

The Works of Francis Bacon

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VON SPEDDING, ELLIS UND HEATH, LONDON 1857 - 1874

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THE
WORKS
OF
FRANCIS BACON

BARON OF VERULAM, VISCOUNT ST. ALBAN,
AND
LORD HIGH CHANCELLOR OF ENGLAND.

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THE LETTERS AND THE LIFE, VOL. IV.

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THE LETTERS AND THE LIFE
OF
FRANCIS BACON

INCLUDING ALL HIS
OCCASIONAL WORKS

NAMELY
LETTERS SPEECHES TRACTS STATE PAPERS MEMORIALS DEVICES
AND ALL AUTHENTIC WRITINGS NOT ALREADY PRINTED AMONG HIS
PHILOSOPHICAL LITERARY OR PROFESSIONAL WORKS

NEWLY COLLECTED AND SET FORTH
IN CHRONOLOGICAL ORDER
WITH A
COMMENTARY BIOGRAPHICAL AND HISTORICAL

BY
JAMES SPEDDING

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p. 3, note 2 . . .	} Nicholls. . . .	Nichols.
p. 40, note 1 . . .		
p. 94, l. 3 (<i>up</i>) . .	48. n. 3	43. n. 3.
p. 122, (<i>paging</i>) . .	212	122.
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LETTERS AND LIFE OF FRANCIS BACON.

BOOK IV.

CHAPTER I.

A.D. 1607-8. OCT.—APRIL. ÆTAT. 47.

1.

ON the 5th of October, 1607,—according to the MS. lists of knights in the Herald's College,—the King, being then at Royston, knighted Sir John Constable. And though the statement involves, as we shall see, one small difficulty, it may serve in the absence of better evidence to determine the place of the next letter; to which (printed originally in the 'Remains,' without any date) some incautious editor, transcriber, or possessor, has attached a date which must be wrong.

John Constable, of Gray's Inn, married Dorothy Barnham, a sister of Alice, and so became what would then be called Bacon's "brother-in-law"; at whose request he was knighted. The precise date of his marriage I have not been able to ascertain; but as I find him described as "*Sir John Constable*" in a docket dated January 31, 1607-8,¹ and as he could not be Bacon's brother-in-law before the 10th of May, 1607,—the day of Bacon's own marriage,—the occasion to which the letter refers must lie between those dates. The date given to it in the modern printed copies—1603—has no doubt been inserted by some one upon conjecture; 1603 being the year when knights were made so freely,—the true date of Bacon's marriage not being known,—and the extreme improbability that he could at that time have been so far advanced in the King's good graces as to ask for a personal favour of this kind not being considered. In 1607 there is nothing strange either in the making or

¹ Calendar of State Papers, Dom. James I.

the granting of such a request; his services during the three preceding years having amply deserved it.

"Mr. Murray, of the King's bedchamber," to whom it is addressed, was not one of the gentlemen about the Scotch Court to whom Bacon commended his fortunes at the King's entrance: it is probable, therefore, that he had made his acquaintance since. He appears to have been an early and constant favourite with James, and a sensible man; for though enjoying a large share both of confidence and bounty, he never incurred popular envy, but grew rich quietly, and died Earl of Annandale, in 1640.

A LETTER TO MR. MURRAY, OF THE KING'S BEDCHAMBER.¹

Mr. Murray,

It is very true, that his Majesty most graciously at my humble request knighted the last Sunday my brother-in-law, a towardly young gentleman; for which favour I think myself more bound to his Majesty, than for the benefit of ten knights. And to tell you truly, my meaning was not that the suit of this other gentleman, Mr. Temple, should have been moved in my name. For I should have been unwilling to have moved his Majesty for more than one at once, though many times in his Majesty's courts of justice, if we move once for our friends, we are allowed to move again for our fee.

