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Sir Matthew Hale Kt.

Published June 1st 1804. By W. Bayne 54 Darnley Row.

THE
LIFE AND DEATH
OF
SIR MATTHEW HALE, Kt.
LORD CHIEF JUSTICE
OF
England.

WRITTEN BY
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TO THIS NEW EDITION ARE ADDED,
*Richard Baxter's Additional Notes to
the Life of Sir Matthew Hale,*

AND ALSO BY
SIR MATTHEW HALE,
SOME
Thoughts on the Nature of True Religion.

LONDON:
Printed by W. Nicholson, Warner-street,
FOR W. BAYNES, 54, PATERNOSTER-ROW.
1805.

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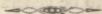
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PREFACE.



No part of history is more instructive and delighting, than the lives of great and worthy men: The shortness of them invites many readers, and there are such little and yet remarkable passages in them, too inconsiderable to be put in a general history of the age in which they lived; that all people are very desirous to know them. This makes Plutarch's Lives be more generally read, than any of all the books which the ancient Greeks or Romans writ.

But the lives of heroes and princes, are commonly filled with the account of the great things done by them, which do rather belong to a general than a particular history; and do rather amuse the readers fancy with a splendid shew of greatness, than offer him what is really so useful to himself; and indeed the lives of princes are either writ with so much flattery, by those who intended to merit by it at their own hands, or others concerned in them; or with so much spite, by those who being

ill used by them, have revenged themselves on their memory, that there is not much to be built on them: and though the ill nature of many makes what is satirically writ, to be generally more read and believed, than when the flattery is visible and course; yet certainly resentment may make the writer corrupt the truth of history, as much as interest: And since all men have their blind sides, and commit errors, he that will industriously lay these together, leaving out, or but slightly touching what should be set against them, to balance them, may make a very good man appear in very bad colours: So upon the whole matter, there is not that reason to expect either much truth, or great instruction, from what is written concerning heroes or princes; for few have been able to imitate the patterns Suetonius set the world in writing the lives of the Roman emperors, with the same freedom that they had led them: But the lives of private men, though they seldom entertain the reader with such a variety of passages as the other do; yet certainly they offer him things that are more imitable, and do present wisdom and virtue to him, not only in a fair idea, which is often looked on as a piece of the invention or fancy

of the writer, but in such plain and familiar instances, as do both direct him better, and persuade him more; and there are not such temptations to bias those who writ them, so that we may generally depend more on the truth of such relations as are given in them.

In the age in which we live, religion and virtue have been proposed and defended with such advantages, with that great force of reason, and those persuasions, that they can hardly be matched in former times; yet after all this, there are but few much wrought on by them, which perhaps flows from this, among other reasons, that there are not so many excellent patterns set out, as might both in a shorter, and more effectual manner recommend that to the world, which discourses do but coldly; the wit and stile of the writer being more considered than the argument which they handle, and therefore the proposing virtue and religion in such a model, may perhaps operate more than the perspective of it can do; and for the history of learning, nothing does so preserve and improve it, as the writing the lives of those who have been eminent in it.

There is no book the ancients have left us, which might have informed us more

than Diogenes Lærtius his lives of the philosophers; if he had had the art of writing equal to that great subject which he undertook; for if he had given the world such an account of them, as Gassendus has done of Peiresk, how great a stock of knowledge might we have had, which by his unskilfulness is in a great measure lost? Since we must now depend only on him, because we have no other, or better author, that has written on that argument.

For many ages there were no lives writ but by Monks, through whose writings there runs such an incurable humour, of telling incredible and inimitable passages, that little in them can be believed or proposed as a pattern: Sulpitius Severus and Jerom shewed too much credulity in the lives they writ, and raised Martin and Hilariion beyond what can be reasonably believed: after them Socrates, Theodoret, Sozomen and Palladius took a pleasure to tell uncouth stories of the Monks of Thebais; and Nitria: and those who came after them, scorned to fall short of them, but raised their saints above those of former ages; so that one would have thought that undecent way of writing could rise no higher; and this humour infected even

those who had otherwise a good sense of things, and a just apprehension of mankind, as may appear in Matthew Paris, who though he was a writer of great judgment and fidelity, yet he has corrupted his history with much of that alloy: But when emulation and envy rose among the several orders or houses, then they improved in that art of making romances, instead of writing lives, to that pitch, that the world became generally much scandalized with them: The Franciscans and Dominicans tried who could say the most extravagant things of the founders, or other saints of their orders, and the Benedictines; who thought themselves, possessed of the belief of the world, as well as of its wealth, endeavoured all that was possible still to keep up the dignity of their order, by outlying the others all they could; and whereas here or there, a miracle, a vision or trance, might have occurred in the lives of former saints; now every page was full of those wonderful things.

Nor has the humour of writing in such a manner, been quite laid down in this age, though more awakened and better enlightened, as appears in the life of Philip Neri, and a great many more: And the

Jesuits at Antwerp, are now taking care to load the world with a vast and voluminous collection of all those lives, that has already swelled to eleven volumes in folio, in a small print, and yet being digested according to the kalendar, they have yet but ended the month of April: The life of Monsieur Renty is writ in another manner, where there are so many excellent passages, that he is justly to be reckoned amongst the greatest patterns that France has afforded in this age.

But while some have nourished infidelity, and a scorn of all sacred things, by writing of those good men in such a strain, as makes not only what is so related to be disbelieved, but creates a distrust of the authentical writings of our most holy faith; others have fallen into another extreme in writing lives too jejumely, swelling them up with trifling accounts of the childhood and education, and the domestic or private affairs of those persons of whom they write, in which the world is little concerned: by these they become so flat, that few care to read them, for certainly those transactions are only fit to be delivered to posterity, that may carry with them some useful piece of knowledge to after-times.

I have now an argument before me,

which will afford indeed only a short history, but will contain in it as great a character, as perhaps can be given of any in this age; since there are few instances of more knowledge and greater virtues meeting in one person. I am upon one account (beside many more) unfit to undertake it, because I was not at all known to him, so I can say nothing from my own observation; but upon second thoughts I do not know whether this may not qualify me to write more impartially, though perhaps more defectively; for the knowledge of extraordinary persons does most commonly bias those, who were much wrought on by the tenderness of their friendship, for them, to raise their stile a little too high when they write concerning them: I confess I knew him as much as the looking often upon him could amount to. The last year of his being in London, he came always on Sundays, (when he could go abroad) to the chapel of the Rolls, where I then preached: In my life I never saw so much gravity tempered with that sweetness, and set off so much vivacity as appeared in his looks and behaviour, which disposed me to a veneration for him, which I never had for any, with whom I was not acquainted: I was seeking an opportunity

of being admitted to his conversation ; but I understood that between a great want of health, and a multiplicity of business, which his employment brought upon him, he was master of so little of his time, that I stood in doubt whether I might presume to rob him of any of it, and so he left the town, before I could resolve on desiring to be known to him.

My ignorance of the law of England, made me also unfit to write of a man, a great part of whose character, as to his learning, is to be taken from his skill in the common law, and his performances in that. But I shall leave that to those of the same robe : Since if I engaged much in it, I must needs commit many errors, writing of a subject that is foreign to me.

The occasion of my undertaking this, was given me first by the earnest desires of some that have great power over me, who having been much obliged by him, and holding his memory in high estimation, thought I might do it some right by writing his life ; I was then engaged in the history of the Reformation, so I promised that as soon as that was over, I should make the best use I could of such informations and memorials as should be brought me.

This I have now performed in the best manner I could, and have brought into method all the parcels of his life, or the branches of his character, which I could either gather from the informations that were familiarly acquainted with him, or from his writings : I have not applied any of the false colours with which art, or some forced eloquence might furnish me in writing concerning him ; but have endeavour'd to set him out in the same simplicity in which he lived : I have said little of his domestic concerns, since though in these he was a great example, yet it signifies nothing to the world to know any particular exercises, that might be given to his patience ; and therefore I shall draw a veil over all these, and shall avoid saying any thing of him, but what may afford the reader some profitable instruction : I am under no temptations of saying any thing but what I am persuaded is exactly true, for where there is so much excellent truth to be told it were an inexcusable fault to corrupt that, or prejudice the reader against it by the mixture of falsehoods with it.

In short as he was a great example while he lived, so I wish the setting him thus out to posterity, in his own true and native co-

hours, may have its due influence on all persons; but more particularly on those of that profession, whom it more immediately concerns, whether on the bench or at the bar.

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MATTHEW HALE was born at Alderly in Gloucestershire, the first of *November*, 1609. His grandfather was Robert Hale, an eminent clothier in Wotton-under-edge, in that country, where he and his ancestors had lived for many descents; and they had given several parcels of land for the use of the poor, which are enjoyed by them to this day. This Robert acquired an estate of ten thousand pound, which he divided almost equally amongst his five sons, besides the portions he gave his daughters, from whom a numerous posterity has sprung. His second son was Robert Hale, a barrister of Lincolns-Inn; he married Joan, the daughter of Matthew Poyntz, of Alderly esquire, who was descended from that noble family of the Poyntz's of Acton: Of this marriage

there was no other issue but this one son. His grandfather by his mother was his godfather, and gave him his own name at his baptism. His father was a man of that strictness of conscience, that he gave over the practise of the law, because he could not understand the reason of giving colour in pleadings, which as he thought was to tell a lie; and that, with some other things commonly practised, seemed to him contrary to that exactness of truth and justice which became a Christian; so that he withdrew himself from the Inns of court, to live on his estate in the country. Of this I was informed by an ancient gentleman, that lived in a friendship with his son for fifty years, and he heard judge Jones, that was Mr. Hales's contemporary, declare this in the kings-bench. But as the care he had to save his soul, made him abandon a profession in which he might have raised his family much higher; so his charity to his poor neighbours, made him not only deal his alms largely among them while he lived, but at his death he left (out of his small estate, which was but 100 *l.* a year) 20 *l.* a year to the poor of Wotton, which his son confirmed to them with some addition, and with this regulation, that it should be distributed among such poor house-keepers as did not receive the alms of the parish; for to give it to those, was only as he used to say, to save so much money to the rich, who by law were bound to relieve the poor of the parish.

Thus he was descended rather from a good than a noble family, and yet what was wanting in the insignificant titles of high birth, and noble blood, was more than made up in the true worth

of his ancestors. But he was soon deprived of the happiness of his father's care and instruction, for as he lost his mother before he was three years old, so his father died before he was five; so early was he cast on the providence of God. But that unhappiness was in a great measure made up to him: For after some opposition made by Mr. Thomas Poyntz, his uncle by his mother, he was committed to the care of Anthony Kingfcot, of Kingfcot esquire, who was his next kinsman, after his uncles, by his mother.

Great care was taken of his education, and his guardian intended to breed him to be a divine; and being inclined to the way of those then called Puritans, put him to some schools that were taught by those of that party, and in the 17th year of his age, sent him to Magdalen-hall in Oxford, where Obadiah Sedgwick was his tutor. He was an extraordinary proficient at school, and for some time at Oxford. But the stage-players coming thither, he was so much corrupted by seeing many plays, that he almost wholly forsook his studies. By this he not only lost much time, but found that his head came to be thereby filled with such vain images of things, that they were at best unprofitable, if not hurtful to him; and being afterwards sensible of the mischief of this, he resolved upon his coming to London, (where he knew the opportunities of such sights would be more frequent and inviting) never to see a play again, to which he constantly adhered.

The corruption of a young man's mind in one particular, generally draws on a great many more after it, so he being now taken off from following

his studies, and from the gravity of his deportment, that was formerly eminent in him, far beyond his years, set himself to many of the vanities incident to youth, but still preserved his purity, and a great probity of mind. He loved fine cloaths, and delighted much in company; and being of a strong robust body, he was a great master at all those exercises that required much strength. He also learned to fence, and handle his weapons, in which he became so expert, that he worsted many of the masters of those arts: but as he was exercising himself in them, an instance appeared that shewed a good judgment, and gave some hopes of better things. One of his masters told him he could teach him no more, for he was now better at his own trade than himself was. This Mr. Hale looked on as flattery; so to make the master discover himself, he promised him the house he lived in, for he was his tenant, if he could hit him a blow on the head, and bade him do his best, for he would be as good as his word: so after a little engagement, his master being really superior to him, hit him on the head, and he performed his promise, for he gave him the house freely; and was not unwilling at that rate to learn so early, to distinguish flattery from plain and simple truth.

He was now so taken up with martial matters, that instead of going on in his design of being a scholar, or a divine, he resolved to be a soldier: and his tutor Sedgwick going into the Low Countries, chaplain to the renowned lord Vere, he resolved to go along with him, and to trail a pike in the Prince of Orange's army; but a happy stop was put to this resolution, which might have

proved so fatal to himself, and have deprived the age of the great example he gave, and the useful services he afterwards did his country. He was engaged in a suit of law with Sir Will. Whitmore, who laid claim to some part of his estate, and his guardian being a man of a retired temper, and not made for business, he was forced to leave the university, after he had been three years in it, and go to London to sollicite his own business. Being recommended to serjeant Glanvill for his counsellor, and he observing in him a clear apprehension of things, and a solid judgment, and a great fitness for the study of the law, took pains upon him to persuade him to forsake his thoughts of being a soldier, and to apply himself to the study of the law: and this had so good an effect on him, that on the 8th of Novemb. 1629. when he was past the 20th year of his age, he was admitted into Lincolns-Inn: and being then deeply sensible how much time he had lost, and that idle and vain things had over-run and almost corrupted his mind, he resolved to redeem the time he had lost, and followed his studies with a diligence that could scarce be believed, if the signal effects of it did not gain it credit. He studied for many years at the rate of 16 hours a day: he threw aside all fine clothes, and betook himself to a plain fashion, which he continued to use in many points to his dying day.

But since the honour of reclaiming him from the idleness of his former course of life, is due to the memory of that eminent lawyer serj. Glanvill, and since my design in writing is to propose a pattern of heroic virtue to the world, I shall mention

one passage of the serjeant which out never to be forgotten. His father had a fair estate, which he intended to settle on his elder brother, but he being a vicious young man, and there appearing no hopes of his recovery, he settled it on him, that was his second son. Upon his death, his eldest son finding that what he had before looked on, as the threatnings of an angry father, was now but too certain, became melancholy, and that by degrees wrought so great a change on him, that what his father could not prevail in while he lived, was now effected by the severity of his last will, so that it was now too late for him to change in hopes of an estate that was gone from him. But his brother observing the reality of the change, resolved within himself what to do: so he called him, with many of his friends together to a feast, and after other dishes had been served up to the dinner, he ordered one that was covered to be set before his brother, and desired him to uncover it; which he doing, the company was surprized to find it full of writings. So he told them that he was now to do, what he was sure his father would have done, if he had lived to see that happy change, which they now all saw in his brother: and therefore he freely restored to him the whole estate. This is so great an instance of a generous and just disposition, that I hope the reader will easily pardon this digression, and that the rather, since that worthy serjeant was so instrumental in the happy change that followed in the course of Mr Hale's life.

Yet he did not at first break off from keeping too much company with some vain people, till a

bad accident drove him from it ; for he with some other young students, being invited to be merry out of town, one of the company called for so much wine, that notwithstanding all that Mr Hale could do to prevent it, he went on in his excess till he fell down as dead before them, so that all that were present, were not a little affrighted at it, who did what they could to bring him to himself again : This did particularly affect Mr Hale, who thereupon went into another room; and shutting the door, fell on his knees, and prayed earnestly to God, both for his friend, that he might be restored to life again ; and that himself might be forgiven for giving such countenance to so much excess : and he vowed to God, that he would never again keep company in that manner, nor drink a health while he lived : his friend recovered, and he most religiously observed his vow, till his dying day. And though he was afterwards prest to drink healths, particularly the king's, which was set up by too many as a distinguishing mark of loyalty, and drew many into great excess after his majesty's happy restoration ; but he would never dispense with his vow, though he was sometimes roughly treated for this, which some hot and indiscreet men called obstinacy.

This wrought an entire change on him : now he forsook all vain company, and divided himself between the duties of religion, and the studies of his profession : in the former he was so regular, that for six and thirty years time, he never once failed going to church on the Lord's day ; this observation he made when an ague first interrupted that constant course, and he reflected on it, as an

acknowledgement of God's great goodness to him, in so long a continuance of his health.

He took a strict account of his time, of which the reader will best judge, by the scheme he drew for a diary which I shall insert copied from the original, but I am not certain when he made it; it is set down in the same simplicity in which he writ it for his own private use.

MORNING.

- I. To lift up the heart to God in thankfulness for renewing my life.
- II. To renew my covenant with God in Christ.
 1. By renewing acts of faith receiving Christ, and rejoicing in the height of that relation.
 2. Resolution of being one of his people doing him allegiance.
- III. Adoration and prayer.
- IV. Setting a watch over my own infirmities and passions, over the snares laid in our way. *Perimus licitis.*

Day Employment.

There must be an employment, two kinds.

- I. Our ordinary calling, to serve God in it. *It is a service to Christ though never so mean, Colos. 3.* Here faithfulness, diligence, chearfulness. Not to overlay myself with more business than I can bear.
- II. Our spiritual employments: Mingle somewhat of God's immediate service in this day.

Refreshments.

- I. Meat and drink, moderation seasoned with somewhat of God.
- II. Recreation. 1. Not our business. 2. Suitable. No games, if given to covetousness or passion.

If alone.

- I. Beware of wandering vain lustful thoughts; fly from thyself rather than entertain these.
- II. Let thy solitary thoughts be profitable, view the evidences of thy salvation, the state of thy soul, the coming of Christ, thy own mortality, it will make thee humble and watchful.

Company.

Do good to them. Use God's name reverently. Beware of leaving an ill impression of ill example. Receive good from them, if more knowing.

Evening.

Cast up the accounts of the day. If ought amiss, beg pardon. Gather resolution of more vigilance. If well, bless the mercy and grace of God that hath supported thee.

These notes have an imperfection in the wording of them, which shews they were only intended for his privacies. No wonder a man who set

such rules to himself, became quickly very eminent and remarkable.

Noy the Attorney General, being then one of the greatest men of the profession, took early notice of him, and called often for him, and directed him in his study, and grew to have such friendship for him, that he came to be called *young Noy*. He passing from the extreme of vanity in his apparel, to that of neglecting himself too much, was once taken when there was a press for the king's service, as a fit person for it; for he was a strong and well-built man: But some that knew him coming by, and giving notice who he was, the press-men let him go. This made him return to more decency in his clothes, but never to any superfluity or vanity in them.

Once as he was buying some cloth for a new suit, the draper with whom he differed about the price, told him he should have it for nothing, if he would promise him an hundred pounds when he came to be Lord Chief Justice of England; to which he answered, that he could not with a good conscience wear any man's cloth, unless he paid for it; so he satisfied the draper, and carried away the cloth. Yet that same draper lived to see him advanced to that same dignity.

While he was thus improving himself in the study of the law, he not only kept the hours of the Hall constantly in term-time, but seldom put himself out of commons in vacation-time, and continued then to follow his studies with an unwearied diligence, and not being satisfied with the books writ about it, or to take things upon trust, was very diligent in searching all records: Then

did he make divers collections out of the books he had read, and mixing them with his own observations, digested them into a common-place book; which he did with so much industry and judgment, that an eminent Judge of the king's-bench, borrowed it of him when he was Lord Chief Baron: He unwillingly lent it, because it had been writ by him before he was called to the bar, and had never been thoroughly revised by him since that time, only what alterations had been made in the law by subsequent statutes and judgments, were added by him as they had happened: But the Judge having perused it, said, that though it was composed by him so early, he did not think any lawyer in England could do it better, except he himself would again set about it.

He was soon found out by that great and learned Antiquary Mr. Selden, who though much superior to him in years, yet came to have such a liking of him, and of Mr. Vaughan, who was afterwards Lord Chief Justice of the common-pleas, that as he continued in a close friendship with them while he lived, so he left them at his death two of his four executors.

It was this acquaintance that first set Mr. Hale on a more enlarged pursuit of learning, which he had before confined to his own profession, but becoming as great a master in it, as ever any was, very soon; he who could never let any of his time go away unprofitably, found leisure to attain to as great a variety of knowledge, in as comprehensive a manner, as most men have done in any age.

He set himself much to the study of the Roman

law, and though he liked the way of judicature in England by Juries, much better than that of the civil law, where so much was trusted to the Judge; yet he often said, that the true grounds and reasons of law were so well delivered in the Digests, that a man could never understand law as a science so well, as by seeking it there, and therefore lamented much that it was so little studied in England.

He looked on readiness in arithmetic, as a thing which might be useful to him in his own employment, and acquired it to such a degree, that he would often on the sudden, and afterwards on the bench resolve very hard questions, which had puzzled the best accountants about town. He rested not here, but studied the Algebra, both Speciosa and Numerosa, and went through all the other mathematical sciences, and made a great collection of very excellent instruments, sparing no cost to have them as exact as art could make them. He was also very conversant in philosophical learning, and in all the curious experiments, and rare discoveries of this age: And had the new books written on those subjects sent him from all parts, which he both read and examined so critically, that if the principles and hypotheses which he took first up, did any way prepossess him, yet those who have differed most from him, have acknowledged, that in what he has writ concerning the Torricellian experiment, and of the rarefaction and condensation of the air, he shews as great an exactness, and as much subtilty in the reasoning he builds on them, as these principles to which he adhered could bear. But indeed it will

seem scarce credible, that a man so much employed, and of so severe a temper of mind, could find leisure to read, observe and write so much of these subjects as he did. He called them his diversions, for he often said when he was weary with the study of the law, or divinity, he used to recreate himself with philosophy or the mathematics; To these he added great skill in physic, anatomy and chirurgery: And he used to say "no man could be absolutely a master in any profession, without having some skill in other sciences;" for besides the satisfaction he had in the knowledge of these things, he made use of them often in his employment. In some examinations he would put such questions to Physicians or Chirurgeons, that they have professed the college of Physicians could not do it more exactly; by which he discovered great judgment, as well as much knowledge in these things: And in his sickness he used to argue with his doctors about his distempers, and the methods they took with them, like one of their own profession; which one of them told me he understood, as far as speculation without practice could carry him.

To this he added great searches into Ancient History, and particularly into the roughest and least delightful part of it, Chronology. He was well acquainted with the ancient Greek philosophers, but want of occasion to use it, wore out his knowledge of the Greek tongue; yet by his great conversation with Selden, he understood the most curious things in the Rabbinical learning.

But above all these, he seemed to have made the study of divinity the chief of all others, to

which he not only directed every thing else, but also arrived at that pitch in it, that those who have read, what he has written on these subjects, will think, they must have had most of his time and thoughts. It may seem extravagant, and almost incredible, that one man in no great compass of years, should have acquired such a variety of knowledge; and that in sciences that require much leisure and application. But as his parts were quick, and his apprehensions lively, his memory great, and his judgment strong; so his industry almost indefatigable. He rose always betimes in the morning, was never idle, scarce ever held any discourse about news, except with some few in whom he confided entirely. He entered into no correspondence by letters, except about necessary business, or matters of learning, and spent very little time in eating or drinking; for as he never went to public feasts, so he gave no entertainments but to the poor; for he followed our Saviour's direction (of feasting none but these) literally: And in eating and drinking, he observed not only great plainness and moderation, but lived so philosophically, that he always ended his meal with an appetite: so that he lost little time at it; (that being the only portion which he grudged himself) and was disposed to any exercise of his mind, to which he thought fit to apply himself after he had dined: by these means he gained much time, that is otherwise unprofitably wasted.

He had also an admirable equality in the temper of his mind, which disposed him for whatever studies he thought fit to turn himself to; and some very uneasy things which he lay under for

many years, did rather engage him to, than distract him from his studies.

When he was called to the bar, and began to make a figure in the world, the late unhappy wars broke out, in which it was no easy thing, for a man to preserve his integrity, and to live securely, free from great danger and trouble. He had read the Life of Pomponius Atticus, writ by Nepos, and having observed, that he had passed through a time of as much distraction, as ever was in any age or state, from the wars of Marius and Scilla, to the beginnings of Augustus' reign, without the least blemish on his reputation, and free from any considerable danger, being held in great esteem by all parties, and courted and favoured by them: he set him as a pattern to himself, and observing that besides those virtues which are necessary to all men, and at all times, there were two things that chiefly preserved Atticus; the one was, "his engaging in no faction, and meddling in no public business;" the other was, "his constant favouring and relieving those that were lowest," which was ascribed by such as prevailed to the generosity of his temper, and procured him much kindness from those on whom he had exercised his bounty, when it came to their turn to govern: he resolved to guide himself by those rules as much as was possible for him to do.

He not only avoided all public employment, but the very talking of news, and was always both favourable and charitable to those who were depressed, and was sure never to provoke any in particular, by censuring or reflecting on their ac-

tions; for many that have conversed much with him, have told me they never heard him once speak ill of any person.

He was employed in his practice by all the king's party: he was assigned counsel to the Earl of Strafford, and Arch-bishop Laud, and afterwards to the blessed King himself, when brought to the infamous pageantry of a mock-trial, and offered to plead for him with all the courage that so glorious a cause ought to have inspired him with, but was not suffered to appear, because the king refusing, as he had good reason, to submit to the court, it was pretended none could be admitted to speak for him. He was also counsel for the Duke of Hamilton, the Earl of Holland, and the Lord Capel: his plea for the former of these I have published in the memoirs of that Duke's life. Afterwards also being counsel for the Lord Craven, he pleaded with that force of argument, that the then attorney-general threatened him for appearing against the government, to whom he answered, "He was pleading in defence of those laws, which they declared they would maintain and preserve, and he was doing his duty to his client, so that he was not to be daunted with threatenings."

Upon all these occasions he had discharged himself with so much learning, fidelity, and courage, that he came to be generally employed for all that party: nor was he satisfied to appear for their just defence in the way of his profession, but he also relieved them often in their necessities, which he did in a way that was no less prudent than charitable, considering the dangers of that time: for

he did often deposit considerable sums in the hands of a worthy gentleman of the king's party, who knew their necessities well, and was to distribute his charity according to his own discretion, without either letting them know from whence it came, or giving himself any account to whom he had given it.

Cromwell seeing him possessed of so much practice, and he being one of the most eminent men of the law, who was not at all afraid of doing his duty in those critical times, resolved to take him off from it, and raise him to the bench.

Mr. Hale saw well enough the snare laid for him, and though he did not much consider the prejudice it would be to himself, to exchange the easy and safer profits he had by his practice, for a Judge's place in the Common-Pleas, which he was required to accept of; yet he did deliberate more on the lawfulness of taking a commission from usurpers; but having considered of this, he came to be of opinion, "that it being absolutely necessary to have justice and property kept up at all times, it was no sin to take a commission from usurpers, if he made no declaration of his acknowledging their authority," which he never did: he was much urged to accept of it by some eminent men of his own profession, who were of the king's party, as Sir Orlando Bridgman, and Sir Geoffery Palmer; and was also satisfied concerning the lawfulness of it, by the resolution of some famous divines, in particular Dr. Sheldon, and Dr. Henchman, who were afterwards promoted to the sees of Canterbury and London.

To these were added the importunities of all

his friends, who thought that in a time of so much danger and oppression, it might be no small security to the nation, to have a man of his integrity and abilities on the bench : and the usurpers themselves held him in that estimation, that they were glad to have him give a countenance to their courts, and by promoting one that was known to have different principles from them, affected the reputation of honouring and trusting men of eminent virtues, of what persuasion soever they might be, in relation to public matters.

