

My Lord, Law is Supreme; none ought to command contrary to Law. It is not, that he or they are superiour that command, that therefore they should be obeyed; no, it ought to be diligently enquired by the Inferiours, whether Superiours command Law, or not; if not, they are not to be obeyed. For that this is not a Rule amongst Men, is the Reason so much of Absoluteness and Tyranny is so much on foot in the World.

Camerarius mentioneth a Story of *Henry II.* of *France*, his committing to Prison an *Italian Lackey*, and shewing no Cause of his Commitment. The Judges visiting the Prisoner, commanded that he should be delivered. The King again committed him, and commanded that he should be executed. The Judges notwithstanding the second time opened the Prison-Doors for him, for that the Law warranted them for so doing.

Henry III. of *England*, commanded *Ralph Nevil* (Lord Keeper or Lord Chancellor) to deliver the Great Seal. He refused it, because it was to be disposed of by the Common-Council, or Parliament of the Kingdom. This is attested by *Matthew Paris*, and *Matthew of Westminster*.

Thomas late Lord *Strafford's* Plea, That what he did, was in Obedience to his Superiour, the King his Master, could not protect him from condign Punishment, for that he had transgressed the Law.

Plutarch saith, the *Spartans* were happy in their King *Agefilaus*, who had such a reverend Esteem of Law, that he gave Obedience to a small Scroll of Parchment, which was the Summons of his Country for his Appearance.

That which will make us happy, must be our Laws; not Men, Councils, or Courts. *Aristotle* said, That it is better to govern by good Laws than good Men.

My Lord, our Laws are good; they are (as to the intent) the only preserving Laws in the World: they are the Strong-holds, the Bulwarks to the weakest.

Edw. 6. fol. 36. The Law is called, *The Inheritance of every Subject*. It is the Inheritance of Inheritances; and without which Inheritance, we have no Inheritance: we should be but as Tenants at Will, to be turned out of Life, Liberty and Estate, at pleasure.

My Lord, withal, the Law signifieth nothing at all, if there be not a way to obtain the Benefit thereof; the which should be as certain and unalterable as the Law itself. And therefore I think that the Statute of *42 Edw. 3. chap. 3.* is meant a Proceeding by Record, when it saith, That no Man shall be proceeded against, taken or imprisoned, but according to the old Law of the Land. The same Opinion may pass of the *29th chap.* of *Magna Charta*, which is but an Exposition of the good old Law of the Land.

Mr. Selden, in his Argument at the Conference of the Lords and Commons, 1628, saith, *The Law is of no Benefit, if that the way be not open to obtain the Benefit of the Law.*

In all which, Proceedings by Discretion are justly reproved; for they are of evil Consequence, as witness *Empson* and *Dudley* in *Henry the Seventh's* Days, by whom the Subjects were grieved, my Author saith.

My Lord, just Proceedings are as necessary as just Judgments.

It is Justice that saveth and defendeth a Nation, that maketh it happy, fruitful and prosperous.

The Frontiers of a Nation may be guarded with Men at Arms, but it will not be preserved thereby: it must be Justice in the midst of it: *If there be but a Man that executeth Justice and true Judgment,* he shall save the City.

There may be good Reasons given for it. Injustice discontents a People; and usually the Foundations of Changes are laid upon the Discontent of the People.

My Lord, I speak not this as reflecting on this Court, or out of Fear of Injustice at this Time or Place; no, but only as laying a sure Foundation for my Exceptions.

If the Law be Supreme, and not to be varied from in the least Tittle, then it is a sufficient Sanctuary. Unless this be granted, all my Exceptions will profit me nothing.

I ought not to be remanded, because it cannot but appear I have been proceeded against not according to the Law of the Land, which is my Right; and if my Right, every Man's Right; and if not my Right, it is no Man's Right.

42 Edw. 3. chap. 3. None shall be proceeded against, but by Presentment, or things of Record, according to the old Law of the Land.

It is not the Law of our Kings, but the Consent of our Forefathers: These are our Privileges, and the present Power hath declared they will be tender of them.

The Writ is by Authority of Parliament.

This Privilege of an *Habeas Corpus* putteth the Difference between the Villain and the Freeman.

My Lord, I shall now make my Exceptions to the Return.

First, The Return is too general, and sheweth not lawful Cause why I should be imprisoned.

I doubt not but to make it appear; and if so, I ought to be set at liberty without Bail.

The Act of the 17th of the late King provideth, That if no Cause be shewn (that is to be understood, a lawful Cause) then the Prisoner shall be discharged.

A Prisoner is not discharged, if he be bailed, for that he is a Prisoner to his Bail; and if bailed, then it is to be supposed a Cause, though such upon which he may be bailed.

The Cause of Imprisonment shewn in the first Part of the Return, is for a *Seditious Pamphlet against the State*: It doth not name wherein it is seditious; it doth not name what Books or Pamphlets.

2 Part Instit. fol. 591. on the Statute of *1 Edw. 2.* *Sir Edward Coke* saith, That the *Mittimus* or *Warrant* must contain the Cause, though not so certainly as the *Indictment* ought; yet with so much convenient Certainty, as that it may appear judicially what the Offence is; as for stealing a Horse, or the like. And this is according to Reason, which is the Mother of Law; which hath had good Authority at this Bar, and now hath, and I hope shall have.

As by Variety of Natures, and Forms, and Names, several Beasts are distinguished; so Variety of Titles do distinguish Books or Pamphlets. And for that there is or hath been as many several sorts of Books or Pamphlets distinguishable by their Title or Name, and Matter or Subject, wherein they are seditious, as there

there are several sorts of Beasts distinguishable either by their Nature, Name or Form: therefore if it be needful, if a Man steal a Horse, that the Warrant or *Mittimus* shall say, the Imprisonment is for stealing a Horse, and not for stealing of a Cow, the same will hold good for a Cow, Ox, or any other Creature or Thing.

If so, it had been as needful for the Return to express what Pamphlets or Books, either by Title or Name, Matter or Subject; for that there are, or have been as many several sorts of seditious Pamphlets (so accounted). within these few Years, of several Titles, as there are several sorts of Beasts in the World. And therefore seeing the Return doth not shew for which of them I am imprisoned, it must be presumed, there is not Cause for my Imprisonment. Generals are nothing in Law.

Again, my Lord: Sir *Edward Coke*, 4 Part *Instit. fol. 39. chap. 1. High Court of Parliament*, there in these words, saith, That by order of Law, a Man cannot be attainted of High-Treason, unless the Offence be in Law High-Treason. He ought not to be attainted by general Words of High-Treason by Authority of Parliament, (as sometime hath been) but the High-Treason ought to be specially express'd.

This is so plain, it need not be pressed further.

Likewise the Resolution of the Commons in Parliament, the 4th of the late King, resolveth, That notwithstanding special Commands for Imprisonment, if there be not lawful Cause of Imprisonment shewed upon the Return of a *Habeas Corpus*, that then the Prisoner shall be acquitted.

I have plainly made it appear, that there is no lawful Cause; yet notwithstanding I shall back it with Reasons that shall carry sufficient Authority with them, to prove my Assertion, That there is not lawful Cause, and to prove that my Imprisonment hath not been according to the Law of the Land, as is provided in the Act of the 17th of the late King, 42 *Edw. 3. chap. 3. 25 Edw. 3. chap. 4.* and *Magna Charta, chap. 29.* All which command but the Law, or are rather but Explications of the Law.

And seeing the Parliament hath left this Court open for any to be relieved, I pray to be relieved.

My Lord, I ought to be proceeded against by due Course of Law.

The Act of the 20th of *September, 1640.* provideth, if it be for treasonable and seditious Pamphlets, the Party shall suffer such Penalties as are by the Law of the Land provided. By which it appeareth, that they intended no otherwise a Man should be proceeded against in this case, but by due Course of Law; which is to be by Presentment before Justice, or Thing of Record; as 42 *Edw. 3. chap. 3.* at which time it is usual the Accusers and the Accused are face to face, and there they the Accusers do aver, that that is the Man that hath so and so offended; else how shall it be known that this or that is the Man meant by the Accusers.

Besides, my Lord, *Anno 10 Eliz. chap. 6.* it is provided, That two Witnesses be as well at the Indictment as the Arraignment.

Indictment is an Accusation against a Man; and it is upon Accusation the *Mittimus* is made for Commitment. It is fit a Man at his Commitment do know his Accusation and Accuser;

if he do not, he cannot make his Defence. It is not fit he should be deprived of any Advantage of that kind.

Festus (*Acts xxv. 27.*) saith, *It seemeth not reasonable that he should send Paul to Augustus Cæsar, without shewing Cause of his Imprisonment.* There was Cause, but not a lawful Cause; for he saith, *He might have been acquitted, if he had not appealed to Cæsar.*

If it should be objected, That a Privy-Council may, for several secret Reasons of State (if they please) commit Men, and shew no Cause, or at least not so particular as the Law requireth; Sir *Edward Coke*, 2 Part *Inst. fol. 199.* sufficiently answereth that, and saith, *That the Law admitteth not of Matters of Pleasure.*

My Lord, that good Maxim, *That the Safety of the People is the supreme Law*, hath been misinterpreted by some that would have it thus: That if any by their Endeavours do threaten Disturbance to a Government, and that they conceive it safe to take away those Disturbers Lives, or their Liberties, in order to prevent those Mischiefs they apprehend they may be instrumental in: if they cannot do it by Law, then they may repair to extraordinary Courses.

Mr. *Sadler*, in his Book, intitled, *The Rights of the Kingdom, and Customs of our Ancestors*, reporteth, That the old *Saxons* had a Maxim, *That high or extraordinary Justice is Injustice.*

My Lord, and Injustice doth a Nation or State more Mischief and Hurt, than all its private and open Enemies can do.

Now having proved that there is no lawful Cause shewn in the Return why I am detained a Prisoner, I shall present your Lordship with my second Exception, which is, That there is not alledged the Time nor Place where the Crime was committed, that is the pretended Cause of my Commitment.

My Lord, I shall not insist upon Matter of Fact to any other end, than to shew the Insufficiency of the Return.

And that the Law intendeth that Cause, nay, lawful Cause should be shewn of Commitment, in the Warrant or *Mittimus*, upon the first committing, the Cause of Commitment, may the better prepare his Defence; the which the Law intendeth not to deprive a Person of: the which he should be deprived of by such Returns.

I shall shew your Lordship wherein first it may be alledged that I did commit a Crime at *London* such a time, when I was at *York*.

Mirroure, Chap. 3. Sect. 23. *One that is appealed of Maim, may plead that he was sick at that time.*

My Lord, many times such Circumstances are the Standards to measure the Truth or Fallhood of an Accusation.

I shall first offer something to prove, that the Place where the Cause of Commitment was committed, ought to have been shewn in the Return.

Page 621 *Fitz-Herbert, Natura Brevium*, of a Writ of Mainprise, it is in the Beginning of the Writ thus; *The King to the Sheriff, &c. of the part of A. taken and detained in our Goal at G. for certain Larcenary of a Horse at S.*

Now, my Lord, here is the place alledged.

Sir *Edward Coke*, 2 Part *Instit. fol. 37.* saith, *That Appeals ought to contain, 1st, The Fact: 2dly, The Year: 3dly, The Day: 4thly, The Hour of*

of the Day: 5thly, *The Place where the Fact was done.*

Here are many Certainties, but the Certainty of Time and Place are not to be omitted; they are two Essentials.

So that if Time and Place be not shewn, when and where the Crime was done, that is alledged to be the Cause of Imprisonment, it may be concluded that there is no Cause if it was done at no Time, nor no Place.

Another Reason why the Time when the Crime was committed, that is the Cause of Commitment, ought to be shewn in the Return, is this: If it were granted that it was so, that I did publish seditious Pamphlets or Books; it may be done seven Years since, for ought that appeareth in the Return.

That the Time when the Fact was done, ought to be shewn, appeareth evidently by the Provision that is made in the Act of the 20th of September 1649, intituled, *An Act for preventing of scandalous and seditious Books and Pamphlets. Provided always, and be it enacted, That no Person or Persons shall be molested and impeached for any of the Offences mentioned in this Act, unless he or they be thereof accused within six Months after his or their Offence so committed or done.*

Then 13 Eliz. chap. 1. it is provided, *That none shall be sued, troubled or molested for any of the Offences contained in that Act, unless they were accused thereof within six Months, if the Party or Parties were not out of the Realm.*

Now for ought there appeareth in the Return the pretended Cause of Imprisonment was committed seven Years since; and it may be as legally presumed to be six or seven Years since, as four Months since. And if so, then I am clear by virtue of those Acts I mentioned: they concern seditious and treasonable Books or Pamphlets. In a doubtful Cause, it is better to acquit the Guilty, than to condemn the the Innocent.

My third Exception is, That the Conclusion of the Return ought to be according to Law, and have these Words; *To be delivered by due Course of Law.*

By which is to be understood *speedily*, at the next Goal-delivery. It is not by the Return said by what I shall be delivered, nor when, whether ever or never delivered; it seemeth to intend a perpetual Imprisonment, the which is utterly against the Law of the Land.

2 Part. *Instit. fol. 315. chap. 9. on the Stat. Gloucest. Expedition ought to be used, to prevent long Imprisonment. Imprisonment should be but till the next coming of the Justice. And (saith he) it is the Mercifulness of the Law of England, that it willet that none be ruined by long Imprisonment.*

And therefore the afore-mentioned Writ of Mainprise (cited in *Fitz-Herbert's Natura Brevium*) seemeth to take up a Complaint, That the People are not only grieved with wrong Imprisonment, but more especially with long Imprisonment, in these Words; *And him by such Mainprise from the Goal aforesaid hast delayed to deliver, to the no small Loss and Grievance of him the said R. and manifest Peril of his Life.*

Brooks's 9 Report in *Powler's Case*, and in the end of the Writ, hath these Words; *That the Subject be not detained so long in Prison, as till the Justice shall come in Eyre.*

By all which appeareth, that the Law relieth against long or perpetual Imprisonment,

as also against Imprisonment without lawful Cause, notwithstanding that it be by special Command.

My Lord, my Life nor Liberty cannot be taken away, but by Law; nor given unto me but by Law. It is a good Maxim, *If we keep the Law, the Law will keep us.*

It would be sad if a Man should be necessitated to plead his Cause by the making of Friends, when the Law shall not be sufficient to plead in his defence, and when Life and Liberty shall be disposed of at pleasure.

It is provided against in 2 Edw. 3. chap. 2. of *Charters of Pardon*; where it is ordained and enacted, *That such Charters shall not be granted, but only where the King may do it by his Oath*; that is to say, where a Man slayeth another in his own Defence, or by Misfortune: This the Law warranteth to be done.

Now having proved, that there is no lawful Cause shewn in the Return why I should be a Prisoner, together with the Insufficiency of the Return: if so, it is my Privilege by Law to be discharged and acquitted.

And the present Power hath declared to be tender of our Rights and Privileges: We have no Rights, Privileges or Properties, but what we are intated in by the Law: if so, then it is my Right not to be deprived of what the Law doth allow me. Your Lordship is a Judge of the Law.

Captain John Streater's Argument to the second Part of the Return.

My Lord,

AS to the second Part of the Return, that mentioneth an Order of Parliament, I make this Exception, *That it doth not mention any Cause at all of my Imprisonment.* And seeing it doth not shew Cause, it is of less Strength than the former Part of the Return, wherein is Cause shewn, though not a lawful Cause.

And therefore there may be no more, but only the bare reading of it to shew the Insufficiency of that part of the Return.

But here, if it should be objected, That it is grounded upon an Order of Parliament, and that the Parliament are not bound to shew a cause:

Truly, I am of Opinion that the Parliament would not own any one that should so argue, it being so perfectly repugnant to their Honour, it being condemned in Parliament within our Memory, as unjust, illegal, unreasonable, and perfectly contrary to Law; and Law is the only Scepter of Senates, Parliaments, Councils, Empires, Kings, Princes, Governours and Magistrates.

The late Parliament in their Declaration upon declaring *England* a Free-State, (March 17. 1648.) say, *That their only Authority is by the Law.*

Again, they say that they are sensible of the *Excellency and the Equality of the Law of England*: Also, That they should uphold the true approved Rules of the Law of *England*; and that the good old Laws and Courts of Justice, and the Custom of *England*, are the Badges of our Freedom, Rights and Privileges.

And this Parliament hath declared, That they will be tender of our Rights and Privileges; the which we enjoy by our Laws.

29 Chap. Magna Charta; *None shall be taken or imprisoned, but by a legal Proceeding, according to the old Law of the Land.*

The words, *None shall be taken*, imply, That none shall take or imprison any contrary to Law.

And it cannot be denied, but the Law intendeth the Protection of innocent Persons in Freedom: And there being no Cause shewn in the Return, let the Command come from whence it will, the Law will warrant a Discharge.

If it be by Order of Parliament, if the Order shew not Cause of Imprisonment, not a Cause only, but a lawful Cause.

Parliaments ever made Laws, but the Judges of the Law judged by those Laws.

Who will question but that the Warrant of a Justice of Peace, shewing lawful Cause of Imprisonment, is of greater Force in Law, than an Order of Parliament shewing no Cause of Imprisonment?

But, my Lord, the Parliament is here; it is their Authority that I apply myself unto; there is nothing can be done here but by their Authority; that is to say, the Law.

And therefore the Law, and several Acts of Parliament, as that of the 17th of the late King, and divers others say, That I shall be discharged.

Shall an Order of Parliament over-rule Laws, Statutes, Customs, Usages and Reason?

No, my Lord, doubtless the Parliament's Intention in ordering that I should not be delivered but by Order of Parliament, is, That I should be delivered by Order of Law, as I here expect now, and do not question in the least.

Order of Law may be reckoned as the comeliest of all the Parliament's Orders.

Surely none will alledge, that the Parliament intendeth to stop the Proceedings of Law that may relieve me; or that this Order of Parliament is superior to Authority of Parliament that is judicially in this Court.

My Lord, the Inferior must give way to the Superior. The same Reason that the Commons in Parliament, of the 4th of the late King, judged of the Invalidity of the Record in *James Damestr's* and *Cæsar's* Case; for that it was not argued or debated it was not of Weight to be a sufficient Record: The same Reason, I say, may be given for an Order of Parliament not to be in force against an Act of Parliament.

An Order of Parliament hath but the same Proportion with an Act of Parliament, that a verbal Command hath with a Command by Record; for that there are not the Debates, Deliberations, and three Times of reading of an Order of Parliament, as is at the establishing an Act of Parliament.

My Lord, besides, any rational Man will think that the Wisdom and Prudence of the Parliament is such, that they will not lay up such a Portion for their Successors and Children, as a Record that shall be a Law or Precedent to After-Ages, that shall be in effect, *That J. S. was remanded to Prison by the virtue of an Order of Parliament, when no Cause is shewn in the one part of the Return, nor lawful Cause in the other.*

When the supreme Authority of Parliament, the Law, and Acts of Parliament that contain Law, say expressly, *That if no Cause* (or lawful Cause) *be shewn in the Return for Imprisonment, that then the Prisoner shall be set at liberty.*

And *Anno 20 Edw. 3. cap. 1.* That if Commands come to the contrary, Judges shall not cease to do even Law and Right.

Besides, Sir *Edward Coke*, in the 4th Part of his *Institutes, cap. 10. High Court of Parliament*, intimateth that an Act of Parliament is not pleadable in a Court of Record, but by Record, or under the Seal. And Mr. *Sadler*, in his Book, entitled, *The Rights of the Kingdom, and Customs of our Ancestors*, saith as much. Then much less an Order of Parliament, that is not recorded upon the Parliament-Rolls itself.

My Lord, it is not to be imagined, neither do I think, that the Parliament expected that their Order (the inferior part of their Power) shall take place of the superior part of their Power, the Law and Acts of Parliament that command Law, which is judicially here, as I said before.

My Lord, all Acts of Parliament that are unrepealed, are their own: They are not theirs, when they disown them by repealing. Until then they are with *not otherwise* in force, and are Law.

My Lord, a Parliament, as they command Law, may be called the Wisdom and Reason of the Nation.

Anno 4 Hen. 7. cap. 12. The Law is called the *Policy of the Nation*. Indeed it is so: Justice is the best Policy, as I said before.

None can demonstrate what Justice is, without the Law be as the golden Mete-Wand, that Sir *Edward Coke* cautions Parliaments to leave all Causes to be measured by, 4 *Part. Instit. fol. 41.*

Upon the Question of *Henry VIII.* to the Judges, *Whether a Man might be attainted of High Treason in Parliament, and not to call him to his Answer?* The Judges Answer was, *That an inferior Court could not in Law or Justice do so:* And their Opinion was, *That the higher the Court is, the more just they ought to be.*

It is not to be supposed that a Parliament will act contrary to their Wisdom and Policy, which is the Law: or that they would have their inferior Power take place of their superior Power.

Neither will the Parliament plead against me with their Power, no surely, but by Law, legally; else they would have nailed up my Prison-Doors with armed Men, and never have suffered me to come to this Bar. And if that they had not intended that I should have been acquitted, they doubtless would have shewn Cause. I know there can be no lawful Cause of Imprisonment shewn against me.

My Lord, *Job's* Friends, they tell *Job* that because he was guilty, in their Opinion, in the sight of God of Sin, *Job. xxii. 4.* *Will he* (meaning God) *reprove thee for fear of thee? Will he enter with thee into Judgment?* As much as to say, That God would cut him off from amongst Men because he was sinful, and God powerful. But saith *Job*, (*Chap. xxiii. 3.*) *O that I knew where I might find him, that I might come to his Seat! I would order my Cause before him, and fill my Mouth with Arguments. I would know the Words which he would answer me, and understand what he would say unto me. WILL HE PLEAD AGAINST ME WITH HIS GREAT POWER? NO; but he would put Strength in me. There the Righteous might dispute with him, &c.* And *chap. xxxviii. ver. 32.* God saith, *Gird up thy Loins like a Man,*

for I will demand of thee, &c. And here God declareth his Power and Wisdom visibly in the Creation of Creatures great in Magnitude, as the *Leviathan*; sweet in Influence, as the *Pleiades*; Swiftneſs and Courage of the Horſe in the Day of Battle; and ſo of the whole Creation. That this great and glorious Eternal God, that gave a Being to all Beings by one only Conception of his Mind; he willed them to be, and they were: This God, you ſhall find, pleaded with *Job* by and by, in *Chap. 42. ver. 4.* *Hear, I beſeech thee, and I will ſpeak; I will demand of thee, and declare thou unto me.*

My Lord, will the Parliament plead againſt me with their Power, that is to ſay, what they may do? Surely they will not; but rather ſtrengthen me, by affording me the Benefit of the Law at this Time and Place; which is the utmoſt of what I do expect, and the which they ought to do. By the which I ſhall arrive at my Liberty, which is my Right by Law, in regard there appeareth no Cauſe in the one part of the Return, nor lawful Cauſe in the other.

My Lord, I have ſeen the Copy of an Order of Parliament, bearing Date the 21ſt of *November* preſent, that ſaith, *That John Streater be and do ſtand committed to the Priſon of the Gate-Houſe, Weſtminſter, in order to a Trial; and that Mr. Speaker do iſſue a Warrant accordingly.*

Without doubt this is the Trial intended by the Parliament, here at this Place, to try whether there be cauſe of Imprifonment, or not.

The Innocent need no other Trial.

The Cauſe that is already ſhewn in the firſt part of the Return, is to be ſuppoſed true, and all the Cauſe that was to be ſhewn, and none other; for that the ſecond part mentioneth no Cauſe at all. And if there had been lawful Cauſe ſhewn, it is not to be denied but it had been of force.

By all which it appeareth, that they intended me the Benefit of the Law; which ſpeaketh this Language, *That the Innocent ſhall be acquitted.*

My Lord, an Order of Parliament is but as the firſt Thoughts of a Man, by which he intendeth this or that.

An Act of Parliament and the Law, is like the ſecond, third, and fourth Thoughts of a Man, wherein he altereth his firſt Reſolutions, formed by his firſt Thoughts, unto more ſafe and better Reſolutions.

And it is not contradictory to himſelf at all, nor never a whit below him.

My Lord, here are the Parliament's ſecond, third, and fourth Thoughts judicially in this Court: It is Law digeſted by Councils, Debates, Time and Practice, into Safety and Conveniency. The which is for their Honour to act by: The Benefit thereof I pray.

My Lord, the Return ſaith *I ſhall not be delivered but by Order of Parliament.* The Order of Parliament ſaith not ſuch a Word, but to be committed *in order to a Trial*; at which I am.

My Lord, the Return ſaith *I ſhall be committed Priſoner to the Gate-Houſe by Order of Parliament.*

The Authority of Parliament, the Law judicially in this Court, hath committed me Priſoner to the Marshal of this Court; ſhall this be called a Contradiction to the Order of Parliament?

No, ſurely it will not ſtand ſo in the Opinion of this Court.

Neither can it be called a Contradiction to the Order of Parliament, if I ſhould be diſcharged of my Imprifonment; becauſe the Authority of Parliament, the Law, ſaith, *If there be no Cauſe of Imprifonment, I ſhall be diſcharged.*

The Law intendeth but three Things only to defend, in which all elſe is comprehended: They are Life, Liberty, and Eſtate.

Liberty is the chief: Not a Liberty to do what one liſts, either in obeying, or in commanding; but a juſt preſerving Liberty, that ſhall be for the Good of Society.

It was this that our Forefathers and we have contended for by Arms: And being victorious, will the Parliament deprive us of the Benefit of the Law, which is the Ornament of our Triumph?

No, my Lord, they have declared to the contrary that they will not.

Something of the like nature may be concluded from the Answer of the Council of State to my Keeper: The Keeper of the *Gate-Houſe*, when he deſired of them to know their Pleaſure, whether he ſhould allow the Writ of *Habeas Corpus*, or not, in regard I was a Priſoner by their Command; their Answer was, They would leave it unto him. As much as to ſay, They intended not to deprive me of the Benefit of the Law.

My Lord Chief Juſtice *Hyde* is not now on this Bench, who once was, and to his Shame did deliver in effect this Judgment, That for ſeveral Reaſons of State, the King may do or act contrary to Law.

My Lord, I have power to kill this Gentleman next me, but not by Law.

It did better become Mr. Attorney-General *Heath*, in his pleading for a corrupt Intereſt (in the Cauſe of Sir *John Heningham*, and others) at this Bar, to alledge, That the King may act above and contrary to the Law; than Mr. Attorney-General *Prideaux*, that is to plead in behalf of a State, that ſome ſuppoſe are laying a Foundation of the Kingdom of Chriſt. If he ſhould it would be the grandeſt Inconſiſtency that poſſibly could be, to what they have declared, namely, Tenderneſs of our juſt Rights and Privileges.

The which Declaration hath invited a national Expectation thereof: The which ſhould be a ſufficient Law to them to do nothing that might deprive any Individual, though the moſt inferior and inconfiderable Part or Perſon of the Whole; becauſe they were comprehended in the Whole, unto which the Promiſes were made.

My Lord, upon the Agreement of ſharing the *Roman Empire* made between *Octavius*, *Antonius* and *Pompeius Sextus*, it fell out that they agreed to feaſt aboard of *Pompeius's* Admiral-Galley, lying at an Anchor off the Head of Mount *Mifena*: And when they were all aboard, and merry, *Menas* the Pirate came and whiſpered *Pompeius* in the Ear; *Come*, ſaith he, *ſhall I cut Cable, weigh Anchor, and ſet Sail, and not only make thee Lord of Sicily and Sardinia, but of the whole Empire alſo?* No, ſaith noble *Pompeius*, *I have not learned to break Faith, although it were to the gaining of an Empire.* When he had invited them to a Banquet, they ſhould not be deprived of what they expected by Imprifonment

ment, or Loss of their Shares of the Empire: Such Advice and such Practices do better become Pirates and Thieves, than Persons of Virtue and Honour; the which was in his power to have done.

My Lord, seeing, as I say, that the Parliament did at the first declare that they would be tender of our Rights and Privileges; and seeing it is our Privilege to have the Benefit of the Law; and seeing the Law saith, *That if there be no Cause, there shall be no Imprisonment*; and in regard there is no Cause shewn, why I should be a Prisoner: I do aver that the Parliament cannot have greater Dishonour put upon them, than for any one to alledge that they intended Imprisonment to me, if there should no Cause in Law appear.

My Lord, if there be any thing else alledged to be against me than what appeareth upon the Return and the Record, the Law requireth you not to take notice of it.

And seeing there is no Cause, there ought to be no Imprisonment: If it should, it would be Injustice.

Justice is one of the Attributes of God, that by his Dispensations he would have administred to Men,

The Administration of Injustice is a perfect Fighting against God.

I believe the Parliament would not be found Fighters against God.

My Lord, the Philosopher saith, *Where just Law ruleth, there God may be said to rule.*

If you judge justly, you have no Cause to fear.

I expect it, as you will answer the contrary at the dreadful Day of Judgment.

Judge. What have you to say, Mr. Attorney-General?

Prideaux. That which I have to say is not to argue, but to acquaint the Court he is committed by an Order of Parliament, which is not to give an account to the Court. It is their Pleasure to commit him till he be cleared by an Order of the same Power. And I hope, my Lord, you will not dispute it: For I know it is fresh in your Memory, where Orders of the like nature have been made by the Parliament. He is to remain Prisoner by the Authority that put him there.

Judge. Yea, as in the Case of *Lilburne, Chetwin,* and others, which after made their Address to the Parliament; which, if this Gentleman do, I make no question but they will do according to Law and Justice by him, and no otherwise, since he is committed by them; and they only know the Cause of his Commitment.

Sir Thomas Witherington, Serjeant at Law for the Commonwealth.

There has been two Counsels have spoke something in behalf of the Gentleman at the Bar: one of them pleaded this, That there was an Order of Parliament, but not an Act of Parliament. My Lord, an Order hath force as well as an Act. As for Mr. *Norbury*, he said, Part of the Return was true, and Part was not true. If it be not true, he has an Action of the Case against the Keeper. Again, whereas he says, That all Acts of Parliament were made for the Liberty of

the People: truly so they are; but not to give leave to Licentiousness.

Judge. Mr. *Streater*, one must be above another, and the Inferior must submit to the Superior; and in all Justice, an inferior Court cannot controul what the Parliament does. If the Parliament should do one thing, and we do the contrary here, things would run round. We must submit to the Legislative Power: for if we should free you, and they commit you again; why here would be no end: and there must be an end in all things.

Where you say we are not to imprison you without Cause shewn: It is true, we are not; but if there be any that do disturb the Peace of the Nation, we are to settle things in Peace and Quietness; for the Cause of the Law is to quiet the Nation.

The second thing that hath been objected against the Return, was by Mr. *Freeman*: He says, The Parliament hath not Power to alter the Laws. Why, they have the Legislative Power, and may alter and order in such sort as they please; they may daily. If they find any thing that is fit to be reformed, they may alter and reform them, and make Laws new. It is strange a Counsellor should say this.

Another Objection was, That there was no Cause express'd. It's true, here there is not. We are Judges of the Law, and we may call inferior Courts to an account why they do imprison this or that Man against the known Laws of the Land; and they must shew Cause to any Man. In this Case, if the Cause should come before us, we cannot examine it, whether it be true or unjust: they have the Legislative Power.

Now whereas you say, It is but an Order of Parliament, and has not been three times read in the House: How can you tell but that it has been three times read? Indeed they used to read it thrice when the King and House of Lords and Commons sat; and so it may be now, for ought we know. But if it were but once read, we cannot call it into question, but must conceive it was on just grounds: and it may be they thought it not fitting to express a Case in Matter of State; for if they should express the Cause, and we not able to judge of it, there would be nothing done in it. Therefore, Gentlemen, we can do no more in it, and yet I hope we shall do according to Justice, that the People may not be oppress'd. If it had been a Cause we could have meddled in, something might have been done; but now we see no Cause it should be repealed.

Justice Garmond. God made man, and gave him a Law to live by; and the Laws of *England* are grounded on the Laws of God: and in the Laws of *England* every Man is concerned. And now the Parliament of *England* is grounded on the whole Body of the Nation. Now if one Power were not above another, things would go in a Circle to and fro, and have no end: Now this will bring them to an end, since the whole Law of the Nation is grounded on the Parliament Laws.

Judge Nichols. I am of the same Opinion, every thing must be done in order: And *God is the God of Order*; and therefore every thing ought to be done in Order, and not in Confusion. Now what the Parliament does, we cannot dispute or

judge of: Their Laws are to bind all People; and we are to believe they had Cause for what they did. And for that you say an Order should be read three Times; when I was a Parliament-Man, divers Acts pass'd with one time reading. In the next place, you did distinguish between an Order and an Act of Parliament. Why, their Power is a Law, and we cannot dispute any such thing. And whereas you affirm it was once pleaded here, *That the King was above the Law, and might do what he pleas'd against the Law*; that it was so here, I do not remember: but the Parliament does not so.

Prid. I humbly pray he may be remanded to the *Gate-House* again.

Judge Nichols. There is a *Primum Mobile*, or things would come into confusion. The Parliament has the greatest Power.

Capt. Streater. I desire I might be bailed; I shall be a Prisoner nevertheless: the Law accounteth one a Prisoner, tho' he be bailed: and if not bailed, I may be a Prisoner a hundred Years.

Prid. My Lord, pray let him be sent to the *Gate-House*.

Capt. Streater. I desire then I may be a Prisoner to this Court. I am a wounded Man, and have done Service for my Country, and deserve not to be shut up in a close Hole. Besides, I have been a Prisoner three Days contrary to the Order of Parliament, by Order of Law, to the Marshal of this Court; when the Order of Parliament saith, *I shall be a Prisoner to the Gate-House*: and if the Law can warrant the Court for the doing of the one, doubtless it will for the doing of the other. I am sure it is my Right by Law.

Judge. No, no; no such matter.

