

**A brief account of the Hospital of St. Elisabeth annexed to the Imperial Monastery of St. Maximin, of the Electorate of Treves. Translated from the Latin [of 'Historia succincta Hospitalis St. Elisabethae']. With notes, and miscellaneous observations.**

**Contributors**

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Lofft, Capel, 1751-1824.

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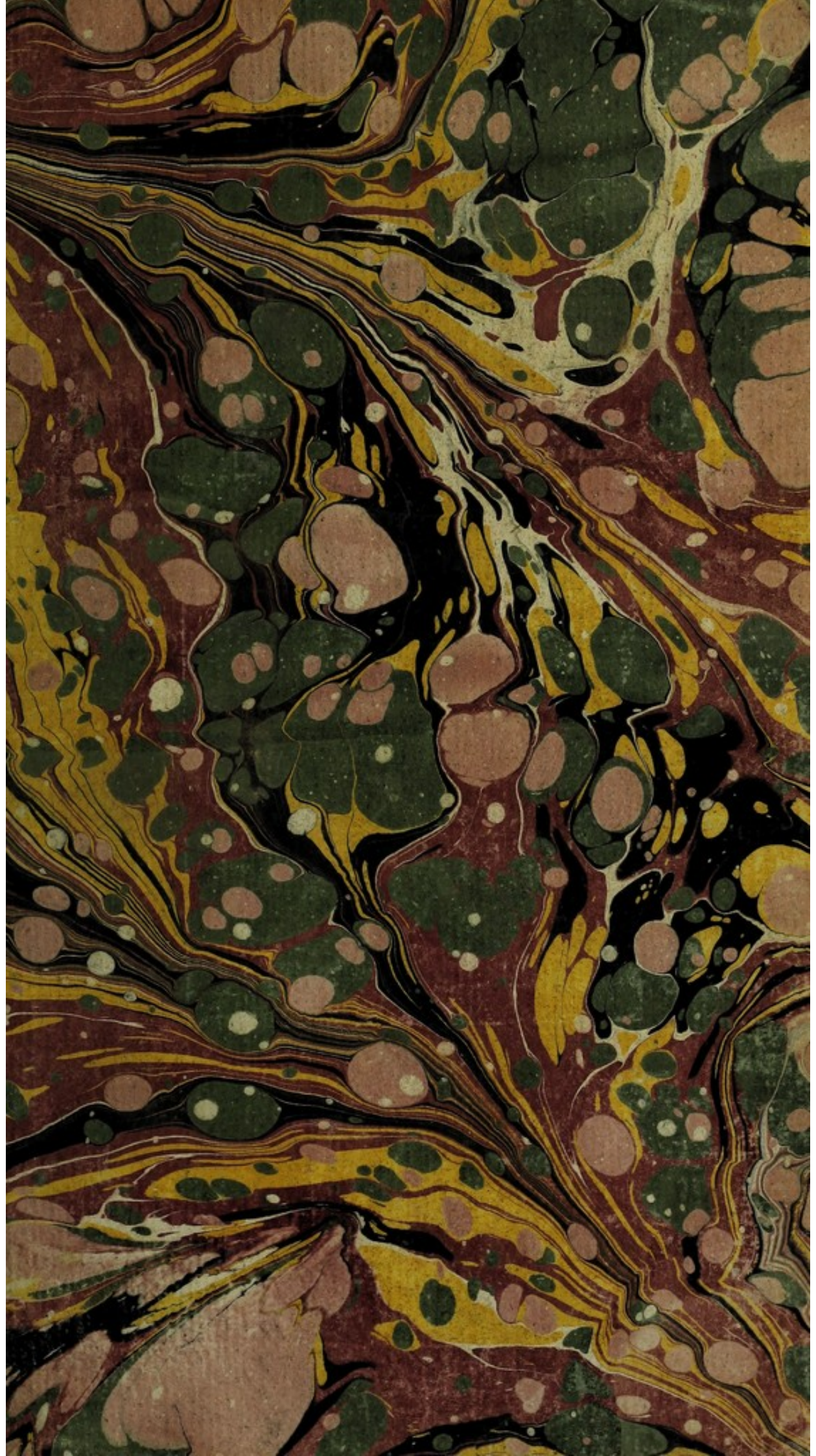


ST. M.



*Charles Lambert*







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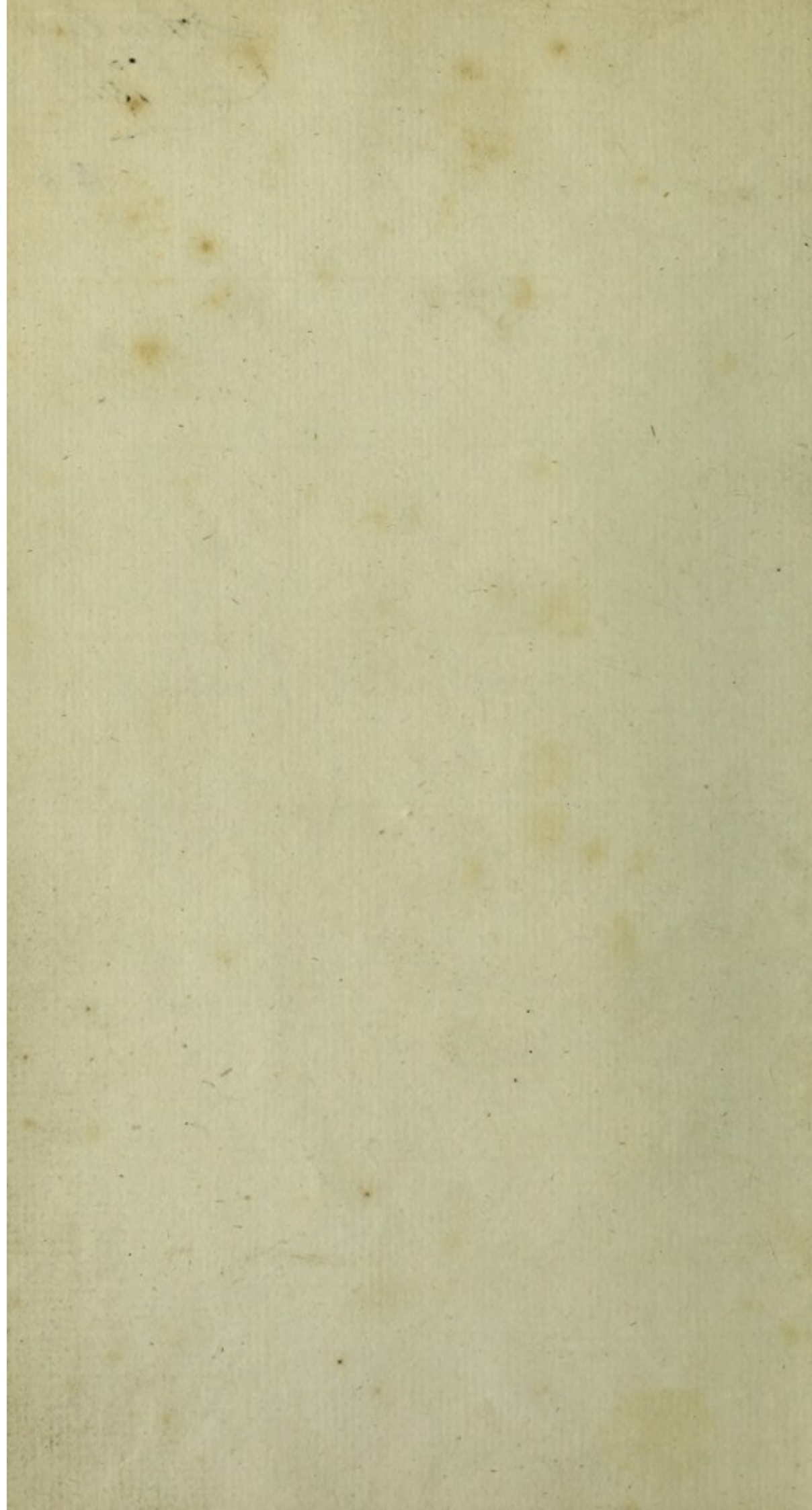
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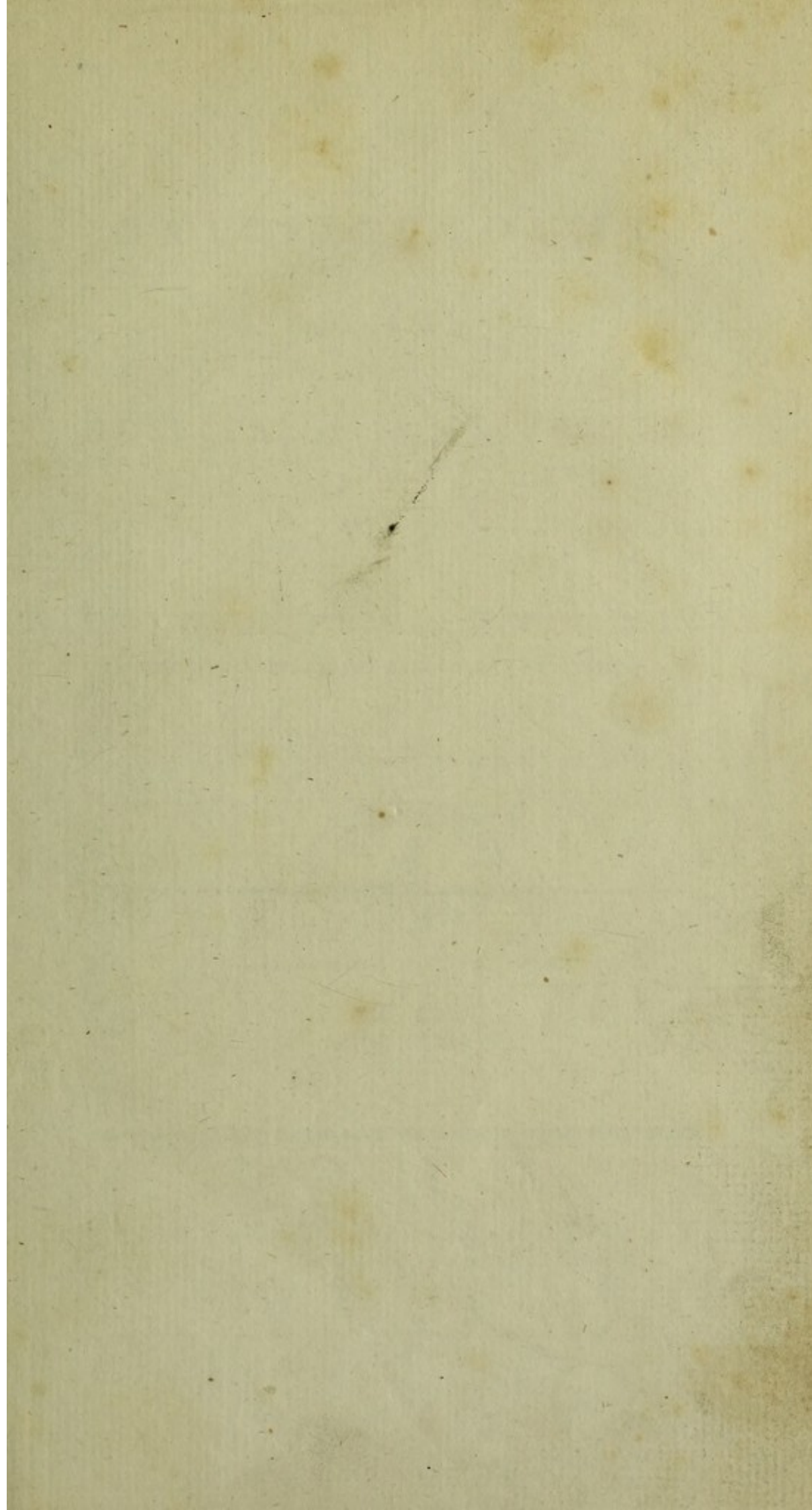
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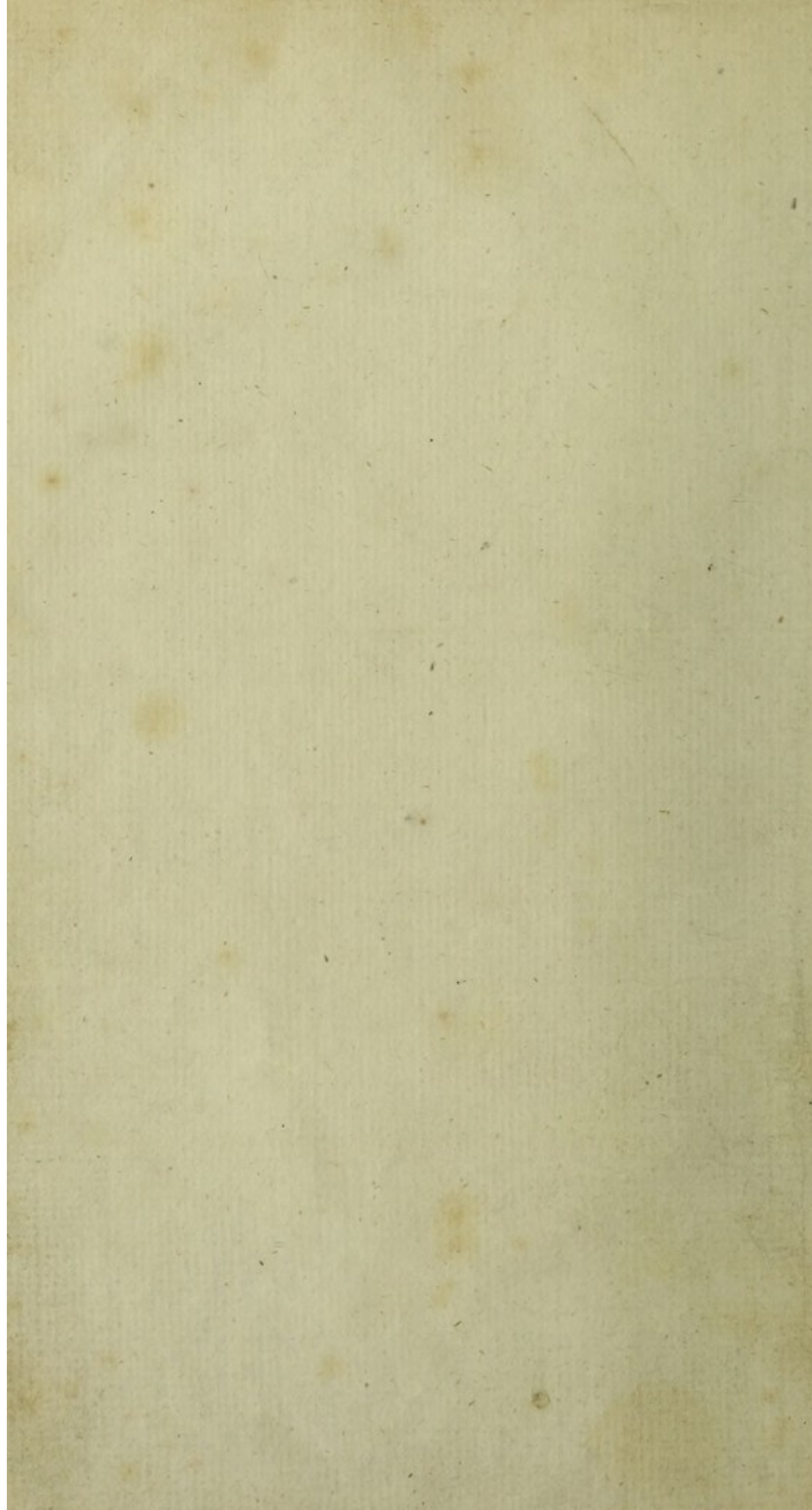
John Caley,  
F.A.S.  
1818.

P. 3.









A  
BRIEF ACCOUNT  
OF THE  
HOSPITAL OF ST. ELISABETH,

ANNEXED

TO THE IMPERIAL MONASTERY OF ST. MAXIMIN, OF THE  
BENEDICTINES, IN THE ELECTORATE OF TREVES.

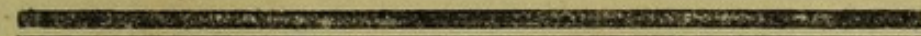
TRANSLATED FROM THE LATIN.

WITH NOTES, AND MISCELLANEOUS OBSERVATIONS.



*Pandere res alta terra et caligine mersas.*

ישמחו רבים  
ותרבה הדעת:



L O N D O N:  
SOLD BY C. DILLY, BOOKSELLER, IN THE POULTRY;  
AND PUNCHARD AND JERMYN, IPSWICH.

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# EXPLANATION OF THE MEDAL

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*Though the Medal (to which great Justice has been done by the ENGRAVING) sufficiently announces itself, yet, it has been thought possible, that its Connection with the Subject of this Work might, to some Readers, be not immediately apparent; Mr. HOLTZEY's Account of its Design is here, therefore, translated (with some Abridgement) and annexed.*

.....

## EXPLANATION OF THE MEDAL,

STRUCK to contribute towards eternizing those Dispositions, no less enlightened than benevolent, which his IMPERIAL MAJESTY is making through the Extent of his vast Dominions, to prevent all Tyranny over Conscience, and to suppress such of the CONVENTS, MONASTERIES, and RELIGIOUS HOUSES as are useless to the Church, and to the State.

ON the Front is the Effigies, without any Embellishment, with the Legend,  
"JOSEPH II. BY THE GRACE, ETC. EMPEROR OF THE ROMANS,  
ASSERTOR OF TRUE PIETY."

On the Reverse his IMPERIAL MAJESTY is represented as a faithful Shepherd (that Symbol of good Princes so cherished by the Antients\*), on his Knees, before The Almighty; and by an Altar, on which are Words of this Sense---

"IN SUPPORT OF FREEDOM."

On the Altar are the TABLES of the LAW; and, over those, the GOSPEL, *as the sole Rule of the Faith and Life of Man*: the celestial Sun darts his Rays upon these; from whence a Splendor is reflected on the Breast of the EMPEROR, which he presents to their Influence; while he lifts his other Hand and Eyes to Heaven expressive of what is passing in his generous Mind. The Whole is best illustrated by the Legend

"TRUTH BELOVED ABOVE ALL THINGS."

On the Exergue is the Year, 1782, in which Events so important to Religion, took place, in the extensive States subject to the Sceptre of the EMPEROR; to the Astonishment, and with the Applause, of the better Part of Europe.

JOHN GEORGE HOLTZEY, Medallist, AMSTERDAM. *Member of the Society of Sciences at HARLEM.*

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*As the Translator has given only his Initials, he thinks it advisable to satisfy those who have not seen the original "HISTORIA SUCCINCTA HOSPITALIS S. ELISABETHÆ," that it was published this Year, in LONDON, and is to be had of Mr. CADELL, or of Mr. ELMSLEY, both Booksellers in the STRAND. To that Work he refers as his Voucher for the Account, and for the Diplomas in the Appendix: for the Notes, the Responsibility chiefly falls on himself. The Impression of the Original was a small one: and several of them are in the Hands of foreign Personages, or of the Lovers of Antiquity in our own Country.*

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\* And rightly: as it includes the Image of the true Principles of Government sweetly and elegantly represented, under the same Idea, by Gregory Nazanzien. *Ὀλίγα μὲν ἐν βουλήνῃ· τὰ πολλὰ δὲ ἐν συνῆλτι.* Little by the Rod of Compulsion; much by the persuasive Voice of Benignity. C. L.





IOSEPHO II IMPERATORI  
ECCLESIAE REFORMATORI







P R E F A C E

T O T H E

T R A N S L A T I O N.

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SEVERAL motives have induced me to offer this Translation to the Public.---

IT is interesting as a Point of Antiquity.--- It will probably soon appear, that the subject of it is an important part of the meditated Reform in the *German* Empire: a Reform, which, if conducted with equity and temper, must be greatly beneficial.---To the antient State of our own Country, in which there were many similar Establishments,

a

lishments, it has an obvious relation. . And at a time when the numerous charitable endowments of various kinds, have been thought to demand the interference of the Legislature, by a recent Act to prevent their being with-held or misapplied, the discovery of abuses by which the design of elemosinary Foundations has been frustrated abroad, may farther excite our vigilance in checking similar mischiefs at home ; whether already existent, or that may arise in future.

It may be neither uselefs nor unpleasing to give some statement of the Origin of MONASTERIES and HOSPITALS; and of the principal circumstances of their history ; generally in other Countries, and more particularly in this.

A MONASTERY is an house for the reception of religious persons: whether it be an *Abbey*, *Priory*, or *Nunnery*.---

It is derived of a Greek Word expressive of solitude: whether absolute and in the strictest sense



senſe, as of *Simeon Stylites*\*, and ſome other melancholy enthuſiaſts; or, at leaſt, by a ſeparation from lay ſociety, and a devoting of either ſex to celibacy.

\* *Of this Simeon I give the account which the poliſhed engaging ſtyle of the Hiſtorian of the Roman Empire ſupplies.—*

“AMONG theſe heroes of the monaſtic life, the name and genius of *Simeon Stylites* have been immortalized, by the ſingular invention of an aërial penance.

“AT the age of thirteen the young *Syrian* deſerted the profeſſion of a ſhepherd, and threw himſelf into an aſtere *Monaſtery*. After a long and painful noviciate, in which *Simeon* was repeatedly ſaved from pious ſuicide, he eſtabliſhed his reſidence on a mountain, about thirty or forty miles to the eaſt of *Antioch*. Within the ſpace of a *Mandra*, or circle of ſtones, to which he had attached himſelf by a ponderous chain, he aſcended a column, which was ſucceſſively raiſed from the height of nine to that of ſixty feet from the ground. In this laſt and lofty ſtation the *Syrian* Anchoret reſiſted the heat of thirty ſummers, and the cold of as many winters. Habit and exerciſe inſtructed him to maintain his dangerous ſituation without fear or giddineſs; and ſucceſſively to aſſume the different poſtures of devotion. He ſometimes prayed in an erect attitude, with his out ſtretched arms, in the figure of a croſs: but his moſt familiar practice was, that of bending his meagre ſkeleton from the forehead to the feet: and a curious ſpectator, after numbering twelve hundred and forty-four repetitions, at length deſiſted from the endleſs account. The progreſs of an ulcer in his thigh might ſhorten,



\* IT arose in *Egypt* about the 300 : and was instituted in a manner which yet continues in that Country. But in 350 it was brought to *Rome* by *Athanasius* : and in that city was entertained by few followers ; and with little applause, until 500 ; when St. *Equitius* and St. *Benedict* gave it a form of stability, and diffused it. Yet, the institution of St. *Equitius* was of small extent and duration ; while that of St. *Benedict* enlarged itself through all *Italy*, and passed beyond the Mountains. At which period the Monks, and for long time after, were not *Clerical* but *Secular* : and in the Mo-

NASTERIES

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shorten, but it could not disturb this *celestial* life ; and the patient Hermit expired without descending from his column. . . .

“ THIS voluntary martyrdom must have gradually destroyed the susceptibility both of the mind and body : nor can it be presumed, that the Fanatics who torment themselves, are susceptible of any lively affection for the rest of mankind.” *Vol. III. ch. xxxvii.*

*This last remark suggests an affecting consideration.—The insanity of these unhappy Fanatics is, doubtless, an object of pity, mixed with horror : but not in the least of ridicule ; nor of contempt. We may smile at unsuffering folly, and despise vicious prosperity ;—but, such a mixture of extreme corporal penance, and privation of reason, originating, too, apparently, in good meaning, is an object of true commiseration.*

\* *Vide Paolo di Sarpi delle la Materie Beneficiarie.*



NASTERIES which they had without the cities, *lived, of their own labour*, by AGRICULTURE and other works; and also of oblations, made to them by the faithful. But in cities they lived by their several occupations, and by such appointments as were allotted to them by the *Church*, at the public expence. The former, or *rural* Monks, retained much longer the antient discipline;--- but of the latter, those who became the *clerical*, by dividing to their separate emolument the goods of the *Church*, lost, proportionably, of the estimation of the People: whence it came that few gave or bequeathed any thing considerable to them; and thus would have ceased the augmentation of the acquests of the Church. But the Monks continuing to live in common, and to perform acts of piety and benevolence, were the cause that the public liberality, not becoming extinct, and only changing its direction, was exerted towards them; which was greatly instrumental to the encrease of ecclesiastical wealth: and progressively, their possessions exceedingly were enlarged by grants and bequests, to the maintenance of a great number

ber of Monks: and to hospitality, education, and other pious works.

THE Abbot *Tritheimius* relates that the MONASTERIES of the BENEDICTINES were fifteen thousand in number; exclusive of the Priories and other smaller Convents.

IN *England* and *Wales* were religious Houses of the *Monastic Discipline*, under the various names of *Abbies*, *Priories*, *Commandries*, *Frieries*, *Hermitages*, and other similar appellations. At the *Reformation* were suppressed, by successive Acts, nearly *three thousand, two hundred* of these Houses; particularly enumerated and valued (of which the abstract may be seen at the bottom of this page);

not

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<i>Small MONASTERIES, (valued)</i> . . . . .	374
<i>Greater</i> . . . . .	186
<i>Belonging to the Hospitalers</i> . . . . .	48
<i>Colleges</i> . . . . .	90
<i>Hospitals</i> . . . . .	110
<i>Chantries and Free Chapels</i> . . . . .	2,374
	<hr/>
	3,182
	<hr/>



not including the *Friars Houses*, and those suppressed by *Wolsey*: nor a considerable number, probably, of small religious Houses.

THE total of the clear yearly Revenue will be seen beneath: and it is remarked, that if allowance be made for the less MONASTERIES; and Houses not included in the estimate; and for plate, &c. which fell into the King's hands on the dissolution; and for the value of money at that time, at least, six times greater than at present; and farther, that the lands were supposed to have been estimated much below their then real worth; their whole Revenues must be concluded to have been immense.

No

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<i>Of the greater MONASTERIES</i>	. . .	£. 104,919	13	3½
<i>Of the valued smaller</i>	. . . . .	29,702	1	10½
<i>Knights Hospitalers head House in London</i>	. . .	2,385	12	8
<i>Twenty-eight of their Houses in the Country</i>	. . .	3,026	9	5
<i>Friars valued Houses</i>	. . . . .	751	2	0¾
		£. 104,784	19	3¾

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No computation appears to have been made of the number of persons contained in the dissolved Houses. A general idea that has been given of their probable number, may be seen in the note at the bottom of this page.

BUT as there were, probably, more than one person to officiate in several of the free Chapels, and there were other Houses not included in this calculation, the general estimate may amount to fifty thousand.

THERE was in the conduct of this great and sudden Revolution, so much of inevitable lenity, for little seems to have been designed, that with regard to almost all of the greater MONASTERIES pensions were paid, and the King did not immediately

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<i>In the lesser MONASTERIES</i>	. . . . .	10,000
<i>In the greater</i>	. . . . .	30,000
<i>In the Colleges and Hospitals</i>	. . . . .	5,347
<i>In the Chantries and Free Chapels</i>	. . . . .	2,374
		<hr/>
		47,721
		<hr/>

mediately come into the full enjoyment of their Revenues.

HOWEVER, by what he did receive, he founded six Bishopricks;---*Westminster* (which was changed by *Elizabeth* into a Deanery, with twelve Prebends; and a School), *Peterborough*, *Chester*, *Gloucester*, *Bristol*, and *Oxford*. In eight other Sees he founded Deanries and Chapters by converting the Priors and Monks into Deans and Prebendaries\*--*Canterbury*, *Winchester*, *Durham*, *Worcester*, *Rochester*, *Norwich*, *Ely*, and *Carlisle*. He founded also the Colleges of *Christ-Church*, in *Oxford*, and *Trinity*, in *Cambridge*; and finished the magnificent Foundation of *Henry VI.* in that University, distinguished by the name of *King's College*. In both he established Professors in

Divinity

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\* Some may think this transition was peculiarly easy; and the metamorphose, if it may be called any, conducted with Ovidian felicity: and may say—

“Nunc fomni, *Bacchique* idem, *Venerisque* remansit,  
Et fastûs cura; atque amor inconsumptus habendi.”



*Divinity, Law, Physic, the Hebrew and Greek languages.* To the city of *London* he gave the House of *Grey Friars*, and the *Hospital* of *St. Bartholemew*: and to the poor *Knights* of *Windsor* a perpetual pension\*: and laid out large sums in building and fortifying many Ports in the Channel.

