FROM THE LIBRARY OF TRINITY COLLEGE TORONTO
AN
APOLOGY
OF AN
APEALED
ALSO
AN EPISTLE TO
THE TRUE-HEARTED
NOBILITY.

By Henry Burton, Pastor of St. Matthew's Friday-Street.

Acts 25.11.
No man may deliver me unto them: I appeal unto Caesar.

Printed, Anno Dom. 1636.
TO THE
KINGS
MOST EXCELLENT
MAIESTIE.

MOST DEARE AND DREAD
SOVERAIGNE,

When upon just grounds (as I humbly conceive, and am confident) I appealed from Parties and Adversaries to your Sacred Majestie for justice in so weighty a cause, as here is presented before you: I thought long ere this to have had the happiness, to have presented both an humble Petition, and Apologie to my Appeale to your Maiestie, in mine owne person. But two causes especially hindered mee: the one, Gods hand of vijtation in this City, which continuing so long and great, I durst not make my approch to the Court, and chiefly to Your Maiesties Sacred Person, lest I might give offence: the other (and which of the twaine is much more perilous to my selfe) the Pursuivants continual watch about my dore, threatening to catch me.
To the Kings most Excellent Maiestie.

me, and make mee fast, or run my Country (as he saith) so as I cannot passe in, or out, without present danger. And I confess I have small list to come into that Lions denne. Quia me vestigia terrent: not that I am afraid of any such terror, as not if conscious to my selfe of any such crime as they lay to my charge, but (as the Apostle said in the like case) If I be an offender, or have committed any thing worthy of death, I refuse not to dye: but if there be none of those things whereof they accuse me (as matter of sedition) no man may deliver mee unto them: I appeale unto Cesar. And blessed be God, that I have such a Christian Cesar to appeale unto. Neither yet have I neglected what possible, or probable means I could use in Court (being an old outcast Courtier, worn out of all favour and friends there) for the conveying of my said Apologie to your Maiestie but in vaine. So as being now out of all hope of acquainting your Maiestie with so great a cause, by that way and means as I desired: I am at length compelled to give forth copies, in hope at least, that some well minded man, or noble sparke, may upon the sight thereof (considering how nearely it concerneth the peace, safety, welfare, and honor of your Maiestie, and Kingdom) bee inflamed with so much zeal to your Maiestie, as overcoming all cowardlie feares, to dare to doe you so much worthie service, in bringing a Copie to your Maiesties hand, that so you may therein read the many and great disasters and dangers, where into this your Kingdom is in a precipitancie of being ingulfed, & accordingly in your Princely Prudence provide a timely remed, before it be past hope. And the rather conceived I this way to the more necessarie, that comming haply into the hands of some of your wise and Sage Counsellors, Davidsfriends, they might be a meanes not onely
To the Kings most Excellent Majesty.

To bring it to your hands, but the more so engage your Maistrie to the perusal of it; considering how many would be ready to case your Maistrie or such a commoditie: And now, my Gracious Soveraigne, as I have ever bent my chief Studies to your Maistrie the best and faithfullest service I possibly could: so I am persuaded I could not in all my life have had a fairer and fitter opportunitie to express my fidelitie to your Maistrie then now, in a case so important, as if your Maistrie shall but take sound notice of it, it may prove the happiest service, that ever a poore subject could doe to his Prince and Countrey. Nor am I ignorant, how busie many would be to divert your Maistrie from the Consideration of such matters, as this, as if the great affaires of a Kingdom pertained not to the King, but that hee might take his pleasure, and leave the care of his Kingdome to others. But my Lord the King is wise, as an Angell of God, considering whose vicegerent he is, and before whose awfull Tribunal he must give a strict account, how he hath mannaged so weightie a charge of so many soules committed to his trust. Again, what censures may I expect of them, who cannot indure to have their deeds brought to the open light? They will be ready to charge me with Popularity, Faction, Sedition, and what not, and all for thus bringing their calumnies upon the open stage. But first, they will (I hope) excuse me, when they shall reflect upon themselves, and consider in cold blood how they have provoked mee, by their calling mee forth upon the stage, and by their strange molesting, and prosecuting of me, as if I were a sullen, or a traitor: and secondly, for as much as they declare their deeds, as Sodome, and hide them not, and with a high bard maintaine them too, which is the highest pitch of all impiety: can they wish
To the Kings most Excellent Majestic,

Any reason blame me, for divulging their practices, which they shame not to pester your Kingdome, and oppress your good people withall, who therefore have need publickly to be warned of them; least they be seduced by them?

But not to detain your Majestic longer, bee pleased to read over this my Apologie of Appeale to your Majestic, that your Majestic may both discern the depth of the whole businesse, and may be pleased thereupon to rescue your old servant out of those troubles, which he suffereth for discharging a good conscience towards God, and your Majestic. Now the Lord give you understanding in all things.

Your Majestyes loyall subject,

and faithfull servant

[Henry Burton]
The humble Appeal of me Henry Burton Clerke, from the proceedings lately made in the name of some Commissioners, for causes Ecclesiastical against me, together with an humble Apology of the said Appeal.

The occasion of my Appeal was upon the reading of certaine Articles unto me by the Register of the Court before Dr. Duke and by his appointment, who there upon tendering to me the said Henry Burton an Oath to answer to the said Articles, I replied in these words, or to the like effect. I humbly Appeal to the Kings Majesty my Sovereigne and Patron, as my Judge in this cause, before whom I shalbe both a defendant and a complai-
The humble Appeale of me Henry Burton.

...for I hold it unfit, that they who are my Adversaries, should be my Judges.