But indeed my purpose was, that you might have been pleased to have moved it as for yourself.²

Nevertheless, since it is so far gone, and that the gentleman's friends are in some expectation of success, I leave it to your kind regard what is further to be done, as willing to give satisfaction to those which have put me in trust, and loth on the other side to press above good manners. And so with my loving commendations I remain

Yours, etc.

This Mr. Temple, for whom Bacon had endeavoured to obtain the honour of knighthood through the influence of Murray, is supposed by Birch to have been "Mr. William Temple, who had been educated in King's College, Cambridge; then Master of the Free School at Lincoln; next successively secretary to Sir Philip Sidney, Secretary Davison, and the Earl of Essex; made Provost of Dublin College

¹ 'Remains,' p. 78. Tanner MSS. 82, p. 241.

² So Tanner MS. "Myself" in the 'Remains.'

in 1609; and at last knighted, and appointed one of the Masters in Chancery in Ireland; and died about 1626, at the age of seventy-two."¹ But I doubt whether he had any reason for thinking so, more than that he was a man whom Bacon was likely to have known and taken an interest in.

The small difficulty which I mentioned as remaining to be explained, is merely that Bacon says his brother-in-law was knighted on a Sunday, and the 5th of October, 1607, when Sir John Constable was knighted,² was a Monday. But a mistake of a day in such a matter might easily be made, either through misinformation or misrecollection.

2.

The reduction of Ireland to obedience and civilization had been proceeding slowly, through many difficulties; and though Bacon had not yet found occasion to offer any further advice or help in the work, the two next letters show that he continued to watch the progress of it with interest. The date and occasion of that which I place first is uncertain; except that, being written after Cecil was created Earl of Salisbury, it cannot be placed earlier than the 5th of May, 1605; at which time Sir Arthur Chichester was Lord Deputy of Ireland: and as no question of importance depends upon the date, it is scarcely worth while to seek further for means of fixing it more exactly.

The second letter was printed by Birch "from the MS. collections of Robert Stephens, Esq., deceased," who found it probably in the same collection from which the letter to Mr. Murray came; there being copies of both lying near together in the Tanner MSS., in the Bodleian Library.³ The date which it bears leaves no doubt as to the occasion to which it relates. The "new accident" concerning which Sir John Davies had sent Bacon a "discourse," can have been no other than the flight of Tyrone and Tyrconnell from Ireland, which had taken place on the 5th of September.

The immediate occasion of their flight seems to have been a summons to appear in London, where a question arising out of a complaint made against Tyrone for some arbitrary proceeding against a

¹ Note in Birch's edition of Bacon's Works.

² Nicholls (*Progr.* ii. p. 154) says he was knighted on the 7th, which was a Wednesday. But he gives no authority, and his own is of course inferior to that of the MS. in the Herald's College; for a note of which I am indebted to T. W. King, Esq., York Herald.

³ It cannot, I think, have been taken from the 'Remains,' where it first appeared in print (p. 76). For besides that the date is wanting there, the printer's or transcriber's errors are of such a kind that the correct text could hardly have been obtained by any ingenuity in conjecturing.