THE dissolution of MONASTERIES, or Houses of religious and eleemosynary establishment, appears to have commenced in this Island, as early as the year 1312, when the *Templars* were suppressed; and in 1323, their Lands, Churches, Advowsons, and Liberties, here in *England*, were transferred to the Prior and Brethren of the *Hospital* of *St. John*, at *Jerusalem*. In 1390, 1437, 1441, 1459, 1497, 1505, 1508, 1515, several other Houses were dissolved; and their Revenues  
settled

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\* Which of late years seems to have been given to those who are neither Knights nor Poor; nor in any respect fall within the design of the institution, in itself coeval to that of the Garter.



settled on different Colleges, in *Oxford* and *Cambridge*. Soon after the last period, Cardinal *Wolsey*, by licence from the King and Pope, obtained a dissolution of above thirty religious Houses, for founding and endowing of his Colleges at *Oxford* and *Ipswich*. About the same time a Bull was granted by the Pope to Cardinal *Wolsey*, to suppress MONASTERIES where there were not above six Monks, to the value of eight thousand ducats a year, for endowing *Windfor*; and *King's College* in *Cambridge*: and two other Bulls were granted to the Cardinals *Wolsey* and *Campeius* where there were less than twelve Monks; and to annex them to GREATER MONASTERIES: and another Bull to the same Cardinals, to enquire concerning *Abbies* to be suppressed in order to become *Cathedrals*. On these particular Commissions nothing seems to have been done. The motives ascribed to *Wolsey*, and in part, perhaps, with truth, and to several other co-operators in this design, are, the desire of promoting Learning: and, in Archbishop *Cranmer*, particularly, the view of advancing the Reformation. With relation to the more immediate,



or, at least, more avowed inducements, they were the loose and vicious lives of the religious; the employment of their Revenues not according to the intent of the donors; and their many cheats in images, counterfeit relics, and feigned miracles, which had brought them into some degree even of popular contempt. A part of them, and especially the *Observants*, had opposed the divorce from *Catharine of Arragon*, for which King *Henry* was so impatiently anxious, under the irresistible influence of his *conscientious* passions. And their spirit, as an exclusive society connected with a foreign jurisdiction, and armed with some considerable portion of direct political power (for several of the Abbots were Lords of Parliament), and supported by a yet more dangerous instrument of authority---their abused influence, this exclusive spirit, thus aided, was justly esteemed injurious to the independence of the civil authority.

THE parade, formalities, and pageantry of these *Pages*, where Wealth and Art laboured to adorn the throne of luxurious Indolence, and to adden-

ticing

ting splendor to the shrine of Superstition, naturally, contributed to assist the substitution of show to reality: which has ever been the method of promoting and preserving, when obtained, the ascendance of the *nominally* religious over the enslaved multitude\*. A passage from that heroic Author, whose poetic palm, splendid and immortal as it must be, is, in true estimation, of inferior glory to his civic wreath, marks (as quoted in the note) the natural influence of prejudices thus estab-

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\* “AND if the love of God, as a fire sent from Heaven, to be ever kept alive upon the altar of our hearts, be the first principle of all godly and virtuous actions in men, this pious and just honoring of ourselves, is the second; and may be thought as the fountain-head, whence every laudable and worthy enterprize issues forth. . . . Something, I confess, it is, to be ashamed of evil-doing in the presence of any: and to reverence the opinion and the countenance of a good man, rather than a bad, fearing most in his sight to offend, goes so far as almost to be virtuous. Yet, this is but still the fear of infamy: and many such, when they find themselves alone, saving their reputation, will compound with other scruples, and come to a close treaty with their dearer vices in secret. But he that holds himself in reverence and due esteem,—both for the dignity of God’s Image upon him, and for the price of his Redemption—accounts himself a fit person to do the noblest and godliest deeds; and much better worth, than to deject and defile with such debase-



established, in language the most forcible and  
awakening. Yet with all these many and weighty  
charges

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debasement, and such pollution as sin is, himself so highly ransomed, and enobled to a new friendship and filial relation with God. Nor can he fear so much the offence and reproach of others, as he dreads, and would blush at the reflection of his own severe and modest eye upon himself; if it should see him doing, or imagining that which is sinful, though in the deepest secrecy. How shall a man know to do himself this right; how to perform this honorable duty of estimation and respect towards his own soul and body? No better way, doubtless, than to let him understand, that as he is called by the high calling of God to be holy and pure, so he is, by the same appointment, ordained, and by the Churches call admitted, to such offices of discipline in the Church, to which his own spiritual gifts, by the example of apostolic institution, have authorized him. For we have learnt, that the scornful term of *Laic*; the consecrating of temples, carpets, and table-cloths; the railing in of a repugnant and contradictory Mount *Sinai* in the Gospel;—as if the touch of a lay Christian, who is never the less God's living temple, could profane dead *Judaisms*—the exclusion of *Christ's* People from the offices of an holy discipline, through the pride of an usurping Clergy, causes the rest to have an unworthy and abject opinion of themselves; to approach to holy duties with a slavish fear, and to unholy doings with a familiar boldness. For, seeing such a wide and terrible distance between religious things and themselves; and, that in respect of a wooden table, and the perimeter of holy ground about it, a flagon pot, and a linen corporal, the Priest esteems their Lay-ships unhallowed and unclean, they fear Religion with such a fear as loves not; and think the purity of the Gospel too pure for them; and that any uncleanness is more suitable to their unconsecrated estate." MILTON'S REASON OF CHURCH-GOVERNMENT, *B. II. ch. iii.*



charges of luxury, superstition, hypocrisy, avarice, and a depraved secular ambition, rendering them, from their degenerate state of uselessness, positively formidable, and pernicious to the Community; with all these subjects of crimination, the chief of which, it may well be feared, they would not, in general, have been able to answer, at the time of our *English* Reformation, before Judges much more calm and disinterested than those, in the hands of whom they were at that crisis, it will yet be owned, the service of those establishments, erroneous and defective as they were, was not, in a remoter period, inconsiderable in extent, nor of perishable duration. When there was little trade, little agriculture,---when the rapacious Clergy were too great in worldly magnificence and power, to spare much of their Revenues to the pious duty of benevolence, the retired Inhabitants of these Cells, fed the poor;---sheltered the benighted traveller in his devious wanderings, through a then ill connected Country;---protected, sometimes, it may be, Guilt, and it must often have been, Innocence, from the vindictive

Baron



Baron, and from the iron sceptre ;---perpetuated the historic memory of our ancestors ;---revolved and transcribed, before their solitary lamp, those classic pages, whence language, the manners, science, virtue, human society, in its progressive forms, was to derive such diversified advantages ;---and preserved here, and in other parts of *Europe*, the Scripture in its original languages. Nor ought we to be silent on the evidences of our antient Constitution, which we deduce often from records, indebted to monastic hands for their transmission to us\*.

## THE

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*\* The various uses to which MONASTERIES were subservient in the more uncultivated state of Society in this Island, are well represented in a late publication on "The History of landed and commercial Property in ENGLAND." I copy the subjoined Extract of that work, from the Monthly Review of July last.*

"IT will be needless to enquire in what manner the *Monasties*, or *religious Houses*, managed their estates : as, in this respect, it may be justly presumed, they would follow the example of the nobility. They had their *Ceorls*\*, *Bordars*†, and *Serfs*‡, which  
they

\* Farmers.    † Cottagers or Labourers.    ‡ Villeins or Slaves.



THE aid furnished to the Poor, the Sick, and  
the Infirm (and in the state of learning and medi-  
cine

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they found upon the lands they purchased, or on the estates bestowed on them by the Kings, or other benefactors; and they treated them nearly in the same manner. Sometimes they were so humane as to give freedom to some of their Slaves, or consider them as petty tenants, like the Bordars: and they might so far conform to the Laws enacted in their behalf, as to exempt them from sale into foreign countries. The corn arising from the farms which they possessed in the neighbourhood of their MONASTERIES, was lodged in their granaries: and upon their estates, at a distance, they built houses and granges, which served them as a kind of inns in their journeys; or maintained some of the Fraternity, who, occasionally, resorted thither to hold their courts; or for the sake of health and diversion. . . . .

“ THE building of MONASTERIES seems to have been prior to the division of the Country into Parishes: and, in some measure, to have answered the same ends. *Monastic Institutions* are generally supposed to have been the product of persecution, and of the gloomy temper so natural to the natives of *Egypt*; where they took their rise, or, were held in the greatest estimation. They imperceptibly made their way through the greatest part of *Europe*; and gained voluntary profelytes where their progress was not aided by the same causes. The violence and barbarity of manners, so common in the western parts of *Europe*, effectuated the same ends as the climate and persecution in other countries: men were glad to retire into those places of security, where they might exercise all those forms of devotion which, among an ignorant people, will be always looked upon as of equal value with the practice of the moral and social duties



cine in those ages, many who were not poor might need the assistance of such Societies), leads

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duties of life. In the general estimation, the *monastic* life was the most perfect: and the disorders of society gave some degree of authority to this opinion.

“NOR was the building of MONASTERIES totally useless with respect to the improvement of the lands. Many places in *Britain* were left by the *Romans* in their primitive uncultivated state: and the wars and devastations that ensued after the arrival of the *Saxons*, added to the number of wastes. These were the proper places for the religious exercises of the first *Monastics*, as affording the privacy they thought so essential to the worship of God. Erecting Cells in those deserts, and collecting a number of followers by their admonitions, or the admiration of the austerity of their lives, they afterwards built more spacious dwellings: and having obtained possession of the lands in their neighbourhood, by donations of the Princes or other benefactors, they improved them by their labour, and made them more salubrious and profitable. And, if we consider the general sloth and poverty of the people, it is easy to believe, that many tracts of land would have remained in the state of nature, and served only for a shelter to wild beasts, if they had not been improved by the industry of the *Monastics*. On the first institution of religious Houses in *England*, and other countries, the *Monks* were generally obliged to labour, and to take their turns in the cultivation of the lands which belonged to their MONASTERY. Learning was then a very rare accomplishment: and the interval of their devotional acts could not be more usefully laid out, than in the business of husbandry. The *Monks* of *Bangor*, according to the accounts of historians, were employed in works of this kind: while

me from the confideration of MONASTERIES, to that of HOSPITALS. These were erected in the

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while a part of their Fraternity was engaged in the management of the farms, the remainder was attending on the offices of the Church. And similar regulations, probably, took place in other Societies of this sort, on their first institution. In after ages, when their acquisitions were sufficient to maintain them in idleness, they spent their Revenues in decorating their buildings; or, in hospitality and luxury. In the last instance they followed the example of the nobility and gentry;—in others they excelled them. The learning and knowledge of those times, scanty and trifling as they may appear, fell chiefly to their share: and if we are offended at the legendary tales of their Saints and Founders, we are, nevertheless, indebted to them for transmitting many valuable writings of authors, which no other order of men thought worthy of regard. In erecting their buildings, as well as ornamenting their churches and shrines, they generally employed the most skilful workmen that were to be found in *Europe*; and taught and preserved many arts, which, although simple, were extremely useful; and without their care would have been entirely lost. And the frequent visits which the Clergy and *Monks* made to the Court of *Rome*, on account of business, or through a spirit of superstition, might be the means of importing some useful arts. *Italy*, though ravaged by the northern barbarians, still maintained a superiority in all the arts of civilized life; and might give some useful instructions in commerce, manufactures, and agriculture, to the rude inhabitants of the western parts of *Europe*."

*I cannot leave this account without observing, that we see the good Monks disposed and occupied to imitate the employment of our first Parent,*



very early ages of Christianity: and when the Church came to have fixed Revenues, a *fourth* of the income of each benefice being reserved for the Poor, *Hospitals* were built and maintained out of these funds. And these being deficient, besides that they were soon much abused, *Hospitals* were established, by the munificence of lay persons, on a separate Foundation.

A MONASTERY, of any extent, must, in all respects, have been imperfect without an *Hospital*, for its own and more public use. Here, too, there  
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rent, as far as they were allowed to pursue it, by encreasing and multiplying the produce of the earth. How may it raise a smile on the countenance of that lively, active, and social Promoter of Agriculture, that Restorer of the honors of the Plough, to whom Europe (I may add America, and, perhaps, other regions) is indebted for the *Annals*, to think of these Brethren engaged in an employ of very dissimilar character to gloomy superstition, or wretched celibacy. No blythe and buxom hay-makers from the sisterhood of the neighbouring Convent!—No blushing maids to tend the dairy!—Their farms, it is to be feared, must have been conducted on a very defective and discouraging plan. However, we are obliged to them for their efforts; and the more, that they had the spirit to be husbandmen in the field, under all the depression of the habits of the Cloyster



is much greater cause to deplore abuses, than to charge an original defect, with regard to such provision. Yet it seems, that this species of abuse (withdrawing the appropriated Revenues of *monastic Hospitals*) may be traced, comparatively, to no very remote commencement. As the world grew more enlightened, Cells became less so. The youth, of better hopes, now, no longer limited to Arms or the Church, found, in the active offices of civil life, an ample field for their talents and expectation. The most promising were thus in less probability than before, of being destined to the Cloyster. Secular Colleges of education, though with a mixture of the same tint, (of which, several modes and customs are yet the vestiges, and particularly the celibacy required of the Fellows) now sprang up. And when among the Monks, learning appeared' accompanied with talents for civil life, the religious Recluse found frequently some discerning patron; advanced in the path of intrigue, bustle, and preferment; exchanged the cowl for the red cap, and, at length, for the mitre, or pontifical tiara. These examples would  
not



not much favor simplicity of manners, self-denial, and fidelity to rigorous institutions. Besides, shut out from public exertions, debarred, at least upon honorable terms, of female society, no wonder if they became a prey to mean selfishness, and to despicable vices. The most licentious disorder in morals, discipline, application of their Revenues had, unquestionably, taken place, to a very great extent in this Country, when the occasion of dissolving them presented itself to the eager *Henry*.

THAT the Preface and Notes of the Translator, may not too glaringly exceed all appearance of allowable proportion\*, I will add but little in this place.

By a note in the Original it appears, that the MONASTERY of St. MAXIMIN has, for time immemorial, not contained above *fifty* or *sixty* Monks: though, a thousand years back it seems to have been thought equal to the maintenance of an *hundred*: and, by successive enrichment,  
is



is asserted to be now competent to the support of a *thousand*. I agree with the Author, that the comparative paucity of those, who have thus been withdrawn from their natural duties in Society, is little to be regretted.

I do not enter into the discussion of the suspected authenticity of the Charter of *Dagobert*: it is, at least, a good evidence against those who claim under it: and that is the only use for which it is alleged here.

THE Charters, &c. are immediately, in the Original, transcribed from *Zyllefius*; who wrote, in 1638, a very rare book in defence of the *Abbey*. But I am assured by the Author of the History here translated, that he is confirmed by the Archives, now, or lately remaining in the *Abbey*.

OF the Author I am not, at present, at liberty to say much. What I have learnt of the persecutions he has suffered, and the causes of them, I would



would wish to communicate were it a proper season. At present, I shall content myself with translating a part of one of his remonstrances, to the Councillor of one of the secular and ecclesiastic Princes of the Empire.

*“ L E T Criminals with fervility approach the Archiepiscopal Throne, imploring Clemency and Pardon.---Innocence may, with decency and courage, demand Justice. For the administration of which, in things spiritual as well as temporal, God, and his People have made Princes and Bishops: and have exalted them to Thrones; that, from such their elevation, they may view the State of their Subjects, hear their Complaints, and redress their Grievances. Otherwise, these Seas of Power might be well spared:---for man possesses from nature, the incontestible Right of defending and doing Justice to himself.*

*“ INNOCENCE may, without blushing, advance from one Court, from one University or learned Body to another, to demand from the one, Counsel and Authority*



*thority of Law---from the other, Assistance and Support. She may, by her prayers and remonstrances, move Heaven and Earth, if she suffer under a Denial or Delay of Justice.---And, assuredly, Sir, a period of twenty years, was not requisite for this. Nor should the Throne, or the Assessors of it, find those expostulations, to which the name of Menace has been given, offensive: since that Throne hath first offended; and, which is worse, still continues to offend and injure Innocence; the beloved Offspring of The Omnipotent: Who, with the voice of thunder, hath uttered His Command to Thrones and Princes, to love, honor, and protect her."*

AND now, as Translator and Commentator, I have to say, only, there will be found in the remarks and accompaniments to this History, little of my own, and much of Extracts. Not that the fatigue and restraint of compiling, pleases me better than the freedom of composition; nor, that it would be any amusement to me, to lay before the Reader Extracts from works of ordinary merit, or such as are in the hands of every one: but the



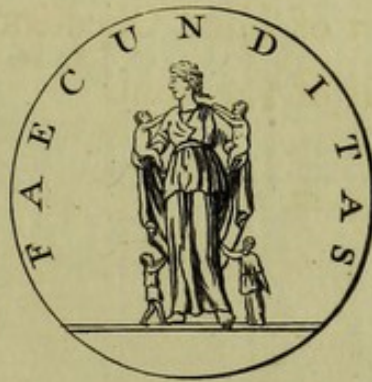
sentiments of great Writers, or, of public Bodies distinguished for their Freedom, will be very properly transcribed when they relate to the Subject, and when they are little known in comparison to their merit, and the importance of the question. My design throughout has been, to set in full view the contrast, in principle and action, between the spirit of blind Obedience---and the enlightening spirit of Freedom.

Aug. 28, 1786.

C. L.

P. S. IT will, I hope, not be imputed to the Translator or to the Original, that they have neglected the usual embellishment of such a subject ---BUFFOONERY. It may be possible to engage attention, without descending to purchase it by unworthy sacrifices. Little entertaining as these pages may be found to those, who may expect to be treated with the seasoning usually presented to the public palate, when a *monastic* feast is set upon their table; yet, if it afford them nothing  
but

but the severe and simple fare of seriousness, simplicity, and truth, it will not be disrelished, by some, at least: those, especially, who see, that however limited and unpopular the immediate subject, its collateral influence may be traced, in various directions, to the most extensive interests of civil Society.









*IF IT PLEASE*

*YOUR IMPERIAL MAJESTY,*

*PROTECTOR OF THE CHURCH!*



AY it be permitted me in a  
Concern of such importance to  
the Church, when preparing to  
plead, in your presence as it were, the Cause of  
the Poor, to apply as a Preface, the words of that  
distin-



distinguished Character, who, distant as he was from the Origin of the Christian Faith, by a long interval of ages, preserved the primitive affection for Truth, Simplicity, and Virtue. He, two centuries from hence, thus expressed himself; in a language, than which, nothing can be more adapted to the present object of consideration.

*“ THE Fervor of Christian Charity, antiently so exemplary, as not only to move Princes and private persons to give plenteously to the Church, of temporal riches, but to dispose her Ministers to the holy distribution of them in pious uses, having become cold, it is not wonderful if it appear at present, that the succession of faithful Dispensers is no more: and there have risen in their place, others diligent only in acquiring and retaining wealth: so that it is necessary to moderate by Laws, their excessive acquisitions. And there remains, among pious persons, a continual desire*

*desire to see again the administration of the Property of the Church restored, if not to the antient standard, at least, to some tolerable moderation. The defects, at this day so striking, have not entered at once, nor in small space of time, have become so excessive in the clerical order; but from a supreme, and, in truth, divine perfection, have gradually sunk to an imperfection, now manifest to all; and by the Ecclesiastics themselves confessed; and by some reputed to be beyond remedy. Yet, still, it having pleased the Almighty to give such grace to his Faithful, as he bestowed on our Forefathers, we ought not to lose the hope of seeing the same wonderful deliverances even, yet, in our age: and, it may seem necessary, that as by degrees we have arrived to this depth of wretchedness, so, by the like progression, we may advance ourselves in return to that summit of perfection, on which the Holy Church stood originally: which cannot, however, be accomplished, without*

*knowing*



*knowing what was at first the administration of things temporal, and how that good order came to be intermitted: and, particularly, above all, it is essential to explain, how the Church, from time to time, hath acquired temporal possessions, and in what manner, respectively, hath deputed Ministers to dispense or possess them: and thus will be discovered the impediments which oppose themselves to an effectual Reform, and the means of surmounting them.*

*“ THE principle of Ecclesiastical Property took its commencement, when our Lord Jesus Christ conversed in this world: and its funds were no other than the voluntary offerings of pious and devout persons, which were consigned to the care of a Minister, and distributed for two purposes:---one, for the necessities of our Lord and the Apostles, Preachers of the Gospel: and the other to give alms to the Poor. This may be seen clearly in St. John: where*  
*the*



*the Evangelist saith, that Judas was he who bare the bag, or purse, in which were deposited the monies presented to our Lord; and which were to be expended in providing necessary subsistence, and in distributing to the Poor, as the Lord commanded. St. Augustine remarks, that Christ having the ministry of Angels was in no need of pecuniary provision; but that yet he would have a purse, to give example to the Church what she ought to do\*: and, from that time, the Church always understood, that his divine sanctity had thus, by his own example, instituted the form of Ecclesiastical Property, instructing, both what to avoid, and for what uses to spend.*

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*\* The plain truth, stripped of all injudicious, not to say ridiculous and groundless applications, seems to be this—the Apostles labored, like honest men, in their several callings. The produce of these labors, with the gifts of other Disciples, constituted a Fund, the result of Industry, Humility, Self-Denial, and Charity. The exemplification of these Principles forms the vital part of Christian Morality. The Translator.*



“ *AND if in our times we see this holy institution not duly observed, we should consider, that for our instruction and consolation it is related in Scripture, that, in those times, JUDAS was a thief, and usurped to himself the common Goods of the Apostolic Society: and arrived to such an height of avarice, that, not finding sufficient plunder from those monies committed to his charge, he sold, to the Jews, CHRIST himself, our Saviour.*

“ *AND if we, in reading of history, or observing the occurrences of our own times, believe the Goods of the Church to have been, in great part, expended in other than pious uses; and that some of her Ministers, not content with usurping what should be the common Property of the Church, and of the Poor, pass farther---making money by the sale of holy things and spiritual graces---this we ought not to refer to any particular calamity of our own, or of*  
*any*

*any other time, but to ascribe it to the Divine Permission for the discipline of the good: reflecting, that the Church, from its beginning, was subject to similar imperfections: we ought all, however, each in his degree and vocation, to promote the remedy: HE WHO CANNOT OTHERWISE, BY PRAYER; AND HE WHO CAN, BY OBVIATING AND OPPOSING THE ABUSES: considering, that if Judas suffered not human punishment, (those being the ACCOMPLICES, who should have been the CHASTISERS of his Crime) still the Divine Providence manifested what judgment he deserved; and so disposed, that he should execute this sentence on himself: as an admonition what those ought to do, whom the Majesty of Heaven shall, in sequent times, have appointed as GUARDIANS and DEFENDERS of his Church."*

THIS, and much more, marvellously according



with the subject, is said by that oracle of theologic Freedom, *Paul Sarpi*, the *Venetian*, in his Treatise on the *Materia Beneficiaria*.

ALTHOUGH, AUGUST EMPEROR! the IMPERIAL ABBACY of St. MAXIMIN hath, by NICHOLAS ZYLLESIOUS\*, made known to the world, how much in the Erektion, Augmentation, Defence, and Support of this SACRED HOUSE, the pious sollicitude of CONSTANTINE the Great, of CHARLEMAGNE, of OTHO I. and II. of HENRY II. and of successive Emperors and Princes hath been exerted; and how much the piety of the ILLUSTRIOUS † HOUSE

OF

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\* DEFENCE of the IMPERIAL ABBACY of St. MAXIMIN, by NICHOLAS ZYLLESIOUS, in several passages of his works published in 1638.

† "RODOLPH I. FREDERIC IV. MAXIMIL. I. CAROL. V. FERDIN.

OF AUSTRIA, known over the globe, hath been distinguished towards the Establishment of St. MAXIMIN, by its protecting care, THE HUMBLE ADVOCATE OF THE POOR, induced by many and weighty reasons\*, after his salutary admonitions so many times repeated, and his prayers flighted, where least they should have been, while he was defending, before others, the Cause of the Poor, and not as yet, CÆSAR ! had  
implo-

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FERDIN. I. MAXIMIL. II. RODOLPH. II. FERDIN. II." Zylles.  
part I. ch. i. sect. iv.

\* "Not only for truth and conscience sake,—but, of necessity and reason—of good government,—every Believer, and Princes above all, ought to be vigilant for the maintenance and preservation of Religion." Life of Sarpi.

"If on account of truth, scandal should arise, it is better this should happen, than that should be deserted." Augustin.

Which things should I now conceal, I might after say, in vain, with the Prophet, Pf. xxxi.—"BECAUSE I KEPT SILENCE, my Bones were consumed."



implored thy Protection, as the Assertor of true Piety, (which is eminently manifested by Benevolence and Succour to the needy and oppressed) now, though reluctant, declareth in thy Presence, and in that of the whole Christian World, and demonstrateth of THIS MONASTERY, which ZYLLESIIUS entitles--- THE HOUSE OF THE EMPIRE--- AN IMPERIAL WORK--- AN HABITATION OF SAINTS--- that chiefly from the commencement of this century, it hath incurred before the Divine Majesty, the guilt of so ENORMOUS and SACRILEGIOUS, and PERFI- DIOUS SPOLIATION of the POOR, as to have rendered itself unworthy of the Confidence, Clemency, and incredible Liberality of the AUGUST FOUNDERS.

AND since the Right is in You, PRINCE !  
 REFORMER OF THE CHURCH ! (I will use  
 the



the words of the Emperor HENRY II. denominated the Saint) "*since it is of YOUR particular and pre-eminent Right, that, whatsoever be a grievance to the Faithful within YOUR Sovereignty; or, whereby greater detriment than advantage accrueth to the Church of God, be under YOUR Interposition reformed:*"---Much in many RELIGIOUS HOUSES, YOU will find requiring Reformation: and, so found, as YOU have excellently begun, will correct, to YOUR own most deserved praise, and the general welfare.---

AND the POOR, especially, the WEAK and INFIRM, and their SACRED INHERITANCE, (by the SOVEREIGN AUTHORITY to THEE COMMITTED) defend and preserve! And what avarice, (by the example of the Deceiver JUDAS) hath basely and impiously purloined, will, from THY pious and compassionate vigilance, obtain  
Resti-



Restitution. May The SUPREME---The PRO-  
TECTOR OF ALL NATIONS, and, in particu-  
lar, of the ROMAN EMPIRE, defend and  
prosper THEE!

*Thus prayeth,*

*The devoted Subject of*

Thy Sacred Cæfarean Majesty,

The ADVOCATE of the POOR.

LONDON,  
Jan. 1, 1786.

## NOTE to the AUTHOR'S PREFACE.

“AND that Princes are Protectors of the true Religion of the Subject, may be seen of St. LEO I. to MARTIANUS; and of St. GREGORY, to MAURITIUS: and in all the epistles of the seven first General Councils, to the Emperors then respectively reigning.

“FOR this cause, God hath constituted Princes his Vicegerents, in those States in which the Holy Church is established; and conferred on them this greatness, to create them *Protectors, Defenders, Preservers, and Nourishers* of the Holy Church; as in Sacred Scripture it is written: which Character, the most honorable to them, it is impossible they should satisfy but by a continual vigilant attention to the concerns of Religion. . . . And if there be Abuses, this is not the fault of the Religion, in itself true and holy, but of him who abuseth.

“BUT if the Evil encrease, at present, it is the fault of Princes themselves; who neglecting the Divine Precept, which strictly obligeth them, *to have knowledge of the most Holy Law, and of Religion*,—have totally omitted *this Duty*; as if Religion concerned them not; and as if they had not to render account to God, either for themselves, or for their Subjects, of their negligence of this care, example, defense: against the Divine Precepts of the Scripture; the Doctrines of holy Councils and Fathers; and the Conduct of pious Princes: contenting themselves with a Religion, without knowing what it is, or how to be *preserved from corruption*; and tolerating for interest, adulation, or convenience, the Deceivers of the People, with continual alterations, under the color of Devotion and Piety: daily licensing, not only the *religious*, but, *any sort of persons* to invent *new rites* for *aggrandizement or gain*: without considering,



that, ultimately, every *rite* draws with it its system of opinions : and thus Religion is *altered and accommodated to the Promotion of those who have the management*. And these alterations having been seen by ordinary experience, not only Princes have tolerated the Abuse, but Posterity has consented to approve it, the authority establishing itself with the lapse of time. And thus happens it in all human affairs :—but, especially in Religion ; where the vulgar is delighted to invent superstitious customs. The Pope, not only is the head of Religion, but is a *temporal* Prince : and it is more than *five hundred* years, that he hath aspired to the Monarchy of *Italy*.

