

**Innocence vindicated : by a brief and impartial narrative of the proceedings of the Court of Sessions in Bristol against Ichabod Chauncy, physitian in that city, to his conviction on the statute of the 35th Eliz. on the 9th of April, and to his abjuration of all the Kings dominions for ever, Aug. 15, 1684. Together with some passages subsequent thereunto / Published by the said I. Chauncy.**

### **Contributors**

Chauncy, Ichabod, -1691.

England and Wales. Court of Quarter Sessions of the Peace (Bristol)

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INNOCENCE VINDICATED:  
BY  
A Brief and Impartial Narrative  
OF THE  
PROCEEDINGS  
OF THE  
Court of Sessions  
IN  
BRISTOL  
AGAINST

*Ichabod Chauncy*, Phyfitian in that City :  
TO HIS

Conviction on the Statute of the 35<sup>th</sup> Eliz. on the 9<sup>th</sup>.  
of *April*, and to his Abjuration of all the Kings Do-  
minions for ever, *Aug. 15. 1684.*

TOGETHER,  
With some Passages Subsequent thereunto.

---

Published by the said *I. CHAUNCY.*

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*Prov. 27. 4. Wrath is cruel, and Anger is outrageous, but who can stand before Envy?*

*Pfal. 9. 9. The Lord will be a Refuge for the Oppressed, a Refuge in times of Trouble.*

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L O N D O N :

Printed by *George Larkin* at the lower End of *Broad street*, next to *London-Wall.* 1684.



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## Innocence Vindicated, &c.

**T**Hough the Law under which I suffer, be by far the most severe of any in *England*, that Respects Religious matters, ( yea far beyond any that concerns the *Papists* as such ) yet had not I judged that there had been open Violence offered to several plain Statutes in the Management of my Prosecution, and bringing me under present Circumstances; and all other Ways and Attempts for Redress to my present Grievances, rendered utterly ineffectual through the restless Solicitations, and false Representations of my implacable ( though causeless ) Adversaries. I had saved both my Self and the World the trouble of this present Narrative. But now having no other way left to Vindicate my self; That the World may pass a right Judgment both of my Person and Sufferings, I am fain to give a plain Account, both of the one, and of the other; and leave them to judge of both: Hoping also, that hereby his Majesty may take Occasion to see how much many of his Subjects are abused and oppressed, by the malicious Prosecutions of some inferiour Officers, who prosecute Penal Laws upon them rather to satisfy their own Lusts, and personal Revenge, then for any true Zeal they have either to Justice or Loyalty. And when they have Oppressed any by illegal Proceedings, least their unjust Practices should be detected, and they suffer shame for the same; ( being afraid to be brought to the Light, least their Deeds should be Reproved ) The next Design is, by Calumnies and false Insinuations, to Render the Persons of those whom they have injured, as dangerous to the Government, and



only fit to be destroyed ; yea to Obstruct and Obviate all possible Attempts, that their Oppressed Adversaries can make for their just Vindication ; which they do by frustrating their Endeavours in seeking Justice by Appeals, either by Way-laying them in all their steps, and so hindring their Access unto ; or by Præ-occupying the minds of those with Prejudices against them, who only are capable to Vindicate, or do them Right.

These having been the Methods of my chiefest Adversaries ; first, by rendring my Person Vile and Contemptible, and then as Dangerous and Disaffected to the Government : And next, by putting a fair Gloss upon their own Proceedings against me, and Obviating all my Applications for a Relief, by Writ of Error and Self-vindication, I am forced in a way of Self-Defence to undertake a double work ; First, to give the World an Account of my Person and Principles ; and then, of the Beginning as well as Progress of my present Persecution.