neighbour chief was to be tried before the King; but the main cause was the determination of the Government to bring the chiefs under obedience to the law. "It is certain," says Sir John Davies, writing to Lord Chancellor Ellesmere on the 12th of September, 1607,¹ "that Tyrone in his heart doth repine at the English Government in his country, where, until his last submission (as well before his rebellion as in the time of his rebellion), he ever lived like a free prince, or rather like an absolute tyrant there. But now the law of England and the ministers thereof were shackles and handlocks unto him, and the garrisons planted in his country were as pricks in his side. Besides, to evict any part of that land from him, which he hath heretofore held after the Irish manner, making all the tenants thereof his villains (though the troth be that for one moiety of his country at least, he was either a disseisor of the BB^s. of Armagh and Clogher, or an intruder upon the King's possession), this was as grievous unto him as to pinch away the quick flesh from his body. These things doubtless have bred discontentment in him: and now his age and his burthened conscience, which no absolution can make altogether clear, have of late increased his melancholy, so as he was grown very pensive and passionate, and the friars and priests perceiving it have wrought mightily upon his passion. Therefore it may be he hath hearkened to some project of treason, which he feareth is discovered, and that fear hath transported him into Spain. For it hath been told my Lord Deputy that as he now passed through his country, he said to some of his followers that if he went into England he should either be perpetual prisoner in the Tower, or else lose his head and his members, meaning (as I take it) he should have the judgment of a traitor. . . . As for us that are here, we are glad to see the day wherein the countenance and majesty of the law and civil government hath banished Tyrone out of Ireland, which the best army in Europe and the expence of two millions of sterling pounds did not bring to pass. And we hope his Majesty's happy government will work a greater miracle in this kingdom than ever St. Patrick did; for St. Patrick did only banish the poisonous worms, but suffered the men full of poison to inhabit the land still; but his Majesty's blessed genius will banish all those generations of vipers out of it, and make it ere it be long a right fortunate island."

"Since the date of these letters (he adds in a postscript), I was commanded by the Lord Deputy to draw an instrument of association to be sworn and subscribed unto by the noblemen and gentlemen of this kingdom. It is done in that form, as I dare boldly say no man would have refused to swear and subscribe unto it; but in

¹ Egerton Papers, p. 413.

regard of the novelty of it, some were of opinion that the safest way was to transmit it into England first, and to have warrant from thence to offer it to this people; the copy whereof I send unto your Lp. enclosed."

The discourse which Davis sent to Bacon has not been preserved with the letter; but being written so near the same time, we may presume that it related to this subject, and was conceived in the same spirit. What Bacon had to say upon the use to be made of the occasion, we shall see hereafter.

A LETTER TO MR. PERCE, SECRETARY TO THE DEPUTY OF
IRELAND.¹

Mr. Perce,

I am glad to hear of you as I do, and for my part you shall find me ready to take any occasion to further your credit and preferment, and I dare assure you (though I am no undertaker) to prepare your way with my Lord of Salisbury for any good fortune which may befall you. You teach me to complain of business, whereby I write the more briefly, and yet I am so unjust, as that which I allege for my own excuse I cannot admit for yours. For I must by expecting exact your letters, with this fruit of your sufficiency, as to understand how things pass in that kingdom. And therefore having begun I pray you continue. This is not merely curiosity, for I have ever (I know not by what instinct) wished well to that unpolished part of this crown. And so with my very loving commendations I remain.

TO SIR JOHN DAVIS, HIS MAJESTY'S ATTORNEY GENERAL IN
IRELAND.²

Mr. Attorney,

I thank you for your letter, and the discourse you sent of this new accident, as things then appeared. I see manifestly the beginning of better or worse: but me thinketh it is first a tender of the better, and worse followeth but upon refusal or default. I would have been glad to see you here;³ but I hope occasion reserveth our meeting for a vacation, when we may have

¹ Add. MSS. 5503.

² Bacon's Works, edited by Birch, 1763.

³ "This occurrent . . . doth cross my coming over the next term, by interrupting the business wherein I should have been employed." Letter to Ellesmere, above quoted. The business was no doubt Tyrone's cause, which was to have been heard in London.

more fruit of conference. To requite your proclamation, which, in my judgment, is wisely and seriously penned, I send you another with us, which happened to be in my hands when yours came. I would be glad to hear often from you, and to be advertised how things pass, whereby to have some occasion to think some good thoughts; though I can do little. At the least it will be a continuance in exercise of our friendship, which on my part remaineth increased by that I hear of your service, and the good respects I find towards myself. And so in Tormour's haste,¹ I continue

Your very loving friend,

FR. BACON. ~

From Gray's-Inn, this 23d of Octob. 1607.

3.