“ AND, what marvel, if he exert all means to enlarge his Jurisdiction ?” . . . ‘ *There will be vices while there are men !* ’

“ THE great devotion of Princes and People, as it caused to encrease mightily the Riches of the Church,—so it excited in the Ministers of the Church, a great thirst to encrease them farther : from these excesses, not even the well-intentioned were exempt : for seeing that the distribution of Ecclesiastical Goods turned to the honor of God, and the common benefit, they concluded,—that the more the Church should have to distribute, so much greater, and the more extensive would be the good. And to this end, they labored *by all means*, and *by every art* ; not adverting, whether the *methods* they employed, were *becoming and consistent with equity* ; but so it produced the effect of adding Acquests to the Church, by what way soever, they thought they had performed sacrifice to God. And, assuredly, evils, *innumerable* and *immense*, arose from this sort of zealous persons, who, to the guidance of their zeal did not take discretion : for to such it seeming, that every path was good that led, to what they *imagined* the service of Religion, they acted, in a variety of instances, against piety and humanity, and threw the world into confusion.” *Sarpi*.



NOTE referred to in page xxiv.

*The notes, indeed, if they have any resemblance to those of HARRIS' Life of CROMWELL—of The BIOGRAPHIA BRITANNICA, —or, of The Memoirs of the excellent THOMAS HOLLIS, may find easy pardon for their length. The reasons for adopting the method of BAYLE in this particular, must be obvious. His interesting vivacity, acuteness, and information, the Annotator pretends not to have found the art of adopting. To an apology he must subjoin, as usual, a farther transgression, by presenting some few additional gleanings of monastic intelligence. What must have been the number of dependants on these Houses formerly, may be, in a degree, guessed, when we are told, that, even now, six thousand Lazaroni are daily fed by the monastic orders at Naples\*. What must have been their political influence, may, in part, be presumed, when we learn, that, of the Heads of these Houses, twenty-eight sat in the Parliament of England†. So, that, if the Monk was reputed to be civilly dead, his revivification was wonderful in the Abbot. And, with Government, so extraordinary was their merit, that, by a Law of Justinian, the most solemn acts and intents of donors vanished before it: for an estate given on condition of having children, became absolute to the donee, on his entering into a Monastery: or, in other words—a vow of celibacy was made equivalent to the fruit of a contrary engagement.*

*And now, that a Reform hath commenced, and is, apparently, in a state of progress, in reference to the great and numerous Houses of monastic establishment, in the German Empire; may it be free from those defects and abuses which drew, on our Reformation, this censure from WARBURTON!—"The frauds with which that work (so necessary for the welfare both of Religion and the State) was begun; the rapine with which it was carried on; and the dissoluteness in which*

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\* SEE a Dissertation on the Poor Laws, 1786. Dilly.

† TWENTY-SIX mitred Abbots and two Priors sat in the House of Lords at the dissolution of MONASTERIES, by Henry VIII. a very considerable body; and, in those times, equal in number, when added to the TWENTY-SIX Bishops, to that of the temporal nobility. See Comm. I. ch. 1. sect. ii.



the plunder arising from it was wasted, had scandalized all sober men; and disposed the best Protestants to wish, that some part of that immense wealth, arising from the SUPPRESSION of the MONASTERIES, had been reserved for Charity, Hospitality, and, even, for the public Services of Religion." *Note on the picturesque Line of* *DONNE*—

—more

Than when winds in our ruined Abbies roar.

WAREHURST. edit. of POPE.

*But, whatever may have been the fate of the walls, an attempt has been lately made (originating from what quarter, or, in what motives, I know not) to rebuild one of the chief fortresses of that Dogmatism, which fulminates perdition on those who bow not to human authority on questions of Religion. The Athanasian Creed, as it is called (be it the forgery of Vigilantius or the production of whomsoever), has been lately ordered to be read in a remote district. One young Clergyman, it is said, prefaced the reading of it by an introduction, purporting that he did it by order. Another, it is reported, a most celebrated and veteran Apologist for Toleration and Freedom of Enquiry, has had this unseemly task imposed on him, when life, lingering in its melancholy close might have seemed irresistibly to plead the pathetic expostulation of Laberius, on the Dictator Julius being pleased to convert him from a Senator to a mimic Reciter. But, whatever might be the case of the Roman, the inconsistency and the shame, in this instance, rest with those who compelled age and venerable infirmities (venerable, as the result of highly exercised talents through a course of laborious years) to be bowed to such a yoke. On the other hand, I am assured, from intelligence that permits me not to doubt, this very Creed is disused at the royal Chapel at Windsor. If, therefore, an obnoxious imposition be urged in one place, it is laid aside, at least as unexpectedly, in another.*

*And, although misjudged steps may be still taken by those, who would enforce the ordinances of men, as if they were the oracles of Heaven; let us turn our view to the dawn of unclouded day. Passions and prejudices which used to shelter themselves under national sanction, are giving way; the most enlightened impartiality—the most diffusive benevolence now establishes itself, even, in Acts of State. Treaties, formerly so*  
constructed

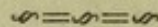
*constructed as to leave room for the exercise of intolerance, and for the indulgence of rapacity and cruelty (if not, absolutely, in certain respects, to enjoin them), now breathe the sublime, beneficent spirit of religious Freedom; in peace—generous contempt of contracted Self-interests; and even in war—Benignity. This the Treaty between PRUSSIA and AMERICA eminently exemplifies: the last and one of the noblest acts of the reign of FREDERIC: and, signalized amid the number of those glorious benefits which the UNITED STATES have established, through the intervention of wise and virtuous Ministers, no less than by the aid of the heroic Defenders of their Liberties in the Field. As these Notes profess to consider nothing as foreign to their object which is interesting to religious or political Freedom, I shall give an abstract of the leading part of the Treaty: beginning with the clause respecting Toleration.*



*Extracts from the Treaty of AMITY and COMMERCE between the UNITED STATES of AMERICA and the KING of PRUSSIA: confirmed unanimously in Congress, May 17, 1786.*

LIBERTY OF CONSCIENCE.

ART. XI. "THE MOST PERFECT FREEDOM OF CONSCIENCE AND OF WORSHIP is granted to the Citizens or Subjects of *either* party, within the Jurisdiction of the *other*, without being liable to molestation in that respect FOR ANY CAUSE *other than an insult on the Religion of others*.—Moreover, When the Subjects or Citizens of the *one* party shall die within the Jurisdiction of the *other*, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance."

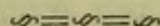


DISPOSAL OF PROPERTY.

ART. X. "The Citizens or Subjects of each party shall have power to dispose of their personal \* goods within the Jurisdiction of the *other*, by testament, donation, or otherwise: and their Representatives being Subjects or Citizens of the *other* party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their will; paying such dues only, as the Inhabitants of the Country wherein the said Goods are shall be subject to pay in like cases. And in case of the *Absence* of the Representative such care shall be taken of the said Goods, and for so long

\* Vattel's Law of Nations, B. II. c. VIII, sect. iii.

*long time as would be taken of the Goods of a Native in like case, until the lawful owner may take measures for receiving them. . . . And where, on the death of any person holding REAL ESTATE within the territories of the one party, such REAL ESTATE would, by the laws of the land, descend on a Citizen or Subject of the other, were he not disqualified by alienage, such Subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation; and exempt from all rights of detraction on the part of the Government of the respective States\*."*



#### COMMERCIAL, IN TIME OF PEACE.

##### *Freedom of Trade.*

ART. IV. "Each Party shall have a right to carry their own Produce, Manufactures, and Merchandize in their own or any other vessel, to any parts of the dominions of the other, where it shall be lawful for all the Subjects or Citizens of that other freely to purchase them, and thence to take the Produce, Manufactures, and Merchandize of the other, which all the said Citizens or Subjects shall, in like manner, be free to sell them; paying, in both cases, such duties, charges, and fees, only, as are, or shall be paid by the most favored Nation."



##### *Examination to be made before Lading.*

ART. VI. "That the Vessels of either party loading within the

\* In the latter end of this Article is a clause, that "it shall not derogate from Laws published, or hereafter to be published by his Majesty, the King of PRUSSIA, to prevent the emigration of his Subjects." But such a wise, liberal, beneficent, and all-protecting policy as the Treaty manifests, carried into execution in the system of internal Government, would extinguish all desire of emigration; which is the only



the Ports or Jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of Goods, required by the Laws, shall be made *before* they are laden on board the Vessel, and that there shall be no examination *after*: nor shall the Vessel be searched at any time, unless Articles shall have been laden therein clandestinely and illegally; in which case, the person by whose order they were carried on board, or who carried them without order, shall be liable to the Laws of the Land in which he is: but no other person shall be molested: *nor shall any other Goods, nor the Vessel be seized or detained for that cause†.*"

\*\*\*\*\*

### *Damage or Wreck.*

ART. IX. "When any Vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective Subjects or Citizens shall receive, as well for themselves, as for their Vessels and Effects, the same assistance which would be due to the Inhabitants of the Country where the damage happens; and shall pay the same charges and dues only as the said Inhabitants would be subject to pay in a like case. And if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. *The antient and barbarous right to Wrecks of the Sea shall be entirely abolished\**, with respect to the Subjects or Citizens of the two contracting parties."

ART.

only effectual and justifiable way of fully preventing it. The latter part of the reign of the late King of PRUSSIA was signalized by Acts of this happy tendency.

† See *Vattel*, B. III. c. vii. sect. cxiv. The regulation here settled is best adapted to mutual convenience, honor, and tranquillity.

\* *Vattel's Law of Nations*, B. I. c. xxiii. sect. ccxciii.



ART. XVIII. *Provides for the protection and refreshment of the Vessels, Effects and Persons of either party whose Vessels shall take refuge within the Jurisdiction of the other, under danger from tempests, enemies, or otherwise.*

.....

*Freedom from Embargo.*

ART. XVI. "It is agreed, that the Subjects or Citizens of each of the contracting parties, their Vessels and Effects, *shall not be liable to any Embargo or Detention on the part of the other, for any military expedition, or other public or private purpose whatsoever.*"

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COMMERCIAL, IN CASE OF WAR BETWEEN EITHER OF THE  
PARTIES WITH ANOTHER NATION.

ART. XII. "If one of the contracting parties should be engaged in war with any other power, *the free intercourse and commerce of the Subjects and Citizens of the party remaining neuter with the belligerent powers, shall not be interrupted\**. On the contrary, in that case, *as in full peace*, the Vessels of the neutral party may navigate freely to and from the ports, and, on the coasts of the belligerent parties, *free Vessels making free Goods*, inasmuch, that all things shall be adjudged free which shall be on board any Vessel belonging to the neutral party, although such things belong to an *Enemy* of the other: and the same freedom shall be extended to *Persons* who shall be on board a *free Vessel*, although they should be *Enemies* to the other party; *unless they be Soldiers in actual service of such Enemy.*"

g

*Military*

\* Vattel, B. III. c. VII. sect. cxii.





*Military Stores conveying to an Enemy not to cause Confiscation or  
Loss of Property to Individuals.*

ART. XIII. "And, in the same case, of one of the contracting parties being engaged in war with any other power, *to prevent all the difficulties and misunderstandings* that usually arise respecting the merchandize heretofore called *contraband*,—such as *Arms, Ammunition, and Military Stores of every kind*,—no such Articles, carried in the *Vessels*, or by the *Subjects or Citizens of one of the parties to the Enemies of the other* shall be deemed *contraband*, so as to induce *Confiscation, or Condemnation, or a Loss of Property to Individuals*.—Nevertheless, it shall be lawful to *stop* such *Vessels and Articles*, and to *detain* them for such length of time as the *Captors* may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; *paying\**, however, a *reasonable compensation* for the *loss* such Arrest shall occasion to the *Proprietors*:—And, it shall farther be allowed to *use*, in the service of the *Captors*, the *whole or any part* of the *Military Stores* so detained; *paying* the *Owners* the *full value* of the same, to be ascertained by the current price at the place of its destination:—But in the case supposed,—of a *Vessel stopped* for Articles heretofore deemed *contraband*—if the *Master of the Vessel stopped* will *deliver out* the Goods supposed to be of *contraband* nature, he shall be admitted to do it; and the *Vessel* shall not, in that case, be carried into any other port, nor further *detained*; but shall be allowed to proceed on her voyage."

ART. XIV. *Provides, in the case before suggested—of war between one of the parties and another state—that the neutral party be duly furnished*

\* So the Ordinances of *France 1543, and 1584*; which *Vattel* thinks, by providing for payment of such Articles, go too far. B. III. c. VII. sect. cxiii. See, also, *Grotius de Jure Belli et Pac. L. III. c. I. sect. v. n. I.* where various modifications, respecting trade with enemies, are enumerated.







debts, and settle their affairs ; and may depart freely, carrying off all their effects, without molestation or hinderance.—And all *Women*† and *Children*, *Scholars* of every faculty, *Cultivators* of the Earth, *Artisans*, *Manufacturers*, and *Fishermen*, unarmed, and inhabiting unfortified towns, villages, and places,—and, in general, *all others whose occupations are for the common subsistence and benefit of mankind*,—shall be allowed to continue their respective employments, and shall not be molested in their Persons, nor shall their Houses or Goods be burnt, or otherwise destroyed, nor their Fields be wasted by the armed force of the Enemy, into whose power, by the events of war, they may happen to fall ; but if any thing be necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.—And all *merchant* and *trading Vessels* employed in exchanging the products of different places, and, *thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general*, shall be allowed to pass free and unmolested:—and neither of the contracting parties shall grant or issue any commission to any *private armed Vessels*, empowering them to take or destroy such trading Vessel, or interrupt such commerce.”

.....

#### *Prisoners.*

ART. XXIV. “ And to prevent the *destruction* of *Prisoners of War\**, by sending them into *distant* and *inclement* countries, or by crowding them into *close* and *noxious* places, the two contracting parties

† *Vattel*, B. III. c. v. sect. lxxii.—c. viii. sect. cxlv. vi, vii.

\* Hither, also, has the Torch of Philanthropy been conveyed by HOWARD.—See his STATE OF PRISONS. See too *Vattel*, B. III. c. viii. sect. cl.—His recommendation is here, gloriously indeed, exemplified: and what has been matter of humane usage, is here justly and wisely fixed on the sure basis of acknowledged obligation and solemn compact. I quote *Vattel* with peculiar pleasure.—He is one of the most valuable of writers on that great object of liberal and useful study—The LAW of NATURE and NATIONS.



parties solemnly pledge themselves to each other, and to the world, that *they will not adopt any such practice*; that neither will send the Prisoners whom they may take from the other into the *East-Indies*, or any other parts of *Asia* or *Africa*: but that they shall be placed in some part of their dominions \* in *Europe* or *America*, in wholesome situations:—that they shall not be confined in *dungeons*, *prison-ships*, nor *prisons*, nor be put into *irons*, nor *bound*, nor otherwise restrained in the use of their limbs:—that the Officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters; and the common men be disposed in cantonments, *open and extensive enough for air and exercise*, and lodged in barracks, as roomy and as good as are provided by the party in whose power they are for their own troops: that the Officer shall also be daily furnished, by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to Officers of equal rank in their own Army; and all others shall be duly furnished, by them, with such ration as they allow to a common Soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of Prisoners, at the close of the war; and the said account shall not be mingled with, or set off against any others, nor the balances due on them be withheld, as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever.—And each party shall be allowed to keep a Commissary of Prisoners, of their own appointment, with every separate cantonment of Prisoners in possession of the other; which Commissary shall see the Prisoners as often as he pleases; shall be allowed to receive and distribute whatever comforts may be sent to them by their friends; and shall be free to make his report, in open letters, to those who employ them.

..... “ And it is declared,—that neither the pretence that WAR DISSOLVES ALL TREATIES, nor any other whatever, shall be considered

\* Different from the projected plan (but it is to be hoped, only projected)---of a British Government sending its Subjects to the extremity of *New-Holland*, that is, almost to our *Antipodes*, for the reformation of their manners, under military custody.



*dered as annulling or suspending this, and the next preceeding Article; but, on the contrary, that THE STATE OF WAR IS PRECISELY THAT FOR WHICH THEY ARE PROVIDED, and, during which, they are to be as sacredly observed as the most acknowledged Articles in the LAW OF NATURE OF NATIONS."*

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*These are the most leading features in this TREATY;—the parties to which may deservedly adopt the Language of the Roman Republic in the days of its purest glory, as recorded by the Historian of Virtue,—“There are laws as of Peace so even of War; which we have learnt to wage not less with justice and equity, than with valor\*.”*

*It is, indeed, to the LAW OF NATIONS, what our MAGNA CHARTA is to the ENGLISH CONSTITUTION. May it be adopted by the World with as much ardor as that Acknowledgement of our Rights once excited, and I hope is yet capable of raising, in the breast of the People of England! The most enlarged and unmolested Freedom of Commerce,—the most vigilant exclusion of the Pretences of Hostility,—the most benevolent Provision in favor of Science, Arts and Industry,—in protection of the innocent and helpless, should war arise,—the most magnanimous Attention to the Life, Health, Comfort, and, so far as may be, Liberty of captive Enemies, constitute the sublime policy of this immortal Work.—A Treaty far more illustrious than the greatest Victories: as it tends, at once, to encrease and preserve the Blessings of Peace, and to mitigate, to the utmost, the Horrors of an adverse Situation. And teaches this precept, by the fairest example,—That each nation no longer consider itself as a monastic Society, limiting all its interests and affections within its own narrow bounds, and regarding the other inhabitants of the Earth as Strangers, if not as Enemies—but, that they elevate their views to the united interest of the great Society of Mankind: that they respect the fraternal bond of their common Nature, and as the offspring of one all-benefi-*  
cent

\* “Sunt et Belli, sicut Pacis, jura: jusque ea, non minus quam fortiter didicimus gerere.” LIV. V. c. xxvii.



cent Father, render their disagreements as little hurtful, and their amity as extensively, and as permanently a Source of Good as the circumstances of human Nature will admit, under the cultivation of the best Principles. Doubtless, we may say, with little hazard of mistake that there is nothing more acceptable to that Supreme Providence, under whom the Universe is administered, than Societies of Men freely addressing themselves to Him \* for the advancement of human Knowledge, Virtue, and Felicity, without compulsion or restraint from the ordinances of any earthly Power;—living as allied Nations in equal compact, and as separate Communities under Laws by themselves approved†.

The TREATY of COMMERCE between GREAT BRITAIN and FRANCE, signed at Versailles Sept. 26, 1786, has many analogous provisions to this between AMERICA and PRUSSIA. Compare Art. XXIII. of this last-mentioned, with II. and III. of the other;—Art. IV. with IV. respectively;—XI. with V.—XII. and XIII. with XX. except, that there is no stipulation of paying for Arms, &c. conveying to Enemies;—XIV. and XV. with XXIV. and XXVI.—and IX. with XXXVII. It has struck some of the well-wishers to Freedom and Knowledge, with regret, that there should not, in either Treaty, be some specifically favorable provisions concerning the importation of Books, literary communication suffering great disadvantages, which seem to be less adequately obviated than might have been expected from the spirit of the other Articles.



To

\* "Nihil ILLI PRINCIPI DEO qui omnem hunc mundum regit, quod quidem in terris fiat, acceptius, quam concilia cætusque hominum jure sociati." SOMN. SCIP.

† ——— "Sia ragione, e legge  
Cio, che il consenso universale elegge."

TASSO.



*To what has been observed in page xiv. and xv. of the Preface, of the abuse so easily established by dressing Religion in pompous ceremonies, the Translator annexes a remark of Mr. le Chevalier de Chatteluz, Colonel of the Regiment of Guienne, who served the States of America in the last War. It is taken from a very good Translation of his "Essay on public Happiness."*

"A JUDGMENT may, generally, be formed of a People from their Mode of Worship: if it be simple and modest, they are active and industrious;—if it be full of pomp, they are vain and frivolous;—if melancholy and austere, then, they are fierce, violent, and obstinate." *Vol. I. ch. iv.*

*I shall conclude this part with another Extract: from one of the mildest, most firm and constant of the Assertors of the Interests of Mankind, civil and religious.*

"It may not be improper to hint, that the outward Pomp and Splendor of religious Establishments, attended with the solemn affectation of Mystery, which, more or less, prevails in most of them, are seldom productive of any salutary effects to the real Interests of the human race." *JEBB's Reasons for a late Resignation.*



A

## BRIEF ACCOUNT, &c.

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**I**N the thirteenth Century, about the year MCCXL, under the Abbot *Henry à Broich*, with the unanimous Consent of the whole *Convent*, the HOSPITAL was erected\*.

THE source of this Foundation (or what moved the Abbot *à Broich*, and the *Convent*, to the Construction of this HOSPITAL) may be found in

B

the

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\* See *Epit. Annal. Trev. by Massenius*, p. 462. "The recently built and extensive HOSPITAL was consumed by fire." Which calamity also befel it in the sixteenth and seventeenth centuries under the Abbots *Vincentius* and *Alexander*.



the original CHARTERS of the MONASTERY\*, the DIPLOMAS from the Emperors, and other Royal Founders, and the PONTIFICAL BULLS, which are exhibited in the Appendix.

To

\* THIS MONASTERY is believed to derive its origin from the Emperor *Constantine the Great*: and was (if faith is to be given to the *Diploma* of *Dagobert*, exhibited in the Appendix N<sup>o</sup> I.) a *Temple* royally founded by that Emperor, dedicated by St. *Agritius*, the Archbishop of *Treves*, in honor of St. *John the Evangelist*; in which *Temple* the Emperor, at the instance of St. *Helena*, his mother, collected the poor christians (religious of the eastern profession of belief) and placed at their head *John* the Monk of *Antioch*, and endowed it with no inconsiderable territories and demesnes.

In what manner and to what extent the Emperors in preceding generations, the Sovereigns of *Austrasia* and *France*, *Dagobert*, *Charlemagne*, *Lewis the Pious*, *Lotharius*, the *Ottos*, and the *Henries*; with the Popes, *Gregory the second*, *Agapetus the second*, *John the thirteenth*, *John the fifteenth*, *Leo the ninth*, *Innocent the second*, augmented the estates and revenues of this HOSPITAL with donations truly royal; how great privileges and immunities they conferred upon it; and with what dignities and prerogatives they distinguished its Prelates, as, an “honorable member of the empire,” a Prince of the empire—Archchaplain to the Empress of the *Romans*, and other titles of honor, it is not our object to represent: it being our sole purpose, and the duty in which we have engaged, carefully to examine the *Charters* and *Diplomas* of the August Founders of this *Monastery*, (so far as they may be traced by us, and particularly to recite the charitable donations for the use of the Poor and the Infirm) and having examined them, to exhibit faithfully their contents. For the rest, it may suffice to observe, that this *Imperial Abbey*, even now, so flourisheth, as, being reputed  
first





To this HOSPITAL, by the said Abbot and  
*Convent*, a THIRD of all the RENTS and PRO-  
 FITS of the *Abbacy* at that time was granted and  
 incorporated in perpetuity: to be constantly  
 B ij expended

first in the antiquity of its institution, to be accounted second to  
 none in *Germany*, in the abundance of its possessions.

IN the year 1764, a Monk [a] professed of this *Monastery*, and  
 sufficiently instructed from its archives, in the Foundation of the  
 HOSPITAL, presents himself before his Abbot *Willebrod* the se-  
 cond, (under the direction of what spirit, God is judge!) and  
 endeavours earnestly to incite him to the restitution of the Hos-  
 PITAL, suppressed by clandestine management; but how he suc-  
 ceeded, will be *divined* by those who know the character. Much  
 might be recounted of the long and cruel persecution which arose  
 from hence: but thus far cannot be utterly *overpassed* in silence;  
 that this man, unflinched in his resolution, after the complaints and  
 remonstrances incessantly instituted against this usurpation, before  
 the ordinary the Archbishop of *Treves*, and in the Nunciature at  
*Cologne*, and in the congregation of the Bishops and Regulars at  
*Rome*, during the course of near twenty years, at the peril of his  
 life and of his soul, was taught by experience, how truly these  
 courts enslaved under the yoke of passive obedience, impart, to  
 religious persons especially, no justice; farther than as it pleases  
 his *Holiness* of *Rome* to command, according to the circumstances  
 of

[a] THE Translator has had imparted to him an account, to which he gives  
 full *credence*, of the repeated remonstrances and resolute intercession in support of  
 the right of the helpless, made by this single assertor of the cause of the poor,  
 in opposition to the luxurious abuses and avaritious encroachments made by the  
 MONASTERY. He has seen a detail of long and cruel, and apparently, hopeless  
 sufferings, represented with that affecting simplicity which is the eloquence of  
 Truth.---He has seen---but he writes this unauthorised,---the time is not ripe  
 for a full disclosure.---May it arrive! and that speedily and effectually.



expended to the sole USE and BEHOOF of the  
POOR, INFIRM, and SICK.

“ *THAT all the said RENTS be for ever totally  
applied*

---

of the times, the exigencies of affairs, and such reasons of state, by his absolute authority : or, NON OBSTANTIBUS.

“ ROME being the only city which renders legal and licit, whatever is every where else reputed illicit.” *S. Bern. ad Eugen, III.*

THOSE Prelates of *England* who are now to be mentioned, all our posterity will revere ; and admire their example of disobedience most worthy of imitation.

“ IN 1253, the said Pope *Innocent* the fourth, a *Genöese*, commanded *Robert*\*, Bishop of *Lincoln*, a man, in that time, celebrated for learning and goodness, that he should confer a certain benefice on a *Genöese*, contrary to the canon : which appearing to the Bishop inconvenient and unjust, he made this reply to the Pope,”

“ That he honored the apostolic commands in conformity to the doctrine of the Apostles ; in the view of which, NON OBSTANTIBUS, or, the dispensing power, is a deluge of inconstancy,—breach of faith,—perturbation of the tranquillity of christendom. That it is a greivous sin to defraud the sheep of their feed ; that the *Apostolic See* hath power for edification, none for destruction.”

“ At the receiving of which reply, the Pope was greatly incensed ; but the Cardinal *Egidius*, a *Spaniard*, a man of great prudence, endeavoured to mitigate his proceedings : by representing to him, that to act thus against a man of such reputation, for a cause so abhorred by all the world, could not possibly produce a good effect. But while the Pope deliberated on the mode of pursuing his resentment, *Robert* was taken with an illness ; and in the end of his life maintained the same principles ; and died with the estimation



applied to the USE of the POOR, WEAK, and INFIRM." Charter of Institution.

THAT this HOSPITAL (lying immediately before

estimation of sanctity : and fame went, *that he wrought miracles.* The Pope hearing of his death, instituted a process against him, to the intent, that his dead body might be dug up.[*b*] But the following night, the Pope saw in a vision, or, in a dream, *Robert* invested in the pontifical robes ; who reproved him, for the persecution against his memory, and struck him on the side with his pastoral staff. The Pope awakened with excessive pain in that part, which continued with him till his death ; an event that took place a few months after.[*c*]

" IN the year 1258, *Alexander* the fourth, his predecessor, excommunicated the Archbishop of *York*, for a similar cause : who persisting in his resolve, supported, with much patience, the persecution : and at the approach of death, wrote to the Pope, a letter replete with salutary advice, exhorting him to imitate his holy predecessors, and to remove innovating abuses, dangerous to the church, and to his own soul : and died revered as a saint and martyr.

" THE

[*b*] THIS example of decency and respect to the common lot of human nature, was imitated in this country, so late as the last Century ;---When the bodies of the *Regicides* were treated with an indignity not to be offered, by a wise, brave, and feeling nation, to a *Tarquin* or *Domitian*, when once in dust. *The Translator, C. L.*

[*c*] THE fine observation of that exquisite investigator and representer of human nature, *Tacitus*, "*Neque frustra præstantissimus sapientiæ firmare solitus est, si recludantur tyrannorum mentes posse adspici laniatus et ietus: quando ut corpora verberibus, ita særvitiâ, libidine, malis consultis, animus dilaceretur.*" *Annal. VI.* is not ill applicable to this visionary stroke. *The Translator.*



before the *Monastery* erected without its walls, and dedicated, with the *Church*, to the name and honour of St. ELISABETH) might perpetually enjoy the secure possession of its RENTS and PROFITS, from thenceforth dismembered from the *Abbey*, *Innocent* the fourth, at the petition of the said Abbot and *Convent*, not only confirmed this pious Foundation, but by the interposition

“THE Canonists defend the *Right of Spoliation on these principles*.—That the Pope is Patron of all ecclesiastical profits: or, as those who speak more modestly term it, Administrator. By which doctrine it is also received at *Rome*, That if any one shall have usurped a benefice, or in any other mode robbed the church, he may make agreement with the Apostolic Chamber to invest part there; the rest he may retain with a good conscience: and having made the agreement, and paid the sum compromised between him and them, it is their general assertion, that he is absolved from the residue of the debt, and may licitly keep it as his own; the Pope being, as it is said already, the Patron, or Administrator universal; and this they call making composition with the Apostolic Chamber: and hence that extent of construction, that if any one either knows in conscience, or suspects, that he possesses property not his own, or does not know the right owner; he makes composition.” *P. Paolo Sarpi, in his Treatise on the Materia Beneficiaria.*

“IT is a cause of lamentation, that the city of *Rome* should be the place, to which crowd the ambitious, the covetous, the simoniacal, the sacrilegious, concubinaries, the incestuous.—ROME BEING THE SOLE AUTHORITY WHICH PRETENDS TO RENDER LAWFUL AND LICIT, WHAT, IN EVERY OTHER PLACE, IS IL·LICIT.” *St. Bernard to Eugene III. Whence the remarkable conclusion of this passage is cited in the preceding note.*



fition of the Pontifical *Diploma*, received it into his especial patronage and protection.