But he had greater scruples concerning the proceeding against felons, and putting offenders to death by that commission, since he thought the sword of justice belonging only by right to the lawful prince, it seemed not warrantable to proceed to a capital sentence by an authority derived from usurpers ; yet at first he made distinction between common and ordinary felonies, and offences against the state ; for the last he would never meddle in them ; for he thought these might be often legal and warrantable actions, and that the putting men to death on that account was murder ; but for the ordinary felonies, he at first was of opinion that it was as necessary even in times of usurpation to execute justice in those cases, as in the matters of property : But after the king was murdered, he laid by all his collections of the pleas of the crown ; and that they might not fall into ill hands, he hid them behind the wainscotting of his study, for he said there was no more occasion to use them, till the king should be again restored to his right ; and so upon his majesty's re-

floration he took them out, and went on in his design to perfect that great work.

Yet for some time after he was made a judge, when he went the circuit, he did sit on the crown side, and judged criminals: But having considered farther of it, he came to think that it was at least better not to do it; and so after the second or third circuit, he refused to sit any more on the crown side, and told plainly the reason, for in matters of blood, he was always to chuse the safer side: And indeed he had so carried himself in some trials, that they were not unwilling he should withdraw from meddling farther in them, of which I shall give some instances.

Not long after he was made a judge, which was in the year 1653. when he went the circuit, a trial was brought before him at Lincoln, concerning the murder of one of the towns-men, who had been of the kings party, and was killed by a soldier of the garrison there. He was in the fields with a fowling piece on his shoulder, which the foldier seeing, he came to him and said, it was contrary to an order which the protector had made, that none who had been of the kings party should carry arms; and so he would have forced it from him: But as the other did not regard the order, so being stronger than the soldier, he threw him down, and having beat him, he left him. The soldier went into the town, and told one of his fellow foldiers how he had been used, and got him to go with him, and lie in wait for the man that he might be revenged on him. They both watched his coming to town, and one of them went to him to demand his gun, which he refused, the soldier

struck at him, and as they were struggling, the other came behind, and ran his sword into his body, of which he presently died. It was in the time of the assizes, so they were both tried: Against the one there was no evidence of forethought felony, so he was only found guilty of man-slaughter, and burnt on the hand; but the other was found guilty of murder: And though Colonel Whaley that commanded the garrison, came into the court and urged, that the man was killed only for disobeying the protector's orders, and that the soldier was but doing his duty; yet the judge regarded both his reasons and threatenings very little; and therefore he not only gave sentence against him, but ordered the execution to be so suddenly done, that it might not be possible to procure a reprieve, which he believed would have been obtained, if there had been time enough granted for it.

Another occasion was given him of shewing both his justice and courage, when he was in another circuit; he understood that the protector had ordered a jury to be returned for a trial in which he was more than ordinarily concerned: upon this information, he examined the Sheriff about it, who knew nothing of it, for he said he referred all such things to the under-sheriff; and having next asked the under-sheriff concerning it, he found the jury had been returned by order from Cromwell, upon which he shewed the statute, that all juries ought to be returned by the sheriff, or his lawful officer: And this not being done according to law, he dismissed the jury, and would not try the cause: Upon which the protector was highly displeased with him, and at his return from

the circuit, he told him in anger, he was not fit to be a judge, to which all the answer he made was, that it was very true.

Another thing met him in the circuit, upon which he resolved to have proceeded severely : Some Anabaptists had rushed into a church, and had disturbed a congregation, while they were receiving the sacrament, not without some violence ; at this he was highly offended, for he said it was intolerable for men, who pretended so highly to liberty of conscience, to go and disturb others ; especially those who had the encouragement of the law on their side : but these were now supported by some great magistrates and officers, that a stop was put to his proceedings ; upon which he declared, he would meddle no more with trials on the crown-side.

When Penruddock's trial was brought on, there was a special messenger sent to him requiring him to assist at it. It was in vacation time, and he was at his country-house at Alderly : he plainly refused to go, and said, the four terms, and two circuits, were enough, and the little interval that was between, was little enough for their private affairs, and so he excused himself ; he thought it was not necessary to speak more clearly, but if he had been urged to it, he would not have been afraid of doing it.

He was at that time chosen a parliament-man, (for there being then no house of Lords, judges might have been chosen to sit in the house of commons) and he went to it, on design to obstruct the mad and wicked projects then on foot, by two

parties, that had very different principles and ends.

On the one hand, some that were perhaps more sincere, yet were really brain-sick, designed they knew not what, being resolved to pull down a standing ministry, the law, and property of England, and all the ancient rules of this government; and set up in its room an indigested enthusiastical scheme, which they called the kingdom of Christ, or of his saints; many of them being really in expectation, that one day or another Christ would come down, and sit among them, and at least they thought to begin the glorious thousand years mentioned in the Revelation.

Others at the same time, taking advantages from the fears and apprehensions, that all the sober men of the nation were in, lest they should fall under the tyranny of a distracted sort of people, who to all their other ill principles added great cruelty, which they had copied from those at Munster in the former age, intended to improve that opportunity to raise their own fortunes and families. Amidst these, judge Hale steered a middle course; for as he would engage for neither side, so he with a great many more worthy men came to parliaments, more out of a design to hinder mischief, than to do much good; wisely foreseeing, that the inclinations for the royal family were daily growing so much, that in time the disorders then in agitation, would ferment to that happy resolution in which they determined in May 1660. And therefore all that could then be done, was to oppose the ill designs of both parties, the enthusiasts as well as the usurpers. Among the

other extravagant motions made in this parliament, one was, to destroy all the records in the tower, and to settle the nation in a new foundation; so he took this province to himself, to shew the madness of this proposition, the injustice of it, and the mischiefs that would follow on it, and did it with such clearness, and strength of reason, as not only satisfied all sober persons (for it may be supposed that was soon done) but stopt even the mouths of the frantic people themselves.

Thus he continued administering justice till the protector died, but then he both refused the mournings that were sent to him and his servants for the funeral, and likewise to accept of the new commission that was offered him by Richard, and when the rest of the judges urged it upon him, and employed others to press him to accept of it, he rejected all their importunities, and said he could act no longer under such authority.

He lived a private man till the parliament met, that called home the king, to which he was returned knight of the shire from the county of Gloucester. It appeared at that time how much he was beloved and esteemed in his neighbourhood; for though another who stood in competition with him, had spent near a thousand pounds to procure voices, a great sum to be employed that way in those days, and he had been at no cost, and was so far from soliciting it, that he had stood out long against those who pressed him to appear, and he did not promise to appear till three days before the election, yet he was preferred. He was brought thither almost by violence, by the lord (now earl of) Berkeley, who bore all the charge of the en-

tertainments on the day of his election, which was considerable, and had engaged all his friends and interest for him : and whereas by the writ, the knight of a shire must be *miles gladio cinctus*, and he had no sword, that noble lord girt him with his own sword during the election, but he was soon weary of it, for the embroidery of the belt did not suit well with the plainness of his clothes : and indeed the election did not hold long, for as soon as ever he came into the field, he was chosen by much the greater number, though the poll continued for three or four days.

In that parliament he bore his share, in the happy period then put to the confusions that threatened the utter ruin of the nation, which contrary to the expectation of the most sanguine, settled in so serene and quiet a manner, that those who had formerly built so much on their success, calling it an answer from heaven to their solemn appeals, to the providence of God, were now not a little confounded, to see all this turned against themselves, in an instance much more extraordinary than any of those were, upon which they had built so much. His great prudence and excellent temper led him to think, that the sooner an act of indemnity were passed, and the fuller it were of graces and favours, it would sooner settle the nation, and quiet the minds of the people ; and therefore he applied himself with a particular care to the framing and carrying it on : In which it was visible he had no concern of his own, but merely his love of the public that set him on to it.

Soon after this, when the courts in Westminster-hall came to be settled, he was made lord chief

baron; and when the earl of Clarendon (then lord chancellor) delivered him his commission, in the speech he made according to the custom on such occasions, he expressed his esteem of him in a very singular manner, telling him among other things, that if the king could have found out an honefter and fitter man for that employment, he would not have advanced him to it; and that he had therefore preferred him, because he knew none that deserved it so well. It is ordinary for persons so promoted to be knighted, but he desired to avoid having that honour done him, and therefore for a considerable time declined all opportunities of waiting on the king, which the lord chancellor observing, sent for him upon business one day, when the king was at his house, and told his majesty there was his modest chief baron, upon which, he was unexpectedly knighted.

He continued eleven years in that place, managing the court, and all proceedings in it with singular justice. It was observed by the whole nation, how much he raised the reputation and practice of it: And those who held places and offices in it, can all declare, not only the impartiality of his justice, for that is but a common virtue, but his generosity, his vast diligence, and his great exactness in trials. This gave occasion to the only complaint that ever was made of him, that he did not dispatch matters quick enough; but the great care he used, to put suits to a final end, as it made him slower in deciding them; so it had this good effect, that causes tried before him, were seldom if ever tried again.

Nor did his administration of justice lie only in

that court. He was one of the principal judges that sat in Cliffords-Inn, about settling the difference between landlord and tenant, after the dreadful fire of London. He being the first that offered his service to the city, for accommodating all the differences that might have arisen about the rebuilding it, in which he behaved himself to the satisfaction of all persons concerned; so that the sudden and quiet building of the city, which is justly to be reckoned one of the wonders of the age, is in no small measure due to the great care, which he and Sir Orlando Bridgman, (then lord chief justice of the Common-Pleas afterwards lord keeper of the great seal of England) used, and to the judgment they shewed in that affair; since without the rules then laid down, there might have otherwise followed such an endless train of vexatious suits, as might have been little less chargeable than the fire itself had been. But without detracting from the labours of the other judges, it must be acknowledged that he was the most instrumental in that great work; for he first by way of scheme, contrived the rules upon which he and the rest proceeded afterwards; in which his readiness at Arithmetic, and his skill in Architecture were of great use to him.

But it will not seem strange that a judge behaved himself as he did, who at the entry into his employment, set such excellent rules to himself, which will appear in the following paper copied from the original under his own hand.

Things necessary to be continually had in remembrance.

- I. That in the administration of justice, I am intrusted for God, the king and country; and therefore,
- II. That it be done, 1. Uprightly, 2. Deliberately, 3. Resolutely.
- III. That I rest not upon my own understanding or strength, but implore and rest upon the direction and strength of God.
- IV. That in the execution of justice, I carefully lay aside my own passions, and not give way to them, however provoked.
- V. That I be wholly intent upon the business I am about, remitting all other cares and thoughts, as unseasonable and interruptions.
- VI. That I suffer not myself to be prepossessed with any judgment at all, till the whole business and both parties be heard.
- VII. That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard.
- VIII. That in business capital, though my nature prompt me to pity; yet to consider, that there is also a pity due to the country.
- IX. That I be not too rigid in matters purely conscientious, where all the harm is diversity of judgment.
- X. That I be not biased with compassion to the poor, or favour to the rich, in point of justice.
- XI. That popular, or court applause, or distaste, have no influence into any thing I do in point of distribution of justice.
- XII. Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rule of justice.

XIII. If in criminals it be a measuring cast, to incline to mercy and acquittal.

XIV. In criminals that consist merely in words, when no more harm ensues, moderation is no injustice.

XV. In criminals of blood, if the fact be evident, severity is justice.

XVI. To abhor all private solicitations, of what kind soever, and by whom soever in matters depending.

XVII. To charge my servants, 1. Not to interpose in any business whatsoever. 2. Not to take more than their known fees. 3. Not to give any undue precedence to causes. 4. Not to recommend counsel.

XVIII. To be short and sparing at meals, that I may be the fitter for business.

He would never receive 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 the Lord Chief Baron interrupted him, and said he did not deal fairly 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 solícite him in any of his own causes.

Another passage fell out in one of his circuits, which was some what censured as an affectation of an 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 that had sent him 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 to every judge that had gone that 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 the custom presented him with six sugar loaves in his circuit, he made his servants pay for the sugar before he would try their cause.

It was not so easy for him to throw off the importunities of the poor, for whom his compassion wrought more powerfully than his regard to wealth and greatness, yet when justice was concerned, even that did not turn him out of the way. There was one that had been put out of a

place for some ill behaviour, who urged the Lord Chief Baron to set his hand to a certificate to restore him to it, or provide him with another: but he told him plainly his fault was such he could not do it; the other pressed him vehemently and fell down on his knees, and begged it of him with many tears; but finding that could not prevail, he said he should be utterly ruined if he did not; and he should curse him for it every day. But that having no effect, then he fell out into all the reproachful words, that passion and despair could inspire him with, to which all the answer the Lord Chief Baron made, was, that he could very well bear all his reproaches, but he could not for all that set his hand to his certificate. He saw he was poor, so he gave him a charity and sent him away.

But now he was to go on after his pattern, Pomponius Atticus, still to favour and relieve them that were lowest; so besides great charities to the nonconformists, who were then as he thought too hardly used, he took great care to cover them all he could, from the severities some designed against them, and discouraged those who were inclined to stretch the laws too much against them: He lamented the differences that were raised in this church very much, and according to the impartiality of his justice, he blamed some things on both sides, which I shall set down with the same freedom that he spake them. He thought many of the nonconformists, had merited highly in the business of the King's restoration, and at least deserved that the terms of conformity should not have been made stricter, than they were before

the war. There was not then that dreadful prospect of popery, that has appeared since: But that which afflicted him most, was, that he saw the heats and contentions which followed upon those different parties and interests, did take people off from the indispensable things of religion, and slackened the zeal of other ways good men for the substance of it, so much being spent about external and indifferent things. It also gave advantages to atheists, to treat the most sacred points of our holy faith as ridiculous, when they saw the professors of it contend, so fiercely, and with such bitterness, about lesser matters: He was much offended at all those books that were written, to expose the contrary sect to the scorn and contempt of the age in a wanton and petulant stile; he thought such writers wounded the Christian religion, through the sides of those who differed from them; while a sort of lewd people, who having assumed to themselves the title of the wits (though but a very few of them have a right to it) took up from both hands, what they had said, to make one another shew ridiculous, and from thence persuaded the world to laugh at both, and at all religion for their sakes. And therefore he often wished there might be some law, to make all scurrility in disputes about religion punishable. But as he lamented the proceedings too rigorously against the nonconformists; so he declared himself always of the side of the church of England, and said those of the separation were good men, but they had narrow souls, who would break the peace of the church, about such

inconsiderable matters, as the points in difference were.

He scarce ever meddled in state intrigues, yet upon a proposition that was set on foot by the Lord Keeper Bridgeman, for a comprehension of the more moderate dissenters, and a limited indulgence towards such as could not be brought within the comprehension, he dispensed with his maxim, of "avoiding to engage in matters of state." There were several meetings upon that occasion. The Divine of the church of England that appeared most considerably for it, was Doctor Wilkins, afterwards promoted to the bishopric of Chester, a man of as great a mind, as true a judgment, as eminent virtues, and of as good a soul, as any I ever knew. He being determined as well by his excellent temper, as by his foresight and prudence, by which he early perceived the great prejudices that religion received, and the vast dangers the reformation was like to fall under by those divisions; set about that project with the magnanimity that was indeed peculiar to himself; for though he was much censured by many of his own side, and seconded by very few, yet he pushed it as far as he could. After several conferences with two of the most eminent of the presbyterian divines, heads were agreed on, some abatements were to be made, and explanations were to be accepted of. The particulars of that project being thus concerted, they were brought to the Lord Chief Baron, who put them in form of a bill, to be presented to the next sessions of parliament.

But two parties appeared vigorously against

this design, the one was of some zealous clergymen, who thought it below the dignity of the church to alter laws, and change settlements for the sake of some whom they esteemed schismatics: they also believed, it was better to keep them out of the church, than bring them into it, since a faction upon that would arise in the church, which they thought might be more dangerous than the schism itself was. Besides they said, if some things were now to be changed in compliance with the humour of a party, as soon as that was done, another party might demand other concessions, and there might be as good reasons invented for these, as for those. Many such concessions might also shake those of our own communion, and tempt them to forsake us, and go over to the church of Rome, pretending that we changed so often, that they were thereby inclined to be of a church that was constant and true to herself. These were the reasons brought, and chiefly insisted on against all comprehension; and they wrought upon the greater part of the house of commons, so that they passed a vote against the receiving of any bill for that effect.

There were others that opposed it upon very different ends: they designed to shelter the papists from the execution of the law, and saw clearly that nothing could bring in popery so well as a toleration. But to tolerate popery bare-faced, would have startled the nation too much; so it was necessary to hinder all the propositions for union, since the keeping up the differences was the best colour they could find, for getting the toleration to pass only as a slackening the laws

against dissenters, whose numbers and wealth made it adviseable to have some regard to them; and under this pretence popery might have crept in more covered, and less regarded: so these councils being more acceptable to some concealed papists than in great power, as has since appeared but too evidently, the whole project for comprehension was let fall, and those who had set it on foot, came to be looked on with an ill eye, as secret favourers of the dissenters, underminers of the church, and every thing else that jealousy and distaste could cast on them.

But upon this occasion the Lord Chief Baron, and Dr. Wilkins, came to contract a firm and familiar friendship; and the Lord Chief Baron having much business, and little time to spare, did, to enjoy the other the more, what he had scarce ever done before, he went sometimes to dine with him. And though he lived in great friendship with some other eminent clergymen, Dr. Ward, Bishop of Salisbury; Dr. Barlow, Bishop of Lincoln; Dr. Barrow, late Master of Trinity College; Dr. Tillotson, Dean of Canterbury; and Dr. Stillingfleet, Dean of St. Paul's, (men so well known, and so much esteemed, that as it was no wonder the Lord Chief Baron valued their conversation highly, so those of them that are yet alive will think it no lessening of the character they are so deservedly in, that they are reckoned among Judge Hale's friends) yet there was an intimacy and freedom in his converse with Bishop Wilkins that was singular to him alone: he had during the late wars, lived in a long and entire friendship with the apostolical primate of Ireland

Bishop Usher: their curious searches into antiquity, and the sympathy of both their tempers led them to a great agreement almost in every thing. He held also great conversation with Mr. Baxter, who was his neighbour at Acton, on whom he looked as a person of great devotion and piety, and of a very subtle and quick apprehension: their conversation lay most in metaphysical and abstracted ideas and schemes.

He looked with great sorrow on the impiety and atheism of the age, and so he set himself to oppose it, not only by the shining example of his own life, but by engaging in a cause, that indeed could hardly fall into better hands: and as he could not find a subject more worthy of himself, so there were few in the age that understood it so well, and could manage it more skilfully. The occasion that first led him to write about it, was this. He was a strict observer of the Lord's day, in which, besides his constancy in the public worship of God, he used to call all his family together, and repeat to them the heads of the sermons, with some additions of his own, which fitted for their capacities, and circumstances, and that being done, he had a custom of shutting himself up for two or three hours, which he either spent in his secret devotions, or on such profitable meditations as did then occur to his thoughts: he wrote them with the same simplicity that he formed them in his mind, without any art, or so much as a thought to let them be published: he never corrected them, but laid them by, when he had finished them, having intended only to fix and preserve his own reflections in them; so that he

used no care to polish them, or make the first draught more perfect than when they fell from his pen: these fell into the hands of a worthy person, and he judging, as well he might; that the communicating them to the world, might be a public service, printed two volumes of them in octavo a little before the author's death, containing his

CONTEMPLATIONS.

- I. Of our latter end.
- II. Of wisdom and the fear of God.
- III. Of the knowledge of Christ crucified.
- IV. The victory of faith over the world.
- V. Of humility.
- VI. Jacob's vow.
- VII. Of contentation.
- VIII. Of afflictions.
- IX. A good method to entertain unstable and troublesome times.
- X. Changes and troubles, a Poem.
- XI. Of the redemption of time.
- XII. The great audit.
- XIII. Directions touching keeping the Lord's day, in a letter to his children.
- XIV. Poems written upon Christmases-day:

In the second volume.

- I. An enquiry touching happiness.
- II. Of the chief end of man.
- III. Upon 12 Eccl. 1 Remember thy Creator; &c.

- IV. Upon the 51 Psal. v. 10. Create a clean heart in me, with a Poem.
- V. The folly and mischief of sin.
- VI. Of self-denial.
- VII. Motives to watchfulness, in reference to the good and evil angels.
- VIII. Of moderation of the affections.
- IX. Of worldly hope and expectation.
- X. Upon 13. Heb. 14. We have here no continuing city.
- XI. Of contentedness and patience.
- XII. Of moderation of anger.
- XIII. A preparative against afflictions.
- XIV. Of submission, prayer, and thanksgiving.
- XV. Of prayer and thanksgiving on Psal. 116. 12.
- XVI. Meditations on the Lord's prayer, with a paraphrase upon it.

In them there appears a generous and true spirit of religion, mixed with most serious and fervent devotion, and perhaps with the more advantage, that the stile wants some correction, which shews they were the genuine productions of an excellent mind, entertaining itself in secret with such contemplations. The stile is clear and masculine, in a due temper between flatness and affectation, in which he expresses his thoughts both easily and decently: in writing these discourses, having run over most of the subjects that his own circumstances led him chiefly to consider, he began to be in some pain to chuse new arguments; and therefore resolved to fix on a theme that should hold him longer.

He was soon determined in his choice, by the

immoral and irreligious principles, and practices, that had so long vexed his righteous soul; and therefore began a great design against atheism, the first part of which is only printed, of the origination of mankind, designed to prove the creation of the world, and the truth of the Mosaical history.

The second part was of the nature of the soul, and of a future state.

The third part was concerning the attributes of God, both from the abstracted ideas of him, and of nature; the evidence of providence, the notions of morality, and the voice of conscience.

And the fourth part was concerning the truth and authority of the scriptures, with answers to the objections against them: on writing these he spent seven years. He wrote them with so much consideration, that one who perused the original under his own hand, which was the first draught of it, told me, he did not remember of any considerable alteration, perhaps not of twenty words in the whole work.

The way of his writing them, only on the evenings of the Lord's day, when he was in town, and not much oftener when he was in the country, made, that they are not so contracted, as it is very likely he would have wrote them, if he had been more at leisure to have brought his thoughts into a narrower compass, and fewer words.

But making some allowance for the largeness of the stile, that volume that is printed, is generally acknowledged to be one of the most perfect pieces both of learning and reasoning that has been written on that subject: and he who read a

great part of the other volumes told me they were all of a piece with the first.

When he had finished this work, he sent it by an unknown hand to Bishop Wilkins, to desire his judgment of it; but he that brought it, would give no other account of the author, but "that he was not a clergyman." The Bishop, and his worthy friend Dr. Tillotson, read a great deal of it with much pleasure, but could not imagine who could be the author, and how a man that was master of so much reason, and so great a variety of knowledge, should be so unknown to them, that they could not find him out, by those characters, which are so little common. At last Dr. Tillotson guessed it must be the Lord Chief Baron, to which the other presently agreed, wondering he had been so long in finding it out. So they went immediately to him, and the Bishop thanking him for the entertainment he had received from his works, he blushed extremely, not without some displeasure, apprehending that the person he had trusted had discovered him. But the Bishop soon cleared that, and told him, "he had discovered himself, for the learning of that book was so various, that none but he could be the author of it." And that Bishop having a freedom in delivering his opinion of things and persons, which perhaps few ever managed both with so much plainness and prudence, told him, "There was nothing could be better said on these arguments, if he could bring it into a less compass, but if he had not leisure for that, he thought it much better to have it come out, though a little too large, than that the world should be deprived of

*Vide Sylvestre
Life of
Baxter
part 3
p. 176*

the good which it must needs do." But our Judge, had never the opportunities of revising it, so a little before his death, he sent the first part of it to the press.

In the beginning of it, he gives an essay of his excellent way of methodizing things, in which he was so great a master, that whatever he undertook, he would presently cast into so perfect a scheme, that he could never afterwards correct it : he runs out copiously upon the argument of the impossibility of an eternal succession of time, to shew that time and eternity are inconsistent one with another ; and that therefore all duration that was past, and defined by time, could not be from eternity, and he shews the difference between successive eternity, already past, and one to come ; so that though the latter is possible, the former is not so ; for all the parts of the former have actually been, and therefore being defined by time, cannot be eternal ; whereas the other are still future to all eternity, so that this reasoning cannot be turned to prove the possibility of eternal successions, that have been, as well as eternal successions that shall be. This he followed with a strength I never met with in any that managed it before him.

He brings next all those moral arguments, to prove that the world had a beginning ; agreeing to the account Moses gives of it, as that no history rises higher, than near the time of the deluge ; and that the first foundation of kingdoms, the invention of arts, the beginnings of all religions, the gradual plantation of the world, and increase of mankind, and the consent of nations do agree with it. In managing these, as he shews profound

skill both in historical, and philosophical learning; so he gives a noble discovery of his great candor and probity, that he would not impose on the reader with a false shew of reasoning by arguments, that he knew had flaws in them; and therefore upon every one of these, he adds such allays, as in a great measure lessened and took off their force, with as much exactness of judgment, and strictness of censure, as if he had been set to plead for the other side; and indeed sums up the whole evidence for religion, as impartially as ever he did in a trial for life or death to the Jury; which how equally and judiciously he always did, the whole nation well knows.

After that, he examines the ancient opinions of the philosophers, and enlarges with a great variety of curious reflections in answering that only argument, that has any appearance of strength for the casual production of man, from the origination of insects out of putrified matter, as is commonly supposed, and he concluded the book, shewing how rational and philosophical the account which Moses gives of it is. There is in it all a sagacity and quickness of thought, mixed with great and curious learning, that I confess I never met together in any other book on that subject: among other conjectures, one he gives concerning the deluge, is, "that he did not think the face of the earth and the waters, were altogether the same before the universal deluge, and after: but possibly the face of the earth was more even than now it is: the seas possibly more dilated and extended, and not so deep as now:" and a little after, "possibly the seas have undermined much of the

appearing continent of earth." This I the rather take notice of, because it hath been since his death, made out in a most ingenuous, and most elegantly wrote book, by Mr. Burnet of Christ's college in Cambridge, who has given such an essay towards the proving the possibility of an universal deluge, and from thence, has collected with great sagacity what paradise was before it, as has not been offered by any philosopher before him.

