

The apology of Sr. Francis Bacon, Kt. : In certain imputations concerning the late Earl of Essex written to the Right Honourable his very good Lord the Earl of Devonshire, Lord Lieutenant of Ireland.

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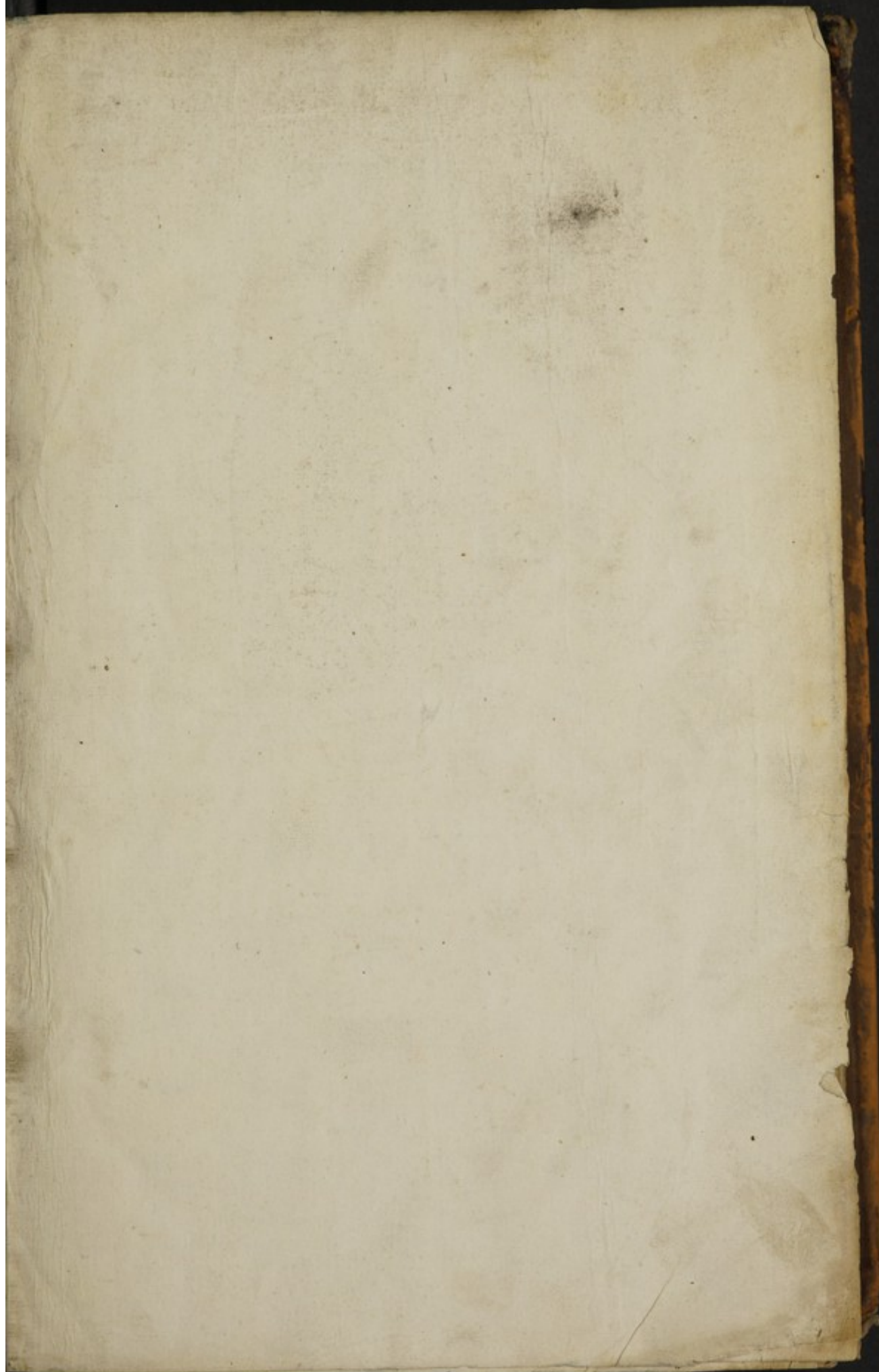
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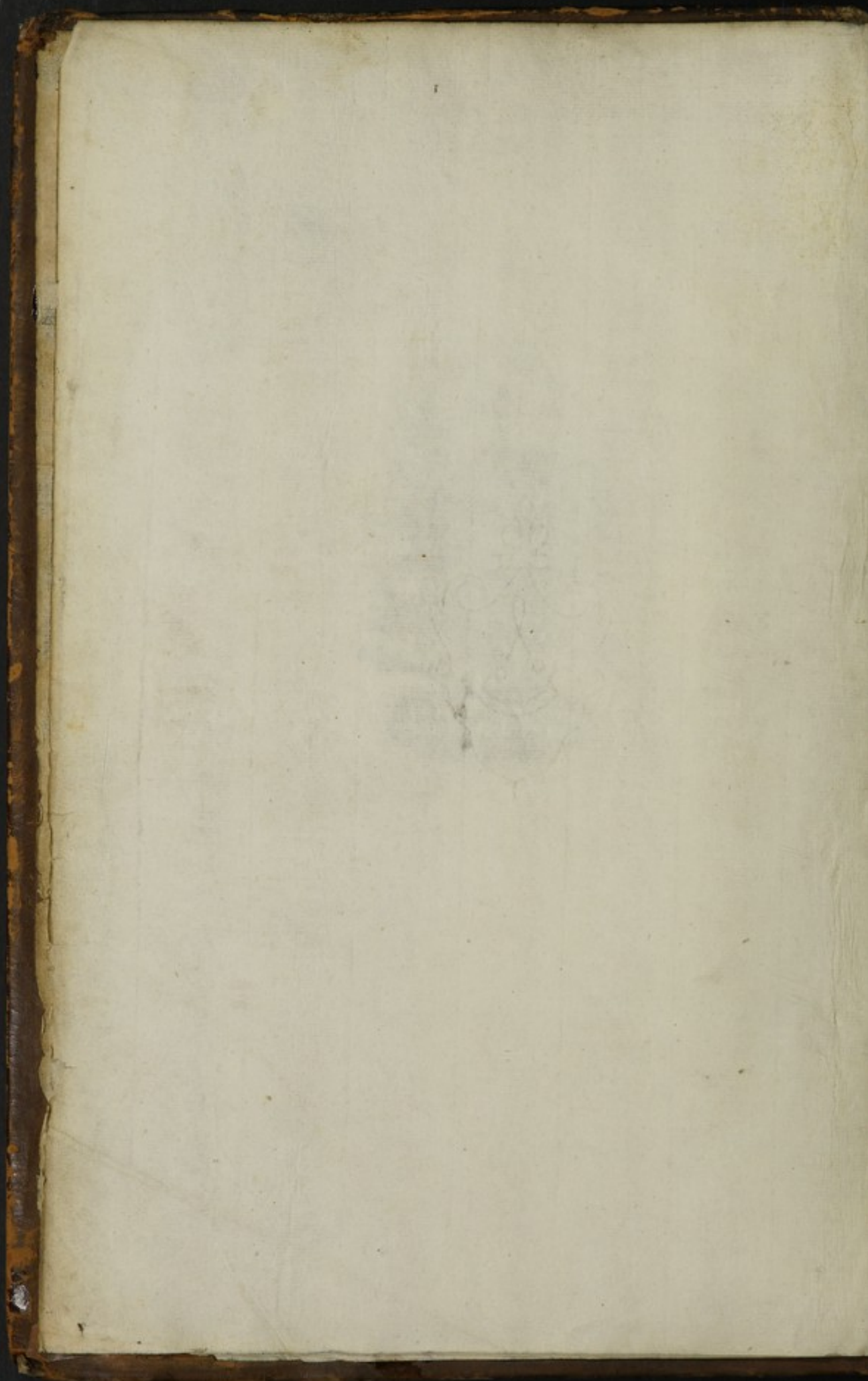
BACON, F

Bound in at end is J Selden's Brief
this course touching the office of Lord
Chancellor. 1671.