FROM this Pope, *Innocent* the fourth, and also from the Archbishops of *Treves*, *Henry* and *Arnold*, Indulgences issued for those devout persons, who animated with christian charity, should enlarge the possessions of this newly erected HOSPITAL with their alms and donations. Which grant of Indulgences was so effectual, that in a short time the wealth and possessions of the HOSPITAL in houses, customs, dismes, arable, pasture, gardens, vineyards, lands cultivated and waste, were enlarged to an incredible extent and abundance.

*INNOCENT* the fourth, for an example of benevolence, gave and incorporated to this HOSPITAL the district of *Mersch* with twelve dependent churches, situate in the dutchy of *Luxemburgh*, of great and distinguished opulence.

THE Archbishops of *Treves*, *Henry* and *Arnold*, induced by the pious example of the Pope, gave and incorporated to the HOSPITAL, with the unanimous Consent of the Metropolitan Chapter of *Treves*, the districts and churches situate



situate in *Lorraine, Breux, Signii, Flassignii, Hans, Cloes, Ville Cloes, &c.*

THE Parishes in *Rouffii, Uffelskirchen*, the Third Part of the dismes in *Theonville, Monhofen, Mer-tesdorff*, and *St. Michael's*; the farms of *Urtzig* on the *Moselle*, *Kevenich* by *Ruwer*, *Matten* by the *Green-House*; valuable lands, vineyards, gardens, tolls, duties, various emoluments in the environs of *Treves*, and in the towns of *Ruwer, Kenn, Lonquich, Rbiol, Detzem, Fell, Fastraw, Cürrens, Tarforst, Emmel, &c.* All these constituted the THIRD PART of the *Monastery*, and of its RENTS: which THIRD PART, as hath been said, was granted in perpetuity and incorporated with the said HOSPITAL of *St. ELISABETH*:---as may be seen more at large in the CHARTER of FOUNDATION, and in the ANNUAL REGISTER and ACCOUNTS of the HOSPITAL, of which great numbers are still extant; but especially in a summary SPECIFICATION of all the PROPERTY and REVENUES of the HOSPITAL, which, about the year 1680, was made under the Abbot *Alexander Henn*; of which more hereafter.

FOR the manner and proportions in which the several objects of charity are to be relieved in  
this



this most extensive HOSPITAL, according to their respective situation and circumstances, certain ordinances and statutes may be consulted ; which at the same time appoint a Governor or Provost of the HOSPITAL to be elected from the *Convent*.

THERE were founded, to be annually observed in the HOSPITAL, 1141 Anniversary Masses. *Alexander Henn* obtained in the last century, that for this number of masses and anniversaries, one mass should be said daily that divine service in the choir might not be diminished.

ABOUT the time when the HOSPITAL was taken under the protection of the Pope, the most illustrious Counts of *Manderschied* were entreated to become *Advocates* and *Temporal Patrons* : and in that title, were enfeoffed by the HOSPITAL with three hogsheads of wine to be received annually from the farm of *Urtzig* near the *Moselle*. For which three hogsheads of wine, afterwards, in the sixteenth century, six comb of wheat from the said farm annually, and of feudal right to be levied, were substituted by mutual consent.

THE Ordinances and Constitutions of the  
c *Abbey*





*Abbey* in the fourteenth, fifteenth, and sixteenth centuries, especially under the Abbots *Otto*, *Thomas*, and *Vincent*, represent the high and weighty obligation incumbent on the *Monastery* in relation to this HOSPITAL, with the care and vigilance perpetually in its behalf to be exerted, by an injunction so emphatic on the *future* Abbots and *succeeding* Members of the *Convent*, that if this *pious Foundation* should ever be neglected, and its *Income* alienated by their want of care, or be diverted to the Fund of the *Abbacy* and its Emoluments by a nefarious presumption, so that the POOR, the SICK, and the INFIRM, should ever be defrauded, they consign their said Successors to the stroke of excommunication, and other censures of the Church; and in such case execrate and devote them by every terror of malediction. The words are,

“ *WE beseech, therefore, and exhort our Successors the Abbots, and the Convents, in the Bowels of CHRIST, and of his Holy mother, that they have care that the RENTS and PROFITS of this HOSPITAL magnificently endowed, be PERPETUALLY applied, according to the Terms of the Foundation, to the USE of the SICK, POOR, and INFIRM; and that neither to their own, nor to any other use whatsoever, any part thereof be alienated or applied*



*plied : and on failure, We execrate and devote them in all malediction, and consign them to the stroke of excommunication and the judgment of anathema."*

By which threats and animadversions, not only the Letters of Protection, Indulgence, and Donation aforesaid, of the Pope, and Archbishops of *Treves*, are respectively fortified ; but, in like manner, men of inferior condition attested in their donations, the same will and precaution, this condition frequently occurring, that "*If ever at any time their Possessions given to the HOSPITAL, or in any way consigned to its USE, should be converted to any other USES than those of the POOR, SICK, and INFIRM,---their Heirs and Assigns, should, at any time hereafter when such Alienation, or Conversion should be committed, from thenceforth stand seized and possessed of the said Estates, Goods, and Chattles; and all Interest therein reclaim, resume, repossess, and enjoy as if such Grant or Endowment never had been made."*

WHEREFORE, in those times, the *Abbey* and those who governed it, unknowing in impious frauds, watched over the RIGHTS OF THE HOSPITAL with an eye so assiduous, that, even when the *Abbey* was reduced to extreme distress, to covet the revenues, much more actually to



invade the Possessions of the HOSPITAL, was held an act of the worst injustice and of sacrilegious wickedness.

To the proof of which one example will suffice.--- That in the year 1442, when *Lambertus* of *Sassenhausen*, after a compact made between three Abbots contending for the Mitre, was confirmed, and was in need of no inconsiderable sum of money for his own and the occasions of the *Monastery*, and to this end had mortgaged the fine village of *Ken*,---

THE Feoffment on that occasion contains in several places, these and the like clauses :

“ *SAVE and except Capital Judgments and the Emoluments and Obventions to the HOSPITAL of St. ELISABETH appertaining.*”

WHAT care and solicitude *John* the fifth, of *Isenburgh*, Archbishop of *Treves*, and at the same time Abbot of *St. Maximin*, had of this HOSPITAL, evidently appeareth from the rescripts of this Abbot-Archbishop: in which, (referring himself to the antient separation of the Goods and Revenues of the *Abbacy* and HOSPITAL) he not only solemnly enjoins and inculcates economy  
and



and a benevolent care of the Poor and Infirm, but menaces a severe woe against the growth of luxurious negligence, evasion, and fraud: thus concluding,

*“FOR whatever concerns the HOSPITAL, all the enumerated RENTS and PROFITS are designed for the POOR, SICK, and INFIRM.”*

IN 1610, under the Abbot *Reiner* of *Biwern*, *Attilius* the Apostolic Nuntio came from *Rome*, and visited the *Abbey* of *St. Maximin*. In the Memorial of this Visitation is found the following sentence:

*“LET the HOSPITAL of St. ELISABETH be maintained for ever under good government: and its RENTS and PROFITS be perpetually converted to the USE of the POOR, and INFIRM, according to the intention of the Founders.”*

ABOUT 1620, *Nicholas Honthemius*, as Coadjutor, and soon after, Abbot of *St. Maximin*, undertook the government of the HOSPITAL: and it is greatly to be lamented, that this true Father of the Poor was snatched away, by an unexpected and sudden death; after having presided only for a few years, but greatly to  
his



his honour, over the *Monastery* and HOSPITAL.

THE succeeding Abbots, *Agritius* and *Maximin*, carried beside themselves, by a spirit of pride and self-sufficiency, were engaged in contests and litigations, for forty years, with the Archbishops and Electors of *Treves*; during which time, the state of the HOSPITAL was so neglected, and thrown into such ruinous confusion, that not only its most ample revenues were entirely divested from the objects of their appropriation, by secret artifices, and absolutely applied, without exception, to the service of the *Monastery*; but not even the annual accounts of receipts and disbursements of the HOSPITAL are mentioned, nor is there a vestige to shew, that during this period they were kept.

WORDS are here wanting, nor can any eloquence express, how deeply, and with what justice *Alexander Henn* (who in the year 1672 was elected Abbot, and in 1689 deceased, and in the chronology of the Abbey of St. *Maximin*, is called the *glory of the order*, the best and most illustrious of Abbots) felt the affliction of this horrible disorder of affairs: and with what piercing solicitude of mind he was wounded, by the state of the HOSPITAL thus neglected; and by the disregard to an obligation



obligation of such solemnity and importance: in so far, that the fatal cause, by which the *Abbey* for these forty years past hath been agitated and oppressed with so many calamities, was by him referred as a merited visitation of the Divine Wrath, to this single source, that the Abbots, his predecessors, neglected the INFIRM, defrauded the POOR, and impiously consumed this distinguished patrimony of *Christ*, in the use of the Abbey, and their own private purposes\*. The words of the zealous Abbot are these:

“CHRIST *the Lord will say to you,*” ‘Go ye accursed into everlasting fire. For I hungered and was thirsty, and ye gave not to me: I was a stranger, infirm and naked, and ye received me not.’

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\* THE disorder stayed not, however, in this state. But the Bishops began to fail in their accustomed alms, and to retain to their-selves that which ought to have been distributed; and to enrich themselves with the common good of the Church, making encrease by usury: and leaving the care of teaching the doctrine of *Christ*, they were occupied entirely by avarice. Which conduct *Cyprian* laments as usual in his time; and concludes, that to cleanse his Church from much error, God would permit some great persecution; which happened under *Decius*: for, that the Divine Majesty had always reformed his Church; either mildly, by the means of the lawful magistrates, or, when the excesses are passed too far beyond the influence of regular reformation, by the instrumentality of a persecution.” *Id. in Mater. Benef.*



not.' "*The bread of the Poor is the Life of the Poor, and he who defraudeth them thereof, is a man of blood.*"

"*I ALSO,*" he continues, "*have for many years as Abbot, converted the rents and profits of the HOSPITAL of St. ELISABETH, its dismes in Mersch, Breux, Signii, Flaßignii, Hans, Cloes, Ville-Cloes, Ruffii, Ußelskirchen, Diedenhofen, Monhofen, Mertelsdorf, and St. Michael's; its rents in Urtzig, Matten, Kevenich, Kenn, Tarforst, Fell, Emmel, Rhiol, Lonquich, Fastraw, Detzem, Pölich,*" and others, (of which, the recital here would be too prolix) "*to the use and advantage of the Monastery. But, O God, my God, forgive me! for that in ignorance I have done these things.*"

THESE, with many other things, you will find written by the hand of *Alexander* himself, the Abbot, in a melancholy and emphatic exhortation to the future Abbots and *Convent*, the Title of which is, *The CALAMITIES of the MONASTERY of St. MAXIMIN.* You will there see these abuses stated at large, and not without astonishment peruse the recital: the pious Abbot finishing in these words,

"*ASSIST*



*"ASSIST and exhort to aid\*."*

THIS so frequently mentioned Abbot (*Alexander Henn*), though burthened to excess, with the charges of the most sumptuous re-edification of the *Church and Monastery*, the injuries of war and the Gallic exactions, held nothing prior, nothing more sacred, than his abbatial duty; and the incessant  
D exertion

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\* THIS, with a number of other documents demonstrating the point of obligation, (the list of which documents, will not be withheld from those whom it may concern) was, by the religious just mentioned, in observance of the Divine Precept, "TELL IT TO THE CHURCH," laid before the Archbishop, in the year 1764. Who after commanding copies to be transcribed and preserved in the *Archiepiscopal Collection of Archives*, appointed his Suffragan (that grand luminary of *Treves*, distinguished by the name of *Justinus Febronius*) to enter on a formal examination of the cause, and to make report. Who commences by uttering a thousand severe reflections and calumnies against the religious person, [d] and terminates a cause of the first import-

[d] He endeavoured by all means to render odious, the character of this religious person, with the Archbishop; and especially, by representing him, as a man of no religion: in which, however, with great discretion and equity, the Archbishop replied to the suffragan, that he did not believe in *his* infallibility. The same person compiled a diplomatic history of *Treves*; and that he might not seem ignorantly or wilfully to have overpassed what he did not care to touch,---the history of this HOSPITAL,---is thought to have conspired with the avaricious Abbot, to attempt the destruction of the person who had made the discovery:---Little did he regard the cause of the poor. An admirable diplomatic comedian!



exertion of his utmost endeavours, to restore the HOSPITAL: and when it had been burnt by the *French*, he prepared temporary apartments in the church of *St. Michael*, and in other places; and in these, immediately received, and with a vigilant attention

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importance, by his oracular decree, in two words,—“ *Blessed are the possessors.*” At the same time, he conveys aside all the transcripts of the documents of the HOSPITAL, entrusted to his care, restores them secretly to the Abbot, and glories in his good offices, both to him and to the MONASTERY. [c]

[c] OBSERVE another good office for which the poor Abbot is indebted to this excellent man. Independent of the institution of the HOSPITAL, there was in this *Monastery* a very ancient custom, which had existed from the tenth Century to the present time, and had constantly been observed with religious fidelity: twice in the week, to as many poor as came, (and there would be often to the number of six hundred) they used to distribute a certain and liberal portion of bread; and the gates of the *Monastery* being always shut during the performance of this act of distribution, carriages approaching were stopped in consequence, till the work of charity was accomplished. It happened more than once to this respectable character, on his return from giving his lectures to the new Abbot, (to which, but too good an ear was given) to be detained for half an hour before the gates; which was so displeasing to him, that he found the custom to be the observance of a most pernicious usage, and without difficulty, prevailed on the Abbot, to put an end to this charitable act. And being fearful, lest the repulsed multitude should suspect him to be the author of this sacrilegious exclusion, the Abbot, by his suggestion, caused the next day proclamation to be made to the Poor, the Widows, the Orphans, the Infirm, the Halt, and the Blind,

“ THAT the *Archbishop Elector of TREVES*, (JOHN PHILLIP) seeing this ceremony had drawn an innumerable number of poor, from the neighbouring provinces, had, in future, most graciously prohibited its continuance.”

How far, by these several good offices, the treasures of the *Monastery* must have encreased, is more easy to be discerned, than, how far such acts can be conducive to obtaining of heavenly benediction.



attention, protected the POOR, the SICK, and the INFIRM; so that agreeably to the sacred Foundation, their respective necessities might, with all diligence, be aided: and farther, as he esteemed all usurpation, defrauding, or dimunition of this inheritance devoted to the Poor, no less than sacrilegious; on this principle, he ordered exact enquiry to be made by two of the *Cæsarean* and Apostolic Notaries, *Conradi* and *Martini*, into all and singular, the Documents of the HOSPITAL, and its Charters of Foundation and Endowment; with the revenues, rents, and profits successively acquired or thereto, in any wise, appertaining; and the information collected from the Archives of the Abbey, together with the several authentic vouchers, to be arranged, and in due order registered: and that by the aid of a summary of specification, this sacred patrimony of *Christ* and his Poor should be separated, under a just repartition, from the revenues of the Abbey for ever, and again be distinctly appropriated to the use of the Poor.

NEVER did this HOSPITAL or *House of Strangers*, founded by the charity and devotion of successive Emperors and Kings, and afterwards enlarged by the papal donations, and those of the Archiepiscopacy of *Treves*, and which is to be noticed, by *Letters of Indulgence*, more flourish, than in



the first ages of its Erection, under the Monks its original Rectors and Purveyors, *Godefrid, Rodolph, Laurence, Wiric*, and other religious elected by the *Convent* to this charge. Who, through the *Letters of Indulgence* and the Institution of a Society, called, The *Brethren* of St. ELISABETH, both at home and in foreign countries, excited immense multitudes of all conditions, to great alms and donations. And under the care of these Religious, not Abbots, the HOSPITAL appears to have been well maintained, agreeably to the intent of the Founders.

BUT when after, against the constitution, the *Abbots*, who have sufficient cares and duties incumbent on them, chose to act as Rectors of the HOSPITAL, an inexcusable inattention and impious neglect, by degrees, took place. And especially the successors of the Abbot *Alexander*, (notwithstanding the new and entire restitution, by him made, of the HOSPITAL, and every possible effort of care and vigilance, on his part, exerted, for its perpetual preservation) in so far were not ashamed to neglect this *pious* and *magnificent* establishment, that one Abbot perpetually referring himself to another, his future successor, they admitted either *none*, or *very few* of the Poor and Infirm: and thus, from the beginning of this century to the present day,  
all



all the Abbots (being five) *Nicetius*, *Nicolaus*\*, *Martinus*, *Willibroodus* the first†, and second‡, leaving no mention of registers or annual accounts, have seized and consumed the whole of these great endowments for the Poor, to their own use and accommodation.

THE Vigilance of these Abbots, (of the last especially) and their zeal for the maintenance of the

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\* WHEN this Abbot was, agreeably to custom, confirmed at *Rome*, the Apostolic Chamber required an augmentation of the first fruits, or customary payments, for some certain reason; but receiving for answer, "That the Third Part of the rents of the Abbey was appropriated to the HOSPITAL of St. ELISABETH," desisted from the claim.

THE same answer, not many years after, produced the desired effect at the Court of *Treves*, when the Abbey complained of being burthened more than its share, in the provincial contributions.

† To this Abbot, about two years before his death, in the year 1760, it was suggested by one of his Monks, that he should purchase for himself and his *Monastery*, a certain territory, not many miles distant from the *Monastery*, which, it was said, was to be sold for 120000 imperials, (about 20000*l.* sterling): he, without hesitation, answered: "*I fear lest the hour be now at hand, when they shall demand of us,*" 'IN WHOSE RIGHT HOLD YE YOUR IMMENSE POSSESSIONS?'

‡ HE who beareth the bag or purse at the present, elected Abbot, in 1762, is instructed of the claims of the HOSPITAL, no one better,



the HOSPITAL became truly languid; till they appeared indignant or disgusted at every mention of it: and manifested a desire of rather suppressing these monuments of piety and benevolence, and of consigning them by every artifice and effort, to eternal oblivion.

WHEREFORE, do not wonder, but rather lament that this HOSPITAL of St. ELISABETH, once so *celebrated*, so *magnificently* endowed, and by the devotion of pious and charitable persons, so eminently augmented, is now seen in a state of desolation, utterly profaned and spoiled\*. Lament that the revenues of the HOSPITAL, great and abundant

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better: but what, and how frequent alms he gives to the poor of all conditions, (instead of making restitution to the HOSPITAL) no one knows: this he cries incessantly, with his accustomed address: and imagining that no one knows, he thinks himself justified in giving—*nothing*. Bearing an appearance of sanctity from his youth, he deceives all.—With eyes continually fixed upon the earth, he is in quest of every thing: takes what he can, and hides what he has taken; (not for himself, certainly, but for Heaven) leaving the restitution of this enormous and immense plunder, made with impunity through twenty-four years, to the pleasure of his successor.

“*My successor, if it so please him, may restore the HOSPITAL.*”

\* THE Abbot *Alexander* found, as hath been before said, all either in ruins or consumed in the flames; the HOSPITAL not excepted;



abundant as they were left, are now, without remorse, embezzled and consumed for the mere superfluous emolument of a *Monastery* incredibly wealthy: and those revenues not merely wasted in hospitality, falsely so called, towards the rich, in feasting and luxury, and ostentation, but, which is yet more intolerable, made subservient to the vilest and most insatiable avarice: and from year to year mountains of gold (the sole delight of the covetous) heaped upon each other, and mammon sacrilegiously buried in this place; not, by such practices, an habitation of saints: the just and only inheritors of these sacred possessions, the POOR, the SICK, and the INFIRM, being thus  
scanda-

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ed: the scite of which, is to be seen in an ancient print of the Abbey. Having erected a new and very costly church, and a number of other buildings, it was beyond his power, at once, to rebuild the HOSPITAL: having prepared therefore, apartments in the parish Church of *St. Michael*, to which the garden of the HOSPITAL is adjacent, and in other places within the Abbey, for the reception of the Poor and Infirm, he was prevented by death, from finishing the pious work which he had anxiously at heart, the rebuilding of the HOSPITAL: charging to the performance of this, as an indispensable obligation, the consciences of the Abbots his successors; with an holy zeal, both by prayer and denunciations of terror; by words and in writing: who, having persuaded themselves to disregard this salutary admonition, by degrees, wickedly neglected, without shame, every other.



scandalously deceived, impiously defrauded, and worthy of the truest commiseration. Therefore,

“ASSIST AND EXHORT TO SUCCOUR.” *Alexander, Abbot of St. Maximin.*

“FOR ALL THAT CONCERNS THE HOSPITAL, ALL THE ENUMERATED RENTS AND EFFECTS, ARE TO THE USE OF THE POOR, THE SICK, AND THE INFIRM.” *John V. of Isenburgh, Archbishop of Treves, and Abbot of St. Maximin.*



APPENDIX.







Flindell, Sculp.



[ 25 ]

## A P P E N D I X.

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N<sup>o</sup> I.

### A CHARTER OF *DAGOBERT*.

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**I**N the name of the Father, and of the Son, and of the Holy Spirit, Be it known to all Christians, That I, *Dagobert*, by the concurrent assent of my Bishops and Barons, have sent Commissioners, on my part, to the Abbot *Memilianus*, commanding, that he diligently enquire and make to me his report, personally, by whom the *Monastery* of St. *Maximin* was constructed, and to whose government, from ancient times, subject. This commis-

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fion



sion the Abbot carefully regarding, and having read thereon CERTAIN VERY ANCIENT RECORDS, it was found, that the *Monastery* was a royal temple of *Constantine*, and dedicated, by his command, in honor of St. *John* the Evangelist, by St. *Agritius*, the venerable Archbishop. In which temple, as it appeareth, and as the said Father of the *Monastery* hath, by certain relation, made known to us, the said Emperor, at the petition, and by the inducement of *Helena*, a servant of the Lord, gathered together the *Poor* of *Christ*, and placed over them *John*, a man of God, that they might give themselves, without ceasing, to the service of God, and might continue in prayer for him : and, moreover, his will was, that the said House should be subject to no other person, save himself and his successors, being Emperors. These things being fully understood, I command, as King, and enjoin most strictly, that no one presumptuously invade the *Monastery* aforesaid, in which the said Abbot presides ; or offer to it any violence or insult. And, that the memory of me and my ancestors may remain in the said *Monastery*, I have provided for the enlargement of the allowance made to the prebendaries of St. *Maximin* under the fore-named Emperor, adding, of my own, the following lands, namely; *Kannis*, *Cressiacum*, *Luncwick*, *Regiodola*, *Vallis*, *Pölich*,  
*Budeliacum*,



*Budeliacum, Talevant, Loavia*; these belong to the royal domain or disme. Which domain with all things thereto pertaining, from the river *Rubera* to the wood *Jeder*, I have given to St. *Maximin*, in perpetual inheritance: and farther, by the counsel and request of my Nobles, I have given to the multitudes attending on the service of God, that the number of an HUNDRED MONKS remain there always entire and unaltered: and this I constitute a firm and perpetual ordinance; except if it be augmented by lands and treasure, through the benevolence of succeeding princes. And if by destruction committed by the inroads of Pagans, or by Infidels inhabiting christian countries, poverty should encrease beyond measure on the said servants of *Christ*, so as not to be removeable by the expenditure of their treasure, that they have licence of Almighty God, myself, and successors, of selling the fee and its tenantry to the faithful, hereby granted, rather than the services of God be destroyed. And, that the confirmation of the said grant may remain firm to all future ages, I have commanded it to be engrossed, and under our seal to be authenticated.

*GIVEN this fourth day of April, in the twelfth year of our Reign, at Mentz. Be it happy!*



THE Seal of DAGO-  
BERT.

I HENRY, Chancel-  
lor, in behalf of RI-  
COLFH, the Arch-  
chaplain, have pe-  
rused this Charter\*.

R  
D & S  
B



\* This most antient Diploma, thus subscribed and sealed, is preserved, entire and uninjured, more than a thousand years, in the custody of the Abbey.

Nº II.

N<sup>o</sup> II.

## A CHARTER OF OTTO THE GREAT.

**I**N the name of the holy and undivided Trinity. *Otto*, by favor of the Divine Clemency, Emperor ; August.

ALTHOUGH it be fitting, that we provide for the due support of all the churches of God, yet chiefly and especially it concerns us, to advance the profit and honor of that church, from whence, and by which, the state of our realm and empire is corroborated ; and wherein we are by custom, to take our Consort, as our ancestors have done, and exalt her to the throne and empire. Wherefore, we  
would



would have it known to the great community of our subjects, as well future as present, that we, piously and with wholesome care, considering the state of our Realm; and the devout anxiety of our predecessors, Kings and Emperors, namely, *Constantine* the son of *St. Helen*, *Theodosius*, *Mauritius*, *Dagobert*, *Pippin*, *Charlemagne*, and their successors to our time, being desirous to imitate, endow, in like manner, *Adelbeida*, our most dear wife, with the *Abbacy* of *St. John* the Evangelist, *situate in the suburb of TREVES*, where the body of the most excellent confessor, *St Maximin*, reposeth, with all the churches and possessions, in what places soever, thereto lawfully and of right appertaining: that as before, when by nuptial ceremony and royal consecration, we made her the consort of our realm beyond the mountains, in the region of *Gaul*; so in this city of *Rome*, the most holy *John*, principal and universal Pope, and Vicegerent of the blessed Apostle *St. Peter*, confirming this our grant, by the privilege of his Apostolic Authority, with the said *Abbacy*, as first in royal dower, we now in quality of our imperial consort, her endow, exalt, and confirm. Prescribing, and under sanction of this our authority, decreeing, that the place aforesaid, in which the venerable Abbot *Willerus* now presides, shall never, by any art or contrivance, be severed from  
the



the dowry of the realm; nor subjected, or made an appendage to any other fee or church; or any other person, ecclesiastical or temporal. But as under the protection of our predecessors, so under the government and maintenance of ourselves and our successors, shall remain; and be free for ever, from all hindrance and molestation. We decree also and ordain, that the said Abbot and all his successors shall perform to our consort, the Empress *Adelheida*, and to all other succeeding Queens or Empresses, the service of the chapel, and of the table: and render, also, duly, the service which they ought to pay every second year, according to right. And their-selves, as often as they shall come to the court of the palace, shall be fed from the royal table, and be held, always, not the lowest in esteem amongst the courtiers and domestics of the King and Queen, who are sustained by royal provision: as it becomes the dignity of that most sacred place, and the superintendants and ministers of that church, by which all Kings and Emperors, in succession, with their consorts, are to be confirmed in their kingdom and empire. We ordain farther, and by our imperial authority have decreed to confirm as a *Prebend* to the said brethren, doing service, in the *Monastery* aforesaid, to God and his saints, whatever under our ancestors *Constantine, Dagobert, Pippin, Charles, Arnolph,*  
and



and *Henry* our Father, even to the present time, was deemed to appertain to their property, in those churches or places before intimated; that from thence, they may be provided with food and raiment:---namely, *Apula, Suavenheim, Evernesheim, Manendale, Narheim, Buckinheim, Alfontia, Scheringsfelt, Okinsheim, Rafinbach, Siemera, Gunther-shusen, Ruosbach, Holzbusen, Folemæresbach, Ri-venaba, Loavia, Windingun, Ochisheim, Rateref-dorff, Bustat, Meisbroth, Ebena, Decima* and *Vallis* with its appurtenances, *Markedeth, Dalheim, Lin-niche, Miersbe, Evelinga, Fula*, and what they hold in the district of *Salne*, or in the town of *Metz*, or in the parts circumjacent of *Willere*, in vineyard or arable; or in the district of *Nabgowe*, in these Parishes, *Cozolvesheim, Albucha, Wildis-tein, Wienheim*, or near the *Mosella, Diedhoven*, or beyond the *Rhine*, in the Franchise which is called *Prichin*, with whatsoever their appurtenances *St. Maximin* is deemed to possess; *Murmirdinga* and *Drubdilinga*.