While the Judge was thus employing his time, the Lord Chief Justice Keyling dying, he was on the 18th of May, 1671, promoted to be Lord Chief Justice of England. He had made the pleas of the crown one of his chief studies, and by much search, and long observation, had composed that great work concerning them, formerly mentioned: he that holds the high office of Justiciary in that court, being the chief trustee, and assertor of the liberties of his country; all people applauded this choice, and thought their liberties could not be better deposited than in the hands of one, that as he understood them well, so he had all the justice and courage, that so sacred a trust required. One thing was much observed and commended in him, that when there was a great inequality in the ability and learning of the counsellors that were to plead one against another: he thought it became him, as the Judge, to supply that; so he would enforce what the weaker managed but indifferently, and not suffer the more learned to carry the business by the advantage they had over the others in their quickness and skill in law, and readiness in pleading, till all things were cleared in which the merits and strength of the ill defend-

ed cause lay. He was not satisfied barely to give his judgment in causes, but did especially in all intricate ones, give such an account of the reasons that prevailed with him, that the counsel did not only acquiesce in his authority, but were so convinced by his reasons, that I have heard many profess, that he brought them often to change their opinions; so that his giving of judgment was really a learned lecture upon that point of law: and which was yet more, the parties themselves, though interest does too commonly corrupt the judgment, were generally satisfied with the justice of his decisions, even when they were made against them. His impartial justice, and great diligence, drew the chief practice after him, into whatsoever court he came: since, though the courts of the common-pleas, the exchequer, and the king's-bench, are appointed for the trial of causes of different natures, yet it is easy to bring most causes into any of them, as the counsel or attornies please; so as he had drawn the business much after him, both into the common pleas, and the exchequer, it now followed him into the king's bench, and many causes that were depending in the exchequer and not determined, were let fall there, and brought again before him in the court to which he was now removed. And here did he spend the rest of his public life and employment: but about four years and a half after this advancement, he who had hitherto enjoyed a firm and vigorous health, to which his great temperance and the equality of his mind, did not a little conduce, was on a sudden brought very low by an inflammation in his midriff, which in

two days time broke the constitution of his health to such a degree, that he never recovered it: he became so asthmatical, that with great difficulty he could scarce fetch his breath, that determined in a dropsy, of which he afterwards died. He understood physic so well, that considering his age, he concluded his distemper must carry him off in a little time, and therefore he resolved to have some of the last months of his life reserved to himself, that being freed of all worldly cares, he might be preparing for his change: he was also so much disabled in his body, that he could hardly, though supported by his servants, walk through Westminster-Hall, or endure the toil of business; he had been a long time wearied with the distractions that his employment had brought on him, and his profession was become ungrateful to him; he loved to apply himself wholly to better purposes, as will appear by a paper that he wrote on this subject, which I shall here insert.

First, " If I consider the business of my profession, whether as an Advocate, or as a Judge, it is true I do acknowledge by the institution of Almighty God, and the dispensation of his providence, I am bound to industry and fidelity in it: and as it is an act of obedience unto his will, it carries with it some things of religious duty, and I may, and do take comfort in it, and expect a reward of my obedience to him, and the good I do to mankind therein, from the bounty and beneficence and promise of Almighty God; and it is true also that without such employments, civil societies cannot be supported, and great good redounds to mankind from them; and in these

respects the conscience of my own industry, fidelity and integrity in them, is a great comfort and satisfaction to me. But yet this I must say concerning these employments, considered simply in themselves, that they are very full of cares, anxieties and perturbations."

Secondly, "That though they are beneficial to others, yet they are of the least benefit to him that is employed in them."

Thirdly, "That they do necessarily involve the party, whose office it is, in great dangers, difficulties, and calumnies."

Fourthly, "That they only serve for the meridian of this life, which is short and uncertain."

Fifthly, "That though it be my duty, faithfully to serve in them, while I am called to them, and till I am duly called from them; yet they are great consumers of that little time we have here, which as it seems to me, might be better spent in a pious contemplative life, and a due provision for eternity: I do not know a better temporal employment than Martha had, in testifying her love and duty to our Saviour, by making provision for him; yet our Lord tells her, *That though she was troubled about many things, there was only one thing necessary, and Mary had chosen the better part.*"

By this the reader will see that he continued in his station upon no other consideration, but that being set in it by the providence of God, he judged he could not abandon that post which was assigned him, without preferring his own private inclination to the choice God had made for him; but now that same providence having by this

great distemper disengaged him from the obligation of holding a place, which he was no longer able to discharge, he resolved to resign it: this was no sooner furnished abroad, than it drew upon him the importunities of all his friends and the clamour of the whole town to divert him from it, but all was to no purpose; there was but one argument that could move him, which was "that he was obliged to continue in the employment God had put him in for the good of the public;" but to this he had such an answer, that even those who were most concerned in his withdrawing, could not but see, that the reasons inducing him to it, were but too strong; so he made applications to his Majesty for his Writ of Ease, which the king was very unwilling to grant him, and offered to let him hold his place still, he doing what business he could in his chamber; but he said, "he could not with a good conscience continue in it, since he was no longer able to discharge the duty belonging to it."

But yet such was the general satisfaction which all the kingdom received by his excellent administration of justice, that the king, though he could not well deny his request, yet he deferred the granting of it as long as was possible: nor could the Lord Chancellor be prevailed with to move the king to hasten his discharge, though the Chief Justice often pressed him to it.

At last having wearied himself, and all his friends, with his importunate desires, and growing sensibly weaker in body, he did upon the 21st. day of February, 28. Car. 2. Anno Dom. 1675. go before a master of the Chancery, with a little

parchment deed, drawn by himself, and written all with his own hand, and there sealed and delivered it, and acknowledged it to be enrolled, and afterwards he brought the original deed to the Lord Chancellor, and did formally surrender his office in these words.

Omnibus Christi fidelibus ad quos præsens Scriptura pervenerit, Matheus Hale, miles Capitalis Justitiarius Domini Regis ad placita coram ipso Rege tenenda assignatus Salutem in Domino Sempiternam, Noveritis me præfatum Matheum Hale, militem jam senem factum et Variis Corporis mei Senilis morbis et infirmitatibus dire Laborantem et adhuc Detentum. Hac Chartatnea resignare et sursum reddere Serenissimo Domino Nostro Carolo Secundo Dei Gratia Angliæ Scotiæ Franciæ et Hiberniæ, Regi, Fidei Defensori, &c. Predictum Officium Capitalis Justiticiarii ad placita coram ipso Rege tenenda, humilime petens quod hoc Scriptum irrotaletur de Recordo. In ejus rei Testimonium huic chartæ meæ Resignationis Sigillum meum apposui, Dat. vicesimo primo Die Februarii Anno Regni dict. Dom. Regis nunc Vicesimo Octavo.

He made this instrument as he told the Lord Chancellor for two ends, the one was to shew the world his own free concurrence to his removal: another was to obviate an objection heretofore made “that a Chief Justice being placed by writ, was not removeable at pleasure, as Judges by patent were;” which opinion, as he said, was once held by his predecessor the Lord Chief Justice Keyling, and though he himself was always

of another opinion, yet he thought it reasonable to prevent such a scruple.

He had the day before surrendered to the king in person, who parted from him with great grace, wishing him most heartily the return of his health, and assuring him that he would still look upon him as one of his judges, and have recourse to his advice when his health would permit, and in the mean time would continue his pension during his life.

The good man thought this bounty too great, and an ill precedent for the king, and therefore writ a letter to the lord treasurer, earnestly desiring that his pension might be only during pleasure, but the king would grant it for life, and make it payable quarterly.

And yet for a whole month together, he would not suffer his servant to sue out his patent for his pension, and when the first payment was received, he ordered a great part of it to charitable uses, and said, he intended most of it should be so employed as long as it was paid him.

At last he happened to die upon the quarter day, which was Christmas day, and though this might have given some occasion to a dispute whether the pension for that quarter were recoverable, yet the king was pleased to decide that matter against himself, and ordered the pension to be paid to his executors.

As soon as he was discharged from his great place, he returned home with as much chearfulness, as his want of health could admit of; being now eased of a burthen he had been of late groaning under, and so made more capable of enjoying

that which he had much wished for, according to his elegant translation of, or rather paraphrase upon those excellent lines in Seneca's Thyestes. Act. 2.

Stet quicunque volet potens,

Aulæ culmine lubrico :

Me dulcis Saturet quies,

Obscuro positus loco,

Leni perfruar otio :

Nullis nota Quiritibus,

Ætas per tacitum fluat.

Sic cum Transferint mei,

Nullo cum Strepitu dies,

Plebeius moriar Senex.

Illi mors gravis incubat,

Qui notus nimis omnibus,

Ignotus moritur sibi.

Let him that will ascend the tottering seat
Of ~~our~~ grandeur, and become as great

As are his mounting wishes : as for me,
Let sweet repose and rest my portion be ;

Give me some mean obscure recess, a sphere
Out of the road of business, or the fear

Of falling lower ; where I sweetly may
Myself and dear retirement still enjoy :

Let not my life or name be known unto
The grandees of the time tost to and fro

By censures or applause ; but let my age
Slide gently by, not overthwart the stage
Of public action, unheard, unseen,
And unconcerned, as if I ne'er had been.

And thus, while I shall pass my silent days
In shady privacy, free from the noise

And bustles of the mad world, then shall I
A good old innocent plebeian die.

Death is a mere surprize, a very snare
To him, that makes it his life's greatest care

To be a public pageant, known to all,
But unacquainted with himself, doth fall.

Having now attained to that privacy which he had no less seriously than piously wished for, he called all his servants that had belonged to his office together, and told them, he had now laid down his place, and so their employments were determined ; upon that he advised them to see for themselves, and gave to some of them very considerable presents, and to every one of them a token, and so dismissed all those that were not his domestics : He was discharged the fifteenth of February, 1675 ; and lived the Christmas following, but all the while was in so ill a state of health, that there was no hopes of his recovery : he continued still to retire often, both for his devotions and studies, and as long as he could go, went constantly to his closet, and when his infirmities en-

creased on him, so that he was not able to go thither himself, he made his servants carry him thither in a chair. At last, as the winter came on, he saw with great joy his deliverance approaching, for besides his being weary of the world, and his longings for the blessedness of another state, his pains encreased so on him, that no patience inferior to his could have borne them without a great uneasiness of mind; yet he expressed to the last such submission to the will of God, and so equal a temper under them, that it was visible then what mighty effects his philosophy and Christianity had on him, in supporting him under such a heavy load.

He could not lie down in bed above a year before his death, by reason of the Asthma, but sat, rather than lay in it.

He was attended in his sickness, by a pious and worthy divine Mr. Evan Griffith, minister of the parish; and it was observed that in all the extremities of his pain, whenever he prayed by him, he forbore all complaints or groans, but with his hands and eyes lifted up, was fixed in his devotions: Not long before his death, the minister told him, there was to be a sacrament next Sunday at church, but he believed he could not come and partake with the rest; therefore he would give it to him in his own house: But he answered, no; his heavenly Father had prepared a feast for him, he would go to his Father's house to partake of it: so he made himself be carried thither in his chair, where he received the sacrament on his knees, with great devotion, which it may be supposed was the greater, because he apprehended it

was to be his last, and so took it as his viaticum and provision for his journey. He had some secret unaccountable presages of his death, for he said, that if he did not die on such a day, (which fell to be the 25th. of November) he believed he should live a month longer, and he died that very day month. He continued to enjoy the free use of his reason and sense to the last moment, which he had often and earnestly prayed for during his sickness: And when his voice was so sunk that he could not be heard, they perceived by the almost constant lifting up of his eyes and hands, that he was still aspiring towards that blessed state of which he was now speedily to be possessed.

He had for many years a particular devotion for Christmas-day, and after he had received the sacrament, and been in the performance of the public worship of that day, he commonly wrote a copy of verses on the honour of his Saviour, as a fit expression of the joy he felt in his soul, at the return of that glorious anniversary. There are seventeen of those copies printed, which he writ on seventeen several Christmas-days, by which the world has a taste of his poetical genius, in which if he had thought it worth his time to have excelled, he might have been eminent as well as in other things; but he writ them rather to entertain himself, than to merit the laurel.

I shall here add one which has not been yet printed, and it is not unlikely it was the last he writ; it is a paraphrase on Simeon's song; I take it from his blotted copy not at all finished, so the reader is to make allowance for any imperfection he may find in it.

Blessed Creator, who before the birth
Of time, or e're the pillars of the earth
Were fix't or form'd; didst lay that great design
Of man's redemption, and did'st define
In thine eternal councils all the scene
Of that stupenduous business, and when
It should appear, and though the very day
Of its epiphany, concealed lay
Within thy mind, yet thou wert pleas'd to show
Some glimpses of it unto men below,
In visions, types, and prophecies, as we
Things at a distance in perspective see:
But thou wert pleas'd to let thy servant know
That that blest hour; that seem'd to move so
slow
Through former ages, should at last attain
Its time, e're my few sands, that yet remain
Are spent; and that these aged eyes
Should see the day, when Jacob's star should rise.
And now thou hast fulfil'd it, blessed Lord
Dismiss me now, according to thy word;
And let my aged body now return
To rest, and dust, and drop into an urn.
For I have liv'd enough, mine eyes have seen
Thy much desired salvation, that hath been
So long, so dearly wish'd, the joy; the hope
Of all the ancient patriarchs the scope
Of all the prophecies, and mysteries;
Of all the types unvail'd, the histories
Of Jewish church unridl'd, and the bright
And orient sun arisen to give light
To Gentiles, and the joy of Israel,
The worlds Redeemer, blest Immanuel.

Let this sight close mine eyes, 'tis loss to see
After this vision, any sight but Thee :

Thus he used to sing on the former Christmas-days, but now he was to be admitted to bear his part in the new songs above ; so that day which he had spent in so much spiritual joy, proved to be indeed the day of his Jubilee and deliverance ; for between two and three in the afternoon, he breathed out his righteous and pious soul. His end was peace, he had no strugglings, nor seemed to be in any pangs in his last moments. He was buried on the 4th. of January, Mr. Griffith preaching the funeral sermon, his text was the 57 of Isa. 1 verse. *The righteous perisheth, and no man layeth it to heart ; and merciful men are taken away, none considering that the righteous is taken away from the evil to come.* Which how fitly it was applicable upon this occasion, all that consider the course of his life, will easily conclude. He was interred in the church-yard of Alderly, among his ancestors ; he did not much approve of burying in churches, and used to say the churches were for the living, and the church-yard for the dead. His monument was like himself, decent and plain ; the tomb-stone was black marble, and the sides were black and white marble ; upon which he himself had ordered this bare and humble inscription to be made,

HIC INHUMATUR CORPUS MATTHEI HALE,
MILITIS ;
ROBERTI HALE, ET JOANNÆ, UXORIS EJUS,
FILII UNICI.

NATI IN HAC PAROCHIA DE ALDERLY, PRI-
MO DIE NOVEMBRIS, ANNO DOM. 1609.
DENATI VERO IBIDEM VICESIMO QUINTO
DIE DECEMBRIS, ANNO DOM. 1676. ÆTA-
TIS SUÆ, ~~XLVII~~.
LXVII

Having thus given an account of the most remarkable things of his life, I am now to present the reader with such a character of him, as the laying his several virtues together will amount to : in which I know how difficult a task I undertake ; for to write defectively of him, were to injure him, and lessen the memory of one to whom I intend to do all the right that is in my power. On the other hand there is so much here to be commended, and proposed for the imitation of others, that I am afraid some may imagine, I am rather making a picture of him, from an abstracted idea of great virtues, and perfections, than setting him out, as he truly was : But there is great encouragement in this, that I write concerning a man so fresh in all people's remembrance, that is so lately dead ; and was so much and so well known, that I shall have vouchers, who will be ready to justify me in all that I am to relate, and to add a great deal to what I can say.

It has appeared in the account of his various learning, how great his capacities were, and how much they were improved by constant study : He rose always early in the morning, loved to walk much abroad, not only for his health, but he thought it opened his mind, and enlarged his thoughts to have the creation of God before his eyes. When he set himself to any study, he used

to cast his design in a scheme, which he did with a great exactness of method; he took nothing on trust, but pursued his enquiries as far as they could go, and as he was humble enough to confess his ignorance, and submit to mysteries which he could not comprehend, so he was not easily imposed on, by any shews of reason, or the bugbears of vulgar opinions: He brought all his knowledge as much to scientific principles, as he possibly could, which made him neglect the study of tongues, for the bent of his mind lay another way. Discouraging once of this to some, they said, they looked on the common law, as a study that could not be brought into a scheme, nor formed into rational science, by reason of the indigestedness of it, and the multiplicity of the cases in it, which rendered it very hard to be understood, or reduced into a method; but he said, he was not of their mind, and so quickly after, he drew with his own hand, a scheme of the whole order and parts of it, in a large sheet of paper, to the great satisfaction of those to whom he sent it. Upon this hint, some pressed him to compile a body of the English law; it could hardly ever be done by a man who knew it better, and would with more judgment and industry have put it into method; but he said, as it was a great and noble design, which would be of vast advantage to the nation; so it was too much for a private man to undertake. It was not to be entered upon, but by the command of a prince, and with the communicated endeavours of some of the most eminent of the profession.

He had great vivacity in his fancy, as may appear by his inclination to poetry, and the lively il-

lustrations, and many tender strains in his contemplations ; but he looked on eloquence and wit, as things to be used very chastely, in serious matters, which should come under a severer inquiry : Therefore he was both, when at the bar, and on the bench, a great enemy to all eloquence or rhetoric in pleading : He said, if the judge or Jury had a right understanding, it signified nothing, but a waste of time, and loss of the words ; and if they were weak and easily wrought on, it was a more decent way of corrupting them, by bribing their fancies, and biasing their affections ; and wondered much at that affectation of the French lawyers in imitating the Roman orators in their pleadings. For the oratory of the Romans, was occasioned by their popular government and the factions of the city, so that those who intended to excel in the pleading of causes, were trained up in the schools of the Rhetors, till they became ready and expert in that luscious way of discourse. It is true, the composures of such a man as Tully was, who mixed an extraordinary quickness, an exact judgment, and a just decorum with his skill in Rhetoric, do still entertain the readers of them with great pleasure : But at the same time, it must be acknowledged, that there is not that closeness of reasoning, nor that justness of figures in his orations, that is in his other writings ; so that a great deal was said by him, rather because he knew it would be acceptable to his auditors, than that it was approved of by himself, and all who read them, will acknowledge, they are better pleased with them as essays of wit and style, than as pleadings, by which such a judge as ours was, would

not be much wrought on. And if there are such grounds to censure the performances of the greatest master in eloquence, we may easily infer what nauseous discourses the other Orators made, since in oratory as well as in poetry, none can do indifferently. So our judge wondered to find the French, that live under a monarchy, so fond of imitating that which was an ill effect of the popular government of Rome : He therefore pleaded himself always in few words, and home to the point : and when he was a judge, he held those that pleaded before him, to be the main hinge of the business, and cut them short when they made excursions about circumstances of no moment ; by which he saved much time, and made the chief difficulties be well stated and cleared.

There was another custom among the Romans, which he as much admired, as he despised their rhetoric, which was that the Juris-Consults were the men of the highest quality, who were bred to be capable of the chief employment in the state, and became the great masters of their law : these gave their opinions of all cases that were put to them freely, judging it below them to take any present for it ; and indeed they were only the true Lawyers among them, whose resolutions were of that authority, that they made one classis of those materials out of which Trebonian compiled digests under Justinian ; for the Orators or *causidici* that pleaded causes, knew little of the law, and only employed their mercenary tongues, to work on the affections of the people and senate or the pretors : Even in most of Tully's Orations there is little of law and that little which they

might sprinkle in their declamations, they had not from their own knowledge, but the resolution of some Juris-Consult: according to that famous story of Servius Sulpitius, who was a celebrated orator, and being to receive the resolution of one of those that were learned in the law, was so ignorant, that he could not understand it; upon which the Juris-Consult reproached him and said, it was a shame for him that was a nobleman, a senator, and a pleader of causes, to be thus ignorant of law: this touched him so sensibly, that he set about the study of it, and became one of the most eminent Juris-Consults that ever were at Rome. Our judge thought it might become the greatness of a prince, to encourage such a sort of men, and of studies; in which none in the age he lived in was equal to the great Selden, who was truly in our English law, what the old Roman Juris-Consults were in theirs.

But where a decent eloquence was allowable, judge Hale knew how to have excelled as much as any, either in illustrating reasonings, by proper and well pursued similes, or by such tender expressions as might work most on the affections, so that the present lord Chancellor, has often said of him since his death, that he was the greatest orator he had known; for though his words came not fluently from him, yet when they were out, they were the most significant, and expressive, that the matter could bear: of this sort there are many in his contemplations made to quicken his own devotion, which have a life in them becoming him that used them, and a softness fit to melt even the hardest tempers, accommodated to the gravity of

the subject, and apt to excite warm thoughts in the readers that as they shew his excellent temper that brought them out, and applied them to himself, so they are of great use to all, who would both inform and quicken their minds. Of his illustration of things by proper similies, I shall give a large instance out of his book of the Origination of Mankind, designed to expose the several different hypotheses the philosophers fell on concerning the eternity and original of the universe, and to prefer the account given by Moses, to all their conjectures; in which, if my taste does not misguide me, the reader will find a rare and very agreeable mixture, both of fine wit, and solid learning and judgment.

That which may illustrate my meaning in this preference of the revealed light of the holy scriptures, touching this matter, above the essays of a philosophical imagination, may be this. Suppose that Greece being unacquainted with the curiosity of mechanical engines, though known in some remote region of the world, and that an excellent artist had secretly brought and deposited in some field or forest, some excellent watch or clock, which had been so formed, that the original of its motion were hidden, and involved in some close contrived piece of mechanism, that this watch was so framed, that the motion thereof might have lasted a year, or some such time as might give a reasonable period for their philosophical descanting concerning it, and that in the plain table there had been not only the description and indication of hours, but the configurations and indications of eth various phases of the moon, the motion and

place of the sun in the ecliptic, and divers other curious indications of celestial motions, and that the scholars of the several schools, of Epicurus, of Aristotle, of Plato, and the rest of those philosophical sects, had casually in their walk, found this admirable Automaton; what kind of work would there have been made by every sect, in giving an account of this phenomenon? We should have had the Epicurean sect, have told the bystanders according to their pre-conceived hypothesis, that this was nothing else but an accidental concretion of atoms, that happily fallen together had made up the index, the wheels, and the ballance, and that being happily fallen into this posture, they were put into motion. Then the Cartesian falls in with him, as to the main of their supposition, but tells him, that he doth not sufficiently explicate how the engine is put into motion and therefore to furnish this motion, there is a certain *materia subtilis* that pervades this engine, and the moveable parts, consisting of certain globular atoms apt for motion; they are thereby, and by the mobility of the globular atoms put into motion. A third finding fault with the two former, because these motions are so regular, and do express the various phenomena of the distribution of time, and of the heavenly motions; therefore it seems to him, that this engine and motion also, so analogical to the motions of the heavens, was wrought by some admirable conjunction of the heavenly bodies, which formed this instrument and its motions, in such an admirable correspondency to its own existence. A fourth, disliking the suppositions of the three former, tells the rest, that

he hath a more plain and evident solution of the phenomenon, namely, the universal soul of the world or Spirit of nature, that formed so many sorts of insects with so many organs, faculties, and such congruity of their whole composition, and such curious and various motions as we may observe in them, hath formed and set into motion this admirable Automaton and regulated and ordered it, with all these congruities we see in it. Then steps in an Aristotelian, and being dissatisfied with all the former solutions, tells them, Gentlemen, you are all mistaken, your solutions are inexplicable and unsatisfactory, you have taken up certain precarious hypothesis, and being prepossessed with these creatures of your own fancies, and in love with them, right or wrong, you form all your conceptions of things according to those fancied and pre-conceived imaginations. The short of the business is this machina is eternal; and so are all the motions of it, and in as much as a circular motion hath no beginning or end, this motion that you see both in the wheels and index, and the successive indications of the celestial motions, is eternal, and without beginning. And this is a ready and expedite way of solving the phenomena, without so much ado as you have made about it.

And whilst all the masters were thus contriving, the solution of the phenomenon, in the hearing of the Artist that made it, and when they had all spent their philosophizing upon it, the Artist that made this engine, and all this while listened to their admirable fancies, tells them, Gentlemen, you have discovered very much excellency of in-

vention touching this piece of work that is before you, but you are all miserably mistaken: for it was I that made this watch, and brought it hither, and I will shew you how I made it. First, I wrought the spring, and fusee; and the wheels, and the ballance, and the case and table; I fitted them one to another, and placed these several axes that are to direct the motions, of the index to discover the hour of the day, of the figure that discovers the phases of the moon, and the other various motions that you see; and then I put it together, and wound up the spring, which hath given all these motions, that you see in this curious piece of work, and that you may be sure I tell you true, I will tell you the whole order and progress of my making, disposing and ordering of this piece of work; the several materials of it, the manner of the forming of every individual part of it, and how long I was about it. This plain and evident discovery renders all those excogitated hypothesis of those philosophical enthusiasts vain and ridiculous, without any great help of rhetorical flourishes, or logical confutations. And much of the same nature is that disparity of the hypothesis of the learned philosophers in relation to the origination of the world and man after a great deal of dust raised, and fanciful explications and unintelligible hypothesis: The plain, but divine narrative by the hand of Moses, full of sense, and congruity, and clearness, and reasonableness in itself, does at the same moment give us a true and clear discovery of this great mystery, and renders all the essays of the generality of the Heathen philosophers to be vain, inevident, and indeed inexplica-

ble theories, the creatures of fancy, and imagination and nothing else.]

As for his virtues, they have appeared so conspicuous in all the several transactions and turns of his life, that it may seem needless to add any more of them than has been already related, but there are many particular instances which I knew not how to fit to the several years of his life, which will give us a clearer and better view of him.

He was a devout Christian, a sincere Protestant, and a true son of the church of England; moderate towards Dissenters, and just even to those from whom he differed most; which appeared signally in the care he took of preserving the Quakers, from that mischief that was like to fall on them, by declaring their marriages void, and so bastardizing their children; but, he considered marriage and succession as a right of nature, from which none ought to be barred what mistake soever they might be under, in the points of revealed religion. And therefore in a trial that was before him, when a Quaker was sued for some debts owing by his wife before he married her, and the Quakers counsel pretended, that it was no marriage that had past between them, since it was not solemnized according to the rules of the church of England; he declared that he was not willing on his own opinion to make their children bastards and gave directions to the Jury to find it special. It was a reflection on the whole party, that one of them to avoid an inconvenience he had fallen in, thought to have preserved himself by a defence, that if it had been allowed in law, must have made their whole issue bastards, and incapable of succession,

and for all their pretended friendship to one another, if this judge had not been more their friend, then one of those they so called, their posterity had been little obliged to them. But he governed himself indeed by the law of the gospel of *doing to others, what he would have others do to him*, and therefore because he would have thought it a hardship not without cruelty if amongst Papists all marriages were nulled which had not been made with all the ceremonies in the Roman ritual, so he applying this to the case of the Sectaries, he thought all marriages made according to the several persuasions of men, ought to have their effects in law.

He used constantly to worship God in his family, performing it always himself, if there was no Clergyman present: But as to his private exercises in devotion. He took that extraordinary care to keep what he did secret, that this part of his character must be defective, except it be acknowledged that his humility in covering it, commends him much more than the highest expressions of devotion could have done.

From the first time that the impressions of religion settled deeply in his mind, he used great caution to conceal it: not only in obedience to the rules given by our Saviour, of *fasting, praying and giving alms in secret*; but from a particular distrust he had of himself, for he said he was afraid, he should at some time or other, do some enormous things, which if he were looked on as a very religious man, might cast a reproach on the profession of it, and give great advantages to impious men, to blaspheme the name of God: But a tree

is known by its fruit and he lived not only free of blemishes, or scandal, but, shined in all the parts of his conversation: and perhaps the distrust he was in of himself contributed not a little to the purity of his life; for he being thereby obliged to be more watchful over himself, and to depend more on the aids of the Spirit of God, no wonder if that humble temper produced those excellent effects in him.

31 He had a soul enlarged and raised above that mean appetite of loving money, which is generally the root of all evil. He did not take the profits that he might have had by his practice, for in common cases, when those who came to ask his counsel gave him a piece, he used to give back the half, and so made ten shillings his fee, in ordinary matters that did not require much time or study: 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 enquiring more narrowly into them, found they were really very good and just; so after this he slackened much of his former strict-

ness of refusing to meddle in causes upon the ill circumstances that appeared in them at first.