Prid. My Lord, I heard this Man say he has been wounded, and that he was for the Parliament; but I am informed he was cashiered. He cited the Order of Parliament, and that they did not publish the Cause wherefore: But I will speak it publickly, it is in order to his Trial.

Capt. Streater. My Lord, he speaks falsely; I laid down my Commission myself.

Judge. We are to judge honourably of the Supreme Power.

Capt. Streater. You said but now, my Lord, you could judge of nothing but what was before you upon Record.

Judge. Let him be sent again to the *Gate-House*; he was committed there. And, Gentleman, you should do well to apply yourself to the Parliament in the mean time; for while we are possess'd otherwise, it must be our Office that you must be sent back according to the Order of Parliament.

Capt. Streater. I never petitioned in my life; I shall not now begin.

Prid. When the Cause is done, you may leave him as you found him.

Judge. You had your *Habeas Corpus*.

Capt. Streater. I could wish I had the Benefit of it, as is my Right by Law. I desire that notice may be taken, that the same Judgment and the same Plea were adjudged illegal, arbitrary, and perfectly repugnant to Law, the just Rights and Liberty of the People in Parliament, the 4th of the late King, 1628, as in the Case of Sir *John Heningham*, Sir *Humphry Hampden*, and others, at this Bar.

Judge. The King was Plaintiff against them, and he was but a Feoffee in Trust: the Parliament is Plaintiff against you, and they are a Legislative Power.

The Prisoner was carried back to the *Gate-House*.

The Proceedings upon the Habeas Corpus in Hilary-Term.

IN the Vacation between *Michaelmas* and *Hilary-Term*, the Parliament dissolving, Mr. *Streater* resolved to apply himself again to the Law; he conceiving that the Order of Parliament was void, inasmuch as the Parliament was dissolved. And accordingly, on Monday 23 *January* 1653, being the first sitting of the Judges in *Hilary-Term*, he had Mr. *Dormer* of Counsel, who moved the Court for an *Habeas Corpus*. It was granted, and made returnable on Thursday the 26th next following. At which time, the Keeper sent the Body of Mr. *Streater*, with a Return of the *Habeas Corpus* not signed: which being in Court, was refused to be received.

Mr. Streater. My Lord, I am here brought to this Bar, by virtue of an *Habeas Corpus*: I desire that the Writ with the Return may be read.

Ld Ch. Just. Let it be read.

Mr. Broughton. My Lord, the Return is not signed.

Ld Ch. Just. If the Return be not signed, we cannot take notice of it.

Mr. Streater. My Lord, I desire that another Day may be appointed by Rule of the Court.

Ld Ch. Just. We cannot do so; we cannot take notice of you, whether you are the Person or not, if the Return be not under your Keeper's Hand.

Mr. Streater. My Lord, I desire I may have an *Alias Habeas Corpus*.

Ld Ch. Just. We cannot deny you that.

[The *Alias Habeas Corpus* was made returnable on Monday the 31st of *January* 1653.]

Mr. Streater. My Lord, I desire that I may by Rule of Court have assigned of Counsel (with me) Mr. *Twisden*, Mr. *Freeman*, Mr. *Wilde*, Mr. *Norbury*, and Mr. *Dormer*.

Ld Ch. Just. Let them be assigned.

Monday the 31st of *January* 1653, Mr. *Streater* was again brought before the Court of Upper Bench, by virtue of his *Habeas Corpus*.

Mr. Streater. My Lord, I am brought hither by virtue of an *Alias Habeas Corpus*. I desire that the Writ, with the Return, may be read.

The Clerk reads the Return.

O LIVER, Lord Protector of the Commonwealth of England, Scotland, and Ireland, &c. To the Keeper of the Prison of the Gate-House, Westminster, in the County of Middlesex, or his Deputys there, Greeting. We command you, as formerly we have commanded you, that the Body of John Streater Gent. in Prison under your Custody detained, together with the Day and Cause of his taking and detaining, by whatsoever Name the said

John

John is called therein, you have before us at the Upper Bench in Westminster upon Monday next after the Fifteen Days of St. Hilary next to come; to undergo and receive those things which our Court of Upper Bench aforesaid of him shall consider of in this behalf. And this you must not omit on any wise, and upon peril that will follow thereupon. Witness Henry Rolle, at Westminster, the 26th Day of January, 1653.

And the Return of this Writ appears in a certain Schedule hereunto annexed, and the Answer of Aquila Wykes, Keeper of the Gate-House Prison in Westminster.

TO his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereof, in the Upper Bench at Westminster, at the Day and Place in the Writ to this Schedule annexed named; do certify, that before the coming of the said Writ to me directed, that is to say, the 12th Day of September 1653, John Streater in the Writ named was committed to my Custody, and there detained by virtue of a Warrant from the later Council of State, the Tenour of which Warrant followeth in these Words.

THESE are to will and require you to receive into your Custody the Body of John Streater, and him you shall safely keep Prisoner in the Prison of the Gate-House, he being committed for publishing seditious Pamphlets against the State. Of which you are not to fail: and for so doing, this shall be your sufficient Warrant. Given at the Council of State at Whitehall, this 12th Day of September 1653.

To the Keeper of
the Gate-House.

Rob. Fichburn Presid.
H. Lawrence.
Sa. Meyer.
J. Hexson.
Cb. Howard.

And the said John Streater is also detained by virtue of a Warrant under the Hand of the Speaker of the Parliament; the Tenour of which Warrant follows in these Words.

BY virtue of an Order of Parliament bearing Date this present 21st Day of November, These are to will and require you to receive and take into your Custody the Body of John Streater, and him to keep and retain in safe Custody, until he shall be delivered by Order of Parliament. Whereof you are not to fail, as you will answer the contrary at your peril. Given under my Hand the 21st Day of November 1653.

Francis Rous Speaker.

And the said John Streater is also detained by Rule of the Upper-Bench Court; the Tenour of which Rule follows in these Words.

THE Keepers, &c. against John Streater. A Friday in fifteen Days of St. Martin 1653. The Defendant was this Day brought in Court by virtue of a Rule of this Court, under the Custody of the Marshal of this Court: And it is ordered, That the said Marshal do deliver the Body of the said Streater to the Keeper of

the Prison of the Gate-House in Westminster, to remain under his Custody according to the Order of Parliament, upon the Motion of Mr. Attorney-General.

By the Court.

And these are the Causes of the detaining the said John Streater, whose Body before the Protector aforesaid I have ready accordingly, at the Day and Place in the said Writ contained, as I am within commanded.

Aquila Wykes, Keeper of the Gate-House.

Ld Ch. Just. Mr. Attorney, what say you to it? The Prisoner hath been here many times.

Attorn. Gen. My Lord, I heard not of it.

Mr. Streater. My Lord, I sent him notice the same Day the Writ was granted.

Attorn. Gen. My Lord, he sent me a Man that said he lived in Fleetstreet, I do not know where.

Ld Ch. Just. How cometh it that you did not send him other notice?

Mr. Streater. My Lord, I beseech your Lordship that I may not be intercepted by such Pretextes, and that I may not suffer any Delay for want of such Formalities. My Lord, Mr. Attorney-General hath appeared often enough in this Case; he cannot with Credit pretend he is unprovided to speak to it.

Ld Ch. Just. Let the Prisoner be here again on Friday.

[Mr. Streater was again sent back to the Gate-House, and was, on Friday the 3d of February 1653, brought by Rule upon the Alias Habeas Corpus.]

Mr. Twisden. My Lord, I desire that the Prisoner may be bailed.

Mr. Wylde. I desire that the Writ and Return may be filed.

Ld Ch. Just. Mr. Atkin, what have you to say why it may not be filed?

Mr. Atkin. Nothing, my Lord.

Ld Ch. Just. Let it be filed, and let the Prisoner be here on Thursday next.

Mr. Streater. My Lord, I desire that I may have assigned of Counsel with me, Mr. Latch and Mr. Winckham.

Ld Ch. Just. Let it be so.

[The Prisoner was carried by the Marshal of the Upper Bench unto the Upper Bench Prison, southward; and on Tuesday the 7th of February 1653, was again brought into Court; under the Custody of the Marshal of the Court.]

Mr. Twisden. I desire that the Prisoner may be bailed: He is committed by two Orders; the one from the Council of State, the other from the Speaker of Parliament, by virtue of an Order of Parliament. The Order of Parliament is out of Doors, the Parliament being dissolved.

Mr. Attorney-General began thus:

My Lord, this Gentleman the Prisoner stands committed by Order of Parliament: And whereas in his behalf the Counsel assigned for him have

have alledg'd, That the Order of Parliament is void, by reason (as they say) the Parliament is dissolved:

My Lord, Parliaments cannot be dissolved; the Parliament are the same Power that is in being now.

And Parliaments were to be once a Year, as by the Statute of the 4th of *Edward 3.* at which time he may be relieved. In the North Parts, the Assizes can be held but once a Year.

But grant that the Meaning of Parliament was to deliver him themselves, and not that they meant the Parliament to be on the 3d of *September 1654*; yet for that they ordered that he should not be delivered but by Order of Parliament, I conceive he can be delivered no otherwise than by an Order of Parliament, nor by any other but a Parliament.

Possibly when that the Parliament consisted of King, Lords, and Commons, an Order of one or two Houses, without a threefold Consent, had not been binding: but now the Power that was in the Lords and King is joined in the Commons, and therefore is of greater force.

And it is not material whether they shew Cause or not; there may be good Cause: And it cannot be presumed that the Parliament would commit a Man, and have no Cause at all for so doing.

But without question, a Parliament may commit Men, and shew no Cause.

But suppose his Commitment be in order to a Trial in Parliament, will this Court take upon them to judge in the Cause? Or can they by *Habeas Corpus* bring the Body of the Prisoner and the Cause before them, out of Parliament?

The Lord of *Strafford* was tried in Parliament: I believe this Court would not in such a Case remove the Trial before them, nor indeed can they. Upon the Return it appeareth, he is committed by Order of Parliament, and to be delivered by Order of Parliament: if they had intended he should have been delivered otherwise, they would have either said nothing, or have ordered he should be delivered according to Law.

When Kings die, it is true, that Commissions do cease; but when Parliaments do dissolve, their Acts do not cease. Besides, a Parliament is the Supreme Court, and they do constitute other Courts; and therefore it is not for other Courts to question the Proceedings of a Parliament.

It will not be expected of me to shew that the Parliament had sufficient Matter or Cause of Imprisonment.

To this the Judges answered, No, no: if he had any thing more to speak to the Order of Parliament, that was it that was to be spoken unto.

Mr. Attorney. My Lord, this Gentleman might make his Application for his Liberty to the present Authority elsewhere; and I doubt not but it would be granted him: for now Parliamentary Authority is in one Person.

My Lord, I doubt not but the Court will be cautious in meddling in this Case, but will rather remand him to Prison: First, for that it may be that the Proceedings against him are not yet ripe; it may be yet under examination. Secondly, for that this is the first Precedent of the

like nature, and it being of so great and high Concernment.

Mr. Twissden. My Lord, a Parliament may determine, and Parliaments do determine; and when they do, their Orders also determine with them. It is true, that Acts of Parliament do continue; but this is but an Order of Parliament, and not an Act of Parliament.

My Lord, we must come hither to be relieved; this is the Place, this is the Court appointed for Relief in this Case: we expect it, and, my Lord, desire that the Prisoner may be bailed.

Besides, my Lord, this is not an Order of Parliament upon Return, but a Warrant of the Speaker.

Mr. Windham, of Counsel with the Prisoner.

My Lord, it is true, we find Writs of Error returnable in Parliament, as in *Flowerdew's Case*, and in *Basse's Case* of Error given in this Court of *King's-Bench* against *Basset*, in a Judgment for the King: *Rot. Parl. 25 R. 2. num. 24.* This is after Trial of Law, and not before.

As to the Case of the Lord *Strafford*, we know not but that by Law he ought to have been appeach'd here.

As to the Order, it is determined by Law.

Mr. Wylle, of Counsel with the Prisoner.

My Lord, the Order cannot be a Bar but that the Prisoner may be bailed.

Besides, the Order is void, for that the Parliament discontinueth; and it is ordained, That *he or they that shall say the Parliament continueth, shall be guilty of an high Offence.*

An Act or Order of Parliament is not a Judgment of Parliament.

We are here *coram Protectore.*

Capt. Streater. My Lord, I should not at all undertake at this time, having so many learned Counsel assigned, who attend my Cause and who have sufficiently urged enough Law to warrant the Court for my Discharge, but that the Attorney-General hath both last Term and this Term endeavoured to asperse, to discourage the Court, so as to delay or deny me Justice: As the last Term, by suggesting to the Court that I was a dangerous Person, and stood accused in Parliament for high Misdemeanours; and said that they were such, and so dangerous, that they for many secret Reasons of State thought it convenient not to discover them. And this Term, by saying, the last Day of hearing, that I was a stubborn refractory Person, and would not make my Application to the present Authority, where he assured me that I might have my Liberty for asking for it; and that my Endeavours were to strike at the very Power of Parliament.

My Lord, as to what great and high Matters or Things that were by him suggested to this Court to be in Parliament, certainly it would have appeared upon the Return: they have not been intercepted, as to Time, in the making of their Return to the *Habeas Corpus*; they have also had time to make several Returns; and lastly, to amend the Returns by Rule of Court. Without question, my Lord, if they had had other Cause, they would have made it appear. However, your Lordship can take no notice of any thing but what appeareth upon Record.

My

My Lord, as to the other that Mr. Attorney urgeth, That I am a stubborn Person, and refuse to make my Application to the present Authority; I deny it: my Actions give another Testimony of me, in this applying myself to the present Authority in this manner, and at this place, by Law; this is the proper and only superior Court for Relief, in case of false or long Imprisonment: it ever was in this Court settled by Law, the Supreme Authority of this Nation, and the only Authority of those that will take upon them Supreme Power. The Lord Protector hath sworn to govern this Nation according to its Laws, Statutes and Customs: and here I make my Application to the present Authority judicially in this Court. The Writ of *Habeas Corpus* is in the name of the Lord Protector: by which it appeareth, that those Suggestions are false, and that I own the present Authority in its proper Channel, and own its true Basis, by applying myself to the present Authority here in this Court.

My Lord, I should have insisted upon the whole Matter now before you; but I see that there hath been enough urged by my Counsel, to shew the Invalidity of the Order of Parliament, the only Business where all sticketh.

My Lord, I shall not spend time to answer Mr. Attorney-General, for that the Substance of his Argument is but of little weight, and not worthy of any Answer.

Here followeth the Argument that Mr. *Streater* had prepared to have insisted upon in this place: but for that he perceived the Opinion of the Court was, that the Order of Parliament was not in force now, he omitted to urge it further. But for general Satisfaction, it is here presented the Reader word for word, according to his Copy.

I AM brought here by virtue of an *Habeas Corpus*, which doth require that Cause to be shewn why I am detained a Prisoner; not who committed me to Prison.

Upon the Return, there is in the first part a Cause, but not a lawful Cause: in the second part of the Return, no Cause at all.

My Lord, the Intent in Law of an *Habeas Corpus* is to relieve Prisoners, notwithstanding of special Commands for Imprisonment: as appeareth by an Act of Parliament in the 17th of the late King, intituled *An Act for abolishing of the Star-Chamber, and for regulating the Council-Table*; which ordaineth, 'That notwithstanding of special Commands for Imprisonment, the Party so imprisoned shall by an *Habeas Corpus* be brought before the Judges of one Bench or other: and if the Cause of his Commitment be legal, he shall be remanded; if no Cause, (that is to say, no lawful Cause) he shall be set at liberty: and if it be doubtful, then the Prisoner shall be bailed.'

This Act reciteth several Acts, as that of 17 R. 2. chap. 31. 42 Edw. 3. chap. 3. 28 Edw. 3. chap. 9. *Magna Charta*, chap. 29. and the *Petition of Right*. These Acts declare, that this is the Intent and Meaning of the aforementioned.

My Lord, with these agree the learned Arguments of Sir *Edward Coke*, Sir *Edward Littleton*, and Mr. *Selden*; together with the Resolution of the Commons in Parliament 1628 thereupon, in these words.

Die Jovis, 3 Aprilis, 4 Caroli Regis.

' Resolved upon the Question, That no Freeman ought to be detained or kept in Prison, or otherwise restrained, by the Command of the King, or the Privy-Council, or any other, unless some Cause of the Commitment, Detainer, or Restraint, be expressed, for which by Law he ought to be committed, detained, or restrained.

' That the Writ of *Habeas Corpus* may not be denied, but ought to be granted to every Man that is committed or detained in Prison, or otherwise restrained, tho' it be by a Command of the King, the Privy-Council, or any other, he praying the same.

' That if a Freeman be committed or detained in Prison, or otherwise restrained, by the Command of the King, the Privy-Council, or any other, no Cause of such Commitment, Detainer, or Restraint, being express'd for which by Law he ought to be committed, detained or restrained, and the same be returned upon an *Habeas Corpus* granted for the said Party; then he ought to be delivered or bailed.'

2 Part *Instit.* fol. 52. *The Warrant or Mittimus ought to contain lawful Cause.*

Sir *Edward Coke* in his first general Reason why a *Habeas Corpus* is to remove the Body notwithstanding of special Commands, saith, 'That Imprisonment in Law is counted a Civil Death, when Men are taken from their House, Wife, Children, Country, Friends, and familiar Acquaintance, to live with wicked and wretched Men.'

Mirroure, Chap. 2. Sect. 9. saith of Prisoners and Prisons thus: 'A Goal is nothing else but a common Prison: and as a Leper, or a Man who hath a diseased Body, is not to be suffered to dwell or remain amongst Men who are sound, &c. therefore mortal Offenders ought to be separated from the Society of People, to the end the Innocent be not infected with their Offences.'

Now, my Lord, if it be so, it was of absolute necessity for the Law to provide against long Imprisonment as well as wrong Imprisonment, notwithstanding any special Commands.

The Writ of *Habeas Corpus*, and the Benefit by Law, is the undeniable Right of every *Englishman*; it is called *the high Point, the only Point*. Nay, the Commons in Parliament, of the 4th of the late King, in their Conference with the Lords, say, That they had recovered the Body of Liberty, by clearing of this Point. In this is the only difference between Slaves and Freeman, Villains and Freeman.

My Lord, the Law of *England* doth settle a Freedom in the People of *England*, in their Life, Liberty, and Estate: it doth relieve against any thing that shall by any be done to their detriment, either in one or other.

Mirroure, Chap. 2. Sect. 18. of Appeals of Imprisonment thus: *Darling* here appealeth *Weloc*, for that whereas the said *Darling*, &c. the said *Weloc* came and arrested the said *Darling*, brought him to such a place on such a day, and put him into the Stocks or in Irons, or in other Pain or Inclosure: Such a day, *this Felony he did feloniously*.

My Lord, here we see the Law ever did allow of a Remedy to be had against false Imprisonment. Here

Here is no Cause of Imprisonment at all shewn, in either one part of the Return or other; therefore I ought to be set at liberty without Bail, as is expressly provided in the Act of the 17th of the late King, in these words: 'If there appear no Cause of Imprisonment upon the Return, then the Prisoner shall be set at liberty, and not bailed.'

My Lord, he that is bailed, is still a Prisoner; for he is a Prisoner unto his Bail. If bailed, it is to be presumed a Cause, though such upon which he may be bailed.

The following Clauses of this Act explain the Meaning to be so, in these Words: 'If the Cause be doubtful, then the Prisoner shall be bailed.'

My Lord, if it should be objected, That the greatest and only Cause of my Imprisonment is an Order of Parliament, or a Warrant grounded upon an Order of Parliament, that saith I shall not be delivered but by Order of Parliament: I have seen a Copy of the Order of Parliament, wherein there is not any such word mentioned; but it only saith this, *That Mr. Speaker do issue forth a Warrant* (according to the Order) *for my Imprisonment, &c.*

But for that your Lordship is not to take notice of any thing but what appeareth before you upon Record, I shall make no use of that; I shall not need.

First, for that the Order itself is out of doors, the Parliament being dissolved.

Sir *Edward Coke*, 4 Part *Instit.* fol. 23. Chap. *High Court of Parliament*, saith, That an Ordinance of Parliament bindeth not in Succession: then much less an Order of Parliament.

Besides, if Orders of Parliament were binding in Succession, there would be no need of Acts of Parliament.

And more especially such Orders are not binding, that there is no Reason or Law in them, but are opposite to Reason and Law.

Nay, but an Act of Parliament could not make such a Return to be good or allowable, as this, that shall mention no Cause for which a Prisoner is committed: it is against Reason a Man should be committed for nothing; and if there appear no Cause upon the Return, this Court is to presume there is no Cause, and therefore ought to deliver the Prisoner, and cannot but look upon such Returns as unreasonable, and against Law.

The Doctor and Student, pag. 4. Chap. 2. saith, That such Statutes, Ordinances and Prescriptions, as are not according to Reason, or are against Reason, they are not Statutes, Ordinances, or Prescriptions, but are things void in Law.

Again, my Lord, a Parliament cannot over-rule just Proceedings in or by this Court, that are according to Law and Justice: but a Parliament may over-rule Proceedings in this Court that have Error, or are not according to Law and Justice.

My Lord, we understand Parliaments to be Legislative Powers, and therefore not to be the Executive: it is not for Law-makers to be Justices of the Peace; a Sheriff cannot be a Justice where he is Sheriff. There is a Maxim, *That Law-makers must suppose all Men to be evil, and therefore they make Laws against such Offences in all Persons: But Judges of the Law must suppose all Men good, until Conviction.*

If so, my Lord, a Parliament are not competent Judges who and who not shall be Prisoners. But here are the Judges, before whom I am;

here is the Place where I am, that a Cause of that nature should be determined.

My Lord, I dare confidently aver, That if ever it had entred into the Consideration of our former preceding Parliaments, that a succeeding Parliament would ever do such a thing as commit a Man for no Cause at all, they would have provided against it by an Act of Parliament in Testimony of their abhorring of so great an Absurdity as it is.

Anno 1 H. 4. Chap. 14. It is provided, 'That Appeals are not in any wise to be pursued in Parliament. No man can imagine it to be lawful in any inferior Power to a Parliament.

If so, it cannot be lawful in a superior Power.

Upon the Question to the Judges by *Henry VIII.* 'Whether a Man that was forth-coming, might be attainted of High-Treason by Parliament?' Their Answer was, 'That an inferior Court could not do so;' they thought a Parliament would not: Their Opinion was, 'That the higher a Court is, the more just they ought to be, to give example to inferior Courts.'

4 Part *Instit.* fol. 37. Chap. *High Court of Parliament: If it be necessary for inferior Powers to shew cause of Commitment, it is as absolutely necessary that a superior Court should.*

From whence it may be concluded, That were the Parliament in being, yet I might by Law be relieved by this Court.

1. For that the Law doth warrant my Discharge, in case no Cause of Imprisonment appear in the Return; as by the 17th of the late King, who had then the Executive Power in his Hands, as supreme Magistrate: And the same Reason why that it should be limited and bounded when it was distinct from the Legislative and Judicial, may be given, why it should be limited when they are all joined in one; which is, That it may not extend to grieve any contrary to Reason and Law.

2. That none ought to be taken or arrested, but by such against whom a Remedy may be had in case of false Imprisonment.

It was Sir *John Markham's* Opinion, That the King could not arrest, because a Remedy could not be had against him in case of false Imprisonment. Much less a Remedy be had against a Parliament that may possibly arrest or commit Men upon false Suggestions.

Again, my Lord, if it had been an Act of Parliament that had provided I should be a Prisoner in general words, and had provided I should not have had the Benefit of an *Habeas Corpus*, I conceive I might have been relieved by an *Habeas Corpus*. This I suppose, if in case an Act could be made against Law and Reason, as such an Act as should deprive me of a common Benefit that is due unto all, and to every Individual, throughout the whole Nation.

Parliaments ever made it their Work, (as in duty they ought) to keep parallel to Law and Reason: they ever did make Laws agreeable to both. But the Judges of the Law, in open Courts of Judicature, did judge by those Laws: Nay, Parliaments ever did advise with the Judges of the Law. The Judges of the Law were as the Watchmen or Centinels to the just Liberty of the People; and our Laws the Bulwarks of Defence.

Mr. Waller, in a Speech in Parliament at a Conference of both Houses, the 6th of July, 1641, saith, *That out of Parliaments all our Courts*

of Justice are governed and directed by the Judges of the Law; and in Parliaments, the Lords and Commons were assisted by them: otherwise (saith he) it might be stiled Parliamentum indoctorum.

And further he saith, That Judges that delay Justice, or give false Judgment, or Opinions that are contrary to Law, that they are no other than Conspirators against the Commonwealth.

My Lord, Mr. Attorney-General hath not omitted to possess this Court with strange Apprehensions of the Dangerousness of me, both in what he urged in this Court the last Term, of Dangerousness, and this Term, of Stubbornness: so that as much as in him lay, by his false Suggestions, to prevent me of my Right by Law; as in the Words of your Lordship, desiring that I might be remanded till my Stomach came down.

My Lord, you sit here to raise the Spirits, Minds, and Stomachs of Men, by doing of them Right by Law, to encourage them to Improvements and Industry, by defending them in Life, Liberty and Estate, as the Law requireth and intendeth.

My Lord, Articles were exhibited against Sir Robert Berkley, one of the Justices of the King's-Bench, and others. The Substance of the first Article against Sir Robert Berkley, was, That he did traiterously and wickedly endeavour to subvert the Fundamental Laws and Established Government of England, by traiterous Words, Opinions and Judgments.

The tenth Article: That the said Sir Robert Berkley being one of the Justices of the Court of King's-Bench, and duly sworn as aforesaid, in Trinity-Term 1637, deferred to discharge or bail Alexander Jennings, Prisoner in the Fleet, brought by an Habeas Corpus to the Bar of the said Court; the Return of his Commitment being, That he was committed by two several Warrants of the Lords of the Council, dated the 5th of November, 1636, the first being only read in Court, expressing no Cause; the other for not paying Messengers Fees: he was remanded in Michaelmas-Term. After, the said Jennings being brought by another Habeas Corpus before him, and the same Return, yet the said Sir Robert Berkley refused to discharge him, &c.

My Lord, I hope this Court, nay, I doubt not but that you will eye the future, and judge according to Law and Reason, not by Discretion.

My Lord, such Advice followed, as Mr. Attorney gave, is the ordinary Cause of Changes in States and Commonwealths.

1. Injustice brings the Judgments of God upon a Nation.

2. Injustice discontents a People, and Discontents are the ordinary Foundations that Changes are laid upon.

It was but the other day the Lord Protector took an Oath to govern according to the Laws, Statutes and Customs of this Nation: and now his Attorney-General would have Matters ruled by Discretion in this Court, contrary to Law and Reason, to pull Mens Stomachs down.

My Lord, I make my Application to the present Authority in its proper Channel, where of right I ought to be relieved here in this Case of mine by an Habeas Corpus.

My Lord, I do aver, that my Life, Liberty, or Estate, cannot be taken away, or given unto me, but where the Law doth it.

My Lord, God himself ruleth by Law, Eternal, Moral and Natural; and they have Certainty in them; and he ruleth not otherwise, or contrary to them. And can it be imagined, that there is a Mortal living, that will think it a Diminution to his Honour, if Men choose the Law for their Sanctuary, rather than their changeable Affections, and mutable Will and Pleasure?

There is a Maxim, 'That the Law delighteth in Certainty, and it doth abandon Incertainty, as the Mother of all Debate and Confusion, than which there is nothing more odious in Law.'

My Lord, another Reason why I make my Application to the present Authority this way rather than any other, is, that the Record in this Case will be of singular Use and Benefit, not only to the present, but to future Ages; the which I do in duty, in regard a Man ought to prefer the Good of his Country before a private Good.

The contrary will tend to the subverting of our English Liberties. Our Forefathers left us a Law, by which we might demand Justice, and not be necessitated to make use of Friends to beg Justice.

Mirroure, Chap. 3. Sect. 6. Of Exceptions to the Power of a Judge, thus it is; Sir, I demand the Hearing and Sight of your Commission, by which you claim Jurisdiction over me.

Anno 13. Edw. 1. Chap. 3. When any is impleaded before any Justices, and doth alledge an Exception, praying that the Justices will allow it; which if they will not allow, &c. he shall require the Justices to put to their Seal, &c.

My Lord, this Law of England is a Law of Freedom, and a Law for Freemen, and not for Slaves: it is a Law that setteth a Right in its Subjects.

Now, my Lord, having presented your Lordship with what the Law accounteth of Imprisonment, as in the Writ of Mainprise.

Whereas thou A. hast delayed to deliver B. to the no small Grievance of him the said B. and manifest Peril of his Life.

And, page 162. *Fitz-Herbert's Natura Brevium*; of the Writ *de Homine replegiando*. The King. Whereas A. hath complained to us, &c. We command you that he be replevy'd, &c. that we may bear no more a Clamour for want of Justice.

Seeing the Law relieveth as well against long Imprisonment as wrong Imprisonment; and seeing that there is no lawful Cause of Imprisonment shewn in the first part of the Return, nor Cause at all in the second; although it be grounded upon an Order of Parliament, it is void in a twofold Consideration. First, For that the Parliament is dissolved. Secondly, For that it is against Law and Reason: And also considering that this Court is the highest Court of Judicature that can relieve in this Case; and it being contrary to Reason, that a Legislative Power should be an Executive Power, for they will be Parties to judge by their own Law, they will vindicate their own Commands, and will take upon themselves to give their Sense, possibly different from the Letter of their own Commands.

And therefore it is safer for the Judges of the Law to judge by the Letter of the Law, and not otherwise.

Mr. *Robert Brook*, Serjeant at Law, in his reading upon the 16th Chapter of *Magna Charta*, saith, *If a Man hath Judgment to be hanged, and if the Sheriff do behead him, it is Murder.*

The Letter of the Law is duly to be observed, and not to be varied from upon any Pretences of Matters of State whatsoever.

All which considered, I pray to be discharged, as the Law hath provided: Your Lordship is Judge of the Law.

Mr. *Attorney*. My Lord, for ought we know, this is a Judgment in Parliament.

If it be not, yet it hath the same Stamp that an Act hath; that is to say, Parliamentary Authority.

If this Order be not good, the Prisoner hath an Action of false Imprisonment against the Jaylor. If the Order die by the Dissolution of the Parliament, the Jaylor ought to have set the Prison-doors open unto the Prisoner at the Time of the Dissolution of the Parliament.

Mr. *Twisden*. My Lord, they have not returned an Order of Parliament, but a Warrant from the Speaker of Parliament.

Chief Justice *Rolle*. Mr. Attorney, what if the Parliament by Order do appoint a Committee, the Parliament dissolved; doth the Committee continue by virtue of that Order, or not?

Mr. *Attorney*. I think the Persons are dissolved: But although it be said, by Order of Parliament, I think that it is not much material whether the word Act, Order or Ordinance be used. My Lord, it is by Parliament.

Lord Chief Justice *Rolle*. By your Favour, Mr. Attorney, it is the word Order, Act or Ordinance, we must take notice of. How shall we know how to judge, but by the Word or Letter to direct us?

Judge *Aske*. Mr. Attorney, if an Order of Parliament shall be in force after the Dissolution of a Parliament, and there be an Order made for the Commitment of one or more, as in the Case now under Consideration; I pray which way shall the Subjects be relieved, if not this way, in case we should live to see a Parliament but once in one Age, as in the latter end of the Reign of King *James*, and as in the Reign of the late King?

Lord Chief Justice *Rolle*. This Court is the proper Court to relieve in this Case; this Court is a standing Court, and the Law doth adjourn it from time to time; but a Parliament is a new Court, they appear, and are always summoned by new Writs.

Mr. *Attorney*. The Prisoner knoweth he might have his Liberty for asking for.

Ld Ch. Just. *Rolle*. A Man is not bound to do that. Well, let the Prisoner be remanded until Saturday; and then we shall deliver our Opinions: It is a weighty Business. And, Gentleman, in the mean time you may make your Application otherways for your Liberty.

Mr. *Streater*. My Lord, the Law hath provided no other way, and I am bound to take notice of the way the Law hath appointed.

Our Forefathers knew no other way.

My Lord, I desire that I may have the Liberty to go to my Counsel with my Keeper: Both the last Term, and this, I have not at all advised with my Counsel.

Ld Ch. Just. *Rolle*. That will not be denied you.

Mr. *Wylde*. My Lord, it was moved this Term, and it was denied, being opposed by the other side, but it was before the Writ was filed. And I suppose that the Court may grant that Liberty to the Prisoner under the Custody of their own Marshal.

Saturday, February 11.

THE Prisoner was brought again to the Bar, under the Custody of the Marshal of the Court.

Ld Ch. Just. *Rolle*. Sir, have you your Counsel here?

Mr. *Streater*. Yea, my Lord.

Ld Ch. Just. *Rolle*. Where are they?

Mr. *Windham*. I am of Counsel for the Prisoner.

Mr. *Streater*. My Lord, here is also Mr. *Wylde*, Mr. *Freeman*, Mr. *Norbury*.

Ld Ch. Just. *Rolle*. Deputy-Marshal, go into the Chancery, and acquaint Mr. Attorney-General that we are going to deliver our Opinions in *Streater's* Case: And if he please to be present, he may; or if he hath any thing more to urge.

Mr. *Pain*, Deputy-Marshal. My Lord, I have been with Mr. Attorney-General; and he saith he will be here immediately.

[After a little space of Time, Mr. Attorney cometh into the Court.]

Ld Ch. Just. *Rolle*. Mr. Attorney, here is Mr. *Streater* again by Rule of Court. He hath been a long time in Prison; and I see here is nothing come against him that is material.

Mr. *Serjeant Twisden*, of Counsel for the Prisoner. My Lord, we desire that he may be bailed.

Ld Ch. Just. *Rolle*. What, have you any thing more to say, Mr. Attorney?