As to my civil Profession, I am a Physician, was born of Pious and Generous Parents, of Competent Estate ; was bred a Schollar from my Childhood, and ( through the Bounty of the Almighty ) was never driven to the Straits of taking upon me the mean Employment of a Drummer ; ( as some of my Adversaries have often scornfully and against Knowledge Reproached me ) I have been a Master of Arts almost this thirty years, have been a Licentiate of the Colledge of Physicians in *London*, well towards twenty years ; have practised Physick in *Bristol* with considerable Success, and general Acceptation, near this eighteen years ; dare Challenge the worst of mine Adversaries, to say, and prove it, wherein I have all this while Acted any thing that looks Disloyal to the King : Yea, I Account it my Duty, to be subject to the Higher Powers, and believe that whosoever resisteth the Power, resisteth the Ordinance of God, and shall receive unto themselves Damnation : and that this Subjection among Christians should not be only for Wrath, but for Conscience sake : And as matter of Duty, and a thing that is good and acceptable in the sight of God ; I do dayly heartily pray for the Kings Person, and for all that are in Authority under him ; and therefore profess my self an open Enemy to any Plots or Attempts against the Kings Person and Government ; and as a Testimony of my Loyalty, am as ready as any of my Adversaries, to give all reasonable Assurance



rance of my Fidelity to the Government, by taking the usual Oaths of Allegiance and Supremacy. And let them also, if they can, testify against me of any Injustice or Unmercifulness toward my Neighbour, or Infobriety and Intemperance towards my self.

And as for my Religion, I own my self a Protestant ; and for my Faith, do believe all the Doctrinal Principles Contained in the Articles of the Church of *England* ; and as for Worship, have Accomodated the same ( as near as I could ) to the Rule of Gods Word, and the best Examples of Primitive Saints ; and wherein I have in any thing differed, from the publick instituted way of Worship, have always laboured to manage my self, with the least Offence imaginable, towards those from whom I have Dissented ; avoiding all Cenforiousness of others differing from me.

If these things be otherwise, I dare say with *Job*, Chap. 31. 35, 36, 37. *Let my Adversary write it in a Book, and ( if he can ) prove the contrary, &c.*

As to my present Sufferings, in Order to a due Understanding thereof, 'tis needful to Reflect upon the Cause and Occasion, as well as the manner of managing thereof : The internal moving cause thereof, I take to be an implacable Prejudice formed in the mind of Mr. *Romsey* our Town-clark of *Bristol*, against me ; occasioned chiefly after this following manner, if I mistake not, ( though he had declared before that, some Prejudice against me. ) Soon after the breaking out of the late Plot, it became a common Discourse, that all the Kings-Head Club in *London*, were concerned in it ; and that the Horse-shoe Club in *Bristol* ( so called, because during the time of the last Election of Parliament-men, several Citizens intending to chuse Sir *Robert Atkins* and Sir *Jonathan Knight Senior*, Parliament men for that City, did frequently Assemble there, about that Affair ) were a Branch of the same ; and that all the said Club should be Indicted, and divers of them sent for up to the Councel-Table ; in order to which, divers were convened before our Justices, to be examined about it, among which I was one ; when I came before them, among other things they questioned me, what Persons used to meet there ? Seeing Mr. *Romsey* Sitting by, ( and writing Letters as I judged about that matter ) I named him for one, who met ( though not in the same place yet )



yet ) at the *Mare-maid* Tavern, with the same Persons, about the same thing, and was as Zealous for Sir *Robert Atkins* as any of them; this is notoriously known, and he confessed it before he departed the Room.

I Nominated him for one, because I thought it hard and unreasonable, that he should be a means to bring so many scores, if not Hundreds, in trouble, (meerly for his own Advantage) in a matter wherein he was equally concerned with them, and knew them all innocent, upon this he was greatly displeased with me, as supposing this Discovery might threaten his place at that Juncture of time; though I told the Justices, that I knew of no unlawful Act committed by the said Club, neither did charge him with any. Howbeit, ever since this, he entertained an implacable Prejudice against me, and threatned to divers, that he would speedily either cast me in a Goal, or make me fly the Country. ( This I suppose he will not deny. )

