled in the learned languages. They married suitably to the education with which they had been formed.

1. Mildred,
2. Ann,
3. Katherine,
4. Elizabeth,
- 5.

} married to

- William Cecil, Lord Treasurer of England.
- Nicholas Bacon, Lord Keeper.
- Sir Henry Killigrew.
- Sir Thomas Hobby.
- Sir Ralph Rowlet.

NOTE C.

Elizabeth survived Sir Thomas Hobby, and married John, Lord Russel. There is a portrait of her at Mr. Vansittart's, Bisham Abbey, enamelled by Bone.

Sir Anthony Cooke died June 11, 1576, and is buried in the chapel at Romford.—Birch's Elizabeth, 11.

Portrait of Lady Cooke, wife of Sir Anthony, by Holbein, at Woburn, enamelled by Bone.

C. *Life, p. i.*

Sir Nicholas Bacon was a man full of wit and wisdom: was a gentleman and a man of law and of great knowledge therein. He had the deepest reach into affairs of any man that was at the council table: the knottiest head to pierce into difficulties: the most comprehensive judgment to surround the merits of a cause: the strongest memory to recollect all circumstances of a business at one view: the greatest patience to debate and consider: and the clearest reason to urge anything that came in his way in the court of chancery. His favour was eminent with his mistress, and his alliance strong with her statesmen. He was lord keeper of the great seal during the time of Elizabeth. He was, in a word, a father of his country and of Sir Francis Bacon. Lloyd.

He was a moderate man: "*Mediocria firma*" was his principle and practice. He is described by Camden as "*Vir præpinquis, ingenio acerrimo, singulari prudentia, summa eloquentia, tenaci memoria, et sacris conciliis alterum columnen.*"

Sir Nicholas Bacon, a most eloquent man, of as sound learning and wisdom as England had in many ages, with the old Lord William Burghley, lord treasurer, have above others been admired and commended in their public speeches in parliament. Peacham, Cent. 44.

Sir Nicholas Bacon, lord keeper, ob. 1579, February 20: in him was united for the first time the office of lord chancellor and that of lord keeper, but in 1564, being suspected of having favoured the succession of the house of Gray, he fell into disgrace and was forbid to appear at court, or to interfere in any public affairs except those of chancery, where he continued to preside, with an unblemished reputation, till his death. Lodge, 1. 306.

Sir Nicholas Bacon, keeper in the reign of Elizabeth, died lamented by her and the nation, 20th February, 1578-9. He was interred in the cathedral of St. Paul's, where a monument was erected to him, which was destroyed by the fire of London, 1666.

Sir Nicholas had much of that penetrating genius, solidity of judgment, persuasive eloquence, and comprehensive knowledge of law and equity, which afterwards shone forth with so great a lustre in his son, who was as much inferior to his father in point of prudence and integrity, as his father was to him in literary accomplishments. He was the first lord keeper that ranked as lord chancellor. Promoted 1558-9: ob. 20th February, 1578-9.

It is interesting to see the resemblance between the minds of Sir Nicholas and of his son. Sir Nicholas was an eminent statesman, with the refinement of a courtier: a learned lawyer, eloquent, and devoted to science, with a passion for building: qualities by which his son was distinguished through life.

Queen Elizabeth told him his house was too little for him, "Not so, madam," returned he, "but your majesty has made me too great for my house." When Elizabeth asked Francis in his childhood how old he was, he answered that he was two years younger than her majesty's happy reign.

In that court, and in the star-chamber, he made use, on proper occasions, of set speeches, in which he was happier than most men, pleasing the people by their sound, and charming the wisest men of that-age with their sense, whence he attained the reputation of uniting two opposite characters, viz. of a witty and a weighty speaker.* Ben Jonson says nearly the same of Lord Bacon. There happened in my time one noble speaker, who was full of gravity in his speaking. His language (where he could spare or pass by a jest) was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or

* Peacham's Compleat Gentleman, p. 43.

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suffered less emptiness, less idleness, in what he uttered. No member of his speech but consisted of its own graces. His hearers could not cough, or look aside from him without loss. He commanded where he spoke; and had his judges angry and pleased at his devotion. No man had their affections more in his power. The fear of every man that heard him was, lest he should make an end.

The devotion of Sir Nicholas to sciencē may be seen in inscriptions in different parts of his seat at Gorbambury. Over a gate leading into the orchard, which had a garden on one side and a wilderness on the other, under the statue of Orpheus, stood these verses :

Horrida nuper eram aspectu latebræque ferarum,
 Ruricolis tantum numinibusque locus.
 Edomitor faustò huc dum forte supervenit Orpheus
 Ulterius qui me non sinit esse rudem ;
 Convocat, avulsis virgulta virentia truncis
 Et sedem quæ vel Diis placuisse potest.
 Sicque mei cultor, sic est mihi cultus et Orpheus :
 Floreat O noster cultus amorque diu.

This too was the favourite image of Francis. In Orpheus's Theatre all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which, as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues; so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion.

In the orchard was a little banquetting-house, adorned with great curiosity, having the liberal arts beautifully depicted on its walls, over them the pictures of such learned men as had excelled in each, and under them, verses expressive of the benefits derived from the study of them.

GRAMMAR.	Lex sum sermonis linguarum regula certa, Qui me non didicit cætera nulla petat.
ARITHMETICK.	Ingenium exacuo, numerorum arcana recludo, Qui numeros didicit quid didicisse nequit.
LOGICK.	Divido multiplices, res explanoque latentes Vera exquiro, falsa arguo, cuncta probo.
MUSICK.	Mitigo moerores, et acerbas lenio curas, Gestiat ut placidis mens hilarata sonis.
RHETORICK.	Me duce splendescit, gratis prudentia verbis Jamque ornata nitet quæ fuit ante rudis.
GEOMETRY.	Corpora describo rerum et quo singula pacto Apte sunt formis appropriata suis.
ASTROLOGY.	Astrorum lustrans cursus viresque potentes, Elicio miris fata futura modis.

So, too, Francis had his banquetting-house and fish-ponds, as will be explained in a subsequent part of this work. They may now be seen at Gorbambury, in a field called the Ponyard—the Pondyard. His passion for building appeared in his mansion and gardens at Gorbambury, near St. Albans, and in his New Atlantis are the statues of eminent men.

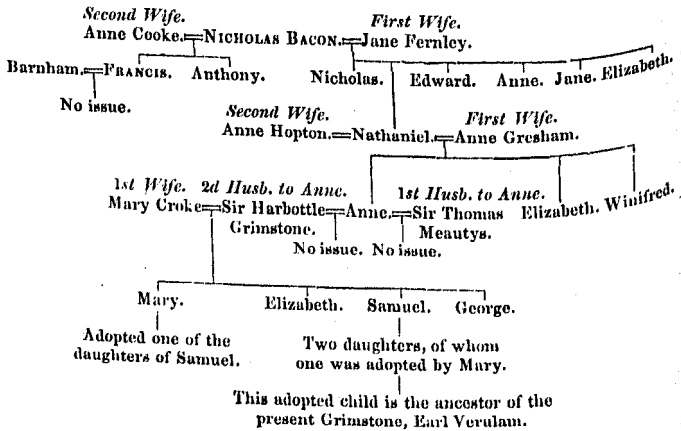
Sir Nicholas's first wife was Jane Fernly, of West Creting, in Suffolk, by whom he had six children. His second wife was Anne, the daughter of Sir Anthony Cooke, of Giddy Hall, Essex, by whom he had two sons, Anthony and Francis, who was the celebrated Lord Verulam. His death is said to have been occasioned by accident, on the 20th of February, 1579; and, on the 9th of March, he was buried with great solemnity, under a sumptuous monument erected by himself in St. Paul's church, with the following inscription by Buchannan :

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Hic Nicolaum nē Baconum conditum,
 Existima illum, tam diu Britannici
 Regni secundum columen, exitium malis,
 Bonis Asylum; cæca quem non extulit
 Ad hunc honorem sors, sed æquitas, fides,
 Doctrina, Pietas, unica et Prudentia,
 Neu morte raptum crede, quia unica brevi
 Vita perennes emeruit duas: agit
 Vitam secundam cælites inter animus,
 Fama implet orbem, vita quæ illi tertia est.
 Hac positum in ara est corpus olim animi domus,
 Ara dicata sempiternæ Memorïæ.

There are various pictures of the lord keeper; there are two in Gorhambury House; a print in Musgrave's collection, lord keeper, æt. 68, 1579. Picture in Euston House, Suffolk. Picture by Zuccherò in Lennerd House, Norfolk. Picture in Brome Hall, Suffolk—motto, *Mediocria Firma*. Picture at Bennet College, Cambridge. Picture in King's Weston House, Gloucestershire. Knowle House, Kent. By Zuccherò, at Woburn. See *Walpole's Painters*. Pennant's Journey. In the *Horologia*, 8vo. a Vandenwooffe, 1559. *Vertue sc.* large 4to. *Vertue*, &c. a small oval engraving, with other heads, in the frontispiece to Burnet's Abridgment of the History of the Reformation. Portrait of Anne, wife of Sir Nicholas, lord keeper, at Gorhambury, enamelled by Bone. His bust and of his wife Anne, and of their son, Francis, when twelve years old, are at Gorhambury. I saw them in April, 1825. They are of terra cotta, and coloured after the life. The bust of Francis is, as to the shape of the head, barrel like. *Biographia Adversaria*, vol. i. British Museum: Sir N. Bacon, lord keeper of the great seal, autograph, 1562, 1565, 1566.

A great part of the furniture which belonged to the lord keeper is still carefully preserved. The purse which was delivered with the great seal to Sir Nicholas Bacon, by the queen, is now in the possession of the Rev. John Long, rector of Coddendam, Suffolk, to whom it was bequeathed by the will of the Rev. Nathaniel Bacon, his predecessor in the living, and last male descendant of Nicholas, eldest son of Edward Bacon, esq. of Shrubland, the third son of Sir Nicholas by his first wife. The following is the pedigree of the lord keeper.



Nathaniel, the second son, was, to use the words of Sir Nicholas his father, *of best hope in learning*. This appears from the following letter from the lord keeper, written when Francis was only eight years old.

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Harleian MS. 287, fo. 280.—“ I have receyved yo^r gentill and courteous lettre, and thank you hartely for it. And albeit my sonne hath begged this benefice of you, w^{ch} indeed was yo^r by my promyse, yet I trust or it be long to provide some other of better value for you, in parte of satisfaction of this that is paste, ye shal be sure to have the first, and the best that I may gyve in eyther bothe shires. And in good faythe I am sory you have not this for yo, advertisement concerning Mr. Dopleidick. I have great cause to thinke myself much beholden unto you, but herein (I thank you) I fynd by soundry weyes you do but as you are wonte, I should be much to blame if any tyme shall make me forgetfull of it, and remembering it I muste be unthankfull if I requyte it not, if it lye in my power. My desyer is that if you be acquaynted wth Mr. Dopleidick, that you will of yo^rself lett hym understand that I have told you my intention is to have my second sonne married in Suff., and wth all that I have requyered you, if you should understand of any convenient mariage for him to advertise me of it, and so furthe as you shall think moste meet. In deed of all my children he is of best hope in learning, and thereupon to feele his disposycion howe he is inclyned that waye, whereof I gladly wold be advertised wth some speed. And besyde I praye you signifie unto me th' age of the mayde, wth whome she hath ben brought up, and who maye be the meeetst meanes to bring the same to passe, yf upon yo^r significacyon I shall have cause to lyke of it, and of the other syde if you for want of a quayntaince wth hym be not meete to begyne to breake this matter (whereof I wold be very sory) then I wold gladly be enforced from you who were meet to do it. I have written to my sonne that he shall see yo^r lettres conveyed wth speed, whensoever you are disposed to writt unto me, for in thies causes protracting of tyme may verye muche hinder, my meaning is not to have many acquainted wth this matter, till I knowe what will come of it. Thus wishing to you as to myself I bid you hartely farewell, from my house at Gorhambury the xxvijth of July, 1568.

Yo^r verey frynd,
N. BACON, C. S.

To my verye frend Robert
Asshefeld, esquier, geve
these.

Whatever may have been the promise of him when a youth, all which we now know of him is, that he was an artist of some merit. Grimstone, in his History of St. Albans, says, “ He had a great talent for painting, and travelled into Italy to improve himself in that art.” Lord Orford, in his History of Painting, ranks him very high in reputation, amongst the British artists. At Culford he left some few pieces of fruit and fish, but they are lost or destroyed, and the only remaining specimens of his works are preserved at Gorhambury, these are a full length portrait of himself, a cook supposed to have been a representation of Lady Bacon, with a great variety of dead game in the foreground, part of which appears unfinished, but the remainder has been greatly admired. There is also a small portrait of his mother.

He is thus mentioned in Pennant's Journey from Chester. Near him is his accomplished kinsman, his half-brother, Sir Nathaniel Bacon, knight of the Bath, leaning back in his chair, in a green jacket laced, yellow stockings, a dog by him, and sword and pallet hung up. “ In the art of painting, none,” says Peacham, “ deserveth more respect and admiration than Master Nathaniel Bacon, of Brome, in Suffolke; not inferior, in my judgment, to our skillfullest masters.” He improved his talent by travelling into Italy; and left in this house, as a proof of the excellency of his performances, this portrait, and a most excellent one of a cook, a perfect Venus, with an old game-keeper; behind is a variety of dead game, in particular a swan, whose plumage is expressed with inimitable softness and gloss.

Sir Nath. Bacon se ipse p. Chambers se 4to. in the anecdotes of painting. Sir Nathaniel Bacon, second son of Sir Nicholas Bacon, painted his own portrait and a cook maid, with large and small fowls, in a masterly manner. Both these pictures are at Gorhambury. He was ancestor to the present Lord Townshend. Mr. Nathaniel Bacon, younger son of Sir Nicholas Bacon, knight and

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eldest baronet, deserveth great respect and admiration for his skill and practice in painting, and not inferior to our most skilful masters. Peachum Gent. 106. See, for a further account of Nathaniel, Walpole's Anecdotes of Painting, 316. Sir Nathaniel Bacon, knight of the Bath, younger son of Sir Nicholas Bacon, Wheeler. Picture, Gorhambury, by himself. Walp. Paint. i. 177. Sir Nathaniel Bacon, knight, brother of Viscount St. Albans. Print in Musgrave's Collection, ii.

Grimstone's History of Gorhambury, page 69. Sir Nathaniel, the second son of Sir Nicholas Bacon, married the daughter of Sir Thomas Gresham, and by her had three daughters, Anne, Elizabeth, and Winifred. Sir Nathaniel died in the lifetime of Lord St. Albans, at his seat at Culford, in the county of Suffolk, and was buried in the chancel of the church at Culford, where a monument was erected to his memory; and another at Stiffkey, in Norfolk, where he had also an estate and mansion. Anne, his eldest daughter, married first Sir Thomas Meautys, who died without issue, and now lies by his friend in St. Michael's church, at St. Albans. I, in 1830, traced his epitaph. It is partly covered by one of the pews. The inscription is as follows:

Pew.

THE BODY OF SR
THOMAS MEAUTYS K^t.

Upon removing the pew, which now is upon part of the stone, there would no doubt appear on the first line **HERE LIE** and in the second line, **THOMAS** so that the inscription will be plain: "Here lieth the body of Sir Thomas Meautys K^t."

Grimstone's History of Gorhambury, page 62. Lord St. Albans had in his lifetime conveyed his estate and manor of Gorhambury to Sir John Constable and Sir Thomas Crewe, as trustees, by whom it was after his death conveyed to Sir Frances Leigh and others, in trust for the sole use of Sir Thomas Meautys, his relation and friend, who had married Anne, the only surviving daughter of Sir Nathaniel Bacon. Sir H. Grimstone bought Gorhambury of Sir Thomas Meautys. After the death of Sir Thomas Meautys, Anne married Sir Harbottle Grimstone, he having, as it seems, previously bought Gorhambury of Sir Thomas Meautys.

Account of Sir Harbottle Grimstone and his wives: his second wife having been Anne, the daughter of Nathaniel, the second son of the lord keeper, and widow of Sir Thomas Meautys.

Burnet, in his History of his Own Times, says, "And I applied myself to my studies, and my function being then settled preacher at the Rolls, and soon after lecturer of St. Clements. I lived many years under the protection of Sir Harbottle Grimstone, Master of the Rolls, who continued steady in his favour to me, though the King sent Secretary Williamson to desire him to dismiss me. He said he was an old man, fitting himself for another world, and he found my ministry useful to him, so he prayed he might be excused in that. This broke me quite with the court, and in that respect proved a great blessing to me: it brought me out of many temptations; the greatest of all being the kindness that was growing toward me from the Duke, which might have involved me in great difficulties, as it did expose me to much censure; all which went off upon this. He was a long and very kind patron to me. I continued ten years in that post, free from all necessities: and I thank God that was all I desired: but, since I was so long happy in so quiet a retreat, it seems but a just piece of gratitude, that I should give some account of that venerable old man. He was descended from a long-lived family; for his great-grandfather lived till he was ninety-eight, his grandfather to eighty-six, and his father to seventy-eight, and himself to eighty-two. He had the last a great soundness of health, of memory, and of judgment. He was bred to the study of the law, being a younger brother. Upon the elder brother's death he threw it up; but falling in love with Judge Croke's daughter, the father would not bestow her on him

unless he would return to his studies, which he did with great success. That judge was one of those who delivered his judgment in the chequer-chamber against the ship-money, which he did with a long and learned argument; and Sir Harbottle's father, who served in parliament for Essex, lay long in prison, because he would not pay the loan-money. Thus both his family and his wife's were zealous for the interest of their country. In the beginning of the long parliament he was a great assessor of the laws, and inveighed severely against all that had been concerned in the former illegal oppression. His principle was, that allegiance and protection were mutual obligations; and that the one went for the other. He thought the law was the measure of both; and that when a legal protection was denied to one that paid a legal allegiance, the subject had a right to defend himself. He was much troubled, when preachers asserted a divine right of legal government. He thought it had no other effect but to give an ill impression of them as aspiring men: nobody was convinced by it. It inclined their hearers rather to suspect all they said; besides it looked like the sacrificing their country to their own preferment; and an encouraging of princes to turn tyrants: yet when the Long Parliament engaged in the league with Scotland, he would not swear to the covenant; and he discontinued sitting in the house till it was laid aside: then he came back, and joined with Hollis, and the other presbyterians, in a high opposition to the independents, and to Cromwell in particular, as was told in the first book; and he was one of the secluded members that were forced out of the house. He followed afterwards the practice of the law; but was always looked upon as one who wished well to the ancient government of England: so he was chosen speaker of that house, that called home the King; and had so great a merit in that whole affair, that he was soon after, without any application of his own, made Master of the Rolls: in which post he continued to his death with a high reputation, as he well deserved; for he was a just judge; very slow, and ready to hear every thing that was offered, without passion or partiality. I thought his only fault was that he was too rich: and yet he gave yearly great sums in charity, discharging many prisoners by paying their debts. He was a very pious and devout man, and spent every day, at least an hour in the morning, and as much at night, in prayer and meditation; and even in winter, when he was obliged to be very early on the bench, he took care to rise so soon, that he had always the command of that time which he gave to those exercises. He was much sharpened against popery: but had always a tenderness to the Dissenters, though he himself continued still in the communion of the church."

Burnet, in his History, thus speaks of Anne, "*His second wife, whom I knew, was niece to the great Sir Francis Bacon; and was the last heir of that family. She had all the high notions for the church and for the crown in which she had been bred; but was the humblest, the devoutest, and best tempered person I ever knew of that sort. It was really a pleasure to hear her talk of religion, she did it with so much elevation and force. She was always very plain in her clothes, and went off to gaols to consider the wants of the prisoners, and relieve or discharge them; and, by the meanness of her dress, she passed but for a servant trusted with the charities of others. When she was travelling in the country, as she drew near a village she often ordered her coach to stay behind till she had walked about it, giving orders for the instruction of the children, and leaving liberally for that end.*"

There is a portrait of Anne at Gorhambury, and of both her husbands.

D. *Life, p. i.*

There are some observations upon the life of Anne, Lady Bacon, in the *Biographia Britannica*, in Note A to the life of Anthony Bacon, which says: "She made a florid and exact translation of Bishop Jewell's Apology for the Church of England, from Latin into English, which was esteemed so useful in its nature, as well as so correct in its manner, that in the year 1564 it was published for common use by the special order of Archbishop Parker, with

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some additions of his own at the end, and he refers to 2d Strype's *Annals* 469. Her parental care of her two sons, Anthony and Francis, two of the most extraordinary men of her time, and of any time, is, possibly, the best evidence of her powers: and which was deeply felt by Francis, who, in his will, says: "For my burial I desire it may be in St. Michael's church, near St. Albans, there was my mother buried." In Birch's *Memoirs of the Reign of Queen Elizabeth*, the extraordinary vigilance used by Lady Anne in superintending their conduct, long after they were adults, may be seen.

The importance of early impressions, and, above all, of early infant education, can never be too strongly impressed upon the mind. The blessings attendant upon the performance of this duty, both to the child and to the parent, may be seen by a few facts, and conceived by any person who thinks of the sweet love of a mother for her child, and knows that "Nature never said one thing and wisdom another." See Cowper's *Review of Schools*, and see his poem upon the receipt of his mother's picture. I subjoin a few instances, ancient and modern, of the beneficial effects of maternal education.

Arete, the daughter of Aristippus, the Cyrenaic philosopher, after her father's death, presided over the school, and taught her son, Aristippus, philosophy. *Diog. Laert. l. ii. in Aristippo.*

Istrina, queen of the Scythians, wife of Aripithis, taught her son the language and learning of the Greeks. *Herodotus and Melpomene.*

What heart has not glowed at the memory of the mother of the Gracchi.

The devout Pilcheria, mother of the emperor Arcadius, when not fifteen years of age, governed with discretion. She tended both the moral and intellectual education of her son Theodosius.

Zenobia Suidas, the celebrated queen of Palmyra, was acquainted with the Greek, Roman, and Egyptian languages, and instructed her sons Herennianus and Timolaus. *Pollio Trebellius et Fulg. lib. viii. cap. iii.*

Amalasunta succeeded, with her son Athalaric, to her father Theodoric, in the kingdom of Italy. She educated her son after the Roman manner, and reared in him his father's virtues. She was acquainted with all the languages that were spoken in the Roman empire. *Jo. Magnus, l. 10.*

Hooker, about the eighteenth year of his age, fell into a dangerous sickness, which lasted two months; all which time his mother, having notice of it, did in her hourly prayers as earnestly beg his life of God, as Monica, the mother of St. Augustine, did that he might become a true Christian; and their prayers were both so heard as to be granted: which Mr. Hooker would often mention with much joy, and as often pray that he might never live to occasion any sorrow to so good a mother; of whom, he would often say, he loved her so dearly that he would endeavour to be good even as much for hers as for his own sake. *Walton's Lives.*

The mother of George Herbert, in the time of her widowhood, being desirous to give Edward, her eldest son, such advantages of learning, and other education, as might suit his birth and fortune, and thereby make him more fit for the service of his country, did, at his being of a fit age, remove from Montgomery Castle with him to Queen's College, and having provided him a fit tutor, she commended him to his care, yet she continued there with him, and still kept him in a moderate awe of herself, and so much under her own eye, as to see and converse with him daily. *Walton's Life of George Herbert.*

Professor Gregory, who invented the reflecting telescope, in the twenty-fourth year of his age, was instructed by his mother in the elements of mathematics.

Kant, the celebrated metaphysician, derived in part his devotional spirit from the instructions of maternal piety.

Gray the poet was the only child of his mother who survived. The rest died in their infancy from suffocation produced by a fulness of the blood: and he owed his life to a memorable instance of the love and courage of his mother, who removed the paroxysm which attacked him by opening a vein with her own hand. To her exertions it was owing, that when her home was rendered unhappy by the cruelty of her husband, our poet was indebted for his education. Mason records that Gray seldom mentioned his mother without a sigh.

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The early years of the lamented John Tweddell,

“Of all that virtue love for virtue loved,”

were passed under the tuition of a most pious and affectionate mother.

Bishop Watson thus speaks of his mother: “My mother’s maiden name was Newton: she was a very charitable and good woman, and I am indebted to her (I mention it with filial piety) for embuing my young mind with principles of religion, which have never forsaken me. Erasmus, in his little treatise entitled *Antibarbarorum*, says, ‘that the safety of states depends upon three things—upon a proper or improper education of the prince, upon public preachers, and upon schoolmasters;’ and he might with reason have added, upon mothers; for the care of the mother precedes that of the schoolmaster, and may stamp upon the *rasa tabula* of the infant mind, characters of virtue and religion which no time can efface.” *Bishop Watson’s Life*, p. 7. ed. 4to. 1817.

The care of the education of Sir William Jones devolved upon his mother, who in many respects was eminently qualified for the task. Her character, as delineated by her husband with somewhat of mathematical precision, is this, that “She was virtuous without blemish, generous without extravagance, frugal but not niggard, cheerful but not giddy, close but not sullen, ingenious but not conceited, of spirit but not passionate, of her company cautious, in her friendship trusty, to her parents dutiful, and to her husband ever faithful, loving, and obedient.” She had naturally a strong understanding, which was improved by his conversation and instruction. Under his tuition she became a considerable proficient in algebra; and, with a view to qualify herself for the office of preceptor to her sister’s son, who was destined to a maritime profession, made herself perfect in trigonometry and the theory of navigation.

In the plan adopted by Mrs. Jones for the instruction of her son, she proposed to reject the severity of discipline, and to lead his mind insensibly to knowledge and exertion, by exciting his curiosity and directing it to useful objects. To his incessant importunities for information on casual topics of conversation, which she watchfully stimulated, she constantly replied, “read and you will know,” a maxim to the observance of which he always acknowledged himself indebted for his future attainments. By this method his desire to learn became as eager as her wish to teach; and such was her talent of instruction and his facility of retaining it, that in his fourth year he was able to read distinctly and rapidly any English book. She particularly attended at the same time to the cultivation of his memory, by making him learn and repeat some of the popular speeches in Shakespeare and the best of Gay’s Fables.

Among those mothers who may be recorded as having early succeeded by widowhood to the father’s place in the charge of education, we may enumerate the mothers of St. Peter Celestine; of Philip Beraldo, the elder; of Bologna, one of the greatest scholars of the fifteenth century; of Bishop Fisher, and the Protestant prelates Cranmer and Parker; of Papire Masson the historian, and of Buchanan the poet: and in a later period, those of our own countrymen, Bishop Brownrigg, Dr. Wallis the mathematician, Cowley the poet: and abroad, the mothers of Leibnitz; of Lami, of Florence.

Bishop Hall thus speaks of his mother, “How often have I blessed the memory of those divine passages of experimental divinity which I have heard from her mouth! What day did she pass without a large task of private devotion, whence she would still come forth with a countenance of undissembled mortification. Never any lips have read to me such feeling lectures of piety, neither have I known any soul that more accurately practised them; then her own temptations, desertions, and spiritual comforts, were her usual theme. Shortly, for I can hardly take off my pen from so exemplary a subject, her life and death were saint-like.

The early letters of the mother of the late Right Hon. William Pitt shew the powers of her mind and her affection.

The comments of John Lovell Edgeworth, in his life; and of Marmontel, in his memoirs, are very interesting on this subject.

See some valuable observations upon this subject, in *Hints for the Improvement of early Education*, Hatchard, 1822, written by Mrs. Hoare.

E. *Life, p. ii.*

Note from page 412, *Biographia Britannica*. The Lady Jane Grey was excellently skilled in Greek: and Queen Elizabeth translated several pieces both from Greek and Latin. The most remarkable instance, however, of the spirit of learning which prevailed was in the family of Sir Anthony Cooke: for all his four daughters were perfectly skilled in the learned languages, and his second daughter, Anne, wife to the Lord Keeper Bacon, made both a florid and exact translation of Bishop Jewell's Apology for the church of England, from Latin into English, which was esteemed so useful in its nature, as well as so correct in its manner, that in the year 1567 it was published for common use, by the special order of Archbishop Parker, with some additions of his own at the end. (*Strype's Annals*, vol. ii. p. 469). There have been many ladies remarkable for their learning and their writings, but very few whose works, like the Lady Bacon's, were published by authority and commended to public reading: it was this that stirred the gall of Father Parsons, who has reflected bitterly upon this lady (a relation of a conference between Henry IV. of France, &c. p. 197) for her performance, without reflecting that his ill language redounded more to her reputation than all the praises of her friends. (See Mallet's *Life of Bacon*, Ato.) It was to the great abilities and tender care of so accomplished a parent, that her two sons, Anthony and Francis, owed the early part of their education.

"Before I went into Germanic," says Ascham, "I came to Brodegate, in Leicestershire, to take my leave of that noble Lady Jane Grey, to whom I was exceeding much beholding. Her parentes, the duke and the duchess, with all the houshold, gentlemen and gentlewomen, were hunting in the parke. I found her in her chamber, readinge Phadon Platonis in Greeke, and that with as much delite, as some jentlemen would read a merrie tale in Bocace. After salutation, and dewtie done, with some other taulke, I asked her, why she would leese such pastime in the parke? Smiling, she answered me: 'I wisse, all their sport in the parke is but a shadoo to that pleasure that I find in Plato. Alas! good folke, they never felt what trewe pleasure ment.'"

Ascham, who was said to be the best master of the best scholar, speaking of his pupil Queen Elizabeth, says: "After dinner I went up to read with the Queen's majesty. We read then together in the Greek tongue, as I well remember, that noble oration of Demosthenes against Eschines for his false dealing in his embassage to King Philip of Macedon." Lord Bacon, in speaking of Queen Elizabeth, says: "This lady was indued with learning in her sex singular and rare even amongst masculine princes, whether we speak of learning or of language: or of science, modern or ancient: divinity or humanity. And, unto the very last year of her life, she accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly."

G. *Life, p. iii.*

He had not the advantage of a good constitution of body, his father having been much afflicted with the gout and stone. Birch's *Elizabeth*.

In the *Novum Organum* he says, "We judge also, that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful. If any one, therefore, should despair, let him consider a man as much employed in civil affairs as any other of his age, a man of no great share of health, who must therefore have lost much time; and yet, in this undertaking, he is the first that leads the way, unassisted by any mortal, and stedfastly entering the true path that was absolutely untried before, and submitting his mind to things, may thus have somewhat advanced the design."

Rawley says, "The moon was never in her passion or eclipsed, but he was surprized with a sudden fit of fainting, and that though he observed not, nor took any previous knowledge of the eclipse thereof." "None of his servants,"

says Aubrey, "durst appear before him without Spanish leather boots, for he would smell the neat's leather, which offended him." "His lordship," says Aubrey, "would often drink a good draught of strong beer (March beer) to bed-wards, to lay his working fancy to sleep, which otherwise would keep him from sleeping great part of the night. I remember Sir John Danvers told me that his lordship much delighted in his curious garden at Chelsea, and as he was walking there one time he fell down in a swoon. My Lady Danvers rubbed his face, temples, &c. and gave him cordial water; as soon as he came to himself, said he, "Madam, I am no good footman." Is not this cheerfulness a proof that the sensation was habitual?

H. *Life*, p. iii.

Dr. Rawley says, "His first and childish years were not without some mark of eminency; at which time he was endued with that pregnancy and towardness of wit; as they were presages of that deep and universal apprehension, which was manifest in him afterward and caused him to be taken notice of by several persons of worth and place; and, especially, by the Queen; who (as I have been informed) delighted much then to confer with him, and to prove him with questions: unto whom he delivered himself with that gravity and maturity above his years, that her majesty would often term him, the young lord keeper." Archbishop Tennison says, "It is observed that in his tender years, his pregnancy was such, as gave great indication of his future high accomplishments; insomuch as Queen Elizabeth took notice of him, and called him the young lord keeper; also, that asking him how old he was, though but a boy, he answered, that he was two years younger than her majesty's most happy reign."

I. *Life*, p. ix.

It appears probable that on this subject, which constantly occupied him, he was interested very early in life. There are various tracts extant which are rudiments of his *Novum Organum*, and appear to have been the subject of his meditations when a boy. In vol. xi. of this edition, page 478, there is a tract entitled *Temporis Partus Masculus sive de Interpretatione Natura*: this was first published by Stephens. It is translated, and is published in vol. xv. This tract was written when he was a boy, for in a letter to Father Fulgentio, (see vol. xii. 203), written after 1622, as he mentions the History of Henry VII. which was published in that year, he says, "I remember that about forty years ago, I composed a juvenile work about these things, which with great confidence and a pompous title I called *Temporis Partum Maximum*." Archbishop Tennyson, speaking of this, says, "This was a kind of embryo of the *Instauration*, and, if it had been preserved, it might have delighted and profited philosophical readers, who could then have seen the generation of that great work, as it were from the first egg of it, and by reference to the tract it will be seen that it was sound judgment." There is another tract entitled *Temporis Partus Masculus, sive Instauration Magna imperii Humani in Universum*. This is also translated, and is in vol. xv. It was first published by Gruter. By reference to this it will appear, that it is a prayer to the Creator: and, by referring to the conclusion of the *Distributio Operis* prefixed to the *Novum Organum*, page 178, vol. ix. it will be seen that it also concludes with a prayer. There are various other tracts, which are rudiments of the *Novum Organum*. See vol. i. of this edition in the preface, sect. 5, p. 27. sect. 6, p. 28. sect. 7, and sect. 8, p. 31.

These different tracts will, possibly, elucidate what is said by Dr. Rawley, who, speaking of the *Novum Organum*, says, "His book of *Instauration Magna* (which in his own account was the chiefest of his works,) was no slight imagination, or fancy of his brain, but a settled and concocted notion, the production of many years labour and travel. I myself have seen at the least twelve copies of the *Instauration*, revised year by year one after

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another, and every year altered and amended in the frame thereof, till at last it came to that model in which it was committed to the press, as many living creatures do lick their young ones, till they bring them to their strength of limbs."

The attention of the reader is particularly requested to the extracts (in pages xxviii and xxix of preface to vol. i.) and the observations upon universities in the *Filum Labyrinthi*, and in the *Novum Organum*.

"Lost, likewise," says Tennison, "is a book which he wrote in his youth, he called it (*Temporis Partus Maximus*) the Greatest Birth of Time: or rather, *Temporis Partus Masculus*, the Masculine Birth of Time. For so Gruter found it called in some of the papers of Sir William Boswel. This was a kind of embryo of the *Instauration*: and the fragment, lately retrieved, and now first published. But this loss is the less to be lamented, because it is made up with advantage, in the second and better thoughts of the author, in the two first parts of his *Instauration*."

Mr. Mallet, speaking of this treatise, is pleased to deliver himself thus: "Though the piece itself is lost, it appears to have been the first outlines of that amazing design, which he afterwards filled up and finished, in his grand *Instauration of the Sciences*. As there is not a more amusing, perhaps a more useful speculation, than that of tracing the history of the human mind, if I may so express myself, in its progression from truth to truth, and from discovery to discovery; the intelligent reader would, doubtless, have been pleased, to see in the tract I have been speaking of, by what steps and gradations, a spirit like Bacon's advanced in new and universal theory."

But here seems to lie the difficulty: some writers who have reviewed the scattered works and fragments of Lord Bacon have, with great labour and industry, endeavoured to bring in this treatise, otherwise styled *Of the Interpretation of Nature*, as a part of that great body of philosophy which he had framed; whereas our author himself, speaking of this treatise, tells us, as the reader may see above, that it was not a part or portion of his great structure of philosophy, but the first sketch or rough draught of the whole. Now I conceive, that whoever looks into these fragments of the book on the *Interpretation of Nature*, as they stand in the works of our author, and shall afterwards compare them with the beginning of his *Instauration*, will not need many arguments to persuade him, that this conjecture is founded in truth, and that there is as much reason to conceive that the great work, just mentioned, rose out of the *Temporis Partus Masculus*, as that the *Novum Organum* sprung from another of the fragments which accompanies this, and is commonly called his *Cogitata et Visa*. If the reader would be told what is the issue, what the advantage of this laboured inquiry, he will surely be satisfied with this answer; that by drawing these fragments of the *Interpretation of Nature* into a good light, it appears, that what the honest and candid Tennison thought so fine a sight, the generation of Lord Bacon's philosophy from the egg, is still in our power; and what the ingenious and instructive Mr. Mallet most truly observes, the ability of reviewing and tracing the author's steps from one discovery in science to another, is yet in a great measure with us; which, to such as rightly apprehend Lord Bacon's worth, and have a just conception of the value of his writings, will appear somewhat of considerable consequence. I am satisfied, that in matters of this nature there is no absolute certainty, and that in the depths of Lord Bacon's knowledge, a man of ordinary talents may be very easily lost; but I own at the same time, the thing struck me so strongly, that I could not help putting it down, yet with all imaginable submission to the reader, to whose service, as I dedicate my labours, I hope (should it be found so) he will the more easily pardon my mistake. There are, however, a few circumstances more, to which I must desire the reader's attention, and then he will have a just notion of Mr. Bacon's frame of mind. While at Gray's Inn, he was eagerly engaged in the study and pursuit of his new philosophy, the whole scheme of which he had already formed. It was to this he applied his thoughts, and this was the great object of his ambition. If he desired or laboured for preferment in civil life, it was but with a view to gain thereby the means of

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improving and accomplishing his system ; for he made even the most shining transactions of his life, but subservient thereto. In a word, the introducing this new method of attaining wisdom was his ruling passion, and his great spring of action through life. It quickened him in the pursuit of employments ; it consoled him when he met disappointments in that pursuit ; it filled up (most agreeably) his few leisure moments when in the zenith of his grandeur ; it softened his fall, by proposing a new road to fame and esteem, in which he was in no danger of being either imposed on by one set of men, or sacrificed to the interests of another. Thus, this was always, and in all conjunctures, his leading object, of which he never lost sight ; and as we have already had a train of evidence sufficient to convince us, that he conceived something of this kind when he was but sixteen, and brought it into some form by that time he was twenty-six ; so the remainder of this article will show how warmly he prosecuted this point till death overtook him on the road, when his mind was wholly occupied with these *speculations*. Biog. Brit.

K. *Life*, p. xi.

His observations on universities will be found in the beginning of the second part of the Advancement of Learning. The following analysis will exhibit an outline of this tract. After having observed upon libraries, and upon the teachers, he proceeds to the defects, which he thus enumerates :

FIRST DEFECT. Colleges are all dedicated to professions.

If men judge that learning should be referred to action, they judge well ; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense, as the head doth ; but yet, notwithstanding, it is the stomach that digesteth and distributeth to all the rest : so if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it.

It is injurious to government that there is not any collegiate education for statesmen.

SECOND DEFECT. The salaries of lecturers are too small.

If you will have sciences flourish, you must observe David's military law, which was, " That those which stay with the carriage should have equal part with those which were in the action."

THIRD DEFECT. There are not sufficient funds for providing models, instruments, experiments, &c.

FOURTH DEFECT. There is a neglect in the governors of consultation, and in superiors of visitation, as to the propriety of continuing or amending the established courses of study.

1. Scholars study too soon logic and rhetoric.

For minds empty and unfraught with matter, and which have not gathered that which Cicero calleth " Sylva" and " supellex," stuff and variety, to begin with those arts, (as if one should learn to weigh, or to measure, or to paint the wind), doth work but this effect, that the wisdom of those arts, which is great and universal, is almost made contemptible, and is degenerate into childish sophistry and ridiculous affectation. (See Milton's Treatise on Education.)

2. There is too great a divorce between invention and memory.

FIFTH DEFECT. There is a want of mutual intelligence between different universities.

SIXTH DEFECT. There is a want of proper rewards for enquiries in new and unlaboured parts of learning.

The opinion of plenty is amongst the causes of want, and the great quantity of books maketh a shew rather of superfluity than lack: which surcharge, nevertheless, is not to be remedied by making no more books but by making more good books, which, as the serpent of Moses, might devour the serpents of the enchanters.

L. *Life*, p. xi.

Of the importance of general knowledge and general education, Bacon is constant in his admonitions. In the entrance of philosophy he says, "Because the partition of sciences are not like several lines that meet in one angle; but rather like branches of trees that meet in one stem, which stem for some dimension and space is entire and continued, before it break, and part itself into arms and boughs; therefore the nature of the subject requires, before we pursue the parts of the former distribution, to erect and constitute one universal science, which may be the mother of the rest; and that in the progress of sciences, a portion, as it were, of the common highway may be kept, before we come where the ways part and divide themselves."

The evil which results from want of fixed principles in legislation may be seen in any discussion upon improvement of the law, when it cannot escape notice how few fixed principles pervade society upon important questions in legislation. There is, I may venture to say, scarcely any subject of law, upon the principles of which any two eminent lawyers entertain the same sentiments. Mention, for instance, in a company of lawyers, imprisonment for debt, or usury, or capital punishment, and you will instantly discover the want of fixed principles. One will talk of the injured creditor, another of the oppressed debtor; one of the necessity of this power in creditors for the sake of commerce; another that the counting-house has no alliance with the jail. So too there has been, for centuries, great conflict of opinion upon the efficacy of severe punishment, as there was, for centuries, upon imprisonment for debt. So too upon commercial laws; all proving the truth of Bacon's account of one of the signs of false philosophy, "We must not omit that other sign, namely, the great disagreement among the ancient philosophers and the differences of their schools, which sufficiently shows that their way, from the sense to the understanding, was not well guarded; whilst one and the same subject of philosophy, the nature of things, was rent and split into so many and such wild errors: and although at present the dissensions and disagreements of opinions, as to first principles and entire philosophies, are in a manner extinct, yet such innumerable questions and controversies still remain among us, as make it plainly appear that there is nothing fixed and stable, either in our present philosophy or the manner of our demonstrations."

M. *Life*, p. xiii.

Extract from Lord Bacon's will. And because I conceive there will be upon the moneys raised by sale of my lands, leases, goods and chattels, a good round surplusage, over and above that which may serve to satisfy my debts and legacies, and perform my will; I do devise and declare, that my executors shall employ the said surplusage in manner and form following; that is to say, that they purchase therewith so much land of inheritance, as may erect and endow two lectures in either the universities, one of which lectures shall be of natural philosophy; and the science in general thereunto belonging; hoping that the stipends or salaries of the lecturers may amount to two hundred pounds a year for either of them; and for the ordering of the said lectures, and the election of the lecturers from time to time, I leave it to the care of my executors, to be established by the advice of the lords bishops of Lincoln and

Coventry. Nevertheless thus much I do direct that none shall be lecturer (if he be English) except he be master of arts of seven years standing, and that he be not professed, in divinity, law, or physic, as long as he remains lecturer; and that it be without difference whether (he) be a stranger or English; and I wish my executors to consider of the precedent of Sir Henry Savil's lectures for their better instruction.

William Bagwell, in a preface to his *Mystery of Astronomy*, 1655, tells the reader that he had long wished for an opportunity to deposit his work in some university or college, and that he found none so acceptable as the erection of Sir Francis Bacon's college, intended to be established in Lambeth Marsh, near London, a worthy institution for the advancement of learning. See a catalogue of royal and noble authors, I think by Walpole, continued by T. Park, article Bacon. It is possible that this may have been an attempt by Bushel, his admirer, who, if I mistake not, died in Lambeth Marsh.

N.—*New Atlantis. Life, p. xvi.*

The first edition of the new Atlantis was published, in folio, in 1627, at the conclusion of the first edition of the *Sylva Sylvarum*, of which there were eleven editions between the years 1627 and 1676, and in each of these editions, the new Atlantis will be found. It will be found in vol. ii. of this edition, p. 323. The following is the preface :

TO THE READER.

"This fable my lord devised, to the end that hee might exhibite therein, a modell or description of a college, instituted for the interpreting of nature, and the producing of great and marvellous works for the benefit of men; under the name of Salomons House, or the College of the Six Dayes Works. And even so farre his lordship hath proceeded, as to finish that part. Certainly, the modell is more vast and high than can possibly be imitated in all things; notwithstanding most things therein are within mens power to effect. His lordship thought also in this present fable, to have composed a frame of lawes, or of the best state or mould of a commonwealth; but foreseeing it would be a long worke, his desire of collecting the naturall historie diverted him, which he preferred many degrees before it. This worke of the new Atlantis, (as much as concerneth the English edition) his lordship designed for this place; in regard it hath so neere affinitie (in one part of it) with the preceding naturall historie."

W. RAWLEY.

Tennison, speaking of the new Atlantis, says, "Neither do we, here, unfitly place the Fable of the New Atlantis: for it is the model of a college to be instituted by some king who philosophizeth, for the interpreting of nature and the improving of arts. His lordship did (it seems) think of finishing this fable, by adding to it a frame of laws, or a kind of Utopian commonwealth; but he was diverted by his desire of collecting the natural history which was first in his esteem."

There is a copy of the New Atlantis in Bushel's Abridgment, the following is the title page: *New Atlantis, a Work unfinished. Written by the Right Honourable Francis, Lord Verulam, Viscount St. Alban. London, printed by Thomas Newcomb, 1659.*

Of the New Atlantis there have been various translations. It was translated into French in 1631. It is in 8vo. There is a copy in the British Museum; the title is as follows: *L'Atlas Nouveau, De Messire Francois Bacon, Baron de Verulam, Vicomte de S. Alban, et Chancelier d'Angleterre.*

Histoire Naturelle de Mre. Francois Bacon, Baron de Verulam, Vicomte de Saint Alban, et Chancelier d'Angleterre. A Paris, chez Antoine de Sommaville et Andre Soubron, associez, au Palais dans la petite Salle. M.DC.XXXI. Avec Privilège du Roy.

There is another French edition in 1702: *La Nouvelle Atlantide de Francois Bacon, etc. Par M. R. A Paris, chez Jean Musier, etc. M.DCC.II.*

It was translated into Latin in 1633: *Novus Atlas, opus imperfectum Latine*

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conscriptum ab Illustri viro Francisco Bacone, de Verulamio, etc. Cum Prefatione W. Rawley. Of this edition Tennison says, "This fable of the New Atlantis in the Latin edition of it, and in the Frankfort collection, goeth under the false and absurd title of Novus Atlas: as if his lordship had alluded to a person, or a mountain, and not to a great island, which according to Plato perished in the ocean."

It was translated into Latin by Rawley, and published by him in folio, in the year 1638, in his volume containing many other tracts. The following is the title: *Nova Atlantis Fragmentorum alterum. Per Franciscum Baconum, Baronem de Verulamio, Vice-Comitem S. Albani. Londini, Typis Joh. Havi-land. Prostant ad Insignia Regia in Cæmeterio D. Pauli, apud Iocosam Norton et Richardum Whitakerum, 1638.*

There are some works connected with the New Atlantis which ought to be noticed. In the year 1660 a work was published, of which the following is the title: *New Atlantis begun by the Lord Verulam, Viscount St. Albans: and continued by R. H. Esquire. Wherein is set forth a Platform of Monarchical Government, with a pleasant intermixture of divers rare Inventions, and wholsom Customs, fit to be introduced into all Kingdoms, States, and Common-Wealths. Nunquam Libertas gratior extat quam sub Rege pio. London, printed for John Crooke, at the Signe of the Ship in St. Paul's Church Yard, 1660.*

Of this work Tennison says, "This Supplement has been lately made by another hand: * a great and hardy adventure, to finish a piece after the Lord Verulam's pencil."

In the year 1676 a work was published, of which the following is the title-page: *Essays on several important Subjects in Philosophy and Religion. By Joseph Glanvill, Chaplain in Ordinary to His Majesty, and Fellow of the R. S. Imprimatur, Martii 27, 1675, Thomas Tomkins. London, printed by J. D. for John Baker, at the Three Pidgeons, and Henry Mortlock, at the Phoenix, in St. Paul's Church Yard, 1676.*

The last essay in this volume is thus entitled: *Anti-fanatical Religion and Free Philosophy, in a continuation of the New Atlantis, Essay VII.* And the title opens thus, *Essay VII. The Summe of my Lord Bacon's New Atlantis.*

O.

After he had passed the circle of the liberal arts, his father thought fit to frame and mould him for the arts of state; and for that end sent him over into France, with Sir Amyas Paulet, then employed Ambassador Lieger into France; by whom he was, after a while, held fit to be entrusted with some message or advertisement to the Queen; which having performed with great approbation, he returned back into France again, with intention to continue for some years there. Rawley.

That he was sent to France when he was sixteen appears from the following fact. Sir Amias Paulet was sent ambassador to France in September, 1576. He was succeeded by Sir Edward Stafford, in December, 1578.

Extract from a letter, dated June 22, 1577. "One year is already spent since my departure from you, and yet one year more, and then I will begin to hearken for a successor." To Mr. Nicholas Wadham.

In a letter to the lord keeper, dated September, 1577: "This quiet time doth give me no occasion to trouble your lordship with long letters; only I must tell you, that I rejoice much to see that your son, my companion, hath, by the grace of God, passed the brunt and peril of this journey: whereof I am the more glad, because, in the beginning of these last troubles, it pleased your lordship to refer his continuance with me to my consideration. I thank God these dangers are past, and your son is safe, sound, and in good health, and worthy of your fatherly favour. And thus, &c. (a)

* See R. H. conten. of N. Atlantis, Octo. Lon. 1660.
(a) See Blackburn, vol. i.

Q. *Life*, p. xvii.

STATE OF EUROPE.

This tract is supposed by Mallet to have been the first work written by Lord Bacon, and to have been written about the year 1580, when he was between nineteen and twenty years of age:—because it states, “that Henry III. of France was then thirty years old: now that king began his reign in 1576, at the age of twenty-four years, so that Bacon was then nineteen.” How far this evidence is satisfactory, may be collected from other parts of the same tract. It says, “Gregory XIII. of the age of seventy years:”—but Gregory XIII. was seventy years old in the year 1572, when he was elected Pope, so that, according to this reasoning, it might be inferred that it was written when Bacon was twelve years of age. In another part of the tract it states, “The King of Spain, Philip, son to Charles the Fifth, about sixty years of age:” but he was born on the 21st of May, 1527, so that he was sixty years old in 1587, when Bacon was between sixteen and seventeen years old.—The author of Bacon’s *Life*, in the *Biographia Britannica*, from these different dates, concludes that the tract was written at different periods of time, beginning, as he must suppose, when Bacon was quite a boy; but, as it was not necessary for the purposes of this tract that the ages of the different monarchs should be ascertained with great precision, it is, perhaps, not probable that they were accurately examined, and the only fair inference is, that it was written at a very early period of his life.*

The same author says, “But what is extremely remarkable in this small treatise, is the care and accuracy with which he has set down most of the little princes in Germany, with the state of their dominions.” This minute observation, however, extends to all his works: and of all the extraordinary properties of Bacon’s wonderful mind, his constant observation of what we, in common parlance, call trifles, appears to be one of the most extraordinary. He says that whoever will not attend to matters because they are too minute or trifling, shall never obtain command or rule over nature. The nature of every thing is best seen in its smallest portions. The philosopher, while he gazed upwards to the stars, fell into the water, but if he had looked down he might have seen the stars in the water. The property of the loadstone was discovered in needles of iron, and not in bars of iron. He who cannot *dilate* the sight of his mind, should consider whether it is not better for a man in a fair room to set up one great light or branching candlestick of lights, than to go about with a small watch-candle into every corner.

R. *Life*, p. xxii.

His tract upon Universal Justice was published in 1623, in the treatise *De Augmentis Scientiarum*, and will afterwards be explained. See Note C C postea.

His different works upon practical parts of the law are: 1st. *Elements of the Common Law*, including *Maxims of the Law*, and the *Use of the Law*; 2ndly. *A Treatise on the Statute of Uses*; 3rdly. *A Treatise on the Office of Constables*; and 4thly. *An Account of the Office for Alienations*; the particulars of which will be mentioned in the order of time in which they were written.

He wrote several tractates upon that subject, wherein though some great masters of the law did outgo him in bulk and particularities of cases, yet in the science of the grounds and mysteries of the law he was exceeded by none.—Rawley.

* The tract says, “D. Antonio, elect King of Portugal, is now in France, where he hath levied soldiers, whereof part are embarked, hoping to be restored again.”

S. *Life*, p. xxii.

Bacon's love of contemplation may be seen in various parts of his works. In a letter to the Lord Treasurer of 21st of March, 1594, he says, This last request I find it more necessary for me to make because (though I am glad of her majesty's favour, that I may with more ease practise the law, which perchance I may use now and then for my countenance,) yet to speak plainly, though perhaps vainly, I do not think that the ordinary practice of the law, not serving the queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning, I shall reap no great benefit to myself in that course.

In a letter to Essex, dated March 30, 1594, he says: "When I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and therefore truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself, with a couple of men to Cambridge, and there spend my life in my studies and contemplations without looking back."

To my Lord of Essex.

It may please your good Lordship,—I pray God her majesty's weighing be not like the weight of a balance, "gravia deorsum, levia sursum." But I am as far from being altered in devotion towards her as I am from distrust that she will be altered in opinion towards me when she knoweth me better. For myself I have lost some opinion, some time, and some means; this is my account; but then, for opinion, it is a blast that goeth and cometh; for time, it is true, it goeth and cometh not; but yet I have learned that it may be redeemed. For means, I value that most; and the rather, because I am purposed not to follow the practice of the law: if her majesty command me in any particular I shall be ready to do her willing service; and my reason is only because it drinketh too much time, which I have dedicated to better purposes. But even, for that point of estate and means I partly lean to Thales' opinion, "that a philosopher may be rich if he will." Thus your lordship seeth how I comfort myself; to the increase whereof I would fain please myself to believe that to be true which my Lord Treasurer writeth, which is, that it is more than a philosopher morally can digest; but without any such high conceit, I esteem it like the pulling out of an aching tooth, which I remember when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholding to you than to any man; and I say I reckon myself as a common, (not popular but common,) and as much as is lawful to be enclosed as a common, so much your lordship shall be sure to have.—Your Lordship's to obey your honourable commands more settled than ever.

In a letter to the Lord Treasurer in 1594, he says, I will use no reason to persuade your lordship's mediation but this, that your lordship and my other friends shall in this beg my life of the queen; for I see well the bar will be my bier, as I must and will use it rather than my poor estate or reputation shall decay; but I stand indifferent whether God call me or her majesty. Had I that in possession which by your lordship's only means against the greatest opposition her majesty granted me, I would never trouble her majesty, but serve her still voluntarily without pay.

The following is from the dedication, in 1597, to the first edition of his *Essays*, to his brother who was lame: "I have preferred them to you, that are next myself, dedicating them, such as they are, to our love, in the depth whereof, I assure you, I sometimes wish your infirmities translated upon myself, that her majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest."

In a letter to the King, April 1, 1616, he says :

It may please your most excellent Majesty,—The last day when it pleased your majesty to express yourself towards me in favour, far above that I can deserve, or could expect, I was surprised by the prince's coming in ; I most humbly pray your majesty, therefore, to accept these few lines of acknowledgment. I never had great thoughts for my self, farther than to maintain those great thoughts which I confess I have for your service. I know what honour is, and I know what the times are ; but I thank God with me my service is the principal, and it is far from me, under honourable pretences, to cover base desires, which I account them to be, when men refer too much to themselves, especially serving such a king, I am afraid of nothing, but that the master of the horse, your excellent servant, and myself, shall fall out about this, who shall hold your stirrup best ; but were your majesty mounted, and seated without difficulties and distaste in your business, as I desire and hope to see you, I should "ex animo" desire to spend the decline of my years in my studies, wherein also I should not forget to do him honour, who besides his active and politic virtues, is the best pen of kings, and much more the best subject of a pen. God ever preserve your majesty. Your Majesty's most humble subject, and more and more obliged servant.

To Sir Thomas Bodley.

Sir,—I think no man may more truly say, with the psalm, *Multum incola fuit anima mea*,* than my self ; for I do confess since I was of any understanding, my mind hath in effect been absent from that I have done : and in absence are many errors, which I do willingly acknowledge ; and amongst the rest, this great one that led the rest ; that knowing myself by inward calling to be fitter to hold a book, than to play a part, I have led my life in civil causes ; for which I was not very fit by nature, and more unfit by the preoccupation of my mind.

Tennison says, To the like purpose in a MS. letter to the Lord Chancellor Egerton, which I have sometimes perused ; he says : " I am not so deceived in myself, but that I know very well (and I think your lordship is *major Corde*, and in your wisdom you note it more deeply than I can in my self) that in practising the law, I play not my best game, which maketh me accept with a *nisi quid potius*, as the best of my fortune, and a thing better agreeable to better gifts than mine but not to mine." And it appeareth by what he hath said in a letter to the Earl of Essex, that he once thought not to practise in his profession. " I am purposed," said he, " not to follow the practice of the law ; and my reason is only because it drinketh too much time, which I have devoted to better purposes."

Upon taking his seat in Chancery, he says, " Only the depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts and sciences, to which in my own nature I am most inclined."

T. *Life*, p. xxiii.

The apartments in which Lord Bacon resided are said to be at No. 1, Gray's Inn Square, on the north side, one pair of stairs ; I visited them in June 1832. They are said to be, and they appear to be in the same state in which they must have been for the last two centuries ; handsome oak wainscot and a beautiful ornament over the chimney-piece. In the garden there was, till within the last three or four years, a small elevation surrounded by trees, called Lord Bacon's mount, and there was a legend that the trees were planted by him ; they were removed to raise the new building now on the west side of the garden, and they stood about three-fourths from the south end. In the books in the Steward's Office there are many of Lord Bacon's autographs of his admission, when he was a bencher, of the different students.

* My soul hath been long a sojourner.

To Lord Burghley.

It may please your good Lordship,—I am sorry the joint mask from the four inns of court faileth, wherein I conceive there is no other ground of that event but impossibility. Nevertheless, because it falleth out that at this time Grey's Inn is well furnished of gallant young gentlemen, your lordship may be pleased to know that rather than this occasion shall pass without some demonstration of affection from the inns of court, there are a dozen gentlemen of Grey's Inn, that out of the honour which they bear to your lordship and my Lord Chamberlain, to whom at their last mask they were so much bounden, will be ready to furnish a mask, wishing it were in their powers to perform it according to their minds. And so for the present I humbly take my leave, resting your Lordship's very humble and much bounden, FR. BACON.

Dugdale, in his account of Bacon, says in 42 Eliz. being double reader in that house, and affecting much the ornament thereof, he caused that beautiful grove of elms to be planted in the walks, which yet remain. Orig. Ju. 272. b.

I next come to the walks, and of these the first mention that I find is in 40 Eliz. Mr. Bacon being upon his account made 4 Julii, allowed the sum of vii l x s iiiid laid out for planting elms in them, of which elms some died, as it seems; for at a pension held here, 14 Nov. 41 Eliz. there was an order made for a present supply of more young elms, in the places of such as were deceased: and that a new rayle and quickset hedge should be set upon the upper long walk, at the discretion of the same Mr. Bacon and Mr. Wilbraham; which being done, amounted to the charge of lx vi viiid. as by the said Mr. Bacon's account allowed 29 Apr. 42 Eliz. appears.

V. *Life*, p. xxiii.

See Camden, Strype, Dugdale, and the other writers of Elizabeth's reign. See Biographica Britannica, title Bacon.

X. *Life*, p. xxv.

It is said that the Queen, upon Spenser presenting some poems to her, ordered him a gratuity of an hundred pounds, but that the Lord Treasurer Burleigh objecting to it, said with some scorn of the poet, What! all this for a song? The Queen replied, Then give him what is reason. Spenser waited for some time, but had the mortification to find himself disappointed of the Queen's intended bounty. Upon this he took a proper opportunity to present a paper to Queen Elizabeth, in the manner of a petition, in which he reminded her of the orders she had given, in the following lines:

I was promised on a time
To have reason for my rhyme,
From that time unto this season
I received nor rhyme nor reason.

This paper produced the desired effect, and the Queen, not without some reproof of the treasurer, immediately directed the payment of the hundred pounds she had first ordered. *Life* of Spenser.

Y. *Life*, p. xxvi.

In his apology respecting Lord Essex, he says, It is well known, how I did many years since dedicate my travels and studies to the use, and, as I may term it, service of my lord of Essex, which I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humour of a man, that ever from the time I had any use of reason, whether it were reading upon good books, or upon the example of a good father, or by nature, I loved my country more than was answerable to my fortune; and I held at that time my lord to be the fittest instrument to do good to the state, and therefore I applied myself to him in a manner which I think happeneth rarely among men: for I did not only labour carefully and industriously in that

he set me about, whether it were matter of advice or otherwise, but, neglecting the queen's service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminate with myself, to the best of my understanding, propositions, and memorials of any thing that might concern his lordship's honour, fortune, or service. And when, not long after I entered into this course, my brother, Mr. Anthony Bacon, came from beyond the seas, being a gentleman whose ability the world taketh knowledge of for matters of state, especially foreign, I did likewise knit his service to be at my lord's disposing.

Z. *Life*, p. xxvi.

Sir Francis Bacon to the Lord Treasurer Burghley.

My Lord,—With as much confidence as mine own honest and faithful devotion unto your service, and your honourable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your lordship. I wax now somewhat ancient; one and thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed, and I do not fear that action shall impair it; because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bear a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol that loveth honour; nor under Jupiter that loveth business, for the contemplative planet carrieth me away wholly: but as a man born under an excellent sovereign, that deserveth the dedication of all men's abilities. Besides I do not find in myself so much self-love, but that the greater parts of my thoughts are to deserve well, if I were able, of my friends, and namely of your lordship; who being the Atlas of this commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am, to do you service. Again, the meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends; for I have taken all knowledge to be my providence;* and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, confutations, and verbosities: the other with blind experiments and auricular traditions and impostures, hath committed so many spoils; I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that providence.* This, whether it be curiosity, or vain glory, or nature, or, if one take it favourably, philanthropia, is so fixed in my mind, as it cannot be removed. And I do easily see, that place of any reasonable countenance doth bring commandment of more wits than of a man's own, which is the thing I greatly affect. And for your lordship, perhaps you shall not find more strength and less encounter in any other. And if your lordship shall find now or at any time, that I do seek or affect any place, whereunto any that is nearer unto your lordship shall be concurrent, say then that I am a most dishonest man. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty: but this I will do, I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy, and so give over all care of service, and become some sorry book-maker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining nothing from you. And even so, I wish your lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service.

From my lodging at Gray's Inn.

* Province.

Z Z. *Life*, p. xxvii.

Rawley's *Life*.—His birth and other capacities qualified him, above others of his profession to have ordinary accesses at court, and to come frequently into the queen's eye, who would often grace him with private and free communication, not only about matters of his profession or business in law, but also about the arduous affairs of estate, from whom she received, from time to time, great satisfaction; nevertheless, though she cheered him much with the bounty of her countenance, yet she never cheered him with the bounty of her hand; having never conferred upon him any ordinary place, or means of honour or profit, save only one dry reversion, of the Register's Office, in the Star Chamber, worth about 1600*l.* per annum, for which he waited, in expectation, either fully or near twenty years; of which his lordship would say, in Queen Elizabeth's time, that it was like another man's ground, buttalling upon his house, which might mend his prospect, but it did not fill his barn. Nevertheless, in the time of King James, it fell unto him.

Dugdale, in his account of Bacon says, In 32 Eliz. he was made one of the clerks in council.

The author of Bacon's life, in the *Biographia Britannica*, speaking of the reversion of the Register's place in the Star Chamber, says, His having the reversion of this place, I take to be the reason, why several writers style him one of the Clerks of the Privy Council;* for that he had no other employment than this under that reign, is very clear from the foregoing passage in Dr. Rawley's *Memoirs*, and from his own letters.

2 Z. *Life*, p. xxvii.

In historical collections by Jonson, there is the following preamble to the proceedings in this parliament:—A Journal of the Parliamentary Proceedings in the lower house, Anno xxv^o Eliz. Annoq. Dom. 1592, very laboriously collected: being chiefly called for consultation and preparation against the ambitious designs of the King of Spain; in which some unusual distastes happened between her Majesty and the House, by reason of their intermeddling with her Majesties successor to the crown, which she had forbidden. This session begun on Monday, February 19, 1592, and ended April 9, 1593.

A A. *Life*, p. xxvii.

Birch's *Elizabeth*, vol. i. 93. Anthony was member for Wallingford, and his brother Francis for Middlesex. Not. Parliam. by Browne Willis, LL.D. p. 127, 31 edit. London, 1750. He sat in that parliament, which met November 19, 1592, as one of the knights of the shire for Middlesex.

B B. *Life*, p. xxvii.

Mr. Speaker,—That which these honourable personages have spoken of their experience, may it please you to give me leave likewise to deliver of my common knowledge. The cause of assembling all parliaments hath been hitherto for laws or monies; and the one being the sinews of peace, the other of war: to one I am not privy, but the other I should know. I did take great contentment in her majestie's speech the other day, delivered by the Lord Keeper; how that it was a thing not to be done suddenly, or at one parliament, nor scarce a year would suffice to purge the statute book, nor lessen it, the volumes of law being so many in number, that neither common people can half practise them, nor lawyers sufficiently understand them, than the which nothing would tend more to the praise of her majesty. The *Romans* they appointed ten men who were to collect or recall all former laws, and to set forth those twelve tables so much of all men commended. The *Athenians* likewise appointed six for that purpose. And *Lewis* the Ninth, King of *France*, did the like in reforming his laws.—See C C, next note.

* Dugdale's *Baronage*, vol. ii. p. 438.

C C. *Life*, p. xxvii.

The suggestions by Lord Bacon upon Improvement of the Law are either

1st. Tracts upon the improvement of the law.

2dly. Scattered observations in different parts of his works.

Lord Bacon's Tracts for the Improvement of the Law are

1. Certificate touching the Penal Laws.
2. A Proposition to his Majesty touching the compiling and amendment of the Laws of England.
3. An offer to King James of a Digest of the Laws of England.
4. Dedication and Preface to his Law Maxims.
5. Draught of an Act against Usury, and
6. Ordinance for the Administration of Justice in Chancery.
7. *Justitia Universalis*.

Sir Stephen Procter's Project relating to the Penal Laws.

In the Harleian manuscripts in the British Museum there is the following memorial, viz. [See MS. Lansd. 486, fol. 21.]

- 1st. *A Memorial touching the Review of Penal Lawes and the Amendment of the Common Law.**

Forasmuch as it was one of his Majesties Bills of Grace That there should be certain Commissioners, 12 Lawyers and 12 Gent of experience in the Countrey for the Review of penal Lawes and the Repeal of such as are obsolete and Snaring, and the Supply where it shall be needful of Lawes more mild and fit for the time, &c. And thereupon to prepare Bills for the next Parliament. It were now a time for his Majty out of his Royal Authoritie and Goodness to act this excellent intent, and to grant forth a Commission accordingly wherein besides the excellency of the work in it self, and the pursueing of the intent of that Bill of Grace, Two things will follow for his Majesties Honour and reputation.

The one that it will beat down the opinion which is Sometime muttered, That his Majty will call no more Parliaments.

The other that whereas there are Some Rumors dispersed that now his Majesty, for the help of his wants, will work upon the penal Lawes, the people shall see his disposition is so far from that, as he is in hand to abolish many of them.

There is a second work wch needeth no Parliament and is one of the rarest works of Sovereigne merit which can fall under the Acts of a King. For Kings that do reform the Body of their Lawes are not only Reges but Legis-latores, and as they have been well called, perpetui Principes, because they reign in their Lawes for ever.

Wherefore for the Common Law of England it is no Text Law, but the Substance of it consisteth in the Series and Succession of Judicial Acts from time to time which have been set down in the Books, which we term Year Books or Reports, so that as these Reports are more or less perfect, so the law itself is more or less certain, and indeed better or worse, whereupon a conclusion may be made that it is hardly possible to conferr upon this Kingdom a greater benefit, then if his Majty should be pleased that these Books also may be purged and reviewed, whereby they may be reduced to fewer Volumes and clearer Resolutions, which may be done,

By taking away many Cases obsolete and of no use, keeping a remembrance of some few of them for antiquity sake.

By taking away many Cases that are merely but iterations, wherein a few set down will serve for many.

By taking away idle Queres which serve but for seeds of uncertainty.

By abridging and dilucidating Cases tediously or darkly reported.

By purging away Cases erroneously reported and differing from the original verity of the Record.

* Bacon touching the amendment of Lawes.

Whereby the Common Law of England will be reduced to a *Coram* or *Digest* of Books of competent volumes to be studied, and of a nature and content Rectified in all points.

Thus much for the time past.

But to give perfection to this work his Majesty may be pleased to restore the ancient use of Reporters, w^{ch} in former times were persons of great Learning, w^{ch} did attend the Courts at Westminster, and did carefully and faithfully receive the Rules and Judicial Resolutions given in the King's Courts, and had Stipends of the Crown for the same; w^{ch} worthy institution by neglect of time hath been discontinued.

It is true that this hath been Supplied somew^t of later times by the industry of voluntaries as chiefly by the worthy Endeavours of the Lord Dier and the Lo. Coke. But great Judges are unfit persons to be Reporters, for they have either too little leisure or too much authority, as may appear well by those two Books, whereof that of my Lo. *Dyer is but a kind of note Book*, and those of my Lo. *Coke's hold too much de proprio*.

The choice of the persons in this work will give much life unto it; the persons following may be thought on, as men not overwrought with practice, and yet Learned and conversant in Reportes and Recordes, There are Six Names, whereof three only may suffice according to the three principal courtes of Law, The King's Bench, The Common Plees, and The Exchequer.

Mr. Whitlock,

Mr. Hackwell,

Mr. Noie,

Mr. Courtman,

Mr. Hedley,

Mr. Robert Hill.

The stipend cannot be less than 100*l.* per annum, which nevertheless were too little to men of such Qualitie in respect of Some hindrance it may be to their practice, were it not that it will be accompanied with Credit and expectation in due time of preferment.

The first notice which I find of this tract is in the Letters and Remains by Robert Stephens, 1734. It is not mentioned either by Rawley or by Archbishop Tennison.

Observations. This tract was first inserted in any edition of the works of Lord Bacon, in the year 1740, in the folio edition, in four volumes, by Mallet. Printed for Miller. The following is the title: *Appendix containing several Pieces of Lord Bacon, not printed in the last edition in four volumes in folio: and now published from the original manuscripts in the library of the Right Honourable the Earl of Oxford.* This appendix was published separately in folio in 1760, and is in vol. v. page 362, of this edition. I do not find any manuscript of this tract in the Harleian collection, but it is in the Lansdowne MSS. No. 236, fol. 198. The same as printed in Stephens, pp. 367—377.

2. *Proposition touching the compiling and amendment of the Laws of England.* This tract is thus noticed in the *Baconiana*, with a reference to the *Resuscitatio*, page 271: "The twelfth is, a Proposition to King James, touching the compiling and amendment of the Laws of England, written by him when he was attorney-general and one of the privy-council." It will be found in vol. v. of this edition, page 337. The following is a copy of the title: *A Proposition to His Majesty. By Sir Francis Bacon, Knt. his Majesties Attorney-General and one of his Privy-Council; touching the Compiling and Amendment of the Laws of England.*

3. *An Offer to our late Soueraign King James of a Digest to be made of the Lawes of England.* London, printed by John Haviland for Humphrey Robinson, 1629. It is thus noticed in the *Baconiana* by Archbishop Tennison: "The thirteenth is, An Offer to King James, of a Digest to be made of the Laws of England."* It will be found in vol. v. of this edition, page 353. Another edition in folio was published in 1671, in the third edition of the *Resuscitatio*. The first edition was published in 1629, in a small 4to. by Dr. Rawley, consisting of four tracts, of which this is one.

* In the *Miscellan. Works*, p. 137, and 2nd part of *Resusc.*

4. *Dedication to Elements of the Common Law.* In his dedication to the Queen, and in his preface to the Elements of the Common Law, there are various suggestions to the Queen, and observations upon improvement of the law. They will be found in vol. xiii. of this edition, page 133.

5. *Justitia Universalis.*

In the year 1605, Lord Bacon expresses his intention, in the advancement of learning, to write upon the laws of law. The passage is as follows: "Notwithstanding, for the more public part of government, which is laws, I think good to note only one deficiency: which is, that all those which have written of laws, have written either as philosophers, or as lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high. For the lawyers, they write according to the states where they live, what is received law, and not what ought to be law; for the wisdom of a law-maker is one, and of a lawyer is another. For there are in nature certain fountains of justice, whence all civil laws are derived but as streams: and like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains. Again, the wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof; taking into consideration, by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and uncertainty of law; by what means laws may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws; what influence laws touching private right of meum and tuum have into the public state, and how they may be made apt and agreeable; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles, or without; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity and crossness; how they are to be expounded, when upon causes emergent and judicially discussed, and when upon responses and conferences touching general points or questions; how they are to be pressed, rigorously or tenderly; how they are to be mitigated by equity and good conscience, and whether discretion and strict law are to be mingled in the same courts, or kept apart in several courts; again, how the practice, profession, and erudition of law is to be censured and governed; and many other points touching the administration, and, as I may term it, animation of laws. Upon which I insist the less, because I purpose, if God give me leave, (having begun a work of this nature in aphorisms), to propound it hereafter, noting it in the mean time for deficient. Vol. ii. of this edition, page 295.

Observations. The outline contemplated by Lord Bacon of a treatise on Universal Justice is, as it seems, contained in Aphorism 7, in his description of a good law published in 1623, in the Treatise de Augmentis. Vol. ix. p. 82.

Lex bona censi possit, quæ sit
 Intimatione certa;
 Præcepto justa;
 Executione commoda;
 Cum forma politiæ congrua; et
 Generans virtutem in subditis.

It probably was his intention to have completed this work, and if not, to leave it as a hint to future ages. The part which he has completed is in the first of his five divisions.

The Certainty of Laws. It is written in his favourite style of Aphorisms (see de Augmentis, Lib. vi.), in which the Novum Organum is written, in both of which there is the reality without the show of method; the frame is beautiful, although the divisions and muscles are not obtruded.

JUSTITIA
UNIVERSALIS.

- 1. INTRODUCTION.
 - 1. Fit persons to improve Law.
 - 2. Proem. 1 to 8.

- 2. DIVISION.
 - 1. Intimatione certa.
 - 1. In general. Discretionary Law. 9.
 - 1. Cases omitted.
 - 1. Omission inevitable.
 - 2. Remedies.
 - 1. Analogy. 11 to 30.
 - 2. Precedents.
 - 3. Jurisdictions.
 - 1. Equity. 47 to 52.
 - 2. Censorian.
 - 3. Reflection of Laws. 47 to 52.
 - 2. Different Uncertainties. 9.
 - 1. Modes of making new Statutes. 54.
 - 2. Board of Reformers. 55.
 - 3. Obsolete Laws. 57.
 - 2. Obscurity. 52.
 - 1. Accumulation.
 - 1. Omitting obsolete laws.
 - 2. Retaining Antinomies.
 - 3. Expunging concomitant laws.
 - 4. Abridging verbiage.
 - 2. Ambiguity. 64 to 70.
 - 1. Verbosity.
 - 2. Brevity.
 - 3. Variance of preamble and enactments.
 - 3. Manner of expounding.
 - 1. Records and Reports.
 - 1. Mode of reporting.
 - 2. Authentic Writers. 77.
 - 3. Subsidiary Books. 79.
 - 4. Prelections. 93.
 - 5. Responses of Wisdom. 89 to 92.
 - 4. Uncertainty of Judgment. 94.
 - 1. Precipitation.
 - 2. Emulation of Courts.
 - 3. Bad Registry.
 - 4. Facility of Appeal.
 - 2. Precepto justa.
 - 3. Executione commoda.
 - 4. Cum forma politiæ congrua.
 - 5. Generans Virtutem in subditis.

UNFINISHED.

Different editions. The first edition was published in the *Treatise de Augmentis*, 1623. This was translated in the translation of the *Treatise de Augmentis*, by Watts, in 1640. About the year 1646, a translation of this work was published in Paris. The following is a copy of the title page: *Les Aphorismes du Droit, traduits du Latin de Messire François Bacon, grand Chancelier d'Angleterre. Par I. Baudoin. A Paris.*

Dedicated to Monsigneur Segrier, Chancelier de France. At the end of the privilege to print a translation of Bacon's works, is "Achevé d'imprimer, pour le première fois, le 20 Decembre, 1646."

Contents.

- Pages 1---36. Des Loix en general.
Ce discours est une offre de Chancelier Bacon à son Roy, de faire un digest des Loix d'Angleterre.
- 36---111. Les Aphorismes du Droit.
- 111---130. De Devoir du Juge.
Ce discours et les suivans sont tiré des ouvres polites de l'auteur, et ie les ay admistez icy, pour ce qu'il m'ont semble propres au sujet.
- 130---139. Des requestes et des supplians.
- 139---147. De l'Expedition des Affaires.
- 147---end. Du Conseil.

There is a copy of this in the British Museum, which I suppose to have been written about 1646. In the museum is *Historia Vitæ et Mortis* in French, by J. Baudoin, 4to. Paris, 1647, and in the privilege to print there is the date 1646.

There is a new translation of this tract in 1733, by Shaw, in his edition of Bacon's philosophical works, in 3 vols. 4to. In the year 1806 an edition in 12mo. was published. The following is a copy of the title page: *Franc. Baconii Exemplum Tractatus de Justitia Universali sive de Fontibus Juris, extractum ex ejusdem Auctoris opere de dignitate et augmentis scientiarum. Curante Lawry, juris consulto, qui suas notas prefationem que adjecit. Au Depot des Loix Romaines a Metz, chez Behmer. l'an 1806.*

In the year 1822 a 12mo. edition was published in Paris, consisting of the Aphorisms in Latin with the notes. The following is a copy of the title page: *Legum Leges sive Francisci Baconi Angliæ quondam Cancell. tractatus de fontibus Universi Juris per Aphorismos extractum ex ejusdem auctoris opere de dignitate et augmentis Scientiarum Annotationes quasdam subjecit. A. M. J. J. Dupin in scholis et curiis Parisiensibus Doctor et Advocatus. Dictabimus igitur quasdam Legum Leges, ex quibus informatio peti possit, quid in singulis legibus bene aut perperam positum aut constitutum sit. (Aph. 6.) Parisiis apud Fratres Baudouin Typog. Libr. Via de Vaugirard, No. 36. 1822.*

In the year 1823 a translation into English by James Glassford, Advocate, was published at Edinburgh. The following is the title page: *Exemplum Tractatus de Fontibus Juris, and other Latin Pieces of Lord Bacon, translated by James Glassford, Esq. Edinburgh, printed for Waugh and Innes, Chalmers and Collings, Glasgow; and Ogle, Duncan and Co. London. 1823.*

Upon this subject Adam Smith's Theory of Moral Sentiments concludes thus: Systems of positive law, therefore, though they deserve the greatest authority, as the records of the sentiments of mankind in different ages and nations, yet can never be regarded as accurate systems of the rules of natural justice. It might have been expected that the reasonings of lawyers upon the different imperfections and improvements of the laws of different countries should have given occasion to an inquiry into what were the natural rules of justice, independent of all positive institution. It might have been expected that these reasonings should have led them to aim at establishing a system of what might properly be called natural jurisprudence, or a theory of the general principles that ought to run through, and be the foundation of the laws of all nations. But though the reasonings of lawyers did produce something of this kind, and though no man has treated systematically of the laws of any particular

country, without intermixing in his work many observations of this sort, it was very late in the world before any such general system was thought of, or before the philosophy of law was treated of by itself, and without regard to the particular institutions of any one nation. In none of the ancient moralists do we find any attempt towards a particular enumeration of the rules of justice. Cicero in his Offices, and Aristotle in his Ethics, treat of justice in the same general manner in which they treat of all the other virtues. In the laws of Cicero and Plato, where we might naturally have expected some attempt towards an enumeration of those rules of natural equity, which ought to be enforced by the positive laws of every country, there is, however, nothing of this kind. Their laws are laws of policy, not of justice. Grotius seems to have been the first who attempted to give the world any thing like a system of those principles which ought to run through, and be the foundation of the laws of all nations; and his treatise of the laws of War and Peace is, perhaps, at this day, the most complete work that has yet been given upon this subject.

This valuable tract is in the treatise *De Augustis*, vol. ix. page 82, of this edition.

6. *Usury*. He prepared the draught of an Act against Usury, which was published in the third edition of the *Resuscitatio* in 1671, which is in vol. xiii. of this edition, page 385, and in his *Essays*, there is an *Essay upon Usury*, vol. i. of this edition, page 137.

7. *Ordinances in Chancery*. These ordinances were published in the court the first day of Candlemas term, 1618, and have, from that period, been adopted and acted upon in the court. I do not find them noticed either by Rawley or Tension. The following is a publication of this tract: *Ordinances made by the Right Honourable Sir Francis Bacon, Knight, Lord Verulam, and Viscount of St. Albans, being then Lord Chancellor. For the better and more regular Administration of Justice in the Chancery, to be daily observed saving the Prerogative of this Court.* London: Printed for Mathew Walbanke and Lawrence Chapman 1642.

Vol. 2. 170. *Ordinances by the Lord Chancellor for the better and more regular administration of justice in the Chancery, to be duly observed, saving the Prerogative of the Court published in the Court the first day of Candlemas Term, 1618. Harleian MSS.* They will be found in vol. vii. of this edition, page 273.

Scattered observations in different parts of his works.

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| 1. Essays. | { | 1. Of Dispatch. | |
| | | 2. Of Judicature. | |
| | | 3. Of Innovations. | |
| 2. Obstacles to Legal Improvement. | { | 1. Want of Collegiate Education of Statesmen. | |
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| | | | 1. By Politicians. |
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| | | 2. Professions. | { |
| | | | 1. In general. |
| | | | 2. Merit of Legal Improvement. |
| | | | 3. Politicians best Legal Improvers. |
| | | | 4. Proper use of Lawyers in Legal Improvement. |

ESSAYS.

Of Dispatch. The first Essay containing any observations appertaining to legal improvement, which will be found in vol. i. of this edition, page 83, is in his *Essay of Dispatch*: "Affected dispatch is one of the most dangerous things to business that can be: it is like that which the physicians call *predigestion*, or

hasty digestion ; which is sure to fill the body full of crudities, and secret seeds of diseases : therefore measure not dispatch by the times of sitting, but by the advancement of the business : and as, in races, it is not the large stride, or high lift, that makes the speed ; so, in business, the keeping close to the matter, and not taking of it too much at once, procureth dispatch. It is the care of some only to come off speedily for the time, or to contrive some false periods of business, because they may seem men of dispatch : but it is one thing to abbreviate by contracting, another by cutting off ; and business so handled at several sittings, or meetings, goeth commonly backward and forward in an unsteady manner. I knew a wise man, that had it for a by-word, when he saw men hasten to a conclusion, ' Stay a little, that we may make an end the sooner.'

On the other side, true dispatch is a rich thing ; for time is the measure of business, as money is of wares ; and business is bought at a dear hand where there is small dispatch."

So, too, upon taking his seat as Chancellor, he said, in his address to the bar : " For the third general head of his Majesty's precepts concerning speedy justice, it rests much upon myself, and much upon others : yet so, as my procurator may give some remedy and order to it. For myself, I am resolved that my decree shall come speedily, if not instantly, after the hearing, and my signed decree speedily upon my decree pronounced. For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid ; that upon the solemn and full hearing of a cause nothing is pronounced in court, but breviate are required to be made ; which I do not dislike in itself in causes perplexed. For I confess I have somewhat of the cunctative ; and I am of opinion, that whosoever is not wiser upon advice than upon the sudden, the same man was no wiser at fifty than he was at thirty. And it was my father's ordinary word, ' You must give me time.' But yet I find when such breviate were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the chancery pace be slow. Of which kind of intermission I see no use, and therefore I will promise regularly to pronounce my decree within few days after my hearing ; and to sign my decree at the least in the vacation after the pronouncing. For fresh justice is the sweetest. And to the end that there be no delay of justice, nor any other means-making or labouring, but the labouring of the counsel at the bar.

Again, because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven ; and if it be shorter, it is never a whit the worse, I shall, by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fourth night of the vacation to the term, for the expediting and clearing of the causes of the court ; only the depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts and sciences, to which in my own nature I am most inclined.

There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn utterly to delay at length : for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in chancery ; that he would make forty orders in a morning out of the way, and it was out of the way indeed ; for it was nothing to the end of the business : and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another ; and like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind ; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey.

As for delays that may concern others, first the great abuse is, that if the plaintiff have got an injunction to stay suits at the common law, then he will spin out his cause at length. But by the grace of God I will make injunctions but an hard pillow to sleep on ; for if I find that he prosecutes not with effect,

he may perhaps, when he is awake, find not only his injunction dissolved, but his cause dismissed."

The caution of an anxious judge, in avoiding hasty decision, may be seen in the following anecdote respecting Chancellor D'Aguesseau : " The only fault imputed to D'Aguesseau was dilatoriness of decision. We should hear his own apology. The general feeling of the public on this head, was once respectfully communicated to him by his son : ' My child,' said the Chancellor, ' when you shall have read what I have read, seen what I have seen, and heard what I have heard, you will feel, that if on any subject you know much, there may be also much that you do not know, and that something, even of what you know, may not at the moment be in your recollection. You will then, too, be sensible of the mischievous and often ruinous consequences of even a small error in a decision ; and conscience, I trust, will then make you as doubtful, as timid, and consequently as dilatory as I am accused of being.'"

The nature of dispatch, as it is called, in the administration of justice, may be seen in the following translation by my dear friend, Samuel Tayler Coleridge :

The way of ancient ordinance, though it winds,
Is yet no devious way. Straight forward goes
The lightning's path, and straight the fearful path
Of the cannon-ball. Direct it flies and rapid,
Shattering that it may reach, and shattering what it reaches.
My son ! the road the human being travels,
That on which *blessing* comes and goes, doth follow
The river's course, the valley's playful windings
Curves round the corn-field and the hill of vines,
Honouring the ho'ly bounds of property
..... there exists
An higher than the warrior's excellence.

WALLENSTEIN.

Of Judicature. The next essay, which contains observations upon the administration or improvement of justice, is his *Essay on Judicature*, which will be found in vol. i. page 179. It contains most valuable observations : 1st. in general. 2nd. In particular.

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| 1. As to the parties. | 3. The officers. |
| 2. The advocates. | 4. The sovereign. |

I must content myself with referring to the essay, and the following *Observations in the Edinburgh Review upon Bacon's Essay on Judicature*, April, 1830. " The bench of Scotland contains bright-names ; men, under whom the duty of carrying judicial reformation into practice has as favourable a prospect as devotion to the cause, and great legal accomplishment, can ever give it. The bar, besides professional learning and talent, is as splendidly adorned by general literature and by public virtue as any bar upon earth. Criticisms have been made on the manner of both. We cannot venture to say how far either the censure or the praise of these criticisms is just. Probably both, at times. They must not be judged of merely by a standard taken from the accidental fashion or custom of any other place, but by their approximation to, or recession from, the things that form the universal excellences of the judicial manner. In a well regulated place of justice, the court room is orderly and noiseless. The bench attends ; or appears to do so. When it does not, the failure neither proceeds from indifference nor from impatience. There is much consultation before judgment ; little conversation during debate. The judges recollect, that the vices of counsel must always be generated by themselves, because they are only practised from their supposed influence with the bench, and from seeing that the opposite virtues fail. The bar venerates good taste, the only corrective of the defects naturally connected with the exercise of that profession. It therefore grudges the laurels that are sometimes bestowed by the ignorant on certain vulgar qualities, such as pertinacity or vehemence, which, though they may accompany success, can never, in a right court, be the cause of it. On ordinary occasions, when there is no call for a higher flight, it appreciates brevity, calm-

ness, and sense ; virtues so essential amidst the bustle and distraction of legal war, that their presence renders even honesty more powerful, while their absence makes learning useless. To both bench and bar, in Scotland and everywhere else, we strongly recommend the attentive and repeated study of Bacon's little Essay (scarcely three pages) on Judicature. It is a discourse which ought not merely to be suspended over the gate, but engraven on the heart, of every court of justice."

There are some observations, in his Essay upon Innovations, applicable to the improvement of law as to all improvements.

Want of Collegiate Education of Statesmen. Lord Bacon seems to have been deeply impressed with the conviction, that the want of a collegiate education of statesmen was the fundamental cause of the little progress that was made in sound legislation. See ante, Note K.

There is an observation of the same tendency by Lord Bolingbrook, who says : " I might instance, in other professions, the obligations men lie under of applying themselves to certain parts of history, and I can hardly forbear doing it in that of the law ; in its nature the noblest and most beneficial to mankind, in its abuse and abasement the most sordid and the most pernicious. A lawyer now is nothing more, I speak of ninety-nine in an hundred at least, to use some of Tully's words, nisi leguleius quidam cautus, et acutus præco actionum, cantor formularum, auceps syllabarum. But there have been lawyers that were orators, philosophers, historians : there have been Bacons and Clarendons, my lord. There will be none such any more, till in some better age, true ambition or the love of fame prevails over avarice ; and till men find leisure and encouragement to prepare themselves for the exercise of this profession, by climbing up to the ' vantage ground,' so my lord Bacon calls it, of science ; instead of grovelling all their lives below, in a mean but gainful application to all the little arts of chicane. Till this happen, the profession of the law will scarce deserve to be ranked among the learned professions : and whenever it happens, one of the vantage grounds to which men must climb, is metaphysical, and the other historical knowledge. They must pry into the secret recesses of the human heart, and become well acquainted with the whole moral world, that they may discover the abstract reason of all laws : and they must trace the laws of particular states, especially of their own, from the first rough sketches to the more perfect draughts ; from the first causes or occasions that produced them, through all the effects, good and bad, that they produced."

Increased importance in the present Time of a Collegiate Education of Statesmen. It may, perhaps, be deemed important to consider whether, in the present times, when knowledge is making such rapid progress through all the middle classes of society, these lamentations expressed by Lord Bacon and Milton are not most peculiarly deserving consideration ; whether, when the middle classes of society are rising, they can be restrained or distance be preserved, unless there is a proportional elevation in the higher classes ?

Opposition to Improvement by Politicians. Lord Bacon, when enumerating the objections by politicians to the advancement of learning, says, " It is objected by politicians that learning doth mar and pervert men's dispositions for matter of government and policy ; which the study of arts makes either too curious by variety of reading ; or too peremptory by the strict rigour of rules ; or too overweening, by reason of the greatness of examples ; or too incompatible with the times, by reason of the dissimilitude of examples ; or at least it doth divert and alienate men's minds from business and action, instilling into them a love of leisure and privateness." He then enters minutely into an examination of these objections. See vol. ii. page 16.