*THESE* places, therefore, and possessions, and all churches appertaining to *St. Maximin*, with the ecclesiastical and royal dismes, we assign and confirm for the support of the brethren, and the use of STRANGERS, of PILGRIMS, and of the POOR.

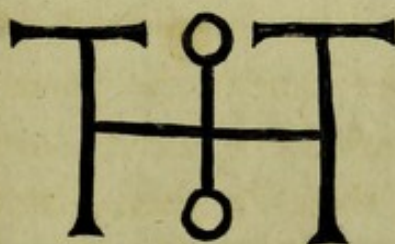
AND



*AND that none of our successors, Kings or Emperors, nor the Abbot presume to alien or transfer the benefit thereof to any person, or any part thereof, by this our authority we enjoin most firmly.*

AND that this which we have ordained to the honor of our realm and empire, may remain firm and for ever stable, we have caused this Instrument to be engrossed, and authenticated by the impression of our Seal.

*THE Seal of OTTO the Great, and most unconquered Emperor, August.*



I LUDOLPHUS, Chancellor, have perused this Instrument for WILLHELMUS.

*GIVEN the year of the Incarnation of our Lord DCCCLXV. the fifth Indiction, in the first year of the Empire of our Sovereign OTTO: and in the second of the Reign of the most serene Prince OTTO, his Son. Done at Rome: in the name of God; Be it happy!*



And a great deal of our strength being in the  
hands of the Lord, we have ordered to the  
honour of our Father and Saviour, that we should  
and let your children we have made this testimony  
to be a great blessing and a great help to the  
people of God.



And we have ordered to the  
honour of our Father and Saviour, that we should  
and let your children we have made this testimony  
to be a great blessing and a great help to the  
people of God.

N<sup>o</sup> III.

## A CHARTER OF HENRY II. EMPEROR.

IN the name, &c.---Although it be not allowed to deviate from the ecclesiastical institutions and prior determinations of our fathers, it is yet our right, especially and singly, to change for the better, whatsoever it be whereby the faithful within our realm are aggrieved, or greater detriment than advantage accrues to the church of God: Wherefore, we will that it be known to our subjects, future as well as present, that we have appropriated from the *Abbey of St. John the Evangelist and St. Maximin, situate in the suburb of Treves*, in which, *Haricho*, the Abbot, is now



acknowledged to preside, certain Franchises and Territories, Farms, and Possessions, namely to the amount of six thousand, six hundred, and fifty-six manses, according to the truest computation that could be made, and have received them as a benefice from the said Abbot, and consigned them, in like manner, to the use of our faithful subjects, *Ezzo Count Palatine*, Duke *Henry*, and Earl *Otto*, on condition, that whereas, the said Abbot being worn with age, cannot well serve us in civil or military duty\*, they and their heirs holding the said benefices, shall, for the said Abbot and his successors, attend the court royal and go on expeditions : and the Abbot and his successors be altogether free from attendance on the royal court, and from all kinds of expeditions ; save only if they be called to *Mentz* or *Cologne*, to a general

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\* *This ademption was for many reasons invalid.*

1. *If the Abbot was not able to attend he was not bound to attend ; for Nemo tenetur ad impossibilia.*

2. *A particular disability could be no ground of a perpetual confiscation of a general interest.*

3. *He was not, as an ecclesiastic, bound to such service by the rules of his church—"Nemo militans Deo debet se implicare negotiis secularibus"—A rule which Abbots, Bishops, &c. have generally known how to apply, when it would serve to exempt them from a burthen, and how to decline, when it stood in the way of their interest or their power.*



general council, or any other necessary conference. And that we may not suffer any detriment to our soul, if we seem unjustly, to take away the gifts that were conveyed or bestowed by the faithful of Christ to that most holy place;---the service which to us ought to be rendered, as to certain our predecessors, from the said *Abbey* every second year, we, for the fear of God, and in reverence of St. *John* and St. *Maximin*, and by the interposition of *Aribon* of *Mentz*, and *Piligrim* of *Cologne*, and *Poppo* of *Treves*, venerable Archbishops, have forever to God and St. *Maximin*, and all future Abbots, acquitted and indulged:---And that none of our successors, Kings or Emperors, shall any farther exact the said service, in peril of our soul and his own, unless the same goods which we have severed, not so much for our own as for their service, he return entire and restore, we prescribe by the authority of our Imperial Constitution. We command, moreover, and enjoin on the said Abbot and his successors forever, that they presume not to alien or convey in trust, or in any shape dispose of the residue of the Franchises, Churches, and Possessions, which for the peculiar sustenance of the Brethren therein, serving God, were by the Kings or Emperors, our predecessors, namely, *Dagobert*, *Pippin*, *Charles*, *Lewis*, *Arnolph*; and also, by *Charles*, *Viendebold*, and the three Ot-

tos



tos to our time, and by ourselves granted and assigned; so that the same should pass in any manner, or for any purpose to any superior, or free-man, or the dependants of any other church or house. That is to say, in these places (naming the same as in the deed last preceding, with others not there enumerated) viz. *Bingin, Bicedorff, Arnolfesbergh, Lukeſing*, and in the district of *Salingouve, Dinerich, Luolkurt, Bisangis, Bessiac, Lucelenkirich, Meroldiville, Wimereskirch, Straza, Cruſta, Seranna, Markedith, Kriſho, Billich, Curmiringen, Burnnacha, Hanivilleri*, in the district of *Drachere*, a place called *Gunthershusen*.

THESE two Franchises, as our ancestors have appointed, so we especially appoint and confirm, for the diet, cloathing, and table linen of the *Brethren*; and also, *the care of the INFIRM and SICK, and the reception of STRANGERS, and the comfort of the POOR and PILGRIMS*. That from these places and churches, no Abbot or other person, great or small, may presume to alien any thing, to a freeman or any other; or, by any means to divert it from its application for the sustenance of the *Brethren*, we most firmly enjoin: but that it be lawful for the Abbot and his successors, to repair from thence the windows of the church,



church, and the buildings, and to provide only what is necessary for the *Brethren*. *But of the churches and all the salic decimations throughtout the Abbey, we permit no appropriation to be made to any; but perpetually constitute and appoint them for the USE of STRANGERS, the POOR, and PILGRIMS.* We ordain farther, and by this our imperial authority confirm, that if any of them or their descendants, to whom we have appropriated the goods and possessions of St. *Maximin*, shall die without heir, the benefice, or whatsoever interest there may remain therein, shall revert to the right and possession of the said Saints, and of the Abbot and Brethren of the said *Monastery*: and continue for the enlargement of the congregation, and for the royal service, in so far as the Abbot shall be able well to perform it without prejudice to the other interests of the church: and thus to be established without let or contradiction of any.

FARTHER, also, we grant and enjoin that the said Abbot and his successors have power of giving to whom they will, and of taking away, by just judgment, the office of Advocate within their *Monastery*: and that no Advocate presume to appoint a Pro-advocate; or hold any plea in the *Abbey*, beside the three which, of right, ought there  
to



to be held. Nor that it be lawful for any to ag-  
grieve any person of them by violence, or to  
take away their Palfreys, or their Cattle, or or-  
dain any thing against the Officials, or Ministers,  
or Mansionaries, or other rights of the *Abbey*.

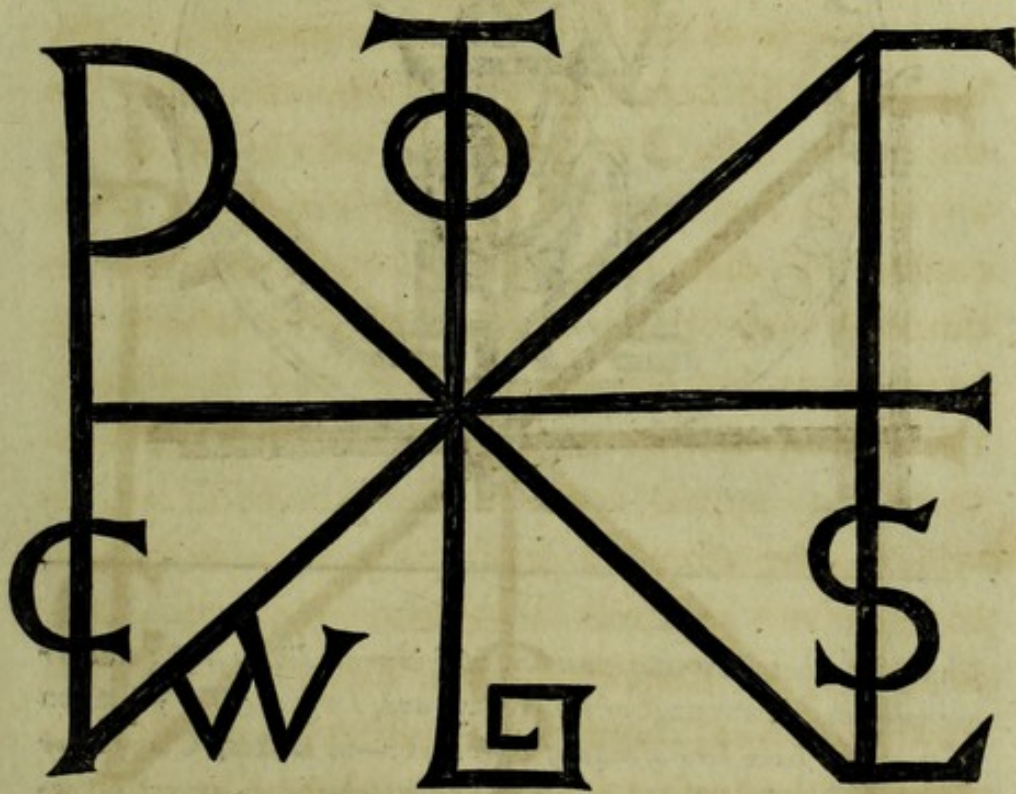
AND that this our mandate thereupon given in  
writing, may remain firm and stable for ever, we  
have not only confirmed it with our proper hand,  
and have caused to be annexed thereunto our seal,  
but that it might be indued with the higher  
authority, we have obtained for the said *Monastery*,  
the privilege of the Apostolic See, namely, of the  
most holy Father, *Benedict*, Bishop thereof. To  
the intent, that if at any time, which far be it,  
any of our successors, Kings or Emperors, cor-  
rupted by diabolical avidity, shall attempt to  
diminish any thing of those orders which we  
have made for the quiet of the said Brethren;  
the Abbot, at that time presiding, and the Bre-  
thren may appeal freely to the Apostolic See, to  
which, the aforesaid most holy place is known  
to have been annexed in the ancient time;---that  
is to say, of *Constantine* the Emperor, and his  
mother *Helena*;--and to the said See, as children to  
their mother resort for refuge; that being thence,  
as it is fitting, protected, they may either recover  
the property, which we have now taken into  
our



our hands, or be enabled to obtain, under the assistance of the apostolic authority, the benefit of those orders, which, in consideration of the said goods and possessions of St. *John* and St. *Maximin*, Abbots thereof, we, for their quiet, have ordained and confirmed\*.

*THE Seal of our Lord HENRY, the most invincible Emperor of the Romans, August.*

*I GUNTHER, Chancellor, have read this Instrument, in behalf of ARIBON, Archchaplain.*




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\* It may be of some use to remark, for the information of those readers who have paid little attention to the terms of the *Civilians*, or of the *Canonists*,



*GIVEN the tenth day of December, the sixth Indiction, the year of the Incarnation of our Lord, MXXIII. and of the Reign of our Lord HENRY the second, the twenty-third; and of his Empire, the tenth. Done at TREVES, in the royal city, at the palace, in the name of God. Amen.*



Canonists, *that Advocate is not here used in our ordinary sense: but for one who has the Patronage of the Abbey, and, I presume, the Visitation of it. Such have been usually of high rank:—as Dukes, Counts, or even Princes of the Empire. ZYLLESIUS cites many antient Instruments to prove, that the Duke of Luxembourg (now one of the Titles of the Emperor) hath this Right. I owe the substance of this remark to the Author of the Original.*

THERE

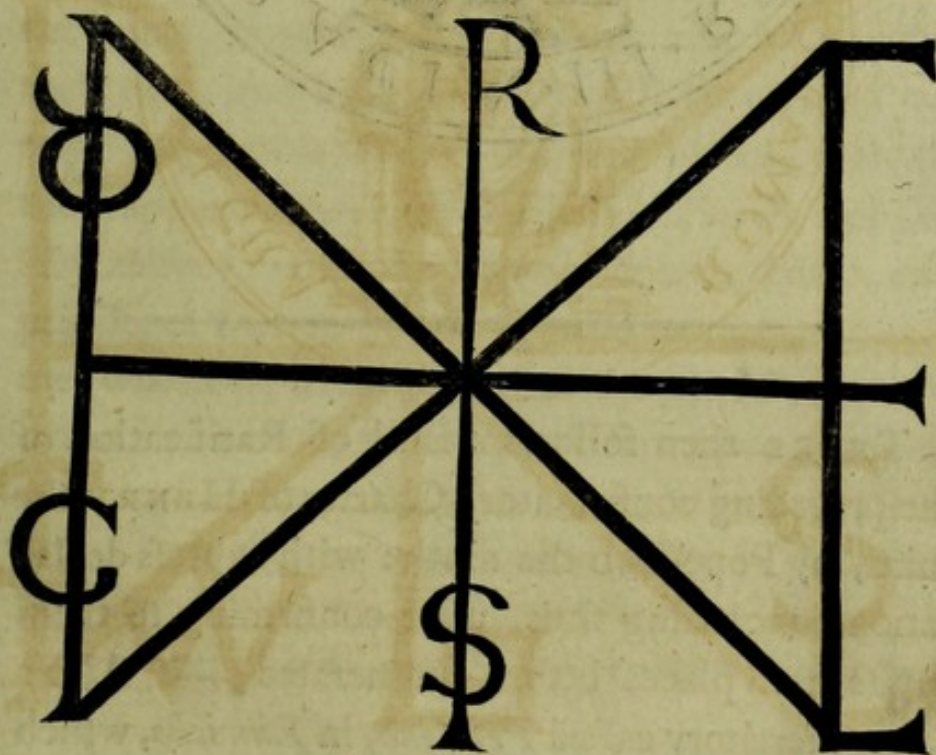




THERE follows another Charter of HENRY the third, at *Mentz*, referring to, or reciting and confirming the preceding Grants to the *Abbey*, and repeating the reservation in the Charter of DCCCCLXII. in favor of the STRANGERS, SICK, and INFIRM.

*THE Seal of our Lord HENRY, the most invincible King.*

*I EVERHARDUS, Chancellor, have read this Instrument, in behalf of our Lord BARDO, Arch-chancellor.*



*THIS Instrument bears date MXLIV.*






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THERE then follows a Bull of Ratification of the preceding confirmatory Charter of HENRY the third, by Pope LEO the ninth: with express declaration concluding thus, after confirming to them the several places before enumerated;---“Also a certain territory called *Prichina*, in *Einricho*, which as our before-named, best-beloved son, *Henry*, took from the said Brethren, so now, admonished by  
our



our apostolic authority, he hath restored: and that no one should hereafter withdraw any part from the *Prebend\** of the Brethren, hath ordained by his edict. And hath most devoutly supplicated us to the same purpose: to the intent, that the Brethren in the said city, and those which appertain to it, should have provision therefrom; and according to the precept of the holy rule, should receive STRANGERS, and having care of the SICK, INFIRM, and PILGRIMS, should from thence faithfully minister to the necessities of the POOR: and should receive from thence for themselves, cloathing and food for their necessary support. And to the intent, that the said Brethren may have under their care, and hold, at their will, securely, quietly, and peaceably the aforesaid places, with all their appurtenances, and all the Churches of the said *Abbacy*, with the dimes, dower, lands, and privileges thereto belonging, and all the salic dimes which we have granted to the use of STRANGERS, PILGRIMS, and the POOR, we in such wise confirm the same by adjuration of the Deity, and

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\* Note here the origin of our words:—PREBEND, that, from which the support of an ecclesiastic person, being a member of a Cathedral or Collegiate Church, is to arise; and Prebendary, the person: though in common use the propriety of the term is inverted.



and by this our apostolic confirmation, that *no Emperor, no King, no Abbot, no Duke, no Count, or Vice-count\**, no person of any ecclesiastical or secular condition, great or small, presume, in favor of any free man, or of any church, or servant of the Lord, or Minister, to grant any thing therefrom, or in any wise to alien from the Prebend of the said Brethren: but that as the same ought, of right, to be subject to the holy Apostolic See, and under the protection of the Kings and Emperors, it accordingly remain, without contradiction, to the use of the Monks perpetually. But if any, which, Heaven forbid! presume, with impious boldness, to violate, or in any manner to endeavor to infringe these statutes by us made, or by others our predecessors, most holy Pontiffs of the holy See of *Rome*, by the authority of God the Almighty, through the intervention of the blessed *Peter*, Prince of the Apostles, whose Vicegerent we are, and by the constitution of our apostolic humility we bind them in the inextricable bond of our anathema.

“ GIVEN

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\* Hence our Viscount : a name, though now appropriated to an order of the Peerage, more antiently, with us, assigned to the Sheriff, as deputy of the Comes or Earl.









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N<sup>o</sup> VI.

A CHARTER OF CONFIRMATION AND  
RE-ESTABLISHMENT BY *HENRY* III.

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**T**HIS recognizes and restores the rights of the *Monastery*: and concerning the *HOSPITAL* it runs thus---

*“ALL the Churches and Salic Dismes, as well in lands as in vineyards, and woods, wheresoever lying within the territory of St. Maximin, as well in Kilwualde, as in the wood near the royal demesne of Stienfiela, or in Hart or Waber adjacent to Tale-*

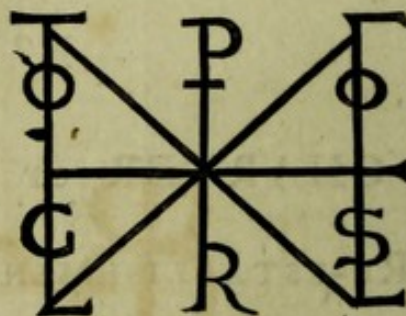
*vanc,* ought to be applied for the

RECEIVING of  
STRAN-



STRANGERS, *and of the poor*; but in their own woods, which the Abbot or Brethren are still deemed to have, they may dispose freely."

*THE Seal of our Lord  
HENRY, the most in-  
vincible Emperor of the  
Romans, August.*



*ACKNOWLEDGED by  
WINTHER, as Chan-  
cellor, for LIUTBOLD,  
Archchancellor and  
Archchaplain.*

*DATED the thirtieth of June, MLVI. in the ninth  
Indiction; and of HENRY, King, the third,\*  
Emperor, the second; the eighteenth of his Reign,  
and the tenth of his Empire.*

---

\* That is, of that name.

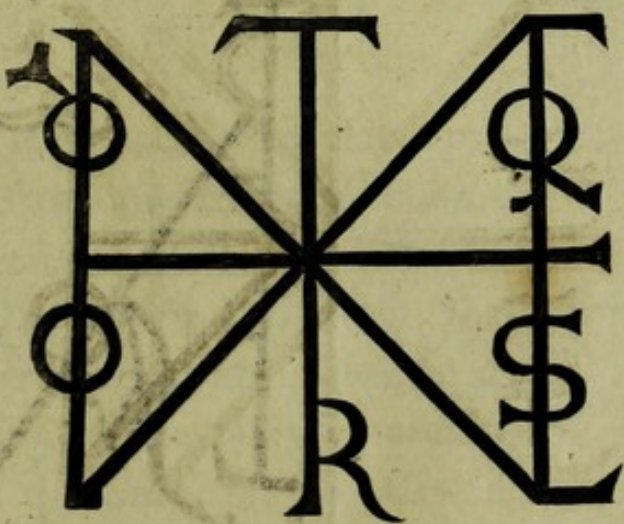
Nº VII.

HENRY IV. EMPEROR.

A CONFIRMATION and Recognition with like reserve in favor of STRANGERS, PILGRIMS, and the POOR.

*THE Seal of our Lord  
HENRY the fourth,  
King.*

*I SIGEHARDUS,  
Chancellor, have pe-  
rused this Instru-  
ment, in behalf of  
SIGEFRID.*



DATED MLXVI.

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Nº VIII.



PPR

NE

N<sup>o</sup> VIII.A BULL OF POPE *INNOCENT* II,

**C**ONFIRMING the Privileges of the *Monastery*, referring to the Bull of Pope *Leo* the ninth, concerning the Rights of STRANGERS, PILGRIMS, and the POOR.

AND in this there is an exemptive clause providing an Immunity from any the jurisdiction of any other See or Church but of *Rome*, to the said *Monastery*, declaring, in terms, that it shall be subject to no other; but remain under the protection and authority of the Holy Church of *Rome*, and the care of the Emperors: so that no person, of whatever dignity, unless invited by the Abbot or a successor of his, shall presume to  
order,



order, within the said *Monastery*, any thing at his pleasure, or exercise an assumed authority; and that the election of an Abbot shall be reserved inviolate to the Convent, or, *to that part of it which being of sound counsel shall make election, in the fear of God, and according to the rules of St. Benedict.*

It concludes in the usual strain of the Papal See in those ages; divesting of all authority those who shall knowingly contravene the said Constitution.

*DATED the third Indiction, in the year MCXL.  
The eleventh of the Papacy of INNOCENT the second.*







18

THE  
LIBRARY OF THE  
MUSEUM OF NATURAL HISTORY  
AND  
ZOOLOGY  
OF THE  
CITY OF LONDON  
IN THE  
MUSEUM BUILDINGS  
LONDON

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N<sup>o</sup> IX.

R O D O L P H I. E M P E R O R.

**R**ODOLPH, by the Grace, &c. King of the  
*Romans*, &c. To all the Subjects of the Holy  
 Roman Empire to whom these presents shall  
 come.

THE sceptre of royalty is exalted and its state  
 established in felicity by the Lord, (from whom  
 all power is derived) when places dedicated to  
 Divine Service are regulated with benignant  
 consideration, and the gracious interposition of  
 a Prince discovers itself, for the protection of  
 their Franchises and the encrease of their Posses-  
 sions.



sions\*. For since all the glory and power of Sovereigns principally consisteth in the prosperity of the Subject, we think it fitting and *expedient*† that we be towards our People, prompt in justice and liberal in grace.

BE it therefore known to the present age, and to succeeding posterity, that we, graciously attending to the sincere devotion with which those religious men, the Abbot and Convent of St. *Maximin*, &c. are vigilant and constant in the performance of Divine Duties; and weighing also the pureness of that fealty, whereby they are illustriously distinguished, towards us and the *Roman* Empire; and for this cause, greatly desiring

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\* THIS principle, ambiguous and easily convertible as it is to the state purposes of either party, is not the most extensive of those maxims which cement the grand alliance between church and state. An alliance not of new discovery; though the terms expressive of it have a novel air.

† “WE think it our bounden duty,” would have been an expression rather more correct. *Philip* of *Macedon* could feel the aptness of the Old Woman’s reproof, when she told him, on his saying he had not leisure to do justice,—“Then be no longer King.” And for Grace, Liberality, and Bounty, when Kings have satisfied all their positive duties, the excellent Mr. *Burgh* will be found to be right; who thought the community would lose nothing, if Kings should be no better than they are bound to be.



siring that their *Monastery* should flourish in spiritual gifts and temporal opulence, have taken the said *Monastery*, with the persons and things there-to appendant, under the especial protection of ourselves and the Empire: and have CONFIRMED all the Privileges, Franchises, Gifts, Grants, and Rights on the said *Monastery* properly and duly conferred by the Emperors and Kings of the *Romans*, of blessed memory; renewing and fortifying the same by the sanction of this present Instrument. Let no person, therefore, infringe or presumptuously contravene this our Charter of Protection, Renewal, and Confirmation: which offence whosoever shall presume to commit, let him know that he will incur the penalty of our severe indignation\*.

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IN

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\* THIS mode of concluding a royal ordinance is imitated even in modern times, by protestant Princes who have Parliaments: and who, yet, when they think good to set forth a fast, and episcopal maledictions are denounced, threaten, in the same breath, the displeasure of Almighty God, and *their own severe indignation, with such* PUNISHMENT *as THEY may LAWFULLY inflict* (which is none) against those who will not join in such prayers; even though they should believe firmly, that in so doing, they should be impious hypocrites; calling for success from infinite justice, to the arms of oppression; praying for the destruction of the defenders of freedom; and imploring the blessing of an extinction of the rights of their brethren, and by consequence, their own. No prayer to be just, can be other than



IN testimony whereof, and for establishment of its perpetual strength, we have caused this Instrument to be written and sealed with our Seal.

DATED

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than voluntary: since it is necessary, that the offerer of it should be persuaded, that the object, for the attainment of which he supplicates, is right, and that his wishes are such as piety will not disallow. It was lawful for those to pray for success, in the late American War, who could think such War to be just: (though not warrantable in christian charity, or, as many think, common humanity, even for them to use some remarkable expressions of that, and other forms of a similar nature against foreign enemies) but those who beleived a war to be unjust, could never, without violating the clearest and most awful obligations, imprecate on another country that judgment, which they had such cause to pray might be averted from their own. When their hearts taught them to wish for peace and reconciliation on terms of freedom, ill would it have becomed them to utter with their lips, the mockery of vows for victory and and subjugation[f].

[f] IN Dr. Burn's Ecclesiastical Law may be seen the striking contrast between the original Form for the twenty-ninth of May, and that now in use, as established under James the second, with all the bitterness of party. As every one may see it who will look into the Prayer Book of the established Church, it shall not be copied here. But Dr. Burn, by pointing out the opposition between this and the first appointed Form, hath certainly done material service to those who may have a wish to mitigate abuses, if they want the resolution to remove them. That the imputation of pride, malice, and devices, on nations with whom we are at war (as if moderation, benevolence, and fairness were the exclusive character of ourselves, in every possible contest) is either transplanted into this imprecatory *Thanksgiving* or adopted from it, any reader will see. The former is the case: for this clause was in the Prayer to be used in time of war, in the Liturgy published 1641: how much earlier I know not.

Johnson's Case may be seen in Burn's Ecclesiastical Law, title, *Holidays*, near the end.---He disputed this assumed claim of the Crown, to order Forms for particular occasions, by proclamation. He was prosecuted for this; but we learn the prosecution did not proceed.



DATED the ninth of January, in the second Indiction\*, MCCLXXIII. The first of our Reign.



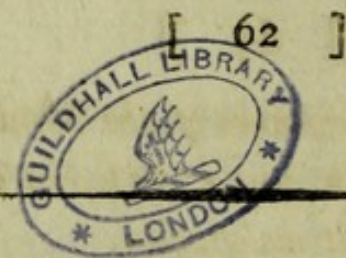
*Flindell, sculp.*

\* As the date by INDICATIONS is perpetually occurring in these Instruments, and rarely in any of a different nature, it may be proper to explain it.—

THOSE Periods of Time which are measured by remarkable Revolutions in our System, of immediate reference to this Planet which we inhabit, are natural and useful for philosophic and civil purposes.

SUCH





*IN this, and in all the subsequent Diplomas granted to the Abbey, there is a total silence concerning the POOR; the reason of which is obvious:---they possessed an entire THIRD, separated from the mass of the*

---

SUCH is the *Cycle* of the *Moon*, or *Metonic Cycle*, of 19 years: in which time, the *Conjunctions*, *Oppositions*, and other aspects of that secondary Planet, return within an hour and an half to the same time as before.

THE *Cycle* of the *Sun*; which may be called the *Tellurian*, or, *Hebdomal* or *Septimanal Cycle*: because it regards the effect of the intercalations arising from the excess of the real period of the Earth's Revolution above the computed one of 365 days. This excess in 28 years, contains 7 *Bissextile*, or intercalatory days; which makes, what is popularly called, the *Leap-Year*. Thus in 28 years the Sunday Letter returns the same: and each day of the Month, to the same day of the Week. The *Dionysian Period* is composed, by multiplying the *Solar* and *Lunar Cycles* together; and, consequently, is of 532 years.

WE come now to the CIVIL Period—the CYCLE OF INDICATION. This consists of 15 years; and is supposed to have been established by *Constantine*, Anno 312; and was taken to commence three years before the common æra of the birth of *Christ*. It is thought, the use of it was for publishing the Tariff of the *Taxes*: a purpose very different from that from the *Greek Olympiad* or *Roman Lustrum*: both seasons of joy; and of the decent splendor which is an emanation of Public Virtue.