Though the King's bounty flowed much more freely to those about him, where he could see and share the pleasure it gave, than to those who were doing his heavy work in their chambers or in the Courts, yet the working men came in for some of the crumbs. Near the end of a list of "fees granted by his Majesty" before the 5th of August, 1607, I find the following entries:—

"A Baron of the Exchequer increased	113 ^l 6 ^s 8 ^d
"A Judge of the King's Bench increased	188 ^l 6 ^s 8 ^d
"A Judge of the Common Pleas increased	188 ^l 6 ^s 8 ^d
"Sir Francis Bacon	100 ^l 2 ^s

But it was one thing to obtain a grant of the money, and another to obtain the money itself. For the King himself must get it before he can give it, and the royallest mind of bounty cannot make it come forth from the place where it is not. The Exchequer not being able to answer all such demands, questions necessarily arose which should be answered first, and these would naturally lead to disputes with the officers. It was probably this grant of £100, or some other grant of the same kind, that led to the "letter of expostulation" which comes next, and which gives us an opportunity of seeing Bacon a little out of temper.

Sir Vincent Skinner was an officer of the receipts of the Exchequer,³ whose duty, I suppose, it was to pay out of those receipts such

¹ In the 'Remains,' the words "in Tormour's haste" are omitted. "Tormour," I suppose, is a misreading,—but what the word was it seems impossible to guess.

² Lansdown MSS. 156. f. 123.

³ Rymer, xvi. p. 497. See also a letter from him to Sir Julius Cæsar, 25 July 1607. Lansd. MS. 156. f. 115.

CHAPTER II.

A.D. 1608. JULY. ÆTAT. 48.

1.

To avoid loss of time and opportunity from not remembering things at the moment they were wanted, Bacon appears to have been in the habit of reviewing all his businesses from time to time, and setting down in a note-book or on a sheet of paper whatever he wished to have ready for recollection. These books or sheets he would again from time to time revise, striking out such notes as were obsolete, and transferring the others to a fresh book. Such at least was his plan of action. How early he began, or how regularly and how long he persevered in it, we have no means of knowing. The old books would naturally be destroyed as they were superseded by the new, their contents being presumably of too private and confidential a nature in many parts for other people's reading. One of them, however (probably because it contained among other things notes for a philosophical investigation, which was never finished), was preserved among his papers, and coming into the hands of Archbishop Tenison, found a resting place in his library in St. Martin's-in-the-Fields, where it remained undisturbed and unknown till March, 1848, when I chanced upon it, and recognizing the handwriting, made (by permission of the then librarian, Mr. Hale) a copy for insertion in this collection in the proper time and place; at which I have at last arrived.¹

The notes being made solely for the help of Bacon's own memory, and evidently not meant to be seen by anybody else, are, as might be expected, in many places unintelligible, and even where a probable meaning may be put upon them, require caution in the interpreting. For most of the names of persons, and many of the principal words, are indicated only by the first letter or syllable, which, though enough for him, may easily mislead us: and where the words are

¹ Upon the sale of that library in 1861, the original was bought by Mr. John Forster, and is now in the British Museum.

written at full length, they are but notes or hints of thoughts as they passed through his mind, unguarded by any of the explanations, cautions, qualifications, etc., of which it was unnecessary to remind himself, though it would have been very necessary to inform a neighbour, had he been addressing himself to a neighbour. Indeed so very private and confidential are they, that a question may perhaps arise whether it be justifiable even now to publish them. There can be no doubt that a literary executor who should publish any similar record left by a man who died within this century would be severely censured, and that too without any reference to the feelings of relation still living, but merely on the ground of justice to the dead.

"Proclaim the faults he would not show :
Break lock and seal : betray the trust :
Keep nothing sacred : 'tis but just
The many-headed beast should know."