Objections by Lawyers to Improvement of the Law. In his proposition touching the compiling and amendment of the laws of England, he states five objections which will be made by lawyers to improvement of the law. They are as follows :

1. Reform is needless.
2. It is an innovation.
3. More harm than good will be done.

4. It will be better to codify.

5. It will compel lawyers to study new law.

These objections he separately and minutely examined. See vol. v. p. 343.

Duty of Men in contemplative and active Life to unite in Improvement.

The fourth book of the Treatise "De Augmentis" thus opens: "Si quis me, Rex optime, ob aliquid eorum quæ proposui, aut deinceps proponam, impetatur aut vulneret (præterquam quòd intra præsidia Majestatis tuæ tutus esse de-beam), sciat is se contra morem et disciplinam militiæ facere. Ego enim, buccinator tantum, pugnam non in eo; unus fortassè ex iis de quibus Homerus,

Χαιρετε κηρυκες, Διος αγγελιοι ηδε και ανδρων :

hi enim inter hostes, etiam infensissimos et acerbissimos, ultrò citròque inviolati, ubique commeabant. Neque verò nostra buccina homines advocat et excitat, ut se mutuo contradictionibus proscindant, aut secum ipsi prælientur et digladientur; sed potiùs ut pace inter ipsos factâ conjunctis viribus se adversus naturam rerum comparent, ejusque edita et munita capiant et expugnent, atque fines imperii humani (quantum Deus Opt. Max. pro bonitate suâ indulserit) proferant."

And in some part of his works, but I do not immediately recollect where, he says, that "will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and strongly conjoined and united together, than they have been: a conjunction like unto that of the two highest planets, Saturn the planet of rest and contemplation, and Jupiter the planet of civil society and action."

Duty of Lawyers to assist in Improvement of the Law. In his proposition for a compilation of the law, he says, "Your Majesty, of your favour having made me privy counsellor; and continuing me in the place of your attorney-general, (which is more than was these hundred years before), I do not understand it to be, that by putting off the dealing in causes between party and party, I should keep holy-day the more: but that I should dedicate my time to your service, with less distraction. Wherefore in this plentiful accession of time which I have now gained, I take it to be my duty; not only to speed your commandments and the business of my place, but to meditate, and to excogitate of myself, wherein I may best by my travels, derive your virtues to the good of your people, and return their thanks and increase of love to you again. And after I had thought of many things, I could find in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling of the laws of England."

To the same effect, in his Preface to the Elements of the Common Law, he says: "I hold every man a debtor to his profession; from the which, as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having, therefore, from the beginning, come to the study of the laws of this realm, with a desire no less, if I could attain unto it, that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that, by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws."

The same grateful feeling is expressed by Sir Edward Coke, who says, "if this or any other of my works may, in any sort, by the goodness of Almighty God, who hath enabled me hereunto, tend to some discharge of that great obligation of duty wherein I am bound to my profession, I shall reap some fruits

NOTE C C.

from the tree of life, and I shall receive sufficient compensation for all my labours."

Merit of legal Improvement. In his Proposition for a Compilation of the Law, he says, "Your majesty is a king blessed with posterity; and these kings sort best with acts of perpetuity, when they do not leave them instead of children, but transmit both line and merit to future generations. You are a great master in justice and judicature, and it were pity that the fruit of that virtue should die with you. Your majesty also reigneth in learned times; the more in regard of your own perfections and patronage of learning; and it hath been the mishap of works of this nature, that the less learned time hath wrought upon the more learned; which now will not be so. As for my self the law is my profession, to which I am a debtor. Some little helps I may have of other learning, which may give form to matter; and your majesty hath set me in an eminent place, whereby in a work, which must be the work of many, I may the better have coadjutors. For the dignity of the work, I know scarcely where to find the like; for surely that scale, and those degrees of sovereign honour are true, and rightly marshalled. *First*, the founders of estates, *then* the lawgivers, *then* the deliverers and saviours, after long calamities; *then* the fathers of their countries, which are just and prudent princes; and *lastly* conquerors, which honour is not to be received amongst the rest; except it be where there is an addition of more country and territory to a better government than that was of the conquered.

Dedication to Elements of the Common Law. "To her sacred Majesty. I do here most humbly present and dedicate to your sacred majesty a sheaf and cluster of fruit of the good and favourable season, which, by the influence of your happy government, we enjoy; for if it be true that *silent leges inter arma*, it is also as true, that your majesty is, in a double respect, the life of our laws, once, because without your authority they are but *litera mortua*; and again, because you are the life of our peace, without which laws are put to silence. And as the vital spirits do not only maintain and move the body, but also contend to perfect and renew it, so your sacred majesty, who is *anima legis*, doth not only give unto your laws force and vigour, but also hath been careful of their amendment and reforming; wherein your majesty's proceeding may be compared, as in that part of your government, for if your government be considered in all the parts, it is incomparable, with the former doings of the most excellent princes that ever have reigned, whose study altogether hath been always to adorn and honour times of peace with the amendment of the policy of their laws. Of this proceeding in Augustus Cæsar the testimony yet remains.

*Pace data terris, animum ad civilia vertit
Jura suum; legesque tulit justissimus auctor.*

Hence was collected the difference between *gesta in armis* and *acta in toga*, whereof he disputeth thus:

*Equid est, quod tam propriè dici potest actum ejus qui togatus in republica cum potestate imperioque versatus sit quam lex? quære acta Gracchi? leges Sempronii proferantur. Quære Syllæ? Corneliæ? Quid? Cn. Pom. tertius consulatus in quibus actis consistet? nempe in legibus: à Cæsare ipso si quæreres quidnam egisset in urbe, et in toga: * leges multas se responderet, et præclaras tulisse.*

The same desire long after did spring in the emperor Justinian, being rightly called *ultimus imperatorum Romanorum*, who, having peace in the heart of his empire, and making his wars prosperously in the remote places of his dominions by his lieutenants, chose it for a monument and honour of his government, to revise the Roman laws, from infinite volumes and much repugnancy, into one competent and uniform corps of law; of which matter himself doth speak gloriously, and yet aptly calling it, *proprium et sanctissimum templum justitiæ consecratum*: a work of great excellency indeed, as may well appear, in that France, Italy, and Spain, which have long since shaken off the yoke of the Roman empire, do yet nevertheless continue to use the policy of that law: but

more excellent had the work been, save that the more ignorant and obscure time undertook to correct the more learned and flourishing time. To conclude with the domestical example of one of your majesty's royal ancestors: King Edward I. your majesty's famous progenitor, and the principal lawgiver of our nation, after he had in his younger years given himself satisfaction in the glory of arms, by the enterprise of the Holy Land, and having inward peace, otherwise than for the invasions which himself made upon Wales and Scotland, parts far distant from the centre of the realm, he bent himself to endow his state with sundry notable and fundamental laws, upon which the government hath ever since principally rested. Of this example, and others the like, two reasons may be given; the one, because that kings, which, either by the moderation of their natures, or the maturity of their years and judgment, do temper their magnanimity with justice, do wisely consider and conceive of the exploits of ambitious wars, as actions rather great than good; and so, distasted with that course of winning honour, they convert their minds rather to do somewhat for the better uniting of human society, than for the dissolving or disturbing of the same. Another reason is, because times of peace, for the most part drawing with them abundance of wealth and finesse of cunning, do draw also, in further consequence, multitude of suits and controversies, and abuses of laws by evasions and devices; which inconveniences in such time growing more general, do more instantly solicit for the amendment of laws to restrain and repress them.

Your majesty's reign having been blest from the highest with inward peace, and falling into an age wherein, if science be increased, conscience is rather decayed; and if men's wits be great their wills be greater; and wherein also laws are multiplied in number, and slackened in vigour and execution; it was not possible but that not only suits in law should multiply and increase, whereof a great part are always unjust, but also that all the indirect courses and practices to abuse law and justice should have been much attempted and put in ure, which no doubt had bred greater enormities, had they not, by the royal policy of your majesty, by the censure and foresight of your council table and star-chamber, and by the gravity and integrity of your benches, been repressed and restrained: for it may be truly observed, that, as concerning frauds in contracts, bargains, and assurances, and abuses of laws by delays, covins, vexations, and corruptions in informers, jurors, ministers of justice, and the like, there have been sundry excellent statutes made in your majesty's time, more in number, and more politic in provision, than in any your majesty's predecessors' times."

In other parts of his works he states his opinions as to the persons who are the best legal reformers, viz.

Philosophers not good Improvers. } 1. Philosophers.
Politicians best Improvers. } 2. Lawyers.

In his tract on *Justitia Universalis*, in the treatise *De Augmentis*, vol. ix. he says: "Restat jam desideratum alterum ex iis, quæ posuimus, duobus; nimirum, de *Justitiâ Universali*, sive de *Fontibus Juris*."

Qui de legibus scripserunt, omnes vel tanquam philosophi, vel tanquam juris-consulti, argumentum illud tractaverunt. Atque philosophi proponunt multa dictu pulcra, sed ab usu remota. Jurisconsulti autem, suæ quisque patriæ legum (vel etiam Romanarum, aut pontificiarum) placitis obnoxii et addicti, judicio sincero non utuntur, sed tanquam è vinculis sermocinantur. Certè cognitio ista ad viros civiles propriè spectat; qui optimè norunt quid ferat societas humana, quid salus populi, quid æquitas naturalis, quid gentium mores, quid rerumpublicarum formæ diversæ; idèdque possint de legibus ex principis et præceptis, tam æquitatis naturalis quàm politiciæ, discernere. Quamobrem id nunc agatur, ut fontes justitiæ et utilitatis publicæ petantur, et in singulis juris partibus character quidam et idea justitiae exhibeatur, ad quam particularium regnorum et rerumpublicarum leges probare, atque indè emendationem moliri quisque, cui hoc cordi erit et curæ, possit. Hujus igitur rei, more nostro, exemplum in uno titulo proponemus."

In his notice of universal justice, in the *Advancement of Learning*, he says : " For the more public part of government, which is laws, I think good to note only one deficiency ; which is, that all those that have written of laws have written either as philosophers or lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high. For the lawyers, they write according to the states where they live ; what is received law, and not what ought to be law ; for the wisdom of a law-maker is one, and of a lawyer is another. For there are in nature certain fountains of justice, whence all civil laws are derived but as streams ; and, like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains. Again, the wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof ; taking into consideration by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and uncertainty of law ; by what means law may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws ; what influence laws touching private right of *meum* and *tuum* have into the public state, and how they may be made apt and agreeable ; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles or without ; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity and crossness ; how they are to be expounded, when upon causes emergent, and judicially discussed ; and when upon responses and conferences touching general points or questions ; how they are to be pressed, rigorously or tenderly ; how they are to be mitigated by equity and good conscience, and whether discretion and strict law are to be mingled in the same courts, or kept apart in several courts. Again, how the practice, profession, and erudition of law is to be censured and governed ; and many other points touching the administration, and, as I may term it, animation of laws. Upon which I insist the less, because I propose, if God give me leave, having begun a work of this nature in aphorisms, to propound it hereafter, noting it in the meantime for deficient." Vol. ii. p. 296.

The reasons why men of learning are supposed not to be good reformers, may be collected from the objections by politicians to the advancement of learning, who think that the discourses of the philosopher are like the stars which give little light, because they are so high. The politician says learning doth mar and pervert men's dispositions for matter of government and policy, in making them too curious and irresolute by variety of reading, or too peremptory or positive by strictness of rules and axioms, or too immoderate and overweening by reason of the greatness of examples, or too incompatible and differing from the times, by reason of the dissimilitude of examples. Vol. ii. p. 14.

Although Lord Bacon in these observations sanctions the common but erroneous opinion that philosophers are utopian ; that they are so ignorant of human nature, as, by hasty generalization, to suppose that all men are immediately capable of the same perfection, he does not so suppose in another part of the *Advancement of Learning*, when speaking of the objections to learning from the manners of learned men. See vol. ii. page 15.

If Lord Bacon is right in supposing that, in his time lawyers were not the best improvers, it may be well deserving consideration, whether the supposition is not increased in the present times. Lord Bacon, when enumerating the objections by politicians to the advancement of learning, says, " that the advancement of learning has a tendency to divert men of intellect from active life." His words are, " it doth divert men's travels from action and business, and bringeth them to a love of leisure and privateness ; and that it doth bring into states a relaxation of discipline, whilst every man is more ready to argue, than to obey and execute." (a) If this is true, it will, perhaps, follow, that as society advances in knowledge, the bar will not abound with men of the greatest

attainment. The pleasures of intellect being greater than the pleasures of ambition or of wealth. Cicero says: "Sed quid ego hæc, quæ cupio deponere, et toto animo atque omni cura φιλοσοφείν? Sic, inquam, in animo est; vellem ab initio." To the same effect Mr. Burke says, "Indeed, my lord, I greatly deceive myself, if, in this hard season, I would give a peck of refuse wheat for all that is called fame and honour in the world. This is the appetite but of a few." So says Mr. Burke; but, as knowledge advances, it may, unfortunately for activity in government, be the appetite of many; and if so, the common ranks of life will not be filled with the ablest men. William Wordsworth, Robert Southey, Mr. Robert Smith, Sir James Mackintosh, and Sir William Grant, are instances now before me of eminent men who have lately shrunk from their laborious occupations; and when the present mass of law is considered; when it is remembered that since the year 1800 there have been thirty volumes of statutes, and perhaps one hundred volumes of reports, the professional prospects to men who know the shortness and value of life, will not in our times be considered attractive by men of the greatest attainment.

Lord Bacon attempts to answer this objection; whether satisfactorily or not is another question. He says: "And that learning should take up too much time or leisure: I answer; the most active or busy man, that hath been or can be, hath, no question, many vacant times of leisure, while he expecteth the tides and returns of business (except he be either tedious and of no dispatch, or lightly and unworthily ambitious to meddle in things that may be better done by others): and then the question is but, how those spaces and times of leisure shall be filled and spent; whether in pleasures or in studies; as was well answered by Demosthenes to his adversary Æschines, that was a man given to pleasure, and told him that his orations did smell of the lamp: 'Indeed,' said Demosthenes, 'there is a great difference between the things that you and I do by lamp-light.' So as no man need doubt that learning will expulse business; but rather it will keep and defend the possession of the mind against idleness and pleasure, which otherwise at unawares may enter, to the prejudice of both." (a)

No man knew better, none perhaps so well, as Lord Bacon, that intellectual pleasures are the most exquisite pleasures which an intellectual being is capable of enjoying. He expresses this in various parts of his works. "God hath made all things beautiful or decent in the true return of their seasons; also he hath placed the world in man's heart: yet cannot man find out the work which God worketh from the beginning to the end, declaring, not obscurely, that God hath framed the mind of man as a mirror or glass, capable of the image of the universal world, and joyful to receive the impression thereof, as the eye joyeth to receive light, and not only delighted in beholding the variety of things, and vicissitudes of times, but raised how to find out and discover the ordinances and decrees which throughout all these changes are infallibly observed." (b)

This being the case, what prospect is there that men of the greatest attainments will "delve in law's laborious mine."

Mr. C. Butler, in his *Essay on the Life of Chancellor de l'Hôpital*, says, "When a magistrate, after the sittings of the court, returned to his family, he had little temptation to stir again from home. His library was necessarily his sole resource; his books his only company. To this austere and retired life, we owe the Chancellor de l'Hôpital, the President de Thou, Pasquier, Loisel, the Pithous, and many other ornaments of the magistracy." I am afraid this is not now to be expected in England.

Proper use of Lawyers in legal Improvement. Although lawyers are not perhaps the best improvers of laws, their use in expressing intended improvements cannot be doubted. "If the lawyer, instead of abounding with knowledge, might be described as he was described two thousand years since, 'leguleius quidam cautus, et acutus præco actionum, cantor formularum, auceps syllabarum,' these very properties would be made subservient to the common good in modelling the laws which wisdom suggests."

(a) Vol. ii. p. 21.

(b) Vol. ii. p. 9.

The duties of a lawyer, with respect to improvement of the law, may, possibly, be thus stated, after the manner of Fuller :

1. *Having shared the fruits he endeavours to strengthen the root and foundation of the science of law.*

2. *He resists injudicious attempts to alter the law.*

Knowing that zeal is more frequent than wisdom, that the meanest trade is not attempted without an apprenticeship, but every man thinks himself qualified by intuition for the hardest of all trades, that of government, he is ever ready to resist crude proposals for amendment. His maxim is, "To innovate is not to reform."

Lord Bacon, zealous as he was for all improvement ; believing, as he did, in the omnipotence of knowledge, that "the spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets ;" and branding the idolaters of old times as a scandal to the new—says, "It is good not to try experiments in states, except the necessity be urgent, or the utility evident : and well to beware that it be the reformation that draweth on the change, and not desire of change that pretendeth the reformation : that novelty, though it be not rejected, yet be always suspected : and, as the Scripture saith, 'that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way and so to walk in it.'"

3. *He does not resist improvement of the law.*

Tenacity in retaining opinion, common to us all, is one of Lord Bacon's 'Idols of the Tribe,' and attachment by professional men to professional knowledge, is an idol of the den common to all professions. "I hate the steam-boat," said an old Greenwich pensioner ; "it is contrary to nature." Our advocate, therefore, is on his guard against this idolatry : he remembers that the lawyers, and particularly St. Paul, were the most violent opposers of christianity, and that the civilians, upon being taunted by the common lawyers with the cruelty of the rack, answered "non ex sævitia sed ex bonitate talia faciunt homines." Nor does he forget the lawyer in the Utopia, who, when the Archbishop of Canterbury, venerable for his age and learning, said, "Upon these reasons it is that I think putting thieves to death is not lawful," the counsellor answered, "That it could never take place in England without endangering the whole nation. As he said this, he shook his head, made some grimaces, and held his peace.

4. *He is aware that lawyers are not the best improvers of law.*

During a debate in the House of Lords June 13, 1827, Lord Tenterden is reported to have said that it was fortunate that the subject (the amendment of the laws) had been taken up by a gentleman of an enlarged mind (Mr. Peel) who had not been bred to the law, for those who were, were rendered dull by habit, to many of its defects. And Lord Bacon says, "Qui de legibus scripserunt, omnes, vel tanquam philosophi, vel tanquam jurisconsulti, argumentum illud tractaverunt. Atque philosophi proponunt multa, dictu pulchra, sed ab usu remota. Jurisconsulti autem, suæ quisque patriæ legum, vel etiam Romanarum, aut Pontificiarum, placitis obnoxii et addicti, judicio sincero non utuntur, sed tanquam e vinculis sermocinantur. Certe cognitio ista ad viros civiles proprie spectat ; qui optime norunt, quid ferat societas humana, quid salus populi, quid æquitas naturalis, quid gentium mores, quid rerumpublicarum formæ diversæ : ideoque possint de legibus, ex principiis et præceptis, tam æquitatis naturalis, quam politics, decernere."

5. *He resists erroneous modes of altering bad law.*

Lawyers have a tendency, instead of inquiring whether the principle of a law is right, to alter upon the assumption that the principle is well founded.

In 1809 Sir Samuel Romilly proposed to alter the law in bankruptcy, by which a creditor has an arbitrary power to withhold his consent to the allowance of the certificate, by enabling the debtor, after the lapse of two years, provided there was a large majority in number and value of creditors who had signed the certificate, to call upon his creditor to shew cause why the certificate should not be allowed. Sir Samuel thought, that the principle of the law was erroneous ; that it had a tendency to prevent a full disclosure of the estate, from the fear of

irritating creditors by exposure : and to prevent the obtaining possession of the estate after disclosure, by rendering the witness incompetent : and that it had a tendency to produce bribery and perjury ; that, even if a creditor ought to have a reasonable time to gratify his injured feelings, the time ought to be limited ; and he thought that the law, giving this power to an irritated individual, would be perverted by some of the many bad passions, which ought not to interfere in the administration of justice, such as resentment ; love of power ; the hope of bribery, against which the legislature had vainly attempted to guard ; the hope of concealment ; the hope to prevent the bankrupt's receiving any allowance ; the hope to prevent his being a witness ; or the fear of competition in trade ; and he stated this to be the law in Holland, where commercial legislation is well understood. The bill passed the House of Commons : it was rejected in the Lords, upon a proposal by Lord Eldon, (who was then Chancellor,) that the requisite number and value of signatures should be reduced from four-fifths to three-fifths.

About the same time Sir Samuel proposed that the law by which the stealing to the amount of five shillings privately in a shop was punishable by death, should be altered, as it was founded on an erroneous principle. It was suggested that the punishment ought not to be diminished, but the amount of the goods stolen increased.

In various of the acts for the relief of insolvent debtors, which passed to mitigate the severe operation of arbitrary imprisonment for debt, the reason assigned in the preamble was, that the gaol was too full. The following is a specimen : 6 Geo. III. c. 70. Whereas, notwithstanding the great prejudice and detriment which occasional acts of insolvency may produce to trade and credit, it may be expedient, in the present condition of the prisons and gaols in this kingdom, that some of the prisoners who are now confined should be set at liberty ; be it, &c.

In May 1827, it was proposed to parliament to alter the law for arrest on mesne process to the sum of 20*l*. Our advocate therefore resists such attempts, which, instead of meeting, perpetuate the evil, which

“ Keep the word of promise to our ear,
And break it to our hope.”

6. *He assists in the improvement of the law.*

While he dwells in doubt, and is in a strait between the ancient error and infant truth, he endeavours to improve himself, but after patient and successful travail after truth, he diffuses the knowledge which he has obtained. Having in the beginning consulted Argus with his hundred eyes, he now trusts to Briareus with his hundred hands.

7. *He is not deterred from assisting in the improvement of the law by the fear of worldly injury.*

Neither in general conduct nor in particular emergencies, are his plans subservient to considerations of rewards, estate, or title : these are not to have precedence in his thoughts, to govern his actions, but to follow in the train of his duty. In the conclusion of Sir Samuel Romilly's speech in the House of Commons, on the 26th May, 1810, he says, “ It is a common, and may be a convenient mode of proceeding, to prevent the progress of improvement, by endeavouring to excite the odium with which all attempts to reform are attended. Upon such expedients it is scarcely necessary for me to say, that I have calculated. If I had consulted only my own immediate interests, my time might have been more profitably employed in the profession in which I am engaged. If I had listened to the dictates of prudence, if I had been alarmed by such prejudices, I could easily have discovered that the hope to amend law is not the disposition most favourable for preferment. I am not unacquainted with the best road to Attorney-Generalships and Chancellorships ; but in that path which my sense of duty dictates to be right, I shall proceed ; and from this no misunderstanding, no misrepresentation shall deter me.”

8. *He is not deterred from endeavouring to improve the law by the censure ever attendant upon attempts to reform.*

He knows that the multitude will cry out for Barabbas, and that ignorance has an antipathy to intellect.

“ 'Tis a rich man's pride, there having ever been
More than a feud, a strange antipathy
Between us and true gentry.”

He knows this, but proceeds, secure of his own approbation, and the sympathy of the virtuous and intelligent.

10. *If the principle of the law is erroneous, he endeavours to extirpate it, with its attendant injustice and litigation.*

If the principles of the laws against usury or witchcraft or widows burning themselves are erroneous, he endeavours to procure their repeal. In these cases he remembers the maxim of Sir Edward Coke, “ Si quid moves a principio moveas; errores ad principia referre est refellere.” He remembers the old maxim, “ He who in the cure of politic or of natural disorders shall rest himself contented with second causes, without setting forth in diligent travel to search for the original source of evil, doth resemble the slothful husbandman, who moweth down the heads of noisome weeds, when he should carefully pull up the roots; and the work shall ever be to do again.”

11. *If the principle is right, he endeavours to modify it, according to times and circumstances.*

If the principle of the laws against usury is well founded, he varies the rate of interest; or in witchcraft he mitigates the severity of the punishment. In these cases he remembers the admonition of Sir Matthew Hale, “ We must do herein, as a wise builder doth with an house that hath some inconveniences, or is under some decays. Possibly here or there a door or a window may be altered, or a partition made; but as long as the foundations or principles of the house be sound, they must not be tampered with. The inconveniences in the law are of such a nature, as may be easily remedied without unsettling the frame itself; and such amendments, though they seem small and inconsiderable, will render the whole fabric much more safe and useful.”

12. *If he is advanced to any office of authority, he uses his power to improve the law.*

Sir Francis Bacon was no sooner appointed attorney-general than he dedicated to the king his proposals for compiling and amending the laws of England. “ Your majesty,” he says, “ of your favour having made me privy counsellor, and continuing me in the place of your attorney-general, I take it to be my duty, not only to speed your commandments and the business of my place, but to meditate and to excogitate of myself, wherein I may best, by my travels, derive your virtues to the good of your people, and return their thanks and increase of love to you again. And after I had thought of many things, I could find, in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling of the laws of England.” And having traced the exertions of different legislators from Moses to Augustus, he says, “ Cæsar, si ab eo quæreretur, quid egisset in togâ; leges se respondisset multas et præclaras tulisse;” and his nephew Augustus did tread the same steps, but with deeper print, because of his long reign in peace; whereof one of the poets of his time saith,

“ Pace data terris, animum ad civilia vertit
Jura suum; legesque tulit justissimus auctor.”

So too, Sir Samuel Romilly was no sooner promoted to the office of Solicitor General, than he submitted to parliament his proposals for the improvement of the Bankrupt Law and the Criminal Law. “ Long,” he says, “ has Europe been a scene of carnage and desolation. A brighter prospect has now opened before us.

—“ Peace hath her victories
Not less renowned than war.”

This note is written in December 1832, when legal reform, having triumphed over the obstacles by which it has for two centuries been resisted, is now nobly

prevailing. Let me mention the efforts which, during the struggle, were made by my friends, Joseph Parkes of Birmingham, and Charles Cooper of Lincoln's Inn; by Jeremy Bentham, to whose exertions in contemplative life, society is for ever indebted: and his friend Sir Samuel Romilly, and Lord Brougham, now Lord Chancellor, to whose exertions in active life society is more indebted than, since the time of Lord Bacon, it ever was to any individual for the diffusion through the community of all knowledge, and for the advancement of legal reform. "That," says Lord Bacon, "will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and strongly conjoined and united together, than they have been: a conjunction like unto that of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action." I please myself with the hope that these improvements will be continued cautiously but vigorously: that the Chancellor will assist in separating the judicial and political functions of the Chancellor: that imprisonment for debt will be abolished: and, to insure a perpetuity of these improvements, that he will be the promoter and patron of a national or professional advocate's library, and consider Lord Bacon's constant suggestion that there should be a board of legal reformers, that a living spring may mix with the stagnant waters, and reform advance calmly and steadily.

In Bacon's first speech in parliament, ante, note B B, he says, "The Romans they appointed ten men who were to collect or recall all former laws, and to set forth those twelve tables so much of all men commended. The Athenians likewise appointed six for that purpose. And Lewis the Ninth, King of France, did the like in reforming his laws."

He repeats this in his proposal, made when he was attorney-general, for the amendment of the laws of England: "The Romans, by their Decemviri, did make their twelve tables; but that was indeed a new enacting or constituting of laws, not a registering or recompiling; and they were made out of the laws of the Grecians, not out of their own customs. In Athens they had Sexviri, which were standing commissioners to watch and to discern what laws waxed improper for the time; and what new law did, in any branch, cross a former law, and so, *ex officio*, propounded their repeals. King Lewis XI. of France, had it in his intention to have made one perfect and uniform law, out of the civil law Roman, and the provincial customs of France." The same observation is contained in his offer of a digest of the law published after his death. "In Athens they had Sexviri, (as Æschines observeth) which were standing commissioners, who did watch to discern what laws waxed improper for the times, and what new law did in any branch cross a former law, and so *ex officio* propounded their repeal." And in his tract on Universal Justice, Aph. 55, vol. ix. he says, "Erat in more apud Athenienses ut contraria legum capita (que Antinomias vocant) quotannis à sex viris examinarentur, et quæ reconciliari non poterant proponerentur populo, ut de illis certum aliquid statueretur. Ad quorum exemplum, ii, qui potestatem in singulis politiis legum condendarum habent, per triennium, aut quinquennium, aut prout videbitur, Antinomias retractant. Eæ autem à viris, ad hoc delegatis, prius inspiciantur et præparentur, et demùm comitiis exhibeantur, ut quod placuerit, per suffragia stabiliat, et figurat."

D D. *Life*, p. xxviii.

Extract from *Dewe's Journal of the House of Commons*, p. 493.—Mr. F. Bacon assented to three subsidies, but not to the payments under six years; and to this propounded three questions, which he desired might be answered. The first, impossibility or difficulty; the second, danger or discontentment; and thirdly, a better manner of supply than subsidy. For impossibility, the poor men's rent is such as they are not able to yield it, nor to pay so much for the present. The gentlemen must sell their plate, and farmers their brass pots ere this will be paid; and for us, we are here to search the wounds of the realm, and not to skin them over; therefore not to persuade ourselves of their wealth more than it is. The dangers are these: we shall first breed discontentment in paying these subsidies, and in the cause endanger her majesty's safety, which

must consist more in the love of the people than in their wealth, and therefore not to give them discontentment in paying these subsidies: thus we run into a double peril. In putting two payments into one, we make a double subsidy; for it maketh four shillings in the pound a double payment. The second is this; that this being granted to this sort, other princes hereafter will look for the like; so we shall put an evil precedent upon ourselves and our posterity. And in histories it is to be observed, of all nations the English are not to be subject, base, or taxable. The manner of supply may be by levy or imposition when need shall most require, so when her majesty's coffers are empty they may be filled by this means.

E E. *Life*, p. xxviii.

Sir Francis Bacon to the Lord Treasurer, touching his Speech in Parliament.

It may please your good Lordship, — I was sorry to find by your lordship's speech yesterday, that my last speech in parliament, delivered in discharge of my conscience, my duty to God, her majesty, and my country, was offensive: if it were misreported, I would be glad to attend your lordship, to disavow any thing I said not; if it were misconstrued, I would be glad to expound my words, to exclude any sense I meant not; if my heart be misjudged by imputation of popularity, or opposition, I have great wrong, and the greater, because the manner of my speech did most evidently shew that I spake most simply, and only to satisfy my conscience, and not with any advantage or policy to sway the case, and my terms carried all signification of duty and zeal towards her majesty and her service. It is very true, that from the beginning, whatsoever was a double subsidy I did wish might for precedent's sake appear to be extraordinary, and for discontent's sake might not have been levied upon the poorer sort, though otherwise I wished it as rising as I think this will prove, or more. This was my mind, I confess it; and therefore I most humbly pray your lordship, first, to continue me in your own good opinion, and then, to perform the part of an honourable good friend towards your poor servant and ally, in drawing her majesty to accept of the sincerity and simplicity of my zeal, and to hold me in her majesty's favour, which is to me dearer than my life, and so, etc. Your Lordship's most humble in all duty, FR. BACON.

Mr. Francis Bacon to Sir John Puckering, Lord Keeper of the Great Seal.

My Lord, — It is a great grief unto me, joined with marvel, that her majesty should retain an hard conceit of my speeches in parliament. It might please her sacred majesty to think what my end should be in those speeches, if it were not duty, and duty alone. I am not so simple, but I know the common beaten way to please. And whereas popularity hath been objected, I muse what care I should take to please many, that take a course of life to deal with few. On the other side, her majesty's grace and particular favour towards me hath been such, as I esteem no worldly thing above the comfort to enjoy it, except it be the conscience to deserve it. But if the not seconding of some particular person's opinion shall be presumption, and to differ upon the manner shall be to impeach the end; it shall teach my devotion not to exceed wishes, and those in silence. Yet notwithstanding (to speak vainly as in grief) it may be her majesty hath discouraged as good a heart as ever looked toward her service, and as void of self-love. And so in more grief than I can well express, and much more than I can well dissemble, I leave your lordship, being as ever, your Lordship's entirely devoted, &c.

F F. *Life*, p. xxviii.

No man better understood the doctrine both of concealment and of revelation of opinion than Lord Bacon. He well knew that nakedness is unseemly as well in mind as in body, but the nature of his, and perhaps of every mind which beholds things as from a cliff, is to view extensively and to speak freely. It is,

he says, part of policy to observe a discreet mediocrity in the declaring, or not declaring a man's self: for although depth of secrecy, and making way, "qualis est via navis in mari," be sometimes both prosperous and admirable; yet many times "Dissimulatio errores parit, qui dissimulatorem ipsum illaqueant;" and therefore, we see the greatest politicians have in a natural and free manner professed their desires, rather than been reserved and disguised in them.

See the Advancement of Learning, under the head of the Art of Advancement in Life, and under that part of it which relates to the arts of declaring and of revealing a man's self (pages 278 and 285, vol. ii. of this edition), and see in the treatise De Augmentis, when the same subject is considered, under his comment on "a fool utters all his mind, but a wise man reserves somewhat for hereafter." See also his Essay on Simulation and Dissimulation, vol. i. p. 17. See his conclusion of the first book of the Advancement of Learning, page 88 of vol. ii. of this edition. See his essay on Goodness of Nature, vol. i. p. 40. "Neither give thou Æsop's cock a gem, who would be better pleased and happier if he had a barleycorn."

H H. *Life*, p. xxx.

To the Right Honourable, &c. the Lord Keeper, &c.

My very good Lord,—Because I understand your lordship remaineth at court till this day, and that my lord of Essex writeth to me, that his lordship cometh to London, I thought good to remember your lordship, and to request you, as I touched in my last, that if my Lord Treasurer be absent, your lordship would forbear to fall into my business with her majesty, lest it might receive some foil before the time when it should be resolutely dealt in. And so commending myself to your good favour, I most humbly take my leave. Your Lordship's, in all humble duty and service,—FR. BACON.

From Gray's Inn, this 8th of April, 1594.

To the Right Honourable his very good Lord, the Lord Keeper of the Great Seal, &c.

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

From Greenwich, this 5th of April, 1594.

To the Right Honourable the Lord Keeper, &c.

It may please your good Lordship,—I understand of some business like enough to detain the queen to-morrow, which maketh me earnestly to pray your good lordship, as one that I have found to take my fortune to heart, to take some time to remember her majesty of a solicitor this present day. Our Tower employment stayeth, and hath done these three days, because one of the principal offenders being brought to confess, and the other persisting in denial, her majesty, in her wisdom, thought best some time were given to him that is obstinate, to bethink himself; which indeed is singular good in such cases. Thus desiring your lordship's pardon, in haste I commend my fortune and duty to your favour. Your Lordship's most humbly to receive your commandments,

From Gray's Inn,
this 13th of August, 1594.

FR. BACON.

I I. *Life*, p. xxx.

To the Right Honourable the Lord Keeper, &c.

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

Indorsed---31 August, 95. My Lord of Essex to have me send for Mr. Bacon, for he will satisfy me. In my Lord Keeper's own hand.

K K. *Life*, p. xxx.

Lord Treasurer Burghley to Mr. Francis Bacon.*

Nephew,---I have no leisure to write much; but for answer I have attempted to place you: but her majesty hath required the Lord Keeper † to give to her the names of divers lawyers to be preferred, wherewith he made me acquainted, and I did name you as a meet man, whom his lordship allowed in way of friendship, for your father's sake: but he made scruple to equal you with certain, whom he named, as Brograve ‡ and Branthwayt, whom he specially commendeth. But I will continue the remembrance of you to her majesty, and implore my Lord of Essex's help. Your loving Uncle, W. BURGHLEY.
Sept. 27, 1593.

L L. *Life*, p. xxx.

To the Right Honourable the Lord Keeper, &c.§

It may please your Lordship,—I thought it became me to write to your lordship, upon that which I have understood from my Lord of Essex, who vouchsafed, as I perceive, to deal with your lordship of himself to join with him in

* Among the papers of Antony Bacon, esq. vol. iii. fol. 197, in the Lambeth Library.

† Puckering.

‡ John Brograve, attorney of the duchy of Lancaster, and afterwards knighted. He is mentioned by Mr. Francis Bacon, in his letter to the Lord Treasurer of 7th June, 1595, from Gray's Inn, as having discharged his post of attorney of the duchy with great sufficiency. There is extant of his, in print, a reading upon the statute of 27 Henry VIII. concerning jointures.

§ Harl. MSS. vol. 6997, No. 44.

the concluding of my business, and findeth your lordship hath conceived offence, as well upon my manner when I saw your lordship at Temple last, as upon a letter, which I did write to your lordship some time before. Surely, my lord, for my behaviour, I am well assured, I omitted no point of duty or ceremony towards your lordship. But I know too much of the court to beg a countenance in public place, where I make account I shall not receive it. And for my letter, the principal point of it was, that which I hope God will give me grace to perform, which is, that if any idol man be offered to her majesty, since it is mixed with my particular, to inform her majesty truly, which I must do, as long as I have a tongue to speak, or a pen to write, or a friend to use. And farther I remember not of my letter, except it were that I writ, I hoped your lordship would do me no wrong, which hope I do still continue. For if it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her majesty, and your own virtue, your lordship is ascended; I know you will have a compunction of mind to do me any wrong. And therefore, good my lord, when your lordship favoureth others before me, do not lay the separation of your love and favour upon myself. For I will give no cause, neither can I acknowledge any, where none is; but humbly pray your lordship to understand things as they are. Thus sorry to write to your lordship in an argument which is to me unpleasant, though necessary, I commend your lordship to God's good preservation. Your Lordship's, in all humble respect,
 From Twickenham Park, FR. BACON.
 this 19th of August, 1595.

To the Right Honourable the Lord Keeper, &c.*

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

From Gray's Inn, the 28th of July, 1595.
 Indorsed, in Lord Keeper's hand---Mr. Bacon wronging me.

M M. *Life*, p. xxx.

Your lordship would yet *tuere opus tuum* and give as much life unto this present suit for the solicitor's place, as may be without offending the queen (for that were not good for me). This last request I find it more necessary for me to make, because (though I am glad of her majesty's favour, that I may with more ease practise the law, which percase I may use now and then for my countenance,) yet to speak plainly, though perhaps vainly, I do not think that the ordinary practice of the law, not serving the queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning, I shall reap no great benefit to myself in that course.

To Lord Burleigh.

I have ever had your lordship in singular admiration; whose happy ability her majesty hath so long used, to her great honour and yours. Besides that amendment of state or countenance, which I have received, hath been from

* Harl. MSS. vol. 6997, No. 37.

your lordship. And therefore, if your lordship shall stand a good friend to your poor ally, you shall but "tueri opus" which you have begun. And your lordship shall bestow your benefit upon one that hath more sense of obligation than of self-love. Thus humbly desiring pardon of so long a letter, I wish your lordship all happiness. Your Lordship's in all humbleness to be commanded.

June 6, 1595.

FR. BACON.

N N. *Life*, p. xxx.

The author of the *Biographia* says, It was now that he discovered how little reason he had to trust to, or depend upon, the Cecils, and had very little cause to be well pleased with the conduct of the then Lord Keeper. Is not this observation, as far as relates to Lord Burleigh unfounded?

In Essex's letter to Bacon, indorsed March 28, 1594, Essex says, "The queen said that none thought you fit for the place, but my Lord Treasurer and myself. So also in Essex's letter to Bacon, of the 18th of May, 1596, Essex says, "The queen answered that the greatness of your friends, as of my Lord Treasurer and myself, did make men even a more favourable testimony than else they would do, &c. And Bacon himself, in a letter to Sir Robert Cecil, accusing him of having been bribed, says, "You wrought in a contrary spirit to my lord your father." See also Burleigh's letter of September 27, 1593, ante, note.

In a letter to Lord Burleigh, after the appointment of Fleming, Bacon says, And therefore, (my singular good lord) "ex abundantia cordis," I must acknowledge how greatly and diversely your lordship hath vouchsafed to tie me unto you by many your benefits. The reversion of the office which your lordship only procured unto me, and carried through great and vehement opposition, though it yet bear no fruit, yet it is one of the fairest flowers of my poor estate; your lordship's constant and serious endeavours to have me solicitor: your late honourable wishes, for the place of the wards: together with your lordship's attempt to give me way by the remove of Mr. Solicitor; they be matters of singular obligations; besides many other favours, as well by your lordship's grants from yourself, as by your commendation to others, which I have had for my help; and may justly persuade myself out of the few denials I have received that fewer might have been, if mine own industry and good hap had been answerable to your lordship's goodness.

O O. *Life*, p. xxxi.

In a letter to Lord Burleigh, he says, If I did show myself too credulous to idle hearsays, in regard of my right honourable kinsman and good friend Sir Robert Cecil (whose good nature did well answer my honest liberty), your lordship will impute it to the complexion of a suitor, and of a tired sea-sick suitor, and not to mine own inclination.

P P. *Life*, p. xxxi.

Earl of Essex to Mr. Francis Bacon.

Sir,—I wrote not to you till I had had a second conference with the queen, because the first was spent only in compliments: she in the beginning excepted all business: this day she hath seen me again. After I had followed her humour in talking of those things, which she would entertain me with, I told her, in my absence I had written to Sir Robert Cecil, to solicit her to call you to that place, to which all the world had named you; and being now here, I must follow it myself; for I know what service I should do her in procuring you the place; and she knew not how great a comfort I should take in it. Her answer in playing just was, that she came not to me for that, I should talk of those things when I came to her, not when she came to me; the term was coming,

NOTE P P.

and she would advise. I would have replied, but she stopped my mouth. To-morrow or the next day I will go to her, and then this excuse will be taken away. When I know more, you shall hear more; and so I end full of pain in my head, which makes me write thus confusedly. Your most affectionate friend.

The Earl of Essex to Mr. Francis Bacon.*

Mr. Bacon,—Your letter met me here yesterday. When I came, I found the queen so wayward, as I thought it no fit time to deal with her in any sort, especially since her choler grew towards myself, which I have well satisfied this day, and will take the first opportunity I can to move your suit. And if you come hither, I pray you let me know still where you are. And so being full of business, I must end, wishing you what you wish to yourself.

1593, Sept.

Your assured friend, ESSEX.

The Earl of Essex to Mr. Francis Bacon.†

Sir,—I have now spoken with the queen, and I see no stay from obtaining a full resolution of what we desire. But the passion she is in by reason of the tales that have been told her against Nicholas Clifford, with whom she is in such rage, for a matter, which I think you have heard of, doth put her infinitely out of quiet; and her passionate humour is nourished by some foolish women. Else I find nothing to distaste us, for she doth not contradict confidently; which they, that know the minds of women, say is a sign of yielding. I will to-morrow take more time to deal with her, and will sweeten her with all the art I have to make *benevolum auditorem*. I have already spoken with Mr. Vice-Chamberlain,‡ and will to-morrow speak with the rest. Of Mr. Vice-Chamberlain you may assure yourself; for so much he hath faithfully promised me. The exceptions against the competitors I will use to-morrow; for then I do resolve to have a full and large discourse, having prepared the queen to-night to assign me a time under colour of some such business, as I have pretended. In the mean time I must tell you, that I do not respect either my absence, or my showing a discontentment in going away, for I was received at my return, and I think I shall not be the worse. And for that I am oppressed with multitude of letters that are come, of which I must give the Queen some account to-morrow morning, I therefore desire to be excused for writing no more to-night: to-morrow you shall hear from me again. I wish you what you wish yourself in this and all things else, and rest your most affectionate friend,

ESSEX.

This Friday at night,

Indorsed, March 29, 1594.

Earl of Essex to Mr. Francis Bacon.

Sir,—I went yesterday to the queen through the galleries in the morning, afternoon, and at night. I had long speech with her of you, wherein I urged both the point of your extraordinary sufficiency proved to me not only by your last argument, but by the opinion of all men I spake withal, and the point of mine own satisfaction, which, I protested, should be exceeding great, if, for all her unkindness and discomforts past, she should do this one thing for my sake. To the first she answered, that the greatness of your friends, as of my Lord Treasurer and myself, did make men give a more favourable testimony than else they would do, thinking thereby they pleased us. And that she did acknowledge you had a great wit, and an excellent gift of speech, and much other good learning. But in the law she rather thought you could make show to the uttermost of your knowledge, than that you were deep. To the second she said,

* Among the papers of Antony Bacon, esq. vol. iii. fol. 197, in the Lambeth Library.

† Among the papers of Antony Bacon, Esq. vol. iv. fol. 89, in the Lambeth Library.

‡ Sir Thomas Heneage.

she showed her mislike to the suit, as well as I had done my affection in it ; and that if there were a yielding, it was fitter to be of my side. I then added, that this was an answer, with which she might deny me all things, if she did not grant them at the first, which was not her manner to do. But her majesty had made me suffer and give way in many things else ; which all I should bear, not only with patience, but with great contentment, if she would but grant my humble suit in this one. And for the pretence of the approbation given you upon partiality, that all the world, lawyers, judges, and all, could not be partial to you ; for somewhat you were crossed for their own interest, and some for their friends ; but yet all did yield to your merit.

Earl of Essex to Mr. Francis Bacon.*

Sir,—I have received your letter, and since I have had opportunity to deal freely with the Queen. I have dealt confidently with her as a matter, wherein I did more labour to overcome her delays, than that I did fear her denial. I told her how much you were thrown down with the correction she had already given you, that she might in that point hold herself already satisfied. And because I found that Tanfield† had been most propounded to her, I did most disable him. I find the Queen very reserved, staying herself upon giving any kind of hope, yet not passionate against you, till I grew passionate for you. Then she said, that none thought you fit for the place but my Lord Treasurer and myself. Marry, the others must some of them say before us, for fear or for flattery. I told her, the most and wisest of her council had delivered their opinions, and preferred you before all men for that place. And if it would please her majesty to think, that whatsoever they said contrary to their own words when they spake without witness, might be as factiously spoken, as the other way flatteringly, she would not be deceived. Yet if they had been never for you, but contrarily against you, I thought my credit, joined with the approbation and mediation of her greatest counsellors, might prevail in a greater matter than this ; and urged her, that though she could not signify her mind to others, I might have a secret promise, wherein I should receive great comfort, as in the contrary great unkindness. She said she was neither persuaded nor would hear of it till Easter, when she might advise with her council, who were now all absent ; and, therefore, in passion bid me go to bed, if I would talk of nothing else. Wherefore in passion I went away, saying, while I was with her I could not but solicit for the cause and the man I so much affected ; and therefore I would retire myself till I might be more graciously heard ; and we parted. To-morrow I will go hence of purpose, and on Thursday I will write an expostulating letter to her. That night or upon Friday morning I will be here again, and follow on the same course, stirring a discontentment in her, &c. And so wish you all happiness, and rest your most assured friend,
Essex.

Indorsed—March 28, 1594.

Mr. Francis Bacon to his brother Antony.

Good Brother,—Since I saw you this hath passed. Tuesday, though sent for, I saw not the Queen. Her majesty alleged she was then to resolve with the council upon her places of law. But this resolution was *ut supra* ; and note the rest of the counsellors were persuaded she came rather forwards than otherwise ; for against me she is never peremptory but to my lord of Essex. The Queen a line of my Lord Keeper's ; but thus much I hear otherwise. The Queen seemeth to apprehend my travel. Whereupon I was sent for by Sir Robert Cecil, in sort as from her majesty ; himself having of purpose immediately gone to London to speak with me ; and not finding me there, he wrote to me. Whereupon I came to the court, and upon his relation to me of her majesty's speeches,

* Among the papers of Antony Bacon, Esq. vol. iv. fol. 90, in the Lambeth Library.

† Probably Laurence Tanfield, made Lord Chief Baron of the Exchequer in June, 1607.

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I desired leave to answer it in writing ; not, I said, that I mistrusted his report, but mine own wit ; the copy of which answer I send. We parted in kindness *secundum exterius*. This copy you must needs return, for I have no other ; and I wrote this by memory after the original was sent away. The Queen's speech is after this sort. Why ? I have made no solicitor. Hath any body carried a solicitor with him in his pocket ? But he must have it in his own time (as if it were but yesterday's nomination) or else I must be thought to cast him away. Then her majesty sweareth thus : " If I continue this manner, she will seek all England for a solicitor rather than take me. Yea, she will send for Heuston and Coventry to-morrow next," as if she would swear them both. Again she entereth into it, that " she never deals so with any as with me (*in hoc erratum non est*) she hath pulled me over the bar (note the words, for they cannot be her own) she hath used me in her greatest causes. But this is Essex, and she is more angry with him than with me." And such like speeches, so strange, as I should lose myself in it, but that I have cast off the care of it. My conceit is, that I am the least part of mine own matter. But her majesty would have a delay, and yet would not bear it herself. Therefore she giveth no way to me, and she perceiveth her council giveth no way to others ; and so it sticketh as she would have it. But what the secret of it is *oculus aquilæ non penetravit*. My lord continueth on kindly and wisely a course worthy to obtain a better effect than a delay, which to me is the most unwelcome condition.

Now to return to you the part of a brother, and to render you the like kindness, advise you, whether it were not a good time to set in strongly with the Queen to draw her to honour your travels. For in the course I am like to take it will be a great and necessary stay to me, besides the natural comfort I shall receive. And if you will have me deal with my lord of Essex, or otherwise break it by mean to the Queen, as that which shall give me full contentment, I will do it as effectually, and with as much good discretion as I can. Wherein if you aid me with your direction, I shall observe it. This as I did ever account it sure and certain to be accomplished, in case myself had been placed, and therefore deferred it till then, as to the proper opportunity ; so now that I see such delay in mine own placing, I wish *ex animo* it should not expect.

I pray you let me know what mine uncle Killigrew will do ; for I must be more careful of my credit than ever, since I receive so little thence where I deserved best. And, to be plain with you, I mean even to make the best of those small things I have with as much expedition, as may be without loss ; and so sing a mass of requiem, I hope, abroad. For I know her majesty's nature, that she neither careth though the whole surname of Bacons travelled, nor of the Cecils neither.

I have here an idle pen or two, specially one, that was cozened, thinking to have got some money this term. I pray send me somewhat else for them to write out besides your Irish collection, which is almost done. There is a collection of King James, of foreign states, largeliest of Flanders ; which, though it be no great matter, yet I would be glad to have it. Thus I commend you to God's good protection. Your entire loving Brother, Fr. BACON.

From my lodging, at Twickenham Park,
this 25th of January, 1594.

To the right honourable my very good Lord, the Lord Keeper.

My Lord,---I have, since I spake with your lordship, pleaded to the queen against herself for the injury she doth Mr. Bacon, in delaying him so long, and the unkindness she doth me in granting no better expedition in a suit which I have followed so long, and so affectionately. And though I find that she makes some difficulty, to have the more thanks, yet I do assure myself she is resolved to make him. I do write this, not to solicit your lordship to stand firm in assisting me, because, I know, you hold yourself already tied by your affection to Mr. Bacon, and by your promise to me ; but to acquaint your lordship of my resolution to rest, and employ my uttermost strength to get him placed before the term : so as I beseech your lordship think of no temporising course, for I shall think the Queen deals unkindly with me, if she do not

both give him the place, and give it with favour and some extraordinary advantage. I wish your lordship all honour and happiness, and rest,
Your Lordship's very assured, ESSEX.

Greenwich, this 14th of January, [1594.]
Endorsed—My Lord of Essex, for Mr. Fran. Bacon to be Solicitor.

Earl of Essex to Lord Keeper Puckering.

My Lord,—My short stay at the court made me fail of speaking with your lordship, therefore I must write that which myself had told you; that is, that your lordship will be pleased to forbear pressing for a solicitor, since there is no cause towards the end of a term to call for it; and because the absence of Mr. Bacon's friends may be much to his disadvantage. I wish your lordship all happiness, and rest your Lordship's very assured to be commanded, ESSEX.
Wanstead, this 4th of May, 1594.

Q Q. *Life*, p. xxxii.

Mr. Francis Bacon to the Queen.

Madam,—Remembering that your majesty had been gracious to me both in countenancing me, and conferring upon me the reversion of a good place, and perceiving that your majesty had taken some displeasure towards me, both these were arguments to move me to offer unto your majesty my service, to the end to have means to deserve your favour, and to repair my error. Upon this ground, I affected myself to no great matter, but only a place of my profession, such as I do see divers younger in proceeding to myself, and men of no great note, do without blame aspire unto. But if any of my friends do press this matter, I do assure your majesty my spirit is not with them.

It sufficeth me that I have let your majesty know that I am ready to do that for the service, which I never would do for mine own gain. And if your majesty like others better, I shall, with the Lacedemonian, be glad that there is such choice of abler men than myself. Your majesty's favour indeed, and access to your royal person, I did ever, encouraged by your own speeches, seek and desire; and I would be very glad to be reintegrate in that. But I will not wrong mine own good mind so much as to stand upon that now, when your majesty may conceive I do it but to make my profit of it. But my mind turneth upon other wheels than those of profit. *Principis est virtus maxima nosse suos.* Thus I most humbly crave pardon of my boldness and plainness. God preserve your majesty.

R R. *Life*, p. xxxii.

Foulke Grevill, Esq. to Mr. Francis Bacon.

Mr. Francis Bacon,—Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had no lodging nearer than my uncle's, which is four miles off. This day I came thither to dinner, and waiting for to speak with the Queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remained as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you: which it pleased her majesty to confess, that indeed you began to frame very well, insomuch as she saw an amend in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-Chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a

small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will one hundred pounds to fifty pounds that you shall be her solicitor, and my friend; in which mind, and for which mind I commend you to God. From the court this Monday in haste, your true friend to be commanded by you,

FOULKE GREVILL.

We cannot tell whether she come to ———, or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.
Indorsed—17th of June, 1594.

SS. *Life*, p. xxxii.

See an interesting discussion upon this subject, in Hazlitt's essay on this regal character, in his *Political Essays*.

TT. *Life*, p. xxxiii.

In a letter to Lord Burleigh, he says, When my father was appointed Attorney of the Duchy, and that he had discharged his duties with great sufficiency: And if her majesty thinketh that she shall make an adventure in using one that is rather a man of study than of practice and experience, surely I may remember to have heard that my father, an example, I confess, rather ready than like, was made solicitor of the Augmentation, a court of much business, when he had never practised, and was but twenty-seven years old; and Mr. Brograve was now in my time called attorney of the duchy, when he had practised little or nothing, and yet hath discharged his place with great sufficiency.

V V. *Life*, p. xxxiii.

To Foulk Grevil.

Sir,—My matter is an endless question. I assure you I had said, *Requiesce, anima mea*: but I now am otherwise put to my psalter; *Notite confidere*. I dare go no farther. Her majesty had, by set speech, more than once assured me of her intention to call me to her service; which I could not understand but of the place I had been named to. And now, whether *invidus homo hoc fecit*; or whether my matter must be an appendix to my lord of Essex suit; or whether her majesty, pretending to prove my ability, meaneth but to take advantage of some errors, which like enough, at one time or other, I may commit; or what it is; but her majesty is not ready to dispatch it. And what though the master of the Rolls, and my lord of Essex, and yourself and others, think my case without doubt, yet in the mean time I have a hard condition to stand so, that whatsoever service I do to her majesty, it shall be thought but to be *servitium viscatum*, lime-twigs and fetches to place myself; and so I shall have envy, not thanks. This is a course to quench all good spirits, and to corrupt every man's nature; which will, I fear, much hurt her majesty's service in the end. I have been like a piece of stuff bespoken in the shop; and if her majesty will not take me, it may be the selling by parcels will be more gainful. For to be, as I told you, like a child following a bird, which, when he is nearest flieth away, and lighteth a little before, and then the child after it again, and so *in infinitum*; I am weary of it, as also of wearying my good friends: of whom, nevertheless, I hope in one course or other gratefully to deserve.

W W. *Life*, p. xxxiv.

From Bacon's Letter to the Earl of Devonshire.

And on the other side, I must and will ever acknowledge my lord's love, trust, and favour towards me, last of all his liberality, having infeofed me of land which I sold for eighteen hundred pounds to Master Reynold Nicholas, and I think was more worth, and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter; which though

it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your lordship with the relating to you the manner of it. After the Queen had denied me the solicitor's place, for the which his lordship had been a long and earnest suitor on my behalf, it pleased him to come to me from Richmond to Twicknam Park, and brake with me, and said, Mr. Bacon, the Queen hath denied me the place for you, and hath placed another; I know you are the least part of your own matter, but you fare ill, because you have chosen me for your mean and dependence: you have spent your time and thoughts in my matters; I die (these were his very words) if I do not somewhat towards your fortune; you shall not deny to accept a piece of land, which I will bestow upon you. My answer, I remember was, that for my fortune it was no great matter; but that his lordship's offer made me call to mind what was wont to be said, when I was in France, of the Duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations; meaning that he had left himself nothing, but only had bound numbers of persons to him. Now, my lord, (said I) I would not have you imitate his course, nor turn your state thus by great gifts into obligations, for you will find many bad debtors. He bad me take no care for that, and pressed it: whereupon I said, My lord, I see I must be your homager, and hold land of your gift; but do you know the manner of doing homage in law? Always it is with a saying of his faith to the king and his other lords, and therefore, my lord, (said I) I can be no more yours than I was, and it may be with the ancient savings; and if I grow to be a rich man, you will give me leave to give it back to some of your unrewarded followers.

XX. *Life, p. xxxiv.*

In a letter to Sir Robert Cecil, he says: Casting the worst of my fortune with an honourable friend, that had long used me privately, I told his lordship of this purpose of mine to travel, accompanying it with these very words, that upon her majesty's rejecting me with such circumstance, though my heart might be good, yet mine eyes would be sore, that I should take no pleasure to look upon my friends; for that I was not an impudent man, that could face out a disgrace; and that I hoped her majesty would not be offended, that, not able to endure the sun, I fled into the shade.

Mr. Francis Bacon to the Earl of Essex.*

My Lord,—I thank your lordship very much for your kind and comfortable letter, which I hope will be followed at hand with another of more assurance. And I must confess this very delay hath gone so near me, as it hath almost overthrown my health; for when I revolved the good memory of my father, the near degree of alliance I stand in to my Lord Treasurer, your lordship's so signalled and declared favour, the honourable testimony of so many counsellors, the commendations unlaboured, and in sort offered by my lords the Judges and the Master of the Rolls elect; † that I was voiced with great expectation, and, though I say it myself, with the wishes of most men, to the higher place; ‡ that I am a man that the Queen hath already done for; and that princes, especially her majesty, love to make an end where they begin; and then add hereunto the obscureness and many exceptions to my competitors: when I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and therefore truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself with a couple of men to Cambridge, and there spend my life in my studies and con-

* Among the papers of Antony Bacon, Esq. vol. iii. fol. 62, in the Lambeth Library.

† Sir Thomas Egerton.

‡ That of Attorney General.

NOTE Y Y.

templations without looking back. I humbly pray your lordship to pardon me for troubling you with my melancholy. For the matter itself, I commend it to your love; only I pray you communicate afresh this day with my Lord Treasurer and Sir Robert Cecil; and if you esteem my fortune, remember the point of precedency. The objections to my competitors your lordship knoweth partly. I pray spare them not, not over the Queen, but to the great ones, to show your confidence, and to work their distrust. Thus longing exceedingly to exchange troubling your lordship with serving you, I rest your Lordship's, in most intire and faithful service, FRANCIS BACON.—March 30, 1594.

I humbly pray your lordship I may hear from you some time this day.

Y Y. *Life*, p. xxxiv.

In the postscript to Bushel's Abridgment, page 1, he says, Reader, if thou hast perused the foregoing treatise of the Isle of Bensalem, wherein the philosophical father of Solomon's house doth perfectly demonstrate my heroic master (the Lord Chancellor Bacon's) design for the benefit of mankind; then give me leave to tell thee, how far that illustrious lord proceeding the practical part of such his philosophical notions, and when and where they had their first rise, as well as their first eclipse; their first rise (as I have heard him say) was from the noble nature of the Earle of Essex's affection, and so they were clouded by his fall, although he bequeathed to that lord [upon his representing him with a secret curiosity of nature, whereby to know the season of every hour of the year by a philosophical glass, placed (with a small proportion of water) in his chamber,] Twitnam Parke, and its garden of Paradise, to study in. But the sudden change of his royal mistress's countenance acting so tragical a part upon his only friend, and her once dearest favourite, he likewise yielded his law studies as lost, despairing of any preferment from the present state, as by many of his letters in his book of Remains appears, so that he retired to his philosophy for some few months, from whence he presented the then rising sun (Prince Henry) with an experiment of his second collections, to know the heart of man by a sympathizing stone, made of several mixtures, and ushered in the conceit with this ensuing discourse: Most royal Sir, Since you are by birth the prince of our country, and your virtues the happy pledge to our posterity; and that the seigniority of greatness is ever attended more with flatterers than faithful friends and loyal subjects; and therefore needeth more helps to discern and pry into the hearts of the people than private persons. Give me leave, noble sir, as small rivulets run to the vast ocean, to pay their tribute; so let me have the honour to shew your highness the operative quality of these triangular stones (as the first fruits of my philosophy), to imitate the pathological motion of the loadstone and iron, although made by the compounds of meteors (as star shot jelly) and other like magical ingredients, with the reflected beams of the sun, on purpose that the warmth distilled unto them through the moist heat of the hand, might discover the affection of the heart, by a visible sign of their attraction and appetite to each other, like the hand of a watch, within ten minutes after they are laid upon a marble table, or the theatre of a large looking glass. I write not this as a feigned story, but as a real truth; for I was never quiet in mind till I had procured those jewels of my lord's philosophy from Mr. Achry Primrose, the prince's page.

His love of philosophy thus appears in all his times of adversity. So true is his observation, in his History of Arts:—As a man's disposition is never well known till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast; so the passages and variations of nature cannot appear so fully in the liberty of nature, as in the trials and vexations of art.

Of this invention Archbishop Tennison, in his Baconiana, page 18, thus speaks: His second invention was a secret curiosity of nature, whereby to know the season of every hour of the year, by a philosophical glass placed (with a small proportion of water) in a chamber. This invention I describe in the words of him, from whom I had the notice of it, Mr. Thomas Bushel, one of his lordship's menial servants; a man skillful in discovering and opening of

mines, and famous for his curious water-works, in Oxfordshire, by which he imitated rain, hail, the rainbow, thunder and lightning. This secret cannot be that instrument which we call *vitrum calendare*, or the weather-glass, the Lord Bacon in his writings, speaking of that as a thing in ordinary use, and commending, not water, but rectified spirit of wine in the use of it. Nor (being an instrument made with water) is it likely to have shewed changes of the air with so much exactness as the latter baroscope made with mercury. And yet, it should seem to be a secret of high value, by the reward it is said to have procured. For the Earl of Essex (as he in his Extract, page 17, reporteth) when Mr. Bacon had made a present of it to him, was pleased to be very bountiful in his thanks, and bestow upon him Twicknam Park, and its garden of paradise, as a place for his studies. I confess I have not faith enough to believe the whole of this relation. And yet I believe the Earl of Essex was extremely liberal, and free even to profuseness; that he was a great lover of learned men, being, in some sort, one of them himself; and that with singular patronage he cherished the hopeful parts of Mr. Bacon, who also studied his fortunes and service. Yet Mr. Bacon himself, where he professeth his unwillingness to be short, in the commemoration of the favours of that earl, is, in this great one, perfectly silent.

Of his practical inventive powers, more fit for the hand of a mechanic than of a philosopher, Tension, in his *Baconiana* thus speaks:—I doubt not but his mechanical inventions were many. But I can call to mind but three at this time, and of them I can give but a very broken account; and, for his instruments and ways in recovering deserted mines, I can give no account at all; though certainly, without new tools and peculiar inventions, he would never have undertaken that new and hazardous work. Of the three inventions which come now to my memory, the first was an engine representing the motion of the planets. Of this I can say no more than what I find, in his own words, in one of his miscellany papers in manuscript. The words are these: "I did once cause to be represented to me, by wires, the motion of some planets, in fact as it is, without theories of orbs, &c. And it seemed a strange and extravagant motion. One while they moved in spires forwards; another while they did unwind themselves in spires backwards: one while they made larger circles, and higher; another while smaller circles, and lower: one while they moved to the north, in their spires, another while to the south," &c.

But there is, in his Apologic, another story, which may seem to have given to Mr. Bushel the occasion of his mistake. "After the Queen had denied to Mr. Bacon the Solicitor's place, for the which the Earl of Essex had been a long and earnest suitor on his behalf, it pleased that earl to come to him from Richmond to Twicknam Park, and thus to break with him: Mr. Bacon, the Queen hath denied me the place for you. You fare ill, because you have chosen me for your mean and dependance: you have spent your thoughts and time in my matters; I die if I do not do somewhat towards your fortune. You shall not deny to accept a piece of land which I will bestow upon you." And it was, it seems, so large a piece, that he undersold it for no less than eighteen hundred pounds.

Of this I find nothing, either in his lordship's experiments touching Emission, or Immaterial Virtues, from the Minds and Spirits of Men; or in those concerning the secret virtue of Sympathy and Antipathy. Wherefore I forbear to speak further in an argument about which I am so much in the dark.

I proceed to subjects upon which I can speak with much more assurance, his inimitable writings.

Note.—The late Lord Stanhope invented an instrument of this nature to discover the insensible perspiration. It consisted of a small crystal cylinder, very convex at one end, and less convex at the other, and when the large convexity was pressed upon the skin it was immediately beaded with perspiration as with dew, which was perceptible by looking through the great convexity. I once had the instrument in my possession. I have seen other inventions of the same nature, as small fish made of a thin horny substance, which, with the heating of the hand, became apparently animated.—B. M.

Z Z. *Life*, p. xxxiv.

Mr. Francis Bacon to the Queen.

Most gracious and admirable Sovereign,—As I do acknowledge a providence of God towards me, that findeth it expedient for me *tolerare jugum in juventute meâ*; so this present arrest of mine, by his divine majesty, from your majesty's service, is not the least affliction, that I have proved; and I hope your majesty doth conceive, that nothing under mere impossibility could have detained me from earning so gracious a vail, as it pleased your majesty to give me. But your majesty's service, by the grace of God, shall take no lack thereby; and, thanks to God, it hath lighted upon him that may be best spared. Only the discomfort is mine, who nevertheless have the private comfort, that in the time I have been made acquainted with this service, it hath been my hap to stumble upon somewhat unseen, which may import the same, as I made my Lord Keeper acquainted before my going. So leaving it to God to make a good end of a hard beginning, and most humbly craving your majesty's pardon for presuming to trouble you, I recommend your sacred majesty to God's tenderest preservation. Your sacred Majesty's in most humble obedience and devotion,
From Huntingdon, this 20th of July, 1594.

FR. BACON.

3 A. *Life*, p. xxxv.

This appears by a letter to Burleigh, in which, thanking him for former obligations, he says, "Together with your lordship's attempt to give me way by the remove of Mr. Solicitor, in which he says: And now seeing it hath pleased her majesty to take knowledge of this my mind, and to vouchsafe to appropriate me unto her service, preventing any desert of mine with her princely liberality; first, I humbly do beseech your lordship to present to her majesty my more than humble thanks for the same: and withal, having regard to mine own unworthiness to receive such favour, and to the small possibility in me to satisfy and answer what her majesty conceiveth, I am moved to become a most humble suitor to her majesty, that this benefit also may be affixed unto the other."

3 B. *Life*, p. xxxv.

Baker's MSS. Our register is a blank, and nothing entered from the year 1589 to the year 1602; but from Bedel Ingram's book, of equal authority in history, though not in law, we have this account:—An. 1594. Jul. 27. Whereas there is something purposed to be done at this meeting more than usual at convocations. Maye it therefore please yow, that this convocation be changed into a congregation, and the same to be effectual to no other intent then for the dispatch of such matters as shall presently be propounded hearin, and by your approbation and consent, be granted and concluded. This being passed, the Vicechan. dissolved the convocation, and the bedell called a congregation immediate, at which congregation this grace following was passed. *I Jacet vobis, ut Mr. Franciscus Bacon armiger, honorandi et nobilis viri domini Nicholai Bacon militis, magni Angliæ sigilli custodis, ante aliquot annos defuncti, filius, post studium decem annorum, partem in hac academia nostra partim in transmarinis regionibus, in dialecticis, philosophicis, Græcis Latinisque literis, ac cæteris, humanioribus disciplinis sufficiat ei, ut cooptetur in ordinem magistrorum in artibus: ita tamen ut ad nullas ceremonias, ad magisterii gradum pertinentes coarctetur; sed tantum in admissione sua juramentum præstet, de regiæ majestatis suprema autoritate in primis agnoscenda et colenda, et fidem del D. Procan de observandis statutis, privilegiis, et consuetudinibus hujus universitatis approbatis.*

Concess. 27 Julii, 1594.

Franciscus Bacon, Mr. in artibus, Jul. 27. Mr. Ingram's book.

3 C. *Life*, p. xxxv.

The Elements of the Common Lawes of England, branched into a Double Tract: the one containing a Collection of some principall Rules and Maximes of the Common Law, with their Latitude and Extent. Explicated for the more facile Introduction of such as are studiously addicted to that noble profession. The other the Use of the Common Law, for the preservation of our Persons, Goods, and Good Names. According to the Lawes and Customes of this Land. By the late Sir Francis Bacon, knight, Lo. Verulam, and Viscount S. Alban. Videre Vtilitas. London, Printed by the Assignees of Iohn More, Esquire. 1630.

Editions were also published in 1636 and 1639.

3 D. *Life*, p. xxxv.

REGULA I. *In jure non remota causa, sed proxima spectatur.* It were infinite for the law to judge the causes of causes, and their impulsions one of another; therefore it contenteth itself with the immediate cause, and judgeth of acts by that, without looking to any further degree.

As if an annuity be granted *pro consilio impenso et impendendo*, and the grantee commit treason, whereby he is imprisoned, so that the grantor cannot have access unto him for his counsel: yet, nevertheless, the annuity is not determined by this non-feasance; yet it was the grantee's act and default to commit the treason, whereby the imprisonment grew: but the law looketh not so far, but excuseth him, because the not giving counsel was compulsory, and not voluntary, in regard of the imprisonment.

He proceeds in the same manner to prove by other instances the rule which he had established.

3 E. *Life*, p. xxxv.

The preface continues thus: Having collected three hundred of them, I thought good, before I brought them all into form, to publish some few, that by the taste of other men's opinions in this first, I might receive either approbation in mine own course, or better advice for the altering of the other which remain; for it is great reason that that which is intended to the profit of others, should be guided by the conceits of others.

3 F. *Life*, p. xxxv.

Atque quemadmodum vulgaris logica, quæ regit res per syllogismum, non tantùm ad naturales, sed ad omnes scientias pertinet; ita et nostra quæ procedit per inductionem, omnia complectitur. Tam enim historiam et tabulas inveniendi conficimus de irâ, metu, et verecundiâ, et similibus; ac etiam de exemplis rerum civilium; nec minùs de motibus mentalibus memoriæ, compositionis et divisionis, judicii, et reliquorum: quàm de calido et frigido, aut luce, aut vegetatione, aut similibus.

3 G. *Life*, p. xxxvi.

I hold every man a debtor to his profession; from the which, as men of course, do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having, therefore, from the

beginning come to the study of the laws of this realm, with a desire no less, if I could attain unto it, that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that, by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science.

The same grateful feeling is expressed by Sir E. Coke, who says, "If this or any other of my works, in any sort, by the goodness of Almighty God, who hath enabled me hereunto, tend to some discharge of that great obligation of duty wherein I am bound to my profession, I shall reap some fruits from the tree of life, and I shall receive sufficient compensation for all my labours."

Different Editions and MSS.

Editions of it were published in 1636 and 1639; of this work there are the following MSS. In Harleian MSS. vol. 2—227, there is MSS. of Maxims of the Law, written by Sir Francis Bacon, and by him inscribed to Queen Elizabeth, 8th January, 1596. There are some other observations relating to law at the end of the book.—Use of the Law, Cat. 291. Sloane's MSS.

There is also a MSS. in the University Library, Cambridge, entitled "Maxims of Law."

It is thus noticed by Archbishop Tension, when enumerating Lord Bacon's law works in the Baconiana:—The fourteenth is, the Elements of the Common Laws of England, in a double tract: the one of the rules and maxims of the common law, with their latitude and extent. The other, of the use of common law, for the preservation of our persons, goods, and good names. These he dedicated to her majesty, whose the laws were, whilst the collection was his.

3 H. *Life*, p. xxxvi.

Sir,—I have thought the contemplation of the art military harder than the execution. But now I see where the number is great, compounded of sea and land forces, the most tyrones, and almost all voluntaries, the officers equal almost in age, quality, and standing in the wars, it is hard for any man to approve himself a good commander. So great is my zeal to omit nothing, and so short my sufficiency to perform all, as besides my charge, myself doth afflict myself. For I cannot follow the precedents of our dissolute armies, and my helpers are a little amazed with me, when they are come from governing a little troop to a great; and from ——— to all the great spirits of our state. And sometimes I am as much troubled with them, as with all the troops. But though these be warrants for my seldom writing, yet they shall be no excuses for my fainting industry. I have written to my Lord Keeper and some other friends to have care of you in my absence. And so commending you to God's happy and heavenly protection, I rest your true friend, ESSEX.

Plymouth, this 17th of May, 1596.

As specimens of the correspondence between them, see Bacon's letter to Essex, vol. xii. p. 17, and Bacon's letter, *ibid.* p. 20.

3 I. *Life*, p. xxxvii.

The following account of the Essays, collected with much labour, will, it is hoped, be acceptable to the reader.

First edition, 1597.

Essayes. Religious Meditations. Places of perswasion and dissuasion. Seene and allowed. At London Printed for Humfrey Hooper, and are to be sold at the black Beare in Chancery Lane. 1597.

The first edition of the Essays was published in the year 1597.

The Epistle Dedicatorie. "To M. Anthony Bacon his deare Brother. "Louing and beloued brother I do now like some that haue an orcharde il neighbored, that gather their fruit before it is ripe, to prevent stealing. These fragments of my conceits were going to print: to labour the stay of them had bene troublesome, and subiect to interpretation: to let them passe had bin to

aduentur the wrong they mought receiue by vntrue coppies, or by some garnishment which it mought please any one that shold set them forth to bestow upon them. Therefore I helde it best discretion to publish them my selfe as they passed long agoe from my pen without any further disgrace, then the weakenes of the author. And as I did euer hold there mought be as great a vanitie in retyring and withdrawing mens conceits (except they be of some nature) from the world, as in obtruding them: so in these particulars I haue played my selfe the inquisitor, and find nothing to my vnderstanding in them contrary, or infectious to the state of religion, or manners, but rather (as I suppose) medicinable. Onely I disliked now to put them out, because they will be like the late newe halfpence, which though the siluer were good, yet the pieces were small. But since they would not stay with their master, but wold needs trauel abroad, I haue preferred them to you, that are next myself, dedicating them, such as they are, to our loue, in the depth whereof (I assure you) I somtimes wish your infirmities translated upon my selfe, that her maiesty mought haue the seruice of so active and able a mind, and I mought bee with excuse confined to these contemplations and studies for which I am fittest, so commende I you to the preservation of the diuine maiestic. From my chamber at Grayes Inne, this 30 of Ianuary, 1597.

Your entire louing brother, FRAN. BACON."

It consists of ten Essays.

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| 1. Of Studie. | 6. Of Expençe. |
| 2. Of Discourse. | 7. Of Regimen and Health. |
| 3. Of Ceremonies and Respects. | 8. Of Honour and Reputation. |
| 4. Of Followers and Friends. | 9. Of Faction. |
| 5. Of Sutors. | 10. Of Negotiating. |

The volume is in 12mo. and consists of thirteen double pages, not very correctly printed. *Ex. gr.* In the table of contents the first essay is "of Studie;" in the body of the work it is "of Studies." So again, in the table of contents, the fifth essay is "Sutors;" in the body of the work it is "of Sutes," &c. &c.

Lord Bacon's favorite style was, I am inclined to think, in aphorisms, as he states in various parts of his works, and particularly in the advancement of learning under the head of Tradition, where, amongst other styles, he considers "style methodical or in aphorisms:" and, as may be seen in the *Novum Organum*, which is composed wholly in aphorisms. This first edition of the Essays, although apparently in continued discourse, is really severed and in aphorisms. The following is an exact copy of part of the first essay, and they are all separated in the same manner.

¶ Reade not to contradict, nor to believe, but to waigh and consider.

¶ Some bookes are to bee tasted, others to be swallowed, and some few to be chewed and digested: that is some bookes are to be read only in partes; others to be read but cursorily, and some few to be read wholly and with diligence and attention.

¶ Histories make men wise, poets wittie, the mathematicks subtile, naturall philosophie deepe: morall grave, logicke and rhetorick able to contend.

There are two copies of this edition in the University library at Cambridge: and there is Archbishop Sancroft's copy in Emanuel library: there is a copy in the Bodleian, and I have a copy.

This small volume contains, as appears by the title-page, not only the essays, but *Religious Meditations and Places of Perswasion and Disswasion*. The religious meditations are in Latin, and are not printed, as the essays are, for Hooper: and the paging is not continued from the essays, but begins page 1. The following is a copy of the title-page: *Meditationes Sacrae. Londini. Excudebat Iohannes Windet, 1597.* At the conclusion of the volume is, "Printed at London by John Windet for Humfrey Hooper, 1597." So that, although the name of Hooper does not appear in the title prefixed to the *Meditationes Sacrae*, it is evident that Windet was the printer for Hooper.

At the conclusion of the *Meditationes Sacrae*, a tract entitled "*Of the Counters of Good and Evil, a Fragment*," is annexed. The paging is continued from

NOTE 3 I.

the *Meditationes Sacræ*. The following is a copy of the title-page: *Of the Colours of Good and Evil, a Fragment*. 1597. In the *Advancement of Learning*, under the head of Rhetoric, there are one or two specimens of these colours: and, under the same head in the treatise *De Augmentis*, they are much enlarged.

Second Edition, 1598.

Essaies. Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. London, printed for Humfrey Hooper, and are to bee solde at the Blacke Beare in Chauncery Lane, 1598. This is a 12mo. of forty-nine pages. It is nearly a transcript of the first edition, except that the *Meditationes Sacræ* are translated into English, and the separation into aphorisms is discontinued; the paging continues through the whole work; but, at the end of the *Meditationes*, there is the following title-page: *Of the Colours of Good and Evil, a Fragment*, 1598.

In the Lansdown manuscripts in the British Museum there is a manuscript, in antient writing, of this or the first edition of the *Essays*. It is in vol. ii. p. 173. It cannot, I think, be the original MS. as there are not titles to the different essays, but they are written, and not by the same hand, in the margin.

There is also in the Harleian MSS. 6797, a MS. of two *Essays*, of *Faction* and of *Negotiating*, with cross lines drawn through them. At the conclusion of the volume there is, "Imprinted at London by John Windet for Humfrey Hooper, 1598." As the printers and publishers are the same in this edition and in the edition of 1597, it seems probable that this edition was sanctioned by Lord Bacon.

Third Edition, 1606.

Essaies. Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Printed at London for Iohn Iaggard, dwelling in Fleete Streete, at the Hand and Starre, neere Temple Barre, 1606. This is in 12mo. and is not paged. It is a transcript of the previous editions, but was I suspect pirated.

1st. It is not published by Lord Bacon's publisher; and it will be seen, in the progress of his *Essays*; that when an edition was published by Bacon, it was regularly followed by an edition published by Jaggard.

2nd. The dedication in 1597 is to M. Anthony Bacon, and in this edition in 1606 it is to Maister Anthony Bacon.

3dly. The signature in 1597 is Fran. Bacon, in this of 1606 is Francis Bacon.

Fourth Edition, 1612.

The next edition was in 1612. It is entitled, *The Essaies of Sr Francis Bacon, Knight, the King's Solliciter Generall*. Imprinted at London by Iohn Beale, 1612. It was the intention of Sir Francis to have dedicated this edition to Henry Prince of Wales, but he was prevented by the death of the prince on the 6th of November in that year. This appears by the following letter:

To the most high and excellent prince, Henry, Prince of Wales, Duke of Cornwall, and Earl of Chester.

It may please your Highness,—Having divided my life into the contemplative and active part, I am desirous to give his majesty and your highness of the fruits of both, simple though they be. To write just treatises, requireth leisure in the writer, and leisure in the reader, and therefore are not so fit, neither in regard of your highness's princely affairs, nor in regard of my continual service; which is the cause that hath made me choose to write certain brief notes, set down rather significantly than curiously, which I have called *Essays*. The word is late, but the thing is ancient; for Seneca's epistles to Lucilius, if you mark them well, are but essays, that is, dispersed meditations, though conveyed in the form of epistles. These labours of mine, I know, cannot be worthy of your highness, for what can be worthy of you? But my hope is, they may be as grains of salt, that will rather give you an appetite than offend you with satiety. And although they handle those things wherein both men's lives and their persons are most conversant; yet what I have attained I know not; but I have endeavoured to make them not vulgar, but of a nature, whereof a man shall find much in experience, and little in books; so as they are neither repe-

tions nor fancies. But, however, I shall most humbly desire your highness to accept them in gracious part, and to conceive, that if I cannot rest, but must shew my dutiful and devoted affection to your highness in these things which proceed from myself, I shall be much more ready to do it in performance of any of your princely commandments. And so wishing your highness all princely felicity, I rest your Highness' most humble servant,

1612.

FR. BACON.

It was dedicated as follows :

To my loving Brother, Sir John Constable, Knight.*

My last *Essaies* I dedicated to my deare brother Master Anthony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature : which if I myselve shall not suffer to be lost, it seemeth the world will not ; by the often printing of the former. Missing my brother, I found you next, in respect of bond both of neare alliance, and of straight friendship and societie, and particularly of communication in studies. Wherein I must acknowledge my selfe beholding to you. For as my businessse found rest in my contemplations ; so my contemplations ever found rest in your louing conference and judgment. So wishing you all good, I remaine

Your louing brother and friend, FRA. BACON.

The Table of *Essays* is,

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| 1. Of Religion. | 21. Of Riches. |
| 2. Of Death. | 22. Of Ambition. |
| 3. Of Goodnes and goodnes of nature. | 23. Of Young men and age. |
| 4. Of Cunning. | 24. Of Beautie. |
| 5. Of Marriage and single life. | 25. Of Deformitie. |
| 6. Of Parents and Children. | 26. Of nature in Man. |
| 7. Of Nobilitie. | 27. Of Custome and Education. |
| 8. Of Great place. | 28. Of Fortune. |
| 9. Of Empire. | 29. <i>Of Studies.</i> |
| 10. Of Counsell. | 30. <i>Of Ceremonies and Respects.</i> |
| 11. Of Dispatch. | 31. <i>Of Sutors.</i> |
| 12. Of Loue. | 32. <i>Of Followers.</i> |
| 13. Of Friendshippe. | 33. <i>Of Negociating.</i> |
| 14. Of Atheisme. | 34. <i>Of Faction.</i> |
| 15. Of Superstition. | 35. Of Praise. |
| 16. Of Wisdome for a Mans selfe. | 36. Of Iudicature. |
| 17. <i>Of Regiment of Health.</i> | 37. Of vaine glory. |
| 18. <i>Of Expences.</i> | 38. Of greatnes of Kingdomes. |
| 19. <i>Of Discourse.</i> | 39. Of the publike. |
| 20. Of Seeming wise. | 40. Of Warre and peace. |

It is an octavo of 241 pages ; and the two last essays " *Of the Publique,*" and " *Of War and Peace,*" although mentioned in the table of contents, are not contained in the body of the work.†

This edition contains all the *Essays* which are in the preceding editions, except the Essay " *Of Honor and Reputation :*" and the title in the former editions of the Essay " *Of Followers and Friends,*" is in this edition " *Of Followers,*" and there is a separate Essay " *Of Friendship.*" The essays in italics are in the former editions.

These essays are more extensive than the essays in the preceding editions, according to the manner of the author, who says, " I always alter when I add ;

* Francis Bacon married Alice Burnham, and Sir John Constable married her sister, Dorothy Burnham. In Lord Bacon's will, he says, Sir John Constable, Knight, my brother-in-law ; and he nominates him as one of his executors.

† There is a copy in the British Museum, and in the Bodleian ; and I have a copy.

so that nothing is finished till all is finished.* As a specimen, the Essay "Of Study," in the first edition ends with the words "able to contend." The edition of 1612 is the same as the former edition, but it thus continues: "Abeunt studia in mores;" "nay, there is no stond or impediment in the wit, but may be wrought out by fit studies: like as diseases of the body may have appropriate exercises; bowling is good for the stone and reins, shooting for the lungs and breast, gentle walking for the stomach, riding for the head, and the like; so if a man's wit be wandering, let him study the mathematics; for in demonstrations, if his wit be called away never so little, he must begin again; if his wit be not apt to distinguish or find differences, let him study the schoolmen, for they are 'Cymini sectores;': if he be not apt to beat over matters, and to call upon one thing to prove and illustrate another, let him study the lawyer's cases; so every defect of the mind may have a special receipt."

Fifth Edition, Jaggard, 1612.

Essays, Religious Meditations, Places of persuasion and dissuasion. Scene and allowed. Printed at London for John Jaggard, dwelling in Fleete-streete at the Hand and Starre neere Temple barre. 1612.

This edition may be divided into two parts :

- | | | |
|----------------------------|---|--|
| The first part consisting, | } | 1. Of the Essays which were contained in the edition of 1606. |
| | | 2. Religious Meditations. |
| | | 3. Places of Perswasion and Disswasion. |
| The second part consisting | } | Of such Essays in the edition of 1612 as are not inserted in the first part. |

It seems that Jaggard supposed, that because the titles of certain essays in the different editions were the same, the essays were not altered; but it was Lord Bacon's custom, as stated in his letter to Mr. Matthews, with his book "De Sapientia Veterum," "always to alter when I add, so that nothing is finished till all is finished." This was the custom of Lord Bacon, a custom most probably ever attendant upon the fertility of genius. Mr. Jaggard, therefore, seems to have imagined that, in substance, his edition was as complete as the edition published in the same year by Lord Bacon. By comparing either of the essays in the edition of 1606 ("Of Studies," for instance), the error will appear. This edition, therefore, although it consists of 39 Essays (viz. 10 and 29), does not contain the perfect essays upon the same subjects which are in the edition published by Lord Bacon in 1612.

The following table will exhibit the Essays contained in this edition.

The first part consists of the Essays in the edition of 1606.

The second part consists of 29 of the essays upon new subjects which are contained in the edition published by Lord Bacon in 1612; so that this consists of 39 Essays, but the edition published by Lord Bacon in 1612, although nominally containing 40 Essays, really consisted only of 38, the two last in the title page not being inserted in the body of the work.

* "To Mr. Matthews; along with the Book De Sapientia Veterum.—I heartily thank you for your letter of the 24th of August, from Salamanca; and, in recompence, send you a little work of mine, that has begun to pass the world. They tell me my Latin is turned into silver, and become current. Had you been here, you should have been my inquisitor before it came forth: but I think, the greatest inquisitor in Spain will allow it. One thing you must pardon me, if I make no haste to believe, that the world should be grown to such an ecstasy, as to reject truth in philosophy, because the author dissents in religion; no more than they do by Aristotle or Averroes. My great work goes forward; and after my manner, I always alter when I add: so that nothing is finished till all is finished. This I have wrote in the midst of a term and parliament; thinking no time so possessed, but that I should talk of these matters with so good and dear a friend.—Gray's Inn, Feb. 27, 1610."

NOTE 3 I.

Titles of 1606, and 1st part of Jaggard's edition of 1612.

1. Of Studie.
2. Of Discourse.
3. Of Ceremonies and Respects.
4. Of Followers and Friends.
5. Of Sutors.
6. Of Expence.
7. Of Regiment of Health.
8. Of Honor and Reputation.
9. Of Faction.
10. Of Negotiating.

Titles of 1612. Beale.

1. Of Religion.
2. Of Death.
3. Of Goodnesse and Goodnesse of Nature.
4. Of Cunning.
5. Of Marriage and Single Life.
6. Of Parents and Children.
7. Of Nobilitie.
8. Of great Place.
9. Of Empire.
10. Of Counsel.
11. Of Dispatch.
12. Of Love.
13. Of Friendship.
14. Of Atheisme.
15. Of Superstition.
16. Of Wisdom for a Man's self.
17. *Of Regiment of Health.*
18. *Of Expences.*
19. *Of Discourse.*
20. Of seeming wise.
21. Of Riches.
22. Of Ambition.
23. Of Young Men and Age.
24. Of Beautie.
25. Of Deformitie.
26. Of Nature in Men.
27. Of Custome and Education.
28. Of Fortune.
29. *Of Studies.*
30. *Of Ceremonies and Respects.*
31. *Of Sutors.*
32. *Of Followers.*
33. *Of Negotiating.*
34. *Of Faction.*
35. Of Praise.
36. Of Judicature.
37. Of Vaine Glory.
38. Of Greatnesse of Kingdoms.
39. Of the Publick.
40. Of Warre and Peace.

Titles of 1612, in 2nd part of Jaggard's edition.

1. Of Religion.
2. Of Death.
3. Of Goodnesse and Goodnesse of Nature.
4. Of Cunning.
5. Of Marriage and Single Life.
6. Of Parents and Children.
7. Of Nobilitie.
8. Of great Place.
9. Of Empire.
10. Of Counsel.
11. Of Dispatch.
12. Of Love.
13. Of Friendship.
14. Of Atheisme.
15. Of Superstition.
16. Wisdom for a Man's self.
17. Of seeming wise.
18. Of Riches.
19. Of Ambition.
20. Of Young Men and Age.
21. Of Beautie.
22. Of Deformitie.
23. Of Nature in Men.
24. Of Custom and Education.
25. Of Fortune.
26. Of Praise.
27. Of Judicature.
28. Of Vaine Glory.
29. Of the Greatnesse of Kingdomes.

Sixth Edition, 1613.

The next edition was in 1613. It is entitled, *The Essaies of Sir Francis Bacon, Knight, the Kings Atorney General, his Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Printed at London for John Iaggard, dwelling at the Hand and Starre, betweene the two Temple Gates, 1613.* It is a

transcript of the edition of 1612, with the erroneous entries in the table of contents of the two essays, "Of the Publique" and "Of Warre and Peace," which are omitted in the body of the work; but it contains a transcript from the editions of 1597 and 1606, of the essay "Of Honor and Reputation," which is omitted in the edition of 1612. This edition, probably, originated in Jaggard's having discovered his error with respect to the edition of 1612, and his hope to make it more complete by the addition of the essay of "Honor and Reputation," without inquiring whether it was in substance incorporated in either of the new essays in Lord Bacon's edition of 1612. Does not this seem further evidence that these editions were pirated?