THE



*the Possessions and Revenues of the Monastery, and  
consigned TO THEIR SOLE USE, in a most ample  
HOSPITAL, without molestation.*

AND here we conclude the succinct Account of  
the HOSPITAL of St. ELISABETH, with the  
words of the Angel to *Tobias* :---

“ *It is good to keep close the secret of a King ;  
but the works of God*” (pious institutions) “ *it is  
honorable to reveal.*”

---

THE *Pope*, when established as a sovereign, temporal power,  
imitated this *Cæsarean* Style of Computation : and dated the com-  
mencement of *their* INDICTION from the *first* of January. The  
INDICTION of *Constantinople* computes from the *first* of September ;  
and the *Imperial* from the *fourteenth*.

AT the *Gregorian* Reformation of the Calendar, (1582) the year  
of the INDICTION was settled 10, we may, therefore, find the  
INDICTION of any given period, by dividing the years from that  
time by 15, and adding 10 : or, by dividing the years from the  
birth of *Christ* by 15, and adding 3.

THESE *three* CYCLES, the two natural, and the one artificial,  
continually multiplied by each other, produce the Grand JULIAN  
PERIOD of 7980 : which carries us back 1190 beyond the commonly  
reputed æra of the Creation.





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THE OATH

TAKEN BY THE ABBOT OF ST. MAXIMIN

TO THE HOLY SEE.

---

I, . . . . ., Abbot of the *Monastery* of St. MAXIMIN, situate near, and without the walls of *Treves*, the said *Monastery* being of the Order of BENEDICTINES, immediately subject to the HOLY SEE, will from this hour, and thence forward, be faithful and obedient to the Blessed PETER, and to the HOLY and APOSTOLIC CHURCH of ROME, and to our LORD\* . . . . ., the POPE, and to his successors, canonically entering :---I will not be in Council by consent or  
K
deed,

---

\* Our Lord the King—our Sovereign Lord—Sacred Majesty—and other like titles, derive themselves from the source of the corrupt manners  
and



deed, that they lose life or limb, or be taken, or that violent hands be in any wise laid upon them, or that any manner of injury be offered to them, under any colour or pretence whatsoever. And the Counsel which they shall entrust to me, either themselves in person, or by message, or letters, I will not, to their prejudice, knowingly reveal. The PAPACY of ROME\*, and the ROYALTIES || of St. PETER, I will be their aider AGAINST EVERY MAN, to retain and defend. The Legates of the Apostolic See in going and in returning I will honorably treat; and, as their necessities † shall require, assist. The Rights, Honors, Privileges, and authority of the CHURCH of ROME,

OUR

*and language of the falling Roman Empire, or the succeeding Gothic Barbarism, or the subsequent Romish; in the times proper for really great men, the dignity was in Act:—not in Titles; and those too forced and unnatural.*

*\* We should now simply say the Papacy: there being no other recognized, in general language, under the appellation of Pope. But of antient times, others shared with him the title of Papa, or Father: as the Bishop of Constantinople; &c.*

|| AND is it thus, SERVANT of the SERVANTS of GOD, that thy Kingdom is not of this world? *Original.*

† *Apostolic simplicity of language, borrowed for times and occasions of a very altered completion.*



OUR LORD the POPE, and his successors, I will be careful to preserve, defend, ENCREASE and ADVANCE\*. Nor will I be in Counſel by deed or diſcourſe†, whereby any ſiniſter or prejudicial acts may be machinated againſt the ſaid CHURCH of ROME, or the Perſon, Honor, State, Right, and Power of them, the aforeſaid. And if I ſhall know that any ſuch attempts ſhall be contriving, or conducting, I will, to my power, prevent them; and, as early as conveniently I may, will ſignify them to our LORD aforeſaid, or to ſome other by whoſe means it may be made known to him‡.

K ij

The

\* *It would have been wiſer for them to have ſaid, as the great Roman, when the uſual prayer was making, to enlarge the power and empire of Rome; ſomething to this effect:— At res quidem Romanæ ſatis amplæ magnæque ſunt; tantum ora ut perpetuæ integræque perſtent. But it is well for human ſociety, that all exorbitant power contains in its nature a ſelf-deſtructive principle.*

† *Like expreſſions are in a Collegiate oath, in one of our Universities; and probably in the other.*

‡ *The Analogy of this oath (mutatis mutandis) to the oath of Allegiance (1 G. I. ſt. ii. c. 13), and Abjuration (6 G. III. c. 53), as they now ſtand, is very ſtriking. The antient oath, of which nearly the whole ſeems to have been preſerved in the Mirror, is greatly commended for its conciſeneſs and perſpicuity by Sir Matthew Hale. It was—“ To be true and faithful to the King and his heirs; and truth and faith to bear to him, of life, limb, and worldly honor; and not to know  
of*



The RULES of the HOLY FATHERS, the Decrees, Orders, Sentences, Appointments, and Reservations; Provisions and Injunctions Apostolic, I will keep with all my strength, and cause to be kept by others. HERETICS, Schismatics, and Rebels to our LORD, and his successors aforesaid,  
I will

of any ill or damage intended to him, without defending him therefrom." But to take away all pretence of supporting the doctrine of passive obedience and non-resistance, (though, in truth, the old oath furnishes no real color for such a construction) the present form is more general and indeterminate: omitting heirs; forbearing to specify in what points, and to what extent the Allegiance shall consist: but expressing that it shall be TRUE; that is, agreeable to the LAWS and CONSTITUTION, which are the proper limits of Allegiance, no less than sincere and faithful, within those limits. So that it is even more concise, and yet more constitutionally comprehensive; more fully directed to its proper object; and, more cautiously restrained from appearing to involve an unconstitutional obligation, (which would, indeed, be void) than the original oath. Yet it may be more than questioned, whether there be any real expediency, that any oaths for the purpose of constituting a civil tie, be enjoined. They induce no new obligation of a properly civil nature: and our political form of Government not being a Theocracy, the Magistrate appears not to have the proper ground for requiring a direct religious sanction in support of his office. That office is the creature of civil compact: implied before the Revolution, (the nature of Man and Government being considered) and expressed since. Religion is no farther concerned in it, than as she has a general regard to peace, order, and human happiness; and to the observance of compacts, in maintenance of these, while the conditions are fulfilled; and so far as any form of Government, in any established mode, adopted by any nation, is consistent with the end of public welfare.

The oath of Abjuration is sufficiently prolix. There was also a strong  
decla-



I will PURSUE\* and ENCOUNTER *to the best of my power*. When called to a Synod I will come; unless

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*declaration, in the reign of Charles the second, introduced against the lawfulness of Resistance. C. L.*

\* THAT is, I will not follow the Doctrine of *Christ*, but will be unmerciful and unjust to the utmost of my power. *Original.*

I WILL add somewhat more largely *Milton's* sense on Heresy and Blasphemy.—“*Another Greek Apparition stands in our way—HERESY and Heretic: in like manner rail'd at to the People, as in a tongue unknown. They should first interpret to them, that HERESY, by what it signifies in that language, is no word of evil note; meaning, only the choice of following of any opinion, good or bad, in religion; and thus, not only in Heathen Authors, but in the New Testament itself, without censure or blame. Acts xv. 5, xxvi. 5.—In Apostolic times, ere the Scriptures were written, HERESY (in a bad sense) was a doctrine maintained against the doctrine by them delivered: which, in these times, can no otherwise be defined, than a doctrine maintained against the Light which we now only have of the Scripture. Seeing, therefore, that no Man, no Synod, no Session of Men, though called the CHURCH, can judge, definitively, the sense of Scripture to another man's conscience,—which is well known to be a Protestant doctrine, it follows, plainly, that HE WHO HOLDS IN RELIGION THAT BELIEF, OR THOSE OPINIONS WHICH TO HIS CONSCIENCE AND UTMOST UNDERSTANDING, APPEAR WITH MOST EVIDENCE AND PROBABILITY IN THE SCRIPTURE, THOUGH TO OTHERS HE SEEM ERRONEOUS, CAN NO MORE BE JUSTLY CENSURED FOR AN HERETIC, THAN HIS CENSURERS: WHO DO BUT THE SAME THING, WHILE THEY CENSURE HIM, FOR SO DOING.—Of the Civil Magistrate it is said, ‘He is the Minister of God to thee for Good.’ True: but in that office, to that end, by those means, which in this place must be clearly found, if from this place they intend to argue. And how for thy Good?—By*

FORCING,



less prevented by some canonical impediment. The Possessions to my *Monastery* appertaining, I will  
neither

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FORCING, OPPRESSING, and ENSNARING thy Conscience. Many are the Ministers of God, and their offices not less different than many: none more different than State and Church Government. Christianity (was) delivered without the help of Civil Magistrates, yea, in the midst of their opposition; how little then, with any reference to them, or mention of them, save only our obedience to their CIVIL LAWS, as they countenance GOOD and deter EVIL. Which is the proper office of the Magistrate: and shews, distinctly, wherein he is 'the Minister of God; a revenger, to execute wrath on him that doth evil.' But we must first know who it is that doth evil: the HERETIC, they say, among the first. Let it be known, then, certainly, who is an HERETIC: and that he who holds Opinions in religion, PROFESSEDLY, from Tradition, or his own Invention, and not from Scripture, but rather against it, is the only HERETIC: and yet, though such, NOT ... PUNISHABLE by the Magistrate, unless he doth evil against a CIVIL LAW, properly so called. 'But if thou do that which is evil be afraid.' To do by Scripture and the Gospel, ACCORDING TO CONSCIENCE, is not to do evil: if we, therefore, ought not to be afraid, he ought not, by his judging, to give cause: cause, therefore of religion are not here men. 'For he beareth not the sword in vain.' Yes: altogether in vain, if it smite he knows not what; if that for HERESY, which NOT THE CHURCH ITSELF, much less he, can determine absolutely to be so; if Truth for Error,—being himself so often fallible, he bears the sword not in vain only, but unjustly and to do evil."

AND of BLASPHEMY he says,— "But some are ready to cry, What then shall be done to BLASPHEMY? Them I would first exhort, not thus to terrify and pose the People with a Greek Word; but to teach them better what it is: being a most usual and common word in that language, to signify any slander, any malicious or evil speaking, whether against God or Man, or any thing to good belonging: BLASPHEMY or evil-speaking against God, MALICIOUSLY, is far from Conscience in Religion.



neither sell, nor give, nor pledge, nor in any wise alien, even with the consent of the Convent of my  
*Monastery,*

*Religion.*" MILTON, in his "Treatise of Civil Power in Ecclesiastical Affairs; shewing, that it is not lawful for any Power on Earth, to compel in Matters of Religion."

A SIMILAR admonition is here extracted from a little book, worthy to be more generally known, written by one of the martyrs to Sincerity, Dr. William Robertson, whose noble Motto to his Tract is the Sentence of Locke in his Epistle to Limborch,—"*Ego, qui ubique quæro Veritatem, sive inter Orthodoxos reperio sive inter Heterodoxos pariter amplector.*" 'I who seek truth from all quarters, embrace it indifferently, whether found among the Orthodox, or the Heterodox.'

THIS great and amiable Man expresses himself thus; Title ORTHODOXY—

"ORTHODOXY is a Greek Word, which signifies a right opinion; and hath been used by Churchmen, as a term to denote a Soundness of Doctrine or Belief, with regard to all points and articles of Faith. But as there have been amongst all Churchmen several Systems of Doctrine or Belief, they every one assert for themselves, that they only are the ORTHODOX, and in the Right; and that all others are HETERODOX, or in the Wrong. So that what at one time, and in one place, hath been declared Orthodoxy or sound Belief, hath, at another time, and in another or even the same place, been declared to be Heterodoxy, or wrong Belief. Of this there are numberless instances in Ecclesiastical History; some of which have been repeated in the foregoing pages. And we may only just take a transient view of the present Christian World, to perceive many more instances of its subsisting at this day. What is Orthodoxy at Constantinople, is Heterodoxy or Heresy at Rome. What is Orthodoxy at Rome, is Heterodoxy at Geneva, and many other places. What was Orthodoxy here, in the Reign of King Edward the sixth, became Heresy in the Reign of his Sister Mary: and in Queen Elizabeth's time, Things changed their names again. Various

was



*Monastery, without consulting the POPE. So help me God ! and these holy Gospels of God !*

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*was the fate of these poor Words, in the Reigns of our succeeding Kings, as the currents of Calvinism, Arminianism, and Popery ebbed or flowed. But the boldest stroke for the Alteration of the meaning of these Words was struck about fifty [g] years ago. Before that time Athanasianism, as contained in that wonderful Creed which bears the Saint's name, was esteemed, by almost every party amongst us, to be the foundation and the very standard of Orthodoxy ; and the bare doubting of any point of it, was deemed the greatest Crime ; and an effectual bar against all preferment in Church or State. But then, Mr. Whiston, and some other bold spirits arose ; who confidently asserted, that Arius was in the Right, and Athanasius in the Wrong : that the opinions of the former, were the antient Orthodox doctrines of Christianity, and those of the latter, were new and Heterodox : and that the Athanasian Herefy was the occasion of all the mischiefs that have plagued the Church, from the time of its first appearance to the present. The writings of these men have made a great alteration in the Sentiments of the British Nation [b] ; Athanasius hath since been losing credit every day : and the Creed which bears his Name, is now very far from being respected as it was a Century ago [i]. For although there have been no public declarations made against it, many of the Clergy shew their dislike by neglecting to use it ;*  
*and*

[g] THAT is, from the date of the Book, in 1768.

[b] AND of late the Doctrine of Socinus, or, more properly, the Unitarian Doctrine, has been revived with new vigor.

[i] IN eighteen years from this time, 1786, the decay of the reputation of this Creed hath been, indeed, rapid. In America, I understand, it has been agreed, that in those Congregations which retain (with such changes as have seemed expedient to them) the *English* Liturgy, this Form may be used or omitted, at discretion, as they shall severally, from time to time, be disposed ; and that the omission of it by a Minister, shall not be any way punishable.





and some of the most respectable of them have, in their private opinions, declared against it; and the intelligent Laity every where shew their disapprobation of it. So uncertain and fluctuating a thing is ORTHODOXY. To day it consists in one set of principles; to morrow in another. At Rome it is wrapped up in mystery—In Britain it is now set forth as the object of common sense and reason.

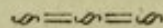
“But so much hath been wrote upon the Subjects of ORTHODOXY, HETERODOXY, and HERESY by others, that I need not trouble my readers any farther about them. Were these words employed as they ought, in distinguishing VIRTUE from VICE, and Good from Evil, they would admit of no variation, and be for ever taken in the same sense. But as they are used to denote Opinions concerning the most incomprehensible subjects, no wonder that their meaning should be so often mistaken, and occasion so many endless and bitter disputes.” Attempt to explain the Words REASON, &c.

WITH the same Spirit Locke says,—“Why does this burning zeal bend all its nerves either to the introducing of Ceremonies, or to the establishment of Opinions; which for the most part are about nice and intricate matters that exceed the capacity of ordinary understandings? Which of the Parties contending about these Things is in the right; which of them is guilty of Schism or Heresy?—Whether those that domineer or those that suffer, will at last be manifest, when the cause of their separation comes to be judged. He, certainly, that follows Christ[k], embraces his Doctrine, and bears his yoke, though he forsake both Father and Mother, separate from the Public Assemblies and Ceremonies of his Country, or whomsoever, or whatsoever else he relinquishes, will not then be judged an Heretic.” First Letter on Toleration.

[A] THIS too might easily be changed into an universal proposition, comprehending all who sincerely follow what appears to them, on careful and honest investigation, to be Truth.



I SHALL now make Extracts from the AMERICAN *Constitutions*[1] which breathe a spirit very opposite to that of *Monkery*, or *Religious Tyranny* of any kind: and prove, though in different degrees, that what a few wise and honest men say, it might be imagined, with little effect, in one Age and Country, makes its appearance, often in a manner that could least have been predicted, in other Times, and amid other Communities. So that the spark of Truth often passes a long tract of the peopled globe, apparently, as if it had never been excited; and bursts forth at the end, in a sudden and extensive illumination. A great encouragement to the performance of seemingly ineffective duties; a strong confirmation, that when public good is the end, and fairness, with simplicity and perseverance, the means, the result will demonstrate to society, as well as in its consequences to the moral improvement of the individual, that great practical aphorism which guided the conduct and sublimed the character of a JEBB—NO EFFORT IS LOST.—



## MASSACHUSETTS

### CONSTITUTION OR FRAME OF GOVERNMENT.

1780.

ART. II. "*It is the right, as well as the duty, of all men in society, publickly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the Universe. And no Subject shall*  
*be*

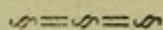
[1] FROM *Jackson's CONSTITUTIONS of the American independant States.*



*be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments: provided he doth not disturb the public peace, or obstruct others in their religious worship."*

ART. III. "..... The several towns, parishes, precincts, and all other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public Teachers, and of contracting with them for their support and maintenance. And all monies paid by the subject to the support of public Worship, and of the public Teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public Teacher or Teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the Teacher or Teachers of the Parish or Precinct in which the said monies are raised.

"And every denomination of Christians<sup>[m]</sup> demeaning themselves peaceably, and as good Subjects of the Commonwealth, shall be equally under the protection of the Law: and no subordination of one sect, or denomination to another, shall ever be established by Law."



## R H O D E I S L A N D.

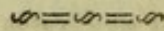
THIS State adopted, as the Basis of its Civil Constitution, the Charter of the 15th C. II.; by which it is provided, That "No PERSON WITHIN THE SAID COLONY AT ANY TIME HEREAFTER SHALL BE ANY WISE MOLESTED, PUNISHED, DISQUIETED, OR CALLED IN QUESTION FOR ANY DIFFERENCES OF OPINION IN MATTERS OF RELIGION, WHO DO NOT ACTUALLY DISTURB THE CIVIL PEACE OF THE SAID COLONY."

L ij

NEW-

[<sup>m</sup>] FOR the essential justness of this clause, it ought to have run;---'And all persons, whatsoever Opinions concerning Religion they may profess.' See Price on the American Revolution.

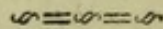




## NEW-YORK.

April 20, 1777.

ART. XXXVIII. "*And whereas we are required by the benevolent Principles of rational Liberty, not only to expel civil Tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the Bigotry and Ambition of weak and wicked Priests and Princes, have scourged mankind; this Convention doth further, in the name and by the authority of the good People of this State, ordain, determine, and declare, that the free exercise and enjoyment of religious Profession and Worship, without discrimination or preference, shall for ever hereafter be allowed within this State TO ALL MANKIND. Provided, that the Liberty of Conscience hereby granted, shall not be so construed as to excuse Acts of Licentiousness, or justify practices inconsistent with the peace and safety of this State.*"



## NEW-JERSEY.

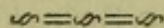
ART. XVIII. "*That no person shall ever, within this Colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience; NOR, UNDER ANY PRETENCE whatever, compelled to attend any place of Worship contrary to his own faith and judgment: nor shall any person, within this Colony, ever be obliged to pay Tythes[n], Taxes, or any other Rates,*  
for

[n] WITH regard to Tythes, it is certain, one great difference prevailed in this Island formerly: it being observed by *Blackstone*, that "we find the distinction of Parishes so early as the Laws of King *Edgar*, about the year 970. Before that time the consecration of Tythes was, in general, arbitrary; that is, every man paid his own to what Church or Parish he pleased." *Comment. Introd. Sect. IV.*



*for the purpose of building or repairing any other church or churches, place or places of Worship, or for the maintenance of any Minister or Ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform."*

ART. XIX. "*That there shall be no establishment of any one religious Sect in this Province, in preference to another: and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any Civil Right, merely on account of his religious principles: but that all persons professing a belief in the faith of any Protestant Sect[o], who shall demean themselves peaceably under the Government as hereby established, shall be capable to be elected into any office of profit or trust, or of being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-subjects."*



# P E N S Y L V A N I A.

Sept. 28, 1776.

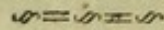
ART. II. "*That all Men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding: and that no man ought, or, of right, can be compelled to attend any religious Worship; or erect or support any place of Worship; or maintain any Ministry contrary to, or against his own free will and consent: nor can any man who acknowledges the Being of a God[p], be justly deprived or abridged of any civil right as a citizen, on account*

[o] THIS is a more enlarged Toleration than *European* Policy, has yet, in almost in any instance, admitted: but perfect consistency would not confine it to Protestants; or to any System of Religion.

[p] THE same remark applies here: and yet more strongly to the General Test, N<sup>o</sup> X. of the Plan, for Admission into the House of Representatives; as this adds a belief, that the Scriptures of the Old and New Testament are of divine inspiration:---a profession, which, in either of its branches---that of the divine existence,



*account of his religious Sentiments, or peculiar Mode of religious Worship: and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall, in any case, interfere with, or in any manner controul the right of Conscience, in the free exercise of religious Worship."*



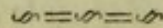
## DELAWARE.

Sept. 20, 1776.

ART. II. "*That all men have a natural and unalienable right,*" &c. as in the preceding Article of the *Pensylvanian Code*.

ART. III. "*That all persons professing the Christian Religion OUGHT FOR EVER TO ENJOY EQUAL RIGHTS AND PRIVILEGES in this State: unless, under color of Religion, any man disturb the peace, the happiness, or safety of society.*"

ART. XXIX. "*That there shall be no establishment of any religious Sect in this State in preference to another.*"



## MARYLAND.

Aug. 14, 1776.

IN the admirable declaration of this State, which is remarkably full, circumstantiated, and pointed to great objects of constitutional right

inference, or the secondary of revelation---no Community hath a right to impose, or so much as an interest to demand, as the *condition* of admissibility to civil trusts: it may make hypocrites, but neither believers nor good citizens: nor can it exclude improper, or secure proper Representatives.

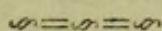
THE *Delaware* is still worse: requiring a formal declaration of assent to the *Trinitarian doctrine*, as a condition of becoming a member of either House.



right and security; the under-mentioned Article relates to religious Liberty.—

ART. XXXIII. “*That as it is the duty of every man to worship GOD in such manner as he thinks most acceptable to him; all persons professing the Christian Religion, are equally entitled to protection in their religious Liberty: wherefore, no person ought by any Law, to be molested in his person or estate, on account of his religious persuasion or profession; or for his religious practice: unless, under color of Religion, any man shall disturb the good order, peace or safety of the State, or shall infringe[*q*] the laws of morality, or injure others in their natural, civil, or religious Rights: nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any particular place of Worship, or any particular Ministry: yet the Legislature may, in their discretion, lay a general and equal Tax, for the support of the Christian Religion: leaving to each individual, the power of appointing the payment over of the money collected from him, to the support of any particular place of Worship, or Minister, or for the benefit of the Poor of his own denomination; or the Poor, in general, of any particular County. But the Churches, Chapels, Glebes, and all other property now belonging to the Church of England, ought to remain to the Church of England for ever.*”

THE Article XXXV. requires, or, however, admits as requisite for admission to Office of Civil Trust, a declaration to the Truth of the Christian Religion. And Article LV. of the Constitution, prescribing the Civil Sanction of Fidelity to the State, incautiously subjoins a requisition in the same general terms as the preliminary Article,



## NORTH-CAROLINA.

Dec. 18, 1786.

THE plan includes, as one of the fundamental principles of the  
great

[*q*] THIS Clause is certainly vague, and open to oppressive construction: all that can come under the legal punishment to be inflicted by a State, is expressed in the preceding and subsequent Clauses.



great social compact, recognized in forming of the new Constitution, this important Truth—

ART. XIX. “*That all men have a natural and unalienable right, to worship Almighty God according to the dictates of their own Conscience.*”

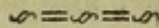
IN the actual application of these principles to practice, a sufficient attention has failed of being paid to this simple and essential Rule: this, I fear, will be too apparent on viewing, with impartiality, Article XXXII. of the Form of Government.

[r] “*That no person who shall deny the Being of a God, or the truth of the Protestant Religion, or the divine authority either of the Old or New Testament; or, who shall hold religious principles incompatible with the Freedom and Safety of the State, shall be capable of holding any office, or place of trust or profit in the civil department within this State.*”

#### S O U T H.

[r] IT is amazing it should not strike the framers of this Article, that it is not only inapplicable to just political utility, but ineffective of its own object, as a religious Test. It secures the acknowledgement of a Being, whom the subscriber submits to call by the name required: but it secures nothing as to the different and even repugnant ideas, which various persons may annex to that Name. Some may have no farther idea than that of a partial Being, delighting in persecution, and having favorites, without any regard to their social usefulness, or internal principles. Where the sanction of the all-wise and beneficent has been usurped as a civil Test, it has been on principles not, for the most part, perhaps, originally so depraved as these; but terminating, naturally, in establishing these mischievous apprehensions. With regard to the Scriptures, what does the State gain by exacting an acknowledgement of their Divine Authority? Not honor, certainly, to the Scriptures: *that* depends on the most unbiaſſed acceptance of them, on fair evidence, extrinsic and internal: not security to the State, which is the only legitimate motive to be pleaded for the exaction; for, how is the State secured by making itself the compulsory confessor of its citizens? Wherever there is honesty and love of the public, there is a good citizen, whatever be his Creed. And then, as to holding religious principles incompatible with the safety of the State, Bigotry or Priestcraft would seize such a pretence. The most indifferent speculations in Religion, if opposite to their own, are, with them, always dangerous to the State.





## S O U T H - C A R O L I N A .

March 19, 1778.

IN this State by the new Constitution, Art. XIII. amongst the qualifications of Electors, for Members of the House of Representatives, or Senate, is that of "*acknowledging the Being of a God, and belief in a Future State of rewards and punishments.*"

THIS Article, if rightly printed, seems to include, by the *indefinite* prefixed, all persons, who, with any notions of a governing nature, combine any expectation of some state falling under their idea of reward or punishment, for such conduct as they may apprehend to be acceptable, or an object of penal interposition. Now within this description may fall many opinions, which have no beneficial reference to society; many, of even a prejudicial tendency; but none that can possibly on the ground of his belief or disbelief, in these points, properly decide his *admissability* to the exercise of political Trust, in such proportion as his fellow-citizens, judging of his qualifications for their service, may esteem expedient.

THE Constitution of this State farther prescribes, "*That no person shall be eligible to sit in the House of Representatives, unless he be of the Protestant Religion.*"

ART. XXXVIII. provides, "*That all persons and religious societies who acknowledge there is one GOD, and a Future State of reward, and punishments, and that GOD is publickly to be worshipped, shall be freely tolerated.*"

THIS certainly goes much farther than our System of Toleration in *England*, but is yet abundantly short of the truly just and consistent plan. It implies those who are unhappy enough, not to



see the evidence for the existence of the Deity, in conjunction with the prospect of a Future State, shall not be tolerated ; shall be liable to be punished. It might even, in time, be extended on to those who think, under the divine dispensation, all which is commonly involved in the term punishment or reward, falls in reality under the idea of means to ultimate perfection and happiness of the individual, as well as of the whole. These might be construed, to have denied a state of rewards and punishments. The history of Political Theology comprehends instances too numerous of constructions, yet more forced, reaching to the most disgraceful and cruel absurdities.

It then proceeds,—“ *The Christian Protestant Religion shall be deemed, and is hereby constituted and declared the established Religion of the State.* ”—Yet it is certain, that in any sense applicable to its nature, no Religion is, or can be established by any articles of political confederation. Oral or written terms of profession, ceremonies, external acts relative to religious systems, may of fact, though not expediently or rightfully, be established by political articles. To these, Societies may annex benefits ; and to the omission of them, it may affix exclusions of a civil nature ; and which, therefore, properly belong only to the points of civil intercourse. Religion is not only out of their Jurisdiction, but beyond the reach of their information. If a Fanatic, under plea of Religion, rob or murder, he is punishable for the social injury, supposing him not insane. All things must be defended or opposed by a force analogous to their nature. Wrong reasonings and perverse opinions by the free exercise of good sense, candor, and benevolence, in arguing against them ; the external force of individuals, by the superior external force of a well regulated society. Opinions are no more the subject of coercive Law, than robbery and murder, are of mere Argumentation. When will it be universally admitted in the practice of societies, that a Man's Faith is to himself ; his civil Character the measure (according to known, free, and equal Laws) of his civil Participations and Responsibility. Whatever is true and valuable in Religion, whatever is just and beneficial in civil Institutions, calls for the practical adoption of this Truth.

GEORGIA.





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## GEORGIA.

Feb. 5, 1777.

ART. LVI. “*All persons whatever shall have the free exercise of their Religion, provided it be not repugnant to the Peace and Safety of the State; and shall not, unless by consent, support any Teacher or Teachers, except those of their own profession.*”

THE Representatives (by Art. VI.) are required to be of the Protestant Religion.