In pursuance whereof, though I stood indicted two years before on the same 35<sup>th</sup> of *Eliz.* by him, yet the very next Quarter-Sessions, prefers two more heavy indictments against me, at one and the same time, either of them enough to ruine me; The one upon the Statute of *Eliz.* 23. for twenty pound a Month for eleven Months: The other on the 35<sup>th</sup> *Eliz.* on which last, for want of any later Crime, he chargeth me for one Committed above four years before the Indictment. And having got the Bills found by the Grand Jury, so earnestly was he bent upon their Prosecution, that he exacts of me Recognizances more than double to what was required of others in the like Case, viz. 200 *l.* to each of mine; whereas another indicted on the 35<sup>th</sup> of *Eliz.* was bound but in 80 *l.* --- But because my chief concern lies with this last Indictment, which threatens my Estate, Liberty, and Life, 'tis most reasonable I should be most concerned about the Management thereof against me. But 'tis not fit for me to judge, (as being too partial in my own Cause) I had rather therefore, that those whose part it is, would undertake it on my behalf. But before any true Judgment can pass for, or against me, 'tis needful the Indictment should be produced, which runs after this manner.



Comitat. Ci- **T**HE Jurors for Our Lord the King, do upon  
 vit. Bristol. *their Oath present, That one Ichabod Chaun-  
 cy, late of the City of Bristol, in the County of the said City, Phy-  
 sician; Who on the third Day of August, in the Thirty first Year  
 of the Raigh of Our Soveraegn Lord Charles the Second; by the  
 Grace of God, of England, Scotland, France and Ireland King;  
 &c. Being of the Age of Sixteen Years and upwards, did Obsti-  
 nately, willingly, and without any Reasonable Cause, refuse accedere  
 ( Anglice to Repair ) to any Church, Chappel, or usual Place of  
 Common-Prayers, to hear Divine Service, now Established by the  
 Laws and Statutes of this Realm of England. And as before, from  
 the foresaid third Day of August, in the Thirty first Year afore-  
 said, Obstinately, Voluntarily, and without any Reasonable Cause,  
 Abstained from Hearing Divine Service in any Church, Chappel,  
 or Usual Place of Common-Prayer; unto the fourteenth Day of  
 September, in the Year before-mentioned, viz. by the Space of  
 one Month and more, thence next following. And the aforesaid  
 Jurors upon their Oaths aforesaid, do further say, that the afore-  
 said Ichabod Chauncy, the same fourteenth Day of September,  
 in the One and Thirtieth Year aforesaid, in the Precincts of the  
 Castle, within the said City and County of Bristol, in a certain  
 House, was there of himself present, at an Unlawful Assembly,  
 Conventicle or Convention; under Colour and Pretence of the Ex-  
 ercise of Religion, against the Form of the Statute, in such Case made  
 and Provided. And also, against the Peace of Our Sovereign  
 Lord the King, &c.*

Whether this Indictment be faulty or not in point of Law  
 'tis not proper for me (who am the Party concerned, and no  
 Lawyer) to determine; but I'll tell the Reader, that the day  
 before my Tryal, 'twas the judgment of a cunning Lawyer,  
 (that pleaded earnestly against me upon it the next day) the  
 first letters of whose name is Mr. J. H. that 'twas so illegal and  
 faulty, that 'twas not worth a F--- and that they could not  
 touch an hair of my head by it, and that 'twas not worth a  
 Fee to be quit of such an Indictment; thus he expressed him-  
 self. That which to me seems hard in the management there-  
 of, is,

First, That notwithstanding 'twas by my Council pleaded,  
 that



that Justices in Sessions had no Power or Authority to inquire into, and judge upon Crimes relating to that Statute, which Plea was according to the Sentiments of many, if not most of the ablest Lawyers in *England*; yea, and of one of the Learned Counsel which pleaded against me, who but the Sessions before did with great strength of Law and Reason plead against the Jurisdiction of that Court, to try a Gentleman in the very same Circumstances, and that Mr. *Vincent* either was actually, or like to be discharged by Writ of Error upon the Plea, viz. That he was Tryed *Coram non Judice* (i.e. by Justices of the Peace in Sessions) that yet they would proceed to assume that Power to themselves, though to make me the first example which hath been in *England* upon this Statute for many years: and when my Counsel told them of how ill consequence it might be for them to proceed, in case upon a review it should prove, that they had not Authority so to do; this they were told was to Hector the Court.