And many people besides the Poet Laureate would join in the censure. Archbishop Tenison, upon whom the trust in this case appears to have devolved, would hardly, I think, have sanctioned the publication of this manuscript; and I do not see that the distance of time so alters the case, but that the reasons against it, if good then, would be good still. Nevertheless, the piety of friends endeavouring to keep men's faults out of sight proves often injurious to their reputation in the end. Their acts remain, and to suppose that mankind will construe them in a sense more favourable than the truth would have suggested, is a rash assumption. If Bacon himself could have foreseen what "the next ages" were going to think of him, he would probably have much preferred that they should know the whole truth, even where it was least favourable. And therefore though I am aware that a general account of this manuscript, giving full extracts of the more interesting parts, and passing by what is trivial or obscure, might be made more agreeable and entertaining, I have resolved to print the whole of it as exactly as I can.

To guard against the misreading of abbreviated words I print it *literatim*, confining conjectural interpretations to the foot-notes. To guard against false inferences from abbreviated thoughts, I must be content with offering a few general considerations.

I am not going to urge the duty of judging favourably or charitably, or of giving the benefit of doubts to the party interested; for Bacon's interest in what men thought of him expired 240 years ago, and the only interest that any man now living or any that shall be born hereafter can have in the matter is to understand and believe what is true. But in order to understand rightly the notices con-

SORS SIVE FORTUNÆ PRÆSENTES.

[f. 29.]

Jul. 28, 1608.

AN ESTIMATE OR STATE OF MY STATE REALL OR VALEW IN INHERITANCE OF
FREEHOLD VALUED IN GROSSE AS IN PRETIO TO HAVE MONY MADE OF IT.

My lyving at Gorhamburye.

The parke landes of Gor. in occupat of R.

Smith, per An. 67^l- 3^s- 0^d per red.

The park land which was let to Thom^o finch
and is now in the occupacion of y^e same

R. Smith 26^l- 0^s- 0^d per æst.

Great Brook feeld Cū aliis let to Wi. Finch 18^l- 15^s- 0^d per R

Sawyers hill let to Marson 14^l- 0^s- 0^d per R

The Mannor of Pray let to Wi. Finch reck-

onyng the p^riew 38^l- 0^s- ^d per R

q^r of y^e
quitt rents

Land let to the wydow Weedes 7^l- 10^s- ^d per R

qu. of Finches rent for Ks Farme

Of Lawrence for the grownd about the

howse and the park grownd w^{ch} went

with Ks farme 12^l- 0^s- 0^d per R

Of Shaford not reckonyng the grownd

bought by Marson in Revers 2^l- 0^s- 0^d per R

Of Axtell for Drapers med. 2^l- 6^s- 8^d per R

[f. 29, b.]

Of Crossby for Comforts mead. 6^l- 0^s- 0^d p. R

The Medow in myne owne hands 8^l- 0^s- 0^d p. Ae

Of Dornall 1^l- 16^s- 0^d p. R

Of Large 0^l- 6^s- 8^d p. R

Of the Customary rents 22^l- 0^s- 0^d p. R

Of the Mill besides the grist 20^l- 0^s- 0^d p. R

Of the parquits of Cowrt a Mediū 20^l- 0^s- 0^d p Ae

Of wood sales Annuall a Mediū 50^l- 0^s- 0^d p Ae

Qu of Evesides w^r it be comprised in

Smithes rent

Rem. Squirrells Busshes.

No profite of the Howse.

Sum total. Reventionū Annaliū 319^l- 0^s- 0^d

This at 16 years purchaze 5104^l- 0^s- 0^d

Sors, sive Fortuna præsentes. In the estimate which follows, some of the names, both of persons and places, are difficult to make out, and may have been misread. But the figures are clear, and the abbreviated words are, for the most part, so obvious as not to require explanation.

The Howse waulkes and ponds val. at . . .	1000 ^l - 0 ^s - 0 ^d
The Tymber upon y ^e Ground val. at . . .	1200 ^l - 0 ^s - 0 ^d
So the whole valew to be sold of } my lyving there }	7304 ^{lib}
Memorand. the wood purchaze of Pemberton	
15 ^l p An. val ut suprà	240 ^l

[f. 30.]