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THE
A P O L O G Y
O F
S^r. FRANCIS BACONK^t.

In certain Imputations concerning the late Earl of *Essex*:

WRITTEN

To the Right Honourable his very good Lord, the
Earl of *Devonshire*, Lord Lieutenant of *Ireland*.



L O N D O N,

Printed by S. G. & B. G. for William Lee, and are to be sold at the sign
of the Turks-Head in Fleet-street, over against Fetter-Lane, 1670.

THE
APOLOGY

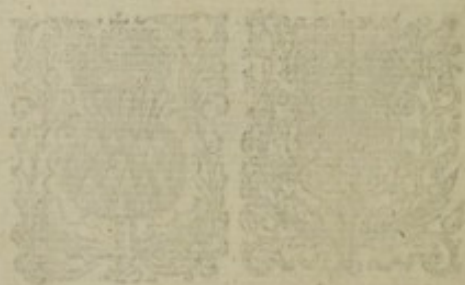
OF

FRANCIS BACON

In certain Injunctions concerning the late Earl of Essex.

WRITTEN

To the Right Honourable his very good Lord, the
Baron of Devonshire, Lord Lieutenant of Ireland.



LONDON

Printed by J. St. John, at the Sign of the Sun, in St. Dunstons Church-yard, 1677.

To the Right Honourable his very good Lord, the Earl
of Devonshire, Lord Lieutenant of Ireland.

IT may please your good Lordship: I cannot be ignorant, and ought to be sensible of the wrong which I sustain in common speech, as if I had been false, or unthankful to that noble, but unfortunate Earl, the Earl of *Essex*: and for satisfiing the vulgar sort, I do not so much regard it; though I love a good name, but yet as an handmaid, and attendant of honesty and vertue. For I am of his opinion that said pleasantly, *That it was a shame to him that was a Suiter to the Mistresse, to make love to the Waiting woman*; and therefore to woe or court common fame otherwise then it followeth on honest courses, I for my part, find not my self fit nor disposed. But on the other side, there is no worldly thing that concerneth my self, which I hold more dear, than the good opinion of certain persons; amongst which there is none I would more willingly give satisfaction unto, then to your Lordship. First, because you loved my Lord of *Essex*, and therefore will not be partial towards me; which is part of that I desire, next, because it hath ever pleased you to shew your self to me an honorable friend; and so no baseness in me to seek to satisfie you: and lastly, because I know your Lordship is excellently grounded in the true rules and habits of duties and moralities; which must be they which shall decide this matter: wherein (my Lord) my defence needeth to be but simple and brief: namely, that whatsoever I did concerning that action and proceeding, was done in my duty and service to the Queen and the State; in which I would not shew my self false-hearted, nor faint-hearted, for any mans sake living. For every honest man that hath his heart well planted, will forsake his King, rather than forsake God; and forsake his friend, rather than forsake his King; and yet will forsake any earthly commodity, yea, and his own life in some cases, rather than forsake his friend. I hope the world hath not forgotten these degrees, else the heathen saying; *Amicus usque ad aras*, shall judge them.

And if any man shall say, I did officiously intrude my self into that business, because I had no ordinary place; the like may be said of all the business in effect that passed the hands of the learned Councel, either of State or Revenues these many years, wherein I was continually used. For, as your Lordship may remember, the Queen knew her strength so well, as she looked her word should be a warrant; and after the manner of the choicest Princes before her, did not always tye her trust to place, but did sometime divide private favour from office. And I for my part, though I was not so unseene in the world, but I knew the condition was subject to envy and perill; yet because I knew again she was constant in her favours, and made an end were she began, and especially, because she upheld me with extraordinary access, and other demonstrations of confidence and grace, I resolved to indure it, in expectation of better. But my scope and desire is,

that your Lordship would be pleased to have the honourable patience, to know the truth, in some particularity, of all that passed in this cause, wherein I had any part, that you may perceive how honest a heart I ever bear to my Sovereign, and to my Country, and to that Noble man, who had so well deserved of me, and so well accepted of my deservings; whose fortune I cannot remember without much grief. But for any action of mine towards him, there is nothing that passed me in my life time, that cometh to my remembrance with more clearness, and less check of conscience: for it will appear to your Lordship, that I was not only not opposite to my Lord of *Essex*, but that I did occupy the utmost of my wits, and adventure my fortune with the Queen to have reintegrated his, and so continued faithfully and industriously, till his last fatal impatience (for so I will call it) after which day there was not time to work for him, though the same, my affection; when it could not work on the subject properly, went to the next, with no ill effect towards some others, who I think do rather not know it, than not acknowledge it. And this I will assure your Lordship, I will leave nothing untold, that is truth for any enemy that I have to adde; and on the other side, I must reserve much which makes for me, in many respects of duty, which I esteem above my credit: and what I have here set down to your Lordship, I protest, as I hope to have any part in *God's* favour, is true.

It is well known, how I did many years since dedicate my travels and studies, to the use and (as I may term it) service of my Lord of *Essex*, which I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humor of a man, that ever, from the time I had any use of reason (whether it were reading upon good books, or upon the example of a good Eather, or by nature) I loved my Country more than was answerable to my fortune, and I held at that time, my Lord to be the fitter instrument to do good to the State: and therefore I applied my self to him, in a manner which I think hapneth rarely among men: for I did not only labour carefully and industriously in that he set me about, whether it were matter of advice or otherwise, but neglecting the Queens service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminare with my self to the best of my understanding, propositions and memorials, of any thing that might concern his Lordships honour, fortune, or service. And when not long after I entred into this course, my Brother Mr. *Anthony Bacon* came from beyond the Seas, being a Gentleman whose ability the world taketh knowledge of for matters of State, specially forraign; I did likewise knit his service to be at my Lords disposing. And on the other side, I must and will ever acknowledge my Lords love, trust and favour towards me, last of all his liberality, having infeofed me of land which I sold for eighteen hundred pounds to Master *Reynold Nicholas*, and I think was more worth, and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter: which though it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your Lordship with the relating to you the manner of it. After the Queen had denied me the solicitors place, for the which his Lordship had been a long and earnest sutor on my behalf, it pleased him to come to me from *Richmond* to *Twickenam Park*, and brake with