THERE appears no other Article in this Form, that makes any particular religious profession a civil qualification.

THE LVI. Article should have run somewhat in this manner:—  
‘All persons shall have the free exercise of their Religion; remaining subject to the Laws respecting their civil conduct: and no professions of Faith, religious ceremonies, subscriptions or acquiescences to any religious doctrine shall be required of any, as the condition of his admissibility to civil Trust; or in any way affect his enjoyment of any civil Rights or Privileges.’

—=—=—

## VIRGINIA.

THIS State, which may rather be regretted, hath not introduced its Form of Government with any declaration of general principles. Neither has it made mention in its original Frame of any, either Toleration or Test. But through the hands of the worthy Representative of a distinguished Promoter of civil and religious Freedom, who, some years past, imparted, with generous ardor, to  
M ij *America,*



*America*, and to various other Countries, the Works of the great Champions for the Rights of Mankind, and of the great Improvers of useful Science, I am favored with the following very interesting communication.

‘AN EXTRACT from an ACT for establishing RELIGIOUS FREEDOM; passed in the GENERAL ASSEMBLY of the STATES of VIRGINIA, 1786.’

“Whereas Almighty GOD has created the mind of man free, all attempts to influence it, by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our Religion. . . . That the impious presumption of Legislators and Rulers, civil as well as ecclesiastical (who, being themselves but fallible and uninspired men, have assumed dominion over the Faith of others; setting up their own opinions and modes of thinking as the only true and infallible; and, as such, endeavoring to impose them on others), hath established and maintained false Religions over the greatest part of the world, and through all times.

“That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; and that forcing him to support this or that Teacher of his own religious persuasion, is depriving him of that comfortable liberty of giving his contributions to those, whose morals he would make his pattern, and whose power he feels most persuasive to righteousness; and is withdrawing from the Ministry those temporary rewards which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind.

“That our civil Rights have no dependence on our religious Opinions, any more than on our opinions in physics or geometry: that, therefore, the proscribing a citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument unless he professes or renounces this or that religious Opinion, is depriving him, injuriously, of those privileges and advantages to which, in common with his



*his fellow-citizens, he has a natural right. That it tends only to corrupt the principles of that very Religion it is meant to encourage: by bribing with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it. That though, indeed, those are criminal who do not withstand the temptation, yet, neither are those innocent who lay the bait in their way.*

*“ That to suffer the civil Magistrate to intrude his powers into the field of Opinion, and to restrain the profession or propogation of principles, ON SUPPOSITION OF THEIR ILL TENDENCY, is a dangerous fallacy, which, at once, destroys all religious Liberty: because, he, being of course, judge of that tendency, will make his opinions the rule of judgment; and will approve or condemn the sentiments of others, only as they shall square with, or differ from his own.*

*“ That it is time enough, for the rightful purposes of civil Government, for its officers to interfere, when Principals break into overt Acts against peace and good order.*

*“ And, finally, That TRUTH is great and will prevail if left to herself: that SHE IS THE PROPER AND SUFFICIENT ANTAGONIST TO ERROR, and has nothing to fear from the conflict; unless, by human interposition, disarmed of her natural weapons—FREE ARGUMENT and DEBATE: Errors ceasing to be dangerous, when it is permitted freely to contradict them.*

*“ BE IT THEREFORE ENACTED, BY THE GENERAL ASSEMBLY, That no man shall be compelled to frequent or support any religious Worship, Place, or Ministry whatsoever; nor shall be enforced, restrained, molested, or burthened in his body or goods; nor shall otherwise suffer on account of his religious Opinions or Belief: but that all men shall be free to profess, and, by argument, to maintain their Opinions in matters of Religion: and THAT THE SAME SHALL IN NO WISE DIMINISH, ENLARGE, OR AFFECT THEIR CIVIL CAPACITIES.*

*“ And although we know, that this Assembly, elected by the People for the ordinary purposes of Legislation only, have no power to restrain the*  
*Act*



*Act of succeeding Assemblies, constituted with powers equal to our own, and that, therefore, to declare this Act irrevocable, would be of no effect in Law, yet we are free to declare, and do declare THAT THE RIGHTS HEREBY ASSERTED, are of the NATURAL RIGHTS OF MANKIND: and that if any Act shall be hereafter passed to repeal the present, or to narrow its operations, such Act will be an infringement of NATURAL RIGHT."*

---

WITH the above came the subjoined Extract from

‘THE RIGHT-HAND OF FELLOWSHIP,  
BY THE REV. MR. BARNARD; SALEM:  
AT THE ORDINATION OF THE REV. MR. M‘KEEN, IN  
BEVERLY, MASSACHUSETTS, 1785.’

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*“The Right-hand of Fellowship practised by the Apostles, expresses full Equality between the Ministers of Religion, and the Societies with which they are connected.*

*“We will place in near prospect before our minds human nature, and the series of events since lofty views of Precedency arose in the Christian Church: and enquire, whether EQUALITY or INEQUALITY between churches, represents the Christian Religion in the justest and most amiable light; and most promotes the tranquillity and happiness of the great company of professors.*

*“EQUALITY not only pleases the mind of man and gratifies his feelings, but suspends the exercise of those malignant passions which torment him, whenever indulged; and urge him to revenge and injury upon every object which excites them:—Its divine influence upon religious parties has been abundantly proved by experiment.—In those countries where UNIVERSAL TOLERATION is enjoyed, without invidious distinctions, the  
various*



*various Sects live together like brethren; and exhibit, in their conduct towards each other, the fairest examples of moderation and good will.*

*“INEQUALITY has a very different operation, and introduces a very different scene. The moment a particular Church is exalted above those around her, she is actuated by the spirit of power, whose governing object is universal dominion; and is chagrined and miserable if every tongue does not confess, and every knee bow to her authority:—How does she endeavor to accomplish her favorite purposes, amidst a variety of sentiments, which will ever prevail amongst men, upon subjects of magnitude. She inspires into all her children a contempt of those who resist her claims;—attaches to them all civil distinctions, to render the opposition of her enemies inefficacious;—or, strengthened with the arm of the Magistrate, she condemns them in the most opprobrious terms, and by cruel measures, silences or exterminates them.*

*“Perhaps in all History we cannot produce an example of a Sovereign Church yielding up her fanciful ideas of UNIFORMITY, and establishing the mild doctrines of EQUALITY and TOLERATION, till obliged by the superior number of those who deny her Jurisdiction, and the influence of enlightened Statesmen.—Perhaps to INEQUALITY, as the ultimate source, we may attribute those bitter calumnies, enraged parties, and bloody persecutions which have dishonored the Christian Name in every age since its rise.*

*“People highly favored of the Lord! Ye only see the Period, which the wisest and best men in every age of Christianity have wished to see, but have been denied the privilege! Ye only see this interesting sentence a fundamental maxim of your civil Government—NO SUBORDINATION OF ANY ONE SECT OR DENOMINATION TO ANOTHER, SHALL EVER BE ESTABLISHED BY LAW!*

*“Ye only enjoy the distinguishing felicity [s] of thinking for yourselves,*

[s] “*Rarâ temporum felicitate, ubi sentire quæ velis, et quæ sentias dicere licet.*”  
Tac. Hist. I.



*selves, and expressing your sentiments unawed by penal statutes; operating to the loss of civil Privileges, Fortunes, and Lives !”*

I HAVE to observe on a provision in several of the *American* Constitutions, which I think erroneous ;—“ *That no Minister of Religion shall be a Member of the Legislative.* ”—I question the expedience, or justifiable authority of excluding any order of citizens from the service of the State, in its great Councils. It tends to establish evils very similar to those of *Monasticism* ;—a temper either inert in all respects, or hostile to those interests of society, from which its Members are excluded. The narrow and resentful partiality, improperly called *Esprit de Corps*, (being a very different principle from the generous attachment to ones profession, as subservient to the public welfare) is fatally fomented by such exclusions. Churchmen cannot have too little civil power or political pre-eminence annexed to their profession : but where no Hierarchy is permitted, they are no longer, by the Terms of their Establishment, opposite to civil Freedom : but as their talents, opportunities and inclination may permit, should be allowed to act in those places of civil trust, (not as they shall solicit, or hold as appendages of their religious Functions, but) to which the voice of their fellow-citizens may see reason to call them. Not that I say it is expedient or probable they should be often chosen : but I think it inexpedient and unjust they should be necessarily excluded.

I WILL now finish these Observations and Extracts with a passage from the illustrious MILTON ; (I call him so, by the truest title, for the most various, unwearied exercise of the sublimest talents to the best ends) which I think briefly comprehensive of all the sources of religious Corruptions in a State.

*“ Two things there be, which have been ever found working much mischief to the Church of God, and the advancement of Truth :—Force, on one side, restraining ; and Hire, on the other side, corrupting the Teachers thereof.”* Treat. of Civ. P. in Eccles. Caus.



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A  
 SKETCH OF THE LIFE  
 OF  
 FATHER *PAUL* OF VENICE.

---

HE was born at *Venice* 1552, of FRANCIS SARPI, a Merchant, whose Ancestors came from FRIULI; and ISABELLA MORELLI, a *Venetian*. He was baptized by the name of PETER; which, afterwards, upon entering his Order (on which occasion it is customary to assume a new name) he changed for that of PAUL. His Father dying, his Uncle, *Ambrosio Morelli*, priest of the collegiate church of St. *Hermagoras*, took him and a Sister under his own care; and their Mother retreated to a convent. The skill of *Ambrosio* in polite  
 N litera-



literature was celebrated ; and he had the instruction of several children of the noble *Venetians* : it was a felicity fuitable to the indications we discover of the generous and humane *Ambrosio*, that of all his pupils this Nephew was destined to do his memory the most distinguished honor. Quickness of apprehension,---strength of memory,---solidity of judgment, were the early characteristics of the genius of *Paul*. Under *Giov. Maria Capella* he studied in philosophy and divinity, with the mathematics, the Greek and Hebrew. *Capella* is said to have boasted, with the zeal of an ingenuous and benevolent mind, that he had in this youth, a scholar capable of being his master : and is believed to have been the cause of his entering into the Order of *Servites*; the habit of which he took the 24th of November, 1566, and made his solemn profession the 10th of May, 1572.

His fame soon spread over *Italy*. The Pope *Sixtus Quintus*, a severe and penetrating Judge, *Urban VIII.* the Duke of *Mantua*, and other persons of eminence vied in their attentions towards his rising merit. *Pinelli*, *Aquapendente*, and others of the eminently learned were his friends. *Moreri* says,---“ they were astonished that a young man of a delicate and very tender constitution, should possess such a depth and variety of knowlege.”

For





For, besides the languages and sciences already mentioned, he was excellently versed in history; ---he had read all the best authors; ---he had made great proficiency in law and physic, ---botany and mineralogy: and all these qualifications were supported by great modesty, ---perfect disinterestedness, ---a sincere and rational piety.

HE was accordingly judged deserving of the principal charges of his Order; being appointed Provincial at the age of twenty-six: a distinction then unexampled amongst the *Servites* at so early a period: other honorary and important trusts were, about the same time, conferred on him; such was the estimation of his abilities and integrity. It is not improper to remark how early the storm rose against him, which was to subside only when death had set him out of the reach of the blasts of envy, and the lightnings of persecution. Before he left *Mantua*, where he was Chaplain to the Duke, and Reader of canon and civil law in the Cathedral, one *Claudio* accused him to the Inquisition of heresy, for having denied that the doctrine of the *Trinity* could be proved from the first chapter of *Genesis*. We are told that *Paul* appealed to *Rome*, was honorably acquitted, and the Inquisitor reprimanded, for presuming to determine on the force of words in a language he did not understand. *Paul*



was at this time, it should seem, little more than twenty.

ABOUT his twenty-seventh year (1579) in a general council held at *Parma*, he was appointed, with two others, to draw up new rules and regulations for his Order. This employment called him to *Rome*, and introduced him to the Cardinal *Alexander Farnese*, and other great personages.

HIS charge as Provincial being terminated, he enjoyed three years of retirement and philosophical investigation; employing himself, chiefly, in the farther pursuit of natural philosophy and anatomy.

HE was next called forth as Procurator General of his Order: and in this capacity, the Pope, *Sixtus V.* the Cardinal *Bellarmino*, and Cardinal *Castagna*, afterwards *Urban VII.* manifested their high sense of his talents, and he assisted by his counsel on questions of great importance. A pretended friend, who had corrupt motives for this advice, recommended to him to stay at *Rome*, as the certain road to the advancement of his fortune: to which *Paul* returned an answer in cypher: that ‘at *Rome* there was no advancing himself but by scandalous means; and, that far from valuing the dignities there,  
he



*he held them in the utmost abomination.* This answer was afterwards treacherously divulged, and produced several embittered attacks; which, however, the revered virtue of *Paul* surmounted: but though he could not be sunk, he was tossed in these angry waves: and, as already has been remarked, the Hierarchy, with its accustomed spirit, never could forgive sentiments that shook the foundations of its grandeur. However, after his triennial service as Procurator, his return to *Venice*, agreeable to his resolutions, allowed him some interval of learned ease; and mindful of the precarious brevity of life, and the extent of its offices, he commenced his literary exercises with the rising of the sun.

ABOUT 1602, when he was now fifty, the great conflict began between *Paul V.* and the Republic of *Venice*, whose Counsellor he then was. The dispute had commenced in the Pontificate of *Clement VIII.* but *Paul* required absolute obedience without dispute. The Republic had passed two laws to correct the abuses of the Clergy. Hence the struggle between the Jurisdiction of the State, and the exemptive Sovereignty arrogated in behalf of Ecclesiastics by the Pope.

*PAUL* contending for the Rights and Freedom  
of



of his County, and, effectively, indeed, of political Society in general, published about 1606, various tracts in their defence. It is doubted whether that entitled "*The Rights of Sovereigns*" be his, at least in the form and composition of it. The chief undisputed performance is, the "*Considerations on the Censure of Paul V.*" In the year just mentioned the Council of *Venice* passed this decree---

"*THE religious, of pious memory, Paul of Venice, of the Order of Servites, continuing, with singular courage, to perform to our Signiory the best services, as is well known, it is just to declare, that he, most eminently by his writings, full of profound learning, sustaineth on the firmest foundations, the strength and validity of our cause, in which the Republic is at present engaged with the Court of Rome; preferring our service and satisfaction, to any his particular and important respects. And, it being just and reasonable, and worthy of the accustomed liberality of this Council, to provide the means whereby he may secure his life from any impendant peril; and that at the same time, his exigences may be supplied; and this more especially since he hath made no request, but rather sheweth himself averse to any acknowledgement which may be designed towards him; (such is his modesty, and so great his desire to manifest that no pretensions of reward, but his sole devotion to the*  
*Republic,*



*Republic, and the justice of the cause move him to exert himself, with such earnestness and fatigue, in our service) Be it therefore ordered, that to the stipend which on the 28th of January last, was assigned to the said religious, of pious memory, Paul of Venice, being two hundred ducats per annum, be added an augmentation of other two hundred ducats; so that in future, he receive four hundred ducats: to the intent, that, consoled by this spontaneous and affectionate demonstration of the public esteem, he may, with the greater ardor, continue his good and devoted services, and may the better provide for the security of his life."*

THAT life, however, notwithstanding the generous care of the Republic, was not so to be protected. In 1607, after *Venice*, by the mediation of *France*, the truly great *Henry IV.* then reigning, had adjusted her disputes with *Rome*, the first attack, in the direct mode of assassination, was made on the life of Father *Paul*. He was beset in the evening, near his Convent, by five Assassins, who stabbed him in many places, and left him as they had ample reason to suppose, dead. He recovered under the care of *Aquapendente*, who attended him at the public charge; and to whom, when speaking of the depth of the wound, he replied with a pleasantry very expressive of



of the fortitude, mildness, and virtuous chearfulness of his temper.

THE crime has been generally imputed to the Jesuits; though no positive discovery of its abettors appears to have been made. The Russians were traced, by the Embassador of *Venice*, to *Rome*: where they are said, to have been well received at first, but failing afterwards in their expected rewards, to have perished in misery and want. The *Vetian* Senate, as they had the highest cause, nobly expressed their sense of the virtue of a Monk, thus intrepidly maintaining the independence of the Community, against the separate claims of the Church.---They again doubled his stipend, and entreated him to chuse a public residence for his greater safety. But he quitted not his cell, nor receded from his generous toils, of which the composition of his “*History of the Council of TRENT*,” is, among various others, an illustrious demonstration. Well might he pursue, amid calumny and danger, his glorious track; constant and tranquil, though informed of different machinations against his person! to these intelligences he calmly answered, that “*no man lives well who is too anxious for the preservation of his life.*” In 1609, another conspiracy was formed, by some persons of his Convent, to murder him in his sleep;



sleep; but was timely detected: and the good man earnestly solicited, as a reward for his endeavors, the pardon of his intended Murderers: that neither his life should be the ruin of any others, nor occasion be given of scandal and dishonor to Religion, by their public execution. In which last motive, perhaps, there was more of mildness and piety of heart, than of strict reason. In 1619, his "*History of the Council of TRENT*" was published in England, by *Antonio de Dominis*, the Archbishop of *Spalatro*. To this publication Sir *Henry Wotton* (afterwards Provost of *Eton*) and *James I.* appear to have been principally instrumental.

IN 1623 he was taken with a fever, which, in few days, terminated in his death. He seemed (like one lately taken from us, who much resembled him in temper, genius, and various endowments; for why may we not unite, with melancholy pleasure, the name of SARPI and that of JEBB?) desirous of not disquieting his friends, by discovering any thing that implied a thought of danger: and when *Fulgentio*, his nearest friend and worthy biographer, said to him, "*Father, you make preparations as if you were to die within an hour, and yet you would hide your estate from me, as if your infirmity would continue many months.*" he

o

answered



answered only, “ *And why? Must we not always be prepared?* ”

THE Physician feeling his pulse, told him it gave the indications of a flying life; and that it would fail him that night, and within few hours: he replied, with a serene cheerfulness, “ BLESSED BE GOD! WHATSOEVER PLEASETH HIM PLEASETH ME\* ! ”

MR. *Hayley*, from whom I have largely adopted passages, closes this part of the account in his valuable notes to that excellent poetic Essay on History, with this emphatic remark:---“ *He prepared himself for approaching dissolution with the most devout composure: and as the Liberty of his Country was the darling object of his exalted mind, he prayed for its preservation with his last breath, in the two celebrated words* ”---‘ ESTO PERPETUA ! ’

HIS stature was low; his head large; his body lean: he had a wide forehead; on which the temporal artery was remarkably prominent: his

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\* *SIA lodato Iddio:—me piace cioch' a lui piace.*



his nose long and even : his color pleasing, with a becoming mixture of paleness : his neck slender : his eye-brows arched ; his eyes full, black, and lively : his beard thin : his aspect grave ; but mild and engaging.

HE drank no wine till he was above thirty ; and used to say, one of the things he repented was, that he had ever tasted any. He eat scarcely any thing except bread and fruits. Not only his constitution was naturally slight, but his intense studies subjected him to frequent and violent disorders ; yet his temperance and equanimity preserved him to the age of seventy-one.

HE corresponded on terms of reciprocal friendship and esteem, with many of the learned amongst the Protestants : and appears to have been a friend to their cause ; though not to that temper which early mixed with the purer and more consistent principles that should have governed the conduct of it.

IT remains to add some testimonies of eminent men to this singular character.

HE is thus described by *Baptista Porta* :---  
*“ None more learned, or of more comprehensive  
 discern-*



*discernment did I ever know: he was born for universal knowlege.\**

SIR Henry Wotton speaks of him in these terms:---“*Father Paul was the very pattern of of that precept, ‘the more learned the more humble;’ ‘and enough alone to demonstrate, that knowlege well digested puffeth not up. Excellent in positive,---excellent in scholastic and polemic divinity: a rare mathematician, even in the most abstruse parts thereof, as in algebra and the theoriques; and yet, withal, so expert in the history of plants, as if he had never perused any book but nature. Lastly, a great canonist; which was the title of his ordinary service with the State: and, certainly, in the time of the Pope’s Interdict they had their principal light from him. He was of a quiet and settled temper, which made him prompt in his counsels and answers\*.*”

AND the admirable Thuanus says of him,---  
“*Paul a Servite, gave a particular defence under the title of Considerations: he being a person the most distinguished of any in this cause; and Theologian to the Republic. In this Work, written with consum-*

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\* *Αποδείξαι εν ικανότητι*, says the same learned writer, from Thucydides.



*consummate prudence and moderation, the whole origin and progress of the contest is represented; and whatever was done on either side precipitately or officiously, fully disclosed\*.” &c.*

AND, afterwards, in mentioning the horrid attempt upon his life, and the concurrence of the *Venetians* with the Pope, in the suppression, as far as possible, of the rumours excited by an act so atrocious, he subjoins,---“ *But of an event so great,*” he speaks of this violence, and the controversy whence it arose) “ *no man will say, that it was in human power to command silence, or to induce oblivion: and whether such concealment might be conformable to the Divine Will, let those reflect who know that it has been the pleasure of the Deity to transmit, first by his Prophets, and then by succeeding writers, the memory, so far uncorrupt as might be, of events from the foundation of the world: and so to dispose, appoint, and, by unsearchable wisdom, ordain all things to His Glory, as not to suffer the truth of facts, which he has permitted to take place, to be buried in darkness.*”

DR. *Robertson* has said,---“ *Father Paul, perhaps,*

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\* *Thuanus, lib. CXXXVII. ad annum 1606,*



*baps, is the only person educated in a cloister, that ever was altogether superior to its prejudices; or, who viewed the transactions of men, and reasoned concerning the interests of society, with the enlarged sentiments of a philosopher, the discernment of a man conversant in affairs, and the liberality of a gentleman."* Vol. III. b. vi. ch. v. p. 219, 8vo edit.

MR. Hayley, in the notes already quoted, observes,---"*there is a singular beauty in the character of Father Paul, which is not only uncommon in his profession, but is rarely found in human nature. Though he passed a long life in controversy of the most exasperating kind, and was continually attacked in every manner malignity could suggest, both his writings and his heart appear perfectly free from a vindictive spirit;---devoting all the powers of his mind to the defence of the public cause, he seemed entirely to forget the injuries that were perpetually offered to his own person and reputation.*"

WELL, then, might the eulogium of such a man flow in these strains!---

"SARPI, blest name! from every foible clear;  
Not more to Science than to Virtue dear:  
Thy pen, thy life, of equal praise secure,  
Both wisely bold, and both sublimely pure.

*That*





*That Freedom bids me on thy merits dwell,  
 Whose radiant form illum'd thy lettered cell:  
 Who to thy hand the noblest task assign'd  
 That Earth can offer to an heavenly mind;  
 With Reason's arms to guard invaded laws,  
 And guide the pen of Truth in Freedom's cause.  
 Too firm of heart at Danger's cry to stoop,  
 Not Lucre's slave, nor vain Ambition's dupe:  
 Through length of days invariably the same,  
 Thy Country's Liberty thy constant aim:  
 For this thy spirit dar'd the Assassin's knife,  
 That with repeated guilt pursued thy life:  
 For this thy fervent and unwearied care  
 Form'd, e'en in death, thy patriotic prayer:  
 And while his shadows on thine eye-lids hung,"*  
 ' BE IT IMMORTAL\*!'--- "trembled on thy  
 tongue†."

THERE

---

\* In allusion to this sublime and affecting exclamation of Sarpi, is the well known compliment in the end of one of the moral epistles. It is to be feared the occasions of properly applying it to our Statesmen within the last half-century, have not been so frequent as to render it the worse for wear.

The lines are these—

" And you, brave Cobham, to the latest breath,  
 Shall feel your ruling passion strong in death;  
 Such, in those moments, as in all the past,"  
 ' O save my Country, Heaven!'—" shall be your last."

† It is a needless intimation to most of the lovers of English poetry to inform them, that these lines are from the "ESSAY ON HISTORY."



THERE is an Epitaph by *John Antonio Venerio*, which although it is somewhat diffuse and languid, may, however, in some respects, deserve to be presented to the reader. It is thus—

**P**PAUL of Venice,

*Of the Order of the Servites;*

*Theologian.*

*Of such Prudence, Integrity, and Wisdom*

*As to answer the Idea of a complete Character,*

*In divine and human Knowledge,*

*Probity and Sanctity of Life.*

*Of a Mind the most active and comprehensive;*

*Of an Equanimity the most constant;*

*Of Temperance and Piety exemplary to Admiration.*

*Just and faithful to the Republic,*

*Whose affectionate Expectations he fully answered:*

*Thinking that a religious Man*

*When he serves his Country,*

*Is engaged in an Employment by no means alien*

*From the Service of God\*.*

*And*

---

\* On this just and manly ground, when a certain Prelate thought proper to take notice of the conduct of some respectable Clergymen, who  
bad



*And thus, with the wisest Counsels,  
With the Strength of Reason and Virtue,  
He defended Venice:  
Who found in him a surer Guard of her Liberties  
Than in Forts and Armies :---  
Leaving it doubtful to Mankind,  
Whether he were more to be admired,  
Beloved, or revered.  
Secure of perpetual Fame  
From the well-deserving;  
And assured in Heaven of an Eternity of Happiness :  
Of Disease regardless ;  
Contemning Death ;  
In Discourse, Instruction, Prayer, and Contemplation*  
P Exerci-

*had distinguished themselves in a great and public-spirited Association, they avowed and supported their proceedings—*

“ WHEREAS it has been represented to this Committee, that the conduct of the Clergy who are members of this Association hath been censured from high authority, and that they have been given to understand, that their LATE EFFORTS in support of the Liberty and Constitution of this Country, were *foreign to the function of a Clergyman, and not the road to Preferment.*

“ RESOLVED, That a Protestant by entering into holy orders, does not abandon his Civil Rights.”

“ RESOLVED, That the thanks of this Committee be given to those reverend Gentlemen, who, thus preferring the public good to their own private emoluments, have stood forth the firm friends to the true Interests of their Country.” *Resolves of the York Association at the meeting of the Committee 17th of Oct. 1781.*



*Exercising, to the last, a living Energy.  
In the LXXI. Year of his Age,  
With great Lamentation of the Good,  
He took his Flight to the Life immortal.*

THERE



THERE is in the Original an Epitaph, to which despairing to do justice, I can only give it as it stands, for the entertainment of those into whose hands the “HISTORIA SUCCINCTA” may happen not to come, otherwise than by this Translation; several of whom, notwithstanding, may be sufficiently versed in the language to relish a satire, the poignancy of which cannot well be combined with the vehicle of a different expression.

E P I T A P H I U M.

H I C J A C E T

WILLIBRORDUS SECUNDUS,

FEBRONII, SENIS NEQ. . . ,

D I S C I P U L U S ;

*Locum Pastoris (ut ille) tenebat,  
Sed Lucra Animarum non quærebat;  
Terrenis commodis (ut ille) inhiabat,  
Et Honore Prælationis gaudebat.  
Quod abjectum (ut ille) non reducebat,*  
P ij *Neque*



Neque quod perierat quærebat.  
 Quod confractum (ut ille) non alligabat,  
 Quoniam se, non gregem, pascebat.  
 Quando vigilabat (ut ille) augmentum  
     Cogitabat.  
 Quando dormitabat, fures somniabat,  
     In Die afflictus,  
     In Nocte pavidus,  
     Semper autem Mendicus\*.  
 Justitia si foret, hic in Tumulo non jaceret,  
     Sed cum Magistro versus solem  
     In alto penderet.  
     Claustralis,  
 Hypocrita inter omnes primus;  
     Claustralis,  
     Avarus in omnes injurius;  
     Claustralis,  
     Depredator sacrilegus,  
 Et tandem (ut ille) e Pastore  
     Lupus†.

---

\* Not literally, but because he seems to have forgotten (if he ever observed it) the precept of Horace—"CERTUM VOTO PETE FINEM."