Seventh Edition, 1614.

The Essaies of Sir Francis Bacon, Knight, the Kings Attourney Generall. His Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Edinburgh, Printed by Andro Hart. 1614.

This is, as it seems, a transcript of Jaggard's edition of 1613, consisting of 41 essays in the table of contents, and omitting 39 and 40 in the body of the work, and containing the Essay 41, "Of Honor and Reputation." The Essay "Of Superstition" in this edition of 1614 is entitled 12, but it ought to be 15. There is the same error in the edition of 1613: so too the Essay "Of Followers and Friends" is, in both, entitled 33, but it ought to be 32.

Eighth Edition, 1624.

The Essaies of Sir Francis Bacon, Knight, the Kings Attourney Generall. His Religious Meditations. Places of Perswasion and Disswasion. Seene and allowed. Printed at London, by I. D. for Elizabeth Jaggard, at the Hand and Starre, neere the Middle Temple gate, 1624.

This edition is copied from the edition of 1613. The error with respect to the title of the Essay of "Followers and Friends" is corrected in this edition; as in this edition it is, as it ought to have been in the edition of 1613-32. As this is published by Jaggard, it is probably by the widow of John Jaggard, as it is printed by I. D. for Elizabeth Jaggard.

Ninth Edition, 1625.

The Essayes or Counsels, Civill and Morall, of Francis Lo. Verulam, Viscount St. Alban. Newly enlarged. London, Printed by John Havitand for Hanna Barret and Richard Whitaker, and are to be sold at the signe of the King's head in Paul's Churchyard. 1625.

This edition is a small quarto of 340 pages; it clearly was published by Lord Bacon. It was published in 1625, and in the next year, 1626, Lord Bacon died. It is dedicated in the following dedication, to the Duke of Buckingham:

To the Right Honorable my very good Lo. the Duke of Buckingham his Grace,
Lo. High Admirall of England.

Excellent Lo.—Salomon saies, A good name is as a precious oyntment; and I assure my selfe, such wil your grace's name bec, with posteritie. For your fortune and merit both, haue bene eminent. And you haue planted things that are like to last. I doe now publish my Essayes; which, of all other workes, haue bene most currant: for that, as it seemes, they come home to mens businesse and bosomes. I haue enlarged them, both in number and weight; so that they are indeed a new work. I thought it therefore agreeable to my affection, and obligation to your grace, to prefix your name before them, both in English and in Latine. For I doe conceiue, that the Latine volume of them (being in the vniuersal language) may last as long as bookes last. My Instauration I dedicated to the king: my Historie of Henry the Seventh (which I haue now also translated into Latine) and my portions of Naturall History, to the prince: and these I dedicate to your grace: being of the best fruits, that by the good encrease which God gives to my pen and labours, I could yeeld. God leade your grace by the hand. Your Graces most obliged and faithfull seruant, FR. ST. ALBAN.

Of this edition Lord Bacon sent a copy to the Marquis Fiat. Baconiana, 201.

A Letter of the Lord Bacon's, in French, to the Marquis Fiat, relating to his Essays.

Monsieur l'Ambassadeur mon File,—Voyant que vostre excellence fait et traite mariages, non seulement entre les princes d'Angleterre et de France, mais aussi entre les langues (puis que faictes traduire non liure de l'Advancement des Sciences en Francois) i' ai bien voulu vous envoyer mon liure dernièrement imprimé que i' avois pourveu pour vous, mais i' estois en doute, de le vous envoyer, pour ce qu'il estoit escrit en Anglois. Mais a' cest' heure pour la raison susdicte ie le vous envoie. C' est un recompillement de mes Essays Morales et Civiles; mais tellement enlargiés et enrichiés, tant de nombre que de poix, que c'est de fait un oeuvre nouveau. Je vous baise les mains, et reste, vostre tres affectionée ami, ex tres humble serviteur.

The same in English, by the Publisher.

My Lord Ambassador, my Son,—Seeing that your excellency makes and treats of marriages, not only betwixt the princes of France and England, but also betwixt their languages (for you have caused my book of the Advancement of Learning to be translated into French), I was much inclined to make you a present of the last book which I published, and which I had in readiness for you. I was sometimes in doubt whether I ought to have sent it to you, because it was written in the English tongue. But now, for that very reason, I send it to you. It is a recompilment of my Essays, Moral and Civil; but in such manner enlarged and enriched both in number and weight, that it is in effect a new work. I kiss your hands, and remain your most affectionate friend and most humble servant, &c.

The titles of the Essays in this edition are as follows :

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|---|------------------------------|
| 1. Truth. | 30. Regiment of Health. |
| 2. Death. | 31. Suspicion. |
| 3. Unity in Religion. | 32. Discourse. |
| 4. Revenge. | 33. Plantations. |
| 5. Adversity. | 34. Riches. |
| 6. Simulation and Dissimulation. | 35. Prophecies. |
| 7. Parents and Children. | 36. Ambition. |
| 8. Marriage and Single Life. | 37. Masks and Triumphs. |
| 9. Envy. | 38. Nature in Men. |
| 10. Love. | 39. Custom and Education. |
| 11. Great Place. | 40. Fortune. |
| 12. Boldness. | 41. Usury. |
| 13. Goodness, and Goodness of Nature. | 42. Youth and Age. |
| 14. Nobility. | 43. Beauty. |
| 15. Seditions and Troubles. | 44. Deformity. |
| 16. Atheism. | 45. Building. |
| 17. Superstition. | 46. Gardens. |
| 18. Travel. | 47. Negotiating. |
| 19. Empire. | 48. Followers and Friends. |
| 20. Counsel. | 49. Suitors. |
| 21. Delays. | 50. Studies. |
| 22. Cunning. | 51. Faction. |
| 23. Wisdom for a Man's self. | 52. Ceremonies and Respects. |
| 24. Innovations. | 53. Praise. |
| 25. Dispatch. | 54. Vain Glory. |
| 26. Seeming wise. | 55. Honour and Reputation. |
| 27. Friendship. | 56. Judicature. |
| 28. Expense. | 57. Anger. |
| 29. The true Greatness of Kingdoms and Estates. | 58. Vicissitudes of Things. |

NOTE 3 I.

The following tables will shew the variations in the titles of the Essays in the different editions :

1597.	1612. <i>Essays of 1597 in Italics.</i>	1625. <i>Figures to the right are order in 1612. Essays of 1597 in Italics.</i>	Order of 1612.
1. Of Study.	1. Of Religion.	1. Of Truth.	1
2. Of Discourse.	2. Of Death.	2. Of Death.	2
3. Of Ceremonies and Respects.	3. Of Goodnesse and Goodnesse of Nature.	3. Of Vnitie in Religion.	
4. Of Followers and Friends.	4. Of Cunning.	4. Of Revenge.	
5. Of Sutors.	5. Of Marriage and Single Life.	5. Of Adversitie.	
6. Of Expencc.	6. Of Parents and Children.	6. Of Simulation and Dissimulation.	
7. Of Regiment of Health.	7. Of Nobilitie.	7. Of Parents and Children.	6
8. Of Honor and Reputation.	8. Of Great Place.	8. Of Marriage and Single Life.	5
9. Of Faction.	9. Of Empire.	9. Of Envie.	12
10. Of Negotiating.	10. Of Counsell.	10. Of Love.	8
	11. Of Dispatch.	11. Of Great Place.	
	12. Of Love.	12. Of Boldnesse.	
	13. Of Friendshippe.	13. Of Goodnesse and Goodnesse of Nature.	3
			7
	14. Of Atheisme.	14. Of Nobilitie.	
	15. Of Superstition.	15. Of Sedition and Troubles.	14
	16. Of Wisdome for a Man's self.	16. Of Atheisme.	16
	17. <i>Of Regiment of Health.</i>	17. Of Superstition.	
	18. <i>Of Expencc.</i>	18. Of Travaile.	9
	19. <i>Of Discourse.</i>	19. Of Empire.	10
	20. Of seeming wise.	20. Of Counsell.	
	21. Of Riches.	21. Of Delays.	4
	22. Of Ambition.	22. Of Cunning.	
	23. Of Young Men and Age.	23. Of Wisdome for a Man's self.	16
	24. Of Beautie.	24. Of Innovation.	11
	25. Of Deformitie.	25. Of Dispatch.	20
	26. Of Nature in Men.	26. Of seeming wise.	13
	27. Of Custom and Education.	27. Of Friendship.	
	28. Of Fortune.	28. <i>Of Expencc.</i>	18
	29. <i>Of Studies.</i>	29. Of the true Greatnesse of Kingdomes and Estates.	
	30. <i>Of Ceremonies and Respects.</i>	30. <i>Of Regiment of Health.</i>	17
	31. <i>Of Sutors.</i>	31. Of Suspicious.	19
	32. <i>Of Followers.</i>	32. <i>Of Discourse.</i>	
	33. <i>Of Negotiating.</i>	33. Of Plantations.	21
	34. <i>Of Faction.</i>	34. Of Riches.	
	35. Of Praise.	35. Of Prophecies.	

NOTE 3 I.

1597.	1612 (continued).	1625 (continued).	Order of 1612.
	36. Of Judicature.	36. Of Ambition.	22
	37. Of Vaine Glory.	37. Of Masks and Triumphs.	
	38. Of Greatnesse of Kingdomes.	38. Of Nature in Men.	26
	39. <i>Of the Publick.*</i>	39. Of Custom and Education.	27
	40. <i>Of Warre and Peace.*</i>	40. Of Fortune.	28
		41. Of Usury.	
		42. Of Youth and Age.	23
		43. Of Beautie.	24
		44. Of Deformatie.	25
		45. Of Building.	
		46. Of Gardens.	
		47. <i>Of Negotiating.</i>	33
		48. <i>Of Followers and Friends.</i>	32
		49. <i>Of Sutors.</i>	31
		50. <i>Of Studies.</i>	29
		51. <i>Of Faction.</i>	34
		52. <i>Of Ceremonies and Respects.</i>	30
		53. Of Praise.	35
		54. Of Vaine Glory.	37
		55. <i>Of Honor and Reputation.</i>	
		56. Of Judicature.	36
		57. Of Anger.	
		58. Of Vicissitude of Things.	

Modern Editions.

In 1629, three years after the death of Lord Bacon, an edition was published by Haviland, by whom the edition of 1625 was published. It is the same as the edition of 1625, except that the table of contents in 1629 is arranged alphabetically; and the Colours of Good and Evil are annexed. Another edition was published in 1632 by Haviland, and another in 1639 by Beale. Since that time the press has abounded with editions.

Posthumous Essays.

There are three posthumous essays :

1. A Fragment of an Essay of Fame.
2. Of a King.
3. On Death.

Fragment of an Essay on Fame. The authenticity of this tract is indisputable. In the year 1657 Dr. Rawley published, in the first edition of the Resuscitatio, "A Fragment of an Essay of Fame," it is noticed in the Baconia by Archbishop Tension, in the account of Lord Bacon's works. He says, To this book of Essays may be annexed that fragment of an Essay of Fame, which is extant already in the Resuscitatio, p. 281.

Essay of a King. Of the authenticity of this essay, the reader will form his own judgment from the following facts :

1. In the various editions of the Essays published during the life of Lord Bacon, there is not any allusion direct or indirect to this essay.
2. There is not any allusion direct or indirect to this essay by any person

who had access to the papers of Lord Bacon. Dr. Rawley does not mention it, and he expressly says, in his address to the reader in the *Resuscitatio*, in 1657: "Having been employed as an amanuensis, or daily instrument, to this honourable author, and acquainted with his lordship's conceits, in the composing of his works, for many years together, especially in his writing time, I conceived that no man could pretend a better interest or claim to the ordering of them after his death than myself. For which cause, I have compiled in one whatsoever bears the true stamp of his lordship's excellent genius, and hath hitherto slept and been suppressed in this present volume, not leaving any thing to a future hand, which I found to be of moment, and communicable to the public; save only some few Latin works, which, by God's favour and sufferance, shall soon after follow."

Dr. Rawley's son was chaplain to Archbishop Tension, who, in his *Baconiana*, published in 1679, says, "It is my purpose to give a true and plain account of the designs and labours of a very great philosopher amongst us; and to offer to the world, in some tolerable method, those remains of his which to that end were put into my hands. Something of this hath been done already by his lordship himself, and something further hath been added by the Reverend Dr. Rawley; but their remarks lay scattered in divers places, and here they are put under one view, and have received very ample enlargements." But the *Essay of a King* is not mentioned by the Archbishop, although, when commenting upon the essays, he notices the "Fragment of an *Essay on Fame*."

3. In the century after the death of Lord Bacon, which was in April 1626, various spurious works were ascribed to Lord Bacon. Dr. Rawley, in his address to the reader in the *Resuscitatio*, in 1657, says, "It is true that, for some of the pieces herein contained, his lordship did not aim at the publication of them, but at the preservation only, and prohibiting them from perishing: so as to have been reposed in some private shrine or library; but now for that, through the loose keeping of his lordship's papers, divers surreptitious copies have been taken, which have since employed the press with sundry corrupt and mangled editions; whereby nothing hath been more difficult than to find the Lord Saint Alban in the Lord Saint Alban, and which have presented (some of them) rather a fardle of nonsense than any true expressions of his lordship's happy vein; I thought myself, in a sort, tied to vindicate these injuries and wrongs done to the monuments of his lordship's pen, and at once, by setting forth the true and genuine writings themselves, to prevent the like invasions for the time to come. And the rather, in regard of the distance of the time since his lordship's days, whereby I shall not tread too near upon the heels of truth, or of the passages and persons then concerned, I was induced hereunto, which, considering the lubricity of life, and for that I account myself to be not now in *vergentibus*, but in *præcipitantibus annis*, I was desirous to hasten. Again, he says in the same address: Lastly, if it be objected that some few of the pieces whereof this whole consisteth had visited the public light before, it is true that they had been obtruded to the world by unknown hands, but with such scars and blemishes upon their faces, that they could pass but for a spurious and adulterine brood, and not for his lordship's legitimate issue; and the publishers and printers of them, deserve to have an action of defamation brought against them by the state of learning, for disgracing and personating his lordship's works."

4. In the year 1642, the political disturbances in England raged in great fury. "The Commons" (says Hume, speaking of the early part of 1642) were sensible that monarchical government, which during so many ages had been established in England, would soon regain some degree of its former dignity, after the present tempest was over blown; nor would all their new invented limitations be able totally to suppress an authority to which the nation had ever been accustomed. The sword alone, to which all human ordinances must submit, could guard their acquired power, and fully ensure to them personal safety against the rising indignation of their sovereign: this point, therefore became the chief object of their aims. Hume, vol. vi. p. 420.

5. In 1642, a tract was published, of which there is a copy in the

British Museum, and of which the following is the title: *An Essay of a King, with an explanation what manner of persons those should be that are to execute the power or ordinance of the King's Prerogative. Written by the Right Honorable Francis, Lord Verulam Viscount Saint Alban. Decemb. 2. London, Printed for Richard Best, 1642.*

Immediately following this essay is the tract entitled, *An Explanation what manner of persons those should be that are to execute the power or ordinance of the King's Prerogative, written by the said Francis Bacon, late Lord Chancellor, and Lord of St. Albans.* This explanation thus concludes: "And to conclude, custom cannot confirm that which is any ways unreasonable of itself. Wisdom will not allow that which is many ways dangerous, and no ways profitable. Justice will not approve that government where it cannot be but wrong must be committed. Neither can there be any rule by which to try it, nor means of reformation of it. Therefore, whosoever desireth government must seek such as he is capable of, not such as seemeth to him most easy to execute; for it is apparent that it is easie to him that knoweth not law nor justice to rule as he listeth, his will never wanting a power to itself; but it is safe and blamelesse both for the judge and people, and honour to the king, that judges be appointed who know the law, and that they be limited to governe according to the law." Who can suppose that this was the work of Lord Bacon, or doubt the purpose for which, in those tumultuous times, it was composed and ascribed to him?

6. In 1648, this tract was incorporated in a small 4to. volume, of which the title page is as follows: *The Remaines of the Right Honorable Francis Lord Verulan, Viscount of St. Albanes, sometimes Lord Chancellour of England. Being Essayes and severall Letters to severall great Personages, and other pieces of various and high concernment not heretofore published. A Table whereof for the Readers more ease is adjoynded. London: Printed by B. Alsop, for Lawrence Chapman, and are to be sold at his Shop near the Savoy in the Strand. 1648.*

The Table of Contents consists of forty-nine subjects, of which the four first are:

1. An Essay of a King.
2. An explanation of what manner of persons they should be, that are to execute the power or ordinance of the King's Prerogative.
3. Short notes of Civil Conversation.
4. An Essay on Death.

The first article, "An Essay of a King," with its Appendix, "An Explanation, &c." is a copy of this tract published in 1642: who the author was does not appear, nor is there any preface or address, or explanation of the sources from whence the different subjects were selected, or the authority upon which they were ascribed to Lord Bacon. That some of them (for instance, the opinion respecting the Charter House) were his lordship's is clear: and, but for these authentic documents, it is probable that the other publications would have fallen stillborn from the press; but they may have been supported, as Machiavel intimates that error is often supported by its alliance to truth, when he says, in a passage cited by Lord Bacon, "the kingdom of the clergy had been long before at an end, if the reputation and reverence towards the poverty of friars had not borne out the scandal of the superfluities and excesses of bishops and prelates." Let it not, therefore, be hastily inferred that the essay is genuine, because it appears in some good company: in some, not all, for the Essay of Death, which has not found any advocate, is in the same volume.

7. In 1656, a tract was published, of which the following is the title page: *The Mirrour of State and Eloquence. Represented in the Incomparable Letters of the Famous Sir Francis Bacon, Lord Verulam, St. Albans, to Queene Elizabeth, King James, and other Personages of the highest trust, and honour in the three Nations of England, Scotland, and Ireland. Concerning the better and more sure Establishment of those Nations in the affaires of Peace and Warre. With an ample and admirable accompt of his Faith, written by the express Command of King James: Together with the Character of a true Christian, and*

some other adjuncts of rare Devotion. London, Printed for Lawrence Chapman, and are to be sold at his Shop next doore to the Fountain Taverne in the Strand, 1646. This is, I conceive, merely a new title page prefixed to the unsold copies of the edition of 1648: as the publisher is the same; the contents are the same; every page is the same; and the table of errata, at the conclusion of the volume, is the same.

8. In the year 1657, the first edition of the *Resuscitatio* was published by Rawley; and in 1679, the *Baconiana*, by Archbishop Tension; but the *Essay of a King* is not noticed in either of these publications.

9. For near a century, that is, from 1656 to 1740, this essay seems to have been forgotten; but in 1740 it was revived by Blackburn, in his edition of the works of Lord Bacon, who, in that edition, not only published it as an essay of Lord Bacon's, but incorporated it amongst the other essays;—why he so incorporated it, instead of annexing it as a posthumous and uncertain publication, he does not explain: although, as an admirer of Lord Bacon, he ought not to have forgotten the admonition that doubtful things ought neither to be rejected nor received as certainties, but to be entered in the calendar of doubts. "The registering of doubts hath," says Lord Bacon, "two excellent uses: the one, that it saveth philosophy from errors and falsehoods; when that which is not fully appearing is not collected into assertion, whereby error might draw error; but is reserved in doubt." The reason which he assigns for having ascribed this essay to Lord Bacon is as follows:—"I have inserted from the *Remains an Essay of a King*; and my reason is, it is so collated and corrected by Archbishop Sancroft's well known hand, that it appears to be a new work; and though it consists of short propositions mostly, yet I will be so presumptuous as to say, that I think it now breathes the true spirit of our author: there seems to be an obvious reason why it was omitted before."

With respect to the opinion of Sancroft, there appears not to be any evidence that he thought the essay authentic; and, even if he had so thought, it cannot be necessary to add that it does not prove the fact. Why the examination of this essay by Sancroft, without knowing the nature of his observations, by which he was induced totally to alter the essay, should be evidence that the Archbishop thought it authentic, it seems difficult to discover. Is the present examination of the essay any evidence of my opinion of its authenticity? With respect to the style of Lord Bacon being perceptible in this essay, Blackburn has not explained in what the resemblance consists. I have not been able to discover it: the only passage which may be supposed to have some resemblance, some shade of a shadow of resemblance, is the following:—"A wise king must do less in altering his laws than he may; for new government is ever dangerous. It being true in the body politic, as in the corporal, that "omnis subita immutatio est periculosa;" and though it be for the better, yet it is not without a fearful apprehension; for he that changeth the fundamental laws of a kingdom, thinketh there is no good title to a crown, but by conquest." Let this be contrasted with his *Essay on Innovation*; and, if any resemblance can be discovered, does it mark the hand of the master or of an imitator: "As the births of living creatures at first are ill-shapen, so are all innovations, which are the births of time; yet notwithstanding, as those that first bring honour into their family are commonly more worthy than most that succeed, so the first precedent (if it be good) is seldom attained by imitation; for ill to man's nature, as it stands perverted, hath a natural motion strongest in continuance; but good, as a forced motion, strongest at first. Surely every medicine is an innovation, and he that will not apply new remedies must expect new evils."—To me it seems that there is not any resemblance; but, if I am in error, it is not from a casual resemblance of an isolated passage, but from the whole spirit and style of a work, that we can be warranted in ascribing it to an author.—"Nothing is more easy," said a friend, "than occasionally to imitate the style of any eminent author."—"Attempt then," said a great admirer of Bishop Taylor, "to imitate his style." At their next interview, the following imitation was produced: "I have sat upon the sea shore, and waited for its gradual approaches, and have seen its dancing waves and its white surf, and admired

that he who measured it in his hand had given to it such life and motion; and I have lingered till its gentle waters grew into mighty billows, and had well nigh swept me from my firmest footing. So have I seen an heedless youth gazing with a too curious spirit upon the sweet motions and gentle approaches of an inviting pleasure, till it has detained his eye, and imprisoned his feet, and swelled upon his soul, and swept him to a swift destruction."

10. In the British Museum (Lands. 236.) there is a volume of MSS. containing this essay, thus entitled in the catalogue: "Speeches and other compositions of Sir Francis Bacon, many whereof are stated by Mr. Umfreville, whose property they were, not to be collected into any edition of his works." The inscription to which the catalogue refers is, "Collectanea Bacon, many whereof are not yet collected into any edition of his works."—Who Mr. Umfreville was, or when this MS. was written, I know not.

11. The admission of this essay amongst the essays in the different editions of Lord Bacon's works and essays, seems to have been occasioned by the insertion of this essay by Blackburn, in his edition of 1740.

Essay on Death. This appeared, I believe, for the first time in the volume published in 1648, entitled Remains. It is inserted in Blackburn's edition, published in 1740, but, instead of being incorporated, like the "Essay of a King," amongst the other essays, it is annexed, at the end of the fourth volume, after the following notice:—The following fragments were never acknowledged by Dr. Rawley among the genuine writings of the Lord Bacon; nor dare I say that they come up to the spirit or penetration of our noble author: however, as they are vouched to be authentic in an edition of the Remains of the Lord Verulam, printed 1648; and as Archbishop Sancroft has reflected some credit on them by a careful review, having in very many instances corrected and prepared them for the press, among the other unquestioned writings of his lordship; for these reasons I have assigned them this place, and left every reader to form his own judgment about their importance.

As Lord Bacon published an *Essay on Death* in the edition of 1612, and enlarged it in the edition of 1625, and as there is not any evidence, direct or indirect, external or internal, that this is the production of Lord Bacon, I shall content myself with saying that, before it is adopted, there ought to be some evidence of its authenticity.*

Observations upon the Essays.

His political writings of a more general nature, are his Apothegms and Essays, besides the Excerpta, out of the Advancement above remembered. Both these contain much of that matter which we usually call moral, distinguishing it from that which is civil: in the handling of which sort of argument his lordship has been esteemed so far to excel, that he hath had a comment written on him, as on an author in ethics, and an advancer of that most useful part of learning. (a) Notwithstanding which, I am bold to put these books under this head of matter political; both because they contain a greater portion of that matter, and because in true philosophy the doctrine of politics and ethics maketh up but one body, and springeth from one root, the end of God Almighty in the government of the world.

Tennison.

In a late Latin edition of these essays, there are subjoined two discourses, the one called *De Negotiis*, the other *Faber Fortunæ*. But neither of these are works newly published, but treatises taken out of the book *De Augmentis*. To this book of Essays may be annexed that fragment of an *Essay of Fame*, which is extant already in the *Resuscitatio*.

* By mistake it is stated in vol. i. of my edition of Bacon, that there is a MS. of this essay in the Museum.

(a) See Placcii Comment. in l. 7, Aug. Scient. de Philosophia Morali augenda, in octavo. Franc. an. 1677.

Lord Bacon's *Essays*, Chamberlain's *Letters*, 17th Dec. 1612. "Sir Francis Bacon hath set out new essays, where in a chapter of Deformity, the world takes notice that he points out his little cousin to the life.*"

See Hay's *Essays on Deformity*, where there is a running comment upon this essay of Lord Bacon's.

Professor Stewart, in his introductory lecture, says, "The ethical disquisitions of Bacon are almost entirely of a practical nature. Of the two theoretical questions so much agitated in both parts of this island, during the eighteenth century, concerning the principle, and the object of moral approbation, he has said nothing; but he has opened some new and interesting views with respect to the influence of custom and the formation of habits, a most important article of moral philosophy, on which he has enlarged more ably and more usefully than any writer since Aristotle. Under the same head of *Essays*, may be mentioned the small volume to which he has given the title of *Essays*; the best known and the most popular of all his works. It is also one of those where the superiority of his genius appears to the greatest advantage; the novelty and depth of his reflections often receiving a strong relief from the triteness of the subject. It may be read from beginning to end in a few hours; and yet after the twentieth perusal one seldom fails to remark in it something overlooked before. This, indeed, is a characteristic of all Bacon's writings, and is only to be accounted for by the inexhaustible aliment they furnish our own thoughts, and the sympathetic activity they impart to our torpid faculties."—Dugald Stewart's *First Dissertation*, p. 54.

In the critique upon this introduction in the *Edinburgh Review* for September, 1816, the author says, "We more properly contrast than compare the experiments in *The Natural History*, with the moral and political observations which enrich the *Advancement of Learning*, the *Speeches*, the *Letters*, the *History of Henry the Seventh*, and above all, the *Essays*, a book which, though it has been praised with equal fervour by Voltaire, Johnson, and Burke, has never been characterized with such exact justice and such exquisite felicity of expression as in the discourse before us. It will serve still more distinctly to mark the natural tendency of his mind, to observe that his moral and political reflections relate to these practical subjects, considered in their most practical point of view; and that he has seldom or never attempted to reduce to theory the infinite particulars of that 'civil knowledge' which, as he himself tells us, is, of all others, most immersed in matter, and hardiest reduced to axiom."—*Edinburgh Review*, Sept. 1816.

Translations of the Essays.

Latin.

Bacon's notice of the *Latin edition*.—Of this translation, Bacon speaks in the following letter:

"To Mr. Tobie Matthew.

It is true my labours are now most set to have those works which I had formerly published, as that of *Advancement of Learning*, that of *Henry VII.* that of the *Essays*, being retractate, and made more perfect, well translated into Latin by the help of some good pens, which forsake me not. For these modern languages will, at one time or other, play the bankrupt with books; and since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity. For the *Essay of Friendship*, while I took your speech of it for a cursory request, I took my promise for a compliment. But since you call for it, I shall perform it."

In his letter to Father Fulgentio,† giving some account of his writings, he says, "The *Novum Organum* should immediately follow, but my *Moral* and political writings step in between as being more finished. These are the *History*

* The Earl of Salisbury, the Lord Treasurer, who is elsewhere called by Chamberlain the "little great man;" alluding, I suppose, to his size.

† *Baconiana*, page 196.

of King Henry the Seventh, and the small book, which in your language you have called *Saggi Morali*, but I give it a graver title, that of *Sermones Fideles*, or *Interiora Rerum*, and these essays will not only be enlarged in number but still more in substance."

In the year 1622, in his letter to the Bishop of Winchester, concerning his published and intended writings, he says, "As for my Essays, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that manner purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and assiduity, perhaps yield more lustre and reputation to my name than the others I have in hand; but I judge the use a man should seek in publishing his writings before his death to be but an untimely anticipation of that which is proper to follow, and not to go along with him."—Then see his Dedications to the different editions.

Tennison's Notice of Latin Edition.

The nature of the Latin edition and of the Essays in general is thus stated by Archbishop Tennison:

"The Essays, or Counsels Civil and Moral, though a by-work also, do yet make up a book of greater weight by far than the apothegms: and coming home to men's business and bosoms, his lordship entertained this persuasion concerning them, that the Latin volume might last as long as books should last. His lordship wrote them in the English tongue, and enlarged them as occasion served, and at last added to them the *Colours of Good and Evil*, which are likewise found in his book *De Augmentis*. The Latin translation of them was a work performed by divers hands; by those of Doctor Hacket (late Bishop of Lichfield), Mr. Benjamin Johnson (the learned and judicious poet), and some others, whose names I once heard from Dr. Rawley; but I cannot now recal them. To this Latin edition, he gave the title of *Sermones Fideles*, after the manner of the Jews, who called the words *Adagies*, or *Observations of the Wise, Faithful Sayings*; that is, credible propositions worthy of firm assent and ready acceptance. And (as I think) he alluded more particularly, in this title, to a passage in *Ecclesiastes*, where the Preacher saith that he sought to find out *Verba Delectabilia* (as Tremellius rendereth the Hebrew), pleasant words (that is, perhaps, his Book of Canticles;) and *Verba Fidelia* (as the same Tremellius), Faithful Sayings; meaning, it may be, his Collection of Proverbs. In the next verse, he calls them words of the wise, and so many goads and nails given 'Ab eodem pastore,' from the same shepherd [of the flock of Israel]."

Publication of Latin Edition by Rawley.

In the year 1638, Rawley published in folio a volume containing amongst other works, "*Sermones Fideles*, ab ipso Honoratissimo Auctore, prætorquam in paucis, Latinitate donatus." In his address to the reader he says: "Accedunt quas prius *Delibationes Civiles et Morales* inscripserat: quas etiam in linguas plurimas modernas translatas esse novit sed eas postea et numero, et pondere, auxit; in tantum, ut veluti opus novum videri possint; quas mutato titulo, *Sermones Fideles sive Interiora Rerum*, inscribi placuit. Addi etiam voluit. The title page, dedication, and the table of contents are annexed:

Sermones Fideles sive, Interiora Rerum. Per Franciscum Baconum Baronem de Verulamio, Vice-Comitem Sancti Albani. Londini, Excusum, typis Edwardi Griffin. Prostant ad Insignia Regia in Cæmeterio D. Pauli, apud Richardum Whitakerum, 1638.

Illustri and Excellenti Domino Georgio Duci Buckinghamiæ, summo Angliæ Admirallio.

Honoratissime Domine,—Salomon inquit, Nomen bonum est instar vnguenti fragrantis et pretiosi; neque dubito, quintale futurum sit nomen tuum apud posteros. Etenim et fortuna, et meritata, præcelluerunt. Et videris ea planctasse, quæ sint duratura. In lucem jam edere mihi visum est *Delibationes meas*, quæ ex omnibus meis operibus fuerunt acceptissimæ: quia forsitan

NOTE 3 I.

videntur, præ cæteris, hominum negotia stringere, et in sinus fluere. *Eas* autem auxi, et numero, et pondere: in tantum, ut plane opus novum sint. Consentaneum igitur duxi, affectui, et obligationi meæ, erga illustrissimam dominationem tuam, ut nomen illis præfigam, tam in editione Anglica, quam Latina. Etenim, in bona spe sum, volumen earum in Latinam, (linguam scilicet universalem) versum, posse durare, quamdiu libri et literæ durent. Instaurationem meam regi dicavi: Historiam Regni Henrici Septimi, (quam etiam in Latinum verti) et portiones meas Naturalis Historiæ principi: has autem delibationes illustrissimæ dominationi tuæ dico; cum sint, ex fructibus optimis quos gratia divinâ calami mei laboribus indulgente, exhibere potui. Deus illustrissimam dominationem tuam manu ducat. Illustrissimæ Dominationis tuæ servus devinctissimus et fidelis, FR. S. ALBAN.

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By comparing the Tables of Contents of the English edition of 1625 and the Latin edition of 1638, it will be seen that they consist of the same essays, except that the Latin edition does not contain either of the *Essays Of Prophecies or Of Masks and Triumphs*, which seem not to have been translated.

Retranslations of Latin into English.

In some editions the editors have substituted their own translations of the Latin for the beautiful English by Lord Bacon. How well they have succeeded the reader may judge by the following specimens. In a translation published by William H. Willymott, LL. D. A. D. 1720, he says, "Wanting an English book for my scholars to translate, which might improve them in

sense and Latin at once, (two things which should never be divided in teaching) I thought nothing more proper for that purpose than Bacon's Essays, provided the English, which is in some places grown obsolete, were a little reformed, and made more fashionable. Accordingly having by me his lordship's Latin volume of the Essays, (which as it was a later, so seems to be a perfecter book) I fell to translating it, not tying myself strictly to the Latin, but comparing both languages together, and setting down that sense (where there was any difference) that seemed the fullest and plainest."

The following is a specimen :

Dr. Willymott.

"The principal virtue of prosperity is temperance; of adversity, fortitude; which in morals is reputed the most heroic virtue. Again; prosperity belongs to the blessings of the Old Testament; adversity to the beatitudes of the New, which are both in reality greater, and carry a clearer revelation of the divine favour. Yet, even in the Old Testament, if you listen to David's harp, you will find more lamentable airs than triumphant ones."

Lord Bacon.

"But to speak in a mean, the virtue of prosperity is temperance, the virtue of adversity is fortitude, which in morals is the more heroic virtue. Prosperity is the blessing of the Old Testament, adversity is the blessing of the New, which carrieth the greater benediction, and the clearer revelation of God's favour. Yet, even in the Old Testament, if you listen to David's harp, you shall hear as many herse-like airs as carols."

So too Shaw has made a similar attempt, of which the following is a specimen from the Essay "Of Goodness and Goodness of Nature:"

Lord Bacon.

"The parts and signs of goodness are many. If a man be gracious and courteous to strangers, it shews he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them; if he be compassionate towards the afflictions of others, it shews that his heart is like the noble tree that is wounded itself when it gives the balm: if he easily pardons and remits offences, it shews that his mind is planted above injuries, so that he cannot be shot; if he be thankful for small benefits, it shews that he weighs men's minds, and not their trash."

Dr. Shaw.

"There are several parts and signs of goodness. If a man be civil and courteous to strangers, it shews him a citizen of the world, whose heart is no island cut off from other lands, but a continent that joins them. If he be compassionate to the afflicted, it shews a noble soul, like the tree which is wounded when it gives the balm. If he easily pardons and forgives offences, it shews a mind perched above the reach of injuries. If he be thankful for small benefits, it shews he values men's minds before their treasure."

Dr. Shaw, in his preface, says, "A modern well-wisher to his works had said that the English edition of the Essays may be as durable as the Latin edition, if some equal hand would, once in a century, repair the decays of their fleeting language." Dr. Shaw has not contented himself with an alteration of the style, but has altered the arrangement of the essays, by classing them into

Essays { Moral,
Economical, and
Political.

French.

Essays Moraux. Tres Honorable Seigneur Francois Bacon Chevalier Baron de Verulam et grand Chancelier d'Angleterre traduites in Francois par le Sieur Arthur Georges, Chevalier Anglois. Scutura invincibile Fides. A Londres, chez Tenor Bell, 1619.

VOL. xv.

Essays Politiques et Moraux de Messire Francois Bacon, Grand Chancelier d'Angleterre mis en notre langue par C. Baudouin. A Paris, chez Francois Tulhot au pied des ponts degres du Palais, au soleil d'or. MDCXXXI. Avec privilege du Roy.

Post Nubila Surget Memoriae Sacrum. Les Oeuvres Morales et Politiques de Messire Francois Bacon, grand Chancelier d'Angleterre de la version de I. Baudouin. M.D.C.XXXVI. A Paris chez Pierre Bucolet Francois Targa au Palais a l'entree de la galerie des Priers.

In the Essay of Unity in Religion, Lord Bacon, in his English edition, says, "What would he have said, if he had known of the massacre in France, or the Powder Treason of England?" In this edition it is thus translated: "Mais qu'eust il dict s'il eust scen les sanglantes executions, et les horribles entreprises advenües de nostre temps pour ce mesme sujet?" This volume also contains the translation of some of the apothegms: upon examining those which are omitted, it will be seen how cautiously every apothegm has been avoided in which a cardinal or pope is mentioned.

Oeuvres de François Bacon, Chancelier d'Angleterre. Traduites par Ant. Lasalle. Avec des notes critiques, historiques et litteraires. Tome douzieme: A Dijon, de l'Imprimerie de L. N. Frantin. An. 10 de la Republique Française.

Italian.

Saggi Morali del Signore Francesco Bacono, Cavagliero Inglese, Gran Cancelliero de Inchilterra. Con un altro suo Trattato della Sapienza degli Antichi. Tradotti in Italiano. In Londra appresso di Giovanni Billio. 1618.

Saggi Morali Opera Nuova di Francesco Bacon, Corretta, et data in luce del Sig. Cavalier Andrea Cioli Segretario di Stato del Sereniss. Gran Duca di Toscana, et un Trattato della Sapienza de gli Antichi all'illustris et excel. Sig. D. Francesco Colonna Principe de Palestina, &c. Ristampata in Bracciano per Andrea Fei. An licenza de Sup. 1621. Ad custanza di Pompilio Totti Librario in Navona.

Sette Saggi Morali Del Sig. Cavalier Francesco Buccone non più veduti, e tradotti nell' Italiano. Con trentaquattro Esplicationi d'attretante Sentenze di Salomone. Con Licenza de' Superiori, & Privilegio. In Venetia. Appresso Girolamo Piuti. Al monte Parnaso. 1626.

Lord Bacon's Essays. London, printed by Bensley, 1798. 12mo. Four large paper copies printed exclusively for the Countess Spencer. These four copies were presented by Lady Spencer, one to the late Duke of Devonshire, one to the late Rev. C. M. Cracherode, a third to the late Mr. James, and the fourth to his lordship. Ædes Althorpiantæ, vol. i. p. 104. A copy, stated to be that of Mr. James, in the catalogue of Payne and Foss, 1823, Supplement, marked 8l. 8s.

It is a fact not unworthy of notice. The first book published in Philadelphia consists partly of the volume of Essays. It is entitled "The Temple of Wisdom," printed by William Bradford, Philadelphia, 1688.

3 K. *Life*, p. xxxvii.

All his early tracts, those which seem to have been written by him when a boy, are without imagery. See his treatise on Rhetoric, in the Advancement of Learning, vol. ii. p. 210. See also his praise of writing in Aphorisms, vol. ii. p. 203. It appears, therefore, that in after life he had recourse to method and ornament to insure reception for the truths which he was anxious to communicate. It may, however, be thought that this imagery had not, as in many poets, precedency in his mind, but followed in the train of his reason, and was used merely as a mode of illustrating the truths which he wishes to explain. To illustrate this, take (vol. ii. p. 51) the following passage: "But the greatest error of all the rest, is the mistaking or misplacing of the last or farthest end of knowledge; for men have entered into a desire of learning and knowledge;

sometimes upon a natural curiosity and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; and sometimes to enable them to victory of wit and contradiction; and most times for lucre and profession; and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men: as if there were sought in knowledge a couch, whereupon to rest a searching and restless spirit; or a terras, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state, for a proud mind to raise itself upon; or a fort or commanding ground, for strife and contention; or a shop, for profit or sale; and not a rich storehouse, for the glory of the Creator, and the relief of man's estate." Upon examining this extract, it will appear that the truth is first conveyed, and that the imagery is appended to enforce it by decoration.

Different parts of his works contain his sentiments upon imagination. In the conclusion of his tract on Poesy, he says, "But it is not good to stay too long in the theatre. Let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention." And in the preface to the *Sylva Sylvarum*, Dr. Rawley says, "I will conclude with an usual speech of his lordship's, that this work of his Natural History is the world as God made it, and not as men have made it; for that it hath nothing of imagination."

That his favourite style for philosophy was in Aphorisms, see his treatise on style in the *Advancement of Learning*, page 203 of vol. ii. of this edition. See also his *Novum Organum*, vol. ix. page 191, which is entirely in Aphorisms, and his tract on *Justitia Universalis*, in the *Treatise de Augmentis*, vol. ix. page 83.

3 L. *Life*, p. xli.

In the *Meditations*, he says, "This I dare affirm in knowledge of nature, that a little natural philosophy, and the first entrance into it, doth dispose the opinion to atheism; but on the other side, much natural philosophy and wading deep into it will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools, than this, 'There is no God.'"

In the *Advancement of Learning*, he says, "It is an assured truth, and a conclusion of experience, that a little or superficial knowledge of philosophy may incline the mind of man to atheism, but a further proceeding therein doth bring the mind back again to religion; for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause; but when a man passeth on farther, and seeth the dependence of causes, and the works of Providence, then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs be tied to the foot of Jupiter's chair."

Upon this subject Lord Bacon's sentiments seemed to have been formed at an early period of his life, and to have continued to his death. In the "*Meditationes Sacræ*," a portion of his Meditation on Atheism is as follows:—Of Atheism. "The fool hath said in his heart there is no God." First, it is to be noted that the scripture saith, "The fool hath said in his heart, and not thought in his heart." It is a fool that hath no taste in those which is most true; not only in respect that he hath no taste in those things which are supernatural and divine, but in respect of human and civil wisdom; for, first of all, if you mark the wits and dispositions which are inclined to atheism, you shall find them light, scoffing, impudent, and vain; briefly, of such a constitution as is most contrary to wisdom and moral gravity. Secondly, amongst statesmen and politics those which have been of greatest depths and compass, and of largest and most universal understanding, have not only in cunning made their profit in seeming religious to the people, but in truth have been touched with an inward sense of the knowledge of

the Deity, as they which you shall evermore note to have attributed much to fortune and providence. Contrariwise, those who ascribed all things to their own cunning and practices, and to the immediate and apparent causes, and as the prophet saith, "have sacrificed to their own nets," have been always, but petty counterfeit statesmen, and not capable of the greatest actions. Lastly, this I dare affirm, in knowledge of nature, that a little natural philosophy and the first entrance into it, doth dispose the opinion to atheism; but, on the other side, much natural philosophy, and wading deep into it, will bring about men's minds to religion; wherefore atheism every way seems to be joined and combined with folly and ignorance, seeing nothing can be more justly allotted to be the saying of fools than this, "There is no God."

The first edition of his Essays, which was published with the *Meditationes Sacræ*, in 1597, does not contain any essay upon Atheism. The next time the subject is mentioned by Lord Bacon is in 1605, in the passage which I have just quoted from the *Advancement of Learning*.

In 1612, Lord Bacon published an enlarged edition of his Essays, and in this edition there is an essay on Atheism, containing the very same sentiments; and in 1625, the year before his death, he published another edition of his Essays, in which there are additions and alterations, and considerable improvements of the essay on Atheism, but a repetition of the same opinions. He says, in his sixteenth essay, which is "Of Atheism," "I had rather believe all the fables in the legend and the Talmud and the Alcoran, than that this universal frame is without a mind; and therefore God never wrought miracle to convince atheism, because his ordinary works convince it. It is true that a little philosophy inclines man's mind to atheism, but depth in philosophy bringeth men's minds about to religion; for while the mind of man looketh upon second causes scattered, it may sometimes rest in them, and go no further; but when it beholdeth the chain of them confederate and linked together, it must needs fly to providence and deity."

3 M. *Life*, p. xlii.

To my Lord of Essex.

My singular good Lord,—Your lordship's so honourable minding my poor fortune, the last year, in the very entrance into that great action, (which is a time of less leisure; and in so liberal an allowance of your care, as to write three letters to stir me up friends in your absence, doth, after a sort, warrant me not to object to myself your present quantity of affairs, whereby to silence myself from petition of the like favour. I brake with your lordship myself at the Tower; and I take it, my brother hath since renewed the same motion, touching a fortune I was in thought to attempt, *in genere æconomico*. *In genere politico*, certain cross winds have blown contrary. My suit to your lordship is, for your several letters to be left with me, dormant, to the gentlewoman and either of her parents. Wherein I do not doubt, but as the beams of your favour have often dissolved the coldness of my fortune, so in this argument your lordship will do the like with your pen. My desire is also, that your lordship would vouchsafe unto me, as out of your care, a general letter to my Lord Keeper, for his lordship's holding me from you recommended, both in the course of my practice, and in the course of my employment in her majesty's service; wherein, if your lordship shall, in any antithesis or relation affirm, that his lordship shall have no less fruit of me than of any other whom he may cherish, I hope your lordship shall engage yourself for no impossibility. Lastly, and chiefly, I know not whether I shall attain to see your lordship before your noble journey; for ceremonies are things infinitely inferior to my love and to my zeal. This let me, with your allowance, say unto you by pen. It is true that in my well meaning advices, out of my love to your lordship, and, perhaps, out of the state of mine own minde, I have sometimes persuaded a course differing: *Ac tibi pro tuis insignia facta placebunt*: Be it so: yet remember, that the signing of your name is nothing, unless it be to some good patent or charter, whereby your country may be endowed with good and benefit. Which I speak

both to move you to preserve your person for further merit and service of her majesty and your country ; and likewise, to refer this action to the same end. And so in most true and fervent prayers, I commend your lordship, and your work in hand, to the preservation and conduct of the divine majesty ; so much the more watchful as these actions do more manifestly in show, though alike in truth, depend upon his divine providence.

That nobleman embraced the cause of his friend with his wonted zeal, and instantly dispatched two letters from Sandwich, to be given to the father and mother of the lady. The letter to Sir Thomas Cecil was as follows :

Sir,—I write this letter from the sea side ready to go abroad, and leave it with my secretary, to be by him delivered to you, whensoever he shall know, that my dear and worthy friend, Mr. Francis Bacon, is a suitor to my Lady Hatton, your daughter. What his virtues and excellent parts are, you are not ignorant. What advantages you may give, both to yourself and to your house, by having a son-in-law so qualified, and so likely to rise in his profession, you may easily judge. Therefore, to warrant my moving of you to incline favourably to his suit, I will only add this, that if she were my sister or daughter, I protest I would as confidently resolve to farther it, as I now persuade you. And though my love to him be exceedingly great, yet is my judgment nothing partial ; for he that knows him as well as I do, cannot but be so affected. In this farewell of mine I pray receive the kindest wishes of your most affectionate and assured friend,
Essex.

Sandwich, this 24th of June.

Lady Cecil, to whom the next letter was addressed, was one of the daughters and coheirs of John Nevil, Lord Latimer.

Madam,—The end in my writing to your ladyship now, is to do that office to my worthy and dear friend, which, if I had stayed in England, I would have done by speech ; and that is, to solicit your ladyship to favour his suit to my Lady Hatton, your daughter ; which I do in behalf of Mr. Francis Bacon, whose virtues I know so much, as you must hold him worthy of very good fortune. If my judgment be any thing, I do assure your ladyship I think you shall very happily bestow your daughter. And if my faith be any thing, I protest, if I had one as near me, as she is to you, I had rather match her with him than with men of far greater titles. And if my words do carry credit with your ladyship, you shall make me very much bound to you, and shall tie me to be at your ladyship's commandment,
Essex.

Sandwich, the 24th of June, 1597.

3 N. *Life*, p. xlii.

This was a most unhappy marriage, and Bacon's subsequent knowledge of Lady Hatton's violence of temper must have made him thankful for his defeat. This lady's name is still connected with a wild legend, and not many years since she was believed to revel nightly with much pomp, in the old mansion in Hatton Garden, which Count Swedenborg afterwards converted into a chapel.

3 O. *Life*, p. xlii.

To Sir Thomas Egerton, Lord Keeper of the Great Seal.

It may please your Lordship,---I am to make humble complaint to your lordship of some hard dealing offered me by one Sympson, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse ; but yet I could scarcely have imagined he would have dealt either so dishonestly towards myself, or so contemptuously towards her majesty's service. For this Lombard (pardon me, I most humbly pray your lordship, if being admonished by the street he dwells in, I give him that name) having me in bond for three

hundred pounds principal, and I having the last term confessed the action, and by his full and direct consent, respited the satisfaction till the beginning of this term to come, without ever giving me warning, either by letter or message, served an execution upon me, having trained me at such time as I came from the Tower, where Mr. Waad can witness, we attended a service of no mean importance; neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house is just by; handling it as upon a despite, being a man I never provoked with a cross word, no nor with many delays. He would have urged it to have had me in prison; which he had done, had not Sheriff More, to whom I sent, gently recommended me to a handsome house in Coleman Street, where I am. Now because he will not treat with me, I am inforced humbly to desire your lordship to send for him according to your place, to bring him to some reason; and this forthwith, because I continue here to my farther discredit and inconvenience, and the trouble of the gentleman with whom I am. I have a hundred pounds laying by me, which he may have, and the rest upon some reasonable time and security, or if need be, the whole; but with my more trouble. As for the contempt he hath offered, in regard her majesty's service to my understanding, carrieth a privilege *eundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though unworthy, I am vouchsafed, I inforce nothing, thinking I have done my part when I have made it known, and so leave it to your lordship's honourable consideration. And so with signification of my humble duty, &c.

To Sir Robert Cecil, Secretary of State.

It may please your Honour,---I humbly pray you to understand how badly I have been used by the inclosed, being a copy of a letter of complaint thereof, which I have written to the lord keeper. How sensitive you are of wrongs offered to your blood in my particular I have had not long since experience. But herein I think your honour will be doubly sensitive, in tenderness also of the indignity to her majesty's service; for as for me, Mr. Sympson might have had me every day in London; and therefore to belay me while he knew I came from the Tower about her majesty's special service was to my understanding very bold. And two days before he brags he forebore me, because I dined with Sheriff More: so as with Mr. Sympson, examinations at the Tower are not so great a privilege, *eundo et redeundo*, as Sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my lord of Essex thereof; for otherwise his punishment will do me no good.

So with signification of my humble duty, I commend your honour to the divine preservation. At your honourable command particularly, FR. BACON.

3 P. *Life*, p. xlii.

The following is the title of the work: *An Account of the lately erected Service, called the Office of Compositions for Alienations. Written [about the close of 1598] by Mr. Francis Bacon, and published from a MS. in the Inner Temple Library.* There is a MS. of it in the Harleian MSS. 4888-5.

The biographer of Bacon, in the *Biographia Britannica*, thus speaks of this work. How far this eulogium is correct I leave the reader to discover. "This curious and highly finished tract, which has been but lately published from a MS. in the Inner Temple Library, is one of the most laboured pieces penned by our most learned author, containing his resolutions of a very perplexed question, whether it was most for the Queen's benefit, that the profits arising from this office for Alienations, should be let out to farm or not? In handling this he has shewn such diversity of learning, and so clear a conception of all the different points of law, history, antiquities, and policy, as is really amazing; for I think it may be truly said, that there is not any treatise of the same compass extant in our language, which manifests so comprehensive a genius, and so accurate a knowledge, both with respect to theory and practice as this, and

therefore it cannot but seem strange, that it lay so long hid from the world; but what appears to me most surprising is, that it shews our author to have had as true notions, and as good a turn for economy as any man ever had, which before the publication of this treatise, was thought the only kind of knowledge in which he was deficient. But it seems it was one thing as a lawyer, statesman, and candidate for court favour, to enter into a detail of the Queen's revenues, to consider the various methods in which they might be managed; together with the advantages and disadvantages attending each method; and quite another, to enter with like spirit and diligence into his own affairs, which if he had done, he might have passed his days more happily, and have left his fame without blemish."

About the close of the succeeding year, 1598, he composed, on a particular occasion, his History of the Alienation Office, which, however, was not published till many years after his decease. In this learned work he has fully shewn how great a master he was, not in our law only, but in our history and antiquities; so that it may be justly said, there never fell any thing from his pen, which more clearly and fully demonstrated his abilities in his profession. It is not written in that dry, dark, and unentertaining way, which so much discourages young readers in the perusal of books of this kind; but, on the contrary, the style is pleasant and agreeable, though plain and suitable to the subject; and facts, authorities, observations, remarks, and reflections, are so judiciously interwoven, that whoever reads it with a competent knowledge of the subject, must acknowledge him an able lawyer and an elegant writer. It is needless to mention some smaller instances of his abilities in the law, which nevertheless were received by the learned society of which he was a member, with all possible marks of veneration and esteem, and which they have preserved with that reverence due to so worthy a person and so eminent an ornament of their house.

3 Q. *Life*, p. xlii.

Chudley's case, *Le Argument de Fr. Bacon*, Lansdowne MSS. 1121. I have procured a copy, and had I procured it in time, it should have been inserted in the volume in this edition appropriated to law works.

3 R. *Life*, p. xlii.

I subjoin some notices and observations upon the reading in the Statute of Uses.

The first edition of which I have any knowledge, and of which there is a copy in the British Museum, was in 1642. It is thus noticed in the Baconiana: "His lordship's seventh writing, touching Civil Policy in special, is his reading on the Statute of Uses. The following is a copy of the title page: *The learned Reading of Sir Francis Bacon, one of her Majesties learned Counsell at Law, upon the Statute of Uses: being his double Reading to the Honourable Society of Grayes Inne. Published for the common good. London: printed for Mathew Walbancke, and Laurence Chapman. 1642.*

There have, of course, been various editions since 1642, of which the last was by W. H. Rowe. No. 342 of Hargrave's MSS. contains Index to Bacon on Statute of Uses. The copies in MS. in the Harleian collection in the British Museum appear from the hand writing to have been both written prior to the first printed edition; that in No. 1853 is a complete copy, the other in No. 6688 is written very close in a neat hand, and contains about two-thirds only of the reading; it ends with this passage: "The words that are common to both are words expressing the conveyance whereby the use ariseth."

Blackburn, vol. i. p. 184. We are now come to the learned reading upon the Statute of Uses, being Mr. Bacon's double reading to the honourable society of Gray's Inn, 42 Eliz. When this piece was first published, the state of printing resembled the state of monarchy, both being at a low ebb; and none of our noble author's works have been more miserably racked and disjointed

than this before us. I have been fortunate in procuring a corrected copy of the whole; and further still, a second and much better copy in MS. which I take, upon comparison of hands, to be the character of our author's clerk or amanuensis; for as the proprietor of this MS. was a lawyer by profession, so being cotemporary with our author, the probability of its being an original is the stronger. However, I presume to say, *meo periculo*, that the internal proofs of the excellency of this MS. so far as it goes (*viz.* to p. 169) are such that they make our author speak masterly sense, and render the work in a manner new.

In the Harleian collection in the British Museum are the following MSS. with these titles:

Lectura Francisci Bacon unius ex consilio Domine Regine in Legibus Eruditus, Duplicis Lectoris, Super Statutum edictum 27 Hen. VIII. cap. 10. de Usibus in Possessionem transferendis. In English. Harleian MSS. British Museum, No. 1853, fol. 90—167.

Lectura secunda Francisci Bacon militis super Statutum provisum, 27 Hen. VIII. cap. 10. de usibus in possessionem transferendis, &c. Harleian MSS. British Museum, No. 6688, f. 16.

Mr. Hargrave has written the following note on the first leaf of his copy of the edition by Rowe, now in the British Museum:—The first edition of Lord Bacon's Reading on the Statute of Uses was in 1642, which was about seventeen years after his death. In the title page of that edition it is expressed to be "The Learned Reading of Sir Francis Bacon, one of her Majesty's Counsel at Law, upon the Statute of Uses, being his Double Reading to the Honourable Society of Grayes Inne." It appears therefore to have been delivered in the reign of Queen Elizabeth. I collect also from the early part of the Reading, where Lord Bacon mentions *Master Attorney's* having read upon the statute, that the Reading of Lord Bacon was composed whilst Lord Coke was attorney general to Queen Elizabeth, which was from 10th April, 36th Eliz. to the end of her reign. My inference that by *Master Attorney* Lord Bacon meant Lord Coke, is from my having a manuscript volume of Readings, with an imperfect note of part of a reading by Lord Coke upon the Statute of Uses, entitled *Lecture of Master Coke, Attorney General*; and from Lord Coke's being Attorney General when the Reading by Lord Bacon was delivered, which must have been after the judgment in Chudleigh's case, in 37th Eliz. he citing that judgment as made in that year. Upon the whole, I think that Lord Bacon's Reading was delivered about three or four years before the death of Elizabeth.

—F. H.

In Coke upon Littleton, 17 Edw. l. i. c. 1. gg 4. p. 13, there is the following accidental observation by Mr. Hargrave: "As to an uses ensuing the nature of the land, see 1 Co. 127, 2 Co. 58, and Bac. Reading on Stat. Uses, 8vo. edit. 308, in which latter book the author controverts the generality of the doctrines, which certainly ought to be understood between *uses* and the *land* itself; or rather, as he expresses himself between *uses* and *cases of possession*. It may be proper to observe, that all the editions of Lord Bacon's Reading on Uses are printed with such extreme incorrectness, that many passages are rendered almost unintelligible, even to the most attentive reader. A work so excellent deserves a better edition."

3 S. *Life*, p. xlv.

The following selections from D'Ewer's Journal will enable the reader to form some estimate of his unremitting exertions; and will be the means of publishing some speeches not hitherto contained in any of the works.

Extract from the Journal of the House of Commons, 39 and 40 Reg. Eliz. 1597, p. 551.—Mr. Francis Bacon spake first, after that one bill, mentioned in the original Journal Book of the House of Commons, had been read the first time, *viz.* the bill against Forestallers, Regraters, and Ingrossers, and made a motion against inclosures and depopulation of towns and houses, of husbandry and tillage; and to this purpose he brought in, as he termed it, two bills drawn with a polished pen, but with a polished heart free from affection

affection. And because former laws are medicines of our understanding, he said he had perused the preambles of former statutes, and by them did see the inconveniences of this matter, being scarce then out of the shell, to be now fully ripened; and he said that the overflowing of the people makes a shrinking, and abate elsewhere; and that these two mischiefs, though they be exceeding great, yet they seem the less because *qui mala cum multis patimur, leviora videntur*, and though it may be thought ill and very prejudicial to lords that have inclosed great grounds, and pulled down even whole towns, and converted them to sheep pastures; yet considering the increase of people and the benefit of the commonwealth, I doubt not but every man will deem the revival of former moth-eaten laws in this point a praiseworthy thing. For in matters in policy, ill is not to be thought ill, which bringeth forth good; for inclosure of grounds brings depopulation, which brings, first, idleness; secondly, decay of tillage; thirdly, subversion of houses, and decay of charity, and charges to the poor; fourthly, impoverishing the state of the realm. A law for the taking away of such inconveniences is not to be thought ill or hurtful to the general state; and I would be sorry to see within this realm that piece of Ovid's verse prove true, *Jam seges ubi Troja fuit*, so in England, instead of a whole town full of people, nought but green fields, but a shepherd and a dog. The eye of experience is the sure eye, but the eye of wisdom is the quicksighted eye; and by experience we daily see, *Nemo putat illud videri turpe, quod sibi sit quæstosum*, and therefore there is almost no conscience made in destroying of the life, bread, I mean, for *Panis sapor vita*, and therefore a strict and rigorous law had need to be made against those viperous natures who fulfil the proverb, *Si non posse quod vult, velle tamen quod potest*, which if it be made by us, and life given unto it by execution in our several counties, no doubt they will prove laws tending to God's honour, the renown of her majesty, the fame of this parliament, and the everlasting good of this kingdom, and therefore I think them worthy to be received and read.—Thus far out of the aforesaid fragmentary and imperfect journal: that which follows is out of the original Journal Book itself. In the end of which said speech, as it should seem, the said Mr. Bacon did move the house that a committee might be appointed to consider of the said matter touching inclosures.

Extract from the Journal of the House of Commons, 39 and 40 Eliz. 1597, 23rd Nov. p. 562.—Mr. Francis Bacon, one of the committee, concerning tillage and reedifying of houses and buildings (who were appointed on Saturday, the 5th day of this instant November foregoing) shewed very eloquently and at large the travels of the said committee in their sundry meetings together, with his framing a bill, by their appointment, for some fit means of procuring the reedifying of such houses and buildings; and so offered the bill to the house, and recommending the same to their good consideration, delivered the bill to Mr. Speaker.

Extract from the Journal of the House of Commons, 39 and 40 Eliz. 1597, 5th Dec. page 568.—Mr. Francis Bacon, one of the committees of the bill for tillage and building of houses (who were appointed on Saturday, the 26th day of November foregoing), shewed at large the meeting and the travel of the committees, and their framing of two new bills, and delivereth both the old and the new bill to the house.

From the Journal of the House of Commons, 8th Dec. 40 Reg. Eliz. 1597, p. 571.—Mr. Francis Bacon, one of the committees in the bill to preserve the property of stolen horses in the true owner's, brought in the bill with some amendments, which being thrice read, was ordered to be engrossed.

Extract from Dewe's Journal, 39 and 40 Eliz. 14 Jan, 1597, page 580.—Mr. Bacon reciting in part the proceedings yesterday in the conference with the Lords at the court, and putting the house in mind of the objections of the Lords, delivered this day in writing by Mr. Attorney General, moved for a committee of some selected members of this house to be nominated to confer and consider upon the said objections, for the better answering of the same to the maintenance of the bill. Whereupon some desiring that the said objections might be

read, all was then further deferred till Monday next, the time being now far spent, and the house ready to rise.

Extract from Dewe's Journal, 39 and 40 Eliz. 4 Feb. 1598, page 593.—Mr. Francis Bacon, one of the committees in the bill lately passed in the upper house by the Lords, and sent down to this house, against the decaying of houses and towns of husbandry, shewed the meeting and travel of the committees and amendments to the same bill, which amendments being read to the house, was very well liked of by the whole house.

Extract from Dewe's Journal, 39 and 40 Eliz. 3rd Feb. 1598, page 592.—Mr. Francis Bacon, one of the committees in the bill lately passed in the upper house, and sent down by the Lords to this house, entitled an act against the decaying of towns and houses of husbandry, shewed the meeting of the committees, and that the more part of them being employed in the committee of a bill for the more speedy payment of the Queen's majesty's debts (who were appointed on Tuesday, the 31st day of January foregoing), and in the bill for the better explanation of the act made in the thirteenth year of her majesty's reign, entitled an act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts, they would proceed in the said other bill, and so moved for another meeting for that purpose. Whereupon it was ordered the same should be at two of the clock of the afternoon of this present day in the Exchequer Chamber.

Extract from the Parliamentary History, 43 Reg. Eliz. Nov. 5, 1601, p. 436.—The famous Mr. Francis Bacon, so often mentioned before, stood up to make a motion, and on the offering of a bill spoke thus:—Mr. Speaker, I am not of their minds that bring their bills into this house obscurely, by delivery only to yourself or the clerk, delighting to have the bills to be *incerto auctore*, as though they were either ashamed of their work, or afraid to father their own children; but I, Mr. Speaker, have a bill here, which I know I shall no sooner be ready to offer, but you will be ready to receive and approve. I liken this bill to that sentence of the poet, who set this as a paradox in the fore front of his book, *First water, then gold*, preferring necessity before pleasure. And I am of the same opinion that things necessary in use, are better than those things which are glorious in estimation. This, Mr. Speaker, is no bill of state or novelty, like a stately gallery for pleasure, but neither to dine in or to sleep in: but this bill is a bill of repose, of quiet, of profit, of true and just dealings; the title whereof is, *An Act for the better suppressing of abuses in weights and measures*. We have turned out drivers bills without disputation; and for a house of wisdom and gravity as this is, to bandy bills like balls, and to be silent as if nobody were of counsel with the commonwealth, is unfitting in my understanding for the state thereof. I will tell you, Mr. Speaker, out of my own experience, that I have learned and observed, having had causes of this nature referred to my report; that this fault of using false weights and measures has grown so intolerable and common, that if you would build churches, you shall not need for battlements and bells other than false weights of lead and brass; and because I would observe the advice given in the beginning of this parliament, that we should make no new laws; I have only made this bill a confirmation of the statute of the 11th of Henry VII. with a few additions, to which I will speak at the passing of the bill, and shew the reasons of every particular clause, the whole being a revival of a former statute; for I take it far better to scour a stream than to turn a stream: and the first clause is, "That it is to extend to the principality of Wales, to constrain them to have the like measures and weights to us in England."

Extract from the Journal of the House of Commons, 43 Eliz. 7 Nov. 1601, page 632.—Mr. Francis Bacon, after a repetition of somewhat was done yesterday, that the three pound men might not be excluded, he concluded that it was, *Dulcis tractus pari jugo*, therefore the poor as well as the rich not to be exempted.

Extract from Dewe's Journal, 43 Eliz. 13 Nov. 1601, page 636.—Mr. Francis Bacon said, It is far more honourable for this house in my opinion, when our warrant shall move the principal member of justice, that when it shall com-

mand a base, petty, or inferior servant to the clerk of the crown or the clerk of the petty bag, it will be said that our warrant *emanavit improvide*, when we shall direct our warrants to these base officers when we may move the great seal of England by it, even as soon as either petty bag or petty officer.

Extract from Dewe's Journal, 43 Eliz. 18 Nov. 1601, page 642.—Mr. Bacon, one of the committees in the bill touching process and pleadings in the court of Exchequer, maketh report of the travel and meeting of the committees, and brought in a new bill drawn to the same purpose; upon the referring whereof he spake as followeth (out of the private journal): Mr. Speaker, This bill hath been deliberately and judiciously considered of by the committees, before whom Mr. Osborn came, who I assure this house did so discreetly demean himself, and so submissively referred the state of this whole office to the committees, and so well answered in his defence, that they would not ransack the heaps, or sound the bottom of former offences, but only have taken away something that was superfluous and needless to the subject. Touching the committees they have reformed part; yet they have not so nearly eyed every particular as if they would pare to the quick an office of her majesty's gift and patronage. This bill is both public and private: public, because it is to do unto the subject; and private, because it does no injustice to the particular officer. The committees herein have not taxed the officer by way of imputation, but removed a task by removing way of imposition. I will not tell you what we have taken away, either *in quo titulos*, in Exchequer language, or according to the poet, who saith, *Mitte id quod scio, dic quod rogo*; I will omit that which you have known, and tell you that you know not and are to know, and that in familiar terms. And so he told the substance of the bill. We found that her majesty, whose eyes are the candles of our good days, had made him an officer by patent; in which that he might have right, her majesty's learned counsel were there in centinel to see that her majesty's right might not be suppressed. If my memory hath failed me in the delivering of the truth of the proceeding, and the committee's determination, I desire those that were present to help and assist me. Here is the bill. So he called aloud to the serjeant of the house, and delivered him the bill to deliver to the Speaker, which said bill was read *primâ vice*.

Extract from the Journal of the House of Commons, 43 Eliz. 20 Nov. 1601, page 644.—Mr. Francis Bacon said, The gentleman that spake last coasted so for and against the bill, that for my own part, not well hearing him, I do not perfectly understand him. I confess, the bill as it is, is in few words, yet ponderous and weighty. For the prerogative royal of the prince, for my own part, I ever allowed of it, and it is such as shall never be discussed. The Queen, as she is our sovereign, hath both an enlarging and distraining power. For by her prerogative she may at first set at liberty things restrained by statute law or otherwise; and secondly, by her prerogative she may restrain things which be at liberty. For the first, she may grant *non obstante*, contrary to the penal laws, which truly, according to my own conscience (and so struck himself on the breast), are as hateful to the subjects as monopolies. For the second, if any man out of his own wit, industry, or endeavour finds out any thing beneficial for the commonwealth, or bring in any new invention, which every subject of this kingdom may use; yet, in regard of his pains and travels therein, her majesty is pleased to grant him a privilege to use the same only by himself or his deputies for a certain time. This is one kind of monopoly. Sometime there is a glut of things when they be in excessive quantity, as perhaps of corn, and her majesty gives license of transportation to one man: this is another kind of monopoly. Sometime there is a scarcity or small quantity, and the like is granted also. These and divers of this nature have been in trial both at the Common Pleas upon actions of trespass, where if the judges do find the privilege good and beneficial to the commonwealth, they then will allow it; otherwise, disallow it. And also I know that her majesty herself hath given commandment to her Attorney General to bring divers of them, since the last parliament, to trial in the Exchequer, since which time at least fifteen or sixteen, to my knowledge, have been repealed; some by her majesty's express

commandment upon complaint made unto her by petition, and some by *quæ warranto*, in the Exchequer. But, Mr. Speaker (said he, pointing to the bill); this is no stranger to this place, but a stranger in this vestment; the use hath been ever to humble ourselves unto her majesty, and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. All cannot be done at once; neither was it possible since last parliament to repeal all. If her majesty make a patent (or as we term it, a monopoly) unto any of her servants, that must go, and we cry out of it; but if she grant it to a number of burgesses or a corporation, that must stand, and that forsooth is no monopoly. I say, and I say again, that we ought not to deal, to judge, or meddle with her majesty's prerogative. I wish every man therefore to be careful in this business; and humbly pray this house to testify with me that I have discharged my duty in respect of my place, in speaking on her majesty's behalf, and protest I have delivered my conscience in saying that which I have said.

Extract from the Journal of the House of Commons, 43 Eliz. 9 Dec. 1601, page 674.—Mr. Bacon said, The old commendation of Italy by the poet was, *Potens viris atque ubere gleba*, and it stands not with the policy of the state that the wealth of the kingdom should be engrossed into a few graziers' hands. And if you put in so many provisos as be desired, you will make it useless. The husbandman is a strong man, the good footman, which is the chief observation of good warriors, &c. So he concluded the statute not to be repealed.

From the Journal of the House of Commons, 43 Eliz. 4 Dec. 1601, page 669. —Mr. Bacon said, I am, Mr. Speaker, to tender unto this house the fruit of the committee's labour, which tends to the comfort of the realm, I mean the merchant, which if it quail or fail into a consumption, the state cannot choose but shortly be sick of that disease. It is inclining already. A certainty of gain is that which this law provides for, and by policy of assurance the safety of goods assured unto merchants. This is the loadstone that draws him on to adventure, and to stretch even the very punctilio of his credit. The committees have drawn a new bill, far differing from the old: the first limited power to the Chancery, this to certain commissioners of Oyer and Terminer; the first, that it should only be there, this that only upon appeal from the commissioners it should be there finally arbitrated. But lest it may be thought for vexation, the party appellant must lay it in *deposito*, &c. and if tried against him, to pay double costs and damages. We thought this course fittest for two reasons; first, because a suit in Chancery is too long a course, and the merchant cannot endure delays; secondly, because our courts have not the knowledge of their terms, neither can I tell what to say upon their causes, which be secret in their science, proceeding out of their experience. I refer the bill both old and new to your considerations, wishing good success therefore in both for the comfort of the merchants and performance of our duties. The act is entitled, An Act touching Policies of Assurances used among Merchants.

3 T. *Life*, p. xlviiii.

See Bacon's Essay on Friendship. The following, from Bacon's Apology respecting Essex, is a specimen of Elizabeth's sensibility upon this subject: "And another time I remember she told me for news, that my lord had written unto her some very dutiful letters, and that she had been moved by them, and when she took it to be the abundance of the heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines; whereunto I replied, O Madam, how doth your Majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards perfection, the other towards preservation. That to perfection, as the iron contendeth to the loadstone; that to preservation, as the vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold itself. And therefore, madam, you must distinguish my lord's desire to do you service, is as to

his perfection, that which he thinks himself to be born for: whereas his desire to obtain this thing of you, is but a sustentation."

The following anecdote mentioned by Bacon, in his observations upon Alexander, seems to be another manifestation of this species of sensibility:—For matter of policy, weigh that significant distinction, so much in all ages embraced, that he made between his two friends, Hephæstion and Craterus, when he said, "That the one loved Alexander, and the other loved the king:" describing the principal difference of princes' best servants, that some in affection love their person, and others in duty love their crown.

3 V. *Life*, p. lv.

The following is the title from a copy published in 1603: *An Apology of the Earl of Essex against those which Jealously and Maliciously tax him to be the Hinderer of the Peace and Quiet of his Country. Penned by himself in anno 1598. Imprinted at London by Rich. Bradocke, 1603.*

The Tract thus opens: "He that either thinketh he hath or wisheth to have an excellent face, no sooner is told of any spot or uncomeliness in his countenance than he hies to shew himself to a glass, that the glass may shew again his true likeness unto him; the same curiosity moves me, that desires to have a fair minde, to shew the true face and state of my mind to my true friend; that he like a true glass without injury or flattery may tell me whether nature or accident have set so foul a blemish in it as my accusers pretend.

"I am charged that either in affection or opinion or both, I prefer war before peace, and so consequently that all my counsels, actions, and endeavours, doe tend to keep the state of England in continual wars, especially at this time when some say peace may be had and I only impugn it. But both my heart disclaims from so barbarous an affection, and my judgment from so absurd an opinion. The reputation of a most faithful subject and zealous patriot (which with hazard of my life, and decay of my estate, I have sought to purchase) must not suffer this ugly and odious aspersion, that my actions have caused, maintained, or increased the wars, or had ever any such scope or intent.

"First, for my affection in nature it was indifferent to books and to arms, and was more inflamed with the love of knowledge than with the love of fame; witness my contemplative retiredness in Wales, and my bookishness from my very childhood. And now if time, reason, or experience, have taught me to wish that to myself which is best for myself, what should I not wish rather than martial employment, in which I have impaired my state, lost my dear and nearest brother, the half arch of my house, buried many of my dearest and nearest friends, and subjected myself to the rage of seas, violence, general plagues, famine, and all kinds of wants, discontentment of undisciplined and unruly multitudes, and acceptation of all events. And as my affection neither in truth is, nor, if I regard myself, in reason ought to be set on these courses of the wars: so in judgment I have ever thought wars the disease and sickness; and peace, the true, natural, and healthful temper, of all states."

3 W. *Life*, p. lviii.

The motive for this proceeding is thus stated in the opening of the case against him. "Few days after my lord was removed to further liberty in his own house, her majesty hoping that these bruits and malicious imputations would of themselves wax old and vanish: but finding it otherwise in proof, upon taste taken by some intermission of time, and especially beholding the humour of the time in a letter presumed to be written to her majesty herself by a lady, to whom, though nearest in blood to my lord, it appertained little to intermeddle in matters of this nature, otherwise than in course of humility to have solicited her grace and mercy; in which letter, in a certain beholding and mineral spirit of bitterness, remonstrance and representation is made to her majesty, as if my lord suffered under passion and faction, and not under justice mixed with mercy; which letter, though written to her sacred majesty, and therefore unfit to pass in

vulgar hands, yet was first divulged by copies every where, that being, as it seemeth, the newest and finest form of libelling, and since committed to the press: her majesty in her wisdom seeing manifestly these rumours thus nourished had got too great a head to be repressed without some hearing of the cause, and calling my lord to answer."

3 X. *Life*, p. lviii.

The following is from the Lord's Charge in opening the cause. "And yet on the other side, being still informed touching my lord himself of his continuance of penitence and submission, did in conclusion resolve to use justice, but with the edge and point taken off and rebated; for whereas nothing leaveth that teint upon honour, which in a person of my lord's condition is hardliest repaired, in question of justice, as to be called to the ordinary and open place of offenders and criminals, her majesty had ordered that the hearing should be *intra domesticos parietes*, and not *luce forensi*. And whereas again in the Star-chamber there be certain formalities not fit in regard of example to be dispensed with, which would strike deeper both into my lord's fortune and reputation; as the fine which is incident to a sentence there given, and the imprisonment of the Tower, which in case of contempts that touch the point of estate doth likewise follow; her majesty turning this course had directed that the matters should receive, before a great honorable and selected council, a full and deliberate, and yet in respect a private, mild, and gracious hearing."

3 Y. *Life*, p. lix.

Bacon's account of the whole proceeding is as follows: "And then did some principal counsellors send for us of the learned counsel, and notify her majesty's pleasure unto us, save that it was said to me openly by one of them, that her majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that I heard is raised of me, how I was a suitor to be used against my Lord of Essex at that time: for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distaste and distrust, incrossing her disposition, by standing steadfastly for my Lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliment, signifying to her majesty, that if she would be pleased to spare me in my Lord of Essex's cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her majesty to think that I knew the degrees of duties, and that not particular obligation whatsoever to any subject could supplant or weaken that entiredness of duty that I did owe and bear to her and her service; and this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a further reach in it; for I judged that day's work would be a full period of any bitterness or harshness between the Queen and my lord, and therefore if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service."—Bacon's Apology, vol. vi. 266.

3 Z. *Life*, p. lx.

The following is the whole of that passage. "There is formed in every thing a double nature of good, the one as every thing is a total or substantive in itself, the other as it is a part or member of a greater body; whereof the latter is in degree the greater and the worthier, because it tendeth to the conservation of a more general form: therefore we see the iron in particular sympathy moveth to the loadstone, but yet if it exceed a certain quantity, it forsaketh the affection to the loadstone, and like a good patriot moveth to the earth, which is the region and country of massy bodies; so may we go forward and see that water and

massy bodies move to the centre of the earth, but rather than to suffer a divulsion in the continuance of nature they will move upwards from the centre of the earth, forsaking their duty to the earth in regard of their duty to the world. This double nature of good and the comparative thereof is much more engraven upon man, if he degenerate not, unto whom the conservation of duty to the public ought to be much more precious than the conservation of life and being; according to that memorable speech of Pompeius Magnus, when being in commission of purveyance for a famine at Rome, and being dissuaded with great vehemency and instance by his friends about him, that he should not hazard himself to sea in an extremity of weather, he said only to them, *Necesse est ut eam, non ut vivam.*"

4 A. *Life*, p. lxii.

As a patron he considered preferment a sacred trust for the encouragement of merit. *Power to do good is, he says, the true and lawful end of aspiring, for good thoughts though God accept them, are little better than good dreams except they be put in act.* "Detur digniori" was therefore his favourite maxim. "Qui beneficium digno dat, omnes obligat." And in this spirit, upon sending to Buckingham his patent for creating him a viscount, he says, "I recommend unto you principally, that which I think was never done since I was born; and that which because it was not done, hath bred almost a wilderness and solitude in the King's service; which is that you countenance and encourage and advance able men in all kinds, degrees, and professions. For in the time of the Cecils, the father and the son, able men were by design and of purpose suppressed: and though of late, choice goeth better, both in church and commonwealth, yet money and cunning canvasses, and importunity prevaileth too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise because they are yours."

And within a few weeks after he was appointed Lord Keeper, he thus wrote to a Clergyman of Trinity College.

"After my hearty commendations, I, having heard of you as a man well deserving and of able gifts to become profitable in the church; and there being fallen within my gift the Rectory of Frome St. Quintin, with the Chapel of Evershot in Dorsetshire, which seems to be a thing of good value, 18*l.* in the King's books and in a good county, I have thought good to make offer of it to you; the rather for that you are of Trinity College, whereof myself was some time. And my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From your loving Friend, FR. BACON, C. S.

From Dorset House, 23rd April, 1617.

To Mr. Massey, Fellow of Trinity College, Cambridge.

4 B. *Life*, p. lxii.

In his advancement of learning he has thus explained the custom of the ancients in hearing the opposite reasonings of the same powerful mind, which has occasionally existed and did exist, in the time of Elizabeth, in our Courts of Justice in England.

Strange as, from our habits, this may be considered, there is nothing new in the suggestion. When Alexander was feasting one night where Calisthenes was at the table, it was moved by some after supper, for entertainment sake, that Calisthenes, who was an eloquent man, might speak of some theme or purpose, at his own choice: which Calisthenes did; choosing the praise of the Macedonian nation for his discourse, and performing the same with so good manner, as the hearers were much ravished: whereupon Alexander, nothing pleased, said, "It was easy to be eloquent upon so good a subject." "But," saith he, "turn your style, and let us hear what you can say against us:" which Calisthenes presently undertook, and did with that sting and life, that Alexander in-

interrupted him, and said, "The goodness of the cause made him eloquent before, and despite made him eloquent again."

In the Harleian MSS. in the British Museum, it is stated as follows:—Elizabeth, Queen of England, was a princess most entirely beloved of the people, for during her government pure justice and mercy did overflow in all courts of judicature, which made her so famous, that upon any motion abroad from her palace, many thousands would crowd into the streets and highways, to congratulate her with their loyalty, and loud acclamations sent up to heaven for her majesty's long life, health, and prosperity. And in this peerless queen's reign it is reported that there was but one serjeant-at-law at the Common Pleas bar (called Serjeant Benlowes) who was ordered to plead both for the plaintiff and defendant, for which he was to take of each party ten groats only and no more; and to manifest his impartial dealing to both parties, he was therefore to wear a party-coloured gown, and to have a black cap on his head of impartial justice, and under it a white linen coif of innocence, but in the reign of King James serjeants were made in abundance, and a serjeant's place sold for 800*l.*; and in the late King Charles the First's reign, the preferment to be a serjeant grew to a higher rate, for it was then raised to 1500*l.* and thirteen made at one time, so strangely differing are the proceedings in law in these latter times to the former, that requires the use of many lawyers, and they to have unreasonable fees.

And I understand that, within the last twenty years, when there was but one barrister at the Ely Sessions (Mr. Hart), he used to argue on both sides.

This practice seems to have existed in all civilized countries, and countries approaching to civilization. In some travels in Africa, (Park's, if I mistake not) the author says, that the litigation is conducted, not by the parties themselves, but by persons called "palavers." Milton, in his history of Muscovy, two hundred years ago, vol. iv. 278, says, "They have no lawyers, but every man pleads his own cause, or else by bill or answer in writing delivers it with his own hands to the duke; yet justice, by corruption of inferior officers, is much perverted. Where other proof is wanting, they may try the matter by personal combat or by champion. If a debtor be poor, he becomes bondman to the duke, who lets out his labour till it pay the debt; till then he remains in bondage."

In the Edinburgh Review for February, 1822, upon the question whether a prisoner accused of felony ought to be heard by counsel?—the author says, "Whence comes it, that the method of getting at truth, which is so excellent on all common occasions, should be considered as so improper on the greatest of all occasions, where the life of a man is concerned? If an acre of land is to be lost or won, one man says all that can be said on one side of the question—another on the other; and the jury, aided by the impartiality of the judge, decide. The wit of man can devise no better method of disentangling difficulty, exposing falsehood, and detecting truth."

"Justice is found, experimentally, to be most effectually promoted by the opposite efforts of practised and ingenious men, presenting to the selection of an impartial judge, the best arguments for the establishment and explanation of truth. It becomes, then, under such an arrangement, the decided duty of an advocate to use all the arguments in his power to defend the cause he has adopted, and to leave the effect of those arguments to the judgment of others."

—Sidney Smith.

Milton seems not to have been partial to the character of a lawyer. In his tract on education, vol. i. 276, he says, "Some, allured to the trade of law, grounding their purposes not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions, and flowing fees." Vol. ii. 56. "It is true an adulteress cannot be shamed enough by any public proceeding; but the woman whose honour is not appeached is less injured by a silent dismissal, being otherwise not illiberally dealt with, than to endure a clamouring debate of utterless things, in a business of that civil secrecy and difficult discerning, as not to be overmuch questioned by nearest friends; which

drew that answer from the greatest and worthiest Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no visible reason? 'This shoe,' said he, and held it out on his foot, 'is a neat shoe, a new shoe, and yet none of you know where it wrings me;' much less by the unfamiliar cognizance of a feed gamester can such a private difference be examined, neither ought it.

The following extract is from Boswell's Life of Johnson, vol. ii. p. 162. I asked him whether, as a moralist, he did not think that the practice of the law, in some degree, hurt the fine feeling of honesty. Johnson. "Why no, Sir, if you act properly. You are not to deceive your clients with false representations of your opinion: you are not to tell lies to a judge." Boswell. "But what do you think of supporting a cause which you know to be bad?" Johnson. "Sir, you do not know it to be good or bad till the judge determines it. I have said that you are to state facts fairly; so that your thinking, or what you call knowing, a cause to be bad, must be from reasoning, must be from your supposing your arguments to be weak and inconclusive. But, Sir, that is not enough. An argument which does not convince yourself, may convince the judge to whom you urge it; and, if it does convince him, why, then, Sir, you are wrong, and he is right. It is his business to judge; and, you are not to be confident in your opinion that a cause is bad, but to say all you can for your client, and then hear the judge's opinion." Boswell. "But, Sir, does not affecting a warmth when you have no warmth, and appearing to be clearly of one opinion, when you are in reality of another opinion, does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life, in the intercourse with his friends?" Johnson. "Why no, Sir. Every body knows you are paid for affecting warmth for your client; and it is, therefore, properly no dissimulation: the moment you come from the bar you resume your usual behaviour. Sir, a man will no more carry the artifice of the bar into the common intercourse of society, than a man who is paid for tumbling upon his hands will continue to tumble upon his hands when he should walk on his feet."

Lord Erskine, in his defence of Thomas Paine, says, I will for ever, at all hazards, assert the dignity, independence, and integrity of the English bar; without which impartial justice, the most valuable part of the English constitution, can have no existence. From the moment that any advocate can be permitted to say that he will or will not stand between the crown and the subject arraigned in the court where he daily sits to practise, from that moment the liberties of England are at an end.

If the advocate refuses to defend, from what he may think of the charge or of the defence, he assumes the character of the judge; nay, he assumes it before the hour of judgment; and, in proportion to his rank and reputation, puts the heavy influence of, perhaps, a mistaken opinion, into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very judge to be his counsel.

The following extract is from the life of Sir M. Hale, 143. If he saw a cause was unjust, he for a great while would not meddle further in it, but to give his advice that it was so. If the parties after that would go on, they were to seek another counsellor, for he would assist none in acts of injustice. If he found the cause doubtful or weak in point of law, he always advised his clients to agree their business. Yet afterwards he abated much of the scrupulosity he had about causes that appeared at first view unjust, upon this occasion. There were two causes brought to him, which by the ignorance of the party, or their attorney, were so ill represented to him, that they seemed to be very bad, but he, inquiring more narrowly into them, found they were really very good and just. So after this he slackened much of his former strictness, of refusing to meddle in causes upon the ill circumstances that appeared in them at first.

The administration of justice mainly depends upon the ability and the integrity of the bar. Who, in times when our liberties are threatened, when power is attempting to extend its influence; who but men of ability can be expected to resist these invasions? Is it to be expected that the herd who follow any body

that whistles to them, or drives them to pasture, will have the honesty and courage upon such occasions to despise all personal considerations, and to think of no consequence but what may result to the public from the faithful discharge of their sacred trust? When Sir Matthew Hale, in the case of Lord Craven, pleaded so forcibly for his client, that in those miserable times, he was threatened by the then Attorney General, with the vengeance of the government, "I am pleading," he replied, "in defence of those laws which the parliament have declared they will maintain and preserve; I am doing my duty to my client, and I am not to be daunted." The hardminded and mistaken Jefferies, said to Mr. Wallop, on Baxter's trial, "I observe you are in all these dirty causes, and were it not for you gentlemen of the long robe, who should have more wit and honesty than to uphold these factious knaves by the chin, we should not be at the pass we are at." Similar language disgraced the bench on the trial of the seven bishops, but Mr. Hale and Mr. Somers were not likely to be deterred by such conduct from the discharge of their duties.

4 C. *Life*, p. lxx.

Accounts of this trial may be found in Bacon's works, in the Sydney Papers, in Camden, and in Morrison. Bacon's account will be found in vol. vi. of this edition, p. 276. The accounts from the Sydney Papers, from Camden, and from Morrison are annexed.

Account of the Trial from the Sydney Papers.

Row. Whyte, Esq. to Sir Rob. Sydney. S. L. Vol. ii. p. 199. Penshurst, Friday night, 6 June, 1600.

Yesterday my lord of Essex was at my Lord Keeper's before commissioners appointed to hear his cause, and to-morrow I go to court, and will learn what I can of it, and advertise your lordship.

Row. Whyte, Esq. to Sir Rob. Sydney. S. L. Vol. ii. p. 199. Court in hast, Saturday, 7 June, 1600.

I am now newly come to court, where I hear how the matter passed upon Thursday, with my lord of Essex before the lords and other commissioners. The Attorney General, Serjeant Yelverton, her majesty's Solicitor, and Mr. Bacon, all of her highness learned counsel, laid open his offences and contempts, during which time the earle himself kneeled at bord's end, and had a bundle of papers in his own hand, which sometimes he laid in his hat that was upon the ground by him. The effect of their speeches contained his making of my lord Southampton general of the horse, contrary to her majesty's pleasure; his making of knights; his going into Munster, contrary to his instructions; his return, being expressly commanded by her majesty's own letter to stay: all which points were by her majesty's learned counsel very gravely and sharply touched and propounded against him. His speech was very discreet, mild, and gentle, acknowledging that he had grievously offended her majesty in all these things objected against him, but with no malicious intent; and that if it would please their honors to give him leave, he would declare unto them the blind guides that led him to those errors, which in his opinion would have furthered her majesty's service. But then began my Lord Keeper, upon the reasons argued by her majesty's learned counsel, to deliver his opinion; that his contempts deserved to be imprisoned in the Towre, to be fined as deeply as ever subject was, to have his offices of counsellor, earl marshal, and master of the ordnance sequestered from him. My Lord Treasurer left out the Towre; my Lord Admiral the fine. Mr. Secretary made a wise grave speech of these contempts of his towards her majesty; all the rest spoke, condemning him greatly for contemptuously offending so gracious a sovereign; and it was concluded that he should return from the place he came, till her majesty's further pleasure were known. The poor earl then besought their honors to be a mean unto her majesty for grace and pardon; seeing there appeared in his offences no disloyalty towards her

NOTE 4 C.

highness, but ignorance and indiscretion in himself. I hear it was a most pitiful and lamentable sight, to see him that was the mignon of fortune, now unworthy of the least honor he had of many; many that were present burst out in tears at his fall to such misery.

Row. Whyte, Esq., to Sir Rob. Sydney. S. L. Vol. ii. p. 200. Baynard's Castle, Wednesday, 11 June, 1600.