with me, and said: Mr. Bacon, the Queen hath denied me the place for you, and hath placed another; I know you are the least part of your own matter, but, you fare ill, because you have chosen me for your mean and dependance: you have spent your time and thoughts in my matters; I dye (these were his very words) if I do not somewhat towards your fortune, you shall not deny to accept a piece of Land, which I will bestow upon you. My answer I remember was, that for my fortune it was no great matter: but that his Lordships offer made me call to mind what was wont to be said when I was in France of the Duke of Guise, that he was the greatest Usurer in France, because he had turned all his Estate into obligations; meaning that he had left himself nothing, but only had bound numbers of persons to him. Now my Lord (said I) I would not have you imitate his course, nor turn your state thus by great gifts into obligations, for you will find many bad debtors. He bad me take no care for that, and pressed it: whereupon I said, my Lord, I see I must be your homager, and hold Land of your gift: but do you know the manner of doing homage in law? Always it is with a saying of his faith to the King and his other Lords, and therefore my Lord (said I) I can be no more yours than I was, and it may be with the ancient sayings: and if I grow to be a rich man, you will give me leave to give it back to some of your unrewarded followers. But to return, sure I am (though I can arrogate nothing to my self but that I was a faithful remembrance to his Lordship) that while I had most credit with him, his fortune went on best. And yet in two main points we always directly and contradictorily differed, which I will mention to your Lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the Queen, was by obsequiousness and observance; and I remember I would usually engage confidently, that if he would take that course constantly, and with choise of good particulars to express it, the Queen would be brought in time to *Assuerus* question, to ask, *What should be done to the man, that the King would honour*: meaning, that her goodness was without limit, where there was a true concurrence, which I knew in her nature to be true. My Lord, on the other side, had a settled opinion, that the Queen could be brought to nothing, but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will he would ask me. Now Sir: *whose principles be true?* And I would again say to him: *My Lord, these courses be like to hot waters, they will help at a pang: but if you use them, you shall spoil the stomach, and you shall be faine still to make them stronger and stronger, and yet in the end they will less their operation*: with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependance, or by a popular dependance, as that which would breed in the Queen jealousy, in himself presumption, and in the State perturbation: and I did usually compare them to *Icarus* two wings which were joyned on with wax, and would make him venture to soar too high, and then fall him at the height. And I would further say unto him: My Lord, stand upon two feet, and fly not upon two wings. The two feet, are the two kinds of Justice, Commutative and Distributive: use your greatness for advancing of merit and vertue; and relieving wrongs and burdens, you shall need no other art or fineness: but he would

tell

tell me, that opinion came not from my mind, but from my robe. But it is very true, that I that never meant to intral my self to my Lord of *Essex*, nor any other man, more than stood with the publick good, did (though I could little prevail) divert him by all means possible from courses of the wars and popularity: for I saw plainly the Queen must either live or dye; if she lived, then the times would be as in the declination of an old Prince; if she died, the times would be as in the beginning of a new: and that if his Lordship did rise too fast in these courses, the times might be dangerous for him, and he for them: Nay, I remember, I was thus plain with him, upon his voyage to the Islands, when I saw every Spring put forth such actions of charge and provocation, that I said to him, my Lord, when I came first unto you, I took you for a Physitian that desired to cure the diseases of the State; but now I doubt you will be like those Physitians, which can be content to keep their Patients low, because they would always be in request: which plainness he nevertheless took very well, as he had an excellent ear, and was *patientissimus veri*, and assured me the case of the Realm required it: and I think this speech of mine, and the like renewed afterwards, pricked him to write that Apology which is in many mens hands.

But this difference in two points so main and material, bred in process of time a discontinuance of privateness (as it is the manner of men seldom to communicate where they think their courses not approved) between his Lordship and my self; so as I was not called nor advised with, for some year and a half before his Lordships going into *Ireland*, as in former time: yet nevertheless, touching his going into *Ireland*, it pleased him expressly, and in a set manner to desire mine opinion and counsel. At which time I did not only dissuade, but protest against his going, telling him with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the Queens mind, whereby it would not be possible for him to carry himself so, as to give her sufficient contentment: nor for her to carry her self so, as to give him sufficient countenance, which would be ill for her, ill for him, and ill for the State. And because I would omit no argument, I remember I stood also upon the difficulty of the action: setting before him out of Histories, that the *Irish* was such an enemy as the ancient *Gauls*, or *Britons*, or *Germans* were; & that we saw how the *Romans*, who had such discipline to govern their soldiers, & such donatives to encourage them, and the whole world in a manner to levy them; yet when they came to deal with enemies which placed their felicity only in liberty, and the sharpness of their sword, and had the natural elemental advantages of woods, and boggs, and hardness of bodies, they ever found they had their hands full of them, and therefore concluded that going over with such expectation as he did, and through the churlishness of the enterprize not like to answer it, would mightily diminish his reputation; and many other reasons I used, so as I am sure I never in any thing in my life time dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny to that journey, as it is possible for a man to ground a judgement upon future contingents. But my Lord, howsoever his ear was open, yet his heart and resolution was shut against that advise, whereby his ruin might have been prevented. After my Lords going, I saw then
how

how true a Prophet I was, in regard of the evident alteration which naturally succeeded in the Queens mind; and thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire if it had been possible: and not long after, me thought I saw some overture thereof, which I apprehended readily; a particularity I think be known to very few, and the which I do the rather relate unto your Lordship, because I hear it should be talk'd, that while my Lord was in *Ireland*, I revealed some matters against him, or I cannot tell what; which if it were not a mear slander as the rest is, but had any, though never so little colour, was surely upon this occasion. The Queen one day at *Nonesuch*, a litle (as I remember) before *Cusses* coming over, I attending on her, shewed a passionare distast of my Lords proceedings in *Ireland*, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be, and was pleased, as the spake of it to many that she trusted least, so to fall into the like speech with me; whereupon I who was still awake, and true to my grounds which I thought surest for my Lords good, said to this effect: Madam, I know not the particulars of Estate, and I know this, that Princes actions must have no abrupt periods or conclusions, but otherwise I would think, that if you had my Lord of *Essex* here with a white staff in his hand, as my Lord of *Leicester* had, and continued him still about you for society to your self, and for an honor and ornament to your Attendance and Court in the eyes, of your people, and in the eyes of forraign Ambassadors, than were he in his right element; for, to discontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove combersome and unruly. And therefore if you would *imponere bonam clausulam*, and send for him, and satisfie him with honour here near you, if your affairs which (as I have said) I am not acquainted with, will permit it, I think were the best way. Which course your Lordship knoweth, if it had been taken then all had been well, and no contempt in my Lords coming over, nor continuance of these jealousies, which that employment of *Ireland* bred, and my Lord here in his former greatness. Well, the next news that I heard, was that my Lord was come over, and that he was committed to his Chamber for leaving *Ireland* without the Queens licence: this was at *Nonesuch*, where (as my duty was) I came to his Lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course was taken with him; I told him: My Lord, *Nubecula est, cito transibit*: it is but a mist: but shall I tell your Lordship, it is as mists are, if it go upwards, it may perhaps cause a showre, if downwards it will clear up. And therefore good my Lord carry it so, as you take away by all means all unbrages and distasts from the Queen, and especially if I were worthy to advise you, (as I have been by your self thought, and now your question imports the continuance of that opinion) observe three points: First, make not this cessation or peace, which is concluded with *Tyrone*, as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the Queen any necessity of estate, whereby as by a coercion or wrench, she should think her self inforced to send you back into *Ireland*; but leave it to her. Thirdly, seek access *impertune, opportune*, seriously, sportingly every way. I remember my Lord was willing