In his pleading he abhorred those two common faults of misreciting evidences, quoting precedents, or books falsely, or asserting things confidently; by which ignorant Juries, or weak Judges, are too often wrought on. He pleaded with the same sincerity that he used in other parts of his life, and used to say "was as great a dishonour as a man was capable of, that for a little money he was to be hired to say or do otherwise than as he thought." All this he ascribed to the unmeasurable desires of heaping up wealth, which corrupted the souls of some that seemed to be otherwise born and made for great things. When he was a practitioner, differences were often referred to him which he settled, but would accept of no reward for his pains, though offered by both parties together, after the agreement was made; for he said "on those cases he was made Judge, and a Judge ought to take no money." If they told him, "he lost much of his time in considering their business, and so ought to be acknowledged for it;" his answer was (as one that heard it told me,) "Can I spend my time better, than to make people friends, must I have no time allowed me to do good in."

He was naturally a quick man, yet by much practice on himself, he subdued that to such a degree that he would never run suddenly into any conclusion concerning any matter of importance. *Festina lente* was his beloved motto, which he ordered to be engraven on the head of his staff, and was often heard say, "that he had observed many

witty men run into great errors, because they did not give themselves time to think, but the heat of imagination making some notions appear in good colours to them, they without staying till that cooled, were violently led by the impulse it made on them, whereas calm and slow men, who pass dull in the common estimation, could search after truth and find it out, as with more deliberation, so with greater certainty.

He laid aside the tenth penny of all he got for the poor, and took great care to be well informed of proper objects for his charities; and after he was a Judge, many of the perquisites of his place, as his dividend of the rule and box money; was sent by him to the jails to discharge poor prisoners, who never knew from whose hands their relief came. It is also a custom for the Marshal of the king's bench, to present the Judges of that court with a piece of plate for a New-years gift, that for the Chief Justice being larger than the rest: this he intended to have refused, but the other Judges told him it belonged to his office, and the refusing it would be a prejudice to his successors, so he was persuaded to take it: but he sent word to the Marshal "that instead of plate, he should bring him the value of it in money;" and when he received it, he immediately sent it to the prisons, for the relief and discharge of the poor there. He usually invited his poor neighbours to dine with him, and made them sit at table with himself. And if any of them were sick, so that they could not come, he would send meat warm to them from his table: and he did not only relieve the poor in his own parish, but sent supplies

to the neighbouring parishes, as there was occasion for it. And he treated them all with the tenderness and familiarity that became one who considered they were of the same nature with himself, and were reduced to no other necessities but such as he himself might be brought to : but for common beggars, if any of these came to him, as he was in his walks, when he lived in the country, he would ask such as were capable of working, " why they went about so idly ? " If they answered, " it was because they could find no work ; " he often sent them to some field, to gather all the stones in it, and pay them liberally for their pains : this being done, he used to send his carts, and caused them to be carried to such places of the highway as needed mending.

But when he was in town, he dealt his charities very liberally, even among the street beggars, and when some told him, " that he thereby encouraged idleness, and that most of these were notorious cheats," he used to answer, " that he believed most of them were such, but among them there were some that were great objects of charity, and pressed with grievous necessities : and that he had rather give his alms to twenty who might be perhaps rogues, than that one of the other sort should perish for want of that small relief which he gave them."

He loved building much, which he affected chiefly because it employed many poor people ; but one thing was observed in all his buildings that the changes he made in his house, was always from magnificence to usefulness, for he avoided every thing that looked like pomp or vanity, even

in the walls of his houses: he had good judgment in architecture, and an excellent faculty in contriving well.

He was a gentle landlord to all his tenants, and was ever ready upon any reasonable complaints, to make abatements, for he was merciful as well as righteous. One instance of this was, of a widow that lived in London, and had a small estate near his house in the country: from which her rents were ill returned to her, and at a cost which she could not well bear: so she bemoaned herself to him, and he according to his readiness to assist all poor people, told her, "he would order his steward to take up her rents, and the returning them should cost her nothing." But after that when there was a falling of rents in that country, that it was necessary to make abatements to the tenant; yet he would have it to lie on himself; and made the widow be paid her rent as formerly.

Another remarkable instance of his justice and goodness was, that when he found ill money had been put into his hands, he would never suffer it to be vended again; for he thought it was no excuse for him to put false money in other people's hands, because some had put it in his: a great heap of this he had gathered together, for many had so far abused his goodness, as to mix base money among the fees that were given him: It is like he intended to have destroyed it, but some thieves who had observed it, broke into his chamber and stole it, thinking they had got a prize; which he used to tell with some pleasure, imagining how they found themselves deceived, when

they perceived what sort of booty they had fallen on.

After he was made a Judge, he would needs pay more for every purchase he made than it was worth; if it had been but a horse he was to buy, he would have out-bid the price: and when some represented to him, "that he made ill bargains," he said, "it became Judges to pay more for what they bought, than the true value; that so those with whom they dealt might not think they had any right to their favour, by having sold such things to them at an easy rate:" and said it was suitable to the reputation, which a Judge ought to preserve, to make such bargains, that the world might see they were not too well used upon some secret account.

In sum, his estate did shew how little he had minded the raising a great fortune, for from a hundred pound a year, he raised it not quite to nine hundred, and of this a very considerable part came in by his share of Mr. Selden's estate; yet this, considering his great practice while a counsellor, and his constant, frugal and modest way of living, was but a small fortune: in the share that fell to him by Mr. Selden's will, one memorable thing was done by him, with the other executors, by which they both shewed their regard to their dead friend, and their love of the public; his library was valued at some thousands of pounds, and was believed to be one of the most curious collections in Europe: so they resolved to keep this entire, for the honour of Selden's memory, and gave it to the university of Oxford, where a noble room was added to the former library for

its reception, and all due respects have been since shewed by that great and learned body, to those their worthy benefactors, who not only parted so generously with this great treasure, but were a little put to it how to oblige them, without crossing the will of their dead friend. Mr. Selden had once intended to give his library to that university, and had left it so by his will ; but having occasion for a manuscript, which belonged to their library, they asked of him a bond of a thousand pounds for its restitution ; this he took so ill at their hands, that he struck out that part of his will by which he had given them his library, and with some passion declared “ they should never have it : ” the executors stuck at this a little, but having considered better of it, came to this resolution ; that they were to be the executors of Mr. Selden’s will, and not of his passion ; so they made good what he had intended in cold blood, and passed over what his passion had suggested to him.

The parting with so many excellent books would have been as uneasy to our Judge, as any thing of that nature could be, if a pious regard to his friend’s memory had not prevailed over him ; for he valued books and manuscripts above all things in the world : he himself had made a great and rare collection of manuscripts belonging to the law of England ; he was forty years in gathering it : He himself said “ it cost him above fifteen hundred pounds,” and calls it in his will, “ a treasure worth having and keeping, and not fit for every man’s view ; all these he left to Lincoln’s-Inn, and for the information of those who are cu-

rious to search into such things; there shall be a catalogue of them added at the end of this book.

By all these instances it does appear, how much he was raised above the world, or the love of it. But having thus mastered things without him, his next study was to overcome his own inclinations: He was, as he said himself, "naturally passionate;" I add, as he said himself, for that appeared by no other evidence, save that sometimes his colour would rise a little; but he so governed himself, that those who lived long about him have told me they never saw him disordered with anger, though he met with some trials, that the nature of man is as little able to bear, as any whatsoever. There was one who did him a great injury, which it is not necessary to mention, who coming afterwards to him for his advice in the settlement of his estate, he gave it very frankly to him, but would accept of no fee for it, and thereby shewed both that he could forgive as a Christian, and that he had the soul of a gentleman in him not to take money of one that had wronged him so hainously. And when he was asked by one, "how he could use a man so kindly that had wronged him so much," his answer was, "he thanked God he had learned to forget injuries." And besides the great temper he expressed in all his public employments, in his family he was a very gentle master: he was tender of all his servants, he never turned any away, except they were so faulty, that there was no hopes of reclaiming them: when any of them had been long out of the way, or had neglected any part of their duty; he would not see them at their first coming home, and sometimes not till

the next day, least when his displeasure was quick upon him, he might have chid them indecently; and when he did reprove them, he did it with that sweetness and gravity; that it appeared he was more concerned for their having done a fault, than for the offence given by it to himself: but if they became immoral or unruly, then he turned them away, for he said, "he that by his place ought to punish disorders in other people, must by no means suffer them in his own house:" he advanced his servants according to the time they had been about him, and would never give occasion to envy among them, by raising the younger clerks above those who had been longer with him. He treated them all with great affection, rather as a friend, than a master, giving them often good advice and instruction. He made those who had good places under him, give some of their profits to the other servants who had nothing but their wages: when he made his will, he left legacies to every one of them; but he expressed a more particular kindness for one of them Robert Gibbon, of the middle Temple, Esq.; in whom he had that confidence, that he left him one of his executors. I the rather mention him, because of his noble gratitude to his worthy benefactor and master, for he has been so careful to preserve his memory, that as he set those on me, at whose desire I undertook to write his life; so he has procured for me a great part of those memorials, and informations, out of which I have composed it.

The Judge was of a most tender and compassionate nature; this did eminently appear in his trying and giving sentence upon criminals, in

which he was strictly careful, that not a circumstance should be neglected, which might any way clear the fact: he behaved himself with that regard to the prisoners, which became both the gravity of a Judge, and the pity that was due to men, whose lives lay at stake, so that nothing of jeering or unreasonable severity ever fell from him. He also examined the witnesses in the softest manner, taking care that they should be put under no confusion, which might disorder their memory; and he summed all the evidence so equally when he charged the Jury, that the criminals themselves never complained of him. When it came to him to give sentence, he did it with that composedness and decency, and his speeches to the prisoners, directing them to prepare for death, were so weighty, so free of all affectation, and so serious and devout, that many loved to go to the trials, when he sat Judge, to be edified by his speeches, and behaviour in them, and used to say, "they heard very few such sermons."

But though the pronouncing the sentence of death, was the piece of his employment, that went most against the grain with him; yet in that, he could never be mollified to any tenderness which hindered justice. When he was once pressed to recommend some (whom he had condemned) to his Majesty's mercy and pardon; he answered he could not think they deserved a pardon, whom he himself had adjudged to die: so that all he would do in that kind, was to give the king a true account of the circumstances of the fact; after which his Majesty was to consider whether he would interpose his mercy, or let justice take place.

His mercifulness extended even to his beasts, for when the horses that he had kept long, grew old, he would not suffer them to be sold, or much wrought, but ordered his men to turn them loose on his grounds, and put them only to easy work, such as going to market and the like; he used old dogs also with the same care: his shepherd having one that was become blind with age, he intended to have killed or lost him, but the Judge coming to hear of it, made one of his servants bring him home, and fed him till he died: and he was scarce ever seen more angry than with one of his servants for neglecting a bird, that he kept, so that it died for want of food.

He was a great encourager of all young persons, that he saw followed their books diligently, to whom he used to give directions concerning the method of their study, with a humanity and sweetness, that wrought much on all that came near him: and in a smiling pleasant way, he would admonish them, if he saw any thing amiss in them: particularly if they went too fine in their clothes, he would tell them, "it did not become their profession:" he was not pleased to see students wear long perriwigs, or attornies go with swords; so that such young men as would not be persuaded to part with those vanities, when they went to him laid them aside, and went as plain as they could, to avoid the reproof which they knew they might otherwise expect.

He was very free and communicative in his discourse, which he most commonly fixed on some good and useful subject, and loved for an hour or two at night, to be visited by some of his friends.

He neither said nor did any thing with affectation, but used a simplicity, that was both natural to himself, and very easy to others: and though he never studied the modes of civility or court breeding, yet he knew not what it was to be rude or harsh with any, except he were impertinently addressed to in matters of justice, then he would raise his voice a little, and so shake off those importunities.

In his furniture, and the service of his table, and way of living; he liked the old plainness so well, that as he would set up none of the new fashions, so he rather affected a coarseness in the use of the old ones: which was more the effect of his philosophy than disposition, for he loved fine things too much at first: he was always of an equal temper, rather chearful than merry. Many wondered to see the evenness of his deportment; in some very sad passages of his life.

Having lost one of his sons, the manner of whose death had some grievous circumstances in it; one coming to see him and condole, he said to him "those were the effects of living long, such must look to see many sad and unacceptable things;" and having said that, he went to other discourses with his ordinary freedom of mind; for though he had a temper so tender, that sad things were apt enough to make deep impressions upon him, yet the regard he had to the wisdom and providence of God, and the just estimate he made of all eternal things, did to admiration maintain the tranquillity of his mind, and he gave no occasion by idleness to melancholy to corrupt his spirit, but by the perpetual bent of his

thoughts, he knew well how to divert them from being oppressed with the excesses of sorrow.

He had a generous and noble idea of God in his mind, and this he found did above all other considerations preserve his quiet. And indeed that was so well established in him, that no accidents, how sudden soever, were observed to discompose him : of which an eminent man of that profession, gave me this instance : in the year 1666, an opinion did run through the nation, " that the end of the world would come that year." This, whether set on by astrologers, or advanced by those who thought it might have some relation to the number of the beast in the Revelation, or promoted by men of ill designs, to disturb the public peace, had spread mightily among the people ; and Judge Hale going that year the western circuit, it happened, that as he was on the bench at the assizes, a most terrible storm fell out very unexpectedly, accompanied with such flashes of lightning, and claps of thunder, that the like will hardly fall out in an age ; upon which a whisper or a rumour run through the crowd, " that now was the world to end, and the day of judgment to begin," and at this there followed a general consternation in the whole assembly, and all men forgot the business they were met about, and betook themselves to their prayers : this added to the horror raised by the storm looked very dismally ; insomuch that my author, a man of no ordinary resolution, and firmness of mind ; confessed " it made a great impression on himself." But he told me, " that he did observe the Judge was not a whit affected, and was going on with

the business of the court in his ordinary manner ;” from which he made this conclusion, “ that his thoughts were so well fixed, that he believed if the world had been really to end, it would have given him no considerable disturbance.”

But I shall now conclude all that I shall say concerning him, with what one of the greatest men of the profession of the law, sent me as an abstract of the character he had made of him : upon long observation and much converse with him : it was sent me, that from thence with the other materials, I might make such a representation of him to the world, as he indeed deserved, but I resolved not to shred it out in parcels, but to set it down entirely as it was sent me, hoping that as the reader will be much delighted with it, so the noble person that sent it, will not be offended with me for keeping it entire, and setting it in the best light I could ; it begins abruptly, being designed to supply the defects of others, from whom I had earlier and more copious informations.

“ He would never be brought to discourse of public matters in private conversation, but in questions of law, when any young lawyer put a case to him he was very communicative, especially while he was at the bar : but when he came to the bench, he grew more reserved, and would never suffer his opinion in any case to be known, till he was obliged to declare it judicially ; and he concealed his opinion in great cases so carefully, that the rest of the Judges in the same court could never perceive it : his reason was, because every Judge ought to give sentence according to his own

persuasion and conscience, and not to be swayed by any respect or difference to another man's opinion : and by this means it hath happened sometimes, that when all the barons of the exchequer had delivered their opinions, and agreed in their reasons and arguments ; yet he coming to speak last, and differing in judgment from them, hath expressed himself with so much weight and solidity, that the barons have immediately retracted their votes and concurred with him. He hath sat as a Judge in all courts of law, and in two of them as chief, but still wherever he sat, all business of consequence followed him, and no man was content to sit down by the judgment of any other court, till the case were brought before him, to see whether he were of the same mind ; and his opinion being once known, men did readily acquiesce in it ; and it was very rarely seen, that any man attempted to bring it about again, and he that did so, did it upon great disadvantages, and was always looked upon as a very contentious person ; so that what Cicero says of Brutus, did very often happen to him, *Etiam quos contra Statuit Æquos placatosque Dimisit.*"

" Nor did men reverence his judgment and opinion in courts of law only : but his authority was as great in courts of equity, and the same respect and submission was paid to him there too ; and this appeared not only in his own court of equity in the exchequer-chamber, but in the chancery too, for thither he was often called to advise and assist the lord chancellor, or lord keeper for the time being ; and if the cause were of difficult examination, or intricated and entangled with va-

riety of settlements, no man ever shewed a more clear and discerning judgment : if it were of great value, and great persons interested in it, no man ever shewed greater courage and integrity in laying aside all respect of persons : when he came to deliver his opinion, he always put his discourse into such a method, that one part of it gave light to the other, and where the proceedings of chancery might prove inconvenient to the subject, he never spared to observe and reprove them : and from his observations and discourses, the chancery hath taken occasion to establish many of those rules by which it governs itself at this day.

“ He did look upon equity as a part of the common-law, and one of the grounds of it ; and therefore as near as he could, he did always reduce it to certain rules and principles, that men might study it as a science, and not think the administration of it, had any thing arbitrary in it. Thus eminent was this man in every station, and into what court soever he was called, he quickly made it appear that he deserved the chief seat there.

“ As great a lawyer as he was, he would never suffer the strictness of the law to prevail against conscience, as great a chancellor as he was, he would make use of all the niceties and subtilties in law, when it tended to support right and equity. But nothing was more admirable in him, than his patience : he did not affect the reputation of quickness and dispatch, by a hasty and captious hearing of the counsel : he would bear with the meanest, and gave every man his full scope, thinking it much better to lose time than patience : in

summing up of an evidence to a Jury, he would always require the bar to interrupt him if he did mistake, and to put him in mind of it, if he did forget the least circumstance; some Judges have been disturbed at this as a rudeness; which he always looked upon as a service and respect due to him.

“ His whole life was nothing else but a continual course of labour and industry, and when he could borrow any time from the public service, it was wholly employed either in philosophical or divine meditations, and even that was a public service too as it hath proved; for they have occasioned his writing of such treatises, as are become the choicest entertainment of wise and good men, and the world hath reason to wish that more of them were printed: he that considers the active part of his life, and with what unwearied diligence and application of mind, he dispatched all men’s business which came under his care, will wonder how he could find any time for contemplation: he that considers again the various studies he passed through, and the many collections and observations he hath made, may as justly wonder how he could find any time for action: but no man can wonder at the exemplary piety and innocence of such a life so spent as this was, wherein as he was careful to avoid every idle word, so it is manifest he never spent an idle day. They who came far short of this great man, will be apt enough to think that this is a panegyric, which indeed is a history and but a little part of that history which was with great truth to be related of him: men who despair of attaining such

perfection, are not willing to believe that any man else did ever arrive at such a height.

“He was the greatest lawyer of the age, and might have had what practice he pleased: but though he did most conscientiously affect the labours of his profession, yet at the same time, he despised the gain of it, and of those profits which he would allow himself to receive, he always set apart a tenth penny for the poor, which he ever dispensed with that secrecy, that they who were relieved, seldom or never knew their benefactor: he took more pains to avoid the honours and preferments of the gown, than others do to compass them. His modesty was beyond all example, for where some men who never attained to half his knowledge, have been puffed up with a high conceit of themselves, and have affected all occasions of raising their own esteem by depreciating other men, he on the contrary was the most obliging man that ever practised: if a young gentleman happened to be retained to argue a point in law, where he was on the contrary side, he would very often mend the objections when he came to repeat them; and always commend the gentleman if there were room for it, and one good word of his was of more advantage to a young man, than all the favour of the court could be.”

Having thus far pursued his history and character, in the public and exemplary parts of his life, without interrupting the thread of the relation with what was private and domestic, I shall conclude with a short account of these.

He was twice married, his first wife was Ann daughter of Sir Henry Moor, of Faly in Berkshire, grandchild to Sir Francis Moor, ser eant at law; by her he had ten children, the four first died young, the other six lived to be all married; and he outlived them all, except his eldest daughter, and his youngest son, who are yet alive.

His eldest son Robert married Frances the daughter of Sir Francis Chock, of Avington in Berkshire, and they both dying a little time one after another, left five children, two sons Matthew and Gabriel, and three daughters, Ann, Mary and Frances, and by the judges advice, they both made him their executor, so he took his grandchildren into his own care, and among them he left his estate.

His second son Matthew, married Ann the daughter of Mr. Matthew Simmonds of Hilsley in Gloucestershire, who died soon after, and left one son behind him named Matthew.

His third son Thomas married Rebekah, the daughter of Christian Le Brune, a Dutch merchant, and died without issue.

His fourth son Edward; married Mary, the daughter of Edward Goodyere, Esq; of Heythorp, in Oxfordshire, and still lives, he has two sons, and three daughters.

His eldest daughter Mary, was married to Edward Alderly, son of Edward Alderly of Innishannon, in the County of Cork in Ireland, who dying, left her with two sons and three daughters; she is since married to Edward Stephens, son to Edward Stephens Esq; of Cherington in Gloucestershire. His youngest daughter Elizabeth,

was married to Edward Webb, Esq; barrister at law, she died leaving two children, a son and a daughter.

His second wife was Ann, the daughter of Mr. Joseph Bishop of Ely in Berkshire, by whom he had no children; he gives her a great character in his will, as a most dutiful, faithful and loving wife, and therefore trusted the breeding of his grandchildren to her care, and left her one of his executors, to whom he joined Sir Robert Jenkinson, and Mr. Gibbon. So much may suffice of those descended from him.

In after times, it is not to be doubted but it will be reckoned no small honour to derive from him; and this has made me more particular in reckoning up his issue, I shall next give an account of the issues of his mind, his books that are either printed, or remain in manuscript; for the last of these, by his will, he has forbid the printing of any of them after his death, except such as he should give order for in his life: but he seems to have changed his mind afterwards; and to have left it to the discretion of his executors, which of them might be printed; for though he does not express that, yet he ordered by a codicil, that if any book of his writing as well touching the common law, as other subjects should be printed; then what should be given for the consideration of the copy, should be divided into ten shares, of which he appointed seven to go among his servants, and three to those who had copied them out, and were to look after the impression. The reason as I have understood it, that made him so unwilling to have

any of his works printed after his death, was, that he apprehended in the licensing them, (which was necessary before any book could be lawfully printed by a law then in force, but since his death determined) some things might have been struck out or altered; which he had observed not without some indignation, had been done to a part of the reports, of one whom he had much esteemed.

This in matters of law, he said, might prove to be of such mischievous consequence, that he thereupon resolved none of his writings, should be at the mercy of licensers; and therefore because he was not sure that they should be published without expurgations or interpolations, he forbid the printing any of them; in which he afterwards made some alteration, at least he gave occasion by his codicil, to infer that he altered his mind.

This I have the more fully explained, that his last will may be no way misunderstood, and that his worthy executors, and his hopeful grandchildren, may not conclude themselves to be under an indispensable obligation, of depriving the public of his excellent writings.

*A Catalogue of Books written by Sir
Matthew Hale.*

1. THE primitive Origination of Mankind, considered and examined according to the light of nature, fol.
2. Contemplations moral and divine, part 1. 8vo.
3. Contemplations moral and divine, part 2. 8vo.
4. Difficiles Nugæ, or observations touching the Torricellian experiment, and the various solutions of the same, especially touching the weight and Elasticity of the air, 8vo.
5. An Essay touching the gravitation, or non-gravitation of fluid bodies, and the reasons thereof, 8vo.
6. Observations touching the principles of natural motions, and especially touching rarefaction, and condensation; together with a reply to certain remarks touching the gravitation of fluids, 8vo.
7. The life and death of Pomponias Atticus, written by his contemporary and acquaintance Cornelius Nepos, translated out of his fragments; together with observations political and moral thereupon, 8vo.
8. Pleas of the crown, or a methodical summary of the principal matters relating to that subject, 8vo.

Manuscripts of his not yet published.

1. CONCERNING the secondary Origination of Mankind, fol.
2. Concerning Religion, 5 vol. in fol. viz.
 - 1 De Deo Vox Metaphysica, pars 1. & 2.
 2. Pars 3. Vox Naturæ Providentiæ Ethicæ, Conscientiæ.
 3. Liber sextus septimus octavus.
 4. Pars 9. Concerning the holy scriptures, their evidence and authority.
 5. Concerning the truth of the holy scripture, and the evidences thereof.
3. Of policy in matters of religion, fol.
4. De Anima, to Mr. B. fol.
5. De Anima, transactions between him and Mr. B. fol.
6. Tentamina, de ortu, natura et immortalitate animæ, fol.
7. Magnetismus Magnetious, fol.
8. Magnetismus Physicas, fol.
9. Magnetismus Divinus,
10. De generatione animalium et vegetabilium, fol. lat.
11. Of the law of nature, fol.
12. A letter of advice to his grand-children, 4to.
13. Placita Coronæ, 7 vol. fol.
14. Preparatory notes concerning the right of the Crown, fol.
15. Incepta de Juribus Coronæ, fol.
16. De Prerogativa Regis, fol.

17. Preparatory notes touching parliamentary proceedings, 2 vol. 4to.
18. Of the jurisdiction of the house of Lords, 4to.
19. Of the jurisdiction of the Admiralty.
20. Touching ports and customs, fol.
21. Of the right of the sea, and the arms thereof, and customs, fol.
22. Concerning the advancement of trade, 4to.
23. Of Sheriffs accounts, fol.
24. Copies of evidences, fol.
25. Mr. Shelden's discourses, 8vo.
26. Excerpta ex Schedis Seldenianis.
27. Journal of the 12 and 21 Jacobi Regis, 4to.
28. Great common-place book of reports or cases in the law, in law French, fol.

In Bundles.

ON Quod tibi fieri, &c. Matth. 7. 12.

Touching punishments, in relation to the Socinian controversy.

Policies of the church of Rome.

Concerning the laws of England.

Of the amendment of the laws of England.

Touching provision for the poor.

Upon Mr. Hobbs his manuscript.

Concerning the time of the abolition of the Jewish laws.

In Quarto.

Quod sit Deus.

Of the state and condition of the soul and body after death.

Notes concerning matters of law.

To these I shall add the catalogue of the manuscripts, which he left to the Honourable Society of Lincolns-Inn, with that part of his Will that concerns them.

ITEM, as a testimony of my honour and respect to the society of Lincolns-Inn, where I had the greatest of my education ; I give and bequeath to that honourable society the several manuscript books, contained in a schedule annexed to my Will : They are a treasure worth having and keeping, which I have been near forty years in gathering, with very great industry and expence : My desire is, that they be kept safe, and all together in remembrance of me ; they were fit to be bound in leather and chained, and kept in archives : I desire they may not be lent out, or disposed of : only if I happen hereafter, to have any of my posterity of that society that desires to transcribe any book and give very good caution to restore it again in a prefixed time, such as the benchers of that society in council shall approve of ; then, and not otherwise, only one book at one time may be lent out to them by the society so that there be no more but one book of those books abroad out of the library at one time. They are a treasure that are not fit for every mans view ; nor is every man capable of making use of them : Only I would have nothing of these books printed, but entirely preserved together, for the use of the industrious learned members of that society.

A Catalogue of the Books given by him
to Lincolns-Inn, according to the Sche-
dule annexed to his Will.



PLACITA de tempore Regis Johannis, 1 vol.
stitched.

Placita coram Rege E. 1. two vol.

Placita coram Rege E. 2, one vol.

Placita coram Rege E. 3, three vol.

Placita coram Rege R. 2, one vol.

Placita coram Rege H. 4. H. 5. one vol.

Placita de Banco, E. 1. ab anno 1, ad annum 21.
one vol.

Transcripts of many pleas, coram Rege et de ban-
co E. 1. one vol.

The pleas in the exchequer, stiled Communia,
from 1 E. 3. to 46. E. 3, 5. vol.

Close rolls of king John, verbatim, of the most
material things, one vol.