I heard since about the Earl of Essex, that the Attorney General in his speech would have proved wilful and malicious contempts to have been disloyalty in him, and brought forth these words: *Regina vidit, consul vidit, senatus vidit, hic tamen vivit.* To this his lordship answered, that he was forced to alter his purpose of coming to that place, which was not to justify himself, but to acknowledge his transgressions, being by his own opinion and persuasion of others, misled to commit these errors. But now his honor and loyalty was called in question, he should do God great wrong and his own conscience; and if I do not justify myself an honest man (taking his George, and putting it with his hand towards his heart), this hand shall pull out this heart when any disloyal thought shall enter into it. But the lords interrupted his speech, clearing him generally of that, and proceeded to their censure, by the way of opinion only, to those matters objected by the Queen's learned counsel against him. Something he said to all these, but no way to justify himself, and with all humble submission besought her majesty's mercy. The lords did all admire at his discretion and carriage, who never was moved at any speech was spoken against him, but with patience heard all was said; sometimes kneeling, one while standing, another while leaning at a cupboard, and at last he had a stool given him; but never offered to leave kneeling, till the Lord Archbishop of Canterbury desired he might stand, and then that he might leane, and lastly, that he might sit. For they began at nine in the morning, and it continued till eight at night, without removing. The lords did in a sort give him this comfort, that her majesty would be gracious unto him; in the meantime all his offices are sequestered from him. The master of the horse was not mentioned, because it was not by patent, and a deputy by the Queen appointed, which is my lord of Worcester, till his return to court; so that if he come not again, then is he still to execute it as he doth. The judges made his contempts very heinous by the laws of the land, and by examples, and by the civil law criminal. The poor earl continues still with a keeper at his own house until her majesty's pleasure be further known, who, as it seems, is not resolved what she will do with him. Her majesty is very much quieted and satisfied to see, that the lords of her council, her nobility, and the grave judges of her land, do hold him worthy of far more punishment than hath been inflicted against him. Some think his keeper shall be removed this week, and that he shall have his friends come to houses in London and Barnelmes, and that he shall have his friends come to him; there are others that do believe that he shall continue as he doth some time longer.

Camden's Account of the Trial.

But whereas the vulgar sort spread abroad his innocency every where, it seemed good to the Queen, for removing of all suspicion of too much severity, injustice, and prejudice from herself and her counsel, that his case should be plainly heard (not in the Star Chamber, lest he should be heavily fined, but) in the Lord Keeper's house, before the Queen's counsell, four earls, two barons, and four judges, and that, as it were, a certain censorious animadversion should be used, yet without any note of perfidiousness. The chief heads of the accusation against him were these: that contrary to that he had in charge, he had made the Earl of Southampton general of the horse; that he had bestowed the dignity of knighthood upon many; that he had drawn his forces into Munster, neglecting Tir-Oen, the archrebel; that he had conference with him not being seeming the Queen's majesty, nor the dignity of a lord deputy; and which was the more suspect, because it was in secret. All these points the Queen's learned counsell had highly aggravated, producing out of his letters, written

above two years before (whereof copies were lately dispersed by his followers), these short abrupt sentences: "No tempest is more furious than the indignation of an impotent prince; the Queen's heart is hardened. Cannot princes err? Can they not wrong their subjects? What I owe as a subject I know well, and what as earl marshal of England." From hence they argued, as if he esteemed the Queen for an impotent princess, and voyd of reason; compared her to Pharaoh, whose heart was hardened, that she cared no longer for truth and justice; and as if he besides his fidelity, ought neither obedience nor thankfulness. Some points also of lesser moment they objected unto him out of a book of the deposing of Richard the Second, dedicated unto him. He kneeling at the table, upon one knee, thanked Almighty God for all his benefits, and his most gracious princess, which would not have his cause to be heard publicly in the Star Chamber, but commanded that cup to pass (for these were his words), and him to be censured within a private house. He professed therefore that he would not contest with her, nor in the whole, or in part, excuse the errors of his young inconsiderate years, and of his weakness. He protested that he had most sincerely kept his allegiance, and had not had so much as a thought not to obey, and that he would ever be obedient. Briefly, that in all things his meaning was good, howsoever it fell out otherwise, and that now he would bid the world farewell. And withal he shed plenty of tears; the standers by also wept with him for joy, out of the great hope they had of him. Yet could he not contain himself, but begun to make excuse, that he had made Southampton general of the horse out of a credulous error that the Queen would admit the reasons which he yielded; but they being rejected, he presently displaced him. That he had bestowed the dignity of knighthood upon many, that he might retain the gentlemen volunteers about him. That he had undertaken the war in Munster, by the inconsiderate advice of the council of Ireland. That Ormond, the principal of them, rued the same, by the loss of his sight, and Sir Warham St. Leger, by a cruel death. As he was going forward, the Lord Keeper stayed him, and put him in mind to go forward as he had first begun, and to fly to the Queen's mercy, who would not have him charged with perfidiousness, but with contempt and disobedience; and not to pretend obedience in words which in deeds he had little performed. For by extenuating his offences he might seem to extenuate the Queen's clemency. That it was absurd to shadow open disobedience with the will to obey. That every one said it is needless to repeat, seeing they were in a manner the same which were either before spoken, or after to be spoken, in the Star Chamber. In conclusion, the Lord Keeper pronounced that he should be removed from the place of a counsellor, suspended from his offices of earl marshal and master of the ordnance, and detained in custody during the Queen's pleasure. These censures the rest approved by their voices, and many conceived good hope that he should ere long be received again into favor; forasmuch as the Queen had expressly commanded that he should not be suspended from his mastership of the horse (as if she would use his service again), and that this censure should by no means remain upon record.

Morrison's Account of the Trial.

Give me leave to digresse a little, to one of the fatal periods of Robert, the noble Earle of Essex his tragedy (and the last but one, which was his death), whereof the following relation was sent into Ireland. The fifth of June there assembled at Yorke-house in London, about the hearing of my Lord of Essex his cause, eighteene commissioners, viz. my Lord of Canterbury, Lord Keeper, Lord Treasurer, Lord Admirall, Lords of Worcester, Shrewsbury, Cumberland, Huntington, Darby, and Zouch, Mast. Comptroller, Master Secretarie, Sir Thon Fortescu, Lord Popham, Chiefe Justice, Lord Anderson, Chiefe Justice of the Common Pleas, Lord Perian, Chiefe Baron of the Exchequer, Justices Gandy and Walmesley. They sate from eight of the clock in the morning, till very neere nine at night, all at a long table in chaires. At the earles coming in none of the commissioners stirred cap, or gave any signe of curtesie. He kneeled at the vpper end of the table, and a good while without a cushion. At length my Lord of Canterbury moved my Lord Treasurer, and they jointly my

Lord Keeper and Lord Admirall, that sat over against them, then was he permitted a cushion, yet still was suffered to kneele, till the Queen's serjeants speech was ended, when by the consent of the lords, he was permitted to stand vp, and after, vpon my lord of Canterburies motion, to have a stoole.

The manner of proceeding was this. My Lord Keeper first delivered the cause of the assembly, and then willed the Queenes counsaile at law, viz. Sergeant, Attorney, Solicitor, and Master Bacon, to informe against him. The Sergeant began, and his speech was not long, onely a preface as it were to the accusations. The summe of it was, to declare the Queenes princely care and provision for the warres of Ireland, and also her gracious dealing with the earle before he went, in discharging ten thousand pound of his debts, and giving him almost so much more, to buy him horses, and provide himself, and especially in her proceedings in this cause, when, as after so great occasion of offence as the consumption of a royall army, fruitlesse wasting thirty hundred thousand li. treasure, contempt, and disobedience to her expresse commandement, she notwithstanding was content to be so mercifull towards him, as not to proceede against him in any of her courts of justice, but only in this priuate sort, by way of mercy and favour. After him the Attorney began, whose speech contained the body and substance of the accusation, it was very sharp and stinging; for besides the many faults of contempt and disobedience wherewith hee charged him, he did also shrewdly inferre a dangerous disposition and purpose, which was by many rhetoricall amplifications, aggravated to the full; he divided his speech into three parts, Quomodo ingressus, quomodo progressus, quomodo regressus; in the ingresse, hee observed how large a commission he stood upon, such a one as never any man had the like before, namely, that he might haue authoritie to pardon all traytors of himselfe, yea, to pardon treason committed against her maiesties owne person, and that he might mannage the warres by himself, without being tied to the advice of the counsell of Ireland, which clause hee said was granted, that he might at first proceede in the northerne iourney, which the counsell of Ireland (whose lands and livings lay in the south), might perhaps hinder, and labor to divert him, to the safeguard of themselves. In the other two parts of his speech were contained five speciall crimes, wherewith the earle was charged, viz. His making the Earle of Southampton generall of the horse. 2. His going to Leinster and Mounster, when he should have gone to Vlster. 3. His making so many knights. 4. His conference with Tyrone. 5. His returne out of Ireland, contrary to her majesties command. These all saving the fourth, were recited by the lords in their censures, as the crimes for which he was censured by them. The first was amplified, for that he did it contrary to her majesties mind, plainly signified unto him in England, that hee increased that offence, by continuing him in that office stil, when her majesty by letters had expressly commanded him to displace him; and thirdly, for that he wrote a very bold presumptuous letter to her majesty, in excuse of that offence, which letter was afterwards read. The second point of his southerne journey was agravated, in that it was made contrary to her majesties advised resolution, agreed upon by her counsel, and approved by her martial men, as the only means to reduce Ireland, and contrary to the earles own project, yea, and that without the advice of the counsel of Ireland also, as appeared by a letter of theirs under their hands, though now the earle pretended their advice for his own excuse, whereupon followed the harrowing out, and the weakening of the royallest army that ever went out of England, the wasting of that huge expence, and the overthrow of the whole action. The third point, viz. the making of knights, was urged to have bene contrary to her maiesties expresse commandement, a question being once made whether he should have that authoritie or no, because he had abused it before; yet the same being at the last granted, with this limitation given him in charge, that he should make but few, and those men of good ability, whereas he made to the number of threescore, and those some of his meniall servants, yea, and that in a most unseasonable time, when things were at the worst, which should have been done upon victorie and triumph onely. The fourth point, namely, his conference with the rebell, was agravated, in that it was an equall and secret conference,

dishonourable to her majestie, for him that sustained her royall person, to conferre in equall sort with the basest and vilest traytor that ever lived, a bush kerne, and base sonne of a blacksmith; suspicious also, in that it was private and secret, no man suffered to approach, but especially no Englishman; the end of the conference most shamefull, that the wretched traytor should prescribe conditions to his soveraigne: abominable and odious conditions, a publike tolleration of idolatrous religion, pardon for himselfe, and all the traytors in Ireland, and full restitution of lands and possessions to all the sort of them. It was added, that before this parley, a messenger went secretly from the earles campe to the traytor, viz. Captaine Thomas Leigh, if not sent by the earle, at least by his connivency, at least by the connivencie of the marshall, whom the earle did not punish. Lastly, the fifth point was urged to be intollerably presumptuous, contrary to her maiesties expresse commandement in writing, under the seale of her privy signet, charging him upon his dutie not to return until he heard further from her; that this his returne was also exceeding dangerous, in that he left the army divided unto two divers men, the Earle of Ormond and the Lord Chancellor, men whom himselfe had excepted against, as unfit for such a trust, and that he so left this army, as that if God his providence had not been the greater, the ruine and losse of the whole kingdome had ensued thereupon. This was the summe of the accusation, every part interlaced with most sharpe and bitter rhetoricall amplifications, which I touch not, nor am fit to write, but the conclusion was (whereby a taste of the same may be had) that the ingresse was proud and ambitious, the progresse disobedient and contemptuous, the regresse notorious and dangerous. Among other things, the Lady Rich her letter to the Queene was pressed with very bitter and hard termes: my Lady Rich her letter he termed an insolent, saucy, malipert action. He proposed also in the end a president for the earles punishment (saying, he was faine to seeke farre for one gentle enough): one William of Britten, Earle of Richmond, who refusing to come home out of France upon the king's letter, was adjudged to loose all his goods, lands, and chattels, and to indure perpetuall imprisonment. Master Attorney particularly said the following words, whereas the earle in his letter exclaimeth O tempora, O mores! (for so I thinke he construed these words of his, O hard destiny of mine, that I cannot serve the Queene and please her too.) Let me also say with the orator concerning him; *Hæc regina intel- ligit, hæc senatus videt, hic tamen vivit.* In the end of his speech, Now (saith he) nothing remaineth but that wee inquire quo animo; all this was done. Before my lord went into Ireland, he vaunted and boasted that hee would fight with none but the traytor himselfe, he would pull him by the eares out of his den, hee would make the earle tremble under him, &c. But when he came thither, then no such matter, hee goes another way; it appeareth plainely he meant nothing lesse than to fight with Tyrone. This was the effect of Master Attorney's part. Master Solliciter his speech followed, which contained the unhappy successe, which ensued in Ireland after the earles departure, whereby appeared how little good the earle had done, in that the traitor was growne much more confident, more insolent, and stronger than ever he was before, as appeared principally by his declaration, which he hath given out since the earles departure, vaunting that he is the upholder of the Catholike faith and religion; that whereas it was given out by some that he would follow the Earle of Essex into England, hee would perhaps shortly appeare in England, little to Englands good: many things he added to that purpose.

After him Sir Francis Bacon concluded the accusation with a very eloquent speech. First, by way of preface, signifying, that he hoped both the earle himselfe, and all that heard him, would consider that the particular bond of duty, which he then did and ever would acknowledge to owe unto the earle, was now to be sequestred, and laied aside. Then did he notably extoll her maiesties singular grace and mercy, whereof he said the earle was a singular work, in that upon his humble sute, shee was content not to prosecute him in her court of justice, the Starre-chamber, but according to his owne earnest desire, to remove that cup from him (those, he said, were the earles own words in his letter), and now to suffer his cause to be heard, Inter privatos parietes, by way of mercy and

favour onely, where no manner of disloyalty was laide to his charge, for (quoth he) if that had beene the question, this had not beene the place. Afterwards passing along most eloquently through the earles journey into Ireland, hee came to charge him with two points not spoken of before. The first was a letter written by the earle unto my Lord Keeper, very boldly and presumptuously, in derogation to her maiesty, which letter he also said was published by the earles own friends. The points of the letter which he stood upon were these: No tempest to the passionate indignation of a prince; as if her maiesty were devoid of reason, carried away with passion (the onely thing that ioineeth man and beast together): her maiesties heart is obdurate, he would not say that the earle meant to compare her absolutely to Pharaoh, but in this particular onely, which must needs be very odious. Cannot princes erre? cannot subjects suffer wrong? as if her maiesty had lost her vertues of judgement, justice, &c. Farre be it from me (quoth he) to attribute divine properties to mortal princes, yet this I must truly say, that by the common law of England, a prince can doe no wrong. The last point of that letter was a distinction of the duty a subject oweth to his prince, that the duty of allegiance is the onely indissolueble duty, &c. The second point of Master Bacon's accusation was, that a certaine dangerous seditious pamphlet was of late put forth into print, concerning the first yeeres of the raigne of Henry the Fourth, but indeed the end of Richard the Second, and who thought fit to be patron of that booke, but my lord of Essex, who after the booke had beene out a weeke, wrote a cold formall letter to my lord of Canterbury, to call it in againe, knowing belike that forbidden things are most sought after: this was the effect of his speech. The special points of the whole accusation were afterwards proved by the earles owne letters, by some of her maiesties letters, and the counsels, and by the letter of the Earle of Ormond and others of the counsell of Ireland, openly red by the clerké of the counsell.

The accusation ended, the earle kneeling, beganne to speake for himselfe, in effect thus much: That ever since it pleased her gracious maiesty to remove that cup from him (which he acknowledged to have been at his humble sute), and to change the course of proceeding against him, which was intended in the Starre-chamber; he laied aside all thought of justifying himselfe in any of his actions, and that therefore he had now resolved with himselfe never to make any contestation with his soveraigne: that he had made a divorce betwixt himselfe and the world, if God and his soveraigne would give him leave to hold it; that the inward sorrow and afflictions which he had laied upon his soule privately, betwixt God and his conscience, for the great offence against her majesty, was more then any outward crosse or affliction that could possibly befall him. That he would never excuse himselfe, neither a toto nor a tanto, from whatsoever crimes of errour, negligence, or inconsiderate rashnes, which his youth, folly, or manifold infirmities might leade him into, onely he must ever professe a loyall faithfull unspotted heart, unfained affection and desire, lose, he would, if christianity and charity did permit, first teare his heart out of his breast with his owne hands. But this alwaies preserved untouched, he was most willing to confesse and acknowledge whatsoever errors and faults it pleased her maiesty to impute vnto him. The first part of his speech drew plenty of teares from the eyes of many of the hearers; for it was uttered with great passion, and the words excellently ordered, and it might plainly appeare that he had intended to speake no more for himselfe. But being touched (as it seemed) with the oversharpe speeches of his accusers, he humbly craved of their lordships, that whereas he had perceived many rhetoricall inferences and insinuations given out by his accusers, which might argue a disloyall, malicious, wicked, and corrupt affection in him, they would give him leave, not in any sort to excuse himself, but only by way of explanation, to lay downe unto them those false guides which had deceived him, and led him into all his errours, and so he entered into a kind of answering Master Attornies speech, from point to point in order, alleaging, for the point of his large commission for pardoning treason against her maiesties person, that it was a thing he had learned of Master

Attorney himselfe, onely to meeete with the rebels curiosity, which had an opinion, that all treason in Ireland might be interpreted treason against her maiesties person, and therefore would trust no pardon without that clause. That in making the Earle of Southampton generall of the horse, the deceivable guide which misled him, was an opinion that her majesty might have been satisfied with those reasons which moved him, as also with those reasons which he had alleaged in his letters, for continuance of him in the place, but that after he perceived her maiesties mind plainly in her second letter, he displaced him the next day. For his journey into Mounster, hee alleaged divers things, principally that the time of the yeere would not serve for an Vlstér journey, and then the advice of the counsel there, which he protested to alleage not to excuse himselfe, but rather to accuse his owne errours, and the errours of the counsellors in Ireland: and whereas some of them to excuse themselves, and charge him the deeper, had now written the contrary to the counsell: he protested deeply that therein they had dealt most falsely, and it seemeth (saith he) that God his just revenge hath overtaken two of them already, the Earle of Ormond by blindnesse, and Sir William St. Leger, by violent death. For his making of knights, he alleaged the necessity and straights, he was driven unto, that being the onely way he had to retaine the voluntaries, the strength and pride of the army; that he made but two of his servants, and those men of speciall desert and good ability: that he thought his service ought not to be any barre against them, for the receiving the reward of their deserts. But before he had thus waded through halfe his answer, my Lord Keeper interrupted him, and told him, that this was not the course that was like to doe him good; that he beganne very well in submitting himselfe unto her maiesties mercy and pardon, which he, with the rest of the lords, were glad to heare; and no doubt but her princely and gracious nature was by that way most like to be inclined to him: that all extenuating of his offence was but the extenuating of her maiesties mercy in pardoning: that he, with all the rest of the lords, would cleere him of all suspition of disloyalty; and therefore he might doe well to spare the rest of his speech, and save time, and commit himselfe to her maiesties mercy. And when the earle replied, that it might appeare by that hedge which he diligently put to all his answers, that he spake nothing but only to cleere himselfe from a malicious corrupt affection. My Lord Keeper told him againe, that if thereby he meant the crime of disloyalty, it was that which he needed not to feare; he was not charged with it, as the place and course taken against him might warrant; all that was now laied unto him was contempt and disobedience. And if he intended to persuade them, that he had disobeyed indeed, but not with a purpose of disobeying, that were frivolous and absurd. Then my Lord Treasurer beganne to speake, and cleering the earle from suspition of disloyalty, did very soundly controll diuers of his other excuses. After him Master Secretary, making a preface why he spake before his tyme, by reason of his place, tooke the matter in hand, and first notably cleering the earle from all suspition of disloyalty, which he protested he did from his conscience, and afterwards often iterated the same, and preserved it unto him entire, he spake singularly for the justifying of her majesty's special care and wisdom for the warres in Ireland, in providing whatsoever could be demanded by the earle for that service before his going out; with supplying him afterwards with whatsoever hee could aske, so it were possible to bee given him: in prescribing that course, which had it bene followed, was the onely way to have reduced that realme, and which being forsaken, was the onely ruine and losse of that royall army. And as for all those excuses which the earle alleaged for himselfe, hee cleerely cut them off, shewing that his excuse of following the counsell of Irelands advice, was nothing, his commission being so large, that he was not bound to follow them; and if he had bene, yet were they a counsell at his command; he might force them to say what he list: his own letters which he alleaged, might be provisionary, written of purpose then to excuse him now. To be short, he greatly justified her maiesties wisdom, in managing that whole action, as much as lay in her, and laid the whole fault of the bad successe in Ireland upon the earles ominous journey (so he called it) into Mounster. And thus, in the be-

halfe of her majesty, he fully satisfied the auditors. Master Secretary gave the earle his right alwaies, and shewed more curtesie than any; yet, saied he, the earle in all his journey did nothing else but make (as it were) circles of errors, which were all bound up in the unhappy knot of his disobedient returne. Also he gave the earle free liberty to interrupt him at any time in his speech. But the earle being contented with the opinion of loyalty so cleerely reserved unto him, was most willing to beare the whole burthen of all the rest of the accusation, and therefore never used any further reply; onely by reason of a question or two, that were moved by my Lord of Canterbury and my Lord Admirall: some little speech there was to and fro. My Lord of Canterburies question was concerning the conditions of yeelding unto Tyrone in tolleration of religion; the earle heartily thanked him for moving that doubt, and then protested, that it was a thing mentioned in deed, but never yeelded unto by him, nor yet stood upon by the traitor, to whom the earl had said plainely, Hang thee up, thou carest for religion as much as my horse. Master Secretary also cleared the earle in that respect, that he never yeelded to Tyrone in that foule condition, though by reason of my Lord Admirals question, the earle spake somewhat of his returne, that he did it upon a false ground of hope, that her majesty might pardon him, as shee did the Earle of Leicester in the like case, who returned out of the Low Countries, contrary to her majesties expresse letter. This I thought with myselfe (quoth the earle) if Leicester were pardoned, whose end was to save a kingdome. But Master Secretary replied, that upon his knowledge there never passed any letter from her majesty, to forbid the Earle of Leicester's returne.

Judge Walmesley his speech was more blunt then bitter: Prisoners at our barres (saith he) are more gracelesse, they will not confesse their faults. Againe, he compared my lord his comming home, and leaving the army there, to a shepheard that left his flocke to the keeping of his dogge.

In conclusion, the earle protested, that all he sought for was the opinion of a true and a loyall subject, which might appeare by the speech wherewith he hedged in all his answeres, namely, that he intended onely to show those false guides which misled him, whether they were his owne errors, or the errors of his counsellors, whom he followed, that he yeelded himselfe wholly to her maiesties mercy and favour, and was ready to offer up his poor carkasse unto her, he would not say to doe (for alasse he had no faculties), but to suffer whatsoever her majesty should inflict upon him, and so requested them all to make a just, honourable, and fauourable report of his disordered speeches, which had fallen from him in such sort, as his aking head and body weakened with sickness, would give him leave. This done, they proceeded to the censure.

My Lord Keeper beganne with a good, powerfull, and eloquent speech. That by justice and clemency the throne is established; as for mercy, her majesty had reserved it to herselfe; but for the satisfying of her justice, shee had appointed them to enquire into the cause. That they were to enquire onely of those faults of contempts and disobedience laid unto the earle, and to censure him accordingly, and for her mercy they had nothing to do with it; onely God was to worke it in her princely breast. In examining the earles faults, he laid these for his grounds: that the two grounds and foundations of the princes scepter and estate, are the reputation of a diligent and carefull providence for the preservation of her estate and countries, and the obedience of her subjects; and he that should take either of these from her, should take from her the crowne and scepter. For the first, he notably shewed at large, how her maiesty had deserved it in the whole course of the Irish warres; for obedience, he shewed the nature of it, consisting in precisely following the streight line of the princes commandement, and upon that straine he amplified to the uttermost all the earles contempts and disobediences, that her maiesties great mercy might appeare the more cleerly. Among the rest, (for he went through them all in order) he answered thus to the pretence of Leicesters president for excuse of another; returne. In good things the example is better then the imitation of another; he that doth wel of his owne head, doth best, and he that doth wel by imitation,

doth commendably in a lesse degree; but in bad things the proportion is otherwise, the example being naught, the imitation is worse: therefore if my Lord of Leicester did evill, in comming over contrary to the Queenes commandement, my Lord of Essex did worse in imitating my Lord of Leicester, and is so much the more to be punished for it. In the end he came to the censure, which was this. If, quoth he, this cause had bene heard in the Starre-chamber, my sentence must have been so great a fine as ever was set upon any man's head in that court, and perpetuall imprisonment in that place which belongeth to a man of his quality, that is the Tower; but now that we are in another place, and in a course of favour, my censure is, that he is not to execute the office of a counsellor, nor to holde himselfe for a counsellor of estate, nor to execute the office of earle marshall of England, nor of the master of the ordinance, and to returne to his owne house, there to continue a prisoner as before, till it shall please her majesty to release both this and all the rest.

After my Lord Keeper all the rest in order gave their censures (amplifying her majesties clemency and the earles offences), according to the manner in the Starre-chamber; but all accorded to this censure, (for so they called it, and not a sentence), Master Secretary said, my censure is, that the earle deserveth, &c. The greater part of the day was spent in the lords censures, who were many of them very long, onely the noble men (not counsellors) were short.

The Earle of Worcester cited these two verses;

Scilicet a superis etiam fortuna luenda est,
Nec veniant, læso numine, casus habet.

Even for our fortune gods may cast us downe,
Neither can chance excuse, if a god frowne.

The Earle of Cumberland said, if he thought that censure should stand, he would crave longer time, for it seemed unto him somewhat hard and heavy, intimating how easily a generall commander might incurre the like; but (quoth hee) in confidence of her maiesties mercy, I agree with the rest.

The Lord Zouch would give no other censure, but that which he thought the earle would lay upon himselfe, that was, that he would restraine himselfe from executing his offices, &c. and keepe himselfe in his house, till her majesty shall release all.

They all seemed by their speeches to conceive a sure hope of her majesties releasing this censure, and the earl was reasonably chearefull, onely his body seemed weake and distempered with sicknesse, and now and then he shewed most manifest tokens of sorrow for his offence to her maiesty, by teares in his eyes (specially in the first part of his owne speech, and when my Lord Keeper spake).

[Fynes Moryson's Itinerary, fol. Lond. 1617. Part II. Ireland, anno 1600. pp. 68—74.

4 D. *Life*, p. lxxviii.

A Letter to the Earl of Essex, in offer of his service when he was first enlarged to Essex House.

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

so fit a messenger for mine own letter, I thought good also to redouble by writing. And so I commend you to God's protection. From Gray's Inn, this 9th day of July, 1600. (a)

An Answer of my Lord of Essex to the immediately preceding Letter of Mr. Bacon's.

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

If it is imagined that the apparent coldness of this letter ought to be ascribed to injured feeling, to that lofty spirit, which could not brook any real or apparent opposition, let the time when it was written: let it be connected with the letters in note E: let the conclusion of the letter, beginning at "till her majesty," and let Bacon's accidental account of these letters in page lxxxi, "and having received from his lordship a courteous and loving acceptation of my good will and endeavours," be considered; and it will, perhaps, clearly appear that this was a letter intended to be seen by the Queen.

4 E. *Life*, p. lxxix.

The following are the letters:

Two Letters framed, one as from Mr. Anthony Bacon to the Earl of Essex; the other, as the Earl's answer.

My singular good Lord,—This standing at a stay doth make me, in my love towards your lordship, jealous, lest you do somewhat, or omit somewhat, that amounteth to a new error; for I suppose that of all former matters there is a full expiation; wherein, for any thing which your lordship doth, I, for my part, (who am remote) cannot cast or devise wherein my error should be, except in one point, which I dare not censure nor dissuade; which is, that as the prophet saith, in this affliction you look up "ad manum percutientem," and so make your peace with God. And yet I have heard it noted, that my lord of Leicester, who could never get to be taken for a saint, yet in the Queen's disfavour waxed seeming religious; which may be thought by some, and used by others, as a case resembling yours, if men do not see, or will not see, the difference between your two dispositions. But, to be plain with your lordship, my fear rather is, because I hear how some of your good and wise friends, not unpractised in the court, and supposing themselves not to be unseen in that deep and unscrutable centre of the court, which is her majesty's mind, do not only toll the bell, but even ring out peals, as if your fortune were dead and buried, and as if there

(a) A copy of this letter is supposed, erroneously perhaps, to have been sent by Bacon to Lord Salisbury, on the 20th of July.

were no possibility of recovering her majesty's favour; and as if the best of your condition were to live a private and retired life, out of want, out of peril, and out of manifest disgrace. And so, in this persuasion to your lordship-wards, to frame and accommodate your actions and mind to that end; I fear (I say) that this untimely despair may in time bring forth a just despair, by causing your lordship to slacken and break off your wise, loyal, and seasonable endeavour and industry for redintegration to her majesty's favour, in comparison whereof all other circumstances are but as atoms, or rather as a vacuum, without any substance at all. Against this opinion, it may please your lordship to consider of these reasons, which I have collected; and to make judgment of them, neither out of the melancholy of your present fortune, nor out of the infusion of that which cometh to you by other's relation, which is subject to much tincture, but "ex rebus ab ipsis," out of the nature of the persons and actions themselves, as the truest, and less deceiving ground of opinion. For, though I am so unfortunate as to be a stranger to her majesty's eye, much more to her nature and manners, yet by that which is extant I do manifestly discern that she hath that character of the divine nature and goodness, as "quos amavit, amavit usque ad finem;" and where she hath a creature, she doth not deface nor defeat it: insomuch as, if I observe rightly, in those persons whom heretofore she hath honoured with her special favour, she hath covered and remitted, not only deficiencies and ingratitude in affection, but errors in state and service.

2. If I can, scholar-like, spell and put together the parts of her majesty's proceedings now towards your lordship, I cannot but make this construction; that her majesty, in her royal intention, never purposed to call your doings into public question, but only to have used a cloud without a shower, and censuring them by some restraint of liberty, and debarring from her presence. For both the handling the cause in the Star Chamber was enforced by the violence of libelling and rumours, wherein the Queen thought to have satisfied the world, and yet spared your appearance: and then after, when that means, which was intended for the quenching of malicious bruits, turned to kindle them, because it was said your lordship was condemned unheard, and your lordship's sister wrote that private letter, then her majesty saw plainly that these winds of rumours could not be commanded down, without a handling of the cause, by making you party, and admitting your defence. And to this purpose I do assure your lordship, that my brother Francis Bacon, who is too wise to be abused, though he be both reserved in all particulars more than is needful, yet in generality he hath ever constantly, and with asseveration affirmed to me, that both those days, that of the Star Chamber, and that at my Lord Keeper's, were won of the Queen, merely upon necessity and point of honour, against her own inclination.

3. In the last proceeding, I note three points, which are directly significant, that her majesty did expressly forbear any point which was irrecuperable, or might make your lordship in any degree incapable of the return of her favour, or might fix any character indelible of disgrace upon you: for she spared the public places, which spared ignominy; she limited the charge precisely, not to touch disloyalty, and no record remaineth to memory of the charge or sentence.

4. The very distinction which was made in the sentence of sequestration, from the places of service in state, and leaving to your lordship the place of master of the horse, doth in my understanding point at this, that her majesty meant to use your lordship's attendance in court, while the exercises of other places stood suspended.

5. I have heard, and your lordship knoweth better, that now since you were in your own custody, her majesty, "in verbo regio," and by his mouth to whom she committeth her royal grants and decrees, hath assured your lordship she will forbid, and not suffer your ruin.

6. As I have heard her majesty to be a prince of that magnanimity, that she will spare the service of the ablest subject or peer, where she shall be thought not to stand in need of it; so she is of that policy, as she will not blaze the service of a meaner than your lordship, where it shall depend merely upon her choice and will.

7. I held it for a principle that those diseases are hardest to cure, whereof the cause is obscure; and those easiest, whereof the cause is manifest. Whereupon I conclude, that since it hath been your errors in your lowness towards her majesty which have prejudiced you, that your reforming and conformity will restore you, so as you may be "*faber fortunæ propriæ*."

Lastly, considering your lordship is removed from dealing in causes of state, and left only to a place of attendance, methinks the ambition of any which can endure no partners in state matters may be so quenched, as they should not laboriously oppose themselves to your being in court. So as upon the whole matter, I cannot find, neither in her majesty's person, nor in your own person, nor in any third person, neither in former precedents, nor in your own case, any cause of peremptory despair. Neither do I speak this, but that if her majesty out of her resolution should design you to a private life, you should be as willing, upon the appointment, to go into the wilderness as into the land of promise; only I wish that your lordship will not despair, but put trust (next to God) in her majesty's grace, and not be wanting to yourself. I know your lordship may justly interpret, that this which I persuade may have some reference to my particular, because I may truly say, "*tu stante non virebo*," for I am withered in myself; but *manebo*, or *tenebo*, I should in some sort be, or hold out. But though your lordship's years and health may expect return of grace and fortune, yet your eclipse for a time is an "*ultimum vale*" to my fortune: and were it not that I desired and hope to see my brother established by her majesty's favour, as I think him well worthy for that he hath done and suffered, it were time I did take that course from which I dissuade your lordship. Now in the mean time, I cannot choose but perform those honest duties unto you, to whom I have been so deeply bound, &c.

A Letter framed as from the Earl, in answer to the former letter.

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

Your loving friend, R. ESSEX.

NOTE 4 E.

The Substance of a Letter I now wish your Lordship should write to her Majesty.

That you desire her majesty to believe *id, quod res ipsa loquitur*, that it is not conscience to yourself of any advantage her majesty hath towards you, otherwise than the general and infinite advantage of a queen and a mistress; nor any drift or device to win her majesty to any point or particular, that moveth you to send her these lines of your own mind: but first, and principally, gratitude; next a natural desire of, you will not say, the tedious remembrance, for you can hold nothing tedious that hath been derived from her majesty, but the troubled and pensive remembrance of that which is past, of enjoying better times with her majesty, such as others have had, and that you have wanted: You cannot impute the difference to the continuance of time, which addeth nothing to her majesty but increase of virtue, but rather to your own misfortune or errors. Wherein, nevertheless, if it were only question of your own endurances, though any strength never so good may be oppressed, yet you think you should have suffocated them, as you had often done, to the impairing of your health, and weighing down of your mind. But that which indeed toucheth the quick is, that whereas you accounted it the choice fruit of yourself to be a contentment and entertainment to her majesty's mind, you found many times to the contrary, that you were rather a disquiet to her, and a distaste.

Again, whereas in the course of her service, though you confess the weakness of your own judgment, yet true zeal, not misled with any mercenary nor glorious respect, made you light sometimes upon the best and soundest counsels; you had reason to fear that the distaste particular against yourself made her majesty farther off from accepting any of them from such a hand. So as you seemed, to your deep discomfort, to trouble her majesty's mind, and to foil her business; inconveniences, which, if you be minded as you ought, thankfulness should teach you to redeem, with stepping down, nay throwing yourself down, from your own fortune. In which intricate case, finding no end of this former course, and therefore desirous to find the beginning of a new, you have not whither to resort, but unto the oracle of her majesty's direction. For though the true introduction *ad tempora meliora* be by an *amnestia* of that which is past, except it be in the sense that the verse speaketh, *Olim hæc meminisse jurabit*, when tempests past are remembered in the calm; and that you do not doubt of her majesty's goodness in pardoning and obliterating any of your errors and mistakings heretofore; refreshing the memory and contemplations of your poor services, or any thing that hath been grateful to her majesty from you; yea, and somewhat of your sufferings, so though that be, yet you may be to seek for the time to come. For as you have determined your hope in a good hour not willingly to offend her majesty, either in matter of court or state, but to depend absolutely upon her will and pleasure, so you do more doubt and mistrust your wit and insight in finding her majesty's mind, than your conformities and submission in obeying it; the rather because you cannot but nourish a doubt in your breast, that her majesty, as princes' hearts are inscrutable, hath many times towards you *aliud in ore, et aliud in corde*. So that you, that take her *secundum literam*, go many times farther out of your way.

Therefore your most humble suit to her majesty is, that she will vouchsafe you that approach to her heart and bosom, *et ad scrinium pectoris*, plainly, for as much as concerneth yourself, to open and expound her mind towards you, suffering you to see clear what may have bred any dislike in her majesty; and in what points she would have you reform yourself, and how she would be served by you. Which done, you do assure her majesty, she shall be both at the beginning and the ending of all that you do, of that regard, as you may presume to impart to her majesty.

And so that hoping that this may be an occasion of some farther serenity from her majesty towards you, you refer the rest to your actions, which may verify what you have written; as that you have written may interpret your actions, and the course you shall hereafter take.

Indorsed by Mr. Francis Bacon—A Letter framed for my Lord of Essex to the Queen.

4 F. *Life*, p. xc.

In the Harl. MS. No. 6854, fol. 188, entitled a description of the arraignment of Robert, Earl of Essex, and Henry, Earl of Southampton, the 19th day of February, 1600, is the following speech of Lord Bacon's :

Then Mr. Bacon entered into a speeche much after this fashion, in speaking of this late and horrible rebellion which hath been in the eis and eares of all men. I shall save my self much labour in opening and enforcing the particular pointes therof, insomuch as I spake not before cuntry jury of ignoraunt people, but before a most honorable assemblie of the gravest and sagest pceers of the realme, whose wisdomes conceaves farr more then my tonge can utter ; yet with your gracious and honorable favours, I will presume, if not for informacion of your lordshippes, yet for dischargde of my duetie to saie this much, that there was never any traytor hard of soe shameleslie desperat that durste directlie attempt the seate of his liege soveraigne, but alwais covered his practizes with some plausible pretence, for God hath ymprinted such a majestie in the face of princes, that noe subject dare approach the person of his soveraigne with any open traiterous yntent, and therefore they runne another side course oblique and altare, making shew to reforme some corrupcion in the state of religion, to reduce some aunycient libertie, or to remove some persons in highe places, yet still ayming at the subversion of the estate and destruction of their princes : so Cayne, the first murtherer, tooke upp an excuse, as shameing to out face that fact with impudency ; and soe this traytor Essex made his collour the scowring of some noble men and councillors from her majesties favour and the feare he stood in of his pretended enemies, lest they should murther hime. Therefore he said he was compelled to fly into the cittie for favour and defence, not much unlike Pisistrates, of whom yt is so aunycientlie written, how he gasht and wounded himself and in that sort rann cryeing into Athens that his lief was sought, and like to have been taken awaie, thinking to move the people to have pittie on him by such counterfett dainger and harme, whereas his ayme was to take the government of the cittie into his handes ; and after the forme therof, with like pretence of dainger and assaultes, the Erle of Essex entered the cittie of London throw the bowels therof, whereas he had noe such enemyes nor such daingers. But you, my lo. should know, that althrough the princes geve their subjectes causes of discontent, thoughte they take away the honors they heaped uppon them, thoughte they bringe them to a lower estate from whence they first raysed them, yet ought they not to be soe forgetfull of their alleageaunce, that therefore they should enter into any undutifull action, lesse upon rebellion, as they have donn.

Here the Erle of Essex spake to answer Mr. Bacon. I muste call forth Mr. Bacon against Mr. Bacon : you must then that Mr. Bacon hath written twoe severall lettres, the one artificialie framed in my name, haveing first framed one from me ; and Bacon, to provoke me, he layed doune the groundes of my discontent, and the reons I pretended against my enemyes much like such a lettre as my sister Lady Rich wrott, and was therefore called before your lordshippes ; yf those reons were then iuste and true, not counterfett, how can yt be that now my pretences are false, and iniurious, ffor ther Mr. Bacon joyned with me in opinion and pointet out those to be my enemyes, and hold me in disgrace with her majesty, whom now he seemeth to cleere of any such mynde towards me, and therefore leave the truth of what I saie, and he opposeth, to your lordshippes indifferent consideracions. Then said Mr. Bacon, for those lettres, my lord, if they were here they would not bluse for any thing conteigned in them. I thinke soe, said the Erle of Essex ; for you have thrust them into many men's handes. Well, my lo. said Mr. Bacon, I have spent more houres in vaine, in studiing how to make you a good servaunt to her majestie and state then I have donn in any thing ells. Who, I ? Mr. Bacon, a good subject by your studye, said the erle with scornful countenance.

In the Harleian MS. No. 5202, entitled Proceedings against the Earl of Essex, 1600, the following speeches of Mr. F. Bacon occur :

Then Mr. Baconne speake to this effecte. I expected not, quoth hee, that the matter of defence should have bine excused. Therefore I must elatt my speache for that I intended, to rebell in defence is matter not had of morther to defend is lawfull, but in this cause to doe all that was donne that day, and to goe about to blanch I cannot allowe, I speake not to simple men, I speake to them that cane draw prooffe out of the matter ; the thinges themselves is known by boockes, by experience, and by common lawe, that noe unlawful intendementes bent against the prynce, but that is an alteringe of government, as the phrease is in Scotland, they goe by noe meanes but by particulars enimies. My lord, I cannot assemble your proceedings to bee more aptly then that of Passisortus of Athens, who lanced himselfe, to the intent that by the sightes of his bleedinge woundes, the people might belive he was sett upon, your lordshipe gave out that your lyffe was sought by my Lo. Cobham and Sir W. Ralighe, and came in shuche a shewe of religion, that mens cies weare not able to behold the dept of it throughe shuche a mist. But your imprisoninge of the lordes of the councill, what refference had that face to my Lo. Cobham or the rest ? you alledge the matter against to bee resoulded vpon a sudon, when you were 3 monthes in a deliberation. Oh, my lord, destren with your selfe, and stripe you of all excuses the persons whom you shot att, yf you rightly vnderstand are your best frendes.

Then the E. of Essex interrupted him and sead that the speache of Mr. Baconne gaue him occation to speake for himselfe ; for, saithe hee, Mr. Baconne beinge a dailie courtier, and havinge free access to her majestie, vnderooke to goe to the Queene in my behalfe, and did write a letter most artificially, which was subscribed with my name, also another letter was drawne by him to occation that letter with others that should come from his brother, Mr. Anthony Baconne, bothe which he shewed the Q. Gosnall and he brought me bothe the letters, and in my letter hee did plead for me feelingly against thous enimies, and poynted them out as particularly as was possible.

Here Mr. Baconne answered that thees degressions weare not ffit, nether would be suffered, but that the honorable parties of assemblys weare great, yet hee spent more tyme to make him a servant for her majestie then ever he desarued, and for any thinge contayned in the letters, they would not blushe at the clearest light.

But, saith the Earle, lett it be judged indifferently whether I have cause of greefe or not, when I was informed by thous of good credit, that a honorable gentelman and a wise councillor did with teare lament the courses that weare talkinge, besides of that I speake in London, that the infant was entyteled the succession. I had reason for it, for it was tould me that Mr. Secretary should say it to one of his fellow councelors, that the infantes tytyle, &c. &c.

Then Mr. Baconne speake to thes effecte. I doubte the veriatie of the matter and the degressions haue seuered the judgmentes of the lordes, and therefore I hould it necessary to trye the judges opinions ; that donne, hee proceeded to this effecte : nowe putt the case the E. of Essex's intent were as you would have it beleued, to goe as a spectacell to her majestie, yet shall there petitions be armed petitions, which all was losse of libertie to the prynce, nether is it a nyce poynt of law, as my lord of South. would haue it, that condemes them of treason, even common sence to consult, to executte, to rune and gether a nomber in there dublettes and hosse, armed with weapons, what can bee the cause ? Warned by my Lo. Kep. by a harowld, and yet presist, will any simple man take this lese then treason.

The E. of Essex replied, that if he had purposed any thinge against any other than honeste fore his privat enimies, hee would not have shewed with soe small a company.

Mr. Baconne answered, that not the company that you carried with you that you trusted in, but the assistment hoped for in the city. The Guies thrust

theme selves into Paris with only viij gent. and soe was aded, but thanks be to God, you sayled of it in London, but what followed? the kinge was put to his pilgrimage habit, and in them devised to escape from the feare of the Guies; you came with all hale to the citie, but thend was treason, as hath bene already proved.

There is another copy of this speech of Lord Bacon's, nearly in the same words, in the Harl. MS. No. 6854, fol. 231. See also State Trials.

4 G. *Life*, p. xciv.

Birch, vol. ii. p. 505. But in the beginning of June the year following her majesty, in a conversation with Count de Beaumont, successor to Mons. de Boissise, as ambassador to her from France, after owning herself to be weary of life, with sighs and tears in her eyes, touched upon the subject of the earl's death, and said, that having been apprehensive, from the impetuosity of his temper and his ambition, that he would precipitate himself into destruction by some ill design, she had advised him above two years before to content himself with pleasing her on all occasions, and not to shew such an insolent contempt for her as he did; but to take care not to touch her sceptre, lest she should be obliged to punish him according to the laws of England, and not according to her own, which he had found too mild and favourable for him to fear any suffering from them; but that her advices, however salutary and affectionate, could not prevent his ruin.

The ambassador wrote again to his master on the 28th of March, N. S. that the Queen continued to grow worse, and appeared already in a manner insensible, not speaking sometimes for two or three hours, and within the last two days not for above four and twenty, holding her finger almost continually in her mouth, with her eyes open and fixed upon the ground, where she sat upon cushions without rising or resting herself, and was greatly emaciated by her long watching and fasting.

In his next letter, of the 1st of April, N. S. he informs Mons. Villeroy, that the Queen was drawing to her end, and had been abandoned the day before by all her physicians, but was now forced in a manner into bed, after having sat ten days upon cushions, refusing to repose herself on it except for one hour, and that in her clothes. She seemed once to be so much better, calling for broth, that those about her entertained some hopes of her; but soon after began to lose her speech, and from that time eat nothing, but lay on one side on the day of the date of this letter, without speaking or looking upon any person, though the day before she had directed some meditations to be read to her, and, among others, those of Mons. du Plessis.

4 H. *Life*, p. xciv.

Between the year 1605 and 1612, Bacon wrote an Essay "*in Felicem Memoriam Elizabethæ*." This appears by a letter of Lord Bacon's to Sir George Carew, who was dead in 1613, as Mr. De Thou, in a letter to Mr. Camden, in 1613, laments his death.

The following is a copy, from the Cabala and Stephens's collection, of the letter:

To Sir George Carew.

My very good Lord,—Being asked the question by this bearer, an old servant of my brother Anthony Bacon's, whether I would command him any thing into France; and being at better leisure than I would, in regard of sickness, I began to remember, that neither your business nor mine, (though great and continual) can be, upon an exact account, any just occasion, why so much good will as hath passed between us should be so much discontinued, as hath been. And therefore, because one must begin, I thought to provoke your remembrance of me by a letter; and thinking to fit it with somewhat besides salutations, it came

to my mind, that this last summer vacation, by occasion of a factious book, that endeavoured to verify, *Misera Famina* (the addition of the Pope's bull), (a) upon Queen Elizabeth, I did write a few lines in her Memorial, which I thought you would be pleased to read, both for the argument, and because you were wont to bear affection to my pen, *Verum, ut aliud ex alio*, if it came handsomely to pass, I would be glad the President de Thou, (who hath written an history, as you know, of that fame and diligence) saw it; chiefly because I know not whether it may not serve him for some use in his story; wherein I would be glad he did right to the truth, and to the memory of that lady, as I perceive by that he hath already written, he is well inclined to do. I would be glad also it were some occasion (such as absence may permit) of some acquaintance, or mutual notice between us. For though he hath many ways the precedence (chiefly in worth) yet this is common to us both, that we serve our sovereigns in places of law eminent; and not ourselves only, but our fathers did so before us. And lastly, that both of us love learning and liberal sciences, which was ever a bond of friendship, in the greatest distance of places. But of this I make no further request than your occasions and respects (to me unknown) may further or limit; my principal purpose being to salute you, and to send you this token. Whereunto I will add my very kind commendations to my lady, and so commit you both to God's holy protection.

It seems also that he then had, if not the intention, the inclination to publish it; the following passage is from the tract:—There are two fair issues of her happiness, born to her since her death, I conceive not less glorious and eminent than those she enjoyed alive. The one of her successor, the other of her memory. For she hath gotten such a successor, who although for his masculine virtues, and blessing of posterity, and addition of territories, he may be said to exceed her greatness and somewhat to obscure it; notwithstanding he is most zealous of her name and glory; and doth even give a perpetuity to her acts, considering both in the choice of the persons, and in the orders, and institutions of the kingdom, he hath departed so little from her so as a son could hardly succeed a father, with less noise of innovation. As for her memory, it hath gotten such life in the mouths and hearts of men, as that envy being put out by her death, and her fame lighted, I cannot say whether the felicity of her life, or the felicity of her memory be the greater. For if, perhaps, there fly abroad any factious fames of her, raised either by discontented persons, or such as are averse in religion; which notwithstanding dare now scarce shew their faces, and are every where cried down; the same are neither true, neither can they be long lived. And for this cause especially have I made this collection, such as it is, touching her felicity, and the marks of God's favour towards her; that no malicious person should dare to interpose a curse, where God hath given a blessing.

“Restant felicitates posthumæ duæ, iis quæ vivam comitabantur feri celsiores et augustiores: una successoris, altera memoriæ. Nam successorem sortita est eum, qui licet et mascula virtute et prole, et nova imperii accessione fastigium ejus excedat et obrumbret; tamen et nomini et honoribus ejus faveat, et actis ejus quandam perpetuitatem donet: cum nec ex personarum delectu, nec ex institutorum ordine, quicquam magnopere mutaverit: adeo ut raro filius parenti, tanto silentio, atquæ tam exigua mutatione et perturbatione successerit.”

In 1605, he published the Eulogium on Elizabeth, which is in page xcvi, of the text of this life.

About the year 1612, “The King,” says Wilson, “cast his thoughts towards Peterborough, where his mother lay, whom he caused to be translated to a magnificent tomb, at Westminster. And (somewhat suitable to her mind

(a) I have a tract in my possession, entitled, *Felix Memoria Elizabethæ Angliæ Regiæ Auctore Francisco Bacono, Barone de Verulamio, Vice Comite S. Albani. Helmatadi, Typis Georg-Wolfgangi, Hammi. Acad. Typogr. Anno MDCLXXXIX.* At the conclusion of this tract the Pope's bull is annexed.

when she was living) she had a translucent passage in the night, through the city of London, by multitudes of torches; the tapers placed by the tomb and the altar, in the cathedral, smoking with them like an offertory, with all the ceremonies, and voices, their quires and copes could express, attended by many prelates and nobles, who paid this last tribute to her memory."

In 1623 Lord Bacon published the treatise "De Augmentis." In this treatise the praise of Elizabeth, in the Advancement of Learning, is wholly omitted, and certainly not for its want of beauty; he also omits the passage, "Then the reign of a queen matched with a foreigner: then of a queen that lived solitary and unmarried, and yet her government so masculine that it had greater impression and operation upon the states abroad than it any ways received from thence;" merely saying, "Rursus regnum fœminæ solitariæ et cœlibis." Whatever were the motives by which he was induced to suppress, for a time, the just praise of Elizabeth, he ordered the publication in a will, which he afterwards cancelled, but, in all probability, after some understanding with Dr. Rawley, that the publication should appear, as it did, soon after his death. This appears from Rawley's account, and from Archbishop Tension's Baconiana.

Archbishop Tension published, in the Baconiana, this extract from his will, saying, "It is a transcript out of his lordship's will concerning his writings. There in particular manner, he commendeth to the press The Felicities of Queen Elizabeth." The words in the will are, "In particular I wish the elogie which I writ 'in felicem memoriam Elizabethæ' may be published."

The will to which the Archbishop and Dr. Rawley refer was a former will, and was altered. This appears by comparing the transcript by Archbishop Tension with the published copy of his last: and that there may not be any mistake, I compared the printed copy of Lord Bacon's will, with the copy in Doctor's Commons, and found it correct, except with a few immaterial literal variations.

The published, that is, the correct copy of Lord Bacon's will, does not contain this direction respecting the eulogy on Elizabeth.

In the year 1651 a tract was published from which it appears that the essay "In felicem memoriam Elizabethæ" had not been confined to the drawer of Dr. Rawley; it is entitled, *In happy Memorie of Elizabeth, Queen of England, or a Collection of the Felicities of Queen Elizabeth.*

Of this tract Archbishop Tension says, "The third is a memorial, intituled The Felicities of Queen Elizabeth. This was written by his lordship in Latin only. A person of more good will than ability, translated it into English, and called it in the singular, Her Felicity. But we have also a version, much more accurate and judicious, performed by Doctor Rawley, who was pleased to take that labour upon him, because he understood the value his lordship put upon this work; for it was such, that I find this charge given concerning it, in his last will and testament. 'In particular I wish the elogie which I writ, in *Felicem Memoriam Elizabethæ*, may be published.'" This version was published in 1657, many years after the death of James, in the first edition of the *Resuscitatio*, where in his address to the reader, he says, "I thought it fitting to intimate, that the discourse within contained, intituled A Collection of the Felicities of Queen Elizabeth, was written by his lordship in Latin only; whereof, though his lordship had his particular ends then, yet in regard that I held it a duty, that her own nation, over which she so happily reigned for many years, should be acquainted and possessed with the virtues of that excellent queen, as well as foreign nations, I was induced, many years ago, to put the same into the English tongue; not *ad verbum*, for that had been but flat and injudicious; but (as far as my slender ability could reach) according to the expressions, which I conceived his lordship would have rendered it in, if he had written the same in English; yet ever acknowledging that Zeuxis or Apelles' pencil, could not be attained but by Zeuxis or Apelles himself. This work, in the Latin, his lordship so much affected, that he had ordained, by his last will and testament, to have had it published many years since; but that singular person entrusted therewith soon after deceased; and therefore it must

NOTE 4 H.

now expect a time to come forth, amongst his lordship's other Latin works." The translation is in the Resuscitatio. The Latin copy is in vol. xi. of this edition, p. 375.

In the Harleian Miscellany in the British Museum, No. 6797, there is a folio containing, amongst various papers, a tract of praise of Queen Elizabeth; it was published in 1734 by Stephens. It is in Mallet's folio edition of 1760; and is in vol. vii. page 147 of this edition.

NOTE ZZ.

Respecting the Charge of Bribery.

Solicitations by Suitors in England.

1. Temp. Eliz.
2. Temp. Jac.
 - { 1. Before time of Bacon.
 - { 2. During time of Bacon.
 - { 3. After time of Bacon.
3. Present times.

Temp. Eliz.

Letters from Trinity College, Cambridge, to Lord Burleigh, respecting a Cause before him in which the College was interested, 1596.

Our humblest duties remembered. Your lordship's most honorable protection to our poor colledge giveth us occasion at this present to crave some favour in a cause depending before your honorable lo. in the Exchequer chamber, into which court hath our tenant of the Rectorie of Swinsheade, within the countie of Lincoln been drawne for certain tythes to the Lo. Delaware's lands within that parish, pretended to belong to the free chapel of Barthrope, from no other evidence than a bare and torne inquisition lately discovered by one Jeff, and since sold for five pounds to John Knight, now plaintiff for the said tythes in question; who being the Lo. Delaware's bayly in these parts hath procured, of late years, some broken payments of the said tythes, by threats, and promises to save the saide tenants there harmeles, and not otherwise. May it therefor please your most honorable lordship, for preservation of the colledge rights to examine the validity of the said inquisition, being no sufficient evidence, as we are advertised, against so auntient possession, and never taken by the oathes of any due inquest. Whereunto, nevertheless, if we must submit ourselves for the Queene, yet our humble request is, for avoyding of further inconvenience, wherein we stand more entangled by some indirect entring of a late decree in this cause, that the said decree so misentered at least may be explained and rectified by order of that honorable court, and that henceforth the plaintiff intermeddle not anie with other tythes save corne and haye, which in the said inquisition are only reserved. So being always bolde to trouble your lo. in all our needs, we humble comend your most honorable lordship to Almightye God. From Trinity College, in Cambridge. Januarii 27^o 1596.

Your Lo. most humblio to be always comaunded,
Thomas Nevile,

Jer. Radcliffe,
Gre. Milner,
Thomas Harrison,
William Hall,

John Overall,
Hn. Graye,
Richa. Wright,
Thomas Furtho'.

To the Right Honorable our very singular good
L.o. the Lo. Burghley, Lo. High Treasurer of
England.

Lansd. MS.

The following is a letter written in the year 1597 from the University of Oxford to Lord Burleigh to induce him to interfere with the Lord Keeper respecting a pending cause in which the universities were interested.

If, most honored Sir, the risk to which we are exposed were ours alone, yet from a persuasion of your perfect goodwill to us, and the belief of mutual friendship we should think ourselves right in invoking your support as readily as that of our own Chancellor. But since the well-being of the other university is assailed by the same danger which involves our interests, we hasten to borrow a share in that succour which your own Cambridge claims from you, that those who are united in one danger may conjoin their resources for the common cause. A deputation of our members has attended, by order of the court of Chancery, where, as they were bound to do, they pleaded the privilege of the university to the jurisdiction, and asked that by the favour of the court, they might be relieved from the necessity of leading evidence in any public trial, and permitted to settle the disputed points, after the antient manner, at home. Their plea was so little regarded that while the validity of the privilege was undeniable, they made their reports to us that the matter must be tried in the usual course. The answer having been repeatedly returned our most honorable chancellor at our earnest desire dealt with the illustrious lord keeper to appoint a day in which he should be at liberty to take cognizance of our cause, and to decide upon it, thinking that whether the decision should accord with our wishes or disappoint them, it was still no small object to ascertain as soon as possible what we had to expect. Each ought to have that committed to him which he is best fitted to administer, and our distinguished chancellor has promised, so far as he is concerned, that though prevented from interfering, by having in some measure a common interest in the cause, he will exert himself to bring the dispute to an equitable determination. But your lordship has a free access to solicit for your friends where the cause is not your own; and we therefore the more earnestly conjure you to endeavour to conciliate in our favor that noble person, the Lord Keeper; and, with your wonted and unequalled skill and influence, to obtain for us on the day whereon the honorable court shall grant us a hearing, a prompt and fair decision. Which trouble, if you consent to take upon you, you will render no less a favor to Cambridge than to us, and shall bind us as closely to you as are your friends its members. We wish you, most honorable Sir, all health, and that you may long live for your country and for us. Given the 12 February, 1597.

For the Most Honorable Baron Burleigh, High
Treasurer of England, Privy Counsellor to
the Queen's Majesty:—These.

Temp. Jac. Before Bacon was Chancellor.

The influencing a judge out of court seems at that period scarcely to have been considered improper. A short time before Sir Francis was appointed Lord Keeper, Sir Edward Coke had incurred the royal displeasure. The King, anxious to convict one Peacham, but doubting the issue of a trial, ordered his attorney general to sound the judges upon it, and gather their opinions privately before he instituted a public prosecution. "I will not thus declare what may be my judgment by these auricular opinions of new and pernicious tendency, and not according to the customs of the realm," was the answer of Sir Edward Coke.

A cause against the Bishop of Litchfield, respecting a vacant church held in commendam, Serjeant Chiborne, who was council against the bishop, in derogatory the case had maintained several positions, reckoned prejudicial and derogatory to the King's supreme and imperial power, which was affirmed to be distinct from, and of a higher nature than his ordinary authority. Informed of this, James peremptorily commanded them to stay all proceedings till his return to London. They were then summoned before the council, and sharply reprimanded.

manded for suffering the popular lawyers to question his prerogative, which was represented as sacred and transcendent, not to be handled or mentioned in vulgar argument. At last, raising his voice to frighten them into submission, he put this question to them severally: "If, at any time, in a case depending before the judges, he conceived it to concern him either in profit or power, and thereupon required to consult with them, and that they should stay proceedings in the mean time, whether they ought not to stay them accordingly?" They all, the chief justice only excepted, acknowledged it their duty to do so. His answer was, "When such a case happens I will do that which will be fit for a judge to do." For this noble conduct, for this independent spirit, in resisting an attempt to violate the law, Sir Edward Coke was, as it is termed, disgraced, a censure which reflected more honour upon him than all his preferments.

The following letters will exhibit the nature of the proceedings in these times.

To the King, touching Peacham's business, &c.

It may please your excellent Majesty,—I received this morning, by Mr. Murray, a message from your majesty, of some warrant and confidence that I should advertise your majesty of your business, wherein I had part: wherein I am first humbly to thank your majesty for your good acceptation of my endeavours and service, which I am not able to furnish with any other quality, save faith and diligence.

For Peacham's case, I have since my last letter, been with my lord Coke twice; once before Mr. Secretary's going down to your majesty, and once since, which was yesterday: at the former of which times I delivered him Peacham's papers; and at this latter the precedents, which I had with care gathered and selected; for these degrees and order the business required. At the former I told him that he knew my errand, which stood upon two points; the one to inform him of the particular case of Peacham's treasons, for I never give it other word to him; the other, to receive his opinion to myself, and in secret, according to my commission from your majesty. At the former time he fell upon the same allegation which he had begun at the council table; that judges were not to give opinion by fractions, but entirely according to the vote whereupon they should settle upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous; and other words more vehement than I repeat. I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one. And then to give him a little outlet to save his first opinion, wherewith he is most commonly in love, I added, that judges sometimes might make a suit to be spared for their opinion, till they had spoken with their brethren; but if the king, upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining; nay, that it touched upon a violation of their oath, which was to counsel the king, without distinction, whether it were jointly or severally. Thereupon, I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives, and many things more precious than the life of a particular; as war, and peace, and the like. To conclude, his lordship *tanquam exitum quarens*, desired me for the time to leave with him the papers, without pressing him to consent to deliver a private opinion till he had perused them. I said I would. But he desired me to leave the precedents with him, that he might advise upon them. I told him, the rest of my fellows would dispatch their part, and I should be behind with mine; which I persuaded myself your majesty would impute rather to his backwardness than my negligence. He said, as soon as I should understand that the rest were ready, he would not be long after with his opinion.

For Mr. St. John, your majesty knoweth, the day draweth on; and my lord Chancellor's recovery, the season, and his age, promising not to be too hasty. I spake with him on Sunday, at what time I found him in bed, but his spirits strong, and not spent or wearied, and spake wholly of your business, leading me from one matter to another; and wished and seemed to hope that he might attend the day for O. S. and it were, as he said, to be his last work to conclude his services, and express his affection towards your majesty. I presumed to say to him, that I knew your majesty would be exceeding desirous of his being present that day, so as that it might be without prejudice to his continuance; but that otherwise your majesty esteemed a servant more than a service, especially such a servant. Surely, in mine opinion, your majesty were better put off the day than want his presence, considering the cause of the putting off is so notorious; and then the capital and the criminal may come together the next term.

I have not been unprofitable in helping to discover and examine, within these few days, a late patent, by surreption obtained from your majesty, of the greatest forest in England, worth 30,000*l.* under colour of a defective title, for a matter of 400*l.* The person must be named, because the patent must be questioned. It is a great person, my lord of Shrewsbury; or rather, as I think, a greater than he, which is my lady of Shrewsbury. But I humbly pray your majesty to know this first from my lord treasurer, who methinks groweth even studious in your business. God preserve your majesty. Your Majesty's most humble and devoted subject and servant,
FR. BACON.

Jan. 31, 1614.

The rather, in regard to Mr. Murray's absence, I humbly pray your majesty to have a little regard to this letter.

A Letter to the King, touching Peacham's Cause, January 27, 1614.

It may please your excellent Majesty,—This day in the afternoon was read your majesty's letters of direction touching Peacham, which, because it concerneth properly the duty of my place, I thought it fit for me to give your majesty both a speedy and private account thereof; that your majesty knowing things clearly how they pass, may have the true fruit of your own wisdom and clear seeing judgment in governing the business. First, for the regularity which your majesty (as a master in business of estate) doth prudently prescribe in examining, and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner. For the course your majesty directeth and commandeth, for the feeling of the judges of the King's Bench their several opinions, by distributing ourselves and enjoining secrecy; we did first find an encounter in the opinion of my lord Cooke, who seemed to affirm, that such particular, and, as he called it, auricular taking of opinions, was not according to the custom of this realm, and seemed to divine that his brethren would never do it. But when I replied, that it was our duty to pursue your majesty's directions; and it were not amiss; and his lordship did desire that I might confer with himself, and Mr. Serjeant Montague was named to speak with Justice Crooke, Mr. Serjeant Crew with Justice Houghton, and Mr. Solicitor with Justice Dodderidge. This done, I took my fellows aside, and advised that they should presently speak with the three judges, before I could speak with my lord Cooke, for doubt of infusion; and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. This sorted not amiss; for Mr. Solicitor came to me this evening and related to me, that he had found Judge Dodderidge very ready to give opinion in secret, and fell upon the same reason, which upon your majesty's first letter I had used to my lord Cooke at the council table, which was, that every judge was bound expressly by his oath to give your majesty counsel when he was called, and whether he should do it jointly or severally,

that rested in your majesty's good pleasure, as you would require it. And though the ordinary course was to assemble them, yet there might intervene cases wherein the other course was more convenient. The like answer made Justice Crook; Justice Houghton, who is a soft man, seemed desirous first to confer; alleging that the other three judges had all served the crown before they were judges, but that he had not been much acquainted with business of this nature. We purpose therefore, forthwith, they shall be made acquainted with the papers; and if that could be done as suddenly as this was, I should make small doubt of their opinions; and howsoever, I hope, force of law and precedent will bind them to the truth: neither am I wholly out of hope, that my lord Cooke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.

For Owen, I know not the reason why there should have been no mention made thereof in the last advertisement; for I must say for myself, that I have lost no moment of time in it, as my lord of Canterbury can bear me witness. For having received from my lord an additional of great importance, which was, that Owen of his own accord, after examination, should compare the case of your majesty (if you were excommunicate) to the case of a prisoner condemned at the bar, which additional was subscribed by one witness, but yet I perceived it was spoken aloud, and in the hearing of others; I presently sent down a copy thereof, which is now come up, attested with the hands of three more, lest there should have been any scruple of *singularis testis*; so as for this case, I may say *omnia parata*; and we expect but a direction from your majesty for the acquainting the judges severally, or the four judges of the King's Bench, as your majesty shall think good.

I forget not, nor forslow not your majesty's commandment touching recusants, of which, when it is ripe, I will give your majesty a true account, and what is possible to be done, and where the impediment is, Mr. Secretary bringeth *bonum voluntatem*, but he is not versed much in these things, and sometimes urgeth the conclusion without the premises, and by haste hindereth. It is my lord treasurer and the Exchequer must help it, if it be holpen. I have heard more ways than one, of an offer of 20,000*l.* per annum for farming the penalties of recusants, not including any offence, capital or of preminure; wherein I will presume to say that my poor endeavours, since I was by your great and sole grace your attorney, have been no small spurs to make them feel your laws, and seek this redemption, wherein I must also say, my lord Cooke hath done his part; and I do assure your majesty I know, somewhat inwardly and groundedly, that by the courses we have taken, they conform daily and in great numbers; and I would to God, it were as well a conversion as a conformity; but if it should die by dispensation or dissimulation, then I fear that whereas your majesty hath now so many ill subjects, poor and detected, you shall then have them rich and dissembled. And therefore I hold this offer very considerable, of so great an increase of revenue, if it can pass the fiery trial of religion and honour, which I wish all projects may pass.

Thus, inasmuch as I have made to your majesty somewhat a naked and particular account of business, I hope your majesty will use it accordingly. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant.

To the King, concerning Owen's cause, &c.

It may please your excellent Majesty,—Myself, with the rest of your counsel learned, conferred with my lord Coke, and the rest of the judges of the King's Bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true, that your majesty in your letter did mention that the same course might be held in the taking of opinions apart in this, which was prescribed and used in Peacham's cause; yet both my lords of the council, and we amongst ourselves, holding it, in a case so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges, if cause were, more strongly, which is somewhat, we thought best rather to use this form. The judges desired us to leave the examinations

and papers with them for some little time, to consider, which is a thing they use, but I conceive, there will be no manner of question made of it. My Lord Chief Justice, to shew forwardness, as I interpret it, shewed us passages of Suarez and others, thereby to prove that though your majesty stood not excommunicate by particular sentence, yet by the general bulls of *Cana Domini*, and others, you were upon the matter excommunicate; and therefore that the treason was as *de presenti*. But I (that foresee that if that course should be held, when it cometh to a public day, to disseminate to the vulgar an opinion, that your majesty's case is all one, as if you were *de facto* particularly and expressly excommunicate; it would but increase the danger of your person with those that are desperate papists; and that it is needless) commended my lord's diligence, but withal put it by, and fell upon the other course, which is the true way; that is, that whosoever shall affirm, *in diem*, or *sub conditione*, that your majesty may be destroyed, is a traitor *de presenti*; for that he maketh you but tenant for life, at the will of another. And I put the Duke of Buckingham's case, who said that if the king caused him to be arrested of treason, he would stab him; and the case of the impostress Elizabeth Barton, that said, that if king Henry the Eighth took not his wife again, Catherine dowager, he should be no longer king, and the like.

It may be these particulars are not worth the relating; but because I find nothing in the world so important to your service, as to have you thoroughly informed, the ability of your direction considered, it maketh me thus to do; most humbly praying your majesty to admonish me if I be over troublesome.

For Peacham, the rest of my fellows are ready to make their report to your majesty, at such time and in such manner as your majesty shall require it. Myself yesterday took my lord Coke aside, after the rest were gone, and told him all the rest were ready, and I was now to require his lordship's opinion, according to my commission. He said I should have it; and repeated that twice or thrice, as thinking he had gone too far in that kind of negative to deliver any opinion apart before; and said, he would tell it me within a very short time, though he were not that instant ready. I have tossed this business *in omnes partes*, whereof I will give your majesty knowledge when time serveth. God preserve your majesty.

Your Majesty's most humble and devoted subject and servant,
FR. BACON.

Feb. 11, 1614.

Foster, on High Treason, when speaking of Peacham's case, says, "This case weigheth very little, and no great regard hath been paid to it ever since. And perhaps still less regard will be paid to it if it be considered that the king, who appeareth to have had the success of the prosecution much at heart, and took a part in it unbecoming the majesty of the crown, condescended to instruct his attorney general with regard to the proper measures to be taken in the examination of the defendant; that the attorney, at his majesty's command, submitted to the drudgery of sounding the opinions of the judges upon the point of law before it was thought advisable to risk it at an open trial; that the judges were to be sifted separately, and soon, before they could have an opportunity of conferring together; and that for this purpose four gentlemen in the profession in the service of the crown were immediately dispatched, one to each of the judges; Mr. Attorney himself undertaking to practice upon the chief justice, of whom some doubt was then entertained. Is it possible that a gentleman of Bacon's great talents could submit to a service so much below his rank and character! But he did submit to it, and acquitted himself notably in it.

"Others of his letters shew that the same kind of intercourse was kept up between the king and his attorney general with regard to many cases then depending in judgment, in which the king was pleased to take a part, or thought his prerogative concerned, particularly in the case of one Owen, executed for treasonable words; in that of Mr. Oliver St. John, touching the benevolence in the dispute between the courts of King's Bench and Chancery in the case of *præmunire*, and in the proceedings against the Earl and Countess of Somerset."

"Of the fact of these applications having been made, no doubt can be entertained. The inferences to be deduced from the fact alone vary.

It was the custom of the times, is one and a legitimate inference.

Judge Foster, applying the sentiments of his own more intelligent times to this conduct, says, "Every reader will make his own reflections upon it. I have but one to make in this place. This method of forestalling the judgment of a court in a case of blood then depending, at a time too when the judges were removeable at the pleasure of the crown, doth no honour to the memory of the persons concerned in a transaction so insidious and unconstitutional, and at the same time weakeneth the authority of the judgment."

And speaking of Bacon, he says, "Avarice, I think, was not his ruling passion; but whenever a false ambition, ever restless and craving, overheated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who live and die under its dominion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man; both contract his views into the little point of self interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour. Bacon having undertaken the service, informeth his majesty, in a letter addressed to him, that with regard to three of the judges, whom he nameth, he had small doubt of their concurrence. 'Neither,' saith he, 'am I wholly out of hope that my lord Coke himself, when I have, in some dark manner, put him in doubt that he shall be left alone, will not continue singular.' These are plain naked facts; they need no comment.

When Bacon was Chancellor.

It will be remembered that Sir Francis was appointed Lord Keeper on the 3rd of March, and that he did not take his seat in the court until the 7th of May, but he had scarcely been entrusted with the seals when an application was made to him out of court by Buckingham on behalf of a suitor, in a letter which explains in a postscript that similar applications had been made to Sir Francis's predecessor; and similar applications were, as a matter of course, made during the whole time he was entrusted with the great seal. This will appear from the following letters:

To the Lord Keeper. (a)

My honourable Lord,—Whereas the late Lord Chancellor thought it fit to dismiss out of the Chancery a cause touching Henry Skipwith to the common law, where he desireth it should be decided; these are to entreat your lordship in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place where now it is, that without more vexation unto him in posting him from one to another, he may have a final hearing and determination thereof.

And so I rest your Lordship's ever at command, G. BUCKINGHAM.

My Lord, This is a business wherein I spake to my Lord Chancellor, whereupon he dismissed the suit.—Lincoln, the 4th of April, 1617.

(a) This is the first of many letters, which the Marquis of Buckingham wrote to Lord Bacon, in favour of persons who had causes depending in, or likely to come into the court of Chancery; and it is not improbable that such recommendations were considered in that age as less extraordinary and irregular than they would appear now. The marquis made the same kind of applications to Lord Bacon's successor, the Lord Keeper Williams, in whose life, by Bishop Hacket, part i. p. 107, we are informed, that "there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the lord keeper's patron." Birch.

To the Lord Keeper.

My honourable Lord,—His majesty hath spent some time with Sir Lionel Cranfield about his own business, wherewith he acquainted his majesty. He hath had some conference with your lordship, upon whose report to his majesty of your zeal and care of his service, which his majesty accepteth very well at your hands, he hath commanded Sir L. Cranfield to attend your lordship, to signify his farther pleasure for the furtherance of his service; unto whose relation I refer you. His majesty's farther pleasure is, you acquaint no creature living with it, he having resolved to rely upon your care and trust only. Thus, wishing you all happiness, I rest your Lordship's faithful friend and servant,
October 26, 1617. G. BUCKINGHAM.

To the Lord Keeper.

My honourable Lord,—I have thought good to renew my motion to your lordship, in the behalf of my Lord of Huntingdon, my Lord Stanhope, and Sir Thomas Gerard; for that I am more particularly acquainted with their desires; they only seeking the true advancement of the charitable uses, unto which the land, given by their grandfather, was intended; which, as I am informed, was meant by way of a corporation, and by this means, that it might be settled upon the schoolmaster, usher, and poor, and the coheirs to be visitors. The tenants might be conscionably dealt withal; and so it will be out of the power of any feoffees to abuse the trust; which, it hath been lately proved, have been hitherto the hindrance of this good work. These coheirs desire only the honour of their ancestor's gift, and wish the money, misemployed and ordered to be paid into court by Sir John Harper, may rather be bestowed by your lordship's discretion for the augmentation of the foundation of their ancestors, than by the censure of any other. And so I rest your Lordship servant, G. BUCKINGHAM.
Theobalds, Nov. 12.—Indorsed, 1617.

To the Lord Keeper.

My honourable Lord,—Though I had resolved to give your lordship no more trouble in matters of controversy depending before you, with what importance soever my letters had been, yet the respect I bear unto this gentleman hath so far forced my resolution, as to recommend unto your lordship the suit, which, I am informed by him, is to receive a hearing before you on Monday next, between Barnaby Leigh and Sir Edward Dyer, plaintiffs, and Sir Thomas Thynne, defendant; wherein I desire your lordship's favour on the plaintiff's so far only as the justice of their cause shall require. And so I rest your Lordship's faithful servant,
Newmarket, Nov. 15.—Indorsed, 1617. G. BUCKINGHAM.

To the Lord Keeper.

My honourable Lord,—The certificate being returned upon the commission touching Sir Richard Haughton's alum-mines, I have thought fit to desire your lordship's furtherance in the business, which his majesty, as your lordship will see by this letter, much affecteth as a bargain for his advantage, and for the present relief of Sir Richard Haughton. What favour your lordship shall do him therein, I will not fail to acknowledge, and will ever rest your Lordship's faithful servant,
Indorsed, Received Nov. 16, 1617. G. BUCKINGHAM.

To the Lord Keeper.

My honourable Lord,—Understanding that Thomas Hukeley, a merchant of London, of whom I have heard a good report, intendeth to bring before your lordship in Chancery a cause depending between him, in the right of his wife, daughter of William Austen, and one John Horsmendon, who married another daughter of the said Austen; I have thought fit to desire your lordship to give the said Thomas Hukeley a favourable hearing when his cause shall come before

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you; and so far to respect him for my sake, as your lordship shall see him grounded upon equity and reason, which is no more than I assure myself your lordship will grant readily, as it is desired by

Your Lordship's faithful friend and servant, G. BUCKINGHAM.
Indorsed, Nov. 17, 1617.

To the Lord Keeper.

My honourable Lord,—His majesty hath been pleased to refer a petition of one Sir Thomas Blackstones to your lordship, who being brother-in-law to a gentleman whom I much respect, Sir Henry Constable, I have, at his request, yielded to recommend his business so far to your lordship's favour, as you shall find his case to deserve compassion, and may stand with the rules of equity. And so I rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Dec. 4.—Indorsed, 1617.

To the Lord Chancellor.

My honourable good Lord,—Whereas in Mr. Hansbye's cause, (a) which formerly, by my means, both his majesty and myself recommended to your lordship's favour, your lordship thought good, upon a hearing thereof, to decree some part for the young gentleman, and to refer to some masters of the Chancery, for your farther satisfaction, the examination of witnesses to this point; which seemed to your lordship to be the main thing your lordship doubted of, whether or no the leases, conveyed by old Hansbye to young Hansbye by deed, were to be liable to the legacies, which he gave by will; and that now I am credibly informed, that it will appear upon their report, and by the depositions of witnesses, without all exception, that the said leases are no way liable to those legacies: these shall be earnestly to intreat your lordship, that upon consideration of the report of the masters, and depositions of the witnesses, you will, for my sake, shew as much favour and expedition to young Mr. Hansbye in this cause, as the justness thereof will permit. And I shall receive it at your lordship's hands as a particular favour. So I take my leave of your lordship, and rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Greenwich, the 12th of June, 1618.

To the Lord Chancellor.

My honourable Lord,—Lest my often writing may make your lordship conceive that this letter hath been drawn from you by importunity, I have thought fit, for preventing of any such conceit, to let your lordship know, that Sir John Wentworth, whose business I now recommend, is a gentleman whom I esteem in more than an ordinary degree. And therefore I desire your lordship to shew him what favour you can for my sake in his suit, which his majesty hath referred to your lordship; which I will acknowledge as a courtesy unto me, and rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.
Newmarket, Jan. 26, 1618.

To the Lord Chancellor.

My honorable Lord,—I being desired by a special friend of mine to recommend unto your lordship's favour the case of this petitioner, have thought fit to desire you, for my sake, to shew him all the favour you may in this his desire,

(a) This seems to be one of the causes, on account of which Lord Bacon was afterwards accused by the House of Commons; in answer to whose charge he admits, that in the cause of Sir Ralph Hansbye there being two decrees, one for the inheritance, and the other for goods and chattels; some time after the first decree, and before the second, there was 500*l.* delivered to him by Mr. Tobie Matthew; nor could his lordship deny, that this was upon the matter *pendente lite*.

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as you shall find it in reason to deserve ; which I shall take as a courtesy from your lordship, and ever rest your Lordship's faithful friend and servant,
G. BUCKINGHAM.

I thank your lordship for your favour to Sir John Wentworth, in the dispatch of his business.

Newmarket, March 15, 1618.

To the Lord Chancellor.

My honourable Lord,—Understanding that there is a suit depending before your lordship between Sir Rowland Cotton, plaintiff, and Sir John Gawen, defendant, which is shortly to come to a hearing; and having been likewise informed that Sir Rowland Cotton hath undertaken it in behalf of certain poor people; which charitable endeavour of his, I assure myself, will find so good acceptance with your lordship, that there shall be no other use of recommendation; yet at the earnest request of some friends of mine, I have thought fit to write to your lordship in his behalf, desiring you to shew him what favour you lawfully may, and the cause may bear, in the speedy dispatch of his business; which I shall be ever ready to acknowledge, and rest your Lordship's most devoted to serve you,
G. BUCKINGHAM.

Whitehall, April 20, 1618.

To the Lord Chancellor.

My honorable Lord,—Understanding that the cause depending in the Chancery between the Lady Vernon and the officers of his majesty's household is now ready for a decree, though I doubt not but as his majesty hath been satisfied of the equity of the cause on his officers' behalf, who have undergone the business by his majesty's command, your lordship will also find their cause worthy of your favour, yet I have thought fit once again to recommend it to your lordship, desiring you to give them a speedy end of it, that both his majesty may be freed from farther importunity, and they from the charge and trouble of following it; which I will be ever ready to acknowledge as a favour done unto myself, and always rest your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Greenwich, June 15, 1618.

To the Lord Chancellor.

My honourable Lord,—I wrote unto your lordship lately in the behalf of Sir Rowland Cotton, that then had a suit in dependance before your lordship and the rest of my lords in the Star-Chamber. The cause, I understand, hath gone contrary to his expectation; yet he acknowledges himself much bound to your lordship for the noble and patient hearing he did then receive; and he rests satisfied, and I much beholden to your lordship, for any favour it pleased your lordship to afford him for my cause. It now rests only in your lordship's power for the assessing of costs; which, because, I am certainly informed, Sir Rowland Cotton had just cause of complaint, I hope your lordship will not give any against him. And I do the rather move your lordship to respect him in it, because it concerns him in his reputation, which I know he tenders, and not the money, which might be imposed upon him; which can be but a trifle. Thus presuming of your lordship's favour herein, which I shall be ready ever to account to your lordship for, I rest your Lordship's most devoted to serve you,
G. BUCKINGHAM.

June 19, 1618.

To the Lord Chancellor.

My honourable Lord,—I have been desired by some friends of mine, in the behalf of Sir Francis Englefyld, to recommend his cause so far unto your lordship, that a peremptory day being given by your lordship's order for the perfecting of his account, and for the assignment of the trust, your lordship would take such course therein, that the gentleman's estate may be redeemed from farther trouble, and secured from all danger, by engaging those to whom the trust is

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now transferred by your lordship's order, to the performance of that whereunto he was tied. And so not doubting but your lordship will do him what lawful favour you may herein, I rest your Lordship's faithful friend and servant,
Indorsed—Received Oct. 14, 1618. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—Whereas there is a cause depending in the court of Chancery between one Mr. Francis Foliambe and Francis Hornsby, the which already hath received a decree, and is now to have another hearing before yourself; I have thought fit to desire you to shew so much favour therein, seeing it concerns the gentleman's whole estate, as to make a full arbitration and final end, either by taking the pains in ending it yourself, or preferring it to some other, whom your lordship shall think fit: which I shall acknowledge as a courtesy from your lordship, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.
Hinchingbroke, Oct. 22, 1618.

To the Lord Chancellor.

My honourable Lord,—Having formerly moved your lordship in the business of this bearer, Mr. Wyche, of whom, as I understand, your lordship hath had a special care to do him favour, according to the equity of his cause; now seeing, that the cause is shortly to be heard, I have thought fit to continue my recommendation of the business unto you, desiring your lordship to shew what favour you lawfully may unto Mr. Wyche, according as the justness of the cause shall require; which I will acknowledge as a courtesy from your lordship, and ever rest your Lordship's faithful friend and servant,
Newmarket, Nov. 18, 1618. G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—I having understood by Dr. Steward, that your lordship hath made a decree against him in the Chancery, which he thinks very hard for him to perform; although I know it is unusual to your lordship to make any alterations, when things are so far past; yet in regard I owe him a good turn, which I know not how to perform but this way, I desire your lordship, if there be any place left for mitigation, your lordship would shew him what favour you may, for my sake, in his desires, which I shall be ready to acknowledge as a great courtesy done unto myself, and will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.
Newmarket, Dec. 2, 1618.

To the Lord Chancellor.

My honourable Lord,—I have written a letter unto your lordship, which will be delivered unto you in behalf of Dr. Steward; and besides, have thought fit to use all freedom with you in that, as in other things; and therefore have thought fit to tell you, that he being a man of very good reputation, and a stout man, that will not yield to any thing, wherein he conceiveth any hard course against him, I should be sorry he should make any complaint against you. And therefore, if you can advise of any course, how you may be eased of that burden, and freed from his complaint, without shew of any fear of him, or any thing he can say, I will be ready to join with you for the accomplishment thereof: and so desiring you to excuse the long stay of your man, I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.
From Newmarket, Dec. 3, 1618.

To the Lord Chancellor.

My honourable Lord,—I thank your lordship for the favour, which I understand Sir Francis Englefyld hath received from your lordship upon my last letter, whereunto I desire your lordship to add this one favour more (which is the same that I understand your lordship granted him at Christmas last) to give him liberty for the space of a fortnight, to follow his business in his own person;

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whereby he may bring it to the more speedy end, putting in security according to the ordinary course, to render himself prisoner again as soon as that time is expired; which is all that I desire for him, and in which I will acknowledge your lordship's favour towards him, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Newmarket, Dec. 10, 1618.

To the Lord Chancellor.

My honourable Lord,—His majesty, upon a petition delivered by Mr. Thomas Digby, wherein he complaineth of great wrongs done unto him, hath been pleased, for his more speedy relief and redress, if it prove as he allegeth, to refer the consideration thereof unto your lordship. And because he is a gentleman whom I have long known and loved, I could not but add my desire to your lordship, that, if you find he hath been wronged, you would do him so much favour, as to give him such remedy as the equity of his case may require. For which I will ever rest your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, Oct. 8, 1619.

To the Marquis of Buckingham.

My very good Lord,—This morning the duke came to me, and told me the king's cause was yesterday left fair; and if ever there were a time for my lord of Suffolk's submission, it was now; and that if my lord of Suffolk should come into the court and openly acknowledge his delinquency, he thought it was a thing considerable. My answer was, I would not meddle in it; and, if I did, it must be to dissuade any such course; for that all would be but a play upon the stage, if justice went not on in the right course. This I thought it my duty to let the king know by your lordship.

I cannot express the care I have had of this cause in a number of circumstances and discretions, which, though they may seem but small matters, yet they do the business, and guide it right. God ever keep your lordship,

Your Lordship's most obliged friend and faithful servant,

FR. VERULAM, Canc.

Oct. 21, 1619.

To the Lord Chancellor.

My honourable Lord,—This bearer, a Frenchman belonging to the ambassador, having put an Englishman in suit for some matters between them, is much hindered and molested by often removing of the cause from one court to another. Your lordship knows that the French are not acquainted with our manner of proceedings in the law, and must therefore be ignorant of the remedy in such a case. His course was to his majesty; but I thought it more proper that your lordship would be pleased to hear and understand this case from himself, and then to advise and take order for his relief, as your lordship in your wisdom shall think fit. So commending him to your honourable favour, I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 27, 1619.

Your lordship shall do well to be informed of every particular, because his majesty will have account of it at his coming.

To the Lord Chancellor.

My honourable Lord,—His majesty hath been pleased, out of his gracious care of Sir Robert Killigrew, to refer a suit of his, for certain concealed lands, to your lordship and the rest of the commissioners for the Treasury; the like whereof hath been heretofore granted to many others. My desire to your lordship is, that he being a gentleman, whom I love and wish very well unto, your lordship would shew him, for my sake, all the favour you can, in furthering his suit. Wherein your lordship shall do me a courtesy, for which I will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Dec. 15, 1619.

To the Lord Chancellor.

My honourable Lord,—I have been intreated to recommend unto your lordship the distressed case of the Lady Martin, widow of Sir Richard Martin, deceased, who hath a cause to be heard before your lordship in the Chancery, at your first sitting in the next term, between her and one Archer, and others, upon an ancient statute, due long since unto her husband; which cause, I am informed, hath received three verdicts for her in the common law, a decree in the Exchequer Chamber, and a dismissal before your lordship; which I was the more willing to do, because I have seen a letter of his majesty to the said Sir Richard Martin, acknowledging the good service that he did him in this kingdom, at the time of his majesty's being in Scotland. And therefore I desire your lordship, that you would give her a full and fair hearing of her cause, and a speedy dispatch thereof, her poverty being such, that having nothing to live on but her husband's debts, if her suit long depend, she shall be enforced to lose her cause for want of means to follow it; wherein I will acknowledge your lordship's favour, and rest your Lordship's faithful friend and servant,

Whitehall, Jan. 13, 1620.

G. BUCKINGHAM.

To the Lord Chancellor.

My honourable Lord,—Understanding that there hath been a long and tedious suit depending in the Chancery between Robert D'Oyley and his wife, plaintiffs, and Leonard Lovace, defendant; which cause hath been heretofore ended by award, but is now revived again, and was, in Michaelmas term last, fully heard before your lordship; at which hearing your lordship did not give your opinion thereof, but were pleased to defer it, until breviats were delivered on both sides; which, as I am informed, hath been done accordingly: now my desire unto your lordship is, that you will be pleased to take some time, as speedily as your lordship may, to give your opinion thereof, and so make a final end, as your lordship shall find the same in equity to deserve. For which I will ever rest your Lordship's faithful friend and servant, G. BUCKINGHAM.

Windsor, May 18, 1620.

To the Lord Chancellor.

My honourable Lord,—His majesty having made a reference of business to your lordship, concerning Sir Robert Douglas and Mr. David Ramsey, two of his highness's servants, whom he loveth, and whom I wish very well unto; I have thought fit to desire you to shew them all the favour your lordship may therein; which I will acknowledge, and ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

The reference comes in the name of my brother Christopher, because they thought it would succeed the better; but the prince wisheth well to it.

Farnham, the last of August, 1620.

Indorsed—Touching the business of wills.

To the Lord Chancellor.

My honourable Lord,—There is a business in your lordship's hands, with which Sir Robert Lloyd did acquaint your lordship; whereof the prince hath demanded of me what account is given. And because I cannot inform his highness of any proceeding therein, I desire your lordship to use all expedition that may be in making your answer to me, that I may give his highness some satisfaction, who is very desirous thereof. And so I rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 14, 1620.

Indorsed—Touching the register of wills.

To the Lord Chancellor.