willing to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but sure I am, he did just contrary in every one of these three points. After this, during the while since my Lord was committed to my Lord Keepers, I came divers times to the Queen, as I had used to do, about causes of her revenue and law business, as is well known: by reason of which access, according to the ordinary charities of Court, it was given out, that I was one of them that incensed the Queen against my Lord of *Essex*. These speeches I cannot tell, nor I will not think that they grew any way from her Majesties own speeches, whose memory I will ever honour: if they did, she is with God, and *miserum est ab illis laedi, de quibus non possis queri*. But I must give this testimony to my Lord *Cecil*, that one time in his house at the *Savoy* he dealt with me directly, and said to me, Cousin, I hear it, but I believe it not, that you should do some ill office to my Lord of *Essex*: for my part I am meerly passive and not active in this action, and I follow the Queen, and that heavily, and I lead her not; my Lord of *Essex* is one that in nature I could consent with as well as with any one living; the Queen indeed is my Sovereign, and I am her creature, I may not lose her, and the same course I would wish you to take: whereupon I satisfied him how far I was from any such mind. And as sometimes it cometh to pass, that mens inclinations are opened more in a toy, than in a serious matter: A little before that time, being about the middle of *Michaelmas* Term, her Majesty had a purpose to dine at my lodge at *Twickenham* Park, at which time I had (though I profess not to be a Poet) prepared a Sonnet directly tending and alluding to draw on her Majesties reconciliation to my Lord, which I remember also, shewed to a great person, & one of my Lords nearest friends, who commended it: this, though it be (as I said) but a toy, yet it shewed plainly in what spirit I proceeded, and that I was ready not only to do my Lord good offices, but to publish and declare my self for him; and never was so ambitious of any thing in my life time, as I was to have carried some token or favour from her Majesty to my Lord, using all the art I had, both to procure her Majesty to send, and my self to be the messenger: for as to the former I feared not to alledge to her, that this proceeding toward my Lord, was a thing towards the people very implausible, and therefore wished her Majesty however she did, yet to discharge her self of it, and lay it upon others; and therefore that she should intermix her proceeding with some immediate graces from her self, that the world might take knowledge of her Princely nature and goodness, lest it should alienate the hearts of her people from her, which I did stand upon, knowing well that if she once relented to send or visit, those demonstrations would prove matter of substance for my Lords good. And to draw that employment upon my self, I advised her Majesty, that whensoever God should move her to turn the light of her favours towards my Lord, to make signification to him thereof: that her Majesty, if she did it not in person, would at the least use some such meane as might not intitle themselves to any part of the thanks, as persons that were thought mighty with her to work her, or to bring her about; but to use some such as could not be thought but a meer conduct of her own goodness: but I could never prevail with her, though I am perswaded she saw plainly whereat I levelled: but she plainly had me in jealousy, that I was not hers intirely,

but

but still had inward and deep respects towards my Lord, more than stood at that time with her will and pleasure. About the same time I remember an answer of mine in a matter which had some affinity with my Lords cause, which though it grew from me, went after about in others names. For her Majesty being mightily incensed with that Book which was dedicated to my Lord of *Essex*, being a story of the first year of King *Henry* the fourth, thinking it a seditious prelude to put into the peoples head boldness and faction, said, she had an opinion, that there was treason in it, and asked me if I could not find any places in it, that might be drawn within case of treason: whereto I answered; for treason surely I found none, but for felony very many. And when her Majesty hastily asked me wherein; I told her, the Author had committed, very apparent theft, for he had taken most of the sentences of *Cornelius Tacitus*, and translated them into English, and put them into his Text. And another time when the Queen would not be perswaded, that it was his writing whose name was to it, but that it had some more mischievous Author, and said with great indignation, that she would have him racked to produce his Author; I replied, Nay, Madam, he is a Doctor, never rack his person, but rack his stile; let him have pen, ink, and paper, and help of books, and be enjoyned to continue the Story where it breaketh off, and I will undertake by collecting the stiles, to judge whether he were the Author or no. But for the main matter, sure I am, when the Queen at any time asked mine opinion of my Lords case, I ever in one tenor, said unto her: that they were faults which the Law might term Contempts, because they were the transgression of her particular directions and instructions: but then what defence might be made of them, in regard of the great interest the person had in her Majesties favour, in regard of the greatness of his place, and the amplex of his Commission; in regard of the nature of the business being action of war, which in common cases cannot be tyed to strictness of instructions, in regard of the distance of the place, having also a sea between, that demands and commands, must be subject to wind and weather; in regard of a council of State in *Ireland*, which he had at his back to avow his actions upon; and lastly, in regard of a good intention that he would alledge for himself, which I told her in some religions was held to be a sufficient dispensation for Gods commandements, much more for Princes. In all these regards, I besought her Majesty to be advised again and again, how she brought the cause into any publick question: nay, I went further, for I told her, my Lord was and eloquent and well spoken man, and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore that when he should come to his answer for himself, I doubted his words would have so unequal passage above theirs that should charge him, as would not be for her Majesties honour; and therefore wished the conclusion might be, that they might wrap it up privately between themselves, and that she would restore my Lord to his former attendance, with some addition of honour to take away discontent. But this I will never deny, that I did shew no approbation generally of his being sent back again into *Ireland*, both because it would have carried a repugnancy with my former discourse, and because I was in mine own heart fully perswaded, that it was not good, neither for the

Queen, nor for the State, nor for himself: and yet I did not disawde it neither, but left it ever as *locus lubricus*. For this particularity I do well remember that after your Lordship was named for the place in *Ireland*, and not long before your going, it pleased her Majesty at *White-hall* to speak to me of that nomination: at which time I said to her: Surely, Madam, if you mean not to imploy my Lord of *Essex* thither again, your Majesty cannot make a better choise, and was going on to show some reason and her Majesty interrupted me with great passion: *Essex!* (said she) whensoever I send *Essex* back again into *Ireland*, I will Marry you, claim it of me: whereunto I said; Well, Madam, I will release that contract if his going be for the good of your State. Immediately after the Queen had thought of a course (which was also executed) to have somewhat published in the Star-chamber, for the satisfaction of the world touching my Lord of *Essex* his restraint, and my Lord of *Essex* not to be called to it, but occasion to be taken by reason of some Libels then dispersed; which when her Majesty propounded unto me, I was utterly against it; and told her plainly, that the people would say, that my Lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defence, with many other quick and significant tearms to that purpose: insomuch that I remember I said, that my Lord *in foro fame* was too hard for her; and therefore wished her as I had done before, to wrap it up privately. And certainly I offended her at that time, which was rare with me: for I call to mind that both the *Christmas*, *Lent*, and *Easter* Term following, though I came divers times to her upon Law businets, yet me thought her face and manner was not so clear and open to me, as it was at the first. And she did directly charge me, that I was absent that day at the Star-chamber, which was very true; but I alledged some indisposition of body to excuse it: and during all the time aforesaid, there was *altum silentium* from her to me touching my Lord of *Essex* causes.