Now the reasons and grounds of this my Appeale are these following: First, the generall matter of the Articles chargeth me with seditious preaching; more particularly objected unto me my Sermons, which I preached to my flock on the 5th of November last, upon this text of Scripture, *Pr. 24.21.22.* My Soul feare than the Lord, and the King, and middle not with them that are given to change. For their calamity shall rise suddenly, and who knoweth the winds of them both? And in the Sermons sundry specialties, and those chiefly concerning diverse Innovations, which my text did naturally lead me to speake of, and to reprove, to the end that my Parishioners might be admonished to beware of them, in case they should ever come to be obtruded upon them: namely, these Innovations in the Booke of Common Prayer: First in the Collect for the Queen and royall Progeny these words are put out in the later Editions: *Father of thine Ele&*, and of thyr Seed: as if they would blotte out the King, Queene and the royall Progeny out of the number of Gods ele&. Secondly, in the Epistle for the Sunday before Easter, they have put out IN, and made it AT the name of Jesus every knee &c. Which alteration is directly against the Act of Parliament. The second booke wherein I shewed a notorious alteration, was that, ordered by Parliament to be read on the 5th of November, in the First Collect or Thankgiving for the happy deliverance of his Majesty, the Queen, the Prince, and the States of Parliament. For in the former booke it is thus said: *that Babylon&*, and took out that Babylonish Anti-christian.
christian Sect, which say of Jerusalem, Downe with it Downe with it even to the ground. But in the new book printed 1635. it is thus: Destroy their Counsel and root out that Babylonish and Antichristian Sect OF THEM, which say of Jerusalem &c. Againe in the old booke it is said: And to that end strengthen the hands of our gracious King, the Nobles and Magistrates of the Land with judgement and justice to cutte of these workers of iniquity, whose Religion is Rebellion, whose Faith is Faction &c. But in the new book they have altered it thus. And to that end strengthen the hands of our gracious King, the Nobles, and Magistrates of the Land with judgement and justice to cutte of THESE workers of iniquity, WHO TURNE RELIGION INTO REBELLION, AND FAITH INTO FACTION.

The third Booke wherein they have made many alterations, is the Fast-Book set forth by your Majesties Authority in the first yeare of your Reign, and which your Majestie in your late Proclamation commanded to be reprinted and published and read in Churches at this Fast: Yet notwithstanding we find these alterations in the last impression this yeare in the first Collect these words are expunged: Thou hast delivered us from Superstition and Idolatry, wherein we were utterly drowned, and hast brought us into the most cleare and comfortable light of thy blessed word, by which we are taught: how to serve and honour thee, and how to live orderly with our neighbours, in truth and verity. Also they have left out in three severall prayers, the mention of the Lady Elizabeth your Majesties only Sister, and her issue. Also the prayer for the Navy, and th
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The prayer for reasonable weather. And a whole Collect beginning thus: It had been best for us &c. Also in the last page, Order for the Fast, are these words left out. To avoid the inconvenience that may grow by the abuse of Fasting, some esteeming it a meritorious work, others a good work, and of it self acceptable to God, without due regard of the end &c.

Again, they charge me that I spake against altering of Communion Tables into Altars, and against bowing unto them, and against setting up of Crucifixes over them, and against saying a Second Service at the High Altar at the end of the Chancel, when the people cannot hear, especially in greater Churches, and against putting down of Sermons in the afternoons upon the Lords days; and instead thereof nothing allowed, but Catechising by bare Question and Answer out of the Common Prayer Book, without expounding, the Principles of Religion laid down in the Creed, ten Commandments, and the Lords Prayer, so that the people and youth especially are left in their ignorance. Also they charged me for saying, that Ministers might not safely preach of the Doctrines of Grace and Salvation, and against the Arminians without being troubled for it. Also, that Ministers in Norfolk and Suffolk were suspended from their Ministry and means, for not conforming to new rites and Ceremonies imposed upon them contrary to the Law of the Land. These things, with sundry other of like nature, were objected against me in the said Articles, which because a Copy cannot be procured from the Registers office, I cannot so punctually set down; but referre unto the Articles themselves, remaining with the
the Register of the High Commission. All which Innovations expressed, being found by evident proofs to be most true, contrary to the Laws and Statutes of the Realm, the established Doctrine and Discipline of the Church of England, your Majesties Declarations and Proclamations; and many of them of very dangerous consequence, tending to justify and extenuate notorious treasons and traitors, advance and foster in Popery, Superstition and Idolatry, and giving general distaste to all your Majesties loyal and fairfull Subjects, who here upon grow jealous of some dangerous plot now in agitation by these Innovators, to undermine and overthrow both our Religion & good Laws; yet my mentioning of them in my Sermons meerly out of loyalty and duty to your Majestie upon that solemn day for which they were most proper, to warne my flocke to take heed of such Innovations; as whereby Popery and Superstition doe not only craftily creep & scale in upon us, but is haileth in with head and shoulders, is charged upon me as Sedition. Here then let your Majestie be pleased to judge whether this be matter of Sedition, as for which I should be suspended from my Ministry and meanes, and openly defamed as a seditious person. As if a Shepherd admonishing his sheepe of the danger of the wolfe, or a watchman the City of the approch of the enemy, or a faithfull and vigilant Servant to his Prince and Country, deserying Cunning traitors, who under a colour of freindship and fidelity to the King and State doe practice the overthrow of both, should therefore upon the outcry of the wolfe, or the complaint of the enemy, or the reccrimination of the Traitors, be adjudged and condemned of Sedition.
for discharging that duty, which both God, and his word, and the souls of God's people require of him. Thus much of the matter of the Articles, upon the very reluctancy whereof I was moved to Appeale, as afore sayd.

Againe, for the further illustration of the just cause of my Appeale, I except against: the incompetency of those Judges, who plainly appeare to be both parties in the cause, and Adversaries to my person for the cause sake, and therefore both by the Common, Civil, and Canon Law, yea by the very Lawes of God and Nature, which prohibit any man to be a judge in his owne cause, especially when the party is an enemy to him, that is to be judged by him: and therefore by the Lawes of God and man I have just cause of Appeale from them unto your Royall Maiestie. Where in the first place, I distinguishe and put a maine difference, between those Honorable Nobles, Judges, Counsellors of State, and other Lay persons of the High Commission, whom I except not against, but mention with all honorable and due respect, and between all those Prelates, who are Innovators (and so nomine as they are Innovators onely) together with all those that have a zevere relation unto them, and dependance upon them, as bearing office under them, and hoping for grace and preferment by them, which are the usuall body of the Court, determining all causes brought before them.