My honourable Lord,—I desire your lordship to continue your favour to Sir Thomas Gerrard in the business concerning him, wherein I signified his majesty's pleasure to your lordship. And one favour more I am to intreat of your lordship in his behalf, that you will be pleased to speak to one of the assistants of the Chancellor of the Duchy, in whose court he hath a cause depending, as he will more fully inform your lordship himself, to see that he may have a fair proceeding according to justice; for which I will ever rest

Your Lordship's faithful friend and servant, G. BUCKINGHAM.

Royston, Oct. 15, 1620.

Letters from other persons than Buckingham respecting Suitors of the Court of Chancery.

From the University of Cambridge.*

Right Honourable,—The confidence which the townsmen have, in obtaining their charter and petition, makes us bold and importunate suitors to your honour, by whose favour with his majesty and protection, we again humbly intreat the University and ourselves may be freed from that danger which by them is intended to us. By their own reports, it is a matter of honour and advantage for which they sue: when they were at the lowest, and in their meanest fortunes, they ever shewed themselves unkind neighbours to us; and their suits with us, within these few years, have caused us to spend our common treasury, and trouble our best friends, and therefore we cannot expect peace amongst them, when their thoughts and wills shall be winged and strengthened by that power and authority which the very bare title of a city will give unto them. Since our late letter to the right honourable Lord Chancellor, your honour, and his majesty's Attorney General, we (being better informed of the course they take, and of their confidence to prevail at the end of the next term) have sent letters from the body of the University to the King's majesty, the Lord Chancellor, and others, our honourable friends; shewing them of our fear, and their purpose, and to entreat them to join with your honour and us, to his majesty, to stay their suit before we be driven to further charge or trouble, in entertaining counsel, or soliciting our friends. Thus humbly entreating your honour to pardon our importunity, and often soliciting your lordship in this business, with our earnest prayers to the Almighty for your honour's long life and happy estate, we end this. Your Honour's in all duty to be commanded.

February, 1616.

Sir Francis Englefyld † to the Lord Keeper.

Right Honourable,—Give me leave, I beseech your lordship, for want of other means, by this paper to let your lordship understand, that notwithstanding

* Sloan MS. 3562. art. 41.

† This gentleman was very unfortunate in his behaviour with regard to those who had the great seal; for in Hilary term of the year 1623-4 he was fined three thousand pounds by the Star Chamber, for casting an imputation of bribery on the Lord Keeper Williams, Bishop of Lincoln. MS. letter of Mr. Chamberlain to Sir Dudley Carleton, dated at London, 1623-4. Sir Francis had been committed to the Fleet for a contempt of a decree in Chancery; upon which he was charged, by Sir John Bennet, with having said before sufficient witness, "that he could prove this holy bishop judge had been bribed by some that fared well in their causes." A few days after the sentence in the Star Chamber, the Lord Keeper sent for Sir Francis, and told him he would refute his foul aspersions, and prove upon him that he scorned the pelf of the world, or to exact, or make lucre of any man; and that, for his own part, he forgave him every penny of his fine, and would crave the same mercy towards him from the king.—Bishop Hacket's Life of Archbishop Williams, Part 1. p. 83, 84.

I rest in no contempt, nor have to my knowledge broken any order made by your lordship concerning the trust, either for the payment of money, or assignment of land; yet, by reason of my close imprisonment, and the unusual carriage of this cause against me, I can get no council, who will in open court deliver my case unto your lordship. I must therefore humbly leave unto your lordship's wisdom, how far your lordship will, upon my adversary's fraudulent bill exhibited by the wife without her husband's privity, extend the most powerful arm of your authority against me, who desire nothing but the honest performance of a trust, which I know not how to leave, if I would. So, nothing doubting but your lordship will do what appertaineth to justice, and the eminent place of equity your lordship holdeth, I must, since I cannot understand from your lordship the cause of my late close restraint, rest, during your lordship's pleasure, your lordship's close prisoner in the Fleet,

October 28, 1617.

FR. ENGLEFYLD.

To the Lord Chancellor.

Most honourable Lord,—Herewithal I presumed to send a note inclosed, both of my business in Chancery, and with my Lord Roos, which it pleased your lordship to demand of me, that so you might better do me good in *utroque genere*. It may please your lordship, after having perused it, to commend it over to the care of Mr. Meautys for better custody.

At my parting last from your lordship, the grief I had to leave your lordship's presence, though but for a little time, was such, as that being accompanied with some small corporal indisposition that I was in, made me forgetful to say that, which now for his majesty's service I thought myself bound not to silence. I was credibly informed and assured, when the Spanish ambassador went away, that howsoever Raleigh and the prentices should fall out to be proceeded withal, no more instances would be made hereafter on the part of Spain for justice to be done ever in these particulars: but that if slackness were used here, they would be laid up in the deck, and would serve for materials (this was the very word) of future and final discontentments. Now as the humour and design of some may carry them towards troubling of the waters, so I know your lordship's both nature and great place require an appeasing them at your hands. And I have not presumed to say this little out of any mind at all, that I may have, to meddle with matters so far above me, but out of a thought I had, that I was tied in duty to lay thus much under your lordship's eye; because I know and consider of whom I heard that speech, and with how grave circumstances it was delivered.

I beseech Jesus to give continuance and increase to your lordship's happiness; and that, if it may stand with his will, myself may one day have the honour of casting some small mite into that rich treasury. So I humbly do your lordship reverence, and continue the most obliged of your Lordship's many faithful servants,

TOBIE MATTHEW.

Nottingham, Aug. 21, 1618.

After the time of Lord Bacon.

Bishop Williams.

In part of his life Bishop Hackett says, "And within the compass of this time he says he dreamt the Lord Keeper was dead, and that he went by and saw his grave a making. And how doth he expound this vision which he saw in his sleep, but that he was dead in my Lord Buckingham's affections? Some are like to ask what it was that did the ill office to shake the steadfastness of their friendship? That will break out hereafter. But the quarrel began that some decrees had been made in Chancery for whose better speed my lord marquess had undertaken. An undertaker he was without confinement of importunity. There was not a cause of moment but as soon as it came to publication one of the parties brought letters from this mighty peer and the lord keeper's patron. For the lord marquess was of a kind nature, in courtesy more

luxuriant than was fit in his place, not willing to deny a suit but prone to gratify all strangers, chiefly if any of his kindred brought them in his hand, and was far more apt to believe them that asked him a favour, than those that would persuade him it was not to be granted. These that haunted him without shame, to have their suits recommended to great officers, made him quickly weary of his faithful ministers that could not justly satisfy him. I had mentioned none but that I am beholden to the cabal to fall upon one, the worst of twenty. Sir John Michel, of whose unreasonableness the Lord Keeper writes thus: 'God is my witness I have never denied either justice or favour (which was to be justified) to this man, or any other that had the least relation to your good and most noble mother. And I hope your lordship is perswaded thereof.'"

The Lord Keeper to the Duke about the Lord Treasurer.

My most noble Lord,—That I neither wrote unto your lordship, nor waited upon your lordship sithence my intolerable scandalizing by the Lord Treasurer, this is the true and only cause: I was so moved to have all my diligent service, pains, and unspotted justice thus rewarded by a lord, who is reputed wise, that I have neither slept, read, written, or eaten any thing since that time; until the last night, that the ladies sent for me (I believe of purpose) to Wallingford House, and put me out of my humour. I have lost the love and affection of my men, by seizing upon their papers, perusing all their answers to petitions, casting up their monies, received by way of fees (even to half-crowns and two shillings) and finding them all to be poor honest gentlemen, that have maintained themselves in my service by the greatness of my pains, and not the greatness of their fees. They are, most of them, landed men, that do not serve me for gain, but for experience and reputation; and desire to be brought to the test, to show their several books, and to be confronted by any one man, with whom they contracted, or from whom they demanded any fee at all; the greatest sum in their books is five pounds, and those very few, and sent unto them from earls and barons; all the rest are, some twenty shillings, ten shillings, five shillings, and two shillings and sixpence, and two shillings. And this is the oppression in my house, that the kingdom (of the common lawyers, peradventure, who have lost I confess, hereby twenty thousand pounds at the least, saved in the purses of the subjects) doth now groan under.

Now I humbly beseech your lordship to peruse this paper here inclosed, and the issue I do join with the Lord Treasurer; and to acquaint (at the least) the king and the prince, how unworthily I am used by this lord; who (in my soul and conscience I believe it) either invents these things out of his own head, and ignorance of this court, or hath taken them up from base, unworthy, and most unexperienced people. Lastly, because no act of mine (who am so much indebted for all my frugality) could in the thoughts of a devil incarnate, breed any suspicion that I gained by this office, excepting the purchase of my grandfather's lands, whereunto my Lord Chamberlain's nobleness, and your lordship's encouragement, gave the invitation, I do make your lordship (as your lordship hath been often pleased to honor me) my faithful confessor in that business, and do send your lordship a note inclosed, what money I paid, what I borrowed, and what is still owing for the purchase.

I beseech your lordship to cast your eye upon the paper, and lay it aside, that it be not lost. And having now poured out my soul and sorrow into your lordship's breast, I find my heart much eased, and humbly beseech your lordship to compassionate the wrongs of your most humble and honest servant,

J. L. C. S.

Sept. 9, 1622.

The Lord Keeper to the Duke, concerning Sir John Michel.

My most noble Lord,—In the cause of Sir John Michel, which hath so often wearied this court, vexed my lady your mother, and now fieth (as it seemeth) unto your lordship, I have made an order the last day of the term, assisted by the Master of the Rolls and Mr. Baron Bromley in the presence, and with the full consent of Sir John Michel, who then objected nothing against the same;

but now in a dead vacation, when both the adverse party and his counsel are out of town, and that I cannot possibly hear otherwise than with one ear, he clamours against me (most uncivilly), and would have me, contrary to all conscience and honestly reverse the same. The substance of the order is not so difficult and intricate, but your lordship will easily find out the equity or harshness thereof.

Sir Lawrence Hide makes a motion in behalf of one Strelley (a party whose face I never saw), that whereas Sir John Michel had put a bill into this court against him, and one Sayers, five years ago for certain lands and woods, (determinable properly at the common law) and having upon a certificate betwixt himself and Sayers, without the knowledge of the said Strelley, procured an injunction from the last Lord Chancellor for the possession of the same, locks up the said Strelley with the said injunction, and never proceeds to bring his cause to hearing within five years.

It was moved, therefore, that either Sir John's bill might be dismissed to a trial at the common law, or else that he might be ordered to bring it to hearing in this court, with a direction to save all wastes of timber trees (in favour of either party, that should prove the true owner) until the cause should receive hearing.

Sir John being present in court, made choice of this last offer, and so it was ordered accordingly. And this is that order, that this strange man hath so often of late complained of to your mother, and now, as it seemeth, to your lordship. God is my witness, I have never denied either justice or favour (which was to be justified) to this man, or any other, that had the least relation to your good and most noble mother. And I hope your lordship is persuaded thereof. If your lordship will give me leave (without your lordship's trouble) to wait upon you, at any time this day, your lordship shall appoint, I would impart two or three words unto your lordship, concerning your lordship's own business.

Aug. 8, 1622.

Present Times.

That it is customary in the present times for suitors to solicit the judges, every person who has any knowledge of human nature, or has been in any judicial situation must well know. The hope of success and the belief in the justice of his case are passions too strong to restrain suitors from attempting to intercede with the judge. I have again and again heard Lord Eldon, and I think I may say every chancellor, complain of these applications; and as a commissioner of bankrupts even, scarcely a month passes without some application being made to me.

Suitors' Presents.

Was it customary for suitors in the time of Lord Bacon to make presents to the judges?

1. Preface.
2. Custom in former times.
 - Homer.
 - Plutarch.
 - Merchant of Venice.
3. Custom in foreign countries.
 - Epices.
4. Inquiry whether presents were made to judges in England.
 - Before time of James.
 - 21 Henry VI.
 - Sir Thomas More.
 - Time of James.

Before time of Bacon.

Proof that similar presents were made to other statesmen.

After time of Bacon.

Bishop Williams.

After time of James.

Sir M. Hale.

Present times.

Preface.

It is, says Lord Bacon, (a) a secret in the art of discovery, that the nature of any thing is seldom discovered in the thing itself. If this doctrine is true, it may be expedient in entering upon this inquiry, to ascertain what has been the custom in other times and in other countries, with respect to solicitations and presents being made by the suitors to the judges.

Custom in former times.

Homer.

Λαοὶ δ' εἰν ἀγορῷ ἔσαν ἀθρόοι· ἔνθα δὲ νεῖκος
 ὤρωρει· δὺο δ' ἄνδρες ἐνείκεον εἶνεκα ποινῆς
 Ἄνδρὸς ἀποφθιμένον· ὃ μὲν εὐχετο παντ' ἀποδοῦναι
 Δήμῳ πιφασκίων· ὃ δ' ἀναίετο μηδὲν ἐλίσθαι·
 Ἄμφω δ' ἔισθην ἐπὶ ἴστορι πείραρ ἐλίσθαι.
 Λαοὶ δ' ἀμφοτέροισιν ἐπήπνον, ἀμφὶς ἄρωγοι·

(a) *The nature of any thing is seldom discovered in the thing itself.*—It commonly happens, that men make experiments slightly, and as in the way of diversion, somewhat varying those already known; and if they succeed not to their expectation, they grow sick of the attempt, and forsake it. Or, if they apply in earnest to experiments, they commonly bestow all their labour upon some one thing, as Gilbert upon the loadstone, and the alchemists upon gold. But this procedure is as unskilful as it is fruitless: for no man can advantageously discover the nature of any thing in that thing itself; but the inquiry must be extended to matters that are more common.

And if any one applies himself to nature, and endeavours to strike out something new, yet he will generally propose and fix upon some one invention, without further search: for example, the nature of the loadstone, the tides, the theory of the heavens, and the like; which seem to conceal some secret, and have been hitherto unsuccessfully explained; whereas it is, in the highest degree, unskilful to examine the nature of any thing in that thing itself. For the same nature which in some things lies hid and concealed, appears open and obvious in others, so as to excite admiration in the one, and to pass unobserved in the other; thus the nature of consistence is not taken notice of in wood or stone, but slighted under the term of solidity, without further inquiry into its avoidance of separation, or solution of continuity; whilst the same thing appears subtle and of deeper inquiry, in bubbles of water, which throw themselves into their skins of a curious hemispherical figure, in order, for the instant, to avoid a solution of continuity.

And again, those very things which are accounted secrets, have, in other cases, a common and manifest nature, which can never be discovered whilst the experiments and thoughts of men run wholly upon them.

Whoever shall reject the feigned divorces of superlunary and sublunary bodies; and shall intently observe the appetences of matter and the most universal passions, which in either globe are exceeding potent, and transverberate the universal nature of things, he shall receive clear information concerning celestial matters from the things seen here with us: and contrariwise from those motions which are practised in heaven, he shall learn many observations which now are latent, touching the motion of bodies here below, not only so far as their inferior motions are moderated by superior, but in regard they have a mutual intercourse by passions common to them both.

NOTE Z Z.

Κήρυκες δ' ἄρα λαὸν ἐρήτυνον· οἱ δὲ γέροντες
 Εἶατ' ἐπὶ ξεστοῖσι λίθοις, ἱερῶ ἐνὶ κύκλῳ·
 Σκῆπτρα δὲ κηρύκων ἐν χερσ' ἔχον ἠεροφώνων·
 Τοῖσιν ἔπειτ' ἤισσον, ἀμοιβηδὶς δ' ἐδίκαζον·
 Κεῖτο δ' ἄρ' ἐν μέσσοισι δύο χρυσοῖο τάλαντα,
 Τῷ δόμεν, ὃς μετὰ τοῖσι δίκην ἰθύντατα εἶπη.
 Ἰλιαδὸς Σ.

There in the forum swarm a numerous train,
 The subject of debate, a townsman slain.
 One pleads the fine discharged, which one denied,
 And bade the public and the laws decide.
 The witness is produced on either hand ;
 For this or that, the partial people stand.
 The appointed heralds still the noisy bands,
 And form a ring with sceptres in their hands.
 On seats of stone, within the sacred place,
 The reverend elders nodded for the case.
 Alternate each th' attesting sceptre took,
 And rising solemn each his sentence spoke :
 Two golden talents lay amidst in sight
 The prize of him who best adjudg'd the right.

Plutarch.

By supplying the people with money for the public diversions, (a) and for their attendance in courts of judicature, and by other pensions and gratuities, he (Pericles) so inveigled them as to avail himself of their interest against the council of the Areopagus, &c.

Merchant of Venice.

The following passage in the Merchant of Venice originates in the same principle.

After Portia has pronounced judgment, there is the following dialogue :

BASSANIO. Most worthy gentleman, I and my friend
 Have by your wisdom been this day acquitted
 Of grievous penalties : in lieu whereof
 Three thousand ducats due unto the Jew,
 We freely cope your courteous pains withal.

ANT. And stand indebted over and above
 In love and service to you evermore.

PORTIA. He is well paid who is well satisfied,
 And, I, delivering you, am satisfied,
 And therein do account myself well paid.
 My mind was never yet more mercenary.
 I pray you know me when we meet again ;
 I wish you well, and so I take my leave.

BAS. Dear sir, of force I must attempt you further.
 Take some remembrance of us as a tribute,
 Not as a fee ; grant me two things, I pray you,
 Not to deny me and to pardon me.

POR. You press me far, and therefore I will yield.
 Give me your gloves ; I'll wear them for your sake
 And for your love. I'll take this ring from you.

(a) There were several courts of judicature in Athens, composed of a certain number of the citizens, who sometimes received one obolus each for every cause they tried ; and sometimes men who aimed at popularity procured this fee to be increased.—Translator's note. Plutarch's Lives. Langhorne. Life of Pericles.

Do not draw back your hand. I'll take no more
And you in love shall not deny me this.

BAS. This ring, good sir—alas! it is a trifle;
I will not shame myself to give you this.

POR. I will have nothing else but only this,
And now, methinks I have a mind to it.

Custom in Foreign Countries.

Montesquieu, B. 28, c. 35. Of Costs. Montesquieu says, that in former times costs were not payable. The chapter then concludes thus: "The custom of appeals naturally introduced that of giving costs. Thus Défontaines says, that when they appealed by written law, that is, when they followed the new laws of St. Lewis, they gave costs; but that in the usual custom, which did not permit them to appeal without falsifying the judgment, no costs were allowed. They obtained only a fine and the possession for a year and a day of the thing contested, if the cause was remanded to the lord.

But when the number of appeals increased, from the new facility of appealing; when by the frequent usage of those appeals from one court to another, the parties were continually removed from the place of their residence; when the art of proceeding multiplied and perpetuated the suits; when the parties at law knew only how to fly in order to be followed; when actions proved destructive, and pleas easy; when the arguments were lost in whole volumes of writings; when the kingdom was filled with members of the law who were strangers to justice; when knavery found encouragement from mean practitioners, though discountenanced by the law; then it was necessary to deter litigious people by the fear of costs. They were obliged to pay costs for the judgment, and for the means they had employed to elude it. Charles the Fair made a general ordinance on that subject.

Epices.

Epice, en terme de jurisprudence, ne s'emploie qu'au pluriel, et on entend, par ce mot, des droits en argent que les juges de plusieurs tribunaux sont autorisés à recevoir des parties pour la visite des procès par écrit. Ces sortes de rétributions sont appellées endroit sportulæ ou species, mots qui signifient toutes sortes de fruits en général, et singulièrement des aromates; du dernier l'on a fait en françois épices, terme qui comprenoit autrefois toutes sortes de confitures, parce qu'avant la découverte des Indes, et que l'on eût l'usage du sucre, on faisoit coupre les fruits avec des aromates, et on en faisoit aux juges des présens, ce qui leur fit donner le nom d'épices.

L'origine des épices, même en argent, remonte jusqu'aux Grecs. Homère, Iliade VI. dans la description qu'il fait du jugement qui étoit figuré sur la bouclier d'Achille, rapporte qu'il y avoit deux talens d'or posés au milieu des juges, pour donner a celui qui opineroit le mieux. Ces deux talens étoient alors, il est vrai, de peu de valeur; car Budée, en son 14^e liv. de asse, en parlant de talento homericæ, prouve par un autre passage du xxiv^e de Iliade que ces deux talens d'or étoient estimés moins qu'un chauderon d'airain. Plutarque, en la vie de Périclès, fait mention d'un usage qui a encore plus de rapport avec les épices; il dit que Périclès fut le premier qui attribua aux juges d'Athènes des salaires appellés prytanées, parce qu'ils se prenoient sur les deniers que les plaideurs consignoient à l'entrée du procès dans la prytanée, qui étoit un lieu public destiné à rendre la justice. Cette consignation étoit du dixième, mais tout n'étoit pas pour les juges: on prenoit aussi sur ces deniers le salaire des sergens; celui du juge étoit appellé το δικαστικον.

A Rome, tous les magistrats et autres officiers avoient des gages sur la fisc, et faisoient serment de ne rien exiger des particuliers. Il étoit cependant permis aux gouverneurs de recevoir de petits présens appellés xenia; mais cela étoit limité à des choses propres à manger ou boire dans trois jours. Dans la suite, Constantin abolit cet usage, et défendit à tous ministres de la justice d'exiger ni même de recevoir aucuns présens, quelque légers qu'ils fussent; mais Tri-

bonien, qui étoit lui-même dans l'usage d'en recevoir, ne voulut pas insérer cette loi dans le code de Justinien.

L'empereur lui-même se relâcha de cette sévérité par rapport aux juges d'un ordre inférieur; il permit, par sa nouvelle 15. chap. 6, aux défenseurs des cités de prendre, au lieu de gages, quatre écus pour chaque sentence définitive; et en la nouvelle 82, chap. 19, il assigne aux juges pédanées quatre écus pour chaque procès, à prendre sur les parties, outre deux marcs d'or de gages qu'ils avoient sur le public.

Ces épices étoient appellées "sportulæ," de même que la salaire des appariteurs et autres ministres inférieurs de la juridiction, ce qui venoit de sporta, qui étoit une petite corbeille où l'on recueilloit les petits présens que les grands avoient coutume de distribuer à ceux qui leur faisoient la cour.

Par les dernières constitutions grecques, la taxe des épices se faisoit en égard à la somme dont il s'agissoit; comme de cent écus d'or on prenoit un demi-écu, et ainsi des autres sommes à proportion, suivant que le remarque Théophile, § tripl. instit. de action.

On appelloit aussi, les épices des juges pulveratica, comme on lit dans Cassiodore, lib. xii. variar, où il dit, pulveratica olim iudicibus præstabantur; pulveraticum étoit le prix et la récompense du travail, et avoit été ainsi appelé en faisant allusion à cette poussière dont les luteurs avoient coutume de se couvrir mutuellement lorsqu'ils alloient au combat, afin d'avoir plus de prise sur leur antagoniste. Quelques-uns ont cru qu'anciennement en France les juges ne prenoient point d'épices; cependant outre qu'il est probable que l'on y suivit d'abord le même usage que les Romains y avoient établi, on voit dans les loix des Visigoths, liv. xi. tit. 2, chap. 15, qui étoient observés dans toute l'Aquitaine qu'il étoit permis au rapporteur de prendre un vingtième, vigesimum, l' Aquitaine qu'il étoit permis au rapporteur de prendre un vingtième, vigesimum, le conseil de Verneuil tenu l'an 884 au sujet de la discipline ecclésiastique, défendit à tous juges ecclésiastiques ou laïques de recevoir des épices, ut nec episcopus, nec abbas, nec ullus laicus pro justitiâ faciendâ sportulas accipiat. Mais il paroît que cela ne fut pas toujours observé; en effet, dès le temps de St. Louis, il y avoit certaines amendes applicables au profit du juge, et qui dans ces cas tenoient lieu d'épices. On voit, par exemple, dans l'ordonnance que ce prince fit en 1254, que celui qui louoit une maison à quelque ribaude, étoit tenu de payer au bailli du lieu, ou au prévôt ou au juge, une somme égale au loyer d'une année.

Ce même prince en abolissant une mauvaise coutume qui avoit été longtemps observée dans quelques tribunaux, par rapport aux dépens judiciaires et aux peines qui devoient supporter ceux qui succomboient, ordonne qu'au commencement du procès les parties donneront des gages de la valeur du dixième de ce qui fut l'objet du procès; que dans toute la cour du procès on ne levera rien pour les dépens; mais qu'à la fin du procès celui qui succombera, paiera à la cour la dixième partie de ce à quoi il sera condamné, ou l'estimation; que si les deux parties succombent, chacune en quelque chef, chacune paiera à proportion des chefs auxquels elle aura succombé; que les gages seront rendus après le jugement, à la partie qui aura gagné, que ceux qui ne pourront pas trouver des gages, donneront caution, &c.

Ce dixième de l'objet du procès que l'on appelloit decima litium, servoit à payer les dépens dans lesquels sont compris les droits des juges. Il étoit alors d'usage dans les tribunaux laïques, que le juge sous prétexte de fournir au salaire de ses assesseurs, exigeoit des parties ce dixième, ou quelque autre portion, avec les dépenses de bouche qu'ils avoient faites, ce qui fut défendu aux juges d'église par Innocent III. suivant le chap. 10, aux décrétales de vita et honestate clericorum, excepté lorsque le juge est obligé d'aller aux champs et hors de sa maison; le chapitre cum ab omni, et le chapitre statutum, veulent en ce cas que le juge soit défrayé.

Il n'étoit pas non plus alors d'usage en cour d'église de condamner aux dépens: mais en cour laïc il y avoit trois ou quatre cas où l'on y condamnoit, comme il paroît par le chap. 92 des établissemens de S. Louis en 1270, et ce même chap. fait mention que la justice prenoit un droit pour elle.

Les privilèges accordés à la ville d'Aigues, mortes par le roi Jean, au mois de février 1350, portent que dans cette ville les juges ne prendront rien pour les actes de tutèle, curatelle, émancipation, adoption, ni pour la confection des testamens et ordonnances qu'ils donneroient; qu'ils ne pourroient dans aucune affaire faire faisir les effets des parties pour sûreté des frais, mais que quand l'affaire seroit finie, celui qui auroit été condamné paieroit deux sous pour livre de la valeur de la chose si c'étoit un meuble ou de l'argent; que si c'étoit un immeuble, il paieroit le vingtième en argent de sa valeur, suivant l'estimation; que si celui qui avoit perdu son procès, ne pouvoit en même temps satisfaire à ce qu'il devoit à sa partie et aux juges, la partie seroit payée par préférence.

Il y eut depuis quelques ordonnances qui défendirent aux juges, même laïques, de rien recevoir des parties; notamment celle de 1302, rapportée dans l'ancien style du parlement, en ces termes; " *præfati officarii nostri nihil penitus exigant à subjectis nostris.*"

Mais l'ordonnance de Philippe de Valois, du 11 Mars 1344, permit aux commissaires députés du parlement, pour la taxe des dépens, ou pour l'audition, des témoins, de prendre chacun dix sous parisis pour jour, outre les gages du roi.

D'un autre côté, l'usage s'introduisit que la partie qui avoit gagné son procès, en venant remercier ses juges, leur présentoit quelques boîtes de confitures sèches au de dragées, que l'on appelloit alors épices. Ce qui étoit d'abord purement volontaire passa en coutume, fut regardé comme un droit et devint de nécessité: ces épices furent ensuite converties en argent; on se trouve deux exemples fort anciens avant même que les épices entrassent en taxe: l'un est du 12 Mars, 1369; le sire de Tournon, par licence de la cour, sur sa requête, donna vingt francs d'or pour les épices de son procès jugé, laquelle somme fut partagée entre les deux rapporteurs; l'autre est que le 4 juillet 1371 un conseiller de la cour, rapporteur d'un procès, eut après le jugement de chacune des parties six francs.

Mais les juges ne pouvoient encore recevoir des épices ou présens des parties qu'en vertu d'une permission spéciale, et les épices n'étoient pas encore toujours converties en argent. En effet, Charles VI. par des lettres du 17 Mars 1395, pour certaines causes et considérations, permit à Guillaume de Sens, Pierre Boschet, Henri de Marle, et Ymbert de Boissy, présidens au parlement, et à quelques conseillers de cette cour, que chacun d'eux pût, sans aucune offense, prendre une certaine quantité de queues de vin à eux données par la reine de Jérusalem et de Sicile, tante du roi.

Papon, en ses arrêts, tit. des épices, rapporte un arrêt du 7 Mai, 1384, qu'il dit avoir jugé qu'en taxant les dépens de la cause principale, on devoit taxer aussi les épices de l'arrêt.

Cependant du Luc, liv. v. de ses arrêts, tit. 5, art. 1, en rapporte un postérieur du 17 Mars 1403, par lequel il fut décidé que les épices, qu'il appello *tragemata*, n'entroient point en taxe, lorsqu'on en accordoit aux rapporteurs.

Il rapporte encore un autre arrêt de la même année qui énonce que dans les affaires importantes et pour des gens de qualité, on permettoit aux rapporteurs de recevoir deux ou trois boîtes de dragées; mais l'arrêt défend aux procureurs de rien exiger de leurs parties sous ombre d'épices.

Ces boîtes de dragées se donnoient d'abord avant le jugement pour en accélérer l'expédition: les juges regardèrent ensuite cela comme un droit, tellement que dans quelques anciens registres du parlement on lit en marge, non *deliberetur donec solvantur species*; mais comme on reconnut l'abus de cet usage, il fut ordonné par un arrêt de 1437, rapporté par du Luc, liv. iv. tit. 5, art. 10, qu'on ne paieroit point les épices au rapporteur, et qu'on ne lui distribueroit point d'autre procès qu'il n'eût expédié celui dont il étoit chargé. Il appelle en cet endroit les épices *dicastica*, ce qui feroit croire qu'elles étoient alors converties en argent.

On se plaignit aux états de Tours tenus en 1483, que la venalité des offices induisoit les officiers à exiger de grandes et excessives épices, ce qui étoit d'autant plus criant qu'elles ne passaient point en taxe: cependant l'usage

NOTE Z Z.

en fut continué, tellement que, par un arrêt du 30 Novembre, 1494, il fut décidé que les épices des procès jugés sur lesquels les parties avoient transigé, devoient être payées par les parties et non par le roi; et ce ne fut que par un règlement du 18 Mai, 1502, qu'il fut ordonné qu'elles entroeroient en taxe.

L'ordonnance de Roussillon, art. 31, et celle de Moulins, art. 14, défendirent aux juges presidiaux; et autres juges inférieurs, de prendre des épices excepté pour le rapporteur.

La chambre des comptes fut autorisée à en prendre par des lettres-patentes du 11 décembre, 1581, registrées en ladite chambre le 24 mars, 1582.

Il y a cependant encore plusieurs tribunaux où l'on ne prend point d'épices, tels que le conseil du roi, les conseils de guerre.

Les épices ne sont point accordées pour le jugement général, mais pour la visite du procès.

L'édit du mois d'août 1669 contient un règlement général pour les épices et vacations.

Il ordonne que par provision et en attendant que S. M. se trouve en état d'augmenter les gages des officiers de judicature, pour leur donner moyen de rendre la justice gratuitement, les juges, même les cours, ne puissent prendre d'autres épices que celles qui auront été taxées par celui qui aura présidé, sans qu'aucun puisse prendre ne recevoir de plus grands droits, sous prétexte d'extraits, de sciendum, ou d'arrêts; ce qui est conforme à ce qui avoit déjà été ordonné par l'art. 127 de l'ordonnance du Blois, qui veut que la taxe en soit faite sur les extraits des rapporteurs qu'ils auront faits eux-mêmes et que l'on y use de modération.

Celui qui a présidé, doit écrire de sa main au bas de la minute du jugement, la taxe des épices, et le greffier en doit faire mention sur les grosses et expéditions qu'il délivre. Si le président de la compagnie est rapporteur de l'affaire, c'est l'officier qui le suit immédiatement dans l'ordre du tableau, qui doit faire la taxe des épices en prenant l'avis de ceux qui ont assisté au jugement du procès.

Au châtelet de Paris, il est d'usage que le président et le rapporteur taxent les épices, quand elles n'excedent par trois cens livres; mais quand elles sont au-dessus, elles se règlent à la pluralité des voix par la compagnie, ainsi qu'il se pratiquoit autrefois dans les bailliages, sénéchaussés, presidiaux, et prévôtés.

M. Duperray, en son traité des dixines, chap. xii. fait mention d'une déclaration du roi, dont il ne dit pas la date, qui remit, à ce qu'il dit, aux juges subalternes les épices mal prises, en payant une taxe. Il paroît être d'avis que cette taxe ne dispense par ces juges de faire restitution à ceux dont ils ont exigé indument des épices.

La taxe des épices doit être proportionnée au travail, au nombre des séances employées à la visite du procès, et à l'importance de l'affaire, sans avoir égard au nombre des juges, ni à la valeur des choses, en litige, ni à la qualité des parties litigantes. On ne doit en taxer aucunes pour les procès qui sont évoqués, ou dont la connoissance est interdite aux juges, encore que le rapporteur en eût fait l'extrait, et qu'ils eussent été mis sur le bureau, et même vus et examinés.

Il en est de même de tous les jugemens rendus sur requête et des jugemens en matière bénéficiale; lorsqu'après la communication au parquet toutes les parties sont d'accorde de passer appointment sur la maintenance du bénéfice contentieux, s'il intervient arrêt portant que les titres et capacités des parties seront vus.

Il est défendu aux juges, à peine de concussion, de taxer ou prendre des épices: 1°. pour les arrêts, jugemens ou sentences, rendus sur la requête d'une partie, sans que l'autre ait été entendue, à moins qu'il ne soit question d'une affaire criminelle, et qu'il n'y ait des procès verbaux ou informations joints à la requête: 2°. dans les causes civiles, où les procureurs du roi, et ceux des seigneurs sont parties à moins qu'il ne s'agisse de gros procès domaniaux: 3°. en matière de police, quand les procureurs du roi, ou fiscaux sont seuls parties: 4°. en matière criminelle, lorsqu'il n'y a point de parties civiles, et que le procès se poursuit à la requête du ministère public: 5°. dans les jugemens de

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compétence pour les sentences de provision, pour les jugemens définitifs rendus sur des procédures, où il n'y a ni récollement ni confrontation : 6°. pour le jugement des affaires sommaires ou qui n'excèdent pas le valeur de 100 liv. 7°. dans les affaires qui se jugent à l'audience, ou sur le bureau, ou qui se débattent sur le registre : 8°. pour l'audition des comptes des villes et des hôpitaux, et en général pour tout jugement interlocutoire ou de simple instruction.

Un arrêt des grands jours de Clermont, avoit défendu aux juges de prendre des épices des parties qu'il s'avoient être pauvres et conformément à cette règle le parlement de Toulouse avoit établi que l'on n'en prendroit pas dans le procès des religieux mendians à moins que le jugement ne fût en leur faveur, parce qu'alors ils en obtiennent le remboursement de leur partie adverse.

Il fut créé en 1581 et 1586 des offices de receveurs des épices dans les différens tribunaux de royaume : ceux du Beaujolois furent supprimés en 1688, les autres en 1626 et réunis aux offices de greffiers et de maîtres-clerks des greffes. Mais par édit du mois de fevrier 1629, on retablit tous ceux qui avoient été reçus et installés, et qui n'avoient point été remboursés. Ensuite on en créa d'alternatifs et de triennaux, qui ont été suprimés ou réunis. Il y a eu encore nombre d'autres créations et suppressions, dont le détail seroit trop long ; il suffit d'observer que dans quelques tribunaux ces officiers sont en titre d'office, dans d'autres ils sont par commission.

L'édit de 1669 porte que les épices seront payées par les mains des greffiers, ou autres personnes chargées par l'ordre des compagnies qui en tiendront registres, sans que les juges ou leurs clerks puissent les recevoir par les mains des parties ou autres personnes.

Il est défendu aux greffiers, sous peine d'amende, de refuser la communication du jugement, quoique les épices et vacations n'aient pas été payées. Mais on ne peut les obliger à délivrer l'expédition du jugement avant le paiement des épices.

Louis XII. avoit donné une ordonnance qui autorisoit les puges à user de contrainte contre les parties pour leurs épices ; mais cette ordonnance ne fut pas vérifiée, on permettoit seulement aux juges de se pouvoir par requête, suivant les arrêts, rapportés par Guenois ; usage qui a été aboli, aussi bien que celui de faire consigner les épices avant le jugement, comme cela s'observoit dans quelques parlemens ; ce qui fut abrogé par une déclaration du 26 fevrier, 1683, et autres à-peu-près du même temps.

Présentement les juges, soit royaux, ou des seigneurs ne peuvent décerner en leur nom, ni en celui de leurs greffiers, aucun exécutoire pour les épices, à peine de concussion ; mais on peut en délivrer exécutoire à la partie qui les a déboursées. Il est également défendu aux juges, aux greffiers et à tous les autres officiers de justice, de prendre aucune promesse ou obligation, soit sous leur nom, soit sous celui d'autres personnes, pour les épices, droits et vacations qui peuvent leur appartenir.

Les procureurs généraux et procureurs du roi, et leur substitués sont aussi autorisés à prendre des épices pour les conclusions qu'ils donnent dans les affaires de rapport. Mais ils ne peuvent en prendre dans le cas où il est défendu aux juges de le faire.

Lorsque la taxe, que les premiers juges ont faite des épices, est excessive, les juges supérieurs doivent, en prononçant sur l'appel de la sentence, ordonner la restitution de ce qui a été pris de trop, et même, suivant les circonstances, les condamner à plus grande peine. Il n'est pas même nécessaire d'entendre le juge dans ses défenses, quoiqu'il puisse se pouvoir par opposition contre le jugement qui lui enjoint de restituer. Un arrêt du conseil du 21 Août, 1684, servant de règlement pour les présidiaux du Languedoc, ordonne que les restitutions d'épices, prononcées par le parlement contre les juges des sénéchaussées, seront poursuivies à la diligence du procureur-général : et à la diligence de ses substitués, lorsqu'elles auront été ordonnées par jugement présidial et en dernier ressort, contre les juges inférieurs.

La distribution des épices se fait entre le rapporteur et les officiers des sièges suivant l'usage et chaque compagnie.

Les épices ont le même privilège que les dépens, pour la contrainte par corps,

et elles doivent être payées par préférence à toute autre dette. Elles ne sont pas aussi faisissables, et sont payées par provision, nonobstant l'appel.

Mr. Butler's Life of the Chancellor de l'Hôpital.

In Mr. Butler's life of the Chancellor Michel de l'Hôpital there are three chapters upon the Chancellor's wish to reform abuses in the administration of justice.

- 1st. The abolition of the sale of law offices.
- 2nd. The abolition of the custom of making presents by the suitors to the judges.
- 3rd. The abolition of fees to counsel.

The second chapter, upon "the abolition of the custom of making presents by the suitors to the judges," the only important chapter relating to the present subject is annexed.

CHAP. X.—The Chancellor l'Hôpital wishes to abolish the *Épices*.

Another reformation in the administration of justice, which l'Hôpital wished to effect, was the abolition of the *épices*, or presents made, on some occasions, by the parties in a cause, to the judges by whom it was tried.

A passage in Homer, (24 ll.) where he describes a compartment in the shield of Achilles, in which two talents of gold were placed between two judges, as the reward of the best speaker, is generally cited to prove, that even in the earliest times, the judges were paid for their administration of justice; but an attentive reader will probably agree with Mr. Mitford in his construction of this passage, that the two talents were not the reward of the judge who should give the best opinion, but the subject of the dispute, and were to be adjudged to him, who established his title to them by the best arguments.—Plutarch mentions, that, under the administration of Pericles, the Athenian magistrates were first authorized to require a remuneration from the suitors of their courts. In ancient Rome, the magistrates were wholly paid by the public; but Justinian allowed some magistrates of an inferior description to receive presents, which he limited to a certain amount, from the suitors before them. Montesquieu (*Esprit des Loix*, L. xxviii. ch. 35), observes, that "in the early ages of the feudal law, when legal proceedings were short and simple, the lord defrayed the whole expense of the administration of justice in his court. In proportion as society became refined, a more complex administration of justice became necessary; and it was considered that not only the party who was cast, should, on account of his having instituted a bad cause, but that the successful party should, on account of the benefit which he had derived from the proceedings of the court, contribute, in some degree, to the expenses attending them; and that the public, on account of the general benefit which it derived from the administration of justice, should make up the deficiency." To secure to the judges the proportion which the suitors were to contribute towards the expense of justice, it was provided, by an ordonnance of St. Louis, that at the commencement of a suit, each party should deposit in court the amount of one tenth part of the property in dispute: that the tenth deposited by the unsuccessful party should be paid over to the judges on their passing sentence; and that the tenth of the successful party should then be returned to him. This was varied by subsequent ordonnances. Insensibly it became a custom for the successful party to wait on the judges, after sentence was passed, and, as an acknowledgment of their attention to the cause, to present them with a box of sweetmeats, which were then called *épices*, or spices. By degrees, this custom became a legal perquisite of the judges; and it was converted into a present of money, and required by the judges before the cause came to hearing: *Non deliberetur donec solventur species*, say some of the ancient registers of the parliaments of France. That practice was afterwards abolished; the amount of the *épices* was regulated; and, in many cases, the taking of them was absolutely forbidden. Speaking generally, they were not payable till final judgment; and, if the

matter were not heard in court, but referred to a judge for him to hear, and report to the court upon it, he was entitled to a proportion only of the épices, and the other judges were entitled to no part of them. Those among the magistrates who were most punctual and diligent in their attendance in court, and the discharge of their duty, had most causes referred to them, and were therefore richest in épices; but the superior amount of them, however it might prove their superior exertions, added little to their fortune, as it did not often exceed 50*l.* and never 100*l.* a year. The judges had some other perquisites, and also some remuneration from government; but the whole of the perquisites and remuneration of any judge, except those of the presidents, amounted to little more than the épices. The presidents of the parliament had a higher remuneration: but the price which they paid for their offices was proportionably higher, and the whole amount, received by any judge for his épices, perquisites, and other remunerations, fell short of the interest of the money which he paid for the charge; so that it is generally true, that the French judges administered justice not only without salary, but even with some pecuniary loss. Their real remuneration was the rank and consideration which their office gave them in society, and the respect and regard of their fellow citizens. How well does this illustrate Montesquieu's aphorism, that the principle of the French monarchy was honour! It may be truly said, that the world has not produced a more learned, enlightened, or honourable order in society, than the French magistracy.

Englishmen are much scandalised when they are informed that the French judges were personally solicited by the suitors in court, their families and protectors, and by any other person whom the suitors thought likely to influence the decision of the cause in their favour. But it all amounted to nothing:—to all these solicitations the judges listened with equal external reverence, and internal indifference; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room: it was a *corvée* on their time which they most bitterly lamented.

Inquiry whether Presents were made to Judges in England.

Before time of James.—21 Henry VI.

Receiving presents was a practice neither uncommon among his predecessors in that court, nor, I believe, imputed to them for unrighteousness. This will appear plainly by the curious anecdote that follows; which I myself copied from the original manuscript, in the possession of Henry Wise, Esq. of Hampton Court. (a)

Declarant etiam executores predicti quod ipsi ad speciale rogatum predicti domini Henrici filii docti Domini nuper comitis, quod erat eis ad preceptum, dederunt Domino Cancellario Angliæ, I shaving bacyn argenti, quæ erat predicti domini patris sui, viz. Ad excitandum dictum Dominum Cancellarium fore benevolam et beneficientem materiis dicti Domini Henrici in curiis Domini regis pendentibus pretium VIII*l.*

Declarant etiam executores predicti quod ipsi dederant Domini Archi. Cantuariæ Cancellario Angliæ, J. saultauri ad similitudinem Cervi jacentis facti, quod erat dicti domini nuper comitis, appretiatum ad £40. 16*s.* 8*d.* ad intentionem ut ipse Dom. Archi. et Canc. suum bonum Dominum et auxilium dictis executoribus favorabiliter ostenderet et faceret in certis materiis que versus eisdem executores ad grave prejudicium et impedimentum debite executionis testamenti et ultime voluntatis dicti Domini nuper comitis subtiliter movebantur; ad valentiam sicut predictur.

This paper is called, Declaracio Thomæ Huggesford, Nicoli Rody et Willi. Berkswel presbyter. These were executors and feoffees of Richard Beauchamp, Earl of Warwick, and this declaration was made in the 21st year of Henry the Sixth, to account for certain plate, jewels, and so forth, which had come into their hands as his executors.

(a) I copied this some years ago, but I have forgotten from whence.

Sir Thomas More.

Life of Sir Thomas More.

His integrity in his office was sufficiently proved by the reduced state of his circumstances when he resigned the seals; but there are two or three anecdotes which will serve to illustrate this part of his character.

After his fall, the Earl of Wiltshire, the father of Anne Boleyn, preferred a complaint against him to the council for having taken a bribe from one Vaughan. Sir Thomas confessed that he had received the cup from the hands of Vaughan's wife, but immediately ordering the butler to fill it with wine, he drank to her, and when she had pledged him, says he, "as freely as your husband hath given this cup to me, even so freely give I the same to you again, to give to your husband for his new year's gift."

At another time one Gresham having a cause depending in Chancery, sent Sir Thomas a fair gilt cup, the fashion of which pleased him so well, that he caused one of his own, of more value to be delivered to the messenger for his master, nor would he receive it on any other condition.

Being presented by a lady with a pair of gloves, and forty pounds in angels in them, he said to her, "Mistress, since it were against good manners to refuse your new year's gift, I am content to take your gloves, but as for the lining, I utterly refuse it."

The following anecdote of More is given by Lord Bacon in his *Essays*:—A person who had a suit in Chancery sent him two silver flagons, not doubting of the agreeableness of the present. On receiving them, More called one of his servants, and told him to fill those two vessels with the best wine in his cellar; and turning round to the servant who had presented them, "Tell your master," replied the inflexible magistrate, "that if he approves my wine, I beg he would not spare it."

Presents made temp. Jac.

Sir Augustine Nicholls.

Before the time of Lord Bacon.—In Lloyd's life of Sir Augustine Nicholls, who was one of the judges in the time of James the First, he says, "He had exemplary integrity even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him that he might be secured from all appearance of corruption."

When the charge was made against Lord Bacon, the following observation was made in the House of Commons, as appears in the Journals of Lunæ 26^o Martii, 19^o Jacobi.—*Atford.* That the Chancery hindereth commerce at home. Many things propounded about the Lord Chancellor. Thinketh he took gratuities; and the Lord Chancellor before, and others before him. Hath a ledger-book, where 30s. given to a secretary, and 10l. to a Lord Chancellor, for his pains in hearing a cause. Will proceed from Chancellor to Chancery: will offer heads, to be considered by a committee. The Chancery to be confined to breach of trust, covin, and accident. Not to have our wills, or gift of lands, questioned, where no fraud.

That before the time of Lord Bacon it was customary to make presents to the Chancellor may, as it seems, be collected from the nature of the charges made against Lord Bacon, from which it appears that presents were made to him within a few hours after he was entrusted with the seals; that they were made publicly, and as a matter of course, by men of eminence who were counsel in the cause, and were made generally after the cause was decided, and by both parties to the suit, and had not any influence upon the judgment. Now as Lord Bacon held the great seals only four years, it is scarcely possible to suppose that such a custom could, during this short interval, have originated, and thus extensively and deeply pervaded the profession.

That they were made openly appears from the following facts.

They were made by counsel in the cause and persons of eminence. In his answer to the 24th, 25th, and 26th charges in which the Chancellor was accused of having received presents from the companies of Grocers and Apothecaries, he says, "If I had taken it in the nature of a bribe, I knew it could not be concealed, because it must be put to the account of the three several companies." On the 20th of March Sir Richard Young said, in the House of Commons, that, when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it. Sir Edward Coke said, "It was strange to him that this money should be thus openly delivered, and that one Gardner should be present at the payment of the £200."

The Charges.

That it was customary for presents to be made by the suitors to the Chancellor in the time of Lord Bacon, may be collected from his lordship's answers to the charges which were preferred against him.

In the first charge, which was in the case of Egerton and Egerton, the cause was heard by the Chancellor, with the assistance of Lord Hobart, and the present was made some days after the decision was pronounced. Unless it was customary in these times to receive presents, why was the present made after the cause was decided? His words are: "I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognizances reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award with the advice and consent of my Lord Hobart; the award was perfected and published to the parties, which was in February. Then some days after the £300. mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then in Midsummer term following a suit was begun in Chancery to have the award confirmed, and upon that suit was the decree made mentioned in the article.

The second charge is in the same cause. In the first charge the present was made on behalf of Rowland Egerton, one of the suitors. In the second charge it was made on behalf of Edward Egerton, the other suitor; and on his behalf the presents were made by men of eminence, Sir George Hastings, and Sir Richard Young, counsel in the cause, and members of parliament. Unless, therefore, it can be supposed that the whole bar could be accessory to crime, and that suitors could be so wild as to imagine that the judgments would be influenced by money presented by both parties, it seems to follow that it was customary to receive presents. It appears also in the Chancellor's answer to this second charge, that the presents were made soon after his coming to the seals, when presents were made by many. His words are: "I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the £400. mentioned in the said charge was delivered unto me in a purse, and as I now call to mind from Mr. Edward Egerton, but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come."

To the third charge, which was the case of Hody and Hody, the present was also made after the decision, and made by Sir Thomas Perrott, who was, I suspect, counsel in the cause, and was a present of gold buttons worth £50. which, even if it had been before the decision, can scarcely be supposed to be the bribe that would be made to influence the judgment in a cause of great inheritance. His words are; "I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended it being a suit for a great inheritance there was gold buttons about the value of £50. as is mentioned in the charge presented unto me, as I remember by Sir Thomas Perrott and the party himself."

In the fifth charge, which was in Sir Thomas Monck's case, the present was made three quarters of a year after the decree, and it was made by Sir Henry

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Holmes, who was probably one of the counsel for Sir Thomas Monck. His words are: "I confess it to be true that I received a hundred pieces; but it was long after the suit ended, as is contained in the charge."

In the sixth charge, which was in the cause of Trevor and Ascue, the present was made by some person on the part of Sir John Trevor, and after issue directed, and was presented, as seems to have been customary, as a new year's gift. His words are: "I confess and declare, that I received as a new year's gift £100. from Sir John Trevor; and because it came as a new year's gift, I neglected to inquire whether the cause was ended or depending, but since I find that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite*."

In the seventh charge, which was in the case of Holman and Young, the present was made either by Mr. Tobie Matthew or by Mr. Young, and made after the cause was ended. Mr. Tobie Matthew was the son of Dr. Matthew, Archbishop of York. He was an intimate friend of Lord Bacon's. He was a lover of intellectual pursuits, and translated Lord Bacon's Essays into Italian. He was a religious and conscientious man. He submitted to great privations for ten years (from 1607 to 1617) on account of his religious opinions, having been seduced by Father Parsons to the Catholic religion. He was knighted by King James, 1623.

Is it possible to suppose that such a man would have offered these presents, unless it was in compliance with a general custom? Is not Bishop Taylor right when, in his Essay on Friendship, he says, "He that does a base thing in zeal for his friend burns the golden thread that ties their hearts together."

His words are: "I confess and declare, that as I remember, a good while after the cause ended I received £100. either by Mr. Tobie Matthew, or from Young himself; but whereas I have understood that there was some money given by Holman to my servant Hatcher, to that certainly I was never made privy."

In the eighth charge, which was in the case of Fisher and Wrenham, a suit of hangings was given by Mr. Shute, who was I conceive counsel in the cause, and after the cause was decided. It was given towards finishing his house, as others, no ways suitors, did about that time present him. His words are: "I confess and declare that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others, that were no way suitors, did present me with the like about that time."

The 10th charge, which was in the cause of Vanlore, the fact of a loan of £1000. was so far from being a secret that Lord Bacon wrote to a friend about the king, stating that he owed the money, and wished it to be set off against a sum due from him for a fine. His words are: "I confess and declare, that I borrowed the money in the article set down, and that this is a true debt; and I remember well that I wrote a letter from Kew, about a twelvemonth since, to a friend about the king, wherein I desired, that whereas I owed Peter Vanlore £2000. his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber."

The eleventh charge, which was in the cause of Scott and Lenthall, the present was made after the decree, by Mr. Shute, whom, as I have before stated, I conceive to have been counsel on behalf of Scott; and in the charge, which was in the same cause, a present was made by his servant Sherborn, on behalf of Sir John Lenthall, who seems not to have been an adverse party, but some third person who was benefited. His words are: "I confess and declare, that some fortnight after, as I can remember, that the decree passed, I received £200. as from Mr. Scott, by Mr. Shute; but precedent, promise, or transaction by Mr. Shute, certain I am I know of none."

The thirteenth charge, which was in the cause of Worth and Manwaring, which was a cause for a valuable inheritance, the present was made by Mr. Worth, some months after the cause was ended, which was ended not after conflict but by consent. His words are: "I confess and declare, that this

cause being a cause for inheritance of good value, was ended by my arbitrament and consent of parties, so a decree passed of course, and some months after the cause was ended, the £100. mentioned in the said article was delivered to me by my servant Hunt.

The fourteenth charge, which was in the cause of Sir Richard Hurdley, the present was made by Mr. Tobie Matthew. His words are: "I confess and declare that there were two decrees, one, as I remember, for the inheritance, and the other for the goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said £500. was delivered unto me by Mr. Tobie Matthew; so as I cannot deny but it was, upon the matter, *pendente lite*."

The sixteenth charge, which was in the cause of Aubrey and Brucker, the present was made by Sir George Hastings and Mr. Jenkins. His words are: "I do confess and declare that the sum was given and received, but the manner of it I leave to witnesses."

In the seventeenth charge, which was in Lord Montagu's cause, the present was made after the decree. His words are: "I confess and declare there was money given, and, as I remember, to Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed, but I cannot say it was ended; for there have been many orders since caused by Sir Francis Inglefield's contempts, and I do remember that when Thelwall brought the money, he said that my lord would be yet further thankful if he could once get his quiet, to which speech I gave little regard."

In the eighteenth charge, which was in the cause of Drunck, the present was made by Mr. Thelwall, as it seems after the decree. His words are: "I confess and declare that it was delivered by Mr. Thelwall to Hatcher, my servant, for me, as I think sometime after the decree, but I cannot precisely inform myself of the time."

In the nineteenth charge, which was in the cause of Reynell and Pencival, the present of £200. was made by Sir George Reynell, a near relation, before any suit commenced, at his first coming to the seals: a diamond ring, *pendente lite*, as a new year's gift. His words are: "I confess and declare, that at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered to me £200. from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding, further, that he had received divers former favours from me, and this was, as I verily think, before any suit begun; the ring was certainly received *pendente lite*, and though it were at New Year's tide, it was of too great a value for a New Year's gift, though, as I take it, nothing near the value mentioned in the charge."

The twentieth charge, which was the cause of Peacock, the present was made, at Lord Bacon's first coming to the seal, and when no suit was pending. His words are: "I confess and declare, that I received of Mr. Peacock £100. at Dorset House, at my first coming to the seal, as a present, at which time no suit was begun; and at the summer after, I sent my then servant Lister to Mr. Rolfe, my good friend and neighbour at St. Albans to use his means with Mr. Peacock, who was accounted a monied man for the borrowing of £500. and after by my servant Hatcher for borrowing of £500. more, which Mr. Rolfe procured; and told me at both times it should be without interest, script, or note, and that I should take my own time for payment of it."

In the twenty-second charge, which was in the cause of Raswell, the present was made months after the decree, which was made with the assistance of two judges. His words are: "I confess and declare that I received money from my servant Hunt, as from Mr. Raswell, in a purse; and whereas the sum in the article being indefinite, I confess it to be £300. or £400., and it was about some months after the cause was decreed; in which decree I was assisted by two of the judges."

In the twenty-third charge, which was in the cause of Barker, the present was made some time after the decree. His words are: "I confess and declare, that the sum mentioned in the article was received from Mr. Barker some time after the decree passed."

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In the twenty-fourth, twenty-fifth, and twenty-sixth charges, which were in a cause between the companies of Grocers and Apothecaries, presents were made by both parties, and after the cause was terminated; and in this case it is clear it was considered a public act. He admits the several sums to have been received of the three parties, but alleges, "that he considered those presents as no judicial business, but a concord of composition between the parties: and as he thought they had all three received good, and they were all common purses, he thought it the less matter to receive what they voluntarily presented; for if he had taken it in the nature of a bribe, he knew it could not be concealed, because it must be put to the account of the three several companies."

Des Cartes.

Hence Des Cartes, in his History of England, says: "Coke was not yet ashamed to accuse Bacon of corruption for what had been done by all his predecessors without reproach. It had been a practice, perhaps from the time that our kings had ceased to take money for the purchase of writs, to sue in their courts, for suitors to make presents to the judges who sat in them, either in New Year's tide, or when their causes were on the point of coming to an hearing: it was a thing of course, not considered in the nature of a bribe, being universally known, and deemed an usual or honorary perquisite. Mr. Alford, one of the most eminent members in the House of Commons observed, "That in the leiger books of his family there were entries of 30s. paid to a secretary, and £10. to a Lord Chancellor for his pains in hearing a cause, and that this passed from Chancellor to Chancellor: it seems indeed generally allowed that former Chancellors had received the like gratuities as were given to Bacon. A blot is none till it is hit, but it was now made use of to ruin the present Chancellor, who had been charged in vain by Coke as one of the referees of Mompressin's patents whilst he was attorney; but he, not appearing to have been of the number, got clear of that accusation, either for this reason, or because it was not thought proper to prosecute the others.

Proof that it was the custom of the times for similar presents to be made to other statesmen.

To Sir Robert Cecil.

Sir,—Your honour knoweth my manner is, though it be not the wisest way, yet taking it for the honestest, to do as Alexander did by his physician in drinking the medicine and delivering the advertisement of suspicion; so I trust on, and yet do not smother what I hear. I do assure you, sir, that by a wise friend of mine, and not factious toward your honour, I was told with asseveration, that your honour was bought by Mr. Coventry for 2000 angels; and that you wrought in a contrary spirit to my lord your father. And he said further, that from your servants, from your lady, from some counsellors that have observed you in my business, he knew you wrought under hand against me. The truth of which tale I do not believe; you know the event will show, and God will right. But as I reject this report, (though the strangeness of my case might make me credulous,) so I admit a conceit that the last messenger my lord and yourself used, dealt ill with your honours; and that word (speculation) which was in the Queen's mouth rebounded from him as a commendation, for I am not ignorant of those little arts. Therefore, I pray, trust not him again in my matter. This was much to write, but I think my fortune will set me at liberty, who am weary of asserviling myself to every man's charity. Thus, I, &c.

By the following letters it appears that similar presents were made to other statesmen:

Foulke Grevill, Esq. to Mr. Francis Bacon.

Mr. Francis Bacon,—Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had a lodging nearer than my uncle's, which is four miles off. This day I came

thither to dinner, and waiting for to speak with the Queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remained as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you; which it pleased her majesty to confess, that indeed you began to frame very well, insomuch as she saw an amends in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-Chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will one hundred pounds to fifty pounds that you shall be her solicitor and my friend; in which mind and for which mind I commend you to God. From the court, this Monday in haste,

Your true friend to be commanded by you, FOULKE GREVILL.

We cannot tell whether she come to ———, or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.

Indorsed—17th of June, 1594.

Letter from Lord Salisbury to Mr. Hyckes.

Mr. Hycks,—I pray you return to Mr. Owen thanks for that whereof this nieu years gyft is the signe; for though these externall things are welcome to many for themselves, yet I ptest (protest) to me they are nonly (not unacceptable) because I know they are not sent with opinion to purchass my good will, but to demonstrate theirs; for otherwise I do take it rather unkindly of friends then otherwise to have any such things given me. For your fine instruments to way (weigh) perl I thank you, and till I see you will end your loving Friend,

RO. CECYLL.

Mr. Michael Hickes,
3 Jan. 1601-2.

Letter from F. Courtney to Mr. Hyckes.

Good Mr. Hyckes,—Your well approved faythful kindness hath mad me have boldness towards you to entreate healpe and direction in a late fallen office, what is by the death of Mr. Rycassius, one of the clerks of the sygnet; and for that my Lord Treasurer's furtherance maye mucche avayle me, I doe most earnestly entreatt your helpe in the procuringe thereof, only to second the sute, when by some other yf it please him, not the Queen hath moved; and in my thankfulness I will deliver unto whom he will please to appoint £100. and to yourself 100 angels. And that my office which I have may be no hindrance, you know my attendance in court will be but one month, and my place at Southampton affords a deputie; so as all objection of denyal (if therein it stand) will be taken away. Thus much have I presumed upon you, whereof I entreate your answer, and even so do most heartily salute you, wishing you all happiness.

Ever yours, FRA. COURTENAY.

Dytton, this 28th of Apryll.

To the worshipful my very good friend,
Mr. Michall Hyckes, at the court.

Letter from Bishop of Durham to Lord Burleigh.

Right Honourable,—Your L. having alwaies been an especiall patron to the see of Duresme, wherein it hath now pleased God and her majesty to place me, thoughle unworthie; and myself reaping the fruite of your L. and extraordinario furtherance in obtayning the same, I could not without great note of ingratitude (the monster of nature) but yelde your L. some signification of a thankful

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minde. And seeking by all good means, but contrary to myne expectation, not finding any office or other particular presentlie voyde, either fitt for me to offer your lordship, or sure for your L. to receive at my hande, I have presumed in lieu thereof to present your good lordship with an hundred pounds in golde, which this bringer will deliver to your L. It is no recompense any waie proportionable, I confesse, to your lordship's great goodnesse towards me, but onely a sclender token of my dutie most bounden to your L. and a pledge of my service alwaies to be at your L. commandment afore and above any man alive, which I beseech your lordship to accept in such part as is simply and faithfully meant. And so desyring the continuance and increase of your L. honorable opinion and favour, of the which I shall endeavour, by God's grace, your L. shall never repent yourselfe. I most humbly betake your good L. to the blessed tuition of the Almighty. Your Lordship's most humble and bounden,
 April, 1595. TOBIAS DUNELM.

To the Right Honorable my singular goode Lorde,
 the Lord Burleigh, Lord H. Treasurer of England.

Lansd. 72. Art. 72.

Good Mr. Hickes,—With my hastye commendations, and as many thanks as there ys farthings in twentye pounds, which I have sent ye by this bearer; and I pray ye be twice as bolde with me in any thing that I can pleasure ye withall. My Lorde Keeper hath preferred me to a greate offyce in this cuntry, that is, to be a collector of the ffyffteenths, which yf my lorde hadd known me very well, what for my ylnes and my unableness to travell, I have no doubt but that he would have pardoned me, but nowe there is no remadye. I must needs follow my collections, which will make me to vysite you this next terme; and therefore I praye you, if I chance to be behinde hand, I will require your friendshippe to be a meane to my lord to give me some dayes till I may get it up. I have no good thinge presentlie to pleasure you withal, but at my cominge up, if I do know of any good thinge in the country, you shall be sure if it lye in me to get it to have it. And so I doe ende the 15 daye of Oct. 1592.
 Yo. assured friend, MAURICE BERKLY.

To the worshipful and assured good friende,
 Mr. Michael Hyckes, geve theise.

From Mr. Michael Hyckes.

Although I had not received your kinde letter of remembrance by this gent. Mr. Buck, or had not been provoked by the cominge downe of so fit a bearer as he is to have written unto you, yet would I neither have forgotten my promise nor your many received friendships, who have nothinge else to requite them withal than an honest true affection towards you, whereof also I can make no other demonstration but in these pety kynde of offices now and then as occasions are offered (which I know are as welcome and acceptable to you as 20 faire angels laid in the hands of us poor bribers here in court).

(The remainder of the letter is on the preference of a country to a court life.)
 To Mr. Manners. (No signature.)

Justys Younge being onne your ould suter, well hopes you may sounne dispatch her. Shee hath twyse been sent for, and by the messengers assured that if she will give the sum you knowe of, her sute shall presentlie be dispatched, but she refused to hearken to it, restynge upon me. Wherefore, I pray you, sende me worde what you will doe. If you will dispatch it, what I said shall be performed; if not give her liberty to seeke other, which I wish she should not neede. I pray you to write me worde whether my lorde to the court before theremove. Your loving friend,
 GEORGE CUMBERLAND.

To my very loving friend, Mr. Hyckes,
 Secretary to my L. Treasurer.

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This letter seems to involve Mr. Secretary Hicks in a suspicion of bribery. In which case it is strange that it should exist, unless it be argued that its preservation is rather a token of Mr. Hicks's innocence. But even his master was attacked in this manner. See the Duke of Wirtemberg's letter, No. 68. It is to be hoped that there the blame was altogether with him that sent the gift.—Note by Mr. Douce, of the British Museum. 72 Lansd.

Sir,—Considering with myself the absolute disposition of my L. I hold it under your allowance very material to your better successe, that after you shall have spoken with Sir Thomas, who will offer the occasion if he meet with you, that you let my lorde understande of his inclination to give over, giving your motion to him as for one whom my L. affecting so as that Sir Thomas may seem rather to resolve of resignation from my L. his likinge than first desire my lorde to like of his particular resignation.

Sir, I am bould to present you with a very little mullet of sack, the which I will send to-morrow to Rucholles, noe waie I protest unto you as a recompense for your kindnesse, but as an obligation of my thankful disposition, the which, I know, you only regardinge, will receive with the same hande I give it, with the which likewise I presume to promise you fortie pounds either in golde or plate at your choyce, at my beinge possessed of the place with your good likinge and favor of my lorde your most honorable friend, neither will my thankfulness end in that and the interest in me in the worde of an honeste man shall for ever (continue) and howsoever it shall fall out, my over respectes and thanks shall be in your good likinge: and so cravunge pardon for my boldnesse, I humbly take my leave, and rest your very lovinge and thankful friend to dispose of,

RO. KAYLE.

My howse at Radcliffe, the 25 of Feb. 1604.

To the Right Worshipful Sir Michael Hickes,
knight in Austen Friere.

[MS. Lansdown. Mus. Brit. vol. 76. art. 68. original.]

Frederick, Duke of Wirtemberg, to Lord Burghley.

Monsieur,—Je ne doubtte que vous ne soyez aduertij de ce que j'ay par cij deuant, comme mesmes avec ceste commodite, escrit et demande humblement a La Serenissime Royne d'Angleterre et de me laisser passer environ 1000 pieces de trap hors le renommé royaulme d'Icelle, librement et sans aucun peage, et pource que je scay, que vous pourrez beaucoup en cest affaire. Je vous pryé bien fort, vous ij employer. Affin que je puisse auoir vne bonne et brefue respounee, telle comme je le desire et demande, dont mon commis le present porteur a charge, vous je present de ma part vne chaine d'or pov. vos peines. Laquelle accepterez: s'il vous plaist de bon cuer. En tous lieux la on j'auray moyen de recognoistre cela en vre endroit j'en suis content de vous grattifier a vre contentement, de telle volunte, comme apres mes affectionnees recommandations. Prye dieu vous auoir.

Monsieur, en sa sainte digne garde. De Stuctgart ce 12^{me} de Decembre, 1594. Vre bien affectionné,
FRIDERICH.

A Monseigneur Monseigneur le Grandt
Tresorier dengleterre.

Bishop Williams.

The following is from Weldon:—This Williams, though he wanted much of his predecessor's abilities for the law, yet did he equal him for learning and pride, and beyond him in the way of bribery: this man answering by petitions, in which his servants had one part, himself another, and was so calculated to be worth to him and his servants £3000 per annum, by a new way never found out before.—Weldon, 450.

The explanation of this will be found in the following extracts from Hackett's Life of Bishop Williams:

Among the qualities of a good judge there is one remaining and fit to bring up the rear, which the king looked upon as to be presaged in his new officer, 'an hand clean from corruption and taking gifts,' which blind the eyes of the wise, and pervert the words of the righteous.—Deut. xvi. 19. It was loudly exclaimed, and the king was ashamed to have so far mistaken the persons, that there were sucking horse-leeches in great places. Things not to be valued at money were saleable, and what could not gold procure? As Menander writes,

Φίλοι δικασαι, μαφτυρες,
μονου διδω : αυτες γαρ εξεις της θεως υπερετας.

That is, friends and judges and witnesses, you may have them for a price; nay, such as sit in the place of God will serve you for such wages. The wise king having little prevailed by monitions and menaces against this sordid filthiness, cast his liking upon a man whom he might least suspect for gripleness and bribery. The likeliest, indeed, of all others to shake this viper from his hand, and to be armed with a breastplate of integrity against the mammon of iniquity, for he was far more ready to give than to take, to oblige than to beholdinge. "Magis illud laborari ut illi quamplurimi debeant," as Sallust of Jugurtha.

He was well descended of a fortunate and ancient lineage, and had made his progress to advancements by steps of credit, a good bridle against base deviations. What then made an unsavoury historian call him country pedant? A reproach with which H. L. doth flirt at him, in his history of King Charles, a scornful untruth. So I shake off this bar, and return to the reverend dean, who was in a function of holy calling next to God. Among them I know all have not been incorrupt: the sons of Samuel turned aside after lucre, and took bribes and perverted judgment. 1 Sam. viii. 3. But commonly, I trust, they do not forget what a scandal it is if God's stewards, turn the devil's rent gatherers. He was also unmarried and so unconcerned in the natural impulsion of avarice to provide for wife and children. Our old moral men touched often upon this string that justice is a virgin *Παρθενω εστι δικη*, says Hesiod, and therefore fit to be committed to the trust of a virgin magistrate. He was never sullied with suspicion that he loved presents: no not so much as Gratuidad di Guantes as the Spaniards phrase is, but to go higher, they are living that know what sums of value have been brought to his secretaries, such as might have swayed a man that was not impregnable, and with how much solicitousness they have been requested to throw them at his feet for favours already received, which no man durst undertake, as knowing assuredly it would displace the broker, and be his ruin. And it was happy for him, when five years after lime-hounds were laid close to his footsteps to hunt him, and every corner searched to find a tittle of that dust behind his door. But it proved a dry scent to the inquisitors, for to his glory, and shame to his enemies, it could never appear that the least birdlime of corruption did stick to his fingers.

Among the exceptions with which Lord Cranfield did exagitate him, one may require a larger answer than he thought him worthy of in that humour. He replies to him very briefly to him in the laconic form, because such brittle ware would break with a touch. The treasurer was misinformed or coined it out of his own head. That the Keeper dispatched great number of cases by hearing petitions in his chamber, and he did usually reverse decrees upon petitions. That £40,000 had been taken in one year among his servants by such spurious and illegitimate justice.

That he did much work by petitions and treble as much in the first year as in those that succeeded, it is confessed. First, the hindrances had been so great which the court sustained before he began to rectify them, that unless he had allowed poor men some furtherance by motions or petitions, they had been undone for want of timely favour.

Secondly, all high potentates and magistrates under them have ever employed some at their hand to give answers to supplicants that made requests unto them.

Therefore, to straiten his course against all presumption of errors, he directed two remonstrances; the first, to the lord marquis, September the 8th, the other to his majesty, October the 9th, 1622, which follow as he penned them.

My most noble Lord,—I am half ashamed of myself that any man durst be so shameless as to lay upon me the least suspicion of corruption in that frugality of life, poverty of estate, and retiredness from all acquaintance or dependencies wherein I live; but I have learnt one rule in the law, that knaves ever complain of generalities. And I long to be charged with any particular; petitions are things that never brought to any man in my place either profit or honour, but infinite trouble and molestation. Three parts of four of them are poor men's, and bring not a penny to my secretaries. The last part are so slighted and disrespected by my orders, that they cannot be to my secretaries (whom I take to be honest men, and well provided for) worth their trouble or attendance. All petitions that I answer are of these kind. First, for ordinary writs to be signed by my hand; secondly, for motions to be made in court; thirdly, for to be placed in the paper of preemptions; fourth, for license to beg; fifth, for referring for insufficient answers; sixth, for a day to dispatch references recommended from the king; seventh, for reigling commissions to be dispatched to the country; eighth, for my letter to the next justices to compound braules; ninth, for commissions of bankrupts, certiorari, especial stay of an extent until counsel be heard, &c. Let any man that understands himself be questioned by your lordship whether any of these poor things can raise a bribe or a fee worth the speaking of. I protest I am fain to allow £20. a year to a youth in my chamber, to take care of the poor men's petitions, the secretaries do so neglect them.

In a while after thus to the King :

May it please your most excellent Majesty to pardon the first boldness of this kind of interrupting your majesty. Although I do find by search those particular charges of chamber orders, showed unto me by my most noble Lord Admiral, to be falsely laid and wilfully mistaken, as being either binding decrees or solemn orders pronounced in open court, and pursued only to processes of execution by these private directions; yet do I find withal, and I have advisedly and with mature deliberation, upon my entering into this office, made many dispatches upon the petitions of the subjects to mine own great trouble, and to the ease of their partes many thousand pounds in the compass of this year. For that motion, which upon a petition will cost the party nothing if it be denied, nor above five shillings to the secretaries (unless the party play the fool and wilfully exceed that expected fee) where it is granted, being put into the mouth of a lawyer will cost the client, whether granted or denied, one piece at the least, and for the most part five, ten, or twenty pieces, is notoriously known to all the world; yet have I most willingly observed in all orders upon petitions, First, to order nothing in this kind without notice given to the adverse part and oath made thereof. Secondly, to reverse, correct, or alter to one syllable of any decree or order pronounced in court upon counsel heard on both sides. Thirdly, to alter no possession unless it be in pursuance of a former decree or order pronounced in open court upon counsel heard on both sides, or to save by a sequestration to indifferent hands, some bona peritura, which commonly be a tithes or a crop of hay or corn, which are ready to be carried away by force by unresponsal men, and will not stay for a decree in court. Now I humbly crave your majesty's opinion whether I may go on this way, as ancient as the court, for easing your majesty's subjects with these cautions and limitations, the clamour of the lawyer and ignorance of some men, qui me per ornamenta feriunt notwithstanding. For although no party grieved doth or indeed can complain against these dispatches, and that in the corruptest times it was never heard that any bribes have been taken for answers upon petitions, yet what reason have I to overtoil myself in easing the purse of the subject, if it be objected as a crime against me, and be not a service acceptable to your

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majesty and the realms? I have eased myself these three days in this kind, but am enforced to prevent their complaint by this humble representation unto your majesty. I most humbly, therefore, crave your majesty's directions, denied to none of your servants that desire them, to be signified unto me by the Lord Admiral at his lordship's best conveniency.

The fair and familiar Conference which the Lord Treasurer had with the Lord Keeper after some Expostulations of his own, and the issue joined thereupon, at Whitehall, September 7, 1622.

OBJECT. 1. There is taken £40,000 for petitions in your house this year.

SOL. Not much above the fortieth part of the money for all the dispatches of the Chancery, Star-Chamber, Council-Table, Parliament, the great diocese of Lincoln, the jurisdiction of Westminster, and St. Martin's le Grand; all which have resort to my house by petitions.

OB. 2. You have yourself a share in the money.

SOL. Then let me have no share in God's kingdom; it is such a baseness as never came within the compass of my thoughts.

OB. 3. It is commonly reported you pay to my Lord Admiral £1,000 per mensem.

SOL. As true as the other. The means of my place will reach to no more than two months.

OB. 4. You never receive any petitions with your own hands, but turn them to your secretaries, who take double fees, one for receiving, and the other for delivering.

SOL. Let the Cloisters at Westminster answer for me. I never to this day received any petition from my secretaries, which I had formerly delivered unto them with my own hands. This is a new fashion which my lord hath found in some other courts.

OB. 5. You sell days of hearing at higher rates than ever they were at.

SOL. I never disposed of any since I came to this place, but leave them wholly to the six clerks and registers, to be set down in their antiquity. Unless his lordship means hearing of motions in the paper of peremptories, which I seldom deny upon any petition, and which are worth no money at all.

OB. 6. You usually reverse decrees upon petitions.

SOL. I have never reversed, altered, explained, or endured a motion, or petition, that touched upon a decree once pronounced; but have sometimes made orders in pursuance of the same.

OB. 7. You have three doorkeepers, and are so locked up, that no man can have access unto you.

SOL. I have no such officer in all my house, unless his lordship means the college porters; nor no locks at all, but his majesty's business, which I must respect above ceremonies and compliments.

OB. 8. You are cried out against over all the kingdom for an insufferable oppression and grievance.

SOL. His lordship (if he have any friends) may hear of such a cry, and yet be pleased to mistake the person cried out against.

OB. 9. All the lords of the council cry out upon you, and you are a wretched and a friendless man, if no man acquaints you with it.

SOL. I am a wretched man indeed if it be so. And your lordship (at the least) a very bold man if it be otherwise.

OB. 10. I will produce particular witnesses, and make all these charges good.

SOL. I know your lordship cannot, and I do call upon you to do it, as suspecting all to be but your lordship's envy and malice to that service of the king's, and ease of his subjects, which God hath enabled me to accomplish, and perform in this troublesome office.

J. L. C. S.

After time of James.

Sir Matthew Hale.

By his exact and impartial administration of justice, of which we have the following instances. He would never receive any private addresses or recommendations from the greatest persons in any matter in which justice was concerned. One of the first peers of England went once to his chamber, and told him, "That having a suit in law to be tried before him, he was then to acquaint him with it, that he might the better understand it when it should come to be heard in court." Upon which Sir Matthew interrupted him, and said, "He did not deal fairly with him to come to his chamber about such affairs, for he never received any information of causes but in open court, where both parties were to be heard alike." So he would not suffer him to go on. Whereupon his grace (for he was a duke) went away not a little dissatisfied, and complained of it to the king as a rudeness that was not to be endured. But his majesty bid him content himself that he was no worse used;" and said he verily believed he would have used himself no better if he had gone to solicit him in any of his own causes. Another passage fell out in one of his circuits, which was somewhat censured as an affectation of unreasonable strictness, but it flowed from his exactness to the rules he had set himself. A gentleman had sent him a buck for his table that had a trial at the assizes. So when he heard his name, he asked "If he was not the same person who had sent him the venison?" and finding he was the same, he told him he could not suffer the trial to go on till he had paid him for his buck. To which the gentleman answered, "That he never sold his venison, and that he had done nothing to him which he did not do to every judge that had gone the circuit," which was confirmed by several gentlemen then present: but all would not do; for the Lord Chief Baron had learned from Solomon, "that a gift perverteth the ways of judgment," and therefore he would not suffer the trial to go on till he had paid for the present, upon which the gentleman withdrew the record. And at Salisbury, the dean and chapter having, according to custom, presented him with six sugar-loaves in his circuit, he made his servants pay for the sugar before he would try their cause.

Were Bacon's judgments influenced by the presents?

That these solicitations and presents had not any influence upon the judgments of the Chancellor appears from many reasons.

1. During the violence and virulence of the charges not a word was attempted to be said of his having ever decided unjustly.
2. In most of the cases the presents were long after the decrees.
3. In many of the cases the presents were made by both parties.
4. When the present was made by only one of the suitors, the judgment has been against him, and in Aubrey's case, Sir R. Phillips, the chairman of the committee said, "Sir George Hastings, pitying Aubrey's case, did give in a box £100 to the Lord Chancellor in those terms or the like, 'That it was to help Aubrey in his cause.' Notwithstanding, not long after, a very prejudicial and murdering order was made against Aubrey in his cause."
5. No doubt of the integrity of his judgments seems to have been entertained by his cotemporaries.

Ben Jonson.

Ben Jonson died about 1630. "My conceit of this person was never increased towards him by his place or honors; but I have and do reverence him for the greatness that was only proper to himself, in that he seemed to me ever by his works one of the greatest men, and most worthy of admiration, that had been in many ages. In his adversity I ever prayed that God would give him strength; for greatness he could not want. Neither could I condole in a word or syllable for him, as knowing no accident could do harm to virtue, but rather help to make it manifest."

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Fuller.

Such as condemn him for pride, in his place with the fifth part of his parts, had been ten times prouder themselves. He had been a better master if he had been a worse, being too bountiful to his servants, and either too confident of their honesty, or too conniving at their falsehood. The story is told to his advantage, that he had two servants, one in all causes patron to the plaintiff (whom his charity presumed always injured) the other to the defendant (pitying him as compelled to law), but taking bribes of both, with this condition, to restore the money received if the cause went against them. Their lord, ignorant thereof, always did impartial justice; whilst his men (making people pay for what was given them) by compact shared the money betwixt them, which cost their master the loss of his office.

Bushel.—Rushworth.

He was over indulgent to his servants, and connived at their takings, and their ways betrayed him to that error: they were profuse and expensive, and had at their command whatever he was master of. The gifts taken were for the most part for interlocutory orders: his decrees were generally made with so much equity, that though gifts rendered him suspected for injustice, yet never any decree made by him was reversed as unjust, as it has been observed by some who were well skilled in our laws.—Rushworth's Collection, vol. i. 26.

Aubrey.

His favourites took bribes, but his lordship always gave judgment *secundum æquum et bonum*. His decrees in Chancery stand firm; there are fewer of his decrees reversed than of any other Chancellor.

Lloyd.

He reflected upon himself, when he said to his servants as they rose to him in the hall, "Your rise hath been my fall." Though, indeed, he rather trusted to their honesty, than connived at their falsehood, yet he did impartial justice commonly to both parties, when one servant was in fee with the plaintiff, and the other with the defendant.

It seems scarcely possible to suppose that if the judgments of the Chancellor had been influenced by the solicitations and presents, the intimacy between him and the King and Buckingham would have continued. The idea of his judgments being tainted never enter the mind of Lord Bacon. This appears from various passages in his works.

In his letter to Buckingham, written as soon as the charge was made, he says:

To the Marquis of Buckingham. (a)

My very good Lord,—Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a Chancellor, I think, if the great seal lay upon Hounslow Heath, nobody would take it up. But the King and your lordship will, I hope, put an end to these my straits one way or other. And in troth that which I fear most is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning, or fainting. But I hope in God I shall hold out. God prosper you.

(a) This letter seems to have been written soon after Lord St. Alban began to be accused of abuses in his office of Chancellor.

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And in his letter of March 25, to the King, he says: And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

When the Chancellor saw the King in April, during the recess, he had prepared notes of his intended communication to the King. The following are the notes:

Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

If your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune. For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves or subterfuges. There be three degrees, or cases, as I conceive, of gifts and rewards given to a judge: the first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptela munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought, when I pronounced any sentence or order. The second is a neglect in the judge to inform himself whether the cause be fully at an end or no, what time he receives the gift, but takes it upon the credit of the party, that all is done; or otherwise omits to inquire. And the third is, when it is received *sine fraude*, after the cause ended; which, it seems by the opinion of the civilians, is no offence. Look into the case of simony, &c.

Now, if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocents' day, in my heart. For the second, I doubt, in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent, once for the fact, and again for the error. For I had rather be a briber than a defender of bribes.

I must likewise confess to your majesty, that at new-years tides, and likewise at my first coming in, which was, as it were my wedding, I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me, yea or no. And this is simply all that I can say for the present, concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

And in another letter to Buckingham he says: I perceive by some speech, that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you that it were strange I should be in debt; for that I could not but have received an hundred thousand pounds gifts since I had the seal, which is an abominable falsehood. Such tales as these made St. James say, that the tongue is a fire, and itself fired from hell, whither when these tongues shall return, they will beg a drop of water to cool them. I praise God for it, I never took penny for any benefice or ecclesiastical living; I never took penny for releasing any thing I stopped at the seal; I never took penny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied, as a good confessant, guiltiness, and not excuse; and therefore I hope it leaves me fair to the king's grace, and will turn many men's hearts to me.

The state of Lord Bacon's mind may also be discovered by his own rule, the sudden expressions which were made by him when the charge was made.

In the Advancement of Learning, he says, that the modes by which words give us an insight into character are, when they are sudden, "*vino tortus et ira.*" So, when speaking of the use of Mechanical History, he says, "As a man's disposition is never well known till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast; so the passages and variations of nature cannot appear so fully in the liberty of nature, as in the trials and vexations of art."

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Upon being told that it was time to look about him, he said, "I do not look about me; I look above me."

Upon his servants rising on his entrance, soon after the accusation, "Sit down," he said, "your rise has been my fall."

Letter from Sir Kenelm Digby to M. de Fermat, published at the end of Fermat's Opera Mathematica, 1769.

Extrait d'un lettre de Mons. le Chevalier Digby à M. de Fermat.

Et comme vous y parlez de notre Chancelier Bacon, cela me fit souvenir d'un autre beau qu'il dit en ma présence une fois a peu Mons. le Duc de Buckingham. C'étoit au commencement de ses malheurs quand l'assemblée des états, que nous appellons le parlement, entreprit de le miner, ce quelle fit en suite, ce jour la il en eût la première alarme. J'étois avec le duc ayant disné avec lui, le Chancelier suivit, et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit présentée contre lui, et il supplia le duc d'employer son crédit auprès du roi pour le maintenir toujours dans son esprit. Le duc lui répondit, qu'il étoit si bien avec le roi leur maître qu'il n'étoit pas besoin de lui rendre de bons offices auprès de sa majesté, ce qu'il disoit, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur. Le Chancelier lui répondit de très bonne grace, "Qu'en il croyoit être parfaitement bien dans l'esprit de son maître, mais aussi qu'il avoit toujours remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui même, il ne laissera pourtant pas de bruler mieux, et d'être plus beau et plus clair si on le souffle comme il faut."

Assuming that it was customary for the suitors to solicit and to make presents to the judges out of court, the observations made by Mr. Butler with respect to this custom in France, may, therefore, as it seems, be applied to the custom in England: "But it all amounted to nothing. To all their solicitations the judges listened with equal external reverence and internal indifference; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room."

NOTE A A A.

The Advancement of Learning.

The Advancement of Learning was published in the year 1605. The following is a copy of the title page: *The Twvo Bookes of Francis Bacon. Of the proficience and advancement of Learning, diuine and humane. To the King. At London, printed for Henry Tames, and are to be sould at his shop at Graies Inne Gate in Holborne.* 1605. It is a small thin quarto of 119 pages, double paged, that is, one page relates to two sides, so that there are according to the modern mode of paging, 238 pages. The subjects are distinguished by capitals and italics introduced into the text, with a few marginal notes in Latin.

Of this work he sent copies to the Earl of Northampton, to present the book to the King; to Sir Thomas Bodley; to Lord Chancellor Egerton; to the Earl of Salisbury; to the Lord Treasurer Buckhurst; to Mr. Matthews. The following are copies of the several presentation letters:

Sir Francis Bacon, of the like Argument, to the Earl of Northampton, with request to present the book to his Majesty.

It may please your good Lordship,—Having finished a work touching the Advancement of Learning, and dedicated the same to his sacred majesty, whom I dare avouch (if the records of time err not) to be the learnedest king that hath reigned; I was desirous in a kind of congruity, to present it by the learnedest counsellor in this kingdom, to the end, that so good an argument, lightening upon so bad an author, might receive some reparation by the hands

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into which, and by which it should be delivered. And therefore I make it my humble suit to your lordship to present this mean, but well meant writing to his majesty, and with it my humble and zealous duty; and also my like humble request of pardon, if I have too often taken his name in vain, not only in the dedication, but in the voucher of the authority of his speeches and writings. And so I remain, &c.

Sir Francis Bacon to Sir Thomas Bodley, upon sending him his Book of the Advancement of Learning.

Sir,—I think no man may more truly say with the psalm, “*multum incola fuit anima mea.*” For I do confess, since I was of any understanding, my mind hath in effect been absent from that I have done, and in absence errors are committed, which I do willingly acknowledge; and amongst the rest, this great one that led the rest; that knowing myself by inward calling to be fitter to hold a book than to play a part, I have led my life in civil causes, for which I was not very fit by nature, and more unfit by the preoccupation of my mind. Therefore, calling myself home, I have now for a time enjoyed myself, where likewise I desire to make the world partaker; my labours (if so I may term that which was the comfort of my other labours) I have dedicated to the king, desirous if there be any good in them, it may be as fat of a sacrifice incensed to his honour; and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning: for books are the shrines where the saint is, or is believed to be. And you having built an ark, to save learning from deluge, deserve, in propriety, any new instrument or engine, whereby learning should be improved or advanced. So, &c.

A Letter of the like Argument to the Lord Chancellor.

May it please your good Lordship,—I humbly present your lordship with a work, wherein as you have much commandment over the author, so your lordship hath also great interest in the argument. For to speak without flattery, few have like use of learning, or like judgment in learning, as I have observed in your lordship. And again, your lordship hath been a great planter of learning, not only in those places in the church which have been in your own gift, but also in your commendatory vote, no man hath more constantly held “*detur digniori,*” and therefore both your lordship is beholden to learning, and learning beholden to you. Which maketh me presume, with good assurance, that your lordship will accept well of these my labours, the rather because your lordship in private speech hath often begun to me, in expressing your admiration of his majesty's learning, to whom I have dedicated this work; and whose virtue and perfection in that kind did chiefly move me to a work of this nature. And so with signification of my most humble duty and affection towards your lordship, I remain, &c.

Sir Francis Bacon to the Earl of Salisbury, upon sending him one of his Books of Advancement of Learning.

It may please your good Lordship,—I present your lordship with a work of my vacant time, which if it had been more, the work had been better. It appertaineth to your lordship (besides my particular respects) in some propriety, in regard you are a great governor in a province of learning, and (that which is more) you have added to your place affection towards learning, and to your affection judgment, of which the last I could be content were (for the time less, that you might the less exquisitely censure that which I offer to you. But sure I am, the argument is good, if it had lighted upon a good author; but I shall content myself to awake better spirits, like a bellringer which is first up, to call others to church. So, with my humble desire of your lordship's good acceptance, I remain.

Sir Francis Bacon to the Lord Treasurer Buckhurst, (a) upon the same occasion, of sending his book of Advancement of Learning.

May it please your good Lordship,—I have finished a work touching the Advancement or setting forward of Learning, which I have dedicated to his majesty, the most learned of a sovereign, or temporal prince, that time hath known. And upon reason not unlike, I humbly present one of the books to your lordship, not only as a chancellor of an university, but as one that was excellently bred in all learning, which I have ever noted to shine in all your speeches and behaviours. And therefore your lordship will yield a gracious aspect to your first love, and take pleasure in the adorning of that wherewith yourself are so much adorned. And so humbly desiring your favourable acceptance thereof, with signification of my humble duty, I remain.

To Mr. Matthew.

Sir,—I perceive you have some time when you can be content to think of your friends; from whom since you have borrowed yourself, you do well, not paying the principal, to send the interest at six months. The relation which here I send you inclosed, carries the truth of that which is public; and though my little leisure might have required a briefer, yet the matter would have endured and asked a larger.