Mr. *Attorney*. My Lord, I thought I should have heard of him; but I did not. The Court must do Justice: He is committed by Order of Parliament.

My Lord, if you will undo an Order of Parliament, he is to be delivered: But I hope the Court will not.

Mr. *Windham*. The Order of Parliament is undone by the Parliament's being dissolved.

Mr. *Attorney*. Commissions of Sewers are granted by Parliament, and they do continue after the Parliament is dissolved. Goal-Delivery is but once a Year in the North-Parts: And I suppose the next Parliament will be sitting before he hath been a Year in Prison; at which time he may be tried, or delivered: And although this be called an Order of Parliament, yet it was acted by Parliament.

Ld Ch. Just. *Rolle*. But all that the Parliament acteth are not Acts of Parliament.

The first part of the Return is too general: It mentioneth not what Books, nor whose Books, or where they were, or when published.

The second part of the Return is grounded upon an Order of Parliament: We are to take notice when a Parliament sitteth, and also when it is dissolved; or when it endeth or determineth. Discontinuance is a Determination.

A Writ of Error many times is made returnable in the next Parliament; but that lieth after Trial at Law. The Word *Order* is a proper Phrase to that which is not an Act.

An Order of Parliament is not binding in Succession: How shall the next Parliament take notice of a former Parliament's Order?

Committees that are appointed by Order of Parliament do cease upon the dissolving of the Parliament. I have been of the Parliament: I ever found Parliaments of the same Opinion.

We must look to the first Imprisonment, and no farther: If you had returned other Cause, we should have taken notice of it.

We do not reverse the Order of Parliament; that is reversed by the Parliament's being dissolved: And it being dissolved, there is no visible way how the Prisoner shall be relieved, though there may be a probable way.

Judge Ask. I am of the same Opinion; and that it could not be, that the Order of Parliament, by saying he should not be delivered but by Order of Parliament, but that they meant by the same Parliament, and not by a successive Parliament. If it should be taken to be by Order of the next Parliament, where shall be the Liberty of the Subjects? Or how shall they be relieved in long Interval of Parliament? As in the Reign of King James, and the Reign of King Charles, we had not Parliaments in many Years together; and although it be so, that the Parliament, by the Statute of the 4th of Edw. 3. should be once a Year, or oftner, if need be. Besides, here is no Succession of Parliament, but a Dissolution. Another Parliament, must be another Session; and therefore an Order cannot be in force until another Session. If they had made an Act of Parliament, or passed a Judgment of Parliament, it had been another Case.

Upon the Consideration of the whole Matter, the Judges Opinion was, That the Prisoner ought to be discharged, and this Rule enter'd.

Saturday next, after eight Days of the Purification, 1653.

The Lord Protector against John Streater, Gent.

THE Defendant was brought into Court by the Marshal, upon Habeas Corpus; and by the Court discharged of his Imprisonment, by the Motion of Mr. Serjeant Twilden.

By the Court.

Ld Ch. Just. Rolle. Sir, you will do well to carry your self conformably to the present Power, and walk inoffensively.

Mr. Streater. My Lord, I ever have been, and, I hope, shall be, a Subject to Government, so as the Law requireth me to be: It is not my Duty to be otherwise subject.

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### P O S T S C R I P T.

IF you observe the Tenor of the Writ of Habeas Corpus, as it is observed by Mr. Streater in his last Argument, that the Writ doth only require that Cause be shewn why the Party is imprisoned, not who did commit the Party to Prison: If any Cause lawful was returned, then the Party is to continue still in Prison; but without Cause no Commitment, from what Power soever, can or ought, in Law or Reason, to be binding. That it is the Cause only for

which a Prisoner is committed, that cutteth the Prisoner off from the Benefit of a Habeas Corpus, and not the Will, Pleasure, or Power of those in Power. Here take Sir Edward Coke's Nine General Reasons, why a Habeas Corpus is to relieve against illegal or long Imprisonment.

#### The First General Reason.

The First General Reason is drawn à re ipsa, from Imprisonment, ex visceribus cause, be it those or other Imprisonments, which are divided into three Parts.

1. No Man can be imprisoned at the Will and Pleasure of any, but he that is bound, and a Villain; for that Imprisonment at Will is *Tales luy baut & base*, are propria quarto modo to Villains.

2. But if Freemen of England might be imprisoned at the Will and Pleasure of the King, or any other's Command, then were they in worse Case than Bondmen and Villains: for the Lord of a Villain cannot command another to imprison his Villain without Cause, as of Disobedience, or refusing to serve; as it is agreed in our Books.

3. Imprisonment is accounted in Law a Civil Death; *Perdit Dominum, Familiam, Vicinos, Patriam*; his House, his Family, his Wife, his Children, his Neighbours, his Country, and to live among wretched wicked Men.

If a Man be threatened to be killed, he may avoid a Feoffment of Lands, Gifts of Goods, &c. So it is, if he be threaten'd to be imprisoned, he shall do the like; for that is a Civil Death.

#### The Second General Reason.

The Second General Reason is, *A minore ad majus; pena corporalis est majus qualibet pecuniaria*: but the King himself cannot impose a Fine upon any Man.

But it must be done judicially by his Judges, *per Justiciarios in Curia, non per Regem in Camera*. And so it hath been resolved by all the Judges of England.

#### The Third General Reason.

The Third General Reason is drawn from the Number and Diversity of Remedies, which the Law giveth against Imprisonment, viz. *Brevia de homine replegiando, de Odio & Atia, de Habeas Corpus, & Brevia de Manuceptione*.

The former of these are antiquated; but the Writ de Odio & Atia is revived, for that was given by the Statute of Magna Charta, cap. 26. And therefore though it were repealed by the Statute of 28 Edw. 3. cap. 9. yet it is revived by the Statute of 43 Edw. 3. cap. 1. by which it is provided, That all Statutes made against Magna Charta are void. Now the Law would never have given so many Remedies, if the Freemen of England might have been imprisoned at Free-will and Pleasure.

#### The Fourth General Reason.

The Fourth General Reason is drawn from the Extent and Universality of the pretended Power to imprison; for it should not extend only to the Commons of the Realm, and their Posterity, but to the Nobility, and the Realm, and their Successors; to all Persons, of what Condition, or Sex, or Age soever; to all Judges,

Officers, &c. whose Attendance are necessary, without Exception of any Person.

*The Fifth General Reason.*

The Fifth General Reason is drawn from the Indefiniteness of Time: The pretended Power being limited to no Time, it may be perpetual during Life.

*The Sixth General Reason.*

The Sixth General Reason is drawn à *Dedecore*, from the Loss and Dishonour of the *English* Nation, in two Respects: 1. For their Valour and Power, so famous through the whole World. 2. For their Industry: For who will endeavour to employ himself in any Profession, either of War, Liberal Science, or Merchandize, if he be but Tenant at Will of his Liberty? And no tenant at Will will support or improve any thing, because he hath no certain Estate. And thus it should be both *Dedecus* & *Dammum* to the *English* Nation: And it should be no Honour to the King, to be a King of Slaves.

*The Seventh General Reason.*

The Seventh General Reason is drawn *ab Utili* & *Inutili*: For that appeareth by the Statute of 36 *Edw.* 3. that the Execution of the Statute of *Magna Charta*, 5 *Edw.* 3. 25 *Edw.* 3. and 28 *Edw.* 3. are adjudged in Parliament to be for the common Profit of the King, and of his People: And therefore the pretended Power being against the Profit of the King, and of his People, can be no part of his Prerogative.

*The Eighth General Reason.*

The Eighth General Reason is drawn à *Tuto*: For it is safe for the King to express the Cause of the Commitment, and dangerous for him to omit it. For if any be committed without expressing the Cause, though he escape, albeit the Truth be it were for Treason or Felony; but if the Cause be expressed to be for Suspicion of Treason or Felony, then if he escape, albeit the Truth be it were Treason or Felony, yet the Escape is neither Felony nor Treason: But if the Cause be expressed to be for Suspicion of Treason or Felony, then if he escape, albeit he be innocent, it is Treason or Felony.

*The Last General Reason.*

The Last General Reason is drawn from Authorities, 16 *H.* 6. *Means de Fait*, 182. by the whole Court: The King in his Presence cannot command one to be arrested, but an Action of false Imprisonment lies against him that arresteth. 22 *H.* 7. 4. *Newton.* 1 *H.* 7. 4. The Opinion of *Markham*, Chief Justice to *Edward* the Fourth; and the Reason, because the Party hath no Remedy.

*Fortescue*, cap. 8. *Proprio ore nullus regum usus est*, &c. to commit any Man.

4 *El. Plo. Com.* 236. The common Law hath so admeasured the King's Prerogative, as he cannot prejudice any Man in his Inheritance: And the greatest Inheritance a Man hath, is the Liberty of his Person; all other are accessory to it.



L. *The Trial of JOHN GERHARD, PETER VOWELL, and SOMERSET FOX, before the High Court of Justice for High-Treason, in conspiring to Murder the Lord Protector, the 30th of June, 1654. 6 Car. II.*

Friday, 30 June, 1654.

THE High Court of Justice met this Day in the Painted Chamber.

Mr. *Bond* prayed with them about half an Hour.

The Court then sat, and presently adjourned to the Court of Chancery prepared for their Sitting; The Lord Commissioner *Lisle* was President, Mr *Phelps* Clerk, Serjeant *Glyn*, Mr. *Prideaux*, and Mr. *Ellis*, Council for the Commonwealth.

The Court was called (each Member by Name) and the Ordinance empowering them read. The Prisoners to be tried were,

Mr. *John Gerhard*, Gentleman.

Mr. *Peter Vowell*, Schoolmaster of *Islington*.

And *Somerset Fox*.

*Somerset Fox* was first called to the Bar, and an

Indictment of High-Treason read against him, for joining in a traitorous Design to have murdered his Highness the Lord Protector and divers of his Council, Proclaimed *Charles Stuart* King, seized on the present Guards and Forces, involved the Nation in a bloody War, &c.

*Somerset Fox* did ingenuously confess the Charge against him upon the main, to be true, and that he is guilty.

Then Mr. *John Gerhard* and Mr. *Peter Vowell* were brought to the Bar, and an Indictment to the same purpose as that against *Somerset Fox*, read against them.

They pleaded Not guilty, and denied every thing.

*Vowell* said that he required a Jury of Twelve of his Equals, it being a Law confirmed by *Magna Charta*; and according to the sixth Article of the Government by the Lord Protector also,

also, that Law being not repealed, and therefore that he might be tried by his Peers.

The Lord President told him, That the Members of the Court were his Peers, not his Superiors but his Equals, and that they were present near twice twelve, as he faw; And that they are to proceed by the Power of an Ordinance before them.

It was also told him by Serjeant *Glyn* that he had owned the Jurisdiction of the Court, in pleading *not Guilty*.

*Vowell* faid he was a Man ignorant in the Law, and defired advantage might not be taken of his weaknefs.

The Attorney General *Prideaux* faid none defired to take any advantage of any thing, wished they had not brought themselves into thefe troubles; that they were there in the name of the Lord Protector of the Commonwealth of *England* to accuse the Prifoners at the Bar, and to bring in their Proof, and the Prifoners were to defend themselves as well as they could, and when both fides were heard, it was to be left to the Court to determine, and to judge between them.

And it was declared that the Plot was to this effect.

That the Plot was to feize on the Lord Protector and murder him, and fome of the Council and others, and Proclaim and bring in *Charles Stuart*, Son of the late King, to be King, which Bloody Design was to be effected thus.

That the first hatching of the Plot was in *England* by Mr. *Hinsbaw*, who was one of the chief Plotters, and others; Mr. *Hinsbaw* went over from *England* to *France* to acquaint *Charles Stuart* (whom they called their King) with the Design, and Mr. *John Gerbard* about that time went over to *France* also, who had told Mr. *Hinsbaw* that he would do nothing in it until he had first had approbation from *Charles Stuart*. Mr. *Wiseman* was also then in *France* with them.

Address was made to Prince *Rupert*, and the Design made known to him, defiring him to communicate it to (him they called) the King, who accordingly did, and brought Mr. *Hinsbaw* to him, but *Charles Stuart* at the first delivered his Judgment in the thing, that he was at present unfatisfied at that time to go on in that design for three reasons.

1. Because it would be dishonourable to him in the esteem of other Princes, in case such a thing should be known, and should not be effected, to come in in such a way.

2. Because it did not seem to him to be feasible, but unlikely to be effected.

3. Because it was not at that time seasonable.

But Prince *Rupert* afterwards did much encourage and persuade, That the design might be carried on, and promised all assistance.

Mr. *Hinsbaw*, and Mr. *Wiseman* returned into *England*, Mr. *Gerbard* stayed there a while longer, but some Weeks after came back also; Mr. *Hinsbaw* declared to his Confederates here in *England* what Overtures had been with *Charles Stuart*, and that Prince *Rupert* had engaged to send ten thousand *Scots*, *Engliffh*, and *French*, and the Duke of *York* to come with them to land in *Suffex*, and other places, and that there would be Forces enough ready to assist and join with them.

Mr. *Hudson* the Minister was thought on, to

have Letters of Credence from *Charles Stuart*, who sent a Letter to him, and that which he defired in case the Plot had taken, was to be made the Master of *Sutton's Hospital*, which Mr. *Hinsbaw* promised him.

One Master *Philips* also, and others were treated with about it, and Master *Gerbard* returning from *France*, the Plot was resolved to be carried on, which was to be effected thus.

1. They were to feize on the Lord Protector, and Murder him; and to do this Work, they should take the opportunity of his going to *Hampton-Court*, which he used to do every Saturday, with a small number slenderly armed; and those that were to do this were Master *Hinsbaw* and Mr. *John Gerbard*, with thirty Horse. Mr. *John Gerbard* to bring twenty five Horse, and Mr. *Hinsbaw* five, which each of them was to engage. Mr. *Gerbard* was something cautious not to discover who they were he engaged, before an Oath of Secrecy was given, but twenty five he had undertaken for.

Mr. *Hinsbaw's* five were himself, Mr. *Tuedore* the Apothecary, Mr. *Wiseman*, Col. *Albridge*, and another, and then to feize on the Tower of *London*, and to go on with their work.

2. If that failed, to feize on all the Guards about *Westminster*, which they thought two thousand five hundred sufficient to do, and carry on their work here about *London*; and for that purpose Mr. *Hinsbaw*, Mr. *Gerbard* and others viewed the *Meuse*, and the rest, and was heard to say, What a pity it was that so slender Guards should not be feized on, and that when the Soldiers were at Nine-pines in the *Meuse*, it was but shooting off a Pistol, and presently to fall on.

3. The last way to have it effected to be thus, That when the Foot Regiments that are for the Guards about *London* were Mustering in *Tuttle-Fields*, as they use several times to do, to come into *Tuttle-Fields* and meet them there as of their own Party, and when they have laid down their Arms to feize upon them, and have others to be ready at the same time every where to perfect the work. And for this purpose, if they acted this way.

Col. *Finch* with a Party of two hundred was to fall into *London*, and do the work in the City.

Major *John Gerbard* to fall on *White-Hall*.

Col. *Hinsbaw* to fall on the *Meuse*.

Col. *Daniel* with two hundred to fall on St. *James's*.

Another to fall into *Southwark*.

And one *Billingfly*, a Butcher at *Smithfield* Bars, with a Party to fall upon *Issington*; and it was pressed that the opportunity might not be neglected.

And that the Work might be the more feasible, they considered how as many of the Soldiery as might be, might be engaged in the Business. And the Papists (who had a great hand in the Design) gave information of two Soldiers of the Army, that used sometimes to come and hear Mass, and these two they sent a Papist Woman to, who engaged them, and their direction was, to give intelligence at Mr. *Hudson's* House, where Mr. *Hinsbaw* and others of them frequented.

Master *Vowell* was cautious being a solid Man, for his Work was not to bear Arms, but as a Privy-Counsellor to them, and he was to engage



engage Mr. *Billingſly* the Butcher with a Party to ſeize the Lord Protector's Houſe at *Iſlington*, and him Mr. *Vowell* recommended to be a very fit Man for that Work.

And they had this Art, to endeavour to make the Lord Protector odious to the People, in turning the Deſign upon him by a Libel, which was ſcattered up and down *London*, that his Highneſs and the Army had a Deſign to Maſſacre all but their Friends in all Parts of *England*; and this Libel was written by Mr. *Fenſhaw*, which was got printed by one in *Newgate-Market*, and Mr. *Vowell* had one of them.

When the Deſign was diſcovered, and Mr. *Gerhard* and ſome others apprehended, Mr. *Vowell* being at Mr. *Hudſon's* Houſe, it was ſaid by him, That the Deſign might ſtill go on, though ſome were diſcovered; Mr. *Hinſhaw*, and Mr. *Wiſeman* came to him to *Iſlington* to his Houſe, from whence they went to drink their Morning's Draught. Mr. *Vowell* ſaid, There were enough to do the Work ſtill; Mr. *Wiſeman* ſaid, There were many Horſe to fall on; Mr. *Vowell* ſaid, It might be eaſily done.

One *Wharton* in *Black-Friers* was to proclaim *Charles Stuart* King, and Col. *Finch* was to ſeize on the Lord Mayor, and make him to proclaim him; *Somerſet Fox* and others were to raiſe Apprentices to join in the Deſign; but the Lord Protector going by Water diſappointed them.

Mr. *Vowell* then ſaid to the Court, That they were not his Peers becauſe they were his Judges, and therefore deſired a Jury of Twelve of his Equals.

Mr. *Prideaux* answered, that ſo a Jury are the Judges, though they be the Priſoners Peers.

*The Witneſſes againſt the Priſoners at the Bar were called for.*

*John Wiſeman* was ſworn, and being required to give Evidence what he had to ſay touching the Priſoners at the Bar, avouched the Charge againſt them, and ſaid,

That he was with Mr. *Hinſhaw* in *France*, who did communicate by Prince *Rupert* to *Charles Stuart* the Deſign, as is before expreſt.

That he ſaw Mr. *John Gerhard* oftentimes with Mr. *Hinſhaw* while he was in *France*, and that he told him in *England*, That there was a Plot to fall on the Lord Protector, and to bring in *Charles Stuart* to be King, and to the reſt of that Deſign as is before expreſt. And about three Weeks after he met Mr. *Hinſhaw*, and Mr. *John Gerhard*, and they went to *James's*, and the *Meuſe*, *White-Hall*, and other Places.

That Mr. *John Gerhard* told one Mr. *Minors* of the Buſineſs, and how they were to fall on my Lord Protector, and ſo as before is expreſt.

Then Mr. *Gerhard* interrupted him, ſaying, *How ſhould this be done with a Company of Geefe?*

To whom Mr. *Prideaux* answered, *That he knew beſt how it ſhould be done, and wiſh'd he had ne'er known it, nor gone about it.*

Mr. *Wiſeman* went on in his Evidence, and ſaid, That Mr. *John Gerhard* being at Mr. *Hudſon's* Houſe, did there ſpeak about the Plot to fall on the Lord Protector, &c.

That he had a Diſpute with Mr. *Hinſhaw* (whom the ſaid *Wiſeman* calleth Brother by ſome Relation) That ſuch a time, and ſo, and ſo,

would be reaſonable (*mentioning ſome Particulars.*)

That another Day he heard Mr. *John Gerhard* ſay, That he was to command the Party, and had a Piſtol that would diſcharge three ſeveral times, Mr. *Hinſhaw*, and ſeveral other Perſons being then by; and that he doubted not but it would be reaſonable. That there were to be about Thirty Perſons to fall on the Lord Protector; that his Brother *Hinſhaw* ſaid he was to bring Five, and Mr. *Gerhard* Twenty Five to do the Work, and named the Five aforeſaid that his Brother *Hinſhaw* was to bring, and that his Brother *Hinſhaw* told him that Mr. *John Gerhard* was to ſurprize the Lord Protector's Perſon.

And when the Plot was diſcovered, he heard his Brother *Hinſhaw* ſay, that they that were taken were all of *Gerhard's* Party, and none of his, and that there was a Libel printed to turn the Plot on the Lord Protector, as is before expreſt; and that his Brother *Hinſhaw* and Mr. *Vowell* had ſome of the Papers.

That on Wednesday after it was diſcovered he was at Mr. *Vowell's* Houſe at *Iſlington*, and his Brother *Hinſhaw* was there, and they went to the *King's-Head* to drink, and there his Brother *Hinſhaw* ſaid, that the Buſineſs might go on for all it was diſcovered, many Regiments in ſeveral Parts being ready to riſe, enough to carry on the Work.

*Mr. John Gerhard, and Mr. Peter Vowell, the Priſoners at the Bar, ſtill denied all, and ſaid it was not true what he ſaid.*

Then Mr. *Edward Hudſon* a Miniſter, that was blind, was ſworn, who ſaid that Mr. *Hinſhaw* deſired him to write two or three Words to the *Scotch King*, and that Mr. *Hinſhaw* related all the Buſineſs to him of the Deſign, and the three Objections by *Charles Stuart*, and P. *Rupert's* Answer afterwards, and the three ways to effect it; very much agreeing with the Particulars afore-mentioned.

When he came to Particulars touching the Priſoners at the Bar, he ſaid that Mr. *Vowell* was his intimate Friend, one that he had been much beholden to, and might have periſhed had not he relieved him. That Mr. *Hinſhaw* ſought to engage Mr. *Vowell*, but he answered that *he thought himſelf to be unfit*; That he ſaid *he did not reſiſt it*: What Mr. *Hinſhaw* and he did agree, he knows not. What he heard was from Mr. *Hinſhaw*, That he did meet accidentally, That he did ſuſpect Mr. *Vowell* to act, but was not ſure of it, That he did ſuppoſe they had concluded, but was not ſure of any thing. That Mr. *Vowell* ſaid *he was himſelf unfit to engage, but he would engage a Friend if he could*; That Mr. *Vowell* ſaid *there were a great many Horſes at Iſlington which might be ſurprized, that he would try what he could do, but whether he did any thing or not, he knows not.*

*Mr. Hudſon denied ſome things he confeſſed upon Oath before Col. Goff, Juſtice of the Peace.*

Col. *Goff* was ſworn, He teſtified that the Examination (which was produced in the Court) was all written from Mr. *Hudſon's* own Mouth, and after it was written, it was read to him, to the end that if there had been any Miſtake it might be altered, and was all by him owned upon his Oath, that it was freely teſtified, and nothing in it extorted from him.

Mr. Hudson said that he was pressed, and that he then said these Words, Do not thus afflict an old distressed Man, that hath nothing but Afflictions upon him.

To which Col. Goff answered, That at first Mr. Hudson denied all, and would confess nothing until he heard the whole Business confessed by another, and that all that was pressed to him was to discharge his Conscience in speaking the Truth, and that when he heard another to confess the Plot so fully, he desired to be heard again, and then did freely confess according to the Examination.

In the said Examination Mr. Hudson declareth the whole Plot, and the Proceedings in France, Charles Stuart's Objections, P. Rupert's Encouragement, the three ways to effect it, and all the Particulars of the Design as aforesaid, &c.

And how Mr. Vowell spake with Mr. Hinshaw, Mr. Wiseman and the two Soldiers; that Mr. Hinshaw said there were many Cavaliers in Town in the Plot, but would never speak to two together; that some relished it well, others doubted. And some agreed to seize on the Lord Protector and the Guards, go with Drums and Colours to White-Hall, and the rest of the Particulars, for bringing in Charles Stuart, &c.

In the said Examination he also said, that Mr. Hinshaw said that they would set up Major Gen. Brown to be at the Head of them, by a Letter which they hoped to get from Charles Stuart, and believed that he would accept of it, he being a Friend to the King, as they called him.

That it was propounded to Mr. Vowell, who did consent to do something in it, and did afterwards meet some six times at Mr. Hudson's House.

That Mr. Vowell engaged Billingsly the Butcher aforesaid to be a considerable Man, discoursed with him of the Number of Horse, and Billingsly said to him that the Horses at Grass might be easily seized.

That Hinshaw told him and Vowell, after Gerhard was taken, that none of his Party was taken, and that the Plot might go on, that the French, English, and Irish from P. Rupert were to land at Rye, and other Places in Suffex.

The Lord President asked Mr. Hudson whether he did own it; to whom he answered, that they were together, and such and such Things were spoken, but how far Mr. Vowell consented, he knows not.

Then Mr. Robert Dale was sworn, who declared against Mr. Vowell the Prisoner at the Bar, that Mr. Vowell came to his House, and asked him what Arms he had, he told him two Pistols, he said he would buy them of him; he asked for what Use, he said, that he would tell him hereafter.

That he came with Mr. Hinshaw and Mr. Wiseman several times to his House, who did declare that they had a Design to fall on the Lord Protector (and so in all the Particulars agreeing with the rest touching the whole Business of the Design how it should have been done, as hath been before expressed.)

And that Sir Gilbert Pickering, Mr. Strickland, and two or three more of the Council were named that should be cut off.

That they invited him to assist them, and would have engaged him to fall on in the seizing of them at Islington, and they said there was one to head them, which they should know afterwards, and he said that Mr. Vowell heard these things,

And that at another time Mr. Hinshaw, Mr. Wiseman, and Mr. Plunket met with Mr. Vowell.

And his Examination was read.

That Mr. Vowell asked him whether he had any Arms to accommodate Friends, he said two Pistols (and the rest of the Discourse as now he had spoken before the Court;) only the Examination mentioned a third Person of the Council, viz. Maj. Gen. Lambert also to be cut off. That they were provided of an Head, and bade him therefore be sure to rise when he had notice. Then Mr. Hinshaw seeing two Men passing along by where he was, supposing them to be Soldiers, said they should be killed, and he said that Plunket would give notice when they should be ready upon the Design to fall on; and that he was engaged to get as many as he could to assist in the Work: That Vowell brought Hinshaw to his House.

John Hipwell, one of the two Soldiers in the Plot; being sworn, said, That a Papist Woman brought him to Mr. Hudson's House, where he met with them, and one told him, That he had something to discover to him, if he could join in it.

That he was examined how strong the Guards were, and that Regiment of which he was, and said, the Regiment were 1200; He was asked what Ammunition, and other such like Questions, to all which he gave answer.

After some Discourse he told him, That it was to fall on the Lord Protector, and on the Guards, &c. and so told him the whole Design, (which he related to the same purpose as those before.)

That he was bid to enquire what Cavaliers were in the Regiment, and among the Soldiery, and drink with them, and do what he could to divide the Soldiery, and to make what Party he could for this Work, and that when the time should be for Action, the Word should be, FALL ON.

The next Morning hearing some were taken Prisoners, there was much Sorrow.

Then Col. Aldridge was sworn, who said, That Mr. Hinshaw revealed there was a Design to have fallen on the Lord Protector, and brought in Charles Stuart to be King, and related the Particulars much to the purpose as is before expressed, and that Hinshaw asked him if he would be one; That he made some Queries about it, but Mr. Hinshaw told him, They had great Hopes of accomplishing it, and that there was an Officer of their own in the Tower that should free the Prisoners, and put Swords in their Hands, and that all should be done upon an Instant, and that then they should have Money enough.

Then Mr. John Gerhard was caused to withdraw awhile.

Mr. Charles Gerhard was next called for, to see what he could say touching the Plot, who declared, That Mr. Hinshaw had been in France with Charles Stuart, and his Brother John also, and Mr. Wiseman had been there; and made a Narrative of all the Proceedings there, agreeing with the rest before; and spake also of several Meetings at Ludgate-Hill, and Covent-Garden; how he met Col. Finch at the Piazza, who told him of the Design to kill the Lord Protector, seize on the Guards, the Lord Mayor, &c. proclaim Charles Stuart King; and the rest of that Story of their Design, in which he agreed with the former. And that he declared to him, That they were lifting apace, and they had many joined

joined hereabouts. That Col. *Deane* had listed all that Day: That he himself had listed some: That Col. *Finch* had a Party to join with him in the City. That another time he had further Discourse again with him about it; that they were to meet the next Day, and then it was also said, That *Finch* was to command a Party, and that his Brother *John Gerhard* also was to command a Party, and that his Brother *John* was then by, and heard this Discourse; and that it was said there was ready about *London* to seize on several Parts, in all, about two or three thousand: That Col. *Finch* was to seize on the Lord-Mayor, Col. *Dean* on *James's*, Col. *Haines* on Col. *Ingolsbie* in *Southwark* (and so named other Particulars like what is mentioned before) Told him also the Management of the Design in *France* (agreeing with what is mentioned before) and said, He had a Commission from the King (as he called him.) And he spake also of their meeting at *Bell-Savage* at *Ludgate-Hill*, where mention was made of his Brother *John Gerhard*; and that *Somerset Fox* was there, and engaged in the Design, and his was to get in all the Apprentices he could to join in it. That at another time *Hinsbaw* said, they had listed two or three thousand.

Then Mr. *John Gerhard* was called to the Bar again, where he appeared with the other two. Mr. *Charles Gerhard* was then sworn, and upon his Oath gave in Evidence, after his Brother was brought to the Bar, That the Design was to fall on the *Lord Protector*, &c. (he gave a short Narrative as before) and further said, that his Brother *John Gerhard* had been in *France*. *John Gerhard* Prisoner at the Bar said he confessed it, that he was in *France*, when they were there, and was sometimes in their Company, but denied that he knew any thing of any Plot.

Mr. *Charles Gerhard* being desired to go on further, said, That Mr. *Hinsbaw* was several times at his Lodgings, near *Essex House*, and his Brother with him, and talked with him of the Design, which his Brother scrupled, but he told him, that if it could be accomplished the King (as he called him) would like well of it. That his Brother met Mr. *Hinsbaw* at *Covent-Garden*, at Mr. *Jones's* House in *Rose-Street*, who had Pen and Ink before him, and talked of the Numbers and other Particulars, his Brother *John* then in the Room (and he named the Particulars as before) But his Brother did not relish it, and was pressed by them, nor did he know that he consented to act.

Mr. *Prideaux* told Mr. *Charles Gerard*, that he did well to be as sparing as he could against a Brother, only be careful to speak the Truth, though with the fairest Interpretation, because Conscience is nearer than a Brother. The Lord President also said, that he was not to look upon either the Greatness of Men, or the Relation of a Brother in this thing, but to look upon his Conscience, and to look up to his God.

*John Man* was sworn, who declared the Design in general, (as the rest all agreeing) and that Mr. *John Gerhard* and others had consulted about it.

That being asked if he would engage in it, he answered, Yes: That afterwards he went to *Bell-Savage*, but when he came there, there were *Somerset Fox* and others, and they said he could not have Admission, for several were apprehended about it, and they knew not what to do.

*William Dod* was sworn, who gave in Evidence, That on Thursday Morning in *Whitsun Week*, *Somerset Fox* told him, that there was a Design (as aforesaid, giving him an Account of the whole) But he told him that it was to be kept secret. And that they were to meet about Two o' Clock in the Morning about it. That at *Bell-Savage* he met with *Somerset Fox*, and his Cousin *Fox* the next Day again, and had the like Discourse.

*Francis Fox* being sworn, gave in the like Evidence against his Cousin *Somerset Fox*, and that he was invited to join with them, but could not tell what to do.

*John Wharton* was sworn, who said, he keeps a Victualling-House in *Black-Friers*, and that a Gentleman, a Stranger, came to him, and asked him, if he would serve the King, and fell in Discourse about his Calling; that he told him he had marry'd a poor Widow: And that the Gentleman told him that if the Design went on, he might have Money enough, and said that he would find him better Employment. The Gentleman's Name, he said, was *Hinsbaw*, as he heard afterward. And that he told him he would not be long before he came again. He said that he did believe they had designed to seize on the *Lord Protector*, and all the Horse Guards. But for his Part, he was, when they should give him notice of it, only to proclaim the King, that was all that he was to do.

Mr. *Barnes* was sworn, who spake of the Design in general, much after the same manner as those before.

Mr. *Minors* was the last Witness sworn, who gave Evidence, that Major *Hinsbaw* told him of the Design near *Covent-Garden*, and one Mr. *Harrison*, *Tuedor*, and others, were mentioned. That he asked him if he would join in it. That afterward he met with *Hinsbaw* in the *Palace-Yard* at *Westminster*, who told him of the Design as before. And that Major *John Gerhard* would command a Party, and that the Business was then in good Forwardness, but Major *John Gerhard* thought it could not yet be accomplished.

And that when Mr. *Hinsbaw* heard that Mr. *John Gerhard* was taken, he said that he might thank himself, for had not he delayed it, the Business might have been done two Days before.

The Prisoners at the Bar were then asked what they had to say for themselves.

Mr. *John Gerhard* said he was falsely accused, and that the Witnesses did not speak Truth, and denied that he had any thing to do in the Plot, or knew of it.

Mr. *Vowell* did require of the Court to be allowed Pen, Ink and Paper, the Copy of his Charge, and Council to advise him what Defence to make for himself. And pleaded *Magna Charta* again, as before, and the sixth Article of the Government of the *Lord Protector*.

Serjeant *Glyn* declared, that an Ordinance being declared Law until the Parliament shall repeal it, is to give the same Authority to it, which is to an Act of Parliament, every Act being a Law no longer. That the Laws of old of Treason against the King are of force (were this new Ordinance not in being) For it means the Supreme Governour; though it names only a King, it hath been made use of for Treason against a  
Queen,

Queen, and so is to be touching a *Lord Protector*, or any other *Supreme Governour*.

Mr. *Ellis*, Council of the Commonwealth, produced in Court the Government of the *Lord Protector*, in which that very Article in the Conclusion of it, hath a Proviso to the 30th Article.

The Attorney-General *Prideaux* declared, that the Charge having been so fully proved against them, yet they could not but take notice of the ingenuous Confession of *Somerset Fox*; but were sorry to see such Obstinacy in the other two, after such a barbarous and bloody Design; that they should shew no Signs of Repentance: And therefore in behalf of the Commonwealth prayed for Justice from the Court against them.