First, that these against whom I except, are parties, thus I prove; because the Innovations which I charge the Innovators with, are both done by them, or by their Officers, and also they appear in the cause, as Patrons to Defend and maintaine the same against me;
foresaid Articles, I could not but presently apprehend, that the laying of these things to my charge by way of rectification, did professedly engage them parties in the cause.

Secondly, because they are my Adversaries in the Cause, that this is fee I prove as followeth. First, because they are Adversaries to those truths delivered by me, and charged by them as matter of Sedition against me, which notwithstanding I am ready to maintain against them with my life, although I never so much as once dreamed, that impiety and impudence it selfe in such a Christian State as this is, and under such a gracious Prince, durst ever thus publickly have called me in question, and that upon the open stage, not only for the manifest truth of those notorious and audacious Innovations contrary to the Law, but also (and which I can never sufficiently admire,) that these things should be objected against me, which I preached upon the foresaid text and day, alleged in the said Articles: My Sonne feare thou the Lord, and the King, &c. Wherein, according to my duty, and the text, I so much urged and pressed all manner of obedience and service to God, and to the King (as all those who heard me can testify) earnestly admonishing Gods people and the Kings Subjects to beware, and not to meddle with such Innovators, (as according to my text,) are enemies of God and of the King, and divide between the King and his people.

Secondly, they against whom I except, as aforesaid, are my Adversaries, in that they usurp such a title of their jurisdiction, as cannot consist with that title of jurisdiction, which the Law of the Land hath annexed to
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to your Imperiall Crowne, from whence all manner of Ecclesiasticall Jurisdiction whatfoever hath its immediate and sole dependance and derivation, as appeareth by the Statute of 26. H.8. c.1. 37. H.8. c.17. 1. Ed.6. c.24. Eliz. c.1. and 1. Jac. c.25. which repealed Queen Maries Act. of repeale of the said Statute of Ed.6. c.2. whereby the same Statute standeth now in force. And, the said Statute of 1. Eliz. c.1. uniting all manner of Ecclesiasticall Jurisdiction whatsoever unto the Imperiall Crowne of this Realme, ensaeth the Oath of Supremacy and Allegiance eponomine to that very end and purpose, that none should presume to exercise any Ecclesiasticall Jurisdiction within this Realme, but by vertue of the Kings Letters Patents, and in the Kings Majesties name and right: notwithstanding these men against whom I except, as aforesaid, having all of them severally often solemnly taken the said Oath of Supremacy and Allegiance, & being undoubtedly bound thereby, doe continually exercise their Episcopall Jurisdiction without any such Letters Patents of your Majesty, or your Progenitors in their owne names and rights only, and not in your Majesties name and right, to the manifest breach of their Oathes aforesaid, and to the manifest usurpation of your Majesties right, and in high contempt of your Majesty contrary to your Majesties peace, your Crowne, and dignity. And therefore under your Majesties royall favour I account all such my Adversaries, and so in competent Judges of my cause aforesaid. The rather, because this very Act, which they thus notoriously transgresse, is the ground whereupon their Commission in causes Ecclesiasticall is erected, and that principally for
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for the better observation of the said Act, and the punishment of all Delinquents against it, as appears by all the Commissions Ecclesiasticall into which this clause of the Statute is inserted. Now if these men thus dayly infringe this Act themselves, and so abuse that very power and Commission by which they now claim to be my Judges, in affront of your Majesties royal Jurisdiction, what indifferent justice I may expect from them, I humbly referre unto your Majesties just and royal consideration.

Thirdly, they who are Adversaries of God and of the King, are my Adversaries. But all Innovators either in matters of Religion, or of the Common weale, are Adversaries of God, and of the King: therefore they are my Adversaries. The first Proposition noe good Christian, or loyal Subject will deny, but that the Adversaries of God, and of the King, are his Adversaries. And for the other Proposition, the text proveth it: for Innovators are there opposed to the fear of the Lord, and of the King. And those men against whom I have excepted, as aforesaid, either are the Innovators themselves, or chiefe Authors, Abbetters, or Countenauncers of those Innovations; and therefore they are my Adversaries, and so incompetent Judges of my Cause.

Fourthly, they are my Adversaries for this reason of argument. They which are Christ's enemies, are my enemies. But these are Christ's enemies: therefore my enemies. That they are Christ's enemies, I prove. They who oppose the word of God in the Ministry of it, in stopping the mouthes of Gods Ministers, and persecuting of them without and against all Law, are Christ's enemies.
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enemies. But these doe so. Therefore &c. That they
donc so is cleare by their practise, which will aboun-
dantly appeare upon due examination.

Fiftly, they who are the Kings enemies, are my ene-
mies. But these Innovators, by overturning the State
of Religion, in bringing in their new Superstitious
rites and Ceremonies, whereby both God is justly in-
tented to wrath against the Land, and the peace of the
same is disturbed, are the Kings enemies. Therefore
they are my enemies. They are the Kings enemies, that
openly and affrontingly with a high hand and shame-
leffe forhead trangresse and oppose his Majesty royall
Lawes, Proclamations and Declarations against all
Innovations in matters of Religion &c. And thereby
disturbe the peace of his Majesties Kingdome, and
weaken the State thereof, by distracting the peoples hearts,
by making them both to feele their present oppressions
especially upon their Consciences; and to feare the ut-
ter subversion of the true Religion by your Majesties
Lawes established amongst us. Again, they who with
all their might and maine persecute and oppugne those
faithfull, loyall Subjectts, Ministers and people who
most plead and stand for his Majesties just and royall
Prerogative in Causes Ecclesiasticall, his Lawes, De-
clarations, Proclamations, and the established Do-
ctrine and Religion of Christ in the Church of Eng-
lund, and most oppose all Innovations, and enemies
to them, must needs be the Kings enemies. But thus
doth hole from whom I Appeale. Therefore, they are
the Kings enemies, and so myne. This suffice to prove
thole my Adversaries, and so incompetent Judges of
me and of my Caufe.