The principal matters in the close and patent rolls
of H. 3. transcribed verbatim, from 9 H. 3. to
56 H. 3, 5 vol. vellum marked K. L.

The principal matters in the close and patent rolls,
E. 1. with several copies and abstracts of re-
cords, one vol. marked F.

A long book of abstracts of records, by me.

Close and patent rolls, from 1 to E. 3. and other
records of the time of H. 3. one vol. marked W.

Close Rolls of 15 E. 3. with other records one
vol. marked N.

- Clofe Rolls from 17 to 38 E. 3. two vol.
- Clofe and patent Rolls from 40. E. 3. to 50. E. 3. one vol. marked B.
- Clofe Rolls of E. 2. with other records, one vol. R.
- Clofe and patent rolls, and charter rolls in the time of king John for the clergy, one vol.
- A great volume of records of feveral natures, G.
- The Leagues of the kings of England, tempore E. 1. E. 2. E. 3. one vol.
- A book of antient leagues and military provisions, one vol.
- The reports of Iters, of Derby, Nottingham and Bedford, tranfcribed, one vol.
- Itenera Forest de Pickering et Lancafter, tranfcript ex originali, one vol.
- An ancient reading very large upon charta de forefta, and of the foreft laws.
- The tranfcript of the Iter Foresta de dean, 1 vol.
- Quo warranto and liberties of the county of Gloucefter, with the pleas of the chace of Kingswood, one vol.
- Tranfcript of the black-book of the admiralty, laws of the army, impositions and feveral honours; one vol.
- Records of patents, inquisitions, &c. of the county of Leicefter, one vol.
- Muster and military provisions of all forts, extracted from the records, one vol.
- Gervafius Tilburienfis, or the black book of the exchequer, one vol.
- The kings title to the pre-emption of Tin, a thin vol.

- Calender of the records in the tower, a small vol.
A Miscellany of divers records, orders, and other things of various natures, marked E. 1 vol.
Another of the like nature in leather-cover, 1 vol.
A book of divers records and things relating to the Chancery, one vol.
Titles of honour and pedigrees, especially touching Clifford, one vol.
History of the marches of Wales collected by me, 1 vol.
Certain collections touching titles of honour, one vol.
Copies of several records touching premunire, 1 vol.
Extract of commissions tempore, H. 7. H. 8. R. and the proceedings in the court military, between Ray and Ramsey ; one vol.
Petitions in parliament tempore, E. 1. E. 2. E. 3. H. 4. three vol.
Summons of parliament, from 49. H. 3. to 22. E. 4 ; in three vol.
The parliament rolls from the beginning of E. 1. to the end of R. 3. in 19. volumes, viz. one of E. 1. one of E. 2. with the ordinations, two of E. 3. three of R. 2. two of H. 4. two of H. 5. four of H. 6. three of E. 4. one of R. 3. all transcribed at large.
Mr. Elfings book touching proceedings in parliament, 1. vol.
Noye's collections touching the kings supplies, 1 vol. stitched.
A book of various collections out of records and

register of Canterbury ; and claims at the Coronation of R. 2. 1. vol.

Transcript of Bishop Ushers notes, principally concerning Chronology, three large vol.

A Transcript out of dooms-day-book of Gloucestershire and Herefordshire, and of some pipe-rolls, and old accompts of the customs, one vol.

Extracts and collections out of records touching titles of honour, one vol.

Extracts of pleas, patents and close-rolls tempore, H. 3. E. 1. E. 2. E. 3. and some old antiquities of England, 1 vol.

Collections and memorials of many records and antiquities, 1 vol. Seldeni.

Calender of charters, and records in the Tower, touching Gloucestershire.

Collections of notes and records of various natures, marked M. 1. vol. Seldeni.

Transcript of the Iters of London, Kent, Cornwall, one vol.

Extracts out of the Ledger-books of battle, Evesham, Winton, &c. 1. vol. Seldeni.

Copies of the principal records in the red-book in the Exchequer, one vol.

Extracts of records and treaties, relating to sea-affairs, 1 vol.

Records touching customs, ports, partition of the lands of Gil. de Clare, &c.

Extract of pleas, in the time of R. 1. king John, E. 1. &c. one vol.

Cartæ Antiquæ in the tower, transcribed, in 2 vol.

Chronological remembrances, extracted out of the notes of Bishop Usher, one volume stitched.

- Inquisitiones de Legibus Walliæ, one vol. collections or records touching knighthood.
- Titles of honour, Seldeni, one vol.
- Mathematics and fortifications, one vol.
- Proceſſus Curiz militaris, one vol.
- A book of honour ſtitched, one vol.
- Extracts out of the registry of Canterbury.
- Copies of ſeveral records touching proceedings in the military court, 1 vol.
- Abstracts of ſummons and rolls of parliament, out of the book Dunelm, and ſome records alphabetically digeſted, one vol.
- Abstracts of divers records in the office of firſt fruits, one vol. ſtitched.
- Mathematical and Aſtrological calculations, 1 vol.
- A book of divinity.
- Two large repositories of records, marked A. and B.

[All thoſe above are in Folio.]

THE proceedings of the forreſts of Windſor, Dean and Eſſex, in quarto, one volume.

[Thoſe that follow, are moſt of them in vellum or parchment.]

Two books of old ſtatutes, one ending, H. 7. The other, 2. H. 5. with the ſums, in two vol.

Five laſt years of E. 2. one vol.

Reports tempore, E. 2. one vol.

The year book of R. 2. and ſome others, one vol.

An old chronicle from the creation to E. 3. one vol.

A Mathematical book, especially of optiques, one vol.

A dutch book of Geometry, and fortification.

Murti Benvenlani Geometrica, one vol.

Reports tempore E. 1. under titles, one vol.

An old register, and some pleas, 1 vol.

Bernardi Bratrack Perigrinatio, one vol.

Iter Cantii and London, and some reports tempore,
E. 2. one vol.

Reports, tempore, E. 1. et E. 2. one vol.

Leiger book, abbatiae de bello.

Isidori opera.

Liber altercationis, et Christianae philosophiae,
contra Peganos.

Historia Petri Manducatorii.

Hornii Astronomica.

Historia Ecclesiae Dunelmensis.

Holandi Chymica.

De Alchymiae Scriptoribus.

The black-book of the new-law, collected by me,
and digested into alphabetical titles, written
with my own hand, which is the original copy.

MATTHEW HALE.

CONCLUSION.

THUS lived and died Sir Matthew Hale, the renowned Lord Chief Justice of England: He had one of the blessings of virtue in the highest measure of any of the age, that does not always follow it, which was, that he was universally much valued and admired by men of all fides and persuasions. For as none could hate him but for his justice and virtues, so the great estimation he was generally in, made, that few durst undertake to defend so ingrateful a paradox, as any thing said to lessen him would have appeared to be. His name is scarce ever mentioned since his death without particular accents of singular respect. His opinion in points of law generally passes as an uncontrollable authority, and is often pleaded in all the courts of justice: and all that knew him well, do still speak of him as one of the most perfect patterns of religion and virtue they ever saw.

The commendations given him by all sorts of people are such, that I can hardly come under the censures of this age, for any thing I have said concerning him; yet if this book lives to after-times, it will be looked on perhaps as a picture, drawn more according to fancy and invention, than after the life; if it were not that those who knew him well, establishing its credit in the present age, will

make it pass down to the next with a clearer authority.

I shall pursue his praise no further in my own words, but shall add what the present lord Chancellor of England said concerning him, when he delivered the commission to the lord Chief Justice Rainsford, who succeeded him in that office, he began in this manner.

‘ The vacancy of the seat of the chief justice of this court, and that by a way and means so unusual as the resignation of him, that lately held it, and this too proceeding from so deplorable a cause, as the infirmity of that body, which began to forsake the ablest mind that ever presided here, hath filled the kingdom with lamentations, and given the king many and pensive thoughts, how to supply that vacancy again. And a little after speaking to his successor, he said, the very labours of the place, and that weight and fatigue of business which attends it, are no small discouragements; for what shoulders may not justly fear that burden which made him stoop that went before you? Yet I confess you have a greater discouragement than the mere burden of your place, and that is, the inimitable example of your last predecessor: *Onerosum est succedere bono Principi*, was the saying of him in the Panegyric; and you will find it so too that are to succeed such a chief justice, of so indefatigable an industry, so invincible a patience, exemplary an integrity, and so magnanimous a contempt of worldly things, without which no man can be truly great; and to all this a man that was so absolute a master of the science of the law, and even of the most abstruse and hidden

parts of it, that one may truly say of his knowledge in the law, what St. Augustin said of St. Jerom's knowledge in divinity, ' *Quod Hieronimus nescivit, nullus mortalium unquam scivit.* ' And therefore the king would not suffer himself to part with so great a man, till he had placed upon him all the marks of bounty and esteem, which his retired and weak condition was capable of.'

To this high character, in which the expressions, as they well become the eloquence, of him who pronounced them, so they do agree exactly to the subject, without the abatements that are often to be made for rhetoric; I shall add that part of the lord Chief Justice's answer, in which he speaks of his predecessor.

——' A person in whom his eminent virtues, and deep learning, have long managed a contest for the superiority, which is not decided to this day, nor will it ever be determined I suppose; which shall get the upper hand. A person that has sat in this court many years, of whose actions there I have been an eye and ear witness, that by the greatness of his learning always charmed his auditors to reverence and attention: A person of whom I may boldly say, that as former times cannot shew any superior to him, so I am confident succeeding and future will never shew any equal: these considerations heightened by what I have heard from your lordship concerning him, made me anxious and doubtful, and put me to a stand, how I should succeed so able, so good, so great a man: It doth very much trouble me, that I who in comparison of him am but like a candle lighted in the sun-shine, or like a glow-worm at mid-

day, should succeed so great a person, that is and will be so eminently famous to all posterity : and I must ever wear this motto in my breast to comfort me, and in my actions to excuse me,

Sequitur, quamvis non passibus æquis ;

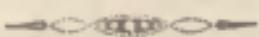
Thus were panegyrics made upon him while yet alive, in that same court of justice which he had so worthily governed. As he was honoured while he lived, so he was much lamented when he died : And this will still be acknowledged as a just inscription for his memory, though his modesty forbid any such to be put on his tombstone.

THAT HE WAS ONE OF THE GREATEST PATTERNS THIS AGE HAS AFFORDED, WHETHER IN HIS PRIVATE DEPARTMENT AS A CHRISTIAN, OR IN HIS PUBLIC EMPLOYMENTS, EITHER AT THE BAR OR ON THE BENCH.

READER.

The following statement was published in a letter, directed to the Honorable Justice, Sir Richard Buxton, who had been fixed his thoughts on the subject. The great character of the Author and on the world for learning, first and unimpaired justice, will, it is hoped, engage those who are acquainted with it, to a serious and attentive and impartial perusal of these thoughts. The design of presenting this discourse at this time, is not to stir the violent attachments of any party to their favorite opinions, which people frequently cherish without making any farther advances in the knowledge of true Religion, but to engage the attention of upright minds in all parties, to the amiable descriptions of true Religion to be found in these papers; that they may serve as a help in returning their own hearts and lives, and engage them to judge charitably of others, who differ from them in matters of opinion. For according to this great man, Religion is not

TO THE
READER.



THE following discourse was inclosed in a letter, directed to the famous Presbyterian Mr. Richard Baxter ; who had desired his thoughts on this subject. The great character the Author had in the world for learning, piety, and untainted justice, will, it is hoped, engage such as are acquainted with it, to a serious, attentive, and impartial perusal of these thoughts. The design of printing this discourse at this time, is not to alter the violent attachments of any party to their favourite opinions, which people frequently change without making any farther advances in the knowledge of true Religion, but to engage the attention of upright minds in all parties, to the amiable descriptions of true Religion to be found in these papers ; that they may serve as a help in reforming their own hearts and lives, and engage them to judge charitably of others, who differ from them in matters of opinion. For, according to this great man, Religion is quite a

different thing from speculation. ‘ He that fears the Lord of heaven and earth, walks humbly before him, thankfully lays hold of the message of Redemption by Christ Jesus, strives to express his thankfulness by the sincerity of his obedience, is sorry with all his soul when he comes short of his duty, walks watchfully in the denial of himself, and holds no confederacy with any lust or known sin ; if he falls in the least measure, is restless till he hath made his peace by true repentance, is true to his promise, just in his actions, charitable to the poor, sincere in his devotions, that will not deliberately dishonour God, though with the greatest security of impunity ; that hath his hope in heaven, and his conversation in heaven, that dare not do an unjust act though never so much to his advantage, and all this because he sees him that is invisible, and fears him because he loves him ; fears him as well for his goodness as his greatness. Such a man, whether he be an Episcopal, or a Presbyterian, or an Independant, or an Anabaptist, whether he wears a surplice, or wears none ; whether he hears Organs, or hears none ; whether he kneels at the communion, or for conscience sake stands or sits : he hath the life of Religion in him, and

that life acts in him, and will conform his soul to the image of his Saviour, and walk along with him to eternity, notwithstanding his practice or non-practice of these indifferents.

‘On the other side, if a man fears not the eternal God, dares commit any sin with presumption, can drink excessively, swear vainly or falsely, commit adultery, lie, cozen, cheat, break his promises, live loosely, though he practise every ceremony never so curiously, or as stubbornly oppose them; though he cry down Bishops, or cry down Presbytery; though he be re-baptized every day, or though he disclaim against it as heresy; though he fast all the Lent, or feasts out of pretence of avoiding superstition, yet notwithstanding these, and a thousand more external conformities, or zealous oppositions of them, he wants the life of Religion.’

To the same purpose is the following description of Religion, by Doctor Barrow.

‘The principal advantage of wisdom, is its acquainting us with the nature and reason of true Religion, and affording convictive arguments to persuade the practice

of it : which is accompanied with the purest delight, and attended with the most solid content imaginable : I say, the nature of Religion, wherein it consists, and what it requires : The mistake of which produceth daily so many mischiefs and inconveniencies in the world, and exposeth so good a name to so much reproach. It sheweth, it consisteth not in fair professions and glorious pretences, but in real practice ; not in a pertinacious adherence to any sect, or party, but in a sincere love of goodness, and dislike of naughtiness wherever discovering itself ; not in vain ostentations and flourishes of outward performance, but in an inward good complexion of mind, exerting itself in works of true devotion and charity, not in a nice orthodoxy, or politic subjection of our judgments to the peremptory dictates of men ; but in a sincere love of truth, and hearty approbation and compliance with the doctrines fundamentally good and necessary to be believed : Not in harsh censuring, and virulently inveighing against others, but in careful amending our own ways : Not in a peevish crossness and obstinate repugnancy to received laws and customs ; but in a quiet and peaceable submission to the express laws of God, and

lawful commands of men : Not in a furious zeal for or against trivial circumstances, but in a conscionable practising the substantial parts of Religion : Not in a frequent talking, or contentious disputing about it ; but in a ready observance of the unquestionable rules and precepts of it. In a word, true Religion consists in nothing else, but doing what becomes our relation to God, in a conformity or similitude to his nature, and in a willing obedience to his holy will, to which by potent incentives, it allures and persuades us, by representing to us his transcendent glorious attributes.

DISCOURSE

RELIGION

CHAPTER I

The ends and uses of it, and the manner of
its conduct.

TRUE religion is the greatest improvement,
advantage and privilege of human nature,
and that which gives it the noblest and highest
purpose of above other visible uses.
We may observe in many brute beasts and
birds, admirable instincts, desires, and pas-
sions; and in some of them (such as the
bees) of reason or consciousness; but religion is
so appropriate to the human nature, that there
are scarce any sort of men, but have some religion;
nor do the most subtle or sagacious brutes afford
any signs thereof, as communicated to their
natures.

It is one of the choicest mercies and blessings
that almighty God hath afforded to the children

A
DISCOURSE
OF
RELIGION.

CHAP. I.

*The ends and uses of it, and the errors of
men touching it.*

TRUE religion is the greatest improvement, advantage, and privilege of human nature ; and that which gives it the noblest and highest pre-eminence above other visible creatures.

We may observe in many brute beasts and birds, admirable instincts, dexterities, and sagacities ; and in some of them some dark resemblances of reason or ratiocination : but religion is so appropriate to the human nature, that there are scarce any sort of men, but have some religion : nor do the most subtile or sagacious brutes afford any signs thereof, as communicated to their natures.

It is one of the chiefest mercies and blessings that almighty God hath afforded to the children

of men, and that which signally manifests his providential care towards, and over them, that in all ages, and among all nations, he hath given to them some means and helps to discover unto them, though in different degrees, some principal sentiments of true religion: 1. By the secret characters, and impressions, and structures thereof in their minds and consciences. 2. By his glorious and admirable works, commonly called the works of nature. 3. By signal providences, and providential regimen of the world. 4. By raising up men in all ages of great wisdom, observation, and learning, which did instruct the more ignorant in this great concernment, the rudiments of natural religion. 5. By traditionary transmission of many important truths and directions of life, from ancestors to their posterity, and others: though in process of time, evil customs and evil men, did, in a great measure, impair and corrupt the sentiments and practices of men, notwithstanding these helps. Therefore the same mercy and goodness of God, for the preservation and propagation of the true religion, was pleased to substitute a more fixed and permanent means: namely, the holy Scriptures, or divine Revelations, committed to writing in the books of the Old and New Testament. Though the religion delivered in both Testaments, be in substance the same; yet the true religion was more fully, and plainly, and distinctly delivered by Christ, and his apostles in the New Testament, together also with some additional instructions for the better preservation and propagation thereof to mankind; and divers additional evidences to prove and manifest the truth

of this religion, to procure its belief and acceptance : as the birth, miracles, death, resurrection and ascension of Jesus Christ, the great reformer of the Jewish, and great institutor of the Christian religion, so called from Christ, that taught and asserted it. The Christian religion is the most perfect rule of our duty to God, ourselves, and others ; and was designed principally for these great ends.

1. To restore to the glorious God, the honour, duty, and obedience of his creature, man ; teaching him to know, to glorify and serve his Creator, to be thankful to him, to submit to his will, to obey his law and command, to be thankful for his mercies, to acknowledge him in all his ways, to call upon him, to worship him, to depend upon him, to walk sincerely in his sight, to admire and adore his greatness and goodness in all his works, especially in the great work of the redemption of mankind by his Son Christ Jesus.

2. To enable man to attain everlasting happiness, the perpetual vision of the glorious God, and to fit and prepare him to be a partaker of the inheritance of the saints in light and glory.

3. To compose and settle mankind in such a decent and becoming rectitude, order, and deportment in this world, as may be suitable to the existence of a reasonable nature, and the good of mankind : which consists principally in a double relation, 1. To a man's self, sobriety. 2. To others, which consist in those two great habits or dispositions beneficent to mankind, viz. righteousness or justice, and charity or love and beneficence.

These three great ends are succinctly delivered, Tit. ii. 11, 12. "For the grace of God that bringeth salvation hath appeared unto all men, teaching us, that denying ungodliness and worldly lusts, we should live soberly, righteously, and godly, in this present world." Here we have these three ends of Christian religion. 1. Godliness, or our duty to God. 2. Salvation, or our own everlasting happiness. 3. Sobriety, righteousness, which also includeth charity, a part of evangelical righteousness.

And because Christian religion was intended and instituted for the good of mankind, whether poor or rich, learned or unlearned, simple or prudent, wise or weak, it was fitted with such plain, easy, and evident directions, both for things to be known, and things to be done, in order to the attainment of the end for which it was designed, that might be understood by any capacity, that had the ordinary and common use of reason or human understanding, and by the common assistance of the divine grace, might be practised by them.

The *Credenda*, or things to be known and believed, as simply necessary to those ends, are but few, and intelligible, briefly delivered in that summary of Christian religion, usually called the Apostles creed.

The *Agenda*, or things to be done or foreborne, are those few and excellent precepts, delivered by Christ and his Apostles, in that little book of the New Testament, and yet even the tenth part of that little book will contain all the precepts of Christian duty and obedience contained in that

book: and in brief, the baptismal covenant, as it is contained in the liturgy, and explanation thereof in the church catechism used among us, together with the precept of the decalogue, contain in effect a summary or brief epitome of our Christian duty.

And certainly it was necessary and becoming the wisdom of the most wise God, and that religion and doctrine, which equally concerned men of all kinds and capacities, should be accordingly accommodated, as might be useful for all. If the doctrine or precepts of Christian religion should have been delivered in over sublime, or seraphical expressions, in high rhetorical raptures, in intricate and subtil phrases or stile, or if it should have been furcharged with a multitude of particulars, it would have been like a sealed book, to the far greatest part of mankind, who yet were equally concerned in the business and end of religion, with the greatest philosophers and clerks in the world.

Upon what hath been said, we may therefore conclude,

1. That there is not, and indeed may not be any great difficulty in the attaining of a true saving knowledge of Christian religion.
2. That the duties of Christian religion are not of so vast an extent, but the knowledge of them may be also attained by an ordinary capacity, willing to learn.
3. That considering that God Almighty is never wanting with his grace to assist those that sincerely endeavour and desire to obey him and serve him, it is not so difficult a business to perform an

evangelical obedience to the precepts of the gospel, I say, an evangelical obedience, though not a perfect obedience; an obedience that is sincere, though many times weak, and failings, which nevertheless are forgiven, and their sincere, though imperfect obedience accepted by Almighty God, through the merits and intercession of Christ, and our own humiliation and sincere repentance for our failings.

And, 4. That when all is done, in this belief and this obedience, consists our Christian religion. This is the one thing necessary, the *Magnum Opus*, which is of highest concernment and greatest importance to mankind.

But now, if we do but look about us in the world, and observe and consider the matters, wherein men for the most part, do place religion, we shall find quite another kind of rate and nature of religion, than what Christ instituted or intended, and yet all veiled and shrouded under the name of Christian religion; and greater weight and stress laid upon them, than upon the true, real, grand imposts of Christian religion.

I, I shall begin with the subtilties of great scholars, schoolmen, and scholastic divines. These have turned Christian religion into a most curious and difficult speculation, and that which was designed by Christ Jesus as a plain direction to every capacity, to be a guide to a righteous, holy, and sober life here, and to attain everlasting life hereafter, they have (made) a mere exercise of wit, and a piece of greater subtilty than the abstrusest philosophy or metaphysics. And this they have done principally these ways,

1. By disputes about questions, that as they are not in themselves necessary to be known, so they are in their own nature impossible for human understanding to determine : as for instance ; many, if not all, the points controverted between the Arminians and Calvinists, as touching the manner of the decrees of God, what kind of influence he hath upon the wills of men. The manner of the divine knowledge of things future, contingent, or possible. The resistibility or irresistibility of divine grace. The nature of eternity, and infinitude, and indivisibility. The manner of the existence of the three Persons in the unity of essence. The nature of angels and spirits ; the manner and degrees, and method of their knowledge of things ; their several ranks and orders, and infinite more speculations and disputes of things that do not in their own nature fall under the discovery of human understanding, by the ordinary course of ratiocination, and are impossible to be known further than they are distinctly revealed by Almighty God, and as it was industriously kept secret by Almighty God, because they are not of use to mankind to be known. It is far more possible for a child of three years old, to have a true conception of the most abstruse points in philosophy, or in the mystical reasons of state or politic government of a kingdom, than for the wisest man that ever was, without revelation from God, to have any tolerable conception or notion of things of this nature, with any tolerable certainty or evidence.

2. Again, there are other points disputed which are of a lower allay, and yet not to be distinctly

known without more clear revelation than we yet have of it, nor yet of any necessity for us distinctly to know : as for instance, concerning the nature and manner of transmission of original sin ; how far the sins of immediate or remote parents, affect their posterity with guilt or punishment : the origination of the human soul : how far the efficacy of the sacrifice of Christ was intentionally for all men ; concerning the means of communication thereof to infants, ideots, and the invincibly ignorant : what is the real consequence of baptism of infants, or its omission ; how far the will of man is operative to his conversion, or perseverance ; wherein the formal nature of justification consists ; how far forth faith singly is sufficient for it, without sanctification and habitual holiness at last, and how far forth the sincere love of God, by a person invincibly ignorant of many, or most points of Christian religion is sufficient thereunto ; concerning the estate of the separate soul before the last judgment, and how far it enjoys the beatifical vision before the resurrection.

Disputes touching these, and the like difficult questions, have blown up men's fancies with speculations, instead of filling their hearts with the true and genuine effects of Christian religion.

It is true, that physicians and naturalists do, and may make enquiries into the method and progress of generation, and digestion, and sanguification, and the motion of the chyle, the blood, the humours : for, 1. They have means of access to the discovery thereof by dissection and observation. And, 2. It is of some use to them in their science, and the exercise thereof. But when all

is done, a man of a sound constitution digests his meat, and his blood circulates, and his several vessels and entrails perform their offices, though he knew not distinctly the method of their motions and operations. But these speculations above mentioned, in points of divinity as they are not possible to be distinctly determined with any certainty, so they are of little use to be known.

If the heart be seasoned with the true knowledge of the things that are revealed, and with the life of the Christian religion, and the love of God, it will be effectual enough to order his life, and bring him to everlasting happiness, though he be not, like an exquisite anatomist, acquainted with a distinct comprehension or knowledge of the several difficult enquiries of this nature. Believe what is required by the word of God to be believed, and do your duty, as by that word is directed; so that the life of religion, and the love of God be once set on foot in the soul, and there nourished, and commit yourself to the faithfulness and goodness of God, and this will be effectual to the great end of religion, though all these disputes be laid aside.

3. Again, A third mischief of scholastics, is, in relation to practics: 1. Some casuistical divines have so distinguished concerning religious external duties, that they have left little practical religion or morality in the world, and by their subtil curious distinctions, have made almost every thing lawful, and with the Pharisees, in the time of our Saviour, have made void the laws of God, (and of man also) by their traditions and distinctions: so that religion towards God, and all righteousness

and sobriety, is so thin and narrow, and subtil, that by their doctrine of probability, and casuistical distinctions, all the bones thereof are loosened. It would be too long to give instances in particular: The late velitations in France between some of the Popish Priests and Jesuits, furnish the world with instances enough of this kind.

II. The second instance is this, the turning of the greatest part of religion into politic contrivances, for attaining or upholding power, wealth, or interest.

There have been instances many in this kind among secular princes and states, this was the act of Jeroboam to set up idolatrous religion in Samaria, for preventing a return of the ten tribes to the house of David. And we may observe it in most of the religions established by Heathenish princes, which was so ordered to accommodate their interest, though to the extreme corrupting of natural religion.

But there is not so eminent an instance thereof in the whole world, as that of the ecclesiastical state of the church of Rome, who have corrupted, as much as in them lies, the most pure and innocent religion that ever the world knew, namely, the Christian religion, by distorting it to ends of wealth and power, appendicating to it certain new doctrines and practices merely to those ends. And not only so, but have laid the greatest weight of religion in the observation of these political appendications; so that a man that either questions or not observes the political additaments, runs as severe a censure and danger among them, as he that denies the most unquestionable principles of

Christian religion. Such are their doctrines of the Pope's supremacy, the Pope's infallibility, the necessity to salvation to be of the Romish church; the adoration of images, saints departed, and angels; the veneration of reliques; the doctrine of purgatory, indulgences, and the church treasury of redundant merits; the doctrine and practice of dispensations and indulgences; their canonization of saints; their pilgrimages, numerous ceremonies, theatrical spectacles, their doctrine of transubstantiation, and divers other super-additions and appendications to Christian religion, which any person, not captivated by them, may with half an eye perceive to be invented and continued merely for the support of the grandeur of an universal monarchy which they miscall the Church, and for the amassing of wealth and power for the support of it, as might most easily be evinced by the particular examination of all those politic appendixes.