My wyves land.

Mid.	Of Westbourn farme reck. the grownd to be stubbed my dividend . . .	32 ^l - 0 - 0
Canc.	Of Walmestone my dividend qu. . .	40 ^l - 0 - 0
Southam.	Of Rotherwike Farme my div. . .	15 ^l - 10 ^s - 0
Canc.	Of Farbourn my divid.	9 ^l - 0 - 0
Can	Of Swailiff my div.	8 ^l - 0 - 0
Lond.	Of Allport for the ship in Cornw. my d. .	2 ^l - 10 ^s - 0
Lond.	Of the Tenem ^{ts} in S ^t Clem ^{ts} La. my d. .	4 ^l - 10 ^s - 0
Lond.	Of the Tenem ^{ts} in Bpsg. str. my d. . .	4 ^l - 5 ^s - 0
Lond.	Of the green drag. in fleet st	1 ^l - 10 ^s - 0
Ess.	Of the Inheritance of Chensfoorth . .	3 ^l - 0 - 0
	Sum̄ total. Reventionū Annal. . .	120 ^l - 10 ^s - 0

Thear are prs^t Improovem^{ts} to be made of
some of these

Fusts tenem^t etc.

This at 20 years purchaze much of it being
to be improved 2400^l

Wood and Tymber at Farnbourn and
other parts of my land: my divid . . . 150^l

So the Totall valew to be sold of }
my wyves lyving in posses- } 2550^{lib}
sion }

[f. 30, b.]

My wyves lyving in Reversion after her
moothers death . my divid. 140^l

This, thear being a young life in it, va-
lued at 9 years purchaze 1260^l

My Office of Sollic. to be parted with . . 2000^l

My office of Cl. of y^e Starch. 6000^l

My pension of 60^l 300^l

Cl. of y^e Starch. Clerk of the Starchamber.

My duchy fee	100 ^l
So the Totall sume of my fees and offices to be sold	8400 ^l

MY PERSONALL ESTATE BY ESTIMATE FOR THE PARTICUL. VI. [f. 31.]

THE INVENTORIES.

My leas at Chensfoorth	240 ^l	20 ^l p'An.
My leas of Recusants	480 ^l	120 ^l per An
The remayne of my wyves portion	1200 ^l	

Juells of my wyves.

An upright feather	100 ^l
A crooked feather	100
A flowre de luce feather	100
The pendants my tokens	50
The Necklace of perle	50
My fayre diamond ring	45

Juells of myne.

My poynted and Table diam ^d	16	} 100
My other Rings	10	
My Clock	10	
My wyves pryvate purse	200	
My wyves apparell and furni ^t	100	
Myne own apparell. Sabells. wardrope stuffe	100	[f. 31, b.]
The hangings, carpetts, cusskins at Gorhamb.	100	
The bedding and other furniture Armor etc	250	Some ta- bles
The furniture of my chamber at Graies Inne, w th bookes and other Impl ^{ts}	100	200
The furniture at Bath house	60	200
My sylver plate	300	400
My gilt plate	100	200

120^l. per an. 60^l. had been written first, but is crossed out and 120^l. written below, apparently at a later time.

Armor. In a ground plan of the house as built by Sir Nicholas Bacon, which is given in a 'History of Gorhambury, by Charlotte Grimston,' privately printed in lithography, there is a room called the "Armor Hall."

Some tables. These notes in the margin have evidently been inserted afterwards,—probably on the 28th of October, 1609 (see further on p. 95), when the amount of furniture, etc, had been increased.

Bath House. "Fullwoods howse" had been written first; but "Fullwoods" has been crossed out, and Bath House written over it at a later time; from which I infer that Bacon's London dwelling was at "Fullwoods" (wherever that might be) when he wrote these notes, and that he afterwards removed to Bath House.