The Court adjourned into the Painted Chamber, and Ordered that they should have Pen, Ink and Paper, and any Friend to come to them that they should desire in the Presence of the Lieutenant of the Tower.

The Court adjourned until Thursday next in the Afternoon.

When Mr. *Gerhard*, *Vowell*, and *Fox* were again brought before the Court, and were demanded what they had more to say for themselves, *Gerhard* and *Vowell* denied the Fact, notwithstanding what had been proved against them; after which the Lord President *Liste* made a short Speech to convince them of the desperate Wickedness of their Design, and how fully the Charge had been proved, and what Punishments the Law had provided in such Cases; after which the Sentence of the Court was read severally to all three to this effect, *That upon mature Consideration of the Treasons and Murders plotted and*

*contrived by them against his Highness the Lord Protector, and the Commonwealth, and raising a bloody War in the same, the Court did adjudge them to be hanged by the Neck, until they be dead.*

Mr. *Gerhard* desired the Execution might be alter'd, and that he might be Beheaded, or Shot to Death; and presented a Petition to the *Lord Protector* for that Purpose.

The *Protector* was pleas'd to Reprieve *Somerset Fox*, because of his ingenuous Confession, but the other two were Executed the Monday following, July 10. *Vowell* was executed in the Morning upon a Gallows erected at *Charing-Cross*; he spake little of the Crime for which he suffer'd, but his main Discourse was to proclaim his Zeal for the Old Way of Religion, and to the Cause of the late King and his Family; after half an Hour's hanging he was cut down, and convey'd away in a Coach.

About Four in the Afternoon of the same Day, Mr. *John Gerhard* was brought to the Scaffold on *Tower-Hill*; his Behaviour was sprightly, the Substance of his Discourse Cavalier-like, boasting himself of the Profession of Religion which was established by *Queen Elizabeth*, *King James*, and *King Charles*, to which Family he declared his Affection. \* He acknowledged himself guilty of former Sins, for which he had deserved Death heretofore, but as touching the Crime, for which he was to die, he spent not many Words, only he confess'd, that he knew of the Plot. At length he submitted his Neck to the Executioner, who at one Blow sever'd his Head from his Body.

LI. *The Proceedings of the Commissioners of Berks, for ejecting Scandalous and Insufficient Ministers, against JOHN PORDAGE of Bradfield, in the same County, begun the 18th of September 1654. 6 Car. II. Wrote by Himself.*

**H** Was first warned by this subsequent Summons, to appear before the Commissioners.

Monday, the 18th of September, 1654.

Berks, ff. *By the Commissioners appointed by an Ordinance of his Highness the Lord Protector and his Council, for the ejecting of Scandalous Ministers.*

**W** Hereas several scandalous Articles have been exhibited against Dr. *John Pordage* of *Bradfield*, in the said County of *Berks*; which

said Articles lying now before the said Commissioners, it is thereupon ordered by the said Commissioners, that the said Dr. *Pordage* do make his Personal Appearance before the said Commissioners, on Thursday the 5th Day of *October* next, at the *Bear* in *Speenhamland*, by *Newbury*, at Nine of the Clock in the Morning, to answer the said Articles exhibited against him: Whereof he is not to fail. Given under our Hands and Seals in *Reading*, the Day and Year abovesaid.

*Cbr. Whichcot.*      *William Strowde.*  
*Sam. Wightwick.*      *William Natkine.*  
*Ri. Fincher.*      *William Cooke.*

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\* See the Relation of the Death, (and Dying Speech) of Mr. *Vowell*, and *Gerhard*, in *State Trials*, Vol. VIII. p. 359, 360. 362.

Accordingly at the Time prefixed I appeared, about Nine of the Clock in the Morning, in the Place above expressed; where I waited till betwixt Three and Four of the Clock before I was called in. Then came the Door-keeper to tell me that the Commissioners called for me.

I presently obeyed, and followed their Servant, with two Friends that accompanied me. Then the Door-keeper commanded my two Friends to go forth of the Room. I told him they were to be there. He replied, That he was ordered by the Commissioners to let none in but myself; and therefore they should be put out: And so began in an uncivil manner, by Violence, to thrust them forth. Whereupon I applied myself to the Commissioners, telling them these two were my Friends; and that I brought them as Eye-witnesses of the Proceedings; and that it was no reason that I should be alone. To which it was answered, They must depart, it being resolved upon by them to have none but myself there present. Then the Door-keeper began with Violence to pull them forth, crying out, Do you not hear the Sense of the Commissioners? I turning towards them again, said, I desire none present but these my two Friends. It was replied, it should not be so. Upon this I was necessitated to ask them, against my Will, what they were, whether a public Court of Justice, yea or no? For if they were, I demanded the Liberty of a Subject, that their Doors might be opened, for all to come in that would; that so their Proceedings might be open. Moreover, I shewed how this was the Custom of all Committees above, and of all such Courts of Judicature. Whereupon the Doors were opened, and the People came in; Mr. *Wightwick* openly averring that I should fare the worse for it. Thus was I necessitated to contend for this just and reasonable Privilege; for which my Cause was unjustly threaten'd.

The Commissioners then sitting were these, with one or two more; Mr. *Fettiplace* Chairman, Mr. *Samuel Wightwick*, Mr. *Samuel Dunch*, Major *Fincher*, Major *Allin*, Mr. *Cox*, Mr. *Strowde*, Mr. *Angell Bell*. The Ministers were these, with some other, Mr. *Hewes*, Mr. *Tickle*.

But to proceed: As I stood silent before them, Mr. *Dunch* turned to me, and with much seeming Bitterness and Passion spake thus; Dare you deny Christ to be God? And again, How dare you deny the Godhead of Christ? To whom I replied, I came to know my Charge which was exhibited against me; and that I hoped he had not judged my Cause before it was heard.

Hereupon the Chairman commanded *Langley* the Clerk to read these following Articles in open Court.

#### Articles against Dr. Pordage of Bradfield.

1. **T**HAT the Fiery Deity of Christ mingles and mixes itself with our Flesh.
2. That the Imputative Righteousness of Christ is a Sapless Righteousness.
3. That the Discoveries of the Sinfulness of Sin, the Terrors of the Law, the Death of Christ, the Free-Grace of God, are fleshly and flashy Discoveries.

4. That the Liberty and Freedom spoken of, purchased by the Blood of Christ, and applied by the clinging and cleaving of the Soul to, is not a Liberty or Freedom from the Guilt of Sin, the Curse of the Law, the Wrath of God; but the Fiery Deity of Christ in the Centre of our Souls.

5. That by Male and Female, *Gen. 1.* we are to understand by Male the Deity, by the Female the Humanity; and that these two became one Flesh. These Things were delivered without any Limitation whatsoever.

6. That Gifts and Graces of the Spirit are but Flesh.

7. That Christ is a Type, and but a Type.

8. That Christ is not God.

9. That Christ is not *Jehovah*.

*Tickle* witnesseth.

After these Articles were read the Chairman demanded my Answer. To whom I replied, That I had been acquitted from all these, four Years since, by the Committee of Plundered Ministers, and that after a full Hearing and Debate; therefore I desired that (according to Law) they would pass by these old ones. But if they had any that were new, I told them I was ready and willing to receive and answer them. I further replied, I hoped they would give me the Liberty of a Felon, who, after Trial and Acquittal, cannot be questioned for the same thing again. To which Mr. *Dunch* replied, with much seeming Fierceness, You are worse than a Felon, for ought I know. Which Language coming from a Judge to the Defendant before Trial, let all sober Persons judge of, who are acquainted with the Rules of Civility, Morality, or Christianity.

Here Mr. *Hewes* the Minister interposed, affirming, That a Felon might be acquitted at one Assizes, and hang for the same thing at the next: Of which he gave an Instance in a Story not worth the relating. To which I replied only this, That it could not be for the same he was acquitted of before. But I seeing that he had gone *ultra crepidam*, beyond his Office, and beyond Reason, said no more to him; though he was very bitter and pragmatical, speaking out as Judge, although he was but an Assistant, and that only in reference to Ignorance and Insufficiency.

But afterward, applying myself to the Chairman, I further urged, That these Articles were not within the Cognizance of the Commissioners, in that I had been discharged from them, by those who had full Power and Authority to do it.

After this, all were commanded to withdraw; and about an Hour after I was called in again, and asked for my Discharge. I answered, I came now only to know my Charge; and that I had not my Discharge there, but would bring it when they would appoint me.

Then they declared, That notwithstanding my Discharge in another Court, yet it was the Judgment of the Commissioners, that they had Power to take Cognizance of the Articles exhibited: Whence they made this Order, *viz.*

Berks, ff. *By the Commissioners for ejecting of Scandalous Ministers, &c. October 5, 1654, at the Bear in Speenhamland.*

**D**R. *John Pordage*, Rector of *Bradfield*, in this County, hath in Obedience to our Warrant, dated the 18th of *September* last, to him directed, this Day attended, and pleadeth that he hath been already discharged from the Articles that are exhibited to us against him, by the Parliament and the late Committee of this County, and therefore not again to be questioned or proceeded against for the same by these Commissioners. But the said Doctor hath produced no such Discharge.

Resolved, upon the Question, That by virtue of the Ordinance of his Highness the Lord Protector and his Council, for ejecting of scandalous, ignorant, and insufficient Ministers and School-Masters, the said Commissioners have power to question the said Doctor upon the said Articles; and that notwithstanding his Plea, as aforesaid, of a former Discharge.

And it is thereupon ordered, That the said Doctor do give his positive Answer to the said Articles unto us on this Day fortnight, being the 19th Instant, at this Place: Whereof he is not to fail.

Now this was the Substance of the Things which were transacted the first Day of my Appearance; which I have here presented in Truth and Righteousness to the impartial Reader.

My second Appearance before them was the 19th of *October*, at the same Place.

The Commissioners then sitting were these; Mr. *Wightwick* Chairman, Mr. *Dunch*, Mr. *Evelyn*, Mr. *Bell*, Mr. *Mills*. The Ministers, Mr. *Woodbridge*, Mr. *Fowler*, Mr. *Hewes*, with some others.

The first Thing they demanded, was my Answer to the Articles exhibited against me. But I desired them to receive my Discharge, which I hoped would be instead of a full and satisfactory Answer. So I produced it; and it was received by them, and delivered to the Clerk; who, after it was read, took a Copy of it, and then returned it to me again.

The Tenor of it was as followeth:

*At the Committee for Plundered Ministers, March 27, 1651.*

**U**PON hearing the Cause, in presence of Parties and Counsel on both sides, concerning Dr. *Pordage*, Minister of *Bradfield*, in the County of *Berks*; and upon reading the Papers and Examinations depending against him before this Committee, and full hearing what could be said by both Parties; this Committee hath taken the said Cause into serious Consideration and Debate: And do thereupon order that the said Cause be dismissed. And the same is hereby dismissed.

*Gilb. Millington.*

Afterward they asked me how they should

know that it was a true Copy. I returned answer, I received it from their Clerk there present, who knew it to be true: And besides, I had a Friend by, who being with me when I received it, could attest the Truth of it by Oath. Then they waved my Discharge, and called for my particular Answer to the Articles, alledging, that notwithstanding the Discharge, the Commissioners had judg'd the Articles under their Cognizance. So that after I had pressed my Discharge with as much Earnestness, as in Modesty I could, they still hastily calling for my further Answer, I was necessitated to give in this which followeth.

*My Answer to the Articles exhibited against me, consists in these Particulars.*

*Partic. 1.* I Humbly conceive that none of the Articles exhibited against me are comprehended in the Act, intitled, *An Act against several Atheistical, Blasphemous, and Execrable Opinions, derogatory to the Honour of God, and destructive to human Society*; without the Sense and Meaning of the Words expressed in the Act be stretched and wrested beyond the literal Scope and Drift of the Act. And this is not my Judgment only, but the Judgment of some pious and judicious Lawyers of this Land. Which Thing, in all Humility, I leave to your serious Considerations.

*Partic. 2.* I humbly conceive that the fore-mentioned Act cannot take into Cognizance those Articles exhibited against me; because they are acknowledged by the Accusers to have been uttered a Year before this Act had a Birth in the World. Now can any Guilt be legally imputed from any Law, before the original Being of it? This seemeth contrary to Reason. Now those Articles were charged upon me *Aug. 16, 1649*, and this Act made and published *Aug. 9, 1650*.

Moreover, these Articles are not punishable by that Act; because, according to the Conclusion of the said Act, no Person is to be impeached, molested, troubled, or punished, for any Offence mentioned in that Act, unless he be for the same Offence accused, presented, indicted, or convicted within six Months after such Offence committed. Now it is six Years since some, and four since any of these Expressions were pretended to be uttered by me.

*Partic. 3.* I humbly conceive that the fore-mentioned Act cannot take into Cognizance the Articles exhibited against me; because upon Examination of Witnesses on both Sides, I was cleared by the Vote of the honourable Committee of *Berks*, who had full Power, by an Act of Parliament, to put out, and to put in Ministers in this County.

*Partic. 4.* I humbly conceive that the fore-mentioned Act cannot take into Cognizance the Articles exhibited against me; because, after Examination of Witnesses, and after a full Hearing, I have been dismissed and acquitted from all Guilt and Offence charged upon me from them, by the honourable Committee of *Plundered Ministers*, who had full Power to put out, and to keep and put in Ministers. Now the judicious Lawyer saith, That these Articles having had their original Dependence before two Committees of Parliament, who had an absolute

Power, by Act and Ordinance of Parliament, to put out and put in Ministers, and they having cleared and acquitted me from the pretended Guilt of such Articles, it is not according to the Liberty of the Subject, or Tenor of the Law, that it should be within the Cognizance of this Act, or of this Committee; it being against that fundamental Maxim of *Magna Charta*, *Nemo bis punietur pro uno delicto*.

Moreover, it seemeth contrary to the sixth Article in the *Instrument of Government*, published by his Highness the Lord Protector's special Command; in which it is expressed, *That the Laws shall not be altered, suspended, abrogated, or repealed, but by Consent of Parliament, save as it is expressed in the thirtieth Article*. Therefore my former legal Discharge, according to the former Acts and Ordinances of Parliament, is still in force, and holds good, not being abrogated by the Government, or by any thing expressed or included in the said thirtieth Article of Parliament.

I shall now proceed to answer each Article in particular.

Art. 1. *That Christ is not God: That Christ is not Jehovah.*

1 Part. *Answ.* I do acknowledge that such Expressions were uttered by me: But I hope the bare Expressions of such Negations doth not make me come within the Guilt of the Act; for it must be known what Words preceded such Expressions and what followed. To say in Preaching, *There is no God*, doth not make the Preacher guilty of Atheism, if the Words going before be but annexed, *The Fool hath said in his Heart, there is no God*. So do but annex the subsequent Words to the former Expressions, That Christ is not God, *viz.* the Father; That Christ is not *Jehovah*; *Jehovah* taken strictly for the Person of the Father, the first Person of the glorious Trinity: I say, add but these Words, and there is nothing blasphemous or culpable in such Expressions.

2 Part. *Answ.* Though I do acknowledge that such Expressions fell from me, yet I never avowedly uttered or maintained such Propositions; for they were only uttered by way of Dispute, and that upon this occasion: Mr. Daniel Blagrove, then being Chairman of the Committee, demanded of Mr. Tickle what Blasphemy was. He answered, Evil-speaking against God the Father. I replied, a lame Definition of Blasphemy. Had Mr. Tickle said Evil-speaking against God, which is a Word implying the Trinity in Unity, then there had been no occasion given of Contest; for the ground of these Expressions arose from the Weakness of his Definition of Blasphemy, in that he said Blasphemy was Evil-speaking against God the Father. To which I replied, His Definition of Blasphemy doth not reach that of which he accused me; for that which he charged me with, is not Blasphemy against God the Father, but against Christ, God the Son. And I have uttered no Evil-speakings against God the Son, but seemingly to my Accuser, in saying, That his Imputative Righteousness would prove a Sapless Righteousness to all those that had not the Fiery Deity of Christ in the Centre of their Souls, burning up their Lusts and Corruptions. Mr. Tickle then replied to the Committee, Pray take notice that the Doctor denieth that Christ is God, which I

prove out of *John* i. 1. To which I replied, Christ was not God the Father, but God the Son. Christ is *Jehovah*, and so called the Lord our Righteousness, said Mr. Tickle. To which I replied, Christ is not *Jehovah*, if you take *Jehovah* for the Person of the Father. And this is the Truth, as the whole Committee of *Berks* then present can testify; by whose Vote I was then cleared of all these unworthy Aspersions, and dismissed; and since, upon proof of Witnesses, acquitted and dismissed; and that after a full Hearing by the Committee of plundered Ministers.

3 Part. *Answ.* I do humbly conceive that although the former Act did expressly adjudge and condemn Evil-speakings, or Blasphemy against Christ, yet my delivering such Expressions in an extemporary Dispute, *viz.* That Christ was not God, or Jehovah, did not make me obnoxious to the Guilt and Penalty of that Act; because p. 980, & 981, they only are condemned as guilty, who shall avowedly profess, maintain, or publish in word or writing, such or such execrable Opinions: which I never did. Nay, I profess avowedly the contrary, and do declare in the Sincerity of my Heart, that the Thought never entred into my Heart, to deny the Godhead or Deity of Christ; but I have avowedly in Words maintained, and published by Preaching, That Christ is God, out of that Text, *John* i. 14, *The Word was made Flesh, &c.* From whence I did maintain and publish, That Christ was God, coequal, coeternal, and coessential with the Father, contrary to all those blasphemous and execrable Opinions, that deny Christ to be God. So that now I hope the mere uttering such Expressions, by way of dispute before a judicious and understanding Committee, doth not make me a Transgressor, according to the true Sense and Meaning of this Act.

Artic. 2. *That the imputative Righteousness of Christ is a sapless Righteousness.*

*Answ.* I thus deliver the Truth: As I was paraphrasing on that Portion of Scripture mentioned in *Dan.* ix. 24. of everlasting Righteousness, I did say Words to this effect; *That the imputative Righteousness of another was a sapless Righteousness to all those that had no Right or Interest in it.* I shall desire a little to explain myself on this Proposition, that the imputative Righteousness of Christ in this sense will prove a sapless Righteousness: For he that hath not the Spirit of Christ dwelling in his Heart by Faith, notwithstanding all this Application of Christ and his Merits, yet to him it is but a sapless Righteousness: so saith the Scripture, *He that hath not the Spirit of Christ, is none of his*, notwithstanding his Application of the imputative Righteousness of Christ to himself: But here I do not deny the imputative Righteousness of Christ, nor his active and passive Obedience to be the material Cause of his Justification; yea, I own and acknowledge Christ's Righteousness to be the Soul's Righteousness in point of Justification, when it is apply'd upon a true ground, according to the true Sense of the Spirit in the Scriptures.

Artic. 3. *That they should look to the fiery Nature of Christ's Deity in the Centre of their Souls, burning up the Dross and Chaff of their Lusts and Corruptions.*

*Answ.* For the Explanation of this Article, we must consider these are Scripture-Metaphors, and  
Christ

Christ is oftēn clothed with a Garment of Fire, according to that of *Paul*, Heb. xii. 29. *Our God is a consuming Fire*; and in another place, *Christ shall come in flaming Fire*. None, or few, understand these Scriptures, or the like, of elemental material Fire; but either of the Fire of his divine Love to burn up our Lusts and Corruptions, or the Fire of his divine Justice or Wrath in destroying Sin and Sinners.

Artic. 4. *That the fiery Deity of Christ mingles and mixeth itself with our Flesh.*

Ans. I was then speaking of the mystical Union betwixt Christ and his Church: And in the Illustration of this Union, I apply'd that Expression out of the 5th of the *Canticles*, *He mingleth his Wine and his Milk together*: so in this Union, Christ's divine Nature mingleth itself with our Humanity, his Spirit with our Flesh. This Expression Mr. *Tickle* was pleas'd to charge with Blasphemy; asking me what I meant by Flesh. I answered in Conference, By Flesh I understand not the sinful and fleshly part of the Soul, that lusteth against the Spirit; for with this there can be no Union. 2. By Flesh I mean not the outward elementary Flesh of the Body; but by Flesh I understand our pure Humanity, the pure regenerated part of the Soul, the converted part of our Spirit: And thus the Spirit of Christ and regenerated Part are really in Union one with the other, according to the Apostle's Phrase, *We are made Partakers of the divine Nature*. And against this Answer he had nothing to reply.

Artic. 5. *That Christ was a Type, and but a Type.*

This was in Conference: He asked me whether Christ was a Type or no. I answered, Christ was a Type, so expressed 1 *Tim.* ii. 21. How was Christ a Type, replied Mr. *Pendarvis*? I answered, His Life and Conversation was a Type, that is, a Pattern and Example for us Christians to square our Lives and Conversations by. Who denies this? said he. Why I affirm no more, said I, than that Christ is a Type. Is he but a Type, reply'd Mr. *Pendarvis*? I answered, Why lie you thus on the catch? I say Christ is a Type; but I will not affirm Christ is but a Type. And this they both confess in their Answers.

Artic. 6. *That the Gifts and Graces of the Spirit are but Flesh.*

I confess I said the common Gifts and Graces of the Spirit were but Flesh; but this I opened after this manner, That they were but fleshly, weak, and carnal in point of Justification, in point of Trust and Confidence in regard of Salvation and Life eternal; and no otherwise, as their own Witnesses on Examination confessed before the honourable Committee of *Berks*.

To conclude; As for these Articles, especially all the latter, I look not upon them as under the Cognizance of the Act; yet for your Satisfaction I have transcribed my former Answers, and do here present them again to your Consideration, by which you may clearly see my Innocency in reference to the horrid Opinions for which I am accused.

*John Pordage.*

This being read by the Clerk, we were all commanded to withdraw. About an hour or two after, I was called in again; and they told

me, if I would, I should have an Order to fetch in my Witnesses to prove what they could on my behalf, in reference to that Charge. I reply'd, That I hoped my Discharge and Answer were sufficient, and that they would not put me to the trouble and charge of traversing this Business (*viva voce*) by my Witnesses again; in that (besides my Discharge) I had brought all their Depositions delivered by Oath to the Committee of Plundered Ministers; which I desired might be then read before them, because the Witnesses could but say, *viva voce*, what was there wrote down.

Hereupon I delivered them to be read; and so being handed to the Clerk, the Commissioners asked me how they should know them to be true. I reply'd, the Clerk delivered them as a true Copy, and I would affirm on my Oath, that they had not been altered since I had them. But notwithstanding this, they rejected them, alledging that they would not take notice of any written Depositions taken out of another Court; but that I must again bring in the former Witnesses, to testify what they could by Word of Mouth: so that all the Reasons and Arguments I could use, could not prevail with them to free me from the Charge and Trouble of bringing in my Witnesses again; for which the Clerk was then commanded to draw me up an Order.

*Berks.* By the Commissioners for ejecting of Scandalous Ministers, Octob. 19, 1654. At the Bear in Speenhamland.

**D**R. *Pordage* of *Bradfield* hath this Day again attended, and hath exhibited an Answer in writing to the Articles exhibited against him. Ordered, That the said Doctor do attend again before us on this day fortnight at this place; at which time he is to give Answer to the additional Articles now exhibited against him, and to produce his Witnesses, if he have any, for Proof of his Defence; and Summons are to issue out for that purpose, if he desire the same.

Then they told me they had a new Charge of Articles against me; which were these that follow, then openly read by the Clerk.

*Articles against Dr. Pordage, Parson of Bradfield, to prove his Ignorance and Insufficiency for the Ministry.*

1. **I**n *primis*, One Mistress *Lewyn* being with child, and near the Time of Travail, sent for Dr. *Pordage's* Mother to be her Midwife; but he would not suffer her to go, saying, they would not be guilty of such a beast-like Life, meaning Mistress *Lewyn's* being with child by her Husband.

2. The said Dr. *Pordage* coming to the House of Mrs. *Lewyn*, in his Discourse with Mrs. *Lewyn*, blamed her for having Children by her Husband, and argued with her the Unlawfulness of having Children by her Husband.

3. In his Discourses to Mrs. *Lewyn* concerning the same Subject, endeavoured to maintain the Unlawfulness of their having Children, and said that *Adam* was made Male and Female in himself, and had he not fallen, he had brought forth Children



dren himself; and seemed to maintain and prove the same by Scripture, and otherwise.

4. In his Discourses with Mrs. *Lewyn*, which was about the Time that one *Everard* was with him in his House at *Bradfield*, who was generally reputed to be a Conjuror, he asked Mr. *Lewyn* whether he would not be afraid if he should see his own Picture or Shape; intimating that he himself had used to see his.

5. The said Dr. *Pordage* hath had for some Weeks together in his House the said *Everard*, and one *Tewny* who stiled himself King of the *Jews*, who had been questioned (as it is generally reported) for holding dangerous and unsound Opinions; as, That there is no Hell, and the like.

*A True Copy,*  
Mat. Langley *Regist.*

*Joseph Cook.*

After these were read, I desired the Court in the first place to finish the first Paper of Articles; urging, that if they were sufficient, they might save both them and me much trouble. But this they denied, though I much urged it: Whereupon they commanded this subsequent Order to be drawn up, *viz.*

Berks, ff. *By the Committee for ejecting of Scandalous, Ignorant, and Insufficient Ministers and School-Masters in this County, Octob. 19, 1654.*

Ordered, That Mr. *John Tickle*, Mr. *John Pendarvis*, Mr. *Francis Pordage*, *John Higgs*, *Gifford Luinton*, *Richard Luinton*, *Mary Pocock*, and *Roger Stevens*, do make their personal Appearance before the said Commissioners on Thursday the second Day of *November* next, by Eight of the clock in the Morning, at the *Bear* in *Speenhamland* by *Newbury*, to testify their Knowledge of all such Matters as shall be propounded unto them concerning Dr. *John Pordage* of *Bradfield* in this County; whereof they are not to fail. Given under our Hands and Seals, the Day and Year above-mention'd.

*Samuel Wightwick.*  
*Ar. Evelyn.*  
*Ed. Mills.*

*Samuel Dunch.*  
*Angell. Bell.*

But this I must speak on the behalf of Mr. *Wightwick* and Mr. *Evelyn*, that by their Presence things were transacted that day with much more seeming Modesty and Calmness than at other times; the Ministers then containing themselves within the limits of due Silence, which gave me some hopes that the latter part of my Trial might be transacted in some Moderation, Equity, and Civility. But these two sitting no more after that day, there broke forth much Confusion, Rashness, and Incivility in their Carriage; some Ministers (who were bitter Enemies against me) acting the part of Commissioners, and seeming to have great Influence upon all their Proceedings, being suffered to break forth into uncivil Scoffs, and Railings against me in the open Court, as it will afterward appear.

But thus much for my second Day's Appearance, here represented according to the Line of Truth and Equity.

On the second of *November* I appeared before them again at the same Place, according to their last Order, at which Time Major *Fincher* was Chairman; besides whom there were present, Mr. *Dunch*, Mr. *Stroud*, Mr. *Cook*, Mr. *Bell*, with two or three more Commissioners: The Ministers were Mr. *Fowler*, Mr. *Woodbridge*, Mr. *Hughes*, Mr. *Tickle*, &c.

The first thing they demanded of me, was to give in my Answer to the second Charge of Articles exhibited the last Day against me. I reply'd, that my Answer was ready; but I desired that they would keep to their own Order, and first hear my Witnesses, and so finish my first Charge, that we might not run into Confusion. But they would not hearken to this rational Request, importuning me for my Answer, resolving to hear nothing till I had given it in: so being necessitated to yield to their Command, I gave in this subsequent Answer.

My Answer to the second Articles exhibited against me, is as followeth.

IN the first place, I shall take liberty to reply to the Title of the Articles; which is, to prove my Ignorance and Insufficiency for the Ministry, by the Articles produced.

1 Part. *Ans.* I do here humbly desire, that Ignorance and Insufficiency for the Ministry may be preserved as distinct Heads from Scandal and Heresy, according as it is intended by the Authors of the Ordinance: for certainly it is against the Judgment of the Lord Protector, and the Intendment of his Council, who made the Ordinance, to confound that which may be called Scandal or Heresy, and Insufficiency together. We see it is usual this day among us, for knowing and learned Ministers to differ in their Judgments, both in Doctrine, Worship, and Things indifferent; who yet thereupon are not accounted ignorant and insufficient for the Ministry. So that altho' these Articles could be proved true, they are to be referred either to Scandal or Heresy, and not to Ignorance and Insufficiency.

2 Part. *Ans.* If Ignorance and Insufficiency for the Ministry be taken for the want of an inward special Gift, as it is qualified with human Arts and Sciences, attained by much Pains and Industry, in relation to Academical Learning: Or if Ignorance and Insufficiency for the Ministry are taken for the want of inward Abilities, qualified with spiritual Gifts, as with those of Prayer, Utterance and Preaching: Or if Ignorance and Insufficiency be taken for the want of a saving Principle of Grace, manifesting itself in Convictions of Sin, Legal Terrors or Evangelical Illuminations into the Free Grace and Love of the Father, or into the meritorious Death of Christ for the Redemption of lost Sinners: Or if it be taken for those Effects flowing from such a saving Principle of Life, as that of saving Faith, true Repentance, Pardon of Sin, Peace of Conscience, a holy Life in all universal Obedience to the holy Will and righteous Commands of God: Then I humbly conceive, that mere Ignorance and Insufficiency, without the Pretensions of Heresy and Scandal, will be found a Bed too short, and a Covering too narrow for my Ejection out of the Work of the Ministry, according to the true Intent of the Ordinance.

3 Part. *Ans.* Hence my humble Desire to you for time to come, is, that you would not make your Ephah of Ignorance and Insufficiency so small, that Heresy and Scandal may not stand distinct in it; and that you would not make your Shekel of Ignorance and Insufficiency so great, as to swallow up Heresy and Scandal into the boundless and endless Extent of it: For what is this but to falsify the Balances of Justice and Equity by a deceitful Weight, in not preferring Insufficiency as a distinct Head from Scandal and Heresy; which in time may prove very prejudicial to that Liberty of Conscience, which of late years hath been, and is still preserved and asserted by the Rulers of the Nation?

In the second place, to the Articles themselves I thus reply.

*Ans.* 1. As to the four first, I know not how or what positively and directly to answer to them, till I see them first proved by Oath, and that by such Persons who are without just Exceptions; and then I shall be capable of returning a more full and compleat Answer.

*Ans.* 2. Neither do I see, that seemingly to maintain and argue, by way of dispute only, the Unlawfulness of Mrs. *Lewyn's* having Children by her Husband, for the sifting forth of Truth from Error, could it be proved that I did so, could argue or evince my Ignorance and Insufficiency for the Ministry: For this, tho' it were evinced to be my Crime, cannot in Justice and Equity be referred to that Head of Insufficiency, but to Scandal; except Ignorance and Insufficiency be resolved into the boundless Liberty of the Wills of the Judges, that what they deem ignorant and insufficient, must be ignorant and insufficient, whether Ignorance and Insufficiency be real in such a Subject or not.

As to the fifth Article, which concerns my giving Entertainment in my House to one *Everard*, reputed a Conjuror, and to one *Tawny*, reported to hold unsound Opinions, I thus answer:

As to the first part of it, I confess that one *Everard*, about four Years since, was received into my House at *Bradfield*, for the space of almost three Weeks and no longer; and that after this manner: He came in Harvest-time with a new Pair of Harvest-Gloves on his Hands, to shew his Willingness and Readiness to work; and asking to speak with me, told me, That if I pleased to employ him in Harvest-Work, he came to offer his Service. Hereupon I entertained him as a Workman. And thus you see both the Manner of his Coming, and the Cause of his Entertainment.

Whereas it is said he was generally reputed a Conjuror:

*Ans.* 1. I answer, I never heard any the least Intimation from any, that he was ever suspected to be a Conjuror, till after his departure from my Family: If he was a Conjuror before he came, it was more than I knew, or had heard of; but after his departure, I confess there arose a general Report up and down the Country, that he was a Conjuror. But from that time to this, I have never seen him, nor known what is become of him.

*Ans.* 2. After his absence, I do further affirm, That I was strongly inclined to believe, accord-

ing to the general Rumour, that he was a Conjuror. Hereupon I was in a great strait in my own Spirit, whether I should prosecute him or not; my Zeal for God's Glory, and my Obedience to the Command of God, that saith, *Suffer not a Witch to live*, giving me some Impulsions to do it. But after serious Debate and Consideration within myself, I resolved this Case or Scruple of Conscience thus; That my own Persuasions and Jealousies, tho' they had some ground of Probability, yet not being certain, afforded me not a sufficient ground of prosecuting him as a Conjuror, or of swearing positively he was such. Now I leave it to your serious Considerations, whether this Tenderness of Conscience keeping me from prosecuting of him, or swearing against him, for fear of that heinous Sin of Perjury, makes me either ignorant or insufficient for the Ministry.

As to the second part of the fifth Article, which concerns my Entertainment of one *Tawny*, reputed (as it is there expressed) to be one that holds unsound Opinions:

*Ans.* I answer, It is well known, as I invite none, so I turn away none that come to visit me; tho' their Principles in Matter of Doctrine, Worship, and Discipline, be different from mine. I will here shew you briefly my Grounds and Ends: My Grounds are these; I look upon it as my Duty, according to the Gospel of Christ, to entertain all Strangers that be in want and necessity, professing the Name of Christ. If Enemies hunger, we are to feed them; if they are naked, we must clothe them: and as for Strangers, we are to lodge and entertain them, *Heb. xiii. 2.* And as in the Practice of this I break no Law of God, so no Law of Man. And you may remember, that in the 37th Article of Government it is expressed, That all such as profess Faith in God by Jesus Christ, tho' differing in Judgment from the Doctrine, Worship, or Discipline publicly professed, so as they abuse not this Liberty to the Civil Injury of others, nor to the actual Disturbance of the public Peace, shall be protected; and then surely their hungry Bellies may be fed, their Backs clothed, their Wants supply'd, and their Persons lodged and entertained.