Secondly, That notwithstanding the Statute (urged by my Counsel) of *Eliz. 31. chap. 5. Paragr. 5.* where 'tis expressly said, *That no Indictment shall lye upon any Penal Statute beyond two years, but if it be laid for a Crime beyond, it shall be void and of none effect; any Statute to the contrary notwithstanding:* And my Indictment appears to be laid for Crimes more then four years backwards (before the Indictment,) yet must it be allowed for Legal.

Thirdly, That whereas the Indictment chargeth me, that obstinately and willingly I refused to come to some Church or Chappel to hear Divine Service (wherein doubtless the Strefs of the Act lyes) for a bare abstinence for four weeks another Law punishes but at four shillings; and being at a Conventicle, at five shillings, or ten at the most. but these punishes these two put together with Imprisonment, loss of the whole Estate, and perpetual Banishment or Death) therefore doubtless lyes the chief of the Crime upon obstinate refusing to come to Church; this my Counsel told them necessarily supposed some legal Premonition, viz. either by the Ordinary or Parson of the Parish, &c. but no such thing was attempted to be proved against me, and yet I must be found guilty of the whole Indictment.

Fourthly, They did moreover admit of so light a proof of  
the



the Conventicle, (which was one Essential Branch of the indictment, ) in this weighty case, as would scarce have been admitted by a considering Justice of the Peace, to impose on the Offender the Penalty of Five Shillings, viz. One Person swears that he came into a certain house in the Castle where a Sermon was Preaching, and that I was there present ; (whereas the Conventicle Act expressly requires two Witnesses to swear the Fact, if it be proved that way) and what is this to prove an unlawful Assembly, contrary to the Liturgy of the Church of England ; to prove which as he ought, he should have been there from the beginning, and then he might have sworn there was no Common-Prayer.

Fifthly, Though 'twas objected by Counsel, that I had been punished before for this Offence, (which was proved by a Copy of the Record produced in open Court, which shewed that I had been punished Ten Pound for this Conventicle, and the Town-clark also owned in open Court, that he had drawn this Indictment by that Record) yet expressly contrary to that clause of the 22. *Caroli Secundi* Cap. 1. Par. 14. which saith, *That any Person who shall be punished for any Offence by vertue of this Act, shall not be punished for the same Offence, by vertue of any other Act or Law whatsoever ;* yet notwithstanding this Plea added to all the former in favour of my Cause, the Jury according to the instructions given them by Mr. Town-clark, bring me in guilty ; whereupon I am immediately sentenced to Goal till Conformity, and making this following submission in the Church or open Court, viz. That

*I A. B. Do humbly confess and acknowledge, that I have grievously offended God, in contemning his Majesties godly and lawful Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm, and in using and frequenting disordered and unlawful Conventicles and Assemblies, under colour and pretence of exercise of Religion ; and I am heartily sorry for the same, and do acknowledg and testify in my Conscience, that no other person bath or ought to have any power or authority over his Majesty. And I do promise and protest, without any dissimulation, or any colour and means of any dispensation, that from henceforth, I will from time to time obey and perform his Majesties Laws and Statutes, in re-*

B

paring



*pariving to the Church, and in hearing Divine Service, and do my utmost endeavour to maintian and defend the same.*

Neither doth the Wrath of mine Adversaries cease at my Imprisonment, but follows me still, to bring me within the reach of the utmost Severity and Penalty of the said Law. (*viz.* the loss of my whole Estate, and Abjuration at the end of three Months) Whereupon within the three Months, *viz.* the 16<sup>th</sup> Day of *June*; I was by the Justices twice in one Day Summoned to Conform, and to make the above recited Submission.

And to make this pinch the closer upon me, my chief Adversary (being all this while in *London*) is using his utmost endeavours, to Obviate all Attempts made by my Friends, both in Reference to a Pardon, or Writ of Error. And so fearful is he least a Writ of Error should be obtained, and thereby his Acts of Injustice be exposed to the World, that when he understood that through a just Report of my Cause, made by Mr. *Attorney General* to the King and Council, a Writ was like to be granted: He takes a Coach on purpose, and rides away to *Hampton Court*, where the Council was that day to sit; and desiring to be called in when the Report of my Cause was made, by Mis-representing my Person and Cause, procured a stop to be put to the Writ of Error. ----- Sometime after this, He returns for *Bristol*, where he boasts of his great Success in hindring my Writ of Error; supposing that now he had me at his Mercy, and that I must come up to his Terms, or be undone. Therefore sends me word, that except I would subscribe to a Petition, acknowledging that I had been legally Convicted, there was no pardon or Writ of Error to be procured: but in Case I would do that, he would not Obstruct but promote it.