And yet let any man observe it, he shall find as great fervour for the upholding of these doctrines and practices, and as great a jealousy of the least breach made upon them, as if the whole concern of Christian religion, and the salvation of souls, lay in their belief and observance.

III. The third instance is in relation to the forms of church government and ceremonies. That ecclesiastical government is necessary for the preservation of religion, is evident to any reasonable and considerate man: And that the Episcopal government constituted in England, is a most excellent form of ecclesiastical government, and exceeds all other forms of ecclesiastical government may be easily evinced; and that it is the best adapted to the civil government in this king-

dom, is visible to any intelligent person: And yet I do not think that the essence of Christian religion consists in this, or any other particular form of government. It is a great help to the preservation of it in its purity and unity, and may be well called *Sepimentum Religionis Christianæ*, as the Jews call their oral tradition, *Sepimentum Legis*, the fence of the law. But a man may be a good and excellent Christian under this or any other form of ecclesiastical government, nay in such places where possibly there is no settled form of ecclesiastical government established.

But if we observe many persons in the world, we shall find some so highly devoted to this or that particular form of government, as if all the weight of Christian religion lay in it: Though the wise and sober sort of conformists know and profess this, yet there be some rash people that will presently un-church all the reformed churches beyond the seas which are not under episcopal government. That if they see a man, otherwise of orthodox principles, of a pious and religious life, yet if scrupling some points of ecclesiastical government, though peaceable, they will esteem him little better than a Heathen or Publican, a Schismatic, Heretic, and what not: On the other side, if they see a man of great fervour in asserting the ecclesiastical government, observant of external ceremonies, though otherwise of a loose and dissolute life, yet they will be ready to applaud him with the stile of a son of the church, and upon that account, over-look the miscarriages of his life, as if the essence and life of Christian religion lay in the bare asserting of the form of ecclesiastical government.

On the other side, there is as great an extremity of the other hand: There are many indiscreet persons, as well divines as others, that having either by their education, or by conversation with Dissenters, or possibly to gain a party, taken upon them the patronage of asserting of some other form of church government, either Presbyterian or Independent, or something framed by their own invention, presently cry down the established government of the church, as Antichristian or Popish, and cry up that which they have thus espoused, as the only true Christian regiment instituted by Christ; and presently among them, and their followers, this is made the discriminative mark of a true Christian. If they see a man conformable to the established government, though he be pious, sober, and truly religious, yet they despise and neglect him, censure him as a formalist, and without the power of godliness: But if a man will but revile the established government, and be bold against it, cry it down, and cry up the new institution into which they are listed, though the man be covetous, uncharitable, hard-hearted, proud, impetuous, and possibly otherwise loose in his conversation, yet such a man shall be cherished, applauded, and cried up for a saint, a precious man, and zealous for the truth.

And although decent ceremonies, that are for the preservation of the dignity of religion, and to keep due order and regularity, are not essential parts of Christianity, nor were ever so esteemed by wise and sober men, and yet are of use and convenience in the church, nevertheless we may easily observe among men the same extremes as are be-

fore noted: Some placing the whole weight of religion in their strict observance, and making them the principal, if not the only badge of a son of the church, hating and despising those that scruple any thing in them, or that do not come up in every punctilio to their observance, though they be otherwise sound in the principles of faith, pious and strict in their lives, just and honest to all men, and sober, temperate and blameless.

On the other side, there be a sort of men that place the greatest stress and discriminating point of Christian religion, in opposing and decrying all instituted ceremonies, though innocent, decent, and without any the least touch of superstition in them, yet these must be decried, as Popish, Antichristian, destructive of Christian liberty, and the party that with most boldness and vehemence declaims against them, is valued by them as a most precious man, a man of zeal and courage, and needs little else to justify and magnify him with his party.

On the other side, though a man be of an holy and conscientious life, sound in principles, sober, blameless, peaceable; yet if he observe these blameless ceremonies, though with great moderation and charity to Dissenters, he shall be slighted and undervalued, esteemed a formalist, a time-server, or, at best, a man wanting courage, zeal, lukewarm, timorous, and wanting the power of godliness. Such wild and wrong measures, do men of extremes on all hands, take of the true essence and ends of Christianity.

IV. Again, even among professors of the Protestant religion, there are divers disputed and con-

troverted points; as between the Calvinists and Arminians, especially touching the universality of the redemption by Christ, perseverance and falling from grace, and almost every day there arise certain new opinions, some of greater importance, but very commonly of small and inconsiderable moment; and these are taken up by the several parties possibly agreeing in the same fundamentals of Christian religion. And sometimes they are entertained by a party of men, because their pastors are of that opinion, or seem to be so; though often they are taken up, or instilled into a party, to make a discriminative mark between persons of several congregations, and then it is wonderful to see with what fervour each party maintains his tenet, and as great weight is laid upon it, as if the whole stress of Christian religion, and the salvation of the souls of men lay upon it; when God knows they are not of any moment in it.

Such was the old controversy between the eastern and western churches about Easter-day, and more ancient than that in the Apostles times, about eating of meats offered to idols, and among us at this day touching the five Arminian questions. And yet we shall see men as fervent and zealous about them, as censorious of Dissenters from them, as fond of those of the same opinion with them, as if all the articles of the Christian faith were immediately concerned in them; when all the while they are not of any moment to the salvation of men, nor of any concernment to the Christian religion, or the ends thereof, but are only artifices imposed upon men to hold up parties, or to keep up some man, or parties reputation; imaginations

which men are fond of, because they are their own, at least theirs whom they have in great veneration or esteem.

V. Again, the fond mistakes of men in this kind, are observable in very slight and trivial matters, which yet are entertained with a kind of religious veneration, when they serve to hold up parties, or as discriminations of their professions. Among the professed Monks and Friars, they have certain habits assigned to several orders, and as well anciently as now, have several kinds of tonsures of their heads, which they observe with great severity; and place much religion in them.

And even among the various sects, or persuasions among those that least abhor Popery, yet we shall find some such fond things upon which they lay a great weight of their religion: Sometimes in very looks and composing of their countenance; sometimes in the manner or tone of expressions; sometimes in affected phrases; sometimes in gestures; sometimes in habits and dresses; sometimes in use of meats and drinks of one kind or other. I shall give some few instances.

You shall have some that place a great point of religion, in forbearing the eating of flesh upon Fridays, or in the time of Lent, but yet indulge themselves oftentimes in the eating of the choicest fish, and the most costly diet of their meats: Others again think they must needs go as far on the other extreme, chusing those seasons for feasting upon flesh, and think it acceptable with God, because it runs counter to the other extreme.

Again, a time there was when it was thought that long hair was unbecoming professors of Chris-

tianity, and upon that account, some did wear their hair short, even to extremity. But about the beginning of the late wars, many took up, as they thought, a more elevated way of Christianity, and as a badge thereof, wore their hair extremely long.

The conformists usually wear crowns or canonical coats; many of the nonconformists, by way of discrimination, use other habits.

The former officiate, as the canons require them, in surplices, and sometimes with hoods, and some are so taken with it, that they think the offices want an essential part when performed without it; some of the latter, think the solemn ordinances are prophaned by it, and rendered superstitious.

But among all the differing persuasions among us, there are none that give a man more ample evidence of mistakes of this nature, than those called Quakers, who place a great part of their religion in keeping on their hats, in using the words thee and thou, in styling the months and days of the week, not according to the usual appellation, but the first, or second month, or day, in certain habits and postures unlike other men; in silent devotions at their public meetings; in reviling and crying down the established ministry, churches, sacraments, Lord's-day, and all manner of forms, whether commanded or used by others; in refusing to take an oath when lawfully called thereunto; and some such other singularities. Take away but these and the like affected super-additions; the men are as other men, some indeed very sober, honest, just, and plain-hearted men, and sound in most, if not all the important doctrines and prac-

tices of Christianity; others, (as it happens in all professions) subtil, covetous, uncharitable, tumultuous, ignorant, proud, despisers of others, slanderers, and yet as long as they conform to the sect in these impertinent or unwarrantable singularities, they please themselves with the stile of the people of God, and are for the most part esteemed as such by those of that sect.

By this little survey, we may easily take an estimate of the mistakes of mankind, and even among Christians, touching the mistakes in point of Christianity and Christian religion, and how common it is to misplace the name of Christian religion, and the nature of it, and attribute it to such things, as in truth have nothing to do with it, but many times are directly contrary to it.

And yet, even in these impertinencies, many men place the greatest moment of their religion, and have as great, and many times a greater zeal and fervour for them, than for the weighty points and duties of Christianity, and most of the business of many men, consists in velitations, and defences, and invectives about them; the pulpits and the press are engaged about them; love, and charity, and even common humanity, and mutual conversation between man and man, church and church, party and party, is broken by the mutual collisions and animosities concerning them. So that (the Lord be merciful to us and forgive us) there is as little love, and as great distance and animosity between many of the dissenting parties among Protestants, touching these matters, as there is between Papists and Protestants, or between Christians and Infidels. And by this means the

true life of Christian religion, and that which was the great end of its institution, and the true genuine and natural effect of it upon the heart and soul, and course of life, is lost or neglected by them that profess it, or disparaged among those that either have not entertained it, or, at least, entertained it, as they do the customs of the country wherein they are educated. These men, when they see so much religion placed by professors of Christianity in these things, which every intelligent man values but as forms, or inventions, or modes, or artifices, and yet as great weight laid upon them, as great fervour and animosity used for or against them, as almost for any points of Christian religion, they are presently apt to censure and throw off all religion, and reckon all of the same make.

But when all is done, true Christian religion is of another kind of make, and is of another kind of efficacy, and directed unto, and effective of a nobler end, than those things about which, as above is said, men so much contend, and that makes so great a bustle and noise in the world. As the Credenda are but few and plain, so the Facienda, or things to be done, are such, as do truly ennoble and advance the human nature, and bring it to its due habitude, both to God and man.

It teacheth and tutors the soul to a high reverence and veneration of Almighty God, a sincere and upright walking as in the presence of the invisible, all-seeing God: It makes a man truly to love, to honour, to obey him, and therefore careful to know what his will is; it renders the heart highly thankful to him, both as his Creator, Re-

deener, and Benefactor : It makes a man entirely to depend upon him, to seek to him for guidance, and direction, and protection ; to submit to his will with all patience and resignation of soul : It gives the law, not only to his words and actions, but to his very thoughts and purposes, that he dares not entertain a very thought unbecoming the sight and presence of that God, to whom all our thoughts are legible : It teacheth and bringeth a man to such a deportment, both of external and internal sobriety, as may be decent in the presence of God, and all his holy angels : It crusheth and casts down all pride and haughtiness, both in a man's heart and carriage, and gives him an humble frame of soul and life, both in the sight of God and men : It regulates and governs the passions of the mind, and brings them into due moderation and frame : It gives a man a right estimate of this present world, and sets his heart and hopes above it, so that he never loves it more than it deserves : It makes the wealth and glory of this world, high places, and great preferments, but of a low and little value to him ; so that he is neither covetous, nor ambitious, nor over solicitous concerning the advantages of it : It brings a man to that frame, that righteousness, justice, honesty, and fidelity, is as it were part of his nature ; he can sooner die than commit or purpose that which is unjust, dishonest, or unworthy a good man : It makes him value the love of God, and peace of conscience, above all the wealth and honours in the world, and be very vigilant to keep it inviolably : Though he be under a due apprehension of the love of God to him, yet it keeps him humble and watchful,

and free from all presumption, so that he dares not under a vain confidence of the indulgence, and mercy, and favour of God, turn aside to commit or purpose even the least injury to man; he performs all his duties to God in sincerity, and integrity, and constancy; and while he lives on earth, yet his conversation, his hopes, his treasure, and the flower of his expectation is in heaven, and he entirely endeavours to walk suitably to such a hope: In sum, it restores the image of God unto the soul in righteousness and true holiness.

*Compositum jus, fasque animi sanctosque recessus
Mentis, et incoctum generoso pectus honesto.*

These, and the like to these, are the ends, design, and effect of true Christian religion, truly received and digested in the soul. And certainly any man that duly considereth, will find that they are of another kind of nature and value, than those sublime speculations, politic constitutions, forms or not forms, affected singularities, upon which many lay the weight of religion, and for touching which, there is so much contention and animosity in the world. So that methinks men in this regard, are like to a company of foolish boys, who, when the nut is broken, run scrambling after the pieces of the shell, and in the mean while, the kernel is neglected and lost.

Now touching the reasons or causes of these misapprehensions touching religion, they are various: Some deserve compassion, and others are more or less excuseable, according to their several kinds: 1. Some persons truly conscientious and zealous of any thing that they judge to be dis-

pleasing to God, as not agreeable to his will, and observing the many corruptions, that the Romish church have brought into the worship of God, are very suspicious of any thing that may look, as they think, any thing that way; and therefore, though they are otherwise men of sound and orthodox principles, and of a truly righteous, sober, and pious life, yet perchance are transported somewhat too far in scrupuling or opposing some ceremonies or forms: And possibly their education and conversation with men of such persuasions have confirmed them in it, so that they do not oppose out of a forwardness or peevishness of mind, or out of pride, or a spirit of opposition, but in the sincerity and simplicity of their hearts, and out of a tenderness for the honour of God. These, though they are, or may be mistaken in their persuasions, yet certainly, deserve compassion, tenderness, yea, and love also, much rather than severity or contempt.

2. Others again, observing that certain modes, and forms, and the rigorous observations of them, are the common road for attaining preferments or favours of great persons, upon that account exercise a marvellous fervour of mind for them, and a vigorous opposition of all that come not up to them in every punctilio, that they may thereby be taken notice of, and employed, as useful, and fit, and vigorous assertors and instruments for this purpose.

3. Many times gain and profit is the end and design of many practices and positions appendicated to Christian religion, as is before observed in the Romish church; and it is easily observable,

that interest, profit, and temporal advantage have a strong bias upon men's affections; and are dearer to them than the truth of religion, and carry men more vigorously in their upholding and maintenance, than religion itself doth: and because the pretence of zeal for religion carries a fair plausibility with all men, therefore those very things that are but engines of gain and profit, are christened with the specious name of religion.

It was the making of silver shrines for Diana, the art whereby the artificers got their living, that made the outcry, "great is Diana of the Ephesians."

Again, it is very certain, that mankind hath a huge kindness and partiality for matters of their own invention, and set a greater rate upon them, than upon other matters handed over to them by others: and, hence it comes to pass, that a new fancy or opinion, a new form of worship, discipline, or government, that any man hath invented or studied out, is to such a man ordinarily of greater value and moment than it deserves, and shall be maintained with greater zeal, fervour, and animosity, than points of greater truth and moment, as if the great moment and weight of religion and Christianity lay in it; which is in truth, nothing else but the effect of self-love, and self-conceit.

5. Again, though by nature, man be a sociable creature, yet there is in most men a certain itch of pride, which makes them affect a discrimination from others, and to become a kind of separated party more refined than the rest of the same common profession.

I do remember in the beginning of our late troubles, the only party that visibly appeared, were some that desired some reformation in church matters : and when that party had obtained, under the name of the presbyterian party, in a very little while there arose a more sublime party of men, called the independent, or congregational men, which much despised the former, as not arrived to a just measure of reformation. Shortly after that, there arose a kind of lay-party, which as much undervalued the independent, and indeed the ministry in general.

After that, there arose a party, discriminating itself from all the former, viz. the Quakers. These various parties, were as so many subdivisions and rectifications of what went before.

Now the means of holding up this discrimination of parties, are certain select opinions, practices, or modes, which are like the badges or colours that give each party its denomination, distinction, and discrimination : and consequently these discriminative badges have as great a rate set upon them as each sect sets upon itself ; and therefore must be upheld under the very notion and the life of religion, and must be maintained with the greatest fervour imaginable ; for otherwise the distinction of the sects themselves would fall to the ground, and become contemptible both among themselves and others, because otherwise there would appear very little and inconsiderable reason, upon trifling or small reasons, to separate and divide from others, and to un-church and unchristian them that are not of their company or society.

CHAP. II.

The life of religion, and super-additions to it.

THE truth and spirit of religion comes in a narrow compass, though the effect and operation thereof are large and diffusive. Solomon comprehended it in a few words, "Fear God, and keep his commandments, for this is the whole duty of man:" the soul and life of religion is the fear of God, which is the principle of obedience; but obedience to his commands, which is an act, or exercise of that life, is various, according to the variety of the commands of God: if I take a kernel of an acorn, the principle of life lies in it: the thing itself is but small, but the vegetable principle that lies in it takes up a less room than the kernel itself, little more than the quantity of a small pin's head, as is easy to be observed, by experiment, but the exercise of that spark of life is large and comprehensive in its operation; it produceth a great tree, and in that tree, the sap, the body, the bark, the limbs, the leaves, the fruit; and so it is with the principle of true religion, the principle itself lies in a narrow compass, but the activity and energy of it is diffusive and various.

This principle hath not only productions that naturally flow from it, but where it is, it ferments and assimilates, and gives a kind of tincture even to other actions that do not in their own nature follow from it, as the nature and civil actions of

our lives, under the former was our Lord's parable, of a grain of mustard, under the latter of his comparison of leaven, just as we see in other things of nature: take a little red-wine, and drop it into a vessel of water, it gives a new tincture to the water; or take a grain of salt, and put it into fresh liquor, it doth communicate itself to the next adjacent part of the liquor, and that again to the next, until the whole be fermented: so that small and little vital principles of the fear of God, doth gradually, and yet suddenly assimilate the actions of our life flowing from another principle. It rectifies and moderates our affections, and passions, and appetites; it gives truth to our speech, sobriety to our senses, humility to our parts, and the like.

Religion is best in its simplicity and purity, but difficult to be retained so, without superstitions and accessions; and those, do commonly in time stifle and choak the simplicity of religion, unless much care and circumspection be used: the contemplations are so many and so cumbersome, that religion loseth its nature, or is strangled by them: just like a man that hath some excellent simple cordial or spirit, and puts in musk in it to make it smell sweet, and honey to make it taste pleasant, and it may be cantharides to make it look glorious. Indeed by the infusions he hath given it a very fine smell, and taste, and colour, but yet, he hath so clogged it, and sophisticated it with super-additions, that it may be he hath altered the nature, and destroyed the virtue of it.

The super-additions and superstructions in point of religion are very many, and from very many

and various tempers in men that add them. As for instance,

1. There is one common super-addition that naturally all men are apt to bring into it, viz. that it may gratify the sense; for in as much as the most powerful and immediate influence upon us comes from, and through our senses, and that spiritual and internal apprehensions have not so strong or constant an impression upon us, they seem things at a distance, flat, and the soul is weary of bearing itself upon them; men are apt to dress up religion so, as it may be grateful to the sense; make us gods that may go before us: and this is the chief original of idolatry, and also of superstition.

2. There are other super-additions that come even from the accidental inclinations of men to some special matter which they value and love; and that they carry over into religion; and many times mingle with it. As for the purpose, take a man greatly admiring natural philosophy, he will be apt to mingle and qualify religion with philosophical notions. Many of those things of Aristotle, that are harshly and dishonourably asserted concerning the Deity, are from his tenacious adhering to certain philosophical positions that he had fixed upon.

Behemen, who was a great chymist, resolves almost all religion in chymistry, and frames his conceptions of religion suitable and conformable to chymical notions.

Socinus, and his followers, being great masters of reason, and deeply learned in matters of mora-

lity, mingle almost all religion with it, and form religion purely to the model and platform of it.

Many great physicians, that have much observed the constitutions of man's body, have figured to themselves notions of the soul, conformable to the results of their observations in the body.

And as thus in these sorts of men, so again men of metaphysical and notional brains and education, as the schoolmen, they have conformed religion, and their notions concerning it, to metaphysics: and indeed have made that which is, and ought to be, the common principle for the actuating of all men, yea, even of the meanest capacities, to be a mere connection of subtilties far more abstruse than the most intricate and sublimated human learning whatsoever.

Again, take a politician, or statesman, and he shall most easily conform religion to state policy, and make it indeed, a most excellent and incomparable engine for it, and nothing else.

And if we narrowly look upon the method and system of religion, as it is formed by the Romish hierarchy, it is a most exquisite piece of human policy, and every thing therein suited with most exquisite art and prudence for the support of the grandeur and interest of that state: this hath mingled with the Christian religion the Pope's infallibility and supremacy, his power of pardoning, and dispensing his keys of heaven and hell, his purgatory, and indulgences, and images, and adorations of them; his reliques and pilgrimages, and canonizing of saints, and a thousand such kind of stuff most incomparably fitted to men's passions and affections; and so to support that

most artificial and methodical fabric of the Popish state ; for indeed it is no other.

And if we look into other kingdoms and places, we shall easily find, that religion is so stated and ordered, as may best conduce to the peace, order, wealth, and amplitude of every kingdom ; for wise politicians, finding that religion hath a great impression on men's minds, and therefore if it be not managed by the policy of state, may prove an unruly business, if it be contempered with mixture prejudicial to the state, and that it may be a most excellent engine, if it can be managed and actuated for the benefit of the state, do add to it much of their own, that it may be managed upon occasion, and they dress up religion with state-policy, whereby in truth it becomes nothing else but a mere piece of human policy, under the name of religion.

And, on the other side, those either politic or discontented spirits, that would put a kingdom into blood and confusion, do mingle discontents, and fancies, and imaginations, suspicions, and forwardness with religion, and call this confused mixture of fancies and passions, religion ; and manage and brandish this weapon with mighty disadvantage to that state which they oppose.

For it is most apparent, that as nothing hath so great an impulsion upon men, as that which comes under the apprehension of religion, inasmuch as it concerns the greatest good, even their everlasting souls and happiness ; so nothing is of so universal concernment as this, and therefore like to attract the most followers ; for every man hath not an estate to care for ; but every man hath

a soul to care for ; and hence it is that scarce any great contest between princes hath happened in these latter years, nor scarce any commotion in a state, but religion is owned on all sides ; and God, and his cause, and his church, owned on all hands, and therefore still the scramble is for religion, and who shall keep the opinion of religion most firm to them ; and therefore they, on all hands, infuse into the thing they call religion, those things that may most probably and politically hold to their party.

Again, in contest among clergymen, every one trims and orders religion in that dress, that may most make it their own, and secure it to themselves.

Take the Popish clergymen : hold what you will, if you hold not the supremacy and vicariot of the Pope, all the rest of your religion is not worth a rush.

Come to the reformed episcopal clergy : as to the Pope's supremacy they disclaim it ; but if you acknowledge not episcopal government, if you swear not canonical obedience to your ordinary, if you submit not to the liturgy, and ceremonies, and vestments, and music used in the church, you are at best a schismatic.

Again, come to the Presbyterian clergy, they will tell you Episcopal government is Romish and superstitious, and their ceremonies and usages, Antichristian usurpations ; but if you mean to be of a warrantable religion, you must submit to the Presbyterian government, as truly apostolical.

Come to the Independent, he declaims against both the former, and tells you, that the true con-

formity to apostolical order is in the congregational way.

Take the Anabaptist, and he tells you all the former are vain and irreligious, unless you will be re-baptized, and enlisted in their church.

Again, in points of doctrine, as well as discipline, it is most plain, that tenets are professed or decried for distinction of parties: witness the contest between the Arminian party, and the Calvinistical party, which are only used as methods on either side, to attract profelytes, and distinguish parties: and in these and the like distinctions of parties and professions, the superstructions and additions, are in a manner incorporated and grafted into religion, and in effect give the only demonstration to it, according to the various interests and affections of parties; when in truth, the main business of these, and the like additions and superstructions, are but policies to distinguish, and fortify, and increase parties.

3. There are some super-additions to religion, that though I do not think they are to be condemned, yet are carefully to be distinguished from the true and natural life of religion; and so long as they are kept under that apprehension, they may, if prudently applied and managed, do good. But if either they are imprudently instituted, imprudently applied, or inconsiderably over-valued, as if they were religion, they may, and many times do harm; and such are decent and inoffensive forms in the external worship of God appointed by the civil magistrate, by the advice of those that are deservedly eminent in the church for their

piety, learning, and prudence. And there seems to be very good reason for it.

1. Because, if every man should be left to himself, there would confusion ensue; because no man knew another's mind, or rule of his external deportment.

2. All men have not that equal prudence to judge what were fit to be used: the magistrates are best to make choice of those persons that are fittest to advise, and their recommendations would be of greatest authority with others.

3. It is most certain, that man being composed of soul and body, cannot so regularly and well fix himself to his duty, without some justifiable help to his devotion; such are vocal prayers, kneeling, and other gestures proper for the matter of worship which he intends.

And this may be one reason, why the Lord, though he strictly forbade all idolatry and superstition, and heathenish practice to the Jews, yet did appoint sacrifices, priests, a glorious tabernacle, and the ark, which was not only a diversion from the Egyptian idolatry, which they had seen, but also a help to their natural infirmity for the excitation of their devotion.

And although our Lord Jesus came to abrogate even that indulgence, and foretold that those that "worshipped the Father, should worship in spirit, and in truth," under the gospel; yet it is certain, that the immediate apostles of Christ did set certain orderly observances in the church for decency's sake; and it was justly allowable: as concerning the order of the exercise of their supernatural gifts, concerning women's speaking in the

church, concerning men's being covered in the church, and women veiled ; concerning the manner and order of receiving the sacrament, and the like.

But as there be reasons for it, so there be cautions to be used in it.

1. That they be not too numerous ; for their multitude will rather oppress than secure religion.

2. That in their natures they be not superstitious, but keep as much distance from it as well may be ; otherwise they will be in religion, as the dead fly in the apothecary's ointment.

3. That they be clean and decent, not too full of pomp or ostentation : ceremonies should be used as we use a glass, rather to preserve the oil, than to adorn it. Too much pomp causeth jealousies, even in good men, of a degeneration either to Jewish ceremonies or popish vanities.

4. That though such are not to be rejected, because they are ancient, so if they become unreasonable, they are not to be held merely because they are ancient. It is with ceremonies, as with some other things, that are fitted to be changed when they are become useless or offensive, as the love-feasts, extreme-unction, and some other things, possibly practised, and fit enough in the primitive times : many ceremonies were at first invented and practised, to win over unconverted heathens ; to encourage weak Christians, especially the Jews, who were not easily to be drawn from their legal ceremonies : but when people become a knowing people, that see beyond those ceremonies, and understand when, and why, and

how they came in, then it were prudence to dispense with or change them.

5. That they be not urged with too much rigour or severity upon such as conscientiously refuse them. Charity to a weak brother in things indifferent in their own nature, is then to be exercised, when my brother is offended therewith, or never: and if it be said it is his duty to submit to the church, and not the church to him, I do think that answer will not serve in this case, for surely though a child owes a duty to a father, yet his neglect thereof, especially if it be upon a conscientious account, will not excuse the neglect of a father's duty to his child: the apostle professed he would abstain from things lawful rather than offend his weak brother.

6. And especially that we be careful to remember that religion is another thing from these ceremonies. These are of use, i. e. for ornament; they are the dressings and the trimmings of religion at the best, but the fear of God is of a higher extraction.