Finally,
Finally, I have just cause to appeal from those Commissioners excepted against unto your royal Majesty, for their illegality, which I have observed in their Proceedings partly in their usual practice, and partly in this present cause. First, for their usual practice, and that in administering the Oath, which they term *Ex officio*, in which they transgress in these particulars. First, in enforcing the same upon men before any Copy given them of the Libel or Articles exhibited against them, yea for the most part before any Articles drawn, upon their very first appearance: whereas in all other your Majesty's Courts of Justice, no Oath is either exacted or administered, till after a Copy of the Information or Bill delivered to the party and his answer thereunto drawn up and ingrossed by advice of counsel upon the putting in of his Answer into the Court and not before: which as it is contrary to the very Commission itselfe, which expressely limits them to administer Oathes in such manner and form as is used in the Chancery before the Masters thereof, where no man is forced to take an Oath, till the putting in of his Answer to the Bill on Plaintiff against him: So as it deprives him of the use and benefit of Law, by way of demurrer unto the Articles, if there be occasion: no party being in forced, either in Star-chamber, or any other Court of Justice in the Realme, to take answere, where there is just cause of Demurrer, but puts in a Demurrer by advise of counsel and without any Oath at all. And his so taking of a rash Oath, is directly against the 39 Article of our Religion: Of a Christians mans Oath: In these words: *As we confess that vain and rash swearing is forbidden Christian men &c.* So we judge, that Christian
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Sian Religion doth not prohibit, but that a man may Sware when the Magistrate requireth in a cause of faith, and charity, so it be done according to the Prophets teaching justice, judgement and truth: Now such Swareing to what a man knoweth not, is vaine and rash. It is also against layth and charity, when the Oath is extended to accuse a mans selfe, or his neighbour unlawfully. Secondly in making the Oath which they administer, an usuall Share to those which take it. For although it be pretended, that thereby they are bound to answer to Articles in Court against them no further then the Law of the Land bynds them, yet being taken, they press it upon the mans conscience to answer in those things, which neither Law nor conscience bynds him unto. And in case he shal except against any Article, as not bound by Law to answer it, then they take it pro confessione, and so (although it be for accusing himselfe, or others, wherein he ought not, being a breach of charity and of that Maxime, Nemo sibi reteret prodere seipsum: and contrary to all Lawes of God and man) they illegally proceed to Sentence without any just or further proofe of the things objected.

Moreover, their proceeding is illegall, in that the Deponent is not permitted to have a Copy of the Articles against him, and to answer them by the advise of counsell, as in all other Courts of justice within the Kingdom hath ever been used, but must make a sudden answer without advise of counsell, wherein men commonly through ignorance of the Law, ambiguity of certaine termes, and captious Interrogatories, are inforced to mispare themselves even in cases wherein they are Innocent.

Besides
Besides all this, after their first Articles, whereby they often draw men unto the Oath, when they see they cannot have the advantage, of them, thereby, they put in Additionals, and Additionals upon Additionals contrary to the course of Justice in all other your Majesties Courts within the Realme, which admitt of no Addition to the first Bill, Indictment, or Information exhibited, after answer given to it, least causes should be infinitely protracted, and men continuallly vexed, whereby many of your Subjects are there intolerably grieved and oppressed, their causes protracted, expenses multiplied, and so never given over or dismissed the Court, till they have brought them into their lurch. And in fine, their imposing of fines, and imprisoning in such cases and for such matters, as they neither may nor ought to doe by Law. Thus for their illegalities in their usual proceedings.

Secondly, their illegality in this their proceeding against me in particular is a just cause of my Appeal; which consist of two particulars: First, in the subject matter of the Articles objected against me, which themselves terme therein Sedition, of which (admit it true) yet they have no cognisance in point of Law; Sedition being no Ecclesiasticall offence against the Church, but a Civil against the King and State; and therefore to be tried only in your Majesties Courts of Civill Justice, and not before the Ecclesiasticall Commissioners, who have no cognisance of it. And therefore the Apostle Paul, when he was most unjustly accused (as I am now) by Ananias.
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the High Priest with the Elders, and Tertullus their Advocate, that, they had found him a pestilent fellow, and a mover of Sedition among all the Jews throughout the world, and a Ring-leader of the Sect of the Nazarens (Acts 24. 5.) they did not convene him before them in their Ecclesiastical Consistory, but before Felix the Governor a temporal Magistrate, knowing well, that Sedition was not an Ecclesiastical, but a Civil offence, of which Paul there purged himself, without being put to any Ex officio Oath, putting them to prove the crime objected by witnesses, saying, Neither can they prove the things, whereof they now accuse me: as I presume my Accusers likewise cannot do in any Court of Justice against me. Since therefore they are so unjust as to question and Article against me for Sedition, of which they have no cognisance, I conceive it to be a gravamen, and so a Just cause of Appeal from them.

First, in the manner of their proceeding against me, which hath been very exhorbitant, illegall, and extraordinary, in these particulars: First, in serving me with a Citation to appeare only before one single Commissioner at his private house, when and where there was not then, nor ever hath been heretofore any High Commission kept; whereas all appearance are to be made in Court, and there tendering me Articles and an Oath to answere to them, contrary to the Law, and their owne usual course.