But towards the end of *Easter* Term, her Majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star-chamber had done no good, but rather kindled factious bruits (as she termed them) than quenched them, and therefore that she was determined now for the satisfaction of the world, to proceed against my Lord in the Star-chamber by an information *ore tenus*, and to have my Lord brought to his answer: howbeit she said, she would assure me that whatsoever she did, should be towards my Lord *ad castigationem, & non ad destructionem*, as indeed she had often repeated the same phrase before: whereunto I said (to the end utterly to divert her:) Madam, if you will have me speak to you in this argument, I must speak to you as *Frier Bacons* head spake, that said first, *Time is*, and then, *Time was*, and *Time would never be*; for certainly (said I) it is now far too late, the matter is cold, and hath taken too much wind; whereat she seemed again offended, and rose from me, and that resolution for a while continued; and after, in the beginning of *Midsummer* Term, I attending her, and finding her settled in that resolution (which I heard of also otherwise) she falling upon the like speech, it is true, that seeing no other remedy, I said to her slightly, Why, Madam, if you will needs have a proceeding, you were best have it in some such sort as *Ovid* spake of his *Mistress*, *Est aliquid luce patente minus*, to make

make a Counsel-table matter of it, and there an end; which speech again she seemed to take in ill part, but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star-chamber. Nevertheless, afterwards it pleas'd her to make a more solemn matter of the proceeding, and some few days after, when order was given that the matter should be heard at *Tork-house*, before an Assembly of Councillers, Peers, and Judges, and some audience of men of quality to be admitted: and then did some principal Councillers send for us of the learned Council, and notifie her Majesties pleasure unto us, save that it was said to me openly by one of them, that her Majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that I hear is raised of me, how I was a Suiter to be used against my Lord of *Essex* at that time: for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distrust and distrust, in crossing her disposition, by standing steadfastly for my Lord of *Essex*, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of complement, signifying to her Majesty, that if she would be pleased to spare me in my Lord of *Essex* cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her Majesty to think that I knew the degrees of duties, and that no particular obligation whatsoever to any subject could supplant or weaken that entireness of duty that I did owe and bear to her and her service; and this was the goodly suite I made, being a respect no man that had his wits could have omitted: but nevertheless I had a further reach in it, for I judged that days work would be a full period of any bitterness or harshness between the Queen and my Lord, and therefore if I declared my self fully according to her mind at that time, which could not do my Lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my Lord service. Hereupon the next news that I heard, was, that we were all sent for again, and that her Majesties pleasure was, we all should have parts in the business; and the Lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriages of my Lord in giving occasion and countenance to a seditious Pamphlet, as it was termed, which was dedicated unto him, which was the Book before mentioned of King *Henry* the fourth. Wheteupon I replied to that allotment, and said to their Lordships, that it was an old matter, and had no manner of coherence with the rest of the Charge, being matters of *Ireland*, & therefore that I having been wronged by bruits before, this would expose me to them more; and it would be said, I gave in evidence mine own tales. It was answered again with good shew, that because it was considered how I stood tyed to my Lord of *Essex*, therefore that part was thought fittest for me, which did him least hurt: for that whereas all the rest was matter of Charge and Accusation, this only was but matter of Caveat and Admonition. Wherewith though I was in mine one mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others: yet the conclusion binding upon the Queens pleasure directly, *volens nolens*, I could not avoid that part that was laid upon me; which part if in the delivery I did handle not tenderly

derly (though no man before me did in so clear terms free my Lord from all disloyalty as I did) that your Lordship knoweth, must be ascribed to the superiour duty I did owe to the Queens fame and honour in a publick proceeding, and partly to the intention I had to uphold my self in credit and strength with the Queen, the better to be able to do my Lord good offices afterwards: for as soon as this day was past, I lost no time, but the very next day following (as I remember) I attended her Majesty, fully resolved to try and put in ure my utmost endeavour (so far as I in my weakness could give furtherance) to bring my Lord again speedily into Court and Favour, and knowing (as I supposed at least) how the Queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well, I said to her, you have now Madam obtained victory over two things, which the greatest Princes in the world cannot at their wills subdue: the one is over Fame, the other is over a great Mind: for surely the world is now (I hope) reasonably well satisfied; and for my Lord, he did shew that humiliation towards your Majesty, as I am perswaded he was never in his life time more fit for your favour than he is now: therefore if your Majesty will not marr it by lingering, but give over at the best, and now you have made so good a full point, receive him again with tenderness. I shall then think that all that is past is for the best. Whereat I remember she took exceeding great contentment, and did often iterate, and put me in mind, that she had ever said, that her proceedings should be *ad reparationem*, and not *ad quinam*, as who saith, that now was the time I should well perceive, that that saying of hers should prove true. And further she willed me to set down in writing all that passed that day. I obeyed her commandment, and within some few days brought her again the narration, which I did read unto her at two severall afternoons: and when I came to that part that set forth my Lords own answer, (which was my principal care) I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my Lord; and told me afterwards (speaking how well I had expressed my Lords part) that she perceived old love would not easily be forgotten: whereto I answered suddenly, that I hoped she meant that by her self. But in conclusion I did advise her, that now she had taken a representation of the matter to her self, that she would let it go no further: for, Madam, (said I) the fire blazeth well already, what should you tumble it? and besides it may please you keep to a convenience with your self in this case: for since your express direction was, there should be no Register nor Clarke to take this Sentence, nor no Record or Memorial made up of the Proceeding, why should you now do that popularly, which you would not admit to be done judicially? Wherupon she did agree, that that writing should be suppressed, and I think there were not five persons that ever saw it. But from this time forth during the whole latter end of that Summer, while the Court was at *Nonsuch* and *Oslands*, I made it my task and scope to take and give occasions for my Lords reintegration in his fortune: which my intention I did also signifie to my Lord, as soon as ever he was at his liberty; whereby I might without peril of the Queens indignation write to him, and having received from his Lordship a courteous and loving acception of my good will and indeavours, I did apply it in all my accesses to the Queen, which were