It is a pitiful thing to see men run upon this mistake, especially in these latter times; one placing all his religion in holding the Popeto be Christ's vicar, another placing religion in this, to hold, no Papist can be saved: One holding all religion to consist in holding episcopacy to be *jure divino*; another in holding Presbytery to be *jure divino*; another in crying up congregational government; another in Anabaptism; one in placing all religion in the strict observation of all ceremonies; another in a strict refusal of all: One holding a great part of religion in putting off the hat, and bowing at

the name of Jesus; another judging a man an idolater for it: And a third placing his religion in putting off his hat to none; and so like a company of boys that blow bubbles out of a walnut-shell, every one runs after his bubble, and calls it religion; and every one measures the religion or irreligion of another, by their agreeing or dissenting with them in these or the like matters; and, at best, while we scramble and wrangle about the pieces of the shell, the kernel is either lost, or gotten by some that do not prize any of their contests.

Believe it, religion is quite another thing from all these matters: He that fears the Lord of heaven and earth, walks humbly before him, thankfully lays hold of the message of Redemption by Christ Jesus, strives to express his thankfulness by the sincerity of his obedience, is sorry with all his soul when he comes short of his duty, walks watchfully in the denial of himself, and holds no confederacy with any lust or known sin; if he falls in the least measure, is restless till he hath made his peace by true repentance, is true to his promise, just in his actions, charitable to the poor, sincere in his devotions, that will not deliberately dishonour God, though with the greatest security of impunity; that hath his hope in heaven, and his conversation in heaven, that dare not do an unjust act though never so much to his advantage, and all this because he sees him that is invisible, and fears him because he loves him; fears him as well for his goodness as his greatness. Such a man, whether he be an Episcopal, or a Presbyterian, or an Independent, or an Anabaptist, whether he

wears a surplice, or wears none ; whether he hears organs, or hears none ; whether he kneels at the communion, or for conscience sake stands or sits : he hath the life of religion in him, and that life acts in him, and will conform his soul to the image of his Saviour, and walk along with him to eternity, notwithstanding his practice or non-practice of these indifferents.

On the other side, if a man fears not the eternal God, dares commit any sin with presumption, can drink excessively, swear vainly or falsely, commit adultery, lie, cozen, cheat, break his promises, live loosely, though he practise every ceremony never so curiously, or as stubbornly oppose them ; though he cry down Bishops, or cry down Presbytery ; though he be re-baptized every day, or though he disclaim against it as heresy ; though he fast all Lent, or feasts out of pretence of avoiding superstition, yet notwithstanding these, and a thousand more external conformities, or zealous oppositions of them, he wants the life of religion.

CHAP. III.

Of the Christian Religion, the superstructions upon it, and animosities about them.

THE Christian religion and doctrine was by the goodness and wisdom of God, designed to be the common means and method to bring mankind to their chief end, namely, to know, and

to serve, and obey, and glorify, and everlastingly to enjoy Almighty God the chiefest good.

And to that end it was given out, with all the plainness and perspicuity, with all evidence and certainty; a doctrine and religion containing precepts of all holiness and purity, of all righteousness and honesty, of all longanimity, benignity, and gentleness, sweetness, meekness, and charity; of all moderation and patience, of all sobriety and temperance; in brief, it is a religion that is admirably and sufficiently constituted to make a man, what indeed he should be, pious towards God, just and beneficent towards men, and temperate in himself, fitted for a life of piety, honesty, justice, and goodness, and happiness hereafter. Such is the Christian religion, and such the men must be that are truly conformable to it; and if any man professing Christianity be not such a man, it is because he comes so much short of his due conformity to Christian religion, and the most excellent doctrine and precepts thereof.

The profession of this religion is that which is, and for many ages hath been commonly made by a very considerable part of the known world, as the only true religion given to the world by Almighty God, through his Son Jesus Christ, wherein and whereby they may expect everlasting salvation.

But yet together with this Christian religion, the professors thereof, have in several ages and places chosen to themselves various adventitious accidental superstructions, additions, opinions, modes and practices, which they have as it were

incorporated into the Christian religion, by them professed or appendicated unto it.

And these superstructions or appendixes of Christian religion have been introduced and entertained by various means, and by various designs, and to various ends: Some by the authority of great names; some by insensible gradations or long customs, some by a supposed congruity or incongruity; some for order or decency; some for discrimination of parties; some for political ends, appearing in themselves, or secretly carried on; some upon emergent occasions, either continuing or now ceasing; some by civil, some by ecclesiastical sanctions; some by traditional observations, either continued, or interrupted and revived: Some for ornament, some for use, some as supposed necessary consequents upon the Christian doctrine, some to be *quasi septa et munimenta doctrinae et religionis evangelicae*, as the Jewish traditions were supposed to be the *Sepimenta Legis*; some for one end and some for another: And although these are not truly and essentially parts of the Christian religion, yet as the humours in the body are some good, some noxious, some innocent, though they are no part of the true vital blood, yet they mingle with it, and run along in it; so these superstitions, and occasions, and additions, have in various ages, successions and places, mingled with the true radical vital doctrine and religion of Christ, in mens opinions, and practices, and professions.

And yet it is visible to any man, that will but attentively observe the courses of men professing Christian religion, that the greatest fervour and

animosity of the professors of Christian religion is not so much with respect to the substantials of Christian religion either in things to be believed or practised, as touching these additions and superstructions; some as fervently contending for them, as if the life of Christianity consisted in them, some as bitterly and severely contesting against them, as if the life and soul of Christian religion were not possibly consisting with them.

And by these means these unhappy consequences follow.

1. That, whereas the main of Christian religion, consists in the true belief of the gospel of Christ Jesus, and the practice of those Christian virtues that he left unto his disciples, and followers, both by his example and precept, namely, love of God, holiness and purity of life, humility and lowliness of mind; patience, meekness, gentleness, charity, a low and easy value of the world, contentation of mind, submission to the will of God, dependance upon him, resignation unto him, and other excellent evangelical virtues, that perfect and rectify the soul, and fit it for an humble communion with Almighty God in this life, and a blessed fruition of his presence in the life to come; the Christian religion is not so much placed in these, as in an entire conformity to modes and circumstances, or an extreme aversion from them. And, according to the various interests or inclinations of parties, those are made the *Magnalia* of Christian religion, and such as give the only character or discriminative indication of the Christian religion.

2. And consequently all the greatest part of

that stress and fervour of mind, which should be employed in those great weighty substantials of Christianity, runs out and spends itself in those little collaterals, and superstructions, and additaments, some placing the greatest earnestness and intention, contention of mind to have them, and some placing the intention and fervour of their mind to be without them, not unlike those old contentions between the eastern and western churches touching the time of the paschal observation, one party excommunicating the other for their dissent, as if the whole weight and stress of the Christian religion lay in those little additaments.

3. And hereupon there arise schisms, factions, and personal animosities, discrimination of parties, censoriousness, and studied estrangings of professors of Christianity, oftentimes one party declining those practices which are good and commendable in the other, to keep their distances the more irreconcilable, and each party espousing some odd discriminating habits, modes, and sometimes also by opinion in matters of religion, that may estrange and discriminate them each from the other; and these opinions, though of little moment or consequence, (it may be whether true or false) are advanced up into less than articles of faith, for the sake of this discrimination, when possibly they are of little moment, whether they be assented unto or not, of less certainty, and have little or no influence or concern in the substance of Christian doctrine.

4. And hereupon it oftentimes comes to pass, that not only the common bond of charity and

Christian love is broken between the professors of the same substantials in Christianity, but there is most ordinarily much more severity, and persecution, and implacableness, and irreconcilableness, more endeavours to undermine and supplant, and disgrace dissenters, more scorns, and vilifying, and reproach, and insolence one towards another in their vicissitudes of advantage, than there is between professors of Christianity, and men of the most loose and prophane lives, between Orthodox and Heretics, nay, between Christians and Turks, or Infidels many times.

5. And from this there ariseth a most fruitful, and a most inevitable increase of atheism, and contempt of religion, in many of the spectators of this game among professors of the Christian religion, and that upon these two accounts: Principally, because when they hear each party, declare, (as they must if they declare truth) in their sermons and writings, that the doctrine of Christianity enjoins mutual love, condescension, charity, gentleness, meekness, and yet so little practised by dissenting parties, men are apt to conclude, that either these persons do not believe what they pretend to preach and publish, or that the doctrine of Christianity was a notion and speculation, and never intended as a necessary rule of practice, since the greatest pretenders to the religion of Christ, practise so little of it.

2. Because when men see that those little superstructions and additions are by the one side prosecuted, and on the other side decried, with as much animosity, fervour, and severities, as the most weighty and important truths, and precepts

of evangelical faith and obedience, spectators, and by-standers think that they are all of the same value; and when they see that these things which every sober, considerate man must needs conclude little, and of no moment, are rated at so great a value by the contending parties of each side, truths then are doubted of in relation to these: It makes men call in question great matters, when they see such small things pursued, or declined with no less fervour and animosity, than if they were of the greatest.

And considering these unhappy consequences of these fervours of minds touching these small appendixes and superstructions, even more than about or concerning the weighty things of the gospel, I have endeavoured to search out the reason how this strong distemper comes to pass; and there seems to be these causes thereof.

1. Ordinarily a man is more fond of, and concerned for something that is his own, than for that which is of God; as we are transported with a love to ourselves, so we are transported with a love and admiration of what is our own: And hence it is, that the weightier and more important duties enjoined by Christ, partake less of our zeal or courage, or intention of mind, than our own little fancies and inventions.

2. Pride, credit, and reputation, are commonly engaged in either party in the things contested, when they are once contested; and these are violent and pressing interests and motions.

3. The plainest truth and purity of religion, is a thing that seldom pleaseth and suiteth to the curiosity and appetite of men; they are always fond

of something annexed or appendicated to religion, to make it pleasing to their appetite. A certain fauce that may entertain their fancy, after which it may run, and wherein it may please itself. And these fauces to religion are various, and variously pleasing, according to the various inclinations of men: Most ordinarily the fancies of men affect some things splendid and sensible to be superadded to religion; the Israelites would needs have gods that might go before them; and in compliance with this humour, most of the strange modes and gesticulations among the Heathens, and most of the superstitious ceremonies and rites among the Papists, were invented.

Again, sometimes the humour of the people runs in the other extreme, either they will have nothing of form or order, or all such forms or orders, as are extremely opposite to what others use, and place their delight and complacency therein: And by this means oftentimes it comes to pass, that men are carried with greater earnestness and vehemence after those placentia, the entertainments of their fancies, than to the true substance of religion itself.

4. Oftentimes it comes to pass, that there are two very jealous concerns, and impatient of any corrival, that are engaged each against other in these different and dissenting practices, relating to collaterals in religion; on the one side, power and authority is very tender of its own interest, and jealous of a competitor or rival: On the other side, conscience and persuation, either of the necessity or unlawfulness of any thing, is very jealous or fearful, and suspicious of any thing that might

injure it : And whether the conscience be mistaken or not, yet so long as its persuasion, that is entertained *sub ratione conscientiae*, prevails, this jealousy will still prevail in the mind ; and it many times falls out, that authority, on the one hand, is impatient, or, at least, jealous of opposition, and conscience on the other hand restless and unquiet.

5. And the difficulty is so much the greater, because each seems to derive their obliging authority from God ; the magistrate recognizing God Almighty, as the fountain, root, and foundation of his power ; and the conscience supposed to be the vicegerent of God in the soul.

6. But that which admirably keeps up these differences, is, that men on each side deal not one with another, calmly, mildly, or upon the reasons of the things, or upon a true way of reasoning, debating, and arguing of things, or prudent considerations that might invite yielding on the other side, or accommodations of the other, but each party takes in all those contributions, assistances, and advantages, that commonly accompany the worst of contentions.

For instance, 1. Extremity of passion and indignation. 2. Violence and bitterness of writings and speeches. 3. Each party rendering the other as odious and ridiculous as is possible. 4. Scoffing, jearing, and personal reflections. 5. Artifices and designs each to catch and undermine the other. 6. An industrious and willing misinterpretation of each other's words, writings, and actions, and raising them to odious inferences and consequences, beyond what they were meant, or really and truly bear. 7. Disingenious quotations out

of each other, without those ordinary remedies that might be allowed by comparing of other parts of their writings.

These, and the like auxiliaries, are on each part taken into these velitations between Christians, and in relation to things contended for or against in these differences, whereas the whole tenor of the doctrine of Christianity, as it was delivered by Christ and his Apostles, decries nothing more than anger, wrath, malice, railing, evil-speaking, backbiting, slanders, reproaches, names, and epithets or scorns, craft and subtilty; yet all these black legions are called, used, and employed in the management of that cause, which each party pretends to be the cause of Christ; as if friends, and furies, and legions of devils were thought fit auxiliaries on each party, wherein both pretended the interest of Christ Jesus.

And that this is so, let any man but read those books which have flown abroad from either party, he will find it evident in all the contentions of this nature: witness on the one part Martin Mar-Pre-late, the odious centuries put out by Mr. White, in the beginning of the long parliament, the frequent invectives and odious epithets given to the liturgy, to the bishops, conforming ministers, and to the church of England itself, as antichristian, idolatrous, Babylonish, and a thousand such names and stiles,

And, on the other side, there have been many that have not been behind hand with bitter invectives, scornful and mocking expressions and appellations, odious reflections, unnecessary to be

repeated. By all which, these two things are evident.

1. That these transports of either side come not from that spirit which Christ brought with him into the world, and which he commended, and left to his disciples and followers; namely, a spirit of love, of charity, of gentleness, patience, kindness, and sweetness of disposition.

2. That if men go about to justify this, because first provoked by the adverse party, and so justify it by the law of retaliation, these men do not remember, that as on the one hand the duty of Christians is self-denial, moderation, and peaceableness; on the other side, that a spirit of revenge, an eye for an eye, a tooth for a tooth, is as much against the doctrine of Christ, as any thing in the world.

Therefore certainly it becomes those of either party, either to cashier these black auxiliaries of their wars, and contentions of this kind, or otherwise for the sake and honour of Christ, and the Christian religion, plainly declare, that he is not concerned in the contest, but that the contest is a contest of interest and vain glory, of pride and ambition, and reputation, and desire of victory: or, if they will not declare so much to the world, yet they must give leave to the spectators to judge of it so.

Now these bitternesses, and virulentnesses of either side, have been commonly of two kinds: First, such as reflect, if not altogether, yet most of all, upon the persons of their adversaries: 2. Or such as reflect only upon the matters in difference between them; both were bad enough, and such

as serve to make the differences and breaches wider.

But of late times, I know not by what unhappy star, there hath prevailed more than formerly, certain invectives that have gone much farther, even to the rendering of religion itself, and scripture expressions ridiculous, and pieces of raillery; and I could have wished that some late books, put out under the fashion of dialogues, and some other books of that kind, had not been too guilty of this fault.

I do remember when Ben. Johnson made his Play of the Alchymist, wherein he brings in Anartas in derision of the persons then called Puritans, with many of their phrases in use among them, taken out of the Scriptures, with a design to render that sort of persons ridiculous, and to gain applause to his wit and fancy. But although those persons were not in very good esteem among the great ones and gallants, yet, the Play was disliked, and indeed abhorred, because it seemed to reproach religion itself, though intended only to render the Puritans ridiculous. That which was uncomely and unseemly in a Poet, who made it his business to make Plays, certainly is much more fulsome and unfavoury in another; especially if the author be a clergyman, as I suppose he is: for of all men in the world, it becomes such *prospicere honori Religionis Christianæ*, and not to render it ridiculous and contemptible, by raillery and scurrilous jesting.

And yet I do not find in all Ben. Johnson's Alchymist, one half of those ridiculous and unseemly repetitions of Scripture phrases and expressions,

as well as mimical imitations and disdainful mockings of those persons, and that party whom he designs to disparage: scarce a page but some unhandsome mention of the Spirit, and Christ, and grace, and saints, and some Scripture expressions; and if it shall be said, that he doth it but only in exprobatation of such persons as abused or misapplied such expressions, and it is not with intent to reproach the Scripture, or those phrases that are desumed from it, but to show the boldness and mistakes of them that have misapplied or abused them.

I answer, 1. That these misapplications and inconsiderate uses of Scripture phrases by them, though it be justly reproveable, yet it is far more intolerable in him. Though their mistakes were weak and foolish, yet they were serious in those very mistakes; but this man industriously and designedly makes the expression ridiculous and contemptible: 2. Their abuses of Scriptures and Scripture phrases will not at all justify the like in him, though in another kind, and to another end, he might have learned to have avoided the folly and inconsiderateness of the others, and not have multiplied it in himself by a worse method of abuse.

Certainly, whoever he was that made these conferences, I dare say, he had no such pattern of writing from the apostles or fathers. The nearest copy that I know of it is the A——, and though he seems a man of wit and learning, and possibly would be somebody in the world, I dare say, they that cherish him in the main of his design, are ashamed of his scurrillity, and wish it had been

spared, and so perchance may he be when more years have better consideration. The mischiefs that come by this manner of writing are very great and many.

1. First, it makes differences irreconcilable. When differences civil or ecclesiastical in judgment or practice happen, gentleness, softness, mildness, and personal respectfulness quiet the passions and spirits of the adverse party, gain upon him, get within him; and when the person is thus won, and over-matched with sweetness, and kindness, and personal jealousies, and prejudices removed, persuasions and arguments grow prevalent, come with their full weight, are entertained calmly and considerately, and insensibly gain ground even upon the judgment: but I never yet knew any man converted by an angry, passionate, railing adversary, for such kind of behaviour presently raiseth in the adversary the like passions and prejudice, and makes the distance greater; and the passions being engaged in the quarrel, the judgments of both sides are lost, or blinded, or silenced with the dust and noise of passionate digladiations; and indeed, considering how apparently and evidently such kind of dealing between Dissenters, renders composures almost impossible, and yet observing how much this course of reviling, and opprobrious, and unmanly, as well as unchristian language, is in practice, I thought that it hath been a real design to render each party odious and irreconcilable to the other, and the hopes of composure desperate. For who can ever expect that any man, or any sort of men, should be drawn over to that party that shall publicly stile him brain-

sick, a fool, silly, hypocrite, frantic, and a hundred such scornful appellations? or, that men will be easily drawn to relinquish those opinions or persuasions, when they must thereby in effect subscribe to such epithets and appellations before all the world? and of all things in the world, men can with the least patience bear reflections upon their intellectuals, and are most irreconcilable to them that traduce or abuse them therein.

2. It greatly disadvantage the cause as well as the persons of those that use this method amongst sober indifferent observers, who will be ready to conclude them a parcel of people transported by passions, weak, and prejudicated; and look upon such a case as is maintained by railing, scoffing, raillery and unproved calumnies, as weak, and standing in need of such rudeness to support and maintain it.

3. It exposeth religion itself to the derision of Atheists, and confirms them in their atheism, and gains them too many profelytes; and that principally upon these reasons. 1. Because they find that clergymen do tell them in the pulpits, that Christ himself, and his Apostles condemned railing, scandalous appellations, as Racha, and fool, evil-speaking, foolish jesting, mocking, reviling; this they tell men, and they tell them truly, and yet these very men that call themselves ministers of Christ, messengers of the gospel of peace, take that admirable liberty of reproaching, scoffing, and deriding one another in their public pamphlets and discourses; that can scarce be exemplified among the most invective ranks of persons, whose trade it is to be satirical, and render people ridi-

calous: nay, so far hath this excellent manage prevailed among clergymen, that their scoffs and reproaches are not levelled at the persons, or personal defects of Dissenters, but rather than want supports for their party, will have ugly flings at religion itself, at scripture expressions: And when men see such a course of practice among the preachers and clergymen, they are ready to conclude, that surely they believe not themselves what they preach to others; therefore think they have a fair pretence not to believe them.

2. But principally these great animosities and transports of Dissenting clergymen, confirms and promotes atheism, upon this account, that the things about which this wonderful hate is stricken between these parties, are such as both parties agree to be none of the fundamentals of the religion professed by both, but accessaries and accessions, and such indeed as by-standers think are of very small moment; and yet when men see so much heat and passion, so much fervour and contention, such reproaches and revilings, such exasperations of authority on either party, such mutual prosecutions one of another, that more could not possibly be done between Dissenters in those points which both agree to be fundamental. Atheistical spirits are apt to conclude, that probably those points, that both sides supposed to be of greater moment, are *ejusdem farinae*, with those in contests, since they are not, nor cannot be prosecuted with greater fervour, than these, which all men take to be small and inconsiderable, and that it is interest, vain-glory, and applause, or some other temporal concern, that gives this fervour and zeal in mat-

ters of religion, more than the true concerns of itself. The conclusion therefore is, that men for their own sakes, and for the sake and honour of the Christian religion, would use more temperance, prudence, and moderation, in contests about circumstantial.

LIFE AND DEATH

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ADDITIONAL NOTES
OF THE
LIFE AND DEATH

OF

SIR MATTHEW HALE, Knt.

Written by RICHARD BAXTER,

At the Request of EDWARD STEPHENS, Esq; Publisher
of his Contemplations, and his familiar Friend.



TO THE READER.

SINCE the history of judge Hale's life is published (written by Dr. Burnet very well) some men have thought, that because my familiarity with him was known, and the last time of a man's life is supposed to contain his maturest judgment, time, study, and experience correcting former oversights; and this great man who was most diligently and thirstily learning to the last, was like to be still wiser, the notice that I had of him in the latter years of his life should not be omitted.

I was never acquainted with him till 1667, and therefore having nothing to say of the former part of his life; nor of the latter, as to any public affairs, but only of what our familiar converse

acquainted me: but the visible effects made me wonder at the industry and unwearied labours of his former life. Besides the four volumes against atheism and infidelity, in folio, which I after mention, when I was desired to borrow a manuscript of his law collections, he shewed me, as I remember, about two and thirty folios, and told me, he had no other on that subject, (collections out of the tower records, &c.) and that the amanuensis work that wrote them, cost him a thousand pound. He was so set on study, that he resolutely avoided all necessary diversions, and so little valued either grandeur, wealth, or any worldly vanity, that he avoided them to that notable degree, which incompetent judges took to be an excess. His habit was so coarse and plain, that I, who am thought guilty of a culpable neglect therein, have been bold to desire him to lay by some things which seemed too homely. The house which I surrendered to him, and wherein he lived at Acton, was indeed well situate but very small, and so far below the ordinary dwellings of men of his rank, as that divers farmers thereabout had better; but it pleased him. Many censured him for chusing his last wife below his quality: but the good man more regarded his own daily comfort, than men's thoughts and talk. As far as I could discern, he chose one very suitable to his ends; one of his own judgment and temper, prudent and loving and fit to please him; and that would not draw on him the trouble of much acquaintance and relations. His housekeeping was according to the rest, like his estate and mind, but not like his place and honour: for he resolved never to grasp at riches, nor take great

fees, but would refuse what many others thought too little. I wondered when he told me how small his estate was, after such ways of getting as were before him : but as he had little, and desired little, so he was content with little, and suited his dwelling, table, and retinue thereto. He greatly shunned the visits of many, or great persons, that came not to him on necessary business, because all his hours were precious to him, and therefore he contrived the avoiding of them, and the free enjoyment of his beloved privacy.

I must with a glad remembrance acknowledge, that while we were so unsuitable in places and worth, yet some suitableness of judgment and disposition made our frequent converse pleasing to us both. The last time save one, that I was at his house, he made me lodge there, and in the morning inviting me to more frequent visits, said no man shall be more welcome ; and he was no dissembler. To signify his love, he put my name as a legatee in his will, bequeathing me forty shillings. Mr. Stephens gave me two manuscripts, as appointed by him for me, declaring his judgment of our church contentions and their cure (after mentioned.) Though they are imperfect as written on the same question at several times, I had a great mind to print them, to try whether the common reverence of the author would cool any of our contentious clergy : but hearing that there was a restraint in his will, I took out part of a copy in which I find these words, “ I do expressly declare, that I will have nothing of my writings printed after my death, but only such as I shall in my life-time deliver out to be printed.” And

not having received this in his life-time, nor to be printed in exprefs terms, I am afraid of crossing the will of the dead, though he ordered them for me.

It fhewed his mean eftate as to riches, that in his will he is put to diftribute the profits of a book or two when printed, among his friends and fervants. Alas! we that are great loofers by printing, know that it muft be a fmall gain that muft thus accrue to them. Doubtless, if the lord chief juftice Hale had gathered money as other lawyers do that had lefs advantage, as he wanted not will, fo he would not have wanted power to have left them far greater legacies. But the fervants of a felf denying mortified mafter, muft be content to fuffer by his virtues, which yet if they imitate him, will turn to their final gain.

God made him a public good, which is more than to get riches. His great judgment and known integrity, commanded refpect from thofe that knew him; fo that I verily think, that no one fubject fince the days that hiftory hath notified the affairs of England to us, went off the ftage with greater and more univerfal love and honour; (and what honour without love is, I underftand not.) I remember when his fucceffor, the lord chief juftice Rainsford, falling into fome melancholy, came and fent to me for fome advice, he did it as he faid, becaufe judge Hale defired him fo to do; and expreffed fo great refpect to his judgment and writings, as I perceived much prevailed with him. And many have profited by his contemplations, who would never have read them, had they been written by fuch a one as I. Yet

among all his books and discourses, I never knew of these until he was dead.

His resolution for justice was so great, that I am persuaded, that no wealth nor honour would have hired him knowingly to do one unjust act.

And though he left us in sorrow, I cannot but acknowledge it a great mercy to him, to be taken away when he was. Alas! what would the good man have done, if he had been put by plotters, and traitors, and swearers, and forswearers, upon all that his successors have been put to? In likelihood, even all his great wisdom and sincerity, could never have got him through such a wilderness of thorns, and briars, and wild beasts, without tearing in pieces his entire reputation, if he had never so well secured his conscience. O! how seasonably did he avoid the tempest and go to Christ.

And so have so many excellent persons since then, and especially within the space of one year, as may well make England tremble at the prognostic, that the righteous are taken as from the evil to come. And alas! what an evil is it like to be? We feel our loss. We fear the common danger. But what believer can chuse but acknowledge God's mercy to them, in taking them up to the world of light, love, peace and order, when confusion is coming upon this world, by darkness, malignity, perfidiousness and cruelty. Some think that the last conflagration shall turn this earth into hell. If so who would not first be taken from it? And when it is so like to hell already, who would not rather be in heaven?

Though some mistook this man for a mere philosopher or humanist, that knew him not within;

yet his most serious description of the sufferings of Christ, and his copious volumes to prove the truth of the scripture, christianity, our immortality, and the Deity, do prove so much reality in his faith and devotion, as makes us past doubt of the reality of his reward and glory.

When he found his belly swell, his breath and strength much abate, and his face and flesh decay, he chearfully received the sentence of death ; and though Dr. Glisson by mere oximel squilliticum, seemed a while to ease him, yet that also soon failed him ; and he told me, he was prepared and contented comfortably to receive his change. And accordingly he left us, and went into his native country of Gloucestershire to die, as the history tells you.

Mr. Edward Stephens being most familiar with him, told me his purpose to write his life : and desired me to draw up the mere narrative of my short familiarity with him ; which I did as followeth : by hearing no more of him, cast it by ; but others desiring it, upon the sight of the published history of his life by Dr. Burnet, I have left it to the discretion of some of them, to do with it what they will.

And being half dead already in those dearest friends who were half myself, am much the more willing to leave this mole-hill, and prison of earth, to be with that wise and blessed society, who being united to their head in glory, do not envy, hate, or persecute each other, nor forsake God, nor shall ever be forsaken by him.

R. B.

Note, That this narrative was written two years before Dr. Burnet's ; and it is not to be doubted, but that he had better information of his manuscripts, and some other circumstances, than I. But of those manuscripts directed to me, about the soul's immortality, of which I have the originals under his hand, and also of his thoughts of the subjects mentioned by me, from 1671, till he went to die in Gloucestershire, I had the fullest notice.