Secondly, in excluding my neighbours and friends that accompanied me thither, out of the house, that they might not heare, or see what was done, and tendering me both the Articles and the Oath in a private somewhere Dr. Ducke and the Register only were present:
Whereas all Courts of Justice ought to be publick, that all that will may see and know their proceedings, in them, and not in a corner, according to the Law:—

Thirdly, intendering me an Ex officio Oath, to answer and accuse myself, in a matter of Sedition; (which if true) might call not only, my reputation, but also my life & liberty into question; whereas Whitgift Archbishop of Canterbury in the Conference at Hampton Court, printed by Authority, there publickly averred, that in matter of life, liberty or scandal, it is not the course of that Court to require any such Oath, or to enforce any man that hath taken the Oath, to answer to any such Articles. And Paul himself, when he was accused for Sedition by Ananias the High Priest & Tertullus, was neither required nor enforced to take any such Oath, as appears by Acts 25. 16. For Fourthly, in that they would enforce me to answer upon Oath, and bring in a Copy of what I publickly preached in my Parish Church, which I conceive I am not bound by the Law of God or man to do; nor ought they to require. For (John the 18:19, 20, 21, 22, 23.) when the High Priest asked Jesus (being convicted before him) of his Disciples, and of his Doctrine: Jesus answered him, saying, I spake openly to the world, I never taught in the Synagogue and in the Temple, whether the Jews always resort, and in secret have I said nothing. Why askest thou me? Ask them which heard me what I said. And when he had thus spoken, one of the officers which stood by, strooke Jesus with the palm of his hand, saying. Art thou then the High Priest so? Jesus answered him. If I have spoken evil, bear witness of the evil, but if well, why smitest thou me?
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A plaine testimony from our Saviour owne Doctrine and Example (which no man can condemne as unjust or illegall) that no Minifter ought to be put so much as to give an answer, much lesse a Copy of what he publickly preached in the Church, and that upon Oath to prejudice or accuse himselfe thereby, but what ever he delivered, ought to be proved by witnesses, that heard him: and the High Preist being satisfied with this answer of our Saviour, I hope no High Commissioner, but ought to have rested satisfied with the like from me, though as yet they still proceed to press me to an Oath.

Fiftly, in calling a Private Commission out of Terme, in or neere Dr. Duckes private Chamber at Doctors Commons, and no publick Court, and there proceeding to suspend me in my absence, under pretence of a contempt in not appearing before them, when as first I had no lawfull Citation under Seal then and there to appeare. Secondly no sufficient legall notice of the time and place of the said Commissioners meeting, and so as not bound by Law to appeare before them, especially in a Corner, out of Terme, in an unusuall manner.

Sixtly in suspending me, notwithstanding my Appeale to your Sacred Majestie entered formerly at Dr. Duckes house at Chesswick by their owne Register before the said suspension, of which my Appeale, being registred in the Court, they ought all to have taken notice.

Seventhly, in suspending me against all Law and Justice, both from my Office and Benefice, in my absence, as if formerly lawfully convented before them, and publishing
of his Majesty's most Honorable Privy Council.

blaspheming the said suspension in an unusual manner in my Parish Church, and commanding all Parsons, Vicars, Curats, Clerkes and Ministers within the City of London to whom the said suspension is directed upon the Sunday next, and immediately following the receipt thereof, openly to publish and declare me to be suspended both from my Office and Benefice in their several Parish Churches, when the Congregation shall then and there assembled to my intolerable disgrace and scandal.

Eighthly in taxing and condemning me of Sedition, and other misdemeanors in their said suspension, before either hearing my Answer, or the Cause,

Ninthly, in denying me a Copy of the Articles exhibited against me, to perfect this my Appeal to your Majesty by, and to annex them thereunto and refusing to give me a Copy of the Acts of the Court and proceedings against me, though I have often sent for them.

These, my most Gracious Sovereigne, are the grounds & reasons of my Appeal from the said Commissioners excepted against, to your Majesty, my Sovereigne Lord and Patron, which together with my person and cause I here humbly prostrate at your Majesties royall feet, imploring the justice of your royall Throne (which is established by righteousness) and that in so important a Cause of God and of the King, which I am certaine you will never deny to your meanest Subject, much lesse to your auncient Servant and daily Orator to the Throne of Grace,

Henry Burton.
TO ALL THE TRUE-HEARTED
NobiliTy
OF HIS MAJESTIES
Most Honorable Privy Council.