were very many at that time, and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my Lord from time to time faithful advertisement what I found, and what I wished. And I drew for him by his appointment some letters to her Majesty, which though I knew well his Lordships gift and stile was far better than mine own, yet because he required it, alledging that by his long restraint he was grown almost a stranger to the Queens present conceits, I was ready to perform it: and sure I am, that for the space of six weeks, or two months it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the Queen, nor more made of, than when I spake fullest and boldest for him: in which kind the particulars were exceeding many, whereof for an example I will remember to your Lordship one or two, as at one time I call to mind, her Majesty was speaking of a Fellow that undertook to Cure, or at least to Ease my Brother of his Gout, and asked me how it went forward; and I told her Majesty, that at the first he received good by it, but after in the course of his Cure he found himself at a stay or rather worse: the Queen said again, I will tell you *Bacon* the errour of it; the manner of these Physitians, and especially these Empericks, is to continue one kind of Medicine, which at the first is proper, being to draw out the ill humor, but after they have not the discretion to change their Medicine, but apply still drawing Medicines, when they should rather intend to cure and corroborate the part. Good Lord, Madam, (said I) how wisely and aptly can you speak, and discern of Physick ministred to the body, and consider not that there is the like occasion of Physick ministred to the mind: as now in the case of my Lord of *Essex*, your Princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humor sufficiently, and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did apply and minister strength and comfort unto him: for these same gradations of yours are fitter to corrupt than correct any mind of greatness. And another time I remember she told me for news, that my Lord had written unto her some very dutiful Letters, and that she had been moved by them, and when she took it to be the abundance of the heart, she found it to be but a preparative to a suit for the renewing of his Farm of sweet Wines: whereunto I replied; O Madam, how doth your Majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards *Perfection*, the other towards *Preservation*. That to *Perfection*, as the Iron contendeth to the Loadstone: that to *Preservation*, as the Vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold it self. And therefore, Madam, you must distinguish my Lords desire to do you service, is as to his perfection, that which he thinks himself to be born for: whereas his desire to obtain this thing of you, is but for a sustentation. And not to trouble your Lordship with many other particulars like unto these, it was at the self same time that I did draw with my Lords privity, and by his appointment, two letters, the one written as from my Brother, the other as an answer returned from my Lord, both to be by me

in secret manner shewed to the Queen, which it pleased my Lord very strangely to mention at the Bar: the scope of which were but to represent and picture forth unto her Majesty my Lords mind to be such, as I knew her Majesty would fainest have had it, which letters whosoever shall see, (for they cannot now be retracted or altered, being by reason of my Brothers, or his Lordships servants delivery, long since come into divers hands) let him judge, especially if he knew the Queen, and do remember those times, whether they were not the labours of one that sought to bring the Queen about for my Lord of *Essex* his good. The troth is, that the issue of all his dealing grew to this, that the Queen by some slackness of my Lords, as I imagine, liked him worse and worse, and grew more incensed towards him. Then, she remembering belike the continual, and incessant, and confident speeches and courses that I had held on my Lords side, became utterly alienated from me, and for the space of (at least) three months, which was between *Michaelmas* and *New-years-tide* following, would not so much as look on me, but turned away from me with express and purpose-like discountenance wheresoever she saw me: and at such time as I desired to speak with her about Law-busines, ever sent me forth very slight refusals, insomuch as it is most true, that immediately after *New-years-tide* I desired to speak with her; and being admitted to her, I dealt with her plainly, and said: *Madam*, I see you withdraw your favour from me, and now I have lost many friends for your sake, I shall lose you too: you have put me like one of those that the French-men call *Enfans perdus*, that serve on foot before horsemen, No have you put me into matters of envy without place, or without strength: and I know at Chesh a pawn before the King, is ever much plaid upon: a great many love me not, because they think I have been against my Lord of *Essex*; and you love me not, because you know I have been for him: yet will I never repent me, that I have dealt in simplicity of heart towards you both, without respect of cautions to my self: and therefore *vivum vidensque perco*. If I do break my neck, I shall do it in a manner as *Master Dorrington* did it, which walked on the Battlements of the Church many days, and took a view and survey where he should fall: and so, *Madam*, (said I) I am not so simple, but that I take a prospect of mine overthrow, only I thought I would tell you so much, that you may know that it was faith, and not folly that brought me into it, and so I will pray for you. Upon which speeches of mine uttered with some passion, it is true her Majesty was exceedingly moved; and accumulated a number of kind and gracious words upon me, and willed me to rest upon this, *Gratia mea suspecta*, and a number of other sensible and tender words and demonstrarions, such as more could not be; but as touching my Lord of *Essex*, *ne verbum quidem*. Whereupon I departed, resting then determined to meddle no more in the matter; as that, that I saw would overthrow me, and not be able to do him any good. And thus I made mine own peace with mine own confidence at that time; and this was the last time I saw her Majesty, before the eight of *February*, which was the day of my Lord of *Essex* his misfortune, after which time, for that I performed at the Bar in my publick service, your Lordship knoweth by the rules of duty, that I was to do it honestly, and without prevarication: but for any putting my self into it, I protest before God, I never moved either the Queen, or the person

son living concerning my being used in the service, either of evidence or examination: but it was meerly laid upon me with the rest of my fellows, And for the time which passed, I mean between the arraignment and my Lords suffering, I well remember I was but once with the Queen, at what time though I durst not deal directly for my Lord as things then stood; yet generally I did both commend her Majesties mercy, terming it to her as an excellent balm that did continually distill from her Sovereign hands, and made an excellent odour in the senses of her people: and not only so, but I took hardnes to extenuate, not the fact, for that I durst not; but the danger, telling her that if some base or cruel minded persons had entered into such an action, it might have caused much blood and combustion: but it appeared well they were such as knew not how to play the Malefactors, and some other words which I now omit. And as for the rest of the carriage of my self in that service, I have many honorable witnesses that can tell, that the next day after my Lords arraignment, by my diligence and information touching the quality and nature of the offenders, six of nine were stayed, which otherwise had been attainted, I bringing their Lordships letter for their stay, after the Jury was sworn to pass upon them; so near it went: and how careful I was, and made it my part, that whosoever was in trouble about that matter, as soon as ever his case was sufficiently known and defined of, might not continue in restraint, but be set at liberty: and many other parts, which I am well assured of stood with the duty of an honest man. But indeed I will not deny for the case of Sir Thomas Smith of London, the Queen demanding my opinion of it, I told her, I thought it was as hard as many of the rest: but what was the reason? because at that time I had seen only his accusation, and had never been present at any examination of his: and the matter so standing, I had been very untrue to my service, if I had not delivered that opinion. But afterwards upon a re-examination of some that charged him, who weakned their own testimony; and especially hearing himself *viva voce*, I went instantly to the Queen out of the soundness of my conscience, and not regarding what opinion I had formerly delivered, told her Majesty, I was satisfied and resolved in my conscience, that for the reputation of the action, the plot was to countenance the action further by him in respect of his place, than they had indeed any interest or intelligence with him. It is very true also, about that time her Majesty taking a liking of my Pen, upon that which I had done before concerning the proceeding at *York-house*, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book, which was published for the better satisfaction of the world: which I did but so, as never Secretary had more particular, and exprefs directions and instructions in every point how to guide my hand in it: and not only so, but after that I had made a first draught thereof and propounded it to certain principal Councillors, by her Majesties appointment, it was perused, weighed, censured, altered, and made almost anew, writing according to their Lordships better consideration: wherein their Lordships and my self both were as religious and curious of truth, as desirous of satisfaction: and my self indeed gave only words and form of stile in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the Queen her self, and some alterations made again by her

her appointment: nay, and after it was set to print, the Queen, who as your Lordship knoweth, as she was excellent in great matters, so she was exquisite in small: and noted that I could not forget my ancient respect to my Lord of *Essex* in terming him ever my Lord of *Essex*, my Lord of *Essex* almost in every page of the Book, which she thought not fit; but would have it made, *Essex*, or the late Earl of *Essex*: whereupon of force it was printed *de novo*, and the first copies suppressed by her peremptory commandment. And this my good Lord, to my furthest remembrance, is all that passed wherein I had part, which I have set down as near as I could in the very words and speeches that were used, not because they are worthy the repetition, I mean those of mine own; but to the end your Lordship may lively and plainly discern between the face of truth, and a smooth tale. And the rather also, because in things that passed a good while since, the very words and phrases did sometimes bring to my remembrance the matters, wherein I report me to your honorable judgement, whether you do not see the traces of an honest man: and had I been as well believed either by the Queen or by my Lord, as I was well heard by them both, both my Lord had been fortunate, and so had my self in his fortune.