And further, my Ends are these, which are Pure and Evangelical, That I may prove all things, and hold fast that which is good: that I may try the Spirits, for many false Spirits are gone forth into the World. Now how are they to be proved and try'd? Not by carnal Weapons, as by Penalties, Mulcts, Imprisonments, and other external Punishments; but by convincing of them with sound Doctrine, Christian Discourse, spiritual Arguments, and by the Example of a good Conversation. And thus God's Glory, and the Good of others are my only Ends; in giving Entertainment to all Strangers that come in Civility to visit me.

Now the Cause of many Strangers coming to me as Guests from all Quarters of this Land, ariseth from these lying printed Pamphlets, which have hardly a Word of Truth in them; these draw all seeking inquiring Minds to visit me, for divers Ends best known to themselves: Let it but be proved that ever I gave Entertainment to any common Swearer, or to any open Drunkard, Sabbath-breaker, or to any known profane Person, and I shall judge myself obnoxious to your Censure; but all that I give free

free Entertainment to, appear clothed under some Shew of Godliness or other; but if they have not the Power, it will be their own Misery.

In a word, the Strength of this Article doth but amount to thus much, That as Christ was supposed to be a Friend of Publicans and Sinners, so am I supposed to be a Friend to all People, that profess Religion, and walk orderly, be their Opinion in Matter of Doctrine or Discipline never so much differing from mine own, or from those commonly received: yet this doth not argue my Ignorance or Insufficiency for the Ministry; but if in it any thing be culpable, it is to be referred to the Head of Scandal. But here being no Law of Prohibition, I cannot see any Transgression in it, either against the Law of God or Man.

To conclude, I cannot give a more direct Answer to these Articles, being Matter of Fact, till I see them proved, and each Article referred to its proper place, either of Scandal or Heresy, or Ignorance and Insufficiency.

*John Pordage.*

This being read, we proceeded to the Proof of the first Charge of Articles attested by Mr. *Tickle*, one of the Assistants, whom I desired to see sworn in the open Court; alledging that I was altogether ignorant whether he had sworn or not; but the Clerk affirmed that he had done it already: But after much dispute, it was granted that I should hear him sworn in the open Court. Then I craved liberty to cross-examine him openly, and began to put my Interrogatories to him; but this just Privilege they peremptorily denied me, tho' I used many Reasons and Arguments to shew the Equity and Reasonableness of it. Then they commanded me to write down my Interrogatories, which should be proposed and answered in private, without my presence, according to their fixed Resolution. Then all being commanded to withdraw, I wrote down my Interrogatories; and when I gave them in, I desired they might be asked in the open Court: but it was deny'd. Then I requested that I myself might be present at the Cross-examination, tho' all the rest withdrew; urging, that altho' I had given in my Interrogatories, yet there might be many necessary Circumstances and Questions emergent in the Examination, which I could not then give in in Writing, nor make use of without I was present, which yet might serve very much to clear the Truth: but notwithstanding this, and more which was then said, I could not prevail, but was commanded to withdraw.

After this I was called in again, and as I thought to receive Mr. *Tickle's* Answers to my Interrogatories; which though I pressed it with much earnestness, was deny'd, they resolving, as it seemed to me by their Answer, to keep them private till Publication: which appeared to me very partial dealing, in regard I could not know how the Questions were answered, against the time of making my Defence by negative Witnesses.

But afterward importuning the Court to examine my Witnesses according to their own Order, I was interrupted by their commanding of the Clerk to read a third Charge of Articles exhibited against me by Mr. *Fowler*, an Assistant Minister to the Commissioners; whose Zeal

moving swifter than the Clerk's slow reading of the Articles, caused him to take them out of his hands, and to read them himself, with much Courage and Resolution. The Articles were these that follow.

*Further Additional Articles exhibited against Dr. Pordage, by Mr. Fowler, Minister of St. Mary's in Reading.*

1. THAT the Righteousness of Jesus Christ was a poor, vain, senseless Righteousness.
2. That Jesus Christ was not perfect, alledging that Text to confirm it, because he cry'd out, *My God, my God, why, &c.*
3. That the Blood of Christ was not meritorious of any Man's Salvation.
4. That it was a poor thing to live upon the Blood of Christ; and fetching it over again, in a contemptuous kind of speaking, *Pish*, said he, *thou art a Babe, thou knowest nothing; to live upon the Blood of Christ, is a poor thing.*
5. That one speaking to him of the glorious Persons in Trinity, he reply'd, *Persons in Trinity! Pish, there is no such Thing.* And again, *There is no such thing as Persons in Trinity.*
6. That it was a Weakness to be troubled for Sin.
7. That he might say any thing to the Men of the World.
8. That he asserted he knew nothing to the contrary, but that a Man might company with more than one Woman; being taxed with keeping carnal Company with a Woman in *London*.
9. That he hath very frequent and familiar Converse with Angels.
10. That a great Dragon came into his Chamber with a Tail of eight Yards long, four great Teeth, and did spit Fire at him: and that he contended with the Dragon.
11. That his own Angel came and stood by him while he was expostulating with the Dragon; and the Angel came in his own Shape and Fashion, the same Clothes, Bands and Cuffs, the same Bandstrings, and that his Angel stood by him and upheld him.
12. That Mrs. *Pordage* and Mrs. *Flavel* had their Angels standing by them also, Mrs. *Pordage* singing sweetly, and keeping time upon her Breast; and that his Children saw the Spirits coming into the House, and said, Look there, Father: And that the Spirits did often come into the Chamber, and drew the Curtains when they were in Bed.
13. That the said Mr. *Pordage* confessed, that a strong Enchantment was upon him, and that the Devil did appear to him in the Shape of *Eve-rard*, and in the Shape of a fiery Dragon; and the whole Roof of the House was full of Spirits.
14. That Mrs. *Margaret Pendar* acquainted with this Doctrine of Spirits, and pretended to be converted by Visions of Angels, doth think that she was bewitched by them of *Bradfield*.

*Her Confession.*

SHE was taken ill upon Wednesday in the Afternoon, in *July 1653*. About Nine of the clock the same Night, there appeared the Vision of a Man standing at her Bed's-foot: on Thursday the next Day he had a Book in his Hand,

Hand, and stood by her all that Day and said nothing. On Friday it spake audibly unto her, saying, Why art thou so discomforted; I answered, *A wounded Conscience who can bear?* He replied, He that hath wounded thee, will make thee whole. I spake much of my own Unworthiness; he answered, There was worth in Christ, and he had paid a Ransom for me. Then he told me, that that Book in his Hand, was the Book of the Lamb, and that my Name was written in it. I saw the Book, a broad Book with a Parchment-Cover; and I saw Writing in it, and then was I lifted up with a great deal of Joy. And about Four of the clock the same Friday, the dark Angel came and stood by the other Vision, with a Knife in his Hand, and said, Thou hast had a great deal of Joy; and offering her the Knife, bid her dispatch herself, and she should enter into that eternal Rest her Soul so much thirsted after. Upon this she trembled, the Bed shook, and my Mistres held me.

The same Friday I had Visions presented upon the Wall; I saw the World, and the Resurrection of the Dead, and the Son of Man appearing in the Clouds of Heaven.

She saw clearly the Vision of a Friend of hers in London, in her Chamber at *Southcot*; her Friend was much inclined this way: she much wondred at it, and told Mrs. *Pordage* of it; who answered, Alas! so do we see abundance of those we never knew before, when once they come into our way.

On Saturday Dr. *Pordage* came to her, being sent for, and prayed in a very strange Language, she did not understand well what he said; she heard him say, Lord; but nothing of Jesus Christ, but the Abyss and bottomless Eternity.

She heard a great Noise of Drums and Trumpets. She asked the Doctor what the rattling of Drums and Trumpets meant? He answered, It was an Alarm to the spiritual War.

One of the Nights she saw the Vision of young Mr. *Daniel Blagrove*, which came to her Bed-side; she took him by the Hand, and it felt cold. She asked the Doctor what it meant? He answered, The Coldness of the Hand did signify his beginning to be cold to Vanity.

She asked Dr. *Pordage* what the Visions meant? He answered, They durst not reveal one another's Visions; he did not question but God would discover himself, and reveal wonderful things to me.

She was from Wednesday Noon till Monday Noon, and did not eat one piece of Bread, but sometimes a little Water and Sugar; and she saith she was not sick at all, after the first two Hours: and when she was about to eat, she heard a Voice come to her; *We are not to live upon Bread, but upon every Word of God:* And upon that Voice she did not eat.

She saith, that she hath oftentimes seen at London Flashes of Light in her Chamber, and at last heard a Voice which put her into a very great Fear and Sweat, saying, Thou hast married a Lump of Clay; but thou must return to thy first Husband, who is thy Saviour, and thou must go to *Joppa*.

And upon this she was convinced that these Visions were of the Devil, because the Voice was clean contrary to the Scriptures. She saith, that she hath heard it reported at *Southcot*, That ere long Dr. *Pordage* should have Power from

him to bestow saving Graces on whom he pleased: as also, that Marriage was the way of Beasts.

*Francis Knight of Wallingford* saith,

That discoursing with some of *Blewberry*, that use to go to Dr. *Pordage*'s, they spake very much against the Lawfulness of Marriage; he wondred at it, and ask'd them whence they now came? They answered, We came just now from the Doctor's from *Bradfield*.

16. Doctor *Pordage*'s Chamber at *Bradfield* hath sometimes been almost filled with Spirits.

17. That Doctor *Pordage* preached, That Water-Baptism was not the Ordinance of Jesus Christ.

18. That about *Michaelmas*, in the Year 1653, he was commanded by his Angel, or from Heaven, to give off preaching, and take no more Tithes; but since he conceives he hath had a Dispensation.

19. That in *July* last, 1654, he was to be taken up into Heaven; and it is said by some, he hath been there, and dismissed again about his Business.

20. That in the midst of these Visions he is scandalously covetous.

21. That he cursed the People at *Bradfield* in his Pulpit, and their Posterity for ever in this World, and in the World to come.

22. That he preached at *Bradfield*, and afterward did labour to defend it pertinaciously, That the little Horn in *Dan. vii. 8.* was Christ; and being told that the little Horn made War with the Saints, yet he persisted to say it was Christ; and endeavoured to make his Hearers believe that he was falsely charged.

23. That he saith Goodwife *Pocock* singeth the highest Hymns very sweetly; that she knoweth not a word when she begins, but is taken with a burning about her Heart; and when she hath done, she cannot repeat a word of it, if it were to gain the World.

24. That Goodwife *Pocock* lately came to Colonel *Evelyn*, and told him, she had a Word to him from God, viz. Have nothing to do with that just Man.

25. And that on or about the tenth of this Month Dr. *Pordage* sent to invite Mr. *Snelling*, and his Wife and Children, to come to the Doctor that Day; and the same Day Mr. *Snelling* and his Wife did go to the Doctor's House; and when he came, Mr. *Snelling* desired to know wherefore he sent for him? Dr. *Pordage* told him, to go with him and meet his Bridegroom. And then Mr. *Snelling* told the Doctor he knew not what he meant, and so departed. And the next Morning Mr. *Francis Pordage* met with Mr. *Snelling*, and told him he had lost his Part in Heaven, being he did not wait upon the Doctor at that time.

26. That Dr. *Pordage* sent his Man *Bolt*, in a very rude and uncivil manner to fetch Mrs. *Forster* to his House; that she being frightened at the Message, and enquiring to what end she was sent for, the said *Bolt* answered, She should there see the Heavens opened, and the Colours flying in the Air, and hear the Drums beat, and the Trumpets sound.

27. That Mr. *Forster* going to the Doctor's House, he told him at his first coming in, that he should see such things, as if he were Empe-

ror of a thousand Worlds, he would give them all to see it. After asking him for his Wife, and he answering, She was not well, and could not come, the Doctor called to them to send forth a winged Messenger to fetch her, for she must come.

28. That two days after, one Goodwife *Pocock* coming from thence to Mr. *Forster's* House, and they enquiring of her, what was the cause of those Behaviours in the Doctor's Family? She answered, They had a foul Spirit sent amongst them, and the Doctor had fought many Hours with the black Power, and had overcome it; for which she should ever think him a bright Man: That all his Family had been strangely acted, the Power taking them, some in their Legs, and others in their Arms, and that then they spake very glorious things.

29. That Mrs. *Flavel* was in a Trance, and when she came out of it, spake many precious things which she had seen in that Trance; what was the Philosopher's Stone, that so many Learned Men had sought after, which she knew to be the Divinity in the Humanity: and many other things to the same effect.

*Further Articles preferred against Dr. John Pordage, Minister of Bradfield Parish, by some of the Inhabitants of the same Parish.*

1. **T**HAT Dr. *Pordage*, about eight Years past, did carry Mrs. *Flavel* behind him on horseback on the Road to *London*, and about *Hounslow* did enquire for a private House, and was directed to one Goodman *Loader's* a Smith, who lives in *Hessen* Parish, half a Mile out of the Road between *Hounslow* and *Brentford*; and when he came, asked if his Friend behind, being sick, might have Entertainment? 'Twas answered, Yes. Then the Doctor left her there, but never owned she was with Child, till she was in travail.

2. Mrs. *Flavel* in a short time fell in travail, and then desired no Company might be called in; yet the Woman of the House, Goodman *Loader's* Wife, called in three or four.

And Mrs. *Flavel* was then brought to bed of a Daughter, having then no Husband that the World knew of, Mr. *Flavel* being dead.

3. That Dr. *Pordage* came to that House, and christened that Child, and named it *Hannah*; and the Doctor came often to visit her there, and always alone by himself.

4. That the Child being put to nurse in the same Parish, the Doctor moved Mrs. *Flavel* to *Kensington*, and paid the Smith for her being at his House: That a little while after the Nurse went to *Kensington* to enquire for Mrs. *Flavel* to pay her some Money; but she was removed: and the Nurse saying, she left a Child with her, the Company smiled, and said, They thought she was such a Woman.

After this, the Nurse's Husband wrote a Letter to the Doctor to *Bradfield*, that he was twenty Weeks Pay behind, and could not forbear; whereupon he was paid: and shortly after sent for the Child away from the Nurse's.

5. That a little while after, this Mrs. *Flavel* came again to the Doctor's Family, and a little Child called *Hannah*, it was also brought thi-

ther; and Mrs. *Flavel* took the care of it ever since. And Mrs. *Flavel* being by Neighbours asked whose Child it was? said, a dear Friend of hers: but none could ever hear in the House whose Child it was. And some telling Mrs. *Flavel*, that the Child was so like her, that they should take it to be hers, had she not said the contrary; she answered as before, 'Twas a dear Friend of hers, but never named whose.

6. That this Child, who was called *Hannah*, this last Summer they changed her Name, and called her *Ruth*; they have also changed all their Names: The Doctor is called Father *Abraham*, his Wife is also called *Deborah*, and old Goodwife *Pocock* is called *Rahab*, and so the rest.

7. That Goodman *Loader's* Son being a Soldier, saw Mrs. *Flavel* in *Bradfield* Street, and spake to her, but she took no notice of it. Afterward Mrs. *Flavel* coming to his Father's House, his Mother in Discourse asked, Whether she lived at *Bradfield*? Mrs. *Flavel* answered, She knew no such Place, I will call my Son in, who saw you there. Mr. *Flavel* said, People be given to lying, and would not have him called; and presently called for her Horse, and went away, tho' before she had resolved to stay all night: and never since was there, except since the Doctor hath been questioned.

31. That Doctor *Pordage* is extreme covetous, and hath exacted five shillings at a time to marry one Man, or else told him he would not marry him. The Man told him, He could not justly demand so much: The Doctor answered, Without five Shillings he would not marry them; and took five Shillings.

32. That his Preaching doth not tend to Edification.

33. That he is a very ignorant and insufficient Man for the Work of the Ministry.

September 9. 1650.

34. I came into *Bradfield* Parsonage in the Evening, and there I heard a very mournful Cry, as if it had been one in extreme Pains; but what it was I know not; for it continued all the time I was at the Door, which was well near a quarter of an Hour; and so it continued when I went away. And then the 10th Day in the Morning I came unto Mr. *Francis Pordage* at the Parsonage of *Stanford-Dingley*; and he enquired of me what I did think of the Noise that I heard? I told him I could not tell. Then he related to me, that the Lord was about a great Work in this Kingdom, and to this Nation; and the Cause of this Cry was one in travail: and the Pain was so extreme, that had I staid there a little longer, I might have heard it as far as the Town; but now she was delivered of a Manchild, and the Travail was at an end, and that he and others were Eye-Witnesses to it.

*The Testimony of Richard Seward.*

35. That in Dr. *Pordage's* House in *Bradfield*, lately the New *Jerusalem* hath been seen to come down from Heaven, all of precious Stones; and in the New *Jerusalem* was 2 Globe, which Globe was Eternity; and in that Eternity were all the Saints.

36. That at the Doctor's House the Face of God hath been seen; not as *Moses* saw him, but the very Face, as one Man may see another's.

37. That

37. That one being in the said Doctor's House in a Trance, the said Doctor's Daughter being by her, said, That she saw two Angels all in white, with Crowns over her Head.

*The Examination of Goodman Seward concerning Mr. Pordage.*

THIS Deponent saith, That Mr. Pordage did affirm Marriage to be a very wicked thing, contrary to the Word of God. Goodman Seward telling the aforesaid Mr. Pordage, that a Friend of his had buried his Wife, and intended to marry again; Mr. Pordage replied, That it was a very wicked Act, and wondered at it. The Deponent replied, That he took Marriage to be an Ordinance of God. Then demanding if his Wife should have died, what he should have done? He replied, Would you be so wicked as to marry? This the above-mentioned Deponent will aver with his Oath.

*A true Copy, examined by*

Matth. Langley Regist.

After he had done, it seemed not enough to him to have read such a horrid, scandalous, confused Charge to the People against me; but he proceeded to speak to them, desiring them to take notice what a strange Person I was, representing me to be guilty of Blasphemy, Devilism, and of Loosens in my Conversation; promising to prove that Charge of Articles, or to be counted a Slanderer. After which prevaricating Speech he suddenly departed.

After I further urged the Commissioners to hear the Testimony of my Witnesses, in reference to the first Charge of Articles, that so it might be dispatched, that so I might be freed from the Trouble of answering so many together, which would unavoidably bring Confusion and Disorder to mine and their Proceedings. I further shewed, that according to their Appointment, my Witnesses were present and ready, desiring them to consider that I had been at Trouble and Charges in bringing them; and that I must unavoidably be at more, if they would not then hear them: Notwithstanding this, they denied to hear them at that time, calling for two Witnesses which they had summoned to attest my second Charge of Articles. Here I desired, that as my Charges had been openly read to the People, so the Examination of the Witnesses might be open, that so the People might as well hear the Proof as the Accusation: but this could not be granted. Then I requested that I might be present; this was also denied: So two Witnesses were privately examined to the second Charge, whose Examination concluded that Day's Transactions, in reference to me; and I received an Order to appear before them again the 22d of November, at the Bear in Reading.

Berks. By the Commissioners for Ejecting of Scandalous Ministers, November 2, 1654, at the Bear in Speenhamland.

Ordered, That Dr. Pordage of Bradfield (now present) do appear again before us on Monday the 22d Instant at the Bear in Reading, and

that he then give in his Answer to the further additional Articles now exhibited against him. And it is further ordered, That the said Doctor do then produce his Witnesses, and bring in his Interrogatories in Writing, upon which he will examine the Witnesses in his Defence, or cross-examine them, produced for Proof of the several Charges against him.

On the Day prefixed I appeared at the appointed Place; the Commissioners then sitting, being Mr. Dunch, Chairman; Major Fincher, Mr. Trapbam, Mr. Stroud, Mr. Cook, Mr. Nutkins. The Ministers, Mr. Fowler, Mr. Lee, Mr. Woodbridge, Mr. Tickle, Mr. Herwes, with two more.

Just as they were going to Dinner, I was called in, and asked for my Answer to the last Charge of Articles: I told them it was ready, but I should be very long in delivering it; but if they thought fit, I would give it in before Dinner. At this, one Mr. Trapbam, a Chirurgeon and Commissioner, began to be very rough, pressing me to give in my Answer, and to leave it with them. I replied, That it was in my power whether I would give it in in Writing only, or by Word of Mouth, and that I resolved of the last. So I was commanded to withdraw.

After Dinner, being called in again, I read this Answer following, and then delivered it to them in Writing.

My Answer to the third Charge of Articles, I present in this Form following.

I Shall first present something by way of general Preface, and so descend to Particulars.

In the first place then, I look upon the first Articles charged upon me by young Mr. Tickle, to be as the casting of my innocent Person, with Daniel, into the Lion's Den: But those Articles, as the Mouths of the Lions, I conceive, were stopped, so that they could not hurt me, because the Authority and just Proceedings of two former Committees, authorized by Acts and Ordinances of Parliament, with some other legal Privileges, had sufficiently muzzled the Mouths of those Lionish Articles.

And as for the second, subscribed by an unknown Name, I believe there hath not been, nor cannot be any thing proved, which may render me obnoxious to any legal Guilt.

As for my third Charge brought forth by Mr. Fowler, who is both my Accuser and my Judge; I look upon it, as the Design of the Evil One, to cast me, with the three Children, into the hot fiery Furnace of unparalleled Wrath and Envy: for I know it will one Day appear, that these Articles were raked together from a Spirit of Bitterness and Spleen, which seem to me as the Furnace heated seven times hotter by the Fire of Wrath, to burn up and consume my Name, Liberty, Estate and Posterity.

But be it known unto you, O you Judges and Commissioners! I am not solicitous what the Event may be; I know the God whom I serve in the Integrity of my Heart, who is *Jehovah*, the true and only God, is able to deliver me from this hot fiery Furnace, and to punish those who cast me in: But however God as yet may order and dispose of me, in reference to the Execution

ecution of my Enemies Intents, I believe my strict and holy Conversation, with my holding forth what God in the Riches of his Grace bestowed upon me, will clearly demonstrate that I am no such Person, as the false and unworthy Aspersions of these Articles represent me to be.

As to the particular Articles (which are raked together in much Confusion, without reducing of them to their particular Heads, of Scandal or Insufficiency, many of them being incapable justly to be referred to either) I thus begin my Answers.

Art. 1. **T**HAT the Righteousness of Christ was a poor, vain, supple's Righteousness.

1 Part. *Ans.* This Article was in my former Charge, and I was cleared of it by two Committees, who had power legally to acquit me, even as they did.

2 Part. *Ans.* I do cordially acknowledge, That Christ's Righteousness is not a poor and supple's Righteousness, but very precious, being the material Cause, and spotless Robe of a Christian's Justification; and that every Saint ought to be found in this Righteousness of Christ in point of Justification, and not in his own Self-righteousness.

3 Part. *Ans.* I deny that ever I spake such Words, without some Limitation; which Limitation, if annexed, would free me from any Guilt resulting from such Expressions: and tho' any one should swear I spake those Words, yet that could not render me justly guilty, it not being declared what preceded, or what followed in the Series of my Discourse. And I have many Witnesses sufficiently known, and pious, who being constant Hearers of me, have testified by Oath, and will upon occasion again, that the Scope of my Ministry drives not against the due Application of Christ's Righteousness to the Souls of Believers, but against the misapplying it to those who have not the Spirit of Christ living in their Hearts, purifying their Consciences, and subduing their Lusts.

Art. 2. *That Jesus Christ was not perfect*; alleging that Scripture to confirm it, *My God, my God, why hast thou,* &c.

1 Part. *Ans.* I do nakedly, without any Veils, profess that I ever did, and still do look upon Christ as a most perfect Copy and Pattern to square our Lives and Conversations by; yea, and to be a perfect Mediator, in reference to that Work he undertook for the Redemption of the World, being free from the least Tincture either of original or actual Sin: and truly the Thought of any such thing never lodged in my Heart.

2 Part. *Ans.* But suppose I uttered such Expressions as these, yet the manner of it will sufficiently free me from that Guilt my Accuser may hope, and believe I am obnoxious to by it: I confess I uttered these or the like Words, yet it was only by way of relating what I heard in a Sermon of Mr. Erbery's in *Somerset-House*, who at that time endeavoured to enumerate Christ's (supposed) Imperfections, whereof he made his crying out upon the Cross, in those Expressions, one. Now I leave it to your Considerations, whether my relating to some that are wise and knowing, what I heard from another, with much Grief to my Soul, makes me any way culpable or guilty.

Art. 3. *That the Blood of Christ was not meritorious of any Man's Salvation.*

*Ans.* I call Heaven and Earth to witness, that such Thoughts never entred into my Soul; nor did such Words ever come out of my Mouth: For my Judgment ever hath been, and still is, that the Blood of Christ is satisfying, reconciling, cleansing Blood; that it is interceding, redeeming, meriting Blood, in relation to all those who through Faith and Patience come to inherit eternal Life.

Art. 4. *That it was a poor thing to live upon the Blood of Christ; and fetching it over again in a contemptuous kind of speaking, Pish, said he, thou art a Babe, thou knowest nothing; to live upon the Blood of Christ, is a poor thing.*

1 Part. *Ans.* I acknowledge that about four Years since such Expressions were uttered by me to one Mrs. Grip; but without any such Intent as may be supposed by my Accusers, and not with that circumstantial Aggravation of repeating it in a contemptuous manner, which is but a Supposition of my Adversary, and cannot be attested by an Oath, without this Witness pretends infallibly to know my Thoughts and Purposes.

2 Part. *Ans.* Again, this being spoken to a particular Person, on a particular Occasion, might be true, if the Circumstances of the Discourse were accordingly added; though as here presented it seems very monstrous.

3 Part. *Ans.* Therefore to make things clear, I shall here insert some particular Circumstances, which may present this Article, though in a new, yet true Face. I coming to Mrs. Grip's House, she took me into a private Room to have some Conference with me alone, where she brake forth into a violent Passion of Tears, weeping, and wringing her Hands, and pouring forth bitter Complaints and Invectives against Mr. Fowler, as that he was a graceless Man, a Lyar, a Slanderer, not worthy to come up into a Pulpit, or to have the Name of a Minister of Christ, with other such bitter Expressions. The Cause of which was, as she then told me, Mr. Fowler's reporting about, That she then lived in Adultery. And after her Passion was somewhat allayed, she brake forth into these or such like Expressions of high Assurance; Christ hath loved me, and died for me, and justified me by his Blood, from all Guilt of Sin; I am an elect Person, a justified Person; and what is this Fowler to charge Sin upon me? These and other Expressions fell from her to this purpose: from some of which, I feared she was drenched with Antinomianism, and told her more than once, it was a poor thing to live upon the Blood of Christ, and to look so much upon that, except she had the Nature of Christ, and the Spirit of Christ; asking her, where was the Meekness of Christ, and the Patience of Christ, to suffer as an innocent Lamb quietly? But still she crying out, she lived on the Blood of Christ; I told her, it was a poor Thing to be thus exalted with Notions of the Blood of Christ, without mentioning Sanctification, and those holy Graces which flow from Christ's Nature dwelling in the Soul. Now by these Expressions of mine, my Scope was to make Mrs. Grip see the Necessity of Sanctification, and of a pure and holy Life, and not to make void the blessed Effect of the Blood of Christ, applied according to the Mind of God, and the true Meaning of the Scrip-

Scripture. And now having related the Circumstances as near as I can remember, I believe a sober and knowing Christian will not judge me either scandalous or ignorant for these Expressions.

Art. 5. *That one speaking to me of the glorious Persons of the Trinity, I replied, Pish, there is no such thing as Persons in the Trinity.*

1 Part. *Ans.* I do here profess and avow from the Sincerity of my Heart, that I believe the Trinity of Persons as an Article of my Faith, viz. That there are three Persons distinct from each other; the Person of the Father, the Person of the Son, the Person of the Holy Ghost, yet not so as to prejudice the Unity in Essence; and I so believe the Unity, as not to confound the Trinity of Persons.

2 Part. *Ans.* I never uttered such Expressions in that way, as to give any just ground of Suspicion of my denying the Trinity. But I remember, about four Years since, being before the Committee of Berks, Mr. Fowler, or Mr. Gilbert, I remember not which, desired the Committee to give them liberty to ask me two or three Questions: Amongst the rest, they asked me whether there were three Persons in the Deity. I answered them, I believed the Trinity as it is recorded in 1 John v. 7. *There are Three that bear Record in Heaven, the Father, the Word, and the Holy Ghost.* Thus you see I believe the Trinity. But do you believe the Trinity of Persons, said they? I replied, I find not the Term *Persons* in the Text; but to put you out of doubt, I do not stumble at the Word *Person*. And this afterward I told to the above-mentioned Mrs. Grip, in a private Conference some Years since; to whom I affirmed, that I found no such Expressions as Persons in Trinity in the Scripture; and that the Word *Trinity* being a School-Term, was very difficult to be apprehended by common Capacities. But I never spake thus to prejudice the true Notion of the Persons in the Sacred Trinity, which I do cordially believe; but only to shew that ordinary Christians should not be too curious in prying into that deep Mystery of the Three Persons in the Trinity, but rather content themselves with what the Scripture plainly affirms of the Father, Son, and Holy Ghost, as distinct, yet one. But to conclude this Answer, pray consider what hard Measure it is, thus to pick a broken Sentence out of a long Discourse, and so to accuse one without relating the Circumstances which might serve to clear what otherwise may seem very strange to prejudiced Persons.

Art. 6. *That it is a Weakness to be troubled for Sin.*

*Ans.* I do not remember that any such Expression as this ever dropped from my Mouth, either publicly or privately; and I am persuaded that no one dare assert it with an Oath: Which if they did, would not make much to the purpose; for with a charitable Qualification it may be thus made forth, That it is a Weakness for one to be troubled for Sin, who hath the Assurance of God's Love, his Sin pardoned, his Person justified, sanctified, and his Will converted from, and crucified to Sin: For such a one should be triumphing in the Power of Faith and Love, enjoying sweet heavenly Communion with God,

and saying, *O Death, where is thy Sting? And there is no Condemnation to them that are in Christ Jesus, who walk not after the Flesh, but after the Spirit.* Whereas Trouble for Sin thus pardoned and mortified, may be an Engine of Satan to make a Soul question God's Love, and to bring it out of a blessed spiritual Enjoyment of God, into a slavish Fear and Disturbance.

Art. 7. *That he might say any thing to the Men of the World.*

1 Part. *Ans.* I answer, To the best of my Remembrance, I never uttered any such unchristian Maxim, much less ever held it as my Judgment; and I confidently believe there is no one on the Earth that dare witness it with an Oath.

2 Part. *Ans.* I know very well that Mr. Fowler hath been, if not the Author, yet the Reporter of my holding this monstrous Tenet; for he hath confidently averred, and often insinuated into some of the Gentry of this County, and into his own Profelytes, that I am a Familist; and that it is my Principle to say or unsay any thing that may make to my own Advantage. Which God knows is a sad Scandal, and a monstrous Untruth; and clearly appears, to those who know the Integrity of my Principles and Conversation, to be a Blur cast upon me from the Contrivance of subtile *Machiavellian* Policy, to prejudice all I say or answer to those horrid Things objected against me: For if this be once settled in those who are my Judges, it is vain for me to answer, deny, or avow any thing. But the Lord forgive my Adversary for this his unchristian Dealing, and grant he may repent of it before he comes to give up his last Account before the great Tribunal of Christ.

Art. 8. *That I asserted I knew nothing to the contrary, but that a Man might company with more than one Woman; being taxed for keeping carnal Company with a Woman in London.*

*Ans.* I never kept scandalous Company with any Woman in London; neither was I ever taxed for any such thing, except once by Mrs. Grip, who I believe is the Witness against me; and that upon this Occasion:

At the time I had my former Conference with her, the Heat of her Passion being over, she told me that I was also taxed for keeping of carnal Company with a Woman in London. I replied, I am a Man born to all kind of Sufferings; and told her, that she saw and knew the manner of my Conversation; asking her whether she believed it. And she answered, No truly. And then I solemnly protested the contrary. And this is all the Taxing I ever had from any one. At which time I was earnest with Mrs. Grip to discover to me from whom she heard it: But she put me off, telling me she did not believe it, and that she would tell me some other time. But from that long Discourse I had with her, fearing, as I said before, she was deeply tainted with the Principles of Antinomianism, and not knowing whether she might not be tainted with some Notions of Rantism, which at that time were every where frequently discoursed of, I took this Occasion to try her; telling her (as near as I remember) that there were some that affirmed they knew nothing to the contrary, but that a Man might company with more than one Woman. But, to speak the Truth, she let it fall,



fall, without seeming to approve of any such thing. And this I solemnly avow to be the Truth, as near as I can remember. And I believe Mrs. Grip dare not swear that I maintained any such thing as my Judgment, or produced one Scripture or Argument to defend it.

I profess to the whole World, in the Presence of that Eye that seeth through all Hearts, that all such loose Principles, which turn the Grace of God into Wantonness, and that run opposite to the Laws of Morality, Civility, Modesty, and Sobriety, or that any ways indulge Wantonness and Lasciviousness, are as inconsistent with my Principles as Heaven and Hell, Light and Darkness, are opposite one to another; which will one Day clearly appear to the World, whatever I am now thought of.

Art. 9. *That he hath frequent and familiar Converse with Angels.*

*Ans.* As this Article is presented in general Terms, without expressing whether the Communion be visible or invisible, I do not see how it can touch me, tho' my Enemies were my Judges; because every true Christian hath frequent Communion or Converse with Angels, as you may see solidly and clearly proved from Scripture by the Lord Lawrence, one very learned and pious, now President of the Lord Protector's Council, in his Book, entitled, *Our Communion and War with Angels.*

Art. 10, 11, 12, 13. *Concerning the Vision of a Dragon, and the Apparition of Spirits.*

*Ans.* 1. I may deny these four Articles as they are taken together, and expressed in those Terms, and in that manner in which they are set down in my Accusation; for I believe none dare swear the Measures and Teeth of the Dragon with the Appearance of my own Angel, &c. without the Crime of Perjury.