ADDITIONAL NOTES
ON THE LIFE AND DEATH OF
SIR MATTHEW HALE, Knt.

To my Worthy Friend Mr. STEPHENS, the Publisher of Judge HALE's Contemplations.

SIR,

YOU desired me to give you notice of what I knew in my personal converse, of the great lord chief justice of England, sir Matthew Hale. You have partly made any thing of mine unmeet for the sight of any but yourself and his private friends (to whom it is useless) by your divulging those words of his extraordinary favour to me, which will make it thought, that I am partial in his praises. And indeed that excessive esteem of his, which you have told men of, is a divulging of his imperfection, who did over-value so unworthy a person as I know myself to be.

I will promise you to say nothing but the truth ; and judge of it and use it as you please.

My acquaintance with him was not long : and I looked on him as an excellent person studied in his own way, which I hoped I should never have occasion to make much use of ; but I thought not

so versed in our matters as ourselves. I was confirmed in this conceit by the first report I had from him, which was his wish, that Dr. Reignolds, Mr. Calamy, and I, would have taken bishoprics, when they were offered us by the lord chancellor, as from the king, in 1660, (as one did.) I thought he understood not our case, or the true state of English prelacy. Many years after when I lived at Acton, he being lord chief baron of the exchequer, suddenly took a house in the village. We sat next seats together at church for many weeks, but neither did he ever speak to me or I to him. At last, my extraordinary friend (to whom I was more beholden than I must here express,) serjeant Fountain, asked me, why I did not visit the lord chief baron? I told him, because I had no reason for it, being a stranger to him; and had some against it, viz. that a judge, whose reputation was necessary to the ends of his office, should not be brought under court suspicion, or disgrace, by his familiarity with a person, whom the interest and diligence of some prelates had rendered so odious, as I knew myself to be with such, I durst not be so injurious to him. The serjeant answered, it is not meet for him to come first to you; I know why I speak it: let me intreat you to go first to him. In obedience to which request I did it; and so we entered into neighbourly familiarity. I lived then in a small house, but it had a pleasant garden and backside, which the (honest) landlord had a desire to sell. The judge had a mind to the house; but he would not meddle with it, till he got a stranger to me, to come and enquire of me whether I was willing to leave it? I told him, I was

not only willing but desirous, not for my own ends, but for my landlord's sake, who must needs sell it: and so he bought it, and lived in that poor house, till his mortal sickness sent him to the place of his interment.

I will truly tell you the matter and the manner of our converse. We were oft together, and almost all our discourse was philosophical, and especially about the nature of spirits and superior regions; and the nature, operations, and immortality of man's soul. And our disposition and course of thoughts, were in such things so like, that I did not much cross the bent of his conference. He studied physics, and got all new or old books of philosophy that he could meet with, as eagerly as if he had been a boy at the university. Moufnerius, and Honoratus Faber, he deservedly much esteemed; but yet took not the latter to be without some mistakes. Mathematics he studied more than I did, it being a knowledge which he much more esteemed than I did; who valued all knowledge by the greatness of the benefit, and necessity of the use; and my unskilfulness in them, I acknowledge my great defect, in which he much excelled. But we were both much addicted to know and read all the pretenders to more than ordinary in physics; the Platonists, the Peripatetics, the Epicureans (and especially their Gassendus,) Teleius, Campanella, Patricius, Lullius, White, and every sect that made us any encouraging promise. We neither of us approved of all in Aristotle; but he valued him more than I did. We both greatly disliked the principles of Cartesius and Gassendus (much more of the bruitists, Hobbs

and Spinoza;) especially their doctrine *de motu*, and their obscuring, or denying nature itself, even the *principia motus*, the *virtutes formales*, which are the causes of operations.

Whenever we were together, he was the spring of our discourse (as chusing the subject :) and most of it still was of the nature of spirits, and the immortality, state, and operations of separated souls. We both were conscious of human darkness, and how much of our understandings, quiet in such matters, must be fetched from our implicit trust in the goodness and promises of God, rather than from a clear and satisfying conception of the mode of separated souls operations; and how great use we have herein of our faith in Jesus Christ, as he is the undertaker, mediator, the Lord and lover of souls, and the actual possessor of that glory. But yet we thought, that it greatly concerned us, to search as far as God allowed us, into a matter of so great moment; and that even little and obscure prospects into the heavenly state, are more excellent than much and applauded knowledge of transitory things.

He was much in urging difficulties and objections; but you could not tell by them what was his own judgment: for when he was able to answer them himself, he would draw out anothers answer.

He was but of a slow speech, and sometimes so hesitating, that a stranger would have thought him a man of low parts, that knew not readily what to say (though ready at other times.) But I never saw Cicero's doctrine *de Oratore*, more verified in any man, that furnishing the mind with all sorts of knowledge, is the chief thing to make

an excellent orator : for when there is abundance and clearness of knowledge in the mind, it will furnish even a slow tongue to speak that which by its congruence and verity shall prevail. Such a one never wants moving matter, nor an answer to vain objectors.

The manner of our converse was as suitable to my inclination as the matter. For whereas many bred in universities, and called scholars, have not the wit, manners, or patience, to hear those that they discourse with speak to the end, but through list and impotency cannot hold, but cut off a man's speech when they hear any thing that urgeth them, before the latter part make the former intelligible or strong (when oft the proof and use is reserved to the end,) liker scolds than scholars ; as if they commanded silence at the end of each sentence to him that speaketh, or else would have two talk at once. I do not remember, that ever he and I did interrupt each other in any discourse. His wisdom and accustomed patience caused him still to stay for the end. And though my disposition have too much forwardness to speak, I had not so little wit or manners, as to interrupt him ; whereby we far better understood each other, than we could have done in chopping and maimed discourse.

He was much for coming to philosophical knowledge by the help of experiments : but he thought, that our new philosophers, as some call the Cartesians, had taken up many fallacies as experiments, and had made as unhappy a use of their trials, as many empirics and mountebanks do in medicine : and that Aristotle was a

man of far greater experience, as well as study, than they. He was wont to say, that lads at the universities had found it a way to be thought wiser than others, to join with boasters that cried down the ancients before they understood them: for he thought that few of these contemners of Aristotle, had ever so far studied him, as to know his doctrine, but spoke against they knew not what; even as some secular theologues take it to be the way to be thought wise men and orthodox, to cant against some party or sect which they have advantage to contemn. It must cost a man many years study to know what Aristotle held. But to read over Magirus (and perhaps the Conimbricenses or Zabarella,) and then prate against Aristotle, requireth but a little time and labour. He could well bear it, when one that had thoroughly studied Aristotle, dissented from him in any particular upon reason; but he loathed it in ignorant men, that were carried to it by shameful vanity of mind.

His many hard questions, doubts and objections to me, occasioned me to draw up a small tract of the nature and immortality of man's soul, as proved by natural light alone (by way of questions and answers:) in which I had not baulked the hardest objections and difficulties that I could think of (conceiving that atheists and sadducees are so unhappily witty, and fatan such a tutor, that they are as like to think of them as I.) But the good man, when I sent it to him, was wiser than I, and sent me word in his return, that he would not have me publish it in English (nor without some alterations of the method;) because though he thought I had sufficiently answered all the objec-

tions, yet ordinary readers would take deeper into their minds such hard objections as they never heard before, than the answer (how full soever) would be able to overcome: whereupon, not having leisure to translate and alter it, I cast it by.

He seemed to reverence and believe the opinion of Dr. Willis, and such others, *de animis brutorum*, as being not spiritual substances. But when I sent him a confutation of them, he seemed to acquiesce, and as far as I could judge, did change his mind; and had higher thoughts of sensitive natures, than they that take them to be some evanid qualities, proceeding from contexture, attemperation, and motion.

Yet he and I did think, that the notion of immateriality, had little satisfactory to acquaint us with the nature of a spirit (not telling us any thing what it is, but what it is not.) And we thought, that the old Greek and Latin doctors (cited by Faustus Rhegiculis, whom Mamertus answereth,) did mean by a body or matter (of which they said spirits did consist,) the same thing as we now mean by the substance of spirits, distinguishing them from mere accidents. And we thought it a matter of some moment, and no small difficulty, to tell what men mean here by the word [substance,] if it be but a relative notion, because it doth *substare accidentibus et subsistere per se*, relation is not proper substance. It is substance that doth so subsist: it is somewhat, and not nothing, nor an accident. Therefore if more than relation must be meant, it will prove hard to distinguish substance from substance by the notion of

immateriality. Souls have no shadows: they are not palpable and gross; but they are SUBSTANTIAL LIFE, as VIRTUES. And it is hard to conceive, how a created *vis vel virtus* should be the adequate *conceptus* of a spirit, and not rather an inadequate, supposing the *conceptus* of *substantia fundamentalis* (as Dr. Glisson calls it *de vita naturæ*,) seeing *omnis virtus est rei alieni virtus*.

Yet he yielded to me, that *virtus seu vis vitalis*, is not *animæ accidens*, but the *conceptus formalis spiritus*, supposing *substantia* to be the *conceptus fundamentalis*: and both together express the essence of a spirit.

Every created being is passive; for *recipit in fluxum causæ primæ*. God transcendeth our defining skill: but where there is receptivity, many ancients thought there were some pure sort of materiality: and we say, there is receptive substantiality: and who can describe the difference (laying aside the formal virtues that difference things) between the highest material substance, and the lowest substance, called immaterial.

We were neither of us satisfied with the notions of penetrability and indivisibility, as sufficient differences. But the *virtutes specificæ* plainly difference.

What latter thoughts, a year before he died, he had of these things, I know not: but some say, that a treatise of this subject, the soul's immortality, was his last finished work (promised in the end of his treatise of man's origination;) and if we have the sight of that, it will fuller tell us his judgment.

One thing I must notify to you, and to those

that have his manuscripts, that when I sent him a scheme, with some elucidations, he wrote me on that and my treatise of the soul, almost a quire of paper of animadversions; by which you must not conclude at all of his own judgment: for he professed to me, that he wrote them to me, not as his judgment, but (as his way was) as the hardest objections which he would have satisfaction in. And when I had written him a full answer to all, and have been oft since with him, he seemed satisfied. You will wrong him therefore, if you should print that written to me as his judgment.

As to his judgment about religion; our discourse was very sparing about controversies. He thought not fit to begin with me about them, nor I with him: and as it was in me, so it seemed to be in him, from a conceit, that we were not fit to pretend to add much to one another.

About matters of conformity, I could gladly have known his mind more fully: but I thought it unmeet to put such questions to a judge, who must not speak against the laws; and he never offered his judgment to me. And I knew, that as I was to reverence him in his own profession, so in matters of my profession and concernment, he expected not, that I should think as he, beyond the reasons which he gave.

I must say, that he was of opinion, that the wealth and honour of the bishops was convenient, to enable them the better to relieve the poor, and rescue the inferior clergy from oppression, and to keep up the honour of religion in the world. But all this on supposition, that it would be in the hands of wise and good men, or else it would do as

much harm. But when I asked him, whether great wealth and honour would not be most earnestly desired and sought by the worst of men, while good men would not seek them? And whether he that was the only fervent seeker, was not likeliest to obtain (except under some rare extraordinary prince?) And so whether it was not like to entail the office on the worst, and to arm Christ's enemies against him to the end of the world (which a provision that had neither alluring nor much discouraging temptation, might prevent,) he gave me no answer. I have heard some say, if the pope were a good man, what a deal of good might he do? But have popes therefore blest the world.

I can truly say, that he greatly lamented the negligence, and ill lives, and violence of some of the clergy; and would oft say, what have they their calling, honour and maintenance for, but to seek the instructing and saving of men's souls?

He much lamented, that so many worthy ministers were silenced, the church weakened, papists strengthened, the cause of love and piety greatly wronged and hindered by the present differences about conformity. And he hath told me his judgment, that the only means to heal us was, a new act of uniformity, which should neither leave all at liberty, nor impose any thing but necessary.

I had once a full opportunity to try his judgment far in this. It pleased the lord keeper Bridgman to invite Dr. Manton and myself (to whom Dr. Bates at our desire was added,) to treat with Dr. Wilkins and Dr. Burton about the terms of

our reconciliation and restoration to our ministerial liberty. After some days conference, we came to agreement in all things, as to the necessary terms. And because Dr. Wilkins and I had special intimacy with judge Hale, we desired him to draw it up in the form of an act, which he willingly did, and we agreed to every word. But it pleased the house of commons, hearing of it, to begin their next session with a vote, that no such bill should be brought in; and so it died.

Query 1. Whether after this and other such agreement, it be ingenuity, or somewhat else, that hath ever since said, we know not what they would have? And that at once call out to us, and yet strictly forbid us to tell them what it is we take for sin, and what we desire.

2. Whether it be likely, that such men as bishop Wilkins, and Dr. Burton, and judge Hale, would consent to such terms of our concord, as should be worse than our present condition of division and convulsion is? And whether the maintainers of our dividing impositions, be all wiser and better men than this judge and that bishop were?

3. And whether it be any distance of opinion, or difficulty of bringing us to agreement, that keepeth England in its sad divisions, or rather some mens opinion, that our unity itself is not desirable, lest it strengthen us? The case is plain.

His behaviour in the church was conformable, but prudent. He constantly heard a curate, too low for such an auditor. In common-prayer he behaved himself as others, saving that, to avoid the differencing of the gospels from the epistles,

and the bowing at the name of Jesus, from the names, Christ, Saviour, God, &c. He would use some equality in his gestures, and stand up at the reading of all God's word alike.

I had but one fear or suspicion concerning him, which since I am assured was groundless: I was afraid least he had been too little for the practical part of religion, as to the working of the soul towards God, in prayer, meditation, &c. because he seldom spake to me of such subjects, nor of practical books, or sermons; but was still speaking of philosophy, or of spirits, souls, the future state, and the nature of God. But at last I understood, that his averseness to hypocrisy made him purposely conceal the most of such his practical thoughts and works, as the world now findeth by his contemplations and other writings.

He told me once, how God brought him to a fixed honour and observation of the Lord's day; that when he was young, being in the west, the sickness or death of some relation at London, made some matter or estate to become his concernment; which required his hastening to London from the west: and he was commanded to travel on the Lord's day: but I cannot well remember how many cross accidents befel him in his journey; one horse fell lame, another died, and much more; which struck him with such sense of divine rebuke, as he never forgot.

When I went out of the house, in which he succeeded me, I went into a greater, over-against the church-door. The town having great need of help for their souls, I preached between the public sermons in my house, taking the people

with me to the church (to common-prayer and sermon) morning and evening. The judge told me, that he thought my course did the church much service; and would carry it so respectfully to me at my door, that all the people might perceive his approbation. But Dr. Reeves could not bear it, but complained against me; and the bishop of London caused one Mr. Roffe of Brainford, and Mr. Philips, two justices of the peace, to send their warrants to apprehend me. I told the judge of the warrant, but asked him no counsel, nor he gave me none; but with tears shewed his sorrow: (the only time that ever I saw him weep.) So I was sent to the common gaol for six months, by these two justices, by the procurement of the said Dr. Reeves (his majesty's chaplain, dean of Windsor, dean of Wolverhampton, parson of Horsely, parson of Acton.) When I came to move for my release upon a habeas corpus (by the counsel of my great friend serjeant Fountain,) I found, that the character which judge Hale had given of me, stood me in some stead; and every one of the four judges of the common-pleas, did not only acquit me, but said more for me than my counsel, (viz. judge Wild, judge Archer, judge Tyrel, and the lord chief justice Vaughan;) and made me sensible, how great a part of the honour of his majesty's government, and the peace of the kingdom, consisted in the justice of the judges.

And indeed judge Hale would tell me, that bishop Usher was much prejudiced against lawyers, because the worst causes find their advocates: but that he and Mr. Selden had convinced him of the reasons of it, to his satisfaction: and that he did

by acquaintance with them, believe that there were as many honest men among lawyers, proportionably, as among any profession of men in England (not excepting bishops or divines.)

And I must needs say, that the improvement of reason, the diverting men from sensuality and idleness, the maintaining of propriety and justice, and consequently the peace and welfare of the kingdom, is very much to be ascribed to the judges, and lawyers.

But this imprisonment brought me the great loss of converse with judge Hale: for the parliament in the next act against conventicles, put into it diverse clauses, suited to my case; by which I was obliged to go dwell in another country, and to forsake both London and my former habitation; and yet the justices of another county were partly enabled to pursue me.

Before I went, the judge had put into my hand four volumes (in folio,) which he had written, to prove the being and providence of God, the immortality of the soul, and life to come, the truth of christianity, and of every book of the scripture by itself, besides the common proofs of the whole. Three of the four volumes I had read over, and was sent to the gaol before I read the fourth. I turned down a few leaves for some small animadversions, but had no time to give them him. I could not then persuade him to review them for the press. The only fault I found with them of any moment, was that great copiousness, the effect of his fulness and patience, which will be called tediousness by impatient readers.

When we were separated, he (that would re-

ceive no letters from any man, about any matters which he was to judge) was desirous of letter-converse about our philosophical and spiritual subjects. I having then begun a Latin *methodus theologiæ*, sent him one of the schemes (before mentioned,) containing the generals of the philosophical part, with some notes upon it; which he so over-ruled, that he urged me to proceed in the same way. I objected against putting so much philosophy (though mostly but *de homine*) in a method of theology: but he rejected my objections, and resolved me to go on.

At last it pleased God to visit him with his mortal sickness. Having had the stone before (which he found thick pond-water better ease him of, than the gravel spring-water,) in a cold journey, an extraordinary flux of urine took him first, and then such a pain in his side, as forced him to let much blood, more than once, to save him from sudden suffocation or oppression. Ever after which he had death in his lapsed countenance, flesh and strength, with shortness of breath. Dr. Willis, in his life-time, wrote his case without his name, in an observation in his *pharmaceut*, &c. which was shortly printed after his own death, and before his patient's: but I dare say it so crudely, as is no honour to that book.

When he had striven a while under his disease, he gave up his place, not so much from the apprehension of the nearness of his death (for he could have died comfortably in his public work,) but from the sense of his disability to discharge his part: but he ceased not his studies, and that upon points which I could have wished him to let

go (being confident, that he was not far from his end.)

I sent him a book which I newly published, for reconciling the controversies about predestination, redemption, grace, free-will, but desired him not to bestow too much of his precious time upon it: but (before he left his place) I found him at it so oft, that I took the boldness to tell him, that I thought more practical writings were most suitable to his case, who was going from this contentious world. He gave me but little answer; but I after found, that he plied practicals and contemplatives in their season; which he never thought meet to give me any account of. Only in general he oft told me, that the reason and season of his writings (against atheism, &c. afore said) were, both in his circuit and at home, he used to set apart some time for meditation, especially after the evening public worship every Lord's day; and that he could not so profitably keep his thoughts in connection and method, otherwise, as by writing them down; and withal, that if there were any thing in them useful it was the way to keep it for after use: and therefore for the better management, for the accountableness and the after use, he had long accustomed to pen his meditations; which gave us all of that nature that he hath left us.

Notwithstanding his own great furniture of knowledge, and he was accounted by some, somewhat tenacious of his conceptions (for men that know much, cannot easily yield to the expectations of less knowing men,) yet I must say, that I remember not that ever I conversed with a man that was readier to receive and learn. He would

hear as patiently, and recollect all so distinctly, and then try it so judiciously (not disdaining to learn of an inferior in some things, who in more had need to learn of him,) that he would presently take what some stand wrangling against many years. I never more perceived in any man, how much great knowledge and wisdom facilitate additions, and the reception of any thing not before known. Such a one presently perceiveth that evidence which another is incapable of.

For instance, the last time, save one, that I saw him (in his weakness at Acton,) he engaged me to explicate the doctrine of divine government (and decree,) as consistent with the sin of man. And when I had distinctly told him, 1. What God did, as the author of nature, physically. 2. What he did, as legislator, morally. And 3. What he did, as benefactor, and by special grace. 4. And where permission came in, and where actual operation. 5. And so, how certainly God might cause the effects, and not cause the volitions, as determinate to evil, [though the volition and effect being called by one name (as theft, murder, adultery, lying, &c.) oft deceive men:] he took up all that I had said in order, and distinctly twice over repeated each part in its proper place, and with its reason: and when he had done, said, that I had given him satisfaction.

Before I knew what he did himself in contemplations, I took it not well, that he more than once told me, "Mr. Baxter, I am more beholden to you than you are aware of; and I thank you for all, but especially for your scheme, and your catholic theology." For I was sorry, that a man

(that I thought) so near death, should spend much of his time on such controversies (though tending to end them.) But he continued after, near a year, and had leisure for contemplations which I knew not of.

When I parted with him, I doubted which of us would be first at heaven : but he is gone before, and I am at the door, and somewhat the willing to go, when I think such souls as his are there.

When he was gone to Gloucestershire, and his contemplations were published by you, I sent him the confession of my censures of him, how I had feared that he had allowed too great a share of his time and thoughts to speculation, and too little to practicals ; but rejoiced to see the conviction of my error : and he returned me a very kind letter, which was the last.

Some censured him for living under such a curate at Acton, thinking it was in his power to have got Dr. Reeves, the parson, to provide a better. Of which I can say, that I once took the liberty to tell him, that I feared too much tepidity in him, by reason of that thing ; not that he needed himself a better teacher, who knew more, and could over-look scandals ; but for the sake of the poor ignorant people, who greatly needed better help. He answered me, that if money would do it, he would willingly have done it ; but the Dr. was a man, not to be dealt with ; which was the hardest word that I remember I ever heard him use of any. For I never knew any man more free from speaking evil of others behind their backs. Whenever the discourse came up to the faultiness of any individuals, he would be silent : but the sorts of

faulty persons he would blame with cautelous freedom, especially idle, proud, scandalous, contentious, and factious clergymen. We agreed in nothing more than that which he oft repeateth in the papers which you gave me, and which he oft expressed, viz. that true religion consisteth in great, plain, necessary things, the life of faith and hope, the love of God and man, an humble self-denying mind, with mortification of worldly affection, carnal lust, &c. And that the calamity of the church, and withering of religion, hath come from proud and busy men's additions, that cannot give peace to themselves and others, by living in love and quietness on this christian simplicity of faith and practice, but vex and turmoil the church with these needless and hurtful superfluities; some by their decisions of words, or unnecessary controversies; and some by their restless reaching after their own worldly interest, and corrupting the church, on pretence of raising and defending it; some by their needless ceremonies, and some by their superstitious and causeless scruples. But he was especially angry at them that would so manage their differences about such things, as to shew, that they had a greater zeal for their own additions, than for the common saving truths and duties which we were all agreed in; and that did so manage their several little and selfish causes, as wounded or injured the common cause of the christian and reformed churches. He had a great distaste of the books called, a friendly debate, &c. and ecclesiastical polity, as from an evil spirit, injuring scripture phrase, and tempting the atheists to condemn all religion, so they might but vent their

spleen, and be thought to have the better of their adversaries; and would say, how easy is it to requite such men, and all parties to expose each other to contempt? (Indeed, how many parishes in England afford too plenteous matter of reply to one that took that for his part; and of tears of serious observers?)

His main desire was, that as men should not be peevishly quarrelsome against any lawful circumstances, forms or orders in religion, much less think themselves godly men, because they can fly from other mens circumstances, or settled lawful orders as sin; so especially, that no human additions of opinion, order, modes, ceremonies, professions, or promises, should ever be managed to the hindering of christian love and peace, nor of the preaching of the gospel, nor the wrong of our common cause, or the strengthening of atheism, infidelity, prophaneness or popery; but that christian verity and piety, the love of God and man, and a good life, and our common peace in these, might be first resolved on and secured, and all our additions might be used, but in due subordination to these, and not to any injury of any of them; nor sects, parties, or narrow interests be set up against the common duty, and the public interest and peace.

I know you are acquainted, how greatly he valued Mr. Selden, being one of his executors; his books and picture being still near him. I think it meet therefore to remember, that because many Hobbists do report, that Mr. Selden was at the heart an infidel, and inclined to the opinions of Hobbs, I desired him to tell me the truth herein: and he oft professed to me, that Mr. Selden was

a resolved serious christian ; and that he was a great adversary to Hobbs' errors ; and that he had seen him openly oppose him so earnestly, as either to depart from him, or drive him out of the room. And as Mr. Selden was one of those called Erastians (as his book de Synedriis, and others shew,) yet owned the office properly ministerial. So must lawyers that ever I was acquainted with, taking the word jurisdiction, to signify something more than the mere doctoral, priestly power, and power over their own sacramental communion in the church which they guide, do use to say, that it is primarily in the magistrate (as no doubt all power of corporal coercion, by mulcts and penalties is.) And as to the accidentals to the proper power of priesthood, or the keys, they truly say with Dr. Stillingfleet, that God hath settled no one form.

Indeed, the lord chief justice thought, that the power of the word and sacraments in the ministerial office, was of God's institution ; and that they were the proper judges appointed by Christ, to whom they themselves should apply sacraments, and to whom they should deny them. But that the power of chancellors courts, and many modal additions, which are not of the essence of the priestly office, floweth from the king, and may be fitted to the state of the kingdom. Which is true, if it be limited by God's laws, and exercised on things only allowed them to deal in, and contradict not the orders and powers settled by Christ and his apostles.

On this account he thought well of the form of government in the church of England ; (lamenting the miscarriages of many persons,) and the

want of parochial reformation : but he was greatly for uniting in love and peace, upon so much as is necessary to salvation, with all good, sober, peaceable men.

And he was much against the corrupting of the christian religion (whose simplicity and purity he justly took to be much of its excellency,) by mens busy additions, by wit, policy, ambition, or any thing else which sophisticateth it, and maketh it another thing, and causeth the lamentable contentions of the world.

What he was as a lawyer, a judge, a christian, is so well known, that I think for me to pretend that my testimony is of any use, were vain. I will only tell you what I have written by his picture, in the front of the great bible which I bought with his legacy, in memory of his love and name, viz. “ Sir Matthew Hale, that unwearied student, that prudent man, that solid philosopher, that famous lawyer, that pillar and basis of justice (who would not have done an unjust act for any worldly price or motive,) the ornament of his majesty’s government, and honour of England ; the highest faculty of the soul of Westminster-hall, and pattern to all the reverend and honourable judges ; that godly, serious, practical christian, the lover of goodness and all good men ; a lamenter of the clergy’s selfishness, and unfaithfulness, and discord, and of the sad divisions following hereupon ; an earnest desire of their reformation, concord, and the church’s peace, and of a reformed act of uniformity, as the best and necessary means thereto ; that great contemner of the riches, pomp and vanity of the world ; that pattern of honest plain-

ness and humility, who while he fled from the honours that pursued him, was yet lord chief justice of the king's bench, after his being long lord chief baron of the exchequer; living and dying, entering on, using, and voluntarily surrendering his place of judicature, with the most universal love, and honour, and praise, that ever did English subject in this age, or any that just history doth acquaint us with, &c. &c. &c. This man so wise, so good, so great, bequeathing me in his testament the legacy of forty shillings, merely as a testimony of his respect and love, I thought this book, the testament of Christ, the meetest purchase by that price, to remain in memorial of the faithful love, which he bare and long expressed to his inferior and unworthy, but honouring friend, who thought to have been with Christ before him, and waiteth for the day of his perfect conjunction with the spirits of the just made perfect."

RICHARD BAXTER.