A SPEECH OF THE KING'S SOLICITOR, PERSUADING THE HOUSE OF COMMONS TO DESIST FROM FARTHER QUESTION OF RECEIVING THE KING'S MESSAGES BY THEIR SPEAKER, AND FROM THE BODY OF THE COUNCIL,¹ AS WELL AS FROM THE KING'S PERSON. IN THE PARLIAMENT 7 JACOBI.²

It is my desire that if any the King's business either of honour or profit shall pass the house, it may be not only with external prevailing but with satisfaction of the inward man. For in consent where tongue-strings not heart-strings make the music, that harmony may end in discord. To this I shall always bend my endeavours.³

The King's Sovereignty and the Liberty of Parliament are as the two elements and principles of this estate; which, though the one be more active the other more passive, yet they do not cross or destroy the one the other, but they strengthen and maintain the one the other. Take away liberty of Parliament, the griefs of the subject will bleed inwards: sharp and eager humours will not evaporate, and then they must exulcerate, and so may endanger the sovereignty itself. On the other side, if the King's sovereignty receive diminution or any degree of contempt with us that are born under an hereditary monarchy (so as the motions of our estate cannot work in any other frame or engine) it must follow that we shall be a *meteor* or *corpus imperfecte mistum*; which kind of bodies come speedily to confusion and dissolution. And herein it is our happiness that we may make the same judgment of the King which Tacitus made of Nerva. *Divus Nerva res olim dissociabiles miscuit, Imperium et Libertatem*. Nerva did temper things that before were thought incompatible or insociable, Sovereignty and Liberty. And it is not amiss in a great council and a great cause to put the other part of the difference which was significantly expressed by the judgment which Apollonius made of Nero, which was thus: when Vespasian came out of Judea towards Italy to receive the empire, as he passed by Alexandria he spake with Apollonius, a man much admired, and asked him a question of state: *What was Nero's fall or overthrow?* Apollonius answered again, *Nero*

¹ The rest of the heading is added in Bacon's hand.

² Harl. MSS. 6797, p. 159.

³ The words "which when they fail I will fall to my prayers" (which followed in the MS.) have a line drawn through them.

impression which his speech produced may be gathered from the report sent by Chamberlain to Winwood two or three days after.

"The 21st of this present he made another speech to both the houses, but so little to their satisfaction that I hear it bred generally much discomfort to see our monarchical power and royal prerogative strained so high, and made so transcendent every way, that if the practice should follow the positions, we are not like to leave our successors that freedom which we received from our forefathers, nor make account of anything we have longer than they list that govern. Many bold passages have been since in the Lower House, and amongst the rest a wish that this speech might never come in print."¹

Instead of appeasing one dispute, the King had in fact (without at all meaning it) raised another of larger dimensions—a dispute involving the entire relation between Sovereignty and Liberty; which it was so important (as Bacon could have told him) to maintain in silence, without coming to exact definitions. The effect was immediate; though to him, I believe, quite unexpected. The first business of the House the next morning was the appointment of a Committee "to devise upon some course to be taken to inform his Majesty how much the liberties of the subject and the privilege of the Parliament was impeached by this inhibition to debate his Prerogative."²

In the notes of the debate which ended in the appointment of this Committee Bacon's name does not appear. But in Committee he tried hard, as he had invariably done on like occasions, to turn the discussion from the general question of the right to the particular question of the grievance. It had begun with strong assertions of the right of Parliament to debate freely of all things that concern the Commonwealth, including the Prerogative of the Crown, which was alleged to have been subject in all ages to enquiry both in Parliament and in the Courts of Justice. His course in such cases had always been, not to deny the right, but if possible to prevent the question. And such was his course now. Of his speech, which, having been made in Committee and not in the House, is not mentioned in the Journals, Mr. Gardiner's manuscript supplies us with the following note.

But Sir Francis Bacon took upon him to answer these reasons, and said that he would rather speak therein according to the freedom of his mind than according to the propriety of his

¹ Winw. Mem. III. p. 174.