This I refused to do, as judging that several illegalities had been acted in Proceedings against me. At length, about the 8<sup>th</sup> of this instant *August*, a good friend of mine came unexpectedly to Town, who coming to visit me in *Newgate*, and Commiserating my Condition, resolved to discourse Mr. *Town Clark* about me, which he accordingly did. The *Town Clark* after much Discourse, and many Complaints, told him what kind offers he made me, and that I was so stout, I would not Petition the King; my Friend told him, he did dare to ingage for the contrary, and undertook to draw a Petition which



which both of us should like, which accordingly he did, and delivered it to the *Town Clark*, who with his own Pen altered several things, by Addition and Subtraction. Agreeing, that if a Petition according to this model were consented to, then he would prefer the said Petition, either to procure a Pardon, or a Writ of Error. I consented to the same, and caused it to be new drawn and prepared for him, when my Friend went out of Town, the *Town Clark* promised all Aid and Dispatch, according to these Terms. The Person who new drew the Petition acquainted him that the Petition was drawn; which Petition was as follows.

## *To the Kings most Excellent Majesty.*

The Humble Petition of *Ichabod Chauncy* Physitian,  
Prisoner in the Prison of *Newgate*, in Your Majesties City and County of *Bristol*.

Most Humbly Sheweth,

**T**hat at a Sessions held for the said City and County, on the 9th Day of April last past; Your Petitioner was Convicted upon the Statute made the 35th of Eliz. Entituled, An Act to retain Her Majesties Subjects in their due Obedience. That your Petitioner is advised, that the Court of Sessions has no Jurisdiction in that Cause. And also, that the Fact ought to be drawn in Question within two years; which in this Case was not for the space of four Years and more. But notwithstanding your Petitioner is Imprisoned, and is lyable to abjure Your Majesties Realms and Dominions, and lose his Real and Personal Estate; unless he Conform to the Lyrurgy of the Church of England That Your Petitioner hath endeavoured to satisfy himself in such Conformity, yet cannot. But hath always in all other matters behaved himself as a Loyal Subject to Your Majesty, and shall always so do, if Your Majesty will be pleased to extend Your Grace to him, so as to continue him Your Subject.

These two  
Clauses he  
added  
with his  
own Pen.

That Your Petitioner hath always been, and is ready to give Assurance of his Fidelity to your Majesty and Government, by taking the Oaths of Allegiance and Supremacy, and is willing to leave his



He required these Terms before he would promise any Assistance which I thought better to yield unto, than to lye in a nasty Goal.

*Habitation in the said City of Bristol, if that be Your Majesties Pleasure.*

*Your Petitioner most Humbly prays, That your Majesty would be graciously pleased either to grant Your Majesties gracious Pardon, or to give leave that your Petitioner may bring a Writ of Error to Reverse the said Proceedings against him.*

And Your Petitioner ( as in Duty bound ) shall ever Pray, &c.

When he heard the Petition was ready, he seemed to demur, and to signify that something else must be done by me, before he could prefer or promote it ; and accordingly the next Day sends me this following Letter.

Doctor Chauncy,

Sure he forgot that he had before asserted to my Loyalty asserted in my Petition.

He had now forgot that I was a chief instrument to help him into his Office. For which I have been often enough reproached since.

*I have of late been desired by some friends of yours, to be kind in assisting your Inlargement ; but not without a sting in the Tayl, as if my malice to you, had been the single reason of your Confinement, without any sence of your Offence to the Law in that particular, or the fair Tryal and other legal Proceedings that you had for it, or any reluctancy for your often daring, and desyance of the Governours of this City, as often as you were called before them : In the first place, I call God to witness, I never had any malice against you ; nor had I any motive so considerable to induce me to your Prosecution (that is the share I had in it) but the Apprehension that your Inclinations were devoted against, and your Interest very dangerous to the Kings Interest here ; besides those many Arguments, I have of your particular prejudice against me for the sake of my Office ; and endeavours to supplant me even in that. This I don't lay to your charge. But if you will do any thing to give satisfaction of your behaviour for the future to the Kings Service : I will be so far from opposing your inlargement, that I will do what you never had Religion nor good nature enough to think on, which is, I will use my small endeavour to promote it.*

Your Servant

John Romsey.