† If there are any Dignitaries of a Protestant Church, to whom any part of the admonition contained in this Epitaph may be useful, there can have been no need, it is presumed, to translate it for their use. It is no longer the time when to read a Latin verse without understanding it,



it, is such transcendent knowlege, as to save a man's neck under those solemn and much importing words—*Legit ut Clericus*. We go now to our mother tongue to read, in the established offices of the reformed Church of England, what we do not understand: and we pronounce undoubted perdition on those who do not believe accordingly. There is, and has been for a century from hence, a large share of learning in the governing part of the Establishment; as well as among those who, with some breach of propriety, are so frequently discriminated by the words—*inferior Clergy*. There is, also, much learning out of the Establishment. The difference is,—that on one side, this instrument of knowlege is pressed into the service of particular Doctrines and prescribed Opinions;—on the other side, it is free to be applied, without restraint, in liberal and sincere investigation. Thus, it is no longer a vulgar ignorance that lies at the door of our Church: if it be any, it is rather, in some instances, perhaps, a learned one;—preferring the inventions of a false Philosophy to the simplicity of the Gospel. Unless it should be supposed that the errors and corruptions are indeed seen, the illicitness of substituting human authority as a Rule of Faith understood;—but that the principle of not disturbing a well settled abuse, is held more sacred than all the considerations of religious Liberty and social Right. Those (and such I admit there are) whose character is truly respectable, who think the questioned positions to be scriptural Truth, and wish only on that ground to maintain them, will, I should apprehend, generally concur in the expediency and duty of leaving them to make their way to the minds of men, according as they shall judge them to be discoverable in Scripture; without any thing to compel or bias to the profession of them. We might as well subscribe to Monastic Legends, as even to propositions of Divine Truth, if accepted on motives preclusive of our independant decision on their Truth or Falsehood.

I HAVE



I HAVE been favored with a contrast to the last character: the reader of *English* poetry will perceive it to be a parody of a very celebrated passage. For my own idea of the subject, it is a very simple and often repeated one.— That the true happiness of a social being is to be sought in the most expansive energies of a social character; with all its proper satisfactions; and even its cares. And that neither the Abbot nor the Abbess if they are good enough to bear solitude, are so beneficial to it in their monastic state, as they might have been in a more natural, and, consequently, happier plan of life.

*“WHAT blessings on the humble Abbot wait  
Above proud Monarchs in their anxious state;  
He leaves a world which sings self-flattering songs,  
Whose smiles are snares, whose benefits are wrongs;  
To hold with God, among the first-born race,  
Perpetual intercourse of praise and grace:  
Welcome as morning to the wanderer's sight,  
Pure as the silver streams of lunar light.  
Doubt solves her veil, and Zeal her lamp supplies,  
At joys immortal sparkling in his eyes;  
With holy prayer Heaven's portals he unbars,  
And ever watches like the unwearied stars.  
Alms are his board, from moth and rust secure,  
His brethren are the faithful and the poor:*

*His*



*His soul imbibes Simplicity's mild ray,  
 Direct effulgence from eternal day:  
 He fathoms Truth, and for his darling flock  
 Draws living waters from a heavenly rock:  
 For penitents he heaves condoling sighs,  
 Next to their tears a grateful sacrifice.  
 Though skill'd in tongues of men, and Seraph's lore,  
 Meek Charity he loves and prizes more.  
 Hope, ever fair, his blissful dreams inspires,  
 And Faith excludes e'en innocent desires:  
 Suns rise to view this habitant of clay  
 To light approaching nearer every day:  
 Till " 'hither!' " calls the Lamb;----the spirit  
       cries"  
 ' By soft transition mingle with the skies!'*

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THE Translator avails himself of the space left in this page, by attempting to explain two passages which hitherto he has left unnoticed.

THE first is, the meaning of a MANSE: which he apprehends to have been rightly interpreted in a note to the Original; where it is said to mean in its application, as there used, the same as an HYDE.—*So much land as a single yoke of oxen could plough in one year.* Sir EDWARD COKE appears to have adopted the same construction. And SPELMAN, or whoever was the continuator of the ARCHÆOLOGIA, states this for one acceptance of the word: though he  
supposes



supposes it to have been a term descriptive of a variable portion, enlarging in its extent according to the rank of the person. Such was certainly the case of what was called, with us, the KNIGHT's, BARON's, EARL's, &c. FEE. In the instance which occasions this note, the quantity of these MANSES, and other circumstances, will furnish a presumption, if not a full proof, of its being used for the *common* MANSE, containing the quantity already stated.

THE TRIA JURE DEBITA, mentioned in the CHARTER of HENRY II. may be conjectured at least to import the THREE-FOLD INDISPENSIBLE OBLIGATION [†] of our SAXON Ancestors; from contributing to which no lands were exempt:—the *repair* of a BRIDGE; the *construction of a* CASTLE for defence of the Country; and an *expedition* against an ENEMY within the territory.

[†] Trinoda necessitas---Pontis reparatio, Arcis constructio, contra Hostem profectio. *Vide Comment. on the Law of E. B. I. cb. vii.*

F I N I S.



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THE following CORRECTIONS the Reader is requested to make.

P. vi. l. 4, (*note*) for *fusceptibility*, r. *sensibility*.

P. xi. l. 4, (*note*) for *idem*, r. *eadem*.

P. lii. l. 3, (*note*) for *n. l.* r. *n. e.*

P. 2, l. 10, (*note*) for *preceding*, r. *succeeding*.

P. 5, l. 7, (*note*) for *awakened*, r. *awoke*.

P. 14, l. 6, before "forty," d. "for."

P. 73, l. 21, after "Heresy," for (?) r. (;).

AND now, after these *Corrigenda*, there is an *Addendum* to be presented:  
It is this---

"I HAVE somewhere read or heard the frank confession of a *Benedictine* Abbot."---"My *Vow of Poverty* has given me an hundred thousand crowns a year; my *Vow of Obedience* has raised me to the rank of a sovereign prince."---"I forget the consequences of his *Vow of Chastity*." GIBBON'S *Decline and Fall of the Roman Empire*, Vol. III. p. 521, 4to edit. *note*.

IF these pages should suggest the belief, that other *Benedictine* Abbots might, without doing themselves injustice, make a similar confession; may it be recollected, at the same time, as a truth in which every one, whether PROTESTANT or PAPIST, may feel himself concerned; if not personally, yet assuredly for the Community;---That, whenever VOWS, TESTS, and ARTICLES are multiplied, Infincerity, Infidelity, Blindness, and Delusion will multiply their conquests in proportion. Whether the AGENDA, prescribed by the impositions of human Power, exerted out of its Province, exceed the limits of human Strength, Right, and social Duty; or the CREDENDA are forced on the disclaiming mind, in contradiction to the Understanding, the Freedom of Judgment, and the sacred Claims of Conscience, the effect will be similar in either species of Usurpation; while human Nature, its Obligations, and its Infirmities continue the same. C. L.

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REFERENCES OMITTED.

For the Account of the *English Monasteries*, in p. viii. &c. see the *last* and greatly improved Edition of that valuable work, CHAMBEERS' CYCLOPÆDIA.

THE *Verses* in p. 110, are part, I am informed, of an Epistle, lately published, from ABELARD to ELOISA.

For further particulars relative to the *Cycle of Indiction*, p. 62, the Reader, curious in these subjects, is referred to the CYCLOPÆDIA.

MENTION of the recent Order respecting the *Athanasian Creed*, is prefixed to a Tract, published by *Johnson*, entitled "THE DOCTRINE OF THE UNITY OF GOD."

THOUGH the *Names* annexed to the *Treaty* between the UNITED STATES of AMERICA and PRUSSIA are sure to live in *History*, and the mention of them in this Work cannot add to their renown, yet, as the parties signing are annexed to the other instruments, whose authority is vouched in these pages, let the occasion be here taken of noticing, that the *Plenipotentiaries* whose signatures are affixed to that glorious Act are, on the part of PRUSSIA,

F. G. DE THULEMEIR, à la HAGUE, le 10 Sept. 1785.

On the part of the UNITED STATES,

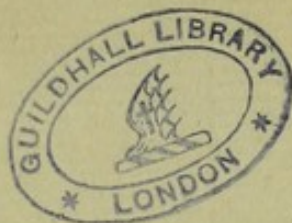
THO. JEFFERSON, PARIS, July 28, 1785.

B. FRANKLIN, PASSY, July 9, 1785.

JOHN ADAMS, LONDON, Aug. 5, 1785.

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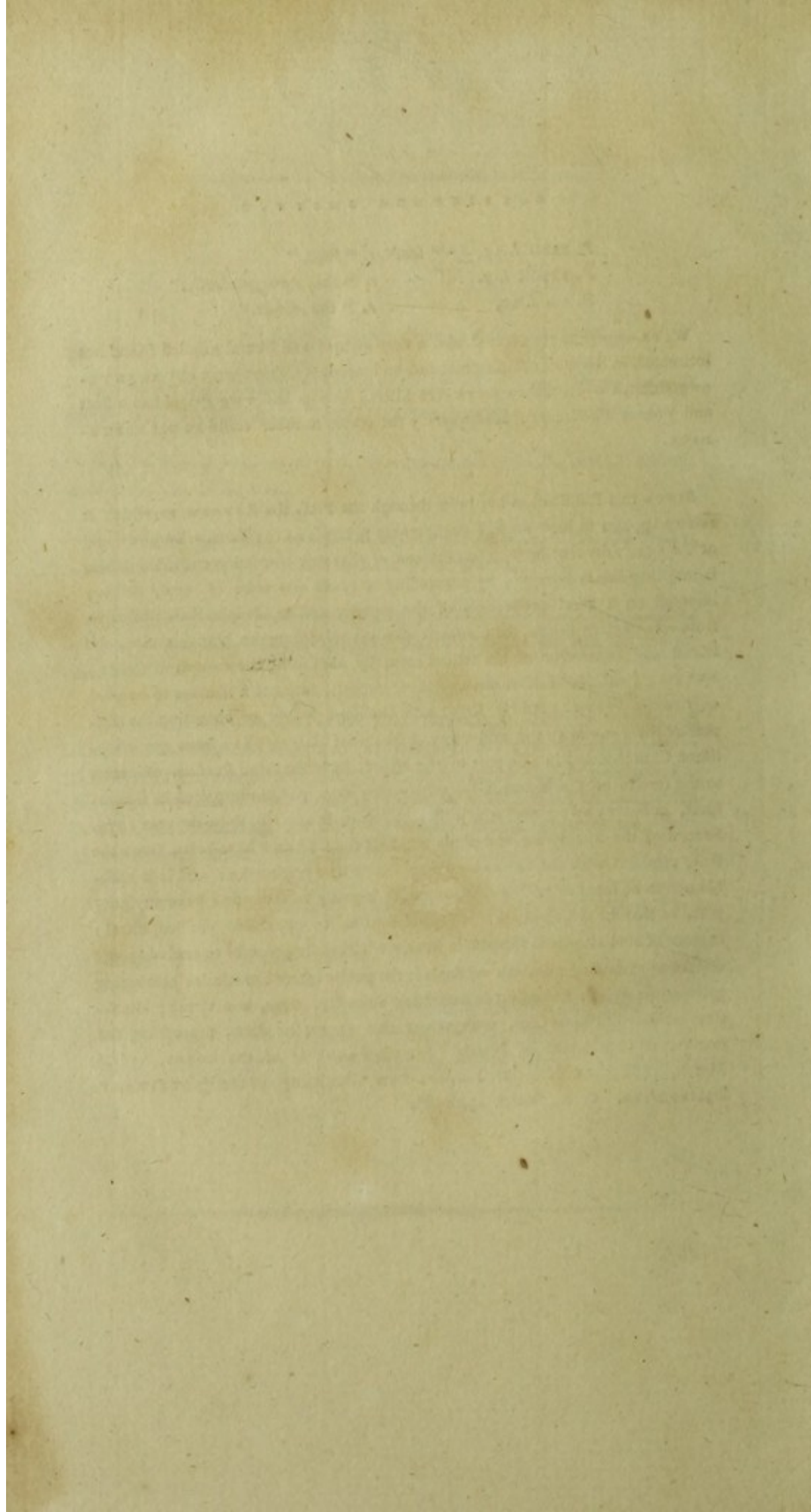
CORRIGENDA OMITTED.

- P. xxvi. l. 15, for "seas" r. "seats."  
P. xxxiii. l. 7. r. "they have gradually."  
P. 10, l. 20, r. "the Abbots."

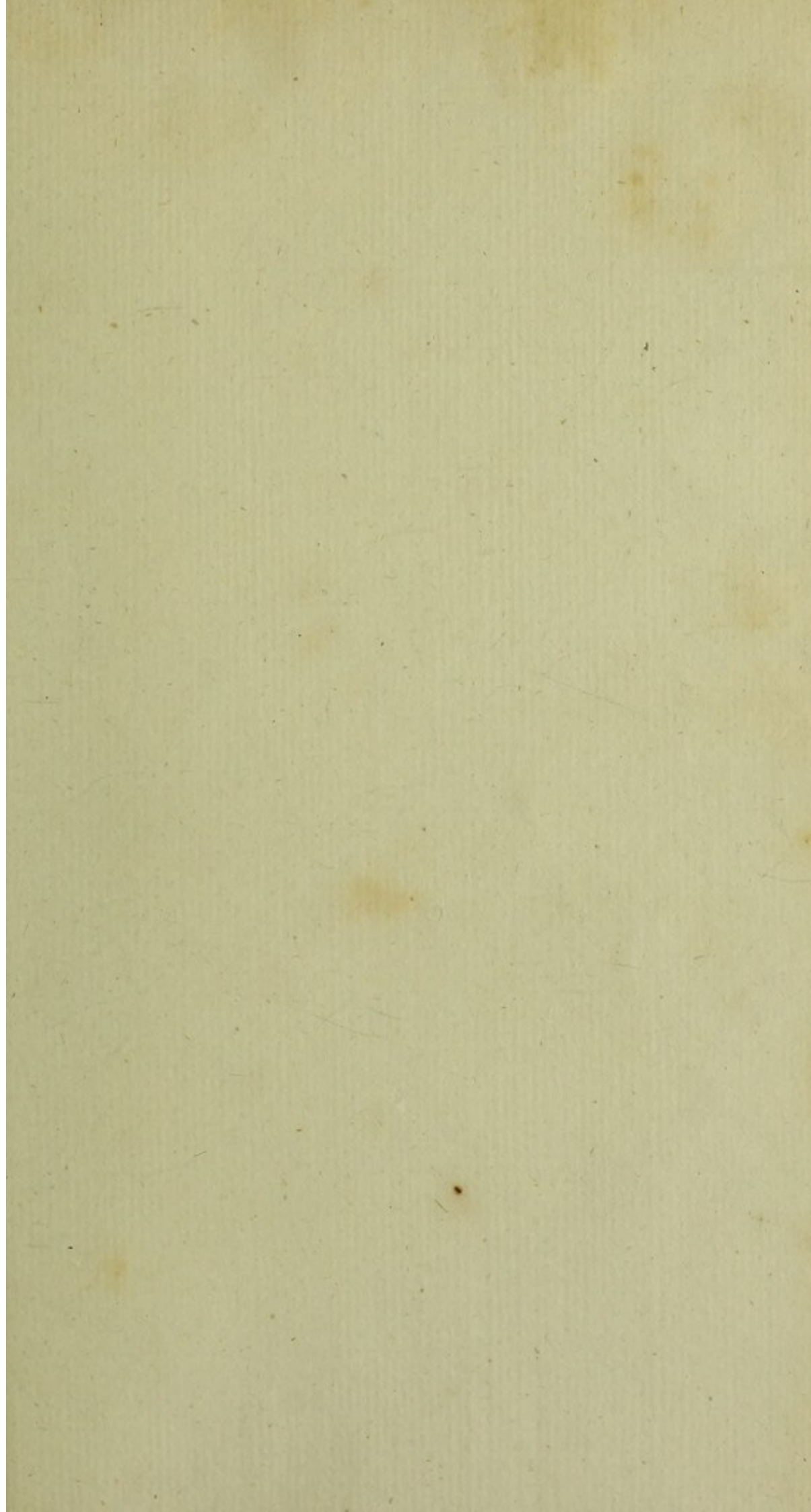
WITH respect to the Note p. xlv. a very learned and liberal minded friend has intimated, in the most obliging manner, an inaccuracy. There were but TWENTY-ONE Bishops when the TWENTY-SIX Mitred Abbots and Two Priors had a Seat and Vote in *Parliament*: consequently the whole number could be but FORTY-NINE.

SINCE this Publication has been through the Press the REFORM to which it relates appears to have made a considerable progress in the *German Empire*: and at the same time that he who has the care of that vast Dominion entrusted to him is meriting *human* honours, by proceeding to break the yoke of forced *Celibacy* imposed on a great proportion of the People, and to advance their liberation from *other* slavish Bonds, he confirms the just respect due to him as a man, the friend and benefactor of his fellow men, by abolishing the custom of GENU-FLEXION; which, if it means any thing serious, imports a homage to be paid only to the DEITY. And in ENGLAND the hope revives of obtaining the Repeal of the CORPORATION and TEST Acts: that DISSENTERS from the established Church may, in this part of the Island, have the same freedom of access to the service of the community, which they have held, unimpaired in this respect, in SCOTLAND; and which they possess in IRELAND, since the year 1779. Several of the considerate and pious amongst the CLERGY have been, from the first, offended with the SACRAMENTAL TEST as a *profanation*: and is it possible not to be shocked with a discrimination equally calculated to serve any purpose, as that for which alone it is supposed to exist: oppressive, yet ineffectual: capable of admitting into the public service whatever it proposes to exclude; and certain of excluding numbers whom it is the public interest to admit: corrupting private principles; ensnaring or punishing sincerity, piety, and virtue; alienating public affections; or, even where this cannot be done, suppressing the exertion of their beneficial Energy. See the PROTEST of the LORDS, 23d of March, 1688; and the printed CASE, now circulating, of the PROTESTANT DISSENTERS. C. L. March 23, 1787.

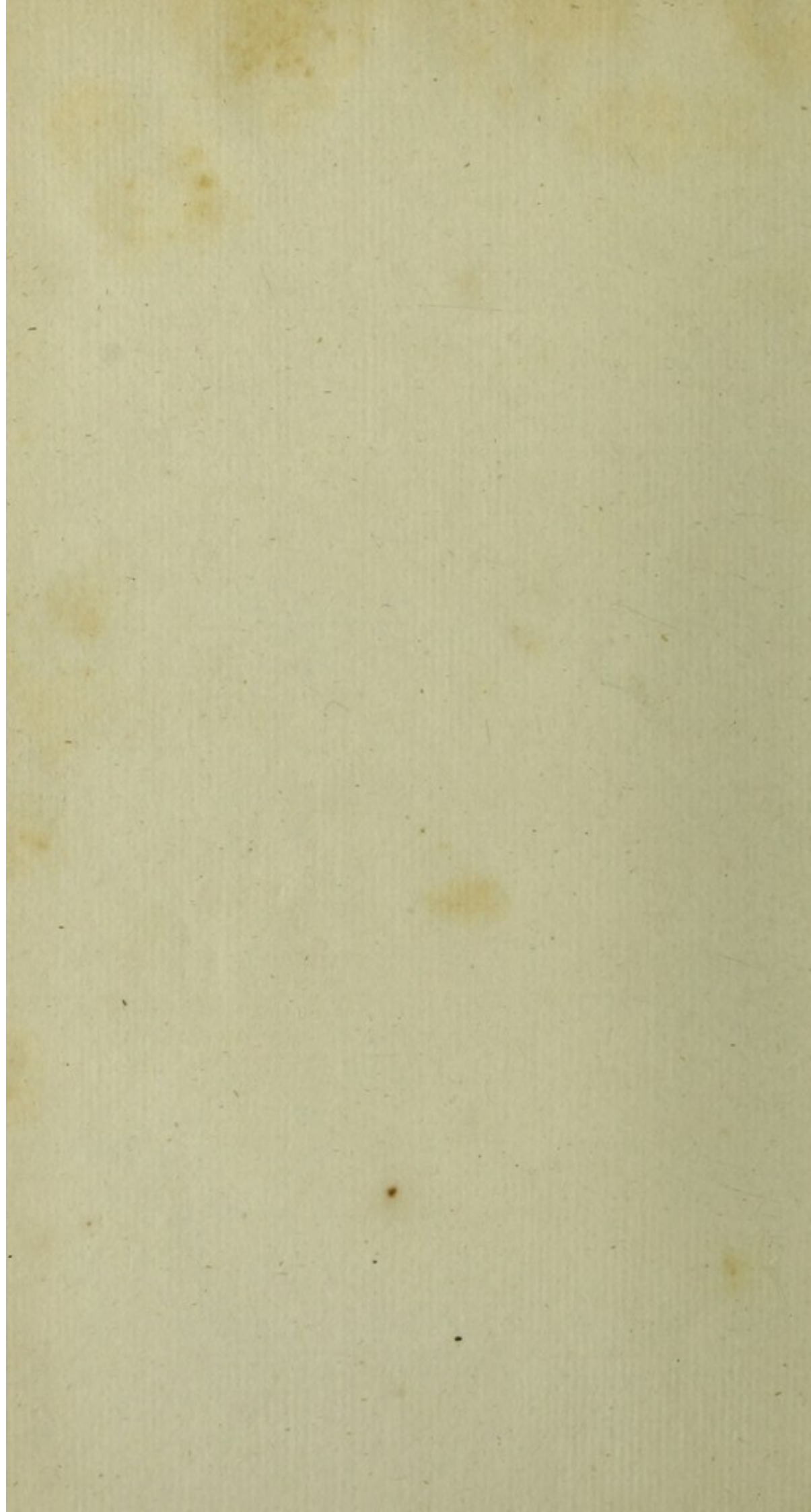




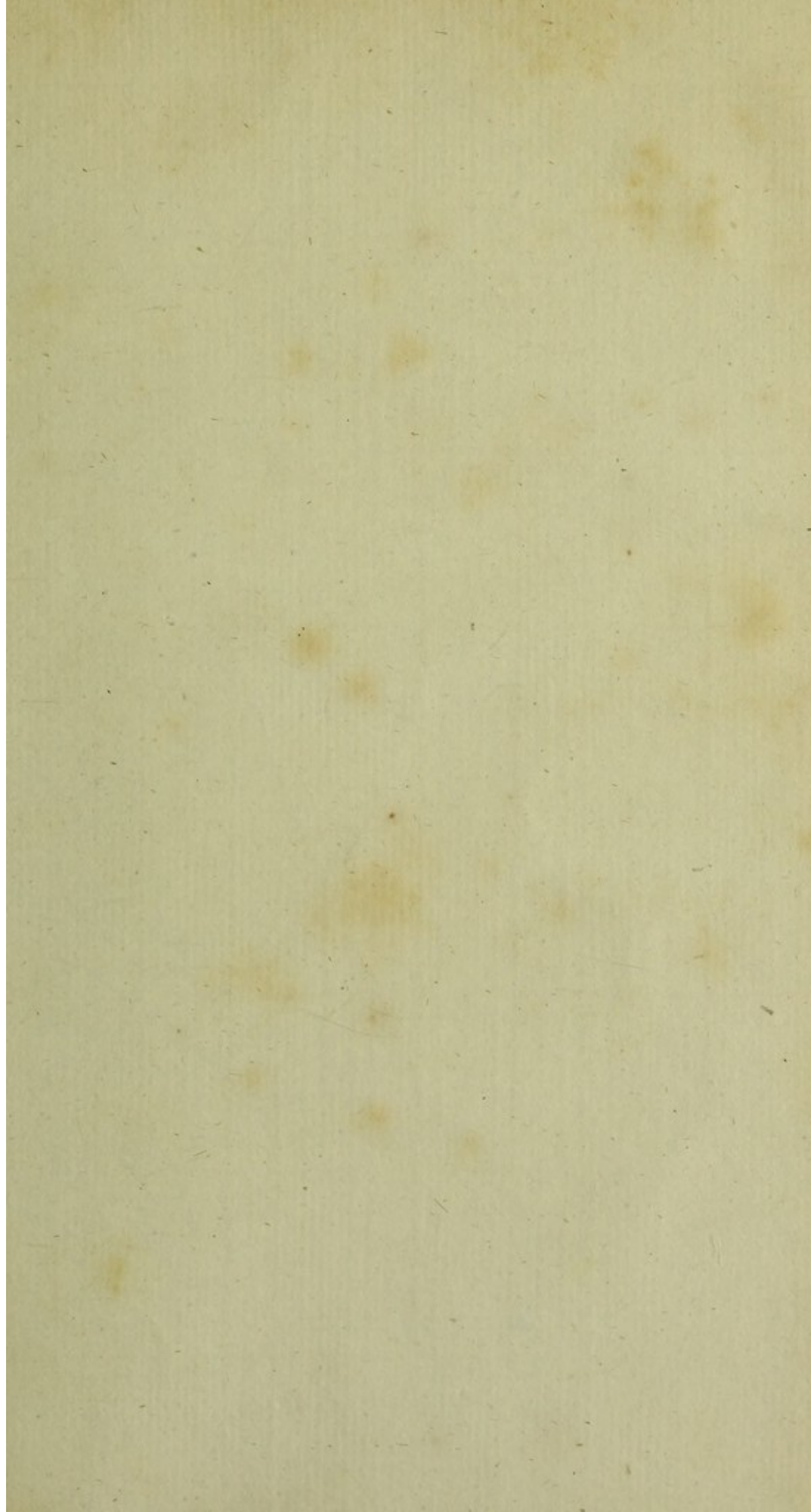




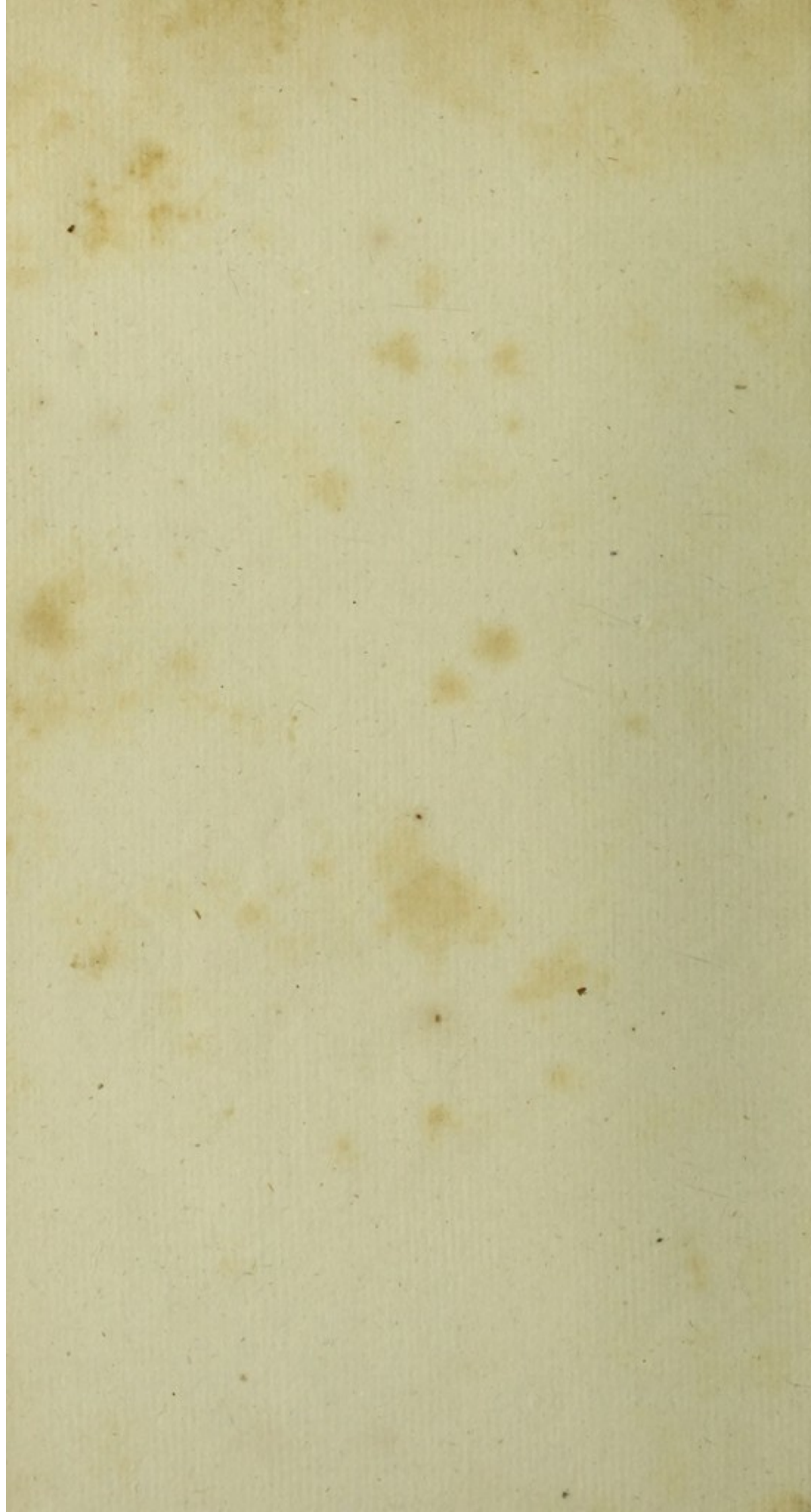














D/8