I have now at last taught that child to go, at the swaddling whereof you were. My work touching the proficiency and advancement of learning, I have put into two books; whereof the former, which you saw, I cannot but account as a page to the latter. I have now published them both; whereof I thought it a small adventure to send you a copy, who have more right to it than any man, except Bishop Andrews, who was my inquisitor.

The death of the late great judge concerned not me, because the other was not removed. I write this in answer to your good wishes; which I return not as flowers of Florence, but as you mean them; whom I conceive place cannot alter, no more than time shall me, except it be for the better. 1605.

Some short time after the publication of this work, probably about the year 1608, Sir Francis Bacon was desirous that the Advancement of Learning should be translated into Latin; and, for this purpose, he applied to Dr. Playfer, the Margaret professor of divinity in the university of Cambridge.

Sir Francis Bacon, his Letter of request to Doctor Playfer, to translate the book of Advancement of Learning into Latin.

Mr. Doctor Playfer,—A great desire will take a small occasion to hope, and put in trial that which is desired. It pleased you, a good while since, to express unto me the good liking which you conceive of my book, of the Advancement of Learning, and that more significantly (as it seemed to me) than out of courtesy, or civil respect. Myself, as I then took contentment in your approbation thereof, so I should esteem and acknowledge, not only my contentment increased, but my labours advanced, if I might obtain your help in that nature which I desire. Wherein, before I set down in plain terms my request unto you, I will open myself, what it was which I chiefly sought, and propounded to myself in that work, that you may perceive that which I now desire to be pursuant thereupon, if I do not err. (For any judgment that a man maketh of his own doings, had need be spoken with a "Si nunquam fallit imago,") I have this opinion, that if I had sought my own commendation, it had been a much fitter course for me to have done as gardeners use to do, by taking their seeds and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But forasmuch as my end was merit of the state of learning, to my power, and not glory; and because my purpose was rather to excite other men's wits, than to magnify my own, I

(a) Chancellor of Oxford, Lord Treasurer, Earl of Dorset, celebrated as a poet, an orator, and a writer.

was desirous to prevent the incertaintness of my own life and times, by uttering rather seeds than plants; nay, and farther, as the proverb is, by sowing with the basket than with the hand. Wherefore, since I have only taken upon me to ring a bell, to call other wits together (which is the meanest office), it cannot but be consonant to my desire to have that bell heard as far as can be. And since that they are but sparks, which can work but upon matter prepared, I have the more reason to wish that those sparks may fly abroad, that they may the better find, and light upon those minds and spirits which are apt to be kindled. And therefore, the privateness of the language considered wherein it is written excluding so many readers (as on the other side, the obscurity of the argument, in many parts of it, excludeth many others;) I must account it a second birth of that work, if it might be translated into Latin, without manifest loss of the sense and matter. For this purpose, I could not represent to myself any man into whose hands I do more earnestly desire that work should fall than yourself; for by that I have heard and read, I know no man a greater master in commanding words to serve matter. Nevertheless I am not ignorant of the worth of your labours, whether such as your place and profession imposeth on you, or such as your own virtue may, upon your voluntary election, take in hand. But I can lay before you no other persuasions, than either the work itself may affect you with, or the honour of his majesty, to whom it is dedicated, or your particular inclination to myself; who, as I never took so much comfort in any thing to the my own, so I shall never acknowledge myself more obliged in any thing to the labour of another, than in that which shall assist this. Which your labour, if I can by my place, profession, means, friends, travel, work, deed, requite unto you, I shall esteem myself so straitly bound thereunto, as I shall be ever most ready both to take and seek occasion of thankfulness. So leaving it nevertheless, *salvâ amicitia*, as reason is to your good liking, I remain.

Dr. Playfer's wish to comply with this request, and his failure is thus stated by Archbishop Tenison, (a) "The Doctor was willing to serve so excellent a person, and so worthy a design, and within a while sent him a specimen of a Latin translation. But men generally come short of themselves when they strive to outdo themselves; they put a force upon their natural genius, and, by straining of it, crack and disable it: and so it seems it happened to that worthy and elegant man. Upon this great occasion he would be over accurate; and he sent a specimen of such superfine Latinity, that the Lord Bacon did not encourage him to labour further in that work, in the penning of which, he desired not so much neat and polite, as clear, masculine, and apt expression."

This was probably in 1606 or 1607, for Dr. Playfer's death is thus recorded by Bishop Hackett, in his life of Archbishop Williams: "On Candlemas-day, anno 1608, his reverend friend Dr. Playfer departed out of this world, in the forty-sixth year of his life, in his flower and prime; whose greatest well-wishers did not wish him alive again, because his rarely beautified wits, with which he had even enchanted his hearers in so many *estivat* commencements, were now more and more distempered. Yet Mr. Williams wept over him, and exceeded in grief, as if a child had lost his father. The University making preparation for the solemn funeral of so great an ornament to it, the Vice Chancellor that then was, Dr. Jeggon, possessed the pulpit to preach, and Mr. Williams was required to be the orator, to give him a farewell of due praise in the chapel of St. John's College. He pleaded the truth, that his sorrow would not grant him such a dispassionate mind, as was fit to compose a panegyric, and that in the space of three days, and for such a man as Dr. Playfer. And with this excuse he held off, till Dr. Clayton set upon it to enforce the task on him that could best discharge it, threatened him with expulsion, if he refused that service to which his superiors had allotted him. An hard condition, and such as might have been disputed, as long after I heard him argue upon it. But then he yielded, whether fair means or foul means overcame him I know not: but I think rather love than fear got the upper hand of grief. And when his turn

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came to speak upon the day of the obsequies, O what a tunable music he made between his rhetoric and his tears! for both flowed together. How curious were his apostrophes! how moving were his passions! how winning his pronunciation! Many pauses he was compelled to make by the applause and humming of the swarms about him in the close of his periods. When he had done, and the assembly brake up, it was in every mouth, that Playfer's eloquence was not dead with him while this orator was alive. Let me trouble this narrative with a small interjection. I was myself in the throng among those that heard this oration, newly admitted into Trinity College, that being the second day wherein I wore my purple gown. This being the first exercise that I heard in Cambridge in the Latin tongue, I thought it was a city paved all with emeralds, and that such learning and such silver elocution was common to them all."

I find the following notice of this work by Lord Bacon. On the 12th of October, 1620, in a letter to the King, presenting the *Novum Organum* to his majesty, Lord Bacon says, "I hear my former book of the Advancement of Learning, is well tasted in the universities here, and the English colleges abroad; and this is the same argument sunk deeper." And it is mentioned in the following letter:

To Mr. Mathew.

Sir,—Two letters of mine are now already walking towards you; but so that we might meet, it were no matter though our letters should lose their way. I make a shift in the mean time to be glad of your approaches, and would be more glad to be an agent for your presence, who have been a patient for your absence. If your body by indisposition make you acknowledge the healthful air of your native country, much more do I assure myself that you continue to have your mind no way estranged. And as my trust with the state is above suspicion, so my knowledge, both of your loyalty and honest nature, will ever make me show myself your faithful friend, without scruple: you have reason to commend that gentleman to me by whom you sent your last, although his having travelled so long amongst the sadder nations of the world make him much the less easy upon small acquaintance to be understood. I have sent you some copies of my book of the Advancement, which you desired, and a little work of my recreation, which you desired not. My *Instauration* I reserve for our conference; it sleeps not. These works of the alphabet are in my opinion of less use to you where you are now, than at Paris; and therefore I conceived that you had sent me a kind of tacit countermand of your former request. But in regard that some friends of yours have still insisted here, I send them to you; and for my part, I value your own reading more than your publishing them to others. Thus, in extreme haste, I have scribbled to you I know not what, which therefore is the less affected, and for that very reason will not be esteemed the less by you.

Different Editions.

This edition of 1605 was the only edition published during the life of Lord Bacon, who died in 1626.

An edition in octavo was published in 1629. The following is a copy of the title page: *The Two Bookes of Francis Bacon. Of the Proficiency and advancement of Learning, Divine and Humane. To the King. London: printed for William Washington, and are to be sold at his shop in S. Dunstanes Church-yard, 1629.*

In the year 1633, there was another edition of the same size. The following is a copy of the title page: *The Two Bookes of Sir Francis Bacon, of the Proficiency and Advancement of Learning Divine and Humane. To the King. Oxford, printed by I. L. Printer to the University, for Thomas Huggins. 1633. With permission of B. Fisher.*

I once thought that the edition of 1633 was either a fac-simile, or part of the remaining copies of 1629, as it consists of the same pages (335), and very nearly resembling each other. But, upon examining pages 334 and 336, it

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will be seen that, although they consist of the same words, the spelling of the word "be" is in various places different. It probably is the same in other pages.

In 1808 another edition in octavo was published. It was edited by Mr. Mallet, a great admirer of Lord Bacon. I know him well, and think of him with affection and respect. He was cut off in his prime. The following is a copy of the title page: *The Two Books of Francis Bacon. Of the Proficiency and Advancement of Learning, Divine and Human. To the King.* London: printed by J. M'Creery, for T. Payne, Pall Mall. Mallet says, that his edition is corrected from the original edition of 1605: numerous errors having crept into many of the later editions, especially in the Latin quotations.

In the year 1825, another edition in octavo was published. The following is the title page: *The Two Books of Francis Lord Verulam. Of the Proficiency and Advancement of Learning, Divine and Human. To the King.* London. William Pickering. M.DCCC.XXV. I wrote the preface to this edition. Some person was procured by the publisher to translate, and very badly has he translated, the various Latin quotations in different parts of the volume.

There is another 12mo. edition, a very neat pocket volume. *Of the Proficiency and Advancement of Learning, Divine and Human.* By Francis Lord Bacon. London: printed and published by J. F. Dove, St. John's Square. 1828.

NOTE B B B.

Novum Organum.

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| 1. Observations by different authors. | } Rawley.
} Tension.
} Montagu. |
| 2. Different editions. | |
| 3. Translations. | |
| 4. Tracts relating to. | |
| 5. Nature of the work. | |
| 6. Miscellaneous. | |

Observations by different authors.

Rawley's Observations upon *Novum Organum.*

Ben Jonson says, "I have ever observed it to have been the office of a wise patriot, among the greatest affairs of the state, to take care of the commonwealth of learning. For schools, they are the seminaries of state, and nothing is worthier the study of a statesman, than that part of the republic which we call the Advancement of Letters. Witness the care of Julius Cæsar, who in the heat of the civil war writ his book of Analogy, and dedicated them to Tully. This made the late Lord St. Albans entitle his work *Novum Organum*, which, though by the most of superficial men, who cannot get beyond the title of nominals, it is a work not penetrated or understood; it really openeth all defects of learning whatsoever, and is a book

Qui longum noto scriptori proroget ævum.

Dr. Rawley, in his life of Lord Bacon, says, "I have been induced to think, that if there were a beam of knowledge derived from God upon any man in these modern times, it was upon him: for though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself; which notwithstanding he vented with great caution and circumspection. His book of *Instaurazione Magna* (which in his own account was the chiefest of his works,) was no slight imagination, or fancy of his brain, but a settled and concocted notion, the production of many years labour and travel. I myself have seen at the least twelve copies of the *Instauration*, revised year by year one after another, and every year altered and

amended in the frame thereof, till at last it came to that model in which it was committed to the press, as many living creatures do lick their young ones, till they bring them to their strength of limbs.

Tennyson's Observations upon Novum Organum.

The second part of his Great Instauration (and so considerable a part of it, that the name of the whole is given to it) is his *Novum Organum Scientiarum*, written by himself in the Latin tongue, and printed also most beautifully and correctly in folio, at London. (a) This work he dedicated to King James, with the following excuse; that if he had stolen any time for the composure of it from his majesty's other affairs, he had made some sort of restitution by doing honour to his name and his reign. The King wrote to him, then Chancellor, a letter of thanks with his own hand; (b) and this was the first part of it: "My Lord, I have received your letter and your book, than the which you could not have sent a more acceptable present to me. How thankful I am for it, cannot better be expressed by me, than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep, having, otherwise, as little spare time to read it as you had to write it; and then to use the liberty of a true friend, in not sparing to ask you the question in any point, whereof I stand in doubt (*nam ejus est explicare, cujus est condere*); as, on the other part, I will willingly give a due commendation to such places, as in my opinion, shall deserve it. In the mean time, I can with comfort assure you, that you could not have made choice of a subject, more befitting your place, and your universal and methodical knowledge."

Three copies of this *Organum* were sent by the Lord Bacon to Sir Henry Wotton, one who took a pride (as himself saith) in a certain congeniality with his lordship's studies. And how very much he valued the present, we may learn from his own words: "Your lordship (said he) (c) hath done a great and ever-living benefit to all the children of nature, and to nature herself in her uttermost extent of latitude; who, never before, had so noble, nor so true an interpreter, or (as I am readier to style your lordship) never so inward a secretary of her cabinet. But of your work (which came but this week to my hands) I shall find occasion to speak more hereafter; having yet read only the first book thereof, and a few aphorisms of the second. For it is not a banquet that men may superficially taste, and put up the rest in their pockets; but, in truth, a solid feast, which requireth due mastication. Therefore, when I have once myself perused the whole, I determine to have it read, piece by piece, at certain hours, in my domestic college, as an ancient author; for I have learned thus much by it already, that we are extremely mistaken in the computation of antiquity, by searching it backwards; because, indeed, the first times were the youngest; especially in points of natural discovery and experience.

This *Novum Organum* containeth in it, instructions concerning a better and more perfect use of reason in our inquisitions after things. And therefore the second title which he gave it was, *Directions concerning Interpretations of Nature*. And by this art he designed a logic more useful than the vulgar, and an *Organum* apter to help the intellectual powers than that of Aristotle. For he proposed here, not so much the invention of arguments as of arts; and in demonstration, he used induction, more than contentious syllogism; and in his induction, he did not straightway proceed from a few particular sensible notions to the most general of all; but raised axioms by degrees, designing the most general notions for the last place, and insisting on such of them as are not merely notional, but coming from nature, do also lead to her.

This book containeth three parts: the Preface; the Distribution of the Work of the Great Instauration; Aphorisms, guiding to the interpretation of nature.

(a) 1620, and in second part of *Resuscitatio* part of this *Org.* is published in an English version.

(b) Dated October 16, 1620.

(c) Wotton's Remains, 298.

The Preface considereth the present unhappy state of learning, together with counsels and advices to advance and improve it. To this preface, therefore, are to be reduced the Indicia, and the Proem in Gruter, (a) concerning the interpretation of nature; the first book de Augmentis Scientiarum, which treateth generally of their dignity and advancement. (b)

To the Distribution belongeth that Latin fragment in Gruter, (c) called the Delineation and Argument of the second part of the Instauration. (d)

In the bringing this labour to maturity, he used great and deliberate care; insomuch that Dr. Rawley saith, he had seen twelve copies of it revised year by year, one after another, and every year altered and amended in the frame thereof, till at last it came to the model in which it was committed to the press. It was like a mighty pyramid, long in its erection, and it will probably be like it in its continuance. Now he received from many parts beyond the seas testimonies touching this work, such as beyond which he could not (he saith) expect at the first, in so abstruse an argument; yet, nevertheless (he saith again) he had just cause to doubt that it flew too high over men's heads. He purposed, therefore (though he broke the order of time) to draw it down to the sense by some patterns of natural story and inquisition.

Montagu's Preface.

In the year 1605 Lord Bacon, in the Advancement of Learning, divided knowledge respecting the Mind of Man into the understanding and the will. Knowledge respecting the understanding he divided into

Invention,
Judgment,
Memory,
Tradition.

“Man's labour is to invent that which is sought or propounded; or to judge that which is invented; or to retain that which is judged; or to deliver over that which is retained. So as the arts must be four; art of inquiry or invention; art of examination or judgment; art of custody or memory; and art of elocution or tradition.”

Under the head of Invention, after having explained the deficiency of the art of Invention, “which,” he says, “seemeth to me to be such a deficiency as if, in the making of an inventory touching the estate of a defunct, it should be set down, ‘of ready money nothing:’ for as money will fetch all other commodities, so this knowledge is that which should purchase all the rest. And like as the West Indies had never been discovered, if the use of the mariner's needle had not been first discovered, though the one be vast regions and the other a small motion; so it cannot be found strange if sciences be no farther discovered, if the art itself of invention and discovery hath been passed over.”

He then adds, “This part of invention, concerning the invention of sciences, I purpose, if God give me leave, hereafter to propound, having digested it into two parts; whereof the one I term ‘Experientia Literata,’ and the other ‘Interpretatio Naturæ:’ the former being but a degree and rudiment of the latter. But I will not dwell too long, nor speak too great upon a promise.”

The Novum Organum was published, imperfect and incomplete, in the year 1620, when Lord Bacon was Chancellor. The reasons for the publication at that period are stated in his letter to the King: “And the reason why I have published it now, specially, being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work,

(a) Script. 285, 479.

(b) Referred by Tenuison to Preface of Novum Organum.

(c) Inter Script. 293.

(d) Referred by Tenuison to the second part of Novum Organum.

namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy." Such are the causes assigned by Lord Bacon, each deserving a separate consideration.

The first of these two reasons is, "because I number my days, and would have it saved." The meaning of this cannot be mistaken. Bacon was born in the year 1560. His health was always delicate. Etiam, he says, nonnihil hominibus spei fieri putamus ab exemplo nostro proprio; neque jactantiæ causâ hoc dicimus, sed quòd utile dictu sit. Si qui diffidant, me videant, hominem inter homines ætatis meæ civilibus negotiis occupatissimum, nec firmâ admodum valetudine (quod magnum habet temporis dispendium), atque in hac re planè protopirum, et vestigia nullius secutum, neque hæc ipsa cum ullo mortalium communicantem; et tamen veram viam constanter ingressum, et ingenium rebus submittentem, hæc ipsa aliquatenus (ut existimamus) provexisse.

In the year 1617, when he was fifty-seven years of age, the great seals were offered to him. Unmindful of the feebleness of his constitution; unmindful of his love of contemplation, and that genius is rarely prompt in action, or consistent in general conduct: unmindful of his own words, "I ever bore a mind to serve his majesty in some middle place that I could discharge, not as a man born under Sol, that loves honour; nor under Jupiter, that loves business; for the contemplative planet carries me away wholly." Unmindful of his own words, "Men in great place are thrice servants: servants of the sovereign in state; servants of fame; and servants of business: so as they have no freedom neither in their persons, nor in their actions, nor in their times. Power they seek, and lose liberty: they seek power over others, and lose power over themselves." Unmindful of his admonition, "Accustom your mind to judge of the proportion or value of things, and do that substantially and not superficially; for if you observe well, you shall find the logical part of some men's minds good, but the mathematical part nothing worth: that is, they can judge well of the mode of attaining the end, but ill of the value of the end itself; and hence some men fall in love with access to princes; others, with popular fame and applause, supposing they are things of great purchase, when in many cases, they are but matters of envy, peril, and impediment. Unmindful of his own doctrine, how much "worldly pursuits divert and interrupt the prosecution and advancement of knowledge, like unto the golden ball thrown before Atalanta, which, while she goeth aside and stoopeth to take up, the race is hindered

Declinat cursus, aurumque volubile tollit."

One of the consequences was the publication of the *Novum Organum* in its present state; the sacrifice of his favourite work, upon which he had been engaged for thirty years, and had twelve times transcribed with his own hand.

The second reason assigned by Lord Bacon for the publication of the *Novum Organum* in 1620 is, "to try whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the foundation of a true and active philosophy." The meaning of this seems also to be obvious. Lord Bacon's conviction of the importance of Natural History, as the primitive matter of philosophy, appears in every part of his works; in the Advancement of Learning; the *Sylva Sylvarum*; the *New Atlantis*; the *Wisdom of the Antients*; and the *Novum Organum*. It seems probable, therefore, that he availed himself of the moment when power was entrusted to him, to induce the king to assist in the formation of "such a collection of natural history as he had measured out in his mind, and such as really ought to be procured, which is," he says, "a great and royal work, requiring the purse of a prince, and the assistance of a people." He, therefore, in his presentation letter to the king, expresses his anxiety for the compiling a *Natural History*, and he renews his solicitation in his next letter to the king.

Copies of the work were presented to the King, to the University of Cambridge, to Sir Henry Wotton, and to Sir Edward Coke. The following are the letters of presentation and the answers.

To the King.

It may please your most excellent Majesty,—It being a thing to speak or write, specially to a king, in public, another in private, although I have dedicated a work, or rather a portion of a work, which at last I have overcome, to your majesty by a public epistle, where I speak to you in the hearing of others; yet I thought fit also humbly to seek access for the same, not so much to your person, as to your judgment, by these private lines.

The work, in what colours soever it may be set forth, is no more but a new logic, teaching to invent and judge by induction, as finding syllogism incompetent for sciences of nature; and thereby to make philosophy and sciences both more true and more active. This tending to enlarge the bounds of reason, and to endow man's estate with new value, was no improper oblation to your majesty, who, of men, is the greatest master of reason, and author of beneficence.

There be two of your council, and one other bishop of this land, that know I have been about some such work near thirty years; so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try, whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy.

This work is but a new body of clay, whereinto your majesty, by your countenance and protection, may breathe life. And, to tell your majesty truly what I think, I account your favour may be to this work as much as an hundred years' time; for I am persuaded the work will gain upon men's minds in ages, but your gracing it may make it take hold more swiftly, which I would be very glad of, it being a work meant, not for praise or glory, but for practice and the good of men. One thing, I confess, I am ambitious of, with hope, which is, that after these beginnings, and the wheel once set on going, men shall seek more truth out of Christian pens than hitherto they have done out of heathen. I say with hope; because I hear my former book of the Advancement of Learning is well tasted in the universities here, and the English colleges abroad: and this is the same argument sunk deeper. And so I ever humbly rest in prayers, and all other duties, your Majesty's most bounden and devoted servant,

FR. VERULAM, Canc.

York House, this 12th of October, 1620.

This Letter was written with the King's own hand, to my Lord Chancellor Verulam, upon his Lordship's sending to his Majesty his Novum Organum.

My Lord,—I have received your letter and your book, than the which you could not have sent a more acceptable present unto me. How thankful I am for it cannot better be expressed by me than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep. Having otherwise as little spare time to read it as you had to write it. And then to use the liberty of a true friend, in not sparing to ask you the question in any point whereof I shall stand in doubt: "Nam ejus est explicare, cujus est condere," as on the other part I will willingly give a due commendation to such places as in my opinion shall deserve it. In the mean time I can with comfort assure you, that you could not have made choice of a subject more befitting your place, and your universal and methodical knowledge; and in the general, I have already observed, that you jump with me, in keeping the mid-way between the two extremes; as also in some particulars, I have found that you agree fully with my opinion. And so praying God to give your work as good success as your heart can wish, and your labours deserve, I bid you heartily farewell.

JAMES R.

October 16, 1620.

To the King, thanking his Majesty for his gracious acceptance of his book.

May it please your Majesty,—I cannot express how much comfort I received by your last letter of your own royal hand. I see your majesty is a star, that hath benevolent aspect and gracious influence upon all things; that tend to a general good.

“ Daphni, quid antiquos signorum suspicis artus ?
Ecce Dionæi processit Cæsaris astrum ;
Astrum, quo segetes gaudent frugibus, et quo
Duceret apricis in collibus uva colorem.”

This work, which is for the bettering of men's bread and wine, which are the characters of temporal blessings and sacraments of eternal, I hope, by God's holy providence, will be ripened by Cæsar's star.

Your majesty shall not only do to myself a singular favour, but to your business a material help, if you will be graciously pleased to open yourself to me in those things, wherein you may be unsatisfied. For though this work, as by position and principle, doth disclaim to be tried by any thing but by experience, and the results of experience in a true way ; yet the sharpness and profoundness of your majesty's judgment ought to be an exception to this general rule ; and your questions, observations, and admonishments, may do infinite good.

This comfortable beginning makes me hope farther, that your majesty will be aiding to me, in setting men on work for the collecting of a natural and experimental history ; which is “ basis totius negotii,” a thing, which I assure myself will be, from time to time, an excellent recreation unto you ; I say, to that admirable spirit of yours, that delighteth in light ; and I hope well, that even in your times many noble inventions may be discovered for man's use. For who can tell, now this mine of truth is opened, how the veins go ; and what lieth higher, and what lieth lower ? But let me trouble your majesty no further at this time. God ever preserve and prosper your majesty.

October 19, 1620.

To the Marquis of Buckingham.

My very good Lord,—I send now only to give his majesty thanks for the singular comfort which I received by his majesty's letter of his own hand, touching my book. And I must also give your lordship of my best thanks, for your letter so kindly and affectionately written.

I did even now receive your lordship's letter touching the proclamation, and do approve his majesty's judgment and foresight about mine own. Neither would I have thought of inserting matter of state for the vulgar, but that now-a-days there is no vulgar, but all statesmen. But, as his majesty doth excellently consider, the time of it is not yet proper, I ever rest your Lordship's most obliged friend, and faithful servant,

FR. VERULAM, Canc.

Indorsed—In answer to his majesty's directions touching the proclamation for a parliament.

A Letter from the Lord Chancellor Verulam to the University of Cambridge, upon sending to their public library his *Novum Organum*, to which this letter written with his own hand is affixed.

Almæ Matri Academiæ Cantabrigiensi,—Cum vester filius sim et alumnus, voluptati mihi erit, partum meum nuper editum vobis in gremium dare : aliter enim velut pro exposito eum haberem. Nec vos moveat, quod via nova sit. Necessè est enim talia per ætatum et seculorum circuitus evenire. Antiquis tamen suus constat honos ; ingenii scilicet : nam fides verbo Dei et experientia tantùm debetur. Scientias autem ad experientiam retrahere, non conceditur : at, easdem ab experientiâ de integro excitare, operosum certè, sed pervium. Deus vobis, et studiis vestris faveat. Filius vester amantissimus,

Ex Ædibus Eborac. 3 Octob. 1620. FRANC. VERULAM, Canc. (a)

(a) Translation by Archbishop Tennison, in *Baconiana*, 192 :—“ Seeing I am your son, and your disciple, it will much please me to repose in your bosom

Lord Bacon to Sir Henry Wotton.

My very good Cousin,—Your letter which I received from your lordship upon your going to sea was more than a compensation for any former omission; and I shall be very glad to entertain a correspondence with you in both kinds, which you writ of; for the latter whereof I am now ready for you, having sent you some ore of that mine. I thank you for your favours to Mr. Mewtus, and I pray continue the same. So wishing you out of that honourable exile, and placed in a better orb, I ever rest your Lordship's affectionate kinsman, and assured friend,

F. R. VERULAM, Canc. (a)

York House, Oct. 20, 1620.

Sir Henry Wotton to Lord Bacon.

Right honourable, and my very good Lord,—I have your lordship's letters, dated the 20th of October, and I have withal, by the care of my cousin, Mr. Thomas Meawtis, and by your own special favour, three copies of that work, wherewith your lordship hath done a great and ever-living benefit to all the children of nature, and to nature herself in her uttermost extent and latitude: who never before had so noble nor so true an interpreter, or (as I am readier to style your lordship) never so inward a secretary of her cabinet. But of your said work, which came but this week to my hands, I shall find occasion to speak more hereafter; having yet read only the first book thereof, and a few aphorisms of the second. For it is not a banquet that men may superficially taste, and put up the rest in their pockets; but in truth a solid feast, which requireth due mastication. Therefore when I have once myself perused the whole, I determine to have it read piece by piece at certain hours in my domestic college as an ancient author; for I have learned thus much by it already, that we are extremely mistaken in the computation of antiquity, (b) by

the issue which I have lately brought forth into the world; for otherwise I should look upon it as an exposed child. Let it not trouble you, that the way in which I go is new; such things will of necessity happen in the revolutions of several ages. However, the honour of the ancients is secured: that, I mean, which is due to their wit. For faith is only due to the word of God, and to experience. Now, for bringing back the sciences to experience, is not a thing to be done; but to raise them anew from experience is indeed a very difficult and laborious, but not a hopeless undertaking. God prosper you and your studies.

“Your most loving son, FRANCIS VERULAM, Chancel.”

(a) When this letter, together with the other two next before and after it, were written, upon the occasion of my Lord Chancellor's publishing his *Novum Organum*, Sir Henry Wotton, so eminent for his many embassies, great learning, candour, and other accomplishments, was resident at Vienna, endeavouring to quench that fire which began to blaze in Germany, upon the proclaiming the Elector Palatine King of Bohemia. How grateful a present this book was to Sir Henry, cannot better be expressed than by his answer to this letter; which though it may be found in his Remains, I hope the reader will not be displeased to see part of it transcribed in this place.—Bacon's Letters.

(b) Bentham, in his *Book of Fallacies* says: “What in common language is called old time, ought (with reference to any period at which the fallacy in question is employed) to be called young or early time. As between individual and individual living at the same time and in the same situation, he who is old and possesses, as such, more experience than he who is young;—as between generation and generation, the reverse of this is true, if, as in ordinary language, a preceding generation be, with reference to a succeeding generation, called old;—the old or preceding generation could not have had so much experience as the succeeding. With respect to such of the materials or sources of wisdom which have come under the cognizance of their own senses, the two are on a par: with respect to such of those materials and sources of wisdom as are derived from the reports of others, the later of the two possesses an indisputable advan-

searching it backwards, because indeed the first times were the youngest; especially in points of natural discovery and experience. For though I grant that Adam knew the natures of all beasts, and Solomon of all plants, not only more than any, but more than all since their time; yet that was by divine infusion, and therefore they did not need any such Organum as your lordship hath now delivered to the world; nor we neither, if they had left us the memories of their wisdom.

But I am gone further than I meant in speaking of this excellent labour, while the delight yet I feel, and even the pride that I take in a certain congeniality, as I may term it, with your lordship's studies, will scant let me cease: and indeed I owe your lordship even by promise, which you are pleased to remember, thereby doubly binding me, some trouble this way; I mean, by the commerce of philosophical experiments, which surely, of all other, is the most ingenuous traffic: therefore, &c.

That a copy was sent to Sir Edward Coke, appears from the following melancholy exhibition of this great lawyer's mind.

In the library of the late Thomas Earl of Leicester, the descendant of Sir Edward Coke, at Holkham in Norfolk, is a copy of the *Novum Organum*, entitled *Instauratio Magna*, printed by John Bill in 1620, presented to Sir Edward, who at the top of the title page has written *Edw. C. ex dono auctoris*.

Auctori Consilium.

Insturare paras veterum documenta sophorum:

Instura Leges Justitiamq; prius.

And over the device of the ship passing between Hercules's pillars, Sir Edward has written the two following verses:

"It deserveth not to be read in schooles,
But to be freighted in the Ship of Fools." (a)

The *Novum Organum* is noticed by Lord Bacon in other letters, both before and after the publication in 1620. In the year 1609 he wrote

To Mr. Matthew, upon sending to him a part of *Instauratio Magna*.

Mr. Matthew,—I plainly perceive by your affectionate writing touching my work, that one and the same thing affecteth us both; which is, the good end

page. In giving the name of old or elder to the earlier generation of the two, the misrepresentation is not less gross, nor the folly of it less incontestable, than if the name of old man or old woman were given to the infant in its cradle. What then is the wisdom of the times called old? Is it the wisdom of gray hairs? No. It is the wisdom of the cradle."*

(a) Alluding to a famous book of Sebastian Brand, born at Strasburgh about 1460, written in Latin and High Dutch verse, and translated into English in 1508, by Alexander Barklay, and printed at London the year following by Richard Pynson, printer to Henry VII. and Henry VIII. in folio, with the following title, "The Shyp of Follys of the World: translated in the Coll. of Saynt Mary Otery in the count of Devonshyre, oute of Latin, Frenche, and Doche, into Englesse tongue, by Alex. Barklay, preste and chaplen in the said Colledge M, ccccc, viii." It was dedicated by the translator to Thomas Cornish, bishop of Tine and suffragan bishop of Wells, and adorned with a great variety of wooden cuts.

* No one will deny that preceding ages have produced men eminently distinguished by benevolence and genius; it is to them that we owe in succession all the advances which have hitherto been made in the career of human improvement: but as their talents could only be developed in proportion to the state of knowledge at the period in which they lived, and could only have been called into action with a view to then existing circumstances, it is absurd to rely on their authority, at a period and under a state of things altogether different.

NOTE B B B.

to which it is dedicated; for as to any ability of mine, it cannot merit that degree of approbation. For your caution for church-men and church-masters, as for any impediment it might be to the applause and celebrity of my work, it moveth me not; but as it may hinder the fruit and good which may come of a quiet and calm passage to the good port which it is bound, I hold it a just respect; so as to fetch a fair wind I go not too far about. But the truth is, that I at all have no occasion to meet them in my way; except it be as they will needs confederate themselves with Aristotle, who, you know, is intemperately magnified by the schoolmen; and is also allied, as I take it, to the jesuits, by Faber, who was a companion of Loyola, and a great Aristotelian. I send you at this time the only part which hath any harshness; and yet I framed to myself an opinion, that whosoever allowed well of that preface, which you so much commend, will not dislike, or at least ought not to dislike this other speech of preparation; for it is written out of the same spirit, and out of the same necessity: nay, it doth more fully lay open that the rightness between me and the ancients is not of the virtue of the race, but of the rightness of the way. And to speak truth, it is to the other but as palma to pugnus, part of the same thing more large. You conceive aright, that in this and the other you have commission to impart and communicate them to others according to your discretion. Other matters I write not of. Myself am like the miller of Granchester, that was wont to pray for peace amongst the willows; for while the winds blew, the wind-mills wrought, and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences. Let me conclude with my perpetual wish towards yourself, that the approbation of yourself, by your own discreet and temperate carriage, may restore you to your country, and your friends to your society. And so I commend you to God's goodness.

Gray's Inn, Oct. 10, 1609.

And there is another letter, in which, to use his own words, it appears "how much his heart was upon it."

To Mr. Mathew.

Sir,—I thank you for your last, and pray you to believe, &c. And I must confess my desire to be, that my writings should not court the present time, or some few places, in such sort as might make them either less general to persons, or less permanent in future ages. As to the Instauration, your so full approbation thereof I read with much comfort, by how much more my heart is upon it; and by how much less I expected consent and concurrence in a matter so obscure. Of this I can assure you, that though many things of great hope decay with youth, and multitude of civil businesses is wont to diminish in that price, though not the delight of contemplations, yet the proceeding in that work doth gain with me upon my affection and desire, both by years and businesses. And therefore I hope, even by this, that it is well pleasing to God, from whom, and to whom all good moves. To him I most heartily commend you.

And in his address written in the year 1622, to "An Advertisement touching an Holy War, to the Right Reverend Father in God, Lancelot Andrews, Lord Bishop of Winchester, and Counsellor of Estate, to his Majesty." After mentioning the instances of Demosthenes, Cicero, and Seneca, "All three persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals," he says, "These examples confirmed me much in a resolution whereunto I was otherwise inclined, to spend my time wholly in writing; and to put forth that poor talent, or half talent, or what it is, that God hath given me, not as heretofore to particular exchanges, but to banks or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my Instauration, which is the work that in mine own judgment, 'si nunquam fallit imago,' I do most esteem; I think to proceed in some new parts thereof. And although I have received from many parts beyond the seas, testimonies

touching that work, such as beyond which I could not expect at the first in so abstruse an argument; yet nevertheless I have just cause to doubt, that it flies too high over men's heads: (a) have a purpose therefore, though I break the order of time, to draw it down to the sense, by some patterns of a Natural Story and Inquisition. And again, for that my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake: I have thought good to procure a translation of that book into the general language, not without great and ample additions, and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part."

Such are the different sentiments expressed by Lord Bacon of his favourite work.

The notices of this work by his faithful secretary and biographer, Dr. Rawley, and his admirer Archbishop Tennison, are as follows:—Dr. Rawley, in his life of Lord Bacon says, "I have been induced to think, that if there were a beam of knowledge derived from God, upon any man in these modern times, it was upon him: for though he was a great reader of books, yet he had not his knowledge from books, but from some grounds and notions from within himself. Which, notwithstanding, he vented with great caution and circumspection. His book of *Instauration Magna* (which, in his own account, was the chiefest of his works,) was no slight imagination or fancy of his brain, but a settled and concocted notion, the production of many years labour and travail. I myself have seen, at the least, twelve copies of the *Instauration* revised, year by year, one after another, and every year altered and amended in the frame thereof, till, at last, it came to that model in which it was committed to the press: as many living creatures do lick their young ones till they bring them to their strength of limbs."

And Archbishop Tennison, speaking of the *Novum Organum*, says, The second part of his great *Instauration* (and so considerable a part of it, that the name of the whole is given to it) is his *Novum Organum Scientiarum*, written by himself in the Latin tongue, and printed also most beautifully and correctly in folio, at London. This work he dedicated to King James, with the following excuse; that, if he had stolen any time, for the composure of it, from his majesty's other affairs, he had made some sort of restitution, by doing honour to his name and his reign. The king wrote to him, then chancellor, a letter of thanks with his own hand. Part of the dedication is then stated.

This *Novum Organum* containeth in it instructions concerning a better and more perfect use of reason in our inquisitions after things. And therefore the second title which he gave it was, directions concerning interpretations of nature. And by this art he designed a logic more useful than the vulgar, and an *Organon* apter to help the intellectual powers than that of Aristotle. For he proposed here, not so much the invention of arguments, as of arts; and in his demonstration, he used induction more than contentious syllogism; and in his induction, he did not straightway proceed from a few particular sensible notions to the most general of all, but raised axioms by degrees, designing the most general notions for the last place; and insisting on such of them as are not merely notional, but coming from nature, do also lead to her.

(a) Mr. Chamberlain, in a letter to Sir Dudley Carleton, ambassador at Holland, dated at London, October 28, 1620, mentions, that Mr. Henry Cuffe, who had been secretary to Robert, Earl of Essex, and executed for being concerned in his treasons, having long since perused this work, gave his censure, "that a fool could not have written such a work, and a wise man would not." And, in another letter, dated February 3, 1620-1, Mr. Chamberlain takes notice, that the King could not forbear sometimes, in reading that book, to say, that it was "like the peace of God, that passeth all understanding."

NOTE BBB.

This book containeth three parts, the Preface; the distribution of the work of the great Instauration; Aphorisms, guiding to the interpretation of nature.

The preface considereth the present unhappy state of learning, together with counsels and advices to advance and improve it. To this preface therefore, are to be reduced the Indicia, and the proem in Gruter, concerning the interpretation of nature; the first book de Augmentis Scientiarum, which treateth generally of their dignity and advancement; and his lordship's "Cogitata et Visa" written by him, in Latin, without intention of making them public in that form, and sent to Dr. Andrews, as likewise to Sir Thomas Bodley, with a desire to receive their censures and emendations. The latter returned him a free and friendly judgment of this work, in a large and learned letter, published in the Cabala, in the English tongue, and by Gruter in the Latin. The like, perhaps, was done by the former, though his answer be not extant.

To the distribution belongeth that Latin fragment in Gruter, called the Delineation and Argument, of the second part of the Instauration. So doth that of the philosophy of Parmenides and Telesius, and (especially) Democritus. For, as he sheweth in the beginning of that part, he designed first to consider the learning of which the world was possessed; and then to perfect that; and that being done, to open new ways to further discoveries.

To the Aphorisms is reducible his letter to Sir Henry Savil, touching helps for the intellectual powers, written by his lordship in the English tongue. A part of knowledge then scarce broken, men believing that nature was here rather to be followed than guided by art; and as necessary (in his lordship's opinion) as the grinding and whetting of an instrument or the quenching it, and giving it a stronger temper.

Also there belong to this place, the fragment called "Aphorismi et Consilia, de Auxiliis Mentis," and "Sententiæ Duodecim de Interpretatione Naturæ;" both published by Gruter in the Latin tongue, in which his lordship wrote them.

Different Editions of Novum Organum.

The first edition of the Novum Organum was published in folio in 1620, when Lord Bacon was Chancellor; annexed is the title page: *Francisci de Verulamio summi Angliæ Cancellarii, Instauration Magna. Londini, apud Johannem Billium Typographum Regium.*

Another edition was published in Holland in 1645.

Another edition was published in 1650. Annexed is the title page: *Francisci de Verulamio summi Angliæ Cancellarii, Instauration Magna. Lugd. Batav. Ex Officina Andriani Wyngaerden.*

Another edition was published in 1660. Annexed is the title page: *Francisci de Verulamio, summi Angliæ Cancellarii, Instauration Magna. Amstelædami, sumptibus Joannis Ravesteing.*

Francisci Baconi Baronis de Verulamio Novum Organum Scientiarum. Wirceburgi, apud Jo. Jac. Stahel. 1779.

Another edition was published at Oxford in 1813. Annexed is the title page: *Francisci Baconi de Verulamio, summi Angliæ Cancellarii, Novum Organum, sive Indicia vera de Interpretatione Naturæ. Oxonii, e Typographeo Clarendonianno.*

Translations.

Translation, 1640. From Watts' Translation of De Augmentis.

The introductory tract prefixed to the Novum Organum was translated in 1640 by Dr. Watts, and is prefixed to his translation of the treatise "De Augmentis."

Translation, 1671. From the 3rd edition of Resuscitatio.

In the third edition of the Resuscitatio, published in 1671, there are three translated tracts from the Novum Organum, viz.

NOTE B B B.

1. "The Natural and Experimental History of the Form of Hot Things."
2. "Of the several kinds of Motion, or of the active Virtue."
3. A translation of the Paraseve, which is the beginning of the third part of the Instauration, but is annexed to the Novum Organum in the first edition.

The following is the title page: *A Preparatory to the History Natural and Experimental, written originally in Latine, by the Right Honourable Francis Lord Verulam, Lord High Chancellor of England, and now faithfully rendred into English. By a well wisher to his Lordship's writings. London, printed by Sarah Griffing and Ben. Griffing, for William Lee, at the Turks-head in Fleet Street, over against Fetter-Lane. 1670.*

Translation, 1676. From 10th edition of Sylva.

In the 10th edition of the Sylva Sylvarum, there is an abridged translation of the Novum Organum. The following is a copy of the title page: *The Novum Organum of Sir Francis Bacon, Baron of Verulam, Viscount St. Albans. Epitomiz'd: for a clearer understanding of his Natural History. Translated and taken out of the Latine, by M. D. B. D. London, Printed for Thomas Lee, at the Turks-head in Fleet Street. As this tenth edition of the Sylva was published 1676, and Dr. Rawley died 1667, it must not, from any documents now known, be ascribed to him. It is not noticed in the Baconiana, published in 1679.*

In 1733, Peter Shaw, M.D. published a translation of the Novum Organum.

In the year 1830 the translation published in this edition was by my friend, William Wood.

In the year 1788 an Italian edition was published. The following is the title: *Nuovo Organo delle Scienze di Francesco Bacone di Verulamio, Gran Cancelliere d'Inghilterra. Traduzione in Italiano con Annotazioni ed una Prefazione del Traduttore. Bassano, 1788, a Spese Remondini di Venezia. Con Licenza de' Superiori.*

In the year 1810 there was another Italian edition of the Novum Organum. Annexed is a copy of the title page: *Nuovo Organo delle Scienze di Francesco Bacone di Verulamio traduzione in Italiano del can. Antonio Pelizzari. Edizione seconda arricchita di un Indice e di Annotazioni. Bassano, Tipografia Remondiniana.*

There is the following edition in French: *Œuvres de François Bacon, Chancelier d'Angleterre, traduites par Ant. Lasalle; avec des notes critiques, historiques et littéraires. Tome quatrième. A Dijon, de l'Imprimerie de L. N. Frantin. An 8 de la République Française.*

Different Editions.

Year.	Language.	Printer.	Place.	Size.
1620	Latin	T. Bill	London	Folio.
1645	Ditto			18mo.
1650	Ditto	Wynyarden	Lugd. Bat.	18mo.
1660	Ditto	Rovestein	Ams.	18mo.
1779	Ditto	I. Stahel	Wirceburg	8vo.
1803	Ditto	Serymgeour	Glasguæ	12mo.
1813	Ditto	Clarendon	Oxford	8vo.

Translations.

1671	English	3rd edition of Resuscitatio.		
1676	English	10th edition of Sylva.		
1733	English, by Shaw,	Knapton	London	8vo.
1788	Italian	Venezia	Basano	8vo.
1793	German	Nauck	Berlin	8vo.
1810	Italian	Remondiniana	Basano	8vo.
1818	English, by Shaw,	Sherwood	London	12mo.
Year 8 Fr. Rep.	French	Frantin	Dijon	8vo.
1830	Wood	Whittingham	London	8vo.

NOTE BBB.

Tracts relating to Novum Organum.

In the British Museum there are the following tracts relating to the Novum Organum.

1. MS. Sloane, No. 432. fo. 131. Consideratio Novi Organi Verulamii institutu olim a David Mylio.
2. MS. Sloane, No. 432. fol. 38. Consideratio considerationis Mylianæ.

Nature of the Work.

Miscellaneous.

The intention of Lord Bacon with respect to the Novum Organum, he has himself explained in Aph. 22. part 2, where he says: We therefore propose to treat,

1. Of prerogative instances.
2. Of the helps of induction.
3. Of the rectification of induction.
4. Of the method of varying inquiries according to the nature of the subject.
5. Of prerogative natures for inquiry, or what subjects are to be inquired into first, what second.
6. Of the limits of inquiry, or an inventory of all the natures in the universe.
7. Of reducing inquiries to practice, or making them subservient to human uses.
8. Of the preliminaries to inquiries.
9. And lastly, of the ascending and descending scale of axioms.

Of these nine parts, the first, or prerogative instances, was alone completed. —“ But time, in the interim, being on the wing, and the author too much engaged in civil affairs, especially considering the uncertainties of life, he would willingly hasten to secure some part of his design from contingencies; and after much close thought, and a deliberate consideration, he determined, that to prevent so useful a thing from disaster, the best course was to propose and lay down certain tables of invention, or forms of genuine inquiry, that is, the digested matter of particulars, designed for the work of the understanding, and this in some determinate subjects, by way of example, or a palpable model of the whole. And hence, though we should not ourselves complete the undertaking, yet men of a solid and sublime genius, being thus admonished by what we have offered, may, without any greater assistance, expect the rest from themselves and finish it. For, as to the matter in hand, we are almost of his opinion, who said, this is enough for the wise; but for the unwise, more would not be serviceable.”

Annexed to the Novum Organum in the first edition is, *Parascève ad Historiam Naturalem et Experimentalem*, which is in fact the beginning of the third part of the Instauration. It is translated in the third edition of *Resuscitatio*.

NOTE CCC.

The Wisdom of the Ancients.

The first edition was published in 1609. In February 27, 1610, Lord Bacon wrote to Mr. Matthew, upon sending his book *De Sapientia Veterum*.

“ Mr. Matthew,—I do very heartily thank you for your letter of the 24th of August from Salamanca; and in recompence therefore I send you a little work of mine that hath begun to pass the world. They tell me my Latin is turned into silver, and become current: had you been here, you should have been my inquisitor before it came forth; but, I think, the greatest inquisitor in Spain will allow it. But one thing you must pardon me if I make no haste to believe, that the world should be grown to such an ecstasy as to reject truth in phi-

losophy, because the author dissenteth in religion; no more than they do by Aristotle or Averroes. My great work goeth forward; and after my manner, I alter ever when I add. So that nothing is finished till all be finished. This I have written in the midst of a term and parliament; thinking no time so possessed, but that I should talk of these matters with so good and dear a friend. And so with my wouted wishes I leave you to God's goodness.

"From Gray's Inn, Feb. 27, 1610."

And in his letter to Father Fulgentio, giving some account of his writings, he says, "My Essays will not only be enlarged in number, but still more in substance. Along with them goes the little piece 'De Sapientia Veterum.'"

Bacon's sentiments with respect to these fables may be found in the "Advancement of Learning," and in the "De Augmentis," under the head of Poetry.

In the "Advancement of Learning" he says, "There remaineth yet another use of poesy parabolical, opposite to that which we last mentioned: for that tendeth to demonstrate and illustrate that which is taught or delivered, and this other to retire and obscure it: that is, when the secrets and mysteries of religion, policy, or philosophy, are involved in fables or parables. Of this in divine poesy we see the use is authorized. In heathen poesy we see the exposition of fables doth fall out sometimes with great felicity; as in the fable that the giants being overthrown in their war against the gods, the Earth, their mother, in revenge thereof brought forth fame:

' Illam Terra parens, irâ irritata deorum,
Extremam, ut perhibent, Cœo Enceladoque sororem
Progeniuit,"

expounded, that when princes and monarchs have suppressed actual and open rebels, then the malignity of the people, which is the mother of rebellion, doth bring forth libels and slanders, and taxations of the state, which is of the same kind with rebellion, but more feminine. So in the fable, that the rest of the gods having conspired to bind Jupiter, Pallas called Briareus with his hundred hands to his aid, expounded, that monarchies need not fear any curbing of their absoluteness by mighty subjects, as long as by wisdom they keep the hearts of the people, who will be sure to come in on their side. So in the fable, that Achilles was brought up under Chiron the centaur, who was part a man and part a beast, expounded ingeniously, but corruptly by Machiavel, that it belongeth to the education and discipline of princes to know as well how to play the part of the lion in violence, and the fox in guile, as of the man in virtue and justice. Nevertheless, in many the like encounters, I do rather think that the fable was first, and the exposition then devised, than that the moral was first, and thereupon the fable framed. For I find it was an ancient vanity in Chrysippus, that troubled himself with great contention to fasten the assertions of the Stoics upon the fictions of the ancient poets; but yet that all the fables and fictions of the poets were but pleasure and not figure, I interpose no opinion. Surely of those poets which are now extant, even Homer himself, (notwithstanding he was made a kind of Scripture by the latter schools of the Grecians,) yet I should without any difficulty pronounce that his fables had no such inwardness in his own meaning; but what they might have upon a more original tradition, is not easy to affirm; for he was not the inventor of many of them."

In the treatise "De Augmentis," the same sentiments will be found with a slight alteration in the expressions. He says, "there is another use of parabolical poesy, opposite to the former, which tendeth to the folding up of those things, the dignity whereof deserves to be retired and distinguished, as with a drawn curtain: that is, when the secrets and mysteries of religion, policy, and philosophy are veiled and invested with fables and parables. But whether there be any mystical sense couched under the ancient fables of the poets, may admit some doubt: and indeed for our part we incline to this opinion, as to think that there was an infused mystery in many of the ancient fables of the

poets. Neither doth it move us that these matters are left commonly to school-boys and grammarians, and so are embased, that we should therefore make a slight judgment upon them: but contrariwise because it is clear that the writings which recite those fables, of all the writings of men, next to sacred writ, are the most ancient; and that the fables themselves are far more ancient than they (being they are alleged by those writers, not as excogitated by them, but as credited and accepted before) seem to be, like a thin rarefied air, which from the traditions of more ancient nations, fell into the flutes of the Grecians."

This tract seems, in former times, to have been much valued, for the same reason, perhaps, which Bacon assigns for the currency of the Essays; "because they are like the late new halfpence, which, though the silver is good, yet the pieces are small." Of this tract, Archbishop Tenison in his *Baconiana*, says, "In the seventh place, I may reckon his book *De Sapientia Veterum*, written by him in Latin, and set forth a second time with enlargement;* and translated into English by Sir Arthur Georges: a book in which the sages of former times are rendered more wise than it may be they were by so dextrous an interpreter of their fables. It is this book which Mr. Sandys means, in those words which he hath put before his notes, on the *Metamorphosis of Ovid*. 'Of modern writers, I have received the greatest light from Geraldus, Pontanus, Ficinus, Vives, Comes, Scaliger, Sabinus, Pierius, and the crown of the latter, the Viscount of St. Albans."

"It is true, the design of this book was instruction in natural and civil matters, either couched by the ancients under those fictions, or rather made to seem to be so by his lordship's wit, in the opening and applying of them. But because the first ground of it is poetical story, therefore let it have this place till a fitter be found for it."

The author of Bacon's Life, in the *Biographia Britannica*, says, "that he might relieve himself a little from the severity of these studies, and as it were amuse himself with erecting a magnificent pavilion, while his great palace of philosophy was building, he composed and sent abroad in 1610, his celebrated treatise *Of the Wisdom of the Ancients*, in which he showed that none had studied them more closely, was better acquainted with their beauties, or had pierced deeper into their meaning. There have been very few books published, either in this or in any other nation, which either deserved or met with more general applause than this, and scarce any that are like to retain it longer, for in this performance Sir Francis Bacon gave a singular proof of his capacity to please all parties in literature, as in his political conduct he stood fair with all the parties in the nation. The admirers of antiquity were charmed with this discourse, which seems expressly calculated to justify their admiration; and, on the other hand, their opposites were no less pleased with a piece, from which they thought they could demonstrate that the sagacity of a modern genius had found out much better meanings for the ancients than ever were meant by them."

And Mallet, in his *Life of Bacon*, says, "In 1610 he published another treatise, entitled *Of the Wisdom of the Ancients*. This work bears the same stamp of an original and inventive genius with his other performances. Resolving not to tread in the steps of those who had gone before him, men, according to his own expression, not learned beyond certain common places, he strikes out a new tract for himself, and enters into the most secret recesses of this wild and shadowy region, so as to appear new on a known and beaten subject. Upon the whole, if we cannot bring ourselves readily to believe that there is all the physical, moral, and political meaning veiled under those fables of antiquity, which he has discovered in them, we must own that it required no common penetration to be mistaken with so great an appearance of probability on his side. Though it still remains doubtful whether the ancients were so knowing as he attempts to shew they were, the variety and depth of his own knowledge are, in that very attempt, unquestionable."

* In the year 1617, in Latin. It was published in Italian in 1618; in French, in 1619.

NOTE DDD.

In the year 1619, this tract was translated by Sir Arthur Georges. Prefixed to the work are two letters; the one to the Earl of Salisbury, the other to the University of Cambridge, which Georges omits, and dedicates his translation to the high and illustrious Princess the Lady Elizabeth of Great Britain, Duchess of Baviare, Countess Palatine of Rheine, and Chief Electress of the Empire.

This translation, it should be noted, was published during the life of Lord Bacon by a great admirer of his works.

The editions of this work with which I am acquainted are :

Year.	Language.	Printer.	Place.	Size.
1609.....	Latin	R. Barker	London	12mo.
1617.....	Ditto	T. Bill	Ditto	Ditto.
1619.....	English.....	Ditto	Ditto	Ditto.
1620.....	Ditto.....	Ditto	Ditto	Ditto.
1633.....	Latin.....	F. Maire	Lug. Bat.	Ditto.
1634.....	Ditto	F. Kingston ...	London	Ditto.
1638.....	Latin	E. Griffin	London	Folio.
1691.....	Ditto	H. Weston	Amsterdam ...	12mo.
1804.....	French	H. Frantin	Dijon	8vo.

NOTE DDD.

Proof of the increase of business in the Court of Chancery.

This note is divided into two parts :

First. Proof of the assertion that the business of the court had increased to this uncontrolable extent.

Secondly. The remedies of this evil.

First. Proof that the business of the court had increased.

That the business of the court had, in the time of Lord Bacon, so increased as to require additional power to subdue it, appears; 1st, from the consideration that the science of equity had been increasing for years; 2ndly, from the complaints which, soon after were made in parliament, of which the following extract from the Journals of the Commons in 1620 will exhibit a specimen.

The parliament met on the 16th of Jan. 18 Jacobi, when various committees were appointed.

Sabbati, 17^o Februarii, 18^o Jacobi.

Sir Edward Sackvyle reporteth from the committee for courts of justice, four heads: 1. Interfering of courts. Against protections. That an ordinary course in the court of Wards, where the principal dieth, his heir in ward, the surety protected; so that the party that lent in great danger to lose his money. 2dly. Prosecutors for concealed wards, find an office in the remote parts of the country. A lease of lands gotten before the party knew it. A travers will cost 100 marks: instance in Dayrell and Newdigate's case.

2. The jurisdiction of courts, one pressing upon another. That at this time one committed in the court of Wards, for not obeying the decree there, where ordered against the ward: in the Chancery, ordered on the other part, and the person in prison there. Master of the Rolls' motion to have that determined by private conference, or to be ordered by the king; not here, where properly not determinable.

3. For fees: so great, as more cost to get an hearing set down of his cause than the cause worth. That alleged, the fees not now much greater than forty years sithence; but many new officers in courts, who took much greater fees than heretofore.

4. For both the first grievances in the court of Wards; a bill against the

protection, in the first case; and the prosecutors to be put into the bill against informers.

That offered from the Lord Chancellor, he would willingly consent that any man might speak freely any thing concerning his court.

Mr. Alford: To re-commit all these things, because not yet ripe.

To inform the lords, what liberties they have lost, 2dly, Of the luxuriant authority of the Chancery; and that it devoureth all that cometh into it.

16 March.—Length of causes: 23 his; some 30 years. Mulct in the civil law if a cause above three years. This power too much for any one man.

That the Masters in Chancery should be reduced from twelve to six, &c. &c.

3rdly, From the increased but unavailing exertion of the Chancellor to subdue the business,

Lord Egerton.

In Lord Bacon's speech upon taking his seat, he says:—For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid; that upon the solemn and full hearing of a cause nothing is pronounced in court, but breviatees are required to be made; which I do not dislike in itself in causes perplexed. For I confess I have somewhat of the cunctative; and I am of opinion, that whosoever is not wiser upon advice than upon the sudden, the same man was no wiser at fifty than he was at thirty. And it was my father's ordinary word, "You must give me time." But yet I find when such breviatees were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the Chancery pace be slow.

D'Aguesseau.

The same anxiety was felt in France by Chancellor d'Aguesseau. Mr. Butler, in his *Reminiscences* says, "The only fault imputed to him was dilatoriness of decision. We should hear his own apology. The general feeling of the public on this head was once respectfully communicated to him by his son. 'My child,' said the Chancellor, 'when you have read what I have read, seen what I have seen, and heard what I have heard, you will feel that if on any subject you know much, there may be also much that you do not know, and that something, even of what you know, may not at the moment be in your recollection. You will then too be sensible of the mischievous and often ruinous consequences of even a small error in a decision; and conscience, I trust, will then make you as doubtful, as timid, and consequently as dilatory as I am accused of being.'"

Sir Matthew Hale.

So too of Sir Matthew Hale it is said, "He continued eleven years in that place; and it was observed by the whole nation how much he raised the reputation and practice of that court. The only complaint ever made against him was, 'that he did not dispatch matters quick enough,' but the causes that were tried before him were seldom if ever tried again."

Lord Keeper North.

The biographer of Lord Keeper North says, "I come now to his lordship's last and highest step of preferment in his profession, which was the custody of the great seal of England. And for conformity of language, I call this a preferment; but in truth (and as his lordship understood) it was the decadence of all the joy and comfort of his life, and instead of a felicity, as commonly reputed, it was a disease like a consumption, which rendered him heartless and dispirited. By his acceptance of the great seal, he became, as before of the law, so now of equity, a chief, or rather sole justice. And more than that, he must be a director of the English affairs at court as chief minister of state, with respect to legalities, for which he was thought responsible. So, what with equity, politics, and law, the cares and anxieties of his lordship's life were

NOTE D D D.

exceedingly increased; for either of these provinces brought too much upon the shoulders of any one man (who cordially and conscientiously espouseth the duty required of him), to be easily borne. The greatest pain he endured, moved from a sense he had of the torment the suitors underwent by the excessive charges and delays of the court. And the truth is, a court, as that is, with officers and fees proper for a little business, such as the judiciary part anciently was, coming to possess almost all the justice of the nation, must needs appear troubled. The business of his office was too great for one, who thought he was bound to do it all well."

Lord Eldon.

It was my good fortune to practise in the court of Chancery when the venerable Lord Eldon presided in the court. He was a man of sound judgment; he was never diverted from the truth by immediate impression. "I have made a covenant with myself," was his favourite maxim, "not to decide hastily, when I am powerfully excited." He decided with unbiassed impartiality, never suffering any passion to interfere with the love of truth and of justice. He was quick in forming his opinions, but slow in deciding. From his extensive and accurate knowledge of law he appeared to me immediately to see the whole merits of the case; but, from his anxiety to be just, his habit was, diligently to discover, before he decided, every thing which could be urged against the opinion he had formed. He was not tenacious in retaining any opinion. He was never ashamed of being wiser to-day than he was yesterday. A more analytical and discriminating mind never existed; but he well knew where to stop: he never suffered himself to wander from the substance of the matter in judgment into useless subtlety and refinement. A more anxious judge never presided on earth. He was "patientissimus veri." A kinder heart never beat. His habit was the same as Lord Egerton's, and might be described in the same words as are used by Bacon: "For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid, that upon the solemn hearing of a cause nothing is pronounced in court, but breviate are required to be made, which I do not dislike in causes perplexed. But yet I find that when such breviate were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the Chancery pace be slow."

In the year 1826 a commission was appointed to inquire into the delays of the court of Chancery. I was examined before this commission, and thus spoke respecting Lord Eldon; "I cannot but think it most unjust to confound the court with the judge. There is a spirit of improvement now moving upon this country, which ought not, as it appears to me, to be impeded by personality. Permanent defects in a court may perhaps generally be traced to the constitution of the court; that is, not to the judge, but to society. The real causes of these delays, are (I conceive) because the business of the court has increased for centuries, until it has become too extensive. This was assumed by the legislature, when the Vice Chancellor's court was appointed; but since the appointment of the Vice Chancellor, the Lord Chancellor sits for a less time, and is, unless I am much mistaken, less able, when he does sit, to accelerate business. I consider the fact with respect to the delays in deciding to be indisputable. I am repeatedly urged to ask the Lord Chancellor for judgment, and I do again and again mention petitions to the Lord Chancellor; but, knowing the pressure of business upon him, I confess I always do it with considerable reluctance."

Having stated what appeared to me to be the different causes of these delays, I proceeded as follows: "The third cause appears to me to be, partly the constitution of the Chancellor's mind, and his anxiety to decide justly; as an instance of which I beg to mention the case of *Ex parte Blackburn*, which I have stated to have been in the paper last year, relating to transactions so many years back. I argued this case (I think I may say) two or three times, and I certainly never was in my life more satisfied with my own argument than I was

in that case. I mentioned it again and again to the court, but I could not obtain judgment. At last the Lord Chancellor stated that he had been deliberating upon the case for many hours during the night, and that there was one point which had escaped me in my argument, to which he wished to direct my attention, and he was pleased to direct my attention to it, and to desire it to be re-argued; and upon re-arguing it, I was satisfied that he was right, and I was wrong; and whatever may have been the cause of the delay, the consequence has been, that he has prevented the injustice which I should have persuaded him to have committed. I beg also to mention another case, (*Ex parte Leigh*), which will be found in *Glyn and Jameson*, 264, the case of a *habeas corpus*; where, to my knowledge, the prisoner was detained illegally, upon an affidavit upon detainers for debt by a Mr. Claughton, (I think for 10,000*l.*). The court of King's Bench refused to discharge him. I presented a petition to the Chancellor on behalf of the bankrupt, being convinced that the decision of the court of King's Bench was erroneous; and, it being in the case of the liberty of a prisoner, the Chancellor heard it immediately, and took the trouble of applying to the Chief Justice of the court of King's Bench; and, after deliberation, thought it his duty to reverse the judgment, and to order him to be discharged; and, but for this care and deliberation, I am satisfied he would have been in prison at this moment, as I know the hostility between these parties is continuing to this very day. There is a petition in the paper between them coming on at these sittings. I am so convinced of the Lord Chancellor's caution and sense of justice, that, notwithstanding some resistance, I have always insisted upon the right given to prisoners by the *habeas corpus* act to select their own judge, which I trust will never be diminished, and have selected the Lord Chancellor in preference to all the judges. With the pressure of business upon the Lord Chancellor, and his anxiety, it is (I conceive) very difficult for him to decide expeditiously; and if any part of the blame is to attach to the Lord Chancellor, it is (I conceive) only this anxiety (ultra anxiety if I may so say) to decide justly. I have no disposition to praise the Chancellor, or any man living, more than I ought. I am much mistaken if there are any two men in the country who differ more in their views of society than the Lord Chancellor and myself. I almost always thought and acted, and I am rejoiced at the recollection of it, with Sir Samuel Romilly: but, speaking of the Lord Chancellor as a judge, I should be most ungrateful if I did not feel his kindness to me for near twenty years, and (as I think) to the whole of his profession, during his long judicial life. I should think most ill of myself, if I did not look up with the greatest respect to his extensive knowledge and extraordinary powers; dilating his sight so as to view the whole of every subject, and contracting it so as not to suffer the most minute object to escape him. I should be most unjust, if I did not acknowledge his patience to hear, his charity to hope, and his anxiety to do justice to every suitor of the court. I trust, therefore, that I shall be protected from the supposition that I wish to ascribe the faults of the court to the judge."—Do not these permanent effects upon powerful minds say that the business of the court was beyond the reach of any one mind?

"Mark," says Lord Bacon, "whether the doubts that arise are only in cases not of ordinary experience, or which happen every day. If in the first, impute it to the frailty of man's foresight, that cannot reach by law all the cases; but, if in the latter, be assured that there is a fault in the law itself."

Secondly. The Remedies.

Assuming that the pressure upon the court had thus increased, the question is, how ought it to be met? The modes are two.

First, by increasing the number of the judges in the same or in different courts.

Secondly, by increased diligence on the part of the individual judge.

The tendency of society would be to adopt the latter mode. Lord Bacon, in his instances of power in the *Novum Organum*, says, "It is one of the great obstacles to improvement that the mind has a tendency to suppose that nothing can be accomplished, unless the same means be employed with, perhaps, a

little more diligence, and more accurate preparation; whereas, on the contrary, it may be stated as a fact, that the ways and means hitherto discovered and observed, of effecting any matter or work, are for the most part of little value, and that all really efficient power depends, and is really to be deduced from the sources of forms, none of which have yet been discovered. Thus," he adds, "if any power had meditated on ballistic machines and battering rams, as they were used by the ancients, whatever application he might have exerted, and though he might have consumed a whole life in the pursuit, yet would he never have hit upon the invention of flaming engines, acting by means of gunpowder; nor would any person, who had made woollen manufactories and cotton the subject of his observation and reflection, have ever discovered thereby the nature of the silkworm or of silk." Unfortunately, therefore, the mode of remedying this evil in the court of Chancery was, not by resorting to any new expedient, but by calculating upon increased exertion on the part of the Chancellor; and the consequence has been, such an inadequacy of power to subdue the business, that the word Chancery has been for centuries, and is proverbial for delay and expence.

The increased diligence on the part of the court has always manifested itself in proportion to the intelligence and expanded mind of the judge, as appears from the exertions of Lord Egerton, of Lord Eldon, and of Sir M. Hale.

I well remember the perplexities in which Lord Eldon was placed. The pressure of the business was so great, and the time requisite for politics was, during the French Revolution, so excessive, that it was impossible that the business of the court could be subdued by his, or by any mind. On the one side he was surrounded by the senseless yells of ignorance, which he might have pacified by affected dispatch: on the other side, he had to preserve the interests of the suitors and his own approbation, by the consciousness of acting as a judge ought to act, without any fear but the fear of deciding unjustly. He preferred the latter. He went right onward in his course, regardless of the bayings at him; and, to the disgrace of the country, he was censured by the great mass of the community for having sacredly preserved the interests of the suitors and the dignified administration of justice. It may be well for a moment to consider Lord Bacon's sentiments upon judicial delay and dispatch.

In his essay "Of Dispatch" he says, "Affected dispatch is one of the most dangerous things to business that can be: it is like that which the physicians call predigestion, or hasty digestion; which is sure to fill the body full of crudities and secret seeds of diseases: therefore measure not dispatch by the times of sitting, but by the advancement of the business; and as, in races, it is not the large stride, or high lift, that makes the speed; so in business, the keeping close to a matter, and not taking of it too much at once, procureth dispatch. It is the care of some only to come off speedily for the time, or to contrive some false periods of business, because they may seem men of dispatch; but it is one thing to abbreviate by contracting, another by cutting off; and business so handled at several sittings or meetings, goeth commonly backward and forward in an unsteady manner. I knew a wise man that had it for a byword, when he saw men hasten to a conclusion, 'Stay a little, that we make an end the sooner.'

"On the other side, true dispatch is a rich thing; for time is the measure of business, as money is of wares; and business is bought at a dear hand where there is small dispatch.

"There be three parts of business: the preparation, the debate, or examination, and the perfection; whereof if you look for dispatch, let the middle only be the work of many, and the first and last the work of few. The proceeding upon somewhat conceived in writing doth for the most part facilitate dispatch; for though it should be wholly rejected, yet that negative is more pregnant of direction than an indefinite, as ashes are more generative than dust."

And in his speech, when he took his seat as Chancellor, he says, "There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn

utterly to delay at length; for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in Chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another; and like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey.

To the same effect he says, in his essay "Of Delays," "The ripeness or unripeness of the occasion (as we said) must ever be well weighed; and generally it is good to commit the beginnings of all great actions to Argos with his hundred eyes, and the ends to Briareus with his hundred hands; first to watch, and then to speed; for the helmet of Pluto, which maketh the politic man go invisible, is secrecy in the council, and celerity in the execution; for when things are once come to the execution, there is no secrecy comparable to celerity; like the motion of a bullet in the air, which flieth so swift as it outruns the eye."

It is evident Lord Bacon thought the number of the judges ought to be increased. Although in the infancy of the science of equity its administration ought perhaps to be entrusted to one master mind, yet, when the science advances, it swells beyond the power of any individual. Hence Lord Bacon, in the thirty-eighth aphorism of his "*Justitia Universalis*," says, "*At curiæ illæ uni viro ne committantur sed ex pluribus constant.*" And he says to the same effect in his tract on the perfection of the Church: "But there be two circumstances in the administration of bishops, wherein, I confess, I could never be satisfied; the one, the sole exercise of their authority; the other, the deputation of their authority.

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

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

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ecclesiastical. But it is probable, that the deans and chapters stuck close to the bishops in matters of profit and the world, and would not lose their hold; but in matters of jurisdiction, which they accounted but trouble and attendance, they suffered the bishops to inroach and usurp; and so the one continueth, and the other is lost. And we see that the bishop of Rome, 'fas enim et ab hoste doceri,' and no question in that church the first institutions were excellent, performeth all ecclesiastical jurisdiction as in consistory.

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

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Mar. 3, 1617. Rex invisit Cancellarium languentem, et ex invalidâ senectâ officio cedere volentem; sigillumque in manus Regis lachrymantis tradidit.—
Annalium Apparatus, Camdeni Epistolæ, page 24, pub. 1691.

Mar. 7, 1617. Sigillum magnum traditur Francisco Bacono Attornato Regio; anno ætatis 54 quem Rex admonuit, ut nihil nisi deliberate sigillet, ex equo et bono judicet, nec prærogativam Regiam nimio plus extendat.—
Annalium Apparatus, Camdeni Epistolæ, page 24, pub. 1691. But see his speech upon taking his seat in Chancery, in which he states that there were four admonitions, which he explains as stated in the text.

In his address to the bar, upon taking his seat in Chancery, he said, "The king's charge, which is my lanthorn, rested upon four heads.

"The first was that I should contain the jurisdiction of the court within its true and due limits, without swelling or excess.

"The second, that I should think the putting of the great seal to letters patents was not a matter of course after precedent warrants, but that I should take it to be the maturity and fulness of the king's intentions; and therefore that it was one of the greatest parts of my trust, if I saw any scruple or cause of stay, that I should acquaint him concluding with a *quod dubites ne feceris*.

"The third was that I should retrench all unnecessary delays, that the subject might find that he did enjoy the same remedy against the fainting of the seal, and against the consumption of the means and estate, which was speedy justice, *bis dat, qui cito dat*.

"The fourth was that justice might pass with as easy charge as might be, and that those same brambles that grow about justice of needless charge and expense, and all manner of exactions might be rooted out so far as might be.

"These commandments, my lords, are righteous, and (as I may term them) sacred; and therefore, to use a sacred form, I pray God bless the king for his great care over the justice of the land; and give me his poor servant grace and power to observe his precepts."

The Lord Chancellor Ellesmere about this time, weary of his public employment, and weakened with age, desired the king's leave to retire, that he might

make use of the short time left him to cast up his accounts for another world. The king gave the seal, and the place of Lord Chancellor, to Sir Francis Bacon, his attorney general; and the old Lord Ellesmere wore out the remnant of his life in quiet, dying in a good old age, and full of virtuous fame, leaving a noble posterity, who enjoy a great estate, with the title of Earl of Bridgewater.—Wilson's History of Great Britain, page 97, pub. 1616.

Upon the 21st of July, 1 Jac. Sir Thomas Egerton was raised to the degree of a baron of this realm, by the title of Lord Ellesmere; also, upon the 24th of the same month made Lord Chancellor of England; and lastly, viz. 7 Nov. 14 Jac. advanced to our said chief butler of England, and to the keeper and clerk of our said garderobe, and to every of them that now be, and for the time hereafter shall be, greeting.

The following is a copy of the patent :

Pro Francisco Bacon, milite, domino custode magni sigilli Angliæ.

James, by the grace of God, &c.—To the Treasurer and Barons of our Exchequer, and to the auditor or auditors of the accompt of the clerk or keeper of our Hanaper in our Chancery, and of our chief butler of England, and of our keeper of our great garderobe, and to the clerk or keeper of our said Hanaper, to our said chief butler of England, and to the keeper and clerk of our said garderobe, and to every of them that now be, and for the time hereafter shall be, greeting.

Whereas we, of our grace especial, certain knowledge and mere motion, for the great trust and confidence that we have in the wisdom and dexterity of our right trusty and well beloved counsellor Sir Francis Bacon, knight, lord keeper of our great seal of England, and for certain other special causes us moving, have given and granted unto the said Sir Francis Bacon, knight, the office of lord keeper of the great seal of England, and given authority to the said lord keeper to hear, examine, and determine causes, matters, and suits as shall happen to be, as well in our Chancery as in our Star Chamber, like as the chancellor of England, or keeper of the great seal of England of us, or our progenitors, for the time being, heretofore hath used, done, and practised, with all and singular manner of fees and commodities to or with the same room or office of chancellor or keeper of the great seal of England, in any wise, or by any manner of mean, due, appertaining, used or belonging in like, and in as ample manner and form as any lord chancellor of England or lord keeper of the great seal of England either in the time of King Henry the Eighth or King Edward the Sixth, or in the times of Queen Mary or Queen Elizabeth, or in our time hath had, enjoyed, perceived, and received for and in the same. And therefore we will, charge and command, not only the clerk or keeper of our Hanaper, in our said Chancery, for the time being, that ye, of such our money as is, or shall come to your hands of ours, or to our use, do content and pay, or cause to be contented and paid unto the said Sir Francis Bacon, knight, from time to time, for his wages, diets, robes, and liveries of himself and the masters of our Chancery like fees and rewards, and in as large manner, and as large sum and sums of money, as any of the said lord chancellors, or lord keepers of the great seal had and perceived for the same room or office of lord chancellor or lord keeper of the great seal; that is to say, five hundred forty-two pounds and fifteen shillings sterling by the year, for and from the seventh day of this instant month of March hitherto, and from henceforth as long as the said Sir Francis Bacon shall exercise the said room or office of lord keeper of our great seal of England; and also for his attendance in our said Star Chamber, after the rate of fifty pounds sterling every term, and after the rate of three hundred pounds by the year from the said seventh day of this instant month of March hitherto, and from henceforth, as long as the said Sir Francis Bacon shall execute the same room or office of our lord keeper of our great seal, over and above the said allowance, in like manner as the aforesaid lord chancellors or lord keepers of the great seal before this time at any time had and perceived. And also that ye, our chief butler of England for the time being, content and pay, or cause to be contented and paid to the said Sir Francis Bacon, after the rate of threescore pounds for twelve tons of wine by the year, and so after the same

rate for and from the aforesaid seventh day of this instant month of March hitherto, and so from henceforth, during the time that he shall occupy and exercise the said room or office of lord keeper of our great seal. And also that ye, the keeper of our great garderobe for and from the same time hitherto, and from henceforth, of such our money or revenue as is or shall be coming to your hands, do content and pay or cause to be contented and paid to the said Sir Francis Bacon, for his wax due to him by reason of his said office of lord keeper of our great seal, after the rate of sixteen pounds by the year, for and from the same time hitherto, and so forth, in like manner and form as the foresaid lord chancellors or lord keepers of the great seal at any time had or received for the same in the said office or room of lord chancellor or lord keeper of the great seal. And further, we will and grant that ye, our said treasurers and barons of our said Exchequer, and the auditors, and all other our officers and ministers for the time being, or that hereafter shall be, and every of you, to whom in this cause it shall appertain, from time to time do make or cause to be made to the said clerk or keeper of our Hanaper, of our said Chancery, and to the said chief butler of England, and also to the said keeper of our great garderobe, for the time being, and to every of them in their several account or accounts, of which they or any of them be in yielding, or shall yield before you or any of you, at or for any time or times, due allowance, plain deduction, and discharge of all and several the aforesaid sums of money, as they or any of them shall content and pay for the wages, fees, rewards, robes and wine, as before particularly expressed, by us granted as aforesaid for and from the said seventh day of this instant month of March hitherto, and from henceforth, during the time that the said Sir Francis Bacon shall exercise the said office of lord keeper of our great seal of England.

Any matter, law, course, or cause you or any of you, moving to the contrary in any wise notwithstanding; and these our letters, under our great seal, shall be unto you and every of you sufficient warrant and discharge in this behalf. In witness whereof, &c. Witness ourself at Westminster, the thirtieth day of March.—Per breve de privato-sigillo.

See Rymer, vol. xviii. p. 1, 1617. Blackburn, vol. i. 97.

Falsehoods in circulation.

As a specimen of the falsehoods in circulation in these times, the following extract from Weldon is inserted: "Next, Egerton had displeased him by not giving way to his exorbitant desires. He must out, and would not let him seale up his dying eyes with the seals which he had so long carried, and so well discharged; and to despight him the more, and to vex his very soul in the last agony, he sent Bacon (one he hated yet to be his successor) for the seals, which the old man's spirit could not brook, but sent them by his own servant to the king, and shortly after yielded his soul to his Maker.

"And to the end you may know what men were made choyce of to serve turns, I shall set you down a true story. This great favorite sent a noble gentleman, and of much worth, to Bacon with this message; that he knew him to be a man of excellent parts, and as the times were, fit to serve his master in the keeper's place; but he also knew him of a base and ingrateful disposition, and an arrant knave, apt in his prosperity to ruine any that had raised him from adversity; yet for all this, he did so much study his master's service, (knowing how fit an instrument he might be for him) that he had obtained the seals for him; but with this assurance, should he ever requite him, as he had done some others, to whom he had been more bound, he would cast him down as much below scorn, as he had now raised him high above any honor he could ever have expected.

"Bacon was at that time attorney general, who patiently hearing this message, replied, 'I am glad my noble lord deals so friendly and freely with me, and hath made that choyce of so discreet and noble a friend, that hath delivered his message in so plain language.' 'But,' saith he, 'can my lord know these abilities in me, and can he think when I have attained the highest preferment my profession is capable of, I shall so much faile in my judgment and under-

standing, as to lose those abilities, and by my miscarriage to so noble a patron, cast myself headlong from the top of that honor to the very bottom of contempt and scorn? Surely my lord cannot think so meanly of me.' The gentleman replied, 'I deliver you nothing from myself, but the words are put into my mouth by his lordship, to which I neither add nor diminish; for had it been left to my discretion, surely, though I might have given you the substance, yet should I have appalled it in a more modest attire; but as I have faithfully delivered my lord's to you, so will I as faithfully return yours to his lordship.'

"You must understand the reason of this message was his ungratefulness to Essex, which every one could remember; for the earle saved him from starving, and he requited him so as his apology must witness; were there not a great fault there needed no apology: nor could any age, but a worthless and corrupt, in men and manners, have thought him worthy such a place of honor."

Such is a specimen of falsehoods at that time in circulation. It is thus noticed in the *Life of Lord Bacon* in the *Biographia Britannica*.

"There is perhaps no country in the world in which exalted fortune does not beget envy, but at the same time, I believe, it may be truly said that kind of envy rises no where higher, or manifests itself with more violence and bitterness than with us in England. The Lord Keeper Bacon felt this very severely, for no sooner was he advanced to this high point of preferment in his profession, than all tongues were opened against him, that either from interest or inclination, wished to have seen some other person seated in that high post. However, very little evil was publicly divulged of him during his lifetime, when it might have afforded room for apology or defence, but has discovered itself in libels, penned indeed by such as lived in his days, but not such as were most likely to be well acquainted with him, or the points of which they so confidently wrote. Sir Anthony Weldon, in his *Court and Character of King James*, asserts," &c. as stated *supra*. The biographer in the *Biographia Britannica* adds, "But this account contains two egregious falsities: for, in the first place, though, as we have seen in the text, Camden says, the Chancellor resigned to the King himself; other authors agree that it was the King sent for Francis Bacon, but by Secretary Winwood, with this message, that himself would be his under-keeper, and not dispose of them while he lived to bear the name of Chancellor; nor did any person remove the seal out of the King's sight till the Lord Egerton died, which happened soon after. In the next place, the Lord Chancellor Egerton, as Dr. Tension observes, was willing that the Attorney General, Bacon, should be his successor, and ready to promote it: so far was he from conceiving any hatred against him either upon that or any other account. In the same volume we have likewise his speech at the taking his place in Chancery, in performance of the charge his majesty had given him, when he received the seals in 1617. Sir Anthony Weldon has upon this occasion introduced another scandalous story with regard to Sir Francis Bacon, and tells us that this great favourite (Buckingham) sent a noble gentleman and of much worth to him with this message, 'That he knew him,' &c. *ut supra*. He then adds, "Very hard language this of a man so eminent and well known, and this from a person of no character at all, or which is worse, of a very bad one. At present it shall suffice that we observe there is not the least degree of probability in the story which he relates, at the same time that he pretends not to the least shadow of evidence; so that we are to take a fact, which would scarcely deserve credit, though supported by ever so good witnesses, without any witness at all, and this against the light of one's own reason, and of a multitude of facts which may be alleged to discredit it; for whereas this is made to have been a sudden promotion, in consequence of a bargain with Buckingham, we have seen that it was so far from being such a promotion, that it was long before in agitation with the King himself, upon whom it is evident enough Sir Francis Bacon chiefly depended. This story makes Buckingham, even before he had acquired that title, an insolent and overbearing favourite, which is directly contrary to what all the historians

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of those times say, who commend him for his affability and generosity at the beginning, by which, as he rose in the King's favour, he grew likewise in esteem with his subjects, pursuing therein a conduct very different from that of his predecessor, Somerset, who really raised and disgraced, brought into credit or drove out of the court, without the least regard to decency, men of great merit or men of none, just as his interest required or his fancy dictated. It is not therefore at all probable, that the new favourite, who so well knew by what steps the old one became so very odious, should immediately pursue his path; more especially when he could not but very well know, that he was far enough from being absolutely master of the King's good graces, out of which he had very nearly thrown himself a very little after this, by most imprudently discovering his aversion to the King's intended journey into Scotland."

Saunderson says, speaking of Lord Ellesmere, "This aged statesman leaves the seat of deciding, and sits down himself to his devotions, leaving the seal to be born by Bacon. But the manner of the dispose is mis-told by the pamphlet (who makes it the Chancellor's heart-break to be rid of the charge), when in (who makes it the Chancellor's heart-break to be rid of the charge), when in truth the term come, and Ellesmere sick, the King sent for the seal, by Secretary Winwood, with a gracious message; that himself would be his deputy, and not dispose it whilst Ellesmere lived to bear the title of Chancellor, nor did any one receive it out of the King's sight till he was dead, nor long after." 1616.

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His works abound with proofs of this. In a letter to Lord Burleigh in the year 1592, he says, "My health, I thank God, I find confirmed; and I do not fear that action shall impair it: because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bear a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol, that loveth honour; nor under Jupiter, that loveth business, for the contemplative planet carrieth me away wholly. The meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends: for I have taken all knowledge to be my province. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty; but this I will do: I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy and so give over all care of service, and become some sorry book-maker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining nothing from you."

In a letter to the Lord Treasurer of 21st March, 1594, he says, "To speak plainly, though perhaps, vainly, I do not think that the ordinary practice of the law, not serving the Queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning I shall reap no great benefit to myself in that course."

In a letter to Essex, March 30, 1594, he says, "I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself, with a couple of men, to Cambridge, and there spend my life in my studies and contemplations without looking back."

In a letter to the Earl of Northumberland, a few days before Queen Elizabeth's death, he says, "And to be plain with your lordship, it is very true, and no winds or noises of civil matters can blow this out of my head or heart, that your great capacity and love towards studies and contemplations, of a higher and worthier nature than popular, a nature rare in the world, and in a

person of your lordship's quality almost singular, is to me a great and chief motive to draw my affection and admiration towards you : and therefore, good my lord, if I may be of any use to your lordship by my head, tongue, pen, means, or friends, I humbly pray you to hold me your own : and herewithal, not to do so much disadvantage to my good mind, nor partly to your own worth, as to conceive, that this commendation of my humble service produceth out of any straits of my occasions, but merely out of an election, and indeed the fulness of my heart. And so wishing your lordship all prosperity, I continue."

In a letter to the Lord Treasurer (1594) he says, " I am to give you humble thanks for your favourable opinion, which by Mr. Secretary's report I find you conceive of me for the obtaining of a good place, which some of my honourable friends have wished unto me ' nec opinanti.' I will use no reason to persuade your lordship's mediation but this, that your lordship and my other friends shall in this beg my life of the Queen ; for I see well the bar will be my bier, as I must and will use it rather than my poor estate or reputation shall decay : but I stand indifferent whether God call me or her majesty."

The following is from the dedication to the first edition of his Essays to his brother, who was lame : " Dedicating them, such as they are, to our love, in the depth whereof (I assure you) I sometimes wish your infirmities translated upon myself, that her majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest ; so commend I you to the preservation of the Divine Majesty. From my chamber at Gray's Inn, this 30th of January, 1597."

In a letter to Essex, 1594, he says :

To my Lord of Essex.

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

For means, I value that most ; and the rather, because I am purposed not to follow the practice of the law, if her majesty command me in any particular, I shall be ready to do her willing service ; and my reason is only because it drinketh too much time, which I have dedicated to better purposes. But even for that point of estate and means, I partly lean to Thales's opinion, That a philosopher may be rich if he will. Thus your lordship seeth how I comfort myself ; to the increase whereof I would fain please myself to believe that to be true which my Lord Treasurer writeth ; which is, that it is more than a philosopher can morally digest. But without any such high conceit, I esteem it like the pulling out of an aching tooth, which, I remember, when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholden to you than to any man : and I say, I reckon myself as a common, not popular, but common ; and as much as is lawful to be inclosed of a common, so much your lordship shall be sure to have. Your Lordship's, to obey your honourable commands, more settled than ever.

In a letter to the King, dated April 1, 1616, he says, " Were your majesty mounted, and scated without difficulties and distaste in your business, as I desire and hope to see you, I should ' ex animo ' desire to spend the decline of my years in my studies."

In a letter to the Earl of Salisbury respecting the solicitor's place, written about the year 1607, he says, " It is thought Mr. Attorney shall be chief justice of the Common-places ; in case Mr. Solicitor rise, I would be glad now at last to be solicitor : chiefly because I think it will increase my practice, wherein God blessing me a few years, I may mend my state, and so after fall serveth for my mind."

NOTE IIII.

Upon taking his seat in Chancery, having explained his intention as to his mode of discharging his judicial duties, he says, "The depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts, and sciences, to which in my own nature I am most inclined."

NOTE HHH.

Towards his rising years, not before, he entered into a married estate, and took to wife, Alice, one of the daughters and co-heirs of Benedict Barnham, Esq. and alderman of London, with whom he received a sufficiently ample and liberal portion in marriage. Children he had none: which, though they be the means to perpetuate our names after our deaths; yet he had other issues to perpetuate his name: the issues of his brain; in which he was ever happy and admired; as Jupiter was in the production of Pallas. Neither did the want of children detract from his good usage of his consort, during the intermarriage; whom he prosecuted with much conjugal love and respect, with many rich gifts and endowments, besides a robe of honour which he invested her withal, which she wore until her dying day, being twenty years and more after his death. Rawley.

Mallet's life, page xlix. He continued single till after forty, and then took to wife a daughter of Alderman Barnham of London, with whom he received a plentiful fortune, but had by her no children; and she outlived him upwards of twenty years.

The following is from Lord Bacon's will: Devises and legacies to my wife, I give grant and confirm to my loving wife by this my last will, whatsoever hath been assured to her, or mentioned or intended to be assured to her by any former deed, be it either my lands in Hertfordshire, or the farm of the seal, or the gift of goods in accomplishment of my covenants of marriage; and I give her also the ordinary stuff at Gorbambury, as wainscot tables stools, bedding, the like; always reserving and excepting the rich hangings with their covers, the table carpets, and the long cushions, and all other stuff which was or is used in the long gallery; and also a rich chair which was my niece Cæsar's gift, and also the armour, and also all tables of marble and towch: I give also to my wife my four coach geldings and my best caroache, and her own coach mares and caroache: I give also and grant to my wife the one half of the rent which was reserved upon Reades lease for her life; which rent although I intended to her merely for her better maintenance while she lived at her own charge, and not to continue after my death, yet because she has begun to receive it, I am content to continue it to her; and I conceive by this advancement, which first and last, I have left her, besides her own inheritance, I have made her of competent abilities to maintain the estate of a viscountess, and given sufficient tokens of my love and liberality towards her; for I do reckon (and that with the least) that Gorbambury and my lands in Hertfordshire, will be worth unto her seven hundred pounds per annum besides Woodfells and the leases of the houses, whereof five hundred pounds per annum only I was tied unto my covenants upon marriage; so as the two hundred pounds and better was mere benevolence; the six hundred pounds per annum upon the farm of the writs was likewise mere benevolence; her own inheritance also, with that she purchased with part of her portion, is two hundred pounds per annum and better, besides the wealth she has in jewels, plate or otherwise, wherein I was never straight handed. All which I here set down, not because I think it too much, but because others may not think it less than it is.