My Honorable Lords,

Expect not here from mee the Court language or dialect, it will not suit my person, much less the cause, which here I present to your Honors; being such a cause, as I know not how the Court spirit will relish it, much less digest it. Let me therefore be bold, in the first place, to awaken those Nobler spirits (if haply either laid and luld asleep by the enchantments of these present times, or otherwise smothered under the heape of Court employments, and the like) yea spirits heavenly inspired, which respiring a while, and retiring into the closet of your inmost Muse, may summon all your cares and powers to the sad and solid consideration of a cause so important, as (all circumstances and consequences well weighed) I dare say, the like hath not come upon the stage for these many yeares, being a cause so much concerning the honor of God,
God, the peace, welfare, and honour of the King, the State of Religion and of the Commonweal by good Lawes established, the liberty of our consciences, and the honour of your Lordships, being Peeres of the Realm, Counsellors of State, and the pillars of the Kinges Throane, of Religion, and of the Republique, all which doe now exceedingly suffer, and are terribly shaken, yea ready to fall to ground, if not prevented by some speedy and effectuall remedy. And whence should remedy be expected, but (next unto God) from his Sacred Majestie, and from his prudent and faithful Counsellors of State, the great chariots and horsemen of Israel? To the end therefore, that his Majestie may take notice of so weighty a cause in hand, and lay it to heart, and strengthen his hands with Justice to vindicate his honor therein, I have humbly addressed my selfe to his Majestie both by petition andAppeale, and next to your Honours by way both of information and of sollicitation to give your eyes no sleepe, till you have effectually moved his Majesty to a serious consideration of such a cause, that so nearly concerneth the weale or woe of this Kingdome. Not that I take upon mee to judge of such high matters, but that his Majestie would bee pleased to weigh the cause in the just scales of his mature wisdome, and unpartiall judgement (all respect of persons laid aside) and also consult his sage Senators therein, that some thing may bee forthwith resolved on, and set on foot, for the preventing (if possible) of the immanent ruines both of Church and State: Nor let this motion be contemned, because it commes from some mean person, as (in the worlds opinion) a poore Minister of Christ. Certainly, I am one of the watchmen of Israel
though the meanest) yet one who hath obtained mercy to be faithfull. Nor have I inconsiderately or rashly rush'd upon this business, but have been by a strong hand drawne into it. Yea, my Lords, knowe assuredly, that Christ himselfe, my great Lord & Master, hath called me forth to be a publique witnesse of this great Cause, who will certainly mainteyne both it and me against all the Adversaries of God and of the King. And being so, doth not the same Lord Iesus Christ, the King of Kings, and Lord of Lords, call both the King, your Honors and all his Nobles and worthies to lay to heart such a cause as this, if with the whole Realm you will not be brought backe againe under the Papall and Antichristian yoke, which, where euer it cometh, Lordeth, and tyrannizeth over soules, bodies, consciences, goods, Lawes, and Liberties? What? shall we see Religion overthrown, the Lawes out lawed, our Liberties captived, Christ Kingdom and the Kings throne together undermyned, and Antichrists throne exalted over us, and that by a Faction of Iesuited Poly-pragmatiques; and wee like heartlesse doves sit trembling while the Hagards doe outdare us, as if we were made for nothing els, but for them to prey upon? Certainly if wee thus sit us downe, and hide us under the hatches, while the Romish Pyrates doe surprize our Ship and cut our throats, and cast us overboard, what volumes will be sufficient to Chronicle to posterity the basenesse of Degenerate English Spirits, become Yor unchristianized, as to set up Antichrist above Christ, and his annoynted, and to suffer our selves to be cheated and nose-wiped of our Religion, Lawes, Liberties, and all our Glory, and that by a force of
of his Maiesties most Honorable Privy Council.

Such an Objection. But some will object, what doth this concern any of the Laity. Do not matters of Religion properly pertain to the Clergy? Have not they all the power and Authority to determine such matters?

Traitors fabricia fabri, will they say.

Answer. O egregious and pernicious errore! The Clergy only (by which they meane the Church) to have power in matters of Religion to determine them? As if lay persons, who are Christians, be not members of the Church of Christ, & Gods peculiar people, and inheritance. Againe, what should become of our Parliamentary Lawes, by which our Religion hath been established, and the Popish abolished? Or what shall become of our Religion so established, if the Authority thereof must now depend only upon the Clergy, & that Clergy for the most part dependes upon the Authority of one, who exerciseth a kinde of Papall power in deciding matters of Religion? Then how easy were it for one Arch-Bishop of Canterbury (if he be possesse with a Papall spirit, and zeale for Popery, & should have great favour & power in Court) in one assembly of Prelates, at one clap to overthrow all our religion by Law established, and to set up against the whole body of Popish superstition and Idolatry? Moreover, why should it be unlauffull for lay persons, Nobles, and others, to looke into matters of Religion within the limits of their calling, whether generall, as Christians, or speciall, as members of the common weale; when Clergy men dare (in affront to Gods word, to Christs Doctrine and example, & of his Apostles, to all Councells and Canons whatsoever) stirred & take upon them to intervene in the managing
even of the highest and weightiest affairs of Princes, States, and temporall Kingdomes, which is incomparable with the minifteriall function: As Againe, have not all Christians foules to save? and are not those of Berea indigitated in Scripture, as being more honourable then others, in searching the Scriptures daily whether those things were so, which even the Apostle Paul himself did teach? And are not all Christians themselves enjonyed to try the spirits, whether they bee of God? And the rather, because many false Prophets are gone out into the world i John, 4. 1 And are not all Christians so to know the Scriptures, as if any teach otherwise, yea though Angell from heaven, so bold him accursed, Gal. 1. 8: And are we not all Christians? And if every Christian how much ever should have a care of his owne soule, and not to pinne it upon any ones slege, as not knowing whether he may carry it; how much more every great man, that is in high place, and hath greater gifts of knowledge, and is in estimation for wisdome and glory? It is a Lusituitcal principle, and that very mystery of iniquity, which supports Antichrists throne, to require or render blinde obedience to the dictates of the Church, aliis, of the Pope, or Prelate, or Priest, then which servitude and spirituall bondage none in the world is more vile and base, none more perillous and pernicious. Thus the blind leading the blinde, both fall into the ditch: thus the Pope carrying with himselfe millions of soules to be tormented with the great Devil, and none to reprove him for it (as their owne Decretalls say) what amends will this bee to those soules thus miserably deceived by him? So as this new doctrine of the Jesuites, so much cryed up now adayes in Pamphlets
of his Majesty's most Honorable Privy Council, Phyters, and Pulpits, thereby to captivate the faith and
Conscience of all the Laity, yea and of all inferior Min-
isters to the diStates of the Metropolitan chair, in no-
thing els, but that prime Article of the Antichristian
and Papall Creed, to overture all the Articles of our
Christian Faith. And if this Jesuiticall Doctrine be
creep into the Court, and there beginne to Lord it, the
Lord himselfe roote it up, and cast it out. But your ho-
nors have not so learned Christ, as thus to come under
Antichrists Babilonian yoake. And therefore in the
name of Christ rowse up your noble & Christian zeale,
&
magnanimous courage for the truth, and now flie
close to God and to the King, in helping the Lord and
his Annoynted against the Mighty, and earnestly contend
for the maintenance of that Faith & Religion, which was
once delivered to the Saints, and hath been sealed with
the blood of so many holy Martyrs, and transmitted
downe to us from our worthy Progenitors, and whereof
our gracious King is intituled the defender, and hath
in sundry his royall Declarations and proclamations so
promptly protested, that he will never suffer the least In-
novation, and which also your Honors have bound your
selves not only as Christians in your Baptisme, but as
Counsellors and Statesmen by Oath to mainteyne, not
suffering any forraigne or other exorbitant and usurped
power to be exalted over this Land in any other Juris-
diction Ecclesiasticall, then is by the Law annexed to
the Imperiall Crowne of this Realme. To conclude, the
Caufe both of my petition and Appeale to his Majesty,
is this, That usurpers and Innovators of Religion, and
of the Laws of the Land, being occasionallly and
justly charged by me in my sermons (as here your
Honors
To all true hearted Nobility