One that reads this Letter, and knows not the Gentleman, would imagine him a person intirely devoted to his Majesties Interest, as if that were the Pole Star by which he sayles in the management of all his actions. How sincere he may be in his affections to it, I'll not undertake to censure; but I believe very many (and those not Dissenters) do question his judgement in Prosecuting thereof; as judging that discouraging the chief Traders of this City, by severe Prosecutions, on Penal Laws, too heavy Fines and Imprisonments, whereby some are forced to quit the City; and others to withdraw themselves from Trade, that they may live retiredly; are very unintelligible methods to promote the same. Whether by this means the Trade of this sometime flourishing City hath not been greatly abated, to his Majesties great detriment, needs no other proof then comparing the Kings Customs in this Port since these things began, with what they were before: Which, if I am not greatly misinformed fall short some years 20000 l. per Annum of what they were before; I verily believe did this Gentleman find by this management of Affairs, his own Interest did suffer proportionably, he would soon change his measures. But these things bring Grists to his Mill.

Well as to the Letter the person to whom he sent it, to convey it to me, writes me word after this manner.

S I R,

*Mr. Townclark hath sent the enclosed, and expects your answer, I perceive if he like not your answer, he'l hinder your Pardon and Writ of Error.*

Whereupon I sent him the following Answer, which I thought as modest as the matter would bear.

S I R,

*That any of my Friends have been using endeavours for my Inlargement, I esteem as matter of great obligation, they proceeding chiefly from their own good will towards me; what expressions they used, (as of Malice being the single Reason of Proceedings against me,) I know not, neither had they any such Advice from me; but if they said that there was more than a little mixture of Prejudice therein, I believe they are not single in their Sentiments; and whether*



ther divers Passages in the Management of my Prosecution gave not Suspicion of such a thing, I leave you to judge: But you call God to Witness of the contrary, therefore all Arguments of that sort, must vanish; my often defiance and daring Carriage towards the Governours of this City, whensoever called before them, (where-with you charge me) hath been observed (for ought I know) by none but your self. How fair my Tryal was, and how Legal the Proceedings against me have been, is fitter for more indifferent Persons to judge, then either Mr. Rumfey, or my self. And therefore I desired a Writ of Error, which (I am told) you Obstructed. Your Apprehensions that my Inclinations were devoted against, and my Interest dangerous to the Kings Interest here, were altogether groundless; for neither word or deed of mine have ever signified any such inclinations; if they have, alledge them against me. Your Apprehensions of my prejudice against you for the sake of your Office, are as groundless as the former; whatever I said or did (which you judge was with a design to supplant you) was to your face, and that which you acknowledged true in my hearing. As to the latter clause wherein you expect I should give satisfaction of my behaviour for the future, I know not what you mean by it; you know in my Petition, I declare my self ready to take the Oaths of Allegiance and Supremacy, which I think are the highest obligations of fidelity any honest man can lay himself under; and as little Religion as I may be thought to have, when once I have taken them, shall look upon my self more bound thereby, then by all pecuniary obligations. Sir, if you think fit (upon your own Proposals) to prefer the Petition to which you agreed, and to use your interest toward my enlargement, you may be sure it shall be thankfully acknowledged by

He knew nothing to alledge, when he agreed to the Petition.

Your Friend and Servant

J. Ch.

He had no sooner received this answer, but the very same day, viz. Aug. 15. after I had suffered eighteen weeks close Imprisonment in a nasty Goal, (it being an adjourned Sessions) sends for me to Court. Being called to abjure, I craved leave to give some reasons to the Court why they could not legally call me to it; and that

First, Because 'twould be contrary to an expresse Statute in  
their



their own sence. For upon my Tryal, when my Counsel objected that my Indictment was void, as being laid for a Crime committed above four years before, whereas the Statute of *Eliz.* 31. saith, *That no Indictment upon any Penal Statute shall be of force that calls in question a Fact beyond two years*] 'Twas then answered, that that Law did extend only to those Penal Statutes which did impose Pecuniary Punishments limited to the King, and not Corporal Punishments: Now if they made me abjure, I should then forfeit my Estate by the same Indictment; contrary to the Law in their own sence.