What was Bacon's motive for this bequest it seems difficult to discover, for in the very same will there is the following clause: "Whatsoever I have given, granted, confirmed, or appointed to my wife, in the former part of this my will, I do now for just and great causes utterly revoke and make void, and leave her to her right only."

It was not, without some difficulty, that I discovered the place where Lady Verulam is buried.

Newcomb in his history of St. Albans, page 503, says, "He married Alice, a daughter of Benedict Barnham, alderman of London, who is interred (as a

NOTE IIII.

marble tablet shews) in the cathedral of Chichester; and whose other daughter was the unfortunate wife of the Lord Castlehaven; who for his ill-treatment of her was with his accomplice hanged."

In consequence of this statement, I applied to a friend at Chichester. The following is the answer: "Our cathedral contains the ashes not of Lady Bacon, but of her grandmother, who, as well as her daughter and Lady Bacon bore the name of Alice, and hence I suppose whoever furnished 'the paper' referred to, was led into a very natural mistake. There is in the south aisle of the cathedral a mural tablet of brass, hideous enough and coarsely engraved. It represents two figures kneeling. The man in the robes of an alderman with six sons also kneeling behind him, the woman in the dress of the times with her eight daughters ranged behind her, perhaps this goodly patriarchal train moved the sympathy of Cromwell's soldiers, who laid violent hands on monuments of this description, but to keep to the point, these figures as the inscription testifies, are those of William Bradbridge, thrice mayor of this city, and Alice his wife attended by their whole family. One of the eight daughters named Alice, married Francis Barnham, alderman and sheriff of London. She became a widow, and erected this monument which was finished in July 1592. In December 1598, Alice Barnham bequeathed 120*l.* to be freely lent to young tradesmen of this city. In this bequest she is mentioned as the mother of Stephen Barnham, then representative for Chichester. It appears to me, that the Alice who married Lord Bacon, must have been the sister of Stephen Barnham, and that the idea of interment here may have arisen from the name of their mother Alice Barnham, the erectress of the tablet being inscribed on it. If this be correct would not the Bradbridge arms be quartered with those of Bacon? Dallaway gives them thus: 'Arms, sable, a pheon argent, Bradbridge.' In Dallaway's *Western Sussex*, page 138, of the *History and Antiquities of Chichester*, may be found the inscription verbatim, of which I have given the substance. I shewed your letter to one of our clergyman, Holland, the brother-in-law of Murray the bookseller, the cathedral is his 'Great Diana,' and I thought he would know as much about it as any one, also to others, they all agree with me in thinking the case to be probably as above supposed."

Lysons *Magna Britannia, Bedfordshire*, page 83. Eyworth, on the borders of Cambridgeshire, about three miles from Potton, and five from Biggleswade.

In the reign of Elizabeth, Eyworth was the property and seat of Sir Edmund Anderson, Lord Chief Justice of the Common Pleas; a man of considerable eminence in his profession, and one of the judges who sat at the trial of Mary Queen of Scots. In the church are several monuments of the Andersons. On the floor of the chancel is the tomb of Alice, Viscountess Verulam, and Baroness St. Alban's, widow of the great Lord Chancellor Bacon, who died in 1656, probably at the house of Mr. Anderson, to whom she was related.

My Dear Sir,—Probably the annexed may be new to you, and if so, cannot fail of being interesting as connected with an object dear to your feelings,
Yours very truly, J. BRITTON.

To Basil Montagu, Esq.

Close to the church at Eyworth was an ancient mansion, belonging to Sir Edmund Anderson, Lord Chief Justice of the Common Pleas, one of the Judges who sat on the trial of Mary Queen of Scots. The title became extinct in 1773. Was Lady Bacon related to the Andersons? the house is levelled to the ground, but several terraces, moats, and garden walls, are evidences of its former consequence.

Lady Bacon.

In the chancel of Eyworth Church, Bedfordshire, is a slab of grey marble on the floor, much injured, liable to speedy destruction, thus inscribed:

Here lieth interred the body of Dame Alice, Baroness Verulam, Viscountess St. Albans, one of the daughters of Benedict Barnham, alderman of London. She departed this life the 29th day of June, A. D. 1650.

NOTE T T T.

Pro eodem Francisco Bacon Milite. Rex omnibus ad quos, &c. Salutem.

Rymer, Tom. xvi. page 596.

Sciatis quòd nos, tam in consideratione boni fidelis et acceptabilis servitii, per nuper dilectum nostrum Antonium Bacon Armigerum defunctum, fratrem germanum Francisci Bacon militis servientis nostri, ac etiam per dilectum serviensem nostrum prædictum Franciscum Bacon militem præstiti et impensi, quàm pro deversis aliis causis et considerationibus ad nos specialiter moventibus.

De gratia nostra speciali, ac ex certa scientia et mero motu nostris, dedimus et concessimus præfato Francisco Bacon quandam annualem pensionem sexaginta librarum bonæ et legalis monetæ anglîæ per annum, solvendam annuatim eidem Francisco Bacon ad festa sancti Michaelis Archangeli et paschæ per æquales portiones, de thesauro nostro hæredum et successorum nostrorum, per manus thesaurarii et camerariorum ibidem pro tempore existentium, primâ solutione inde incipiendâ ad testum testorum prædictorum proximum post datam præsentium.

Habendam et tenendam gaudendam et percipiendam annualem pensionem prædictam, durante vitâ naturali prædicti Francisci Bacon.

In cujus rei, &c. Teste Rege apud Harfeild vicesimo quinto die Augusti.—
Per breve de privato sigillo.

NOTE J J J.

The following are passages from the king's speech.

As to the union.

Hath not God first united these two kingdoms, both in language and religion, and similitude of manners? yea, hath he not made us all in one island, compassed with one sea, and of itself by nature so indivisible, as almost those that were borderers themselves on the late borders, cannot distinguish, nor know, or discern their own limits? these two countries being separated neither by sea, nor great river, mountain, nor other strength of nature, but only by little small brooks, or demolished little walls, so as rather they were divided in apprehension, than in effect; and now in the end and fulness of time united, the right and title of both in my person, alike lineally descended of both the crowns, whereby it is now become a little world within itself.

As to Religion.

Nay, my mind was ever so free from persecution, or intravelling of my subjects in matters of conscience, as I hope those of that profession within this kingdom have a proof since my coming, that I was so far from increasing their burthens with Rehoboam, as I have so much as either time, occasion, or law could permit, lightened them. And even now at this time, have I been careful to revise and consider deeply upon the laws made against them, that some overture might be made to the present parliament for clearing these laws by reason (which is the soul of the law) in case they have been in times past, further, or more rigorously extended by judges, than the meaning of the law was, or might. And this sort of people, I would be sorry to punish their bodies for the error of their minds, the reformation whereof must only come of God and the true spirit. And here I have occasion to speak to you, my lords the bishops; for as you my lord of Durham said very learnedly to day in your sermon, correction without instruction is but tyranny: so ought you, and all the clergy under you, to be more careful, vigilant and careful than you have been, to win souls to God, as well by your exemplary life, as doctrine. And since you see how careful they are, sparing neither labour, pains, nor extreme peril of their persons, to pervert (the devil is so

NOTE QQQ.

busy a bishop;) (a) ye should be the more careful, and wakeful in your charges. Follow the rule prescribed to you by St. Paul, be careful to exalt and instruct, in season, and out of season: and where you have been any way sluggish before, now waken yourselves up again with a new diligence, remitting the success to God, who calling them either at the second, third, tenth, or twelfth hour, as they are alike welcome to him, so shall they be to me his lieutenant here.

NOTE QQQ.

Plutarch in his *Morals*, says, "You have naturally a philosophical genius, and are troubled to see a philosopher have no kindness for the study of medicine. You are uneasy that he should think it concerns him more to study geometry, logic, and music, than to be desirous to understand whether the fabrick of his body as well as his houses be well or ill designed. Now among all the liberal arts, medicine does not only contain so neat and large a field of pleasure as to give place to none, but plentifully pays the charges of those who delight in the study of her with health and safety: so that it ought not to be called the transgression of the bounds of a philosopher to dispute about those things which relate to health."

The following extract is from Dr. Garnet's Lectures.

"Physiological ignorance is, undoubtedly, the most abundant source of our sufferings; every person accustomed to the sick must have heard them deplore their ignorance of the necessary consequences of those practices, by which their health has been destroyed: and when men shall be deeply convinced, that the eternal laws of nature have connected pain and decrepitude with one mode of life, and health and vigour with another, they will avoid the former and adhere to the latter. It is strange, however, to observe that the generality of mankind do not seem to bestow a single thought on the preservation of their health, till it is too late to reap any benefit from their conviction.—If knowledge of this kind were generally diffused, people would cease to imagine that the human constitution was so badly contrived, that a state of general health could be upset by every trifle; for instance, by a little cold; or that the recovery of it lay concealed in a few drops, or a pill. Did they better understand the nature of chronic diseases, and the causes which produce them, they could not be so unreasonable as to think, that they might live as they chose with impunity; or did they know any thing of medicine, they would soon be convinced, that though fits of pain have been relieved, and sickness cured, for a time, the re-establishment of health depends on very different powers and principles."

Sir William Temple, in his *Essay upon the Cure of the Gout by Moxa*, says, "Within these fifteen years past, I have known a great fleet disabled for two months, and thereby lose great occasions, by an indisposition of the admiral, while he was neither well enough to exercise, nor ill enough to leave the command. I have known two towns of the greatest consequence, lost contrary to all forms, by the governors falling ill in the time of the sieges."

"I have observed the fate of Campania determine contrary to all appearances, by the caution and conduct of a general, which were attributed by those that knew him, to his age and infirmities, rather than his own true qualities, acknowledged otherwise to have been as great as most men of the age. I have seen the counsels of a noble country grow bold or timorous, according to the fits of his good or ill health that managed them, and the pulse of the government beat high or low with that of the governor. And this unequal conduct makes way for great accidents in the world: nay, I have often reflected upon the counsels and fortunes of the greatest monarchies rising and decaying sensibly with the ages and healths of the princes and chief officers that governed them. And I remember one great minister that confessed to me, when he fell into one of his usual fits of the gout, he was no longer able to bend his mind or thoughts to any public business, nor give audiences beyond two or three of his own domestics, though

(a) See a sermon of Latimer's.

it were to save a kingdom; and that this proceeded not from any violence of pain, but from a general languishing and faintness of spirits, which made him in those fits think nothing worth the trouble of one careful or solicitous thought. For the approaches or lurkings of the gout, the spleen, or the scurvy, nay, the very fumes of indigestion, may indispose men to thought and to care, as well as diseases of danger and pain.

“ Thus accidents of health grow to be accidents of state, and public constitutions come to depend in a great measure, upon those of particular men; which makes it perhaps seem necessary in the choice of persons for great employments (at least such as require constant application and pains) to consider their bodies as well as their minds, and ages and health as well as their abilities.”

Whether information upon Latin and Greek or upon the art of preserving health, will, at some future time, be ascertained, with great respect for a knowledge of languages, I should prefer to all these attainments, a knowledge of the mode of preserving health. The air we breathe; the food we take; our exercise and rest; our sleep.

Each of these subjects is of great importance, and so wholly neglected in our education, that the very name of them is changed, and they are termed by medical men “ non-naturals.”

As the word *nervous*, which used to express strength, has now changed its meaning, and is used as an expression of aspen-leaf debility, or as the yew tree, planted in churchyards, as a symbol of perpetual life, is called by us in return, “ the melancholy yew.”

NOTE R R R.

All his juvenile tracts are without imagery, and so are his *Novum Organum*, and tract upon universal justice. That imagery followed in the train of his reason, and was used chiefly if not solely to illustrate his reasoning, see his explanation of mistaking the motive for acquiring knowledge. See vol. ii. p. 51.

Arrangement.—In the Advancement of Learning, distinguished as it is for its symmetry, in explaining the causes of the evil of method, he says, “ for as young men, when they knit and shape perfectly, do seldom grow to a further stature, so knowledge, whilst it is dispersed into aphorisms and observations, may grow and shoot up: but once entered and comprehended in methods, it may, perchance, be farther polished and fashioned and accommodated for use and practice, but increaseth no more in bulk and substance.”

NOTE W W W.

Seneca says, “ The grammarian’s business lies in a syntax of speech; or, if he proceed to history, or the measuring of a verse, he is at the end of his line; but what signifies a congruity of periods, the computing of syllables, or the modifying of numbers, to the taming of our passions, or the repressing of our lusts? The philosopher proves the body of the sun to be large, but for the true dimensions of it we must ask the mathematician; geometry and music, if they do not teach us to master our hopes and fears, all the rest is to little purpose. What does it concern us which was the elder of the two, Homer or Hesiod; or which was the taller, Helen or Hecuba? We take a great deal of pains to trace Ulysses in his wanderings; but were it not time as well spent to look to ourselves, that we may not wander at all. Are not we ourselves tossed with tempestuous passions; and both assaulted by terrible monsters on the one hand, and tempted by syrens on the other?”

“ You,” says Lord Shaftsbury, “ who are skilled in other fabrics and compositions both of art and nature, have you considered the fabric of the mind, the constitution of the soul, the connexion and frame of all its passions and affections, to know accordingly the order and symmetry of each part; and how it either improves or suffers; what its force is, when naturally preserved in its sound state, and what becomes of it when corrupted and abused? Till this (my friend) be well examined and understood, how shall we judge either of the force

of virtue or power of vice, or in what manner either of these may work to our happiness or undoing? Here, therefore, is that inquiry we should first make. But who is there can afford to make it as he ought? If happily we are born of a good nature; if a liberal education has formed in us a generous temper and disposition, well regulated appetites and worthy inclinations, it is well for us; and so indeed we esteem it. But who is there endeavours to give these to himself, or to advance his portion of happiness in this kind? Who thinks of improving, or so much as of preserving his share, in a world where it must of necessity run so great a hazard, and where we know an honest nature is so easily corrupted? All other things relating to us are preserved with care, and have some art or economy belonging to them: this, which is nearest related to us, and on which our happiness depends, is alone committed to chance; and temper is the only thing unguarded, whilst it governs all the rest.—Thus we inquire concerning what is good and suitable to our appetites, but what appetites are good and suitable to us, is no part of our examination. We inquire what is according to interest, policy, fashion, vogue; but it seems wholly strange and out of the way to inquire what is according to nature. The balance of Europe, of trade, of power, is strictly sought after; while few have heard of the balance of their passions, or ever thought of holding these scales even.”

“We all meditate,” says Bishop Hall, “one, how to do ill to others: another, how to do some earthly good to himself: another, to hurt himself under a colour of good. Or perhaps, some better minds bend their thoughts upon the search of natural things; the motions of every heaven, and of every star: the reason and course of the ebbing and flowing of the sea: the manifold kinds of simples that grow out of the earth and creatures that creep upon it, with all their strange qualities and operations: or, perhaps, the several forms of government and rules of state take up their busy heads: so that, while they would be acquainted with the whole world, they are strangers at home; and while they seek to know all other things, they remain unknown to themselves.”

Burton says, “We spend our days in unprofitable questions and disputations, intricate subtleties, about moonshine in the water, leaving in the mean time those chiefest treasures of nature untouched, wherein the best medicines for all manner of diseases are to be found; and do not only neglect them ourselves, but hinder, condemn, forbid, and scoff at others that are willing to inquire after them.”

“But whether thus these things, or whether not:

Whether the sun, predominant in heaven,
Rise on the earth, or earth rise on the sun:
He from the east his flaming road begin,
Or she from west her silent course advance
With inoffensive pace, that spinning sleeps
On her soft axle, while she paces even,
And bears thee soft with the smooth air along,
Solicit not thy thoughts with matters hid:
Leave them to God above, him serve and fear:
Of other creatures, as him pleases best,
Wherever placed, let him dispose: joy then
In what he gives to thee, this Paradise
And thy fair Eve:—Heaven is for thee too high
To know what passes there: be lowly wise:
Think only what concerns thee and thy being.”

Paradise Lost, b. viii.

Teach me my duty to my country, to my father, to my wife, to mankind.
What is it to me, whether Penelope was honest or no? Teach me to know
how to be so myself, and to live according to that knowledge. What am I the
better for putting so many parts together in music, and raising an harmony out
of so many different tones. Teach me to tune my affections, and to hold con-
stant to myself. Geometry teaches me the art of measuring acres; teach me to
measure my appetites, and to know when I have enough: teach me to divide

NOTES Y Y Y—Z Z Z.

with my brother, and to rejoice in the prosperity of my neighbour. You teach me how I may hold my own, and keep my estate; but I would rather learn how I may lose it all, and yet be contented. It is hard, you will say, for a man to be forced from the fortune of his family. This estate, it is true, was my father's; but whose was it in the time of my great-grandfather? I do not only say, What man's was it? but, what nation's? The astrologer tells me of Saturn and Mars in opposition; but I say, let them be as they will, their courses and their positions are ordered them by an unchangeable decree of fate. Either they produce, and point out the effects of all things, or else they signify them: if the former, what are we the better for the knowledge of that which must of necessity come to pass? If the latter, what does it avail us to foresee what we cannot avoid? So that, whether we know or not know, the event will still be the same.—Seneca.

NOTE Y Y Y.

“ Men carry their minds as they carry their watches, content to be ignorant of the mechanism of their movements, and satisfied with attending to the little exterior circle of things, to which the passions, like indexes, are pointing. It is surprising to see how little self-knowledge a person not watchfully observant of himself may have gained in the whole course of an active, or even an inquisitive life. He may have lived almost an age, and traversed a continent, minutely examining its curiosities, and interpreting the half obliterated characters on its monuments, unconscious the while of a process operating on his own mind to impress or to erase characteristics of much more importance to him than all the figured brass or marble that Europe contains. After having explored many a cavern or dark ruinous avenue, he may have left undetected a darker recess in his character. He may have conversed with many people in different languages, on numberless subjects; but having neglected those conversations with himself by which his whole moral being should have been kept continually disclosed to his view, he is better qualified perhaps to describe the intrigues of a foreign court, or the progress of a foreign trade; to represent the manners of the Italians or the Turks; to narrate the proceedings of the Jesuits, or the adventures of the gypsies, than to write the history of his own mind.”

Foster's Essays, p. 6, 4th ed.

NOTE Z Z Z.

Foster says, “ And perhaps still less regard will be paid to it, if it be considered that the King, who appeareth to have had the success of the prosecution much at heart, and took a part in it unbecoming the majesty of the crown, condescended to instruct his attorney general with regard to the proper measures to be taken in the examination of the defendant; that the attorney at his majesty's command submitted to the drudgery of sounding the opinions of the judges upon the point of law, before it was thought advisable to risk it at an open trial; that the judges were to be sifted separately and soon, before they could have an opportunity of conferring together; and that for this purpose four gentlemen of the profession in the service of the crown were immediately dispatched, one to each of the judges; Mr. Attorney himself undertaking to practice upon the Chief Justice, of whom some doubt was then entertained. Is it possible that a gentleman of Bacon's great talents could submit to a service so much below his rank and character! But he did submit to it, and acquitted himself notably in it.

“ Avarice, I think, was not his ruling passion. But whenever a false ambition, ever restless and craving, overheated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who die under its dominion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man,

both contract his views into the little point of self-interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour.

“Bacon, having undertaken the service, informeth his majesty in a letter addressed to him, that with regard to three of the judges whom he nameth, he had small doubt of their concurrence. ‘Neither,’ saith he, ‘am I wholly out of hope, that my Lord Coke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.’ These are plain naked facts, they need no comment. Every reader will make his own reflections upon them. I have but one to make in this place. This method of forestalling the judgment of a court in a case of blood then depending, at a time too when the judges were removeable at the pleasure of the crown, doth no honour to the persons concerned in a transaction so insidious and unconstitutional, and at the same time greatly weakeneth the authority of the judgment.”

In a tract entitled *An Enquiry into the conduct of a late Right Honourable Commoner*, 4th edit. Lond. 1766, 8vo. p. 1, the same observation is thus repeated: “In the tide of almost every great man’s life there is commonly one period, which is not only more remarkable than the rest, but conveys with it strong characteristic marks of the complexion of him to whom it belongs. Thus the great Bacon, when he saw the only road to preferment was through Buckingham, attached himself to that favourite, and undertook to second the views of the crown. We read of his excessive pliancy in transactions wholly below his rank and character; particularly several attempts to corrupt and bias the judges in causes which the King or his minister had much at heart. ‘Avarice,’ says Mr. Justice Foster (who in his discourse on high treason has recorded these instances of his baseness), ‘I think, was not his ruling passion. But, whenever a false ambition, ever restless and craving, over-heated in the pursuit of the honours which the crown alone can confer, happeneth to stimulate an heart otherwise formed for great and noble pursuits, it hath frequently betrayed it into measures full as mean as avarice itself could have suggested to the wretched animals who live and die under her deminion. For these passions, however they may seem to be at variance, have ordinarily produced the same effects. Both degrade the man; both contract his views into the little point of self-interest, and equally steel the heart against the rebukes of conscience, or the sense of true honour.’ Whoever is at the pains of reading Bacon’s life, will find that from the moment of his attaching himself to Villiers, Duke of Buckingham, his character takes a new turn. We see no more of the firm friend, nor honest man; both are sunk in the scandalous instrument of a favourite, without honour, and of a court without veracity; and Villiers and he were afterwards impeached by the Commons. The King indeed endeavoured to save Villiers; but Bacon was sacrificed. It is true he had been made a lord, but he was sequestered from parliament; and the pangs of his conscience were evidenced by every passage of his future life.”

NOTE AAAA.

Biographia, p. 3853.—He lived in a private frugal manner, being resolved to dispose of his great estate in some important charity. But before he had fixed upon any particular plan for carrying that design into execution, he was greatly alarmed in the year 1608, with the news of a design to raise him to the peerage, in the view of laying him thereby under an obligation to make King Charles I. then Duke of York, his heir. Upon the first notice that came to his ears of this project, he immediately put a stop to it. (a)

(a) The project was laid before King James by Sir John Harrison, who had proposed it to Mr. Sutton; but as soon as he heard what was doing at court, he dispatched the following letter to the Lord Chancellor Ellesmere and the Lord Treasurer Salisbury, both feoffees for his intended hospital:

“May it please your Lordships,—I understand that his majesty is possessed

NOTE B B B B.

Upon the first day of the term, when he was to take his place in court, he declined the attendance of his great friends, who offered, as the manner was, to bring him to his first settling with a pomp of an inauguration. But he set out early in the morning with the company of the judges and some few more, and passing through the cloisters into the Abbey, he carried them with him into the chapel of Henry the Seventh, where he prayed on his knees (silently, but very devoutly, as might be seen by his gesture) almost a quarter of an hour; then rising up cheerfully, he was conducted with no other train, to a mighty confluence that expected him in the hall, whom from the bench of the court of Chancery, he greeted with this speech.

“ My Lords and Gentlemen all, I would to God my former course of life had so qualified me for this great place (wherein by the will of God and the special favour of the King I am for a time to bestow myself) that I might have fallen to my business without any farther preface or salutation, especially considering, that, as the orator observes, *Id ipsum dicere nunquam sit non ineptum, nisi cusu est necessarium*. This kind of orationing hath ever a tincture of levity, if it be not occasioned by some urgent necessity. For my own part, I am as far from affecting this speech, as I was from the ambition of this place; but having found by private experience that sudden and unexpected eruptions put all the world into a gaze and wonderment, I thought it most convenient to break the ice with this short deliberation, which I will limit to these two heads: my calling, and my carriage in this place of judicature.

“ For my calling unto this office, it was (as most here present cannot but know) not the cause, but the effect of a resolution in the state, to change or reduce the governor of this court from a professor of our municipal laws to some one of the nobility, gentry, or clergy of this kingdom. Of such a conclusion of state (*quæ aliquando incognita semper justa*), as I dare not take upon me to discover the cause, so I hope I shall not endure the envy. Peradventure the managing of this court of equity doth *Recipere magis et minus*, and is as soon diverted with too much as too little law. Surely those worthy lords, which to their eternal fame, for the most part of an hundred years governed and honoured

by Sir John Harrington, or by some other by his means, that I intend to make his highness's son, the Duke of York, my heir; whereupon, as it is reported, his highness proposeth to bestow the honour of a baron on me; whereof as I am most unworthy, so I vow to God and your lordships, I never harboured the least thought or proud desire of any such matter. My mind, in my younger times, hath been ever free from ambition; and now I am going to my grave, to gape for such a thing were mere dotage in me, so unworthy also, as I confess unto your lordships. That this knight hath been often tampering with me to that purpose, to entertain honour, and to make the noble duke my heir, is true; to whom I made that answer, as, had he either wit or honesty (with reverence to your lordships be it spoken), he never would have engaged himself in this business, so egregiously to delude his majesty, and wrong me. My humble suit unto your lordships is, that considering this occasion hath brought me into question, and in his hazard of his highness's displeasure, having never given Sir John Harrington, or any man living, either promise or semblance to do any such act, but upon his motions grew into utter dislike with him for such idle speeches, your lordships will vouchsafe me this favour, to inform his highness aright, how things have proceeded directly without my privity; and withal, that my trust is in his gracious disposition, not to conceit the worse of me for other men's follies; but that I may have free liberty with his princely leave, wherein I rest most assured, to dispose of my own, as other his majesty's loyal subjects. And so, most humbly recommending my duty and service to your lordships, for the increase of whose honours and happiness I shall ever pray, I rest,

“ Your Lordship's poor beadsman, THOMAS SUTTON.”

this noble court; as they equalled many of their own profession in the knowledge of the laws, so did they excel the most of all other professions in learning, wisdom, gravity, and mature experience. In such a case, it were but poor philosophy to restrain those effects to the former, which were produced and brought forth by those latter endowments. Examine them all, and you shall find them in their several ages to have the commendation of the completest men, but not of the deepest lawyers. I except only that mirror of our age and glory of his profession, my revered master, who was as eminent in the universal, as any other one of them all in his choicest particular. *Sparguntur in omnes, uno hoc mista fluunt, et quæ diversa beatos efficiunt, conjuncta tenet.* Again, it may be, the continual practice of the strict law, without a special mixture of other knowledge, makes a man unapt and undisposed for a court of equity. *Juris consultus ipse per se nihil nisi lugubrius quidam cantus et acutus, as M. Crassus was wont to define him.* They are (and that cannot be otherwise) of the same profession with the rhetorics at Rome, as much used to defend the wrong, as to protect and maintain the most upright cause. And if any of them should prove corrupt, he carries about him, *armatam nequitiam*, that skill and cunning to palliate the same, that that mis-sentence, which pronounced by a plain and understanding man would appear most gross and palpable, by their colours, quotations, and wrenches of the law, would be made to pass for current and specious. Some will add hereunto the boldness and confidence, which their former clients will take upon them, when, as St. Austin speaks in another case, they find the man to be their judge, who was the other day their hired advocate. *Marie that, deprædandi memoria, as St. Jerom calls it, that propensity to take money, as accustomed to fees, is but a base and scandalous aspersion, and as incident to the divine, if he want the fear of God, as to the common lawyer, or most sordid artizan.* But that that former breeding and education in the strictness of law might (without good care and integrity) somewhat indispose a practiser thereof for the rule and government of a court of equity, I learned long ago from *Plinius Secundus*, a most excellent lawyer in his time, and a man of singular rank in the Roman estate; for in his second, third, and sixth epistles making comparison between the *scholastici*, as he calls them, which were gentlemen of the better sort, bred up privately in feigned pleadings and schools of eloquence, for the qualifying of themselves for civil employments, and another sort of gentlemen, termed *forenses*, who were pleaders at the bar, and trained up in real causes: he makes the former more innocent and harmless a great deal than the latter, and yields hereof the principal reason, *Nos enim, qui in foro verisque litibus terimur, multum matitiam, quamvis nolimus, addiscimus.* For we, saith he, that are bred in real quirks and personal contentions, cannot but reserve some fang thereof, whether we will or no. These reasons, though they please some men, yet, God be praised, if we do but right to this noble profession, there are in our commonwealth no way concluding or demonstrative; for I make no question, but there are many scores which profess our laws, who beside their skill and practice in this kind, are so richly enabled in all moral and intellectual endowments, *Ut omnia tanquam singula præficiant*, that there is no court of equity in the world but might be most safely committed unto them. I leave, therefore, the reason of this alteration as a reason of state not to be fathomed by any reason of mine, and will say no more of my calling in the general.

"Now when I reflect upon myself in particular, *Quis sum ego? aut quis filius Ishai?* What am I, or what can there be in me in regard of knowledge, gravity, or experience, that should afford me the least qualification in the world for so weighty a place? Surely, if a sincere, upright, and well meaning heart doth not cover thousands of other imperfections, I am the unfittest man in the kingdom to supply the place. And therefore must say of my creation, as the poet said of the creation of the world, *Materiam noti querere, nulla fuit.* Trouble not your heads to find out the cause, I confess there was none at all. It was, (without the least inclination or thought of mine own) the immediate work of God and my king. And their actions are no ordinary effects, but extraordinary miracles. What then? should I beyond the limits and duty of

obedience despond, and refuse to make some few years trial in this place? Nor, Tuus, O Jacobe, quod optas explorare labor, mihi jussa capessere fas est. I will therefore conclude this point with the excuse of that poet, whom the Emperor Gratian would needs enforce to set out his poem, whether he would or no, Non habeo ingenium, Cæsar sed jussit habebō. Cur mæc posse negem, posse quod ille putet. I am no way fit for this great place, but because God and the king will have it so, I will endeavour, as much as I can, to make myself fit, and put my whole confidence in his grace and mercy, Qui neminem dignum eligit, sed eligendo dignum facit, as St. Austin speaks. And so much of my calling, now I come unto my carriage in this place.

“It is an observation which fully makes, In causis direndis effugere solebat Antonius, ne succederet Crasso. Antonius was ever afraid to come after Crassus, a most eloquent and powerful orator. And the greatest discouragement I find in this place is, that I am to come after (after, indeed, nec passibus æquis) my two immediate predecessors, the one of them excellent in most things, the other in all things. But both of them so bred in this course of life, Ut illis plurimarum rerum agitatio frequens, nihil esse ignotum patiebatur: as Pliny speaks of the pleaders of his times. It were too much to expect at my hands, a man bred in other studies, that readiness, or quickness, or dispatch which was effected by them, Lords, both of them brought up in the King’s courts, and not in the King’s chapel. My comfort is this, that arriving here as a stranger, I may say as Archimedes did when he found those geometrical lines and angles drawn everywhere in the sands of Egypt, Video vestigia humana: I see in this court the footsteps of wise men, many excellent rules and orders for the managing the same, the which, though I might want learning and knowledge to invent, (if they were not thus offered to my hands) yet I hope I shall not want the honesty to act and put in execution, these rules I will precisely follow, without the least deflexion at all, until experience shall teach me better. Every thing by the course of nature hath a certain and regular motion. The air and fire still upward, the earth and water fall downward: The celestial bodies whirl about in one and the self same course and circularity, and so should every court of justice, otherwise it grows presently to be had in jealousy and suspicion. For as Vel. Paternulus observes very well, In iis homines extraordinaria reformidant, qui modum in voluntate habent. Men ever suspect the worst of those rules which vary, with the judge’s will and pleasure. I will descend to some few particulars.

“First, I will never make any decree that shall cross the grounds of the common or statute laws; for I hold by my place the custody not of mine own, but of the King’s conscience: and it were most absurd to let the King’s conscience be at enmity and opposition with his laws and statutes. This court (as I conceive it) may be often occasioned to open and confirm, but never to thwart and oppose the grounds of the laws. I will therefore omit no pains of mine own, nor conference with the learned judges, to furnish myself with competency of knowledge, to keep my resolution in this point firm and inviolable. Secondly, I will never give a willing ear to any motion made at this bar, which shall not apparently tend to further and hasten the hearing of the cause. The very word motion, derived a movendo, to move, doth teach us that the hearing is, Finis, perfectio, &c. terminem ad quem, the end, perfection, and proper home, as it were, of the matter propounded. If a counsellor, therefore, will needs endeavour, as Velleius writes of the Gracchi, Optimo ingenio pessime uti, to make that bad use of a good wit, as to juggle a cause out of the King’s highway, which I hold in this court to be bill, answer, replication, rejoinder, examination and hearing, I will ever regard it as a wild-goose chase, and not a learned motion. The further a man runs out of his way, the further he is from home, the end of his journey, as Seneca speaks: so the more a man tattles besides these points, the further it is from the nature of a motion. Such a motion is a motion. Per Antiphrasin, ut mons a non movendo. It tends to nothing but certamen ingenii, a combat of wit, which is infinite and endless. For when it once comes to that pass, some will sooner a great deal lose the cause than the last word. Thirdly, I would have no man to conceive that I come to this place

to overthrow without special motives the orders and decrees of my predecessors. I would be loth to succeed any man, as Metellus did, Caius verres, *cujus omnia erant ejusmodi*, ut totam verris Præturam retexere videretur; whose carriage, saith Tully, was a mere Penelope's web, and untwisting of all the acts of Verres's prætorship. Upon new matter, I cannot avoid the reviewing a cause, but I will ever expect the forbearing of persons, so as the ashes of the dead may be hereafter spared, and the dust of the living no further raked. Fourthly, I will be as cautious as I can in referring of causes, which I hold of the same nature as a by-way motion. For one reference that spurs on a cause there are ten that bridle it in, and hold it from hearing. This is that which Bias calls the backward forwarding of a cause; for as the historian speaks, *Quod procedere non protest recedit*. Fifthly, I profess beforehand, that this court shall be no sanctuary for undirect and desperate surtities. It is a ground of the common law, that a man shall make no advantage of his own follies and laches. When the money is to be borrowed, the surety is the first in the intention; and therefore, if it be not paid, let him a God's name be the first in execution. Lastly, I will follow the rules of this court in all circumstances, as near as I can, and considering that, as Pliny speaks, *Stultissimum est ad imitandum, non optima quæq. proponere*: It were a great folly to make choice of any other than the very best for imitation. I will propound my old master for my pattern and precedent in all things. Beseeching Almighty God so to direct me, that while I hold this place, I may follow him by a true and constant imitation. And if I prove unfit and unable for the same, that I may not play the mountebank so in this place, as to abuse the king and the state, but follow the same most worthy lord in his cheerful and voluntary resignation, *Sic mihi contingat vivere, sicq. mori.*"

NOTE X X X X.

When Coke said, "I know with whom I deal," and "For we have to deal to-day with a man of wit," more was conveyed than meets our ears at present.

The monopoly of playing cards had been granted to Raleigh by Elizabeth; and the casual mention of this monopoly in the House of Commons had, two years before, stung Raleigh sensibly. It was with *him* therefore, who had owned the cards that the Attorney had now to deal.

Sir Simonds d'Ewes reports in his Journals, that on the 20th November, 1601, in a debate on a bill, "For the explanation of the common law in certain cases of Letters Patent," Dr. Bennet said, "He that will go about to debate her majesty's prerogative royal had need walk warily. In respect of a grievance out of the city for which I come, I think myself bound to speak that now which I had not intended to speak before; I mean a monopoly of salt. It is an old proverb, *Sal sapit omnia*; fire and water are not more necessary. But for other monopolies, cards (at which Sir Walter Raleigh blusht), dice, starch, and the like, they are (because monopolies), I must confess, very hurtful, though not all alike hurtful." The bystanders at Raleigh's trial seemed to have understood Coke's allusion in his use and repetition of the word "*deal*." A letter hitherto unpublished, and from an eye-witness, contains a curious passage which furnishes a conclusive comment upon these cruel words of the King's Attorney, and thus describes the game.

"The managing of this arraignment was like the sett at Mawge. The King's Attorney did at the first inforce the evidence with slender proofes, and reserved in the decke the ace of hearts. Sir Walter, on the other side, kept close the knave of the game, as he supposed, wherewith to take the ace. For after Sir Walter had much disabled the first evidence, and seemed in the opinion of divers not cleerely guiltie (though noe verie honest man), then did the Kinges Attorney produce a full and voluntarie accusation subscribed with the L. Cobham's owne hand, shewinge that Sir Walter was the principall contryver, plotter, and deviser of all the treasons. Which Sir Walter seeing, seemed to wonder, and drawinge out of his bosome a paper, first used theis speeches in

NOTE Y Y Y Y.

effect: 'Alas, poore, seely, weake, base, miserable man;' and then intreated my L. Cecil to read it, whoe tooke it, and delivered it to the clarke, wherby it appeared that the L. Cobham had, upon all the oathes that maie binde a christian, an honest, or honorable man, cleared Sir Walter of all the treasons."

"Winchester, hast, 19 of November, 1603.

A postscript, "*Sir Walter is attainted of treason*," shews the letter to have been written under the impression of the moment and from the spot.

With respect to Coke's abuse, it is curious, as matter of critical observation, to note how his own expressions, "*English face*" and "*Spanish heart*," suggest to himself through the association of *face* cards, and *hearts*, the offensive word "*deal*." As matter of moral observation, it is interesting to remark how quietly and effectively Raleigh gives his irritated accuser to understand that he is aware of the intended insult and retains his self-possession, by retorting upon *cards* a sarcasm derived from *bowls*: "It will go near to prove a *measuring cast* between you and me, Mr. Attorney."

NOTE Y Y Y Y.

When Coke indulged himself in these satirical lines he alluded to Sebastian Brant's "*Stultifera navis*," translated by Alexander Barclay, and then called, "*The Ship of Fooles*." This work opens with a most inviting satire, having for its title *De Inutilibus Libris*. "Here beginneth the Ship of Fooles, and first *Of Unprofitable Bookes*;" to the company of which Coke, in his ungrateful spleen, consigned the *Novum Organum*. In addition to the obvious sarcasm conveyed in the happy title to which he alludes, he doubtless indulged himself in the recollection of some lines which followed, and which he associated with Lord Bacon's new dignity.

"Eche is not lettered that now is made a lorde,
Nor eche a clerke that hath a benefice;
They are not all lawyers that pleas do recorde,
All that are promoted are not fully wise."

The spirit of his "*Auctori Consilium*" he evidently caught from the lines which conclude the satire in the original:

"O vos doctores qui grandia nomina fertis
Respicite antiquos patres, jurisque peritos:
Non in candidulis pensebant dogmata libris," &c.

May we be forgiven for the surmise that this reference to Brant's book was accompanied by some secret mental application of a coarse jest supplied by the next page? To the chapter "*De Inutilibus Libris*" succeeds "*De Malis Consultoribus*." "*Of Evill Counsellors, Judges, and Men of Law*," where the percut prefixed is an attempt to scald a live pig in a caldron. Now here, and in percut keeping with the refined spirit which dictated many of the Chief Justice's classical displays of rhetoric, was Bacon on the brink of the *hot water* which the Coke had prepared. The uncharitable suspicion gathers strength from the fact that the whole satire "*Of Evill Counsellors*" is directed by the translator to the *Chancery Bar*, in his L'Envoy, which opens thus, with some strength and much *naiveté*.

"Therefore ye yonge studentes of the Chauncery
(*I speake not to the olde, the cure of them is past*;)
Remember that justice long hath in bondage be,
Reduce her nowe unto libertie at the last,
Endeavour you her bondes to louse or to brast."

That the personages engaged in forcing the hog into the pot were adorned with caps and bells, was an incident most naturally overlooked by the self-complacency of the Chief Justice.

NOTES Y Y Y Y—Z Z Z Z.

From an indication which occurs in a collection of Poems in honour of Bacon, edited immediately after his death by Rawley, "*Memorie Albani Sacrum*," 4to. 1626, good evidence may be adduced that the sarcasm contained in the lines,

"Instaurare paras veterum documenta sophorum,
Instaura leges, justitiamque prius,"

had been circulated,—and if so, most probably by the author himself—through the Inns of Court. Robert Ashley, of *the Middle Temple*, is one of the contributors, and thus indignantly refers to those very lines and the objection they convey:

"Scripta docent; veterum queis hic monumenta sophorum
Censurâ castigat acii;—exiguoque libello
Stupendos ausus docet 'INSTAURATIO MAGNA.'"

This was not ill done with respect to the Latin gibe, but with regard to English as well as Latin,—the taunt upon his wisdom, or the sneer at his knowledge of the principles of justice,—Bacon himself had already, and as it were by anticipation, done much better. Long ago had he given the very best reply to the ribbald allusion into which his device of a ship upon its adventurous voyage beyond the Pillars of Hercules, had tempted an ungenerous rival. Long before had he set an example which fixed the *jolly* on him who would not or could not profit by it. In expressing his opinion of another's labours, he too had spoken of a *ship*; but it was in a strain of higher mood, where justice and admiration united to drown the jarring notes of rivalry and self. In 1613 thus did Bacon, then Attorney General, write to his king: "Had it not been for Sir Edward Coke's reports (which though they may have errors, and some peremptory and extrajudicial resolutions more than are warranted, yet they contain infinite good decisions and rulings over of cases,) the law by this time had been almost like a *ship* without ballast."

[For the two preceding notes I am indebted to my kind and intellectual friend, B. H. Bright.]

NOTE Z Z Z Z.

Nicholls, in his *Progresses of Elizabeth*, says, in each year an exact inventory was made on a roll signed by the Queen, and attested by the proper officers. Five of these rolls are preserved at full length in these volumes; the earliest in 1561-2, the latest in 1599-1600. The following from page 45 is a specimen:

"Anno Regni Reginae 42 Eliz. 1599, 1600. New yeares guystes geven to the Quene's majestie at her manor of Richmonde, the firste day of January, in the yeare abovesayde, by these persones whose names hereafter ensue, viz.

"By Sir Thomas Egerton, Knight, Lord Keeper of the greate seale of Englande, one amuylet of gold, garnished with sparkes of rubyes, pearle, and halfe pearle.

"By the Lord Buckhurste, Lord High Treasurer of Englande, in golde, £10. delivered to Henry Sackford, esquier, one of the groomes of her majestie's privy chamber.

"By the Lord Marques Win', in golde, £20.

"Earles.

"By the Earl of Nottingham, Lord Admirall, one karcanett, containge 29 pieces of golde, whereof nyne bigger pieces and tenne lesser, 18 pendants like mullettes, likewise garnished with small rubyes and pearle, with a round jewell pendant in the myddest, garnished with one white topaz, and a pearle pendant, and nine small rubyes.

NOTES Z Z Z Z—X O T.

“ By the earle of Shrewesbury, parte of a doublett of white satten, embrothered all over like snakes wounde together, of Venice sylver, with wroughte and puffed of lawne embrothered, with Venice sylver like wheate eares.”

The list then contains gifts by marquesses and countesses. By the bishops, by lords, baronesses, ladies, knights, sundry gentlewomen and gentlemen, including the gift of Mr. Francis Bacon, mentioned in the text. It concludes:

“ Summa totalis of all the money given to her highness this year £754. 6s. 8d.”

Amongst these are somewhat whimsically arranged the physicians, apothecaries, the master cook, several tradesmen and artificers, ending with Charles Smith, Dustman, who gave “ two bottes of Cambric,” and received twenty ounces and a half of gilt plate.

NOTE X O T.

If man is under the influence of any passion more powerful than the love of truth, he swerves from the truth.

All the rules of evidence in courts of justice as to the incompetency of witnesses seem to be founded on this law: and the confession of a criminal, if it is obtained by promises or threats, is not, by the law of England, permitted to be adduced as evidence against him; and a confession under the influence of hope or fear is not admitted as evidence.

“ Man would contend that two and two did not make four, if his interests were affected by this position.”—Hobbs.

“ The light of the understanding is not a dry and pure light, but drenched in the will and affections, and the intellect forms the sciences accordingly. What men desire should be true, they are most inclined to believe. The understanding, therefore, rejects things difficult, as being impatient of inquiry: things just and solid, because they limit hope; and the deeper mysteries of nature, through superstition: it rejects the light of experience through pride and haughtiness, as disdainng the mind should be meanly and waverly employed: it excludes paradoxes for fear of the vulgar; and thus the affections tinge and infect the understanding numberless ways and sometimes imperceptibly.”—Bacon.

“ Agnus” was the only combination which the wolf, learning to spell, could make of the twenty-four letters of the alphabet.

“ Not much

Unlike young men, whom Aristotle thought

Unfit to hear moral philosophy.

The reasons you allege do more conduce

To the hot passion of distempered blood

Than to make up a free determination

’Twixt right and wrong, ‘ for pleasure and revenge

Have ears more deaf than adders to the voice

Of any true decision.”—Troilus and Cressida.

In the memoirs of Baron Grimm, he says, “ Madame Geoffrin avait fait à M. de Rhulière des offres assez considérables pour l’engager à jeter au feu son Manuscrit sur la Russie. Il lui prouva très éloquentement que ce serait de sa part l’action la plus indigne et la plus lâche. A tout ce grand étalage d’honneur, de vertu, de sensibilité qu’elle avait paru écouter avec beaucoup de patience, elle ne lui répondit que ces deux mots: “ En voulez-vous davantage ? ”

A certain English ambassador, who had for a time resided at the court of Rome, was on his return introduced at the levee of Queen Caroline. This lady asked him why in his absence he did not try to make a convert of the Pope to the Protestant religion? He answered her, “ Madam, the reason was that I had nothing better to offer his Holiness than what he already has in his possession.”

NOTE XOV.

The various obstacles are :

- | | | | |
|---|-----------------------|---|---|
| { | 1. Want of time, from | } | Worldly occupation.
Shortness of life. |
| | 2. Want of means. | | |

That they are all and each overrated may, without difficulty, be seen.

Worldly occupation.

Although it is, in general, true that the wisdom of a learned man cometh by opportunity of leisure, and he that hath little business shall become wise, yet let it not be forgotten what has ever been done in contemplation by lovers of truth engaged in active life: by those who are so fortunate as to know the delights of intellectual pleasure.

Brutus, when a soldier under Pompey in the civil wars, employed all his leisure in study; and the very day before the battle of Pharsalia, though it was in the middle of summer, and the camp under many privations, spent all his time till the evening in writing an epitome of Polybius.

Julius Cæsar wrote his Commentaries and a work *De Analogia*, occasioned a reformed computation of the year, and collected a book of Apophthegms.

Who can forget the labours of Cicero?

Alfred, notwithstanding the multiplicity and urgency of his affairs, employed himself in the pursuits of knowledge: he often laboured under great bodily infirmities: he fought in person fifty-six battles by sea and land; was able, during a life of no extraordinary length, to acquire more knowledge, and even to compose more books, than most studious men, though blest with the greatest leisure and application, have in more fortunate ages made the object of their uninterrupted industry.

Elizabeth, unto the very last year of her life, accustomed herself to appoint set hours for reading; scarce any young student in an university more daily or more duly.

Can the labours of Milton or of Burke be forgotten?

Shortness of life.

“*Vita brevis: ars longa:*

Sed fugit interea: fugit irreparabile tempus.”

Notwithstanding the shortness of life, which is supplied by the conjunction of labours, much may be done by any individual who steadily pursues his object. Let him who despairs think of the labours of the schoolmen: of our divines, of Barrow, of Taylor: of eminent artists, of Raphael, of Michael Angelo: of poets, of Milton, of Shakespeare: of philosophers, of Newton, of Bacon.

The obstacle from the shortness of life may be counteracted by the consciousness that ‘no labour is lost,’ and that a discovered truth will flourish in future ages. “We hold it sufficient,” says Bacon, “to carry ourselves soberly and usefully in moderate things; and in the mean time to sow the seeds of pure truth for posterity, and not be wanting in our assistance to the first beginnings of great things.”

In Bacon’s *Dedication of the Novum Organum* to James, he says, “I may, perhaps, when I am dead, hold out a light to posterity by this new torch set up in the obscurity of philosophy.”

We ought rather to be grateful than to repine at being able to conceive more than we are able to execute. In works of benevolence our exertions are limited: we can reach only to our arm’s length, and our voice can be heard only till the next air is still: are we to murmur because our good wishes and prayers extend to all mankind?

Wasting time.

The knowledge of the art of preventing the waste of time is a science of great importance, and may be thus exhibited:

- | | | | |
|---|-------------------|---|---|
| { | 1. In general. | { | 1. Excess in sleep. |
| | 2. In particular. | | 2. Misapplication of times of vacation. |
| | | | 3. Useless inquiry. |

Wasting time, in general.

Alfred usually divided his time into three equal portions: one was employed in sleep and the refectation of his body by diet and exercise; another in the dispatch of business; a third in study and devotion: and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanterns, an expedient suited to that rude age when the geometry of dialling, and the mechanism of clocks and watches was entirely unknown.

Sleep.

Of wasting time by excessive sleep, Milton, speaking of his own morning occupations, says, "My morning haunts are, where they should be, at home; not sleeping, or concocting the surfeits of an irregular feast, but up, and stirring; in winter, often ere the sound of any bell awake men to labour, or to devotion; in summer, as oft with the bird that first rises, or not much tardier, to read good authors, or cause them to be read, till the attention be weary, or memory have its full freight."

Wasting time, by misapplication of times of vacation.

Cicero says, "Quare quis tandem me reprehendat: si quantum cæteris ad festos dies ludorum celebrandos, quantum ad alias voluptates et ad ipsam requiem animi et corporis conceditur temporis, quantum alii tempestivis convivii, tantum mihi egomet ad hæc studia recolenda sumpsero."

"But," says Bacon, "if any man notwithstanding resolutely maintaineth, that learning takes up too much time which might otherwise be better employed, I answer, that no man can be so straitened and oppressed with business and an active course of life, but may have many vacant times of leisure, whilst he expects the returns and tides of business, except he be either of a very dull temper or of no dispatch, or ambitious (little to his credit and reputation) to meddle and engage himself in employment of all natures and matters above his reach. It remaineth therefore to be inquired in what matter, and how those spaces and times of leisure should be filled up and spent; whether in pleasures or study, sensuality, or contemplation, as was well answered by Demosthenes to Æschines, a man given to pleasure, who, when he told him by way of reproach that his orations did smell of the lamp, 'Indeed,' said Demosthenes, 'there is great difference between the things that you and I do by lamplight: wherefore let no man fear lest learning should expulse business; nay, rather it will keep and defend the possessions of the mind against idleness and pleasure, which otherwise, at unawares, may enter, to the prejudice both of business and learning.'

Mr. Charles Butler, in his *Reminiscences*, says, "Very early rising, a systematic division of my time, abstinence from all company, and from all diversions not likely to amuse me highly, and, above all, never permitting a bit or scrap of time to be unemployed, have supplied me with an abundance of literary hours."

Instances of this misapplication of times of vacation may be observed in the conduct of members of different professions.

Evelyn, in his *Memoirs*, says, 5th December, 1678: "I was this day invited to a wedding of one Mrs. Castle, to whom I had some obligation, and it was to her fifth husband, a lieutenant colonel of the city. She was the daughter of one Burton, a broom-man, by his wife who sold kitchen-stuff, whom God so blessed, that the father became very rich and was a very honest man: he was Sheriff of Surrey when I sat on the bench with him. Another of his daughters was married to Sir John Bowles, and this daughter was a jolly, friendly woman. There was at the wedding the Lord Mayor, the Sheriff, several Aldermen, and

persons of quality: above all, Sir George Jeffries, newly made Lord Chief Justice of England, with Mr. Justice Withings, danced with the bride, and were exceeding merry. These great men spent the rest of the afternoon, till eleven at night, in drinking healths, taking tobacco, and talking much beneath the gravity of judges, that had but a day or two before condemned Mr. Algernon Sidney."

Mr. C. Butler, in his Essay on the Life of Chancellor de l'Hôpital, says, "When a magistrate, after the sittings of the court, returned to his family, he had little temptation to stir again from home. His library was necessarily his sole resource; his books, his only company. Speaking generally, he had studied hard at college, and had acquired there a taste for literature, which never forsook him. To this austere and retired life, we owe the Chancellor de l'Hôpital, the President de Thou, Pasquier, Loisel, the Pithous, and many other ornaments of the magistracy. These days are passed."

Of loss of time by useless inquiry.

As the inclination to affection is imprinted deeply in our nature, insomuch that, if it issue not towards our fellow creatures, it will fix upon other creatures; so the love of truth, if it be not rightly directed, will waste itself in idle inquiry. Inquiry cannot, strictly speaking, ever be said to be wholly useless: for it is, indeed, some consolation to reflect that, however we may err and stray in the pursuit of knowledge, our labours are seldom, if ever, wholly lost. Some wheat will spring up amidst the tares. The waters of science cannot be troubled without exerting their virtue.

Bacon, in his *Novum Organum*, when speaking of instances of power, says, "Neither are superstitions, and those commonly called magical matters, to be quite excluded: for, although things of this kind lie strangely buried, and deep involved in falsehood and fable; yet some regard should be had to discover whether no natural operation is concealed in the heap; for example: in fascination—1. The power of imagination. 2. The sympathy or consent of distant things. 3. The communication of impressions, from spirit to spirit, as well as from body to body," &c.

The pursuit of alchemy is at an end. Yet surely to alchemy this right is due, that it may truly be compared to the husbandman, whereof Æsop makes the fable, that, when he died, told his sons he had left unto them a great mass of gold buried under ground in his vineyard, but did not remember the particular place where it was hidden; who, when they had with spades turned up all the vineyard, gold indeed they found none, but by reason of their stirring and digging the mould about the roots of their vines, they had a great vintage the year following: so the painful search and stir of alchemists to make gold hath brought to light a great number of good and fruitful experiments, as well for the disclosing of nature, as the use of man's life.

The modes of preventing useless inquiry are by	{	<ol style="list-style-type: none"> 1. Avoiding idle curiosity. 2. Knowledge of existing inventions. 3. Contracting the inquiry within narrow limits.
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Idle curiosity.

We spend our days in unprofitable questions and disputations, intricate subtleties, *de lana caprina*, about moonshine in the water.

Truths, that the learn'd pursue with eager thought,
 Are not important always as dear bought,
 Proving at last, though told in pompous strains,
 A childish waste of philosophic pains;
 But truths, on which depends our main concern,
 That 'tis our shame and misery not to learn,
 Shine by the side of every path we tread,
 With such a lustre, he that runs may read.

Bacon, in his *Novum Organum*, says, "Among prerogative instances, we assign the twenty-fifth place to intimating instances: that is, such as hint or point out the advantages or conveniences of mankind; for bare power and knowledge only enlarge, but do not enrich human nature, and therefore such things as principally appertain to the uses of life, are to be selected, or culled out from the general mass of things." Again, "As a further ground of expectation men may please to consider the infinite expense of genius, time, and treasure that has been bestowed upon things and studies of very little use and value; whilst, if but a part thereof were employed upon sound and serviceable matters, every difficulty might be conquered."

The angel in the *Paradise Lost* says,

"But whether thus these things or whether not,
Whether the sun predominant in heaven
Rise on the earth, or earth rise on the sun,
He from the east his flaming road begin,
Or she from west her silent course pursue
With inoffensive pace, that spinning sleeps
On her soft axle, while she paces even
And bears thee soft with the smooth air along,
Solicit not thy thoughts with matters hid,
Leave them to God above.

————— but to know
That which before us lies in daily life
Is the prime wisdom, what is more is fume,
Or emptiness, or fond impertinence.

————— Joy thou
In what he gives to thee, this paradise
And thy fair Eve; heaven is for thee too high
To know what passes there; be lowly wise:
'Think only what concerns thee and thy being.'

Les hommes ne sont pas nés pour employer leur temps à mesurer des lignes, à examiner les rapports des angles, à considérer les divers mouvemens de la matière: leur esprit est trop grand, leur vie trop courte, leur temps trop précieux pour l'occuper à de si petits objets; mais ils sont obligés d'être justes, équitables, judicieux dans tous leurs discours, dans toutes leur actions, et dans toutes les affaires qu'ils manient, et c'est à quoi ils doivent particulièrement s'exercer et se former.

—————"Quid fas optare, quid asper
Utile nummus habet, patriæ charisque propinquis
Quantum elargiri deceat, quem te Deus esse
Jussit, et humana qua parte locatus es in re,
Quid sumus, aut quidnam victuri gignimus."

Curiosity in things of little use is either in words or in matter; the first distemper of learning is when men study words, not matter; a vanity which more or less will ever exist.

Pygmalion frenzy is a good emblem of this vanity, for what are words but the images of matter? and except they be animated with the spirit of reason, to fall in love with them, is all one as to fall in love with a picture.

Demetrius the grammarian finding in the temple of Delphos a knot of philosophers chatting together, said to them, 'Either I am much deceived, or by your cheerful and pleasant countenance, you are engaged in no very deep discourse.' To which one of them, Heracleon the magician, replied, 'Tis for such as are puzzled about inquiring whether the future tense of the verb βάλλω be spelt with a double λ, or that hunt after the derivation of the comparatives χείριον, βέλτιον, and the superlatives χείριστον, βέλτιστον, to knit their brows whilst discoursing of their science.'

Ignorance of existing inventions.

The celebrated John Hunter, who was almost self-educated, is said to have devoted much of his valuable time to the discovery of some truths that had been known for years.

Bacon, in his *Instances of Power*, says, "In the tenth place come instances of power; or, as we sometimes call them, trophies or ensigns of power, inventions, or the works of men's hands; that is, the most noble and perfect works, and as it were the masterpiece in every art. For since the design is to bend nature to things, and bring her to serve the turn of man, (a) it is absolutely proper that the works already in men's possession should be enumerated and set down, (as so many provinces already subdued and cultivated,) especially such works as are best understood, and brought nearest to perfection; because these afford a short and easy passage to further discoveries.

Contracting inquiries within narrow limits.

This subject is considered in the *Novum Organum*.

NOTE XO U.

When a great outrage is committed by a lunatic, as Hadfield's attempting to shoot the King, or Bellingham's shooting Mr. Percival, it is a common vulgar feeling that the offender should be executed: and Bellingham was executed.—

Q. 1. Does not this error originate in the supposition that insane minds can be influenced by a calculation of the consequences of its actions? Q. 2. Do not punishments increase the offence, by awakening the morbid feeling? Q. 3. Does not punishment originate in the alarm felt by the community at the probable repetition of the offence.

NOTE XO Y.

"My very good Lord,—I thank your lordship for your last loving letter. I now write to give the King an account of a patent I have stayed at the seal. It is of licence to give in mortmain eight hundred pounds land, though it be in tenure in chief to Allen, that was the player, for an hospital. I like well that Allen playeth the last act of his life so well; but if his majesty give way thus to amortize his tenures, his courts of wards will decay, which I had well hoped should improve. But that which moved me chiefly is, that his majesty now lately did absolutely deny Sir Henry Savile for two hundred pounds, and Sir Edwin Sandys for one hundred pounds, to the perpetuating of two lectures, the one in Oxford, the other in Cambridge, foundations of singular honour to his majesty (the best learned of kings), and of which there is great want; whereas hospitals abound, and beggars abound never a whit the less. If his majesty do like to pass the book at all; yet if he would be pleased to abridge the eight hundred pounds to five hundred pounds, and then give way to the other two books for the university, it were a princely work. And I would make an humble suit to the King, and desire your lordship to join in it, that it might be so. God ever preserve and prosper you. Your Lordship's most obliged friend and faithful servant."

In Herne's *History of the Charter House*, p. 107, after having stated

(a) Let a clear and strong conception be had of the end in view; which is no less than to acquire such a command and mastery over nature, as that men may use her like a ready instrument, or agent, in effecting the greatest works; such as lengthening life, ruling the weather, and the like, which to vulgar philosophers appear impossibilities.

Bacon's letter to the King respecting Sutton's Hospital (ante, cliv), says, "Those who ever understood the temper of this learned man may easily perceive that at this time there were baits enough laid for his partiality, that such a mind as his could not but be biassed, nay, now he was to contest for opposition's sake: this made him busy and importunate, eager at the bar, and earnest in his addresses to the King. The motives that encouraged him to espouse the plaintiff's quarrel, in short were these: 1. The comfortable expectation of a great share of the revenues. 2. Because he was not named by Sutton, as one of the trustees for the foundation; which very reflection Mr. Laws, the executor, used to him much about the trial. 3. He and Sir Edward Coke could never agree, and therefore no wonder if they differed in this affair: an instance whereof I find in a letter of his of expostulation to Sir Edward, wherein he says, He took a liberty to disgrace his law, experience, and discretion, &c. I shall not undertake to answer the particular arguments in the letter, but only briefly take thus much notice of it. First, the simile of salt and sacrifice amounts to no more than this: that we can do nothing perfectly, but yet we must do as well as we can; and in acts of mercy every man is the proper judge of his own discretion. Secondly, he urges the honourable trustees cannot live for ever; but yet, at their decease, their equals are chosen in their room. What else is urged, is rather a large and studied essay of the end of charity, than a thing proper to this affair."

In Stephens's collection of letters, p. 234, which contains this letter to Buckingham, there is the following note upon these observations of Herne: "It were to be wished this observation did not hold true in these times; for though the foundations of hospitals are to be commended, which Sir Francis Bacon hath done both in this letter and other his writings, yet it shews that some more adequate remedy for supporting the poor, than what arises from these charities, or even from the laws enacted for their relief, was then, and yet is to be desired. And as the defect thereof is no small reproach to the government of a country, happy in its natural product, and enriched by commerce; so it would be an act of the greatest humanity, that the poor might be provided for, and beggary and idleness, the successive nursery of rogues, as far as possible extirpated. And since his majesty has recommended it to the parliament from his throne, with a tenderness becoming the father of his country, it is to be hoped that great assembly will be able in his reign to effect so good a work. Upon this occasion I cannot but take notice of a story which has been spread abroad to the defamation of Sir Francis Bacon (but upon no good ground, as far as I can judge), as if in the accomplishment of the foundation of the Chartreux Hospital, begun by Mr. Sutton, and carried on by his executors, Sir Francis who was then the King's Solicitor, had, for some ill designs of gain to himself or others, endeavoured to have defeated the same. The fact whereof was: that the heir at law supposing, that notwithstanding what Mr. Sutton had done in procuring acts of parliament, and patents from the King, in order to establish this noble charity, the greatest part of his estate was descended to him; it was argued on his behalf, by the Solicitor General, and by Mr. Henry Yelverton, and Mr. Walter, men of great reputation in those times. And whatever ill intentions some of the court might have, my request to the reader is, that before he pass any censure upon Sir Francis Bacon relating hereunto, he would please to peruse his advice given to the King touching Mr. Sutton's estate, and published in the Resuscitatio, p. 265."

NOTE G G G.

Journal of Proceedings against Lord Bacon.

[From a tract, entitled, A Collection of the Proceedings, &c.]

15th March, 1620.—Sir Robert Philips reports from the committee appointed to inquire into abuses in the courts of justice, viz.—I am commanded from the said committee to render an account of some abuses in the courts of justice, which have been presented unto us. In that which I shall deliver are three parts: 1. The person against whom it is alleged. 2. The matter alleged. 3. The opinion of the committee.

1. The person against whom it is alleged is no less than the Lord Chancellor; a man so endued with all parts both of nature and art, as that I will say no more of him, being not able to say enough. 2. The matter alleged is corruption. 3. The persons by whom this is presented to us are two, Awbrey and Egerton.

Awbrey's petition saith, that he having a cause depending before the Lord Chancellor, and being tired by delays, was advised by some, that are near my lord, to quicken the way by more than ordinary means, viz. by presenting my lord with 100*l*. The poor gentleman, not able by any means to come to his wished-for port, struck sail at this, and made a shift to get 100*l*. from the usurer; and having got it, went with Sir George Hastings and Mr. Jenkins of Gray's Inn; and being come to my lord's house, they took the money of him, and carried it in to my Lord Chancellor, and came out to him again, saying, My lord was thankful, and assured him of good success in his business. Sir George Hastings acknowledges the giving of advice, and carrying in of money to my lord, and saith, he presented it to my lord as from himself, and not from Awbrey. This is also confirmed by divers letters; but it wrought not the effect which the gentleman expected; for notwithstanding this, he was still delayed.

Egerton sheweth, that he desiring to procure my lord's favour, was persuaded by Sir George Hastings and Sir Richard Young to present my lord with a sum of money. Before this advice, he had given a present of 52*l*. and odd shillings in plate, as a testimony of his love; but yet rests doubtful whether before his calling to seal, or since. But now, by mortgaging his estate, he got up 400*l*. and sends for Sir George Hastings and Sir Richard Young, desires their assistance in presenting this money, and told them how much it was. They took it and carried it in, and presented it to the Lord Chancellor, as a gratuity from the gentleman, for that my lord (when he was Attorney) stood by him. My lord (as they say) started at it first, saying, It was too much, he would not take it; but at length was persuaded, because it was for favours past, and took it; and the gentleman returned him thanks, saying, That their lord said that he did not only enrich him, but laid a tie on him to assist him in all just and lawful business. Sir George Hastings and Sir Richard Young acknowledged the receiving and delivery of the purse, but said they knew not what was in it.

Then a question was proposed, whether there were any suit depending during those offers, either in the Chancery or Star Chamber; but there was no certain evidence of it. Thus you see corruption laid to the charge of a judge too, a great judge, nay, to the great keeper of the king's conscience.

Another point came in by the by, shewing that some indirect means are sometimes open (I fear too often) to the courts of justice. It concerns no less man than a divine, that is now a bishop, but then called Doctor Field. Mr. Egerton and he being acquainted, and Mr. Egerton's mind being troubled with the ill success of his business, vented it to this divine, who contrary to his profession, took upon him to broke for him in such a manner, as was never preceeded by any. He made Egerton to acknowledge a recognizance of 10,000*l*. with a defeasance, that if my Lord Chancellor did decree it for him, 6000*l*. was to be distributed amongst those honourable persons that did solicit it for him;

NOTE G G G.

but if it did not go as they desired, he promised in *verbo sacerdotis*, that he would deliver the bonds again. This appeared by letters from the now reverend bishop, but then practical doctor. Mr. Johnson (a moral honest man) perceiving that Mr. Egerton finding no relief, did intend to prefer a petition against my Lord Chancellor, by one Heal's means, took occasion to talk with Mr. Egerton, asking him, why he would prefer such a scandalous petition against my lord? He would have him take the money out of the petition, and then his cause by the mediation and conference of some other judge with my lord, might be brought to a good end; and for money, if he had lent any, he might be satisfied again. There was, upon a petition to the King by Sir Rowland Egerton, a reference of this matter to my Lord Chancellor, and Mr. Edward Egerton entered into 10,000 marks bond.

He had treated with one Doctor Sharp, that if he would give 1100*l.* he should have his desire: we sent for Sharp, but he denied that he ever contracted with him.

The desire of the committee was, to reform that which was amiss; and they thought fit to give as much expedition as may be, because so great a man's honour is soiled with it, and therefore that further inquisition be made this afternoon, and when it is found, to be sent to the Lords.

Thus I have faithfully related what hath passed, and with as much duty and respect as I might to my Lord Chancellor, I desire it to be carried out of the house with a favourable construction.

Ordered, that this matter be further considered by the committee this afternoon.

[The previous statement is from the Tract, the following from the Journals:]

15th March.—Sir Robert Phillippes reporteth from the committee for Courts of Justice, three parts: Person, against whom: the matter: and opinion of the committee: with desire of further direction.

The person, the Lord Chancellor: a man excellently endued with all parts, of nature and art. Will not speak much, because cannot speak enough.

The matter, corruption: the parties accusing, Awbrey and Egerton. Upon question, resolved, that the complaints of Awbrey and Egerton against the Lord Chancellor and the Bishop, for corruption, for the 100*l.* and 400*l.* and the recognizance, shall be presented to the Lords from this house, without prejudice or opinion.

This to be presented to the Lords upon Monday.

The heads hereof to be set down in writing, for the better information of this house.

The same to be presented by Sir Ro. Phillippes.

The heads to be set down by Sir Edw. Coke, Sir Ro. Phillippes, Mr. Noye, Sir D. Digges.

Sir Tho. Howard. That this message must be, first, for a conference; and then to deliver this complaint at that conference. Agreed.

Awbrey.

Awbrey complaineth, that, wearied in his cause in chancery, he was advised by his counsel, to expedite his business, to present the Lord Chancellor with 100*l.* He got at use 100*l.* goeth with Sir George Hastings and Mr. Jenkyns to Yorke House: there they two went, and returned to him, with thanks from my lord, and hopes of better success in his cause than formerly.

That Sir George confessed, he consented to the advice; and that he gave my lord the money, but, as from himself, not from the party.

That this confirmed by the copies of Awbrey's letters to my lord; wherein this sum mentioned. That, this notwithstanding, his cause succeeded ill, being still locked up there.

Egerton.

The next, Edward Egerton. That, having many suits, he first presented my

lord with a bason and ewer, of 52*l.* but doubtful, whether this before he was Lord Keeper, or presently after.

That persuaded by Sir George Hastings, and Sir Richard Yong, to gratify my lord. That he sold tythes; raised 400*l.* carried it to Whytehall, to my Lord Chancellor's lodging; called for Sir George and Sir Richard Yong, and by them sent in this gold in a purse; who carried it in to my lord; who started at it, saying, it was too much. That thanks returned to him from my lord. And Edward Egerton saith, he had a further message; that my lord said, he not only enriched him, but bound him to do him all lawful favours.

This denied by Sir George and Sir Richard Yong; but the delivery of the money confessed by them.

That it was ordered by the committee, Edward Egerton should have time, to bring in all the petitions, references, bills, answers, injunctions, orders, and writings, concerning this business.

That a circumstance appeared, that some indirect way open in these cases. That Egerton, acquainted with a divine, now a bishop, broke to him his suits: he undertook to broke for him; took from him a recognizance of 10,000*l.* with a kind of defeazance, that, if his land were decreed him, he should pay 6000*l.* to those honourable persons, by whom he should receive favour. That this was confirmed by Bishop Feild's letters. That this letter had some honesty in it; for, if the business succeeded not, *in verbo sacerdotis* he should have his recognizance again.

A circumstance, concerning Mr. Johnson, a member of this house, a moral honest man: That, as Egerton saith, Johnson persuaded him to take out of his petition the matter of money, and then his lordship would give way to it; and, if he would go in the afternoon to my lord, with Sir George and Sir Richard Yong, my lord was like to let him have the money he had lent him: but this Johnson denied.

Sir Richard Yong: grieved, to hear, or speak, of this. That he summoned to answer here in a great senate; therefore will neither deny, nor blanch, truth. That Edward Egerton and he long acquainted: cousins. Beholding to the Lord Chancellor, who had been formerly of his counsel. That Sir George and he dining with my lord at Whytehall, Edward Egerton brought them a bag of gold: that they presented it to my lord, as a thankful remembrance from a client, to buy him a suit of hangings for his house, which then preparing.

Mr. Noye: two complainers of wrongs done by them; Awbrey, and Egerton. That they accuse the Lord Chancellor of a great crime. We must needs now, either clear, or condemn him.

That strange, there should be witnesses in this case: yet here some. Liketh not, Sir George or Sir Richard should have made any apology. The accusation against one, that hath taken an oath, as a counsellor to the king, and chancellor: if the offence true, wrongeth the king, and the land in general.

It seems to be next to impossible that communication of these proceedings was not immediately made to the Lord Chancellor, and yet it is certain that he sat in the House of Lords on the 17th March, as appears from the following entry on the journals:

Dio Sabbati, videlicet, 17^o die Martii, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, presentes fuerunt:

	p. Carolus Princeps Walliæ, &c.	
Archiep. Cant.		p. Vicecomes St. Alban,
p. Archiep. Eborum.		Magn. Canc. Angliæ.
Epus. London.		p. Vicecomes Maundevil,
p. Epus. Dunelm.		Mag. Thes. Angliæ.

&c. &c.

This was the last time he sat as Chancellor in the House of Lords.

[Sabbati, 17th March, 1620.—1st. From the Tract.]

Sir Robert Phillips made report from the Committee of the abuses in the Courts of Justice.

We met on Thursday in the afternoon: the principal thing wherein I desired to be satisfied was, whether at the time of giving those gifts to the Lord Chancellor, there was any suit depending before him. In Awbrey's case it appeared plainly there was something accidentally fell out in this examination, and that is a declaration of Sir George Hastings, who hath been struggling with himself betwixt gratitude and honesty, but public and private goods meeting, he preferred the public, he pitying Awbrey's case, did give in a box of 100*l.* to the Lord Chancellor in those terms or the like, that it was to help Awbrey in his cause, notwithstanding not long after a very prejudicial and murdering order was made against Awbrey in his cause; whereupon Sir George Hastings moved my Lord Chancellor to rectify this order; my lord promised to do it, but did it not. The order was put into the hands of one Churchill, (one of the registers of the Chancery) by a servant of the Lord Chancellor's.

There are letters of Awbrey to the Lord Chancellor touching this business.

Now for Mr. Egerton's case: as the matter was of more weight, so the sum was of larger extent, for there was 400*l.* given then, and a suit then depending in the Star Chamber, about which time Sir Rowland Egerton did prefer a petition to the King for a reference unto the Lord Chancellor; whereupon my lord caused him to enter into 10,000 marks bond to stand to his award. An award was made, which was refused by Edward Egerton; thereupon a suit by the Lord Chancellor's direction was commenced against him, and the bond of 10,000 marks assigned over to Sir Rowland Egerton. About this time Edward Egerton became acquainted with Doctor Field, relating his cause unto him, who pitying him, sent him two worthy gentlemen, Mr. Dampont and Sir John Butler (who is now dead;) he makes known his case to them, and desires them to be a means to put off his cause from hearing, because his witnesses were not here. Whereupon Dampont rode to the Marquis of Buckingham to have had his letter to the Lord Chancellor to stop it; but the marquis said he would not write, because the matter was already decreed, and he would not receive it. Mr. Egerton was drawn into a bond of 10,000*l.* for 6,000*l.* and Mr. Dampont being asked what he and Doctor Field should have had of this money, he said he did not remember what certain sum, but he said it was more than any cause could deserve in any court of justice.

In Awbrey's case this is to be added, that Sir George Hastings being at Hackney, where he dwelt, was sent for by the Lord Chancellor, and came unto him, and found him in bed, who bid him come near him, and willed the rest to depart the room, and then said to him, Sir George, I am sure you love me, and I know that you are not willing that any thing done by you shall reflect any dishonour upon me. I hear that one Awbrey pretends to petition against me; he is a man that you have some interest in, you may take him off if you please. Sir George Hastings afterwards met with Awbrey, and asked whether he intended any such thing, and desired to see it to show the Lord Chancellor, which Sir George accordingly did, and desired my lord to do the poor man justice. My lord promised to do it, and bad him bring his counsel; they did so, but could have no remedy; so the petition went on. Sir George Hastings sometimes since had conference with my Lord Chancellor; he told him, he must lay it upon his lordship. If you do, George, said he, I must deny it upon my honour.

Thus you see the relation of what hath passed. Now for our proceedings in it.

It is a cause of great weight, it concerns every man here; for if the fountains be muddy, what will the streams be? If the great dispenser of the king's conscience be corrupt, who can have any courage to plead before him? I will present one thing to you, and then make a request.

That which I move is, that we present this business singly to the Lords, and deliver it without exasperation. One precedent is for it in the like case, for a

chancellor in a cause of corruption. Secondly, because the party accused is a peer of the kingdom, sitting in the higher house, whom we cannot meddle with. Thirdly, because we have no power to give an oath. That which I request is, that those people which have been fettered with much calamity by these courses may by petition to his majesty, or otherwise, have their causes revived and revised.

Sir Edward Sackvil. This noble lord stands but yet suspected; and I hold not those gentlemen that have testified against him competent witnesses. 1. Because they speak to discharge themselves. 2. Because, if he be guilty, they were those who tempted him. But yet, if notwithstanding you resolve to send it up to the Lords, let it be presented without any prejudicial opinion, to be weighed in the balance of their lordships' judgments. And if they think fit to examine these witnesses, let them.

Sir George Hastings. This adds to my grief; but this is my resolution, I had rather perish with a just sentence here than escape with a guilty conscience. Some moved, that Sir George Hastings and Sir Richard Young should be separated till the matter were ended, but nothing ordered therein.

Mr. Nevil. After some reluctance within me, I am resolved to speak what my conscience moves me unto; I speak for the good of my country, the honour of my king, and advancement of justice. Justice is the fountain, the king the head thereof, clear as the waters of Siloah, pure as the river of Damascus; but there is a derivative justice brought unto us by channels; those are often muddy, and more bitter than the waters of Marah; such waters flow abundantly in Chancery. I will not touch upon the person of him that sits in court, for he is the dispenser of the king's conscience; but because some motions are made against the testimony of those gentlemen, I will say this, I think them fit to sit here, because they are neither delinquents nor accused. My lord means to deny it upon his honour; but I would not have that serve his turn, for he himself hath made the nobility swear in Chancery: therefore I would have them lordships informed what privileges they have lost. Next I would have them note the luxuriant authority of that court, and how it is an inextricable labyrinth, wherein resideth such a minotaur, as gormandizeth the liberty of all subjects whatsoever.

Mr. Recorder Finch. If we shall make but a presentation of this, we do in a sort accuse him, nay, judge him, if the gentlemen be admitted to give testimony; before it shall condemn another, it must agree with itself.

First, I heard him say, he gave it as a present from himself, yet afterwards he saith, he told my Lord Chancellor he had it from Awbrey. Again, Awbrey speaks not of any delivery of money himself to my Lord Chancellor. Then again it is urged, that a discontented suitor wrote letters to my lord, the letters are rejected, not hearkened unto: what doth this but free him?

In the other case; if Egerton, out of a desire to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude? And for the 6,000*l.* there is no colour that ever he should have had any part thereof.

For taking away the privilege of the nobility in requiring an oath, he found the court possessed of it before he came there; so that we have no sufficient grounds to accuse so great a lord; but if we shall present articles to the lords, what do we (as I said before) but accuse him?

Sir Edward Coke. It is objected, that we have but one single witness, therefore no sufficient proof. I answer, that in the 37 Eliz. in a complaint against soldier-sellers, i. e. such as having warrants to take up soldiers for the wars, if they pressed a rich man's son, for money they would discharge him, there was no more but *singularis testis* in one matter; but though they were single witnesses in several matters, yet agreeing in one and the same third person, it was held sufficient to prove a work of darkness, for in such works it is a marvel there are any. But some object that these men are culpable, and therefore no competent witnesses. I answer, they came not to accuse, but were interro-

gated : if I be interrogated, I had rather speak truth than respect any man ; and you will make bribery to be unpunished, if he who carrieth the bribe shall not be a witness. In this one witness is sufficient. He that accuseth himself by accusing another, is more than three witnesses, and this was wrought out of them.

It was ordered that the complaint of Awbrey and Egerton against the Lord Chancellor and the bishop for corruption for the 100*l.* and 400*l.* and the recognizance should be drawn up by Sir Robert Philips, Sir Edward Coke, Mr. Noy, and Sir Dudley Diggs, and be related to the Lords without prejudice or opinion at a conference, and a message to be sent for this purpose on Monday. Adjourned, &c.

[2^dly. From the Journals.—17th March.]

Sir R. Phillips reported : that, in Egerton's case, it now appeared, by view of orders, that, at the time of the presenting my lord with the 400*l.* before, and after, a suit in chancery depending. An order made 28th Maii, another 3rd Junii, and another of July : mean between these, this 400*l.* given. The same time some suits in chancery.

That Robert Egerton petitioned the king, who referred it to my Lord Chancellor. Bonds of 10,000 marks apiece, to stand to his award. An award made : refused by Edward Egerton. A suit, by Lord Chancellor's direction, commenced in chancery ; and the bonds of 10,000 marks assigned over to Sir Row. Egerton.

The recognizance of 10,000*l.* to Field and Dampont, as in the notes at the committee, for the motion, and answer, of, and to, my lord of Buck'. That Field was to have a great share ; and Dampont, as he said, a share also, so great, as, he thought, no suit in any court would have afforded.

Sir George Hastings : that, out of commiseration of the poor man's person and estate, he gave way to this by-way ; for which sorry, and craveth pardon.

Sir George Hastings required to deliver the truth, upon his credit.

That, about three weeks, he was sent for, by one of my lord's men, from Hackney : that my lord, in his bed, putting away his servants out of the chamber, told him, he hoped, he loved him so well, he hoped, nothing, passing by him, should reflect upon my lord ; and required him to take off Awbrey. And took Awbrey his petition, carrying it to my lord, desired him to do the party that right, as might keep this off from his lordship, and him : which his lordship promised, wishing his counsel to come : which was done ; but could not be heard : and therefore this pursued.

Mr. Noye : that my Lord Chancellor returned an answer to Egerton, of thankfulness ; which could not do, if he had received it of them, as from themselves.

Mr. Finch : that, sithence these are to be sworn, not to have that set down in writing ; and that, if it be set down in writing, it may be done apart.

Sir D. Digges and Dr. Gouch to do this apart.

Sir Robert Phillipps craveth pardon, if, through shortness of time, and his own wants, shall fail : and that he may add, in the end, that, if any thing else, of this kind, appear, they may appear.

Sir Ro. Phillipps reporteth from the committee for courts of justice, that it plainly appeared, in Awbrey his case, that he had a suit depending, before, at, and long after, the presenting of the 100*l.* to the Lord Chancellor. That Sir George Hastings had striven between gratefulness to my Lord Chancellor, and publick honesty. That he said, that, hoping it would have plained Awbrey his way in his suit, received from Awbrey 100*l.* which he delivered my lord, as from himself, to further Awbrey his suit. That Sir George, in summer last, acquainted Sir Charles Mount, that he had given this 100*l.* for this purpose, to my Lord Chancellor. That, a killing order made in Awbrey his prejudice, Sir George acquainted my lord with it, praying his help of it ; who promised it, but performed it not. That this order drawn by Churchill, upon notes delivered him by a servant or secretary of my Lord Chancellor.

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Remembereth further, in Awbrey his case, Sir George said lately to my lord, he must say, this money was delivered to him by him: whereto my lord; "George, if you do so, I must deny it, upon mine honour." That last night, before this committee sat, my lord said to Sir George and Sir Richard Young, they must answer this another day; for he would deny it, upon his oath.

That, in Egerton's business, he, by Merrifield's help, got money, put it into gold; told Merrifield, my Lord Chancellor was to have it, for help in his cause; and told him, he had done so.

As Lord Bacon sat in the House of Lords on the 17th, and then sat there, for the last time as Chancellor, I infer that there was some communication between him and Buckingham on the 17th and the 19th, and that the following letter was written during this interval:

To the Marquis of Buckingham. (a)

My very good Lord,—Your lordship spoke of purgatory. I am now in it; but my mind is in a calm, for my fortune is not my felicity. I know I have clean hands, and a clean heart; and, I hope, a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think, if the great seal lay upon Hounslow Heath, no body would take it up. But the King and your lordship will, I hope, put an end to these my straits one way or other. And in troth that which I fear most is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning or fainting. But I hope in God I shall hold out. God prosper you.

The following anecdotes seem proper for this place:

Extract d'un Lettre de Monsieur le Chevalier Digby à M. de Fermat.

Et comme vous y parley de notre Chancelier Bacon, cela me fit souvenir d'un autre beau mot qu'il dit en ma presence une fois a feu Monsieur le Duc de Buckingham. C'étoit au commencement de ses malheurs, quand l'assemblée des états, que nous appellons le parlement, entreprit de la miner, ce qu'elle fit en suite ce jour la il eu eut la première alarme: j'étois avec le duc ayant disné avec lui; le chancelier survint et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit présentée contre lui, et il supplia le duc l'employer son credit aupres du roi pour le maintenir toujours dans son esprit: le duc repondit qu'il étoit si bien avec le roi leur maître, qu'il n'étoit pas besoin de lui rendre de bons offices aupres de sa majesté, ce qu'il disoit, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur: le chancelier lui repondit de tres-bonne grace, qu'en il croyoit être parfaitement bien "dans l'esprit de son maître, mais aussi qu'il avoit toujours remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui-même, il ne laissera pourtant pas de brûler mieux et d'être plus beau et plus clair si on le souffle comme il faut."

One told his lordship it was now time to look about him. He replied, "I do not look about me, I look above me."

[From the Tract.]

Lunnæ, 19th Martii, 1620.—A message was sent to the Lords by Sir Robert Phillips to desire a conference with them about the Lord Chancellor and Bishop of Landaff being petitioned against by Awbrey and Egerton.

Mr. Secretary Calvert brings a message from the king, that this parliament

(a) This letter seems to have been written soon after Lord St. Alban began to be accused of abuses in his office of chancellor.

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hath sat a long time, and Easter is near come, and it's fit there should be a cessation for a time, yet the king will appoint no time, but leaves it to yourselves. But for the beginning again, he thinks the 10th of April a fit time, but will appoint none, only he would have you take care, that there be no impediment in the subsidies. The king also took notice of the complaints against the Lord Chancellor, for which he was sorry: for it hath always been his care to have placed the best; but no man can prevent such accidents. But his comfort was, that the house was careful to preserve his honour. And his majesty thought not fit to have the occasions hang long in suspence, therefore would not have any thing to hinder it; but for the furtherance thereof, he proposed a commission of six of the higher house, and twelve of the lower house to examine it upon oath. This proposition, if we liked it well, he would send the like to the lords; and this he thought might be done during this cessation; and though he hoped the chancellor was free, yet if he should be found guilty, he doubted not but you would do him justice.

Sir Edward Coke said, we should take heed the commission did no hinder the manner of our parliamentary proceedings.

The answer returned to the king, was, rendering thanks for the first part of his gracious message; and for the second, we direct that the like message may be sent to the lords, for there being so good a concurrence betwixt us, we may have conference with them about it. Then adjourned.

[From the Journals.]

Die Lunæ, videlicet, 19th die Martii, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentés fuerunt:

p. CAROLUS, Princeps Walliæ, etc.	
Archiepús, Cant.	p. Jac. Ley, Miles, et Bar. Ds. Capit.
p. Archiepús, Eborum.	Justic. Locum tenens, etc.

Memorandum, that, by reason of the want of health and indisposition of the Lord Chancellor, a commission was awarded to Sir James Ley, knt. and barf. Lord Chief Justice of the King's Bench, signed by the king, and under the broad seal, to execute the same place; the which commission was delivered to the clerk, to be read.

Message from the lower house, by Sir Robert Phillips and others, That, in the search of the abuses of courts, they have found abuses in certain eminent persons; for the which they desire a conference; that such course may be taken, for redress thereof, as shall stand with the order and dignity of a parliament; the time and place, and number of committees, they humbly leave to their lordships.

Answer returned,

The lords are well pleased to accept of the conference required; the committee to be of this whole house, at two of the clock this afternoon, in the painted chamber.

[From the Tracts.]

Martis, 20 Martii, 1620.—Sir Edward Giles made a motion that one Churchill should be called in; whereupon there was a petition of one Montacute Wood, &c. against my Lord Chancellor for taking 300l. of the Lady Wharton, and making orders, &c. which was read. Churchill and Keeling were said to be witnesses, and a committee was appointed to examine them.

Sir Robert Phillips reports from the conference that, according to the commandment of this house, he had delivered those heads which were agreed on at the conference yesterday, excusing himself, if he had failed in any point; that the lords accepted it with a great deal of affection, as sensible of the wrongs of the commonwealth; returned answer by the Lord Treasurer, first by way of question, whether we would not return it them in writing? Resolved, no, for no cause, this consisting only of two or three points clear and plain. Next for the letters, and other things which the lords desire would acquaint the house, and doubted not but it would be yielded, that they would proceed in this matter with care and diligence, and expedition.

A message from the lords, to signify that they have taken into consideration the last conference, and shall need the testimony of two members of this house; and therefore desire that voluntarily, and without ordering, as private persons, they make declaration upon oath, and the like for others, if occasion were.

Answer returned, that the gentlemen would attend voluntarily as private men, and (upon private notice) be examined.

Sir Robert Phillips reports from the committee appointed for the examination of Churchill, from which particular a general may be extracted, conducing to the discovery of corruption in the Lord Chancellor.

The Lady Wharton having a cause depending in chancery, many orders were made in it; amongst the rest, there was an order made for dismissal, by the consent of the counsel on both sides; which my lady disliking, took Churchill, the Register, into her coach, carried him to my Lord Chancellor's, and so wrought, that he was willed not to enter the last order; so that my lady was left at liberty to prosecute it in chancery, brought it to a hearing, and at length got a decree. Keeling being examined, saith, that near about the time of passing this decree, my lady took 100*l.* he saw it, and she made him set down the words and stiles, which she would use in the delivery of it. Then she goeth to York House, and delivered it to my Lord Chancellor, as she told him. She carried it in a purse; my lord asked her what she had in her hand? She said, a purse of her own making, and presented it to him; who took it, and said, what lord could refuse a purse of so fair a lady's working! After this, my lord made a decree for her, but it was not perfected; but 200*l.* more being given, (one Gardener being present), her decree had life. But after the giving of the 100*l.* because she had not 200*l.* ready in money, one Shute dealt with her to pass over the land to my Lord Chancellor, and his heirs, reserving an estate for life to herself; but she knowing no reason to disinherit her own children, and confer it upon a lord who had no children, asked Keeling, her man, what he thought of it? He, like an honest servant, was against it. Shute knowing this, sets upon Keeling, and brought him to be willing my lady should do it, with power of revocation upon payment of 200*l.* in a reasonable time. Keeling lets fall some speeches, as if he had left York House for the corruption which was there, which he himself knew in part. Gardener, Keeling's man, confirmed the payment of the 300*l.* for the decree, viz. 100*l.* before, and 200*l.* after. This purchased decree being lately damned again by my Lord Chancellor, was the cause of this complaint.

Keeling saith, Sir John Trevor did present my Lord Chancellor with 100*l.* by the hands of Sir Richard Young, for a final end to his cause. Sir Richard Young answered, that when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it.

Sir Edward Coke said, it was strange to him that this money should be thus openly delivered, and that one Gardener should be present at the payment of the 200*l.*

Ordered,

That Sir Robert Phillips do deliver to the lords this afternoon the Bishop of Llandaff's and Awbrey's letters, and all other writings that he hath. Then adjourned.

[From the Journals.]

Die Martis, videlicet, 20th die Martii.—The Lord Treasurer reported the conference yesterday with the commons.

At which conference, was delivered the desire of the commons, to inform their lordships of the great abuses of the courts of justice; the information thereof was divided into three parts: 1. Of the persons accused. 2. Of the matters objected against them. 3. Their proof. The persons are, the Lord Chancellor of England, and the now Lord Bishop of Landaph (being then no bishop, but Doctor Feild). The incomparable good parts of the Lord Chan-

cellor were highly commended; his place he holds, magnified; from whence bounty, justice, and mercy, were to be distributed to the subjects, with which he was solely trusted; whither all great causes were drawn, and from whence no appeal lay for any injustice, or wrong done, save to the parliament.