Honors may see may be inquired on, & called to a strict account. And the rather the now they shew by their recrimination in the articles objected against me, howready they are openly upon the stage to maintain with an high hand those their usurpations & innovations; Which, as it cannot be without impiety, so much as once imagined, that his Majesty would ever countenance, against so many solemn protestations to the contrary: So it cannot be without horror conceived, into what devouring gulfes they must needs precipitate this otherwise goodly State, if with God's good help the King & StateJoynedly and speedily put not to their maine strength to fly it. All the world seeth in what a distracted state things doe stand, and what a cloude of divine displeasure hangs over us, how ill wee thrive in our affairs how heavily the chariots are driven. And can we wonder but that God should blast all our beauty and glory, if men of Belial, of that lawlese one, be suffered to make havocke of Christ's Kingdom, to destroy the true Religion and to set up against Popish Superstition and idolatry over the Land. Certainly, if such be suffered to goe on thus, as they doe, God must needs destroy us. Therefore my honorable Lords, give me leave againe and againe to press this upon your Honors, as a mayne service which you owe both to God, to the King, to Religion, and so to your Posterities, and to the whole State that your Honors will use your best meanes throughly to acquaint and possesse the King with this weighty business; That upon the sight thereof his wisdome, directed by Gods spirit, may finde out a speedy course for the removing of those intolerable grievances under which his whole Kingdom groaneth, ready
of his Maiesties most Honorable Privy Council, 2y ready to sink, and to breathe out its last. And what ever the present necessities be, this I am persuaded of, that never could a fairer opportunity be taken, if well followed, to vindicate his Maiesties honor, and to make him the most happy & glorious King in Christendome, when closing with God and with his good people, he should at least reduce into order the trouble of Israel. Now the Lord our God fill your heroical hearts with understanding, zeal and courage, that you may acquire your selves as good Christians towards God, faithfull Counsellors to the King, and true Patron of the true Religion, and so strong pillars of the State, in this cause of God and of the King. That so after many honorable dayes here, you may be crowned with eternal glory in the Kindome of heaven, which is the prayer of

Your Honors humble Orator at
the Throne of grace,

Henry Burton,
TO THE REVEREND
And Learned
JUDGES

IGHT WORSHIPFUL,

Your place and office of Judicature to which God and the King have called you, ingageth you to doe justice to all impartially, as being bound thereunto both by law, and conscience. By law:

For, * Justice shall not be sold, deferred, nor denied to any man. And, * No Commandement under the great or little scale shall disturb or delay justice, or right in any point. And, the Justices of both benches, Assist &c. shall do right to all men, without regard of letters, writs, or Commandments &c. Secondly, by conscience, For the law prescribes, this Oath, unto you. Ye shall sweare, that well and lawfully ye shall serve our soveraigne Lord the King and his people in the Office of Justice and that lawfully ye shall counsel the King in his business ye shall doe even Law and Execution of Right to all his Subjects rich and poore without having regard to any person &c. and in case that any of what estate or condition they be, come before you in your sessions &c. to disturb the execution of the Common law, or to menace the people, that they may not pursue the
To the Reverend and Learned Judges:

the law, that you doe their bodies to be arrested, and put in prison. And in case they be such, that ye may not arrest them, that ye certify the King of their names, and of their misprison hastily, so that he may thereof ordaine a convenient remedy, and that ye deny to no man common right by the Kings letters, nor none other mans, nor for none other cause. And in case any letters come to you contrary to the law, that ye do nothing by such letters, but certify the King thereof, and goe forth to do the Law, notwithstanding the same letters. And in case ye be from henceforth found in default in any of the points aforesaid, ye shall be at the Kings will of body, Lands, and goods thereof to be done, as shall please Him, as God you helpe &c.

Now these things I recite (most Learned Judges) not as if you were ignorant of them, or had altogether forgotten them, but that the remembrance of them might the better prepare you to doe iustice in a cause which here I present unto you. And yet when I doe but name the cause, namely for God and the King, what needs any other incitement to doe iustice, then your owne propensity? In this case, which of you will not profess to be For God and the King? Well. I take it for granted, that you are and wilbe for God and the King. Onely give me leave in a word to intimate, what it is to be for God and the King, First for God. Christ faith to persecuting Saul, why persecutest thou me? Yet he per-secuted not Christs Person, but his members and Minislers. And to his Disciples he faith. He that honourest you, honourest me; and he that despieth you despiseth me. Are you then for Christ? Then you must be for his Minislers, to doe them iustice in their just cause. If so, then what meaneth the blearing of the sheep, the grievous
To all true hearted Nobility

complaint of God's Ministers in many places of this land, who are unjustly oppressed, suspended, excommunicated, outed of their livings, and so themselves & families undone in their worldly estate. You will say, why doe they not complains to us? If they do not, it is because none of them have done so, and yet found little or cold reliefe, and because the common rumour goeth, that the course of Justice is stopt in such cases, so as none dare plead their cause, or open their mouths against the Prelates. But I hope better. And if none be found to plead this cause of God, I hope your Worships will give me leave (according to the right of law) to plead it, and your selves will give true judgement. For as I am Christ's Minister, so I am the Kings faithfull subject, & crave justice at your hands according to the Kings lawes, and oathes. Yea his Sacred Majestie himselfe hath declared his will to this purpose, in the Petition of Right, saying, The King willeth that Right be done, according to the Lawes and customes of the Realme, And, that the Statutes be put in due execution, that his Subjectts may have no cause to complains of any wrong, or oppressions, contrary to their just Rights and Liberties: so the preservation whereof he holds himselfe in conscience as well obliged, as of His Prerogative. And in Person thus: I assure you my Maximo is, that the Peoples Liberties strengthens the Kings Prerogative, & the Kings Prerogative is to defend the Peoples Liberties. This being so, the Kings Prerogative, his just lawes, & the Peoples liberties, are so combined together that they must be altogether preserved intire, so neither, can you be so for God, but you must be also for the true Religion, & for his faithfull Ministers: nor secondly so for the King but you must be also for his Lawes, and his peoples rights & liberties, fith the King and his people make one politike body, and hee cannot love the Head,
Head, who seekes to hurt the members, or who setts the Head against the members, or who for advancing the Head, destroyes the members; or who maketh a Schism and rent betwene the Head and the members.