² Parl. Deb. 1610, p. 36. Add. MSS. 4210, f. 27 b.

place. He began with a text, *Stare super vias antiquas, sed videte quænam sit via recta, et ambulate in eâ.*

He said he had been a Parliament man ever since he was 17¹ years old; within which time he did observe that the Parliament had received divers inhibitions from the Queen to restrain them from debating the matter then in question; wherein he took this difference; that if the matter debated concerned the right or interest of any subject or the Commonwealth, if in that case an inhibition came, he for his part would not advise the House to desist, but to inform the King of the liberty of the House, and so to proceed. But if the matter in question were an essential thing which concerned the Prerogative and the power of the Crown, then the House did always desist from proceeding any further upon such inhibitions received. He gave instance of divers in his time.

In the last Queen's time some debate was moved in the House concerning the Queen's marriage, whereupon the Queen hearing thereof sent an inhibition, which was obeyed accordingly.

Not long after, divers times the matter of Succession was moved, and the Queen sent the like inhibition.

In a^o 23 Eliz. a general fast for the whole Commons' House of Parliament was agreed upon, and it was appointed to be in the Temple Church, where solemn warning was given by Mr. Travers the Sunday before the day appointed. But the Queen sent an inhibition to the House, for that it pertained to her ecclesiastical power to appoint fasts, and not proper for the Parliament, which was only to meddle with *meum et tuum*.

So in Queen Mary's [time] the Parliament House entered into a debate what severer course were fittest for the Queen to take with the officers of her house (than was then used). But the Queen sent an inhibition unto them, for that it concerned her in her patrimony, which together with her servants she was able to govern without advice of Parliament. And therefore he persuaded the House to present these matters of Impositions as grievances to the Commonwealth (which the King had given us leave to do), but not to question his power and prerogative to impose.²

¹ A mistake, I presume, for 27, or, "had been a Parliament man for 27 years." Bacon was in fact 24 when he first came into Parliament.

² Parl. Deb. 1610, p. 38.

It does not appear that these precedents were met by any precedent on the other side—later than the reign of Edward III.—where a debate in Parliament concerning the limits of the prerogative had been *permitted*. But it was easy to find distinctions between each of the cases alleged and the case of the new Impositions, and to show that they were not exactly in point; and the result was a resolution to remonstrate. A petition of Right was accordingly drawn up, setting forth in temperate but firm language the right of Parliament to debate freely of all matters which concern the right and state of the subject, and the impossibility of examining the case of the new Impositions as it affected the subject without enquiring how it stood in law: and ending with a petition that they might “according to the undoubted right and liberty of Parliament proceed in their intended course of a full examination of these new Impositions; that so they might cheerfully pass on to his Majesty’s business, from which this stop had by diversion so long withheld them.”¹

This paper was very skilfully worded to avoid offence; and as I think the King had never meant to put any restraint upon the liberty of their proceeding, but fancied on the contrary that he was offering them a very large and unusual indulgence, he was the more disposed to receive it graciously. It was presented to him at Greenwich on the 24th of May at 11 in the morning. The messengers were received with unusual courtesy, and having been “extraordinarily entertained at dinner, were summoned into the withdrawing chamber at 3 to hear his answer: the substance of which was shortly that they had mistaken his meaning, both in his message and in his speech. In his message he had not meant to prohibit absolutely a discussion of the question, but only to suspend it, in order that he might understand their intentions: and in his speech when he explained what powers a King of England had by law, he never meant that he was going to use them for the abridgment of any of their liberties. He begged them to distinguish between his reasons and his conclusions,” “granted their petition as themselves had set it down,” and desired that “mistaking might no more hinder their business.”

With which answer the House being well satisfied, proceeded to their business without further delay.

9.

The message and speech which had given rise to all these doubts and explanations were the more unlucky, because an accident had just happened which tended to bring the King and the Commons

¹ C. J., 23 May, p. 431.