That the Lord Chancellor is accused of great bribery and corruption, committed by him in this eminent place. Whereof two cases were alleged; the one concerning Christopher Awbrey, the other concerning Edward Egerton.

In the cause depending in chancery between this Awbrey and Sir William Brouncker, Awbrey, feeling some hard measure, was advised to give the Lord Chancellor an hundred pounds; the which he delivered to his counsel (Sir George Hastings), and he to the Lord Chancellor. This business proceeding slowly notwithstanding, Awbrey did write divers letters, and delivered them to the Lord Chancellor, but could never have any answer from his lordship; but at last, delivering another letter, his lordship answered, "If he importune him, he will lay him by the heels."

The proofs of this accusation are five:

1. Sir George Hastings related it long since unto Sir Charles Montague.
2. The Lord Chancellor, fearing this would be complained of, desired silence of Sir George Hastings.
3. Sir George Hastings' testimony thereof, which was not voluntary, but urged.
4. The Lord Chancellor desired Sir George Hastings to bring the party (Awbrey) unto him, and promised redress of the wrongs done him.
5. That the Lord Chancellor said unto Sir George Hastings, if he would affirm the giving this hundred pounds, his lordship would and must deny it upon his honour.

The case of Edward Egerton is this. There being suits depending between Edward Egerton and Sir Rowland Egerton, in the chancery, Edward Egerton presented his lordship (a little after he was Lord Keeper) with a bason and ewre of fifty pounds and above; and afterwards, he delivered unto Sir George Hastings and Sir Richard Younge, four hundred pounds in gold, to be presented unto his lordship. Sir Richard Younge presented it; his lordship took it, and poised it, and said it was too much, and returned answer, that Mr. Egerton had not only enriched him, but had laid a tie upon his lordship to do him favour in all his just causes.

The proofs are, the testimony of Sir George Hastings, and the testimony of — Merefyll, a scrivener, thus far, that he took up seven hundred pounds for Mr. Egerton, Mr. Egerton then telling him, that a great part of it was to be given to the Lord Chancellor; and that Mr. Egerton afterwards told him that the four hundred pounds in gold was given to the Lord Chancellor.

At this conference, was further declared of a bishop, who was touched in this business upon the bye, whose function was much honoured, but his person touched herein.

This business (depending) being ordered against Edward Egerton, he procured a new reference thereof from the king, to the Lord Chancellor. His lordship demanded the parties first to be bound in six thousand marks, to stand to his lordship's award; they having entered into that bond, his lordship awarded the matter against Edward Egerton, for Sir Rowland Egerton. And Edward Egerton refusing to stand to the said award, a new bill was exhibited in the chancery; and thereupon his lordship ordered that this bond of six thousand marks should be assigned unto Sir Rowland Egerton, and he to put the same in suit, in his lordship's name. The Bishop of Landaph (as a friend unto Edward Egerton) adviseth with Randolph Davenport and Butler (which Butler is now dead), that they would procure a stay of the decree upon that award, and procure a new hearing. It was agreed, that six thousand pounds should be given for this by Edward Egerton, and shared amongst them and certain honourable persons. A recognizance of ten thousand pounds was required from Mr. Egerton to the bishop, for performance hereof; the bishop's share of this six thousand pounds was to have been so great, as no court of justice would allow. They produced letters of the bishop's, naming the sum, and setting down a course how this six thousand pounds might be raised; videlicet, the land in question to be decreed for Mr. Egerton, and out of that the money

to be levied. And, if this were not effected, then the bishop promised, *in verbo sacerdotis*, to deliver up the recognizance to be cancelled. The recognizance is sealed accordingly; and Randolph Davenport rides to the court, and moved the Lord Admiral for his lordship's letter to the Lord Chancellor herein; but his lordship denied to meddle in a cause depending in suit. Then the said Randolph Davenport essayed to get the king's letter, but failed therein also: so that the good they intended to Mr. Egerton was not effected; and yet the bishop, though required, refused to deliver up the said recognizance, until Mr. Egerton threatened to complain thereof to the king.

He showed also, that the commons do purpose, that, if any more of this kind happen to be complained of before them, they will present the same to your lordships; wherein they shall follow the ancient precedents, which shew that great personages have been accused for the like in parliament.

They humbly desire, that, forasmuch as this concerns a person of so great eminency, it may not depend long before your lordships; that the examination of the proofs may be expedited; and, if he be found guilty, then to be punished; if not guilty, the accusers to be punished.

This report ended, the Lord Admiral declared, that he had been twice with the Lord Chancellor, to visit him, being sent to him by the king. The first time, he found his lordship very sick and heavy; the second time he found him better, and much comforted, for that he heard that the complaint of the grievances of the commons against him were come into this house; where he assured himself to find honourable justice; in confidence whereof, his lordship had written a letter to the house. The which letter the Lord Admiral presented to the house, to be read; the tenor whereof followeth:

"To the Right Honourable his very good Lords, the Lords Spiritual and Temporal in the Upper House of Parliament assembled.

"My very good lords,

"I humbly pray your lordships all to make a favourable and true construction of my absence. It is no feigning, nor fainting, but sickness both of my heart and of my back; though joined with that comfort of mind, that per-swadeth me, that I am not far from heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, as far as I am worthy, hearing that some complaints of base bribery are come before your lordships, my requests unto your lordships are: first, that you will maintain me in your good opinion, without prejudice, until my cause be heard; secondly, that, in regard I have sequestered my mind at this time, in great part, from worldly matters, thinking of my account and answer in a higher court, your lordships would give me some convenient time, according to the course of other courts, to advise with my counsel, and to make my answer, wherein nevertheless my counsel's part will be the least; for I shall not, by the grace of God, trick up an innocency with cavillations; but plainly and ingenuously (as your lordships know my manner is) declare what I know or remember; thirdly, that, according to the course of justice, I may be allowed to except to the witnesses brought against me, and to move questions to your lordships for their cross examination, and likewise to produce my own witnesses for discovery of the truth: and lastly, if there come any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge that makes two thousand decrees and orders in a year (not to speak of the courses that have been taken for hunting out complaints against me); but that I may answer them, according to the rules of justice, severally and respectively. These requests, I hope, appear to your lordships no other than just. And so, thinking myself happy, to have so noble peers and reverend prelates to discern of my cause, and desiring no privilege of greatness for subterfuge of guiltiness; but meaning (as I said) to deal fairly and plainly with your lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and your persons; and rest

"Your lordships' humble servant,
"FR. ST. ALBAN, Canc."

19th March, 1620

The clerk, having read the letter, delivered the same to the Lord Chief Justice; who, by repetition, read the same also.

The Lord Bishop of Landaph admitted to speak for his defence of the accusation of Brocage, in a bribe intended to the Lord Chancellor, in Mr. Egerton's cause; shewed his grief, that he remained accused, arraigned, condemned, and executed, in dicta causa; for although he should (as he doubted not to do) clear himself, yet the scandal would not die. He shewed, that the party that accused him was the party grieved, a man weak and mad with affliction; as for the action whereof he was accused, he was but used therein; he was requested first by Francis Jenour, but refused; then by Tristram Woodward, and then he also denied it; at last the party himself requested him, at whose tears he yielded thus far, that the party (videlicet, Edward Egerton) might acknowledge unto him a recognizance of six thousand pounds; it was only acknowledged, not enrolled, nor intended to be enrolled; he was only trusted with it for Mr. Egerton's good; Davenport and others were to be the actors, That he discharged his trust accordingly, and delivered back the recognizance, though Davenport and others importuned him to the contrary. His aims in this action were two: the one, charity, to do Mr. Egerton good; the other, to prefer a beneficial suit to an honourable friend, to whom he owed his very life. If he had an eye to some private gain to himself, having wife and children, he had therein sinned against God, in not relying only on him for their maintenance, but no sum of the share of this six thousand pounds was ever purposed unto him. And upon a strict examination of his conscience herein, he protested before God, in whose council he stood, and before this honourable assembly, "qui estis Dii," inquit, that he was not to have one denier of a share therein.

The Lord Chamberlain moved, that, for the better consideration of this business, and how to proceed to the proofs, the court may be adjourned ad placitum, and the whole house sit as a committee. Whereupon the Lord Chief Justice removed to his place as an assistant.

After much debate thereof, the Lord Chief Justice, by direction, returned to the place of speaker, and it was agreed, that a message should be sent to the Lower House, by Mr. Attorney General and Sir William Bird, to declare unto the knights, citizens, and burgesses of the House of Commons, that the Lords have, according to the conference yesterday, taken consideration of the complaints by them made against the Lord Chancellor, and against the Lord Bishop of Landaph; that they find they have use of three letters written by the said Lord Bishop of Landaph, and of other writings (mentioned by them in their said complaint), and also of the testimony of two gentlemen, members of that house, videlicet, Sir George Hastings and Sir Richard Yonge. In taking of whose testimonies, the Lords intend not to touch the privileges of their house, but to have the same as of private persons, and not as members of that house, if cause shall require, upon the examination of the said abuses complained of.

Answer returned, that the said two gentlemen, Sir George Hastings and Sir Richard Yonge, will voluntarily, and not by commandment nor direction of their house, attend their lordships. That all letters, &c. required shall be sent accordingly. As for the general request, that the Lords may send for any other members of that house to be examined herein, they humbly pray that they may advise thereof.

Memorandum, that, during the time that the whole house sat as a committee as aforesaid, it was debated, and agreed, that the parties undernamed should also be sent for, to be sworn and examined in this business: videlicet,

Christopher Awbrey,	Tristram Woodward,
Ralph Merefill,	Francis Jenour,
Edward Egerton,	Randolph Davenport.

It was now also moved, and much disputed, whether Sir William Broncker and Sir Rowland Egerton (the two adversaries of Christopher Awbrey and Edward Egerton) should be sent for also, to be examined whether they gave any bribe on their part.

Moved by the Earl of Southampton, and agreed, that an answer should be

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sent to my Lord Chancellor's letter; whereupon message is sent to the Lord Chancellor, by Sir James Woolridge, to this effect: that the Lords received his lordship's letter, delivered unto them by the Lord Admiral; they intend to proceed in his cause (now before their lordships) according to the right rule of justice; and they shall be glad if his lordship shall clear his honour therein; to which end, they pray his lordship to provide for his defence.

Die Martis, videlicet, 20^o die Martii, post meridiem, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, presentes fuerunt:

p. Carolus Princeps Walliæ, &c.
 Archiepus. Cant. p. Jac. Ley, Miles et Bar. Ds. Capit.
 p. Archiepus. Eborum. Justic. Locum tenens, &c.

Answer from the Lord Chancellor, by Sir James Woolridge: that the Lord Chancellor returns the Lords humble thanks for their lordships' assurance of justice in his cause, and well wishes to him of the success. The one secures, the other comforts him. That he intends to put their lordships in mind hereafter of some points contained in his lordship's letter, for that the same were not spoken of in the message delivered unto him.

Sir George Hastings, Knight, and Sir Richard Yonge, Knight, *jurati à voir dire* to all questions asked by the court, or committees, or by any authorized by the court, whether their answer be by word or set down in writing.

Edward Egerton was sworn *à voir dire*; and, being sworn, he delivered a petition, touching the proceedings in his cause in the Chancery; *cujus quidem tenor sequitur in hæc verba*:

"To the Right Honourable the Lords Spiritual and Temporal in this present Parliament assembled.

"The humble petition of Edward Egerton, Esquire.

"Humbly sheweth, that your petitioner, being unmarried, and sickly, by indenture of uses and other conveyances, entailed divers manors and lands in the counties of Chester and Stafford to the use of your petitioner, and the heirs males of his body; and, for default of such issue, to remain to Sir John Egerton and his heirs; which said conveyances were made voluntarily, without any consideration paid for the same, with power of revocation.

"That Sir John Egerton having, by deed executed in his lifetime, conveyed all his own lands unto Sir Rowland Egerton, his son and heir, and having advanced in marriage all his daughters, did make his last will and testament in writing, under his hand and seal, having first bound the said Sir Rowland in a statute of five thousand pounds, to perform his said will.

"That the said Sir John, by his last will, in general words, devised all his lordships, manors, lands, tenements, and hereditaments, to your petitioner and his heirs, and made your petitioner sole executor.

"By which said will, all the estate of the said Sir John, in any part of your petitioner's lands (if he had any estate therein, as indeed he had not), was lawfully devised to your petitioner and his heirs.

"That the said Sir Rowland Egerton unduly obtained of Sir John Bennett, Knight, letters of administration, to be granted unto two of his sisters, after the said will exhibited to be proved, whereby your petitioner was put to three thousand pounds charges in suits of law.

"That Sir Rowland Egerton hath also, by indirect means, gotten into his hands the said indenture of uses, and all your petitioner's other writings and evidences, and refuseth to let your petitioner to see the said indenture of uses, or to deliver to your petitioner a true copy thereof; albeit the same doth in law appertain to your petitioner.

"That the Lord Ellesmere, late Lord Chancellor of England, before the probate of the said will, did decree, that the said Sir Rowland shall have and enjoy the manor of Wrinehill and Heywood Barnes, being a great part of your petitioner's inheritance, worth six hundred pounds per annum, without any cause of equity contained in the said decree.

" That your petitioner made humble suit unto the Right Honourable Francis Viscount St. Alban, now Lord Chancellor of England, to have the benefit of a subject, to recover his ancient inheritance, by the ordinary course of the laws.

" That the now Lord Chancellor took from your petitioner four hundred pounds of money in gold, and fifty-two pounds, ten shillings, in silver plate, which money was accepted by the said Lord Chancellor, saying, that your petitioner did not only enrich him, but also lay a tie upon his lordship to do your petitioner justice in his rightful cause.

" That afterwards the said Lord Chancellor sent for your petitioner, and did, by great oaths and protestations, draw your petitioner to seal an obligation to his lordship of ten thousand marks, to stand to his lordship's award, for all the lands whereof Sir John Egerton died seized only, but not for any other of your petitioner's lands.

" That afterwards your petitioner was divers times sent for by Robert Sharpeigh, then steward of his lordship's house; and your petitioner was several times offered, that, if your petitioner would then presently pay eleven hundred pounds in ready money; that is to say, a thousand pounds for his lordship, and a hundred pounds for the said Sharpeigh, that then your petitioner would have all his lands decreed unto him, which your petitioner could not then presently pay in ready money.

" That afterwards the said Lord Chancellor did not only confirm unto the said Sir Rowland the lands which he then held of your petitioner's inheritance, being worth six hundred pounds per annum; but the said Lord Chancellor did also take away from your petitioner more lands, worth fifteen thousand pounds, and decreed the same also unto the said Sir Rowland Egerton, who did not make any title thereunto before the said bond taken, and before the said unlawful decree made. And the said Lord Chancellor did also decree, that the said bond of ten thousand marks, made by your petitioner to the said Lord Chancellor, in his lordship's own name, should be set over and delivered to the said Sir Rowland Egerton, who should sue the same in the Lord Chancellor's name, and recover upon the same to his own use.

" And the said Lord Chancellor did further decree, that your petitioner shall not take benefit of the statute of five thousand pounds, made by the said Sir Rowland to perform the said will; and your petitioner is restrained, by the said decree, from the benefit of a subject, to recover his right, by the ordinary course of the common law, without any cause of equity set forth in the said decree.

" That your petitioner having spent six thousand pounds in suit of law, and being deprived of all his said evidences, and being utterly impoverished by the evil dealing of the said Lord Chancellor, and by the indirect practices of the said Sir Rowland, is likely to be utterly defrauded of all his ancient inheritance, contrary to the common justice of the land, except he may be relieved herein by this high court of parliament.

" Your petitioner humbly prayeth, that the said Sir Rowland Egerton may be ordered to produce, and bring forth upon oath, all such indentures of uses, writings, and evidences, as he hath, or any other hath to his use, concerning your petitioner's said lands, and whereby he claimeth any estate in your petitioner's lands, to the end your honours may judge thereof, and to do therein further as to your grave wisdoms shall seem to stand with justice."

The which petition being read, and affirmed by the said Edward Egerton, upon his oath, to be true; the said Edward Egerton was examined also in open court.

Robert Sharpeigh, Esquire, was also sworn, and examined in open court.

[From the Tract.]

Mercurii, 21st Martii, 1620.—Sir Robert Philips reports from the committee to examine Keeling and Churchill, who informed of many corruptions against my Lord Chancellor. 1. In the cause between Hull and Holman: Hull gave or lent my lord 1000*l.* since the suit began. 2. In the cause between Worth

and Mannering there were 100 pieces given, of which Hunt had 20*l.* 3. Hoddy gave a jewel, which was thought to be worth 500*l.* but he himself said it was a trifle of 100*l.* or 200*l.* price; it was presented to my Lord Chancellor by Sir Thomas Peryn and Sir Henry Holmes. 4. In the cause between Peacock and Reynell, there was much money given on both sides. 5. In the case of Barker and Bill; Barker said he was 800*l.* in gifts since his suit began. 6. In the case between Smithwick and Walsh; Smithwick gave 300*l.* yet my lord decreed it against him, so he had his money again by piecemeal. In this and other cases my lord would decree part; and when he wanted more money, he would send for more money, and decree another part. In most causes my lord's servants have undertaken one side or another, insomuch as it was usual for counsel, when their clients came unto them, to ask what friend they had at York House.

Mr. Meawtys. Touching the persons that inform, I would entreat this honourable house to consider, that Keeling is a common solicitor, (to say no more of him;) Churchill a guilty register by his own confession. I know that fear of punishment, and hopes of lessening it, may make them to say much, yea, more than is truth. For my own part, I must say, I have been an observer of my lord's proceedings; I know he hath sown a good seed of justice, and I hope that it will prove, that the envious man hath sown these tares. I humbly desire that those generals may not be sent up to the lords, unless these men will testify them in particular.

Ordered,

That a message be sent to the lords by Sir Robert Philips to relate the case of the Lady Wharton, and the informations of Churchill.

Sir Robert Philips reports from the lords, that they acknowledged the great care of this house in these important businesses; thanks for the correspondence of this house with them, assure the like from them for ever to this house. In these and all other things will advise, and return answer as soon as possible. Then adjourned.

[From the Journals.]

March 21; 18th James. Hull and Holman.—Sir R. Philips. Another case; Hull and Holman. Holman, refusing to answer, committed; there lay twenty weeks: after required to answer, and to give bond of 20,000*l.* to stand to my Lord Chancellor's order in it. That one Manby, about the Exchange, dealt in this business with Mr. Mewtys. That Holman, finding his order vary, resolved to complain to this house. That, upon Friday last, my lord sent for Hull and Holman; offered to make an indifferent end between them: and that Holman told Keeling, he was an happy man now, he could have any thing from my Lord Chancellor.

March 21; 18th James. Smythwicke.—The other case, between Smythwicke and ——— Smythwicke was told, he must use some good way: came to Mr. Yong; promised my lord 200*l.* so as the certificate might be decreed: dealt after with Burrowes: he undertook to move my lord. He heard the cause: part of the award decreed. The 200*l.* paid. That, unless my lord might have 100*l.* more, no further proceeding. That Smythwicke brought Burrowes 70*l.* part of the 100*l.* The cause yet deferred. Brought the other 30*l.* to Hunt, who, Burrowes said, had most part of the money. The former part of the decree now again questioned, Smythwicke demanded his money.

Hunt. That he had disbursed it for my lord, and given my lord accounts for it. Hunt advised Smythwicke to petition my lord, to have leave to sue Hunt for this money. That Hunt promising the re-payment of the money.

That he received, from Boroughe and Hunt, all his money again, but 20*l.* which kept from him a year, and then repaid him by Hunt.

Mercurii, 21st Martii; 18th Jacobi. Lady Wharton.—Sir Robert Philips. That Gardyner's man affirmeth, that, three days before the hearing of the cause, the Lady Wharton put 100*l.* in a purse, went to Yorke House, and, as she said after, gave it my lord. That, in ——— after, she put 200*l.* more into a purse,

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and took the money from Gardener at Yorke House, went in to my lord, and, as she said, delivered it to my lord; and had after presently the decree.

For the general: time given to him, to set down in writing, against to-morrow morning, the particulars he knoweth.

For the particular: Churchill, that, before October was twelvemonth, an order for dismission on both parts: the day after, Churchill, Lady Wharton took him in her coach, carried him to Yorke House: there she spake with my lord. Thereupon Churchill ordered to stay the dismission of Lady Wharton, but to suffer the other to stand. A decree upon this.

Keeling, examined, confesseth that, near about passing this decree, took 100*l.* made Keeling write down the words she should use to my lord, at her presenting it. 100*l.* delivered in a purse, of her own working. This decree made *de bene esse*. Made in October; but stayed till about June after, even till she paid my Lord Chancellor 200*l.* more. That Shute persuaded Lady Wharton to confer the land upon my Lord Chancellor: that she would not yield, till had spoken with Keeling. Shute persuaded Keeling; who would not yield without a power of revocation. That, upon this, the composition of 300*l.* followed.

Keeling let fall words, that he had left Yorke House, upon the general corruption he found there, and the altering of divers agreements had been there made.

Keeling saith, he soliciting a cause between Sir John Trevor and Askew; where six injunctions, &c. and, for a final end, Sir John Trevor gave my lord 100*l.* by Sir Richard Yonge's hands. Five pieces for a day of hearing last Michaelmas term: Clayton a monopoly of this. 40*s.* for an hearing; 3*l.* and 4*l.* for an injunction.

That this petition hath brought forth a copy of another petition.

Sir Richard Yonge: That, in Christmas holidays, a man of Sir John Trevor's brought him a letter to my lord, and a cabinet; which he delivered my lord openly, and delivered it to my lord.

Sir Edward Coke: Strange to him, that this money should be thus openly delivered; and that one Gardyner should be present at the payment of the 200*l.*

Sir Robert Philips, after these things, set down by Churchill and Keeling, shall be presented, and heard in this house, Sir Robert Philips shall, at the lords' next sitting, deliver these things to the lords.

Sir Robert Philips to deliver to the lords, this afternoon, three letters from Landaphe to Edward Egerton; three copies of letters from Awbrey to the Lord Chancellor; a copy of the recognizance of 10,000*l.* and of a defeazance; and divers orders, and one under seal, *De executione ordinis*; to be presented to the lords; and all other writings, Sir Robert Philips hath.

A paper of direction delivered in from Churchill: which read.

Which sent to the lords by Sir Robert Philips; but they were risen before, and so the messenger returned.

Mr. Mewtys: Keeling a common solicitor, Churchill a guilty register. Fear of punishment, and hope to escape, may make them speak untruly.

That a servant to my lord; an eye and ear-witness, for four years. That, in this time, my lord hath sown much good seed of justice; and that only the envious man hath sown the tares. Moveth, whether this general accusation fit to be sent up to my lords, without particular application.

Sir Robert Philips: That this fit for the lords now.

[From the Journals.]

Die Mercurii, videlicet, 21st die Martii.—Edward Egerton, upon humble suit, was admitted to deliver the names of these witnesses he desired to have sworn and examined touching his cause.

Witnesses sworn in open court, *in causa Domini Cancellarii*:

Sir George Reynell, knt.

Sir Thomas Peryn, knt.

George Hull, Mercer of London.

John Hunt.

Sir Henry Helmes, knt.

Edward Sherburne.

William Peacocke.
Robert Pyc.
Richard Keeling.
Anthony Gardiner.
Bouham Norton.

Robert Barker.
Thomas Mewtys.
George Norbury.
Thomas Bowker.
Francis Kinge.

Memorandum—Forasmuch as the examinations of these witnesses would require much time, it was agreed, that the committees should transmit the names of some of the principallest of them, and the heads whereupon they were to be examined, and the examinations to be taken in open court.

The form of the oath agreed upon :

“ You shall swear, that you shall true answer make to all such questions and interrogatories as shall be mentioned unto you by this high court, or by the lords the committees, or by any person or persons authorized by this high court. You shall say the truth, the whole truth, and nothing but the truth; and you shall not spare to do so, neither for fear, favour, affection, or any other cause whatsoever; whether your depositions be in writing or by word of mouth. So help you God, and the contents of this book.”

Interrogatories to be ministred to them that shall be so transmitted to be examined in open court :

“ 1. Whether they, by themselves, or any other person, have given money, or other gratuity, to the Lord Chancellor, or to any other servants, friends, or follower of his ?

“ 2. Whether they have advised or directed any so to do, or known of any other that hath so done ?

“ 3. Whether they, or the parties which they advised so to do, or have heard so to have done, had then any cause or suit depending before him, or intended to have any ?

“ 4. Whether they have intended, attempted, or known others that have attempted or contracted for any gratuity, so to be given, though not performed ? ”

Sir George Renell examined in open court.

He did also set down his knowledge of bribes given by him to the Lord Chancellor, in writing under his hand, and delivered the same upon his oath.

Ordered—No witnesses to be examined what they received themselves, but only what bribes were given to the Lord Chancellor.

Message from the lower house, by Sir Robert Phillips and others :
Moved, That the Lord Chief Justice should not relate the message unto the house until the prince be present, who was desirous to hear the same.

Answer to the commons in the mean time, that the lords take notice of the great care and industry used (by the lower house) in the search and examination of these great grievances now complained of; for which they give them hearty thanks, and will hold correspondence with them therein, as is desired.

And, when the lords are resolved of the recess of this parliament, and when to meet again; notice thereof shall be given, as they likewise desire.

Thomas Mewtys examined in open court, touching bribes given to the Lord Chancellor, * Oath; he desired respite until to-morrow, to set down in writing his full knowledge herein upon his oath.

John Hunt examined also in open court, touching the same, and required to set the same down in writing under his hand and upon oath, and deliver the same in open court to-morrow morning.

Edward Shereburne examined in open court; and Memorandum, the said Edward Shereburne was admitted to explain himself upon his former examination; which being done, he also was required to set down in writing his knowledge therein, and deliver the same in open court to-morrow morning, signed with his own hand.

Randolph Davenport examined in open court.

Robert Barker examined in open court, touching the same; and ordered to

* Sic in Origin.

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set down his full knowledge therein in writing, under his hand, and deliver the same in open court to-morrow morning.

Dominus capitalis justiciarius, locum tenens Domini Cancellarii, declaravit præsens parlamentum continuandum esse usque in diem crastinum, videlicet, diem Jovis, 22 Martii, Dominis sic decernentibus.

[From the Journals.]

Die Jovis, videlicet, 22nd die Martii, Domini tam spirituales quam temporales, quorum nomina obscribuntur, præsentés fuerunt :

p. Carolus Princeps Walliæ, etc.

Archiepus. Cant.
p. Archiepus. Eborum.
Epus. London.

p. Jac. Ley, Miles et Bar. Ds.
Capit. Justic. Locum tenens,
&c.

Jurati in causa Domini Cancellarii : videlicet,

Richard Scott.
Thomas Taylor.
Sir Edward Fisher.
Philip Hollman.
Henry Manley.
Arthur Blackmore.
James Rolphe.

Thomas Manwood.
Sir Jo. Fynnett.
Sir Eubulo Thelwall.
John Hankey.
John Yong.
William Hatcher.

The Lord Chief Justice related the message delivered yesterday from the lower house, by Sir Robert Philips and others :

The which consisted of two parts : the one of matter of respect, the other of substance.

In the one, they acknowledged the good correspondence between both the houses, especially in the examination of the grievances complained of, and presented to the lords ; with humble thanks for the supply the lords added to their labours, in giving the oath unto the examinants, which they cannot do. They humbly desire to know the time of the recess of this parliament, and of the access again, as they may accordingly depart and meet again at the same time their lordships shall.

The second, being matter of substance, consisted of four points objected against the Lord Chancellor.

1. The first, a suit in the chancery being between the Lady Wharton, plaintiff, and Wood and others, defendants, upon cross bills ; the Lord Chancellor, upon hearing, wholly dismissed them. But, upon the entry of the order, the cross bill against the Lady Wharton was only dismissed. And afterwards, for a bribe of 300*l.* given by the Lady Wharton to the Lord Chancellor, his lordship decreed the cause for her ; and then, hearing that Wood and the other defendants complained thereof to the commons, his lordship sent for them, and damned that decree, as unduly gotten ; and, when the Lady Wharton began to complain thereof, his lordship sent for her also, and promised her redress, saying, " That decree is not yet ended."

Secondly, in a suit, between Hull, plaintiff, and Hollman, defendant, Hollman, deferring his answer, was committed to the Fleet, where he lay twenty weeks, and, petitioning to be delivered, was answered by some about the Lord Chancellor, the bill shall be decreed against him (*pro confesso*), unless he would enter into 2000*l.* bond to stand to the Lord Chancellor's order ; which he refusing, his liberty cost him, one way and other, better than 1000*l.* Hollman being freed out of the Fleet, Hull petitioned to the Lord Chancellor, and Hollman, finding his cause to go hard on his side, complained to the commons ; whereupon the Lord Chancellor sent for him, and, to pacify him, told him, he should have what order he would himself.

Thirdly, in the cause between Smithwick and Wyche, the matter in question being for accounts ; the merchants, to whom it was referred, certified on the behalf of Smithwick ; yet Smythwicke, to obtain a decree in his cause, was told by one Mr. Borough (one near the Lord Chancellor), that it must cost him

200*l.* which he paid to Mr. Borough, or Mr. Hunt, to the use of the Lord Chancellor; and yet the Lord Chancellor decreed but one part of the certificate; whereupon he treats again with Mr. Borough, who demanded another 100*l.* which Smithwycke also paid, to the use of the Lord Chancellor; then his lordship referred the accounts again to the same merchants, who certified again for Smithwycke; yet his lordship decreed the second part of the certificate against Smithwycke, and the first part (which was formerly decreed for him) his lordship made doubtful. Smithwycke petitioned to the Lord Chancellor for his money again, and had it all, save 20*l.* kept back by Hunt for a year.

The Lord Chief Justice also delivered the three petitions, which his lordship received yesterday from the commons; the first by the Lady Wharton; the second by Wood and Pargitor and others; the third by Smithwycke.

Fourthly, the fourth part of the message consisted only of instructions delivered to the commons by one Churchill, a register, containing divers bribes and abuses in the chancery, which the commons desire may be examined.

Robert Barker delivered his depositions in writing, under his hand, of a bribe given by him to the Lord Chancellor; which was read, and he dismissed from further attendance.

John Hunt also delivered his deposition, signed with his hand, touching bribes given to the Lord Chancellor; which was read, and he dismissed from further attendance.

Edward Shereborne delivered his depositions also, signed with his hand, touching bribes given to the Lord Chancellor; which was read, and he commanded to attend.

William Peacock delivered his deposition, signed with his hand, which was read; but, for that it was not so full as he delivered it yesterday in court, the same was delivered to him again, to add his further knowledge therein, and also to set down what security he had from the Lord Chancellor for repayment of the 1000*l.* which he lent his lordship, and the time of repayment thereof, and the use (if any) to be answered for the same; and to set down whether he had spoken with any of the Lord Chancellor's servants since he was examined yesterday, and what the conference was. He confessed he had spoken since with Edward Shereborne.

The confession and instructions of John Churchill touching bribery and corruption of the Lord Chancellor was read:

And memorandum, that presently upon the reading thereof the said confession and instructions, together with the three petitions sent from the commons, were delivered to the lords' committees appointed to examine the same.

Upon the motion of Lord Houghton for precedents to be produced touching judicature, attestations, and judgments, anciently used in the high court of parliament.

It was ordered, that a committee of a small number should presently take care for the search thereof amongst the records remaining in the Tower, or elsewhere; copies of the same to be also certified under the officer's hands.

The names of the committees:

E. of Huntingdon.
E. of Warwick.
L. Haughton.

Memorandum, the clerk made a warrant, under his hand, to all officers, to permit the said lords' committees to make search, amongst the said records, and the officers to subscribe notes or copies thereof, without fee.

In causa Domini Cancellarii, jurati fuerunt:
Peter Vanlor. John Herne.
George Morgan. Lady Dorothy Wharton.

[From the Journals.]

Die Veneris, videlicet, 23d die Martii.—It was also agreed, that the three former committees, or any two lords of either of the said committees, appointed

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to examine witnesses (in causa Domini Cancellarii), may, from time to time hereafter, examine any witnesses touching the said cause, between the recess and access.

Jurati in causa Domini Cancellarii :

Sir Robert Bassett, knt.	John May.
Francis Broad.	John Haward.
James Kennedie.	Richard Burrell.

Edward Shereborne having been divers times examined (in causa Domini Cancellarii, prout antea), is licensed to depart, but to attend again upon new warning.

The petition of Edward Egerton was read, whereby he humbly desired, Sir Rowland Egerton to be ordered forthwith to produce upon oath certain indentures and writings, unduly gotten from the petitioner.

Ordered, ex motione Domini Sheffeld, this petition to remain with the clerk, until the corruption and bribery complained of be determined, and then the lords will take it into their consideration.

In causa Domini Cancellarii :

Sir Ralph Hansby, knt. sworn.

The Earl of South'ton shewed, that the said Sir Ralph Hansby, being examined by his lordship and others of a bribe of 500*l.* given by himself to the Lord Chancellor, that the said Sir Ralph made a doubt whether his answer thereunto might not be prejudicial to his cause. Wherefore their lordships' resolution herein was required ; whether the said Sir Ralph should be urged to make his answer hereunto or no.

After long debate of this matter, it was ordered, that the examinations taken in this court should not be hereafter used in any other cause, nor in any other court.

And although divers of the lords were of opinion, that the parties' confession of the giving of a bribe should not be prejudicial at all unto him ; yet divers doubted thereof.

Whereupon it was put to the question, whether the said Sir Ralph shall be examined what gift or reward he hath given to the Lord Chancellor ; it was agreed, he should be examined thereupon.

The lords' committees appointed yesterday to search for precedents, videlicet, the Earl of Huntingdon, the Earl of Warwick, and the Lord Haughton, returned from the Tower.

The Earl of Huntingdon made report of their search and view of the records ; and the Earl of Warwick read the heads of the precedents, and then delivered the notes taken out of the records, and signed by the officer, unto the clerk, to be kept.

25th March.

To the Marquis of Buckingham.

My very good lord,

Yesterday I know was no day ; now I hope I shall hear from your lordship, who are my anchor in these flouds. Meanwhile to ease my heart, I have written to his majesty the inclosed, which I pray your lordship to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship.

25th March, 1621.

Yours ever, &c.

FR. ST. ALBAN, Canc.

To the King.

It may please your most excellent majesty, Time hath been, when I have brought unto you *Gemitum Columbae* from others, now I bring it from myself. I fly unto your majesty, with the wings of a dove, which once within these seven days, I thought would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come upon me. I have been (as your majesty knoweth best)

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never author of any immoderate counsel, but always desired to have things carried *suavibus modis*. I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man, in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be? For these are the things that used to raise dislikes abroad.

For the house of commons, I began my credit there, and now it must be the place of the sepulture thereof; and yet this parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the upper house, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true straight-line of nobleness, without any crookes or angles.

And for the briberies and gifts, wherewith I am charged, when the books of hearts shall be opened, I hope, I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore, I am resolved, when I come to my answer, not to trick my innocency, (as I writ to the lords) by cavillations, or voydances; but to speak to them the language, that my heart speaketh to me, in excusing, extenuating, or ingenuously confessing: praying to God to give me the grace to see the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience, than is cause. But not to trouble your majesty any longer, craving pardon for this long mourning letter; that which I thirst after, as the hart after the streams, is, that I may know, by my matchless friend that presenteth to you this letter, your majesty's heart (which is an abyssus of goodness as I am an abyssus of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as clay in your majesty's gracious hands,

FR. ST. ALBAN, Canc

27th March.—On the 27th of March both houses adjourned till the 17th of April.

During this recess there was a private interview between the King and the Lord Chancellor.

This appears, 1st, from an entry in the journals of the house of lords; 2dly, from a statement by Mr. Bushel; and, 3dly, from a letter written after the interview.

The following is the extract from the journals of the house of lords of April 17.

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his majesty, that he might see his majesty and speak with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house his majesty would not on the sudden grant it.

That, on Sunday last, the king calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships advice therein.

The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who past so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and

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clear to those things objected against him, his lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full, and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

Unto all which his majesty's answer was, he referred him to the lords of this house, and therefore his majesty willed his lordship to make report to their lordships.

It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thankfully acknowledge this his majesty's favour, and hold themselves highly bound unto his majesty for the same.

Account given by Mr. Bushel.

The following is the account given by Mr. Bushel. Having mentioned his lord's design of proposing several projects to the parliament for the public service, he then proceeds thus: " Before this could be accomplished to his own content, there arose such complaints against his lordship, and the then favourite at court, that for some days put the king to this quere, whether he should permit the favourite of his affection, or the oracle of his council, to sink in his service; whereupon his lordship was sent for by the king, who, after some discourse, gave him this positive advice, to submit himself to his house of peers, and that (upon his princely word) he would then restore him again, if they (in their honours) should not be sensible of his merits. Now, though my lord saw his approaching ruin, and told his majesty there was little hopes of mercy in a multitude, when his enemies were to give fire, if he did not plead for himself: yet such was his obedience to him from whom he had his being, that he resolved his majesty's will should be his only law, and so took leave of him with these words, Those that will strike at your chancellor (it is much to be feared), will strike at your crown, and wished, that as he was then the first, so he might be the last of sacrifices. Soon after, (according to his majesty's commands) he wrote a submissive letter to the house, and sent me to my Lord Windsor to know the result, which I was loth, at my return, to acquaint him with; for alas! his sovereign's favour was not in so high a measure, but he (like the phoenix) must be sacrificed in flames of his own raising, and so perished (like Icarus) in that his lofty design. The great revenue of his office being lost, and his titles of honour saved but by the bishops' votes, whereto he replied, that he was only bound to thank his clergy; the thunder of which fatal sentence did much perplex my troubled thoughts, as well as others, to see that famous lord, who procured his majesty to call this parliament, must be the first subject of their revengeful wrath, and that so unparalleled a master should be thus brought upon the public stage, for the foolish miscarriage of his own servants, whereof (with grief of heart) I confess myself to be one. Yet shortly after, the king dissolved the parliament, but never restored that matchless lord to his place, which made him then to wish, the many years he had spent in state policy and law study, had been solely devoted to true philosophy: for, (said he) the one, at the best, doth but comprehend man's frailty, in its greatest splendour; but the other, the mysterious knowledge of all things created in the six days' work." (a)

(a) This note is divided into two parts. First, Some Account of Bushel. Secondly, Observations upon the Account given by Bushel.

I. Some Account of Bushel.

Mr. Bushel's Abridgment of Lord Chancellor Bacon's Philosophical Theory of Mineral Prosecutions. London: printed in the year 1659.

It was the custom, in the time of Lord Bacon, for young men of property to attach themselves, as pages, to noblemen of eminence. It appears that Mr.

Lord Bacon's Letter to the King.

It may please your most excellent majestie,—I think myself infinitely bounden to your majestie, for vouchsafing me accesse to your royal person, and to touch the hemme of your garment. I see your majestie imitateth him that would not break the broken reede, nor quench the smoking flax; and as your

Bushel, who had large property at Eustone, near Oxford,* was, when he was fifteen years old, admitted into the family of Lord Bacon, and that he was under great obligation to him. Bushel's words are "his acceptance of me for his servant at fifteen years of age upon my own address, his clearing all my debts three several times with no smaller sum in the whole than 3000*l.* his preferring me in marriage to a rich inheritrix, and thereupon not only allowing me 400*l.* per annum, but to balance the consent of her father in the match, promised upon his honour to make me the heir of his knowledge in mineral philosophy.

Aubrey, in his anecdotes, when describing the walks at Gorhambury, says, "Here his lordship much meditated, his servant Mr. Bushel attending him with his pen and ink-horn to set down present notions."

He was born about 1602, and was, therefore, in 1620, at the time of Lord Bacon's fall, about eighteen years old: and about twenty-six, in 1626, when Lord Bacon died.

After the death of Lord Bacon Bushel retired to the Isle of Man, as he relates in his own work, and as is thus stated in Wood's History of the Isle of Man.

"This island (the Isle of Man) is said to have been the retreat of two hermits, one of whom, in the reign of Queen Elizabeth, murdered a beautiful woman in a sudden fit of jealousy, and spent the remainder of his life in solitude, penance, and the severest mortifications; the other, Thomas Bushel, in the reign of James, made it his abode for only a few years. A supposed letter of his still extant is to this effect.

"The embrions of my mines proving abortive by the fall and death of Lord Chancellor Bacon, were the motives which persuaded my pensive retirement to a three years' solitude in the desolate isle, called the Calf of Man, where, in obedience to my dear lord's philosophical advice, I resolved to make a perfect experiment upon myself for the obtaining a long and healthy life, most necessary for such a repentance as my former debauchedness required, by a parsimonious diet of herbs, oil, mustard, honey, with water sufficient, most like to that of our long lived fathers before the flood, as was conceived by that lord, which I most strictly observed, as if obliged by a religious vow, till Divine Providence called me to a more active life."

As this tract was published in 1659, he was then near sixty years of age, as is explained in part of the tract, viz.

In the address to the reader, in the beginning of this tract, he says: "But now seriously considering that the taper of my life burns in the socket (I having already numbered twelve lustres of years)," and as by a lustre I understand five years, I conclude therefore that Bushel was sixty years in 1659.

Bushel always speaks of Lord Bacon in terms of the most grateful respect. With such expressions as the following his work abounds, "*My old master, the Lord Chancellor Bacon, would often say, &c.*" Again, "*Dedicated by my obliged gratitude to my Lord Bacon.*"

He died at the age of eighty in 1684.

He lay sometime at Captain Norton's, in the gate at Scotland Yard, where he died seven years since (now 1684) about eighty *ætat.* Buried in the little cloysters at Westminster Abbey, somebody put B. B. upon the stone (now, 1787, all now paved).—Awbrey, 260.

* See Plot's History of Oxfordshire.

majestie imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majestie's grace and mercy, and next to my lords I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which when I shall receive, I shall without figg leaves or disguise excuse what I can excuse, extenuate what I can ex-

II. Observations upon the Account given by Bushel.

The author of Bacon's Life, in the Biographia Britannica, says, "We have a long and formal detail of this matter, from one who might certainly be presumed to know a great deal of it: viz. Mr. Bushel, who was his lordship's servant at that time, and who having ruined himself by engaging in the working of mines, upon pretence of following his lord's philosophical theory on that subject, endeavoured, while a prisoner in the Fleet, to apologize for his own conduct, by publishing a speech, which he asserts his master intended to have made to that parliament in which he was undone, upon this subject, and for procuring the establishment of a Royal Academy of Sciences, on the plan delivered in a work of his, entitled, his New Atlantis, which speech of his, though it may contain some thoughts of Lord Bacon's, is allowed by the learned Dr. Tenison to be in a great measure fictitious, and not only unworthy of that noble person, but such as it was impossible for him to have drawn. It is at the close of this speech, and in order to account for its not being spoken, that Mr. Bushel mentions his master's fall, which, he says, intervened before it could be spoken, and thereupon undertakes to give us all the circumstances of that extraordinary event from his own knowledge, which, if it could be depended upon, must be admitted to be a thing extremely worthy our notice: but I at present produce it with a view to gratify the inclination of the ingenious reader, of seeing whatever has been advanced on this subject on either side. In this light too, Mr. Bushel's account is a matter of some consequence, since it is the fullest and most circumstantial that has been hitherto given.

"Bushel was a very strange man, and has told so many improbable stories of his master, and so many silly ones of himself, that what he says deserves no credit, farther than as it agrees with other evidence."—Tenison's Account of Lord Bacon's Works, p. 97.

What authority there is for the assertion in the parts underlined, the reader may judge, by an examination of the observations in Archbishop Tenison's work, which is annexed. But that Archbishop Tenison did not doubt the correctness of Bushel's statement, appears from the following passage in the Archbishop's Baconiana.

"The great cause of his suffering, is to some, a secret. I leave them to find it out, by his words to King James, 'I wish (said he) that as I am the first, so I may be the last of sacrifices in your times.' And when from private appetite, it is resolved, that a creature shall be sacrificed; it is easie to pick up sticks enough, from any thicket whither it hath straid, to make a fire to offer it with."

But even if he had entertained doubts, we must judge by one of the fundamental rules in all reasoning. Is it most probable that Bushel should, at the age of sixty years, have invented this anecdote, or that it is true?

The following is the passage in Archbishop Tenison's work, to which the editor of the Life, in the Biographia Britannica, refers.

Archbishop Tenison, in his account of Lord Bacon's works, says: "There is annexed a certain speech touching the recovery of drowned mineral works, prepared, as Mr. Bushel saith, for that parliament under which he fell. His lordship, no doubt, had such a project; and he might prepare a speech also, for the facilitating of it. But that this is a true copy of that speech, I dare not avouch. His lordship's speeches were wont to be digested into more method; his periods were more round, his words more choice, his allusions more frequent, and managed with more decorum. And as no man had greater command of words, for the illustration of matter, than his lordship; so here he had matter which refused not to be clothed in the best words."

tenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I mought conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majestie's grace, I rest.—20th April, 1621.

A Speech touching the recovering of Drowned Mineral Works, prepared for the Parliament (as Mr. Bushel affirmed) by the Viscount of St. Albans, then Lord High Chancellor of England.

My lords and gentlemen,—The king, my royal master, was lately (graciously) pleased to move some discourse to me concerning Mr. Sutton's Hospital, and such like worthy foundations of memorable piety: which humbly seconded by myself, drew his majesty into a serious consideration of the mineral treasures of his own territories, and the practical discoveries of them by way of my philosophical theory: which he then so well resented, that, afterwards, upon a mature digestion of my whole design, he commanded me to let your lordships understand, how great an inclination he hath to further so hopeful a work, for the honour of his dominions, as the most probable means to relieve all the poor thereof without any other stock or benevolence, than that which Divine bounty should confer on their own industries and honest labours, in recovering all such drowned mineral works as have been, or shall be, therefore, deserted.

And, my lords, all that is now desired of his majesty and your lordships, is no more than a gracious act of this present parliament to authorize them herein, adding a mercy to a munificence, which is, the persons of such strong and able petty-felons, who, in true penitence for their crimes, shall implore his majesty's mercy and permission to expiate their offences by their assiduous labours, in so innocent and hopeful a work.

For, by this unchangeable way (my lords) have I proposed to erect the academical fabric of this island's Salomon's House, modelled in my New Atlantis. And I can hope (my lords) that my midnight studies to make our countries flourish and outvie European neighbours in mysterious and beneficent arts, have not so ingratiously affected the whole intellects, that you will delay or resist his majesty's desires, and my humble petition in this benevolent, yea, magnificent affair; since your honourable posterities may be enriched thereby, and my ends are only, to make the world my heir, and the learned fathers of my Salomon's House, the successive and sworn trustees in the dispensation of this great service, for God's glory, my prince's magnificence, this parliament's honour, our countries general good, and the propagation of my own memory.

And I may assure your lordships, that all my proposals in order to this great archetype, seemed so rational and feasible to my royal sovereign, our Christian Salomon, that I, thereby, prevailed with his majesty to call this honourable parliament, to confirm and empower me in my own way of mining, by an act of the same, after his majesty's more weighty affairs were considered in your wisdoms; both which he desires your lordships, and you gentlemen that are chosen as the patriots of your respective countries, to take speedy care of: which done, I shall not then doubt the happy issue of my undertakings in this design, whereby concealed treasures, which now seem utterly lost to mankind, shall be confined to so universal a piety, and brought into use by the industry of converted penitents, whose wretched carcasses the impartial laws have, or shall dedicate, as untimely feasts, to the worms of the earth, in whose womb those deserted mineral riches must ever lie buried as lost abortions, unless those be made the active midwives to deliver them. For, my lords, I humbly conceive them to be the fittest of all men to effect this great work, for the ends and causes which I have before expressed.

All which, my lords, I humbly refer to your grave and solid judgments to conclude of, together with such other assistances to this frame, as your own oracular wisdom shall intimate for the magnifying our Creator, in his inscrutable Providence, and admirable works of nature.

Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

That howsoever it goeth with me, I think myself infinitely bound to his majesty for admitting me to touch the hem of his garment; and that, according to my faith, so be it unto me. That I ought also humbly to thank his majesty for that, in that excellent speech of his, which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages which I do construe to my advantage.

And lastly, that I have heard from my friends, that notwithstanding these waves of information, his majesty mentions my name with grace and favour.

In the next place, I am to make an oblation of myself into his majesty's hands, that, as I wrote to him, I am as clay in his hands, his majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes; and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction, knowing that his heart is inscrutable for good. Only I may express myself thus far, that my desire is, that the thread, or line, or my life, may be no longer than the thread, or line of my service: I mean, that I may be of use to your majesty in one kind or other.

Now for any further speech, I would humbly pray his majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your majesty will understand it to be in such sort, as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune.

For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves, or subterfuges.

There be three degrees or cases, as I conceive, of gifts and rewards given to a judge.

The first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought when I pronounced any sentence or order.

The second is a neglect in the judge to inform himself, whether the cause be fully at an end, or no, what time he receives the gift; but takes it upon the credit of the party that all is done, or otherwise omits to inquire.

And the third is, when it is received *sine fraude*, after the cause ended, which it seems by the opinion of the civilians is no offence. Look into the case of simony, &c.

Draught of another paper to the same purpose.

There be three degrees or cases of bribery, charged or supposed in a judge:

The first, of bargain or contract, for reward to pervert justice.

The second, where the judge conceives the cause to be at an end, by the information of the party, or otherwise, and useth not such diligence as he ought to inquire of it. And the third, when the cause is really ended, and it is *sine fraude*, without relation to any precedent promise.

Now if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocent's day in my heart. For the second, I doubt in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent; once for the fact, and again for the error. For I had rather be a briber, than a defender of bribes.

I must likewise confess to your majesty, that at New-year's tides, and likewise at my first coming in (which was, as it were my wedding), I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me yea or no. And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly. And all this

while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summorum with me is*, that I may not be made altogether unprofitable to do your majesty's service or honour. If your majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivéré* to bear the rest. And, to tell your majesty what my thoughts run upon, I think of writing a story of England, and of recompiling of your laws into a better digest.

But to conclude, I most humbly pray your majesty's directions and advice. For as your majesty hath used to give me the attribute of care of your business, so I must now cast the care of myself upon God and you.

17th April.

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor, unto his majesty, that he might see his majesty and speak with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house his majesty would not on the sudden grant it.

That, on Sunday last, the king calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships' advice therein.

The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who past so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and clear to those things objected against him, his lordship might stand upon his innocence. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full, and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

Unto all which his majesty's answer was, he referred him to the lords of this house, and thereof his majesty willed his lordship to make report to their lordships.

It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thankfully acknowledge this his majesty's favour, and hold themselves highly bound unto his majesty for the same.

Jurati in causa Domini Cancellarii :

Sir Thomas Middleton, Knt.
Edmond Phellippes.
John Bawbury.
Thomas Fooncs.
John Parkinson.
Gabriel Sheriff.
Jo. Kellett.
William Compton.
Jo. Childe.

Thomas Knight.
Thomas Hasellfoote.
Henry Ashton.
Raphle Moore.
Robert Bell.
William Spyke.
Richard Peacock.
Christopher Barnes.

Agreed the Lords' committees to prepare the examinations against the Lord Chancellor.

Moved by the Lord Hunsdon, and ordered by the house, that the Lord Chief Justice do every morning, before the adjournment of the court, cause the names of the Lords' committees, appointed to meet that day in the afternoon, to be read by the clerk.

NOTE G G G.

Moved by the Earl of Arundel, that the three several committees, *in causa Domini Cancellarii* do make their report to-morrow morning of the examinations by them taken touching the Lord Chancellor; and the clerk to produce the examinations in that cause taken in court, to the end their lordships may give the Lord Chancellor such particulars of his charge as their lordships shall judge fit.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit præsens Parliamentum continuandum esse usque in diem crastinum, videlicet, decimum nonum diem Aprilis, Dominis sic decernentibus.

19th April.

Die Jovis, videlicet, 19^o die Aprilis, Domini tam spirituales quam temporales, quorum nomina subscribuntur, præsentés fuerunt :

p. Carolus Princeps Walliæ, etc.	p. Jac. Ley, Miles et Bar. Ds.
Archiepus. Cant.	Capit. Justic. Locum tenens,
p. Archiepus. Eborum.	&c.
Epus. London.	

The Earl of Arundel shewed, that (according to the order of the house, 27 Martii) his lordship and the other lords joined in committee with him, have examined divers, *in causa Domini Cancellarii*. The which examination he delivered unto Mr. Baron Denham, who attended the lords of that committee.

The Earl of Huntingdon declared, that his lordship, and the other lords joined in committee with him, had also examined divers touching the same cause; the which examinations his lordship delivered unto Mr. Serjeant Crewe, who attended the lords of that committee.

The Earl of Southampton declared, that his lordship, and the other lords joined in committee with him, had also taken divers examinations touching the same cause; the which his lordship delivered to Mr. Attorney General.

Mr. Baron Denham (coming to the clerk's table) stood and read the examination taken by the Earl of Arundel, and the lords joined with his lordship, viz. the examinations of

Sir George Hastings, knt.	Bevis Thelwall.
Sir Richard Yonge, knt.	Sir William Bronker, knt.

Mr. Serjeant Crewe, in like manner, read the examinations taken by the Earl of Huntingdon, and the lords joined with his lordship, viz.

The examination of Christopher Awbrey.

A letter written by Christopher Awbrey to the Lord Chancellor, dated 22nd Nov. 1619.

One letter written by him to the Lord Chancellor, dated the 21st of June, 1620; and one other letter written by him to the Lord Chancellor, dated 19th July, 1620.

The examinations of Ralph Merefill, Scrivener, and Tristram Woodward.

Mr. Attorney General, in like manner, read first the brief of the examinations taken by the Earl of Southampton, and the lords joined with his lordship; and then the examinations, viz. of

Sir Rowland Egerton, knt.	Samuel Jones.
The Lady Dorothee Wharton.	Sir Thomas Middleton, knt.
Richard Keeling.	John Bunbury.
Anthony Gardiner.	John Kellet.
Sir Thomas Perient, knt.	Gabriel Sheriff.
Sir Henry Elmes, knt.	Richard Scott.
Sir Edward Fisher, knt.	John Childe.
James Kennedy.	Henry Ashton.
Peter Vanlor.	Thomas Hasellwood.
John Churchill.	Ralph More.
Sir Ralph Hansby, knt.	Thomas Knight.
William Compton.	Robert Bell.
Robert Johnson, Alderman of London.	William Spight.
	Richard Peacock.

NOTE G G G.

These letters and orders were also read, viz.

One letter, dated the 14th March, 1618, written by the Lord Chancellor to the company of Vintners.

An order made by the Lord Chancellor to relieve the English merchants of Vintners, dated 20th April.

Order of reference by the Lord Chancellor to Sir Thomas Love, dated 9th May, 1619.

Another letter of the Lord Chancellor to the Vintners, dated 9th June, 1619.

These examinations being read, the Earl of Southampton signified, that Sir Thomas Smith, knt. being to be examined in this business of the vintners, is sick of the gout. His lordship also declared, that his lordship, and the lords committees joined with him, have heard a public fame and report, how that the Lord Chancellor, having ordered matters in open court, did afterwards alter and reverse the same orders upon petitions; that their lordships, in the time of this cessation, being desirous to know the truth thereof, sent for the registers of the Chancery (who then were in the country); and now, upon their return, they have, upon search, found out some such orders, altered and reversed upon petitions, and required a longer time to search for more; and then the said registers will give their lordships more full satisfaction therein. The which was generally approved of by the house.

The clerk read the examinations taken here in open court :

In causa Domini Cancellarii, viz. of

John Hunt.
Edward Shereborne.
Sir George Renell.
William Peacock.

James Rolph.
Robert Barker.
Thomas Mewtas.

It was agreed, that, forasmuch as these examinations were taken by three several committees, and some were taken here in the house, and the examinations of the one spake of some of the same things taken by the other; that the three committees do meet together (attended by the King's counsel) to make one brief of all these examinations.

Agreed also, that the three committees, *in causa Domini Cancellarii*, do continue to receive complaints, and take examinations in the same cause; and that their lordships meet this afternoon, in the Little Committee Chamber, after the conference with the Commons.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit præsens Parliamentum continuandum esse usque in diem Martis, videlicet, 24th instantis Aprilis, Dominis sic decernentibus.

April 20.

To the King.

It may please your most excellent majesty,—I think myself infinitely bounden to your majesty, for vouchsafing me access to your royal person, and to touch the hem of your garment. I see your majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your majesty imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majesty's grace and mercy, and next to my lords, I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which when I shall receive, I shall, without figures or disguise, excuse what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majesty's grace, I rest.

April 20, 1621.

24th April.

Die Martis, videlicet, 24^o die Aprilis, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentés fuerunt :

Præsens Rex.

p. Carolus Princeps Walliæ, &c.

p. Archiepus. Cant.

p. Jac. Ley, Miles et Bar. Ds.

p. Archiepus. Eborum.

Capit. Justic. locum tenens,

Epus. London.

&c.

The Lords sitting in their robes, and the Lord Chief Justice in the place of the Lord Chancellor, expecting his majesty's coming into the Parliament house, the Earl of Oxon (Lord Great Chamberlain of England) and the Earl of Essex, who carried the sword, coming before, the King entered; and his majesty being placed in his chair, under the cloth of estate, was pleased to make a gracious speech unto their lordships.

As touching the complaints of grievances, his majesty commended the complaint of all public grievances, protesting that he will prefer no person whomsoever before the public good. And his majesty was pleased to put the lords in mind of their ancient orders of this house, in hearing the complaints in the examinations, and their manner to give judgment thereupon; and advised them to entertain nothing (the time being precious), which was not material and weighty.

And whereas many complaints are already made against courts of judicature, which are in examination, and are to be proceeded upon by the lords; his majesty will add some, which he thinks fit to be also complained of, and redressed, viz. That no orders be made but in public court, and not in chambers; that excessive fees be taken away; that no bribery nor money be given for the hearing of any cause. These and many other things his majesty thought fit to be done this session. And his majesty added, that when he hath done this, and all that he can do for the good of his subjects, he confesseth he hath done but the duty whereunto he was born.

Post meridiem.—The Prince his highness signified unto the Lords, that the Lord Chancellor had sent a submission unto their lordships, the which was presently read. It follows, *in hæc verba* :

“ To the Right Honourable the Lords of Parliament, in the Upper House assembled.

“ The humble Submission and Supplication of the Lord Chancellor.

“ It may please your lordships, I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write. For words that come from wasted spirits, and an oppressed mind, are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

“ This being moved, and, as I hope, obtained, in the nature of a protection to all that I shall say, I shall now make into the rest of that wherewith I shall at this time trouble your lordships a very strange entrance. For, in the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

“ The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness, which (in few words) is the beginning of a golden world. The next, that, after this example, it is like that judges will fly from any thing that is in the likeness of corruption (though it were at a great distance) as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour. And in these two points, God is my witness, that, though it be my fortune to be the anvil upon which these good effects are beaten and wrought, I take no small comfort.

“ But, to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges, under God and his lieutenant, I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification instead of all

other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job, in these words: I have not hid my sin as did Adam, nor concealed my faults in my bosom. This is the only justification which I will use.

"It resteth, therefore, that without fig-leaves, I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling those particulars, which I think may fall off,

" Quid te exemta juvat spinis de pluribus una ?

Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses; neither will I represent unto your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of your own noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

"And now that I have spoken to your lordships as judges, I shall say a few words to you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

"Your lordships are not simple judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if your lordships be not tied by the ordinary course of courts or precedents, in points of strictness and severity, much more in points of mercy and mitigation.

"And yet, if any thing which I shall move might be contrary to your honourable and worthy ends to introduce a reformation, I should not seek it. But herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general; not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, by the intercession of some principal persons of the senate, was spared; whereupon Livy maketh this grave and gracious observation: *Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.* The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius: and the same reason is of the reformation of justice; for the questioning of men of eminent place hath the same terror, though not the same rigour with the punishment.

"But my case standeth not there. For my humble desire is, that his majesty would take the seal into his hands, which is a great downfall; and may serve, I hope, in itself for an expiation of my faults. Therefore, if mercy and mitigation be in your power, and do no ways cross your ends, why should I not hope of your lordships' favour and commiseration?

"Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your lordships will remember that there sat not these hundred years before a prince in your house; and never such a prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice: yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of Him that would not break the bruised reed, nor quench smoking flax. You all sit upon one high stage; and therefore cannot but be more sensible of the changes of the world, and of the fall of any of high place. Neither will your lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power of the pool of Bethesda; for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

"Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightening before the death of them, but rather a spark of that grace, which now in the conclusion will more appear.

"And therefore my humble suit to your lordships is, that my penitent submission may be my sentence, and the loss of the seal my punishment; and that your lordships will spare any further sentence, but recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be amongst you. Your Lordships' humble servant and suppliant,

April 22, 1621.

"FR. ST. ALBAN, Canc."

The which submission being read, first by the clerk, and afterwards repeated by the Lord Chief Justice; the house was adjourned *ad libitum*, to the end, the whole house being a committee, it might be the better debated, whether the said submission were a sufficient confession for the lords to ground their censure on.

Their lordships being all agreed that the Lord Chancellor's submission gave not satisfaction to their lordships, for that his lordship's confession therein was not fully nor particularly set down, and for many other exceptions against the submission itself, the same in sort extenuating his confession, and his lordship seeming to prescribe the sentence to be given against him by the house; their lordships resolved, that the Lord Chancellor should be charged particularly with the briberies and corruptions complained of against him, and that his lordship should make a particular answer thereunto; but whether his lordship shall be brought to the bar, to hear the charge, or that, respect being had to his person (as yet having the King's great seal), the charge shall be sent unto his lordship in writing, it was much debated.

And the Lord Chief Justice returning to the Lord Chancellor's place, his lordship put it to the question, viz. whether the charge shall be sent to the Lord Chancellor in writing, or the Lord Chancellor brought to the bar, to hear the same; and agreed, by most voices, the charge to be sent to his lordship.

Memorandum, That during the time the whole house was a committee, the collections of corruptions charged upon the Lord Chancellor, and the proofs thereof made by the three committees according to the order of the 19th April instant, was read by Mr. Attorney General.

And the said collection (without the proofs) was now first read by Mr. Attorney, and then sent to the Lord Chancellor by Mr. Baron Denham, and him the said Attorney General, with this message from their lordships: That the Lord Chancellor's confession is not fully set down by his lordship in the said submission, for three causes: 1. His lordship confesseth not any particular bribe nor corruption. 2. Nor sheweth how his lordship heard of the charge thereof. 3. The confession, such as it is, is afterwards extenuated in the same submission; and therefore the lords have sent him a particular of the charge, and do expect his answer to the same with all convenient expedition.

Here followeth the said collection, viz. Corruptions charged upon the Lord Chancellor, with the proofs thereof.

1. In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor.

He received from Edward Egerton, in the said cause, four hundred pounds; proved by the depositions of Sir Richard Yonge, knight, Sir George Hastings, knight, Rolphe Mereseild, and Tristram Woodward.

2. In the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, a fortnight after the cause was ended; proved by the depositions of Sir Thomas Perient, knight, and John Churchill, who speaks of a greater value, by the report of Hody.

3. In the cause between the Lady Wharton, and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds; proved by the depositions of the Lady Wharton, Richard Keeling, and Anthony Gardiner.
4. In Sir Thomas Muncke's cause, he received from Sir Thomas, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit; proved by the deposition of Sir Henry Helmes.
5. In the cause between Sir John Trevor and Ascue, he received, on the part of Sir John Trevor, an hundred pounds, proved by the depositions of Richard Keeling.
6. In the cause between Holman and Yong, he received of Yong an hundred pounds, after the decree made for him; proved by the depositions of Richard Keeling.
7. In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by the advice of Mr. Shute; proved by the deposition of Sir Edward Fisher.
8. In the cause between Kennedy and Vanlore, he received from Kennedy a rich cabinet, valued at eight hundred pounds; proved by the deposition of James Kennedy.
9. He borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man; proved by the depositions of Peter Vanlore.
10. He received of Richard Scott two hundred pounds after his cause was ended; but, upon a precedent promise, all which was transacted by Mr. Shute; proved by the deposition of Richard Scott.
- He received, in the same cause, on Sir John Lenthall's part, a hundred pounds; proved by the deposition of Edward Shereborne.
11. He received of Mr. Wroth a hundred pounds, in respect of the cause between him and Sir Arthur Mainewaring; proved by the depositions of John Churchill and John Hunt.
12. He received of Sir Ralph Hansby, having a cause depending before him, five hundred pounds; proved by the depositions of Sir Ralph Hansby.
13. William Counton, being to have an extent for a debt of twelve hundred pounds, the Lord Chancellor staid it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day; the Lord Chancellor hereupon sends to borrow five hundred pounds; and, because Counton was to pay to one Huxley four hundred pounds, his lordship requires Huxley to forbear it for six months, and thereupon obtains the money from Counton. The money being unpaid, suit grows between Huxley and Counton in Chancery, where his lordship decrees Counton to pay Huxley the debt, with damages and costs, where it was in his own hands; proved by the depositions of William Counton.
14. In the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds; proved by the depositions of Christopher Awbrey, Sir George Hastings, and the letters to the Lord Chancellor from Awbrey.
15. In the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds, and more was to be paid at the ending of the cause; proved by the depositions of Bevis Thelwall.
16. In the cause of Mr. Dunch, he received from Mr. Dunch two hundred pounds; proved by the depositions of Bevis Thelwall.
17. In the cause between Reynell and Peacock, the Lord Chancellor received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds; proved by the depositions of John Hunt and Sir George Reynell.
- He took of Peacock an hundred pounds, and borrowed a thousand pounds, without security, interest, or time of re-payment; proved by the depositions of William Peacock and James Rolf.
18. In the cause between Smithwick and Wych, he received from Smithwick

two hundred pounds, which was repaid; proved by the depositions of John Hunt.

19. In the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much; proved by the depositions of John Hunt.

20. In the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds; proved by the depositions of Robert Barker and Edward Shereburne.

21. There being a reference from his majesty to his lordship of a business between the Grocers and Apothecaries of London, he received of the Grocers two hundred pounds; proved by the depositions of Sir Thomas Midleton, Alderman Johnson, and John Bunbury.

He received in the same cause of the Apothecaries, that stood with the Grocers, a taster of gold, worth between forty or fifty pounds, together with a present of ambergrease; proved by the depositions of Sir Thomas Midleton and Samuel Jones.

He received of the new company of Apothecaries, that stood against the Grocers, an hundred pounds; proved by the depositions of John Kellet and Gabriel Sheriff.

22. He took of the French merchants a thousand pounds, to constrain the Vintners of London to take from them fifteen hundred tuns of wine; proved by the depositions of Robert Bell, William Spright, and Richard Peacock. To accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need nor use, at higher rates than they were vendible; proved by the depositions of John Child, Henry Ashton, Thomas Haselfote, Raphe Moore, Thomas Knight, and his own letters and orders.

23. The Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and likewise for sealing of injunctions, and otherwise; proved by the depositions of Thomas Manwood and Richard Keeling.

Dominus Capitalis Justiciarius, locum tenens Domini Cancellarii, declaravit præsens Parliamentum continuandum esse usque in diem crastinum, viz. 25^m diem instantis Aprilis, hora 2^a post meridiem, Dominis sic decernentibus.

25th April.

Die Mercurii, viz. 25^o die Aprilis, post meridiem, Domini tam Spirituales quam Temporales, quorum nomina subscribuntur, præsentés fuerunt:

p. Carolus, Princeps Walliæ, &c.

Mr. Baron Denham and Mr. Attorney General reported, that they did yesterday (according to the direction of the house), deliver unto the Lord Chancellor the charge of his lordship's corruption, &c. in writing, and required his lordship's answer, who said he would return the lords an answer. Memorandum, that the Lord Chief Justice received a letter from the Lord Chancellor, directed thus: "Unto Sir James Ley, Knight, Lord Chief Justice of the King's Bench, and supplying the place of the Lord Chancellor in parliament by commission." Of which letter the lords would take no notice, because it was directed to the Lord Chief Justice, and not to the house.

And the Earl of Southampton moved, that the house be not concluded with this answer returned from the Lord Chancellor, viz. that he will return answer with speed, but to require and receive a direct answer from his own mouth. And it was much argued amongst the lords, in what manner this shall be done, whether here at the bar, or no; for the freer discussing whereof, the house was adjourned *ad libitum*.

Their lordships being resolved thereof, the Lord Chief Justice returned to the place of the Lord Chancellor; and then their lordships agreed to send a message unto the Lord Chancellor to this effect, by Mr. Baron Denham and Mr. Attorney General, viz. The lords have received a doubtful answer unto the message their lordships sent him yesterday; and therefore they now send to him again, to

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know of his lordship, directly and presently, whether his lordship will make his confession, or stand upon his defence.

Answer returned by the said messengers: The Lord Chancellor will make no manner of defence to the charge; but meaneth to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission. But humbly craves liberty, that where the charge is more full than he finds the truth of the fact, he may make declaration of the truth in such particulars, the charge being brief, and containing not all circumstances.

The lords sent the same messengers back again unto the Lord Chancellor, to let his lordship know, that their lordships had granted him time until Monday next, the thirtieth of this April, ten in the morning, to send such confession and submission as his lordship intends to make.

The Lord Treasurer made report of the conference yesterday with the Commons, touching Sir John Bennett; the effect whereof was, that whereas the said Sir John Bennett, Knight, Judge of the Prerogative Court of Canterbury, being directed by the law both what to do, and what fees to take, he did both contrary to the law, exacting extreme and great fees, and much bribery; some complaints against him were opened, with a request of the Commons, that they might send up more against him hereafter, if any came unto them.

26th April.

Answer returned this day, from the Lord Chancellor, by Mr. Baron Denham and Mr. Attorney General: That yesterday they signified unto the Lord Chancellor, that the lords have (at his lordship's request) granted him Monday next to send such confession and submission as he intends to make. Unto which the Lord Chancellor answered, "He will do it."

30th April.

The Lord Chief Justice signified unto the lords, that he received a letter from the Lord Chancellor, the which was read, viz.

"It may please your Lordships,—Whereas I received this morning your lordship's order for a writ of summons to parliament to the now Earl of Hertford, so it is, that upon Thursday night late, I received an absolute commandment, under his majesty's royal signature, to stay the writ until I receive his majesty's further pleasure therein; with a clause, warranting me to give knowledge of this his majesty's commandment, if such a writ were required.

"Your Lordship's humble servant, FR. ST. ALBAN, Canc.

"York House, 26th April, 1621."

Directed "To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled."

The Lord Chief Justice also signified, that he had received from the Lord Chancellor a paper roll, sealed up, which was delivered to the clerk; and being opened, and found directed to their lordships, it was also read, which follows, *in hæc verba*:

"To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled.

"The Confession and humble Submission of me, the Lord Chancellor.

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess, that I am guilty of corruption, and do renounce all defence, and put myself upon the grace and mercy of your lordships.

"The particulars I confess and declare to be as followeth:

"1. To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do confess and declare, that upon a reference from his majesty, of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both

parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made, which is mentioned in the article.

" 2. To the second article of the charge, viz. in the same cause, he received from Edward Egerton four hundred pounds: I confess and declare, that, soon after my first coming to the seal (being a time when I was presented by many), the four hundred pounds mentioned in the charge was delivered unto me in a purse, and I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect to favours to come.

" 3. To the third article of the charge, viz. in the cause between Hodie and Hodye, he received a dozen of buttons, of the value of fifty pounds, about a fortnight after the cause was ended: I confess and declare, that, as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance), there were gold buttons about the value of fifty pounds, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

" 4. To the fourth article of the charge, viz. in the cause between the Lady Wharton and the co-heirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds: I confess and declare, that I received of the Lady Wharton, at two several times (as I remember) in gold, two hundred pounds and an hundred pieces, and this was certainly *pendente lite*; but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register, in entering some orders, which afterwards I did distaste.

" 5. To the fifth article of the charge, viz. in Sir Thomas Moncke's cause, he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit was ended: I confess it to be true, that I received an hundred pieces; but it was long after the suit ended, as is contained in the charge.

" 6. To the sixth article of the charge, viz. in the cause between Sir John Treavor and Ascue, he received, on the part of Sir John Treavor, an hundred pounds: I confess and declare, that I received at New Year's-tide an hundred pounds from Sir John Treavor; and because it came as a New Year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite*.

" 7. To the seventh article of the charge, viz. in the cause between Holman and Yonge, he received of Yonge an hundred pounds, after the decree made for him: I confess and declare, that, as I remember, a good while after the cause ended, I received an hundred pounds, either by Mr. Tobye Mathew, or from Yonge himself; but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy.

" 8. To the eighth article of the charge, viz. in the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute: I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house; as some others that were no way suitors did present me the like about that time.

" 9. To the ninth article of the charge, viz. in the cause between Kennedy and Vanlore, he received a rich cabinet from Kennedy, prized at eight hundred

pounds: I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not; and some year and an half after, as I remember, Sir John Kenneday having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney, that it might be delivered to him, for that he stood engaged for the money that Sir John Kenneday paid for it. And thereupon Sir John Kenneday wrote a letter to my servant Shereborne with his own hand, desiring that I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand; and so it remains yet ready to be returned to whom your lordships shall appoint.

" 10. To the tenth article of the charge, viz. he borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man: I confess and declare that I borrowed the money in the article set down; and that this is a true debt. And I remember well that I wrote a letter from Kew, above a twelvemonth since, to a friend about the King, wherein I desired that, whereas I owed Peter Vanlore two thousand pounds, his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

" 11. To the eleventh article of the charge, viz. he received of Richard Scott two hundred pounds, after his cause was decreed (but upon a precedent promise), all which was transacted by Mr. Shute: I confess and declare, that some fortnight after, as I remember that the decree passed, I received two hundred pounds, as from Mr. Scott, by Mr. Shute; but, for any precedent promise or transaction by Mr. Shute, certain I am I knew of none.

" 12. To the twelfth article of the charge, viz. he received in the same cause, on the part of Sir John Lentall, an hundred pounds: I confess and declare, that some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre.

" 13. To the thirteenth article of the charge, viz. he received of Mr. Wroth an hundred pounds, in respect of the cause between him and Sir Arthur Mayne-waringe: I confess and declare, that this cause, being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some month after the cause thus ended, the hundred pounds mentioned in the article was delivered to me by my servant Hunt.

" 14. To the fourteenth article of the charge, viz. he received of Sir Raphe Hansby, having a cause depending before him, five hundred pounds: I confess and declare, that there were two decrees, one, as I remember, for the inheritance, and the other for goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds were delivered me by Mr. Tobye Mathew, so as I cannot deny but it was upon the matter, *pendente lite*.

" 15. To the fifteenth article of the charge, viz. William Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, his lordship grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands: I declare, that in my conscience, by whom Compton could be no just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to intreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and, therefore,

though I were not ready to pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But, if Compton hath been damnified in my respect, I am to consider it to Compton.

" 16. To the sixteenth article of the charge, viz. in the cause between Sir William Bruncker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds: I do confess and declare, that the money was given and received; but the manner of it I leave to the witnesses.

" 17. To the seventeenth article of the charge, viz. in the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause: I confess and declare, there was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed; but I cannot say it was ended, for there have been many orders since, caused by Sir Francis Englefield's contempts; and I do remember that, when Thelwall brought the money, he said, that my lord would be further thankful if he could once get his quiet; to which speech I gave little regard.

" 18. To the eighteenth article of the charge, viz. in the cause of Mr. Dunch, he received of Mr. Dunch two hundred pounds: I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time.

" 19. To the nineteenth article of the charge, viz. in the cause between Reynell and Peacock, he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds: I confess and declare, that, at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds, from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly *pendente lite*; and, though it were at New year's-tide, yet it was too great a value for a New year's gift, though, as I take it, nothing near the value mentioned in the article.

" 20. To the twentieth article of the charge, viz. he took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment: I confess and declare, that I received of Mr. Peacock an hundred pounds at Dorset House, at my first coming to the seal, as a present; at which time no suit was begun; and that, the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour, at St. Albans, to use his means with Mr. Peacock (who was accounted a monied man), for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more, which Mr. Rolf procured, and told me, at both times, that it should be without interest, script, or note; and that I should take my own time for payment of it.

" 21. To the one and twentieth article of the charge, viz. in the cause between Smithwick and Wyche, he received from Smithwicke two hundred pounds, which was repaid: I confess and declare, that my servant Hunt did, upon his accmpt, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick, which after that I had understood the nature of it, I ordered him to repay it, and to default it of his accmpt.

" 22. To the two and twentieth article of the charge, viz. in the cause of Sir Henry Ruswell, he received money from Ruswell; but it is not certain how much: I confess and declare, that I received money from my servant Hunt, as from Mr. Ruswell, in a purse; and, whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed, in which decree I was assisted by two of the judges.

" 23. To the three and twentieth article of the charge; viz. in the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds:

I confess and declare that the money mentioned in the article was received from Mr. Barker, some time after the decree passed.

" 24. To the four and twentieth article, five and twentieth, and six and twentieth articles of the charge, viz. the four and twentieth, there being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers two hundred pounds. The five and twentieth article: in the same cause, he received of the Apothecaries that stood with the Grocers, a taster of gold, worth between forty and fifty pounds, and a present of ambergrease. And the six and twentieth article: he received of the New Company of the Apothecaries that stood against the Grocers, an hundred pounds: To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord, or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented: for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to accompt to the three several companies.

" 27. To the seven and twentieth article of the charge: viz. he took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tons of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need or use, at higher rates than they were vendible: I do confess and declare, that Sir Thomas Smith did deal with me in the behalf of the French company; informing me, that the vintners, by combination, would not take off their wines at any reasonable prices. That it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travel in it; whereupon I treated between them, by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers six pounds a ton, as it was then maintained to me; and after, the merchants petitioning to the King, and his majesty recommending the business unto me, as a business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messengers' hands for a day or two some that were the more stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

" 28. To the eight and twentieth article of the charge; viz. the Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions: I confess, it was a great fault of neglect in me, that I looked no better to my servants.

" This declaration I have made to your lordships with a sincere mind; humbly craving, that if there should be any mistaking, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth, or palliate any thing: for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

" For extenuation, I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the apostle saith, that covetousness is the root of all evil. I hope also, And that your lordships do the rather find me in the state of grace; for that, in all these particulars, there are few or none that are not almost two years old, whereas those that have an habit of corruption do commonly wax worse and

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worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

"And so, fearing I have troubled your lordships too long, I shall conclude with an humble suit unto you, that if your lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixed with mercy; and not only so, but that you would be noble intercessors for me to his majesty likewise, for his grace and favour.

"Your Lordships' humble servant and suppliant,
"FR. ST. ALBAN, Canc."

This confession and submission being read, it was agreed that the lords here under named do go unto the Lord Chancellor, and shew him the said confession; to tell him, that the lords do conceive it to be an ingenuous and full confession; and to demand of him, whether it be his own hand that is subscribed to the same, and whether he will stand unto it or no, viz.

L. Chamberlain.	L. Bp. of Winton.	L. Sheffield.
E. of Arundel.	L. Bp. of Co. and Lich.	L. North.
E. of Southampton.	L. Wentworth.	L. Chandois.
L. Bp. of Duresme.	L. Cromwell.	L. Hunsdon.

Their lordships being returned, reported, that they shewed the said confession unto the Lord Chancellor, and told him, that your lordships do conceive the same to be ingenuous and full, and demanded of his lordship whether it were his hand that is subscribed thereunto; who answered, "My lords, it is my act, my hand, my heart. I beseech your lordships, be merciful unto a broken reed." Which being reported to the house, it was agreed by the house, to move his majesty to sequester the seal; and that the lords intreated the Prince his highness, that he would be pleased to move the King's majesty therein; whereunto his highness condescended; and the same lords that went to take the acknowledgment of the Lord Chancellor's hand were appointed to attend the Prince to the King, with some other lords added.

The Prince his highness reported unto the lords, that according to the request made unto him this morning by the house, himself, accompanied with the lords appointed to attend his highness, did move the King's majesty to sequester the great seal from the Lord Chancellor, whereunto his majesty most willingly yielded, and said he would have done it, if he had not been moved therein.

2nd May.

Die Mercurii, videlicet, 2^o die Maii, post meridiem, Domini tam spirituales quam temporales, quorum nomina subscribuntur, presentes fuerunt.

The prince his highness presented their lordships' suit to his majesty, that he would be pleased, as the case stood, to command the seal from the Lord Chancellor. That yesterday his lordship, the Lord Steward, the Lord Chamberlain, and the Earl of Arundel, at the King's command, went to the Lord Chancellor, and received from him the great seal, and delivered the same unto his majesty; who, by commission, hath committed the same to the keeping of them, the Lord Treasurer, Lord Steward, Lord Chamberlain, and the Earl of Arundel.

Agreed, to proceed to sentence the Lord Chancellor to-morrow morning; wherefore the gentleman usher and the serjeant at arms, attendants on this house were commanded to go and summon him the Lord Chancellor to appear here in person to-morrow morning, by nine of the clock; and the serjeant was commanded to take his mace with him, and to shew it unto his lordship at the said summons.

See Blackburn, page 143, for the account of the attendance of the commissioners upon the Chancellor to receive the great seal.

To the King's most excellent Majesty.

It may please your Majesty,—It hath pleased God, for these three days past, to visit me with such extremity of headach, upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation; and then the little physic that I have told me that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever and sudden death; which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care of my business, and therein prostrate myself again, by my letter, at your majesty's feet.

Your majesty can bear me witness, that at my last so comfortable access, I did not so much as move your majesty, by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the house; and, according to my own desire, your majesty left it to the sentence of the house, and it was reported by my Lord Treasurer.

But now, if not *per omnipotentiam*, as the divines speak, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the house, and that cup may pass from me, it is the utmost of my desires. This I move with the more belief, because I assure myself that if it be reformation that is sought, the very taking away the seal, upon my general submission, will be as much in example, for this four hundred years, as any further severities.

The means of this I most humbly leave unto your majesty. But surely I conceive, that your majesty opening yourself in this kind to the lords counsellors, and a motion from the prince, after my submission, and my lord marquis using his interest with his friends in the house, may effect the sparing of a sentence, I making my humble suit to the house for that purpose, joined with the delivery up of the seal into your majesty's hands. This is my last suit that I shall make to your majesty in this business, prostrating myself at your mercy seat, after fifteen years service, wherein I have served your majesty in my poor endeavours, with an entire heart. And, as I presume to say unto your majesty, am still a virgin, for matters that concern your person or crown, and now only craving, that after eight steps of honour, I be not precipitated altogether.

But because he that hath taken bribes is apt to give bribes, I will go further, and present your majesty with bribe; for if your majesty give me peace and leisure, and God give me life, I will present you with a good history of England and a better digest of your laws. And so concluding with my prayers, I rest
FR. ST. ALBAN.

2nd May, 1621.

[From the Tract.]

Jovis, 3 Maii, 1621.—A message from the Lords, that they were ready to pronounce sentence against the late Lord Chancellor, if it please the house, with the Speaker, to come and demand judgment.

So the house went up, and the Speaker demanded judgment.

The Lord Chief Justice being Speaker in the higher house) said, that the Lords had duly considered of the complaints presented by the Commons against the Lord Verulam, Viscount St. Albans, late Lord Chancellor, and have found him guilty, as well by oath of witnesses, as by his own confession, of those and many other corruptions, for which they have sent for him to come and answer; and upon his sincere protestation of sickness, we admitting his excuse of absence, have yet notwithstanding proceeded to his judgment, viz. That he be fined 40,000*l.* to be imprisoned in the Tower during the King's pleasure, made incapable to bear office in the commonwealth, never to sit in parliament, nor to come within the verge, which is within twelve miles of the court.

The humble Submission and Supplication of the Lord Chancellor Bacon to
the House of Lords.

May it please your Lordships,—I shall humbly crave at your hands a benign interpretation of that which I shall now write; for words that come from wasted spirits and oppressed minds are more safe in being deposited to a noble construction, than being circled with any reserved caution.

This being moved (and, as I hope, obtained of your lordships) as a protection to all that I shall say, I shall go on; but with a very strange entrance, as may seem to your lordships, at first; for, in the midst of a state of as great affliction as, I think, a mortal man can endure (honour being above life); I shall begin with the professing of gladness in some things.

The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection to him against guiltiness, which is the beginning of a golden work.

The next, that after this example, it is like that judges will fly from any thing in the likeness of corruption (though it were at a great distance) as from a serpent; which tends to the purging of the courts of justice, and reducing them to their true honour and splendour. And in these two points (God is my witness) though it be my fortune to be the anvil upon which these two effects are broken and wrought, I take no small comfort. But to pass from the motions of my heart (whereof God is my judge) to the merits of my cause, whereof your lordships are judges, under God and his lieutenant; I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only justification, instead of all others, out of the justification of Job. For after the clear submission and confession which I shall now make unto your lordships, I hope I may say, and justify with Job, in these words, I have not hid my sin, as did Adam, nor concealed my faults in my bosom. This is the only justification which I will use.

It resteth, therefore, that without fig-leaves, I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert my defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling these particulars, which I think might fall off. *Quid te exempta juvat spinis de pluribus una?* Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruple touching the credits of the witnesses; neither will I represent to your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time and manner of the guilt, or the like circumstances; but only leave these things to spring out of your more noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

And now I have spoken to your lordships as judges, I shall say a few words unto you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

Your lordships are not simply judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if you be not tied by ordinary course of courts or precedents, in points of strictness and severity much less in points of mercy and mitigation: and yet, if any thing which I shall move might be contrary to your honourable and worthy end (the introducing a reformation), I should not seek it. But herein I beseech your lordships to give me leave to tell you a story.

Titus Manlius took his son's life for giving battle against the prohibition of his general: not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, was, by the intercession of some particular persons of the senate, spared; whereupon Livy maketh this grave and gracious observation, *Neque*

minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii. The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius. And the same reason is in the reformation of justice; for the questioning of men in eminent places hath the same terror, though not the same rigour with the punishment. But my cause stays not there; for my humble desire is, that his majesty would take the seal into his hands, which is a great downfall, and may serve, I hope, in itself for an expiation of my faults.

Therefore, if mercy and mitigation be in your lordships' power, and no way cross your ends, why should I not hope of your favour and commiseration? Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness; and your lordships will remember, there sate not these hundred years before a prince in your house, and never such a prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice. Yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of him that would not break the bruised reed, nor quench the smoking flax. You all sit upon a high stage, and therefore cannot but be sensible of the change of human conditions, and of the fall of any from high place.

Neither will your lordships forget that there are *vitia temporis*, as well as *vitia hominis*, and the beginning of reformation hath the contrary power to the pool of Bethesda; for that had strength to cure him only that was first cast in, and this hath strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightning before the death of them, but rather a spark of that grace, which now in the conclusion will more appear: and therefore my humble suit to your lordships is, that my penitent submission may be my sentence, the loss of the seal my punishment, and that your lordships would recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be among you.

[From the Journals.]

Die Jovis, videlicet, 3^o die Maii, Domini tam spirituales quam temporales, quorum nomina subscribuntur, presentes fuerunt :

p. Carolus Princeps Walliæ, etc.

p. Archiepus. Cant.

p. Jac. Ley, Miles et Bar. Ds.

p. Archiepus. Eborum.

Capit. Justic. Locum tenens.

The gentleman usher and the serjeant at arms attending this house reported, that (according to the appointment of their lordships yesterday) they repaired last night unto the Lord Chancellor, whom they found sick in bed; and they signified unto him their lordships' pleasure; and said they were sent to summon him to appear here before their lordships this morning, by nine of the clock; who answered, that he is sick, and protested he feigned not this for an excuse; for, if he had been well, he would willingly have come.

The lords resolved to proceed notwithstanding against the Lord Chancellor; and the King's Attorney having read the charge and confession, it was put to the question whether the Lord Chancellor be guilty of the matters wherewith he is charged or no; and it was agreed by all, *nemine dissentiente*, that he was thereof guilty.

And, to the end the lords might the more freely dispute and resolve what sentence to pass upon the Lord Chancellor for his said offences, the court was adjourned *ad libitum*.

The house being resumed, and the Lord Chief Justice returned to his place, it was put to the question, whether the Lord Viscount St. Alban (Lord Chan-

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cellor) shall be suspended of all his titles of nobility during his life, or no; and it was agreed *per plures*, that he should not be suspended thereof.

The lords having agreed upon the sentence to be given against the Lord Chancellor, did send a message to the House of Commons, by Mr. Serjeant Crewe and Mr. Serjeant Hitcham, that the lords are ready to give judgment against the Lord Viscount St. Alban, Lord Chancellor, if they, with their Speaker, will come to demand it.

In the mean time the lords put on their robes; and answer being returned of this message, and the Commons come, the Speaker came to the bar, and making three low obeisances, said, "The knights, citizens, and burgesses of the Commons' house of parliament have made complaint unto your lordships of many exorbitant offences of bribery and corruption committed by the Lord Chancellor. We understand that your lordships are ready to give judgment upon him for the same. Wherefore I, their Speaker, in their name, do humbly demand and pray judgment against him the Lord Chancellor, as the nature of his offence and demerits do require."

The Lord Chief Justice answered: "Mr. Speaker, upon the complaint of the Commons, against the Lord Viscount St. Alban, Lord Chancellor, this high court hath thereby, and by his own confession, found him guilty of the crimes and corruptions complained of by the Commons, and of sundry other crimes and corruptions of like nature.

"And therefore this high court, having first summoned him to attend, and having received his excuse of not attending, by reason of infirmity and sickness, which he protested was not feigned, or else he would most willingly have attended, doth nevertheless think fit to proceed to judgment; and therefore this high court doth adjudge:

"1. That the Lord Viscount St. Alban, Lord Chancellor of England, shall undergo fine and ransom of forty thousand pounds.

"2. That he shall be imprisoned in the Tower during the King's pleasure.

"3. That he shall for ever be incapable of any office, place, or employment in the state or commonwealth.

"4. That he shall never sit in parliament, nor come within the verge of the court.

"This is the judgment and resolution of this high court."

The Prince his highness was entreated by the house, that accompanied with divers of the lords of this house, he would be pleased to present this sentence given against the Lord Chancellor unto his majesty. His highness was pleased to yield unto this request.

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