And are not the Lawes of the Kingdome the ligaments, which fasten and unite the Head and members, the King & his people together? It is your charge to see that these ligaments bee not dissolved, but preserved safe and sound: else the whole, both Head and bodie, (of which your selves and Posterity are members) must needs suffer together. O then, what a waughty charge lies upon your shoulders at this time, when the whole frame both of the Republick and Religion so shaketh, as it threateneth sudden ruine, if the Lawes, whereon they are established, bee not maintained in their full strength and vigour? Do not your Wildomes fee a new generation of Innovators risen up in this Land, who usurping and praeting a Papall and Antichristian Power and Jurisdiction, exempted from the Kings Lawes, and not depending (as they pretend, and profess) on the Kings sole Prerogative and Authority, doe thereby beginne to overtoppe the Royall Throne, and trample the Lawes, Liberties, and just rights of the Kings Subjects under their feet? What meaneth that difficulty of obtaining of Prohibitions now adayes whereby the Kings innocent Subjects should be relieved against their unjust molestation & oppressions in the Ecclesiasticall Court and high Commissions? What meaneth that conternation of spirit among Lawyers, that few or none can be found to plead a cause, be it never so just, against an oppressing Prelate & are either an menaced or imprisoned if they do it? What meaneth that timidity in Ministers & people, who chuse rather to sit down with losse of al, even of the cause of religion it selfe, the go to law, against a Prelate?

What
What meaneth that lawlesse insolency and boldnesse of many Prelates, who against law and conscience, against the expresse Doctrines of our Church, and against Gods word, the ground and rule of our Faith and Religion, dare of their owne heads bring in, set up in Churches, and impose upon Ministers new rites and ceremonies (contrary to the Act of Parliament before the Communion Booke) Altars, Images, and Crucifixes, with sundry superstitious gestures of bowing, ducking, & standing up, with other notorious innovations (as even your selves cannot be altogether ignorant of, and may further in one view behold in those sermons following) suspending, excommunicating, and outing those Ministers, that will not, dare not conforme unto them. What meaneth that Antichristian pride, & lawlesse power in vexing & conventing the Kings good subjects, for observing the Kings Lawes, and executing of justice upon, or lawfully suing and indicting at the Common law, transgressors of the same by their bold innovations; the very hight of Antichristian tyranniy, sedition and rebellion. I beseech your Lordships well to examine the originall roote and cause of all these insolent irregularities and illegalities, which not only tend to, but hasten on inevitable ruine both to the Church and State, if not speedily prevented? And so vindicate yourselves herein, as that you may clear yourselves from being the prime and principal causes of all the mishiefes and maladies in the land, by either fearing denying, or delaying to doe justice upon and against these insolent Innovators. Have we not the best King in Christendom who hath so frequently & solemnly, as in the late Petition of right, so in his royall * Declaration
To the Reverend and Learned Judges.

Declaration protested, calling God to witness, that neither in Doctrine or Discipline he will suffer the least innovation to creep in, but will maintain that Religion, which was in Queen Elizabeth's Raigne, & under which this Kingdom hath so long flourished; notwithstanding all which, shall any uppstart Innovators dare to set up their Popish rites and superstitious Formes of worship in our Churches, contrary to the express Lawes of the Realm, and can you the Reverend Judges but be touched both in conscience of your duty of office & Oath, and in care of the peace an welfare of this Kingdom and Church, and of the Kings honor, and safety? Can such furious and outrageous alterations of Religion be in any state without drawing a long with it and after it infinit distractions and rents in the Kingdome and intolerable discontentes and heart burnings in the people, myndes, both tending to stirre up sedition within, and to expose the state to foraign invasion? For Gods sake therefore, sith his Majesty hath committed, to you the sword of Justice, draw it forth to defend the lawes against such Innovators, who (as much as in them lyeth) divide between the King & his people. Your selves know better then I can tell you that if there be oppressions in the Common weale, especially against the ordinary Course of the Lawes, and against the Liberties of the subject established by law, how hardly it is digested, and what dangerous discontentes it may breed: how much more perillous are such alterations of religion, which would by a strong hand, and that after so long and cleare light of the Gospell, bring us backe againe under an Antichristian yoake, which tyranizeth over the conscience, soule, body, goods, and liberties.
To all true hearted Nobility

singing religion with Idolatry, Superstition, and all manner of Will-worship in human inventions, and traditions, condemned by Christ and his Apostles? Up therefore, and play the men, discharge that great trust, which the King hath reposed in you which your SA-Oaths require of you, which all the good people of the Land expect of you, and which Christ himselfe the great Judge of quicke and dead will call you to a strict account for, which you know not how soone hee may doe; for though you be as gods, yee shal dye like men, and fall like one of the Princes. Therefore, as Christ faith, Be instructed, yee Judges of the earth: feare and tremble before this great God: Kisse the Sonne, least he be angry, and yee perishe from the way, when his wrath is kindled but a little: Blessed are all they that put their trust in him; Which that you may be, it shall be the prayer of

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Your Worships daily Oratore
at the throne of Grace,

Henry Burton.