To conclude therefore, I humbly pray your Lordship to pardon me for troubling you with this long Narration, and that you will vouchsafe to hold me in your good opinion, till you know I have deserved, or finde that I shall deserve the contrary; and even so I continue!

*At your Lordships Honourable
commandments very humbly.*

A Speech delivered by Sir Francis Bacon, the King's Attourney General, at the Arraignment of the Lord Sanquere in the Kings-bench at Westminster:

The ARGUMENT.

The Lord Sanquere a Scotch Nobleman, having in private revenge suborned Robert Carlile, to Murther John Turner Master of Fence, thought by his Greatness to have born it out, but the King respecting nothing so much as Justice, would not suffer Nobility to be a shelter for Villany, but according to the Law on the 29. of June 1612. the said Lord Sanquere, having been Arraigned and Condemned, by the name of Robert Crieghton, Esq. was before Westminster-hall-gate Executed, where he died very penitent. At whose Arraignmen my Lord Bacon (then Attourney General to King James) made this Speech following.

IN this Cause of Life and Death, the Juries part is in effect discharged, for after a frank and formal Confession their labour is at an end, so that what hath been said by my self is rather convenient than necessary.

My Lord *Sanquere*, your fault is great, it cannot be extenuated, and it need not be aggravated, and (if needed) you have made so full an Anatomy of it out of your own feeling, as it cannot be matched by my self or any man else in my conceit.

This Christian and penitent course of yours draws me thus far, that I agree, that as even in extreame evils there are degrees, so this instance of your offence is not of the highest strain; for if you had thought to take away a mans life for his Vineyard as *Ahab* did, or for Envy as *Cain* did, surely the offence had been more odious. Your temptation was Revenge, which the more natural it is to man, the more have Laws both divine and humane sought to repress, (*Mibi vindicata*) but in one thing you and I shall never agree, that generous Spirits are hard to forgive, no, contrariwise generous and magnanimous Minds are readiest to forgive, and it is a weakness and impotency of mind to be unable to forgive.

But to the purpose, Howsoever Murther may arise from several motives less or more odious, yet the Law both of God and Man involves them in one degree, and therefore you may read that in *Joab's* case, which was a Murther upon Revenge, and matched with your case; he for a dear Brother, and you for a dear part of your own blood, yet there was a severe Charge given that should not pass unpunished.

And certainly the Circumstance of time is heavy upon you, it is now five years since this unfortunate man *Turner*, be it upon accident or despite gave the provocation, which was the seed of your Malice. All passions are allwaged with time, love, hatred, grief, &c. all fire burns out with time, if now new fewel be put to it, for you to have the gaul of

bitterness so long, and to have been in a restless case of his blood is a strange example, And I must tell you plainly, that I conceive you have rather suckt those affections of dwelling in malice out of *Italy*, and *Outlandish Manners*, where you have conversed, then out of any part of this *Island of England or Scotland*.

But now further, my Lord, I would have you look a little upon this offence in the glass of Gods judgement, that God may have the glory: You have friends and entertainment in *Forraign Parts*, it had been an easie thing for you to have set *Carlile*, or some other Blood-hound a work, when your person had been beyond the Seas, and so this news might have come to you in a *Pacquet*, and you might have looked on how the storms would pass; but God bereft you of this providence, and bound you here under the hand of a King, though abundant in clemency, yet no less zealous of Justice.

Again, when you came in at *Lambeth*, you might have persisted in the denial of the procurement of the fact, *Carlile* (a resolute man) might have cleared you, for they that are resolute in Mischeif, are commonly obstinate in concealing their procurors, and so nothing should have been against you but presumption. But then God to take away obstruction of Justice, gave you the grace (which ought indeed to move true comfort unto you more than any evasion or devise whereby you might have escaped) to make a clear Confession.

Other impediments there were not a few, which might have been an interruption to this days Justice, had not God in his providence removed them.

But now that I have given God the honour, let me give it where it is next due, that is to the King.

This Murther was no sooner committed and brought to his Majesties ears, but his just indignation (wherewith at the first he was moved) cast it self presently into a great deal of care and providence to have Justice done.

First came forth his Proclamation, somewhat of a rare form, and devised, and in effect directed to his Majesty himself, signifying that he did prosecute the offenders (as it were) with breath and blatts of his mouth. Then did his Majesty stretch forth his long Armes (for Kings you know have long armes) one of them to the Sea, where he took hold of *Grey* shipped for *Sweden*, who gave the first light of testimony; the other arm to *Scotland*, and there took hold of *Carlile* ere he was warm in his house, and brought him the length of this Kingdome, under such safe watch and custody, as he could have no means to escape or mischief himself, nor learn no lesson to stand mute, in which cases perhaps this days Justice might have received a stop; so that I conclude his Majesty hath shewed himself Gods true Lieutenant, and that he is no Respector of Persons, but English, Scottish, Nobleman, Fencer, (which is but an ignoble trade) are to him alike in respect of Justice.

Nay, I must say further, That his Majesty hath had in this matter a kind of Propheticall Spirit, for from that time *Carlile* and *Grey*, and you (my Lord) were fled no man knew whether, to the four winds, The King ever spake in a confident and undertaking manner, That wheresoever the Offenders were in *Europe*, he would produce them forth to Justice.

Last.

Lastly, to return to you (my Lord) though your offence hath been great, your Confession hath been free, and your behaviour and speech full of discretion, and this sheweth that although you could not resist the temptation, yet you bear a generous and a Christian mind, answerable to the Noble Family of which you are descended. This I commend unto you, and take it to be an assured testimony of Gods mercy and favour, in respect whereof all worldly things are but trash, and so it is fit for you, as your state now is, to account them.

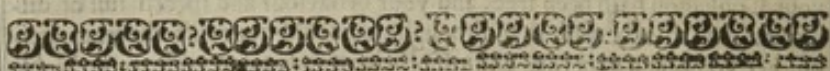
The Reader, for his fuller information in this story of the Lord *Sanquere*, is desired to peruse the Case in the Ninth Book of my Lord *Cooks* Reports, at the end of which the whole Series of the Murder, and Tryal is exactly related.

A PRAYER or PSALM made by my Lord Bacon Chancellour of England.

Most gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou, O Lord, soundest and searchest the depths and secrets of all hearts, thou acknowledgest the upright of heart, thou judgest the Hypocrite. Thou ponderest mens thoughts and doings as in a ballance, thou measurest their intentions as with a line, vanity and crooked ways cannot be hid from thee.