*Ans.* 2. I will not confess any Apparitions in particular till they be proved, lest I should seem to accuse my self; they being brought in as a Crime against me, and as Instruments to condemn me.

Yet in general I acknowledge, that some four Years since there were many strange and wonderful Apparitions seen in my House. But what can these in Justice amount to, though attested by Oath, and confessed particularly by my self, when brought before those who profess themselves Christians, and acquainted with the History of the Holy Scriptures? Pray was not Job a pious, sincere, and eminent righteous Man? Yet how was he scared with Dreams, and terrified through Visions? *Chap. vii. ver. 14.* Did not Zechariah the Prophet (*Zech. iii.*) see Satan standing at the Right-hand of Joshua to resist him? Did not John (*Rev. xii.*) in a Vision behold a great red Dragon, that made War against Michael and the Holy Angels? And was not Christ himself tempted of the Devil by Voice and Visions? *Matth. iv. 6, 8.* Now the Servant is not greater than the Lord, John xv. 20. and therefore not exempted from the like Attempts of the Devil. I beseech you consider whether this Earth be not the Place where the Devil walks up and down, seeking whom he may devour? How then can Bradfield, or any other Place, be exempted from his appearing, when God permits? And may not all this be for the manifesting of his Glory, Goodness, and Power? And who can tell whose Family may be next exposed, by God's Permis-

sion, to be tried and proved by the Representations of Satan? And I desire you seriously to consider how any such Apparitions, raised by the Devil, and permitted by God for his own Glory, argue me either scandalous, ignorant, or insufficient? Surely it rather argues that he hath blest me with a strong Faith, in that he permitted such great Trials, and made me instrumental to overcome them by Prayer and Fasting. If it can be proved that I ever so much as looked toward the unlawful Art of Black Magick, or that any evil Spirits were raised up by any Compact of mine, explicate or implicate, or that those of evil Apparitions were subdued and overcome by any other Means than by God's Blessing upon our Fasting and Prayers; I shall judge my self worthy of Punishment. But otherwise it is hard Measure to be prosecuted and prejudiced for the Malice of the Devil towards me, inflicting what I was passive in, and could not help; especially by those who profess the Christian Religion, and know that the God of Heaven rules over all, permitting and disposing of whatever comes to pass.

Art. 14. *That Mrs. Margaret Pendar doth think she was bewitched by them of Bradfield.*

1 Part. *Ans.* Here is a long and tedious Relation, in which Truth and Untruths are mixed together: The whole Structure of which Relation, so far as it concerns me, depends upon this weak Basis and Foundation, That she thinks she was bewitched by them of Bradfield. But what a sad thing is this, for my Accuser to impeach me for that which might endanger, if true, my Estate and Life, upon the Thoughts of a discomposed Maid? Because she thinks I sent those Visions, therefore I must be thus arraigned. But, for my part, I do not believe she dare say so, much less swear it, having no ground at all for it.

2 Part. *Ans.* I shall briefly relate some Circumstances which concern this Business, and may serve something to clear it up. Before these Visions of hers, I had never seen her, as I know of, nor exchanged so much as a Word with her. In the time of her Visions, Mr. Daniel Blagrove, whose Servant then she was, came for me himself, to fetch me to his House to visit her. To which Motion I yielded, being suitable to the Law of Christian Charity. And when I came, I had no Conference with her but in the presence of Master and Mistress Blagrove, with others that were then present. And from this Visit there arose a Rumour that I was a Conjuror, and a Sorcerer: Which Report was spread abroad by two that carry the Name of Ministers of Christ, Mr. Fowler and Mr. Ford. The last of which so exceeded the Bounds of Charity and Christian Moderation, as in his Sermon, at the Assizes, to call me a horrid Blasphemer, asserting that the Devil was as visibly familiar in my Family as my own Servants; and so excited the Magistrates to persecute me.

3 Part. *Ans.* As for those Untruths which are mixed in the Relation, I shall not trouble my self to answer them; for I know when they come to be sworn to, and to be cross-examined, they will appear to be the fulfilling of that wicked Maxim, *Calumniare aud. Etur aliquid habebit*; Calumniate and asperse boldly, something will stick. Which being a Piece of Jesuitical Policy,

Policy, hath been practised by my Accuser in this confused Rhapsody of Articles.

*Articles of one Francis Knight of Wallingford.*

Art. 1. **T**HAT some of Blewberry, who spake against Marriage, said they came then from my House.

*Ans.* I hope I have enough to do to answer for my self; what need the Assertions of others be alledged as Articles against me? They speak against Marriage, having lately been at my House, therefore I must be guilty of it: Surely this Consequence is neither according to natural, artificial, nor divine Reason.

Art. 2. *That my Chamber hath been filled with Spirits.*

*Ans.* I hope none will be so unadvised as to swear to this Article, being Spirits are immaterial, and cannot take up place, or fill a Room.

Art. 3. *That I preached that Water-Baptism was not an Ordinance of Jesus Christ.*

*Ans.* It was never so preached by me. All that I then affirmed was this; That Water-Baptism could not be proved to be the Ordinance of Christ, by way of Eminency so called, from that Text of Scripture, *Matth. xxviii. 19. Go teach all Nations, baptizing them in the Name of the Father, Son, and Holy Ghost:* For that Baptism may very well be understood of the Baptism of the Spirit, which by the Disciples was instrumentally administer'd to all Converts. Yet I denied not Water-Baptism to be a Gospel-Ordinance, instituted by *John*, as the chief Instrument under God, from whom he received his Commission. And that this was the Sum of what I then preached, I can prove by Oath.

Art. 4. *That about 1653, I was commanded by my Angel, or from Heaven, to give off Preaching, and to take no more Tithes; but that since I have had a Dispensation.*

*Ans.* I believe no one, that hath the Fear of God before his Eyes, dare attest this Article by Oath, which is here stated. This is Answer enough to such a Thing, which is merely brought in as an *Odium* by my Accuser, the more to prejudice me.

Art. 5. *That in July 1654, I was taken up into Heaven, &c.*

*Ans.* If *Paul* were now upon the Earth, he were in danger to be accused by my Accuser, for his Rapture into Heaven or Paradise. But this concerning me will prove but some idle Dream, created by somebody's Fancy to make People wonder at me.

Art. 6. *That I cursed the People of Bradfield in my Pulpit, and their Posterity for ever, &c.*

*Ans.* This Article was one of those heard and examined four Years since by the Committee of Plundered Ministers, from which I was acquitted by them; these Witnesses, *viz. Richard Luinton, John Hambleton, Mary Pocock, Richard Holmes,* with four more, attesting by Oath that I did not curse the People of Bradfield, so as is expressed in the Article. The Testimony of these Witnesses was this: That they being present September 29, the Doctor expressed himself thus: *Bradfield is a Place partly made famous, partly infamous, by reason of the false and lying Reports that are abroad: But I say, Cursed be the*

*Tongue and Mouth that shall say, That what is done by the Power of God, is done by the Power of the Devil.* What one Parishioner is here cursed by me, except any one's Conscience accuseth him of the Guilt of that forementioned Blasphemy.

Art. 7. *Concerning the little Horn mentioned Dan. vii. to be Christ.*

This Article was four Years since exhibited against me, from which I was discharged by the Committee; *Richard Higs, John Higs, and Richard Luinton,* attesting on Oath that I paraphrasing on the Seventh of *Daniel*, and speaking on the little Horn, said, That some Interpreters would have the little Horn in the Letter to be meant of *Antiochus Epiphanes*, a bloody and persecuting Tyrant; others think the little Horn to be the *Turk*, who is a great Persecuter of Christians: But in the Mystery, in regard of its Power, we will apply it to the Power of Christ in a Christian, who is often in Scripture resembled to the Horn of *David*, and to the Horn of Salvation; and that upon three Considerations:

*Consid. 1* In regard that Christ's Power in the Soul doth appear to be a little Horn, a small despised Instrument to Sense and Reason; for Flesh and Blood look on it as a poor Instrument; in regard of bringing down the Strength of Sin in us.

*Consid. 2.* In regard of Sin and Satan, who laughs the Power of Christ in the Soul to scorn, yet before him his accursed Kingdom must fall.

*Consid. 2.* In regard its Birth and Beginning in the Soul is at the first a very little Grain of Mustard-seed, yet in due time it will destroy the Kingdom of Sin, and set up the Kingdom of Holiness in us.

Having thus drawn away the Veil from this Article, I hope it appears with a more tolerable and innocent Face.

Art. 8. *Concerning Goodwife Pocock's singing Hymns and Spiritual Songs.*

*Ans.* She acknowledgeth it as her Gift bestowed by God, being according to the Gifts of Christians in the primitive Time. But this doth not directly concern me.

Art. 9. *Concerning the same Person's coming to Colonel Evelyn's, and saying she had a Word from God, viz. Have nothing to do with that just Man.*

*Ans.* She owneth these Words, and looks upon me as a just Man, and a true Christian; and believeth that Colonel *Evelyn* will one Day know she gave good Counsel upon good Grounds.

Art. 10. *Concerning Mr. Snelling and his Wife coming to my House, &c.*

*Ans.* This Article hath as little of Truth as Sense or Force to prejudice me; and I believe none will be found to swear it: However, I think it not worthy of a larger Answer.

Art. 11, 12. *Concerning the sending of my Man Bolt in an uncivil manner for Mr. Forster, with his speaking of strange things there to be seen, and of my telling Mr. Forster he should see very wonderful Things, &c.*

*1 Part. Ans.* These Articles were heard, and I acquitted four Years since by the Committee of Plundered Ministers, and are of so little Consequence, that they might well have been omitted, but

but that my Accuser thinks he hath never enough against me.

2 Part. *Ans.* I believe Mr. Forster dares not swear to these Particulars, some of which are very untrue.

3 Part. *Ans.* The forementioned Robert Bolt asserted on Oath that I sent him not with any Message, but that it was his Mistress that sent him to desire Mr. Forster and his Wife to come to my House.

Art. 13. Concerning Goodwife Pocock's coming to Mr. Forster's, and saying, The Doctor had fought with, and overcome an evil Spirit; and that the Family had been strangely acted, the Power taking some of them in one part, some in another; and that they spake glorious things.

1 Part. *Ans.* This was another of the Articles heard, discussed, and I acquitted by the forementioned Committee, because nothing material could be made of it.

2 Part. *Ans.* The said Mary Pocock attested on Oath she saw no Apparitions in my House, being cross-examined concerning that Particular. And though she did say God gave extraordinary Power to sustain both our Spirits and Bodies in an extraordinary Trial, what Hurt was there in that? Why should it be brought as an Article against me?

Art. 14. That Mrs. Flavel was in a Trance, and in it saw the Philosopher's Stone, which she knew to be the Divinity in the Humanity.

*Ans.* Not to speak any thing concerning the mystical Writings of the deep Hermetick Philosophers, or what the Judgment of some of them is concerning this Secret, I myself being not here accused to have seen it, or to have affirmed it was the Divinity in the Humanity; all that I shall answer is this, I wonder that this is brought in as an Article against me, to prove me Scandalous, Ignorant, or Insufficient; it not directly proving any thing against me, being affirmed of another, and being one of those Articles I was discharged of by the Committee for Plundered Ministers.

Art. 15. Touching Sawood's Depositions of the Birth of a Child, and one being in Travail.

*Ans.* 1. This was one of the Articles of which I was acquitted by the forementioned Committee.

*Ans.* 2. Mrs. Elizabeth Pordage and Mary Pocock asserted on Oath, That there was no Woman in Travail, nor any Child born, nor any other Cry heard, but of those at Prayer; which was also witnessed on Oath by Mr. Francis Pordage.

Art. 16. That in my House the New Jerusalem hath been seen to come down from Heaven, and that in it was a Globe, in which Globe was Eternity, and in that Eternity all the Saints.

*Ans.* As to the Substance of this Article; If God hath favoured any with such a Vision, surely they would be no more ashamed to own it, when called to it, than John was, when he wrote, Rev. xxi. 1. That he saw the Holy City, New Jerusalem, come down from God out of Heaven; where he also describes it by all the most precious Stones in the Creation. But in reference to my Family, I believe none dare attest they heard this spoken by any of them, which I believe will prove but some groundless Imagination.

Art. 17. That in my House God hath been seen Face to Face, &c.

*Ans.* As this Article is stated, I shall give no other Answer but this, That I shall wait to see who dare swear to it, or what Proof can be brought of it.

Now I am come to the Articles exhibited against me by some of Bradfield Parish.

As to those which concern Mrs. Flavel, I shall answer.

1. Somewhat in general touching their Import and Nature.

2. By way of Negation.

3. By way of Acknowledgment or Affirmation.

*Ans. Gen.* This Charge of Articles hath no legal Reference of Charge at all to me, but is merely scandalous, importing but a Libel, nothing of Fact really criminous being laid to my Charge; which will more clearly appear, when the erroneous Circumstances of it are detected: by which also the Subtilty and Envy of my Adversaries will be discovered, who positively alledge nothing against me that may bear any Action of Damage at the Common Law, by which they might suffer for their injurious Dealing; yet by plausible prevaricating Circumstances, would seem to make me highly criminous and guilty.

Now I shall answer negatively to many erroneous prejudicing Circumstances, which are by Design heaped together, to put a plausible Face upon an envious Libel or illegal Charge.

1 Circ. It's said it was some eight Years since I brought one Mrs. Flavel to Goodman Loader's, &c.

*Ans. neg.* Which is an Error, tho' one of the smallest, brought in to prejudice the more, for it was some nine Years since.

2 Circ. It's further said, this was carrying her to London.

*Ans. neg.* Which I deny; for it was coming from London, where she had for some time been.

3 Circ. That I asked whether my Friend behind me, being sick, might have Entertainment, &c.

*Ans. neg.* This I also deny; she was not then sick, neither did I use any such Expressions.

4 Circ. That I never mentioned she was with child.

*Ans. neg.* Tho' I did not, it not concerning me to do it, yet she herself did not deny it.

5 Circ. That in a short time she fell in Travail.

*Ans. neg.* A short time may seem to imply some few Days, or Weeks, being brought in as an aggravating Circumstance; whereas it was some four or five Months after.

6 Circ. That she had no Husband then, as the World knew of.

*Ans. neg.* She owned then to the People where she was, and doth still, that she had had a second Husband, which some in the World knew of very well, whose Testimonies she can and will produce when she hath sufficient Occasion offered by a legal Call thereto: who is also able and ready to give a sufficient account, when occasion serves, of her not openly assuming her second Husband's Name, her Estate then standing as it did; which having concealed for that time

time she was in Law, she thought good ever since to be called by her first Husband's Name. But this subtle Dealing of her Adversaries by libelling Scandals, without positively asserting she was not married, makes her incapable of recovering any Damage of those who now enviously, yet indirectly, asperse her: which the Commissioners ought to take notice of, who should not receive such Libels, which tend to the blasting of one's Credit and good Name, which all sober Christians ought (for the Gospel sake) to value; and yet absolutely prove nothing of such criminous Fact, which they design seemingly to prove, nor yet give sufficient ground of calling them to an account for such evil malicious Scandals. But this not directly concerning me, I shall omit much which might be spoken of it.

7 *Circ.* That I came often to visit her.

*Ans. neg.* This is not true: it was rather seldom, being but three times in three quarters of a Year, and that in Term-time, upon urgent Occasions at Law.

8 *Circ.* That I removed her to *Kensington*.

*Ans. neg.* This is false, for I knew not when she removed thither.

9 *Circ.* That I paid the Smith for her being at his House.

*Ans. neg.* This is another Untruth; I never paid him a penny, neither did I ever agree with him for her being there.

10 *Circ.* That the Nurse's Husband wrote a Letter to me at *Bradfield*, for Money for the Child's nursing.

*Ans. neg.* This is a mere Lye; for no such Letter was wrote, neither did I ever agree to pay for the nursing of it, as the Nurse and her Husband can witness.

11 *Circ.* That shortly after he sent for the Child away.

*Ans. neg.* This I also deny, it containing two Untruths in it: For first, the Child was not shortly after sent for away, neither did I send for it at all, for it was fetch'd away by the Mother herself.

12 *Circ.* That a little while after, the said Little-one was brought into my Family.

*Ans. neg.* This is also false.

13 *Circ.* As to the seventh Article of this libelling Charge, in which many Circumstances are produced to scandal the Gentlewoman, as tho' she had told a great Untruth; it deserves no other Answer but this, That it is compacted of many Lies, nothing being there true that really tends to prejudice her, as I believe will appear by the Event.

Thus in this short Relation, wherein there is some Truth, pray take notice how many Untruths and mere Lies are mixed with it, to put a beautiful Face upon an envious and unchristian Design: And is not this to bear false witness against one's Neighbour? May not any one's Innocency and Integrity be in this manner undeservedly clouded, aspersed, and wounded? Which I leave to the serious Consideration of the Judges.

As to my affirmative Answer, what I acknowledge is this:

*Ans. Affirm.* **A** Bout nine Years since I brought behind me from *London* the

fore-mentioned Mrs. *Flavel*, who had been of ancient and near Acquaintance with me and my Family, to one Goodman *Loader's* a Smith in *Hessen*, where some four or five months she was brought to bed of a Daughter, which she owned to the People where she then was, to be by a second Husband, even as she still acknowledgeth. And further, that I visited her three times in the space of three quarters of a Year, at Term-time, being then engaged in a Law-Suit that concerned her; that one of those times I christned her Child, and called it *Hannah*: That afterward her Occasions not requiring so much Privacy, she came to live with her ancient Acquaintance at my House, where also for some Years her Daughter hath been with her.

Now to take away any thing that may seem to reflect upon me in this my Acknowledgment, pray consider these subsequent Particulars.

1. **T**HAT I and Mrs. *Perdage* being of a very near and long Acquaintance with her, it was but a Friend's Courtesy, for me upon her desire to carry her to this House behind me.

2. That she had sufficient ground to retire into some such Place in the Country: first, in that the City-Air was offensive to her Health: secondly, in that by the Counsel of able Lawyers she was advised to retire into some private place, she being then in Law-Engagements, and continually subject to Arrests, by the Entanglement of her first Husband's Estate; her Brother-in-Law, who was her Adversary, then threatening to seize on her if she were above-ground.

3. In reference to my Engagement in her Law-Business, I think it material briefly to relate the Ground and Occasion of it. In the time of her Widowhood, her Brother-in-Law began a Suit with her in the Common Law, which fearing he should there be overthrown, he removed to the Chancery: now she being very unfit and incapable to manage this herself, she earnestly desired me, as an ancient and trusty Friend, to undertake it. Upon this I went to Judge *Rolle* and Mr. *Cbute* with her, who looking into her Evidences, and into the Will of her late deceased Husband, found that for want of one Clause in it she was liable to many Suits and Arrests, and to great Entanglements, and that her Interest could not be established, but by much difficulty; and at length this was the Result of the Counsel, That she must let all her Estate, which was under Mortgage, be forfeited into the hand of some faithful Friend, and so sell it away. Hence I through much Importunity laid down some hundred Pounds, rescued the Mortgage, and so became interested in a Suit at Chancery, which lasted three Years.

Now from this may further appear sufficient ground why I brought her to that private House: secondly, why I came to her in the time of her Retirement, I then receiving Money from her to follow her Suit: thirdly, why I came alone, it being then her Interest to be concealed, being subject to Arrests.

I shall now proceed to add some few Circumstances more, which may serve to clear me before all sober Persons.

1. **A**T my coming, I told the People my Name, and that I dwelt at *Reading*, and that I was Minister of St. *Lawrence* Church, knowing the Gentlewoman to be sober and pious. Now had I been as my Enemies enviously pretend, I might have concealed my Name, Quality, and Place of Residence.

2. We discovered to them that the Gentlewoman had an Estate in the Bulwark at *London*, and Rents there to receive, which they might enquire after (as they did) for their Security: Now this was not the way to cover a Work of Darknes.

3. She sometimes went to *London* to the Lawyers, whilst she was there, some belonging to that Family accompanying her; who found, that as she had related, she was in great Troubles at Law, and were convinced that she returned on that account.

Now in reference to most of those Particulars, in which I have contradicted, and deny'd the alledged Circumstances, and further vindicated myself, they are exactly agreeing with what I have in writing confessed and acknowledged by *Loader* himself, from whom this Charge is pretended to be received, and by the Nurse of the Child, subscribed by them both before Witnesses; which Acknowledgment I shall produce when I see occasion.

And by this I hope it may appear to moderate, sober, and judicious Men, that this libelling Charge, drawn up so falsely, enviously, and yet so subtilly, calling from the dead a Business past some nine or ten Years since; (which tho' it were criminous, as it is not, were invalid legally to prejudice, by the Act of Oblivion, or general Pardon, as all other things pretended to be spoken or acted by me before 1651, according to the Judgment of judicious Men, which I leave to the Commissioners to consider of) I say, that this is but the Effect of the evil and wicked Policy of my Accuser, brought forth to prejudice and overcloud that pure and innocent Principle, which I profess and faithfully live to; and the better to cover that evil Design they have against my Person and Livelihood.

And now I appeal unto you the Commissioners, and to all that are pious and sober-minded, whether my Enemies do not deal very unreasonably, enviously, and unbecoming Christians, from this Business, so long since past, in which nothing criminous is positively objected against me, to draw such horrid Conclusions, as commonly to report that I now live in base Lust and Wantonness, notwithstanding my commending of and owning the Virgin-Life; I say, whether this be not exceeding hard Measure, and ungodly Dealing, let all judge. But I see the Design of the Devil in it, which my Enemies may be ignorant of, which is to overcloud and darken by monstrous Lies and Scandals, which are the Smoke of the bottomless Pit, that Life of Purity, Chastity, Mortification, Self-denial, and heavenly Enjoyment, which God hath favoured me to live in, and so to affright all from my Acquaintance, which otherwise might very much prejudice and overthrow his Kingdom. For the old Serpent knows very well, as also my near Friends and Acquaintance, that for these four Years, even since the time of my

great Trials, by the extraordinary Temptations and Representations of the Devil, that I have been abstracted more than ordinary from all outward things, giving myself up wholly to Prayer, Watchfulness, Mortification, and constant Self-denial, in dying to all earthly Pleasures, even to things permitted and accounted lawful; as finding many things which ordinarily are embraced, to be great Hindrances of the Soul's Progress to God, and great Burdens to a Spirit which hath tasted much of that Tree of Life which groweth in the midst of the Paradise of God, and great Clogs to a Soul that sees through the Veil of the sensitive Nature into the spiritual Glory of Eternity. But what I have enjoyed and experimented in this time of my extraordinary Mortification and Self-denial, in the Death of the Animal Man, and rising of Christ's Image in me, is not seasonable now to declare; yet for the Glory of my God, and the undeceiving of those who strangely mistake me, this much in all humility I must say, That did my Accuser and my Enemies know what I have enjoyed in this Way of the Cross, of the secret hidden Treasures of Eternity, and of the Out-goings of divine Goodness; were they but acquainted with these Discoveries of celestial Glory, Instillations of the heavenly Dew, and secret Touches of the Holy Ghost; did they but know those bright Irradiations of Eternal Light, those strong Motions of Divine Life, and pleasant Streams of Eternal Love, together with those deep Sufferings in bearing Christ's Cross, which I and many in my Family have in this time experienced; they durst not thus condemn me, and judge me as an Evil-doer, and one that lives in the Lusts of the Flesh. But my God hath taught me to bless whilst they curse, to pray for them whilst they design to ruin me, and to love them whilst they hate me; and to say with Christ, *Father forgive them, for they know not what they do.*

This I thought fit in all humility to annex to that libelling Charge concerning Mrs. *Flavel*, from which I have undeservedly suffered so much, by the Malice of the Devil. And now I shall proceed to answer the remaining Articles, one of which is intermixed with the former seven that concern Mrs. *Flavel*; which is this.

Artic. *That we have changed our Names.*

Ans. 'Tis well known that we own and subscribe our Names in our Civil Converse with the World, as this and my former Answers testify; I shall therefore wait to see, whether any one dare swear to this Article: And tho' we did in our own private Family call one another by Scripture-Names, yet I conceive it did not concern the Civil Magistrate to take Cognizance of such a thing, it being not practised to make any Disturbance or Confusion in the State.

Artic. 8. *That I am extremely covetous, taking five Shillings at a time to marry one.*

Ans. I wonder my Accuser should let this Article pass, whose Consequence is so much against Reason, as to argue me extremely covetous for one such poor inconsiderable Act done six or seven Years since: and I appeal to the Inhabitants of *Reading*, and Mr. *Fowler's* own Conscience, whether he hath not taken ten Shillings oftner than five for marrying.

Artic. 9. *That my Preaching doth not tend to Edification.*

Ans.

*Answer.* I can bring those that are knowing and spiritual, and sober Christians, who will assert that my Preaching doth tend to Edification, and to the building up of Souls in the true Knowledge and Love of Christ; and I believe these my Accusers will be found to be like those of *Chorazin* and *Bethsaida*, of whom Christ said, That if the mighty Works which were done amongst them had been done in Sodom and Gomorrah, they had repented long since in Dust and Ashes. And was Christ's Ministry ineffectual, because they did not believe, but remained in the Hardness and Impenitency of their Hearts? Neither doth it follow that my Preaching doth not tend to Edification, because those that bring this Article, through their Unbelief, are not edified by it: for there are many, that come from Places round about, that are edified, strengthened, and refreshed by it; and there are many that have been enlightened, convicted, and converted by it, who still receive quickning Growth and Comfort under it, confessing that God is in it of a Truth, as finding it instrumentally effectual to the pulling down of the Kingdom of Sin and Satan, and to the erecting the Kingdom of Christ in their Hearts; for which I bless God, and praise his Grace, by which it is what it is.

Art. 10. That I am very ignorant and insufficient for the Work of the Ministry.

*Answer.* I believe those that exhibit this Article against me, upon trial will be found very ignorant and insufficient to judge of it; and as to those that are to be my Judges, I hope they will not make their own Wills the Rule of Ignorance and Insufficiency, but proceed according to the Canons of pure Reason, or supernatural Revelation, in giving Judgment concerning this Particular: the Event of which I leave to God.

Now to conclude: Tho' in reference to this, and the two last Charges of Articles, I stand free from any Guilt in the Sight of God, and I hope, by my Answers to them, in the Sight of all judicious and sober Men: yet to leave any inexcusable, that may design, whether by Law, or without Law, absolutely to condemn me; I crave the Benefit and Privilege of the Act of general Pardon in reference to all those things that are pretended to be spoken or acted by me before the Year 1651, as most of these are, that seem to be of any moment and consequence.

John Pordage.

After this was read, not knowing but that the Commissioners retained their former Resolution of examining their Witnesses in private, I pressed them to an open Examination, for the Satisfaction of all Parties, and for the more full Discovery of the Truth; alledging, that I hoped they would not deal worse with me than the Jews did with Christ, and the Ethnick Romans with Paul, who suffered them to hear their Accusers face to face. So after some dispute it was granted, and agreed upon.

But before I proceed to give you an account of the Depositions taken *pro* and *con*, I must inform you, that the 22d of November was the time of my fourth Appearance, which continued three Days; all which three Days were wholly spent in taking the Depositions of my Accusers Witnesses, to make good the first and last Charge: And when they had ended their Exa-

minations on the 24th, being Friday, late at Night, they called upon me to produce my Witnesses, if I had any. I answered them, I had Witnesses, but they were not then present, neither had I received any Summons for their Appearance; whereupon I desired a Summons to call in my Witnesses, which they after much Debate, and many Outcries against me for not having them ready, granted; together with an Order, by which I was to appear at the Bear in *Speenhamland* at *Newbury* the 30th of that Month, which was just a Week after, to make Proof of my Defence by Witnesses. I seeing they had prescribed so short a time for making my Defence, alledged that it was impossible for me to be ready with my Witnesses so soon, and desired a fortnight's time; which, though I urged it with many Reasons, could not be granted me.

But I was afterwards prevented by a vehement Cold, in reference to my appearing at *Newbury* on the Day prescribed: whereupon I sent three Friends to attest my Inability to appear on that Day before them; who likewise presented the Commissioners with a Letter from me, in which I gave them an account of my great Distemper. Whereupon the Truth of my extraordinary Weakness being attested by those I sent, this Order with a new Summons was granted by the Commissioners.

Berks. By the Commissioners for ejecting of Scandalous Ministers, November 30, 1654.

WHEREAS Dr. Pordage was required this day to appear before us in the Cause depending concerning him; and it is now attested that the said Doctor is sick, and cannot, without further danger of his Health, this day appear: It is therefore ordered, that he shall have further day given till the seventh of December next, at the Bear in *Reading*; which Day is to be peremptory unto him.

According to which Order I appeared at *Reading* the seventh of December, with my Witnesses; where two Days were spent in Examination, (now this was my fifth and last time of Appearance) the Transactions of which cannot distinctly be set down by themselves, in regard of my joining the Depositions then taken, with those of the adverse Party, according to this subsequent Method.

Now then I shall proceed to the Merits of the Cause, *secundum Allegata & Probata*.

Here then I must present you with the Depositions of the Witnesses, and first with those that concern the first Charge of Articles; in reference to which, Mr. Tickle gave Evidence by Oath against me, first at *Newbury* the fifth of October, and again at *Reading* the 22d of November, being the Day in which my Answer was read.

Now to the first Article;

John Tickle Minister of *Abingdon*, sworn at *Newbury* the fifth of October, deposed, That I delivered in the Pulpit, That the fiery Deity of Christ minglith and mixeth itself with our Flesh.

On farther Examination upon Oath at *Reading*, November 2. Mr. *Tickle* affirmed, That he charged Blasphemy on the former Expression, and that I repeated my Sense to be thus, viz. That I did not mean with our Corruption, but with our Flesh; holding my Hand over the Pulpit.

The said Mr. *Tickle* being cross-examined touching this Article, upon this Interrogatory, viz. Whether he did swear positively to this Article, as thus delivered by me in the very same Terms, and Order, without any addition or diminution; or only so, according to his best Remembrance; thus replied, That the Sum and Substance of that Article was clearly and fully delivered by me, and as far as he could remember in these words, or words to that purpose.

The same Person being sworn again, and further examined at the *Bar* in *Reading*, November 22. after some Expostulation with me, in which he grew somewhat passionate, further said, That after I had held up my Hand, as he had formerly deposed, I said I did not mean our Flesh, but with the Soul of Christ; and that this was delivered without any the least Limitation as to the Sense of it.

Now these last Depositions were taken by the Court from Mr. *Tickle* occasionally, (after he had answered the cross Interrogatories by writing) when Mr. *Tickle* was sometimes raised into seeming Passion against me, from accidental Discourses that fell in upon Examination.

But I shall here discover my own Meaning, and bring in the intended Evidence of my Witnesses in reference to this Article. My Meaning then (notwithstanding Mr. *Tickle's* rash Allegations) was this; By Flesh I meant the pure regenerated Part of the Soul, with which the Spirit of Christ is united, according to that of the Apostle, *Eph. v. 30. For we are Members of his Body, of his Flesh, &c.*

My Evidence was this; there were present three Witnesses, viz. Mr. *Francis Pordage* Minister, Mrs. *Mary Pocock*, and one *Robert Bolt*. who offered to attest upon Oath, That they being present at the Committee of Plundered Ministers, about *March 27, 1651*, heard me upon the Interpretation of this Article, *That the fiery Deity of Christ mingles itself with our Flesh*, explain myself thus; That by Flesh I understand not the sinful and fleshly Part of the Soul, that lusteth against the Spirit, for in this there can be no Union, for these are contrary; neither by Flesh did I understand the outward elementish Flesh of the Body, but by Flesh I understood the pure regenerated Part of the Soul.

But this Testimony they rejected, and would not receive it as Evidence, denying to examine the Witnesses, in regard they were not present at *Ilsey*, where Mr. *Tickle* alledged this was spoken. But I believe the judicious Reader will find this Testimony to be more pertinent to the clearing of the Truth, in reference to my Sense in the former Proposition, than what Mr. *Tickle* hath uncertainly, according to his best Remembrance, asserted.

To the second Article;

Mr. *Tickle* saith, That I delivered, *That the Imputative Righteousness of Christ is a sapless Righteousness.*

And being further examined by Interrogato-

ries, he answered to the first of them, That this was fully and roundly delivered in my Sermon at *Ilsey*.

But to the second Interrogatory, which was this, Whether it was with a Limitation, or without? he thus answers, That he doth not remember any Addition therein, unless it were in opposition to the Righteousness, which (as he said) I called sapless.

Being further examined, *Nov. 22.* the same Deponent said, That I did not deliver any such Limitation, as I made in my Answer thereunto, and that there was no such word as *except* spoken, nor any thing like it.

*Roger Stevens*, sworn to the same Article, deposed, That I delivered in a Sermon at *Ilsey*, *That the Righteousness of Christ was a sapless Righteousness.*

And that he doth not remember any thing to the contrary, but that the same was an intire Sentence, and only so. And that to his Apprehension the Drift of my Sermon was to take away the Strength and Efficacy of the Righteousness of Christ.

And this Deponent further said, That in the aforesaid Sermon at *Ilsey* I delivered these Words, *That you are not to look to this*, (meaning, as the Deponent apprehended, Christ's Righteousness) *but to the fiery Deity burning in the Center of our Souls, consuming and destroying Sin there.* Which said Words did not immediately follow the Words that I used, when I said the Righteousness of Christ was sapless; but the same were further off in my Sermon, to his best Remembrance.

Now I shall present the Depositions of my own Witnesses touching the second Article.