Secondly, According to this Statute of the 35th, before abjuration, I ought to have been Summoned thereto by a Justice of the Peace, which yet I had not been.

Thirdly, That they had Convicted me as as a Recusant, and the same Statute saith, *That no Popish Recusant should be required to abjure by vertue of that Act*; they replied that I was not Convicted as a Popish Recusant. I told them I thought that if they did not find in any Statute mention of Protestant Recusants, then it must be supposed that (*Coram Lege*) all Recusants were Popish. But all these Pleas being over-ruled, I was forced to abjure. The Justices appointed me within three Months to depart from the Port of *Bristol*.

Now having abjured, one would think the Penalties I had already sustained, *viz.* the loss of a very considerable Practice, eighteen weeks close Imprisonment, the forfeiture of my whole Estate both personal and real; Banishment from all the Kings Dominions for ever might have surfeited the most exalted malice; but as though the Law on which I am Prosecuted had not been severe enough, before I depart the Kingdom, I must be further stigmatized by a kind of Remonstrance preferred to the Grand Jury at our General Goal Delivery, which was about five days after my abjuration; The Paper our *T. Cl.* presents to the Grand Jury, contained such black Characters and high Charges against me, that they absolutely refused to subscribe it. Upon which refusal many hard words of displeasure passed from him to the Grand Jury. Whereupon they were desired to draw up such a Paper as they would subscribe, concerning me; and accordingly, to gratify his importunity, they produced this following Declaration.

I do desire to assign me *Londre* or *Harwich* but they refused both



We whose Names are hereunto Subscribed, being the Grand Jurors for the Body of the City and County of Bristol, in the Court of Oyer and Terminer, and General Goal-Delivery, holden the 20th of August, 1684. Do in the Names as well of Our Selves, as of all His Majesties Faithful and Loyal Subjects within this City, return Our most Heartly Thanks to this Court, and all others concerned in the Prosecution against Ichabod Chauncy, (late of this City) upon the Statute of 35. Eliz. for that to Our Knowledge during the time of his abode in this City, (which hath been for some Years) he hath been a great Zealot for the Factionous Party, and by Reason of his Employment of Practising Physick; We have Reason to believe that he hath had very Advantageous Success, in gaining to their Cause, and Cherishing in it, very great Numbers of Profelytes. He was their Champion to fight out the Battels of that Party, whensoever it came in Question before Our Magistrates; by which means, though he got of them the Character of a stout Combatant, yet by the Magistrates of the City, he was still Reputed a sawcy Criminal. And this hath not only induced them and us, but may also every one that may come to the Knowledge of it, to be of the same mind, when they consider that he hath not only impudence to menace the deliberate, just, and temperate Proceedings of this Court, with a Libel; But also, to part from it with an Imprecation against it. And We do therefore Declare to this Court, and to all the World, That it is Our Opinion, that the Proceedings against Him, to the Abjuration of the Realm, was not only fair in all the Particulars thereof, but of absolute necessity, for the quiet and peaceable Government of this City, and for His Majesties Service.

The plain Design of which in general, is partly to help Dun out of the Mire, by justifying the Town-clark in all his Proceedings against me; to load me with a Charge of such heavy Crimes, as may dash any Hopes of a Pardon, and blast my Reputation for the future, wheresoever I may go hereafter. Wherefore, I think all men would count me very unjust to my self, should I not endeavour to wipe of those grievous Scandals, which this Remonstrance hath unjustly cast upon me; which if not Answered, will for the future destroy my Credit, and  
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so may undo both my self and Family : And therefore cannot but make a few Remarks upon it.