Remember, O Lord, how thy servant hath walked before thee, remember what I have first sought, and what hath been principal in my intentions. I have loved thy Assemblies, I have mourned for the divisions of thy Church, I have delighted in the brightness of thy Sanctuary. This Vine which thy right hand hath planted in this Nation, I have ever prayed unto thee, that it might have the first and the latter Rain, and that it might stretch her branches to the Seas, and to the Floods. The state and bread of the Poor and Oppressed have been precious in mine eyes, I have hated all cruel and hardnes of heart: I have (though in a despised need) procured the good of all men. If any have been my enemies, I thought not of them, neither hath the Sun almost set upon my displeasure; but I have been as a Dove, free from superfluity of maliciousness. Thy Creatures have been my Books, but thy Scriptures much more. I have sought thee in the Courts, Fields, and Gardens, but I have found thee in thy Temples.

Thousands have been my sins and ten thousands my transgressions, but thy sanctifications have remained with me, and my heart (through thy grace) hath been an unquench'd Coal upon thine Altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have increased upon me, so have thy corrections: so as thou hast been always near me, O Lord, And ever as my worldly blessings were exalted, so secret darts from thee have pierced me: and when I have ascended before men, I have descended in humiliation before thee. And now when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me, according to thy former loving kindness, keeping me still in thy Fatherly School, not as a Bastard, but as a Child. Just are thy judgements upon me for my sins, which are more in number than the sands of the Sea, but no have proportion to thy mercies: for what are the Sands of the Sea, Earth, Heavens, and all these are nothing to thy mercies. Besides my innumerable sins, I confess before thee, that I am debtour to thee for the gracious Talent of thy gifts and graces, which I have neither put into a Napkin, nor put it (as I ought) to Exchangers, where it might have made best profit, but misspent it in things, for which I was least fit: so I may truly say, my Soul hath been a stranger in the course of my Pilgrimage. Be merciful unto me, O Lord, for my Saviours sake, and receive me unto thy bosome, or guide me in thy ways.



The Lord BACON his LETTER to the most Illustrious, and most Excellent Prince CHARLES, Prince of Wales, Duke of Cornwall, Earl of Chester, &c.

It may please your Highness,

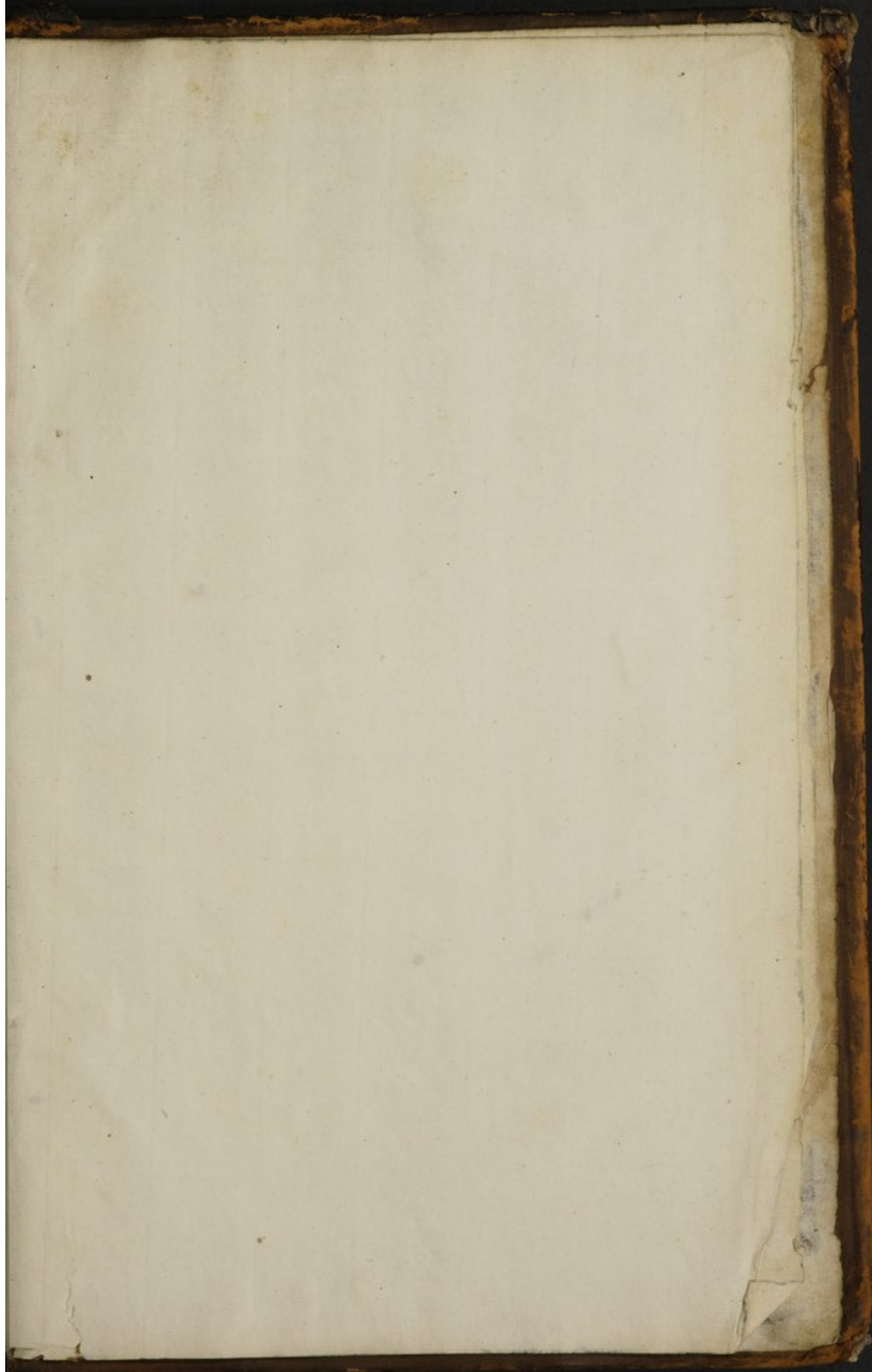
IN part of my acknowledgment to your Highness, I have endeavoured to do honour to the memory of the last King of England, that was Ancestor to the King your Father and your self, and was that King to whom both unions may in a sort refer, that of the Roses being in him consummate, and that of the Kingdomes by him begun: besides his times deserve it, for he was a wise man, and an Excellent King; and yet the times very rough and full of mutations and rare accidents: and it is with times, as it is with ways, some are more up hill and down hill, and some are more flat and plain, and the one is better for the liver, and the other for the writer: I have not flattered him, but took him to life as well as I could, sitting so far off, and having no better light; it is true your Highness hath a living patern, incomparable of the King your Father, but is not amiss for you also to see it in one of these Ancient Pieces: God preserve your Highness.

Your Highness most humble

and devoted Servant,

Francis St. Alban.

To



Anno 1667. Sir Edward Hyde, Knight, Chancellor of the
Exchequer to King Charles the First, had
the Great Seal of England committed to
his Custody 22 Jun.
And was made Lord Chancellor of England
at Breda in Flanders 29 Jun. following.

Anno 1667. Sir Orlando Bridgeman Knight and Baronet,
Lord Chief Justice of the Court of Com-
mon Pleas, had the Great Seal of En-
gland committed to his Custody 30 Aug.

C. N. P. S.