Mrs. *Mary Pocock* being sworn and examined *December 7.* was asked by me whether she heard me deliver the second Article at the Sermon at *Ilsey*, viz. That the imputative Righteousness of Christ was sapless; she replied, she was then present at the Sermon, and did hear these Words delivered. Then being further asked, Whether delivered with a Limitation, or without a Limitation? she answered, that it was with a Limitation. Then she was further asked, What that Limitation was? she re-answered, That it was with this Limitation, *Except the fiery Deity of Christ be in the Center of our Souls, burning up our Lusts and Corruptions.* And being further asked, Whether these last Words were spoken together with the other Words, to make up one Sentence? she said, Yes, in these express Words, viz. *That the Righteousness of Christ was sapless, except the fiery Deity of Christ be in the Center of our Souls, burning up our Lusts and Corruptions.*

After this I brought three Witnesses more to be sworn touching this Article.

Their Evidence was this, which every one in particular intended to give in, in Writing, after this manner, viz. I do confess I was present before the Committee of Plundered Ministers, the 27th of *March, 1651*; where I did hear the Doctor, upon his Examination touching that Article, *That the imputative Righteousness of Christ is a sapless Righteousness*, deliver himself to this purpose; That to him that hath not the Spirit of Christ indwelling in his Heart by Faith, notwithstanding all his Application of Christ and his Merits, it is but a sapless Righteousness: So saith the Scripture,

He

‘ He that hath not the Spirit of Christ is none of his.

‘ But this Testimony and Evidence the Commissioners rejected, and would not suffer the Witnesses to depose it upon Oath.

‘ In the next place, I certified the Commissioners, that I had present divers knowing Christians that were constant Hearers of me, who were ready to depose on Oath what the Scope of my Ministry was, and what they had frequently heard me hold forth in it, touching Christ’s imputative Righteousness.’

But the Commissioners rejected this Testimony also, and would not hear the Evidence of these intended Witnesses; saying, that it was not to the purpose, but merely dilatory. To which I reply’d, That altho’ the Proofs were weak and altogether impertinent, yet being Judges, they ought to hear them, and afterward to judge of their Force or Invalidity: and I further told them, That this Proceeding of theirs, in thus preventing and rejecting the Testimony of my Witnesses, in not suffering them to depose what they could, did much strengthen my Belief of the common Report spread abroad the Country, That they had resolved before-hand to condemn and eject me, whether by right or wrong. At this Mr. *Trapham*’s Choler seem’d much to be stirred, that the Court, of which he was one, should thus be charged; saying with much passion, That this should be looked upon as a Contempt and an Affront against the Court.

But the Commissioners peremptorily resolving not to take the Evidence of the forementioned Witnesses, because it contradicted not Mr. *Tickle*’s Testimony, *quoad idem tempus*, in reference to the same particular time; I was forced to tell them, that I must be subject to the Determinations of the Court: but I hoped they would be more ingenuous and Christian-like, than condemn me for a Word or Expression, tho’ proved ever so clearly, if the Drift and Tenour of my Ministry were otherwise.

But I shall here insert, and so leave it to the Judgment of the Reader, what eight substantial Witnesses, who almost constantly hear me, would willingly have deposed upon Oath, touching this Article, *viz.* That the Scope of my Ministry is not to take away the due Application of Christ’s Righteousness, but the misapplying of it in reference to those who have no Interest in it.

After this, I further pressing the Commissioners to hear those Witnesses which were to attest this, they seem’d somewhat to change their Resolution, and to admit one or two of them to be examined. So I mentioned Mrs. *Mary Pocock*, a very pious and experienced Christian, and so known to be in the place where she lives. Against whom it was objected, that she was one of my own Tribe. Then I mentioned another discreet prudent Christian, by name *Richard Higgs*, who is known to be one of a very good Conversation. Against whom Mr. *Fowler* having somewhat to object for his supposed Judgment, was willing to have him called to Examination.

So this *Richard Higgs* being sworn, deposed, That he had been a Hearer of me at certain times for five or six Years last past, and that during that time, for ought the Deponent knew, the Scope of my Ministry hath not been against the right and due Application of Christ’s Righteous-

ness, but against the Misapplication thereof, for ought he knew or ever understood. And being asked, Whether he had been a constant Hearer of me? he said, he had heard me very often, but that he was usually at his own Parish in the Morning, and that sometimes he was absent, but had often heard me.

And being further asked, What he had usually heard me preach concerning the imputative Righteousness of Christ, he said, He could not charge his own Memory; but had a Note to which he would reflect, for recollecting his Memory; and thereupon produced a Note, which he confessed was given him from the Doctor.

[Here, upon this, were many Outcries against me, from the Accuser, and others of the Ministers and Commissioners, as though I had committed some heinous Act in suborning a Witness to swear what I pleased: whereas there was no such thing; for this Man and two more, meeting at my House, compared their Note-books together, out of which this was taken, which was in that Paper, which he after mature Deliberation, and Reflection upon it, could with a good Conscience swear to; as looking upon it more safe, than to swear upon sudden Memory.]

But I shall now proceed to the further Examination of this Witness, as it was taken by the Clerk, but very partially, as you shall see presently.

This *Richard Higgs* being asked, what he meant, or what the Doctor meant by the Righteousness of Christ? he saith he cannot depose: but the Doctor interposing, said, Christ’s Righteousness was his active and passive Obedience. And thereupon the Deponent being asked, What was Christ’s active Obedience? presently denied his words again.

To this he refused to subscribe.

‘ The Clerk hath left out something touching *Richard Higgs*’s Answer to that Question about Christ’s active Obedience; which Answer being caught up by the Clerk, before he had liberty to express his Meaning, he might very well deny, though the Clerk had wrote it down, it being not according to his Meaning and Purpose; and so not fit to be subscribed.’

After this, Mr. *Fowler*, the Accuser, openly attested against this Deponent, That he denied the Bible to be the Word of God, and said, that the same was but old Declaratives; which the said Deponent denies.

‘ Here the Clerk’s Partiality is again apparent, who left out a weighty Distinction which the Deponent made, concerning the Word of God, in answer to Mr. *Fowler*’s Accusation, which was this; That he never denied the Scripture or Bible to be the written Word, but had said, it was not the Essential Word: And this very Distinction the Deponent had formerly given to the Minister of the Parish, who being present, confessed it before the Court, acknowledging that he walked like an honest and sober Christian in his Conversation.

‘ But to proceed: Although this Deponent’s written Evidence would not be received, yet I shall here present it as it was to be given in, and attested by seven more Witnesses besides himself. The Form of it was this; I confess I have heard the Doctor preach at *Bradfield* about



‘ about the Year 49, out of *Dan. ix. 24.* thus :  
 ‘ *Quest.* What is meant here by this Righteous-  
 ‘ ness? *Ans.* By this Righteousness is meant  
 ‘ Christ’s Righteousness, *Jer. xxiii. 6. The*  
 ‘ *Lord our Righteousness.* And *Paul* desireth not  
 ‘ to be found in his own Righteousness, but in  
 ‘ the Righteousness of Christ, *Phil. iii. 9.* Christ’s  
 ‘ Righteousness is the Soul’s Wedding-Robe;  
 ‘ *Isa. vi. 10. He bath covered me with the Robe of*  
 ‘ *Righteousness.* As to the nature of Christ’s  
 ‘ Righteousness, it is a pure, spotless, perfect  
 ‘ and compleat Righteousness, *Eph. v. 27. That*  
 ‘ *he might present to himself a glorious Church,*  
 ‘ in this Righteousness of his, *not having Spot or*  
 ‘ *Wrinkle.*

‘ This which follows was also intended to be  
 ‘ given in, and was to be attested by three Wit-  
 ‘ nesses: I confess, I heard the Doctor preach in  
 ‘ *Bradfield Church,* out of *Luke i. 68.* That the  
 ‘ free Grace of God the Father is the first Cause  
 ‘ of the Soul’s Justification.

‘ *Quest.* What is the Matter out of which a  
 ‘ Sinner cometh to be justified in the sight of  
 ‘ God? *Ans.* It is Righteousness. As a Man  
 ‘ cannot live without a Life, so a Christian cannot  
 ‘ be just without Righteousness; and this Right-  
 ‘ eousness is called Christ’s Righteousness; no  
 ‘ other Righteousness, but the Righteousness of  
 ‘ Christ, can justify the Soul. Therefore he is  
 ‘ stiled, *Jer. xxiii. 6. The Lord our Righteousness.*  
 ‘ *1 Cor. i. 30. Christ is made unto us Wisdom and*  
 ‘ *Righteousness;* that is, for our Justification. This  
 ‘ Righteousness of Christ, in its own nature, is an  
 ‘ everlasting Righteousness, *Dan. ix. 24. 2 Cor. v. 21.*  
 ‘ *That we might be made the Righteousness of God,*  
 ‘ *in being clothed upon with Christ’s Righteousness.*  
 ‘ *Phil. iii. 9.* We are not to be found in our own  
 ‘ self Pharisaical Righteousness, but in Christ’s  
 ‘ Righteousness, which is the Righteousness of  
 ‘ Justification. And the formal Cause of a Sin-  
 ‘ ner’s Justification, is his Union and Communion  
 ‘ with this Righteousness of Christ, through Faith  
 ‘ and believing on it; *Rom. x. 6. The Righteous-*  
 ‘ *ness of Faith speaketh on this wise, &c.* that is,  
 ‘ the Righteousness of Christ apprehended by  
 ‘ Faith.

‘ This was also intended to have been given  
 ‘ into the Court in Writing, being transcribed  
 ‘ out of three or four Note-Books compared  
 ‘ together, and afterward seriously considered  
 ‘ and weighed; to which the Witnesses could  
 ‘ swear with good Consciences, notwithstanding  
 ‘ all those Outcries were against this Evidence by  
 ‘ some of the Ministers and Commissioners, as  
 ‘ though I had prescribed what they should  
 ‘ swear; and that we were all combined to com-  
 ‘ mit a heinous Sin, and bring the Guilt of Per-  
 ‘ jury upon our selves: whereas we all stood in  
 ‘ Innocency as to this thing, having no other  
 ‘ End in it, but the stable Assurance of the  
 ‘ Truth of what was to be attested by serious  
 ‘ Reflections upon it, after the comparing of di-  
 ‘ vers Note-Books together, which served to help  
 ‘ and strengthen the Memory of the Witnesses;  
 ‘ together with the avoiding of the Clerk’s Pre-  
 ‘ varications in Writing, by partially taking the  
 ‘ Depositions, in which we oft found him de-  
 ‘ fective.

‘ But to conclude this Article, I have produced  
 ‘ these Testimonies to shew my Judgment touch-  
 ‘ ing Christ’s Righteousness, which (with the  
 ‘ positive Deposition of Mrs. *Mary Pocock,* That

‘ I spake that of the Imputative Righteousness of  
 ‘ Christ with a Limitation) may in Justice out-  
 ‘ weigh the Depositions of the other two Wit-  
 ‘ nesses against me, being neither of them are  
 ‘ positive, and so not effectual in Law or Rea-  
 ‘ son.’

Now I shall pass to the third Article;

To which Mr. *Tickle* being sworn, saith, That  
 I delivered, that the Discoveries of the Sinfulness  
 of Sin, the Terrors of the Law, the Death of  
 Christ, the free Grace of God, are fleshly and  
 flashy Discoveries.

Afterward being cross-examined by me to this  
 Interrogatory, Whether this Article was delivered  
 in the same express Words, and in the same Or-  
 der? he answered thus:

That the very Sum and Substance of this Ar-  
 ticle was delivered fully and roundly by me, and  
 in the express words for the Substance of them,  
 and to the best of his Remembrance.

‘ Now I not remembering that ever I said that  
 ‘ these were but fleshly and flashy Discoveries, and  
 ‘ knowing that it was but his single Testimony,  
 ‘ and not positively sworn to, and so no legal E-  
 ‘ vidence to condemn; and besides, that it was  
 ‘ not comprehended in the Act of blasphemous  
 ‘ Opinions, to which the Ordinance refers: I pas-  
 ‘ sed it by formerly without any Answer. But now  
 ‘ to satisfy knowing Christians concerning my  
 ‘ Judgment in this Particular, I shall here present  
 ‘ this Answer; That I then held forth, and do  
 ‘ still own it, That the Discoveries of the Sinful-  
 ‘ ness of Sin, the Terrors of the Law, the free  
 ‘ Grace of God, the Death of Christ, were but  
 ‘ preparatory Works under the Father’s Dispen-  
 ‘ sation, to the higher and more powerful Workings  
 ‘ of God under the Dispensation of the Son, in  
 ‘ changing and transforming the Heart into his  
 ‘ Image; and so but weak in comparison of the  
 ‘ more full and clear Manifestations and Opera-  
 ‘ tions of God upon the Soul, in bringing it up  
 ‘ into divine Union and Fruition.’

To the fourth Article;

Mr. *Tickle* saith, that I delivered, That the Li-  
 berty and Freedom spoken of, purchased by the  
 Blood of Christ, is not a Liberty and Freedom  
 from the Guilt of Sin, the Curse of the Law,  
 the Wrath of God, but the fiery Deity of Christ  
 in the Center of our Souls.

Mr. *Tickle* being further examined on this Ar-  
 ticle by me, to this Interrogatory, *viz.* Whether  
 this was delivered first in the same express Words?  
 Secondly, and in the same Order? Answers:

First, The very Sum and Substance of this Ar-  
 ticle was delivered fully and roundly by the Doctor.  
 Secondly, That it was delivered in the express  
 Words, for the Substance of them.

To a third Interrogatory proposed by me, *viz.*  
 Whether this Article was thus expressed by me,  
 without any Addition or Diminution of his own?  
 He thus answers; To the best of his Remem-  
 brance, without any Limitation, Addition or Di-  
 minution of his own.

‘ But here, courteous Reader, you must give  
 ‘ me leave to shew you Mr. *Tickle*’s Uncertainty  
 ‘ and Disagreement with himself in delivering this  
 ‘ Article, which cannot but make it invalid in the  
 ‘ Eyes of those that are judicious.

‘ In his attesting of this Article three several  
 ‘ times, he never agreed with himself, but either  
 ‘ diminished or added. The first time he swore  
 ‘ to this Article, he had this Clause (*And appli-*  
 ‘ *ed by the clinging and cleaving of the Soul to*  
 ‘ *Christ*) as you may see in the first Paper of Ar-  
 ‘ ticles, which, being sworn again *Octob. 5.* he  
 ‘ left out: and neither of these agreed with his  
 ‘ own Deposition given under his own Hand  
 ‘ some four Years since, to the Committee of  
 ‘ Plundered Ministers, when it was more fresh  
 ‘ in his Memory, and yet not delivered so fully  
 ‘ and positively as now; which you may see by  
 ‘ his own Words (taken out of his former Depo-  
 ‘ sitions) which were these.

‘ Another Preparation was the instating of the  
 ‘ Soul into a glorious Liberty and Freedom, in  
 ‘ these Expressions: Which Liberty and Free-  
 ‘ dom is not that Liberty and Freedom from the  
 ‘ Guilt of Sin, the Curse of the Law, the Wrath  
 ‘ of God, brought about (or in an Expression  
 ‘ of the same Signification) by the Death and  
 ‘ Blood of another; and applied (or a word like  
 ‘ it) by the clinging and cleaving of the Soul to  
 ‘ Christ.

‘ Now you may take notice, that in the two  
 ‘ former, this Clause was added, *viz. But the*  
 ‘ *fiery Deity of Christ in the Center of the Soul;*  
 ‘ which here is not mentioned. Moreover the  
 ‘ Order is changed, and some doubtful Expressi-  
 ‘ ons are inserted; which shewed his Uncertainty  
 ‘ four Years since. All which compared with  
 ‘ that Answer of his, given by Oath at my late  
 ‘ Trial, that this Article was delivered in the  
 ‘ same express words, for the Substance of them,  
 ‘ cannot but shew that he hath almost, if not al-  
 ‘ together, incurred the Sin of Perjury. Now  
 ‘ all this being well weighed, cannot but demon-  
 ‘ strate that this Testimony is of no force at all.

‘ And although I formerly gave no Answer to  
 ‘ this Article, because it was not sworn to posi-  
 ‘ tively, but with Reserves and Alterations, and  
 ‘ that by one Witness only, and came not under  
 ‘ the Act of scandalous Opinions; yet I shall now  
 ‘ speak something to it, and shew you the Depo-  
 ‘ nent’s Mistake, which was in leaving out this  
 ‘ word (*only*) which inserted, makes it appear  
 ‘ with a more innocent Face.

‘ But now I shall further answer, That I deli-  
 ‘ vered this Sentence thus, which I still own,  
 ‘ *viz. That the second preparatory Work that*  
 ‘ *Christ did in the Soul of a true Saint, for the*  
 ‘ *manifesting of his Glory in it, was the insta-*  
 ‘ *ting of the Soul into a glorious Liberty and*  
 ‘ *Freedom, which doth not only consist in the*  
 ‘ *Liberty and Freedom from the Guilt of Sin,*  
 ‘ *the Curse of the Law, the Wrath of God; but*  
 ‘ *also in the enjoying of the Spirit of Christ in*  
 ‘ *the Center of the Soul, there purifying our*  
 ‘ *Natures, mortifying our Lusts, and restoring*  
 ‘ *us into the Image of God. And so this, tru-*  
 ‘ *ly represented, is a glorious Truth; though as*  
 ‘ *Mr. Tickle by Mistake delivered it, it seemed*  
 ‘ *monstrous.*’

To the fifth Article.

Mr. *Tickle* saith, that I did deliver, That by  
 Male and Female, *Gen. i.* we are to understand  
 by Male, the Deity; and by Female, the Huma-  
 nity; and that these two became one Flesh. These  
 things were delivered without any Limitation  
 whatsoever.

Mr. *Tickle* being further examined on this Ar-  
 ticle, *viz.* Whether I spake this as my own  
 avowed Judgment, or as the Judgment of some  
 other Person? answers thus: That I delivered  
 those Expressions of the Article with Approbati-  
 on, and that therefore he had cause to believe it  
 was my Judgment; and, as far as he remembers,  
 it was delivered as my Judgment.

‘ Here the Reader may observe, that Mr. *Tickle*  
 ‘ doth not answer directly and nakedly as a  
 ‘ Christian should, but subtilly and indirectly;  
 ‘ like a Sophister; for he answers, That I deli-  
 ‘ vered this with Approbation: but whether this  
 ‘ Approbation was from my self, or from some  
 ‘ other (I might then cite) he doth not express,  
 ‘ passing it over in Silence. Afterwards he saith,  
 ‘ he hath Cause to believe it was my Judgment;  
 ‘ which is a mere Prevarication, but no Answer  
 ‘ to the Question; which was not, Whether  
 ‘ he believed it to be my Judgment, but whether  
 ‘ I delivered it as my Judgment, or as the Judg-  
 ‘ ment of another? To which in the last Clause  
 ‘ he answers somewhat, *viz.* That I delivered it  
 ‘ as my own, as far as he remembers. But  
 ‘ though this be somewhat to the Question, yet  
 ‘ not much to the Purpose, it being no legal  
 ‘ Proof or Evidence; for his Memory might  
 ‘ fail him.

‘ Now the Reason of this Interrogatory was,  
 ‘ in that Mr. *Tickle*, some four Years since, when  
 ‘ this was better in his Memory than now it can  
 ‘ be, gave in this that followeth, under his own  
 ‘ hand, to the Committee of Plundered Mini-  
 ‘ sters, *viz.* That *Gen. i.* by Male, we are to  
 ‘ understand, saith Mr. *Pordage*, the Deity; by  
 ‘ the Female, the Humanity. This he gave from  
 ‘ a Rabbi, with that Approbation.

‘ Now how consistent this is with his late An-  
 ‘ swer to my Interrogatories, let all judge; es-  
 ‘ pecially with that part of it in which he af-  
 ‘ firms, that as far as he remembers, I delivered  
 ‘ it as my own Judgment.

‘ But now to answer something positively to  
 ‘ this, which may give Satisfaction to judicious  
 ‘ and knowing Christians, I acknowledge that,  
 ‘ in the Sermon before-mentioned, I delivered  
 ‘ for Substance, this which follows, *viz.*

‘ That another preparatory Work that Christ  
 ‘ did in the Soul of a true Christian, for the  
 ‘ manifesting of his own Glory in it, was the  
 ‘ bringing up the Spirit of the Soul into a glori-  
 ‘ ous, mystical, yet real Union with himself:  
 ‘ And after I had proved the Truth and Sub-  
 ‘ stantiality of this Union betwixt Christ and a  
 ‘ Christian, from several Texts of Scripture,  
 ‘ which directly evinced it; I came by way of Il-  
 ‘ lustration to speak of that Scripture, *Gen. i.* out  
 ‘ of which I said, That by Male and Female,  
 ‘ according to the Judgment of a learned Rabbi,  
 ‘ the Deity and pure Humanity might be shadow-  
 ‘ ed forth, which by Union become one; the  
 ‘ Male representing the Deity, the Female the  
 ‘ pure Humanity, or regenerated part of the  
 ‘ Soul, which by Union is made Partaker of the  
 ‘ Divine Nature.

‘ By this you may see, that if Mr. *Tickle* had  
 ‘ been but a charitable and knowing Christian,  
 ‘ he needed not have troubled himself and me  
 ‘ about this Article.’

To the sixth Article;

‘ Mr. *Tickle* saith, That he heard me deliver in  
 ‘ Discourse

‘ Discourse with Mr. *Pendarvis*, That the Gifts and Graces of the Spirit were but Flesh.

Being further examined, he said, That to this sixth Article there was no Limitation whatsoever in the delivering of it.

‘ Here the Reader must know that Mr. *Pendarvis* was summoned by me to witness to the Truth in this particular, but he came not; alleging that he could say no more than what he had already deposed. Whereupon I desired the Commissioners (after Information that I had summoned him) to hear his former Deposition read; but they peremptorily denied it. By which I clearly saw that they had more mind to take all Occasion of Advantage against me, than to be fully informed of the Truth of things.

‘ But Mr. *Pendarvis*’s Deposition given in before the Committee of Plundered Ministers, was this, *viz.* That the Doctor, in Conference, did say, That the Gifts and Graces of the Spirit, were but Flesh; and I opposed him: but then the Doctor replied, by way of Explanation, that he understood them only to be Flesh; that is, weak in point of Rest and Trust on them for eternal Life and Salvation: and in this I agreed with him.

‘ Correspondent to this, was my Answer to, and Explanation of this Article before the Committee of Plundered Ministers, which three Witnesses were ready to depose on Oath before the present Commissioners, who refused to hear their Testimony.’

To the seventh Article;

Mr. *Tickle* saith, That he heard me deliver in Discourse, That Christ is a Type, and but a Type.

Being further examined, he saith, That I endeavoured to prove that Christ was but a Type, out of *Peter*, where he is called *τύπος*.

Further, *Roger Stephens* being sworn to this Article, deposed, That the Doctor, in Dispute with Mr. *Pendarvis*, delivered, That Christ was but a Type, and went to prove it by that Scripture, *1 Pet. ii. He is our Example.* To which Mr. *Pendarvis* replied, That is not meant by way of Righteousness to Justification, but by way of Example, as to Reproaches. To which the Doctor answered, You understand it one way, and I another; or words to that effect.

Now to balance these Dispositions, the Reader must take notice,

‘ 1. That my True Sense of this Article may be seen in my Answer to this first Charge, in which I have truly shewed in what Sense I owned Christ to be a Type, *viz.* as he is a Pattern and Example for us to imitate and follow.

‘ That this Discourse being with Mr. *Pendarvis*, it is requisite I should here insert his Deposition taken by the Justices of Peace of that County, and afterward presented to the Committee of Plundered Ministers; which was as follows:

‘ This Examinant (which was Mr. *Pendarvis*) further saith, That the said Doctor *Pordage*, in a Conference had with him at the same time, after his Sermon at *Illey*, said, That Christ was a Type, and but a Type: but this Expression was immediately waved by him, but he constantly affirmed that Christ was a Type.

‘ But because Mr. *Pendarvis* could not be there to witness *viva voce*, the Commissioners would not admit this Evidence.’

But Mrs. *Mary Pocock* being sworn and examined on this Article, saith, That she heard the Doctor maintain in that Discourse with Mr. *Pendarvis*, That Christ was a Type; and proved it out of *Peter* (*He was an Example*) and that she heard the Doctor say, He would not stand to the word *But*.

And further,

*John Pordage*, Son to the Doctor, aged between 19 and 20 Years, and examined *December* the 7th; this Deponent saith, That in Dispute between the Doctor and Mr. *Pendarvis*, about five or six Years since, about Christ’s being a Type, the Doctor said, That Christ was but a Type. To which Mr. *Pendarvis* asked, Do you say but a Type? Whereupon the Doctor answered, He did not stand to the Expression, *but a Type*; it was but the slip of his Tongue: but he maintained that Christ was a Type.

‘ You see here are three Witnesses that attest I never owned or stood to that of Christ’s being but a Type.’

Correspondent to which Testimony, I gave in my Answer before the Committee of Plundered Ministers which I offered to prove by three Witnesses then present, who heard me, who were ready to attest this which follows, *viz.*

‘ That they being present (about the 27th of *March* 1651.) before the Committee of Plundered Ministers, heard me touching this Article *That Christ was a Type, and but a Type*, deliver my self thus; That I had owned Christ to be a Type, that is, a Pattern and Example for us Christians to square our Lives and Conversations by; but that I had not owned him to be but a Type, or a Type only: But the Commissioners would by no means hear this Evidence.

‘ After this I earnestly pressed them to hear what my Witnesses could further say, touching what I had publickly delivered in my Ministry about this Subject; telling them that such Evidence was in Justice more to be respected, than a Mistake in sudden speaking, presently retracted: but they denied all such Evidence, and would not hear; which clearly shewed their Partiality, and that they little regarded what my avowed Judgment was.

‘ Notwithstanding, I shall here insert what some were ready to witness, in reference to this Article, who had been constant Hearers of me; whose Testimony was this: We confess we have heard the Doctor preach out of *Luke* i. 68. First, This by way of Doctrine, *viz.* That God’s free Grace is the first and chief Cause of our Redemption. Then he proceeded thus: That the inward Man was redeemed in, for, and through Christ, *Rom. iii. 24. through the Redemption that is in Jesus Christ.* How through Christ? *Answer.* Through Christ’s Death and Passion; *Isa. liii. 5. He was wounded for our Transgressions, he was broken for our Iniquities. 1 Pet. ii. 24. Who bare our Sins in his own Body on the Cross. Rom. iv. 25. Who was delivered for our Offences to the Death of the Cross. 1 Cor. v. 7. Christ our Passover is sacrificed for us.*

Now this clearly shews, that Christ is more than a Type, and that he is a compleat Redeemer.

So much for this Article.

To the Eight and Ninth Articles;

Mr. *Tickle* saith, That he heard me deliver before the Committee of this County, sitting at *Reading*, That Christ was not God; and that he was not *Jehovah*.

Being further examined to this Article, my Interrogatories to him were these:

1. *Whether these Words were not expressed in a hot Dispute before the Committee?* To this Mr. *Tickle* replied, That I endeavoured in Dispute with great Seriousness, before the Committee, to maintain, That Christ was not God, that Christ was not *Jehovah*.

My second Question was this, *Whether, in the same Dispute, this Article was not limited and explained by me?*

But this Question was wholly waved and passed over in Silence; but whether voluntarily by Mr. *Tickle*, or by the Clerk's Deceit, the Interrogatories being given in in Writing, I do not know; but this I am sure, it was much to the prejudicing of my Cause to let such a weighty Question pass without an Answer.

3. *Whether this Article was held forth by me as my avowed Judgment?*

Ans<sup>w</sup>. To this he thus answers: The Doctor did maintain and defend this Article as his avowed Judgment.

Here Mr. *Tickle* is very peremptory in a rash Answer, though that Interrogatory before could be slid over in Silence; the Answer to which, if Mr. *Tickle* had not easily incurred Perjury, would have much cleared the Truth, in regard I meant and explained myself, of God the Father, as you shall see afterward.

This Deponent, Mr. *Tickle*, further deposeth to the eight and ninth Articles, That there was no such Expression, of *the Father*, used in the Definition of Blasphemy, as is mentioned in the Doctor's Answer; but saith that the Definition was, That Blasphemy was an Evil-speaking against God, derogating from his Glory, either in his Name, Nature, Word or Works. Mr. *Tickle* further affirms, That my immediate Words thereupon were, Hark! he answereth, Blasphemy is an Evil-speaking against God; and in his Paper chargeth me with Blasphemy against Christ, as if Christ were God: And hereupon we began a hot Dispute about the Godhead of Christ.

The Reader must here know, That upon Mr. *Tickle*'s defining Blasphemy to be an Evil-speaking against God the Father, as I then really apprehended, I immediately cried out, Hark! he defineth Blasphemy to be an Evil-speaking against God the Father, and in his Paper chargeth me with Blasphemy against Christ, who is God the Son. Whereupon began a Dispute; in reference to which Mr. *Tickle* further deposeth,

That he asked the Doctor if Christ were God: who did deny it, and put the Deponent upon Proof of the same. Whereupon he cited that Scripture, *In the beginning was the Word, &c.* To which the Doctor replied, He is called God, but he is not *Jehovah*. To which the Deponent replied, He

is *Jehovah*; which the Doctor likewise put him upon Proof of. To which he answered that Scripture, *His Name shall be called Jehovah, our Righteousness*: And, as he remembers, the Doctor did disallow of that Proof, as being out of the Old Testament; to which he cited that Scripture, *He that was, is, and is to come*, as of the same purpose with *Jehovah*.

'Tis well that Mr. *Tickle* adds, According to his best Remembrance, which saves him from Perjury: For I esteem the Old Testament to be Scripture as well as the New; neither did I disallow of that Proof as being taken thence, as he would insinuate: But I said that *Jehovah* in the Old Testament most commonly signified the Person of the Father.

But now we shall pass to the next Witness.

*Thomas Trapham*, one of the Commissioners, sworn and examined, deposeth;

That, to his Remembrance, the Word *Father* was not in Mr. *Tickle*'s Definition of Blasphemy; and that the Doctor did then deny Christ to be God; which the Deponent did acquaint Mr. *Blagrave* with. To which Mr. *Blagrave* said, If he say Christ is not God, we must take further Course with him. To which the Doctor replied, Christ is not *Jehovah*: and that when Mr. *Tickle* had confuted him in that Argument, (I must now tell the whole Truth) the Doctor replied, He was not God the Father.

Note, This was rather a Confutation of Mr. *Tickle*'s own Apprehensions concerning me, than of my Meaning in what I then spake: And if he swears truly that the Term *Father* was not in his Definition, then as he mistook me, I mistook him; upon which Mistakes his needless Proofs were grounded.

But now to the next.

Mr. *Roger Stevens*, of *Reading*, sworn and examined, *November 22*, deposeth, That the Doctor did confess in the Deponent's Hearing, in a Sermon, That Christ was not *Jehovah*.

Note, Before I proceed any further, I cannot but desire all sober Christians to take notice what a bitter and envious Spirit this Deponent is of; which will appear by what follows.

After his before-expressed Depositions, I put these Interrogatories to him:

1. Where did you hear me preach this? To this he replied, In a Sermon at *St. Lawrence's Church*.

2. I asked him before whom? He answered, Before the Committee of *Berks*.

3. I demanded of him how I explained myself, when in the Sermon I affirmed openly, That Christ was not *Jehovah*? He replied, He did indeed explain himself thus, That he had said that Christ was not *Jehovah*, in opposition to the Father.

Note, Here the Reader must know that this Sermon was delivered at *Reading* by the Appointment of the Committee, (before which we had the Dispute about the Godhead of Christ) in which Sermon I openly cleared myself from that dismal Aspersions of denying the Godhead of Christ; which so satisfied the Committee, that upon this they judged me innocent in that Particular, and by Vote cleared me. And now considering the Scope of my Sermon at that time, together with the Deponent's Deposition, viz. That he heard me in a

‘ Sermon confess that Christ was not *Jehovah*,  
 ‘ without adding any more to shew how I said  
 ‘ it, till I cross-examined him: I say, weighing  
 ‘ these well together, the judicious Reader can-  
 ‘ not but see this Deponent’s Envy and Parti-  
 ‘ ality, and Unfitness to take Oath, or be much  
 ‘ regarded after Oath; who swearing to speak  
 ‘ all the Truth, dares yet take one Sentence out  
 ‘ of a whole Discourse, without adding any fur-  
 ‘ ther Explanation of it, to make the Commis-  
 ‘ sioners believe that I accused myself of Blas-  
 ‘ phemy at that time, when my whole Scope was  
 ‘ to vindicate myself from the undeserved Impu-  
 ‘ tation of it.’

Now I shall present you with the Depositions and Evidence given in on my behalf, touching the Eighth and Ninth Articles, *viz.* That Christ is not God; and, That Christ is not *Jehovah*.

**B**UT in the first Place I refer you to my Answer to these Articles; in which you may see the Occasion of the Discourse before the Committee, touching the Godhead of Christ; and that I never owned any such monstrous Position, as, That Christ is not God.

In the second Place I come to the Witnesses: The first of which was Mr. *Francis Pordage*, Brother to me.

Now this Deponent being asked whether the Words, *That Christ was not God, and that Christ was not Jehovah*, before the Committee at *Reading*, were not delivered in a hot Dispute; he saith they were.

And being further asked whether in the same Dispute these Words, *That Christ was not God*, were not limited by me; he saith, The Doctor did express it with this Limitation, *That Christ was not the Father*.

Now follow the Cross-Examinations of the Accuser, and some other of the Ministers.

**M**R. *Pordage* being asked by them the ground of this Dispute, he thus answered, That the Dispute arose upon a Definition of Blasphemy which Mr. *Tickle* gave to Mr. *Blagrove*, That it was against God. To which the Doctor replied, He saith it is against God, and yet chargeth me for speaking against Christ.