First they say, *That in the Names as well of Our Selves as of all His Majesties Faithful and Loyal Subjects within this City, We return Our most Heartly Thanks to this Court, and all others concerned in the Prosecution against Ichabod Chauncy, upon the Statute of 35 Eliz. ]* There are 1000 (besides Dissenters) in Bristol (and about it) that will neither concur with you in, nor thank you for your Thanks.

*For that to Our Knowledge he hath been a great Zealot for the Factious Party. ]* 'Tis no new thing to have the best of men so Reputed, *Ast. 24. 5.*

*We have Reason to believe, by Reason of his Employment, he hath had very advantageous Success, in gaining to their Cause ; ]* I verily believe there is not one Dissenter the more for me in *England*. ( Unless my severe Prosecution have made some.) Neither can they name one ( of those many Numbers of Protestants which they say, I have made and cherished ) that I ever solicited to forsake the Church.

*He was their Champion to fight out the Battels of that Party, whensoever it came in Question before Our Magistrates. ]* I was never before the Magistrates of that City, but when forced to it, and that in my own Cause, except once to vindicate my Wife, who was near five of the Clock in the Afternoon on a Sabbath Day, taken up in the Streets, and sent to Bridewel ; as supposing she was coming from a Conventicle.

*By which means he got of them the Character of a stout Combatant. ]* I never till now thought my Reputation had been so great among them for Valour.



*Yet by the Magistrates of the City, he was still Reputed a very sawcy Criminal.* ] If the Magistrates had so ill an Opinion of him, 'tis strange they shou'd almost all so far Encourage him, as to make use of him, for a Physician to themselves or Relations.

*When they Consider, that he hath not only Impudence to menace the deliberate, just, and temperate Proceedings of this Court with a Libel.* ] Produce any Person that ever heard me so menace the Court, and I'll be content to suffer the Punishment of a Libeller.

*But also to part from it with an Imprecation against it.* ] The Words wherewith I parted from the Court were these: Mr. Town-clark, you have now had a full stroak at me; all the harm I wish you, is, that God may not have as full a stroak at you Living or Dying. If this be an Imprecation, let the World judge. Methinks some one in the Grand Jury, should have known the just difference between a Deprecation, and an Imprecation.

*Against it.* ] The words were by name directed to the Town-clark, and I never thought (till now) that the Town-clark had been the Court.

*We Declare therefore, That 'tis Our Opinion, that the Proceedings against him, to the Abjuration of the Realm, was not only fair in all the Particulars of it* ] Sure now the Town-clark will be confirmed in his Opinion, that there is no need of a Writ of Error, since he hath the Opinion of the Grand Jury in Favour of all his Proceedings. But who besides him, did ever value the Opinion of Grand Juries, in matters of Law?

*But of absolute necessity for the quiet and peaceable Government of this City;* ] Is he any whit altered from what he was formerly? If not! How came the City to be peaceably Governed while he was in it near eighteen years together.

*And*



*And for his Majesties Service,* ] His Majesty is only then served, when his just Laws are Executed, and not when His Subjects by Arbitrary Proceedings of his Ministers are Oppressed.

Thus I have given a true and impartial Account, of my present Case: The main Design whereof, is not to cast any undue Reflections on the Law, or the King and his Government; but to inform the World, that I am not the Turbulent, disaffected, and disloyal Person, which my Adversaries have Represented me to be; and that my Cause was not managed with so much Evidence and Impartiality, but that there was and is a just ground for me to expect (as a matter of right) a Writ of Error. But if after all this, I shall still be denied from men, either wilfully, or through Prejudice and Misinformation, that which I judge to be my Right, I'll commit my Cause to Him that judgeth Righteously.

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**F I N I S.**



And I have given a true and impartial Account  
 of every part of the Cause. The main Design wherein  
 is not to cast any undue Reflection on the Law, or the  
 King, and his Government; but to inform the World,  
 that I am not the Tumbler, dabbler, and dissol-  
 ver, which my Adversaries have represented me  
 to be; and that my Cause was not managed with so  
 much Evidence and Impartiality, but that there was  
 and is a just ground for me to expect (as a matter of  
 right) a Write of Error. But if after all this, I  
 shall still be denied from men, either willfully, or  
 through Prejudice and Misinformation; that which  
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FINIS