‘ Note, Here are some Things prevaricated by  
 ‘ the Clerk, the Ministers at that time being very  
 ‘ hot in examining this Deponent.

‘ I must here therefore a little correct it by the  
 ‘ Line of Truth.’

Mr. *Pordage* indeed said that the Dispute arose upon a Definition of Blasphemy, which Mr. *Tickle* gave to Mr. *Blagrove*: But then a Minister asking him whether the Definition was not thus expressed, That Blasphemy was an Evil-speaking against God? he replied, He could not tell whether it was expressed against God, or against God the Father. But now I shall proceed as the Clerk took them.

Mr. *Pordage* being further asked by me, whether in that Dispute I did deny that I held Christ not to be God? he saith the Doctor did declare to Mr. *Blagrove*, That Christ was God.

Hereupon he was asked by the Commissioners and Ministers, whether there was not so much distance of time at the least between the

Doctor’s Denial of Christ to be God, and his correcting of it afterwards, as required Proof of Mr. *Tickle*, to prove him to be God and *Jehovah*? the Deponent doth acknowledge the same.

And the Deponent being asked whether he did hear Mr. *Tickle* speak any Word of God the Father in that Dispute? he saith, he doth not remember that Mr. *Tickle* used any such Expression.

This Deponent being asked by me, whether frequently in that Dispute, when I spake of denying Christ to be God, I did not speak it always in relation to God the Father? he thus answered, The Doctor did then speak it in relation to God the Father; but he cannot say frequently or always.

Moreover the former Deponent being asked by me, How I did explain myself in St. *Lawrence* Church concerning the Divinity of Christ, when I was commanded by the Committee at *Reading* to explain myself in a Sermon there? he saith, In that Sermon the Doctor did clear himself concerning the Trinity of Persons, and that Christ was God; and did assert the same as his avowed Judgment.

After this, being asked by the Commissioners whether the Doctor did not make his Limitation, if any, after he was confuted by Mr. *Tickle* concerning the Deity of Christ? the Deponent answereth to this, That it was after Mr. *Tickle* had cited many Scriptures to prove the Deity of Christ.

But last of all being asked by me, whether he understood me at that time to be confuted or mistaken? he saith, Mistaken.

*Francis Pordage.*

The next Witness is *Mary Pocock*, sworn again, and further examined.

**W**HO being asked by me whether this Expression, *That Christ was not God and Jehovah*, was not spoken in a Dispute before the Committee at *Reading*? she saith, She was before the Committee of *Berks*, where she heard the Doctor in a Dispute with Mr. *Tickle* concerning Christ; in which Dispute she heard the Doctor say, *Christ was not the Father*: But she did not hear him deny that he was God the Son, neither then, nor at any other time, but owning him to be perfect God, and perfect Man.

And being further asked, whether she did not hear the Doctor express that Christ was not God with a Limitation, and with what Limitation? she answered, Yes; and that the same was thus, *He was not God the Father*.

And being further asked by the Doctor, Whether she did not hear him deny in that Dispute, That he held Christ not to be God? she saith, she did apprehend him so, *viz.* That he did deny he held Christ not to be God; and so far as she was satisfied with it.

And being asked by the Commissioners, Whether she did not hear the Doctor in that Dispute, deny Christ to be God? she answereth, she heard him deny Christ to be God the Father.

And being further asked, Whether the Words of God the Father were not spoken by the Doctor, after Mr. *Blagrove* did tell him, If he held such Opinions, they must proceed against him? To this she saith, Mr. *Blagrove* put some Que-

Questions to him, what they were she cannot remember.

And being further asked, Whether the Doctor did not bring in the Expression of God the Father, after many Scriptures cited by Mr. *Tickle* to prove Christ to be God? To this she saith, some Scriptures Mr. *Tickle* did bring; but she is not able to say it was before the Doctor did express God the Father.

Mary Pocock.

After this, I desired the Commissioners, that if they were not yet satisfied, they would hear my Witnesses which I had there ready to be sworn; that I had formerly cleared myself of holding Christ not to be God and *Jehovah*; and that I had held forth the contrary as my avowed Judgment, viz. That Christ was God and *Jehovah*, in a Sermon before the Committee of *Berks* at *Lawrence-Church* in *Reading*; and how afterward I was cleared by their Vote from these Articles now in Debate, and particularly from this of holding Christ not to be God. But they would not suffer me to produce the Evidence of these Witnesses, replying, They had nothing to do with what other Committees before had done; they would proceed according to the Proofs of the present Witnesses.

But nevertheless I shall here present to the judicious Reader the Evidence which they through Prejudice rejected.

Which was this that follows.

I confess I heard the Doctor deliver himself in a Sermon at *Reading* in *Lawrence-Church*, where the Committee of *Berks* was present, out of *Ezek. cap. ix. ver. 4, 5, 6, 7.* after this manner, That *Jehovah*, taken late, largely, including the Trinity of Persons, so they are all *Jehovah*: But take *Jehovah* strictly, only for the Person of the Father, and then Christ is not *Jehovah*. And hereupon he further said, What Dealings have I had from my Fellow-Ministers, but as *Jacob* had from *Esau*, *Obad. ver. 10, 12.* who spake proudly against his Brother *Jacob* in the Day of his Distress. And there he avowedly declared, That the Thought of denying the Deity or Godhead of Christ never enter'd into his Soul.

Moreover,

These following Witnesses were present to attest on Oath their former Depositions, taken before the Committee of Plundered Ministers, which were these.

This Deponent (Mr. *Francis Pordage*) further saith on Oath, That he was present before the Honourable Committee of *Berks*, when the Doctor was cleared by the Vote of the whole Committee, touching the Business at *Ilfley*, and concerning those Articles, That Christ is not God and *Jehovah*.

This Deponent (*John Hambleton*) saith on his Oath, That he was present before the Honourable Committee of *Berks*, when the Doctor was cleared by the Vote of the whole Committee, concerning *Ilfley* Business, and these Articles of Christ's not being God and *Jehovah*.

And this Deponent further saith on Oath, That he was at *Reading* before the Committee of *Berks*, where the Doctor was cleared of the Business at *Ilfley*, and from the false Aspersions laid to him, as if he denied Christ to be God or

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*Jehovah*, and that by the Vote of the whole Committee.

But the Commissioners not receiving these Testimonies, I earnestly desired them they would hear the Evidence of some Witnesses there present, touching the Tenor of my Ministry since that Dispute concerning Christ's being God, which I looked upon more considerable than one Expression uttered in a Dispute upon a Mistake, (if Mr. *Tickle* swears the Truth.) But they denied this reasonable Request, saying, They were in haste; and that these Testimonies were but dilatory and impertinent. Which notwithstanding I shall here present, to be weighed by the judicious Reader.

These four Witnesses (Mr. *Francis Pordage*, *Richard Higgs*, Mr. *Samuel Pordage*, *John Higgs*) were ready to attest this which follows upon their Oaths, which was writ down in some of their Note-Books.

We confess we heard the Doctor preach out of *Matth. i. 23.* in the Year 1652, concerning Christ's Birth; at which time he speaking of six Wonders, delivered the four last after this manner:

The third Wonder in Christ's Birth was this, That he was born a perfect Man, a true natural Man, *Luke i. 42.* where Christ is called by *Elizabeth* the Fruit of the Virgin *Mary's* Womb; *Gal. iv. 4.* made of a Woman; *Gal. i. 1.* not only in and through a Woman, but out of the Substance and Nature of the Virgin. Fourth Wonder, That Christ was born perfect God, *John i. 14.* The Word was made Flesh: Who is meant by this Word? The Eternal Word, the Word Christ, *Heb. i. 2.* Fifth Wonder, Behold two distinct Natures born in him, viz. The Deity and Humanity, the Godhead and the Manhood, *Rom. i. 3, 4.* According to the Flesh, he is of the Seed of *David*; and according to his divine Nature, he is the Son of God. These two Natures remain distinct in Christ's Person; *John viii. 58.* Before Abraham was, I am. According to his divine Nature, he was before Abraham; and according to his human, after. Sixth Wonder, Behold two Natures hypostatically united in one Person! These two Natures do not make two Persons, two Christs, but both these Natures hypostatically united together, make up but one Person, *Matt. i. 23.* Emanuel, God with us.

The Nature of this Union was after this manner explained:

It was an inconvertible Union, an indivisible Union, an unconfused Union, an inseparable Union, a substantial and real Union, yet a mystical Union.

We also heard the Doctor in *Bradfield Church*, at another time, about 1653, deliver himself (out of *John i. 14.* concerning the Word's being made Flesh) thus, viz. That this Word was Christ, the Eternal Word, that is co-eternal, coessential, and coequal with the Father, *Prov. viii. 22, 23, 24, 25.* I was set up from Everlasting, &c. *John x. 30.* I and my Father are one.

Besides, we can with a good Conscience testify, that in his publick Ministry, out of divers Texts of Scripture, we have heard him clearly hold forth Christ to be God.

So much for these Articles, as to the Testimony of Witnesses. I i 2 And

‘ And now we must inform the Readers, that  
 ‘ I have hitherto in Truth, without Partiality to-  
 ‘ ward myself, or Passion and Prevarication to-  
 ‘ ward my Adversaries, presented the Depositions  
 ‘ and Evidence on both sides, touching the first  
 ‘ Charge : I would therefore request, that these  
 ‘ following Particulars, drawn together by way  
 ‘ of Recapitulation, may be seriously weighed  
 ‘ and considered.

‘ *Part. 1.* That to most of these nine Articles  
 ‘ they have but one Witness, without any concur-  
 ‘ rent Testimony, which is not sufficient Proof,  
 ‘ according to the Ordinance they are to act by ;  
 ‘ in which it is expressed, that at least there must  
 ‘ be one Witness with concurrent Evidence.

‘ *Part. 2.* That wheresoever the Accuser hath  
 ‘ two, I have also two to balance them.

‘ *Part. 3.* That altho’ many of the Articles are  
 ‘ in gross sworn to positively, yet in the Cross-  
 ‘ Examinations you will find such Limitations as  
 ‘ these, According to our best Remembrance,  
 ‘ and According to our Apprehensions, In the  
 ‘ same express Words for the Substance of them,  
 ‘ &c. which cannot therefore amount to legal  
 ‘ Evidence, being invalid in point of Law ; be-  
 ‘ cause, as the judicious Lawyer saith, if the De-  
 ‘ ponents swear not positively and syllabically,  
 ‘ they may by changing, adding to, or taking from  
 ‘ the express Words, usurp the Place of Judges,  
 ‘ and so prevent their Work and Duty, which is  
 ‘ to judge whether such express Terms are crimi-  
 ‘ nous or not ; which they cannot do after the  
 ‘ Terms be altered, and made criminous already  
 ‘ by the Witnesses misrepresenting them.

‘ *Part. 4.* That my Witnesses in reference to  
 ‘ the most substantial Questions, are positive in  
 ‘ their Answers.

Now I come to the second Charge of Articles in  
 reference to the Proof, being exhibited against me  
 by one *Joseph Cook*, an unknown Person.

Art. 1. **O**NE Mrs. Lewyn being with Child,  
 and near the time of Travail, sent  
 for Dr. Pordage’s Mother to be her Midwife ; but  
 he would not suffer her to go, saying they would not  
 be guilty of such a beast-like Life, meaning Mrs. Le-  
 wyn’s being with Child by her Husband.

*Depos.* Mr. John Lewyn of Hamsted-Norris,  
 sworn and examined the second of November, at the  
 Bear in Speenhamland, before the Commissioners,  
 to this Article saith, he cannot depose.

*Ann Lewyn*, Wife of John Lewyn, Minister of  
 Hamsted-Norris, sworn and examined to the se-  
 cond Paper of Articles exhibited against Dr. Por-  
 dage, saith, to the first Article she cannot depose.

Art. 2. *The said Dr. Pordage coming to the House*  
*of Mr. Lewyn, in his Discourse with Mrs. Lewyn,*  
*blamed her for having Children by her Husband, and*  
*argued with her the Unlawfulness of having Children*  
*by her Husband.*

*Depos.* To this Article Mr. Lewyn saith he can-  
 not depose.

To this second Article Mrs. Lewyn saith, That  
 the Doctor told her, when she had two Children,  
 a Boy and a Girl, she had enough, one for her  
 Husband, another for herself: To which the De-  
 ponent answered, *As it shall please God.* Then  
 the Doctor replied, *Pish, it is as yourselves will.*  
 But she saith, the Doctor did never persuade her to  
 live from her Husband.

Art. 3. *In his Discourse to Mr. Lewyn concern-*

*ing the same Subject, he endeavoured to maintain*  
*the Unlawfulness of their having Children; and said,*  
*that Adam was Male and Female in himself, and*  
*had he not fallen, he had brought forth Children him-*  
*self; and to maintain and prove the same by Scrip-*  
*ture and otherwise.*

*Depos.* To this third Article Mr. Lewyn saith,  
 That about three Years since, the Doctor and this  
 Deponent had some Discourse at the Deponent’s  
 House, about some Principles of Religion: the  
 Doctor did urge that Place in *Genesis*, That he  
 made them Male and Female, but whether he  
 meant *Adam* singly, or what mental Reservation  
 he had, the Deponent knoweth not. And further  
 to this Article he cannot depose.

To this third Article Mrs. Lewyn saith, She  
 heard the Doctor and her Husband in discourse to  
 the purpose of the said Article ; but what the  
 words were, she cannot depose.

Art. 4. *In his Discourse with Mr. Lewyn,*  
*which was about the time that one Everard was with*  
*him in his House at Bradfield, who was generally*  
*reputed a Conjuror, he asked Mr. Lewyn whether*  
*he would not be afraid if he should see his own*  
*Piecture or Shape, intimating that he himself had used*  
*to see his.*

*Depos.* To this fourth Article Mr. Lewyn saith,  
 That about the time mentioned in the Article, the  
 Deponent met the Doctor in *London* ; in discourse  
 with him the Doctor asked him, If it would not  
 be terrible to see Apparitions? but did intimate  
 nothing, that he used to see any himself.

To this Mrs. Lewyn saith she cannot depose.

Art. 5. *The said Dr. Pordage hath had for some*  
*Weeks together in his House the said Everard, and*  
*one Tawny, who stiled himself King of the Jews,*  
*who had been questioned, as it is generally reported,*  
*for holding dangerous and unsound Opinions, as that*  
*there is no Hell and the like.*

*Depos.* To this Mr. Lewyn deposed nothing, and  
 Mrs. Lewyn saith she cannot depose.

‘ Now all that I shall say to this Charge, and  
 ‘ the Proofs of it, consists in these three subse-  
 ‘ quent Particulars.

‘ *Part. 1.* What Paul saith, *Acts xxiv. 13.* Nei-  
 ‘ ther can they prove the Things whereof they now  
 ‘ accuse me, I may say here ; for many things are  
 ‘ laid to my Charge, but nothing proved by this  
 ‘ unknown Accuser. But it is an Act of subtile  
 ‘ Policy, to charge boldly, tho’ they prove little  
 ‘ of it, which hath been practised against me in  
 ‘ this Trial, as every one may see.

‘ *Part. 2.* For the further Satisfaction of  
 ‘ the Reader, in reference to this Charge,  
 ‘ let him look back upon my former Answer,  
 ‘ given unto it before the Witnesses were exa-  
 ‘ mined.

‘ *Part. 3.* I look upon myself in some mea-  
 ‘ sure obliged here to give a short account of my  
 ‘ Judgment concerning Marriage ; the holding  
 ‘ forth of which may have occasioned my Ene-  
 ‘ mies to have framed some of the precedent Ar-  
 ‘ ticles against me. I must therefore acknowledge,  
 ‘ That I prefer Virginity before Matrimony,  
 ‘ the single State before the conjunct ; and that  
 ‘ Persons, though in a married State, [ *1 Cor. vii.*  
 ‘ *38.* ] may by consent abstain from the Enjoy-  
 ‘ ments of that State, and so be in it as though  
 ‘ they were not in it, living as single, though in  
 ‘ an united Form. This now is my Judgment and  
 ‘ deliberate Practice, being according to that of  
 ‘ Christ, *Mat. xix. 12.* *He that is able to receive*  
 ‘ it,

‘ it, let him receive it: where he speaks of the  
 ‘ Law of Abstinence, and Christian Eunuchism;  
 ‘ which these words immediately going before  
 ‘ shew, viz. *There be Eunuchs, that have made  
 ‘ themselves Eunuchs for the Kingdom of Heaven’s  
 ‘ sake.* Here is the Practice, and the End of it,  
 ‘ which ought to be the Growth and Increase  
 ‘ of God’s Kingdom in the Heart; to which  
 ‘ the Mortification of the Affections, and the  
 ‘ Abstraction of the Soul from the corrupt sen-  
 ‘ sitive Nature, does make way. And certainly  
 ‘ it were well, if Christians, in this corrupt de-  
 ‘ clining Age of the World, did more eye and  
 ‘ imitate the Pattern of Christ’s Life, who as  
 ‘ he was born of a Virgin, so lived in Virginitie,  
 ‘ and the single devoted Life; leaving an Ex-  
 ‘ ample to all that are able [*Mat. xix. 12.*] to  
 ‘ tread in his steps, and follow him. And fur-  
 ‘ ther, it is fit for all that are either single or  
 ‘ married to consider, that all private Bonds,  
 ‘ Laws, and Engagements, ought to strike sail  
 ‘ to our highest Laws and Engagements to God;  
 ‘ and that whensoever they cross one another,  
 ‘ the highest and supreme Law, by which we  
 ‘ are obliged to live to God in Purity and Inte-  
 ‘ grity, must have the precedency. Now my  
 ‘ holding forth and declaring this my Judgment,  
 ‘ together with my own Practice, hath given  
 ‘ occasion to many (who are as the Generation  
 ‘ before the Flood, eating and drinking, mar-  
 ‘ rying and giving in Marriage, and taking com-  
 ‘ placency in the Delights of the Flesh) to speak  
 ‘ evil of me, as one that breaks Bonds between  
 ‘ Relations, tho’ no such thing can (in truth) be  
 ‘ proved against me: for it is not my design to  
 ‘ make Profelytes to my Judgment, being wil-  
 ‘ ling to leave all to the Rule of Light in their  
 ‘ own Consciences. Tho’ I have said, and can-  
 ‘ not but say, that it were well if Christians  
 ‘ would more labour after, and pray for the Gift  
 ‘ of Continency, and not involve themselves in  
 ‘ the Entanglements of the World, till they had  
 ‘ used all Means of Mortification prescribed in  
 ‘ the Holy Scripture, to subdue their Natures:  
 ‘ and it were happy if the present Generation  
 ‘ could clearly distinguish betwixt those Mar-  
 ‘ riages that are Idolatrous, Adulterous, and  
 ‘ Bestial, and those that are Holy, Pure, Divine,  
 ‘ being made in the Lord, according to his Will,  
 ‘ and so lawful and honourable. But alas! most  
 ‘ People now are as those in the days of *Noah*,  
 ‘ who being insensible of God’s intended Judg-  
 ‘ ment by the Deluge, solaced themselves in the  
 ‘ Pleasures and Delights of the Earth, till the  
 ‘ Flood came and destroy’d them. Hence there  
 ‘ is much need of some at this time, to call  
 ‘ People to Self-denial and Imitation of Christ’s  
 ‘ Life, to live up to the highest and purest Rules  
 ‘ of Christianity, in the Mortification of their  
 ‘ Flesh, and in the compleat devoting of them-  
 ‘ selves to a constant Attendance upon the Lord,  
 ‘ as waiting for his coming in Spirit, to destroy  
 ‘ the Man of Sin, and overthrow *Babylon* with all  
 ‘ its Idols. So much for the third and last Par-  
 ‘ ticular, which shall conclude the things of this  
 ‘ Charge.’

Now I am come to the Depositions of my third  
 and last Charge, some of which were taken *Nov.*  
*22.* being the fourth time of my Appearance; the  
 other *Decemb. 7* and *8.* being the fifth and last  
 time of my appearing before the Court.

But before I present the particular Depositions,  
 I must here inform the Reader of two things,  
 which relate to the last time of my Appearance,  
 and to this last Charge; one of which shews  
 the Cruelty, the other the Injustness of the  
 Commissioners. The first then is this: The  
 seventh of *December* having been taken up in the  
 Examination of my Witnesses to the first Charge,  
 which continued till it was late in the Night, the  
 Commissioners called for more Lights, that they  
 might proceed to the Examination of Witnesses  
 in reference to the third Charge. Whereupon  
 I reply’d it was late, and I had many Witnesses  
 to examine upon the last Charge. At this Mr.  
*Fowler* the Accuser rose up, and urged the Pro-  
 ceeding to the last Charge; saying, it would  
 quickly be dispatched. Then the Commis-  
 sioners cry’d out, Fetch us more Candles, we will  
 make an end of it this Night. To which I re-  
 ply’d, Gentlemen, I have here stood very long  
 before you, and having not dined, (through the  
 Urgency of my Business) I am not well, being  
 very faint, and much spent and wearied; I de-  
 sire you would therefore stay till the next Mor-  
 ning. But they peremptorily denied this just  
 Request, and resolved to proceed. But they  
 permitting me to withdraw for a little space,  
 through Emptiness and Weariness I fell very  
 sick, and was forced to go into my Bed: at  
 which the Commissioners were very much trou-  
 bled, seeming to consult whether they should  
 proceed to Judgment. The second thing is this;  
 On the morrow the Commissioners requiring me,  
 against many Objections which I made, to give  
 in my Interrogatories by writing; afterward  
 judged most of them dilatory and impertinent  
 to the Business, and so not fit to be examined.  
 To which I objected, whatever my Proofs were,  
 they ought in justice to hear them, by examining  
 the Witnesses to my Interrogatories, and after-  
 wards to judge of them, whether valid or invalid.  
 But nothing I could speak prevailed with them,  
 to obstruct their rejecting most of my Testimo-  
 nies.

But now as to the particular Depositions, relat-  
 ing to the third Charge, exhibited by Mr. *Fow-  
 ler*, I shall here present them to be weighed in  
 the Scales of Justice by the Reader.

Art. 2. **T**HAT *Jesus Christ was not perfect;*  
*alleging that Text to confirm it, He*  
 cry’d out, My God, my God, why, &c.

Mr. *Christopher Fowler* sworn and examined  
 (at *Reading, Novemb. 23.*) to this Article, saith,  
 That about five Weeks or a Month since, he  
 acquainted Mr. *Daniel Blagrove* the younger,  
 that the Commissioners did intend to summon  
 him to testify what he knew of Dr. *Pordage* in  
 relation to *Jesus Christ*; and the Deponent  
 asked him, if he heard the Doctor say, *That*  
*Christ was not perfect?* To which he answered,  
 Yes.

Now as to my Defence against this Testimony,  
 not repeating the Illegality and Invalidity of it,  
 I have these things to say.

1. **T**HAT the Clerk hath left out some Cross-  
 Interrogatories, which were proposed by  
 me to the Accuser, in reference to this his De-  
 position. As first, Whether he asked Mr. *Blagrove,*



grave, whether I spake it from myself, as my Judgment, or related it as delivered by and heard from another? Which Question the Accuser waved. And secondly, If he did ask it, what was reply'd to it by Mr. *Blagrove*? Which likewise was waved by him without any positive Answer. Whereupon I said to the Commissioners, I hope you will not take this Deposition as Evidence against me, without summoning Mr. *Blagrove* himself, who only can resolve the Truth of these Particulars.

2. In the second place, I shall refer you to my Answer to this Article; in which you may see, that I only related what I had heard another speak at a publick Meeting in *London*, the thing itself being much against my Judgment.

3. In the third place, I must tell you that I had three Witnesses ready to depose on Oath, That after my coming from *London* they heard me relate this, as spoken by Mr. *Erbery* in a publick Sermon at *Somerset-House*; which Testimony was according to my Answer to this Article, tho' accounted impertinent by the Commissioners, and so rejected, without examining the Witnesses.

4. Farther to clear my Innocency in this particular, I desired them to hear what my Witnesses could say, as to the Tenour of my Ministry, touching Christ's being a perfect Redeemer: But this was also rejected as impertinent. But whether this subsequent Testimony, intended to have been given in, was not as weighty as the Accusers Deposition or Hearsay, let the Reader judge.

We have heard the Doctor preach in *Bradfield Church* (about 1652, out of *Coloss. i. 14. In whom we have Redemption, &c.*) after this manner. These words he divided into three Particulars; 1. Into the Redeemer, in whom. 2. The Redeemed, We. 3. The Act itself, Redemption. As to the first Particular, he thus enlarged himself? Who can this Redeeming Person be, but Christ? *Acts iv. 12. Neither is there Salvation in any other, for there is no other Name given under Heaven, whereby we must be saved. 1 Cor. iii. 7. For other Foundation can no Man lay, than that is laid, which is Jesus Christ.* As to the second Particular, The Persons redeemed, he said they were the whole mystical Body of Christ. Thirdly, As to the third Particular, the Act itself, Redemption, he said it imply'd a Deliverance from a State of Bondage into a State of Liberty; which he opened at large in every Particular, setting forth the Riches of this Redemption to us by Christ.

And we heard him further preach in *Bradfield Church*, about 1654, from these words out of *1 Tim. i. 15. That Jesus Christ came into the World to save Sinners, viz. That Jesus Christ was a perfect Saviour, in reference both to his Prophetical, Priestly, and Kingly Office, every one of which Heads he opened at large.*

Now let the Reader but impartially weigh the Accusers illegal Deposition, with the Particulars here recited on my behalf, and judge whether the Commissioners have not broken their own Law, the Law of Nature, and the Law of Scripture, in taking this Deposition of my Accusers into their Sentence of Ejectment, in which they expressly condemn me for holding, *That Christ was not perfect.*

Artic. 3. *That the Blood of Christ was not meritorious of any Man's Salvation.*

To this Mr. *Christopher Fowler*, sworn and examined, deposeth, That about three Weeks or a Month since he asked Mr. *Daniel Blagrove* the younger, whether he did not hear the Doctor say, That the Blood of Christ was not meritorious of any Man's Salvation? he answered, He heard him to that purpose.

To balance this Deposition, let the Reader consider,

1. That the Accuser is here Deponent, which is against Law.

2. That the Deposition is but a Story or Hearsay, and no legal Testimony.

3. That the Deponent was not able to answer to any of my Interrogatories, so as to declare where, before whom, or on what occasion this was spoken; only protested as he was a Minister of the Gospel, that Mr. *Blagrove* told him so.

4. That I am not guilty of holding any such thing, as my Answer to this Article shews.

5. That seeing I had no other way of clearing my Innocency, but by shewing my Judgment, and producing Proofs of the Tenour of my Ministry touching this particular; I desired them to examine some Witnesses, that were there ready to attest this which follows.

We heard the Doctor in *Bradfield Church* (about 1652, out of *Coloss. i. 4. viz. In whom we have Redemption through his Blood*) deliver himself thus: That the fourth particular in this Text, was the Means of this Redemption, expressed in the last words, *Through his Blood*, to be understood *per modum meriti*, through his meritorious Blood. *1 Cor. vi. 20. Ye are bought with a Price*, that is, the Price of Blood. *1 Pet. i. 18, 19. Forasmuch as ye know that ye were not redeemed with corruptible things, as with Silver and Gold, from your vain Conversions, but with the precious Blood of Christ. Acts xx. 28. Which he hath purchased with his own Blood.*

We also heard the Doctor in *Bradfield Church*, (about 1654, out of these words, *Isa. xxxv. 6. In this Mountain will the Lord of Hosts make a Feast of fat things, &c.*) speak thus; That one Dish amongst the Dainties of this Feast, was the Blood of Christ; which he opened, to be cleansing purging Blood: *1 John i. 7. Having cleansed us from all our Sins through his Blood.* And reconciling Blood, *Coloss. i. 20. Reconciled through his Blood.* And pardoning Blood, *Coloss. i. 14. Through his Blood, even the Forgiveness of our Sin.*

And we have oft heard him in his Ministry thus set forth the Efficacy of the Blood of Christ.

But you must know that this Testimony would not be received, for they judged it invalid, tho' they received the Accusers Hearsay as Evidence against me. Now whether this Dealing was not more suitable to corrupted Ethnicks, than to such Professors of Religion, let knowing Persons judge.

Art. 4. *Pish! It is a poor thing to live upon the Blood of Christ.*

Depos. *Susannah Grip*, Wife of *John Grip* of *Reading*, Joiner, sworn, deposeth, This Deponent told Dr. *Pordage*, That it was a high thing to live upon the Blood of Christ. To which

he replied; To live upon the Blood of Christ, that is a poor thing: and repeated the same again, and said, Thou art a Babe, thou knowest nothing; to live upon the Blood of Christ, that is a poor thing. Whereupon the Deponent's Heart fell almost dead with Fear at his words. And being asked by the Doctor, whether the same were delivered in the same very words? she answered, Yes, in the very same words. Being asked where? she replied, In the Kitchen: Being further asked when? she saith, Four Years since, to the best of her Remembrance; but who was then present, she doth not remember. And being asked by the Doctor, upon what occasion the same was spoken? she saith, the Doctor was speaking something in a rambling manner, which she did not understand; but she said, she thought would speak something to him, that he should understand and rejoice with her for it: and that was the Occasion of the Discourse; and that the Doctor's words were without any Explanation. This Deponent being ready to faint, said, What then, Doctor? He answered, I know not what the Matter is, that I must speak to you; I do not use to discover myself: but he told her something of the Man that died at *Jerusalem*, which she did not remember, being then so amazed.

The Doctor's Answer to the eighth Article being read unto her, she saith, that all the Circumstances mentioned in the said Answer, are all of them false and untrue.

Now as to this Deposition, what is further to be added, to give the Reader more Light to judge of both the Article and Deposition, is this:

**N**OT to speak any thing of the Levity and Rashness of this Woman, which is well known to the Inhabitants of *Reading*, and may make her Testimony the less to be valued; she in her rash Denial of the Circumstances of my Answer, confidently spake a known Untruth upon her Oath, and so made herself guilty of open Perjury.

Whereupon, when I came to make my Defence, to invalidate her Testimony, I presented four Witnesses, who were ready upon Oath to prove her perjured.

The first of these was one Mr. *Richard Stockwell*, esteemed by all moderate Persons that know him to be a sober and pious Christian. Although he was excepted against by Mr. *Fowler* the Accuser, as an *Erberist*, as this subsequent Deposition sheweth.

Mr. *Fowler* being sworn, as to his knowledge of Mr. *Stockwell*, deposed, That he conceives the said *Stockwell* is an *Erberist*; because that when the Deponent (being charged to be a Slanderer of him) did offer to make a publick Recantation, and to confess himself to be a Slanderer, in case the said Mr. *Stockwell* would deny the Doctrine and Opinion of Mr. *Erbery*, which he refused.

Notwithstanding which, the Commissioners would examine him, if the Doctor would ask him any material Question; but do not think fit to examine him to their due or undue taking of Mr. *Grip*'s Examination, which the Doctor insisteth on.

Now let the Reader judge whether the Question was not material, which this Witness would have answered to by Oath; *viz.* Whether

Mrs. *Grip* did not aver on Oath in open Court, That she never railed against Mr. *Fowler*? To this one Mr. *Tench* was ready also to be sworn in the Affirmative: there were also many others which heard it. And further, I had two more substantial Witnesses, who offered to swear they had heard Mrs. *Grip* rail against Mr. *Fowler* in publick Meetings before many Witnesses. Mrs. *Eleanor Burleigh* was willing to depose, That she heard Mrs. *Grip* say, That Mr. *Fowler* was a Son of *Belial*, &c. and one Mrs. *Kent* would have attested, that she heard her rail against Mr. *Fowler* in the same and the like Speeches, with much more. Now because the Clerk had not taken that Expression of hers, That she never railed against him, therefore the Commissioners made it their Pretence, of not examining the Witnesses to it, as a thing impertinent; though by the Attestation of that, with the Testimony of the other two Witnesses, she had been proved directly perjured. But Mr. *Fowler* the Accuser, being a great Friend of the Woman's, and seeing she was in danger to be proved perjured, and so an insufficient Witness in all her Testimonies, prevailed with the Court against the importunate, rational, and legal Pleas of my Counsel, to reject these fore-mentioned Witnesses. The Unjustness, palpable Partiality and Illegality of which Action I leave to be weighed in the Balance of Equity by the impartial Reader, who in Justice may esteem this Woman as really perjured, as though the Witnesses had proved it, and value her Testimony accordingly. And truly, some of the godly Party at *Reading* hearing with what Impudence and Rashness she affirmed on Oath she never railed against Mr. *Fowler*, confessed they could not but wonder at her, being it was so commonly known.

But, to conclude, let the Reader take notice, First, That this Article may be either true or false, according to the applying of it to particular Persons. Secondly, That though it were taken in the worst Sense, yet it were not within the Act of Scandal. Thirdly, That there was only one Witness to it, to whose Testimony what Credit is to be given, let the foregoing Particulars declare. Fourthly, That I had Witnesses ready to depose, That in the Tenour of my Ministry, I had often held forth Christ's Blood to be of a cleansing, redeeming and justifying Nature. Fifthly, That in my Answer to it, I have given the true Ground and Occasion of it.

Art. 5. *Pish! there was no such thing as Persons in Trinity.*

Depos. The former *Susannah Grip* saith, That the Doctor came into her Kitchen at another time, as she thinks from the Committee, and said, That whereas Ministers spake of Persons in Trinity, there is no such thing; *There are Three that bear record in Heaven*: but there is no such thing as Persons in Trinity. ——— Note, *In that Scripture, 1 John v. 7.* should be added; and that in reference only to the Terms.

Now my Interrogatories to her upon this Article, were these: 1st, When I spake these Words? She saith, When I came from the Committee, which was two or three Years since, or thereabouts. 2dly, Before whom? She answereth, Whether her Maid, or any body else, or who was present, she doth not remember. 3dly, Being